

RR 10173

Officer responsible Parks Manager	Author Rod Whearty
Corporate Plan Output: Leases and Applications	

This report is before the Fendalton/Waimairi Community Board for information and comment prior to going onto the Parks and Recreation Committee for a decision. The report relates to an application from Pam Barnes for a “licence” under Section 54(1)(d) of the Reserves Act 1977 for use of part of the Pavilion at Ray Blank Park for the purpose of operating her “Run Walk for Life International” business.

APPLICATION

The Parks Unit recently received an application to utilise the pavilion on Ray Blank Park for the purpose of running a commercial fitness/health programme on the park.

The applicant has requested use of the building and park for the following period:

1. As from 1 June 1999 (or as soon as possible thereafter, for one year)

Days of the week Monday, Wednesday and Friday

Time 09.00 am to 11.00 am

and in addition to the above:

2. 1 October 1999 to 31 March 2000

Days of the week Monday, Wednesday and Friday

Time 5.30 pm to 7.30 pm

POWERS TO ISSUE LEASES OR LICENCES

The Council has the power to issue a licence under Section 54(1)(d) of the Reserves Act 1977, which states:

**54. LEASING POWERS IN RESPECT OF RECREATION RESERVES
(EXCEPT FARMING, GRAZING, OR AFFORESTATION LEASES)--**

(1) With the prior consent of the Minister, the administering body, in the case of a recreation reserve that is vested in the administering body, may from time to time, in the exercise of its functions under section 40 of this Act, [] may from time to time, to the extent necessary to give effect to the principles set out in section 17 of this Act,--

(d) Grant leases or licences for the carrying on of any trade, business, or occupation on any specified site within the reserve, subject to the provisions set out in the First Schedule to this Act relating to leases or licences of recreation reserves issued pursuant to this paragraph:

Provided that the trade, business, or occupation must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve

The proposal to grant a licence will be publicly advertised as required in Section 10 of the Reserves Act 1977.

AVON UNITED SOCCER CLUB

The Avon United Soccer Club has two soccer fields, a flood-lit training area and use of the changing facilities on Ray Blank Park.

There may be times when Run Walk for Life International and the soccer club are operating at the same time. The Club is comfortable with the applicant's proposal and does not envisage any conflict of use.

The applicant and the club have had discussions and agreed that the soccer club has priority over the main playing and training areas during those occasions. This will not disadvantage either party, as it is highly unlikely that all the fields and training area will be in use at the same time. In the unlikely event of that occurring, there are sufficient areas in the remainder of the park to adequately accommodate Run Walk For Life activities.

SUMMARY

Although there is a commercial element to this application the Parks Unit is supportive of the proposal and comfortable that it is providing a recreational opportunity to a specific section of the community who may not otherwise be actively involved in any other form of physical recreation. There are benefits to both individuals and the community as a whole to encourage active recreation and use of our parks.

Accordingly the Park Unit staff are recommending that the application be approved subject to a number of standard conditions. The following recommendation will be going to the June meeting of the Parks and Recreation Committee.

That the Parks and Recreation Committee approve Run Walk for Life International application for a “Licence” to use part of the Pavilion on Ray Blank Park under section 54(1)(d) of the Reserves Act 1977 subject to the following conditions.

1. That the applicant obtains consent from the Minister of Conservation for the proposal.
2. A rental that reflects the commercial nature of the proposal be negotiated by the Property Manager in association with the Parks Manager.
3. That the applicant obtains and furnishes proof of \$1,000,000 Public Liability Insurance before commencing their activity.
4. That the applicant locate their activities off the sports fields and training areas when in use by other sports clubs.
5. All costs associated with this application and any resulting development costs are to be the responsibility of the applicant.
6. Approval to lapse if the proposal is not undertaken within two years of approval being granted.

Recommendation: That the information be received

Chairman’s

Recommendation:

1. That the foregoing recommendation be adopted.
2. That it be recommended to the Parks and Recreation Committee that a report be provided on the programme after nine months of operation.