

AGENDA/KAUPAPA



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MEMBERSHIP: Andy Cranston (Chair), Colin Alder, Larry Foster, Debbie Gregory, Ani Pahuru-Huriwai, Rawinia Parata, Aubrey Ria, Tony Robinson, Rob Telfer, Teddy Thompson, Rhonda Tibble, Nick Tupara, Josh Wharehinga and Her Worship the Mayor Rehette Stoltz.

OPERATIONS - ENVIRONMENT & COMMUNITIES/NGĀ WHAKAMAHI - TE TAI AO ME NGĀ HAPORI Committee

DATE: Thursday 22 February 2024
TIME: 9:00AM
AT: Te Ruma Kaunihera (Council Meeting Room), Awarua, Fitzherbert Street, Gisborne

AGENDA – OPEN SECTION

- 1. Apologies.....4
- 2. Declarations of Interest4
- 3. Confirmation of non-confidential Minutes5
 - 3.1. Confirmation of non-confidential Minutes 9 November 20235
 - 3.2. Action Sheet13
- 4. Leave of Absence13
- 5. Acknowledgements and Tributes.....13
- 6. Public Input and Petitions13
- 7. Extraordinary Business.....13
- 8. Notices of Motion13
- 9. Adjourned Business.....13
- 10. Reports of the Chief Executive and Staff for DECISION14
 - 10.1. **24-9** Community Occupancy Leases Innes Street14
- 11. Reports of the Chief Executive and Staff for INFORMATION26
 - 11.1. **24-10** Kiwa Pools Update26
 - 11.2. **24-42** Pre-approval Low Impact Temporary Licences to Occupy Reserves31

12. Public Excluded Business.....37

Operations – Environment & Communities

Reports to:	Council
Chairperson:	Cr Andy Cranston
Deputy Chairperson:	Cr Aubrey Ria
Membership:	Mayor and all Councillors
Quorum:	Half of the members when the number is even and a majority when the membership is uneven.
Meeting frequency:	Six weekly (or as required).

Functions

- To provide governance oversight of Council's operational programmes, services, activities and projects (including major projects) related to environmental operations, community development and community assets.
- To enable the progress of the Council's operational activities, projects and services.

Its scope includes:

Environment Services and Protection

- Building Services
- Enforcement
- Environmental Health
- Pests and Plant management
- Biodiversity
- Integrated catchments
- Land management
- Animal control
- Harbour management

Communities

- Cultural Activities including Theatres, Museum and Public Art, Library and Tairāwhiti Navigations
- Recreation and Amenity – including open spaces, parks and gardens, cemeteries, community property and the Olympic Pool complex

Planning and Development

- Customer Engagement
- Support Services

Terms of Reference

Operational Oversight

- Provide governance direction for the Council's operational activities as outlined in the general purposes and scope section.
- Review and adjust relevant working programme priorities within agreed budgets, activity management plans and levels of service as per the Council's Long Term Plan.
- Receive updates on programmes, major projects/projects and activities.
- To have input into, and make decisions on, operational proposals, options and cost of projects/major projects.
- Contribute to the development of short term plans for community services and community facilities.
- Consider the strategic regulatory and compliance issues.
- Prepare submissions on any matter that is within its rationale and terms of reference for Council approval and submit on behalf of Council when timelines do not allow Council prior approval.

Asset Management

- Oversee the management of all Council's community assets.
- Make decisions on community assets becoming Council's and on infrastructure and community assets on behalf of Council.
- Progress the sale of properties as approved in the Long Term Plan and Annual Plan.
- Contribute to the development of and oversee delivery of economic development projects.
- Consider proposals to change the status or revoke the status of a reserve as defined in the Reserves Act 1977 (including the hearing of submissions).

Power to Act

To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed.

To establish subcommittees, working parties and forums as required.

To appoint non-voting advisory members (such as tangata whenua representatives) to assist the Committee.

Power to Recommend

To Council and/or any Council committee as it deems appropriate.

MINUTES

Draft & Unconfirmed



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MINUTES of the OPERATIONS - ENVIRONMENT & COMMUNITIES/NGĀ WHAKAMAHI - TE TAIĀO ME NGĀ HAPORI Committee

Held in Te Ruma Kaunihera (Council Meeting Room), Awarua, Fitzherbert Street, Gisborne on Thursday 9 November 2023 following the Operations Infrastructure Meeting.

PRESENT:

Her Worship the Mayor Rehette Stoltz, Colin Alder, Andy Cranston, Larry Foster, Debbie Gregory, Ani Pahuru-Huriwai, Rawinia Parata, Rob Telfer, Daniel Thompson, Rhonda Tibble, Josh Wharehinga.

IN ATTENDANCE:

Chief Executive Nedine Thatcher Swann, Acting Director Lifelines Dave Hadfield, Director Internal Partnerships & Protection James Baty, Director Livable Communities Michele Frey, Director Engagement & Maori Partnerships Anita Reedy-Holthausen, Chief Financial Officer Pauline Foreman, Director Sustainable Futures Jo Noble, Senior Land Management Officer Melanie Cheetham, Principal Community Assets and Partnership Advisor Chris Visser, Resource Management Systems Advisor Sonia August, Livable Spaces Asset Planner Angela Newman, Democracy & Support Services Manager Heather Kohn and Committee Secretary Ariana Albert.

Secretarial Note: Cr Parata, Cr Pahuru-Huriwai, Cr Telfer and Maori Responsiveness Manager Gene Takurua attended the meeting via audio-visual link.

The meeting commenced with a karakia.

1. Apologies

MOVED by Cr Foster, seconded by Cr Wharehinga

That the apologies from Cr Ria, Cr Robinson, Cr Tupara be sustained.

CARRIED

2. Declarations of Interest

There were no interests declared.

3. Confirmation of non-confidential Minutes

3.1 Confirmation of non-confidential Minutes 14 September 2023

MOVED by Cr Foster, seconded by Cr Gregory

That the Minutes of 14 September 2023 be accepted.

CARRIED

3.2 Action Sheet

Action sheet noted.

4. Leave of Absence

There were no leaves of absence.

5. Acknowledgements and Tributes

There were no acknowledgments or tributes.

6. Public Input and Petitions

6.1 Mana Taiao Tairāwhiti – Woody Debris

Mana Taiao Tairāwhiti representative, Manu Caddie, attended the meeting via audio-visual link to speak on report **23-260** Woody Debris on Beaches - Proposed Council Position.

Discussion and questions of clarification included:

- Mana Taiao Tairāwhiti question the rationale behind restricting the position to beaches and woody debris alone. Councillors to obtain clarity around the mentioned matters brought forward by Mana Taiao Tairāwhiti before the adoption of the proposed Council position on the Woody Debris policy.
- Concerns were raised regarding the oversight of progress and maintenance of debris on beaches, including the responsible parties. There is a lack of clarity in the report regarding the specific industry targeted for debris removal.
- Discussion around Council position on creating and adopting a policy in regard to woody debris on beaches, rivers, streams and coastal marine areas and suggestion to explore the removal of all forms of debris, including silt, rubbish, and woody debris, rather than limiting the focus to woody debris alone.
- NIWA's presentation on coastline sediment and debris indicates that Mana Taiao Tairāwhiti's proposals may be featured in a forthcoming report. Recent media releases showcased drone flyovers of rivers and streams, revealing obstacles, silt levels, and potential drainage issues.

7. Extraordinary Business

There was no extraordinary business.

8. Notices of Motion

There were no notices of motion.

9. Adjourned Business

There was no adjourned business.

10. Reports of the Chief Executive and Staff for DECISION

10.1 23-224 Allocation of the Natural Heritage Fund

Senior Land Management Officer Melanie Cheetham attended the meeting and answered questions of clarification:

- 39 applications were received this year, of which 20 applications were successful. Applications to the Natural Heritage Fund (NHF) are up this year by 41% over last years record.
- Notes that a staff-only workshop is to be held before the next Operations meeting to discuss suggestion for changes in the NHF application and decision-making process.
- Council are looking into allowing part funding for applications that include stages, with a limitation period of three years to ensure the money is being shared equally among other applicants.
- As Council require evidence that obligations have been fulfilled as per applicant contract's, the NHF's are paid out after the work has been completed.
- Notes for Council to reassess application's where deer fencing is being switched to normal fencing, as livestock pose major risk to the regeneration of the restored native plants.
- Council continues to work closely with landowners to keep up to date with the projects being conducted.

MOVED by Cr Stoltz, seconded by Cr Wharehinga

That the Operations - Environment & Communities/Ngā Whakamahi - Te Taiao me Ngā Hapori Committee:

1. Approves the allocation of the 2024 round of the Natural Heritage Fund in accordance with Table 1 in this report.

CARRIED

Secretarial Note: Cr Parata left the meeting at 10:35am.

10.2. 23-260 Woody Debris on Beaches - Proposed Council Position

Chris Visser attended the meeting and discussion matters included:

- Initiated in 2021, this project reflects the Council's long-standing coordination efforts in responding to woody debris on beaches, which is why the position is currently limited in scope.
- As a complex undertaking, the details and appropriate mechanisms are still being developed to make the position achievable.

Questions of clarification:

- An initiative for the removal of sediment and debris from alternative waterways aligns with the operational appetite for Council to explore, however, considerations will need to be taken into account should a policy be developed and adopted.
- The Council's rationale for the six-week timeframe is to accommodate the procedural steps for implementing the mechanisms: assessment, preparation, operation, and disposal. The policy's adoption aims for a more procedural and coordinated response process for removal rather than addressing the issue on a case-by-case basis, triggered when debris poses a risk to community safety.
- Council staff urged to consider rural and coastal beaches when the policy is adopted.
- Sediment, not being a significant concern on beaches compared to woody debris, has not been a primary consideration in the project. However, it could fall into the scope of a project on removal of debris and sediment in rivers streams and coastal marine areas.
- Notes to make the process for debris removal on beaches as simple as possible. Council advised to explore sourcing its own machinery to avoid reliance on external coordination for a recovery response.
- The Council has engaged with the Eastland Wood Council and its members, receiving mixed feedback and opinions on the definition of natural and unnatural debris.
- The six-week timeframe is more of a desired result than a firmly established timeframe.

MOVED by Cr Stoltz, seconded by Cr Thompson

That the Operations - Environment & Communities/Ngā Whakamahi - Te Taiao Me Ngā Hapori:

1. Endorse the proposed Council Position Woody Debris on Beaches.

CARRIED

10.3 23-279 Options for Council Land at Innes Street

Chris Visser provided insight into areas of discussion around the options for Council land at Innes Street and answered questions of clarification including:

- The Council has determined that retaining the land at Innes Street in the medium term aligns with its strategic interests, given its industrial position.
- Staff members have engaged in discussions with the three community groups involved regarding the initially proposed timeframes. The received feedback indicates that the suggested five-year timeframe is not viable. The community groups are seeking the longest possible lease period to gain a certain degree of assurance.
- Councillors expressed that a 10-year lease period would not maximize the revenue derived from this asset.
- The Community Occupancy Policy adopts an approach that encourages and incentivizes more collaborative thinking and efficient resource use. The Council's stance through this policy is to promote the sustainability of clubs and community groups. A key aspect of the sustainability concept is hubbing, which involves collaboration through joint thinking, pooling forces, and sharing facilities. This collaborative effort enables clubs to be self-sufficient and capable of affording the upkeep of their assets.

MOVED by Cr Stoltz, Seconded by Cr Gregory

That the Operations - Environment & Communities/Ngā Whakamahi - Te Taiao Me Ngā Hapori Committee:

1. Agrees that it is in Council's strategic interest to retain ownership of the Council-owned land in the medium term.

CARRIED

MOVED by Cr Stoltz, Seconded by Cr Gregory

That the Operations - Environment & Communities/Ngā Whakamahi - Te Taiao Me Ngā Hapori Committee:

2. Accepts the lease applications from the three club building owners on Lot 1 420622 (comprising 91, 101 and 103 Innes Street) with an intention to, should the lease be granted, grant a lease for term of 10 years.

Vote by Division

For

Cr Gregory
Cr Tibble
Cr Stoltz

Against

Cr Cranston
Cr Foster
Cr Alder
Cr Wharehinga
Cr Pahuru-Huriwai
Cr Thompson
Cr Telfer

LOST

MOVED by Cr Wharehinga, Seconded by Cr Cranston that the recommendation be amended as follows:

That the Operations - Environment & Communities/Ngā Whakamahi - Te Taiao Me Ngā Hapori Committee:

2. Accepts the lease applications from the three club building owners on Lot 1 420622 (comprising 91, 101 and 103 Innes Street) with an intention to, should the lease be granted, grant a lease for term of five years with the option for right of renewal.

Vote by Division

For

Cr Cranston

Cr Foster

Cr Wharehinga

Cr Pahuru-Huriwai

Cr Thompson

Cr Telfer

Cr Alder

Against

Cr Stoltz

Cr Gregory

Cr Tibble

CARRIED

MOVED by Cr Stoltz, Seconded by Cr Gregory

That the Operations - Environment & Communities/Ngā Whakamahi - Te Taiao Me Ngā Hapori Committee:

3. Accepts the lease application from the occupier of the Council-owned building on Lot 3 DP 420622 (comprising 107 and 109 Innes Street) with an intention to, should the lease be granted, grant a lease for a term of five years.

CARRIED

Secretarial Note: The meeting adjourned at 11:10am and reconvened at 11:17am.

11. Reports of the Chief Executive and Staff for INFORMATION

11.1 23-197 Resource Consents Issued Under Delegated Authority

Director Sustainable Futures Jo Noble spoke to the report and answered questions of clarification.

- Framework for timelines and stages of consents to be included in next report.
- Council to assess the operational efficiency of the wastewater plant and systems due to concerns raised regarding disposal area.

- Ongoing constraints in staff capacity are causing delays in consent issuing. The current process includes discounts for consents that experience processing delays beyond the specified timeframes so there is incentive for consents to be issued on time.
- Simplifying the consenting process for applicants is a current focus for the Council, aiming to address delays primarily caused by insufficient information.
- Council is addressing constraints related to overallocation in deep aquifers by working through the renewal cycle to establish a solidified allocation plan.

MOVED by Cr Stoltz, seconded by Cr Wharehinga

That the Operations - Environment & Communities/Ngā Whakamahi - Te Taiao Me Ngā Hapori Committee:

1. Notes the contents of this report.

CARRIED

11.2 23-252 Public Conveniences Network Planning

Liveable Spaces Asset Planner Angela Newman attended the meeting and answered questions of clarification including:

- Council have identified that there are multiple public conveniences that require urgent maintenance and acknowledge a structure needs to be created wherein the assets are categorized based on priority.
- Council recognize there has been a general shift to waterless toilet systems across the country, especially in remote and coastal areas. Making the switch takes on a more sustainable and cost-effective approach, enabling communities to not be as reliant on external services, such as water supply and suction of septic tanks.

MOVED by Cr Gregory, seconded by Cr Foster

That the Operations - Environment & Communities/Ngā Whakamahi - Te Taiao Me Ngā Hapori:

1. Notes the contents of this report.

CARRIED

11.3 23-238 Victoria Domain Redevelopment Project

Spaces and Places Lead Abbe Banks attended the meeting and spoke to the report.

MOVED by Cr Wharehinga, seconded by Cr Cranston

That the Operations - Environment & Communities/Ngā Whakamahi - Te Taiao me Ngā Hapori Committee:

1. Notes the contents of this report.

CARRIED

12. Public Excluded Business

Secretarial Note: These Minutes include a public excluded section. They have been separated for receipt in Section 12 Public Excluded Business of Council.

CARRIED

13. READMITTANCE OF THE PUBLIC

MOVED by Cr Stoltz, Seconded by Cr Cranston

That the Operations Environment & Communities/Ngā Whakamahi - Te Taiao Me Ngā Hapori Committee:

1. Re-admits the public.

CARRIED

14. Close of Meeting

There being no further business, the meeting concluded at 11:57am.

Andy Cranston

CHAIR

3.2. Action Sheet

Meeting Date	Document	Item No.	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
14/09/2023	Operations Committee - Environment & Communities 14 September 2023	11.2	23-192 Waingake Transformation Programme Update	In progress	<p>Come back to Council next Operations meeting with costs update.</p> <p>Amy England 30/10/23</p> <p>This information will be provided with the next programme update report.</p>	Amy England		18/10/2023



Title: 24-9 Community Occupancy Leases Innes Street
Section: Liveable Communities
Prepared by: Chris Visser - Principal Community Assets and Partnerships Advisor
Meeting Date: Thursday 22 February 2024

Legal: No Financial: No Significance: **Medium**

Report to OPERATIONS - ENVIRONMENT & COMMUNITIES/NGĀ WHAKAMAHI - TE TAI AO ME NGĀ HAPORI Committee for decision

PURPOSE - TE TAKE

This report seeks your decision on four applications from existing leaseholders for reissue of their Community Occupancy Leases on Council-owned land in the Innes Street Industrial area.

SUMMARY – HE WHAKARĀPOPOTOTANGA

The future use of two parcels of Council land on Innes Street in the industrial area of Gisborne has been the subject of two previous reports to Council; [23-85] April 2023 and [23-279] November 2023.

The decisions made by Council in those two meetings directed Council Staff to investigate potential commercial industrial use of the land. Council also resolved to support grant of leases to the existing lessees for a maximum term of five years while Council staff work through making the land available for industrial commercial use and the implications of this for current occupiers.

This report considers the four applications and recommends Council Approve in Principle grant of leases to Surf City Rod and Custom Club Incorporated, Gisborne Harriers Incorporated, Musical Theatre Gisborne Incorporated and Tairāwhiti MENZSHED Incorporated, for a term of five years subject to the outcome of public notification.

Should you 'Approve in Principle' grant of these leases, an Intention to grant will be publicly notified for any public submission or objection to the proposal. If submitters request to be heard, a Hearing Panel of Councillors will be required to convene to hear and consider any submissions and objections.

The decisions or matters in this report are considered to be of **Medium** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Operations - Environment & Communities/Ngā Whakamahi - Te Taiāo me Ngā Hapori Committee:

1. Approves in Principle the grant of a five-year lease to Musical Theatre Gisborne Incorporated for 465.67 m2 of part Lot 1 DP 420622 as detailed in this report.
2. Approves in Principle the grant of a five-year lease to Gisborne Harriers Incorporated for 485.72m2 of part Lot 1 DP 420622 as detailed in this report.
3. Approves in Principle the grant of a five-year lease to Surf City Rod and Custom Club Incorporated for 393.72m2 of part Lot 1 DP 420622 as detailed in this report.
4. Approves in Principle the grant of a five-year lease to Tairāwhiti MENZSHED Incorporated for the Council Building at 109 Innes Steet part Lot 3 DP 420622 as detailed in this report.

Authorised by:

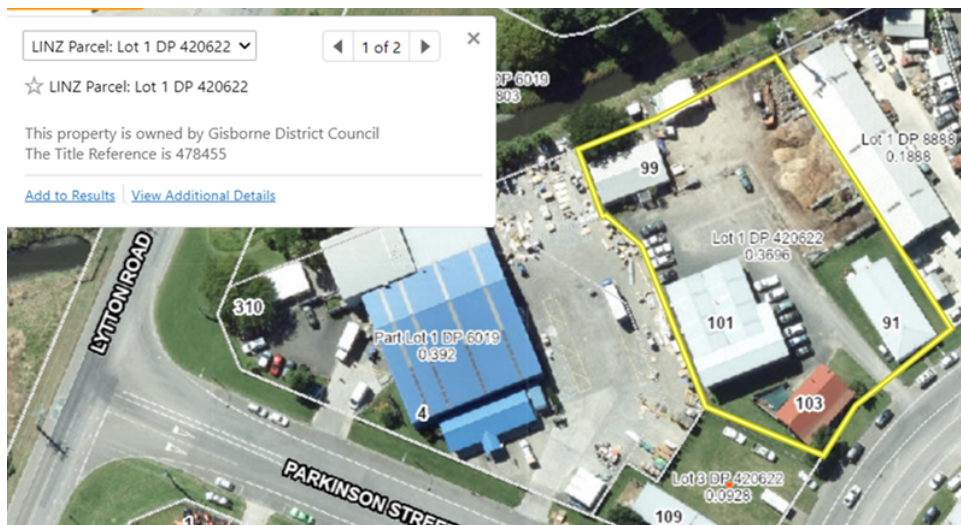
Michele Frey - Director Liveable Communities

Keywords: Innes Street, industrial area, leases

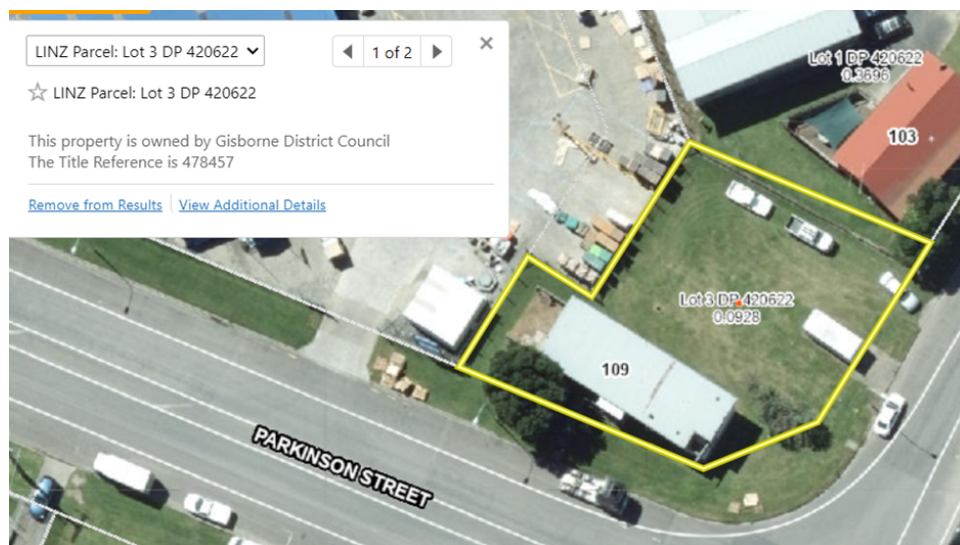
BACKGROUND - HE WHAKAMĀRAMA

1. Lot 1 420622 (comprising 91, 99, 101 and 103 Innes Street) and Lot 3 DP 420622 (comprising 107 and 109 Innes Street) are part of eight acres of land purchased in 1972 for Industrial Commercial Purposes pursuant to s 355A of the Municipal Corporations Act 1954.
2. These eight acres were subsequently subdivided, and most were sold by Council to facilitate the establishment of the Innes Street Industrial area.
3. In 1980 part of the land was set aside by Council's Town Planning Sub-Committee for Community and Civic Purposes. Subsequently various clubs applied for and were granted leases for clubrooms.
4. The land is zoned Industrial in the Tairāwhiti Resource Management Plan (District Plan).
5. Currently there are four Community Occupancies and one Commercial Lease on this land. The Community Occupancies expired in 2019. All have reapplied to continue their leases.
6. Three buildings on the land are owned by the clubs: Surf City Rod and Custom Club Incorporated, Gisborne Harriers Incorporated and Musical Theatre Gisborne Incorporated. Tairāwhiti Menzshed Incorporated occupy a building owned by Council.

Lot 1 occupied by Surf City Rod and Custom Club (103) Gisborne Harriers (91) Musical Theatre Gisborne (101) and Roberts Tree Surgeons (99)



Lot 3 occupied by Tairawhiti Menzshed (109)



DISCUSSION and OPTIONS - WHAKAWHITINGA KŌRERO me ngā KŌWHIRINGA

The Applicants and the Activity

1. Musical Theatre Gisborne Incorporated

- Musical Theatre Gisborne Incorporated ('Musical Theatre') and its predecessor Gisborne Theatre Arts has occupied the site since 1984. The group has a long history of musical theatre in Gisborne. Musical Theatre Gisborne formed following a merger between Gisborne Operatic Society (Est. 1892) and Gisborne Theatre Arts (Est. 1977).
- The current lease expired in 2019.
- The primary purpose of this group is *'to encourage dramatic art within the Gisborne District and throughout New Zealand by the production of musicals, theatre restaurant, workshops or other such works ("musical theatre") as the committee may from time to time determine'*.
- Musical Theatre's building (rehearsal space, performance space, costume/set storage and workshop) urgently needs reroofing. They seek security of tenure for as long as possible to justify a level of investment in their building (potentially by third party funders).
- They have a membership/volunteer base of 80 – 100 people.

2. Gisborne Harrier Club Incorporated

- Gisborne Harrier Club Incorporated (Harriers) have occupied the land since the 1980's and constructed a building on the site, currently used for clubrooms/storage.
- The existing club building was funded and built via the efforts of several long-term club members. The club retains a strong connection with the building as part of its history and legacy.
- Currently the Gisborne Toy Library is also using the building under a temporary sub-lease arrangement.
- They estimate they have 30 active members but participation at their events by members of the public can vary from 20 runners to over 100 (marathon events).

3. Surf City Rod and Custom Club Incorporated.

- Surf City Rod and Custom Club Incorporated have occupied the site since the early 1980's. Their clubrooms are used in the evenings and weekends as a gathering point for classic car rallies and meetings. Musical Theatre also uses their club rooms as audition/rehearsal space from time to time.
- Their current lease expired in 2019 and they are seeking a new lease for a term of "as long as possible".
- They have 35-40 members.

4. Tairawhiti Menzshed incorporated

- Men's sheds or community sheds are non-profit organisations that originated in Australia, to advise and improve the overall health of all men. Tairawhiti Menzshed Incorporated (Tairawhiti Menzshed) (and others) have expanded their remit to anyone regardless of age or gender.
- Tairawhiti Menzshed has a fully equipped woodwork room and is open to anyone. This Menzshed has expanded its focus and from time to time takes on people on probation and/or community service teaching them to make stools and other items. The Chair of Tairawhiti Menzshed said "sometimes all people need is a routine, a positive place to go and some positive people to spend time with, to break whatever pattern of negative behaviour that is holding them back".
- The building and site are not ideal for them. Parking can be difficult given the high number of trucks and vehicles parked in the surrounding area. The building is raised - as such there is no disabled access for mobility impaired potential users of the site.
- The Council-owned building is in 'fair' repair, but there has been limited external maintenance of the building since purchased by Council in 2010.
- Menzshed mow the lawns surrounding the building.
- Their use of the site is relatively low. It has been significantly impacted by COVID which has restricted participation. It is highly valued by those who do participate.
- Menzshed have 10-15 members.

The Land

7. The land under application is part of Lot 1 and Lot 3 □DP 420622 as described above. Leases can be granted pursuant to section 12(2)(a) of the Local Government Act 2002.

Description and Assessment of Effects of the proposed activity

8. The activities under application are existing activities on the land. The effects of the activities are known, and there are no significant adverse effects from the community group activities on Council land.
9. All the groups will be having a positive effect in the community and are valued by the community members who participate in their activities.
10. Musical Theatre say the Innes Street site suits their operation as they generally use it in the weekends and evenings when industrial activity is quiet, and there are no residential neighbours who could potentially be adversely affected by noise from their activities. They run an occasional theatre restaurant from their building, and also rehearsals for their productions which increases the parking in the shared access/parking area between the buildings. As their use is usually during the evening this does not generally create issues with other users of the shared area.
11. Harriers use their building for storage and meetings. When the Club first established there in the 1980's they ran events from the clubrooms, as Innes Street was relatively quiet and undeveloped. Now they run events from various parks and the clubrooms are more of a storage and meeting space.
12. Harriers sublease their building to the Gisborne Toy Library which operates 10am -1pm Tuesdays, Thursdays and Saturdays. There had been some concerns raised about the presence of young children in the shared access/parking area, particularly as this area is also used by Roberts Tree Surgeons as access during the day. These have been resolved with Harriers who have ensured that appropriate Health and Safety procedures are in place.
13. Surf City Rod and Custom Car Club say the site suits their club activities as it has good road access and good parking in the weekends and occasional evenings.
14. The shared access/parking area gets impacted by the frequent commercial use by Roberts Tree Surgeons who, as a condition of their lease with Council, are responsible for maintaining this area.
15. MENZSHED say that being in the industrial area is a benefit to them as they have relationships and support from various businesses in the area (in the form of free materials and being able to access waste material for repurposing). The Council building they are occupying is two level, and access to the workshop is via a flight of stairs. As such it is not ideal for their older participants.
16. The current combined income to Council from the Community occupancies on this land is \$1,072 per annum.

Proposed Conditions of Lease

- 17. If granted, leases would be subject to Council's standard lease terms, conditions and rentals as outlined in the Community Occupancy Policy.
- 18. https://www.gdc.govt.nz/_data/assets/pdf_file/0015/61071/Community-Occupancy-Policy-Sept-2023.pdf
- 19. One special condition would be carried over from the existing lease regarding use of the common areas and car parking in between the buildings, which are not exclusively occupied by any one party.
- 20. The areas proposed to be leased are as shown in blue below:

(1) Musical Theatre Gisborne Incorporated 465.67 m² of Lot 1 DP 420622



(2) Gisborne Harrier Club Incorporated – 485.72m² of Lot Lot 1 DP 420622



(3) Surf City Rod and Custom Club Incorporated – 393.72m² of Lot 1 DP 42062



(4) Tairawhiti Menzshed incorporated – Council building at 109 Innes Street Lot 3 DP 420633



ASSESSMENT of SIGNIFICANCE - AROTAKENGA o NGĀ HIRANGA

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: Low Significance

This Report: Low Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: Low Significance

This Report: Low Significance

The effects on individuals or specific communities

Overall Process: Medium Significance

This Report: Medium Significance

The level or history of public interest in the matter or issue

Overall Process: Low Significance

This Report: Low Significance

21. This report is part of a process (decision to grant or decline a lease) to arrive at a decision that may be of **Medium** level in accordance with the Council's Significance and Engagement Policy.

TANGATA WHENUA/MĀORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

22. The area under application is in the Rohe of Rongowhakaata. Comment has been sought from Rongowhakaata Iwi Trust (RIT) on potential reissue of the leases. No comment has been received.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

23. Should Council decide to grant these leases, the Intention to Grant leases will be notified for public comment. Should there be any objections on the intention to grant of any of the leases the matter will come back to Council for final decision.
24. If there are no objections to grant of the leases Council staff will confirm the lease document.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

25. It is noted the area under application is in the Urban Stormwater Flood Hazard Area (as is most of the Innes Street Industrial Area) but not in the identified flood zone.



CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

26. Community Occupancies, as per the Community Occupancy Policy, are eligible for a Council subsidy/waiver of commercial rental, depending in their degree of Community Benefit.

Legal

27. Leases can be granted pursuant to s 12 of the Local Government Act 2002.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

28. As noted above (and in previous reports to Council), the land was specifically purchased for Industrial purposes in 1972 and zoned Industrial in the District Plan.

29. The site under application is subject of a subdivision decision by the Town Planning Sub Committee in 1980 'in order to separate it from other Industrial Land, the site to be set aside for Community and Civic purposes i.e., Clubhouse sites etc. The subdivision has been set aside to facilitate the granting of leases, e.g., the GMC Football Club which has applied for a building permit' (see below):



30. Subsequent to the 1980 decision to set aside this section of land for Community and Civic purposes it was further subdivided (in 2008) and part of it sold to Mainfreight. A commercial lease is also present on the site.

31. As such the land has not been managed exclusively for commercial or community use.

32. The resolutions of Council in April and November 2023 directed staff to consider potential commercial use of this land, as it may be fiscally prudent and in the public interest to maximise potential financial return of council land.

33. There are several complexities and issues to work through in this respect, including the future of the existing club occupiers who have been occupying the land for a number of years.

RISKS - NGĀ TŪRARU

34. Council has previously considered the risks of grant or decline of these leases and, on that basis, have previously resolved that (should leases be granted) they be granted for a five-year term.

NEXT STEPS - NGĀ MAHI E WHAI AKE

Date	Action/Milestone	Comments
Feb 2024	Council approval in principle intention to grant leases	
March - mid April 2024	Public notification (20 working days)	
April – May 2024	Hearing of submissions/objections if required. If no submissions/objections received Lease documents prepared for execution	If a Hearing is requested, Hearing Panel will prepare a deliberation report and recommendation for consideration.



Title: 24-10 Kiwa Pools Update
Section: Aquatic Services
Prepared by: Campbell Macgregor - Aquatics Manager
Meeting Date: Thursday 22 February 2024

Legal: No

Financial: No

Significance: **Low**

Report to OPERATIONS - ENVIRONMENT & COMMUNITIES/NGĀ WHAKAMAHI - TE TAI AO ME NGĀ HAPORI Committee for information

PURPOSE - TE TAKE

The purpose of this report is to provide elected members with an update on the performance of Kiwa Pools on a five-month period from opening day (2nd September 2023) to end January 2024.

SUMMARY – HE WHAKARĀPOPOTOTANGA

Although Kiwa Pools opened later than anticipated, we are still on track to achieve the admission and revenue targets for this financial year.

The pools have been very popular, and visitors are enjoying the new facility.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Operations - Environment & Communities/Ngā Whakamahi - Te Taiao me Ngā Hapori Committee:

- 1. Notes the contents of this report.**

Authorised by:

Michele Frey - Director Liveable Communities

Keywords: Kiwa pools, update

BACKGROUND - HE WHAKAMĀRAMA

1. Kiwa Pools opened to the public on 2 September 2023.
2. Council accepted the recommendations set out in the Kiwa Pools Fees and Charges Deliberations Report [22-244] at the Council Meeting on 15 December 2022.

DISCUSSION - WHAKAWHITINGA KŌRERO me ngā KŌWHIRINGA

Fees and Charges

3. The total income from Kiwa Pools for the period has been just over \$474,000. The annual forecast is \$1.2M.
4. Fees and charges were developed through a thorough process which included Council agreeing to provide fee relief using the same structure as 'rate remission policy'. One not-for-profit community organisation has been granted a fees reduction in alignment with the fees and charges adopted by Council in December 2022.
5. The fees and charges seem to be working well, however we will review these once we have a better understanding of how they have been applied. This review will occur after the summer season as requested in the Fees and Charges Deliberations Report [22-244].
6. Family passes are working well. Comments around how affordable they are, are received on a weekly basis.

Visitor data

7. At the end of January there has been 120,000 admissions into the pools, comprising 100,000 individual admissions and 20,000 people as part of group admissions. The total number of people using the Olympic Pool Complex was between 100,000 – 120,000 per annum (depending on COVID impacts).
8. We forecasted 200,000 visitors per annum to Kiwa Pools, we are likely to exceed this forecast.

Programmes and Events

9. A series of KPI's have been developed for the Learn to Swim programme on the basis of their proposal for services. To date the Learn to Swim provider is tracking well in accordance with their KPI's but a full review will take place at the 6-month and 12-month mark. Key observations to date have been that finding local staff has been a challenge. They have over 100 families enrolled in their programme and continue to take enrolments. Learn to Swim ran a successful intensive holiday programme.
10. Programmes and events are tracking as anticipated. Notably we ran a three-week holiday programme which included the Manu (dive) competition, snorkelling lessons and the inflatable obstacle course. These events were publicised on our Facebook page.
11. There were 77 competitors in the Manu competition and approximately 230 spectators.
12. The pools were available during Rhythm and Vines. Festival goers were charged full entry fee for access to the pools, the majority however only used the showers. We estimate that we received an extra 2,500 people per day over the three-day festival period.

Pool Staffing

13. We have 55 staff at the pool, a mixture of full-time and part-time staff. We have trained 34 staff as lifeguards.
14. Unfortunately, we have had incidents of staff being abused by the public. These vary in severity; however, we have called the Police three times to respond. Two people have been trespassed from the complex. Our staff have received de-escalation training and are well supported, but obviously we do not expect or tolerate our staff being abused by the public. These incidents are at about the same level as we experienced in the Olympic Pools.

Health and Safety

15. PoolSafe accreditation across the entire complex was granted in December 2023 as planned.
16. Pool water quality has remained high.
17. There have been four closures because of faecal and vomit release incidents in the pools. The likelihood of these incidents occurring increases when there are high visitor numbers.
18. As the complex has individual water sources for each pool the effects of these incidents are usually limited to one pool, and we do not have to close the entire complex.
19. Several of the remaining outdoor pools are currently run off one water source. There is an operational plan to also move the outdoor pools onto separate water sources within the next two years using the current equipment on site.
20. We have had one ambulance visit and 59 recorded incidents including minor first aid, rescues (wet and dry), fire alarms, slips, trips and falls and staff abuse. This is considered to be a normal level of incidents for a facility of this nature.
21. We hired external security staff as a precautionary measure over the Christmas – New Year Period due to the high numbers of visitors.

Old Pool Complex

22. The outdoor pools will close on 1 April 2024, and demolition of the old covered pool and Olympic Pools Buildings are scheduled to start on 2 April 2024.
23. The site will be remediated in time for Summer 2024. We are working to a timeframe of having this work completed by end of July 2024, weather permitting.
24. The Hydroslide and outdoor pool is still proving popular. A condition report is being undertaken of the Hydroslide to inform the ongoing maintenance programme.
25. We have observed a high level of use of the outdoor area by families.

Operational Matters

26. The Kiwa pools are running well. Currently we have one heating system turned off (the Waihora Pool - Hydrotherapy pool and underfloor heating in the changing rooms) which means the Waihora Pool is currently closed. We are waiting for a part, and this will be fixed shortly to enable it to open.

ASSESSMENT of SIGNIFICANCE - AROTAKENGA o NGĀ HIRANGA

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: **Low** Significance

This Report: **Low** Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: **Medium** Significance

This Report: **Low** Significance

Inconsistency with Council's current strategy and policy

Overall Process: **Medium** Significance

This Report: **Low** Significance

The effects on all or a large part of the Gisborne district

Overall Process: **Low** Significance

This Report: **Low** Significance

The effects on individuals or specific communities

Overall Process: **Medium** Significance

This Report: **Low** Significance

The level or history of public interest in the matter or issue

Overall Process: **Medium** Significance

This Report: **Low** Significance

27. The decisions or matters in this report are considered to be of **Low** significance in accordance with Council's Significance and Engagement Policy.

TANGATA WHENUA/MĀORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

28. The Aquatics leadership team meet with Ngai Tawhiri and Ta Derek Lardelli on a regular basis as a continuation of relationships formed during the Kiwa Pools project. They have continued to provide valued input and advice on various information platforms explaining the cultural features of the complex.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

29. We continue to engage with members of the public and pool user groups.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

30. There are no impacts or implications for climate change.

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

31. Having a delayed start to the operation of Kiwa Pools has placed revenue behind budget, however it is expected that Kiwa Pools should still meet revenue budget.

Legal

32. There are no legal implications arising from the Kiwa Pools Update.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

33. There are no policy and planning implications in the Kiwa Pools Update.

RISKS - NGĀ TŪRARU

34. There are no additional risks associated with the matters described in this for information report.

Title: 24-42 Pre-approval Low Impact Temporary Licences to Occupy Reserves

Section: Liveable Communities

Prepared by: Chris Visser – Principal Community Assets and Partnerships Advisor

Meeting Date: Thursday 22 February 2024

Legal: No

Financial: No

Significance: **Low**

Report to OPERATIONS - ENVIRONMENT & COMMUNITIES/NGĀ WHAKAMAHI - TE TAI AO ME NGĀ HAPORI for information

PURPOSE - TE TAKE

The purpose of this report is to give you an overview of our investigations to develop a new process to streamline the grant of particular short term low impact licences to occupy Council Reserve land.

SUMMARY - HE WHAKARĀPOPOTOTANGA

We are investigating a streamlined authorisation process for particular low impact activities that can have a positive effect on people's recreational use and enjoyment of Council (Reserves Act land) Reserves.

The Reserves Act 1977 authorises the administering body (Council) to grant leases or licences. The Act requires any lease or licence for commercial activities (for a period of more than six consecutive days) to be publicly notified for comment unless the proposed activity 'is in conformity with and contemplated by the approved management plan for the reserve' or the activity has been authorised via notified Resource Consent.

Gisborne District Council's (Council) Reserve Management Plans were largely written in the mid 1990's to mid-2000's. Generally, they do not 'contemplate' commercial short-term occupancies for activities such coffee carts, food trucks and market stalls.

As a result, any licence to occupy a Reserve for these sorts of activities tends to trigger the full statutory public notification / submission and potential hearing of submission process required under the Reserves Act.

This is a very time consuming and resource-heavy process. However, we recognise the value that short term commercial activities can provide in activating parks and reserves, often attracting people into our open space network, or allowing them to prolong their stay.

We are investigating a process by which we pre-determine what short-term activities would be appropriate in which Reserves and obtain Council pre-approval of the intention to grant such licences. Our intention at this stage is to run this as a trial on a small number of Reserves.

A recommendation would then be put to Council, as per the standard process, for decision on whether or not to grant licences.

If Council decided to grant licences, the Intention to Grant be publicly notified as required by the Reserves Act, for public submissions and/or objections on the proposed grant of licences.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Operations - Environment & Communities/Ngā Whakamahi - Te Taiao me Ngā Hapori Committee:

- 1. Notes the contents of this report.**

Authorised by:

Michele Frey - Director Liveable Communities

Keywords: Council reserve land, low impact, licences, occupy

BACKGROUND - HE WHAKAMĀRAMA

1. The majority of Council's network of parks and open spaces are held under the Reserves Act (1977).
2. In practical terms, this means that these land parcels have been declared to be Reserves under The Act. This constrains their use in alignment with the purpose for which they have been designated.
3. Council is the 'administering body' of Reserve Land in its ownership, as per the Act.
 - As the administering body, Council authorises a range of activities through the granting of leases and licences. These are most commonly for sport and recreation facilities located on Recreation Reserve Land.
 - However, a frequent request that is received is to operate short term business activities on reserve land, such as mobile food and beverage sales.
 - A licence for these activities is typically granted under section 54(d) of the Reserves Act, requiring public notification of Council's intent to grant the licence.
 - While vendors are able to obtain all other licences required by Council to operate a food stall, coffee cart or market stall (as set out in the Gisborne District Mobile Shops and Other Traders bylaw 2014) we are unable to issue landowner consent to occupy under the Reserves Act in a reasonable timeframe.
4. Accordingly, Council has not been able to authorise various short short-term and temporary activities such as a coffee cart in the Botanical Gardens during school holidays, and a sushi truck on training nights at Harry Barker Reserve. These operations simply do not factor in the four-to-six-month lead-in time to process a notified licence.

DISCUSSION and OPTIONS - WHAKAWHITINGA KŌRERO me ngā KŌWHIRINGA

Wellington City Councils pre-approval process of Trading and Event sites

5. We have discussed this issue with our colleagues in Wellington City Council (WCC) who had the same problem. They, like Gisborne District Council, received feedback from the public that the processes around gaining an approval to carry out a temporary activity or business on Council administered land is cumbersome, difficult to navigate and time consuming.
6. In response to this WCC designed a process to streamline the licence to occupy process. WCC pre-emptively notifies a number of sites approved for described low impact trading and event activities on Reserves which are considered consistent with the purposes the land is held as Reserve, despite not having actual specific applications for those activities.
7. WCC's process was extensive and sought comment on three types of activities across 36 sites spread across the Town Belt and Reserves:
 - *Stationary activities* – food and coffee carts, recreation and equipment hire (surfboards, bikes and walking sticks) and recreation service provision (such as dog washing and mountain bike servicing).
 - *Mobile activities with a stationary component* – guided tours, multi-sport events, commercial group fitness.
 - *Mobile Activities* – Professional dog walking.

8. This process provided the public an opportunity to submit on a proposed activity, and Council to consider public submission when making a final decision, as is the intention of the Reserves Act.

Proposed Council Pre-approval process of Short Term / Temporary Business and Trading Licence to Occupy

9. We are looking into adapting the WCC approach and trialling a pre-emptive 'approval in principle' and notification of intention to grant certain short term /temporary low impact activities in a small number Reserves.
10. Should this trial prove effective we would look at potentially expanding the range of activities and / or locations notified on a pre-emptive basis, should that be worthwhile.
11. In the first instance we are focused on commercial temporary food and coffee carts and temporary 'wellbeing' focused activities that contribute to the *'benefit and enjoyment of the reserve or for the convenience of persons using the reserve'*. 'Wellbeing' activities would include temporary yoga classes, massage/mirimiri and potentially Mobile Saunas.
12. We also propose to include the hire of non-motorised sport/ recreation equipment from some reserves (e.g., surf equipment, bicycles) but excluding Motorbikes, E-bikes and Motorised or E-Scooters.
13. Motorised equipment has a potential to detract from other users' quiet enjoyment of reserves, so these are better to consider on a case-by-case basis as required.
14. Initially we propose to focus on destination parks – places that are expected to draw visitors from across the region and facilitate a half- to a full-day visit. The destination parks that we are proposing to focus on initially are:
 - a. Wainui and WD Lysnar Reserves
 - b. Alfred Cox Park
 - c. The Botanical Gardens
 - d. Adventure Playground
15. Once we have drafted up a schedule of potential activities (and terms/conditions of operation) at certain locations we would run an engagement process with iwi, before making a recommendation to Council regarding the issue of licences.

ASSESSMENT of SIGNIFICANCE - AROTAKENGA o NGĀ HIRANGA

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: Low Significance

This Report: Low Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: **Medium** Significance

This Report: **Low** Significance

The effects on all or a large part of the Gisborne district

Overall Process: **Low** Significance

This Report: **Low** Significance

The effects on individuals or specific communities

Overall Process: **Medium** Significance

This Report: **Low** Significance

The level or history of public interest in the matter or issue

Overall Process: **Medium** Significance

This Report: **Low** Significance

16. The decisions or matters in this report are considered to be of **Low** significance in accordance with Council's Significance and Engagement Policy.

TANGATA WHENUA/MĀORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

17. Engagement with Tangata Whenua will occur as this project proceeds.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

18. Community engagement will occur as this project proceeds. We already have received feedback from potential vendors that obtaining a licence to occupy under the Reserves Act 1977 is 'too hard' and as a result some activities / services are not provided to visitors of Reserves.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

19. There are no notable climate change impacts or implications arising from matters contained in this report.

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

20. There are negligible costs associated with the process of considering and consulting on these licences.
21. A small licence fee may be charged to applicants to recover some of the staff time associated with managing these authorisations.

Legal

22. This process is intended to ensure that Council meets its statutory requirements under the Reserves Act 1977, for authorising commercial activities on Reserve Land.
23. Regardless of process, the activities will need to be necessary for, and beneficial to the enjoyment of users of the reserve. Thus, no activity will be considered that does not meet this test.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

24. This process is in alignment with the intent of the Community Facilities Strategy, and the Parks and Open Spaces Plan, particularly as these apply to the provisions of destination parks and facilitating longer visits to these reserves.
25. Considerations of the relevant Reserve Management Plan would occur as part of this process.
26. Longer term, the process of trialling these licences may inform future reserve management planning, therefore removing the requirement for pre-emptive notification.

RISKS - NGĀ TŪRARU

27. There is a risk that the public may not feel able to comment on an intention to grant a licence in the absence of a specific application. This was not WCC's experience, and we anticipate that so long as we signalled the key operating conditions as part of this process (hours of operation, duration of occupation, standard conditions around noise/lighting/rubbish etc), this would give the public a clear idea of what potential activities would look like.
28. Another risk is that after granting a licence, we become aware of unforeseen impacts. To mitigate this, we would maintain the ability to terminate the licence within a reasonable period.
29. Our Reserves Management Plans are generally out of date, and most are over 20 years old. This is not uncommon; many TLA's and indeed the Department of Conservation have statutory planning documents under the Reserves Act that are of a similar age.

NEXT STEPS - NGĀ MAHI E WHAI AKE

Date	Action/Milestone	Comments
22 Feb 2024	Council advised of proposed process – any feedback received.	
March - July	Council planning process what activities and where – includes iwi and targeted community engagement.	
1 August	Recommendation to Council intention to grant.	
September - October	Public notification / consideration submissions.	A hearing may be required if significant objection is received
14 November	Final recommendation to Council.	
March 2025	Process review.	

12. Public Excluded Business

RESOLUTION TO EXCLUDE THE PUBLIC

Section 48, LOCAL GOVERNMENT OFFICIAL INFORMATION and MEETINGS ACT 1987

That:

1. The public be excluded from the following part of the proceedings of this meeting, namely:
Item 4.1 Confirmation of Confidential Minutes 9 November 2023
2. This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information & Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole of the relevant part of the proceedings of the meeting in public are as follows:

	7(2)(b)(i)	Protect information where the making available of the information would disclose a trade secret;.
Item 4.1	7(2)(g)	Maintain legal professional privilege.
	7(2)(i)	Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).