
REPORT 5

FOUNDATION FOR THE NATIONAL HOCKEY STADIUM TRUST – PROPOSED COMMERCIAL RETAIL ACTIVITY – MT ALBERT PARK (TOWN BELT)

1. Purpose of report

This report seeks the Committee's approval for a commercial activity by way of sublease of part of the premises at the National Hockey Stadium, Mt Albert Park, to Select Sports Pty Ltd for a hockey supply store.

2. Executive summary

The Council leases land and buildings to the Foundation for the National Hockey Stadium Trust (the tenant) at the National Hockey Stadium, Mt Albert Park (see attached location map). The Wellington Hockey Association Incorporated (WHA) is in charge of operational matters in relation to the land and buildings. One of the buildings onsite is owned by the tenant and is referred to as the administration building.

The WHA is proposing to refurbish a small room in the administration building and to sublease the room to Select Sports Pty Ltd to sell hockey equipment. No extension of the existing building footprint is proposed.

Council approval is required pursuant to the Wellington Town Belt Management Plan for this proposed commercial activity on Town Belt.

The proposal would support existing sporting activities and is therefore aligned with Council's recreation goals. It is also consistent with the Wellington Town Belt Management Plan, the Leases Policy, and the Reserves Act 1977.

The views of the Port Nicholson Block Settlement Trust and Ngati Toa have been sought and consultation with key stakeholders is underway.

Officers have assessed the application and consider the physical effects on Town Belt land will be less than minor and that Town Belt values will not be unduly compromised.

This report recommends public notification of the application and subsequent approval if no objections are received.

3. Recommendations

Officers recommend that members of the Environment Committee:

1. *Receive the information.*

2. *Agree to a sublease of part of the administration block at Mt Albert Park for the purposes of a retail hockey equipment and clothing store.*
3. *Note that any approval is conditional on:*
 - (a) *Appropriate Iwi consultation;*
 - (b) *Public notification under s119 and s120 Reserves Act 1977;*
 - (c) *No sustained objections resulting from the above consultation and notification; and*
 - (d) *Advertising costs being met by the applicant.*

4. Background

Council's tenant proposes to sublease part of its premises to Select Sports Pty Ltd which intends to sell hockey equipment. Select Sports will trade under the name Go Hockey. No extension of the existing building footprint is proposed. No change to the structure of the building or to the external façade is proposed apart from the placement of signage over the entranceway to the shop.

The proposed merchandise will be restricted to hockey-related equipment and clothing (eg hockey sticks, hockey balls, training shirts and protective equipment).

Select Sports Pty Ltd is a privately owned New Zealand registered company. The company has an established history of support to the hockey sector and has been operating from major national and regional hockey centres in Australia for over 20 years. Select Sports has recently opened a retail outlet in Auckland, with a second retail shop opening in Hamilton in February 2014.

WHA proposes to sublease a room in the premises (the old umpire's room) to Select Sports for an initial three-year term. The rent will be \$5,000.00 per annum. Funds generated from the lease will be applied to the club's maintenance obligations and to hockey development programmes (e.g. skill development or increasing participation).

5. Discussion

There are three key documents that provide guidance to Council on this matter.

Reserves Act 1977

The lease to the club has been issued pursuant to s54 of the Reserves Act 1977. Section 54 states that Council may grant leases for the carrying on of any trade, business or occupation provided:

- *“that the trade or business is necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve.*

Given the close nexus between the park users (hockey players) and the nature of the trade (hockey equipment) it is considered that the proposed shop meets the requirement of being “for the convenience of persons using the reserve”.

Leases Policy

Sections 8.8 (Commercial Activities) and 8.9 (Subleasing) are relevant to this application.

Section 8.8 provides for a lease holder to undertake a commercial activity where:

- *the commercial activity is ancillary to the group's primary community or recreational activity*
- *any excess funds generated by the group are applied to any maintenance obligations the group has under the lease and then to the group's community or recreational activity.*

The trade in hockey equipment is considered to be ancillary to the group's primary recreational activity.

All profits from the partnership with Select Sports will be directly applied to building and grounds maintenance and/or to sports development programmes.

Section 8.9 of the Leases Policy provides for applications for subletting to be considered where:

- *the proposed activity complies with the policy, applicable legislative requirements and management plans. The sub-lessees activities must also enhance the primary purpose of the land.*

The application is considered to be compliant with all relevant policies and legislation.

Wellington Town Belt Management Plan

Mount Albert Park is located on Town Belt and is subject to the policies and rules contained in the Wellington Town Belt Management Plan (the Plan) which was adopted by the Council in 2013. The Plan provides for the use of Mt Albert Park for outdoor sporting activities and facilities and acknowledges the Wellington Hockey Association's long term plan to develop the clubroom and office facilities (p139).

Section 9.4 of the Plan requires that applications for commercial activities are assessed as Managed Activities and require Council (or delegated Committee) approval

Appendix 5 of the Plan provides a checklist of criteria for assessing applications for 'managed activities'. Appendix one provides a consideration of each of these criteria.

Signage

The tenant has requested permission to place Go Hockey signage over the entranceway to the shop.

While the Plan prohibits the use of Town Belt land for advertising purposes, it provides for commercial signage on Town Belt land where it is directly related to the activities occurring on the reserve. Signs must be compliant with the District Plan and must meet a range of other criteria including the following:

- *Where sponsorship signs are proposed on a building, the name of the sponsor must be incorporated into the external name signs for buildings rather than as a separate sign.*

The proposed signage is considered to be an external name sign for a building and that the name of the sponsor (or in this instance, the commercial operator) will be incorporated into the sign.

Consultation and Notification

Section 9.4.6 (e) of the Town Belt Management Plan requires the public notification of applications where they pertain to a commercial sub-lease or sub-licence or concession.

The Wellington Town Belt is managed in partnership with mana whenua and accordingly both Port Nicholson Block Settlement Trust (PNBST) and Ngati Toa have been advised of the application and invited to provide comment. Ngati Toa has responded and has no objection to the proposal. There has been no response from PNBST at the time of writing this report.

Two stakeholder groups have been identified as having a specific interest in this proposal – Friends of Town Belt and the Newtown Residents Association. The views of both these groups have been sought on the matter but their responses were also not to hand at the time of writing this report.

6. Conclusion

Council officers have assessed the application to sublease part of the premises at the National Hockey Stadium to a commercial retail operator.

The application is consistent with Council's policy and legislative requirements, including the Reserves Act and the Town Belt Management Plan.

Given that the proposed commercial activity is directly related to the primary purpose of the reserve and will provide a level of convenience to the main users of the reserve, the application is recommended to the Committee for approval subject to public notification.

Contact Officer: *Michael Oates, Manager Open Space and Recreation*

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

The proposal supports Council activities as a facilitator of recreation partnerships and provider of recreation services. Agreement to the proposal will contribute to Council meeting the outcome of offering a diverse range of quality recreation and leisure activities.

2) LTP/Annual Plan reference and long term financial impact

The proposal has no impact on the LTP or Annual Plan.

3) Treaty of Waitangi considerations

The proposal is consistent with the existing on-site activity which has been endorsed by the PNBST via the Town Belt Management Plan process.

4) Decision-making

This is not a significant decision. The proposal is provided for in legislation and WCC policy documents.

5) Consultation

a) General consultation

The application will be publicly notified.

b) Consultation with Maori

PNBST and Ngati Toa have been advised of the proposal and invited to become involved in the assessment process.

6) Legal implications

The activity is considered to be a low risk one for Council. Commercial activity is provided for in the TBMP

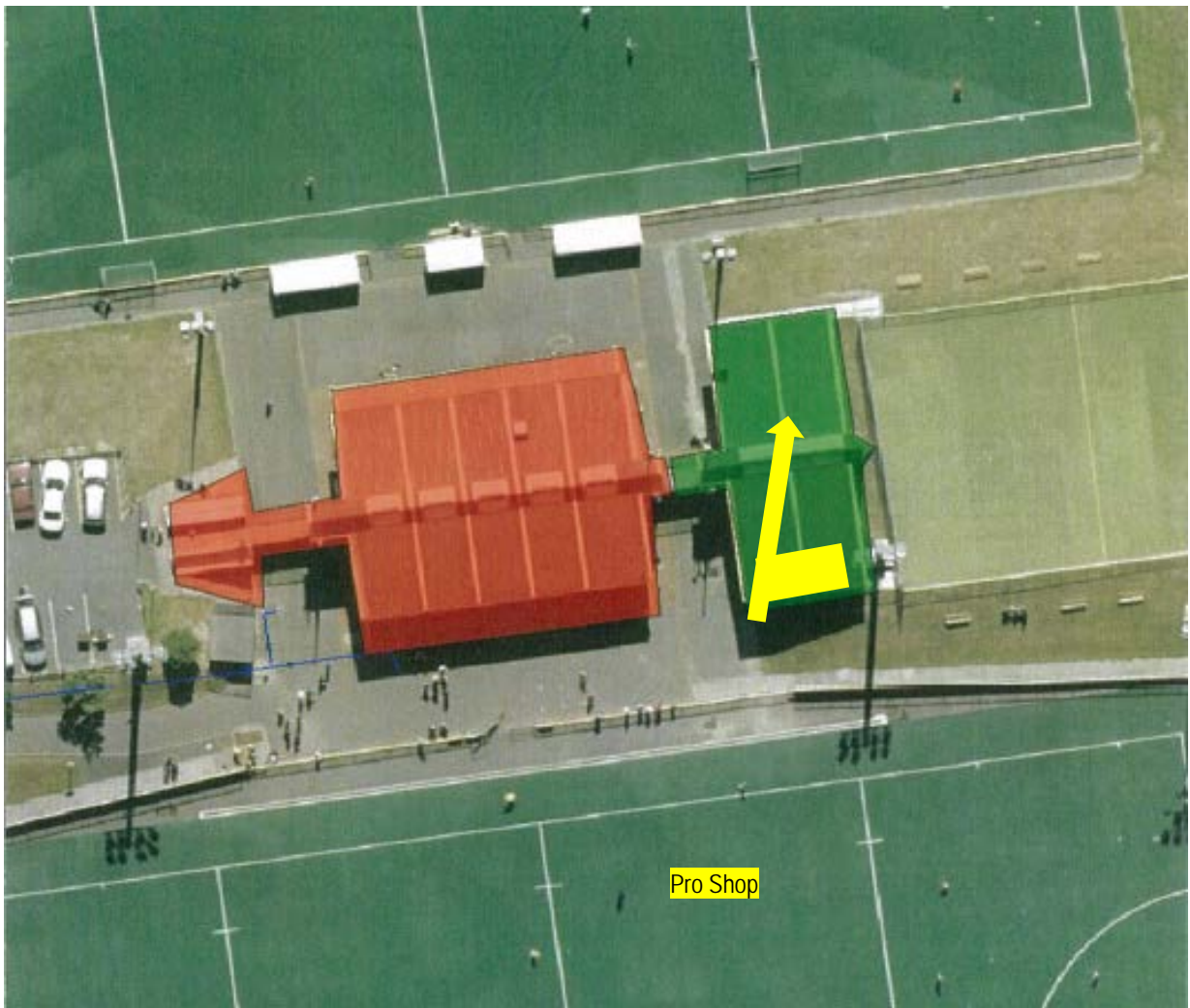
7) Consistency with existing policy

The proposed activity is consistent with Council's guiding policies and plans, including the Wellington Town Belt Management Plan.

Appendix 1: Checklist to Assess Applications to Use Town Belt (based on Policy 9.5)

Assessment Checklist	
Criteria	Assessment
Public Recreation	Is ancillary to the existing use of the reserve and will provide a level of convenience to hockey players and their parents.
Demand for Activity	As above.
Commercial Component	The commercial activity is directly related to the existing sporting activity. An experienced sporting goods retailer will occupy the shop under a sub-lease arrangement with the club. All proceeds from the lease will go back into the Club.
Elite Sport	N/A. The proposed shop is not an elite sport.
Demand for facility	N/A. No new facilities are proposed
Current facility	N/A . There are no issues with the current facility
Multi-use facility	N/A. This is not a multi-use proposal
Benefits for users	Direct access to sporting clothes and equipment and related advice. Convenient for players and for the parents of younger players.
Effects on current activities at site	The shop is located within the existing facility and will not impact other activities on the park.
Impact on Town Belt values	Minimal effect on Town Belt Values. Mt Albert Park is managed as a sports facility and is considered to be an appropriate environment for this type and scale of commercial activity.
Cumulative effect	Will not produce any cumulative effects.
Mitigation	N/A
Existing Policies	The activity is consistent with key guiding policy documents including the Reserves Act 1977; Town Belt Management Plan and Leases Policy.
Past decisions	N/A
Applicant	Wellington Hockey Assoc. is a voluntary organisation with an open membership. The long term sustainability of the group is envisaged. There is a solid governance/management structure in place.
Resource consent issues	No significant resource consent issues are contemplated. The shop will be used predominantly by existing reserve users and is not expected to generate traffic, parking or noise issues. It is internal to the building so will have nil to minor effects on the immediate landscape. No light-spill or dust etc is anticipated.
Council Investment	The project is self-funding. No council investment is required beyond that already given to the Club by way of grants.

Location Map



Location of the Go Hockey Pro Shop (ground floor) within the WHA Administration building. Area approximately 30m².

APPENDIX 1



Administration Building – pro shop to be located at RHS garage door



Pro shop with roller door opened

Proposed Shop Layout

