**Date:** Thursday 21 March 2019  
**Time:** 3.00pm  
**Meeting Room:** St Chads Church and Community Centre  
**Venue:** 38 St Johns Road  
Meadowbank

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## Ōrākei Local Board

### OPEN MINUTE ITEM ATTACHMENTS

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**Note:** The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
The right airport connection
Straight to Airport Rapid Trains

Hosted by

START
STRAIGHT TO AIRPORT
RAPID TRAINS

ptua
public transport
users association

NZ TRANSPORT
2050
What does the PTUA Do?

North Shore timetable change

Wellington timetable challenges

Huapai line expansion advocacy
What does NZ Transport 2050 do?

Fact Based: Smarter NZ transport futures
Auckland’s Future Needs & Vision

Liveable City, Housing, Travel, Play, True Intermodal Transport
Why do we need to move now?

- Auckland Airport is finalising terminal and runway designs
- Airport growing at rapid rate will be $40M+ passengers in the next 15 years* size of London Gatwick. Major employment zone 30k workers in the airport and surrounding business park

*Based on current levels of growth in past 5 years using official data
Scary history of AKL poor planning costs us more

4 Lanes for the Harbour Bridge
Fix Cost £13.25M (double bridge cost)
1969 value

2 Track Britomart
Britomart Transport Hub
entrance 2 rail capacity
Fix* Cost – City Rail Loop
$3.4B+ (22 times the build cost of Britomart)

Loss and redeployment of Trams/Light Rail
Fix reinstall costs $6.5B+ for only part of what once existed
What is currently proposed?

Where do cars and buses fit in?

430 people per 2 car tram (southern motorway/britomart per hour 11k) train every 5 minutes in each direction
Item 9.1

Slow Tram Proposed Route

From 20 bus stops to 8 tram stops
The reality – Dominion Rd is lost

Where do cars, truck and busses go? What about needing to turn right?

Fixing a problem we don’t currently have?
The Reality of Auckland's Traffic Issues

Slow Trams linking Mangere/Airport to the city does not fix this!
Even tram loving cities do not build such links.

Only 2 cities with Tram Links to airports:
- Los Angeles, USA*
- Sofia, Bulgaria (investigating HR)

* Only major tram city planning an airport link using tram/LRT.
Item 9.1

Aussi’s don’t Perth/Melbourne Planned Airport Rail (Sydney & Brisbane already have heavy rail)

Tram Cities both with new airport heavy rail projects
Reality – Sydney & Edinburgh Light Rail Fails

Both not airport links (Edinburgh is) but similar urban regeneration projects

Sydney CBD’s light rail disaster predicted by infrastructure chiefs six years ago

By Angela Gillmore
Updated 13 April 2014, 9:31am

In 2013, Paul Broad, then chief executive of Infrastructure NSW, warned the Government about the problems of building a light rail in Sydney.

“If you add light rail to George Street today, you will not fix a problem, you will create a problem,” he told the ABC.

Edinburgh’s tram fiasco has lessons for other UK transport projects

The city has a new tram line, but it’s arrived £375m over budget and probably won’t help ease transport problems

Edinburgh's new tram arrived at double the estimated cost (£375m over budget) and taking twice as long as anticipated. Photograph: David Cheskin/PA

Edinburgh finally has a new tram line, but things haven’t entirely gone to plan. Arriving at double the estimated cost (£375m over budget) and taking twice as long as anticipated, the experience costs a shadow over other cities.
Current status

- Slow tram cost has gone from a $1.2B to $3B+
- Transport minister also wants NW slow tram spending another $3B despite not even previously been discussed
- Submissions done for busway from Manukau City centre and Botany with rail link for another bus to airport
- Slow tram still has no business case (Jan ‘19)
- Government support NZ super fund to pay for it and city/province of tram maker’s pension fund to provide additional finance through PPP (even with no business case)
The alternative

Jon Reeves PTUA/START
Stage One/ Puhinui to Airport / Glen Innes to Westfield 4 tracks
Stage One/ Puhinui High Speed Rail Junction Option 1
Stage 2 and 3 / Airport-Onehunga / Onehunga-Avondale (Tram Connection)
Stage One/ Airport Route and Puhinui Junction Option 2
Attachment A

Item 9.1
Other Rail Upgrade Works Benefiting All Passenger And Freight Trains Increasing Speed And Capacity To Be Considered

- 3rd and 4th tracks Westfield station to Glen Innes including electrification (8km)
- 3rd and 4th tracks between Wiri and Papakura including electrification (to allow general commuter trains, regional passenger trains and freight growth). Also covers the growth of new suburbs in the south.
- 3rd and 4th Tracks Westfield station to Wiri (this has been costed at $58 million for 3rd track by Kiwirail in 2017 business case).

Note: These works benefit all passenger services and rail freight on this line and should not be completely charged against START.
Let’s Wrap Up

Rapid Rail is faster and far more scalable. It expands the system we currently have and leverages CRL.

We don’t need another 4 lane bridge failure or a 2 track Britomart.

Trams will have a huge impact on Dominion Rd and the city for what benefit? The cost is significant and will no business case despite government and AT mandated support.

And stop Tram
Should Orakei Local Board be considering installing toilets at Little Rangitoto Reserve

Last month, The Hobson carried out a facebook poll about installing public toilets in Little Rangitoto Reserve, Upland Road. The poll was only open for a couple of hours however 89 people voted and the results were 83% in favour of installing public toilets, 17% against. This petition to the Board is to request that public toilets are installed at the reserve.
From: Mike Walsh <miwalsh@xtra.co.nz>
Sent: Wednesday, 20 March 2019 11:55 AM
To: Rachel Beckett (AT); Andrew Garratt (AT)
Cc: Kit Parkinson (Orakei Local Board); Councillor Desley Simpson; ‘Simon O’Connor’
Subject: FW: Proposed Traffic Management for St Heliers

Hello Rachel and Andrew,

Thank you for the accident data. We have now had the opportunity at analyse and discuss that and we want to make the following comments. We understand you have postponed finalising your proposal on this matter and that it will be released for feedback in April. The Residents Association will of course be giving feedback at that time, as will many residents.

1. Your basic premise that St Heliers Village is one of the worst accident sites in Auckland and therefore needs extensive change, as you propose, is not correct. Most of the accidents you report are parking related, including vehicles manoeuvring which usually cause only minor vehicle damage – at least 65% of your recorded accidents by our count. These should be excluded from your data set. It is not the proper role of AT to try and prevent this sort of property damage. Only 2 reported accidents a year result in injuries. You should be focussed on injury related accidents.

2. The proposed 30km speed limit and some associated engineering work like rough patches on the road, as used successfully elsewhere, will substantially reduce the risk of injury accidents. You might consider a slight expansion of the shaded control zone on your accident map up St Heliers Bay Road from Polygon Street. Residents have a strong objection to raised pedestrian crossings and speed bumps because of the noise they create and the adverse effect on drivers’ experience. Speed cameras would be one of the most effective alternative steps you could take to reduce injury accidents.

3. Most of the 12 new pedestrian crossings you propose will do very little to reduce accidents and make no additional contribution to reducing injury accidents. We think there may be a case for two new pedestrian crossings at either end of the controlled section of Tamaki Drive to support the new 30k limit, but not elsewhere.

4. In addition, the proposed 12 new pedestrian crossings will cause serious inconvenience to users of the Village, many of them elderly, taking out between 30 and 50 parking spaces – parking is already seriously undersupplied at busy times. The number of users of the village will fall. This will have serious adverse financial effects of most of the businesses in the Village, a number of which are already struggling. When you visit the village you will see that there are already a number of vacant and under-utilised retail and commercial properties.

5. Good practice requires that there is a realistic cost-benefit analysis of the ratepayer’s funds you propose to spend on the additional St Heliers Village pedestrian crossings. Can you tell us what is the cost of this part of the proposed management plan and what are the benefits? There should also be an economic impact statement of the effect of your management plan on the businesses in the village (including the property owners) and on the users of these businesses.

6. You said in our meeting on 23 February that one accident is too many. Realistically for as long as you have people driving cars, especially with cyclists and pedestrians taking undue risks, you are going to have some level of accidents. You can only abolish accidents if you ban vehicles, motor cyclists, electric devices and other cyclists.
7. Your previous message stresses the need to protect vulnerable road users - cyclists, motor-cyclists and pedestrians. We note that very few of this group were adversely affected by vehicles in normal travel in your data. Also we note that many in this group make themselves more vulnerable by travelling at speed with little regard for their own safety or that of other road users. We note that some other countries have require registration of cyclists which means that they can be identified and prosecuted.

8. In summary, our analysis on the accident data you gave us over the 5 years to May 2018 shows the following:

a. 41 accidents of which 10 were injury accidents, 2 per year. Three of these were severe and 7 minor.

b. Of the 41 incidents, Tamaki Drive was the “crash road” for 17 and the “side road” for 8 which is 25 of the 41, 65%, helping to make the case for lower speed limits.

c. Only 4 of the 41 involved pedestrians, all of which had Tamaki Drive as the “crash road” or “side road”, again supporting the case for lower speed limits on Tamaki Drive.

d. At least 25 (65%) appear to be parking related – 14 manouevring, 9 hitting a parked vehicle and 2 turning into an angle car parking. Only 1 of these involved an injury accident. Increasing the number of pedestrian crossings will do nothing to reduce the incidence of parking accidents, all bar 1 of which only resulted only in minor vehicle damage which should not be a focus of the traffic management plan.

We would be pleased to have your response to our comments.

Regards

Mike

From: Rachel Beckett (AT) Sent: Thursday, February 28, 2019 1:09 PM
To: mjlwalsh@xtra.co.nz; Andrew Garratt (AT)
Cc: Colin Davis (Orakei Local Board)
Subject: RE: Proposed Traffic Management for St Heliers

Hi Mike,

Thank you for having us on Monday. It was great to meet you and members of the Association and hear feedback in person.

We acknowledge concern around the extent of the proposal and look forward to receiving a submission in due course for consideration.

See attached the reported incident data for a 5 year period mid 2013 – mid 2018.

As we discussed, we know a lot of under reporting takes place with crash incidents and it is likely much higher in reality.

There of course isn’t a way of measuring the many near misses either and ATs position is prevention knowing that speed is a determining factor in being able to walk away.
Statistically we know that from 2013 to 2017, deaths and serious injuries on Auckland’s roads have increased by 67% from 486 in 2013 to 813 in 2017. That’s three times the rate of other New Zealand regions and five times the growth of traffic.

Vulnerable road users, those not in motorised vehicles, such as people walking, cycling and motorcycling, made up 43% of urban road deaths and serious injuries in 2017. That’s 353 people killed or seriously injured in 2017 when compared to 207 in 2013. This increase of 71% represents a new and concerning trend which AT are focused on addressing.

There has been a small update on timelines since we last spoke.

A decision has been made in the last few days to delay the consultation on St Heliers village safety improvements we spoke about. This will now open the 1st of April for feedback (with letters being sent out then) rather than next week. AT is keen to run it after the speed bylaw consultation which just opened for feedback today. This will give residents and businesses more time to consider the changes with the bylaw being first, and the pedestrian crossings open for feedback after this closes.

The draft letter we disseminated at the meeting includes details of a drop-in session at St Heliers Library. Given the recent delay to this consultation, the drop-in session will still run but be targeted for questions around the speed bylaw rather than the infrastructure changes we discussed. We will let you know the new drop-in session details once it’s booked for April.

We will of course keep you advised closer to the time of the feedback period opening in advance of public dissemination.

We will closely consider all submissions before any final decisions are made.

Of course should you have any questions in the meantime I am just a phone call / email away.

Kind regards

Rachel

Rachel Beckett | Senior Stakeholder Advisor | Consultation and Engagement
20 Viaduct Harbour Avenue, Auckland 1010
www.at.govt.nz
<< OLE Object: Picture (Device Independent Bitmap) >>

From: Mike Walsh <mijwalsh@xtra.co.nz>
Sent: Tuesday, 26 February 2019 10:40 a.m.
To: Rachel Beckett (AT) Andrew Garratt (AT)
Cc: Colin Davis (Orakei Local Board)
Subject: RE: Proposed Traffic Management for St Heliers

Hello Andrew and Rachel;

Thanks again for coming to our meeting last night. We do appreciate your willingness to listen which has not always been evident in our previous consultations with AT. We particularly appreciate being able to talk to the project engineer which has not previously happened if my memory is correct.

Most of the people at our meeting last night visit the village at least several times a week, mostly by car, and have been doing so for many years. They know it well.

You took notes of our comments, but I thought it would be useful to summarise what I heard at the big picture level and add a couple of comments of my own.

While we appreciate your intention to promote safety, clearly the view of our members is that this draft plan goes too far. Reducing the speed limit and installing speed bumps will certainly help, but most of the proposed 11 new pedestrian crossings will do little to help.

Looking at the red-lined proposed action area in your draft plan, for most of the day traffic speed is really only an issue at the city side of Tamaki Drive up to about the Goldie Street intersection, the eastern end of Tamaki Drive for a short distance and the downhill section of St Heliers Bay Rd up to Polygon. For the remaining area, from about 8am to 6pm at least, the effective speed limit is probably less than 15k. Vehicle traffic in this area is generally very careful, giving way to pedestrians crossing the roads at spots not covered by existing pedestrian crossings.

Andrew: you mentioned that “one accident is one too many”. True but not helpful in this context. So long as there are people and vehicles there will be some accidents even at very low speeds, caused by other factors such as alcohol, drugs, medical conditions, senior moments or other lapses in concentration.

The present plan with 11 new pedestrian crossings will remove too many car parks (30 to 50?) to be acceptable to either the people using the village facilities or by those providing them who stand to lose a lot of business. (Many of the existing businesses are already only marginally viable.)

Finally, to help us understand what you are planning, can we see the accident statistics you quoted, showing times of accidents and locations on the map. We would also like to know more about the seriousness of the reported accidents.

We look forward to seeing the next version of your plan. We will make a formal submission on that

Regards

Mike

Acting Chair

St Heliers/Glendowie Residents Association
Three replacement sites required to maintain mobile telecommunication services to residents and businesses should Vodafone be required to vacate its existing site at Liston Park, Michaels Avenue, Ellerslie
Site Overview

- The existing Vodafone Abbots Way (ABW) site, located within Liston Park, was established in 1997 and comprises of a 15m high monopole with panel antennas and microwave dishes. There are a number of equipment cabinets located around the base of the monopole.

- The site provides 2G, 3G and 4G coverage to the residential area which can be described within the bounds of Remuera Road to the North, Ballarat Street to the East, Ellerslie Panmure Highway to the South and Ladies Mile to the West. (see appendix 1)

- On 22nd December 2010 Vodafone was issued six months Notice to vacate the Abbots Way site by Auckland Council. Auckland Council purchased the land on 7th December 2010. On 7th July 2011 Auckland Council extended the Notice period to 18 months, extending Vodafone’s occupation to 24th June 2012. We are currently in holding over. Spark are also located within Liston Park and we understand they are also looking in the area for a replacement site.

- Vodafone have been advised that Panuku Development Auckland intends to redevelop Liston Park and that the Vodafone installation would need to be removed from the site.

- Vodafone have reviewed the area and will require three new roadside installations to maintain its service when the existing Abbots Way site is removed. All the replacement sites will require equipment cabinets and antennas within the road reserve.

- The three replacement sites will be located immediately adjacent to houses, the equipment cabinets will also be located in the grass verges adjacent to peoples homes. Under our TCF Guidelines Vodafone will write to the adjacent properties advising them of the proposal and explain why we need to be located adjacent to their homes.

- After over a year of extensive investigations in the area all alternative site locations have failed.

- Vodafone would like to remain at the current site and if the current site location within the Reserve is not suitable Vodafone are willing to work with Panuku Development Auckland to find a suitable location within the Reserve and develop a site design to remain at Liston Park and avoid the requirement to build three new sites immediately adjacent to residential properties. Site options within reserves are often preferred by Local Residents to sites located immediately adjacent to peoples home.
**Replacement Site Locations**

**Site 1**
- Option 1: Replacement PowerLight Pole at the northern end of Ellerslie Park Rd

**Site 2**
- Option 1: Install a new monopole within the road reserve adjacent No. 46 Manua Rd
- Option 2: Replace the existing power pole adjacent No. 1/95 Michaels Ave

**Site 3**
- Option 1: Replacement light pole adjacent No. 8 Grand Drive
- Option 2: Replace the existing power pole adjacent No. 79 Abbotts Way

Existing Vodafone Site
Site 1 Overview – Northern End of Ellerslie Park Rd
Site 2 Overview – Option 1 Install a new monopole within the road reserve adjacent No. 46 Marua Rd
Site 2 Overview – Option 2 Replace the existing power pole adjacent No. 1/95 Michaels Ave
Site 3 Overview - Option 1 Replacement light pole adjacent No. 8 Grand Drive

Attachment A
Site 3 Overview – Option 2 Replace the existing power pole adjacent No. 79 Abbotts Way
Attachment A

Appendix 1 – coverage predictions

- Coverage with ABW cell site
- Coverage without ABW cell site
Coverage with the Existing Liston Park site

Legend:
- red = good in-building coverage
- yellow = marginal in-building coverage
- green = outdoor coverage
Coverage without the Existing Liston Park site
Feedback of the Ōrākei Local Board on the Proposed Freedom Camping Bylaw

27 February 2019

The Ōrākei Local Board has fielded many calls and comments from concerned residents about carte blanche freedom camping, particularly in parks and streets in residential areas. In addition, we held our own drop-in event on 13 February from 6-7.30pm at The Landing, Okahu Bay. Although we have been unable to read all the submissions to the proposed bylaw made by our constituents, the following feedback is derived from our assessment of the bylaw and from the comments we have received.

Key Points

1. We do not support the creation of this bylaw under the Freedom Camping Act 2011.

2. We believe the existing bylaw operating in our area, the Auckland City Council Bylaw No. 20 - Public Places (2008), created under the Local Government Act 2002, should prevail as a region-wide bylaw but be amended to acknowledge the Freedom Camping Act 2011.

3. We do not support the Council (Governing Body) exercising the delegated authority from the Minister of Conservation, in order to apply the proposed bylaw to reserves held under the Reserves Act, because
   a). the protection afforded by the Reserves Act must prevail as intended by the Act in managing reserves for community use, as has been done for the last 42 years. The principles of the Act must not be undermined for a few non-resident users at the expense of the general public, and
   b). the delegation removes the ability for Local Boards to make decisions on local matters for their communities under the Local Government (Auckland Council) Act (LGACA) in respect to freedom camping. Regrettably, the Freedom Camping Act 2011 and the proposed bylaw under the Act do not recognise the shared-governance structure of Auckland Council.

4. The approach taken by the Governing Body in respect to any proposed bylaw must take into account the statutory roles of Local Boards. If the Governing Body proceeds with the bylaw with regional regulation in mind, it must include the schedules of reserves and public places that each Local Board considers need protection from freedom camping. This would be a practical method of implementing the shared governance arrangement required by LGACA. The schedule must include each and every reserve put forward by each Local Board.

5. The Ōrākei Local Board resolved on 21 February 2019 to request that all parks and reserves in its area be placed on the “Prohibited” list. Although Hakumau Reserve is held under the Reserves Act, the western end could be suited to freedom camping.

6. A bylaw is also needed for roads and road reserves. Potential displacement of freedom camping from reserves on to streets in residential areas will result in the negative effects that were experienced or anticipated on the adjoining reserves. We believe that freedom camping should not be allowed on residential streets. Auckland Transport, as a local authority, should be encouraged to create a bylaw that aligns with Auckland Council’s. Lack of an Auckland Transport bylaw will negate what we
suggest is needed under the proposed bylaw amendments in residential and possibly commercial areas.

7. General Rules are needed to regulate freedom camping in areas where it is allowed. Wellington City Council has developed general rules which could also be applied to Auckland. There should be further community consultation on a set of draft general rules.

8. The Ōrākei Local Board and its local community believe that consultation on the proposed bylaw has not been robust.

Rationale for the above is set out in the following pages:
1. The Ōrākei Local Board does not support the creation of this bylaw under the Freedom Camping Act 2011.

The Ōrākei Local Board believes that the Freedom Camping Act 2011 (FC Act) is a flawed piece of legislation in that it is overly permissive for land set aside for public use and enjoyment. The Reserves Act 1977 and the Local Government 2002 are key statutes that regulate public enjoyment of public land and are primarily intended to protect that land for local communities.

Enacted more than eight years ago, the FC Act is now out of step with the problems that communities and conservation areas have since sustained as freedom camping has become a more popular means of touring New Zealand. It puts the activities and rights of freedom campers, usually visitors to New Zealand, above the activities and rights of New Zealand citizens. Enabling, even encouraging, freedom camping on local reserves will impact on local residents' use and enjoyment of the reserves and in some cases, given recent examples of the activity, the negative effects will need to be managed by local communities.

2. The existing bylaw, created under the Local Government Act 2002, should prevail with amendments to acknowledge the Freedom Camping Act 2011.

Firstly, the Ōrākei Local Board believes that Auckland Council can manage freedom camping in better ways than through a bylaw under the FC Act 2011. Section 11 says a Local Authority may make a bylaw. The bylaw, as proposed, is contingent on Auckland Council utilising the delegated authority of the Minister of Conservation. We believe the Governing Body, under its duties of the Local Government Act 2002 to act on behalf of Auckland residents, should not take up that delegation to allow camping on those reserves so that the intent and administration of the Reserves Act 1977 prevails as intended.

Protection of the reserves, as the general public has understood it for more than forty years, must be retained. There are plenty of other places in Auckland, aside from reserves held under the Reserves Act 1977, where freedom camping can occur. The Board has identified two.

Currently, the bylaw applying to the Ōrākei Local Board is the Auckland City Council Bylaw No. 20- Public Places 2008, created under the Local Government Act 2002, and should remain. Most of the legacy bylaws created by local authorities prior to amalgamation are very similar (Manukau’s is the most variant). These bylaws could be aligned and, with appropriate amendments to better align it with the FC Act form the new Auckland-wide bylaw.

For example, freedom camping could be permitted in any area unless it is prohibited "under any other enactment", such as the Reserves Act 1977. The Reserves Act prohibits camping on reserves unless provided for by a reserve management plan or by other mechanism. This should be the starting point with a bylaw applying to all other public areas and roads.

Other open space areas not held under the Reserves Act would be assessed and scheduled for the reasons set out in s11(2) (a), (b) and (c) of the FC Act and managed by a revised Public Places Bylaw. It could also clearly identify sites available for freedom camping, to ensure that the spaces provided for freedom camping are well-managed, with the appropriate resourcing, so that enforcement action can be taken effectively and efficiently if and when needed. As well as aligning the current bylaw with the FC Act, it could also be regularly updated to reflect management of negative freedom camping impacts that are increasingly occurring.
3. The proposed bylaw based on the Governing Body taking up the delegated authority from the Minister for Auckland Council is problematic for two reasons:

a). Reserves: As explained above, the FC Act which enables camping on reserves, open space and conservation land, unless identified as a "Prohibited site", goes against the protective and management intent of the Reserves Act 1977 – the very protection that New Zealanders have come to expect on public reserves. Further, it puts the activities and rights of freedom campers, usually visitors to New Zealand, above the activities and rights of New Zealand citizens. Allowing, even encouraging, Freedom Camping on local reserves will impact on local residents' use and enjoyment of the reserves and in some cases, given recent examples of the activity, the negative effects will need to be managed by local communities.

Camping on reserves held under the Reserves Act is not allowed unless provided for in the reserve management plans. We suggest that this would be the case for most reserves in Auckland, having never anticipated freedom camping activity, and it certainly is the case for all the reserves in the Ōrākei Local Board area. Therefore, we make the case that all reserves held under the Reserves Act in the Ōrākei Local Board area should be identified as Prohibited sites, and that as management plans are developed or reviewed for each reserve, the appropriateness of the activity can be assessed at that time. It is Local Boards who fund and develop management plans for most reserves.

The protection afforded by the Reserves Act must prevail as intended by the Act and should not be watered down or undermined for a few users at the expense of the general public.

b). Auckland Governance: Although, the FC Act s 42 (1) states

"This Act does not limit or affect the powers of a local authority under the Local Government Act 2002 or any other enactment that confers powers on a local authority."

it appears that the shared-governance arrangement of Auckland was not sufficiently thought through in the drafting of the FC Act (2011) as it does not account for the unique situation in Auckland where Local Boards have a clear role in making decisions on behalf of their local communities (s10 of the Local Government (Auckland Council) Act 2009).

The proposed bylaw will undermine the governance role of Local Boards as we understand that only the Governing Body will be able adopt and amend the prohibited and restricted schedules, despite the adopted allocation tables which determine that decision-making on local parks sits with Local Boards.

4. Auckland Council has a unique shared governance arrangement where local decision-making is the role of Local Boards.

The Local Government (Auckland Council) Act 2009 sets out the shared governance model for Auckland. There are agreed roles and responsibilities. For parks and open space, allocation tables set up by the Governing Body have determined that all parks, aside from those in the table, are under the governance of Local Boards.

The proposed bylaw appears to ignore this, removing the management of freedom camping on parks and local areas from Local Boards and putting them under the Governing Body. It is the Ōrākei Local Board's understanding that if a problem in a local area or park should
arise from freedom camping it would have to go, with evidence, to the Governing Body to have the area added to one of the schedules. Likewise, Local Boards cannot remove areas from the schedules should they wish to do so.

However, it will be the Local Boards who will be contacted with complaints and concerns, because residents will naturally think they deal with management issues on local parks and spaces.

This is completely contrary to the shared governance principles set out in s10 LG(AC)A 20091 and s10 (1) and (2) (a), (b) and (c) of the Local Government Act 2002 (LGA), where our duty as local governors is to make decisions:

10 Purpose of local government

(1) The purpose of local government is—

(a) to enable democratic local decision-making and action by, and on behalf of, communities; and

(b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

(2) In this Act, good-quality, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—

(a) efficient; and

(b) effective; and

(c) appropriate to present and anticipated future circumstances.

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It should be the role of Local Boards to identify where freedom camping is appropriate and where it is not, and this should not depend on evidence of an issue, as under the Local Government Act 2002, the Council, i.e. Local Boards are required "to meet the current and future needs of communities for good-quality local infrastructure, local public services, and

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The Ōrākei Local Board is especially concerned that the delegation, if taken up by Council, will undermine the shared-governance arrangements provided for by LGACA. Local Boards will not be able to perform their governance role under the bylaw as it is currently proposed.

Any new bylaw on freedom camping must reflect the shared governance arrangements in Auckland.

5. **The Ōrākei Local Board resolved on 21 February 2019 to request that all reserves and open space areas in its area be listed in the “Prohibited” schedule.**

Following feedback from residents in its area on the Board’s proposed prohibited and restricted schedules, and through gaining a better understanding of the FC Act and the proposed bylaw, the Ōrākei Local Board, reviewed its position on freedom camping on reserves and resolved at its 21 February 2019 business meeting:

That after consultation with its community on the Board’s resolution of June 2018, the Board does not support freedom camping in any of its parks and reserves in the area and will present feedback to the Governing Body on 27 February 2019 requesting that all parks and reserves in the Ōrākei Local Board area be deemed ‘prohibited from freedom camping’ to enable enforcement.

A summary of the feedback received to date follows this submission.

6. **Freedom camping on roads.**

Notwithstanding that the Ōrākei Local Board believes that freedom camping is an unsuitable activity in highly urbanised and predominantly residential area, it accepts that it cannot be prohibited wholesale from the Auckland area.

It seems illogical to be able to prohibit or restrict freedom camping on a reserve or park when it is allowed on the park’s adjoining streets. While the Board recognises the role of streets is for vehicles, the reasons for prohibiting or restricting freedom camping on particular parks (aside from Reserves Act reasons) would more than likely extend to the adjoining streets. As the road reserve is under Auckland Transport’s responsibility, it, as a local authority, will also need to manage freedom camping.

The Governing Body should request Auckland Transport to enact a bylaw to prohibit freedom camping in residential streets, to be consistent with the restrictions that Auckland Council will put in place in certain areas. For example, if Auckland Council was of a mind to prohibit freedom camping in reserves and public places in residential areas, Auckland Transport should enact a bylaw prohibiting freedom camping on streets adjoining parks, and opposite residential or commercial premises, as Wellington City Council has done.

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7. The need for General Rules.

The Ōrākei Local Board believes non-scheduled areas available for freedom camping will require some kind of regulation. A set of general rules for non-scheduled areas are an essential part of the proposed bylaw. Other authorities have general rules which prevent freedom camping opposite residential or commercial properties, or there could be setbacks from residential areas where freedom camping is not allowed.

The Board believes that it will be hard to enforce the regulatory framework if the activity is allowed in numerous areas across the region, with resources spread too thinly. This should not, however, be an argument to permit an activity to occur wholesale across the region, or to not have general rules.

Other general rules necessary to manage areas identified for freedom camping should define the types of vehicle allowed, such as self-contained campervans, and a time limit e.g. a maximum of two nights in any place.

8. The Community Consultation Process has not been robust.

The Ōrākei Local Board believes consultation on the proposed bylaw has not been robust. We have received comments from our community that they were only made aware of this proposal through the publicity in January/February of the Local Board’s consultation event. Residents believe that the proposed bylaw had been poorly communicated and many have asked why it was open for feedback over the Christmas holiday period when people are busy or away.

The Board is concerned that the public was not invited to provide comment on any draft general rules. We also believe that the public has not been adequately advised of the repeal of the current Bylaw provisions, or about the possibility of having general rules.

The Board also questions the haste by which this process has been initiated. The FC Act was enacted in 2011 and only first reported to the Regulatory Committee in 2017. Residents and Local Boards are now scrambling to compile feedback on a proposed bylaw which seems quite complex, requiring a large amount of reading and understanding of other related bylaws and statutes.

The Ōrākei Local Board requests that adequate time is taken to comprehensively analyse all options available to the Council, including examining what other local authorities have done and considering the long-term management and cost requirements to enforce the bylaw.
Summary of feedback received by way of emails, phone calls and discussion at the Ōrākei Local Board’s drop-in event on 13 February 2019.

The Ōrākei Local Board held its own drop-in evening on Wednesday 13 February 2019 and listened to feedback at this event. It was the publicity of this event that brought the proposed bylaw to many local residents’ attention. Members have also fielded many calls and gleaned views from Facebook and Neighbourly.

Clear and unreserved feedback from residents to date has been that they are deeply angered that the Governing Body would even consider removal of existing protections to reserves and local public places, listing only a few prohibited sites and leaving the remainder of community spaces at risk.

As an increasingly populated urban area, the Ōrākei Local Board is seeing increased pressure on public reserves. Many of our open space areas need to accommodate an increasing variety of sporting codes and their associated recreational facilities. As the area becomes more urbanised, it is even more important for local residents to be able to access and enjoy local reserves undisturbed by commercial activities, as provided for by the 1977 Reserves Act.

Residents have highlighted that many reserves have to be gated and locked at night due to the increasing incidence of nuisance activities by both locals and visitors. Many fear that sites that are earmarked as suitable for freedom camping by way of limited or no restrictions will be promoted by campervan companies and will become a magnet for freedom camping. They are concerned that many freedom campers do not respect the local environment and will cause damage to the area, and leave rubbish and waste behind. The onus will be on neighbours to monitor the areas and contact enforcement officers. The community is concerned that enforcement will be ineffective as the damage will already be done and officers are likely to be thin on the ground if they have to cover such a huge area as the Auckland region.

Many residents feel that the proposed bylaw had been poorly communicated, many questioning why it was open for feedback over the Christmas holiday period when many people are busy or away. It had only come to the attention of some residents in January/February through the comms for the drop-in event held by the Ōrākei Local Board.

Of specific concern were Madills Farm (restricted) and the need to add Kohimarama Beach and Tamaki Drive.

Other issues raised by residents are:

1. Freedom campers parked on roads – how does one distinguish whether a vehicle is a freedom camper, whether it is actually self-contained or not, how long they have been there, who is living in their car, whether a local resident has just parked their camper outside their property.
2. How to determine who has good behavior and who hasn’t e.g. who has left a mess if there are a number of campers in an area.
3. The inability to comment on potential general rules as these were not deemed necessary by the Governing Body.
Feedback of the Ōrākei Local Board on the Proposed Freedom Camping Bylaw

27 February 2019

The Ōrākei Local Board has fielded many calls and comments from concerned residents about carte blanche freedom camping, particularly in parks and streets in residential areas. In addition, we held our own drop-in event on 13 February from 6-7.30pm at The Landing, Okahu Bay. Although we have been unable to read all the submissions to the proposed bylaw made by our constituents, the following feedback is derived from our assessment of the bylaw and from the comments we have received.

Key Points

1. We do not support the creation of this bylaw under the Freedom Camping Act 2011.

2. We believe the existing bylaw operating in our area, the Auckland City Council Bylaw No. 20 - Public Places (2008), created under the Local Government Act 2002, should prevail as a region-wide bylaw but be amended to acknowledge the Freedom Camping Act 2011.

3. We do not support the Council (Governing Body) exercising the delegated authority from the Minister of Conservation, in order to apply the proposed bylaw to reserves held under the Reserves Act, because
   a). the protection afforded by the Reserves Act must prevail as intended by the Act in managing reserves for community use, as has been done for the last 42 years. The principles of the Act must not be undermined for a few non-resident users at the expense of the general public, and
   b). the delegation removes the ability for Local Boards to make decisions on local matters for their communities under the Local Government (Auckland Council) Act (LGACA) in respect to freedom camping. Regrettably, the Freedom Camping Act 2011 and the proposed bylaw under the Act do not recognise the shared-governance structure of Auckland Council.

4. The approach taken by the Governing Body in respect to any proposed bylaw must take into account the statutory roles of Local Boards. If the Governing Body proceeds with the bylaw with regional regulation in mind, it must include the schedules of reserves and public places that each Local Board considers need protection from freedom camping. This would be a practical method of implementing the shared governance arrangement required by LGACA. The schedule must include each and every reserve put forward by each Local Board.

5. The Ōrākei Local Board resolved on 21 February 2019 to request that all parks and reserves in its area be placed on the “Prohibited” list. Although Hakumau Reserve is held under the Reserves Act, the western end could be suited to freedom camping.

6. A bylaw is also needed for roads and road reserves. Potential displacement of freedom camping from reserves on to streets in residential areas will result in the negative effects that were experienced or anticipated on the adjoining reserves. We believe that freedom camping should not be allowed on residential streets. Auckland Transport, as a local authority, should be encouraged to create a bylaw that aligns with Auckland Council’s. Lack of an Auckland Transport bylaw will negate what we
suggest is needed under the proposed bylaw amendments in residential and possibly commercial areas.

7. General Rules are needed to regulate freedom camping in areas where it is allowed. Wellington City Council has developed general rules which could also be applied to Auckland. There should be further community consultation on a set of draft general rules.

8. The Ōrākei Local Board and its local community believe that consultation on the proposed bylaw has not been robust.

Proposed sites in the Ōrākei Local Board area.

1. The Landing (under paid parking arrangement)
2. Carpark next to Tamaki Yacht Club (28 Tamaki Drive)
3. Western end of Hakumau Reserve (3-5 Tamaki Drive)

- Safe, accessible, attractive, away from residential areas

Rationale for the above is set out in the following pages:
1. The Ōrākei Local Board does not support the creation of this bylaw under the Freedom Camping Act 2011.

The Ōrākei Local Board believes that the Freedom Camping Act 2011 (FC Act) is a flawed piece of legislation in that it is overly permissive for land set aside for public use and enjoyment. The Reserves Act 1977 and the Local Government 2002 are key statutes that regulate public enjoyment of public land and are primarily intended to protect that land for local communities.

Enacted more than eight years ago, the FC Act is now out of step with the problems that communities and conservation areas have since sustained as freedom camping has become a more popular means of touring New Zealand. It puts the activities and rights of freedom campers, usually visitors to New Zealand, above the activities and rights of New Zealand citizens. Enabling, even encouraging, freedom camping on local reserves will impact on local residents’ use and enjoyment of the reserves and in some cases, given recent examples of the activity, the negative effects will need to be managed by local communities.

2. The existing bylaw, created under the Local Government Act 2002, should prevail with amendments to acknowledge the Freedom Camping Act 2011.

Firstly, the Ōrākei Local Board believes that Auckland Council can manage freedom camping in better ways than through a bylaw under the FC Act 2011. Section 11 says a Local Authority may make a bylaw. The bylaw, as proposed, is contingent on Auckland Council utilising the delegated authority of the Minister of Conservation. We believe the Governing Body, under its duties of the Local Government Act 2002 to act on behalf of Auckland residents, should not take up that delegation to allow camping on those reserves so that the intent and administration of the Reserves Act 1977 prevails as intended. Protection of the reserves, as the general public has understood it for more than forty years, must be retained. There are plenty of other places in Auckland, aside from reserves held under the Reserves Act 1977, where freedom camping can occur. The Board has identified two.

Currently, the bylaw applying to the Ōrākei Local Board is the Auckland City Council Bylaw No. 20- Public Places 2008, created under the Local Government Act 2002, and should remain. Most of the legacy bylaws created by local authorities prior to amalgamation are very similar (Manukau’s is the most variant). These bylaws could be aligned and, with appropriate amendments to better align it with the FC Act form the new Auckland-wide bylaw.

For example, freedom camping could be permitted in any area unless it is prohibited “under any other enactment”, such as the Reserves Act 1977. The Reserves Act prohibits camping on reserves unless provided for by a reserve management plan or by other mechanism. This should be the starting point with a bylaw applying to all other public areas and roads.

Other open space areas not held under the Reserves Act would be assessed and scheduled for the reasons set out in s11(2) (a), (b) and (c) of the FC Act and managed by a revised Public Places Bylaw. It could also clearly identify sites available for freedom camping, to ensure that the spaces provided for freedom camping are well-managed, with the appropriate resourcing, so that enforcement action can be taken effectively and efficiently if and when needed. As well as aligning the current bylaw with the FC Act, it could also be regularly updated to reflect management of negative freedom camping impacts that are increasingly occurring.
3. The proposed bylaw based on the Governing Body taking up the delegated authority from the Minister for Auckland Council is problematic for two reasons:

a). Reserves: As explained above, the FC Act which enables camping on reserves, open space and conservation land, unless identified as a “Prohibited site”, goes against the protective and management intent of the Reserves Act 1977 – the very protection that New Zealanders have come to expect on public reserves. Further, it puts the activities and rights of freedom campers, usually visitors to New Zealand, above the activities and rights of New Zealand citizens. Allowing, even encouraging, Freedom Camping on local reserves will impact on local residents’ use and enjoyment of the reserves and in some cases, given recent examples of the activity, the negative effects will need to be managed by local communities.

Camping on reserves held under the Reserves Act is not allowed unless provided for in the reserve management plans. We suggest that this would be the case for most reserves in Auckland, having never anticipated freedom camping activity, and it certainly is the case for all the reserves in the Ōrākei Local Board area. Therefore, we make the case that all reserves held under the Reserves Act in the Ōrākei Local Board area should be identified as Prohibited sites, and that as management plans are developed or reviewed for each reserve, the appropriateness of the activity can be assessed at that time. It is Local Boards who fund and develop management plans for most reserves.

The protection afforded by the Reserves Act must prevail as intended by the Act and should not be watered down or undermined for a few users at the expense of the general public.

b). Auckland Governance: Although, the FC Act s 42 (1) states

“This Act does not limit or affect the powers of a local authority under the Local Government Act 2002 or any other enactment that confers powers on a local authority.”

it appears that the shared-governance arrangement of Auckland was not sufficiently thought through in the drafting of the FC Act (2011) as it does not account for the unique situation in Auckland where Local Boards have a clear role in making decisions on behalf of their local communities (s10 of the Local Government (Auckland Council) Act 2009).

The proposed bylaw will undermine the governance role of Local Boards as we understand that only the Governing Body will be able adopt and amend the prohibited and restricted schedules, despite the adopted allocation tables which determine that decision-making on local parks sits with Local Boards.

4. Auckland Council has a unique shared governance arrangement where local decision-making is the role of Local Boards.

The Local Government (Auckland Council) Act 2009 sets out the shared governance model for Auckland. There are agreed roles and responsibilities. For parks and open space, allocation tables set up by the Governing Body have determined that all parks, aside from those in the table, are under the governance of Local Boards.

The proposed bylaw appears to ignore this, removing the management of freedom camping on parks and local areas from Local Boards and putting them under the Governing Body. It is the Ōrākei Local Board’s understanding that if a problem in a local area or park should
arise from freedom camping it would have to go, with evidence, to the Governing Body to have the area added to one of the schedules. Likewise, Local Boards cannot remove areas from the schedules should they wish to do so.

However, it will be the Local Boards who will be contacted with complaints and concerns, because residents will naturally think they deal with management issues on local parks and spaces.

This is completely contrary to the shared governance principles set out in s10 LG(AC)A 2009 and s10 (1) and (2) (a), (b) and (c) of the Local Government Act 2002 (LGA), where our duty as local governors is to make decisions:

10 Purpose of local government

(a) The purpose of local government is—

(b) to enable democratic local decision-making and action by, and on behalf of, communities; and

(b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

(c) The purpose of local government is to make decisions in the public interest.

In this Act, good-quality, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—

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Ngati Whatua Orakei blessing the newly opened Men’s Shed in Abbots Way; 27 February 2019; in attendance with Member Rundle
Akkd Have your Say consultation – Auckland Sailing Club; 9 March 2019 – good discussion on the natural environment targeted rate and how to achieve equitable distribution and focus on all reserves in the Orakei Ward. Water quality and infrastructure issues also profiled.

Councillors Simpson and Young attending the Rotary Harbourside Chinese New Year fundraiser – supporting Cure Kids and research into child epilepsy; 23 February 2019.