

Ōrākei Local Board

OPEN MINUTES

Minutes of a meeting of the Ōrākei Local Board held in the St Chads Church and Community Centre, 38 St Johns Road, Meadowbank on Thursday, 18 May 2017 at 3.00pm.

PRESENT

Chairman	Colin Davis, JP	
Deputy Chairman	Kit Parkinson	
Members	Carmel Claridge	
	Toni Millar, QSM, JP	From 3.04pm, during item 8
	Ros Rundle	
	David Wong	

ABSENT

Member Troy Churton

1 Welcome

2 Apologies

Resolution number OR/2017/71

MOVED by Chairman C Davis, seconded by Deputy Chairman K Parkinson:

That the Ōrākei Local Board accept the apology from Member Churton for absence.

CARRIED

3 Declaration of Interest

There were no declarations of interest.

4 Confirmation of Minutes

Resolution number OR/2017/72

MOVED by Chairman C Davis, seconded by Member D Wong:

That the minutes of Ōrākei Local Board meeting, held on Thursday, 20 April 2017 and the minutes of its extraordinary meeting, held on Thursday, 4 May 2017 be confirmed as true and correct records.

CARRIED

5 Leave of Absence

There were no requests for leave of absence.

6 Acknowledgements

There were no acknowledgements.

7 Petitions

There were no petitions.

8 Deputations

8.1 Deputation - Friends of Churchill Park

Resolution number OR/2017/73

MOVED by Chairman C Davis, seconded by Member T Millar:

That the Ōrākei Local Board thanks Eric Walton and Harley Wilson, Friends of Churchill Park for their attendance and presentation.

CARRIED

8.2 Deputation: Outboard Boating Club

A powerpoint presentation and supporting documents were tabled and shown. A copy has been placed on the official minutes and is available on the Auckland Council website as a minute attachment.

Resolution number OR/2017/74

MOVED by Chairman C Davis, seconded by Deputy Chairman K Parkinson:

That the Ōrākei Local Board thanks Brian Hood and Rod Osmond, Outboard Boating Club of Auckland Inc, for their attendance and presentation.

CARRIED

Attachments

- A Summary of the history of Outboard Boating Club of Auckland
- B Outboard Boating Club of Auckland Presentation to the Ōrākei Local Board

Secretarial note: *Chairman Davis tabled and read a statement regarding the Outboard Boating Club of Auckland occupancy of part of the council recreation reserve, Tāmaki Drive. A copy of the statement is attached at the end of these minutes.*

9 Public Forum

9.1 Public Forum - From the Deck

Resolution number OR/2017/75

MOVED by Chairman C Davis, seconded by Member C Claridge:

That the Ōrākei Local Board:

- a) **thanks Malcolm Black and Penelope Hansen, members of the 'From the Deck' working party and Rob Thomas, Waitematā Local Board Member for their attendance and presentation.**
- b) **notes that the Board has agreed in principle to allocate \$20,000 in its 2017/2018 Infrastructure and Environmental Services work programme for a project to restore and improve the Remuera Stream in Newmarket Park in conjunction with the Waitematā Local Board which has also agreed in principle to contribute an equal amount to the same project.**
- c) **appoints Member Claridge as lead and Member Parkinson as alternate to represent the Board on the From the Deck Newmarket Stream restoration group.**

CARRIED

9.2 Public Forum: GeckoNZ Trust

A powerpoint presentation was tabled and shown. A copy has been placed on the official minutes and is available on the Auckland Council website as a minute attachment.

Resolution number OR/2017/76

MOVED by Chairman C Davis, seconded by Member C Claridge:

That the Ōrākei Local Board thanks Ella Schnapp, GeckoNZ Trust General Manager for her attendance and presentation.

CARRIED

Attachments

- A GeckoNZ Trust Presentation to the Ōrākei Local Board

9.3 Public Forum: Plastic Bag Free St Heliers

Mary Pearson was in attendance to discuss a campaign for the discontinuation of single use plastic shopping bags in the St Heliers business area.

Documents were tabled in support of this item. A copy has been placed on the official minutes and is available on the Auckland Council website as a minute attachment.

Resolution number OR/2017/77

MOVED by Chairman C Davis, seconded by Deputy Chairman K Parkinson:

That the Ōrākei Local Board thanks Mary Pearson for her attendance and presentation and recommends that she liaises with the St Heliers Village Association.

CARRIED

Attachments

A Supporting Documents: Plastic Bag Free St Heliers

9.4 Public Forum: Proposed Housing New Zealand Rental Developments

Grant Dickson was in attendance to discuss the resource consent lodged by Housing New Zealand for the development of land at Purewa Road, Meadowbank and surrounding areas for the intended use of state housing rental accommodation.

A powerpoint presentation was tabled and shown. A copy has been placed on the official minutes and is available on the Auckland Council website as a minute attachment.

Resolution number OR/2017/78

MOVED by Chairman C Davis, seconded by Member T Millar:

That the Ōrākei Local Board thanks Grant Dickson and Tim Duguid, Meadowbank/St Johns Residents Association Chair for their attendance and presentation.

CARRIED

Attachments

A Presentation: Housing New Zealand

10 Extraordinary Business

There was no extraordinary business.

11 Notices of Motion

There were no notices of motion.

12 Ōrākei Quick Response Round Three, 2016/2017 grant applications

Resolution number OR/2017/79

MOVED by Chairman C Davis, seconded by Deputy Chairman K Parkinson:

That the Ōrākei Local Board:

a) approves the following 2016/2017 Ōrākei Quick Response Round Three grants:

Applicant	Project	Allocated
St Heliers Church and Community Centre	Towards the programming costs of the speakers and tutors, advertising, print material, administration, facilities hire and catering for 70 young adults for nine meals for 'Talk To Me' Youth Conference.	\$800

St Chads Anglican Church and Community Centre	Towards activities, food, decorations, advertising and printing for a Christmas party.	\$1,300
Total		\$2,100

- b) requires all successful funding applicants to acknowledge Ōrākei Local Board support for their organisation and the event or project including the Ōrākei Local Board logo on marketing material, product and/or promotional media/statements.
- c) requests that if funding relates to an event, an invitation needs to be extended to all Ōrākei Local Board members to attend.
- d) declines the following Ōrākei Local Board Quick Responses Round Three 2016/2017 grant applications noting these applications were either ineligible as they did not meet funding criteria and/or for activities well outside the Ōrākei Local Board area:

Applicant	Project
Malcolm Smith Gallery (Uxbridge Arts and Culture)	Towards an artist at school events and an estuary “Clean Up Day” covering participant professional costs and materials for workshops.
Ms Sarah Bowman	Towards the purchase of plants and compost for the Te Arawa Local Food Project.
Auckland Indian Sports Club Incorporated	Towards venue hire fees for the New Zealand Indian Sports Association National Indian Sports Tournament.

- e) notes that there is \$41,633.80 remaining in the Local Contestable Grants Fund 2016/2017 for the Ōrākei Local Board.

CARRIED

13 Ōrākei Local Board Tree Protection Grant Programme

Resolution number OR/2017/80

MOVED by Chairman C Davis, seconded by Member D Wong:

That the Ōrākei Local Board:

- a) agrees to offer tree protection grants as part of the 2017/2018 grants programme to incentivise the retention and maintenance of scheduled trees and other trees or groups of trees deemed to be notable based on the grant programme eligibility criteria.
- b) adopts the 2017/2018 Ōrākei Local Board Tree Protection Grants programme and criteria as per attachment B.
- c) agrees to set aside budget from the Local Contestable Grants budget for this Tree Protection Grants programme 2017/2018.

CARRIED

Secretarial note: *Member Claridge requested her vote against item 13, resolution a), b) and c) be recorded.*

14 Ōrākei Tree Protection Grant Programme, Round Two 2016/2017

Resolution number OR/2017/81

MOVED by Chairman C Davis, seconded by Member D Wong:

That the Ōrākei Local Board:

a) approves the following 2016/2017 Ōrākei Local Board Tree Protection grants:

Applicant	Project	Allocated
Charles Hadfield	Towards pruning of Liquid Amber tree to bring it back to a more manageable and safer size.	\$1,000
Jan Bierman	Towards pruning of the 150 years old healthy tree for its long-term survival and safety.	\$322
Clare Brooks	Towards pruning for safety of the large Oak tree causing significant blockage in the property.	\$943
David Crown	Towards reduction of size of the otherwise healthy Liquid Amber for its long-term health benefit.	\$460
Tian Zheng	Towards pruning of Totara tree at the property causing blockage on the storm water pipes and occasional flooding.	\$230
Jean Nicholas	Towards trimming of tree around powerlines and branches over hanging footpath.	\$1,000
Carl Bergstrom	Towards trimming of large Oak tree at the property to bring it back to a safer, more manageable size.	\$800
Ron Drake	Towards trimming of Liquid Amber to maintain form and safety.	\$282
Sally Blyth	Towards retrenchment pruning of large Camphor Laurel tree on property which is declining as a likely result of altered growing environment.	\$1,000
Total		\$6,037

b) notes that there is \$8,463 remaining in the Pilot Tree Protection Grants Fund 2016/2017 for the Ōrākei Local Board.

CARRIED

Secretarial note: *Member Claridge requested her vote against item 14, resolution a) and b) be recorded.*

15 Gentleman's Bay Access-way Closure

Johan Ferreira, Manager Project Delivery was in attendance to speak to this report.

Resolution number OR/2017/82

MOVED by Chairman C Davis, seconded by Deputy Chairman K Parkinson:

That the Ōrākei Local Board:

a) approves the removal of the steps that lead to Gentleman's Bay from Glover Park and the planting of a vegetation buffer to further deter entry to the path leading to the walkway for safety purposes because of erosion and unstable ground conditions until a permanent solution is found and funding allocated for

an alternative access.

- b) requests that permanent signage be erected as soon as possible on the cliff edge at Gentleman's Bay to warn of the hazard of unauthorised entry.
- c) requests that fencing be installed at Glover Park above Gentleman's Bay as soon as possible.

CARRIED

16 Auckland Transport Report, Ōrākei Local Board, May 2017

Felicity Merrington, Elected Member Relationship Advisor was in attendance to speak to this report.

Documents were tabled in support of this item. A copy has been placed on the official minutes and is available on the Auckland Council website as a minute attachment.

Resolution number OR/2017/83

MOVED by Chairman C Davis, seconded by Member T Millar:

That the Ōrākei Local Board:

- a) receives the Auckland Transport Report, Ōrākei Local Board, May 2017.
- b) expresses its concern to Auckland Transport at the apparent unnecessary kerbing work being undertaken throughout the Ōrākei Local Board's area involving considerable ratepayers' funds with no apparent benefits.
- c) requests that Auckland Transport investigate the Elwood Place entrance to Michaels Avenue Reserve and report back to the Board with a Rough Estimate of Cost.
- d) notes that the Wayfinding signage for Hapimana Street is not a Local Board Transport Capital Fund project and is a renewal managed by Community Facilities.
- e) requests that Auckland Transport revisit any decision making in relation to the proposed bus stop along the top 700 metres of Ōrākei Road, Remuera and that the Ōrākei Local Board supports the residents' request to retain the status quo in this area until further analysis has been carried out.

CARRIED

Attachments

A Local Board Transport Capital Fund Proposal Form

17 Road Name Approval for a New Road to be created by way of Subdivision at 27-29 Towai Street, St Heliers

Resolution number OR/2017/84

MOVED by Chairman C Davis, seconded by Member R Rundle:

That this item be deferred until there is more evidence of the road and footpath being formed and constructed.

CARRIED

18 Local Boards recommendation on Easter Sunday trading

Resolution number OR/2017/85

MOVED by Chairman C Davis, seconded by Member R Rundle:

That the Ōrākei Local Board:

- a) **notes the Governing Body report which provides background information and options for responding to the legislative change.**
- b) **undertakes its own survey/engagement via the Board's stakeholder list to be expanded to include all churches in the area using E News and other publicity in order to reflect our constituents' views before the Board responds formally to the Governing Body noting the Board's recommendations are required by 30 June 2017.**

CARRIED

19 Auckland Council's Quarterly Performance Report: Ōrākei Local Board For Quarter Three, 1 January- 31 March 2017

Resolution number OR/2017/86

MOVED by Chairman C Davis, seconded by Member D Wong:

That the Ōrākei Local Board:

- a) **receives the performance report for the financial quarter ending 31 March 2017.**
- b) **notes that the Ōrākei Local Board has invested \$3.2 million in capital expenditure and \$8.2 million in operating expenditure for the nine months ending 31 March 2017.**
- c) **notes that overall the financial performance of the Board is close to budget year-to-date and that the Capital expenditure delivery is behind budget by \$3.5 million mainly in the sport and recreation activity area as many projects are still in the planning, tendering or early execution stages.**
- d) **notes that fourteen projects are reported as requiring attention and some projects will be deferred.**
- e) **notes some measures in local community services continue to show declining satisfaction, particularly, in the areas of grant application support, the use of Council-run community centres and venues for hire, and in customer satisfaction with events.**

CARRIED

20 License to Occupy Part of the Reserve at 3 - 5 Tāmaki Drive, Ōrākei

Resolution number OR/2017/87

MOVED by Chairman C Davis, seconded by Deputy Chairman K Parkinson:

That the Ōrākei Local Board re-commences the process for naming the presently unnamed reserve in Tāmaki Drive in terms of the Board's Parks and Reserves, Park Features and Park Facilities Naming Policy and Guidelines.

CARRIED

21 Chairman's Report – Colin Davis

Resolution number OR/2017/88

MOVED by Chairman C Davis, seconded by Deputy Chairman K Parkinson:

- a) **That the report be received.**
- b) **That Board member Carmel Claridge be appointed Alternate for the transport portfolio, replacing Board member Troy Churton.**

CARRIED

22 Board Member Report - Kit Parkinson

Resolution number OR/2017/89

MOVED by Deputy Chairman K Parkinson, seconded by Member R Rundle:

That the report be received.

CARRIED

23 Board Member Report - Troy Churton

Resolution number OR/2017/90

MOVED by Chairman C Davis, seconded by Member D Wong:

That the report be received.

CARRIED

24 Board Member Report - Carmel Claridge

Resolution number OR/2017/91

MOVED by Member C Claridge, seconded by Member R Rundle:

That the report be received.

CARRIED

25 Board Member Report - Toni Millar

There was no report.

26 Board Member Report - Ros Rundle

Resolution number OR/2017/92

MOVED by Member R Rundle, seconded by Member C Claridge:

That the report be received.

CARRIED

27 Board Member Report - David Wong

Resolution number OR/2017/93

MOVED by Member D Wong, seconded by Deputy Chairman K Parkinson:

That the report be received.

CARRIED

28 Governance Forward Work Calendar

Resolution number OR/2017/94

MOVED by Chairman C Davis, seconded by Member C Claridge:

That the Ōrākei Local Board Governance Forward Work Calendar be noted.

CARRIED

29 Ōrākei Local Board Workshop Notes

Resolution number OR/2017/95

MOVED by Chairman C Davis, seconded by Member T Millar:

That the Ōrākei Local Board workshop notes for the workshops held on 6, 13 and 27 April 2017 be noted.

CARRIED

30 Resolutions Pending Action

Resolution number OR/2017/96

MOVED by Chairman C Davis, seconded by Member R Rundle:

That the Ōrākei Local Board resolutions pending action report be noted.

CARRIED

31 Consideration of Extraordinary Items

There were no extraordinary items.

4.57 pm

The Chairman thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE ŌRĀKEI LOCAL BOARD
HELD ON

DATE:.....

CHAIRMAN:.....

OUTBOARD BOATING CLUB OCCUPANCY OF PART OF THE COUNCIL RECREATION RESERVE, TAMAKI DRIVE

- (1) There has been much incorrect information circulating in the community about the occupancy by the Outboard Boating Club of Council recreation reserve land in Tamaki Drive, and the Board's intentions, which has brought the Orakei Local Board into disrepute.
- (2) It is reiterated that the Board is not moving "to rescind the Club's lease on the reserve". As there is no lease, it cannot be rescinded. At all times the Board has been acting in good faith following officer advice.
- (3) To resolve what appears to be an impasse, following the recent Council elections the Board has requested detailed research into the circumstances of the Club's occupancy of part of the recreation reserve. The Board is conscious of the Club's development proposals and has no intention to hinder the Club which has had long-standing history and occupancy of part of the reserve. Nonetheless, it is important to traverse some of the background.
- (4) The Auckland Council is the owner of a parcel of land in Tamaki Drive, which is held as a recreation reserve under the Reserves Act 1977. Within the Council structure, the reserve is a "local park" according to the Council's allocated decision-making roles, and the governance of the recreation reserve is by the Orakei Local Board.
- (5) The reserve is presently unnamed. Part of the reserve is occupied by Lilliputt. The balance is partly grassed and sealed and provides access to the two boat launching ramps available to the public, which were required by the former Auckland Regional Council in 1999 as part of the consenting process for the adjacent Outboard Boating Club development, which includes a clubhouse, marina and associated parking on reclaimed land.
- (6) The Club has occupied an area of the Council's recreation reserve under licence since 1959.
- (7) In 2010/2011 the Club sought to purchase the part of recreation reserve it occupied. This was declined by the Governing Body of the Auckland Council because of its prime location and its long term open space benefit to the public.
- (8) In 2011 to provide security of tenure and a more formal occupancy arrangement, the Club applied for a Licence to Occupy the grassed area of the recreation reserve.
- (9) On 4 July 2012 the Orakei Local Board resolved, acting on officer advice, to grant a Licence to Occupy to the Outboard Boating Club of Auckland Inc. to occupy a defined area of the Council recreation reserve. The term of the Licence was for 5 years commencing on 1 July 2012 with one five year right of renewal with an annual rent of \$1, and subject to standard clauses requiring the Club to provide a Community Outcomes Plan and to comply with all other terms and conditions as per the Council's Community Occupancy Guidelines.
- (10) Subsequent to this decision, the Board was informed that as part of the licence negotiation process Council staff became aware that the Club's use of the area was an exclusive use because public access and enjoyment of the area was, and is, substantially restricted by a fence on Tamaki Drive frontage, and security controlled gates and barrier

arms that the Club had erected at the entrance to the public reserve, which is contrary to the general objectives for recreation reserves and the Board's intention in agreeing to a Licence to Occupy. The Board's intention was, and is, to provide for appropriate public access needs, and that the reserve would continue to support boating activity of the Club and the public.

- (11) The Board has been informed that a Licence to Occupy is based on the premise that a licensee is authorised to come into a defined area to carry on an authorised activity but does not provide exclusive occupation and use of that area. Whereas a lease implies exclusive use which was not, and is not, the Board's intention. The intention in granting a licence was continued public access to the reserve.
- (12) Accordingly, a draft Licence was not presented to the Club for execution. The draft remains unexecuted.
- (13) The 1959 occupation licence is still in effect. The term of that licence commenced on 1 September 1959 and has been rolled over annually with the consent of both parties since that date.
- (14) The Club asserts that the Board's 2012 resolution is valid and therefore it has occupancy based on that decision. The Board, having sought and received professional advice, agrees and is satisfied that the previous 2012 resolution stands and that the Club has a legitimate expectation of being granted a Licence to Occupy. The 2012 resolution gives Council staff scope to negotiate appropriate licence terms as that resolution does not set out all the terms and conditions.
- (15) In 2015 an on-site meeting was held with Club representatives and local board members and Council staff to discuss a revised licence area and at that meeting a smaller area to be covered by a licence was presented and discussed. Subsequently, Board members and Council staff have met on occasions in good faith with Club representatives to resolve what has become an impasse. The Board's proposal, acting on officer advice, was to allow members' vehicles to cross and access to the Club's premises, providing public access to the two public boat launching ramps (while acknowledging the Club's responsibilities under the 1999 resource consent), with public boat trailer parking, opening up the reserve for public passive recreation as required by the legislation, but still providing for reasonable access and use by the Club. This would of course require the removal of the fence and the re-location of the barrier arms. The question of the whole reserve being set aside for parking is a legal matter.
- (16) The Board wishes this matter to be resolved amicably to the satisfaction of both the Club and the Orakei Local Board of the Auckland Council as soon as possible. In terms of the Board's resolution the staff will continue negotiations with the Club.

Colin Davis
Chairman
Orakei Local Board
18 May 2017