I hereby give notice that an ordinary meeting of the Rodney Local Board will be held on:

Date: Thursday 19 September 2019  
Time: 2.00pm  
Meeting Room: Council Chamber  
Venue: Orewa Service Centre  
50 Centreway Road  
Orewa

Rodney Local Board  
OPEN AGENDA

MEMBERSHIP

Chairperson  
Beth Houlbrooke  
Deputy Chairperson  
Phelan Pirrie  
Members  
Brent Bailey  
Tessa Berger  
Cameron Brewer  
Louise Johnston  
Allison Roe, MBE  
Colin Smith  
Brenda Steele

(Quorum 5 members)

Robyn Joynes  
Democracy Advisor - Rodney

12 September 2019

Contact Telephone: +64 212447174  
Email: robyn.joynes@aucklandcouncil.govt.nz  
Website: www.aucklandcouncil.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
<p>| Board Member   | Organisation                                                                 | Position                                                      |
|---------------|----------------------------------------------------------------==============|---------------------------------------------------------------|
| Brent Bailey  | Royal NZ Yacht Squadron                                                       | Member                                                        |
| Tessa Berger  | Mahurangi Action Incorporated Mahurangi Coastal Trail Trust                    | President, Chairperson, Founder/Director, Committee Member,   |
|               | The Merchandise Collective                                                    | Member Forum representative                                 |
|               | Friends of Regional Parks                                                     | Director                                                      |
|               | Matakana Coast Trail Trust                                                    |                                                              |
|               | Crimson Education                                                             |                                                              |
| Cameron Brewer| Riverhead Residents &amp; Ratepayers Association                                  | Member                                                        |
|               | Cameron Brewer Communications Limited                                          | Director                                                      |
|               | Spire Investments Limited                                                     | Shareholder                                                   |
| Beth Houlbrooke| Kawau Island Boat Club                                                        | Member                                                        |
|               | ACT New Zealand                                                               | Vice President                                                |
| Louise Johnston| Blackbridge Environmental Protection Society                                 | Treasurer                                                     |
| Phelan Pirrie | Muriwai Volunteer Fire Brigade                                                | Officer in Charge                                             |
|               | Best Berries (NZ) Ltd                                                          | Director/Shareholder                                          |
|               | Grow West Ltd                                                                 | Director                                                      |
|               | North West Country Incorporated                                               | Manager                                                       |
| Allison Roe   | Waitemata District Health Board                                              | Elected Member                                                |
|               | Matakana Coast Trail Trust                                                    | Chairperson                                                   |
| Colin Smith   | Te Uri o Hau Incorporation                                                    |                                                              |
| Brenda Steele | Beacon Pathway                                                               | Secretary/Beneficiary, Board member                           |</p>
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1 Welcome

2 Apologies

At the close of the agenda no apologies had been received.

3 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

4 Confirmation of Minutes

That the Rodney Local Board:

a) confirm the ordinary minutes of its meeting, held on Thursday 15 August 2019, as a true and correct record.

5 Leave of Absence

At the close of the agenda no requests for leave of absence had been received.

6 Acknowledgements

At the close of the agenda no requests for acknowledgements had been received.

7 Petitions

At the close of the agenda no requests to present petitions had been received.

8 Deputations

Standing Order 7.7 provides for deputations. Those applying for deputations are required to give seven working days notice of subject matter and applications are approved by the Chairperson of the Rodney Local Board. This means that details relating to deputations can be included in the published agenda. Total speaking time per deputation is ten minutes or as resolved by the meeting.

At the close of the agenda no requests for deputations had been received.

9 Public Forum

A period of time (approximately 30 minutes) is set aside for members of the public to address the meeting on matters within its delegated authority. A maximum of 3 minutes per item is allowed, following which there may be questions from members.

At the close of the agenda no requests for public forum had been received.
10 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

(a) The local authority by resolution so decides; and

(b) The presiding member explains at the meeting, at a time when it is open to the public,-

(i) The reason why the item is not on the agenda; and

(ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

(a) That item may be discussed at that meeting if-

(i) That item is a minor matter relating to the general business of the local authority; and

(ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but

(b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”
Te take mō te pūrongo

Purpose of the report

1. To endorse a process to develop and engage on a proposal for the management and funding of the Te Arai, Ōkahukura (Tapora), and Glorit drainage district assets in the Rodney Local Board area from 2021 onwards.

Whakarāpopototanga matua

Executive summary

2. Auckland Council is responsible for operating three drainage districts within the Rodney Local Board area. The Ōkahukura (Tapora), Te Arai and Glorit drainage districts were created by the former Rodney County Council in accordance with the Counties Act 1920 and the Local Government Act 1974 (see maps in Attachment A to the agenda report).

3. The Rodney Local Board currently funds the maintenance of the drainage districts, with advice and operational support from Auckland Council's Healthy Waters department. The budget of $26,500 per annum towards this maintenance (currently allocated to the Rodney Local Board from general rates) has remained unchanged since the 1990s and is insufficient to meet current maintenance requirements.

4. Healthy Waters has commenced a programme to repair and remediate the assets in these drainage districts. This was agreed by the Rodney Local Board as a one-off programme over the 2018/2019 and 2019/2020 financial years, funded through regional Healthy Waters budgets at a cost of approximately $260,000. This was funded through reprioritisation of existing regional work programmes. Contractors are simultaneously surveying the condition of assets to provide firmer cost estimates for ongoing maintenance.

5. The council, local board and the community need to agree a sustainable and cost-effective approach to funding and managing the drainage districts. If local ratepayers want the drainage districts to continue to operate, a targeted rate payable by properties within the drainage districts would be the most appropriate method to recover the costs of maintenance and renewals. Enlisting landowners to undertake the drainage works on their own properties where possible would help to reduce costs.

6. Staff have developed and analysed four options to address the challenges around the Rodney drainage districts. These options are predicated on the ideas that the drainage district assets need to be maintained, and that the local board budget of $26,500 per annum in insufficient. They range from revocation of the drainage districts and private management to maintenance of drainage assets by council with various funding models.

7. Keeping the status quo, where the council manages assets, funded from regional budgets (general rate) was considered but is inequitable and inconsistent with drainage in other rural areas across Auckland. Therefore, this option is not recommended.

8. Staff recommend that the local board endorses engagement on Option D – planning and scoping the cost of working with local communities to maintain the Te Arai, Ōkahukura (Tapora), and Glorit drainage districts to an appropriate standard going forward, to be funded by a targeted rate. This recommendation involves engagement with the Te Arai, Ōkahukura (Tapora), and Glorit drainage district communities, including landowners and mana whenua ahead of consideration in the 2021 Long-term Plan process.

9. Staff recommend this approach as it allows time for further engagement with the community and due diligence in regards to potential procurement and funding options ahead of consideration of options as part of the 2021 Long-term Plan process. This engagement will be funded by existing regional budgets and the local board will be involved in the process.
10. Over 2019 and 2020 council will fund and manage remedial work in the drainage districts to repair the drainage assets and bring them to a good standard. There are no significant known risks from this approach, as this will bring the assets up to date in terms of operation.

Ngā tūtohunga
Recommendation/s
That the Rodney Local Board:

a) support Option D for the future management of the and maintenance of the Te Arai, Ōkahukura (Tapora), and Glorit drainage districts (assets are maintained by the council with landowner assistance, funded through a targeted rate)

b) endorse engagement with the Te Arai, Ōkahukura (Tapora), and Glorit drainage district communities, including landowners and mana whenua, on Option D with a view to proposing a targeted rate as part of the Long-term Plan 2021 process.

c) note that that a report will be provided in due course on the future management options including any proposals for a targeted rate to be consulted on through the next Long-term Plan 2021-2031.

Horopaki
Context
11. Historically, drainage districts were established across New Zealand in order to develop and maintain land for productive uses. Local authorities built and maintained infrastructure such as drains, stop banks and flood gates to drain land and to protect against flooding and coastal inundation. A district-scale approach enabled assets to be funded and managed fairly across properties for the benefit of the whole community. Public ownership and management of assets offered a degree of certainty over their long-term maintenance and renewal, even when the assets were located on private land. Drainage districts still exist in many local government jurisdictions, often managed by local drainage boards, with most of the costs recovered from targeted rates struck for each district.

12. A number of drainage districts were established in Auckland. Most have since been abolished, and any assets on private land have been transferred to the relevant landowners. The management of drainage assets on private land in those former districts is no longer a council responsibility, as this responsibility now lies with landowners in these districts.

13. Three small drainage districts are still in place in the former Rodney County Council area: Te Arai Drainage District, Ōkahukura (Tapora) Drainage District, and Glorit Drainage Area. Auckland Council is still responsible for the management of drainage assets on private land in these three districts, as identified in the maps included as Attachment A.

14. All three of the drainage districts are characterised by relatively flat, low-lying land, close to the coast. The lack of slope means that rain tends to pond on the land, rather than flowing away. Saltwater incursion is also an issue for the coastal land.

15. A summary of the districts is included in Table 1.

Table 1. Description of Rodney drainage districts

<table>
<thead>
<tr>
<th></th>
<th>Te Arai Drainage District</th>
<th>Ōkahukura (Tapora) Drainage District</th>
<th>Glorit Drainage Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date established</td>
<td>1 May 1952</td>
<td>27 November 1953</td>
<td>31 March 1989</td>
</tr>
<tr>
<td>Establishing legislation</td>
<td>Counties Act 1920</td>
<td>Reserves and Other Lands Disposal Act 1953 (s.31) and Counties Act 1920</td>
<td>Local Government Act 1974</td>
</tr>
</tbody>
</table>
### Te Arai Drainage District

**Purpose**

‘construction and maintenance of drainage works therein’

**Approximate land area**

3,695 ha

**Approximate number rateable rating units**

185

**Land and drainage characteristics**

Flat, low-lying coastal land
Rural
Part of the North East Coast catchment

**Drainage assets identified by ACH Consulting Engineers**

Six culverts, one bridge, one ford, 14 public drains (approximately 17 km)

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### Ōkahukura (Tapora) Drainage District

**Purpose**

‘construction and maintenance of drainage works therein’

The Reserves and Other Lands Disposal Act notes the land was to be subdivided for the settlement of ex-servicemen.

**Approximate land area**

1,831 ha

**Approximate number rateable rating units**

46

**Land and drainage characteristics**

Flat, low-lying coastal land
Rural
Part of the South Kaipara Harbour catchment

**Drainage assets identified by ACH Consulting Engineers**

Six culverts, four floodgates, 25 public drains (approximately 29 km)

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### Glorit Drainage Area

**Not specified**

**Approximate land area**

265 ha

**Approximate number rateable rating units**

3

**Land and drainage characteristics**

Flat, low-lying coastal land
Rural
Part of the South Kaipara Harbour catchment

**Drainage assets identified by ACH Consulting Engineers**

Three culverts, two floodgates, perimeter stopbank, eight public drains (approximately 12 km)

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**Current state and recent developments**

16. Following Auckland Council’s amalgamation in 2010, the responsibility for managing Rodney drainage districts passed from the Rodney District Council to Auckland Council. The local drainage boards were dissolved, and the new Auckland Council allocated decision-making responsibility for the drainage districts to the Rodney Local Board, along with an annual allocation of $26,500 to maintain the drainage districts. This budget has remained unchanged since the 1990s and is insufficient to meet current maintenance needs.

17. There has been a high degree of local community frustration at a perceived lack of appropriate repairs and remediation. Landowners report that their properties are subject to flooding more regularly than would be the case if the drainage district assets were appropriately maintained. Elected members and staff have undertaken to work with the community to develop solutions.

18. As a first step, in May 2019, the Rodney Local Board indicated their support for Healthy Waters to deliver a one-off programme to remediate the state of assets in the drainage districts, including carrying out urgent repairs, commencing six-monthly spraying and weeding of drains, and developing a plan for mechanical clearing of drains over five years.
19. The total cost of these works is estimated to be $91,750 for remedial works, and $167,940 per annum for the following four years for ongoing maintenance (see Table 2). These estimates have been determined on the basis that landowners will assist with the maintenance of drainage assets on their land.

20. A more precise estimate of ongoing management costs will be possible once the contractors have completed a survey of the assets (currently underway) and an appropriate mechanism for managing the drainage assets is identified following engagement with the community.

Table 2. ACH Consulting Engineers Cost estimates for remedial works and ongoing maintenance of Rodney drainage districts

<table>
<thead>
<tr>
<th></th>
<th>One off remedial works</th>
<th>Annual maintenance (per annum) years 2-5</th>
<th>District total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Te Arai</td>
<td>$30,000</td>
<td>$54,355</td>
<td>$84,355</td>
</tr>
<tr>
<td>Ōkahukura</td>
<td>$61,750</td>
<td>$79,672</td>
<td>$141,422</td>
</tr>
<tr>
<td>Glorit</td>
<td>--</td>
<td>$33,913</td>
<td>$33,913</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$91,750</td>
<td>$167,940</td>
<td>$259,690</td>
</tr>
</tbody>
</table>

21. Since May 2019, works have commenced in the three districts, including weed spraying, repairing culverts, and removing the raupō islands from Lake Spectacle (Te Arai district). A drone is being used to survey drainage and contractors are confirming future maintenance costs.

Developing a plan for the future of the drainage districts

22. Further work is needed to determine how best to manage the drainage districts in coming years. Healthy Waters has reprioritised regional funding for the 2018/2019 and 2019/2020 financial years to address the run-down state of some assets within the districts. However, the drainage districts create additional legal requirements for the council that are inconsistent with its region-wide responsibilities and management practices for flood protection and control.

23. When compared with other parts of the region, there is little by way of exceptional flood risk or other circumstances in the drainage districts. Therefore, there is little justification for a higher level of service than other comparable areas in Auckland. A process is needed to ensure that the continued management of the drainage districts is undertaken in a way that is equitable with the rest of the region and that the cost burden is fairly distributed.

24. Drainage boards were usually established for the delivery of shared benefit across a defined community. In the three Rodney districts, there is a case to argue that shared benefit still exists – the flat, low-lying nature of the land means that neighbours rely on each other’s drainage to manage risk. The question that needs to be considered is how that benefit should be funded and achieved. Some of the considerations that need to be addressed include:

- **The level of service that is achievable for the districts.** The characteristics of the land mean that water naturally ponds after rain. Different land uses can tolerate more or less flooding. The acceptable level of flooding will determine the kind of infrastructure and frequency of maintenance required, which will in turn affect the cost.

- **Balancing public versus private costs and benefits.** The management of the drainage districts benefits a specific group of ratepayers. In these situations, the Revenue and Financing Policy sets out that a targeted rate is the most appropriate method of funding. Drainage assets in other areas of rural Auckland are managed and fully funded by private landowners. Therefore, the current maintenance model is regionally inequitable.
• **Identifying affordable methods of delivery.** Landowners have expressed a desire to be involved in the maintenance of assets on their properties. This would help to reduce costs (for instance, using labour that is onsite already versus the costs of council contractors travelling to sites, and being able to leave spoil onsite rather than needing to remove it to contaminated landfill facilities).

### Tātaritanga me ngā tohutohu

**Analysis and advice**

25. Four options have been identified to address the challenges around the Rodney drainage districts. These options are predicated on the ideas that the drainage district assets need to be maintained, and that the local board budget of $26,500 per annum is insufficient.

• Option A – revoke the drainage districts and transfer assets to private management under part 29A of the Local Government Act 1974

• Option B – the council maintains the assets as a part of regional operations, funded through the general rate

• Option C – the council maintains the assets as part of regional operations, funded through a targeted rate

• Option D – assets are maintained by the council with landowner assistance, funded through a targeted rate.

26. Options for the long-term management of the drainage district assets are summarised and analysed in Table 3 below.

**Table 3. Options analysis – Rodney drainage district asset management**

<table>
<thead>
<tr>
<th>Options</th>
<th>Outcomes</th>
<th>Cost Considerations</th>
<th>Legal and reputational risk</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option A - revocation of drainage districts: requiring a petition from more than 50 per cent of a drainage district’s rateable properties and a consultation process led by the Local Government Commission</strong></td>
<td><strong>• Assets are transferred to private landowners (or a body corporate or society acting on their behalf)</strong>&lt;br&gt;<strong>• Council responsibilities revert to regular regional operations</strong></td>
<td><strong>• Significant time and cost of consultative process</strong>&lt;br&gt;<strong>• Maintenance costs transfer to landowners</strong>&lt;br&gt;<strong>• Could lead to compliance and enforcement action should individuals not maintain assets</strong></td>
<td><strong>• Cannot be initiated by the council, requires community to initiate</strong>&lt;br&gt;<strong>• Relies on private landowners to maintain drains, with risk of cross-boundary impacts (as is the case in the rest of the region)</strong></td>
</tr>
</tbody>
</table>

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Rodney Drainage Districts
<table>
<thead>
<tr>
<th>Options</th>
<th>Outcomes</th>
<th>Cost Considerations</th>
<th>Legal and reputational risk</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option B</strong> - council manages assets, funded from regional budgets (general rate)</td>
<td>• Council contractors maintain assets to regionally accepted standards&lt;br&gt;• Drainage districts receive higher level of service at cost to regional ratepayers – other projects will need to be reprioritised</td>
<td>• Costs to employ contractors to travel to remote assets and meet higher standards (such as spoil disposal)&lt;br&gt;• Currently agreed ‘one-off’ investment from Healthy Waters’ regional budget is continued indefinitely at the cost of other regional priorities&lt;br&gt;• Costs for maintenance still being established</td>
<td>• Meets legal obligations for drainage districts&lt;br&gt;• Poor allocation of regional funds to benefit a specific group of ratepayers&lt;br&gt;• Increased local community satisfaction&lt;br&gt;• Dissatisfaction from other ratepayers&lt;br&gt;• Risk of dissatisfaction with level of service that can be achieved and continued risk of flooding</td>
</tr>
<tr>
<td><strong>Option C</strong> – the council manages assets, funded through a targeted rate</td>
<td>• Council contractors maintain assets to regionally accepted standards&lt;br&gt;• Targeted rate is applied to ratepayers in each district to cover costs&lt;br&gt;• Note that it is standard practice for targeted rates of this nature to include all the costs associated for delivering the service including depreciation and an appropriate share of council overheads.</td>
<td>• Costs to employ contractors to travel to remote assets and meet higher standards (such as spoil disposal)&lt;br&gt;• Targeted rate connects costs with benefiting ratepayers&lt;br&gt;• Targeted rate applied proportionately by property size or level of benefit&lt;br&gt;• Costs for maintenance still being established</td>
<td>• Meets legal obligations for drainage districts&lt;br&gt;• Targeted rate may be unaffordable for affected ratepayers&lt;br&gt;• Risk of dissatisfaction with level of service that can be achieved and continued risk of flooding</td>
</tr>
<tr>
<td><strong>Option D</strong> - recommended option - drainage</td>
<td>• Landowners contribute to works on their</td>
<td>• Approximately $168,000 per annum (2018)</td>
<td>• Meets legal obligations for drainage</td>
</tr>
<tr>
<td>Options</td>
<td>Outcomes</td>
<td>Cost Considerations</td>
<td>Legal and reputational risk</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>assets are maintained by the council with landowner assistance, funded through a targeted rate disbursed in the form of grants to community for maintenance and renewal works</td>
<td>own properties to reduce maintenance costs</td>
<td>estimate, currently being reviewed and updated)</td>
<td>districts</td>
</tr>
<tr>
<td></td>
<td>• The council collects a targeted rate from all benefiting landowners and redistributes to those undertaking the works, for example via grants to a local trust or incorporated society</td>
<td>• Targeted rate connects costs with benefiting ratepayers</td>
<td>• Meets landowner requests to be involved in maintenance on their own land</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Targeted rate could be applied proportionately by property size and/or level of benefit, so costs to rateable properties could vary significantly</td>
<td>• Adds complexity with collection and distribution of targeted rate</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Risk of dissatisfaction with level of service that can be achieved and continued risk of flooding</td>
</tr>
</tbody>
</table>

27. Option A, revoking the three drainage districts, would address an anomaly that arose when all other drainage districts across Auckland were revoked. It would return these drainage districts to the same level of service as the rest of the region. However, it is not an option that the council can directly initiate. The revocation must be requested by the community, many of whom have expressed their expectation that the council will maintain drainage assets in these districts.

28. Option B, continuing to spend general rates to benefit a specific group of ratepayers, is unlikely to be acceptable to ratepayers in other parts of the region, particularly where landowners are already maintaining similar assets on their own properties without general rate subsidy.

29. Options C and D propose applying a targeted rate to recover the costs of managing the drainage districts. It is a commonly used tool for funding drainage districts in other local councils. This is consistent with Auckland Council’s Revenue and Financing Policy, which provides that a targeted rate is the most appropriate measure in situations where an activity benefits a specific group of ratepayers. It is standard practice for targeted rates of this nature to include all the costs associated for delivering the service including depreciation and an appropriate share of council overheads. Some other councils apply targeted rates for drainage districts by property size and/or by the level of benefit received. If a similar method is applied here, the costs per rateable property could vary significantly.

30. Option C envisages a higher cost of activities by using council contractors to maintain assets to regionally accepted standards, and therefore a higher level of targeted rate would be required. This is unlikely to be acceptable to the affected ratepayers.

31. Option D suggests a way to reduce costs by involving landowners in the maintenance programme. It provides a pathway to ensure that the council can achieve greater constructive local engagement and a fairer allocation of costs. For this reason, staff recommend that the local board support informal engagement to be undertaken with the community on option D from late 2019.

32. Following the local board’s endorsement of its preferred option, staff will undertake informal engagement with the affected community to obtain feedback around the proposed approach. Feedback from the community will be reported back to the local board in mid 2020, when the board’s formal endorsement of the proposed option for consultation through the next Long-
term Plan will be sought. The board’s endorsement of its preferred consultation option will subsequently be presented to the governing body for approval to formally consult through the Long-term Plan consultation process in 2021.

33. The mechanisms to provide local landowners with funding to undertake maintenance works as part of Option D will need to be established, in advance of proposing the targeted rate through the Long-term Plan consultation process in 2021. One approach could be for the landowners to establish an incorporated society or trust, and for the council to provide this entity with grants to undertake maintenance and renewals. Alternatively grant funding could be provided directly to landowners via council’s grant programmes. For this reason, further informal community engagement will be undertaken before introducing a proposal as part of the 2021 Long-term Plan.

34. At this stage staff recommend that a process of community engagement is undertaken to clarify the achievable level of service for the drainage districts and to develop local methods of delivery and funding. Following this process, and as maintenance costs are confirmed, a more detailed proposal for the ongoing funding and maintenance of the drainage districts will be brought back to the local board for consideration.

Climate impact statement

35. Sea level rise and the impacts of climate change are an ongoing concern for low-lying coastal land in the region, including the three drainage districts which are all subject to coastal inundation. Better management of drainage assets will support landowners to manage water run-off and inundation on their land. Plans for future management of the drainage districts will need to take climate change projections into account.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

36. The council has begun a maintenance and renewals programme as a one-off investment of regional funding. Further funding will be needed to continue this programme, preferably through a targeted rate.

37. Council’s finance and public law teams have provided information and advice to inform this report.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

38. Several workshops have been held with the Rodney Local Board in relation to these drainage districts, the latest on 6 June 2019. The board is supportive of resolving the community’s concerns around asset maintenance and flooding. Local board members have also raised concerns about the possible precedent of paying for and/or undertaking works for residents without investigating the longer-term issues affecting the drainage districts.

39. The community holds extensive knowledge about the history and operation of the drainage districts, as well as having an enduring concern with seeing the land well-managed. A public workshop was held on 1 May 2019, where community members requested that the drains be reinstated before beginning consultations about on-going arrangements. Remediation work is now well underway, and it will be timely to re-engage with the community after the elections are held.

Tauākī whakaaweawe Māori
Māori impact statement

40. Water is taonga to mana whenua and any management decisions that impact water are considered significant to mana whenua. Engagement with mana whenua around the long-term management of the districts will be an essential part of developing a sustainable plan and will be built into the community engagement process recommended in this report.
Ngā ritenga ā-pūtea

Financial implications

41. The Rodney Local Board currently funds the maintenance of the drainage districts, with advice and operational support from Auckland Council’s Healthy Waters department. The budget of $26,500 per annum towards this maintenance has remained unchanged since the 1990s and insufficient to meet current maintenance requirements.

42. Regional funding has been reprioritised to remediate and maintain assets in the drainage districts while engagement is underway. Engagement costs will be met from Healthy Waters’ budgets.

43. The 2018 ACH reports estimate that maintaining the assets in the drainage districts could be expected to cost around $168,000 every year (as outlined in Table 2 above).

44. Future funding requirements for the maintenance of Rodney drainage districts will need to be addressed as part of the consultation and development of the 2021 Long-term Plan. Introducing a targeted rate or additional funding options will require formal consultation, as part of the long-term plan process.

45. Further analysis is needed to confirm costings based on the levels of service and delivery methods as they are developed. Options will also need to be considered as to how this rate is levied, for example a flat amount per ratepayer, or calculated by land area or by proportion of benefit received.

Ngā raru tūpono me ngā whakamaurutanga

Risks and mitigations

46. A summary of risks and mitigations for engaging with the community on Option D is included in Table 4.

Table 4. Risks and mitigations

<table>
<thead>
<tr>
<th>Risk</th>
<th>Mitigation(s)</th>
</tr>
</thead>
</table>
| Lack of community buy-in for Option D.                              | Community members have indicated a strong desire to have a more direct role in the maintenance on their properties engagement on this options seeks to include the communities in the development of the option.  
The Rodney Local Board and Healthy Waters have agreed to remediate the assets as a first step to establishing a more sustainable approach. |
| Community expectations for the quality of drainage may be beyond what is reasonably affordable for ratepayers and or recipients of the benefit. | Costings are being confirmed and will help to inform discussions about potential levels of service. |
| Drainage districts may become increasingly difficult to defend from floods and coastal inundation due to sea level rise and the impacts of climate change. | Region-wide work is underway to assess and plan for the impacts of climate change. |
Ngā koringa ā-muri

Next steps

47. Healthy Waters will continue to undertake drainage district maintenance over 2019 and 2020 to allow time for the options to be discussed with the district communities.

48. Contractors are surveying assets to confirm on-going maintenance costs. This will inform further discussions about the costs of managing the drainage districts.

49. The next step is to re-engage with the community to determine the long-term management approach. It is proposed to run a series of workshops to consider the options, for example for levels of service, delivery mechanisms and cost recovery in the three drainage districts.

50. The new local board will be kept informed on the engagement plans and invited to attend and participate in community workshops as appropriate. The workshop outcomes will be reported back to the local board, in time for a proposal to be included in the 2021 Long-term Plan process.

Ngā tāpirihanga

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Rodney Drainage district maps</td>
<td>17</td>
</tr>
</tbody>
</table>

Ngā kaihaina

Signatories

| Authors                                      | Shaun McAuley, Commercial Partnerships Team Manager, Healthy Waters
|                                              | Andrew Chin, Head of Health Waters Strategy, Healthy Waters |
| Authorisers                                  | Barry Potter - Director Infrastructure and Environmental Services |
|                                              | Lesley Jenkins - Relationship Manager |
Appendix A

- Maps of drainage districts

**Te Arai Drainage District**
- Topography and flood maps for the drainage districts
- 100-year floodplain maps
- 1% Annual Exceedance Probability Coastal Inundation (excludes rainfall in catchment)

**Glorit Drainage District**
- Topography and flood maps for the drainage districts
- 100-year floodplain maps
- 1% Annual Exceedance Probability Coastal Inundation (excludes rainfall in catchment)

**Okahukura Drainage District**
- Topography and flood maps for the drainage districts
- 100-year floodplain maps
- 1% Annual Exceedance Probability Coastal Inundation (excludes rainfall in catchment)
Attachment A

Item 11
Contours (2006 LiDAR dataset)
100-year floodplain
1% Annual Exceedance Probability Coastal Inundation (excludes rainfall in catchment)
Glorit Drainage District

Contours (2016 LiDAR data set)
100-year floodplain
Attachment A

Item 11

1 % Annual Exceedance Probability Coastal Inundation (excludes rainfall in catchment)
Okahukura Drainage District

Auckland Council

Okahukura Contours

Scale @ A4
1:150,000

Date Printed:
9/09/2013

2006 LiDAR dataset}
---

**1 % Annual Exceedance Probability Coastal Inundation (excludes rainfall in catchment)**

---

**Auckland Council**

**Map**

---

**Coastal Inundation (1% AEP)**

- 1% AEP
- 1% AEP plus 1m sea level rise
- 1% AEP plus 2m sea level rise

---

**Okahukura Coastal Inundation**

---

Scale @ A4

E 1:50,000

Date Printed:

6/09/2019

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**Rodney Local Board**

19 September 2019

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**Rodney Drainage Districts**

---

**Attachment A**

---
Revocation of resolution number RD/2017/11 relating to the grant of a new community lease and licence to occupy to North Harbour Pony Club Silverdale Branch Incorporated at Green Road, Dairy Flat and replacement resolution

File No.: CP2019/16152

Te take mō te pūrongo

Purpose of the report

1. To revoke resolution number RD/2017/11 relating to the grant of a new community lease and licence to occupy to North Harbour Pony Club Silverdale Branch Incorporated at 124 Green Road.

2. To grant a new resolution, rectifying the errors contained in RD/2017/11, relating to the grant of a new community lease and licence to occupy to North Harbour Pony Club Silverdale Branch Incorporated at 124 Green Road to:
   - correctly record Auckland Council’s ownership of the Skyline garage occupied by the club
   - provide for a separate community lease agreement for the Skyline garage, renewable on an annual basis
   - to update the premises plan to accurately reflect the current quantity and location of the club’s assets on the site.

Whakarāpopototanga matua

Executive summary

3. At its business meeting of 16 February 2017, the Rodney Local Board resolved to grant a new community lease and licence to occupy to North Harbour Pony Club Silverdale Branch Incorporated at 124 Green Road, Dairy Flat.

4. The lease area was for the fixed assets on the site comprising the club-owned shipping container (used for the purposes of clubrooms) and a small shed. Additionally, the council-owned Skyline garage.

5. Council staff made an error in terms of ownership of the Skyline garage, reporting that it was a club-owned asset. A separate lease agreement must be issued to the club for its occupation of the council-owned Skyline garage. This is because an annual subsidised operational fee will be charged and the maintenance responsibilities set out in the lease agreement will differ from those in a lease agreement for group-owned assets. Council staff apologises to the local board for the error.

6. The new community lease and licence to occupy agreements have not yet been signed, sealed or executed by council. Additionally, there is no material change to the lease or licence to occupy areas granted under resolution number RD/2017/11. The club has requested that any new lease for the council-owned Skyline garage be renewable on an annual basis.

7. In 2018 the club merged with the Wainui pony club, resulting in the need for extra storage at the site. To accommodate the storage needs, the club located two additional 40 foot containers at the site. In March 2019, landowner approval was granted for the containers.

8. Subject to the local board approving the revocation of resolution number RD/2017/11 and making a replacement resolution, council staff will prepare fresh agreements as follows:
   - a community lease to the club for its assets comprising: three 40 foot containers and two portable toilets
9. This report recommends that the Rodney Local Board approve the revocation of resolution number RD/2017/11 and replace same, relating to the grant of a new community lease and licence to occupy to North Harbour Pony Club Silverdale Branch Incorporated at 124 Green Road. The recommendations contained in the proposed new resolution do not include any change to the term of tenure relating to the leases and licence to occupy.

Ngā tūtohunga
Recommendation/s
That the Rodney Local Board:

a) agree, pursuant to standing order 1.10.1 to revoke resolution RD/2017/11 (Item 14) adopted at the Rodney Local Board meeting held on 16 February 2019 which reads as follows:

That the Rodney Local Board:

a) grant a community lease and non-exclusive licence to occupy to North Harbour Pony Club Silverdale Branch Incorporated for a portion of Lot 1 DP 365603 at 124 Green Road, Dairy Flat (Attachment A) subject to the following terms and conditions:

i) term – five years commencing 1 March 2017

ii) rent - $1.00 plus GST per annum if requested

iii) North Harbour pony Club Silverdale Branch Incorporated Community Outcomes Plan as approved be attached to the lease document.

b) note that all other terms and conditions in accordance with the Auckland Council Community Occupancy Guidelines July 2012

c) approve North Harbour pony Club Silverdale Branch Incorporated Community Outcomes Plan as attached to the agenda report (Attachment B).

and replaced with:

a) grant a new community lease and licence to occupy to North Harbour Pony Club Silverdale Branch Incorporated at 124 Green Road as detailed below in b), c), d) and e)

b) grant a community lease to North Harbour Pony Club Silverdale Branch Incorporated for a portion 100 square metres (more or less) being the footprint of the club-owned assets on Lot 1 DP 365603 at 124 Green Road, Dairy Flat (Attachment B to the agenda report) subject to the following terms and conditions:

i) term – five years commencing 1 March 2017

ii) rent - $1.00 plus GST per annum if demanded

iii) North Harbour Pony Club Silverdale Branch Incorporated Community Outcomes Plan as approved be attached to the lease agreement.

c) grant a community lease to North Harbour Pony Club Silverdale Branch Incorporated for the council-owned Skyline garage 86.4 square metres (more or less) on Lot 1 DP 365603 at 124 Green Road, Dairy Flat (Attachment C to the agenda report) subject to the following terms and conditions:
item 12

i) term – five years commencing 1 March 2017, renewable on an annual basis

ii) early termination clause – a specific amendment to allow for early termination of the lease by either party giving twelve (12) months’ written notice

iii) rent - $1.00 plus GST per annum if demanded

iv) annual subsidised maintenance fee - $250.00 plus GST, commencing 1 March 2019.

d) grant a non-exclusive licence to occupy to North Harbour Pony Club Silverdale Branch Incorporated for a portion 219,154 square metres (more or less) of Lot 1 DP 365603 at 124 Green Road, Dairy Flat (Attachment D to the agenda report) subject to the following terms and conditions:

i) term – five years commencing 1 March 2017

ii) rent - $1.00 plus GST per annum if demanded.

e) approve North Harbour Pony Club Silverdale Branch Incorporated Community Outcomes Plan (Attachment E to the agenda report).

Horopaki

Context

10. This report considers the leasing issues with respect to North Harbour Pony Club (Silverdale Branch) Incorporated’s occupation of land and a council-owned Skyline garage at 124 Green Road, Dairy Flat.

11. The Rodney Local Board is the allocated authority relating to local, recreation, sport and community facilities, including community leasing matters.

Tātaritanga me ngā tohutohu

Analysis and advice

Land and tenure

12. In April 2006, the former Rodney District Council acquired land at 124 Green Road, Dairy Flat from private landowners. The purpose of the acquisition was to establish the land as a sports park and reserve. The land comprises two separate land parcels described as Part Allotment 282 Parish of Pukeatua and Lot 1 DP 365603.

13. The land at 124 Green Road is held in fee simple by council and is subject to the provisions of the Local Government Act 2002. Under the Act, council must engage with iwi and notify the public when a lease or licence is proposed for a term in excess of six months.

14. Whilst the Auckland Council Community Occupancy Guidelines 2012 contemplates a term of 10 years with a 10 year right of renewal for group-owned improvements on council-owned land, the recommended term of the community lease and licence to occupy is for one term of five years. The purpose of this is to provide adequate time for council to make a decision about the community’s recreational needs and use of the land at 124 Green Road and in the interim, offer security of tenure to the club.

Green Road Master Plan

15. The Rodney Local Board is currently preparing a master plan for Green Road. In early 2020, council staff will consult with the community about the plan.
Council-owned Skyline garage

16. In November 2017, council staff undertook a condition assessment of the Skyline garage from which an asset report was produced. The Skyline garage was assessed as a ‘condition 4’ “generally the building is in a poor condition commensurate with its age and use but with a sound frame and floor so far was able to be viewed. The removal of the existing wall and roof cladding would enable the building to be placed back into service and ‘dry storage’ for the foreseeable future”.

17. The asset assessor also found that the existing ‘tilt a door’ was a health and safety issue and recommended that the door be replaced. In July 2018 roof and gutter works were undertaken. In August 2018, a custom-made replacement tilt a door was fitted to the Skyline garage.

Public Notification

18. To meet the statutory requirements of the Local Government Act 2002, public notices were placed in the North-West News and the Rodney Times on 25 August 2016. The proposal was also advertised on the Auckland Council website. Submitters were allowed one calendar month to make submissions or objections to the proposal. During this period, no submissions or objections were received.

North Harbour Pony Club Silverdale Branch Incorporated

19. The North Harbour Pony Club Silverdale Branch Incorporated was formed in 1969 and occupied land behind the Silverdale Rugby Club at Silverdale War Memorial Park. In 1998 the club vacated its occupation of the Silverdale land to make way for the motorway extension.

20. The Club has occupied its current site at Green Road since 2000 by way of an agreement with the former landowner and latterly, an informal agreement with council. The club has applied to council for a:

- community lease for its assets (three containers, two portable toilets and six gates)
- a community lease for the council-owned Skyline garage, making provision for early termination
- a licence to occupy for the remainder of its current area occupied at the site.

21. The club was incorporated under the Incorporated Societies Act 1908 on 2 November 2010. The club’s national body is the New Zealand Pony Club Association and it is affiliated with the Waitamata Rodney Area Pony Club, North Harbour District. Club members compete in equestrian events from entry level ribbon days through to National Agricultural and Pastoral competitions.

22. In 2015, the club purchased new grounds-keeping equipment and has improved the grounds to provide a safe riding environment. As a result of the improvements, the club has been able to offer other clubs the opportunity to hold a rally and dressage events.

23. At its annual general meeting of 18 May 2018, the club formally resolved to allow the merger between the North Harbour Pony Club Silverdale Branch and the local Wainui Pony Club. A key representative for the club provided information on the merger as follows:

- The merger will in no way affect the legal status of the North Harbour Pony Club Silverdale Branch Incorporated and the club will not be changing its name
- There will be no change to the North Harbour Pony Club Silverdale Branch Incorporated as being the 'lease-holder'
- The merger process has followed the protocol set out by the New Zealand Pony Club Association and has been overseen by it.
Rodney Local Board
19 September 2019

Revocation of resolution number RD/2017/11 relating to the grant of a new community lease and licence to occupy to North Harbour Pony Club Silverdale Branch Incorporated at Green Road, Dairy Flat and replacement resolution

**Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**

**Council group impacts and views**

24. Council staff from the Service Strategy and Integration team has provided up-to-date information which is included in the analysis and advice section of this report in relation to the Green Road Master Plan. Staff from the Parks and Recreation team was canvassed for feedback on the proposal to revoke and grant a new resolution and did not express any concerns.

**Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe**

**Local impacts and local board views**

25. At its business meeting of 9 December 2013, the Rodney Local Board resolved to seek a report recommending community leases and formal agreements for current community users of the property at 124 Green Road being the North Shore Model Aero Club and the Silverdale Pony Club as interim measures until planning for the future sports park had been completed (resolution number RD/2013/349).

26. At its workshop of 7 March 2016, the Rodney Local Board Parks Culture and Community Development Committee was presented with a memorandum on the proposed lease and licence to occupy at which time it indicated informal support.

27. At its business meeting of 13 June 2016, the Rodney Local Board Parks Culture and Community Development Committee resolved to approve public notification and engagement with mana whenua about council’s intention to grant a lease and a licence to occupy to the club (resolution number RODPC/2016/34).

28. At its business meeting of 16 February 2017, the Rodney Local Board resolved to grant a new community lease and licence to occupy to North Harbour Pony Club Silverdale Branch Incorporated at 124 Green Road, Dairy Flat (resolution number RD/2017/11).

29. At its workshop of 8 March 2018, the Rodney Local Board Parks and Recreation Committee was presented with a memorandum on the proposal to amend the original resolution, at which time it indicated informal support.

30. On 13 March 2019, the Rodney Local Board, Parks and Recreation Committee chairperson was presented with a memorandum about landowner approval relating to the club’s three containers on the site. Landowner approval was granted by Community Facilities staff by way of delegated authority as per the Officer Delegations Register.

**Tauākī whakaaweawe Māori**

**Māori impact statement**

31. During June and August 2016, council staff engaged with the 14 mana whenua identified as having an interest in land in the Rodney Local Board area. Of the seven iwi that responded none indicated any objections to the proposal.

32. On 9 August 2016, council staff and key members of the club undertook a site visit with the Pou Kaitiaki for Manuhiri Kaitiaki Charitable Trust from which, a Kaitiaki Report was furnished. The report did not detail any specific concerns for mana whenua relating to the proposal.

**Ngā ritenga ā-pūtea**

**Financial implications**

33. The cost of the 2018 works to the council-owned Skyline garage was approximately $7,600.00.

34. There is no direct cost to council for preparing the required new occupancy agreements.
Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

35. Should the Rodney Local Board resolve not to approve the revocation of resolution number RD/2017/11 and a replacement resolution, this may:
   • be considered as a lack of good faith
   • preclude council from putting formal occupancy agreements in place to record previously granted tenure. Similarly, the accurate recording of both parties’ rights and responsibilities in terms of maintenance at the site.

Ngā koringa ā-muri
Next steps

36. Council’s Community Leases staff will work with the club to finalise the new community lease and licence to occupy agreements.

Ngā tāpirihanga
Attachments

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<th>No.</th>
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<tr>
<td>A</td>
<td>Resolution number RD/2017/11</td>
<td>37</td>
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<tr>
<td>B</td>
<td>GIS aerial view showing lease area 100 square metres (more or less) to North Harbour Pony Club Silverdale Branch Incorporated on land legally described as Lot 1 DP 365603</td>
<td>39</td>
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<tr>
<td>C</td>
<td>GIS aerial view showing lease of council-owned Skyline garage on land 86.4 square metres (more or less) to North Harbour Pony Club Silverdale Branch Incorporated on land legally described as Lot 1 DP 365603</td>
<td>41</td>
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<tr>
<td>D</td>
<td>GIS aerial view showing licence to occupy area 219,154 square metres (more or less) North Harbour Pony Club Silverdale Branch Incorporated on land legally described as Lot 1 DP 365603</td>
<td>43</td>
</tr>
<tr>
<td>E</td>
<td>North Harbour Pony Club Silverdale Branch Incorporated Community Outcomes Plan</td>
<td>45</td>
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Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Authorisers</th>
</tr>
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<tbody>
<tr>
<td>Karen Walby - Community Lease Advisor</td>
<td>Rod Sheridan - General Manager Community Facilities</td>
</tr>
<tr>
<td></td>
<td>Lesley Jenkins - Relationship Manager</td>
</tr>
</tbody>
</table>
Attachment A
Resolution number RD/2017/11

For Action

MEMO TO: Karen Walby - Lease Advisor
COPY TO:
FROM: Raewyn Morrison - Local Board Democracy Advisor
DATE: 21 February 2017
MEETING: Rodney Local Board Meeting of 16/02/2017

Please note for your action / information the following decision arising from the meeting named above:

RD/2017/11 New community lease and licence to occupy to North Harbour Pony Club Silverdale Branch Incorporated at 124 Green Road, Dairy Flat
FILE REF CP2017/00248
AGENDA ITEM NO. 14

14 New community lease and licence to occupy to North Harbour Pony Club Silverdale Branch Incorporated at 124 Green Road, Dairy Flat
Yusuf Khan (Senior Community Lease Advisor) in attendance for this item.
Resolution number RD/2017/11
MOVED by Deputy Chairperson P Pirrie, seconded by Member B Steele:
That the Rodney Local Board:

a) grant a community lease and non-exclusive licence to occupy to North Harbour Pony Club Silverdale Branch Incorporated for a portion of Lot 1 DP 365603 at 124 Green Road, Dairy Flat (Attachment A) subject to the following terms and conditions:
   i) term – five years commencing 1 March 2017
   ii) rent - $1.00 plus GST per annum if requested
   iii) North Harbour Pony Club Silverdale Branch Incorporated Community Outcomes Plan as approved be attached to the lease document

b) note that all other terms and conditions in accordance with the Auckland Council Community Occupancy Guidelines July 2012

c) approve North Harbour Pony Club Silverdale Branch Incorporated Community Outcomes Plan as attached to the agenda report (Attachment B).

CARRIED
Attachment B
GIS aerial view showing the lease area 100 square metres (more or less) to North Harbour Pony Club Silverdale Branch Incorporated outlined in yellow on a portion of land legally described as Lot 1 DP 365603 at 124 Green Road, Dairy Flat
Attachment C
GIS aerial view showing the council-owned Skyline garage 86.4 square metres (more or less) leased to North Harbour Pony Club Silverdale Branch Incorporated outlined in red on a portion of land legally described as Lot 1 DP 365603 at 124 Green Road, Dairy Flat.
Attachment D
GIS aerial view showing non-exclusive licence to occupy area to North Harbour Pony Club Silverdale Branch Incorporated outlined in dark blue on a portion of land legally described as Lot 1 DP 365603 at 124 Green Road, Dairy Flat.
### Attachment E North Harbour Pony Club Silverdale Branch Incorporated Community Outcomes Plan

<table>
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<th>Name and Location of Land/Facility</th>
<th>Green Road, 124 Green Road Dairy Flat</th>
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<tbody>
<tr>
<td>Name of the Community it serves</td>
<td>Dairy Flat, Silverdale and surrounding Communities</td>
</tr>
<tr>
<td>Local Board Area</td>
<td>Rodney Local Board</td>
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<tr>
<td>Name of Community Group</td>
<td>North Harbour Pony Club Silverdale Branch Incorporated</td>
</tr>
<tr>
<td>Postal Address</td>
<td></td>
</tr>
<tr>
<td>Contact person</td>
<td>Angela Ward</td>
</tr>
<tr>
<td>Name of Community Lease Advisor</td>
<td>Karen Walby</td>
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#### Auckland Council and/or Local Board Priority

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<th>Performance Measure</th>
<th>Target</th>
<th>Achievements</th>
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<tbody>
<tr>
<td>Local Board Outcome: Parks and Sports Facilities are easy to access and enjoy “Rodney people love sports. Rugby, netball, hockey, soccer, equestrian, touch, athletics, swimming – you name it, we do it.”</td>
<td>Provide 1-2 “Riders Without Horses” courses per annum</td>
<td>(Annual Report)</td>
</tr>
</tbody>
</table>

| Auckland Plan Strategic Direction 1: Increase the proportion of residents who rate a sense of community in their neighbourhood | Initiate and host horse events for pony clubs from surrounding areas | Host 3 tournaments per annum |
| Priority 3: Strengthen Communities | (Annual report) | |
## Attachment E North Harbour Pony Club Silverdale Branch Incorporated Community Outcomes Plan

<table>
<thead>
<tr>
<th>Local Board Outcome: Our environment is healthy, cared for and enjoyed</th>
<th>Volunteers to manage facility (as appropriate with permission from and in conjunction with the Local Sports and Parks Team). This includes club working bees to ensure that the area is kept free from refuse and the flora, tidy.</th>
<th>Club holds minimum of 1 working bee per annum. (Annual report)</th>
</tr>
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</table>

“Our rolling green hills, bush-clad slopes, wild west coast surf beaches, gentle east coast white sand bays and pristine harbours make Rodney so special to us all.”
Variation of lease to Wellsford Tennis Club Incorporated to record the partial surrender of its lease area at Centennial Park, Wellsford

File No.: CP2019/16417

Te take mō te pūrongo
Purpose of the report

1. To approve the variation of the community lease to Wellsford Tennis Club Incorporated to record the partial surrender of its lease area at Centennial Park, Wellsford.

Whakarāpopototanga matua
Executive summary

2. The Wellsford Tennis Club Incorporated has an existing community lease entered into with the former Rodney District Council. The lease commenced 1 December 2003 and expires 30 November 2023.

3. On 12 July 2018, the Wellsford Tennis Club Incorporated formally advised Auckland Council of the surrender of its lease area with the exception of its tennis pavilion. The portion of its lease subject to the surrender includes the following improvements:
   - the four tennis courts and associated metal fencing
   - auxiliary concreted areas and retaining walls
   - timber fencing and small garden area.

4. This report recommends that the Rodney Local Board approve the variation of the community lease to Wellsford Tennis Club Incorporated to record the partial surrender of its lease area at Centennial Park, Wellsford.

Ngā tūtohunga
Recommendation/s

That the Rodney Local Board:

a) approve the variation of the community lease to Wellsford Tennis Club Incorporated to record the partial surrender of its lease area 3,244.4m² (more or less) on land legally described as Section 4 SO 434733 at Centennial Park, Wellsford (Attachment A to the agenda report) subject to the following terms and conditions:
   i) surrender date - effective 12 July 2018
   ii) all other terms and conditions will accord with the lease agreement dated 28 November 2003.

Horopaki
Context

5. This report considers the leasing issues with respect to the Wellsford Tennis Club Incorporated (the Club) occupation of a portion of Centennial Park, Wellsford.

6. The Rodney Local Board is the allocated authority relating to local, recreation, sport and community facilities, including community leasing matters.
Variation of lease to Wellsford Tennis Club Incorporated to record the partial surrender of its lease area at Centennial Park, Wellsford

Tātaritanga me ngā tohutohu
Analysis and advice

Land

7. Wellsford Centennial Park is located half a kilometre east of State Highway One at the southern approach to Wellsford. It is situated at the intersections of Centennial Park Road and Flagstaffe Road and is bisected by Centennial Park Road. Wellsford Centennial Park comprises 16,424 hectares of land and is made up of five separate parcels of land.

8. The operative Wellsford Centennial Park Reserve Management Plan was adopted by the former Rodney District Council Strategy and Community Committee on 7 May 2009. Land must be classified as reserve under the Reserves Act 1977 for it to be governed by a reserve management plan.

9. At its business meeting of 18 July 2019, the Rodney Local Board, Parks and Recreation Committee resolved to approve the proposed classification of land in the Rodney Local Board area including land at Centennial Park (resolution number RODPC/2019/20 c). This recent action validated the operative reserve management plan.

10. The land occupied by the club is legally described as Section 4 SO 434733 and comprises 8,535 square metres. The club’s lease area comprises 3,309 square metres (more or less).

The club’s improvements, community lease and partial surrender

11. The club constructed its improvements on Centennial Park during on or around 1983 with approval by the former Rodney County Council. At this point in time, the former Rodney County Council did not require the club (along with a number of other clubs occupying the park) to enter into a formal lease agreement (Attachment B to the agenda report).

12. The club has a community lease entered into with the former Rodney District Council. The lease commenced 1 December 2003 and expires 30 November 2023. The driver for the club to enter into a lease agreement was to enable it in 2004, to seek funding for works to its courts.

13. At its AGM of 5 July 2018, the club formally resolved to surrender its lease area with the exception of its tennis pavilion. On 12 July 2018, the club advised Auckland Council in writing of its partial surrender citing poor laying of the original courts surface and drainage issues as its reasons (Attachment C to the agenda report). The courts are no longer in use due to deterioration of the surface.

14. The club’s current lease agreement contains a clause with respect to ownership and removal of improvements (clause 9) which are detailed in the table below. Clause 9.1 provides that if requested by the lessor (council) the lessee (the club) must remove all those improvements as required by the lessor.

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.1</td>
<td>Notwithstanding anything to the contrary in this lease, the Lessee may and must if required by the Lessor, on the expiry or earlier termination of this lease remove from the Leased Area all or some of the buildings or other improvements separately owned by the Lessee. On receipt by the Lessee of a written notice from the Lessor, the Lessee must within a reasonable time, as specified in the notice, remove all of those buildings and improvements required by the Lessor.</td>
</tr>
<tr>
<td>9.2</td>
<td>The Lessor may as an alternative to clause 9.1 require at its discretion any incoming lessee of the Leased Area to pay the Lessee the value of the buildings or improvements owned by the Lessee.</td>
</tr>
<tr>
<td>9.3</td>
<td>Subject to clauses 9.1 and 9.2, on termination of this lease by expiry, surrender, breach of conditions or otherwise the Leased Area together with all improvements on the Leased Area will revert to the Lessor without any compensation being payable to the Lessee by the Lessor.</td>
</tr>
</tbody>
</table>
15. Staff recommend that the local board accept the proposed surrender because:
   i) It aligns to the Rodney Local Board Plan 2017: Communities can access quality parks, reserves and natural spaces nearby
   ii) Local board informal feedback, indicating that it did not wish to enforce clause 9.1 requiring the lessee to remove the improvements
   iii) Any further deferred maintenance increases council’s financial obligation in the future, and
   iv) The potential need for the improvements, subject to the finalisation of the sport and recreation needs assessment of Wellsford.

Condition assessment of assets subject to club’s surrender

16. In August 2018 council staff undertook a condition assessment of the club’s assets and provided a report. The asset assessor found the court surfaces to be in a very poor condition, stating that the current court condition had been brought about by pure neglect.

17. The condition assessment report contained three possible recommendations as follows:
   i) Option 1: the courts require to be remediated in the near term and the site drainage installed as set out in the required works as identified in the condition assessment.
   ii) Option 2: do nothing, not an option given the state of the courts if they are to be placed back into service.
   iii) Option 3: repurpose the courts to another use.

Greater Wellsford District Sport and Active Recreation Plan 2018

18. During the course of 2018, council staff from the Community Services, Parks Sport and Recreation team had worked with the club (along with other stakeholders at Centennial Park) to develop the Greater Wellsford District Sport and Active Recreation Plan 2018.

19. The plan identified Centennial Park as a key sports hub and proposed as a medium-term priority upgrading existing tennis facilities with a multi-use artificial surface. The partial surrender of lease (its courts) by Wellsford Tennis Club was not identified as an action in the plan.

Parks, sport and recreation needs assessment for Wellsford underway in 2019

20. Council staff is currently preparing a parks, sport and recreation needs assessment for Wellsford. The purpose of the needs assessment is to understand what the future requirements are for investment in parks, sport and recreation in the wider Wellsford area. This assessment includes tennis.

21. The needs assessment will be reported to the local board in early 2020. The findings and recommendations in the needs assessment will enable the local board to make any financial and budgetary decisions on the matter.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

22. Council staff from Parks, Sports and Recreation and Service Strategy and Integration teams have provided up-to-date information which is included in the analysis and advice section of this report.
Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

23. At its workshop of 9 August 2018, the Rodney Local Board Parks and Recreation Committee was presented with a memorandum for its information on the proposal. During the course of the presentation, the committee did not indicate that it wished council staff to invoke clause 9.1 of the club’s lease agreement which provides that if requested by the lessor (council) the lessee (the club) must remove all those improvements as required by the lessor.

24. The recommendations within this report support the Rodney Local Board Plan 2017 outcome for parks and sports facilities that everyone can enjoy. Information relating to Centennial Park is contained in the table below:

<table>
<thead>
<tr>
<th>Objective</th>
<th>Key initiatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communities can access quality parks, reserves and natural spaces nearby</td>
<td>Continue to develop, renew and improve sports parks, fields, hardcourts and other key open spaces such as Centennial Park in Wellsford.</td>
</tr>
</tbody>
</table>

Tauākī whakaaweawe Māori
Māori impact statement

25. There are no changes in the term of the lease, use, or operational activities being conducted on the land. As such, council staff has not engaged with mana whenua on the matter.

Ngā ritenga ā-pūtea
Financial implications

26. The budget estimate on each of the three options included in the 2018 condition assessment report (contained in paragraph 15 of this report) are detailed in the table below:

<table>
<thead>
<tr>
<th>Options</th>
<th>Description</th>
<th>Estimation of cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The courts require to be remediated in the near term and site drainage installed as set out in the required works identified in the condition assessment.</td>
<td>&gt;$100,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Removal of the improvements and site remediation.</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Repurpose the courts to another use.</td>
<td>&gt;$50,000.00</td>
</tr>
</tbody>
</table>

27. Council staff from the Service Strategy and Integration team is currently working on the parks, sports and recreation needs assessment for Wellsford, which will form a basis on which future cost implications may be quantified. Once the outcomes from the needs assessment are formalised, this will enable the Rodney Local Board to make a decision on any future works and budget considerations as required.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

28. Should the Rodney Local Board, Parks and Recreation Committee resolve not to approve the variation to the lease document to record the club’s partial surrender of its lease area, this decision may result in the club’s improvements falling into an accelerated state of disrepair.

29. The club’s partial surrender of its lease area will:
   - risk setting a precedent that will encourage other clubs to also surrender their leases and assets that could be in a poor condition
   - increase Auckland Council’s maintenance and renewal responsibilities in terms of the reversion of the club’s improvements to council.
Ngā koringa ā-muri

Next steps

30. Subject to the Rodney Local Board approval to the variation:
   - council’s community leasing staff will work with the club to finalise the necessary documentation
   - council’s community facilities staff will need to vary the current full facilities maintenance contract to incorporate the surrendered lease area.

Ngā tāpirihanga

Attachments

<table>
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<tr>
<th>No.</th>
<th>Title</th>
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</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>GIS aerial view showing area subject to Wellsford Tennis Club Incorporated partial surrender of community lease</td>
<td>53</td>
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<tr>
<td>B</td>
<td>Excerpts from the Rodney District Council Centennial Park Reserve Management Plan (now superseded) relating to community leases</td>
<td>55</td>
</tr>
<tr>
<td>C</td>
<td>Excerpts from Wellsford Tennis Club Incorporated letter to council dated 12 July 2018 relating to the partial surrender of its lease</td>
<td>57</td>
</tr>
</tbody>
</table>

Ngā kaihaina

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Authorisers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Karen Walby - Community Lease Advisor</td>
<td>Rod Sheridan - General Manager Community Facilities Lesley Jenkins - Relationship Manager</td>
</tr>
</tbody>
</table>
Attachment A

GIS aerial view showing area 3,244.4m² (more or less) subject to Wellsford Tennis Club Incorporated partial surrender of lease outlined in red on land legally described as Section 4 SO 434733 at Centennial Park, Wellsford. The remaining lease area is for the footprint of the pavilion 64.6m² (more or less), outlined in blue on the plan.
Attachment B
Excerpts from the Rodney District Council Centennial Park Reserve Management Plan as adopted by the Rural and Townships Area Committee 8 April 1998 (now superseded)

15.1 Objective 1
To recognise Centennial Park as the primary recreation reserve in Wellsford and the recognition of its importance as a major resource for the northern part of the District.

(i) To recognise that (apart from the Wellsford Rugby Club) existing users have not wished to be bound by formal lease agreements but to encourage clubs to formalise their occupancy arrangements to provide security of tenure, to establish respective rights and responsibilities and to avoid conflict between user groups.

(ii) To require any future sporting or cultural organisation wanting to develop premises on the site to enter into a formal lease agreement.
Attachment C

Excerpts from Wellsford Tennis Club Incorporated letter dated 12 July 2018 relating to club’s partial surrender of community lease

C/ Secretary / Treasurer
W Crow-Jones

To Karen Walby
Community Lease Advisor
Auckland Council
12 July 2018

Dear Karen

Re: Surrender of Lease with Rodney Council

I am writing on behalf of the Wellsford Tennis Club Incorporated to formally surrender the lease arrangement with Auckland Council. The deed of lease was dated 28 November 2003 and was with the former Rodney District Council. Prior to this date a gentleman’s agreement had existed and the lease arrangement was made as a pre-requisite to secure funding for court improvements. This funding allowed the club to reorganize the four courts to a more user friendly north south aspect, resurface with an all weather astro turf and improved drainage in 2004.

The club had anticipated that the new surface would last at least 25 years but unfortunately they have reached their use by date at only 14. Reasons for this include a poor surface...
Variation of lease to Wellsford Tennis Club Incorporated to record the partial surrender of its lease area at Centennial Park, Wellsford
Lease for additional premises to Rodney Rams Rugby League and Sports Club Incorporated for land at Whangateau Domain Recreation Reserve

File No.: CP2019/16558

Te take mō te pūrongo

Purpose of the report
1. To grant a lease for additional premises to Rodney Rams Rugby League and Sports Club Incorporated for land on which its water tank and ablution block are situated, adjacent to its current lease premises on Whangateau Domain Recreation Reserve.

Whakarāpopototanga matua

Executive summary
2. At its business meeting of 2 November 2015, the Rodney Local Board, Parks, Culture and Community Development Committee resolved to approve a new community lease to Rodney Rams Rugby League and Sports Club Incorporated for its premises at Whangateau Domain Recreation Reserve.

3. The lease commenced 1 January 2016 for an initial term of 10 years and provides for one right of renewal for 10 years.

4. Subsequent to the execution of the new lease agreement, council staff discovered that the Rodney Rams Rugby League and Sports Club Incorporated also owned the water tank and ablution block, adjoining but excluding the council owned toilets, situated adjacent to its lease premises on Whangateau Domain Recreation Reserve.

5. As such, a lease for additional premises is required to record each party’s rights and responsibilities relating to the occupancy.

6. The lease terms and conditions for the additional premises will align with the current community lease agreement between Auckland Council and Rodney Rams Rugby League and Sports Club Incorporated executed in 2016.

7. This report recommends that the Rodney Local Board grant a lease for additional premises to Rodney Rams Rugby League and Sports Club Incorporated for land on which its water tank and ablution block are situated, adjacent to its current lease premises on Whangateau Domain Recreation Reserve.

Ngā tūtohunga

Recommendation/s
That the Rodney Local Board:

a) grant a lease for additional premises of 103 square metres (more or less) to Rodney Rams Rugby League and Sports Club Incorporated for its water tank (including pipes and fittings) and ablution block adjoining but excluding the council owned toilets and situated adjacent to its current lease premises on Whangateau Domain Recreation Reserve on land legally described as Part of Allotment 156A Parish of Omaha (Attachment A to the agenda report) subject to the following conditions:

i) commencement date: 1 October 2019

ii) all other terms and conditions will accord with the lease agreement between Auckland Council and Rodney Rams Rugby League and Sports Club Incorporated executed by Auckland Council in 2016.
Horopaki

Context
8. This report considers the leasing issues with respect to Rodney Rams Rugby League and Sports Club Incorporated’s occupation of a portion of Whangateau Domain Recreation Reserve.
9. The Rodney Local Board is the allocated authority relating to local, recreation, sport and community facilities, including community leasing matters.

Tātaritanga me ngā tohutohu

Analysis and advice

Land, current community lease and requirement for a lease for additional premises
10. Whangateau Domain Recreation Reserve is located at Whangateau on Leigh Road between Matakana and Mathesons Bay.
11. The bulk of the reserve is held by the Department of Conservation on behalf of the Crown and vested in Auckland Council, in trust, for recreation purposes. The reserve is classified as recreation and subject to the provisions of the Reserves Act 1977. A treaty clause is included in the current lease to remind all parties of the underlying Crown ownership.
12. In May 2014 the club’s original building was burnt to the ground. Immediately after the fire, the club and the local community rallied and over the course of the following two and a half years, new clubrooms were built (Attachment B to the agenda report).
13. At its business meeting of 2 November 2015, the Rodney Local Board, Parks, Culture and Community Development Committee resolved to approve a new community lease to the club for its premises at Whangateau Domain Recreation Reserve (Attachment C to the agenda report).
14. Council staff, on becoming aware that the club may own the water tank and ablution block adjoining but excluding the council owned toilets undertook a thorough search through historical documents to confirm ownership.
15. It was confirmed that the water tank and part of the ablution block is owned by the club.
16. A lease variation that increases the area of the premises acts as a surrender and re-grant of the original lease. Due to this common law principle, to enable the club to formally occupy the further area, it is recommended that a lease for additional premises be granted and that it record that the additional premises lease is subject to the same terms, conditions and covenants as the original, operative lease.
17. The club has formally applied to council for the grant of a lease for additional premises for the land on which its water tank and ablution block are situated on Whangateau Domain Recreation Reserve (Attachment D to the agenda report).
18. The operative reserve management plan for Whangateau Domain Recreation Reserve adopted 17 October 2002 contemplates a lease to the club. The following is stated in the management plan under objective 5, policies and actions:
   • Continue the current lease arrangements with the Rodney Rams Rugby League and Sports Club and encourage and allow the use of the clubrooms by other groups.
19. As the club’s lease is contemplated in the management plan and the land classification legally supports the club’s activities, no prior public notification of the lease for additional premises is necessary.
Rodney Rams Rodney Rams Rugby League and Sports Club Incorporated

20. Rodney Rams Rugby League and Sports Club was incorporated under the Incorporated Societies Act 1908 on 11 December 1992. Within the club’s rules and regulations, its objects include the following:

- To promote, foster and control the game of Rugby League Football under the jurisdiction and rules of the Auckland Rugby League (Incorporated) to which the Club shall be affiliated
- To promote, control, arrange and participate in Rugby League Football matches and football competitions and such other sports games and pastimes as may be approved from time to time and to encourage healthy and rational recreation and social intercourse for its members.

21. The club has in excess of 200 members and while its main sports code is rugby league, the club is diverse and includes; netball, touch, waka ama, pool and darts. During the cricket season, Pakiri cricket club use the pitch on the field adjacent to the clubrooms and post-match enjoy the benefits of Rodney Rams club reciprocal membership. Another regular event held at the clubrooms is a local fishing competition which is always well attended.

22. The club’s financial accounts indicate that its funds are sufficient to meet its liabilities and are being managed appropriately.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

23. Council staff from the Parks, Sports and Recreation and Service Strategy and Integration teams were canvassed on the proposal and did not have any concerns.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

24. The recommendations within this report support the Rodney Local Board Plan 2017 outcomes for:

- parks and sports facilities that everyone can enjoy
- communities are influential and empowered.

Tauākī whakaaweawe Māori
Māori impact statement

25. In 2014, the Ngati Manuhiri Settlement Trust provided Rodney Rams with a letter of support considering the clubrooms to be an essential building and sporting facility to the local and wider community (Attachment E to the agenda report).

26. There are no changes in use or operational activities being conducted on the land. As such, council staff consider that neither mana whenua nor mataawaka would be impacted by the lease for additional premises proposal and as such, did not undertake engagement.

Ngā ritenga ā-pūtea
Financial implications

27. There is no direct cost to council associated with this proposal.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

28. Should the Rodney Local Board resolve not to grant a lease for additional premises to the club, this decision will mean that there is no formal documentation to record council’s and the club’s rights and responsibilities relating to the occupancy (including tenure and maintenance, etc).
Ngā koringa ā-muri

Next steps

29. Subject to the local board grant of a lease for additional premises, council’s community leasing staff will work with the club to finalise the required documentation.

Ngā tāpirihanga

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>GIS aerial view showing area for lease for additional premises to Rodney Rams Rugby League and Sports Club Incorporated outlined in red and marked &quot;A&quot; on part of Whangateau Domain Recreation Reserve</td>
<td>63</td>
</tr>
<tr>
<td>B</td>
<td>Image of near-completed new clubrooms</td>
<td>65</td>
</tr>
<tr>
<td>C</td>
<td>Resolution number RODPC/2015/76</td>
<td>67</td>
</tr>
<tr>
<td>D</td>
<td>Letter dated 7 April 2016 from Rodney Rams Rugby League and Sports Club Incorporated requesting a lease for additional premises</td>
<td>69</td>
</tr>
<tr>
<td>E</td>
<td>Letter dated 18 June 2014 from Ngati Manuhiri Settlement Trust to Rodney Rams Rugby League and Sports Club Incorporated</td>
<td>71</td>
</tr>
</tbody>
</table>

Ngā kaihaina

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Karen Walby - Community Lease Advisor</th>
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<tr>
<td>Authorisers</td>
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</tr>
<tr>
<td></td>
<td>Lesley Jenkins - Relationship Manager</td>
</tr>
</tbody>
</table>
Attachment A

GIS aerial view showing lease for additional premises area 103 square metres (more or less) outlined in red and marked “A” to Rodney Rams Rugby League and Sports Club Incorporated on land legally described as Part of Allotment 156A Parish of Omaha on Whangateau Domain Recreation Reserve.
Architect plans dated 1998 for purposes of obtaining building consent for club’s changing sheds.
Attachment B

2016 image of near-completed new clubrooms
Attachment C

For Action

MEMO TO:  Karen Walby - Advisor Community Lease  
COPY TO:  David Mose  
FROM:  Raewyn Morrison - Local Board Democracy Advisor  
DATE:  05 November 2015  
MEETING:  Rodney Local Board Parks, Culture and Community Development Committee Meeting of 2/11/2015

Please note for your action / information the following decision arising from the meeting named above:

RODPC/2015/76  New community lease to Rodney Rams Rugby League and Sports Club Incorporated at Whangateau Reserve  
FILE REF  CP2015/21278  
AGENDA ITEM NO.  14

Resolution number RODPC/2015/76

MOVED by Member SR Gamer, seconded by Deputy Chairperson AG Sayers:

That the Rodney Local Board Parks, Culture and Community Development Committee:

a) approves a new community lease to Rodney Rams Rugby League and Sports Club Incorporated on part of Whangateau Domain Recreation Reserve being part of Allot 156A Parish of Omaha (Attachment A of the agenda report) subject to the following terms and conditions:
   
i) Commencing 1 January 2016 for one term of 10 years plus one right of renewal for 10 years
   
ii) Rent $1.00 plus GST per annum if requested
   
iii) The approved Rodney Rams Rugby League and Sports Club Incorporated Community Outcomes Plan be attached to the lease document.

b) approves the Rodney Rams Rugby League and Sports Club Incorporated Community Outcomes Plan as attached to the agenda report (Attachment B).

c) notes that all other terms and conditions will be in accordance with the Whangateau Recreation Reserve Management Plan adopted 17 October 2002 and the Auckland Council Community Occupancy Guidelines 2012.

d) approves retrospective landowner consent for the construction of the new permanent clubrooms in accordance with plans attached to the agenda report (Attachment C).

CARRIED
Existing lease premises outlined and cross-hatched in red
Attachment D

Rodney Rams Rugby League & Sports Club Inc.

7 April 2016

Auckland Council

Leasing Department

Lease of Additional Premises

The Rodney Rams formally requests the Council to prepare a deed of lease for additional premises for the water tank, associated connections and the change-room, shower block component of the combined change-room, shower and toilet block on Whangateau Reserve.

Thank you and we look forward to hearing from you.

Yours sincerely

Denise Crimp
Secretary

President: Ray Inkersole Chairperson: Kahu Villua Secretary: Denise Crimp
Treasurer: Raina Watts Club Captains: Unwood Villua
PO Box 423 Warkworth
Attachment E

NGATI MANUHIRI
SETTLEMENT TRUST

18 June 2014

To whom it may concern

The Ngāti Manuhiri Settlement Trust was saddened to hear the news that the Rodney Rugby League Clubrooms burnt down. We write to support the efforts to raise funds to rebuild the Rodney Rugby League Club situated at Whangateau.

The Clubroom has been an integral and iconic facility in the community and for many Ngāti Manuhiri whānau. As the mandated iwi we have had numerous whānau members who have been associated with the club in various ways.

- Previously our recently departed Rangatira Laly Haddon was one of the original rugby team members who represented the club and then went on to be selected as a Maori All Black.
- Over many years we have had whānau members that have been club members and sports team representatives at the club.
- Our whānau have and continue to use the facilities for gatherings such as fund raising, socialising and meetings related to the Treaty of Waitangi process.

The Ngāti Manuhiri Settlement Trust considers the Rodney Rugby League Club is an essential building and sporting facility to the local and wider community.

Please do not hesitate to contact me if you wish to discuss further.

Nga mihi

[Signature]

Terence Hohneck
Chief Executive Officer
Ngāti Manuhiri Settlement Trust
Te take mō te pūrongo

Purpose of the report
1. To grant a new community lease to Fire and Emergency New Zealand for land at 945 Kaipara Coast Highway, Kaukapakapa, for the purposes of a fire station.

Whakarāpopototanga matua

Executive summary
2. The Fire and Emergency New Zealand Act 2017 established Fire and Emergency New Zealand as the new entity for the former rural volunteer fire services on 1 July 2017.

3. In 2002, the Kaukapakapa Voluntary Rural Fire Force entered into a community lease with the former Rodney District Council for land at 945 Kaipara Coast Highway, Kaukapakapa. The lease commenced on 1 July 2002 and provided for one term of 19 years, expiring 30 June 2021. Council's legal team has arranged a deed of surrender of the lease, accordingly.

4. In late 2017, council’s legal team implemented a one-year licence between Auckland Council and the New Zealand Fire Service Commission. Both parties agreed that council, as licensor, would grant to Fire and Emergency New Zealand a licence. The licence commenced 1 July and expired 30 June 2018. The licence has been holding over on a month-to-month basis.

5. Council’s legal team has been working alongside Fire and Emergency New Zealand and both parties have agreed on the form of a new lease agreement.

6. The ‘required use’ under the lease agreement will be for first responder services and associated activities. In this instance, the consequential community benefit is obvious. As such, Fire and Emergency New Zealand is not required to have a community outcomes plan appended as a schedule to its lease agreement.

7. This report recommends that the Rodney Local Board grant Fire and Emergency New Zealand a new community lease for the land it occupies at 945 Kaipara Coast Highway, Kaukapakapa for the purposes of a fire station.

Ngā tūtohunga

Recommendation/s
That the Rodney Local Board:

a) grant a new community lease to Fire and Emergency New Zealand for 1407 square metres (more or less) of land legally described as Section 2 SO 379863 at 945 Kaipara Coast Highway, Kaukapakapa (Attachment A to the agenda report) pursuant to Section 61 of the Reserves Act 1977 and subject to the following terms and conditions:
   i) term – 10 years with one right of renewal for 10 years commencing 1 October 2019
   ii) rent - $1.00 per annum if demanded
   iii) all other terms and conditions will be in accordance with Auckland Council Community Occupancy Guidelines 2012 and the Reserves Act 1977.

b) note that Fire and Emergency New Zealand is not required to have a community outcomes plan appended as a schedule to its lease agreement.
Horopaki

Context

8. This report considers the leasing issues with respect to a new community lease to Fire and Emergency New Zealand

9. The Rodney Local Board is the allocated authority relating to local, recreation, sport and community facilities, including community leasing matters.

Tātaritanga me ngā tohutohu

Analysis and advice

Land, building and lease

10. The land at 945 Kaipara Coast Highway, Kaukapakapa is owned in fee simple by council and legally described as Section 2 SO 379863. Section 2 SO 379863 is subject to the provisions of the Reserves Act 1977.

11. Section 2 SO 379863 is classified as local purpose (fire station) reserve which 'legally supports' the activities and new community lease. As such, no public notification of the proposed new community lease is necessary. The Kaukapakapa Reserve Management Plan approved by the former Rodney District Council on 29 June 2000 contemplates the community lease to the Fire Service.

12. In 2002, the Kaukapakapa Voluntary Rural Fire Force entered into a community lease with the former Rodney District Council for Section 2 SO 379863 on which to construct its fire station.

Ngāti Whātua o Kaipara Claims Settlement Act 2013 certificate over Section 2 SO 379863

13. Council staff, on researching the land status of Section 2 Survey Office Plan 379863 discovered that the certificate of title for Section 2 SO 379863 incorrectly contains a Right of First Refusal (RFR) Certificate, pursuant to section 122 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013.

14. The certificate means that Ngāti Whātua o Kaipara has right of first refusal to acquire Section 2 SO 379863 should the Crown take the land for treaty purposes at any time in the future. Additionally, the certificate also restricts disposal, including leasing (for a term in excess of 50 years).

Reason for and rectifying, of mistake

15. In 1999, the former Rodney District Council acquired 2.4 hectares of land at 947 Kaipara Coast Highway from a private landowner. In 2007 the 2.4 hectares acquired from the private landowner in addition with the 427 square metres of Crown land (Part bed (Opoto Creek)) was surveyed, subsequently redefined by survey and classified, as detailed in the table below:

<table>
<thead>
<tr>
<th>Legal description</th>
<th>Ownership</th>
<th>Size</th>
<th>classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1 Survey Office Plan 379863</td>
<td>Council</td>
<td>4406 square metres (more or less)</td>
<td>Local purpose (community buildings) reserve</td>
</tr>
<tr>
<td>Section 2 Survey Office Plan 379863</td>
<td>Council</td>
<td>1407 square metres (more or less)</td>
<td>Local purpose (fire station) reserve</td>
</tr>
<tr>
<td>Section 3 Survey Office Plan 379863</td>
<td>Council</td>
<td>1.8187 hectares (more or less)</td>
<td>Recreation reserve</td>
</tr>
<tr>
<td>Section 4 Survey Office Plan 379863</td>
<td>Crown</td>
<td>427 square metres (more or less)</td>
<td>Local purpose (esplanade) reserve</td>
</tr>
</tbody>
</table>
16. Section 2 SO 379863 was one of four land parcels redefined by survey as above (Attachment B to the agenda report). The Right of First Refusal Certificate was included in the memorials section on the certificates of title for the four parcels of land surveyed and should have only been included on the Crown-owned parcel (Section 4 Survey Office Plan 379863).

17. Council staff from the land advisory team has prepared information for council’s legal team with the view to having the Right of First Refusal certificate pursuant to the Ngāti Whātua o Kaipara Claims Settlement Act 2013 removed from the land titles for: Section 1 SO 379863, Section 2 SO 379863 and Section 3 SO 379863.

**Legal mechanism and timeline for process to grant a new community lease to Fire and Emergency New Zealand**

18. In June 2012, the Government agreed to set up the Fire Review Panel to provide advice on how New Zealand could improve its fire service. The review took place between August 2012 and December 2012. The Fire Review Panel made recommendations and in September 2013 the Government agreed to take next steps based on those recommendations. As a result, in 2015 the Department of Internal Affairs and the New Zealand Fire Service Commission worked together on the Fire Services Review.

19. On 13 November 2015, the Minister of Internal Affairs announced that as a result of the Fire Services Review the government would bring urban and rural fire services together into one unified fire services organisation. This was achieved through the Fire and Emergency New Zealand Act 2017 which received Royal Assent on 11 May 2017. The Act established Fire and Emergency New Zealand as the new entity for the former rural volunteer fire services on 1 July 2017.

20. The Act repealed the Forests and Rural Fires Act 1977. This transferred the functions, duties and powers of council as a rural fire authority to Fire and Emergency New Zealand on 1 July 2017.

21. As a result, council had six weeks to prepare for the transition of its functions, duties and powers as a fire authority to Fire and Emergency New Zealand. During this period, it was decided to issue Fire and Emergency New Zealand with interim licences (of 12 months from 1 July 2017) for the former rural volunteer fire services buildings to ensure continuity of services.

22. Such interim licences then obliged council and Fire and Emergency New Zealand to agree long-term solutions, subject of course to obtaining any required internal approvals, including that from local boards. It is this process which is currently being undertaken. Although council’s legal team has been working with Fire and Emergency New Zealand on a template lease, council is yet to put any formal proposal for this property to Fire and Emergency New Zealand.

23. The Kaukapakapa site is one of five former rural volunteer fire service sites within the Rodney Local Board area. Council staff will report to the local board on each individual site as is appropriate. The sites (excepting Kaukapakapa) and next steps are detailed in the table below:

<table>
<thead>
<tr>
<th>Site address</th>
<th>Notes/next steps</th>
</tr>
</thead>
<tbody>
<tr>
<td>33B James McLeod Road, Shelly Beach</td>
<td>The improvements were constructed by the former Rodney District Council. Council staff will report to the local board at its business meeting of 19 September 2019 recommending a new community lease to Fire and Emergency New Zealand for this site.</td>
</tr>
</tbody>
</table>
Grant of new community lease to Fire and Emergency New Zealand for land at 945 Kaipara Coast Highway, Kaukapakapa

**Site address** | **Notes/next steps**
--- | ---
341 Motutara Road, Muriwai | The improvements were constructed by the former Rodney District Council. As the existing lease agreement is still current (expiring 31 March 2023), council’s legal team is arranging for an assignment of the lease to Fire and Emergency New Zealand. Council staff will progress with the process involved in to recommend a new community lease as is appropriate.

52 Ahuroa Road, Puhoi | The improvements were constructed by the former Puhoi Volunteer Rural Fire Force Incorporated. On issue of code compliance certificate, a deed of lease will be granted to Fire and Emergency in accordance with the agreement to lease granted by the Rodney Local Board (resolution number RD/2016/81) and on the terms agreed with Puhoi Volunteer Rural Fire Force Incorporated.

383 West Coast Road, Ahuroa | The improvements were constructed by the former Rodney District Council. The land is subject to a Building Act certificate which prevents the sale or lease of this land except in conjunction with an adjacent lot (grassed area which is a local purpose (public rest area) reserve). Council’s land advisory team is currently working through the Building Act matters as required. Council staff will progress with the required process to recommend a new community lease as is appropriate.

---

**Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**

**Council group impacts and views**

24. Council staff from the legal team has provided information which is included in the analysis and advice section of this report in relation to the legal mechanism and timeline for process to grant a new community lease to Fire and Emergency New Zealand.

25. Council staff from the land advisory team has researched and provided information on the land status to confirm that the incorrect information has been recorded in the memorials on the certificate of title for Section 2 SO 379863 pursuant to the Ngāti Whātua o Kaipara Claims Settlement Act 2013. Similarly, Section 1 SO 379863 and Section 3 SO 379863.

**Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe**

**Local impacts and local board views**

26. At its workshop of 10 May 2018, the Rodney Local Board Parks and Recreation Committee was presented with a memorandum on the proposal to grant a new community lease to Fire and Emergency New Zealand, at which time it indicated informal support.
27. The recommendations in this report support the Rodney Local Board Plan 2017 outcome of ‘communities are influential and empowered’.

**Tauākī whakaaweawe Māori**

Māori impact statement

28. Council staff has engaged with mana whenua about the new community lease as follows:

- Email sent to key representative for Ngā Maunga Whakahii o Kaipara (as the development arm for Ngāti Whātua o Kaipara) containing relevant information and asking for feedback
- Email sent to other key representatives for mana whenua identified as having an interest in land in the Rodney Local Board rohe (geographical area) containing relevant information and asking for feedback
- Presentation to mana whenua representatives in attendance at the north west mana whenua forum scheduled to have been held at Orewa on Wednesday 4 September 2019. This forum was subsequently cancelled on the day.

29. Council staff received an email response on the matter from the Pou Kaitiaki for Ngā Maunga Whakahii o Kaipara (as the development arm for Ngāti Whātua o Kaipara) that Ngā Maunga Whakahii o Kaipara tautoko (support) the proposal.

**Ngā ritenga ā-pūtea**

Financial implications

30. There is no direct cost to council associated with this community lease proposal.

**Ngā raru tūpono me ngā whakamaurutanga**

Risks and mitigations

31. Should the Rodney Local Board resolve not to grant a lease to Fire and Emergency New Zealand, this decision will mean that there is no formal documentation to correctly record the occupancy resulting from the Fire and Emergency New Zealand Act 2017 establishing the new entity for the former rural volunteer fire services.

**Ngā koringa ā-muri**

Next steps

32. Council staff from the land advisory team has prepared information for council’s legal team with the view to having the Right of First Refusal certificate pursuant to the Ngāti Whātua o Kaipara Claims Settlement Act 2013 removed from the land titles for:

i) Section 1 SO 379863
ii) Section 2 SO 379863
iii) Section 3 SO 379863.

33. Subject to the Rodney Local Board grant of a new community lease to Fire and Emergency New Zealand, council’s legal team will work with Fire and Emergency New Zealand to finalise the required documentation.
Ngā tāpirihanga

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>GIS aerial view showing lease area 1407 square metres (more or less) to Fire and Emergency New Zealand on land legally described as Section 2 SO 379863</td>
<td>79</td>
</tr>
<tr>
<td>B</td>
<td>GIS aerial view showing the four separate parcels of land at 945 Kaipara Coast Highway, Kaukapakapa Sections 1, 2 and 3 SO 379863 are held in fee simple by council. Section 4 SO 379863 is owned by the Crown</td>
<td>81</td>
</tr>
</tbody>
</table>

Ngā kaihaina

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Karen Walby - Community Lease Advisor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Rod Sheridan - General Manager Community Facilities Lesley Jenkins - Relationship Manager</td>
</tr>
</tbody>
</table>
Attachment A
GIS aerial view showing proposed new community lease area 1407 square metres (more or less) to Fire and Emergency New Zealand outlined in red on land located at 945 Kaipara Coast Highway, Kaukapakapa and legally described as Section 2 SO 379863
### Attachment B

GIS aerial view of subject land detailing the following:

<table>
<thead>
<tr>
<th>Legal description</th>
<th>Ownership</th>
<th>Size</th>
<th>Classification</th>
<th>Delineation colour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1 Survey Office Plan 379863</td>
<td>Council</td>
<td>4406 square metres (more or less)</td>
<td>Local purpose (community buildings) reserve</td>
<td>Black</td>
</tr>
<tr>
<td>Section 2 Survey Office Plan 379863</td>
<td>Council</td>
<td>1407 square metres (more or less)</td>
<td>Local purpose (fire station) reserve</td>
<td>Black</td>
</tr>
<tr>
<td>Section 3 Survey office Plan 379863</td>
<td>Council</td>
<td>1.8187 hectares (more or less)</td>
<td>Recreation reserve</td>
<td>Black</td>
</tr>
<tr>
<td>Section 4 Survey Office Plan 379863</td>
<td>Crown</td>
<td>427 square metres (more or less)</td>
<td>Local purpose (esplanade) reserve</td>
<td>Red</td>
</tr>
</tbody>
</table>

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Grant of new community lease to Fire and Emergency New Zealand for land at 945 Kaipara Coast Highway, Kaukapakapa
Grant of new community lease to Fire and Emergency New Zealand for land at 945 Kaipara Coast Highway, Kaukapakapa
Grant of new community lease to Fire and Emergency New Zealand for the council-owned building at Shelly Beach Reserve, 33B James McLeod Road, Shelly Beach

File No.: CP2019/16911

Te take mō te pūrongo
Purpose of the report
1. To grant a new community lease to Fire and Emergency New Zealand for the council-owned building at Shelly Beach Reserve, 33B James McLeod Road, Shelly Beach for the purposes of a fire station.

Whakarāpopototanga matua
Executive summary
2. The Fire and Emergency New Zealand Act 2017 established Fire and Emergency New Zealand as the new entity for the former rural volunteer fire services on 1 July 2017.

3. The Shelly Beach Voluntary Rural Fire Force held an occupancy agreement with the former Rodney District Council for the council-owned building and land at 33B James McLeod Road, Shelly Beach from 1989 until 30 June 2017.

4. In late 2017, council’s legal team implemented a one-year licence between Auckland Council and the New Zealand Fire Service Commission. Both parties agreed that council, as licensor, would grant to Fire and Emergency New Zealand a licence. The licence commenced 1 July and expired 30 June 2018. The licence has been holding over on a month-to-month basis.

5. Council’s legal team has been working alongside Fire and Emergency New Zealand and both parties have agreed on the form of a new lease agreement.

6. The ‘required use’ under the lease agreement will be for first responder services and associated activities. In this instance, the consequential community benefit is obvious. As such, Fire and Emergency New Zealand is not required to have a community outcomes plan appended as a schedule to its lease agreement.

7. The Auckland Council Community Occupancy Guidelines 2012 informs council staff recommendations in terms of tenure. In most circumstances where a council-owned building is to be leased to a group, council staff recommend one term of five years with one right of renewal for five years.

8. In this instance council staff has recommended one term of 10 years with one right of renewal for 10 years. This is because Fire and Emergency New Zealand will be responsible for all maintenance requirements and outgoings. Additionally, this recommended term aligns with the other four proposed new community lease agreements to Fire and Emergency New Zealand for the former rural volunteer fire services in the Rodney Local Board area.

9. This report recommends that the Rodney Local Board grant Fire and Emergency New Zealand a new community lease for the council-owned building at Shelly Beach Reserve, 33B James McLeod Road, Shelly Beach, for the purposes of a fire station.
Ngā tūtohunga
Recommendation/s
That the Rodney Local Board:

a) grant a new community lease to Fire and Emergency New Zealand for the council-owned building on 240 square metres (more or less) of land legally described as Part lot 1 DP 8688 (redefined by SO 62916) on Shelly Beach Reserve, 33B James McLeod Road, Shelly Beach (Attachment A to the agenda report) pursuant to section 61 of the Reserves Act 1977 and subject to the following terms and conditions:
   i) term – 10 years with one right of renewal for 10 years commencing 1 October 2019
   ii) rent - $1.00 per annum if demanded
   iii) maintenance – Fire and Emergency New Zealand will maintain the land and buildings and pay outgoings
   iv) all other terms and conditions will be in accordance with Auckland Council Community Occupancy Guidelines 2012 and the Reserves Act 1977.

b) note that Fire and Emergency New Zealand is not required to have a community outcomes plan appended as a schedule to its lease agreement.

Horopaki
Context
10. This report considers the leasing issues with respect to a new community lease to Fire and Emergency New Zealand
11. The Rodney Local Board is the allocated authority relating to local, recreation, sport and community facilities, including community leasing matters.

Tātaritanga me ngā tohutohu
Analysis and advice

Land, occupation and building
12. The subject land at 33B James McLeod Road, Shelly Beach is legally described as Part Lot 1 DP 8688 (redefined by SO 62916) comprising 3289 hectares. Part Lot 1 DP 8688 (redefined by SO 62916) is held in fee simple by council, subject to the provisions of the Reserves Act 1977 and is one of five parcels of land comprising Shelly Beach Reserve (Attachment B to the agenda report).
13. The Shelly Beach Reserve Management Plan adopted by the former Rodney District Council on 10 June 2009 states that the Shelly Beach Fire Station has formal authorisation from council in terms of its occupation.
14. Fire and Emergency New Zealand occupies a shared site classified as local purpose (fire station) reserve. The remainder of the site is classified as local purpose (community buildings) reserve. The reserve classification and sub-classifications ‘legally support’ the activities and new community lease. As such, no public notification of the proposed new community lease is necessary.
15. Council (as lessor) owns the building however, council has agreed with Fire and Emergency New Zealand that it (as lessee) will maintain the land and building and pay all outgoings.
Legal mechanism and timeline for process to grant a new community lease to Fire and Emergency New Zealand

16. In June 2012, the Government agreed to set up the Fire Review Panel to provide advice on how New Zealand could improve its fire service. The review took place between August 2012 and December 2012. The Fire Review Panel made recommendations and in September 2013 the Government agreed to take next steps based on those recommendations. As a result, in 2015 the Department of Internal Affairs and the New Zealand Fire Service Commission worked together on the Fire Services Review.

17. On 13 November 2015, the Minister of Internal Affairs announced that as a result of the Fire Services Review the government would bring urban and rural fire services together into one unified fire services organisation. This was achieved through the Fire and Emergency New Zealand Act 2017 which received Royal Assent on 11 May 2017. The Act established Fire and Emergency New Zealand as the new entity for the former rural volunteer fire services on 1 July 2017.

18. The Act repealed the Forests and Rural Fires Act 1977. This transferred the functions, duties and powers of council as a rural fire authority to Fire and Emergency New Zealand on 1 July 2017.

19. As a result, council had six weeks to prepare for the transition of its functions, duties and powers as a fire authority to Fire and Emergency New Zealand. During this period it was decided to issue Fire and Emergency New Zealand with interim licences (of 12 months from 1 July 2017) for the former rural volunteer fire services buildings to ensure continuity of services.

20. Such interim licences then obliged council and Fire and Emergency New Zealand to agree long-term solutions, subject of course to obtaining any required internal approvals, including that from local boards. It is this process which is currently being undertaken. Although council’s legal team has been working with Fire and Emergency New Zealand on a template lease, council is yet to put any formal proposal for this property to Fire and Emergency New Zealand.

21. The Shelly Beach site is one of five former rural volunteer fire service sites within the Rodney Local Board area. Council staff will report to the local board on each individual site as is appropriate. The sites (excepting Shelly Beach) are detailed in the table below:

<table>
<thead>
<tr>
<th>Site address</th>
<th>Notes/next steps</th>
</tr>
</thead>
<tbody>
<tr>
<td>945 Kaipara Coast Highway, Kakapakapa</td>
<td>The improvements were constructed by the former Kaukapakapa Voluntary Rural Fire Force Incorporated.</td>
</tr>
<tr>
<td></td>
<td>Council staff will report to the local board at its business meeting of 19 September 2019 recommending a new community lease to Fire and Emergency New Zealand for this site.</td>
</tr>
<tr>
<td>341 Motutara Road, Muriwai</td>
<td>The improvements were constructed by the former Rodney District Council.</td>
</tr>
<tr>
<td></td>
<td>As the existing lease agreement is still current (expiring 31 March 2023), council’s legal team is arranging for an assignment of the lease to Fire and Emergency New Zealand.</td>
</tr>
<tr>
<td></td>
<td>Council staff will progress with the process involved in to recommend a new community lease as is appropriate.</td>
</tr>
</tbody>
</table>
Grant of new community lease to Fire and Emergency New Zealand for the council-owned building  
at Shelly Beach Reserve, 33B James McLeod Road, Shelly Beach

<table>
<thead>
<tr>
<th>Site address</th>
<th>Notes/next steps</th>
</tr>
</thead>
<tbody>
<tr>
<td>52 Ahuroa Road, Puhoi</td>
<td>The improvements were constructed by the former Puhoi Volunteer Rural Fire Force Incorporated. On issue of code compliance certificate, a deed of lease will be granted to Fire and Emergency in accordance with the agreement to lease granted by the Rodney Local Board (resolution number RD/2016/81) and on the terms agreed with Puhoi Volunteer Rural Fire Force.</td>
</tr>
<tr>
<td>383 West Coast Road, Ahuroa</td>
<td>The improvements were constructed by the former Rodney District Council. The land is subject to a Building Act certificate which prevents the sale or lease of this land except in conjunction with an adjacent lot (grassed area which is a local purpose (public rest area) reserve). Council’s land advisory team is currently working through the Building Act matters as required. Council staff will progress with the required process to recommend a new community lease as is appropriate.</td>
</tr>
</tbody>
</table>

**Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**  
Council group impacts and views

22. Council staff from the legal team has provided information which is included in the analysis and advice section of this report in relation to the legal mechanism and timeline for process to grant a new community lease to Fire and Emergency New Zealand.

**Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe**  
Local impacts and local board views

23. At its workshop of 10 May 2018, the Rodney Local Board Parks and Recreation Committee was presented with a memorandum on the proposal to grant a new community lease to Fire and Emergency New Zealand, at which time it indicated informal support.

24. The recommendations in this report support the Rodney Local Board Plan 2017 outcome of ‘communities are influential and empowered’.

**Tauākī whakaaweawe Māori**  
Māori impact statement

25. The operative Shelly Beach Reserve Management Plan states that the “Shelly Beach area was an area of significant Māori occupation and has important historical and cultural importance to Ngāti Whatua with long and enduring Ngāti Whatua hapu tribes. This is shown by the presence of a pa site and shell middens on the reserve. There is also Urupa (evidence of a burial site) on land adjoining the reserve.”

26. Council staff has engaged with mana whenua about the new community lease as follows:

- Email sent to key representative for Ngā Maunga Whakahii o Kaipara (as the development arm for Ngāti Whātua o Kaipara) containing relevant information and asking for feedback
- Email sent to other key representatives for mana whenua identified as having an interest in land in the Rodney Local Board rohe (geographical area) containing relevant information and asking for feedback
- Presentation to mana whenua representatives in attendance at the north west mana whenua forum scheduled to have been held at Orewa on Wednesday 4 September 2019. This forum was subsequently cancelled on the day.
27. Council staff received an email response on the matter from the Pou Kaitiaki for Ngā Maunga Whakahii o Kaipara (as the development arm for Ngāti Whātua o Kaipara) that Ngā Maunga Whakahii o Kaipara tautoko (support) the proposal.

Ngā ritenga ā-pūtea
Financial implications
28. There is no direct cost to council associated with this community lease proposal.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations
29. Should the Rodney Local Board resolve not to grant a lease to Fire and Emergency New Zealand, this decision will mean that there is no formal documentation to record council’s and Fire and Emergency New Zealand rights and responsibilities relating to the occupancy (including tenure and maintenance, etc). As such, council may be responsible for all the maintenance costs.

Ngā koringa ā-muri
Next steps
30. Subject to the local board grant of a new community lease to Fire and Emergency New Zealand, council’s legal team will work with Fire and Emergency New Zealand to finalise the required documentation.

Ngā tāpirihanga
Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>GIS aerial view showing lease area to Fire and Emergency New Zealand for the council-owned building and land outlined in red on land legally described as Part Lot 1 DP 8688 (redefined by SO 62916)</td>
<td>89</td>
</tr>
<tr>
<td>B1</td>
<td>Copy of Figure 2 (page 11) from the Shelly Beach Recreation Reserve Management Plan showing SO 62916 outlined and hatched in blue</td>
<td>91</td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Authorisers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Karen Walby - Community Lease Advisor</td>
<td>Rod Sheridan - General Manager Community Facilities</td>
</tr>
<tr>
<td></td>
<td>Lesley Jenkins - Relationship Manager</td>
</tr>
</tbody>
</table>
Attachment A

GIS aerial view showing the lease area to Fire and Emergency New Zealand for the council-owned building and land outlined in red on land legally described as Part Lot 1 DP 8688 (redefined by SO 82916)
Attachment B

A copy of Figure 2 (page 11) from the Shelly Beach Recreation Reserve Management Plan showing SO 62916 hatched in blue classified as local purpose (fire station) and (community buildings) reserve on which the fire station is located.
Amendment to resolution number RODPC/2018/4 relating to the renewal and variation of community lease to Sandspit Yacht Club Incorporated at Sandspit Reserve

File No.: CP2019/16569

Te take mō te pūrongo
Purpose of the report
1. To amend resolution number RODPC/2018/4 clause a) i) relating to the renewal and variation of community lease to Sandspit Yacht Club Incorporated at Sandspit Reserve to correctly record the commencement date of the renewal term.

Whakarāpopototanga matua
Executive summary
2. At its business meeting of 15 March 2018, the Rodney Local Board, Parks and Recreation Committee resolved to grant a renewal and variation of the lease to Sandspit Yacht Club Incorporated.
3. Council staff made an error in terms of calculating the commencement date for the renewal term, reporting that the renewal term of 33 years commenced 1 January 2018. The correct commencement date for the renewal term should have been stated as 1 January 2017. Council staff apologises to the local board for the error.
4. The deed of renewal and variation have not yet been signed, sealed or executed by council.
5. This report recommends that the Rodney Local Board approve the amendment of resolution number RODPC/2018/4 a) i), relating to the renewal and variation of community lease to Sandspit Yacht Club Incorporated at Sandspit Reserve to correctly record the commencement date of the renewal term.

Ngā tūtohunga
Recommendation/s
That the Rodney Local Board:
a) approve the amendment of resolution number RODPC/2018/4 a) i) (Attachment A to the agenda report) to:
   i) term – 33 years commencing 1 January 2017.

Horopaki
Context
6. This report considers the leasing issues with respect to Sandspit Yacht Club Incorporated’s (the Club) occupation of land at Sandspit Reserve.
7. The lease has been renewed by virtue of resolution RODPC/2018/4 (Attachment A to the agenda report). Due to a typing error, the resolution states that the lease renewal is to commence on 1 January 2018, instead of 1 January 2017.
8. The recommendation in this report aims to rectify the error, to more accurately reflect the terms of the lease and body of the report on which resolution RODCP/2018/4 was based.
9. The Rodney Local Board is the allocated authority relating to local, recreation, sport and community facilities, including community leasing matters.
Tātaritanga me ngā tohutohu
Analysis and advice

Land and buildings

10. The parcel of reclaimed land legally described as Allotment 435, Parish of Mahurangi, comprising 3140m² is currently held by the Crown through the Department of Conservation as a classified recreation reserve and subject to the provisions of the Reserves Act 1977. Allotment 435 is vested in council, in trust, for recreation purposes.

11. As Allotment 435 is held by the Crown through DOC and the existing deed of lease incorrectly stated that Allotment 435 was held in fee simple by council, the proposed deed of renewal of lease will include a variation to rectify this inaccuracy. Further, a treaty clause will be included in the deed should Allotment 435 be subject to a treaty claim in the future.

12. The club’s improvements at the water’s edge in Sandspit are all very well maintained and comprise:

- slip and haul-out yards
- yard manager’s shed
- attractive clubhouse with facilities including a lounge, bar and deck
- a boardwalk along the foreshore with outdoor seating overlooking the marina
- colourful gardens, well-designed parking and outdoor areas

The lease

13. The club has an existing lease over Allotment 435 comprising part of Sandspit Reserve entered into with the former Rodney County Council. The lease commenced 1 January 1984 for one term of 33 years and provides for one option for a further term of 33 years, effecting final expiry on 31 December 2050.

14. The various clauses in the existing deed of lease relating to the option for renewal contain specified conditions as follows:

i) that the club give at least 12 calendar months’ notice of its wish for a renewal

ii) that the club not be in breach of any of the set terms and conditions of its lease

iii) that there is sufficient need for the sport and recreational activities for which the land is used by the club and that in the public interest some other sport or recreational activity should not have priority for occupation of the land.

15. The club has satisfied all of the relevant requirements relating to the option for council to renew the lease for a term of 33 years commencing 1 January 2017.

The club

16. The club was incorporated under the Incorporated Societies Act 1908 on 9 May 1972.

17. The club has a 59-year history in the Sandspit Harbour, having formed in 1960 and was originally based at Green Point, Sandspit. The club relocated to its present site in 1969 where it has continued to enjoy steady growth.

18. In addition to promoting boating and water-based activities, the club offers the use of its facilities free of charge to many community organisations such as; the Kawau Volunteer Coastguard, St John Ambulance, Camp Bentzon Trust, Sandspit Harbour Restoration Group and Sandspit Residents and Ratepayers.

19. The club’s community lease is contemplated and in conformity with the Sandspit Reserve Management Plan adopted by the former Rodney District Council 3 September 1997.
20. Staff from Service Strategy and Integration and Parks and Recreation teams were canvassed for feedback on the proposal to amend the resolution and did not express any concerns.

21. At its workshop of 8 February 2018, the Rodney Local Board Parks and Recreation Committee considered a memorandum on the option to renew the club’s lease, at which time the committee offered informal feedback to the proposal.

22. The recommendations within this report support the Rodney Local Board Plan 2017 outcomes for:
   - communities are influential and empowered
   - parks and sports facilities that everyone can enjoy
   - our harbours, waterways and environment are cared for, protected and healthy.

23. There are no changes in use or operational activities being conducted on the land.

24. A treaty clause will be included in the deed should Allotment 435 be subject to a treaty claim in the future.

25. There is no direct cost to council for preparing the required deed of renewal and variation.

26. Should the Rodney Local Board resolve not to approve the amendment of resolution number RODPC/2018/4 a) i), this may:
   - be considered as a lack of good faith
   - materially affect the club’s ability to undertake its core activities. Since the existing lease was put in place, the club has invested significant funds in its improvements and assets.

27. Council’s community leases staff will work with the club to finalise the new deed of renewal and variation.
Amendment to resolution number RODPC/2018/4 relating to the renewal and variation of community lease to Sandspit Yacht Club Incorporated at Sandspit Reserve

Ngā tāpirihanga
Attachments

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<td>Karen Walby - Community Lease Advisor</td>
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<td>Rod Sheridan - General Manager Community Facilities</td>
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<tr>
<td>Lesley Jenkins - Relationship Manager</td>
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For Action

MEMO TO: Karen Walby – Community Lease Advisor
COPY TO: Raewyn Morrison - Local Board Democracy Advisor
FROM: Rodney Local Board Parks and Recreation Committee Meeting of 15/03/2018
DATE: 21 March 2018
MEETING:

Please note for your action / information the following decision arising from the meeting named above:

RODPC/2018/4 Renewal and variation of community lease to Sandspit Yacht Club Incorporated at Sandspit Reserve
CP2018/01654

FILE REF 12

AGENDA ITEM NO.

12 Renewal and variation of community lease to Sandspit Yacht Club Incorporated at Sandspit Reserve

Karen Walby (Community Lease Advisor) in attendance for this item.
Resolution number RODPC/2018/4
MOVED by Member B Houlbrooke, seconded by Member P Pirrie:
That the Rodney Local Board Parks and Recreation Committee:

a) grant a renewal of the lease to Sandspit Yacht Club Incorporated for the parcel of reclaimed land legally described as Allotment 435, Parish of Mahurangi, comprising 3140m² at Sandspit Reserve (Attachment A) subject to the following conditions:
   i) term – 33 years commencing 1 January 2018
   ii) rent - $10.00 per annum if demanded
   iii) all other terms and conditions will accord with the original deed of lease dated 7 September 1984.

b) grant a variation to the renewal of lease to Sandspit Yacht Club Incorporated for the parcel of reclaimed land legally described as Allotment 435, Parish of Mahurangi, comprising 3140m² at Sandspit Reserve to record Crown ownership of the parcel of reclaimed land.

c) grant a variation to the renewal of lease to Sandspit Yacht Club Incorporated for the parcel of reclaimed land legally described as Allotment 435, Parish of Mahurangi, comprising 3140m² at Sandspit Reserve to include a treaty clause to record Crown ownership of the
Item 17

SPECIFIC ACTIONS REQUIRED:
Karen: Please action accordingly.

CARRIED
Te take mō te pūrongo
Purpose of the report
1. To see approval of the concept design for the Sunny Crescent – Merlot Heights Reserve playspace renewal.

Whakarāpopototanga matua
Executive summary
2. Auckland Council’s Community Facilities department is currently undertaking the relocation and renewal of the playspace as part of the local boards 2019/2020 work programme.
3. The concept design (Attachment A to the agenda report) has been developed for a neighbourhood playspace catering for junior and intermediate level.
4. The concept design has been presented to the local board and feedback received has been incorporated into the design.
5. Consultation with local residents and mana whenua was undertaken, with the feedback helping to inform the concept design.
6. Once the concept design is approved by the local board, the detailed design phase can begin, with construction forecast to commence in 2020.

Ngā tūtohunga
Recommendation/s
That the Rodney Local Board:

a) approve the concept design for the new playspace at Sunny Crescent – Merlot Heights as provided in Attachment A to this agenda report

b) note that staff will progress this project to detailed design, consents and physical works.

Horopaki
Context
8. The assessment identified Sunny Crescent – Merlot Heights as a neighbourhood play space and identified an opportunity to create an improved space.
9. Sunny Crescent - Merlot Heights Reserve is the only neighbourhood playspace in Huapai at present and is in the smallest part of the reserve adjacent to neighbours. The feasibility study recommends relocating this playspace and renewal activities being added for an older age-group, rather than just renewing the existing junior equipment at Merlot Heights.

Tātaritanga me ngā tohutohu
Analysis and advice
10. The assessment (Attachment B to the agenda report) suggests that when this play space is renewed, it is also relocated to the other side of the reserve where there is a large grassy lawn and a walkway through to the new residential area.
11. The assessment that creating a strong neighbourhood play space that provides play opportunities for junior (five years and under) and intermediate (5 – 10 years) level and teen play (11+ years) will meet desired outcomes and service levels.

12. Initial community consultation was completed in conjunction with other Huapai playground developments. The community was asked: "The current playground at Sunny Crescent/Merlot Heights is very small and in the narrowest part of the park. It is proposed to be moved to the larger part of the park where it is more suitable for play. Do you have any comments regarding this proposed change?".

**Table 1: Community Responses to Merlot Heights Playground questionnaire**

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<td>Neutral response</td>
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13. Community consultation on the developed concept design was undertaken with local residents between 1 August and 24 August 2019. Approximately 500 letters were delivered to within an approximate five to eight-minute walking distance of Sunny Crescent – Merlot Heights Reserve. Consultation was also advertised online via the Rodney local board’s Facebook page and through Auckland Council’s “Have your say” website.

14. Feedback was gathered on the below concept design:

![Image A: Concept Design](Image A: Concept Design)

15. A total of 52 submissions were received online and by mail and the following is a summary of the feedback:
   - Most of the respondents are supportive of the play space.
   - Overall positive comments on the proposed playground concept.
   - Most support received on the colours, planting and fruit trees.
   - Some requests received for a scooter or bike track (17% of respondents).
   - A few respondents asked for fencing around the playspace (7% of respondents).
• Comments about more challenging equipment; like climbing structures (15% of respondents).
• Requests for additional shade provision (7% of respondents).
• Suggestions of different play equipment such as flying fox, water play/splash pad, fitness equipment, and a toilet facility.

16. A shade sail can easily be added to the play space at a later stage once further budget becomes available. Several trees are part of the concept design that will provide natural shade to many areas of the reserve, especially the seating areas.

17. The additional suggested equipment is not appropriate for this park due to the park’s location, spatial restrictions, higher maintenance and the relative added costs of some of these elements. During the detail design phase further investigation will be undertaken to integrate further climbing activity as part of the play equipment.

18. Some people requested the addition of a scooter or bike track. The Sunny Crescent playground development is considered a neighborhood playground, a playground used within easily walkable distance. Best practice states that bike tracks/pump tracks/scooter tracks or learn to ride tracks are best located at destination playgrounds. Future development of a destination playground in the area would be more suited for a pump track, after a service level and needs assessment is completed.

19. The proposed playspace surface is of concrete and wetpour – both of which are rideable surfaces. Based on the feedback received a concrete bump/scooter track hump inserted into the concrete playspace pathways has been incorporated into the concept design. Further detail is to be defined during the detail design stage.

20. Additional individual commentary was received on the provision of seating, drinking fountain (one response) and toilet for the reserve two responses). Seating areas are well provided throughout the play space acting as informal balancing play elements as well as seats for parents. Sunny Crescent – Merlot Heights Reserve park/playspace mainly serves the local catchment therefore the demand and use of the space does not call for a toilet facility. Furthermore, there are constraints within the park and the creation of a new toilet facility would require considerable additional funding. A drinking fountain could be considered at the local boards discretion if additional funding was made available.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera Council group impacts and views

21. Auckland Council’s Parks and Places and the Operational Management and Maintenance teams have been consulted and are supportive of the proposed concept design.

22. Local residents will benefit from this play space as the concept design caters for a wider age group and provides an improvement on the current worn playspace located in the smaller part of the reserve at Merlot Heights.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe Local impacts and local board views

23. Improving the provision of play at Sunny Crescent has been identified as part of a programme to improve levels of service, responding to key outcomes in the 2017 Rodney Local Board Plan. The project will help delivery one of the outcomes, parks and sport facilities that everyone can enjoy.

24. Local board views and feedback into the concept design was sought at a workshop on 13 June 2019 before community consultation was completed.

25. The concept design was well supported from the feedback received from the residents.

26. The new play space will provide a play facility for the local residents and improve the recreation opportunities in the Kumeu-Huapai area.
Tauākī whakaaweawe Māori
Māori impact statement

27. Mana whenua with an interest in the Rodney Local Board area have been consulted on the concept design. No individual feedback has been received to date. If further feedback or input is received this can be incorporated in the detail design phase.

28. The new play space will enable whānau and tamariki within the Kumeu-Huapai māori community to have safer and easier access to passive recreation and education through play, as it will for families of all cultures in the area.

Ngā ritenga ā-pūtea
Financial implications

29. The 2018/2019 and 2019/2020 Community Facilities work programme includes capital renewal budget of $440,000.00 for the design and development of the play space at Sunny Crescent.

30. The cost estimate for the physical works based on the concept design is $440,000.00 including contingency.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

31. Should the local board not support the concept plan, this will subsequently delay and extend the timeframes to deliver the project as the scope will need to be redefined and further consultation with the community and mana whenua to be undertaken.

32. The cost estimate is concept level only; therefore, it includes contingency values, as well as the potential for costs to change as more detailed designs are undertaken and following tendering for the physical works. Should the cost required for physical works come in significantly higher than the budget, then the local board will be consulted to discuss a way forward.

33. Public expectation has been raised for a new play space at Sunny Crescent – Merlot Heights Reserve. If the concept is not supported by the local board, it could cause disappointment for local residents that contributed during the consultation.

Ngā koringa ā-muri
Next steps

34. Once the concept design is approved by the local board, the project will be progressed through the detailed design, consents and procurement phases to enable construction to commence in 2020.

35. Neighbouring residents will also be informed of the local board’s decision, and the proposed time frame for construction.

Ngā tāpirihanga
Attachments

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Signatories

<table>
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<th>Author</th>
<th>Sandra May - Property Coordinator</th>
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<tr>
<td>Authorisers</td>
<td>Rod Sheridan - General Manager Community Facilities</td>
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<tr>
<td></td>
<td>Lesley Jenkins - Relationship Manager</td>
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</table>
THE FRUIT BOWL OF KUMEU

DESIGN STATEMENT

Sunny Crescent Reserve is situated within Kumeu, with its strong historical presence and spirit of place ‘genius loci’. Kumeu developed in the early nineteen hundreds to become a wine and fruit growing countryside settlement with the coined name of Huapai ‘good fruit’. The fruit bowl concept is the main design theme for the proposed playground.

A recently constructed concrete path that crosses through Sunny Crescent Reserve will serve as the main artery for the playground. The design interacts with the path by introducing ellipses crossing the concrete, pergolas framing and flowerbeds crossing the visual experience through the linear shape of the path.

The proposed design seeks to provide:

- Preservation of the strong pedestrian connection through the site and developing a well-defined play space by creating a strong statement of a gateway, by introducing pergolas covered with climbing plants.
- The linear extension of the path is enhanced by introducing elements of interaction, such as colour ellipse crossings, bouncing trampolines and other play equipment as a way of inviting play activity.
- The planting palette will highlight the local horticultural history, providing opportunities for children’s education. The bright colours emphasise the concept of the ‘fruit bowl’ while providing visual interest. Further interaction with the plants is encouraged by introducing path crossing between the planting spaces.
- The fruit trees aim to encourage the community to pick the fruit and socialise in the bigger open space or adjacent to the play space.
- The edges of ellipse play zones become an integrated part of the play experience for balance and movement.
- Intense use of colours in the softscape and hardscape design elements will build on the concept of the fruit bowl of Kumeu, intensifying play.
- Sustainability is considered when proposing materials for play equipment and other elements for the design, through the reuse of existing play equipment and materials where possible.
- The intention of the design is to combine all the elements in the space and take the community on a journey between different activities and various experiences.
CONCEPT PLAN

1. Pergola
2. Flower Bed
3. Bee Spinner
4. 2 Seater Swing Seat
5. Raised Mound
6. Climbing Ropes and Handholds
7. Trampolines
8. Mini Trampoline
9. Wacky Spinner
10. Plastic Bugs Seesaw
11. Plastic 1.5m High Slide
12. Fruit Trees
13. Seating
14. Existing Path
15. Sand Blast Stenciling
16. Stepping/Balancing Edge
17. Flush Edge
18. Level Edge to Mound
19. Concrete pump/scooter track hump inserted into concrete playspace pathways
MAIN PLAYSPACE (ARTIST’S IMPRESSION)
EQUIPMENT

WOODEN STEPPING LOGS (PAINTED)
1 - 3 year olds, 3 - 5 year olds, 5 - 8 year olds

TWO SEAT SWING
1 - 3 year olds, 3 - 5 year olds, 5 - 8 year olds, 8 - 12 year olds

FOREST BUGS SEESAW
5 - 8 year olds

WACKY SPINNER
5 - 8 year olds, 8 - 12 year olds

BEE SPRINGER
3 - 5 year olds, 5 - 8 year olds

MINI TRAMPOLINE
3-5 year olds, 5-8 year olds, 8-12 year olds

SLIDE
3-5 year olds, 5-8 year olds, 8-12 year olds

HANDHOLDS
3-5 year olds, 5-8 year olds, 8-12 year olds
PLANTING PALETTE

CLIMBERS

Parsonsia heterophylla - NZ Jasmine

Escallonia 'Red elf'

Liriope muscari 'Evergreen giant'

Lomandra 'Little con'

2x PINK AND LIME GREEN BEDS

Hardenbergia regent

Geranium 'Tiny monster'

Loropetalum chinense 'China pink'

Phormium 'Evening glow'
2X WHITE AND SILVER BEDS

- Agapanthus 'Seafoam'
- Dianella 'Little jess'
- Phormium 'Yellow wave'
- Stachys byzantina

FRUIT TREE

- Murraya paniculata 'Orange jessamine'
- Lomandra 'Silver grace'
- Acacia cognata 'Limelight'
- Malus spp. Apple
Te take mō te pūrongo

Purpose of the report
1. To seek approval for the concept design for the renewal of the Wellford public toilet at 118 Rodney Street.

Whakarāpopototanga matua

Executive summary
2. Auckland Council’s Community Facilities department is preparing design work for the comprehensive renewal of the public toilet block in Wellsford, 118 Rodney Street.
3. A concept design has been developed which will accommodate the expected growth in the area and the continued extensive use of the toilets by tourists and visitors.
4. The concept design incorporates feedback from Auckland Council’s Parks and Places specialist, Wellsford local residents, and the Rodney Local Board.
5. The concept level cost estimate to build the toilet block (Attachment A to the agenda report) is $1,052,000 and has been budgeted for in the Rodney Local Board’s Community Facilities 2019/2020 capital work programme, as approved by the local board at its June 2019 business meeting.
6. Following approval of the concept design, the project will progress to detailed design, consents and procurement phases to enable construction in financial year 2020/2021.

Ngā tūtohunga

Recommendation/s
That the Rodney Local Board:

a) approve the concept design for the Wellsford toilet block rebuild as provided in Attachment A to this agenda report
b) note that staff will progress this project to detailed design, consents and physical works.

Horopaki

Context
7. The existing public toilets at 118 Rodney Street, Wellsford include two male toilets plus urinal, and three female toilets of which one is accessible and includes a baby change table. The current facility is in poor condition.
8. The Rodney Local Board approved the rebuild of the Wellsford toilet facility as part of the local board’s Community Facilities 2019/2020 capital work programme (RD/2019/71).
9. Stellar Projects were engaged to undertake the feasibility study and proceed to the concept design for a new facility. The concept design for the new facility is shown in Attachment A to the agenda report.
10. The new facility includes five unisex pans, two all accessible pans with baby change facility and a separate men’s urinal. The concept design also includes improvements to the car park area, lighting, new accessible footpath to the toilet block and the foundation for a new green space which provide an opportunity for future town centre development.
11. The concept design was developed using the Auckland Council Parks Design Guidelines for Changing Rooms and Public Toilets provided in Attachment B of the agenda report.

Tātaritanga me ngā tohutohu
Analysis and advice

12. A strategic assessment was undertaken by Auckland Council's Parks and Places specialists to understand the provisions requirements for the Rodney area.

13. A feasibility study was undertaken during financial year 2018/2019 and different options for the toilet facility at 118 Rodney Street were investigated and presented to Rodney Local Board. Options considered included:
   - Refurbish
   - Refurbish and extend
   - Demolish and rebuild
   - Demolish and do not replace.

14. The feasibility study identified the option to demolish and rebuild as the preferred option. The Rodney Local Board indicated support for the option to demolish and rebuild during the Community facilities workshop on 18 October 2018. A new project was approved as part of the 2019/2020 work programme to demolish and rebuild the toilet block.

15. Consultation was undertaken with residents and co-hosted with Wellsford Community Voice. Community sessions were held in March 2019 and July 2019.

16. The community sessions held in March and July 2019 provided feedback on the toilet use, the concept design and preferred location of the new toilet facility.
   - Initial community feedback received in March 2019 included:
     - the need for more toilet pans, urinals, accessible access
     - improvements of the amenity and the whole area
     - providing a robust toilet design
     - improved lighting and car parking
     - more picnic space, seating and shade
     - that a new location would provide an open feel to the site and allow for more green space with better connections to the town centre
     - demolish existing building to provide additional space to create new town centre space for possible future development.

17. At the community consultation session in July 2019; two different concept designs were presented to the community for the exterior design of the facility. The options consisted of architectural timber cladding or concrete panels with contouring (see image below). The contouring design or visual texture to the concrete panels can be defined during the detailed design phase. The attendees voted for their preferred design option:
   - 80 per cent voted for the concrete design with precast panels
   - 20 per cent voted for the architectural timber cladding designs
18. Investigations included identifying options for the best location on the site for the new toilet facility. Options considered include rebuilding the toilet block in the existing location; building the facility on a new location to the back of the site between the two existing trees, and rebuilding on a location in the north corner of the section.

19. The new design has incorporated the principles outlined in the Crime Prevention Through Environmental Design (CPTED) which ensures that the facilities are safer to use and are less susceptible to vandalism.

20. The new location of the toilet facility will provide an opportunity for the future development of a town centre green space.

21. Taking into consideration initial feedback and the site constraints, it is recommended to rebuild the new toilet block at the back of the site between the two existing trees. The new location provides several advantages for the site:
   - improving the look and feel of the site
   - opening the space to provide a more welcoming environment
   - utility services availability to connect the new toilet block
   - creating a new green space that will provide opportunity for future town centre development
   - connectivity to connect with proposed greenways routes
   - additional, accessible and more visible car parking for visitors to Wellsford.

22. The majority of the attendees during the three community consultation sessions preferred the new location of the toilet facility at the back of the property between the existing trees.

**Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**

**Council group impacts and views**

23. Auckland Council's Parks and Places and Operational Management and Maintenance staff have been consulted and are supportive of the proposed concept design.
Local impacts and local board views

24. Local board views and preferences have been sought on the options and the proposed concept design during the Rodney Local Board workshops on 11 October 2018, 13 June 2019 and 8 August 2019.

25. Three separate community meetings were held in Wellsford to provide an opportunity for public input and feedback: 6 March 2019 and two drop-in sessions at the Old Wellsford Library on 12 March 2019 and 3 July 2019.

26. The feedback received from the local board and the community has been incorporated into the concept design.

27. There is further opportunity to involve the community in the upcoming design of the future development of town centre area. Initial consultation on this project has shown the community’s interest and aspiration for the proposed new development area.

Māori impact statement

28. All mana whenua with an interest in the Rodney Local Board area were contacted to enable involvement and input into the project.

29. Engagement with mana whenua will continue in the next phase of the project, particularly on the exterior design of the toilet facility and the resource consent process.

Financial implications

30. The cost estimate for the concept design (Attachment A to the agenda report) is $1,052,000.


32. The design and location of the new toilet facility will enable reduced maintenance and operating costs through more efficient water use, easier to clean surfaces with more durable construction materials.

Risks and mitigations

33. Should the local board not support the concept design, it will subsequently delay and extend the timeframes to deliver the project.

34. A small number of community members raised safety concerns over the new proposed location of the toilet and a lack of passive surveillance between the new toilet block and adjacent railway. Counter to those safety concerns, the community preference was for the proposed new toilet location, and the Wellsford police welcomed the new proposed location of the toilet facility as the new location will provide for passive surveillance for the carpark and the front of the toilet facility from the road side.

35. The project will include upgraded lighting to the site and during the detailed design plan it will be ensured that there will be sufficient lighting to the overall site. If required, additional features like landscaping, planting or fencing will be included to ensure any of these concerns are minimised.
Ngā koringa ā-muri

Next steps

36. If the concept design is supported by the local board, the project will be progressed through to detailed design, consents and procurement phases to enable construction in financial year 2020/2021.

37. Consultation with mana whenua and the local community on the exterior design of the toilet will continue as the project progresses.

Ngā tāpirihanga

Attachments

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Signatories

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<tr>
<th>Author</th>
<th>Sandra May - Property Coordinator</th>
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</table>
| Authorisers     | Rod Sheridan - General Manager Community Facilities  
|                 | Lesley Jenkins - Relationship Manager |
LOCAL GEOGRAPHICAL CONTOURING RELIEF IN PRECAST PANELS

RODNEY STREET, WELLSFORD

Existing site photo

Visualisation angle

Toilet block proposed location

LOCATION PLAN

Wellsford area contour map

Wellsford Proposal

CONCEPT DESIGN

Attachment A
TOILET BLOCK AND CARPARK - LAYOUT PLAN SHOWING FUTURE RESERVE PATH OPTIONS

RODNEY STREET, WELLSFORD
PRECEDENT IMAGERY OF PRECAST CONCRETE FACADE

RODNEY STREET, WELLSFORD
Approving reclassification of part of Warkworth Sesquicentennial Walkway following public notification

File No.: CP2019/17040

Te take mō te pūrongo

Purpose of the report

1. To approve reclassification of three parcels, which form part of the Warkworth Sesquicentennial Walkway, under the Reserves Act 1977 following the close of public submissions.

Whakarāpopototanga matua

Executive summary

2. Classification of reserve land is an essential step in the preparation of the Rodney Local Parks Management Plan and a statutory requirement under the Reserves Act 1977.

3. Reclassification will make clear the primary values of these reserves and the types of activities that can take place on that land in the future. It will provide consistency in the management of those primary values across adjacent parcels and clarify the legal status of land.

4. On 18 July 2019, the Rodney Local Board Parks and Recreation Committee resolved to publicly notify the reclassification of four parcels of park land (Resolution number RODPC/2019/20).

5. One of the parcels of land at Rotary Grove, Warkworth was subsequently found to be correctly classified and did not require any further action. The remaining three land parcels forming part of the Warkworth Sesquicentennial Walkway were publicly notified on 25 July 2019.

6. The period for public submissions has closed and no submissions were received. A further resolution of the committee is now required to confirm the reclassification actions for these parcels of land.

7. Once approved, staff will seek the approval of the Minister of Conservation (delegated to the General Manager Community Facilities, Auckland Council) to publish the changes in the New Zealand Gazette.

Ngā tūtohunga

Recommendation/s

That the Rodney Local Board:

a) approve the reclassification of Part Lot 5 DP 36395, Lot 7 DP 36395 and Lot 6 DP 36395 as scenic reserve (section 19(1)(b)) pursuant to section 24(1)(b) of the Reserves Act 1977.

Horopaki

Context

8. A review of the land status and classification of local parks in Rodney has been undertaken as a preliminary task in developing the Rodney Local Parks Management Plan and was covered in the report to the Rodney Local Board Parks and Recreation Committee (the committee) on 18 July 2019.
9. At that meeting, the committee approved 36 parcels of land to be declared reserve under the Reserves Act 1977 and approved the classification of 487 unclassified reserve parcels. In addition, the committee approved public notification of proposals to reclassify four parcels of reserve land. Attachment A to the agenda report includes a copy of those resolutions.

10. A further review of the parcels requiring reclassification identified that one of the parcels at Rotary Grove (Warkworth) was correctly classified and only three parcels required reclassification.

11. The three parcels which make up part of the Warkworth Sesquicentennial Walkway (Attachment B to the agenda report) were publicly notified in the Rodney Times on 25 July 2019. The submission period closed on 25 August 2019.

12. A further resolution is required to confirm the reclassification actions now that consultation has closed.

Tātaritanga me ngā tohutohu
Analysis and advice

Outcome of the public notification

13. Mana whenua involvement and views on the proposed reclassifications were described in detail in the 18 July 2019 report. Iwi supported the recommendations for reclassification.

14. No submissions were received on the proposed land reclassification.

Decisions relating to the proposed classification actions

15. The committee may choose to approve the classification actions or change those actions.

16. In the absence of any public objections, we recommend the committee approve reclassifying the reserves as proposed in Attachment B to the agenda report.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

17. The impacts and views of classification on council group departments was outlined in the July 2019 report (Reference CP2019/12712). No additional impacts arise from the decision proposed in this report.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

18. As described in the 18 July 2019 report, we have reclassified the parks to ensure their current use aligns with the primary purpose. Reclassification makes clear the types of activities that can take place on the land into the future and provides clarity to the public on primary value and purpose of reserve.

19. Local board views on this workstream were described in the 18 July 2019 report.

Tauākī whakaaweawe Māori
Māori impact statement

20. Where land is held under the Reserves Act 1977, the council is required to interpret of the provisions of that Act to give effect to the principles of te Tiriti o Waitangi.

21. Mana whenua views were described in the 18 July 2019 report. Mana whenua raised no concerns regarding the reclassification of part of Warkworth Sesquicentennial Walkway.
Ngā ritenga ā-pūtea
Financial implications
22. Reserves will be formally classified under the Reserves Act when a gazette notice describing each land parcel has been published in the New Zealand Gazette. Costs associated with this process will be funded through internal statutory land management budgets.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations
23. Risks were described in the 18 July 2019 report. The lack of submissions mean that no additional risks have been identified.

Ngā koringa ā-muri
Next steps
24. Once the local board has approved the classification actions, they must be included in a notice published in the New Zealand Gazette.
25. Approval of the gazette notice has been delegated from the Minister of Conservation to the General Manager Community Facilities. A report will be prepared seeking their signature to the gazette notice.

Ngā tāpirihanga
Attachments

<table>
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<th>No.</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>July 2019 resolution</td>
<td>127</td>
</tr>
<tr>
<td>B</td>
<td>List of parcels to be reclassified</td>
<td>129</td>
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Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Authorisers</th>
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<tbody>
<tr>
<td>Shyrel Burt - Service and Asset Planning Specialist</td>
<td>Lisa Tocker - Head of Service Strategy and Integration</td>
</tr>
<tr>
<td></td>
<td>Lesley Jenkins - Relationship Manager</td>
</tr>
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</table>
Attachment A

Minutes of the Rodney Local Board Parks and Recreation Committee
18 July 2019

11 Rodney local parks land classification programme

Ms Shyrel Burt – Service and Asset Planning Specialist was in attendance via Skype for this item.

Resolution number RODPC/2019/20

MOVED by Member P Pirrie, seconded by Member B Houlbrooke:

That the Rodney Local Board Parks and Recreation Committee:

a) confirm 51 parcels of land currently held under the Local Government Act 2002 as described in Attachment B of this agenda report will continue to be held under the Local Government Act 2002

b) approve 36 parcels of land to be declared a reserve and classified according to their primary purpose, pursuant to section 14(1) of the Reserves Act 1977 as described in Attachment C of this agenda report

c) approve the proposed classification of 487 parcels of reserve land pursuant to sections 16(1) and 16(2A) of the Reserves Act 1977 as described in Attachment D of this agenda report

d) approve public notification of the proposals to reclassify four parcels of reserve land pursuant to section 24(2)(b) of the Reserves Act 1977 described in Attachment F of this agenda report.

CARRIED
Attachment B: Parcels to be reclassified

<table>
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<tr>
<th>Park Name</th>
<th>Physical Address</th>
<th>Appellation</th>
<th>Survey Area (sqm)</th>
<th>Classification</th>
<th>Reason</th>
<th>RA77 Section</th>
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<td>Pound Street</td>
<td>Part Lot 5 DP 36396</td>
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<td>Scenic 1b</td>
<td>Incomplete classification under Reserves and Domains Act 1953</td>
<td>24(2)(b)</td>
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<td>Lot 6 DP 36395</td>
<td>1905</td>
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<td>Pound Street</td>
<td>Lot 7 DP 36395</td>
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<td>Scenic 1b</td>
<td>Incomplete classification under Reserves and Domains Act 1953</td>
<td>24(2)(b)</td>
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</table>
Te take mō te pūrongo
Purpose of the report
1. To progress the allocation of funding from the Rodney Local Board’s Transport Capital Fund remaining for the current political term.

Whakarāpopototanga matua
Executive summary
2. Local boards can use the Local Board’s Transport Capital Fund to deliver transport infrastructure projects that are not part of Auckland Transport’s work programme. There is $633,257 in the Rodney Local Board’s Transport Capital Fund yet to be allocated for the current political term, to 30 June 2020.
3. This report makes a recommendation to assist the local board with allocating funds following discussions at workshop held on Thursday 5 September 2019.

Ngā tūtohunga
Recommendation/s
That the Rodney Local Board:
 a) allocate $623,000 from the funds remaining in its Local Board Transport Capital Fund for the current political term to Project 656, construction of a footpath on Hudson Road between State Highway One and Albert Road, based on a preliminary estimated cost provided at a workshop on 5 September 2019.
 b) note that resource consent is being lodged with Auckland Council for construction of a footpath on Omaha Drive, Omaha, from Broadlands Drive to the Omaha Golf Club, based on indications by the local board that it will commit funding to the project from its Local Board Transport Capital Fund allocation for the 2019-2022 electoral term.

Horopaki
Context
4. The Local Board Transport Capital Fund (LBTCF) is a capital budget provided to all local boards by Auckland Council and delivered by Auckland Transport (AT). Local boards can use this fund to deliver transport infrastructure projects that they believe are important to their communities but are not part of AT’s work programme. Projects must also:
   • be safe
   • not impede network efficiency
   • be in the road corridor (although projects in parks can be considered if there is a transport outcome).
5. The Rodney Local Board’s share of the LBTCF allocated with effect from 1 July 2018 as per the local board funding policy, is $1,115,764 per annum.
6. Taking into account recent commitments, the total remaining funds in the Rodney Local Board’s TCF to 30 June 2020 is $633,257.
7. The table below shows the local board’s Transport Capital Fund Summary for this term:

<table>
<thead>
<tr>
<th>Rodney Local Board Transport Capital Fund Financial Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Funds Available in current political term</td>
</tr>
<tr>
<td>Amount committed to date on projects approved for design and/or construction</td>
</tr>
<tr>
<td>Remaining Budget left</td>
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</table>

Tātaritanga me ngā tohutohu
Analysis and advice

8. The local board was updated on the status of the following projects investigated through LBTCF Project 619-Rodney Footpath Designs at a workshop held on 5 September 2019:

- Blue Gum Drive, Warkworth (full length)
- Arthur Street, Riverhead (Coatesville Highway to George St)
- Springs Road, Parakai (No. 33 to wharf)
- Falls Road, Warkworth (Hudson Rd to Mansel Drive).

9. Local board members were advised that work had been completed on Blue Gum Drive, and that construction of footpaths on Arthur Street, Springs Road and Falls Road was anticipated from late August 2019 – February 2020.

10. Discussion at the workshop also focused on:

- the design of a footpath on Hudson Road, Warkworth, with options presented for a footpath between State Highway One and No. 33 Hudson Road at an estimated cost of $423,000, and a footpath between State Highway One and Albert Road at an estimated cost of $623,000.
- pro bono work being completed towards the design and construction of a shared path on Omaha Drive, from Broadlands Drive to the Golf Club, Omaha.
- an options analysis report for possible footpaths / safety improvements at Dairy Flat School on Dairy Flat Highway.

Hudson Road

11. The Local Board requested costings for construction of a footpath on Hudson Road from SH1 to No. 33 Hudson Road. A consultant was engaged and a preliminary design and estimate completed for this section, together with an 80 metre extension to link with the new footpath in Albert Road.

12. Members were advised at the workshop that the preliminary design cost estimate for the section of footpath from SH1 to No. 33 Hudson Road is $423,000. The preliminary design cost estimate to extend the project to Albert Road is $200,000. The preliminary design cost estimate for construction of a footpath from SH1 to Albert Road, to complete the link to the new footpath in Albert Road, is therefore $623,000.

13. Detailed design is now underway to establish a firm estimate of costs, members indicating at the workshop that their preference would be to commit LBTCF monies to a footpath that would complete the route around Hudson-Albert-Falls Roads and SH1.

Omaha Drive

14. Pro bono work on the design and construction of a shared path on Omaha Drive, from Broadlands Drive to the Golf Club, Omaha, by a local consultant is nearing completion.
15. Members were advised at the workshop on 5 September 2019 that resource consent would be required for the project and that it was expected this would be lodged with Auckland Council shortly.

16. Members were also advised that Omaha Golf Club had requested some form of fence protection for the section in the reserve land adjacent to the practice fairway.

17. AT’s Design Standards require that the path be lit due to safety concerns and its distance from the existing road lighting. However, AT’s lighting team has indicated an acceptance of marker lights only at key points along the pathway. The estimated additional cost is $150,000 but AT has agreed to offset the cost to the local board by contributing $50,000 towards the lighting.

18. The firm estimate of cost provided by the consultant, including the fence, $100,000 for lighting and 10 per cent contingency, is $681,000.

19. It was noted at the workshop that, should the local board confirm its commitment to funding construction of the shared path on Omaha Drive, it is likely that consultation will be required.

**Dairy Flat School on Dairy Flat Highway**

20. A copy of the report produced by Harrison Grierson on the Dairy Flat Highway School Gateway Investigation was circulated to members on 13 August 2019 and options for improvements were discussed at the workshop on 5 September.

21. Members indicated at the workshop that they may wish to proceed with the improvements proposed in the report subject to further discussion with key stakeholders. Accordingly, no recommendation has been made on the allocation of funding for any improvements at this time.

**Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**

22. The impact of information (or decisions) in this report is/are confined to AT and do/does not impact on other parts of the Council group.

**Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe**

23. The local board’s views on the designs of footpaths on Hudson Road, Warkworth and Omaha Drive, Omaha, together with recommendations made in the Harrison Grierson report on the Dairy Flat Highway School Gateway Investigation were discussed at a workshop on 5 September attended by AT staff and consultants from Harrison Grierson. Recommendations made in this report are based on the discussions at that workshop.

**Tauākī whakaaweawe Māori**

24. The proposed decision of receiving the report has no impacts or opportunities for Māori. Any engagement with Māori, or consideration of impacts and opportunities, will be carried out on an individual project basis.

**Ngā ritenga ā-pūtea**

25. The financial implication of the board approving recommendations a) of this report is the allocation of most of the remaining monies in the Rodney Local Board’s Transport Capital Fund for the 2019/2020 financial year to construction of a footpath on Hudson Road between State Highway One and Albert Road, based on a preliminary design estimate of $623,000.
26. The financial implication of the board approving recommendations b) is to indicate a willingness to commit funding to construction of a footpath on Omaha Drive, Omaha, from Broadlands Drive to the Golf Club, from future LBTCF monies.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

27. AT will put risk management strategies in place on a project by project basis.

28. It should be noted that the estimates provided in the report are based on current information available and may not be the final cost of the projects, with these not known until contracts for the work are let.

Ngā koringa ā-muri
Next steps

29. Detailed design for Project 656, construction of a footpath on Hudson Road between State Highway One and Albert Road, will be completed to confirm the preliminary cost estimate of $623,000. Unless significant issues are highlighted in the detailed design process, the project will proceed to construction.

30. Resource consent is being lodged with Auckland Council for construction of a footpath on Omaha Drive, Omaha, from Broadlands Drive to the Omaha Golf Club, based on indications by the local board that it will commit funding to the project from its Local Board Transport Capital Fund allocation for the 2019-2022 electoral term when this is made available on 1 July 2020. Further discussions will take place once the outcome of the resource consent process is known.

31. Local board members indicated at the workshop that they may wish to proceed with improvements proposed in the report produced by Harrison Grierson on the Dairy Flat Highway School Gateway Investigation. The proposals will be discussed with key stakeholders and the outcome reported back to the local board.

Ngā tāpirihanga
Attachments

There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Authors</th>
<th>Ellen Barrett – Elected Member Relationship Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Jonathan Anyon – Elected Member Relationship Team Manager</td>
</tr>
<tr>
<td></td>
<td>Lesley Jenkins - Relationship Manager</td>
</tr>
</tbody>
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Referred from the Governing Body: Freedom Camping in Vehicles Bylaw

File No.: CP2019/16432

Te take mō te pūrongo

Purpose of the report

1. To note the resolution of the Governing Body and consider giving feedback to the Chief Executive before 30 September 2019.

Whakarāpopototanga matua

Executive summary

2. At its meeting on 22 August 2019, the Governing Body resolved as follows:

Resolution number GB/2019/82

MOVED by Mayor P Goff, seconded by Cr L Cooper:

That the Governing Body:

a) receive the Freedom Camping Hearings Panel recommendations

b) defer any decision on a Freedom Camping in Vehicles bylaw pending advice from officers on the content of a new Statement of Proposal for a bylaw, and further information on a possible review of the Freedom Camping Act 2011

c) agree to alter part of previous resolution GB/2015/112 passed at the Governing Body meeting on 29 October 2015 from:

“a) confirm the following legacy bylaws, or residual parts, in accordance with section 63(3) of the Local Government (Auckland Transitional Provisions) Act 2010 until 31 October 2020, at which time these bylaws, or residual parts, will be automatically revoked…”

to:

“a) confirm the legacy bylaws in i., or residual parts, in accordance with section 63(3) of the Local Government (Auckland Transitional Provisions) Act 2010, until a new bylaw made under the Freedom Camping Act 2011 comes into force at which time these bylaws or residual parts will be automatically revoked; and confirm the legacy bylaws in subparagraphs ii. to v. or residual parts, in accordance with section 63(3) of the Local Government (Auckland Transitional Provisions) Act 2010 until 31 October 2020, at which time these bylaws, or residual parts, will be automatically revoked…”

d) direct officers to provide the Regulatory Committee (or its equivalent) and Governing Body with advice on the following potential elements of a future Statement of Proposal:

i) proposed prohibitions in the following areas:

A) all areas the Freedom Camping Hearings Panel recommended should be prohibited

B) the 61 sites proposed in public submissions for inclusion as prohibited areas, which were not specified in the original Statement of Proposal but are identified in Attachment E of the Hearings Panel Report

C) all Reserves in residential areas that are Reserves held under the Reserves Act 1977
ii) restricted freedom camping in the seven sites proposed in public submissions for inclusion as restricted freedom camping areas, which were not specified in the original Statement of Proposal but are identified in Attachment E of the Hearings Panel Report

iii) restricted or prohibited freedom camping in two sites proposed in public submissions, which were not specified in the original Statement of Proposal but are identified in Attachment E of the Hearings Panel Report

iv) a General Rule that regulates freedom camping outside restricted and prohibited areas not listed in the proposed bylaw, which includes provision for:

A) a prohibition of all freedom camping in vehicles parked directly outside residential homes (unless the resident has granted permission for the vehicle to be parked outside their home)

B) a prohibition of all freedom camping in vehicles parked directly outside commercial premises, educational facilities, healthcare facilities, playgrounds, and swimming pools

C) a maximum number of nights stay at any specific site

D) the same enforcement approach in relation to homelessness as set out in the original Statement of Proposal, which aims to offer compassionate support for people with social needs

v) any other specific proposal for possible inclusion in a Statement of Proposal that is communicated to the Chief Executive by a councillor or Local Board before 30 September 2019

e) note that following decisions on the advice on the matters in recommendation d) above, council officers will be directed to develop a new Statement of Proposal for the Freedom Camping in Vehicles Bylaw for consideration by the Regulatory Committee (or its equivalent) and the Governing Body, following consultation with Local Boards”.

3. The Governing Body considered the following at its meeting on 22 August 2019:

a) Item 9 – Implementing the next steps for the Freedom Camping in Vehicles Bylaw (Hearings Panel Report).

b) Item 10 – Chair’s Report on Freedom Camping in Vehicles Bylaw.

4. The attachments to this report show sites that are already in scope for the next phase of work. Attachment A provides a list of areas included in the previous statement of proposal and Attachment B provides a list of the 70 additional areas raised by submitters during the previous consultation.

5. This is an opportunity to provide further input on proposed sites which have not already been included within the scope of the next phase and which meet statutory requirements for inclusion in the Freedom Camping in Vehicles Bylaw.

Ngā tūtohunga

Recommendation/s

That the Rodney Local Board:

a) note the resolution of the Governing Body with regards to the Freedom Camping in Vehicles Bylaw.

b) forward any other specific proposal for possible inclusion in a Statement of Proposal to the Chief Executive before 30 September 2019.
Ngā tāpirihanga
Attachments

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<td>A</td>
<td>Freedom Camping in Vehicles – Managing freedom camping in Auckland (Statement of Proposal) (Under Separate Cover)</td>
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<td>B</td>
<td>Areas proposed by submitters during public consultation and not included within the statement of proposal (Attachment E of the Hearings Panel Report)</td>
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Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Authors</th>
<th>Michael Sinclair - Manager Social Policy and Bylaws</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Kataraina Maki - GM - Community &amp; Social Policy</td>
</tr>
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Areas by ward not included in the statement of proposal

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<td>North Shore</td>
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<td>Waitamata and Gulf</td>
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<tr>
<td>Waiwera Beach, The Strand Waiwera</td>
<td>Seeking prohibited, and seeking restricted freedom camping</td>
<td>Albany</td>
<td>Page 349 of Attachment C</td>
</tr>
<tr>
<td><strong>Howick</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cockle Bay Beach</td>
<td>Seeking restricted freedom camping</td>
<td>Howick</td>
<td>Page 302 of Attachment C</td>
</tr>
<tr>
<td>Cockle Bay Domain</td>
<td>Seeking restricted freedom camping</td>
<td>Howick</td>
<td>Page 303 of Attachment C</td>
</tr>
<tr>
<td>Millhouse Reserve</td>
<td>Seeking prohibited</td>
<td>Howick</td>
<td>Page 330 of Attachment C</td>
</tr>
<tr>
<td>Non-scheduled area</td>
<td>Restriction sought</td>
<td>Ward</td>
<td>Link to summary</td>
</tr>
<tr>
<td>----------------------------------------</td>
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</tr>
<tr>
<td>Tiraumea Drive Reserve - Pakuranga</td>
<td>Seeking restricted freedom camping</td>
<td>Howick</td>
<td>Page 346 of Attachment C</td>
</tr>
<tr>
<td>Maungakiekie-Tāmaki</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fergusson Domain</td>
<td>Seeking prohibited</td>
<td>Maungakiekie-Tāmaki</td>
<td>Page 310 of Attachment C</td>
</tr>
<tr>
<td>Ōrākei</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cawley Street Reserve</td>
<td>Seeking prohibited</td>
<td>Ōrākei</td>
<td>Page 299 of Attachment C</td>
</tr>
<tr>
<td>Colin Maiden Park</td>
<td>Seeking prohibited</td>
<td>Ōrākei</td>
<td>Page 305 of Attachment C</td>
</tr>
<tr>
<td>Crossfield Reserve</td>
<td>Seeking prohibited</td>
<td>Ōrākei</td>
<td>Page 305 of Attachment C</td>
</tr>
<tr>
<td>Dingle Dell</td>
<td>Seeking prohibited</td>
<td>Ōrākei</td>
<td>Page 306 of Attachment C</td>
</tr>
<tr>
<td>Ellerslie Domain</td>
<td>Seeking prohibited</td>
<td>Ōrākei</td>
<td>Page 306 of Attachment C</td>
</tr>
<tr>
<td>Kupe Reserve</td>
<td>Seeking prohibited</td>
<td>Ōrākei</td>
<td>Page 322 of Attachment C</td>
</tr>
<tr>
<td>Liston Park</td>
<td>Seeking prohibited</td>
<td>Ōrākei</td>
<td>Page 323 of Attachment C</td>
</tr>
<tr>
<td>Maskell Reserve</td>
<td>Seeking prohibited</td>
<td>Ōrākei</td>
<td>Page 328 of Attachment C</td>
</tr>
<tr>
<td>Michaels Ave Reserve</td>
<td>Seeking prohibited</td>
<td>Ōrākei</td>
<td>Page 329 of Attachment C</td>
</tr>
<tr>
<td>Peacock Street - Glendowie</td>
<td>Seeking prohibited</td>
<td>Ōrākei</td>
<td>Page 336 of Attachment C</td>
</tr>
<tr>
<td>Tāmaki Yacht Club area</td>
<td>Seeking prohibited</td>
<td>Ōrākei</td>
<td>Page 343 of Attachment C</td>
</tr>
<tr>
<td>The Landing - Tāmaki Drive</td>
<td>Seeking prohibited</td>
<td>Ōrākei</td>
<td>Page 345 of Attachment C</td>
</tr>
<tr>
<td>Papakura</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chichester Reserve</td>
<td>Seeking prohibited</td>
<td>Papakura</td>
<td>Page 301 of Attachment C</td>
</tr>
<tr>
<td>Mary Beth Reserve</td>
<td>Seeking prohibited</td>
<td>Manurewa-Papakura</td>
<td>Page 326 of Attachment C</td>
</tr>
<tr>
<td>Rodney</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>198 Mangatawhiri Road, Omaha</td>
<td>Seeking prohibited</td>
<td>Rodney</td>
<td>Page 277 of Attachment C</td>
</tr>
<tr>
<td>Grassed Reserve - William Avenue</td>
<td>Seeking prohibited</td>
<td>Rodney</td>
<td>Page 311 of Attachment C</td>
</tr>
<tr>
<td>Maori Bay Car Park at Muriwai Beach</td>
<td>Seeking prohibited</td>
<td>Rodney</td>
<td>Page 325 of Attachment C</td>
</tr>
<tr>
<td>Pakiri Beach frontage</td>
<td>Seeking prohibited</td>
<td>Rodney</td>
<td>Page 334 of Attachment C</td>
</tr>
<tr>
<td>Upper Harbour</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Herald Island Wharf Car Park</td>
<td>Seeking restricted freedom camping</td>
<td>Albany</td>
<td>Page 316 of Attachment C</td>
</tr>
<tr>
<td>Waimarie Beach Reserve - Whenuapai</td>
<td>Seeking prohibited</td>
<td>Albany</td>
<td>Page 348 of Attachment C</td>
</tr>
<tr>
<td>Waiheke</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-scheduled area</td>
<td>Restriction sought</td>
<td>Ward</td>
<td>Link to summary</td>
</tr>
<tr>
<td>--------------------</td>
<td>-------------------</td>
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<td>----------------</td>
</tr>
<tr>
<td>Marae Reserve (Te Huruhu Bay Reserve) S3 Tahetai road, Waiheke island and Lot 1, Te Huruhu Reserve</td>
<td>Seeking prohibited</td>
<td>Waitemata and Gulf</td>
<td>Page 326 of Attachment C</td>
</tr>
<tr>
<td>Mary Wilson Reserve and Rocky Bay</td>
<td>Seeking prohibited</td>
<td>Waitemata and Gulf</td>
<td>Page 327 of Attachment C</td>
</tr>
<tr>
<td>Te Toki Road (Te Toki Road Reserve)</td>
<td>Seeking prohibited</td>
<td>Waitemata and Gulf</td>
<td>Page 344 of Attachment C</td>
</tr>
<tr>
<td>Waitakere Ranges</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40 Seaview Road</td>
<td>Seeking prohibited</td>
<td>Waitakere</td>
<td>Page 289 of Attachment C</td>
</tr>
<tr>
<td>Falls Road Car Park</td>
<td>Seeking prohibited</td>
<td>Waitakere</td>
<td>Page 309 of Attachment C</td>
</tr>
<tr>
<td>Mt Pukematekeo Car Park</td>
<td>Seeking prohibited</td>
<td>Waitakere</td>
<td>Page 331 of Attachment C</td>
</tr>
<tr>
<td>Spraggs Bush Car Park</td>
<td>Seeking prohibited</td>
<td>Waitakere</td>
<td>Page 341 of Attachment C</td>
</tr>
<tr>
<td>Stedfast Park, Glenesk Road, Lograce Road</td>
<td>Seeking prohibited</td>
<td>Waitakere</td>
<td>Page 342 of Attachment C</td>
</tr>
<tr>
<td>Waitemata</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Albert Park</td>
<td>Seeking prohibited</td>
<td>Waitemata and Gulf</td>
<td>Page 291 of Attachment C</td>
</tr>
<tr>
<td>Basque Park</td>
<td>Seeking prohibited</td>
<td>Waitemata and Gulf</td>
<td>Page 297 of Attachment C</td>
</tr>
<tr>
<td>Whau</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Olympic Park</td>
<td></td>
<td>Whau</td>
<td>Seeking prohibited Page 333 of Attachment C</td>
</tr>
</tbody>
</table>
Informal local board workshop views on the draft findings of the Animal Management Bylaw 2015 review

File No.: CP2019/15555

Te take mō te pūrongo
Purpose of the report
1. To provide a summary of informal views presented at recent workshops on the draft findings of the Animal Management Bylaw 2015 review, and to provide an opportunity for formal feedback.

Whakarāpopototanga matua
Executive summary
2. Auckland Council is reviewing the Animal Management Bylaw 2015 as part of its required five-year statutory review.
3. Staff circulated a draft findings report on the bylaw review to all local boards in May 2019.
4. Eighteen local boards requested individual workshops to ask staff questions and provide informal views on the draft findings. Staff conducted these workshops in June and July 2019.
5. The workshop discussions about the draft findings report included:
   • animal nuisances occurring regionally and locally
   • issues with some definitions in the bylaw
   • requirements to provide identification for owned animals
   • Auckland Council’s processes for managing animals
   • current and suggested controls on specific animals, e.g. stock, bees, horses, and cats.
6. This report summarises the informal views provided at these workshops. These informal views will guide staff in developing and assessing options for managing animals in Auckland.
7. This report also gives local boards an opportunity to formalise their feedback before staff present findings and options to the Regulatory Committee in early 2020. Staff will seek direction from the committee at that time if the bylaw needs to be confirmed, amended, or revoked.
8. Local boards will have another opportunity to provide formal views when staff develop a statement of proposal following the Regulatory Committee’s recommendations.

Ngā tūtohunga
Recommendation/s
That the Rodney Local Board:
  a) provide feedback on the draft findings of the Animal Management Bylaw 2015 review

Horopaki
Context
The purpose of the bylaw is to provide for the ownership of animals in a way that:

- protects the public from nuisance
- maintains and promotes public health and safety
- minimises the potential for offensive behaviour in public places
- manages animals in public places.

To help achieve its purpose the bylaw enables rules to be made on specific animals in separate controls (Figure 1). The bylaw contains controls for:

- beekeeping in urban areas
- keeping stock in urban areas
- horse riding in a public place.

The bylaw does not address dogs

Dogs are managed through the Auckland Council Policy on Dogs 2019 and Dog Management Bylaw 2019. The Dog Control Act 1996 requires territorial authorities to adopt a dog management policy.

The bylaw does not regulate animal welfare

The Local Government Act 2002 and Health Act 1956, under which the bylaw was created, provide powers to protect people from nuisance and harm, not animals.

Issues with predators eating protected wildlife or animals trampling natural fauna are addressed through other legislation such as the Animal Welfare Act 1999, Wildlife Act 1953 and Biosecurity Act 1993.

The bylaw must be reviewed to ensure it is still necessary and appropriate

Auckland Council must complete a statutory review of the bylaw by 30 April 2020 to prevent it from expiring.

Following the statutory review, the council can propose the bylaw be confirmed, amended, revoked or replaced using a public consultative procedure.
18. In May 2019 staff completed a draft findings report for the bylaw review. The draft report identified current issues with animal nuisance and potential areas of improvement for the bylaw.

**Staff held local board workshops to obtain informal views on the draft findings report**

19. Staff provided a copy of the draft findings report to all local boards in May 2019. Eighteen local boards requested workshops which were conducted in June and July 2019.

20. At these workshops local boards provided informal views and asked questions on the draft findings report. These informal views will aid staff in producing a range of options to respond to identified animal nuisance and management issues.

**Tātaritanga me ngā tohutohu**

**Analysis and advice**

21. The following sections summarise the informal local board views from the workshops collectively. The sections provide informal views on:

- ongoing animal nuisance issues
- the bylaw’s definition of ‘owner’
- the bylaw’s definition of ‘nuisance’
- exclusion rules for companion animals
- identifying owned animals
- the council’s processes for managing animals
- views on existing and new controls for specific animals.

22. The PowerPoint presented at the local board workshops is provided in Attachment A to the agenda report. The subsections below reference the relevant slide pages.

23. Questions from local boards at the workshops are provided in Attachment B to the agenda report. These questions will be further explored during the options analysis.

**There are ongoing issues with animal nuisance** (*Slides 9-10*)

24. At the workshops staff presented known animal nuisances occurring regionally and locally. Previous engagement captured many types of nuisance, but local boards added and emphasised the nuisances listed below.

**Table 2 - Local board informal views on animal nuisances**

<table>
<thead>
<tr>
<th></th>
<th>Local board informal views on animal nuisances</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bees</strong></td>
<td>• Bees leaving excrement on cars is a minor nuisance.</td>
</tr>
<tr>
<td></td>
<td>• Some people, especially those with bee allergies, are fearful of bees coming onto their property.</td>
</tr>
<tr>
<td><strong>Birds</strong></td>
<td>• Types of nuisance caused by birds is very subjective.</td>
</tr>
<tr>
<td></td>
<td>• People are abandoning geese and ducks.</td>
</tr>
<tr>
<td></td>
<td>• Breeding parrots is a nuisance.</td>
</tr>
<tr>
<td></td>
<td>• Turkeys and peacocks are causing a nuisance in rural areas.</td>
</tr>
<tr>
<td></td>
<td>• Feeding wild pigeons and seagulls is causing a nuisance.</td>
</tr>
</tbody>
</table>
Item 23

The bylaw’s definition of ‘owner’ needs to be reviewed (Slide 15)

25. The bylaw focuses on the responsibilities of owners of animals. It is unclear if someone who is providing for the needs of an animal, such as food or shelter, becomes responsible for that animal as their ‘owner’.

26. Most local boards view that the bylaw’s definition of ‘owner’ should be clearer.

Table 3 - Local Board informal views on the definition of ‘owner’

<table>
<thead>
<tr>
<th>Local Board informal views on the definition of ‘owner’</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Any animal, whether owned or unowned, should be addressed in the bylaw.</td>
</tr>
<tr>
<td>• The current definition is useful as it captures a broad scope of animal owners.</td>
</tr>
<tr>
<td>• The definition should elaborate on criteria for the phrase ‘under that person’s care’.</td>
</tr>
<tr>
<td>• Owner definition should include accountability for feeding wild animals but should:</td>
</tr>
<tr>
<td>o not punish volunteers who care for the animals’ wellbeing</td>
</tr>
<tr>
<td>o allow animal control officers to feed animals to trap them.</td>
</tr>
</tbody>
</table>

27. In response to questions from local boards at the workshops, staff note the following.

- The Regional Pest Management Plan 2019-2029 manages cats that are not microchipped or identified by a collar and that are on significant ecological areas.

- The Wildlife Act 1953 provides that a wild animal is the property of the Crown until it has been lawfully taken or killed. At that point it becomes the property of the killer or trapper. This act specifically excludes some animals, such as cats, pigeons and rats, from being vested in the Crown.

- In areas of high conservation value or where there is serious threat, the council will undertake control of certain pest animals. In general, landowners and occupiers are primarily responsible for managing pests.
The bylaw’s definition of ‘nuisance’ needs to be reviewed  

28. The bylaw uses the Health Act 1956 definition of ‘nuisance’. This includes a person, animal thing, or circumstance causing unreasonable interference with the peace, comfort, or convenience of another person.

29. Local boards provided a mix of informal views on the definition of ‘nuisance’. Some local boards commented that the definition should have more specific criteria, while others said the bylaw should retain the current broad definition.

Table 4 - Local board informal views on the definition of ‘nuisance’

<table>
<thead>
<tr>
<th>Local board informal views on the definition of ‘nuisance’</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The definition of nuisance in the Health Act 1956 is outdated.</td>
</tr>
<tr>
<td>• Having specific and measurable criteria for nuisance is good.</td>
</tr>
<tr>
<td>• The nuisance definition is difficult to enforce without some specific criteria.</td>
</tr>
<tr>
<td>• Intensification and tenancy laws allowing for pets will increase nuisance incidents, so the definition needs more specific criteria.</td>
</tr>
<tr>
<td>• Reporting animal nuisance can cause tension between neighbours. Specific criteria would be useful, so neighbours are not left to interpret nuisance on their own.</td>
</tr>
<tr>
<td>• A broader definition of nuisance fits with common law and covers more occurrences.</td>
</tr>
<tr>
<td>• There cannot be one definition of nuisance since there is no one definition of Aucklanders.</td>
</tr>
<tr>
<td>• The definition of nuisance in the bylaw should have both general and specific parts.</td>
</tr>
</tbody>
</table>

Incorporating companion animals into the bylaw needs to be reviewed  

30. Currently, the bylaw does not mention companion animals (pets). The bylaw manages animals equally unless they are stock, poultry or bees.

31. Some Aucklanders find it confusing that the bylaw does not specifically address companion animals. There is misunderstanding that stock animals which are kept as pets instead of food, such as pigs and goats, are not subject to the bylaw’s stock controls.

32. Local boards had mixed views about creating a definition for companion animals. Some viewed the rules should apply based on how the animal is kept. Other local boards said the rules should apply regardless if the animal is a pet.

Table 5 - Local board informal views on adding companion animals in the bylaw’s definitions

<table>
<thead>
<tr>
<th>Local board informal views on adding companion animals in the bylaw’s definitions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Companion animals should have separate rules</strong></td>
</tr>
<tr>
<td>• Some animals should be defined as companion animals in the bylaw.</td>
</tr>
<tr>
<td>• The bylaw should make exceptions if any animal is defined as stock but is a pet.</td>
</tr>
<tr>
<td>• Companion animals should be excluded from the bylaw rules.</td>
</tr>
<tr>
<td>o Goats are popular pets and can be good companions.</td>
</tr>
<tr>
<td>o Farm animals as pets can provide the same benefits as traditional pets.</td>
</tr>
</tbody>
</table>
Companion animals should not have separate rules

- Companion animals which are stock animals should still require same licensing process as other stock animals.
- Companion animals should not have their own rules as some neighbours are not familiar or okay with stock animals being kept as pets.
- Having a specific definition increases complexity and introduces subjectivity. It should not matter what a person says about their animal.
- People should not be allowed to have livestock as pets in urban areas.
- An animal is an animal no matter how it is kept. Since the nuisance effects on neighbours are the same, there should be no distinctions.

33. In response to questions from local boards at the workshops staff note that you cannot buy or take ownership of a pest animal. If you already own a pest animal, you can keep it, but you cannot abandon it, give it to a new owner, or allow the pest animal to breed. The Regional Pest Management Plan 2019-2029 classifies unowned cats as pests.

Requirements for identifying owned animals needs to be reviewed (Slide 17)

34. The bylaw does not require owners to provide their animal with identification.

35. The draft findings report revealed that requiring animal identification would facilitate addressing animal nuisance issues. Most local boards viewed animal identification as helpful but impractical.

Table 6 - Local board informal views on identifying owned animals

<table>
<thead>
<tr>
<th>Local board informal views on identifying owned animals</th>
</tr>
</thead>
<tbody>
<tr>
<td>- If your animal is going to leave your property, it should be identified.</td>
</tr>
<tr>
<td>- Council should offer a form of assistance to identify your animal.</td>
</tr>
<tr>
<td>- Every farm animal should be tagged and named.</td>
</tr>
<tr>
<td>- Identifying animals would prevent people from feeding unowned animals.</td>
</tr>
<tr>
<td>- Identifying animals is useful but impractical.</td>
</tr>
<tr>
<td>- The council should collaborate with the National Animal Identification and Tracing database.</td>
</tr>
</tbody>
</table>

36. In response to questions from local boards at the workshops, staff note that provided there is a valid purpose, the council has power to regulate animal registration. Any requirement would need to match the size and scale of the issue and would need to show it would effectively reduce harm and nuisance to people.

There is uncertainty about the council’s processes for managing animals (Slide 17)

37. The draft findings report identified that some Aucklanders are unclear about the council’s processes and protocols for managing animals, especially unowned animals. This confusion reduces people’s willingness to report nuisance, as they are unsure who is responsible. Only two per cent of surveyed respondents who experienced animal nuisance reported it to the council.

38. The draft findings report identified the bylaw could be strengthened by providing information about non-regulatory processes and protocols for managing animals, especially unowned animals. Most local boards viewed that the council’s processes could be clearer.
Table 7 - Local board informal views on council processes for managing animals

<table>
<thead>
<tr>
<th>View</th>
</tr>
</thead>
<tbody>
<tr>
<td>The bylaw should be clear on what the council does and does not do regarding animal management.</td>
</tr>
<tr>
<td>The council should clarify the process for reporting unowned animals causing nuisance.</td>
</tr>
<tr>
<td>The bylaw's animal management processes need to align with the Regional Pest Management Plan.</td>
</tr>
<tr>
<td>The council should offer mediation services for disgruntled neighbours over animal nuisance.</td>
</tr>
</tbody>
</table>

39. In response to questions from local boards at the workshops, staff note the following.

- A property owner may trap and/or lawfully kill an animal on their property. It is a criminal offence to kill an owned animal or destroy the animal inhumanely.
- To prove a legal claim for damage to private property by an owned animal, the property owner would need to show the owner of the animal had failed to take reasonable care to avoid the damage.
- Culling is managed by central government laws and regulations, rather than the Animal Management Bylaw 2015.

Views on existing controls for specific animals in the bylaw (Slide 22)

40. Around 90 per cent of surveyed Aucklanders said the current bylaw controls for bees, stock and horses were about right or had no view.

41. The draft findings report showed council compliance response officers would find limits to urban beehives and more specific requirements for chicken coop locations easier to enforce than the current bylaw controls.

42. Local boards had a mix of views. Some had views on needing more controls, and some had views to keep the controls the same or less.

Table 8 - Local board informal views on the current controls in the bylaw

<table>
<thead>
<tr>
<th>Animal</th>
<th>Current control</th>
<th>Views on more control</th>
<th>Views on same or less control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bees</td>
<td>Any properties, urban or rural, can keep any number of bees. Beekeepers must manage the flight path and temperament of their bees. Beekeepers must ensure nuisance from their bees’ excrement is minimised, and the bees have a suitable water source on the premises.</td>
<td>- The council should restrict beekeeping if people have bee-sting allergies. - Limit the number of beehives in an area to prevent colony competition. - Increase awareness and visibility of who keeps bees in an area. - Restrict beekeeping to rural areas.</td>
<td>- Bees are not causing much nuisance, so there is no need for more regulation. - We should be encouraging beekeeping. Should regulate rather than overregulate. - Do not restrict bees to just urban areas. - Bees should be unregulated.</td>
</tr>
<tr>
<td>Animal</td>
<td>Current control</td>
<td>Views on more control</td>
<td>Views on same or less control</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------</td>
<td>-----------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Restrict the number of beehives a person can have in urban areas.</td>
<td>• Would be concerned if licensing costs for beekeeping were introduced.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Restrict beehive ownership by size of property.</td>
<td>• Should be careful about restricting bees as they are important to the ecosystem.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• There should be minimum training or qualification to own bees. You need experience.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Amateur beekeepers should be treated differently to commercial beekeepers.</td>
<td></td>
</tr>
</tbody>
</table>

**Horses**

Local boards are able to set specific controls for horses for local parks and beaches. Horses are currently not allowed to be kept in urban areas without a licence from the council unless the premises is larger than 4,000 square metres.

- The same access rules for dogs on beaches should be applied to horses.
- Do not prohibit horses on beaches but restrict them to off-peak times.
- Should lobby central government to include the same powers that protect native fauna and wildlife from dogs for horses.
- Horse owners should be responsible for removing manure. The bylaw should encourage accountability and consider that picking up manure is not always practical, e.g. on busy roads.
- Should be allowed to ride horses on berms.
- Horses should not be banned from roads. There are few places to ride.

**Horses cont.**

Horses are permitted in public spaces if:
- manure is removed
- consideration is taken to not intimidate or cause a nuisance for other public space users
- beach dune damage is minimised.

- Increase communication and awareness of current controls to horse owners.
- Would rather have horses on the roads than scooters.
<table>
<thead>
<tr>
<th>Animal</th>
<th>Current control</th>
<th>Views on more control</th>
<th>Views on same or less control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stock</td>
<td>Chickens, ducks, geese, pheasants and quail are the only stock animals currently permitted by the bylaw in urban areas without a licence from the council. Any other stock animal, including roosters, would require a licence from the council in urban areas unless the premises is larger than 4,000 square metres. Stock in urban areas must also be restrained within the boundaries of the premises on which they are kept, and chicken coops must not cause a nuisance and must be regularly cleaned. In rural areas the above controls do not apply. Rural residents must ensure their animals do not cause a nuisance to any other person.</td>
<td>• Stock should not be kept in urban areas. This is also humane for the animal. • There should be penalties for poor stock-fencing by roads in rural areas. • The bylaw needs a mechanism to deal with repeat ‘wandering stock’ offenders. • The criteria for keeping goats and other herbivores should be defined by the amount of grassy area on the property. • There should be restrictions on how far a chicken coop should be from the property boundary. • Fewer chickens should be allowed in urban areas. • Roosters should not be allowed in rural lifestyle blocks in urban areas.</td>
<td>• The current stock controls are adequate. • Support allowing pheasants in urban areas. • There are already legal consequences for not fencing your stock. The bylaw does not need to address. • If you have a large property in an urban area, goats should be allowed. • Make sure urban pet days are still allowed. • It does not matter where the chicken coop sits on the property if it is cleaned regularly. • There should not be a complete ban on roosters in urban areas.</td>
</tr>
</tbody>
</table>

**Views on new controls for specific animals** (Slide 23)

43. A quarter of surveyed Aucklanders (26 per cent) said the bylaw should introduce controls for other animals. Of those wanting controls for other animals, over half (57 per cent) wanted controls introduced for cats.

44. The draft findings report identified that council compliance officers and the SPCA support microchipping and registering of cats.

45. Local boards provided mixed views on introducing controls for new animals. The local boards agreed that any regulatory response would need to match the scale of the issue, be cost-effective, and have measurable effects on reducing nuisance.
### Table 9 - Local board informal views on controls for cats and other animals

#### Informal local board views on controls for cats

<table>
<thead>
<tr>
<th>Informal views on introducing controls for cats</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The bylaw should limit the number of cats a person can own.</td>
</tr>
<tr>
<td>o Should make sure extremes are restricted, such as having 30+ cats.</td>
</tr>
<tr>
<td>• The bylaw should require the de-sexing of cats.</td>
</tr>
<tr>
<td>o The council should work closely with the SPCA in this matter.</td>
</tr>
<tr>
<td>o Make it compulsory for cat owners.</td>
</tr>
<tr>
<td>• Local boards have varying support for requiring microchipping of cats including:</td>
</tr>
<tr>
<td>o full compulsory microchipping across the region</td>
</tr>
<tr>
<td>o limited microchipping only to cats living in eco-sensitive areas.</td>
</tr>
<tr>
<td>• The bylaw should have the same registration process for cats as the council has for dogs.</td>
</tr>
<tr>
<td>• There should be a curfew for cats.</td>
</tr>
<tr>
<td>• There should be controls to dissuade people from feeding stray cats, as it reinforces the cats’ behaviour.</td>
</tr>
<tr>
<td>• Publish best practices for tourists with cats and other animals visiting Hauraki Gulf Islands.</td>
</tr>
<tr>
<td>• The council should restrict cats from wandering.</td>
</tr>
<tr>
<td>• The council should restrict certain cat breeds, like Bengals.</td>
</tr>
</tbody>
</table>

#### Informal views on not introducing controls for cats

- Cat registration is difficult and has failed before. Auckland Council already has difficulty registering and enforcing dogs.
- Cats naturally wander. Containing them would be cruel.
- The council should invest in substantial long-term public education regarding cats.
- If the council restricts caring for stray cats, it could create animal welfare issues.
- Controlling cats is too trivial for the council to get involved.

#### Informal local board views on controls for other animals

- Rules are needed to restrict feeding wild animals in public, especially birds.
- How many animals a person can own should be restricted by section size.
- There should be a higher management expectation on animal owners in urban areas.
- The bylaw should address the health risks that animals can cause their owners.
- There should be a complete ban on snakes and ferrets.
- Rabbits are a major pest, especially in urban areas. The bylaw should restrict breeding.
- There should be controls on keeping birds in small cages.
- Unless there is a significant problem, neighbours should sort out their own problems.

46. In response to questions from local boards at the workshops, staff note the following,

- Any costs for managing stray cats would be investigated during the options development phase to respond to nuisance issues.
• The Local Government Act 2002 would give the council power to impose a curfew on cats if it was an appropriate response to the scale of the nuisance and would clearly show how the curfew would reduce harm and nuisance to humans.

• The council currently has more legal power to respond to dog nuisance than cat nuisance. The Dog Control Act 1996 gives the council wide-varying powers to address dog issues. There is no similar legislation for cats.

• Rat pest control is addressed through the Regional Pest Management Plan 2019-2029.

• The Regional Pest Management Plan lists some tropical animals that can be treated as pests. These include eastern water dragons, Indian ring-necked parakeets, and snake-necked turtles.

• Chickens were not classified as pests in the Regional Pest Management Plan. The purpose of the plan is to protect the Auckland region's important biodiversity assets. There are no significant biodiversity benefits to managing feral chickens at a regional level. Feral chickens are primarily a human nuisance issue centred in the urban areas where people feed them.

Other views from local boards

Rights of property owners and protection

47. The bylaw does not explain what options property owners have to handle animal nuisance on their property themselves. It is unclear which animals property owners are allowed to trap and dispose of on their own and which animals are protected.

48. Some local boards said the bylaw should clarify property owners’ rights.

Enforcement

49. Some local boards said the council should be prepared to enforce any rules it may introduce.

50. The Local Government Act 2002 does not give the power to issue an infringement notice under a bylaw. Compliance officers have said this inhibits their ability to address nuisance issues as their next step after trying to elicit voluntary compliance is prosecution. This can be costly to the council.

51. Some local boards provided views that the Local Government Act 2002 should be amended to allow for infringement fines. Some local boards viewed that the bylaw would already be fit for purpose if it could be enforced with infringements.

Education

52. Most local boards said the council needs to increase education and awareness about the current animal management rules. Some local boards viewed that the council should focus more on informing Aucklanders of responsible animal management than increasing regulation.

53. Some local boards also advised that any changes to the bylaw, if required, would need to have a strong communication and awareness plan.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera

Council group impacts and views

54. The bylaw affects the operation of council units involved in animal management. These include biosecurity, animal management and compliance response officers. Staff held face-to-face meetings and a workshop with council officers. These views were provided in the draft findings report and workshops.
Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

55. Staff captured informal local board views through cluster workshops in March 2019. The draft findings report was shared with all local boards in May 2019, and staff attended individual local board workshops through June and July 2019.

Tauākī whakaaweawe Māori
Māori impact statement

56. Staff sought views from mana whenua at the Infrastructure and Environmental Services Forum in April 2019. The members present at the hui sought clarity that the bylaw’s reference of ‘public places’ does not extend to papakāinga (communal Māori land).

57. Members were also concerned with threats to estuaries, beaches, and waterways from unregulated coastal horse trails. These views were provided in the draft findings report and options development will consider these views.

Ngā ritenga ā-pūtea
Financial implications

58. The cost of the bylaw review and implementation will be met within existing budgets.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

59. There is a risk that the public may perceive this report as formal local board views or an attempt to regulate cats without public engagement. This risk can be mitigated by replying to any emerging media or public concerns by saying that no additions or changes will be made to the Animal Management Bylaw 2015 without full public consultation.

60. Local boards will have an opportunity to provide formal resolutions on any changes proposed to the bylaw in early 2020 before a public consultative procedure.

Ngā koringa ā-muri
Next steps

61. Following any additional formalised views from local boards, staff will generate and assess options to respond to identified animal nuisances. Staff will present these findings and options in a report to the relevant committee in the new council term in early 2020.

62. Staff will seek formal local board views when developing a statement of proposal once the committee gives direction on animal management.

Ngā tāpirihanga
Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Presentation at local board workshops on draft findings of the Animal Management Bylaw 2015 review</td>
<td>155</td>
</tr>
<tr>
<td>B</td>
<td>Local board questions from the workshops</td>
<td>179</td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Maclean Grindell - Policy Analyst</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Louise Mason - GM Local Board Services</td>
</tr>
<tr>
<td></td>
<td>Lesley Jenkins - Relationship Manager</td>
</tr>
</tbody>
</table>
Animal Management Bylaw 2015

Draft Review Findings Report

Local Board workshop
June-July 2019
Maclean Grindell, Mike Sinclair, Steve Hickey and Tara Leota-Seiuli
What is the bylaw about?

The purpose of the bylaw is to provide for the ownership of animals in a way that:

- protects the public from nuisance
- maintains and promotes public health and safety
- minimises the potential for offensive behaviour in public places
- manages animals in public places
- contains specific controls for keeping of bees in an urban area
- keeping of stock in an urban area
- horses in public places.

Bylaw was adopted in 2015 and replaced 18 legacy bylaws.
What legislation gives the bylaw its power?

Section 145: General bylaw-making power for territorial authorities
A territorial authority may make bylaws for:
- protecting the public from nuisance
- protecting, promoting, and maintaining public health and safety
- minimising the potential for offensive behaviour in public places.

Local Government Act 2002
Public Act 2002 No 84
Date of assent 24 December 2002

Section 146: Specific bylaw-making powers of territorial authorities
Without limiting section 145, a territorial authority may make bylaws for the purposes of:
- regulating the keeping of animals, bees and poultry
- managing and protecting reserves or other land under the control of the territorial authority from, damage, misuse, or loss.

Section 64: Bylaws
Every local authority may make bylaws for:
- improving, promoting, or protecting public health, and preventing or abating nuisances
- regulating, licensing, or prohibiting the keeping of any animals in the district
- preventing the outbreak or spread of disease by the agency of flies, mosquitoes, or other insects, or of rats, mice, or other vermin.

Health Act 1956
Public Act 1956 No 65
Date of assent 25 October 1956
Why is the council reviewing the bylaw?

Local Government Act 2002 – Statutory review

- Bylaw must be reviewed within five years of being made
- The council must decide whether:
  - a bylaw is the most appropriate way of addressing the perceived problem
  - the bylaw is “fit for purpose”
  - the current bylaw gives rise to any Bill of Rights implications
  - to retain, amend, replace, or revoke the bylaw
- Auckland Council Regulatory Committee
Most Aucklanders own animals
People's Panel data on animal ownership

**No animal ownership (pg. 9)**

### Overall (pg. 7)

<table>
<thead>
<tr>
<th>Animals on property</th>
<th>Percentage of respondents</th>
<th>Average amount (Range)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cats</td>
<td>43%</td>
<td>1.6 (1-17)</td>
</tr>
<tr>
<td>Dogs</td>
<td>33%</td>
<td>1.4 (1-20)</td>
</tr>
<tr>
<td>Chickens / roosters</td>
<td>7%</td>
<td>6.7 (1-150,000)</td>
</tr>
<tr>
<td>Fish (indoor and/or outdoor)</td>
<td>6%</td>
<td>13.2 (1-200)</td>
</tr>
<tr>
<td>Sheep</td>
<td>3%</td>
<td>(1-3,000)</td>
</tr>
<tr>
<td>Birds</td>
<td>3%</td>
<td>(1-50)</td>
</tr>
<tr>
<td>Bees</td>
<td>3%</td>
<td>(1-80 hives)</td>
</tr>
<tr>
<td>Cows</td>
<td>3%</td>
<td>(1-740)</td>
</tr>
<tr>
<td>Rabbits</td>
<td>2%</td>
<td>(1-30)</td>
</tr>
<tr>
<td>Other (please specify)</td>
<td>2%</td>
<td>Included: insects, frogs, hedgehogs, and worms</td>
</tr>
<tr>
<td>Horses / ponies</td>
<td>2%</td>
<td>(1-33)</td>
</tr>
<tr>
<td>Ducks</td>
<td>1%</td>
<td>(1-960)</td>
</tr>
<tr>
<td>Goats</td>
<td>1%</td>
<td>(1-83)</td>
</tr>
<tr>
<td>Guinea pigs</td>
<td>1%</td>
<td>(1-6)</td>
</tr>
<tr>
<td>Mice / rats</td>
<td>1%</td>
<td>(1-200)</td>
</tr>
<tr>
<td>Reptiles</td>
<td>1%</td>
<td>(1-1,000)</td>
</tr>
</tbody>
</table>

**Owns no animals** 34%

---

**Rates of not owning an animal**

**Gender**
- Male: 41%
- Females: 39%
- Gender diverse: 18%

**Age**
- 75+ years or older: 59%
- 65-74 years: 99%
- 55-64 years: 28%
- 45-54 years: 21%
- 35-44 years: 30%
- 25-34 years: 36%
- 15-24 years: 33%

**Geography**
- Rural: 14%
- Urban: 36%

---

**Rates of not owning an animal by local board area**

- Great Barrier (2 resp.): 90%
- Harakeke: 91%
- Orakei: 91%
- Upper Harbour: 89%
- Whau: 94%
- Manurewa: 95%
- Mangere-Ōtahuhu: 89%
- Howick: 82%
- Otaia-Papakura: 86%
- Maungakiekie-Tāmaki: 82%
- Devonport-Takapuna: 89%
- Puketapapakura: 95%
- Waitakere Ranges: 21%
- Kāpiti: 93%
- Papakura: 95%
- Franklin: 97%
- Henderson-Massey: 31%
- Rodney: 10%

---

**Auckland Council**

Te Kōurāhena o Te Mākaurau
People’s Panel data on animal ownership

Cats (pg. 8)

<table>
<thead>
<tr>
<th>Gender</th>
<th>Male</th>
<th>Female</th>
<th>Gender diverse</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural</td>
<td>34%</td>
<td>45%</td>
<td>71%</td>
</tr>
<tr>
<td>Urban</td>
<td>44%</td>
<td>43%</td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>75 years or older</td>
<td>32%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>65-74 years</td>
<td>31%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>55-64 years</td>
<td>47%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>45-54 years</td>
<td>51%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35-44 years</td>
<td>48%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25-34 years</td>
<td>45%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15-24 years</td>
<td>41%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Chickens and roosters (pg. 10)

<table>
<thead>
<tr>
<th>Gender</th>
<th>Male</th>
<th>Female</th>
<th>Gender diverse</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural</td>
<td>32%</td>
<td>7%</td>
<td>25%</td>
</tr>
<tr>
<td>Urban</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>75 years or older</td>
<td>3%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>65-74 years</td>
<td>4%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>55-64 years</td>
<td>8%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>45-54 years</td>
<td>11%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35-44 years</td>
<td>8%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25-34 years</td>
<td>5%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15-24 years</td>
<td>4%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Geography

<table>
<thead>
<tr>
<th>Geography</th>
<th>Rural</th>
<th>Urban</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage</td>
<td>53%</td>
<td>47%</td>
</tr>
</tbody>
</table>

Cat ownership rates by local board area

<table>
<thead>
<tr>
<th>Local Board</th>
<th>Franklin</th>
<th>Waikato Ranges</th>
<th>Maungakiekie-Tāmaki</th>
<th>Waiheke</th>
<th>Whenuapai</th>
<th>Henderson-Massey</th>
<th>Great Barrier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage</td>
<td>31%</td>
<td>26%</td>
<td>41%</td>
<td>47%</td>
<td>42%</td>
<td>43%</td>
<td>32%</td>
</tr>
</tbody>
</table>

Chicken and rooster ownership rates by local board

<table>
<thead>
<tr>
<th>Local Board</th>
<th>Franklin</th>
<th>Waikato Ranges</th>
<th>Maungakiekie-Tāmaki</th>
<th>Waiheke</th>
<th>Papakura</th>
<th>Henderson-Massey</th>
<th>Great Barrier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage</td>
<td>31%</td>
<td>26%</td>
<td>41%</td>
<td>47%</td>
<td>42%</td>
<td>43%</td>
<td>32%</td>
</tr>
</tbody>
</table>
Many Aucklanders are experiencing animal nuisance
Top issues from complaints data and People's Panel

Council complaints data 2015-2019

<table>
<thead>
<tr>
<th>Topic</th>
<th>Examples of complaints</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wandering</td>
<td>• Stock on roads and property</td>
<td>117,601 (total)</td>
</tr>
<tr>
<td></td>
<td>• Animals getting into left out rubbish</td>
<td>107,374 (involving dogs)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10,227 (without dogs)</td>
</tr>
<tr>
<td>Noise</td>
<td>• Barking and crowing</td>
<td>88,187 (total)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>86,657 (involving dogs)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,530 (without dogs)</td>
</tr>
<tr>
<td>Faeces</td>
<td>• Wandering animals leaving poop on property</td>
<td>2,206 (total)</td>
</tr>
<tr>
<td></td>
<td>• Owners not picking up after their animals</td>
<td>1,795 (involving dogs)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>411 (without dogs)</td>
</tr>
<tr>
<td>Dead animals</td>
<td>• Dead animals dumped on side of roads</td>
<td>1,266 (total)</td>
</tr>
<tr>
<td></td>
<td>• Dead animals in ponds and storm water fields</td>
<td>671 (involving dogs)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>595 (without dogs)</td>
</tr>
<tr>
<td>Smell</td>
<td>• Bad odours attracting mice and rats</td>
<td>1,244 (total)</td>
</tr>
<tr>
<td></td>
<td>• Decomposing animals</td>
<td>408 (involving dogs)</td>
</tr>
<tr>
<td></td>
<td>• Smelly chicken coops</td>
<td>836 (without dogs)</td>
</tr>
</tbody>
</table>

People's Panel April 2019

<table>
<thead>
<tr>
<th>Topic</th>
<th>Examples of nuisance</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td>2,353 (65%)</td>
</tr>
<tr>
<td>Unhygienic behaviour</td>
<td>• Animal faeces left in parks, walkways or on private property, especially vegetable gardens</td>
<td>1,380 (32%)</td>
</tr>
<tr>
<td>Animal wandering</td>
<td>• Animals wandering onto neighbouring property</td>
<td>806 (21%)</td>
</tr>
<tr>
<td></td>
<td>• Neighbours harbouring rats in overgrown sections</td>
<td></td>
</tr>
<tr>
<td>Sensory nuisance</td>
<td>• Odour from animal excreta</td>
<td>697 (15%)</td>
</tr>
<tr>
<td></td>
<td>• Loud animals, especially crowing</td>
<td></td>
</tr>
<tr>
<td>Damage to property</td>
<td>• Scratched dock furniture</td>
<td>531 (12%)</td>
</tr>
<tr>
<td></td>
<td>• Yard dug up</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Property damage from animal faeces</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>• Animals attacking native wildlife</td>
<td>428 (10%)</td>
</tr>
<tr>
<td></td>
<td>• Feeding wild animals</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Aggressive looking livestock in public areas</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Doccased animals in public areas</td>
<td></td>
</tr>
<tr>
<td>Rad behaviour</td>
<td>• Pets and people being attacked by aggressive animals</td>
<td>370 (9%)</td>
</tr>
<tr>
<td>Slaughter</td>
<td>• Finding the practice of killing animals offensive</td>
<td>56 (1%)</td>
</tr>
<tr>
<td></td>
<td>• Witnessing slaughter or deaths</td>
<td></td>
</tr>
</tbody>
</table>
Top nuisances (People’s Panel)

Overall nuisance rates (pg. 17)

- Cats defaecating in vegetable gardens, wandering onto neighbouring properties, owners not doing anything about it
- Harbouring vermin in tall grass or rubbish
- Neighbours feeding wild birds
- Smelly chicken coops, loose chickens
- Crowing roosters
How the bylaw currently addresses animal nuisance
Bylaw structure (1/2)

- General nuisance clause
  - Owners must ensure their animals do not cause a nuisance to any other person or cause a risk to public health and safety.

- Obligations of animal owners in public places
  - Owners must ensure their animals do not damage property belonging to another person.
  - Requires licence to keep bees or graze stock in public places.

- Slaughter, hunting, removal or release of animals
  - A person must ensure slaughter does not create a nuisance, including animal remains.
  - No slaughtering in public places or urban premises less than 4000 square metres (besides poultry)
  - No release or abandonment in a public place unless written approval from the council
  - No hunting or removing an animal in a public place unless written approval from the council

- Controls
  (next slide)
Bylaw structure (2/2)

- **Controls**
  - Keeping of bees in urban areas
    - bee management
    - flight path management
    - provision of water
  - Keeping of stock in urban areas
    - the number of stock that may be kept
    - the conditions in which they are kept
  - Horses in public places
    - general conditions of use
    - places with additional conditions
    - places where prohibited
Uncertainty on some definitions in the bylaw
Definition challenges

- **Owner** — “any person who has an animal in their possession or custody, or under that person’s care, control or supervision.”

- **Nuisance** — bylaw uses Health Act 1956 definition, and “includes a circumstance causing unreasonable interferences with the peace, comfort or convenience of another person.”

- **Animal management** — animal management officers mostly enforce dogs. AMOs not responsible for cats, wildlife, animal pests, birds, marine mammals or urban poultry, bees or stock.
  
  - **Stock** — “cattle, deer…poultry and any other animal kept in captivity, or farmed, an dependent on humans for their care and sustenance.”

  - **Poultry** — “means any live bird that is kept or raised for the purpose of producing eggs, hatching eggs or poultry products and includes chickens, ducks… roosters and swans.”
Uncertainty on processes and identifying owned animals
Processes and identifying animal owners

- Only two per cent of People’s Panel respondents experiencing nuisance reported their nuisance to the council.

- The council is generally not responsible for pests on your own property.

- The bylaw is difficult to enforce without an identified owner.
Some Aucklanders and compliance staff want additional controls on animals (particularly cats).
Current bylaw controls (1/3)

Beekeeping in urban areas

Keeping of Bees Control - Flight path management
(1) Every person keeping bees in an urban area must take all reasonable steps to ensure beehives are positioned and managed in a way that has minimal impact to any other person.

Keeping of Bees Control - Bee management
(2) Every person keeping bees in an urban area must maintain honey bee colonies with a calm temperament and must take all reasonable steps to control swarming.

Keeping of Bees Control - Provision of water
(3) Every person keeping bees in an urban area must ensure there is a suitable water source for the bees on the premises on which the beehives are kept.

Keeping of Bees Control - Bee excreta management
(4) Every person keeping bees in an urban area must take all reasonable steps to minimise nuisance to any other person from bee excreta.

Horse riding in a public place

Horses in a Public Place Control - General conditions
(1) In a public place the owner of a horse must:
   (a) remove or safely dispose of any horse manure that is deposited in a public place;
   (b) must show due consideration for other public place users at all times;
   (c) must, when on a beach, ride or lead their horse in a manner that does not intimidate, cause a danger or nuisance to other beach users; and
   (d) must not ride or lead their horse on coastal dunes except when accessing the beach, an adjoining property or road in a manner that does not cause, nor is likely to cause, damage to any part of that dune, and that utilises the most direct route possible.

Horses in a Public Place Control - Conditions for specified beaches
(2) The following conditions apply to the presence of horses on Algies Beach, Hatfields Beach, Martins Bay Beach, Omaha Beach, Orewa Beach and Snells Beach –
   (a) horses must only be ridden or loaded along the beach between the times of mid and low tide, and must be ridden or loaded along the beach below the high tide mark;
   (b) between 1 December and 15 February (including weekends), horses are only allowed before 10:00am, and after 7:00pm; and
   (c) horses are prohibited at Easter weekend (Friday to Monday inclusive) and Labour weekend (Saturday to Monday inclusive).

(3) The following conditions apply to the presence of horses on Karitane Beach as shown in Schedule 1 –
   (a) during high use periods, horses are restricted to a walk within the 1km ZONE, at all other times horses are restricted to a walk within the Safe Zone;
   (b) within the 1km ZONE, horses must remain within 10 metres of the water’s edge whenever possible;
   (c) horse manure must be removed from the 1km ZONE; and
   (d) unloading of horses is only permitted in the Horse Unloading Area.
Current bylaw controls (2/3)

Keeping of stock in urban areas (1/2)

Table 1: Number of stock allowed to be kept in an urban area without a licence

<table>
<thead>
<tr>
<th>Type of stock</th>
<th>Premises smaller than 2000 square metres</th>
<th>Premises larger than 2000 square metres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cattle</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Chickens</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>Deer</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Donkeys</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Ducks</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Geese</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Goats</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Horses</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Llamas</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Peacocks</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Pashaams</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Pheasants</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Pigs</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Ponies</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Quail</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>Roosters</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sheep</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Swans</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Explanatory note: obligations of animal owners still apply as contained in clauses 6, 7 and 8 of the Animal Management Bylaw.
Current bylaw controls (3/3)

Keeping of stock in urban areas (2/2)

<table>
<thead>
<tr>
<th>Keeping of Stock Control – Prevention of wandering stock</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) The owner of any stock in an urban area must ensure their stock is restrained within the boundaries of the premises on which they are kept.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Keeping of stock control - Containment of chickens</th>
</tr>
</thead>
<tbody>
<tr>
<td>(3) The owner of any chicken must ensure that any chickens are confined on the premises in such a manner that the chicken cannot freely leave the premises. This can be achieved by providing either:</td>
</tr>
<tr>
<td>(a) an enclosed chicken coop with an attached run, or</td>
</tr>
<tr>
<td>(b) an enclosed chicken coop and adequate fencing of the premises.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Keeping of stock control - Location of chicken coops</th>
</tr>
</thead>
<tbody>
<tr>
<td>(4) The owner of any chicken must not allow their chicken coop to cause a nuisance to any other person.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Keeping of stock control - Chicken coop cleanliness</th>
</tr>
</thead>
<tbody>
<tr>
<td>(5) The owner of any chicken must regularly clean their chicken coop as appropriate to maintain the chicken coop in a dry, clean condition and state of good repair, free from any offensive smell, overflow and vermin.</td>
</tr>
</tbody>
</table>
Views on existing controls

- **Bees (pg. 53)** — restrict to rural, require urban licence, restrict number of hives in urban, excrement unenforceable
  - 65% Agree
  - 24% Disagree
  - 7% Neutral
  - 4% No view

- **Horses (pg. 56)** — ban from beaches, stricter manure accountability, regulation on roads
  - 64% Agree
  - 27% Disagree
  - 6% Neutral
  - 3% No view

- **Stock (pg. 59)** — no stock in urban areas, ban roosters in urban areas and rural-urban boundary, stricter fencing rules, restrict how close coops to property boundaries
  - 63% Agree
  - 25% Disagree
  - 9% Neutral
  - 3% No view
Views on new controls

People’s Panel

<table>
<thead>
<tr>
<th>Should there be controls on other animals?</th>
</tr>
</thead>
<tbody>
<tr>
<td>I don’t know</td>
</tr>
<tr>
<td>39%</td>
</tr>
</tbody>
</table>

On which animals?

<table>
<thead>
<tr>
<th>Animals</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cats</td>
<td>57%</td>
</tr>
<tr>
<td>Dogs</td>
<td>44%</td>
</tr>
<tr>
<td>Other</td>
<td>21%</td>
</tr>
<tr>
<td>Poultry</td>
<td>7%</td>
</tr>
<tr>
<td>Birds</td>
<td>4%</td>
</tr>
<tr>
<td>Rabbits</td>
<td>4%</td>
</tr>
<tr>
<td>Ferrets</td>
<td>3%</td>
</tr>
<tr>
<td>Rats</td>
<td>2%</td>
</tr>
<tr>
<td>Pigeons</td>
<td>2%</td>
</tr>
<tr>
<td>Goats</td>
<td>2%</td>
</tr>
<tr>
<td>Horses</td>
<td>2%</td>
</tr>
<tr>
<td>Pigs</td>
<td>2%</td>
</tr>
</tbody>
</table>

“Other” includes sheep, snakes, guinea pigs, reptiles, muskrats, stoats, wasps and fish.

- **Cats** - registration, microchipping, de-sexing, more owner accountability, protection of native wildlife
- **Birds** - no birds in small cages, exotic birds should be monitored and licenced
Any other views?
Local board questions from the Animal Management Bylaw review workshops

*Local board questions on definition of ‘owner’*
- Who is responsible or the owner for cat colonies?
- What happens if someone says it is not my pet when it clearly is?
- Any case law on owner definition of ‘under that person’s care’?
- What happens if you trap an animal and keep the baby?
- If you trap a pest on your property and no one comes and picks it up do you become the “owner”?
- Do compliance officers who seize an animal then become its owner?
- Who owns animals in public spaces? The Crown? The council?
- Who is responsible for unowned animals in public spaces?
- What is council’s responsibility for unowned animals?
- If someone feeds unowned chickens every day are the chickens under their care? At what point do they become an owner?

*Local board questions on definition of companion animals*
- What is a “pest”?
- Can you keep pests as pets?

*Local board questions on identifying owned animals*
- Can a bylaw require that owners register their pets on an externally owned database such as the NZ Companion Animal Registry?

*Local board questions on council processes*
- What are the range of options property owners have to respond to animal nuisance?
- Is the question of culling managed under this bylaw or some other act?
- What is the process for obtaining an animal management licence?
- What is the process for keeping bees?
- How does and can Auckland Council manage pet owners living on boundaries of the Domain and large parks?
- Who enforces grazing stock in public places?
- What is the local board process for changing horse controls?

*Local board questions on cats*
- What is the cost for managing stray cats?
- Could the council implement a curfew on cats?
- What would a council rat control policy look like?
- What are the controls in place for tropical animals?
- Why are chickens not classified as pests in the Regional Pest Management Plan?
• Why could Omaui consider banning cats?
• What do we do about cats coming onto property and killing birds you’ve been looking after?
• What is the definition of feral cats in the Regional Pest Management Plan? Who is responsible for cat colonies?

Other questions
• Does the Crematoria bylaw cover animal crematoria? If not, does the odour (and nuisance) from them therefore come under the scope of the Animal Management bylaw?
• How do stock rules apply in semi-urban areas?
• How should the bylaw address bees that make toxic honey from contaminated tutu flower pollen?
• Will housing intensification increase animal nuisance problems?
• Should the bylaw manage the behaviour of humans, not animals?
• What are the rules for slaughter outside a regulated space?
• Will the Tenancy Act allowing pets increase the problem?
• Can the landowner take action to destroy animals that come onto their property? What methods will be allowed?
• What are the controls in place for tropical animals?
• What is the definition of wildlife?
• What animal management powers do we have under the Reserves Act?
• Muslim community on views on slaughter? Any approved process?
• Is the question of culling managed under this bylaw or some other act?
• What rights do property owners have to deal with the problem themselves?
• What happens if you abandon a fish in your private streams that runs into public water?
• What happens if your private lake floods and the aquatic pets get into public waterways?
• Could the bylaw say “no feeding of animals in a public place”?
• Can a bylaw require that owners register their pets on an externally owned database such as NZCAC?
• What are the range of options property owners have to respond to animal nuisance?
• Is the Regional Pest Management Plan adopted? Were chickens purposefully not classified as pests?
• If an animal trespasses on my property is this a nuisance?
Temporary arrangements for urgent decisions and staff delegations during the election period

File No.: CP2019/16424

Te take mō te pūrongo
Purpose of the report
1. To seek approval for temporary arrangements during the election period for:
   • urgent decisions
   • decisions made by staff under delegated authority from the local board that require consultation with local board members under delegation protocols.

Whakarāpopototanga matua
Executive summary
2. Between the last local board business meeting of the current electoral term, and the first business meeting of the new term, decisions may be needed on urgent matters or routine business as usual that cannot wait until the incoming local board’s first business meeting in the new electoral term.

3. Current elected members remain in office until the new members’ term of office commences, which is the day after the declaration of election results. The declaration will be publicly notified on 21 October 2019, with the term of office of current members ending and the term of office of new members commencing on 22 October 2019. The new members cannot act as members of the local board until they have made their statutory declaration at the inaugural local board meeting.

4. As for each of the previous terms, temporary arrangements are needed for urgent decisions of the local board, and decisions made by staff under existing delegated authority.

5. All local boards have made a general delegation to the Chief Executive, subject to a requirement to comply with delegation protocols approved by the local board, which require, amongst other matters, staff to consult with local board portfolio holders on certain matters. Where there is no nominated portfolio holder, staff consult with the chairperson. After the election, there will be no local board portfolio holders or chairpersons to consult until new arrangements are made in the new term.

6. As a temporary measure, approval is sought from the local board to allow staff to continue to process business as usual decisions that cannot wait until the local board’s first business meeting, without consulting with the nominated portfolio holder or local board chairperson. Staff will consult with the local board chairperson following the inaugural meeting until new arrangements are made at the first business meeting in the term.

7. Appointments made by the local board to external bodies will cease on the date of the election. New appointments will need to be made by the local board in the new term.

Ngā tūtohunga
Recommendation/s
That the Rodney Local Board:

a) utilise the board’s existing urgent decision-making process between the final local board business meeting and the commencement of the term of office of new local board members
b) note that from the commencement of the term of office of new local board members until the inaugural meeting of the incoming local board, urgent decision-making will be undertaken by the Chief Executive under existing delegations.

c) approve that staff, as a temporary measure, can make business as usual decisions under their existing delegated authority without requiring compliance with the requirement in the current delegation protocols to consult with the nominated portfolio holder (or chairperson where there is no portfolio holder in place), from 22 October 2019, noting that staff will consult with the chairperson following the inaugural meeting until new arrangements are made at the first business meeting in the new term.

d) note that existing appointments by the local board to external bodies will cease at the election and new appointments will need to be made by the local board in the new term.

**Horopaki Context**

8. Current elected members remain in office until the new members’ term of office commences, which is the day after the declaration of election results (Sections 115 and 116, Local Electoral Act 2001). The declaration will be publicly notified on 21 October 2019, with the term of office of current members ending and the term of office of new members commencing on 22 October 2019.

9. The new members cannot act as members of the local board until they have made their statutory declaration at the inaugural local board meeting (Clause 14, Schedule 7, Local Government Act 2002).

10. Following the last local board meeting of the current electoral term, decisions may be needed on urgent matters or routine business as usual that cannot wait until the incoming local board’s first business meeting in the new electoral term.

11. As with each of the previous electoral terms, temporary arrangements need to be made for:
   - urgent decisions
   - decisions made by staff under delegated authority from the local board that require consultation with local board members under delegation protocols.

**Tātaritanga me ngā tohutohu**

**Analysis and advice**

**Urgent decisions**

12. Between the last business meeting and the declaration of results on 21 October, current members are still in office, and can make urgent decisions if delegated to do so. If the local board does not have an existing urgent decision-making process already in place, it is recommended that the local board delegate to the chairperson and deputy chairperson the power to make urgent decisions on behalf of the local board during this period.

13. The urgent decision-making process enables the local board to make decisions where it is not practical to call the full local board together. The Local Government Act 2002 provides for local boards to delegate to committees, sub-committees, members of the local board or Auckland Council staff, any of its responsibilities, duties and powers, with some specific exceptions. This legislation enables the urgent decision-making process.

14. All requests for an urgent decision will be supported by a memo stating the nature of the issue, reason for urgency and what decisions or resolutions are required.
15. Local board members that have delegated responsibilities, for example, delegations to provide feedback on notified resource consents, notified plan changes and notices of requirement, may continue to exercise those delegations until their term of office ends on 22 October (or earlier if the delegation was specified to end earlier).

16. Between the declaration of results and the inaugural meeting, the current members are no longer in office, the new members cannot act until they give their statutory declaration, and new chairpersons and deputies will not be in place. During this period, urgent decisions will be made by the Chief Executive under his existing delegated authority (which includes a financial cap).

Decisions made by staff under delegated authority

17. All local boards have made a delegation to the Chief Executive. The delegation is subject to a requirement to comply with delegation protocols approved by the local board. These delegation protocols require, amongst other things, staff to consult with nominated portfolio holders on certain issues. Where there is no nominated portfolio holder, staff consult with the local board chairperson.

18. The most common area requiring consultation is landowner consents relating to local parks. The portfolio holder can refer the matter to the local board for a decision.

19. Parks staff receive a large number of landowner consent requests each month that relate to local parks across Auckland. The majority of these need to be processed within 20 working days (or less), either in order to meet the applicant’s timeframes and provide good customer service, or to meet statutory timeframes associated with resource consents. Only a small number of landowner requests are referred by the portfolio holder to the local board for a decision.

20. Prior to the election, staff can continue to consult with portfolio holders as required by the delegation protocols (or chairperson where there is no portfolio holder). However, after the election, there will be no portfolio holders or chairpersons in place to consult with until new arrangements are made in the new term.

21. During this time, staff will need to continue to process routine business as usual matters, including routine requests from third parties for landowner approval such as commercial operator permits, temporary access requests and affected party approvals.

22. As a temporary measure, it is recommended that the local board allow staff to continue to process business as usual decisions that cannot wait until the local board’s first business meeting. This is irrespective of the requirements of the current delegation protocols to consult with the nominated portfolio holder on landowner consents. Staff will consult with the local board chairperson following the inaugural meeting until new arrangements are made at the first business meeting in the term.

Appointment to external bodies

23. Appointments made by the local board to external bodies will cease at the election, so local board members will not be able to attend meetings of their organisations as an Auckland Council representative from 22 October 2019, until new appointments are made in the new term. Staff will advise the affected external bodies accordingly.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera

Council group impacts and views

24. The arrangements proposed in this report enable the council to process routine local matters during the election period. They apply only to local boards. The reduced political decision-making will be communicated to the wider council group.
25. The Governing Body has made its own arrangements to cover the election period, including delegating the power to make urgent decisions between the last Governing Body meeting of the term and the day the current term ends, to any two of the Mayor, Deputy Mayor and a chairperson of a committee of the whole. From the commencement of the term of office of the new members until the Governing Body's inaugural meeting, the Chief Executive will carry out decision-making under his current delegations.

26. This is a report to all local boards that proposes arrangements to enable the council to process routine local matters during the election period. This will enable the council to meet timeframes and provide good customer service.

27. A decision of this procedural nature is not considered to have specific implications for Māori, and the arrangements proposed in this report do not affect the Māori community differently to the rest of the community.

28. The decisions sought in this report are procedural and there are no significant financial implications.

29. There is a risk that unforeseen decisions will arise during this period, such as a decision that is politically significant or a decision that exceeds the Chief Executive’s financial delegations.

30. This risk has been mitigated by scheduling meetings as late possible in the current term, and communicating to reporting staff that significant decisions should not be made during October 2019.

31. The decision of the local board will be communicated to senior staff so that they are aware of the arrangements for the month of October 2019.

There are no attachments for this report.

Author: Anna Bray - Policy and Planning Manager - Local Boards
Authorisers: Louise Mason - GM Local Board Services
Lesley Jenkins - Relationship Manager
Te take mō te pūrongo
Purpose of the report
1. Attached are the Rodney Local Board, the Rodney Local Board Parks and Recreation Committee and the Rodney Local Board Transport, Infrastructure and Environment Committee workshop records for September 2019.

Ngā tūtohunga
Recommendation/s
That the Rodney Local Board:
  a) note the workshop records for 5 September and 12 September 2019.

Ngā tāpirihanga
Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Rodney Local Board workshop record 5 September</td>
<td>187</td>
</tr>
<tr>
<td>B</td>
<td>Transport, Infrastructure and Environment Committee workshop record 5 September</td>
<td>189</td>
</tr>
<tr>
<td>C</td>
<td>Parks and Recreation Committee workshop record 12 September</td>
<td>191</td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Robyn Joynes - Democracy Advisor - Rodney</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Lesley Jenkins - Relationship Manager</td>
</tr>
</tbody>
</table>
Rodney Local Board Workshop Record

Workshop record of the Rodney Local Board held in the Council Chamber, Orewa Service Centre, 50 Centreway Road, Orewa on Thursday, 5 September 2019, commencing at 10.30am

PRESENT
Chairperson: Beth Houlbrooke
Members: Brent Bailey
Tessa Berger
Cameron Brewer
Louise Johnston
Phelan Pirrie
Colin Smith
Brenda Steele

Apologies: Allison Roe
Also in attendance: Lesley Jenkins (Relationship Manager), Robyn Joynes (Democracy Advisor)

<table>
<thead>
<tr>
<th>Workshop Item</th>
<th>Governance role</th>
<th>Summary of Discussions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson’s welcome and apologies</td>
<td></td>
<td>The Chairperson opened the workshop and noted the apologies.</td>
</tr>
<tr>
<td>Administrative Matters</td>
<td>Lesley Jenkins (Relationship Manager)</td>
<td>Local initiatives and specific decisions</td>
</tr>
<tr>
<td>Finance update</td>
<td>Mark Purdie (Lead Financial Advisor)</td>
<td>Keeping informed</td>
</tr>
<tr>
<td>Joint work programme on Auckland Housing and Urban Growth</td>
<td>Penny Pirrit (Director Growth and Housing)</td>
<td>Keeping informed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ms Jenkins discussed administrative matters and sought feedback from local board members.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mr Purdie was in attendance to provide the local board an update in financial matters.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ms Pirrit was in attendance to provide an update and answer any questions on the joint work programme on Auckland Housing and Urban Growth.</td>
</tr>
<tr>
<td>Proposed National Policy Statement on Highly Productive Land</td>
<td>Input into regional decision-making, policies, plans and strategies Keeping informed</td>
<td>Mr Bradley was in attendance to provide an update and sought feedback on the Proposed National Policy Statement on Highly Productive Land.</td>
</tr>
</tbody>
</table>

| Ryan Bradley | | |
| Principal Planner | | |

| Peter Vari | | |
| Team Leader Planning | | |

The workshop concluded at 12.15pm.
Rodney Local Board Transport, Infrastructure and Environment Committee Workshop Record

Workshop record of the Rodney Local Board Transport, Infrastructure and Environment Committee meeting held at the Orewa Service Centre, 50 Centreway Road, Thursday, 5 September, commencing at 12.30pm.

**PRESENT**

Chairperson: Cameron Brewer  
Members: Brent Bailey  
Beth Houlbrooke  
Louise Johnston  
Phelan Pirrie  
Colin Smith  
Brenda Steele  
Tessa Berger

Apologies: Allison Roe

Also present: Lesley Jenkins (Relationship Manager), Robyn Joynes (Democracy Advisor)

<table>
<thead>
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<tr>
<td><strong>Chairperson’s welcome and apologies</strong></td>
<td></td>
<td>The Chairperson opened the workshop and noted the apologies.</td>
</tr>
<tr>
<td><strong>Rodney Local Board transport targeted rate update</strong></td>
<td>Keeping informed</td>
<td>Ms Robinson, Mr Pauw and Mr Virdi were in attendance to provide an update on projects from the Rodney Local Board Transport Targeted rate including the bus stop on Kaipara Flats Highway in Kaukapakapa and progress of the proposed Park and Rides.</td>
</tr>
<tr>
<td>Tiffany Robinson (Senior Transport Planner)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keith Pauw (Infrastructure Operations Advisor)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Saby Virdi (Staff)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>State Highway speed limit consultation</strong></td>
<td>Keeping informed</td>
<td>Mr Brown and Mr Chopra were in attendance to provide an update on the proposed consultation for NZTA’s review of speed limits</td>
</tr>
<tr>
<td>Michael Brown (Area Programme Manager - NZTA)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Board Transport Capital Fund footpath designs</td>
<td>Local initiative / preparing for specific decisions</td>
<td>Mr Prendiville, Mr Shipton, Mr Dayaram and Ms Barrett were in attendance to discuss the Local Board Transport Capital Fund footpath designs project.</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>---------------------------------------------------</td>
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</tr>
<tr>
<td>Neil Prendiville (Programme Manager)</td>
<td>Local initiative / preparing for specific decisions</td>
<td>Mr Prendiville, Mr Shipton, Mr Dayaram and Ms Barrett were in attendance to discuss the Local Board Transport Capital Fund footpath designs project.</td>
</tr>
<tr>
<td>Phillip Shipton (Project Engineer, Harrison Grierson)</td>
<td>Local initiative / preparing for specific decisions</td>
<td>Mr Prendiville, Mr Shipton, Mr Dayaram and Ms Barrett were in attendance to discuss the Local Board Transport Capital Fund footpath designs project.</td>
</tr>
<tr>
<td>Pravin Dayaram, (Transportation Lead, Harrison Grierson)</td>
<td>Local initiative / preparing for specific decisions</td>
<td>Mr Prendiville, Mr Shipton, Mr Dayaram and Ms Barrett were in attendance to discuss the Local Board Transport Capital Fund footpath designs project.</td>
</tr>
<tr>
<td>Ellen Barrett (Elected Member Relationship Manager)</td>
<td>Local initiative / preparing for specific decisions</td>
<td>Mr Prendiville, Mr Shipton, Mr Dayaram and Ms Barrett were in attendance to discuss the Local Board Transport Capital Fund footpath designs project.</td>
</tr>
</tbody>
</table>

### Rural stormwater drainage issues

**Oversight and monitoring**

Mr Chin, Mr Yee, Mr Pang and Ms Halliwell were in attendance to provide an overview of the process for Auckland Council and Auckland Transport to deal with rural drainage issues and complaints.

### Workworth Pest Management Plan

**Oversight and monitoring**

Ms Young and Ms Halliwell were in attendance to provide the committee with information on the co-designed strategy towards pest free Rodney.

The workshop concluded at 4pm.
Rodney Local Board Parks and Recreation Committee Workshop Record

Workshop record of the Rodney Local Board Parks and Recreation Committee meeting held at Orewa Service Centre – 50 Centreway Road, Orewa on Thursday 12 September 2019, commencing at 12.30pm

PRESENT

Chairperson: Brent Bailey
Members:
Beth Houlbrooke
Louise Johnson
Cameron Brewer
Phelan Pirrie
Tessa Berger
Colin Smith
Brenda Steele

Also present: Lesley Jenkins (Relationship Manager), Robyn Joynes (Democracy Advisor)

Apologies: Allison Roe

<table>
<thead>
<tr>
<th>Workshop Item</th>
<th>Governance role</th>
<th>Summary of Discussions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson’s welcome and apologies</td>
<td></td>
<td>The Chairperson opened the workshop.</td>
</tr>
<tr>
<td>Admin Time</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lesley Jenkins (Relationship Manager)</td>
<td>Keeping informed</td>
<td>Ms Jenkins sought direction from the local board on a variety of matters.</td>
</tr>
<tr>
<td>Parks Management Plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wellsford parks and recreation needs assessment</td>
<td>Keeping informed</td>
<td>Ms Le Heron and Ms Farthing were in attendance to provide a summary on preliminary feedback to the Local Parks Management Plan</td>
</tr>
<tr>
<td>Kiri Le Heron (Service and Asset Planner)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Helaina Farthing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Item 25</td>
<td></td>
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</table>
| **Community Facilities update** | Provide direction on preferred approach | Representatives from the Community Facilities team were in attendance to discuss a range of items in regard to Community Facilities. Items discussed included:  
  - Project Delivery  
  - Sunny Crescent Playground  
  - Work Programme  
  - Online RFS process  
  - Operations and Maintenance |

| **Community Empowerment Unit update** | Keeping informed | Ms Dodds was in attendance to provide an update on the work and current activities of the Community Empowerment Unit |

| **Susan Quinn**  
(Stakeholder Advisor) |  |
| **Oliver Kunzendorff**  
(Manager - Project Delivery) |  |
| **Sandra May**  
(Senior Renewals Coordinator) |  |
| **Angie Bennett**  
(Work Programme Lead) |  |
| **Penny Newbiggin**  
(Change Manager Digital and Transformation) |  |
| **Michael Feather**  
(Senior Maintenance Delivery Coordinator) |  |

The workshop concluded at 3.08 pm.
Te take mō te pūrongo
Purpose of the report
1. Attached for members’ information is an update from the Rodney Local Board chairperson, Beth Houlbrooke, for July and August 2019.

Whakarāpopototanga matua
Executive summary
2. The Rodney Local Board chairperson has provided a report on recent activities for the information of the members.

Ngā tūtohunga
Recommendation/s
That the Rodney Local Board:
a) note the chairperson’s report for July and August 2019.

Ngā tāpirihanga
Attachments

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<tr>
<th>No.</th>
<th>Title</th>
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<tbody>
<tr>
<td>A1</td>
<td>Chairpersons report</td>
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</table>

Ngā kaihaina
Signatories

<table>
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<tr>
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<tr>
<td>Authoriser</td>
<td>Lesley Jenkins - Relationship Manager</td>
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Rodney Local Board Chair’s Report

The following report covers the activities of the Chair for the months of July and August 2019, including meetings attended outside of regular workshops, business meetings, elected member training/induction, and administrative appointments with local board staff and members.

I was away on sick leave for the greater part of August hence this report covering two months.

Meetings of the Governing Body, their Committees and Workshops

None this month

Chairs’ Fora / LGNZ / Political Working Group and Policy meetings

July 7-9 – LGNZ Conference, Wellington
July 24 – SeaChange Political Reference Working Group, Auckland Town Hall

Subject matter / Project Lead meetings

July 1 – On site meeting in Warkworth with Auckland Transport re bus stop capacity
July 2 – Meeting with Auckland Transport Maintenance Team (with Member Pirrie)
July 15 – Auckland Transport Quarterly Briefing (via Skype)
August 30 – Local Board input into review of existing work practices (via Skype)

Public Meetings, Consultations and Hearings

July 26 – Presentation to Hearings Panel on the proposed Waste Management and Minimisation Bylaw

Community group meetings

July 1 – Snells Beach Residents & Ratepayers Assn
July 2 – Wbangateau HarbourCare
July 3 – Warkworth Area Liaison Group
July 9 – Wbangateau Residents & Ratepayers Assn
July 30 – Matakana Community Group
August 26 – One Warkworth Business Association AGM
August 27 – Matakana Community Group

Constituent, small group, and on-site meetings

July 12 – Constituent clinic in Warkworth with Cr Sayers
July 23 – Constituent meeting re women’s support charity looking for introductions
July 25 – Constituent meeting re support for Penlink
July 28 – Meeting with Snells Beach RRA members at Ariki Reserve re plans and parking suggestions

Civic Events

July 15 – Citizenship Ceremony, Orewa (with Member Bailey)

Guest appearances / Event attendances on behalf of the Local Board

July 12 – Leigh mid-winter Festival of Lights
July 19-20 – Mahurangi Winter Festival of Lights
July 20 – Te Whau Reserve planting day
July 27 – Puhoi Pioneers Memorial Park riverside planting day

Beth Houlbrooke
5 September 2019
Te take mō te pūrongo

Purpose of the report

1. As part of its business meetings Rodney Local Board and its committees (Transport, Infrastructure and Environment, and Parks and Recreation) has a period of time set aside for deputations/presentations and public forum during which time members of the public can address the local board on matters within its delegated authority.

Whakarāpopototanga matua

Executive summary

2. Under Standing Orders there is provision for deputations/presentations to the local board. Applications for deputations/presentations must be in writing setting forth the subject and be received by the relationship manager at least seven working days before the meeting concerned, and subsequently have been approved by the chairperson. Unless the meeting determines otherwise in any particular case, a limit of ten minutes is placed on the speaker making the presentation.

3. Standing Orders allows three minutes for speakers in public forum.

4. Requests, matters arising and actions from the deputations/presentations and public forum are recorded and updated accordingly. The Rodney Local Board deputations/presentations and public forum update is attached as attachment A to the agenda report.

Ngā tūtohunga

Recommendation/s

That the Rodney Local Board:

a) note the deputation and public forum update for 15 August 2019.

Ngā tāpirihanga

Attachments

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<tr>
<td>A4</td>
<td>Deputation and public forum update</td>
<td>199</td>
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Rodney Local Board
Outcomes of deputations/presentations and public forum
19 September 2019

<table>
<thead>
<tr>
<th>Presenter</th>
<th>Purpose/Issue</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pam Mitchell and Cherie Jourdain</td>
<td>To discuss the location of an animal refuge</td>
<td>The local board thanked Ms Mitchell and Ms Jourdain for their verbal presentation. They advised that with regards to consenting processes the local board has not decision-making powers over the notification or issuing of consents.</td>
</tr>
<tr>
<td>Trish Allen and Matthew Luxon Mahurangi Wastebusters</td>
<td>To provide an update on new community recycling centres</td>
<td>The local board thanked Ms Allen and Mr Luxon for their presentation. They were impressed with the work Mahurangi Wastebusters have undertaken to get these environmentally important recycling centres up and running and also with the services they offer for the northern communities in Rodney.</td>
</tr>
<tr>
<td>Bruce Coombes Omaha Beach Residents Society</td>
<td>To discuss the installation of basketball hoops at the courts in Tuna Place, Omaha</td>
<td>The local board thanked Mr Coombes for his verbal presentation regarding the installation of basketball hoops at the Tuna Place courts Omaha.</td>
</tr>
<tr>
<td>Jenni Marsh and Gillian Williams</td>
<td>To discuss the installation of basketball hoops at the courts in Tuna Place, Omaha</td>
<td>The local board thanked Ms Marsh and Ms Williams for their verbal presentation and noted their concerns regarding the installation of basketball hoops at the Tuna Place courts Omaha.</td>
</tr>
</tbody>
</table>
Farewell and reflections
File No.: CP2019/16426

Te take mō te pūrongo
Purpose of the report
1. To provide an opportunity for Members Tessa Berger, Cameron Brewer, Allison Roe and Brenda Steele to give a brief (five minutes) farewell speech as they have chosen not to stand for re-election to the local board in the 2019 Local Government elections.

Ngā tūtohunga
Recommendation/s
That the Rodney Local Board:

a) receive the farewell speeches from Members Tessa Berger, Cameron Brewer, Allison Roe and Brenda Steele, wish them all the best for their future endeavours and thank them for their hard work and contribution to the 2016 – 2019 term of the Rodney Local Board.

Ngā tāpirihanga
Attachments
There are no attachments for this report.

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