



*Te Kaunihera o*  
**MANUKAU**  
*City Council*

## **AGENDA**

for the meeting of the

## **POLICY AND ACTIVITIES COMMITTEE**

to be held on  
**TUESDAY, 2 FEBRUARY 2010**  
at 5.00pm in the Manukau Room  
MANUKAU CIVIC CENTRE  
Wiri Station Road  
Manukau City

### **STANDING COMMITTEE**

|                  |   |
|------------------|---|
| CHAIRMAN:        | Cr Colleen Brown  |
| DEPUTY CHAIRMAN: | Cr Arthur Anae  |
| COMMITTEE:       | His Worship the Mayor, Len Brown<br>Cr Maggie Burrill<br>Cr Anne Candy<br>Cr David Collings<br>Cr Alf Filipaina<br>Cr Hugh Graham<br>Cr Efu Koka<br>Cr Daniel Newman<br>Cr Dick Quax<br>Cr Jami-Lee Ross<br>Cr Sharon Stewart<br>Cr Sylvia Taylor<br>Cr Gary Troup<br>Cr John Walker<br>Cr Bob Wichman<br>Cr Michael Williams |

# **EMERGENCY EVACUATION**

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**Committee Advisor**

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# POLICY AND ACTIVITIES COMMITTEE MEETING

TUESDAY, 2 FEBRUARY 2010

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**COURTESY REMINDER: All those in attendance are reminded to turn off mobile phones.**

### **DECISION-MAKING PRINCIPLES**

- (i) Take relevant information into account and do not take irrelevant information into account. (The committee needs enough information to make a decision, but should not get side-tracked onto irrelevancies.)
- (ii) All members are to have an equal opportunity to participate.
- (iii) The decision-making requirements in the Local Government Act 2002 must be appropriately observed, particularly for significant decisions.
- (iv) Conflicts of interest are to be declared.
- (v) Reasons are to be given for decisions if reasons are not already contained in a report.

## **1. APOLOGIES IN ACCORDANCE WITH STANDING ORDER NUMBER 2.10**

Councillors are reminded to contact the Committee Advisor prior to the meeting to tender their apologies for absence and lateness.

## **2. CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the minutes of the Policy and Activities Committee meetings as listed below be signed as a correct record of the proceedings at those meetings:

- (i) 1 December 2009 Minute Nos. PA/DEC/1310/09 to PA/DEC/1324/09
  - (ii) 7 December 2009 Minute Nos. PA/DEC/1339/09 to PA/DEC/1342/09
  - (iii) 8 December 2009 Minute Nos. PA/DEC/1354/09 to PA/DEC/1379/09
-

**3. PRECEDENCE OF BUSINESS IN ACCORDANCE WITH STANDING ORDER NUMBER 2.6.1**

Councillors are reminded of Standing Order 2.6.1 which states:

*“Notwithstanding anything to the contrary contained in these Standing Orders, and after the confirmation of the minutes of the previous meeting, the presiding member as a matter of urgency, or the Council or committee, as the case may be, on a motion duly passed without debate, may accord precedence to any business set down on the agenda for consideration.”*

**RECOMMENDATION**

That the order of items in this agenda be confirmed.

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**4. CHAIRPERSON'S ANNOUNCEMENTS**

The Chairperson will make any necessary announcements.

**5. URGENT BUSINESS AUTHORISED TO BE TAKEN UNDER STANDING ORDER NUMBER 2.5**

If members or officers identify any items the Chairperson should use the following recommendation:

**RECOMMENDATION**

That pursuant to the Local Government Official Information and Meetings Act 1987 the following matter/s be approved by the Policy and Activities Committee as urgent business to be considered later in this agenda (under item 17) for the following reasons:

1. Subject:
  2. Reasons:
    - (a) why any such item/s is/are not on the Agenda;
    - (b) why discussion cannot be delayed until the next meeting of the Policy and Activities Committee.
-

**6. EXTRAORDINARY BUSINESS AUTHORISED TO BE TAKEN UNDER STANDING ORDER NUMBER 2.5.1**

Pursuant to the Local Government Official Information and Meetings Act 1987 the following matter/s be approved by the Committee.

1. The item/s may be discussed at this meeting if:
  - (a) The item/s is/are a minor matter/s relating to the general business of the local authority; and
  - (b) The Chairperson 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
2. No resolution, decision, or recommendation may be made in respect of the item/s except to refer it/them to a subsequent meeting of the local authority for further discussion.

**RECOMMENDATION**

That pursuant to Local Government Official Information and Meetings Act 1987 the following matter/s be reported to a subsequent meeting of the Committee.

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**7. QUESTIONS IN ACCORDANCE WITH STANDING ORDER NUMBER 4.1**

Questions sheets are tabled for your convenience.

Councillors are reminded of Standing Order No. 4.1.2, which states:

*“Before putting a question, a member shall, in the first instance, endeavour to obtain the relevant information from the appropriate Council employee or the Chairperson of the committee concerned. In the event of the information sought not being forthcoming, or the member not being satisfied with the answer, the member then has the right to raise the matter by way of a question at an ordinary meeting of Council, provided that the Mayor may refer a question to an appropriate committee.”*

**RECOMMENDATION**

That the question/s be received and referred to the appropriate Committee or Sub-Committee for a response.

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## 8. PROGRESS ON QUESTIONS ASKED IN ACCORDANCE WITH STANDING ORDER NUMBER 4.1

Significance of Decision : Internal Procedure  
 Reporting Officer : Jenny Hardie, Committee Advisor  
 Reporting Unit : Democratic Services  
 Ward : Citywide

### SUMMARY

The Economic Development Committee at its March 1996 meeting recommended to Council that progress on questions asked at Council and Committee meetings be reported to the next meeting of the appropriate Committee (Minute No. 116/96 refers).

The recommendation was subsequently amended and passed by Council on 28 March 1996, Minute No. 234/96 refers:

*“That progress on all questions received in accordance with Standing Order 4.1 at Council and Committee meetings be reported to the following Committee meeting or the following meeting of Council.”*

### RECOMMENDATION

That the information of the status of outstanding questions be received.

#### 1.0 Background

1.1 The table below details the status of all unanswered questions asked at, or referred to, this Committee:

| Minute No. and Date                | Topic                                     | Status   |
|------------------------------------|---|--|
| PA/NOV/1270/09<br>17 November 2009 | Proposed closure of Omana Reserve Road.   | See item 9 in this agenda.   |
| PA/DEC/1313/09<br>1 December 2009  | Reminder system for registration of dogs. | To be reported to the Policy and Activities Committee meeting on 16 February 2010. |

## 9. RESPONSE TO QUESTION ASKED UNDER STANDING ORDER 4.1: OMANA RESERVE ROAD CLOSURE (see Appendix "A")

|                          |   |   |
|--------------------------|---|---|
| Portfolio Area           | : | City Form and Environment   |
| Significance of Decision | : | Internal Procedure  |
| Reporting Unit           | : | Manukau Parks   |
| Reporting Officer        | : | Damian Powley, Parks Project Manager<br>Johan Ferreira, Manager Manukau Parks |
| Ward                     | : | Botany-Clevedon   |

### SUMMARY

At the meeting of the Policy and Activities Committee held on 17 November 2009, Cr Michael Williams asked the following question:

*"What transport assessment has been carried out in respect of the proposed closure of the Omana Reserve Road?"*

(Minute No. PA/NOV/1270 refers)

During the summer of 2007/2008, Manukau Parks engaged Opus International Consultants to undertake traffic surveys along the park road through Omana Reserve as part of developing the Beachlands to Maraetai Walkway project.

The surveys were undertaken at key dates throughout the summer to capture weekday and weekend traffic during peak season of summer use. The focus of the traffic assessments involved two key elements for investigation:

- (i) Study traffic movements to enable informed decisions regarding the current use of the access road through Omana reserve and the surrounding road network.
- (ii) Identification of current usage of the existing road network, and what impact closing the park road would have on the surrounding road network.

The traffic assessment report concluded that the road network that provides access to Omana reserve has sufficient capacity now, and projected for the next 30 years (2039). The report also concluded that any closure of the Omana Reserve Road will have a no more than minor impact on the surrounding road network.

The road through the Reserve is also not a designated road. To this effect the Hearings Committee adopted the new coastal reserves management plan which included the following policy:

*"Motor vehicle access and car parking will be provided to the extent to which is it necessary for the proper use and enjoyment of the reserves. The purpose of vehicle access to parks is not to provide alternative traffic routes."*

The outcomes of the traffic assessment were reported to the April 2008 meeting of the Clevedon Community Board, when the Board resolved:

1. *That the removal of the Park road through Omana Esplanade Reserve be supported.*
2. *That the outcomes of the Traffic Surveys be received as sufficient to warrant closure of the road through Omana Reserve.*
3. *That planning and design options be progressed with the view to give effect to 1 above.*
4. *That the Board nominates Maurice Hinton, Lance Gedge and Logan Kemp to represent the Board and provide input into the design process.*
5. *That the outcome of this design process be reported to the Board for final approval."*

(Minute No. CLE/APR/51/08 refers)

**9. Continued****RECOMMENDATION**

That the report on the Omana Reserve Road closure be received.

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**1.0 Background****1.1 Impacts of Traffic Volumes on the Surrounding Road Network**

1.1.1 A key measure of the impact of any potential road closure is to ascertain the capacity of the surrounding existing road network in terms of the number of vehicles per hour (vph) each lane can accommodate.

1.1.2 From the adjusted traffic count data, the maximum peak hourly flow on Maraetai Drive is 204 vph. Projecting this figure through the next 30 years at the assumed growth rate of 2.7%, gives a projected peak hourly flow of 454 vehicles per hour. Given that the counts are taken over both lanes, and assuming a 50:50 split of traffic, the peak hourly projected vehicles per lane will be 227 vehicles per hour.

1.1.3 From Section 2.2.1 of Austroads "Guide to Traffic Engineering Practice – Part 2 – Roadway Capacity" the surrounding network capacity is calculated to 821 vehicles per hour.

1.1.4 This shows that the existing roading network surrounding the Omana Esplanade area has sufficient capacity for the foreseeable future, based on the assumed growth rate and any closure of the Omana Esplanade Reserve road will not place a significant impact on the network.

**1.2 Parking Impacts**

1.2.1 During the survey period, hourly counts of vehicles parked along the esplanade area and within the ARC carpark were taken. The maximum number of cars recorded as being parked within the esplanade area was 38 on 19 January 2008.

1.2.2 Concept plans indicate that approximately 50 carparks can be achieved, and a further seven car and boat trailer parks at the eastern end of Omana Esplanade on Omana Beach Road. Presuming that most trips would continue to be undertaken by private vehicle, further car parks would be required to meet the peak demand observed, although it is noted that currently the eastern end of Omana Esplanade (from the gate to Alexander Road) has no parking restrictions on either side. This area of road is 228m long and has a seal width of 8.9m. Cars have been observed parking on both sides of this area of road. An opportunity may exist to utilise the northern (seaward) side of the road. This length of road could comfortably accommodate a further 25 to 30 parallel carparks on one side of the road only.

**2.0 Options (section 77)**

The Clevedon Community Board approved the Omana Reserve Road closure in April 2008 under Minute No. CLE/APR/51/08 and in October 2009 under Minute No. CLE/OCT/157/09 as part of reserve concept approval under delegated functions D3.7.1. This second resolution was made based on the work undertaken by the working party which considered and developed options for the walkway development.

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**9. Continued****3.0 Community Views (section 78)**

A comprehensive consultation process was entered into to gauge understanding of community views on Omana Reserve and the Beachlands to Maraetai project as a whole. The Judy Longdill report 'Omana Reserve Consultation January 2009', as an outcome of that process canvassed a wide cross-section of the Beachlands/Maraetai community, and was presented to the Board on 20 April 2009, where it was resolved under Minute No. CLE/APR/34/09 that the Omana Working Party be established to determine working design outcomes for Omana Reserve.

**4.0 Inconsistencies with Existing Policies (section 80)**

The road through Omana Reserve is an internal park road only and does not form part of the wider road network. Access via the road is blocked off during the night. The existence of the road is contrary to the policies adopted in the management plans.

**5.0 Contributions by Maori (section 81)**

Iwi, through Ngai Tai Te Waka Totara Trust have had previous involvement in the development proposal of the Beachlands to Maraetai Cycle Walkway connection. This has involved the evolution of the nodal markers, protocol around physical implementation of project works, and interpretation opportunities as the project develops.

**6.0 Principles of Consultation (section 82)**

6.1 A robust process of community engagement was sought through the Judi Longdill Report 'Omana Reserve Consultation 2009'. The Board resolved at its meeting of 20 April 2009 under Minute No. CLE/APR/34/09 that the Omana Working Party be established to finalise design options for Omana Reserve.

6.2 The Omana Working Party has been tasked to provide options for the implementation of the cycle walkway connection along Omana Esplanade Reserve, and to present back to the Board design options for approval under delegated functions and powers D3.7.1 – approve reserve concept plans.

**7.0 Auckland Transition Agency**

The Omana Reserve road closure in conjunction with the Beachlands to Maraetai Walkway will not have requirements under the Auckland Transition Agency in terms of allocated funding or construction timeframes.

## 10. ARTS REGIONAL TRUST (ART) AMENDMENT OF TRUST DEED (see Appendix "B")

|                          |   |   |
|--------------------------|---|---|
| Portfolio Area           | : | Community Services                      |
| Significance of Decision | : | Medium                                  |
| Reporting Unit           | : | Community Policy and Planning           |
| Reporting Officer        | : | Priscilla Thompson, Arts Policy Advisor |
| Ward                     | : | Citywide                                |

### SUMMARY

The Arts Regional Trust (ART) was established by Auckland City and Manukau City Councils in 2001 to manage and grow their combined share of the former Auckland Regional Services Trust funds for arts and cultural purposes with an original settled fund of \$6 million.

This report discusses ART's performance and progress during the current year. In particular, it outlines the issues the trust is facing due to the major downturn in financial markets which has resulted in negative returns on the trust's capital investments. This will have a major impact on the trust's ability to continue to deliver its programmes from 2009/2010. In order to manage this, the trust is proposing some changes to its trust deed and a revised programme of activity for 2009/2010. This report seeks the committee's endorsement of these proposed changes.

At 30 June 2008 the total trust funds were just over \$8.1 million being the \$6 million original settled fund, \$1.2 million of inflation contributions and a \$913,000 distribution reserve. Under the terms of its trust deed it is intended that only the balance of the net income is spent, after an amount to cover inflation is added to the capital.

Since June 2008 ART's returns on investments have been impacted by the general economic conditions to the extent that it is experiencing negative returns which as at the second quarter of this financial year were -5.8%. Due to the accumulation of funds in its distribution reserve fund, ART is able to complete the current year's programmes and honour its contractual and existing commitments. However there will not be sufficient funds to maintain the capital fund and add the required inflation contribution.

ART has signalled that it will not be able to continue with its usual programmes in 2009/10 and has put forward a proposal to use the opportunity to deliver a minimal cost programme that builds on the ART programmes delivered to date. This would involve two forums focussed on surviving and perhaps even thriving in hard economic times and a coaching and mentoring programme for past participants of the ART source and ART venture programmes. The coaching and mentoring programme will be delivered in association with The Big Idea Trust and key learnings and information disseminated through The Big Idea website. This aligns with ART's focus during 2007/08 and 2008/09 of evaluating and improving the three core programmes.

ART has worked with officers from Auckland and Manukau City Councils over the last few months to determine the best options for managing the trust through the current difficult financial period in a way that minimises any long term impacts on the trust and its objectives. The proposed actions are:

- (i) Delivering a minimal cost programme in 2009/10 that builds on the ART programmes delivered to date. This can be done within committed and anticipated grants that ART has obtained from other sources. This will ensure that ART retains the goodwill and momentum it has established.
- (ii) Amendment of the trust deed to allow suspension of the inflation payments and use of the capital funds in times of negative investment returns subject to the consent of the settlors (Auckland and Manukau City Councils) on each occasion and with provision for the settlors to require reimbursement in future years if returns allow.

**10. Continued**

- (iii) Inclusion in the statement of intent with Council, quarterly reporting on investments and a requirement for settlors' consent for any significant changes to the investment strategy.

During 2007/08 ART reinforced its role in supporting the arts and cultural sector of the Auckland region through investment in its three core programmes; ART source, ART venture and ART enterprise. During this time the trust strengthened its capacity by recruiting two new trustees John Hynds and Dan Chappell.

The core programmes are now well established and have successfully completed the second year of operation during 2007/08 with 12 participants and two arts organisations completing programmes. \$661,288 was invested in the sector during 2007/08 from net income and the reserve fund. In addition, ASB Trusts funding of \$165,000 was successfully secured by ART for the 2007/08 programmes.

The Arts Regional Trust, being established and operating as a regional body, is well placed to expand its role under a new Auckland regional governance structure. In order to realise this potential it is essential that it retains the momentum and goodwill that it has worked hard to establish over the last eight years.

**RECOMMENDATION**

1. That the Council commends the Arts Regional Trust on its achievements in the 2007/08 year and its prudence in retaining a substantial reserve fund that has enabled the 2008/09 programmes to be completed.
2. That the Council endorses amendments to the trust deed to allow suspension of the inflation payments and use of the capital funds in times of negative investment returns subject to the consent of the settlors (Auckland and Manukau City Councils) on each occasion and with provision for the settlors to require reimbursement to the trust fund in future years if returns allow.
3. That the Council notes that the final wording of the variations to the trust deed will be subject to the satisfaction of the group manager legal services.
4. That the Council endorses a waiver of the inflation addition to the capital fund for the 2008/09 year, subject to the above changes being made to the trust deed to allow for this.
5. That the Council endorses ART undertaking a minimal cost programme in 2009/10 that builds on the ART programmes delivered to date in order to maintain the goodwill and momentum that the trust has established.
6. That ART be requested to include investment updates in its quarterly reports to council and advise council of any significant changes to its investments strategy.

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**1.0 Background**

- 1.1 The Arts Regional Trust (ART) was established by Auckland City and Manukau City Councils in 2001 to manage and grow their combined share of the former Auckland Regional Services Trust funds for arts and cultural purposes with an original settled fund of \$6 million.
- 1.2 Information regarding the establishment and activities of the Arts Regional Trust is contained in Appendix "B".

**10. Continued**

- 1.3 At 30 June 2008 the total trust funds were just over \$8.1 million being the \$6 million original settled fund, \$1.2 million of inflation contributions and a \$913,000 distribution reserve. Under the terms of its trust deed it is intended that only the balance of the net income is spent, after an amount to cover inflation is added to the capital.
- 1.4 This report outlines ART's performance against the objectives and measures in its 2007/08 Statement of intent and performance to date for 2008/09.
- 1.5 It also outlines the issues that ART is facing due to the current negative return on its investments, the consequential impact on its programmes proposals for 2009/10 and proposed changes to the trust deed and statement of intent to manage this situation.

**2.0 Issues****2.1 Performance Against 2007/08 Objectives**

- 2.1.1 ART's objectives for 2007/08 were based on delivering its three key programmes, ART source, ART venture and ART enterprise. Other objectives relate to supporting Maori arts, developing a communication strategy and developing the Trust through growing the capital fund, recruiting new trustees and carrying out strategic planning.
- 2.1.2 The objectives for 2007/08 have largely been met, including growth of the capital fund in that year. Full details of the objectives and performance against the objectives is attached at Appendix "B".

**2.2 Performance Against the 2008/09 Objectives to Date**

- 2.2.1 Due to the substantial investment reserve that ART had accumulated by 30 June 2008 (\$913,000 which is more than its stated policy maximum of \$850,000), it is able to complete its programmes for the 2008/09 year and honour its contractual and existing commitments, despite the financial downturn and resultant negative returns on its investments. It will not however meet objectives to grow the capital fund or continue investment in the arts and creative sector through its three programmes in the 2009/10 year. The inflation payment due for this year (estimated at \$160,000) together with the loss of capital value of the trust fund, (estimated at \$466,000) will result in an overall loss for the year of \$88,000. Amendments proposed to the trust deed in 3.2.4 below will allow for a waiver of the inflation payment. If this was actioned for the current year it would retain approximately \$72,000 for the 2009/10 programmes.
- 2.2.2 A progress report for the 2008/2009 year is contained in Appendix "B".

**2.3 Changes to the Trust Deed**

- 2.3.1 The trust has been working with officers at Auckland and Manukau City Councils over the last few months to determine the best options for managing the current financial situation and ensuring that the reputation and goodwill it has established in the arts and creative sectors is not lost.
- 2.3.2 The trust investments have suffered negative returns of approximately -5.8% during this financial year. This is despite prudent management by the trustees who have engaged a reputable investment management company and an actuary to review its performance annually. The trust has pursued a relatively conservative investment strategy aimed at balancing the trust deed requirements to grow the trust fund and invest in the region's arts and creative sector through expenditure of income only. The situation of a negative return was not envisaged when the trust deed was originally drawn up in 2001 and consequently the deed does not provide for such a situation.

## 10. Continued

2.3.3 ART has proposed that the trust deed be amended to provide for:

- (i) suspension of the inflation payments in times of negative investment returns with the consent of the settlors (Auckland and Manukau City Councils) on each occasion; and
- (ii) expenditure of the capital fund within the charitable objects and purposes specified in the trust deed in times of negative investment returns subject to the consent of the settlors (Auckland and Manukau City Councils) on each occasion.

2.3.4 These changes are necessary to avoid the situation of a technical breach of trust in times when investment returns are nil or negative and expenditure of capital is required to administer a basic level of trust activity.

2.3.5 ART and its legal advisers have been in discussion with council's legal team on the implications of these changes to the trust deed and have agreed the major amendments as outlined above. The detailed wording of the variations will be finalised to the satisfaction of the legal services group manager. ART is in communication with Manukau City Council regarding the changes and officers from both councils have also been in contact to ensure a coordinated response.

2.3.6 At this stage it is proposed to waive the inflation payment for the 2008/09 year. It is anticipated that it will also need to be waived for 2009/10 unless there is a marked improvement in the economy over the next 12 months and this would be subject to a further approval from council at that stage.

2.4 Proposals for the 2009/10 year

2.4.1 Option 1 - Continue to deliver the core programmes

ART is not able to continue to deliver its core programmes in the 2009/10 without incurring a substantial erosion of the capital fund in the region of \$500,000 (\$661,288 was delivered to the arts and creative sector through the ART programmes in 2008). Neither ART nor council officers favour this option. Given the current economic situation it is not viable to raise this level of funding through community trust sources or from the settlors.

2.4.2 Option 2 – Recess

Going into recess is not favoured by the Trust or by officers, for a number of reasons. Contractual obligations and legal requirements in relation to management of the Trust would require expenditure of \$75,000 as well as fund management fees of approximately \$26,000 which are deducted from the fund return. ART would also lose the goodwill and momentum it has built up since its inception in 2001. It may also result in collapse of the Trust which relies on unpaid trustees who would not have the time and capacity to administer the Trust's commitments with no administrative support.

2.4.3 Option 3 – Deliver a minimal cost programme

2.4.3.1 Both ART and officers consider that the most viable option is for ART to use the opportunity to deliver a minimal cost programme that builds on the ART programmes delivered to date. This would constitute phase two of ART source and ART venture and involve:

- (i) targeting the grassroots of the creative sector through two forums focussed on surviving and perhaps even thriving in hard economic times. A wide range of specialists from all sectors will work with participants to identify opportunities (such as the Rugby World Cup and the new 'super city');

**10. Continued**

- (ii) a creative entrepreneur programme working with all four groups of the 2007 and 2008 ART source and ART venture programmes (around 25 participants) and creative producers from the Auckland region. The mentoring and coaching programme would bring them together with influential and knowledgeable business sector specialists to help advance their creative enterprises; and
- (iii) the programme will be delivered in association with The Big Idea Trust and key learnings and information disseminated through The Big Idea website. This aligns with ART's focus during 2007/08 and 2008/09 of evaluating and improving the three core programmes.

2.4.3.2 The programme will cost \$55,000. ART has secured \$15,000 for the forums through the 2008 ASB Community Trusts funding and applied for \$20,000 for consideration in the September 2009 round. Waitakere City Council has \$25,000 included in the 2009/10 Annual Plan for the programme and Auckland City's economic development group is considering support for parts of the programme that will deliver on the Blueprint strategy.

2.4.3.3 Contractual and administrative requirements for the 2009/10 year total \$125,000 (in addition to the above programme costs). With only \$72,000 available for the 2009/10 year, assuming a further negative return on the fund, the Trust would require another waiver of the inflation payment for 2009/10 and approval for expenditure of \$53,000 of the capital fund.

2.4.3.4 A full copy of ART's proposals for 2009/10 is contained in Appendix "B"

**2.5 Implications of the changes to Auckland Regional Governance**

2.5.1 The Arts Regional Trust has been established as an Auckland Regional Trust although only the Auckland and Manukau City Councils contributed to the capital fund. Its programmes are carried out across the region and are open to participants across the region, though there is greater emphasis on the Auckland and Manukau areas.

2.5.2 ART has established a strong reputation and high level of goodwill in the arts and creative sector over its eight years of operation to date. It is well placed to continue its activities more actively across the region under the new Auckland governance regime and it is therefore important that it continues a level of programming through this difficult financial period.

**3.0 Budget Implications**

There are no direct budget implications for Auckland City Council or Manukau City Council.

**4.0 References**

- (i) Arts Regional Trust financial statements and chairman's report to 30 June 2008, final performance report for 2007/08 and progress report for 2008/09.
- (ii) Statements of intent for 2008/09 and proposals for 2009/10.

## 11. NAMING OF 55R LENORE ROAD, MANGERE – BOGGUST PARK (see Appendix "C")

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|                          |   |                           |
|--------------------------|---|---------------------------|
| Portfolio Area           | : | Community Services        |
| Significance of Decision | : | Internal Procedure        |
| Reporting Unit           | : | Manukau Parks             |
| Reporting Officer        | : | Kim Squire, Parks Officer |
| Ward                     | : | Mangere                   |

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### SUMMARY

Manukau Parks would like to suggest a park that could be named to recognise the many years of dedicated service and significant contribution made by Ralph Boggust, ex Parks superintendent who retired in March 1992 after approximately 26 years of service.

The consensus has been that naming of Lenore Road Reserve as "Boggust Park" would be a suitable recognition. Ralph Boggust was the first superintendant of Manukau Parks; further information is in the body of this report.

The aerial location map for the park land within Manukau City is in Appendix "C". The park is currently named after its association with Lenore Road and the legal address is 55R Lenore Road, Mangere, as shown in the map in Appendix "C". It is considered to be a highly visible, well established and well used park that would recognise appropriately the contribution made by Ralph Boggust.

Currently the park is classified as a sports park and is commonly known as Boggust Park. The park was vested in Manukau City Council on subdivisions in 1993 by Health Support Services Limited.

Management Plans are a requirement of the Reserves Act 1977. Under the Sports Parks Management Plan, Section Two, council policy states that naming of parks is at the discretion of council committees (in this case the Policy and Activities Committee). The criteria for naming is outlined below. Consultation with Iwi is important as high priority is given to recognising any pre-existing Maori place name for park land.

The Naming of Parks policy, as recently amended by Council in April 2009, is:

1. Council Committee approves the name of a park following consultation with local iwi and a recommendation from the appropriate Community Board.
2. The name of a park will generally be accordance with the following criteria in descending order of priority where applicable (in some cases joint names of equal status may apply):
  - (i) Name of person or family gifting the land to the public.
  - (ii) Original Maori name.
  - (iii) Name of previous land owner of long-standing.
  - (iv) Name relating to natural or historic feature of the site.
  - (v) Name relating to an event, person or association related to the general area or neighbourhood.
  - (vi) Name of person, family or organisation in recognition of civic or community contribution.
  - (vii) Name of locality.
3. Where a park is named after a person, family, organisation, event or feature, a plaque may be erected giving the details.
4. Where a park has not been formally named in accordance with the above policy, a name is taken from the road or street on which the park has a predominant frontage or some other feature by which it can be identified. These parks may offer the community a formal naming opportunity.

(Minute No CL/APR/438/09 refers)

**11. Continued**

In this case it is criteria (v) and (vi) that are most relevant.

**RECOMMENDATION**

That the resolution of the Mangere Community Board on 5 October 2009 adopted as Minute No. MRE/OCT/137/09 be approved as follows:

*That the Mangere Community Board endorses naming 55R Lenore Road Reserve as "Boggust Park" in recognition of service to the peoples of Manukau City.*

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**1.0 Background and Biography**

- 1.1 Ralph Boggust served as the New Zealand commissioner on the International Federation of Parks and Recreation for many years.
- 1.2 Many ambitious and unique new initiatives such as BMX tracks, Marae, historical buildings, skate parks, uniforms for parks officers, parks in each ward, the shared responsibility loan scheme, planting trees for the future and feature parks were attributed to Ralph Boggust's foresight.
- 1.3 One example is the Manukau Square project with the initial planning and design being initiated by Ralph Boggust and with the properties department accepting responsibility for supervision of the construction stage. This approach worked extremely well and has produced benefits for both the project and parks. In the planning and design of this urban open space, the essential philosophy was based on simple forms set within a bold overall pattern. The simplicity in landscape design allowed for both planned and spontaneous use of open space as well as permitting the area to serve as a stage rather than merely being seen as a passive backdrop.
- 1.4 It is interesting that from a local government administration point of view the project was largely developed through the council's parks division as compared to the properties department.

**2.0 Options**

Options are to:

- (i) approve the request; or
- (ii) decline the request; or
- (iii) consider wider public consultation.

**3.0 Community Views**

The view of the community is not being sought at this time.

**4.0 Inconsistencies with Existing Policies**

The request complies with council's policy for naming of parks.

**5.0 Contributions by Maori**

Maori contribution has been sought through Janice Tangiroimata Roberts, Chairperson of Makaurau Marae. The Marae Kaumatua have read the Mangere Community Board report and agree the proposed name Ralph Boggust is acceptable and have no further comments to add.

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## 12. YOUNG PEOPLE'S VOICES: MANUKAU YOUTH COUNCIL

|                             |   |  |
|-----------------------------|---|--|
| Portfolio area              | : | Community Services   |
| Significance of Decision    | : | Internal Procedure   |
| Subject to ATA confirmation | : | No   |
| Reporting Unit              | : | Policy and Planning  |
| Reporting Officer           | : | Rex Hewitt, Senior Policy Advisor, Children Young<br>People and Families |
| Ward                        | : | Citywide   |

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### SUMMARY

Young people under 25 years of age represent 42% of Manukau population. This rises to over 50% in some wards. Not only are some young people eligible to vote but all are residents of Manukau. Creating a forum which provides a bridge between the Council and young people serves to benefit all concerned. It creates a conduit for reciprocal communication to help inform decisions, shape services, maximise the resources of the City and engage young people in the democratic process. Developing this as a habit amongst young people will benefit citizen involvement in the longer term.

### RECOMMENDATION

1. That Manukau City Council establishes a Youth Council comprised of representatives from all electoral wards, as an Advisory Committee.
  2. That the Chairperson of the Policy and Activities Committee and up to two Councillors be nominated to attend Youth Council meetings on a schedule to be agreed.
  3. That the Youth Council reports to the Policy and Activities Committee on a bimonthly basis.
- 

### 1.0 Background

- 1.1 The Manukau City Youth Policy and Action Plan, was adopted by the Council on 17 August 2004, (Minute No. CL/AUG/1419/04). One of the reasons for developing the policy was "*to ensure young people have a say about their future and can make positive contributions to their communities.*" The policy was due for review in 2007/08 and formed part of the Strategy and Policy work programme in 2008/09. The review did not take place as it was superseded by the Government notifying the reorganisation of local government in the Auckland Region. Consultation with young people to inform the review process strongly indicated that a recommendation arising from the review would likely include the establishment of a mechanism to enable them to have an input into the Council's decision making processes.
- 1.2 Even without changes to the Auckland Region's Governance structure the need to formalise links between young people and Manukau City Council were evident. Not only were such steps enunciated in the Youth Policy and Action Plan and implemented to some degree via the creation of an informal Youth Council but latterly an investment has been made in the development of ward based networks. The Youth Council, being a body not formally linked or recognised by the Council, lacked support and opportunities to create a dialogue with Councillors and officers. However following its demise some of the young people involved have continued to engage with the Council and made remarkable achievements in their own fields such as establishing Manukau as the centre of New Zealand Street Dance. A Youth Council provides the facility to harness the energy and enthusiasm of young people, helping them develop as future leaders and contributors to the city. It enables Council decisions to be made and utilises a huge resource within the city.

**12. Continued**

- 1.3 With the move toward one local authority for the majority of the Auckland Region young people are seeking opportunities to have their voices heard. There are Youth Councils in North Shore, Auckland and Waitakere City Councils, which have been meeting to respond to, and provide suggestions for, the shape of the new Auckland Council. This has led to a submission to The Auckland Governance Select Committee and a supplementary report at the invitation of the Committee. Manukau has participated through individual young people attending some of these meetings. This has helped highlight the need for the area with the highest youth population, to have a mechanism which enables young people to consider and respond to policies impacting on their lives.
- 1.4 In the Mayor's Letter to Manukau of 16 January 2009, he listed his objectives for the year, which included the formation of a Manukau Youth Forum. The Mayor's purpose for making this one of his objectives was to strengthen the links between young people and the Council and to seek to invigorate the democratic process where voting nationally for local government has declined from 52% in 1989 to 41% in 2007. In the same year in Manukau it was 39% of those eligible to vote.
- 1.5 The overall population of people less than 25 years of age in Manukau is 42%, rising in some wards to over 50%. This trend will continue for some time with over 9,000 births being recorded by Counties Manukau District Health Board in 2007. Whilst fertility rates in New Zealand have been reducing in recent years, in Counties Manukau the birth rate has been increasing, possibly due to inward migration of young people intending families and seeking affordable housing. With such percentages it is important to engage young people in the current and future shape of the city as they are both future leaders, plus many will be residents with their own families, businesses and income generating wealth.

**2.0 Community Outcomes and Young People**

- 2.1 The strategy for Tomorrow's Manukau has seven strands all of which can be improved by creating a Youth Council, which will also contribute towards achieving the aim of a Proud, Progressive and Prosperous City. The strand *Educated and Knowledgeable* people has as its primary focus children and young people. Without their education and learning the City will have difficulty remaining prosperous. In respect of *Healthy People* if children and young people are not brought up in an environment that is physically, mentally and emotionally healthy there is an increased future cost on not only health but other public services. A Youth Council and related networks can not only assist to improve educational outcomes but also to increase healthy lifestyles and living options.
- 2.2 *Moving Manukau:* At a recent meeting of approximately 70 young people, looking 50 years forward, one of their major concerns was the need to increase public transport, cycle ways and improve pedestrian areas. They were full of ideas as to how this could be achieved as were the 16 young people in 2008 who prepared a report on transport in Flat Bush. A Youth Council would help provide additional shape to these and other contributions. *Safe Communities* is the fourth element of the Tomorrow's Manukau strategy and all too often young people are viewed as part of the reason why communities are not perceived as safe. This perception can be based on fear not fact and involving young people can work to dispel fear and misconceptions. This is not a new phenomenon:

*"What is happening to our young people? They disrespect their elders, they disobey their parents. They ignore the law. They riot in the streets inflamed with wild notions. Their morals are decaying. What is to become of them?"* (Plato 4<sup>th</sup> Century BC)

**12. Continued**

- 2.3 A Youth Council will not only enable the perceptions of youth to shift as they make positive contributions, but will also offer additional solutions as has happened in the Youth Voices report on Randwick Park.
- 2.4 Young people are currently helping create a *Sustainable Environment and Heritage* which is another Tomorrow's Manukau outcome. For example they are working with Parks on a variety of projects; Environment on matters such as Waste and Rubbish and Strategy inputting to 2060. A Youth Council can help bring these initiatives together, generate interest and share knowledge and learning.
- 2.5 To stimulate a *Thriving Economy* as described in Tomorrow's Manukau an appropriately qualified population is required, that is creative and innovative. Young people are part of the current and future workforce bringing their own ideas into business and industry as well as learning and gaining experience from those who are older. Whilst a Youth Council may not have a direct input to this community outcome, it will have an indirect influence through its links with tertiary education facilities, promotion of cadetships and apprenticeships designed to harness youth creativity. There is already evidence of this through for example Clendon Youth Photo Project and various Libraries initiatives targeted at young people and enterprises such as Desire2Dream.
- 2.6 The final community outcome is *Vibrant and Strong Communities* and all young people are a part of this. A Youth Council could provide a significant contribution to this strand. Young people identify strongly with their communities and in many there are vibrant youth networks where young people are supported by youth workers and make positive inputs to their localities. These range from the youth development model for Manukau created by young people through Youthline, to supporting older people. Establishing a Youth Council with representatives from communities will help build upon the work already taking place.

**3.0 Improving Decision Making: Involving Young People**

- 3.1 Manukau City Council has established committees to assist it in decision making processes and harness the rich diversity of the city. The committees are Te Tiriti o Waitangi, Mana Whenua Forum, and the Pacific Island Advisory Committee. Each makes their own distinctive contribution, which includes advice on responses to particular issues, strategic recommendations on how specific groups can contribute to Council, providing leadership and enabling the Council to define and align its position in relation to various communities, and to ensure the Council takes into account Mana Whenua and Pacific Islands values in both decision making and implementation.
- 3.2 The Pacific Islands Advisory Committee was established in 1991 as a formal link between Council and the Pacific Peoples of Manukau. The Mana Whenua Forum was established in 2006 to provide for a direct link between Council and Iwi who were the indigenous people of the area. The benefits accruing from the creation of these bodies are well known and have added value to Council processes and also create strong relationships with different cultural groups.
- 3.3 It is proposed that a fourth body be established; a Youth Council to strengthen the bridge between the Council and the 42% of residents who are under 25 years of age. For the past five months young people have been working with Council officers to create a structure for such a body in line with objectives set for 2009. This group was brought together through existing youth networks and consistently 10 young people have been at the core with up to a further 15 attending at various times. The purpose described for the Youth Council is as follows:

**12. Continued**

- 3.4 The Manukau Youth Council will act as a bridge between Manukau City Council and its youth, by engaging young people. This will be achieved by:
- (i) Acting as an advocate for youth.
  - (ii) Engaging young people in the Council's decision making processes to provide a youth perspective.
  - (iii) Raising awareness that there is a Youth Council and encouraging youth to participate.
  - (iv) Advise the Council on issues, concerns and possibilities for young people.
  - (v) Provide feedback to the Council on plan's, policies, strategies and services affecting young people.
  - (vi) Assist the Council facilitate events for young people.
  - (vii) Enable youth voices to be heard and for them to participate to assist in making Manukau proud, progressive and prosperous.
  - (viii) Creating a positive image for youth and a conduit for issues raised about youth behaviour.

**4.0 Establishing a Youth Council**

- 4.1 A group of young people brought together from existing ward based networks, met with the Mayor at their second meeting in early September 2009 to consider their role and activities. Following this meeting they have met fortnightly to formulate how a Manukau Youth Council could work, its purpose and how this would be achieved. The group has been supported by officers from Democratic and Community Services plus Youthline. Democratic Services has also offered to provide support and training for Youth Council members. Strategy committed to supporting the group and has involved them and other young people via Youthline in two initiatives. Events have identified the positive contribution the formation of a Youth Council could have on their activities, and the Environment Directorate has offered support to engage young people. Economic Development readily recognises the benefits that could accrue for elements of their work. The Road Safety Team in Transport also considers that a Youth Council could make a valuable contribution to their work programme.
- 4.2 Those comprising the Interim Youth Council have consider a variety of options related to the functions and form of the proposed Youth Council as a result it is suggested that the criteria for membership should be as follows:
- (i) People must be aged 15 to 25 years;
  - (ii) Live in Manukau City; and
  - (iii) Be a part of or connected to a youth orientated network and/or group.
- The criteria are minimal to both attract and enable the largest number of young people as possible to be engaged.
- 4.3 People elected to the Youth Council must be committed to attending meetings and managing their responsibilities. They will also be expected to attend all team building initiatives and communicate regularly with young people in their communities. This will mean that they are aware of and are connected to the wider community to enable them to identify current and future issues and generate interest and feedback on initiatives. This would include engaging with those less than 15 years of age. There will be an expectation that those involved will promote the Youth Council through their networks, which will be extensive if those of the current youth group are an indicator. Those involved have connections into Schools, Universities, Rotary Clubs, Community Boards, Health, Police, PIAC, Department of Internal Affairs, Ministry of Youth Development and other government bodies plus the media.

**12. Continued**

- 4.4 There should be 24 members of the Youth Council with the ability to co-opt if a particular area of expertise or knowledge is required. The term of office should be three years maximum which allows continuity and succession planning. The Youth Council should be inclusive of and reflect the diverse demographics of Manukau. If gaps do appear in this area the Youth Council will take action to remedy the situation.
- 4.5 Members will be elected from each electoral ward based on population with a minimum of two representatives from each ward although it is preferred to have more as follows:
- |       |                 |   |
|-------|-----------------|---|
| (i)   | Botany/Clevedon | 3 |
| (ii)  | Howick          | 3 |
| (iii) | Mangere         | 4 |
| (iv)  | Manurewa        | 5 |
| (v)   | Otara           | 3 |
| (vi)  | Pakuranga       | 3 |
| (vii) | Papatoetoe      | 3 |
- 4.6 The young people working on the structure for the Youth Council have considered several forms of election process and concluded the one used by the Pacific Island Advisory Committee the most suitable. The essence being that there is an event managed by Community and Democratic Services which young people from across the city attend and vote for those standing from each ward. The event would be publicised through youth networks, schools and tertiary institutions, Marae and churches.
- 4.7 The costs of establishing and maintaining a Youth Council can be met within existing budgets.

**5.0 Conclusion**

- 5.1 The young people who have worked on formulating the proposals contained in this report have been meeting together for five months to consider the need for and potential of a Youth Council for Manukau. They with the support of Council officers and Youthline staff have explored the current position of local government in Manukau and how they could contribute and their desire to help shape the new Auckland Council. It is also clear from discussions with Council officers that their perspective is that having a strong bridge with the youth of the city would enrich many of their work programmes.
- 5.2 With the impending changes to local government in the Auckland Region it is timely to provide the youth of Manukau with a mechanism to contribute to the developments. A Youth Council will assist Manukau City Council achieve its community outcomes, and maximise the resources available to it through the youth of the city. The establishment of such a body will enable young people to make further positive contributions to the city and their communities.

### 13. BEACHLANDS VILLAGE: NEW AVENUES CONSULTATION DOCUMENT – INFORMAL CONSULTATION SUBMISSION PROCESS

|                          |   |   |
|--------------------------|---|---|
| Portfolio Area           | : | City Form and Environment                           |
| Significance of Decision | : | Low   |
| Reporting Unit           | : | Regional and City Planning Group                    |
| File Ref                 | : | DI/DS/122   |
| Reporting Officer        | : | Sukhdeep Singh, Senior Environmental Policy Planner |
| Ward                     | : | Botany-Clevedon                                     |

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#### SUMMARY

The Beachlands Village: New Avenues Discussion Document is currently out for informal consultation, which closes on 15 February 2010.

As part of this informal consultation process submitters will have the opportunity to make written and verbal submissions to Council.

It is proposed that the Policy and Activities Committee conducts the hearing of informal submissions relating to the Beachlands Village: New Avenues Discussion Document. The reason for making a request of this nature to this Committee is that this document is still at the policy formulation stage, therefore, within the delegation of this Committee. This report seeks approval for this process.

#### RECOMMENDATION

1. That the Policy and Activities Committee conducts the hearing of informal submissions relating to the Beachlands Village: New Avenues Discussion Document.
  2. That the start time of the Policy and Activities Committee meeting of 9 March 2010 be changed to 9.30am with the hearing of informal submissions being scheduled between 9.30am and 4.00pm and the meeting be reconvened on 10 March 2010 to continue the hearing of the informal submissions between 9.30am and 4.00pm if required.
- 

#### 1.0 Background

- 1.1 On 8 December 2009, this Committee endorsed the Beachlands Village: New Avenues Discussion Document for informal consultation. This document is similar to a concept of a draft plan change and outlines the key principles, concepts and outcomes to be incorporated into a future plan change. It provides for the expansion of the existing Beachlands settlement onto 125 hectares of rural land south of the settlement.
- 1.2 The Beachlands Village: New Avenues Discussion Document is currently out for informal consultation, which closes on 15 February 2010. This informal consultation, which is scheduled for a period of approximately one month, includes a range of activities including displays/open days and individual meetings with key stakeholder groups. Council has also distributed information and response forms to the Beachlands and Maraetai community to allow feedback to be received from the wider community. It has signalled that the submitters will also have the opportunity to make verbal submissions to Council.
- 1.3 It is the intention that all the feedback from the informal consultation (both verbal and written) will be reviewed and used to assist in further developing the Beachlands Village: New Avenues Plan Change. This Plan Change will then be formally notified in May 2010.

**13. Continued****2.0 Discussion and Conclusion**

- 2.1 It is proposed that the Policy and Activities Committee conducts the hearing of informal submissions relating to the Beachlands Village: New Avenues Discussion Document.
- 2.2 Following closure of the informal consultation process the submissions and feedback would be collated and distributed to the Policy and Activities Committee in advance of the informal hearing which is proposed for 9 and 10 March 2010.
- 2.3 The details for the hearing would be confirmed following the identification of a suitable venue and confirmation of the number of submitters that wish to be heard.

**14. REVOCATION OF PART OF ESPLANADE RESERVE – MAORI PARTITION OWNERS AND PRESENT OWNER MR C.H. DEERY – 38 KAWAKAWA BAY COAST ROAD (see Appendix “D”)**

|                           |   |   |
|---------------------------|---|---|
| Portfolio Area            | : | City Form and Environment   |
| Significance of Decision: | : | Low   |
| Reporting Unit            | : | Regional and City Planning  |
| File Ref                  | : | PA/RE/002 Part 2  |
| Reporting Officer         | : | Bruce Nicholson, Group Manager Regional and City Planning<br>Rogan Robins, Consultant |
| Ward                      | : | Botany-Clevedon   |

**SUMMARY**

This report relates to an application by descendants of original Maori owners of land at Kawakawa Bay adjacent to the Karaka stream which is now owned by Mr C.H. Deery (refer Appendix “D”).

Effectively the 23.9 hectares of property at Kawakawa Bay was created by a Maori Partition Order in 1957 in the names of Te Ahiahi te Ahu and Tametewi (Mr W Pratney and Mr T Davis Senior).

In 1958 the above Maori owners sold their share to the Deery Family, Clevedon farmers, with an understanding that the vacant road frontage portion would be transferred back to the Maori owners at a later date. This was not formalised at that time although the Deery family have at all times been prepared to honour the understanding.

In 1985 an application was made to the council on behalf of Mr CH Deery to sever a 1500m<sup>2</sup> lot from the property, being part of the residentially zoned front portion of the Deery land, in order to meet the original understanding.

This subdivisional application reached the stage of scheme plan approval by the council's then Town Planning Committee with a subsequent survey plan being presented to council for signing and sealing. All approvals were given by the council under the subdivision powers of the Local Government Act 1978, as were required at that time. The survey plan was signed and sealed by council but was however never lodged in the Land Transfer office and the approval subsequently lapsed. (Appendix “D1” shows the Survey Plan).

A condition of the approval at that time involved a partial waiver of the requirement to set aside a 20 metre wide esplanade reserve along the Karaka stream. In order for council to give this waiver at that time it was necessary to obtain the approval of the Department of Conservation. This reduction was duly given and a condition of the waiver was that the reserve boundary be not less than 3m from the top of the bank.

Nothing happened for some years until in 1998 Mr Cliff Deery made an application under the Resource Management Act for a subdivision of the Deery Property into three lots together with an esplanade reserve (now 20 metres in width) along the Karaka stream. For that subdivision no request was made for a waiver to reduce the width of the reserve from the statutory 20m width. The Plan for this subdivision was subsequently signed and sealed by council, deposited in the Land Transfer Office and titles subsequently issued for the three lots and the 20m wide Esplanade Reserve which vested in council. (Appendix “D2” shows Survey Plan).

Recently the descendants of the original Maori owners have had discussions with council staff and a meeting with His Worship the Mayor suggesting that they now wish to revert to the original 1985 subdivision of the 1500m<sup>2</sup> lot and the reduced width esplanade reserve. An application to this effect has been received from the solicitor for the descendants of the original Maori owners and their surveyor.

**14. Continued**

If the council were to consent to such a proposal a number of things would need to happen, but the major problem with such a proposal would be that part of the Esplanade Reserve status would need to be revoked in terms of the Reserves Act in order for that part of the Esplanade Reserve land to be transferred back to the descendants of the original Maori owners so that the lot proposed in the 1985 subdivision consent could be recreated.

It would be necessary for the council first to agree to the reduction of the Esplanade Reserve (see plan Appendix "D3"). This plan shows the area of Esplanade Reserve that would need to be revoked under this proposal together with a definition of the top of the bank. It would then be necessary for the proposal to go through a public notification process in respect of the reduction of width of the Esplanade Reserve with the council to ultimately rule on any outcomes.

For these reasons it is not appropriate for a Resource Consent for the purposes of reverting to the original subdivision proposal to be considered until the issues of the Esplanade Reserve have been resolved. As it was considered that a proposal such as this would involve a community interest it was considered necessary for it to be presented to the Community Board prior to being considered by the Policy and Activities Committee.

The original proposal was first considered by the Clevedon Community board on 14 September 2009 and at that meeting the Board called for a site visit prior to supporting the recommendation that it support the Policy and Activities Committee in recommending the revocation of portion of the Esplanade Reserve.

As a result of the site visit an amended proposal was presented to the Clevedon Community board meeting of 7 December 2009 involving the proposed 1500m<sup>2</sup> lot being reduced to 1000m<sup>2</sup> with a 20m frontage. (See Appendix "D4 to D6" for Community Board report and amended plan).

The Board endorsed the recommendation in that report as follows

- "1. That the Board supports the revocation of a portion of the Esplanade Reserve adjoining the Karaka Stream (as shown in the diagram in Appendix "B9" to this report in terms of the Reserves Act 1977.*
- 2. That subject to 1 above the Clevedon Community Board supports the area of revoked reserve being transferred to the descendants of the original Māori owners provided the Resource Consent for the subdivision is approved by the Council."*

(Minute No. CLE/DEC/100/09 refers)

It is recommended that the Council also supports the amended proposal.

**RECOMMENDATION**

1. That the process of revoking the reserve status of portion of the Esplanade Reserve adjoining the Karaka stream in terms of the Reserves Act is supported subject to the revocation being generally as indicated on Appendix B9 to the Clevedon Community Board meeting of 7 December 2009 Appendix "D4" to this report.
  2. That subject to 1 above the land be transferred to descendants of the original Maori owners provided the Resource Consent for the subdivision is approved by the council.
-

**14. Continued****1.0 Background**

- 1.1 In 1958 a 23.9ha property at Kawakawa Bay was created by Maori Partition order in the name of Te Ahiahi te Ahu and Tametewi (Mr W Pratney and Mr T Davis Senior).
- 1.2 In 1958 the Maori owners sold their shares to Clevedon farmer Mr GH Deery with an understanding that vacant road frontage land would be transferred back to them at a later date. This land had been utilised for camping purposes by the Maori families on a regular basis.
- 1.3 A proposed subdivision of this allotment to honour the agreement was carried out in 1986, it was approved by the council and survey plans were executed by the council. The plans were never lodged at the Land Transfer Office and approval subsequently lapsed.
- 1.4 These plans showed a 1500m<sup>2</sup> road frontage lot with a narrow (less than 20m wide) Esplanade Reserve. A condition of the approval at that time involved a partial waiver of the requirement to set aside a 20 metre wide Esplanade Reserve along the Karaka stream. In order for council to give this waiver at that time it was necessary to obtain the approval of the Department of Conservation. This reduction was duly given and a condition of the waiver was that the reserve boundary be no less than 3m from the top of the bank
- 1.5 Since that time Mr Cliff Deery has subdivided his 23.9Ha allotment into three allotments together with a 20m Esplanade Reserve for which no dispensation was requested. One of the lots was for the purpose of severing the residentially zoned land from the balance of his land.
- 1.6 Descendants of the original Maori owners have now come to council requesting that they be permitted to revert to the subdivision approved by the council in 1985 severing the 1500m<sup>2</sup> road frontage lot.
- 1.7 In order for council to be able to approve the resource consent of this subdivision it would first require the reserve status to be revoked over portion of the Esplanade Reserve in terms of the Reserves Act and then be necessary to carry out a zone change for that portion of the existing Esplanade Reserve to revert to residential use.
- 1.8 For these reasons it was considered necessary to obtain Community Board approval and Policy and Activities Committee approval before the Resource Consent Application can be considered.

**2.0 Considerations**

- 2.1 In considering this application it is necessary to refer to the original report to the Town Planning Committee in December 1985. Part of the report was as follows: *"It should be noted that provision of a reserve 20 metres wide would render the proposed Lot 1 virtually unusable as a residential lot both on a width and area basis.*

*A post and wire fence at the rear of Lot 1 has long been accepted as the "boundary" of the area to be retained by Messrs Pratney and Davis. The resultant area of Lot 1 on an initial Scheme Plan was 1353 m<sup>2</sup> based on the reduced reserve width. To determine the degree of non-conformity with the 1500 minimum area requirement of the Operative district Scheme the proposal was referred to the Minister of Lands for his comments on the width of the reserve. He was advised that a recommendation would be made to the council that the three metre width from the top of the bank be accepted. (The Director of Community Activities had previously indicated his acceptance of this width before the matter was referred to the Minister.)*

**14. Continued**

*The Minister has since advised his approval of the proposed reduced width.*

*Mr Deery has agreed to a 6m southward shift in the rear boundary of proposed Lot 1 to increase the site area to 1500m<sup>2</sup>, thereby avoiding the need for a specified departure application, and the amended design is shown on SP 3120A. (The plan shown earlier in this report as Appendix "A")."*

- 2.2 Kawakawa Bay is still unserviced and when the 1985 scheme plan was considered by the Council approval was given based on the new lot being serviced by a septic tank effluent system. This also determined the 1500 m<sup>2</sup> minimum section area as that is the minimum section area in the present zone (Residential Settlement Unserved Zone).
- 2.3 A contract for the Kawakawa Bay Wastewater Collection and Treatment Project (which would service this area for wastewater disposal) was suspended in 2007 but physical work was recommenced in October 2009 with works taking approximately 12 months to complete and a further eight months to commission.
- 2.4 The fact that the area will be serviced by 2011 may give more flexibility to section size but that decision will be made in conjunction with a Resource Consent application.

**3.0 Community Board**

- 3.1 This matter has twice been considered by the Clevedon Community Board with a site visit carried out by Board members between the meetings of 14 September 2009 and 7 December 2009. The Board considered that the reserve had a long term value and although it was prepared to support a reduction it considered that the proposal put forward to the 7 December 2009 meeting which provided for a much smaller reduction of esplanade reserve area was a more favourable solution.
- 3.2 The 14 September 2009 meeting proposal was a reversion to the 1985 subdivision where the Esplanade Reserve was 3m from the top of the bank whereas the amended proposal considered on 7 December 2009 which provided for a 1000m<sup>2</sup> retention lot leaves an Esplanade Reserve with an average width of 16 metres which is a more acceptable solution.

**4.0 Conclusions**

- 4.1 In granting a waiver or reduction it is necessary to refer to the council's District Plan and Parks Strategy
- (i) Under rules 15.15.3.1.1 and 15.15.3.1.2 of the District Plan council is required to take Esplanade Reserves upon subdivision or development of land adjacent to the coast or tidal creeks.
  - (ii) Rules 15.15.3.2.1 and 15.15.3.3.1 state that in order to give waivers or reduction in width the council must be satisfied that the values of the land in terms of the Resource Management Act are not significantly diminished if the width is reduced or no longer required.
- 4.2 The council's Parks Strategy seeks the establishment of a "*continuous reserve around the coast and along major streams*". The goal is supported by the following policy statement: "*Council will accept all Esplanade Reserve made available by development to provide access to and protection of the natural and coastal environment.*" In this case the requested reduction in width does not compromise the strategy.

**14. Continued**

- 4.3 The significant circumstances of this application are that the Esplanade Reserve adjoins a tidal creek that does not extend for a great distance and is likely to have a limited level of future use. With the modified plan there is adequate reserve adjoining the creek to give a level of environmental protection and also the situation has a historical background that is unlikely to cause a precedent and is unlikely to re-occur.
- 4.4 Having regard to the historical issues and decisions applying to this proposal and the fact that Council did give approval to the original proposal in 1985 with the then support of the Department of Conservation, who at that time traditionally took a very strict line on council requests for waivers or reductions, it is appropriate for Council to support the modified application particularly as the land area required to be revoked is significantly less than the original proposal.

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**15. THE COUNCIL'S SUBMISSION ON THE DRAFT NZS4404, LAND DEVELOPMENT AND SUBDIVISION** (see *Appendix "E"*)

|                             |   |  |
|-----------------------------|---|--|
| Portfolio                   | : | City Form and Environment                |
| Significance of Decision    | : | Medium                                   |
| Subject to ATA confirmation | : | No                                       |
| Reporting Unit              | : | Urban Design, Environment Directorate    |
| Reporting Officer           | : | Yu Yi, Senior Policy Advisor, City Image |
| Ward                        | : | Citywide                                 |

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**SUMMARY**

The purpose of this report is to:

- (i) Advise the Committee that "Standards New Zealand" is reviewing the NZS 4404 Land Development and Subdivision. The first draft of the new standard was released on 13 November 2009 for public comment.
- (ii) Advise the Committee that a Council response has been developed, see Appendix "E".
- (iii) Seek approval from the Committee for the draft council submission on the draft NZS4404.

Standards New Zealand has commenced a limited review of NZS 4404, a Standard for Land Development and Subdivision. The objective is to produce a New Zealand Standard that can be adopted by territorial authorities as the basis for technical compliance for the subdivision and development of land where these activities are subject to the Resource Management Act.

In developing the submission on the draft standards, a group of officers from units across the Council worked together. In developing the comments, the group took account of both international examples and Council's current practice.

In summary, it is officers' opinion that:

- (i) The draft NZS4404 has addressed few Land Development and Subdivision issues other than providing some minimum engineering requirements;
- (ii) Most of the engineering requirements in the draft NZS4404 are significantly lower than Council's current practice. These are particularly evident in Chapter 2: Land Stability, Foundations and Earthworks; Chapter 3: Roads; Chapter 4: Stormwater Drainage; Chapter 5: Wasterwater and Chapter 6: Water Supply;
- (iii) If the Standard is to be adopted by territorial authorities (TAs), as stated in Chapter 1 of the draft, significant improvement and revision is required.
- (iv) If no major amendments are made technical changes should be made to allow individual TAs to pursue better land development and subdivision outcomes. The suggested changes are contained in the detailed chapter by chapter comments.

**RECOMMENDATION**

That the draft Manukau City Council – Submission on the Draft NZS4404 be adopted.

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## 16. USE OF THE MĀORI FLAG ON WAITANGI DAY

|                             |   |   |
|-----------------------------|---|---|
| Portfolio Area              | : | Not applicable                                  |
| Significance of Decision    | : | Medium  |
| Subject to ATA confirmation | : | No  |
| Reporting Unit              | : | Democratic Services                             |
| Reporting Officer           | : | Warwick McNaughton, Manager Democratic Services |
| Ward                        | : | Citywide  |

### SUMMARY

In January 2009, the Minister of Māori Affairs publicly called for a Māori flag to be flown from the Auckland Harbour Bridge on Waitangi Day. At that time, the Prime Minister signalled his willingness to support flying a Māori flag alongside the New Zealand flag from the Auckland Harbour Bridge and other government buildings on Waitangi Day, and proposed that the Minister of Māori Affairs undertake consultation with Māori to secure their agreement on a preferred flag. The outcome was support for the flag known as the Māori flag. The Prime Minister and Cabinet have now recognised this flag.

The Government (through Te Puni Kokiri and the Ministry for Culture and Heritage) has developed guidelines for flying the Māori flag.

The Government protocols for flying the flag include options for flying it alongside the NZ Flag on a separate flagpole, or beneath the NZ Flag on the same flagpole. It is proposed to fly the Māori Flag alongside the New Zealand Flag.

It has been Manukau City Council practice to follow the protocols set by the Government. The protocols set out in the Flag Policy mirror those of the Government. Flying the Māori flag on Waitangi Day would be consistent with the spirit and intent of the policy.

### RECOMMENDATION

That it be noted that it is intended to fly the Māori flag on Waitangi Day alongside the New Zealand flag (in place of the Manukau City Council Flag) in line with the protocols established by the New Zealand Government.

#### 1.0 Background

1.1 Over July and August 2009, twenty-one public hui were held nationwide, and written and online submissions were invited from Māori and other interested New Zealanders. Four flags of national significance were identified for consideration as the national Māori flag: the New Zealand flag; the New Zealand Red Ensign; the national (United Tribes of New Zealand) flag; and the Māori (Tino Rangatiratanga) flag. The preference was for the Maori flag.

1.2 On 14 December 2009, Cabinet recognised the Māori (Tino Rangatiratanga) flag as the preferred national Māori flag, and noted that it will complement the New Zealand flag. *“Flying the two flags together, on days of national significance like Waitangi Day, will symbolise and enhance the Crown-Māori relationship”* (Ministry of Culture and Heritage website).

1.3 The Government (through Te Puni Kokiri and the Ministry for Culture and Heritage) has developed guidelines for flying the Māori flag.

**16. Continued**

- 1.4 The various elements of the national Māori flag represent the three realms of Te Korekore, potential being (Black, top); Te Whai Ao, coming into being (Red, bottom); and Te Ao Mārama, the realm of being and light (White, centre). The koru is symbolic of a curling fern frond, representing the unfolding of new life, hope for the future and the process of renewal. The flag should always be flown with the black section at the top, the top part of the koru closest to the flagpole, and the red section of the flag at the bottom.
- 1.5 The key principle is that the national Māori flag should be flown in a manner that:
- (i) Respects the status of the New Zealand flag as ‘the symbol of the Realm, Government, and people of New Zealand’;
  - (ii) Expresses a spirit of mutual respect and nationhood; and
  - (iii) Respects its status as the preferred national Māori flag.
- 1.6 The Government protocols for flying the flag include options for flying it alongside the NZ Flag on a separate flagpole, or beneath the NZ Flag on the same flagpole. It is proposed to fly the Maori Flag alongside the New Zealand Flag.

**17. CONSIDERATION OF URGENT BUSINESS AS AUTHORISED UNDER ITEM 5**