



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF MEETING

HENDERSON COMMUNITY BOARD

(Western Heights, McLaren Park, Henderson, Lincoln North, Te Atatu South and Te Atatu Peninsula)

I hereby give notice that a meeting of the Henderson Community Board will be held on:-

DATE: Thursday, 8 July 2010 **TIME:** 6.30 pm

MEETING ROOM: Council Chamber

VENUE: Waitakere Central, 6 Henderson Valley Road, Henderson, Waitakere

to consider the business as set out herein and to take any necessary action connected therewith.

2 July 2010

Sharon Simiona
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8820

MEMBERSHIP:

Mrs	EAG	Grimmer, MNZM (Chairman)
Mr	WS	Bainbridge (Deputy Chairman)
Cr	BA	Brady, JP
Cr	MM	Jolley
Mr	SJ	McDonald
Mr	LJF	Nobilo, JP
Ms	S	Savage

(Quorum 4 members)

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(Meeting Room could be subject to change)

(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR A MEETING OF THE HENDERSON COMMUNITY BOARD TO BE HELD IN
THE COUNCIL CHAMBER AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY
ROAD, HENDERSON, WAITAKERE, ON THURSDAY, 8 JULY 2010,
COMMENCING AT 6.30 PM**

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ROAD, HENDERSON, WAITAKERE, ON THURSDAY, 8 JULY 2010,
COMMENCING AT 6.30 PM**

1 APOLOGIES



2 CONFIRMATION OF MINUTES

Meeting Minutes - 3 June 2010

RECOMMENDATION

It is recommended that the Henderson Community Board resolve to:

Receive the minutes of the meeting of the Henderson Community Board held on Thursday, 3 June 2010, as circulated, and that they be taken as read and now be confirmed.



3 URGENT BUSINESS

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Board by resolution so decides; and
- (ii) the Chairman has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Board may make a decision on a matter determined to be urgent.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



4 CONFLICTS OF INTEREST

The Council has acknowledged in its Code of Conduct that Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to check that no such conflicts arise in relation to any items on this agenda.



5 PRESENTATIONS

1. **New Zealand Police**

Provision has been made on this agenda for a representative from the New Zealand Police to update the Board on matters in the Henderson area.

2. **McLaren Park Henderson South Community Initiative Incorporated**

Representatives from McLaren Park Henderson South Community Initiative Incorporated will be present at the meeting to update the Board on their activities and the proposed Computer Clubhouse.



6 PUBLIC FORUM

Public Forum will take place at 7.00 pm.

For guidance of Community Board Members, the Council's Standing Orders have the following provisions in regard to Public Forum:

- (i) members of the public wishing to address the Board in Public Forum shall furnish their names to the Chairman at the beginning of the meeting;
- (ii) the Chairman shall determine the order of speakers, and allow five minutes for speaking time; and
- (iii) questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 provides that no resolution, decision, or recommendation may be made in respect of any specific item of business not on the agenda except to refer the items to a subsequent meeting for further discussion. Therefore, no decision may be made on matters raised in Public Forum. However, written reports on matters raised may be requested from the Chief Executive Officer.



7 CHAIRMAN'S REPORT

RECOMMENDATION:

It is recommended that the Henderson Community Board resolve to:

Receive the Chairman's Report dated 6 May 2010.

REPORT

1. There is now only three months before the new Auckland Super City becomes a reality. It is disappointing that the Local Board's delegated authority will be decided by the Auckland Council rather than those set in statute, this ultimately means that the Local Boards will be in the same position as the last 20 years with the delegations being able to be changed or amended at any time by the Auckland Council.

Te Atatu Community Centre and Library Redevelopment

2. An Officer's report recommending that a contract for architectural services be awarded for the Te Atatu Community Centre and Library Redevelopment will shortly be going to the Tenders Committee for consideration.

Henderson Cluster School Travel Plan

- AI-A28
3. The Henderson Cluster School Travel Plan has been completed and the proposed roading changes will be presented to the Board over the next few months. The Travel Plan Launch was held at Henderson Primary School on Friday, 16 June 2010 and was enjoyed by all the schools involved in the Travel Plan's composition. I would like this Travel Plan to be the Boards entry for the Best Practice Awards at the New Zealand Community Boards Conference in 2011. A copy of the Travel Plan is attached at pages A1 to A28.

Unsung Hero's Awards

4. The Unsung Hero's Awards is a wonderful event which recognises the dedicated volunteers in our community who contribute their time and expertise to make Waitakere such a unique city. Thank you to all who make this such a special evening including, Shirley Savage who this year was the Board representative and also Chairman of the Unsung Hero Awards Organising Committee. The Henderson Community Board recipients were Mihi Te Huia, Linda Chan and Ian Henry.

Western Heights Ratepayers Association

5. The Western Heights Ratepayer Association meetings are always interesting and informative with a large committee in attendance and always with a number of local issues to be discussed. The Western Heights residents really care about their community with Eva Forbes and Gina Beaumont recently being appointed Park Rangers. The Board's congratulations are extended to them both.

Taipari Strand Reserve

6. On Wednesday, 30 June 2010 Taipari Strand Water Sports Groups that use Taipari Strand being the:
 - Waitemata Rowing Club;
 - Waitemata Canoe and Multisport Club;
 - Kenley Water Ski Club; and
 - Te Atatu Endeavour Sea Scouts;

signed a Celebration of Collaboration. Sport Waitakere and Waitakere City Council have joined with the above clubs to achieve what is a great step forward in the use of buildings and water space at the "Jewel in the Crown" of Te Atatu Peninsula.

Long Term Council Community Plan and Annual Plan

- A29
7. On Friday, 25 June 2010 the last Annual Plan for Waitakere was adopted with a rate increase of 3.8% on Council controlled rates. The Henderson Ward received \$250,000 for the continuation of the drainage on Sturges Road. Restoration of the historic cottage and replacement of the toilets at Tui Glen have also been included, as have the artworks on the bridge at the eastern end of Henderson with planting and a footpath through the Corban Hill car park. All other items in our submission are to be listed in the commentary of the Annual Plan Report. A copy of the photo taken after the adoption of the final resolutions is attached at page A29.

Candidate Seminar Councillors and Local Board 2010 – Henderson/Massey

8. The Candidate Seminar Councillors and Local Board 2010 – Henderson/Massey was not well attended and final information on the Local Boards delegations was not available although the presenters expect the role to be substantial, involving a commitment far beyond that which some of us now experience. This is reflected in the salaries announced by the Remuneration Authority.

Elizabeth Grimmer, MNZM
CHAIRMAN



8 **BOARD MEMBERS' REPORTS**

Provision has been made on this agenda for Board Members should they so wish to submit a report on their activities during the month in regard to matters within the scope and delegations of the Board. However, to comply with the provisions of the Local Government Official Information and Meetings Act 1987, no decision may be made on matters raised in Board Members' reports.

HENDERSON COMMUNITY BOARD APPOINTMENTS

OUTSIDE ORGANISATIONS	APPOINTMENT
Auckland Regional and Far North Community Board Association Executive Committee	Steve McDonald Shirley Savage (alternate)
City Safety Action Group	Leo Nobile Shirley Savage
Henderson Town Centre	Elizabeth Grimmer
Henderson Valley Park Reserve Management Plan	Leo Nobile
Henderson Ward Local Reserves Management Plan	Shirley Savage Wayne Bainbridge Steve McDonald (alternate)
Keep Waitakere Beautiful Committee	Steve McDonald
McLaren Park Henderson South Community Initiative	Steve McDonald Shirley Savage (alternate)
School Travel Plan Working Group	Shirley Savage Leo Nobile
Taipari Strand Community Group	Leo Nobile
Te Atatu Peninsula Town Centre Business Improvement District	Wayne Bainbridge
Waitakere Citizens Advice Bureau	Gayle Marshall Shirley Savage
Walkway of Fame Selection Committee	Elizabeth Grimmer Wayne Bainbridge





COUNCIL COMMITTEES	
Creative Communities Scheme Allocation Subcommittee	Wayne Bainbridge Elizabeth Grimmer (alternate)
Long Term Council Community Plan and Annual Plan Committee	Elizabeth Grimmer Leo Nobilo (alternate)
Street Events Subcommittee - Henderson Ward	Wayne Bainbridge




9 **COMMITTEE SECRETARY'S REPORT**

RECOMMENDATION:

It is recommended that the Henderson Community Board resolve to:

Receive the Committee Secretary's Report for the Henderson Community Board dated 8 July 2010.

	Issue	Comments	Reporting Council Officer
1.	Community Park Rangers Officer's Report	Training sessions were held for all Community Park Rangers (Rangers) on 17 and 18 June 2010. Council now has approximately 45 Rangers signed up. A second recruitment round will be held later in 2010.	Sarah Natac  836 8000 Ext: 8561
2.	Lighting Installation at Cranwell Park, Henderson Officer's Report	Stage Two of the physical works is programmed for the 2010/2011 financial year, and involves installing pedestrian lighting along the stream walkway to Millstream Drive, Henderson.	Andreas Lilley  836 8000 Ext: 8553
3.	Te Pai Park, Henderson, Landscaping Stage Two Officer's Report	Stage Two of the physical works is programmed for the 2010/2011 financial year, and involves further planting, footpaths, drainage swales, and car park realignment.	Andreas Lilley  836 8000 Ext: 8553
4.	Te Atatu South Park, Te Atatu South Toilet and Changing Rooms and Neville Power Memorial Park, Te Atatu South Public Toilet Upgrade Resolution No. 369/2010 7 April 2010 Infrastructure and Works Committee Resolution No.	Detailed design is now completed. Building and resource consents will be obtained by the end of July 2010. Physical works are programmed to take place in the 2010/2011 financial year.	Tracey Hamilton  836 8000 Ext: 8969

	Issue	Comments	Reporting Council Officer
	402/2010 8 April 2010 Henderson Community Board		
5.	Playground Designs for Bruce McLaren Memorial Park, Henderson, Tui Glen Reserve, Henderson, McLeod Park, Te Atatu South, and Bosun Walk/Kelvin Strand, Te Atatu Peninsula Officer's Report	As part of the Council's ongoing playground renewal programme, the playgrounds below are currently being designed for construction in the 2010/2011 financial year: <ul style="list-style-type: none"> • Bruce McLaren Memorial Park, Henderson; • Tui Glen Reserve, Henderson; • McLeod Park, Te Atatu South; and • Bosun Walk/Kelvin Strand, Te Atatu Peninsula. 	Tracey Hamilton  836 8000 Ext: 8969
6.	Bridge Avenue, Te Atatu South Public Toilet Investigation Resolution No. 1927/2009 2 December 2009 Infrastructure and Works Committee Resolution No. 368/2010 7 April 2010 Infrastructure and Works Committee Resolution No. 403/2010 8 April 2010 Henderson Community Board	Detailed design is now completed. Building and resource consents will be obtained by the end of July 2010. Physical works are programmed to take place in the 2010/2011 financial year.	Tracey Hamilton  836 8000 Ext: 8969
7.	Update on Corban Green, Henderson Community Facility Resolution No 318/2010 19 March 2010 Tenders Subcommittee Resolution No	McLaren Park Henderson South Community Initiative Incorporated (MPHSCII) have received an indication from funding providers that they are likely to be successful in receiving the necessary grants to enable them to build the proposed Computer Clubhouse. Consultants have been engaged by Canam Construction Limited to prepare the documentation required to submit the resource consent including the proposed Computer Clubhouse for lodging with the Council in July 2010.	Jan Brown  836 8000 Ext: 8514

	Issue	Comments	Reporting Council Officer
	<p>492/2010 20 April 2010 Long Term Council Community Plan and Annual Plan Committee</p>	<p>The concept landscape design has been completed and will be assessed for affordability prior to submitting to the Parks Design Review Committee.</p> <p>Integrated artwork is being developed by Council's Arts Project Co-ordinator. A local artist, Clarence Lomiwes, has been engaged to develop designs for the facility.</p> <p>MPHSCII have run a competition through their newsletter calling for suggestions of names for the facility, a shortlist will be brought to the Council for their recommendations in due course.</p>	
<p>8.</p>	<p>Local Government New Zealand Conference and Annual General Meeting 2010 Resolution No. 521/2010 28 April 2010 Council</p>	<p>At the Council meeting held on Wednesday, 28 April 2010, the Council resolved that all Community Board Chairmen will attend this year's Local Government New Zealand Conference to be held at Auckland's Sky City Convention Centre from Sunday, 25 July to Wednesday, 28 July 2010.</p> <p><i>"The Council resolved to:</i></p> <p>9. <i>Agree that the Chairmen of Waitakere's four Community Boards attend the Local Government New Zealand Conference 2010 from Sunday, 25 July to Wednesday, 28 July 2010 on selected days and for this to be paid for from the Community Boards' budgets."</i></p> <p style="text-align: right;"><i>521/2010</i></p> <p>Community Board Chairmen: Elizabeth Grimmer (Henderson), Gayle Marshall (New Lynn), John Riddell (Massey), and a yet to be nominated representative for the Waitakere Community Board, will each attend the Local Government New Zealand Conference 2010 on selected days. Conference registrations will be arranged by the Fleet Management and Travel Officer.</p>	<p>Darryl Griffin ☎ 836 8000 Ext: 8712</p>
<p>9</p>	<p>Community Board Photos for 2007-2010 Term Officer's Report</p>	<p>Photographs of the Henderson, New Lynn, and Massey Community Boards for the 2007-2010 term of office will take place on the morning of Friday, 6 August 2010.</p>	<p>Candice Ho ☎ 836 8000 Ext: 8170</p>

REPORTS PENDING			
Subject	Date Requested	Report Due	Reporting Officer
Project Twin Streams Four Monthly Progress Report	Resolution No. 1445/2005 1 August 2005 Last updated 3 June 2010	2 September 2010	Mark Abbot 836 8000 Ext: 8905

Report prepared by: Sharon Simiona, Committee Secretary.



10 TE ATATU PENINSULA COMMUNITY HOUSE SOCIETY INCORPORATED - NEW LEASE AT KAUMATUA RESERVE

GLOSSARY

Te Atatu Peninsula Community House Society Incorporated	(TAPCH)
Te Atatu Town Centre Reserves Management Plan	(Management Plan)
New Zealand Plunket Society Incorporated – Te Atatu	(Plunket)

EXECUTIVE SUMMARY

The purpose of this report is to seek the Henderson Community Board's approval to grant Te Atatu Peninsula Community House Society Incorporated (TAPCH) a new lease of land and building at Kaumatua Reserve on part of Lots 44, 45 and 46 DP 40799 and part of Section 1 SO 70805.

RECOMMENDATIONS:

It is recommended that the Henderson Community Board resolve to:

1. **Receive** Te Atatu Peninsula Community House Society Incorporated - New Lease at Kaumatua Reserve report.
2. **Approve** that a new lease be granted to Te Atatu Peninsula Community House Society Incorporated for a term of five years with one right of renewal for five years at \$500 + GST per annum, in accordance with Council's Community Leases Policy for the land and buildings at Kaumatua Reserve on part of Lots 44, 45 and 46 DP 40799 and part of Section 1 SO 70805.
3. **Agree** that the Chief Executive Officer be authorised to negotiate and conclude with Te Atatu Peninsula Community House Society Incorporated a new lease at Kaumatua Reserve under section 61(2A)(a) of the Reserves Act 1977.

BACKGROUND

1. Kaumatua Reserve is described by Council's Parks department as a local community facility and is made up of tennis courts and community buildings. There are public courts and Te Atatu Tennis Club courts and clubhouse. TAPCH occupies the Community House and a building known as the Brick Building. The New Zealand Plunket Society Incorporated – Te Atatu (Plunket) operates from the Community House and the Auckland Kindergarten Association operates from their

building adjacent to the public tennis courts. Notwithstanding the mix of outdoor recreation and community building uses, the policies in Te Atatu Town Centre Reserves Management Plan (Management Plan) (adopted in September 1999) include vesting Kaumatua Reserve as Local Purpose (Community Building) Reserve.

2. Kaumatua Reserve is now covered by the Henderson Ward Local Reserves Management Plan which was adopted in July 2009 and superceded and absorbed the Management Plan.
3. TAPCH has been on its current site at Kaumatua Reserve since 1976 and was incorporated in August 1989.

A30

4. The current leased area is shown edged in red on the plan attached at page A30. It includes the Community House located on part of Lot 46 DP 40799 and part of Section 1 SO Plan 70805; a small piece of land on Lot 45 DP 40799; and the Brick Building on part of Lot 44 DP 40799. The area edged in blue on the plan attached at page A30 is not included in the leased area but is being used by TAPCH. This area is fenced off from the pathway leading to the public courts and to Kaumatua Court (Council's Housing for Older Adults facility on the other side of the reserve) and from the land behind the Plunket building.
5. On Thursday, 2 December 1999 the Henderson Community Board resolved:

"2. That it be recommended to Council that the Minister of Conservation be requested to classify Lot 46 on Deposited Plan 40799 under section 16(1) of the Reserves Act 1977 as a local purpose (community buildings) reserve as specified in section 23 of that Act.

4. That it be recommended to Council that the Chief Executive be given authority in the absence of any objections or submissions on the reclassification to apply to the Department of Conservation for the reclassification of the part of Lot 1 Deposited Plan 24371 occupied by the Te Atatu Community House under section 24 of the Reserves Act as a local purpose (community buildings) reserve as specified in section 23 of that Act for the purposes of granting a lease to the Te Atatu Community House Society Incorporated."

4576/99

6. The part of Lot 1 DP 24371 which was reclassified became Section 1 SO Plan 70805 leaving the remainder of Lot 1 DP 24371 as recreation reserve.
7. Both Lots 44 and 45 DP 40799, parts of which are included in the leased area, are comprised in certificates of title NA1089/3 and NA2D/853 respectively. Neither of these parcels are subject to the Reserves Act 1977 and are held by Council in fee simple.
8. TAPCH operates seven days a week, from 8.00 am until 11.00 pm and shares the Community House with Plunket from 8.00 am until 5.30 pm Monday to Friday. Their Term One 2010 brochure lists 33 different activities and invites residents to participate and join an activity, class or group and learn useful new skills through its Community Education classes. In addition to the recreational and social opportunities provided by TAPCH, room hire is also available in accordance with their House User Agreement which sets out terms and conditions of use.

DECISION MAKING

9. TAPCH's lease expired 30 April 2007 and has been continuing on a monthly basis since then. Although their lease contained a right of renewal for a further five years until 30 April 2012 TAPCH has opted to apply for a new lease in order to gain maximum security of tenure. TAPCH intends to grant Plunket a sub-lease of the space they use in the Community House once their own new lease is in place and Council will consent to this.
- A30 10. It is proposed that a new lease be negotiated and concluded with TAPCH of the existing leased land and buildings, together with the additional area edged in blue on the plan attached at page A30. Its inclusion in the leased area will correct an anomaly and reflect reality.

Issues

11. It is proposed that the new lease be in accordance with the Community Leases Policy for a term of five years with one right of renewal of five years.

Reserves Act 1977

12. The leased area will be on part Local Purpose (Community Buildings) reserve and part land that is not subject to the Reserves Act 1977.
13. The consent of the Minister of Conservation for this lease is not required by section 61 of the Reserves Act 1977, nor is public notification.

Community Leases Policy

14. TAPCH fits Council's criteria for granting leases to community groups. In accordance with Council's Community Leases Policy, the rent will be \$500 plus GST per annum because the lease will be of land and buildings.

STRATEGIC CONTEXT

15. The proposal is in keeping with Council's Social Strategy. The existence of the facility and the activities which are offered support Council's Strong Resilient Communities and Leadership, and Informed Resourceful and Skilled People with Choices Strategic Outcomes. Council's Strategic Direction states that it will support community centres and community houses and halls.

CONSULTATION

16. Council's Lease Assessment Group has been consulted and is agreeable to the proposal, including the proposed increase to the leased area.

RESOURCES

17. No Council resources will be required to implement the new lease, other than staff time.

IMPLEMENTATION ISSUES

18. If approval is granted a new lease will need to be negotiated and agreed to.

AUCKLAND COUNCIL TRANSITION ISSUES

19. The decision making proposed in this report is not constrained by section 31 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, as it does not directly or because of its consequences: significantly prejudice the reorganisation, significantly constrain the powers or capacity of the Auckland Council or any subsidiary of the Auckland Council following the reorganisation, or have a significant negative impact on the assets or liabilities that are transferred to the Auckland Council as a result of the reorganisation.

Report prepared by: Stephanie Willcox, Community and Reserves Lease Officer.



11 WINERY WAY, HENDERSON – NEW NO STOPPING AT ALL TIMES PARKING RESTRICTION

EXECUTIVE SUMMARY

The purpose of this report is to seek the Henderson Community Board's approval for a new No Stopping At All Times parking restriction on Winery Way, Henderson.

Council officers consulted with the affected residents' spokesperson and have taken into consideration the best option for serving them and the community.

Two options have been identified: to install the No Stopping At All Times parking restriction or to have the area remain unrestricted.

RECOMMENDATIONS:

It is recommended that the Henderson Community Board resolve to:

1. **Receive** the Winery Way, Henderson – New No Stopping At All Times Parking Restriction report.
2. **Approve** that in relation to **WINERY WAY, HENDERSON:**
 - (a) and in accordance with the powers conferred by virtue of the Local Government Act 1974, the Land Transport Act 1998, the Transport Act 1962 and the Waitakere City Council Bylaw No. 7, 1991 – Traffic, the following restriction now be resolved to be specified and imposed, namely,
 - (i) starting from a point 115 metres from the southern intersection of **MT LEBANON LANE** and **WINERY WAY**, outside number 26 Winery Way, and extending around the corner for a distance of approximately 22 metres, the **NO STOPPING AT ALL TIMES** parking restriction be put in place.
3. **Agree** that the appropriate signage and/or road markings, in accordance with the provisions of the Land Transport Rule; Traffic Control Devices 2004 – Rule 54002 hereby be approved and be put in place to properly establish, delineate and record the said parking limitation and restriction.

BACKGROUND

1. A request for a new No Stopping At All Times parking restriction has been received from residents who are concerned about vehicles parking on this corner. When vehicles park in this location, other vehicles need to cross the centre of the road to pass and are unable to see oncoming vehicles.

DECISION MAKING

Issues

2. Residents are concerned about vehicles parking on the blind corner in Winery Way.
3. The location of the new No Stopping At All Times parking restriction is indicated on the diagram attached at page A31.

Options Identified

4. Two options have been identified: to install the No Stopping At All Times parking restriction, or to have the area remain unrestricted.

Consideration of Community Views

5. Verbal consultation was undertaken with the residents' spokesperson. No objections were received.

Preferred Option

6. The preferred option is to put in the No Stopping At All Times parking restriction to ensure a safe traffic lane around this blind corner.

STRATEGIC CONTEXT

7. Council's Transport Strategy provides the strategic context for this report. The vision is for public transport and communications systems that provide fast, effective services, and for safe City travel facilitated by integrated, environmentally-responsible and innovative design, with a focus on meeting the essential needs of all, for access, communication, and safety.
8. No Stopping At All Times parking restrictions can be applied to ensure efficient, safe movement on all roads by keeping traffic lanes and visibility lines clear.

CONSULTATION

9. Consultation with internal staff, external agencies and Maori, was not required for this report.

RESOURCES

10. The new No Stopping At All Times parking restriction can be implemented under the Annual Plan 2010/2011 minor improvements budget.

IMPLEMENTATION ISSUES

11. There are no implementation issues arising from this report.

AUCKLAND COUNCIL TRANSITION ISSUES

12. The decision making proposed in this report is not constrained by section 31 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, as it does not directly or because of its consequences: significantly prejudice the reorganisation, significantly constrain the powers or capacity of the Auckland Council or any subsidiary of the Auckland Council following the reorganisation, or have a significant negative impact on the assets or liabilities that are transferred to the Auckland Council as a result of the reorganisation.

Report prepared by: Jane Harris, Transport Technician.



12 DIVESTMENT PROPOSAL FOR HARBOURVIEW CORNER RESERVE

GLOSSARY

Metres Squared	(m ²)
Harbourview Corner Reserve	(the Reserve)
Henderson Community Board	(the Board)
Long Term Council Community Plan and Annual Plan Committee	(the Committee)
Henderson Ward Reserves Management Plan–Harbourview Corner	(Management Plan)
Parks and Open Space Strategic Plan 2009	(the Strategic Plan)

EXECUTIVE SUMMARY

The purpose of this report is to seek approval from the Henderson Community Board (the Board) for public notification of the proposed divestment of Harbourview Corner Reserve (the Reserve). The process includes the revocation of the classification under the Reserves Act 1977 and the inclusion of the property in a proposed future District Plan change process under the Resource Management Act 1991.

This report assesses the option to commence with the divestment of the Reserve in relation to the moratorium on the sale of land imposed by the Local Government (Auckland Transitional Provisions) Act 2010.

The Parks Planning section has undertaken analysis of the provision of open space within Waitakere. A gap in the provision of neighbourhood parks and playgrounds has been identified in the northern area of Te Atatu Peninsula. Revenue from the future sale of the Reserve may be allocated to the Peninsula Catchment of Waitakere as stipulated in the Waitakere Parks and Open Space Strategic Plan 2009.

RECOMMENDATIONS:

It is recommended that the Henderson Community Board resolve to:

1. **Receive** the Divestment Proposal for Harbourview Corner Reserve report.
2. **Agree** to the public notification under section 24 of the Reserves Act 1977 of the proposal to revoke the reserve status of Harbourview Corner Reserve, Lot 286 DP 84406 (600m²) as a recreation reserve.
3. **Agree** that in the absence of objections it be recommended to Council that the reserve classification of Harbourview Corner Reserve (600m²) as a recreation reserve be revoked under section 24 of the Reserves Act 1977.

4. **Agree** that in the absence of objections the Chief Executive Officer be directed to seek the approval of the Minister of Conservation to the revocation of the reserve classification of Harbourview Corner Reserve, Lot 286 DP 84406.
5. **Direct** the Chief Executive Officer, following the Minister's approval to revoke the reserve classification, in accordance with recommendation 3 above to implement the appropriate District Plan process for altering the zoning of Harbourview Corner Reserve.

BACKGROUND

A32

1. The Reserve (Lot 286 DP 84406) is located on the corner of Harbour View Road and Beach Road Te Atatu Peninsula as attached at page A32. The Reserve is 600 Metres Squared (m²) and is a grassed open space. There are no parks structures or landscape features on the reserve.
2. The Reserve falls within the scope of the Henderson Ward Reserves Management Plan (Management Plan) which was adopted in July 2009. The Management Plan identifies that investigations for divestment in conjunction with appropriate community consultation be undertaken for the Reserve.
3. On Thursday, 4 February 2010 the Board passed the following resolution:

“The Henderson Community Board resolved to:

 2. **Agree** that it be recommended to the Long Term Council Community Plan and Annual Plan Committee that resources be made available to divest the land at Harbourview Corner Reserve (Lot 286 DP84406).”

50/2010
4. On Tuesday, 23 February 2010 the Long Term Council Community Plan and Annual Plan Committee (the Committee) passed the following resolution:

“The Long Term Council Community Plan and Annual Plan Committee resolved to:

 2. **Agree** to revoke the Harbourview Corner Reserve Designation and to Proceed with the sale of that land and that a further report be brought back to the Long Term Council Council Community Plan and Annual Plan Committee on the budget shortfall and funding options.”

204/2010
5. On Tuesday, 16 March 2010 the Committee passed the following resolution:

“The Long Term Council Community Plan and Annual Plan Committee resolved to:

 2. **Approve** the addition of \$20,000 to the draft Annual Plan 2010/2011 for the purposes of Harbourview Corner Reserve divestment.”

323/2010
6. This report seeks approval from the Board for public notification of the proposed divestment of the Reserve. Further steps in the divestment process would include the revocation of the reserve classification under the Reserves Act 1977 and a future zone change to the District Plan from Open Space Environment to Living Environment.

DECISION MAKING

Reserves Act 1977

7. The Reserve is classified under the Reserves Act 1977 as 'Recreation Reserve'. In order for the Reserve to be sold the reserve classification has to be revoked. The revocation of a reserve classification requires public notification pursuant to section 24(2)(b) of the Reserves Act 1977. The notification period is to be not less than one month. Upon revocation of the reserve classification the land becomes Council land available for disposal under the Land Act 1948.

Local Government Act 2002

8. Where a local authority wishes to sell property section 138 (1) of the Local Government Act 2002 requires that local authorities undertake public consultation. The public consultation period shall be no less than one month.

Auckland Transition Agency

9. Any Council decision to divest the Reserve would be subject to approval of the Auckland Transition Agency.
10. It should also be noted that a moratorium on the sale of property with a current rating valuation of \$250,000 or more, is included in the Local Government (Auckland Transitional Provisions) Act 2010 (section 12). This moratorium would apply to the Auckland Council in the period from 1 November 2010 to 30 July 2012. While this moratorium would bind the Auckland Council and not Waitakere City Council, this could coincide with the time period when the actual sale of the land may occur and could significantly delay the implementation of any divestment decision.

Resource Management Act 1991

11. The operative District Plan zones the Reserve as Open Space Environment. This zoning should be changed to Living Environment by way of a plan change in order to facilitate the sale and development of the site for use other than as a reserve.
12. The required plan change could be included in the proposed future plan change for Te Atatu Town Centre which is currently being prepared.

Waitakere Parks and Open Space Strategic Plan 2009

13. The Parks Planning section has undertaken analysis of the provision of open space within Waitakere. A gap in the provision of neighbourhood parks and playgrounds has been identified in the northern area of Te Atatu Peninsula. Revenue from the future sale of the Reserve may be allocated to the Peninsula Catchment of Waitakere as stipulated in the Waitakere Parks and Open Space Strategic Plan 2009.

Options Identified

14. The options available to the Board with regards to divestment of the Reserve are: to agree to begin the process of divesting the Reserve; or alternatively delay proceedings for the future Auckland Council to undertake the process.

15. The other issue to be considered involves the allocation of revenue from the Reserve if it is sold. The most recent valuation indicated that the capital value of the Reserve is \$305,000.

Assessment of Options

Begin the Process of Divesting Harbourview Corner Reserve

- A33-A39
16. A previous report to the Board on 4 February 2010 refer appendix attached at pages A33 to A39 assessed the option to divest the Reserve and recommended that the Reserve does not hold significant value as a useable open space and is suitable for divestment as assessed against the relevant criteria in the Parks and Open Space Strategic Plan 2009.
 17. Proceeding with the process of divestment at this time would allow the one month public consultation period required by both the Reserves Act 1977 and the Local Government Act 2002 to be completed by August 2010. This would allow the current Board to review public submissions at the final scheduled meeting in September 2010. This decision would need to be ratified at the Council meeting on 15 or 29 September 2010.
 18. The proposed District Plan change for Te Atatu Town Centre is due to be presented to the Planning and Regulatory Committee in July 2010 for consideration. At this stage it is anticipated that public notification of the proposed plan change would occur after 1 November 2010. This timing would enable the Reserve zone change to be incorporated in the proposed plan change process.
 19. The risks in proceeding with the divestment process are:
 - The lack of time available to undertake the initial process under Waitakere City Council; and
 - The new Auckland Council may decide not to divest the Reserve and the revocation of the reserve classification and District Plan change may be reversed.

Delay Proceeding for the Future Auckland Council

20. The Board could defer the decision to divest the Reserve to the Auckland Council. The reserve classification and District Plan zoning would remain unchanged until such time as the Auckland Council agreed to divest the property.
21. The risk of deferring the decision to divest the Reserve is that the preparation work required in revoking the reserve classification and undertaking the plan change would also be delayed. This could potentially add time to the divestment process if the Auckland Council were to agree to divestment.
22. A delay may exclude the Reserve from the proposed Te Atatu Town Centre plan change. Therefore additional funds may be sought at a later date if an individual plan change is required.

Allocation of Revenue within the Peninsula Catchment

23. The northern area of Te Atatu Peninsula lacks provision of neighbourhood parks and playgrounds. The allocation of revenue from the sale of land could be directed to the provision of open space and facilities within the Peninsula Catchment of Waitakere.

Consideration of Community Views

24. Consideration of community views to meet the requirements of section 78 of the Local Government Act 2002 and the Reserves Act 1977 would be included as part of the process to divest the Reserve. Under the Reserves Act 1977 the option to revoke the reserve status and sell the land needs to be publicly notified for a period of not less than one month. The Council must, during the decision making process give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.
25. The public notification process required by both the Local Government Act 2002 and the Reserves Act 1977 can occur concurrently.

Preferred Option

26. It is considered that due to the work required to prepare the site for sale, including the change of District Plan zoning, the preferred option would be for this work to begin now so as to be included in the current plan change process and thus reduce administration costs in the long run.

STRATEGIC CONTEXT

27. The recommendations of this report have been prepared within the context of Waitakere City Council's Strategies and Strategic Outcomes. The Strategies particularly relevant to the divestment of the Reserve are Social and Growth Management.
28. The Social Strategy seeks to connect people and communities to services, facilities and activities that allow for healthy, safe and sustainable living. This strategy reflects the Strategic Outcome 'Great Living Places'. The size and location of the Reserve means that it does not provide suitable open space for the surrounding community. The proposed divestment of the Reserve will provide Council with revenue to better provide for the social needs of Waitakere.
29. The Growth Management Strategy seeks a dynamic network of vibrant town centres and neighbourhoods. The provision of open space is an important factor in creating vibrant neighbourhoods. It has been assessed that the size and location of the Reserve means that it does not contribute successfully to the outcome of this strategy. The revenue gained from the sale of the land will allow the Council to provide more suitable open space within Waitakere.
30. The divestment of the Reserve will not have any adverse affect on any of the relevant community outcomes: Strong Communities, Toiora – Healthy Lifestyles and Whaiora – Participation in Society; or other aspects of Council's Strategic Direction.
31. The Parks and Open Space Strategic Plan 2009 (the Strategic Plan) provides objectives and policies to guide decision making for parks and open spaces, including divestment. The February 2010 report to the Henderson Community Board provides an assessment of both the objectives of the Strategic Plan and the divestment criteria.

CONSULTATION

32. Legal Services provided advice that section 12 of the Local Government (Auckland Transitional Provisions) Act 2010 regarding the moratorium on the sale of certain council property, would apply in this instance.

33. Consultation with the public will be undertaken as part of any subsequent revocation and divestment process if the proposed divestment is approved by the Board.

RESOURCES

34. To date internal staff resources have been used to consider the options set out in the report. If approved, the divestment process will require additional resources for advertising and costs associated with the sale of land.
35. The Committee has approved the allocation of an additional \$20,000 to the Annual Plan 2010/2011 for the proposed Reserve divestment.

“The Long Term Council Community Plan and Annual Plan Committee resolved to:

2. **Approve** the addition of \$20,000 to the draft Annual Plan 2010/2011 for the purposes of Harbourview Corner Reserve divestment.”

323/2010

36. The Board may wish to recommend that revenue from the sale of land be allocated for the provision of open space within the Peninsula Catchment of Waitakere. Alternatively the funds can be included in the reserves account.

IMPLEMENTATION ISSUES

37. There are no implementation issues regarding the recommendations of this report.

AUCKLAND COUNCIL TRANSITION ISSUES

38. The Local Government (Tamaki Makaurau Reorganisation) Act 2009 imposes restrictions on Waitakere City Council’s decision making capabilities.
39. Approval of the Auckland Transition Agency would be required in respect of any decision to dispose of the Reserve. There is no certainty that such approval would be forthcoming or occur in time to implement this project appropriately before 1 November 2010.

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