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# Hearing of submissions to the proposal to lease the Rawene Reserve to the Great Chelsea Gardens Trust

File No.:

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## 1.0 Executive Summary

The Council publically notified a proposal to lease the Rawene Reserve to the Great Chelsea Gardens Trust (the Trust) for a 10 year term in June 2010. The Trust proposes the creation of a series of themed ornamental gardens in the reserve.

One hundred and forty two submissions were received and there were two late submissions. The hearing of submissions was put on hold pending the transition to the new Council and the need for the applicant to provide further information in response to submission points. This further information is included in the report.

The report summarises the submission points into themes and provides the policy framework to assess the proposal. It also includes additional information or reports from Council officers in response to submission points to assist the Hearing's Panel to deliberate and decide on the Trust's lease application.

## 2.0 Recommendations

- a) That the report be received.
- b) That the granting of a lease to the Great Chelsea Gardens Trust be declined, for the following reasons:
  - i) The unstable nature of the land and its importance for storm water flows,
  - ii) The natural values of the stream and regenerating bush and their contribution to the ecological values in the wider area,
  - iii) The incompatibility of the proposal with the status and management of the Chelsea Estate Heritage Park,
  - iv) The lack of local community and neighbouring landowner support,
  - v) The lack of commitment from cultural groups or plant-orientated societies to fund and implement the proposal, and
  - vi) The lack of infrastructure able to adequately support a major tourist destination.
- c) That it be suggested to the Great Chelsea Gardens Trust, they work with the Friends of Rawene Reserve group to develop a restoration programme for Rawene Reserve in keeping with the heritage values of the wider area and the desires of the local community.

## 3.0 Background

Rawene Reserve is a 2.34 hectare bush-clad reserve situated in a gully below Mokoia Road and the Highbury shopping area, sitting between Rawene and Huka Roads.

The site is made up of three titles:

- Lot 2 DP 73229 which is zoned Recreation 1 (Conservation) in the North Shore City District Plan and is held under the Reserves Act 1977 but is not yet classified as a Recreation Reserve. The parcel measures approximately 3728m<sup>2</sup>.

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- Lot 3 DP 73230 is zoned Recreation 2 (Neighbourhood Activities), is classified Recreation Reserve under the Reserves Act and covers approximately 1.1431ha.
  - Part Lot 2 DP 233 is zoned Recreation 2 (Neighbourhood Activities), and is classified Local Purpose (Carparking) Reserve under the Reserves Act although only a portion of this is used for carparking. The parcel covers approximately 8300m<sup>2</sup>.

### **Licence Application**

In June 2009 the Trust presented their proposal to the Birkenhead – Northcote Community Board and the Board recommended the Trust make a formal application to the Parks Department. A formal application to acquire a 10 year lease over Rawene Reserve was then lodged with the North Shore City Council (NSCC) in December 2009.

A copy of the full application, including the Great Chelsea Garden Charitable Trust's Deed of Trust, is attached as Attachment 1.

The Trust's vision is to create a spectacular garden of international significance. It intends to draw together interested parties (particularly cultural groups and plant-orientated societies) to find funding and volunteer services to assist plant and curate a series of themed gardens in the reserve. The Trust's application suggested these gardens would be along the lines of the Butchart Gardens in Victoria, Canada, or the Hamilton City Gardens.

The application also notes that while the gardens will initially be confined to the Rawene Reserve (refer to map in Attachment 2), the Trust's vision is for these gardens to extend from the Highbury shopping area to the shores of Chelsea Bay; thus incorporating the new Chelsea Estate Heritage Park. The Trust wish to establish 'a spectacular garden park of international significance' that will not only be a tourist attraction for the North Shore but also an education and demonstration resource focusing on ornamental horticultural techniques.

According to the application the reserve is a waste land, overgrown with weeds and mainly supports an exotic forest dominated by privet. The Trust notes the reserve does not support any public usage and therefore the proposed use will not displace any other use.

### **Notification**

Public notification of the proposal was undertaken in June 2010. This included two advertisements in the North Shore Times, mail outs to residents surrounding the reserve including Rawene and Huka Roads, information was available on the NSCC website and posters were placed in the Birkenhead Library. The closing date for submissions was 16 July 2010.

The hearing of submissions was put on hold due to the tight timeframe that officers then faced with the imminent transition to the new Auckland Council and the need for the applicant to provide further information in response to submission points.

The Kaipatiki Local Board at their meeting on 8 March resolved:

- a) That, to give effect to Section 120c and 120d of the Reserves Act 1977, a Hearings Panel of three Kaipatiki Local Board members be established to hear submissions and make resolutions on the proposal to lease the Rawene Reserve to the Great Chelsea Gardens Trust.
- b) That the Hearings Panel includes Members Richard Hills, Nick Kearney and Chris Marshall.
- c) That it be noted, the Trust's vision requires consent from private landowners and is therefore outside the remit of the Hearings Panel.

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## 4.0 Summary of submissions

Council received 142 submissions to the proposed lease. Two late submissions were also received. The lease application was supported in 107 submissions, opposed in 34 submissions and one submission was neutral. The two late submissions also supported the proposal.

Twenty two submissions came from local residents in Rawene and Huka Roads, of these over 80% opposed the proposal. Just over a third of submissions came from the wider Birkenhead, Chatswood and Birkdale areas and close to two-thirds came from residents of the North Shore. Six submitters lived outside of Auckland.

Organisations and groups that submitted on the application included:

- Auckland Begonia Circle
- Auckland Branch of the Royal New Zealand Institute of Horticulture Inc.
- Auckland Regional Council
- Birkenhead Residents Association
- Chelsea Regional Park Association Inc.
- Friends of Auckland Botanic Gardens
- Friends of Rawene Reserve
- Kauri Point Centennial Park and Chatswood Reserve Management Committee
- Le Roys Bush & Little Shoal Bay Management Committee
- New Zealand Historic Places Trust
- North Shore Branch of the Royal Forest and Bird Protection Society
- Te Atatu Floral and Garden Circle

A list all submitters is attached to this report as Attachment 3.

A copy of all the submissions will be provided to the Hearings Panel under separate cover.

The following is a summary of submitter's points which have been grouped into themes and ordered according to the number of submissions on that particular theme. Note: many submissions contained more than one theme.

### 4.1 Submissions in support

There were 107 submissions in support of the proposal and these submissions were based on the following themes:

#### **Lack of gardens**

Thirty eight submitters noted a lack of public formal gardens or botanical gardens on the North Shore, and stated the North Shore needs more gardens. They supported the setting up of a garden of international standards. One submitter noted this provides an opportunity to fill this unfortunate civic cultural emission, there is a dearth of interesting horticultural development.

#### **Current state of reserve**

Thirty three submitters suggested the proposal was good use of the existing reserve which is underutilised, long-neglected and a wasteland. They noted the proposal would enhance the valley and natural area. A number of submitters noted it would "beautify" the area, one noted it would beautify the scary, disgusting Rawene Road carpark. One submitter noted the proposal would make the land more manageable for storm water and that planting will also protect the land and make it very stable. A couple of submitters noted the area was overrun with wild cats that have annihilated all the birdlife, and that the gardens would bring them back.

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### **Asset for the North Shore**

Thirty two submitters commented the proposal would be good for the North Shore providing a real asset; a tourist attraction that will attract people from a wide area. They suggested it would be a source of pride for the people of the North Shore, a “jewel in Auckland’s crown”. A number of submitters noted the opportunity to replicate gardens like the Butchart Gardens in Canada, the Roma Street Gardens in Brisbane, the Hamilton Gardens, and the Whangarei Quarry Gardens.

### **Community potential**

Twelve submitters mentioned that the proposal provided opportunity for community involvement. This was by way of involving volunteers and giving the retired sector an interest in creating an attraction. One submitter noted a garden of this type builds community. Another noted with the diversity and strength of Auckland groups there should be good support for the proposal.

### **Recreation potential**

Eleven submitters mentioned the proposal’s recreational potential. They suggested it would provide a unique recreation facility for passive recreation, a place for rest, relaxation and creative inspiration. One submitter suggested it would be a good venue for wedding photos and could have a reception area.

### **Gardening potential**

Eight people mentioned the proposal’s potential for gardeners. They stated this would be an excellent asset for gardeners, would show diversity of natives as well as exotic plants that can be grown in Auckland. One submitter supported a ring of native planting on the steeper parts with intensively maintained exotic gardens on the flatter parts. Another submitter noted no home had been found for the proposed Chinese Gardens. A further submitter noted the benefit of having a teaching facility for people to learn about plants and propagation. In particular four submitters supported the promotion of begonias.

### **Connectivity potential**

Eight submitters supported the long term intention of connecting the Highbury Shopping Centre to the Chelsea Heritage Park and the network of trails leading to Kendell Bay.

### **Economic potential**

Seven submitters suggested the concept would provide economic benefits. It was felt the proposal would have a positive impact on the local community in terms of employment opportunities. A few submitters noted it would be good for the economic development of Auckland. One submitter noted their support for investing in land for use as a large garden centre with the building of a large Begonia House.

It does appear that a couple of the submitters in support may have been confused about the actual site of the proposed lease as one stated it was in a very strategic location at the harbour edge, and another assumed it was at the Chelsea site.

## **4.2 Submissions in opposition**

There were 34 submissions that opposed the application and these were based on the following themes. In most cases these submissions held more detail than those in support.

### **Stability and topography of the land**

Twenty four submitters noted the reserves topography and unstable nature as being unsuitable for the development of themed gardens, citing the following factors:

- The gully is unsuitable for tree clearance, excavation or earthworks due to its inherently unstable underlying structure. It is very difficult terrain, and to from any spaces suitable for gardens, would require a great many retaining structures and much earth moving, all which could send large quantities of silt into the already stressed Chelsea ponds.

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- The reserve has a fall of 54 metres from top to bottom with very steep contours, ravines and drops of over 10 metres. The efforts required to develop adequate access ways cannot be underestimated.
  - The well-known gardens the Trust has shown in their publicity have been built in mostly flat large open spaces, which are ideal for safe strolling through and admiring plants.
  - Submitters mentioned a history of slips in the area, including at the rear of properties in Rawene Road (particularly an incident at No.s 55 and 57) as well as the problem existing with the development at 10 Huka Road and the active subsidence of the roadway.
  - Submitters noted there needs to be extensive investigation of the stability of the area in the interests of public safety. The “Geotechnical Comment” obtained by the Trust from Engineering Geology Ltd, is very limited and does not include any bores or deeper examination. It does state that the advice of an engineering geologist or geotechnical engineer should be sought if any excavation into the gully sides or any building development is proposed. Submitters also pointed out the previous Council officer’s report (Report to the Community Service and Parks Committee 10 June 2010) noted the area has serious issues of site stability and that further investigation is required.
  - One submitter noted adding weight through building forms and re-contouring the land could put properties down the valley from the reserve at severe risk of damage from a slip. This would affect property values.
  - A submitter questioned whether the Trust would maintain insurance should their works cause damage to surrounding properties.

### **Inconsistent with heritage values**

Twenty two submitters noted that the proposal for international gardens was inconsistent with the wider Birkenhead areas heritage values, and included the following points:

- Rawene Road is adjacent to the special Heritage Zone of Birkenhead and to sustain this requires a focus on the historical nature of the area.
- Any initiative for Rawene Reserve needs to be compatible with the surrounding areas; Le Roys Bush, Kauri Point Centennial Park and Chatswood all have active management committees. Exotic gardens would be in conflict with these other initiatives in the ward to enhance and regenerate native tracts on publically held land.
- Of particular concern to a sixteen submitters was the need to ensure management and development of Rawene Reserve was consistent with the future of the new Chelsea Estate Heritage Park (Heritage Park), which has a Historic Places Trust category 1 designation. The New Zealand Historic Places Trust (NZHPT) opposed the proposal as it considered this would result in adverse effects on the heritage value of the Chelsea Sugar Refinery and Estate, including the visual impact and spillover effect of the proposed gardens.
- The NZHPT noted the conservation plan being prepared for the Heritage Park may have implications for appropriate development of areas immediately surrounding the Chelsea Estate and that making a decision on the lease before the conservation plan was complete would be premature.
- The “Friends of Rawene Reserve”, formed from a group of local residents which has developed an alternate proposal for Rawene Reserve (the Friend’s Group), also noted that the committees responsible for the Heritage Park and Kauri Point Centennial Park should be consulted to ascertain their views of the Trust’s proposal and the Friend’s Group proposal before any lease is granted.
- Submitters noted that the whole of the Chelsea area is steeped in historic and heritage connections that are not only of local historic significance but also recognised as of national and international significance. This makes the area particularly unsuitable for the introduction of foreign environmental features.
- It was noted that the construction of gondolas or similar as included in the ‘dream’ of the proposed gardens would adversely affect the visual beauty of the area, including the Heritage Park.

### **Wildlife values**

Twenty two submitters mentioned the reserve existing wildlife values and connectivity to other reserves, pointing out the following:

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- While the reserve suffers from weeds on its boundary, particularly pampas and tree privet, there is regenerating undergrowth and a diversity of native species in the gully, including the uncommon tree fuchsia. A list of native species identified in the valley was included in a submission. It was noted the intrinsic native bush values are too valuable to allow these trees to be cleared in order to impose inappropriate flower gardens on the gully.
  - Any lease should take account of existing native wildlife including tui, kereru, morepork, kingfisher, fantail, silveryeye, welcome swallow, Pacific gecko, Auckland green gecko, ornate skink and copper skink and a wealth of invertebrates including weta species.
  - Considerable human activity would not be conducive to an amenable habitat for the native species. While the application had stated that “flowering plants would greatly increase the attractiveness of the area to native birds” a number of submitters disagreed with this statement and suggested any planting should be native. The Trust’s intentions are contrary to sustainability and ecologically sound management principles. The planting of exotic species increases threat to maintenance of native plant species, increases risk of undermining land stability, and encourages exotic bird dominance over native bird species. One submitter noted that while native birds do enjoy the fruit and nectar of exotic plants, they also contribute to those same exotic plants growing in areas where they are not wanted.
  - The Trust has indicated that it would keep the significant natives present, but one submitter pointed out that as most of the gully is regenerating bush then it would not leave much room for exotic gardens and the proposed infilling of the gully will cover many native plants growing on the fringes of the stream.
  - Removing the native cover will impact on the reserve’s contribution to an ecological corridor from the coast and surrounding reserves. The reserve is very close to SSWI 13 at the coast below the reserve and SSWI 16 being the Duck Creek stream and riparian system within Chelsea estate.
  - Three submitters noted the reserve sits in the North-West Wildlink connecting the coastal islands with the Waitakere Ranges.
  - One submitter also noted the existing cat colony and carers.
  - It was also suggested that the reserve would provide opportunity for Birkenhead school children to be involved in weeding, planting etc.

### **Alternate uses or proposals**

Seventeen submitters noted it would be great to improve the Rawene Reserve but that the area was not suitable for formal gardens and they would prefer to see low impact development of the area. Submitters noted:

- That if any development of this area is considered it should be done as a community project by neighbours and locals who are committed to conservation and improvement of the native bush, along the lines of Le Roys Bush, Tui Glen and Kauri Point.
- The “Friends of Rawene Reserve” has developed an alternate proposal for the site and consulted with a range of local community groups. They suggest their proposal would be easier to deliver and more in keeping with the wishes of the local residents. This proposal was supported by six submissions, and is outlined in more detail in 5.1 below.
- The Friends Group and a number of other submitters fully supported weed removal as well as planting indigenous species, which would maximise the reserve’s function as an ecological corridor, encourage native birds to flourish and many also noted would also stabilise and retain the gully sides and improve stormwater aspects. It was also noted this would have a positive effect on the Heritage Park.
- The Chelsea Regional Park Association noted that their goal is to encourage the creation and enhancement of wildlife habitats on the Oruamo headland, and particularly to encourage native bird habitats through the protection and planting of native trees. Such planting in the Rawene Reserve would add to headland’s habitat viability.
- The Friends of Rawene also suggested that a path should be formed to connect the top of the reserve with the Heritage Park and that the reserve may become part of the Heritage Park in the future. This was mentioned by other submitters as well, with one cautioning that the Council should develop tracks and remove the mudslide, but that any work should be done carefully in stages.

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- One submitter noted the reserves interesting topography provides opportunity for delightful bush walks.

### **No clear plan**

Fifteen submitters noted there was no clear plan provided by the Trust and included the following comments:

- The Trust only had a “vision” with no clear intentions or concrete proposals, no timeframes or milestones for the establishment of the gardens, and no visual plan for the landform involved. There are no parameters around “a spectacular garden of international significance.”
- The submission from the Friends Group noted the Trust had not provided sufficient detail in its plans for the Council to be able to adequately assess the proposal.
- One submitter noted there is a disconnect between the request for a lease (themed ornamental gardens) and the Trust’s stated planned usage and that there had been a reluctance to provide full and open disclosure of the Trust’s plans (the submitter cited there was no website).
- The proposal did not discuss how the adjoining Trust-owned land would be used.
- The proposal did not take into consideration the needs of the neighbours in the immediate vicinity or the wider community, or assess the impact on traffic flows, parking, public amenities, rubbish collection water supply and sewage control.
- A number of submitters suggested that Council postpone any decision relating to the proposal and to seek more extensive plans from the Trust or that there was a need for a management plan before any lease is contemplated. Further detail on these suggestions is covered in 5.0 below.

### **Long term vision**

Thirteen submitters noted the Trust’s longer term vision and made the following points:

- They had been advised in a public meeting that following the Trust obtaining the lease the Trust would be seeking to obtain a connection between the Highbury shops and the shores of Chelsea Bay, creating access through the valley by the development of paths. They would then develop themed predominantly exotic planting “outdoor rooms”, with sculptures, water reticulation features and ponds.
- In the longer term, the Trust’s vision includes hosting tour groups and promoting regional horticultural activities, providing attractions including a model train railway and a gondola, and the building of a ferry terminal.
- The Trust has also mentioned the use of the reserve to hold events and functions and according to one submitter intended to charge entrance fees.
- A number of submitters noted they were not in favour of the area becoming a tourist attraction as they did not believe there was the infrastructure to support it.
- It was noted from the Trust’s publicity material it seems the Trust would not be satisfied with the use of Rawene Reserve alone but would wish to expand down the length of the valley and into a large portion of Heritage Park. There was concern the Rawene Reserve lease would provide a “foot in the door” towards a development that significantly changes the character of the Heritage Park.
- It was noted by a submitter that the proposal was too ambitious.

### **Traffic generation**

Thirteen submitters noted the impact of traffic associated with the proposal, outlining the following points:

- No traffic management plan has been provided, covering traffic flows, suitable parking and arrangements for bus and coach services.
- A major tourist attraction would overburden the current roading infrastructure which is already congested. Particular reference was made to management of the Rawene Road and Hinemoa Street intersection.
- The viability of the proposal relies on accessibility and efficient transport systems and the site is not located on a major transport route. Existing botanical gardens in Auckland and Hamilton have good motorway access with minimal disruption of local traffic.

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- It was suggested that the increased traffic flow likely from the proposal needs to be analysed against the additional traffic effects associated with the Highbury Centre Plan and the Chelsea Mixed Use Overlay Area Plan.
  - The existing roads don't have the capacity to be widened to cater for increased traffic flows.
  - The Hamilton Gardens has 850 paved car spaces and the capacity to expand to 1,350 if required. Overflow parking for gardens in Rawene Reserve would likely expand into the residential streets around the reserve which are already under pressure from the parking of local shoppers and workers.
  - At the public meeting the Trust had advised that parking would be provided close to the lower lakes within the Heritage Park, but that the majority of traffic would be ferry borne to a new terminal at the "sugar works". Submitters noted this proposed parking would then add to the vehicular load on Colonial Road.

### **Access required over private land**

Twelve submitters mentioned the use of private land to fulfil the Trust's plans, noting:

- The Trust's proposal to have a walkway linking Rawene Reserve to Chelsea and to develop gardens on the lower land south of the reserve closer to the Heritage Park depends on landowners being willing to donate part of their land.
- It has not been established that all owners of these intervening properties are agreeable to having parts of their land excised or covenanted for this purpose. The Friends Group and other submitters noted they were aware that many residents were not willing to do this. This raised doubts on whether the proposal could proceed as the Trust will not gain access to all this land. One submitter noted he found it offensive that the proposal to develop this land had been made public without his knowledge, let alone consent.
- A number of Rawene Road residents whose property would be required for access between Rawene Reserve and the Heritage Park noted they were not prepared to donate their land to the Trust on the basis of the Trust's proposal, but would however, discuss granting some kind of access to the Council on the understanding that the native character of the reserve was enhanced not reduced.

### **Security**

Eleven submitters noted they were concerned about a decrease in security and personal safety to local residents.

- A couple of submitters noted they did not want a walkway from the Heritage Park to the proposed gardens leaving the area open to unwelcome visitors. While others supporting the Friends Group alternative proposal, which includes a path, noted the sheer scale of the Trust's proposal would mean a much greater level of intrusion.
- The Friends Group and other submitters noted that residents from Rawene and Huka Roads had experienced undesirable behaviour from youths accessing the Heritage Park and an increase in vandalism following events in the local area. Concern was expressed that the instances of vandalism, noise pollution and crime would increase as a result of the Trust's proposal.
- One submitter noted they would like the site to be controlled after hours lessening the risk of vandalism.

### **Trust's history**

Ten submitters questioned the Trust's ability to implement their proposal, noting:

- The Trust comprised of a small number of individuals and that no residents and ratepayers of the Highbury/Birkenhead locale are included in the Trust's board.
- The Trust has yet to establish a long-term record with the Council and the Council need to ensure the ability of the Trust and its members to raise and manage the large sums of money that will be required to implement their proposal.
- Submitters stated there is a severe lack of funding for the grandiose plans, having been told at a public meeting the Trust only had \$100 in their bank account. Submitter's questioned the cost of developing and maintaining the proposed gardens.

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- A few submitters questioned the Trust's ability to carry out their plans, that they have no project management experience and communications expertise (vital for fund-raising), and questioned what would happen if they were unable to follow through.
  - It was suggested that the Trust should be required to demonstrate both sufficient membership and funds to complete the project before a lease is granted.

### **Impact on local amenity**

Eight submitters noted the impact the proposal would have on their amenity, including:

- A number of local residents stated they purchased their properties because of the associated privacy, peace, security, minimal surrounding residential development and views of the bush.
- Submitters pointed out that the Trust had advised that the implementation of the proposed gardens could take "up to 20 years" and local residents did not think this was acceptable in regard to ongoing noise and dust nuisance from the scale of earthworks and development.
- The impact of gondolas on the hill was also cited as visual pollution to the area.
- There was concern about the scale of tourism associated with a major international tourist attraction and the concept of thousands of tourists walking through the neighbourhood.
- A submitter points out that to undertake any earthworks in the reserve the Trust will need to determine a suitable entrance for heavy machinery and that is it unlikely this could be achieved from the top given the steepness, so will probably need to be through residential easements. Concerns were expressed about the associated interruptions, risks and damage to roads and noise, as was experienced with library development; they questioned how this would be mitigated and restored.
- It was stated the proposal would likely have a negative impact on property values in Rawene Road.

### **Water systems and use of water**

Eight submitters mentioned the potential impact on natural water systems and how water would be used in the proposal. They made the following comments:

- The reserve is subject to significant stormwater overland flow effects and would likely require resource consent to reticulate filter and otherwise artificially manage water flow in the reserve. Submitters noted the current placement of water systems should not be compromised. Another submitter noted that mitigation of piping the stream had not been considered and it was further pointed out that the District Plan seeks to avoid the modification of natural waterways.
- While the existing stream is degraded it has potential for improvement in water quality and there a very few daylighted streams left on the North Shore.
- There is no fresh water supply to the reserve. The potential reticulation of water from the Chelsea ponds was opposed because the water is contaminated and could lead to further land instability.
- The subterranean and surface water quality is likely to be effected by any earthworks, and use of pesticides to support exotic species.

### **Future development, access and commercialisation**

Seven submitters questioned whether it was appropriate to allow development, commercial activities or restrict access to the reserve. They made the following queries and observations:

- Whether the proposal included the intention to develop buildings on the reserve, as the Trust had proposed venues for classwork and education.
- Whether the Trust's statement that the gardens "will be open to the public during daylight hours" meant the construction of fences and gates.
- A number of submitters noted the reserve is public land, should be accessible 24/7 and should be free of charge.
- Concerns were expressed that the Trust will eventually include commercial activities, as noted in point 4 (j) of their Deed of Trust and point 9 refers to employed staff running the gardens. It is completely inappropriate for public reserve land to be leased for private commercial operation.

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## **Contamination and use of landfill**

Four submitters had concerns about contamination and the use of landfill, pointing out:

- Dumping of industrial materials and rubbish at the top of the reserve in the past may mean the site is contaminated, if so, may need consent to carry out remediation and soil disturbance.
- Submitters had varying accounts of what they had been advised by the Trust in regard to the use of fill, one stated this would come from the Victoria Park Tunnel which could potentially be contaminated. Another noted that the Trust planned to fill the gully to the 30m contour using fill potentially obtained from de-sludging the Chelsea duck pond. As the ponds are contaminated the landfill would require engineering to prevent groundwater and surface water contamination from the fill. A submitter noted the consent process for landfill is also time consuming and expensive.
- Another submitter noted in the lower end of the stream gully there is already fill of ash and lime, residue of the sugar refining process, and that any disturbance of this fill or the fill at the top of the reserve could lead to further contamination of the Chelsea pond water and ill-health of water fowl.

## **Why a lease**

Three submitters noted there was no reason for a lease as the Trust's aims could be met by the land staying in Council control, and there is ample opportunity for the Trust to coordinate with the Council in planting native trees and plants without the need for a lease. It was noted Birkenhead has a number of successful volunteer groups that care for reserves such as Le Roy's Bush, Chatswood etc that operate without a lease.

## **More suitable locations**

Three submitters noted that the proposal would be better suited to other locations. The sites they suggested included:

- Barry's Point Reserve adjacent to the Korean Gardens.
- Chelsea Lakes and adjoining areas
- Birkenhead War Memorial north of the lower playing fields
- Soldiers Bay Reserve
- Shepherds Park
- Eskdale Reserve between Eskdale and Glenfield Roads
- Hobsonville
- Greenhithe
- Long Bay Regional Park, or
- Private land that could be acquired in the Albany/Coatsville area

It was noted these were more consistent with the proposal in terms of topography, impact on other local land users and access.

One submitter suggested alternatively the themed gardens could be spread around a number of parks.

## **Other submission points**

Points that were made in individual or just a couple of submissions included:

- No details of the proposed lease have been provided in regard to the term, rental payments, any use restrictions and conditions.
- There is no evidence of consultation with tangata whenua.
- The reserve was south facing.
- The proposal is inconsistent with the Resource Management Act 1991 (RMA) and the NSCC's District Plan, in particular:
  - Section 5(2) of the RMA in relation to Council's function of "sustainable management of natural and physical resources."
  - Section 5.4 of the District Plan as Council is obliged to focus on "protecting our high quality natural environment." The submitter noted the natural character of the Rawene Valley and the reserve is a key feature of the Highbury/Birkenhead locale.
  - Section 8.3.2 sets out a number of policies relating to the protection of ecosystems which a submitter suggested the proposal is inconsistent with. These include: Policy 6,

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which relates to the avoidance of earthworks and vegetation removal affecting ecosystems and habitats and Policy 10, which stipulates the need to identify and protect habitat for native species. It was submitted that the proposal will destroy habitat for native birds.

- Section 8.35 relating to stormwater control, in particular Policy 3 stating that contaminant levels entering waterways should be minimised, Policy 6 which encourages the regeneration of native bush to slow and reduce run-off, and Policy 10 seeks to avoid vegetation removal.

## 5.0 Conditions sought

Nearly half of the submitters that opposed the proposal suggested a management plan should be developed for the reserve or more detailed plans be provided on the application prior to any decision being made on granting a lease to the Trust. Some submissions noted while they were not opposed to the development of the gardens they were concerned that there has been a lack of communication by the Trust and a need to address a range of issues before they could support the proposal.

Many pointed out that any plan for the reserve needs to be developed after full consultation and acceptance by local residents. A number also pointed out that any lease should be subject to performance reviews and revert back to Council if conditions are not followed or progress targets are not met.

Submitters suggested further detailed information should be provided on the following points and that these should form the basis of any conditions on granting the lease:

### Strategic planning -

- Clearly defined milestones and timeframes to be approved by Council.
- Make-up of the board - ensuring membership of the operating Trust is open to all local residents. One submitter requested that three Birkenhead residents are appointed to the Trust's board, that the board have no pre-emptive consent requirement over the membership of these community representatives, and that monthly reports be provided to Council against the milestones, including the board's minutes and that these be freely available to all. Another submitter suggested a management committee comprising Council and community representatives be set up.
- Long-term financial plan with specific financial projections including estimated costs of earthworks, services and amenities such as toilets, electricity, reticulated water etc, and any anticipated payment of services rendered to the members of the Trust.
- Public liability insurance requirements.
- Recognition of the planning for the Highbury town centre.

### Physical assessment -

- Full assessment of potential geotechnical impacts of the proposal, how these would be appropriately managed and mitigated to Council's satisfaction.
- Management of stormwater flows, covering regulatory requirements and management of water quality.
- A clear plan for eliminating weed species and pest animals.
- How the existing native bush will be protected and restored, including replanting of appropriate native species to fill the gaps from weed control. One submitter suggested there should be strict definition of the percentage of land allowable for the removal of vegetation to prevent instability of the landform.
- Limited use of exotic plants, (only after thorough research to ensure they are unlikely to have any detrimental impact on native plants through exclusion of any known or suspected invasive exotic species, including but not limited to those on the ARC Pest Management "Research" list, and providing for control of any species introduced but later found to be invasive). Though this was not supported by all submitters.

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- How native fauna populations will be protected.
  - Potential impact of gardening practices on water quality, native bird life and ecosystems.

#### Land acquisition -

- Details of how the proposal to gain tenure to Rawene Reserve by the Trust relates to other likely attempted acquisitions and developments in the Rawene Valley and surrounding environs.
- Whether these acquisitions would be achieved by publicly managed covenants for access over private land and how security issues would be mitigated.
- How the plan would proceed should access through private land at the bottom not be in place and access is only available from the top of the reserve.

#### Social assessment -

- Recognition of the needs and potential contribution of neighbouring and local residents, including what controls will be in place to ensure peace and tranquillity within the reserve controlling mechanical noise, loud music, etc.
- Ensure free access is maintained for the public and that no commercial activities be carried out on the reserve.
- Practical plan for the development of a bush track through Rawene Reserve to link up with Le Roys Bush to the east and the Chelsea Park and other tracks networks throughout the Kaipatiki ward.

### **5.1 Alternate Proposal**

In addition to the range of conditions that submitters felt should be imposed on any granting of a lease, an alternate proposal was put forward by a newly formed group of local residents, the "Friends of Rawene Reserve."

The alternative proposal formulated by the Friend's Group includes:

- a) Establishment of a pathway from the Heritage Park to Mokoia Road through the privately held land at the bottom of the Rawene gully and the Reserve at the top.
- b) Progressive removal of the worst of the weeds and non-native plants in the Reserve in favour of native plantings.
- c) Eventual restoration of the Rawene Gully as a regenerating natural bush.

The Friend's Group believe that the Alternative Proposal would lead to the restoration of the gully as regenerating natural bush, would be more aligned to Section 8 of the District Plan and with other projects in the Birkenhead area; would have a much lower impact on the infrastructure of Birkenhead; would be more desirable to local Birkenhead residents; and would be a shorter project and a cheaper one and accordingly, has more chance of success.

The Friend's Group suggest that the Trust could amend its proposal to be aligned with the Alternative Proposal and that they would be willingly to work with the Trust on a joint basis to achieve the Alternate Proposal's objectives.

Alternatively the Friend's Group suggest that Council consider adding Rawene Reserve to the Heritage Park to be managed in conjunction with the rest of the Heritage Park land. As mentioned above, the Friend's Group has indicated that appropriate covenants could be obtained from landowners (including Chelsea Sugar) to build a path to link the two areas. This would ensure the reserve is managed in a way consistent with the Heritage Park. The Friends Group would be willing to work with the Heritage Park Committee to achieve this end.

Finally, if Council rejects this idea, the Friends Group would seek to take over responsibility for the reserve and work with Council to achieve the Alternative Proposal. While the Group has only recently been formed, they are investigating the possibility of obtaining grants, have

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contacted various Council personnel to discuss issues such as fundraising, volunteering and status as a management committee.

## **6.0 Further information provided by the Applicant**

In response to the number of submissions that Council received suggesting that the lease application lacked detail, Council officer's went back to the applicant requesting a response to key issues raised by submitters. These included: site stability, impact on native vegetation and fauna, public access to the reserve, Trust management / strategic plan, Trust's record and financial history, landowners consent, iwi consultation, water systems, alignment with the Chelsea Estate Heritage Park, commercial activities on the reserve, proposed buildings, traffic management, and use of fill.

The response received from Graham Milne, Chairman of the Trust, has been included verbatim to enable all submitters to view this additional information prior to the hearing.

### **Lack of a management plan**

It is not feasible to have a detailed management plan until we actually hold a lease, do more detailed site inspections, and in particular are able to justify the considerable cost. However as a first stage we have obtained the support of the Architecture and Landscape Department of Unitec for their long-term involvement in planning our development and they have already produced a 3-D model of the site which greatly helps our visualisation of potential courses to take. In passing we note that neither the Chelsea Heritage Park, which has been in existence for 5 years, and the much older Rawene Reserve do not, as yet, have management plans. In the fullness of time we will produce a management plan based upon the strengths, weaknesses and opportunities that the site affords taking into consideration the community's aspirations and our own objectives as set out in our trust deed.

### **Sources of Funding**

We are not seeking major funding until we have the lease. To do otherwise would be improper. However we own property (at the base of the Reserve) which will be used in the Great Chelsea Gardens development. As a registered Charitable Trust we will obtain support through the ordinary channels of private and public philanthropy, while some significant private funding has allowed us to make our land purchase. We have identified potential sources of major public funding and had indications of interest in supporting the programme once it is under way. In addition, once going, we expect that individual groups will partly or completely fund the development of their own themed gardens. There is also the possibility of funding day to day operations and maintenance from the user charges, such as wedding photography, contracting of professional nursery expertise, such as the supply of products or services to other civic/private gardens, off site contract mowing/weed/pest control etc.

### **Geotech / Site Stability**

We already commissioned our own geotechnical survey, which has been supplied to the Council. Beyond that, maintaining the stability of the property is every bit as important to our uses as it is to owners of neighbouring properties. Most of our garden development will be on the valley floor and we expect to use stabilising tree plantings on the steeper margins. Above all we will be seeking to manage uncontrolled water flowing into the Gardens from the neighbouring properties so that it will become a feature of the development. Note: Geotechnical report attached as Attachment 4.

### **Native flora and fauna in the reserve**

A key part of our aim is to conserve any existing good quality native biota, we commissioned a biological survey of the area by an outstanding New Zealand biologist, Dr Mike Wilcox. What he says in short, is that there are some native understory species under the privet canopy, but essentially no native canopy species. There is an extensive cover of noxious weed species. The pattern is consistent with the area having been cleared about 70 – 80 years ago. Our tentative plans are to carry out some planting of canopy species (e.g. tararua) as part of the

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stabilisation of the steep boundary with the neighbouring properties. The steeper escarpments encircling the whole valley planted in such a way will create a stunning treed backdrop of the whole park. Note: Biological Report attached as Attachment 5.

### **Public access to the reserve - needs to be assured**

By itself our development of paths will make the area much more “public-friendly” and accessible than it has been in the past, particularly if we can achieve our aim of connecting the paths up with the Chelsea Heritage Park, the Highbury business district and in turn the wider network of pure bush reserves such as Le Roys, Chatswood and Birkenhead Centennial Park.

### **Extent of leased area**

We aim to lease all of the Rawene Reserve except that part at the top already used for carpark. We will add our own property into the development. Beyond our property, we hope to obtain land lying between it and the Chelsea Heritage Park by gift, lease or purchase to complete the linkages.

### **Proposal to use reticulated water – problematic**

In every adversity there is the seed of the equivalent or greater benefit. Many of the most notable gardens in the world feature water where that water once posed a threat to the environment. Reticulated water is the solution to, not the cause of wider issues. The current solution of uncontrolled discharge of stormwater from the surrounding properties is the greatest threat by far to the Rawene Reserve. As we have said under Geotech /site stability above, control of the stormwater is the key issue here.

### **The proposal to use landfill from Victoria park area – issue with using contaminated fill**

There had been a suggestion early on that we may have been able to use some of the uncontaminated fill from this project and receive a substantial donation to help fund the establishment of the gardens. However that is not now possible due to time constraints. We do emphasise though that at no time did we contemplate anything other than clean uncontaminated fill. To suggest otherwise is mischief making.

### **Noise pollution – during and post development**

Most of the activities done in creating the Gardens and nearly all in maintaining them will be of nil or negligible impact on the neighbours. Some use of light diggers and tractors will be unavoidable in the development stage, but this will be kept to a minimum. Post development the noise of grass growing, trees swaying in the wind and children having the time of their lives are likely to be the most offensive pollutants.

### **No detail on impact of traffic flow and parking. No traffic management plan.**

In the measurable future the Gardens will not produce more traffic movement than is currently accepted for use of other parks and reserves in the region, and will not add significantly to existing traffic in the Birkenhead business area. The North Shore City Council as part of the recent library development has reviewed all parking in the area and determined that there is a large existing surplus of parking spaces. The Trust has identified potential areas to develop additional parking if it should be required in the future. As part of the gardens experience we aim to encourage visitation by public transport (bus to Birkenhead Shopping Centre, and by ferry to the Chelsea Heritage Park) this will be particularly so for organised tourism and school parties. The close access to a bus route is likely to be a major plus for the gold card holders!

### **Visual pollution**

This is unanswerable. If people find the sight of gardens and parks unpleasant, we'd recommend them moving to a concrete jungle or city centre.

### **Personal safety / security**

Our policies will essentially be those of other public gardens (Auckland Botanic Gardens, Eden Gardens, Hamilton Gardens and the Domain). In building paths, walkways and steps, we will do so in a way that enhances safety, using procedures already worked out for the city and regional parks. The gardens will provide much better safety and security over conventional

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parks or bush walks in the region because there will be staff working in the gardens and they will be more actively managed.

### **Detailed concept plans showing extent of the site coverage**

Part of the study currently being undertaken by the Unitec Landscape Architectural School will result in full concept plans and recommendations for the whole area. Including all aspects of conservation, fauna, flora and specifically identifying those areas which should be protected and those where some development could take place and in what form it should be. These will be built into a detailed scale model that will then be submitted for public consultation and discussion.

## **7.0 Policy framework**

Given there is no reserve management plan for Rawene Reserve in accordance with the Reserves Act 1977; the Reserves Act, the North Shore City Parks Strategy 2007 and the North Shore City District Plan 2002 zoning provide the policy framework from which to assess this application. Both the reserve's classification and its zoning are not consistent across all three lots of the reserve.

### **Reserves Act**

Part of the reserve is classified recreation and part local purpose (carparking) however only a very small area at the top of the reserve forms part of the carpark at the rear of the Highbury shopping centre. The smallest lot in the west of the reserve is yet to be classified, but the Certificate of Title states the purpose of the land is recreation reserve, and it is Council's intention is to classify it recreation reserve.

Any granting of a lease over Rawene Reserve by the Council would need to be approved by the Minister of Conservation, as while this type of proposal would be considered on a recreation reserve; there is no management plan in place. The Department of Conservation (DOC) has advised that due to the fact the lease application is proposing a major change to the reserve and that extensive community interest has been shown in the application, DOC would recommend that the Council prepares a reserve management plan in accordance with Section 41 of the Reserves Act, prior to DOC considering the lease. DOC officers suggested this would provide an opportunity for the application to be viewed in context of other potential uses for the reserve and ensure full community appraisal of the options when more detailed information about the proposal is available. However, the Auckland Council's Region Wide Community and Cultural Unit that is now responsible for the preparation of management plans, has advised the development of any new management plans has been put on hold across the Auckland Council pending a review. The aim of which is to provide a consistent approach and processes to management planning across the region.

DOC has also advised they would require evidence of iwi consultation prior to any approval of a lease, in accordance with Section 4 of the Conservation Act.

### **District Plan zoning**

The smallest lot in the west of the reserve is zoned Recreation 1 (Conservation) which has the objective of conserving areas of a high natural environmental value. It is intended these be retained largely in their natural state as a feature of significance to the character of the locality or wider area. Activities are strictly limited to those such as walking and picnic areas which cause minimal disturbance to existing landforms, native trees and bush, ecosystems, habitats and other natural features, and maintain the natural character of the open space.

The other two lots of the reserve are zoned Recreation 2 (Neighbourhood Activities). This zone has the objective of providing for open spaces throughout the residential areas of the city which serve local resident needs for recreation and community activities, and visual amenity. Controls

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are placed on the range of activities, and on the scale, extent, design and location of buildings, structures and other development works, in recognition of the role of open space as a resource for the immediate neighbourhood, and to protect the amenity of the open space and adjacent residential properties.

### **North Shore City Parks Strategy**

One of the five key objectives of the Strategy is “Environmental Protection” and there are a number of actions and principles relating to this objective that are relevant to Rawene Reserve. Firstly, a key priority is the development of the North-West Wild link, which is an ecological corridor linking wildlife sanctuaries and bush areas across the region. Rawene Reserve sits in this corridor.

A further action is the development of an Ecological Enhancement network plan to help prioritise ecological restoration and protection within the parks network. This is an intensive pest plant control programme currently being undertaken in nine reserves in the old North Shore City area, including in a number of reserves surrounding Rawene Reserve, being Le Roys Bush, Chelsea Estate Heritage Park, Chatswood and Kauri Point Centennial Park. The programme has proven to be very successful to date. At this stage Rawene Reserve is not included as a priority reserve for this programme, but the improved ecological status of the reserves in immediate proximity to the Rawene Reserve should be a consideration for the reserve’s future management.

Rawene Reserve is categorised as a Natural Environment Park. The purposes and objectives of this category are all relevant to this application. These are:

Purposes:

- Restoration, protection and enhancement of significant ecosystems.
- Providing a diverse and representative range of ecosystems
- Protection of scenic amenity
- Protection of cultural heritage and archaeological values, and waahi tapu
- Providing for public access

Objectives:

- Weed and pest management
- Encouraging community involvement and public education
- Interpretation of the natural environment, including bi-lingual naming and signage
- Protection from adjacent development and encroachment
- Balancing recreational access and ecological protection
- Provision of tracks and trails

## **8.0 Other relevant information**

In addition to the policy framework the following information and research has been provided to assist in assessing the application.

### **Other botanical / ornamental gardens**

The application cites the “themed ornamental gardens” will be developed along the lines of the Butchart Gardens in Victoria, Canada and the Hamilton City Gardens. These gardens cover a considerably larger area than Rawene Reserve and the land currently owned by the Trust (which exact location or size has not been identified in their information). The Butchart Gardens cover an area of 22 ha, and the Hamilton Gardens including a cemetery are on a 52ha site. Other submitters mentioned further examples including the Whangarei Quarry Gardens which

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are on a 27.5ha site and Roma Street Gardens in Brisbane which cover 16ha of land. Rawene Reserve is only 2.34ha.

### **Chelsea Estate Heritage Park Reserve Management Plan and Conservation Plan**

The application cites the Trust's goal is to expand its gardens to the shores of Chelsea Bay, which would mean the use of the Heritage Park. A draft reserve management plan has been prepared for the Heritage Park and it is intended that this will be publically notified in the next month or so following a report to the Kaipatiki Local Board. At this stage, the draft plan does not contemplate the use of any of the Heritage Park for ornamental gardens.

As noted by submitters the Heritage Park has a Historic Places Act category 1 designation. Category 1 historic places are "*of special outstanding historical or cultural heritage significance or value.*" Management of the Heritage Park must be in accordance with the New Zealand Historic Places Act and Chelsea Estate Heritage Park Conservation Plan, which is currently being developed. The (NZHPT) and the Chelsea Regional Park Association have opposed the proposal to lease Rawene Reserve.

### **Natural values**

Peter Anderson, a Council ecologist, agrees that the reserve clearly needs restoration by controlling weeds and planting with locally sourced natives. He notes there is over all, a paucity of indigenous vegetation within the Auckland Council urban areas. Indigenous vegetation continues to be lost through development together with its suite of biota. Where Council owns land and it is already protected under legislation as reserve, such sites should be restored to enhance indigenous biodiversity, whether weedy or not. Mr Anderson advised there may be opportunities to undertake some exotic plantings but a very cautious approach needs to be taken to any such proposal. The Highbury area is unique with its coastal and gully forests with sequences from pohutukawa fringe to mixed broadleaf to broadleaf/kauri forest. There is also the presence of pine and eucalypts in the wider area. There are some species that are uncommon on the North Shore but found in the Rawene Reserve, including towai and the NZ tree fuchsia.

The Trust's biological report, refer to Attachment 5, while covering all flora in the reserve, does not touch on full ecosystem values and in particular the existing fauna in the reserve. A number of submitters recorded native species identified in the reserve. Peter Anderson advised that the covenant area and presumably Rawene Reserve (because it is contiguous), is habitat to a threatened lizard species, the ornate skink. This skink lives in native as well as mixed native/exotic vegetation. The ornate skink is totally protected under the Wildlife Act and it is an offence to disturb, harm, or kill it and they cannot be handled without a permit from the Minister of Conservation.

Mr Anderson noted that the catchment in which Rawene Reserve sits is one of the few catchments where the riparian area is fully vegetated from upper catchment to the sea. In December 2009 a detailed assessment of the entire length of the tributary of Duck Creek which flows through Rawene Reserve was undertaken as part of the catchment management planning process. The assessment determined Duck Creek to have high ecological value due to the excellent presence of native vegetation adjacent to the stream, with approximately 70% - 80% overhead vegetated cover. Alteration or removal of the riparian vegetation has the potential to negatively affect Duck Creek. This assessment also found slight to moderate erosion occurred throughout the reach especially along upper reaches with two severe erosion Hot Spots recorded below the reserve ranging in size from 5 – 7m<sup>2</sup>. It was noted that despite the dense native vegetation, erosion is present due to the underlying geology and steep gradient. Banded Kokopu have also been recorded along this tributary of Duck Creek.

### **Storm water in the reserve**

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Storm water discharge from an area covering approximately 7.5ha, including most of the Highbury shopping precinct and surrounding area, drains through the reserve and forms a major surface run off (storm water) conveyance system. There are two prominent storm water outfalls from behind the Highbury shops plus others from Huka Road and Rawene Road flowing into the catchment. The area is approximately 70% commercial and residential, and therefore overtime discharges are likely to increase with intensification of the area. The storm water operations engineer for the area, Mohammed SahimRazek, has noted the storm water reticulation including overland flow paths should be protected. He also notes that the existing vegetation and matured trees not only provide an ideal storm water filtering zone but also provide good shade for the water course and habitat for native fish.

The Trust's own biological report by Dr Wilcox also noted that "the main value of the reserve is as a protection forest, controlling storm water runoff from the Highbury business area".

### **Consent requirements**

If the Trust's plans include any modification to the permanent stream that runs through the reserve or works within 5m of the stream, consents would be required under both the Auckland Regional Plan: Air, Land and Water (ARP:ALW) and the District Plan. The policies and objectives of the ARP:ALW 7.4.25 (a)(b) and (c) and 7.4.26 provide strong direction as to what is an acceptable reason to reclaim or modify a stream. Initial discussion with one of Council's consent and compliance advisors has determined that gaining consent would be difficult given the natural character of the stream.

To develop water features and ponds on the reserve the Trust may also need damming consents, potentially earthworks and other District Plan consents. Further, any proposal to undertake earthworks to develop structures such as retaining walls and tracks may trigger requirements for land use consent and potentially building consent.

### **Lack of commitment from gardening groups**

The Trust's application notes they have had informal discussions with five potential user groups and that it is envisaged that individual groups (particularly cultural groups and plant-orientated societies) will take over the responsibility for developing their own area of the gardens. This would include finding funding and providing volunteer services for planting etc. At this stage, through the submission process, there has been no real interest expressed in this proposal by gardening groups, ethnic or otherwise, that have committed to take on the funding and development of a specific "outdoor room."

## **9.0 Significance of Decision**

The matters in this report are not considered significant in terms of Council's current Policy on Significance.

## **10.0 Consultation**

Consultation regarding the proposal to lease the reserve to the Great Chelsea Garden Trust for 10 years has been undertaken with the public notification of the proposal in accordance with section 119 of the Reserves Act.

Officers have requested further information from the applicant following the public notification and this information was provided to officers in September 2010. This information has been included in this report.

The applicant also held at least one public meeting prior to the proposal being notified. Council officers were not in attendance. The applicant also undertook a letter drop to the residents

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advising them of the establishment of the Trust and their desire to establish a world class horticultural park and seeking donations for the Trust.

To Council officer's knowledge the Trust has not consulted with local iwi representatives regarding their proposal.

## **11.0 Financial and Resourcing Implications**

Resources have been dedicated to arranging the hearing, preparing this report, and staff attendance at the hearing.

If the hearings panel resolves to grant a lease to the Great Chelsea Garden Trust, the Minister of Conservation's approval will then need to be sought, as the lease is not contemplated in a reserve management plan. DOC will recover from the Council the cost of gaining any consent on behalf of the Minister. DOC has also advised they would recommend the preparation of a reserve management plan due to the extent of community interest in the proposal, before they would approve the lease. As noted earlier in the report, the development of any new management plans has been put on hold pending a process review. The development of a management plan would require dedicated funding. The cost of preparing an average reserve management plan is in the vicinity of \$30,000 to \$50,000, plus the costs of notifications and a hearing.

If, approval for a lease is granted, a lease will need to be prepared by the Auckland Council's Property Department. A contribution to the cost of preparing the lease would be sought from the Trust.

The Trust at this stage is seeking no financial assistance from the Council.

## **12.0 Legal and Legislative Implications**

Should the hearings panel resolve to grant a lease to the Great Chelsea Garden Trust, the approval of the Minister of Conservation will be required in accordance with Section 54(1) of the Reserves Act 1977. A lease would be established under section 54 and in accordance with Schedule 1 of the Reserves Act. The Trust is seeking a lease with a 10 year term.

## **13.0 Implementation Issues**

This report has identified a number of issues that would require some further in-depth investigation before a lease could be granted and the proposal implemented. If the hearings panel approves the lease application, then rigorous lease conditions will need to be formulated to ensure there are no implementation issues.

## **Attachments**

- Attachment 1: Great Chelsea Garden Charitable Trust Application to Lease Rawene Reserve
- Attachment 2: Proposed area to be leased to the Great Chelsea Garden Trust
- Attachment 3: List of submitters
- Attachment 4: Geotechnical report provided by Trust from Engineering Geology Ltd.
- Attachment 5: Biological Report provided by the Trust from Dr Mike Wilcox.

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## Signatories

Author	Annette Campion, Parks Contractor
Reviewers	Mark Bowater, Manager Local and Sports Parks
	Lisa Tocker, Manager Recreation Facilities and Service Delivery
Authoriser	Ian Maxwell, Manager Parks, Sports and Recreation



84 Hillcrest Ave, Northcote, North Shore City 0627

9 December 2009

Parks Department  
North Shore City Council  
Private Bag 93500  
Takapuna

**Application for lease of Rawene Reserve.**

Enclose please find the completed application and accompanying documents.

At a meeting of the Trustees of the Great Chelsea Charitable Trust on 2 December 2009 a resolution was passed unanimously to:

Apply forthwith to acquire a lease or grant of secure tenure over the Rawene Reserve Birkenhead for the purpose of establishing a garden of international significance.

The resolution is further embodied in our Trust Deed at p 4(a).

No audited accounts have been included as the trust has only just been formed specifically for this purpose. Application has been made to the Charities commission for registered charity status.

The trust business strategic plan and objectives/purposes are included in the deed of Trust a copy of which is included herewith.

Please give this your urgent favourable attention.

Yours faithfully



Graham Milne  
Chairman

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Application to the North shore City Council for a lease of the land know as the Rawene Reserve Birkenhead.

Presented by the Great Chelsea Gardens Trust.

1. *A comprehensive description of the proposed development.*

We plan the progressive development of a series of themed ornamental gardens along the lines of the Buchart Gardens in Victoria, Canada, or the Hamilton City Gardens in New Zealand. Initially the individual themed gardens will be confined to the Rawene Reserve (the basis of this application), but will ultimately extend from Highbury shopping area to the shores of Chelsea Bay. It will be a public park intended to provide pleasure to North Shore City residents, Aucklanders, New Zealanders and international visitors.

2. *The extent of the land to be covered by the agreement (On a site plan no larger than A3).*

The property is that waste land currently known as the "Rawene Reserve" and owned and managed by the North Shore City Council. The land at present does not support any public usage at all so our proposed use will not displace any other one. It will transform an ugly view into a highly attractive one.

3. *Activities your organisation intends to hold on-site during the lease term.*

We intent to draw together interested parties (particularly cultural groups and plant-oriented societies) to find funding and volunteer services for planting and curating a series of themed gardens on the property concerned. Ultimately we intend to provide venues for class work and education.

4. *Proposed days and hours of operation.*

We propose that when the gardens are established, they will be open to the public during daylight hours.

5. *Whether this activity will require resource consent.*

On present plans, no resource consents will be required. Existing trees to be removed from the land to open it for planting are all exotics, mostly privet which is listed as an Noxious weed.

6. *Current membership including numbers, age, frequency, where they come from.*

At present the Trust is in its formative stages, with the Trust Board of 5 individuals being the main "membership". Until we have tenure of the land, a membership drive is premature. Once we have tenure of the land, there will be a vigorous drive to involve individuals and groups, with publicity playing an important part.

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7. *A copy of your club / organisation's latest set of audited accounts together with any strategic or business plan you may have.*

At present the Board is operating on entirely volunteer basis with no cash flow at all. Until we have tenure of the land anything else would be premature. In the framing of the Trust, normal provisions are in place to obtain funding and monitor its use. A copy of our Trust Deed is enclosed which defines our objectives.

8. *Other relevant details on the history of your organisation.*

The current chairman of the Board has been envisaging the use and development of the wasteland called the "Rawene Reserve" in the way proposed for at least 20 years. A number of events, but particularly the acquisition of the Chelsea Heritage Park, have at last made the time appropriate to bring the concept to fruition.

9. *How your club / organisation's future plans aligns with any national or regional strategies.*

Our Trust's vision is to create a spectacular garden park of international significance. In particular, it will be a must visit tourist destination situated on Auckland's North Shore. As such it will achieve excellent regional and national economic, cultural, social and educational objectives.

10. *Whether your club / organisation's activities meets an identified need within the local area / within the city. (Is this an activity that is not currently provided by an existing club? Will your activity attract users from across the community? What are the anticipated community benefits from having this activity?).*

Compared with other parts of Auckland and many other cities, North Shore City is impoverished as far as public gardens are concerned. Our proposal will add a major park to North Shore City, of consequence to all of Auckland. In its focus on ornamental horticulture, it will provide a public venue of ornamental gardens which at present exist mainly in private hands (e.g. "Airlies" and Whitford Gardens). Our proposal will fill a void and put the North Shore 'on the map' as far as a major tourist destination is concerned. Other parts of Auckland have the Museum, Zoo, Motat, Botanic gardens etc.

11. *How the proposed activity aligns with the Council's outcomes as identified in its LTCCP?*

As a showcase project our proposal aligns perfectly with many of the outcomes identified. It supports economic development, adds value to the North shore communities, creates GDP growth and provides facilities for enhanced tourism, education, health and healthy Cities. It will be a key addition to the Auckland One plan with obvious linkages to the CBD and waterfront/harbour. It will be a world class facility which all people of the North Shore can justifiably be proud of. It will protect and enhance natural open space.

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12. *Opportunities for multi-use or sharing of facilities. (Will the club/organisation provide a range of different activities? Opportunities for multiple groups to use the facility).*

Multi-use and sharing of the facilities are an integral part of the vision for the development. It is envisaged that individual groups will take over the responsibility for developing their own area of the Gardens. It is further envisaged that as development proceeds, additional facilities for education etc. will be added.

13. *Contribution the proposed activity will make to enhancing the reserve.*

At present the area is wasteland, unused by anybody and mainly supporting an exotic forest dominated by privet. Even simply clearing away the pest species and putting in pathways will greatly increase the potential for public use and greatly improve its attractiveness.

14. *What impact the activity will have on the reserve including physical effects, maintenance, other users? (Does it fit with the objectives of the current Reserve Management Plan (if one exists)?*

The development will remove weeds and weed trees. Progressive replacement of the privet etc. by flowering plants will greatly increase the attractiveness of the area to native birds. This will be a significant addition to the aims of the Chelsea Heritage Park and its attached parklands (eg Kauri Point) to provide a haven for native bird species. There are significant threats to adjacent land owners from vermin, dumped stray animal and rubbish. Our aim would be lower the threats.

15. *Whether your club / organisation have discussed plans for the site with any of the other users of the reserve (Please provide a statement from other reserve users)*

There are no current users as the land is waste and overgrown with weeds. We have had very informal discussions with about 5 potential user groups. Anything else would be premature until we have land tenure and can proceed with the plans. However we have had a longer discussions and a site visit from Jack Hobbs, the Manager of the Auckland Botanic Gardens and President of the Royal New Zealand Institute of Horticulture to ensure that what we do will link in with other horticulturally-oriented parks, and get full support from New Zealand's premier horticultural institution.

16. *Details on whether other options have been considered (such as alternative sites; opportunities to purchase own land/facility; private /commercial facilities; sharing with other groups).*

Most or all of the features in this plan mean that it is not transferable to any other site. Such features include: the utilization of wasteland; the extension of the area of another park and adding to its features; in the long term, access by ferry from central Auckland (opening up use by tourists); creation of a pathway that will link and integrate the new Chelsea Park with the normal transport links of central Birkenhead.

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17. *Implications on your club/organisation if the application is declined.*

It is likely that it may be many more years before a Council of a different composition would have the political will to cross the Harbour Bridge. By which time the momentum we have now could be lost. It is hoped that those people charged with administering Local Issues now will see the high benefit/low risk features of this proposal for the North Shore City or its successor.

18. *Potential risks (if any) of this activity.*

The risks at the corporate level are borne entirely by the Trust, with no financial risk at all to the Council. The risks of injury, etc. at the personal level are no greater than for any other comparable low-risk park (e.g. Auckland Botanic Gardens, Eden Gardens, Hamilton City Gardens).

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**19. Interpretation**

In this Deed , unless the context otherwise requires:

- (a) Reference to one gender includes the other gender.
- (b) Reference to the singular includes the plural and vice versa.
- (c) The heading on the index shall not affect the construction of this deed.
- (d) References to clauses are references to clauses of this Deed.
- (e) References to a statute include references to regulations, orders or notices made under or pursuant to such statute. References to any statute, regulations, order, instrument or by-law as from time to time amended includes substituted provisions and that substantially correspond to those referred to.

**IN WITNESS** this deed is duly executed.

**SIGNED by the above named)**  
**As trustee in the presence of: )**  
**Full name of witness )**  
**Residential address )**  
**Occupation )**

**Graham Allan Milne**

**SIGNED by the above named)**  
**As trustee in the presence of: )**  
**Full name of witness )**  
**Residential address )**  
**Occupation )**

**Roderick Leon Bielecki**

**SIGNED by the above named)**  
**As trustee in the presence of: )**  
**Full name of witness )**  
**Residential address )**  
**Occupation )**

**Dennis Scott**

---

**SIGNED by the above named)**  
**As trustee in the presence of: )**  
**Full name of witness )**  
**Residential address )**  
**Occupation )**

**Graham Foster**

**SIGNED by the above named)**  
**As trustee in the presence of: )**  
**Full name of witness )**  
**Residential address )**  
**Occupation )**

**Blake Lawry Twigden**

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**GREAT CHELSEA GARDEN  
CHARITABLE TRUST.**

**Deed of Trust**

THIS DEED is made the 2nd day of December 2009

**PARTIES**

Name	Address	Occupation
Graham Allan Milne	84 Hillcrest Ave, Northcote, Northshore City 0627	Company Director
Dr. Rodrick Leon Bielecki PhD, DSc, FRSNZ, AHRNZIH, FNZSHS	33 William Bond Street, Devonport, Northshore City 0624	Scientist
Blake Lawry Twigden	100 Trig Road, Whitford, Auckland 2571	Artist
Dennis Scott Dip.L.A Dip., Urb Val., FNZILA	321 brown Hill Road, Whitford 2571	Company Director
Graham Foster B.Sc, DipEd Admin, Dip Tchg., NZIP, RSNZ, NZASE	10 Tanoa Place Glendene Waitakere City 0602	University Lecturer

**BACKGROUND**

- A** The parties to this deed wish to establish a charitable trust in New Zealand ("the trust") for the objects described in clause 3 of this deed and to give effect to such desire are at the same time giving to the Board the sum of Ten Dollars (\$10.00).
- B** The parties have agreed to enter into this deed specifying the purposes of the trust and providing for its control.

**THIS DEED WITNESS**

**1. Name**

The name of the trust shall be the "Great Chelsea Garden Trust" (the gardens) or such other name as the Board may decide from time to time.

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**2. Charitable Purposes**

Any income, benefit, or advantage must be used to advance the charitable purposes of the Trust

No member of the Trust, or anyone associated with a member, is allowed to take part in, or influence any decision made by the Trust in respect of payments to, or on behalf of, the member or associated person of any income, benefit, or advantage.

Any payments made to a member of the Trust, or person associated with a member, must be for goods or services that advance the charitable purpose and must be reasonable and relative to the payments that would be made between unrelated parties.

**3. Office**

The office of the trust shall be at 84 Hillcrest Ave, Northcote, Auckland 0627.

**4. Purposes**

The purposes of the trust are to benefit the community as follows:

- (a) To acquire by secure tenure from the North Shore City Council that parcel of land situated in Birkenhead the "RAWENE RESERVE" for the purpose of establishing a garden of international significance.
- (b) To acquire by purchase or secure tenure any other parcels of land considered appropriate by the board to further the objectives of the trust.
- (c) To manage, administer, maintain, develop rules and control the gardens.
- (d) To receive income for charitable purposes by way of Grants, Koha, Donation, Subscription, Fees, Bequests or any other legal means.
- (e) To promote, organise and encourage other organisations and indigenous, cultural or ethnic groups to participate and become a user group by establishing their own themed garden within the trust complex.
- (f) To promote public awareness, use and enjoyment of the gardens.
- (g) To promote, organise or encourage appropriate, events at the gardens, field trips, tours and participation in horticultural shows and events.
- (h) To encourage and stimulate an awareness and appreciation of all forms of horticulture and its cultural, recreational, environmental and economic benefits.
- (i) To foster education by developing facilities and providing operating and training materials.. To encourage schools and other groups to make use of the gardens for education.
- (j) To promote the gardens as an internationally significant tourist attraction, to host tour groups and to promote regional horticultural and commercial activities.

- 
- (k) To promote and synergise with the many features of the surrounding parklands. .
  - (l) To cooperate with such other bodies that share the objectives of this Trust.

5. **Structure of the trust**

The trust shall be administered by a Board of Trustees ("the Board") who shall be appointed in accordance with the procedure at clause 6.

6. **Members of the Board**

6.1 **Numbers**

The board shall consist of not less than four (4) nor more than ten (10) members.

6.2 **Membership of the Board**

The signatories to this deed shall be the first Board and shall be known as the permanent trustees.

6.3 **Appointed trustees**

The permanent trustees shall have the power to appoint and in turn dismiss up to two (2) other trustees one of whom may be a Patron.

6.4 **Elected trustees**

The board may from time to time call for nominations from amongst its users groups for up to three (3) other trustees to be elected at the annual general meeting.

6.5 **Nomination to the Board**

Nomination for a position on the Board shall be by way of notice of sponsored nomination in writing endorsed with the consent of the nominee and the sponsoring user group.

6.6 **Retirement of certain board members**

The appointed and elected trustees shall retire at each annual general meeting but shall be eligible for re-election at the same or subsequent meetings.

6.7 **Retirement of Permanent Trustee**

If for any reason it is necessary to fill a vacancy the remaining permanent trustees in consultation with the Birkenhead Community Board shall select a suitable replacement.

7. **Chairperson**

The board shall elect a chairperson from amongst its members at its first meeting and at every first meeting subsequent to an annual general meeting..

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**8. Board Meetings**

- (a) The board shall meet at such times and places as it determines, but no less than 4 times per financial year inclusive of the Annual General Meeting.
- (b) At every meeting of the Board the Chairman shall chair the meeting, or in his absence the members present shall choose someone to act as their Chairman.
- (c) Four members of the Board, two of which must be permanent Trustees, personally present shall constitute a quorum.
- (d) No business shall be transacted at any meeting of the Board unless a quorum is present when the meeting proceeds to business.
- (e) Three members of the Board stating the purpose for which the meeting is required may requisition the Chairman to call a special meeting of the Board. The Chairman shall determine the time and place of the meeting.
- (f) Minutes shall be kept of every meeting.

**9. Staff**

The Board may appoint a manager and such other staff as may be necessary and upon such payment and terms as the Board shall from time to time determine for the purposes of the day to day running and control of the gardens.

**10. Powers and duties of the Board**

- (a) To carry out and perform the objects and purposes of the Trust, the affairs of the Trust and in accordance with these rules.
- (b) Appoint officers and other persons whether honorary or otherwise and upon such terms and conditions as the Board thinks fit. Any person so appointed shall, subject to the provisions hereinafter set forth be removable by the Board.
- (c) To appoint sub-committees as it may from time to time deem, expedient for the carrying out of the objectives of the Trust. The members thereof need not be Board Members.
- (d) To arrange for the raising and collection of funds and to appoint an agent for the purpose; to control the investment and expenditure of those funds.
- (e) To adopt policy and procedures, consistent with the objects, constitution and rules of the Trust.
- (f) To issue, compromise, defend or abandon legal proceedings.
- (g) To comply in all respects with the provisions of the Charities Act 2005 insofar as they relate to the Trust.

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## **11. Trustees' Liability and Indemnity**

**11.1** None of the Trustees will be liable for:

- (a) A loss incurred by the Board other than as a result of the Trustees' own dishonesty or deliberate breach of trust.
- (b) The act or omissions of anyone employed by including on contract or in consultancy to the Board.
- (c) Claims against the Board that cannot be satisfied because:
  - (i) All or part of the Boards assets has been distributed, unless that distribution was a deliberate breach of trust by the then Board.
  - (ii) Any other circumstances not the fault of that Trustee.

**11.2** No Trustee is obliged to take proceedings against a co-Trustee, or any former trustee.

**11.3** Each of the Trustees will be indemnified out of the Trusts Assets:

- (a) If the Trustees incur any liability as the result of any act or omission by any of them as Trustees, unless
- (B) The liability is incurred as the result of that Trustees own dishonesty or deliberate breach of trust.

**11.4** The Board shall be entitled to pay Trustee indemnity premiums on policies for same or the like.

## **12 Charging by Trustees**

Any Trustee who is engaged in a profession or business shall be entitled to be paid reasonable market rates for services requested by the Board and provided by that Trustee or that Trustees firm on the same basis as if that Trustee were not a trustee.

## **13 Declaration of Interest**

**13.1** No Trustee shall vote on any matter in which that Trustee has any personal or pecuniary interest or in which any company or entity or associated person or persons with or in which the Trustee has a personal or financial interest has any pecuniary interest.

**13.2** Any trustee shall declare any such interest as soon as the trustee concerned becomes aware of the existence of the interest, the declaration to include all relevant detail needed to result in a full and fair disclosure. All trustees shall act in the utmost good faith in all such matters to ensure transparency and fairness.

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**13.3** Subject to compliance with the above disclosure requirements any Trustee shall be entitled in any personal capacity ( or otherwise) to have an interest in any entity or business having any dealings with the Board

**14. Annual General Meeting**

The business to be transacted at the Annual General Meeting (AGM) of the Board shall be:

- (a) To approve the minutes of the previous AGM or any other General Meeting held since the last AGM.
- (b) To receive a report, balance sheet and statement of accounts for the preceding financial year.
- (c) To consider and decide any other matter which may properly be brought before the AGM.
- (d) The AGM shall be publicly notified not less than 14 days prior to the meeting.

**15. Voting**

The mode of voting on all questions other than elections shall be on the voices or if the Chairman or any 5 members shall require, by secret ballot.

**16. Secret Ballot**

Where there are more nominations than vacancies for the election of or Board Members at the Annual General Meeting (AGM) a secret ballot shall be held prior to the ballot. The meeting shall appoint two scrutineers who will count the ballot and report the results to the meeting.

**17. Auditor**

An auditor shall be elected at the AGM to check the accounts annually and provide a report to the members. The Auditor does not necessarily have to have or hold any professional qualifications or practicing certificates.

**18. Winding Up**

If the Trust is wound up after the Trust and liabilities have been paid any remaining property or assets shall be transferred to any other charitable organization with similar aims and objectives to the Trust or to the Birkenhead Community Board.

No distribution may be made to any individual member.

Attachment 2: Proposed area to be leased to the Great Chelsea Garden Trust



### Attachment 3: List of submitters

sub no.	First	Last	Organisation	Suburb
1	Ashleigh	Adair		Birkenhead
2	Sheila	Adams		Devonport
3	Margaret	Andrews		Albany
4	Mae Dawn	Avery		Devonport
5	Laurel	Barr		Sunnynook
6	John	Barritt		Mt Eden
7	Diane Clare	Baudinet		Castor Bay
8	Chaz	Benest		Penrose
9	Carol and Ian	Bergquist		Birkenhead
10	Karen Jean	Bieleski		Hauraki
11	Roderick	Bieleski		Stanley Point
12	Valerie	Bieleski		Stanley Point
13	Betty	Black		Papakura
14	Jennifer	Brungar		Tuakau
15	Pearl	Buchanan		Chatswood
16	D	Bulluss		Birkenhead
17	Maxwell	Bulluss		Birkenhead
18	Tracey and Nigel	Burrows		Birkenhead
19	Bruce	Cameron		Birkenhead
20	Coral	Carstairs		Castor Bay
21	Yvonne	Cave		Wanganui
22	Carolyn	Chitty		Manurewa
23	Sandra and Eri	Chesterman		Birkenhead
24	Carole	Clark		Narrow Neck
25	Stephen	Cook		Birkenhead
26	Estelle	Cooper		Silverdale
27	Jean and John	Cooper		Weymouth
28	Judith	Cornwell		Birkenhead
29	V	Cowie		Glen Innes
30	Mervyn	Cox		Lyttleton
31	Dorothy	Daly		Devonport
32	Lorain	Day		Glenfield
33	Maurice	Dickey		Maraetai Beach
34	Fay	Dickey		Maraetai Beach
35	Joyce	Doran		Birkdale
36	Robert	Doran		Birkdale
37	Rosemary	Giddens		Narrow Neck
38	Tony	Goode		Takapuna
39	Vikki Lee	Goode		Takapuna
40	Lesley	Gunn		Birkenhead
41	Kim	Hannam		Kumeu
42	Margaret	Hatell		Belmont
43	Neville	Haydon		Papakura
44	Sherryn	Hick		Red Beach
45	Colleen	Hickinbottom		Birkenhead

sub no.	First	Last	Organisation	Suburb
46	Ronald	Hickinbottom		Birkenhead
47	Margaret	Hodge		Albany
48	Paul	Hopper		Silverdale
49	Timothy	Hunger		Birkenhead
50	Aileen	Hunt		Hamilton
51	Jennifer	Huwt		Manurewa
52	Joyce	Jack		Milford
53	Angela	Jones		Point Chevalier
54	Angela	Kennedy		Mt Wellington
55	Kate	Kenney		Birkenhead
56	Allen	Kerr-Taylor		Waimauku
57	Margaret	Koller		Devonport
58	Peter	Lamb		Helensville
59	Tiffany	Lamb		Helensville
60	Margaret	Larsen		Beachhaven
61	Fletcher	Lawrence		Rosehill
62	Anthony	Lennon		Forrest Hill
63	Raewyn	Lennon		Northcote
64	Barry and Betty	Liddle		Pukekohe
65	Joy Elizabeth	Lumsden		Albany Heights
66	Lynda	Macalpine		Whangaparaoa
67	Gail	Marsh		Devonport
68	Ian Thomas	Marshall		Birkenhead
69	Katherine May	McCormack		Browns Bay
70	Caroline Ann	McGirr		Birkenhead
71	John	Mee		Birkenhead
72	Adrian	Meys		Birkenhead
73	Robyn	Mill		Orewa
74	Graham	Milne		Northcote
75	Jennifer	Milne		Masterton
76	Russell	Milne		Edgecumbe
77	Alma	Murray		Devonport
78	Adam	Napper		Mt Wellington
79	John	Needham		Waimauku
80	Toni	Needham		Waimauku
81	Timothy	Nelson		Beachhaven
82	John	Newnham		Browns Bay
83	Suzanne	Newnham		Browns Bay
84	Shona	O'Brien		Beachhaven
85	Delcie	Palmer		Birkenhead
86	Roger	Parsons		Birkenhead
87	Judith	Patten		Takapuna
88	Theodore and Elizabeth	Payne		Wairoa
89	Yvonne	Penny		Weymouth
90	Dawn	Quigley		Birkenhead
91	Megan	Ramsay		Birkenhead
92	Letitia	Reddington		Birkenhead

sub no.	First	Last	Organisation	Suburb
93	Pat	Reddington		Birkenhead
94	Dr Thomas	Rodney Wilson		Matakana
95	Bronwen	Rowse		Patumahoe
96	David	Salter		Howick
97	Martyn	Seay		Pt Chevalier
98	Michael James	Shamy		Birkenhead
99	Gillian	Sheehan		Devonport
100	Glen	Smales		Glenview
101	John	Smith		New Lynn
102	Glad	Soulee		Glenfield
103	Rex	Swensen		Kaukapakapa
104	Colleen	Swensson		Kaukapakapa
105	Pauline Teresa	Thorpe		Beachhaven
106	Andrew	Tills		Karaka RD1
107	Michelle	Tolley		Birkenhead
108	Charles	Tongue		Birkenhead
109	Nancy	Waldock		Forrest Hill
110	Marjorie	Walters		Birkdale
111	Jacqueline	Webb		Birkenhead
112	Dorothea	White		Beachhaven
113	Shirley	Willmer		Devonport
114	Raymond	Wilson		Papakura
115	Gillian	Zander		BeachHaven
116			Te Atatu Floral and Garden Circle	Oratia
117	Sue and Ron	Davison		Birkenhead
118	Don	Pointon		Epsom
119	Carol	Hosking	Le Roys Bush & Little Shoal Bay Management Committee	
120	Keith	Salmon		Birkenhead
121	Carol and Clyde	Scott		Birkenhead
122	Audrey	Shamy		Birkenhead
123	Matthew	Wansbone		Birkenhead
124	Tim	White		
125	Judith	White		
126	Charlotte	Armstrong		Birkenhead
127	Louise and Mark	Champion		Birkenhead
128	Michael	Elliott	Chelsea Regional Park Association	Birkenhead
129	Gordon	Martinsen	Birkenhead Residents Association	Birkenhead
130	Simon	Matthews		Birkenhead
131	Anna	McElrea	Auckland Regional Council	Auckland City
132	Mark and Jennifer	Mercer		Birkenhead
133	Kevin and Sue	Merton		Birkenhead
134	Neil	Millar		Birkenhead
135	Sherry	Reynolds	New Zealand Historic Places Trust	Auckland City
136	David	Roberts	Kauri Point Centennial Park and Chatswood Reserve Management Committee	Chatswood
137	Jocelyn	Sanders	Royal Forest and Bird Protection Society	Takapuna

<b>sub no.</b>	<b>First</b>	<b>Last</b>	<b>Organisation</b>	<b>Suburb</b>
138	Geoff	Sutherland		Birkenhead
139	Megan	Sweeney		Birkenhead
140	Kellie	Whisker		Birkenhead
141	Brook	White		Birkenhead
142	Nigel Burrows, Megan Sweeney, Michael Sharny, Kellie Whisker, Louise Champion, Neil Millar, Julie Hart, Ian Berquist		Friends of Rawene Reserve	Birkenhead
143	G	Hauer	Friends of Auckland Botanic Gardens	Botanic Gardens
144	B	Rowse	Auckland Branch Royal NZ Institute of Horticulture Inc.	Patumahoe



Engineering Geology Ltd  
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Phone: 64 9 486 2546 Fax: 64 9 486 2556

Ref: 6857

Mr GA Milne  
Great Chelsea Gardens  
84 Hillcrest Avenue  
HILLCREST  
NORTH SHORE 0627

4 May 2010

Dear Sir,

**RE: PROPOSED HORTICULTURAL PARK  
RAWENE RESERVE, BIRKENHEAD  
Geotechnical Comment**

As requested we have visited the site and reviewed published geological maps and our data base in order to provide comment on the subsoil conditions. Our site inspection was limited to an observation of the land from Rawene and Huka Road's and inspection of the base of the gully from the top end of Chelsea Park.

Rawene Reserve is a bush clad gully situated below Mokoia Road between Rawene Road and Huka Road. We understand that it is proposed to develop the reserve into a number of themed gardens although no plans have as yet been drawn. The gardens will be developed in the base of the gully and the existing bush on the sides of the gully preserved although exotic and noxious species will be progressively removed and replaced with native or other suitable species.

Published geological maps indicate that the site is underlain by interbedded sandstones and siltstones of the East Coast Bays Formation of the Waitemata Group. This formation has weathered to form a capping layer of residual soils. Although visibility was obscured by the heavy bush cover no significant signs of instability were observed on the gully side slopes during our site visit.

Based on our brief inspection of the site and review of published geological maps we consider the proposed garden development is feasible from a geotechnical perspective and unlikely to adversely affect the stability of the land. However the existing bush cover must be maintained as it is enhancing slope stability. Existing unsuitable trees and plants may be progressively removed provided they are replaced with other species. The advice of an Engineering Geologist or Geotechnical Engineer should be sought if any excavation into the gully side slopes is proposed and for any building development.

We would be pleased to provide any further advice you may require. Please contact the writer if you have any questions.

Yours faithfully  
ENGINEERING GEOLOGY LTD  
John Power  
(Senior Engineering Geologist)



Directors: Christopher P. Gulliver B.Sc., B.E. (Hons), MIPENZ, CPEng, IntPE Trevor Matuschka B.E. (Hons), Ph.D, FIPENZ, CPEng, IntPE

Jeremy Yeats B.Sc. (Civ Eng), DIC, M.Sc. MIPENZ, MICE, CPEng, CEng, IntPE Associate: John Power B.Sc, TPEENZ

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## VEGETATION AND FLORA OF RAWENE RESERVE BIRKENHEAD, NORTH SHORE CITY

M.D.Wilcox, 9 Scott Avenue  
Mangere Bridge, Manukau 2022

23 June 2010

### INTRODUCTION

At the invitation of Dr R L Bielecki and Mr G. A. Milne of the Great Chelsea Gardens Trust, I inspected the Rawene Reserve (Phase 1 Rawene Waste Land) and adjoining bushland (Phase 1 Land to be acquired) on 22 June 2010. The purpose of this visit was to make a list of the plants present, and identify particular trees worthy of conservation

### DESCRIPTION OF THE VEGETATION

Rawene Reserve and adjoining Phase 2 land runs down a steep gully system from behind the Highbury business area to the Chelsea Estate Park near the Chelsea Sugar Works. There is a sprinkling of old radiata pine (*Pinus radiata*) in the head of the main gully and on the eastern flanks. These are up to 1 m in diameter and 35 m tall. A few large maritime pine (*Pinus pinaster*) are also present. The only other large trees are black wattle (*Acacia mearnsii*), many as big as 40 cm in diameter and 24 m tall. These wattles are overmature, and several have died or fallen to the ground.

On the north-eastern edge is a significant stand of kanuka (*Kunzea ericoides*), with trees 15-30 cm in diameter and 12-15 m tall. These are the only tall native trees present forming a canopy. Prevalent throughout is tree privet (*Ligustrum lucidum*), with lesser amounts of lilly pilly (*Syzygium smithii*) up to 20 cm in diameter and 12 m tall.

Smaller trees or shrubs, both native and exotic, occur in open gaps or under the shelter of the large aforementioned trees. Of the natives the

commonest are mahoe (*Meliccytus ramiflorus*), pigeonwood (*Hedycarya arborea*), mapou (*Myrsine australis*) and lancewood (*Pseudopanax crassifolius*), with lesser numbers of towai (*Weinmannia silvicola*), kawakawa (*Macropiper excelsum*), karaka (*Corynocarpus laevigatus*), rangiora (*Brachyglottis repanda*), coprosmas (*Coprosma rhamnoides* and others), cabbage tree (*Cordyline australis*), and pate (*Schefflera digitata*), this latter being confined to gully bottoms. Towai seedlings are becoming freely established on the trunks of tree ferns. Several small saplings of kohekohe (*Dysoxylum spectabile*), but only two native conifers -- single examples of pole-sized totara (*Podocarpus totara*) and tanekaha (*Phyllocladus trichomanoides*) -- were seen. Other smaller exotic trees present are Chinese privet (*Ligustrum sinense*), and on the well-lit margins, brush wattle (*Paraserianthes lophantha*), gorse (*Ulex europaeus*), woolly nightshade (*Solanum mauritianum*) and buddleia (*Buddleja davidii*). Japanese spindle tree (*Euonymus japonica*) is well established in the understorey.

Tree ferns form the most extensive canopy over a large proportion of the steeper gully sides, with mamaku (*Cyathea medullaris*) being most prevalent, but with an appreciable admixture of silver fern (*Cyathea dealbata*), and wheki (*Dicksonia squarrosa*). These fern groves have probably formed by colonisation of past slips. As well as tree ferns the vegetation has a reasonably good representation of terrestrial and

epiphytic ferns, including some species growing on tree fern trunks, notably the filmy fern *Hymenophyllum flabellatum* and the fork fern *Tmesipteris lanceolata*.



**Fig. 1 Tree ferns**

The ground cover is largely given over to the exotic monocots wandering jew (*Tradescantia fluminensis*) and kahili ginger (*Hedychium gardnerianum*), the latter forming dense stands on the shaded slopes. The native kiekie (*Freycinetia banksii*) is fairly common throughout on the ground.



**Fig 2. Ground cover of ginger**

## PROCESSES AND VALUES

It seems probable that this piece of land was once bare and was planted in pines and wattles many years ago. The kanuka is probably a remnant of the original vegetation. Some of the damper bare land became colonised by tree ferns, and over time there has been an influx of bird-dispersed species, both native and exotic. In time it could develop into a reasonable piece of native bush, with species like towai and kohekohe increasing in abundance. Blackbirds were the only birds seen; this species is well-known as a disperser of seeds, both native and exotic.

The main value of this reserve is as a protection forest, controlling stormwater runoff from the Highbury business area.

There are three main gullies, each cut quite deeply and narrowly through the clay subsoil down to the sandstone basement rock. The vegetation beside the gullies – mostly ginger – undoubtedly forms an effective protective cover from heavy rainfall.

The position and topography of the reserve lends itself to a public walkway linking the shops (or parking area near the top of Rawene Road to the Chelsea Estate Park.

**LIST OF PLANTS IN RAWENE RESERVE, Highbury**

**Liverworts**

*Symphyogyna hymenophyllum*

**Mosses**

*Camptochaete arbuscula*

**Lycopods**

\**Selaginella kraussiana* [African clubmoss]

**Ferns**

*Asplenium flaccidum* [hanging spleenwort]

*Asplenium oblongifolium* [shining spleenwort]

*Asplenium polyodon*

*Blechnum novae-zelandiae* [kiokio]

*Cyathea dealbata* [silver fern]

*Cyathea medullaris* [mamaku]

*Dicksonia squarrosa* [wheki]

*Doodia australis* [rasp fern]

*Hymenophyllum flabellatum*

*Lygodium articulatum* [mangemange]

*Pneumatopteris pennigera* [gully fern]

*Tmesipteris lanceolata* [fork fern]

**Conifers**

\**Pinus pinaster* [maritime pine]

\**Pinus radiata* [radiata pine]

*Phyllocladus trichomanoides* [tanekaha]

*Podocarpus totara* [totara]

**Dicot trees, shrubs and herbs**

\**Acacia mearnsii* [black wattle]

*Brachyglottis repanda* [rangiora]

\**Buddleja davidii* [buddleia]

\**Cestrum nocturnum* [queen of the night]

*Coprosma lucida* [shining karamu]

*Coprosma rhamnoides*

*Coprosma robusta* [karamu]

*Corynocarpus laevigata* [karaka]

\**Delairea odorata* (*Senecio mikanioides*)

[German ivy]

*Dysoxylum spectabile* [kohekohe]

\**Elaeagnus × reflexa* [elaeanus]

\**Euonymus japonica* [spindle tree]

*Geniostoma ligustrifolium* [hangehange]

*Hebe stricta* [koromiko]

*Hedycarya arborea* [pigeonwood]

*Kunzea ericoides* [kanuka]

\**Ligustrum lucidum* [tree privet]

\**Ligustrum sinense* [Chinese privet]

\**Lonicera japonica* [Japanese honeysuckle]

*Macropiper excelsum* [kawakawa]

*Meliclytus ramiflorus* [mahoe]

*Myrsine australis* [mapou]

\**Paraserianthes lophantha* [brush wattle]

*Pseudopanax crassifolium* [lancewood]

*Rubus cissoides* [bush lawyer]

*Schefflera digitata* [pate]

\**Solanum mauritianum* [woolly nightshade]

\**Solanum nigrum* [black nightshade]

\**Syzygium smithii* [monkey apple, lilly pilly]

\**Tropaeolum majus* [garden nasturtium]

\**Ulex europaeus* [gorse]

*Weinmannia silvicola* [towai]

**Monocots**

\**Asparagus scandens* [climbing asparagus]

\**Cortaderia selloana* [pampas grass]

*Cordyline australis* [cabbage tree]

*Cordyline pumilio* [dwarf cabbage tree]

\**Ehrharta erecta* [veldt grass]

*Freyinetia banksii* [kiekie]

*Gahnia lacera*

*Gahnia setifolia*

\**Hedychium gardnerianum* [kahili ginger]

*Oplismenus hirtellus* subsp. *imbecilla* [panic grass]

\**Pennisetum clandestinum* [Kikuyu grass]

\**Pseudosasa japonica* [arrow bamboo]

\**Tradescantia fluminensis* [wandering jew]

*Uncinia banksii* [hook sedge]

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