# Devonport-Takapuna Local Board Workshop Programme

Date of Workshop:Tuesday 14 February 2023Time:10am – 2:45pmVenue:Devonport-Takapuna Local Board Office, Ground Floor, 1 The Strand, Takapuna and MS Teams

Apologies:

Time	Workshop Item	Presenter	Governance role	Proposed Outcome(s)
9.30 - 10.00	Members Only Time		N/A	
10.00 – 11.00	<ol> <li>Parks &amp; Community Facilities         <ul> <li>Quarry Lake Reserve landowner approval and community lease applications</li> </ul> </li> <li>Attachments:         <ul> <li>1.1 Memorandum: Quarry Lake Reserve Memo</li> </ul> </li> </ol>	Alex SansfieldSenior Land Use AdvisorPhillipa CarrollPrincipal Community LeaseAdvisorTai StirlingCommunity Lease Advisor	Keeping informed	Provide feedback
11.00 – 12.00	<ul> <li>2. Eke Panuku         <ul> <li>Takapuna Beach Café variation of lease</li> </ul> </li> <li>Attachments:         <ul> <li>2.1 Memorandum: Takapuna Beach Cafe Memo</li> </ul> </li> </ul>	Lisa Partis Property Manager	Keeping informed	Provide feedback
		45 min break		

12.45 – 2.45	3. Service Investment & Programming	Tommo Cooper-Cuthbert	
	- DT Local Parks Management Plan	Service and Asset Planner	
	Attachments:	Bianka Griffiths	
	<b>3.1</b> Presentation: DTLB classification presentation	Specialist Technical Statutory Advisor	
		Kiri Le Heron	
		Service and Asset Planning Team Leader	
		John McKellar	
		Parks & Places Specialist	

#### Next workshop: 28 February 2023

#### Role of Workshop:

- (a) Workshops do not have decision-making authority.
- (b) Workshops are used to canvass issues, prepare local board members for upcoming decisions and to enable discussion between elected members and staff.
- (c) Members are respectfully reminded of their Code of Conduct obligations with respect to conflicts of interest and confidentiality.
- (d) Workshops for groups of local boards can be held giving local boards the chance to work together on common interests or topics.

# **Devonport-Takapuna Local Board Workshop Record**

Date of Workshop:Tuesday 14 February 2023Time:10am – 1:42pmVenue:Devonport-Takapuna Local Board Office, Ground Floor, 1 The Strand, Takapuna and MS Teams

#### Attendees

Chairperson:	Toni van Tonder
Deputy Chairperson:	Terence Harpur
Members:	Peter Allen
	Gavin Busch
	Melissa Powell
	George Wood, CNZM
Staff:	Trina Thompson – Local Area Manager
	Maureen Buchanan – Senior Local Board Advisor
	Rhiannon Guinness – Local Board Advisor
	Henare King – Democracy Advisor
	Anahita Oei – Engagement Advisor
	Deb Doyle – Specialist Advisor, Youth Specialist
Apologies	

None

Workshop item	Presenters	Governance role	Summary of discussion and Action points
<ol> <li>Parks &amp; Community Facilities</li> <li>Quarry Lake Reserve landowner approval and community lease applications</li> </ol>	Alex Sansfield Senior Land Use Advisor Phillipa Carroll Principal Community Lease Advisor Tai Stirling Community Lease Advisor	Keeping informed	<ul> <li>The local board was provided with an update on a landowner approval and community lease application at Quarry Lake Reserve.</li> <li>The local board raised the following points and questions in response to the presentation: <ul> <li>Confirmed that general public access to the reserve would not be impacted.</li> <li>Debated the proposed shipping container storage structure and its location</li> <li>Questioned the impact of tethering pontoons and potenatial bank erosion</li> <li>Raised concern about parking in general but particulalrly on green space</li> </ul> </li> <li>Next Steps: <ul> <li>A formal report will come to a Local Board business meeting</li> <li>The board requested further information about the growth of the sport and the club's membership</li> </ul> </li> </ul>
<ul> <li>Eke Panuku</li> <li>Takapuna Beach Café variation of lease</li> </ul>	Lisa Partis Property Manager Ruth Jost Head of Property Portfolio		<ul> <li>The local board was provided with an update on the variation of lease request from Takapuna Beach Café.</li> <li>The local board raised the following points and questions in response to the presentation: <ul> <li>Questioned why the Local Board were not informed of the approved variation to the Resource Consent</li> <li>Clarified that no additional seating is required or being applied for</li> <li>Confirmed that, if approved, variation would apply immediately</li> <li>Clarified that the tennant will apply for a Class 3 Liquor Licence, that alcohol will only be served at tables and that there will not be a separate bar area</li> <li>Confirmed that the applicant followed the correct process in seeking a variation to the resource consent</li> <li>Clarification on hours and extent ot the current liquor ban on Takapuna Beach</li> <li>Confirmation that the Takapuna Beach Reserve Management Plan will be considered in any decision</li> <li>Questioned if the public bathrooms are maintained by the council and if there would be any changes to their use or management.</li> </ul> </li> <li>Next Steps: <ul> <li>A formal report will come to a Local Board business meeting</li> </ul> </li> </ul>

<ul> <li>Service Investment &amp; Programming</li> <li>Devonport-Takapuna Local Parks Management Plan</li> </ul>	Tommo Cooper- Cuthbert Service and Asset Planner Bianka Griffiths Specialist Technical Statutory Advisor Kiri Le Heron Service and Asset Planning Team Leader	<ul> <li>The local board was provided with an update on the development of the Devonport-Takapuna Local Park Management Plan.</li> <li>The local board raised the following points and questions in response to the presentation: <ul> <li>Questioned why the Hibiscus and Bays Local Board was chosen as the Pilot, and if there were any learnings from the development of their plan</li> <li>Noted the reserve management plan lacks climate change elements</li> <li>Inquired how simple the process would be to change a parcel of land's classification</li> <li>Clarified that the intention is for all reserve parcels of land in the local board area to be included in the plan</li> <li>Clarified that a parcel can have separate parts classified differently.</li> <li>Noted that a lot of esplanade reserves in the area are inaccessible – expressed a desire to follow up on the Greenways Plan, where this is addressed.</li> <li>Clarified the definition of a pocket park versus a parcel</li> </ul> </li> <li>Next Steps: <ul> <li>A future workshop with the local board is intended for March 2023</li> </ul> </li> </ul>
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The workshop concluded at 1.42pm.



# Memorandum

1 December 2022

То:	Devonport-Takapuna Local Board
Subject:	Proposed Landowner Approval, Community Lease and Licence to Occupy at Auckland Canoe Polo Society at Quarry Reserve, Takapuna
From:	Alex Stansfield - Land Use Advisor, Parks and Community Facilities
	Pip Carroll - Principal Community Lease Advisor, Parks and Community Facilities
Contact information:	alex.stansfield@aucklandcouncil.govt.nz

#### Purpose

1. To obtain feedback from the Devonport-Takapuna Local Board on the landowner approval, community lease and licence to occupy applications from Auckland Canoe Polo Society to establish floating pontoons, storage and lighting at Quarry Lake Reserve, Takapuna.

### Summary

- 2. The Auckland Canoe Polo Society (the group) has submitted landowner approval and community lease applications to establish floating pontoons, storage and lighting at Quarry Lake Reserve, Takapuna.
- 3. The group have been operating at the reserve for over 20 years and are now looking to formalise their use.
- 4. The proposal aligns with the Devonport-Takapuna Local Board Plan 2020 outcome two (parks, facilities, and open spaces) and would increase the recreational value of the reserve.
- 5. The 2005 Lake Pupuke Reserve Management Plan acknowledges that the group may carry out improvements.
- 6. The proposals have received support from the North Shore Radio Yacht Squadron and the North Shore Canoe Club, who also operate within the reserve.
- 7. Auckland Council staff have assessed the applications and are supportive of the proposals.
- 8. Leasing and Land Advisory staff recommend a community lease and landowner approval is granted for the group's land-based improvements and a non-exclusive licence to occupy granted for the proposed water-based improvements (pontoons, suspended goals and lighting).
- 9. Following the local board's feedback, staff will present a formal business report at the next available business meeting. This report will recommend enabling the proposals through the granting of a lease, licence to occupy and landowner approval.

## Context

#### The land

 The land, Quarry Lake Reserve, R 2E Northcote Road, Takapuna (Lot 147 – 161 DP 8074, PT Allot 89 Parish of Takapuna, Allot 701 Parish of Takapuna, Lot 3 DP 203328) is held as a classified recreation reserve subject to the Reserves Act 1977.

#### Auckland Canoe Polo (the applicant)

- 11. Auckland Canoe Polo (ACP) has been the home of canoe polo since 1998. ACP has hosted social games and training at various sites throughout Auckland. Major events are held at Westhaven marina.
- 12. There is limited ability for canoe polo to be played in indoor pools, resulting in limited access and increased player costs. The sport has adapted to also become an outdoor sport.
- 13. ACP (the group) have been operating from the site for over 20 years on an informal basis. They have applied to formalise their occupation at the reserve and improve their facilities.
- 14. The group currently has 76 paying members utilising the facilities at Quarry Lake Reserve. The group runs club nights, beginner lessons and local, regional, and national tournaments.
- 15. The group helps facilitate the game of canoe polo through providing playing fields and associated improvements, organised games, equipment hire and governance of the sport.
- 16. Currently, the group are utilising floating goals which are suspended by wires traversing the lake. The group also uses floating pontoons during competitions. The pontoons are currently stored off-site and require transport to Quarry Lake Reserve and subsequent assembly prior to the group's events.
- 17. The group currently have an agreement with the North Shore Canoe Club to use their clubrooms and toilets but propose to install a shipping container or similar structure to store their equipment.
- 18. The group have applied to upgrade the existing goals and install and use a shipping container, temporary floating pontoon, permanent floating pontoons and lighting at Quarry Lake Reserve, Takapuna (Attachment A Concept Plan).
- 19. Landowner approval is required for the club to undertake any material alterations to the property or Auckland Council owned assets found at the property. The group will require a non-exclusive licence for their assets located on the water and a lease for their land-based assets.
- 20. The group has submitted a comprehensive application supporting the new lease and licence request and is able to demonstrate its ability to continue to deliver its services.
- 21. The group has provided financials which show that accounting records are being kept, funds are being managed appropriately and there are sufficient funds to meet liabilities.

#### **Reserve management plans**

- 22. The 2005 Lake Pupuke Reserve Management Plan includes Quarry Lake Reserve. The plan acknowledges the Northern Canoe Polo will develop two canoe polo courts, replace its suspended goals, and develop floating pontoons. The plan acknowledges the group do not yet have a formal occupancy agreement and will work towards one.
- 23. Northern Canoe Polo no longer exist, and their management and players now play under Auckland Canoe Polo Society. Accordingly, the group and activity are contemplated in the adopted and operative reserve management plan. As such, much of the proposal will not require public notification or iwi engagement. If aspects of the proposal fall outside of those contemplated in the reserve management plan, iwi and public consultation will be undertaken.
- 24. The Local Parks Management Plan (LPMP) for the Devonport-Takapuna Local Board area is currently under development. Auckland Council considers the processing of the proposal under the existing Lake Pupuke RMP to be appropriate. This is due to the timeframes associated with the future LPMP implementation.

25. Additionally, it is likely that a number of the Quarry Lake Reserve considerations will be rolled over, from the existing Reserve Management Plan to the new LPMP.

## Discussion

#### Storage

- 26. The group intend to construct a permanent clubhouse, with storage facilities in the future. In the meantime, they request permission to create either a temporary or permanent structure to store equipment. The group being able to own and store its own equipment on site is hoped will remove cost as a barrier to participation.
- 27. Storage could come in the form of a shipping container or temporary shed-like structure. Either option could be positioned in either the southern corner of the site or in the location where the permanent clubhouse would be built (see Attachment A Concept Plan).
- 28. Shipping containers can be easily removed from a site at the end of occupancy and do not require foundations or material alterations to the land. The visual impacts of a shipping container could be mitigated through painting the container in neutral tones, blending the structure with the environment. Alternatively, containers can be painted to reflect the group they serve, tying the structure in with the use of the land.
- 29. Alternatively, the group could construct a permanent structure in the location of the future clubhouse. This structure could then be incorporated into the later clubhouse design. This option may be seen to pose less visual impact, given its purpose-built nature and would allow reserve users to get accustomed to the group's presence ahead of the more sizable clubhouse.

#### **Goal and lighting structure**

- 30. A floating goal structure currently exists on site. The proposal would see the floating goals being replaced with a land-based structure. The new goal/lighting structure would be attached to the banks of the lake and suspended over the water body (Attachment B Lighting Plan). This alteration may increase usable space within the water body.
- 31. The new lighting would allow the group to operate safely in the evenings, extending the time during which the park can be used.

#### Pontoons

- 32. Two permanent pontoons are proposed to be established along both sides of the lake, with an additional moveable pontoon being tethered to the northern bank (Attachment A Concept Plan).
- 33. This moveable pontoon would be foldable to reduce the area it occupies. It would remain folded and tethered to the bank/northern pontoon until required. When required, it would be positioned in the centre of the lake centre and would enable the use of another polo court.
- 34. The northmost permanent pontoon would be connected to the lake bank via a gangway and the southern pontoon would be connected to the top of the bank with a series of paths and/or steps. The nature of these connections would depend on engineering investigations in relation to tree root impacts. The option with the least impact on reserve trees would be supported by staff, subject to conditions.
- 35. Aside from enabling the group to provide better sporting offerings, the permanent pontoons would allow all reserve users to enter the water body in a safe manner.
- 36. The locations of the water-based assets are not believed to significantly reduce usable reserve area. This is because existing goals already traverse the lake.
- 37. The group has proposed the installation of these assets to increase sport participation, improve safety when accessing the facility and to improve the overall experience of Quarry Lake Reserve users.

#### Funding

38. The group applied for the Sport and Recreation Facilities Investment Fund (SRFIF). The application was unsuccessful this financial year, but the group can apply again in future and approach external funders. A formal occupation at the site would assist the group with any future funding applications.

#### Maintenance

- 39. The proposal would see the assets remain under the group's control and ownership. As such, the maintenance of the assets would fall to the group. Conditions would be placed on any landowner approval, requiring the group to maintain all assets to an appropriate standard.
- 40. The club would be responsible for covering the cost of all power required for lighting and the installation of a power meter on site. The group would retain responsibility for the maintenance of the power meter unless otherwise advised by Auckland Council.
- 41. Healthy Waters currently undertake the aquatic weed management within the water body. Healthy Waters have been engaged and believe the proposal is unlikely to impact their maintenance considerations. In the event the presence of the permanent pontoons impact weeding activities, the applicant would need to undertake weed removal around the assets.

#### **Health and Safety**

42. The proposed permanent pontoons would be accessible to members of the public and are likely to improve access to the lake. Currently, many reserve users enter the water via the banks of the lake, which are steep in areas. The improved water access is believed to increase safety for all users of the reserve and lake.

#### **Quarry Lake Reserve users**

- 43. Improvements and installation of permanent floating pontoons have been designed in conjunction with both the North Shore Radio Yacht Squadron and the North Shore Canoe Club (NSCC), who share the space and support the project. The neighbouring Harbour Hospice and Smales Quarry are also supportive (Attachment C Letters of Support).
- 44. It is envisaged that when the group are not using the playing fields and improvements, other users of the reserve such as the North Shore Canoe Club will benefit from them.

#### lwi and public consultation

- 45. As the group and activity are contemplated in the operative reserve management plan, the majority of the proposal will not require public notification or iwi engagement.
- 46. If elements of the proposal are found to be outside of the reserve management plan scope, iwi and public consultation will be undertaken. Alternatively, the group may revise any the proposal to align with the operative reserve management plan.

#### **Staff views**

- 47. Specialist staff from Customer and Community Services Parks and Community Facilities (Operations, Community Leasing, Land Advisory), Active Communities and Regional Services and Strategy, have assessed the proposal and the associated maintenance considerations.
- 48. Staff are supportive of the proposal, considering that it is not expected to significantly alter the use of the area and is seen to provide a unique sporting experience within the Auckland region.
- 49. The proposal aligns with outcome two (parks, facilities, and open spaces) of the Devonport-Takapuna Local Board Plan 2020, through the upgrading of existing recreation experiences and enabling growth of a unique sporting experience.
- 50. Land Advisory Services staff support the proposal and recommend that landowner approval be granted, for the following reasons:
  - a) due to the fact the group are already operating at the site and the proposed new assets do not appear to alter the existing use of the area

- b) the proposed permanent pontoons may provide reserve users with a safer interface when entering and exiting the water body
- c) the improved facilities may increase reserve usage and the uptake of canoe polo as a sport
- d) the improved facilities may further enhance a unique sport offering in the Auckland region
- e) neighbouring reserve users, including the North Shore Radio Yacht Squadron and the North Shore Canoe Club have provided a letter of support.
- 51. Leasing staff support the proposal and recommend a community lease is granted for the group's land-based improvements (storage container) and a non-exclusive licence to occupy granted for the proposed water-based improvements (pontoons, suspended goals and lighting).

### **Next steps**

52. Subject to the feedback received from the local board, staff will present a formal business report at the next available business meeting. This report will recommend the granting of a landowner approval, a community lease, and licence agreements to formalise the group's use of, and proposed improvements at the Quarry Lake Reserve, Takapuna.

## **Attachments**

Attachment A - Concept Plan

- Attachment B Lighting Plan
- Attachment C Letters of Support







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IOE	POLO SOCIETY INC.		
	DESIGNED: ACP COLLAB	CHECKED: ACP COMMITTEE	DRAWING NUMBED:
		CHECKED. ACT COMMITTEE	NCP-QL01







PROJECT NAME:	CLIENT NAME & ADDRESS: Auckland Canoe Polo 	
DRAWING TITLE: Auckland Canoe Polo Proposal	 CONTACT NO:  E-MAIL:	
DRAWN BY: Carl Koch (CAD)		TS AND COPYRIGHT OF THIS



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Address: PO Box 33104, Takapuna, Auckland 0622 Email: info@

Email: info@northshorecanoeclub.org.nz

**Auckland Council** 

Te Kaunihera O Tamaki Makaurau

Private Bag 92300

Auckland 1142

#### **Dear Sir or Madam**

Statement of Support: Auckland Canoe Polo Sport and Recreational Facilities Application

I am the current Secretary of North Shore Canoe Club (NSCC), which is based at Northcote Road beside Lake Pupuke. NSCC is the largest flatwater sprint club in the country. We are proud to support paddlers at all levels, from those who just love the water and want to paddle to keep fit all the way through to high performance athletes.

We are writing in support of the application of Auckland Canoe Polo Society Incorporated (ACP) to install permanent pontoons for the purposes of coaching, refereeing and safe water entry and exit, alongside the existing canoe polo courts at the Western End of Lake Pupuke.

NSCC has its clubrooms on the edge of Lake Pupuke, beside Quarry Lake. We have a strong relationship with ACP. The two clubs have co-existed within the same space for decades, with many members having been active in both clubs over the years.

We have reviewed the Expression of Interest submitted to Auckland Council in respect of the Auckland Canoe Polo Sport and Recreational Facilities Investment Grant and support the plans included.

We are currently running a series of Try Learn Explore introductory courses endorsed by Canoe Racing New Zealand, our national body, to encourage greater participation in paddle sports and intend to collaborate with ACP to encourage more youth into canoe polo as well as engaging with Parafed with a view to offering accessible options as part of these intro courses. All these activities would be greatly aided by improved facilities at Lake Pupuke and the Quarry Lake.

We have resource consent to improve our existing clubrooms, including adding externally accessed toilet and changing room facilities. It is proposed that these will be available to ACP via a negotiated access agreement, thereby creating a suitable changing and toilet facilities for their members and

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tournaments and enhancing the appeal of Quarry Lake as a venue for canoe polo sports generally and reducing the need for public toilet access.

The steep sides of Quarry Lake makes this venue daunting for beginner kayakers. When not in use by ACP, permanent pontoons and improved entry platforms could be used to provide a safe area for beginner kayakers with NSCC. Those who capsize would be able to swim to the pontoons and exit the water safely via the ladders. The overall benefit to all lake quarry lake users would be significant.

Overall, we view ACP's plans are compatible with our own plans to improve accessibility too and encourage kayaking for all. We would highly recommend ACP as worthy recipients of Sport and Recreational Facility Investment Grant funding.

Yours faithfully

KIRSTY ELMIGER

Kirsty Elmiger

North Shore Canoe Club

# North Shore Radio Yacht Squadron

Quarry Lake Northcote Road Takapuna



25 March 2022

Auckland Council Te Kaunihera O Tamaki Makaurau Private Bag 92300 Auckland 1142

Dear Sir or Madam

#### Statement of Support: Auckland Canoe Polo - Sport and Recreational Facilities Application

I am the Commodore of the North Shore Radio Yacht Squadron Inc (NSRYS), which sails on Quarry Lake, Northcote Rd next to Lake Pupuke every Wednesday morning and Saturday afternoon. We also occasionally host weekend regattas at the Quarry. We have been sailing on Quarry Lake since our club was established in 1988. Several classes of RC yachts have raced at the Quarry over the years, we currently race the International One Metre Class catering for beginners to international level.

We are writing in support of the application of Auckland Canoe Polo Society Incorporated (ACP) to install permanent pontoons for the purposes of their coaching, refereeing and safe water entry and exit, alongside the existing canoe polo courts at the Western End of Lake Pupuke.

NSRYS and ACP have co-existed within the same space for decades, with both clubs working together to consider solutions for weed management and general upkeep of the area.

We have reviewed the Expression of Interest submitted by ACP to Auckland Council in respect of the Sport and Recreational Facilities Investment Grant and support the plans included. We appreciate the efforts that ACP have made to ensure that our sailing area will remain as it is and unobstructed, except for occasional tournaments when a moveable/temporary third court will be in use.

Overall, we view ACP's plans are compatible with our own plans to use Quarry Lake for recreational activities and to look at improving the general landscaping and access safety to the lake. We would recommend ACP for Sport and Recreational Facility Investment Grant funding.

Yours faithfully

Graham Cross Commodore – North Shore Radio Yacht Squadron Inc (NSRYS) Phone 02041297350

# SUPPORT FROM NZCPA



7 December 2021

To whom it may concern,

The New Zealand Canoe Polo Association (NZCPA) strongly support the upgrading of the Quarry Lake Canoe Polo facility. Our key strategic goal, as stated in the NZCPA Strategy 2021-2024, is to increase membership. We agree that the proposal outlined by ACP will provide opportunities to increase membership, including the underlying principle of **diversity:** Geographical/ Age/ Gender/ Ethnicity/ Disability.

Our affiliated club in Auckland (ACP) has struggled with access to quality venues. This has impacted their ability to run basic development work to grow the sport in the region. We note that consistently the club has strong senior teams without any junior or school ages teams; instead relying on athletes from out of town to move to Auckland.

As a national body our membership is made up of 20% adults and 80% school aged players. Our 4 biggest clubs (Hawkes Bay, Manawatu, Taranaki and Christchurch) are all growing at 8-10% annually for the last 6 years (except a 2020 Covid related decrease). This growth has been facilitated through access to venues and has been focussed at the school level.

Key facilities include:

- Hawkes Bay: Purpose built 4-court outdoor venue at the Hastings Sports Park
- · Manawatu: 3 permanent outdoor courts plus 1 movable court in Palmerston North, 1 court in Feilding
- Christchurch: 2 Permanent outdoor courts
- Taranaki: 1 Permanent court plus great access to council pools and 2 School pools.

With a venue of similar standard in the Auckland region, we expect to see increased growth in our membership, particularly in the school ages.

A key function of NZCPA is to provide elite national level competitions and pathway competitions. NZCPA currently allows the hosting of some of our National League events in Auckland. We do acknowledge that we make compromises in the quality of the event we are able to present to our athletes when run at the Quarry Lake. We feel that currently the quality of the pontoons impacts our ability to refere the competitions effectively. The proposed upgrade to the Quarry Lake canoe polo facility would ensure that we can continue to award hosting rights of our elite competitions to ACP. We believe that improvement to the Quarry Lake venue is vital to help ACP develop a strong junior base so that Auckland schools can again participate in regional or national championship competitions.

We consider the proposed improvements at Quarry Lake and the vision of Auckland Canoe Polo strongly align with NZCPA's strategic goals, particularly around Increased Membership and Retention.

Please feel free to contact me if your have any questions or seek further clarity on any of my statements.

Kind regards,

James Mitchell Executive Director 021684993 nzcpaexecdirector@gmail.com

NEW ZEALAND CANOE POLO ASSOCIATION • PO BOX 10037, PALMERSTON NORTH 4414 www.nzcanoepolo.org.nz



## Memorandum

7 February 2023

То:	Devonport-Takapuna Local Board
Subject:	Variation of Lease at 22a The Promenade, Takapuna
From:	Lisa Partis, Commercial Property Manager
Contact information:	Lisa.partis@ekepanuku.co.nz

#### Purpose

1. To discuss the request received from Takapuna Beach Kiosk Limited to vary the lease at 22a The Promenade, Takapuna

#### **Summary**

- 1. Eke Panuku Development Auckland manage the commercial lease at 22a The Promenade, Takapuna on behalf of Auckland Council by way of a ground lease with Takapuna Beach Kiosk Limited with an associated seating licence.
- 2. The tenant has subleased to Takapuna Beach Café 2019 Limited in order to operate a café on the land.
- 3. The tenant approached Eke Panuku requesting a variation of the lease to allow for an application for a liquor licence.
- 4. The current lease permitted use allows for the sale of non-alcohol drinks. The tenant would like to vary the lease to include the sale of alcoholic drinks in the permitted use in order to apply for a liquor license.
- 5. Eke Panuku will present a report to the local board business meeting in March 2023 to seek approval for the lease variation. If the lease variation is approved, the tenant will apply for an alcohol licence through the alcohol licencing process which include public notification.

#### Context

- 6. The land at 22a The Promenade, Takapuna is owned by Auckland Council and is classified as a recreation reserve and subject to the provisions of the Reserves Act 1977.
- 7. Takapuna Beach Kiosk Limited ("tenant") owns the building and holds a commercial ground lease with Auckland Council ("landlord") over part of the land held in Lot 1 DP 18501 which has been further subleased to Takapuna Beach Café 2019 Limited in conjunction with an associated seating license.
- 8. The lease commenced on 29 April 2008 and was renewed on 29 April 2018 for a further ten years with a final expiry of 28 April 2028.
- 9. The current lease describes the permitted use as "A dairy and café for the sale of refreshments, light meals, non-alcoholic drinks, beachware and sporting and fishing accessories."
- 10. The tenant is seeking to apply for a liquor license for the café and as part of the application requires the lease to be varied to allow for the sale of alcoholic drinks which is not currently specified under the permitted use in accordance with the prior resource consent.
- 11. In April 2021 the tenant applied for a variation to the Resource Consent to remove the condition prohibiting the sale of liquor and this was granted in May 2021 (LL-2122938).
- 12. To proceed with the lease variation local board decision is required.

#### Discussion

13. Eke Panuku on behalf of Auckland Council will present a report to the local board to seek the following changes to be made to the lease:

We are seeking the inclusion of <u>'and alcoholic'</u> to the following clauses:

**Current Permitted Use:** "A dairy and café for the sale of refreshments, light meals, nonalcoholic drinks, beachware and sporting and fishing accessories."

**<u>Proposed</u>** Change to Permitted Use: "A dairy and café for the sale of refreshments, light meals, non-alcoholic and alcoholic drinks, beachware and sporting and fishing accessories."

**Current Clause 13.2.2** states that the tenant must "provide light meals and refreshments, non-alcoholic drinks and ice creams for sale to a clean, palatable and satisfactory standard"

<u>Proposed</u> Change to Clause 13.2.2 states that the tenant must "provide light meals and refreshments, non-alcoholic and alcoholic drinks and ice creams for sale to a clean, palatable and satisfactory standard"

- 14. If the local board approve the lease variation in accordance with the above, the tenant will apply for a Class 3 On-Licence which means that they may only serve alcohol to tables and do not have a separate bar area.
- 15. If approval is granted the café intends to apply for an on-licence during the hours of 7am to 8pm during daylight saving and 7am to 7pm all other times of the year, seven days a week.

#### **Additional Information**

- 16. The café is a very successful well-known iconic café employing 54 staff with a very loyal customer base such as boaties, swimmers, local residents and local business employees who also attract customers from outside Takapuna.
- 17. There has been a gradual movement away from large drinking only venues to more refined café and restaurant venues where alcohol is provided as a complement to food like most cafes throughout Auckland with customers frequently asking for a glass of wine or beer to be served with meals.
- 18. The café is only open during daylight hours and the current customer base is typically mature audiences.
- The café supports the local community by offering a 50% discount on coffees for all 'uniform' workers including Police, Fire, Healthcare and Ambulance services and are a large sponsor of local schools and clubs.
- 20. The reserve area directly in front of the café does not form part of a liquor ban area and therefore members of the public are able to consume alcohol.

#### **Next steps**

- 21. If the local board approves the variation of lease the lessee will continue with their application for a Class 3 On-Licence.
- 22. Section 101 of the Sale and Supply of Alcohol Act 2012 requires the applicant to give public notice of the application within 20 days after filing the application. Any community concerns will be acknowledged as part of this process.

#### **Attachments**

- A. Premises Plan
- B. Decision to vary the resource consent

Appendix A: Premises Plan

Lease Area Plan



Part Lot 1 Deposited Plan 18501 – Indicative outline below in purple



Appendix B: Decision to vary the resource consent

## Decision on an application to change/cancel conditions of a resource consent under section 127 of the Resource Management Act 1991



Discretionary activity under section 127(3)

Application number(s):	LUC80049564-A
Original consent number(s):	LL-2122938
Applicant:	Takapuna Beach café Limited.
Site address:	22 The Promenade, Takapuna
Legal description:	Lot 1 Deposited Plan 18501
Proposal:	

To remove condition 7 of resource consent LL-2122938.

Note: For the avoidance of doubt, any reference in this decision to 'vary' or 'variation application' shall be taken to mean an application to change or cancel consent conditions under s127 of the RMA.

This discretionary activity under s127 of the Resource Management Act 1991 (RMA) is for cancellation of 7 conditions of consent LL-2122938 involving the following amendments (with strikethrough for deletion, underline for insertions):

Land use consent (s9) – LUC80049564-A

#### Cancellation to conditions

7. No alcoholic liquor (within the meaning of the Sale of Liquor Act 1989) shall be permitted to be sold or consumed within or from the premises (including decks).

#### Decision

I have read the application, supporting documents, and the report and recommendations on the application for variation. I am satisfied that I have sufficient information to consider the matters required by the RMA and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 127, 104, 104B, and Part 2 of the RMA, the application for variation to conditions of a resource consent is **GRANTED**.

## Reasons

The reasons for this decision are:

- 1. The proposal is appropriately considered under s127 as the changes will not result in a fundamentally different activity or materially different effects.
- 2. In accordance with an assessment under s104(1)(a)-(ab) and s127(3) of the RMA, the actual and potential effects from the variation will be acceptable as:
  - a. The site will still operate as a café and a dairy with public toilets available for pubic use.
  - b. There are no physical changes propsoed to the existing built form.
  - c. The hours of operation will remain the same, and in fact in winter the operation closes at 6pm to align with daylight hours.
  - d. Any sale of liquor will require an alcohol license application to The Sale and Supply of Alcohol Act where there are different types of licences which can be applied for. The applicant will be applying for an on-licence application under s14 of the Act. All alcohol licence applications are publicly notified and if anyone objects then a hearing is held. This is a separate process to the RMA.
  - e. The granting of this s127 does not allow for the sale of Alcohol on site.
  - f. In terms of positive effects, the applicant will now be able to seek approval under the Sale and Supply of Alcohol Act if the wish to be able to serve alcohol in the future.
  - g. With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment.
- 3. In accordance with an assessment under s104(1)(b) and s127(3) of the RMA, the variation is consistent with the relevant statutory documents. In particular:

#### 4. H7.2 Objectives and H7.3 Policies for Open Space – Informal Recreation:

The café/dairy/public toilets are on the site which is located within the Open Space Informal Recreation Zone. The Café activity on this site has previously been found to be consistent with the zone objectives and policies. Serving of alcohol to customers at tables is an activity ancillary to the café activity, a service which most cafes similar to Takapuna Beach Café and store would normally provide. The applicant only seeks the deletion of the condition prohibiting the sale of alcohol and any adverse effects associated with the deletion of this condition has been assessed to be less than minor. As such it is concluded that the proposed deletion of condition 7 will not change the assessment that the use is consistent with the above policy direction. Further, the specialised Sale and Supply of Alcohol Act licence process is the more appropriate process to public's right to have a say in the assessment of amenity and good order of the locality.

- 5. In accordance with an assessment under s104(1)(c) and s127(3) of the RMA, the following other matters are considered appropriate no other matters are considered relevant.
- 6. In the context of this variation application, where the objectives and policies of the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond these provisions and look to

Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.

7. Overall, the proposal is relates to the removal of condition 7 and it is considered to result in less than minor adverse effects. Whilst not directly related to any objectives and policies in the plan, it is consistent with the plan provisions, and any sale of liquor will be assessed under Sale and Supply of Alcohol Act. As such the consent can be granted.

## Conditions

Under sections 108 and 108AA of the RMA, this variation is subject to the following conditions:

#### General

- That subject to the below conditions all site works and development shall proceed in accordance with the activity submitted for this Land Use Consent, referenced as LN-2122938 by the Council. This includes the Council stamped, approved plans, as amended by the attached plans prepared by McKinney + Windeatt Architects being drawings:
  - Site and Location Plan; Sheet (A)00; Revision A; dated June 2011
  - Proposed Ground Floor Plan; Sheet (A)01; Revision B; dated June 2011;
  - Existing and Proposed East Elevation; Sheet(A)03; Revision B; dated June 2011;
  - Existing and Proposed West and South Elevations; Sheet (A)04; Revision A; dated June 2001.
  - <u>Section 127 Application to delete a condition of resource consent for 22 The</u> <u>Promenade, Takapuna prepared by Shearer Consulting Limited.</u>
- 2. The extent of the infringements shall be limited to the following:

• The establishment of a cafe, dairy and public toilet facility within a building footprint not exceeding 256m2 (as measured around the external face of the walls) and with associated decking not exceeding 109m2 (including stairs of 9m<sup>2</sup>).

• Height in relation to boundary infringements in one area generally to the extent shown on the east elevation.

• The following yard infringements. The Western front yard (Alison Ave) by approximately 2.8m for a length of 18m (the building being 2.2m from the boundary or as determined to align with the rear wall of the boatshed), The southern front yard (The Promenade) by between 5.0m and 3.0m over a length of 19.3m (part of the decking being built to the boundary with the balance varying between Om and 2.m away from the boundary). These infringements are more particularly shown on the Proposed Site and Floor Plan by offset measurements from boundaries and which are to be strictly adhered to.

• The signage described in the application, as amended by the Signage Panel Elevation attached to these conditions, being the way finder sign 3.0m in length 1.5m in width and 1,8m in height The signage includes identification (or naming) signs on the southern and eastern elevations. These are limited to letters in brushed finish marine stainless fixed on concealed pins over the surface of the building and between 150-200mm in height The

text will not extend above the fa9ade of the building, Except in respect of signage described above and discrete identification signs for the public toilets, there shall be no other signage or signboards whatsoever, whether free-standing or not, facing either road frontage or placed on the footpath.

- 3. No signs shall be illuminated.
- 4. Staff parking shall be accommodated in the area between the boat shed and the caravan park boundary as shown on the McKinney + Windeatt Architects drawing: Proposed Site and Floor Plan: Sheet (S)01 Revision E, March 2007. The parking area is to be excavated, retained and formed with a permeable limestone hoggin surface that is suitable to parking private vehicles and shall be landscaped in accordance with the Planting Plan prepared by Boffa Miskell Limited Drawing No: 05287 001, dated 26/4/2007, Revision B and in accordance with the Planting Plan and Landscape Performance Specification prepared by Boffa Miskell and dated April 2007 (Appendix C)
- 5. The maximum number of patrons that the cafe is permitted to seat, (including any external seating) shall be limited to 80 but otherwise shall be limited by health, safety and other regulations relating to occupancy levels.
- 6. The hours the cafe may operate shall be limited to 7:00am 8.00pm (except as prohibited by statute)
- 7. No alcoholic liquor (within the meaning of the Sale of Liquor Act 1989) shall be permitted to be sold or consumed within or from the premises (including decks).
- 8. The design of both security and down lighting on the deck shall ensure that there is no light spill generated source of glare onto neighbouring properties.
- 9. An appropriate filtration system will be used to avoid, to the highest practicable extent, odours from the food preparation process reaching beyond the site. Performance standards for the containment of cooking smells shall be established and certified by a suitably qualified person prior to the issue of the building consent.
- 10. A certificate from a suitably qualified acoustic engineer to confirm that the building and mechanical plant will ensure compliance with the relevant noise standards in the North Shore City operative District Plan shall be produced prior to the issue of the building consent.
- 11. There shall be no amplified music that is audible from outside the building. Management techniques for the containment of amplified music
- 12. The public toilet facilities shall remain directly accessible and clearly visible from the outside of the building, shall be open to the public at all times that the cafe and/or dairy are open, and shall be clearly but discretely identified as public toilets.
- 13. No vehicles shall be parked in front of the adjacent Takapuna Boating Club sheds for purposes other than short-term unloading. The driver of any unloading vehicles shall remain onsite for the duration of loading operations
- 14. No loading or standing of vehicles for loading purposes shall take place on The Promenade, The Caravan Park entry road or on the nearby boat ramp car park area.

- 15. The building, including its roof, shall be finished in a colour appropriate to the reserve to the satisfaction of North Shore City Council's Parks and Leisure Manager. The roof of the building shall be finished in a matt finish to avoid glare.
- 16. The fence between the North end of the proposed carpark and the east end of The Promenade is to be removed, including the section of the fence adjacent to the boat shed. The area between the footpath and the existing and/or proposed retaining walls along the Alison Avenue frontage is to be planted, as is a small portion around the corner onto The Promenade, as shown on the Planting Plan prepared by Boffa Miskell Limited Drawing No: 05287 001, dated 26/4/2007, Revision B and in accordance with the Planting Plan and Landscape Performance Specification prepared by Boffa Miskell and dated April 2007 (Appendix C)
- 17. The deck area to the east and south of the cade shall not be enclosed on either roof or sides by way of a permanent structure or awning.
- 18. No tables or chairs shall be placed beyond the building and deck area, or in the area along The Promenade frontage which is denoted as 'no seating in this area' as shown on the McKinney + Windeatt Architects drawing:
  - Proposed Site and Floor Plan: Sheet (S)01 Revision E, March 2007
- 19. All construction work for the proposed building shall be undertaken in accordance with, but not limited to, the methodology listed in the Green Scene Limited Arborist report submitted with the application, prepared by Green Scene Limited, dated May 2006.
- 20. Except as provided for by this consent, no works on or within the root zone of trees protected by the District Plan, shall proceed without a further resource consent. This includes the installation of services to the site.
- 21. The consent holder shall inform the Council's Monitoring Officer, in writing, upon:
  - (a) the commencement of the activity;
  - (b) the completion of landscaping.

#### **BEFORE CONSTRUCTION STARTS**

22. The Council's Monitoring Officer shall be advised, in writing, three working days prior to any site works, including earthworks and/or vegetation removal, and before construction commences. Please fill out and return the attached form by fax or post.

#### Site Management

23. Prior to the commencement of any earthworks on site, the consent holder shall, at their expense, install measures to control and/or mitigate any silt runoff, sedimentation or erosion that may occur. The consent holder shall ensure that no silt, sediment or water containing silt or sediment is discharged into stormwater pipes, drains, channels, soakage systems and/or overland onto the adjacent reserve. These measures shall remain in place, and be maintained by the consent holder, for the duration of the project. These measures shall be designed having regard to Technical Publication No.90 of the Auckland Regional Council, and be implemented to the satisfaction of the Council's Monitoring Officer.

#### Engineering

- 24. The consent holder shall provide a wastewater drainage system (sanitary sewer), the design of which shall be presented to Council for approval with the building consent application.
- 25. The consent holder shall provide a stormwater drainage system, the design of which shall be presented to Council for approval with the building consent application.
- 26. This storrnwater drainage system shall comply with Council's design standards and the Approved Stormwater Outfall Policy August 2004 (available on Council's website www.northshorecity.govt.nz). It shall cater for all stormwater runoff resulting from a 20 year Average Recurrence Interval (ARI) storm for residential developments including runoff from catchment areas above the site.
- 27. The consent holder shall install and maintain all necessary silt and sediment traps or pits to control any discharge of stormwater from the site due to the close proximity of the site to the beach. This system shall take into account the requirements of Auckland Regional Council's Technical Publication No.10.

#### **DURING CONSTRUCTION**

#### General

- 28. A copy of the consent conditions, the Council stamped, approved plans shall be kept on site at all times and all contractors and sub-contractors shall be aware of and work in accordance with them. It is the responsibility of the consent holder to ensure that this happens.
- 29. All services shall be placed underground.

#### Surveyor's Certificate

- 30. In order to ensure the approved building is built in accordance with the Council stamped, approved plans, and does not exceed the degree of infringement applied for, and elsewhere complies with the Maximum Height in Relation to Boundary controls of the North Shore City District Plan, the consent holder shall employ a Registered Surveyor at his/her own expense who shall:
  - (a) At the prelining stage, check that the entire building under construction does not exceed the heights applied for and elsewhere will meet the control/s above; and
  - (b) At the prelining stage, certify in writing to the Council's Monitoring Officer that the entire building under construction does not exceed the heights applied for and elsewhere will meet the control/s above including, but not limited to, specified maximum floor areas and minimum boundary to building offsets.

#### Works on Trees

31. Prior to all works commencing on the site, the consent holder shall engage the services of a qualified and competent arborist experienced in site development activities in close

proximity to mature trees to direct, supervise and monitor all construction activity upon and within the rootzone of protected trees on the site, for the duration of the project.

- 32. The consent holder shall provide the name/s of arborists to be engaged to carry out the activity for approval by Council's Parks Department Arborist, prior to the commencement of any works on the site.
- 33. All construction work within the rootzone of protected trees for the proposed development shall be undertaken in accordance with, but not limited to, the recommended tree protection and work methodologies listed in the Arborist report compiled by Greenscene Ltd for this site and dated May 2006.
- 34. Within the next planting season (i.e. autumn to spring) immediately following completion of construction works on the site, the consent holder shall implement the proposed landscaping in accordance with the plans submitted as part of this application, being drawing(s) referenced as Planting Plan & Landscape Specification, prepared by Boffa Miskell Ltd for Takapuna Beach Kiosk Ltd, dated April 2007.
- 35. Councils Monitoring Officer shall be notified by the consent holder upon completion of the landscape work in order to ensure compliance with the plan. Further monitoring at 24 months from that date shall take place to ensure a maintenance program is undertaken. This maintenance program must extend for a minimum of two years following completion of the initial planting. All newly planted trees and/or shrubs that die or decline, to a point that in the opinion of the Council's Monitoring Officer they are of no value, at any time over the next two years following the initial planting, must be replaced. The replacement trees and/or shrubs must be of the same type, grade and size and planted no later than the following planting season (May to August), following instruction to do so by council.

#### Works in the Vicinity of Protected Trees

- 36. Washings from using concrete products and/or cleaning concrete trucks and/or machinery shall not be discharged or deposited in the immediate vicinity of protected trees and/or vegetation. Note that depositing washings onto ground that will not impact on protected vegetation, such as grassed areas, is acceptable.
- 37. No building activity, demolition activity, storage of building materials, or cleaning/washing of any building products/tools (e.g. paintbrushes, wheelbarrows and machinery) shall occur within the vicinity of any protected trees.
- 38. Services shall not be laid within the root zones of protected trees.
- 39. The consent holder shall advise the Council's Monitoring Officer, in writing, of any damage resulting from work associated with this consent which, in the opinion of the Council approved arborist, is likely to result in any significant adverse effect to any part of any protected tree, either immediately or long term. This notice shall be submitted to the Council within twenty-four (24) hours of occurrence.
- 40. Where in the opinion of the Council's Monitoring Officer, remedial works are required as a result of damage to any protected tree not approved by this resource consent, such works

will be carried out by the consent holder, under the supervision of the Council approved arborist, within 1 month of being instructed in writing to carry out the work. All costs associated with such works shall be met by the consent holder.

#### Site Management

- 41. Washings from building activity (e.g. concrete products, wheelbarrows, paint or plastering) shall not be directed/discharged/deposited into any road, gutter, drain or stormwater system. If such material is discharged into one of the abovementioned features, the consent holder shall, at their expense take all necessary measures to remove the contaminant from the feature.
- 42. The consent holder shall institute appropriate measures to control or mitigate any potential dust nuisance. All such measures initiated shall be maintained throughout the entire duration of the construction period. The Council reserves the right at all times to stop the works in and during periods of high winds. Note: No burning of any rubbish, vegetation or other material will be permitted except with the appropriate Fire Permit.
- 43. Construction activity shall occur on the site in accordance with the following noise limits:

Weekdays:

6.30am - 7.30am less than an L10 level of 60 dBA 7.30am - 6pm less than an L10 level of 75 dBA 6pm - 8pm less than an L10 level of 70 dBA

Saturdays:

7.30am-6pm less than an L10 level of 75 dBA

Sunday, Public Holidays and all other times:

No noise permitted on site above the normal background level, i.e. no heavy machinery or noise producing equipment. Where the L10 is a noise level which is equalled or exceeded for 10% of any 15-minute measurement period. The site is to comply with NZS 6803P at all times. Note: The intent of the standard is that all noisy construction work will take place between 7.30am and 6pm, Monday to Saturday.

44. The consent holder shall implement, to the satisfaction of the Council's Monitoring Officer, suitable measures to prevent depositing of earth on surrounding streets by trucks moving fill and other materials to and from the site. In the event that any material is deposited on the street, the consent holder shall take immediate action, at their expense, to clean the street. The loading of earth, fill and other materials shall be confined to the subject site.

## **Advice notes**

- 1. A copy of the consolidated set of conditions of consent as amended is included as attachment 1 to this section 127 decision.
- 2. The consent holder is reminded that the decision on this section 127 application does not affect the lapse period for the resource consent.

3. This decision is to be read in conjunction with any other relevant approved resource consent(s) and does not negate the consent holder's requirement to continue to comply with the conditions of any previously granted resource consent(s) that have been implemented.

Delegated decision maker:

Name: Title: Yuto Tsuchiya Senior Planner, Resource Consents

Signed:

ytthe Ce

Date:

25 May 2021

# Attachment 1: Consolidated conditions of consent as amended General

- That subject to the below conditions all site works and development shall proceed in accordance with the activity submitted for this Land Use Consent, referenced as LN-2122938 by the Council. This includes the Council stamped, approved plans, as amended by the attached plans prepared by McKinney + Windeatt Architects being drawings:
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  - Section 127 Application to delete a condition of resource consent for 22 The Promenade, Takapuna prepared by Shearer Consulting Limited.
- 2. The extent of the infringements shall be limited to the following:

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3. No signs shall be illuminated.

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- 5. The maximum number of patrons that the cafe is permitted to seat, (including any external seating) shall be limited to 80 but otherwise shall be limited by health, safety and other regulations relating to occupancy levels.
- 6. The hours the cafe may operate shall be limited to 7:00am 8.00pm (except as prohibited by statute)
- 7. The design of both security and down lighting on the deck shall ensure that there is no light spill generated source of glare onto neighbouring properties.
- 8. An appropriate filtration system will be used to avoid, to the highest practicable extent, odours from the food preparation process reaching beyond the site. Performance standards for the containment of cooking smells shall be established and certified by a suitably qualified person prior to the issue of the building consent.
- 9. A certificate from a suitably qualified acoustic engineer to confirm that the building and mechanical plant will ensure compliance with the relevant noise standards in the North Shore City operative District Plan shall be produced prior to the issue of the building consent.
- 10. There shall be no amplified music that is audible from outside the building. Management techniques for the containment of amplified music
- 11. The public toilet facilities shall remain directly accessible and clearly visible from the outside of the building, shall be open to the public at all times that the cafe and/or dairy are open, and shall be clearly but discretely identified as public toilets.
- 12. No vehicles shall be parked in front of the adjacent Takapuna Boating Club sheds for purposes other than short-term unloading. The driver of any unloading vehicles shall remain onsite for the duration of loading operations
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Landscape Performance Specification prepared by Boffa Miskell and dated April 2007 (Appendix C)

- 16. The deck area to the east and south of the cade shall not be enclosed on either roof or sides by way of a permanent structure or awning.
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- 19. All construction work for the proposed building shall be undertaken in accordance with, but not limited to, the methodology listed in the Green Scene Limited Arborist report submitted with the application, prepared by Green Scene Limited, dated May 2006.
- 20. Except as provided for by this consent, no works on or within the root zone of trees protected by the District Plan, shall proceed without a further resource consent. This includes the installation of services to the site.
- 21. The consent holder shall inform the Council's Monitoring Officer, in writing, upon:
  - (a) the commencement of the activity;
  - (b) the completion of landscaping.

#### **BEFORE CONSTRUCTION STARTS**

22. The Council's Monitoring Officer shall be advised, in writing, three working days prior to any site works, including earthworks and/or vegetation removal, and before construction commences. Please fill out and return the attached form by fax or post.

#### Site Management

23. Prior to the commencement of any earthworks on site, the consent holder shall, at their expense, install measures to control and/or mitigate any silt runoff, sedimentation or erosion that may occur. The consent holder shall ensure that no silt, sediment or water containing silt or sediment is discharged into stormwater pipes, drains, channels, soakage systems and/or overland onto the adjacent reserve. These measures shall remain in place, and be maintained by the consent holder, for the duration of the project. These measures shall be designed having regard to Technical Publication No.90 of the Auckland Regional Council, and be implemented to the satisfaction of the Council's Monitoring Officer.

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- 24. The consent holder shall provide a wastewater drainage system (sanitary sewer), the design of which shall be presented to Council for approval with the building consent application.
- 25. The consent holder shall provide a stormwater drainage system, the design of which shall be presented to Council for approval with the building consent application.
- 26. This storrnwater drainage system shall comply with Council's design standards and the Approved Stormwater Outfall Policy August 2004 (available on Council's website

www.northshorecity.govt.nz). It shall cater for all stormwater runoff resulting from a 20 year Average Recurrence Interval (ARI) storm for residential developments including runoff from catchment areas above the site.

27. The consent holder shall install and maintain all necessary silt and sediment traps or pits to control any discharge of stormwater from the site due to the close proximity of the site to the beach. This system shall take into account the requirements of Auckland Regional Council's Technical Publication No.10.

#### **DURING CONSTRUCTION**

#### General

- 28. A copy of the consent conditions, the Council stamped, approved plans shall be kept on site at all times and all contractors and sub-contractors shall be aware of and work in accordance with them. It is the responsibility of the consent holder to ensure that this happens.
- 29. All services shall be placed underground.

#### Surveyor's Certificate

30. In order to ensure the approved building is built in accordance with the Council stamped, approved plans, and does not exceed the degree of infringement applied for, and elsewhere complies with the Maximum Height in Relation to Boundary controls of the North Shore City District Plan, the consent holder shall employ a Registered Surveyor at his/her own expense who shall:

(a) At the prelining stage, check that the entire building under construction does not exceed the heights applied for and elsewhere will meet the control/s above; and

(b) At the prelining stage, certify in writing to the Council's Monitoring Officer that the entire building under construction does not exceed the heights applied for and elsewhere will meet the control/s above including, but not limited to, specified maximum floor areas and minimum boundary to building offsets.

#### Works on Trees

- 31. Prior to all works commencing on the site, the consent holder shall engage the services of a qualified and competent arborist experienced in site development activities in close proximity to mature trees to direct, supervise and monitor all construction activity upon and within the rootzone of protected trees on the site, for the duration of the project.
- 32. The consent holder shall provide the name/s of arborists to be engaged to carry out the activity for approval by Council's Parks Department Arborist, prior to the commencement of any works on the site.
- 33. All construction work within the rootzone of protected trees for the proposed development shall be undertaken in accordance with, but not limited to, the recommended tree protection and work methodologies listed in the Arborist report compiled by Greenscene Ltd for this site and dated May 2006.
- 34. Within the next planting season (i.e. autumn to spring) immediately following completion of construction works on the site, the consent holder shall implement the proposed landscaping in accordance with the plans submitted as part of this application, being drawing(s) referenced as Planting Plan & Landscape Specification, prepared by Boffa Miskell Ltd for Takapuna Beach Kiosk Ltd, dated April 2007.
- 35. Councils Monitoring Officer shall be notified by the consent holder upon completion of the landscape work in order to ensure compliance with the plan. Further monitoring at 24 months from that date shall take place to ensure a maintenance program is undertaken. This maintenance program must extend for a minimum of two years following completion of the initial planting. All newly planted trees and/or shrubs that die or decline, to a point that in the opinion of the Council's Monitoring Officer they are of no value, at any time over the next two years following the initial planting, must be replaced. The replacement trees and/or shrubs must be of the same type, grade and size and planted no later than the following planting season (May to August), following instruction to do so by council.

#### Works in the Vicinity of Protected Trees

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- 38. Services shall not be laid within the root zones of protected trees.
- 39. The consent holder shall advise the Council's Monitoring Officer, in writing, of any damage resulting from work associated with this consent which, in the opinion of the Council approved arborist, is likely to result in any significant adverse effect to any part of any protected tree, either immediately or long term. This notice shall be submitted to the Council within twenty-four (24) hours of occurrence.
- 40. Where in the opinion of the Council's Monitoring Officer, remedial works are required as a result of damage to any protected tree not approved by this resource consent, such works will be carried out by the consent holder, under the supervision of the Council approved arborist, within 1 month of being instructed in writing to carry out the work. All costs associated with such works shall be met by the consent holder.

#### Site Management

41. Washings from building activity (e.g. concrete products, wheelbarrows, paint or plastering) shall not be directed/discharged/deposited into any road, gutter, drain or stormwater system. If such material is discharged into one of the abovementioned features, the consent holder shall, at their expense take all necessary measures to remove the contaminant from the feature.

- 42. The consent holder shall institute appropriate measures to control or mitigate any potential dust nuisance. All such measures initiated shall be maintained throughout the entire duration of the construction period. The Council reserves the right at all times to stop the works in and during periods of high winds. Note: No burning of any rubbish, vegetation or other material will be permitted except with the appropriate Fire Permit.
- 43. Construction activity shall occur on the site in accordance with the following noise limits:

Weekdays:

6.30am - 7.30am less than an L10 level of 60 dBA 7.30am - 6pm less than an L10 level of 75 dBA 6pm - 8pm less than an L10 level of 70 dBA

Saturdays:

7.30am-6pm less than an L10 level of 75 dBA

Sunday, Public Holidays and all other times:

No noise permitted on site above the normal background level, i.e. no heavy machinery or noise producing equipment. Where the L10 is a noise level which is equalled or exceeded for 10% of any 15-minute measurement period. The site is to comply with NZS 6803P at all times. Note: The intent of the standard is that all noisy construction work will take place between 7.30am and 6pm, Monday to Saturday.

44. The consent holder shall implement, to the satisfaction of the Council's Monitoring Officer, suitable measures to prevent depositing of earth on surrounding streets by trucks moving fill and other materials to and from the site. In the event that any material is deposited on the street, the consent holder shall take immediate action, at their expense, to clean the street. The loading of earth, fill and other materials shall be confined to the subject site.



### **Resource Consent Notice of Works Starting**

Please email this form to **monitoring@aucklandcouncil.govt.nz at least 5 days prior to work starting** on your development or post it to the address at the bottom of the page.

Site address:							
AREA (please tick the box)	Auckland CBD⊡	Auckland Isthmus⊡		Hauraki Gulf Islands ⊟	Waitakere 🗆		
Manukau 🛛	Rodney □	North Shore □		Papakura 🛛	Franklin 🗆		
Resource consent number:			Associated building consent:				
Expected start date of work:			Expected duration of work:				

Primary contact	Name	Mobile / Landline	Address	Email address
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

Signature: Owner / Project Manager (indicate which)

Date:

Once you have been contacted by the Monitoring Officer, all correspondence should be sent directly to them.

#### SAVE \$\$\$ minimise monitoring costs!

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent Monitoring Officer on 09 301 0101 or via <u>monitoring@aucklandcouncil.govt.nz</u> to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.

# Classification Workshop 2 – Feb 2023

Developing Volume 2 of the Devonport-Takapuna Local Parks Management Plan

14 February 2023



# Focus of today's session

- Update LPMP program and scope of LPMPs
- 2. Why classification is required and principles guiding classification recommendations
- 3. Case studies
- Proposed classifications
- Milford Reserve parcels to be moved from LGA to RA
- Parcels between Takapuna and Milford with Watercare interest to be reclassified
- Classification next steps

#### Estimated time

 $\rightarrow$  30-60 minutes

30-60 minutes



4. Parks intentions examples



# **General update**

### Aiming for 21 local boards to have their own LPMP





### Why is a management plan required?

### Reprint as at 21 December 2018



### Reserves Act 1977

Public Act 1977 No 66 Date of assent 23 December 1977 Commencement see section 1(2)

- Required under the Reserves Act 1977
- To guide use, management, maintenance and protection of the land
- Understand mana whenua's values and expectations
- Understand community values and expectations
- Focus is on managing what can and can't happen on parks



### LPMP scope and context

LPMP includes land held under the Reserves Act and the Local Government Act

ALL local parks for which board holds allocated decision-making responsibilities

Intention is to not retain stand-alone reserve management plans

Out of scope:

- Co-governed reserves (Tupuna Maunga Authority)
- Regional parks (Governing Body)
- Conservation land (owned by DOC/Crown)

Local board advocacy role when land has a park function:

- Road reserves (managed by Auckland Transport)
- Drainage reserves (shared decision-making with Governing Body)



# **Project milestones achieved**



Completed

Current

Local board (LB) and mana whenua engagement

# Themes raised by public in DT LPMP consultation

- Connectivity and access improvements \*
- Concerns over water quality at Lake Pupuke and around Waitemata Golf Course, support for further riparian planting to improve this \*
- Support the continued ban on freedom campers \*
- Pest & plant control noted as an issue at parks, particularly Devonport Domain, Barry's Point Reserve
- More native planting in reserves and additional areas for wildlife protection
- Concerns around access of dogs to parks that had nesting birds
- Numerous people raised concerns of council selling off underutilized parks
- Issues surrounding safety for pedestrians re unauthorized vehicle use/access/speed around/on parks
- The importance of green space supporting well-being in the wake of COVID restrictions

\* Also raised by Mana Whenua in general parks workshops

How classification fits within these bigger objectives





# **Classification recap**

### What is classification?

- Applies to land held under the Reserves Act 1977
- Involves assigning an appropriate classification to a reserve/park (or parts of a reserve)
- Determines the primary purpose/values for the present and future
- Important task to be completed prior to the preparation of a management plan



# Local Government Act 2002 vs Reserves Act 1977



Auckland Council Te Kaunihera o Tămaki Makaurau

# **Common classification options**

- Recreation
- Historic
- Scenic
- Scenic A s.19(1)(a)
- Scenic B s.19(1)(b)
- Local Purpose
  - Local Purpose (accessway)
  - Local Purpose (community use)
  - Local Purpose (esplanade)
  - Local Purpose (open space amenity)
  - Local purpose (landscape protection)

### Things to think about

- What is the main function of the land now and into the future?
  - What are the main values?
  - Why was the land acquired in the first place?
  - How might classification impact on future uses, and activities (flexibility)?
  - What is the status of adjacent land parcels within the park?
- The LPMP itself will align management of both LGA and Reserve Act land – the plan covers **both** LGA parks and RA reserves.



# **Reserve Act land: classifications**

### **Scenic Reserve**

#### What is a scenic reserve?

Scenic reserves classifications are used to protect and preserve the sites in perpetuity for their intrinsic worth and the natural features. Protecting ecological values native birds, animals and plants is paramount. These are sites that people value for their natural beauty and landscape qualities. They can also be bush areas that will benefit from further planting of native species.

#### Who uses them?

People who want to have a wilderness experience, a walk in the bush, or simply get back to nature.

#### Something to remember...

Scenic reserves can include things that help people to visit and enjoy them, like car parking spaces and walking tracks, but the main priority is protecting the environment and any native species that are there, with artificial elements downplayed.

### **Historic Reserve**

#### What is a historic reserve?

The main purpose of historic reserves is to enhance the protection of historic, archaeological and cultural values. They are places that people value for their Māori connection or to major historic events. These reserves serve as places to interpret New Zealand history.

#### Who uses them?

People who have an immediate interest in the historic or cultural features of the reserve.

#### Something to remember...

Historic reserves can include things that help people to visit and enjoy them, but the main priority is protecting the features associated with the historic, archaeological or cultural values of the space.



# **Reserve Act land: classifications**

### **Recreation Reserve**

#### What is a recreation reserve?

Recreation reserves can be very developed – like sports fields – or they can contain a mix of bush, grass, play equipment etc. They can come in a variety of shapes and sizes and may or may not have facilities or equipment installed. They're don't purely exist for recreational activities though and are also valued for their natural beauty.

#### Who uses them?

People who want to play sport, kids using playground facilities, as well as those walking, picnicking, or generally just enjoying the outdoors.

#### Something to remember...

This classification helps to ensure that there's plenty of space for future community needs, so a lot of parks and reserves are classified recreation reserves.

### **Local Purpose Reserve**

#### What is a local purpose reserve?

Local purpose reserves meet a local need that isn't covered by any other type of reserve. Their classification will include more information, like:

- Local Purpose (community use) Reserve: land for community buildings, such as a community hall or scout den
- Local Purpose (esplanade) Reserve: land next to water.
- Local Purpose (accessway) Reserve
- Local purpose (landscape protection) Reserve

#### Who uses them?

A wide range of uses including people utilising community assets, entering parks using a narrow entrance or walking along a coastal path.

#### Something to remember...

Local purpose options can work instead of revoking a reserve and placing it under the LGA.





# Draft classification recommendations

# **Principles for classification**

Key principles	Explanation
Primary purpose	Classify to better reflect the primary purpose of why land is held
Consistency	Achieve classification consistency within parks for parcels that have the same primary purpose
Protection of values	Classify to better protect park values such as where parcels fall within significant ecological areas
Future focus	Where development is anticipated or where Auckland Unitary Plan designations apply, such as for roading, it is held under Local Government Act to retain flexibility for future options
Operational fit	Provides an opportunity to seek direction from different council departments and guide the policy direction of the land so that this may be enhanced in the future.



# **Overview of draft classification recommendations**

Of the unclassified parcels proposed for recommendation under the Reserves Act:

- 79 parcels are 'local purpose (esplanade reserve)'
- 28 parcels are 'recreation reserve'
- 7 parcels are 'local purpose (access way)'
- 3 parcels are 'landscape protection'
- 1 parcel recommendation is for 'scenic reserve s19(1a)'
- ALSO 6 parcels held under LGA at Milford Reserve are to be held under Reserves Act 1977 and classified as recreation reserve



# Classification case studies



# Local purpose (esplanade) reserve Holloway Reserve (Previously Aramoana Reserve)

- Lot 3 DP 88065

#### **Observations**

- 79 parcels most adjoin the coast, one adjoining Lake Pupuke •
- Most have high ecological value and are used by the public to some extent depending on surface conditions and location

#### Primary purpose

Providing access along waterbodies and enhancing the ecology of these areas – example provides access from the end of Aramoana Road around the foreshore toward Ngātaringa



### **Recreation reserve**

Bayswater Park - Lot 1 DP 7289

#### **Observations**

- 28 parcels adjoining other areas of established reserves
- Land-locked, mostly landscaped, some containing playground equipment
- Public use of these areas is high, given their multiple uses sports, playgrounds, picnics, use by walkers/runners etc.

#### Primary purpose

• Promote active and passive recreation – example is in Bayswater Park, featuring sports fields, playground and landscaping.







# Local purpose (accessway)

Allot 478 PSH OF Takapuna (GIS Ref: ALLT 478 PARO Takapuna)

#### **Observations**

reserve

- 7 parcels all narrow in shape, predominantly connecting streets to coastal areas
- Mostly surfaced in concrete/sand
- Varying public use depending on weather, public knowledge of their existence and/or signage to raise consciousness

#### **Primary purpose**

• Providing public beach access for walkers/cyclists/wheelchair users – example parcel provides connection from Beach Road to Castor Bay.





# Local purpose (landscape protection)

### Ngataringa Bay Reserves - Part Lot 1 DP 31568

### reserve

#### Observations

- 3 parcels all vegetated
- All areas showcasing important natural areas
- Some public use, depending on location, although this is not the key purpose of the parcels

#### **Primary purpose**

• Promote ecological wellbeing for occupying plants and animals – example provides a place of sanctuary to trees, plants and animals surrounded by residential land and an extension of the Devonport naval base.



### Scenic Reserve s19(1a)

Smiths Bush Scenic Reserve - Part Lot 1 DP 31225

**Observations** 

- 1 parcel densely vegetated
- As per previous discussion, these are places that people value for their natural beauty and landscape qualities.
- Some public use, depending on location, however given the dense planting these would not be areas used widely by the public.

#### **Primary purpose**

• Promote the protection of native birds, animals and plants – example provides a large habitat area despite its residential surroundings and the motorway that severs it from the remainder of the bush located to the south-west.





### LGA parcels to be classified as Recreation Reserve

Part Lot 75 DP 12137

#### Observations

- 7 parcels all currently held under LGA
- All forming part of the reserve, some like the example below containing part of the paved car park as well as landscaped park area.

#### **Future plans**

• Declare and classify these as recreation reserve after having discussions with the lease team.





### Section 14 – Declaration

- This statutory process is applied when land is not held by Council subject to the Reserves Act 1977.
- Section 14 of the Reserves Act:
  - Public notice in local newspaper declaring proposal of intent.
  - Receive feedback (one month).
  - Seek resolution from the local board to declare parcels as reserve subject to the Reserves Act. Include objections (if any).
  - Declare land as reserve and specify purpose.
  - Publish resolution in the New Zealand Gazette.
  - Land is deemed classified i.e., classification process not required.



### • Site 1:

- R 66 Milford Road (adjoins 39 Ocean View Road)
- Pt Lot 20 DP 6892
- NA476/122
- Drainage purposes







### • Site 2:

- R 21 Tiri Road (adjoins 26 Tiri Road)
- Pt Lot 15 DP 7514
- Gazette 1927 page 3609
- Drainage purposes







- Site 3:
  - R 21 Tiri Road (adjoins 17 Audrey Road)
  - Pt Lot 13 DP 6927
  - Gazette 1927 page 3609
  - Drainage purposes







### • Site 4:

- R 21 Tiri Road (adjoins 31/33 Kitchener Road)
- Pt Allot 83 Parish of Takapuna
- Gazette 1927 page 3609
- Drainage purposes







### **Current milestones**

Working with Land Advisory Services to report classification recommendations to Local Board at Local Board's May-June meeting (assuming no issues arise from iwi consulted)





# **Park intention discussion**

# Informing parks intentions - Barry's Point Reserve example

- SME issues identified; A Service Assessment focused on the North-East of the reserve is progressing through the local board work program.
- Work on the reserve is subject to implications from Waka
  Kotahi's alternative Waitemata Harbour crossing.
- Construction of path to Rosmini College currently ongoing from Takapuna Landing.
- RMP states management issues as: landfill constraints, roading and bus station development, proximity to motorway, balance of organised and informal recreation, and commitment to Rosmini college.
- Current leases: Rosmini college, the golf warehouse ltd driving range, the Lake House Trust. Takapuna City AFC and United Soccer One also use some of the fields.
- Submissions wanted to see more planting. Special restrictions around the landfill





### Informing parks intentions – Philomel Reserve example

- SME issues identified; Future additional greenway connections if the greenway can be extended with consecutive titles.
- Sizeable, entirely vegetated coastal site with good coastal views.
- Site adjoins O'Neills Cemetery. Could form part of Takapuna-Devonport Green Route for walking and cycling if adjoining titles could be acquired or boardwalk is constructed around coastal boundaries of these sites.
- Would benefit from formed access path constructed for easier walking/cycling in wet conditions.
- Current leases: -





### Informing parks intentions — Lake Pupuke Reserves Including Killarney Park, Lake Pupuke Reserve, Henderson Park, Sylvan Park, Kitchener Park, Quarry Lake Reserve

- SME issues identified; Future Greenway improvements identified to link up lakeside reserves, current maintenance access issues with weeds and overgrown grass. Issues with the bank behind Milford Tennis Centre requiring steps and pipes as trip hazards. Various issues with water sports equipment storage.
- RMP identifies balancing the water uses, managing events, improving water quality and recognising the treat of exotic species as key future issues.
- Current leases: North Shore Theatre and Arts Trust (The Pumphouse Theatre), North Shore Bridge Club Incorporated, Takapuna aquatic centre, commercial dive operators (Killarney Park) New Dawn Partnership Incorporated (includes the Milford Playhouse), Auckland Kindergarten Association – Milford (Sylvan Park), Milford Tennis Club Incorporated (Kitchener Park) and up to 7x watersports groups using Quarry Lake Reserve, with 3x groups using existing facilities.





# Next steps



### **Future milestones**

- 1 Discuss policies and intentions estimated in March-June 2023
- 2 Final mana whenua engagement estimated in March-June 2023
- 3 Complete classification process estimated in May-June 2023
- 4 Final draft D-T LPMP workshopped with local board estimated in July-August 2023
- 5 Notify draft D-T LPMP for public feedback estimated in September 2023



### Next local board engagement

 Future workshop in March 2023 to update board on intentions and progress with classifications

