

Potters Park

Management Plan 1989

Prepared by the Mt Eden Borough Council and approved in 1989.

Please direct all enquiries to the Community Planning Group, Auckland City Council, Private Bag 92 516, Wellesley Street, Auckland 1.

An electronic version of this document is available from www.akcity.govt.nz

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1.0 Introduction

Potter's Park is a 3 hectare reserve located on the corner of the Balmoral and Dominion Road intersection in Mt Eden. It was gifted to Council as public open space in 1916.

This is the first review of an existing Management Plan prepared for Potter's Park.

2.0 History

Potter's Park was gifted to the Mt Eden Borough Council by Mr FS Potter after his observation of the needs of the children in the Borough.

Fredrick Seymour Potter

Frederick Seymour Potter was born in England in 1857.

At the age of one, he travelled to New Zealand with his [parents, William and Eliza Potter and his elder brother William, on board the steamship 'Lord Ashley', arriving in Auckland on 14 October 1858. The 'Lord Ashley' was the first of many steam ships in the world re-nowned Shaw-Savill line.

FS Potter was a partner in the firm Gee and Potter, Coachbuilders and Blacksmiths, which was established by his father in 1859. FS Potter acquired title to the land which was to become Potter's Park in 1907 from Miss Ellen Barnes, who grandfather James Paice purchased the land in 1862. In November 1909 Ellen and Mr Potter married. Ellen died in December 1912 shortly after the death of their newborn baby.

FS Potter was a generous benefactor having made donation of land for various causes in several parts of Auckland. In addition to the land for Potter's Park, he gave an acre of land to the Takapuna Borough Council for a park, in 1929.

Mr Potter, who was a Freemason, gave two properties to the Masonic Grand Lodge and created a trust with capital of fifty thousand pounds (\$100 000) for the maintenance of a boy's home to be built on one of the properties at Papakura.

Mr Potter died at Auckland Hospital on 29 March 1941 at the age of 84. He was survived by his second wife Mary Elizabeth. They do not appear to have had any children.

Gift of the Land for Potter's Park

Initially Mr Potter offered to sell the land to the Council at a figure well below its value. This offer was declined.

Mr Potter then offered to donate the land. He told the Council that after making careful observations of the needs of the people in the neighbourhood, he was prompted to donate the property 'in the interests of the residents and children of the Borough'. The land was handed over in March 1916.

Mr Potter reserved the right for himself and/or his family to occupy the residence located in the north west corner of the proposed park. The residence was one of the oldest and finest homes in the Borough.

When the rights to the house were relinquished it was demolished. The land was then incorporated into the Park.

History of the park

Very little was done to develop the park during the years of the First World War. Later the land was cleared and levelled in preparation for its transformation into a recreation ground. A rockery was built, plants, shrubs and trees donated, paths formed and the sum of five hundred pounds (\$1000) was raised by voluntary contributions for the provision of children's play equipment.

All was ready for the official opening by the governor-general, Lord Jellicoe of Friday 2 December 1921. The ceremony, held in brilliant sunshine was attended by residents of Mt Eden and pupils of local schools – Mt Eden, Maungawhau, and Edendale.

Mr Potter was always very particular about the conditions under which he had gifted the land, and he vetoed several projects suggested by the council, including tennis courts and Plunket rooms. Access to the rooms is through the park.

During World War II, extensive trenches for use as air raid shelters were dug at Potter's Park. These were covered trenches with trap doors which were left unlocked, until they were vandalised. As part of the war effort, the Council cultivated Potter's Park, growing beans, beetroot, lettuce and potatoes, which were sold in patriotic shops in the Borough. One crop of potatoes was estimated to be 14 tons. Mt Eden Borough Council was the only municipal authority in NZ to foster such a scheme.

3.0 Description of Potter's Park

3.1 Location

Potter's Park is a 3.0 ha reserve located on the north-eastern corner of Balmoral and Dominion Road intersection in Mt Eden. Commercial development is located on the other three corners of the intersection.

A location plan is attached as Appendix A to the Management Plan.

Adjoining Land Uses

Residential properties with frontage to Dexter Ave and Tenterden Ave adjoin the northern and eastern boundaries of the park.

Balmoral Plunket rooms are located on Dexter Ave backing onto the Park. Pedestrian access to the rooms is available via the park. The Plunket rooms are not included in the Management Plan though regard is given to the access requirements.

3.2 Access

Pedestrian access to the park is gained from Balmoral and Dominion Road. There is no vehicle access to the park. Parallel parking is available along the Balmoral Road frontage. There is also a bus stop outside the park on Balmoral Road.

3.3 Geology

The early lava flows from the volcanic cone of Maungawhau (Mt Eden) spread to the south-west around the hill that now forms Potter's Park; the summit of which remained island-like in a black rocky terrain when other lava poured north from the Three Kings volcano.

Potter's Park consists predominantly of Waitemata series clay.

3.4 Protected trees

The park contains a number of trees which are scheduled as protected items in the Auckland City Proposed District Plan (Isthmus Section). The protected trees consist of Radiata Pines, Queen Palms (2), and Phoenix Palms (2). The trees are registered as Category C which applies to trees of visual amenity value.

Although the District Plan records the number of protected Radiata Pines as 16, there are actually only 12 trees left.

3.5 Physical features

The ground slopes up from Balmoral Road to the rear of the park.

3.6 Present use

The park is used for informal recreation.

Currently the park is developed as follows:

- concrete walkways
- playground equipment
- band rotunda
- picnic tables
- rubbish bins
- park seats
- staff facilities building
- toilets and mothers' room
- goal shooting practice area
- community notice board
- sealed area adjacent to playground
- lighting
- planting

There are no existing leases or tenancies.

The park is well-identified by signage. There are three signs along the Balmoral Road frontage, one sign on the Domain Road frontage, and a sign at the corner of Balmoral and Dominion Roads.

4.0 Management framework

4.1 Titles and administration

Potter's Park comprises 3.0111 ha owned by Auckland City Council. A copy of the title is included as **Appendix C** to this Plan.

The land is classified 'Recreation Reserve' in accordance with the Reserves Act 1977, and the classification is notified in the NZ Gazette, 22 October 1981, No 122, p2927.

The park is administered by the Parks Management of Auckland City under the guidance of the Recreation and Community Services Committee.

Deed of GIFT

Potter's Park is subject to a Deed of Gift which:

- 1 restricts the disposal of the land which would exclude free public use
- 2 does not allow any buildings for obtaining revenue
- 3 requires the land to be maintained as an open space public park

A copy of the Deed of Gift has been included as Appendix E to this plan.

4.2 Legislative framework

Potter's Park is managed in accordance with the following main acts and legal instruments:

- The Reserves Act 1977 and this Management Plan which is prepared under the Act;
- The Resource Management Act 1991, and instruments prepared under this Act including the Auckland District Plan (Isthmus Section). The park is zoned Open Space 2 (informal recreation) in the District Plan;
- Auckland City By-laws.

There is an existing Management Plan for the reserve. It was adopted by the Mt Eden Borough Council in 1989. The Plan is very detailed and in need of review. Information and policies contained in the existing Management Plan have been used as a basis for preparing the new reviewed plan.

District Plan Controls

Potter's Park is subject to the following District Plan controls:

Auckland City Operative District Plan (Mt Eden Section)

Map Reference:	1b
Zoning:	Recreation/Open Space
Other:	Scheduled trees (160) – 16 Radiata pines, trees of historical value Arterial road – Balmoral and Dominion Roads Intersection control area

Auckland City Proposed District Plan (Isthmus Section)

Map Reference:	E07
Zoning:	Recreation 2
Other:	EO7-05 Scheduled trees, Category C (visual amenity value) Radiata Pine (16) Queen Palms (2) Phoenix Palms (2)

Regional arterial road – Balmoral and Dominion Roads

4.3 Process for Preparation of the Management Plan

In accordance with the requirements of the Reserves Act 1977 (section 41), preparation of this Management Plan follows the process outlined below:

- Public notification that a Management Plan is to be prepared, calling for initial public submissions

- Draft Plan prepared
- Draft forwarded to Community Board, and to local Iwi
- Draft publicly notified, and public submission called for. A public meeting held to explain the Plan and answer questions
- Analysis of submissions and recommendations for change or modifications to the draft;
- Council hearing of submissions
- Final Management Plan approved and publicly available
- The Management Plan is subject to continuous review as required

4.4 Strategic Plan

One of the five dimensions identified in the Strategic Plan is to have a city which is alive and exciting. Methods identified within the Strategic Plan as part of the 'plan to get there' include the following statements of relevance to the current Management Plan:

- Develop a regulatory and concession policy that increases people's enjoyment of public space;
- Provide recreation equipment for casual use; emphasis on developing more grassed open space for casual sport and recreation;
- Extend walking and cycling networks;
- Create pocket parks and other public places in commercial and industrial areas;
- Upgrade and maintain safe, clean public conveniences.

4.5 Iwi consultation

The draft Management Plan was submitted to the Iwi for their input.

4.6 Submissions

Seven submissions were received following notice of the intention to prepare a Management Plan. A synopsis of each is included in Appendix B1.

Once the draft Management Plan was prepared and advertised for public comment, an additional three submissions were received. Comments were also received from Ngati Paoa and the Ngai Tai Ki Tamaki Tribal Trust. A synopsis of each is contained in Appendix B2.

Part Two: Management

1.0 Management objectives

- 1 To abide by the integrity and spirit of the original deed of gift.
- 2 To maintain the traditional character of the park.
- 3 To maintain and operate an attractive, safe amenity for the benefit and enjoyment of the community.
- 4 To provide a pleasant environment where children may safely play.
- 5 To recognise the use of the reserve as a multi-ethnic leisure environment.
- 6 To protect and enhance the botanical diversity of the park.
- 7 To promote knowledge of flora.
- 8 To encourage birdlife within the reserve.
- 9 To recognise and promote cultural integrity and mana of the Tangata Whenua of Maungawhau and environs.

2.0 Policies

2.1 Leases and Tenancies

Policy 1

Ensure that no leases or tenancies are entered into

Notes:

This is in keeping with the spirit of the Deed of Gift.

2.2 Sports

Policy 2

Continue to consider on an annual basis the application by the Auckland Rugby Football union – Junior Board for use of the park for children's seven-a-side rugby games.

Policy 3

Encourage the use of the large open space in the centre of the park for casual and impromptu sports activities.

Policy 4

Ensure that adult competition team sports are not permitted.

Notes:

- A For many years the Auckland Rugby Football Union – Junior Board has been granted the use of the large open space in the centre of the park for children’s seven-a-side rugby games. In line with Mr Potter’s wishes, no charge is made for this use.
- B The football field is not full-sized, nor does it have permanent goal posts. Touchlines are marked out.
- C While Potter’s Park is not a sports ground for organised sports it is often used for casual and social sports.

2.3 Fetes, fairs, galas and events

Policy 5

Permit a limited number of organised activities such as fairs, fetes, galas, church sports days each year.

Policy 6

Ensure that priority is given to Council/Community Board festivals over commercially run festivals and activities

Policy 7

Ensure that only approved public events are held in Potter’s Park having been assessed against the following criteria:

- Appropriateness for this location
- The potential impact on the local business and residential areas;
- The duration of the event;
- The contribution which the event would make to the local area;
- The scale of the proposed event;
- The extent of any associated road closures;
- Potential conflict with other Auckland City policies.

Policy 8

Ensure that all events comply with conditions set by Auckland City.

Policy 9

Ensure that appropriate notification of events is given to residents, business and community groups within the vicinity of the park.

Policy 10

Ensure that no applications for use of Potter's Park as a circus venue are considered.

Notes:

- A Due to its location Potter's Park has proved a popular venue for organised activities such as fetes, fairs, galas, etc. A limited number of this type of event will be permitted each year, at the Council's discretion. Each application will be considered on its individual merits. Special conditions to protect the reserve may apply. The Council may make a nominal charge to cover expenses, such as supervision of electricity, overtime payment for parks' staff, cleaning, rubbish removal etc.
- B Approval is given for 6-10 events of this nature each year.
- C Council organised festivals etc. are not allowed as of right, but are also subject to application.
- D Commercially run festivals/activities are deemed to mean any money making venture whether for private or charity gain.
- E All applicants shall be made in writing to council.

2.4 Access

Policy 11

Ensure that no off-street parking is provided within the reserve.

Policy 12

Investigate the construction of a recessed parking bay on the Dominion Road frontage to provide for additional parking facilities adjacent to the Plunket. Such a parking bay would be located within the road reserve, not within Potter's Park.

Policy 13

Restrict vehicular access to those vehicles servicing the park, and the adjacent Balmoral Plunket rooms.

Policy 14

Maintain existing pedestrian accessways to permit movement into and within the reserve.

Policy 15

Ensure that pedestrian access to the Balmoral Plunket Rooms is retained, maintained and well lit.

Policy 16

Construct any new pathways with all-weather surfacing and in locations which have regard to public safety.

Policy 17

Investigate the provision of an accessway to Potter's Park from neighbouring Dexter Ave.

Notes:

- A In the main, existing pathways systems within the reserve provide adequate access without excessive intrusion onto the grassed open areas. However the existing paving network could be moderately adjusted to provide a flowing circuit around the large open space.
- B The Council will look at the feasibility of purchasing a strip of land from a neighbouring Dexter Ave property on which to construct a walkway. This in time, could act as part of a link through to Taylor's Park.

2.5 Buildings

Policy 18

Ensure that only buildings or structures required for the following purposes are constructed:

- Public toilets; shelters
- Observation areas, viewing platforms
- Gazebos, pergolas
- Community notice board

Policy 19

Ensure that any new building/structures complement the park in terms of their

scale, design, and location.

Policy 20

Remove the staff facilities building located along the eastern boundary of the park.

Policy 21

Upgrade the existing playground in compliance with health and safety standards.

Policy 22

Develop a toddlers'/preschoolers' play area. A possible location is identified on the concept plan which is included as Appendix D to this Plan.

Policy 23

Locate adventure playground equipment on the Park. A possible location, which requires further detailed consideration, is identified on the concept plan which is included as **Appendix D** to this Plan.

Policy 24

Install special items of play equipment for the use of disabled children where there is a recognisable need.

2.6 Furniture

Policy 25

Provide additional seating if required.

Policy 26

Provide family barbecue facilities and picnic tables in sheltered areas, as required.

Policy 27

Provide additional rubbish containers if required.

Notes:

- A The park is currently well provided with seating, picnic tables in sheltered areas, as rubbish containers.

2.7 Lighting

Policy 28

Retain amenity lighting, for the safety of park users.

Policy 29

Ensure that no floodlighting is installed.

2.8 Fencing and boundaries

Policy 30

Fence all boundaries with neighbouring properties.

Policy 31

Repair and maintain dry stone boundary walls.

Notes:

- A The provision of the Fencing Act 1978 shall apply to any new fences.
- B Boundary fencing with neighbouring properties will be of uniform design and low visual impact wherever possible.

2.9 Signage

Policy 32

Display the name of the park in a prominent place.

Policy 33

Erect a bronze plaque to commemorate the gift of the park by Mr FS Potter.

Policy 34

Install park information signs as required.

2.10 Animals

Policy 35

Permit dogs on leashes in the park.

Policy 36

Permit no other animals. Provided that special permission may be applied for from the Council if, for instance, organisers wish to provide children's pony rides or similar at a particular fete, fair, gala, or event.

2.11 Vegetation

Policy 37

Undertake judicious planting where necessary:

- to add to the amenity of the reserve;
- to replace unsuitable plantings;
- to provide shade and shelter;
- to improve the habitat and food supply for birds

Native species are preferred and should be used wherever practicable.

Policy 38

Undertake tree surgery and thinning if existing vegetation when and where necessary:

- for safety reasons;
- where overcrowding occurs;
- to improve the appearance of trees and large shrubs

Policy 39

Undertake a tree replacement programme using suitable species to ensure a continuity of mature trees on the reserve. Native species are preferred and should be used wherever practicable.

Policy 40

Maintain shrubs and other plantings along the Balmoral/Dominion Road corner of the park to provide some protection from the prevailing westerlies and screening from the busy road.

Notes:

- A Some of the existing mature pine trees show signs of decline and stress. It is desirable to implement a replacement programme so that new trees are developing as old trees decline.

2.12 Reserve maintenance

Policy 41

Mow grassed areas regularly.

Policy 42

Trim hedges and tend plantings / gardens regularly.

Policy 43

Regularly inspect and service children's play equipment and safety surfaces to ensure the safety of users.

Policy 44

Maintain play equipment in an attractive condition including use of bright colours where appropriate.

Policy 45

Service toilets and associated service areas daily to ensure a high standard of cleanliness and hygiene.

Policy 46

Inspect all park furniture regularly, and undertake repairs, refurbishment or replacement as necessary.

Policy 47

Service rubbish containers daily.

Policy 48

Maintain buildings in a good state of repair.

2.13 Future development

Policy 49

Ensure that future development is in accordance with the concept plan prepared for the reserve. The concept plan is included as Appendix D to this Management Plan.

Policy 50

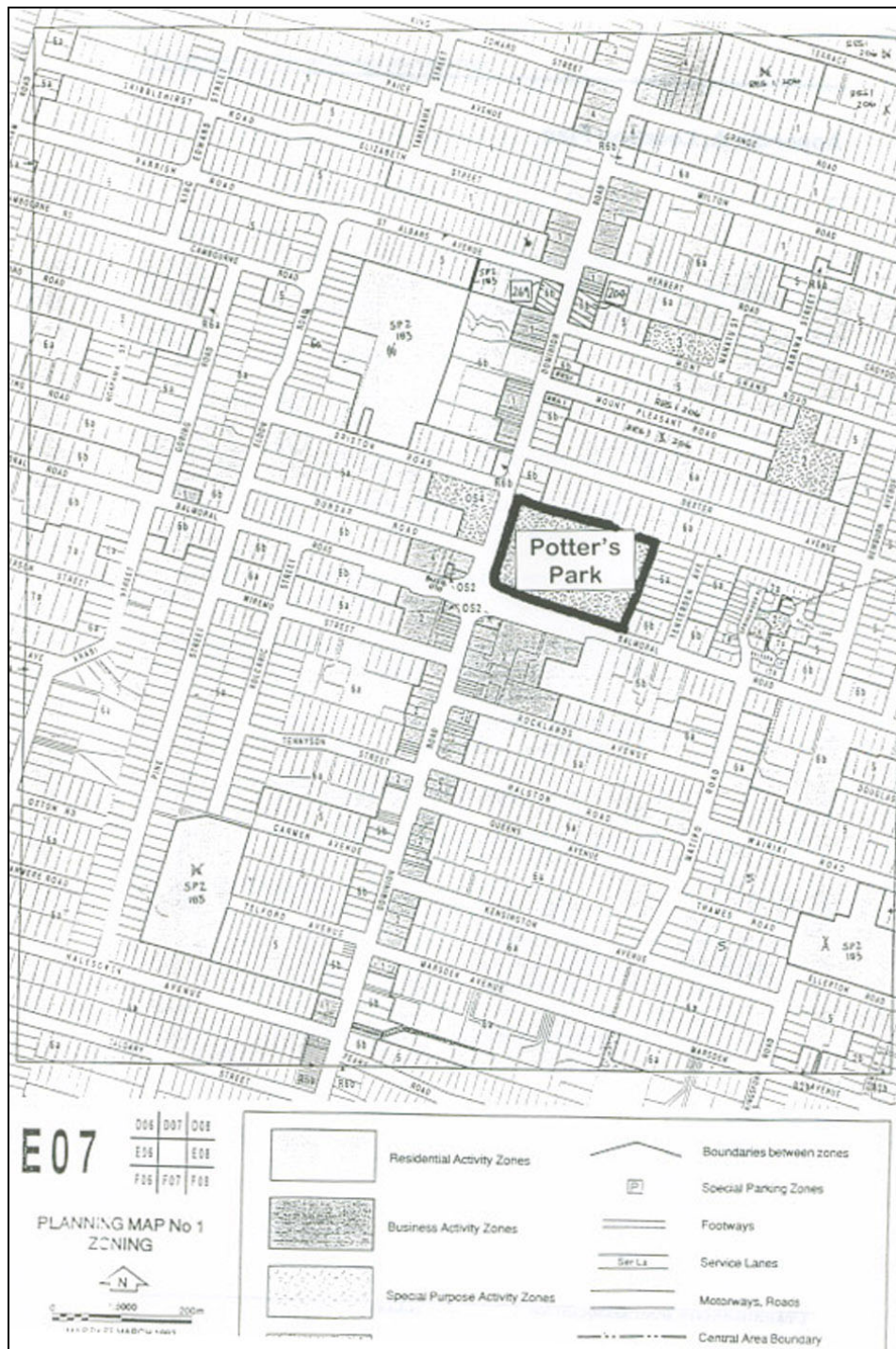
Consult with park users for their comments on the concept plan.

Notes:

- A It is not the Council's intention to clutter the park with gardens, play equipment, furniture etc. Care will be taken not to encroach excessively onto the central grassed area.
- B No major reshaping of the present contours is envisaged. Where it is necessary to undertake earthworks, care will be taken to restore the area in harmony with the existing landform.

Part Three: Appendices

Appendix A - Location Plan



Appendix B1 - Summary of submissions received in response to Notice of Intention to Review the Management Plan

L Cormack, 6 Dexter Ave

- removal of magpie from park – adverse impact on native birdlife
- planting of native trees eg kowhai, flax, karaka, for native birds

Auckland Deaf Society Inc

- currently redeveloping building

R Cochrane, Dexter Ave

- walkway access to park for adjacent residents
- separate area of play equipment for younger children (under seven)

M McCool, 49 Dexter Ave

- play equipment to comply with Hillary Commission guidelines
- fence play area (it is close to two busy roads)
- existing parking is limited and hazardous (especially when getting children out of cars)
- play area exposed to wind and traffic noise
- consider shifting play area to an alternative location within the reserve

M&S Adams, 4 Tenderden Ave

- opposed to further development
- maintain the park as grassed area
- remove unused building located on the southern edge of the park

DL Walker, 17 Balmoral Rd

- provide bird bath in a location protected from vandalism (eg on the roof of the toilet block)

Appendix B2 - Summary of submissions received to Draft Management Plan

Submission 1, L Cormack, 6 Dexter Avenue, Mt Eden

- Supports Policy 17 regarding investigation of the provision of an accessway to Potter's Park from the neighbouring Dexter Avenue.
- Suggests the staff facilities building located along the eastern boundary of the park could be used for environmental education rather than be removed as provided for in Policy 20;
- Provide screening between the children's playground and the road;
- Exclude dogs from park;
- Remove magpies from park as they are a threat to native birds.

Submission 2, L Smith, 40 Hobby Avenue, Birkenhead

- 2.0 History (page 1), insert an additional sentence giving further information as follows: "FS Potter acquired Title to the land in 1907 from Miss Ellen Barnes, whose grandfather James Paice purchased the land in 1862. In November 1909 Ellen and Mr Potter married. Ellen died in December 1912 shortly after the death of their newborn baby".
- 2.0 History (page 1), 7th sentence, add the word 'second' to read "he was survived by his second wife, Mary Elizabeth".
- 2.0 History (page 2), change to read "located in the north west corner" instead of "located on the plateau on the northern boundary".
- 2.0 History (page 2), delete the reference to the fire to read "it was demolished in 1938" instead of "it was demolished when it caught fire in 1938".
- 2.0 History (page 2), there is a word missing from the sentence "later the land was cleared and levelled in preparation for its into a recreation ground."
- The area was identified as a suitable site for and adventure playground may require drainage as well as a path for access.

Submission 3, DL Walker, 171 Balmoral Road, Mt Eden

- Allow magpies in the park.

Comments from Ngati Paoa

- 1.0 Management Objectives (page 7) add a new objective "to recognise and promote the cultural integrity and mana of the Tangata Whenua of Maungawhau and environs".
- 2.4 Access, Policy 16, amend by adding additional words to read as follows "Construct any new pathways with all-weather surfacing but ensure they are constructed in open space areas." This is to ensure public safety, especially for children.

- 2.5 Buildings, Policy 19, prohibit new buildings.
- 2.5 Buildings, Policy 22, possible site for adventure playground is not suitable as the nearest boundary separates the housing area from the park, and the trees surrounding could prove dangerous to children not monitored by parents or an adult.
- 2.11 Vegetation, Policy 37, replace unsuitable plantings with native trees for shade and shelter and to improve the habitat and food supply for birds.
- 2.11 Vegetation, Policy 39, tree replacement programme to be specifically native trees.
- 2.12 Reserve Maintenance, upgrade existing toilet facilities.

Comments from Ngai Tai ki Tamaki

- Have no concerns with the current and intended purpose of the management policies and endorse that an open space, public park be maintained and look forward to receiving a copy of the final approved management plan.

Appendix C - Certificate of Title

NEW ZEALAND.

(Form B.)
185

Application 4494

Reference: Vol. folio
Transfer No.

Register-book
Vol. 143 folio 185

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT.

This Certificate, dated the eighteenth day of September, one thousand nine hundred and nineteen, under the hand and seal of the District Land Registrar of the Land Registration District of Auckland, Witnesseth that Synderick Seymour Potter of Auckland in New Zealand Coach Driver

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or indorsed hereon; subject also to any existing right of the Crown to take and lay off roads under the provisions of any Act of the General Assembly of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereon, bordered about, be the several admeasurements a little more or less, that is to say: All that parcel of land containing about two acres and two roods and four perches more or less being part of allotment 25 of section 13 in the suburb of Manurewa bounded as shown in a plan deposited in the Land Registry Office at Auckland under of 1904

(D. Williams)
District Land Registrar

7 2 21
30 5 10
7 1 30 4

106

107

Scale 5 chs. to an inch.

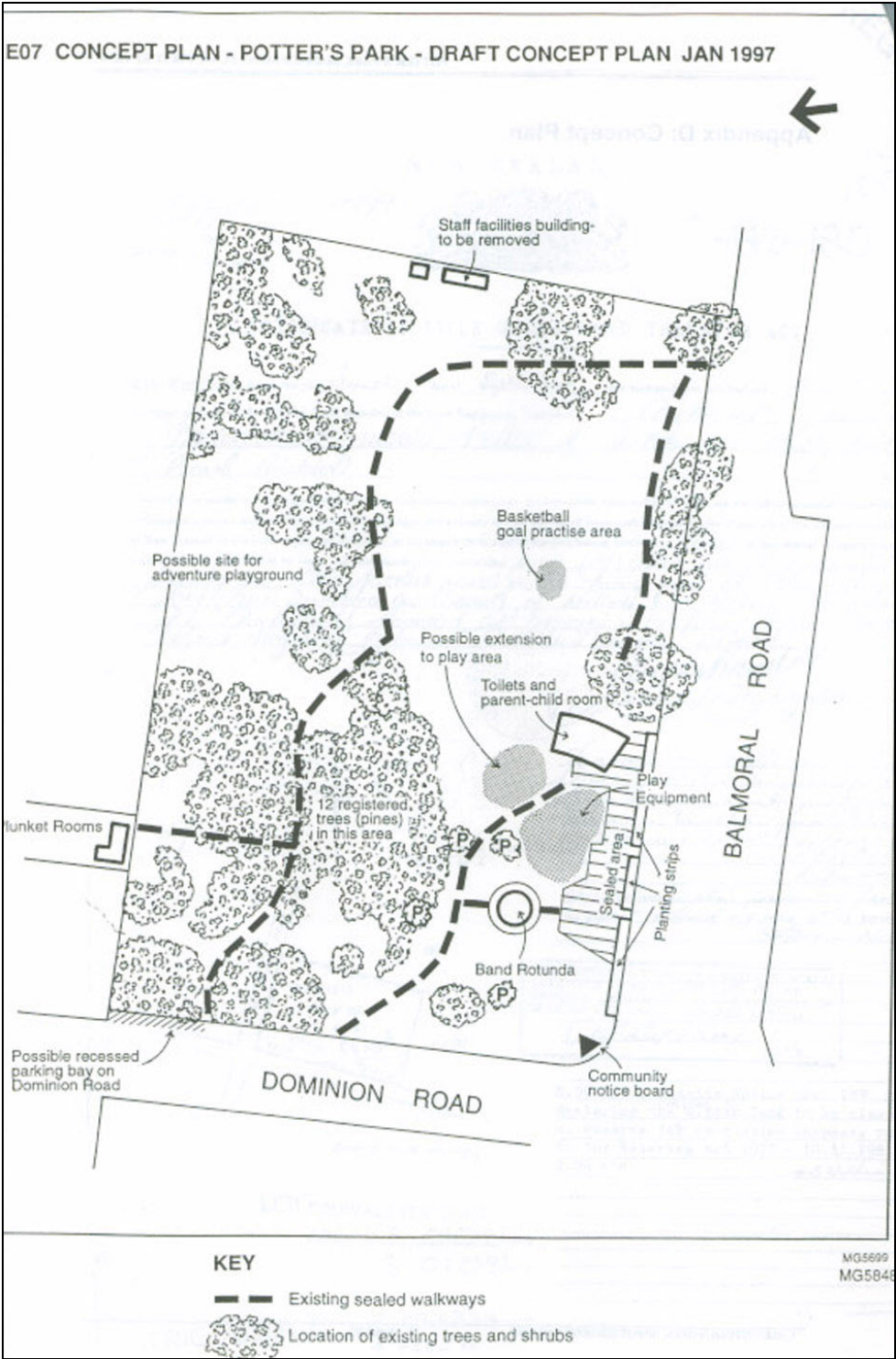
NET EQUIVALENT METRIC
AREA IS 3.0108ha
3.0108ha

METRIC AREA IS 3.0882ha
3.0882ha

THIS REPRODUCTION (ON A REDUCED SCALE)
CERTIFIED TO BE A TRUE COPY OF THE
ORIGINAL REGISTERED FOR THE PURPOSES OF
SECTION 215A LAND TRANSFER ACT 1952.
D.L.R.

B.001213.1 Gazette Notice (No. 122, p. 2927)
declaring the within land to be classified
as reserve for recreation purposes pursuant
to the Reserves Act 1977 - 10.11.1981 at
2.24 o/c
S. Williams
A.L.R.

Appendix D - Concept plan



Appendix E - Deed of Gift

The original document gifting Potter's Park to the people of the Borough of Mount Eden was handwritten. The document reads as follows:

To all to whom these presents shall come

The Body Corporate called The Mayor Councillors and Burgesses of the Borough of Mount Eden (hereinafter called "The Corporation") Sends Greeting WHEREAS Fredrick Seymour Potter of Mount Eden near the City of Auckland in New Zealand Coachbuilder (hereinafter called "The Donor") being registered as proprietor of the parcel of land more particularly described in the first part of the Schedule hereunder written by Memorandum of Transfer of even date wherewith transferred to and vested in the Corporation all his estate and interest being an estate in fee simple in the said piece of land absolutely AND WHEREAS such transfer was executed in pursuance of and to give effect to a Gift made by the donor to the corporation of the said parcel of land for the purpose of a Public Park or pleasure ground but upon and Subject to the conditions and trusts hereinafter declared respecting the same NOW THESE PRESENTS WTINESS and the Corporation doth hereby declare that the Corporation holds the said lands hereinbefore mentioned upon the trusts following:

- 1 THAT subject to the provision of paragraph (4) hereof the said land shall be at all times hereafter be held by the Corporation as an open space as a Public Park or pleasure or recreation ground for the benefit of the public.
- 2 That the Corporation shall not at any time let or dispose of the said land or any part thereof so that the public shall be excluded from the free use and enjoyment thereof nor shall the Corporation build or allow any person or persons or Corporation to build upon the said land for the purpose of producing or obtaining revenue from the user of any such building.
- 3 That the Corporation shall not be at any time hereafter nor shall any Body Corporate or Local Authority for the time being governing the District I which the said land is situated seek legislation or endeavour to procure the passing of any Act of Parliament whereby the trusts upon and subject to which the Corporation holds the said land maybe in any way varied or altered.
- 4 That the Donor for himself and his Wife (if any) and also his brothers William Smith Potter and Herbert Edward Potter and the survivors or survivor of them shall have the uncontrolled possession of and the right at all times hereafter during their respective lives to exclusively use and occupy and enjoy the piece of land being part of the said land above mentioned and more particularly described in the second part of the Schedule hereto together with the Dwellinghouse erected thereon free of all rates taxes charges and other assessment whatsoever the Donor having the right to declare which of the said persons shall be entitled for the time being to the use occupation and enjoyment of the said land and dwellinghouse in this paragraph mentioned. Provided that in the absence of any such direction the Donor shall have the first right to the use occupation and enjoyment of the said land and Dwellinghouse during his life and thereafter the Donor's wife (if any) during her life and thirdly the said William Smith Potter and Herbert Edward Potter jointly and lastly the survivor of them during his life.
- 5 That if the building erected upon the said land shall at any time be destroyed or damaged by fire during the time that the same shall be occupied by or the right to the possession thereof

shall be vested in any one or more of the persons mentioned in the last preceding paragraph any money received under any Policy of Insurance held by them or any of them over the same shall at the option of the person then so entitled to occupy or the possession of the said land and Dwellinghouse either become the property of such person or the same shall be laid out and applied in re-erecting a building or buildings or repairing the damage in respect of which the same shall have been received as the case may be. Provided that nothing herein contained shall be deemed to require the Corporation to insure the said building against damage by fire or tempest.

- 6 The Corporation may lay out and shall keep and maintain the said land as an open space and as a Public Park pleasure or recreation ground for the use of the public and for no other purpose.
- 7 The Corporation shall have power at all times hereafter and from time to time to make Bylaws respecting the admission of the public the said land described in the First Part of the Said Schedule and generally for the regulation of the said land and premises.
- 8 The Corporation may at any time hereafter with the consent and approval in writing of the Donor vary or supplement any of the conditions powers or trusts herein set forth but so that the general object of the Gift made by the Donor shall be in no way substantially altered In Witness where of these presents have been executed this twenty-sixth say of March 1916.

Schedule referred to (First Part)

All that piece of land being part of Allotment One hundred and seven situate and being in the Provincial District of Auckland containing Seven acres two roods and twenty one perches more or less of the subdivision of Section Ten in the suburbs of Auckland and being the whole of the land comprised in Certificate of Title registered in Volume One hundred and forty three Folio one hundred and eighty five of the Register Books in the Auckland Registry Office at Auckland aforesaid.

The Common Seal of the Body Corporate of the Mayor of Councillors and Burgesses of the Borough of Mount Eden was hereunto affixed by Resolution of the Council of the body corporate at a meeting of the Council of the said Borough held on the Twenty Seventh day of March One thousand nine hundred and sixteen in the presence of

Oliver Nicholson	Mayor
Charles Hudson	Councillor
Ralph D Stewart	Councillor
S Gay	Town Clerk

Signed and Sealed and Delivered by the said Frederick Seymour Potter in the presence of:

George A Gribbin

Solicitor

Auckland

Frederick Seymour Potter

Appendix F - Images from 1989 Management Plan



Figure 1 - Suggested style for proposed building



Figure 2 - Potters Park Festival



Figure 3 - Possible style for park bench

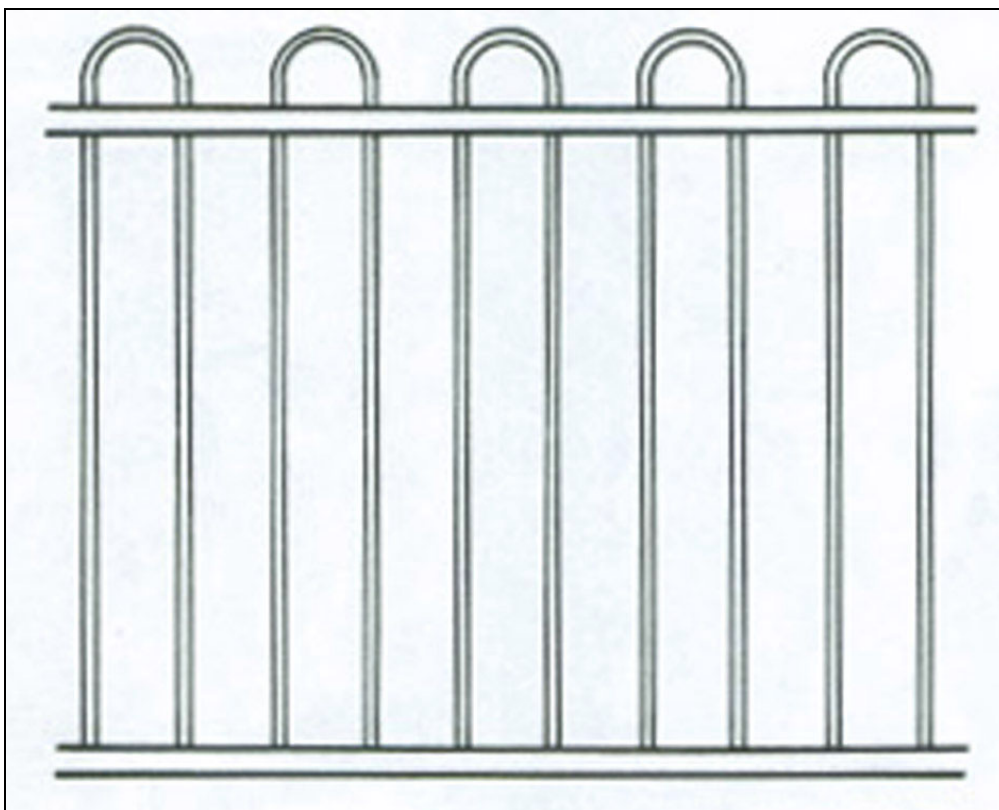


Figure 4 - Suggested style for fence. Loop-top, min 1m high, colour green



Figure 5 - "Soap Box Oratory"



Figure 6 - "Soap Box Oratory"



Figure 7 - Potters Park Festival



Figure 8 - Potters Park Festival



Figure 9 - F. S. Potter



Figure 10 - The Potter Homestead