

Fowlds Park

Management Plan

The reviewed Fowlds Park Management Plan was prepared by the Auckland City Council and approved on 28 April 1992.

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

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1.0 Preface

1.1 Preamble

The Mt Albert Borough Council (by an Order in Council in 1912) was appointed by the Governor General pursuant to the Public Reserves and Domains Act 1908 to be the Mt Albert Domain Board to control what is now Fowlds Park. In 1989 the Mt Albert city Council became part of Auckland City Council, the body now responsible for the control of the park.

Section 26A of the Reserves Act 1977 states that where reserves were controlled by a Territorial Authority before 1 January 1980 they shall without further notice automatically vest in the local authority. There have, however, been difficulties in interpreting the meaning of Section 26A and Section 16(7) of the Act where it relates to local authorities that were appointed as Domain Board which is the case with Fowlds Park. The latest legal opinions (to September 1990) suggest that Section 26A does not apply to Domain Boards and that an amendment should be made and the Reserve remains under the control of Council as Domain Board and not vested in Council.

Therefore, as it stands at present the lease issued by the form Mt Albert City Council to the League Club could be construed as invalid. Section 54 of the Reserves Act briefly states “that local authorities can only issue leases where the Reserve is vested in that local authority”. In all other cases the Minister of Conservation must issue the lease or licence.

A letter dated 23 September 1990 from Kaye Green, Manager (Protection) of the Department of Conservation, Auckland Conservancy Office, contained the undertaking that the author (Ms Green) would recommend to the Regional Conservator that the Reserve be vested in Council by Notice in the NZ Gazette. It would then be necessary for the lease to be re-drafted with the Auckland City Council granting the new lease as soon as a review of the Management Plan was completed.

The lease has subsequently been re-drafted.

This reviewed Management Plan has also been drafted to ensure the following:

- a. That the lease between Auckland City Council and the Mount Albert Rugby League Club conforms with the Management Plan;
- b. That the Plan reflects the current uses of the Reserve;
- c. That it will enable input from local residents.

2.0 Background Information

2.1 Introduction

The Auckland City Council has prepared this reviewed Management Plan in accord with the provisions of the Reserves Act 1977. The original Management Plan for Fowlds Park was made operative on the 27 October 1981.

This review is intended as a practical planning document to ensure the orderly development of the Reserve, to provide for maximum utilisation and enjoyment by all sections of the community to prevent use conflicts, to establish long term aims based on background information and to avoid unwanted development. Where proposals are mooted the document does not go into the detail of the proposal as it is the principal of the works which requires consideration in this document.

2.2 Area and Legal Description

This Plan provides for the overall management of Fowlds Park. For the location of the Reserve refer to map at Appendix III.

The areas and legal descriptions are as follows:

Legal Description	CT	Acquisition
Pt Allot 176 and Allot 177 Section 10, Suburbs of Auckland Block XVI Waitemata Survey District Area: 11.9382 ha	Allot CT 740/154	The Mt Albert Borough Council (by an Order in Council in 1912) was appointed by the Governor General pursuant to the Public Reserves & Domains Act, 1908 to be the Mt Albert Domain Board. Auckland City Council has inherited this function from the now dissolved Mt Albert City Council.
Lot 26 DP 22629, Pt Allot 171 of Section 10 of the Suburbs of Auckland Area: 126 square metres	Balance of CT 65/189	
TOTAL AREA OF RESERVE: 11.9508 ha		
Both Classified "Recreation Reserve" (Gazette, 14 February 1980 No 10 page 314)		

2.3 History

Previously an Asylum endowment, the land was transferred to Mt Albert Domain Board in 1912 in exchange for Council land adjoining the Avondale Mental Hospital. The land was first named Morningside Reserve and used as a garbage tip until the 1930's depression when it was drained by Government relief worker and in 1933 renamed Fowlds Park as a tribute to Sir George Fowlds who, as Minister of Health, had arranged the original transfer with the Council land at Avondale.

Whilst the Reserve came under the control of Council, acting as the Domain Board, it was never vested in Council. This 1991 review will enable the Reserve to be vested in Council.

The Mt Albert Rugby League Club has been using the Fowlds Park grounds since before the Second World War. Other early uses of the Reserve included hockey, tennis and croquet.

In the in 1950's the Council erected a pavilion with changing room and toilet facilities which were used by the League Club, the building was reconditioned and strengthened to take another storey. The Club subsequently constructed a second storey over the existing pavilion and leased from Council this new first floor facility. The building was again altered and extended by the League Club in 1971.

In 1981 the Club obtained a licence to sell liquor.

On 1 September 1989 Council received a Notified Planning Application to alter and extend the existing clubrooms.

Consent was granted to this application on 27 February 1990 subject to 18 conditions. Amongst other things these conditions significantly reduced the increased floor area sought, required extra

car parking to be provided and imposed a number performance criteria to ensure the amenity of neighbours was not compromised.

The League Club leases the land on which the clubrooms are built and the clubrooms and dressing rooms beneath from the Council. The Club also has right to sue three adjacent playing fields from April to August.

Summer uses of the three playing fields were confined, in the main, to softball. More recently the Mt Albert Ramblers Softball Club has used the grounds during the summer months (November to March). The Reserve has also been occasionally used by the Marching Association.

The rocky Nook Bowling Club became established in the north-eastern part of the Reserve in the mid 1950's taking over an area previously used as tennis courts and croquet greens. Pavilions for both the men's and women's divisions of the Bowling Club were provided during this period. The ladies' pavilion was extended in 1963 and 1975 while a major extension of the men's pavilion was constructed in 1976.

Further small extensions occurred in 1986. The Club maintains the greens. The ground floor of the men's pavilion is currently sublet to the Mt Albert Contract Bridge Club.

2.4 Zoning

The park is zoned Recreation 3 in the City of Mt Albert District Plan, approved third review (1989). This zone provides for larger areas of open space which contain sports fields and similar outdoor recreation facilities.

Clubrooms and similar buildings are permitted as a conditional use.

The Scheme at 6.03.2 Policy – Conditional Uses, states the following:

“To provide for major buildings related to the use of land, and the night time use of outdoor recreation facilities for sports purposes in the Recreation 3 and 4 zones, as conditional uses because such uses may not be appropriate on every site or may require special conditions to minimise adverse effects to adjoining residential and use of such buildings will depend on the size of the site in question and the traffic implications in each case. Generally buildings in a Recreation Zone will only be permitted if they are directly related to a specific use of the land or in relation to the control and maintenance of the land. Guidelines are listed in conjunction with the conditional uses identifying specific criteria which will assist in the determination of site suitability and matters requiring specific restrictions and conditions.”

2.5 Description

2.5.1 Location (refer map at Appendix I)

Fowlds Park is situated in the northern part of the suburb of Mt Albert and is bounded to the north by Western Springs Road, to the west by Malvern Road, and to the south and east by residential properties in Brewster Avenue, Malvern Road, Rocky Nook Avenue, Parkhill Road and Wolseley Street.

2.5.2 Physical Description (refer map at Appendix II)

The park is roughly rectangular in shape and of an irregular topography dropping in several stages from its highest point along the northern boundary defined by Western Springs Road. A bank covered by an extensive stand of mature gum trees falls away sharply from Western Springs Road to the main park driveway linking the Malvern Road and Rocky Nook Avenue vehicular access points.

The land drops again on the southern side of the driveway down a planted and landscaped bank to a centrally located playing field, at the western end of which stand clubrooms. A sealed area around the clubrooms is provided for car parking. Two playing fields are situated adjacent to and on the southern side of the first, again at a lower level. A secondary unsealed no-exit driveway runs from the west of the sports pavilion southwards and then eastwards between the lower playing fields and the southern boundary terminating at the Malvern Road end of the park. This road is not available to the general public. It is blocked by a locked obstruction at its exit from the car park. Situated on this road near the southern boundary of the Reserve is a small accessory building which is used as a storage shed for maintenance equipment.

The eastern entry to the Park is dominated by a memorial gateway dedicated to Sir George Fowlds. Immediately to the north of the gateway are the three bowling greens and two pavilions of the Rocky Nook Bowling Club. To the south and west of the gateway is a grove of mature trees and a landscape rock outcrop.

At the western end of the park, separated from the main sports fields by a stand of poplar trees, is a smaller informal playing field below which on its southern side is a grassed and tree covered area accommodating in one corner a small sealed children's playground.

Beyond this, in its south-western corner, the park rises steeply up a tree covered bank to adjoining residential properties.

Apart from the areas used for playing fields and vehicular access the park is liberally endowed with many mature trees both native and exotic. Picnic tables are provided at various points throughout the Reserve.

2.5.3 Access (refer map at Appendix II)

Vehicular access to the Reserve is provided from Malvern Road and Rocky Nook Avenue, a road through the park connecting these two access points. Pedestrian access is available from Malvern Road and Brewster Avenue. Further pedestrian access to the Rocky Nook Bowling Club at the eastern end of the park is available from Wolseley Street and from Western Springs Road via a walkway.

2.6 Uses and Facilities

2.6.1 Role

Fowlds Park is of local and sub-regional significance primarily because of the existing uses and facilities relating to organised sports activities. In addition, the park fulfils a passive/casual recreation role of local significance.

2.6.2 Private Uses

- Mt Albert Ruby League Club (see map at Appendix III)

The Club's Lease of the clubrooms is for 10 years terminating on 31 March 1993. A right of renewal for a further 10 years is available to 2003.

The Lease is subject to annual rent reviews and covers an area of 378 square metres. The Lease also gives the Rugby Club the use of the three playing fields (shown on the map at Appendix II) during the five months April to August inclusive, subject to payment of such rental as is fixed annually by Council.

NOTE: Council is responsible for the maintenance of the playing fields and necessary marking during the winter season.

The pavilion is used for meetings, socials and indoor recreation. No use of the pavilion or playing fields is permitted on any Sunday without the express consent of Council. Any proposal for subletting must also have Council approval.

Use of the clubrooms is further constrained by a number of conditions of consent imposed by planning consent granted by Council on 27 February 1989.

- Rocky Nook Bowling Club (see map at Appendix III)

This Club leases a land area of 7082m² in the eastern part of the Reserve, the current Lease expiring on 31 July 1999. The Lease is subject to rent review at five yearly intervals. There are two divisions of the Club for men and women, each with its own pavilion fronting on to the three bowling greens. Responsibility for the maintenance of both grounds and buildings rests with the Club.

The men's pavilion is a two-storey structure comprising a first floor lounge, bar, kitchen and storage area. The Club was granted approval for the operation of an ancillary licence from this pavilion in 1978. The lower level of the men's pavilion has been sub-let to the Mt Albert Contract Bridge Club since 1978. The ladies' pavilion is a single storey structure only, and is situated to the north of the men's pavilion.

- Mt Albert Ramblers Softball Club

This Club has a Lease for 10 years terminating on 31 March 1993. This permits use of the three playing fields from November to March inclusive, subject to various conditions, and use of the ground floor of the clubrooms lease to the Mt Albert Rugby League Club subject to a separate agreement between the respective Clubs. Their Lease is subject to annual rent review.

2.6 Public Uses and Facilities

With the exception of the land leased to the Rocky Nook Bowling Club, the grounds contained within the Park, when not in private use, are available to the general public for casual active or passive recreation. Public facilities within the park include a children's playground to the west near the Asquith Avenue boundary, and picnic benches sited at various points throughout the Park.

2.7 Adjoining Land

All land adjoining the Park is zoned residential, accommodating in the main single family dwellings.

2.8 Management

The Park comprises Crown Land – controlled by the Mt Albert Domain Board, the responsibility for its management and administration rests with Auckland *City* Council as successor to the Domain Board. Organisations having use of parts of the Reserve by lease or other tenancy agreements may be responsible for some management and control functions in accordance with their respective tenure documents.

3.0 Objectives

3.1 Function

To preserve and manage the whole of Fowlds Park in perpetuity as an area for a variety of recreation needs whilst obtaining the best outcomes from the least resources.

3.2 Use

To continue to assist recreational and cultural groups in the promotion and maintenance of their activities whilst recognising the right of individuals to use publicly owned open space as an individual rather than as a member of a private club or other organisation.

To maintain and develop the Reserve in such a way as to encourage its casual and informal usage by the general public.

3.3 Applications

To consider all applications regarding use or development of the Park in terms of this Management Plan and the matters set out in the appropriate District Plan.

3.4 Costs

To ensure lease payments, rentals and any other charges are in accord with the appropriate cost recovery policy of Council applicable at that time.

3.5 Conservation

To conserve and enhance the landscape by planting, landscaping, effective management, proper control and such other measures which may be necessary to ensure a pleasant setting in harmony with the environment.

3.6 Buildings

To prevent the loss of significant areas of open space by the encroachment of buildings on Reserve land.

3.7 Land Use Impact

To minimise any possible conflict between activities on the Reserve and adjoining land uses.

4.0 Policies and Explanation

4.1 Council Facilities and Amenities (Toilets, Walkways, Signs)

4.1.1 Policy

4.1.1.1 Amenities

To provide, maintain and operate, where applicable, existing public amenities and to provide, within current financial constraints, additional amenities as the need arises for the comfort and full enjoyment of users of the Reserve.

4.1.1.2 Maintenance

To provide regular maintenance of public amenities, facilities and grounds situated within the Reserve so as to maximise the enjoyment of these by the general public.

4.1.1.3 Signs

To provide adequate sign posting relating to the Reserve and its facilities.

To assess applications to erect temporary and permanent signs on the Reserve using the criteria set out at Section 4.5.17.7 of this Plan and the matter set out in the District Plan regarding signs.

4.1.2 Explanation

The Council provides a number of facilities on the Fowlds Park Reserve. These including walkways and signs within (and to) the Reserve.

4.1.2.1 Maintenance

Through its Parks Division, Council provides for the regular maintenance of existing amenities and facilities located on reserves with the City. The provision and development of additional amenities to satisfy new needs is of course constrained by the availability of funds. By continual monitoring and assessment of current demands Council endeavour to accommodate any new facilities for which a proven need has been identified.

4.1.2.2 Signs

The provision of public signs indicating amenities sited on public land shall be in accordance with the Auckland City Park Sign System Manual and at the discretion of the Area Manager.

NOTE: Applications for private signs shall be assessed in terms of the criteria set out at Section 4.5.1.7 of this Plan and the matters set out in the District Plan regarding signs.

4.1.2.3 Walkways

Council will provide and maintain existing walkways to increase public enjoyment of the Reserve and where practicable provide new walkways.

4.1.2.4 Toilets

Due to the location and condition of the existing toilets in this Reserve, these were recently demolished by Council.

Council is currently exploring the possibility of making available for public use, the toilets in the ground floor of the Mt Albert Rugby League Clubrooms. Council is prepared to share the cost of this with the Club.

4.1.2.5 Fitness Trail

Council has designed and prepared plans for a fitness trail for Fowlds Park. It is intended to construct this facility when finance permits.

4.2.1 Sports Fields

4.2.1.1 Policy

- To recognise the role of Fowlds Park as an area providing for active recreation and organised sport on formally set out sports fields.
- To honour obligations on existing leases of reserve land for sports fields to private organisations and to ensure the each lessee does likewise.
- Subject to existing lease agreements to ensure that all future allocation of sports fields is at the Council's discretion and subject to such rental charges are at the prevailing rates as are set by Council from time to time.
 - (a) That in considering any future allocation of sports fields, the effect on the neighbourhood is to be taken into account.
 - (b) That the proposed use will be considered in terms of its impact on the field(s) and in terms of accepted turf-culture practice.
 - (c) That the use will be considered in terms of all other permitted use of the fields.
 - (d) That the past history (if any) of the ability of the clubs' administrators in terms of compliance with Council requirements will be considered.

4.2.1.2 Charge Days

To allow clubs which have the use of the Park for sports activities under current leasing or other tenancy arrangements to apply to Council for use of the grounds for up to eight charge days per sports season.

4.2.1.3 Sunday Use

To assess applications from private organisations for the Sunday use of a public reserve in terms of the objectives and policies contained in this Management Plan. In granting consent to any application Council may impose such conditions as it thinks fit to ensure the proper control of the activity and the care and maintenance of the Reserve.

4.2.2 Explanation

Council recognises the importance of sports fields as an amenity to the wider community.

Subject to lease agreements, future allocation of sports fields to private clubs will be done by way of annual rental agreements.

Annual agreements will ensure control of the sports fields remains with the Council at the discretion of the Area Manager. It is considered the capacity of the field in turf-culture terms will

ensure that sports grounds are not over utilised. Clubs with a poor history of co-operation with Council will be subject to conditions of rental/lease agreements which will ensure quick effective are available to Council.

4.2.2.1 Charge Days

Where, under current leasing or other tenancy arrangements, a recreation club has the use of reserve land for sports activities, the Council shall, at the discretion of the Area Manager, grant up to eight charge days per sports season. Where charge days are operated, their main purpose is to enable private clubs to collect funds for the promotion of their activities. While occasionally such uses of a public reserve can be justified by their nature they further restrict usage and must be controlled accordingly.

4.2.2.2 Sunday Use

Under the Reserves Act and the Local Government Act Council is empowered to grant approval to private organisations for the Sunday use of a reserve and the restriction of public entry to a reserve without payment of an admission charge. The necessity for Sunday play usually arises when sports clubs hold tournaments and an extra day is needed o complete play. Also, the need occasionally arises for one day events to held on a Sunday because on Saturdays the reserve is committed to it regular uses.

4.3 Clubs

4.3.1 Policy

To recognise the existing situation and the valid function performed by private clubs and organisations using facilities located on the public reserve.

4.3.1.1 Mt Albert Rugby League Club

To ensure any further application for expansion of the clubrooms or use of the playing fields by the Club does not alienate any further area of the Reserve for public use or cause any further loss of amenity to neighbouring land uses.

4.3.1.2 Rocky Nook Bowling Club Site

To permit not further building extensions on this sited leased by the Club.

4.3.2 Explanation

Fowlds Park is well developed, with its primary function being the provision of organised sports with some allowance for casual recreation. Over an extended period of time the organised sports component provided by private sports and recreation bodies has become accepted. The sports clubs involved lease or rent from Council parts of the Reserve for the accommodation of their activities. Clubrooms, and other amenities have been built on the Reserve at the clubs' own expense although ownership of such facilities is always retained by Council. In most cases it is envisaged that the current uses of this Reserve will continue.

Council will asses applications for new or additions to existing private buildings and applications for new or additional private uses of reserve land in terms of the objectives and policies set out in this Management Plan and in accordance with the relevant provisions of Council's District Plan. Council will further ensure that any new or additional private use of reserve land is consistent with the Reserve's Classification under the Reserves Act 1977.

To ensure that any future application to Council by a private club to extend present facilities or uses, or to establish new facilities or uses, be assessed in terms of the objectives and policies contained in this Management Plan, the appropriate ordinances in the District Plan and in accordance with the Reserves Act 1977.

4.3.2.1 Mt Albert League Club

The League Club has grown steadily over the years. Council has received a succession of application to extend the clubrooms.

The most recent application (1988-89) which extended the size of the clubrooms to its present size was granted subject to the following conditions:

- (a) That the mezzanine floor addition be deleted and that no part of the building exceed a height of 8.3m above ground level.
- (b) That the area of the first floor extension be reduced to 95m² and the open social area within the extension not to exceed 72.5m².
- (c) That a parking plan be submitted showing provision for 56 cars on the existing sealed area beside the pavilion. Six of these spaces may be in a stacked parking arrangement.
- (d) That the required parking be marked out and clearly defined. The parking area to be maintained at all times to the satisfaction of the City Engineer.
- (e) That the gymnasium be for the use of club members only.
- (f) That the gymnasium not be used for social functions.
- (g) That the clubrooms shall not be available for general hire and shall be used in accordance with the definition of “clubrooms” in the Proposed District Scheme Review.
- (h) That any social functions in the clubrooms be so controlled as to minimise annoyance to residents and that they cease at 10:00pm on Sunday to Thursday and midnight on Friday and Saturday.
- (i) That there be no external public address system and that any internal public address system not be audible at the park boundaries.
- (j) That an outdoor rubbish collection area be provided. That this be screened so as not to be visible from adjoining properties.
- (k) That windows to the social area and gymnasium be double glazed and that the walls and roof be sound insulated.
- (l) That the use comply with noise performance standard 4.14.7 of the District Scheme Review. Compliance with this standard shall be certified by a suitably qualified expert and will be required prior to the issue of a Building Permit. Once operational a further certification will be required to confirm compliance.
- (m) That no opening of windows to the social area on the east and south side of the building be permitted.
- (n) That a detailed landscaping and planting plan for that area adjoining the south side of the clubrooms be lodged including the number of species to be planted and their location. Once established the planting and landscaping shall be maintained in general

accordance with the approved landscaping plan at all times. The objective of the landscaping shall be to soften and screen the buildings, as viewed from properties in Brewster Avenue and Malvern Road.

- (o) That the building be painted in a colour that will be compatible with the park surrounds to the satisfaction of the City Engineer.
- (p) That the sprint track be modified or relocated to minimise the loss of open space available for use by the general public. If the track is relocated or no longer required the existing track shall be reinstate in grass.
- (q) That apart from amendments to the floor areas the development comply generally with the plans submitted with the application.
- (r) That the development comply with all other relevant Town Planning and Building bylaw requirements.

It is intended that these conditions will ensure that the use of the clubrooms will not detrimentally effect the amenity of the neighbourhood.

The above conditions were imposed citing the following reasons:

- (1) Council considers that the amount of social area shown on the submitted plans is more than a reasonable adjunct to the main outdoor recreation activity.
- (2) Subject to the reduction in floor area in accordance with the above conditions the proposed development is suitable for the site and the amount of parking that can be provided directly beside the pavilion will be more consistent with the scale of use.
- (3) The amenities of the neighbourhood can be protected by the imposition of conditions regarding hours of use, screen planting and the design and appearance of the building.

Reason number one above clearly states the social function of the clubrooms is as large as is necessary as ancillary to the use of the sports fields on the Reserve.

It is unlikely further extensions of the social function of the clubrooms can be justified on this site.

4.3.2.2 Rocky Nook Bowling Club

In the past several extensions to the existing pavilions have been approved and built, but Council is now of the opinion that given the existing intensive use of the site any further expansion of the Club's activities would create a situation of over development.

There is an inherent contradiction apparent in the use of the Reserve by private groups particularly when their activities restrict the right of the public to use parts of the Reserve on a casual basis. Although the Leases under which the clubs operate generally ensure that most members of the public are eligible for membership provision must nevertheless be made for those people with no interest in the particular activity provided for or in organised recreation generally.

4.4 Club Licenses (Liquor)

4.4.1 Policy

To recognise the sale and consumption of liquor as an ancillary recreation activity, and where appropriate draft new or amend existing leases of reserve land accordingly, provided that;

- (a) No amendment will be made to any lease which will allow use of the clubrooms to exceed or be contrary to the house or use(s) permitted by the relevant planning consent.
- (b) Council is satisfied that the lessee can or will contain the use effectively so as to ensure that there is not encroachment on the rights of other reserve users and/or neighbouring property owners.
- (c) The lessee has obtained a Club Licence in accordance with the relevant provisions of the Sale of Liquor Act 1989.
- (d) Notwithstanding compliance with the objectives and policies contained in this Management Plan, the lessee has complied with Council's Town Planning and Building bylaw requirements relating to any necessary additions or alternations to existing buildings.
- (e) Council may also, in its capacity as owner or landlord of the Reserve, apply such additional conditions as it thinks fit to ensure that the sale and consumption of liquor remains ancillary to the principal recreation activity.

4.4.2 Explanation

The Sale of Liquor Act provides for the granting of Club Licences to private clubs including sporting bodies which have clubrooms or pavilions located on public reserves. Where the Licensing Authority has granted a licence the Council will **usually** amend the lease concerned to permit the use. Council considers the control over the consumption of liquor is in the main adequately covered under the provisions of the Sale of Liquor Act but regardless of the granting of a Club Licence by the Licensing Authority, the ultimate decision as to whether the use is appropriate in any particular case rests with Council as the controlling body of the Reserve. Council may therefore, in its role of owner or landlord of the Reserve, see fit to disallow such a use or to impose additional condition on the lessee particularly where past performance has shown that the lessee has been negligent in respecting the rights of other reserve users and/or neighbouring property owners.

4.5 Future Development and Applications

4.5.1 Policy

To recognise that all parks and reserves are established, provided and maintained primarily for the benefit enjoyment and general recreation of the public at large (hereafter called "public use") rather than particular use by specific bodies, persons or sports whether incorporated organised or otherwise (hereinafter called "private use") and such policy shall especially apply where any such private use may involve the building, extension or modification or any structure or facility on such parks and reserves.

4.5.1.2 Applications

To recognise that Council will consider any application for the private use of a site or area under lease upon its merits subject to any application for such private use complying with the following procedure:-

The applicant shall submit details of the proposal to Council at which stage Council shall, in its capacity as owner or landlord of the park

Either

- i. Disallow the application
- ii. OR where no further Town Planning or other legal procedures are required, allow the application
- iii. OR approve the application for the site or area under lease **subject** to the applicant complying with all Town Planning procedures and Hearings as may be required and all other legal requirements

4.5.1.3 Leases

To honour obligations on existing leases or reserve land to private organisations for clubrooms and buildings and to ensure that each lessee does likewise.

To assess applications for new, or renewal of existing leases in terms of the know performance of the prospective or existing lessee. Where an existing lessee wishes to terminate a current lease or forego any renewal rights Council will consider new applications from organisations of the same or similar character.

4.5.1.4 Rentals

To permit a private sports or other recreation organisation to enter into an agreement with Council to rent reserve land or buildings for recreational activities consistent with the Reserves Classification (see 4.5.2.1 Rentals of this Plan).

4.5.1.5. Development

To ensure the following criteria will be used for the assessment of new proposals relating to either public or private use of reserves:

- (a) The suitability of the proposed use in terms of the Reserve's Classification.
- (b) The anticipated demand for the proposed use and its accessibility to the general public.
- (c) In cases of proposals for non-public use of public open space the effect, if any, on the interests of the public at large.
- (d) The loss (if any) of land available to general public use.
- (e) The encroachment (if any) of buildings onto existing public open space.
- (f) The design and appearance of any proposed new building work be in harmony with the surrounding environment.
- (g) The possible generative effects of the proposed new use, in particular those relating to noise transmission and traffic generation.
- (h) Any possible conflict between the proposed new use or activity and
 - other activities on the reserve
 - adjoining land uses
- (i) Compliance of the proposal with the provisions of the District Plan and relevant Council bylaws.

4.5.1.6 Signs

To assess applications for the erection of signs relating to private facilities on reserve land in accordance with the District Scheme and the relevant Council bylaws. Furthermore, as a general rule, parks are not considered appropriate for commercial or sponsorship signs. Exception to this may be made at the discretion of the Area Manager only in exceptional circumstances for one-off events.

4.5.2 Explanation

Although Council will generally continue existing management practises, from time to time matters arise which require Council's consideration and in such cases the preservation of land for general public use **must** wherever possible be achieved.

Any intensive use (whether public or private) of a reserve can create generative effects with the potential for causing detriment to neighbouring properties. In particular problems relating to traffic and noise generation may occur. As part of the administration of its policies Council will endeavour to provide a reasonable balance between the provision of adequate parking, the preservation of existing areas available for recreation, and the minimising of any impact on adjoining land uses.

The issue of noise transmission created by uses of the Reserve affects not only neighbouring properties but also the enjoyment of other parts of the Reserve itself. In its management of the Reserve and in particular when assessing possible new uses Council's aim will be to ensure that any one particular use does not infringe the rights of other reserve users or neighbouring property owners.

Related to the broad issue of private versus public recreation is the more specific problem of the encroachment of buildings on to public open space. Auckland City is a developed urban area and as such opportunities to provide additional public open space are rare making the preservation of this Park crucial. Council's policies in this regard are also covered in the District Plan and are designed to restrict buildings to only those which are reasonable adjunct to the main outdoor recreation activity.

4.5.2.1 Rentals

Council will enter into agreements to rent reserve land for recreation activities provided that:

- (a) the demand for the proposed activity is clearly established
- (b) it is not practicable or appropriate for Council to provide the facility itself
- (c) there will be not significant encroachment on the public's right to use other parts of the reserve on a casual basis
- (d) the agreement shall be subject to periodic renewal and review as determined by Council
- (e) Council may impose such conditions on the agreement as it thinks fit to ensure the proper care and maintenance of the land or building concerned.

4.5.2.2 Signs

Whilst Council recognises that reserves are not an appropriate venue for commercial advertising, it does recognise the importance of commercial sponsorship to various sporting codes and will exercise discretion for exceptional one-off events.

4.6 Play Equipment

4.6.1 Policy

To maintain existing equipment and to upgrade the children's play area by providing a greater variety of play equipment and by installing safety surfacing.

4.6.2 Explanation

The existing play facilities are of the traditional swings and "see-saw" type which do not provide a great variety of play for children using the area. Council is currently investigating a progressive upgrading of all children's play equipment situated within the city and the Fowlds Park area will be amongst those included.

4.7 Vehicles/Parking

4.7.1 Policy

To ensure that a convenient and high degree of public access to the Reserve is provided and maintained without detriment to neighbouring properties.

To maintain the existing main driveway facility through the park linking the Rocky Nook Avenue with Malvern Road entrances.

To prohibit use of the main driveway facility by heavy motor vehicles and good-service vehicles in accordance with the bylaws, and to erect suitable signposting accordingly.

To maintain the existing 30km/h speed restriction through the Park.

To maintain the existing driveway in the south-eastern part of the Reserve.

To provide additional car parking within the Reserve to service the various uses, as finance allows, as needs demands and in general accordance with the proposed parking layout plan at Appendix V.

To balance the provision of adequate public parking facilities against the preservation of land available for recreation purposes.

To ensure the design of any new parking area is in harmony with the natural characteristics of the Reserve.

4.7.2 Explanation

The existing driveway provides the opportunity for members of the general public to conveniently enjoy the Park's amenities on a passive basis. This facility is particularly suitable for the casual visitor and for elderly people. It is, however, necessary to maintain the function of the roadway as a scenic drive rather than as a through road, hence the need to prohibit commercial traffic and to maintain a speed limit conducive to the Park's surroundings.

A driveway extends from the west of the sports pavilion down towards then parallel to the southern boundary. Originally vehicular access to the driveway was possible from Malvern Road but this entry to the Park has been closed off. The driveway was not used extensively but did give

access to the lower sports field and whilst it is Council's intention to ensure that is maintained in a usable condition it has been blocked off by a lockable vehicle barrier to ensure traffic and uncontrolled parking does not proliferate beyond the existing parking area. This will improve the amenity of neighbouring residential sites on Brewster Avenue with regard to noise. Furthermore, this will increase the amount of pedestrian "safe-space" within the Park.

To ensure that adequate parking facilities **both** in accordance with the District Plan and as required by park users are provided without significant loss of open space of facilities provided for general public usage, and in such a manner as to afford adequate protection to neighbouring properties and to the recreation values of the Park. The proposed parking plan at Appendix V is a working document to indicate how and where further parking will be developed to serve Fowlds Park.

4.8 Landscaping

4.8.1 Policy

Council will;

Continue with a planting scheme to ensure maximum visual amenity to the area.

To protect and preserve the existing stand of gum trees growing on the bank adjacent to Western Springs Road.

Preserve those existing natural landforms and vegetation which enhance the character of the Reserve and, where desirable, plant new vegetation.

4.8.2 Explanation

Council has prepared a landscape concept plan which is attached to this report as Appendix IV for information. As this landscape plan is a working document, the Area Manager reserves the discretion to amend details of this plan as appropriate. Concern has been expressed by some residents at the size and type of trees in certain localities. In these instances, the Council has decided that public safety will be the main factor and that such trees will be trimmed and all dangerous limbs removed and that replanting in the area be carried out and the matter reviewed periodically. Notwithstanding the above, the stand of gum trees adjacent to Western Springs Road is generally regarded as one of the finest within central Auckland and is considered worthy of protection.

It is recognised that large trees can be a significant source of shading. Evergreen trees such as many native trees can exacerbate this problem in the winter. Fowlds Park is the venue of both summer and winter codes of sport. It is thus considered that a mixture of trees is preferred for replanting depending on the proposed site. As a guideline, deciduous trees such as Oaks and Elms would be suitable for sites where shading is a potential problem. Natives, such as Pururi trees would be more suitable for sites where shading is not considered a problem. The final choice will lie with the Area Manager.

It is important that as far as possible the natural features should be preserved. As such, every effort will be made to ensure that any development or structure is located and constructed in such a way so as to ensure that it would significantly interfere with the volcanic formation, trees or vegetation.

4.9 General

4.9.1 Policy

4.9.1.1 Access to Private Properties

To generally prohibit vehicular access from the Reserve to neighbouring private properties.

4.9.1.2 Cost Sharing of Fencing of Private Land Adjoining Reserve

To consider applications from property owners for the cost sharing of boundary fencing between the Reserve and private land. Council will require that such applications be submitted before erection or –re-erection and no contribution shall be made where application is made after the fence has in fact been erected. Where Council shares the cost of fencing, to endeavour to attain uniformity of construction of fences bordering the reserve.

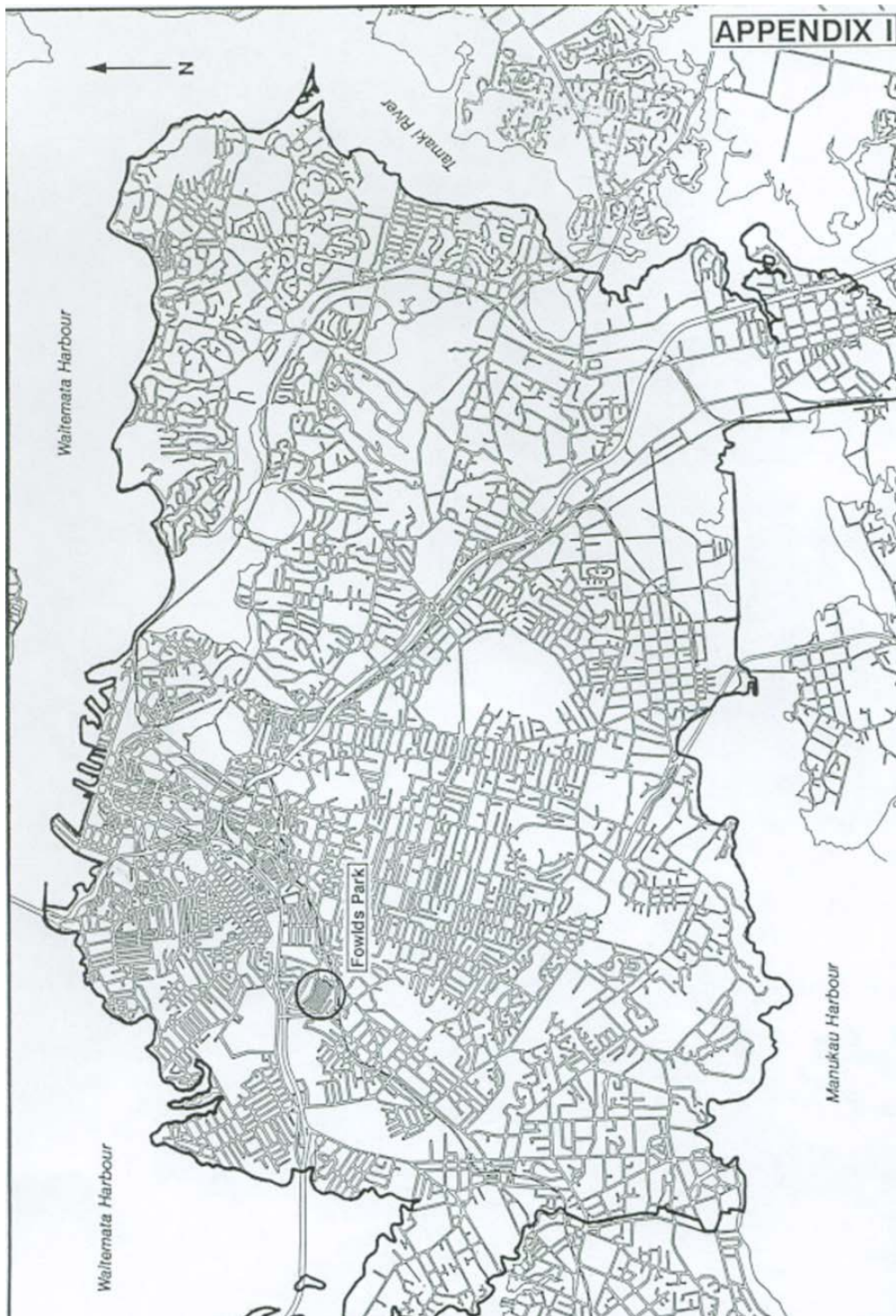
4.9.1.3 Bylaws

Any use of the Reserve shall comply in all respects with all Acts, Regulations and all relevant Council Bylaws currently operative and in particular with Auckland City Public Places Bylaw 1991 (including requisitions made thereunder and Town Planning Ordinances).

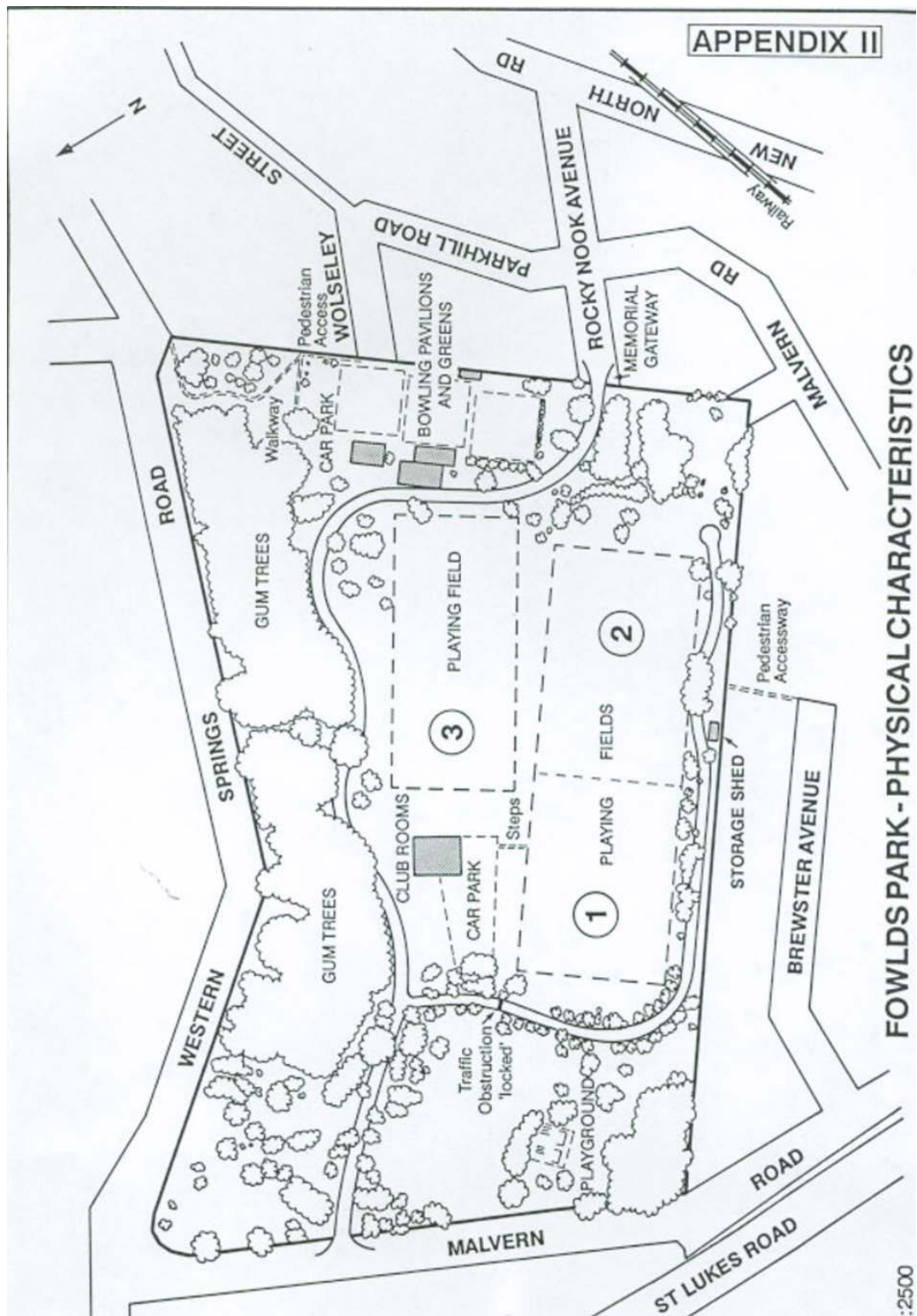
4.10 Conclusions

4.10.1 Review

As Fowlds Park is well developed, and whilst there is little likelihood of major changes, the Council will keep the Management Plan under continuous review to ensure its relevance in the future.



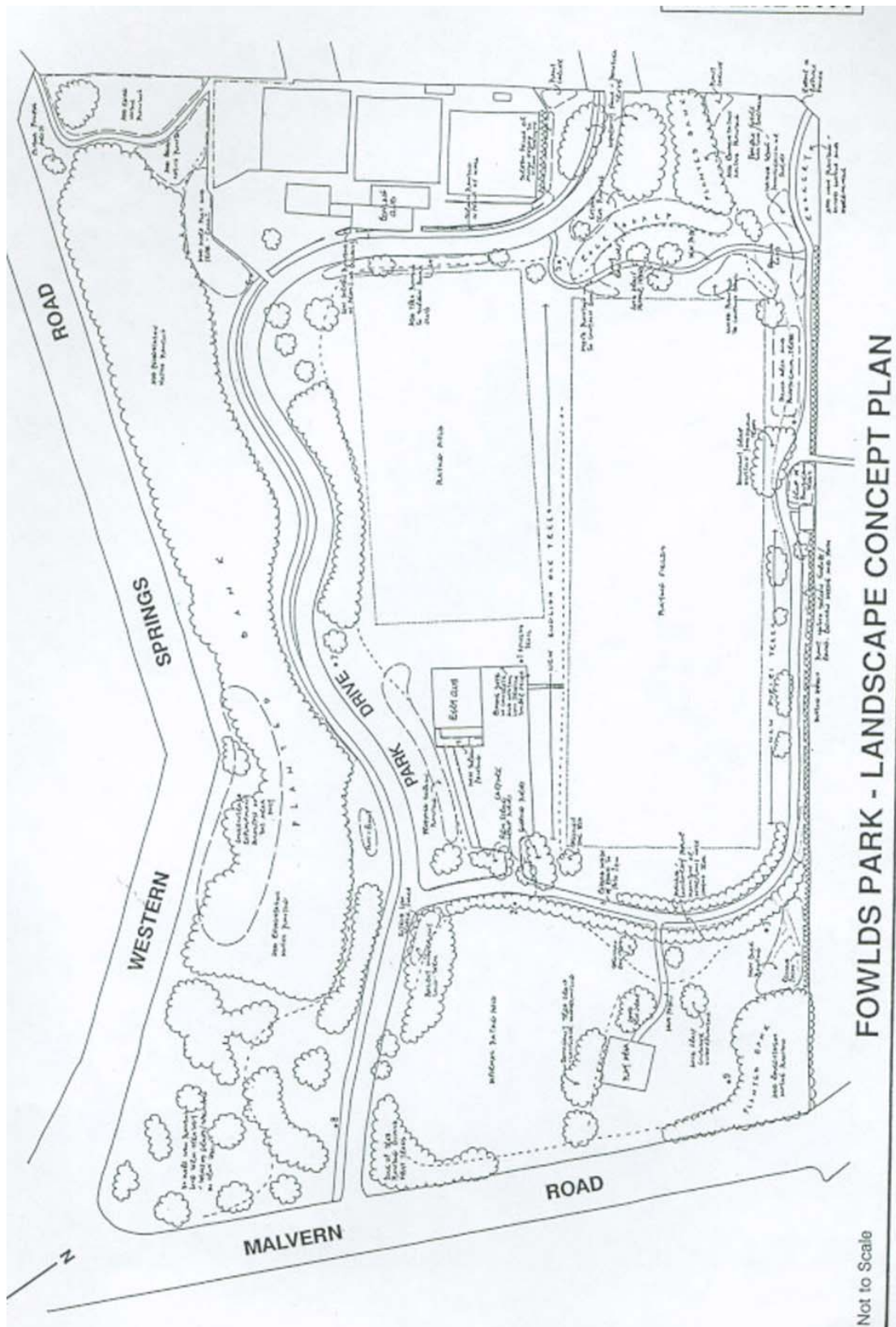
Appendix I Fowlds Park – Location Plan



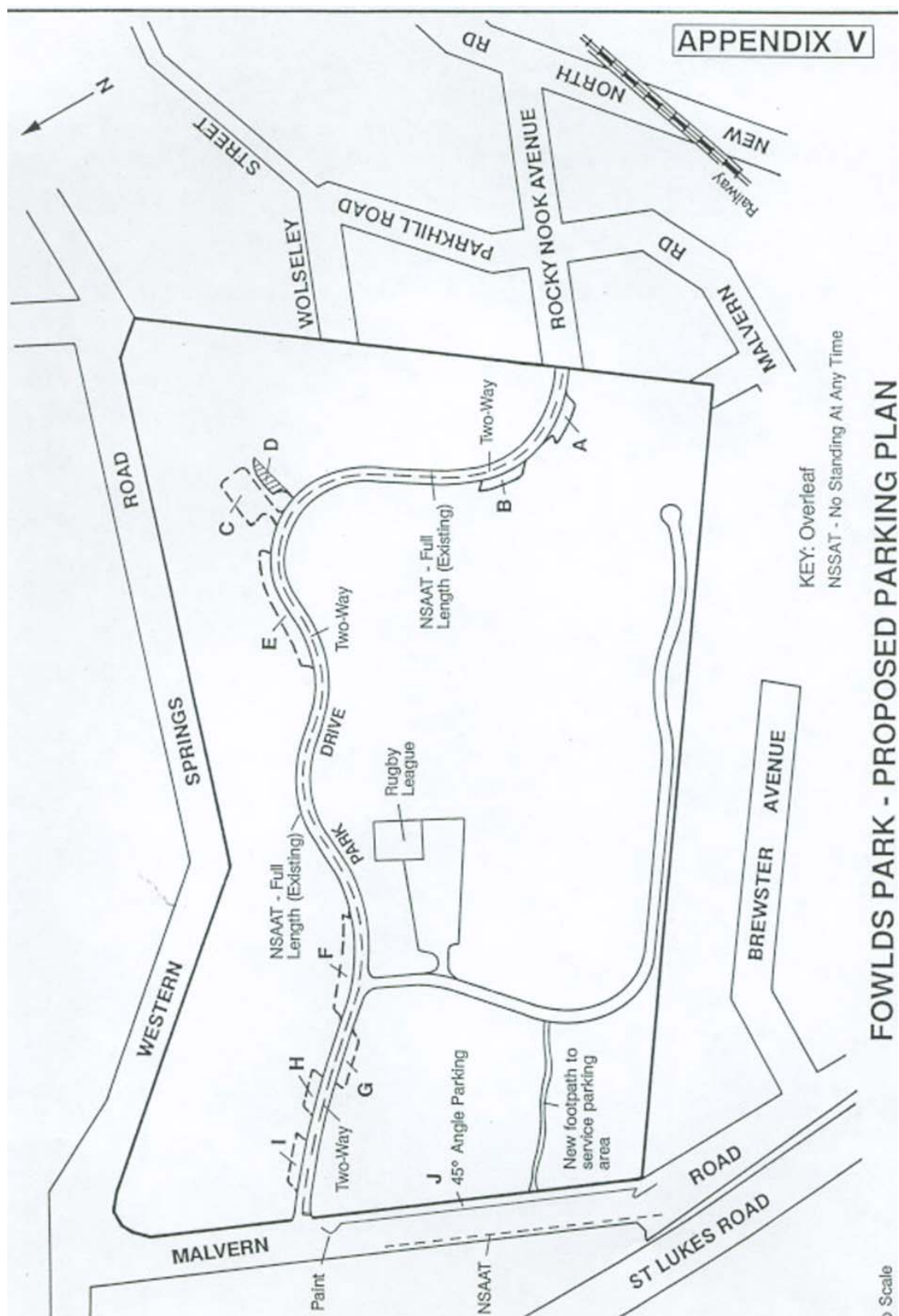
Appendix II Fowlds Park – Physical Characteristics



Appendix III Fowlds Park (Lease Areas)



Appendix IV Fowlds Park – Landscape Concept Plan



Appendix V Fowlds Park – Proposed Parking Plan

Key to Fowlds Park Proposed Parking Plan

Parking Area	Existing Parking	Proposed Parking	Additional Parking	Approx. Cost (1992)	Remarks
A.	Nil	5	5	5000	Recommended
B.	Nil	5	5	6000	Recommended, relocate power pole
C.	Nil	7	7	14500	Future parking area
D.	2	4	2	2500	Recommended
E.	Nil	14	14	13700	Not highly recommended. Relocate existing footpath – future parking area
F.	Nil	14	14	13700	Future parking area
G.	Nil	7	7	6800	Future parking area
H.	Nil	5	5	5000	Future parking area
I.	Nil	7	7	6800	Future parking area
J.	15	30	15	5000	Recommended, form new footpath, install NSAAT – west side of Malvern Road
TOTALS	17	98	81		