### Waiheke Local Board

**OPEN MINUTE ITEM ATTACHMENTS**

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**Note:** The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Bias

Supreme Court Blanchard in Saxmere v Wool board 2009

In our view, the correct inquiry is a two-stage one.

- First, it is necessary to establish the actual circumstances which have a direct bearing on a suggestion that the Judge was or may be seen to be biased. This factual inquiry should be rigorous, in the sense that complainants cannot lightly throw the “bias” ball in the air. Muir vs Commissioner of Inland Revenue.
Attachment A

Item 9.5

- The second inquiry is to then ask whether those circumstances as established might lead a fair-minded lay observer to reasonably apprehend that the Judge might not bring an impartial mind to the resolution of the instant case.

- This standard emphasises to the challenged Judge that a belief in her own purity will not do; she must consider how others would view her conduct.

Jul 2013

Hi Gisela,

Your details have been given to me as a Whakarongo Island manager who lives elsewhere but owns a property on our beautiful Island.

Our current Local Board have really put us on the map.

It is an impressive list of achievements, and it is very important that their work continues.

Your vote is crucial to winning this.

I hope you will join us in voting for the future of Whakarongo, not its past.

To do so, please ensure you are on the non-resident property electoral roll for Whakarongo.

It closes on 16 August 2013 so completed forms must be received by Auckland Council by that date. Again, all you need to do is click [here](#) in order to have your say in Whakarongo affairs.

Thank you for your commitment to a positive, inclusive, progressive and democratic future for Whakarongo.

Best wishes.

John

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Adam Collins

St Andrews Road, Buki Beach, Whakarongo Island

27/07/2018
September 2013

There's no substitute for an experienced crew in America's Cup racing. All Black international Rugby or Silver Ferns Netball.

October 2013

From: John Collings [mailto:john@collings.co.nz]
Sent: Tuesday, October 15, 2013 11:19 AM
To: Face Book - Waiheke
Subject: Waiheke Golf Club

I ascertained yesterday morning that the Minister of Conservation had earlier this year delegated to Auckland Council his power of prior consent to any reserve land lease. A copy of the relevant instrument of delegation is attached - clause 54(1) refers. And I was advised that the Council would be providing the relevant consent. This would expedite the process for signing the lease.

But I have now received advice from Rhys Walker, who works in the legal department of Council, that Council has now decided not to rely on the delegation but to refer it to the Minister. A copy of the correspondence is attached. This is an absolute blow and will mean that no lease can be signed this week. The consent of the Minister must be prior to the signing of the lease under section 54(1). Is there any way that either of you can prevail on the Council to reverse this decision?

Kind regards,

John Collings
October 2013

From: Rhyo Walker
Sent: Wednesday, 16 October 2013 8:24 a.m.
To: Barry Ryan
Subject: Consent to grant of leases on Rangihoua Reserve, Waiheke Island
Expires: Sunday, 15 December 2013 12:00 a.m.

Hi Barry,

In the instance of the above we want to have the Minister (Regional Councillor) grant his consent (or purely political reason) as soon as is practically possible.

Please confirm the most practical and speedy means of achieving John GIs signature on the docs.

I’ll call you when I get a chance this morning.

Regards
Rhyo

September 2016
Another letter to off island voter.
Author unknown.

For the 3 years that we holidayed on the island, we didn’t realise that in the Local Body Elections we had, as Non-Resident Ratepayers, 1 vote/referend for the Waiheke Local Board, and that that vote could have been important in helping to shape the island’s day to day workings & its future.

We have recently become involved in assisting CATH HANDLEY in her bid to become a member of that Waiheke Local Board.
Caddy Chat
by St Andrews
September 13, 2018

If you are part of a society that walks, it means that there may be conditions and circumstances you may find yourself in... at least you are up to speed, you have a game plan... what if...? Let’s have an open discussion.

Bob Aitken
The Governor of Lebanon

A social benefit... yes, of course you are!

The local body elections are only a few weeks away, voting starts on Friday 15th September 2018 and closes on the following Monday 17th September 2018. If you do not complete your vote by 12 noon on 17th September 2018 your voting paper will be posted to you between Friday 14th September 2018 and Monday 17th September 2018.

Ok, you know this, but for the record that this local election is perhaps the most important of all of you. Those coming to the rugbyTelefone, it’s important to understand the implications of your vote.

In the past, we have Bob Aitken standing as an Independent. Now it’s time for a change. We need science and modernity, let’s have Bob Aitken.

Perhaps, I don’t know; there are others among the 10 candidates equally fit to support. Of course, I am sure, there are some who absolutely are not. I am saying that you know them, but (couldn’t possibly comment. Thank you."

Bob Aitken was recently and unfortunately introduced to the Golf Notes as part of the annual Golf Test issue. As a senior Waiheke Island habituee, Bob brought a new perspective and a fresh look at the game. For those of us who enjoy the game, Bob’s efforts, together with other initiatives outside the Craftsmen Golf Club may just interest some of you.

We hope you enjoy this new feature in the Golf Notes.

For the benefit of those new to Waiheke, the Golf Club is located at the far end of the island and is a par 72 course. The Island Golf Club offers a variety of challenges for all levels of golfers. The Club has a membership, which includes both men and women.

A word of advice: love the sport, but please respect the course and other golfers.

One of the amusing things about all of this is that endorsement by the Golf Club as ‘pro-us’ sets up every one of those 4 candidates as having a perceived bias which would provide sufficient grounds to pursue conflict of interest declarations against... See More
• Saxmere Para 99; This approach to ascertaining if there is disqualifying bias is a principled one which will require judges to be guided by reasonable public perspectives.

• Saxmere Para 106 [...]a fair-minded lay observer would accept that friendships and professional associations between judges and counsel will not give rise to a reasonable apprehension of bias [...] 

• The golf club are the least independent party in this matter. Great self interest compared to other members of the community. Membership has the potential to obtain extraordinary financial benefit-1.5 to 3k per member.
• In the case of a politician and supporters, there is a realistic likelihood that a politician, with a debt of favour to supporters, would deviate from a legal and factual decision in order to favour the interests of supporters.

• Significant responsibility and privilege for this local board, to understand and fulfil the purposes of the Reserves Act.
• Opportunity that should have been taken in 2012.
• Wrong that the 2012 decision maker excluded Paul Walden who sought simply to uphold the principles of the act; essentially preserving the environment as well as access of the people of Waiheke to their park and a lawful say in the management of the park.
• 2012 was an error riddled process with an outcome that would privatised most of the park for a small group and enable the operation of a landfill in large tracts of stream and wetland.
• 2012 decision makers failed to audit the natural features in the park despite being alerted to the potential for harm.
• Today there multiple problems with the management of natural features across the whole of the park.

• Demise of HGES
  • The preservation of the natural features and the opportunity to protect and enhance the environment came at great cost to the Hauraki Gulf Enhancement Society.
  • Ultimately the society prevailed in the fight for the environment and the right of Waiheke people to have their say in the management of the park.
  • The society was clear to all parties, from the beginning, that it could not pay costs. The society was wound up, not for the purposes of recovering a debt which the golf club was aware could not be paid, but to shut a judicial proceeding down.
Attachment 1

Summary of advice provided to the 14 June 2018 Waiheke Local Board workshop.

Viability of and process for incorporating Rangihoua Reserve and Onetangi Sports Park into Whakanewha Regional Park

1. At its 26 April 2018 business meeting, the local board were presented with four options to prepare a management plan for Rangihoua Reserve and Onetangi Sports Park to comply with the Minister of Conservation’s expectation that Auckland Council will comply with the requirement to prepare reserve management plan for Onetangi Sports Park. One option was to incorporate the two parks into neighbouring Whakanewha Regional Park and prepare a variation to the Regional Parks Management Plan 2010.

2. The local board asked staff to provide advice on the viability of and process around incorporating Rangihoua Reserve and Onetangi Sports Park into the Whakanewha Regional Park as it could provide independent decision-making on the management plan.

Whakanewha Regional Park context

3. Whakanewha is a 247 hectare regional park, largely made up of regenerating native bush, with amenities such as walking, horse riding and mountain bike riding tracks. There are some open space and picnic spots on the foreshore at Poukaraka Flats, where there is also Waiheke’s only public campground.

4. The Regional Parks Management Plan (Plan) 2010 outlines how the council will manage regional parks and provides a framework that guides council’s staff on the day-to-day and long-term management of the parks. Section 17.22 of the Plan outlines specific values, vision and management policies for Whakanewha Regional Park.

5. Whakanewha is designated management Class 1 in the Plan, with a management focus on conservation and protection. Potential developments identified in the Plan are improving connectivity and potential upgrades to the existing track network and amenities.

Rangihoua Reserve and Onetangi Sports Park context

6. Rangihoua Reserve and adjoining Onetangi Sports Park are a 110 hectare contiguous open space area. Rangihoua Reserve is held in fee simple by Auckland Council and not subject to the Reserves Act. Onetangi Sports Park is held under the Reserves Act 1977 and classified as a recreation reserve.

7. The two blocks are managed as a single local park for which the Waiheke Local Board has allocated governance responsibility, with the exception of Te Rangihoua Maunga, which at its November 2017 meeting the Waiheke Local Board resolved (Resolution number WHK/201/195) to be managed by the Rangihoua and Ta'awaipareira Management Committee.

8. Rangihoua Reserve and Onetangi Sports Park support a wide range of active recreational facilities including football and rugby fields, a 9-hole golf course and tennis courts. Informal recreation facilities include mountain bike and walking trails and a playground. There are also regenerating bush and ecological areas on both parks.

9. The park is attached to an open cemetery, which is owned and managed by the council.

10. The landscape character of Rangihoua Reserve is a volcanic cone which is largely covered in regenerating native bush with some walking and mountain biking tracks. Onetangi Sports Park is largely flat or gently contoured open space and ecologically significant wetland areas.
Criteria to incorporate Rangihoua Reserve and Onetangi Sports Park into Whakanewha Regional Park

11. Should the local board wish to pursue the option of incorporating Onetangi Sports Park and Rangihoua Reserve into Whakanewha Regional Park, the governing body would have to agree to the incorporation.

12. The governing body would consider the decision-making criteria outlined in the Local Government Act (Auckland Council) 2009 and criteria used in the regional review of decision-making for local parks in 2013.

13. The decision-making responsibilities for Auckland Council and local boards are set out in Section 17 of the Local Government Auckland Council Act 2009:
   (1) Decision-making responsibility for any non-regulatory activity of the Auckland Council must be allocated by the governing body—
       (a) to either the governing body or the local boards; and
       (b) in accordance with the principles set out in subsection (2); and
       (c) after considering the views and preferences expressed by each local board.
   (2) The principles are—
       (a) decision-making responsibility for a non-regulatory activity of the Auckland Council should be exercised by its local boards unless paragraph (b) applies:
       (b) decision-making responsibility for a non-regulatory activity of the Auckland Council should be exercised by its governing body if the nature of the activity is such that decision making on an Auckland-wide basis will better promote the well-being of the communities across Auckland because—
           (i) the impact of the decision will extend beyond a single local board area; or
           (ii) effective decision making will require alignment or integration with other decisions that are the responsibility of the governing body; or
           (iii) The benefits of a consistent or co-ordinated approach across Auckland will outweigh the benefits of reflecting the diverse needs and preferences of the communities within each local board area.

14. Staff consider that none of the principles in section 17 of the Local Government Act (Auckland Council) 2009 (i, ii, or iii) would apply in this case, and that regional decision-making on Onetangi Sports Park and Rangihoua Reserve would not better promote the well-being of the communities across Auckland.

15. In 2013 a regional review of decision-making for local parks was undertaken. The following additional criteria were established to help guide decision-making:
   - Parks subject to Treaty of Waitangi settlement, including:
     - Parks subject to the Treaty of Waitangi settlement with Ngā Mana Whenua o Tāmaki Makaurau (the Tāmaki Collective)
     - Land contiguous with parks subject to Treaty of Waitangi settlement with the Tāmaki Collective
   - Parks delivering Auckland-wide benefits, including:
     - Regional Parks i.e. parks formerly owned/managed by the former Auckland Regional Council
     - Land contiguous with regional parks
     - Other parks delivering Auckland-wide benefits, including Auckland Domain and Motukorea (Browns Island)

16. The 2013 regional review of decision-making for local parks considered incorporating Rangihoua Maunga into the Whakanewha Regional Park. The incorporation of Rangihoua
Maunga was considered on the basis that the two parks share a boundary separated by Gordons Road.

17. At that time the Waiheke Local Board did not support the proposal. Local parks which were incorporated into regional parks as part of this review were small parks with landscapes and activities similar to the neighbouring regional park.

18. The extent to which the two parks are contiguous is quite minor when the land holding of the two parks are taken into account.

Governance Framework Review

19. In 2016, Auckland Council undertook a review of its governance framework. Specifically the review focused on assessing how well the Auckland governance model has been meeting the aim of the 2010 reforms, by delivering strong regional decision-making, complemented by decisions that meet diverse local needs and interests.

20. The review considered whether it would be feasible for some local board areas to have differential decision-making powers depending on the extent of the regional impact of specific local decisions. It suggested that, as a case study or pilot, this could be implemented on Waiheke given:
   - the more clearly defined community of interest on the island (relative to most other local board areas)
   - the separation of the island from the wider Auckland network with respect to services such as roading, storm water or public transport
   - the desires of the local board for greater decision-making autonomy, and a belief that the regionalisation of services across Auckland has failed to reflect the unique nature of the island

21. In September 2017, the governing body approved the implementation of a Waiheke Island based pilot project of enhanced local governance. The pilot is in its first year of implementation. The incorporation of Onetangi Sports Park and Rangihoua Reserve into Whakanewha Regional Park would mean a shift in governance over the parks from the Waiheke Local Board to the governing body, which would be contrary to the intention of the pilot.

Management Plan

22. The local park activities in Rangihoua Reserve and Onetangi Sports Park are not aligned with the Regional Parks Management Plan 2010. Some active recreation activities such as football and rugby which currently are provided at Onetangi Sports Park are not considered in the Regional Parks Management Plan 2010. For incorporation to proceed, a variation to section 17.22 (Whakanewha) of the Plan would need to be sought and approved.

23. While Rangihoua Reserve and Onetangi Sports Park do share a boundary separated by Gordons Road, this in itself is not a reason to integrate the two parks. The functions of the two parks are quite different. The local sports park function of Rangihoua Reserve and Onetangi Sports Park is not consistent with Whakanewha Regional Park which is a Class 1 regional park, with a management focus on conservation and protection.

Conclusions

24. The incorporation of Rangihoua Reserve and Onetangi Sports Park into Whakanewha Regional Park has been assessed against the allocation criteria of the Local Government (Auckland Council) Act 2009. Managing the land as regional park would not promote the well-being of the communities across Auckland, the impact of the decision-making for the parks would not impact on communities beyond the Waiheke Local Board area, and it does not require alignment or integration with other decisions that are the responsibility of the governing body.

25. Additionally the Governance Framework Review which is in its first year of implementation reflects the desires of the local board for greater decision-making autonomy, and incorporating Rangihoua Reserve and Onetangi Sports Park into Whakanewha Regional Park would remove decision-making on a local park from the Waiheke Local Board.
Chair’s report: Waiheke Local Board

Month to 26 July 2018

Ngā rahi o te tau hou

Matariki

The local board acknowledges the Matariki celebrations and acknowledgements over the past month, and commends all those who created events on the island to gather our people together in a host of ways to mark the start of the new year within the Maori calendar. Among many other events the combined schools’ kai and concert was a wonderful showcase of the work done in all of our pre-schools through to the high school to build understandings and celebrate diversity and to acknowledge our shared commitments to Te Tiriti o Waitangi, Te Whare Taonga O Waiheke (The Waiheke Community Art Gallery) has hosted a remarkable exhibition of the works of 20 established and acclaimed Maori artists alongside those of rangatahi from Waiheke High School whom the artists had mentored individually in preceding weeks. Called E Tipu E Rea it reflected the theme ‘The older will lead the younger and the younger will lead the older’. The finale of the Maumahara Flames at Matiatia combining fireworks, choral waiata and flames on the headland was a very special and spectacular event for those who attended thanks to George Kahi and his personal commitment to te Motu o Waiheke, land of his Tupuna. Both of the latter events were supported with grant funding from the Local Board.

Stormwater

There is considerable concern among residents about the responsiveness of both Council’s Healthy Waters team and Auckland Transport with respect to historic flooding issues, other than in areas where significant progress has been made by Healthy waters since they took up responsibility a year ago. The Local Board is seeking to achieve a clear line of responsibility on behalf of residents and ratepayers and the fast-tracking of catchment plans along with a clear plan of works associated with those residents affected have some certainty. We also acknowledge that many residents have issues that may or may not be linked to the catchment plans. Healthy Waters has committed to an ongoing series of articles updating stormwater management projects via social media and the Gulf News and to a newsletter drop to householders as advised last month. Additionally senior officers of the various organisations including council executive team members are meeting with Waiheke local board officers to pursue this agenda of accountabilities and transparent understandings.

Rates

Property revaluations on Waiheke, combined with a cycle of rates reviews (which saw Waiheke rates reduce in many cases in the last cycle) and a general rates increase, have led to major increases in rates for the majority of properties. The impacts will be felt variably within the community, but will be especially challenging for those paying rent in an already scarce and expensive market if landlords pass on the rate increase and for those homeowners who are struggling on low to medium fixed incomes where costs are outstripping the capacity to pay.

Additionally, home-based accommodation providers using web-based agencies for bookings (e.g., AirBnb, Book-a-Bach, Waiheke Unlimited) are being impacted by the new targeted accommodation rate (APTR). Whilst there are many affected who did not participate in the council’s public consultation earlier this year on its Long Term Plan and who have been caught unawares, there is a council process open to all affected ratepayers to get a very detailed onsite council valuation funded
by council, that will lead to a final known impact from the APTR. Only then will we all be able to understand how the APTR is affecting both availability of accommodation and pricing in the visitor accommodation market. Council’s Finance Policy Manager has agreed in discussion with the board chair to initiate a piece of work with his team to analyse the effects of the APTR relative to current pricing per bed night. Where accommodation providers are in discussion with council’s rates team the new APTR will not be billed until the property owner has had the on-site valuation and rates assessment completed.

Matiatia

Commercial leases are being finalised that will see some additional car parking space being made available to the public in the very near future. A comprehensive press release is being finalised this week advising all aspects of the processes involved in the redesign of the Matiatia/Owhanake precinct and the next stages that will occur prior to full public consultation.

Auckland Planning and Strategic Documents

A new Area Plan for Waiheke and the other islands within the Waiheke Local Board catchment is being initiated with all board members participating on the hearings panel that will ask for and seek submissions and then will finalise the plan over the next 14 months. The Area Plan will replace the Hauraki Gulf Islands District Plan and will then itself feed into the Auckland Unitary Plan. Once the panel is established the community will be advised of the process and timelines for the comprehensive consultation process. The Area Plan will draw on Essentially Waiheke as a formative guiding document.

At the same time, and subject to decisions at the business meeting of 26 July, the Board is supporting processes to build both an Omnibus Reserve Management Plan for our large network of reserves, and, separately but running alongside that process, one for Rangihoua Reserve and the Onetangi Sports Park with a view to resolving long-standing issues regarding the framework within the golf club and other park leases may be negotiated and finalised in the future.

nāku noa

Cath Handley

Chair
KOIWI SUBMISSION

Submitter on Behalf of Cultural Team overseeing appropriate ‘Reinternment’ of significant Taonga
George Tearoha Kahi, Chris Bailey and WI Police

To: Waiheke Island Local Board
From: G.T.Kahi on behalf of Team
Subject: Designated area for reinternment of Koiwi found on and around Waiheke Island

Tena Koutou Katoa
Currently we have 6 Koiwi caskets requiring an area to reintern their remains.

There is no allocated area that is appropriate currently and did have an indication of ‘Hooks Lane’ being such an area for this ‘cultural requirement’. One area is set within the Matiatia Harbour but those are for those found in that vicinity and have an agreement with DOC for such an activity,

We make this submission to gain an update as to what is the current status to being designated an area to accommodate such a ‘cultural requirement’, so that the current stock of Taonga held by the Police are buried with those rituals befitting such Taonga.

Naaku Noa

George Tearoha Kahi
0223889700