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Affordable housing

As I write this, there is a ute that arrives outside our gate after dark, sleeps overnight and leaves at dawn. It’s been going on for several weeks and sometimes there is a second car, a sedan. This illustrates the problem facing Waiheke.

In April 2016, Carol Winstanley asked me to assist with an affordable housing initiative on Waiheke. It soon became apparent that a private-sector solution was required. Workshops, community meetings and talk-fests would not provide a solution. I teamed up with John St Clair Brown, and we started Shelter.NZ. We make pods.

Pods are similar to tiny houses, except they cost less because we make them in factories in New Zealand. One and two-bedroom units come with kitchenette and bathroom. Width is dictated by LTSA Road Code (Cat-1 oversized 3.1m) and length by weight (typically 8m is 3,500 kg towing weight). They sell for about $60,000 and lease for about $260/week and we prefer long-term leases to ensure secure financing.

We make two versions… 50-year Building Act compliant small buildings and transportable, transitional pods that are not buildings under the Building Act. The latter is recommended for Waiheke. MBIE made determinations that not all housing are buildings, which means no building consent. To be clear, unlike 10 m² buildings that are exempt under the Building Act, pods are not buildings meaning the Building Act has no jurisdiction, just as the Act has no jurisdiction over trains or aeroplanes. This means the pods are plug-and-play.

Pods come with wheels and are designed to be relocated. They take two weeks to manufacture and are installed by the driver in two hours provided the host has suitable utility hook-ups. In contrast, small buildings are intended to be in the same place for 50 years. They require a building consent, a compliant foundation, take several days to install with cranes, and usually require the services of a licensed plumber and electrician.

Waiheke needs immediate, affordable housing to address transitional housing, most notably the transitional workers in the hospitality industry. Before anyone is offered a job at the vineyard restaurants, they are asked if they have a place to live. It is uncertain if this transitional need for housing will exist in 50 years, or even in ten. And in some cases, the pods may be seasonally relocated between one territorial authority and the next… Summer on Waiheke, Winter at Ruapehu.

The principal obstacle to providing immediate, affordable transitional housing is the District Plan.

In 2016, I wrote Paul Walden, then Chair of the Local Board, with affordable housing recommendations. He replied “I think you have cut to the nub of the issue. I am looking to campaign on this during the election so as we can develop a mandate for policy change.” I believe the Local Board has such a mandate. It is time for policy change.

I recommend that the District Plan be amended to permit (or exempt) transitional housing pods on large sections in all zones for a maximum of ten years (subject to review in 2027). Further, I recommend that the $2,500 deposit be waived as a matter of public interest. Instead a record-keeping fee of $100 per pod should be set in which the indicative parking site for the pod is set out, and recorded. My own preference would be the same as with ebikes—no regulation, but I expect this would be anathema for the council. $2,500 is equal to ten weeks rent for a pod that may be
relocated after the summer season.

As soon as the District Plan obstacle is removed, Shelter.NZ can supply pods. We can supply them for this upcoming summer season if the Council can be responsive... and that would mean people are not sleeping in utes on Waiheke roads.

See https://shelter.nz

Please ask that the local board members read this before my presentation, so we can make effective use of the 5 minutes.

Thanks
Claude
THE SHELTER PROJECT

In October 2000, a Village and Rural Communities Strategy was adopted for Waiheke Island called *Essentially Waiheke*, Section 3.2.6 Affordable Housing set out Key Strategies & Actions that were ignored for the next 18 years. Instead, Council focused on promoting Waiheke as a tourist destination dependent on low-wage, transitional service workers (most on 1-year worker visas) who find they cannot afford decent accommodations. Long-standing residents suffer next-door 2-bedroom rental homes with 14 workers living there. Workers sleep overnight in trucks and cars on rural roads, and Council tells complaining citizens it cannot do anything about it. For from investigating opportunities and incentives for reducing the development costs of housing through improving regulatory processes and other methods, Council made it increasingly difficult and more expensive. In short, the district plan does not enable people and communities to provide for their social, economic and cultural wellbeing, health and safety. The plan is not the solution, it is the problem.

In 2014, MBIE made a determination that certain structures for habitation did not come under the authority of the Building Act. Unlike the exempt 10 m² buildings, these structures are not deemed buildings, and therefore the Council has no authority (as well as no liability). On the next page, a jpg of that MBIE decision tree is presented. This means that a vehicle structure that has two bedrooms, a kitchen and bathroom that is transported to the site on wheels does not require a building consent, provided it has caravan-type utility hook-ups or similar.

However, where Council still can obstruct is the District Plan. The Plan states a Building means any structure or part of a structure. It also includes any fixed or moveable structure (including caravans) used for residential purposes, assembly or storage.

It is therefore recommended that as a matter of urgency, Council adopt a public plan change that aligns Plan’s RMA definition of Building with MBIE determination 2015/044 under the Building Act.

In other words, create an exemption, or a permitted use for premanufactured, prefinished, volumetric living structures that are transportable (moveable) and intended for transitional living. The term we use to describe these vehicles is *pod.*

It is recommended that, as a matter of Public Good, the local board ask the Planning Team Leader that the Council sponsor a public plan change, adopted under urgency as follows:

- **Definition:** A pod is a structure that meets the vehicle test of MBIE Determination 2015/044
- For ten years, until March 31, 2029, placement of residential pods in Landform 5, Island Residential 1 & 2, Commercial 1, 2, 3, 4, 5, Rural 1, 2, 3 shall be a permitted use.
- Applicants must notify Council they are parking pods on the land and pay a $100 one-time recording fee prior to parking the pod on the property.
- Pods that are subject to nuisance (including health & safety) complaints may be subject to investigation, and if found to be a nuisance, to be removed from the property within 60 days, or if location on the property is the subject of complaint, to be relocated on the property so it is not subject to a reasonable complaint.
- Nothing in this amendment to the District Plan removes the obligation to comply with regulations regarding water, wastewater and electrical hook-ups, if applicable.
- Beginning on April 1, 2028, one year prior to termination of this public plan change, the rule will be subject to review to determine if it should be extended or terminated at the end of the term.

It takes 2 weeks to manufacture a pod. It takes 2 hours to install it on site, provided the site has a standard power point, drinking water and a septic tank gully trap. Pods rent for $260/week or sell for $60,000. If this plan change is adopted, pods could be supplied to relieve the housing crisis this year.

Claude Lewenz  lewenz@gmail.com  https://shelter.nz
APPENDIX A

Decision tree: section 8(1)(b)(iii)

Is it a vehicle?
Consider whether it:
- is used for transporting people or goods
- is equipped with wheels, tracks, or revolving runners on which it moves or is moved
- is drawn or propelled by mechanical power
- is a trailer
- is two or more connected units that would require disconnection in order to be moved

The test for whether it is a building will fall within the general definition set out in section 8 of the Building Act

No, it is not a vehicle

Yes, it is a vehicle

Does the vehicle meet both criteria in section 8(1)(b)(iii)?
It is immovable
Consider whether:
- it is attached to the ground and how easily those attachments can be removed;
- it has been connected to services and how easily those can be removed;
- it vehicle has retained its wheels and the ability to be towed or to move itself;
- structures have been attached to the vehicle, such as decks, verandahs, or additional rooms, and how easily these can be detached.

(example 2014/025 Scarborough)
It is occupied by people on a permanent or long term basis.
Consider the intended use in the particular circumstances:
- is there a definite requirement as to the length of occupancy
- is the intended period of occupancy known
- is occupation intermittent/occasional (such as holidays/weekends only)
- is occupation continuous or cyclical

(example 2013/055 Charles and 2006/72)

No, it does not meet either of the criteria

It only meets one of the criteria

Yes, it is both immovable and occupied by people on a permanent or long term basis

It is a building under section 8(1)(b)(iii) of the Building Act.
THE SHELTER PROJECT

Attachment A

Item 9.2

CLAUDE LEWENZ
LEWENZ@GMAIL.COM
HTTPS://SHELTER.NZ
I want to speak about the much needed management plan for Rangihoua Reserve and the importance of acknowledging the recent history there to address some of the issues.

In his 1992 submission for watercourse and wetland protection on Waiheke, Don Chapple talked about the crucial importance wetlands play in having a healthy environment (which includes our surrounding waters of the gulf), and he also says that admirable objectives of the plan are often diluted or downright contrary to the stated objectives. (This seems to be a regular occurrence.)

So my involvement in this issue began about 2010 when I was in F&B and administering the WWCT. I was told about an area at the back of the golf course that had a terrible weed infestation so a few of us went to have a look. We were horrified. We were also horrified to see the fill here in what was obviously a dump site.

Then the Hearing Panel for a management plan was set up in 2012. We presented our concerns about this area with photos to show the extent of the problem. Our concern was not just the weeds, but all the rubbish that had been tipped there as well, some of it toxic. In the hearing panel’s report nothing was mentioned about our concerns, and in fact they didn’t look at that area when they did a site visit. WHY not?? That was several years ago - nothing has been done except play with bureaucratic changes about who is responsible. The weeds are more than thriving and are as happy as ever, multiplying in species and number, while the humans play their silly word games.

In 2014 I asked these questions in the Gulf News Letters column but have never had an answer.
---Why didn’t the Environmental Assessment Report mention that this stream had been diverted without consent?
---Why were toxic and unpermitted materials allowed to be tipped in the filled wetland?
---As I understand it, landfill always creates revenue. Is there a record of this with Auckland Council or the golf club?
---Is there a record of who tipped the material? If not, why not? (We are pretty sure the fairies didn’t do it.)
---How did the Hearings Panel manage to miss this literal "blot on the landscape"?
---Is the flawed Environmental Assessment Report still being relied on in the process of consent approval and the granting of leases?
Waiheke Local Board
27 September 2018

Attachment A

Item 9.9

- Waiheke Local Board
- September 2018
- Adrian Walden
- Agenda Item 15
• WLB agenda Item 15 proposal mirrors a 2012 WLB decision which excluded Paul following complaints by Golf Club.
• Replaced by paid commissioner of Auckland Council.
• Resulted in board with no robust challenge and response.
• Board, less Paul, with paid commissioner, simply re-stamped one ultra vires lease agreement with another.
• Resulted in poor quality outcomes.
  • No management plan
  • No community views on the preferred uses of the reserve
  • Misleading notification
  • Non disclosure of a course expansion and development
  • Significant adverse environment effects loss of stream and wetland
  • Loss of cohesion
  • Exclusion of the community from most of the reserve it purchased.
• Stopped at great expense.
• Subsequently, improved outcomes percolating.
• Legacy is great distrust among parties.
• Paul Walden, Robert Upchurch are elected members of the Waiheke Local Board.
• Expected, with other elected members, to represent their constituents.
• Accountable to the electorate for the quality of their decisions.
• Paid commissioner of Auckland Council has loyalties elsewhere, not representative.
• Barrier local board member not accountable or representative.
• Diverse board, good people, many parties reflected in the board.
Community views
Significant ecological features
Cohesion of precious tracts of nature
Public recreation,
exercise,
health,
enjoyment of open spaces
Alternative uses
More to this decision than expansion of a golf course.
Diversity important

<table>
<thead>
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<th>area ha</th>
<th>37</th>
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<tr>
<td>Market Value (2018)</td>
<td>$57,400,000.00</td>
</tr>
<tr>
<td>Club Members</td>
<td>248</td>
</tr>
<tr>
<td>Opportunity cost (to ratepayer) per member per year</td>
<td>$11,690.00</td>
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<tr>
<td>Annual opportunity cost to ratepayer whole club.</td>
<td>$2,899,120.00</td>
</tr>
<tr>
<td>Opportunity cost (15 y) derived.</td>
<td>$43,486,800.00</td>
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</table>

• Paul should be involved.
• Makes no gain, benefit or reward other than that enjoyed by the rest of the community.
• always sought lawful outcomes.
• involvement has resulted in better outcomes for the community, for the environment and, from my perspective, for the integration of the golf club.
Diversity

Being around people who are different from us makes us more creative, more diligent and harder-working

- Makes Us Smarter
- enhances creativity
- encourages the search for novel information and perspectives
- leads to better decision making and problem solving.
- can improve the bottom line of companies and
- leads to unfettered discoveries and breakthrough innovations.
- Even simply being exposed to diversity can change the way you think.
- This is not just wishful thinking: it is the conclusion I draw from decades of research from organizational scientists, psychologists, sociologists, economists and demographers.

Katherine W. Phillips, Scientific American, October 1, 2014
My Preference:

- Pause, work to establish trust among parties.
- Or, revisit transferring park to Regional Parks network.
  - AC and its Officers must take responsibility for past problems and enduring fractured confidence in community groups.
  - Special case, perhaps now too controversial for WLB.
  - Proposal contains no fish hooks.
  - Old proposal dating back to approx 2015
  - Reputation for rigorous decision making
  - Caring for environment

- Irrespective of above, retain whole of the local board on the panel-use that diversity.
Interim parking changes at Matiatia

Some parking changes are proposed for the carparks at Matiatia on Waiheke Island to address current demand pressures while the Matiatia Plan is completed and funding confirmed to deliver long-term improvements.

Auckland Transport is working on a number of changes which would see an increase in the total number of available parks from 549 to 588, as well as some time limit and fee changes.

John Strawbridge, Group Manager Parking Services and Enforcement says the parking situation at Matiatia needs to be cleaned up. "We want to make it easier for everyone to find a space in the main car park including the folk who qualify for disabled parking. There will be six more disabled parks and we are looking at a one day maximum stay for all of the area so the place won’t be clogged up with vehicles parking there all week." The AT parking strategy supports the use of price and time restrictions when demand for parking outweighs supply.

There has been some vandalism recently in the carparks with cars parked there for up to seven days being a target.

Board chair Cath Handley says the Waiheke Local Board and AT are co-funding CCTV cameras for the carparks to deter vandalism. "The board have been asking for CCTV and improvements for mobility users for some time and are happy to support AT with these changes through our transport capital fund.

"The board has been working closely with AT to develop a long term plan for Matiatia, following the commitment to invest $15m to support the transport improvements at Matiatia and Owahonake, these changes are part of moving the community of Waiheke towards this change."

Mr Strawbridge says AT has also been talking to transport operators on the island to encourage them to use the P30 area for passenger drop-offs and pick-ups. "This removes the small passenger vehicles from the area immediately outside the ferry terminal reducing congestion and making it safer."

He says Auckland Transport met with the Waiheke Local Board and has agreed to leave the area by the terminal as a P30. "This provides maximum flexibility around the ferry terminal."

Auckland Transport has been consulting on parking changes at Matiatia over the past two years and did a trial of some changes last summer.

It’s hoped the changes can be introduced before the summer rush on Waiheke.

1) Existing Paid Car Park

We are proposing the following changes.

1) Increase Mobility Parking spaces and restrict to 24 hours.
2) Replace the $3/ Day tariff for max of 24 hours with $6 / Day for max of 24 hours.
3) Remove 7 day parking limit to discourage longer term parking and replace with 24 hour max.

<table>
<thead>
<tr>
<th>P 1 Day Mobility Parking</th>
<th>20 Spaces (Additional 6 spaces from surfaced car park)</th>
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<tbody>
<tr>
<td>P30 At All Times</td>
<td>24 Spaces</td>
</tr>
<tr>
<td>PS 24 Hour Max $0</td>
<td>204 Spaces (Made up of 110 + 94 spaces in surfaced car parks)</td>
</tr>
<tr>
<td>PS 24 Hour Max $3 per Day (Two unsurfaced car parks)</td>
<td>108 Spaces</td>
</tr>
<tr>
<td>P180 Mooring Holders Only</td>
<td>2 Spaces</td>
</tr>
<tr>
<td>Motorcycle parking areas</td>
<td>Total</td>
</tr>
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2) **Car Rental Lease area**

This location to the east of the Matiatia car park was leased to a car rental business but has recently been handed back to AT. A Design which meets AT Code of Practice dimensions can realise 35 spaces in 4 rows of parking. We are proposing that these 35 spaces will be restricted to 24 hours and charged at $3 per day.

3) **Ocean View Road**

There are 8 spaces currently limited to 24 hours on the southern kerb. Under the proposal these will become paid at $6 per day and limited to 24 hours max. There are 10 spaces limited to 6 hours and 48 limited to 24 hours on the northern kerb; these will become paid at $3 per day and limited to 24 hours max. We are also proposing a Bus Parking area to accommodate some overflow.

4) **Owhanake Car Park**

Owhanake car park is limited to 48 hours maximum and has approximately 126 spaces. We are not proposing to change this restriction but we will seek to layout the car park in a more logical manner that meets the minimum standards for angle parking. The provisional design suggests that we will be able to realise approximately 130 spaces.
Waiheke Local Board Feedback on the reform Residential Tenancies Act 1986

The Waiheke Local Board supports a bill which appropriately balances the needs of tenants for safe and secure homes, with the needs of landlords to maintain their properties in good condition. As renting becomes increasingly the norm, there is a need for greater security of tenure where tenants can feel “more at home”. This is especially so on Waiheke Island, where many island residents lose their rentals each December as the houses are required for the more lucrative holiday lets.

The board supports the following proposed changes to the act:

- Removal of the obligation on tenants to pay leasing fees, as the combination of leasing fees, bond, rent in advance and moving can cause undue hardship.

- Setting a default of three years for fixed-term tenancies on the standard tenancy form, while maintaining the provision for both parties to opt out and set the term of their choice.

- Removing the ability of landlords to give a reduced notice period of 42 days in the event that they decide to sell their rented property and defer to the 90-day notice period that landlords are required to give tenants when ending a periodic tenancy agreement.

- Limiting rent increases to no more than once a year, regardless of tenancy type or term and requiring that a formula for calculating any future rent increases be agreed prior to the tenancy commencing and including these clauses in tenancy agreement forms.

- Allowing tenants right of renewal on rental agreements and including a clause in tenancy agreements as per commercial leases.

Additionally the board recommends that the act does more to establish a culture of safe, long term renting. Steps that would help achieve this could include:

- Introducing a legislative definition of a rental property as a home which recognises the role the home plays in wellbeing and therefore the impact of unwarranted disruption

- Requiring landlords to take all reasonable steps to protect the continuity of a tenancy; minimising disruption to the tenant’s security, stability, and quiet enjoyment

- Another proposed change would allow tenants to make minor modifications to the property. Such changes would include, but not be limited to, repainting, hanging pictures and securing furniture in case of earthquakes. Of the two options proposed by the bill for dealing with modifications to the property, the board supports the first option as follows:

  Option 1 - A landlord has 21 days to consider a modification request, after which they are deemed to have agreed to reasonable modifications. If a landlord does not agree, they must provide a written response with the reasons for not agreeing.

- The board supports the need for the law to ensure that landlords maintain the property in a safe, healthy and secure manner. Amendments to the Residential Tenancies Act 1986, were made by the Healthy Homes Guarantee Act which passed in December 2017. The amendments allow for minimum standards for insulation, heating, ventilation, draught
stopping, drainage, and moisture ingress for all residential rental premises. The amendments will come into force on 1 July 2019 and compliance will be required before 1 July 2024. (Reform of the Residential Tenancies Act 1986, Discussion Document p8 Cl 14)

Additionally the board recommends that the act specifies minimum standards of compliance with wastewater systems and adequate water supply where those are not reticulated:

- Landlords need to ensure that onsite waste water systems are compliant and are fully maintained according to the bylaws of the local government body, and tenants and landlords must ensure that maximum occupancy limits as specified in the resource consent and for the system for the septic system are not exceeded.

- Landlords need to ensure an adequate storage facility, related directly to the number of stipulated tenant occupants, to supply potable water, and the proper maintenance of the property’s water catchment measures.

Additionally the board recommends the following provisions also be included:

- In terms of recording poor tenant behaviour, council records, such as noise complaints, rubbish issues and animal management complaints should be made available to tenancy tribunals subject to the provisions of the Privacy Act.

- That a mechanism be available to tenants to deal direct with the landlord, when property managers do not fulfil the reasonable requests of tenants.