Date: Thursday 23 May 2019  
Time: 5.15pm  
Meeting Room: Local Board Office  
Venue: 10 Belgium Street  
Ostend  
Waiheke

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**Waiheke Local Board**  
**OPEN MINUTE ITEM ATTACHMENTS**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>TABLE OF CONTENTS</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.1</td>
<td>Onetangi beach structures - Simon Kember</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. 23 May 2019, Waiheke Local Board, Item 9.1, Onetangi Beach structures - Simon Kember and Jane Parlane</td>
<td>3</td>
</tr>
<tr>
<td>9.2</td>
<td>Protection of Mature Trees - Colin Beardon</td>
<td></td>
</tr>
<tr>
<td>9.5</td>
<td>Wharetana Bay - Ross Gillespie</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. 23 May 2019, Waiheke Local Board, Item 9.5, Wharetana Bay - Ross Gillespie</td>
<td>17</td>
</tr>
<tr>
<td>14</td>
<td>Approval of Memorandum of Understanding between Auckland Transport and Waiheke Local Board</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. 23 May 2019, Waiheke Local Board, Item 14, Approval of Memorandum of Understanding between Auckland Transport and Waiheke Local Board, Signed MoU</td>
<td>21</td>
</tr>
<tr>
<td>13</td>
<td>Auckland Transport Waiheke Local Board update May 2019</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. 23 May 2019, Waiheke Local Board, Item 13, Auckland Transport Waiheke Local Board update May 2019, Location for Te Werowero sculpture</td>
<td>25</td>
</tr>
</tbody>
</table>

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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.
Onetangi Beach Access

and Dune Preservation

On behalf of Onetangi Beach Ratepayers’ Association Inc. (“OBRA”)

Members of the board,

Thank you for allowing the time for submissions on the Onetangi Beach Dune and Access issue.

My name is Simon Kember and I am speaking on behalf of the members of OBRA a community group of approximately 100 households at or near Onetangi Beach. OBRA is an incorporated society which was established nearly 20 years ago with its prime goal being to monitor and assist with the protection and enhancement of the coastal environment at Onetangi.

This memorandum is submitted on behalf of OBRA and we believe it represents the views of the general Onetangi Beach (and environs) community. It seeks to encapsulate the views submitted to the Council prior to Christmas 2018 with additional observations of beach usage over the summer and more recent dialogue.

As I only have three minutes, I shall cut to the chase.

Working East to West and with reference to the Council’s access plan which OBRA has been provided with;

1) Barbeque Area
   - The new steps from the barbeque area (more or less opposite no 43) are very good in every respect—location, construction and safety. We appreciate what the Council has achieved there and it will serve that amenity well.
   - The placement of rocks with associated planting will form good protection against future events.

2) Sand Ladder Opposite no 47/49 The Strand
   - While there have been no accidents yet, this sand ladder is not seen by the community or beach users as an acceptable solution, least of all as the sole access to that area. It is not in the right location to service the heavy foot traffic accessing the iconic and busy pohutukawa trees. One significant rainfall has rendered it dangerous (see photo) and while at best it was barely satisfactory, it fell short in terms of providing basic access let alone the needs of people carrying children, and beach equipment and other goods.
While well intended, in reality the construction of the sand ladder has added little benefit at all to what was already a natural sand path.

Moreover, being on the east side of the eastern tree, it does not, and never has, captured all beach users accessing the shelter trees and therefore in terms of both structure and location it is neither adequate or appropriate as the designated sole access to this area.

People are still accessing the area by way of ad hoc paths formed over and around the root and trunk structure of both trees, thereby damaging the bank and the recent plantings. No ropes or fencing will prevent this.

3) **Replacement of stairs Opposite no # 55 The Strand**

- This is a major issue given (a) the inadequacy of the sand ladder and (b) the damage to the embankment where the previous structure was located.

- Human behaviour dictates that there must be a satisfactory access between the pohutukawa trees, and all the community is seeking is the reinstatement of the status quo.

- The stairs were originally erected approximately 20 years ago in response to a community approach to the late Ron Leonard to whom an urgent access need was demonstrated in order to preserve the dune and bank and to save it from serious damage from people clambering up and down to gain access to the trees both east and west.

- The Council responded and acted quickly and ever since the stairs were installed, they have been the critical and resoundingly successful drop off and access point to the trees east and west. With the rail/balustrade they could service kayaks, surfboards, the less abled, children and equipment generally.

- They also saved the bank and dune from the human factor and photos show the general good health of the dune.

- The stairs suffered damage from the storm in Jan 2018 which was a freak event caused by a full blood moon and a ferocious storm happening at the same time.

- The damage was exacerbated by the fact that certain residents chained three kayaks to a single foundation support and when each wave receded the outward drag of the kayaks place considerable stress on that support.

- The stairs were repaired and seemed to be perfectly safe. However the Council, on advice, deemed otherwise and contractors removed them, unfortunately causing further damage to the bank in the digging and extraction process.

- As a consequence, the removal has left the bank in a worse condition than it was in after the storm.

- The area is now fenced off with red plastic—an installation which took place too late as the exposed area was still being used as a beach access. People
have since breached this barrier countless times and I have repaired it at my
cost at least four times. When replaced, the stairs will solve this problem.

- OBRA finds it staggering that with the significant increase in visitor numbers
  and beach usage, the Council has decided, without consultation, that there is
  no longer any need for the stairs opposite no 55. This cannot be reconciled
  with the Council’s view 20 years ago.

- Whatever stat one uses, the visitor numbers to Onetangi have exploded since
  the original stairs were constructed. The tree area is now used for large
  gatherings and is a heavy traffic area. The sand ladder is not ideal for purpose
  and a restored access between the trees is essential both for peoples’
  enjoyment and for the preservation of the bank and the further planting
  which is likely to be undertaken.

- While OBRA thanks and congratulates Bridget Velvin and her team for the
  thoughtful planting in the vicinity, such a measure is going to be futile unless
  the beach users are herded away from it. Much of the planting in this area has
  already been badly trampled.

- Urgent action is required to repair the damaged bank and dune and replace
  the #55 stairs with something similar to the previous and reasonably
  unobtrusive structure (see photo) but obviously with better engineered
  foundations. We can then plant around it to restore the integrity of the bank.
  We are lucky at Onetangi in that the sand does come back.

- I attach photos of the dune regeneration in this particular area between 2015
  and 2018. We are confident that this will occur again with a planting
  programme carried out in conjunction with strategic access points.

- OBRA also asks that any construction work be closely monitored so as to
  prevent unnecessary further damage in the works process.

4) Ladder Opposite no 87 The Strand
   - This area is not heavily used, but while well located, this sand ladder is
     constructed with sharp edged rectangle profile timber and is impossible to
     negotiate and therefore totally unusable
   - The sleepers need to be replaced with a half-round timber profile at a minor
     cost.

5) Other Damaged Areas along The Strand
   - There are gouges in the embankment outside no’s 47 and 81 The Strand
   - Is it possible to place some rocks and sand or soil there and sufficient
     material to enable replanting?
Summary

- OBRA does not believe that its requests as set out above are in anyway excessive but they are merely aimed at restoring the status quo. OBRA’s focus is on both environmental protection and enjoyment as a public amenity and both objectives can be achieved with thoughtful planning.

- The dunes will re-form as they have done on at least three occasions after storm events over the past 25 years (see photos) but it will require the dunes and embankment to be protected by accesses, discreetly roped off areas and a continued planting programme with the Council and community being partners in the initiative.

- Location of accesses is not a science and cannot be determined by measurements on a two dimensional plan.

- OBRA and its members have the ability, experience and willingness to assist and all we ask is to be consulted in the process.

Thankyou

Simon Kember for OBRA
Title: Protection of Mature Native Trees on Waiheke Island

To: Waiheke Local Board
Re: Public Forum 23 May 2019
From: Colin Beardon + 15 others *

Background
There appears to be a major discrepancy between the stated aims of Council with respect to tree protection on Waiheke and what is happening on the ground.

Council’s aims are stated in the HGI District Plan Section 10c.5.1.3:
The council has limited the removal of indigenous vegetation in order to protect the natural character and the landscape, ecological and amenity values of the islands.

A recent Council report into Waitemata Ward reported that over a 10-year period a minimum of 12,879 trees had been cleared, mostly one or two trees on private land. The authors described that process as “death by a thousand cuts”. (AC Technical Report 2018/021)

A similar study of Waiheke would not doubt paint a similar picture, with several localities reporting that, within the last few years, six or more mature trees have been lost within a few hundred metres thus changing the visual appearance of the area from rural to urban. Each case has its own story but the cumulative effect is significant.

The Planning Process
There is a widespread belief that Planners give too little weight to the positive benefits of our mature native trees: they are not only beautiful, they are culturally significant to iwi, they provide a screen between neighbours, they stabilise the soil, they provide a habitat for wildlife and they absorb significant amounts of carbon.

Under Section 10c.5.1.2 of the HGIDP:
The council has restricted its discretion to considering the following matters:
* the applicants’ need to obtain a practicable building site, access, parking area, or to install services to the land
* the applicants’ need to ensure sunlight access for solar power generation and to clear around dwellings for fire safety
* the quantity, quality and extent of the vegetation
* visual and amenity effects
* effects on the habitats of indigenous fauna
* the presence of species that are rare, threatened or endemic to the islands
* effects on slope instability and erosion
* mitigation planting
* the consideration of alternatives.
* the applicant’s need to obtain a practicable site for their intended land use.

The views of iwi or of neighbours are not allowed to be considered. The effects of climate change are not allowed to be considered. And even though a mature tree absorbs around 600 Kg of CO2 per year, this is also not allowed to be considered.
Monitoring is also an issue. Evidence from the 5 Cory Road site indicates that Compliance Officers expect to be able to give informal consent for a tree’s removal even though no formal Consent has been granted. This can be done outside of the need to make the consent public. This case is currently subject to a formal complaint.

Mitigation is largely ineffective as it will be many years before any replacement trees mature and no monitoring carried out once the Completion Certificate is issued. As far as carbon sequestration is concerned, a realistic mitigation would be to ban the consent holder from driving for three months.

Penalties for unconsented work are trivial and are more of an encouragement than a deterrent.

Looking to the future, we should be aware that our tree protection is covered within the RMA but only for so long as we do not have reticulation on the island. Also the 5G network, which I know the Board is considering elsewhere, is technically susceptible to interference by trees and its roll-out is likely to be accompanied by widespread tree pruning and removal.

The Role of Citizens

There is always a role for citizens to report to Council any activity on trees that they believe contravenes the rules, but where there is a widening gap between the intention and the delivery of a policy then citizens need to go further and report any suspicious activity and to complain whenever an activity seems to go against the basic intention to protect mature native trees wherever possible.

In fulfilling these obligations, a citizen may come across a number of bureaucratic obstacles.

* Information about the rules for tree protection on Waiheke are not readily available through the Council website. If you type in a sensible query all you will get are the much weaker tree protection rules for the mainland and this is positively misleading.

* One never knows whether particular tree work is permitted. A relatively simple solution would be to make it mandatory to display the consent notice at the road frontage. Then any activity without a sign should be reported.

* While it is possible to see a copy of any Resource Consent to get it transferred to a memory stick will cost you $65. It should be free if you have a legitimate interest.

* We need an effective, well-publicised hot-line number for members of the public to report any activity. I used the Council number (3010101) for a recent incident and it took 50 minutes to get to speak to a person, by which time the tree had gone.

Most people want to retain the rural appearance of our island. If we could all do a little more to change the formal processes on the one hand, and be vigilant and speak out on the other, then we can restore the balance and retain the green and pleasant nature of our island.

* On behalf of: Colin Beardon, Ivan Kitson, Flynn Washington, Pam Oliver, Kathryn Voyles, Carol Winstanley, Bolinda Fabris, Christine Beardon, Susi Newborn, Sue Fitchett, Rosie Walford, Janet Sales, Michael Somers, Lincoln Jackson, Jana Lyn-Holly, Pita Rikys
Attachment A

Latest delivery from John Nai
What does the public gain from this? It loses again.
Memorandum of Understanding between
THE WAIHEKE LOCAL BOARD and AUCKLAND TRANSPORT

Background

1. This is a Memorandum of Understanding (MoU) between the Waiheke Local Board (the board) and Auckland Transport (AT).

2. It has been developed in the context of the 2017 Auckland Council governance review which resulted from recognition that the Auckland shared governance model is facing a range of issues that need to be addressed. Waiheke was recognized in the review as facing a set of unique challenges which might benefit from being treated differently. This resulted in the decision to undertake a three year trial to test the impacts and value of devolving more decision-making to the board.

3. In the spirit of the governance review and the devolution of more powers to the board, this MoU seeks to extend the boundaries of the working relationship between AT and the board. AT participated in the governance review and has been a supporter of this trial. Since the start of the trial the board and AT have been working to develop their relationship, progress projects and address a range of issues.

4. Recent surveys to provide a baseline of Waiheke community attitudes to Auckland Council and AT have shown that their reputation can be enhanced. AT and the board see this MoU as one tool to support change in the way transport matters are deliberated and in turn to help achieve positive recognition of AT’s work for the Waiheke community.

Purpose

5. We have formally adopted this MoU as a public document which:

- Formalises our working relationship
- Sets out what we wish to achieve and how we will work together
- Is the foundation for an enduring relationship and recognises that this is a journey
- Commits us to working together to achieve agreed goals

6. We wish to have a positive working relationship and to understand each other’s needs and constraints. We aim to deliver on the Waiheke community’s aspirations and values for its transport network. Some of the challenges we face are:

- A transport network, infrastructure and budgets intended for a small island population which doesn’t take into account the significant visitor impacts and pressures Waiheke faces

- An approach to transport planning, investment and delivery based on the Auckland-wide network approach. This doesn’t necessarily recognise that Waiheke is different, that its community and landscape requires outcomes that fit the island’s character and uses principles to deliver work that recognises these differences.

Outcome sought

7. We agree to use this MoU to assist us to work together to achieve transport outcomes that as far as possible meet our and the Waiheke community’s needs.
Roles

8. We acknowledge that we have separate and specific duties, obligations and requirements under the Local Government (Auckland Council) Act 2010, as well as other relevant legislation, policy and financial instruments.

9. The local board is an elected body with decision-making over non-regulatory local matters and it is accountable to the Waiheke community. It has a local governance role and that complements AT’s local operational and managerial roles, and its regional role. The intention will be for neither party to impinge on the other’s role(s).

10. The board’s priorities are set down in the Waiheke Local Board Plan which includes an advocacy role in relation to transport. Its role is informed by Essentially Waiheke, the island’s strategic framework developed with the Waiheke community and adopted by the board. Essentially Waiheke contains clear aspirations for a transport network that fits the island’s character and needs.

11. AT is responsible for transport matters on Waiheke as a regional council-controlled organisation and road controlling authority. Its Statement of Intent says AT will work closely with elected members and local boards to improve relationships and engagement, to give better effect to the role of key stakeholders in local place-making and to progress local board transport initiatives. Its Engagement Plan recognizes the integral role of local boards, the need to keep them well informed and involved in all relevant projects, and to interact in good faith.

12. This MoU doesn’t change our responsibilities and recognising that these might be in conflict at times, it outlines an approach to addressing these conflicts.

13. We both have existing relationships outside of council that we value and need and the MoU provides additional support for us to assist each other with these relationships where mutually agreed.

Ways of Working

14. Waiheke has a particular character and its community has a particular vision for its transport network. We recognise that there are benefits in taking a Waiheke specific approach to transport matters and unless otherwise constrained as noted above, we support transport matters on Waiheke being managed in a way that best meets that community’s needs.

15. While the board doesn’t have decision-making over transport matters on Waiheke (with the exception of allocating its Transport Capital Fund budget), it understands the Waiheke community’s needs and aspirations. AT recognises this and agrees to use its best endeavours to deliver on these provided they fit within its remit, have policy backing and can be funded.

16. We therefore commit to:

- Being innovative and proactive in our relationship in recognition that this is key to progressing this MoU
- Working together to address issues, advance projects and develop plans for Waiheke while accepting that we have different responsibilities which might make this challenging at times
- Treating each other with respect and using respectful language
- Releasing joint communications where this makes sense
- Sharing all information unless there is a legitimate reason to maintain confidentiality and not distributing confidential materials to third parties
- Working to develop trust
- Working in good faith to achieve outcomes
- Taking a no surprises approach to our relationship and keeping each other informed
- Being open and honest in our interactions
- Being responsive, timely and flexible
- Giving priority to overcoming issues and challenges

**Implementation**

17. AT agrees to work with the board to progress the following:

- Creating a local transport manager position to interact with the board and make transport decisions
- Investigating areas where AT functions might be delegated to the board e.g. street trading, certain landowner approvals
- Maintaining an up to date issues register accessible to both parties
- Development of a 10-year Transport Plan for Waiheke
- Development of transport design guidelines which reflect the island’s character
- Developing and maintaining a rolling three year work programme
- Sharing annual infrastructure planning and maintenance documents
- Having accurate and regularly reported transport data
- Meeting and workshopping regularly and at least monthly
- AT including formal reports focusing on Waiheke transport matters on the board’s business meeting agenda at least three monthly
- Jointly reporting to AT’s Executive Leadership Team and Auckland Council’s Joint Governance Working Party as appropriate
- Improving integration with council units with connecting roles e.g. Healthy Waters
- Advancing public transport on, to and from Waiheke in accordance with the provisions of the Regional Public Transport Plan

18. AT agrees to support the board in the following areas:

- Providing an active representative on the Waiheke Transport Forum and supporting the forum with timely accurate information as required.
- Advancing the Waiheke community’s aspiration to be carbon neutral
- Electrifying the public transport network and infrastructure
- Lowering speeds on the island’s roads
- Developing active transport infrastructure e.g. walking and cycling
- Delivery of Matiatia precinct transport solutions
- Improving the resilience of transport infrastructure to respond to more extreme weather events and the increase in traffic volumes
- Delivering on the transport outcomes outlined in Essentially Waiheke and the Waiheke Pathways Plan
- Ensuring stormwater projects use principles of water sensitive design
- Look for opportunities for pedestrian safety (e.g. crossings)
- Installing public art
Dispute Resolution

19. The parties agree to address issues that can’t otherwise be resolved using the following process:

- The regular AT workshop agendas will include an issues item where either party can raise matters where efforts to resolve these have been unsuccessful
- The parties will discuss and agree next steps, roles and a timeline to resolve these issues
- Where an issue remains unresolved despite best efforts it will be escalated within either AT or Auckland Council to the appropriate management level
- If this escalation fails to resolve the issue it will be formally escalated to the board chair and the AT CEO

Review

20. This MoU will be actively reviewed within six months of the start of each board term and otherwise as agreed between the parties. Staff will work with the board to identify any areas where the MoU might be changed for consideration by the board and AT.

21. This MoU can only be extinguished with the agreement of both parties.

Signed by:

[Signatures]

Cath Handley  
Chair, Waiheke Local Board

Shane Ellison  
Chief Executive, Auckland Transport

23 May 2019
Existing Column

Distance: 5.7 Meters

Distance: 1.3 Meters

Proposed placement of Te Werowero sculpture (Approx. measurements are 700mm wide & 2700mm high). Sculpture measurements are from the outer edge of the foundation base. From the roadside kerb to base is approx. 1.3m. From column to base is approx. 5.7m.