

# Recommendations following the hearing of the Draft Waiheke Local Parks Management Plan under the Reserve Act 1977 and Local Government Act 2022



<b>Site address:</b>	Waiheke Local Parks Management Plan
<b>Hearing commenced:</b>	Tuesday 22 November 2022 at 9.30am
<b>Hearing panel:</b>	Rebecca Skidmore (Chairperson) Bianca Ranson (recused from submissions relating to Te Huruhi Bay Reserve) Cath Handley Kylee Matthews Robin Tucker Paul Walden
<b>Appearances:</b>	<p><u>Submitters:</u> Pita Mahaki for Piritahi Marae John Childs and Robyn Barrie for Palm Beach Progressive Association Mair Brooks for Waiheke Island Pony Club Ivan Kitson Caroline Ryan Dave Malan Denis Powell Jay Clarke Millie Watkins Richard Wallis for CarbonCycle Roger Bryant Elizabeth Waters Michael Maahs for Waiheke Resources Trust Anna Armstrong</p> <p><u>For Council:</u> Jessica Morris, Reporting Officer Kiri Le Heron, Service &amp; Asset Planning Team Leader Annette Campion, Parks Planning Consultant Ani Makea, Marae Advisor Jacqui Thompson Fell, Parks and Places Specialist Nick Somerville, Hearing Advisor</p>
<b>Hearing Closed:</b>	Tuesday, 22 November 2022

## Introduction

1. In November 2018 the Waiheke Local Board (WLB) resolved (WHK/2018/277) to notify its intention to prepare a combined management plan for the local parks on Waiheke Island and invited submissions on that intention.
2. In October 2020 the WLB resolved (WHK/2020/167) to establish a hearing panel consisting of the full local board and an independent commissioner as chairperson.
3. In October 2021 the WLB resolved (WHK/2021/121) to approve public notification of the draft Waiheke Local Parks Management Plan (the draft LPMP).
4. In July 2022 the WLB selected the independent hearing commissioner to chair the hearing of submissions on the draft LPMP (WHK/2022/113).
5. This is a statutory process under s41 of the Reserves Act 1977 for reserves in the local board area.
6. The draft LPMP includes 125 local parks covering close to 280 hectares across Waiheke Island. Those parks are mostly held under the Reserves Act 1977 (RA), with a few held under the Local Government Act 2002 (LGA).
7. The 2-volume LPMP was publicly notified on the 24<sup>th</sup> January 2022 with submissions initially invited by the 31<sup>st</sup> March 2022. This was subsequently extended to the 16<sup>th</sup> May 2022 to provide the correct version of the Te Huruhi Bay Reserve pages.
8. 73 submissions were received in time including one submission that was withdrawn. One submission was received late, in the month following the close of submissions. This submission has been accepted by the Hearing Panel.
9. A comprehensive Hearing Report with preliminary recommendations arising from consideration of written submissions was prepared by Council staff (dated 10<sup>th</sup> November 2022). Attachments I and J to that report contained a summary analysis of all written submissions for Volume 1 and Volume 2 of the draft LPMP respectively. The submission analysis included Council officer recommendations for the Panel's consideration.
10. The hearing of submissions was subsequently scheduled for and held on the 22<sup>nd</sup> November 2022 at the Local Board boardroom, 10 Belgium Street, Ostend, Waiheke Island.
11. Due to a potential conflict of interest, the Panel member Bianca Ranson recused herself from considering any submissions relating to Te Huruhi Bay Reserve. During the hearing she left the room when any submitter that addressed this Reserve spoke. Ms Ranson did not take part in any deliberations relating to Te Huruhi Bay Reserve.

## Background

12. The LPMP is an omnibus plan that includes all local parks within the Waiheke Local Board area which the local board has allocated decision-making responsibility over. The parks are all either held under the Reserves Act 1977 or the Local Government Act 2002, except for a small number of reserves identified as out of scope, including Rangihoua Reserve / Onetangi Sports Park.
13. Out of scope of the plan is open space for which the local board does not have decision-making responsibility, e.g., regional parks and land owned and managed by other entities such as the Department of Conservation. Unformed legal roads have been included in the plan to inform advocacy in the management of these spaces, but only where they act as open space.
14. The process for developing the draft LPMP, including the engagement and communication carried out, is set out in Section 4 of the Hearings report and is not repeated here.
15. The notified draft LPMP was produced in the following volumes:
  - Volume 1, Parts A (Introduction and Context), Part B (Parks on Waiheke), and Part C (Parks Management Planning Framework and Policies);
  - Volume 2, Individual Parks Sheets and accompanying appendices (E – H).
16. Volume 1 provides the context for preparing the LPMP and includes a generic overview that applies to all the identified parks including:
  - Identification of key park values (being protecting taonga (treasures), and supporting Hauora (wellbeing) and the relationship between the two;
  - Te ao Māori in local park management;
  - The six principles for park management:
    - Partner with Māori in managing parks;
    - Increase the visibility of Māori culture within parks;
    - Protect and respect taonga (treasures) in local parks;
    - Provide for public use and enjoyment of parks by supporting a diverse range of experiences;
    - Enable access and provide connections to the water, the coast, natural areas, neighbourhoods and the park network;
    - Value the input of the community in enhancing park outcomes.
  - Reserve classifications;
  - The six management focus areas:
    - Coastal;
    - Informal recreation;
    - Protection of the natural environment;

- Recreation and ecological linkages;
- Organised sport and recreation;
- Community use (LGA land only).
- The fifteen general park management policies covering:
  - Access and parking;
  - Buildings;
  - Climate change and natural hazards;
  - Drones and unmanned aerial vehicles;
  - Encroachments;
  - Geological and landscape features;
  - Historic and cultural heritage;
  - Mana whenua and Māori outcomes;
  - Natural environment;
  - Park development;
  - Park naming;
  - Partnering and volunteering;
  - Recreational use and enjoyment;
  - Signs, information and interpretation.
- The eight sets of authorisation policies covering:
  - Activities requiring authorisation;
  - General authorisations;
  - Commercial activities;
  - Community leases and licences;
  - Events and activation;
  - Overnight accommodation;
  - Plaques and memorials and the scattering of ashes;
  - Public and private utilities.

## Statutory Requirements

17. The parks covered by the LPMP involve those held under the Local Government Act 2002 as well as under the Reserves Act 1977. Decisions taken must accord with the specific requirements of those two statutes as appropriate.
18. The local board has been allocated decision-making for local parks, including approval of reserve management plans, by the Governing Body under the Local Government (Auckland Council) Act 2009, s 17. The local board holds authority to approve reserve management plans for recreation reserves as the administering body of the reserves and for all other reserves under the delegation from the Minister of Conservation to territorial authorities in 2013.
19. Therefore, the Waiheke Local Board has the power to make decisions on all parks included in the draft LPMP.
20. Whilst in many instances the identified parks comprise parcels held under both statutes, *Part 6 – Planning, decision-making, and accountability* of the LGA applies overall. However, we have been mindful of the need to comply with those respective statutes - including giving consideration to the views and preferences of persons likely to be affected by, or having an interest in, the matter.

## Changes Recommended to the LPMP

21. Section 5 of the Hearings Report provides an overview of the written submissions received, including a breakdown of the submitter demographics. The report identifies a risk that the LPMP does not reflect the views of the wider population but concludes that this risk is minor, noting that research and information on the recreational needs of the wider demographic has been considered in drafting the Plan. The report summarises the feedback on Volume 1 and identifies the particular matters that people commented on the most as being:
  - the need for greater recognition of equestrian activities throughout the plan;
  - preserving the unique local character of Waiheke parks;
  - taking account of the views and aspirations of local communities;
  - providing for different cultures, abilities and experiences;
  - greater recognition of climate change and biodiversity issues and mitigations;
  - addressing pressures and constraints for community volunteers;
  - acknowledging resource constraints for implementation;
  - desire to protect parks for community or recreational use;
  - acquisition and disposal of parkland (this is out of scope of the plan).
22. In relation to Volume 2, submitters commented on 56 local parks. Te Huruhi Bay Reserve was the most mentioned park with the majority relating to the future lease activities of the Piritahi Marae and Waiheke Island Pony Club.

23. Other matters raised by submissions related to:
- Provision for equestrian access across the parks network through recognition of bridle paths;
  - Development and enhancement of greenway connections through parks, particularly in rural and coastal areas;
  - Recognition or support for environmental activities on parks;
  - Acknowledging gifted parkland and the protection of heritage and recreational values of parks, including from encroachment;
  - A range of other issues including coastal erosion, lack of all-ability access, camping and commercialisation, and the preservation of significant ecological areas.
24. Attachment I and J of the Hearings Report sets out a full analysis by Council staff of written submissions received and their preliminary recommendations to the Panel.
25. Paragraph 6.2 of the Hearings Report provides a summary of recommended changes to Volume 1. The recommended changes to Volume 2 include amendments to park values, issues and intentions to respond to particular issues raised. The recommended changes are summarised in Para. 6.3 of the Hearings Report.
26. We note that the care and detail provided in the submissions and presented by submitters at the hearing have been particularly helpful to further refine the LPMP. As a result, further amendments have been incorporated into the final LPMP that we are recommending for adoption.
27. At the hearing, we were advised by staff that it was intended for the maps for individual parks to be updated to a new format used for future LPMPs such as those for Rodney, Kaipātiki, and Upper Harbour. We were advised that the technical changes provide a number of improvements including:
- Land parcel boundaries are shown on the map;
  - The legal description and classification are linked with the relevant parcel on the map;
  - Parcels are numbered rather than being outlined in different colours for classification;
  - A legend is included below the map to easily identify management focus areas;
  - Nearby parks are identified rather than showing them as non-opaque.
28. For the record, the Panel notes that it has considered and generally accepts the recommendations made in the Hearing Report with a number of consequential amendments post-hearing.

## **Submissions – Volume 1**

29. Submitter responses to the closed questions shows general support for the approach and framework of the plan (average of 45% versus 9% not in support). However, around a third didn't know what their opinion was. The intention is for the final plan to be provided online to make navigation simpler.
30. As a general comment, the Panel is satisfied that the omnibus approach to providing a management framework for the Island's local parks is suitable and the LPMP successfully balances the multiple needs, expectations, statutory and operational requirements of the Parks.
31. The Panel appreciated the thoughtful and detailed submissions received and supporting presentations at the hearing. Having reviewed the structure of Volume 1 in light of the submissions, we agree that the approach taken is a useful way of ensuring a degree of policy and programme consistency across the wide variety of parks included in the LPMP.
32. While we generally support the preliminary recommendations set out in the Hearing's report, following a consideration of the submissions and evidence presented at the hearing, including responses to questions from the Panel, we recommend further amendments to Volume 1 that address matters of detail. The analysis set out in the Hearings report and the additional changes recommended is updated and set out in Appendix 1 of this report. The recommendations assist to provide greater clarity and are more directive in response to a number of issues raised, such as addressing sustainability issues, including the impacts of climate change.

## **Submissions – Volume 2**

33. Most of the submissions that sought amendments directed their attention to individual parks (and that was the case for the majority of submitters who appeared before us) rather than the generic matters of Volume 1.
34. The detail set out in a number of submissions reflects the extensive local knowledge held by local residents and the value they place on the local park network. In many instances the input provided has assisted to fine tune the specific management frameworks provided for individual parks as set out in Volume 2 of the LPMP.
35. As with Volume 1, we generally support the preliminary recommendations set out in the Hearing's report. However, following a consideration of submissions and evidence presented at the hearing, including responses to questions from the Panel, we recommend further amendments to Volume 2. The analysis set out in the Hearings report and the additional changes recommended is updated and set out in Appendix 2 of this report.
36. By far the greatest focus of the submissions relating to individual parks addressed issues relating to Te Huruhi Bay Reserve.

37. Te Huruhi Bay Reserve is made up of recreation reserve and local purpose (marae) reserve, both of which are subject to leasing arrangements. A parcel of local purpose (esplanade) reserve also forms part of the reserve.
38. From the depth and emotion expressed by a number of submitters at the hearing, it is clear that Te Huruhi Reserve is a highly valued open space, with established user groups holding aspirations to expand their activities on the Reserve.
39. At the hearing we heard from representatives of the Piritahi Marae about the various activities and services they carry out on the reserve including education, health and wellness services. The importance of being linked to the whenua and the inclusive support provided to the wider Waiheke population were emphasised.
40. They explained the limitations on the current operation of services within the existing marae footprint and aspirations for further expansion of activities. Their submission seeks to rezone part of the recreation reserve to Open Space 4 – Marae/Local Purpose (Marae) and change the reserve status to local purpose (marae) reserve to support this expansion.
41. The Waiheke Island Pony Club (WIPC) currently operates on the recreation reserve part of the park. The WIPC has held a multi-year lease to operate here from 1973 – 2018. Since then it has operated on a short term lease arrangement.
42. We heard detailed and impassioned submissions from representatives of the WIPC and individuals about the membership of the club, the range of activities they undertake and the role the club plays in the wider community.
43. It is clear to the Panel that both groups have an established and important role in the community. Aspirations for further continued operation of both groups and further expansion of the Piritahi Marae creates tensions given the limited space available.
44. The Panel notes that it is outside the scope of the consultation held on the draft plan to extend the footprint of the Piritahi Marae lease to the land currently held under the Reserve Act as a recreation reserve. This would require a variation to the local park management plan following a process to reclassify the relevant part or parts of the recreation reserve (carried out in accordance with the requirements of the Reserves Act 1977). It is also outside the scope of the LPMP to rezone land under the District Plan /Auckland Unitary Plan.
45. However, it is recommended that changes are made to the 'Key Management Issues' to identify the interests of both groups and to acknowledge the aspirations of the Marae and the future process that would be required to pursue that.
46. The Panel also recommends changes to the 'Management Intentions' to recognise the current operation of both the Piritahi Marae and the WIPC and the community benefit their activities bring.



47. We note that investigation of alternative sites for the WIPC is currently being undertaken as part of an assessment of equestrian service provision on Waiheke. This assessment will help inform any future proposals from the local board on the use of the recreation reserve which will need to be publicly consulted on through a variation to the plan. We recommend that the 'Management Intentions' are amended to indicate the current operation of the Club through a short-term lease. While we appreciate that the WIPC is seeking greater certainty to enable planning and funding for their club, the Panel was limited in scope to consider these matters.
48. A number of submitters noted the presence of endangered native birdlife (kuaka, dotterels and fairy terns) as a significant natural value. It is recommended that the 'Significant Natural Values' section is expanded to acknowledge this and the 'Management Intentions' are expanded to consider options to recognise and support the shorebird habitat.
49. A number of submitters opposed 'Management Issue' 1 and Ms Waters explained at the hearing the relationship of the Esplanade Reserve to her property and her experience of potential inundation events. Council's long-term modelling indicates that the area may be vulnerable to change. We recommend 'Key Management Issue' 1 is changed to clarify that the long-term use of the land for access may be impacted by coastal processes.

## **Conclusion**

50. The notified LPMP received general support from submitters and is now, in the Panel's opinion, appropriate for the multi-use activities currently enjoyed and anticipated. We are satisfied that it has been prepared in terms of and satisfies the requirements of the Reserves Act 1977 and the Local Government Act 2002 as appropriate.
51. The Panel would like to acknowledge the helpfulness of those Council officers who have worked to amend the text and maps in concert with our directions and produced a much more robust management plan as a result.
52. Our detailed analysis of the submissions received are contained in Appendix 1 (Volume 1) and Appendix 2 (Volume 2). The recommended amended version of the Waiheke Island Local Parks Management Plan (Volumes 1 and 2) is included as Appendix 3.

## **Recommendation**

53. The Hearing Panel recommends that the Waiheke Local Board approve the Waiheke Local Parks Management Plan with the further amendments made by us.



**Rebecca Skidmore (Chairperson)**

**And for Panel Members Cath Handley, Bianca Ranson (in part), Kylee Matthews, Robin Tucker and Paul Walden**

**9<sup>th</sup> July 202**

