

Westhaven Marina Users Association Inc

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Westhaven Marina Users Association Incorporated

Chairman's Report

For Financial Year ended March 31st 2022

I must begin by apologising for the unusual delay in holding this AGM.

Unfortunately, Bernard Branfield passed away on the 31st March and we had not completed the full transfer of his duties to our new secretary, Trevor Hackett.

We have now addressed all of this and received an extension from the Companies Office as the register of Incorporated Societies.

Bernard had dedicated decades to the success of WMUA and he will be sorely missed, however, we now have almost everything relating to the operations of WMUA, under control.

To reflect the very light level of work that we have undertaken during this year, we have decided to not levy membership fees for the 2021 – 2022 year.

At the last AGM held on Tuesday 20th July 2021, we agreed to not appoint an auditor. We will include the same motion at the AGM this year. During this year we have upgraded our accounting software to a “cloud” version and this has proven to be delivering an increase in efficiency at a similar level of cost. Included in the cost savings has been a complete move to digital communications with massively reduced postage and P O Box rental. With the later version of our accounting package we have reviewed and completely updated our member's card files so that they reflect the true state of WMUA.

Following our apparent rejection of the Panuku led amendments to the existing licences for BEUs, both Existing Trust and Extension Trust, we had several meetings with Panuku and Westhaven Marina Limited to discuss these amendments more fully. Having completed this we have withdrawn our objection but will still need to receive a decision on who will pay the legal fees involved in these changes. They were deemed to be necessary based upon the illicit activities of Panuku and WML so, our stance is that BEUs should not be bearing the costs.

An update on the liquor licence application for the new Marina Village building, this seems to have died a natural death. There are disclaimer signs on the doors of the proposed tavern, issued by Panuku, refuting the applicant's rights to tenancy.

Kevin Lidgard has recently re-constituted the long term planning for the future of the Northern reclamation and has asked each of the yacht clubs to return with their long term plans.

None of this addresses the BEU issues of extended lease inquiries and WML, and Panuku seem to be deliberately dodging this issue. I will deal with this separately.

Kevin's view seems to be to build a “community” at Westhaven and be able to support committed people. At the meeting that Barry Holton and I attended, each of the yacht clubs on the Northern reclamation were represented. Kevin was opening the bid on them preparing their 30-year plans of the role that they would play to encourage greater use of the Westhaven facilities and he wanted to know what facilities that Westhaven would have to build to restore each of the clubs to their former glory.

This, coupled with the “communities” around single design yacht fleets which he wants to encourage, will make WMUA’s role far more interesting, rather than being solely a policeman for the rights of BEUs.

This is a brief view of the lowest level of operation at Westhaven and we need to address the greater issues relating to WML, Panuku and Auckland Council as related to the BEUs who funded the original development of Westhaven Marina.

At this stage, we are all being ignored by Council and by Panuku and are not allowed to mention anything to do with extensions of leases at Westhaven.

Our association with Auckland Marina Users Association has enabled us to better view the disparate but related moves by Auckland Council planners to encourage private development at selected marinas. This plan has been underway during both the Les Brown led Council and then the Phil Goff led Council. It has become noticeable in the past few months as these two eras have come to an end with the new Wayne Brown led Council, and how unrelated pieces of resource consents and plan changes have been rushed through to be implemented prior to the new regime taking over.

I shall now quote Richard Steel, of AMUA:

1. The AMUA experience is best summarised as follows:
 - a. In early 2018 we became aware of Panuku’s intentions to sell Council owned marina land to the private operators at Gulf Harbour and Hobsonville marinas.
 - b. A media and lobbying campaign which cost in excess of \$22,000 and presentations to Council committees led to a suspension of that sale process.
 - c. Newsletters to association members and presentations to AGM’s explaining issues were well received and we were successful with a few more media articles but we did not generate any wider interest
 - d. In 2019/20 and 2020/21 AMUA, AYBA and other interest groups pursued funding for a region wide strategy that was approved by the Planning Committee in March 2019. It was clear at the time of the March 2019 decision that the then Mayor and Chair of the Planning Committee did not want a strategy.
 - e. When no progress had been made after 18 months we wrote to the then Mayor and CEO and lobbied via Councillors Watson and Walker to simply get a meeting and when those approaches were rebuffed we even submitted a Solicitors letter to emphasise the gravity of our concerns. That approach too was rebuffed.
 - f. We made presentations to several Local Boards explaining how marinas were community recreational assets that served people from throughout Auckland, not just the Local Board area. We gained support from the Local Boards to the extent that they started to press Council for progress on the Strategy.
 - g. Several months later, in August 2021 with 3 days notice, a resolution was put to the Planning Committee to rescind the March 2019 decision. The resolution was supported by a one sided report from officers including Councils Chief of Strategy and the voluble support of the Mayor and the Chair of the Planning Committee. The A team followed that lead and the resolution was passed.
 - h. In October 2021 the Bayswater consent application was publicly notified. Media coverage at the time made it clear that Council officers and the Chair of the Planning Committee had been involved in discussions with the developer regarding the development since 2017.
 - i. At no time prior to the public notification did the developer or Council engage with any organisation that might be opposed to the development – including the Local Board.
 - j. The Devonport Takapuna Board, Bayswater Berth Holders Assoc and Bayswater Community Committee had all previously opposed residential development on two previous occasions – and yet neither Councillor Darby or Hills have supported or even engaged with these groups to understand their concerns.

Now we get into the really boring bits where typical marina and harbour access controls, have been carefully addressed. All of this is encompassed in the Vesting and Empowering Acts which relate to at least 3 marinas in Auckland and have set the framework for most other subsequent marina agreements.

With the advent of the Auckland Unitary Plan all of these areas around sea bed licensing through to Berth Entitlement Unit holder agreements have been totally ignored. This means that the future-rules cupboard, for Auckland, is absolutely bare.

I believe that this is the major reason why there is no answer to the question of what will happen in 2026 when the Existing Trust will be wound up, and BEU leases expire.

Coupled with this, Auckland Council has leapt into an immediate plan change (71) to apply the National Policy Statement for Urban Development in relation to the provision of car parking. The aim of this National Policy statement was to enable up to 3, 3 story buildings on a property, without a resource consent, and no requirement for footpath crossings nor driveways to allow for greater intensification of residential property in an urban area.

Under Plan change 71, Auckland Council has extended this to remove all parking provisions in both urban and rural areas and have applied it to all zones where there are parking provisions. The final hearing has been held and the decisions from the commissioner are imminent.

When you stand back and review, this means that the likes of the Sandspit marina, along with the boat ramp at Kawakawa Bay may have to allow their car parks to be turned into intensive residential development. The plan change also specifically mentions the small triangle of land on the corner of Watene Cres and Tamaki drive to have removed, the provision for overflow parking for the Orakei boat ramp.

Then we have the Tamaki ward committee introducing a By Law to remove the haul out area at Orakei to convert it into a park, yet, have not submitted any plans for funding the conversion to a park. Couple this with the commercial decision to close the Pier 21 haul-out , with the more stringent requirements for certified anti foul and washing for boats leaving Auckland, and you have a clear requirement for a marine access strategy to eliminate these disjointed decisions. A strategy which Council clearly do not want.

The Bayswater Marina application for apartments has been re-resurrected yet again and there is a hearing on Tuesday 14th November for BML to re-submit an ammended plan for the construction of apartments at Bayswater, thus destroying the marina precinct under which the marina is currently protected.

The Council's un-published plan, under the previous administrations, has been to present Westhaven as a pristine marina with no requirement to provide parking and the freedom to build residential property within its environs, making it attractive to property developers to do just that and provide Council with a bigger rating base.

In this scenario, we have been emasculated. The Council Officers following this un-published plan, have been drawing several strings recently, to close the package. Our only hope is to become involved with the new administration and to let them know that the plan is not good enough, the consultation is non-existent, and all should be brought to a halt until the overall strategy, including the rules to be gleaned from the original Vesting and Empowering Acts have been brought back into play via additions and changes to the Auckland Unitary Plan.

We have our AGM on Tuesday 29th November @ 7:00 pm, at Ponsonby Cruising Club. We will be serving some food at the end of the meeting and will "shout" a drink for those members attending. Please support us and let us know which are the pressing issues from your point of view. I look forward to seeing you there.

King regards

Euan Little

Chairman

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