



Westhaven Marina Users Association Incorporated

Chairman's report.

Financial Year ended March 31st 2023

Welcome to yet another prelude to our Annual General Meeting as we summarise the year just gone.

Panuku called their first meeting of BEU holders, on the afternoon of the Melbourne Cup, to vote upon their proposed changes to the existing BEU agreements. These changes were introduced to legitimise Panuku's earlier practicing 'activities', over the prior 10 years, which had been specifically excluded, from the original agreements.

Both the Existing Trust and the Extension Trust members eventually voted to adopt the changes to the agreements. We have had no information as to who will bear the legal costs for this adventure. I guess we have to wait until the accounts are released.

We have been astounded at the removal of haul out facilities at the old Pier 21 plus the Council driven closure of the Landing, at Orakei. Also, the rapid adoption of Plan Change 71 which removes any requirement for parking at any place in the whole of Auckland. What was really astounding was the approval of residential construction, at sea level, at Bayswater, at the base of cliffs, one week before the Auckland Anniversary weekend weather event. Especially since the Bayswater area had been designated a marina and that carried the legal protection of residential construction was not a permitted activity. So much for any comfort from the rule of law. Auckland Council officers have encouraged this travesty to occur, during the recent Councillor's election campaign.

- The major concern facing our members is that Council Officers will promote these agendas which are not necessarily mentioned in the Auckland Council Long Term Plan. We see the campaign at Bayswater as being a precedent to remove the protection of the rule of law from a marina precinct protected in the Auckland Unitary Plan. Once the precedent has been set, then every other marina is under threat of a similar outcome.
- Auckland Yacht and Boat Association (AYBA) has understandably decided to withdraw from the appeal at Bayswater and the judicial review at The Landing because of funding constraints and a deficit arising from legal action to date.
- We have posted a summary, from Richard Steel, on our website <https://westhavenmarinausers.org.nz/newsletters> which you should read. These decisions will markedly affect all boats moored at berths and who want to travel around in our waters. Also, this document alone reflects the depth of investigation, undertaken by AMUA, in every communication that it has had, with Council, representing all marina members.
- The nub of the matter is that Auckland Council have introduced these measures which badly affect our members and members of all marinas, leaving the us, the public, to have to raise legal fees to contest the rationality of the decisions recently made.
- Any contribution you may wish to make should be addressed to AYBA.

It would seem that we are up against some Council Officers who are apparently determined to emasculate the very investors who subscribed to the retail offers to invest in marinas and who purchased their BEUs in good faith to allow the individual constructions to proceed, only to be dealt these sort of blows as they have lived through the term of their agreements.

With regard to the 2026 quandary over the pending retirement of the Existing Trust, Westhaven Marina Limited have refused to make any comment, blaming Panuku for a lack of information. Panuku in turn have blamed Auckland Council for lack of direction on what should happen.

It would appear that the Panuku model for Westhaven will be very similar to that being currently touted by Winton for a retirement home in Beaumont Street. This is not in the Westhaven precinct.

You have to imagine high-class apartments along the Northern reclamation, and Westhaven Drive, each possessing exclusive access to a marina berth in the Westhaven basin, where today's BEUs are then forced to be renters with longevity of tenure of 30 days.

We have separately approached Auckland Council with a proposal to clarify the BEU renewal position. We now have meetings promised, to discuss how this would fit into Council's Long-Term Plan. Hopefully we can precipitate some action and gain some surety for existing BEUs as well as open opportunities for potential BEUs to have their needs met also.

Separately, we must have a concern over the development of the replacement legislation, to the RMA. While the RMA is nobody's real friend, it appears that the proposed modifications to it, could be horrendous.

There are some suggested changes which allow long term agreements to be over-written if they prove to be inconvenient.

- There is nothing more long term than a 35-year BEU which may prove to be inconvenient to the Marina Operator
- There is nothing more long term than a 35-year lease with a right of renewal which may prove to be inconvenient to the Marina Operator
- There is nothing more long term than a 90-year lease which may prove to be inconvenient to the Marina Operator

While none of this is set in concrete, it is certainly on the table, and in legislative consideration. This legislation will affect you and you must be prepared to research and understand it. It will affect the Yacht clubs on the Northern Reclamation at Westhaven as well.

You need to attend this AGM and decide what you want us to do about it. Please research it and then become enthused enough to voice a viewpoint at this upcoming AGM.

We will hold our AGM at the Ponsonby Cruising Club, Wednesday 19th July 2023, beginning at 7:30pm. As you will be aware, from the accounts, we have increased the food value for those members who attend. Also, we will "shout" a drink for those members attending, after the meeting.

Please support us and encourage other renters and BEUs to attend and hear what we are doing to clarify the position around renewing BEUs, plus extending renters into BEUs if they so desire.

On Saturday 10th June, the NZ Herald ran an article, written by Anne Gibson, which outlined the future plans of Panuku as regards berthholders at Westhaven marina. Her article outlined plans by Winton Land to build Auckland's first vertical retirement village on land adjoining Beaumont Street and Westhaven Drive. The use of Occupation Right Agreements (ORA) plus the allocation of berth usage rights made the new regime look so much like the BEU agreements within Westhaven that I was forced to draw some conclusions.

I believe that we can safely assume that our own Westhaven BEUs will be cancelled, apartments will be built, with their own, new BEUs, assigned to an adjacent Westhaven Berth.

As WMUA we need to decide how we are going to address this speculation on my part, to the benefit of our members. Do we rail against the concept (not the Winton Land development) or do we support Panuku and its not yet revealed plans?

Separately, prior to this news release last Saturday, I approached Auckland Council with a concept that they could raise approximately \$300m by renewing BEUs for another 35 years. Apparently Panuku had forgotten to mention this to Council as a means to ease their budget controversy. This concept is based upon renewing BEUs, also, if you are a BEU and actually rent out on your own behalf, to either favour your renewal or, favour your renter to be offered your BEU should you decline to renew.

The fact that Auckland Council were not aware that this possibility did exist shows that Panuku have their own agenda, quite separate to that of Auckland Council. So, the question is: should we go to battle in support of Council to gain another 35 years of WMUA or should we fold our tents and let Panuku have its way.

We need you and every BEU or renter you know, to attend this meeting and let us know how you feel, and which path we should take.

If you are motivated to attend, please let me know the numbers that you can encourage so that we can be sure that the PCC facilities might handle this.

Now to our attached financial report.

Income:

Our member numbers are dropping marginally, however, with the rebuild of our membership list, we will hopefully improve our collection rate. We have maintained our high provision for doubtful debts but have written off many of the very old outstanding debts. This helps to clear up our true position.

Our subscription round was very late last year, but has been improved this year.

Expenses:

We have signed up to MYOB in the cloud which comes with a monthly fee of 53.76 (\$650.00 pa). There are transactional benefits from this especially when reconciling the processing of annual WMUA subscription fees. Also, we are now able to view the accounts from 3 computers, rather than just the single one.

The database and computer support fees were high this year to cover the introduction of the new MYOB software, and bedding that in.

A new figure, being room rental, separates the cost of hire for the AGM. The food costs for our AGM have increased, however, we will not begrudge our members.

This is the final year for Subscriptions to the Auckland Marina Users Association. In essence their role will be assumed, and expanded, by the Auckland Yacht and Boat Association whom we will support. Please join this organisation as they have a great membership and are working for the benefit of all boat and marine access users.

In facing increased website costs Basil Orr has changed our providers and set up WMUA at the new site. We are indebted to Basil for providing this service to members.

Over the past 4 years we have tackled our costs in order to reduce them. We succeeded well during Covid and are now tracking at an overall cost of \$8,000 pa. We are well established with the accounting system plus our website. Our "new" computer is now fully depreciated to \$20.00. This is retained, mainly to keep a record, in our accounts that we actually have one.

We have "dropped" printing & stationery, PO Box rental and Postage and our subscription to AMUA. This equates to savings of \$4,000 pa.

On a personal note, I no longer have any involvement with Westhaven Marina. I have sold my yacht I have no berth commitments and have a 7M runabout sitting on a trailer in my driveway. I can now get to the Bottom End in 50 minutes from home.

I therefore am ineligible to stand as Chair of this organisation and must resign at this AGM. Margaret and Trevor are happy to continue, and I will remain in support. However, we now need a BEU person to step up and take over the reins of this organisation. Doubtful

We will take any further questions at the AGM.

In the meantime, save the date, talk about the future of Westhaven Marina to all your berth neighbours and encourage as many as possible to attend, so that we can get a good reading on what our members want us to do.

Kind regards

Euan Little

Chairman

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