

Chairperson and Community Board Members
WAIKANAĒ COMMUNITY BOARD

1 NOVEMBER 2011

Meeting Status: **Public**

Purpose of Report: For Decision

**KAPITI RADIO YACHT CLUB INC. SUBMISSION REQUESTING
AMENDMENT TO PHARAZYN RESERVE MANAGEMENT PLAN**

PURPOSE OF REPORT

- 1 This report outlines the implications of an Annual Plan submission from the Kapiti Radio Yacht Club Incorporated requesting an amendment to the Pharazyn Reserve Management Plan, and makes a recommendation for decision.

SIGNIFICANCE OF DECISION

- 2 This report does not trigger the Council's Significance Policy.

BACKGROUND

- 3 On 17 March, 2011, an Annual Plan submission (Appendix 2 – attached) from the Kapiti Radio Yacht Club was presented to Council requesting an amendment to the Pharazyn Reserve Management Plan to allow the Club to 'continue using the facility and become an approved activity.'
- 4 The Council referred the Club's submission to the Waikanae Community Board, which has delegation to consider changes to management plans under Section 41 of the Reserves Act (1977) and make recommendations to Council to amend the Management Plan.
- 5 At the request of Waikanae Community Board Chairperson Michael Scott, Council officers prepared a briefing on the submission. A briefing paper (Appendix 1 – attached) was presented and discussed at a meeting with Council officers on 21 July 2011, and subsequently distributed to Board members.
- 6 The briefing paper provides background on the Pharazyn Reserve and the development of the Pharazyn Reserve Management Plan; it outlines the Kapiti Radio Yacht Club submission, issues regarding the amendment of the Management Plan, and options available to the Board.
- 7 The options presented and discussed in this report are based on the briefing paper.
- 8 The location of the former oxidation ponds and the area that relates to the Radio Yacht Club submission are shown on a map (Appendix 4).
- 9 In 2006 the Yacht Club was granted temporary use of the northern oxidation pond by the Parks and Reserves Manager. Since then the Club has used the northern pond for casual sailing on Sunday mornings and for National Championship Regattas in 2008 and 2010.

CONSIDERATIONS

Issues

- 10 The Yacht Club's submission requested the amendment of a single Management Plan policy prohibiting boating on the ponds. The briefing paper points out, however, that permitting the Club's activities would require the amendment of the following policies and development objectives:

Ecological values and wildlife

3.2.3 i) The rehabilitation works including planting shall be carried out in accordance with the Development Plan.

3.2.3 ii) The ponds shall be rehabilitated and managed to create waterfowl habitat and shall not be used for recreational water activities such as swimming, fishing or boating.

3.2.3 iii) There shall be no public access into the wetland margins or open water apart from purpose-built boardwalks to authorized bird viewing hides.

Recreation and access

3.2.5 i) The Reserve shall only be used for passive recreational activity.

3.2.5 iv) No public access is allowed, beyond the security fences, to the north, east and south margins of the ponds.

3.2.5 v) Motorised vehicles may only use the access road and car park, and are not permitted elsewhere in the Reserve.

'2.1 Ponds' states: 'The treatment ponds will be rehabilitated and will retain areas of open water with a planted wetland buffer. The rehabilitation works will visually and ecologically integrate the pond and disposal areas with the surrounding wetland/coastal environment. While the ponds will primarily provide open water and habitat for waterfowl, opportunities for public recreation such as viewing hides along the western margin are planned. The only public access to the ponds will be along the western edge. A broad buffer of raupo to be established along the pond edges will restrict access to open water.'

'2.2 Reconfiguration of Pond Edges' states: 'The straight concrete edges of the ponds will be reconfigured to create more 'natural' sinuous edges, to provide suitable growing conditions for raupo to establish. The vegetated buffer will provide wildlife habitat, discourage public access and act as a seed source for the remainder of the ponds.'

‘2.3 Access and Recreation’ states: “Bollards and vegetation assist in restricting vehicle access to only the access road and parking areas...

“Dense buffer planting around the margin of the ponds will restrict public access to the water, and security fences will prohibit public access around the other margins of the ponds...

“The modified dune area will be retained as a predominantly grassed open space...suitable for passive recreational use, such as walking, informal recreation and picnics.”

- 11 The club seeks continued access to the pond margins, because this is necessary for their sporting activity. As the management plan specifies that there should be no public access to the pond margins, except to wildlife viewing hides, development objectives 2.1, 2.2 and 2.3, and management objectives and policies 3.2.3 iii and 3.2.5 iv) would need to be changed to allow public access, or to allow the club exclusive access to the northern pond margins.
- 12 The club’s proposal is for a 200m length of the concrete sill around the northern pond margin to be left exposed instead of being covered in fill and planted to achieve a natural looking margin of wildlife habitat. As the management plan specifies that all of the pond margins are to be reconfigured to create ‘natural’ sinuous edges, that rehabilitation works will ‘visually and ecologically integrate the pond and disposal areas with the surrounding wetland/coastal environment’, and that all of the pond margins are to be densely planted, development objectives 2.1, 2.2 and 2.3, would need to be changed to allow a 200m length of the northern pond margin to be left as it is.
- 13 Policy 3.2.5 v) “Motorised vehicles may only use the access road and car park, and are not permitted elsewhere in the Reserve.” is directly relevant to the Club’s submission. Club members currently have a key to a locked gate that prevents vehicular access to the eastern side of the Reserve by other members of the public. They drive their vehicles beyond the access road and through a closed gate to park on the bund separating the northern pond from the QE II owned wetland. This area is closed to other members of the public. The Club wants the Management Plan amended to allow its activities in and around the northern pond. Given that the Club’s activities include using motorised vehicles to access areas such as the northern pond margins where public access is otherwise prohibited in accordance with Management Plan policy, the latter would need to be changed to achieve the end sought by the Club’s submission.
- 14 Management objectives and policies prioritizing rehabilitation of the ponds and creation of wildlife habitat would need to be changed to accommodate the club’s proposal, as rehabilitation of the northern pond and the creation of wildlife habitat along a 200m section would be restricted or prevented. In addition, the ponds would no longer be managed primarily to create wildlife habitat as implied by policies 3.2.3 i),ii),iii) and iv).
- 15 The Management Plan contains the following strategic vision: “Pharazyn Reserve will be developed and managed to provide opportunities for passive recreation

and learning about the natural environment, while protecting and enhancing the site's coastal and wetland values." On pages 12 and 13, the briefing paper notes that there is a conflict between the strategic vision's stipulation of development to provide opportunities for passive recreation and the nature of the Yacht Club's activities, which constitute 'active' and not 'passive' recreation by most definitions. Therefore the plan's strategic vision would need to be changed to allow the Yacht Club's activities.

OPTIONS

- 16 Under Section 41 of the Reserves Act (1977) the Waikanae Community Board has several options for recommendations to the Council:
- a) The Board may recommend that the Pharazyn Reserve Management Plan is not amended in accordance with the Kapiti Radio Yacht Club's annual plan submission, and that the Club's use of the ponds as described in the submission is not confirmed or approved, i.e., that the Yacht Club's submission is declined.
 - b) If the Board considers that the proposed amendment to the Management Plan does not require a comprehensive review, it may recommend that consultation and other procedures are followed that are specified in Section 41, subsections (5) and (6), of the Reserves Act, which are those followed for the preparation of a management plan. The corollary is that in this circumstance the Board may recommend that the change is made without consultation and other procedures being followed.
 - c) If the Board considers the proposed amendment to the Management Plan requires a comprehensive review of the plan, the Board can recommend that consultation and other procedures specified in section 41, subsections (5) and (6), of the Reserves Act are followed.
- 17 To allow the Club continued use of the pond as described in the submission would require more amendments to the Management Plan than the Club identified. Together these amendments would constitute significant changes to key objectives and policies, therefore option b) is not recommended.
- 18 If the Board accepts that the Club's proposal would require a comprehensive review of the Management Plan, the issue is whether such a review is justified. In addition to costs associated with rewriting the plan, the review procedures specified in the Act include public consultation on proposed revisions, and approvals by the Board and by Council. When these procedures were followed in 2002 and 2005 the outcome was identical: broad agreement among submitters and stakeholders on restoring the ponds as wildlife habitat. Key stakeholders such as Greater Wellington Regional Council, the Department of Conservation, the QE II National Trust, and the Kāpiti branch of Forest and Bird have been canvassed about the possibility of changing the Management Plan in accord with the Yacht Club submission; all have indicated they would oppose such changes to the plan.

- 19 It is important to note that the 2002 Decommissioning and Rehabilitation Plan was developed to comply with the following Wellington Regional Council resource consent condition:

The permit holder shall complete a programme of investigations that shall lead to the identification and implementation of a decommissioning plan for Waikanae Wastewater Treatment Plant, including the rehabilitation of the area, to the satisfaction of the Manager, Consents Management, Wellington Regional Council, by 1 July 2001.

- 20 [Implementing the Decommissioning and Rehabilitation Plan, which prescribes the restoration of the ponds as wildlife habitat, is therefore required by a resource consent condition. The Management Plan was developed in accordance with the proposals and concepts contained in the Decommissioning and Rehabilitation Plan. Changing the Management Plan so that it was no longer in accord with those proposals and concepts would require an application to Greater Wellington Regional Council for a variation to the resource consent requirement for implementation. Given Greater Wellington's biodiversity investment in the surrounding area and its consistent advocacy for restoration of the ponds as wildlife habitat, such an application is unlikely to be successful.

- 21 After the briefing paper was presented to the Community Board in July, consultants working for the Expressway Alliance proposed to complete the restoration of the former oxidation ponds as part of mitigation for unavoidable adverse environmental effects of the MacKays Crossing to Peka Peka Expressway project. This proposal has been investigated and is now among the consultants' recommendations for mitigation. The proposal is predicated on the management objective of restoring the ponds as wetland habitat; it would no longer be an option if the Management Plan was changed to restrict restoration of the northern pond, because that is integral to achieving the objectives of mitigation, which include providing a specified area of wetland habitat and restoring the severed ecological link between the northern and southern parts of the Te Harakeke Wetland complex.

- 22 As long as there is a possibility of the ponds being restored at no cost to Council as part of mitigation for adverse environmental effects of the MacKays Crossing to Peka Peka stage of the Expressway Project, it would be against Council's interests as a member of the Expressway Alliance to change the Management Plan in any way that eliminated that possibility.

- 23 Restoring the ponds and reintegrating them with the surrounding wetlands has been identified by Kāpiti Coast District Council, the Department of Conservation, Greater Wellington Regional Council, the QE II National Trust, Forest and Bird, and two independent ecological consultants (Boffa Miskell and Wildland Consultants), as an excellent opportunity to enhance a wetland ecosystem second only in the Wellington Region to Lake Wairarapa for biodiversity values;

- 24 Restoring the ponds according to current policies would create a unique recreational experience in the district, and create a unique educational resource;

- 25 Restoring the ponds according to current policies will create an outstanding regional attraction for eco-tourists and nature seekers to compliment Nga Manu Nature Reserve, Waikanae Estuary and Kāpiti Island, which already attract more than 20,000 visitors per year.
- 26 The Yacht Club has other options such as the Waimanu Lagoons and Awatea Lake. It is acknowledged that these options have limitations, but it is likely the Pharazyn Reserve ponds could have similar limitations in future.
- 27 In addition, changing the Management Plan to the extent required by the Club's submission would have significant policy implications, because it would be contrary to Long Term Council Community Plan and District Plan policies (see 'Policy Implications' below).
- 28 For the reasons outlined above in paragraphs 17 to 27, it is recommended that the Waikanae Community Board adopt as its recommendation to the Council option a), that the Yacht Club's annual plan submission is declined. If this option was adopted Council officers would work with the Yacht Club to develop other venues for its activities.

Financial Considerations

- 29 If the Board adopts option a) there are no financial considerations. If the Board decides that a comprehensive review of the Management Plan is necessary costs will come from existing Council budgets.

Legal Considerations

- 30 In considering this matter, the Board needs to follow the requirements of Section 41 of the Reserves Act (1977), attached as Appendix 3.

Delegation

- 31 The Waikanae Community Board has delegated authority to consider this matter under Part D of the Governance Structure:

Section 7.10 Authority to make recommendations to Council after reviewing existing, or considering new draft Management Plans for local public parks and reserves within its area.

Consultation

- 32 No formal consultation has occurred, as it is not required unless a comprehensive review of the Management Plan is undertaken. Key stakeholders are aware of the the Yacht Club's request and would be formally consulted if the Management Plan was to be reviewed.

Policy Implications

- 33 In '*Choosing Futures – the Community's Vision for the Kāpiti Coast District – Community Outcomes 2009*' there are seven outcome areas for the Long Term Council Community Plan (LTCCP), each with supporting policies. "Outcome 1. There are healthy natural systems which people can enjoy," has the following among its supporting policies:

“ 1.8 Key areas and habitats are revegetated and restored including:

- *Kāpiti Island*
- *The Paekākāriki and Paraparaumu escarpments*
- *The decommissioned ponds at Waikanae;*
- *Ōtaki and Waikanae river corridors;*
- *Otaihanga landfill site.*”

- 34 The Parks and Open Space section of the 2009 Long Term Council Community Plan lists ‘continued rehabilitation of Waikanae Treatment Ponds’ as a key point to note.
- 35 The revegetation and restoration of the Pharazyn Reserve ponds is therefore a policy of the Long Term Council Community Plan, and a key point to note in service delivery for Parks and Open Space; it is something that the Council has said it will do to implement the community’s vision for the district, and part of a ‘touchstone to review Council performance against that vision’(*Choosing Futures – the Community’s Vision for the Kāpiti Coast District – Community Outcomes 2009*’).
- 36 Changing the Management Plan to allow the Yacht Club’s activities as described in its submission would prevent the revegetation and restoration of part of the northern pond; therefore it would be contrary to LTCCP policy, and adversely affect the Council’s performance in implementing the community’s vision.
- 37 LTCCP policies are derived from community consultation. “Outcome 1. There are healthy natural systems which people can enjoy” was included in the LTCCP adopted by Council in 2004, and reaffirmed following a review in 2008 and early 2009. Policy 1.8 of “*Choosing Futures...*” is therefore derived from more recent consultation than consultation on the development of the Pharazyn Reserve Management Plan in 2005, and is consistent with the Plan’s objectives and policies regarding the restoration of the ponds. The Yacht Club’s submission states that, “Unfortunately the club was not in existence at the time of the original public consultation and formation of the Management Plan.” The Club was in existence, and using the ponds, at the time of public consultation on the review of the LTCCP, but this did not produce a different policy outcome for the ponds.
- 38 The District Plan contains the following policies relevant to the Yacht Club’s submission:

C.11 ECOLOGY

Policy 6

Ensure that land use activities avoid or minimise disturbance to native fauna and their habitats.

Policy 8

Encourage planting of locally sourced indigenous species adjacent to water bodies and other areas to restore linkages and ecological corridors.

Policy 9

Encourage restoration of degraded habitats with locally sourced (genetically appropriate) native vegetation.

Policy 10

Advocate for the protection of areas identified as suitable for providing linking corridors for fauna.

Policy 11

Maintain and enhance the natural landscape values of the District.

Policy 12

Ensure that appropriate buffer zones are provided around areas of significant natural value and that wider ecological processes are considered when making decisions about significant sites.

C.12 Open Spaces and Reserves

Policy 1

Recognise the open space amenity value of reserves and areas of significant scenic, ecological, scientific and national importance, including native trees, significant landforms and natural character.

Policy 3

Provide for a wide range of recreational activities while ensuring that adverse effects on the environment are avoided or mitigated.

39 Though it would be in accord with policy C.12 Policy 1, changing the Management Plan to allow the Yacht Club's activities would conflict with the other District Plan policies in the following ways:

- By causing disturbance to native fauna and their habitats as described in the briefing paper (C.11 Policy 6);
- By preventing full restoration of the northern pond and its reintegration with the regionally significant Te Harakeke wetland complex (C.11 Policies 8,9,10,12);
- By limiting the enhancement of natural landscape values (C. 11 Policy 11);
- By providing for a recreational activity without ensuring that adverse effects on the environment are avoided or mitigated (C. 12 Policy 3) .

40 Because indigenous biodiversity continues to decline, biodiversity was made one of the key focus areas of the current District Plan Review. Policies supporting the protection and restoration of indigenous biodiversity are likely to be strengthened in line with direction from central government; therefore the extent to which the

Yacht Club's submission conflicts with District Plan policies is likely to increase, not diminish.

Tāngata Whenua Considerations

- 41 Te Rūnanga o Āti Awa Ki Whakarongatai was among the groups consulted during the development of the Management Plan. The iwi would be consulted if the Management Plan was reviewed.

Publicity Considerations

- 42 There are no publicity considerations at this time unless the Board recommends to Council that the Pharazyn Reserve Management Plan is reviewed.

Conclusion

- 43 The submission by the Kapiti Radio Yacht Club has far reaching implications for the management of the Pharazyn Reserve. Changing the Reserve's Management Plan to allow the Club's activities as described in the submission would require significant amendments; therefore a comprehensive review of the Management Plan would be required under Section 41 of the Reserves Act (1977).
- 44 A comprehensive review is inadvisable for the following reasons:
- The policy of restoring the former oxidation ponds as wildlife habitat was adopted after community and stakeholder consultation in 2002 (Decommissioning Plan) and 2005 (Management Plan);
 - The restoration and re-vegetation of the ponds is an LTCCP policy, adopted following community consultation in 2008 and early 2009, and it is a key point of service delivery for Parks and Open Space in the LTCCP;
 - Implementing the Waikanae Wastewater Decommissioning and Implementation Plan, which contains policies to restore the ponds as wildlife habitat and reintegrate them with the Te Harakeke Wetland Complex, is a resource consent condition, and changing the Management Plan so the Decommissioning Plan was not implemented would require a variation of resource consent condition from Greater Wellington Regional Council;
 - A proposal to complete the restoration of the ponds at no cost to Council in mitigation for adverse environmental effects of the MacKays Crossing to Peka Peka Expressway is proposed, and would be jeopardised by a review that changed the Management Plan to limit restoration of the oxidation ponds;
 - Changing the Management Plan to allow the Yacht Club's activities as described in its submission would be contrary to District Plan policies;
 - Restoring the ponds according to the Management Plan's existing objectives and policies would have significant ecological and community benefits as stated in the briefing paper and paragraphs 23, 24 and 25.

RECOMMENDATION

45 That Waikanae Community Board recommends to Kāpiti Coast District Council that the Kapiti Radio Yacht Club's Annual Plan submission requesting the review and amendment of the Pharazyn Reserve Management Plan should be declined , and that Council officers should work with the Yacht Club to develop an alternative venue to the former oxidation ponds for sailing radio yachts.

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APPENDICES:

Appendix 1 - Briefing to the Waikanae Community Board on the implications of an Annual Plan submission from Kapiti Radio Yacht Club Incorporated requesting an amendment to the Pharazyn Reserve Management Plan.

Appendix 2 - Kapiti Radio Yacht Club Inc. Submission to Kāpiti Coast District Council.

Appendix 3 - Section 41 of the Reserves Act (1977)

Appendix 4 - Map of the former oxidation ponds at the Pharazyn Reserve.