

9 FEB 2010

Vicky Bethell
Te Henga Farm
260 Bethells Road
Bethells Beach
RDI Henderson
Auckland 0781
09 810 9237

MAIL CENTRE

47391

www.aucklandcouncil.govt.nz

ATTACHMENT AA/1

4 February 2010

Vijaya Vaidyanath
Chief Executive Officer
Waitakere City Council
Private Bag 93 109
Henderson
Waitakere 0650

cc: Penny Hulse, Deputy Mayor
Gyles Bendall, Acting Service Manager: Parks Planning
Danielle Hancock, Parks Ecology and Policy Coordinator

Dear Mrs Vaidyanath

I am the owner of 333 hectares of land at Bethells Beach, the majority of which is under conservation covenant.

I refer to a letter from Gyles Bendall, dated 25 August 2009, informing me of a significant change to the Green Network Rates Relief Policy, via the Long Term Council Community Plan 2008-2019 (LTCCP). A copy of that letter is attached for your information.

Unfortunately, shortly after receiving the letter, I was in a life threatening accident and so I am only well enough to write to you now.

The letter from Mr Bendall informed me that "covenant holders will now only be able to receive rates relief for a maximum of five (5) years".

As a covenant holder, this Council decision causes me great concern. My late husband Ross was involved in a decade of negotiations and legal struggles with the Waitakere City Council regarding the status, care and use of his land, as was his father before him. I was also involved in these negotiations during my marriage to Ross, and now take primary charge of the land and dealings with Council.

We were delighted when a settlement was reached with the Council in July 2008, a settlement which ensures that the natural and landscape values of the land are protected, without precluding the owner from continuing to live and work on the land. A key aspect of the settlement was the creation of a conservation covenant in perpetuity on the majority of the land. Public access tracks have been and are to be created through the covenant areas to enable public enjoyment of this unique part of the West Coast.

This settlement represented the forging of an ongoing partnership between the Bethell family and the Council in the protection and care of the land.

Integral to the settlement and in particular, the covenanting of the land, was the mutual understanding and express acknowledgement that the owner would receive substantial, ongoing rates relief for the covenanted areas under the Green Network Rates Relief Policy.

I was understandably dismayed to receive the letter from Mr Bendall informing me that rates relief would now only apply until 1 July 2014. This is in direct conflict with our agreement with Council and jeopardises the viability of the land under a conservation covenant.

I consider that a change in policy is highly unjust and in conflict with the basis upon which we entered into the covenant. I ask that the Council rescind the 5 year limitation and reinstate the former policy.

A1

ATTACHMENT AA/2

Limiting rates relief to 5 years is likely to render the continued ownership of covenanted land untenable. The Bethell family cannot generate any reasonable income from the covenanted areas and myself, my daughter and step-sons will bear the burden of a vast area of covenanted land with no financial assistance for rising rates costs, and the for the ongoing costs of land maintenance and preservation.

This is recognised in the Report of the Mayor (29 October 2008), acknowledging the tragic passing of Ross.

"Rating and care of the land which brings in no financial return has been a very difficult and complex issue and here I am talking of a coast rich in seafood, and land that could be used for farming, filming and of course timber... Mark Dacombe, the first Chief Executive Officer of Waitakere City said to me on my election as mayor: "These people (meaning the Bethell family) need to see justice"."

It seems entirely unjust that owners who voluntarily protect their land for the good of all New Zealanders are suddenly stripped of the financial assistance which they relied upon when entering into the covenant.

Further injustice has occurred in the fact that the proposed policy change was not outlined in the draft LTCCP, and was not publicly notified in any way. I thoroughly reviewed the LTCCP and made submissions on particular matters - but there was no reference to an intended change to the Green Network Rates Relief Policy. Had the proposal been notified I would of course made a strong submission in opposition.


I consider this to be a breach of good faith and question the legitimacy of the policy change given the lack of proper procedure. The actions taken by the Council raise issues of natural justice, and I consider the limitation of rates relief to be entirely inappropriate and unjust, particularly given that the public was not given the opportunity to submit on the matter.

The covenanting of such a large area of environmentally significant land at Bethells Beach is a taonga for all New Zealanders. The entering into a covenant in perpetuity, binding future generations of the Bethell family, was not a decision taken lightly. The covenant was contingent on the provision of ongoing rates relief.

I reiterate my request that the policy change be rescinded immediately, and the former rates relief policy be reinstated, to ensure that ongoing relief is provided. I seek urgent attention to this matter, so that I may regain certainty about the future of the land.

I look forward to hearing from you on this matter as soon as possible.

Sincerely yours,



Vicky Bethell

Chief Executive	
Corporate Services	
City Services Roselle	
Consultancy Services	
EOD - WATER	
Strategic Group	
Contract Services	
Field Services	

15 OCT 2009

~~DATA CENTER~~

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QEII National Trust
Open Space New Zealand
Ngā Keirauhi Papa

ATTACHMENT BB

Dr G Campbell
Director of Strategic Planning.
C/ Waitakere City Council
Private Bag 93 109
Henderson
Waitakere 0650

7 October 2009

Policy of non rateability of QEII covenants

Dear Dr Campbell

Thank you for meeting with Margaret Mckee and myself to discuss the recent change in the Green Network Rates Relief Policy, limiting rates relief to a period of five years. As discussed in the meeting the implications of this policy are of concern to QEII.

This change to the Green Network Rates Relief Policy would indicate that Waitakere City Council is not supportive of landowners, who under a QEII covenant have the natural features on their land protected in perpetuity.

This policy means that Waitakere City Council is not adhering to the Local Government (Rating) Act 2002 (LGRA). The LGRA states 'land owned or used by and for the purposes of the Queen Elizabeth the Second National Trust is non-rateable'. Non-rating of QEII covenants by Waitakere City Council, while usually of small financial impact, is however recognised as a very significant incentive and encouragement to landowners to protect natural features on private land.

At present 18 of 21 registered covenants in the Waitakere City Council area have applied for rates relief. These 18 covenants have QEII monitoring visits every two years, to ensure ongoing adherence to covenant conditions. The cost in rates relief to Waitakere City Council is \$8350.42, an average of \$463.91 per covenant. For such a nominal amount, this change in Council policy will undermine the existing good working relationship between the Council, the Trust and Covenant Landowners and put at risk collaborative projects such as the "Waitakere Threatened Plant Project."

QEII requests that the Waitakere City Council reconsider its change in rates relief policy, in order for it to meet the requirements under LGRA and Resource Management Act 1991 section 6.

Yours sincerely

Maitland Manning
Field Operations Manager

Cc

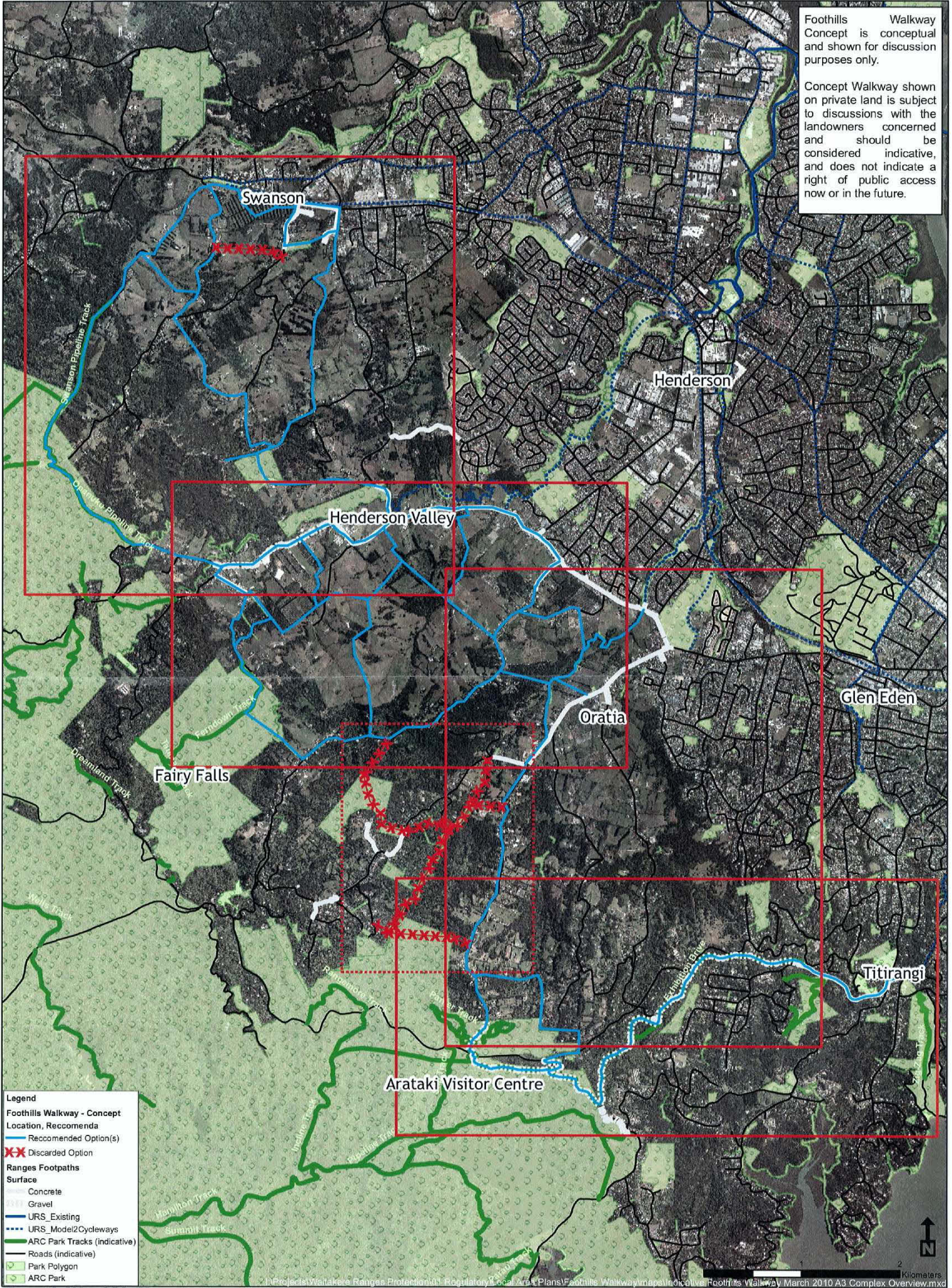
Margaret Mckee
Dan Godoy.

Chief Executive	<input type="checkbox"/>
Corporate Services	<input type="checkbox"/>
City Services	<input type="checkbox"/>
Ecology	<input type="checkbox"/>
Consultancy Services	<input type="checkbox"/>
ECC - WATER	<input type="checkbox"/>
Strategic Group	<input type="checkbox"/>
Consent Services	<input type="checkbox"/>
Field Services	<input type="checkbox"/>
Director	<input checked="" type="checkbox"/>

13

Foothills Walkway Concept is conceptual and shown for discussion purposes only.

Concept Walkway shown on private land is subject to discussions with the landowners concerned and should be considered indicative, and does not indicate a right of public access now or in the future.



- Legend**
- Foothills Walkway - Concept Location, Recommendation
 - Recommended Option(s)
 - Discarded Option
 - Ranges Footpaths Surface
 - Concrete
 - Gravel
 - URS_Existing
 - URS_Model2 Cycleways
 - ARC Park Tracks (indicative)
 - Roads (indicative)
 - Park Polygon
 - ARC Park

Foothills Walkway

INDICATIVE AND FOR DISCUSSION PURPOSES ONLY

Recommended Concept showing location in relation to land type (public/private/road) and existing walking opportunities

A4



