



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF MEETING

NORSGA URBAN DEVELOPMENT COMMITTEE

I hereby give notice that a meeting of the NorSGA Urban Development Committee will be held on:-

DATE: Monday, 13 July 2009 **TIME:** 9.30 am
MEETING ROOM: Council Chamber
VENUE: Waitakere Central, 6 Henderson Valley Road, Henderson, Waitakere

to consider the business as set out herein and to take any necessary action connected therewith.

8 July 2009

Desiree Tukutama
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8815

MEMBERSHIP:

Councillors	LA	Cooper, JP (Chairman)	
	PA	Hulse (Deputy Chairman)	
	DQ	Battersby, QSM, JP	
	MFP	Chan, JP	
	RP	Dallow, QPM, JP	
	WW	Flaunty, QSM, JP	
	VS	Neeson, JP	
Councillor	P	Walbran	Auckland Regional Council
	Mr A	McGregor	NZRPG Management Limited
	Mr S	Bignell	Hobsonville Land Company Limited
	Mr M	Spearman	North West Waitakere Networking Group
	Mr W	McDonald	New Zealand Transport Agency
Observer	Mr P	Clark	Auckland Regional Transport Authority

Mr I Midgley (alternate)
TBA (alternate)

Mayor RA Harvey, QSO, JP (ex officio)

(Quorum 5 members)

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(Meeting Room could be subject to change)

(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR A MEETING OF THE NORSGA URBAN DEVELOPMENT COMMITTEE
TO BE HELD IN THE COUNCIL CHAMBER AT WAITAKERE CENTRAL,
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON MONDAY, 13 JULY 2009, COMMENCING AT 9.30 AM**

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1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Committee by resolution so decides; and
- (ii) the Chairman has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Committee may make a decision on a matter determined to be urgent.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



3 REGISTER OF INTEREST

Reported as at 13 July 2009

	Name	Organisational Position	Other - e.g.: Land Holdings (Physical Address)
1.	Cr Linda Cooper	Trustee - Waitakere Licensing Trust	Not Applicable
2.	Cr Derek Battersby	Trustee - Portage Licensing Trust Director WATS Board	Not Applicable
3.	Cr Peter Chan	Not Applicable	Not Applicable
4.	Cr Ross Dallow	Not Applicable	Not Applicable
5.	Cr Warren Flaunty	President - Waitakere Licensing Trust Elected Member - Waitemata District Health Board Director: Westgate Pharmacy Limited	Not Applicable

	Name	Organisational Position	Other - e.g.: Land Holdings (Physical Address)
6.	Cr Penny Hulse	Director - EECA	Not Applicable
7.	Cr Vanessa Neeson	Chairman: TLA Electoral College President: Village Green Quilters Director: BK&VS Neeson Limited	26 Wiseley Road, Hobsonville 5B Westergrove Road, West Harbour
8.	Cr Paul Walbran	Chairman Strategy and Planning Committee, Auckland Regional Council Director: Auckland Regional Holdings Director: Sea+City Projects Limited	Not Applicable
9.	Allan McGregor	Project Director New Zealand Retail Property Group Limited	Not Applicable
10.	Sean Bignell	Chief Executive Hobsonville Land Company Limited	Not Applicable
11.	Murray Spearman	CEO Waitakere Licensing Trust West Auckland Trust Services	3 Cellar Court, Westgate 118 Hobsonville Road, Hobsonville
12.	Ian Midgley	Not Applicable	Precinct C Massey North Precinct A Massey North (part of) 19-21-35 State Highway 16 575 Don Buck Rd, Massey
13.	Wayne McDonald	Not Applicable	Not Applicable



4 **CONFLICTS OF INTEREST**

The Council has acknowledged in its Code of Conduct that Elected Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have. This note is provided as a reminder to members to check that no such conflicts arise in relation to any items on this agenda.



5 **CONFIRMATION OF MINUTES**

Meeting Minutes - Monday, 18 May 2009

RECOMMENDATION

It is recommended that the NorSGA Urban Development Committee resolve to:

Receive the minutes of the meeting of the NorSGA Urban Development Committee held on Monday, 18 May 2009, as circulated, and that they be taken as read and now be confirmed.

NORSGA FORUM

A1-A2

A discussion record of the NorSGA Forum held on Thursday, 18 June 2009 is circulated with the agenda at pages A1 to A2 for information only.



6 **PRESENTATIONS**

A PROJECT OVERVIEW

The Acting Director: Strategic Planning will provide a presentation update on the Project Overview to the NorSGA Urban Development Committee.

B NEW ZEALAND TRANSPORT AGENCY

Provision has been made for the New Zealand Transport Agency to provide a presentation update to the NorSGA Urban Development Committee.

C AUCKLAND REGIONAL COUNCIL

Provision has been made for the Auckland Regional Council to provide a presentation update to the NorSGA Urban Development Committee.

D AUCKLAND REGIONAL TRANSPORT AUTHORITY

Provision has been made for the Auckland Regional Transport Authority to provide a presentation update to the NorSGA Urban Development Committee.

E MEMBERS REPORTS

Provision has been made to enable Committee Members from the New Zealand Retail Property Group Management Limited, Hobsonville Land Company Limited and the North West Waitakere Networking Group, to provide an informal update on matters related to the planning and development of the NorSGA development.

F DISTRICT PLAN CHANGES/APPEALS

Council Officers will update the Committee on the status of appeals lodged in relation to proposed District Plan Changes 13-15.

G COMMUNICATIONS FOR THE NORTHERN STRATEGIC GROWTH AREA

Council Officers would like to discuss with the NorSGA Urban Development Committee members the development of a comprehensive Communications Plan for the overall area. Council Officers would like to develop an approach to communications that builds on the current plans, commitments and ideas of the land owners and developers, but also identifies the future opportunities for the parties to work together.

It is proposed that the meeting will break into a workshop session. This session will outline some ideas and seek to obtain support from the Committee members for further work. Committee members are invited to bring along key staff or any current plans or programmes to contribute to the discussion at the workshop session.



7 DISPOSAL OF LAND AT BUCKLEY AVENUE, HOBSONVILLE

GLOSSARY

Whenuapai Pony Club	(Pony Club)
Public Works Act 1928	(PWA 1928)
Public Works Act 1981	(PWA 1981)
Long Term Council Community Plan 2009-2019	(LTCCP 2009-2019)
Comprehensive Development Plan	(CDP)
Resource Management Act 1991	(RMA 1991)

EXECUTIVE SUMMARY

The purpose of this report is to update the NorSGA Urban Development Committee on the proposed disposal of land at Buckley Avenue, Hobsonville, being the remnants of Duke Park and an adjoining parcel of unformed road, and to invite comment on the proposal.

The last report to the Council in respect of the remnants of the land known as Duke Park was provided in June 2008, when Council resolved that the land would not be surplus, pending relocation of the Whenuapai Pony Club (Pony Club). Since that time, Council has been negotiating for the purchase of alternative land for recreation purposes at Hobsonville. Settlement of the purchase of one of these three properties is imminent and will provide a suitable temporary base for the Pony Club.

The Council has no further recreation uses for the Duke Park land and Council officers have considered the possibility of undertaking housing development on the site, but do not consider that this is the appropriate time or location for the commitment of money to a housing project.

The Crown has indicated an interest in acquiring this land for housing purposes under section 50 of the Public Works Act 1981 (PWA 1981) and have also expressed an interest in acquiring a parcel of unformed road in the vicinity of Duke Park.

Targeted consultation on the issue is underway, with a further report to be provided to the 15 July 2009 Council meeting for their consideration.

RECOMMENDATION

It is recommended that the NorSGA Urban Development Committee resolve to:

Receive the Disposal of Land At Buckley Avenue, Hobsonville report.

BACKGROUND

A3

1. The Council acquired land at Hobsonville from Squadron Leader Duke in 1972 for road purposes by agreement under the Public Works Act 1928 (PWA 1928). The taking of the land for road created a severance containing 6.0121 hectares approximately, being part lots 1 and 2 on deposited plan 9613. The land was taken and continues to be held by the Council, "for the use, convenience, or enjoyment of a limited access street". The land became known as "Duke Park" and has been used by the Council for recreation purposes and has been leased to the Pony Club.
2. In 2006, the Crown acquired 3.3830 hectares of Duke Park for State Highway Purposes, related to the construction of the new State Highway 18. That land is shown marked A and B on the plan attached at page A3. The Pony Club was required as a consequence of the taking of that land to restrict its activities to the remaining land, which is now no longer of a sufficient size and dimension to enable the Pony Club to carry on the full range of activities. The need for the Pony Club to relocate has been recognised. The Council has acknowledged some responsibility to assist the Pony Club in that regard, and negotiated on their behalf for arrangements under which the Crown would meet costs relating to the relocation of the Pony Club.
3. One of the other consequences of the construction of State Highway 18 was that a strip of land was required through the middle of land owned by the Council adjoining Hobsonville Domain, which it had acquired for the future development of playing fields in the northern part of the City. The Council negotiated for the sale of that land to the Crown under the PWA 1981 on the basis that the Crown would purchase other property in the locality by way of equivalent reinstatement. The selected site for the new playing fields facility is in Clark Road, Hobsonville and is currently owned by three property owners. The Council has been negotiating with those owners. To date it has concluded an agreement with one property owner and is negotiating with the other two owners.
4. Settlement of the purchase of the first parcel of land occurred on 2 July 2009. There is sufficient space on this land to provide temporary accommodation for the Pony Club. It is anticipated that once the adjoining land has been acquired there will be a sufficient land area to accommodate the full range of Pony Club activities on a temporary basis. The temporary period will continue until the Council requires the land for the development of playing fields. The timing of that development will depend, to a degree on the speed of development of housing at Hobsonville. Budget for the development of the playing fields is currently sitting outside the current Long Term Council Community Plan 2009-2019 (LTCCP 2009-2019) timeframe.
5. At its meeting on 25 June 2008, the Council gave some consideration to the future of the remaining land at Duke Park. The Council considered that the land was still required by the Council for recreation purposes and would not become surplus to the Council's requirements pending relocation of the Pony Club. The Council resolved as follows:

The Council resolved to:

"2. Agree that the Duke Park land is not yet surplus to the Council's requirements, pending the relocation of the pony club, and that in the meantime Council officers investigate the suitability of the land for use for other public work purposes, and in particular for housing."

982/2008

A4

6. Now that relocation of the Pony Club can occur the Council must give some thought to the future of the remaining Duke Park land. Attached at page A4, is a plan prepared by Harrison Grierson (drawing no. 127291 – LT), which shows the remaining areas of Duke Park marked A and B. For convenience, references in the balance of this report to "Duke Park" are references to these remaining areas.
7. That plan also shows an area of land marked C. This is a parcel of unformed road land which at some point was intended for the continuation of Buckley Avenue. As the plan shows, the proposed road does not go anywhere and creates some awkward dimensions to the parcels of land on either side owned by the Crown for housing purposes. The Crown proposes to seek ministerial approval to stop this parcel of road under section 116 of PWA 1981 and if it is successful in that action, has invited the Council to sell that portion of stopped road to it for housing purposes. For convenience this parcel of land is referred to in the balance of this report as "the road land".

DECISION MAKING

Issues

Duke Park

8. The issues outlined in this report are in the context of: the significant decision-making over time relating to the decision by the Auckland Regional Council to move the metropolitan urban limit; the adoption by the Council of Plan Change 13; and the approval by the Council of the first stage Comprehensive Development Plan (CDP) for the Hobsonville Peninsula on 24 March 2009. While the aspects of the CDP were the subject of appeal, all of those appeals have now been resolved by agreement. There is therefore no impediment to the commencement of work and earthworks are scheduled to begin in October 2009.
9. The Crown's proposals for the development of its land for housing purposes at Hobsonville include the provision of an extensive network of reserves and other public open spaces. The Council's assessment of the extent of that reserve and public open space land is that it exceeds in quantum and also in quality, that which might ordinarily be required to be provided for reserves by a subdivider. That assessment was made on the basis that Duke Park would be developed for housing or other purposes in accordance with the general planning indications contained in Plan Change 13, as now confirmed by the first stage CDP. The remnants of Duke Park are two relatively small parcels of land which are located on either side of the Buckley Avenue off ramp from State Highway 18. They cannot reasonably function together and their location is not ideal for useful recreation purposes. It is therefore considered that Duke Park is surplus to the Council's requirements for recreation and open space land in this locality.
10. There is a potential argument that the sale of Duke Park is not caught by section 40 of the PWA 1981, since the land in question was never acquired or held for a public work since it was acquired as severance at the request of the original owner. The land was acquired under PWA 1928 which was silent on this issue. The PWA 1981 however, makes clear that land acquired in those circumstances can be dealt with freely, without any offer back requirement.
11. Thought has been given to whether it would be appropriate for the Council to now resolve to hold this land for housing purposes with a view to undertaking its own housing development on all or parts of the land in accordance with Plan Change 13. Housing development is a public work for the purposes of the Local Government Act 2002. The conclusion reached was that this action could not be recommended for the following reasons:

- (a) The level of time, expertise and human resources that would be required to give effect to a significant development of this type was beyond the Council's current resources. Planning would be made more difficult by the need to coordinate with the works of the Crown on adjoining land. There is much potential in those circumstances for duplicated effort and wasted expenditure;
 - b) The level of financial commitment required in uncertain economic times at a time when there are other capital pressures on the Council's budget and a desire to limit the level of rates increases;
 - c) Uncertainty over the future direction of the new Auckland Council and the likely reluctance of that new body to be involved in this type of activity at this time; and
 - d) The lack of ability or willingness of the Council to give effect to a housing development within a reasonable timeframe when compared to the willingness of the Crown to take over the land and develop it for medium density housing development in accordance with the comprehensive development plan at an early date. The Crown has continued to demonstrate over recent time its continuing commitment to the residential development of the land it owns at Hobsonville.
12. The Crown had signalled to the Council in June 2008 that it was interested in acquiring the Duke Park land (and the road land) for housing purposes under section 50 PWA 1981. It has undertaken much, if not all, of the relevant infrastructure planning for a comprehensive development of its land, including the Duke Park land. It has set up a special purpose development company (Hobsonville Land Company Limited) to give effect to the development proposals. If the land is transferred to the Crown for housing purposes it is more likely than not that a medium density development of the Duke Park land will occur without undue delay.

The Road Land

13. This portion of unformed road has never been used by the public for road. The indicative roading pattern in Plan Change 13 and confirmed by the first stage CDP does not provide for development of a road on this land. The road goes nowhere in the sense that it does not provide access to a river or the sea. While theoretically it could provide road frontage to part of Duke Park and to adjoining land owned by the Crown, the reality is that the location of this road land is such that it hinders best practice development of the adjoining land for housing purposes.
14. The Crown has indicated that it wishes, rather than proceeding down the road stopping process provided by the Local Government Act 1974, to pursue road stopping under section 116 of the PWA 1981. That process occurs without public notification, subject only to consent by the relevant territorial authority and the owner of any land having frontage to the road to be stopped. In this case the Council needs to consent in both capacities.
15. This unformed road has not been used for that purpose (at least in recent memory) by adjoining land owners or members of the public, there are no other adjoining landowners who might be affected by a proposal to stop the road and current planning for roads in this locality has confirmed that this land will not be required for road in the future, as evidenced by the first stage CDP. The CDP was publicly notified. No submissions were received in respect of the proposal to use this unformed road land for housing purposes and none of the appeals which have been settled related to this aspect of the CDP. It is therefore recommended that Council consent to the road stopping both in its capacity as territorial authority and as adjoining land owner.

Consideration of Community Views

16. Planning for Hobsonville Peninsula has been ongoing since 2001, with a number of opportunities during this time for the wider community to have their say and be heard through the comprehensive consultation process, provided through the Resource Management Act 1991 (RMA 1991).

STRATEGIC CONTEXT

17. Hobsonville Peninsula is identified in the Council's 2009 Growth Management Strategy as one of the City's future urban growth areas. Significant growth is expected to occur in Hobsonville as urban development and intensification takes place in residential, retail and employment areas, as part of the implementation of Plan Change 13. This growth contributes to the Council's Strong Economy and Urban and Rural Villages community outcomes.

CONSULTATION

18. Consultation with key Council officers, relevant external agencies and iwi took place during the development of Plan Change 13. Public consultation occurred through the plan change and more recently through the comprehensive development planning process under the RMA 1991.

RESOURCES

19. There are no resources implications arising from this report.

IMPLEMENTATION ISSUES

20. Staff resources are available to finalise and implement the disposal of land at Buckley Avenue, Hobsonville. Targeted consultation will take place before this issue is reported to Council on 15 July for their consideration.

AUCKLAND COUNCIL TRANSITION ISSUES

21. There are no transitional issues arising from consideration of this report, since no substantive decision will be made by this Committee.

Report prepared by: Denis Sheard, Legal Services Manager and Stephanie Jowett, Strategic Planner, Strategic Projects.

