



I hereby give notice that a confidential meeting of the Governing Body will be held on:

Date: Thursday, 28 July 2016
Time: 9:30am
Meeting Room: Reception Lounge
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

Governing Body CONFIDENTIAL AGENDA

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Proposed housing development at Point England as Treaty settlement redress

File No.: CP2016/15420

Item C1

Confidentiality

Reason:	The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.
Interests:	<p>s7(2)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied.</p> <p>In particular, the report contains information provided by the Crown to council in confidence on the understanding the information is negotiation sensitive between hapū / iwi and the Crown. If confidential information is made available, it will prejudice both those negotiations and the provision of similar information to council in the future.</p>
Grounds:	<p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>

Purpose

1. The purpose of this report is to inform the governing body of a proposal for housing development on Point England Recreation Reserve through a Treaty settlement and suggest a response to the Minister for Treaty of Waitangi Negotiations.

Executive summary

2. The Minister for Treaty of Waitangi Negotiations seeks Auckland Council's views on a proposal for Ngāti Paoa, through a Treaty settlement, to develop housing on up to 13 hectares at Point England Recreation Reserve (Reserve), which is Crown land vested in trust in Auckland Council.
3. The Reserve is the largest tract of public open space on the Tāmaki River foreshore, comprising around 48.3 hectares, of which around 45.8 hectares has underlying Crown title. The Reserve provides communities both sports-fields and a rural-type open space experience.
4. Ngāti Paoa aspire to rebuild the Ngāti Paoa community in the Tāmaki area, where they have enduring historical and cultural associations, and are keen to pursue the opportunity to develop housing at the Reserve in a manner sensitive to the natural environment, Māori design concepts, and the needs of the wider Tāmaki community.
5. Under the proposal the land would be used to build 500 houses in a mix of 20 per cent social housing, 20 per cent affordable housing, and 60 per cent to be sold at market rate. This would increase available housing stock in Auckland, and particularly the amount of social and affordable housing in the Tāmaki area. It would also provide the joint Crown – Auckland Council Tāmaki Redevelopment Company (TRC) further options to re-locate social housing tenants in the same neighbourhood when older social housing stock is re-developed.

6. The proposal envisages the retention of a coastal focus for the Reserve, with housing development taking place back from the coast. Some use would be made of existing sports fields with the intention to enhance remaining fields. Ngāti Paoa wish to ensure the Reserve becomes a destination for all Aucklanders, with better public facilities across the balance of the Reserve, integration with a community-focussed Ngāti Paoa marae, and ecological rehabilitation of the Omaru Stream.

7. The Crown makes decisions on Treaty settlement redress. Because underlying title to the Point England Recreation Reserve is held by the Crown, the Crown has a sovereign right to dispose of that land, and has the ability to use Treaty settlement legislation to do so.

Open space provision

8. To date council has assessed open space provision in the wider TRC area as adequate to support the proposed TRC re-development and projected increase in population. On that basis an in-principal agreement has been reached between council and TRC that any proposed land exchange and open space reconfiguration would have no significant net loss or gain.

9. In terms of open space provision, the proposal for use of Reserve land for housing generates two outcomes: a further increase in the future population seeking to use the open space network, and a reduction in the open space available to accommodate the future use of the wider future community.

10. These factors amount to a significant change in the open space impacts of redevelopment within the wider Tāmaki area and, if the proposal was advanced, would require a reassessment of the future open space network required to meet the needs of the future community.

11. No planning has yet been undertaken that accommodates a reduction of up to 13 hectares of open space and associated increase to population. However, an open space investment package could mitigate the proposed reduction by including both the acquisition and development, for open space purposes, of land elsewhere in the Tāmaki area, and the further enhancement of existing open space that is retained. It is presently unknown what the cost of such a package might be.

Proposed council response

12. A response to the Minister is recommended that recognises Ngāti Paoa aspirations and the potential benefits of the proposal, but which highlights the impact of the proposal on open space provision, and requests measures to mitigate this if a decision is made by the government to offer part of the Reserve to Ngāti Paoa as Treaty settlement redress for housing development.

13. Furthermore, if the proposal is to proceed, it is suggested details such as the exact area of land to transfer will need to be worked through with the government and Ngāti Paoa, and a way found to heighten the protection of the balance of the Reserve for future generations. The Minister could be asked how a decision to proceed will be communicated by the government to the wider public.

14. It is recommended a delegation is provided to elected members on the Tāmaki Co-ordination Group to engage with Ministers as required, and report back to the governing body through the Treaty of Waitangi Settlement Working Party.

Recommendation/s

That the Governing Body:

- a) note the Minister for Treaty of Waitangi Negotiations seeks Auckland Council's views on a proposal for Ngāti Paoa, through a Treaty settlement, to develop housing on up to 13 hectares at Point England Recreation Reserve, which is Crown land vested in trust in Auckland Council;
- b) agree that the governing body communicate to the Crown as follows:
 - i) that the council acknowledges the lengthy process of negotiation between the Crown and Ngāti Paoa to reach a settlement of the historical Treaty grievances of Ngāti Paoa, and supports in principle the finalisation of a Ngāti Paoa settlement;
 - ii) that the council acknowledges the close working relationship of council and the government through the Tāmaki Redevelopment Company to deliver positive social, economic, housing and amenity outcomes to the Tāmaki community across Panmure, Point England and Glen Innes;
 - iii) that the council notes the potential benefits of the proposed housing at Point England Reserve for Ngāti Paoa, the government, and the wider Auckland community, to achieve social housing objectives and increase housing supply in the Auckland market;
 - iv) that the council acknowledges the responsibility it shares with the government for the Tāmaki community, and that use of part of Point England Recreation Reserve for housing would mean a net loss of public open space for that community;
 - v) that the council recognises the Crown makes decisions on Treaty settlement redress, that underlying title to the Point England Recreation Reserve is held by the Crown, and that the Crown has a sovereign right to dispose of that land through legislation;
 - vi) that if the government decides to offer Point England Recreation Reserve land to Ngāti Paoa for housing development, because of the potential impact on open space provision in the Tāmaki area, the council wishes to engage with the government to:
 - determine an appropriate mitigation package for the reduction of up to 13 hectares of open space, which is anticipated could include both the acquisition and development of land for open space purposes elsewhere in the Tāmaki area, and the further enhancement of open space land retained in the Tāmaki area;
 - agree an appropriate mechanism for the government to meet the cost of a mitigation package;
 - be party to consultation with Ngāti Paoa to ensure the amount and configuration of land removed from the Reserve is done in a way that enhances public use of the balance of the reserve, protects environmental values in the Reserve, and is integrated with the open space plans developed by council and the Tāmaki Redevelopment Company;
 - find a way to heighten protection of the balance of the Reserve as public space for future generations;
 - vii) that the council has made no assessment of, and makes no representations on the suitability of land at the Point England Recreation Reserve for housing, or the capacity of existing infrastructure and any additional infrastructure requirements to accommodate additional housing;

- viii) that the council asks the Minister to clarify steps the government will take to reach a decision and that government continue to consult council as it does so;
 - ix) that the council, mindful of the confidentiality required for Treaty settlement negotiations, asks the Minister to clarify how the government proposes to communicate with the wider Tāmaki community about decisions it may make on the proposal;
- c) delegate to the elected members on the Tāmaki Co-ordination Group authority to engage with Ministers and Crown officials, as required, and that the outcome of any engagement be reported back through the Treaty of Waitangi Settlement Working Party to the governing body;
- d) agree that the report, attachments, and decisions remain confidential until advised by the Crown that the obligation of confidentiality is removed.

Comments

15. On 16 June 2016 the Minister for Treaty of Waitangi Negotiations, the Hon Christopher Finlayson, wrote to Mayor Len Brown, describing a proposal to develop housing on the Point England Recreation Reserve as part of the Ngāti Paoa Treaty settlement (Attachment A). The Reserve mainly comprises Crown land vested in council in trust and held as a Recreation Reserve under the Reserves Act 1977.
16. The proposal is for the Crown to grant Ngāti Paoa the right to purchase up to 13 hectares of the Reserve through their Treaty settlement. The land would be used to build 500 houses in a mix of 20 per cent social housing, 20 per cent affordable housing, and 60 per cent to be sold at market rate. Minister Finlayson describes the proposal in positive terms as helping Ngāti Paoa, council and the government to achieve social housing objectives and increase housing supply in the Auckland market.
17. Council's views on the proposal are sought. The Office of Treaty Settlements (OTS) has advised Ministers are keen for Cabinet to consider the proposal in August.
18. On 21 June 2016, the Hon Rick Barker, Crown Lead Negotiator for the Hauraki and Marutūāhu settlements, met the Treaty of Waitangi Settlement Working Party and outlined the proposal. Subsequent to that meeting council and Panuku Development Auckland (Panuku) staff met with Ngāti Paoa representatives to discuss details of the proposal.
19. The balance of this report describes the configuration of the Reserve, Ngāti Paoa aspirations; implications of the proposal (including potential benefits and impacts on the open space network), and Crown decision making and use of Treaty settlement legislation. A proposed response to the Minister is provided.

Configuration and use of Point England Recreation Reserve

20. Point England Recreational Reserve comprises three parcels of land totalling approximately 48.3 hectares (Attachment B):
- i) 45.426 hectares (Lot 1 DP 44920, Crown land vested in trust in council)
 - ii) 0.3482 hectares (Lot 16 99636, Crown land vested in trust in council)
 - iii) 2.5743 hectares (Lot 336 DP 18635, council-owned land)
21. In 1957 the 45.4 hectare area of Crown land was set apart as a recreation reserve and vested in trust in the City of Auckland. The area formed part of the overall reserve provision for the Tamaki Housing development scheme agreed by the Crown and the Auckland City Council in 1945, and was to be developed as a general sports ground.

22. The council-owned portion is on the southern coastal edge along the Tāmaki River, and includes a car-park area and pump station building. The larger 45.4 hectare area has coastal frontage and extends either side of the Omaru Creek, and runs inland westward to Elstree Avenue. Under the Proposed Unitary Plan the Reserve has classifications of both Public Open Space (Sport and Active Recreation) and Public Open Space (Informal Recreation).
23. The Reserve is the largest tract of public open space on the Tāmaki River foreshore. It provides communities with sports fields and a rural type open space experience within the central isthmus. Much of the Reserve offers panoramic coastal views across the Tāmaki River and back to Maungarei (Mt Wellington). It has the potential to act as a sub-regional multifunctional destination park for the eastern isthmus. Further detail on the current configuration and use of the Reserve is provided in Attachment C.

Ngāti Paoa aspirations

24. Ngāti Paoa have enduring historical and cultural associations in the Tāmaki area, which they know as Tauoma. Until conflict with Ngāpuhi in 1821, a substantial Ngāti Paoa community of several thousand resided on the north side of the Tāmaki River, with large pā and kainga at Maungarei (Mount Wellington), Mokoia (in modern day Panmure), and secondary pā at Purchas Hill and elsewhere. The settlement was mooted as a site for a future capital by early European visitors.
25. The Ngāpuhi attacks on the Mokoia and Mauinaina strongholds had one of the highest casualty rates of any battle in New Zealand's history, and precipitated the evacuation of Ngāti Paoa and other mana whenua groups from Tāmaki Makaurau. Ngāti Paoa returned just over a decade later but never re-established a settlement at Tauoma. However, their links to the area remained strong and Ngāti Paoa chiefs signed the Treaty of Waitangi in 1840 at Karaka Bay, at the mouth of the Tāmaki River.
26. Ngāti Paoa are now finalising their Treaty settlement negotiations with the Crown. A key driver through the negotiations has been an aspiration to rebuild the Ngāti Paoa relationship with Tauoma. This aspiration is reflected in the Crown's offer to provide as cultural redress 2 hectares of the Point England Reserve for the purpose of a marae, to offer statutory acknowledgments over that Reserve and the Ruapotaka Reserve, and commercial and cultural vestings to Ngāti Paoa and other Marutūāhu iwi at Homestead Drive on the slopes of Maungarei.
27. Ngāti Paoa are keen supporters of the Tāmaki urban transformation project managed by the TRC, and believe what is good for the Tāmaki community is good for the Ngāti Paoa community. For a marae to endure, there needs to be a prosperous community living nearby.
28. Ngāti Paoa are also conscious that planning by the TRC contemplated the use of 10 or more hectares of Point England Reserve for housing development. Taking into consideration their long term aspirations for the Tāmaki area, and on the basis a large part of the Point England Reserve is underutilised while there is a shortage of housing in Auckland, Ngāti Paoa have discussed with various government Ministers and departments (including the Ministry of Business, Innovation and Employment), the potential of purchasing up to 13 hectares of the Reserve through their Treaty settlement. They have also discussed their aspirations with the TRC, Panuku Development Auckland, and elected members of Auckland Council.
29. Following the 16 June 2016 letter from the Minister for Treaty of Waitangi Negotiations, and the 21 June meeting between council's Treaty of Waitangi Settlement Working Party and Hon Rick Barker (Crown Lead Negotiator for the Marutūāhu and Hauraki settlements), Ngāti Paoa representatives met with council staff, and have provided further details of their aspirations.

30. If offered by the Crown, Ngāti Paoa state they will approach housing development at the Point England Reserve with the following principles:
 - i) provide a catalyst for the redevelopment of social housing in the Tāmaki area;
 - ii) construct safe, attractive, well built and healthy homes enjoyed by all future residents;
 - iii) integration with the rest of the TRC area;
 - iv) Ngāti Paoa marae adjacent to the housing area to serve as a facility for the entire Tāmaki community;
 - v) use of Māori design elements;
 - vi) Balance of the Reserve to retain coastal focus and outlook (i.e. proposed area for housing to be placed back from coast);
 - vii) Use of some of the existing playing-fields for housing, with enhanced utility of the balance of the playing-fields;
 - viii) Ecological rehabilitation of the Omaru Stream and adjacent wetland areas, as part of wider restoration of waterways to maximize green space and ensure the Tāmaki River is returned to good ecological health;
 - ix) Better facilities and more public use of balance of the Point England Reserve so it becomes a 'destination' for all Aucklanders – good walking and cycling tracks, effective planting, signage, improved play-ground facilities, good connectivity with foreshore, a working boat-ramp, etc.
31. As noted, any sale of land by the Crown would be made conditional on use for housing development, with a likely required mix of 20 per cent social housing, 20 per cent affordable housing, and 60 per cent sold at market rates. Ngāti Paoa would look to work with the TRC to ensure the social housing assisted the TRC's re-housing of existing residents into new houses within the Tāmaki area, rather than requiring residents to move elsewhere while new housing stock is built.
32. Ngāti Paoa have asked council to look at the proposal for the Reserve not as a loss of open space, but as a means of providing for the needs of residents and the developing community, and for economic and social development.

Tāmaki Regeneration

33. The TRC is the first urban renewal entity of its type in New Zealand and the first joint shareholding company between the Crown and a local authority. As such the TRC embodies a significant relationship between Crown and council, with a shared long-term commitment to regenerate the Tāmaki community. Panuku represents the council's shareholding interests in the TRC.
34. On 6 July 2016 the Auckland Development Committee (AUC) was provided an update on the Tāmaki Regeneration Project (CP2016/13652, **Attachment D**). As set out in that report, the TRC is now close to undertaking procurement to seek development and investor partners for housing development at scale, and partners or service providers for three other key areas (the catalyst projects, intensive support services, and tenancy management). The TRC Board have determined the Infrastructure Funding Framework Agreement (IFFA) between council, Auckland Transport and the TRC's asset-owning subsidiary, Tāmaki Regeneration Ltd, needs to be finalised, or have a clear path to resolution, before commencing procurement for housing development at scale.
35. The IFFA is based on the Reference Plan, which is a high level analysis of place and context, providing an articulated spatial vision for Tāmaki, and informing infrastructure requirements including land exchanges. The IFFA sets out the process for entering into infrastructure agreements and will provide some certainty on infrastructure delivery to potential development partners.

36. The shareholder agreement defines the Tāmaki regeneration area, which includes the Reserve. The TRC previously considered use of some of the Reserve for housing purposes and technically the Reserve is one of the assets the Crown shareholder could add to the mix of assets for the TRC. However, this has not been progressed, and current TRC plans do not factor in use of the Reserve.
37. When looking at open space requirements, council has taken into account the current open space provision in the TRC area, including the Reserve, and assess it as being adequate to support the proposed TRC re-development and projected increase in population. On that basis an in principal agreement has been reached between council and TRC that any proposed land exchange and open space reconfiguration would have no significant net loss or gain.
38. To date, open space planning work by the TRC has established indicative schedules for both land exchange and open space development TRC believe are appropriate to meet the open space needs of the future community. Council and the TRC have agreed to refine that work by jointly preparing an Open Space Network Plan that sets out a shared vision for the future network with a co-ordinated approach.
39. As discussed later below, the proposal to use up to 13 hectares of the Point England Reserve for housing has implications for these agreements and particularly the joint Open Space Network Plan.

Implications of the proposal

Potential benefits

40. The use of up to 13 hectares of the Point England Reserve for housing has the obvious benefit of increasing the supply of housing, including social and affordable housing, in Auckland. The projected construction of 500 dwellings would mean approximately 38 dwellings per hectare (assuming all 13 hectares were required). This is a relatively high level of housing density, albeit consistent with the density levels being achieved in recent development areas such as Hobsonville Point.
41. The location of the development on the isthmus is also significant, as is proximity to the Glen Innes Centre with available rail and public transport networks (the redevelopment of the Maybury Reserve will enhance existing walking and cycling tracks directly to the Centre).
42. If construction was to commence in a timely manner, the addition of around 100 social houses (20 per cent of the anticipated build) would provide a significant opportunity for Ngāti Paoa to work closely with the TRC to provide housing to re-house existing state house tenants while the properties they occupy are redeveloped in turn. A further 100 affordable houses would also add to the mix of housing in the wider area.
43. There are also potential benefits in having Ngāti Paoa, who are committed to remain in the Tāmaki area for future generations, take a leading role in housing development. In addition to the economic opportunity for the iwi, application of the development principles Ngāti Paoa have articulated should contribute to good housing, community and environmental outcomes.
44. For the government the proposal meets objectives of increasing housing supply in Auckland, with development taking place on the isthmus, rather than on the city fringes. A further benefit for the Crown is the delivery of a Treaty settlement outcome with economic and social benefits to the settling group which will enhance the durability of the settlement.

Open space planning, impact and mitigation

45. The proposed use of up to 13 hectares of the Reserve for new housing generates two outcomes: a further increase in the future population seeking to use the open space network, and a reduction in the open space available to accommodate the future use of the wider future community.

46. These factors amount to a significant change in the open space impacts of redevelopment within the wider Tāmaki area and, if the proposal was advanced, would require a reassessment of the future open space network required to meet the needs of the future community.
47. Planning for the future open space network within the Tāmaki area has been based on meeting the open space needs of the additional 5000 households anticipated through the redevelopment of existing housing stock. That planning has been predicated on the assumption that there would be no net loss of open space, and that the existing open space network could be reconfigured and enhanced in order to accommodate more intensive use from the substantially increased population.
48. To date there has been no open space planning undertaken that accommodates the proposed reduction of up to 13 hectares of open space and associated increased population. However, it is anticipated an open space response could mitigate the proposed reduction by including both the acquisition and development for open space purposes of land elsewhere in the wider Tāmaki area, and the further enhancement of existing open space that is retained.
49. The costs associated with any open space acquisition, and development over and above the indicative works currently identified by TRC, would form the basis of an open space investment package to mitigate the loss of up to 13 hectares of existing open space. What those costs might be are currently unknown. How mitigation costs are met could be a matter for discussion between council, the government, Ngāti Paoa and TRC.
50. As noted, council has agreed with TRC to further refine that open space planning by jointly preparing an Open Space Network Plan for the Tāmaki area. This plan will clearly articulate the functions, configuration, distribution and location of the future open space network. The joint preparation with the TRC of an Open Space Network Plan provides an ideal process for determining how the proposed reduction of up to 13 hectares of open space and associated increased population might be accommodated.

Development contributions

51. The development of housing by Ngāti Paoa would generate a development contribution income that would contribute towards meeting the open space needs of those new households. The development contribution price is based on a policy position that open space needs of growth within the existing urban area can largely be met through the development of the existing open space network. The development contribution price does not anticipate a reduction of the existing open space network, or the cost of mitigating a reduction by either acquisition of alternative open space land, or further open space development of the retained open space areas.

Suitability of land for housing

52. Council has made no assessment of the suitability of land at the Reserve for housing, or the capacity of existing infrastructure and any additional infrastructure requirements to accommodate additional housing. Any views expressed by council will need to be on the basis no representation is made on the suitability of the land for housing or required services.

The exact area to be taken from the Reserve

53. The exact area proposed to be taken by the Crown from the Reserve has not been determined. Nor is it known if the full 13 hectares is required. As noted, Ngāti Paoa have identified land back from the coastal edge, much of which is currently used as grazing, plus some of the current playing fields area. They will not involve the headland in housing which has particular significance.
54. If the proposal was to proceed, council would have an interest in discussing with the government and Ngāti Paoa how any land selected for housing balanced housing, infrastructure, public space, community, and environmental needs at the Reserve.

Communication of proposal

55. As noted, decisions on Treaty settlement redress are for the Crown to make. In the event the government decides to offer part of the Reserve to Ngāti Paoa for housing, it will be important for government to communicate that decision clearly to the public, and the reasons for it. It can be anticipated there will be some public opposition to the loss of open space at the Reserve. The government will need to address that.

Crown decision making and use of Treaty settlement legislation

56. Decisions on Treaty settlement redress are for the Crown to make. Auckland Council is not a party to Treaty settlement negotiations and is not a signatory to deeds of settlement. The Crown nevertheless consults local authorities when it considers offering Crown land administered by authorities as Treaty settlement redress. Cabinet takes those views into account when agreeing redress.
57. Ultimately Treaty settlements are endorsed by Parliament, which passes the Treaty settlement legislation required to settle the claims, remove the jurisdiction of the courts, and provide the agreed redress to the settling group.
58. The transfer of Crown-owned reserve land is a relatively common feature of Treaty settlements. The Crown uses Treaty settlement legislation to deliver the redress. Usual legislative steps are:
- i) revoke reserve status and any accompanying vesting (meaning the land reverts temporarily to the Crown);
 - ii) transfer title to the settling group;
 - iii) if required, re-impose reserve status and determine administration rights.
59. This replaces the usual decision making process for disposals or changes to reserve status set out in the Reserves Act 1977. That Act would otherwise require a notification process and consultation with iwi, and allow public submissions before decisions are made.
60. For most Treaty settlements where reserve land is used, although title is transferred from the Crown to the settling group, and new administration arrangements put in place, reserve status is retained. An example of this is the transfer of the title to the Tupuna Maunga (volcanic cones) through the Ngā Mana Whenua o Tāmaki Makaurau Collective Settlement Act 2014.
61. The proposal for the Crown to provide Ngāti Paoa the right to purchase some of the Point England Recreation Reserve, effectively as commercial redress, is unusual but not without precedent – the Crown has offered elsewhere to provide reserve lands administered by the Department of Conservation to settling groups unencumbered with reserve status (typically these lands have low or no conservation value).
62. In Auckland, Treaty settlement legislation is also required to activate an exemption to the right of first refusal (RFR) over Crown land provided to the 13 iwi/hapū of the 'Tāmaki Collective' through the Ngā Mana Whenua o Tāmaki Makaurau Collective Settlement Act 2014 – the exemption being that Crown land used for a Treaty settlement is not subject to the RFR.
63. For the Point England proposal, one option for the government is to offer Ngāti Paoa an 'on account' settlement (i.e., ahead of their full settlement package) and draft legislation that deals specifically with it. That approach would allow the government to move quickly to meet housing objectives, rather than waiting for a full settlement package to be finalised and accompanying settlement legislation passed, which could take up to two or more years.

Proposed response to Minister for Treaty of Waitangi Negotiations

- Item C1
64. As noted, Minister Finlayson seeks council's views on the proposal to offer Ngāti Paoa the right to purchase up to 13 hectares of the Point England Recreation Reserve for housing purposes. The Office of Treaty Settlements have relayed that Ministers are keen for Cabinet to consider the proposal in August. A response by letter from the Mayor conveying council's views would be appropriate.
65. A response to the Minister is recommended that recognises Ngāti Paoa aspirations and the potential benefits of the proposal, but which highlights the impact of the proposal on open space provision, and requests measures to mitigate this if a decision is made to develop part of the Reserve as housing. Other details are important to raise, such as how the exact area of land to transfer will be determined, how protection of the balance of the Reserve for future generations might take place, and how the government proposes to communicate any decision to the public.
66. On that basis the response proposed is to:
- a) acknowledge the importance of the Crown's negotiations to settle the historical grievances of Ngāti Paoa, and the Ngāti Paoa aspirations to rebuild the Ngāti Paoa community in the Tāmaki area;
 - b) acknowledge the close working relationship of the government and Auckland Council through the Tāmaki Redevelopment Company to deliver positive social, economic, housing and amenity outcomes to the Tāmaki community across Panmure, Point England and Glen Innes;
 - c) note the potential benefit of housing at the Reserve for Ngāti Paoa, the government, and the wider Auckland community, to achieve social housing objectives and increase housing supply in the Auckland market;
 - d) highlight the responsibility council shares with the government for the Tāmaki community, and that use of part of Point England Recreation Reserve for housing would mean a net loss of public open space for that community;
 - e) recognise the Crown makes decisions on Treaty settlement redress, that underlying title to the Reserve is held by the Crown, and that the Crown has a sovereign right to dispose of the land through legislation;
 - f) state that if the government decides to offer Point England Recreation Reserve land to Ngāti Paoa for housing development, and because of the potential impact on open space provision, the council wishes to engage with the government to:
 - determine an appropriate mitigation package for the reduction of up to 13 hectares of open space, which is anticipated could include both the acquisition and development of land for open space purposes elsewhere in the Tāmaki area, and the further enhancement of open space land retained in the Tāmaki area;
 - agree an appropriate mechanism for the government to meet the cost of a mitigation package;
 - be party to consultation with Ngāti Paoa to ensure the amount and configuration of land removed from the Reserve is done in a way that enhances public use of the balance of the reserve, protects environmental values in the Reserve, and is integrated with the open space plans developed by council and the Tāmaki Redevelopment Company;
 - find a way to heighten protection of the balance of the Reserve as public space for future generations;
 - g) note the council has made no assessment of, and makes no representations on the suitability of land at the Point England Recreation Reserve for housing, or the capacity of existing infrastructure and any additional infrastructure requirements to accommodate additional housing;

- h) ask the Minister to clarify steps the government will take to reach a decision and that government continue to consult council as it does so; and
 - i) being conscious of the confidentiality afforded to Treaty settlement negotiations, ask the Minister to clarify how the government proposes to communicate with the wider Tāmaki community about decisions it may make on the proposal.
67. It is recommended a delegation is provided to elected members on the Tāmaki Co-ordination Group (Mayor, Deputy Mayor, Councillor for the Maungakiekie-Tāmaki Ward, and chair of the Maungakiekie-Tāmaki Local Board) to engage with Ministers as required, and report back to the governing body through the Treaty of Waitangi Settlement Working Party.

Consideration

Local board views and implications

68. On Thursday 21 July the Maungakiekie-Tāmaki Local Board (MTLB) considered the proposal to develop housing on the Reserve as part of the Ngāti Paoa Treaty settlement. The views of the MTLB will be tabled at the governing body meeting.

Panuku Development Auckland views

69. Panuku Development Auckland represents the council's shareholding interests in the TRC and, as noted above, has been involved in discussions with the Crown lead negotiator, the council and Ngāti Paoa regarding the proposal. Overall, Panuku has a positive view of the proposal, recognising that the detail outlined above needs to be worked through and that there are significant opportunities that can be realised if the council organisation works collaboratively with Ngāti Paoa, the TRC and the Crown to advance this.

Māori impact statement

70. This report provides advice to the governing body on a request by the Minister for Treaty of Waitangi Negotiations for council's views on a proposal for Ngāti Paoa to develop housing on up to 13 hectares at Point England Recreation Reserve through a Treaty settlement. Ngāti Paoa aspirations for the proposal, as communicated to elected members and council staff, are described in full. The recommended response to Minister Finlayson acknowledges the importance of the Ngāti Paoa Treaty settlement and the potential benefits of the proposal for Ngāti Paoa, the government, and the wider Auckland community.
71. The proposed response also recognises the underlying title to the Reserve is held by the Crown, and that final decision-making on Treaty settlements rests with the Crown. Should the government decide to offer the redress to Ngāti Paoa, council would wish to engage government to determine an appropriate Crown mitigation package for the reduction of open space land in the Tāmaki area. Council would also wish to work with Ngāti Paoa and the TRC to address a range of practical issues relating to the proposal.

Implementation

72. If agreed a draft letter will be provided to the Mayor to send Minister Finlayson. If the government decides to support the proposal, the Manager Treaty Settlements will continue to work with relevant parts of council, as required, to co-ordinate engagement with the Crown, Ngāti Paoa and the TRC.

Attachments

No.	Title	Page
A	Letter Minister Finlayson to Mayor Brown 16 June 2016	15
B	Site Map - Point England Recreation Reserve	17
C	Configuration and use of Reserve	19
D	Tamaki Regeneration Project and Governance Report (AUC, 6 June 2016)	21

Signatories

Authors	John Hutton - Manager Treaty Settlements
Authorisers	Phil Wilson - Governance Director Stephen Town - Chief Executive

Governing Body
CONFIDENTIAL MINUTES

Confidential minutes of meeting of the Governing Body held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on Thursday, 28 July 2016 at 9:30am.

The confidential section of the meeting commenced at 12.39pm.

The meeting adjourned at 12.39pm, and reconvened at 12.43pm. Cr CE Fletcher and Deputy Mayor PA Hulse were not present.

C1 Proposed housing development at Point England as Treaty settlement redress

Simon Randall, Maungakiekie-Tāmaki Local Board Chairperson spoke to this item.

A copy of the confidential minutes of the 21 July 2016 Maungakiekie-Tāmaki Local Board meeting was tabled, this has been attached to the confidential minutes.

Note: Changes to clause c) were incorporated with the agreement of the meeting.

Cr R Clow left the meeting at 12.50 pm.

Deputy Mayor PA Hulse returned to the meeting at 12.50 pm.

Cr CE Fletcher returned to the meeting at 12.52 pm.

Resolution number GB/2016/56

MOVED by Cr DA Krum, seconded by Cr CE Fletcher:

That the Governing Body:

- a) **note the Minister for Treaty of Waitangi Negotiations seeks Auckland Council's views on a proposal for Ngāti Paoa, through a Treaty settlement, to develop housing on up to 13 hectares at Point England Recreation Reserve, which is Crown land vested in trust in Auckland Council.**
- b) **agree that the Governing Body communicate to the Crown as follows:**
 - i) **that the council acknowledges the lengthy process of negotiation between the Crown and Ngāti Paoa to reach a settlement of the historical Treaty grievances of Ngāti Paoa, and supports in principle the finalisation of a Ngāti Paoa settlement**
 - ii) **that the council acknowledges the close working relationship of council and the government through the Tāmaki Redevelopment Company to deliver positive social, economic, housing and amenity outcomes to the Tāmaki community across Panmure, Point England and Glen Innes**
 - iii) **that the council notes the potential benefits of the proposed housing at Point England Reserve for Ngāti Paoa, the government, and the wider Auckland community, to achieve social housing objectives and increase housing supply in the Auckland market**
 - iv) **that the council acknowledges the responsibility it shares with the government for the Tāmaki community, and that use of part of Point England Recreation Reserve for housing would mean a net loss of public open space for that community**
 - v) **that the council recognises the Crown makes decisions on Treaty settlement redress, that underlying title to the Point England Recreation Reserve is held by the Crown, and that the Crown has a sovereign right to dispose of that land through legislation**
 - vi) **that if the government decides to offer Point England Recreation Reserve land to Ngāti Paoa for housing development, because of the potential impact on open space provision in the Tāmaki area, the council wishes to engage with the government to:**
 - (a) **determine an appropriate mitigation package for the reduction of up to 13 hectares of open space, which is anticipated could include both the acquisition and development of land for open**

- space purposes elsewhere in the Tāmaki area, and the further enhancement of open space land retained in the Tāmaki area
- (b) agree an appropriate mechanism for the government to meet the cost of a mitigation package
 - (c) be party to consultation with Ngāti Paoa to ensure the amount and configuration of land removed from the Reserve is done in a way that enhances public use of the balance of the reserve, protects environmental values in the Reserve, and is integrated with the open space plans developed by council and the Tāmaki Redevelopment Company
 - (d) find a way to heighten protection of the balance of the Reserve as public space for future generations
- vii) that the council has made no assessment of, and makes no representations on the suitability of land at the Point England Recreation Reserve for housing, or the capacity of existing infrastructure and any additional infrastructure requirements to accommodate additional housing
 - viii) that the council asks the Minister to clarify steps the government will take to reach a decision and that government continue to consult council as it does so
 - ix) that the council, mindful of the confidentiality required for Treaty settlement negotiations, asks the Minister to clarify how the government proposes to communicate with the wider Tāmaki community about decisions it may make on the proposal.
- c) delegate to the mayor and the deputy mayor the authority to engage with ministers and Crown officials, as required, and that the outcome of any engagement be reported back through the Treaty of Waitangi Settlement Working Party to the governing body.
 - d) agree that the report, attachments, and decisions remain confidential until advised by the Crown that the obligation of confidentiality is removed.

CARRIED

Note: Pursuant to Standing Order 1.8.6, Crs C Casey, ME Lee and J Watson requested that their dissenting votes be recorded.

Attachments

A 28 July 2016 - Governing Body - Item C1 - Maungakiekie-Tāmaki Local Board 21 July 2016 Confidential Minutes

1.07 pm

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE GOVERNING BODY HELD
ON

DATE:.....

CHAIRPERSON:.....

Date: Thursday 28 July 2016
Time: 9:30am
Meeting Room: Reception Lounge
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

Governing Body

CONFIDENTIAL MINUTE ITEM ATTACHMENTS

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Maungakiekie-Tāmaki Local Board
CONFIDENTIAL MINUTES

Confidential minutes of meeting of the Maungakiekie-Tāmaki Local Board held in the Local Board Office, 7-13 Pilkington Road, Panmure on Thursday, 21 July 2016 at 6.00pm.

C1 Proposed housing development at Point England

Resolution number MT/2016/4

MOVED by Chairperson SD Randall, seconded by Member J Clark:

That the Maungakiekie-Tāmaki Local Board:

- a) thanks John Hutton, Manager Treaty Settlements for their attendance;
- b) note the Minister for Treaty of Waitangi Negotiations seeks Auckland Council's views on a proposal for Ngāti Paoa, through a Treaty settlement, to develop housing on up to 13 hectares at Point England Recreation Reserve, which is Crown land vested in trust in Auckland Council;
- c) note Ngāti Paoa aspire to rebuild the Ngāti Paoa community in the Tāmaki area, where they have enduring historical and cultural associations, and are keen to pursue the opportunity to develop housing at the Reserve in a manner sensitive to the natural environment, Māori design concepts, and the needs of the wider Tāmaki community;
- d) note the Council and Crown have a close working relationship through the Tāmaki Redevelopment Company to deliver positive social, economic, housing and amenity outcomes to the Tāmaki community across Panmure, Point England and Glen Innes;
- e) note the proposal for housing development at Point England Reserve through a Treaty settlement for Ngāti Paoa, has potential benefits to the government, Auckland Council, and the wider Auckland community, to achieve social housing objectives and increase housing supply in the Auckland market;
- f) note the Crown makes decisions on Treaty settlement redress, that underlying title to the Point England Recreation Reserve is held by the Crown, and that the Crown has a sovereign right to dispose of that land;
- g) note the proposal for housing development would result in a further increase in the future population seeking to use the open space network in the Tāmaki area, and a reduction in the open space available to accommodate the future use of the wider future community;
- h) acknowledge that, notwithstanding the above statements, the Point England Reserve offers the local and wider community a high level of social, environmental, and cultural amenity in urban Auckland which is becoming rarer and prohibitively expensive to acquire, meaning the reduction in area and potential future uses is undesirable;
- i) note officer advice that these impacts can be mitigated and states its strong view that if the government did offer land for housing development to Ngāti Paoa at Point England Reserve, the government would have an obligation to work with the Auckland Council to determine an appropriate mitigation package for the resulting reduction of open space, which should include both the acquisition and development of land for open space purposes elsewhere in the current catchment area, and the further enhancement of open space land retained in the Tāmaki area;
- j) request that should the government proceed with the offer, the following high level requirements for the remaining open space network be adopted to guide mitigation of the remaining reserve area:
 - 1) a quality neighbourhood park with road frontage on Elstree Avenue of an appropriate scale and with sufficient infrastructure to support local community needs and complement the Glen Innes Pool and Leisure Centre;

- 2) a quality suburb scale park at Point England Road of an appropriate scale and with sufficient infrastructure to support a range of sports and active recreation activities;
- 3) a quality suburb scale park on the Point England headland with appropriate scale and infrastructure to support a range of ecological, cultural, passive and informal recreation, and landscape values;
- 4) connections within the remaining open space, and through any proposed development, including:
 - i. ecological and recreational connections (walking/cycling) along Omaru Creek;
 - ii. ecological and recreational connections (walking/cycling) along the Tāmaki River foreshore;
 - iii. recreational and active transport connections (walking/cycling) from the surrounding area, including but not limited to:
 - a. Glen Innes town centre and rail station via Maybury Reserve;
 - b. Point England Road and Riverside Avenue;
 - c. Residential streets to the north, including Taniwha Street and Concord Place, Kestral Place, Kiano Place and Kotae Road;
- k) request that the settlement area and the future development on it reduce the impact on the remaining recreational spaces and the landscape by:
 - 1) locating future built environment in a way that protects as far as possible the existing landscape values of the Point England Reserve, particularly:
 - i. the expansive coastal headland south of Omaru Creek;
 - ii. the elevated and headland and vegetated banks to the north of Omaru Creek;
 - iii. the foreshore to Tāmaki River;
 - 2) designing future residential development in a way that does not fetter the range and type of activity that can take place on adjacent open space (e.g. housing in proximity to sports fields or active recreation facilities can generate problems of reverse sensitivity to noise, lighting, high volumes of people using open space);
- l) agree that the resolutions and report will not be restated in the open section of the minutes until advised that the obligation of confidentiality is removed.

CARRIED

8.35 pm

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE MAUNGAKIEKIE-TĀMAKI
LOCAL BOARD HELD ON

DATE:.....

CHAIRPERSON:.....