



Telephone (09) 216 9857
Email daniel@sfhconsultants.co.nz
168 Hibiscus Coast Highway,
Orewa, Auckland 0932

To: Sarah Wong
From: Stephen Havill
Date: 11 September

Re: PLANNING RESPONSE - Clause 23 further information request – Private Plan Change Request by Windsor Park Community and Multisport Hub Incorporated

The following summary has been provided in order to accompany the applicant's response to further information request as received from Council on 30 July 2024.

1.0 Background

Enclosed as Attachment A is a statement by the Windsor Park Community and Multisport Hub (WPCMSH) which briefly outlines the site history, facilities, current situation, funding efforts and future direction.

In summary, the WPCMSH proposes the sale of 1.2ha of land, which is owned by the WPCMSH, to raise monies for reinvestment back into new onsite facilities and amenities.

2.0 Community

Windsor Park comprises 6.38ha, providing for 3 rugby fields, cricket pitches and winter auxiliary field.

These amenities not only provide for both the East Coast Bays Rugby Club and North Shore Cricket but also Rangitoto, Long Bay and Westlake Colleges, North Harbour Rugby (both men's and women's teams), bosting international games and summer cricket for Auckland A, Rangitoto, Westlake and Rosmini teams.

In addition to the above, the adjoining Church also uses the fields for various sporting activities along with American Football.

At the same time, the WPCMSH ensures that the fields are also available for community leisure and activity purposes.

While providing for these wide-ranging activities, the WPCMSH also provides Clubroom facilities for sporting related teams, community meetings and activities plus changing facilities and cricket related amenities.

3.0 Objective

The WPCMSH has recognised for some time, the need to upgrade both their facilities and field related amenities.

Despite intensive efforts over many years to raise monies, they have finally concluded that the proposed sale is the only option available.

The monies from the land sale will be used for the following :

- a. Modern changing facilities and toilet.
- b. New club house.
- c. Floodlighting to provide greater field use and cater for increased demand.
- d. Indoor cricket facility.
- e. Concrete footpath around the field perimeter to enable all weather walking plus wider connections to open space and residential areas.

Overall, a 20 million dollar expenditure has been identified.

4.0 Consultation

The WPCMSH has actively engaged in consultation with the following parties prior to lodgement :

- a. Windsor Park Baptist Church who are the major adjoining landowner, whose land is zoned as Terrace and Apartment (THAB).
- b. The 12 iwi groups who are listed by Council as being relevant to this application.
- c. Both Local Boards.
- d. Both North Shore Auckland Council Councillors.
- e. Full page article in the Saturday Herald by Bayley's outlining both the intent plus accompanying plan of the sale area, plus extensive online marketing. (reference Attachment B). There were 87 formal expressions of interest received.

To date, no objection has been raised by any of these parties or wider community who would have read the Herald or seen online.

Further public consultation will occur under the Plan Change process.

5.0 Medium Density Residential Standards

In order to incorporate the Medium Density Residential Standards (MDRS), the decision was made to propose a Precinct over the site which is consistent with the MDRS purpose, objectives, policies and standards. This will ensure any future residential development on the PPC site will be required to consider the MDRS rules as part of their future land use application.

Please refer to the attached Proposed Precinct Plan

6.0 Legal

Easements:

Reference is made to the letter by Armstrong Murray dated 19 June 2018, which reviews the relevant easements for car parking and rights of way, which are granted in favour of the Society (Board) over land owned by the adjoining Baptist Church.

The Society and adjoining Baptist Church work closely together to ensure that this car parking area remains well managed and maintained.

The PPC will not impact upon the referenced relevant easements for car parking or rights of way.

Covenant:

The WPCMSH is aware of the Covenant on the Title requiring that Council is offered first right to purchase.

This would be the preferable outcome for the WPCMSH, whereby Council purchased the land at commercial terms, with the money going towards the provision of the above amenities.

The WPCMSH has, prior to lodgement, discussed their intentions with the local North Shore Councillors, who indicated that Council had no money for the purchase and that they supported the Plan Change intention.

With this advice in mind, the WPCMSH proceeded to lodge.

As regards the Covenant, the following comments are made:

- a. The Covenant only takes affect when the WPCMSH formally proposes selling.
- b. The Plan Change process is separate from any sale intent and the Covenant as such, does not prevent seeking a rezoning.

The WPCMSH has engaged Bayley's to undertake an initial evaluation, seeking expressions of interest in order to determine both potential interest in a purchase plus likely sale price.

This process has identified the following :

- a. Potential purchasers who would buy now and finalise at their cost, the Plan Change process.
- b. Purchasers who would be interested post the Plan Change being approved.

Based on the above, the WPCMSH has an indication of both demand and likely sale price, with the latter being required for any future discussions with Council over land purchase.

The WPCMSH would require that any Council intent to purchase was actioned reasonably promptly in order that the objectives can be actioned in a timely manner.

Maintenance Agreement:

The Society in their response under the heading, “Where to from here”, in paragraph 6 references the Maintenance Agreement.

It is noted that there are “no obligations under the agreement that prevents the sale of the Park or any parcel of land at the Park”.

The PPC process will not impact on the Maintenance Agreement, which will remain in place.

Background:

The Society in their response under the heading, “Background”, has provided a brief timeline history between 1970 – 1971 and 2008. This history plus the additional attached easements and covenants, confirm that there are no impediments to be processing of this PPC application.

Historically, the North Shore City Council (NSCC) in May 1996, confirmed that Council would forgive their loan subject to the registered referenced Covenant. With the completion of the referenced legal actions, there were no further financial or legal obligations to Council.

Over time, the Society has worked towards repayment of the major portion of the incurred debt, being 750,000 dollars, which was finally paid off in 2008. In raising this money, land was sold on 2 occasions, for example reference the attached letter from the Windsor Park Board dated 15 March 2005.

At no stage were any objections raised by Council to the sale of these lands.

In conclusion, the Society will honor its Covenant obligation at the appropriate time, when the Society formally agrees and resolves to sell the referenced land. Until then there are no legal constraints between the various parties preventing the PPC being processed.

7.0 Planning

- a. Zone : The WPCMSH carefully considered the most appropriate zone requiring a balance between maximizing sale revenue (THAB zone) and best reflecting the longer term operational relationship between new neighbours and the adjoining sporting activities (M HLL Zone).

- b. Location : The site location affords the opportunity for the rezoned residential area to be accessed via Noel Williams, while the sporting activities will continue to be accessed via East Coast Bay Road with carparking as existing at 542 East Coast Bays Road.
- c. Effects : The specialist reporting has identified no specific issues with the potential development scale being appropriate with regard to the receiving environment.
- d. Social : The proposed rezoning will have a positive effect, with regard to the local and wider community, with the new facilities benefiting the relevant