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1 August 2019

The Hon Phil Twyford
Minister for Urban Development
Private Bag 18041
Wellington 6160.

Dear Hon. Phil Twyford

TE ONEKIRITEA/BOMB POINT PARK, HOBSONVILLE POINT

I am writing to you as Chairperson of the Hobsonville Point Resident's Society (HPRS) that represents 2000 property owner Members and around 5000 residents in Hobsonville Point, concerning the acquisition of Te Onekiritea/Bomb Point Park (commonly known as 'Bomb Point Park') as a Public Open Space by the Auckland Council.

Hobsonville Point is unique in New Zealand as a large scale, higher density, housing development driven by an innovative government development agency (HLC) that has a vision '*to build a strong, vibrant community that sets new benchmarks for a quality and accessible urban development with an environmentally responsible focus*'.

This vision aligns well with the HPRS's own long term vision:

Hobsonville Point: belong to a better future: *Our vision is for Hobsonville Point to be sustained and advanced as a community which shares values and strongly identifies with the place: enjoying our quality housing and streets, landscaping, parks, public spaces and amenities, and having access to an outstanding coastal setting and ecology. We aspire towards a sustainable way of living and caring for our environment. It will also be a vibrant community supporting diverse people and housing, new employment opportunities and services that enrich lives – such as food and drink destinations, child care facilities and community spaces ideal for sporting, social and cultural events, performances, classes and get-togethers.*

The higher density housing promoted also aligns well with the Auckland Council's policy of compact urban development set out in the Auckland Plan 2050. As both a process and an outcome, Hobsonville Point has been held up to be an exemplar of how best to do higher density in New Zealand, and because of this has achieved international attention. The HPRS commends the key agencies – Government, HLC, the Auckland Council (and their

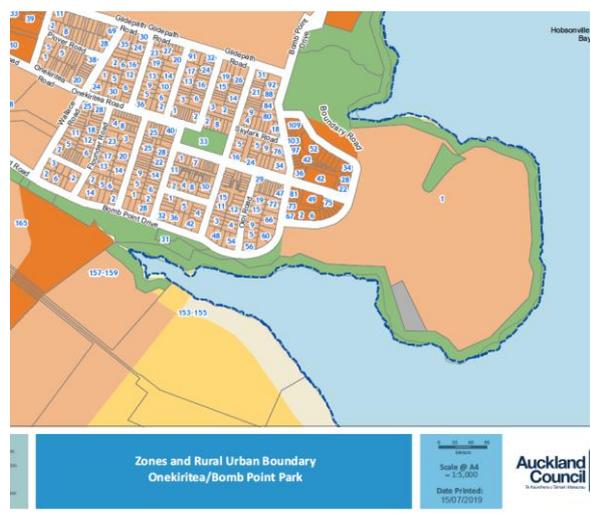
predecessors) for their vision and innovative approach to a development that indeed is setting new benchmarks.

Our Concerns

From the inception of planning for Hobsonville Point, Bomb Point Park has been depicted as a key public open space, and [is clearly shown in the 2014 Catalina Sub Precinct Plan](#) as *Public Open Space – Informal Recreation* (see diagram below).



The *Public Open Space – Informal Recreation* land use zoning was subsequently also embedded into the Auckland Council’s Proposed Auckland Unitary Plan (PAUP). However, with the exception of the coastal esplanade (now vested with Council) and a Marae site, the larger part of what was zoned as public open space in the PAUP was changed to *Mixed Urban Housing* in what is now an operative part of the Auckland Council Unitary Plan, as shown below.



Notwithstanding the reality of this re-zoning for housing purposes, property owners and residents have purchased, and continue to purchase, properties on a reasonable understanding that Bomb Point Park will be acquired by the Auckland Council as a public

open space. The investments already made at a half way stage of development are sizeable, and estimated to be in the order of \$1.5 billion. Despite Bomb Point Park now zoned 'Mixed Housing Urban', promotional materials continue to depict the area in its entirety as a public open space, such as on the HLC Masterplan displayed in the house builders' sales offices, and indeed, on HLC's own website. There is also a large billboard currently on the Bomb Point Park site depicting this area as public open space. All of the land now rezoned for housing remains in government ownership through HLC.

The ambiguity between the reasonable understanding of the area being a public open space, and the rezoning of the HLC-owned land by the Auckland Council to 'Mixed Housing Urban' continues to cause concern and confusion for our Members and the wider community. This is not the first time we have raised concerns over this matter. In March 2016 Peter Herbert, the previous Chair of the HPRS, wrote to the then Auckland Deputy Mayor, Penny Hulse, expressing concern about the lack of progress to acquire the land as a park, pointing out that *'any failure to do so would result in a breakdown in confidence in Council and the development community, and without intending to be alarmist in any way, may raise claims of misrepresentation'*.

At the last HPRS Annual General Meeting held in October 2018, a resolution was overwhelmingly carried that:

'HPRS Members...call on the HLC, Auckland Council and the New Zealand Government to honour their longstanding commitments to ensure that the entire 11.2 hectare Te Onekiritea / Bomb Point park be made a public reserve. In particular we consider that any attempt to carve-up the public open space would be a betrayal of those commitments and the strongly-held expectations of our community.'

The Upper Harbour Local Board passed a resolution in support of Bomb Point Park being acquired by the Auckland Council as a public open space, and this support extends to the two Auckland Councillors for the Albany Ward, and iwi. A resident initiative, the Bomb Point Park Action Group, has also been formed and launched a public campaign. In July 2019, a protest attended by a reported 100 residents, was held on Bomb Point Park and drew media attention, including TV news coverage.

Given your role and oversight over HLC, we draw to your attention our heightened concerns about the current zoning, and what appears to be a lack of progress towards Te Onekiritea/Bomb Point Park being acquired in its entirety as a public open space by the Auckland Council.

Rezoning in the Auckland Council Unitary Plan

Scrutiny of the evidence presented on behalf of HLC and the Auckland Council to the Auckland Unitary Plan Independent Hearings Panel (2015-2016) shows that both parties recommended that the Bomb Point Park area be re-zoned for housing. This is clear from the cited extract below, presented by an HLC representative (Submission Point 3859-753 December 2015):

There has been an expectation for many years that Council would acquire Bomb Point from HLC for the purpose of creating a reserve. Formal discussions on the sale commenced in 2013. In September 2014 HLC and Council agreed a valuation brief to determine the transfer value. HLC and Council both obtained valuations in February 2015.

Parks officers have advised that it is still the intention to acquire land as public open space. The extent acquired will be determined by the valuation. Until the matter has been determined it is appropriate that the land retain a Mixed Housing Urban zoning.

The existing esplanade reserve will however retain a public open space zoning. The Hobsonville Precinct will however signal that public open space is to be acquired.

In rebuttal evidence given to the Panel by Council Officers (29 February 2016), support was given to the HLC recommendation that Bomb Point Park be rezoned from 'Public Open Space – Informal Recreation to Mixed Housing Urban', as shown in the cited extract below:

4.17 I support the replacement of precinct plan 3 for sub-precinct E (Catalina) as it reflects Auckland Council's position in Topic 80c – Public Open Space (and which has been presented to the Independent Panel) which recommends that the area known as 'Bomb Point', excluding the existing coastal esplanade, is rezoned from Public Open Space – Informal Recreation to Mixed Housing Urban zone.

The outcome to the Independent Hearings Panel process was the Auckland Council's subsequent approval of the rezoning of this land as 'Mixed Housing Urban', except for an esplanade reserve and a Marae site. This remains its status in the operative parts of the Unitary Plan.

Assurances that Bomb Point Park will be retained as a public open space

Despite this rezoning, the Council and HLC have continued with negotiations towards the acquisition by Council of public open space in this area. On the 12 July 2019 Auckland Council's General Manager of the Council's Environment and Community Committee, published an update in 'Our Auckland':

...the council has a very clear position to work to, one which will provide the local community with quality open space and park land. Councillors agreed on their position in November last year (2018) and gave us instructions to begin good faith negotiations with HLC. As they said at the time, we are prepared to also take on any gifted land in order to retain as much land as open space as possible'.

In relation to residents' concerns that this area will be used for housing development, we are pleased to note your statement reported in 2018 that: '*HLC advises me that it is on public record confirming that housing will not be built on this site. Negotiations between HLC and Council continue*'. More recently (13 July 2019), the Chief Executive of HLC, Chris Aitken explained via the Hobsonville Community Facebook page, that the call for residential zoning was a '*technical planning matter not a development intention*'.

It is of course reasonable to ask the question (as our residents have) about why the parties concerned advocated the re-zoning of the land for housing purposes in the Unitary Plan, when, as the Chief Executive of HLC points out, that this was '*not a development intention*'. However, the reality is that the land is now re-zoned for housing in the Unitary Plan and our focus shifts to the process ahead to reinstate the land use as '*Public Open Space – Informal Recreation*'. We seek your further comment on the issues raised, and information on the process and progress towards this outcome.

Timeline for negotiations

Evidence given in to the Auckland Unitary Plan Independent Hearings Panels shows negotiations between HLC and the Auckland Council commenced in 2013. We understand from the general manager of the Council's Environment and Community Committee that negotiations are currently on going. However, more disturbing is the statement from you that it will take a number of years to finalise this transfer' (letter to Grant Dixon dated 5 July 2018). Not only have these negotiations be dragging on for a number of years (at least six years), but none of the parties concerned are able to give any indication of how long this process may yet take.

This creates on going uncertainty for our Members, for future purchases of the remaining 2500 properties, and for our wider resident community. As explained above, the contradictions between the rezoning of this land for housing by the Auckland Council, the reassurances from HLC that housing on this land is not a development intention, on going promotion of house sales in Hobsonville Point showing Bomb Point Park as a public open space, and no resolution to the negotiations in sight, creates a climate of uncertainty. This heightens our previous expressed concerns about confidence in the process.

Partial acquisition by the Council as a public park

We have a further concern from the evidence given to the Independent Hearings Panel in 2015 leading to the re-zoning of the land.

In the HLC submissions, reference is made to Auckland Council '*Parks officers hav(ing) advised that it is still their intension to acquire land as public open space. The extent acquired will be determined by the valuation*', and that:

*While the ideal outcome for HLC is that Bomb Point is purchased by AC for reserve...this now seems unlikely, and a more likely outcome is that **some of Bomb Point** will be purchased by AC... The balance would likely be developed for housing.*

Leaving aside the reference to any remaining land being 'developed for housing' in the light of assurances we have that this is not a development intention, our concern now focuses on another matter. This concerns the following factors:

- That consideration is given to public open space being smaller than what was indicated in the Catalina Sub-Precinct Plan and the PAUP. This concern has been more recently underscored in the progress report of the Manager of the Council's Environment and Community Committee published in 'Our Auckland', where it is stated that '*we are prepared to also take on any gifted land in order to **retain as much land as open space as possible***'
- That the size of this public open space land parcel will be determined by land value, and what funding may be available for purchase.

For us this is deeply disturbing, because it argues that community recreational needs are a function of land cost and funds available. This is not considered to be a logical or rational

way in which to determine actual recreational needs for any community, and to provide ratepayers with necessary amenity.

Land Values

Land value (and therefor potential purchase costs) given as evidence to the Hearings Panel is of interest for other reasons. Among the consequences to the rezoning for housing in the Unitary Plan, is that the land value significantly increased. The current QV on the Council's website for the Bomb Point Park area (1 Catalina Bay Drive: Property ID 11187210) is currently \$50.890m. This is considerably more than land valuations when negotiations commenced in 2013. You reported in 2018 on advise from HLC *'that Bomb Point Park was part of a larger (30.487ha) parcel of land transferred under the Public Works Act for \$22m'*. This 'larger parcel' is the Catalina Sub-Precinct, of which Bomb Point Park comprises 11.2ha – just over a third of the parcel. On a proportional basis, the land value of the Bomb Point Park area at that time would have been about \$8m.

However, contrary the evidence given to the Independent Hearings Panel referencing land valuation being a consideration in the Council's acquisition of public open space, and the prospect of this being reduced in size, we have a reassurance from the CE of HLC, Chris Aitken, *'that it is not correct that HLC is using residential value in its discussions with Council...as has been explained to the community on several occasions'*. (Hobsonville Community Facebook page – 13 July 2019)

What is less certain to us is how land valuations are being considered in the negotiations. Moreover, we consider that any land value established would need to take into account the costs of land remediation as a former air force base. The area has disused munitions stores and a potential for hazardous materials in the area.

We also understand that the land in question is in HLC ownership, and that privately owned land cannot be zoned by the Council as public open space without an owner's agreement. This suggests that negotiations over land acquisition can involve the land owner's consent to being rezoned as public open space, and as the suggested by the General Manager: Environment and Community, that the Council is also open to land gifting as part of the agreement.

HPRS position

The HPRS asserts the following position:

- For reasons given above, and the assurances given by key parties, and despite the current zoning, we stand by assurances that that no housing be built in areas demarcated as 'Mixed Housing Urban' in the Unitary Plan in the Bomb Point Park area.
- That the area demarcated as 'Mixed Housing Urban' in the Unitary Plan be acquired in its **entirety** by the Auckland Council and re-zoned as a 'Public Open Space – Informal Recreation' as an amendment to the Unitary Plan.

This is premised on the following reasons:

1. Property owners have made purchase decisions on a reasonable understanding that Bomb Point Park in its entirety will be a Council owned public park. This is depicted in the HLC promotional information and the relevant Auckland Council's Comprehensive Development Plans. Standing on the site in question in full public view is a HLC billboard depicting the area as a public park.
2. In 2018, the following question was put to you: 'What responsibility does HLC take for ensuring Bomb Point becomes a public reserve in its entirety?' Your reply was that that: *'HLC advises me that it is on public record confirming that housing will not be built on this site'*. We uphold the confirmation reported by the Minister that housing would not be built on this site.
3. There is reported iwi support for Te Onekiritea/Bomb Point to be retained as a Park, as well as from the Upper Harbour Local Board, and the two Albany Ward Auckland Councillors, and overwhelmingly by our Members.
4. The planning for Hobsonville Point has balanced higher density living with the provision of quality public open space. In a National Science Challenge funded Case Study, *Living at Density in Hobsonville Point: Resident Perceptions* (<https://www.buildingbetter.nz/resources/publications.html>), the role of the public parks as a key source of housing satisfaction was stressed by resident respondents in a survey and focus group, one respondent capturing what many feel: *'it's the actual environment to me that's more important than the house itself. I could live in a log cabin anywhere if I've got the right, particularly green, environment around me.'* Overwhelmingly, for those living at higher density with small or no backyards, or living in apartments, public open spaces are crucial elements in delivering necessary housing satisfaction and well being. Moreover, when respondents were asked to identify the things they most appreciated in their neighbourhood, the top attributes named were the Coastal Walkway and Bomb Point Park, and together with Parks and Reserves, these were identified by over half of all respondents. Moreover, 77 per cent of respondents expressed strong levels of satisfaction with the neighbourhood amenities. These indicate the strong identity the community has with public open spaces in delivering well being.
5. The original Masterplan targeted the building of 3000 dwellings in Hobsonville Point. This has shifted considerably over time, with 4500 dwellings now set as the goal when completed by 2024, with an estimated population of at least 13,500. This is a 33 per cent increase over what was originally planned for. This increase, in part, comes from the rezoning of the Panuku block (Airfields) from 'marine industry special zone' (Plan Change 13 of the former Waitakere City District Plan) to residential use. In addition, each subsequent phase of development has been at a higher density, increasing population yield. Newer development comprises of an increasing proportion of terrace houses and apartments, and also now includes multi-storey residential towers. These housing typologies will have greatly reduced private garden amenity, and will increase pressure on the public open spaces for recreational needs. Moreover, were additional houses to be built in the Bomb Point Park area, not only will this add to the population, but will also further reduce the public open space size.
6. Apart from the reality of having a larger than planned population within Hobsonville Point, there are also large scale new housing projects immediately adjacent in Scott Point. This will contribute a further 10,000 people within walking distances of Bomb

Point Park when completed, bringing the total population within walking distance to at least 23-25,000 people. While the Council is committed to building an active sports recreation facility in Scott Point that will also benefit Hobsonville Point residents, conversely, the informal recreational amenity within Hobsonville Point will also serve the residents of Scott Point.

7. There are currently three large-scale retirement developments within walking distances of Bomb Point Park, with two completed (Waterford and Summerset). Metlifecare have commenced construction of another \$240m retirement development in Scott Point, proposed to have a boardwalk connection directly to Bomb Point Park via the adjacent Coastal Walkway. They are promoting this new development in terms of its proximity to the amenity within in Hobsonville Point.

'Hobsonville Point has become a very desirable neighbourhood due to its accessibility, amenity and the quality of life that it offers its residents who can combine urban living with a waters-edge location'.

The promotion of adjacent developments in terms of the amenity offered within Hobsonville Point, may be an unintended consequence of its success, but nevertheless one that will place increasing pressure the usage of public spaces by adjacent communities.

8. Hobsonville Point is part of the Northwest Transformation project that has promoted the large scale development of the sub-region. This has included the building of the Upper Harbour Motorway (SH18), the expansion of retail activity at Westgate to a regional scale, the inclusion of new commercial centres, and new housing areas that includes Hobsonville Point, Scott Point, Whenuapai and Redhills, in addition to the existing communities at West Harbour and Greenhithe. Depending on the outcome to the government's inquiry into the future of the Whenuapai air base, there is a potential for further extensive housing in proximity to Hobsonville Point. Hobsonville Point has already emerging as a destination attraction for wider Auckland, around its specialist hospitality enterprises (such as the micro-brewery), an innovative employment centre (co-working business spaces at 'The Hanger'), and the attractions of the accessible coastal setting, the Coastal Walkway/Te Ara Manawa, and the informal recreational amenity of Bomb Point Park. Introduced this year in response to demand (and part funded by the HPRS) has been a weekend ferry service, bringing an increasing number of visitors to Hobsonville Point and its public amenities. Bomb Point Park already accommodates the highly popular 'off-leash' dog area, and hosts large scale community activities, such as the 'Come Fly With Me' kite event in 2018. The Rifle Range performance space has become a well used and popular facility within the area. Bomb Point Park is a unique open space in the sub-region that must be retained in its entirety for the benefit of all Aucklanders. The HPRS is pleased to note that this larger regional role is well supported by HLC: Chris Aitken points to the fact that: *'HLC has proposed a very realistic long term ownership (for reserve) proposal that is very affordable and reflects the parties intention for this to always have been a regional recreation reserve.'* We have no evidence to indicate such an understanding on the part of Auckland Council Staff.
9. A key feature in the planning and development of Hobsonville Point, has been the celebration of areas with ecological value and its heritage – both Maori and as a previous air force base. Building and places with heritage value have been retained, refurbished and sensitively integrated into the development. Not only does this

enhance Hobsonville Point, but serve a wider purpose of caring for heritage for Aucklanders more widely. Te Onekiritea/Bomb Point Park in its entirety has heritage for Maori, with many historic wartime sites, buildings, stories, and memories that remain. This includes the many munition bunkers used during WW2, all of interest to Auckland as a whole.

10. Hobsonville Point is not a conventional lower density suburban sub-division. It is an integrated higher density Masterplanned community. Simple arithmetic shows that the projected population of 13,500 on 167 ha will result in a gross density of 80 person/ha. Moreover, there is sufficient research-backed evidence to demonstrate that in higher density contexts, public space amenity plays an enhanced role in delivering well-being and housing satisfaction. Public spaces replace the backyards more typically found in lower density suburban areas. The need to think **differently** about public space provision in higher density contexts is also clearly recognised in the updated Auckland Plan 2050:

As Auckland's population increases and becomes more urbanised, our public places and spaces will become even more important to our wellbeing. This is particularly the case in areas of high growth, increased density and socio-economic need. This has implications for the number, size and location of our public places. It is also an important reason why we need to think differently about what we consider to be a public place and how we conceive its use. We also need to think differently about how we design and deliver them. They have to:

- *support multiple uses*
- *be able to adapt and change in the future*
- *reflect who we are as communities, Aucklanders and New Zealanders.*

Bomb Point Park offers an informal recreational amenity of sufficient scale and size to serve the needs of the growing population at both the local and sub-regional context.

11. Bomb Point Park was categorized as Public Open Space – Informal Recreation in the PAUP. The HPRS considered this to remain an appropriate zoning for the area, where the needs fully conform to the Auckland Council Open Space Provisions Policy as follows:

Spaces providing a variety of informal recreation opportunities for the general public, and may contain sites with natural and/or historic values. The intention of this zone is to minimise areas of exclusive use, and buildings and structures are generally limited to those supporting informal recreation activities. Examples include playground equipment, skate parks, informal hard courts, toilets and changing rooms, barbeque/picnic facilities and small scale boating facilities.

Steps forward

The HPRS urges that the negotiating parties take the above reasons for retaining Te

Onekiritea/Bomb Point Park in its entirety as a public park into account, and especially the Council staff tasked with making recommendations to the Auckland Council.

As we see it, the necessary steps to reinstate the Public Open Space – Informal Recreation zoning originally proposed by the Auckland Council in the PAUP involves the following:

- For an agreement to be reached between the Auckland Council and the land owner (HLC), on a valuation that takes full account of its role within Hobsonville Point as a higher density development, and the wider sub-regional role it already plays. In reaching an agreement, the HPRS urges the parties to consider the option for the landowner to agree to re-zone as a public open space, and the option of land gifting.
- From a Council perspective, consideration needs to be given to the fact that Bomb Point Park needs to be considered in the light of supporting a larger population that was planned for, use of the amenities by adjacent communities, its potential as a unique destination in Auckland, and the wider role this will play in the sub-region as an informal recreational amenity.
- For the Auckland Council to take the necessary steps for a Plan Change to the Unitary Plan for this to be re-zoned as Public Open Space – Informal Recreation.

As set out in the Auckland Plan 2050, is a need to think differently about public space provision in higher density contexts, to consider the unique features that Bomb Point Park has as an inner harbour coastal setting, and its current and future role as a unique informal recreational public space serving residents in and around Hobsonville Point, and the wider region of North West Auckland.

We are seeking your comment and advice on the following points in relation to the acquisition of Te Onekiritea/Bomb Point Park by the Auckland Council. Can you restate the assurances already given that the Bomb Point Park will not be used for housing development and that:

- the land will remain in the ownership of HLC until it is transferred to the Auckland Council as a public park?
- the area demarcated as 'Public Open Space – Informal Recreation' in the Catalina Sub-Precinct Plan and the PAUP, will be acquired by the Auckland Council in its entirety as public open space?
- the land in question will be rezoned from 'Mixed Housing Urban' to 'Public Open Space – Informal Recreation' in the Unitary Plan?
- While recognising that elements of the negotiations between HLC and the Council involves matters that are commercially sensitive, we are provided with a description of the process, the steps involved, and a realistic timeline to achieve the outcome of Te Onekiritea/Bomb Point Park being acquired in its entirety as a public open space by the Auckland Council?

Given the concerns being expressed, we will as an elected Committee make this letter available to our Members, and will pass on your comments and advice to them. We also hope that by the time we get to our next scheduled AGM in October this year, we will be able to report a clear pathway and commitment on the part of the parties concerned to the establishment of Te Onekiritea/Bomb Point Park in its entirety. I am also willing to meet and discuss the issues raised and the pathway to a solution acceptable to our Members.

Kind regards,

A handwritten signature in black ink, appearing to read 'Errol Haarhoff', is written over a light grey rectangular background.

Prof Errol Haarhoff
Chair: HPRS Committee.

Committee Members:
Craig Burrowes (Deputy Chair)
Lindsey Dawson
Sarah Griffiths
Debbie Grace
Yvonne Bull
Daniel Gerrard
Judy Selvaraj