

<b>Meeting</b>	Kaipara District Council
<b>Date</b>	Thursday 27 September 2018
<b>Time</b>	9.30am
<b>Venue</b>	Lighthouse Function Centre – 32 Mount Wesley Coast Road, Dargaville

## **Open Agenda – Supplementary Items**

### **Volume 2**

<b>4.7</b>	<b>Sale of Section, Aranga Coast Road – Rescind 23 August 2018 Decision .....</b>	<b>1</b>
	Attachments 1: District Plan maps .....	5

## **Membership**

Chair: Mayor Jason Smith

Members: Deputy Mayor Peter Wethey  
Councillor Anna Curnow  
Councillor Victoria del la Varis-Woodcock  
Councillor Julie Geange  
Councillor Libby Jones  
Councillor Karen Joyce-Paki  
Councillor Jonathan Larsen  
Councillor Andrew Wade

**File number:** 5105.12 **Approved for agenda**   
**Report to:** Council  
**Meeting date:** **27 September 2018**  
**Subject:** **Sale of Section, Aranga Coast Road – Rescind 23 August 2018 decision**  
**Date of report:** **20 September 2018**  
**From:** John Burt, Property and Commercial Advisor  
**Report purpose**  **Decision**  **Information**  
**Assessment of significance**  **Significant**  **Non-significant**

### Summary

This report recommends that Council rescinds its decision to declare a section at Aranga surplus to requirements (or under-performing) and to sell it.

Council is the owner of a section at Aranga Coast Road (described as Lot 1 DP 28751) that was purchased in 1940. At its meeting of 23 August 2018, Council made the decision to declare the property surplus and to offer it back to its former owners under the provisions of the Public Works Act.

It has now been established that this land on Aranga Coast Road is of cultural significance to Te Roroa, and there will be value in enhancing our relationship by working together, rather than proceeding to sell the land.

Consequently, it is now being recommended that Council rescind the decision to sell the property made at its 23 August 2018 meeting.

### Recommendation

*That Kaipara District Council:*

- 1 *Receives the Property and Commercial Advisor's report 'Sale of Section, Aranga Coast Road – Rescind 23 August 2018 decision' dated 20 September 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Rescinds the following decisions made at the 23 August 2018 meeting of Kaipara District Council:*
  - '3 In accordance with its Property Disposal and Acquisition Policy, determines that the section of land (3,035m<sup>2</sup>) at Aranga Coast Road described as Lot 1 DP 28751 is surplus (or under-performing) to Council requirements and can be sold; and
  - 4 Offers the section to the successor of the former owner at its current valuation in accordance with the provisions of section 40(2)(C) of the Public Works Act; and
  - 5 Offers the section for sale by public tender in the event that the former owner's successor declines to purchase it; and

- 6 Delegates to the Chief Executive responsibility for negotiating final terms for the Sale and Purchase Agreement which must include satisfactory access arrangements being made for the track across the land’.

**Reason for the recommendation**

When Council made the decision to sell the section, the land’s significance to Te Roroa was not understood and, in particular, the section is adjacent to Te Roroa’s sacred maunga and its associated wāhi tapu, identified as Manuwhetai. There is potential for Council to now have further discussions regarding this land and enhance the relationship with Te Roroa.

**Reason for the report**

This report recommends that Council rescinds its decision to declare the section at Aranga surplus to requirements (or under-performing) and to sell it, so that Council can further discuss outcomes for this land that might further enhance Council’s relationship with Te Roroa.

**Background**

Council is the owner of a 3,035m<sup>2</sup> section located on Aranga Coast Road and described as Lot 1 DP 28751 contained in fee simple title CFR NA737/110. It was acquired by the former Hobson County Council in 1940 from the former owner of the land, Walter William Richard Pryce. Walter Pryce undertook a subdivision of his land which created most of the sections that now form the settlement at the end of Aranga Coast Road. Hobson County Council minutes state that the land was acquired for parking and access to the adjoining forest reserve. However, given that this was done at the same time as the subdivision, the acquisition of the section by Hobson County may have been in lieu of a reserve contribution from the subdivider. No parking area has ever been formed on the section, but there is a small section of track accessing the adjoining land across one end of the section.

At its meeting of 23 August 2018, Council resolved the following:

- ‘3 *In accordance with its Property Disposal and Acquisition Policy, determines that the section of land (3,035m<sup>2</sup>) at Aranga Coast Road described as Lot 1 DP 28751 is surplus (or under-performing) to Council requirements and can be sold; and*
- 4 *Offers the section to the successor of the former owner at its current valuation in accordance with the provisions of section 40(2)(C ) of the Public Works Act; and*
- 5 *Offers the section for sale by public tender in the event that the former owner’s successor declines to purchase it; and*
- 6 *Delegates to the Chief Executive responsibility for negotiating final terms for the Sale and Purchase Agreement which must include satisfactory access arrangements being made for the track across the land’.*

At the Council meeting, it was highlighted that Te Roroa needed to be approached and Council directed staff to have discussions with Te Roroa and DOC before proceeding with a public tender in the event that the former owner’s successors declined the offer. This direction was not recorded in the minutes of the August meeting and hence was not known by Te Roroa.

Since this resolution was passed, staff have been working to ensure that the access track will be protected by ensuring it is incorporated in a road realignment, before any sale is pursued.

### **Issues**

Council staff had not approached Te Roroa from the onset as this particular property was not identified in the District Plan as having cultural significance. However, Council was aware that the adjacent land was significant to Māori and had been given to Te Roroa as part of the settlement process. In fact, the adjacent land is identified as a wāhi tapu and Manuwhetai location. The land is zoned residential in the District Plan but the closeness of this wāhi tapu designation may impact the valuation of the land as it can cause uncertainties for any purchaser.

Subsequent to Council's decision in August, Council was contacted by members of Te Roroa, who expressed concerns with Council's decision to sell the property and the lack of consultation with them. Council staff, including the Iwi Relations Manager, met with representatives of Te Roroa to discuss their concerns.

Te Roroa believed they should have been consulted because any sale of this land would be of cultural interest to them. The section is considered of cultural value because of its association to the wāhi tapu, its adjacency to the sacred maunga, and its close proximity to the whole of Te Roroa's estate surrounding the property. The Kaipara District Plan maps illustrate Te Roroa's cultural interest in the area and property ownership of Maunganui Bluff and several Aranga properties. The maps are available as **Attachment One**.

### **Factors to consider**

#### ***Community views***

As outlined in the issues section above, Te Roroa have strong views in respect of the potential sale of the property. Local government is charged with the responsibility to promote opportunities for all Māori and tauwiwi (other members of the public) to contribute to its decision-making processes.

#### ***Liaising with Māori***

Kaipara District Council put in place an Iwi Relationship Plan in 2014. This Plan recognises the need to develop and maintain strong relationships at different levels with the various iwi groups in Kaipara. Council does this through various ways such as the Mana Whenua forum, co-governance committees and Memorandum of Understanding.

Pursuing a discussion with Te Roroa on this land and their aspirations is an opportunity to demonstrate our commitment to developing and maintaining our relationship with Te Roroa.

#### ***Policy implications***

The Treasury Policy states that, as a general rule, Council will not maintain a property investment where it is not essential to the delivery of relevant services, and property is only retained where it relates to a primary output of Council. Council reviews property ownership through assessing the benefits of continued ownership in comparison to other arrangements which could deliver the same results. This section qualified to be declared surplus to requirements as a result.

### **Financial implications**

The previous valuation of \$125,000 will need to be updated after the road realignment is completed and, if confirmed as present on the site, may be affected by the adjacent wāhi tapu status.

### **Legal/delegation implications**

The Local Government Act 2002 (LGA) includes responsibilities and opportunities for engagement and co-operation between councils and Māori. The key provision is in section 4 of the LGA: to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi; and to maintain and improve opportunities for Māori to contribute to local government decision-making processes.

### **Options**

There are two main options available to Council.

**Option A:** *Rescind the decision of 23 August 2018 that the section of land (3,035m<sup>2</sup>) at Aranga Coast Road is surplus (or under-performing) to Council requirements and can be sold.*

**Option B:** *Not rescind, which confirms the decision of 23 August 2018 that the section of land (3,035m<sup>2</sup>) at Aranga Coast Road is surplus (or under-performing) to Council requirements and can be sold, and follow the agreed process.*

### **Assessment of options**

Option A will provide Council with the opportunity to enhance its relationship with Te Roroa and engage directly on the matter, having full cognisance of the aspirations of Te Roroa. There may be potential for a joint venture, and it would also leave the option open to reconsider its position on a potential sale at a future date once the appropriate engagement has been completed.

Option B: Given the concerns raised, this option would not be conducive to improving the relationship with Te Roroa.

### **Assessment of significance**

This decision is not considered significant but due consideration should be made to consult with Te Roroa in decision-making relating to this land.

### **Recommended option**

The recommended option is **Option A**.

### **Next step**

Continue discussions with Te Roroa and report back to Council on the results.

### **Attachments**

- 1 District Plan maps

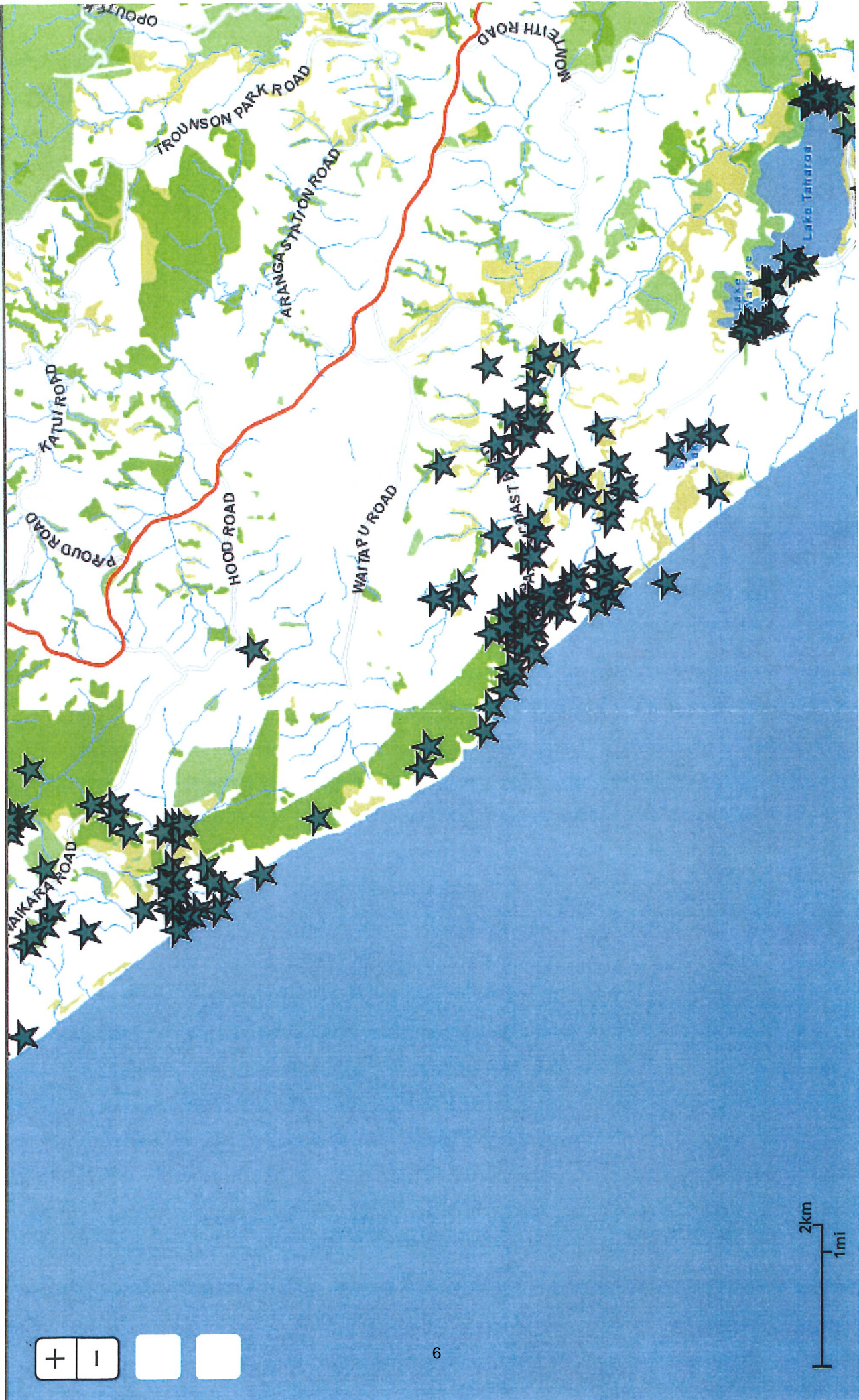


Scale: 1:4330  
Original Sheet Size A3

Project:  
Buses  
NGC0200 / New Zealand Transport Minister 2000  
1650337 2308373 6941021 1838314  
1552745 7790422 6942187 28379246

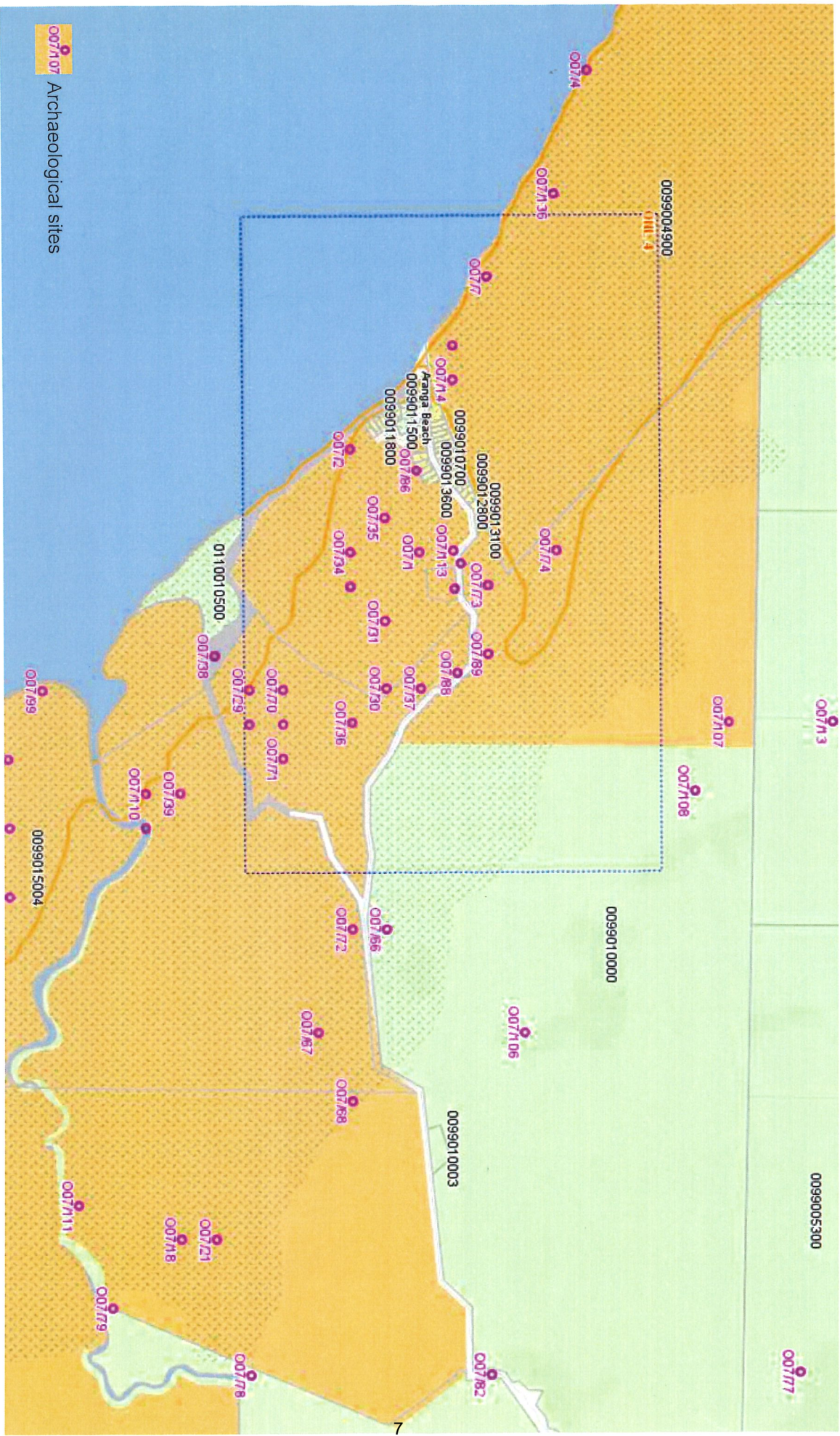
This information provided is for reference only and does not constitute an offer.  
Kaipara District Council accepts no responsibility for errors or omissions or loss of earnings resulting  
from the use of this information. All rights reserved. © 2018 KAIPARA DISTRICT COUNCIL  
Digital Contentment Model System (DCMS) / DISTRICT COUNCIL / RESERVE

# archaeological site recording scheme





Map showing the location of Archaeological sites around the Aranga Beach settlement.



Map showing the location of Lot 1 DP 28751 in relation to the Aranga Beach settlement and areas of Te Roroa interest.

