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## **Devonport-Takapuna Local Board CONFIDENTIAL MINUTES**

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Confidential minutes of a meeting of the Devonport-Takapuna Local Board held in the Devonport-Takapuna Local Board Office, 1-7 The Strand, Takapuna on Tuesday, 19 March 2024 at 10:00 am.

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Note: At the close of the meeting, the beneficiaries of 9 Kitchener Road were circulated the below resolutions. As per clause i), these resolutions are publicly available as of 5.00pm, Wednesday 20 March 2024.

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## 12 9 Kitchener Road

Resolution number DT/2024/22

MOVED by Chairperson T van Tonder, seconded by Deputy Chairperson T Harpur:

**That the Devonport-Takapuna Local Board:**

- a) **note that on 29th September 2023, after ongoing negotiations failed to eventuate in a mutually agreeable outcome, public access over the land at 9 Kitchener Road, a section of the Takapuna-Milford coastal walkway, was closed by the property owners.**
- b) **note that in November 2023 the Planning, Environment and Parks Committee delegated responsibility to the Local Board to work with the owners to find a mutually agreeable solution. (PEPCC/2023/164)**
- c) **agree to decline the current offer to purchase 9 Kitchener Road, Takapuna noting the below considerations.**
  - i) **the Board met with the owners of 9 Kitchener Road December 8th 2023 to negotiate a mutually agreeable sales and purchase agreement for the whole property, noting there was no appetite by the owners to negotiate a public access easement in favour of Auckland Council.**
  - ii) **that the Devonport-Takapuna Local Board offered to pay for an independent property valuation on behalf of the owners to support reaching an agreed sale and purchase price. This offer was declined by the owners of 9 Kitchener Road.**
  - iii) **the Devonport-Takapuna Local Board procured an independent property valuation to assist the Board's decision making.**
  - iv) **the beneficiaries and the Local Board were unable to agree upon a value or a process to reach an agreeable value of the property, as the owners' preference was to use the current Council capital value to inform their offer to sell to council rather than consider current market value.**
  - v) **that a final, non-negotiable, proposal to sell the property including conditions on its future use and maintenance was made by the owners of 9 Kitchener Road to the local board in December 2023.**
  - vi) **acknowledge that the Devonport-Takapuna Local Board does not have sufficient capital funding available to meet the owners' asking price, renew the property to meet the conditions on future use and maintenance of the buildings on site, or make access from 9 Kitchener Road safe for the public.**
  - vii) **the proceeds from the sale of the property at 2 The Strand, Takapuna are insufficient to meet the final non-negotiable conditional offer made by the owners of 9 Kitchener Road and that the proceeds of the sale of 2 The Strand are currently allocated to the future Takapuna Library and Community Hub. The reallocation of these funds will impact this project.**
  - viii) **the local board has considered its portfolio of service property as a potential funding source. The value of two potentially suitable properties identified by staff fall well short of the final non-negotiable conditional offer made by the owners of 9 Kitchener Road.**
  - ix) **the local board investigated establishing a targeted rate and disposal of service properties.**

- x) both options of establishing a targeted rate and/or divesting serviced assets require a lengthy process, including full public consultation, and carry risk. Neither will enable the local board to settle with the owners in a timely manner.
- xi) the local board has a significant portfolio of heritage assets it is responsible for maintaining and renewing including 139 Beach Road and the heritage tunnels at Kennedy Park which has been awaiting renewal for 12 years. The capital cost required to renew the Firth cottage as a priority in accordance with the owner's offer may mean further deferral of the heritage assets at Kennedy Park.
- xii) the local board is contemplating a 21.5% CAPEX reduction under the Central Proposal or a 58% CAPEX reduction under the Pay Less Get Less proposal currently out for consultation in the Long Term Plan if fairer funding is supported, and that the Board will not know what their final budgets are until June 2024.
- xiii) there is no planned or programmed budget considered in the council's 10-year Budget 2021-2031 (Recovery Budget) or draft Long-term Plan 2024-2034 to accommodate the cost and conditional requirements of the property owners' non-negotiable final offer to purchase the property.
- d) agree that whilst the local board does not have sufficient budget to acquire 9 Kitchener Road the objective of the Local Board is to identify a way to preserve public access along the coastal fringe of 9 Kitchener Road in order to guarantee the continued public enjoyment of the Takapuna-Milford Coastal walkway.
- e) agree to negotiate an easement, subject to independent valuation advice and survey, which is to be prioritized in the board's ABS CAPEX budget to support staff in their negotiations.
- f) delegate to staff the responsibility to negotiate a public easement right to the Council.
- g) confirm that if Council staff are unsuccessful in negotiating the public easement, the Local Board reserves the right to negotiate public access options with the current and/or future owner/s of the 9 Kitchener Road property.
- h) request that if council staff are unsuccessful in negotiate a public access easement, Parks and Community Facilities staff install and maintain permanent signposting for the walkway detour via footpath son Audrey Lane, Kitchener Road, Hurstmere Road, and Minnehaha Avenue.
- i) confirm that these recommendations remain in confidential until the beneficiaries of 9 Kitchener are informed of the Local Board decision.
- j) give thanks to the Harre family for their contribution to finding a positive outcome.
- k) give thanks to the many Council officers who supported the Local Board in exploring all possible options within a constrained timeframe.

**CARRIED**

**RESTATEMENT**

Resolution number DT/2024/23

MOVED by Chairperson T van Tonder, seconded by Deputy Chairperson T Harpur:

**That the Devonport-Takapuna Local Board:**

- a) **confirm that these recommendations remain in confidential until the beneficiaries of 9 Kitchener are informed of the Local Board decision.**

Note: At the close of the meeting, the beneficiaries of 9 Kitchener Road were circulated the above resolutions. As per clause i), these resolutions are publicly available as of 5.00pm, Wednesday 20 March 2024.

1.13 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 DEVONPORT-TAKAPUNA  
LOCAL BOARD HELD ON

**DATE:**.....

**CHAIRPERSON:**.....