

27 March 2024

s9(2)(a)



Thank you for your request of 19 February 2024, to Kāinga Ora - Homes and Communities, requesting further information under the Official Information Act 1982 (the Act), for:

Under OIA please provide the date the further terms in the agreement you provided were authored (it states January 20, but it is unclear whether this refers to the date or the year), and the following information:

- 1) Please provide a full timeline, with supporting evidence, from the date that Kainga Ora initiated contact with their lawyer to have the land sale and purchase contract drawn up in relation to 153 Bonair Crescent.*
- 2) Please provide any marketing or supporting materials provided by Colliers or any other parties that Kainga Ora received in relation to 153 Bonair Crescent.*
- 3) With regards to section 22.1 please provide the information that was supplied by the vendor to perform the required due diligence.*
- 4) Please provide the authorisation, if any, received from the Millwater developers to proceed with an onward sale of the property prior to purchase by Kainga Ora.*
- 5) Please provide information on which of the conditions under section 21 had due diligence carried out and provide evidence of this due diligence.*
- 6) Please clarify why there was a confidentiality agreement when the Due diligence section 21.1 (5) refers to "community engagement", which is a legal requirement to do early in the process.*
- 7) Confidentiality 23.3 Was there any disclosure required by law and 23.4 what disclosures were required to give effect to this agreement?*
- 8) Please provide the names (or positions held within Kainga Ora) of the signatories to the agreement on behalf of Kainga Ora.*

I will answer your questions in the order in which you have raised them.

- 1) Please provide a full timeline, with supporting evidence, from the date that Kainga Ora initiated contact with their lawyer to have the land sale and purchase contract drawn up in relation to 153 Bonair Crescent.**

The sale and purchase agreement was prepared by the Market Delivery team in consultation with the Kāinga Ora internal legal team, incorporating standard further terms of sale and purchase. These key dates have been communicated in previous responses:

- 12 March 2020- Market Consultancy Report provided by Extensor
- 27 March 2020 - Contract Executed between Kāinga Ora and Vendor Colliers

2) Please provide any marketing or supporting materials provided by Colliers or any other parties that Kainga Ora received in relation to 153 Bonair Crescent.

Please see the attachment provided, titled 153 Bonair Crescent, Millwater, Information Memorandum.

3) With regards to section 22.1 please provide the information that was supplied by the vendor to perform the required due diligence.

Resource consent and building consent documentation were provided to Kāinga Ora by the vendor. Some information has been withheld under section 9(2)(a) of the Act to protect the privacy of natural persons. Due to the size of these documents, a link will be provided separately to access them.

4) Please provide the authorisation, if any, received from the Millwater developers to proceed with an onward sale of the property prior to purchase by Kainga Ora.

To our knowledge there was no requirement to seek approval from the Millwater Developer prior to purchase.

5) Please provide information on which of the conditions under section 21 had due diligence carried out and provide evidence of this due diligence.

Kāinga Ora staff conducted significant pre purchase due diligence in line with our standard internal processes, therefore conditions 1,2,3,5,6 and 7 were all satisfied. As a result, the purchase was signed off as per Kāinga Ora settlement delegations. I can confirm Kāinga Ora did not order a LIM report.

6) Please clarify why there was a confidentiality agreement when the Due diligence section 21.1 (5) refers to "community engagement", which is a legal requirement to do early in the process.

This clause is standard for commercial and confidential matters until purchase and title transfer to Kāinga Ora are complete.

7) Confidentiality 23.3 Was there any disclosure required by law and 23.4 what disclosures were required to give effect to this agreement?

Based on legal advice there was no requirement to disclose.

8) Please provide the names (or positions held within Kainga Ora) of the signatories to the agreement on behalf of Kainga Ora.

The name of the signatory for Kāinga Ora was Anthony Law – Partnering Manager, Market Delivery.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that Kāinga Ora proactively releases our responses to official information requests where possible. Our response to your request may be published at <https://kaingaora.govt.nz/publications/official-information-requests> with your personal information removed.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Rachel Kelly', written in a cursive style.

Rachel Kelly
Manager Government Relations



Boundary lines are indicative only

153 BONAIR CRESCENT, MILLWATER

INFORMATION MEMORANDUM

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Artist impression

INTRODUCTION

Colliers International NZ Limited has been exclusively appointed to sell by way of Deadline Private Treaty, 153 Bonair Crescent, Millwater, Auckland.

Offers are to be lodged at the offices of Colliers International, Level 1, Maki Street, Northwest Shopping Centre, Auckland or via email by 4pm Wednesday, 25th March 2020 (unless sold prior).

To view the weblisting to go:

www.colliers.co.nz/p-NZL67008965

This Information Memorandum provides preliminary information to assist interested parties with their assessment of the property. Further information is available via an online data room. To be granted access to the dataroom please contact Josh or James who will send you an invitation by email.



Josh Coburn

Director | Site Sales

M +64 21 990 691

E josh.coburn@colliers.com



James Appleby

Broker | Site Sales

M +64 21 817 366

E james.appleby@colliers.com

EXECUTIVE SUMMARY

ADDRESS

153 Bonair Crescent, Millwater, Auckland

THE OFFERING

The property is a large flat 4,787m² site with both Resource consent and Building Consent.

TENURE

Freehold

SITE AREA

4,787m²

LEGAL

Lot 1 DP 525711

ACCESS

The property has access from Bonair Crescent and Fleur Lane.

ZONING

The property are zoned 'Residential - Single House' under the Auckland Unitary Plan.

Located in the Millwater South Precinct zone.

SALE PROCESS

The property's are being marketed for sale by Deadline Private Treaty closing 4pm Wednesday 25th March 2020 (unless sold prior).

FURTHER INFORMATION

Further information can be obtained from the secure electronic data room.

To request access to the documents, please call or email the brokers directly.



Boundary lines are indicative only

THE PROPERTY

The subject property is a large 4,787m² development site, with both resource consent and building consent for a 38-unit apartment building. The property is well presented, offering a flat rectangular building site. The project can easily be staged, due to its design as three separate apartment buildings. The property enjoys outlooks over Croix Reserve, which is positioned directly in front of the site.



Boundary lines are indicative only



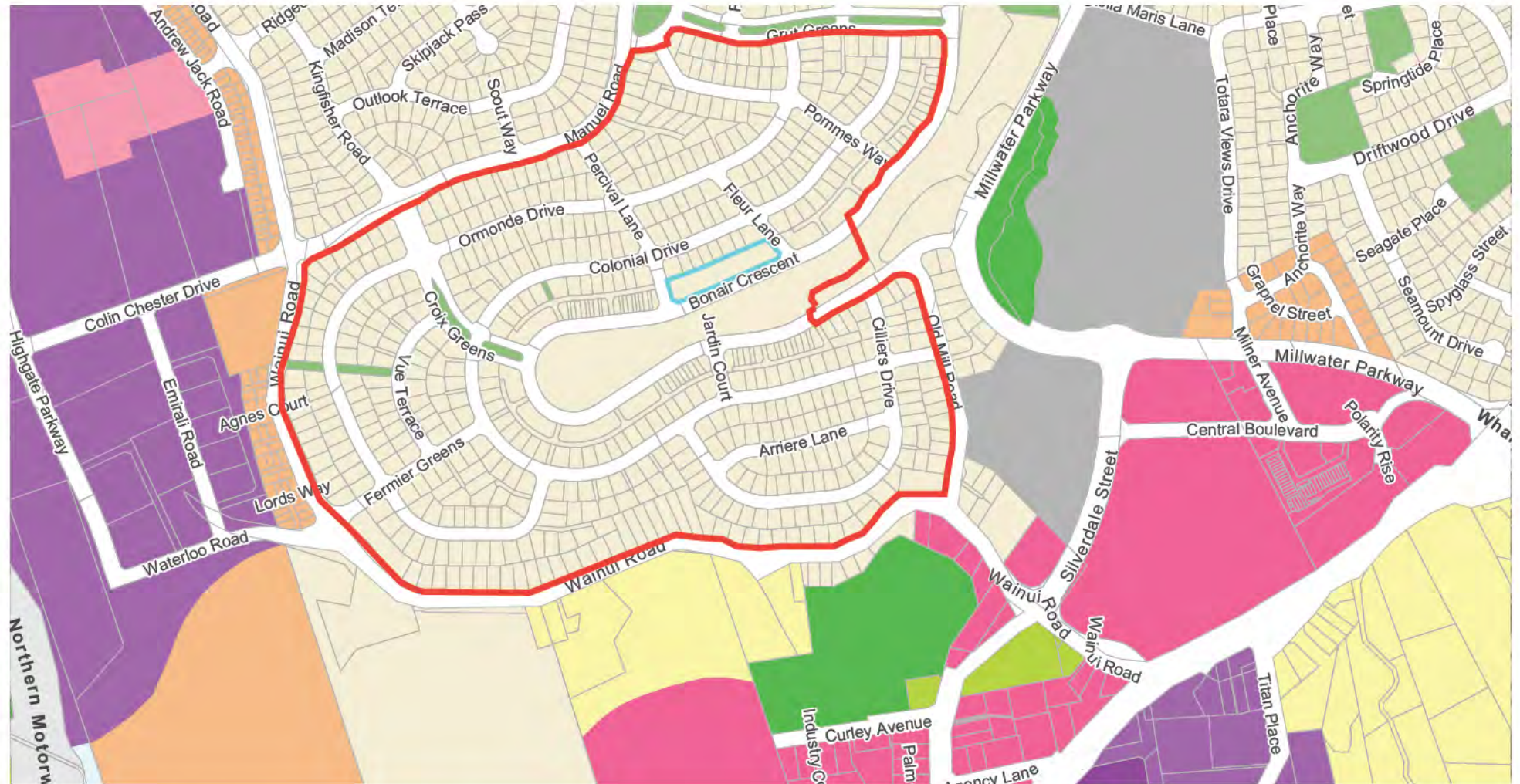
LOCATION








Millwater is located 35kms north of Auckland's CBD and is strategically positioned alongside the Northern Motorway. On its completion (due 2022) Millwater will be made up of 3,000 dwellings and an estimated population of well over 10,000 residents. The area provides a lifestyle few developments can rival, from its neighbouring coastal areas of Orewa, Red Beach and the Whangaparaoa Peninsula, to its modern amenities and world class recreational and medical facilities. Millwater also offers employment opportunities with its growing retail, commercial and industrial precincts at Silverdale and Highgate.





ZONING



- | | | | |
|--|---|---|--|
|  Residential - Single House |  Residential - Mixed Housing Urban |  Business - Town Centre |  Millwater South Precinct |
|  Residential - Large Lot |  Open Space - Conservation |  Business - Light Industry | |

MILLWATER SOUTH PRECINCT

1550.1 PRECINCT DESCRIPTION

The Millwater South precinct is located northwest of the original Silverdale town centre and applies to approximately 51 ha of land bounded by Wainui Road to the south and west, Manuel Road to the east and Grut Greens to the north. It is part of the wider Millwater residential area. It is characterised by a steep north east facing horseshoe shaped valley with views of Orewa and the coast from the higher areas.

The purpose of the precinct is to ensure that the development is carried out in an integrated way and that the urban form is consistent with the rest of the already developed Millwater area to the north. The precinct enables more intensive development than the underlying Single House zone and enables a mix of housing densities. The rules also apply a consistent approach to the development controls under which the rest of the Millwater area was developed.

The zoning of the land in the Millwater South precinct is Residential - Single House zone.

1550.2 OBJECTIVES

1. Subdivision and development are designed and implemented in a comprehensive, efficient and integrated manner.
2. Open space and land for community facilities are identified.
3. Significant views from public places are protected.
4. High standards of urban design are achieved including distinctive architectural styles, attractive landscaping and the use of colours and materials that will not dominate the landscape setting or compromise character of the streetscape or neighbourhood in which they are located.
5. A range of housing types, densities and site sizes are provided in the precinct.

The overlay, Auckland-wide and zone objectives apply in the precinct in addition to those specified above.

1550.3 POLICIES

1. Enable flexibility to develop a range of housing sizes, types and densities throughout the precinct.
2. Encourage higher densities around public open space.
3. Require and protect sunlight access to proposed and existing private outdoor living spaces to ensure they receive at least five hours of sunshine between 9am and 3pm on 22 March/September.
4. Require development of two or more dwellings to achieve the following outcomes:
 - (a) a high standard of architectural design;
 - (b) buildings that are well proportioned and articulated;
 - (c) landscaping that will reduce the appearance of building bulk and mass;
 - (d) a high standard of amenity including provision for and protection of privacy and solar access to private outdoor living spaces.
5. Discourage subdivision that creates rear sites.
6. Require that buildings and structures in the Subject to Building Restrictions area in the Millwater South I550.10.1 Precinct plan 1 do not obscure significant view shafts when viewed from identified public places.

The overlay, Auckland-wide and zone policies apply in the precinct in addition to those specified above

RESIDENTIAL - SINGLE HOUSE ZONE

3.1 ZONE DESCRIPTION

The purpose of the Residential – Single House Zone is to maintain and enhance the amenity values of established residential neighbourhoods in number of locations. The particular amenity values of a neighbourhood may be based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character. To provide choice for future residents, Residential – Single House Zone zoning may also be applied in greenfield developments.

To support the purpose of the zone, multi-unit development is not anticipated, with additional housing limited to the conversion of an existing dwelling into two dwellings and minor dwelling units. The zone is generally characterised by one to two storey high buildings consistent with a suburban built character.

3.2 OBJECTIVES

1. Development maintains and is in keeping with the amenity values of established residential neighbourhoods including those based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character.
2. Development is in keeping with the neighbourhood's existing or planned suburban built character of predominantly one to two storeys buildings.
3. Development provides quality on-site residential amenity for residents and for adjoining sites and the street.
4. Non-residential activities provide for the community's social, economic and cultural well-being, while being in keeping with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.

3.3 POLICIES

1. Require an intensity of development that is compatible with either the existing

suburban built character where this is to be maintained or the planned suburban built character of predominantly one to two storey dwellings.

2. Require development to:
 - (a) be of a height, bulk and form that maintains and is in keeping with the character and amenity values of the established residential neighbourhood; or
 - (b) be of a height and bulk and have sufficient setbacks and landscaped areas to maintain an existing suburban built character or achieve the planned suburban built character of predominantly one to two storey dwellings within a generally spacious setting.
3. Encourage development to achieve attractive and safe streets and public open spaces including by:
 - (a) providing for passive surveillance
 - (b) optimising front yard landscaping
 - (c) minimising visual dominance of garage doors.
4. Require the height, bulk and location of development to maintain a reasonable level of sunlight access and privacy and to minimise visual dominance effects to the adjoining sites.
5. Encourage accommodation to have useable and accessible outdoor living space.
6. Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.
7. Provide for non-residential activities that:
 - (a) support the social and economic well-being of the community;
 - (b) are in keeping with the scale and intensity of development anticipated within the zone;
 - (c) avoid, remedy or mitigate adverse effects on residential amenity; and
 - (d) will not detract from the vitality of the Business – City Centre Zone, Business – Metro Centre Zone and the Business – Town Centre Zone.
8. To provide for integrated residential development on larger sites.



Orewa beach only 6mins drive away

CONSENT & DESIGN

The property currently has both resource consent and building consent for a 38-unit apartment development. The proposed development has 38 single level apartments over three separate two-storey buildings. This concept has been designed to allow for staging of the project.

The apartments range in size from 77-99m² and have additional outdoor decking, patios and courtyards areas ranging from 12-46m².

The lower level apartments offer a northern courtyard plus decking that opens out to the reserve, while upper level apartments enjoy elevated views from balconies at each end.

APARTMENT AREA SCHEDULE

Apartment	Bedrooms	Interior Area	Exterior Area	Total Area
A1G	2	95m ²	47m ²	142m ²
A2G	2	78m ²	33m ²	111m ²
A3G	2	78m ²	34m ²	112m ²
A4G	2	78m ²	33m ²	111m ²
A5G	2	81m ²	34m ²	115m ²
A1F	3	99m ²	10m ²	109m ²
A2F	2	75m ²	14m ²	89m ²
A3F	2	77m ²	15m ²	92m ²
A4F	2	75m ²	14m ²	89m ²
A5F	2	81m ²	14m ²	95m ²

One car park per apartment.

Storage lock up included for First Floor Apartments - located in car park area.

Apartment A1F is allocated 2 car parks.

Exterior area includes courtyards, decks and balconies.

Apartment	Bedrooms	Interior Area	Exterior Area	Total Area
B1G	2	88m ²	39m ²	127m ²
B2G	2	78m ²	33m ²	111m ²
B3G	2	78m ²	33m ²	111m ²
B4G	2	78m ²	33m ²	111m ²
B5G	2	78m ²	33m ²	111m ²
B6G	2	78m ²	33m ²	111m ²
B7G	2	78m ²	33m ²	111m ²
B8G	2	88m ²	38m ²	126m ²
B1F	2	87m ²	18m ²	105m ²
B2F	2	77m ²	15m ²	92m ²
B3F	2	77m ²	15m ²	92m ²
B4F	2	77m ²	15m ²	92m ²
B5F	2	77m ²	15m ²	92m ²
B6F	2	77m ²	15m ²	92m ²
B7F	2	77m ²	15m ²	92m ²
B8F	2	87m ²	18m ²	105m ²


Apartment	Bedrooms	Interior Area	Exterior Area	Total Area
C1G	2	82m ²	33m ²	115m ²
C2G	2	78m ²	33m ²	111m ²
C3G	2	78m ²	34m ²	112m ²
C4G	2	78m ²	33m ²	111m ²
C5G	2	78m ²	34m ²	112m ²
C6G	2	94m ²	47m ²	141m ²
C1F	2	82m ²	15m ²	97m ²
C2F	2	77m ²	15m ²	92m ²
C3F	2	77m ²	15m ²	92m ²
C4F	2	77m ²	15m ²	92m ²
C5F	2	77m ²	15m ²	92m ²
C6F	3	98m ²	13m ²	111m ²




SITE & LEGAL DESCRIPTION

The property is described within a Computer Register, described as follows:

ADDRESS	153 Bonair Crescent, Millwater
LEGAL DESCRIPTION	Lot 1 DP 525711
CT REFERENCE	846464
ESTATE	Fee Simple
SIZE	4,787m ² more or less
REGISTERED PROPRIETOR	Bonair Developments Limited



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD**
Search Copy



R. W. Muir
Registrar-General
of Land

Identifier 846464
Land Registration District North Auckland
Date Issued 09 August 2018

Prior References
774626 774627 774628

Estate Fee Simple
Area 4787 square metres more or less
Legal Description Lot 1 Deposited Plan 525711

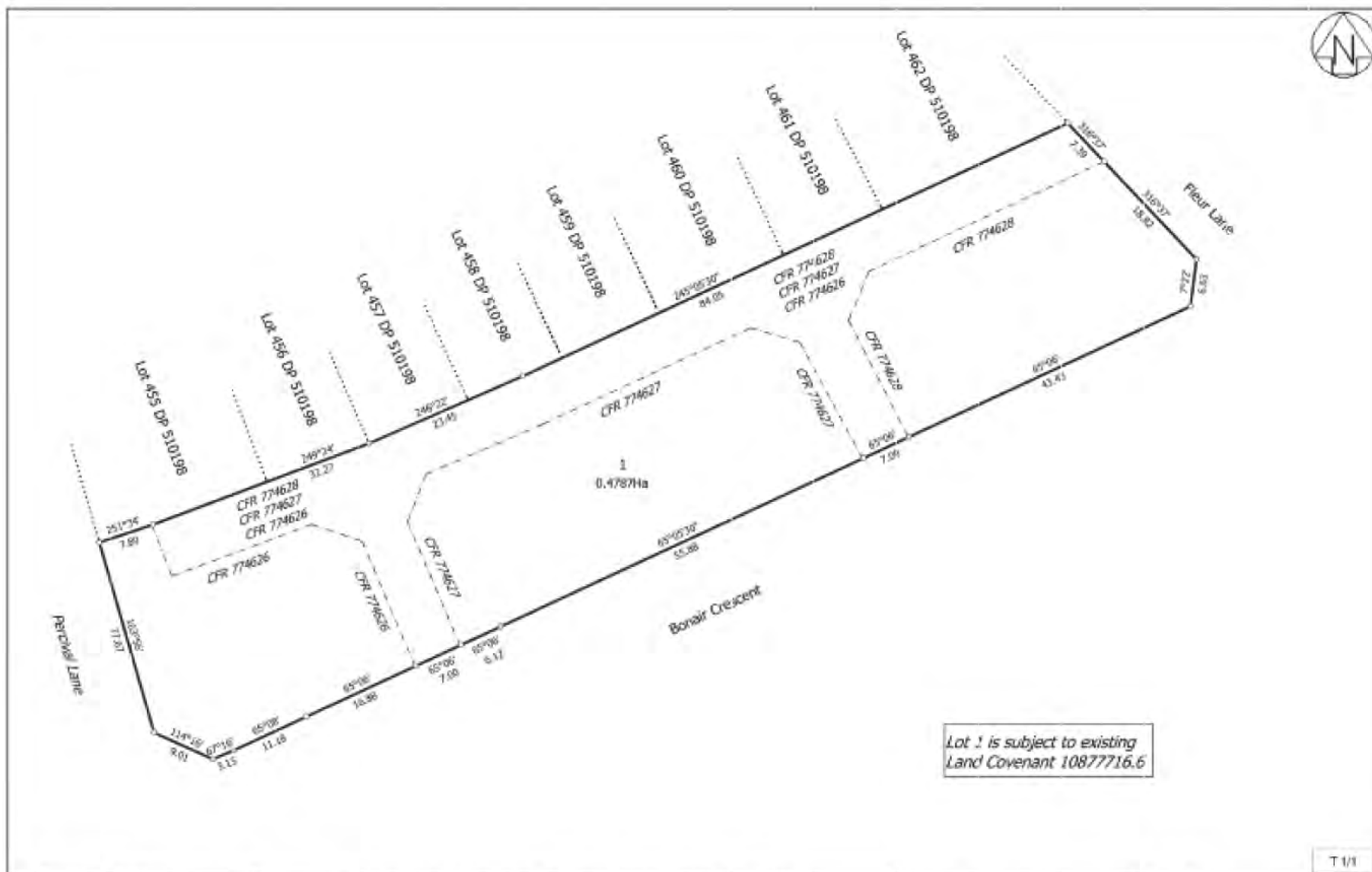
Registered Owners
Bonair Developments Limited

Interests

10877716.5 Caveat Notice pursuant to Section 221 Resource Management Act 1991 - 16.8.2017 at 4:04 pm (affects parts formerly Lots 1011, 1012 and 1013 DP 507389)
Land Covenant in Easement Instrument 10877716.6 - 16.8.2017 at 4:04 pm (affects parts formerly Lot 1011, 1012 and 1013 DP 507389)
Appointement to the parts formerly Lot 703 and 1011 DP 507389 is a right to maintain garden created by Easement Instrument 10877716.10 - 16.8.2017 at 4:04 pm
11136412.2 Mortgage to Westpac New Zealand Limited - 8.6.2018 at 1:19 pm

Transaction ID 29723826
Client Reference acrobilin 002

Search Copy Dated 12/02/20 3:59 pm, Page 1 of 1
Register Only



Land District: North Auckland
 Dataset Type: Parcels with out Survey Information
 Digitally Generated Plan
 Generated on: 17/06/2018 09:06am Page 1 of 2

Lot 1 formally being Lot 703, 1011, 1012, 1013 DP 507389

Surveyor: Matthew John Barton
 Firm: Churchill Land Development Services

Title Plan
 DP 525711
 Deposited on: 9/08/2018

THE SALE PROCESS

METHOD OF SALE

The property is being marketed for sale by way of Deadline Private Treaty closing 4pm Wednesday 25th March 2020 (unless sold prior).

Prospective purchasers are invited to submit an offer addressed to Colliers International NZ Limited in the form of the Sale and Purchase contract provided within the online data room.

ENQUIRIES

All enquiries, requests for information and arrangements to undertake inspections in relation to this opportunity are to be directed to the sole agents, Colliers International NZ Limited:



Josh Coburn

Director | Site Sales

M +64 21 990 691

E josh.coburn@colliers.com



James Appleby

Broker | Site Sales

M +64 21 817 366

E james.appleby@colliers.com

DUE DILIGENCE INFORMATION

To assist in the assessment of this offering, comprehensive due diligence information is available via an online data room. Data room access needs to be requested through Josh Coburn or James Appleby. You will be invited to view the dataroom via email.

For any data room queries, please contact:
Nicole Eglinton on 09 356 8902 or nicole.eglinton@colliers.com

To view the weblisting go to:
www.colliers.co.nz/p-NZL67008965



Boundary lines are indicative only



Boundary lines are indicative only

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