

# 129R Bairds Road, Ōtara

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## Property summary

1. The council owned property at 129R Bairds Road, Ōtara is an unclassified reserve for off-street parking released by Auckland Transport as not required for future service needs as it holds no strategic purpose to retain. Consultation about this property has been undertaken with council and its CCOs, iwi authorities and the Ōtara-Papatoetoe Local Board. No alternative service uses were identified through the rationalisation process and the feedback received was supportive of the proposed disposal of this property.

## Property information

2. 129R Bairds Road, Ōtara is a 1,133m<sup>2</sup> car park that is commonly referred to as the “Kew Lane car park”. This site is held by the Crown through the Department of Conservation as an unclassified reserve for off-street parking subject to the Reserves Act 1977, and vested in the Auckland Council, in trust, for the same purpose. This site originally formed part of a 12 hectare block that was transferred to the Crown and declared Crown Land by a series of Gazette Notices between 1961 and 1962. It was held by the Crown for state housing purposes under the Housing Act 1955. The subject site and another site (which is now known as the Ōtara Town Centre Grounds, which is utilised for the Ōtara Flea Market during the weekends) formed the reserve contribution from the subdivision of the state housing block.
3. In 1967, this site was declared to be Crown land subject to the Land Act 1948. In 1968, this site was then declared to be reserve for off-street parking under the Reserves and Domains Act 1953 (now the Reserves Act 1977), and vested in the Manukau City Council, in trust, for that purpose. In accordance with section 25(5) of the Reserves Act, the subject site is deemed to have been derived from council, not the Crown.
4. This site was held by Auckland Transport. Auckland Transport reviewed the site in 2015 as part of a strategic review of its assets. Auckland Transport transferred this site back to Auckland Council Property Limited (now Panuku) after finding it had no strategic reason to retain the site.
5. If the proposed divestment of this site is to be progressed, the reserve status of the site will need to be revoked. This would require a reason, public notification and local iwi consultation.
6. The Auckland Unitary Plan zoning of this site is Business – Town Centre. It has a 2014 capital value of \$490,000. The subject site may be subject to the offer back obligations set out in section 40 of the Public Works Act 1981. This will need to be confirmed under appropriate delegation if the property is approved for disposal.

## Consideration

### Internal consultation

7. The rationalisation process for this property commenced in May 2016. No alternative service uses were identified for this property.

### Local board views and implications

8. The Ōtara-Papatoetoe Local Board endorsed the proposed disposal of 129R Bairds Road, Ōtara at its 15 August 2016 business meeting.

### Iwi feedback

9. 11 mana whenua iwi authorities were contacted regarding the potential sale of 129R Bairds Road, Ōtara. The following feedback was received;

- a) **Te Kawerau a Maki**  
No feedback received for this site.
- b) **Ngāi Tai ki Tamaki**  
Ngāi Tai noted the site to be within an area of cultural significance for Ngāi Tai ki Tamaki.
- c) **Ngāti Tamaoho**  
Ngāti Tamaoho has expressed a commercial interest in the property and stated their desire to be kept in the loop on the outcome of the disposal process.
- d) **Te ākitai - Waiohua**  
Te Akitai has expressed a commercial interest in the property and noted the proximity of the Ōtara Creek – a place of high cultural significance.
- e) **Ngāti Te Ata – Waiohua**  
Ngāti Te Ata has confirmed general cultural interest in this property, and expressed an interest in discussing potential purchase of any council properties that may come available for sale.
- f) **Te Ahiwaru**  
Te Ahiwaru confirmed they have no commercial interest in the property but noted that the sits in a fully developed area, significantly modified and continued use is suited to the area.
- g) **Ngāti Paoa**  
Ngāti Paoa has reinforced their desire to be kept in the loop for property disposals.
- h) **Ngaati Whanaunga**  
No feedback received for this site.
- i) **Ngāti Maru**  
No feedback received for this site.
- j) **Ngāti Tamatera**  
No feedback received for this site.
- k) **Waikato-Tainui**  
No feedback received for this site.

### **Panuku independent commercial advice**

10. The results of the rationalisation process are that this property is not required for current or future service requirements. As such, we recommend that the council owned 129R Bairds Road, Ōtara be divested. Should a resolution be obtained from the governing body approving the divestment of this site, we will undertake a disposals process for this site that provides an optimal return to council.
11. As the subject site is a reserve subject to the Reserves Act 1977, should the land be sold the reserve status would have to be revoked. It is a Department of Conservation requirement (in accordance with the Reserves Act 1977) that the sale proceeds from reserves are placed in reserve accounts so that funds can be used to acquire other land for reserve purposes or for maintenance of existing reserves.
12. This site was vested by the Crown in council as a reserve for reserve purposes. In accordance with section 25(5) of the Reserves Act, it is deemed to have been derived from council, not the Crown. Accordingly, if the reserve status of this site is revoked, the underlying ownership does not revert to the Crown but remains with council in fee simple title. Should this site be divested, council would be entitled to retain the proceeds of sale.

# Images of 129R Bairds Road, Ōtara

