



PO Box 276 049, Manukau City 2241
Level 4, Westfield Shopping Centre
8 Leyton Way
Manukau City
Phone: (09) 263 5285
Fax: (09) 263 5280

14 October 2017

Auckland Council
Private Bag 92300
Auckland 1142

Attention: Richard Mann

Dear Richard

Proposed Reserve Exchange – Northboro Exchange, Hillary Crescent, Belmont.

Purpose of Report

The purpose of this report is to bring the results of the public and iwi notification of the proposed land exchange between Ngāti Whātua Ōrākei Whai Rawa Limited (Whai Rawa) and Auckland Council for the Board/Council's consideration.

Background

Ngāti Whātua Ōrākei Whai Rawa Limited (Whai Rawa) have approached Auckland Council wishing to exchange portions of the Northboro Reserve, Belmont, with land that they own in Hillary Crescent.

Whai Rawa propose to develop the Hillary Crescent Special Housing Area comprising 8.4 hectares which is located adjacent to the Northboro Reserve with the aim of building approximately 300 new dwellings over a five-year period. To enable efficient use of the site and improve the configuration of Northboro Reserve, Whai Rawa seek to exchange 1802 m² of Northboro Reserve with 3510 m² of the Hillary Crescent Special Housing Area (refer attached flyer/feedback form).

The aim of proposed exchange is to improve public access to the Northboro reserve and provide increased recreational opportunities including a proposed Pocket Park within the SHA. Overall, the proposal will increase the amount of reserve land in the area from 2.4320 ha to 2.6174 ha. It will also enable the most efficient use of the 8.4 ha SHA land where Ngāti Whātua Ōrākei Whai Rawa Limited proposes to build approximately 300 new dwellings.

The Environment and Community Committee at its meeting of 14 March 2017 (CP2017/01695) gave its approval to publicly notify under section 15(2) of the Reserves Act 1977 the proposed exchange of parts Northboro Reserve. Under provisions contained section 15(2) of the Reserves Act 1977, the administering body of the Northboro Reserve needs to consider any objections received prior to passing a resolution to proceed.

Aims of the Proposal

To achieve the stated aims of the proposal, it will involve:

- exchange an existing steep accessway comprising 1370 m² located between 11 and 13 Hillary Crescent into Northboro Reserve with 1370 m² of level land on the south-east side of Hillary Crescent to form a Pocket Park;
- relocate and reconfigure three existing narrow accessways into Northboro Reserve totaling 432 m² and vest an additional 1708 m² of the Hillary Crescent Special Housing Area as public open space.

The objectives of the proposed land exchange are to:

- improve sightlines and physical access into Northboro Reserve;
- enhance the recreational opportunities and amenity provided to the community by replacing a sloping accessway with a level park space;
- provide the community with 'door step' access to a small, level, amenity and socialising space;
- provide visual relief within a relatively high-density residential development.

Reserve Delegations

Territorial authorities have been given delegation under section 15(1) of the Reserves Act 1977 to authorise or decline the exchange of any reserve or any part(s) of a reserve for any other land. This delegation can only be exercised where the territorial authority did not derive title from the Crown, or title would be deemed not to be derived from the Crown if the reserve was going through a revocation process under section 25 of the Reserves Act 1977.

The areas of reserve land forming part of Northboro Reserve are currently owned by the Auckland Council, in trust, as recreation reserves subject to the Reserves Act 1977. Historical researching has revealed that the reserves were created as a result of subdivisions undertaken by the Housing Division/Navy between 1957 to 1960. Therefore, Council's title has not deemed to have been derived from the Crown due to the provisions contained in section 25(5) of the Reserves Act 1977. The historic researching confirming above is identified in Appendix A to this report.

This involves the following reserves:

- 1) Portion of Lot 69 DP 40536 comprising approximately 146 m² (subject to survey) - classified as recreation reserve by NZ Gazette 1984 p 1606;
- 2) Portion of Lot 71 DP 40536 comprising approximately 1370 m² (subject to survey) - classified as recreation reserve by NZ Gazette 1985 p 4396;
- 3) Portion of Lot 72 DP 40536 comprising approximately 142 m² (subject to survey) - classified as recreation reserve by NZ Gazette 1984 p 1606;
- 4) Lot 15 DP 41132 comprising 144 m² - classified as recreation reserve by NZ Gazette 1982 p 3557.

Public Notification

In accordance with section 15(2) of the Reserves Act 1977, public notices advising of Council's intention to exchange the reserve land were placed in the NZ Herald, North Shore Times and on Council's website calling for any objections to the proposal to be made to Council by 28 August 2017.

Council received a total of 57 submissions to the proposal. The rating of the responses are as follows:

RATING	TOTAL	%
Strongly agree	8	14%
Agree	9	16%
Neutral	3	5%
No Rating provided	3	5%
Disagree	8	14%
Strongly disagree	26	46%

Of the submitters who disagreed or strongly disagreed with the proposed Northboro reserve land exchange, there are two distinct categories.

The first category, relates to Whai Rawa's proposed development of their land to increase the density of housing development and the associated effects of increased traffic to the surrounding roads. This first category falls outside the scope of the Reserves Act 1977 as they are Resource Management Act 1991 matters which will be dealt with as part of Whai Rawa's resource consent. The first categories submitters are identified in [Appendix B](#) to this report which represent 67% of objections received.

The second category relates directly to the proposed Northboro land exchange itself. The second category submitters objections will need to be addressed or considered. The second category submitters are identified in [Appendix C](#) to this report which represent 33% of objections received.

Analysis of Appendix C Objectors

There are two subsets in this category. Five submitters have given detailed reasons to their objections while there another seven submitters who have lodged objections without giving any reasons or reciting limited information having been provided.

First Subset

- strongly disagreed with the proposed land exchange, believes that while the pocket reserve may relieve intensification for the new owners, the reserve will lose land and that any exchange should form part of the existing reserve rather than being separate from it. [Comment for Consideration](#) – It has been previously noted at The Environment and Community Committee at its meeting of 14 March 2017 that the pocket park will enhance the recreational opportunities and amenity providing the community. By replacing a sloping accessway with a level park space, provide the community with 'door step' access to a small, level, amenity and socialising space and to provide visual relief within a relatively high-density residential development. Parks & Sport staff will need to advise whether they prefer a pocket

reserve over having additional land being added to Northboro Reserve and reason for this preference.

- strongly disagreed with the proposed land exchange, believed that access to the reserve will not be improved. Comment for Consideration - The submitter's objection seems to have little merit as currently there are four access points to Northboro reserve and following the proposed exchange four access points will remain in close proximity to the existing access points on the proviso that the new internal subdivision roads are created.

- strongly disagreed with the proposed land exchange. Believed that access to the Northboro Reserve would not be improved as a large part of the access to the reserve would be removed, and that public land should always remain available to ratepayers. Also noted that the proposal will help the developer and not the public. Comment for Consideration - The submitter's objection seems to have little merit as currently there are four access points to Northboro reserve and following the proposed exchange four access points will remain in close proximity to the existing access points on the proviso that the new internal subdivision roads are created.

- was concerned that four easily accessible accessways for residents to the existing esplanade reserve would be closed, so that public access would only be possible from the western end of Eversleigh and Northboro Roads, resulting in increased difficulty of access for young families and worsening of traffic congestion. The submitter also stated that the current developer does not care about the public interest and impact on existing residents, except to maximise profits requesting other impacts of the proposal including additional traffic be addressed. Comment for Consideration - The submitter's objection seems to have little merit as currently there are four access points to Northboro reserve and following the proposed exchange four access points will remain in close proximity to the existing access points on the proviso that the new internal subdivision roads are created. Additionally, it is difficult see how the reserve exchange by itself will cause worsening of traffic congestion.

Second Subset

- disagreed with the proposed land exchange and raised a number of issues, however felt that it was difficult to form a response in view of the limited information provided, therefore opposed the proposal until more information was received by the current residents.

- strongly disagreed with the proposed land exchange. No further comment in support of his objection was made.

- disagreed with the proposed land exchange, believed that more information was required.

- disagreed with the proposed land exchange, believed that inadequate information given on the consequences to access to the park, and that the housing density is too high without remediation of traffic and parking issues.

- strongly disagreed with the proposed land exchange; no further comment was made.

- strongly disagreed with the proposed land exchange; no further comment was made.

- strongly disagreed with the proposed land exchange; no further comment was made.

Comment for Consideration – It is suggested that two submitter's who believed limited information was provided for them to comment properly should be provided additional information on the proposal. For those submitters who objected without providing a reason it will be difficult to consider their objections as nature of their objections are not known, perhaps the submitters should be contacted to be given the opportunity to provide reasons for the objection.

Analysis of Neutral Submissions

Three submitters have a neutral position on the proposed reserve exchange. They have been included in this report as all three submitters have expressed concerns over the proposal. The neutral submitters are identified in Appendix D to this report which represent 5% of all submissions received.

_____ - considered that the development and land exchange was necessary, however consideration should be given to traffic volumes and parking as well as public amenities to cater for the increase in population.

- believed that Eversleigh Road should be widened to cope with the increased traffic caused by the development. Comment for Consideration – Both of the above relates to Whai Rawa's proposed development of their land to increase the density of housing development and the associated effects of increased traffic to the surrounding roads. This falls outside the scope of the Reserves Act 1977 as they are Resource Management Act 1991 matters which will be dealt with as part of Whai Rawa's resource consent.

- was concerned with the provision of adequate access for maintenance vehicles to main sewer pipes, Bayswater pipe bridge and for general park maintenance and requested another entrance for vehicles further along Northboro Reserve. Comment for Consideration – Parks staff will need to provide a comment whether or not reserve exchange proposal will provide adequate access for maintenance vehicles to main sewer pipes, Bayswater pipe bridge and for general park maintenance and whether or not other vehicle entrances are required.

Iwi consultation

Twelve iwi groups who have mana whenua over the Northboro Reserve have been consulted over the proposed reserve exchange. A summary of iwi consultation undertaken is identified in Appendix E to this report.

A rating summary of iwi position on this matter is shown in the table below:

RATING	TOTAL	%
In support	1	8%
Have no issue	4	33%
No response provided	6	50%
Object	1	8%

Out of the twelve iwi consulted, only one iwi has objected to the proposal being who objected without providing a reason. A summary of the consultation with is outlined below:

advised on 9 August 2017 they would review the proposal and possibly require a site visit and meeting, and would respond shortly. On 11 September 2017 iwi advised the proposed land exchange is not what they would normally support so would continue an opposition to the proposal. On the following day and again on 26 September 2017 were asked to provide their reasons for not supporting the proposal so that Council could consider any issues they may have. No further response received.

Comment for Consideration – It will be difficult to consider objection as nature of their opposition is not known, however as a general observation it appears to be of a generic nature rather than any specific issue has with the proposed reserve exchange.

Conclusion

Section 15(2) of the Reserves Act 1977 requires the administering body of the reserve to consider all objections received as consequence of the public notice advising of its intention to pass a resolution to exchange reserve land. Note; under the provisions contained in section 15(2) of the Reserves Act 1977 there is no ability to consider submitters who indicated support to the proposal, only those submitters who have objected to the proposal.

The public notice period has ended and it is therefore recommended that the appropriate Committee now consider all objections received.

Yours Sincerely



Steven Schwarz
Property Consultant
s.schwarz@xtra.co.nz