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Auckland Council  
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Attention: Jordan Hamilton

Dear Jordan

## **Proposed Taniwha Reserve Exchange, Glen Innes.**

### **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 Tamaki Regeneration Company and Auckland Council for the Board/Council's consideration.

### **Background**

Tamaki Regeneration Company have approached Auckland Council wishing to exchange a portion of the Taniwha Reserve, Glen Innes, with land that they own at Harlow Place.

Tamaki Regeneration Company is undertaking a development in northern Tamaki area, known as Line Epping Stage One, creating three new road connections and revising the current open space layout. Line Epping Stage One is the first area for redevelopment which involves the construction of 117 new dwellings on 2.3 hectares of land, the demolition of 29 of 32 existing dwellings and the relocation of 3 remaining dwellings.

The land proposed for development is located adjacent to Taniwha Reserve. To enable efficient use of the reserve and improve the configuration of Taniwha Reserve, Tamaki Regeneration Company seeks to exchange 130 m<sup>2</sup> portion of Taniwha Reserve with a 364 m<sup>2</sup> portion of their land situated at 4 and 6 to 8 Harlow Place (refer attached flyer/feedback form). The proposed land exchange is expected to have positive benefits to the community.

The Environment and Community Committee at its meeting of 17 October 2017 (CP2017/21181) resolved to support the public notification under section 15(2) of the Reserves Act 1977 for the proposed exchange. Under provisions contained section 15(2) of the Reserves Act 1977, the administering body of the Taniwha 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:

- the proposed exchange will improve physical access to the Taniwha Reserve and will lead to improved safety outcomes as the current access to the reserve is only three metres wide;
- the proposed land exchange will improve the connectivity of the network of open space walkways throughout the area and improve the functionality of the Taniwha Reserve.

The objectives of the proposed land exchange are to:

- increase public open space;
- improve sightlines and physical access into Taniwha Reserve;
- improve the safety of users accessing the reserve by removing the existing narrow accessway;
- provide better connectivity with the open space network in the area.

### **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 area of reserve land forming part of Taniwha Reserve is currently held by the Auckland Council, in trust, as a recreation reserve subject to the Reserves Act 1977. Historical researching has revealed that the reserve was created as a result of subdivisions undertaken by the Housing Division in 1956. As the reserve was created upon subdivision for residential purposes 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 proposal involves the following reserve to be exchanged – (193-195 Taniwha Street):

A small portion of Part Lot 142 DP 42356 comprising approximately 130 m<sup>2</sup> (subject to survey) coloured green on the attached Spatial Map and flyer/feedback form - classified as recreation reserve by NZ Gazette 1982 p 2024 (GN B095046.1).

Land owned by Tamaki Regeneration Ltd to be added to Taniwha Reserve – (4, 6 to 8 Harlow Place).

Portions of Lots 121 and 122 DP 39662 comprising approximately 364 m<sup>2</sup> (subject to survey) coloured orange on the attached Spatial Map and flyer/feedback form.

### **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 and on Council's website calling for any objections to the proposal to be made to Council by 9 April 2018.

Council received a total of 19 submissions to the proposal. The submissions received are in four distinct categories as follows:

- 4 submissions received objected to the proposal as identified in Appendix A;
- 5 submissions are of support as identified in Appendix B;
- 9 submissions received expressed no objection or provided any comments as identified in Appendix C;
- 1 submission received expressed no objection, however mentioned that Council needs to be careful into entering into exchange to ensure no loss of public space and requesting developers to make contribution to develop community facilities as identified in Appendix D.

### **Analysis of Appendix A Objectors**

Four submitters have given detailed reasons to their objections as summarised below:

**[REDACTED]** - opposed the proposal on the grounds that the reserve is close to the shopping centre and therefore easily accessible for the public to walk from their homes to the shopping centre.

Comment for Consideration – The stated aims of the proposed exchange will achieve the very issues that this objector is concerned about. It is recommended that the Parks staff provide information showing that as part of the Tamaki Regeneration Company's plans to redevelop the area, a road will be provided linking the 136 m<sup>2</sup> of land that is to be added to the existing Taniwha Reserve, thus maintaining continuous access for the general public much the same as currently exists although it will be located approximately 18 metres to west of the current access.

Unnamed Objector – opposed the proposal on the grounds that the reasons stated are not valid. Additionally, a number of questions were asked, i.e. what assurance does the public have that the reserve will be safer, will the reserve have/get better lighting, or paved pathway, family friendly?

Comment for Consideration – the stated aims of the proposed exchange will achieve the very issues that this objector is concerned about. It is recommended that the Parks staff provide more detailed information concerning the proposal which address the issues raised.

**[REDACTED]** – opposed the proposal on the grounds that he was not happy that the Government is taking Pt England Reserve for housing and does not wish the same to occur to Taniwha Reserve.

Comment for Consideration – that the taking of Pt England Reserve by the NZ Government, if in fact that this is the case, cannot not be dealt with as the invitation to lodge an objection relates to the public notice to Taniwha Reserve exchange and not the taking of Pt England Reserve. Whilst that a 130 m<sup>2</sup> portion of Taniwha Reserve will be lost to housing, it appears that objector does not seem to appreciate that there will be the addition of 364 m<sup>2</sup> of land being added to the existing Taniwha Reserve. Additionally, the objector has not made any specific objection as the objection has made in the nature of a question i.e. "How do we know Taniwha Reserve won't be taken for House". It is clear from the flyer/feedback form that there is no intention take any land, rather it is a proposal to exchange land. The objector has not supplied any specifics, in reality the submitter's objection seems to have little merit and unable to be considered.

**[REDACTED]** - opposed the proposal on the grounds that his Congregation had been using the Scout Hall which is located 185 Taniwha Road and have been requested to vacate the building by June 2018 by the Department of

Conservation and Housing New Zealand. The objector further explains that the reason given to vacate is due to the age of the building and they were promised a new building to move into, however the Reverend believes he has been misled as the Tamaki Housing Development plans came into fruition prior to being told to vacate. Additionally, the Reverend explained that he and his wife have been living in a house belonging to Housing New Zealand for about 45 years in the general vicinity and have been advised by the Director of Housing New Zealand that this house has been identified as one of the houses that will be removed. The Reverend has concerns that they will be forced to move to another place which they have no knowledge of and the main reason they wish to remain in their current address as it is in close proximity to the Scout Hall and other public amenities in the area. Whilst the Tamaki Regeneration Company plans are understandably stressful to the Reverend, the exchange proposal does not involve any land associated with the Scout Hall or the Reverend's current abode and therefore the objection lacks any merit and unable to be considered.

### **Iwi Consultation**

Thirteen iwi groups who have mana whenua over the Taniwha Reserve have been consulted over the proposed reserve exchange. None of the thirteen iwi groups that were consulted made an objection to the proposed reserve exchange. Six of the thirteen iwi groups that did provide a written response were either not opposed or had no issue with 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:

| <b>RATING</b>               | <b>TOTAL</b> | <b>%</b>   |
|-----------------------------|--------------|------------|
| <b>Not opposed</b>          | <b>1</b>     | <b>8%</b>  |
| <b>Have no issue</b>        | <b>4</b>     | <b>31%</b> |
| <b>No response provided</b> | <b>8</b>     | <b>62%</b> |

### **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



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