

Proposed land exchange at Harlow Place, Glen Innes and Taniwha Reserve

File No.: CP2018/10643

Item 8

Te take mō te pūrongo / Purpose of the report

1. To seek approval of the proposed exchange of 130m² of Taniwha Reserve with 364m² of land at 4 and 6-8 Harlow Place, Glen Innes held by the Tāmaki Regeneration Company.

Whakarāpopototanga matua / Executive summary

2. To enable decision-making about whether to approve the land exchange, staff called for objections in accordance with section 15 of the Reserves Act 1977.
3. Only two objections, out of a total of 19 submissions, were assessed to be within the scope of the Reserves Act 1977. These objections relate to concerns about access through the reserve and the validity of the reasons provided to enter into the land exchange. These concerns are fully addressed by the land exchange, which will:
 - 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
 - increase the area of Taniwha Reserve by 234m².
4. Staff recommend that the committee approve the proposed land exchange. It is deemed to be a high priority when assessed against council policy.
5. The Maungakiekie-Tāmaki Local Board supports the proposed land exchange.
6. There is a low risk of a judicial review of council decision-making processes if the council proceeds with the land exchange. This will be mitigated by clear communication by council about the reasons for the land exchange.
7. The Finance and Performance Committee will need to approve the disposal of part of Taniwha Reserve to complete the land exchange.

Ngā tūtohunga / Recommendation/s

That the Environment and Community Committee:

- a) note that Auckland Council has met the requirements of section 15 of the Reserves Act 1977, including calling for objections, and considering all such objections, as well as consultation with mana whenua to enable the exchange of part of Taniwha reserve with other land.
- b) approve the exchange of 130m² of Taniwha Reserve, Glen Innes (subject to survey) with 364m² of land at 4 Harlow Place, Glen Innes and 6-8 Harlow Place, Glen Innes (subject to survey) to be implemented by:
 - i) approval of the acquisition of portions of LOT 4 DP 39662 and LOT 121 DP 39662 (refer Attachment B of the agenda report)
 - ii) recommend that the Finance and Performance Committee dispose of a portion of PART LOT 142 DP 42356 (refer Attachment B of the agenda report).
- c) agree that the General Manager, Community and Social Policy, under delegation from the Chief Executive, approve the final location, configuration and size of the land exchange as part of the consent processes for the Line Epping Stage One development.

Horopaki / Context

Background

Item 8

8. The Tāmaki Regeneration Company is undertaking the redevelopment of approximately 1,000 properties throughout northern Tāmaki.
9. Line Epping Stage One is the first area for redevelopment. The land area concerned is approximately 2.3 hectares.
10. The Tāmaki Regeneration Company proposes to demolish 29 of the 32 existing dwellings on the site. The three remaining dwellings will be relocated and renovated and 117 new dwellings will be constructed. The development will involve creating three new road connections and revising the current open space layout (refer Attachment A).
11. To enable efficient use of the site and improve access to Taniwha Reserve, the Tāmaki Regeneration Company seeks to exchange 130m² of Taniwha Reserve with land totalling 364m² at 4 and 6-8 Harlow Place, Glen Innes (refer Attachment B).
12. On 17 October 2017, the Environment and Community Committee approved public notification of the proposed land exchange under section 15(2) of the Reserves Act 1977 (Resolution number ENV/2017/146).
13. After approval to undertake public notification, a small change was made by the developer at the resource consenting stage. The expected land area resulting from the proposed land exchange was reduced from 243m² to 234m². This was deemed as not having a material impact on the proposed land exchange.

The land exchange process is set-out in the Reserves Act 1977

14. Section 15 of the Reserves Act prescribes the process for a land exchange between reserves and other land. The process has four key steps.

Table 1: Requirements of the Reserve Act 1977

Key steps	Comment
1. The administering body (in this case the Auckland Council) publicly notifies its intention to undertake the land exchange and calls for objections in writing, allowing a period of at least one month for objections to be received	Completed
2. After a period of at least one month following public notification the administering body considers all received objections to the proposed land exchange	The objections are outlined in this report.
3. The administering body passes a resolution supporting the land exchange if it considers it appropriate to do so in light of all objections received	<ul style="list-style-type: none"> • This is the purpose of the report. • A land exchange is a simultaneous acquisition and disposal of land. There are split decision-making delegations for land exchanges. • The Environment and Community Committee determines whether to proceed with the land exchange and has delegated decision-making for the acquisition of open space. • The Finance and Performance Committee has delegated decision-making for the disposal of all council assets.

Key steps	Comment
4. A copy of the resolution supporting the land exchange is forwarded to the Department of Conservation along with all the objections for authorisation under delegation from the Minister of Conservation for land derived from the Crown.	<ul style="list-style-type: none"> The council has delegation from the Minister of Conservation to authorise or decline the exchange of any reserve or any part(s) of a reserve for any other land under 15(1) of the Reserves Act 1977 where the title was not deemed to have been derived from the Crown. The title has not deemed to have derived from the Crown because the reserve was created upon subdivision for residential purposes.

15. Relevant mana whenua must also be consulted.

Tātaritanga me ngā tohutohu / Analysis and advice

Only two objections were deemed to be within scope of the Reserves Act 1977

16. A total of 19 submissions (including 4 objections) were received during the public notification period between 9 March and 9 April 2018. A summary of the objections is set out in Attachment C.
17. Two objections were assessed as being within the scope of the Reserves Act 1977 and directly related to the land exchange. These related to access through the reserve and the validity of the reasons provided to enter into the land exchange, which are outlined in Table 2 below.

Table 2: Specific objections to the land exchange

Objections	Staff response
One objection raised concerns about poor access across the Reserve to the shopping centre from the removal of the accessway.	<ul style="list-style-type: none"> The accessway is not being removed. The public will still be able to access the Reserve at the end of a new proposed road located slightly to the west of the current accessway. Further information will be provided to the submitter to address their concerns.
One objection stated that the reasons for entering the exchange are not valid and asked further questions about the land exchange.	<ul style="list-style-type: none"> The decision to proceed with processing a land exchange is based on an assessment against the Open Space Provision Policy 2016. This assessment was undertaken by staff and a summary was provided in the report approving public notification (Resolution number ENV/2017/146). Further information cannot be provided directly to the submitter because they have not provided a physical address or email.

18. The two remaining objections do not relate to the land exchange and are outside the scope of the Reserves Act 1977. These were concerns about issues in the wider Tāmaki area.

Iwi did not object to the land exchange

19. Thirteen iwi groups that were identified as having mana whenua association with Taniwha Reserve were consulted.
20. None of the 13 iwi groups objected to the proposed land exchange.

Item 8

Table 3: Summary of iwi feedback on the proposed land exchange

Rating	Total	Percentage
Not opposed	1	8%
Have no issue	4	31%
No response provided	8	62%

The proposed land exchange is deemed to be a high priority when assessed against council policy

21. Land exchanges are assessed against the criteria in the council’s Parks and Open Space Provision Policy 2016. Proposed land exchanges are prioritised according to the highest rating achieved.
22. Table 4 provides a summary of the assessment of the proposed land exchange.

Table 4: Assessment of proposed land exchange – Taniwha Reserve, Glen Innes

Park type: Park accessway	Number of new lots (net): 88	
Density: Medium-high	Number of new residents¹: 264	
Unitary plan zone: Terrace Housing and Apartment Buildings Zone	Proposed additional reserve area: 234m ²	
Valuation: N/A	Settlement: Development commencing 2018/2019	
		
Potential future features:	 Walking connections	 Informal recreation facilities
	 Playground	
Criteria	Comment	Overall rating
Meeting community needs, now and in the future	High priority: <ul style="list-style-type: none"> the proposed land exchange would improve physical access into Taniwha Reserve and would lead to improved safety outcomes as the current accessway is only three meters wide. 	 High priority for exchange
Connecting parks and open spaces	High priority: <ul style="list-style-type: none"> the proposed land exchange would improve the connectivity of the network of open space walkways throughout the area. 	
Protecting and restoring Auckland’s unique features and meanings	Not a priority: <ul style="list-style-type: none"> there are no known heritage, cultural or natural values of significance located within the areas proposed for exchange. 	
Improving the parks and open spaces we already have	High priority: <ul style="list-style-type: none"> the proposed new access would provide high quality access and improve the functionality of Taniwha Reserve. 	

¹ Based on the average household size of 3.0 in Auckland at Census 2013.

23. Staff recommend the proposed land exchange. It is a high priority when assessed against council policy.
24. The proposed land exchange is expected to have positive benefits to the community including:
 - improved sightlines and physical access into Taniwha Reserve
 - improved safety of users accessing the Reserve by removing the existing accessway
 - better connectivity with the open space network in the area
 - increasing the area of Taniwha Reserve by 234m².

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

25. The Maungakiekie-Tāmaki Local Board supports the proposed land exchange, resolving at its meeting on 26 June 2018 (Resolution number MT/2018/103) that it:
 - a) recommends that the Environment and Community Committee approve the proposed land exchange of 130m² (subject to survey) of Taniwha Reserve, Glen Innes with 364m² (subject to survey) of land at 4 Harlow Place, Glen Innes and 6-8 Harlow Place, Glen Innes.

Tauākī whakaaweawe Māori / Māori impact statement

26. Consultation was undertaken with 13 iwi identified as having mana whenua association with Taniwha Reserve. None of the iwi groups objected to the proposed land exchange. The provision of quality parks and open spaces facilitates Māori participation in outdoor recreational activity. Additional benefits include:
 - demonstrating Auckland Council's commitment to the Active Protection (Tautiaki Ngangahau) Principle of the Treaty of Waitangi
 - helping make Auckland a green, resilient and healthy environment consistent with the Māori world view and their role as kaitiaki of the natural environment.

Ngā ritenga ā-pūtea / Financial implications

27. The land exchange will increase land assets at Taniwha Reserve by 234m².

Ngā raru tūpono / Risks

28. There is a low risk of a judicial review of council decision-making processes. This will be mitigated by clear communication about the reasons for the decision.

Ngā koringa ā-muri / Next steps

29. The Finance and Performance Committee will need to approve the disposal of part of Taniwha Reserve to complete the land exchange.
30. Subject to the approval of the Finance and Performance Committee, council staff will work with the Tāmaki Regeneration Company to undertake the processes required to exchange the land. This will include engaging a surveyor to prepare the new land transfer plans, publishing a notice in the New Zealand Gazette and registering a notice with Land Information New Zealand.

Ngā tāpirihanga / Attachments

Item 8

No.	Title	Page
A  	Line Epping Stage One development area	15
B  	Land exchange plan	17
C  	Analysis of submissions	19

Ngā kaihaina / Signatories

Author	Jordan Hamilton - Policy Analyst
Authorisers	Paul Marriott-Lloyd - Senior Policy Manager Kataraina Maki - GM - Community & Social Policy Dean Kimpton - Chief Operating Officer

Attachment A. The layout plan of the Line Epping Stage One development.



Item 8

Attachment A



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Manukau City
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10 May 2018

Auckland Council
Private Bag 92300
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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 m² portion of Taniwha Reserve with a 364 m² 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:

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- 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 m² (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 8095046.1).

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

Portlons of Lots 121 and 122 DP 39662 comprising approximately 364 m² (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 m² 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 m² 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 m² 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:

RATING	TOTAL	%
Not opposed	1	8%
Have no issue	4	31%
No response provided	8	62%

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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