

**Discussion Notes – Sale of Reserves
From
Cockle Bay Residents and Ratepayers Association**

17 February 2022

- 1 In the allotted time we cannot do full justice to the issues that need to be considered. A copy of our presentation notes will, therefore, be made available. We will include material such as media reports and official publications of intentions as an annexe.
- 2 We suggest that the Commissioners considering the proposed sale of reserves need to take 5 main themes into consideration:
 - i) Reserves policy
 - ii) Ongoing need for reserves
 - iii) Democratic principles
 - iv) Legislative constraints
 - v) Ethical and equity considerations.

1 Reserves Policy

- 3 The Auckland Council Open Space Provision Policy 2016, and the associated Auckland Plan and Parks Open Spaces Strategic Action Plan, are quite specific in their intentions:. They state:
 - i) “Open space makes a major contribution towards Aucklanders’ quality of life and is integral to achieving the vision and strategy of the Auckland Plan”
 - ii) (Auckland will) “Maintain and extend an integrated network of quality open spaces across the region that meets community needs and provides a diverse range of recreational opportunities by 2040.”
 - iii) (Auckland will) “create an open space network that delivers the areas of focus and priorities of the Parks and Open Space Strategic Action Plan”
 - iv) The 4 areas of focus are to • connect • enjoy • treasure, and • utilise.
- 4 The purpose and benefits of Neighbourhood Parks is defined as follows:

Neighbourhood Park	Provides basic informal recreation and social opportunities within a short walk of surrounding residential areas. New neighbourhood parks are typically between 0.3 to 0.5 hectares.	<ul style="list-style-type: none"> • play space • flat, unobstructed, kick-around space for informal games (30m by 30m) • areas for socialising and respite • landscaping • specimen trees • furniture 	400m walk in high and medium density residential areas. 600m walk in all other residential areas. Provides a range of different recreation opportunities between nearby neighbourhood and suburb parks.
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- 5 These purposes reflect what is set out in Section 17 of the Reserves Act, which states that recreation reserves are for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational

activities, including recreational tracks in the countryside¹; and that those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve shall be conserved².

6 The sale of the reserves will deprive local residents of these benefits. Remaining reserves are likely to become more crowded, thus reducing space per person for both active and passive recreation. In some instances it will be necessary to cross major roads in order to access alternative reserves. All this contravenes Council policy.

7 **We submit that the proposed sale of reserves runs counter to Council policy, and must not be permitted to proceed.**

2 Need for Reserves

8 Our contention that the sale of reserves must be overruled is reinforced by the population growth. Across the City as a whole, Auckland is anticipated to grow by approximately one million people over the next 30 years. The Auckland Plan adopts a compact city development strategy that aims to distribute between 60 and 70 percent of Auckland's growth within the existing urban area through more intensive development. Maintaining sufficient reserves and green space within these areas is a vital policy for a liveable city. Reserve land sold now will not be replaceable.

9 A further 25 percent of growth will be in greenfield developments, and the remainder in rural areas and settlements. Investment in the open space network needs to reflect the way Auckland is expected to grow over the next 30 years, while aligning with the strategic direction established by the Auckland Plan and the Parks and Open Spaces Strategic Action Plan. Greenfield areas and the existing urban area will require different approaches to investment in open space. Quality open space is a critical component of attractive and liveable high density urban areas. Therefore, high quality open space can facilitate the regeneration and growth of urban centres. The existing urban area of Auckland has an established, well distributed, open space network. The ability to significantly expand the urban network is constrained due to the land supply and budget constraints. Therefore, council's investment in open space in the existing urban area prioritises improving the existing network, not reducing it.

10 Our particular interest is maintaining all reserves in Howick. Recent growth reinforces the need to retain our reserves. Between 2013 and 2018 the population increased by 11.0%. We are sure that subsequent years will show similar, or greater, rate of increase – the more so following the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, which provides for intensification across all parts of the City, including the current Single House Zones.

11 The proposed sale of these reserves implies that the earlier decision to purchase the reserves was a flawed decision, because the reserves are surplus to requirements. We submit, instead, that the current proposal is flawed because it has failed to demonstrate why the reserves should be sold. For instance, the notification provided to support the proposed revocation of the reserves at Ti Rakau Drive, Fortyfoot Lane, Aberfeldy Avenue, and Golland Drive, simply states that the specified recreation and utility reserves are surplus to Council's requirements and are not required for Council's current or future services. **There is no quantitative or qualitative information to support this contention.**

12 Apart from Auckland Council's ongoing expenditure difficulties, the only macroeconomic change in circumstances has been population growth. Population projections are that this will continue, especially in the light of recent legislation. Access to reserves is therefore likely to be increasingly important in the future. **We therefore submit that Council have not justified their conclusion that the reserves are surplus to requirements.**

¹ Reserves Act 1977 Section 17 (1)

² Ibid 17.(2c)

3 Democratic Principles

- 13 We suggest that the fact that this proposal has reached the state of being heard by Commissioners is infringing fundamental democratic principles. Policy formulation and oversight of policy implementation is the preserve of elected representatives. Staff are employed to advise on possible policy and to implement policy. They are not responsible for promote policy and implementation that is not been supported by elected representatives. In this instance staff are promoting an implementation action plan that is opposed by elected representatives. **The staff actions are anti-democratic and cannot be supported.**

4 Legislative Constraints on Sale of Reserves

- 14 The meaning of a reserve is set out in Section 2 (1.e) of the Reserves Act 1977 to include any land acquired after the commencement of this Act in any manner by an administering body as a reserve within the meaning of the Act, and any land vested in any local authority which, not theretofore being a public reserve, is by resolution of the local authority pursuant to section 14 declared to be set apart as a reserve.
- 15 The Local Government Act 2002 contains a number of references to the sale of reserves. These must guide decision making. In particular:
- i) Section 138 requires public consultation and refers to specific restrictions on disposal of parks, reserves, and endowment properties, including provision for the protection of parks and reserves from disposal;
 - ii) Section 205 states that a territorial authority must use a development contribution received for reserves purposes for the purchase or development of reserves within its district. This raises the issue of whether the proceeds from the sale of reserves can be used for general budget support;
 - iii) Section 206 relates to alternative uses of development contributions for reserves, and states that it may, if it considers it will benefit the residents in the district in which the development is situated, use the development contributions to add to, improve, or develop land outside the district that is vested in, or controlled by, the territorial authority for public recreation purposes.

5 Ethical Considerations

- 16 Council is complying with the requirement in the Local Government Act 2002 to undertake consultations. However, these must be genuine consultations, not an exercise in box ticking.
- 17 Although Councils are empowered to dispose of reserves in certain circumstances, we are sure that the legislation did not envisage funds being diverted to budget support, or simply used to meet planned operations and maintenance expenditure. We submit that it is not ethical to use the funds from the sale of reserves to provide budgetary support to reduce Council's financial shortfall. To use the classic phrase: "the family silver is not for sale".
- 18 **We therefore request that the proposed sale of all reserves be denied.**

Proposed Reserve Revocations: 2R Ti Rakau Dr, Pakuranga, **9R Fortyfoot Lane, Sunnyhills**, 76R Aberfeldy Ave, Highland Park, 111R Golfland Dr, Howick

Public notice date: 24 February 2021

Closing date and time: **31 March 2021, 5.00 p.m.**

Pursuant to section 24 of the Reserves Act 1977, Auckland Council hereby notifies its intention to revoke the reservation of recreation reserves and utility purpose reserves over the land described in the schedule to this notice, situated at 2R Ti Rakau Drive, Pakuranga; **9R Fortyfoot Lane, Sunnyhills**; 76R Aberfeldy Avenue, Highland Park and 111R Golfland Drive, Howick. The reserves are surplus to Council's requirements and are not required for Council's current or future service. It is proposed that the land may be sold to an adjoining owner or on the open market.

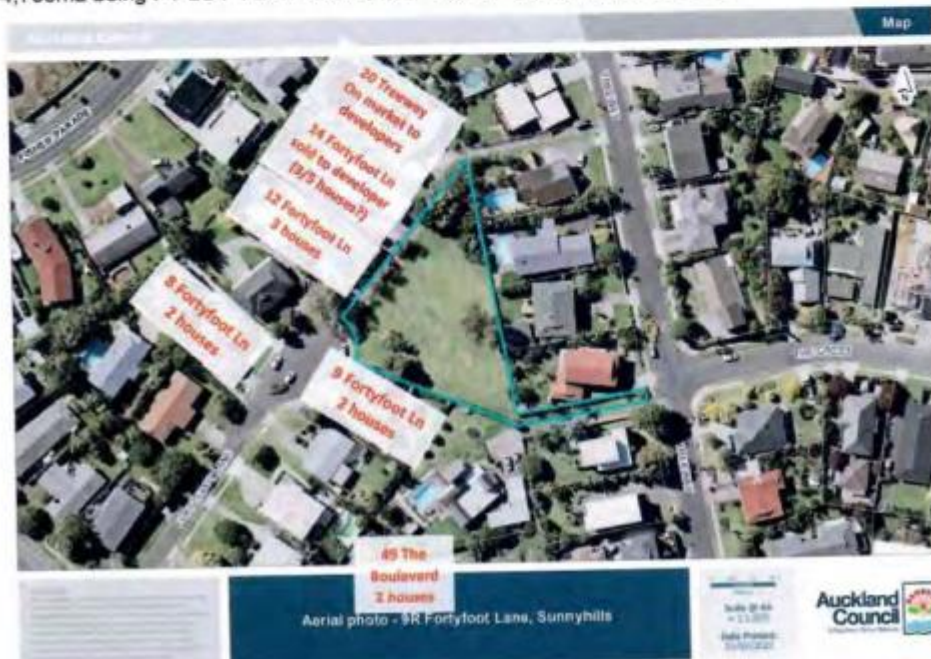
Any person wishing to object to the proposed revocation of reserve land may do so in writing and addressed to the **Chief Executive, Auckland Council, Private Bag 92300, Auckland 1142, Attention: Moira Faumui** no later than 5pm on 31 March 2021.

Alternatively, you can email your objection to PropertyReview@aucklandcouncil.govt.nz

Any objector's information provided to the Council will become subject to the Local Government Official Information and Meetings Act 1987 and may be released by the Council under that act. The Council may, at its discretion, publish or disclose all or part of any objection.

Jim Stabback
Chief Executive
Auckland Council

Schedule Reserves to be revoked:
511m² and 190m² respectively being Lots 2 & 13 DP 55286 (NA49C/1327; NA49C/1328)
2,426m² being LOT 302 DP 49469 (NA5C/250)
3,185m² being LOT 205 DP 117615 (VESTED ON DP 117615)
4,700m² being PT LOT 1 DP 143331, LOT 140 DP 168165 (NA102B/363)



Various Media Reports relating to Sale of Reserves

Why are East Auckland reserves not for sale?

Brown and Luxon say the reserves should not be sold. It's ironic the council has deemed the properties "surplus to requirements", Brown says. "We have about 130,000 people living in east Auckland already and the population will be about 160,000 by 2030.

['Our reserves are not for sale' - Times](#)

www.times.co.nz/news/our-reserves-are-not-for-sale/

Where are the four reserve parks in Auckland?

The four reserves are at 111R Golfland Drive, Howick; 9R Fortyfoot Lane, Sunnyhills; 76R Aberfeldy Avenue, Highland Park; and 2R Ti Rakau Drive, Pakuranga. Advertise with NZME.

[Auckland residents fight council's plans to sell parks and ...](#)

[www.nzherald.co.nz/nz/auckland-residents-fight-councils ...](http://www.nzherald.co.nz/nz/auckland-residents-fight-councils-...)

Where are the green spaces in Auckland being sold?

A group of east Auckland residents have banded together to form a protest group to fight council plans to sell four reserves, but the issue could have wider ramifications for the city's green spaces. The residents, who live in Golflands and Sunnyhills, formed Preserve Our Reserve in November in a bid to stop the planned asset sales.

[Auckland residents fight council's plans to sell parks and ...](#)

[www.nzherald.co.nz/nz/auckland-residents-fight-councils ...](http://www.nzherald.co.nz/nz/auckland-residents-fight-councils-...)

Who is against selling parks in East Auckland?

Sunnyhills resident Frank Lombard is opposing council plans to sell four reserves in east Auckland. Photo / LDR Sunnyhills resident Frank Lombard is opposing council plans to sell four reserves in east Auckland. Photo / LDR

[Auckland residents fight council's plans to sell parks and ...](#)

[www.nzherald.co.nz/nz/auckland-residents-fight-councils ...](http://www.nzherald.co.nz/nz/auckland-residents-fight-councils-...)

‘Our reserves are not for sale’ Howick Pakuranga Times By

Chris Harrowell

November 24, 2020



Opposing the proposed sale of four east Auckland public reserves are, from left, Botany MP Christopher Luxon, Pakuranga MP Simeon Brown, and Howick ward councillors Sharon Stewart and Paul Young. Times photo Wayne Martin

The fight to stop four east Auckland public reserves from being sold is drawing some heavyweight political support.

Pakuranga MP Simeon Brown and Botany MP Christopher Luxon say they oppose a move t Auckland Council to dispose of the public green spaces in Botany, Pakuranga, Highland Park, and Clover Park.

The council's finance and performance committee voted in September to dispose of a swat of council-owned properties across the city.

The move is part of an effort to raise \$224 million from "asset recycling" through the

The move is part of an effort to raise \$224 million from "asset recycling" through the council's emergency budget.

Ten properties in the Howick Local Board area the council no longer requires are among those set to be sold.

The board previously voted to support the sale of six of them, but did not endorse the sale of four public reserves at 9R Fortyfoot Lane, 76R Aberfeldy Avenue, 111R Golfland Drive, and 31 Aspiring Avenue/17R Hilltop Road.

However, the finance and performance committee voted to sell all 10 properties, including the four the board wanted to retain.

Howick's two ward councillors, Sharon Stewart and Paul Young, voted against their sale. Brown and Luxon say the reserves should not be sold.

It's ironic the council has deemed the properties "surplus to requirements", Brown says.

"We have about 130,000 people living in east Auckland already and the population will be about 160,000 by 2030.

"For people to have places to recreate, places to play with their kids and kick a ball around, I don't see much green space in the backyards of these new properties [that are being built].

"This [the reserves] is what will become the backyards for those kids.

"Getting rid of them means they don't have those opportunities, which we need to protect."

The MPs say they also oppose any attempt to develop intensified housing on the reserves.

"We already have issues with this," Luxon says.

"We have issues at Cockle Bay around intensification where the enabling infrastructure doesn't support further development.

"These are well built-up areas where we need the green spaces maintained. Where we have seen intensification we haven't seen good planning.

"It's not being well thought through and well planned.

"Development is okay if it's well planned but just chucking apartments into an area that cannot support it can cause problems."

Young says the council needs to receive feedback from the public on the issue and, if a reserve does not need to be sold, then it should be retained as green space.

Stewart says members of the local community have an opportunity "to come and say something" if they oppose the reserves being sold. "They have to come and speak out."

Brown says he and Luxon are working to raise awareness of the issue and they will talk to people who live near the four reserves.

"We'll encourage people to make submissions in opposition [to their sale].

"We need to send a very clear message to Auckland Council that the community does not see these as surplus to requirements. "These are important community assets. Our reserves are not for sale."

The council will publicise its intention to revoke the reserve status of the four parks with information about how anyone who objects to their sale can do so.

Auckland residents fight council's plans to sell parks and reserves

23 Feb, 2021 04:47 PM

A group of east Auckland residents have banded together to form a protest group to fight council plans to sell four reserves, but the issue could have wider ramifications for the city's green spaces.

The residents, who live in Golflands and Sunnyhills, formed Preserve Our Reserve in November in a bid to stop the planned asset sales.

The Howick Local Board voted in late 2020 to retain the properties, but Auckland Council's finance and performance committee overrode the decision and voted to put them up for sale as part of its 10-year Recovery Budget.

The four reserves are at 111R Golfland Drive, Howick; 9R Fortyfoot Lane, Sunnyhills; 76R Aberfeldy Avenue, Highland Park; and 2R Ti Rakau Drive, Pakuranga

A Public notice period on reserves status extended

6 Public have until 14 April to make submissions

Publish Date : 01 Apr 2021

Auckland Council has extended by a fortnight to 14 April the notification period for public submissions on the proposed revocation of reserve status for 20 sites across Tāmaki Makaurau.

Last year the Finance & Performance Committee approved in principle the sale of a number of properties to support the Emergency Budget, subject to completion of statutory processes, such as revocation of reserve status for certain properties. Panuku is assisting Council with those processes and has no role in decision-making.

Included are several sites that are classified as reserves under the Reserves Act 1977. These are a mix of access ways, small parcels of left-over land following subdivisions, sites purchased with future use in mind but no longer needed, and a small number of spaces that are used as informal recreational spaces.

The reserve revocation process is a statutory process as determined by the Reserves Act 1977, which requires public notification of the proposal to revoke reserve status.

The notification period has been extended to ensure that anyone wishing to make an objection has ample opportunity to do so, given the significant public interest in the process.

"We want to give Aucklanders more opportunity to provide feedback given the interest we have received," says Programme Lead Ross Chirnside.

"Auckland Council and Panuku continue to encourage submissions on the proposals from all members of the public through to the end of the notification period on Wednesday, 14 April."

After close of consultation, each property and all submissions received will be reported to the relevant Council committee for a decision about whether to recommend to the Minister that the Reserves Act status should be revoked. Final approval lies with the Minister of Conservation.

Other Areas fighting the Auckland Council plans

Full details of how to submit a proposal as well as copies of the public notices can be found on the Auckland Council website [here](#).



© RNZ/ Ellie Jay

A group of New Lynn residents are fighting against Auckland Council's potential plans to rezone and sell a reserve in their street to raise revenue.

Plan change 60 names a number of spaces across Auckland owned by the council that could have their reserve status revoked, be rezoned and sold off.

Davern Lane residents are worried this will mean the end for their little park and the land will be sold for a housing development.

Number 13 Davern Lane is a 300 metre square reserve at the end of a cul-de-sac, a patch of lush grass with trees surrounded by houses, the land has a bench in the middle where residents meet to socialise, children play and many residents have taken their annual Christmas card photos.

But at the moment all is not calm in the cul-de-sac.

The reserve is named as one of a number of spaces across the supercity that could be at risk of being rezoned and sold off to raise funds. The residents say although small, the little patch of land has huge significance.

"We've been living here for about 12 years and we've still got two younger children, on a good day you will see them on their bikes or with a ball in the reserve, for me to lose that, it will be really devastating," Lisa Katchapilly said.

"It was one of the biggest attractions when we bought a house here. I'm also concerned about the traffic that mixed housing will bring in. "This is a small street with just 12 houses and looking at the development in the surrounding areas I'm really concerned that we may end up having three or more houses in that small lot which will bring in six or more cars and in a small street with not much parking and the streets are not wide," she said.

"I'm concerned about the safety of the children and their ability to freely go out and play."



© Provided by Radio New Zealand - Davern

Lane reserve

Fifteen residents have formed an integrated society, each putting in their own money to hire a lawyer to file a submission on the plans, protest a rezoning and ask the council to keep the land as it is.

Lisa is the secretary of 'Davern Residents incorporated'.

"We are really concerned about it being sold to a developer," she said.

"We don't want that reserve to go, we're getting help from a planner ... and a lawyer who is guiding us and the community has got together to put in the submissions.

"I'm hoping they will see the passion that we have, and how much we actually use it. It's not a piece of land that's not being put to use, hopefully they will see the reason behind our argument."

Whau local board chair Kay Thomas said Davern Reserve was one of three slices of land in her ward designated for 'asset recycling'.

It was named in Auckland Council's emergency budget as a means to try and reduce debt that arose because of Covid.

"What council is trying to do is revoke the reserve status so that the 300sq metres can be put up for sale and that is to help reduce the council deficit," she said.

The local board first became involved when residents approached them and after a meeting last Wednesday the local board unanimously passed a notice objecting to the proposed revocation of the land's reserve status and sale of the property.

Kay said an arborist had confirmed there were two Pohutukawa trees and a Tītoki in the reserve that Pānuku have mis-classified as 'bushes' and the board was worried they'll be cut down.

"Auckland needs more green spaces, it doesn't need fewer," Kay said.

"New Lynn and Avondale and other areas within the Whau are going through increased intensification which means we're losing more and more trees and sections are getting smaller and smaller. I don't know in future where children will play, I don't know where the birds will go."

Barrister Dr Grant Hewison is acting for the Davern residents.

"In the background what this proposed plan change is about really is preparing these small bits of land for disposal so the Auckland Council can essentially derive income from that or revenue from that and offset the difficulties it's having in terms of its balance sheet," he said.

"It's not really about whether the outcomes that are being sought by the council through plan change 60 are actually good resource management or urban planning outcomes, in the view of the residents this is really about Auckland Council finding a way to dispose of this land."

In order to sell the land the council would need to change the zoning and revoke its reserve status. Hewison said that would be a long and drawn out process which he doubted was worth it at the expense of losing a "pocket park".

"The objective that this is about selling this land essentially to provide revenue I think is in some ways misguided by the council. I think there are other opportunities and other assets the council could be looking to provide the revenue that it needs or it thinks it needs in terms of the deficit that it's currently facing," Hewison said.

"There are opportunities to borrow more, to look to other assets they could sell or make greater savings or efficiencies within the council itself."

Resident Lisa Katchapilly said she knew Auckland had a housing problem but this was not the solution.

"I'm not against high density housing, I understand we have a problem here in Auckland with not having enough houses here but I do have a concern in areas like this one which is not going to add too much value to the council or anyone but is taking away something that is used by a small neighbourhood."

Further submissions to plan change 60 close on 12 April and submissions on the revocation of the reserve status close on the 31 March.

Asked for a statement, Panuku General Manager Assets and Delivery Marian Webb said the reserve was one of a number of sites in the region that was approved for sale in principle as part of the council's emergency budget.

"This in principle decision was expressly subject to the completion of the relevant statutory processes.

"As part of Auckland Council's asset recycling programme, Panuku is supporting the council through its statutory processes to ready properties for sale. Panuku has no decision-making ability as part of the reserve revocation process," she said.

"Auckland Council and Panuku encourage submissions on the proposal from all members of the public during the consultation period."

More details on the proposal and copies of the public notices can be found on the [Auckland Council website](#).

Concurrently, as a separate process, [this site is also open to submissions](#) through Auckland Council's Plan Change 60 which proposes to rezone this site from Open Space - Informal Recreation to Mixed Housing Urban to provide consistency with the surrounding sites.

Other Media Reports....

Auckland Council's masterclass in mismanaging asset sales

Business Desk - Damian Light Tue, 06 Apr 2021

Hoping to plug a massive \$1 billion revenue gap, 20 reserves are up for sale including Aberfeldy Park. Asset sales are always a controversial topic, even more so when the asset being sold is a public park. It's no surprise that emotions will run high when the local park is on the chopping block, so the process must be managed carefully.

Unfortunately for Tāmaki Makaurau, Auckland Council has provided us with a masterclass in what not to do. Hoping to plug a massive \$1 billion revenue gap, 20 reserves are up for sale and Panuku Development Auckland is the council-controlled organisation (CCO) responsible for managing the procurement.