

Background Information

Regarding the Point England Development Enabling Bill

FOR

From “Save Our Reserves”

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saveourreserves.org.nz/

EXECUTIVE SUMMARY

1. “Save Our Reserves” (“**SOR**”) has been established to represent the interests of the residents local to the Point England Reserve (“**the Reserve**”) and the general Tāmaki area. We seek to stop the Point England Development Enabling Bill (“**the Bill**”). The Bill has been reported back from the Local Government and Environment select committee and is awaiting second reading.
2. The impact of the Bill will be to revoke the reserve status of over a quarter of the Reserve and make it available for commercial housing development.
3. Our opposition to the Bill is based on the fact that the Reserve is a well-used and much-needed public space that serves the current community well. Furthermore, apart from reserves such as this one, there is no extra open space to accommodate the threefold increase in Tāmaki residents that is anticipated in the next ten to fifteen years. The majority of these new or returning residents will have minimal or no outside space. The alienation of a large part of the open space of Point England will therefore seriously affect the quality of living of these residents.
4. In respect of its current value to the community, approximately half of the proposed development area is highly-utilised as sports fields, and also for informal recreation and hosting annual public social events. The remainder is open rural land which is grazed to support the funding of the maintenance of the land, and also an established natural habitat for birds.
5. There has been no public consultation regarding the decision to develop this valuable public recreational space and if its reserve status is revoked and the land developed, it will be lost to the community forever. Being allowed to make submissions to the Local Government and Environment select committee after the Minister has offered Ngāti Paoa the land and to promote the passing of the Bill, and after the first reading of the Bill is too little, too late. Given the Government knew there would be opposition, it is cynical to only allow residents to submit to the select committee after the deal appears to be a fait accompli. Parliament is just being used as a rubber stamp.
6. There are no safeguards to ensure that Ngāti Paoa Iwi Trust Board receives the land, nor requirements that it is used to provide social and affordable housing. Furthermore, there is a viable alternative that will not pit Ngāti Paoa Trust Board against the residents of the Tāmaki community. Ngāti Paoa Trust Board should be offered land from the Tamaki Regeneration Company (**TRC**) housing development next to the Reserve, and the Government could offer the iwi co-governance of the Reserve, in recognition of the

connection that Ngāti Paoa Iwi Trust Board has with the land. The Bill's progress should be stopped until this alternative is fully explored.

SAVE OUR RESERVES

7. SOR emerged as a response to the proposed housing development on Point England Recreation Reserve, Auckland. The Reserve is a wonderful open space with rural character and public playing fields, and it provides a natural habitat for endangered birds. However, on 6 December 2016 the Government announced its intention to pass the Point England Development Enabling Bill in order to revoke the reserve status of 11.69 hectares (28.88 acres) of the land, so that it can be sold to Ngāti Paoa Iwi Trust Board for a housing development as part of their Treaty settlement.
8. While SOR supports iwi in getting fair Treaty settlement, it does not agree to public reserves being used as commercial property. Once the land is sold, it is gone forever and this sets a dangerous precedent for other reserves.

PUBLIC USE OF THE RESERVE

9. At the first reading in Parliament, most of the ministers who spoke referred to the Reserve land as ground for grazing cows. This was also the way that it was described in the media release of 13 December 2016. In fact, the Reserve serves its community well and is fully utilised all year round. The playing field is regularly used by local schools and communities for cricket, kilikiti soccer and rugby league. This is in addition to informal family and social gatherings. There are also larger public annual events that take place at the Reserve, for example: Music in the Parks and Movies in the Parks; as well as the hugely popular Weet-Bix TRYathlon, which is a significant and longstanding New Zealand sporting event for children aged from 7 to 15.
10. The site also adjoins Point England School and the Glen Innes Pool and Leisure Centre, as well as providing access to the Omaru Creek and the Tāmaki River. Parts of the Reserve hold significant ecological and cultural values. The Reserve contains part of a coastal walkway with a formed and fenced walkway along the seaward margin. Volunteer pest control occurs, in particular, to protect shorebirds such as nesting dotterels which can also be found in the grazed area of the Reserve. In addition, there is a licence over 0.8 hectares of the Reserve to the Tāmaki Model Aircraft Club for a landing strip, which is due to be renewed in 2017 and to expire in 2022. This would be significantly compromised by the development of the land.

11. While the First Reading in the House may have left the impression that the Bill will simply be “replacing the cows with homes”, in fact this is only a small part of what the land proposed for development is used for. In fact, one third of the playing field area is also included in the plan. Furthermore, the only reason a minority portion of the Reserve has been used for grazing until now is because, historically, there had been little funding for park maintenance and this was a sensible and low cost method of managing it.

INTENSIFICATION AND THE NEED FOR OPEN PUBLIC SPACE

12. Given that the Auckland City Unitary Plan has already identified large parts of Tāmaki for housing intensification, this will mean a significant increase in the local population (anticipated to be approximately 20,000 more residents). In those circumstances, it is illogical now to cut down on open public spaces in an area that that will need it most. Furthermore, it is clear from the amount of use that the Reserve already gets that the local population, and Auckland residents in general, need this space.
13. To allow this Bill to pass into legislation will set a precedent for the Government’s dealings with land holding reserve status, both in Auckland and across New Zealand. This is a test case which, if successful, poses a threat to all Reserves.

LACK OF CONSULTATION

14. SOR feels compelled to act because there has been no public consultation throughout all discussions around the proposed legislation and a complete lack of transparent and democratic process.
15. Discussions in respect of the proposed legislation have taken place in a clandestine manner since 2015. At that time, Ngāti Paoa Iwi Trust Board became aware the Tāmaki Redevelopment Company (“**the TRC**”) was planning housing development at the Reserve. The Iwi Trust advised the Crown and TRC and it sought the opportunity to undertake the housing development as part of its Treaty settlement. It raised this proposal in September 2015 and initiated consultation with Auckland Council, the Maungakieke-Tāmaki Local Board and TRC. The TRC identified approximately ten hectares of the Reserve for housing development as part of its initial phase of master planning for the wider development of the Tāmaki area. The Government approached the figure of ten hectares as a starting point and, following a proposal from Ngāti Paoa Iwi Trust Board and consultation with Auckland Council and the Chair s Maungakiekie-

Tāmaki Local Board, this was refined to 11.69 hectares (over a quarter of the Reserve, which comprises 45.43 hectares in total).

16. These discussions between the Treaty Office, Ngāti Paoa Iwi Trust Board, the TRC and Auckland Council plus consultation with MBIE, took place over a two year period. In spite of this, neither the full Local Board, nor the wider Tāmaki community have been consulted. In fact, the public were not notified until the First Reading in Parliament in mid December 2016 and were then given only until the end of January 2017 (the holiday period) to make submissions.

PITTING MAORI AGAINST PAKEHA

17. The Government's explanation for this lack of consultation is twofold: that the discussions related to a confidential Treaty settlement and that there has been insufficient time. This is not accepted. It is apparent that there has been awareness on the part of the Crown that the proposed legislation would be met with opposition. In its eagerness to settle with Ngati Paoa Iwi Trust Board and to build more houses, it has adopted a process which lacks transparency and has also neglected its role as kaitiaki to the users of the Reserve both now and in the future.
18. Furthermore, it is using the Treaty settlement process as a means of bypassing the statutory process. In his letter to Ngāti Paoa Iwi Trust Board Minister Finlayson writes that the Crown will be responsible for "*promoting the enactment of [the Bill] to revoke the reserve status over the Property.*" We have reason to believe that, not only has he sent the letter, but money has also been advanced to Ngati Paoa Iwi Trust Board to begin surveying the land and preparing for subdivision. This is a cynical strategy that has the impact of pitting Maori redress against the needs of the local community: effectively compensating for one injustice at the expense of creating another.
19. Moreover, while in the course of promoting this agenda the Government has relied heavily on reference to the Treaty settlement with Ngāti Paoa Iwi Trust Board, there is actually no mention in the Bill of the Ngāti Paoa Iwi Trust Board or its Treaty settlement.

NO GUARANTEE AFFORDABLE HOUSES WILL BE BUILT

20. ;The Government has also emphasised that the legislation is intended to create both social and affordable housing. However, unlike the Riccarton Racecourse legislation, which was passed to allow housing development following the Christchurch earthquakes, and which the Government are relying on as a precedent, there is no requirement for affordable housing in this Bill. It does not, in fact, express any purpose at all, nor an intention to provide affordable housing, nor any minimum requirements of the development scheme, such as a figure for the number of social or affordable houses

that are required, as was the case with the Riccarton Racecourse.. As such, there are no safeguards in place to ensure that a certain number of affordable houses will be built.

21. In any event, the number of houses proposed by the development is relatively small when balanced against the significant loss of the Reserve to the community. Furthermore, the number of social and affordable houses which may be available (suggested as a minimum of 20 percent social houses and 20 per cent affordable houses in Dr Nick Smith's media release but notably "*yet to be negotiated*") would not cater significantly to the needs of those on low or medium incomes. It is also inevitable that the balance of properties built, given their location, would have a high price level.

ALTERNATIVE WAYS OF SETTLING WITH NGĀTI PAOA IWI TRUST BOARD

22. The Government has failed to explore viable alternatives to the development of the Reserve in respect of its duty to Ngāti Paoa Iwi Trust Board. The TRC professes an intention of partnership with the mana whenua in the regeneration of Tāmaki yet it is significant that neither of these parties have followed this course. Instead the Crown has persisted in the Point England proposal claiming that "*Crown landholdings in Tāmaki are limited and there are few options for commercial redress land*" (letter from Hon Christopher Finlayson to Beth Evans 22 March 2017).
23. The Government is the majority shareholder in the TRC that owns 2,800 homes right next to the reserve. Instead of using the Reserve for commercial housing development, Ngāti Paoa Iwi Trust should be offered land from the TRC housing development. The Iwi Trust say the land at Point England is historically significant for them, and the settlement negotiations have included a plan for two hectares on the reserve for a marae as "cultural redress". The Government could offer the iwi co-governance of the reserve, in recognition of the connection that Ngāti Paoa Iwi Trust has with the land. Such arrangement has been widely accepted in relation to the Tāmaki tribes' role in managing the city's volcanic cones while public access is guaranteed. A marae on the reserve would also fit in with this.