

**1. SALE OF PART OF THE FORMER
LYTTELTON STREET YARD SITE**

RR 8255

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Corporate Plan Output: Surplus Property	

The purpose of this report is to update elected representatives on issues surrounding the sale of part of the former Lyttelton Street Works Depot to the Ministry of Education for the purpose of a Kura Kuapapa Maori Language School. The report also responds to a petition from the Spreydon Ratepayers' and Residents' Association presented to the June Council meeting.

BACKGROUND

The Council, at its meeting on 22 April 1998, resolved to sell an area of land at the rear of the former Lyttelton Street Yard to the Ministry of Education for the purpose of a Kura Kaupapa. Kura Kaupapa Maori are state primary schools where the curriculum is delivered through the Maori language.

The Council has entered into a conditional contract with the Ministry for the sale of the rear portion of the 5.112 hectare yard (2.5 hectares); the sale is conditional upon the Ministry obtaining a designation in accordance with Part VIII of the Resource Management Act to operate a school.

The Ministry has now submitted to the Council a Notice of Requirement for designation over the 2.5 hectare rear portion of the site to operate a school. The Notice of Requirement has been publicly notified with the submission period closing on 24 July 1998.

The submissions, along with the information submitted in the Notice of Requirement, will then be assessed in accordance with section 171 of the Resource Management Act, and a recommendation will be made to the Requiring Authority (the Ministry of Education). As the Council has a financial interest in this matter, an independent commissioner will most likely be appointed to hear the Notice of Requirement.

It should be noted that submissions received in support or in opposition to the Notice of Requirement must be made in accordance with Form 3 (Schedules) of the Resource Management Act. Submissions opposing Council policy on the sale of the site are a separate matter and cannot be considered as part of the Notice of Requirement for designation under the provisions of Resource Management Act. The purpose of submissions is to consider the effects of a school on the site not consider debate on Council policy.

CLARIFICATION OF ISSUES

In the two months since the sale of the land there has been confusion and misinformation circulating as to matters involving the subject land.

SITE LOCATION

Some residents are confused over the location of the land to be sold, and have mistaken the site works for the new Pioneer Pool as the site for the school.

The 2.5 hectare area of land to be sold to the Ministry of Education is at the rear of the former works depot, at the Sparks Road end of the site. Provision for future park expansion, car parking and an esplanade reserve have been provided for in the balance of the former Works Depot land retained by the Council.

CONTAMINATION OF THE SITE

The subject site was used as a dump site from 1921-54. Over time it was filled and levelled and was then used as storage for the Lyttelton Street Yard. The Council is aware of the contaminants on the site and has jointly commissioned a report with the Ministry of Education; this report identified the elements contained on the site, and gave recommendations for the containment, disposal and rehabilitation of the site. It will be the responsibility of the Ministry as owner of the site and under the terms of the contract for sale and purchase, to address any issues of contamination.

Contamination Recommendations

Montgomery Watson Ltd prepared a site investigation report which recommended that wherever surface material is required to be excavated then this soil should be removed from the site and disposed of as “contaminated material” and reinstated with clean topsoil. This will include:

- Foundation excavations
- Removal of 300mm from playing field areas and reinstatement with topsoil
- Removal of excavated material from tree plantings and a 500mm surround
- Removal of 3m of material from hangi pit area

CURRENT STATUS OF LAND

The site area to be sold comprises a 2.5 hectare portion of the land contained in Certificate of Title 511/149, legally described as:

Part Lot 11, Lot 12, Lot 13, and Lot 14 of DP 2459, Canterbury Land Registry

Title is fee simple and held by “The Mayor, Councillors and Citizens of the City of Christchurch”.

ZONING

Under the Transitional Christchurch Plan the site was designated as a Christchurch City Council works depot, with an underlying Residential 1 zoning.

Under the proposed Christchurch City Plan, the site is zoned Living 1. The land does not form part of the Centennial Park site, which has a zoning of O3 (Open Space 3, Metropolitan facilities) in the proposed City Plan.

In 1976 the Council undertook a public process in terms of Section 20 of the Public Works Amendment Act 1952 whereby it publicly notified the change of purpose of Centennial Park land from “Disposal of Refuse” to “Public Recreation”. This action did not involve CT 511/149, which contained lots 12, 13 and 14 and part 11 of DP 2459, all of which describes the former works yard. That is, that area of land subject to this petition, was not designated for public recreation, superseding resolutions of the 1950s which have been referred to by some residents.

DRAFT ANNUAL PLAN AND BUDGET – BUDGET PROVISIONS

The Lyttelton Street works depot has been listed in the Corporate Plan for two years as a property for disposal. The holding and disposal costs shown are high due to the knowledge that the site had contamination issues and there could be a requirement to undertake work and further investigations in order to facilitate a sale of the property.

The Works Depot site is **not** listed in the 1998/99 draft Annual Plan for restoration of the entire depot site to park. Funding is shown on page 68 (New Reserve Development) of the draft Annual Plan for \$150,000 in 2000/2001, \$40,000 in 2001/2002, \$30,000 in 2002/2003 and \$30,000 in 2002/2003 for a new playground on Centennial Park (page 73).

The Parks Unit confirms that the funding provision has always been for the restoration and development of the former works depot land between the river and the new pool complex (approx .6 hectare). Exact details for the expenditure of the budget provision have yet to be finalised due to the timetable (2 years away). If provision had been made to restore the entire works depot site, then a budget of at least \$400,000 would be necessary to rehabilitate the site, with development costs additional.

It would appear that the Spreydon/Heathcote Community Plan, (item 71) page 10 has been wrongly interpreted due to a misalignment of columns, there has never been funding in the 1998/99 financial year.

TIMING

At its meeting on 3 February the Spreydon/Heathcote Community Board decided to recommend to the Council that the works depot land not be sold but be retained for some future recreational development requiring a hard surface, such as tennis courts, roller skating or similar activities. The Council received this item at its February meeting. The proposal to sell the majority of the former Works Depot was put to the Property and Projects Committee on 6 April 1998. On 7 April members of the Community Board were informally briefed on the proposal. On 22 April the matter was put to the Council and passed unanimously.

REHABILITATION OF THE SITE AS A PARK

The works depot site has been held by the Property Unit as a surplus property since the works depot vacated the site in the early 1990s. During this time Property have consulted with other units of the Council as to their land requirements involving this site. As a result, the following apportionment of the site has occurred:

Lyttelton Street frontage through to middle of site:	Car parking for the Pioneer Pool complex
Heathcote River Frontage:	20 m Esplanade Reserve
Land bounded by River, Stadium, and car park:	Transfer to Parks Unit

The costs involved to rehabilitate the total works depot, the costs of clean up and development have been estimated in excess of \$.5m. It is unrealistic to assume the costs of creating a park are minimal.

The past experience of the Parks Unit showed when the main Centennial Park was established, there was a high level of tree mortality and difficulty in grassing due to contaminants present in the soil. The use of the site as a works depot has also resulted in gravels, and petro-chemicals being present in the top level. Over time this has compacted down to hard crust, without the removal of this crust, plant growth on the site would be virtually impossible.

COMPETING USES FOR FUNDING

When these facts are considered in conjunction with the existing Centennial Park area and the large capital investment that is being made in the pool

site, it is difficult to see how the Council could justify further expenditure on an enlarged park site. The immediate area is already well serviced with recreational facilities, and there is not a shortfall in open space.

GOVERNMENT POLICY

Any criticism related to the nature of the school and its delivery of education is criticism of current Government policy. Feedback of this nature should be directed to Members of Parliament or the Ministry of Education.

THE PETITION

The petition from the Spreydon Ratepayers and Residents Association contained 2,759 signatures collected in the Spreydon area over a two week period, 6 June-21 June 1998. The petition statement reads:

“We the undersigned, petition the Christchurch City Council to restore to parkland the northern part of Centennial Park which has been occupied by the Council Works Depot, and to install playground equipment in the park, in accordance with the 1998 Draft Annual Plan.”

It is a matter of concern that the statement to which 2,759 petitioners signed their names is factually incorrect.

The draft 1998 annual plan did not state that the ex works yard in Lyttelton Street was to be developed as a new reserve extending the present Centennial Park.

As a point of clarification some funding was shown in the five year capital expenditure programme in years 2000-2003. The funding is only for the portion of works yard adjoining the stadium/river.

The use of the word “restore” in the petition is also somewhat subjective in that the area of land being sold has never been used as reserve.

The installation of playground equipment is however, still programmed for Centennial Park.

COMMUNITY BOARD CONSIDERATION OF THIS REPORT

A special meeting of the Spreydon/Heathcote Community Board was requisitioned at the request of the Spreydon Ratepayers and Residents Association Ad Hoc Committee for Centennial Park. The ad hoc committee was seeking the Board's support for the retention of the former works yard for reserve development and as such the Board did not discuss the detail of the report.

The Board decided to reaffirm to the Spreydon Ratepayers' and Residents' Association that the Board had for a number of years consistently recommended to the Council that the Lyttelton Street ex works yard be retained for recreation and that it has not resiled from that position.

PROCESS

There has been some questioning of the information process and more particularly the perceived lack of information with regard to the Community Board's recommendations for the future use of the land not being included in the report to Projects and Property/Council.

Currently the information systems within the Council do not collect and store on a computerised database, recommendations of Community Boards to the Council. Consequently, when the Community Board considered the matter of the future use of the works yard at its February 1998 meeting, its recommendations to retain and develop as park was advised to the Council but did not filter down to the Property Unit's April report.

ADDITIONAL INFORMATION

In response to a request from the Chairman the Property Manager submitted a supplementary report on the legal and cost implications of not proceeding with the sale of the land and also on the public consultation process. This information was requested by the Parks and Recreation Committee at its meeting on 12 August after considering representations from the Spreydon Ratepayers' and Residents' Association.

The Property Manager's report on the legal and cost issues is contained in the public excluded section of this agenda.

PUBLIC CONSULTATION PROCESS

The Surplus Property Decision-Making Flow Chart as approved by the Council and adopted as procedure by the officers was tabled at the August meeting of the Committee. The chart clearly showed that although a couple of components in the process were omitted everyone was fully informed of the proposed disposal and had ample opportunity to put forward their interests. The wishes of the community were thus relayed via the Community Board direct to the February meeting of the Council, rather than through the Property Unit. These wishes were however not reiterated in the officer's report of 6 April.

In addition, on 7 April 1998 the Ministry met informally with the Spreydon/Heathcote Community Board to apprise the Board of the project and at that meeting the Community Board members indicated support for the project. This all occurred prior to the full Council considering the recommendation of the Property and Projects Committee to sell the land.

PERTINENT ISSUES

In any event, from a practical perspective, the community's wishes will be met should the sale of the property proceed and the Ministry of Education develop the school in accordance with its currently proposed plans. These include the development of two hard court areas, grassed outdoor play areas, adventure playground, integration with the adjoining esplanade reserve through an interconnecting path and extensive landscaping.

Further additional benefit to the Council and the community is received through the fact that the development costs, including any site clean up as a result of contamination, along with ongoing maintenance of the recreation areas which will occupy nearly 97% of the site including car parking area will be the responsibility of the Ministry of Education.

The School's Board of Trustees is desirous of encouraging future continued public use and accessibility to these facilities, once developed. A statement to this effect is contained in their submission for designation.

SUMMARY

The public consultation process, although not strictly adhered to, did provide adequate notice and opportunity for response, which was availed by Community Board.

Components of the process were in place at the time the Council resolved to sell the property and the Council in particular informed of the Community Boards views albeit a little out of sequence.

To a very large extent the community's objectives for open recreation space will be met at no direct cost.

- Recommendation:**
1. That the Council reaffirm its policy not to include the development (into reserve) of that area of the

works yard currently subject to the designation application.

2. That, in the next budget round, consideration be given to bringing forward the funding provided in the 5 year capital works programme for play equipment and reserve development at Centennial Park to the 1999/2000 year.
3. That the above report be referred to the Spreydon Ratepayers' and Residents' Association for its information.