



## 9. PROPOSED EXCHANGE – SHORTLAND STREET RESERVE

<b>Officer responsible</b> Parks Manager	<b>Author</b> Chris Freeman, Parks Planning Team Leader and Kelly Hansen, Parks Planner Bill Morgan, Property Services Officer
Corporate Plan Output: New Reserves	

The purpose of this report is to consider the proposed exchange of the Shortland Street Reserve for an adjoining site in Wainoni Road to provide an enlarged reserve and to remove an environmental hazard and a non-conforming use from the area.

This report has been referred to the Burwood/Pegasus Community Board for comment and is being referred to the Parks and Recreation Committee for its recommendation to the Council.

### PROPOSED EXCHANGE

#### Shortland Street Reserve

The reserve is depicted on the attached plan marked “D” and is situated at 25 Shortland Street. The reserve contains an area 6207m<sup>2</sup> and although having been administered by the Council since 1940 is still in Crown ownership. Approval has now been obtained to vest the land within the City Council and this is currently being actioned.

The existing reserve is a rear site and has been largely neglected due to its poor location for safety reasons and lack of road frontage.



**Shortland Street Reserve Entrance**



**Shortland Street Reserve**

### **Land for Exchange**

The area to be exchanged is part of the adjoining property depicted and shown as “B” on the attached plan being situated at 172 Wainoni Road. As a consequence of the proposal a new reserve is to be created containing approximately 1.1510 ha which will not only provide twice the area currently available as open space but will also create a safer park and a direct link to Aranui High School. The site is currently contaminated as described further in this report but it is intended as part of the agreement to remove the contamination prior to accepting it in exchange and prior to its development as a park.

The exchange of the reserve area has the following advantages:

- clean up contamination
- enlarge and open up existing reserve
- link to Aranui High School
- use house as a base for youth programme/community garden
- remove a non-complying industrial use from the residential zone

### **BACKGROUND**

The Wainoni Timber Co. site, just north of the intersection of Wainoni Rd and Shortland St, has remained vacant for a number of years. The operations of the timber mill have resulted in contamination of the site.

In late 1998, the site was subject to a subdivision consent application and hearing to redevelop the site for residential purposes – about 40 new sites. The consent was granted subject to conditions but did not proceed because the owners could not sustain the CCC landfill disposal charges. While the material was suitable for landfill disposal the cost of its disposal and treatment was estimated to be approximately \$590,000 which made the proposed subdivision uneconomic showing a hypothetical negative value.

Negotiations regarding the subdivision have continued between Council and the owners, Reg Muirson Ltd. A possible solution is now imminent whereby the Council exchange the existing Shortland Street Reserve for the adjoining site in order to create a larger reserve as depicted on the attached plan.

In addition to the Council's approval of this report the consent of the Minister of Conservation will be required for the reserve exchange and a publicly notified resource consent for the proposed subdivision.



**Wainoni Timber Yard Co Site from Wainoni Road**

#### **PROPOSED SUBDIVISION**

A total redesign of the subdivision has been negotiated between the owner, Parks, Property, and Environmental Services Units. The new subdivision proposal involves an enhancement of the area far beyond the original subdivision concept and includes an adjacent reserve off Shortland Street. The inclusion of a concrete products business in the subdivision also removes an industrial use from a residential area.

With respect to the non-conforming use the Environmental Policy & Planning Manager has commented as follows:

*“The City Plan promotes the removal of non-conforming uses in residential areas, particularly those uses that are recognised as hazards, have nuisance value, or that have an adverse effect on the amenity of the neighbouring residential area.*

*Activities undertaken on the site of Benny's Concrete include the movement and storage of heavy equipment and machinery and the stockpiling of gravel, sand and the like. Noise, dust and air pollution are resultant effects of these activities. Aranui High School and houses built in the 1960s adjoin Benny's Concrete.*

*The non-conforming use fund has available \$150,000 for the 1999/2000 financial year. The use of this fund to assist in the removal of Benny's Concrete would be appropriate and in keeping with the principles of the non-conforming uses fund.*

*The usual expectation is to remove the non-conforming use, on-sell the land, and return the proceeds of the sale to the non-conforming use fund. However, in this case a minimal return could be expected because of the cost of removing contaminated material from the site.*

*Overall, with the other changes being recommended, this proposal will promote a better, more compatible layout of housing, open space and community use in this part of Aranui, and therefore has our support."*

## **Decontamination**

The proposed subdivision will ensure that contamination is cleaned up so that soil complies with residential land use criteria as specified in the Ministry of Health and Ministry for the Environment guidelines entitled "Environmental Guidelines for Selected Timber Treatment Chemicals", 1997. The soil is contaminated with timber treatment residues, mainly arsenic, especially in the former timber treatment area of the site. Concentrations show a trend of lower chemical concentrations at increasing distances from the former treatment area and with increasing depth.

Soil sampling of the area to be subdivided and adjacent residential properties has been undertaken. All affected neighbours were advised of the results with five being informed that the results indicated vegetable growing criteria may not currently be met on these properties. In all other cases the levels indicated compliance.

The owners of the site have from the outset, always indicated that if there were remedial measures to be taken on neighbouring properties they would be prepared to take the appropriate action. This has been confirmed with the owners' representatives. It has been suggested and agreed that rather than dealing individually with each affected property on an ad hoc basis, the "clean up" should be undertaken at one time. This would involve removal of the affected soil at the developer's expense. The Team Leader, Environmental Effects Klaus Prusas, has commented as follows:

*"The proposal as presented is considered a much superior development to that of the original proposal. While the original subdivision was not considered viable by the developers because of disposal costs, it would have removed the site contamination and to that extent a satisfactory solution would have resulted.*

*This proposal is however a major enhancement in and for the area. From an environmental (and social) perspective it will remove many aspects that have given periodic cause for concern to neighbours and, in turn, the Council. These have included:*

- *Dust generated from barren areas on the site.,*
- *Potential fire hazards from drying vegetation.*
- *Aesthetics, from being just a barren/waste area.*
- *Safety issues to locals (including children) who might frequent the site.*

- *Noise generated from properties with business activities (that will now be incorporated as part of the subdivision). The original subdivision consent discussed reverse sensitivity issues. The Council in previous years has had to investigate a number of noise complaints regarding these activities.*
- *Site contamination (an ex-timber treatment site).*
- *Non-development of reserve land.*

*Any approval (in principle) nevertheless should be subject to conditions and should include such matters as:*

1. *That work is undertaken and completed with due diligence and in accordance with documentation already provided by the developer, and this is to also include post development sampling to verify compliance for residential purposes.*
2. *That all necessary approvals and consents are obtained prior to commencement of any work.*
3. *That investigation in respect of any possible contamination on the concrete products site be undertaken to ensure compliance for residential development.*
4. *That the identified adjoining affected residential properties are remediated.*

*The exact detailed conditions will be developed and prepared during and as part of the subdivision process.”*



**Wainoni Timber Yard Site**

## **COMMUNITY SUPPORT**

The proposed reserve will link through to Aranui High School. The Aranui High School Board of Trustees and the Management Committee of Te Kupenga o Aranui, an Aranui High School initiative to provide alternative education for at risk students aged 13-15 years, are excited by plans to develop the reserve area between the school and Wainoni Road.

Te Kupenga are keen to work with the Council to make what is at present a “dead area” into something that is useful for the youth and families of Aranui. They are interested in leasing the house located adjacent to Wainoni Road, on the proposed reserve. Use and lease of the house can be negotiated following the proposed land exchange.

## **PROPOSED EXCHANGE AGREEMENT**

Agreement has been reached subject to Council and the Department of Conservation’s approval to effect the proposed exchange subject to the following conditions:

1. That parcel “D” on the attached plan be exchanged for parcel “B” with no equality of exchange being payable.
2. That confirmation be received from the developer that parcel “E” is included within the redevelopment proposal and that agreement exists between the respective parties to this effect.
3. That the contaminated material be removed from the site and that post development sampling be undertaken to verify compliance with residential purposes including parcel “E”.
4. That contamination remediation be undertaken on the identified adjoining affected properties at no cost to the individual property owners.

Prior to exchange of the land, the Council will be required to follow the procedure outlined in section 15 of the Reserves Act 1977. In this situation, exchange of reserve land for other land requires public advertisement and a resolution of the Council followed by Department of Conservation’s approval. A notified resource consent will also be required to allow the proposed exchange and subdivision to proceed.

With respect to the financial details of the transaction, which will be effectively accomplished at no cost to the Council, this information is included within the public excluded section of this report.

**Recommendation:** That the Council approve the proposed land exchange, as outlined in the public excluded section of this report.

Both sections of the above report were considered by the Burwood/Pegasus Community Board on 27 March 2000. The Board decided to support the development of the reserve in Wainoni Road in principle and to recommend to this Committee that the land exchange be approved.

### **Chairman’s**

**Recommendation:** That the above recommendation be adopted.