



19. PROPOSED EXCHANGE – SHORTLAND STREET RESERVE

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Corporate Plan Output: New Reserves	

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

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.

PROPOSED EXCHANGE

1. 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 6,207 m² 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.

2. 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 1.3 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 agreement reached will effectively be achieved at minimal cost to the Council.

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.

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

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

PROPOSED SUBDIVISION

A revamp 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 Benny's Concrete Yard in the subdivision also removes an industrial use from a residential area.

Contamination

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.”

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 Rd.

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 Rd, 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, 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 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.

Chairperson’s

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