

19. FARNBOROUGH SUBDIVISION AND RESERVE PROVISION BEXLEY

Officer responsible Greenspace Manager	Author Richard Holland - Planning and Investigations Team Manager DDI 941-8690
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The purpose of this report is to inform elected members that the negotiations with the land owner concerning future provision of open space for this subdivision cannot be concluded at this point in time.

CURRENT SITUATION

The development company has been involved in discussions with staff from the Greenspace Unit and Environmental Services Unit Subdivisions team over the subdivision of the area of land between Farnborough Street, Winchfield Street and ANZAC Drive, Wainoni. The subdivision layout has yet to be finalised in detail, and the appropriate resource consent applications will be sought at that time. Greenspace and Facility Assets Unit officers were expecting to settle the negotiations for the local reserve and access provisions for the site with the developer and an offer has been made in writing. Despite the request for urgency and many months of negotiations we have not yet reached an agreement with the land owner, nor are we significantly progressed or confident enough to discuss the options. Until there is a response and a signed binding sale and purchase agreement a recommendation for a decision is not possible. There are several options and any indication either way at this stage could jeopardise Council's position with the negotiations. This could have an effect on the amount Council pays to facilitate a settlement.

Council has limitations as to how it can satisfactorily resolve the issue and a negotiated settlement is the most practical one. Our clear process has been to work with the land owner to present our needs for open space within the subdivision and negotiate a land swap based on independent land valuations. The local area is well provided with park space and rising land values have affected the ability to undertake a straight swap of the existing Council land for the proposed reserve land as previously agreed. Designating the land or using the Public Works Act is not considered a viable option.

The Chief Executive Officer is reviewing the history of previous transactions and factors that led to our current position and how the process could have been improved. As this site has difficulties in terms of development, the local community will need to understand that regrettably this land development issue may not be resolved quickly.

BACKGROUND

The City Council Greenspace Unit has had 1 hectare of land in its ownership for 20 years. The land was acquired to serve the surrounding subdivision and was undertaken in advance by providing the owner with reserve contribution credits on the balance area. One hectare equates to 77 lots' reserve contribution ; 28 have been used which leaves 49 credits. The development has been slow to proceed because of sections' values and high cost relating to non complying fill. The 1 ha of Council land on the western side was proposed to be exchanged for a reserve comprised of 4650m2 and 5350m2 parcels to connect with the new motorway and Knights Stream development in 1991. In September 2000 the Council resolved to proceed with a land exchange on the basis that Council's 1.0060 ha in Lot 1 DP62712 be exchanged for Lots 53 and 54 DP77204 on the basis of the previous owner Link Company Ltd making payment by way of any equality of exchange of \$1000.00. In January 2002, following drawn out exchange processing, the Council advised Link Company Ltd Solicitors they wished to settle.

Unfortunately the previous owner sold the subdivision before the exchange could be finalised.

In the meantime, as a result of the proposed land swap as agreed by the previous owner, a variation to the City Plan to bring about the proposed changes in zone that were necessary was completed and came in to effect in October 2001. Council's land is now zoned Living 1, and the subdivision land destined for reserve Open Space 1.

CONCLUSION

A decision is not possible until an agreement has been concluded and any indication either way at this stage could jeopardise Council's position with the negotiations with the landowner.

Staff

Recommendation: That this information be received.

Chairperson's

- Recommendations:**
1. That the information be received.
 2. That the Council progress the matter as rapidly as possible.