

4. BOTANIC GARDENS USE OF RESERVE AND MUSEUM UPGRADING

Officer responsible Parks and Waterways Manager	Author John Allen, Policy and Leasing Administrator, DDI 941-8699
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The purpose of this report is to enable the Parks Gardens and Waterways Committee to consider an application on behalf of the Canterbury Museum Trust Board made by the Carson Group. The Carson Group are the project managers for the major upgrade of the Museum (approximately \$34M) for the use of two areas of the Botanic Gardens shown as sites A and B on the attached plan. The first area (Site A) is the grassed area in front of the Museum which fronts onto Rolleston Avenue to the north of the paved area, while the second area (Site B) is in behind the museum to the south of the Robert McDougall Art Gallery for construction/storage sites for a period of approximately 2.5 years while the reconstruction of part of the Museum is undertaken.

The land is held by the Council under the Christchurch City (Reserves) Empowering Act 1971.

SITUATION

The Museum buildings cover almost the entire site, there being approximately a 1.5 metre gap between the south wall of the Museum and the common boundary between the Museum land and the Botanic Gardens. It is not commonly known, but the grassed area in front of the Museum and Christ's College along Rolleston Avenue is part of the Botanic Gardens, the Museum for much of this boundary being built up to the common boundary. The only land therefore which is not covered by buildings is the driveway along the north side of the Museum buildings and the car park area between the Robert McDougall Art Gallery and the Museum. While the contractors intend to use the car park area which is situated between the Museum and Robert McDougall Art Gallery (Site C - which is part of land leased to the Canterbury Museum Trust Board) as a construction/storage site during part of the contract, because of the building of a link between the Museum and Robert McDougall Art Gallery across this area, it will only be available for this purpose during the earlier stages of the contract. This area alone will not be sufficient for the duration of the project. Therefore there is very limited land available outside the Museum building envelope for a construction/storage site, except for the area already mentioned. These constraints have necessitated the requirement to investigate alternative sites.

1. Other areas considered:

- (i) Within the Museum building construction zone.
There is a likelihood that with efficient staging of the work a small area in the north east corner of the site will be available until reconstruction of this part of the Museum commences. The project managers do not believe however that adequate space is available to meet the needs of the major contractor required for this project.
- (ii) Car park across the road.
The project managers have considered the possibility of site storage across the road within the current metered car park area. However due to the potential for a high number of vehicle movements across Rolleston Avenue and the large cost for loss of potential revenue by the Council's Parking Unit, they believed that this is not a viable option.
- (iii) Christ's College.
There is no available space along Christ's College land adjoining the Museum's northern service lane (Marked D on the attached plan).

2. Potential Costs

The project managers believe that there is a strong likelihood that additional off-site storage and just in time delivery of required material will have a direct impact on the contract value in the order of \$60,000 - \$100,000 .

LEGAL ISSUES

The Council has power to grant a temporary easement and right of way to the site across the Botanic Gardens land under Section 48 of the Reserves Act 1977. The Botanic Gardens is classified as Local Purpose (Botanic Gardens) Reserve Pt Res 25 of 21.1374 hectares on SO Plan 11870. Section 48 (2) of the Reserves Act 1977 requires the proposed easement to be publicly advertised in accordance with Section 119 of the Reserves Act 1977 if the reserve is likely to be materially altered or permanently damaged, and the rights of the public in respect to the reserve are likely to be permanently affected. Full consideration of all objections and submissions received must be undertaken in accordance with the requirements of Section 120 of the Reserves Act 1977. Discussion on points of law have taken place between the author of this report and staff of the Department of Conservation, including their in-house solicitor, the outcome being that although the easement is only for a 2.5 year period, it is agreed that the requirements enabling the proposed easement to be not publicly advertised are not able to be met. Therefore, public advertising of the application will be necessary.

The Parks Gardens and Waterways Committee have delegated authority to make the decision on behalf of Council, (12 December 2001). If any submissions or objections are received to the proposed easement they will be heard by the Council Hearings Panel which has delegated powers to make a decision.

CONSULTATION

The project managers have indicated that they have the support of ICON (Inner City West Neighbourhood Association) for the Museum Revitalisation project overall. Arrangements will be made for the project managers to meet with the Friends of the Botanic Gardens to explain the situation. The public advertising as required by the Reserves Act 1977 will also be undertaken.

SITE ISSUES

The project managers have indicated that they intend to erect semi-permanent site hoardings around the proposed construction/storage areas which will be decorated in an appropriate manner. This could be in a similar fashion to the art gallery project where hand-painted murals were painted on the hoardings, which were well-respected by the general public. While staff agree that this will be appropriate for the site fronting onto Rolleston Avenue, they are also of the view that this is not appropriate for the site situated in the Botanic Gardens.

It is anticipated that 10 to 15 contractors' vehicles will require access to Site B on a daily basis during the term of the contract. The Museum is currently serviced via the driveway on the north side of the building adjacent to Christ's College. This driveway will be part of the construction site during the contract, and as such, will not be available for service vehicles visiting the Museum. There is a door approximately half way down the Botanic Gardens side of the Museum, through which it is intended to service the Museum during the contract period. Therefore a further 15 to 20 vehicle movements daily must be added to the former number to service the Museum. Because of the number of vehicles using the right of way, for the interests of public safety it is better to exclude the public from the driveway area during the construction period. This can be done by erecting hoardings on the edge of the lawn adjacent to the driveway, from the front gate through to the back of the proposed site adjacent to the Robert McDougall Art Gallery. This area should be large enough to enable large trucks to manoeuvre within the area. The proposed back boundary of the proposed site will be forward of the drip-line of the large tree, which is situated in the Gardens adjacent to the southwest corner of the Robert McDougall Art Gallery. This fence would be painted a recessive colour as approved by the Parks and Gardens Manager or her designate. On-site discussions have been held with the Curator of the Botanic Gardens and Parks Planning, and agreement reached that because of the high profile of the site, and its importance to the city, that the side of the fence facing the gardens should be planted in a temporary shrub border.

If approved, there will be the need to remove the existing plantings from behind the Museum to the south of Robert McDougall Art Gallery and place them on a temporary site for the duration of the contract, transplanting them back into the site after the contract is completed. Some of the plants are semi-mature trees forming a specific purpose collection, and as they have already been shifted into this site as semi-mature specimens, they may not withstand a further shift so that actual specimen replacement of equivalent size may have to be undertaken. This work will need to be undertaken by Botanic Gardens staff at the applicant's expense.

It will be necessary to temporarily remove part of the fence to the left of the main gates by the Museum into the Botanic Gardens so as to create a temporary pedestrian entrance into the Gardens passing the information board situated beside the present entrance. It will also be necessary for the paving around the information board to be extended to create a path to link up with the present pathway system. This will require removal of at least one tree. In addition, a protective barrier will need to be constructed between the driveway and the Museum to protect existing plantings (some of conservation value) along the south side of the Museum itself. This work will need to be supervised by Council staff.

It is also likely that there will be a need to remove some lower tree branches and for tree trimming to allow vehicles egress without damaging trees adjacent to or overhanging the driveway. Any such work should be undertaken under the supervision of Council staff using qualified arboriculturalists.

All costs involved to undertake the temporary site works in the Botanic Gardens will be paid for by the applicant, and will include the restoration of the site to a standard commensurate with its use as a plant display area after the contract is completed.

Staff are concerned about the condition of the driveway into the Botanic Gardens down the side of the Museum, especially if used by construction vehicles carrying heavy loads. For this reason, and the possibility of the driveway having to be reconstructed after completion of the contract, we recommend that a bond of \$25,000 be retained for the duration of the contract, if this part of the application is approved.

The proposed construction/storage site within the Botanic Gardens is not wholly welcomed by Parks and Waterways Unit staff, the Botanic Gardens being the 'flagship park' within Christchurch City. However, staff are prepared to help as an act of goodwill with the predicament the Museum finds itself in, and to ensure that future ties between the Museum and the Botanic Gardens are strengthened.

It is the practice of the Council to charge contractors a minimum site rental of \$50 a week, when they gain permission from Council to temporarily site a construction/storage area upon Council owned or administered reserve land to undertake work upon adjacent properties. Staff are of the opinion that, because of the civic nature of the project, only the minimum charge should be made. However because it is proposed to use two sites, the charge of \$100 per week should be made if both sites are approved, ie \$13,000 for the two and a half year contract.

CONCLUSION

Staff are of the view that the temporary use of the Rolleston Avenue frontage to the Museum for a construction storage site while not ideal, will not affect the operations of the Botanic Gardens, and as such are recommending that this be approved.

However, we also expect that there will be opposition from some members of the public to the proposed site in the Botanic Gardens, and as such have detailed conditions that should be attached to this part of the application if it is approved.

Staff

Recommendation: That the Christchurch City Council give public notice of its intention to grant to the Canterbury Museum Trust Board pursuant to section 48 (1)(a) of the Reserves Act 1977 an easement over:

- (a) approximately 240 square metres of the Botanic Gardens on the Rolleston Avenue frontage as shown on the attached plan marked "Site A" for a period of 2.5 years from January 2004–July 2006 and
- (b) approximately 850 square metres of the Botanic Gardens on the south side of the Museum and Robert McDougall Art Gallery as shown on the attached plan marked "Site B" for a period of 2.5 years from January 2004–July 2006

subject to the following conditions:

1. The consideration of any objections or submissions the Council may receive and subsequent approval by the Minister of Conservation.
2. The easement terms being negotiated by the Property Manager in consultation with the Greenspace Policy and Leasing Administrator.

3. All costs associated with processing and obtaining approval for the application, resulting temporary site development, and reinstating the area back to its former condition to the satisfaction of the Parks and Gardens Manager or her designate be the responsibility of the applicant.
5. Before any work commences on the site, discussions are to be held with the Parks and Gardens Manager's designate, the Policy and Leasing Administrator to ascertain the Council's requirements through the development phase of the construction of the facility.
6. If Site A only is approved, a bond of \$2,000 is to be paid. If both Sites A and B are approved, a bond of \$25,000 will be payable. In either event a site contract will be executed between the Canterbury Museum Trust Board and the Council. The bond less any expenses incurred by the Council will be refunded to the payee upon the completion of the work.
7. A site rental for the use of each site is to be paid to the Council for the duration of the easement at the rate of \$50 per week.
8. The construction/storage areas being fenced off with semi-permanent site hoardings. Hand painted murals are to be painted on the Site A hoardings, these being approved by the Parks and Gardens Manager or her designate. The outside of the Site B hoardings are to be painted a recessive colour as approved by the Parks and Gardens Manager or her designate.
9. A temporary shrubbery is to be planted against the Site B hoardings to better integrate the hoardings into the Botanic Gardens environment at the applicant's cost.
10. The removal of the fence immediately to the left of the present entrance into the Gardens by the Museum to enable a new temporary pedestrian entrance into the Botanic Gardens to be created, and the extension of the paved area by the present information board to enable a new path to link up with the present path system in the Gardens be paid for by the applicant. This work is to include the provision of a temporary gate at this new entrance, to ensure the security of the Gardens can be maintained after hours.
11. A temporary wire fence be built along the edge of the shrub border situated up against the Museum, to protect the plantings from the construction activities, at the applicant's expense.
12. If it is found that there is a requirement to undertake some pruning of trees and shrubs within the construction/storage area, this is to be undertaken by the Council at the applicant's expense.
13. Botanic Gardens staff are to undertake the removal of all the plants necessary from Site B, and place in a storage site for the duration of the contract, planting them back into the site once the contract has been completed, at the applicant's expense. Where there is actual unavoidable loss of such plants as a consequence of such shifting, such plants are to be replaced by the applicant at a value commensurate with rarity, size and condition.

**Chairman's
Recommendation:**

That the above recommendation be adopted.