

### 3. TENDERS FOR CURATOR'S HOUSE – BOTANIC GARDENS

RR 8816

<b>Officer responsible</b> Parks Manager	<b>Author</b> Property Services Officer, Bill Morgan 3/7/10
Corporate Plan Output: Parks: Consents – Lease 9.4.8	

The purpose of this report is to acquaint the Parks and Recreation Committee with the progress made towards the acceptance of a tender for the curator's house and grounds at the Botanic Gardens and to recommend a course of action to conclude the matter.

#### BACKGROUND

The Parks and Recreation Committee resolved at its meeting on 15 September 1997 that registrations of interest be invited for alternative uses for the curator's house, Botanic Gardens. This resolution was subsequently endorsed by the Council at its meeting held on 22 September 1977.

The Council resolved at its meeting on 23 September 1998 as follows:

- (a) That a sub-committee comprising the Deputy Chairperson, Gail Sheriff, Councillors David Buist and Graham Condon be formed with power to act to accept on the tenders received for the curator's house.
- (b) That the sub-committee work with the Heritage Adviser providing heritage advice from the Environmental Policy and Planning Unit.

#### TENDERS

Tenders for the lease of the facility were called on 22 August 1998 and closed on 31 October 1998. A total of 13 were received from which three were selected as complying with the tender evaluation criteria as set out in the conditions of tender and the respective parties were subsequently interviewed by the Sub-Committee. The tender evaluation criteria as set out in section 3.4 of the conditions of tender is as follows:

*“3.4 Tender will be evaluated as to the compatibility of the proposed business use with the use of the adjacent land as Botanic Gardens.*

*Preference may be given to tenders proposing business use which is compatible with the use of the adjacent land as botanical gardens but nothing contained in this clause shall require the Council to accept a tender that is most compatible with the use of the adjacent land as botanical gardens.*

*Preference may be given to tenders proposing a business use which is compatible with the status of the premises as a group 3 listed heritage building in the proposed City Plan and the curators house conservation plan prepared by G W Lucking dated July 1996. The proposed City Plan describes retention of Group 3 listed heritage buildings as desirable and their demolition as discretionary only.”*

Other factors that needed to be considered and taken into account when evaluating the tenders were as follows:

1. The Council resolution clearly stated that registrations of interest be invited for alternative uses to that proposed in the report i.e. non residential.
2. Objective 25 in the Botanic Gardens Management Policy Document under section Amenity/Cultural Areas stated “to develop the garden of the curator’s house as a home garden to display vegetables, fruit and amenity plants that could be used in the home garden”.
3. The amount of public access engendered to the site by the tenderer’s proposal.
4. The degree of acceptable modification to the curator’s house required by the tenders proposal before operations could commence. If the building were to be used for a commercial or public use, structural strengthening would have to be undertaken to bring it up to earthquake standards. A preliminary assessment of the costs for the recommended strengthening listed in a report from Connell Wagner was \$101,000 plus GST in October 1997. This cost was for earthquake strengthening only and did not include renovation, fitout or car park construction costs, if required.

As indicated a total of 13 tenders and/or applications were received with the majority not complying with the conditions of tender either not being in the prescribed form or providing the relevant information. As a consequence, a number of the applications could have been discounted if the Sub-Committee had so wished. Eight of the 13 tenders received wished to establish and operate a business in the house. However, the majority of these did not meet the selection criteria in that they were not compatible with the use of the adjacent land as botanic gardens. Consequently three proposals were selected and considered by the Sub-Committee as follows:

“Bloomsbury” – Vanessa Kettlewell, Giles Barker  
The Friends of the Botanical Gardens  
C and N Knight, F G Perea and J G Knight

After reviewing the three proposals the Sub-Committee concluded that the best outcome for both the community and the Council was likely to be achieved by combining the best elements of the proposals from the Knight/Garcia Syndicate which proposed the use of the facility as a restaurant and the Friends of the Botanic Gardens which wished to establish a home garden around the building. Accordingly the Sub-Committee resolved that staff be requested to approach the Knight/Garcia Syndicate to determine if a workable proposal involving the Friends of the Botanic Gardens could be achieved and to report back to the Sub-Committee.

On 20 October 1998, officers met with both parties who confirmed their interest in the joint venture approach. It was clear, however, that further work was required before the Sub-Committee would be in a position to make an informed decision on the joint venture proposal and that because of

time constraints it would not be possible to finalise the proposal before the present Council went out of office and the Sub-Committee's delegated authority lapsed. In view of the above the Sub-Committee resolved:

1. That staff continue to work with the Knight/Garcia Syndicate and the Friends of the Botanic Gardens in consultation with the Sub-Committee with a view to presenting a fully costed and developed proposal to the Parks and Recreation Committee early in the new term.
2. That the remaining tenderers be advised of the above and be thanked for their interest.

#### **CURRENT POSITION**

Further discussions and meetings have been held with the parties concerned and the proposal advanced to the point where concept plans are now being prepared of a proposed garden layout providing for the appropriate facilities which will include a potting shed, a cool store, toilets and outdoor eating areas. At this point in time it would seem that the area will be managed by the Parks Unit in association with the Friends of the Botanical Gardens Society Limited with the Knight/Garcia Syndicate holding a licence to occupy part of the area for outdoor eating at such times as are agreed upon and also to have the use of the area for educational purposes. In terms of funding this is still to be resolved. However it is believed that given it will be an extension of the Botanical Gardens the Council will have a responsibility to make some contribution towards its development.

With respect to the development of the house for a restaurant this is now being revised in the sense that it was originally proposed to provide for high teas but that following discussion with the officers concerned this is being varied to provide for a more casual fare. Before committing themselves fully to the project, given the amount of capital involved in completing the investigations the Knight/Garcia Syndicate are looking for a commitment from the Council that they will granted a lease of the facility on such terms and conditions as are to be negotiated and conditional upon their obtaining the appropriate resource consents.

While it is too early to conclude with certainty the exact form of the business it is considered that subject to appropriate evidence being produced and subject to any proposed alterations to the facility being acceptable, approval in principle to let the tender for the house to the Knight/Garcia Syndicate could be made with the details to be confirmed by the Parks and Recreation Committee at a later date. In the interim it is intended to continue the meetings between the respective parties and to bring back to the Committee a final proposal once agreement has been reached.

The Committee appointed the Chairman and Councillor Sheriff as a sub-committee to continue to consider this matter.

**Recommendation:** That approval, in principle, be given to grant the Knight/Garcia Syndicate a lease of the house subject to:

- (a) Satisfactory evidence being produced as to the viability of the business.
- (b) Negotiations being completed over the proposed lease terms and annual rentals to apply with these to be confirmed by the Parks and Recreation Committee.
- (c) A notified resource consent being obtained for the proposed development.

(Note: Councillor Buist declared an interest in the above item and abstained from the discussion and voting thereon.)