

**REPORT BY THE CHAIRPERSON OF THE
SHIRLEY/PAPANUI COMMUNITY BOARD
16 SEPTEMBER 2009**

PART A – MATTERS REQUIRING A COUNCIL DECISION

1. KAPUATOHE HISTORIC RESERVE MANAGEMENT PLAN REVIEW



General Manager responsible:	General Manager, City Environment Group, DDI 941-8608
Officer responsible:	Asset and Network Planning Manager
Author:	John Allen, Policy and Leasing Administrator

PURPOSE OF REPORT

1. The purpose of this report is to seek a resolution from the Council to approve the Draft Reviewed Kapuatohe Historic Reserve Management Plan (separately attached as **Attachment 1**) to be put out for public consultation for a minimum period of two months, pursuant to the requirements of section 41(6) of the Reserves Act 1977.
2. To request the Council, in accordance with the requirements of section 41(5A) of the Reserves Act 1977, that written suggestions prior to the formulation of the draft review of the existing management plan not be required because they would not materially assist to the review of the plan. This is amplified upon in section 16 below. The formal public consultation that will be undertaken will therefore be a one-stage process, not the usual two-stage process.

EXECUTIVE SUMMARY

3. A change occurred in 2006 in the way the reserve is managed. This change is reflected in the draft-reviewed plan. Before the change the Kapuatohe Historic Reserve Management Committee was responsible for managing the reserve, finance for undertaking restoration work on the buildings, and operating the museum coming from the rents paid by the tenants renting the School Master's House and Crofters Cottage. In 2006 discussions were entered into between the Council and the Kapuatohe Historic Reserve Management Committee, which cumulated in the disestablishment of the Kapuatohe Historic Reserve Management Committee, the responsibility for managing the reserve being taken over by the Council as is the case with all other reserves within the former City Council area. The Belfast Museum Trust, a registered trust, has since been established to concentrate on collecting local historic memorabilia for the Belfast District Museum, and the operation of the museum, many former members of the Kapuatohe Historic Reserve Management Committee being members of the Trust. This change had the full support of members of the former Kapuatohe Historic Reserve Management Committee.
4. One of the results of this change has been that the rents from the tenanted buildings are now used to off-set the financial requirements to run the city. The financial requirements to operate, maintain, and develop the buildings and reserve are now budgeted for through the Long Term Council Community Plan. This removes the burden of relying on the income stream from the tenanted buildings for undertaking of maintenance and restoration work required on the historic buildings, this being reflected in the draft-reviewed plan.
5. The other changes proposed in the draft-reviewed plan are:
 - (a) The strengthening of the way in which the Council manages the fabric of the existing landscape, to ensure that the composition of the trees and shrubs remains substantially the same as originally planted. The policies in the draft-reviewed plan have been strengthened to ensure the heightened awareness of this requirement when managing the reserve.

- (b) To strengthen the policies to enable an addition to be built onto the rear of the museum at some time in the future to better house the museum collection which has grown substantially since the first Kapuatohe Historic Management Plan was approved in 1992.
 - (c) The fencing off of a small area behind the former School Masters House, and the Crofter's Cottage to enable the tenants of these buildings to have a private area which they can call their "own". It is hoped that this change will assist in enabling these buildings to be tenanted, it being difficult to find suitable tenants for these premises presently.
6. There is a requirement under section 41(5) of the Reserves Act 1977 for the Council to give public notice of its intention to prepare, or review a management plan. Under section 41(9) of the Reserves Act 1977 where the Council considers any change not involving a comprehensive review of the management plan, the Council may resolve in accordance with section 41(5)(a) to not give public notice of its intention to review the current management plan. Officers have discussed the draft review of the management plan with the Belfast District Museum Trust, and have incorporated all their comments in the attached draft. Officers are therefore recommending to the Board that they formally resolve in this direction as required by section 41(5)(a) of the Reserves Act 1977.
7. Staff recommend that the Council approve the draft Kapuatohe Historic Reserve Management Plan (separately **attached**) be put out for public consultation for a minimum period of two months, pursuant to the requirements of section 41(6) of the Reserves Act 1977.

FINANCIAL IMPLICATIONS

8. The Draft Review of Kapuatohe Historic Reserve Management Plan raises three planning/development issues for consideration, which will/may have financial implications for the Council, and changes the way in which the reserve is managed in accordance with what has already occurred. The draft capital development proposals are the fencing off of a small portion behind the former School Masters House, and the Crofter's Cottage, the possible provision of an interpretative display at the entrance to the gardens, (agreed to in the 1992 Management Plan), and the possible extension of the museum building, (alluded to in the present Management Plan), to accommodate the growing museum collection.
9. The proposed fences at the back of the Former Schoolmaster's House and Crofter's Cottage are estimated to cost approximately \$3,700. The fencing costs will be able to be accommodated within existing budgets, the code being neighbourhood parks new fences.
10. Although the existing museum building is a Council asset, there is an option for the Council to lease the ground area that the possible extension would be built to the Belfast Museum Trust to enable them to build and own the extension to the building. Further discussion on this issue will be required, this being dependant on the outcome of the management plan review process. A request may be put forward to a future Long Term Council Community Plan (LTCCP) Review Process, this being dependant on the outcome of the review process and discussions with the Belfast Museum Trust.
11. The sum of \$15,000 has been allowed in the 2009/10 LTCCP to undertake work on the trees within the reserve, this includes the replacement of trees should they need to be removed.
12. The provision of an interpretative display at the entrance to the gardens was included in the previous Kapuatohe Historic Reserve Management Plan. This is still required. It has been estimated that this will cost up to \$25,000. This will need to be considered by the Council as part of the 2012/22 LTCCP.

13. The operational cost of these plans will continue to be managed within the existing operational budgets for the park.

Do the recommendations of this report align with 2009-19 LTCCP budgets?

14. Yes, as contained in the parks, open spaces, and waterways activity management plans on pages 116 to 141 in the 2009/19 LTCCP. It may be necessary for the Council to consider funding for future capital development to be made to future LTCCP Reviews, this being dependent on the outcome of the management plan review process.

LEGAL CONSIDERATIONS

15. The reviewed Kapuatohe Historic Reserve Management Plan is a statutory plan, under Section 41 of the Reserves Act 1977, and is subject to the methodology for preparing such plans set out under this section. Once the Council adopts the reviewed plan, it becomes operative, and is a legally enforceable document between the Council and its residents.
16. There is a requirement under Section 41(5) of the Reserves Act 1977 for the Council to give public notice of its intention to prepare a management plan, as set out below:
 - (5) *Before preparing a management plan for any one or more reserves under its control, the administering body shall-*
 - (a) *Give public notice of its intention to do so; and*
 - (b) *In that notice, invite persons and organisations interested to send to the administering body at its office written suggestions on the proposed plan within a time specified in the notice; and*
 - (c) *In preparing that management plan, give full consideration to any such comments received.*
17. Section 41(5A) of the Reserves Act 1977 states as follows:
 - (5A) *Nothing in subsection (5) of this section shall apply in any case where the administering body has, by resolution, determined that written suggestions on the proposed plan would not materially assist in its preparation.*
18. The review of the management plan is primarily being undertaken because of a change which occurred in 2006 on how the reserve is managed, elaborated in section 3 above. Officers have discussed the draft review of the management plan with the Belfast District Museum Trust, and have incorporated all their comments in the attached draft. Little opportunity exists for radical change to the fabric of the reserve because it is a classified Historical Reserve, the main thrust therefore being to preserve the historical content of the reserve. Staff are therefore of the view that because the effects of the proposed changes are minor of this point, coupled with this being a review of an existing plan, that public advertising for written suggestions on the proposed review of the existing plan as required by section 41(5) of the Reserves Act, would not materially assist in its preparation. Limited stakeholder consultation has taken place during the preparation of the draft plan with the Belfast Museum Trust and other Council Units who have an interest in the reserve as elaborated in sections 23, 24, and 25 below. Staff are therefore recommending to the Board that they formally resolve in this direction in accordance with the requirements of section 41(5)(A) of the Reserves Act 1977.
19. Kapuatohe Historic Reserve is a local historic reserve, the significance of which is mainly local. The Community Board therefore has delegated authority from the Council to decide upon the management plan for the reserve. This report is therefore being placed before the Community Board for a decision.

Have you considered the legal implications of the issue under consideration?

20. Yes. See above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

21. The draft plans are consistent with aiding the Council in meeting the objective in the Long Term Council Community Plan 2009-19 (Page 128 of that plan). This is to provide and manage garden and heritage parks so as to:
- (a) Strengthen Christchurch's identity as the Garden City.
 - (b) Reflect and protect the city's botanical, cultural and social heritage.
 - (c) Encourage relaxation and recreation for all.
 - (d) Ensure that park design, development and maintenance is sustainable and timely.
 - (e) Cater for visitors, educational activities and social programmes.
 - (f) Preserve heritage items and outdoor art work.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

22. In order to ensure the best management, use and enhancement of the historic values contained in Kapuatohe Historic Reserve, and contribute to meeting the objective described in paragraph 18 above, the Council has prepared a draft reviewed management plan for the historic reserve.

ALIGNMENT WITH STRATEGIES

23. The draft plan is consistent with achieving the appropriate management, use, and enhancement and retention of the historical buildings, and features on the reserve in accordance with the Heritage Conservation Policy adopted by Council in February 1999.

Do the recommendations align with the Council's strategies?

24. Yes.

CONSULTATION FULFILMENT

25. Consultation has occurred with the Belfast Museum Trust, all their comments being incorporated in the draft reviewed plan.
26. Consultation has occurred with the Heritage Section of the Strategy and Resources Group of the Council, the policy preparation work for the landscape section of the draft plan being undertaken by staff from within this section.
27. Consultation has occurred with City Housing from the Community Services Unit about present difficulties being experienced in renting the properties.
28. Consultation has not occurred with the general public to date, the reasons for which are elaborated in section 18 above. This will be formalised once the Board has considered and hopefully resolved as recommended by staff in section (a) below.

29. Subject to the ratification of recommendation (a) below, consultation will be completed in accordance with the requirements of Section 41(6) of the Reserves Act 1977. The approximate timeframe for completing the review of the management plan is set out below:

Community Board approval to advertise the draft plan	16 September 2009
Consultation Period	November/December 2009
Analyse submissions Hearing (if required)	February 2010
Preparation of final plan Community Board approval	May 2010
Council ratification	June 2010.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Resolve that in accordance with the requirements of Section 41(5A) of the Reserves Act 1977, that written suggestions on the draft review of the Kapuatohe Historic Reserve Management Plan 2009 would not materially assist in its preparation.
- (b) Approve the Draft Reviewed Kapuatohe Historic Reserve Management Plan 2009 be notified for public submissions for a period of not less than two calendar months as specified by Section 41(6)(a) of the reserves Act 1977, commencing on or about Saturday 24 October 2009.
- (c) Confirm the Council Hearings Panel to hear the public submissions is to include one directly elected member of, and one councillor appointed to the Shirley/Papanui Community Board.

BOARD RECOMMENDATION

That the Council:

- (a) Resolve that in accordance with the requirements of Section 41(5A) of the Reserves Act 1977 that written suggestions on the draft review of the Kapuatohe Historic Reserve Management Plan 2009 would not materially assist in its preparation.
- (b) Approve the Draft Reviewed Kapuatohe Historic Reserve Management Plan 2009 be notified for public submissions for a period of not less than two calendar months as specified by Section 41(6)(a) of the reserves Act 1977, commencing on or about Saturday 24 October 2009.
- (c) That the Council Hearings Panel to hear the public submissions is to include Yvonne Palmer and Councillor Ngaire Button and ask that consideration be given that a Belfast resident be the third member of the Hearings Panel.

BACKGROUND

30. Kapuatohe Historic Reserve Management Committee managed the reserve before 2006 when the management of the reserve was transferred to the Christchurch City Council. This committee was derived out of the Belfast School House Action Committee, this former committee being instrumental in getting the Department of Lands and Survey to support the transfer of the control and management of the property to the Waimairi County Council. One condition of this transfer was that satisfactory arrangements were to be made for the restoration and maintenance of the schoolmaster's house with the Belfast School House Action Committee. What occurred was that the responsibility for managing the reserve, specifically the historic buildings and shortly after this the museum was given to the Kapuatohe Historic Reserve Management Committee.