

HERITAGE AND ARTS COMMITTEE AGENDA

FRIDAY 4 FEBRUARY 2011

AT 9AM

IN COMMITTEE ROOM 1 CIVIC OFFICES, 53 HEREFORD STREET

Committee: Councillor Helen Broughton (Chairperson),
Councillors Sally Buck, Barry Corbett, Yani Johanson, Glenn Livingstone.

**General Manager
Strategy and Planning**
Michael Theelen
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- PART A - MATTERS REQUIRING A COUNCIL DECISION**
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4. 2. 2011

1. APOLOGIES

2. PROPOSED TERMS OF REFERENCE

| | |
|-------------------------------------|--|
| General Manager responsible: | General Manager, Strategy and Planning Group, DDI 941-8281 |
| Officer responsible: | General Manager, Strategy and Planning Group |
| Author: | Mike Theelen, General Manager, Strategy and Planning Group |

PURPOSE OF REPORT

1. Attached are the proposed Terms of Reference for the Heritage and Arts Committee (**Attachment 1**). The Committee is asked to consider these and to recommend their adoption to the Council.

EXECUTIVE SUMMARY

2. The format of the Terms of Reference adopts a standard format across each of the Council Committees. The intention of the Council is that the Committees are largely policy focussed, within the agreed strategy and policy frameworks adopted by the Council.
3. The Heritage and Arts Committee has an extended range of delegations which are included in the Terms of Reference. These specifically address the role of the Committee in considering and approving Heritage Incentive Grants, establishing Heritage Covenants, and considering and approving variations to Covenant Council conditions. One change that has been introduced is that for grants in excess of \$100,000, the Committee will consider the application, and make a recommendation to the Council. Previously the entire grant application went direct to the Council.
4. In addition to the Council's Grant Scheme, the Committee will also have appropriate delegation governing buildings receiving grants from the Canterbury Earthquake Heritage Fund. This also has covenant elements included in it, and these where relevant, will be in favour of the City Council. These will then be administered by the Committee on behalf of the Council.

STAFF RECOMMENDATION

It is recommended that the proposed Heritage and Arts Committee 2010-2013 Terms of Reference be adopted.

4. 2. 2011

3. ELECTION OF DEPUTY CHAIRPERSON

4. BRIEFINGS

- (i) Briefing by General Manager, Regulation and Democracy Services - Requests for demolition or substantial modification to listed heritage buildings.
- (ii) Briefing by Programme Manager, Liveable City - Update on earthquake damaged heritage buildings.

5. DEPUTATIONS BY APPOINTMENT

Nil.

6. REVISED HERITAGE GRANT APPROVAL – ‘ST. JOSEPHS’, 18 WINCHESTER STREET, LYTTLETON

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|-------------------------------------|--|
| General Manager responsible: | General Manager, Strategy and Planning Group, DDI 941-8281 |
| Officer responsible: | Programme Manager, Liveable City |
| Author: | Brendan Smyth, Heritage, Architecture and Urban Design |

PURPOSE OF REPORT

1. The purpose of the report is to obtain approval for a 15 Year Limited Conservation Covenant to be entered into for St Josephs Catholic Church, 18 Winchester Street, Lyttleton (**Attachment 1**), as a condition of grant approval. To effect this decision the Heritage Grants and Covenants Committee decision, condition (b), on 3 August 2009 that a Full Conservation Covenant be entered into is to be revoked.

EXECUTIVE SUMMARY

2. The Heritage Grants and Covenants Committee approved a Heritage Incentive Grant for St Joseph's Catholic Church on 3 August 2009 of \$20,238 with a full covenant being a condition of the grant approval. At the time of the grant application St Josephs had indicated they would agree to a full conservation covenant for the property. Since the Committee approval in August 2009 St Josephs have requested that a 15 year limited conservation covenant be agreed. (The Heritage Incentive Grants Operational Guidelines require a full conservation covenant where grants over \$50,000 are approved, the minimum requirement is in this case therefore a limited covenant). This requires Committee approval to amend the previous condition Part (b) of grant approval relating to the covenant.
3. 'St Josephs Catholic Church' was largely designed by the notable New Zealand architects Messrs Mountfort and Bury and constructed in 1865. The contractors for the interior woodwork and fittings were the England Brothers'. It was the first Catholic church in Lyttelton and catered for a congregation of 400. East and west transepts were later added in the same style as the nave. From 1869 to 1921 the church also housed the Catholic school until the purpose built school was completed to the west of the church. The school was upgraded in the 1980's but closed in 2008. The church is now the main cultural and social centre for the Catholic congregation and community in Lyttelton. The building is registered as Category II by The New Zealand Historic Places Trust and is listed in Schedule IV of the Banks Peninsula District Plan as a Protected Building.
4. The approved grant will ensure the future protection and continuing use of this significant heritage building.

Scope of works

5. The scope of works remains as previously approved by the Committee. A summary of conservation, maintenance and Building Code compliance works include:
 - (a) Roofing repairs.
 - (b) Stonework repairs including replacement and/or repair of cracked stone (further investigation is required to establish the full extent, cause and required repairs to this component of the proposed works but a sum of up to \$12,000 is recommended as appropriate).
 - (c) Stonework re-pointing and cleaning.
 - (d) Removal of the existing protective glazing, repairs to the window surrounds and the installation of new protective glazing.
 - (e) Re-painting of the timber windows.
6. A total grant of \$20,238 was approved by the Committee in August 2009 based on a proposed work programme worth \$50,595. It was initially planned to phase the work over a two year time frame, Phase 1 to consist of the work to the roof and to the windows with Phase 2 dealing with the stonework repairs. The Grant for Phase 1 would be 40 per cent of \$24,825, which is \$9,930 while Phase 2 would be for 40 per cent of \$25,770, which is \$10,308. It is unclear how the 4 September 2010 earthquake and the consequent damage to the building will effect this phasing but it is envisaged that the above work will still be required in conjunction with earthquake repair work.

6 Cont'd

FINANCIAL IMPLICATIONS

7. There are no financial implications of this revised report as the grant amount has not changed from the previous approved amount approved by the Heritage Grants and Covenants Committee in August 2009.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

8. Yes. The Heritage Incentive Grant budget is an annual fund provided for in the 2006-16 LTCCP.

LEGAL CONSIDERATIONS

9. A full Conservation Covenants is required where the Council grant exceeds \$50,000. While a full covenant was initially agreed with the Church they have now revised this position and requested a limited covenant for a period of 15 years. This is in line with Council Policy and the Council cannot in this instance insist on a full covenant for the site. It is appropriate that a Limited covenant be registered against the property title for a period of a minimum of 15 years to ensure that no demolition or partial demolition can occur.

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

10. Yes. Covenants are a more comprehensive form of protection of the buildings because they are registered against the property title, ensuring that the Council's investment is protected.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. The Heritage Incentive Grants Scheme is aligned to the Community Outcome 'An Attractive and Well-designed City'. This provides for, among other things, ensuring "*our lifestyles and heritage are enhanced by our urban environment*". The success measure is that "*our heritage is protected for future generations*". Heritage Incentive Grants contribute towards the number of protected heritage buildings, sites and objects, which is the measure under the outcome.
12. One of the objectives under the Strategic Direction Strong Communities provides for "*protecting and promoting the heritage character and history of the city*" (Goal 7).

One of the objectives under the Strategic Direction Liveable City is to "*Maintain and enhance the quality of development, and renewal of the city's built environment, by protecting Christchurch heritage buildings and neighbourhood character.*" (Goal 4)

13. 'City Development Activities and Services' aims to help improve Christchurch's urban environment, among other things. One activity under City Development provides for Heritage Protection, which requires the Council to "*provide leadership, advocacy, resources, grants and conservation covenants to conserve and rehabilitate heritage items*". One of the Council's contributions is to ensure that the city's heritage is protected for future generations. The Council provides information, advice and funding for city heritage and heritage conservation, and will be expected to continue to do so, as part of its objective to retain heritage items.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

14. Yes.

6 Cont'd

ALIGNMENT WITH STRATEGIES

15. Alignment of the requirement for Heritage Incentive Grants and Conservation Covenants stems from the Heritage Conservation Policy which in turn is relevant to:

Greater Christchurch Urban Development Strategy (UDS)

Heritage development projects provide opportunities for increased commercial and residential activity in the City while at the same time enhancing the heritage townscape. The UDS considers heritage as an integral part of Christchurch and an aspect of growth management provided for is through the protection, maintenance and enhancement of heritage.

Banks Peninsula District Plan

Heritage protection is consistent with the Cultural Heritage provisions of the Banks Peninsula District Plan. These are detailed in chapter 14, Cultural Heritage, Objective 1, and Policies 1A and 1B, p.74.

New Zealand Urban Design Protocol

Heritage projects improve the quality and design of the urban environment by protecting the heritage of the city, which is stated in the Protocol as being an attribute of successful towns and cities. The Limited Covenants will contribute towards the implementation of the New Zealand Urban Design Protocol of March 2005 of which the Council is a signatory body.

Heritage Conservation Policy

The Heritage Incentive Grants are provided for under section 8 of the Heritage Conservation Policy. The Heritage Conservation Policy aligns with the Community Outcome "An attractive and Well-designed City" through the indicator "Number of heritage buildings, sites and objects."

The Heritage Conservation Policy is aligned with Council's Strategic Directions, Strong Communities Goal 7: *"Celebrate and promote Christchurch's identity, culture and diversity by protecting and promoting the heritage character and history of the city."* and Liveable City Goal 4 of: *"Maintain and enhance the quality of development, and renewal of the city's built environment by protecting Christchurch heritage buildings and neighbourhood character."*

The Heritage Grants Policy is aligned with the ICOMOS New Zealand Charter 1993 for the Conservation of Places of Cultural Heritage Value, which the Council has adopted. The concept of places incorporates landscape, buildings, archaeological sites, sacred places, gardens and other objects. ICOMOS considers that countries have a "general responsibility towards humanity" to safeguard their heritage for present and future generations.

Do the recommendations align with the Council's strategies?

16. Yes.

CONSULTATION FULFILMENT

17. There is no requirement for community consultation for Heritage Incentive Grants or covenants.

STAFF RECOMMENDATION

It is recommended that the Heritage and Arts Committee:

- (a) Revoke a decision of the Heritage Grants and Covenants Committee of 3 August 2009, condition part (b), to enter into a Full Conservation Covenant as a condition of grant approval for 18 Winchester Street, Lyttelton.
- (b) Approve that as a condition of grant approval for 18 Winchester Street, Lyttelton, the Council enters into a 15-year Limited Conservation Covenant under section 77 of the Reserves Act, with the signed covenant having the Council seal affixed prior to registration on the property title in accordance with the Heritage Incentives Grants Policy.

7. HERITAGE INCENTIVE GRANTS - SIX MONTHLY REPORT

| | |
|-------------------------------------|---|
| General Manager responsible: | General Manager, Strategy and Planning Group DDI 941-8281 |
| Officer responsible: | Programme Manager, Liveable City |
| Author: | Brendan Smyth, Architecture, Heritage & Urban Design |

PURPOSE OF REPORT

1. The purpose of this report is to update the Heritage and Arts Committee on the Heritage Incentive Grants and Covenants approved during the six month period 1 July 2010 to 31 December 2010 . A report is to be provided from the Committee to the Council.

EXECUTIVE SUMMARY

2. This report provides a summary of heritage grants and covenants approved during the period 1 July 2010 to 31 December 2010. Attachments are as follows:
 - Attachment 1 - New Regent Street Shops, New Regent Street
 - Attachment 2 - New Regent Street Shops, 11 New Regent Street
 - Attachment 3 - New Regent Street Shops, 4 and 6 New Regent Street
 - Attachment 4 - Former Exhibition State House, 52 Longfellow Street
 - Attachment 5 - St Mary's Church, 2 Truscotts Road, Heathcote
 - Attachment 6 - Duncan's Buildings, 135-165 High Street, 137-139 High Street
3. The Heritage Incentive Grant Fund has a budget of \$763,684 for the 2010/11 financial year. Commitments from previous years totalled \$245,167.
4. 18 grants had been approved by December 2010 with a total value of \$165,207. The Council resolved on 11 November 2010 that \$383,000 of the remaining Heritage Incentive Grant funds was to be committed to the Canterbury Earthquake Heritage Building Fund. The Council also decided to commit fifty percent of the Heritage Incentive Grant fund for the financial year 2011/12 to the earthquake fund.
5. No conservation covenant consent applications were received in this time period.
6. Statements of Heritage Significance, which have been provided as part of the decision making process for each grant application, are attached to the Committee report for reference.

FINANCIAL IMPLICATIONS

7. Heritage Incentive Grants are budgeted for on an annual basis through the Council's LTCCP. The total Heritage Incentive Grant Fund for 2010/11 was \$763,684.
8. Larger heritage maintenance and conservation projects may receive grant funding over more than one financial year. In the 2009/10 financial year the grant commitments included \$141,920 to St Paul's Trinity Pacific Presbyterian Church; the total grant of \$638,000 approved by the Council in June 2009 is to be paid over four financial years. In 2009/10 there was also a commitment to the Repertory Theatre of \$103,247; the total grant of \$213,976 is to be paid over two financial years.

| | | |
|--|---|---------------------|
| | | 2009/10 |
| Annual Budget | | \$ 763,684 |
| Commitments from previous financial year: (St Paul's Presbyterian Church) (Repertory Theatre, Kilmore Street) | \$ 141,920 \$ <u>103,527</u> | |
| | | \$(245,447) |
| Grant approvals, (01 July to 31 December 2010) | | \$ (165,207) |
| Net available funds as at 31 December 2010 | | \$ 353,030 |
| Funds made available from lapsed grants (Committee resolution 2 September 2010) | | \$ 33,688 |
| Total available funds as at 31 December 2010 | | \$ 386,718 |
| Funds committed to Canterbury Earthquake Heritage Building Fund (Council decision 11 November 2010) | | \$ (383,000) |
| Net available balance 01 January - 31 July 2011 | | \$3,718 |

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

9. Yes. The Heritage Incentive Grant budget is an annual fund provided for in the 2009-19 LTCCP.

LEGAL CONSIDERATIONS

10. Limited Conservation Covenants are required under the Heritage Conservation Policy for properties receiving Heritage Incentive Grants of \$5,000 to \$49,999. A full Conservation Covenant is required for grants of \$50,000 or more.

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

11. Yes. Covenants are a more comprehensive form of protection for the buildings because they are registered against the property title, ensuring that the Council's investment is protected. For all grants approved in the six month period 1 July 2010 to 31 December 2010, covenants have been required as a condition of grant approval where the value of the grant exceed \$5,000.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. The Heritage Incentive Grants Scheme is aligned to the Community Outcome '*An attractive and well-designed City*' (LTCCP 2009-19, page 50). 'Community Outcome 9. Development' provides for, among other things, ensuring "*our lifestyles and heritage are enhanced by our urban environment*" (page 54). One of the success measure is that "*Our heritage is protected for future generations*" (page 54). "*Progress will be measured using these headline indicators ... number of heritage buildings, sites and objects.*" (page 54). Heritage Incentive Grants contribute towards the number of protected heritage buildings, sites and objects, which is the measure under the outcome.
13. Within the 'Activities and Services' section of the LTCCP, is 'City planning and development' which aims to help improve Christchurch's urban environment, among other things. One of the activities included in 'City planning and development' is 'Heritage protection'. "*A city's heritage helps to sustain a sense of community identity, provides links to the past, and helps to attract visitors. The Council is committed to protecting the heritage of our city and works with developers, landowners and other stakeholders to conserve heritage buildings, areas and other items*" (page 187).
14. 'Heritage Protection', requires the Council to "*Research and promote the heritage of Christchurch and Banks Peninsula. Work with developers, landowners and other stakeholders to conserve heritage areas, buildings, and other items. Promote development that is sensitive to the character and heritage of the city and existing communities.*" (page 192). The Council provides information, advice and funding for city heritage and heritage conservation as part of its objective to retain heritage items.

7 Cont'd

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

15. Yes.

ALIGNMENT WITH STRATEGIES

16. Alignment of the requirement for Heritage Incentive Grants and Conservation Covenants stems from the Heritage Conservation Policy which in turn is relevant to:

- Greater Christchurch Urban Development Strategy (UDS).
- Christchurch City Plan and Banks Peninsula District Plan.
- Central City Revitalisation Strategy.
- New Zealand Urban Design Protocol.

Do the recommendations align with the Council's strategies?

17. Yes.

CONSULTATION FULFILMENT

18. There is no requirement for community consultation for Heritage Incentive Grants or Covenants.

STAFF RECOMMENDATION

It is recommended: that the Committee receive the six monthly grants and covenants report for the period 1 July 2010 to 31 December 2010.

4. 2. 2011

7 Cont'd

BACKGROUND

20. Approved Heritage Incentive Grants July to December 2010.

| Property Name and Address | Value of Grant | Date of Approval | Covenant |
|--|-------------------|------------------|------------------|
| 4 and 6 New Regent Street | \$11,654 | 5 August 2010 | Limited Covenant |
| 2 Truscotts Road, 'Church of St Mary' | \$5,692 | 2 September 2010 | Limited Covenant |
| 137-139 High Street | \$41,322 | 2 September 2010 | Limited Covenant |
| 11 New Regent Street | \$4,883 | 2 September 2010 | No |
| 3 New Regent Street | \$2,961 | 2 December 2010 | No |
| 5 New Regent Street | \$5,763 | 2 December 2010 | Limited Covenant |
| 7 and 9 New Regent Street | \$7,156 | 2 December 2010 | Limited Covenant |
| 10 New Regent Street | \$6,292 | 2 December 2010 | Limited Covenant |
| 13 New Regent Street | \$3,905 | 2 December 2010 | No |
| 12 New Regent Street | \$3,633 | 2 December 2010 | No |
| 16 - 22 New Regent Street | \$25,572 | 2 December 2010 | Limited Covenant |
| 24 New Regent Street | \$5,476 | 2 December 2010 | Limited Covenant |
| 25 New Regent Street | \$4,128 | 2 December 2010 | No |
| 28 New Regent Street | \$3,617 | 2 December 2010 | No |
| 30 New Regent Street | \$6,586 | 2 December 2010 | Limited Covenant |
| 35-37 New Regent Street | \$7,705 | 2 December 2010 | Limited Covenant |
| 153 Gloucester (Corner of New Regent St) | \$14,235 | 2 December 2010 | Limited Covenant |
| 52 Longfellow Street, Beckenham | \$4,627 | 2 December 2010 | No |
| Total | \$165, 207 | | |

4. 2. 2011

8. CONSERVATION COVENANT – 68 MANCHESTER STREET

To be separately circulated.