

24. REPORT OF THE RESERVES HEARINGS PANEL TO COUNCIL ON THE REVIEW OF THE KAPUATOHE HISTORIC RESERVE MANAGEMENT PLAN

General Manager responsible:	General Manager City Environment Group, DDI 941-8608
Author:	Kapuatohe Historic Reserve Management Plan Hearings Panel

PURPOSE OF REPORT



1. The purpose of this report is to seek the approval of the Council to adopt the Draft Reviewed Kapuatohe Historic Reserve Management Plan as the operative plan. (Note: this item was deferred from the 23 July Council meeting with all attachments separately circulated.)

EXECUTIVE SUMMARY

2. A draft Reviewed Kapuatohe Historic Reserve Management Plan was prepared in 2009. The Shirley/Papanui Community Board resolving that prior consultation as required by section 41(5) of the Reserves Act 1977 not being required in accordance with the requirements of section 41 (5A) of the Act. The Shirley/Papanui Community Board approved the public release of the draft plan for consultation at their meeting on 16 September 2009. The draft plan was available for public consultation from 10 October 2009 to 14 December 2009. A total of eight submissions were received, of which only one wished to be heard in support of their submission.
3. A hearing was held on Wednesday 1 February 2010 where one submitter made an oral submission. The Panel reconvened on Friday 5 March 2010 to deliberate and decide on the extent to which submitters' objections and comments will be allowed or accepted or disallowed or not accepted.
4. The recommendations of the Hearings Panel have been incorporated into the revised Management Plan and are shown on the documents both in tracked changes format (**Attachment 1**) and clean copy (**Attachment 2**).

FINANCIAL IMPLICATIONS

5. The Management Plan contains a number of projects that will be put forward for consideration in the 2012-22 LTCCP. The plan clearly states that the projects are subject to approval through the LTCCP process.

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

6. Yes, as above.

LEGAL CONSIDERATIONS

7. The Management Plan has been prepared in accordance with the requirements of the Reserves Act 1977.

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

8. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. The Kapuatohe Historic Reserve comes under the activities of Gardens and Heritage Parks in the LTCCP and Activity Management Plans. Funding of \$15,000 is available this financial year for tree removal and replacement. Funding of \$5,000 is also available in the current LTCCP for tree removal and replacement in the 2010/11 year.

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

10. Yes, as above.

12. 8. 2010

24. Cont'd

ALIGNMENT WITH STRATEGIES

11. Council strategies relevant to the management plan include Biodiversity Strategy 2008, Climate Change Policy 1995, Draft Climate Smart Strategy 2010-2025, Parks and Waterways Access Policy 2002, Safer Christchurch Strategy 2005, Safer Canterbury Creating Safer Communities Design Guide 2005, Christchurch City Council Dog Control Bylaw 2008, Ihutai Management Plan 2004, Draft Public Open Space Strategy 2010-2040, Christchurch City Council Heritage Conservation Policy 1988.

Do the recommendations align with the Council's strategies?

12. Yes.

CONSULTATION FULFILMENT

13. Yes, consultation has exceeded the requirements of the Reserves Act 1977.

RESERVE HEARINGS PANEL RECOMMENDATION

That the Kapuatohe Historic Reserve Management Plan Hearings Panel, with the powers of Council delegated to it to hear and determine submissions and objections in relation to the preparation, review and change of management plans for reserves pursuant to Section 41 of the Reserves Act 1977 recommends that the Council:

- (a) Approves the Draft Reviewed Kapuatohe Historic Reserve Management Plan, with the changes shown as tracked changes in the draft plan and incorporated in the final version of the plan, as the operative plan.

FURTHER RECOMMENDATION

- (b) The Hearings Panel recommends to the Council that the following clauses be added to the Kapuatohe Historic Reserve Management Plan (on pages 11 and 15 of the track-changed version respectively):

"3.9 TREE MANAGEMENT POLICIES:

3.9.1 Where any tree in the area covered by this management plan is identified as a risk to public safety due to the state of that tree, required maintenance work shall be undertaken, or the tree removed, subject to Policy 3.9.3 below, in order to mitigate this risk.

3.9.2 Any large trees that are identified as an immediate risk to public safety, due to over-maturity or the like, shall be isolated by an appropriate barrier and warning signs pending removal and replacement of these trees.

3.9.3 For the areas covered by this management plan that are classified historic reserve under the Reserves Act 1977, the prior consent in writing of the Minister of Conservation shall be obtained prior to the cutting or removal of indigenous trees and bush, as required by the part of section 42 subsection (1) of this Act this action not being delegated to local authorities such as the Council.

4.7 TREE MANAGEMENT

The area covered by this management plan includes a range of vegetation, with most of this exotic species, with some indigenous species, which have been planted more recently, it not being known if the propagation material (seeds, cuttings) for these plants was sourced locally or not. The first tree planting occurred over one hundred and forty years ago, two of the tree specimens, being of this age. These two trees are magnificent specimens having grown into large trees.

12. 8. 2010

24 Cont'd

Management of the trees in Kapuatohe Historic Reserve is under the control of the Council, and has been undertaken, and is continuing to be undertaken, according to the Council's standard practices of management, including managing the health and safety implications of the trees. The trees in this Reserve will be subject to the Council's Tree Policy once it is operative."

- (c) It is recommended that the last sentence of the fourth paragraph in the preface to the draft plan be replaced with the following sentence.

The Reserves Hearings Panel under delegated authority from the Council determine if submitters views should or should not be included in the plan making these recommendations to the Council.