

6. DRAFT PANEL REPORT TO THE GARDEN OF TANE SCENIC RESERVE MANAGEMENT PLAN HEARINGS PANEL

General Manager responsible:	General Manager City Environment, DDI 941-8608
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PURPOSE OF REPORT

1. The purpose of this report from the Hearings Panel is to seek approval from the Council that the revised Garden of Tane Scenic Reserve Management Plan be approved as the operative plan.

EXECUTIVE SUMMARY

2. At its meeting on 14 May 2009 the Council received a report from the Akaroa/Wairewa Community Board of 8 April 2009 recommending to the Council that it approve the release of the draft Garden of Tane Scenic Reserve Management Plan 2009 for public consultation. The report and accompanying recommendations from the Board were submitted to the Council meeting on 14 May 2009 as a report from the Chairperson.
3. The Council adopted the Board's recommendations, and further resolved:
 - (a) That the outcome of the consultation process be used to inform the 2012-22 LTCCP Programme
 - (b) That the Hearings Panel comprise Councillor Reid (Chair), Councillor Corbett, and Board member Pam Richardson, and that the Council Secretary and the Chair of the Hearings Panel be authorised to amend the panel should it be necessary.
4. The draft Garden of Tane Scenic Reserve Management Plan 2009 was publicly notified and open for public submissions from 17 June 2009 to 24 August 2009, for a period of not less than two calendar months as specified by Section 41(6)(a) of the Reserves Act 1977. A total of 38 submissions were received (five submissions were received from groups), supporting, opposing or making requests for action by the Council in relation to the area covered by the draft plan. Twelve submitters indicated that they wished to present their verbal submissions in support of their written submissions.
5. The hearing of submissions commenced on 21 and 22 September 2009. The key items raised in the submissions were the exclusion of exotic tree replacement planting, the lack of emphasis on the associated heritage values of the reserve and structures that once occupied the site. There was reference to the importance of the preservation of the mature exotic tree heritage and the loss of the former Domain character (the reserve openness and playground area) and there was a desire to retain the rocking horse in working order.
6. The Hearings Panel adjourned after Hearing submissions and then reconvened to consider all the submissions and the changes to the draft plans in relation to the submissions. The Hearings Panel had before it, copies of all the submissions in a summary spreadsheet listing key submitter comments and staff responses to these, including suggestions for changes to the draft plan. The Hearings Panel discussed all the submissions, made decisions and requested additional information regarding the rocking horse, walking tracks, potential open areas and commemorative trees to be provided at the next Hearings Panel deliberations meeting.
7. The Hearings Panel reconvened on the 9 October 2009. The Hearings Panel had before it the minutes and decisions of the first meeting of the Hearings Panel and the requested additional information. The Hearings Panel reviewed the additional information and made decisions regarding the outstanding items. The Hearings Panel decisions to change and/or amend the draft plan based on the submissions included:
 8. *Exotic Tree Replanting and Vegetation*
Eighteen submitters called for exotic tree planting to occur to ensure that the historical significance of the mature exotic trees is retained and that the existing mix of both native/exotic tree species is maintained. The submitters noted that exotic tree specimens are a significant part of the history of the reserve and character of Akaroa. The draft plan did not identify replacement planting of the mature exotic tree species.

The hearings panel agreed to amend the draft plan to include the following:

- (a) Amend policy so that replacement plantings of same or similar exotic tree species occurs.
- (b) Amend the Vision for the management plan to emphasis management of both exotic and native species and preserving heritage values.
- (c) Change any reference within the draft plan to include the preference of management of both exotics and native species.
- (d) Additional policies regarding the maintenance and management of specimen trees and vegetation, including a policy for the propagation of historic commemorative trees species.
- (e) Additional appendix of exotic specimen trees, based on an existing site tree survey.

9. *Heritage Values*

Twelve submissions commented on the heritage values of the reserve. Submissions noted the lack of emphasis on heritage values in particular the lack of exotic tree replacement, which are important features of the reserve and hold significant heritage and in some cases commemorative value to both the reserve and the Akaroa community. Submitters commented on the lack of acknowledgement to the historical features that once occurred on the reserve (summer house, fountain, grotto, etc) and the historic Domain character of the reserve.

The hearings panel agreed to amend the draft plan to include the following:

- (a) A policy to develop a heritage interpretation plan that investigates opportunities to highlight the historic features and values of the reserve.
- (b) A policy that all new structures (site furniture, signs, fences etc) shall be sympathetic to the heritage and natural setting and not detract form the character of the reserve. Amend references within draft plan regarding structures to be in keeping with the heritage values of the reserve.
- (c) A policy to acknowledge the maintenance and preservation of the commemorative plaques and trees.
- (d) Supporting text and images regarding heritage values and an appendix list of commemorative trees and plaques.

10. *Pathways*

Eleven submissions received commented on the need to maintain pathways and to update some of the alignments of the existing tracks.

The hearings panel agreed to amend the draft plan to include the following:

- (a) Edit the Indicative Development Plan to realign necessary tracks.
- (b) Add additional maintenance policies around the continual maintenance of the reserve, erosion and tracks.

11. *Disused Toilet Block*

Nine submissions commented on the existing toilet building, eight submitters called for a toilet to be located in the Garden of Tane, either utilising the existing toilet block or constructing new toilet structure. One submitter agreed that the existing toilet block should be demolished, but asked for a toilet to be considered within the area. The draft plan recommended the removal of the disused toilet block and suggested not to replace it. The location of toilets should be considered for the overall Akaroa Township to determine the most appropriate location; this is deemed to be outside the scope of this management plan.

The hearings panel agreed to amend the draft plan to include the following:

- (a) Amend indicative development plan to remove the reference to recommend to remove the existing disused public toilet block and not replace.

12. *Open areas and playground*

Seven submissions raised concerns over the lack of openness/ views into the reserve. Seven submitters called for the retention, enhancement, or referred to the existing playground as an asset to the reserve. Six submitters support the use of the reserve for passive recreation (playing and picnicking). The draft plan stated that the playground would be removed when the equipment can no longer be repaired and replaced with play equipment within the reserve that meets Council standards or placed in an alternative location in Akaroa.

The hearings panel agreed to amend the draft plan to include the following:

- (a) Amend policy to reflect that the playground facilities would be replaced, on a 'like for like basis', and sympathetic to the natural and historic setting of the reserve.
- (b) Amend the Indicative Development Plan to show potential areas that could be managed as more open areas.
- (c) Additional policies to allow views into the playground and to retain and enhance views to the Akaroa Harbour at viewpoints/lookouts.

13. *Rocking Horse*

Five submissions called for the Rocking Horse be retained and kept mobilised. One of the five submitters, the Akaroa Area School included submissions from 14 students and a small group of students verbally presented their written submissions to the Hearings Panel for their consideration.

The rocking horse does not comply with New Zealand Safety Standard NZS5828, for the basis for installing and maintaining play equipment and the draft plan proposed to retain and immobilise the rocking horse on site to meet these standards and to mark the heritage values of the playground.

The Hearings Panel requested additional information, into the possibility of the rocking horse remaining on site in safe working order. Staff highlighted the elements of the play structure that do not meet the NZS5828 playground standards and suggested that the rocking horse could be investigated to modify the play equipment design to remain mobile, and comply with the NZS5828 standards. The Panel indicated a strong preference for the rocking horse to be retained on site, in safe working order and it is intended the investigations will involve the best endeavours to find a complying working solution.

The hearings panel agreed to amend the draft plan to include the following:

- (a) A policy to reflect that the rocking horse will return to the site, preferably in working safe order that meets the NZS5828 playground standards. If it can not be modified then it will return to site immobilised to meet the above standards.

- 14. The draft Garden of Tane Management Plan has been changed in accordance to these decisions, as seen in the attached tracked changed version of the Management Plan, March 2010 (**Attachment 1**).

FINANCIAL IMPLICATIONS

- 15. The management plan identifies 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?

16. Specific proposals in the Garden of Tane Scenic Reserve Management Plan, which are tagged with identified costs, do not align with the Long-Term Council Community Plan 2009-19, because they have not been previously raised for inclusion in the LTCCP. The management plan is the appropriate vehicle to contain these potential proposals and can be considered as part of the preparation of the 2012-22 LTCCP or a subsequent version of the LTCCP. There are therefore, no cost implications for these proposals arising from the approval of the plan.

LEGAL CONSIDERATIONS

17. The Garden of Tane Scenic Reserve Management Plan complies with the management plan review process set down in Section 41 of the Reserves Act 1977.

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

18. Yes, the plan has been prepared and reviewed in accordance with the relevant sections of the Reserves Act 1977. In particular, it is in accordance with section 41 (specifying the process of preparation of a management plan) of the Reserves Act.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

19. The Garden of Tane Scenic Reserve is a garden and heritage park activity. The management plan will assist the Council, in ensuring the best management, provision of activities and services are maintained to protect Christchurch's biodiversity, the Garden City image and to provide relaxation and enjoyment to the community.

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

20. Yes, 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) Protect and promote biodiversity, and display plant collections in locations throughout the city.
 - (e) Promote amenity and cultural uses of plants.
 - (f) Cater for visitors, educational activities and social programmes.
 - (g) Ensure that park design, development and maintenance is sustainable and timely.
 - (h) Preserve heritage items and outdoor art work.

ALIGNMENT WITH STRATEGIES

21. See below.

Do the recommendations align with the Council's strategies?

22. Yes, the Management Plan aligns with the following strategies:
- (a) Draft Open Space Strategy 2010-2040.

- (b) Physical Recreation and Sport Strategy 2002 – Objective 2.4 Physical recreation and sports programmes and activities are accessible to people with disabilities, older people, ethnic groups, parents with small children. Parks and Waterways Access Policy 2002.
- (c) Biodiversity Strategy 2008-2035.

CONSULTATION FULFILMENT

23. Yes, two periods of public consultation were undertaken during the process of preparing the draft plan. These included the initial public notification (issues gathering) in July 2008 notifying of the Council's intent to prepare the draft plan, and the notification in June 2009 of the draft plan for public comment (2 month period). Both consultations fully complied with Section 41 of the Reserves Act 1977.

STAFF RECOMMENDATION

It is recommended that:

- (a) The Hearings Panel accept the revised Garden of Tane Scenic Reserve Management Plan March 2010 (Attachment 1) attached tracked changed copy of the as the operative plan.
- (b) That the clean final Garden of Tane Scenic Reserve Management Plan March 2010 (Attachment 2) of the plan be recommended to the Council for approval as the operative plan.