

30. 9. 2010

**LYTTELTON/MT HERBERT COMMUNITY BOARD
17 AUGUST 2010**

**Minutes of a meeting of the Lyttelton/Mt Herbert Community Board
held on Tuesday 17 August 2010 at 9.35am in the Meeting Room
of the Lyttelton Service Centre, 33 London Street, Lyttelton.**

PRESENT: Paula Smith (Chairperson), Jeremy Agar, Douglas Couch, Ann Jolliffe, Dawn Kottier and Claudia Reid.

APOLOGY: An apology for lateness was received and accepted from Claudia Reid who arrived at 9.40am and was absent for Clause 14.

The meeting adjourned at 11.35am and resumed at 11.42am.

The Board reports that:

PART A – MATTERS REQUIRING A COUNCIL DECISION

1. BANKS PENINSULA COMMUNITY BOARDS RESERVE FUNDING AND DELEGATIONS



The Board considered a report regarding delegations to the Banks Peninsula Community Boards in respect of the reserve accounts and SPARC Rural Travel grants. The matter was also considered by the Akaroa/Wairewa Community Board on 11 August 2010.

The report, and accompanying recommendations from the Akaroa/Wairewa and Lyttelton/Mt Herbert Community Boards, was submitted to the Council meeting on 23 September 2010 as a joint report from the Board Chairmen.

2. LONDON STREET SCULPTURE – DEED OF GIFT

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport & Greenspace Manager
Author:	Ann Campbell, Consultation Leader Maria Adamski, Parks Contract Manager

PURPOSE OF REPORT



1. The purpose of this report is for the Council to consider a recommendation from the Lyttelton/Mt Herbert Community Board on whether to accept the offer of a proposed new artwork for London Street as a gift to the Council for the benefit of the people of Lyttelton and Christchurch on the understanding that the only cost to Council will be approximately \$500 per annum for maintenance.

EXECUTIVE SUMMARY

2. In April 2009, Council received a request from Project Lyttelton, to use a small garden plot of land next to the Lyttelton Library on London Street, (LOT 1 DP36194) for a proposed commissioned sculptural piece of art.
3. The proposal is a site specific sculpture called 'Ghost Building' and is a reinstatement of a section of an 1860s building, 'Railway Hotel', demolished in the 1970s to make way for a new Post Office on the site. The Post Office business has since relocated and the building currently houses the Lyttelton Library (refer **Attachment 1**).

2 Cont'd

4. The sculpture, one and a half metres long and seven metres high, will be cast in concrete and raised as a tilt slab construction. The concrete tilt slab will be installed and occupy the same street frontage as the original section of the original building on London Street. It is also anticipated that the artwork will be lit.
5. The sculpture is to be gifted to the Christchurch City Council for the benefit of the public at large, and this gift will be in line with the Artworks in Public Places Gift Policy. Due to the value of the artwork, Council Policy states that *“A public artwork requiring installation in an outdoor site or special security arrangements proposed for acquisition by means of unconditional gift or bequest and valued over \$10,000 shall be approved by the Council upon the recommendation, based on a report from the Public Artworks Team, to the relevant Standing Committee/s.”* The relevant Standing Committee at the time the policy was adopted was the Arts, Culture & Heritage Committee. Please note at the time of writing this report funding for the project is still unconfirmed.
6. The Banks Peninsula Art in Public Places Policy states *“Responsibility for overseeing the implementation of this policy will belong to the Community Boards through the 'Art in Public Places Working Party', which will meet as necessary.”* *“The Art in Public Places Working Party will evaluate and decide on proposals received from either, external sources or, initiated by Council staff and elected representatives.”*
7. The Public Artworks Team and the Arts Culture & Heritage Standing Committee (Council policy), and the Art in Public Places Working Party (BPDC policy) no longer exist. Therefore Council staff members Maria Adamski (Parks Contract Manager, Transport and Greenspace Unit) and Marlene Le Cren (Arts Advisor, Art Gallery Unit) have considered this proposal and advise that artistically, and from a future maintenance perspective, the sculpture would be consistent with other artworks throughout the city.
8. The artwork has also been checked against the Guidelines for Evaluation of Proposals in the Banks Peninsula Art in Public Places Policy and meets a majority of the criteria. Where it does not, these will be covered under any conditions of approval for the artwork.

FINANCIAL IMPLICATIONS

9. The budget for the artwork, including installation and consents, is \$70,000. These costs will be fully covered by Project Lyttelton, however, at the time of writing this report funding for the project is still unconfirmed. Council staff have also received a funding application from Project Lyttelton for this project which will be subject to a future report coming to the Community Board.
10. There are no costs to Council initially; however there will be ongoing maintenance costs, approximately \$500 per year for cleaning which will be incorporated into the Fountain, Clocks and Statues operational budget.

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

11. Yes, provision for maintenance is included under Gardens and Heritage Parks on Page 128 of the 2009-19 LTCCP.

LEGAL CONSIDERATIONS

12. The land in question is owned by the Christchurch City Council and is classified as Fee Simple, LOT 1 DP36194, and managed by the Libraries and Information Unit. They are aware of the plans for the sculpture on the London Street site and have no objections to the placement.
13. A resource consent and a building consent are required for this project. These will be obtained and all costs covered by Project Lyttelton.
14. Lyttelton Township is now registered as an historic area (New Zealand Historic Places Trust). The Accidental Discovery Protocol will be in place during installation and any other issues will be addressed in the consent application.

2 Cont'd

15. If Council accept this artwork, Christchurch City Council Legal Services will draw up a Deed of Acknowledgement of Gift.
16. Previous legal advice has indicated that when a Banks Peninsula District Council policy still exists and there is also a Christchurch City Council policy that covers the same matter, then both policies should be read and applied together.
17. The policies being applied in this matter are:

Artworks in Public Places Gift Policy (Christchurch City Council)
Art in Public Places Policy (Banks Peninsula District Council)

Neither policy is being completely applied, so in essence the Council will be acting inconsistently with the policies. Section 80(1) of the Local Government Act 2002 states:

"If a decision of a local authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any plan required by this Act or any other enactment, the local authority must, when making the decision, clearly identify—

- (a) the inconsistency; and*
- (b) the reasons for the inconsistency; and*
- (c) any intention of the local authority to amend the policy or plan to accommodate the decision.*

18. In this instance it is not considered that the decision is "significantly" inconsistent as the inconsistency relates to the proposal not being considered by committees and working parties which no longer exist under the current Council structure. The proposal has however been considered by Council staff with the appropriate expertise, and is also being considered by the Community Board.

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

19. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

20. Community support - Strengthening Communities Activity Management Plan

Identify essential projects that support, develop and promote the capacity and sustainability of community recreation, sports, arts, heritage and environment groups with relevant government agencies, community and voluntary organisations.

21. Parks, Open Spaces and Waterways Garden and Heritage Parks Activity Management Plan

Preserve and conserve heritage items and outdoor art work. Provision of these assets enhance Christchurch's Garden City image and protects the heritage items vested with the council in public spaces, and provides open space art works acquired through gifting and Development Contributions.

22. LTCCP 2009-19: Parks, Opens Spaces and Waterways – Page 117

- (a) Community – by providing spaces for communities to gather and interact*
- (b) Environment – by enabling people to contribute to projects that improve our environment*
- (c) Recreation – by offering a range of recreational opportunities in parks, open spaces and waterways*
- (d) Knowledge – by providing opportunities to learn through social interaction and recreation*

2 Cont'd

23. LTCCP 2009-19: Cultural and Learning Services – Page 161

- (a) *Recreation – by providing and supporting a range of arts, festivals and events*
- (b) *Knowledge – by providing artworks, exhibitions and other resources.*

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

24. Yes - as per above.

ALIGNMENT WITH STRATEGIES

25. Arts Policy & Strategy - Operational Procedures (Artworks in Public Places Gift Policy, Appendix 8)
Art in Public Places Policy (Council and former BPDC)

Do the recommendations align with the Council's strategies?

26. The recommendations align with the above policies, but are not totally consistent with those policies, as outlined under Clauses 17 and 18 above.

CONSULTATION FULFILMENT

27. The initiative for this project came from the community and the Council's role has been an advisory one. Process followed by Project Lyttelton has been in line with Council Art in Public Places procedures, but Council has not had an input into budget, brief development or selection of artwork.
28. Project Lyttelton has met with a number of Council staff since 2007, and have gained advice as to how to proceed with the project. In the earlier stages it was hoped to incorporate this project with the London Street upgrade, however this did not eventuate.
29. In June 2008, a member of Project Lyttelton presented their proposal to the Community Board for their information. At that time the project was being proposed by the Lyttelton Harbour Basin Community Arts Council.
30. In July 2009, Project Lyttelton arranged for the commission of an artwork for the site following discussions with Council staff around the original process. Following this process Mark Whyte was selected as the artist.

STAFF RECOMMENDATION

It is recommended that the Lyttelton/Mt Herbert Community Board confirm its view on the offer of a new artwork for London Street as a gift to the Council for the benefit of the people of Lyttelton and Christchurch, and recommend that the Council accept the artwork, subject to the following conditions:

- (a) Confirmation of funding for the total cost of the project being produced by Project Lyttelton, including written confirmation of funding promises, both from "in kind" sponsors and also any promises of cash, prior to construction and installation.
- (b) That the project meet all Council Art in Public Places requirements and this documentation be forwarded to the Parks Contract Manager prior to any work being undertaken.
- (c) That Council has a representative involved in the installation process.
- (d) That Project Lyttelton obtain the necessary resource consents and building consents at its cost, before commencing installation of the artwork.

2 Cont'd

BOARD CONSIDERATION

The Board was concerned at reports that there was a lack of public awareness in the local community about this project, although the sponsors had consulted through the Lyttelton Harbour Network and the Lyttelton Business Association.

The Board acknowledged that it was not standard practice to consult on public artworks, but felt that the public needed to be well informed, and that the test for support in the community would come through the fundraising process.

Board members still wanted some assurance that the Lyttelton community was well informed about the project, and it was suggested that an extra condition be added to the recommendation, seeking confirmation from the project manager regarding public information.

BOARD RECOMMENDATION

The Board confirms its view on the offer of a new artwork for London Street as a gift to the Council for the benefit of the people of Lyttelton and Christchurch, and recommends that the Council accept the artwork, subject to the following conditions:

- (a) Confirmation of funding for the total cost of the project being produced by Project Lyttelton, including written confirmation of funding promises, both from "in kind" sponsors and also any promises of cash, prior to construction and installation.
- (b) Confirmation of public awareness of the project.
- (c) That the project meet all Council Art in Public Places requirements and this documentation be forwarded to the Parks Contract Manager prior to any work being undertaken.
- (d) That Council has a representative involved in the installation process.
- (e) That Project Lyttelton obtain the necessary resource consents and building consents at its cost, before commencing installation of the artwork.

PART B - REPORTS FOR INFORMATION

3. DEPUTATIONS BY APPOINTMENT

3.1 ELIZABETH GRAHAM

Ms Graham addressed the Board regarding the proposed London Street Sculpture expressing concern that there is a perceived lack of consultation and awareness of the proposed artwork within the Lyttelton community.

Ms Graham expressed a view that the sculpture is an implied reinstatement of a portion of an older Lyttelton building frontage, when she believes it is actually an ~~inappropriate~~ imitation from a photo, in the form of a concrete slab. She raised questions regarding the height of the sculpture and its effect on the tree growing directly behind where it would be located. She also noted the ~~loss of site proposed is~~ the only garden fronted building in the business section of London Street where the sculpture would be accommodated, ~~the funding from Council for the maintenance of the sculpture and the criteria used for the Deed of Gift process to date.~~ **She said reference to the funding application for the project in paragraph nine appeared to contradict paragraph one, that the gift was to be made on the understanding that the only cost of Council would be maintenance.**

Ms Graham said she believed the effect on the appearance of the existing Library building, adjacent to the sculpture, would be ~~inappropriate~~ **very detrimental**.

(Clause 2 of these minutes refers)

Note: (Amended as per meeting 28 September 2010).

4. CORRESPONDENCE

Nil.

5. PRESENTATION OF PETITIONS

Nil.

6. NOTICES OF MOTION

Nil.

7. MINUTES OF THE ALLANDALE RESERVE MANAGEMENT COMMITTEE MEETING HELD 20 APRIL 2010

The Board **received** the minutes of the Allandale Reserve Management Committee meeting held 20 April 2010.

8. MINUTES OF THE LYTTELTON RECREATION GROUND RESERVE MANAGEMENT COMMITTEE MEETING HELD 13 JULY 2010

The Board **received** the minutes of the Lyttelton Recreation Ground Reserve Management Committee meeting held 13 July 2010.

The Board suggested that the presentation given to it on 30 March regarding the Lyttelton Marina Foreshore improvements, also be presented to the Committee for its information.

9. NEW ZEALAND COMMUNITY BOARDS' BEST PRACTICE AWARDS 2011

The Board **received** a report seeking its views as to whether it wishes to submit any entries to the New Zealand Community Board Conference Best Practice Awards 2011.

10. BRIEFINGS

Nil.

11. COMMUNITY BOARD ADVISER'S UPDATE

The Board **received** information from the Community Board Adviser on forthcoming Board related activities and projects. Specific mention was made of the Board funding balances, Customer Service Requests for the period 1 May 2010 to 31 July 2010 and correspondence received.

- **July Update on Local Capital Projects:**

- Greater Christchurch Urban Development Strategy**

- The Board noted that a revised action plan is being prepared for consideration and adoption by UDS Partners and that the plan will be presented to Council in September 2010.

- The Board **decided** to request that Council endorse Action 2 under Outstanding Landscapes (Section 6.13.4 of the Greater Urban Development Strategy - Page 88) to "develop a Lyttelton Whakaraupo Landscape Protection programme". Members wanted to ensure that this action survived the review process.

11 Cont'd

Christchurch Transport Plan

The Board **decided** to request staff to provide information on how the Christchurch Transport Plan (to be considered by the Council in 2011) will fit with the Environment Canterbury Transport Plan.

(Refer also Clause 19)

12. BOARD MEMBERS' INFORMATION EXCHANGE

Specific mention was made of the following matters:

- **47 Dublin Street, Lyttelton**
The Board received information that the historical value of the building on this property had been questioned by members of the community, and that after further investigation, which was currently being undertaken by staff, a further report would come to the Board.
- **Head to Head Walkway**
The Board **decided** to request a meeting with staff to discuss the strategic overview and the agreement of priorities for the Head to Head Walkway project.
- **Environment Canterbury – Christchurch Area Committee**
The Board was informed that enquiries made with Environment Canterbury had established that the Christchurch Area Committee had been disbanded without notification to its members, some of whom were representatives from Christchurch Community Boards.

The Board **decided** to consult other Community Board Chairpersons regarding the disestablishment of this Committee as members were concerned at the loss of the Committee and questioned why something that was working well, should be disbanded.

- **Sumner Road Inspection**
The Board **decided** to request information on the inspection done by Fulton Hogan on the Sumner Road, as reported in a local community newspaper.

13. QUESTIONS UNDER STANDING ORDERS

Nil.

PART C - REPORT ON DELEGATED DECISIONS TAKEN BY THE BOARD

14. CONFIRMATION OF MEETING MINUTES

14.1 The Board **resolved** that the minutes of its ordinary meeting held on 13 July 2010 (both open and public excluded sections) be confirmed, subject to the following amendment:

Page 8, Item 2 Board Recommendation (b) second line:

Delete "Clause 3.3.2 (c):"

Insert "Clause 3.3.2:"

15. KEEP NEW ZEALAND BEAUTIFUL CONFERENCE 2010 – BOARD MEMBER ATTENDANCE

The Board considered a report on whether to appoint a Board member to attend the Keep New Zealand Beautiful Conference 2009 and Annual General Meeting in Gisborne from Friday 17 September to Sunday 19 September 2010.

The Board **resolved** not to send a representative to the 2010 Keep New Zealand Beautiful Conference and Annual General Meeting.

16. ESTABLISHMENT OF A LYTTELTON/MT HERBERT YOUTH DEVELOPMENT SCHEME 2010/11

The Board considered a report seeking approval from the Board to set aside \$2,000 from its 2010/11 Discretionary Response Fund for the purpose of establishing a Youth Development Scheme.

The Board **resolved** to:

- (a) Establish a Youth Development Scheme for the 2010/11 year.
- (b) Approve the transfer of \$2,000 from the Lyttelton/Mt Herbert Community Board's 2010/11 Discretionary Response Fund to the Lyttelton/Mt Herbert Youth Development Scheme.
- (c) Adopt the following activities and criteria when considering applications to the Lyttelton/Mt Herbert Youth Development Fund:
 - Personal Development and Growth - for example leadership training, career development, Outward Bound, Spirit of Adventure, extra curricular educational opportunities.
 - Representation at Events - applicants can apply for assistance if they have been selected to represent their school, team or community at a local, national or international event or competition. This includes sporting, cultural and community events.
 - Age groups 12-20 years.
 - Projects must have obvious benefits for the young person and if possible the wider community.
 - Only one application permitted per year.
 - Applicants should be undertaking other fundraising activities and not relying solely on Community Board support.
 - Successful applicants will be required to report back on their experiences and benefits to the Community Board.

Chairperson Paula Smith voted against the motion, as she believed that the practice of granting funds to individuals was contrary to the principles of the Strengthening Communities Strategy.

17. APPLICATION TO LYTTELTON/MT HERBERT DISCRETIONARY RESPONSE FUND – DIAMOND HARBOUR AND DISTRICTS CROQUET CLUB

The Board considered an application for funding from Diamond Harbour Districts Croquet Club of \$690 to the 2010/11 Lyttelton/Mt Herbert Community Board Discretionary Response Fund.

The Board **resolved** to grant \$540 to Diamond Harbour and Districts Croquet Club for the Tree Trimming and Grounds Tidying project.

18. APPLICATION TO LYTTELTON/MT HERBERT YOUTH DEVELOPMENT SCHEME – TEONE KAHU

The Board considered a report requesting funding of \$360 from its Youth Development Scheme for TeOne Kahu towards the cost of the National Manu Korero.

The Board **resolved** to grant \$200 from its 2010/11 Youth Development Scheme to TeOne Sonny Hohepa Te Rangi Kahu towards the National Manu Korero.

Chairperson Paula Smith abstained from voting.

19. COMMUNITY BOARD ADVISERS UPDATE - continued

19.1 CANTERBURY REGIONAL PEST MANAGEMENT STRATEGY SUBMISSION

The Board considered its draft submission to the Canterbury Regional Pest Management Strategy review, as circulated with the agenda.

The Board **resolved** to adopt the submission to the Canterbury Regional Pest Management Strategy Review.

The meeting closed at 11.50am.

CONFIRMED THIS 14TH DAY OF SEPTEMBER 2010.

PAULA SMITH
CHAIRPERSON

'Ghost Building'

Proposal for a Public Artwork in London street
Lyttelton

Mark Whyte 2009

Lyttelton is a unique settlement, as a cross-section of architectural styles, dating back to the fire of the 1860's, has been retained. This has led to the recent registration of Lyttelton Township as Historic Area under the Historic Places Act 1993.

My proposal is a site specific sculpture called 'Ghost Building' and is a reinstatement of a section of building demolished in the 1970's to make way for a new post office on the site. The Post office has since moved out and the building is currently the Lyttelton Library. The building demolished was formerly the 'Railway Hotel'.

The Ghost Building proposal has a conceptual and contemporary edge in that it is to be cast in concrete and raised as a 'tilt slab' construction. A section of building 1.5 metres long and 7 metres high will be made from timber to match the exact dimensions and

detailing as the same section of the original structure. A mould will then be taken out of which a concrete copy will be cast. The concrete tilt slab will be installed and occupy the same street frontage as the original section of the original building on London street. A number of buildings of the same vintage have fortunately survived and are close by. I envisaged the 'Ghost building' sculpture would draw attention to these remaining structures from the late 1800's, a kind of memorial to Lyttelton's historic past.

During the Lyttelton Lights Festival a changing wash of different coloured light would stand out on the plain concrete surface.

The work would be low maintenance, any painted graffiti being easily removed from the concrete surface by way of paintstripper and waterblasting.

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ATTACHMENT TO CLAUSE 2

