7. POU WHENUA FOR SUTTON RESERVE AND PONY POINT – DEED OF GIFT

General Manager responsible:	General Manager City Environment, DDI 941 8608
Officer responsible:	Transport & Greenspace Manager
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PURPOSE OF REPORT

1. The purpose of this report is for the Board to consider, and make a recommendation to the Council on, whether to accept the offer of proposed Pou Whenua (carved posts marking ancestral associations between the tangata whenua and the land) for Sutton Reserve (Ohinehou) and Pony Point Reserve (Otuherekio) as a gift to the Council for the benefit of the people of the Inner Harbour and Christchurch on the understanding that the only cost to Council will be approximately $700 per Pou Whenua per annum for maintenance.

EXECUTIVE SUMMARY

2. At the Lyttelton/Mt Herbert Community Board meeting of 28 September 2010, Noeline Allan and Caine Tauwhare, of Whakaraupo Carving Centre, made a deputation and outlined to the Board their proposal for the carving and installation of Pou Whenua on Sutton Reserve and Pony Point Reserve (**Attachments 1, 2 and 3**). The Board requested information from staff regarding the proposal and the placement of the pou at Sutton Reserve.

Proposal

3. The vision of the Whakaraupo Carving Centre is to uphold the Tino Rangatiratanga (Maori authority) of Whakaraupo (Lyttelton Harbour), Horomaka (Banks Peninsula) me Ngai Tahu tikanga (customs) and Whakairo (carving). One of the ways they hope to achieve this is in the crafting and installation of a series of Pou Whenua within Whakaraupo / Lyttelton Harbour. The intention is to use a traditional medium to mark these significant sites for Maori on the land and to hold their stories in a traditional manner.

4. The construction of the Pou will be a learning tool for the trainees attending the Wananga (training centre) and an educational tool for the people living and visiting Whakaraupo/Lyttelton. This work will make sure the stories are brought forward, ensuring they are not lost; rather they will be given new life by being made available to current generations and those who come in the future.

5. By placing Pou Whenua at these important sites within the harbour, the sites will be publicly acknowledged for what they truly represent; in doing so it will be a genuine bicultural acknowledgement of the histories and ancient stories contained within the harbour basin.

6. In addition the completed works will be a vehicle to:

   (a) inform and educate residents;

   (b) be an educational tool for schools and community groups;

   (c) form the basis of a guided / unguided tourist attraction which will support the economic well-being of the area;

   (d) give honour to the past and those that have gone before.

7. The current application is for the installation of Pou Whenua on Sutton Reserve and Pony Point Reserve for the following reasons:

Sutton Reserve

8. This reserve was formerly an old Pa site and also the place where Maori held a market and sold fruit and vegetables to the early settlers. Therefore it has traditionally been a place where people have come together. This site is high profile and readily accessible to both residents and visitors to the town. A Pou Whenua on this site would provide recognition of the Maori history within the town.

Pony Point

9. As noted in the recently published Ngai Tahu Deeds by Atholl Anderson, this site is one which in pre European times hosted a Pou Whenua. Europeans when they arrived may have mistaken it to have significance similar to a flag pole. The Pou was situated on the point above Rapaki Pa Otuherekio. In recognition of the tradition of Pou Whenua being sited here and in respect to the Tipuna (ancestors) who chose this place for this purpose, there is a wish to acknowledge them and the tikanga that supported this original decision by re-erecting a Pou Whenua on this land.

10. The Pou Whenua are 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.

11. 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".*

12. The Public Artworks Team and the Arts, Culture & Heritage Standing Committee (CCC Policy), and the Art in Public Places Working Party (BPDC Policy) no longer exist. Therefore, Council staff members Maria Adamski (Parks Contract Manager, Transport & Greenspace Unit), Marlene LeCren (Arts Advisor, Art Gallery Unit) and Paula Rigby (Maori Arts Advisor, Art Gallery Unit) have considered this proposal and advise that artistically, and from a future maintenance perspective, the Pou Whenua would be consistent with other artworks throughout the city.

13. The artwork has also been checked against 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 for the approval of the artwork.

FINANCIAL IMPLICATIONS

14. The budget for the artwork, including the installation, is $27,000.00. These costs will be fully covered by Whakaraupo Carving Centre, and at the time of writing this report funding had been secured for the project. Whakaraupo Carving Centre have requested that resource and building consents are waivered and are not included in the above budget.

15. There are no costs to Council initially, however, there will be ongoing maintenance costs, of approximately $700.00 per annum and approximately $5–$10,000.00 every 10 years for the cost of recoating in paint and oils.

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

16. Yes, provision for maintenance is included under Garden and Heritage Park on page 128 of the 2009-19 LTCCP. A maintenance plan/schedule is expected at handover and this would be a requirement of the works.

LEGAL CONSIDERATIONS

17. The area known as Sutton Reserve is legal road. A building consent at Sutton Reserve will be applied for as part of the implementation process. No other legal issues have been identified.

18. Pony Point Reserve is held as Recreation Reserve under the Reserves Act 1977 and zoned Regional Park under the Banks Peninsula District Plan. No resource or building consent requirements have been identified.

19. No other legal issues have been identified.

20. If the Council accept these Pou Whenua, the Christchurch City Council standard Deed of Acknowledgement of Gift will be prepared.

21. 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.

22. The policies being applied in this matter are:

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

23. Neither policy is 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.

24. 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?

25. Yes, as per above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

Community Support – Strengthening Communities Activity Management Plan

26. 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.

Parks, Open Spaces and Waterways – Garden and Heritage Parks Activity Management Plan

27. 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.

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28. (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) Knowledge – By providing opportunities to learn through social interaction and recreation.

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29. (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?

30. Yes – as above.

ALIGNMENT WITH STRATEGIES

31. Arts Policy & Strategy – Operational Procedures (Artworks in Public Places Gift Policy, Appendix 8); Art in Public Places Policy (CCC and former BPDC).

Do the recommendations align with the Council's strategies?

32. The recommendations align with the above policies, but are not totally consistent with those policies, as outlined under Clauses 23 and 24 above.

CONSULTATION FULFILMENT

33. The initiative for this project has come from Whakaraupo Carving Centre and the Council's role has been an advisory one.

34. Whakaraupo Carving Centre has met with Council staff and have gained advice as to how to proceed with this project.

35. In September 2010, Noeline Allan and Caine Tauwhare from Whakaraupo Carving Centre presented their proposal to the Lyttelton/Mt Herbert Community Board.

36. Whakaraupo Carving Centre has undertaken consultation with local tangata whenua, Te Hapu o Ngati Wheke, who have confirmed that they would like the Pou on Pony Point to be on the Council side of the reserve. The Port Company has received information and provide their support for the project including a request to be involved in or help organise any event to celebrate the installation of the Pou at Sutton Reserve.

STAFF RECOMMENDATION

It is recommended that the Lyttelton/Mt Herbert Community Board confirm its view on the offer of the Pou Whenua for Sutton Reserve and Pony Point Reserve, as a gift to the Council for the benefit of the people of Lyttelton and Christchurch, and visitors to the area, and recommend that the Council accept the artwork, subject to the following conditions:

(a) That the project meet all Council Art in Public Places requirements and this documentation be forwarded to the Parks Heritage Contracts Manager prior to any work being undertaken;

(b) The Council has a representative involved in the installation process;

(c) That the Whakaraupo Carving Centre Trust obtain necessary resource consents and building consents at its cost before commencing installation of the artwork;

(d) That the Whakaraupo Carving Centre Trust is responsible for ensuring that it or the contractors it engages will locate all services presently laid underground in either park before commencing installation (electricity, telephonic, sewerage, storm water, high pressure water supply and irrigation);

(e) That the Pou Whenua include a plaque for each work stating the name of the carving, date and artist/s. Any additional interpretation is to be discussed and approved separately;

(f) That the acceptance of the Pou Whenua is subject to confirmation by the Council of final positioning.