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**AKAROA/WAIREWA COMMUNITY BOARD
21 AUGUST 2008**

**A meeting of the Akaroa-Wairewa Community Board
was held on Thursday 21 August 2008 at 9.30am**


PRESENT: Stewart Miller (Chairman), Jane Chetwynd, Bryan Morgan,
Pam Richardson and Eric Ryder

APOLOGIES: An apology for absence was received and accepted from
Claudia Reid.

The Board reports that:

PART A – MATTERS REQUIRING A COUNCIL DECISION

1. TAKAPUNEKE – GREENS POINT DECLARATION OF LAND FOR RESERVE

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1. The Community Board considered a report under Part C of this meeting, seeking approval to declare that land known as Greens Point in Red House Bay Akaroa, to be an Historic Reserve.
 2. The Board, on 19 February 2008, formally resolved to change the classification of the Takapuneke Reserve from Local Purpose (Historic) Reserve to Historic Reserve, and public notice of this was given concurrent with notice of the intent to declare the land known as Greens Point to be an Historic Reserve. The Community Board has the delegation (except the hearing of submissions/objections) in relation to the “change of classification or purpose or revocation of a reserve (s.24 and 24A Reserves Act)” and importantly, also following notice under the Reserves Act 1977, to declare land to be a reserve.
 3. A total of ten supportive submissions were received to the public notice. No objections to the proposal were lodged. As submissions had been received, a hearings panel was established and a formal Reserve Act hearing was held on 26 May 2008. A full transcript of proceedings along with the determination and recommendations of the Panel is **attached**.
 4. The hearings panel formally recommended to the Board that, on the basis of objections and submissions received, the proposal to declare the Greens Point land to be an Historic Reserve was appropriate and that the Akaroa/Wairewa Community Board was free to resolve to so declare the land if it wishes to do so.
 5. The Hearings Panel also made additional recommendations to the Board for consideration. Staff in turn included those recommendations for consideration by the Board and Council, as the Board does not have the delegated authority to act on the recommendations.

STAFF RECOMMENDATION

It is recommended that the Council implement the “Recommendations of the Hearings Panel at clause 7”, namely:

- (i) That all the land described in the above determinations (6.1.4 and 6.2.4) be named as “Takapuneke Historic Reserve”, and that this name be passed to the New Zealand Geographic Board for adoption, and that the Minister of Conservation be advised accordingly.
- (ii) That the Council acknowledge the great work of many people over many years in bringing the history of Takapuneke to this current stage of formal and deserved recognition.
- (iii) That the Council plan a formal celebration to mark the occasion of the current Takapuneke Reserve and Greens Point land becoming an Historic Reserve at an appropriate time.
- (iv) That the Council allocate resources to the development of a Conservation Plan and a Management Plan for the whole area of Takapuneke and Britomart Reserve for the 2009-12 work programme.

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- (v) That the Council acknowledge the offers of assistance from many submitters to be involved in the work of Conservation and Management Plans, and that the Council plan to include these agencies in the group(s) that would develop these Plans.
- (vi) That the Council acknowledge the wish of the submitters to have the waste water treatment works removed from the site in due course, and to achieve if possible the eventual inclusion of all the original land areas within the Takapuneke Historic Reserve.
- (vii) That the Council continue to enact the February 2006 resolution of the Banks Peninsula District Council, *(to obtain written evidence of the historical background of all three Historic Reserve areas to enable an Order-in-Council to be approved to make Greens Point, Takapuneke Reserve and the Britomart Historic Reserve into a National Reserve)* acknowledging also the wish of the submitters to have the whole area, including Britomart Reserve, elevated to National Historic Reserve status, and that the Council allocate resources to supporting the process of achieving that status in the future.
- (viii) That the Council acknowledge the wish of the submitters to have the name Takapuneke applied to the whole area including the Britomart Reserve, and that this matter be given full and appropriate consideration in the lead up to the development of the Conservation Plan and Management Plan for the whole area.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

PART B – REPORTS FOR INFORMATION

2. DEPUTATIONS BY APPOINTMENT



2.1 Akaroa District Promotions - Showers and Barbeque Area at Akaroa Beach

Ms Hollie Hollander, Marketing Executive for Akaroa District Promotions presented a letter to the Board requesting that consideration be given for a shower to be situated near the grassed area of the beach and also that a coin operated barbeque be installed.

It was pointed out that a shower would require a timer system and water restrictions would be imposed over the summer if the water supply became critical, in which case the shower would not be in service. The meeting was informed that staff were already investigating the installation of a shower. Members felt that a plan of the beachfront grassed area, including the nearby public conveniences should also be investigated.

It was suggested that this matter could be raised with staff at the Board Seminar to be held on 25 August.

2.2 Akaroa District Promotions - Ellerslie International Flower Show 2009

Ms Hollie Hollander, Marketing Executive for Akaroa District Promotions presented a letter to the Board requesting financial support for Akaroa to participate in the Ellerslie International Flower Show in March 2009.

Ms Hollander said she had been approached by the organisers of the Flower Show with a request for Akaroa to participate. She said approximately \$9,000 was required to present a flower bed, which had already been designed around local themes. Ms Hollander said she would be approaching Christchurch Tourism and Akaroa District Promotions for financial support, but was also seeking some financial assistance from the Board. She explained to members her idea for a garden display and that marketing displays would be permissible as part of the presentation.

Members supported this idea and asked that staff look into funding avenues for the project.

3. CORRESPONDENCE

3.1 Akaroa Lighthouse Preservation Society

The Board considered a letter from the Akaroa Lighthouse Preservation Society regarding the removal or trimming, of an old man pine between the Akaroa Cruising Club and the Akaroa Lighthouse.

Members were informed that a Council arborist had made an assessment of the tree and had reported there were no structural safety concerns at present. The tree would be pruned when an arboricultural crew next visited Akaroa.

Members expressed their concern that if the tree fell towards the Akaroa Lighthouse it could damage parts of the historic building that were irreplaceable, such as some of the glass in the structure. It was pointed out that old man pine limbs were dangerous, as they were known to drop for no reason.

The Board **decided** to request that an on site meeting be arranged with staff, representatives of the Akaroa Lighthouse Preservation Society, the Akaroa Cruising Club and Council's roading unit to discuss this problem.

4. BRIEFINGS

4.1 Mr Poma Palmer - Department of Conservation

Mr Palmer addressed the Board on the Conservation Management Strategy (CMS) that the Department of Conservation is developing for Canterbury. He said the CMS is a ten-year plan which guides the Department of Conservation in its management of conservation places, values and issues. He said the Department of Conservation sees the Board as the contact for the wider community and asked members to encourage the public to make comment on the review. The draft document will be available on the Website.

Items discussed were:

- management programme for the increasing seal numbers
- wilding pine numbers on Banks Peninsula
- water quality of Lake Forsyth (Te Wairewa)
- fencing issues of DOC reserves

4.2 Pat Creasy (Canterbury Neighbourhood Support) and Belinda Barrett-Walker (Junior Neighbourhood Support)

Mr Creasy and Ms Barrett-Walker addressed the Board and presented a number of items for members' information.

Mr Creasy and Ms Barrett-Walker explained some of the benefits of Neighbourhood Support; it encouraged people to meet each other and to get to know their neighbours, and the potential to use the programme in the event of a civil defence or pandemic incident. Basically, it establishes a framework that can be used and adapted to best suit peoples needs.

The purpose and focus of the Junior Neighbourhood Support Programme was also explained to members. The programme operates through schools and was already successfully functioning in three Community Board areas in Christchurch. At present this programme was aimed at Year 1 to year 8 students.

Board members suggested that the programme could be promoted to all schools on Banks Peninsula at the same time, through a combined sports event, as this would help with the cost of delivering the programme to each individual school.

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5. COMMUNITY BOARD ADVISER'S UPDATE

The Community Board Adviser updated the Board on a number of issues:

- Proposed Waste Management Bylaw - It was questioned what the definition of 'household' stood for in Item 11 of the bylaw. Staff were asked to seek clarification on this and request that a definition of 'Household' be included in the Interpretation section Bylaw.
- Wheelie Bin Kerbside Collection Trail - Members were invited to attend the trial of the new wheelie bins on the steep streets around Lyttelton on 16 September.
- Public Toilets - cleaning issues - this item to be discussed at the Board Seminar to be held on 25 August.
- NZ Community Boards' Executive Committee Conference - Best Practise Awards. Members were informed that some of the Boards in Christchurch had employed the help of professional services through their Discretionary Funds to assist them to enter a project. Board members were not in favour of such applying public funds to this purpose.
- Monitoring our Management of Banks Peninsula Landscape Report Discussion Paper - Members were asked to submit their comments on this paper to the Chairman or Community Board Adviser.

6. ELECTED MEMBERS INFORMATION EXCHANGE

Members shared information on current issues and activities, including:

- Le Race - Change of Ownership - Meeting with Events Manager to be held on Tuesday 9 September.

The Board decided that Eric Ryder and Jane Chetwynd should represent the Board at this meeting.

- Akaroa District Promotions' Website - Members were informed that churches, community groups etc could be included on a link to this commercial website, however, the cost of joining the website was preventing any groups from doing so. It was suggested that the Small Projects Fund may be a source of revenue for these groups.

PART C – DELEGATED DECISIONS

7. CONFIRMATION OF MINUTES

The Board **resolved** that the minutes of the ordinary meeting held on Thursday 17 July 2008 be confirmed.

8. TAKAPUNEKE - GREENS POINT DECLARATION OF LAND FOR RESERVE

The Board considered a report seeking its approval to declare the land known as Greens Point in Red House Bay, Akaroa to be an Historic Reserve.

The Board **resolved** that the Akaroa-Wairewa Community Board acting under delegated authority declare:

- (a) under Section 14 of the Reserves Act 1977 the land known as Greens Point Akaroa and described as Lot 1 on Deposited Plan 73274, comprised in Certificate of Title CB 42B/680 having an area 4.0611 hectares and Lot 3 on Deposited Plan 73274, comprised in Certificate of Title CB 42B/682 having an area of 1741m² be an Historic Reserve pursuant to Section 18 of that Act and
- (b) that the consent of the Department of Conservation be sought

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9. APPLICATION TO THE AKAROA-WAIREWA COMMUNITY BOARD'S YOUTH DEVELOPMENT SCHEME - NATHAN PRYOR

The Board considered a report regarding the allocation of funds from the Community Board's 2008/09 Youth Development Scheme Discretionary Fund to Nathan Pryor. It was pointed out that funds could only be allocated to an applicant once in any financial year.

The Board **resolved** to allocate \$350.00 from the 2008/09 Youth Development Scheme Discretionary Funds to Nathan Pryor to assist with his participation in the Australian Open Taekwondo Championships in Sydney.

10. AKAROA MUSEUM ADVISORY COMMITTEE MINUTES - 3 JULY 2008

The Board expressed concern regarding a full sprinkler system not being installed in the new storage building for the Museum due to variable water pressure. The Board asked that this issue be investigated by staff and that funding be sought so that a full sprinkler system could be installed at the time the building was being constructed.

The Board **received** the minutes of the Akaroa Museum Advisory Committee held on 3 July 2008.

11. NEW STANDING ORDERS

The Board considered a staff report on the new Standing Orders for the Christchurch City Council, which were adopted at the Council meeting on 24 July 2008.

It was felt a casting vote was not necessary as if the Board could not reach a majority decision then more investigation into the matter was probably required.

The Board **resolved** the Chairman, or any other person presiding at meetings of the Akaroa/Wairewa Community Board and its committees and subcommittees, shall **not** have a casting vote in the case of an equality of votes.

12. APPLICATION TO THE AKAROA-WAIREWA COMMUNITY BOARD'S DISCRETIONARY RESPONSE FUND - AKAROA BOATING CLUB INC.

Board Member Eric Ryder declared a pecuniary interest in this item and left the room for the duration of the discussion and resolution.

The Board considered a report regarding the allocation of funds from the Akaroa/Wairewa Community Board's Discretionary Response Fund to the Akaroa Boating Club Inc. for financial assistance to repair and upgrade the existing launching deck at the Boatshed.

There was considerable discussion on this item as there was concern from Board members that there were probably more appropriate funding sources for a project such as this, rather than the Board's Discretionary Response Fund. It was pointed out that this building was not owned by the Council and the general public did not, as of right, have access to the facilities.

Board members were also concerned about whether the Club would be able to proceed with the project in this financial year, if it was unable to raise the total funding required.

The Board **resolved** that \$5,000.00 from the Board's Discretionary Response Fund be allocated towards the upgrade of the Akaroa Boating Club's facilities, subject to:

- (a) Staff being unable to establish any alternative funding sources.
- (b) The Boating Club providing evidence that the project will proceed in the current financial year, as indicated in the application.
- (c) The Boating Club obtaining a second quotation for the required work.

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Board Member Bryan Morgan asked that his vote against this motion be recorded.

Board members noted that the Akaroa Boatshed, which the Akaroa Boating Club owned and operated, was an iconic Akaroa landmark and a significant historic building. As such its maintenance and preservation were important to everyone, not just Club members, who had the onerous task of trying to finance any required work. It was questioned whether Council could enter into an arrangement with the Club, as had been done in other instances, whereby public funds could be applied towards the maintenance and upgrading of the facility. Public access to the facility could be negotiated as part of such an arrangement. Staff were asked to investigate options available for the Council to foster such an arrangement.

13. COMMUNITY BOARD ADVISERS UPDATE – Continued

13.1 Character Housing Grants Panel

The Board **resolved** to appoint Board Member Bryan Morgan to the Character Housing Grants Panel for the 2007/2010 triennial term.

13.2 Duvauchelle Reserve Management Committee - Manager's Residence

The Board **resolved** to support the Duvauchelle Reserves Management Committee in it's proposal to build a manager's residence on the Duvauchelle Reserve.

The meeting concluded at 1:05 pm.

CONFIRMED THIS 18TH DAY OF SEPTEMBER 2008

**STEWART MILLER
CHAIRMAN**

UNDER The Reserves Act 1977

IN THE MATTER OF Proposed resolutions to declare land a reserve under Section 14 of that Act, and to change the classification of a reserve under Section 24 of that Act

BY the Christchurch City Council

DECISION AND RECOMMENDATION OF THE HEARINGS PANEL OF THE CHRISTCHURCH CITY COUNCIL

DATE OF HEARING: At Akaroa on 26 May 2008 at 11am.

PANEL MEMBERS: Stewart Miller (Chair)
Councillor Yani Johanson
Councillor Claudia Reid

LAND AFFECTED: Takapuneke Reserve and Green Point Endowment Land, Akaroa

SUBMITTERS: George Tikao, Te Rūnanga o Onuku
David Higgins, Te Rūnanga o Ngāi Tahu (TRoNT)
Elizabeth Cunningham
Helen Brown, NZ Historic Places Trust
John Wilson, Christchurch
Paul Dingwall, Akaroa Civic Trust
Victoria Andrews
Jim Sunckell, Friends of Akaroa Museum

PERSONS IN SUPPORT AND OTHERS IN ATTENDANCE: Peter Clayton, Te Rūnanga o Onuku
Marama Higgins, Ngāi Tahu Whānui
Karen Murphy, TRoNT
Meri Robinson, Ngāi Tahu Whānui
Robert Tutuki-Tewharau, Ngāi Tahu Whānui
Trevor Howse, Ngāi Tahu Whānui
Milly Robinson, Ngāi Tahu Whānui
Takerei Norton, TRoNT
Gilbert Glausius, Akaroa Civic Trust
Ashley Spice, Akaroa Civic Trust
Steve Carswell, Akaroa Civic Trust
Angus Davis
Chad Huddleston
Lynda Wallace, Akaroa Museum and Civic Trust
Jane Chetwynd, Akaroa/Wairewa Community Board

CHRISTCHURCH CITY COUNCIL: David Rowland (Property Consultant)
Joe McCarthy (Hearings Adviser)

1. INTRODUCTION

In accordance with the delegation given to it, in respect of the Reserves Act 1977 (the "Act"), the Panel considered submissions received on resolutions made or proposed to be made under Sections 14 and 24 of the Act.

2. BACKGROUND

The Christchurch City Council owns land at Red Bay, Akaroa known as Green Point and Takapuneke. This land is adjacent to and beyond the Britomart Reserve, along Beach Road. A map (Attachment 1), shows the sites that are briefly described below.

The Green Point land is endowment land (4.2Ha approx) and has no reserve status. The Takapuneke land is also endowment land; it is currently a Local Purpose (Historic) Reserve (9.6Ha approx). Beyond Takapuneke Reserve the council owned waste water treatment works is located on fee simple land and appears to also occupy small areas of adjoining reserve land plus legal road. The treatment works was built in the late 1960s.

The Green Point land and the Takapuneke Reserve land were purchased by the Council in the mid 1970s. A part of the Green Point land, 2864m² inclusive of a dwelling, was subsequently sold to a private owner. A refuse tip (now closed) was established at the top of the Takapuneke Reserve land in the mid 1970s. A former immigration barrack is also on the site.

The Green Point land has a total area of 4.2352 hectares being Lot 1 on Deposited Plan 73274 having an area of 4.0611 hectares comprised in Certificate of Title CB42B/680, along with 0.1741 m² being Lot 3 on Deposited Plan 73274 and comprised in certificate of Title CB42B/682.

The Takapuneke Reserve land has an area of 9.6087 hectares being Lot 1 on Deposited Plan 76825 and comprised in Certificate of Title CB40A/795.

Because of their historical significance these lands have been the subject of substantial awareness from the Banks Peninsula Council and its predecessor Councils in recent years, and more latterly from the Christchurch City Council. Awareness of their significance has created a wish to have them designated as Historic Reserve.

On 8 February 2006 the then Banks Peninsula District Council passed the following resolution:

"That Council instruct staff:

- (i) in terms of the Reserves Act 1977, to initiate the making of Green Point into an Historic Reserve and change the classification of Takapuneke Reserve from Local Purpose (Historic Site) Reserve into an Historic Reserve (as is the adjacent Britomart Historic Reserve).*

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(ii) *To obtain written evidence of the historical background of all three Historic Reserve areas to enable an Order-in-Council to be approved to make Green Point, Takapuneke Reserve and the Britomart Historic Reserve into a National Reserve.*

(iii) *That a Management Plan be prepared for the three Historic Reserves."*

These matters were further reported to the Christchurch City Council on 4 October 2007 at which time the Council resolved to:

- (a) Authorise Council staff to apply to the Minister of Internal Affairs pursuant to section 140(4) of the LGA, seeking his approval for a change in the endowment purposes for which Greens Point land may be used from an "endowment in aid of Council funds" to an endowment to facilitate and support firstly, the use of the land at Greens Point as an historic and/or national reserve and, secondly, the vesting of that land as an historic and/or national reserve under the Reserves Act 1977."
- (b) Authorise Council staff to apply to the Minister of Internal Affairs pursuant to section 140(4) of the LGA seeking his approval for a change in the endowment purposes for which Takapuneke Reserve land may be used from an "endowment in aid of Council funds" to an endowment to facilitate and support firstly, the use of the land at Takapuneke/Greens Point as an historic and/or national reserve and, secondly, the vesting of that land as an historic and/or national reserve under the Reserves Act 1977."

The Minister of Local Government has subsequently granted approval for the changes outlined in (a) and (b) above.

The matter was also fully reported to the Akaroa/Wairewa Community Board on 19 February 2008. At its meeting of that date the Board resolved, under delegated authority, *pursuant to Section 24 of the Reserves Act 1977 to change the classification of that land known as the Takapuneke Reserve being all that land containing 9.6087 hectares being Lot 1 on deposited Plan 76825 and comprised in Certificate of Title CB40A/795 from Local Purpose (Historic Site) Reserve to Historic Reserve, to protect and preserve in perpetuity the local and national historical, archaeological and cultural nature and interest in this site and that public notice be given of this intent.*

This resolution was reported to and received by the full Council at its meeting of 10 April 2008.

It is noted that the above resolution did not refer to the Green Point Land; the reason for this is described under relevant legislation below.

In order to give further effect to Council and Community Board resolutions public notice was given on 8 March 2008 of the intention to pass a resolution pursuant to Section 14 of the Reserves Act 1977 to have the land forming Green Point declared to be a Historic Reserve within the meaning of Section 18 of that Act, and of the proposal to change pursuant to Section 24 of the Reserves Act 1977 the existing classification of that land known as the Takapuneke Reserve from Local Purpose (Historic) Reserve to Historic Reserve.

The public notice invited submissions and objections. Ten submissions were received in response to that notification, all in support of the resolutions. The consideration of those submissions is the subject of the hearing that was held. It is noted that a number of matters raised in the submissions were beyond what the Panel had authority to determine.

The decision of this Hearings Panel makes determinations on matters that are within the Panel's authority to determine and makes recommendations on those matters, raised by submitters, that are beyond the Panel's authority to determine.

3. RELEVANT RESERVES ACT SECTIONS; DELEGATED AUTHORITIES

3.1 Takapuneke Reserve Land

The necessary process with the **Takapuneke Reserve land** is covered by Section 24 of the Reserves Act 1977. Relevant provisions of Section 24 **Change of classification or purpose or revocation of reserves** are summarised as a) to e) below in italics. Steps a) to e) also include comments on the current situation (ordinary type).

- (a) *The local authority may resolve to change the classification of a reserve. Reasons for the proposed change are to be stated in the resolution.*

This step has been achieved by the Community Board resolution of 19 February 2008.

- (b) *The local authority notifies the Commissioner that pursuant to that resolution it considers that the classification of a reserve should be changed, and provides a copy of that resolution to the Commissioner*

The decision of this Panel clears the way for this to occur. The term Commissioner is used in the legislation; the Department of Conservation (DoC) is the relevant government department.

- (c) *The classification cannot be changed until the proposed change has been publicly notified, persons claiming to be affected by the proposed change have had an opportunity to object, and all such objections have been considered by the local authority.*

While the legislative provisions for public notification refer only to submissions it is known that DoC staff expect submissions in support to be considered and reported on also. The proposed change of classification has been publicly notified, opportunity to object has been provided, all submissions (there were no objections) have been considered as part of the decision of this Panel on behalf of the local authority. The requirements of (c) have been met.

- (d) *The local authority must provide the Commissioner with a copy of all objections, and a copy of the resolution of the local authority in relation to those objections.*

The decision of this Panel clears the way for this to occur.

- (e) *the Minister will give the matter due consideration and may, in his discretion, change the classification of the reserve.*

The Minister will be in a position to do this once staff have provided the documentation described in (d) above.

The determinations and recommendations at the end of this report provide the steps necessary to complete (a) to (e) above.

3.2 Green Point Land

The necessary process with the **Green Point land** is covered by Section 14 of the Reserves Act 1977. Relevant provisions of Section 14 **Local authority may declare land vested in it to be a reserve** are summarised as (i) to (iv) below in italics. Steps (i) to (iv) also include comments on the current situation (ordinary type).

- (i) *the local authority may by resolution declare any land vested in it to be a reserve*

This step has not yet been taken; it is subject to (ii) below. The Community Board have delegated authority to pass such a resolution when it is required.

- (ii) *the resolution cannot be passed until the intention to pass the resolution has been publicly notified calling for objections, and until all such objections have been considered.*

The intention to pass the resolution has been publicly notified, objections have been called for and have been considered and are being reported on in this decision of the Hearings Panel. Once again, DoC staff expect submissions in support to also be considered and reported upon.

This decision is to be reported to the Community Board. The Board, if it considers it appropriate, will pass a resolution to declare the Green Point land as historic reserve.

- (iii) *a copy of the resolution is to be forwarded via the Commissioner to the Minister, together with all objections received (if any) and the comments of the local authority on those objections*

This can be done once the resolution is passed by the Community Board, dealing with submissions in support as well as any objections.

- (iv) *the Minister will give the matter due consideration and shall then 'in his discretion either cause the resolution to be gazetted or refuse to do so'.*

This step will follow on from (iii).

The determinations and recommendations at the end of this report provide the steps necessary to complete (i) to (iv) above.

3.3 Delegated Authority for Hearings Panel

In accordance with the delegation given to it at the ordinary Council meeting of 7 November 2007, in respect of the Reserves Act 1977, the Hearings Panel has the power to hear and determine submissions and objections in relation to the:

- declaration of land as a reserve (S.14 of the Act), and
- change of classification or purpose or revocation of a reserve (ss 24 and 24A of the Act).

3.4 Delegated Authority for Community Board

In accordance with the delegation given to it at the ordinary Council meeting of 7 November 2007, in respect of the Reserves Act 1977, the Community Board has the powers of the Council (except the hearings of submissions/objections) in relation to:

- declaration of land as a reserve (S14 of the Act), and
- change of classification or purpose or revocation of a reserve (ss 24 and 24A of the Act).

4. THE HEARING

A hearing was held on Monday 26 May 2008 at Akaroa, attended by submitters and supporters.

Following an opening karakia from David Higgins of Te Rūnanga o Ngāi Tahu (TRoNT) submissions were heard in the following order.

4.1 George Tikao, Te Rūnanga o Onuku

Mr Tikao told the Panel that while the area in question was known by various names, it had always been known to local Māori as Takapuneke. He described the site as one of great sorrow and great significance. This is why over a long period of time his people have opposed moves for development or other wrong uses of the land.

Mr Tikao reminded the Panel that some years ago Noeline Allan, former Mayor of Banks Peninsula District Council, had publicly apologised to local Ngāi Tahu for the wrongs of the past. He also said that following many meetings and continuing support from Mayor Bob Parker the area was now being recognised as having not only local significance but also national significance. He referred to the 'sad story of Takapuneke', and said it was so important because, even though no one had been buried there, the area had been covered with the bones and the blood of Ngāi Tahu people. For Ngāi Tahu the area is an **urupā**.

Mr Tikao reminded the Panel of the slaughter that had taken place in the bay in 1830, and the involvement of English people in that slaughter. The bones of those slaughtered had been gathered up and burned by a settler who had brought sheep and cattle to the bay. The ashes of the dead had been blown across the land. Because of that slaughter moves had begun that would eventually lead to the Treaty of Waitangi being drawn up. The slaughter also led to the setting up of the Confederation of Chiefs. Hence the site is very significant, and this is the story that Ngāi Tahu has been telling to Councils for some time, and this is the reason why in submissions he and his people have been asking for the site to be made a Historic Reserve.

Mr Tikao acknowledged the work of historian Harry Evison, a great friend of Ngāi Tahu, someone to whom Ngāi Tahu owes something. In doing so he noted that Mr Evison had been unable to attend the Hearing and tendered an apology on his behalf. He noted the submission of Mr Evison, the request that the area be made into an Historic Reserve, and read from parts of that submission – "what Harry has written, we agree with".

In his closing remarks Mr Tikao implored the Panel to look at the historical argument that had been put up, to understand that if one more house is built on the land the wāhi tapu will be ruined, to fully consider the history of this 'very significant site' and declare it an Historic Reserve.

In response to questions Mr Tikao confirmed to the Panel that his people agree with everything in Harry Evison's submission letter of 18 April 2008. He also asked that his people be included in all talks regarding the proposed Management Plan.

4.2 David Higgins, Te Rūnanga o Ngāi Tahu

Mr Higgins conveyed the apology of Mark Solomon, Kaiwhakahaere of TRoNT and that he was here today to represent TRoNT. He told the Panel he had come to support the whānau and the hapū of Onuku. He said that he is the Moeraki representative on the board of TRoNT and had been heavily involved in the Ngāi Tahu Claim to the Waitangi Tribunal. Moeraki is significant to today's kaupapa because the great chief Te Maiharanui had been born there. To this hearing he had brought with him his mother, also from Moeraki, in order to acknowledge that important link.

Mr Higgins told the Panel that the families of Onuku and Ngāi Tahu had had to live with what had happened at Takapuneke. While it was important to commemorate history it was also important to celebrate it. He acknowledged the work and the speech of Mr Tikao, and also acknowledged the huge work of Harry Evison.

Mr Higgins then turned to the future, asking that the work of the future must treat the site with the dignity and the respect that are deserved. He asked on behalf of TRoNT that the Council allocate sufficient resources to properly manage the reserve and to develop a proper Management Plan for it. He requested that TRoNT and the local Rūnanga be at the centre of decision making in the development of the Management Plan, and told the Panel that TRoNT would be happy to assist with this work. He noted that he had brought with him to the hearing Mr Takerei Norton, an environmental planner with TRoNT. In his view the Management Plan would ensure the co-ordination of all agencies relevant to the future management of the Reserve, for example Ngāi Tahu, Department of Conservation, NZHPT, the Christchurch City Council, the Akaroa Civic Trust, and the Akaroa Museum.

In his closing remarks Mr Higgins acknowledged the work of the Council in bringing forward the matter of the Takapuneke Reserve and pointed out that there now exists an opportunity to make a difference.

4.3 Elizabeth Cunningham, personal submission and in support of Te Rūnanga o Ngāi Tahu and Te Rūnaka o Onuku

Ms Cunningham told the Panel that she wanted to make three key points.

The first was in relation to place names. She showed to the Panel the book "Tikao Talks, Teone Taare Tikao" written by Herries Beattie and published in 1935. The book is a resource for place names in the Banks Peninsula area. She told the Panel that Council representatives should read this book and acknowledge the names that are within it. She appealed to the Panel to ensure that 'our names stay'. Ms Cunningham told the Panel that this book is used in the history departments of all universities – "this is the book to read".

Her second point related to the 2025 vision of Ngāi Tahu. She pointed out that the status of Takapuneke is a national issue and that the people wanted their identity to be recognised. She told the Panel that Māori have strong links with the landscape, and they take their moral strength from their surroundings. Hence the importance of respecting significant historical sites

Thirdly Ms Cunningham wanted to acknowledge what was happening at the hearing – the coming together of people to support the moves to properly classify the land as Historic Reserves. She congratulated and thanked all involved.

4.4 Helen Brown, NZ Historic Places Trust

Ms Brown told the Panel that primarily she wanted to re-iterate the written submission of the Trust. She said that the Trust supported and commended the Council in its moves to classify the area as Historic Reserve. She also commended the work of many contributors, making particular mention of Harry Evison and Victoria Andrews (Akaroa Civic Trust).

Ms Brown told the Panel that the site was registered with the Trust as a wāhi tapu site in May 2002 – the first such registration in Te Wai Pounamu.

She noted that in the 1970s the Trust had opposed the establishment of a refuse tip on the site.

Ms Brown expressed a need to have key agencies involved in the development of a Management Plan. She noted that the area comprises three reserves abutting one another and pointed out that before a Management Plan is drawn up an over-arching Conservation Plan for all three areas should be drawn up.

She told the Panel that the Historic Places Trust would like to see the area become a National Reserve in the future. She also expressed a wish for plans to include the eventual removal of the waste water treatment works so that this site would become part of the reserve area, and that the property currently in private ownership would eventually come into the reserve also.

Ms Brown noted that the name Takapuneke is not on any map. She said that the Trust wanted this name to be used, stating that the naming of sites is important to the Trust and that when reserves are gazetted it is important to have the correct name laid over them.

In response to a question Ms Brown was uncertain about steps for taking Britomart Reserve to National Reserve status, suggesting that Mr Rowland would be able to clarify that.

4.5 John Wilson, Christchurch (formerly of Banks Peninsula)

Mr Wilson introduced himself as one who had spent 30 years researching and writing history. He had come to the hearing to reinforce his written submission, pointing out that the area and its history are important to both Pakeha and Māori. He assured the Panel that the historical significance of the site is beyond dispute, and that this significance had been proven in a long process over many years.

He wished that the role of three people in bringing the issue to its current state of understanding be acknowledged publicly – George Tikao, Harry Evison, and Victoria Andrews.

Mr Wilson told the Panel that the site cannot be treated as just another city park; local people and local bodies must be involved in its management. He felt reassured to hear that the National Reserve status would be looked at in the course of time. He said that the existence of the waste water treatment works on the site was a fact that had to be faced, with plans needing to be made to remove it in due course.

4.6 Paul Dingwall, Akaroa Civic Trust

Mr Dingwall introduced himself as a member of the Board of the Civic Trust. He acknowledged the presence with him of Mr Glausiuss (Trust chairperson), Victoria Andrews, and other Trust members. He told the Panel that the Trust had some 150 members, some of them located in Australia and America.

Mr Dingwall said that the Trust is a key advocacy group in the Akaroa area, and had been involved in making submissions for the Takapuneke site for more than a decade. He described the site as a vitally important place in terms of the development of bicultural history, a place which is the genesis of the Treaty of Waitangi. He described the hearing as a very important milestone on the path towards proper recognition of the site. It was the vision of the Trust that the whole site should become a National Reserve, giving to the site the legal status that matches the status that it has always had within Maoridom.

Mr Dingwall told the Panel that the Civic Trust is willing to assist the Christchurch City Council in its efforts to secure, administer, interpret and manage the site of Takapuneke for education, cultural and other purposes.

4.7 Victoria Andrews, personal submission and in support of Akaroa Civic Trust

Ms Andrews told the Panel that the site of Takapuneke provided a very important layer of local Maori history, prior to the popularly acknowledged French history of the Akaroa area. She regarded the protection of the Takapuneke area as another important step towards protecting the whole of the sensitive heritage landscape area all the way round to Childrens Bay.

Ms Andrews acknowledged the hospitality and generosity of Onuku and Ngāi Tahu over the many years of her research into the area. She wished to add her voice to those seeking the removal of the waste water treatment works, adding that plans for this should be being made already.

Ms Andrews also acknowledged the steps taken by the Akaroa County Council to acquire the land in the 1970s, and the ongoing contribution of MP Ruth Dyson in attending many meetings and generally helping the process of recognition to go ahead smoothly. She noted that, fortunately, the land had been undeveloped and unmodified since the time of its purchase and said that while progress had been made there is still some way to go. She compared the situation at Takapuneke with that of Bastion Point 30 years earlier, and told the Panel that for Māori land has more values than just those of 'property'.

In response to questions Ms Andrews advised the Panel as follows:

- The waste water treatment works is on road reserve land
- The road reserve area is not in the area that is registered as having wāhi tapu status
- Her submissions have not made mention of the area of land that is in private ownership, out of deference to the land owners. If it is possible, her wish would be that the land would eventually be brought into the reserve. She had not had discussions with the private landowners
- She would want the subsequent effort to obtain National status for the area to include the Britomart Reserve as well.
- She supports the idea of having a single name Takapuneke for the whole area.

4.8 Jim Sunckell, Friends of Akaroa Museum

Mr Sunckell told the Panel that involvement in this issue is outside what the Friends of the Museum normally get involved in. Nevertheless, 'this is the history of Akaroa and we are interested; the decision of the Council will affect a lot of people'. He said that the group had more than 250 members, and they supported the proposals to achieve Historic Reserve status for the Takapuneke area.

Mr Sunckell described his personal connection to the area, saying that his great grandfather had arrived in the area just 20 years after the Takapuneke 'incident'. On behalf of his group he wished all the submitters well, and supported and encouraged the Council in their efforts to achieve Historic Reserve status for the area.

4.9 George Tikao, Te Rūnanga o Onuku

Mr Tikao spoke again at the end of the submissions. He acknowledged the work of the Community Board and the City Council, and the staff and wished them well in continuing the process.

He pointed out that it had taken a long time to get to this point, and another 10 or 12 or 20 years was not the issue – "as long as it happens, but the sooner the better". He stated that the view of his runanga is that the whole area should be 'umbrellaed' and declared as a Historic Reserve.

Mr Tikao also acknowledged the submitters, the friends and supporters of Te Rūnanga o Onuku.

On behalf of **Ngāi Tahu David Higgins** closed the submissions with a karakia.

The hearing ended at 12:25pm and the Panel retired to undertake its deliberations.

5. DELIBERATIONS

The Panel noted that there had been no objections to the proposed resolutions, and that all ten submissions had been in support. The Panel also noted that the matters covered by the various submitters included not only those relevant to the statutory purpose of the resolution but also to other considerations. The Panel was mindful of the need to keep the two considerations separate where appropriate. It would do this by making determinations on matters which it had delegated authority to determine, and by making recommendations on other matters.

The Panel noted that the process for making resolutions had been different for each of the two blocks of land up to this point because of the differences between each of Sections 14 and 24 of the Act. The Panel was mindful of the need to word its determinations appropriately and differently in each case.

The Panel noted that all voices had been in harmony at the hearing, with the following points of substantial common agreement among the submitters.

- Support for the intention and content of the resolutions that are proposed to be passed
- The significance of accurate interpretation and use of place names in the context of the site, so that the Maori identity is recognised.
- The wish to have a single overall name for the area, and for this name to be "Takapuneke"
- The wish for the name of the area to be formally recognised by the New Zealand Geographic Board
- The wish to continue towards having the whole area, including the Britomart reserve, declared a National Reserve.
- The contribution of historian Harry Evison to the whole process of achieving recognition for Takapuneke, and the regret that Mr Evison had been unable to appear at the hearing.
- Support for the creation of Conservation and Management Plans for the whole area.

- The need to take both a short term and a long term view of the area and its management including, if possible, eventual incorporation into the reserve of the waste water treatment works site and the privately owned property within the site should that opportunity arise.
- The very genuine offers of assistance from Ngai Tahu and other submitters of resources, information and knowledge in the development of conservation and management plans and towards national reserve status.

The Panel also considered the following points:

- The subject being dealt with by the Hearings Panel, and the issues raised by the submitters, are of immense significance. While the Hearings Panel process has itself been statutory in nature it will be important for future processes to fully reflect the significance of the occasion of bringing Takapuneke into full recognition. It would be appropriate to have a formal celebratory occasion to mark that.
- The occasion of the Hearing had been one of great dignity, backed by a highly committed community who brought forward the results of work by many people over many years
- A number of submitters had referred to the Britomart Reserve, and its possible eventual inclusion into the one over arching reserve. The Panel considered that this reserve already had significance of its own, and that the inclusion of it within an eventual over arching reserve should be a matter for consideration in the development of future management plans for the site in consultation with the extended community. The Panel noted that the matter of place names would also have to be carefully considered in that process. The Panel also noted that it did not have sufficient background information on this reserve to make a firm recommendation on the substance of this issue, and that to do so would be to act outside the role of the Hearings Panel.

6. DECISION

6.1 Under delegated authority and in accordance with Section 14 of the Reserves Act 1977, for the reasons outlined above the Panel makes the following determinations in relation to **Green Point land**

- 6.1.1 No objections were received to the publicly notified intention to resolve to declare the Green Point land to be a Historic Reserve
- 6.1.2 Ten submissions were received in support of the publicly notified intention to declare the Green Point land to be a Historic Reserve.

- 6.1.3 The Panel supports the content of the submissions in support of the publicly notified intention to declare the Green Point land to be a Historic Reserve.
- 6.1.4 The Panel has determined that, on the basis of objections and submissions received, the proposal to declare the Green Point land to be an Historic Reserve is appropriate; and that on this basis the Akaroa/Wairewa Community Board is free to resolve to so declare the land if it wishes to do so.

For the purposes of this determination the Green Point land is all that land containing 4.0611 hectares being Lot 1 on Deposited Plan 73274, comprised in Certificate of Title CB42B/680 along with that land containing 0.1741 hectares being Lot 3 on deposited Plan 73274, comprised in certificate of Title CB42B/682.

- 6.1.5 The Panel has determined that this matter is to be referred back to the Akaroa/Wairewa Community Board for consideration of an appropriate resolution as described in 6.1.4 above.

6.2 For the reasons outlined above the Panel makes the following determinations in relation to **Takapuneke Reserve land**

- 6.2.1 No objections were received to the publicly notified proposal to change the classification of Takapuneke Reserve from Local Purpose (Historic) Reserve to Historic Reserve.
- 6.2.2 Ten submissions were received in support of the publicly notified proposal to change the classification of Takapuneke Reserve from Local Purpose (Historic) Reserve to Historic Reserve.
- 6.2.3 The Panel supports the content of the submissions in support of the publicly notified proposal to change the classification of Takapuneke Reserve from Local Purpose (Historic) Reserve to Historic Reserve.
- 6.2.4 The Panel has determined that, on the basis of objections and submissions received, the proposal to change the classification of Takapuneke Reserve from Local Purpose (Historic) Reserve to Historic Reserve is appropriate.

For the purposes of this determination Takapuneke reserve is all that land containing 9.6087 hectares being Lot 1 on deposited Plan 76825 and comprised in Certificate of Title CB40A/795.

- 6.2.5 The Panel has determined that this matter may now be reported to the Minister of Conservation, for decision, in accordance with Section 24 of the Act.

7. RECOMMENDATIONS

The Panel, in acknowledging and considering matters that were raised by submitters but which are beyond the Panel's power to determine, makes the following recommendations to the Akaroa/Wairewa Community Board and asks that the matters be referred to Council staff for further consideration and action as appropriate:

1. That all the land described in the above determinations (6.1.4 and 6.2.4) be named as "Takapuneke Historic Reserve", and that this name be passed to the New Zealand Geographic Board for adoption, and that the Minister of Conservation be advised accordingly.
2. That the Council acknowledge the great work of many people over many years in bringing the history of Takapuneke to this current stage of formal and deserved recognition.
3. That the Council plan a formal celebration to mark the occasion of the current Takapuneke Reserve and Green Point land becoming a Historic Reserve at an appropriate time.
4. That the Council allocate resources to the development of a Conservation Plan and a Management Plan for the whole area
5. That the Council acknowledge the offers of assistance from many submitters to be involved in the work of Conservation and Management Plans, and that the Council plan to include these agencies in the group(s) that would develop these Plans.
6. That the Council acknowledge the wish of the submitters to have the waste water treatment works removed from the site in due course, and to achieve if possible the eventual inclusion of all the original land areas within the Takapuneke Historic Reserve; and that the Council make plans to try and achieve these wishes when and where practicable.
7. That the Council continue to enact the February 2006 resolution of the Banks Peninsula District Council, acknowledging also the wish of the submitters to have the whole area, including Britomart Reserve, elevated to National Historic Reserve status, and that the Council allocate resources to supporting the process of achieving that status in the future.
8. That the Council acknowledge the wish of the submitters to have the name Takapuneke applied to the whole area including the Britomart Reserve, and that this matter be given full and appropriate consideration in the lead up to the development of the Conservation Plan and Management Plan for the whole area.

DATED THIS 26TH DAY OF MAY 2008

