

10 January 2011

Attention: Jennifer Goodman

Property Administrator  
Whakatane District Council  
Private Bag 1002  
Whakatane 3158

Tena koe Jennifer

## **PROPOSED REVOCATION OF RESERVES**

Thank you for your letter of 2 December 2010 in which you advise that 'Council at its Projects and Services Committee meeting of 1 December 2010 considered a report to proceed to the next stage of the revocation process and public notification to have the reserve status revoked on the following properties:

1. 59 Huia Crescent Te Teko
2. 17 White Horse Drive Whakatane
3. 59 Valley Road Whakatane
4. 93A Valley Road Whakatane
5. 139 Valley Road Whakatane
6. 213 Valley Road Whakatane
7. 78 Gorge Road Whakatane
8. 32 Waiewe Street Whakatane
9. 133 Otarawairere Road Whakatane'.

You also advised that 'due to the outcome of the meeting only the following properties will proceed to the next stage and be publicly notified to have the reserve status revoked'.

1. 59 Huia Crescent Te Teko
2. 17 White Horse Drive Whakatane

You sought our comments or feedback on the proposed revocation.

You also sought to consult with Ngati Awa in regard to the proposed divestment of the property at 2 Otakiri Road, Edgecumbe, which is not a reserve.

In the material supplied it is apparent that the Department of conservation has been consulted and contributed to Councils consideration of revocation options.

### *Ngati Awa Comments*

Te Runanga o Ngati Awa has consistently indicated to Council that any land which Council regards as surplus and where there is no prior obligation to offer back to original owners should in the first instance be offered to Ngati Awa. This is in line with Ngati Awa’s first right of refusal over its area of interest as contained in the Ngati Awa Deed of Settlement 2003 and the Ngati Awa Claims Settlement Act 2005.

While in practice the Runanga may not wish to purchase the land the principle of first right of refusal demonstrates Council’s commitment to its relationship with tangata whenua.

Ngati Awa comments are provided in sections relating to:

- All reserves (listed 1 to 9 above)
- Proposed Reserves for revocation (Numbers 1 & 2 above)
- Proposed divestment of 2 Otakiri Road

### *Comments regarding All Reserves*

The attached maps are taken from the Ngati Awa GIS Database. They show all of the reserves that were being considered for revocation by Whakatane District Council.

<b>Reserve</b>	<b>Councils Current Selected Option</b>	<b>Ngati Awa Comment</b>
59 Valley Road Whakatane	Not to proceed with revocation process	<p>3.35ha steep hillside in pine with an area of remnant native trees in the centre that is subject to DoC recommendations for protection.</p> <p>Stability issues Limited access Difficult to harvest</p> <p>No known or recorded sites identified on GIS Database but likelihood that such sites will be present.</p> <p><b>Recommend imposition of the</b></p>

		<b>attached Ngati Awa Accidental Discovery Protocol on Property Files and LIM reports for future reference.</b>
93A Valley Road Whakatane	Not to proceed with revocation process	.4528ha of steep land in pine  Stability issues Limited access Difficult to harvest  <b>Recommend imposition of the attached Ngati Awa Accidental Discovery Protocol on Property Files and LIM reports for future reference.</b>
139 Valley Road Whakatane	Not to proceed with revocation process	1.12ha steep hillside in pine  Stability issues Limited access Difficult to harvest  <b>Recommend imposition of the attached Ngati Awa Accidental Discovery Protocol on Property Files and LIM reports for future reference.</b>
213 Valley Road Whakatane	Not to proceed with revocation process	2.396ha steep hillside in native scrub  Stability issues Limited access Difficult to harvest  <b>Recommend imposition of the attached Ngati Awa Accidental Discovery Protocol on Property Files and LIM reports for future reference.</b>
78 Gorge Road Whakatane	Not to proceed with revocation process	A small strip some 50m in length and 6m wide  Landlocked and steep – virtually inaccessible from public space.  Land area is within known site of significance called Tutapeka Pa.  <b>Recommend imposition of the</b>

		<p><b>attached Ngati Awa Accidental Discovery Protocol on Property Files and LIM reports for future reference.</b></p>
32 Waiewe Street Whakatane	Not to proceed with revocation process	<p>1.873ha of tabled flat land with varied plant species within the pa scarp at the top of the Whakatane escarpment overlooking WDC. Site houses an electricity facility and the crucifix structure above Whakatane town.</p> <p>Sites of significance are present, unrecorded historic heritage and cultural values likely to be present.</p> <p>Note that DoC has recommended return of this parcel to Ngati Awa.</p> <p>Recommendations:</p> <p><b>That WDC engage in discussion with Te Runanga o Ngati Awa Chief Executive and his staff regarding possible uses for this site.</b></p> <p><b>Recommend imposition of the attached Ngati Awa Accidental Discovery Protocol on Property Files and LIM reports for future reference.</b></p>
133 Otarawairere Road Whakatane	Not to proceed with revocation process	<p>.1103ha at the top of steep gully overlooking Otarawairere Bay. Stormwater infrastructure installed on this and adjacent reserve in 2006/07.</p> <p>Recommendations:</p> <p><b>That WDC engage in discussion with Te Runanga o Ngati Awa Chief Executive and his staff regarding possible uses for this site.</b></p>

		<p><b>Recommend imposition of the attached Ngati Awa Accidental Discovery Protocol on Property Files and LIM reports for future reference.</b></p>
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Ngati Awa supports the decision of Council to *not proceed* with revocation of reserve status for these reserves.

As can be seen by the above table most of the reserves are steep and subject to stability, and are attributed with values that cause them to have been set aside for specific purposes, as reserves, in perpetuity.

A consequence of revocation of reserve status enables alienation and a potential for alternative land uses.

If that is a decision that the Whakatane District Council proposes to revisit in years to come, then, as for any reserve or land that becomes surplus to Council requirements and subject to divestment or alienation, Ngati Awa would seek the transfer of title to those properties to Ngati Awa by way of gift.

To that end Ngati Awa recommends that for 32 Waiewe Street and 133 Otarawairere Road:

- **WDC engage in discussion with Te Runanga o Ngati Awa regarding transfer of these sites to Awanuiarangi title.**
- **Recommend imposition of the attached Ngati Awa Accidental Discovery Protocol on Property Files and LIM reports for future reference.**

Ngati Awa recommends that for 59 Valley Road Whakatane, 93A Valley Road Whakatane, 139 Valley Road Whakatane, 213 Valley Road Whakatane, and 78 Gorge Road Whakatane:

**The attached Ngati Awa Accidental Discovery Protocol be attached to each Property Files and noted on LIM reports for each reserve so as to provide greater certainty into the future that historic heritage and Maori cultural values are recognised and provided for in future decision-making in relation to these reserves.**

## Proposed Reserves for Revocation 59 Huia Crescent Te Teko & 17 White Horse Drive Whakatane

Reserve	Councils Decision of 1 December 2010	Ngati Awa Comment
59 Huia Crescent, Te Teko	Public notification of its decision to proceed with revocation of reserve status	.0695m <sup>2</sup> flat, clear land with few improvements provides informal access to neighbouring land owned by Omataroa Rangitaiki No 2 Trust. The trust may be interested in  Children walk across this lot to school.  <b>Recommendation:</b>  <b>That WDC offer the property by way of first right of refusal to Omataroa Rangitaiki No2 Trust.</b>
17 White Horse Drive	Public notification of its decision to proceed with revocation of reserve status	.1518ha clear lot with long driveway. Eleven (11) neighbours along boundary of property, including driveway.  Eastern boundary is alongside recreation reserve.  <b>Recommendation:</b>  <b>That WDC invite discussions with Te Runanga o Ngati Awa Chief Executive regarding possible uses for this site.</b>

Ngati Awa recommends that Council ***not proceed*** with revocation of reserve status for 17 White Horse Drive and 59 Huia Crescent, Te Teko.

The reserves are attributed with values that cause them to have been set aside for specific purposes, as reserves, in perpetuity.

A consequence of revocation of reserve status enables alienation and a potential for alternative land uses.

If that is a decision that the Whakatane District Council proposes to revisit in years to come, then, as for any reserve or land that becomes surplus to Council requirements and subject to divestment or alienation, Ngati Awa would seek the transfer of title to those properties to Ngati Awa by way of gift.

Ngati Awa recommends that for 17 White Horse Drive Whakatane:

- **WDC engage in discussion with Te Runanga o Ngati Awa Chief Executive and his staff regarding possible uses for the sites.**

Ngati Awa recommends that for 59 Huia Crescent Te Teko:

- **WDC make an initial offer to Omataroa Rangitaiki No2 Trust, a representative of the original owners.**

## **Proposed Divestment of 2 Otakiri Road**

Council has decided to divest this property.

The property is located at the corner of Otakiri Road and the Edgecumbe Te Teko highway.

Comprising .6209ha, the land is flat and clear with an open drain to the north and bisecting the property through the widest part.

While vehicular access might be gained further west on Otakiri Road as this would be the most cost effective entrance to the parcel, existing drains and stormwater infrastructure would prohibit use of the full site, as well as contribute significantly to costs should subdivision or other land use activities be proposed for the site.

Likewise while separate access from Rimu Place is shown on maps, an open drain converges with another at this juncture which would require significant investment to provide alternative vehicular access from Rimu Street.

Retention as a reserve will continue to provide for safe traffic movements as the corner would remain unobstructed at this sharp three road intersection.

In the event that Whakatane District Council proceeds with divestment of this parcel, Ngati Awa recommends that for 2 Otakiri Road:

- **WDC engage in discussion with Te Runanga o Ngati Awa Chief Executive and his staff regarding possible uses for the site.**

## General Comments

While we acknowledge that Council has so far determined to focus on the revocation of just two reserves and divestment of one further property at Edgecumbe, Ngati Awa has expressed comments for all except the Murupara reserves in order to contribute to present and future decision-making in respect to Council reserves.

With the exception of the two Murupara properties all eleven reserves being considered for revocation of reserve status by Whakatane District are within the Ngati Awa rohe.

Ngati Awa seeks to be invited to discuss with Council five of the properties under consideration, should it decide to proceed with revocation and divestment of those reserves.

Please feel most welcome to contact Beverley Hughes, Manager Environment Ngati Awa, should you require any further information.

Kia ora

Jeremy Gardiner  
**CHIEF EXECUTIVE**

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