

Date: Monday, 22 June 2020
Time: 3.30pm
Venue: Mangere War Memorial Hall
Domain Road, Mangere Bridge,
Auckland 2022

TŪPUNA MAUNGA O TĀMAKI MAKĀURAU AUTHORITY

HUI 55 – 22 June 2020

Open Agenda

Chairperson	Paul Majurey	Ngā Mana Whenua o Tāmaki Makaurau (Marutūāhu Rōpū)
Deputy Chairperson	Cr Alf Filipaina	Auckland Council (Governing Body)
Members	Cr Dr Cathy Casey	Auckland Council (Governing Body)
	Cr Josephine Bartley	Auckland Council (Governing Body)
	Toni Van Tonder	Auckland Council (Devonport-Takapuna Local Board)
	Chris Makoare	Auckland Council (Maungakiekie-Tāmaki Local Board)
	Lemauga Lydia Sosene	Auckland Council (Chair – Māngere-Ōtāhuhu Local Board)
	Hauāuru Rawiri	Ngā Mana Whenua o Tāmaki Makaurau (Marutūāhu Rōpū)
	Bernadette Papa	Ngā Mana Whenua o Tāmaki Makaurau (Ngāti Whātua Rōpū)
	Clay Hawke	Ngā Mana Whenua o Tāmaki Makaurau (Ngāti Whātua Rōpū)
	Zaelene Maxwell-Butler	Ngā Mana Whenua o Tāmaki Makaurau (Waiohūa-Tāmaki Rōpū)
	Dennis Kirkwood	Ngā Mana Whenua o Tāmaki Makaurau (Waiohūa-Tāmaki Rōpū)
		Crown Representative

ITEM TABLE OF CONTENTS

1. Apologies
2. Declarations of Interest
3. Confirmation of minutes
4. COVID-19 update
5. Depot lease
6. Pakuranga lease
7. AKA lease
8. Registers
 - A Health and Safety
 - B Events

*(Quorum is 7 members,
comprising the chair or deputy
chair and 2 members appointed
by the rōpū entities and 2
members appointed by
Auckland Council)*

*Ngā Mana Whenua o Tāmaki Makaurau Collective Redress
Act 2014*

109 Functions and powers

- (1) The Maunga Authority has the powers and functions conferred on it by or under this Act or any other enactment.
- (2) In exercising its powers and carrying out its functions in relation to the maunga, the Maunga Authority must have regard to—
- (a) the spiritual, ancestral, cultural, customary, and historical significance of the maunga to Ngā Mana Whenua o Tāmaki Makaurau; and
- (b) section 41(2).
- (3) In exercising its powers and carrying out its functions in relation to the administered lands, the Maunga Authority must have regard to the spiritual, ancestral, cultural, customary, and historical significance of the administered lands to Ngā Mana Whenua o Tāmaki Makaurau.

[Emphasis added]

41 Maunga must remain as reserves vested in trustee

- (1) This section applies to each maunga once the maunga is—
- (a) vested in the trustee under subpart 1, 2, or 3 of this Part;
- and
- (b) declared a reserve under any of sections 18 to 29, 33, and 39.
- (2) The maunga is held by the trustee for the common benefit of Ngā Mana Whenua o Tāmaki Makaurau and the other people of Auckland.

...

[Emphasis added]



Key

- Tūpuna Maunga
- Local board boundaries and geographic areas

Date: Tuesday, 26 May 2020
Time: 2.59pm
Venue: Video Conference Call

TŪPUNA MAUNGA O TĀMAKI MAKĀURAU AUTHORITY

HUI 54 – 26 May 2020

Open Minutes

Chairperson	Paul Majurey	Ngā Mana Whenua o Tāmaki Makaurau (Marutūāhu Rōpū)
Deputy Chairperson	Cr Alf Filipaina	Auckland Council (Manukau Ward)
Members	Cr Dr Cathy Casey	Auckland Council (Albert-Eden-Puketāpapa Ward)
	Cr Josephine Bartley	Auckland Council (Maungakiekie-Tāmaki Ward)
	Toni Van Tonder	Auckland Council (Devonport-Takapuna Local Board)
	Chris Makoare	Auckland Council (Chair – Maungakiekie-Tāmaki Local Board)
	Lemauga Lydia Sosene	Auckland Council (Chair – Māngere-Ōtāhuhu Local Board)
	Hauāuru Rawiri	Ngā Mana Whenua o Tāmaki Makaurau (Marutūāhu Rōpū)
	Bernadette Papa	Ngā Mana Whenua o Tāmaki Makaurau (Ngāti Whātua Rōpū)
	Clay Hawke	Ngā Mana Whenua o Tāmaki Makaurau (Ngāti Whātua Rōpū)
	Zaelene Maxwell-Butler	Ngā Mana Whenua o Tāmaki Makaurau (Waiohūa-Tāmaki Rōpū)
	Dennis Kirkwood	Ngā Mana Whenua o Tāmaki Makaurau (Waiohūa-Tāmaki Rōpū)

Clay Hawke opened the hui.

Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

109 Functions and powers

- (1) The Maunga Authority has the powers and functions conferred on it by or under this Act or any other enactment.
- (2) In exercising its powers and carrying out its functions in relation to the maunga, the Maunga Authority must have regard to—
 - (a) the spiritual, ancestral, cultural, customary, and historical significance of the maunga to Ngā Mana Whenua o Tāmaki Makaurau; and
 - (b) section 41(2).
- (3) In exercising its powers and carrying out its functions in relation to the administered lands, the Maunga Authority must have regard to the spiritual, ancestral, cultural, customary, and historical significance of the administered lands to Ngā Mana Whenua o Tāmaki Makaurau.

[Emphasis added]

41 Maunga must remain as reserves vested in trustee

- (1) This section applies to each maunga once the maunga is—
 - (a) vested in the trustee under subpart 1, 2, or 3 of this Part;and
 - (b) declared a reserve under any of sections 18 to 29, 33, and 39.
- (2) The maunga is held by the trustee for the common benefit of Ngā Mana Whenua o Tāmaki Makaurau and the other people of Auckland.

...

[Emphasis added]



- Key**
- Tūpuna Maunga
 - Local board boundaries and geographic areas

Open Minutes

1. Apologies

Moved: Chairperson P Majurey

Seconded: Member C Makoare

That the Tūpuna Maunga Authority:

- a) **accept** the apologies from Member L Sosene for absence.

CARRIED ON VOICES

2. Declarations of Interest

Moved: Chairperson P Majurey

Seconded: Member C Makoare

That the Tūpuna Maunga Authority:

- a) **note** there were no declarations of interest.

CARRIED ON VOICES

3. Confirmation of Minutes

Moved: Chairperson P Majurey

Seconded: Member C Makoare

That the Tūpuna Maunga Authority:

- a) **confirm** the minutes of Hui 53 held on Tuesday, 28 April 2020, as a true and accurate record.

CARRIED ON VOICES

4. Covid-19 update

Moved: Chairperson P Majurey

Seconded: Cr J Bartley

That the Tūpuna Maunga Authority:

- a) **note** the steps that Management are taking in moving into Covid-19 alert level 2.

CARRIED ON VOICES

5 Tūpuna Maunga Authority: Quarter 3 Report

Moved: Chairperson P Majurey

Seconded: Cr Dr C Casey

That the Tūpuna Maunga Authority:

- a) **note** the attached 3rd Quarter Report for the 2019/20 financial year.

CARRIED ON VOICES

6 Registers

Moved: Chairperson P Majurey

Seconded: T Van Tonder

That the Tūpuna Maunga Authority:

- a) **note** the attached Registers, which have been updated since Hui 53 (28 April 2020).

CARRIED ON VOICES

3.34pm

The Chairperson thanked members for their attendance and attention to business and declared the meeting closed.

Clay Hawke closed the hui.

CONFIRMED AS A TRUE AND CORRECT RECORD AT A
MEETING OF THE TŪPUNA MAUNGA O TĀMAKI
MAKAURAU AUTHORITY HELD ON

DATE:.....

CHAIRPERSON:.....

Open Agenda

1. Apologies

No apologies had been received at the close of the agenda.

2. Declarations of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

3. Ratification of Hui

That the Tūpuna Maunga Authority:

- a. **confirm** that the actions taken and business transacted at the Tūpuna Maunga Authority hui set out below (conducted via online video-conference due to Covid-19 restrictions) are accurately described in the minutes of those meetings and therefore accept the minutes:
 - i. Hui 52 held on Thursday 9 April 2020,
 - ii. Hui 53 held on Tuesday 28 April 2020, and,
 - iii. Hui 54 held on Tuesday 26 May 2020.
- b. **ratify** and **adopt** the resolutions made at the online video-conference Hui 52, Hui 53, and Hui 54.

COVID-19 update

Author: Nicholas Turoa, Tūpuna Maunga Manager

Purpose	To provide an update on Management's response to Coronavirus (COVID-19) as we move into Alert Level 1
Recommendations	That the Tūpuna Maunga Authority: <ul style="list-style-type: none">a. notes the steps that Management are taking in moving into Covid-19 alert level 1

Background

1. At Hui 52 (9 April 2020) and Hui 53 (28 April 2020) and Hui 54 (26 May 2020), Management updated the Tūpuna Maunga Authority on the proactive steps they were taking to manage the Maunga as the outbreak of coronavirus (COVID-19) continued to spread in New Zealand.
2. At 11.59pm on Monday 8 June, New Zealand moved to Alert Level 1. At Level 1 everyone can return without restriction to work, school, sports and domestic travel. The final significant restriction that remains in place is controls at the boarder for people entering New Zealand.
3. Day to day operations have now returned to normal. All Maunga facilities are now open. Bookings for the Māngere War Memorial Hall were open at alert level 1 and bookings are expected from 23 June. Bookings for sports fields have also returned to normal. Management are now accepting new bookings for events across the maunga network. Te Ipu Kōrero o Maungawhau has also reopened.

Learnings throughout the COVID 19 response.

4. Management have been able to test its Business Continuity Plan to ensure essential services including mowing, maintaining firebreaks and litter collections have been able to continue. Management have also been able to continue working throughout the COVID 19 response progressing planning for key projects.
5. Management have kept a record of actions taken under each alert level. If we are to return to higher alert levels, management can respond rapidly and put in place the necessary restrictions accordingly.
6. Management have maintained good relationships with key contractors throughout the COVID 19 response. In particular, Management would like to acknowledge the work of Recreational Services in ensuring that essential services were delivered throughout the lockdown period, often in trying circumstances.
7. The Maunga were incredibly busy during the lockdown period and anecdotally there were reports of high numbers of people on all of the Maunga, especially Maungawhau and Maungakiekie. Since level 2, Management have been working with Cornwall Park Trust to keep the ring roads around the Maunga closed for

pedestrian and bike access only. So far the trial is proving to be popular and people continue to enjoy the opportunity to walk along the road rather than drive.

8. Hygiene procedures remain in place at Mangere War Memorial Hall and Te Ipu Kōrero o Maungawhau. Hand sanitiser and antibacterial wipes are offered at both facilities when they are open.

Depot Art and Music Space Trust Lease

Author: Leigh Collecutt, Kaihautū Hōtaka, Nick Turoa Manager Tūpuna Maunga Manager

Purpose	This report recommends that the Tūpuna Maunga Authority offer the Depot Art and Music Space Trust a lease at Takarunga/Mount Victoria
Recommendations	<p>That the Tūpuna Maunga o Tāmaki Makaurau Authority</p> <ol style="list-style-type: none">delegates to the Chair and Deputy Chair the power to execute a lease, including a Maunga Outcomes Plan, with the Depot Art and Music Space Trust (the DAMS Trust) at a market rental (as determined by a registered valuer) and otherwise on the standard terms and conditions; anddelegates to the Chair and Deputy Chair the power to agree to terms governing the termination arrangements of the Depot Art and Music Space Trust should the Trust decide not to accept the new lease.

Background

1. At Hui 27 (19 June 2017) The Tupuna Maunga Authority resolved to grant a lease to the Depot Art and Music Space Trust (DAMS Trust) for an initial term of two years, with a right of renewal for a further year until 30 June 2020.
2. The DAMS Trust is occupying part of Takarunga/Mount Victoria Maunga that is a Local Purpose (community buildings) reserve. The Auckland Council owns and maintains the buildings that the DAMS Trust occupies.

Statutory and other considerations

3. This paper relates to Takarunga/Mount Victoria.
4. Clause 2.3 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed 2012 states:
“2.3 The Tāmaki Makaurau collective legislation will, on the terms provided by section 43 of the draft bill, direct the Registrar-General to record on any computer freehold register for each maunga that the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau specified for that maunga in table 1 of part 3 of the property redress schedule have spiritual, ancestral, cultural, customary and historical interests in the maunga.”
5. The Collective Deed Property Redress Schedule contains the table referred to in clause 2.3, and the iwi/hapū having spiritual, ancestral, cultural, customary and historical interests in the Maunga are as follows:

Takarunga / Mount Victoria	Ngāi Tai ki Tāmaki Ngāti Maru Ngāti Pāoa Ngāti Tamaoho Ngāti Tamaterā Ngāti Te Ata Ngāti Whanaunga	Ngāti Whātua Orākei Ngāti Whatua o Kaipara Te Ākitai Waiohūa Te Kawerau ā Maki Te Patukirikiri Te Rūnanga o Ngāti Whātua
-------------------------------	--	--

6. Any decision to determine management within a reserve must take into account the legislative and policy framework.
7. The Authority administers the Tūpuna Maunga under the Reserves Act 1977 and pursuant to Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014. The Hauraki Gulf Marine Park Act 2000 is also relevant.
8. Section 109(2) of Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 requires the Authority to have regard to the spiritual, ancestral, cultural, customary, and historical significance of the maunga to Ngā Mana Whenua o Tāmaki Makaurau and that the tūpuna maunga is held in trust for Ngā Mana Whenua and the other people of Auckland.
9. The Tūpuna Maunga Authority's Integrated Management Plan (IMP) was adopted by the Authority in terms of Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 and the Reserves Act 1977. The Integrated Management Plan describes a series of "Values" and "Pathways" that guide all activities on the Tūpuna Maunga. The primary focus of the IMP is to protect the health and well-being of the Tūpuna Maunga.
10. The Tūpuna Maunga Authority adopted the Tūpuna Maunga Strategies at Hui 50 on 25 September 2020. The Tūpuna Maunga Strategies are 7 key sections that outline the strategic direction with regards to education, Biodiversity, Tūpuna Maunga design, Recreation, commercial activities and monitoring. Together with the IMP, these strategies inform guide and manage the activities undertaken on the Maunga.
11. The activities of the DAMS Trust are otherwise consistent with the reserve classification. There have been no other parties who have expressed an interest in occupying the site.

Leases on Tūpuna Maunga

12. The Tūpuna Maunga o Tāmaki Makaurau Integrated Management Plan (IMP) describes a series of values and pathways that dictate decision-making on leases. The IMP places the health and well-being of the Tūpuna Maunga at the heart of all decisions.
13. Any leasing activity must be consistent with the IMP Tūpuna Maunga values and should actively promote those values. One step is a Maunga Outcomes Plan which form part of all leases on Tūpuna Maunga.
14. The Maunga Outcomes Plan sets out activities for that the lessee will do to contribute to the health and well-being of the Tūpuna Maunga. The activities to be carried out by the lessees are co-designed by the lessees and Authority management and reflect the Tūpuna Maunga values. The DAMS Trust also agrees to a series of measures within the Maunga Outcomes Plan that track progress.

The Tūpuna Taonga o Tāmaki Makaurau Trust

15. The Tūpuna Taonga o Tāmaki Makaurau Trust (Taonga Trust) considered the position of the DAMS Trust and other lessees when their leases expired in 2015. At that time the Taonga Trust considered that leases on the Tūpuna Maunga should:
 - a. be for a short term (for one year); and,
 - b. reflect iwi cultural values; and,
 - c. have a conditional component that ascertains how the lessee has considered and/or contributed to the wellbeing of the Maunga, ie mana whenua consultation/involvement in their activities; and
 - d. include a commitment by the lessee to contribute to future plans regarding the wellbeing of the Maunga, eg rehabilitation of indigenous flora on the maunga.
16. Management will again approach the Taonga Trust for comment in relation to the lease.

Terms of the lease

Term

17. The approach to date has been to initially offer a short-term lease to give Devonport Artspace the opportunity to demonstrate their contribution to the wellbeing of the Maunga and the values set out in the IMP.
18. The DAMS Trust has successfully worked alongside management to establish an outcomes plan, which management has since evaluated and is satisfied with. Rental has been paid on time and management have enjoyed working alongside the DAMS Trust operationally. On this basis, a term of 5 years + 5 Years is recommended.

Rental

19. DAMS Trust are currently paying a market rental as determined by an independent market valuer. Management has sort advice from that valuer who has concluded that the current rent is still in line with current market values. It is recommended that the rental stays at the same amount and is assessed at periodic terms during the lease.

Next Steps

20. If a lease is to be offered, Management will work alongside the DAMS Trust to draft a Tūpuna Maunga Lease for consideration and execution by the Chair or Deputy Chair.
21. If the DAMS Trust chooses not to accept the lease, Management will liaise with the DAMS Trust to agree a timetable and terms for moving out of the premises (including treatment of the buildings) for approval by the Chair and Deputy Chair.

Attachments

- A. Site Plan for Depot Arts and Music Space Trust at Takarunga

Location Map and Leased Area for The Depot, Takarunga, 24 Kerr Street, Devonport



Pakuranga Tennis Club Incorporated Lease

Author: Leigh Collecutt, Kaihautū Hōtaka, Nick Turoa Manager Tūpuna Maunga Manager

Purpose	This report recommends that the Tūpuna Maunga Authority offer the Pakuranga Tennis Club Incorporated a lease at Ōhūiarangi/Pigeon Mountain
Recommendations	<p>That the Tūpuna Maunga o Tāmaki Makaurau Authority</p> <ol style="list-style-type: none">resolves to publicly notify pursuant to s119 of the Reserves Act 1977 an intention to grant a lease to the Pakuranga Tennis Club Incorporated for a term beginning at the expiry of their present lease and ending on 30 June 2025.recognises there may be submissions and a hearing pursuant to s120 of the Reserves Act 1977;delegates to the Chair and Deputy Chair the power to execute a lease, including a Maunga Outcomes Plan, with the Pakuranga Tennis Club at a market rental (as determined by a registered valuer) and otherwise on the standard terms and conditions; anddelegates to the Chair and Deputy Chair the power to agree to terms governing the termination arrangements of the Pakuranga Tennis Club should the Club decide not to accept the new lease.

Background

- At Hui 27 (19 June 2017), the Tūpuna Maunga Authority resolved to grant a lease to the Pakuranga Tennis Club Incorporated (the Club) for an initial term of 1 year 9 months, with a right of renewal for a further year until 30 June 2020.
- The club's lease is occupying part of Ōhūiarangi/ Pigeon Mountain on a Recreation reserve. The location of the lease area is shown in Attachment A.

Statutory and other considerations

- This paper relates to Ōhūiarangi/Pigeon Mountain.
- Clause 2.3 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed 2012 states:
"2.3 The Tāmaki Makaurau collective legislation will, on the terms provided by section 43 of the draft bill, direct the Registrar-General to record on any computer freehold register for each maunga that the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau specified for that maunga in table 1 of part 3 of the property redress schedule have spiritual, ancestral, cultural, customary and historical interests in the maunga."

5. The Collective Deed Property Redress Schedule contains the table referred to in clause 2.3, and the iwi/hapū having spiritual, ancestral, cultural, customary and historical interests in the maunga are as follows:

Ōhūiarangi/Pigeon Mountain	Ngāi Tai ki Tāmaki Ngāti Maru Ngāti Tamaoho Ngāti Tamaterā Ngāti Te Ata Ngāti Whanaunga	Ngāti Whātua Orākei Ngāti Whatua o Kaipara Te Ākitai Waiohūa Te Kawerau ā Maki Te Patukirikiri
----------------------------	--	--

6. Any decision to determine management within a reserve must take into account the legislative and policy framework.
7. The Authority administers the Tūpuna Maunga under the Reserves Act 1977 and pursuant to Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014. The Hauraki Gulf Marine Park Act 2000 is also relevant.
8. Section 109(2) of Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 requires the Authority to have regard to the spiritual, ancestral, cultural, customary, and historical significance of the maunga to Ngā Mana Whenua o Tāmaki Makaurau and that the tūpuna maunga is held in trust for Ngā Mana Whenua and the other people of Auckland.
9. The Tūpuna Maunga Authority's Integrated Management Plan (IMP) was adopted by the Authority in terms of Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 and the Reserves Act 1977. The Integrated Management Plan describes a series of "Values" and "Pathways" that guide all activities on the Tūpuna Maunga. The primary focus of the IMP is to protect the health and well-being of the Tūpuna Maunga.
10. The Tūpuna Maunga Authority adopted the Tūpuna Maunga Strategies at Hui 50 on 25 September 2020. The Tūpuna Maunga Strategies are 7 key sections that outline the strategic direction with regards to education, Biodiversity, Tūpuna Maunga design, Recreation, commercial activities and monitoring. Together with the IMP, these strategies inform guide and manage the activities undertaken on the Maunga.
11. If the Authority intends to offer the Club a lease then this intention must be publicly notified pursuant to s119 of the Reserves Act 1977. This notice must allow for public submissions to be made in writing and before a hearing in relation to any intended lease (s120 of the Reserves Act 1977). If submissions are received and a hearing is required, Management will revert to the Authority for directions as to a hearing panel and other process matters.
12. The activities of the Club are otherwise consistent with the reserve classification. There have been no other parties who have expressed an interest in occupying the site.

Leases on Tūpuna Maunga

13. The Tūpuna Maunga o Tāmaki Makaurau Integrated Management Plan (IMP) describes a series of values and pathways that dictate decision-making on leases. The IMP places the health and well-being of the Tūpuna Maunga at the heart of all decisions.
14. Any leasing activity must be consistent with the IMP Tūpuna Maunga values and should actively promote those values. One step is a Maunga Outcomes Plan form part of all leases on Tūpuna Maunga.
15. The Maunga Outcomes Plan sets out activities that the lessee will do to contribute to the health and well-being of the Tūpuna Maunga. The activities to be carried out by the lessees

are co-designed by the lessees and Authority management and reflect the Tūpuna Maunga values. The Club also agrees to a series of measures within the Maunga Outcomes Plan that track progress.

The Tūpuna Taonga o Tāmaki Makaurau Trust

16. The Tūpuna Taonga o Tāmaki Makaurau Trust (Taonga Trust) considered the position of the Pakuranga Tennis Club and other lessees when their leases expired in 2015. At that time the Taonga Trust considered that leases on the Tūpuna Maunga should:
 - a. be for a short term (for one year); and,
 - b. reflect iwi cultural values; and,
 - c. have a conditional component that ascertains how the lessee has considered and/or contributed to the wellbeing of the Maunga, ie mana whenua consultation/involvement in their activities; and
 - d. include a commitment by the lessee to contribute to future plans regarding the wellbeing of the Maunga, eg rehabilitation of indigenous flora on the Maunga.
17. Management will again approach the Taonga Trust for comment in relation to the leases.

Terms

Term

18. The approach to date has been to initially offer a short-term lease to give the Club the opportunity to demonstrate their contribution to the wellbeing of the Maunga and the values set out in the IMP.
19. Since signing the lease, the Club has been working with Auckland Council at the possibility of moving to a new multisport facility at Lord Elsmere Park. This will allow the Club to expand their current operation including the possibility of indoor tennis courts.
20. Like with all Tūpuna Maunga leases, Management worked with the club to develop an outcomes plan. In this instance the club developed an exit strategy as their outcomes plan. As the Lord Elsmere Park is a new capital project the club have indicated that it is likely that they will not be likely to enter the new premises for at least 5 years.
21. The Club has successfully formed a good working relationship with Management and rental has been consistently paid on time. The Club have also been supportive of our restoration programme and have kept their members informed of planting days.
22. Given the above context management recommend a term of 3 years + 2 years.

Rental

23. Management has again sort advice from that valuer who has concluded that the current rent is still in line with current market values. It is recommended that the rental stays at the same amount and is assessed at periodic terms during the lease.

Next Steps

24. If a lease is to be offered, Management will work alongside the Club to draft a Tūpuna Maunga Lease for consideration and execution by the Chair or Deputy Chair.
25. If the Club chooses not to accept the lease, Management will liaise with the Club to agree a timetable and terms for moving out of the premises (including treatment of the buildings) for approval by the Chair and Deputy Chair.

Attachments

- A. Site Plan for the Pakuranga Tennis Club Incorporated at Ōhūiarangi

Attachment A: Site Plan for Pakuranga Tennis Club

Location Map and Leased Area for Pakuranga Tennis Club, Ohuiarangi,
101 Pigeon Mountain Road, Pakuranga

Park outlined in red and leased area outlined in blue



Auckland Kindergarten Association Lease

Author: Leigh Collecutt, Kaihautū Hōtaka, Nick Turoa Manager Tūpuna Maunga Manager

Purpose	This report recommends that the Tūpuna Maunga Authority grants a lease to the Auckland Kindergarten Association at Ōhūiarangi/Pigeon Mountain
Recommendations	<p>That the Tūpuna Maunga o Tāmaki Makaurau Authority</p> <ol style="list-style-type: none">delegates to the Chair and Deputy Chair the power to execute a lease, including a Maunga Outcomes Plan, with the Auckland Kindergarten Association at a market rental (as determined by a registered valuer) and otherwise on the standard terms and conditions; anddelegates to the Chair and Deputy Chair the power to agree to terms governing the termination arrangements of the Auckland Kindergarten Association should the Association decide not to accept the new lease.

Background

1. At Hui 27 (19 June 2017) The Tupuna Maunga Authority resolved to grant a lease to the Auckland Kindergarten Association (AKA) for an initial term of one year nine months, with a right of renewal for a further year until 30 June 2020.
2. The AKA is occupying part of Ōhūiarangi / Pigeon Mountain on a Local Purpose (community buildings) reserve. The lease will expire on 30 June 2020. The location of the lease area is shown in Attachment A.

Statutory and other considerations

3. This paper relates to Ōhūiarangi/Pigeon Mountain.
4. Clause 2.3 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed 2012 states:

“2.3 The Tāmaki Makaurau collective legislation will, on the terms provided by section 43 of the draft bill, direct the Registrar-General to record on any computer freehold register for each maunga that the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau specified for that maunga in table 1 of part 3 of the property redress schedule have spiritual, ancestral, cultural, customary and historical interests in the maunga.”
5. The Collective Deed Property Redress Schedule contains the table referred to in clause 2.3, and the iwi/hapū having spiritual, ancestral, cultural, customary and historical interests in the maunga are as follows:

Ōhūiarangi/Pigeon Mountain	Ngāi Tai ki Tāmaki Ngāti Maru Ngāti Tamaoho Ngāti Tamaterā Ngāti Te Ata Ngāti Whanaunga	Ngāti Whātua Orākei Ngāti Whatua o Kaipara Te Ākitai Waiohūa Te Kawerau ā Maki Te Patukirikiri
----------------------------	--	--

6. Any decision to determine management within a reserve must take into account the legislative and policy framework.
7. The Authority administers the Tūpuna Maunga under the Reserves Act 1977 and pursuant to Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014. The Hauraki Gulf Marine Park Act 2000 is also relevant.
8. Section 109(2) of Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 requires the Authority to have regard to the spiritual, ancestral, cultural, customary, and historical significance of the maunga to Ngā Mana Whenua o Tāmaki Makaurau and that the tūpuna maunga is held in trust for Ngā Mana Whenua and the other people of Auckland.
9. The Tūpuna Maunga Authority's Integrated Management Plan (IMP) was adopted by the Authority in terms of Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 and the Reserves Act 1977. The Integrated Management Plan describes a series of "Values" and "Pathways" that guide all activities on the Tūpuna Maunga. The primary focus of the IMP is to protect the health and well-being of the Tūpuna Maunga.
10. The Tūpuna Maunga Authority adopted the Tūpuna Maunga Strategies at Hui 50 on 25 September 2020. The Tūpuna Maunga Strategies are 7 key sections that outline the strategic direction with regards to education, Biodiversity, Tūpuna Maunga design, Recreation, commercial activities and monitoring. Together with the IMP, these strategies inform guide and manage the activities undertaken on the Maunga.
11. The activities of AKA are otherwise consistent with the reserve classification. There have been no other parties who have expressed an interest in occupying the site.

Leases on Tūpuna Maunga

12. The Tūpuna Maunga o Tāmaki Makaurau Integrated Management Plan (IMP) describes a series of values and pathways that dictate decision-making on leases. The IMP places the health and well-being of the Tūpuna Maunga at the heart of all decisions.
13. Any leasing activity must be consistent with the IMP Tūpuna Maunga values and should actively promote those values. One step is a Maunga Outcomes Plan which form part of all leases on Tūpuna Maunga.
14. The Maunga Outcomes Plan sets out activities for that the lessee will do to contribute to the health and well-being of the Tūpuna Maunga. The activities to be carried out by the lessees are co-designed by the lessees and Authority management and reflect the Tūpuna Maunga values. The AKA also agree to a series of measures within the Maunga Outcomes Plan that track progress.

The Tūpuna Taonga o Tāmaki Makaurau Trust

15. The Tūpuna Taonga o Tāmaki Makaurau Trust (Taonga Trust) considered the position of the Pakuranga Tennis Club and other lessees when their leases expired in 2015. At that time the Taonga Trust considered that leases on the Tūpuna Maunga should:

- a. be for a short term (for one year); and,
- b. reflect iwi cultural values; and,
- c. have a conditional component that ascertains how the lessee has considered and/or contributed to the wellbeing of the Maunga, ie mana whenua consultation/involvement in their activities; and
- d. include a commitment by the lessee to contribute to future plans regarding the wellbeing of the Maunga, eg rehabilitation of indigenous flora on the Maunga.

16. Management will again approach the Taonga Trust for comment in relation to the lease.

Terms of the lease

Term

17. The approach to date has been to initially offer a short-term lease to give the Trust the opportunity to demonstrate their contribution to the wellbeing of the Maunga and the values set out in the IMP.
18. AKA has successfully worked alongside management to establish an outcomes plan, which management has since evaluated and is satisfied with. Rental has been paid on time and management have enjoyed working alongside AKA operationally. AKA have been supportive of our restoration programme and have been involved in the planting days. AKA have requested a longer term so they can consider future capital investments into the site. On this basis, a term of 5 years + 5 years is recommended.

Rental

19. AKA are currently paying a rental as determined by an independent market valuer. Management has again sort advice from that valuer who has concluded that the current rent is still in line with current market values. It is recommended that the rental stays at the same amount and is assessed at periodic terms during the lease.

Next Steps

20. If a lease is to be offered, Management will work alongside AKA to draft a Tūpuna Maunga Lease for consideration and execution by the Chair or Deputy Chair.
21. If AKA chooses not to accept the lease, Management will liaise with AKA to agree a timetable and terms for moving out of the premises (including treatment of the buildings) for approval by the Chair and Deputy Chair.

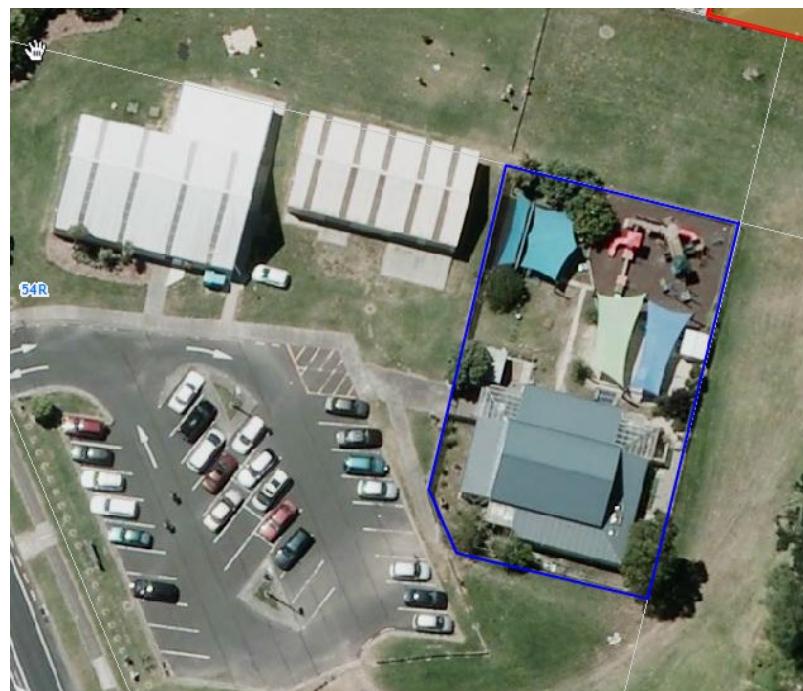
Attachments

- A. Site Plan for Auckland Kindergarten Association at Ōhūiarangi

Attachment A: Site Map for Auckland Kindergarten Association

Site Map and Leased area for Auckland Kindergarten Association, Ohuiarangi, 54R Pigeon Mountain Road, Bucklands Beach

Ohuiarangi outlined in red and leased area outlined in blue



Registers

Authors: Nick Turoa, Tūpuna Maunga Authority

Purpose	To provide the Tūpuna Maunga Authority with updated registers for: <ul style="list-style-type: none">a. Health & Safety (Attachment A)b. Events (Attachment B)
Recommendations	That the Tūpuna Maunga Authority note the attached Registers, which have been updated since Hui 54 (26 May 2020).

Registers

1. Attachment A - Health & Safety Register.
2. Attachment B - Events Register.

Attachment A: Health and Safety Register

Hui reported to	Maunga	Summary of incident	Number of any near misses	Outcome of investigations into any incidents and near misses	Health and Safety management matters arising	Actions Taken
Hui 55	Ōwairaka / Te Ahi-Kā-a-Rakataura / Mt Albert	Member of the public has allegedly been attacked by another member of the public on 6 June 2020.				CCTV footage for the day has been forwarded to the police as part of their investigation. Management continue to assist Police with their investigation where possible
Hui 54	Maungawhau/ Mt Eden	Large party held on the tihi of the maunga on the night of Friday 15 May 2020. Excessive smashed glass discovered in the morning over the tihi summit carpark				Incident reported to the police (incident number: OR-52891N) Glass Cleaned up and extra patrols organised for Saturday Night.
Hui 54	Ōwairaka/ Te Ahi-Kā-a-Rakataura / Mt Albert	2 Wasp nests discovered by biosecurity contractors. One near Archery Club, one near the summit road				Wasps nest treated with insecticide..
Hui 53	Ōwairaka / Te Ahi-kā-a-Rakataura / Mt Albert	Reports received from members of the public that the protest group were undertaking surveillance of the campsite in breach of the COVID 19 level 4 lockdown rules. Further reports were received that there were people congregating in and around the campsite in breach of the lockdown rules. Reports received from public and confirmed by contractors that tents from the camp had been moved around and new protest signs erected at the camp in breach of the COVID 19 lockdown rules.				Officers removed the tents, marquees and the several truckloads of other camping equipment in accordance with the Reserves Act. They will be returned to the owners when the COVID 19 alert levels allow.
Hui 53	Maungarei	A grass fire was caused by fireworks. Incident number: F2983259. At approximately 1830 FENZ received reports that there were people letting off fireworks on and around the maunga. An appliance was sent to site but no fire was spotted. At 1923 the fire was reported and further appliances dispatched. an area of 60m by 30m was damaged as a result of the fire.		FENZ have provided reports that the cause of the fire was fireworks – the initial call identified people with fireworks on the Maunga and the Incident Controller on the site at the time was of the opinion that fireworks were the cause.		A Tūpuna Maunga Officer was dispatched to site to provide information and support to FENZ. Tūpuna Maunga Authority issued a media release which called for the ban for the sales of Fireworks.
Hui 52	Maungakiekie	Staff member witnessed a car break-in while running on the Maunga. Car drove off at a high speed from western crater car park				Emergency services notified, and they have requested some footage from security cameras that they believe will apprehend the offender.
Hui 52	Maungakiekie	Contractor found a body in the toilets at Maungakiekie while about to use the toilet.				Emergency services notified. Area cordoned off, TMA was notified who then contacted mana whenua. Karakia conducted later that day but toilets remained closed for a deep clean before being reopened. Monitoring of contractors well-being over the last week, TMA sent gift to contractor as thank you, awaiting details of deceased to pass on condolences.
Hui 51	Maungawhau	16 January A bicyclist advised us that they almost hit the barrier chain while biking down the Clive Road Exit at Maungawhau.	1	We are currently in the process of installing a new automated exit gate on the Clive Road exit. Some of the planter boxes that held the chain had to be moved and as a consequence the chain hung lower than it		We have tightened the chain so it hangs higher and replaced the reflective tape. The installation of the gate will be complete late February

Hui reported to	Maunga	Summary of incident	Number of any near misses	Outcome of investigations into any incidents and near misses	Health and Safety management matters arising	Actions Taken
				used to. The reflective chain cover has been significantly worn so was not visible.		
Hui 51	Ōtāhuhu	Fire above the Bert Henham carpark 11th of January			PO40136392 investigation event number, awaiting update from Police.	Archaeologist engaged to review damage Arborist to inspect trees. We have been working with the contractor to ensure that firebreak schedule is strictly adhered to and are currently auditing all maunga to ensure we are meeting the FENZ recommendations
Hui 51	Te Pane o Mataoho/ Te Ara Pueru	Fire within the secondary crater to the tihi 11th of December		Firebreaks had been mown around the Maunga, no impact on the fire as it was in the crater	PO40535640 investigation event number, awaiting update from Police.	Extra firebreak mown in between craters as a precaution Arborist engaged to inspect fire damaged trees, advised to monitor for signs of major die-off otherwise considered burning was superficial Letters have been sent to all residents surrounding each of the maunga advising of the fire risks and precautions required
Hui 51	Ōwairaka	11 November A protest group have been on the maunga barricading the gate with their vehicles. This has caused multiple disruptions to operations and raised a number of health and safety issues Including; Not allowing contractors access to assist with emptying toilet holding tank Locking the gates with their own locks Intimidating members of the public unless they sign their petition Blocking the gate at night while police, Fire Emergency New Zealand and Watercare staff may require access. Bringing wooden pallets on to the maunga that were lit on fire in the middle of the night.	1 – the fire was reported to FENZ by security officers who also tried to assist with putting the fire out.		We have reported our concerns to the police about the illegal behaviour associated with the protest group	All staff and contractors have been advised to work on the maunga in pairs. A public hui was held on the maunga on 28 November to explain the project and listen to concerns. We have worked closely with the police on matters to try and find a resolution
Hui 51	Maungarei	Fire on the tihi of the Maunga Guy Fawkes night				Extra static security guard put on for the weekend following Guy Fawkes and over Christmas and New Year period. Letters have been sent to all residents surrounding each of the maunga advising of the fire risks and precautions required
Hui 51	Maungawhau	Fire within the crater of the Maunga Guy Fawkes night				Extra static security guard put on for the weekend following Guy Fawkes and over Christmas and New Year period. Letters have been sent to all residents surrounding each of the maunga advising of the fire risks and precautions required
Hui 50	Pukewīwī	Contractor slipped on tree branch while clearing tree debris off the tihi access road. He fell and fractured a rib			He was concerned cars were swerving around the debris and wanted to clear it quickly and was in a rush.	The contractor has been reminded that they should not rush, ensure they complete their work safely and ask for assistance if required.

Hui reported to	Maunga	Summary of incident	Number of any near misses	Outcome of investigations into any incidents and near misses	Health and Safety management matters arising	Actions Taken
Hui 49	Maungauika	Rockfall on coastal path, blocked path to southern coastal track			Potential injury to public Track blocked, forcing people to walk on the foreshore to get around	The area has been cordoned off. Council Geotech engineers are investigating to see if there are any further fall risks and to look at options to remove rocks safely.
Hui 49	Te Tātua a Riukiuta	An off leash dog raced out of a pit and the mower operator was not made aware of the dog until the last minute. Mower operator had to swerve to miss the dog.	1	Upon review, contractor will use 'in progress' signs while operating	Potential injury to contractor Damage to Maunga if machinery falls down the slope Potential injury to public	Contractors use 'in progress' signs to encourage people to control dogs and to watch children while near machinery Incident reported to Auckland Council Animal Control

Attachment B: Events Register

Hui reported to	Maunga	Applicant	Event Description	Event date	Status	Revenue
Hui 55	Maungarei	Dawn Raid Entertainment	Filming	10 June 2020	Approved	\$380
Hui 55	Te Pane a Mataoho/ Mangere Mountain	Dawn Raid Entertainment	Filming	8 June 2020	Approved	\$380
Hui 54	No Events					
Hui 53	Takarunga	The Combined Churches of Devonport	Community	10/04/2020	Cancelled	-
Hui 53	Mangere Mountain	The Mangere Catholic Parishes	Community	10/4/2020	Cancelled	-
Hui 53	Puketāpapa/ Pukewiwi	Filipino Catholic Community	Community	10/4/2020	Cancelled	-
Hui 52	Maungawhau / Tahaki reserve	Auckland Down Syndrome Association	Community	21/3/2020	Cancelled	-
Hui 52	Maungauika	Atarau – Social Ritual	Community	21-22/03/2020		-
Hui 52	Maungauika	ABC Films	Commercial	20-21/02/2020	Cancelled	\$600
Hui 52	Maungakiekie	Geraldine Bravo – Latin Women’s Association	Community	07/03/2020	Approved	-
Hui 52	Maungakiekie	Sophia Mahon – 1 st Birthday	Community	07/03/2020	Approved	-

Hui reported to	Maunga	Applicant	Event Description	Event date	Status	Revenue
Hui 55	Maungarei	Dawn Raid Entertainment	Filming	10 June 2020	Approved	\$380
Hui 55	Te Pane a Mataoho/ Mangere Mountain	Dawn Raid Entertainment	Filming	8 June 2020	Approved	\$380
Hui 52	Maungawhau	Salvation Army	Private/Commercial Filming	4/3/2020	Approved	\$450
Hui 52	Takarunga	Air New Zealand	Private/Commercial filming	9/2/2020	Approved	\$450
Hui 51	Maungauika	Egida Wedding	Private/Commercial	25/1/2020	Approved	\$450
Hui 51	Maungauika	Forslund Wedding	Private/Commercial	3/1/2020	Approved	\$450
Hui 51	Maungauika	Hartley Wedding	Private/Commercial	18/12/2019	Approved	\$450
Hui 51	Maungauika	Sky TV (49erFX NACRA 17 World Championships)	Commercial	1 st to 8 th of December 2019	Approved	\$7600
Hui 51	Maungawhau (Tahaki Reserve)	Islamic Ahlulbayt Foundation	Community	24/11/2019	Approved	\$380
Hui 51	Maungakiekie	Orienteering Club	Community	25/10/2019	Approved	\$380
Hui 50	Maungakiekie	Hikoia Te Kōrero	Community	14/09/2019	Approved	No charge

Hui reported to	Maunga	Applicant	Event Description	Event date	Status	Revenue
Hui 55	Maungarei	Dawn Raid Entertainment	Filming	10 June 2020	Approved	\$380
Hui 55	Te Pane a Mataoho/ Mangere Mountain	Dawn Raid Entertainment	Filming	8 June 2020	Approved	\$380
Hui 50	Maungauika	North Shore Marathon	Commercial	08/09/2019	Approved	\$900
Hui 50	Maungawhau	Tourism New Zealand	Commercial	23/08/2019	Cancelled	\$600
Hui 50	Tahaki Reserve	Ficino Schools Cross Country	Community	16/8/2019	Approved	No charge
Hui 50	Maungarei	Cycling New Zealand Schools Northern Tour 2019	Community	7/9/2019	Approved	\$580