

I hereby give notice that an ordinary meeting of the Franklin Local Board will be held on:

Date: Tuesday 21 June 2011
Time: 9.30am
Meeting Room: Franklin Local Board Chambers
Venue: Pukekohe Service Centre
82 Manukau Road
Pukekohe

Franklin Local Board OPEN ADDENDUM AGENDA

MEMBERSHIP

Chairperson	Member Andrew Baker
Deputy Chairperson	Member Jan Sinclair, JP
Members	Member Bill Cashmore
	Member Lance Gedge
	Member Murray Kay
	Member Daniel Lynch
	Member Paul Muir
	Member Jill Naysmith
	Member Magan Ranchhod, MNZM, JP

(Quorum 5 members)

**Trish Wayper
Committee Secretary**

17 June 2011

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INFORMATION

Appointments to the Waiomanu Pa Kainga Reserve Co-Management Committee

File No.: CP2011/03682

Executive Summary

The purpose of this report is for the Franklin Local Board to appoint a member to the Waiomanu Pa Kainga Co-Management Committee and also for the board to endorse the appointment of two council officers to the committee.

Waiomanu Pa Kainga Reserve is a 5.53 hectare site located behind Waiomanu Bay on the Maraetai Coast Road just outside the Maraetai settlement.

An agreement was signed between Ngai Tai ki Tamaki Tribal Trust and Manukau City Council on 19 October, 2010 that placed Waiomanu Pa Kainga Reserve under co-management status.

The co-management agreement was underpinned by, and was an extension to, the 'Relationship Agreement between Ngai Tai ki Tamaki Tribal Trust and Manukau City Council 2010'.

The co-management agreement sets out how Ngai Tai ki Tamaki Tribal Trust and Manukau City Council were to work together and share the responsibility of co-managing the reserve.

As a legacy document the co-management agreement now passes to the Auckland Council for implementation through the Franklin Local Board.

Clause 8 of the co-management agreement requires that both parties appoint three members to a Management Committee.

It is recommended that the Franklin Local Board appoint one of its members to the Management Committee. It is also recommended that the board endorse the appointment of the Manager, Local and Sports Park South and Team Leader Parks Heritage to the committee. These appointments will provide the Auckland Council with both political and operational management representation on the Management Committee.

Together with Ngai Tai ki Tamaki Tribal Trust appointees, the Management Committee will be the inaugural committee, charged with establishing protocols, implementing the agreement and guiding the management of the reserve.

Recommendation/s

- a) That the report be received.
- b) That the Franklin Local Board appoints one member to the Waiomanu Pa Kainga Reserve Management Committee
- c) That the Franklin Local Board endorses the appointment of the following Auckland Council officers to the Waiomanu Pa Kainga Reserve Management Committee:
 - i) Malcolm Page, Manager - Local and Sports Parks (South)
 - ii) Birandra Singh, Team Leader Parks Heritage, Local and Sports Parks (South)

Background

The co-management agreement which is attached to this report sets out in detail the following background information:

1. The legacy council's commitment to co-management.
2. Ngai Tai's commitment to co-management
3. The legacy council's perspective on the reserve including its history, legal description, and policy undertaking. Of particular relevance is the inclusion of the reserve in the Coastal and Riparian Reserves Management Plan 2009.
4. Ngai Tai's perspective on the reserve in particular it's cultural and spiritual importance to the iwi.
5. The legacy council's objective for co-management.
6. Ngai Tai's objective for co-management.
7. The setting up of the management committee and it duties, tasks and administration.

Decision Making

It is understood that the recommendations contained within this report fall within the Franklin Local Board's delegated authority. The Board will play a key role in the governance and management of this reserve through its representation on the Management Committee.

Significance of Decision

The matters in the report are not considered significant in terms of Council Policy on Significance

Consultation

The co-management agreement was the result of considerable consultation with the representatives of Ngai Tai ki Tamaki Tribal Trust and is underpinned by the legacy council's Relationship Agreement with the iwi.

Financial and Resourcing Implications

Future operational and capital expenditure requirements will emerge as a result of the work of the Management Committee and will subject to the normal budget processes of the Franklin Local Board.

The only commitment made at this stage (see 10.2 in the agreement) is that council will provide administration resources and support to the Management Committee in order that it can carry out its functions.

Legal and Legislative Implications

None

Implementation Issues

No implementation issues are anticipated other than normal reserve management.

Attachments

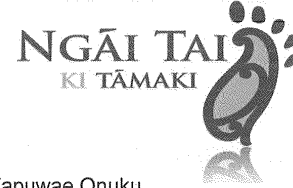
No.	Title	Page
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Signatories

Authors	Birandra Singh, Team Leader Parks Heritage, Local and Sports Parks (South)
Authorisers	Malcolm Page, Manager, Local and Sports Parks (South) Mark Bowater, Manager Local and Sports Parks Ian Maxwell, Manager Parks Sports and Recreation



Te Kaunihera o
MANUKAU
City Council



Tapuwae Onuku,
Tapuwae Ariki,
Tapuwae Otai

**CO-MANAGEMENT AGREEMENT FOR WAIOMANU PA KAINGA
RESERVE**

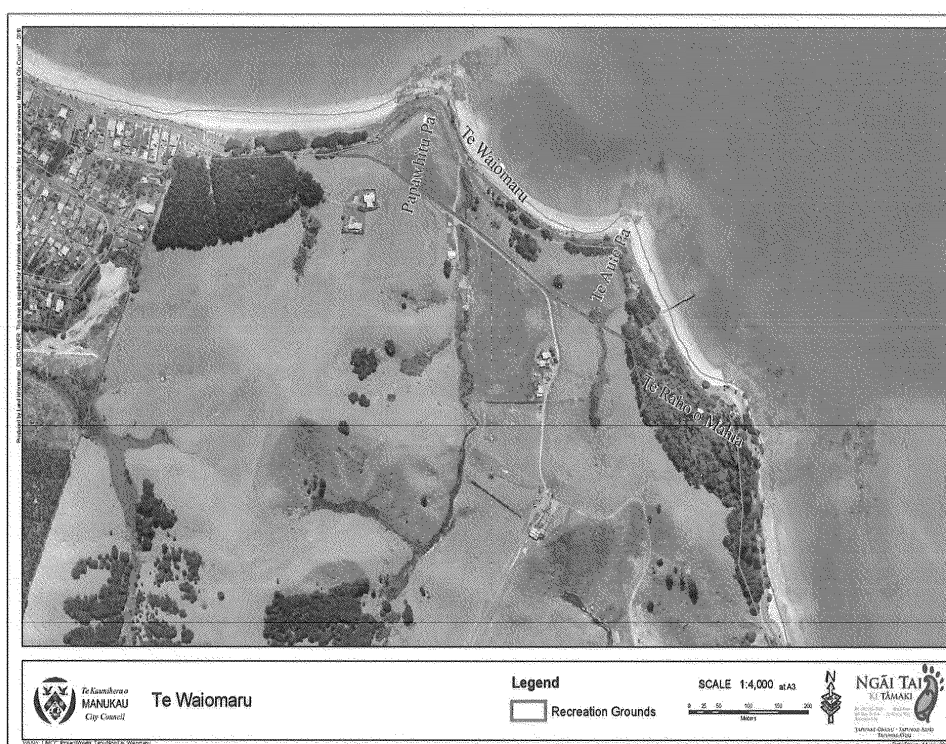
**MANUKAU CITY COUNCIL
AND
NGAI TAI KI TAMAKI TRIBAL TRUST**

This agreement is made on the 19th day of October 2010

1. INTRODUCTION:

- 1.1 This co-management agreement is underpinned by, and is an extension to *The Relationship Agreement between Ngai Tai ki Tamaki Tribal Trust and Manukau City Council 2010* and should be read in conjunction with that agreement. Refer Appendix A.
- 1.2 This co-management agreement gives practical effect to the purpose, intent and goals of the relationship agreement. The co-management agreement sets out how Ngai Tai ki Tamaki Tribal Trust and Manukau City Council will work together and share the responsibility for co-managing Waiomanu Reserve.
- 1.3 This co-management agreement seeks to balance Ngai Tai's legitimate spiritual, ancestral, cultural, customary and historical interests in Waiomanu Reserve, with Council's duty to manage the land as a public reserve under the Reserves Act 1977 and as public open space under the Manukau Operative District Plan 2002.

MAP OF WAIOMANU (WAIOMARU) PA KAINGA RESERVE



2. COUNCIL'S COMMITMENT TO CO-MANAGEMENT

2.1 Council commitment to co-management is set out in the following strategies, policies and plans:

- a) *Making Connections – A Strategy for Manukau's Parks 2002-2010: Goal 11: Action 2:*
Develop close working relationships with Tangata Whenua by identifying opportunities for co-management of parks.
- b) *Te Tiriti O Waitangi Strategic Plan 2004: Goal 3: Action 4:*
Identify potential areas/reserves that can be co-managed with Mana Whenua and assist to facilitate co-management strategies.
- c) *Manukau Operative District Plan: Objective 15.3.3:*
To ensure Tangata Whenua are involved in the management of the provision and development of public open space.
- d) *Manukau Operative District Plan 2002: Method 3.A.4.1:*
Co-management with tangata whenua of taonga that are in Council's ownership
- e) *Park Management Plans Policy Cultural Heritage Section:*
Consult with Mana Whenua to identify reserves that are of special historical or spiritual importance and establish co-management agreements where appropriate.
- f) *(The Co-Management of Manukau Parkland by MCC and Mana Whenua Council Decision June 2008)*
That work continues on developing co-management agreements at Otutau Stone fields and Motukaraka and other sites that may be identified by iwi.

3. NGAI TAI'S COMMITMENT TO CO-MANAGEMENT

3.1 Ngai Tai's commitment to Co-Management is set out in the;

- a) Waikato Tainui Management Plan, 1992;
- b) Huakina Iwi Management Plan, 1992, 2002 Revised Plan;
- c) Ngai Tai ki Tamaki Management Plan, 1994;
- d) Ngai Tai Umupuia Te Waka Totara Strategic Plan, 2002;
- e) Hauraki Iwi Environment Plan, 2004; and
- f) Waikato Iwi Management Plan 2007.



3.2 **Rangatira-tanga**

- 3.2.1 Ngai Tai shall ensure that all potential candidate members that represent Ngai Tai interest in this co-management agreement are of Rangatira status so as to uphold the leadership attributes intended by Ngai Tai in this agreement.

3.3 **Kawana-tanga**

- 3.3.1 Ngai Tai is focussed on equity and as such is committed to equitable governance arrangements that serve to enhance Ngai Tai future and provide for sustainable cultural, environmental, social and economic outcomes with all parties concerned.

- 3.3.2 Ngai Tai can best demonstrate their commitment to governance through the recent Framework Agreement that the Crown has just signed with twelve iwi, hapu authorities through the Tamaki – Auckland region known as the Tamaki Collective and where the ownership returns to the hapu, iwi who have an ancestral interest to any of the cones however the operational and statutory responsibilities and obligations shall remain with the local Government authority soon to be the Auckland Council.

3.3 **Kaitiaki-tanga**

- 3.3.1 Ngai Tai commitment to Kaitiakitanga is well known to Manukau City Council and is best summarised in the High Court judicial review decision, M1323/99 SW99, 1999. Refer Appendix *.
- 3.3.2 Ngai Tai is totally committed to local Government authorities giving effect to Kaitiakitanga rather than ‘have regard’ for Kaitiakitanga as described in the RMA 1991.

4. **WAIOMANU RESERVE – COUNCIL PERSPECTIVE**

- 4.1 This land was acquired by Manukau City Council in 1967 as *Recreation Grounds* under the old Reserves and Domains Act 1953. The site is now classified as *Recreation Reserve* under the Reserves Act 1977. (Note that the appropriateness of the *Recreation Reserve* classification should be considered. It may be that a *Historic Reserve* classification is more appropriate).
- 4.2 The legal description of the reserve is: Lot 1 DP 186245. The total area of the site is 5.53ha. and is located at 15R Maraetai Coast Rd.

- 4.3 The reserve forms the backdrop to beaches at Waiomanu and Magazine Bays. Apart from the toilet block and car park at Magazine Bay, public access has not yet been established over this reserve and it is largely undeveloped.
- 4.4 The Ross Family Trust has an easement over the reserve giving access to their farm property behind. The reserve is also subject to two electricity easements in favour of Vector.
- 4.5 In 1998 the reserve was subject to land exchange between Manukau City Council and the Ross Family Trust. The reason for the exchange was to bring the majority of the farm access road into Ross Family Trust ownership in exchange for more reserve land behind Magazine Bay. Council made a net gain on land exchanged.
- 4.6 In 1999 coastal erosion along Waiomanu Bay threatened to undermine the coast road. As a result the road was diverted back through part of the reserve. This road diversion has yet to be regularised.
- 4.7 The reserve contains a significant pa site that is protected under Schedule 6G (Archaeological Sites) in the Manukau Operative District Plan. The reserve and pa site are included in the Coastal & Riparian Reserves Management Plan 2009 and covered under Policy 2.5.1 (Archaeological and Historic Sites) and Policy 2.5.2 (Cultural Heritage).
- 4.8 The pa has been described in a Department of Conservation report prepared for Manukau City Council in 1976 and a more recent Archaeological Site Assessment has been prepared in 2010. Refer Appendix C.
- 4.9 Waiomanu Reserve is included in the *Coastal & Riparian Reserves Management Plan 2009*. Refer Appendix B. As such it is subject to the objectives and policies contained in the management plan. The *Coastal & Riparian Reserves Management Plan* should be read in conjunction with this co-management agreement. Unless otherwise changed or amended through due public process, these objectives and policies should guide management of the reserve. It is considered, however, that objectives and policies contained in the management plan are consistent with co-management and should not be any impediment.
- 4.10 The following objectives and policies are included under Section 2.5.2 Cultural Heritage:

Objective: To recognise Maori connectedness to the land and ensure that mana whenua are able to give effect to their kaitiaki role in the development and management of coastal and riparian reserves.

Policies: Consult with Mana Whenua to identify reserves that are of special historical or spiritual importance or subject to customary rights and practices and establish co-management agreements where appropriate.

Where a reserve has special European historical significance this will be acknowledged through appropriate community consultation, protection and signage.

5. WAIOMANU RESERVE – NGAĪ TAI PERSPECTIVE

5.1 Preamble

5.1.2 Tapuwae-Onuku, Tapuwae-Ariki, Tapuwae-Otai

We of the sacred footprint in the earth – the footprints of the high-born – the footprints on our foreshores.

5.1.3 Tapuwae-Onuku - Ngāi Tai have a long, unbroken genealogy and occupation of their lands, waters and seas extending from the aboriginal Polynesian settlers, pre-dating the Hawaiiki immigrants. The symbol best describing this is the taonga currently residing in the Auckland Museum, being a fossil human footprint dating from the founding eruption of Rangitoto 600 years ago and discovered on Motutapu Island. A place long held sacred to Ngāi Tai for their many waahi tapu and association with the Tupua (goblin people) at that place.

5.1.4 Tapuwae-Ariki - Smaller footprints remind us of the many descendants & mokopuna (riki), who have crossed this region over that long period of time. Larger footprints remind us of our high-born chiefly lines (ariki) and ancestors. These remind us how important those leaders were and their value as navigators through our history.

5.1.5 Tapuwae-Otai - Even our tribal name Ngāi Tai, resounds as the story of a maritime people unencumbered by any normal sense of boundaries. Where our vision was only limited by our imagination. It was the same vision, honed by thousands of years of exploration, facing the challenge of crossing the world's greatest ocean for survival. These descendants of Maui today carry his DNA and values

into the new world of Ngāi Tai, true inheritors and worthy recipients of a boundless legacy left by the ancients and their numerous descendants.

“Ko ngā whetū ki te rangi, ko ngā kirikiri ki te one taitapa, ko ngā mana whakaheke o Ngāi Tai.”

“As the stars in the sky and the grains of sand on our many foreshores, so are the myriad chiefs in the pantheon of Ngāi Tai forebears.”

5.2 Historical Account

- 5.2.1 Historically the Pa, Te Papawhitu was located in an elevated position southward of the headland – toes on the ridgeline immediately behind the current Waiomanu Pa reserve.
- 5.2.2 The beachfront council reserve land at 15R Maraetai Coast Rd (Waiomanu Bay) contains the sites of Papawhitu, Te Waiōmaru, Te Aute and Te Raho o Māhia. These Pa sites are the ‘toes’ of the ridgeline main Pa.
- 5.2.3 Re: “Waiomanu” – the proper name is Te Waiōmaru. This refers to the bay itself extending between the prominent headland Pā at the north end of the bay and the next headland to the southeast (Te Aute).
- 5.2.4 The bay is called Te Wai-ō-Maru after the Ngāi Tai/Ngāti Kōhū ancestor Maruwhenua. Maruwhenua is the same ‘Maru’ commemorated in the name of Te Whatu o Maru Pā (on the Couldrey Property at Kawakawa Bay).
- 5.2.5 Maruwhenua lived around the late 1700s and early 1800s, and was a contemporary of Hikapouri and Te Kohu of Ngāti Kōhū, Te Rangitāwhia and Takurua (sons of Te Wana), and Te Māhia and his son Te Haupā of Te Urikaraka.
- 5.2.6 The Pā site itself is called Papawhitu, meaning “place of gathered forces”. The Pā was built by the descendants of Te Wana sometime around the mid-late 1700s (i.e. in Maruwhenua’s time), and was one of two principal Pā of Maraetai in the early 1800s – the other was Pōhaturoa (a.k.a. Pōwhaturoa; immediately west of Papawhitu near Maraetai Beach, currently obscured by pine forestry).
- 5.2.7 These were the principal Pā occupied by Ngāi Tai under Tara Te Irirangi at the time when Patuone came to Maraetai in 1821 with the intention of invading Ngāi Tai, but then secured peace due to shared whakapapa with Te Irirangi. Papawhitu (“Waiomanu Pa”) and Pōhaturoa were then temporarily evacuated in favour of Te Tōtara Pā up the Wairoa.

- 5.2.8 Te Aute (also within the reserve strip) is a site associated with the arrival of the ancestress Mārama of Tainui, and the celebrated Aute (paper mulberry) shrub of Hauraki tradition which Mārama introduced to the shores of Hauraki Gulf from Hawaiki.
- 5.2.9 This was also the site of a sacred Karaka Grove of the original Tainui/Ngāti Tai settlers. Later, in Maruwhenua's time, following the death of Te Māhia (c.1793) at Taupō, Kawakawa Bay, his body was dismembered, and his scrotum & testicles were suspended in a Karaka tree at Te Aute, which tree then became known as Te Raho o Māhia.
- 5.2.10 In 1854, following the Crown confiscation of the Fairburn Purchase, Waiōmaru Bay including Papawhitu Pā and Te Aute (also Pōhaturoa to the west) remained within the 6,063 acre Umupuia Native Reserve Block awarded to "the chiefs of Ngatitai" by Governor FitzRoy.
- 5.2.11 By the time of the outbreak of the Land Wars in 1863, Papawhitu of Waiōmaru Bay and Pōhaturoa of Maraetai Beach were also the main Pā occupied by Ngāi Tai under Hori Te Whētuki, Wī Te Hauā and Wātene Te Makuru. Honetana Te Irirangi and Ihaia Te Kupuroa (Ngāti Kōhua) meanwhile commanded the Ngāi Tai settlements along the Lower Wairoa. At the outbreak of fighting most of the iwi again evacuated Pōhaturoa and Papawhitu, and gathered at the mouth of the Wairoa River.
- 5.2.12 Between 1866 and 1869 the Umupuia Native Reserve was subdivided into 11 individual land parcels, and title to the Waiōmaru Block (564 acres) was awarded to Honetana Te Irirangi, Anaru Makiwhara and Henare Te Whētuki (eldest son of Hori Te Whētuki and his first wife; Rehara Te Irirangi).

5.3 Current Status

- 5.3.1 The reserve has been subjected to intensive cattle grazing. Ngai Tai note the results of the grazing have contributed to the erosion of the site.
- 5.3.2 In 2008, Ngai Tai engaged in dialog with Manukau Parks and Reserves to have the erosion and farm management issues addressed as the damage from the stock grazing within the Pa reserve became a very contentious issue between Ngai Tai and Manukau Parks.
- 5.3.3 In 2009, Manukau Parks informed Ngai Tai that the farm management had been served notice on restricting access and use of the Pa site for grazing purposes.

- 5.3.4 Since access has been restricted and grazing terminated, Ngai Tai has noticed an immediate improvement in vegetation, the return of birdlife and a reduction in erosion.

5.4 Future Outcome/s

- 5.4.1 Ngai Tai believes "Waiomanu Reserve" to be a significant and valuable taonga or jewel and as such believe the site to be of significant heritage value for the local, regional and national population.

- 5.4.2 Whilst Ngai Tai are committed to protecting and promoting taonga including wahi tapu sites such as this, the ultimate outcome Ngai Tai seeks is to partner with Council to co-manage these taonga which Ngai Tai believes is the purpose of this agreement.

6. COUNCIL OBJECTIVES FOR CO-MANAGEMENT ARE:

- a) To ensure cultural understanding;
- b) To ensure the sustainable management of the reserve;
- c) To provide for wider community needs;
- d) To ensure accountability for management of the reserve; and
- e) To ensure statutory obligations are met.

7. NGAI TAI OBJECTIVES FOR CO-MANAGEMENT ARE:

- a) To Protect Taonga.
- b) To Promote Taonga.
- b) To Partner Taonga.

8. MANAGEMENT COMMITTEE

- 8.1 Waiomanu Reserve will be managed by a Committee comprising equal membership from Ngai Tai ki Tamaki Tribal Trust and Manukau City Council. Each party will decide on their membership to the committee.

- 8.2 It is intended that the Establishment Committee (The In-Augural Committee) shall comprise of three members from each party totalling six.
- 8.3 The IMC shall determine the frequency of meetings in accordance with work-load demands, the venue of meetings, voting, chairpersonship and the protocols under which meetings will be held.
- 8.4 Manukau City Council representatives on the Management Committee will be responsible for the management of Waiomanu Reserve in accordance with the Coastal & Riparian Reserves Management Plan 2009 and in accordance with the Standing Orders of the Manukau City Council which include Schedules of Delegations. Refer Appendix *
- 8.5 Ngai Tai ki Tamaki Tribal Trust representatives on the Management Committee will be responsible for the management of Waiomanu Reserve in accordance with this Co-Management Agreement and *Ngai Tai Tikanga*.
- 8.6 Information, recommendations or decisions relating to the management of Waiomanu Reserve will be made jointly by the Management Committee and (where appropriate) reported jointly to the partners' respective authorities.
- 8.7 Where and when disputes and differences occur between the partners over reserve management issues and they cannot be resolved within the Management Committee, Clause 8.0 of the Relationship Agreement will apply.

9. MANAGEMENT DUTIES AND TASKS OF THE COMMITTEE

- 9.1 This section is not meant to be exhaustive or prescriptive. The Management Committee will form its own view of duties and tasks and priorities.
- 9.2 Prepare plans and programmes relating to:
 - a) reserve operations;
 - b) reserve development;
 - c) heritage protection;
 - d) reserve education and visitor services;

- e) funding requirements through annual Plan Budget submissions; and
- f) provide for community involvement to develop local community programs that serve to protect and enhance Waiomanu Reserve

10. MANAGEMENT COMMITTEE ADMINISTRATION

- 10.1 The Management Committee will determine the administration requirements at its inaugural meeting.
- 10.2 The council shall provide administration resources and support to the Management Committee to carry out its functions.

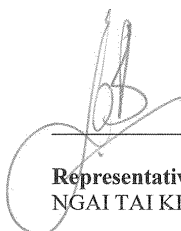
SIGNED FOR AND ON BEHALF OF TE KAUNIHERA O MANUKAU CITY COUNCIL



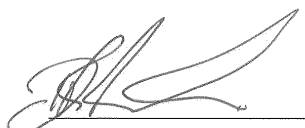
Len Brown
HIS WORSHIP THE MAYOR OF MANUKAU

Leigh Auton
CHIEF EXECUTIVE OFFICER

SIGNED FOR AND ON BEHALF OF NGAI TAI KI TAMAKI TRIBAL TRUST



Representative
NGAI TAI KI TAMAKI TRIBAL TRUST

Representative
NGAI TAI KI TAMAKI TRIBAL TRUST

Representative
NGAI TAI KI TAMAKI TRIBAL TRUST

DATE OF SIGNING: 19 OCTOBER 2010
PLACE OF SIGNING: TE KAUNIHERA O MANUKAU CITY COUNCIL

11. APPENDICES

- A) The Relationship Agreement between Manukau City Council and Ngai Tai ki Tamaki Tribal Trust, adopted March 2010;
- B) Coastal and Riparian Reserves Management Plan, December 2009;
- C) Draft Archaeological Site Assessment and Management Advice Report, June 2010;
- D) Manukau City Council Delegated Functions and Powers of Committees;
- E) Delegated Functions and Powers of Community Boards;
- F) Delegated Powers and Functions of Officers;
- G) Mandate Recognition of the Crown to Ngai Tai ki Tamaki Tribal Trust, January 2010;
- H) Nga Maunga o Tamaki Framework Agreement, February 2010;
- I) Ngai Tai ki Tamaki Tribal Trust and the Crown, Terms of Negotiations, June 2010; and
- J) The High Court Contract Agreement between Manukau City Council and Ngai Tai ki Tamaki Tribal Trust, July 2010.