

**The Inaugural Meeting of the Tūpuna Maunga o Tāmaki Makaurau
Authority will be held on:**

Date: Monday, 15 September 2014
Time: 11am
Meeting Room: Reception Lounge
Venue: Auckland Town Hall
Level 2
301-305 Queen Street
Auckland

**Maunga Authority
OPEN AGENDA**

It will be preceded by a formal ceremony to acknowledge the establishment of the Maunga Authority, commencing at 10 am.

MEMBERSHIP

Chairperson

Deputy Chairperson

Members

Ngarimu Blair

Bill Cashmore

Tipa Compain

Chris Darby

Christine Fletcher QSO

Glenda Fryer

Government representatives Markerita (Meg) Poutasi

Grant Hawke

Dennis Kirkwood

Paul Majurey

Kit Parkinson

Simon Randall

Te Warena Taua

Edward Siddle

(Quorum is 7 members, who must include the chair or deputy chair and 2 members appointed by the rūpū entities and 2 members appointed by the Auckland Council)

**Maureen Koch
Democracy Advisor**

8 September 2014

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At 10 am, prior to the commencement of the inaugural meeting of the Maunga Authority, a formal ceremony acknowledging the establishment of the Authority will be held.

Following the ceremony, at the commencement of the inaugural meeting, the Mayor of Auckland, Len Brown, will acknowledge the Authority and the appointment of its chairperson. The chairperson will respond and, in turn, acknowledge the appointment of the deputy chairperson and all other members, with each member having an opportunity to respond to his or her acknowledgement.

The meeting will then proceed with the business items on this agenda.

ITEM		PAGE
1	Apologies	
	At the close of the agenda no apologies had been received.	
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.	
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3 Statutory requirements for the inaugural meeting

Purpose

1. To note the statutory requirements for the first meeting and to formally confirm the appointment of the chairperson and deputy chairperson.

Executive summary

3. The Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 states:

158 First meeting of Maunga Authority

- (1) *The first meeting of the Tūpuna Maunga o Tāmaki Makaurau Authority must take place at the Auckland Town Hall not later than 4 weeks after the effective date.*
- (2) *At the meeting, the Maunga Authority must—*
 - (a) *appoint the chairperson and deputy chairperson; and*
 - (b) *agree a schedule of meetings for the following 12 months; and*
 - (c) *adopt standing orders for the conduct of its meetings; and*
 - (d) *make initial delegations for the purposes of [section 113](#); and*
 - (e) *adopt the interim operational plan required by [section 159](#).*

4. That Act also states:

108 Chairperson and deputy chairperson

- (1) *The members appointed by the rūpū entities must appoint the chairperson of the Maunga Authority from among its members.*
- (2) *The members appointed by the Auckland Council must appoint the deputy chairperson of the Maunga Authority from among its members.*
- (3) *The chairperson must preside at all meetings of the Maunga Authority at which he or she is present.*
- (4) *The deputy chairperson must preside at all meetings of the Maunga Authority at which he or she is present and from which the chairperson is absent.*
- (5) *An appointer may appoint a chairperson or deputy chairperson only by giving written notice with the following details to the other appointers and the Maunga Authority:*
 - (a) *the member's full name, address, and contact details; and*
 - (b) *the date on which the member's appointment as chairperson or deputy chairperson takes effect, which must be not earlier than the date of the notice*

5. The Chairperson and Deputy Chairperson have been appointed in accordance with section 108. These appointments were acknowledged at the commencement of the meeting and the Authority is now asked to formally confirm those appointments in accordance with section 158.
6. The remaining matters that the first meeting is required to deal with, are covered under separate reports in this agenda.

Recommendation

That the Maunga Authority:

- a) note the statutory requirements for the first meeting.
- b) acknowledge the appointment of the chairperson of the Authority and the appointment of the deputy chairperson of the Authority.

Attachments

There are no attachments for this report.

Signatories

Author	Warwick McNaughton, Principal Advisor, Democracy Services, Auckland Council
Authoriser	Grant Taylor, Governance Director, Auckland Council

4 Adoption of Standing Orders

Purpose

1. To adopt standing orders as required by the Act.

Executive summary

2. Standing Orders govern the conduct of meetings. Once adopted they can only be amended by a vote of not less than 75% of members. The Standing Orders can be temporarily suspended at a meeting by a vote of not less than 75% of members.
3. Draft Standing Orders are attached as Appendix A.
4. The draft Standing Orders are based on the Council's Standing Orders but amended to be more appropriate for the Maunga Authority. The key sections of the Standing Orders are:
 - 1 General – refers to the legislation referenced in the Standing Orders
 - 2 Standing Orders – the requirement to have standing orders and an interpretation of terms used
 - 3 Tūpuna Maunga o Tāmaki Makaurau Authority - provisions in the Act that are not relevant to meeting conduct but are relevant to the constitution of the Authority
 - 4 Holding and calling meetings – giving notice, informal meetings, agendas, notices of motion
 - 5 Attendance at, and commencement of, meetings – who may attend, quorum, apologies
 - 6 Procedures during meetings – formality/informality, conduct of members, te reo Māori, rules of debate, motions and amendments, revocation of resolutions, voting, procedural motions, points of order
 - 7 Minutes – what minutes are to contain
 - 8 Qualified privilege
 - 9 Public participation
 - 10 Signing of documents
 - 11 General conduct of members
 - 12 Members' interests

Recommendation

That the Maunga Authority:

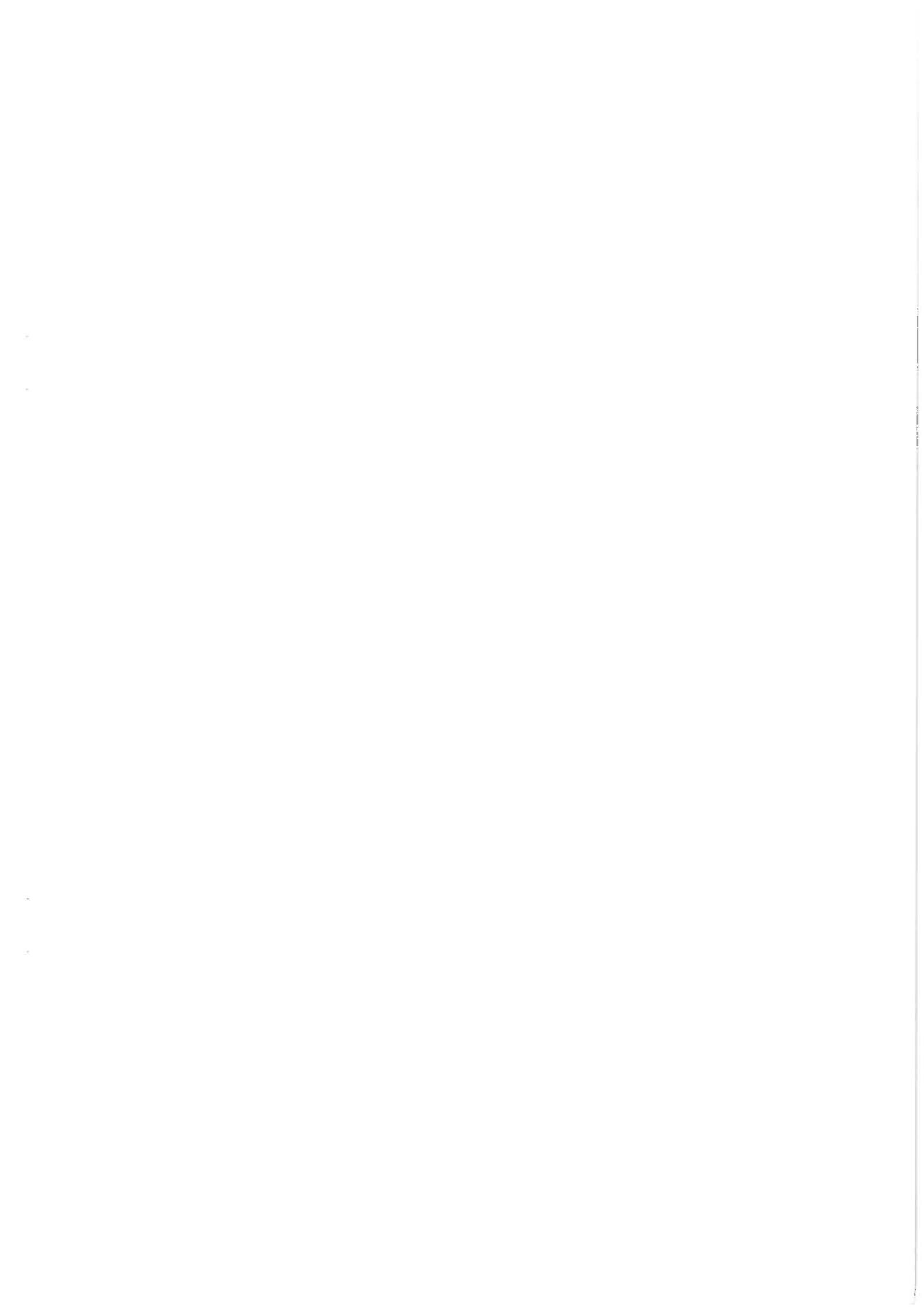
- a) adopt the Standing Orders attached as Appendix A.

Attachments

No.	Title	Page
A	Standing Orders of the Tūpuna Maunga o Tāmaki Makaurau Authority.	

Signatories

Author	Warwick McNaughton, Principal Advisor, Democracy Services, Auckland Council
Authoriser	Grant Taylor, Governance Director, Auckland Council



5 Operating procedures and delegations

Purpose

1. To adopt the Authority's "Operating Procedures and Delegations".

Executive summary

2. The Act states that the Auckland Council is responsible for the routine management and maintenance of the maunga and administered lands. This must be carried out under the direction of the Maunga Authority and in accordance with the current operational plan, operating procedures and delegations made by the Authority to Auckland Council:

61 Auckland Council responsible for routine management

- (1) *The Auckland Council is responsible for the routine management of the maunga and the administered lands.*
 - (2) *The Council must carry out this responsibility—*
 - (a) *under the direction of the Maunga Authority; and*
 - (b) *in accordance with—*
 - (i) *the current annual operational plan; and*
 - (ii) *any standard operating procedures agreed between the Maunga Authority and the Council; and*
 - (iii) *any delegations made to the Council under section 113.*
 - (3) *Despite subsection (2), the Council may carry out its responsibility in relation to Maungakiekie / One Tree Hill in whole or in part through the One Tree Hill Domain/Maungakiekie maintenance agreement until the agreement terminates. However, the Maunga Authority may direct the Council to terminate the agreement and, if the Maunga Authority does so, the Council must comply with that direction in accordance with the termination provisions of the agreement.*
 - (4) *For the purposes of carrying out its responsibilities under this section, the Reserves Act 1977 applies—*
 - (a) *as if the Council were the administering body of the maunga and the administered lands; and*
 - (b) *with any necessary modification; but*
 - (c) *subject to subsection (2).*
 - (5) *This section is subject to section 62.*
 - (6) *In subsection (3), One Tree Hill Domain/Maungakiekie maintenance agreement and agreement mean the agreement dated 12 April 2007 between the Auckland City Council (now Auckland Council) and Cornwall Park Trust Board.*
3. The powers of the Authority that can be delegated to Auckland Council in order for Auckland Council to carry out its responsibilities include:
 - powers that the Authority has as a local authority under the Reserves Act 1977
 - powers delegated by the Minister
 - powers of the Authority as an administering body under the Reserves Act 1977

The Council may delegate the powers it has been delegated, for example to staff.

113 Maunga Authority delegations for purposes of routine management of maunga and administered lands

- (1) For the purposes of section 61, the Maunga Authority may delegate to the Auckland Council—
 - (a) a power or function to which section 111 or 112 applies; and
 - (b) 1 or more of its general functions, duties, and powers as the administering body of a maunga under the Reserves Act 1977.
- (2) The Council may delegate any of the functions, duties, and powers delegated to it under this section by the Maunga Authority to another person, subject to any conditions, limitations, or prohibitions imposed on the Council by the Maunga Authority when making the original delegation.
- (3) The Council or a person to which or to whom the Council has delegated functions, duties, or powers under this section may, without confirmation by the Maunga Authority or the Council (as the case may be), exercise or perform the powers, functions, or duties in the same manner and with the same effect as the Maunga Authority could itself have exercised or performed them.
- (4) No delegation under this section relieves the Maunga Authority or the Council of the liability or legal responsibility to perform or to ensure the performance of any function or duty.
- (5) This section applies despite the provisions of the Reserves Act 1977.

4 The approach taken with respect to delegations has been to combine them in with operating procedures. This way it is clearer to see how the delegations are applied. The proposed Operating Procedures and Delegations are attached as Appendix B.

Recommendation

That the Maunga Authority:

- a) adopt the Operating Procedures and Delegations for the Routine Management of the Maunga and Administered Lands as attached as Appendix B.

Attachments

No.	Title	Page
B	Operating Procedures and Delegations for the Routine Management of the Maunga and Administered Lands	

Signatories

Authors	Scott De Silva, Manager Volcanic Cones, Parks Sports and Recreation, Auckland Council Warwick McNaughton, Principal Advisor, Democracy Services, Auckland Council
Authoriser	Grant Taylor, Governance Director, Auckland Council

6 Interim Operational Plan

Purpose

1. To adopt the Maunga Authority's draft "Ngā Tūpuna Maunga Interim Operational Plan 2014/15".

Executive Summary

2. Section 158 of The Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 states at the first meeting of the Maunga Authority, the Maunga Authority must amongst other things adopt an interim operational plan. The interim operational plan provides the framework in which the Council will carry out the routine management of the maunga and administered lands until the first annual operational plan takes effect.
3. As required by the Act, the interim operational plan includes:
 - (a) the following information for the remainder of the 2014/15 financial year for each maunga and the administered lands (excluding Māngere Mountain):
 - funding
 - restoration work
 - capital projects
 - strategic, policy, and planning projects
 - maintenance and operational projects
 - levels of service to be provided by the Council
 - contracts for management or maintenance activities on the maunga and the administered lands
 - facilitation of authorised cultural activities
 - educational programmes
 - Ngā Mana Whenua o Tāmaki Makaurau programmes, including iwi or hapū programmes, and
 - opportunities for members of Ngā Mana Whenua o Tāmaki Makaurau to carry out or participate in any of the activities described in paragraphs (b) to (i).
 - (b) indicative information in respect of the matters referred to in paragraph (a) for the following 2 financial years
 - (c) relevant financial information contained in the Council's long-term plan and, as the case may be, draft long-term plan, for all activities and functions relating to the maunga and the administered lands, and
 - (d) other information relating to the maunga and the administered lands agreed by the Maunga Authority and the Council such as maps showing decision making allocation and reserve classification for the maunga and adjoining reserves.
4. The Maunga Authority and the Auckland Council are not required to follow any particular process, or consult any person, for the purposes of agreeing the interim operational plan (section 159(4)).
5. The interim operational plan takes effect on and from the date it is adopted by the Maunga Authority.
6. Staff are still in the process of collating the necessary information to include Māngere Mountain in the interim operational plan. This maunga remains with the Crown but as with the other maunga, the Maunga Authority is the administering body for the purposes of the Reserves Act and the Auckland Council is responsible for the routine management. Once this information has been collated, it will be presented to the Maunga Authority for adoption as a variation to the Ngā Tūpuna Maunga Interim Operational Plan 2014/15.

7. The draft annual operational plan 2015/16 will be presented to the Maunga Authority towards the end of this year for its consideration in order to meet the Act's requirements to prepare and adopt concurrently it with the Council's annual plan. The annual operational plan will be included in the Council's Long Term Plan 2015-25 in summary form.

Recommendations

That the Maunga Authority:

- a) adopt the draft Ngā Tūpuna Maunga Interim Operational Plan 2014/15 attached as Appendix C.
- b) require that until the Māngere Mountain variation to the Ngā Tūpuna Maunga Interim Operational Plan 2014/15 is adopted by the Maunga Authority, the Auckland Council must carry out routine management of Māngere Mountain at service levels that are not less than those that applied immediately prior to the effective date of The Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

Attachments

No.	Title	Page
C	Ngā Tūpuna Maunga Interim Operational Plan 2014/15	

Signatories

Author	Scott De Silva, Manager Volcanic Cones, Parks Sports and Recreation, Auckland Council
Authoriser	Grant Taylor, Governance Director, Auckland Council

7 Meeting schedule for twelve months

Purpose

1. To adopt a meeting schedule for the next twelve months.

Executive Summary

2. The following schedule is based on early afternoon meetings, preceded by refreshments:
 - 1 pm Monday 6 October 2014
 - 1 pm Monday 3 November 2014
 - 1 pm Monday 1 December 2014
 - 1 pm Monday 2 February 2015
 - 1 pm Monday 2 March 2015
 - 1 pm Monday 13 April 2015
 - 1 pm Monday 4 May 2015
 - 1 pm Monday 8 June 2015
 - 1 pm Monday 6 July 2015
 - 1 pm Monday 3 August 2015
 - 1 pm Monday 7 September 2015
 - 1 pm Monday 5 October 2015
3. It is expected that the workload of the Maunga Authority will require monthly meetings for the remainder of this calendar year. It is recommended that the Authority reviews the schedule at its meeting on 2 February 2015 to determine whether meetings will be required on a monthly basis during 2015.

Recommendations

That the Maunga Authority:

- a) adopt the schedule of meetings contained in this report.
- b) review the schedule at its meeting in February 2015.

Attachments

There are no attachments for this report.

Signatories

Author	Warwick McNaughton, Principal Advisor, Democracy Services, Auckland Council
Authoriser	Grant Taylor, Governance Director, Auckland Council