

Date: Monday, 6 October 2014
Time: 3:00pm
Venue: Tea Kiosk, Maungawhau
250 Mount Eden Road
Auckland

TŪPUNA MAUNGA O TĀMAKI MAKĀURAU AUTHORITY

Open Agenda

Chair	Paul Majurey	Marutūāhu Rōpū
Deputy Chair	Hon Christine Fletcher QSO	Councillor
Members	Ngarimu Blair	Ngāti Whātua Rōpū
	Bill Cashmore	Councillor
	Tipa Compain	Marutūāhu Rōpū
	Chris Darby	Councillor
	Glenda Fryer	Deputy Chair – Albert-Eden Local Board
	Grant Hawke	Ngāti Whātua Rōpū
	Dennis Kirkwood	Waiohū-Tāmaki Rōpū
	Kit Parkinson	Ōrākei Local Board
	Simon Randall	Chair – Maungakiekie-Tāmaki Local Board
	Te Warena Taua MNZM	Waiohū-Tāmaki Rōpū
	Edward Siddle	Ministry of Culture and Heritage
	Markerita (Meg) Poutasi	Department of Conservation

- 1 Apologies**
 - 2 Declaration of Interest**
 - 3 Confirmation of Minutes**
 - 4 Future Planning**
 - 5 Maunga Authority Filming and Events Committee**
 - 6 Bylaws**
 - 7 Public Input Process at Maunga Authority Hui**
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(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)

Maunga Authority Filming and Events Working Party

Author: Justine Smith – Lead Officer

Purpose

This report invites the Maunga Authority to establish a Filming and Events Working Party to draft Terms of Reference, guidelines and a fees and charges schedule for adoption by the Maunga Authority.

Recommendations

That the Tūpuna Maunga o Tāmaki Makaurau Authority:

- (a) **appoint** four members of the Maunga Authority to a Filming and Events Working Party, comprising the Chair, Deputy Chair and one each of the Ngā Mana Whenua o Tāmaki Makaurau and Auckland Council representatives;
- (b) **invite** the Working Party to report back to the Maunga Authority at Hui 3 (3 November 2014) with: draft Terms of Reference; draft Guidelines for Iwi Consultation; a draft Threshold for Applications and a proposed Fees and Charges Schedule, for adoption by the Maunga Authority;
- (c) **note** that at Hui 3 (3 November 2014) the Maunga Authority will also be invited to establish the Filming and Events Committee;
- (d) **agree** that, in the interim, the decision on any event, filming and commercial still photography applications is delegated to the Chair, Deputy Chair and one each of the Ngā Mana Whenua o Tāmaki Makaurau and Auckland Council representatives to make on a case by case basis and in accordance with the process and assessment criteria set out in the Maunga Authority's "Operating Procedures and Delegations for the Routine Management of the Maunga and Administered Lands".

Filming and Events Permits

1. An event permit is required for any organised event on the maunga that has event related infrastructure and/or more than 50 people, including community picnics and ceremonies.
2. A filming and/or commercial still photography permit is required for filming and commercial still photography on the maunga regardless of nature, scale and location.
3. Permits of this nature are frequently sought and often within short timeframes. In anticipation of this being an immediate and high priority for the recently established Maunga Authority, the Tāmaki Collective and Auckland Council developed Operating Procedures for a Maunga Authority Filming and Events Committee¹. These were adopted by the Maunga Authority as part of the "Operating Procedures and Delegations for the Routine Management of the Maunga and Administered Lands" at inaugural Hui 1 on 15 September 2014 (pages 6 – 9 and Appendices 5 - 7 are attached as Attachment A).
4. Prior to the Filming and Events Committee being established, this report recommends establishing a Filming and Events Working Party to develop formal processes and procedures for adoption by the Maunga Authority.

Proposed Role of Filming and Events Working Party

5. It is proposed the Filming and Events Working Party prepare for adoption by the Maunga Authority at Hui 3 (3 November 2014):
 - a. draft Terms of Reference for the Maunga Authority Filming and Events Committee;

¹ Schedule 4 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 empowers the Maunga Authority to appoint committees, subcommittees and other subordinate decision-making bodies that it considers appropriate (clause 10).

- b. draft Guidelines for Iwi Consultation;
 - c. draft Threshold for Applications; and
 - d. a proposed Fees and Charges Schedule.
6. This report recommends four members of the Maunga Authority be appointed to the Filming and Working Party. This number is intended to ensure the Working Party is able to efficiently develop the processes and procedures in the short timeframe proposed (Hui 3 on 3 November 2014). The Working Party will be supported by the Manager, Volcanic Cones (Auckland Council).
7. At Hui 3 the Maunga Authority will also be invited to formally establish the Maunga Authority Filming and Events Committee.

Current process for dealing with permit requests

8. Requests for permits are currently being dealt with in accordance with the Generic Process set out in Appendix 5 of the "Operating Procedures and Delegations for the Routine Management of the Maunga and Administered Lands" and are being assessed against the Assessment Criteria set out in Appendix 6 of the same document (included in Attachment A).
9. This report recommends that in the interim period prior to the guidelines and thresholds referred to in paragraph 6 being adopted by the Maunga Authority, the decision on any event, filming and commercial still photography permit application made is delegated to the members comprising the members of the Filming and Events Working Party to make on a case by case basis and in accordance with the relevant sections of the "Operating Procedures and Delegations for the Routine Management of the Maunga and Administered Lands". This delegation is made under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, Schedule 4, clause 14(1)(a).
10. Applications will be assessed by the Manager, Volcanic Cones (Auckland Council) and advice provided to the Chair, Deputy Chair and one each of the members of the Ngā Mana Whenua o Tāmaki Makaurau and Auckland Council representatives for their decision.

Events and Filming

Purpose

To set out the process for events, filming and commercial still photography on the maunga in terms of: when an activity requires approval (in the form of a permit from the Maunga Authority), the assessment criteria, iwi consultation requirements and decision making.

Scope

All internal and external events (community and commercial), filming (both commercial and community) and still photography (commercial only)² on the maunga governed by the Maunga Authority excluding those undertaken by iwi/hapū which come under the definition of cultural activities provided for in the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, subpart 7.

Principles

- In considering event requests, the spiritual, ancestral, cultural, customary, and historical significance of the maunga to Ngā Mana Whenua o Tāmaki Makaurau is paramount.

The Ngā Tupuna Maunga is held in trust for the common benefit of Ngā Mana Whenua o Tāmaki Makaurau and the other people of Auckland

- Decisions on events will be made in accordance with the appropriate provisions of the Reserves Act 1977 and

any applicable resource management plan so as to ensure the use, enjoyment, development, maintenance, protection, and preservation, as the case may require, of the maunga for the purpose for which it is classified.

- Any permission or other authorisation required under other legislative requirements must be obtained by the applicant.
- Revenue generated from activities on the maunga must be held by the Maunga Authority and applied for the purposes of the Reserves Act 1977

Objectives

- Provide assessment criteria, process and any delegations that enable appropriate, consistent, transparent and timely decision making.
- Provide sufficient detail to enable council staff to provide applicants with early and accurate advice on the assessment criteria, processes and associated costs.
- Confirm which activities will not be approved on the maunga.

Roles and Responsibilities

Maunga Authority

Make decisions on event, filming and commercial still photography applications that have been referred to the Maunga

¹ Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, section 60

² A permit is not required for non-commercial still photography

Authority for a decision by the Maunga Authority Events and Filming Committee.

Adopt guidelines for iwi consultation requirements for events and filming requests.

Adopt thresholds for event, filming and commercial still photography applications that need to be referred to the Maunga Authority Events and Filming Committee that is, set Auckland Council delegations and a fees and charges schedule for events, filming and commercial still photography on the maunga.

Maunga Authority Filming and Events Committee³

Make decisions on level of iwi consultation required and make decisions on event, filming and commercial still photography applications in accordance with delegated authority from the Maunga Authority.

consideration thresholds for both iwi consultation and event, filming and commercial still photography applications that need to be referred to the Maunga Authority Filming and Events Committee.

consideration a fees and charges schedule for events, filming and commercial still photography on the maunga.

Auckland Council

Event Facilitation Team; Community Development Arts and Culture or ATEED:

- Process event applications related to ceremonies and co-ordinate feedback from all stakeholders.
- Facilitate debriefs of events as and when determined by the Maunga Authority.

- Report biannually to the Maunga Authority on events held on the Ngā Tūpuna Maunga.

Event Delivery Team; Community Development Arts and Culture or ATEED:

- Lead or support the delivery of council lead or supported events.

Film Facilitation Team; ATEED:

- Process filming and commercial still photography applications and co-ordinate feedback from all stakeholders.
- Facilitate debriefs of filming and commercial still photography as and when determined by the Maunga Authority.
- Report biannually on the Ngā Tūpuna Maunga Filming and Commercial Still Photography Portfolio.

Manager Volcanic Cones; Parks, Sport and Recreation (Parks)

- Assess event, filming and commercial still photography applications.
- Prepare notices to the Tāmaki Collective seeking feedback on the application.
- Prepare and present reports to the Maunga Authority or the Maunga Authority Filming and Events Committee.
- Meet event organisers to undertake pre-activity briefing and undertake post-activity monitoring as and when determined by the Maunga Authority.
- Make decisions on events, filming and commercial still photography applications in accordance with the delegated authority from the Maunga Authority or the Maunga Authority Filming and Events Committee.

³ Composition and operation of committee to be determined by the Maunga Authority.

Delegations

Maunga Authority Filming and Events Activities Committee

- Determine level of iwi consultation required for each application.
- Determine which applications to be decided by the Maunga Authority.
- Determine applications not referred to the Maunga Authority for a decision and to set terms and conditions.

Auckland Council

- Determine applications within delegated authority from the Maunga Authority or adopted by the Maunga Authority Filming and Events Committee and to set terms and conditions.

Generic Process

An event permit is required for any organised event on the maunga that has event related infrastructure and/or more than 50 people; including community picnics and ceremonies.

A filming and/or commercial still photography permit is required for any filming and commercial still photography on the maunga regardless of nature, scale, location etc and other matters set out in The Auckland Film Protocol as thresholds for determining when a permit is required.

Event filming and commercial still photography requests will follow the process outlined in Appendix 5 and assessed against the assessment criteria (see Appendix 6).

While it is acknowledged that the filming industry, particularly television commercials and some television programmes, operate under tight timeframes, sufficient time (minimum of 15 working days) for iwi to consider applications must be provided. Until new iwi engagement guidelines are adopted, the Tāmaki Collective Notice

should be used (Appendix 7). In time, the Maunga Authority may adopt approaches such as annual agreements for regular filming activities and thresholds for activities that can be approved by the Manager Volcanic Cones to reduce approval times.

Conditions can be placed on any approval (see Appendix 8).

Activities not supported by the Maunga Authority

Through the development of the integrated management plan for the maunga the appropriateness of activities based on matters such as nature, scale and location of activities will be considered more fully to provide a policy framework to guide decision-making.

Until this time, activities which are not appropriate on the maunga include:

- off-road races such as orienteering, rogaine cross country and cycling
- activities that involve or promote the consumption of alcohol or tobacco
- activities that involve any use of the Tāmaki Collective and individual iwi's spiritual, cultural, historical or traditional

a production without express written approval from the Tāmaki Collective and the individual iwi, and

- filming or commercial still photography that promotes driving on the maunga or off-track activity on the maunga.

Monitoring and Reporting

The Volcanic Cones Manager will co-ordinate monitoring of activities to ensure conditions are met and will report back to the Maunga Authority or Maunga Authority Filming and Events Committee post-activity as and when determined by the Maunga Authority.

The Events Facilitation Team will report biannually to the Maunga Authority on the Ngā Tūpuna Maunga Events Portfolio; including the events schedule for the next

6 months and an overview on events held within the previous six months.

ordinate monitoring of all approved filming and still photography activity to ensure conditions are met and report biannually to the Maunga Authority on the Ngā Tūpuna Maunga Filming and Commercial Still Photography Portfolio; including the filming and still photography schedule and a debrief on filming and still photography held within the previous six months.

Fees and charges

In accordance with section 63 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act of 2014 any revenue generated through activities on the maunga must be applied only for the purposes of the Ngā Tūpuna Maunga and other lands administered by the Maunga Authority.

Application and / or monitoring fees and/or use charges may be included as a condition of an approval.

The Maunga Authority Filming and Events Committee will in time develop a fees and charges schedule that will cover events, filming and commercial still photography on the maunga.

Bonds

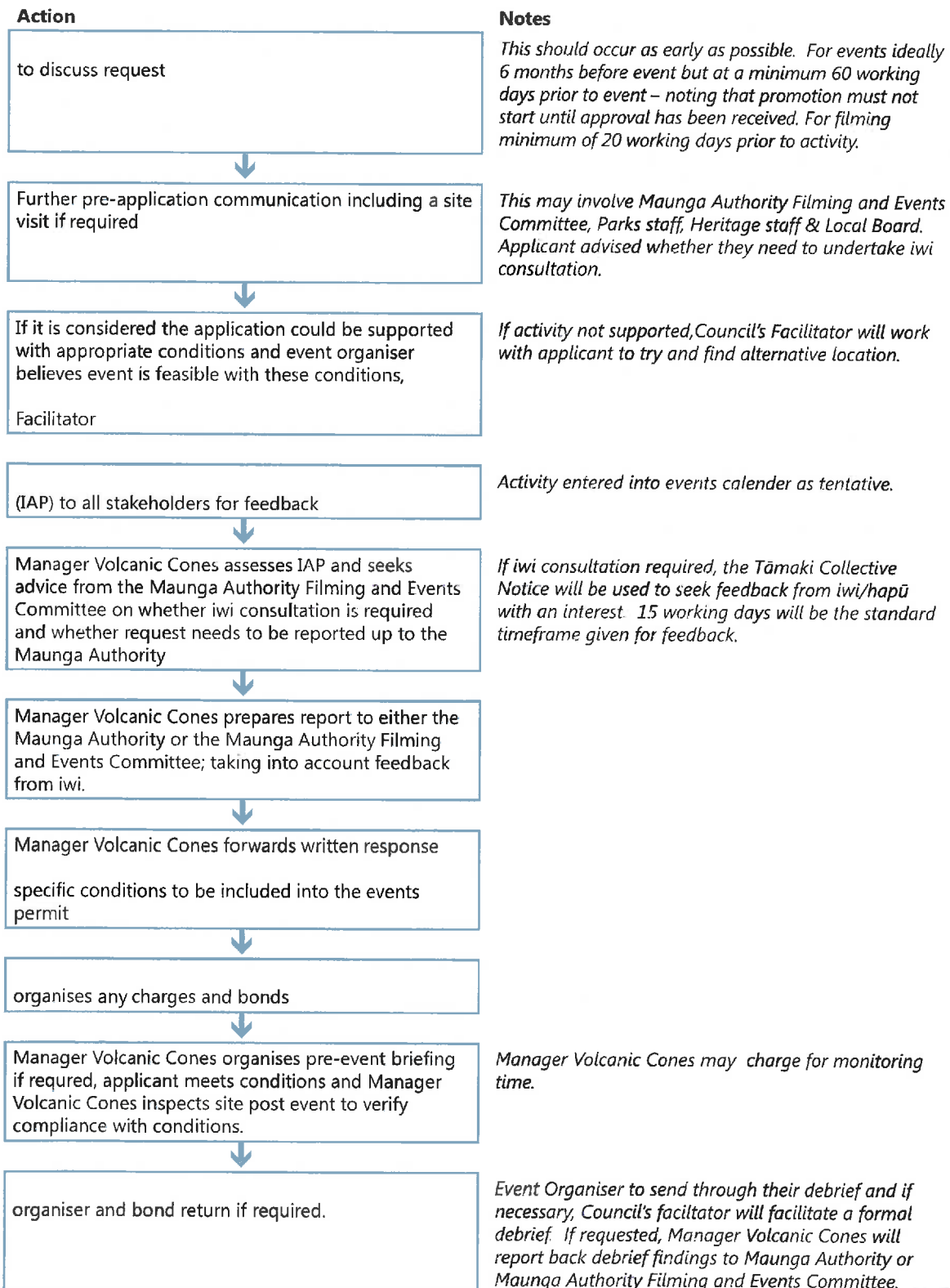
Bonds are generally required for activities where there is a potential to damage the maunga or infrastructure on the maunga. The amount of the bond shall reflect the cost to repair the amount of damage that could occur.

Approval for works or activity to commence will not be given until a bond has been received.

At completion of the works staff undertake an inspection of the works. Bonds will be refunded if the park is returned to its original condition at the end of the work/event.

Appendix 5

Generic Process



Appendix 6

Assessment Criteria

Matters to be considered in regard to event requests include but are not limited to:

- The spiritual, ancestral, cultural, customary, and historical significance of the maunga to Ngā Mana Whenua o Tāmaki Makaurau
- The position of iwi / hapu that have an interest in the maunga
- The benefits to the Tāmaki Collective e.g. increasing the understanding of role of iwi as owner and kaitiaki of the maunga
- The benefits to the Maunga Authority e.g. promotion of stewardship of the maunga
- The benefits to the local and regional community e.g. benefits to local businesses and community development
- Potential physical impacts to the maunga i.e. archaeological sites, turf, park infrastructure
- Whether any adverse effects, including cumulative effects, of the proposal on the park values, park infrastructure, parks maintenance, approved activities, the enjoyment of other park users and adjoining communities can be sufficiently avoided, mitigated or remedied
- The requirement for the activity to occur on the maunga and whether the proposal could reasonably be undertaken in another location on the park, on another park or on another location which is not on a park
- The suitability of the site e.g. can power, toilets, access and egress and parking requirements be met in the location
- The consistency with the Reserves Act 1977, any operative management plan and all additional acts, such as the Heritage New Zealand Pouhere Taonga Act 2014 and the Conservation Act 1987
- The consistency with provisions in the Auckland Council District Plan and Proposed Auckland Unitary Plan
- The likelihood of the proposal securing other necessary consents e.g. resource consents
- The consistency with other approved activities such as events, leases and licenses that are within or in close proximity to the proposed event site
- The views of persons and entities affected by the proposal e.g. adjoining landowners, lessees
- The degree to which exclusion of the public is necessary for public safety, security or the competent operation of the proposed activity
- The potential to set a precedent that could give rise to similar activities which in combination may result in adverse cumulative effects on parks in the future
- The operating record of the organiser
- For annual events, the degree to which the applicant has complied with previous conditions and addressed any issues raised from previous events

Appendix 7

Tāmaki Collective Notice

AC/TC --

Date----

Maunga Authority Notice Of Proposed Activity On Maunga

[Insert Name of Event; Name of Maunga]

Proposed Activity

Parks Assessment

Tāmaki Collective Feedback

It would be appreciated if any feedback could be provided to Scott De Silva, Volcanic Cones Manager (e: scott.desilva@aucklandcouncil.govt.nz ; ph: 027 494 3624), by [insert date].

The Manager Volcanic Cones will collate any feedback and clarify expectations with Iwi /Hapu prior to preparing a report to the Maunga Authority or the Events and Filming Committee.

Iwi/Hapū Interests In [Insert Name Of Maunga]

[Delete from full list to only list iwi/hapu with an interest in the maunga as per Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014]

Ngāi Tai ki Tāmaki

Ngāti Maru

Ngāti Pāoa

Ngāti Tamaoho

Ngāti Tamaterā

Ngāti Te Ata

Ngāti Whanaunga

Ngāti Whātua o Kaipara

Ngāti Whātua Ōrākei

Te Ākitai Waiohua

Te Kawerau ā Maki

Te Patukirikiri

Te Rūnanga o Ngāti Whātua

Auckland Council Bylaws Review Programme

Author: Scott de Silva – Manager, Volcanic Cones

Purpose

This report provides information on Auckland Council's Integrated Bylaw Review and Implementation programme and a proposed approach for the Maunga Authority to provide input into those Bylaws due to go out for consultation and for those bylaw reviews yet to commence.

Recommendations

That the Tūpuna Maunga o Tāmaki Makaurau Authority:

- (a) **note** the Integrated Bylaw Review and Implementation programme in Attachment A;
- (b) **request** Auckland Council staff report back on 3 November 2014 on the three bylaws scheduled for consultation; and
- (c) **agree** to the process for providing input into bylaw reviews yet to commence, which is for Auckland Council staff to seek input from the Maunga Authority through scheduled workshops during the pre-consultation and drafting phase prior to it going out for consultation.

Auckland Council Review of Bylaws

1. A bylaw is a rule or regulation made by a local authority, and it can therefore reflect both regional and local preferences. The Auckland Council inherited 158 bylaws across 32 topics from the former councils upon amalgamation; all of which must be reviewed by 31 October 2015. This review process will support consistent governance across the region.
2. The Integrated Bylaw Review and Implementation programme is well underway with almost two-thirds of the bylaws (105) either replaced by a new Auckland-wide bylaw or in draft stage and due to be consulted on. Some legacy bylaws have been revoked as they are either to be managed through other means (such as rules in the Unitary Plan) or they are considered longer be relevant for Auckland Council.
3. Attached is the Bylaw Review work programme setting out showing those bylaws either currently under review or yet to be reviewed (Attachment A).

Maunga Authority Input into Bylaw Reviews

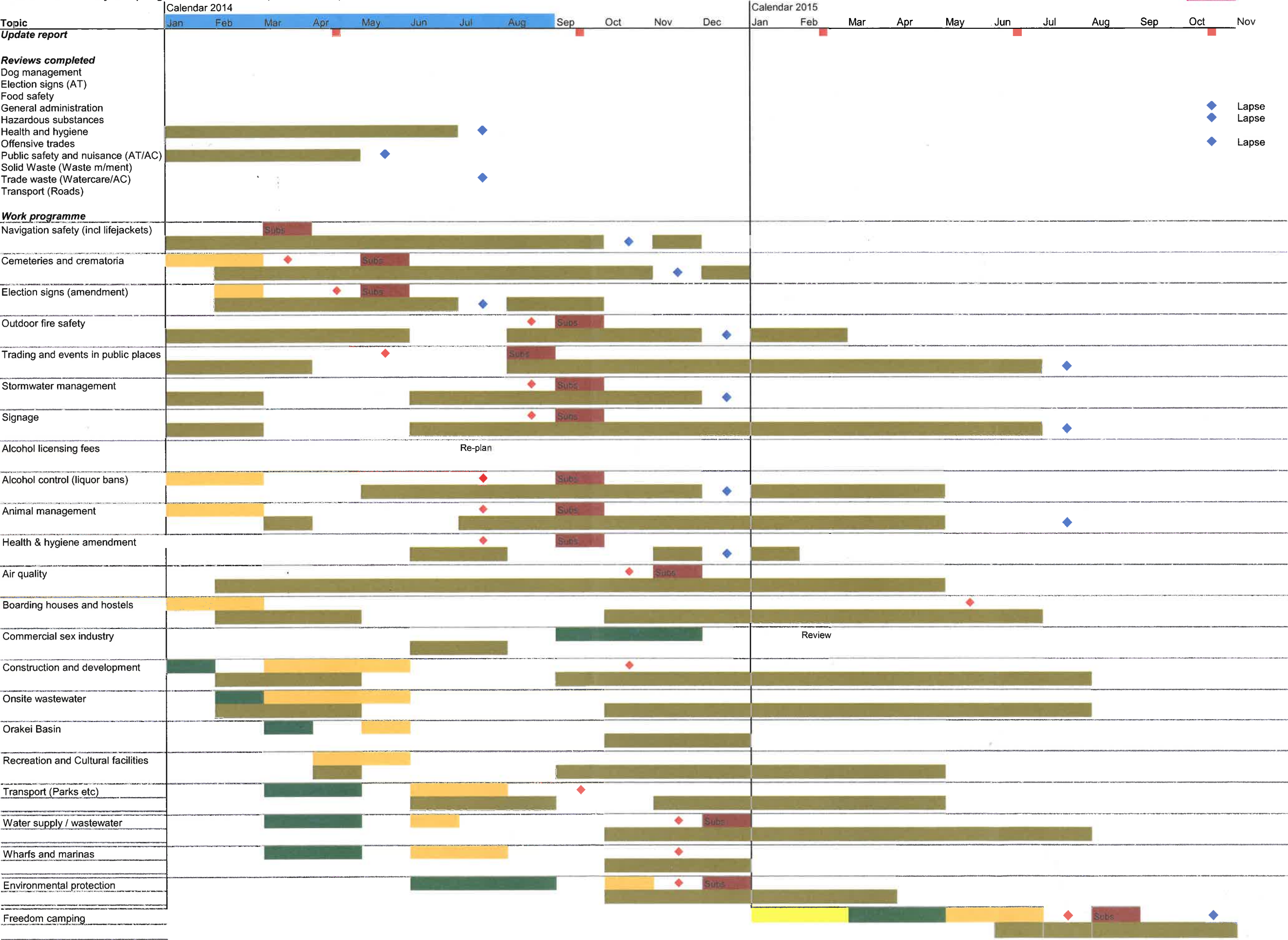
4. Bylaws will potentially contribute to and enhance the custodianship of the maunga by the Maunga Authority. They will potentially assist with the control of traffic, off-road use of vehicles, use of alcohol, vandalism and other management issues. For those bylaws that are due to go out for consultation over the next few months as approved by Council, the opportunity for the Maunga Authority to provide feedback would be limited to the formal submission process, that is, written submissions. The proposed bylaws that are scheduled for consultation are:
 - a. Auckland Council Traffic Bylaw (10 October – 10 of November);
 - b. Environmental Protection (no date has been set yet but late November 2014); and
 - c. Wastewater (no date has been set yet but late November 2014).
5. Auckland Council staff can report back to Hui 3 (3 November 2014) with more information about these bylaw reviews. If requested, Auckland Council staff are also available to hold a workshop with the Maunga Authority on bylaws generally prior to Hui 3.
6. For those bylaws that are due to commence being reviewed (the 2015 workstream in Attachment A), Auckland Council staff propose seeking input from the Maunga Authority during the pre-consultation and drafting phase prior to it going out for consultation. This approach means input from the Maunga Authority will influence how the draft bylaw is written.

Item 6

7. In terms of how the Maunga Authority could have input during pre-consultation, one option is for Auckland Council staff to present at scheduled Maunga Authority workshops (with material sent out beforehand) to obtain feedback on how the proposal may or may not impact on the Maunga Authority's business.
8. Following that phase Auckland Council would then begin drafting the bylaw and circulating it to key stakeholders for their feedback, to be incorporated into the draft bylaw that would be presented to the Governing Body for approval to go out for formal consultation.
9. The Maunga Authority would be able to make a formal written submission on the bylaw if it was felt necessary, though the approach set out above (involvement during pre-consultation and drafting) is intended to ensure any issues are addressed at the early stages of the process.

Attachment A: Bylaw programme timeline (2014-2015)

End 31Oct2015



End 31Oct2015

Public Input process at Maunga Authority Hui

Author: Justine Smith – Lead Officer

Purpose

This report addresses public input at Maunga Authority meetings, and the recording / notifying of issues raised with Auckland Council in respect of the Tūpuna Maunga.

Recommendation/s

That the Tūpuna Maunga o Tāmaki Makaurau Authority:

- (a) **note** the provisions of the Maunga Authority standing orders in relation to public presentations at Open Meetings; and
- (b) **agree** that the Authority be provided with a summary of the register of issues raised by the public in relation to the Tūpuna Maunga on a monthly basis and that this process be reviewed at the 8 June 2015 hui.

Approach to receiving public input at Maunga Authority meetings

1. The Tūpuna Maunga o Tāmaki Makaurau Authority Standing Orders (9.0 Public Participation, pp. 22 – 23) adopted at the Inaugural meeting (15 September 2014) set out rules for public attendance and input at meetings which include (in summary):
 - a. members of the public may be permitted to address the Authority on matters relevant to the Authority, and may speak for five minutes (which may be extended by resolution of the meeting); and
 - b. those wishing to speak must communicate their request (and the subject matter) no later than two working days prior to their meeting (though the Chair may accept an application to speak which is made less than two working days if it is urgent and of major public interest).
2. The Standing Orders also give the chairperson discretion to decline a request to speak for reasons that include, but are not limited to, the request not meeting the requirements of the standing orders or that the business of the meeting is such that it is necessary in the opinion of the chair to reduce or remove the speaking time for members of the public.

Devonport Peninsula Trust

3. The Devonport Peninsula Trust has requested the opportunity to address the Maunga Authority. Mr Dave Veart (Chair) and several trustees will attend Hui 3 (3 November 2014) to give a presentation.

Issues raised by the public in respect of the Tūpuna Maunga

4. From time to time issues are raised with Auckland Council in respect of the Tūpuna Maunga. Issues raised can often be minor or operational in nature and able to be dealt with by the Council. Issues are also raised about the state of the Maunga and their facilities (for example a recent complaint regarding the erosion of a footpath by mountain bikers on Takarunga/Mt Victoria). Moving forward, we propose to institute a way of providing visibility to the Maunga Authority of issues raised by the public.
5. Auckland Council intends to start a centralised 'register' recording issues raised by the general public and, where relevant and consistent with the Authority's delegations to Council, how the matter was addressed. This is potentially a useful source of information for the Maunga Authority about public interaction with and concerns about the Tūpuna Maunga.
6. We propose to provide the Authority with a summary of the register of issues, for their information, on a monthly basis. We suggest reviewing this approach for its usefulness and timeliness at the 8 June 2015 hui.

