



Ōmaru Joint Management Committee

Terms of Reference

27 May 2025

Background

1. Ōmaru is a traditional name for the area encompassing the Point England (Kiano) Reserve. The site is within the historical Kohimarama Block.
2. The historical account in the Ngāti Pāoa Treaty settlement with the Crown records that on 28 May 1841, the Crown completed a transaction deed for the 6,000 acre Kohimarama Block with certain Ngāti Pāoa for £100 and various goods. Approximately five months later, the Crown on-sold five three-acre blocks within the Kohimarama purchase for a total of £1,445. This was consistent with Crown policy to purchase land at a low price and sell at a high price, with colonisation to be funded by the difference. The Crown assured Ngāti Pāoa they would derive significant economic advantages from the growth of European settlement in Tāmaki.
3. However, no reserves were made for Ngāti Pāoa in the Kohimarama block. Nor were reserves made from the nearby 'Fairburn Purchase', or from other pre-Treaty transactions where the Crown retained 'surplus' lands, or from early Crown purchases and pre-emption waiver purchases. This rendered Ngāti Pāoa essentially landless in the wider Tāmaki area, a key part of the Ngāti Pāoa rohe, and gives rise to one of the historical Treaty grievances the Crown is settling through the Ngāti Pāoa Deed of Settlement.
4. The Maungakiekie-Tāmaki Local Board acknowledges the Treaty of Waitangi claims of Ngāti Pāoa and that on 20 March 2021 the Crown and Ngāti Pāoa signed a Deed of Settlement of the historical claims of Ngāti Pāoa.
5. The settlement includes the transfer of ownership of the majority of the Ōmaru lands as cultural redress to Ngāti Pāoa Iwi Trust to be held as recreation reserve and with Auckland Council (the Maungakiekie-Tāmaki Local Board) as the Reserves Act 1977 administering body. The settlement provides for the two parties to work together in the management of the land. The application of the Reserves Act as part of the settlement redress ensures recreation reserve values and ongoing rights of public access are protected.
6. The Ōmaru Joint Management Committee recognises the customary interests of Ngāti Pāoa, the Treaty of Waitangi settlement commitments in respect to Ōmaru (including ownership of the majority of the Ōmaru lands by Ngāti Pāoa), and the responsibilities of Auckland Council in respect to the reserve on behalf of the wider community.
7. In these Terms of Reference **Ōmaru** means all lands that from time to time form part of the Ōmaru / Point England (Kiano) Recreation Reserve. For the avoidance of doubt, this includes two parcels of Ōmaru / Point England (Kiano) Recreation Reserve owned by Auckland Council.
8. It is also noted that under the Ngāti Pāoa Deed of Settlement the Crown transfers ownership of two blocks within the Ōmaru lands – Hine-nui-o-te-pāua (2 hectares for a papakāinga) and Pāoa Whanake (2 hectares for a marae). Both are owned and managed solely by Ngāti Pāoa, with the aim of establishing a living, marae-based Ngāti Pāoa community at Ōmaru.



9. Ngāti Pāoa Iwi Trust and the Maungakiekie-Tāmaki Local Board agree planning should, as much as feasible, be coordinated so the reserve, papakāinga and marae function in a complementary way.

Purpose and responsibilities

10. The purpose of the Ōmaru Joint Management Committee is to undertake all functions, duties and responsibilities necessary for the management of Ōmaru, including the development and adoption of the reserve management plan for the reserve in accordance with the Reserves Act process.

Powers

11. The Ōmaru Joint Management Committee, a committee of the local board established under the Local Government Act 2002, is delegated all powers of the Maungakiekie-Tāmaki Local Board necessary to perform the Joint Management Committee's responsibilities, and exercises the powers of the Ngāti Pāoa Iwi Trust in respect to Ōmaru as provided for in the settlement of its historical Treaty of Settlement claims.
12. The Ōmaru Joint Management Committee has the authority to make decisions regarding any funds allocated to the Committee, including by the Maungakiekie-Tāmaki Local Board, Auckland Council Governing Body or Ngāti Pāoa Iwi Trust, for the management of Ōmaru.
13. For the avoidance of doubt the Ōmaru Joint Management Committee:
 - a) is not authorised to exercise any regulatory or enforcement function of Auckland Council under the Reserves Act, Resource Management Act 1991, Local Government Act 2002 or any other Act; and
 - b) is not authorised to commit funds or resources of Auckland Council beyond any funding to which it has been allocated.

Membership

14. The membership of the Ōmaru Joint Management Committee will be as follows:
 - a) three (3) members from the Ngāti Pāoa Iwi Trust; and
 - b) three (3) elected members from the Maungakiekie-Tāmaki Local Board.
15. All appointments to the Committee are made by the Maungakiekie-Tāmaki Local Board, in accordance with the Local Government Act 2002. The appointment of members representing the Ngāti Pāoa Iwi Trust are made on the recommendation of the Ngāti Pāoa Iwi Trust. The members of the Committee can be reappointed.
16. The members from the Maungakiekie-Tāmaki Local Board will be elected following each triennial local government election. The members from the Ngāti Pāoa Iwi Trust will remain until replaced, on the recommendation of the Ngāti Pāoa Iwi Trust, or upon resignation in writing to the Committee.

Chairperson and Deputy Chair

17. The Ōmaru Joint Management Committee will appoint by majority decision of the members:



- a) a Chair, from one (1) of the members from Ngāti Pāoa Iwi Trust, on the nomination of the members from Ngāti Pāoa Iwi Trust; and
 - b) a Deputy Chair, from one (1) of the members from the Maungakiekie-Tāmaki Local Board, on the nomination of the members from the Maungakiekie-Tāmaki Local Board.
18. The Chair and Deputy Chair will be elected at the first meeting of the Committee and thereafter at the first meeting of the Committee following each triennial local government election, or when required following any resignation or the office being vacated. The Chair and Deputy Chair may be re-elected for one or more further terms.
19. The Chair will be the spokesperson for the Committee, when required.

Meetings

20. The Ōmaru Joint Management Committee will meet at least twice each year, but otherwise as agreed by the Committee.
21. The Ōmaru Joint Management Committee will comply with the Standing Orders of the Maungakiekie-Tāmaki Local Board for the conduct of its meetings.
22. The Ōmaru Joint Management Committee will strive to make decisions by consensus. If, after reasonable discussion, the Chair considers that it is not practicable for the committee to reach a consensus decision, the Chair will call for the decision to be made by a majority vote of the Committee.

Quorum

23. The quorum for meetings of the Ōmaru Joint Management Committee is one half of the members, provided that this includes at least:
- a) one member from the Maungakiekie-Tāmaki Local Board;
 - b) one member from Ngāti Pāoa Iwi Trust; and
 - c) either the Chair or the Deputy Chair.

Funding and administrative support for the Committee

24. As the administering body for the reserve under the Reserves Act 1977, Auckland Council will continue to fund the maintenance, protection, use, enhancement and development of Ōmaru, subject to the budget allocated to the reserve.
25. Meetings and administrative support for the Committee, including members' fees for the representatives of Ngāti Pāoa, will be provided by Auckland Council in accordance with Auckland Council policies, including the "Auckland Council Fees Framework and expenses policy for appointed members".
26. Subject matter expertise, technical support and advice necessary for the functions and responsibilities of the Committee will be provided by Auckland Council and by the Ngāti Pāoa Iwi Trust, as agreed by the Committee.



Additional lands

27. Subject to a resolution of the Maungakiekie-Tāmaki Local Board, in accordance with all statutory obligations, and to a decision of Ngāti Pāoa Iwi Trust, the parties may jointly agree that additional lands may be administered by the Ōmaru Joint Management Committee.
28. The Terms of Reference would require amendment, by agreement of the parties, to reflect any addition of lands to those administered by the Committee.

Review of Terms of Reference

29. The Ōmaru Joint management Committee will review these Terms of Reference at least every three years to ensure they are fit for purpose.
30. The Terms of Reference can be amended by the agreement of the Maungakiekie-Tāmaki Local Board and the Ngāti Pāoa Iwi Trust.