

## Appendix 4

### A PROTOCOL FOR THE PROTECTION OF TITIRANGI RESERVE AND THE MANAGEMENT OF WAAHI TAPU AND ARCHAEOLOGICAL SITES TO ACCOMPANY AND BE READ IN CONJUNCTION WITH THE TITIRANGI MANAGEMENT PLAN

#### BETWEEN

Ngati Oneone

#### AND

Gisborne District Council

1. This protocol shall be observed by all and/or each of the above and is undertaken in recognition of, and as a development following on after, the Titirangi Accord signed by the Gisborne District Council and Ngati Oneone, on Waitangi Day - 6 February 2002, between Mayor Meng Foon on behalf of the Gisborne District Council and Toko Te Kani on behalf of Ngati Oneone, at Te Poho-o-Rawiri Marae.
2. It is recognised that waahi tapu and cultural heritage sites exist within the entire Titirangi reserve. It is also recognised that Titirangi is of cultural and spiritual significance to Ngati Oneone and there are known and unknown archaeological sites on and around the maunga. This protocol has been developed specifically to manage:
  - 2.1 The Reserves Management issues associated with:
    - 2.1.1 The cultural and historic values of the following waahi tapu areas and Ngati Oneone archaeological sites:

Proposed District Plan Reference	Buffer Distance	Proposed District Plan Description
WY17	Entire reserve area	Titirangi Recreation Reserve - Mapped as Heritage Reserve
Y18/18 AD - WP 77	100m/100 m	Pa - Titirangi
Y18/52 CE	100m	Midden(s) with historical evidence
Y18/357 AA	15m	Midden(s)
Y18/462 AO	100m	Pit(s), terrace(s) (or house site(s) )
Y18/463 AM	100m	Pit(s)
Y18/464 EK	100m	Terrace(s) and midden(s)
Y18/465 CE	100m	Midden(s) with historical evidence

Y18/466 CE	100m	Midden(s) with historical evidence
Y18/467 CE	100m	Midden(s) with historical evidence
WY11		Canoe landing place

2.1.2 Following the proposed Kaiti Beach Road realignment the following sites should also be included: Taonga re-interment site, mural and artwork site, and Te Wai U-o-Hamo Te Rangi site.

2.1.3 All Ngati Oneone archaeological sites subsequently discovered.

2.1.4 Any earthworks associated with Titirangi Reserve.

3. The concern of Ngati Oneone is to ensure that:

3.1 Titirangi is acknowledged as the sacred maunga of Ngati Oneone and is protected accordingly.

3.2 The waahi tapu area and all other known and unknown archaeological sites are acknowledged. It is accepted that every reasonable step will be taken to recognise and provide for such areas.

4. This protocol recognises that there are a number of parties that have an interest in or responsibility for the waahi tapu, archaeological and historic sites identified, the New Zealand Historic Places Trust, Department of Conservation and the Gisborne District Council, however, Ngati Oneone are also recognised as tangata whenua, who have a unique and special connection with Titirangi.

5. Underlying principles of consultative process:

The Titirangi Management Plan will recognise this protocol and will provide for the management of Titirangi to be carried out by Council in partnership with Ngati Oneone as the iwi kainga.

Tangata Whenua have been involved at the initial stages of the Management Plan preparation process, prior to the formalisation of any ideas (i.e. starting the process with an open mind).

5.1 Based on the principles contained in the Titirangi Accord signed on Waitangi Day, 6 February 2002, Ngati Oneone and Gisborne District Council undertake to:

- (i) Act and behave in good faith;
- (ii) Work towards an agreed outcome, if possible;
- (iii) Participate in a process which is constructive and meaningful;
- (iv) Provide quality written and verbal feedback.

5.2 Consultation will involve the following:

- Waiting to hear what Tangata Whenua have to say and listening to what is said;

- Providing sufficient information (e.g. about the consultation and management plan process and requirements of the Reserves Act 1977) to enable Tangata Whenua to effectively contribute to the process and proposal;
- Using the guidance of Ngati Oneone as a vehicle to establish and carry out consultation at the appropriate level, whether at Iwi, Hapu, Marae or individual level providing sufficient resources and financial support to enable consultation to be undertaken.

5.3 This protocol recognises that the principles of consultation have already been undertaken with resource consent granted September 2002 (PD202019A) to upgrade the first lookout and surrounding tracks.

## 6. Terms

- I Ngati Oneone representative(s) shall meet periodically with Gisborne District Council as required to receive and discuss updates on development at Titirangi.
- II Unless otherwise indicated by Ngati Oneone a tangata whenua representative shall be on site for all excavation works relating to the development. The site representative shall report to Ngati Oneone. This person is to be nominated by Ngati Oneone and be endorsed by the Gisborne District Council.
- III Ngati Oneone, if required, shall bless any site, in accordance with Hapu groups request, prior to any activity being undertaken on any site.
- IV Ngati Oneone will ensure that cultural aspects and any archaeological evidence are dealt with in the appropriate manner in consultation with Department of Conservation and Historic Places Trust.
- V The Ngati Oneone representative shall be given the opportunity to take issues/concerns back to Ngati Oneone as they arise.
- VI All reasonable care shall be taken when operating earthmoving equipment to ensure that identified sites are modified to the least extent possible with the terms of the consents and authorities granted.
- VII Ngati Oneone and the Gisborne District Council acknowledge the “general” and “day to day” maintenance and upgrading of reserve facilities, roads and tracks should continue without delay or undue impediment unless cultural heritage values are directly and adversely impacted on. To this end, Ngāti Oneone and the Gisborne District Council agree to long-term arrangements for the “general” and “day to day” maintenance and upgrading of reserve facilities, roads and tracks.
- VIII To ensure correct and proper acknowledgement of cultural heritage on the reserve appropriate cultural heritage name references shall be used for site and place names within the reserve. Names for such places will be adopted after discussions and determinations with Ngati Oneone.

- IX In the event of any artefact or koiwi being unearthed the following procedure shall be observed:
- (a) All work shall cease immediately in that area of the site.
  - (b) Ngati Oneone representatives and an archaeologist approved by Gisborne District Council and Ngati Oneone shall be notified immediately.
  - (c) The significance of the find shall be determined by Ngati Oneone and, if necessary, in association with an archaeologist.
  - [d] The archaeologist in consultation with Ngati Oneone shall notify any find of significance to the Gisborne District Council and the New Zealand Historic Places Trust.
  - [e] The archaeologist shall undertake the appropriate in-situ record taking and the recovery of artefacts under the guidance of Ngati Oneone.
  - [f] Any artefacts removed from the site shall be managed in terms of tikanga as determined by Ngati Oneone and in terms of the Antiquities Act.
  - [g] In the event of any find Ngati Oneone shall have all reasonable access to the site to carry out their specific requirements in terms of the find.
  - [h] In the event that a dispute arises as to the reasonableness or length of delay to work recommencing then the matter shall be referred to an independent mediator whose decision shall be final and binding on the parties.

7. Consultative Process involving Ngati Oneone

The Ngati Oneone consultative process involves the following:

- I. First contact with the Co-ordinator of resource management matters for and on behalf of the hapu.
- II. Convene and facilitate hui of hapu where/when issue, idea, information and details presented for the first time, and initial feedback provided.
- III. Convene and facilitate hui of hapu where/when issue, idea, plan, information and details discussed by hapu members in detail.
- IV. Cultural assessment report/response prepared and delivered, accompanied by a verbal explanation.
- V. Follow ups:
  - (a) Working towards an agreed outcome, if possible;
  - (b) Report to Hapu.

7.1 Mana Whenua - Mana Moana Issues

Ngati Oneone will attend to the above issues by inviting those other hapu and iwi who claim over-lapping tribal boundaries to discuss issues as they arise. They in turn may wish to attend to matters themselves. However, Ngati Oneone claim mana whenua - mana moana from the mouth of the Turanganui River to the south to the mouth of the Pouawa to the north.

7.2 Parallel Process

Ngati Oneone will facilitate the involvement of the Te Poho o Rawiri Marae Trustees and neighbouring hapu/iwi.

**Signed for and on behalf of Ngati Oneone**

Barney Tupara

\_\_\_\_\_

Dated

\_\_\_\_\_

**Signed for and on behalf of Gisborne District Council**

Robert Elliott

\_\_\_\_\_

Dated

\_\_\_\_\_