

Council

**Wednesday, 27 August 2003
Commencing at 5.30 pm**

SUPPLEMENT

Part D - Report of the Chief Executive

Item 14: Te Atatu Marae

**SUPPLEMENT TO AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 27 AUGUST 2003, COMMENCING AT 5.30 PM.**

PART D - REPORT OF THE CHIEF EXECUTIVE

14 TE ATATU MARAE

PURPOSE OF THE REPORT

The purpose of this report is to report back to the Council on the work done by the Te Atatu Marae Advisory Group established by Council, report on the Hui held on the issue of the Te Atatu Marae on 15 August 2003, and enable the Council to further consider the way forward in terms of decisions in relation to the Marae project.

BACKGROUND

Over 30 years the Maori community of Te Atatu Peninsula has desired that a community marae be established on Te Atatu Peninsula in order to provide for the full range of traditional functions of a marae. Te Kotuku marae, located at Rutherford High School, while serving an educational purpose, cannot provide for all needs in terms of Maori cultural practices and rituals. It is limited, for example, in providing for uses such as tangihanga, bereavements, and large community events due to its primary usage as an educational facility.

During this 30-year period a range of community processes and groups have emerged from time to time to lead the effort to develop a marae. Initially the key groups Te Pua o Te Atatu, Te Atatu Marae Komiti Trust and the Waipareira Marae Incorporated had worked within their respective members and supported to organise meetings, identify potential sites and lobby the Council to support the establishment of a marae. However, at Te Taumata Runanga's 14 February 2000 meeting, the Committee was advised that the three groups had combined as a single entity to form "Te Atatu Marae Coalition". The purpose of this group was to provide a collective approach to work alongside Council to progress the development of a marae on Te Atatu Peninsula.

Since then, an element of the Coalition has split to form the Te Atatu Multicultural Marae Trust. At Te Taumata Runanga's 24 September 2001 meeting, the Committee expressed concerns on the separation of between the groups.

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The Council determined to allocate land at Harbourview for Marae purposes in February 2002. The Te Atatu Marae Advisory group was established by the City Development Committee and Te Taumata Runanga in December 2002 to progress the establishment of the Marae project. The membership of the Group was established as Councillor Fenton and Councillor Presland representing the City Development Committee, and the Chairperson and Deputy Chairperson of Te Taumata Runanga, with the Mayor as an ex officio member. The Deputy Chairperson of Te Taumata Runanga subsequently resigned from membership of the Group. The Te Atatu Marae Advisory Group was charged with working with the Te Atatu Marae Coalition to address a number of issues relating to the implementation of the Marae project. The terms of reference of the Advisory Group as attached at page A71. The Advisory Group has completed significant work in terms of the terms of reference and its report to Council is outlined below.



As a result of this work, Council has already taken a number of steps to make available to the marae project the 2.5ha of land it had previously allocated for Marae purposes at Harbourview. A District Plan Change to identify an area of land for Marae purposes was initiated in early June in association with the Plan Change process for the Harbourview Park. At its meeting of 30 July 2003 Council considered a report on land tenure issues. Council resolved:

“That the Council agrees in principle that a Maori Reservation under Section 338 and Section 340 Te Ture Whenua Maori Act 1993 is the preferred long term tenure option for the proposed marae, and instructs the Chief Executive to commence all necessary actions to give effect to this option.”

1534/2003

and

“That further decisions on the Te Atatu Marae - Tenure Options be deferred for consideration until the next Council meeting scheduled to be held on Wednesday, 27 August 2003 following the outcome of a Hui on this issue on Friday, 15 August 2003.”

1535/2003

STRATEGIC CONTEXT

Council support for a Marae at Te Atatu is in line with Council's Marae Support Policy, the strategic work programme of Te Taumata Runanga and the Treaty of Waitangi Principle in the Long Term Council Community Plan. It is also supported by the direction of the Local Government Act 2002, which requires Council to provide for the economic, environmental, social and cultural wellbeing of its communities.

ISSUES

Report on the Work of the Te Atatu Marae Advisory Group

As specified in the terms of reference, the purpose of the Te Atatu Marae Advisory Group was to work on behalf of Council to resolve issues associated with the development of a Marae in which Council has an interest. The following issues were identified:

Confirmation of the Location and Boundaries of the Land Provided for the Marae Development

One of the tasks of the Te Atatu Marae Advisory Group was to work with the Management Plan process for Harbourview Park to define the location and boundaries for the Marae area within the overall park proposal. This task has been completed after consultation with the Te Atatu Marae Coalition.

Although the area of the Marae is broadly defined, it is not envisaged that the Marae will be delineated in a separate way from the park, but rather will form an integrated element within the overall park setting.

Design, Funding and Park Integration Issues

One of the tasks of the Advisory Group was to work with the Marae Coalition to ensure the concept for the Marae fitted with and was complimentary to the concept planning for the Harbourview Park. The Te Atatu Marae Coalition have provided details of its design intentions to the Harbourview - Orangihina Open Space Management Plan for consideration. The Te Atatu Marae Coalition has stated its commitment to the Marae development and working to ensure the proposed Marae concept plan is developed in a way that is both financially attainable and satisfies community considerations.



The Marae Coalition has advised the Advisory Group that the Marae will not be able to be accomplished in one development, but will take shape over time. The staged development programme is aimed at enabling financial support to be raised over time to ensure momentum can be maintained and funded.

To enable the Te Atatu Marae Coalition to progress its funding regime, they have signalled the necessity for Council to determine the legal status and basis of tenure for the land, in order to provide certainty to the sponsors and funders.

The Te Atatu Marae Coalition has advised that the proposed marae concept plans will extend over a number of years, however, the initial development of the marae is focused on the core facilities, which may include:

- marae atea (grassed or paved courtyard);
- whareniui (meeting house);
- wharekai (dinning hall, including kitchen facilities);
- wharepaku (ablutions);
- Landscaping and paving.

It is expected that these core facilities costs will be approximately 3 million. The priority of the marae development is to focus on meeting the immediate needs of manaaki ki te tangata (taking care of the people by providing shelter, warmth and nourishment).

The Te Atatu Marae Coalition Trust has advised that it has already scoped a range of options with potential sponsors and investors and is confident that these issues will be addressed as part of its project management process. Finalising tenure issues is seen as a key milestone in making progress in relation to funding.

In developing the marae designs report, the Marae Coalition has taken every opportunity to explore possibilities and gain knowledge on alternative building and design practices. Te Atatu Marae Coalition believe that there is huge scope in the development of the marae to be innovative. Council staff will continue to work in the design process through the development phase to provide advice and guidance on sustainable building methodologies and practices such as integration of low energy and low waste systems, use of passive solar energy design, natural ventilation systems, solar heating for water and other possible environmental features.

Agreement of the Issues and Polices Relevant to the Reserve Management Plan Process

The Open Space Management Plan for Harbourview - Orangihina incorporates various components that relate to the development of the Marae. The plan outlines the proposed reserve classifications and indicates the area which is to be the designated as Special area (marae). This area is outlined on the concept plan for the Harbourview site, setting out, at a conceptual level, how access to the marae would be gained and the location of the marae facilities. These concepts were developed with the Te Atatu Marae Coalition during the development of the Open Space Management Plan.

The objectives and polices within the Open Space Management Plan relate to the park only. However, due to the work of the Advisory Group and Council staff, it is recognised within the plan (particularly through the concept plan) that the Marae complex will form an integral part of the environment as a whole and that there is a need to ensure appropriate meshing of the park and the marae area.



Input into District Plan Change

During the process of preparing District Plan Change 2, Council staff discussed the design of the proposed marae structures and building layout with the Te Atatu Marae Coalition and Te Atatu Marae Advisory Group. These discussions sought to ensure that the shape of the land that will be re-identified as the Marae Special Area accorded with the design concepts that had been prepared at the time of preparing the park management plan.

The work was successfully completed and the Plan Change process is well underway.

Determining Tenure and Related Issues

At the Te Atatu Marae Advisory Group meeting with the Te Atatu Marae Coalition on 21 May 2003 meeting, a presentation on the various options and issues had been made. Both the Te Atatu Marae Coalition and the Te Atatu Marae Advisory Group response to the various options has been support of a Reserve under s338 and s340 Te Ture Whenua Maori Act 1993. A report on tenure issues was made to Council at its 30 July 2003 meeting, and Council resolved:

“That the Council agrees in principle that a Maori reservation under Section 338 and Section 340 Te Ture Whenua Maori Act 1993 is the preferred long term option for the proposed marae, and instructs the Chief executive to commence all necessary actions to give effect to this option.”

1534/2003

Determining Ongoing Relationship Between the Council and the Marae Governing Body

The Te Atatu Marae Coalition has advised the Te Atatu Marae Advisory Group that it wishes Council to remain involved in the project over the long-term. The extent of Council's role within the marae governing body is being investigated in terms of Ture Whenua Act 1993 and Council's ability to nominations on the Marae Trust Board. As part of this process the Marae's Charter may also provide an opportunity to ensure the wider community's interests and aspirations are reflected. Te Atatu Marae Coalition have also suggested a Memorandum of Understanding between Te Atatu Marae Coalition and Council be considered. Further work is required by Council staff to see whether this step is necessary or desirable. This work will be informed by the work on tenure issues.

Considering Any Impact of Proposals for the Future Ferry Landings on the Marae Proposal

Initial investigations have been carried out to identify possible bus and ferry developments for the Te Atatu peninsula. These options are being fed into citywide planning to determine if they are required and if they are a priority.

Ferry options do not directly affect the Marae site. However, a bus park and ride option identified within the study affects the Marae. It suggests expanding the Marae parking with an additional 50 spaces. This proposal would allow additional parking for large events at the marae and would better cater for possible express buses. This option could be implemented if the bus facilities (express services) at the motorway interchange were implemented. However, this needs to be fed into the citywide planning prior to any final decisions.



Although it is uncertain if this option will be used until after citywide planning is complete (mid 2004), it may be appropriate for the Te Atatu Marae Advisory Group to consider if the park and ride proposal has a negative impact, and if the Marae parking area has the ability to expand in the future if necessary. This work is still to be completed.

There is still some work for the Advisory Group to finish in relation to its terms of reference. In addition, there now appears to be further work that the Advisory Group is in a good position to progress on behalf of the Council. This is commented on below.

The Hui of 15 August 2003

A second Mayoral Hui of the issues around Te Atatu Marae was held on Friday, 15 August 2003. The Hui was designed to enable the groups wishing to develop a Marae to present their plans to the Council, and to see if there was any ability to get the groups to work together.

Both the Te Atatu Marae Coalition Trust and the Te Atatu Multicultural Marae Trust presented their plans for the Marae and made claims as to their group being the appropriate and legitimate group to advance the Marae project. The Te Atatu Marae Coalition Trust presented their plans, which have been developed alongside their work with Te Atatu Marae Advisory Group. The design contained several elements that fit with Council's strategic direction including its fit with the landscape and reduced visual impact, and its sustainability features. The Te Atatu Multicultural Marae Trust presented a plan which was not quite as developed, but which showed the integration of a Marae complex with a Kura Kaupapa. The Honourable John Tamihere MP for Tamaki Makaurau spoke in support of the Multicultural Marae proposal.

The atmosphere of the Hui was positive with strong community support for a Marae on the land. This support came through more strongly in the statements made from the floor, than explicit support for any one of the groups involved. The Hui demonstrated that the issue between the groups is more to do with personalities rather than substantive issues relating the Marae.

The main difference between the proposals was that the proposal from the Te Atatu Multicultural Marae Trust seems to have a Kura Kaupapa as a central element, while the Te Atatu Marae Coalition Trust's proposal does not. The Multicultural Marae Trust also seems to be reliant to some extent at least on funding from the Ministry of Education for its proposal. It needs to be noted that this funding is available for the development of Kura Kaupapa and, in the understanding of officers is not available for general Marae development. Issues relating to the establishment of a Kura Kaupapa on the land are commented on below.

While the Hui did not resolve any differences between the groups, it did enable Councillors and staff to view the proposals and get a better feeling of the different views within the Maori community. Two things that can be taken from the Hui are that there is strong community support for a Marae on Harbourview, and that there is support for a Kura Kaupapa facility to serve Te Atatu. The Hui also enables strong public participation in the discussion over the Marae project.

Process and Way Forward

The Council is faced with a series of issues in relation to moving this project forward. These can be summarised as:

- Who to work with in establishing the Marae?
- The process for moving tenure issues forward.
- The Council's focus in terms of providing land for the development.



Comment on each of these issues is set out below.

Who to work with?

When Council first made its decision to make land available for a Marae at Harbourview the Te Atatu Marae Coalition Trust represented all groups wishing to establish a Marae. Since that time Council has been working with the Te Atatu Marae Coalition through the Advisory Group.

However the Marae Coalition no longer represents all of the community interested in the Marae. Member of the coalition have split from it to form the Te Atatu Multicultural Marae Trust with a range of other people. While the Multicultural Marae Trust claims to be the Marae Coalition in a reformed state, the fact remains that the Marae Coalition Trust still exists and the Multicultural Marae Trust is a newly formed group with a different constitution.

The Marae Coalition Trust has worked well with Council up to this point through the Advisory Group. They have helped the Advisory Group complete a great number of the tasks set for it in its terms of reference, and have done everything asked of them by Council. There do not seem to be any reasons to exclude them from the process to establish the Marae going forward. Should Council wish to take this action, they would need to state such reasons clearly in order to provide for sound administrative decision making on the issue. Given their track record, and the Council's process to date, it would seem appropriate to continue working with the Te Atatu Marae Coalition Trust in some way.

That is not to say that it is necessary to work exclusively with the Marae Coalition Trust. The Hui process has demonstrated that there is a range of community support for the Marae, including members and supporters of the Te Atatu Multicultural Marae Trust and others not affiliated with either group. Indeed some supporters of the Multicultural Marae Trust appeared to have travelled from the east coast region for the meeting. As there are no reasons to exclude the Marae Coalition from the process moving forward, there seems little reason to exclude any other parties that share common objectives with the Council in terms of the development of a Marae project.

Council already has the Te Atatu Marae Advisory Group established to advise it on issues associated with this project and to move the project forward. The Advisory Group seems ideally placed to continue to work with the Marae Coalition, but also to identify and consult with other people in the community that want to work within the framework Council has established for the development of the Marae. It is proposed that the Advisory Group be asked to continue its work in this manner. The process for the work going forward is addressed below.

Process for Tenure Issues

Council has already identified that it wishes to provide land for the Marae by way of a Reserve under Section 338 and Section 340 Te Ture Whenua Maori Act 1993. This involves the vesting of the land by the Maori Land Court and the establishment of a Trust in relation to the land as part of the vesting process. In making such a request of the Maori Land Court, Council has the ability to identify initial Trustees.

Further work is required to achieve vesting of the land as outlined above. Specialist legal advice in relation to the operation of Te Ture Whenua Maori Act 1993 is required. Staff expect to be in a position to report back on these issues at the October meeting of Council.



This process enables Council to select Trustees from the community prior to the vesting actually taking place. In this way the Council is not forced to hand the project over to any one group in the community, but rather can select those Trustees that it believes, after consultation with the community, will best deliver and manage the Marae project. Subsequent to the vesting, the Trustees become accountable to the Maori Land Court in terms of the Trust established. Given the existence and track record of the Advisory Group, it would seem an appropriate vehicle to lead the consultation for Council in relation to these issues.

An issue that will be addressed in the October report is the timing of the request to the Maori Land Court and any interim tenure and development arrangements necessary prior to the vesting as reserve under Te Ture Whenua Maori Act 1993. The earlier the reservation process commences the sooner the long-term tenure issues can be finalised. However this process may take some time and it may be desirable to commence the development process ahead of the request for reservation. In this instance, it would be possible as an interim measure to establish a development steering group, which could comprise of several of the eventual Trustees to be nominated by the Council, as well as other members with skills particularly suited to the development phase of the project. Such an interim phase may also give Council greater say in the design concept for the project, although there may be mechanisms to achieve this control through the request for reservation. The pros and cons with regard to the timing and detail of the reservation request will be discussed in full in the report to the October meeting of Council.

Focus of the Development

In making land available at Harbourview, the Council was responding to calls from the community over many years for the establishment of a Marae in Te Atatu. The focus of the community, and indeed the focus of the Council, has been to provide a site for a Marae.

There is now a strong push from a part of the community to establish a Kura Kaupapa on the site. Council has recognised the importance of Kura Kaupapa in the community and has endeavoured in the past to assist with the identification of a site in the Te Atatu area. The Council acknowledges that Kura Kaupapa and Kohanga Reo are a central part in many Marae. However, Council is clear that the main focus for the site is a Community Marae, and is concerned that were the emphasis to be on a Kura Kaupapa, the situation at Kotuku Marae may be replicated, with community use becoming secondary to educational use. The concern with the proposal for funding and development of a Kura Kaupapa before Council at the moment is that the funding said to be available appears to be directed toward Kura Kaupapa rather than Marae purposes. In addition Mr Tamihere stated at the meeting that he could "not guarantee the funding".

That is not to say that Council has excluded educational uses associated with a Marae from the site. The Marae Special Area that will cover the site once the Plan Change is in place, is permissive in terms of educational uses and facilities. Providing the reservation under Te Ture Whenua Maori Act 1993 is as permissive, it would be up to the Marae as to what activities took place on the approved development within the site. Whether the reservation is permissive in respect to educational uses is a matter that it seems Council can influence through the request to the Maori Land Court.

If this approach will not satisfy Te Kura Kaupapa O Te Kotuku, who seem to be pushing for the inclusion on the Marae site at an initial stage, the alternative would be to revisit the work already done to identify a site for a Kura Kaupapa. A site adjacent to Te Atatu South Park has previously been rejected by the group. Advisors to the Council consider the reasons for the rejection of the site to be somewhat spurious.



RESOURCES

Staff time is provided within the Annual Plan to address the tenure and related issues associated with the Marae project. Some specialist external legal advice will be required in relation to the establishment of the Maori reservation under Section 338 and Section 340 Te Ture Whenua Act 1993, and this will be funded from the legal contingency budget.

CONCLUSION

The Te Atatu Marae Advisory Group has made significant progress, in conjunction with the Te Atatu Marae Coalition Trust, in performing the tasks set for it by Council. Following the Mayoral Hui held on 15 August 2003, Council is now able to further consider land tenure and other issues related to moving the Marae development project forward.

RECOMMENDATIONS:

1. That the information be received.
2. That the progress made by the Te Atatu Marae Advisory Group and the Te Atatu Marae Coalition Trust in completing the tasks set in the terms of reference established for the Te Atatu Marae Advisory Group be noted, and that the Te Atatu Marae Advisory Group and the Te Atatu Marae Coalition Trust be thanked for their work to this point.
3. That Council confirms that its priority in providing the land for a Marae site is the establishment of a Marae, but notes that other activities permitted under the relevant rules of the District Plan and the conditions of the Reserve to be established under Section 338 and Section 340 Te Ture Whenua Maori Act 1993 will likely be permitted in conjunction with the Marae.
4. That the Chief Executive be requested to report back the details and implementation plan for a Reserve under Section 338 and Section 340 Te Ture Whenua Maori Act 1993 and any interim tenure arrangements during the development phase to the October meeting of Council.
5. That Council continue to work, through the Te Atatu Marae Advisory Group, with the Te Atatu Marae Coalition Trust and any other parties as determined by the Te Atatu Marae Advisory Group, in order to consult over the details and implementation plan for the Reserve under Section 338 and Section 340 Te Ture Whenua Maori Act 1993 and any interim development arrangements.
6. That the initial trustees for the Trust to be established under Section 338 and Section 340 Te Ture Whenua Maori Act 1993 be selected by Council for nomination to the Maori Land Court after consultation with the Te Atatu Marae Coalition Trust and any other parties as determined by the Te Atatu Marae Advisory Group.
7. That the members of any development steering group which may be required as part of an interim development phase prior to the establishment of the Reserve under Section 338 and Section 340 Te Ture Whenua Maori Act 1993 be selected by Council after consultation with the Te Atatu Marae Coalition Trust and any other parties as determined by the Te Atatu Marae Advisory Group.

Report prepared by: Ross McLeod, Director: Corporate and Civic Services and Georgina Parata, Senior Analyst, Strategy and Development.



TERMS OF REFERENCE - TE ATATU MARAE ADVISORY GROUP

3547/2002

MOVED by F Delamere, seconded R Ratahi:

1. That the information be received.
2. That Te Taumata Runanga advises the City Development Committee, that it agrees in principle with the terms of reference of Te Atatu Marae Advisory Group as outlined below subject to any comment from the Advisory Group and the Marae Coalition:

Terms of Reference• Purpose

The purpose of the Te Atatu Marae Advisory Group is to work alongside the Marae Coalition, on behalf of Waitakere City Council, to assist the development of the Marae, by resolving those issues in which Council has an interest.

• Objectives

The objectives of the Advisory Group are to address issues related to legal interests, ownership and governance, and design characteristics.

Issues identified include the following:

- Confirmation of the boundaries of the land provided for the marae development;
- Ensuring that the designs of the Marae and the Peoples Park complement one another;
- Agreement of the issues and policies relevant to the Reserve Management Plan process;
- Determining ownership of the land and any associated conditions;
- Determining the ongoing relationship between the Council and the marae governing body;
- Considering marae design issues such as sustainable development initiatives and any Council role in support of these initiatives;
- Considering any impact of any proposals for future ferry landings on the Marae proposal.

• Membership

The membership of the Te Atatu Marae Advisory Group requires a high level of credibility, knowledge of community and local government decision-making, and leadership capacity. It is suggested members of the Te Atatu Marae Advisory Group should be:

- the Chairperson and Deputy Chairperson of Te Taumata Runanga;
- the Deputy Chairperson of the City Development Committee plus one other Councillor drawn from the Henderson Ward.

• Role

The Te Atatu Marae Advisory Group's role is to work alongside the Marae Coalition to:

- consider the issues identified;
- develop solutions to these issues;
- provide an overview of the relevant processes;
- submit progress reports to City Development Committee and Te Taumata Runanga; and
- develop recommendations to City Development Committee.

• Scope

The Te Atatu Marae Advisory Group's role is limited to the areas of work identified in this terms of reference, except with the specific approval of Council, in consultation with Te Taumata Runanga.

3. That Te Taumata Runanga appoints the Chairperson and Deputy Chairperson as members of Te Atatu Marae Advisory Group.

CARRIED