

**DATE: 6/03/2020**

## **Notice of Motion – Progression of Waitakere City Council resolutions Te Atatu Marae.**

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1. In accordance with Standing Orders, please place the following Notice of Motion on the agenda for the Henderson-Massey Local Board meeting being held on 17 March 2020.

### **Recommendation/s**

That the Henderson-Massey Local Board:

- a) request that the Director of Governance take forward current discussions between Auckland Council staff and representatives of the Te Atatu Marae Coalition with respect to land tenure for the planned Te Atatu Marae on Harbourview-Orangihina Park, and that these be formalised in a committee meeting report to the Parks, Arts Community and Events (or most appropriate) Committee.
- b) note the ongoing endorsement of the local board over the past four electoral terms for the land to be used for marae purposes
- c) acknowledge and commend the Te Atatu Marae Coalition and supporting affiliates for their unwavering drive since the amalgamation of Auckland Council and for more than three decades to secure tenure and progress the vision of development of a community marae on the Te Atatu peninsula.

### **Background**

2. The development of a marae in Te Atatu has been a long-term aspiration of many in the community. In 2002, Waitakere City Council (WCC) resolved that 2.5ha of land at the Harbourview Peoples Parkland be provided for the Te Atatū Marae.
3. In 2005, WCC made a further resolution to continue to support the Te Atatū Marae Development Group for a further two years or until a Trust was established pursuant to the Te Ture Whenua Māori Act 1993. The Te Atatu Marae Development Group had been established at the end of 2003. The Group was made up of members of the local Te Atatū community, both Māori and non-Māori and representatives of Te Kawerau ā Maki.
4. A concept design was to be produced and that the CEO take all steps necessary to transfer the 2.5ha to a trust structure under Te Ture Whenua Maori Act 1993 and once the proceedings of the Environment Court relating to the District Plan change had been finalised. It said that staff take all steps with the Māori Land Court and to enable the transfer.

5. However, in 2005 descendants of historical owners came forward to respond to the actions taken pursuant to the Public Works Act 1981, which resulted in an 11-year litigation that meant that matters were put on standby until they concluded in the Supreme Court of New Zealand where a decision was made against the Plaintiffs on 11 March 2016.
6. Meanwhile, the Auckland Council was established in 2010 and land use outlined in the WCC District Plan was taken forward through wide community engagement and the Auckland Unitary Plan 2016 includes approximately 2.5ha as Māori Purpose zone as per the legacy resolutions and an earlier Environment Court proceeding which enabled the use of the land for Māori purposes. The proposed 2.5ha for a marae has not yet been surveyed.
7. Following the Supreme Court finding, a number of representations were made to the local board and in April 2018 Council staff began meeting with marae representatives. These representatives were encouraged to get independent legal advice about the pros and cons of a Māori Reservation and any other potential tenure option, such as a long-term lease. The Coalition, through the Henderson Massey Local Board, was supported to get independent legal advice for tenure options and in 2019 have reiterated their preference for Māori Reservation under Te Ture Whenua Māori Act 1993, consistent with the WCC legacy resolutions.
8. This Notice of Motion seeks to move matters forward within the Auckland Council decision making framework with the Henderson-Massey Local Board resolving its request to the Auckland Council Governance Director.

## **Signatories:**

Author Chris Carter, Chair Henderson-Massey Local Board

Mover Chris Carter, Chair Henderson-Massey Local Board  
Seconder Will Flavell, Deputy Chair Henderson-Massey Local Board