



Office of Hon Christopher Finlayson

13 OCT 2016

Morehu Wilson and Hauāuru Rawiri
Mandated Negotiators
Ngāti Paoa

Gary Thompson
Chair
Ngāti Paoa Iwi Trust

By email: morehuw@gmail.com; hauauru.rawiri@gmail.com;
gary.thompson@ngatipaoaiwi.co.nz;

Tēnā koutou

Opportunity to purchase for development part of Point England Recreation Reserve for housing as Treaty settlement redress

This letter records the agreement between the Crown and the Ngāti Paoa Mandated Negotiators and the Ngāti Paoa Iwi Trust whereby the Crown will offer Ngāti Paoa the opportunity to purchase for the development of housing up to 13 hectares of Point England Recreation Reserve (the **Property**) towards the settlement of Ngāti Paoa te Tiriti o Waitangi / the Treaty of Waitangi historical claims. The Point England Recreation Reserve is described in **Appendix one**. The Property will be defined in agreement with the Crown.

Background

Ngāti Paoa entered into negotiations with the Crown for the comprehensive settlement of its historical Treaty claims in 2009 and has been represented in these negotiations by the Ngāti Paoa Trust Board, as the mandated entity, and Hauāuru Rawiri and Morehu Wilson, as the mandated negotiators. These mandates were re-confirmed by the claimant community at a hui-ā-iwi on 28 April 2016.

In 2013 Ngāti Paoa ratified the Ngāti Paoa Iwi Trust as the post settlement governance entity (the **PSGE**) to receive and manage Ngāti Paoa's Treaty settlement assets. The Trust Deed is dated 9 October 2013.

Since negotiations commenced, Ngāti Paoa has entered into the following agreements with the Crown as a member of Ngā Mana Whenua o Tāmaki Makaurau, the Hauraki Collective and the Marutūāhu Collective and in respect of its iwi-specific negotiations:

- a) Ngā Mana Whenua o Tāmaki Makaurau and Crown Framework Agreement, 12 February 2010;
- b) the Hauraki Collective Framework Agreement, 1 October 2010;
- c) Ngāti Paoa Agreement in Principle Equivalent, 22 July 2011;
- d) Record of Agreement in relation to Tāmaki Makaurau Collective Deed, 5 November 2011;

- e) Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed, 5 December 2012;
- f) Record of Agreement in relation to Marutūāhu Iwi Collective Redress, 17 May 2013;
- g) Ngāti Paoa and the Crown Deed recording on-account arrangements, 20 June 2014; and
- h) Counter-signed letter between Ngāti Paoa and the Crown recording opportunity to purchase 17 Landbank properties on-account of settlement, 5 August 2015.

These agreements represent incremental steps towards finalising a comprehensive deed of settlement of historical claims between the Crown and Ngāti Paoa.

In 2015, in recognition of a shared commitment to increasing the supply of housing in Tāmaki Makaurau, including social and affordable housing, Ngāti Paoa and the Crown entered into discussions regarding a housing proposal presented by Ngāti Paoa in relation to the Property.

This letter records the agreement reached between the Crown and Ngāti Paoa as a result of those discussions and as confirmed by Cabinet.

Opportunity and conditions

The Crown has agreed to offer Ngāti Paoa the opportunity to purchase for housing development the Property before settlement date. This opportunity is subject to the following conditions being met prior to the binding agreement with respect to purchase being entered into:

- a) the resolution of overlapping claims to the Crown's satisfaction;
- b) the PSGE demonstrating to the Crown's satisfaction it has:
 - i. increased its accountability to the Ngāti Paoa claimant community;¹ and
 - ii. satisfied the major transaction clauses of the PSGE's Trust Deed;
- c) Ngāti Paoa and the Crown to initial the Ngāti Paoa deed of settlement;
- d) authorised representatives for Ngāti Paoa and the Crown agreeing the text of the binding development agreement, which will include the terms of the sale and purchase of the Property. The negotiations and final agreements will be on similar timeframes and terms to those under the Auckland Vacant and Underutilised Crown land programme, including:
 - i. joint Ministerial agreement that the proposed development meets the Crown's minimum requirements for the site, including with respect to: pace; yield and dwelling mix;
 - ii. a valuation based on an agreed methodology;
 - iii. Ngāti Paoa assuming the development costs and risks; and

¹ The Crown conditions are set out in Rick Barker's letter to Gary Thompson, Hauāuru Rawiri and Morehu Wilson, dated 6 September 2016.

- iv. Crown protections to ensure that the land is developed in accordance with an approved scheme of development.

To provide this opportunity the Crown is responsible for completing the following actions:

- a) promoting the enactment of the Point England Development Enabling Bill to revoke the reserve status over the Property; and
- b) the Crown issuing notice to the Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership under section 120 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 stating the Property is required for the Ngāti Paoa Treaty settlement and ceases to be Right of First Refusal land.

Non-fulfilment

For the avoidance of doubt, in the event any of the above conditions, a) to d), of the redress offer to Ngāti Paoa are not met, the Crown retains the right to offer another party a development opportunity in respect of the Property which will include the right to purchase the land. This development opportunity will not be made on better terms than those offered to Ngāti Paoa.

Treaty settlement redress

The opportunity to purchase and develop the Property will be treated as settlement redress provided by the Crown in settling the historical claims of Ngāti Paoa, and is to be recorded in the Ngāti Paoa deed of settlement.

Disclosure

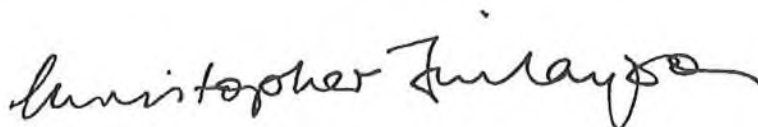
The Crown may present this document to any court or tribunal which is considering the redress provided by the Crown in relation to the full and final settlement of the historical Treaty of Waitangi claims of Ngāti Paoa.

Effect of this letter

This letter records an agreement in relation to the historical te Tiriti o Waitangi / the Treaty of Waitangi claims of Ngāti Paoa. It does not settle or otherwise affect those claims. Except as provided for in this agreement, the parties' rights and obligations remain unaffected.

I invite you to counter-sign this letter to record your agreement to the offer and conditions contained in this letter.

Nāku noa, nā



Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

SIGNED for and on behalf of THE CROWN by the Minister for Treaty of Waitangi Negotiations, in the presence of:

Christopher Finlayson

Hon Christopher Finlayson

Aron Corlett

Signature of Witness

Witness name: Aron Corlett
Occupation: Private Secretary
Address: 5 Huia Rd, Hataitai, Wellington
Date: 13/10/16

SIGNED for and on behalf of NGĀTI PAOA by the Mandated Negotiators for Ngāti Paoa, in the presence of:

Hauāuru Rawiri

Hauāuru Rawiri - Mandated Negotiator

Hayden Solomon

Signature of Witness

Witness name: Hayden Solomon
Occupation: Secretary
Address: 1 Tomlinson St Auckland
Date: 14/10/2016

Morehu Wilson

Morehu Wilson - Mandated Negotiator

SIGNED by the trustees of the NGĀTI PAOA IWI TRUST, in the presence of:

Gary Thompson

Gary Thompson - Chairman

Hayden Solomon

Signature of Witness

Witness name: Hayden Solomon
Occupation: Secretary
Address: 1 Tomlinson St Auckland
Date: 14/10/2016

Bryce Herron

Bryce Herron - Initial Trustee

Appendix One: The Point England Recreation Reserve, Lot 1 DP 44920

