



## Office of Hon Christopher Finlayson

05 AUG 2015

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Tēnā koutou

### **On-account of deed of settlement opportunity to purchase 17 Landbank properties**

This letter records the agreement between the Crown, the Ngāti Paoa mandated negotiators and the post-settlement governance entity, the Ngāti Paoa Iwi Trust, for the opportunity to purchase 17 Landbank properties on-account of the Ngāti Paoa Treaty of Waitangi / Te Tiriti o Waitangi settlement of historical claims.

#### *Background*

Since 2009, Ngāti Paoa has been in negotiations with the Crown for the comprehensive settlement of the historical Treaty of Waitangi / Te Tiriti o Waitangi claims of Ngāti Paoa.

The Ngāti Pāoa Trust Board, as the mandated entity, and Morehu Wilson and Hauāuru Rawiri, as the negotiators, were mandated by the Ngāti Paoa claimant community in March 2011 to represent Ngāti Paoa in negotiations with the Crown for a comprehensive settlement of Ngāti Paoa Treaty of Waitangi / Te Tiriti o Waitangi claims. Prior to this the negotiators acted in an interim capacity. The Crown recognised the mandate of the entity and the negotiators on 29 June 2011. The mandate of the negotiators was re-confirmed by the claimant community by hui-a-iwi on 24 May 2014.

In 2013 the Ngāti Paoa claimant community ratified its post-settlement governance entity, the Ngāti Paoa Iwi Trust, to receive and manage the settlement assets. The Trust Deed is dated 9 October 2013.

Ngāti Paoa has entered into the following agreements with the Crown as members of Ngā Mana Whenua o Tāmaki Makaurau, Hauraki Collective and Marutūāhu Collective and for their iwi-specific negotiations:

- the Tāmaki Collective Framework Agreement on 12 February 2010;
- the Hauraki Collective Framework Agreement on 1 October 2010;
- an Agreement in Principle Equivalent on 22 July 2011;
- the Tāmaki Collective Record of Agreement on 5 November 2011;
- the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed on 8 September 2012; and
- the Marutūāhu Iwi Record of Agreement on 17 May 2013.

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

The Crown has agreed, subject to certain conditions, to provide the Ngāti Paoa Iwi Trust the opportunity to purchase 16 Landbank properties prior to initialling a deed of settlement. The opportunity to purchase these properties is on-account of, and forms part of the final redress package to be provided to Ngāti Paoa through, the Ngāti Paoa deed of settlement.

The opportunity to purchase the properties will be taken into account by the Crown in relation to settling Ngāti Paoa historical claims and the Crown may present this document to any court or tribunal considering the redress to be provided by the Crown in relation to the full and final settlement of the historical Ngāti Paoa claims.

#### *On-account arrangements*

The Crown will provide the Ngāti Paoa Iwi Trust the opportunity to purchase 16 Landbank properties prior to initialling a deed of settlement. The Landbank properties are described in **Appendix 1**. The purchase of the properties will be given effect through a sale and purchase agreement entered into by the Crown and the Ngāti Paoa Iwi Trust. The agreed total transfer value for the properties is \$13,372,100. The opportunity to purchase the properties prior to initialling a deed of settlement will be recorded as redress provided on-account in the Ngāti Paoa deed of settlement.

#### *Effect of this letter*

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

#### *Conditions*

The Crown's undertaking to release the Landbank properties is conditional upon:

- a) authorised representatives of both parties agreeing and signing a binding sale and purchase agreement on behalf of the Crown and the Ngāti Paoa Iwi Trust;

- b) confirmation in writing as to whether this purchase triggers the major transaction clauses of the Ngāti Paoa Iwi Trust Deed and if so that the requirements specified in those clauses have been met;
- c) resolution of any overlapping claims to the Crown's satisfaction;
- d) Land Information New Zealand approving the transfer of the land to satisfy the requirements of the Public Works Act 1981 and the Land Act 1948; and
- e) 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 that seven of the properties are required for another Treaty settlement and cease to be Right of First Refusal land; and the Crown's completion of subsequent activities to remove the Right of First Refusal memorials from the titles of the properties.

The transfer of the properties is to be completed no later than 31 July 2015, or shortly thereafter.

I invite you to counter-sign this letter to record your agreement to the on-account arrangements and conditions contained within this letter.

Nāku, noa nā



Hon Christopher Finlayson  
Minister for Treaty of Waitangi Negotiations

**SIGNED** by the Initial Trustees of the Ngāti Paoa Iwi Trust:



Bryce Herron  
Chair Trustee



Gary Thompson  
Independent Trustee

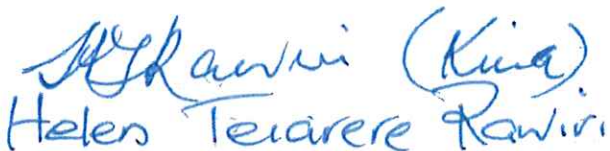
**SIGNED** by the Ngāti Paoa Mandated Negotiators:



Hauāuru Eugene Rawiri



Morehu Anthony Wilson



Helen Teaparere Rawiri

**Appendix 1: Landbank properties proposed to be provided to the Ngāti Paoa Iwi Trust for purchase**

	<b>Ministry of Justice Landbank properties</b>	<b>Size (ha)</b>
1.	10 Baltimore Place, Forest Hill	0.1409
2.	15 McManus Place, Otahuhu	0.1113
3.	115 Waipuna Road East, Panmure	0.1360
4.	117 Waipuna Road East, Panmure	0.0499
5.	253 Hibiscus Coast Highway, Red Beach	0.1321
6.	1 Ashby Place, Greenhithe	0.2831
7.	21 Chester Ave, Greenhithe	0.2082
8.	31 Chester Ave, Greenhithe	0.4595
9.	148 Albany Highway, Greenhithe	0.1063
10.	156 Albany Highway, Greenhithe	0.0635
11.	42 Upper Harbour Drive, Greenhithe	0.0881
12.	51 Isobel Road, Greenhithe	0.2062
13.	105 Kōwhai Road, Orewa	3.9536
14.	115 Kōwhai Road, Orewa	1.2027
15.	71 Grafton Road, Grafton	0.1336
16.	136 Dominion Road, Mt Eden	0.2049