



Office of Hon Christopher Finlayson

22 DEC 2016

Karen Wilson
Chair
Te Ākitai Waiohūa Iwi Authority
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By email: karen.a.wilson@xtra.co.nz

Tēnā koe

Development opportunity within the Auckland Vacant and Underutilised Crown Land Programme

This letter records the agreement between the Crown and Te Ākitai Waiohūa Iwi Authority, the mandated negotiator for Te Ākitai Waiohūa, whereby the Crown will offer to Te Ākitai Waiohūa, as part of its settlement package, the opportunity to reach agreement with the Ministry of Business, Innovation and Employment (MBIE), on the terms for development of the Counties Manukau District Health Board land located at Kerrs Road and Great South Road, Manukau (the Property).

An indicative map of the Property is attached. The Property will be defined in agreement with the Crown.

Background

Te Ākitai Waiohūa gave Te Ākitai Waiohūa Iwi Authority a mandate to negotiate with the Crown a deed of settlement settling the historical claims of Te Ākitai Waiohūa by mandate hui on 5 March 2011. The Crown recognised this mandate on 18 July 2011. The Crown and Te Ākitai Waiohūa signed an agreement in principle on 16 December 2016. This agreement in principle records the nature and scope of the deed of settlement.

In 2015, Te Ākitai Waiohūa was a signatory to the Mahi Ngātahi agreement with MBIE. This agreement was in recognition of a shared commitment to increasing the housing supply in Tamaki Makaurau, including social and affordable housing.

Opportunity and conditions

MBIE is currently in negotiations to acquire the Property, from the Counties Manukau District Health Board, for the Auckland Vacant and Underutilised Crown Land Programme (the Programme).

The Crown has agreed to provide Te Ākitai Waiohua with the opportunity to reach agreement with MBIE on the terms of a development for the Property in accordance with the Programme.

This opportunity is subject to:

- i. MBIE concluding the acquisition of the property for the Programme;
- ii. Te Ākitai Waiohua and the Crown signing an agreement in principle; and
- iii. Te Ākitai Waiohua and the Crown signing this letter to acknowledge this opportunity as being part of Te Ākitai Waiohua's Treaty settlement.

As you are aware, all redress is also offered subject to the resolution of overlapping claims to the Crown's satisfaction. I wrote to you on 15 December 2016 to advise I have made a final decision regarding overlapping claims in relation to the development opportunity. I am satisfied with the steps you have taken to engage with other groups identified as having areas of interest which overlap with you.

Any agreement reached between Te Ākitai Waiohua and MBIE in relation to the development of the Property will be recorded in a binding development agreement, which will include the terms of the sale and purchase of the land.

The negotiations and final agreements will be on similar timeframes and terms to those under the 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. Te Ākitai Waiohua assuming the development costs and risks; and
- iv. Crown protections to ensure that the land is developed in accordance with an approved scheme of development.

The opportunity is to be provided to the post settlement governance entity (the PSGE) that is to be established to receive and manage Te Ākitai Waiohua's Treaty settlement assets. The PSGE must be established at the time the opportunity is provided. If the PSGE is not established at the time the opportunity is provided, then the opportunity will lapse.

Non-fulfilment

For the avoidance of doubt, in the event any of the above conditions of the redress offer to Te Ākitai Waiohua 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 Te Ākitai Waiohua.

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 Te Ākitai Waiohua, and is to be recorded in the Te Ākitai Waiohua deed of settlement.

The redress is to be provided ahead of settlement date.

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 Te Ākitai Waiohua.

Effect of this letter

This letter records an agreement in relation to the historical te Tiriti o Waitangi / the Treaty of Waitangi claims of Te Ākitai Waiohua. 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.

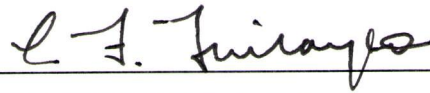
Nāku noa, nā



Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

Development opportunity within the Auckland Vacant and Underutilised Crown Land Programme

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



Hon Christopher Finlayson



Signature of Witness

Witness name: *Aeron Corlett*
Occupation: *Private Secretary*
Address: *5 Huia Rd Hataitai*
Date: *20/12/16*

SIGNED for and on behalf of **Te Ākitai Waionua Iwi Authority**



Karen Wilson

Chair *Te Ākitai Waionua Iwi Authority*

Date: *26/12/16*



Signature of Witness

Witness name: *NORMA THOMAS*
Occupation: *CAR IMPORTS - NZ CUSTOMS*
Address: *48 MILLER ROAD MANGERE BRIDGE*
Date: *26/12/16*



Nigel Denny Jr
Representative

Date: *26/12/16*



Signature of Witness

Witness name: *NORMA THOMAS*
Occupation: *CAR IMPORTS, NZ CUSTOMS*
Address: *48 MILLER ROAD, MANGERE BRIDGE*
Date: *26/12/16*



David Wilson

Representative

Date *26/12/16*



Signature of Witness

Witness name: *NORMA THOMAS*
Occupation: *CAR IMPORTS - NZ CUSTOMS*
Address: *48 MILLER ROAD, MANGERE BRIDGE*
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Manukau Superclinic 901 Great South Road

Proposed Site Plan_Option 4

SK-198 REV
10/10/2023
10/10/2023
10/10/2023