



Office of the
**Minister in Charge of Treaty of Waitangi
Negotiations**

Te Tari o Te
**Minita Nōna te Mana Whakarite Take e pā ana ki
Te Tiriti o Waitangi**

10 SEP 1998

Ms Carrie Wainwright
Buddle Findlay
PO Box 2694
WELLINGTON

Dear Carrie Wainwright

CROWN OFFER FOR THE SETTLEMENT OF THE TURANGI TOWNSHIP CLAIM

I was very pleased to meet with the Ngati Turangitukua negotiating team yesterday to discuss the Crown's settlement offer for the Turangi Township Claim (Wai 84). I hope everyone found the meeting as positive and constructive as I did.

Based on our discussions this morning, I have set out below the elements of the Crown's offer to Ngati Turangitukua. This offer is subject to Cabinet approval on Monday 14 September 1998, with the intention that it be expressed in the Deed of Settlement to be signed on 27th September 1998 (subject to ratification by the hapu).

I would appreciate it if you and the Ngati Turangitukua negotiating team could consider the proposed offer as set out below, and if you feel that it reflects the agreements we came to in our discussions this morning, countersign it and return it to me, so that I can take an agreed offer to Cabinet for approval.

Acknowledgement and Apology

Any Deed of Settlement for Wai 84 will contain a detailed and agreed acknowledgement of Treaty breaches, and an apology for those breaches. I understand that the final wording for this section of the Deed of Settlement is still being finalised between the Crown negotiating team and the Ngati Turangitukua negotiating team.

Quantum

The proposed quantum for the settlement of Wai 84 is \$5 million. The Crown has come to this figure on the basis that it is fair and durable when compared to the Treaty settlements that have been effected to date.

Gifting of Ngati Turangitukua House

It is proposed that, as part of the settlement, the Crown gift Ngati Turangitukua House to Ngati Turangitukua. The Crown has made this offer in good faith in recognition of Ngati Turangitukua House's importance to the hapu as the site of the urupa of Ngati Turangitukua's ancestor, Ria.

Refurbishment of Ngati Turangitukua House and the Kaumatua Flats

It is also proposed to offer Ngati Turangitukua an on-account advance of \$200,000 to enable the refurbishment of Ngati Turangitukua House and the Kaumatua flats to be started as soon as possible.

Commercial Assets

Properties to Transfer to Ngati Turangitukua

Ngati Turangitukua has indicated that it wishes to take the following properties:

- 1 Landcorp land currently used as a pony club, to transfer to Ngati Turangitukua 24 months from the signing of the Deed of Settlement (with the market value determined at the date of signing the Deed of Settlement);
- 2 three Crown properties with long-term leases that are agreeable to the Crown agencies concerned (rental on these properties to be paid to Ngati Turangitukua from the time of signing the Deed of Settlement):
 - a the Turangi Police Station;
 - b the Turangi Department of Conservation Headquarters; and
 - c the Tongariro High School (land only);

the Police and the Ministry of Education have agreed to 25 year lease terms for their respective properties, with 5 yearly rent reviews. The Department of Conservation has agreed to a 15 year lease, with 5 yearly rent reviews.

Offer-backs and RFRs

My officials inform me that Ngati Turangitukua has set out a list of specified properties that it wishes to have the option to purchase. These specified properties will be subject to an agreed protocol (attached to the Deed) between Land Information New Zealand (LINZ) and Ngati Turangitukua which will set out the following processes:

- 1 for the specified commercial properties, when these properties become surplus, LINZ will offer them back to the Ngati Turangitukua Charitable Trust, as part of the offer-back process under sections 40 and 41 of the Public Works Act 1981 (subject to the Charitable Trust receiving a blanket nomination from all of the previous owners for the purposes of the offer-back process); and
- 2 for the specified residential properties, when these properties become surplus, LINZ will consult with the Ngati Turangitukua Maori Committee in order to ascertain who the previous owner(s) are - the properties will then be offered back to those former owners.

For any of the specified properties that have already been cleared through the section 40 offer-back process, a right of first refusal in favour of the Ngati Turangitukua Charitable Trust will apply.

My officials inform me that NZ Post wishes to sell its property in Turangi as soon as any binding orders are lifted. If Ngati Turangitukua wishes to purchase the property, and it is put on the market, the Office of Treaty Settlements (OTS) will work co-operatively with Ngati Turangitukua to purchase the property at current market value and landbank the property until settlement legislation is passed. The property will then be transferred to Ngati Turangitukua at the same price that OTS purchased the property from the SOE.

Non-Commercial Assets

Return of DOC Reserves

It is proposed to offer the return of two DOC reserves in Turangi at nil cost to the hapu. These reserves, in Kutai Street, are of low commercial value because one is below the flood level for the nearby Tongariro river, and the other needs removal of concrete.

Return of Taupo District Council Reserves

DOC and the Taupo District Council (TDC) have agreed to transfer, at nil cost to Ngati Turangitukua, the underlying title of most of the major reserves in Turangi township (including the Water Supply reserve, but excluding Admirals reserve because of its high conservation value) to Ngati Turangitukua as part of the settlement, with management and control remaining with TDC and no change to public access. TDC has agreed that no rates will be payable by Ngati Turangitukua on the transferred reserves.

The Council had the final say on the transfer of these reserves, and agreed to the transfer because it considers the settlement will be positive for the Turangi community as a whole, and because it hopes that the settlement will result in a renewed relationship between the Council and the hapu.

Street and Reserve Names

DOC has agreed to change the name of the Admirals reserve to Waikari reserve.

The Turangi/Tongariro Community Board is sympathetic to the name changes proposed by the hapu and has requested to meet with Ngati Turangitukua to discuss the issue of name changes for certain streets and TDC reserves in Turangi. The Board considers that this meeting will be an important first step in developing a new relationship between itself and the hapu. The Community Board is writing a letter to the hapu setting out this commitment. This letter will be attached to the Deed of Settlement. The Crown will work with Ngati Turangitukua towards the satisfactory resolution of this matter.

Protocols Concerning Wahi Tapu, Conservation and Environmental Management

It is proposed that the settlement contain undertakings by various bodies that aim to improve their existing processes for consulting with Ngati Turangitukua and that will endeavour to address Ngati Turangitukua's environmental concerns:

- 1 the Department of Conservation will negotiate a protocol with Ngati Turangitukua for conservation management in Turangi;

- 2 TDC has undertaken to work with Ngati Turangitukua to identify and preserve its wahi tapu sites, in particular the Council is enthusiastic to discuss the issue of access to, and preservation of, the wahi tapu sites on the Water Supply reserve - the Council has indicated that it has funding available to assist with identification and recording of wahi tapu sites by the hapu;
- 3 Environment Waikato has undertaken to investigate issues concerning contamination and water quality highlighted by the hapu, and to facilitate the establishment of a care/kaitiaki group to monitor and maintain the quality of the waterways around Turangi; and
- 4 the Crown, via the Ministry for the Environment, will monitor the performance of Environment Waikato, and TDC generally, and in relation to the specific commitments, as set out in the letters attached to the Deed (under the Resource Management Act 1991).

Kokiri Centre and Kaumatua Flats

The five Kaumatua flats in Turangi will be returned to Ngati Turangitukua at a discounted price of \$101,971, via an existing LINZ policy. Similarly the Kokiri centre in Turangi will be returned to the hapu at nil value via the same policy.

The Crown can advance Ngati Turangitukua an on-account payment of \$101,971, to enable the hapu to purchase the Kaumatua flats prior to settlement legislation being passed.

Ancillary Claims Deed

It is proposed that the Crown negotiate with Ngati Turangitukua in good faith with the intention to enter into a legally enforceable Ancillary Claims Deed within 30 days of signing a Deed of Settlement. The Deed of Settlement will record this intention to negotiate, and will set out a framework for the process that will be contained in the Ancillary Claims Deed, and will list the individual ancillary claimants.

The Ancillary Claims Deed will contain:

- 1 a comprehensive list of all of the ancillary claims, including the five additional claims that have come to light during negotiations;
- 2 a record of the status of all ancillary claims;
- 3 an enforceable process for addressing the ancillary claims with the following broad structure:
 - a establish Crown liability (opportunity for arbitration if the parties do not agree);
 - b determination of appropriate redress (opportunity for arbitration if the parties do not agree);
 - c implementation of the redress within agreed timeframes (ancillary claimants will have legal recourse if the implementation is not appropriate);
 - d Crown and individual ancillary claimants sign Deeds of Completion; and

- 4 a statement that once all of the ancillary claims have gone through the process set out in the Deed, and have been signed off as completed, then all of Ngati Turangitukua's ancillary claims are fully and finally settled.

Timing of Transfer and Payment of Interest

The settlement will become unconditional upon the passing of legislation. It is proposed that the assets in the Crown's settlement offer transfer to Ngati Turangitukua at the following times:

- 1 Ngati Turangitukua House in October 1998, after the confirmation of the Waitangi Tribunal's binding recommendation in relation to this property;
- 2 An on-account cash payment of \$200,000 to enable Ngati Turangitukua to refurbish Ngati Turangitukua House and the Kaumatua flats;
- 3 DOC headquarters, Police Station and the Tongariro High School (land only) transfer from the signing of the Deed of Settlement in September 1998, but with payment delayed until legislation is passed – OTS will manage the collection, and payment to, the Ngati Turangitukua Charitable Trust, of rents on these properties between the signing of the Deed of Settlement and the passing of legislation;
- 4 the balance of the cash (\$5 million less any on-account payments, and less the value of the commercial assets) on the passing of legislation; and
- 5 Landcorp's property no earlier than 24 months after the signing of the Deed of Settlement.

It is proposed that interest be calculated on any outstanding amount of quantum between the signing of the Deed of Settlement and the passing of legislation, or payment of the lump sum to Ngati Turangitukua, whichever is the later. The interest will be compounded and paid together with the quantum.

Removal of Section 27B Memorials

It is my understanding that Ngati Tuwharetoa has agreed to the lifting of all section 27B memorials from properties in Turangi. If a Deed of Settlement is signed, the Tribunal will be notified that a settlement has been achieved, and it is proposed that the Crown and Ngati Turangitukua make a joint submission to the Tribunal that the memorials be removed.

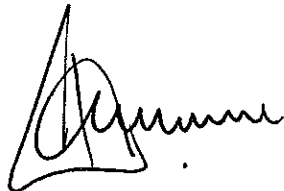
Claimant Funding

Subject to Cabinet approval, the Crown has agreed to pay a further \$100,000 claimant funding to Ngati Turangitukua pending signing of a Deed of Settlement, in recognition of the amount of work that has been necessary to achieve a Deed of Settlement, and to assist Ngati Turangitukua in its part of the preparation of the Ancillary Claims Deed.

I trust the above information accurately reflects both the Crown and Ngati Turangitukua's notion of the Crown's settlement offer. I look forward to receiving this letter back from you once the Ngati Turangitukua negotiating team has countersigned it.

The resolution of this claim has been a long and difficult process for Ngati Turangitukua and the Crown, and I am sure that both parties look forward to putting the grievances of the past to rest, and moving on to a renewed relationship under the Treaty of Waitangi.

Yours sincerely

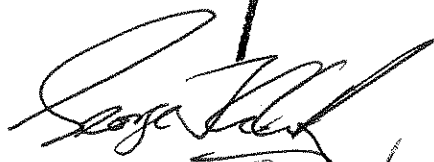


Douglas Graham
Minister in Charge of Treaty of Waitangi Negotiations

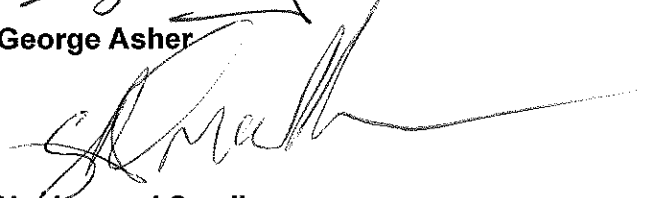
COUNTERSIGNED ON THE 10TH DAY OF SEPTEMBER 1998 BY:



Mahlon Nepia



George Asher

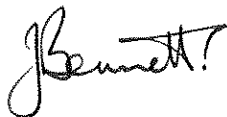
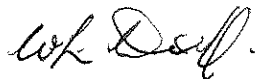


Ngaiteurangi Smallman



Lana Te Rangi

Bill Duff



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Carrie Wainwright