

Hon Andrew Little
Minister for Treaty of Waitangi Negotiations

Proactive release – Whanganui Land Settlement: Crown Offer

Date of issue: 11 October 2019

The following documents have been proactively released in accordance with Cabinet Office Circular CO (18) 4.

Some information has been withheld on the basis that it would not, if requested under the Official Information Act 1982 (OIA), be released. Where that is the case, the relevant section of the OIA has been noted and no public interest has been identified that would outweigh the reasons for withholding it.

No.	Document	Comments
1	Whanganui Land Settlement: Crown Offer <i>Cabinet minute CAB-19-MIN-0212.01</i> Cabinet Office <i>Meeting date: 13/05/2019</i>	Some information has been withheld in accordance with the following sections of the OIA: <ul style="list-style-type: none">• section 9(2)(h) to maintain legal professional privilege; and• section 9(2)(j) to enable negotiations to continue.
2	Whanganui Land Settlement: Crown Offer <i>Cabinet paper</i> Office for Māori Crown Relations – Te Arawhiti <i>3/05/2019</i>	Some information has been withheld in accordance with the following sections of the OIA: <ul style="list-style-type: none">• section 9(2)(h) to maintain legal professional privilege; and• section 9(2)(j) to enable negotiations to continue.



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Whanganui Land Settlement: Crown Offer

Portfolio Treaty of Waitangi Negotiations

On 13 May 2019, following reference from the Cabinet Māori Crown Relations - Te Arawhiti Committee (MCR), Cabinet:

Background

- 1 **noted** that Whanganui Land Settlement are one of four Whanganui large natural groupings to settle their historical Treaty of Waitangi land claims, and are currently negotiating an agreement in principle with the Crown;
- 2 **noted** that:
 - 2.1 in February 2014, the previous government agreed to [REDACTED] s.9(2)(j) for the settlement of all Whanganui land claims[TOW Min (14) 1/4];
 - 2.2 in April 2018, the Cabinet Crown/Māori Relations Committee agreed to make a Crown offer of [REDACTED] to Whanganui s.9(2)(j) land settlement [CMR-18-MIN-0004];
- 3 **noted** that, if the package below is agreed by Cabinet, a Crown offer will be made to Whanganui Land Settlement and, if accepted, an agreement in principle will be finalised and signed;

Crown Apology Redress

- 4 **agreed** that the agreement in principle will incorporate a provisional set of Crown acknowledgements and a series of agreed historical account headings;
- 5 **noted** that an agreed historical account, a set of Crown acknowledgements, and a Crown apology will be developed prior to initialling a deed of settlement;

Financial Redress

- 6 **noted** that in April 2018, MCR agreed to make Crown offers to the three remaining Whanganui large natural groupings up to the specified amounts, [REDACTED] s.9(2)(j) [CMR-18-MIN-0004];
- 7 **agreed** to [REDACTED] s.9(2)(j)

Commercial redress

- 8 **agreed** to offer Whanganui Land Settlement the right to purchase the Crown's interest in Lismore Hill and Lismore Sand Crown forestry licensed land, subject to agreement on a transfer value prior to initialling a deed of settlement;
- 9 **agreed** to offer Whanganui Land Settlement the right to purchase, on a sale and leaseback basis:
- 9.1 Whanganui Intermediate School (land only), within a two-year deferred selection period;
 - 9.2 Whanganui Community Probation Service Centre (land only), within a three-year deferred selection period; and
 - 9.3 Whanganui Police Station (land only), within a three-year deferred selection period, subject to an early termination provision in the lease;
- 10 **agreed** to offer Whanganui Land Settlement the right to purchase the following deferred selection properties:
- 10.1 Whanganui Forest, a Ministry for Primary Industries property, within a deferred selection period of ten years;
 - 10.2 49 Treaty Settlements Landbank properties held by Land Information New Zealand, within a deferred selection period of three years, listed in Table One of Appendix two of the paper under MCR-19-SUB-0011;
 - 10.3 five Land Information New Zealand-held properties, within a deferred selection period of three years, subject to statutory clearances and/or a decision to landbank the properties, listed in Table One of Appendix Two of the paper under MCR-19-SUB-0011;
- 11 **agreed** to explore commercial redress for Whanganui Land Settlement over the former Universal College of Learning campus on Dublin Street, Whanganui, including how the Whanganui Land Settlement Treaty settlement could align with the Crown's proposal to develop a 'Justice Centre' in Whanganui;
- 12 **agreed** to explore commercial redress for Whanganui Land Settlement over the Whanganui Prison site (land only), after signing an agreement in principle;
- 13 **agreed** to offer Whanganui Land Settlement a right of first refusal over the following sites, should the Crown seek to dispose of them within a period of time equal to the length of time between the signing of the Treaty of Waitangi and signing the agreement in principle:
- 13.1 all Crown-owned properties (including public conservation land) within the provisional non-overlapped area of interest outlined in Appendix Three of the paper under MCR-19-SUB-0011;

- 13.2 15 school sites, not within the proposed right of first refusal area under paragraph 13.1 above, as outlined in Table One of Appendix Two of the paper under MCR-19-SUB-0011 (subject to overlapping interest discussions and confirmation by the Ministry of Education);
- 13.3 a New Zealand Defence Force property at 86 Maria Place, Whanganui;
- 13.4 an Oranga Tamariki–Ministry for Children property at 26A Kings Ave, Gonville;
- 13.5 481 non-Core Crown-owned properties, as outlined in Table One of Appendix Two of the paper under MCR-19-SUB-0011, incorporating:
- 13.5.1 a KiwiRail property;
 - 13.5.2 three New Zealand Transport Agency properties;
 - 13.5.3 Whanganui Hospital; and
 - 13.5.4 476 Housing New Zealand properties;
- 14 **agreed** to offer to explore a right of first refusal for Whanganui Land Settlement over Whanganui Fire Station (land only) after signing an agreement in principle;
- 15 **noted** that any commercial redress offers are subject to Crown statutory obligations, including section 40 of the Public Works Act 1981, and subject to negotiating mutually acceptable terms prior to the initialling of a deed of settlement;

Cultural Redress

Proposed redress over public conservation land

- 16 **noted** that the Minister of Conservation and the Minister for Treaty of Waitangi Negotiations have jointly agreed the proposed redress over public conservation land;
- 17 **agreed** to offer to transfer 13 public conservation land sites to Whanganui Land Settlement (totalling approximately 524 hectares), as outlined in Table Two of Appendix Two of the paper under MCR-19-SUB-0011, subject to reserve status with Whanganui Land Settlement as the administering body;
- 18 **agreed** to offer to transfer Pākaitore/Moutoa Gardens Historic Reserve (approximately 1 hectare) to Whanganui Land Settlement, as outlined in Table Two of Appendix Two of the paper under MCR-19-SUB-0011, subject to reserve status with the structure of the administering body to be determined;
- 19 **noted** that public access and existing third-party interests will be protected for these proposed site transfers;
- 20 **noted** that river bed vested in the Pou Tupua under the Te Awa Tupua (Whanganui River) Settlement Act 2017 will be excluded from these proposed site transfers;
- 21 **agreed** to explore ownership and administration arrangements over Crown-derived reserves, including sites administered by Whanganui District Council, and other Crown-owned sites, listed in Table Two of Appendix Two of the paper under MCR-19-SUB-0011, subject to the agreement of Whanganui District Council, to be confirmed prior to initialling a deed of settlement;

- 22 **agreed** to explore sites for nohoanga (temporary camping to support traditional natural resource gathering) on public conservation land;
- 23 **agreed** to offer Whanganui Land Settlement four overlay classifications over public conservation land sites, listed in Table Two of Appendix Two of the paper under MCR-19-SUB-0011;
- 24 **agreed** to offer Whanganui Land Settlement deeds of recognition with statutory acknowledgement over six public conservation land sites, listed in Table Two of Appendix Two of the paper under MCR-19-SUB-0011;
- 25 **agreed** to offer Whanganui Land Settlement statutory acknowledgements over seven public conservation land sites, listed in Table Two of Appendix Two of the paper under MCR-19-SUB-0011;
- 26 **noted** that cultural redress in Whanganui National Park will be negotiated separately with all iwi with interests in the park;
- 27 **agreed** that a high-level statement be included in the Whanganui Land Settlement agreement in principle that records their aspiration for, and association with, Whanganui National Park;

Redress over sites administered by other Crown agencies

- 28 **agreed** to offer to transfer the following sites to Whanganui Land Settlement without conservation protection (none are currently reserves):
- 28.1 one Treaty Settlements Landbank property at 183B Rapanui Road (1.07 hectares);
- 28.2 three sites on Whanganui River Road owned by the Crown (totalling 0.39 hectares); and
- 28.3 four sites held by Land Information New Zealand (totalling 3.67 hectares);

Cultural revitalisation fund

- 29 **agreed** to offer cultural revitalisation funding of \$500,000 to Whanganui Land Settlement;

Place name changes

- 30 **agreed** to change the official name of the city of Whanganui to “Whanganui” only, rather than the alternative official names “Whanganui” or “Wanganui”;
- 31 **noted** the proposed name change is likely to attract public interest, and some Whanganui residents may be opposed to the removal of “Wanganui” as an official name;
- 32 **agreed** to invite Whanganui Land Settlement to submit further proposed place name changes within their area of interest to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa;

Natural resources

- 33 **noted** that most of the Whanganui Land Settlement aspirations with regard to natural resources can be met through their participation in existing and forthcoming natural resource arrangements over the Whanganui River and Whangaehu River respectively, two significant catchments within their area of interest;

Recognition of Whanganui Land Settlement values

- 34 **agreed** to insert a non-operative statement of the Whanganui Land Settlement values [REDACTED] in the agreement in principle, deed of settlement and settlement bill, where appropriate; s.9(2)(j) and s.9(2)(h)
- 35 **agreed** to include a statement in the agreement in principle and deed of settlement that the Crown acknowledges the importance of the Whanganui Land Settlement values to iwi/hapū;
- 36 **agreed** that individual agencies will consider, in good faith, how they can give life to Whanganui Land Settlement values through the continuing development of redress instruments, including relationship agreements or other arrangements, prior to initialling a deed of settlement;
- 37 [REDACTED] s.9(2)(j) and s.9(2)(h)
- 38 **directed** Te Arawhiti officials to report back to MCR with the proposed final text of the statements referred to in paragraphs 34 and 35 above prior to the Minister for Treaty of Waitangi Negotiations signing an agreement in principle;

Social and economic wellbeing

- 39 **agreed** to explore how specified Crown agencies can work with Whanganui Land Settlement to improve social and economic wellbeing for people living in the Whanganui Land Settlement rohe, subject to the resourcing, work programmes and priorities of the relevant Crown agencies;
- 40 **agreed** that any formal agreement between Crown agencies and Whanganui Land Settlement be recorded in the relationship agreements with the relevant agencies and in the deed of settlement;
- 41 **noted** that if the actions in paragraphs 39 and 40 above are not possible within the settlement timeframe, then the parties may agree to continue to explore this in good faith post settlement;
- 42 **noted** that any agreements reached will not commit or restrain any legal rights or obligations or functions, duties and powers of Ministers, chief executives, boards of Crown entities and officials, nor will it be contrary to public finance policy;
- 43 **agreed** that the following Crown agencies and other entities will be invited to participate in working with Whanganui Land Settlement to improve social and economic wellbeing:
- 43.1 Ministry of Social Development;
 - 43.2 Oranga Tamariki–Ministry for Children;
 - 43.3 Ministry of Justice;
 - 43.4 Ministry of Education;
 - 43.5 Ministry of Health;
 - 43.6 Whanganui District Health Board;

- 43.7 Department of Corrections;
- 43.8 New Zealand Police;
- 43.9 Ministry of Business, Innovation and Employment.

44 **noted** that Whanganui Land Settlement are in the process of establishing their own partnership framework with Whanganui District Council, with the aspiration of also working with Council on social and economic issues, and that this is taking place outside, but parallel to, the Treaty settlement process;

Relationship redress

45 **agreed** to offer Whanganui Land Settlement the following relationship instruments:

- 45.1 a Crown minerals protocol with the Ministry of Business, Innovation and Employment; and
- 45.2 a letter of recognition from the Ministry for Primary Industries in relation to fisheries, and appointment as an advisory committee to the Minister of Fisheries in relation to fisheries management;

46 **agreed** to offer Whanganui Land Settlement relationship agreements with the following agencies:

- 46.1 Department of Conservation;
- 46.2 Ministry for the Environment;
- 46.3 Department of Corrections;
- 46.4 New Zealand Police;
- 46.5 Ministry of Justice;
- 46.6 the Ministry for Culture and Heritage Manatū Taonga, the Department of Internal Affairs Te Tari Taiwhenua (including the National Library and Archives New Zealand), Heritage New Zealand Pouhere Taonga, and the Museum of New Zealand Te Papa Tongarewa (known as a Whakaaetanga Tiaki Taonga relationship agreement);

47 **agreed** to offer Whanganui Land Settlement letters of introduction to:

- 47.1 Te Uru Rākau–Forestry New Zealand;
- 47.2 Ministry of Health;
- 47.3 New Zealand Transport Agency;
- 47.4 Housing New Zealand;
- 47.5 Ministry of Housing and Urban Development;
- 47.6 Taranaki Regional Council;
- 47.7 Ruapehu District Council;

47.8 Ngā Taonga Sound & Vision; and

47.9 Transpower New Zealand Limited;

48 **agreed** to offer Whanganui Land Settlement relationship instruments with the following agencies:

48.1 Ministry of Social Development;

48.2 Oranga Tamariki–Ministry for Children;

49 **agreed** to offer to explore with Whanganui Land Settlement a relationship agreement with the Ministry of Education;

50 **noted** that Whanganui Land Settlement is also developing relationship agreements, which will not be part of the deed of settlement, with the following entities:

50.1 Whanganui District Council;

50.2 Manawatu-Wanganui Regional Council (Horizons Regional Council);

50.3 Whanganui District Health Board;

51 **noted** that the relationship redress agreed in paragraphs 45 to 49 above may incorporate references to Whanganui Land Settlement values (parameters outlined in paragraphs 34-37) or to improving social and economic wellbeing (parameters outlined in paragraphs 39-44);

Overlapping interests

52 **noted** that the Crown offer to Whanganui Land Settlement is subject to overlapping interest issues being resolved to the satisfaction of the Crown prior to initialling a deed of settlement;

53 **noted** that Whanganui Land Settlement have already been engaging with iwi that have overlapping interests and are committed to continue doing so to resolve any outstanding issues;

Financial recommendations

54 **noted** that the cost to the Crown of the settlement proposal for Whanganui Land Settlement is estimated at:

<p>[REDACTED]</p>	<p>[REDACTED]</p>	<p>s.9(2)(j)</p>
<p>[REDACTED]</p>	<p>[REDACTED]</p>	<p>s.9(2)(j)</p>

[REDACTED]	[REDACTED]	s.9(2)(j)
[REDACTED]	[REDACTED]	s.9(2)(j)
[REDACTED]	[REDACTED]	s.9(2)(j)
[REDACTED]	[REDACTED]	s.9(2)(j)

55 [REDACTED] s.9(2)(j)

56 [REDACTED] s.9(2)(j)

57 **noted** that an estimate of the Department of Conservation’s implementation and impairment costs will be provided to Cabinet at the time approval is sought to initial the deed of settlement;

58 [REDACTED] s.9(2)(j)

Next steps

59 **authorised** the Minister for Treaty of Waitangi Negotiations to present Whanganui Land Settlement with the Crown offer;

60 **authorised** the Minister for Treaty of Waitangi Negotiations to sign an agreement in principle with Whanganui Land Settlement in the second half of 2019 should they accept the offer;

61 **noted** that the Minister for Treaty of Waitangi Negotiations intends to report back to the Cabinet Māori Crown Relations: Te Arawhiti Committee in 2020 with a final settlement

package for approval, prior to initialling a deed of settlement with Whanganui Land Settlement;

- 62 **authorised** the Minister for Treaty of Waitangi Negotiations to make changes to the offer agreed by Cabinet, consistent with the intent of Cabinet's decisions and with the agreement of relevant Ministers, prior to signing the agreement in principle.

Michael Webster
Secretary of the Cabinet

*Secretary's Notes: 1) This minute replaces MCR-19-MIN-0011. Cabinet added a new paragraph 58.
2) This revised minute corrects the wording in paragraph 58.*

Hard-copy distribution:

Prime Minister
Deputy Prime Minister
Minister for Treaty of Waitangi Negotiations

In Confidence

Office of the Minister for Treaty of Waitangi Negotiations

Chair, Cabinet Māori Crown Relations: Te Arawhiti Committee

WHANGANUI LAND SETTLEMENT: CROWN OFFER

Proposal

- 1 This paper seeks Cabinet approval for a redress package to form the basis of a Crown offer to Whanganui Land Settlement for the comprehensive settlement of their historical Treaty of Waitangi claims. If accepted, this offer will be recorded in an agreement in principle between the Crown and Whanganui Land Settlement, to be signed in 2019.

Executive Summary

- 2 Whanganui Land Settlement are a large natural grouping whose area of interest is the southern Whanganui District, including Whanganui city. Whanganui Land Settlement are one of four Whanganui groups who are at various stages in the Treaty settlement process. In the case of Whanganui Land Settlement, they are negotiating towards signing an agreement in principle with the Crown.

- 3 Whanganui Land Settlement have ambitious aspirations for their settlement, based on a desire to re-set their relationship with the Crown and improve the social and economic standing of their people. Although it is not possible to meet all of these aspirations within the Treaty settlement framework, it has also become clear that it will not be possible to settle with Whanganui Land Settlement without at least addressing each of these aspirations in some way.

- 4 I seek your approval to make a settlement offer to Whanganui Land Settlement including the following redress:

- 4.1 Crown apology redress, including provisional headings for the Whanganui Land Settlement historical account, and a set of provisional Crown acknowledgements;

- 4.2 [REDACTED]; s.9(2)(j)

- 4.3 commercial redress, including:

- 4.3.1 the right to purchase part Lismore Hill (1,644 hectares) and part Lismore Sand (480 hectares) Crown forestry licensed land;

- 4.3.2 the right to purchase Whanganui Intermediate School (land only); the Whanganui Community Probation Centre (land only); and the Whanganui Police Station (land only) as deferred selection properties on a sale and leaseback basis;

- 4.3.3 the right to purchase a Ministry for Primary Industries forest, 49 Treaty Settlements Landbank properties, and five Land Information New Zealand properties on a deferred selection basis; and

- 4.3.4 a right of first refusal over Crown and non-core Crown properties (both within a specified area and as listed);
 - 4.4 cultural redress over public conservation land, including: the transfer of 14 sites, all with reserve classifications (totalling 525 hectares); four overlay classifications; deeds of recognition with statutory acknowledgements over six sites; and statutory acknowledgements over seven sites;
 - 4.5 the transfer of eight other Crown sites as cultural redress, without conservation protection (totalling 5.13 hectares);
 - 4.6 a cultural revitalisation fund of \$500,000;
 - 4.7 recognition of Whanganui Land Settlement values, to help re-set the relationship with the Crown, including:
 - 4.7.1 an acknowledgement of the values in the agreement in principle and deed of settlement, and references to the values throughout the documents, where appropriate; and
 - 4.7.2 that individual agencies will consider, in good faith, how they can give life to the values in developing redress instruments prior to initialling a deed of settlement; and
 - 4.8 relationship redress with a range of Crown and non-core Crown agencies, and local authorities.
- 5 To address all of the Whanganui Land Settlement aspirations will mean exploring several redress options further prior to signing a deed of settlement. Accordingly, I seek your agreement to explore:
- 5.1 potential commercial redress over the former Universal College of Learning Campus and Whanganui Prison;
 - 5.2 potential cultural redress, such as transfer of ownership or administrative arrangements, over Crown-derived reserves (including sites administered by Whanganui District Council) and other Crown-owned sites; and
 - 5.3 how relevant Crown agencies [specified at paragraph 100 below] can work with Whanganui Land Settlement, through relationship agreements, to improve social and economic wellbeing for people living in the rohe.
- 6 If you agree to this package a Crown offer will be presented to Whanganui Land Settlement on this basis. I am confident the redress package presented in this paper addresses the aspirations of Whanganui Land Settlement and will enable the Crown to present a fair offer. Should Whanganui Land Settlement accept the offer, an agreement in principle will be signed in the second half of 2019.

Background

Treaty settlement negotiations in the Whanganui region

- 7 The Crown has negotiated the claims of iwi relating to the Whanganui River separately to their land claims. A collective settlement of all Whanganui River claims, including those of Whanganui Land Settlement, was completed in 2017. In addition to declaring the Whanganui

River (Te Awa Tupua) a legal person, the Te Awa Tupua settlement also provides for a range of co-governance and management arrangements over the Whanganui River. Whanganui iwi also received financial redress of \$81 million to settle their river claims.

8 Whanganui land claims remain unsettled. For the purposes of negotiating the settlement of Whanganui land claims, the Crown has recognised four large natural groupings:

- 8.1 Whanganui Land Settlement;
- 8.2 Ngāti Rangi;
- 8.3 Te Korowai o Wainuiārua; and
- 8.4 Ngāti Hāua.

9 We are making steady progress in negotiating settlements for the Whanganui land claims with the four groups:

- 9.1 Ngāti Rangi signed a deed of settlement on 10 March 2018, and their settlement bill is currently awaiting consideration by the committee of the whole House;
- 9.2 Te Korowai o Wainuiārua signed an agreement in principle on 23 November 2018, and are negotiating their deed of settlement; and
- 9.3 Ngāti Hāua and Whanganui Land Settlement are negotiating towards an agreement in principle.

10 [REDACTED]

s.9(2)(j)

11 [REDACTED]

s.9(2)(j)

[REDACTED]				
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Whanganui Land Settlement

- 12 The Whanganui Land Settlement area of interest centres on Whanganui city and the river mouth, extending to Pīpīriki in the north, Mataroa (near Taihape) in the east, Ratana in the south, and the Whenuakura River in the west (refer to the map at Appendix One). The estimated population of the hapū which comprise Whanganui Land Settlement is 6,583 according to the 2013 census.
- 13 The Crown recognised the mandate of the Whanganui Land Settlement Negotiation Trust to negotiate a settlement for the Whanganui Land Settlement historical claims in June 2017, and signed terms of negotiation in July 2017.
- 14 Whanganui Land Settlement hapū Treaty of Waitangi grievances have been outlined in the Waitangi Tribunal’s Whanganui Land Report, *He Whiritaunoka*. Significant grievances include:
 - 14.1 the 1848 Whanganui land transaction;
 - 14.2 the 1848 alienation of reserves;
 - 14.3 the alienation of other land within the Whanganui rohe;
 - 14.4 the impact of native land legislation on Whanganui Land Settlement tūpuna and hapū;
 - 14.5 issues with twentieth-century land administration, such as the vested lands scheme;
 - 14.6 the impact of war in the Whanganui rohe;
 - 14.7 the erosion of cultural knowledge and distinctive Whanganui tikanga;
 - 14.8 other socio-economic issues impacting on Whanganui hapū; and
 - 14.9 environmental issues impacting on the Whanganui rohe.

¹ [REDACTED]
 [REDACTED]
 [REDACTED]

Whanganui Land Settlement aspirations

- 15 Although most groups come to Treaty settlement negotiations with high aspirations, some of the Whanganui Land Settlement aspirations range outside the standard parameters for Treaty settlements redress. There appear to be two inter-related drivers behind these aspirations: a desire to re-shape the relationship between Whanganui Land Settlement and the Crown, and the need to address issues arising from historical grievances by improving the social and economic wellbeing of their people.
- 16 In general terms, Whanganui Land Settlement are seeking a commitment from the Crown to enter into a new relationship post-settlement, represented by the metaphor of a tomokanga, or gateway, through which the Crown passes when entering the Whanganui rohe or engaging with iwi. This is reflected in the aspiration for the Crown to recognise Whanganui Land Settlement values in their future interactions (Te Tomokanga ki te Matapihi). Whanganui Land Settlement also want the Crown to engage with them directly and comprehensively at the local level, as reflected in their aspiration for the devolution to iwi and the local authority of all social services decision-making affecting the Whanganui District (Te Tomokanga Oranga Whānau – wellbeing). Other aspirations are outlined in the discussion of the proposed redress below.
- 17 These particular aspirations are contemporary in nature and are not normally addressed through Treaty settlements. In considering whether to develop bespoke redress for a particular group, the Crown has to consider both the potential precedential effect on future settlements, as well the durability of settlements which have already been reached. I also note that Whanganui iwi have already received non-standard redress through the Te Awa Tupua settlement, which made the Whanganui River a legal personality.

Proposed strategy for settlement

- 18 s.9(2)(j)
[REDACTED]
- 19 The proposed Crown offer to Whanganui Land Settlement is set out below and in more detail in Appendix Two. Officials from a range of agencies have worked together to develop a redress package which focuses on what the Crown can practically deliver in response to iwi aspirations.
- 20 While the package is substantively developed, to address each of the Whanganui Land Settlement aspirations the Crown offer also includes several commitments to 'explore' redress. These offers to explore redress fall into two broad categories:
- 20.1 where the Crown has yet to make decisions about future use of potential redress properties or resolve other issues in relation to the site; and
 - 20.2 where non-standard redress proposals, namely the recognition of Whanganui Land Settlement values and social and economic wellbeing engagement, are being addressed through relationship agreements – the contents of which are not negotiated with agencies until after signing an agreement in principle.
- 21 Exploring this redress allows more time to develop workable solutions that address Whanganui Land Settlement aspirations whilst securing agreement to the rest of the package. [REDACTED]

s.9(2)(j)

22 Officials are developing a detailed plan for initialling a deed of settlement by the end of 2020/early 2021, which is a standard timeframe for this phase of negotiations. To mitigate the risk that the redress items to be explored will delay the deed of settlement, the plan will ensure there are clear timeframes for finalising redress and include strategies to address risks which might arise from any delays (such as carefully phasing the timing of property valuations to avoid increased cost through losses on sale).

23 Should Whanganui Land Settlement accept the Crown offer it will be recorded in an agreement in principle, to be signed in the second half of 2019, which will form the basis for the deed of settlement.

24 [REDACTED]
[REDACTED]
[REDACTED] s.9(2)(j)

Crown apology redress

25 The agreement in principle will incorporate a provisional set of Crown acknowledgements and a series of agreed historical account headings. An agreed historical account, set of Crown acknowledgements, and a Crown apology will be developed prior to initialling a deed of settlement.

Financial redress

26 As noted above, Cabinet has previously agreed to offer Whanganui Land Settlement [REDACTED] [CAB-18-MIN-0163 refers]. s.9(2)(j)

27 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] s.9(2)(j)

28 I seek your agreement to confirm the Crown offer to Whanganui Land Settlement [REDACTED]
[REDACTED]
[REDACTED] s.9(2)(j)
[REDACTED] Since the total settlement value falls within the parameters previously agreed by Cabinet, I am not seeking any additional funding.

29 [REDACTED] [REDACTED] [REDACTED] [REDACTED] s.9(2)(j)

Commercial redress

30 The Whanganui Land Settlement aspiration of Te Tomokanga Kaipakihi (business/enterprise engagement) is addressed through the potential transfer of a significant amount of Crown land as commercial redress. The proposed commercial redress package also addresses the aspiration of Whanganui Land Settlement for a 'land-based settlement', i.e. the ability to acquire as much Crown land as possible, through a range of standard redress instruments, including the right to purchase Crown-owned lands and a right of first refusal (RFR) over Crown-owned properties should the Crown seek to dispose of them within the next 179 years (refer to Table One of Appendix Two).

31 Any offers will be subject to Crown statutory obligations, including section 40 of the Public Works Act 1981, and subject to negotiating mutually acceptable terms prior to initialling a deed of settlement.

Crown forestry licensed land

- 32 I seek agreement to offer Whanganui Land Settlement the right to purchase the Crown's interest in part of the Lismore Hill Crown forestry licensed land (1,644 hectares) and part of Lismore Sand Crown forestry licensed land (480 hectares). The balance of these lands has already been transferred to Ngāti Apa (North Island) through their settlement.
- 33 This offer is subject to agreeing a transfer value before the deed of settlement is initialled (as this is when the cost will be expensed). Should the Crown forestry licensed land be transferred to Whanganui Land Settlement as proposed they will also receive accumulated rentals associated with the land (valued at [REDACTED] for Lismore Hill Crown forestry licensed land and [REDACTED] for Lismore Sand Crown forestry licensed land, as at 31 August 2018).

s.9(2)(j)

Sale and leaseback properties

- 34 I seek agreement to offer Whanganui Land Settlement the right to purchase, on a sale and leaseback basis:
- 34.1 Whanganui Intermediate School (land only), within a two-year deferred selection period;
- 34.2 Whanganui Community Probation Service Centre (land only), within a three-year deferred selection period; and
- 34.3 Whanganui Police Station (land only), within a three-year deferred selection period, subject to an early termination provision in the lease.
- 35 School site redress is subject to standard Ministry of Education policies providing for sale and leaseback redress. Operational considerations, such as shared school sites or some Board of Trustees house site issues may mean a specific site can be available but would be subject to specific processes in the deed of settlement (or lease). The policy settings providing for sale and leaseback redress are for land only to transfer, with ownership of the improvements remaining unaffected by the transfer, and subject to the lease being agreed at least one month prior to initialling a deed of settlement. A deferred sale and leaseback school site will cease to be a deferred sale and leaseback property if, before receipt of an election notice, the Ministry of Education notifies that the site has become surplus to its requirements.
- 36 The New Zealand Police policy settings providing for sale and leaseback redress are for land only to transfer, with ownership of the improvements remaining unaffected by the transfer, and subject to the lease being agreed at least one month prior to initialling a deed of settlement. A deferred sale and leaseback Police site will cease to be a deferred sale and leaseback property if, before receipt of an election notice, New Zealand Police notifies that the site has become surplus to its requirements.

Deferred selection properties

- 37 I seek agreement to offer Whanganui Land Settlement the right to purchase:
- 37.1 Whanganui Forest (805 hectares), currently held by the Ministry for Primary Industries, within a deferred selection period of ten years;
- 37.2 49 Land Information New Zealand Treaty Settlements Landbank properties, within a deferred selection period of three years; and

- 37.3 five Land Information New Zealand-held properties, subject to statutory clearances and/or a decision to landbank the properties, within a deferred selection period of three years.

Commercial redress to be explored

Former Universal College of Learning campus

- 38 I seek agreement to explore redress for Whanganui Land Settlement over the former Universal College of Learning campus on Dublin Street, Whanganui, including how the Whanganui Land Settlement Treaty settlement could align with the Crown's proposal to develop a 'Justice Centre' in Whanganui.
- 39 The Ministry of Justice, together with other agencies including Police, are in the initial stages of a proposal for a new Justice Centre in Whanganui, including building a new courthouse. The Ministry of Justice wishes to work in partnership with iwi on the design and operation of the new centre to help deliver better outcomes for Māori in the justice system.
- 40 One site which has been identified as a potential location for this Justice Centre is the Universal College of Learning campus on Dublin Street, which is surplus to their requirements. Subject to Ministerial approval, the Crown (through either the Ministry of Justice/New Zealand Police/Treaty Settlements Landbank) intends to purchase this property from the Universal College of Learning later this year.
- 41 There is an opportunity to align Whanganui Land Settlement aspirations for a partnership role with the Crown's proposal to develop the new Justice Centre in Whanganui. [REDACTED] s.9(2)(j)
- 42 However, as this proposal is still in its early stages, the Crown can only commit to explore the potential for redress at this time. Prior to initialising a deed of settlement, I will seek Cabinet agreement to any arrangements which have been negotiated in relation to this site.

Whanganui Prison

- 43 I seek agreement to offer to explore potential redress for Whanganui Land Settlement over the Whanganui Prison site (land only) after signing an agreement in principle. [REDACTED] s.9(2)(j)
- 44 [REDACTED] s.9(2)(j)
- 45 [REDACTED] s.9(2)(j)
- 46 The 2010 Ngāti Apa (North Island) settlement provided Ngāti Apa (North Island) with the right to select Whanganui Prison (land only) as a deferred selection property. To address the overlapping interests of southern Whanganui iwi, the deed of settlement provided that if Ngāti Apa (North Island) exercised their right of deferred selection then Whanganui iwi would have the right to participate in the purchase of a half share of the property. Ultimately, Ngāti Apa

(North Island) did not exercise their right of deferred selection within the agreed six-month period. If, after signing an agreement in principle with Whanganui Land Settlement, Corrections confirm this site is available as redress, then the overlapping interests of Ngāti Apa (North Island) will also need to be considered before the redress is finalised.

Right of first refusal (RFR)

- 47 An RFR is a common feature of Treaty settlements, and affords the claimant group the opportunity, ahead of any other potential purchaser, to purchase specified surplus Crown land when such land is made available for disposal by the vendor agency.
- 48 I seek agreement to offer Whanganui Land Settlement an RFR over the following sites, should the Crown seek to dispose of them within a period of time equal to the length of time between the signing of the Treaty of Waitangi and signing the agreement in principle (which I currently anticipate will be 179 years):
- 48.1 all Crown-owned properties (including public conservation land) within an RFR area (based on the provisional non-overlapped area of interest outlined in Appendix Three);
 - 48.2 15 school sites, not within the proposed area RFR under paragraph 48.1, as outlined in Table One of Appendix Two (subject to overlapping interests discussions and confirmation by the Ministry of Education);
 - 48.3 a New Zealand Defence Force property at 86 Maria Place, Whanganui;
 - 48.4 an Oranga Tamariki–Ministry for Children property at 26A Kings Ave, Gonville; and
 - 48.5 481 non-Core Crown-owned properties, as outlined in Table One of Appendix Two, incorporating:
 - 48.5.1 one KiwiRail property;
 - 48.5.2 three New Zealand Transport Agency properties;
 - 48.5.3 Whanganui Hospital; and
 - 48.5.4 476 Housing New Zealand properties (i.e. all Housing New Zealand properties in the area of interest).
- 49 All relevant agencies have agreed to this RFR redress. I also seek your agreement to offer to explore an RFR over Whanganui Fire Station (land only) after signing an agreement in principle. This will allow time for Fire and Emergency New Zealand to undertake consultation with the community on this proposal.

Cultural redress

- 50 The proposed cultural redress package [REDACTED] contains a range of redress instruments relating to: s.9(2)(j)
- 50.1 sites of significance (refer Table Two of Appendix Two), to address the Whanganui Land Settlement aspiration of Te Tomokanga Oranga Whenua (wellbeing of the land), including:
 - 50.1.1 transfers and other forms of recognition over Crown-held sites, including public conservation land; and

- 50.1.2 place name changes;
- 50.2 relationships with Crown agencies and other entities (refer Table Three of Appendix Two), including:
 - 50.2.1 natural resources (Te Tomokanga Oranga Whenua);
 - 50.2.2 recognition of Whanganui Land Settlement values (Te Tomokanga ki te Matapihi) by Crown agencies;
 - 50.2.3 improving social and economic wellbeing (Te Tomokanga Oranga Whānau); and
 - 50.2.4 relationship agreements, protocols and letters of introduction (Te Tomokanga Hāpori – community engagement).

Redress over public conservation land

- 51 The Whanganui Land Settlement conservation redress aspiration is to own, govern and manage all public conservation land within their area of interest. This reflects their desire to be kaitiaki, and to address their historical land loss.
- 52 The return of all lands is not possible within Crown Treaty settlement policy. Therefore, negotiations with Whanganui Land Settlement have focused on using standard Treaty settlement instruments to help achieve the kaitiakitanga outcomes Whanganui Land Settlement seek.
- 53 The Minister of Conservation and I have jointly agreed that the following cultural redress over public conservation land be proposed for offer to Whanganui Land Settlement.

Public conservation land to be transferred

- 54 I seek agreement to offer to transfer 14 public conservation sites to Whanganui Land Settlement, covering approximately 525 hectares, subject to reserve status with Whanganui Land Settlement as the administering body over 13 sites [refer to the discussion below regarding Pākaitore/Moutoa Gardens Historic Reserve]. The majority of these sites are adjacent to the Whanganui River. This reflects the history of Māori settlement in the region, which relied on the river as the primary route for transport between pā, trading and resource gathering sites. In identifying these reserves, Whanganui Land Settlement have focused on developing a network of sites that will give each hapū opportunities to manage and protect their own areas of significance.
- 55 The transfer sites include Pākaitore/Moutoa Gardens Historic Reserve. This reserve is currently administered by a Reserve Board according to the 2001 tripartite agreement between iwi, the Crown and Whanganui District Council. This arrangement was made after iwi occupied the site for 79 days in 1995. The Reserve Board and the Council have agreed to the transfer of the site to Whanganui Land Settlement. Further discussions will be necessary to determine the appropriate ongoing administrative structure.
- 56 This redress has been developed to recognise both the cultural significance of these sites to Whanganui Land Settlement and the need to protect their individual intrinsic conservation values. Public access and existing third-party interests will also be protected.
- 57 Following the Te Awa Tupua (Whanganui River) Settlement Act 2017, the beds of all waterways flowing into the Whanganui River are vested in Te Pou Tupua (the human face of

of the river, two people appointed by the Crown and Iwi). Waterways can shift with natural processes therefore, now or in the future, some of these waterways may flow through those reserves proposed for transfer that are in the Whanganui River catchment. As they are no longer owned by the Crown, any river beds vested in Te Pou Tupua will be excluded from the proposed site transfers.

- 58 Clause 9.12 of the Whanganui River Deed of Settlement acknowledged that there would be future settlements over the land in the catchment. It provides that the Crown and Te Pou Tupua will engage with relevant groups to discuss the potential interrelationship between them when redress over the Tongariro and Whanganui National Parks is negotiated. I consider it appropriate that in this settlement, the Crown engage with Te Pou Tupua and Whanganui Land Settlement after signing an agreement in principle to consider their interrelationship given the nature of the reserves being transferred and other cultural redress being offered within the Whanganui River catchment.

Cultural redress to be explored

- 59 I seek your agreement to explore ownership and administrative arrangements over Crown-derived reserves, including sites administered by Whanganui District Council, and other Crown-owned sites, as set out in Table Two of Appendix Two. A number of these sites are located around the small lakes and wetlands near Kaitoke, which have significance for Whanganui hapū as places to carry out traditional eeling practices.
- 60 Although reserve land owned by or vested in a local authority is generally not available for use in Treaty settlements (unless the local authority offers it for use), it is not uncommon for Crown-derived reserves administered by local authorities to be used in Treaty settlements.
- 61 Officials are still investigating the titles for some of these Crown-owned sites. Depending on the outcome of those investigations, the Crown may enter into discussions with Whanganui Land Settlement and the Council to explore administration arrangements over these sites. On 11 December 2018 Council resolved to consider co-governance arrangements for these sites.
- 62 Whanganui Land Settlement have also asked the Crown if there are any suitable sites for nohoanga (places where iwi have traditionally stayed while gathering food or other resources). In the context of Treaty settlements, nohoanga sites entitle iwi members to camp exclusively and temporarily on parts of Department of Conservation administered land at a specified location and for a set duration (depending on the time required to gather the resources, and other considerations such as wildlife protection and public access).
- 63 The use of nohoanga redress in Treaty settlements has become less common since 2010, when Treaty settlement policy changed to enable the transfer of larger areas of culturally significant public conservation land. Because larger areas are now transferred there is more potential for camping opportunities within those sites. Claimant groups, as owner and administering body, could include provision for camping on the reserves they have received in settlement (with the prior approval of the Minister of Conservation).
- 64 However, in this case Whanganui Land Settlement have indicated an interest in nohoanga, and I seek your agreement to explore sites for nohoanga following the agreement in principle. We will seek final approval prior to initialling a deed of settlement should suitable sites be identified and agreed.

Overlay classifications, deeds of recognition, statutory acknowledgements over public conservation land

- 65 I also seek agreement to offer Whanganui Land Settlement:
- 65.1 four overlay classifications;
 - 65.2 deeds of recognition with statutory acknowledgement over six sites; and
 - 65.3 statutory acknowledgements over seven sites.
- 66 Overlay classifications provide a high degree of recognition for iwi values and associations with high value conservation sites (which may not be suitable for transfer) and are exclusive redress for the group to whom they are provided. Each overlay classification will recognise Whanganui Land Settlement values for the site, identify protection principles, and state the actions the Director-General of Conservation will take to avoid harming or diminishing their values in relation to these sites.
- 67 Deeds of recognition will require the Department of Conservation to consult and have regard to the views of Whanganui Land Settlement on specified matters when undertaking operational activities on a site.
- 68 Statutory acknowledgements are non-exclusive redress and recognise the association of Whanganui Land Settlement with a specific site of significance (through a statement of association) and enhance their ability to participate in specified Resource Management Act 1991 processes.
- 69 The areas proposed for overlay classifications, deeds of recognition, and statutory acknowledgements are highly significant to Whanganui Land Settlement. They include sites of former kāinga (villages) and ancient pā. Whanganui Land Settlement historians identify wāhi tapu (where significant historical events occurred or where there are ancient urupā), and sites important for cultivation (mahinga kai), rongoa (natural remedies), fishing, bird gathering, and sources of timber for building waka and marae. Whanganui Land Settlement have also sought to select sites for redress which reflect the geographical interests of their constituent hapū.
- 70 These forms of redress enable the Crown to recognise Whanganui Land Settlement interests across these culturally significant sites within their area of interest, whilst the ownership and management of the sites remain with the Crown.
- 71 This cultural redress over public conservation land will also provide some recognition for Whanganui Land Settlement values. For each of these places Whanganui Land Settlement will provide statements of association and values. These values will then inform the governance and management of those places in accordance with the particular redress instrument. In addition, the Department of Conservation relationship agreement with Whanganui Land Settlement (refer to paragraph 103.3.1 below) will include acknowledgement of their values.

Whanganui National Park

- 72 Whanganui Land Settlement have interests in the Whanganui National Park. As with the Egmont and Tongariro National Parks, cultural redress over Whanganui National Park will be negotiated collectively with all groups with interests in the parks, including Whanganui Land Settlement. I propose that the agreement in principle include a high-level statement that outlines Whanganui Land Settlement's aspirations and associations with the National Park. This statement will have no legal or operational effect. A statement of this nature about the

Whanganui National Park has also been included in the agreement in principle with Te Korowai o Wainuiārua.

Redress over sites administered by other agencies

- 73 I seek agreement to transfer the following sites to Whanganui Land Settlement as cultural redress without conservation protection (none are currently reserves):
- 73.1 one Treaty Settlements Landbank property at 183B Rapanui Road (1.07 hectares);
 - 73.2 three sites on Whanganui River Road owned by the Crown (i.e. not held by any specific agency) totalling 0.39 hectares; and
 - 73.3 four sites held by Land Information New Zealand totalling 3.67 hectares.

Cultural revitalisation fund

- 74 I seek agreement to offer cultural revitalisation funding of \$500,000 to Whanganui Land Settlement, primarily to support revitalisation of te reo Māori. This is comparable to the amounts paid in other settlements – for example, Cabinet has agreed to a cultural revitalisation payment of \$600,000 to Te Korowai o Wainuiārua [CAB-18-MIN-0387 refers].

Geographic name changes

- 75 At the request of iwi, a Treaty settlement may be used to assign an official Māori name to a geographic feature or place. Proposed name changes are considered by the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa (New Zealand Geographic Board), who then make recommendations to the Minister for Treaty of Waitangi Negotiations. However, proposals to change the names of populated places (i.e. towns, cities) must generally go through the full statutory process of the New Zealand Geographic Board, which includes public consultation.

Place name change to the city of Whanganui

- 76 I seek your agreement to change the official name of the city of Whanganui to “Whanganui” only, rather than the alternate use of “Whanganui” or “Wanganui”. A key aspiration for Whanganui Land Settlement is to see “Whanganui” become the only official name for the city. According to the Waitangi Tribunal, “Whanganui” is the original name, as it means a great stretch of water or harbour, whereas “Wanganui” has no meaning in te reo Māori.
- 77 In 2009 Te Rūnanga o Tupuho, who affiliate to Whanganui Land Settlement, submitted a proposal to the New Zealand Geographic Board to change the name of the city from “Wanganui” to “Whanganui”. Following a public consultation process, the New Zealand Geographic Board recommended the name of the city be changed from “Wanganui” to “Whanganui”. The then Minister for Land Information agreed with the New Zealand Geographic Board recommendation for “Whanganui”, but also decided to retain “Wanganui” as an alternative official name for the city. The Minister for Land Information also wrote to Crown agencies requesting that they transition to using the “Whanganui” spelling over time.
- 78 The proposed name change is consistent with other name changes in the region. In 2015 the name of the district was changed to “Whanganui District”, and this has been reflected in the name of the Whanganui District Council. In July 2018, the Manawatu-Wanganui Regional Council (Horizons Regional Council) made a proposal to the New Zealand Geographic Board to alter the region name to “Manawatū-Whanganui Region”. In September 2018, the New Zealand Geographic Board accepted this proposal and it went out for public consultation. At

its April 2019 hui the New Zealand Geographic Board confirmed its decision, which will be referred to the Minister for Land Information to make the final determination.

- 79 I have informed the Minister for Land Information of the proposed name change to the city of Whanganui. The proposed name change is likely to attract public interest, and some Whanganui residents may be opposed to the removal of “Wanganui” as an official name. As noted above, a public consultation process has already taken place on this change. Should you agree to the proposed name change, the decision will become public at the time the agreement in principle is signed, but will not come into force until the settlement legislation is enacted. This provides further lead time for the change, including the opportunity for a further round of public submissions through the select committee process.

Other geographic name changes

- 80 I seek agreement to invite Whanganui Land Settlement to submit other proposed geographic name changes within their area of interest to the New Zealand Geographic Board. Any name changes recommended by the New Zealand Geographic Board will be subject to Cabinet approval before the deed of settlement is initialled.

Natural resources

- 81 Whanganui Land Settlement have expressed a number of aspirations with regard to natural resources, including a co-management or co-governance role for hapū and marae. I note Whanganui Land Settlement already have an opportunity to participate in existing and forthcoming natural resource arrangements over the Whanganui River and Whangaehu River respectively, two significant catchments within their area of interest.
- 82 As noted above, all Whanganui iwi (including Whanganui Land Settlement hapū), as a collective, have the opportunity to engage in co-governance and co-management arrangements over the Whanganui River through the Te Awa Tupua settlement. The values of Te Awa Tupua must also be recognised and provided for by those exercising a wide range of statutory functions and powers relating to the river or activities in the catchment area.
- 83 With regard to the Whangaehu River, the recently-signed Ngāti Rangi deed of settlement provides for the establishment of the Te Waiū-o-te-Ika framework. A joint committee will be established to develop the framework for the management of the Whangaehu River catchment and, amongst other iwi, the Whanganui Land Settlement Negotiations Trust (the mandated entity for Whanganui Land Settlement) will be represented on it.
- 84 These existing and forthcoming arrangements are also significant because they give legal weighting to strategies and frameworks developed jointly with iwi.² Accordingly, most of the Whanganui Land Settlement natural resource aspirations can be met through these arrangements.
- 85 I understand that Whanganui Land Settlement may have residual natural resource aspirations which do not fit neatly within these arrangements, including concerns about the health of the small lakes near Kaitoke where they fish for tuna (eels), and the impact of climate change on the wider region. Whanganui Land Settlement may raise these matters directly with Horizons Regional Council as part of the relationship agreement they are seeking with them.

² For example, in relation to the Whangaehu River, local authorities must ‘recognise and provide for’ the plan developed by Ngā Wai Tōtā o Te Waiū (the joint committee) in their policies and planning, and ‘have particular regard to’ it in their resource consent decision-making under the Resource Management Act 1991.

Recognition of Whanganui Land Settlement values

86 A central aspect of these negotiations is the aspiration that the Crown give legal legal effect to Whanganui Land Settlement values (Te Tomokanga ki te Matapihi), which they see as fundamental to re-setting the relationship with the Crown. These values are:

- 86.1 toitū te kupu - innate integrity;
- 86.2 toitū te mana - inherited authority; and
- 86.3 toitū te whenua - physical and metaphysical sustenance.

87 Whanganui Land Settlement have been clear that recognition of their values is critical to reaching a settlement.

88 In response, I seek your agreement to address this aspiration in the following ways:

- 88.1 insert a non-operative statement of the Whanganui Land Settlement values [REDACTED] in the agreement in principle, deed of settlement and settlement bill, where appropriate; s.9(2)(j) and s.9(2)(h)
- 88.2 include a statement in the agreement in principle and the deed of settlement that the Crown acknowledges the importance of the Whanganui Land Settlement values to iwi/hapū and
- 88.3 that individual agencies will consider, in good faith, how they can give life to Whanganui Land Settlement values through the continuing development of redress instruments, including relationship agreements or other arrangements, prior to initialling a deed of settlement.

89 [REDACTED]
[REDACTED]
[REDACTED] s.9(2)(j) and s.9(2)(h)

90 [REDACTED]
[REDACTED]
[REDACTED] s.9(2)(j) and s.9(2)(h)

91 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

92 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] s.9(2)(j) and s.9(2)(h)

Social and economic wellbeing

93 Another significant settlement aspiration of Whanganui Land Settlement is to improve the socio-economic wellbeing of their people (Te Tomokanga Oranga Whānau).

94 At a local level Whanganui iwi already work with a range of Crown agencies on social policy issues, although this involvement tends to be for discrete policy responses with an operational focus rather than at the strategic level. Whanganui Land Settlement consider the current funding and delivery model does not allow local iwi to make effective decisions about the provision and prioritisation of the Crown's social services, even though they are frequently the primary target group for government responses in this region. They would like such decisions to be made locally, and through a more coherent and integrated approach, rather than by agencies in nearby centres such as Palmerston North or New Plymouth.

95 I support the objective of working with Whanganui Land Settlement to improve the social and economic conditions of their claimant community, and the wider Whanganui community, by pursuing partnership opportunities between Crown and iwi at the local level. I am advised that this could align well with the current priorities of social service agencies, particularly to engage more effectively with Māori and use place-based knowledge and experience more strategically to improve social and economic wellbeing.

96 To address this aspiration, I seek your agreement to explore how the specified Crown agencies can work with Whanganui Land Settlement to improve social and economic wellbeing for people living in the Whanganui Land Settlement rohe, subject to the resourcing, work programmes and priorities of the relevant Crown agencies.

97 I propose any formal agreement between Crown agencies and Whanganui Land Settlement be recorded in the relationship agreements with the relevant agencies (see further below) and in the deed of settlement. If this is not possible within the settlement timeframe then the parties may agree to continue to explore this in good faith post settlement. This is also the approach taken towards the proposed Te Kōpae framework within the Ngāti Rangi deed of settlement.

98

s.9(2)(j)

Any agreements reached will not commit or restrain any legal rights or obligations or functions, duties and powers of Ministers, chief executives, boards of Crown entities and officials, nor will they be contrary to public finance policy.

99

Exploring this redress allows time for Crown agencies to:

99.1 learn more about how Whanganui Land Settlement envisages the relationship agreements will work; and

99.2 consider the parameters for any changes to current practice.

100 I propose that the Crown agencies and other entities who will be invited to participate will include:

100.1 the Ministry of Social Development;

100.2 Oranga Tamariki—Ministry for Children;

100.3 the Ministry of Justice;

100.4 the Ministry of Education;

- 100.5 the Ministry of Health;
- 100.6 Whanganui District Health Board;
- 100.7 the Department of Corrections;
- 100.8 the New Zealand Police; and
- 100.9 the Ministry of Business, Innovation and Employment.

- 101 All of the agencies listed above support the proposal to explore, through their relationship agreements, how they can work with Whanganui Land Settlement to improve social and economic wellbeing. I have also written to the relevant portfolio Ministers to seek their support for this approach. The Minister of Corrections, Minister of Health, Minister for Economic Development, and the Minister for Children have formally indicated their support.
- 102 Whanganui Land Settlement are in the process of establishing their own partnership framework with Whanganui District Council, with the aspiration of also working with Council on social and economic issues. These discussions are taking place outside, but parallel to, the Treaty settlement process.

Relationship redress

- 103 I seek your agreement to offer Whanganui Land Settlement the following standard relationship instruments:

Protocols

- 103.1 a Crown minerals protocol with the Ministry of Business, Innovation and Employment. Protocols are issued by a Minister to an iwi. They set out how the relevant department will exercise its functions, powers and duties in relation to specified matters in the iwi area of interest, how they interact with the iwi, and provide for their input into decision-making. This is a non-exclusive redress instrument which can be provided to more than one iwi in the same area;

Letter of recognition

- 103.2 a letter of recognition from the Ministry for Primary Industries in relation to fisheries, and appointment as an advisory committee to the Minister of Fisheries in relation to fisheries management. These instruments enable iwi who are not otherwise listed as recognised iwi organisations under Schedule 4 of the Māori Fisheries Act 2004 to have input into fisheries management;

Relationship agreements

- 103.3 relationship agreements with the following agencies:
- 103.3.1 the Department of Conservation;
 - 103.3.2 the Ministry for the Environment;
 - 103.3.3 the Department of Corrections;
 - 103.3.4 the New Zealand Police;
 - 103.3.5 the Ministry of Justice; and

103.3.6 the Ministry for Culture and Heritage Manatū Taonga, the Department of Internal Affairs Te Tari Taiwhenua (including the National Library and Archives New Zealand), Heritage New Zealand Pouhere Taonga, and the Museum of New Zealand Te Papa Tongarewa (known as a Whakaaetanga Tiaki Taonga relationship agreement);

103.4 Relationship agreements are entered into between a government agency and iwi, to develop a positive, collaborative and enduring relationship. Parties can also agree any other matters of importance to be addressed through the relationship agreement;

Letters of introduction

103.5 letters of introduction to the following:

103.5.1 Te Uru Rākau–Forestry New Zealand;

103.5.2 the Ministry of Health;

103.5.3 the New Zealand Transport Agency;

103.5.4 Housing New Zealand;

103.5.5 the Ministry of Housing and Urban Development;

103.5.6 Taranaki Regional Council;

103.5.7 Ruapehu District Council;

103.5.8 Ngā Taonga Sound & Vision; and

103.5.9 Transpower New Zealand Limited;

103.6 Letters of introduction are a non-exclusive, non-binding form of relationship redress. A deed of settlement may include a commitment on the part of the Crown to write a letter to an organisation introducing the iwi and encouraging the organisation to meet with the iwi to discuss particular issues of mutual interest;

Other relationship redress

103.7 relationship instruments with the following agencies:

103.7.1 the Ministry of Social Development; and

103.7.2 Oranga Tamariki–Ministry for Children;

103.8 These relationship instruments could range from a letter of introduction to a relationship agreement, such as those outlined above;

103.9 I seek your agreement to explore a relationship agreement with the Ministry of Education.

104 The content of any relationship redress documents will be developed by parties after signing the agreement in principle. I note that this relationship redress may also incorporate references to Whanganui Land Settlement values (refer to the parameters set out in paragraphs 71 and 86-92) or to improving social and economic wellbeing (refer to the parameters set out in paragraphs 93-101).

- 105 Finally, Whanganui Land Settlement have indicated that they intend to develop, outside of settlement, relationship agreements with:
- 105.1 Whanganui District Council;
 - 105.2 Horizons Regional Council; and
 - 105.3 Whanganui District Health Board.
- 106 For the avoidance of doubt, these agreements will not be included in a deed of settlement between Whanganui Land Settlement and the Crown.

Overlapping interests

- 107 The Crown offer to Whanganui Land Settlement is subject to overlapping interest issues being resolved to the satisfaction of the Crown. This requirement has been accepted by Whanganui Land Settlement, and will be specified in the agreement in principle, along with an outline of the process for engagement with overlapping groups.
- 108 The Whanganui Land Settlement area of interest is overlapped by the areas of interest of:
- 108.1 Ngaa Rauru Kiitahi (settled);
 - 108.2 Te Korowai o Wainuiārua (in deed of settlement negotiations);
 - 108.3 Ngāti Rangī (settlement bill awaiting committee of the whole House);
 - 108.4 Ngāti Hāua (in agreement in principle negotiations);
 - 108.5 Ngāti Toa Rangatira (settled);
 - 108.6 Ngāti Apa (North Island) (settled);
 - 108.7 Ngāti Maru ki Taranaki (in deed of settlement negotiations); and potentially
 - 108.8 Ngāti Rangatahi (subject to confirmation of area of interest).
- 109 The Crown and Whanganui Land Settlement have developed an overlapping interests strategy which includes engagement with these groups. The proposed redress package has already been shared with overlapping groups, and Whanganui Land Settlement have already been meeting with most of these iwi.
- 110 The most significant overlaps occur with three groups, namely Ngaa Rauru Kiitahi, Ngāti Apa (North Island), and Te Korowai o Wainuiārua. Ngaa Rauru and Ngāti Apa (North Island) have written to the Crown to advise that they wish to continue to engage with Whanganui Land Settlement over the proposed redress, but they have not identified any particular issues with the package.

111 [REDACTED]

s.9(2)(j)

112 I will report back to Cabinet with an update on overlapping interest issues when I seek agreement to initial a deed of settlement with Whanganui Land Settlement.

Mandate

113 Whanganui Land Settlement have provided regular mandate maintenance reports to the Office for Māori Crown Relations – Te Arawhiti (Te Arawhiti) outlining their engagement with their claimant community. Whanganui Land Settlement have been keeping their claimant community regularly informed of the negotiations process through rūnanga, iwi, hapū and marae hui. I am informed that officials are not aware of any issues with the Whanganui Land Settlement mandate to date.

Finalisation of the agreement in principle

114 I consider the redress package presented in this paper is sufficient to address the aspirations of Whanganui Land Settlement and will enable the Crown to present a fair offer. I seek your authorisation to present the Crown offer to Whanganui Land Settlement.

115 Should Whanganui Land Settlement accept the Crown offer, I seek your authorisation to sign an agreement in principle in the second half of 2019.

116 I seek your authorisation to make changes to the offer agreed by Cabinet, consistent with the intent of Cabinet's decisions and with the agreement of relevant Ministers, prior to signing the agreement in principle.

117 I will report back to this Committee in late 2020 with a final settlement package for approval, prior to initialising a deed of settlement with Whanganui Land Settlement.

Consultation

118 In preparing this paper, Te Arawhiti has consulted with, and incorporated the views of: the Treasury; Department of Conservation; Land Information New Zealand; Ministry for the Environment; Ministry of Education; New Zealand Police; Ministry of Business, Innovation and Employment; Ministry for Primary Industries; Department of Internal Affairs (including the National Library and Archives New Zealand); Museum of New Zealand Te Papa Tongarewa; Ministry for Culture and Heritage; Heritage New Zealand Pouhere Taonga; Te Puni Kōkiri; Ministry for Social Development; Ministry of Justice; Ministry of Health; Ministry of Housing and Urban Development; Housing New Zealand; Department of Corrections; New Zealand Defence Force; Oranga Tamariki–Ministry for Children; Crown Law Office; and the New Zealand Transport Agency. The Department of the Prime Minister and Cabinet has been informed.

119 Te Arawhiti has also consulted with Whanganui District Council, Horizons Regional Council, Taranaki Regional Council, Ruapehu District Council, Whanganui District Health Board, Ngā Taonga Sound & Vision, KiwiRail, Transpower, and Fire and Emergency New Zealand on specific redress proposals relevant to their responsibilities.

Financial Implications

120 [REDACTED] s.9(2)(j)

121 [REDACTED] s.9(2)(j)

122 [REDACTED]

s.9(2)(j)

to defer proactive release of this paper until after the agreement in principle has been signed, as all of the content will remain negotiations sensitive until that time.

Recommendations

The Minister for Treaty of Waitangi Negotiations recommends that the Committee:

Background

- 1 **note** Whanganui Land Settlement are one of four Whanganui large natural groupings to settle their historical Treaty of Waitangi land claims, and are currently negotiating an agreement in principle with the Crown;
- 2 **note** that if the following elements are agreed by Cabinet, a Crown offer will be made to Whanganui Land Settlement and, if accepted, an agreement in principle will be finalised and signed;

Crown apology redress

- 3 **agree** the agreement in principle will incorporate a provisional set of Crown acknowledgements and a series of agreed historical account headings;
- 4 **note** an agreed historical account, set of Crown acknowledgements, and a Crown apology will be developed prior to initialling a deed of settlement;

Financial redress

- 5 **note** on 24 April 2018, Cabinet agreed to make Crown offers to the three remaining Whanganui large natural groupings up to certain amounts, [REDACTED] [CAB-18-MIN-0163 refers]; s.9(2)(j)
- 6 [REDACTED]

Commercial redress

- 7 **agree** to offer Whanganui Land Settlement the right to purchase the Crown's interest in Lismore Hill and Lismore Sand Crown forestry licensed land, subject to agreement on a transfer value prior to initialling a deed of settlement;
- 8 **agree** to offer Whanganui Land Settlement the right to purchase, on a sale and leaseback basis:
 - 8.1 Whanganui Intermediate School (land only), within a two-year deferred selection period;
 - 8.2 Whanganui Community Probation Service Centre (land only), within a three-year deferred selection period; and
 - 8.3 Whanganui Police Station (land only), within a three-year deferred selection period, subject to an early termination provision in the lease;
- 9 **agree** to offer Whanganui Land Settlement the right to purchase the following deferred selection properties:

- 9.1 Whanganui Forest, a Ministry for Primary Industries property, within a deferred selection period of ten years;
 - 9.2 49 Treaty Settlements Landbank properties held by Land Information New Zealand, within a deferred selection period of three years, listed in Table One of Appendix Two to the paper; and
 - 9.3 five Land Information New Zealand-held properties, within a deferred selection period of three years, subject to statutory clearances and/or a decision to landbank the properties, listed in Table One of Appendix Two to the paper;
- 10 **agree** to explore commercial redress for Whanganui Land Settlement over the former Universal College of Learning campus on Dublin Street, Whanganui, including how the Whanganui Land Settlement Treaty settlement could align with the Crown’s proposal to develop a ‘Justice Centre’ in Whanganui;
- 11 **agree** to explore commercial redress for Whanganui Land Settlement over the Whanganui Prison site (land only), after signing an agreement in principle;
- 12 **agree** to offer Whanganui Land Settlement a right of first refusal over the following sites, should the Crown seek to dispose of them within a period of time equal to the length of time between the signing of the Treaty of Waitangi and signing the agreement in principle:
- 12.1 all Crown-owned properties (including public conservation land) within the provisional non-overlapped area of interest outlined in Appendix Three to the paper;
 - 12.2 15 school sites, not within the proposed right of first refusal area under recommendation 12.1, as outlined in Table One of Appendix Two to the paper (subject to overlapping interest discussions and confirmation by the Ministry of Education);
 - 12.3 a New Zealand Defence Force property at 86 Maria Place, Whanganui;
 - 12.4 an Oranga Tamariki–Ministry for Children property at 26A Kings Ave, Gonville; and
 - 12.5 481 non-Core Crown-owned properties, as outlined in Table One of Appendix Two to the paper, incorporating:
 - 12.5.1 a KiwiRail property;
 - 12.5.2 three New Zealand Transport Agency properties;
 - 12.5.3 Whanganui Hospital; and
 - 12.5.4 476 Housing New Zealand properties;
- 13 **agree** to offer to explore a right of first refusal for Whanganui Land Settlement over Whanganui Fire Station (land only) after signing an agreement in principle;
- 14 **note** that any commercial redress offers are subject to Crown statutory obligations, including section 40 of the Public Works Act 1981, and subject to negotiating mutually acceptable terms prior to the initialling of a deed of settlement;

Cultural redress

Proposed redress over public conservation land

- 15 **note** the Minister of Conservation and I have jointly agreed the proposed redress over public conservation land;
- 16 **agree** to offer to transfer 13 public conservation land sites to Whanganui Land Settlement (totalling approximately 524 hectares), as outlined in Table Two of Appendix Two to the paper, subject to reserve status with Whanganui Land Settlement as the administering body;
- 17 **agree** to offer to transfer Pākaitore/Moutoa Gardens Historic Reserve (approximately 1 hectare) to Whanganui Land Settlement, as outlined in Table Two of Appendix Two to the paper, subject to reserve status with the structure of the administering body to be determined;
- 18 **note** that public access and existing third-party interests will be protected for these proposed site transfers;
- 19 **note** that river bed vested in the Pou Tupua under the Te Awa Tupua (Whanganui River) Settlement Act 2017 will be excluded from these proposed site transfers;
- 20 **agree** to explore ownership and administration arrangements over Crown-derived reserves, including sites administered by Whanganui District Council, and other Crown-owned sites, listed in Table Two of Appendix Two to the paper, subject to the agreement of Whanganui District Council, to be confirmed prior to initialling a deed of settlement;
- 21 **agree** to explore sites for nohoanga (temporary camping to support traditional natural resource gathering) on public conservation land;
- 22 **agree** to offer Whanganui Land Settlement four overlay classifications over public conservation land sites, listed in Table Two of Appendix Two to the paper;
- 23 **agree** to offer Whanganui Land Settlement deeds of recognition with statutory acknowledgement over six public conservation land sites, listed in Table Two of Appendix Two to the paper;
- 24 **agree** to offer Whanganui Land Settlement statutory acknowledgements over seven public conservation land sites, listed in Table Two of Appendix Two to the paper;
- 25 **note** that cultural redress in Whanganui National Park will be negotiated separately with all iwi with interests in the park;
- 26 **agree** that a high-level statement be included in the Whanganui Land Settlement agreement in principle that records their aspiration for, and association with, Whanganui National Park;

Redress over sites administered by other Crown agencies

- 27 **agree** to offer to transfer the following sites to Whanganui Land Settlement without conservation protection (none are currently reserves):
 - 27.1 one Treaty Settlements Landbank property at 183B Rapanui Road (1.07 hectares);
 - 27.2 three sites on Whanganui River Road owned by the Crown (totalling 0.39 hectares);
and
 - 27.3 four sites held by Land Information New Zealand (totalling 3.67 hectares);

Cultural revitalisation fund

28 **agree** to offer cultural revitalisation funding of \$500,000 to Whanganui Land Settlement;

Place name changes

- 29 **agree** to change the official name of the city of Whanganui to “Whanganui” only, rather than the alternative official names “Whanganui” or “Wanganui”;
- 30 **note** the proposed name change is likely to attract public interest, and some Whanganui residents may be opposed to the removal of “Wanganui” as an official name;
- 31 **agree** to invite Whanganui Land Settlement to submit further proposed place name changes within their area of interest to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa;

Natural resources

32 **note** most of the Whanganui Land Settlement aspirations with regard to natural resources can be met through their participation in existing and forthcoming natural resource arrangements over the Whanganui River and Whangaehu River respectively, two significant catchments within their area of interest;

Recognition of Whanganui Land Settlement values

- 33 **agree** to insert a non-operative statement of the Whanganui Land Settlement values [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] in the agreement in principle, deed of settlement and settlement bill, where appropriate; s.9(2)(j) and s.9(2)(h)
- 34 **agree** to include a statement in the agreement in principle and deed of settlement that the Crown acknowledges the importance of the Whanganui Land Settlement values to iwi/hapū
- 35 **agree** that individual agencies will consider, in good faith, how they can give life to Whanganui Land Settlement values through the continuing development of redress instruments, including relationship agreements or other arrangements, prior to initialling a deed of settlement;
- 36 [REDACTED]
[REDACTED]
[REDACTED] s.9(2)(j) and s.9(2)(h)

Social and economic wellbeing

- 37 **agree** to explore how specified Crown agencies can work with Whanganui Land Settlement to improve social and economic wellbeing for people living in the Whanganui Land Settlement rohe, subject to the resourcing, work programmes and priorities of the relevant Crown agencies;
- 38 **agree** that any formal agreement between Crown agencies and Whanganui Land Settlement be recorded in the relationship agreements with the relevant agencies and in the deed of settlement;
- 39 **note** if this is not possible within the settlement timeframe then the parties may agree to continue to explore this in good faith post settlement;

- 40 **note** any agreements reached will not commit or restrain any legal rights or obligations or functions, duties and powers of Ministers, chief executives, boards of Crown entities and officials, nor will it be contrary to public finance policy;
- 41 **agree** the following Crown agencies and other entities will be invited to participate in working with Whanganui Land Settlement to improve social and economic wellbeing:
- 41.1 the Ministry of Social Development;
 - 41.2 Oranga Tamariki–Ministry for Children;
 - 41.3 the Ministry of Justice;
 - 41.4 the Ministry of Education;
 - 41.5 the Ministry of Health;
 - 41.6 Whanganui District Health Board;
 - 41.7 the Department of Corrections;
 - 41.8 the New Zealand Police; and
 - 41.9 the Ministry of Business, Innovation and Employment.
- 42 **note** Whanganui Land Settlement are in the process of establishing their own partnership framework with Whanganui District Council, with the aspiration of also working with Council on social and economic issues, and that this is taking place outside, but parallel to, the Treaty settlement process;

Relationship redress

- 43 **agree** to offer Whanganui Land Settlement the following relationship instruments:
- 43.1 a Crown minerals protocol with the Ministry of Business, Innovation and Employment; and
 - 43.2 a letter of recognition from the Ministry for Primary Industries in relation to fisheries, and appointment as an advisory committee to the Minister of Fisheries in relation to fisheries management;
- 44 **agree** to offer Whanganui Land Settlement relationship agreements with the following agencies:
- 44.1 the Department of Conservation;
 - 44.2 the Ministry for the Environment;
 - 44.3 the Department of Corrections;
 - 44.4 the New Zealand Police;
 - 44.5 the Ministry of Justice; and
 - 44.6 the Ministry for Culture and Heritage Manatū Taonga, the Department of Internal Affairs Te Tari Taiwhenua (including the National Library and Archives New Zealand),

Heritage New Zealand Pouhere Taonga, and the Museum of New Zealand Te Papa Tongarewa (known as a Whakaaetanga Tiaki Taonga relationship agreement);

- 45 **agree** to offer Whanganui Land Settlement letters of introduction to:
- 45.1 Te Uru Rākau–Forestry New Zealand;
 - 45.2 the Ministry of Health;
 - 45.3 the New Zealand Transport Agency;
 - 45.4 Housing New Zealand;
 - 45.5 the Ministry of Housing and Urban Development;
 - 45.6 Taranaki Regional Council;
 - 45.7 Ruapehu District Council;
 - 45.8 Ngā Taonga Sound & Vision; and
 - 45.9 Transpower New Zealand Limited;
- 46 **agree** to offer Whanganui Land Settlement relationship instruments with the following agencies:
- 46.1 the Ministry of Social Development; and
 - 46.2 Oranga Tamariki–Ministry for Children;
- 47 **agree** to offer to explore with Whanganui Land Settlement a relationship agreement with the Ministry of Education;
- 48 **note** Whanganui Land Settlement is also developing relationship agreements, which will not be part of the deed of settlement, with the following entities:
- 48.1 Whanganui District Council;
 - 48.2 Manawatu-Wanganui Regional Council (Horizons Regional Council); and
 - 48.3 Whanganui District Health Board;
- 49 **note** that the relationship redress above may incorporate references to Whanganui Land Settlement values (refer to the parameters outlined in recommendations 33-36) or to improving social and economic wellbeing (refer to the parameters outlined in recommendations 37-42);

Overlapping interests

- 50 **note** the Crown offer to Whanganui Land Settlement is subject to overlapping interest issues being resolved to the satisfaction of the Crown prior to initialling a deed of settlement;
- 51 **note** Whanganui Land Settlement have already been engaging with iwi that have overlapping interests and are committed to continue doing so to resolve any outstanding issues;

Financial recommendations

52 [REDACTED]

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

s.9(2)(j)

53 [REDACTED] s.9(2)(j)

54 [REDACTED]
[REDACTED] s.9(2)(j)

55 **note** that an estimate of the Department of Conservation’s implementation and impairment costs will be provided to Cabinet at the time approval is sought to initial the deed of settlement;

Next steps

56 **authorise** the Minister for Treaty of Waitangi Negotiations to present Whanganui Land Settlement with the Crown offer;

57 **authorise** the Minister for Treaty of Waitangi Negotiations to sign an agreement in principle with Whanganui Land Settlement in the second half of 2019 should they accept the offer;

58 **note** the Minister for Treaty of Waitangi Negotiations intends to report back to the Cabinet Committee on Māori Crown Relations: Te Arawhiti in 2020 with a final settlement package for approval, prior to initialling a deed of settlement with Whanganui Land Settlement;

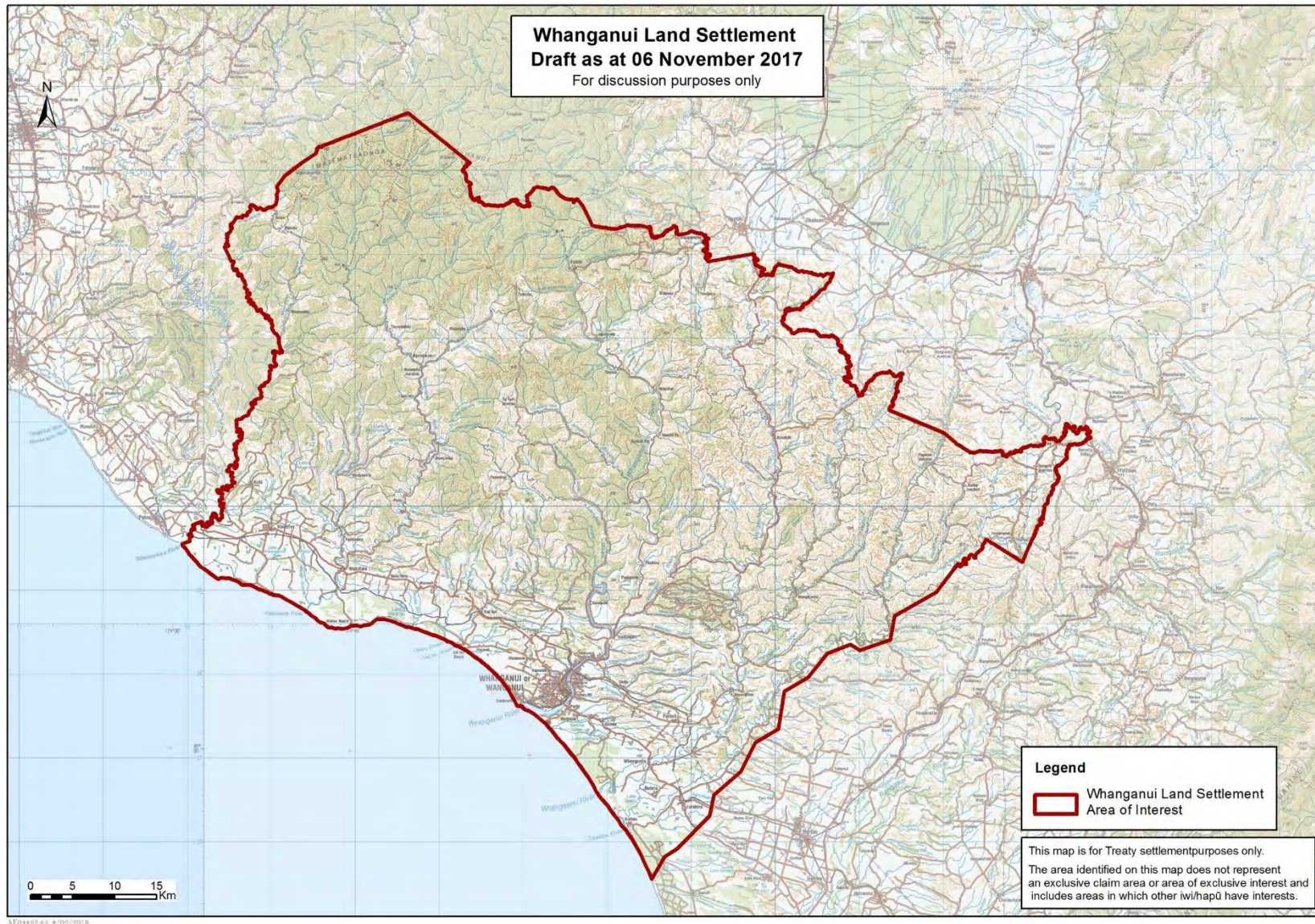
Delegation to act

59 **authorise** the Minister for Treaty of Waitangi Negotiations to make changes to the offer agreed by Cabinet, consistent with the intent of Cabinet’s decisions and with the agreement of relevant Ministers, prior to signing the agreement in principle.

Authorised for lodgement

Hon Andrew Little
Minister for Treaty of Waitangi Negotiations

APPENDIX ONE: WHANGANUI LAND SETTLEMENT AREA OF INTEREST



APPENDIX TWO: PROPOSED REDRESS

Table One: Commercial redress

Crown forestry licensed land		
Name and address	Conditions	Landholding agency
Part Lismore Hill Crown forestry licensed land, SH4 – 1,644.35 ha	Settlement date transfer	Land Information New Zealand
Part Lismore Sand Crown forestry licensed land, Marangai Road, Kaitoke – 479.96 ha	Settlement date transfer	Land Information New Zealand
Sale and leaseback properties		
Name and address	Conditions	Landholding agency
Whanganui Intermediate School (land only), 90 Dublin St, Whanganui – 3.80 ha	Sale and leaseback, two-year deferred selection period	Ministry of Education
Community Probation Centre (land only), 39 Wilson St, Whanganui – 0.13 ha	Sale and leaseback, three-year deferred selection period	Department of Corrections
Whanganui Police Station (land only), 10 Bell St, Whanganui – 0.41 ha	Sale and leaseback, three-year deferred selection period, subject to an early termination provision in the lease	New Zealand Police
Deferred selection properties (DSPs)		
Name and address	Conditions	Landholding agency
Whanganui Forest land and trees, Pauri Rd/Marangai Rd, Kaitoke – 805.54 ha	Ten-year deferred selection period	Ministry for Primary Industries
14A Caffray Ave, Aramoho, Whanganui (PF416) - 0.10 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
73 Campbell St, Central Whanganui (PF1046) – 0.13 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
22 Carlton Ave, Gonville, Whanganui (PF1001) - 0.13ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
3 Cross St, Castlecliff (PF812) – 0.09 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
6 Devon Rd, Springvale, Whanganui (PF1911) – 0.14 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
104 Devon Rd/32 Sussex Rd, Springvale, Whanganui (PF1912) – 2.20 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
41 Exeter Cres, Springvale, Whanganui (PF421) – 0.06ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
25 George St/173 Somme Pde, Aramoho (PF1004) – 2.19 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
19 Guyton St, Whanganui (PF1568) – 0.07 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank

21 Guyton St, Whanganui (PF1569) – 0.07 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
142 Guyton St, Whanganui (PF1653) – 0.19 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
69 Heads Rd, Gonville, Whanganui (PF800) – 0.10 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
77-79A Heads Rd, Gonville, Whanganui (PF914) -0.16 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
4 Huia St, Whanganui East (PF679) – 0.06 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
117 Ikitara Rd, Wanganui East, Whanganui (PF418) - 0.08 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
8 Jones St, Whanganui (PF1404) – 0.09 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
14 Kaka Pl, Whanganui East (PF1181) – 0.13 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
41 Karaka St, Castlecliff, Whanganui (PF457) – 0.08 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
Kelvin St, Aramoho (PF1153) – 3.90 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
Kelvin St, Aramoho (PF1047) – 2.11 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
8 Kelvin St, Aramoho (PF950) – 0.51 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
3A Kings Ave, Gonville, Whanganui (PF459) – 0.06 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
Former Kiwi Street School, 21 Kiwi St, Whanganui (PF1683) – 2.29 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
21 Koromiko Rd, Gonville, Whanganui (PF1063) -0.10 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
59 Maria Pl, Whanganui (PF842) – 0.08 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
61 Maria Pl, Whanganui (PF916) – 0.17 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
75-85 Maria Pl, Whanganui (PF1233) – 1.02 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
Mokonui Rd, Ranana (PF1818) – 36.75 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank

203 Puriri St, Castlecliff, Whanganui (PF456) – 0.10 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
126D Ridgway St, Whanganui (PF917) – 0.41 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
128 Ridgway St, Whanganui (PF839) – 0.23 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
133 Ridgway St, Whanganui (PF841) – 0.08 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
24 Smithfield Rd, Gonville, Whanganui (PF420) – 0.10 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
405 Somme Pde, Ex-Jubilee Hospital, Whanganui (PF 1585) – 1.33 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
42 Tanguru St, Wanganui East, Whanganui (PF417) - 0.10 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
79A Taupo Quay, Whanganui (PF709) – 0.08 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
81 Taupo Quay, Whanganui (PF710) – 0.08 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
81A Taupo Quay, Whanganui (PF711) – 0.08 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
85 Taupo Quay, Whanganui (PF920) – 0.41 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
201-215 Taupo Quay, Gonville (PF1255) – 1.43 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
234 Taupo Quay, Gonville (PF1138) – 0.21 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
32 Tongariro St, Castlecliff (PF298) – 0.08 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
34 Tongariro St, Castlecliff (PF299) – 0.07 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
36 Tongariro St, Castlecliff (PF300) – 0.07 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
1 Totara St, Tawhero, Whanganui (PF458) -0.14 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
Education House, 249 Victoria Ave, Whanganui (PF411) – 0.57 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
101 Wakefield St, Whanganui East (PF708) – 0.82 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank

32 Wilson St, Whanganui (PF1652) – 0.35 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
48 Young St, Wanganui East, Whanganui (PF419) - 0.08 ha	Three-year deferred selection period	Land Information New Zealand Treaty Settlements Landbank
Tanguru St, Whanganui East (12056) – 0.10 ha	Three-year deferred selection period (subject to statutory clearances)	Land Information New Zealand
Lot 1 Burmah Street, Whanganui (4008686) – 0.07 ha	Three-year deferred selection period (subject to a decision to landbank this property)	Land Information New Zealand
Lot 2 Burmah Street, Whanganui (3843660) - .11 ha	Three-year deferred selection period (subject to a decision to landbank this property)	Land Information New Zealand
Pt Aramoho 6 and Lot 16 Burmah Street, Whanganui (3843695) – 1.56 ha	Three-year deferred selection period (subject to a decision to landbank this property)	Land Information New Zealand
Makirikiri Valley Road, Upokongaro (WN101489) – 0.41 ha	Three-year deferred selection period (subject to a decision to landbank this property)	Land Information New Zealand
Commercial redress to be explored		
Name and address	Conditions	Landholding agency
Former Universal College of Learning campus, Dublin St, Whanganui – 4.17 ha	Redress to be explored [REDACTED]	Universal College of Learning
Whanganui Prison, Kaitoke – 46.77 ha	Redress to be explored	Department of Corrections
Right of first refusal		
Name and address	Conditions	Landholding agency
Crown-owned sites within the provisional Whanganui Land Settlement non-overlapped area of interest (refer Appendix Three)	Right of first refusal	Department of Conservation, Land Information New Zealand, Ministry of Education, New Zealand Police, Department of Internal Affairs, Department of Corrections, New Zealand Defence Force
Te Wainui a Rua, 4502 Whanganui River Road, Ranana – 0.70 ha	Right of first refusal, subject to overlapping interest discussions and confirmation by the Ministry of Education	Ministry of Education
Aberfeldy School, Parapara Highway, Whanganui – 1.46 ha	Right of first refusal, subject to overlapping interest discussions and confirmation by the Ministry of Education	Ministry of Education
Brunswick School, Campbell Road, Whanganui – 1.17 ha	Right of first refusal, subject to overlapping interest discussions and confirmation by the Ministry of Education	Ministry of Education
Kai Iwi School, State Highway 3, Whanganui – 1.21 ha	Right of first refusal, subject to overlapping interest discussions and confirmation by the Ministry of Education	Ministry of Education
Westmere School, Francis Road, Whanganui – 2.00 ha	Right of first refusal, subject to overlapping interest discussions and confirmation by the Ministry of Education	Ministry of Education

s.9(2)(j)

Mosston School, 211 Mosston Road, Whanganui – 1.58 ha	Right of first refusal, subject to overlapping interest discussions and confirmation by the Ministry of Education	Ministry of Education
Aranui School, Aranui Avenue, Castlecliff, Whanganui – 1.46 ha	Right of first refusal, subject to overlapping interest discussions and confirmation by the Ministry of Education	Ministry of Education
Whanganui High School, Purnell Street, Springvale, Whanganui – 11.05 ha	Right of first refusal, subject to overlapping interest discussions and confirmation by the Ministry of Education	Ministry of Education
Rutherford Junior High School, 32 Toi Street, Whanganui – 4.01 ha	Right of first refusal, subject to overlapping interest discussions and confirmation by the Ministry of Education	Ministry of Education
Carlton School, 99A Carlton Avenue, Gonville, Whanganui – 2.08 ha	Right of first refusal, subject to overlapping interest discussions and confirmation by the Ministry of Education	Ministry of Education
Tawhero School, Totara Street, Whanganui – 3.06 ha	Right of first refusal, subject to overlapping interest discussions and confirmation by the Ministry of Education	Ministry of Education
Te Kura Kaupapa Māori o Tupoho, 18 Cross Street, Castlecliff, Whanganui – 3.93 ha	Right of first refusal, subject to overlapping interest discussions and confirmation by the Ministry of Education	Ministry of Education
Gonville School, Gonville Avenue, Whanganui – 2.99 ha	Right of first refusal, subject to overlapping interest discussions and confirmation by the Ministry of Education	Ministry of Education
Kokohuia School (Te Kura o Kokohuia), 36 Matipo Street, Castlecliff, Whanganui – 4.90 ha	Right of first refusal, subject to overlapping interest discussions and confirmation by the Ministry of Education	Ministry of Education
Kaitoke School, Concord Line, Kaitoke, Whanganui – 0.64 ha	Right of first refusal, subject to overlapping interest discussions and confirmation by the Ministry of Education	Ministry of Education
86 Maria Pl, Whanganui – 1.53 ha	Right of first refusal	New Zealand Defence Force
26A Kings Ave, Gonville, Whanganui – 0.11 ha	Right of first refusal	Oranga Tamariki
Gibson St, Aramoho, Whanganui – 0.6809 ha	Right of first refusal	KiwiRail
Montgomery Rd, Westmere-Otamatea – 0.0279 ha	Right of first refusal	NZ Transport Agency
Heads Rd, Gonville – 0.0311 ha	Right of first refusal	NZ Transport Agency
Whanganui Metropolitan Motorway, Gonville – 0.0621 ha	Right of first refusal	NZ Transport Agency
Whanganui Fire Station (land only), 87 Maria Pl/Hatrick St East, Whanganui – 0.56 ha	Explore a right of first refusal	Fire and Emergency NZ

Whanganui Hospital, Heads Rd, Gonville (comprised in 3 records of title) – 14.12 ha	Right of first refusal	Whanganui District Health Board
476 properties	Right of first refusal	Housing New Zealand

Table Two: Cultural redress: sites

Where relevant, these sites will exclude all waterways now vested in Te Pou Tupua under the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017. This includes all tributaries, streams and other natural watercourses in the catchment that flow into the Whanganui River.

Cultural redress sites to be transferred		
Name of site	Conditions	Landholding agency
Owairua Scenic Reserve – 3 ha	Subject to scenic reserve status, with WLS as the administering body	Department of Conservation
Pīpiriki Rubbish Local Purpose Reserve – 1 ha	Subject to reserve status (type to be determined), with WLS as the administering body	Department of Conservation
Rānana/Morikau Scenic Reserve – 101 ha	Subject to scenic reserve status, with WLS as the administering body	Department of Conservation
Part Ohotu Conservation Area – up to 30 ha	Subject to scenic reserve status, with WLS as the administering body	Department of Conservation
Part Koriniti Conservation Area – up to 30 ha	Subject to scenic reserve status, with WLS as the administering body	Department of Conservation
Tauakira Scenic Reserve – 57 ha	Subject to scenic reserve status, with WLS as the administering body	Department of Conservation
Paetawa Scenic Reserve – 27 ha	Subject to scenic reserve status, with WLS as the administering body	Department of Conservation
Puketarata Scenic Reserve – 114 ha	Subject to scenic reserve status, with WLS as the administering body	Department of Conservation
Kauarapaoa Scenic Reserve – 59 ha	Subject to scenic reserve status, with WLS as the administering body	Department of Conservation
Kōtiti Stream Conservation Area – 3 ha	Subject to scenic reserve status, with WLS as the administering body	Department of Conservation
Otoko Scenic Reserve – 4 ha	Subject to scenic reserve status, with WLS as the administering body	Department of Conservation
Part Taukoro Forest Conservation Area – up to 30 ha	Subject to scenic reserve status, with WLS as the administering body	Department of Conservation
Whitiau Scenic Reserve – 65 ha	Subject to scenic reserve status, with WLS as the administering body	Department of Conservation
Moutoa Gardens Historic Reserve – 1 ha	Subject to historic reserve status, with the administration and management body arrangements to be confirmed	Department of Conservation
183B Rapanui Road, Westmere (PF1634) – 1.07 ha		Land Information New Zealand Treaty Settlements Landbank
Whanganui River Road, Parikino-Pipiriki (7034818) - 0.03 ha	Subject to further investigation	Crown land
Whanganui River Road, Parikino-Pipiriki (7034912) - 0.01 ha	Subject to further investigation	Crown land
Whanganui River Road, Parikino-Pipiriki (3992779) - 0.35 ha	Subject to further investigation	Crown land
Whanganui River Road, Parikino-Pipiriki (11959) - 1.5 ha	Subject to further investigation	Land Information New Zealand
Pitangi Pitanga Village, Parikino (11856) - 0.10 ha	Subject to further investigation	Land Information New Zealand

Kauarapaoa Road, Brunswick-Paparangi (11949), - 0.60 ha	Subject to further investigation	Land Information New Zealand
Kai-iwi Road, Waitotara (11881) – 1.47 ha	Subject to further investigation	Land Information New Zealand
Cultural redress to be explored		
Name of site	Conditions	Landholding agency
Part Queen's Park/Pukenamu	Explore redress, including ownership and management arrangements with Whanganui District Council where applicable.	Crown owned, Whanganui District Council administered
Gonville Domain/Tawhero		Subject to further investigation
Kai Iwi Beach/Mowhānau Reserve (Nukumaru Domain)		Crown owned, Whanganui District Council administered
Part of Lake Wiritoa bed		Crown owned
Recreation Reserve adjoining Lakes Wiritoa and Pauri (Sections 472, 513, and 476)		Crown owned, Whanganui District Council administered
Lake Pauri Marginal Strip		Department of Conservation
Nohoanga sites		To be explored
Overlay classification		
Name of site		Landholding agency
Jean Darcy – Powataunga Overlay (1,566 ha), includes: <ul style="list-style-type: none"> Part Jean Darcy Memorial Conservation Area; and Powataunga Scenic Reserve. 		Department of Conservation
Ahuahu Overlay (1,709 ha), includes: <ul style="list-style-type: none"> Ahu Ahu Stream Conservation Area; Haehaekupenga Scenic Reserve; Ahuahu Conservation Area; and Te Tuhi Scenic Reserve. 		Department of Conservation
Pitangi Overlay (1,230 ha), includes: <ul style="list-style-type: none"> Mangahowhi Conservation Area; and Pitangi Scenic Reserve. 		Department of Conservation
Tokomaru East Overlay (518 ha), includes: <ul style="list-style-type: none"> Tokomaru East Block Conservation Area. 		Department of Conservation
Deeds of Recognition with Statutory Acknowledgement		
Name of site		Landholding Agency
Taunoka Conservation Area		Department of Conservation
Mystery Block Conservation Area		Department of Conservation
Taukoro Forest Conservation Area		Department of Conservation
Ohotu Conservation Area		Department of Conservation
Koriniti Conservation Area		Department of Conservation
Lake Kohata Wildlife Management Reserve		Department of Conservation
Statutory Acknowledgements		
Name of site		Landholding Agency
Te Komai Conservation Area		Department of Conservation
Taukoro Conservation Area		Department of Conservation
Raorikia Scenic Reserve		Department of Conservation
Otawaki Scenic Reserve		Department of Conservation
Aramoana Domain Recreation Reserve		Department of Conservation
Whanganui River Scenic Reserve		Department of Conservation
Whitia Scientific Reserve		Department of Conservation
Place name changes		
Change official name of Whanganui city to "Whanganui" only		
Invite further name change proposals to NZ Geographic Board		
Other cultural redress		
\$500,000 cultural revitalisation payment		

Table Three: Cultural redress: relationships

Relationship redress	
Agency	Form of Agreement
All agencies	Consider, in good faith, how individual agencies can give life to Whanganui Land Settlement values in the development of redress instruments, including relationship agreements or other arrangements
Oranga Tamariki–Ministry for Children; Ministry of Justice; Ministry of Education; Ministry of Health; Whanganui District Health Board; Department of Corrections; Ministry of Social Development; New Zealand Police; Ministry of Business, Innovation and Employment	Explore how Crown agencies can work with Whanganui Land Settlement to improve social and economic wellbeing for people living in the Whanganui Land Settlement rohe, through relationship instruments
Ministry of Business, Innovation and Employment in relation to Crown Minerals	Crown minerals protocol
Ministry for Primary Industries	Letter of recognition in relation to fisheries, and appointment as an advisory committee to the Minister of Fisheries in relation to fisheries management
Department of Conservation	Relationship agreement
Ministry for the Environment	Relationship agreement
Department of Corrections	Relationship agreement
New Zealand Police	Relationship agreement
Ministry of Justice	Relationship agreement
Te ara taonga agencies (Ministry of Culture and Heritage Manatū Taonga, Department of Internal Affairs Te Tari Taiwhenua, Museum of New Zealand Te Papa Tongarewa, Heritage New Zealand)	Whakaaetanga Tiaki Taonga relationship agreement
Te Uru Rākau–Forestry New Zealand	Letter of introduction
Ministry of Health	Letter of introduction
New Zealand Transport Agency	Letter of introduction
Housing New Zealand	Letter of introduction
Ministry of Housing and Urban Development	Letter of introduction
Taranaki Regional Council	Letter of introduction
Ruapehu District Council	Letter of introduction
Ngā Taonga Sound & Vision	Letter of introduction
Transpower New Zealand Limited	Letter of introduction
Ministry for Social Development	Relationship instrument
Oranga Tamariki-Ministry for Children	Relationship instrument

APPENDIX THREE: WHANGANUI LAND SETTLEMENT NEGOTIATION TRUST EXCLUSIVE AREA OF INTEREST (PROVISIONAL)

