

## Waitara Endowment Land

April 2016

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### What is in the proposed Bill?

The key proposals in the current draft of the Bill are:

- **Free-holding rights for Leaseholders:**
  - Leaseholders will have a right to purchase the freehold title to their property for the unimproved land value and administrative costs
  - There are no time limits to exercise the right to freehold
  - The right to freehold will form part of the lease and will pass on to new leaseholders if the lease is sold.
  - Leaseholders who do not freehold can continue to lease their property for as long as they want.
  
- **Allocation of income between NPDC and Taranaki Regional Council (TRC):**
  - **NPDC share of funds** to be used for the benefit of the Waitara community
  - **TRC share of funds** can be used to perform TRC statutory duties in Waitara, for the recovery of Waitara flood protection costs, or for non-commercial projects outside of Waitara subject to a public process and adoption in the Long Term Plan
  
- **Statutory Board to determine how NPDC funds used:**
  - a joint six-member Board with 3 members appointed by Te Kotahitanga and 3 members appointed by NPDC will be established
  - Council and Te Kotahitanga to adopt Terms of Reference for Board
  - Council will determine total amount available annually taking Board's recommendations into account
  - Board will determine how the annual funds should be distributed for the benefit of the Waitara community and for purposes (Bill clause 30)
  - Council can decline recommendations of Board
  
- **Some land to be transferred to Te Kotahitanga o Te Atiawa Trust :**
  - The underlying title to Council-owned land at Battiscombe Terrace, East Beach and Clifton Park will be transferred to Te Kotahitanga o Te Atiawa Trust. However, the Council will continue to administer these areas as public reserves.
  - Council owned land at Brown Road and adjacent to the Battiscombe Terrace land will be transferred to Te Kotahitanga o Te Atiawa Trust to develop as the Trust sees fit.

- Te Kotahitanga o Te Atiawa will have a right of first refusal to purchase the western part of Ranfurly Park and the Waitara Golf Course if the Council decides to sell.

### Timetable for Process

Date	Milestone/Event
7 April 2016	NPDC Media Briefing
12 April 2016	Council meet and will consider approving consultation process
20 April 2016	Submissions open
20 May 2016	Submissions close
15 – 17 June 2016	Submissions Hearings held
July 2016	Council decision on final draft Bill  If approved the Bill will progress to law, which is likely to occur in 2017 or 2018.

### Questions and Answers:

#### Why does Te Kotahitanga support this proposal?

- This proposal does not fully recognise or compensate for the fact that the land confiscations of 1865 (including Waitara and the Pekapeka Block) were wrongful, unjust and in breach of the Treaty of Waitangi.
- However, we understand the importance of looking forward and progressing this matter.
- We are a board of seven members who represent the collective interests of Te Atiawa. This proposal is a chance to move things forward and required compromise.
- It allows for the transfer of some lands to Te Atiawa and rights to purchase surplus land in future.
- It provides leaseholders (some of whom are Te Atiawa) with the option to buy the freehold title to their land.
- It is positive that some of the funds from the leasehold rentals and sales proceeds will be invested in the Waitara community and that Te Atiawa will have a say in how funds are to be distributed.
- Waitara has not seen the same level of growth and improvement that other areas of Taranaki have enjoyed in recent decades. We understand that a rising tide does not always lift all boats. This is a way that will help ensure more targeted investment is made to support the development of Waitara.

### **Why did Te Atiawa not support the 2014 proposal to buy the leasehold land?**

- Following negotiations between the Crown, Council and Te Atiawa negotiators at the time, it decided not to purchase the land as part of the Treaty settlement. However, that decision did not resolve the need to address the issue of redress and compensation for the losses endured by our people involving the Pekapeka block.
- Te Kotahitanga was in the process of being established when this decision was made.

### **Te Atiawa will receive compensation through its Treaty settlement for land grievances. Is this another attempt to get more?**

- The Treaty settlement was negotiated between the Crown and Te Atiawa and provided the opportunity for Te Atiawa to enter into an agreement with the New Plymouth District Council in relation to the Waitara Endowment Lands.
- This proposal is the result of further negotiations and a Heads of Agreement signed between Te Atiawa and NPDC in August 2014.

### **The land was taken as a result of unjust land buying practices, why have you not sought to get all lands returned?**

- Te Atiawa have always sought the return of all our confiscated lands.
- Our Te Atiawa Treaty settlement and the transfer of some land in this proposal can never fully compensate for the wrongs of the past, but it is something.

### **How will Te Kotahitanga decide who sits on the new Board?**

- It is our preference to work with the leadership of Manukorihi and Otaraua hapū to put forward the most capable candidates, who live in the Waitara community and who understand where investment is most needed, and where it will achieve the greatest return for all in the community.

### **What will you do with the lands that are transferred?**

- Te Kotahitanga will become the owner of the reserve land at Battiscombe Tce, Clifton Park and East Beach. NPDC will be the administering body.
- We will work with our Waitara hapū and with the NPDC to develop management plans for the reserve land. Public access to the reserve land will be guaranteed.

- Te Kotahitanga will also become the owner of non-reserve land at Brown Road. We will work with Waitara hapū to decide its future use.

**Why is the land being returned to iwi not going directly to the hapū who it was originally taken from?**

- The Crown's Policy is to settle at an iwi level rather than at a hapū level. This is why land is being transferred to Te Kotahitanga as the post-settlement governance entity for Te Atiawa.
- We are committed to working with our Waitara hapū to determine the future use of this land.

**This proposal has been labelled racist by some, what is your response to this?**

- Those comments aren't deserving of a response.
- Te Atiawa iwi and hapū have been expected to make immense compromise in order to progress these issues. We hope that others are open to working with us so that our community can move forward together.

**Will Kotahitanga help Te Atiawa leaseholders to purchase their leases?**

- Our Te Atiawa settlement is for the benefit of all of our iwi members, and we must be fair and appropriate in how we support and assist all of those members.