

Hon Kelvin Davis

MP for Te Tai Tokerau

Minister for Māori Crown Relations: Te Arawhiti

Minister for Children

Minister of Corrections

Associate Minister of Education (Māori Education)



Liz Graham
Chair
Heretaunga Tamatea Settlement Trust

29 August 2023

By email: ce@heretaungatamatea.iwi.nz

Tēnā koe e te Rangatira

Letter of Agreement regarding the Heretaunga Tamatea Claims Settlement Act 2018

This letter records an agreement between the trustees of Heretaunga Tamatea Settlement Trust (the Trust) on behalf of Heretaunga Tamatea, and myself, as the Minister for Māori Crown Relations – Te Arawhiti, on behalf of the Crown.

We have agreed that the Crown will propose a legislative amendment to the Heretaunga Tamatea Claims Settlement Act 2018, that replaces the existing marginal strip on the 14 Mangarau Crescent property (the Property), with an esplanade reserve of variable width (as indicated in the OMCR plan at Appendix One, subject to survey).

The legislative amendment is proposed for inclusion in the Statutes Amendment Bill at Select Committee stage via the Departmental Report.

Background to the issue

The Property was a deferred selection property offered under the Heretaunga Tamatea Treaty settlement. The property was purchased by the Trust in 2017 and transferred under section 81(1) of the Heretaunga Tamatea Claims Settlement Act 2018.

As is standard for the transfer of settlement properties, when the Property transferred a 20-metre marginal strip was created and retained by the Crown along the boundary of the property adjacent to Mangarau Stream. However, neither party recognised the implications of this for the valuation of the site.

Agreement between Heretaunga Tamatea and the Crown

To correct the errors in the implementation of the settlement relating to the Property, we have agreed that the Crown will propose a legislative amendment to the Heretaunga Tamatea Claims Settlement Act 2018 which will:

- create an esplanade reserve on the Property that will vest in Hastings District Council and will have a variable width (as indicated in the OMCR plan at **Appendix One**, subject to survey);
- provide that the 20-metre marginal strip reserved from the transfer of the Property will be disappplied before the esplanade reserve vests in the Council; and
- provide that the Registrar General of Land must record the disapplication of the marginal strip on any record of title that derives from the current title for the property.

The exact text for the legislative amendment will be drafted by the Parliamentary Counsel Office. No change is needed to the Deed of Settlement between Heretaunga Tamatea and the Crown.

A copy of this counter-signed letter will be published online alongside other Heretaunga Tamatea Treaty settlement documents.

Implementation for our Agreement

This is a minor technical amendment and does not affect the substance of the settlement. My intention is to propose the legislative amendment as part of the Statutes Amendment Bill, currently intended for introduction in early 2024.

This letter is signed by me on behalf of the Crown and is consistent with the spirit of partnership that underpins the Heretaunga Tamatea settlement. I would be pleased if you would confirm your agreement to the matters set out in this letter by countersigning. My officials will then work with Parliamentary Counsel Office to progress the drafting for this potential legislative amendment.



Hon Kelvin Davis
Minister for Māori Crown Relations – Te Arawhiti

Dated: 29/8/ 2023

I confirm the agreement of Heretaunga Tamatea Settlement Trust to the matters in this letter, as outlined above.



Liz Graham
Chair
Heretaunga Tamatea Settlement Trust

Dated: Monday 28th August 2023

Appendix One

