

**THE TRUSTEES OF
THE NGĀ MAUNGA WHAKAHII O KAIPARA
DEVELOPMENT TRUST**

and

THE CROWN

**DEED TO AMEND
THE NGĀTI WHĀTUA O KAIPARA
DEED OF SETTLEMENT**

THIS DEED is made on the _____ day of _____ 2019

BETWEEN **THE TRUSTEES OF THE NGĀ MAUNGA WHAKAHII O
KAIPARA DEVELOPMENT TRUST**

AND **THE CROWN**

BACKGROUND

- A. Ngāti Whātua o Kaipara and the Crown are parties to a deed of settlement of historical claims dated 9 September 2011 (**deed of settlement**).
- B. The trustees of the Ngā Maunga Whakahii o Kaipara Development Trust and the Crown wish to enter this deed to formally record certain amendments to the deed of settlement, in accordance with paragraph 4.3 of the general matters schedule of the deed of settlement.

IT IS AGREED as follows:

EFFECTIVE DATE OF THIS DEED

- 1. This deed takes effect when it is signed by the parties.

AMENDMENTS TO THE DEED OF SETTLEMENT

- 2. The deed of settlement:
 - 2.1 is amended by making the amendments set out in the schedule to this deed;
but
 - 2.2 remains unchanged except to the extent provided by this deed.

PROVISIONS RELATING TO THE PAREMOREMO HOUSING BLOCK

- 3.1 The Crown must, within 10 business days of the event set out in clause 3.2 occurring, pay the amount of \$500,000 plus GST (if any) to the trustees of the Development Trust.
- 3.2 The event referred to in clause 3.1 is the Crown giving notice under paragraph 7.2.2 of the property redress schedule (as inserted by this deed) that part 7 of that schedule no longer applies.
- 3.3 Clauses 3.1 and 3.2, and the amendments to the deed of settlement effected by this deed, settles and resolves all issues in relation to the Crown's failure to provide notice in relation to the Paremoremo Housing Block at the required time in 2013 in accordance with the deed of settlement.

DEFINITIONS AND INTERPRETATION

- 3. Unless the context otherwise requires:

- 3.1 **deed of settlement** means the deed of settlement referred to in Background B;
- 3.2 **parties** means the trustees of the Ngā Maunga Whakahii o Kaipara Development Trust and the Crown;
- 3.3 terms or expressions defined in the deed of settlement have the same meanings in this deed; and
- 3.4 the rules of interpretation in the deed of settlement apply (with all appropriate changes) to this deed.

COUNTERPARTS

- 4. This deed may be signed in counterparts which together shall constitute one agreement, binding on the parties, notwithstanding that the parties are not signatories to the original or same counterpart.

SIGNED as a deed on the *24th* day of *October* 2019

SIGNED for and on behalf of
THE CROWN by the Minister for
Māori Crown Relations: Te Arawhiti,

)
)
)



Honourable Kelvin Glen Davis

in the presence of:



Signature of Witness

Genevieve Wilson

Witness Name

Private Secretary

Occupation

115a Hahaitai Road, Wellington

Address

SIGNED by the trustees of the)
NGĀ MAUNGA WHAKAHII O KAIPARA)
DEVELOPMENT TRUST)

SIGNED by)
Dame Rangimarie Naida Glavish)

as trustee, in the presence of:)

Dame Rangimarie Naida Glavish (Chair)

Signature of Witness

Witness Name

Occupation

Address

SIGNED by Richard Nahi)

as trustee, in the presence of:)

Richard Nahi

Signature of Witness

Witness Name

Occupation

Address

SIGNED by Tracy Davis)

as trustee, in the presence of:)

Tracy Davis

Signature of Witness

Witness Name

Occupation

Address

SIGNED by Tamaki Mercer)

as trustee, in the presence of:)

Tamaki Mercer

Signature of Witness

Witness Name

Occupation

Address

SIGNED by Margaret Tukerangi)

as trustee, in the presence of:)

Margaret Tukerangi

Signature of Witness

Witness Name

Occupation

Address

SIGNED by Suzanne Taipeti-Clarke)

as trustee, in the presence of:)

Suzanne Taipeti-Clarke

Signature of Witness

Witness Name

Occupation

Address

SIGNED by Trisya Hemana)

as trustee, in the presence of:) Trisya Hemana

Signature of Witness

Witness Name

Occupation

Address

SCHEDULE

AMENDMENTS TO THE DEED OF SETTLEMENT

Part or paragraph of the property redress schedule to the deed of settlement	Amendment
Part 5	In the description of the Paremoremo Housing Block, "Balance computer freehold register 5247" is replaced with "All record of title 663963".
Part 7, paragraph 7.1	Items (d) and (e) are deleted from subparagraph 7.1.1.
Part 7, paragraphs 7.2 and 7.3	<p>These paragraphs and their related headings are deleted and replaced with the following:</p> <p>" PUBLIC WORK NOTIFICATION</p> <p>"7.2 The Crown (acting through the Chief Executive of the Department of Corrections) must give notice to the trustees of the Development Trust and the TKaM governance entity within 10 business days of –</p> <p>7.2.1 determining that the Paremoremo Housing Block is not required for the public work for which it is currently held; or</p> <p>7.2.2 15 October 2026 if no such determination has been made by that date.</p> <p>7.3 The notice under –</p> <p>7.3.1 paragraph 7.2.1 must state that the Paremoremo Housing Block is no longer required for the public work for which it is currently held; and</p> <p>7.3.2 paragraph 7.2.2 must state that the Paremoremo Housing Block remains required for its current public work and this part no longer applies."</p>
Part 7, paragraph 7.4	<p>This paragraph is deleted and replaced with:</p> <p>"7.4 Paragraphs 7.4A to 7.4C, paragraphs 7.5 to 7.14 and, to the extent they have not come into effect, any other provisions of the deed necessary to give effect to those provisions, apply if, and on the date that, notice under paragraph 7.2.1 is given."</p>

<p>Part 7, new paragraphs</p>	<p>The following new heading and paragraphs are inserted immediately after existing paragraph 7.4 (as replaced by this deed to amend):</p> <p>“ STATUTORY PROCESSES</p> <p>7.4A The Crown must, as soon as reasonably practicable, determine whether the Paremoremo Housing Block is required –</p> <p> 7.4A.1 for another public work other than the one for which it is currently held; or</p> <p> 7.4A.2 for an exchange under section 105 of the Public Works Act 1981; or</p> <p> 7.4A.3 to be transferred in fee simple under a legislative obligation, including section 40(2) or 41 of the Public Works Act 1981.</p> <p>7.4B The Crown (acting through the Chief Executive of the Department of Corrections) must, within 10 business days of coming to a determination under paragraph 7.4A, give notice to the trustees of the Development Trust, and the TKaM governance entity, stating that –</p> <p> 7.4B.1 the Paremoremo Housing Block is available for purchase under this part; or</p> <p> 7.4B.2 the Paremoremo Housing Block is not available for purchase under this part and stating which of the circumstances under paragraphs 7.4A.1 to 7.4A.3 prevents it from being available for purchase.</p> <p>7.4C If the Crown gives notice under paragraph 7.4B.2, paragraphs 7.5 to 7.14 no longer apply.”</p>
<p>Part 7, paragraph 7.5</p>	<p>In this paragraph the phrase “this paragraph comes into effect” is deleted and replaced with the following:</p> <p>“the notice is given under paragraph 7.4B.1 that the Paremoremo Housing Block is available for purchase under this part.”</p>

<p>Part 7, paragraph 7.6</p>	<p>Subparagraph 7.6.2 is deleted and replaced with the following:</p> <p>“7.6.2 signed by –</p> <p>(a) both governance entities; or</p> <p>(b) one of the governance entities, if the other governance entity –</p> <p>(i) has consented by notice to the Crown to the giving of that notice of interest by the other governance entity; or</p> <p>(ii) does not give a notice of interest in the Paremoremo Housing Block (including together with the other governance entity under paragraph 7.6.2 (a)) during the Paremoremo notice period.”</p>
<p>Part 7, paragraph 7.7</p>	<p>In this paragraph “7.6.2(c)(ii)(II)” is deleted and replaced with “7.6.2(b)(ii)”.</p>
<p>Part 7, paragraph 7.11</p>	<p>In this paragraph the following phrase is added after “in accordance with part 9,”:</p> <p>“less the amount specified in paragraph 7.11A”.</p>
<p>Part 7, new paragraph</p>	<p>The following new paragraph is inserted immediately after paragraph 7.11:</p> <p>“7.11A For the purposes of paragraph 7.11, the amount specified is –</p> <p>7.11A.1 \$500,000 if one governance entity gives an effective notice to purchase; or</p> <p>7.11A.2 \$1,000,000 if both governance entities give an effective notice to purchase.”</p>
<p>Part 8, paragraph 8.5</p>	<p>In this paragraph the phrase “part 7 has become unconditional” is deleted and replaced with “paragraphs 7.4A to 7.4C”.</p> <p>The following new subparagraph 8.5.1 is inserted in this paragraph and the subsequent subparagraphs are re-lettered accordingly:</p> <p>“8.5.1 a notice under paragraph 7.4B.2 is given that the Paremoremo Housing Block is not available for purchase; or”.</p>

