

13 June 2016

Vladimir

By email: fyi-request-4013-ad45a5a4@requests.fyi.org.nz

Dear Vladimir

Official Information Act request - 136 Dominion Road, Mt Eden, Auckland

You have made a request for information regarding 136 Dominion Road, Mt Eden, Auckland (**the property**) under the Official Information Act 1982 (**the Act**). I understand from your letter that you seek information on the history and current status of the site, specifically the:

- current owner and contact details for service;
- relevant iwi group and expected resolution date;
- status/rights of any claims; and
- use of the site following the settlement of claims and conditions the Crown may impose on the future owners of this site.

Current owner and contact details for service

The property is owned by the Crown and currently held in the Office of Treaty Settlements (OTS) Landbank for use in Treaty settlements. The property entered the Landbank on 18 July 2003. For Landbank enquiries, call the Ministry of Justice on 04 918 8800 and ask for the OTS negotiation team managing Tāmaki Makaurau or email info@justice.govt.nz. OTS's contracted property managers are Colliers International NZ Ltd who can be contacted on 04 473 7910. Please note that the responsibility for managing Crown property in the OTS Landbank is being transferred from the Ministry of Justice to Land Information New Zealand (LINZ) from 1 July 2016. From this date onward, Landbank enquires can be directed to LINZ at linzlandbank@linz.govt.nz.

Relevant iwi group and expected resolution date

The Crown is negotiating Treaty settlements with a number of iwi in the Auckland region. The Crown has offered 136 Dominion Road to Ngāti Paoa; however, the offer is subject to litigation in the High Court. If the property is not used in a Treaty Settlement it will be made available to Tāmaki iwi under the Right of First Refusal (RFR) set out in Ngā Mana Whenua o Tāmaki Makaurau Redress Act 2014.

Status/rights of any claims

The property has been offered to Ngāti Paoa as commercial redress, which is the part of the settlement that is primarily economic or commercial in nature and contributes to re-establishing an economic base as

a platform for the future development of an iwi. Sometimes a commercial property may relate directly to Crown breaches of the Treaty of Waitangi and its principles. Generally, however, the Crown regards commercial properties as a substitute for land holdings iwi have lost.

Use of the site following the settlement and conditions the Crown may impose on the future owners

Generally, properties are transferred from the Landbank unencumbered. We have no information on how the property might be used in future should the property be used in a Treaty settlement. Therefore, I decline this part of your request under s 18(e) of the Act. More information on commercial redress and the Treaty settlement process can be found on the OTS website: <https://www.govt.nz/organisations/office-of-treaty-settlements/>.

I trust this letter answers your questions. Where we were unable to answer, you have the right under section 28(3) of the Act to seek an investigation and review by the Ombudsman about the decision to refuse that part of your request. Information about how to do this is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely



Leah Campbell
Deputy Director Negotiations and Settlements