

Q&A: Auckland housing programme

1. Does this agreement create new legal rights over surplus Crown land in Auckland?

No. The Housing Mahi Ngātahi Agreement is about operationalising the Protocol that was agreed as part of the Tāmaki Makaurau Collective Deed of Settlement in 2012. It does not affect the legal rights or responsibilities of either party under Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014. The Act and protocol set out that, where the Government plans to use surplus Crown land for state housing purposes, the Limited Partnership representing the 13 iwi and hapū would be given the opportunity to participate in development of the land. The new agreement sets out how this will work and sets a shared objective for 20 per cent of new houses delivered through the Auckland housing programme to be made available for purchase by community housing providers, and for a further 20 per cent priced as affordable for first home buyers.

2. Is the Government required to use iwi as the developer for vacant land set aside for state housing purposes?

No. The Government will offer the development opportunity to the Limited Partnership but may use an alternative developer if the Partnership do not take up the opportunity, or meet the objectives around pace, cost or social outcomes.

3. Does this agreement cover all surplus Crown land subject to Treaty settlement Rights of First Refusal in Auckland?

No. This applies to surplus Crown land covered by Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014. Other Rights of First Refusal vary between the different areas they cover, the different types of Crown properties and whether they specifically make mention of the Housing Act provisions for the use of vacant Crown land.

This agreement covers the bulk of Auckland as settled in the Tāmaki Makaurau Collective Deed of Settlement.

Waikato-Tainui does have a Right of First Refusal over discrete pockets of land in Auckland as part of their 1998 settlement. These do not specifically mention the Housing Act provisions. If parcels of vacant Crown land in these areas are to be used for housing, Waikato-Tainui will be notified and their Right of First Refusal respected.

4. What is the difference between the opportunity to be involved in housing development under the Protocol and the Right of First Refusal process for surplus Crown land?

The major difference for Government is that under the Protocol, the land is specifically set aside for housing and that Government can put requirements on the pace of development and the type of housing. The land is likely to remain in Government ownership until sold on as completed houses.

The Right of First refusal mechanism requires that surplus Crown land covered by the settlement that is not required for one of the specified purposes in the settlement legislation will be offered for private sale to the Limited Partnership on commercial terms. It can be land banked or used for an alternative commercial or industrial purposes, and therefore cannot have any specific requirement for the land to be used for housing purposes.