

Appendix A –Protocol between the Department of Building and Housing and Ngā Mana Whenua o Tāmaki Makaurau

- 1) If the Crown intends to:
 - a. develop land it owns that is subject to the Tāmaki Collective's RFR to achieve, or assist in achieving, the Crown's social objectives in relation to housing or services related to housing; and
 - b. involve a party other than the Crown (including a private buyer or Crown body) in that development
the Department of Building and Housing (the Department) shall first provide the Collective the opportunity to be the developer, subject to meeting the intended Crown social objectives in relation to housing or services related to housing, and on such terms as might be offered to the private sector.
- 2) The opportunity will be provided via a letter from the Department to the Collective inviting them to make a proposal to develop the land. The letter will set out the terms and conditions the proposal must meet, including any known requirements for the development.
- 3) If the Collective does not accept or meet the terms and conditions of the Crown's invitation, or the Crown determines that the proposal submitted will not meet the intended objectives, the Crown may sell land to a private party under the RFR exclusion or transfer the land to a Crown body.
- 4) The Crown will endeavour in good faith to provide the Collective with the opportunities set out in this protocol. The Crown reserves the right to trigger the exclusion in clause 81 of the draft settlement legislation, or transfer land to a Crown body without first making an offer under this protocol in circumstances where:
 - achievement of Crown's social objectives in relation to housing or services related to housing in the opinion of the Department would be frustrated in whole or in part by exercising the protocol; and/or
 - Crown's social objectives in relation to housing or services related to housing would be achieved, but applying the protocol would substantially increase cost or reduce efficiency for the Crown.
- 5) In this agreement:
 - a. "Crown" refers to the Crown or Sovereign as defined in section 2(1) of the Public Finance Act 1989.
 - b. "Crown Body" is as defined in the Tāmaki Collective settlement legislation.
 - c. Land owned by the Crown does not include Housing New Zealand Corporation land.
- 6) The Department considers that its obligations under this protocol have already been met in respect of land at Weymouth currently set apart for state housing purposes.