

Mau Whenua *Inc*

Kotahitanga

Turangawaewae

Kaitiakitanga

Wednesday 20 November, 2019

Dear Mayor and Councillors,

I am writing to introduce Mau Whenua Inc and to provide you with information about the proposed development at Shelly Bay and to ask for an opportunity to explain our perspective on the Shelly Bay development.

Mau Whenua is a collective of Taranaki Whānui iwi members who made their opposition to the proposed sale of iwi land at Shelly Bay known in late 2015 and early 2016. In early 2019 members of the Mau Whenua collective formed an Incorporated society (Mau Whenua Incorporated Society). Mau Whenua has an alternative vision for Shelly Bay under which the land remains in iwi ownership and we would like to share this with you. We will be in contact about that in the near future.

But there is an urgent and pressing matter that you need to be aware of - and which is highly relevant to the decisions that you will make as a Council. The development has changed considerably from what was put to the former Council, and claims which very clearly influenced the former Council's decision to support the project are no longer the case. Fundamentally the development which was positioned to the former Council as an 'iwi' development and a 'partnership with iwi', is now nothing of the sort.

In particular:

- Virtually everything the former Council was told (and relied upon) about the involvement of Taranaki Whānui in the development at Shelly Bay either was not accurate or is no longer the case (and in Mau Whenua's view, was embellished and overplayed at the time in any event).
- Here is no joint venture with The Port Nicholson Block Settlement Trust (PNBST) or partnership arrangement involving Taranaki Whānui for the development.
- Taranaki Whānui owns no land at Shelly Bay.

The Shelly Bay development is a private development on land that has been sold to a private developer - The Wellington Company (TWC). Crucially for the Wellington City Council and all Wellingtonians, although it is a private development it requires Council land, co-operation, agreement, and funding in order to proceed as proposed and as per the consent issued under the Special Housing legislation.

Taranaki Whānui - Mau Whenua - Significance of Shelly Bay

As you will be aware the Council has a Memorandum of Understanding (MOU) with Port Nicholson Block Settlement Trust (PNBST). PNBST is the post settlement entity and manages the settlement assets on trust for the members of Taranaki Whānui.

The land at Shelly Bay is highly significant and represented over 50% of the value of Taranaki Whānui Treaty Settlement assets in Wellington. While post-settlement it was transferred into a commercial entity within PNBST, it is not simply commercial land and has high cultural significance.

It formed part of Taranaki Whānui's desire to 'reclaim the harbour' as part of its Treaty Settlement and was the subject of an emotional handover ceremony in 2008.

Members of Taranaki Whānui voted twice in 2016 against the proposed land sale and development at Shelly Bay.

As a result, Iwi members were assured at the time that the arrangements to develop Shelly Bay took into account the membership vote against the outright sale, allowed for retention of the land, provided for PNBST to be involved in the development and which would be in strict compliance with the Trust's rules.

However, in 2018 and 2019, Mau Whenua members learned that PNBST had secretly sold all iwi land at Shelly Bay to a company owned by Ian Cassels - founder and director of the TWC. Mau Whenua has issued legal proceedings in the High Court regarding these transactions.

Mau Whenua's vision for Shelly Bay is that it remains in Iwi hands and that if developed it is developed respectfully, and in a way that creates for Iwi a tūrangawaewae (place to stand).

Former decisions of Wellington City Council

The proposal to support the development at Shelly Bay was presented to Councillors by Council staff in April 2017, which was also at the beginning of the 3 year term. The scale and nature of the proposal and its approval under the Special Housing legislation ambushed Councillors, the community and members of Taranaki Whānui.

The fact that the scale of the development had been sanctioned by Council staff working alongside TWC and PNBST since late 2015, without the knowledge for elected Councillors or the community, was inexplicable (and remains unexplained).

Not surprisingly, the proposal for the Council to support the development at Shelly Bay became very controversial. There were over 1000 public submissions in the consultation process (which occurred after resource consent had been initially granted), and the majority were in opposition.

Many issues and concerns were raised – and have not to this day been answered. They got put to one side (and the people and groups who spoke out labelled as anti-progress) and the project got packaged as 'being great for iwi' and 'great for jobs and housing'. Neither of which is true. All other issues got quietly swept away.

The Council voted to support the development at Shelly Bay by agreeing to lease (0.6ha) and sell (0.3ha) Council land to **Shelly Bay Limited**. The Council also agreed to facilitate and support the proposed development by agreeing to enter into a Development Agreement with **Shelly Bay Limited** to:

- Allow the Council owned land to be used for the open space 'village green' for the development (at a cost of \$6.7M- shared under the cost agreement below).
- Allow the Council's legal road to be realigned.
- Fund up to \$10M for infrastructure and public realm costs (departing from its usual funding model that the developer pays for all growth-related infrastructure costs).

Council approval was given by a narrow majority (7 to 5). Several Councillors were asking searching questions such as:

- How could the Council make the site a Special Housing Area (SHA) in 2015 with no safeguards and controls and with a stroke of a pen over-rule the recognition of the site in the District Plan as a highly significant and sensitive part of Wellington.

- How could the Council knowingly work with the developer to use the Special Housing legislation to maximise the development under the SHA and disregard the views of Taranaki Whānui, the broader community, and the views of its own staff in areas such as traffic.
- Why was the Council not using its strategically located land-holding to negotiate a different outcome for Shelly Bay - when just a few months earlier even the PNBST's Chair acknowledged that "council own a lot of land around Shelly Bay too. Se we can't do a development and they can't do a development without us" (Radio New Zealand Te Ao Māori news 31 March 2017).
- How could the Council give Shelly Bay Limited – (at that time the supposed JV company between TWC and PNBST) a deal on infrastructure that departs so significantly from Council policy.
- How could the Council accept (as some Councillors did) that there was substance to the claim by TWC and PNBST that the parties could 'do the development' without WCC support & land (the Chair of PNBST had said the opposite only months before and it is contrary to established legal principles and to the development plans submitted for Resource Consent).

No agreement with TWC

The status of any commitments the Council had made in relation to the development were tested at the Court of Appeal hearing brought by Enterprise Miramar. The Court of Appeal concluded that:

[81] It should also be recorded that no binding legal agreement has been entered between the Council and TWCL, committing the Council to sell the land necessary for TWCL to proceed with the project as proposed. The Council has wisely decided to avoid such obligations at this stage.

In July this year, the Council's Chief Executive advised the Council that because of the high level of public interest, it is appropriate for the transaction to be reconsidered by the Council and this 'will ensure that the Council has an opportunity to consider the transaction with all relevant factors before them'. One of the factors to be covered is the 'key terms of the transaction that the Council proposes entering into in respect of the development, including the counter party'.

Shelly Bay Limited - Involvement of Taranaki Whānui

Shelly Bay Limited was described at the relevant time as a 'joint venture company between PNBST and TWC' and a 'joint partnership between the PNBST and TWC'. Shelly Bay Limited (a 100% subsidiary of PNBST) was clearly stated as being the owner of the Shelly Bay land, and that through a joint venture agreement dated 31 January, TWC would share in the ownership of the land (see Appendix 1).

It is clear that the Council's vote in favour of the development was influenced and predicated on the understanding that:

- The Council would be contracting with Shelly Bay Limited.
- Through joint ownership of Shelly Bay Limited with TWC, PNBST were going to be an integral party to the development.
- Support for the proposal would enable 'iwi to develop their land'.

- By agreeing to the proposal the Council was furthering the Council's relationship and 'partnership' with Taranaki Whānui.
- Support would show immediate and demonstrable support for the newly executed MOU.
- PNBST would gain much needed financial return from its investment in Shelly Bay, through participation in profit share arrangements.

Mau Whenua understands that the advancement of the interests of Taranaki Whānui was a paramount consideration for a number of councillors. All other concerns and misgivings about the project (and there were many) were viewed as secondary. Appendix 2 sets out some notable extracts from the debate, transcribed from the livestream of the Council's meeting. We urge you to take the time to read these extracts (and watch the whole meeting) and observe:

<https://www.youtube.com/watch?v=qx1dqZDcFmU> (commencing at 1:48:50).

The sense created is that some Councillors had the impression that if they were to say no to the decisions before them that day it would be a failure under the MOU and would damage the relationship with PNBST –most likely irreparably.

An example from the transcript is where the Chair of PNBST said:

Today I commend to you to vote for the right thing, for the most strategic thing, because not to do is strategically negligent in more than one area. And the area of opportunity is outlined by Councillor Eagle, the partnership breach, it illustrates that 177 years is not important. We can do so much more together if we work together. ...

Even the report for the 27 September 2017 meeting advised that if the Council were not to approve the sale and the lease:

- *The Council would not be delivering on its MOU commitments to iwi.*

What is the position now?

As Councillors, you will be soon be making new decisions, and it is vitally important that you are aware of this context and it is even more important that you know the facts as they stand.

The facts as they are now are have materially changed from the position in 2017, and most certainly from the position understood by Councillors when they voted:

- All PNBST land at Shelly Bay (formerly owned by PNBST entities) has been sold – in unconditional sales to Shelly Bay Investments Limited. (A company 100% owned by TWC Group).
- The Joint Venture Agreement (between TWC and PNBST) executed on 31 January 2017 and establishing Shelly Bay Limited as the vehicle for the Council's relationship and partnership with PNBST in the development is no longer in force.
- The 'Development Venture Agreement' between PNBST and TWC (dated approximately June 2017) under which PNBST was to benefit from the development through a revenue share arrangement has been cancelled.

- PNBST has no profit share arrangement or ongoing interest in the development of Shelly Bay.
- Shelly Bay Limited, the 'joint venture' company that the Council was proposing to contract with, now appears to be a thing of the past.

There is talk of a new 'partnership arrangement' but so far as Mau Whenua is aware this relates to an agreement between TWC and the PNBST trustees to co-operate on other commercial developments.

It is not a partnership relating to the development of Shelly Bay.

High Court proceedings

Mau Whenua has filed proceedings in the High Court seeking orders to bring the land located at Shelly Bay formerly owned by the PNBST back into iwi ownership. Mau Whenua considers that these transactions were a breach of trust by the Trustees and that Shelly Bay Investment Ltd knew or ought to have known it was acquiring trust property in breach of trust. Mau Whenua believes that Shelly Bay Investment Ltd should not be allowed to retain ownership of the Shelly Bay Properties and that those properties should be returned to iwi ownership. The PNBST Trust Deed requires a major transaction – a transaction involving the sale or disposition of over half of the value of the Trust Fund – to be approved by a special resolution of PNBST members.

These proceedings are yet to be determined, and to an extent, are relevant to the Council's decisions as if successful they will bring an end to the development as proposed (given that TWC will not have title to the land).

Even without this issue, and if the proceedings are not resolved by the time the Council makes its decisions, Mau Whenua believes that there are ample and significant reasons for the Council to refuse to support the development as proposed. There are too many unanswered questions – and as outlined above - the circumstances that dominated and carried the Council vote in September 2017, no longer exist.

Future WCC decisions

The Council has legal obligations under the Local Government Act and more generally to take into account the interests of all mana whenua. This is an essential part of the exercise of powers by public entities, as the Supreme Court has recently confirmed.

Mau Whenua is heartened by the comments made by many of you about Shelly Bay in recent months and the willingness shown to seek answers and listen. We ask that you look behind the public relations campaign of the TWC and the statements of the PNBST Trustees who purport to represent us.

Any attempt to assert that supporting the current proposal is a way for Wellington City Council to reinforce and honour the MOU does not withstand scrutiny. The development at Shelly Bay is not a Taranaki Whānui development. The proposed development at Shelly Bay is not a PNBST development. There is no joint venture. There is no partnership. There is no profit share.

The Taranaki Whānui land at Shelly Bay has been sold to a private company, on notice of the issues and aware of the risks.

It is your duty to dig much deeper than the last Council did. Ask questions and don't, like the last Council, be fooled by a well intentioned desire to 'do good and help'. The last Council did this, and in doing so, overlooked the many failures of this project and in Mau Whenua's view failed Taranaki Whānui and all Wellingtonians.

As I said in my introductory comments, Mau Whenua would welcome the opportunity to present our vision for Shelly Bay and sharing in a positive future for Shelly Bay.

Nāku, nā

A handwritten signature in blue ink, reading "Hirini (Sydney) Jenkins Mepham". The signature is written in a cursive style with a large initial 'H'.

Hirini (Sydney) Jenkins Mepham

Chairman of Mau Whenua Inc.

APPENDIX 1 Information that supported the WCC decisions

The information that was before Councillors on the involvement of PNBST, on behalf of Taranki Whānui, in the project is in 3 documents:

- A presentation to Councillors in April 2017.
- A report for the Council meeting on 26 April 2017.
- A report for the Council & Committee meeting on 27 September 2017.

Presentation to Councillors

The officer presentation (April 2017) included as its introductory slide to the whole development and proposal for Council support:

‘The Wellington Company/Iwi joint venture- now a safe and secure partnership’

‘PNBST jointly owns 4.5ha of land with TWC’

The words ‘*now safe and secure*’ - are not explained.

26 April 2017 report – Extracts

After the presentation, there was a Council meeting on 26 April 2017 which was in private for ‘commercial sensitivity’ reasons.

The Council report (which has only recently been released) said:

*[2]...An opportunity currently exists **to partner** with Port Nicholson Block Settlement Trust (PNBST) and The Wellington Company (TWC) to redevelop the site to remove this liability and realise a ...*

*[12]....‘TWC wishes to redevelop approximately 4.5ha of land **which it jointly owns with PNBST** in a joint venture company called Shelly Bay Limited (SBL).*

[18]...‘on 31 January 2017, the parties entered into a formal joint venture (JV) arrangement whereby Shelly Bay Limited (the company which owns the Shelly Bay land, and which was previously 100% owned by PNBST) became jointly owned by PNBST and TWC for the purpose of facilitating its redevelopment’...

*[20] ‘Shelly Bay Limited (SBL) is the TWC/PNBST JV company that owns 4.5ha of land. SBL was formerly wholly-owned by PNBST. **Having the land owned by a JV entity it is a key part of the commercial arrangement between these parties to oversee the development and sell-down of the land, with, we understand, asset and profit sharing arrangements** ‘*

*[20] Officers entered into discussions with TWC ; and may represent a meaningful opportunity **to support PNBST** in a manner consistent with Council’s memorandum of understanding (‘MOU’)*

[23] With these matters in mind officers concluded that a net benefit outcome could arise from a development arrangement of the kind which TWC requested and Council officers committed to exploring these. However before doing so officers adopted the following guiding principles:

..

*(d) **the role of TW as mana whenua and Council’s memorandum of understanding (MoU) with PNBST would be acknowledged***

[28] More recently PNBST's dealings with TWC have been in the spotlight, particularly regarding an earlier attempt by the PNBST board to sell all its land at Shelly Bay to TWC. In early 2016 the PNBST board agreed to sell the land but required 75% endorsement from beneficiaries because the land represented more than 50% of the value of PNBST's assets and therefore represented a "significant transaction" under the trust deed governing its affairs. This level of support was not reached and the transaction could not be executed.

[29] Later, following statements by PNBST senior management and board appointees that alternative options for dealing with TWC would be investigated, some beneficiaries took proceedings against PNBST to the Waitangi Tribunal.

[30] In mid-January 2017 a series of hui were held around New Zealand to allow for discussion of Shelly Bay and subsequently, on 31 January following receipt of what PNBST management considered to be a sufficient level of support, the arrangement to **convert SBL into a JV company between PNBST and TWC** was fully commercially executed.

'Broader benefits

[67] In addition to the favourable financial outcomes described above, there are broader benefits that officers have sought to quantify.....as follows:

An opportunity to (indirectly) support and 'partner' with PNBST and give effect to the spirit of the Council's MoU with them in a meaningful way'

Risks and Risk mitigation

[74] There have been diverging views amongst PNBST beneficiaries as described above, presenting potential risks around the stability of PNBST as one of the JV partners. However, following the nationwide hui and execution of the JV agreement officers consider that the PNBST position is sufficiently stable to countenance entering into arrangements that are, in part, reliant on ongoing co-operation between PNBST and TWC

Treaty of Waitangi considerations

Treaty of Waitangi consideration have been taken into account. Port Nicholson Block Settlement Trust, through their joint venture arrangement with The Wellington Company, **would be directly involved in the proposed development** and are a proponent of this proposal.

(Council report 26 April 2017- supporting information)

27 September 2017 Report - Extracts

After the consultation process, officers reported by the the Committee / Council and meetings held on 27 September 2017.

The Council report (which was largely a report back on consultation) said little about the structure of the deal and simply repeated detail from the April report:

Purpose

[1] *To identify the feedback from the public consultation, including wider issues raised, and respond to the issues that are of concern to the community. To also recommend that Council proceed with **the proposed sale and lease of land to Shelly Bay Limited (SBL)***

to provide for an integrated development solution through a masterplan that unlocks the potential of Shelly Bay for Wellingtonians, visitors and iwi.

[3] The proposed integrated development is a compelling value proposition:

- It maintains and enhances public accessibility.
- It provides for increased housing supply.
- A new visitor destination in the city is developed.
- The risk allocation shifts from the Council to SBL.
- The sale and lease largely offsets infrastructure commitments.
- It improves the rating base for the city.
- **The commitments Council has made with iwi to work closer and in partnership**
- Are reinforced.

[7] and [89] If Council were not to approve the sale and lease:

- . SBL is likely to deliver a less inclusive development.
- . There would be a cost to Council for deferred maintenance on buildings, infrastructure, seawalls and an upgrade for Shelly Bay Road.
- . **The Council would not be delivering on its MOU commitments to iwi.**

. ...

[10] The Council is now responding to an integrated development **proposal undertaken as a joint partnership between the Port Nicholson Block Settlement Trust (PNBST) and The Wellington Company (TWC)**. The legal partnership goes under the name Shelly Bay Limited. The site for development is approximately 11.3 hectares, which is comprised of approximately 7.8 hectares owned by SBL and a Council-owned component of some 3.5 hectares.

APPENDIX 2 – 27 September 2017 Strategy and Policy Committee meeting- Transcript - extracts

The full transcript can be provided or you can view the full debate at:

<https://www.youtube.com/watch?v=qx1dqZDcFmU> (commencing at 1:48:50)

Note: an approximate start time is given for each speaker

Councillor Paul Eagle (approx 1:48:58)

The second for me and the biggest issue is the partnership with iwi, we've signed a memorandum of understanding to give strength to our iwi partners and for me that's one of the biggest overriding ticks for this. And I think in terms of being a responsible treaty partner we should support that aspiration, and we should support it with action and not just words, and in the seven [years] I've been around this table this presents itself as the most significant demonstration of our relationship with them.

And the iwi have been clear they want to develop this site with or without us. I think we should be with them. The question then is, is this a better development for Wellington if we're part of it? And that's why I think we should be. We need to be part of it. We're going to have to be part of it anyway, so regardless of what happens today we're going to need to get back at the table, I would rather walk forward with them hand in hand from today onwards.

Councillor Jill Day (approx 1:55)

So as portfolio leader for Maori partnerships I acknowledge Taranaki Whanui ki Te Upoko o Te Ika and PNBST, Port Nicholson Block Settlement Trust. On the 29th March we had our first ever meeting at Pipitea Marae where we signed MOU with PNBST, Port Nicholson Block Settlement Trust and Ngati Toa Rangatira. Our presence at [Pipitea] Marae signalled our firm intention to give life to the MOU that was signed. At this meeting, Chair Wayne Mulligan handed us this letter. In this letter he quite rightly said the MOUs don't implement

themselves. He also stated that now is the time to share visions, ideas and opportunities. The Shelly Bay development is the start.

... I would really like to acknowledge the iwi, the way they've worked through the process. They have made sure that they're available to the public and to listen to the concerns of the community. They are taking their role of kaitiaki seriously. They've taken the initiative of safeguarding korora, the little blue penguin. So this development, it provides a

springboard, as Councillor Eagle said, for further developments across Wellington, and particularly with regards to affordable housing and we know how important that is in Wellington. My focus has been to think about what's right for Wellington as a city, for the people who live here now and the people who will live here in the future.

What is proposed provides a fantastic public community for all Wellingtonians. I have no doubt in my mind that any alternative approach leaves uncertainty, it will incur costs and ratepayer expense and it's a breach of the relationship that we are seeking to progress with iwi. This development will benefit all Wellingtonians and provide the opportunity that Port Nicholson Block Settlement Trust and Taranaki Whanui need to further develop across our city. No reira, tena koutou, tena koutou, tena koutou katoa.

PNBST Chair, Wayne Mulligan (approx 1:58:40)

... This is 177 years of talk about partnership and the realisation of doing something manifestly great for our City, fundamentally great for my iwi that will lead to developments that will add across the region. Not just Wellington City, but across our region. We've

taken a whole tribal rohe approach to this. 50% of our masterplan, just over 50% if you should partner with us, and I will make it clear, in terms of our approach we are going to develop our land because we have housing developments and other developments that we need to implement.

...Today I commend to you to vote for the right thing, for the most strategic thing, because not to do is strategically negligent in more than one area. And the area of opportunity is outlined by Councillor Eagle, the partnership breach, it illustrates that 177 years is not important. We can do so much more together if we work together.

...we've met with a number of people, we've met with Councillors, we've given you so many pieces of paper, and that meeting on the Marae, and the agreement in 2009 is the opportunity for manifestation and illustration of leadership. I believe we can build a legacy together which is going to be so great for Wellington because not to do this is just unconscionable.

Councillor Dawson (approx 2:14:24)

...The other issue and this is really top of my list as deputy Mayor soon to be ex Eagle, noted, this is about our partnership with iwi. Taranaki Whanui, to be quite blunt, got a really crap end of the deal when it comes to Treaty settlements here in Wellington, and while it may not have been us that were responsible for that, I think we all, in this country, have a responsibility to acknowledge when an injustice has been done and it's been done here in this city. This isn't going to fix it, but it does help to address it. I believe that our partnership with iwi is important, I believe it's solid, I believe it will become more solid and I want to see us nurture and encourage that over coming years rather than seek to sideline it or even undermine it along the way, so I thank you guys for being here today (to PNBST), really do appreciate it. I agree with Councillor Marsh that it'd be great to see you here in the future when we talk about less tricky subjects, but most of all I want to say we are here to support, encourage and nurture this relationship, and long may it last. Kia ora.

Councillor Peter Gilbert (approx 2:21:40)

Kia ora koutou. I'd just like to start with the MOU that we signed with iwi earlier in the year and Councillor Day has spoken eloquently about that so I won't say much more other than to repeat the words of Councillor Eagle that it's time to support it with action, not just words...

Councillor Pannett (approx 2:59:50)

Kia ora Taranaki Whanui and the Port Nicholson Block Settlement Trust. Thank you very much for being here. I think it would be great if you could come more often, and you are most welcome.

...

However, I'm not going to support it today and I have changed my mind for the

reasons that I'm about to outline. And this is somewhat of a bitter pill for myself internally because, as I said to Mr. Love, I protested against the fiscal envelope in the 1990s, if we hadn't had that we might not be here today. The settlement that was offered to you was pathetic and an insult. It was not restitution for the discrimination that mana whenua experienced here, and we still have a long way to go, so it is difficult. However, relationships- this has to be a strong relationship.- there isn't actually much choice because our treaty partners and the council, whatever form it may take, are

multi-generational institutions and it will survive and you've obviously got lots of projects in the pipeline and that's positive and I'm sure there will be many other ways that we can work together.

...

As people know I have opposed all of these SHAs and today I definitely feel that that was justified. The exclusion of the public from the process has essentially, through the government- this has got nothing to do with iwi, obviously- has meant that we've had a process where people have wanted to participate and couldn't, also it is essentially meant the leapfrogging of the district plan, which I reject. We must adhere to our democratic principles and the rule of law. In this country, as we have seen, it is a slightly slippery slope if you are not rigorous about it.

...

Just lastly, I acknowledge that iwi has a right to build. You know, that is the piece of legislation that's been passed. You own the land you have property rights like anyone. You will be disappointed by those of us who just feel in this particular case, not in every case, that there are too many issues around it and that there are still a significant number of Wellingtonians who do have concerns and that it is deeply regretful that we

just couldn't go through a normal RMA process to try and at least address them, but because of the decision making processes of Council that wasn't possible.

Councillor Sarah Free (approx 3:15:20)

This has been a really really difficult decision for me and what I haven't really appreciated is the emotional pull that would come from not just the iwi and their obvious desire to develop their land and achieve the best outcome for their people, but also the emotional pull that we've had from our ordinary residents who've loved Shelly Bay.

Councillor Foster (approx 3:24)

...Probably the biggest issue, if it wasn't for you guys, as tangata whenua who are here in front of us proposing this, it'll be easy. It's the respect for you that makes it harder because if it was just another developer we [it] would be really easy to say no and that's just you know, this is just out of scale, out of scope for this particular area. So that is very very important.

PNBST Chair, Wayne Mulligan (approx 3:38:41)

... and we're seeking to do a partnership with you. ...the process we wish to do is if you vote in favour, we will work in partnership. A vote to the contrary is fundamentally not that partnership that we are seeking, ...

M Love (approx 3:47:00)

In 2009, we made a settlement with the government in good faith on a Treaty Claim in Wellington. Two thirds of that settlement is involved in Shelly Bay. We need to find solutions..... The question we put to you is, as an iwi and as a settlement, are we to go forward because if two thirds of the settlement cannot actually yield anything for our people then we are completely stalled.