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Ms. Maria Virginia Bras Gomes
Chair of the Committee on Economic, Social and Cultural Rights
Virginia.B.Gomes@seg-social.pt
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21 March 2018

Dear Ms. Maria Virginia Bras Gomes,

This week, a protest group known as Save Our Unique Landscape (SOUL) will address the United Nations Committee on Economic, Social and Cultural Rights (UNCESCR) in Geneva in relation to private land being developed into housing in Auckland by New Zealand company Fletcher Building.

UNCESCR has previously heard addresses on this issue from SOUL representatives with the principle claim being that the rights of local Maori are being abrogated by our development. SOUL is asking for UNCESCR's support to request the New Zealand Government to intervene in order to protect these rights. To date, UNCESCR has never invited either representation or a submission from Fletcher Building, nor from the iwi (Maori tribes) leadership from the locality of the development. This letter presents our perspective on the development in order to bring some balance to the UNCESCR's deliberations.

Fletcher Building is NZ's largest and oldest building company. Whilst privately owned, we have, for many decades, partnered with the NZ Government (and also with iwi) to build thousands of homes.

In terms of the development in question, Fletcher Building will be building approximately 480 homes on privately-owned farmland, ten per cent of which will be sold at controlled price caps which were established to increase the supply of lower-priced housing. This farmland is next to a factory and business park site, an existing neighbourhood and the 100 hectare Otutataua Stonefields Reserve, which protects Auckland's historic Stonefields.

This farmland has been privately owned and intensively farmed for 150 years, has never been public open space, and does not block any access to the existing 100 ha park that preserves the nearby Stonefields in perpetuity.

We would like to emphasise that, following earlier iwi concern on development on the site prior to the involvement of Fletcher Building, local iwi with mana whenua (authority) over the land are now supportive of this new neighbourhood. This includes Te Ākitai Waiohua, Te Kawerau Iwi Tribal Authority and the Makaurau Marae Maori Trust, who have strongly advised Fletcher Building that they, not the SOUL representatives, are the only authority in existence dealing specifically with the interests of iwi in this area on cultural, social, political, economic and Treaty of Waitangi matters.

Fletcher Building shares iwi disappointment that many commentators on this matter, including the UN forums being visited by SOUL, have not consulted with iwi leaders.

As outlined earlier, Fletcher Building is proud of its history of working closely with iwi on many of its developments across NZ. On this project, Fletcher Building is working closely and positively with local iwi to ensure that their needs are taken into account, and that the new neighbourhood will make a positive contribution to the local community. Aspects of this include:

- The new neighbourhood will not be built on the Stonefields or on any archeologically significant sites.

- In consultation with iwi, Fletcher Building is relinquishing ownership of 25 per cent of the land closest to the park in order to provide an even greater buffer, and to protect special sites of value to iwi and to NZ's history.
- In particular, lava caves on the land will not be built on and are protected by the land relinquished.
- We are consulting with iwi on house design and architecture and on the design and treatment of the entrance thresholds. The new neighbourhood will also be built around a viewing shaft preserving views of the maunga (mountain).
- New residents will be instructed on Maori culture including the importance of respecting tangi (funeral) processions and cultural activities within the nearby Maori community.

We would point out that comparisons to previous conflicts which have seen confiscated land returned to Maori are both misleading and wrong. The lands which have been historically returned to iwi through NZ's historic treaty settlements process are those which are in Government ownership, and, therefore, able to be returned to iwi by the Government as part of a settlement package. This process does not and cannot involve land in private ownership unless, in rare cases, the Government purchases it from a willing private owner in order to then return it to an iwi.

It should be noted that the area of Auckland where we are building has already been the subject of a treaty settlements claim and final settlement by the iwi with Government with various properties included in the redress. (The details of which can be found here: [https://www.govt.nz/treaty-settlement-documents/te-kawerau-a-maki/te-kawerau-a-maki-deed-of-settlement-summary-22-feb-2014/.](https://www.govt.nz/treaty-settlement-documents/te-kawerau-a-maki/te-kawerau-a-maki-deed-of-settlement-summary-22-feb-2014/))

As part of its inclusive approach to its new communities, Fletcher Building has approached local and central Government to discuss extending the 100ha Stonefields park to include the farmland, but was told they have no need or wish for additional reserve space in this area.

Despite representations to the contrary, the new neighbourhood will not sit in rural isolation.

On one side, the development will sit alongside an existing neighbourhood. On another side, it will border a business park consisting of a number of large factories, with further new commercial buildings currently under construction. A large temple is planned nearby, and more airport traffic will be directed past the site when new works finish at the airport.

A further point is that Auckland is experiencing a housing crisis and is in desperate need of more affordable housing. The Government wants 5000 affordable homes built in Auckland every year for the next 10 years and there is strong demand for homes at any price point. This is one of many developments underway as we begin to meet that challenging goal. Fletcher Building wishes to highlight that it has gone through every regulatory process required to develop this land, and in all fora has been found to have undertaken appropriate process, consultation and diligence.

The project's legitimacy has been tested in a number of arenas, including the original Special Housing Authority (SHA) application hearing, through a Heritage NZ application, the Waitangi Tribunal (the Government agency which hears historic treaty settlement claims), and the Maori Land Court. At every stage, objections by SOUL have been unsuccessful and the various authorities have found the development to be legitimate and that the appropriate consultations have been undertaken.

We hope that Fletcher Building's inclusive and co-operative approach to working with iwi and government and, in particular, iwi support for this development will be noted by the UNCESCR.

We would welcome the opportunity to discuss this matter with you further. If you have any queries you would like to put to Fletcher Building, please do not hesitate to do so - either in

writing or I would be willing to appear before the committee via Skype or video-conference.
Thank you for this opportunity.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Steve Evans". The signature is fluid and cursive, with the first name "Steve" being more prominent than the last name "Evans".

Steve Evans
Chief Executive, Residential and Land Development
Fletcher Building