

15 August 2024

Alan Riley

By email: fyi-request-27739-dd7f764d@requests.fyi.org.nz

Tēnā koe Alan

RE: Official Information request – Woodbourne

Thank you for your correspondence of 21 July 2024 requesting the following under the Official Information Act 1982 (OIA):

I understand you have been working through a process with several iwi regarding Treaty Settlement rights at Woodbourne Base (media reports last year regarding a "payment" of funds).

Please provide a copy of any briefings to Ministers regarding this matter from 1 January 2021 to the present day.

We advise that your request is refused in full. Information has been withheld under the following sections of the OIA:

- section 9(d)(f)(iv) — to maintain the constitutional conventions that protect the confidentiality of advice tendered by Ministers and officials;
- section 9(2)(h) — to maintain legal professional privilege; and
- section 9(2)(j) — to enable negotiations to continue without prejudice or disadvantage.

Advice on issues relating to Treaty settlement redress that contemplates the purchase and partial lease back of certain blocks at Base Woodbourne by Kurahaupō iwi is being actively considered by Ministers. Further, negotiations on the matter have not concluded. Disclosure of the information requested, at this stage, would disadvantage negotiations.

Any relevant Cabinet papers will be proactively released, with necessary redactions, after the issue is resolved.

We are satisfied that there are no other public interest considerations that render it desirable to make available the information withheld under section 9 of the OIA.

Background information

To assist, we can provide the following background information which you may find useful.

In 2010, the Crown and Kurahaupō iwi negotiated the right for the Kurahaupō iwi to collectively purchase New Zealand Defence Force (NZDF) land and 176 houses at Royal New Zealand Air Force (RNZAF) Base Woodbourne.

This redress was in exchange for relinquishing their claim to Crown Forest Licenced land in the region.

The redress provided for the Kurahaupō iwi to purchase certain parts of RNZAF Base Woodbourne at market value, and where appropriate, lease back to the NZDF at market rental. The redress was enacted through the Ngāti Apa ki Te Rā Tō, Ngāti Kuia and Rangitāne o Wairau Claims Settlement Act 2014.

RNZAF Base Woodbourne is a substantial operational property for NZDF. It includes around 165ha of land, a range of improvements, complex infrastructure and many occupiers under licences, including Marlborough Airport Limited and the Nelson Marlborough Institute of Technology.

In 2019, the Kurahaupō iwi requested the Crown to address the Per-fluoroalkyl substances (PFAS) contamination at RNZAF Base Woodbourne.

PFAS is an emergent contaminant. Further information can be found on the Ministry for the Environment's website, as the department responsible for the Government's response to PFAS.¹

Negotiations between the Crown and iwi have been ongoing, and Ministers are considering advice on the matter.

In Budget 2023, \$25.2 million of funding was set aside to resolve the issue. The appropriation was limited to a payment to address issues arising from PFAS contamination at RNZAF Base Woodbourne as it relates to the settlement redress.

The appropriation was intended to recognise the significance of the RNZAF Base Woodbourne redress in the specific Treaty settlement context of the Kurahaupō iwi. At this point, PFAS contamination cannot be meaningfully remediated.

¹ [Updates on PFAS | Ministry for the Environment](#)

After considering our response to your request, we can advise that it will not be published on our website.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about this process is available at <http://www.ombudsman.parliament.nz> or phone 0800 802 602.

Nāku noa, nā

A handwritten signature in blue ink, consisting of a stylized 'K' followed by a horizontal line that curves upwards at the end.

Katherine Leask
Acting Director