

22 May 2018

Grace Haden

By email: Grace Haden <fyi-request-7695-beb55b2f@requests.fyi.org.nz>

Dear Ms Haden

Official Information Act Request

We refer to your email received on 24 May requesting, pursuant to the Official Information Act 1982 ("Act"), certain information related to the buildings and Unitec land occupied by the Auckland Air Cadet Trust ("Trust").

We have reviewed your requests and respond as follows:

1. A copy of the heads of agreement entered into with the Trust

We are not aware of any heads of agreement entered into between Unitec and the Trust. However, there was a memorandum of agreement signed of 5 July 2002 which we attach.

In addition, in 2003 those parties entered into a deed of lease (which was subsequently renewed and varied) pursuant to an arrangement whereby buildings owned by the Trust would provide teaching and classroom space to Unitec and Unitec would provide land on which the buildings are situated.

As you might expect, the commercial terms of that deed are subject to confidentiality obligations and we are not providing a copy in accordance with sub-sections 9(2)(b), 9(2)(ba) and 9(2)(i) of the Act.

2. A copy of all documents and reports which refer to those buildings and their occupancy by the air cadets in the context of determining the future use of that land as residential

Documents relating to zoning can be found at:
<https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/Pages/default.aspx>
and
<http://www.wairakalandcompany.nz/archives/>

Please note that the Unitary Plan involved a consultation process which was run by Auckland Council. There were many opportunities for Unitec's tenants, including the Trust, to participate.

In addition, Unitec provided its own briefing to tenants. We are not able to say definitively whether a representative of the Trust was in attendance.

3. A copy of correspondence with the Trust with regard to the contract/licence to occupy for the property

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Student Central +64 9 615 2945
Fax +64 9 615 2901
study@unitec.ac.nz
www.unitec.ac.nz

Postal Address
Private Bag 92025
Victoria St West
Auckland 1142
New Zealand

Mt Albert Campus
139 Carrington Rd
Mt Albert
Auckland 1025
New Zealand

Waitākere Campus
5-7 Ratanui St
Henderson
Auckland 0612
New Zealand



We attach:

- (a) A copy of letters exchanged around the time of the inception of the project; and
- (b) A copy of emails sent to tenants, including the Trust, in respect of the recent sale of land to the Crown, including the land on which the Trust's buildings are located.

Yours faithfully

UNITEC INSTITUTE OF TECHNOLOGY



Richard Browning

Legal Counsel

rbrowning@unitec.ac.nz

Memorandum of Understanding:

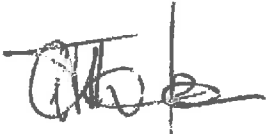
At a meeting between UNITEC Rec Trust, College Sport and the ASB Charitable Trust on Thursday it was determined that it is very unlikely that any ASB Trust funding will be forthcoming for College Sport building at UNITEC.

Following a meeting between UNITEC, the Auckland Air Cadet Trust and College Sport today, it was resolved that there is a way ahead in providing some resolution to the College Sport Building project by College Sport becoming a participant in the Ventura Project.

In order for this to proceed to completion by January 2003 a decision from the Development Committee, Finance Committee and UNITEC Council is needed that in principle:

1. UNITEC approve the giving of a lease over the land for the Ventura Project.
2. It is conditional on the parties agreeing on the financing of the project external to UNITEC capital funding to the point of occupation, AND that the parties agree on design and aesthetic aspects of the buildings (in particular the ends of the buildings as viewed from the road.)

In principle College Sport will assign its rights to the designated land to the Auckland Air Cadet Trust under the signed MOU with UNITEC and enter into a long-term arrangement for occupation of the Ventura Buildings along with School of Sport.



For College Sport

M THOMPSON
CEO
5/7/2 .



for the Auckland Air Cadet Trust

Chairman
05/07/02



for UNITEC School of Sport

Nicki Turner
LTS
5/7/02



UNITEC
Te Whare Wananga o Wairaka

- 7 MAR 2003

COPY

7 October 2002

The Auckland Air Cadets Trust
1156 Huia Rd
Huia
AUCKLAND 1007

Attention : Neil Wells and Ralph King-Mosen

Dear Sirs

VENTURA FACILITY AT UNITEC

For many justifiable reasons, it is taking some time to finalise the Development and Operations Agreements between UNITEC and AACT for the Ventura Project on the UNITEC Campus. In order that the complex can be opened, fully operating, by February 2003 to provide premises for UNITEC School of Sport and College Sport, construction must proceed as soon as the required consents are in hand.

I therefore propose that the parties agree to observe the conditions and process set down in the Draft Agreement dated 29 August 2002, until such time as an agreed replacement, superseding document is prepared.

Yours faithfully

Roger Paul
Vice President – Campus Development

for Chief Executive

DIRECTORATE



*Site notes
Auckland Hilton*

8th July 2002

Dr John Webster
CEO and President
UNITEC Institute of Technology
AUCKLAND

Registered office:
P O Box 60-208 Titirangi Auckland
Tel: 09 573 2448
Mobile: 027 432 8547
e-mail: ralph-mosen@adidas.com.hk

Dear Dr Webster

VENTURA PROJECT AND UNITEC

You will be aware of the discussions between UNITEC and the Auckland Air Cadet Trust towards securing a site on UNITEC campus that will meet the needs of both UNITEC and the Auckland Air Cadet Trust (AACT).

Late Friday afternoon we reached agreement in principle whereby the Ventura complex at UNITEC can be established to the benefit of AACT, UNITEC School of Sport and College Sport.

This has come about through an unfortunate change in the ASB Charitable Trust policy whereby they will not fund school projects or buildings. This left College Sport in an untenable position that could have seen a delay in their project of some years.

Through the goodwill of Nicki Turner, we met with College Sport and came to an understanding whereby College Sport could assign to the AACT their rights to the land already allocated to College Sport. This would enable the project to proceed immediately and will provide permanent accommodation for College Sport, office accommodation for the School of Sport, 1 large classroom and 3 tutorial rooms, and office accommodation for the two ATC Squadrons, as well as a common-use underground projectile hall that can be used as a firing range, and an all-weather training facility for indoor cricket, golf, softball and soccer.

However, for us to meet the critical need for UNITEC to have classroom spaces and tutor accommodation ready for occupation by 31 January, we need to commence without further ado. We understand we have satisfied queries from the Development Committee – but we cannot proceed further until the UNITEC Council has approved the land lease.

Any help and assistance you might be able to provide to expedite this decision would be greatly appreciated and beneficial to all parties concerned.

Yours sincerely

Ralph King-Mosen
Deputy Chairman
AUCKLAND AIR CADET BOARD OF TRUSTEES

StaffMail

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From: John Webster <ceo@unitec.ac.nz>
To: Mosen, Ralph <Ralph.Mosen@adidas.com.hk>
Cc: Roger Paul <rpaul@staff.unitec.ac.nz>, Andrew Codling <andrew@staff.unitec.ac.nz>
Time: Mon, 8 Jul 2002 12:04:19 +1200
Subject: Re: UNITEC / AACT Possible Partnership

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 attachment of type text/html

Re: UNITEC / AACT Possible Partnership
Dear Ralph

Thanks for keeping me in the loop. Roger Paul and Andrew Codling are currently looking into the practical implications of this proposal, with a view to providing the Development Committee, which meets next week, with an appropriate briefing paper. I am certain that the Committee would want to feel confident that any building constructed on this prominent site would meet both aesthetic and functional standards substantially equivalent to those achieved by the project for which approval in principle has already been given. At this stage, that would seem likely to require the construction of additional teaching and circulation spaces which would expand the existing building envelope and address some of the key aesthetic concerns.

Provided that such an assurance is available, I believe that a reasonably rapid resolution could be achieved.

Regards

John

On 7/07/02 6:15 pm, "Mosen, Ralph" <Ralph.Mosen@adidas.com.hk> wrote:

Dear Dr Webster

Attached to this electronic message is a word file containing a letter from the Auckland Air Cadet Trust (AACT) updating you on latest developments. Particularly, covering off a meeting held at your site on Friday Evening just gone. This letter is also in the mail but we believe it to be important to get this information into your hands at the earliest possible time.

<<Letter John Webster UNITEC.doc>>

Kind regards
Ralph King-Mosen.

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Richard Browning

From: WLC Luis Trullols
Sent: Monday, 23 April 2018 10:14 a.m.
To: WLC Luis Trullols
Subject: RE: Unitec Land Sale
Attachments: Head Lease Expiry Dates Map.pdf

Dear Tenants,

This is to inform you that settlement of the transaction occurred on Friday, 20 April 2018.

As a part of the transaction, the Crown has granted Unitec a lease (Crown Lease) of the Wairaka Precinct. Accordingly, the lessor-lessee relationship between Unitec and the Lessee will continue under the Lease following the transaction. Please ensure that you continue to pay all future payments of rent and other monies payable under the lease to Unitec in the manner prescribed in the Lease.

We note that it is the current intention that the Crown Lease will be terminated in respect of each section of the Wairaka Precinct as set out in the attached plan. To the extent that your lease is ongoing following termination of the Crown Lease in respect of that part of the land containing the Premises, the Crown will become the lessor pursuant to the Lease from the relevant date, in place of Unitec. We will contact you closer to that time if that applies to your tenancy.

Some of you have requested contact details to discuss legal matters with Crown representatives. We will provide these as soon as possible.

Please let me know if you have time for a meeting to discuss the contents of this email and address any other questions you may have. Alternatively, please do not hesitate to contact me at luis.trullols@wlc.nz.

Thanks and regards,

Luis



Luis Trullols | Development Manager
Wairaka Land Company
Mob +64 021 915 294 | Email: luis.trullols@wlc.nz
Private Bag 92025, Victoria Street West, Auckland 1142

From: WLC Luis Trullols
Sent: Monday, 26 March 2018 9:54 AM
To: WLC Luis Trullols <Luis.Trullols@wlc.nz>
Subject: Unitec Land Sale

Dear Tenants,

As tenants within the Wairaka Precinct, we wanted to provide an update on the project, given a significant development.

As you may have seen over the weekend, Unitec and Government announced the sale and transfer of just over 29 hectares of surplus land on our 55 hectare Mt. Albert campus. The sale and transfer includes property in which your tenancy is located.

The transaction represents a key step in the Wairaka Land Company's goal to facilitate the sale of land for future mixed residential and commercial use, with the proceeds being invested back into Unitec for educational purposes.

Wairaka Land Company is currently working through a comprehensive transition process with Government concerning the purchased land.

In the coming weeks, we will continue to keep you updated. In the meantime, please contact me at luis.trullols@wlc.nz.

Yours sincerely,

Luis Trullols



Luis Trullols | Development Manager

Wairaka Land Company

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Private Bag 92025, Victoria Street West, Auckland 1142