

NGĀTI HEI

and

THE CROWN

AGREEMENT IN PRINCIPLE EQUIVALENT

July 2011

INTRODUCTION - SETTLEMENT STRUCTURE

1. The Iwi of Hauraki¹ entered into a Framework Agreement between the Hauraki Collective and the Crown dated 1 October 2010.
2. The Framework Agreement and Agreement in Principle Equivalents represent incremental steps towards a comprehensive Deed of Settlement between the Crown and the Iwi of Hauraki.
3. The Deed of Settlement will settle all Historical Claims² under the Te Tiriti o Waitangi / the Treaty of Waitangi³ in the Hauraki region which arise from the whakapapa of each of the Iwi of Hauraki.
4. As a consequence of the Deed of Settlement, each of the Iwi of Hauraki will be entitled to a range of Treaty settlement redress.
5. The Crown and the Iwi of Hauraki acknowledge that the ultimate structure of a settlement with the Iwi of Hauraki is yet to be agreed, and will be developed in the course of negotiations. Thus, for example, it is not yet agreed whether there will be multiple deeds of settlement or a single deed of settlement with iwi specific redress.⁴
6. This Agreement in Principle Equivalent comprises both collective and iwi specific chapters and includes:
 - a. redress agreed to by the Crown;
 - b. redress the Crown is willing to explore; and
 - c. redress the Hauraki Collective and Ngāti Hei seek.
7. The Crown acknowledges that the Collective and Ngāti Hei has the right to seek redress, but notes that some of the redress iwi seek is outside current government policy.
8. Ngāti Hei is party to the Hauraki Collective Framework Agreement and is undertaking iwi specific negotiations in respect of its interests.
9. Ngāti Hei is party to the Hauraki Collective Framework Agreement and is undertaking iwi specific negotiations in respect of its interests. The redress provided to Ngāti Hei through its iwi specific and collective settlements will together settle the historical Treaty of Waitangi claims of Ngāti Hei.

¹ Ngāi Tai ki Tāmaki, Ngāti Hako, Ngāti Hei, Ngāti Maru, Ngāti Pāoa, Ngāti Porou ki Hauraki, Ngāti Pūkenga, Ngāti Rahiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngāti Whanaunga and Te Patukirikiri.

² As defined, below.

³ Attached as Appendix 4.

⁴ And all references to the singular form therefore import the plural.

CHAPTER 1 - HAURAKI COLLECTIVE SECTION

PART 1 - HISTORICAL ACCOUNT, CROWN ACKNOWLEDGEMENTS AND CROWN APOLOGY

Historical Account

10. The Hauraki Collective Historical Account will include the following themes and other matters to be agreed:

- a. Iwi of Hauraki and the Crown;
- b. Te Tiriti o Waitangi / the Treaty of Waitangi;
- c. Pre-1840 transactions and pre-emption waiver purchases;
- d. Crown purchases: 1840-1865;
- e. War;
- f. Crown military action in Hauraki;
- g. Crown naval blockade of Tikapa Moana;
- h. Raupatu (Katikati-Te Puna / Central and East Waikato / South Auckland);
- i. Gold and the opening of goldfields in Hauraki;
- j. Native Land Court: individualisation of tribal title, and costs of title determination;
- k. Te Reo Māori me ona tikanga;
- l. Crown purchase policy and legislation – 19th and 20th centuries;
- m. Reihana and indebtedness;
- n. Crown use of pre-emption;
- o. timber licenses;
- p. marginalisation and protest: 19th and 20th centuries – including goldfields, and foreshore and seabed;
- q. Tāonga and wāhi tapu;
- r. Natural resources, including water and minerals;
- s. drainage of Hauraki Plains;
- t. rates and roads;
- u. public works and compulsory taking of land;
- v. Tikapa Moana and Te Tai Tamahine;
- w. landlessness and social deprivation;
- x. access to medical treatment and medicines;
- y. access to education;
- z. Iwi of Hauraki diaspora and urbanisation; and
- aa. other socio-economic impacts.

11. The Hauraki Collective also seeks that the Historical Account includes the following statements:

- a. the Crown waged war against its Treaty Partner, the Iwi of Hauraki;
- b. the Crown's military invasion of Hauraki and related actions were unlawful;
- c. the Crown's naval blockade of Tikapa Moana and related actions were unlawful;
- d. the Crown destroyed the tribal land holding in Hauraki;
- e. the Crown unilaterally suspended the rule of law when inconvenient foreshore and seabed decisions were made by the Judiciary;
- f. the Crown pursued predatory land policy and legislation in the 19th and 20th centuries; and
- g. the land loss suffered by the Iwi of Hauraki at the hands of the Crown resulted in tribal devastation and poverty.

Crown acknowledgements

12. The Deed of Settlement will contain a full set of Crown acknowledgements that certain actions or omissions of the Crown were a breach of Te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

13. The Deed of Settlement will include the following Crown acknowledgements:

- a. the Crown had a duty of active protection to ensure that there was sufficient land holding retained by the Iwi of Hauraki for their future sustenance and growth and that its failure to ensure they retained possession of adequate land constituted a breach of Te Tiriti o Waitangi / the Treaty of Waitangi and its principles;
- b. there was large scale and rapid Crown purchasing of Iwi of Hauraki land in the latter part of the 19th century. The Crown acknowledges that Crown purchasing contributed to the overall landlessness of the Iwi of Hauraki and this failure to ensure retention of sufficient land holding by the Iwi of Hauraki constituted a breach of Te Tiriti o Waitangi / the Treaty of Waitangi and its principles; and
- c. that the application of the confiscation policy in respect of land in East Wairoa and central Waikato (Maramarua) was unjust and in breach of Te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

14. Furthermore, it is envisaged that the Deed of Settlement will include the Treaty breach acknowledgements made during Stage I of the Tauranga Moana Inquiry insofar as they relate to the Hauraki region, including acknowledgements with respect to:

- a. perceptions of rebellion and the subsequent confiscation of lands;
- b. the failure to provide reserves; and
- c. certain public works takings.

Crown apology

15. The Deed of Settlement will contain a Crown Apology for the acknowledged Crown breaches of Te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

PART 2 - CULTURAL REDRESS

16. The Crown and the Hauraki Collective will explore, for possible inclusion in the Deed of Settlement, the following types of cultural redress, that are being sought by the Hauraki Collective:

- a. land transfers;
- b. statutory instruments, including:
 - overlay classifications;
 - statutory acknowledgements, including:
 - coastal statutory acknowledgements;
 - river statutory acknowledgements and deeds of recognition;
 - maunga statutory acknowledgements and deeds of recognition; and
- c. deeds of recognition;
- d. relationship agreements such as resource co-governance arrangements and protocols;
- e. access to cultural resources, including nohoanga and other arrangements;
- f. plans for management of resources; and
- g. official geographic name changes.

Land transfers

17. The Hauraki Collective seeks:

- a. the fee simple vesting of Crown owned parts of Moehau and Te Aroha Maunga;
- b. the fee simple vesting of other Crown lands of ancestral, spiritual and cultural significance to the Hauraki Collective, including Crown land administered by the Department of Conservation / Whenua Kura (conservation land), maunga and motu;
- c. other cultural lands to be returned to the Hauraki Collective for cultural purposes;
- d. the best endeavours of the Crown to facilitate requests by the Iwi of Hauraki to local authorities for the transfer of ancestral lands.

Co-governance and related arrangements

18. The Crown and the Hauraki Collective will continue to explore, further to the Framework Agreement, co-governance and other similar arrangements including in respect of:

- a. the Waihou River and Piako River catchments, which includes the Ohinemuri River, with the Waikato Regional Council and the local authorities in those catchments;
- b. the rivers and waterways of the Coromandel Peninsula with the Waikato Regional Council and the local authorities in those catchments;
- c. conservation land / Whenua Kura in the Hauraki region with the Department of Conservation.

19. The Waikato-Tainui settlement provides for co-governance arrangements, which have now been implemented through the Waikato River Authority, in parts of the Whangamarino system, and Mangatawhiri and Mangatangi streams. The Iwi of Hauraki are not included in those co-governance arrangements.

20. The Hauraki Collective seeks recognition of their interests in the Whangamarino system, and Mangatawhiri and Mangatangi river catchments.

21. The Crown and Hauraki Collective will explore arrangements such as:

- a. formal Conservation Board representation;
- b. formal Hauraki Gulf Forum representation; and
- c. a relationship agreement issued by the Minister of Conservation.

22. The Hauraki Collective also seeks co-governance arrangements over Tikapa Moana (the Hauraki Gulf) and Te Tai Tamahine (the Coromandel East Coast), including harbours and waterways, with the Waikato Regional Council and other local authorities with responsibilities in those coastal marine areas.

Freshwater and marine fisheries

23. The Iwi of Hauraki assert mana moana and kaitiaki responsibilities over fisheries in Tikapa Moana and Te Tai Tamahine, and seek arrangements that reflect those direct relationships.

24. The Ministry of Fisheries will explore with the Iwi of Hauraki the development of a protocol that will set out how the Ministry and the Iwi will engage in the future, to recognise and provide for the Iwi input and participation into sustainability and processes that relate to freshwater and marine fisheries managed under the Fisheries Act.

25. The Ministry of Fisheries will also explore other mechanisms with the Hauraki Collective that may recognise the interests of the Hauraki Collective in marine and freshwater fisheries in Tikapa Moana and Te Tai Tamahine, and the waterways of Hauraki.

Other Crown protocols

26. The Deed of Settlement will provide for protocols issued by Ministers setting out the way in which specific government agencies will interact with the Iwi of Hauraki in the future. Protocols issued by the following Ministers will be explored:

- a. Minister of Energy; and
- b. Minister for Arts, Culture and Heritage.

Relationships with other agencies

27. The Hauraki Collective seeks meaningful relationships with other agencies and the Crown and the Hauraki Collective will explore how the Crown can facilitate these relationships.

Te Reo Māori and tāonga

28. The Hauraki Collective seeks redress in respect of the following matters:

- a. Te Reo Māori me ona tikanga; and
- b. enhancement and return of all forms of tāonga.

Geographic name changes

29. The Crown and Hauraki Collective will explore amending or assigning an agreed list of place names of significance to the Iwi of the Hauraki Collective:

- a. in consultation with the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa); in accordance with the requirements of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, and the orthographic conventions of Te Taura Whiri i te Reo Māori (the Māori Language Commission); and
- b. as included in the Deed of Settlement.

PART 3 - FINANCIAL REDRESS

Crown financial redress offer

30. The Crown will make a financial redress offer during negotiations to the Hauraki Collective for the settlement of all Treaty claims of the Iwi of Hauraki in the Hauraki region.

Interest

31. The Crown will explore non-compounding interest accruing on the agreed financial redress amount from the date that amount is agreed to the day before settlement date.

Iwi Proportions

32. It is intended that the proportion for each of the Iwi of Hauraki to the financial redress will be agreed between the Iwi of Hauraki in a timely fashion. Failing that, on the basis that no agreement between the Iwi has been reached, the Crown will propose the proportions of the total financial redress offer it considers relates to each of the Iwi of Hauraki.

On-account payment and incentive

33. The Hauraki Collective seeks an incentive for collectivity over and above the financial redress amount as and when agreements are made.
34. The Crown will explore the Hauraki Collective's request for on account cash payments as and when agreements are made.

PART 4 - COMMERCIAL REDRESS

Crown forest lands

35. Once relevant Deed of Settlement have been ratified and become unconditional, the Hauraki Collective will have the right to purchase the following Crown Forest Licensed lands at market valuation with the associated accumulated rentals being passed on to the Hauraki Collective:
- a. Kauaeranga;
 - b. Tairua;
 - c. Waihou;
 - d. Whangamata;
 - e. Whangapoua.
36. The Hauraki Collective will also receive the ETS credits, as provided for under the Climate Change Response Act 2002, associated with these Crown forests.
37. The Hauraki Collective and Tauranga Moana iwi will also receive redress in relation to the Athenree Crown Forest Licensed land.

Landcorp properties

38. On settlement date the Hauraki Collective will have the right to purchase Whenuakite Landcorp farm at market valuation.
39. Hauraki Collective seeks to purchase approximately 315 hectares of Pouarua Landcorp farm at market valuation.

Acquisition of other Crown properties

40. The Hauraki Collective seeks the right to purchase the following types of land and receive fee simple title:
- a. Crown lands, including Ministry of Justice properties, such as courts, and Ministry of Education school properties (land only); and
 - b. Office of Treaty Settlements' land bank properties.
41. The Hauraki Collective seeks the right to purchase non-core Crown lands.
42. Purchase mechanisms the Crown and Hauraki Collective may explore in respect of land made available for transfer include purchase, leaseback and / or deferred selection.
43. The Hauraki Collective seeks other commercial redress mechanisms.

44. The Crown and the Hauraki Collective will explore the ability for the Collective to purchase commercial redress properties over and above the financial redress amount.

45. The Hauraki Collective also seeks the right to acquire certain lands via gift from the Crown.

Right of First Refusal

46. The Deed of Settlement will provide the Hauraki Collective a right of first refusal, on similar terms as in recent Treaty settlements, for the period of 170 years in relation to Crown properties within the Hauraki region.

47. The Crown and the Hauraki Collective will continue to explore a Right of First Refusal for the period of 170 years in relation to land currently held by non-Core Crown entities within the Hauraki region.

48. The Hauraki Collective also seeks a right of first refusal over certain other lands in the rohe of the Iwi of Hauraki.

Other commercial redress

49. The Hauraki Collective also seeks inclusion of the following in the Deed of Settlement:

- a. rights relating to nationalised and non-nationalised Crown-owned minerals and information held by the Crown or Crown Research Institutes on these minerals; and
- b. in relation to conservation land / Whenua Kura, Tikapa Moana and Te Tai Tamahine, preferential access to concessions;
- c. opportunities to enter into formal arrangements with the Crown over its proposed commercial arrangements in the Hauraki region, particularly in relation to infrastructure development and investment.

50. In relation to minerals, the Iwi of Hauraki reaffirm that since the 19th century they have consistently resisted the Crown's construct of a Royal prerogative, whether at common law or under statute, and never gave their free, prior and informed consent to the Crown's use of their minerals. Thus, within Hauraki, the Crown's arguments about legislative mineral rights are erroneous as the Crown never had lawful title to the minerals on which to found their purported legislative assumption of ownership.

51. The Crown asserts ownership of minerals under the Crown Minerals Act 1991 and does not accept that the nationalisation of minerals is a breach of the Treaty. Section 10 of the Crown Minerals Act 1991 provides that all gold, silver, uranium and petroleum existing in its natural condition in land shall be the property of the Crown. Section 11 of the Crown Minerals Act 1991 reserves all minerals to the Crown in any future alienation of Crown land and upholds all reservations of minerals made in earlier enactments. Decision-making regarding prospecting, exploration and mining of petroleum and minerals is prescribed under the Crown Minerals Act 1991.

Iwi proportions to collective commercial redress

52. It is intended that any allocation between the Iwi of Hauraki of commercial redress will be agreed between the Iwi of Hauraki in a timely fashion. Failing that, on the basis that no agreement between the Iwi has been reached, the Crown will propose the proportions of the total commercial redress offer it considers relates to each of the Iwi of Hauraki.

PART 5 - OTHER ISSUES FOR DISCUSSION

53. The Crown and the Hauraki Collective acknowledge that certain other matters which are the subject of historical claims have either not yet been discussed in negotiations or require further discussion, and agree to commence / continue those discussions following the signing of this

Agreement in Principle Equivalent and any other documents through to Deed of Settlement and Settlement Legislation.

PART 6 - TERMS AND CONDITIONS

54. This chapter is subject to the following terms and conditions:

- a. it is without prejudice;
- b. it may not be used as evidence in any proceedings before, or presented to, the courts, the Waitangi Tribunal, any court or any other judicial body or tribunal (except as agreed between the parties);
- c. it is non-binding and does not create legal relations;
- d. the final settlement is conditional upon Cabinet agreement;
- e. statements regarding redress the Hauraki Collective seeks represent the wishes of the Hauraki Collective and do not represent;
 - a Crown endorsement of that type of redress; or
 - a Crown Commitment to negotiate either the type of redress or the provision of the actual redress specified in the statement, or both;
- f. the Crown will only provide redress over Crown land unless otherwise agreed with the land-holding agency;
- g. protocols will be, in substance, on the same terms as protocols provided in recent Treaty settlements;
- h. with respect to cultural redress offers, a final list of prioritised areas and / or properties and agreed redress over those areas and /or properties;
- i. any transfer of properties as cultural redress will be subject to public access, the protection of appropriate conservation values, and third party rights as applicable, along with the finalisation of all outstanding matters relating to transfer;
- j. cultural redress properties transferred will not be offset against the financial redress amount unless otherwise agreed;
- k. any offer in regard to Ministry of Education properties (land only) will be made following further analysis by the Ministry of its approach to requests for sale and leaseback and subject to Cabinet approval;
- l. all outstanding elements of the financial and commercial redress offer being finalised, including property identification and any associated valuations;
- m. the transfer value of commercial redress properties will be offset against the principal financial redress amount;
- n. the transfer value of the Crown Forest Licensed land will be offset against the principal financial redress amount;
- o. the transfer to the Hauraki Collective of the Crown Forest Licensed land will be subject to:
 - survey;

- determination or agreement of a transfer value based upon agreed valuation instructions and a fair valuation process in a similar form to previous Treaty settlements;
 - discussion and agreement on the definition of / and appropriate legal access and other rights required;
 - the preservation of any existing third party rights of access to the Crown Forest Licensed land; and
 - discussion and agreement on any provision for access to, and preservation of, wāhi tapu of other iwi/hapū;
- p. the Deed of Settlement will provide for the accumulated rentals (held by the Crown Forestry Rental Trust) associated with the Crown Forest Licensed land selected for transfer to be paid to a suitable post settlement governance entity in accordance with the Trust Deed of the Crown Forestry Rental Trust dated 30 April 1990 (as if the Waitangi Tribunal had made a final recommendation for the return of that land to the Governance Entity). The accumulated rentals are in addition and separate to the financial redress amount;
- q. the accumulated rentals associated with the Crown Forest Licensed land will be paid in accordance with the terms of the agreed settlement legislation;
- r. the Crown confirming that any overlapping claimant group interest in relation to any part of the settlement redress has been addressed to the satisfaction of the Crown in respect of that item of redress;
- s. agreed tax and other commercial arrangements for the Hauraki Collective Governance Entity;
- t. the Hauraki Collective obtaining, before the Deed of Settlement is signed, a mandate from their iwi constituents (through a process agreed by the Collective and the Crown) authorising them to enter into the Deed of Settlement and settling the Historical Claims on the terms provided in the Deed of Settlement; and
- u. the establishment of a governance entity that –
- is appropriate to receive the redress; and
 - provides, for the settling group –
 - appropriate representation;
 - transparent decision making and dispute resolution processes;
 - full accountability; and
- v. the Crown being satisfied that, through a ratification process approved by the Crown, members of the settling group have approved –
- the governance entity to receive the redress; and
 - the settlement on the terms provided in the deed of settlement.

PART 7 - DEFINITIONS

55. The "Crown" means:

- a. the Sovereign in right of New Zealand; and
- b. includes all Ministers of the Crown and all Departments; but
- c. does not include:
 - an Office of Parliament;
 - a Crown Entity; or

- a State Enterprise named in the First Schedule to the State-Owned Enterprises Act 1986.

56. The deed of settlement will provide that historical claims means

- a. every claim (whether or not the claim has arisen or been considered, researched, registered, notified, or made by or on the settlement date) that the settling group, or a representative entity, had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that –
 - is, or is founded on, a right arising –
 - from Te Tiriti o Waitangi / the Treaty of Waitangi or its principles; or
 - under legislation; or
 - at common law, including aboriginal title or customary law; or
 - from fiduciary duty; or
 - otherwise; and
 - arises from, or relates to, acts or omissions before 21 September 1992 –
 - by, or on behalf of, the Crown; or
 - by or under legislation; and
 - includes every claim to the Waitangi Tribunal that relates exclusively or in part to the settling group or a representative entity; and
 - does not include claims –
 - that a member of the settling group, or a whānau, hapū, or group, may have that is, or is founded on, a right arising as a result of being descended from an ancestor who is not referred to in the claimant definition:

57.

Except as explicitly

agreed, the Deed of Settlement will not affect any rights of the Iwi of Hauraki, including aboriginal title or customary rights.

CHAPTER 2 – NGĀTI HEI SECTION

PREAMBLE

Ngāti Hei record the following:

Ko Te Tai Tamahine e

Mai te Whanganui o Hei

Kit te maunga teitei Moehau O Tama

Whiti atu ki Tokatea o Hei nui e

Titiro mai nga kanohi o Ohinau me Rua Maahu ee

Ki uta te rohe kura o Ngāt Hei e

From the eastern seaboard

To the Great Bay of Hei

To the sacred mountain urupa of Tamatekapua

To Tokatea the mountain urupa of Hei nui

From the eyes that are the island citadels of Ohinau and Ruamaahu (Alderman Islands)

That look inland toward the domains of Ngāt Hei – Tikaokao.

Ngāti Hei ki Wharekaho is an autochthonous tribal group positioned on the eastern seaboard of the Coromandel Peninsula, with ancient tribal ties to Patupaiarehe, Nga Uru-kehu, Kupe, Turehu, and Te Tini-o-Toi. Their eponymous ancestor, Hei, arrived in Aotearoa / New Zealand on the Arawa waka. Descendants of Hei later developed affiliations with Ngāti Inu, Topetopetea, Turepe, Ngāti Piri and Ngāti Takaao. Ngāti Hei today are the living representatives of these ancient people, as well as the morehu (survivors) of twenty three other hapu who once lived on these lands.

Ngāti Hei interests once extended across to the western side of the Coromandel Peninsula, including sections of the Kauaeranga, Piako, and the Tikapa Moana coastal areas of Ruakaramea and Kirita.

For generations the mountain range known as Te Paeroa o Toi, dividing the Coromandel Peninsula from north to south, kept Ngāti Hei largely immune from landward incursions by other tribes. However, seaborne attacks from the north and south were prevalent, especially leading up to and including the musket era. The latter period saw the decimation of Ngāti Hei, who nevertheless remained in their rohe and maintained their ahikaroa. It was also from the sea that, on 3 November 1769, Captain Cook of the *Endeavour* arrived – an encounter that would change the course of Ngāti Hei history forever. Interaction between Ngāti Hei and Cook was largely peaceful, with cloth, iron, blankets, potatoes and other new goods being gifted or traded for dog-skin cloaks, fish, native celery and Maori artefacts and weapons.

Ngāti Hei seek a Treaty Settlement that recognises the spirit and intent of Te Tiriti o Waitangi / the Treaty of Waitangi.

PART 1 - MANDATE RECOGNITION

1. On 27 June 2011, by letter from the Minister for Treaty of Waitangi Negotiations and the Minister of Māori Affairs, the Crown recognised the Treaty negotiation mandate of Joe Davis, Peter Matai Johnston and Peter Tiki Johnston on behalf of Ngāti Hei. The letter is attached as Appendix 1.

PART 2 - HISTORICAL ACCOUNT

2. The Crown and Ngāti Hei will agree an historical account that, in addition to the Collective account, includes the following themes:
 - a) Ngāti Hei and the Crown, 1840-1865;
 - b) Pre-1840 transactions ("Old land claims");
 - c) Crown purchases and the creation of reserves, 1840-1865;
 - d) Gold and the opening of goldfields;
 - e) The 1853 Tararua goldfield agreement;
 - f) Native Land Court: individualisation and costs of title determination;
 - g) Crown land purchases and private alienations from 1865;
 - h) Conflict over timber and gold at Kuotunu;
 - i) Protest by Ngāti Hei
 - j) Loss of tāonga and wāhi tapu significant to Ngāti Hei;
 - k) Natural resources, including geothermal, water and minerals;
 - l) Rating, public works and compulsory taking of land;
 - m) Te Tai Tamahine (Tairua, Whitianga and Whangapoua harbours);
 - n) Waterways;
 - o) Landlessness and social deprivation;
 - p) Access to medical treatment and medicines; and
 - q) Access to education and loss of Te Reo Maori.

1. The Deed of Settlement will also contain:

- a) Crown acknowledgements to Ngāti Hei that certain actions or omissions of the Crown were a breach of Te Tiriti o Waitangi / the Treaty of Waitangi and its principles; and
- b) a Crown Apology to Ngāti Hei for the acknowledged Crown breaches of Te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

PART 3 - CULTURAL REDRESS

2. In addition, to or as part of the cultural redress provided to the Hauraki Collective, the Crown and Ngāti Hei will explore for possible inclusion in the Deed of Settlement the following types of cultural redress specifically for Ngāti Hei:
 - a) land transfers;
 - b) statutory instruments, including:
 - overlay classifications;
 - statutory acknowledgements, including:
 - coastal statutory acknowledgements;
 - river statutory acknowledgements and deeds of recognition;
 - maunga statutory acknowledgements and deeds of recognition; and
 - c) deeds of recognition;
 - d) relationship agreements such as resource co-governance arrangements and protocols;

- e) access to cultural resources, including nohoanga and other arrangements;
 - f) plans for management of resources; and
 - g) official geographic name changes.
3. Ngāti Hei also seeks:
- a) return of and access to tāonga; and
 - b) specific recognition of Ngāti Hei within relevant co-governance arrangements that may be negotiated.
4. The Hauraki Region sites and areas of ancestral, spiritual and cultural significance to Ngāti Hei that Ngāti Hei seeks to negotiate cultural redress over include those areas identified in Appendix 2.

PART 4 - FINANCIAL REDRESS

5. Ngāti Hei will receive Hauraki Region financial redress as agreed in accordance with Part 3 of the Collective Section.
6. The Crown will explore associated non-compounding interest accruing on the Ngāti Hei financial redress amount from the date that amount is agreed to the day before Settlement Date.

PART 5 - COMMERCIAL REDRESS

7. The sites and areas over which Ngāti Hei seeks to negotiate commercial redress include those sites and areas identified in Appendix 3.
8. Ngāti Hei seeks the right to purchase the following types of land and receive fee simple title:
- a) agreed Crown lands, including courts and Ministry of Education school properties (land only);and
 - b) agreed Office of Treaty Settlements' land bank properties.
9. Ngāti Hei seeks the right to purchase non-core Crown lands.
10. Purchase mechanisms the Crown and Ngāti Hei may explore in respect of land made available for transfer include purchase, leaseback and / or deferred selection.
11. Ngāti Hei seeks other commercial redress mechanisms.
12. The Crown and Ngāti Hei will explore the ability for Ngāti Hei to purchase commercial redress properties over and above the financial redress amount.
13. Ngāti Hei also seeks the right to acquire certain agreed lands via gift from the Crown.

PART 6 - OTHER NGĀTI HEI SPECIFIC ISSUES

14. Ngāti Hei seeks that the Crown discuss or explore redress to address other Ngāti Hei specific issues for the Hauraki Region, including:
- a) Meaningful recognition of Ngāti Hei RaNgātratanga within their rohe including equal partnership and participation with local authorities;
 - b) Contribution of Ngāti Hei to a Ministry of Fisheries protocol which addresses Ngāti Hei's eastern seaboard interests in the ancestral seas of Te Tai Tamahine;
 - c) Enhanced ability for Ngāti Hei to protect traditional names against misuse;
 - d) Enhanced opportunities for Ngāti Hei to participate in tourism activities in their rohe;

- e) Enhancement and return of Ngāti Hei taonga including those held in museums and universities;
- f) Discussions over the boundary of Te Whanganui a Hei Marine Reserve;
- g) The ability to pursue foreshore and seabed claims;
- h) Recognition of Ngāti Hei's distinctive association with the Whitianga seaboard;
- i) Assistance to appropriately address health issues of Ngāti Hei;
- j) Support to enable Ngāti Hei to participate in the revitalisation and restoration of harbours, rivers, streams and associated other lands within the Ngāti Hei rohe; and
- k) The impact on Ngāti Hei of the felling of kauri, gum digging and gold extraction as described in Appendix 4.

PART 7 - OTHER ISSUES FOR DISCUSSION

15. The Crown and Ngāti Hei acknowledge that certain other matters which are the subject of Hauraki Region historical claims have either not yet been discussed in negotiations or require further discussion, and agree to commence/continue those discussions following the signing of this Agreement in Principle Equivalent and other documents through to Deed of Settlement and Settlement Legislation.

PART 8 - TERMS AND CONDITIONS

16. This chapter is subject to the following terms and conditions:

- a. it is without prejudice;
- b. it may not be used as evidence in any proceedings before, or presented to, the courts, the Waitangi Tribunal, any court or any other judicial body or tribunal (except as agreed between the parties);
- c. it is non-binding and does not create legal relations;
- d. the final settlement is conditional upon Cabinet agreement;
- e. statements regarding redress Ngāti Hei seeks represent the wishes of Ngāti Hei and do not represent;
 - a Crown endorsement of that type of redress; or
 - a Crown Commitment to negotiate either the type of redress or the provision of the actual redress specified in the statement, or both;
- f. the Crown will only provide redress over Crown land unless otherwise agreed with the land-holding agency;
- g. protocols will be, in substance, on the same terms as protocols provided in recent Treaty settlements;
- h. with respect to cultural redress offers, a final list of prioritised areas and / or properties and agreed redress over those areas and /or properties;
- i. any transfer of properties as cultural redress will be subject to public access, the protection of appropriate conservation values, and third party rights as applicable, along with the finalisation of all outstanding matters relating to transfer;
- j. cultural redress properties transferred will not be offset against the financial redress amount unless otherwise agreed;

- k. any offer in regard to Ministry of Education properties (land only) will be made following further analysis by the Ministry of its approach to requests for sale and leaseback and subject to Cabinet approval;
- l. all outstanding elements of the financial and commercial redress offer being finalised, including property identification and any associated valuations;
- m. the transfer value of commercial redress properties will be offset against the principal financial redress amount;
- n. the Crown confirming that any overlapping claimant group interest in relation to any part of the settlement redress has been addressed to the satisfaction of the Crown in respect of that item of redress;
- o. agreed tax and other commercial arrangements for the Ngāti Hei Governance Entity;
- p. Ngāti Hei obtaining, before the Deed of Settlement is signed, a mandate from their iwi constituents (through a process agreed by the Collective and the Crown) authorising them to enter into the Deed of Settlement and settling the Historical Claims on the terms provided in the Deed of Settlement; and
- q. the establishment of a governance entity that –
 - is appropriate to receive the redress; and
 - provides, for the settling group –
 - appropriate representation;
 - transparent decision making and dispute resolution processes;
 - full accountability; and
- r. the Crown being satisfied that, through a ratification process approved by the Crown, members of the settling group have approved –
 - the governance entity to receive the redress; and
 - the settlement on the terms provided in the deed of settlement.

PART 9 - DEFINITIONS

17. The "Crown" means:

- a. the Sovereign in right of New Zealand; and
- b. includes all Ministers of the Crown and all Departments; but
- c. does not include:
 - an Office of Parliament;
 - a Crown Entity; or
 - a State Enterprise named in the First Schedule to the State-Owned Enterprises Act 1986.


18. The deed of settlement will provide that historical claims means

- a. every claim (whether or not the claim has arisen or been considered, researched, registered, notified, or made by or on the settlement date) that the settling group, or a representative entity, had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that –

- is, or is founded on, a right arising –
 - from Te Tiriti o Waitangi / the Treaty of Waitangi or its principles; or
 - under legislation; or
 - at common law, including aboriginal title or customary law; or
 - from fiduciary duty; or
 - otherwise; and
- arises from, or relates to, acts or omissions before 21 September 1992 –
 - by, or on behalf of, the Crown; or
 - by or under legislation; and
- includes every claim to the Waitangi Tribunal that relates exclusively or in part to the settling group or a representative entity; and
- does not include claims –
 - that a member of the settling group, or a whānau, hapū, or group, may have that is, or is founded on, a right arising as a result of being descended from an ancestor who is not referred to in the claimant definition.

19. Except as explicitly agreed, the Deed of Settlement will not affect any rights of the Iwi of Hauraki, including aboriginal title or customary rights.

SIGNED for and on behalf of THE CROWN by –



The Minister for Treaty of Waitangi Negotiations

Hon Christopher Finlayson


SIGNED for and on behalf of Ngāti Hei by the mandated negotiators -



Joe Davis



Peter Matai Johnston



Peter Tiki Johnston

APPENDIX 1

LETTER OF MANDATE RECOGNITION



Office of Hon Dr Pita R Sharples

MP for Tamaki Makaurau
Minister of Māori Affairs
Associate Minister of Corrections
Associate Minister of Education

29 JUN 2011

Peter Tiki Johnston
Ngāti Hei Negotiator
tiktown@xtra.co.nz

Peter Matai Johnston
Ngāti Hei Negotiator
tiktown@xtra.co.nz

Joe Davis
Ngāti Hei Negotiator
ngatihei@wave.co.nz

Tēnā koutou

Thank you for submitting the Ngāti Hei Deed of Mandate for negotiations with the Crown on behalf of Ngāti Hei.

We have been advised that the Ngāti Hei Negotiators have the support of the Ngāti Hei claimant community and are therefore the appropriate representatives of Ngāti Hei to negotiate a comprehensive settlement of Ngāti Hei's historical Treaty settlement claims with the Crown. We are, therefore, pleased to recognise the mandate of the Ngāti Hei Negotiators for this purpose.

We look forward to finalising an Agreement in Principle with you in the near future. Kāti mō tēnei wā.

Heoi anō

nā Hon Dr Pita R Sharples
Minister of Māori Affairs

nā Hon Christopher Finlayson
Minister for Treaty of Waitangi
Negotiations

APPENDIX 2

NGĀTI HEI CULTURAL REDRESS PROPERTIES / AREAS

Ngāti Hei has identified the following sites, areas, waters and coastal marine areas over which it seeks to negotiate cultural redress:

Whitianga/Repanga	Panerahi Pa	Opiki
Wainuiototo	Whauwhau Harakeke	Te Hinahina
Motu Tou Pa	Whauwhau Pa	Waipakupaku
Opera/Waikauri (Extensive)*	Maungatawhiri Pa	Taotaoroa
Raukawa Pa	Mahunganape Pa	Waiwawa
Rehutae Pa	Te Puta o te Pare Tauhinu	Papauta
Matawera Pa	Mahungarape (Motu)	Te Tawa
Owera Pa	Te Tanoa Paike Pa	Hohotuiti
Otanguru Pa	Onepoto	Koteturiki
Otanguru Pa	Kahuri whenua	HoroHoropupara
Tokatea-a-Hei	Kaokaotunoa	Te Rangitoto
Omaro/Matarangi Peninsula	Tarapatiki Pa	Te Hape
Patekateka (Motu)	Taputapuatea Pa	Pukekaroro
Matarangi Pa	Taputapuatea	Puawhango
Whakaaorangi Pa	Arerowhero	Kaitoke
Te Tutu/Ohariu	Te Pouhokoiti	Kohuamuri
Tahunatorea	Hukehuke	Kukumoana
Aotearoa Pa (Extensive)*	Whakau	Kopaki
Te Waiririri Pa	Rangi Pare Whakau	Korau
Motuhua Pa	Karamurumu	Okuau
Otama Dunes West [urupa]	Pouwharatea	Otuora
Otama Dunes East [urupa]	Parahamuti	Whauki
Pekapekarau Pa	Wharetangata	Whitianga Pa / Whakapenui (Extensive)*
Whangaroa Pa	Papatu	Onekura
Kurutau Pa	Puahape	Maramaratotara
Wharerewa Pa	Toumuia	Paparoa Pa
Whaorei	Papawhakaioa	Te Kaiawhakanuku
Kauwera Pa	Waitotara	Hikaka Pa
Parikarangeranga	Kutaroa	Manatarawanui
Ratoka	Ngaruhutunoa	Pukaki
Waikura	Weiti	Mahanakino
Waikere	Waitapu	Purangi
Te Aute	Pupuke	Purangi motu
Motu o Whairaka	Kaiwaru	Purangi motu
Opito Pa (Extensive)*	Wāiparapara Pa	Parewhakatara
Tahanga Pa / Stone working floors	Whangamaroro	Waihirere
Te Hara a Kupe/Motu Whara	Kaimarama Pa	Opua Pa
Motu Tekā	Waimarama Pa	Ohau Pa
Ohinauiti (Motu)	Hurahura	Tokawhakaioa
Kekerengu Pa	Te Wharawhara	Motu Roa
Matapaua Pa	Maungarahi	Poikeke Pa (Motu)
Takototahiwihiwi	Te Ana	Te Kuraetanga o Taku
Puhiwai Pa (Extensive)*	Waitanoa	Ihu/Motu Heka (Eka)
Tapu Pa	Takapuwahia	Okorotere (Motu)
Motu Manga -Twins.	Oharoro	Te Hoho (Motu)
Te Ruaotukua Pa	Otama te rau	Mautohe/Mautehe Pa
Tirohanga Pa	Owhero	Waimata
Kopawhero Pa	Tokokaeia	Mahurangi (Motu)
Waihi Pa	Moeraki	Te Tui Pa
TeWhakapaumahara Pa	Kohikawau	Orapa Pa
Rangihoua Pa	Waipapa	Waikaranga
	Maire Rauriki	Motu Korure
	Kirehe	

Te Whanganui-a-Hei Marine Reserve
Te Tio
Te Karaka
Hereheretaura Pa (Extensive)*
Te Pare Pa
O a Hei
Te Pupuha (Blowhole)
Te Pupuha (Blowhole)
Ngatuturu (Motu)
Orua (He Ana)
Huhua
Te Puiaiti Pa
Te Puia Pa (Extensive)*
Te Puia Hot Springs
Toretu
Tupare
Raututu Pa
Tapuaetahitihi Pa
Tapuaetahi Pa
Te Kauri Pa
Waipapa (Motu)
Onemama Pa
Kohungahunga
Te Hoho
Pourewa Pa
Te Karo
Paku-Wai-Kuparu Pa (Extensive)*
Whatatirinui
Kutakuta
Kopepe
Matapaia
Pakauroharoha
Papatawatawa
Pukepoto
Tauhou Marae
Green Point (Pa)
Hikuai Pa
Pukiore
Tangitarore Pa
Te Karaka Pa
Pa (Hikuai Settlement Road)
Mauariki
Pauanui
Pauanui Pa
Tairua Pa (Extensive)*
Te Rerepiki Pa
Tapaekohara
Te Puhe
Ahurae
Tarahata
Purumako
Toroa
Waitaia
Totara
Hihi
Tauranikau
Whakairi

Te Tipi
Tokatea
Rapaki
Te Kiripaka
Wharehana
Porua
Hikurangi
Tamurepatua
Pukekohe
Waiterata
Iirikapua
Opinenga
Tokokaeia
Owhero
Otama te rau
Takapuwahia
Waitanoa
Te Ana
Maungarahi
Te Wharawhara
Huruuru
Waiparapara Pa
Ngaruawahia
Iwiroa
Whakairingatoto
Te Tama
O te Hapu
Takingawairua
Mahakirau
Puke o Tahu
Kakatarahae
Te Waitai
Papatuaraharaha
Pukehakoakoa (Tokatea a Hei)
Pukemotumotu
Te Ranganui
Maungataururu
Puke o Hiku / Kaipawa
Puke Mangere / Hikutawatawa
Rakau Maroke
Puke Kauri
Pahore
Te Panui
Pukerata
Puke Koi
Hapapawera
Puke Ruru
Te Tihi o Kakahiroa
Puke Rahako
Pukenui
Motu Kopu
Anarake

Parikarangeranga (Opito)
Parikarangeranga (Kirehe)
Orua te Rerei
Haukawakawa
Ngananangaia

Marokoka
Te Rangaheketero
Motutapere
Urumotu
Rangitoto
Te Huruhurutakina
Hororoa
Taumatamairi
Tawhiwhi
Arapara
Tokakaroro
Ohu
Hukarahi
Opou
The Pinnacles Hut area / Tauranikau, Rurupuku, Te Tipi
Momoparaua
Rurupuku
Kakanui
Motutohetohe Est
Whakapatewaka [Taranoho]
Te Wharekopara
Te Tamamaeanui
Taurahuehue Creek.
Whakaangiangi
Piraunui Creek [Waimahoe]
Te Angiangi
Maramanui o Hotu
Ounuora
Tamaurepeke
Te Roto
Te Koatu
Te Whare Hoko Hinu
Te Titahatanga
Te Kono
Kakanui
Taupaki
Kauanga (Kapowai)
Mangakotukutuku
Manutaia
Turiwhati
Te Raho o Mamae
Te Waieruhe
Tanehua
Ruahine
Oteao
Porae
Puke Kotare
Waitea

Pouanui/Pawanui Pa
Motu Haua
Maungaruawahine Pa
Kopeopeo
Ruahiwihiwi Pa
Papahuahua Pa
Ruawharo
Whanga Hei
Moehau (No. 10)

Whakairi

NGĀT HEI TATAHI URUPA

The Whangapoua Beach Sand Dune System
The Waiari Beach Sand Dune System
The Kuaotunu Beach Sand Dune System
The Otama Beach Sand Dune System
The Opito Beach Sand Dune System
The Matapua Beach Sand Dune System
The Whauwhau Beach Sand Dune System
The Wharekaho Beach Sand Dune System
The Te Whanganui a Hei Sand Dune System
The Pukaki Beach Sand Dune System
The Hahei Beach Sand Dune System
The Te Puia Beach Sand Dune System
The Tairua Beach Sand Dune System
The Pauanui Beach Sand Dune System
The Opoutere Beach Sand Dune System.

OTHER PLACES

Honukuroto, Mairerauriki, Te Kono, Ruakaramea

Ngāti Hei also wishes to retain the ability to discuss any other wahi, pa, urupa, or site of cultural significance that may be identified and named in the Ngāt-Hei Sites of Significance draft report, or which is yet to be identified by Ngāt Hei.

APPENDIX 3

NGĀTI HEI COMMERCIAL REDRESS PROPERTIES / AREAS

Ngāti Hei has identified the following sites and areas over which it seeks to negotiate commercial redress.

CFL Lands for Ngāt Hei Redress

Map ID Forest Name

1109 Tairua Forest

1111 Whangapoua Forest

Defence Lands for Ngāt Hei Redress

Name Purpose

Te Tai Tamahine (East Coast Pacific Ocean) Ammunition Dumping Ground

Te Tai Tamahine (East Coast Pacific Ocean) Submarine Exercise Area

DHB Lands for Ngāt Hei Redress

Name Legal Description

Whitianga Hospital Lot 2 DPS 70434

DOC Lands for Ngāt Hei Redress

Cons.Unit# Conservation Unit Name Current Status Type

T09002 Repanga (Cuvier) Island Nature Reserve Nature Reserve
T10024 New Chums Recreation Reserve Recreation Reserve
T10025 Opera Point Historic Reserve Historic Reserve
T10026 Marginal Strip - Waitekuri River Marginal Strip
T10027 Marginal Strip - Waitekuri River Marginal Strip
T10028 Marginal Strip - Waingaro Stream Marginal Strip
T10029 Opitonui River Mouth Wildlife Management Reserve Government Purpose Reserve
T10030 Marginal Strip - Whangapoua Harbour Marginal Strip
T10031 Matarangi Wildlife Habitat Reserve Government Purpose Reserve
T10032 Marginal Strip - Matarangi Bluff Marginal Strip
T10033 Matarangi Bluff Scenic Reserve Scenic Reserve (a)
T10034 Kuaotunu Recreation Reserve Recreation Reserve
T10035 Conservation Area - Waitangirua Street, Kuaotunu Stewardship Area
T10037 Black Jack Scenic Reserve Scenic Reserve (a)
T10037 Black Jack Scenic Reserve Scenic Reserve (a)
T10038 Bald Spur Historic Reserve Historic Reserve
T10039 Otama Beach Recreation Reserve Recreation Reserve
T10040 Conservation Area - Otama River West Stewardship Area
T10042 Conservation Area - Otama River East Stewardship Area
T10043 Conservation Area - Otama Stewardship Area
T10044 Marginal Strip - Tamaihu Marginal Strip
T10045 Opito Bay Recreation Reserve Recreation Reserve
T10046 Opito Point Historic Reserve Historic Reserve
T10047 Red Bay Recreation Reserve Recreation Reserve
T10048 Waitaia Recreation Reserve Recreation Reserve
T10049 Horseshoe Bay Scenic Reserve Scenic Reserve
T10050 Marginal Strip - Horseshoe Bay Marginal Strip
T10051 Conservation Area - Rabbit Island Stewardship Area
T10052 Kawhitu Island (Stanley) Nature Reserve Nature Reserve
T10053 Double Island (Moturehu) Nature Reserve Nature Reserve
T10054 Red Mercury Island (Whakau) Scenic Reserve
T10055 Landing - Great Mercury Island Local Purpose Reserve
T10056 Korapuki Island Scenic Reserve
T10057 Green Island Scenic Reserve
T10058 Atiu or Middle Island Scenic Reserve

T10064 Otama Sand Dunes Recreation Reserve Recreation Reserve
T10068 Cemetery - Kuaotunu Local Purpose Reserve
T10069 Marginal Strip - Kuaotunu River Kuaotunu Wharekaho Road Marginal Strip
T10070 Marginal Strip - Kuaotunu River Hall Road Marginal Strip
T10074 Marginal Strip - Opito Bay Marginal Strip
T10076 Quarry - Whangapoua Road Government Purpose Reserve
T10078 Marginal Strip - Pitone Creek Marginal Strip
T10081 Otama Recreation Reserve Recreation Reserve
T11001 Coromandel Forest Park Conservation Park
T11011 Mahakirau Scenic Reserve Scenic Reserve (a)
T11012 Marginal Strip - Mahakirau River Marginal Strip
T11013 Marginal Strip - Mahakirau River Marginal Strip
T11014 Marginal Strip - Mahakirau River Marginal Strip
T11015 Marginal Strip - Mahakirau River Marginal Strip
T11016 Whangapoua Forest Conservation Area Stewardship Area
T11017 Marginal Strip - Whangapoua Harbour Marginal Strip
T11018 Marginal Strip - Owera Stream Marginal Strip
T11019 Conservation Area - Ngarahutunoa west Stewardship Area
T11020 Conservation Area - Ngarahutunoa east Stewardship Area
T11021 Buffalo Beach Scenic Reserve Scenic Reserve (a)
T11022 Marginal Strip - Takapau Creek Marginal Strip
T11023 Ohuka Bush Scenic Reserve Scenic Reserve (b)
T11024 Conservation Area - Whangapoua Forest/Hukarahi Stewardship Area
T11026 Maungatawhiri Recreation Reserve Recreation Reserve
T11027 Marginal Strip - Panerahi Point Marginal Strip
T11041 Marginal Strip - Kaimarama River Marginal Strip
T11042 Marginal Strip - Kaimarama River Marginal Strip
T11043 Marginal Strip - Kaimarama River Marginal Strip
T11044 Marginal Strip - Mahakirau River Marginal Strip
T11045 Onewhero Pa Scenic Reserve Scenic Reserve (a)
T11046 Marginal Strip - Whitianga Harbour Owhero Creek Marginal Strip
T11047 Marginal Strip - Whitianga Harbour Ounuora River Marginal Strip
T11047 Marginal Strip - Whitianga Harbour Ounuora River Marginal Strip
T11048 Marginal Strip - Mill Creek Ounuora River Marginal Strip
T11049 Marginal Strip - Whitianga Harbour Waipapa Creek Marginal Strip
T11050 Miria Hinarapa Recreation Reserve Recreation Reserve
T11051 Kaitoke Scenic Reserve Scenic Reserve (a)
T11052 Whitianga Rock Scenic and Historic Reserve Scenic & Historic Reserve
T11053 Shakespeare's Cliff Scenic and Historic Reserve Scenic & Historic Reserve
T11054 Diggers Hill Scenic Reserve Scenic Reserve (a)
T11055 Marginal Strip - Purangi Marginal Strip
T11056 Marginal Strip - Purangi Marginal Strip
T11057 Marginal Strip - Purangi River Marginal Strip
T11058 Marginal Strip - Purangi River Marginal Strip
T11059 Marginal Strip - Purangi River Marginal Strip
T11059 Marginal Strip - Purangi River Marginal Strip
T11060 Marginal Strip - Purangi River Marginal Strip
T11061 Marginal Strip - Cook Bluff Marginal Strip
T11062 Cook Bluff Scenic Reserve Scenic Reserve (a)
T11063 Cathedral Cove Recreation Reserve Recreation Reserve
T11063 Cathedral Cove Recreation Reserve Recreation Reserve
T11064 Wigmore Historic Reserve Historic Reserve
T11065 Marginal Strip - Hahei Beach Marginal Strip
T11066 Mahurangi Island Recreation Reserve Recreation Reserve
T11067 Te Pare Point Historic Reserve Historic Reserve
T11068 Conservation Area - Te Pare Point Historic Reserve addition Stewardship Area
T11069 Te Pupuha Recreation Reserve Recreation Reserve
T11070 Hot Water Beach Recreation Reserve Recreation Reserve
T11071 Hot Water Beach Domain Recreation Reserve Recreation Reserve
T11072 Marginal Strip - Purangi River Marginal Strip

T11073 Conservation Area - Whenuakite Farm Settlement 1 Stewardship Area
T11074 Conservation Area - Whenuakite Farm Settlement 2 Stewardship Area
T11075 Marginal Strip - Whitianga Harbour Marginal Strip
T11076 Marginal Strip - Whitianga Harbour Marginal Strip
T11077 Marginal Strip - Whitianga Harbour Marginal Strip
T11078 Marginal Strip - Whitianga Harbour Marginal Strip
T11079 Marginal Strip - Whenuakite River Marginal Strip
T11080 Marginal Strip - Whenuakite River Marginal Strip
T11081 Marginal Strip - Whenuakite River Marginal Strip
T11082 Marginal Strip - Whenuakite River Marginal Strip
T11083 Marginal Strip - Parakau Stream Marginal Strip
T11084 Marginal Strip - Whenuakite River Marginal Strip
T11085 Marginal Strip - Huruhurutakimo Stream Marginal Strip
T11086 Marginal Strip - Huruhurutakimo Stream Marginal Strip
T11087 Conservation Area - Huruhurutakimo Stream Stewardship Area
T11088 Marginal Strip - Huruhurutakimo Stream Marginal Strip
T11089 Marginal Strip - Whenuakite River Marginal Strip
T11090 Te Puia Block Historic Reserve Historic Reserve
T11091 Marginal Strip - Tapuaetahi Coast Marginal Strip
T11092 Marginal Strip - Tapuaetahi Coast Marginal Strip
T11093 Tapuaetahi Scenic Reserve Scenic Reserve (a)
T11100 Marginal Strip - Waiwawa River Marginal Strip
T11101 Marginal Strip - Waiwawa River Marginal Strip
T11102 Conservation Area - Waiwawa River Stewardship Area
T11103 Conservation Area - Waiwawa River Stewardship Area
T11104 Marginal Strip - Waiwawa River Marginal Strip
T11105 Marginal Strip - Waiwawa River Marginal Strip
T11106 Marginal Strip - Waiwawa River Marginal Strip
T11107 Marginal Strip - Rangihau Stream Marginal Strip
T11108 Conservation Area - Rangihau Stream Stewardship Area
T11109 Marginal Strip - Rangihau Stream Marginal Strip
T11110 Marginal Strip - Rangihau Stream Marginal Strip
T11111 Marginal Strip - Rangihau Stream Marginal Strip
T11112 Marginal Strip - Rangihau Stream Marginal Strip
T11115 Conservation Area - Kapowai River Conservation Area
T11116 Conservation Area - Oteao Stream Stewardship Area
T11117 Marginal Strip - Kapowai River Marginal Strip
T11118 Marginal Strip - Kapowai River Marginal Strip
T11119 Marginal Strip - Kapowai River Marginal Strip
T11120 Punaruku Scenic Reserve Scenic Reserve (a)
T11121 Sailors Grave Historic Reserve Historic Reserve
T11122 Pohutukawa Grove Recreation Reserve Recreation Reserve
T11123 Twin Kauris Scenic Reserve Scenic Reserve (a)
T11124 Marginal Strip - Tairua Harbour Pepe Stream Marginal Strip
T11125 Marginal Strip - Tairua Harbour Pepe Road Marginal Strip
T11126 Marginal Strip - Tairua Harbour Marginal Strip
T11127 Cemetery - Tairua Local Purpose Reserve
T11130 Whanganui A Hei Marine Reserve Marine Reserve
T11131 Marginal Strip - Opitonui River Marginal Strip
T11132 Marginal Strip - Waiwawa River Marginal Strip
T11140 Marginal Strip - Owera Stream Marginal Strip
T11141 Marginal Strip - Purangi River Marginal Strip
T11142 Pauanui Point Recreation Reserve Recreation Reserve
T11161 Recreation Reserve - Buffalo Beach Recreation Reserve
T12016 Marginal Strip - Hihi Stream Marginal Strip
T12027 Marginal Strip - Third Branch Marginal Strip
T12028 Marginal Strip - Tairua River Marginal Strip
T12029 Conservation Area - Broken Hills Stewardship Area
T12030 Marginal Strip - Tairua River Marginal Strip
T12031 Marginal Strip - Tairua River Marginal Strip

T12032 Conservation Area - Kitahi (proposed Scenic Reserve) Stewardship Area
T12033 Marginal Strip - Stony Stream Widmer Road Marginal Strip
T12034 Conservation Area - Hikuai Stewardship Area
T12035 Conservation Area - Hikuai Stewardship Area
T12039 Marginal Strip - Swampy Stream Tairua River Marginal Strip
T12039 Marginal Strip - Swampy Stream Tairua River Marginal Strip
T12040 Marginal Strip - Tairua River Marginal Strip
T12041 Marginal Strip - Duck Creek Marginal Strip
T12042 Marginal Strip - Duck Creek Marginal Strip
T12043 Pauanui Conservation Area Stewardship Area
T12043 Pauanui Conservation Area Stewardship Area
T12044 Marginal Strip - Stony Stream Marginal Strip
T12045 Conservation Area - Hikuai Stewardship Area
T12045 Conservation Area - Hikuai Stewardship Area
T12046 Marginal Strip - Kaituna Stream/Kitahi Road Marginal Strip
T12047 Marginal Strip - Tairua River Marginal Strip
T12052 Conservation Area - Kitahi Stewardship Area
T12053 Conservation Area - Kitahi Stewardship Area
T12102 Conservation Area - Mangarehu Stream Stewardship Area

Education Lands (land only) for Ngāt Hei Redress

Map ID Legal Description

268 Sec 1 SO 61666
273 Lot 1 DPS 65107
288 Lot 11 DPS 2150
290 Lot 42 DPS 2150
291 Lot 26 DPS 10927
293 Pt Puahape 2
296 Lot 1 DPS 67033
298 Lot 14 DPS 21274
312 Makomako
447 Pt Lot 5 DP 30187
451 Pt Lot 6 DP 35666
527 Lot 8 DPS 2002
538 Sec 16 Tairua VILL
570 Sec 1 Blk II Tairua SD
Sec 13 Blk VII Coromandel Survey District SO 36522
Pt Puketutu ML 4843
Lot 2 DP 37194

Electricity Lands for Ngāt Hei Redress

Parcel ID Legal Description Area (ha)

4265631 Pt Whakau SO 49555 0.1616
4306313 Pt Sec 12 Tairua Settlement 0.2022

Housing NZ Lands for Ngāt Hei Redress

Map ID Parcel ID Legal Description

5328 4427320 Lot 1 DPS 80397
5331 4511701 Lot 3 DPS 80397
5333 4433570 Lot 7 DPS 80397
5338 4511702 Lot 5 DPS 80397
5340 4348599 Lot 2 DPS 80397
5345 4276889 Lot 4 DPS 80397
5355 4278555 Lot 6 DPS 80397
5981 4438492 Lot 33 DPS 2150
6043 4374917 Lot 33 DPS 10927
Lot 28 DPS 22947

Landbank Lands for Ngāt Hei Redress

Map ID OTS ID Legal Description

1272 1210 Lot 1-2 DPS 2129

1277 971 Lot 2 DPS 70434

1300 1136 Sec 8 Blk X Tairua SD

Landcorp Lands for Ngāt Hei Redress

Map ID Parcel ID Legal Description

372 4305084 Lot 2 DPS 83791, Lot 1 DPS 84850, Sec 2 SO 58920

LINZ Lands for Ngāt Hei Redress

Legal Description Area (ha) LINZ Appellation

0.4100 Ramarama No.1

Pt Kuaotunu 1B, 1C, 2A1, 1.8000, Parts Kuaotunu 1c Blk, Part Kuaotunu 1b, Parts Kuaotunu 2a1, Sectiontion

136 Blk li Otama SD

0.6815 Owera No.2

0.1902 Waitekuri No.1

Crown Land Survey Office Plan 47984, 0.2053, Stopped Road (SO 47984), Block VIII, Coromandel SD

1.4745, Otanguru - Owera Blk MI, 22046

Otanguru 1, 0.5153 Otanguru No.1

Closedc Road Survey Office Plan 42841, 0.1012, Closed Road On SO 42841, Block XI, Otama SD

3.3058, Part Ounuora No. 2 Block, Block VI, Hastings SD

Closed Road Survey Office Plan 42295, 0.1265, Closed Road (SO 42295), Block IV, Whitianga SD

0.1872, Part Te Puia Blk VII A, Whitianga SD

Pt Sec 20, Blk IX Whitianga SD, 0.0632, Parts Sectiontion 20, Block IX, Whitianga SD, SO 32142

Pt Sec 1, 5, Sec 2, 4 SO58388, 11.1120, Section 1, 2, 3, 4 & 5, SO 58388

0.3260 Section 3 SO 59975

Closed Road Survey Office Plan 38914, Closed Road Survey Office Plan 41684, 6.6166

Closed Roads (3 Parts On SO 38914 & SO 41684) Formerly Parts Tairua Block

Crown Land Survey Office Plan 18632, 0.7208, Part Tairua Block (SO 18632), Block III, Tairua SD

Crown Land Survey Office Plan 18632, 1.1761, Part Tairua Blk (SO 18632), Blk III, Tairua SD

Sec 27 Hikuai Settlement, 0.4553, Section 27, Hikuai Settlement, Block III Tarua SD

Sec 38 Blk II Tairua SD, 16.6250, Section 38, Block II, Tairua SD

Closed Railway Survey Office Plan 12046J, 3.3058, Part Ounuora No. 2 Block, Block VI, Hastings SD

MAF Properties for Ngāt Hei Redress

MoF Office, Moewai Road, Whitianga LOT 1 DP 326615

Maritime Properties for Ngāt Hei Redress

Map ID Parcel ID Legal Description

384 4941800 Lot 1 DP 202407

385 4521665 Ohinau Island Survey Office Plan 48204

Pacific Ocean, Ohinau Group.

NZ Fire Serv. Lands for Ngāt Hei Redress

Address Purpose

28 Banks Street, Cooks Beach Fire Service
54 Hahei Beach Road, Hahei Fire Service
233 Main Road, Tairua Fire Station
60 Jubilee Drive, Pauanui Fire Service
201 B Matarangi Drive, Matarangi. Fire Service
386 Mangakahia Drive, Whangapoua Fire Service
13 Black Jack Road, Kuaotunu Fire Service
22 & 24 Monk Street, Whitianga Fire Service
Cnr Kupe Drive and Joan Gaskell Drive, Whitianga Fire Service

NZ Post Lands for Ngāt Hei Redress

Parcel ID Legal Description Area (ha)

4396821 Sec 1 SO 57469 0.0836
Pt LOT 76 DP 95 0.0197
LOT 3 DPS 11402 0.0809

NZTA Lands for Ngāt Hei Redress

Map ID Parcel ID Legal Description

2543 4513228 Sec 26 Blk II Whitianga SD
2880 4322004 Sec 2 SO 59975

NZ Police Lands for Ngāt Hei Redress

Map ID Legal Description Area (Ha)

1063 Lot 55 DPS 2002 0.0811
Lot 71 DP 95 0.0417
Lot 72 DP 95 0.0372
Lot 75 DP 95 0.0395
Pt Lot 76 DP 95 0.0197
Lot 56 DPS 2002 0.0811

Tert. Educ. Lands for Ngāt Hei Redress

Parcel ID Legal Description Area (ha)

4360986 Lot 21 DPS 23417 0.6278
See Map fig. Whanga a Hei (Museum Endow.) approx. 2000

APPENDIX 4

RESOURCES EXTRACTED FROM THE NGĀTI HEI ROHE

Ngāti Hei believe that they, and the natural environment of their rohe, suffered severe impact by timber felling, associated sawmilling and river flotation, digging for Kauri gum, and extractive gold-mining activities. The cumulative effect of these extractive industries, Ngāti Hei argue, left them marginalised and impoverished, with little traditional means of sustenance nor with tradable resources to engage in the emerging colonial economy.

Timber milling

Kauri timber resources were extensive from Whangapoua to Wharekawa Harbour and were systematically worked from 1830 to the closure of Kauri Timber Company milling operations in 1922.⁵

Around Whitianga it has been estimated that 230 million super feet of kauri passed through the Kauri Timber Company mill alone. In addition, 180 million feet were towed away in rafts, and 150 million feet were cut at Mill Creek. This totals around 560 million feet of timber. In 1983 the New Zealand Forest Service gave an estimate value of \$100 per \$100 super feet of kauri, which amounts to around \$560 million for these forests at 1983 prices.

At Tairua the first sawmill was established by Richard Seccombe in 1864, known as the Tairua Timber & Sawmill Company. Early production figures were not available, but James Mackay reported in 1870 that 3 million feet of timber were cut annually, at a value of £13,500 pounds.⁶ Between 1864 and 1870 a total figure of 15 million feet of timber has been estimated to have been extracted. A further estimation has been made that around 3 million feet of timber were extracted each year from the Tairua area through the late 1870s and 1880s, with a total extraction of around 150 million feet of timber by 1909, when the last mill closed. Kauri timber was also used for the construction of dams.

Two mills were established at Whangapoua, one at Waikauri on the Opera Block in 1862 (Craig's Mill), and one at Maungatapu in 1865 (Harris' Mill). Both mills worked extensive areas around Whangapoua Harbour, later supplying the mills in Auckland and the mining industry in Thames and further afield. Meagre figures are available for the output from these two mills, which finally ceased operations in the 1920s. The Craig mill was estimated to process between 100,000 to 120,000 feet per week.⁷ For a period of just over sixty years, production can be estimated at around 300 million feet for one mill.

Kauri gum

The first export of gum from our district to London occurred in 1846. Over fifty years, 100,000 tons were exported from Gometown (Coroglen), at a value estimated at £5 million. East Coast fossil gum was much sought after and commanded far higher prices than Northland gum. In addition, Tairua production also was estimated to be 3000 tons per year in the heyday of digging. Gum-digging tailed off in 1914 because of falling prices and the utilisation of alternative synthetics for varnish and linoleum manufacture.

Gold

Gold was first discovered in Kuaotunu in 1889, and subsequently from Opiitonui in the north to Tairua,

⁵ See A.H. Reed, *The New Story of the Kauri*, 1964 edition

⁶ AJHR 1875, C3-A, p.2, Enclosure 1

⁷ Graeme Lay, *Whangapoua: Harbour of the Shellfish*, 2009, p.55

Wharekawa, Whangamata and Neavesville in the south between 1893 and 1895. The 'boom and bust' nature of these ventures was determined by gold recovery, available investor capital, expenditure and returns.

For the main goldfields at Kuaotunu and Tairua, it has been estimated that 94,454 ozs of gold were extracted at a value of £225,285.⁸ In the Whangapoua-Opitonui area, bullion of 11,000ozs is recorded as having been extracted from the Hilda, Maiden and RaNgātra reefs. At Coroglen (Gumtown) the principle claims were Welcome Jack, Big Beetle, Kapowai and Golden Reefs, which produced a total output of about 6,000ozs of gold. Around Tairua, the Broken Hills, Golden Hills, and Tairua Consolidated produced around 55,000ozs of gold.⁹

In total, an estimate can be made that the total gold production in the Ngāt Hei rohe came to around 166,454ozs. With gold prices of \$502 per ounce in 1983, the value would be \$83 million. For present prices, a value of around \$250 million can be estimated.

⁸ R.A. Simpson, *This is Kuaotunu*, 1955

⁹ Tony Nolan, *Historic Gold Trails of the Coromandel*, 1977, p.74

Te Tiriti o Waitangi (The Text in Maori)

Preamble

Ko Wikitoria, te Kuini o Ingarani, i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga, me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira hei kai wakarite ki nga Tangata maori o Nu Tirani-kia wakaaetia e nga Rangatira maori te Kawanatanga o te Kuini ki nga wahikatoa o te Wenua nei me nga Motu-na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana.

Na, kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aiane, amua atu ki te Kuini e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

Ko te Tuatahi

- Ko nga Rangatira o te Wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu-te Kawanatanga katoa o o ratou wenua.

Ko te Tuarua

- Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu-ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te Wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua-ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko te Tuatoru

- Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini-Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(Signed) WILLIAM HOBSON,
Consul and Lieutenant-Governor.

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.
Ko nga Rangatira o te wakaminenga.

The Treaty of Waitangi (The Text in English)

Preamble

HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands—Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

Article The First

- The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

Article The Second

- Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article The Third

- In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

W. HOBSON Lieutenant Governor.

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof: in witness of which we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi this Sixth day of February in the year of Our Lord One thousand eight hundred and forty.

[Here follow signatures, dates, etc]