



# Deed of Settlement

BETWEEN THE CROWN AND NGĀTI MARU

## General background

The rohe of Ngāti Maru extends from Matakana Island in the south to Matakana in the north.

Ngāti Maru is one of the iwi of:

- the Marutūāhu Collective
- Ngā Mana Whenua o Tāmaki Makaurau (Tāmaki Collective), and
- the Hauraki Collective.

Ngāti Maru has received collective redress through the Tāmaki Collective Redress Deed and will receive collective redress through the Pare Hauraki Collective Redress Deed. It is also intended Ngāti Maru will receive redress through the Marutūāhu Iwi Collective Redress Deed.

On 10 February 2010, the Crown acknowledged the appointment the interim negotiators to represent Ngāti Maru. On 20 June 2011, the Crown formally recognised the mandate of the Ngāti Maru negotiators to negotiate a comprehensive settlement of the historical Te Tiriti o Waitangi/The Treaty of Waitangi claims of Ngāti Maru. The mandated negotiators and the Crown entered into an agreement in principle equivalent on 22 July 2011. The Ngāti Maru post-settlement governance entity, the Ngāti Maru Rūnanga Trust, was successfully ratified between in August 2012.

On 8 September 2017, Ngāti Maru and the Crown initialled the Ngāti Maru Deed of Settlement (Ngāti Maru Deed). The Ngāti Maru Deed is subject to ratification by the members of Ngāti Maru and conditional on the enactment of the settlement legislation.

The Office of Treaty Settlements, with the support of the Department of Conservation, Land Information New Zealand and other government agencies, represented the Crown in day-to-day negotiations.

The Minister for Treaty of Waitangi Negotiations represented the Crown in high-level negotiations with Ngāti Maru.

## Summary of the historical background to the claims by Ngāti Maru

Prior to European settlement, Ngāti Maru occupied a broad area reflected in the tribal saying 'mai Matakana ki Matakana' - from Matakana in Tauranga Moana to Matakana in Mahurangi (north of modern day Auckland).

In 1840, some Ngāti Maru rangatira signed Te Tiriti o Waitangi/The Treaty of Waitangi at Karaka, Coromandel, Mercury Island and Tauranga Moana, while others chose not to sign.

In the early 1840s, the Land Claims Commission investigated several pre-Treaty transactions involving Ngāti Maru, including the large Tāmaki Block. Ngāti Maru consider these compacts were made to foster mutual and reciprocal relationships and obligations with settlers, rather than being simple alienations. The Commission recommended one-third of the Tāmaki Block be returned to Māori, but the Crown did not do this, instead taking the majority of the block as 'surplus land'. The Crown also took surplus land from pre-emption waiver transactions that occurred between settlers and Ngāti Maru in the 1840s.

Crown purchasing in the Ngāti Maru rohe commenced in 1841 with the 220,000 acre Mahurangi and Omaha transaction. No reserves were set aside for Ngāti Maru from this transaction, nor from the subsequent Kohimarama purchase. Land at Blackett's Point, including Mechanics Bay, in Auckland was never reserved for Ngāti Maru and other Marutūāhu iwi as planned, but was instead used as an endowment for all Māori and other 'poor people'.

Following the discovery of gold in the Coromandel, the Crown negotiated various transactions with iwi of Hauraki, including Ngāti Maru, to allow mining of Māori owned land while Māori maintained ownership of their land. These transactions allowed the Crown to manage the goldfields and lease land to miners on behalf of Ngāti Maru. Although gold mining declined after the 1860s, the Crown did not relinquish control of the goldfields, continuing to issue leases until the late 1920s. The Crown also failed to ensure that Ngāti Maru received market rents for their land.

In July 1863, the Crown invaded the Waikato when its forces crossed the Mangatawhiri Stream and waged war in lands in which Ngāti Maru have customary interests. A number of Ngāti Maru rangatira fought against the Crown during the war, while others did not. In October 1863, the Crown blockaded Tīkapa Moana with warships, intercepting and searching Ngāti Maru vessels without cause. The Crown also confiscated large amounts of land in which Ngāti Maru had customary interests, including land in the East Wairoa, Central Waikato and Tauranga raupatu blocks. Although Ngāti Maru received some payment for some of this land, land containing pā and urupā was not returned as the Crown had agreed.

From 1865, the native land laws provided for the individualisation of Māori land tenure. Individualisation of title made Ngāti Maru lands more susceptible to alienation. Over the following century, remaining Ngāti Maru land passed through the Native Land Court, incurring significant costs for the iwi. The Crown failed to stem the loss of Ngāti Maru lands, including ongoing Crown acquisitions, despite being made aware of the small amount of land remaining in Māori ownership, for example by the 1908 Stout-Ngata Commission. Almost all Ngāti Maru land was subsequently alienated.

Crown public works schemes impacted on Ngāti Maru lands and waterways. Between 1908-1919, the Crown acquired nearly 2,700 acres of land in the Ngāti Maru rohe for a project to drain and develop the Hauraki wetlands. Over the following decades the Crown altered the waterways, drained the wetlands and changed the course of the Waihou and Piako rivers.

By 1939, over 90 percent of Hauraki land had been alienated and today Ngāti Maru retain only a fragment of their original rohe. Ngāti Maru have experienced poorer health, higher unemployment and a lower median annual income than the general population, and the number of Te Reo Māori speakers has declined dramatically.

## Ngāti Maru Deed overview

The Ngāti Maru Deed is the final settlement of all historical Te Tiriti o Waitangi / Treaty of Waitangi claims of Ngāti Maru resulting from acts or omissions by the Crown prior to 21 September 1992, and is made up of a package that includes:

- an agreed historical account, Crown acknowledgments and Crown apology;
- cultural redress; and
- financial and commercial redress.

The elements of the settlement will be available to all members of Ngāti Maru wherever they may live.

## Crown acknowledgements and apology

The Deed contains acknowledgements that the cumulative effect of the Crown's actions and omissions, including confiscations, operation and impact of the native land laws and continued Crown purchasing, has left Ngāti Maru virtually landless and undermined their economic, social and cultural development. The Crown's failure to ensure that Ngāti Maru retained sufficient land for their present and future needs was a breach of Te Tiriti o Waitangi / The Treaty of Waitangi and its principles.

The Deed also includes a Crown apology to Ngāti Maru for its failure to protect them from rapid alienation of land in the decades following the signing of Te Tiriti o Waitangi / The Treaty of Waitangi, its invasion of lands and confiscations, and the enactment of laws and policies that have led to the loss of whenua and te reo Māori. The Crown unreservedly apologises for its breaches of Te Tiriti o Waitangi / The Treaty of Waitangi and its principles.

## Cultural redress

The cultural redress package for Ngāti Maru recognises the spiritual, cultural, customary, traditional and historical relationships of Ngāti Maru with areas owned by the Crown within their rohe.

## Areas vested in Ngāti Maru

A total of 40 areas will be vested in fee simple in Ngāti Maru as follows:

To Ngāti Maru on an exclusive basis:

1. Danby Field property (0.2168 ha) as a local purpose (esplanade) reserve and subject to an encumbrance
2. Dickson Park property (28.39 ha) as a recreation reserve and subject to an encumbrance
3. Hikurangi (14.7 ha) subject to a conservation covenant
4. Kauaeranga River Mouth (0.3880 ha)
5. Kauaeranga site A (1.75 ha)
6. Kauaeranga site B (18.3 ha) as a scenic reserve
7. Kaitarakihi (8.834 ha) subject to encumbrances
8. Muriwai site A (5.6 ha) subject to encumbrances
9. Muriwai site B (106 ha) as a recreation reserve and subject to encumbrances
10. Manaia (103.9 ha) subject to an encumbrance
11. Maungakawa (10.2 ha) as a scenic reserve and subject to an encumbrance
12. Motutapere (12.3 ha) subject to encumbrances
13. Ngapuketuru (13.1 ha) subject to an encumbrance

14. Ohui (175.962 ha) as a scenic reserve
15. Okaharoa Ma Raki (30.3 ha) as a recreation reserve subject to encumbrances
16. Omahu (29.2 ha) as a scenic reserve
17. Pānehenehe (10.5 ha) subject to an encumbrance
18. Pohutakawa property (0.82 ha) as a recreation reserve
19. Puketaioko (67.5 ha) subject to an encumbrance
20. Ruahine property (26.5785 ha) as a scenic reserve
21. Tararu site A (15 ha)
22. Tararu site B (135 ha) as a scenic reserve
23. Tararu Maunga (10.4 ha) subject to an encumbrance
24. Te Akau Wharekawa (5 ha) as a recreation reserve
25. Te Ipuomoehau (10.1 ha) subject to an encumbrance
26. Te Whakairi (66.3 ha) subject to an encumbrance
27. Te Wharau (43.8863 ha) as a scenic reserve
28. Te Wharepoha ō Mahu (41.6 ha) subject to an encumbrance
29. Turaki Tohorā (5.1 ha) as a recreation reserve

To Ngāti Maru on a shared basis with other iwi:

30. Ngā Tukituki a Hikawera (8.7 ha) subject to an encumbrance (jointly with Ngāti Tamaterā & Ngāti Rāhiri Tumutumu)
31. Orongo property (1.3 ha) (jointly with Hako)
32. Paewai (2 ha) subject to an encumbrance (jointly with Ngāti Tamaterā)
33. Pauanui Tihi (10 ha) as a scenic reserve (jointly with Ngāti Hei)
34. Pukehangi Maunga (14.3 ha) subject to an encumbrance (jointly with Hako)
35. Pukewhakataratara (19 ha) subject to encumbrances (jointly with Ngāti Tamaterā)
36. Takaihuehue (2.9 ha) (subject to an encumbrance joint with Ngāti Tamaterā)
37. Tangitū (7.5 ha) subject to encumbrances (jointly with Ngāti Tamaterā & Ngāti Rāhiri Tumutumu)
38. Tiroa (2 ha) as a scenic reserve (jointly with Ngāti Tamaterā)
39. Te Tihi o Hauturu (10 ha) subject to an encumbrance (jointly with Ngāti Tamaterā & Ngāti Pūkenga)
40. Whakamoehau (22.2 ha) subject to an encumbrance (jointly with Ngāti Tamaterā).

## Area to be vested and vested back to the Crown

Within one year from settlement date, Repanga (Cuvier) Island Nature Reserve will be vested jointly in the governance entities of Ngāti Maru, Ngāti Tamaterā, Ngaati Whanaunga and Ngāti Hei who will vest it back seven days later to the Crown for the people of New Zealand.

## Overlay classification

An overlay classification acknowledges the spiritual, cultural, customary, traditional and historical relationship of Ngāti Maru with certain areas of significance. The Ngāti Maru Deed provides a joint overlay classification over the Repanga (Cuvier) Island Nature Reserve in favour of Ngāti Maru, Ngāti Tamaterā, Ngaati Whanaunga and Ngāti Hei.

The Crown will acknowledge the statement of values of Ngāti Maru in

relation to the Repanga (Cuvier) Island Nature and will take action in relation to a joint set of protection principles agreed between Ngāti Maru, Ngāti Tamaterā, Ngaati Whanaunga and Ngāti Hei.

## Statutory acknowledgements

A statutory acknowledgement recognises the association between Ngāti Maru and a particular area and enhances the ability of the iwi to participate in specified resource management processes. The Crown offers a statutory acknowledgement over the following areas:

- Mercury Islands;
- Ngahue Reserve; and
- Whangapoua Conservation Area (Aotea).

## Deed of recognition

Deeds of Recognition oblige the Crown to consult with Ngāti Maru on specified matters and have regard to their views regarding their special associations with certain areas. The Crown offers a deed of recognition over the Whangapoua Conservation Area (Aotea/Great Barrier Island).

## Ruamaahua

The Crown will consider the operation of the Grey-Faced Petrel (Northern Muttonbird) Notice 1979 as it applies to Ruamaahua regarding its alignment with the current tītī season. The Crown intends that any redress over Ruamaahua provided in a Treaty settlement will include Ngāti Maru.

## Ahuahu/Great Mercury Island

The Crown intends that any redress over Crown owned land on Te Ahuahu/Great Mercury Island provided in a Treaty settlement will include Ngāti Maru.

## Relationships

### PROTOCOLS, RELATIONSHIP AGREEMENT

The Deed will provide for the Minister for Culture, Arts and Heritage and the Minister for Primary Industries to issue protocols that set out how their respective agency will interact with and consult Ngāti Maru governance entity when carrying out statutory duties and functions.

The Ngāti Maru governance entity will enter into a conservation relationship agreement with the Department of Conservation that will outline how the Department of Conservation will engage with Ngāti Maru.

### PROMOTION OF RELATIONSHIPS

The Minister for Treaty of Waitangi Negotiations will write to a number of local authorities, Museums and Crown agencies to raise the profile of Ngāti Maru, advise them of matters of particular importance to Ngāti Maru and encourage them to better engage with them.

## Financial and commercial redress

This redress recognises the losses suffered by Ngāti Maru from breaches by the Crown of its Treaty obligations. The financial and commercial redress is aimed at providing Ngāti Maru with resources to assist them to develop their economic and social well-being.

The total financial redress amount for Ngāti Maru is \$27.8 million plus interest.

## Financial redress

This includes:

- \$1,830,000 being the agreed portion of the agreed transfer values of 2 properties received by the Marutūāhu Iwi through the Marutūāhu Iwi Collective Redress Deed;
- \$2,025,729 being the transfer value of nineteen properties received by Ngāti Maru (either on an exclusive basis or shared with other iwi) on-account of the settlement via the Pare Hauraki Collective Redress Deed;
- \$19,615,000 paid on-account for the Ngāti Maru share of the Pouarua Dairy Complex purchase; and
- \$500,000 cash transferred to Ngāti Maru in August 2014 on-account of the settlement. Interest is also paid on financial redress.

## Commercial redress

On settlement date, Ngāti Maru will receive title to the following commercial properties:

1. Danby Field School site (land only)
2. Thames Hardstand Area
3. Former Thames Rail Land
4. Port Jackson Recreation Reserve.

Ngāti Maru will also have the right to purchase the following properties:

1. Thames District Court (land only)
2. Te Wharekura o Manaia school (land only) - joint right to purchase
3. Tairua School (land only) - joint right to purchase
4. Joint second right to purchase the Pouarua Peat Block
5. Kopu
6. Patutahi
7. 10 hectares of Tararu Conservation Area
8. Joint right of first refusal for 16 Crown properties on Aotea / Great Barrier Island.

## Collective redress

As a member of Ngā Mana Whenua o Tāmaki Makaurau, Ngāti Maru has received collective redress as part of the Tāmaki Collective Redress Deed. Ngāti Maru will also receive collective redress as part of the Pare Hauraki Collective Redress Deed which includes collective cultural and commercial redress. The details of the redress can be found in the Pare Hauraki Collective Redress Deed settlement summary. It is also intended Ngāti Maru will receive redress through the Marutūāhu Collective Redress Deed.

## Minerals

Ownership of any Crown-owned minerals in land transferred to Ngāti Maru will also transfer to Ngāti Maru. This does not include nationalised minerals (petroleum, gold, silver and uranium) or affect other lawful rights to subsurface minerals.

All land which is currently subject to Schedule 4 protection will continue to be subject to the same type of protection once owned by iwi.

## Tikapa Moana/Hauraki Gulf and Te Tai Tamahine/Te Tai Tamawahine

The settlement does not provide for redress in relation to Tikapa Moana/Hauraki Gulf and Te Tai Tamahine/Te Tai Tamawahine. The Crown and Ngāti Maru have agreed to conduct separate negotiations in the future to discuss potential cultural redress in relation to these areas.

## Questions and Answers

### 1. What is the total settlement package?

- Crown acknowledgements and apology for historical breaches of the Treaty of Waitangi;
- an agreed historical account;
- cultural redress including the vesting of a number of areas in the Ngāti Maru rohe and relationship redress; and
- financial and commercial redress of \$27.8 million; and
- commercial redress involving the transfer of Crown properties and right to purchase Crown properties.
- Ngāti Maru will also receive collective redress as part of the Pare Hauraki Collective Redress Deed. It is also intended Ngāti Maru will receive redress through the Marutūāhu Collective Redress Deed.

### 2. Is there any private land involved?

No.

### 3. Are the public's rights affected?

In general, public access, recreational use, reserve status and existing third-party rights are maintained. Fifteen hectares of the 150 hectare transfer site at Tararu (Tararu site A) will transfer unencumbered and a 16.8 hectare area which is currently recreation reserve (part Port Jackson Recreation Reserve) will transfer as fee simple subject to a restrictive building covenant.

### 4. Are any place names changed?

No.

### 5. What is an overlay classification?

An overlay classification acknowledges the traditional, cultural, spiritual and historical association of an iwi with certain sites of significance administered by the Department of Conservation.

An overlay classification status requires the Minister of Conservation and the settling group to develop and publicise a set of principles that will assist the Minister to avoid harming or diminishing values of the settling group with regard to that land. The New Zealand Conservation Authority and relevant Conservation Boards will also be required to have regard to the principles and consult with the settling group.

### 6. What is a statutory acknowledgement?

A statutory acknowledgement acknowledges areas or sites with which iwi have a special relationship, and will be recognised in any relevant proceedings under the Resource Management Act 1991. These provisions aim to avoid past problems where areas of significance to Māori, such as burial grounds, were simply cleared or excavated for public works or similar purposes without permission or consultation with iwi. A statutory acknowledgement does not convey a property right and is non-exclusive.

### 7. What happens to memorials on private titles?

The legislative restrictions (memorials) placed on the title of Crown properties and some former Crown properties now in private ownership will be removed once all Treaty claims in the area have been settled.

### 8. When will the settlement take effect?

The settlement will take effect following the enactment of the settlement legislation.

### 9. Do Ngāti Maru have the right to come back and make further claims about the behaviour of the Crown in the 19th and 20th centuries?

No. When the Deed is signed and settlement legislation is passed it will be a final and comprehensive settlement of all historical (relating to events before 21 September 1992) Treaty of Waitangi claims of Ngāti Maru. The settlement legislation, once passed, will prevent the iwi re-litigating the claim before the Waitangi Tribunal or the courts.

The settlement will still allow Ngāti Maru to pursue claims against the Crown for acts or omissions after 21 September 1992 including claims based on the continued existence of aboriginal title of customary rights. The Crown also retains the right to dispute such claims or the existence of such title rights.

### 10. Who benefits from the settlement?

All members of Ngāti Maru wherever they may now live.

This and other settlement summaries are also available at [www.govt.nz](http://www.govt.nz)