



# Deed of Settlement

BETWEEN THE CROWN AND NGĀTI TAMAHOHO

## Background

Ngāti Tamaoho is a Waikato-Tainui hapū and are beneficiaries of both the Waikato Raupatu Claims Settlement Act 1995 (Waikato Raupatu Act) and the Waikato River Settlement Act 2010 (Waikato River Act). Ngāti Tamaoho have three marae represented on Te Kauhanganui (the Waikato-Tainui Parliament).

The Ngāti Tamaoho area of interest includes the Manukau Harbour and extends to Franklin, the Hūnua Ranges, Awhitū Peninsula, the Waikato wetlands, Tīkapa Moana (Firth of Thames) and north to central Auckland including Remuera and Ellerslie. Historically the tribe also maintained ancestral connections (through their Ngariki and Ngaiwi antecedents) with the North Shore and Waiheke Island.

In April 2010, the Crown recognised the mandate of the Ngāti Tamaoho Trust (the Trust) to represent Ngāti Tamaoho in negotiating a comprehensive historical Treaty settlement. The Trust and the Crown signed Terms of Negotiation in October 2010. An Agreement in Principle was signed in December 2012.

In June 2012, the Trust established the post-settlement governance entity (PSGE) Ngāti Tamaoho Settlement Trust, to enable effective participation in the Ngā Manawhenua o Tāmaki Makaurau collective Deed of Settlement process. Ngāti Tamaoho signed the Tāmaki Collective Deed on 8 September 2012.

On 9 December 2016, Ngāti Tamaoho and the Crown initialled a Deed of Settlement. The deed was signed on 30 April 2017.

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

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

Prior to 1840, Ngāti Tamaoho rangatira sought to develop commercial relationships with Pākehā settlers by entering into land transactions with them. After Crown-appointed Old Land Commissioners investigated these pre-Treaty transactions, the Crown granted land to Pākehā settlers but retained 400 acres of 'surplus' land in which Ngāti Tamaoho had interests.

After the signing of Te Tiriti o Waitangi/the Treaty of Waitangi in 1840, Ngāti Tamaoho continued to seek new economic opportunities by selling land to the Crown. Ngāti Tamaoho rangatira also sold land in Remuera directly to Pākehā after the Crown temporarily waived pre-emption in 1844. Despite Crown assurances that one tenth of pre-emption waiver sales lands would be retained for public purposes and the benefit of Māori, the Crown failed to reserve most of the tenths. The benefits that the Crown led Ngāti Tamaoho to expect from selling land were not always realised. Crown purchasing activities also contributed to tension, and ultimately armed conflict, between Ngāti Tamaoho and neighbouring iwi.

In the 1840s and 1850s, Ngāti Tamaoho rangatira were recognised as being friendly to Pākehā, and were reasonably successful in engaging with the emerging Pākehā economy. Although Ngāti Tamaoho shared Kingitanga aspirations, they did not believe these were incompatible with loyalty to the Crown.

In July 1863, the Crown required Māori in the South Auckland region to swear an oath of allegiance or vacate their settlements. The Crown did not give Ngāti Tamaoho sufficient time to understand the oath and, despite Ngāti Tamaoho never having been in rebellion, Crown troops burned buildings and looted property at Pokeno prior to the invasion of Waikato. The Crown unfairly labelled most Ngāti Tamaoho as 'rebels', evicted them from their settlements, and confiscated most of their remaining lands.

After the Waikato war, the Crown considered the majority of Ngāti Tamaoho ineligible for compensation. The Crown made small land grants and payments to one 'loyal' Ngāti Tamaoho rangatira, and set aside three reserves from a Crown purchase for the few Ngāti Tamaoho people who the Crown considered had not been in rebellion. The title to these reserves was later individualised and they were subsequently alienated. Other Ngāti Tamaoho were allowed to occupy two reserves but lived for decades in a state of uncertainty because of the unclear legal status of these lands. Grants were formalised in 1915 and 1949 but the fragmentation of titles over time limited their owners' ability to use their land productively and contributed to significant portions later being alienated.

By 1900, Ngāti Tamaoho were virtually landless. Many experienced severe social and economic marginalisation and deplorable housing conditions. Māori children experienced discrimination and segregation at a state-run school in Pukekohe.

Pākehā settlement in the Ngāti Tamaoho rohe resulted in significant environmental modifications over which Ngāti Tamaoho exercised little control. Introduced flora and fauna adversely affected traditional Ngāti Tamaoho resources like eels, while dam construction and wetlands reclamation resulted in significant environmental damage.

## Summary of the settlement between the Crown and Ngāti Tamaoho

### Overview

The Ngāti Tamaoho Deed of Settlement is the final settlement of all historical Treaty of Waitangi claims of Ngāti Tamaoho resulting from acts or omissions by the Crown prior to 21 September 1992 and is made up of a redress package that includes:

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

The settlement redress will be available to all members of Ngāti Tamaoho, wherever they may live.

### Crown acknowledgements and apology

The Deed of Settlement contains acknowledgements that historical Crown actions or omissions caused prejudice to Ngāti Tamaoho or breached the Treaty of Waitangi and its principles.

The Deed of Settlement also includes a Crown apology to Ngāti Tamaoho for its acts and omissions which breached the Crown's obligations under the Treaty of Waitangi and for the damage those actions or omissions caused to Ngāti Tamaoho. These include the pressure applied to Ngāti Tamaoho to sell land, the branding of 'rebels' thus alienating them from the ability to retain kaitiaki of their rohe, the failure to protect Ngāti Tamaoho tribal structures, and the failure to protect Ngāti Tamaoho from becoming virtually landless.

### Cultural redress

The deed includes a cultural redress package intended to recognise the traditional, historical, cultural and spiritual associations of Ngāti Tamaoho, including places and sites owned by the Crown within their area of interest. This allows Ngāti Tamaoho and the Crown to protect and enhance the conservation values associated with these sites.

#### VESTING OF SITES

The following sites of cultural significance will be vested in the Ngāti Tamaoho Settlement Trust on the settlement date:

- Clark's Creek property
- Karaka property
- Waitete Pā property, to be administered as an historic reserve.

#### HŪNUA FALLS

The Deed of Settlement also provides for the joint vesting of a Hunua Falls property in the Ngāti Tamaoho Settlement Trust, the Ngāi Tai ki Tāmaki Trust, and the PSGEs for Ngaati Whanaunga and Ngāti Koheriki. The Hunua Falls property is to be a scenic reserve named Hunua Falls Scenic Reserve and will be administered by the Auckland Council.

#### STATUTORY ACKNOWLEDGEMENTS AND DEED OF RECOGNITION

A statutory acknowledgement recognises the association between Ngāti Tamaoho and a particular site or area and enhances the iwi's ability to participate in specified Resource Management Act 1991 processes.

The Crown offers a statutory acknowledgement over the following areas and waterways:

- Awaroa River and its tributaries
- Awhitu Conservation Area
- Coastal Marine Area
- Drury Conservation Area and Drury Creek Marginal Strip
- Drury Creek Islands Recreation Reserve
- Hingaia Stream and its tributaries
- Hunua Stream and its tributaries
- Karaka Creek and its tributaries
- Kellyville Conservation Area
- Lake Pokorua and Waraha Stream (unnamed) and its tributaries
- Lake Pokorua Conservation Area and Lake Pokorua Marginal Strip
- Maioro Sands Marginal Strip
- Mangatangi Stream and its tributaries
- Mangatawhiri Forest Conservation Area
- Mangatawhiri River and its tributaries
- Maramarua River and its tributaries (excludes Mangatangi Stream and its tributaries)
- Mauku Stream and its tributaries
- Miranda Scientific Reserve
- Mount William Scenic Reserve
- Ngakoroa Stream and its tributaries
- Oira Stream and its tributaries
- Otūwairoa Stream and its tributaries (includes Waipokapū Stream, Mangapū Stream and Waihoehoe Stream)
- Paparimu Conservation Area
- Part Mercer Domain Recreation Reserve (Te Pou o Mangatawhiri)
- Te Maketu Historic Reserve
- Puhitahi Creek and its tributaries
- Raventhorpe Scenic Reserve and Raventhorpe Conservation Area
- Richard Sylvan Memorial Scenic Reserve
- Te Hihi Creek and its tributaries
- Te Toro Recreation Reserve
- Vining Scenic Reserve
- Waipipi Scenic Reserve
- Waipokapū Stream Conservation area
- Wairoa Gorge Scenic Reserve
- Whangamaire Stream and its tributaries
- Whangamarino River and adjacent Whangamarino River Marginal Strip
- Whangapouri Creek and its tributaries.

A Deed of Recognition obliges the Crown to consult with Ngāti Tamaoho 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 following sites:

- Mangatawhiri Forest Conservation Area
- Mount William Scenic Reserve
- Paparimu Conservation Area
- Richard Sylvan Memorial Scenic Reserve
- Te Maketu Historic Reserve
- Vining Scenic Reserve.

#### **GEOGRAPHIC AND CHANGE OF NAMES OF SITES WITHIN CONSERVATION LAND**

Twenty-one geographic place name changes will be made by settlement legislation:

- Pehiakura Lake to Pēhiakura Lake
- Bald Hill to Whakaupoko
- Puhitahi Creek (recorded) to Puhitahi Creek
- naming of an unnamed hill as Tītī
- Maketu Stream to Te Maketu Stream
- Clarks Creek to Whatapaka Creek
- Symonds Stream to Mangapū Stream
- Slippery Creek to Otūwairoa Stream
- Waihoihoi Stream to Waihoehoe Stream
- Hays Stream to Waipokapū Stream
- naming of an unnamed bluff to Te Māunu a Tū Bluff
- naming of 10 unnamed historic sites as:
  - Pōkino Kainga
  - Te Aparangi
  - Kaikākā
  - Pakakina
  - Pēhiakura
  - Puhitahi
  - Purapura
  - Te Iarua
  - Te Teoteo Pā
  - Whatapaka Pā.

The Pratts Road Historic Reserve, a Crown Protected Area, will be renamed to Te Maketu Historic Reserve through the Ngāti Tamaoho settlement legislation.

The name of Hays Stream Conservation Area will be changed to Waipokapū Stream Conservation Area on the settlement date.

#### **OTHER CULTURAL REDRESS**

Ngāti Tamaoho will also receive a payment of \$590,000 for cultural revitalisation.

## **Relationships**

### **PROTOCOLS, RELATIONSHIP AGREEMENTS AND LETTER OF RECOGNITION**

The settlement provides for the Minister of Energy and Resources to issue a protocol setting out how it will interact with and consult Ngāti Tamaoho when carrying out statutory duties and functions.

The Ministry for Arts, Culture and Heritage will issue a protocol setting out how it will interact with and consult Ngāti Tamaoho in relation to taonga tūturu.

Ngāti Tamaoho will enter into relationship agreements with the Minister and Department of Conservation, and the Ministry for the Environment. Ngāti Tamaoho will also receive a Fisheries Letter of Recognition on behalf of the Ministry for Primary Industries. These agreements outline how these agencies will engage with Ngāti Tamaoho including the level of input into sustainability processes and decisions about natural resources.

### **LETTERS OF INTRODUCTION**

The Ngāti Tamaoho Deed of Settlement will recognise 27 letters of introduction to appropriate government departments, local authorities, non-government organisations and museums.

Letters of introduction to the Department of Internal Affairs, the Museum of New Zealand Te Papa Tongarewa, Heritage New Zealand Pouhere Taonga, Ngā Taonga Sound and Vision, Auckland War Memorial Museum and Waikato Museum will recognise the Ngāti Tamaoho aspirations for collaboration with the culture and heritage sector in relation to its cultural interests.

## **Financial and commercial redress**

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

### **FINANCIAL REDRESS**

Ngāti Tamaoho will receive financial redress of \$10.3 million plus interest, less any on-account payments.

Ngāti Tamaoho received an on-account payment of \$2 million following the signing of the Agreement in Principle.

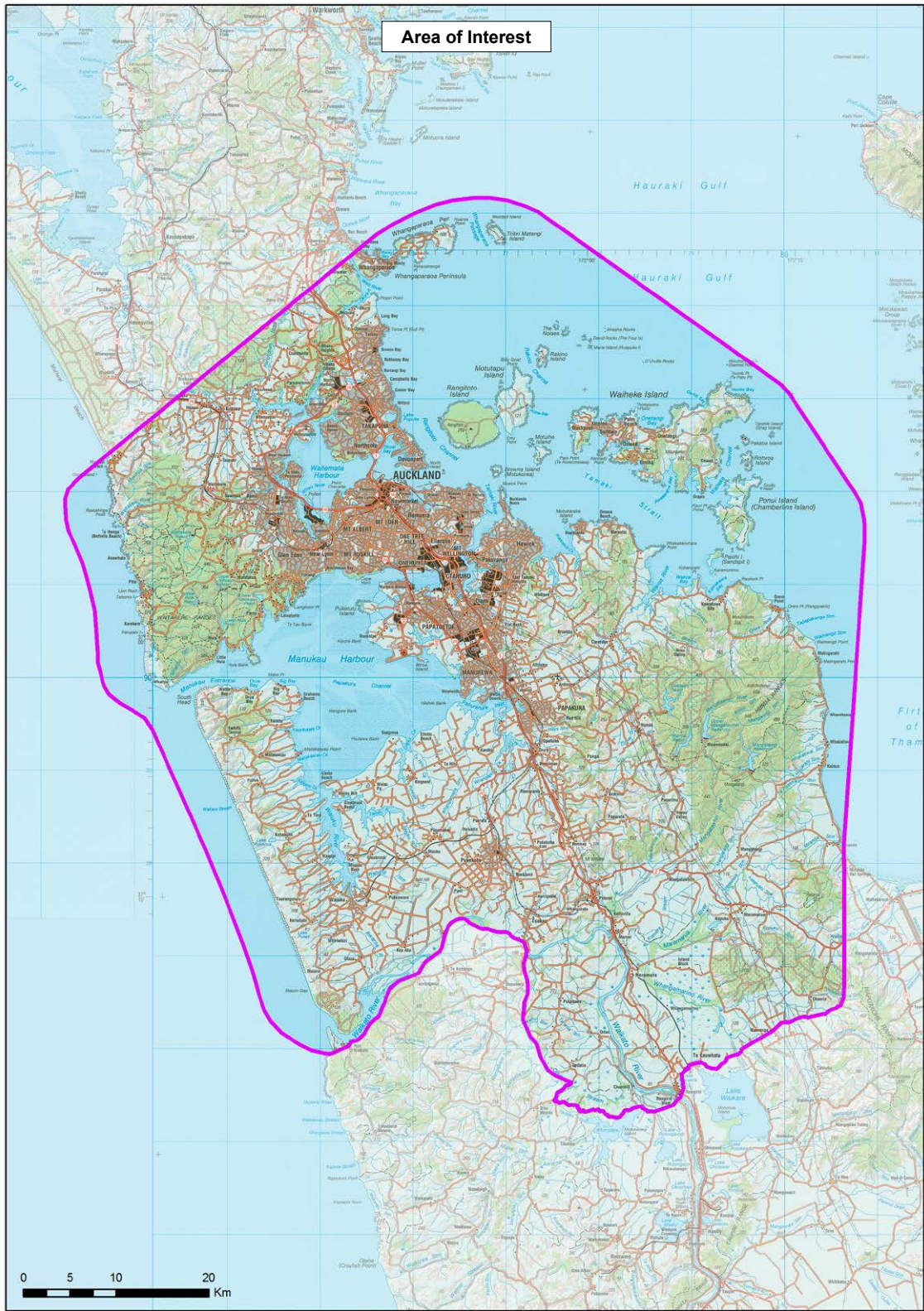
### **COMMERCIAL REDRESS**

Four sites will be transferred to the Ngāti Tamaoho Settlement Trust as commercial redress:

- the former Otara Police Station, at 112 Bairds Road, Otara
- 725 Great South Road, Manukau
- Te Hihi School site and Hunua School sites (sale of the land only, subject to immediate leaseback to the Crown).

The Ngāti Tamaoho Settlement Trust may also have the opportunity to purchase, along with the Ngāi Tai ki Tāmaki Trust and subject to certain conditions, New Zealand Defence Force land at Papakura.





12009600 August 2016

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