

Hon Andrew Little

Minister for Treaty of Waitangi Negotiations

Proactive release – Ngāti Rangitihi deed of settlement; Ngāti Rangitihi: increase in total settlement value

Date of issue: 9 July 2020

The following documents have been proactively released in accordance with Cabinet Office Circular CO (18) 4.

Some information has been withheld on the basis that it would not, if requested under the Official Information Act 1982 (OIA), be released. Where that is the case, the relevant section of the OIA has been noted and no public interest has been identified that would outweigh the reasons for withholding it.

No.	Document	Comments
1	Ngāti Rangitihi deed of settlement <i>Cabinet minute CAB-19-MIN-0537</i> Cabinet Office <i>Meeting date: 21/10/2019</i>	Some information has been withheld because it is out of scope.
2	Ngāti Rangitihi deed of settlement <i>Cabinet Māori Crown Relations – Te Arawhiti Committee minute MCR-19-MIN-0037</i> Cabinet Office <i>Meeting date: 15/10/2019</i>	Some information has been withheld in accordance with the following section of the OIA: <ul style="list-style-type: none">• section 9(2)(j) to enable negotiations to continue.
3	Ngāti Rangitihi deed of settlement <i>Cabinet paper</i> Office for Māori Crown Relations – Te Arawhiti	Some information has been withheld in accordance with the following section of the OIA: <ul style="list-style-type: none">• section 9(2)(j) to enable negotiations to continue.
4	Ngāti Rangitihi: increase in total settlement value <i>Cabinet minute CAB-20-MIN-0096</i> Cabinet Office <i>Meeting date: 16/03/2020</i>	Some information has been withheld because it is out of scope.
5	Ngāti Rangitihi: increase in total settlement value <i>Cabinet Māori Crown Relations – Te Arawhiti Committee minute MCR-20-MIN-0006</i> Cabinet Office <i>Meeting date: 10/03/2020</i>	Some information has been withheld in accordance with the following section of the OIA: <ul style="list-style-type: none">• section 9(2)(j) to enable negotiations to continue.
6	Ngāti Rangitihi: increase in total settlement value <i>Cabinet Māori Crown Relations – Te Arawhiti Committee summary MCR-20-SUB-0006</i>	Some information has been withheld in accordance with the following section of the OIA: <ul style="list-style-type: none">• section 9(2)(j) to enable negotiations to continue.
7	Ngāti Rangitihi: increase in total settlement value <i>Cabinet paper</i> Office for Māori Crown Relations – Te Arawhiti	Some information has been withheld in accordance with the following section of the OIA: <ul style="list-style-type: none">• section 9(2)(j) to enable negotiations to continue.



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Māori Crown Relations: Te Arawhiti Committee: Period Ended 18 October 2019

On 21 October 2019, Cabinet made the following decisions on the work of the Cabinet Māori Crown Relations - Te Arawhiti Committee for the period ended 18 October 2019:

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	out of scope
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	out of scope
MCR-19-MIN-0037	Ngāti Rangitahi Deed of Settlement Portfolio: Treaty of Waitangi Negotiations	CONFIRMED
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	out of scope
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	out of scope

Michael Webster
Secretary of the Cabinet

Hard-copy distribution:
Cabinet Māori Crown Relations: Te Arawhiti Committee



Cabinet Māori Crown Relations - Te Arawhiti Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Ngāti Rangitahi Deed of Settlement

Portfolio Treaty of Waitangi Negotiations

On 15 October 2019, the Cabinet Māori Crown Relations - Te Arawhiti Committee:

Background

1 **noted** that the Crown and Ngāti Rangitahi are close to finalising a deed of settlement package settling the historical Treaty of Waitangi claims of Ngāti Rangitahi;

2

[REDACTED]

9(2)(j)

3 **noted** that in December 2018, Ngāti Rangitahi and the Crown signed an Agreement in Principle;

4 **noted** that, subject to addressing outstanding overlapping interests, the Minister for Treaty of Waitangi Negotiations intends to initial the deed of settlement in December 2019;

Variations to the Cultural Redress

5 **noted** that the final Ngāti Rangitahi settlement package is largely consistent with the Agreement in Principle with one matter requiring Cabinet approval, set out in paragraphs 10 to 16 below;

6 **noted** that variations to the Ngāti Rangitahi cultural redress package detailed in the paper under MCR-19-SUB-0037 have no impact on the total settlement value;

7 **noted** the full redress package detailed in Appendix 2 attached to the paper under MCR-19-SUB-0037;

Tarawera River Restoration

8 **noted** that in November 2016, the previous government agreed to a natural resources negotiation brief for Ngāti Rangitahi input into decision making over the Tarawera River catchment [CAB-16-MIN-0609];

- 9 **noted** that the Agreement in Principle included a commitment for the Crown to explore redress in respect to the Tarawera River and its catchment with Ngāti Rangitihi;

Tarawera Awa Restoration Strategy Group

- 10 **agreed** to establish a Tarawera Awa Restoration Strategy Group that will operate as a permanent joint committee of the Bay of Plenty Regional Council;
- 11 **agreed** that the purpose of the Tarawera Awa Restoration Strategy Group is to support, coordinate and promote the integrated restoration of the mauri/wellbeing of the Tarawera River catchment;
- 12 **agreed** that for the purposes of the Tarawera Awa Restoration Strategy Group the Tarawera River catchment is defined as the catchment downstream of the river outlet at Lake Tarawera, including Te Awa o Te Atua Lagoon at Matakā and the riverbed prior to the existing outlet of the Tarawera River being cut;
- 13 **agreed** that the Tarawera Awa Restoration Strategy Group will develop a restoration strategy that will specify the vision, objectives, and desired outcomes in relation to the Tarawera River catchment;
- 14 **agreed** that local authorities must 'recognise and provide for' the vision, objectives, and desired outcomes of the restoration strategy when preparing, varying, changing or approving regional policy statements, regional plans, and district plans under the Resource Management Act 1991;
- 15 **agreed** when making decisions under the Local Government Act 2002 and the Local Government Act 1974, local authorities must 'take into account' the vision, objectives, and desired outcomes of the restoration strategy;
- 16 **agreed** that the Tarawera Awa Restoration Strategy Group will have equal iwi and council membership with up to twelve members appointed from Ngāti Rangitihi, Ngāti Awa, Ngāti Māhino, Ngāti Tūwharetoa – Bay of Plenty, Ngāti Tarāwhai, Tūhourangi, Bay of Plenty Regional Council, Kawerau District Council, Rotorua Lakes District Council, and Whakatāne District Council;
- 17 **noted** that overlapping groups and district councils are generally supportive of the redress, and that their final agreement will be sought following Cabinet agreement;

Establishment Costs for Tarawera Awa Restoration Strategy Group

- 18 **noted** that in August 2011, the previous government agreed to guidelines determining the level of one-off Crown contribution towards local government costs for new arrangements that better involve iwi in managing natural resources [EGI Min (11) 16/10];
- 19 **noted** that the Minister for Treaty of Waitangi Negotiations has recently confirmed the current framework for contributions to local authorities is generally still fit for purpose but should be applied more systematically;
- 20 **noted** that officials are currently developing a tool to apply the current framework more systematically to be agreed by the Minister of Finance, the Minister for Treaty of Waitangi Negotiations, and the Minister for the Environment;
- 21 **authorised** the Minister of Finance, the Minister for Treaty of Waitangi Negotiations, and the Minister for the Environment to agree the amount of a Crown contribution towards the

establishment costs of the Tarawera Awa Restoration Strategy Group, up to a maximum of \$1.500 million;

- 22 **agreed** that the expenses incurred under paragraph 21 above be charged against the between-Budget contingency established as part of Budget 2019;

Te Tapahoro Recreation Reserve and Campground

- 23 **noted** that in July 2018, Cabinet:

23.1 agreed on a policy for the use of campsites in Treaty settlements;

23.2 approved officials exploring options for ownership arrangements over Te Tapahoro Recreation Reserve and Campground;

23.3 invited the Minister for Treaty of Waitangi Negotiations to submit another paper in due course outlining the final proposal and review mechanisms;

[CAB-18-MIN-0323]

- 24 **noted** that the Minister of Conservation and Minister for Treaty of Waitangi Negotiations have agreed to the title of Te Tapahoro Recreation Reserve and Campground being transferred to Ngāti Rangitihi, with the Crown continuing to administer and operate the Campground, and review provisions for administration and operation;

Waimangu Scenic Reserve

- 25 **noted** that in May 2018, the Cabinet Crown Māori Relations Committee agreed to offer the Waimangu Scenic Reserve as part of the Department of Conservation cultural redress and authorised the Minister for Treaty of Waitangi Negotiations, together with relevant Ministers, to amend or vary the redress offer consistent with the intent of Cabinet's decisions [CMR-18-MIN-0007];

- 26 **noted** that, as a result of overlapping interests, the Minister for Treaty of Waitangi Negotiations and Minister of Conservation have agreed to a revised offer of 50 hectares, and a provision to allow the Ngāti Rangitihi post-settlement governance entity to on-transfer some of their interest to the Tūhourangi post-settlement governance entity;

Overlapping interests

- 27 **noted** that the Crown is offering redress to Ngāti Rangitihi in areas that overlap with the interests of twelve groups;

- 28 **noted** that Ngāti Rangitihi and the Crown have sought feedback and support from these overlapping groups;

- 29 **noted** that six groups have yet to provide final confirmation of whether they support the Ngāti Rangitihi settlement package;

- 30 **noted** that the Minister for Treaty of Waitangi Negotiations will only initial a deed of settlement (the deed) if overlapping interests have been resolved to the Crown's satisfaction;

Conditions of settlement

- 31 **noted** that the settlement is conditional on ratification of the deed by Ngāti Rangitihi and the enactment of settlement legislation to implement certain aspects of the deed;

Financial implications

9(2)(j)

32

[REDACTED]	
[REDACTED]	
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Department of Conservation implementation costs

33 **noted** that the Department of Conservation is currently estimating the implementation costs and will provide the Minister of Finance and the Minister of Conservation (joint Ministers) with the estimate when available;

34 **noted** that:

34.1 after joint Ministers have noted the estimated implementation costs, the Department of Conservation will seek implementation funding for this Treaty settlement through the baseline update process, shortly after the settlement legislation is enacted;

34.2 this is deemed to have no financial implications on the basis that any revenue from Crown land sales funds that would otherwise be available for the purchase of new reserves may be used to offset Treaty of Waitangi settlement implementation costs;

[CAB Min (10) 9/7]

Department of Conservation impairment costs

35 **noted** that the Department of Conservation will confirm impairment costs resulting from this settlement, including through any standard annual revaluation process, after initialling the deed, and will provide the Minister of Finance, Minister for Treaty of Waitangi Negotiations and Minister of Conservation with these costs when they are known;

Delegation to act

- 36 **authorised** the Minister for Treaty of Waitangi Negotiations:
- 36.1 to make a final decision that overlapping interests are addressed to the Crown's satisfaction prior to initialling the deed of settlement;
 - 36.2 jointly, with the Minister for Māori Development, to consider whether the ratification results demonstrate sufficient support from Ngāti Rangitihi for the deed of settlement;
 - 36.3 to sign the deed of settlement on behalf of the Crown should ratification results demonstrate sufficient support from Ngāti Rangitihi;
 - 36.4 together with the Minister of Conservation, Minister for Land Information, Minister of Finance, Minister of Education, Minister of Fisheries, Minister for Arts, Culture and Heritage, Minister of Energy and Resources, the Minister for the Environment, and any other relevant Ministers, to finalise or vary redress relevant to their portfolios within the financial parameters set by Cabinet, to take account of any final issues;
 - 36.5 together with the Minister of Finance and the Minister of Conservation to approve any necessary increases in the Vote Conservation. Impairment of Public Conservation Land once Department of Conservation impairment costs are known.

Rachel Clarke
Committee Secretary

Secretary's note: This minute has been republished to correct the figures in paragraph 32.

Present:

Rt Hon Winston Peters
Hon Kelvin Davis (Chair)
Hon Andrew Little
Hon Nanaia Mahuta
Hon Shane Jones
Hon Eugenie Sage

Officials present from:

Office of the Prime Minister
Officials Committee for MCR

Hard-copy distribution:

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Minister of Finance
Minister of Energy and Resources
Minister of Education
Minister for Treaty of Waitangi Negotiations
Minister for the Environment
Minister for Māori Development
Minister of Fisheries
Minister of Conservation

In Confidence

Office of the Minister for Treaty of Waitangi Negotiations

Chair, Cabinet Māori Crown Relations: Te Arawhiti Committee

NGĀTI RANGITIHI DEED OF SETTLEMENT

1 This paper seeks Cabinet agreement to the final redress package for the comprehensive settlement of the historical Treaty of Waitangi claims of Ngāti Rangitahi. Subject to Cabinet agreement and addressing outstanding overlapping interests, I intend to initial a deed of settlement (deed) with Ngāti Rangitahi in December 2019.

Executive summary

2 The Crown and Te Mana o Ngāti Rangitahi Trust (Te Mana), the mandated entity for Ngāti Rangitahi, are close to finalising the deed settling the historical Treaty of Waitangi claims of Ngāti Rangitahi, an iwi based in and around Rotorua, Kaingaroa, and Matatā (see area of interest map in **Appendix 1**).

3 [REDACTED] The Crown and Ngāti Rangitahi signed an Agreement in Principle (AIP) in December 2018.

9(2)(j)

4 I seek agreement to variations to the settlement package that have not been approved under Cabinet delegation. No changes are proposed for the historical redress or the financial and commercial redress. The full settlement package is detailed in **Appendix 2**.

5 The AIP included commitments to explore two redress items: Tarawera River natural resources redress and Te Tapahoro Recreation Reserve and Campground (Campground). The Minister for the Environment and I have considered a proposal for natural resources redress over the Tarawera River catchment in line with the parameters set by Cabinet in 2016 [CAB-MIN-16-0609 refers]. I now seek Cabinet approval to this arrangement. I also seek approval for Cabinet to authorise myself, the Minister of Finance, and the Minister for the Environment to determine the amount of any Crown contribution towards establishment costs in accordance with a refreshed approach to applying the Crown's agreed policy on such contributions. As delegated by Cabinet [CAB-18-MIN-0323 refers] the Minister of Conservation and I have now agreed redress over the Campground.

6 Redress over the Waimangu Scenic Reserve (Waimangu) was previously agreed by Cabinet [CAB-18-MIN-0225 refers], but as a result of overlapping interests discussions, the Minister of Conservation and I have agreed a revised offer over Waimangu that includes a larger parcel of land and provision for the post-settlement governance entity (PSGE) to on-transfer some of their interest to the Tūhourangi Tribal Authority.

7 I seek Cabinet authority for myself and relevant Ministers to finalise or vary redress relevant to their portfolios within the financial parameters set by Cabinet. I also seek Cabinet authority to take account of any final issues including the resolution of overlapping interests prior to initialling the deed.

8 Once the deed is initialled, Ngāti Rangitahi will vote on whether to ratify it. I seek authority for myself and the Minister for Māori Development to assess whether the results of the ratification

demonstrate sufficient support for the deed, and if so, authorise me to sign the deed with Ngāti Rangitahi on behalf of the Crown.

Background

- 9 Ngāti Rangitahi are a Te Arawa iwi whose area of interest is around Rotorua, Kaingaroa, and Matatā (see map in **Appendix 1**). Ngāti Rangitahi are represented in negotiations with the Crown by Te Mana.
- 10 Ngāti Rangitahi have been party to previous Treaty settlements: the 2006 Te Arawa Lakes Settlement and the 2008 Central North Island Forests Land Collective (CNI) settlement. Through the CNI settlement, Ngāti Rangitahi received on-account commercial redress in the form of land with a value of \$10.051 million (2017 dollars).
- 11 Ngāti Rangitahi have been in substantive negotiations with the Crown since April 2016. Cabinet approved a comprehensive offer to Ngāti Rangitahi in May and October 2018 [CAB-18-MIN-0225 and CAB-18-MIN-0514 refer] and in December 2018, an AIP was signed.

Ngāti Rangitahi claims

- 12 Ngāti Rangitahi claims relate to Crown land purchases and the impact of Native Land laws, the breakdown of Ngāti Rangitahi tribal structures as a result of individualisation of land titles, the loss of land through the Public Works Act, socio-economic and cultural deprivation from the loss of land and resources, and the Crown's failure to adequately recognise Ngāti Rangitahi support for the Crown.
- 13 Ngāti Rangitahi also have specific grievances around the draining of the Rangitaiki swamp, the degradation of Te Awa o Te Atua estuary at Matatā, and the Crown legislation that enabled the pollution of the Tarawera River.

Scope of settlement

- 14 The settlement will finally and comprehensively settle all historical Treaty of Waitangi claims of Ngāti Rangitahi. Except as provided in the Ngāti Rangitahi deed, the settlement will not affect any ongoing rights Ngāti Rangitahi may have under common law (including existing aboriginal title), legislation, or the Treaty of Waitangi.

Variations to the redress package

- 15 The proposed final Ngāti Rangitahi settlement package to be detailed in the deed is largely consistent with the AIP signed in December 2018. The settlement package comprises of agreed apology redress, a cultural redress package, and a financial and commercial redress package valued at \$14.051 million. No changes are proposed for the apology redress or the financial and commercial redress. The full Ngāti Rangitahi settlement package is detailed in **Appendix 2**.
- 16 I seek Cabinet agreement to new redress in relation to the Tarawera River. I also update Cabinet on changes to redress over the Campground and Waimangu agreed by Ministers under delegation from Cabinet [CAB-18-MIN-0225, CAB-18-MIN-0323, and CAB-18-MIN-0514 refer].

Tarawera River Restoration

- 17 In November 2016, Cabinet agreed to a natural resources negotiation brief for Ngāti Rangitahi input into decision making over the Tarawera River catchment [CAB-16-MIN-0609 refers].

- 18 Ngāti Rangitihi are seeking specific redress over the Tarawera River catchment to restore its mauri/wellbeing. Beginning in the 1950s, and for decades after, pollution from the Tasman Pulp and Paper Mill rendered the river unsafe to swim in and collect food from. Through the Ngāti Rangitihi Treaty settlement, the Crown will acknowledge it breached the Treaty of Waitangi by failing to apply appropriate statutory protection to the river.
- 19 The AIP included a commitment for the Crown to explore natural resource redress regarding the Tarawera River and its catchment with Ngāti Rangitihi. This included the development of a proposal to establish a Tarawera Awa Restoration Strategy Group (the Group), a permanent joint committee of Bay of Plenty Regional Council (BOPRC) for the Tarawera River catchment. The Minister for the Environment and I have considered the proposal and now seek Cabinet agreement to establish the Group through the deed of settlement and settlement legislation as follows:
- 19.1 the Group's purpose is to support, coordinate, and promote the integrated restoration of the mauri and wellbeing of the Tarawera River catchment (defined as the catchment downstream of the river outlet at Lake Tarawera, including Te Awa o Te Atua Lagoon at Matatā and the riverbed prior to the existing outlet of the Tarawera River being cut – see map attached at **Appendix 3**);
- 19.2 a key function of the Group is developing a restoration strategy that local authorities must: 'recognise and provide for' the vision, objectives and desired outcomes of the restoration strategy when developing, reviewing, or changing the regional policy statements, regional plans and district plans under the Resource Management Act 1991; and 'take into account' the restoration strategy when making decisions under the Local Government Act 1974 and the Local Government Act 2002 (refer **Appendix 4**);
- 19.3 the Group's membership will comprise equal numbers of iwi appointees and councillors appointed by Ngāti Rangitihi, Ngāti Awa, Ngāti Māhino, Ngāti Tūwharetoa – Bay of Plenty, Ngāti Tarāwhai, Tūhourangi, BOPRC, Kawerau District Council (KDC), Rotorua Lakes District Council (RLDC), and Whakatāne District Council (WDC), with a maximum of 12;
- 19.4 the Group will educate stakeholders to understand the common vision for the Tarawera River catchment and invite stakeholders to participate in relevant aspects of the Group's business as appropriate; and
- 19.5 there will be provision for stakeholder groups including technical advisory group(s); an advisory forum of iwi and hapū from the Tarawera River catchment; landholders; and those who engage in activities on or in relation to the river catchment.
- 20 Ngāti Awa and Ngāti Tūwharetoa – Bay of Plenty have generally indicated support for the redress. KDC, RLDC and WDC are also generally supportive of the proposal. Final agreement from the members will be sought following Cabinet agreement.

21 Further detail on the proposed Group can be found at **Appendix 4**.

Establishment costs for Tarawera Awa Restoration Strategy Group

22 Cabinet has previously agreed the Crown will consider contributing on a case by case basis towards the establishment costs of new arrangements which better involve iwi in managing natural resources, and set out guidelines for determining the level of any one-off Crown contribution [CAB MIN (11) 29/9 refers]. Such contributions are intended to assist in providing

incentives for local government to agree to new arrangements and support successful implementation. These contributions are not settlement redress.

- 23 In November 2017 I received the *Treaty Settlements Whakataunga Tiriti* report commissioned by Local Government New Zealand which asserted, and sought to demonstrate, that Crown contributions to local authority costs for natural resource arrangements have been too low for their intended purpose. In response, in October 2018 I agreed that the current framework for contributions to local authorities is generally still fit for purpose but that it should be applied more systematically, which is likely to lead to increased Crown contributions.
- 24 Officials are currently developing a tool to systematically apply the framework, which they will report to myself, the Minister of Finance, and the Minister for the Environment on.
- 25 Given the need for decisions soon in order to enable a deed of settlement to be initialled in December, I seek Cabinet approval to authorise myself, the Minister of Finance, and the Minister for the Environment to make decisions on the appropriate amount of any Crown contribution to the establishment costs of the Group, up to a maximum of \$1.500 million. I do not expect the full amount identified will be needed. This funding would be provided through Vote Environment, and the expenses charged against the between-Budget contingency established at Budget 2019.

Te Tapahoro Recreation Reserve and Campground

- 26 The Campground is situated within Te Tapahoro Recreation Reserve. Ngāti Rangitihī have a long-standing association with the whenua in this area. Before it was completely destroyed in the Tarawera Eruption of 1886, Te Tapahoro Recreation Reserve was a kainga, mahinga kai and urupā. The eruption killed many Ngāti Rangitihī ancestors at the site, and displaced many more from it. Despite their displacement from the area, Ngāti Rangitihī continue to refer to it as the 'beating heart' of their rohe.
- 27 On 3 July 2018, Cabinet agreed a policy for the use of campsites in Treaty settlements. Cabinet also granted approval for officials at Te Arawhiti and the Department of Conservation (DOC) to explore options for ownership arrangements over the Campground and Cabinet invited me to submit a paper outlining the final proposal and review mechanisms [CAB-18-MIN-0323 refers]. Under delegated authority, the Minister of Conservation and I considered a number of options and agreed to the following:
- 27.1 the reserve status being retained;
 - 27.2 title being transferred to iwi with no ability to on-transfer to a third party;
 - 27.3 the Crown continuing to administer the reserve;
 - 27.4 the Crown continuing to operate the campground;
 - 27.5 a review process to allow the Crown to later relinquish administration of the reserve (should the Minister of Conservation agree) that, amongst other things, considers how kaitiakitanga is being given effect to; and
 - 27.6 a review of the operation of the Campground.
- 28 Due to the high-level protection of low cost camping provided, effectively making the transfer largely symbolic, I consider the risks arising from the precedent set by this decision to be minor.

Waimangu Scenic Reserve

- 29 Waimangu, a geothermal site of international significance, was formed after the devastating Tarawera eruption. Prior to the eruption, the area now known as Waimangu, and the area that surrounds it (including the Pink and White Terraces), housed a number a Ngāti Rangitihi and Tūhourangi pā sites. Waimangu is also an urupā, and many Ngāti Rangitihi and Tūhourangi tragically lost their lives there during the eruption.
- 30 Cabinet has previously approved an offer of redress over Waimangu Scenic Reserve [CAB-18-MIN-0225 and CAB-18-MIN-0514 refer]. I made the offer of redress at Waimangu to Ngāti Rangitihi contingent on resolution of overlapping interests with Tūhourangi at the site prior to signing the AIP in December 2018.
- 31 Resolution with Tūhourangi was not reached prior to the AIP signing and Waimangu was not included in the Ngāti Rangitihi AIP. Tūhourangi have advised they would not support the Ngāti Rangitihi settlement package unless issues at Waimangu were resolved. I therefore advised both parties that discussions on overlapping interests could continue post-AIP if resolution could be reached prior to the initialling the deed of settlement.
- 32 This year, Tūhourangi and Ngāti Rangitihi have worked together to put aside their historical differences and present the Minister of Conservation and I with a proposal for redress. In September 2019, the Minister of Conservation and I agreed to a revised offer of 50 hectares at Waimangu (30 hectares at Waimangu Scenic Reserve and 20 hectares at Rotomahana Conservation Area). We also agreed to include provisions in the Ngāti Rangitihi Claims Settlement Bill to allow for the Ngāti Rangitihi PSGE to on-transfer some of their interest to the Tūhourangi Tribal Authority.

Overlapping interests

- 33 The Ngāti Rangitihi area of interest overlaps with 20 groups. The Crown is offering redress to Ngāti Rangitihi in areas that overlap with the interests of twelve of these groups: Tūhourangi, Ngāti Tarāwhai, Ngāti Awa, Ngāti Tūwharetoa – Bay of Plenty, Ngāti Mākino, Ngāti Pīkiao, Ngāti Rongomai, Ngāti Manawa, Ngāti Raukawa, Ngāi Tūhoe, Te Pumautanga o Te Arawa Trust, and Te Arawa Lakes Trust.
- 34 Prior to, and after, signing the AIP, Ngāti Rangitihi and Te Arawhiti wrote to all overlapping groups seeking their views on the proposed Ngāti Rangitihi redress. Ngāti Rangitihi and Te Arawhiti also met with some overlapping groups to discuss the proposed redress.
- 35 Six of the overlapping groups with proposed redress in their area of interest – Te Arawa Lakes Trust, Ngāi Tūhoe, Ngāti Raukawa, Ngāti Manawa, Ngāti Mākino, and Ngāti Tarāwhai – have expressed their support for the Ngāti Rangitihi settlement in writing and have no concerns.
- 36 Of the six groups who have not yet stated their support for the Ngāti Rangitihi settlement. Tūhourangi and Ngāti Awa have participated in iwi-led discussions to resolve these issues. The revised offer of redress at Waimangu is integral to resolving overlapping interests with Tūhourangi. Discussions are ongoing and I expect to see resolution in October.
- 37 Of the other four groups, three have previously expressed their support for the Ngāti Rangitihi settlement in writing: Ngāti Pīkiao, Ngāti Tūwharetoa – Bay of Plenty, and Te Pumautanga o Te Arawa Trust. Te Pumautanga o Te Arawa Trust represents all iwi and hapū who settled through the Affiliate Te Arawa Iwi and Hapū Settlement in 2008. This includes four iwi who have overlapping interests in the Ngāti Rangitihi settlement: Ngāti Rongomai, Ngāti Pīkiao, Ngāti Tarāwhai, and Tūhourangi. Te Pumautanga o Te Arawa Trust have advised that they

support Ngāti Rangitihī reaching settlement but will not formally express support for the package until overlapping interests with Tūhourangi have been resolved at Waimangu.

- 38 The final group, Ngāti Rongomai, have not responded to approaches by Ngāti Rangitihī and the Crown.
- 39 I therefore propose that Cabinet authorise me to make a final determination that overlapping interests have been addressed to the Crown's satisfaction prior to initialling the deed.

Final matters

- 40 There may be some final details that require variation as negotiations conclude. I therefore propose Cabinet authorise myself, the Minister of Conservation, Minister for Land Information, Minister of Finance, Minister of Education, Minister of Fisheries, Minister for Arts, Culture and Heritage, Minister of Energy and Resources, Minister for the Environment, and any other relevant Ministers to finalise or vary redress relevant to their portfolios within the financial parameters set by Cabinet.

Tax indemnity

- 41 An indemnity will be sought from the Minister of Finance for income tax and Goods and Services Tax (GST) upon the transfer of settlement redress. The Inland Revenue Department has published interpretation statements that support the view that the transfer of settlement redress does not give rise to either income tax or GST consequences. To ensure that Ngāti Rangitihī retain the full value of their settlement, and for the avoidance of doubt, the Minister of Finance's agreement will be sought to indemnify the PSGE against income tax and GST on the transfer of redress.

Governance and mandate

- 42 In June and July, Ngāti Rangitihī ratified their PSGE, Te Mana o Ngāti Rangitihī Trust, with 92% support. The Minister for Māori Development and I considered the results to show sufficient support of Ngāti Rangitihī for the PSGE.
- 43 Te Mana have provided satisfactory mandate maintenance reports to my officials outlining their engagement with the Ngāti Rangitihī community. Te Mana have been active in communicating to and involving their claimant community in the negotiations process.

Ratification of settlement

- 44 After the deed has been initialled, the Ngāti Rangitihī claimant community will be asked to ratify the deed.
- 45 I seek delegated authority for myself and the Minister for Māori Development to consider whether the deed ratification results demonstrate sufficient support from Ngāti Rangitihī for the deed.
- 46 I also seek delegated authority to sign the deed on behalf of the Crown should ratification results demonstrate sufficient support from Ngāti Rangitihī.

Conditions of the settlement

- 47 The settlement will be conditional on ratification of the deed by Ngāti Rangitihī and the enactment of settlement legislation to implement certain aspects of the deed.

Next steps

- 48 If Cabinet approves the proposed settlement package to Ngāti Rangitihī as detailed in this paper, I intend to initial the deed with Ngāti Rangitihī in December 2019 subject to their agreement to the final package.
- 49 Depending on the outcome of the deed ratification process, I anticipate signing the deed in early 2020.

Consultation

50 Te Puni Kōkiri, Department of Conservation, Ministry for the Environment, Department of Internal Affairs, Ministry of Business, Innovation and Employment, Ministry for Primary Industries, Ministry for Culture and Heritage, Ministry of Education, Land Information New Zealand, and The Treasury have been consulted in the development of this paper.

Proactive release

51 I intend to proactively release this paper, making any necessary redactions, within 30 business days of final decisions being taken by Cabinet. However, if a deed has not been initialled with Ngāti Rangitihī within 30 business days of Cabinet’s decision, then I intend to defer proactive release of this paper until the deed has been initialled, as all of the content will remain negotiations sensitive until that time.

Financial implications

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9(2)(j)

53 The total cost of the settlement is within the amount set aside in the fiscal forecasts for this settlement after timing adjustments. Therefore no new funding is required from Vote Treaty Negotiations Multi-Year Appropriation: *Historical Treaty of Waitangi Settlements 2019-2023* when the deed is initialled.

54 The total cost of the Ngāti Rangitihī settlement less any on-account and associated relativity clause implications will be charged against the Vote Treaty Negotiations Multi-Year Appropriation: *Historical Treaty of Waitangi Settlements 2019-2023* when the deed is initialled.

Establishment costs for Tarawera Awa Restoration Strategy Group

- 55 The maximum financial implication of the establishment costs for The Group is \$1.500 million. This funding would be provided through Vote Environment Non Departmental Other Expenses: *Transitional Support for Local Government and Iwi*, and the expenses charged against the between-Budget contingency established at Budget 2019.
- 56 The request for funding has not been previously considered and declined by Cabinet. To secure initialling for December, the proposal is urgent and is unable to be deferred to Budget 2020. There is no option to fund the proposal through baseline funding.

Department of Conservation implementation costs

- 57 Treaty settlements establish extra commitments for DOC. These impose additional costs on DOC, for example, enhanced iwi engagement on managing specific sites and implementing relationship agreements.
- 58 In 2010, Cabinet agreed a funding process to enable DOC to meet its costs to implement Treaty settlements [CAB (10) 9/7 refers].
- 59 Ideally, DOC's estimated implementation costs for a Treaty settlement are considered and noted by Cabinet before the Crown and iwi sign a deed.
- 60 If it is not possible for DOC to provide estimated implementation costs before signing a deed, relevant Ministers (usually the Minister of Finance and Minister of Conservation) will note DOC's estimated implementation costs.
- 61 DOC will then seek implementation funding for a Treaty settlement at baseline updates [CAB (10) 9/7 refers] shortly after the settlement legislation is enacted.
- 62 DOC is still estimating the implementation costs and will provide the Minister of Finance and Minister of Conservation an estimate when available.

Department of Conservation impairment costs

- 63 In accordance with accounting standards and generally accepted accounting practice, some of the public conservation land in this settlement may need to be impaired in value before it is de-recognised for transfer to the PSGE.
- 64 An impairment may arise for this settlement either due to the transfer value being lower than the Crown's book value or standard annual land revaluation process that the Crown undertakes each financial year.
- 65 Impairment costs are charged to the revaluation reserve with no impact on the Crown's operating balance, but with a negative impact on the Crown's net worth.
- 66 The book value of the public conservation land sites which will transfer to iwi are yet to be confirmed.
- 67 I seek Cabinet's agreement to authorise myself, the Minister of Finance, and the Minister of Conservation to approve any necessary increases in the Vote Conservation: *Impairment of Public Conservation Land* once DOC impairment costs are known.

Human rights

68 The proposals outlined in this paper do not raise any issues of inconsistency with the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.

Legislative implications

69 Legislation is required to implement aspects of the settlement. Draft legislation will be attached to the deed. Once the deed is signed I will seek Cabinet approval to introduce the settlement legislation.

Regulatory Impact Statement

70 No Regulatory Impact Statement is required because the proposal is consistent with existing policy.

Publicity

71 The Office for Māori Crown Relations – Te Arawhiti, jointly with Te Mana, will develop a communications strategy to ensure interested parties are informed of the content of the deed at the time it is initialled.

Recommendations

The Minister for Treaty of Waitangi Negotiations recommends that the Committee:

Background

1 **note** the Crown and Ngāti Rangitihī are close to finalising a deed of settlement package settling the historical Treaty of Waitangi claims of Ngāti Rangitihī;

2



9(2)(j)

3 **note** that in December 2018, Ngāti Rangitihī and the Crown signed an Agreement in Principle;

4 **note** that, subject to Cabinet agreement to this paper and addressing outstanding overlapping interests, the Minister for Treaty of Waitangi Negotiations intends to initial the deed of settlement in December 2019;

Variations to the cultural redress package

5 **note** the final Ngāti Rangitihī settlement package is largely consistent with the Agreement in Principle with one matter requiring Cabinet approval;

6 **note** that variations to the Ngāti Rangitihī cultural redress package detailed in this paper have no impact on the total settlement value;

7 **note** that the full redress package is detailed at **Appendix 2**;

Tarawera River restoration

- 8 **note** that in November 2016, Cabinet agreed to a natural resources negotiation brief for Ngāti Rangitīhi input into decision making over the Tarawera River catchment [CAB-16-MIN-0609 refers];
- 9 **note** that the Agreement in Principle included a commitment for the Crown to explore redress in respect to the Tarawera River and its catchment with Ngāti Rangitīhi;

TARAWERA AWA RESTORATION STRATEGY GROUP

- 10 **agree** to establish a Tarawera Awa Restoration Strategy Group that will operate as a permanent joint committee of the Bay of Plenty Regional Council;
- 11 **agree** that the purpose of the Tarawera Awa Restoration Strategy Group is to support, coordinate and promote the integrated restoration of the mauri/wellbeing of the Tarawera River catchment;
- 12 **agree** that for the purposes of the Tarawera Awa Restoration Strategy Group the Tarawera River catchment is defined as the catchment downstream of the river outlet at Lake Tarawera, including Te Awa o Te Atua Lagoon at Matatā and the riverbed prior to the existing outlet of the Tarawera River being cut;
- 13 **agree** that the Tarawera Awa Restoration Strategy Group will develop a restoration strategy that will specify the vision, objectives, and desired outcomes in relation to the Tarawera River catchment;
- 14 **agree** that local authorities must 'recognise and provide for' the vision, objectives, and desired outcomes of the restoration strategy when preparing, varying, changing or approving regional policy statements, regional plans, and district plans under the Resource Management Act 1991;
- 15 **agree** when making decisions under the Local Government Act 2002 and the Local Government Act 1974, local authorities must 'take into account' the vision, objectives, and desired outcomes of the restoration strategy;
- 16 **agree** that the Tarawera Awa Restoration Strategy Group will have equal iwi and council membership with up to twelve members appointed from Ngāti Rangitīhi, Ngāti Awa, Ngāti Māhino, Ngāti Tūwharetoa – Bay of Plenty, Ngāti Tarāwhai, Tūhourangi, Bay of Plenty Regional Council, Kawerau District Council, Rotorua Lakes District Council, and Whakatāne District Council;
- 17 **note** that overlapping groups and district councils are generally supportive of the redress, and that their final agreement will be sought following Cabinet agreement;

ESTABLISHMENT COSTS FOR TARAWERA AWA RESTORATION STRATEGY GROUP

- 18 **note** Cabinet has previously agreed to guidelines determining the level of one-off Crown contribution towards local government costs for new arrangements that better involve iwi in managing natural resources [CAB MIN (11) 29/9 refers];
- 19 **note** the Minister for Treaty of Waitangi Negotiations has recently confirmed the current framework for contributions to local authorities is generally still fit for purpose but should be applied more systematically;

- 20 **note** officials are currently developing a tool to apply the current framework more systematically to be agreed by the Minister of Finance, the Minister for Treaty of Waitangi Negotiations, and the Minister for the Environment;
- 21 **authorise** the Minister of Finance, the Minister for Treaty of Waitangi Negotiations, and the Minister for the Environment to agree the amount of a Crown contribution towards the establishment costs of the Tarawera Awa Restoration Strategy Group, up to a maximum of \$1.500 million;
- 22 **agree** that the expenses incurred under recommendation 21 above be charged against the between-Budget contingency established as part of Budget 2019;

Te Tapahoro Recreation Reserve and Campground

- 23 **note** that in July 2018, Cabinet agreed on a policy for the use of campsites in Treaty settlements [CAB-18-MIN-0323 refers];
- 24 **note** that Cabinet approved officials exploring options for ownership arrangements over Te Tapahoro Recreation Reserve and Campground [CAB-18-MIN-0323 refers];
- 25 **note** that Cabinet invited the Minister for Treaty of Waitangi Negotiations to submit another paper in due course outlining the final proposal and review mechanisms [CAB-18-MIN-0323 refers];
- 26 **note** that the Minister of Conservation and Minister for Treaty of Waitangi Negotiations have agreed to the title of Te Tapahoro Recreation Reserve and Campground being transferred to Ngāti Rangitihi, with the Crown continuing to administer and operate the Campground, and review provisions for administration and operation;

Waimangu Scenic Reserve

- 27 **note** that Cabinet has previously approved the offer of redress over the Waimangu Scenic Reserve [CAB-18-MIN-0225 refers];
- 28 **note** that as a result of overlapping interests the Minister of Conservation and Minister for Treaty of Waitangi Negotiations have, under delegation from Cabinet, agreed to a revised offer of 50 hectares, and a provision to allow the Ngāti Rangitihi post-settlement governance entity to on-transfer some of their interest to the Tūhourangi post-settlement governance entity;

Overlapping interests

- 29 **note** the Crown is offering redress to Ngāti Rangitihi in areas that overlap with the interests of twelve groups;
- 30 **note** that Ngāti Rangitihi and the Crown have sought feedback and support from these overlapping groups;
- 31 **note** that six groups have yet to provide final confirmation of whether they support the Ngāti Rangitihi settlement package;
- 32 **note** the Minister for Treaty of Waitangi Negotiations will only initial a deed of settlement if overlapping interests have been resolved to the Crown's satisfaction;

Conditions of settlement

33 **note** the settlement is conditional on ratification of the deed by Ngāti Rangitahi and the enactment of settlement legislation to implement certain aspects of the deed;

Financial implications

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[Redacted text]

9(2)(i)

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Department of Conservation implementation costs

35 **note** that the Department of Conservation is currently estimating the implementation costs and will provide the Minister of Finance and the Minister of Conservation with the estimate when available;

36 **note** the Minister of Finance and the Minister of Conservation will note the estimated Department of Conservation implementation costs when known;

37 **note** after joint Ministers have noted the estimated Department of Conservation implementation costs, the Department of Conservation will seek funding for this Treaty settlement through the baseline update process [CAB MIN (10) 9/7 refers] shortly after the settlement legislation is enacted. This is deemed to have no financial implications on the basis that any revenue from Crown land sales funds, which would otherwise be available for the purchase of new reserves, may be used to offset Treaty settlement implementation costs [CAB MIN (10) 9/7 refers];

Department of Conservation impairment costs

38 **note** that the Department of Conservation will confirm impairment costs resulting from this settlement, including through any standard annual revaluation process, after initialling the deed of settlement, and will provide the Minister of Finance, Minister of Conservation, and Minister for Treaty of Waitangi Negotiations with these costs when they are known; and

Delegation to act

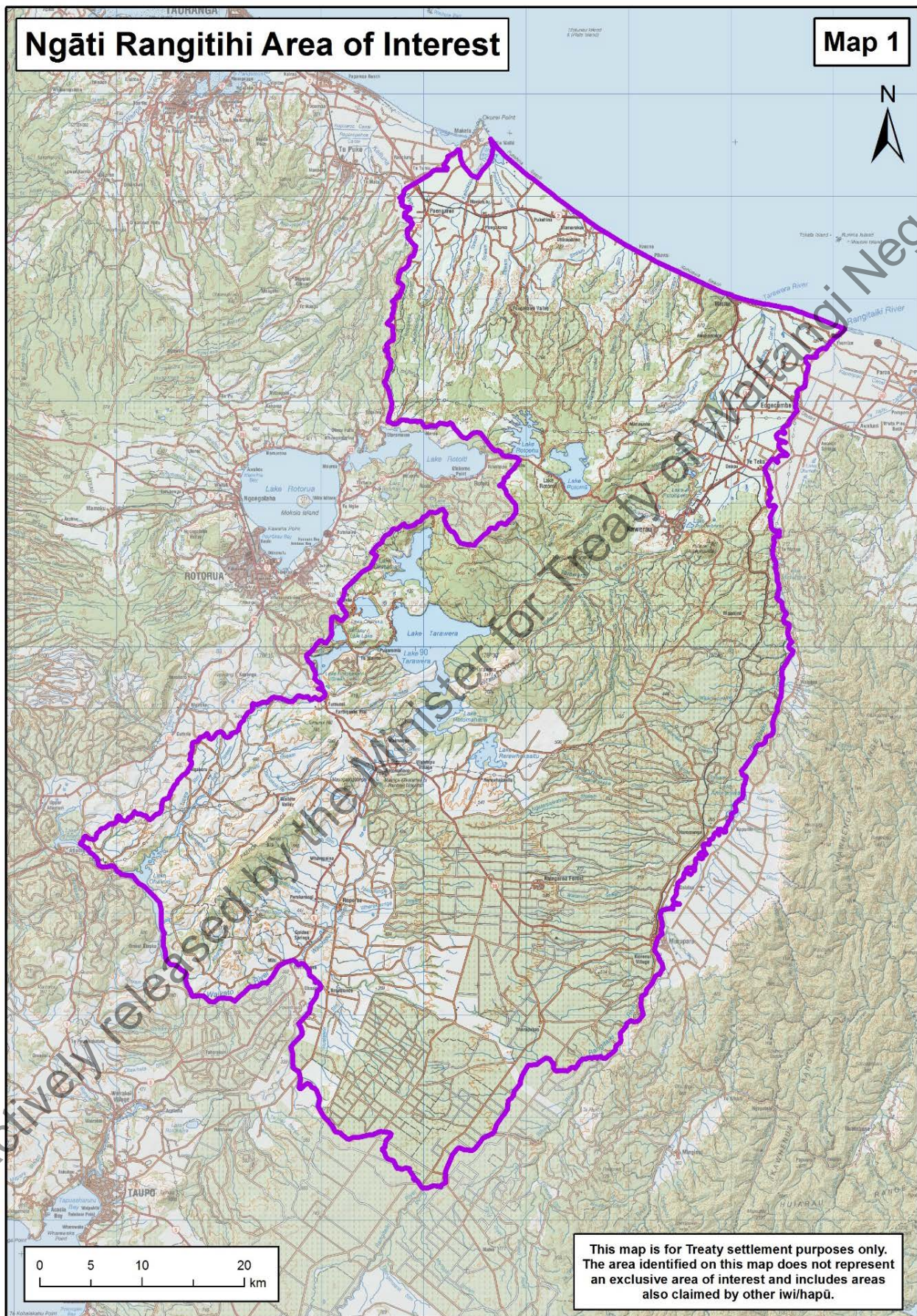
- 39 **authorise** the Minister for Treaty of Waitangi Negotiations:
- 39.1 to make a final decision that overlapping interests are addressed to the Crown's satisfaction prior to initialling the deed of settlement;
 - 39.2 jointly, with the Minister for Māori Development, to consider whether the ratification results demonstrate sufficient support from Ngāti Rangitahi for the deed of settlement;
 - 39.3 to sign the deed of settlement on behalf of the Crown should ratification results demonstrate sufficient support from Ngāti Rangitahi;
 - 39.4 together with the Minister of Conservation, Minister for Land Information, Minister of Finance, Minister of Education, Minister of Fisheries, Minister for Arts, Culture and Heritage, Minister of Energy and Resources, the Minister for the Environment, and any other relevant Ministers, to finalise or vary redress relevant to their portfolios within the financial parameters set by Cabinet, to take account of any final issues; and
 - 39.5 together with the Minister of Finance and the Minister of Conservation to approve any necessary increases in the Vote Conservation: *Impairment of Public Conservation Land* once Department of Conservation impairment costs are known.

Authorised for lodgement

Hon Andrew Little
Minister for Treaty of Waitangi Negotiations

Proactively released by the Minister for Treaty of Waitangi Negotiations

Appendix 1: Ngāti Rangitihi Area of Interest



Appendix 2: Ngāti Rangitihī Settlement Package

Historical Redress

- 1 Historical account
- 2 Crown acknowledgement
- 3 Crown Apology

Financial and Commercial Redress

- 1 \$14.051 million [CAB-18-MIN-0514 refers]
- 2 Deferred selection properties [CAB-18-MIN-0225 refers]

Landholding Agency	Name of site	General description	Conditions
Land Information New Zealand – Treaty Settlements Landbank	Matata Road, Otakiri (PF 1474)	<i>South Auckland Land District – Whakatane District</i> 6.6289 hectares, more or less, being Lots 1, 2, and 3 DPS 61290 and Section 1 SO 330290. All record of title SA50A/499 for the fee simple estate	2-year deferred selection period
Land Information New Zealand – Treaty Settlements Landbank	1913 Manawahe Road (PF 1887)	<i>South Auckland Land District – Whakatane District</i> 1.9424 hectares, more or less, being Lot 1 of Section 6 Block VIII Rotoma Survey District. All record of title 558426 for the fee simple estate 0.0809 hectares, more or less, being Section 21 Block VIII Rotoma Survey District. All record of title 558427 for the fee simple estate	2-year deferred selection period
Ministry of Education	Matata School site (land only)	<i>South Auckland Land District – Whakatane District</i> 0.8144 hectares, more or less, being Section 3A Matata Parish. All Proclamation 4778 0.8018 hectares, approximately, being Part Lot 9 of Allotment 3 Matata Parish. Part <i>Gazette</i> 1960, p 1333. Subject to survey	2-year deferred selection period Leaseback

3 Right of First Refusal for 178 years [CAB-18-MIN-0225 refers]

Landholding Agency	Name of site	General description
Ministry of Education	Matata School site (land only)	<p><i>South Auckland Land District – Whakatane District</i></p> <p>0.8144 hectares, more or less, being Section 3A Matata Parish. All Proclamation 4778</p> <p>0.8018 hectares, approximately, being Part Lot 9 of Allotment 3 Matata Parish. All <i>Gazette</i> 1960, p 1333</p>

4 Right of first offer [CAB-18-MIN-0225 refers]

Landholding Agency	Name of site	General description	Conditions
Landcorp	Rotomahana Bay of Plenty Farm	<p><i>South Auckland Land District – Rotorua District</i></p> <p>571.2583 hectares, more or less, being Section 8 SO 463741, Sections 26 and 40 Block XV and Sections 5 and 6 Block XVI Tarawera Survey District. All record of title 704329 for the fee simple estate</p>	Right of first offer

Proactively released by the Minister for Treaty of Waitangi Negotiations

Cultural Redress

1 Cultural redress sites to be vested in fee simple [CAB-18-MIN-0225 refers]

Number	Name of site	Description	Conditions	Landholding Agency
1	Tapahoro (Te Tapahoro Bay in AIP)	<i>South Auckland Land District – Rotorua District</i> 5.00 hectares, approximately, being Part Section 2 Block V Ruawahia Survey District. Part <i>Gazette</i> notice S643146. Subject to survey	Subject to: Conservation covenant to protect conservation values, while allowing for cultural and commercial facilities and restriction on public access; Agreement on covenant terms; Together with a right of way easement to be created	Department of Conservation
2	Moura	<i>South Auckland Land District – Rotorua District</i> 17.8061 hectares, more or less, being Section 5 Block XII Tarawera Survey District. All <i>Gazette</i> notice S646839	Subject to: Historic reserve status	Department of Conservation
3	Ongarara (Adjacent to Moura in AIP)	<i>South Auckland Land District – Rotorua District</i> 23.6780 hectares, more or less, being Section 4 SO 354520. Part <i>Gazette</i> notice S643146	Subject to: Scenic reserve status; Any interests to be confirmed	Department of Conservation
4	Omanuhiri	<i>South Auckland Land District – Rotorua District</i> 20.00 hectares, approximately, being Part Section 1 SO 354520. Part <i>Gazette</i> notice S643146. Subject to survey	Subject to: Scenic reserve status	Department of Conservation
5	Ngāheretā (Ngāheretā to Ruakōkōpū in AIP)	<i>South Auckland Land District – Rotorua District</i> 118.00 hectares, approximately, being Part Section 2 SO 354520. Part <i>Gazette</i> notice S643146. Subject to survey	Subject to: Scenic reserve status	Department of Conservation
6	Te Tirohanga o Niheta (Niheta in AIP)	<i>South Auckland Land District – Rotorua District</i>	Subject to: Scenic reserve status	Department of Conservation

Number	Name of site	Description	Conditions	Landholding Agency
		1.00 hectares, approximately, being Part Section 2 SO 354520. Part <i>Gazette</i> notice S643146. Subject to survey		
7	Te Tūāhu o Rangiaohia (Tarawera Awa 1 in AIP)	<i>South Auckland Land District – Rotorua District</i> 0.60 hectares, approximately, being Part Section 2 SO 354520. Part <i>Gazette</i> notice S643146. Subject to survey	Subject to: Historic reserve status	Department of Conservation
8	Te Kahao o Rongomai (Tarawera Awa 2 in AIP)	<i>South Auckland Land District – Rotorua District</i> 0.10 hectares, approximately, being Part Section 2 SO 354520 and Part Section 2 Block I Ruawahia Survey District. Part <i>Gazette</i> notice S643146. Subject to survey	Subject to: Historic reserve status; Any easements to be confirmed	Department of Conservation
9	Pakipaki o Roohi (Base of Tarawera Maunga in AIP)	<i>South Auckland Land District – Rotorua District</i> 175.00 hectares, approximately, being Section 1 SO 60434 and Part Section 1 SO 60436. Part record of title 451924 for the fee simple estate. Subject to survey	Subject to: Scenic reserve status	Department of Conservation
11	Whakapoukarakia	<i>South Auckland Land District – Whakatane District</i> 32.00 hectares, approximately, being Part Allotments 227 and 833 Parish of Matata. Part record of title SA10A/600 for the fee simple estate and all <i>Gazette</i> notice S554446. Subject to survey	Subject to: Scenic reserve status	Department of Conservation

Number	Name of site	Description	Conditions	Landholding Agency
12	Oniao	<i>South Auckland Land District – Whakatane District</i> 2.50 hectares, approximately, being Part Allotments 108A and 345 Parish of Matata. Part transfer S380227. Subject to survey	Subject to: Recreation reserve status; Any easements to be confirmed	Department of Conservation
13	Mihimarino (Te Waha o Te Awa o Te Atua in the AIP)	<i>South Auckland Land District – Whakatane District</i> 1.60 hectares, approximately, being Part Section 5 Block VI Awaateatua Survey District. Part record of title 522741 for the fee simple estate. Subject to survey	Subject to: Local purpose (lagoon outlet and ecological restoration) reserve status	Whakatāne District Council
14	Otamarora (Arawa Street in the AIP)	<i>South Auckland Land District – Whakatane District</i> 2.50 hectares, approximately, being Part Section 1 Block I and Section 3 and Part Sections 2 and 6 Block VI Awaateatua Survey District. Part records of title 522739 and 522741 for the fee simple estate. Subject to survey	Subject to: Recreation reserve status; Other interests to be confirmed	Whakatāne District Council
15	Te Kaokaoroa (White Sands in the AIP)	<i>South Auckland Land District – Rotorua District</i> 26.70 hectares, approximately, being Part Allotment 857 Parish of Matata. Part Gazette notice H458432. Subject to survey	Subject to: Recreation reserve status	Whakatāne District Council
16	Otaramuturangi	<i>South Auckland Land District – Whakatane District</i> 5.20 hectares, approximately, being Part Allotment 273 Parish of Rangitaiki. Part record of	Subject to: Historic reserve status; Any easements to be confirmed	Whakatane District Council

Number	Name of site	Description	Conditions	Landholding Agency
		title 254747 for the fee simple estate. Subject to survey		

2 Other cultural redress sites [CAB-18-MIN-0323 refers and further approval sought in this paper].

Number	Name of site	Description	Conditions	Landholding Agency
1	Te Tapahoro Recreation Reserve and Campground	<i>South Auckland Land District – Rotorua District</i> 5.3600 hectares, more or less, being Section 1 SO 58277. Part <i>Gazette</i> notice H643146	Subject to: Recreation reserve status (which may not be revoked but can be reclassified); Crown administration of the reserve (subject to review); No on-transfer of the site; Right of way easement to be created Together with: Right of way easement to be created	Department of Conservation
2	Part Waimangu Scenic Reserve	<i>South Auckland Land District – Rotorua District</i> Up to 30 hectares, approximately, being a selection from Section 1 SO 354514, Sections 5A, 45 and Part Section 1 Block XV Tarawera Survey District. Subject to survey	Subject to: Scenic reserve status (or scientific reserve status for any lake beds)	Department of Conservation
3	Part Waimangu Scenic Reserve and Part Rotomahana Conservation Area (Ōtūkapuarangi)	<i>South Auckland Land District – Rotorua District</i> Up to 20 hectares, approximately, being a selection from Section 1 SO 354514 and Section 1 SO 60454. Subject to survey	Subject to: Scenic reserve status	Department of Conservation

3 Overlay classification (whenua rāhui) [CAB-18-MIN-0514 refers]

Name of site	Description	Conditions	Landholding Agency
Western flank of Mount Tarawera (being part Lake Tarawera Scenic Reserve and new historic reserve referred to in Table 4)	1854.2000 hectares, more or less, being Section 3 SO 354520. Part <i>Gazette</i> notice S643146. Subject to survey	Subject to the same Department of Conservation protection principles and Director General actions as existing whenua rāhui (Affiliate Te Arawa Iwi and Hapū Settlement)	Department of Conservation

4 Reclassify part of a scenic reserve [CAB-18-MIN-0514 refers]

Name of site	Description	Conditions	Landholding Agency
Wāhi tapu strip (along the slopes of Tarawera Maunga reclassified as historic reserve)	135.00 hectares, approximately, being Part Section 3 SO 354520. Part <i>Gazette</i> notice S643146. Subject to survey	Retained by the Crown and administered by the Department of Conservation	Department of Conservation

5 Management arrangements [CAB-18-MIN-0514 refers]

Name of site	Description	Proposed Redress	Landholding Agency
Matata Scenic Reserve and Matata Wildlife Refuge Reserve	Matata Scenic Reserve and Matata Wildlife Refuge Reserve	Offer membership on the existing Joint Advisory Committee for the Matata Scenic Reserve and Matata Wildlife Refuge Reserve on the terms set out in the Ngāti Awa Claims Settlement Act 2005 and Ngāti Tūwharetoa (Bay of Plenty) Claims Settlement Act 2005	Department of Conservation

6 Statutory acknowledgements and deeds of recognition [CAB-18-MIN-0514 refers]

Number	Areas to which the statutory acknowledgement and deed of recognition is to apply	Landholding Agency
1	Part of Lake Tarawera Scenic Reserve	Department of Conservation
2	Crater Block Crown Land (all Crown retained parts)	Department of Conservation
3	Rotomahana Conservation Area (Crown retained parts, subject to Crown agreement on the exact location of the land to be transferred to Ngāti Rangitihī)	Department of Conservation
4	Waimangu Scenic Reserve (Crown retained parts, subject to Crown agreement on the exact location of the land to be transferred to Ngāti Rangitihī)	Department of Conservation
5	Bregman Wildlife Management Reserve	Department of Conservation
6	Tarawera Cut Wildlife Management Reserve	Department of Conservation
7	Old Rangitaiki River Bed Conservation Area (all Crown retained parts)	Department of Conservation
8	Awaiti Wildlife Management Reserve	Department of Conservation
9	Tarawera River (areas owned by the Crown) (subject to consideration of relativity with redress provided through the Affiliate Te Arawa Iwi and Hapū Settlement)	Land Information New Zealand

7 Areas to which the statutory acknowledgment is to apply [CAB-18-MIN-0514 refers]

Number	Areas to which the statutory acknowledgment is to apply	Landholding Agency
1	Lake Tarawera Marginal Strips	Department of Conservation
2	Tarawera River Marginal Strips	Department of Conservation
3	Ash Pit Road Marginal Strip (Te Kauae)	Department of Conservation
4	Lake Rerewhakaaitu Recreation Reserve	Department of Conservation
5	Rerewhakaaitu Conservation Area	Department of Conservation
6	Ohinekoao Scenic Reserve	Department of Conservation
7	Ohinekoao Recreation Reserve	Department of Conservation
8	Lake Tamarenui Government Purpose (Wildlife Management) Reserve	Department of Conservation

8 Relationships with Crown agencies [CAB-18-MIN-0514 refers]

Agency	Form of agreement
Department of Conservation	Relationship Agreement
Ministry for the Environment	Relationship Agreement
Ministry for Primary Industries	Letter of Recognition and Appointment as an Advisory Committee to the Minister of Fisheries
Ministry for Culture and Heritage, Museum of New Zealand Te Papa Tongarewa, Department of Internal Affairs, and Heritage New Zealand Pouhere Taonga	Whakaaetanga Tiaki Taonga
Ministry of Business, Innovation and Employment	Crown Minerals Protocol
Ngā Taonga Sound and Vision	Letter of Introduction

9 Te Ariki site [CAB-18-MIN-0514 refers]

Site name	Description	Comment
Te Ariki site	South Auckland Land District – Rotorua District 44.9432 hectares, more or less, being an undivided half share in Sections 1, 2, and 3 Block XII Tarawera Survey District, and Sections 1 and 2 SO 354515. All record of title 579510 for the fee simple estate	The trustees of the Te Ariki Trust hold an undivided half share of the fee simple estate in the Te Ariki site (provided through the 2008 Affiliate Te Arawa Iwi/Hapu Deed of settlement). This undivided half share will vest in Ngāti Rangitahi

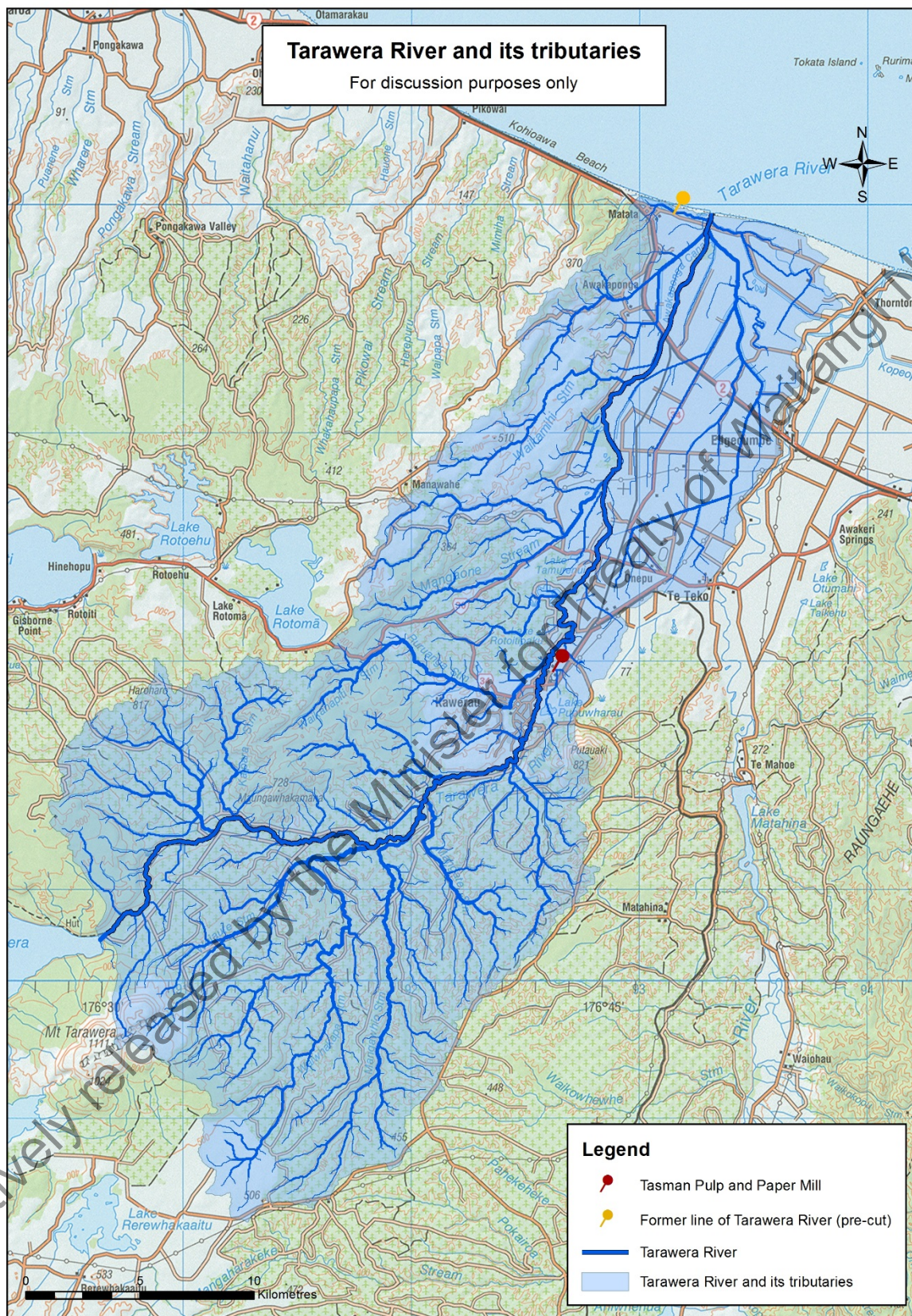
10 Place name changes [CAB-18-MIN-0514 refers]

Current name	Proposed name	Status of NZGB recommendation
Unnamed	Ruakokopu	To be confirmed
Unnamed	Te Houroa	Preliminarily confirmed
Otumutu Island	Otūmūtū	Preliminarily confirmed

11 Tarawera Awa natural resources redress [CAB-16-MIN-0609 refers and further approval sought in this paper]

Tarawera Awa Restoration Strategy Group
Refer to Appendix 4

Appendix 3: Map of the Tarawera River Catchment



Appendix 4: Proposal for the Tarawera Awa Restoration Strategy Group

Key component	Proposal
Form of group	The Tarawera Awa Restoration Strategy Group (the Group) will operate as a permanent joint committee of Bay of Plenty Regional Council (BOPRC) as prescribed under schedule 7, clauses 30 and 30A of the Local Government Act 2002.
Purpose	<p>The purpose of the Group is to support, coordinate and promote the integrated restoration of the mauri/wellbeing of the Tarawera River catchment.</p> <p>The purpose of the Group should be reviewed after five years. The review should be conducted by the members of the Group, and where agreed, involve support from the Crown and other stakeholders that are contributing to Tarawera River catchment restoration projects.</p>
Scope	<p>The scope of the Group is the Tarawera River catchment, downstream of the river outlet at Lake Tarawera and will include Te Awa o Te Atua Lagoon at Matatā and the Tarawera riverbed that the river flowed through prior to its current outlet to the sea being cut (refer Appendix 3).</p> <p>In achieving its purpose, the Group may undertake its functions in any part of the catchment of the Tarawera River and any other parts of the restoration focus area.</p>
Functions	<p>The principal function of the Group is to achieve its purpose. In seeking to achieve its purpose, the other functions of the Group are to:</p> <ul style="list-style-type: none"> - develop a restoration strategy for the Tarawera River catchment ('the Strategy'); - monitor the implementation and effectiveness of the Strategy; - run and oversee restoration projects indicated by the Strategy; - seek funding for the restoration projects indicated by the Strategy; - engage with stakeholders and the wider community to explain how decisions or activities affecting the Tarawera River catchment can align with the Strategy (among other things); - establish a technical advisory group(s) as required; - seek advice from a technical advisory group and local government in support of restoration activities; - coordinate and link stakeholders together to ensure activities occurring on the Tarawera River catchment or that impact on the mauri of the Tarawera River catchment align as much as possible; - engage with and provide advice to government agencies (the Department of Conservation (DOC), the Ministry for the Environment (MfE)), and local government to align with the common vision for the Tarawera River catchment; and - any other function required to achieve the Group's purpose. <p>The purpose of any Technical Advisory Group is to provide technical support to the Group in support of purposes of the Strategy and restoration activities on or in relation to the Tarawera River catchment. Any Technical Advisory Group will be funded by the Group.</p> <p>The Group will approve the Strategy. The Group may seek input during its development.</p>
Restoration strategy	<p>The purposes of the Strategy are to:</p> <ul style="list-style-type: none"> - outline a common vision, objectives and desired outcomes for the Tarawera River catchment; - outline the areas of the Tarawera River catchment that need to be focused on to meet the vision, objectives and desired outcomes; - develop a way to measure how the common vision, objectives and desired outcomes are being adhered to;

	<ul style="list-style-type: none"> - identify stakeholder activities occurring on the Tarawera River catchment or that impact on the mauri of the Tarawera River catchment and how they can be aligned with the vision, objectives and desired outcomes for the Tarawera River catchment; - provide a framework to engage with government agencies (e.g. DOC, MFE, Ministry for Primary Industries, Ministry for Business, Innovation and Employment) and local government to assist alignment with the common vision, objectives and desired outcomes for the Tarawera River catchment; and - articulate to stakeholders how decisions or activities occurring on or in relation to the Tarawera River catchment can align with the common vision, objectives, and desired outcomes.
Membership	<p>The Group will have equal iwi and council membership (with council membership appointed from currently elected councillors) with the opportunity for there to be up to 12 members.</p> <p>Those with the ability to appoint a member each are as follows: Ngāti Rangitihi; Ngāti Awa; Ngāti Makino; Ngāti Tūwharetoa – Bay of Plenty; Ngāti Tarāwhai; Tūhourangi; BOPRC; Kawerau District Council; Rotorua Lakes District Council; and Whakatāne District Council.</p> <p>Ngāti Rangitihi are continuing discussions with Ngāti Tarāwhai and Tūhourangi about whether they will have the ability to appoint a member each. If they wish to be members they should have the opportunity to do so.</p> <p>If Ngāti Tarāwhai and Tūhourangi are members of the Group, more than one member from some councils may be required to maintain the required membership balance.</p> <p>Ngāti Rangitihi, if it wishes, may be the first Chair of the Group. The Chair is to rotate every two years.</p>
Decision-making	<p>All decision-making of the Group will be made through consensus. If no consensus is reached, decision-making may be reached by majority.</p>
Stakeholders, iwi/hapū	<p>Stakeholders are all those that have an impact on the mauri of the Tarawera River catchment. The Group will:</p> <ul style="list-style-type: none"> - aim to educate stakeholders to understand the common vision on the Tarawera River catchment; and - invite stakeholders to participate in relevant aspects of the Group's business as appropriate. <p>Aside from the Technical Advisory Group(s) appointed by the Group, stakeholder groups will include:</p> <ul style="list-style-type: none"> - an advisory forum of iwi and hapū from the Tarawera River catchment; those that can provide policy and funding guidance, as well as relationship support (e.g. MfE and DOC); and - landholders and those who engage in activities on or in relation to the Tarawera River catchment.
Administration	<p>The administration of the Group will include a secretariat function and provide policy support to ensure the Group is able to undertake its functions.</p> <p>The administration of the Group should initially be led by BOPRC. BOPRC are looking to have certainty about when this would transfer to another organisation.</p> <p>The administration of the Group may be transferred to another organisation at a later time, on the agreement of the members of the Group.</p>
Dissolution	<p>The Group may be dissolved at any time, but only with consensus of all members of the Group.</p>
Legal effect on Resource Management Act	<p>Local authorities must 'recognise and provide for' the vision, objectives and desired outcomes for the Strategy when preparing, varying, changing or approving the regional policy statements, regional plans and district plans under the Resource Management</p>

<p>and Local Government Act documents and processes</p>	<p>Act 1991. The BOPRC Regional Plan for the Tarawera River Catchment is one such plan that will be affected by this requirement.</p> <p>When making decisions under the Local Government Acts 2002 and 1974, local authorities must take into account the vision, objectives and desired outcomes of the Strategy.</p> <p>BOPRC do not have a specific view of the legal weighting of the Strategy but have reflected that there are implications on funding, resourcing, capacity and capability if the legal weighting is for local authorities to 'recognise and provide for' the Strategy in relation to Resource Management Act 1991 documents and processes. This is due to the requirements on local authorities to engage more thoroughly with the Strategy than they would have to under a lesser legal weighting.</p> <p>Ngāti Rangitihī's response has been that it is a top priority for the redress to include a strategy with a legal weighting that is meaningful and can impact change, including on documents and processes of local authorities. It is through having the legal weighting 'recognise and provide for' that Ngāti Rangitihī see they can impact the greatest change to improve the mauri of the Tarawera River catchment.</p>
<p>Funding</p>	<p>The ongoing costs of participation in the Group will be met by the members.</p> <p>In line with the Cabinet guidelines and the refreshed approach to applying those guidelines (as agreed by the Minister for Treaty of Waitangi Negotiations in November 2018), officials are developing a tool to ensure the framework for Crown contributions to local authorities current framework is applied more systematically. With delegated authority from Cabinet, the Minister of Finance, the Minister for Treaty of Waitangi Negotiations and the Minister of Conservation will make a decision on a Crown contribution once the approach is agreed and before the deed of settlement is initialled.</p>

Proactively released by the Minister for Treaty of Waitangi Negotiations



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Māori Crown Relations: Te Arawhiti Committee: Period Ended 13 March 2020

On 16 March 2020, Cabinet made the following decisions on the work of the Cabinet Māori Crown Relations - Te Arawhiti Committee for the period ended 13 March 2020:

[REDACTED]	[REDACTED]	[REDACTED]	out of scope
[REDACTED]	[REDACTED]	[REDACTED]	out of scope
MCR-20-MIN-0006	Ngāti Rangitahi: Increase in Total Settlement Value Portfolio: Treaty of Waitangi Negotiations	CONFIRMED	
[REDACTED]	[REDACTED]	[REDACTED]	out of scope
[REDACTED]	[REDACTED]	[REDACTED]	out of scope
[REDACTED]	[REDACTED]	[REDACTED]	out of scope
[REDACTED]	[REDACTED]	[REDACTED]	out of scope

Michael Webster
Secretary of the Cabinet

Hard-copy distribution:
Cabinet Māori Crown Relations: Te Arawhiti Committee



Cabinet Māori Crown Relations - Te Arawhiti Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Ngāti Rangitahi: Increase in Total Settlement Value

Portfolio **Treaty of Waitangi Negotiations**

On 10 March 2020, the Cabinet Māori Crown Relations - Te Arawhiti Committee (MCR):

Background

- 1 **noted** that the Crown has been in negotiations with Ngāti Rangitahi since 2016 and the parties are close to initialling a deed of settlement;
- 2 **noted** that:
 - 2.1 in May 2018, the Cabinet Crown Māori Relations Committee (CMR) approved a comprehensive offer to Ngāti Rangitahi, [REDACTED] 9(2)(j)
[REDACTED] which included approval to offer Waimangu Scenic Reserve as part of cultural redress [CMR-18-MIN-0007];
 - 2.2 in October 2018, CMR approved an increase in Ngāti Rangitahi financial redress of \$1.500 million, [REDACTED]
[REDACTED] [CMR-18-MIN-0029]; 9(2)(j)
 - 2.3 in October 2019, MCR approved the final Ngāti Rangitahi redress package and authorised the Minister for Treaty of Waitangi Negotiations to make a final decision on overlapping interests prior to initialling the deed of settlement and for the Minister, together with relevant Ministers, to finalise or vary redress within the parameters set by Cabinet [MCR-19-MIN-0037];

Increase in Total Settlement Value

- 3 **noted** that ongoing negotiations for redress at Waimangu Scenic Reserve have led to the initialling of the deed of settlement being delayed;
- 4 **noted** that due to the high value of the Waimangu Scenic Reserve site proposed for transfer exceeding funding available for cultural redress in the total settlement value, the Crown offered Ngāti Rangitahi an undefined 30 hectares gifted and a further 50 hectares to be purchased by Ngāti Rangitahi at the Waimangu Scenic Reserve for \$1.628 million;

5 **noted** that Ngāti Rangitihi have agreed to the Crown's offer but do not accept the transfer value of \$1.628 million proposed by the Crown, but have made a counter offer of \$0.667 million that they are prepared to pay for the Waimangu site;

6 [REDACTED] 9(2)(j)

7 [REDACTED] 9(2)(j)

8 [REDACTED] 9(2)(j)

Risks and Opportunities

9 [REDACTED] 9(2)(j)

10 **noted** that increasing Ngāti Rangitihi's total settlement value will enable the Crown to maintain its current settlement timeframes and introduce the Ngāti Rangitihi settlement legislation before the 2020 dissolution of Parliament;

Assets at Te Tapahoro Recreation Reserve and Campground

11 **noted** that the Minister for Treaty of Waitangi Negotiations and the Minister of Conservation have agreed to transfer Te Tapahoro Recreation Reserve and Campground to Ngāti Rangitihi with the Crown retaining administration while it is required as part of the network of low-cost camping;

12 **noted** that:

12.1 the Minister for Treaty of Waitangi Negotiations and the Minister of Conservation have agreed that if administration of Te Tapahoro Recreation Reserve and Campground should transfer to Ngāti Rangitihi, the assets will transfer at nil value which may incur an expense;

12.2 the decision to transfer assets at Te Tapahoro Recreation Reserve and Campground at nil value deviates from the valuation policy agreed by the Minister of Finance, the Minister of Conservation, and the Minister for Treaty of Waitangi Negotiations, but poses little precedent risk due to the unique factors relating to the Ngāti Rangitihi settlement;

13 **authorised** the Minister of Conservation, in consultation with the Minister of Finance, to seek a loss on disposal appropriation for the book value of the campground assets at Te Tapahoro Recreation Reserve and Campground (at the time of disposal), should this be required in the future;

Financial Implications

14 **noted** that the cost of the proposed total settlement value for Ngāti Rangitīhi is estimated at:

[Redacted]	[Redacted]	[Redacted]	9(2)(j)
[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]	[Redacted]	

15 **noted** that:

15.1 [Redacted] 9(2)(j)

15.2 [Redacted] 9(2)(j)

16 [Redacted] 9(2)(j)

17 [Redacted] 9(2)(j)

Rachel Clarke
Committee Secretary

Secretary's note: This minute has been republished to insert missing recommendations 11 to 13.

Present:

- Rt Hon Winston Peters
- Hon Grant Robertson
- Hon Andrew Little
- Hon David Parker
- Hon Nanaia Mahuta (Chair)
- Hon Willie Jackson
- Hon Eugenie Sage

Officials present from:

- Office of the Prime Minister
- Officials Committee for MCR

Hard-copy distribution:

Minister for Treaty of Waitangi Negotiations



Cabinet Māori Crown Relations - Te Arawhiti Committee

Summary

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Ngāti Rangitahi: Increase in Total Settlement Value

Portfolio	Treaty of Waitangi Negotiations
Purpose	This paper seeks agreement to increase the total settlement value offered to Ngāti Rangitahi.
Previous Consideration	<p>In May 2018, the Cabinet Crown Māori Relations Committee (CMR) approved a comprehensive offer to Ngāti Rangitahi [REDACTED] 9(2)(j) which included approval to offer Waimangu Scenic Reserve (Waimangu) as part of cultural redress [CMR-18-MIN-0007];</p> <p>In October 2018, CMR approved an increase in Ngāti Rangitahi financial redress of \$1.500 million, [REDACTED] [CMR-18-MIN-0029]; 9(2)(j)</p> <p>In October 2019, MCR approved the final Ngāti Rangitahi redress package and authorised the Minister to make a final decision that overlapping interests are addresses to the Crown's satisfaction prior to initialling the deed of settlement [MCR-19-MIN-0037].</p>
Summary	<p>Reaching agreement on redress at Waimangu remains one of the final outstanding matters to settle with Ngāti Rangitahi. Waimangu and the area surrounding it are of great cultural significance to Ngāti Rangitahi and Tūhourangi, and both iwi have worked to negotiate an agreement at Waimangu that ensures Tūhourangi support for the whole Ngāti Rangitahi settlement package.</p> <p>Ngati Rangitahi have accepted the revised Waimangu offer, but dispute the \$1.628 million transfer value, [REDACTED] 9(2)(j)</p> <p>[REDACTED]</p> <p>[REDACTED] 9(2)(j)</p>
Regulatory Impact Analysis	Not required.

Baseline Implications	[REDACTED] 9(2)(j)
Legislative Implications	None from this paper.
Timing Issues	Approving the increase will allow the introduction of the Ngāti Rangitihī settlement legislation before Parliament dissolves in 2020.
Announcement	None indicated.
Proactive Release	The Minister for Treaty of Waitangi Negotiations intends to proactively release the paper under MCR-20-SUB-0006, with any redactions appropriate under the Official Information Act 1982, once a deed of settlement has been initialled.
Consultation	<p>Paper prepared by Te Arawhiti (Treaty of Waitangi Negotiations). DoC and Treasury were consulted. TPK was informed.</p> <p>The Minister indicates that the Minister of Finance, Minister for Māori Development and Minister of Conservation, New Zealand First and the Green Party were consulted.</p>

The Minister for Treaty of Waitangi Negotiations recommends that the Committee:

Background

- 1 note that the Crown has been in negotiations with Ngāti Rangitihī since 2016 and are close to initialling a deed of settlement;
- 2 note that
 - 2.1 in May 2018, the Cabinet Crown Māori Relations Committee (CMR) approved a comprehensive offer to Ngāti Rangitihī, [REDACTED] 9(2)(j)
[REDACTED] which included approval to offer Waimangu Scenic Reserve as part of cultural redress [CMR-18-MIN-0007]
 - 2.2 in October 2018, CMR approved an increase in Ngāti Rangitihī financial redress of \$1.500 million, [REDACTED] 9(2)(j)
[REDACTED] [CMR-18-MIN-0029];
 - 2.3 in October 2019, MCR approved the final Ngāti Rangitihī redress package and authorised [MCR-19-MIN-0037];

Increase in Total Settlement Value

- 3 note that ongoing negotiations for redress at Waimangu Scenic Reserve have led to the initialling of the deed of settlement being delayed;
- 4 note that due to the high value of the Waimangu Scenic Reserve site proposed for transfer exceeding funding available for cultural redress in the total settlement value, the Crown offered Ngāti Rangitihī an undefined 30 hectares gifted and a further 50 hectares to be purchased by Ngāti Rangitihī at the Waimangu Scenic Reserve for \$1.628 million;

5 note that Ngāti Rangitahi have agreed to the Crown's offer but do not accept the transfer value of \$1.628 million proposed by the Crown;

6 note that Ngāti Rangitahi have made a counter offer of \$0.667 million that they are prepared to pay for the Waimangu site;

7 [Redacted] 9(2)(j)

8 [Redacted] 9(2)(j)

9 [Redacted] 9(2)(j)

Risks and Opportunities

10 [Redacted] 9(2)(j)

11 note that increasing Ngāti Rangitahi's total settlement value will enable the Crown to maintain its current settlement timeframes and introduce the Ngāti Rangitahi settlement legislation before Parliament dissolves in 2020;

Financial Implications

12 note that the cost of the proposed total settlement value for Ngāti Rangitahi is estimated at:

[Redacted Table] 9(2)(j)

13 [Redacted] 9(2)(j)

14 [Redacted] 9(2)(j)



9(2)(j)

Rachel Clarke
Committee Secretary

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Proactively released by the Minister for Treaty of Waitangi Negotiations

In Confidence

Office of the Minister for Treaty of Waitangi Negotiations
Chair, Cabinet Māori Crown Relations: Te Arawhiti Committee

NGĀTI RANGITIHI: REQUEST FOR AN INCREASE IN TOTAL SETTLEMENT VALUE

Proposal

1. This paper seeks Cabinet agreement to a further \$0.961 million in total settlement value to be applied to cultural redress to finalise negotiations with Ngāti Rangitihī and enable the deed of settlement to be initialled. [REDACTED] 9(2)(j)
2. This paper also seeks Cabinet authority for the Minister of Conservation, in consultation with the Minister of Finance, to seek a loss on disposal appropriation for Te Tapahoro Recreation Reserve and Campground assets if required in future.

Background

3. Ngāti Rangitihī are a Te Arawa iwi whose area of interest is around Rotorua, Kaingaroa, and Matatā. Ngāti Rangitihī are represented in negotiations by Te Mana o Ngāti Rangitihī Trust.
4. Ngāti Rangitihī have been party to previous Treaty settlements: the 2006 Te Arawa Lakes settlement and the 2008 Central North Island Forests Land Collective (CNI) settlement. Ngāti Rangitihī received on-account commercial redress in the form of land with a value of \$10.051 million (2017 dollars) through the CNI settlement.
5. Ngāti Rangitihī have been in substantive negotiations with the Crown since April 2016. Cabinet approved a comprehensive offer to Ngāti Rangitihī in May [CAB-18-MIN-0225 refers]. In October 2018, Cabinet approved an increase in financial redress of \$1.500 million, [REDACTED] 9(2)(j) [CAB-18-MIN-0514 refers].
6. In December 2018, an Agreement in Principle was signed and in October 2019, Cabinet approved the final Ngāti Rangitihī redress package [CAB-19-MIN-0537 refers]. The final matters to resolve prior to initialling a deed of settlement is the transfer value of redress at Waimangu Scenic Reserve (Waimangu), and overlapping interests with Ngāti Awa. Ngāti Rangitihī are in the process of resolving overlapping interests with Ngāti Awa.

Seeking an increase in total settlement value to finalise the Ngāti Rangitihī settlement

7. Throughout 2019, Ngāti Rangitihī and the Crown have been negotiating redress at Waimangu. Reaching agreement on redress at Waimangu has been key to concluding negotiations with Ngāti Rangitihī and resolving overlapping interests with Tūhourangi.
8. Tūhourangi are a Te Arawa iwi who settled in 2008 through the Affiliate Te Arawa Iwi and Hapū settlement. Without Tūhourangi agreement to the Ngāti Rangitihī settlement, over 20 redress items would be disputed by Tūhourangi. Ngāti Rangitihī and Tūhourangi have worked diligently throughout 2019 to build their relationship and negotiate an agreement at Waimangu that would ensure Tūhourangi support of the whole Ngāti Rangitihī settlement package.
9. Waimangu and the area surrounding it is of great cultural significance for Ngāti Rangitihī and Tūhourangi. Prior to the devastating Tarawera eruption in 1886 that resulted in the deaths of 36 Ngāti Rangitihī and 53 Tūhourangi ancestors, the area in and around Waimangu housed many settlements, cultivations and resources.

10. The Ngāti Rangitahi settlement will not be able to proceed without agreement on redress at Waimangu. In November 2019, the Minister of Conservation and I, under delegated authority from Cabinet [CAB-19-MIN-0537 refers] made a final offer of cultural redress at Waimangu subject to scenic reserve status being an undefined 30 hectares as gifted redress and an undefined 50 hectares to be purchased by Ngāti Rangitahi. The decision to have Ngāti Rangitahi purchase 50 hectares was made as the transfer value [REDACTED] of the 80 hectares along with the transfer value of other cultural redress properties in the settlement, exceeds the cultural redress amount for Ngāti Rangitahi approved by Cabinet [CAB-18-MIN-0514 refers]. The transfer value to be paid by Ngāti Rangitahi will be deducted from their financial redress. 9(2)(j)
 11. Ngāti Rangitahi have accepted the revised offer at Waimangu along with paying for a portion of the redress themselves, but dispute the Crown's \$1.628 million transfer value. Ngāti Rangitahi advise that as their financial redress is relatively low at \$4.000 million due to their CNI on-account payment, they are not willing to pay so much for Waimangu. [REDACTED] 9(2)(j)
 12. Ngāti Rangitahi counter-offered to purchase the 50 hectares for \$0.667 million or to determine the value through a separate valuation approach (a standard procedure for commercial properties). [REDACTED] 9(2)(j)
- [REDACTED] Agreement on the Waimangu transfer value was not able to be reached in December 2019 and the deed of settlement initialling ceremony was delayed.

Reaching an agreement with Ngāti Rangitahi

13. After the Minister of Conservation and I made our final offer at Waimangu in November, Ngāti Rangitahi questioned the Crown's transfer value of the land at Waimangu and sought further transparency due to the unusual circumstance of needing to pay for cultural redress.
14. The difference between the Crown's transfer value of the 50 hectares at Waimangu of \$1.628 million and Ngāti Rangitahi's counter offer of \$0.667 million is \$0.961 million. It is not possible within the Crown's current accounting standards to lower the transfer value.
15. I consider that the way to reach agreement with Ngāti Rangitahi in a timely manner and to avoid entering into a separate valuation process is to increase Ngāti Rangitahi's total settlement value to address the \$0.961 million shortfall.

16. [REDACTED] 9(2)(j)

Table 1: Ngāti Rangitahi total settlement value with additional total settlement value

[REDACTED]	[REDACTED]	[REDACTED]	CNI on-account (\$million)	Financial redress (\$million)
[REDACTED]	[REDACTED]	[REDACTED]	10.051	4.000

9(2)(j)

Risks and opportunities

17. [REDACTED] 9(2)(j)

[REDACTED]

18. [REDACTED] 9(2)(j)

19. [REDACTED] 9(2)(j)

20. I consider that reaching a timely settlement with Ngāti Rangitahi and preventing a breakdown in negotiations is particularly important considering how close to completion the settlement is. Increasing Ngāti Rangitahi's total settlement value will allow the Crown to provide Ngāti Rangitahi with a timely settlement and will enable me to introduce their settlement legislation this year, and prevent the accrual of further transaction costs to the Crown by continuing to negotiate. The time and resources that would be required to re-enter negotiations in the future would come at a significant cost to the Crown and Ngāti Rangitahi.

Assets at Te Tapahoro Recreation Reserve and Campground

21. In September 2019, under delegated authority from Cabinet, the Minister of Conservation and I agreed to transfer the Campground to Ngāti Rangitahi, with the Crown retaining administration of the Campground while it is required as part of the network of low-cost camping [CAB-18-MIN-0323 refers]. Should the Crown determine the Campground is no longer be required as part of the network and determines that it will no longer administer the Campground for that purpose, the Crown will transfer administration to Ngāti Rangitahi.

22. While the Campground is administered by the Crown, it is necessary for the assets to be retained by the Crown. This poses an issue of how the assets are accounted for should administration be transferred to Ngāti Rangitahi. To address this matter, the Minister of Conservation and I, under delegated authority from Cabinet, agreed that if administration of the Campground should transfer to Ngāti Rangitahi, the assets will transfer at nil value which may incur an expense [CAB-19-MIN-0537 refers].

23. This decision deviates from the valuation policy agreed by the Minister of Finance, Minister of Conservation, and the Minister for Treaty of Waitangi Negotiations in 2016. The Minister of Conservation and I consider that the unique and specific factors relating to this settlement mitigates the risk of this creating a precedent risk for future settlements.

24. I therefore seek Cabinet authority for the Minister of Conservation, in consultation with the Minister of Finance, to seek a loss on disposal appropriation for the book value of the Campground assets at the Campground (at the time of disposal), should this be required in future.

Consultation

25. The Treasury and the Department of Conservation have been consulted in the development of this paper. Te Puni Kōkiri have been briefed.

Proactive Release

26. I intend to proactively release this paper, making any necessary redactions, within 30 business days of final decisions being taken by Cabinet. However, if a deed has not been initialled with Ngāti Rangitīhi within 30 business days of Cabinet’s decision, then I intend to defer proactive release of this paper until the deed has been initialled. I anticipate a large number of redactions will need to be made to maintain confidentiality necessary to conduct negotiations with Ngāti Rangitīhi and other groups.

Financial Implications

27. [Redacted] 9(2)(j)

28. [Redacted] 9(2)(j)

Table 2: Financial implications of the Ngāti Rangitīhi settlement

[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]

29. [Redacted] 9(2)(j)

30. [Redacted] 9(2)(j)

Legislative Implications

31. There are no legislative implications of this paper however legislation is required to implement aspects of the settlement. Draft legislation will be attached to the deed. Once the deed is signed I will seek Cabinet approval to introduce the settlement legislation.

Regulatory Impact Statement

32. No Regulatory Impact Statement is required because the proposal is consistent with existing policy.

Human Rights

33. The proposals outlined in this paper are not inconsistent with the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.

Recommendations

The Minister for Treaty of Waitangi Negotiations recommends that the Committee:

Background

1. **note** the Crown have been in negotiations with Ngāti Rangitihī since 2016 and are close to initialling a deed of settlement;
2. **note** in October 2018, Cabinet approved an increase in Ngāti Rangitihī financial redress of \$1.500 million, [REDACTED]

9(2)(j)

Seeking an increase in total settlement value to finalise the Ngāti Rangitihī settlement

3. **note** ongoing negotiations for redress at Waimangu Scenic Reserve have led to the initialling of the deed of settlement being delayed;
4. **note** that due to the high value of the Waimangu Scenic Reserve site proposed for transfer exceeding funding available for cultural redress in the total settlement value, the Crown offered Ngāti Rangitihī an undefined 30 hectares gifted and a further 50 hectares to be purchased by Ngāti Rangitihī at the Waimangu Scenic Reserve for \$1.628 million;
5. **note** that Ngāti Rangitihī have agreed to the Crown's offer for Waimangu but do not accept the transfer value of \$1.628 million proposed by the Crown and that Ngāti Rangitihī have made a counter offer of \$0.667 million;

6. [REDACTED] 9(2)(j)

7. [REDACTED] 9(2)(j)

8. [REDACTED] 9(2)(j)

Risks and opportunities

9. [REDACTED] 9(2)(j)

10. **note** that increasing Ngāti Rangitihī's total settlement value will enable the Crown to maintain its current settlement timeframes and introduce the Ngāti Rangitihī settlement legislation before Parliament dissolves in 2020;

Assets at Te Tapahoro Recreation Reserve and Campground

11. **note** the Minister for Treaty of Waitangi Negotiations and the Minister of Conservation have agreed, under delegated authority from Cabinet, to transfer Te Tapahoro

