Te Tari Whakatau
The Office of Treaty Settlements and Takutai Moana

Level 2, Justice Centre
19 Aitken Street
SX10111
Wellington 6011

11 September 2026

REF: OIA88720

[redacted]
By email: [redacted]

Tēnā koe [redacted],

Official information request for records relating to Wai 1896 from 1 January 2008

I refer to your correspondence of 28 June 2026 requesting the following under the Official Information Act 1982 (OIA), in summary:

"all official information held by Te Tari Whakatau relating to the decision-making, assessment, administration and treatment of WAI 1896 from 1 January 2008 to the present", and specifically:

1. ***Decision-making regarding Large Natural Groupings*** *– all documents relating to whether WAI 1896 was assessed as falling within, or outside of, the Crown's preferred Large Natural Grouping settlement approach; was ever considered as an exception to that preferred approach; any criteria applied when considering whether WAI 1896 should proceed separately or within a Large Natural Grouping; the identity of every person involved in making or recommending those decisions; any formal or informal decision that WAI 1896 should proceed only through Large Natural Groupings.*
2. ***Assessment of WAI 1896 interests*** *– all documents assessing, analysing or discussing the historical, geographical or whakapapa interests asserted through WAI 1896, including but not limited to Tāmaki/Kaipara/Hauraki areas.*
3. ***Settlement overlap assessments*** *– all documents relating to overlapping interests with settlements: Ngāti Whātua Ōrākei, Ngāti Whātua o Kaipara, Ngāti Pāoa, Te Roroa, Ngāti Manuhiri, Te Kawerau ā Maki, Ngāi Tai ki Tāmaki, Te Ākitai Waiohua, Ngāti Tamaoho, Tāmaki Makaurau Collective, Marutūāhu Collective, Pare Hauraki Collective.*
4. ***Patuone assessment*** *– all documents created before 11 March 2026 identifying or analysing Patuone's whakapapa, tribal affiliations; marriages; political relationships; residence at Takapuna; residence at Whakatiwai; residence at Pūtiki; Mahurangi interests; Te Roroa connections; Ngāti Pāoa connections, and if no such documents exist prior to 11 March 2026, to confirm that fact.*
5. ***Internal consideration of WAI 1896*** *– all documents that discuss WAI 1896 descendants of Patuone; descendants of Hapi Waka; descendants of Hohaia Patuone; Ngāti Hao;*

settlement pathway for WAI 1896; whether WAI 1896 presents difficulties within the Large Natural Grouping model.

6. ***Procedural framework*** *– all documents explaining how existing whānau claims lodged before development of the Large Natural Grouping policy were intended to transition into that policy; whether any exceptions to the Crown's preferred Large Natural Grouping approach have been considered since 2008; the policy governing exceptions to the Crown's preference for settlement through Large Natural Groupings; the decision-making framework applied where a claim spans multiple rohe or multiple settlement areas; and if no such policy, framework or guidance exists, to confirm that no such documents are held.*

The OIA request also included a request that *"If no document exists responsive to any part of this request, please expressly state that no such document is held."*

On 23 July and 28 July, we advised that we were able to respond to parts one and six of your request and that for parts two – five, we were able to provide a documents as follows:

a) overlapping interests reports, briefings and correspondence relating to **Ngāpuhi, Patuone and Wai 1896** overlapping interests with other groups in the Tāmaki/Hauraki/Kaipara/Mahurangi areas since 1 January 2008; and

b) internal customary interests reports on Ngāpuhi or Patuone interests in the Tāmaki/Hauraki/Kaipara/Mahurangi areas since 1 January 2008.

On 24 August we provided our response to parts one and six.

Response to your request

Please find attached at **Appendix One** a table of documents and information, as advised on 23 and 28 July, released in response to parts two – five of your request.

Some of this information has been withheld in part under the following sections of the Act:

- 9(2)(a) – to protect the privacy of a natural persons, including the deceased;
- 9(2)(j) – to enable a Minister [or agency] to carry on, without prejudice or disadvantage, negotiations; or
- 18(d) – information is already publicly available.

Other information has not been released as it is out of scope of the request.

Note on groups and the information provided

The information provided in response relates to the following Treaty settlement negotiations:

> Hako; Marutūāhu Collective; Ngāi Tai ki Tāmaki; Ngāti Manuhiri; Ngāti Pāoa; Ngāti Porou ki Hauraki; Ngāti Rāhiri Tumutumu; Ngāti Tamaoho; Ngaati Whanaunga; Ngāti Whātua o Kaipara; Ngāti Whātua Ōrākei; Ngāti Whātua remaining - Te Rūnanga o Ngāti Whātua; Pare Hauraki Collective; Tāmaki Makaurau Collective; and Te Ākitai Waiohua.

We confirm there is no information in scope from the following Treaty settlement negotiations:

> Ngāti Hei; Ngāti Maru; Ngāti Pūkenga; Ngāti Tamaterā; Ngāti Tara Tokanui; Te Kawerau ā Maki; and Te Patukirikiri.

Additionally, there is no information in scope from the Te Roroa settlement negotiation, which was completed in 2005.

Notes on particular documents

Documents 5 and 7 relate specifically to Wai 1896 and should have been released on 22 June with the response to your previous OIA request (reference: OIA 88552). We did not locate documents 5 and 7 earlier because the documents had been filed in a scanned format that was not electronically searchable.

Document 18 "Postal correspondence to Ngāpuhi-Ngāti Wai claimants". We have set out the groups the letter was sent to in the table below. However, we have not provided these letters as they are duplicates with the template letter attached to document 19.

1.	Whangarei Core Collective Claimant Group
2.	Te Waimate Taiamai Claims Alliance
3.	Te Aho Claims Alliance
4.	Tai Tokerau District Maori Council Hapu Claims Committee
5.	Whangaroa Papa Hapu
6.	Hokianga Hapu Lands and Resources Claims Alliance
7.	Te Runanga A Iwi O Ngāpuhi Tūhoronuku Subcommittee
8.	Mahurangi and Gulf Islands Collective
9.	Waikare Marae Maori Committee
10.	Pakotai Parakao Maori Executive Komiti Mangakahia
11.	Parahaki Marae
12.	Te Rūnanga o Ngāti Hine

Proactive release of the response

Your request was considered for proactive release in line with The Te Tari Whakatau Official Information Act 1982 proactive release policy. Our assessment determined your request falls within the scope for proactive release as its contents are of interest to the wider public.

Our response to your request will be published in the next 20 days at Te Tari Whakatau - Official Information Act responses with your personal information removed. If you have any further queries about this letter, please contact Sonya Wynne at sonya.wynne@whakatau.govt.nz

You have the right to seek an investigation and review by the Ombudsman of our response to your request. Information about this process is available at www.ombudsman.parliament.nz or phone 0800 802 602.

Nāku noa, nā

James Mitchell
Director (Acting)

#	Date	Document description	Extent of information released	Reason for withholding information	Page number (s)
9.	05 08 2009	OTS letter to Ngāpuhi rūnanga - interests in Tāmaki and Hauraki regions	Released in full		19
10.	06 08 2009	OTS cover email to document #09	Released in full		20
11.	24 09 2009	OTS memorandum: Ngāpuhi customary interests in the Mahurangi, Kaipara and Tāmaki regions	Released in full		21-24
12.	08 10 2009	Crown negotiator letter to Tumanako Law (Ngāpuhi rūnanga)	Released in full		25
13.	30 11 2009	OTS memorandum: OLI Woodhill, Riverhead and Mangawhai South Forests.	Parts withheld	S9(2)(a)	26-29
14.	20 05 2010	Tumanako Law letter to OTS, Ngāpuhi Interests in Greater Tāmaki Makarau, attachment to document #15	Released in full		30-31
15.	25 05 2010	OTS cover email to document #14 – Ngāpuhi interests	Released in full		32
16.	05 08 2010	OTS letter to Tumanako Law - Ngāpuhi interest in Kaipara and Tāmaki negotiations	Parts withheld	S9(2)(a)	33-36
17.	07 11 2010	KAP Crown Purchases 1854-1881 Historical Commentary	Released in full		37-48
18.	26 01 2011	Postal correspondence to Ngāpuhi-Ngāti Wai claimants - duplicate letters of document #19.	Not released (duplicate)		
19.	27 01 2011	OTS Letter and email to Ngāpuhi-Ngāti Wai claimants	Parts withheld Parts not released – out of scope	S9(2)(a)	49-69
20.	09 06 2011	OTS Notes on MAGIC (Mahurangi and Gulf Islands Collective) from Kaipara-Mahurangi CCP	Released in full		70-71
21.	12 12 2011	Te Ropu o Tūhoronuku letter to OTS - Ngāpuhi interests	Released in full		72
22.	20 02 2012	OTS letter to Te Ropu o Tūhoronuku	Parts withheld	S9(2)(a)	73-74
23.	27 02 2012	Te Ropu o Tūhoronuku letter to OTS	Released in full		75
24.	05 08 2012	Armstrong, Hauraki iwi/hapu interests in Mahurangi, inner Gulf islands, Great Barrier Island, Kohimaramara etc	Withheld in full	S18(d)	

#	Date	Document description	Extent of information released	Reason for withholding information	Page number (s)
		Publicly available evidence in Ngāti Whātua Ōrakei Trust v. Attorney General case in Court of Appeal, document ID number OTS.005.0408			
25.	25 05 2015	OTS table - Ngāti Tamaoho Overlapping Claimant groups concerns summary	Parts withheld Parts not released – out of scope	S9(2)(a)	76-78
26.	25 -29 01 2016	Emails – OTS and Ngāti Hao to OTS - Ngāti Paoa Settlement getting closer	Part withheld Parts not released – out of scope	S9(2)(a)	79-80
27.	16 02 2016	OTS email to N Paoa – overlapping claims with Ngāti Hao and Tūhoronuku	Released in full		81
28.	18 02 2016	OTS email to Marutūāhu Collective - overlapping claims and Ngāti Hao	Released in full		82
29.	14 – 31 03 2016	OTS emails, and Marutuahu Collective email - Marutuahu Collective: draft letter-overlapping claims with Tūhoronuku	Released in full		83-86
30.	14 03 – 7 04 2016	OTS emails - Marutuahu Collective: draft letter - overlapping claims with Tūhoronuku	Parts withheld	S9(2)(a)	87-94
31.	27 – 28 04 2016	OTS emails - engagement with Ngāpuhi on overlapping claims	Parts withheld Parts not released – out of scope	s 9(2)(a)	95-97
32.	30 05 2016	OTS emails, Tūhoronuku to OTS - Marutuahu Collective - Overlapping Claims with Ngāpuhi	Parts withheld	s9(2)(a)	98-99
33.	01 -2 05 2016	OTS emails, Ngāti Hao to OTS - land on North Shore	Parts withheld Parts not released – out of scope	s 9(2)(a)	100-101
34.	20 05 2016	OTS Letter to Tūhoronuku Iwi Mandated Authority - Ngāti Tamaoho settlement package	Released in full		102-110
35.	24 05 2016	OTS Letter to Tūhoronuku Iwi Mandated Authority - Marutuahu Collective - Ngāpuhi Overlapping Claims Letter	Parts withheld	S9(2)(a)	111-115

#	Date	Document description	Extent of information released	Reason for withholding information	Page number (s)
36.	23 - 24 05 2016	OTS emails - overlapping claims consultation with Ngāpuhi WAI claimants	Parts withheld	S9(2)(a)	116-118
37.	13- 29 05 2016	Ngāti Paoa, Ngāti Hao, OTS emails - overlapping interests meeting between Ngāti Paoa and Ngāti Hao	Parts withheld	S9(2)(a)	119-121
38.	31 05 2016	OTS letter to Mahurangi Wai claims collective - Ngāti Tamaoho redress	Parts withheld	S9(2)(a)	122-130
39.	31 05 2016	OTS letter to Mahurangi Wai claims collective - Ngāti Tamaoho redress	Parts withheld	S9(2)(a)	131-140
40.	1 06 2016	Report - 744 - Ngāti Tamaoho overlapping claims update	Parts not released – out of scope		141-145
41.	08 06 2016	Tūhoronuku letter to OTS - overlapping claims between Ngāpuhi and Marutuahu Collective	Released in full		146
42.	27 05 - 08 06 2016	OTS, Ngāti Paoa emails - re engaging with Tūhoronuku and Ngāti Hao	Parts withheld Parts not released – out of scope	S9(2)(a)	147-150
43.	10 06 2016	Tūhoronuku letter to OTS - Ngāti Tamaoho (attachment to document #44)	Released in full		151
44.	10 06 2016	Tūhoronuku email - Response letter from Tūhoronuku - Ngāti Tamaoho (cover email to document #43)	Parts withheld	S9(2)(a)	152
45.	13 06 2016	OTS letter to Marutuahu Collective - Ngāpuhi Overlapping Claims Letter	Released in full		153-163
46.	13 06 2016	OTS to Ngāti Tamaoho, Mahurangi collective emails re Ngāti Tamaoho - redress package	Parts withheld	S9(2)(a)	164
47.	15 06 2016	Report - 768 - Ngāti Tamaoho overlapping claims	Parts not released – out of scope		165-168
48.	16 – 17 06 2016	Report - 775 - Marutuahu Collective on overlapping claims in Tāmaki Makaurua	Parts not released – out of scope		169-183
49.	24 06 2016	Mahurangi Wai claims collective OTS - Meeting notes	Parts withheld	S9(2)(a)	184-187
50.	04 07 2016	OTS letter to Tūhoronuku -Ngāti Tamaoho redress	Parts withheld	S9(2)(a)	188

#	Date	Document description	Extent of information released	Reason for withholding information	Page number (s)
51.	22 07 2016	Report - 055 - Marutuahu Collective overlapping claims with Ngāpuhi	Released in full		189-202
52.	29 07 2016	Crown memorandum - H472 - overlapping claims place names	Parts not released – out of scope		203-204
53.	- 08 2016	Mahurangi claims collective to Ngāti Tamaoho re meeting in August	Released in full		205
54.	06 08 2016	Letter from Mahurangi claims collective to OTS – Ngāti Tamaoho negotiations	Parts withheld Parts not released – out of scope	S9(2)(a)	206-207
55.	25 08 2016	Report- 112 - Ngāti Paoa update on overlapping claims, with letters to Ngāti Paoa, Ngāti Hao	Parts withheld Parts not released – out of scope	S9(2)(a)	208-232
56.	23 09 2016	OTS memorandum - H483 - Hauraki Collective overlapping claims	Parts not released – out of scope		233
57.	21 10 2016	OTS Memorandum - HAKO 24 overlapping claims	Parts withheld Parts not released – out of scope	S9(2)(j) S9(s)(a)	234-236
58.	21 10 2016	Report - 270 – Ngāti Paoa preliminary decision on OLC with Tūhoronuku	Parts not released – out of scope		237-247
59.	10 11 2016	Tūhoronuku Email - Ngāpuhi response – Hako overlapping claims	Parts withheld	S9(2)(a) S9(2)(j)	248-249
60.	22 11 2016	Report - 353 - Ngāti Paoa final decision: overlapping claims - Tūhoronuku Independent Mandated Authority	Parts not released – out of scope		250-257
61.	05 12 2016	Report - 348 - Ngāti Tamaoho final matters and initialling the deed of settlement	Parts not released – out of scope		258-277
62.	23 12 2016	OTS memorandum - H502 - MPI Taonga Tuturu protocol for iwi specific settlements and overlapping claims process	Parts withheld Parts not released – out of scope	S9(2)(a)	278-284
63.	13 01 2017	OTS letter to Tūhoronuku – overlapping claims - Taonga Tūturu and Primary Industries protocols	Parts withheld	S9(2)(a)	285-289

#	Date	Document description	Extent of information released	Reason for withholding information	Page number (s)
64.	27 02 2017	OTS letter to Tūhoronuku overlapping claims - Taonga Tūturu and Primary Industries protocols areas	Parts withheld	S9(2)(a)	290-293
65.	01 03 2017	OTS letter to Tūhoronuku - Ngaati Whanaunga overlapping claims	Parts withheld	S9(2)(a)	294-296
66.	14 03 2017	OTS letter to Tūhoronuku - Ngāti Rahiri Tumutumu taonga tūturu and primary industries protocols area	Parts withheld	S9(2)(a)	297-300
67.	22 03 2017	Tūhoronuku email to OTS re Ngāti Rāhiri Tumutumu_ Taonga Tūturu and Primary Industries protocols area	Parts withheld	S9(2)(a)	301
68.	22 03 2017	OTS email to Ngaati Whanaunga overlapping claims update	Parts withheld	S9(2)(a)	302
69.	14 – 29 03 2017	OTS, Tūhoronuku emails - Ngāti Rāhiri Tumutumu - Taonga Tūturu and Primary Industries protocols area	Parts withheld	S9(2)(a)	303-304
70.	29 06 2017	Report - 11 - Hauraki - Overlapping claims consultation with Ngāpuhi	Released in full		305-311
71.	10 07 2017	Report - 046 - Hauraki preliminary overlapping interests decisions on protocol areas	Parts withheld Parts not released – out of scope	S9(2)(a)	312-389
72.	12 07 2017	Letter Minister for Treaty of Waitangi Neogiations (MfToWN) to Tūhoronuku (Ngāpuhi) - preliminary decision on overlapping claims for Hauraki iwi	Parts withheld	S9(2)(a)	390-392
73.	12 07 2017	Letter MfToWN to Te Kotahitanga (Ngāpuhi) - preliminary decision on overlapping claims for Hauraki iwi	Parts withheld Parts not released – out of scope	S9(2)(a)	393-458
74.	13 07 2017	Letter MfToWN to Te Kotahitanga (Ngāpuhi) - final decision on overlapping claims	Parts withheld	S9(2)(a)	459-461
75.	13 07 2017	Letter MfToWN to Tūhoronuku (Ngāpuhi) -final decision on overlapping claims	Parts withheld	S9(2)(a)	462-464
76.	20 07 2017	Report - 053 - Ngaati Whanaunga - update on overlapping claims	Parts not released – out of scope		465-478

#	Date	Document description	Extent of information released	Reason for withholding information	Page number (s)
77.	01 03 2017 0 21 07 2017	Overlapping claims log - correspondence	Parts withheld Parts not released – out of scope	S9(2)(a)	479-484
78.	21 07 2017	MfTOWN to Te Kotahitanga (Ngāpuhi) - re Ngaati Whanaunga overlapping claims	Parts withheld	S9(2)(a)	485
79.	21 07 2017	Letter MfTOWN to Tūhoronuku (Ngāpuhi) - preliminary decision on N Whanaunga OLCs	Parts withheld	S9(2)(a)	486
80.	17 08 2017	Report - 166 - Ngaati Whanaunga - Final overlapping claims decisions and deed to initial	Parts withheld Parts not released – out of scope	S9(2)(a)	487-515
81.	18 08 2017	MfTOWN letter to Te Kotahitanga (Ngāpuhi) re Ngāti Whanaunga overlapping claims	Parts withheld	S9(2)(a)	516
82.	18 08 2017	MfTOWN letter to Tūhoronuku (Ngāpuhi) - final decison N Whanaunga OLC	Parts withheld	S9(2)(a)	517
83.	06 10 2017	OTS letter to Te Kohitanga (Ngāpuhi) – Hauraki iwi Taonga Tūturu and Primary Industries protocol areas	Parts withheld	S9(2)(a)	518
84.	06 10 2017	OTS letter to Tūhoronuku (Ngāpuhi) from OTS re protocol	Parts withheld	S9(2)(a)	519
85.	08 11 2017	OTS letter to Tūhoronuku (Ngāpuhi) - follow up overlapping claims with Hako	Parts withheld	S9(2)(j) S9(2)(a)	520-521
86.	08 11 2017	OTS letter Te Kohitanga (Ngāpuhi) - follow up overlapping claims with Hako	Parts withheld	S9(2)(j) S9(2)(a)	522-523
87.	08 02 2018	OTS letter to Te Kotahitanga (Ngāpuhi) - Ngāti Porou ki Hauraki overlapping claims	Parts withheld	S9(2)(a)	524-528
88.	08 02 2018	OTS letter to Tūhoronuku (Ngāpuhi) - Ngāti Porou ki Hauraki overlapping claims	Parts withheld	S9(2)(a)	529-533
89.	13 03 2018	OTS letter to Te Kotahitanga (Ngāpuhi) - Ngāti Porou ki Hauraki overlapping claims	Parts withheld	S9(2)(a)	534

#	Date	Document description	Extent of information released	Reason for withholding information	Page number (s)
90.	13 03 2018	OTS letter to Tūhoronuku (Ngāpuhi) - Ngāti Porou ki Hauraki overlapping claims	Parts withheld	S9(2)(a)	535
91.	30 04 2018	OTS letter to Tūhoronuku (Ngāpuhi) – Hauraki proposed protocols	Parts withheld	S9(2)(a)	536
92.	12 07 2018	Report - 003 - Ngāti Porou ki Hauraki - Preliminary decision on overlapping claims	Parts withheld Parts not released – out of scope	S9(2)(a)	537-589
93.	28 09 2018	Emails from Ngāti Hao - Ngāti Hao Ngāpuhi Northshore Tāmaki, with attachments document #94	Parts withheld	S9(2)(a)	590-591
94.	28 09 2018	Attachments to document #93, emails from Ngāti Hao	Parts not released – out of scope		592-596
95.	16 10 2018	MfTOWN letter to Ngāti Hao – Ngāti Hao Ngāpuhi Northshore Tāmaki	Parts withheld Parts not released – out of scope	S9(2)(a) S9(2)(j)	597
96.	30 10 2018	OTS letter to Tūhoronuku and Te Kotahitanga (Ngāpuhi) - Te Ākitai Waiohua settlement	Parts withheld	S9(2)(a)	598-605
97.	11 02 2019	Report - 281 - Te Ākitai Waiohua - Update on overlapping interests	Parts withheld Parts not released – out of scope	S9(2)(j)	606-626
98.	07 11 2019	Report - 127 - Te Ākitai Waiohua – overlapping interests decisions, with letters	Parts withheld Parts not released – out of scope	S9(2)(j) S9(2)(a)	627-673
99.	02 06 2022	Te Tari Whaktau memorandum - Customary Interests Memo - Awataha Marae	Parts withheld	S9(2)(j)	674-705
100.	12 12 2022	Te Tari Whakatau - Summary of Awataha marae land: customary and historical interests	Released in full		706-710

#	Date	Document description	Extent of information released	Reason for withholding information	Page number (s)
101.	10 09 2024	Te Tari Whakatau - Customary Interests Memorandum _Fort Takapuna	Released in full		711-729
102.	22 08 2025	Te Tari Whakatau - Fort Takapuna Patuone locations	Released in full		730

Reasons for withholding under section 9 of the Official Information Act 1982 (Please see the Official Information Act 1982 for full version of sections 9 and 18 of the Act).

s 9(2)(a) – protect the privacy of natural persons, including the deceased.

s 9(2)(b) – protect information that would:

- **(i)** – disclose a trade secret;
- **(ii)** – unreasonably prejudice commercial position of subject.

s 9(2)(ba) – protect information where making it available would:

- **(i)** – prejudice the supply of similar information; or
- **(ii)** – likely otherwise damage the public interest.

s 9(2)(c) – prejudice to measures protecting health or safety of the public.

s 9(2)(d) – prejudice to substantial economic interests of New Zealand.

s 9(2)(f) – maintain the constitutional conventions which protect:

- **(i)** – communications by or with the Sovereign or their representative; or
- **(ii)** – collective and individual ministerial responsibility; or
- **(iii)** – the political neutrality of officials; or
- **(iv)** – the confidentiality of advice tendered by Ministers and Crown officials.

s 9(2)(g) – maintain the effective conduct of public affairs through:

- **(i)** – the free and frank expression of opinions;
- **(ii)** – the protection from improper pressure or harassment.

s 9(2)(h) – maintain legal professional privilege.

s 9(2)(i) – enable the Crown holding the information to carry out commercial activities.

s 9(2)(e) – prejudice to measures that prevent or mitigate material loss to members of the public.

s 9(2)(j) – negotiations sensitive.

s 9(2)(k) – prevent the disclosure of information for improper gain or advantage.

OFFICE OF TREATY SETTLEMENTS

Te Tari Whakatau Take e pä ana ki te Tiriti o Waitangi

FILE NOTE

File Number:	CLA-N121-OC-02
Author:	Jay Eden
Date/Te Rä:	1 April 2005
Subject/Kaupapa:	**Ngäti Whätua Overlapping Claims – assessment of historical interests**

Released under the Official Information Act 1982

Purpose

1. This filenote records my assessment of the historical interests of overlapping claimants within the Ngäti Whätua o Öräkei area of interest, namely:

   - Ngäti Paoa and other Hauraki hapü
   - Te Kawerau a Maki
   - Ngäti Te Ata Waiohua and other Waikato-Tainui hapü
   - Ngapuhi

2. This assessment is primarily intended to inform Crown decisions about cultural and financial redress.

Methodology

3. My assessment mainly draws from publicly available secondary sources, including the Orakei Native Land Court judgment and various histories of Auckland. I have also used documents on the Waitangi Tribunal's Kaipara record of inquiry and newspaper sources where available. A full bibliography is included at the back of this memorandum.

Applying the "1840 rule"

4. When assessing groups' interests in the Auckland area, it is necessary to examine whether those interests were held prior to, and following, the signing of the Treaty of Waitangi. The 19th century Native Land Court often judged a group's association to a claimed area or block by evidence of occupation as at 6 February 1840. This date was chosen as an endpoint for customary tenure, and the beginning of Crown sovereignty.

5. The 1840 rule has found varying levels of favour with the Waitangi Tribunal and historians. Some commentators have criticised the rigidity of the rule, in light of the fluidity of Māori society as at 1840. Others have accepted that such a rule distinguishes customary associations held in pre-European times from those exercised in the era of Crown purchases and European settlement.

6. In this filenote, I aim to apply a combination of the two approaches. I do not accept that Māori associations with the Tamaki isthmus prior to the arrival of Ngäti Whätua into the area (ie prior to 1740) substantiate valid overlapping claims to particular sites if those associations were not maintained into the period of colonial contact. However, I do not accept that 6 February 1840 presents a realistic view of customary associations in the

Tamaki isthmus, particularly as Ngāti Whātua were re-establishing themselves in Auckland following a period of exodus, and Waikato tribes became powerful in certain pockets of land in the early to mid 1840s, prior to the alienation of land to the Crown or private purchasers.

7. I consider that this methodology is consistent with the approach adopted by the Waitangi Tribunal in the *Wellington District Report*. The Tribunal considered that Ngāti Mutunga did not have customary interests in Wellington because they departed for the Chatham Islands in 1835. The Tribunal also considered that Ngāti Tama had the ability to develop customary interests in the Hutt Valley post-1840.

Overview of basis of Ngāti Whātua customary interests

8. Immediately prior to c.1740, a collection of hapü known collectively as "Waiohua" (including Ngaiwi and Ngäi Tai[1]) were settled in the Tamaki isthmus, although Te Arawa, Tainui and Ngāti Awa groupings had also left their mark in the preceding centuries.[2] Maungakiekie was the home of the Waiohua chief Kiwi Tamaki, although the tribe also had pā at other volcanic cones and key coastal sites in the isthmus, with the exception of Maungawhau (Mt Eden) which was not occupied in Kiwi's time.[3]

9. Between 1740 and 1750, Te Taoü (originating in the Kaipara) conquered the Isthmus, defeating and displacing Waiohua. Te Taoü rangatira married Waiohua women, thus establishing land rights for Te Taoü (and two new groupings known as Te Uringutu and Ngaoho), based on conquest and hereditary occupation of the land. These three groups came to be known as Ngāti Whātua o Öräkei (henceforth described as "Ngāti Whātua"). [4]

10. Following the defeat and death of Kiwi Tamaki, Tuperiri, one of the architects of the Ngāti Whātua conquest of the Tamaki Isthmus, established a pā by the name of Hikurangi at Maungakiekie.[5] For the remainder of the 18th century and the first two decades of the 19th, Maungakiekie was the principal Ngāti Whātua pā on the Tamaki Isthmus[6] but Ngāti Whātua also occupied other sites around the isthmus (such as Orakei, Horotiu [Queen Street] and Te Taou [Freeman's Bay]) and also on the upper Waitemata harbour (notably at Kauri Point and Tauhinu) and Manukau Harbour (Mangere and Ihumatao).[7] The Ngāti Whātua does not appear to have occupied Maungawhau (Mt Eden)[8]; their connection to this site was solely through the ancestors of Ngaoho and Te Uringutu,[9] which incorporated the conquered Waiohua people.

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[1] Wynyard, M.H., *The history of One Tree Hill*, Auckland: Wilson and Horton, 1903, p. 6.
[2] Graham, George, "The Māori History of the Auckland Isthmus (Tamaki-Makau-Rau)", as preface to John Barr, *The City of Auckland, New Zealand, 1840-1920*, Auckland: Whitcombe and Tombs, 1922, pp. 7, 9. 15; Fenton, F. D., "Orakei", in Native Land Court , *Important judgments delivered in the Compensation Court and Native Land Court, 1866-1879*, Auckland: H. Brett, 1879, pp.; Stone, "Historical Report", p. 53
[3] Fenton, pp. 62, 64; Graham, p. 20, Jackson, E. T., *Delving into the past of Auckland's eastern suburbs*, St Heliers: E.Jackson, 1976-1978, vol. 1, p. 14; Simmons, p. 15. Maungawhau appears to have been occupied by Huakaiwaka, the father of Kiwi Tamaki.
[4] Fenton, pp. 59, 63-64; Waititi, John, "An Outline of Auckland's Māori History", *Journal of the Auckland Historical Society*, vol. 2, no. 1, October 1963, p. 9; Graham, pp. 21-23; Smith, S. Percy, *The peopling of the North* : notes on *the* ancient Mäori history *of the* Northern Peninsula and sketches *of the* history *of the* Ngäti-Whätua tribe *of* Kaipara, New Zealand, Christchurch: Kiwi Publishers ??, 1898, pp. 85-90, Jackson, p. 15.
[5] Wynyard, p. 12; Fenton, pp. 63-64.
[6] Smith, p. 93; Fenton, p. 65; Stone, 2001, states that Maungakiekie was abandoned following the death of Tuperiri.
[7] Smith, p. 91; Fenton, pp. 65-66; Stone, 2001, p. 48.
[8] Waititi, p. 10; Graham, p. 25??
[9] Such as Huakaiwaka, the (grand?)father of Kiwi Tamaki.

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11. Upon the arrival of Ngapuhi taua in Auckland in the 1820s, Ngāti Whātua vacated the Tamaki Isthmus, taking refuge in the Waitakere Ranges, Mahurangi area and then in the Waikato.[10] It appears that Ngāti Whātua maintained ahi ka over the Tamaki Isthmus during this period of exile by visiting cultivations on a regular basis.[11] With the assistance of Waikato-Tainui hapū and leaders, Ngāti Whātua returned to the Tamaki Isthmus in the mid to late 1830s, establishing pā and/or cultivations at Karangahape, Mangere, Onehunga, Horotiu, Waiariki (Official Bay) and Orakei.[12] Ngāti Whātua did not reoccupy pā such as Maungakiekie or Owairaka on their return.[13]

12. At the time of the signing of the Treaty, Ngāti Whātua had re-established themselves as tangata whenua in the Tamaki Isthmus. Alan Ward states that the "overwhelming weight of evidence is that Ngāti Whātua, in its various closely inter-related sections, were in occupancy and control of most of the land under consideration [the core Tamaki isthmus] from about 1750… they resumed occupation and control in the late 1830's after the Ngapuhi had raided the area but not occupied it". Subsequently, Ngāti Whātua proceeded to make land available for the establishment of a capital at Auckland and for settlement by Europeans.

Ngāti Te Ata Waiohua and other Waikato-Tainui hapū

13. For the purposes of this filenote, I have mainly assessed the historical interests of Ngāti Te Ata Waiohua alongside other Waikato-Tainui hapū which had interests in Auckland before and immediately after 1840 (such as Ngāti Tamaoho/Ngāti Maho, Ngāti Mahuta, Te Akitai and possibly Ngai Tai). However, I have included specific reference to Ngāti Te Ata where applicable, in order to assist with future Crown responses to overlapping claims challenges from this group.

14. As stated above, it is widely accepted that Waiohua, comprising hapū of Waikato-Tainui descent, were conquered by the Te Taou hapū of Ngāti Whātua between 1740 and 1750 and consequently lost rights in the Tamaki isthmus. Remnants of Waiohua were subsumed within the new hapū of Te Uringutu and Ngaoho, which aligned with Te Taou to form Ngāti Whātua o Ōrākei.

15. I have seen no evidence that Waikato-Tainui hapū had historical interests in the Tamaki Isthmus from 1750 to the 1830s. Histories of Waikato-Tainui hapū do not support the existence of such interests.[14] Rather, it is posited that the northern extent of Waikato-Tainui/Waiohua interests was re-set to the Awhitu Peninsula, where they were able to defend a pā against a Ngāti Whātua incursion.[15] It would further appear that, in the late 18th century this boundary had been extended up to Otahuhu (or possibly Mt Wellington), as Akitai (of Tainui descent but also related to Ngāti Paoa of Hauraki) had settled in the

[10] Fenton, pp. 72-73; Ward, pp. 8-9; Stone, 2001, p. 93.
[11] Including at Takapuna. See Stirling, "North Shore", p. 20 and Stone, 2001, p. 98.
[12] Ryburn, E.K., "Remuera: some notes on its beginnings and early land purchase", in *Journal of the Auckland Historical Society*, vol. 1, no. 1, 1962, p. 8; Graham, p. 31; Jackson, p. 38; Fenton, pp. 75-76, 79; Stone, "Historical Report", p. 63.
[13] Scott, Dick, *In Old Mt Albert*, Auckland: Southern Cross Books, 1983, p. 16; Wynyard, p. 14; Waititi, p. 11.
[14] Jones, Pei Te Hurinui, *Nga Iwi o Tainui*, Auckland: Auckland University Press, 1995; Kelly, L.G., *Tainui: The Story of Hoturoa and his descendants*, Christchurch: Capper Press, 1980, pp. 253-257.
[15] Phillips, F. L., *Landmarks of Tainui*, Otorohanga: Tohu Publishers, 1989-1995, p. 75.

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area as well as at Pukaki. The Otahuhu portage was said to constitute a tribal boundary at the time.[16]

16. However, it has been asserted that Waikato-Tainui hapü gifted land near Kohimarama to Ngāti Paoa around 1780, suggesting that Waikato still exercised some mana over the land.[17] This interpretation of the Kohimarama gift has not been widely accepted, and I consider that the assertion of a Waikato association may stem from Waiohua links through Ngaoho or Te Uringutu.[18]

17. Waikato-Tainui hapü established real interests in the central Auckland area from the mid-1830s. Te Wherowhero escorted Ngāti Whätua and other iwi back to the Tamaki Isthmus and established a pa at Mangere and subsequently at Onehunga.[19] With him, he brought the Waikato hapü of Ngāti Mahuta, Ngāti Apakura and others.[20] Judge Fenton recorded that Ngāti Whätua requited their debt to Waikato-Tainui hapü, which had provided refuge and shelter to Ngāti Whätua in the 1820s and 1830s, by gifting them land at Pukapuka, Onehunga and Remuera.[21] Today, Ngāti Whätua call these gifts "tuku rangatira", denoting chiefly alliance between the donor and the recipient hapü. Russell Stone also views the gifts as Ngāti Whätua soliciting protection from Te Wherowhero on both sides of the Tamaki isthmus, against the threats posed by Ngapuhi and Ngāti Paoa.[22] Waikato interests were also established through the marriage of Te Kati, the younger brother of Te Wherowhero, to Toha, a niece of Hongi Hika, in order to seal the peace between Waikato and Ngapuhi.[23]

18. In the mid 1840s, the status of the gifted land caused friction between Ngāti Whätua and Waikato-Tainui hapü, who wished to sell part of the land (near Remuera) to European settlers under the pre-emption waiver system. Ngāti Whätua asserted that they held underlying title to the land, under the conditions of the gift.[24]

19. I consider that, as at 1843-44, Waikato-Tainui hapü held a dominant position in the Remuera and Mt St John area that belied any notion of subservience to Ngāti Whätua. Russell Stone states that "there is abundant evidence that the governors of the 1840s felt that real political and military power on the isthmus – quite different from mana whenua of course – lay with Waikato not Ngāti Whätua".[25]

20. By July of 1843, Waikato tribes had assembled in numbers at Remuwera (Mt Hobson), and thereafter were in sharp conflict with Ngāti Whätua from that point as to who held mana to the land.[26] In May 1844, Waikato organised a hui and hakari (feast) for approximately 3000 people, to decide whether or not to sell Remuera land.[27] The tribes staged a mock battle between Remuwera and Titikopuke as a display of the strength of

[16] Sedal, V., *A brief history of Otahuhu*, Otahuhu: Otahuhu Borough Council, 1982, p. 10; Jackson, p. 22; Sullivan, Agnes, *Māori occupation of the Otahuhu district up to 1840*, Wellington: Victoria University, 1981, p. 15.
[17] Smith, p. 91; Ngāti Te Ata Waiohua statement...
[18] See Fenton, p. 66 for an explanation of the whakapapa involved in the gift. .
[19] Fenton, pp. 75, 79; Waititi, p. 10; Stone, R. C. J., *James Dilworth*, Auckland: Dilworth Trust Board, 1995, p. 35; Stone, "Historical Report", p. 67; Stone, 2001, p. 148.
[20] Stone, 2001, p. 152.
[21] Fenton, p. 80; Also see Jackson, p. 38; Stone, p. 39; Ward, p. 12; Stone, 2001, pp. 175, 291, 293.
[22] Stone, 2001, pp. 185, 292.
[23] Stone, "Historical Report", p. 68.
[24] Ryburn, p. 9; Stone, p. 41.
[25] Stone, "Historical Report", p. 68.
[26] Stone, 1995 pp. 39-40, 45; Stone, "Historical Report", pp. 68-69.
[27] Stone, 1995, p. 41; Stone, "Historical Report", p. 69.

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the respective tribes inhabiting the area.[28] At the reception of 200 chiefs at Government House two days later, Te Wherowhero stood at the governor's right hand.[29] The land selling question was clearly decided in the positive, as subsequently a number of blocks, totalling some 1500 acres, were transacted by Waikato to private purchasers under the pre-emption waiver system.[30]

21. In June? March? 1844, Ngāti Whātua and Waikato-Tainui agreed upon a boundary line from Tamaki Road to Puketapapa (Mt Roskill) in March 1844. On the Remuera side of the boundary line, it may have been agreed that Waikato had the ability to transact the land under the pre-emption waiver system (check Stone).

22. It appears that, by the early 1850s, Waikato-Tainui hapü had alienated their entire land interests in the Tamaki isthmus, presumably moving back to the Waikato.

23. Waikato hapü were also signatories to the mammoth Hikurangi Purchase of 1853 in West Auckland, demonstrating at least some interests for the hapü in the Waitakere region.

Ngāti Paoa and other Hauraki hapü

24. I have assessed the historical interests of Ngāti Paoa alongside other Hauraki hapü[31] (such as Ngāti Whanaunga) for ease of reference, with specific references to Ngāti Paoa where applicable.

25. Hauraki hapü exercised firm interests in the Tamaki isthmus from approximately 1780, when it is said that the Ngaoho hapü of Ngāti Whātua gifted land to Ngāti Paoa on the eastern Tamaki isthmus, as a wedding gift to cement a rangatira alliance between the groups.[32] Another version of Ngāti Paoa land interests in this area was that they resumed ahi ka interests held in the Tamaki isthmus in earlier centuries.[33] In any case, Ngāti Paoa do not appear to have obtained exclusive land interests in the eastern Tamaki isthmus, as evidenced by the successful Ngāti Whātua application in 1867 for title over Te Wharau, on the south bank of Pakuranga Creek.[34]

26. Nevertheless, from the late 18th century, Ngāti Paoa[35] established pa at Mokoia, and later Mauinaina, on the Tamaki River.[36] Their cultivations on the eastern Tamaki isthmus extended inland towards Waiatarua, southwards towards Otahuhu and northwards towards Achilles Point, on Tamaki Heads.[37] These pā, along with sites on Hauraki Gulf islands and the coast between Mahurangi and Takapuna, formed part of Ngāti Paoa's strategic position on the eastern sea approach to Auckland from which the tribe later

[28] Stone, 1995, p. 51; Stone, "Historical Report", p. 69.
[29] Stone, 1995, p. 51; Stone, "Historical Report", p. 69.
[30] Holmes, C.O., "James Dilworth – some early land dealings", in *Journal of the Auckland Historical Society*, vol. 1, no. 1, 1962, p. 19; Stone, p. 48.
[31] Although Paoa was originally of Tainui descent, Ngāti Paoa came to be associated with the Hauraki or Marutuahu iwi. See Jackson, p. 18 and Ward, p. 6.
[32] Fenton, p. 66; Holloway, K. M., *Maungarei: An Outline History of the Mt Wellington, Panmure and Tamaki Districts*, Auckland: Mt Wellington Borough Council, 1962, p. 39; Jackson, p. 27; Sullivan, p. 16. Stone, 2001, p. 49. Te Tahuri, the rangatira who is said to have made the tuku, was described by Fenton as being half Ngaoho and half Waikato.
[33] Ward, pp. 6, 8, 11.
[34] Stirling, Bruce, "Ngāti Whātua o Orakei and the Crown, 1840-1865", A Report commissioned by Ngāti Whātua o Öräkei Corporate, 2002, pp. 116-117.
[35] The main sub-hapü was Ngāti Hura. Stone, 2001, p. 74.
[36] Fenton, pp. 67-68; Holloway, p. 39; Waititi, p. 10; Graham, p. 27.
[37] Ward, p. 8; Stone, 2001, p. 67.

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gained access to Auckland settler markets.[38] As stated above, Ngāti Paoa also had connections to the Akitai occupation of Otahuhu at this time.[39]

27. In the 1790s, Ngāti Paoa clashed with Ngāti Whātua in a number of battles, including at West Tamaki Heads in 1793 where accounts are mixed as to who was victorious.[40] The Ngāti Whātua ancestor Tarahawaiki (son of Tuperiri) was killed by Ngāti Paoa in the upper Waitemata harbour, presumably in the context of an argument over shark fishing rights.[41] In the inland Mahurangi/ Kaipara district, Ngāti Whātua and Ngāti Paoa clashed at such sites as the Hoteo River, Araparera and near Makarau.[42] Ngāti Paoa also attacked Kawerau settlements between the Waitemata harbour and Mahurangi.[43] In relation to the Rangitoto Channel, S. Percy Smith recorded that Ngāti Paoa had claimed Nihokiore or Bean Rock (between present day Waitemata Heads and Rangitoto Island) as a tribal boundary.[44] Stone states that a shaky peace was arranged between Ngāti Paoa and Ngāti Whātua in the late 1790s.[45]

28. At some time early in the 19th century, it is said that rangatira of Ngāti Paoa[46] received a tuku of land covering the whole of the North Shore and much of the southern Mahurangi District, inland as far as Lucas Creek. This tuku was made by Te Hehewa of Ngāti Taimanawaiti, a tribe predating the arrival of Ngāti Whātua and Ngāti Paoa in the area.[47] Ngāti Paoa interests in this region may have been strongest close to the Rangitoto Channel.[48]

29. As at 1820, Ngāti Paoa maintained prosperous settlements at Mauinaina and Mokoia, which appear to have extended down to Otahuhu.[49] However, Ngāti Paoa was defeated and evicted from their sites on the Tamaki River by Ngapuhi taua in the following two years.[50] It appears that, like Ngāti Whātua, Ngāti Paoa were able to tend to their cultivations in this period and thereby maintain land interests in the isthmus.[51] Ngapuhi did not permanently occupy Mauinaina and Mokoia.

30. In the mid 1830s, Te Wherowhero of Waikato appears to have guided Ngāti Paoa, along with Ngāti Whātua, back to the eastern Tamaki isthmus, but not to their former pā at Maunaina and Mokoia.[52] A peace agreement was arranged between Ngāti Paoa and Ngāti Whātua at Orere in 1836 that enabled both iwi to resettle peaceably on their

[38] Belgrave, Michael, "Ngāti Paoa : an investigation into their land loss due to the New Zealand Settlements Act 1863", a report for the Waitangi Tribunal Research Unit, 1987, p. 3; Stone, "Historical Report", p. 65; Stone, 2001, p. 23.
[39] Sedal, p. 10.
[40] Fenton, pp. 66-67; Holloway, pp. 40, 54; Waititi, p. 10; Graham, pp. 23-24; Smith, p. 92; Jackson, p. 19; Ward, p. 8; Stone, "Historical Report", p. 56; Stone, 2001, p. 52.
[41] Fenton, pp. 66-67; Ward, p. 8; Stone, 2001, p. 52; also see Stirling, "North Shore", p. 15.
[42] Stirling, "North Shore", p. 15.
[43] Stone, "Historical Report", pp. 58, 64.
[44] Smith, p. 93.
[45] Stone, 2001, p. 53.
[46] Including Hetaraka Takapuna, who lived with Ngāti Paoa but whose mother was of Ngāti Whātua. Stirling, "North Shore", pp. 20-21.
[47] Stirling, "North Shore", pp. 16-17.
[48] Stirling, "North Shore", p. 17, citing Tiritirimatangi case – whose evidence?, and also p. 22.
[49] As recorded by Samuel Marsden, Rev. John Butler and Major R. Cruise. Stone, "Historical Report", pp. 58, 65.
[50] Fenton, p. 69; Graham, pp. 28-29; Jackson, pp. 30, 33; Stone, "Historical Report", p. 59; Simmons, p. 30; Stone, 2001, p. 88.
[51] Ward, p. 9; Stone, p. 65.
[52] Stirling, p. 114; Stone, 2001, p. 90.

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respective lands at Waitemata.[53] However this agreement did not achieve lasting peace between the iwi[54] and further agreements were concluded in the next six years, as noted below.

31. In the five years before 1840, Hauraki hapü entered into land transactions in the eastern isthmus with private purchasers, indicating some degree of continuity of interests for these hapü in the area. Ngāti Paoa entered into a transaction with Fairburn in 1836 for a large area covering Otahuhu, Papakura, Maraetai and Wairoa.[55] Ngāti Paoa conducted further transactions in 1838 and 1839 with Hamlin and Dalziell respectively, which covered land from Otahuhu north to Glen Innes. Ngāti Whätua also received payments for all three of these transactions, indicating the land was subject to shared interests between the two groups.[56]

32. Hauraki hapü entered into land transactions with the Crown in the Auckland area in the early years of the colony, starting with the sale of the 6000-acre Kohimarama Block, just to the east of Orakei, in 1841. Stone considers that Ngāti Paoa had an "indisputable title" to this block, even though they had virtually abandoned their settlements on the eastern Tamaki isthmus.[57] Frictions between Ngāti Whätua and Ngāti Paoa regarding land use rights were evident in this period. It is said that Ngāti Whätua protested the surveying of the western boundary of the Kohimarama block in 1841 (possibly due to its proximity to Ngāti Whätua settlements at Orakei and Pourewa Creek).[58]

33. In 1842, Ngāti Whatua and Ngāti Paoa made lasting peace at Okahu.[59] Subsequently, Ngāti Whätua escorted Ngāti Paoa to a settlement in St George's Bay (Hobson Bay) and also gifted them a small patch of land at Orakei for gardening purposes.[60]

34. In the mid 1840s, Ngāti Paoa (and some Ngāti Te Ata) were cultivating Okahu / Orakei, along with Ngāti Whätua.[61] However, I do not see Ngāti Paoa's residence at Orakei as signs of equal rights for Hauraki hapü in the area. It was clear that Orakei had been established, from the late 1830s, as the principal Ngāti Whätua settlement on the Tamaki Isthmus.[62] In the Orakei title investigation of the late 1860s, Judge Fenton stated that the Ngāti Te Ata (and presumably Ngāti Paoa) cultivations at Orakei were simply "acts of occupation" to which no ownership rights could be attached.[63] This reasoning also applied to the title application of Hetaraka Takapuna (of Ngāti Paoa) because he could not demonstrate a clear descent link to Orakei.

35. Various Hauraki hapü, along with Ngāti Whätua (including South Kaipara hapü[64]), were among the tribal groups that regained interests in the North Shore and Mahurangi Peninsula within the Ngāti Whätua area of interest, following the Ngapuhi assault on the

[53] Stirling, "North Shore", p. 19; Fenton, p. 19; Ward, p. 11.
[54] Stone, 2001, p. 187.
[55] Stirling, "Ngāti Whätua and the Crown", p. 113.
[56] Stirling, "Ngāti Whätua and the Crown", pp. 117-120.
[57] Stone, 2001, pp. 188, 306.
[58] Eg, see Fenton, p. 80.
[59] Fenton, p. 80; Stone, p. 189. Ngāti Paoa peace deputations had also been sent to Okahu in 1840 and 1841.
[60] Stone, 2001, p. 190.
[61] Fenton, p. 80; Waititi, p. 11.
[62] See also Fenton p. 68 for discussion of Ngāti Paoa cultivations at Okahu Bay c. 1815.
[63] Fenton, p. 81.
[64] Stirling, "North Shore", p. 18 – Ngāti Kahu hapü of Ngāti Whätua received rights to Takapuna and western half of Rangitoto?

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Tamaki isthmus.[65] Barry Rigby has suggested that Hauraki tribes participated in the Mahurangi spar trade during the 1830s.[66] In the late 1830s, within the Ngāti Whātua o Ōrākei area of interest, Henry Tayler entered into a land transaction covering Takapuna with rangatira of Ngāti Paoa, although this did not result in a land grant for Tayler.[67] This transaction was challenged by Ngāti Whātua.[68] Hetaraka Takapuna of Ngāti Paoa (and Ngāti Tai) is said to have lived at Onewa Point, near Northcote.[69]

36. It is important to note here that customary tenure on the North Shore was not clear or rigid at 1840. Bruce Stirling notes that the customary rights of iwi on the North Shore are difficult to disentangle and, in the period leading up to 1840, rather fluid.[70] Therefore, there is uncertainty about which tribes hold primary customary associations to key sites on the North Shore and south Mahurangi, including Kauri Point.[71]

37. Four hapū of Hauraki descent transferred the large Mahurangi Block to the Crown in 1841, receiving a reserve at Te Waimai a Te Tumu, [72] which may have been near present-day Birkenhead.[73] Notwithstanding this transaction, which went up to Riverhead, it is unclear how far inland the interests of Hauraki hapū extended. In any case, it was clear that Ngāti Paoa or Hauraki hapū claims to exclusive ownership of the Mahurangi Block were highly questionable.[74] The Crown subsequently purchased the interests of Ngāti Whātua and Te Kawerau in parts of the Mahurangi block.[75] In 1844, the Hauraki hapū Ngāti Whanaunga alienated the Te Waimai a Te Tumu reserve.[76]

Te Kawerau a Maki

38. Within the Ngāti Whātua area of interest, Te Kawerau a Maki (or Te Kawerau[77]) appear to have had small historical interests mainly in the Waitakere region but also in parts of the North Shore.[78] For a further assessment of Te Kawerau a Maki interests see Therese Crocker, "An Assessment of Ngāti Whātua and Te Kawerau a Maki interests in the Waitakere region: A Report commissioned by OTS", 2005.

39. Te Kawerau a Maki interests in the Waitakere region, at Piha and other places, pre-dated the migration of Te Taou from the South Kaipara to the Tamaki Isthmus.[79] Te Taou and Te Kawerau had a number of battles in the Waitakeres. It is said that a peace line was drawn at Taupaki (south of modern-day Kumeu) to separate the South Kaipara Ngāti

[65] Rigby, Barry, "The Crown, Māori and Mahurangi", Wai 674 Doc# F1, pp. 11-17; Bartlett, Jean, *Takapuna: People and Places*, North Shore City: North Shore City Council, 2001, p. 12, Sayers and Dumbleton, p. 13; Stirling, "North Shore", p. 20.
[66] Rigby, p. 76.
[67] Rigby, p. 79.
[68] Stirling, "North Shore", pp. 21, 27.
[69] Fisher, Muriel E., *Birkenhead, the Kauri Suburb*, Birkenhead: Birkenhead Borough Council, 1969, p. 8.
[70] Stirling, Bruce, "Ngāti Whātua, the Crown and North Shore Lands, 1840-1865", 2001, p. 5.
[71] See Stirling, "North Shore", p. 21 – uncertainty was voiced about Kauri Point at the Orakei investigation.
[72] Rigby, pp. 20-21; *Turton's Deeds*, Deed 192.
[73] Fisher, p. 8.
[74] Stone, 2001, p. 188.
[75] Rigby, pp. 12, 23-24.
[76] Rigby, p. 25.
[77] Linked to Ngāti Whātua in the South Kaipara. Russell Stone uses the name "Te Kawerau" to refer to that iwi's interests in the Waitakere region.
[78] Eg, see McClure, Margaret, *The Story of Birkenhead*, Birkenhead: Birkenhead City Council, 1987, pp. 9-11.
[79] Smith, p. 76; Fenton, p. 65; Stone, 2001, p. 21.

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Whātua interests from those of Te Kawerau a Maki.[80] By the middle of the nineteenth century, Ngāti Whātua in the South Kaipara and Te Kawerau a Maki were heavily intermarried.[81]

40. Te Kawerau a Maki does not appear to have been a large or distinct group. From an assessment of documentary evidence, their interests appear to have been concentrated or at least asserted the strongest in the areas of their land sales to the Crown, namely Te Puatahinga and Te Pae o te Rangi. Te Kawerau and Ngāti Whatua both participated in some land transactions in the Waitakere region, indicating a level of shared interest.

41. On the North Shore, Te Kawerau had interests in sites such as Te Matarae a Mana (Kauri Point) and Takapuna prior to the signing of the Treaty.[82] These interests appear to have been shared with Ngāti Whātua and/or Ngāti Paoa.[83] In 1861, the ethnographer Stephenson Percy Smith found Te Kawerau people living near today's Mahurangi West, who were at that time acknowledged to be the "owners of the land".[84] In the mid-1850s, the Crown and Te Kawerau entered into transactions in the Mahurangi area, but north of the Ngāti Whātua o Ōrākei area of interest.[85]

Ngapuhi

42. As mentioned above, Ngapuhi taua arrived in Auckland in the early 1820s (although their assaults on the isthmus had begun as early as the 1790s[86]), forcing Ngāti Whātua to vacate the isthmus for Waitakere and then the Waikato, and also defeating Ngāti Paoa at Mauinaina and Mokoia pā.[87] Ngapuhi did not enforce this assault with occupation of the Tamaki isthmus.[88] However the threat of further Ngapuhi taua may still have been felt by Ngāti Whātua and other iwi in the mid to late 1830s.[89]

43. Along with Hauraki hapū, Te Kawerau and Ngāti Whātua, Ngapuhi appears to have had some measure of interest in the large Mahurangi Block transferred to the Crown in 1841. Pomare of Ngāti Manu (usually associated with the Bay of Islands) drew the Crown's attention to his Mahurangi interests. The govt paid Pomare for these interests in 1842-1843.[90]

44. Ngapuhi also retained some influence in Auckland in the 1840s and 1850s through the relationships between Ngapuhi rangatira such as Patuone and the government.[91]

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[80] Smith, p. 11; Stirling, "Ngāti Whātua...North Shore", p. 10; Stone, "Historical Report", p. 67.
[81] For example, Te Hemara Tauhia and Paora Tuhaere had links to both Te Kawerau and Ngāti Whātua in the South Kaipara. See Stirling, "North Shore", pp. 12-13. Also see Crocker report [references to insert].
[82] Simmons, p. 35, records that the chief of Takapuna in the 18th century was Te Rangikaketu of Te Kawerau. In 1876, his grandson claimed the whole of the Tamaki isthmus – his claim was disallowed.
[83] Fisher, p. 8; McClure, p. 11; Stirling, "North Shore", pp. 24-25.
[84] Rigby, p. 15; also see Stirling, "North Shore" p. 12, which recounts Te Hemara's statement of connection to lands in the Mahurangi District.
[85] Rigby, pp. 37-40, 45
[86] Graham, p. 26; Ward, p. 8; Stone, "Historical Report", p. 58.
[87] Kelly, p. 351; Ward, p. 8; Stone, 2001, p. 88.
[88] Fenton, pp. 72-73.
[89] Stone, 2001, p. 152.
[90] Rigby, pp. 24-25.
[91] Sayers, R., and E. Dumbleton (ed.s), *Takapuna : a historical portfolio commemorating 60 years of municipal government 1913-1973*, Takapuna: Takapuna City Council, 1973, p. 19.

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Bibliography

Primary sources

Turton's Deeds.

Published books and articles

Bartlett, Jean, *Takapuna: People and Places*, North Shore City: North Shore City Council, 2001.

Fenton, F. D., "Orakei", in Native Land Court , *Important judgments delivered in the Compensation Court and Native Land Court, 1866-1879*, Auckland: H. Brett, 1879.

Fisher, Muriel E., *Birkenhead, the Kauri Suburb*, Birkenhead: Birkenhead Borough Council, 1969.

Graham, George, "The Māori History of the Auckland Isthmus (Tamaki-Makau-Rau)", as preface to John Barr, *The City of Auckland, New Zealand, 1840-1920*, Auckland: Whitcombe and Tombs, 1922.

Holloway, K. M., *Maungarei: An Outline History of the Mt Wellington, Panmure and Tamaki Districts*, Auckland: Mt Wellington Borough Council, 1962.

Holmes, C.O., "James Dilworth – some early land dealings", in *Journal of the Auckland Historical Society*, vol. 1, no. 1, 1962, pp. 17-26.

Jackson, E. T., *Delving into the past of Auckland's eastern suburbs*, St Heliers: E.Jackson, 1976-1978.

Jones, Pei Te Hurinui, *Nga Iwi o Tainui*, Auckland: Auckland University Press, 1995.

Fenton, F. D., "Orakei", in Native Land Court , *Important judgments delivered in the Compensation Court and Native Land Court, 1866-1879*, Auckland: H. Brett, 1879.

Phillips, F. L., *Landmarks of Tainui*, Otorohanga: Tohu Publishers, 1989-1995.

Ryburn, E.K., "Remuera: some notes on its beginnings and early land purchase", in *Journal of the Auckland Historical Society*, vol. 1, no. 1, 1962, pp. 8-16.

Sayers, R., and E. Dumbleton (ed.s), *Takapuna : a historical portfolio commemorating 60 years of municipal government 1913-1973*, Takapuna: Takapuna City Council, 1973.

Scott, Dick, *In Old Mt Albert*, Auckland: Southern Cross Books, 1983.

Sedal, V.I., *A brief history of Otahuhu*, Otahuhu: Otahuhu Borough Council, 1982.

Simmons, David, *Mäori Auckland*, Auckland: The Bush Press, 1987.

Released under the Official Information Act 1982

Smith. S. Percy, *The peopling of the North* : notes on *the* ancient Mäori history *of the* Northern Peninsula and sketches *of the* history *of the* Ngäti-Whätua tribe *of* Kaipara, New Zealand, Christchurch: Kiwi Publishers ??, 1898.

Stone, R. C. J., *From Tamaki-Makau-Rau to Auckland*, Auckland: Auckland University Press, 2001.

Stone, R. C. J., *James Dilworth*, Auckland: Dilworth Trust Board, 1995.

Waititi, John, "An Outline of Auckland's Māori History", *Journal of the Auckland Historical Society*, vol. 2, no. 1, October 1963, pp. 8-12.

Wynyard, M.H., *The history of One Tree Hill*, Auckland: Wilson and Horton, 1903.

Unpublished reports

Belgrave, Michael, "Ngati *Paoa* : an investigation into their land loss due to the New Zealand Settlements Act 1863", a report for the Waitangi Tribunal Research Unit, 1987.

Rigby, Barry, "The Crown, Mäori and Mahurangi", Wai 674 Doc # F1.

Stirling, Bruce, "Ngāti Whätua o Orakei and the Crown, 1840-1865", A Report commissioned by Ngāti Whätua o Öräkei Corporate, 2002.

Stirling, Bruce, "Ngāti Whätua, the Crown and North Shore Lands, 1840-1865", 2001.

Stone, R. C. J., "Historical Report on the Auckland Metropolitan Area", Report commissioned by Crown/Congress Joint Working Party, April 1992.

Ward, Alan, "Supplementary Historical Report on central Auckland lands", report for Crown/Congress Joint Working Party, 1992.

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CLA UD 1150C01

Document 5

.om: Amelia Manson
To: michael.dreaver@paradise.net.nz
CC: White, Ben
Date: 29/05/2009 3:14 p.m.
Subject: Carole Curtis letter re Nga Puhi.pdf - Adobe Reader
Attachments: Carole Curtis letter re Nga Puhi.pdf

Tena koe, Michael

Attached is a letter from Carole Curtis to Sir Douglas concerning a number of her clients with Nga Puhi affiliations.

In that letter Ms Curtis said her firm represented a number of Wai claimants essentially from Nga Puhi [redacted] Wai 1896, [redacted] as well as a number of claimants whose wai numbers are pending). out of scope

Ms Curtis stated that her clients have interests in the Tāmaki Makaurau region and that these interests have been ignored.

I called her this afternoon and explained to her that we wanted to address the concerns she raised but before we could do this we need information about who her claimants are, such as their hapū and marae affiliations.

Ms Curtis said that she understood our need for further information and would provide me with the information we require by the end of next week. She explained that, while she could get the information together she wanted to run the information past the barrister she is working with on the matter, Mr Gerald Sharrock, who is away until mid-next week.

In order to get us the information speedily, she will provide Sir Douglas with the information (to follow through on the contacts process she has begun with him) and email a copy of that letter so that we can get to work on it immediately.

Ms Curtis was pleased that we had taken the time to contact her personally to request the information and appreciated our need for further information to be provided as soon as possible.

Could you call Ben White to discuss this with him.

Enjoy your long week-end.

Regards

Amelia
Amelia Manson

Senior Policy Analyst
Office of Treaty Settlements
PO Box 919
Wellington
amelia.manson@justice.govt.nz
DDL: (04) 494-9827

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OFFICE OF TREATY SETTLEMENTS

Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi

FILE NOTE

File Number:	CLA NO 115 OC O1
Author:	Amelia Manson
Date/Te Rā:	29 May 2009
Subject/Kaupapa:	**Tāmaki Makaurau Region: Ngā Puhi interests**

This file notes records a conversation I had this afternoon (2.40 pm) on Friday 29 May 2009. with Carole Curtis of Marshall Bird & Curtis, an Auckland law firm.

The conversation was in response to a letter sent to Sir Douglas Graham by Ms Curtis on 18 May 2009. In that letter Ms Curtis said her firm represented a number of Wai claimants essentially from Ngā Puhi ([redacted] Wai 1896, [redacted] out of scope as well as a number of claimants whose wai numbers are pending).

Ms Curtis stated that her clients have interests in the Tāmaki Makaurau region and that these interests have been ignored.

I explained to her that we wanted to address the concerns she raised but before we could do this we need information about who her claimants are, such as their hapū and marae affiliations.

Ms Curtis said that she understood our need for further information and would provide me with the information we require by the end of next week. She explained that, while she could get the information together she wanted to run the information past the barrister she is working with on the matter, Mr Gerald Sharrock, who is away until mid-next week.

In order to get us the information speedily, she will provide Sir Douglas with the information (to follow through on the contacts process she has begun with him) and email a copy of that letter so that we can get to work on it immediately.

Ms Curtis was pleased that we had taken the time to contact her personally to request the information and appreciated our need for further information to be provided as soon as possible.

10.45 am.
11. June. called to follow up on my call of Monday 8 June seeking information on progress. She was away till Wed. Left message for her to call back. No call received

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MARSHALL BIRD & CURTIS
BARRISTERS & SOLICITORS
Specialists in Immigration

001414
28 MAY 2009

Reception
Estelle O'Hara

Licensed Immigration Adviser
Ann-Maree Duxfield

Principal Lawyer
Carole Curtis

GST 60 403 651

18 May 2009

Rt Hon Sir Douglas Graham
Treaty Facilitator
Wellington

Dear Sir,

Settlement Process within Tamaki Makaurau

We act for a significant number of claimants who have material interests within this area. Our clients are essentially from Nga Puhi.

They are [redacted] WAI 1896, [redacted] and others WAI pending. out of scope

It is essentially the obscured and untold story of Nga Puhi in this area and the recognition of their interests that sit at the back of these claims.

To date Nga Puhi's interests have essentially been ignored. We would li[redacted] discuss our client's position and how you wish [redacted] settlement process.

Yours faithfully

CAROLE CURTIS

Cc Gerald Sharrock

Amelia, can you please:

* work out who these claims are made on behalf of – on 2nd thought see below*
* write very brief memo setting this out
* discuss w/ Mike D
* file letter (copy)
* fwd to Sir D. w/ note explaining who these claimants are.

Thanks, Ben

amended to

* contact Carole Curtis explaining need more detail about claims & who claimants are – i.e. hapū & marae affiliations – urgently! Application – see file note on out-come.

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Greg Davis
Partner
Tumanako Law
PO Box 697
KERIKERI 0470

Tena koe Greg

Thank you for our meeting on 6 October 2009 to discuss Ngapuhi interests in the Kaipara, Tamaki Makaurau and Hauraki settlement regions.

As agreed, please find enclosed copies of the maps and schedules identifying core Crown properties in the Kaipara, Tamaki Makaurau and Hauraki regions.

At the meeting you agreed that you will identify any sites in which Ngapuhi have interests. The Crown will then advise you if any claimant groups in the Kaipara are seeking redress over those sites. In the first instance it makes sense for Ngapuhi and the relevant claimant group to discuss their respective interests in the sites, and I am happy to help facilitate these discussions if needed.

I look forward to catching up again within the next month.

Naku na noa

Michael Dreaver
Crown Negotiator

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MARSHALL BIRD & CURTIS
BARRISTERS & SOLICITORS
Specialists in Immigration

Reception
Estelle O'Hara

Licensed Immigration Adviser
Ann-Maree Duxfield

Principal Lawyer
Carole Curtis

GST 60 403 651

25 June 2009

Right Honourable Sir Douglas Graham
Treaty Facilitator

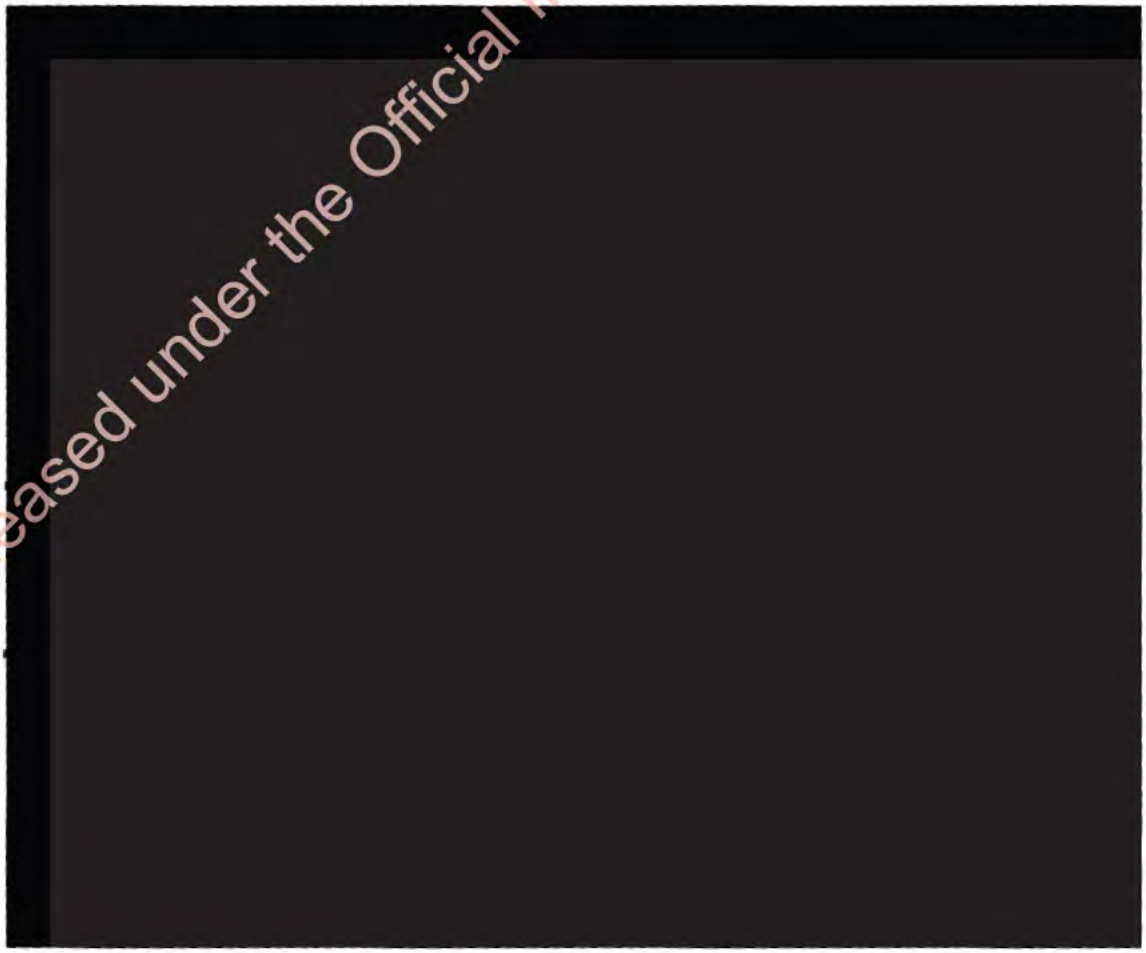
SETTLEMENT PROCESS WITHIN TAMAKI MAKAURAU

1. The settlement patterns and tribal interests in the Isthmus and the Auckland Region as a whole are complex. In our view there are at least six major tribal confederations with interests and dozens of hapu. The current much reiterated version of events has grossly distorted the reality of tribal interests to simplify for the benefit of some chiefs and the land surveyors. It is this misconstruction of the tribal landscape that is in our view is at the heart of many of the claims in the region, and its complexity.

2. We act for a significant number of claimants who have material interests within this area. Our clients are essentially from Nga Puhi.

out of scope

3. The claims include:



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- Wai 1896 which addresses the very specific interests of Patuone and how that has been ignored and diminished. The specific issues address large elements of land in the Maharangi but also the general position which has been ignored of Nga Puhi in the peninsular.
- [redacted] out of scope

4. It is essentially the obscured and untold story of Nga Puhi in this area and the recognition of their interests that sit at the back of these claims. Generation after generation the Northern tribes gained land interests through combinations of settlement, war and marriage. Their impact is such that many of the traditional names can be identified as being bestowed by northern ancestors.

5. To date Nga Puhi's interests have essentially been ignored. We would like a meeting to discuss our client's position and how you wish to address their concerns within the settlement process.

Yours faithfully
Marshall Bird & Curtis

Carole Curtis

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Document 8

CLA-N115-0C-F01

FILE

COPY

FYI

Date Rec'd:	3/8
Ref No.:	13
Referred To:	Maureen
Seen:	Yes / No
Noting/Actioning:	

30th July 2009

Paul James
Director
The Office of Treaty Settlements
PO Box 919
WELLINGTON

Tena koe Paul

Overlapping Ngapuhi interests in the Tamaki Makaurau and Hauraki settlement rohe

This letter is to notify the Office of Treaty Settlements that Ngapuhi have interests in the Tamaki Makaurau and Hauraki settlement boundaries.

To avoid a situation where we find ourselves contesting agreement regarding over-lapping interests it would be strategic for participating Iwi/groups to discuss these issues with Ngapuhi in the first instance and as soon as possible.

In closing, it is not the intention of Ngapuhi to delay or stall settlement. I will leave the matter of consultation for your office and the groups involved to initiate. I look forward to hearing from you on this matter.

Heoi ano

Raniera T (Sonny) Tau
CHAIRMAN

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NGAPUHI
Te Runanga A Iwi O Ngapuhi
16 Mangakāhia Rd, PO Box 263, Kaikohe, Aotearoa New Zealand
Ph: +64 09 401 5530 Fax: +64 09 401 5543
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OFFICE OF TREATY SETTLEMENTS
The Vogel Centre • Kate Sheppard Place • PO Box 919 Wellington
Phone (04) 494 9800 • Fax (04) 494 9801 • www.ots.govt.nz

Pouaka Motuhake 919 • Te Whanganui a Tara
Waea (04) 494 9800 • Waea Whakaahua (04) 494 9801

Te Tari Whakatau Take e pa ana ki te Tiriti o Waitangi

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5 August 2009

Raniera T (Sonny) Tau
Chairman
Te Runanga o Ngapuhi
PO Box 263
KAIKOHE

Tēnā koe Raniera

Re: Overlapping Ngapuhi interests in Tāmaki Makaurau and Hauraki regions

Thank you for your letter of 30 July 2009 in which you advise the Office of Treaty Settlements of Ngapuhi interests in the Tāmaki Makaurau and Hauraki regions.

Your point about early engagement with Ngapuhi in relation to your interests is well made. As such Michael Dreaver, Crown Negotiator for claims in these regions, is endeavouring to arrange a meeting with you to discuss Ngapuhi's interests and how they could be dealt with in the Tāmaki Makaurau and Hauraki negotiations.

Nāku noa, nā

Paul James
Director

File Ref: CLA NO 115 01 01

Sender: Ben White
Date: 6/08/2009 9:34:22 a.m.
Subject: Ngapuhi interests in Tamaki and Hauraki
Message Source: Incoming
Attachment Count: 2
Attachment #1: TEXT.htm
Attachment #2: 20090806092124563.pdf
Recipient Count: 2
CC: Manson, Amelia
Recipient: Tau, Sonny
Message Class: GW.MESSAGE.MAIL

Message Body:
Kia ora Sonny,

Please find a response to your letter to Paul James of 30 July.

Heoi ano, Ben

Ben White
Manager - Policy/Negotiations
Office of Treaty Settlements
DDI (04) 494 9837
Mobile 027 290 0423

END OF ITEM ##

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OFFICE OF TREATY SETTLEMENTS

Te Tari Whakatau Take e pä ana ki te Tiriti o Waitangi

INTERNAL MEMORANDUM

File Number:	CLA-N115-OC-F01
To/Ki a:	**Mike Dreaver**
From/Nä:	John Hutton
Date/Te Rä:	24 Sep. 09
Subject/Kaupapa:	***Preliminary comments in relation to Ngapuhi customary interests in the Mahurangi, Kaipara and Tamaki regions***

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Tënä koe Mike

The issue of the existence of Ngapuhi customary interests in the Kaipara region, which included the eastern seaboard at Mangawhai, was traversed by the Kaipara Tribunal at some length in their 2006 report. The Kaipara Tribunal concluded quite strongly that Ngapuhi did not hold rights through 'take raupatu' in their inquiry district, except through a 'contested zone' along the north of the area of interest set out by Te Uri o Hau.

In more recent years a number of claimants who identify as Ngapuhi have participated in the CFRT funded claimant collective MAGIC (Mahurangi and Gulf Islands Collective). They have contributed to the research undertaken by Peter McBurney, who summarises a number of their views in his report. These claimants assert rights through the Mahurangi coast and into Tamaki. The recent correspondence (24 Sep. 09) from Gerald Sharrock, counsel for Edryss Armstrong and Marama Stead, appears to follow this position.

Below I set out in summary the two positions. Obviously, these are issues that will require further consideration.

1. The Kaipara Tribunal's Findings on Ngapuhi rights

Two of the claimant groups who appeared before the Kaipara Tribunal were based in Whangarei: Ngati Kahu o Torongare/Te Parawhau (Wai 619) and Te Waiariki/Ngati Korora (Wai 620). Wai 620 focused on the Mangawhai area, which they argued was shared between themselves, Te Uri o Hau and Ngati Wai. Wai 619 tended to focus on lands bordering the northern part of Te Uri o Hau's area of interest. Both asserted that rights had accrued to Ngapuhi following the 1825 battle Te Ika a Ranganui.

The Tribunal was not convinced that Wai 619 or Wai 620, or arguably any more general 'Ngapuhi' right of mana whenua existed in the Kaipara area, including at Mangawhai. In chapter 2 of *The Kaipara Report* the Tribunal traversed the history of the 1820s thus:

> Despite having themselves been victims of Nga Puhi raids, Te Parawhau under the chief Te Tirarau came to terms with Nga Puhi in the early 1820s, as tension between Nga Puhi and Ngati Whatua forces continued. This conflict culminated in 1825 in the battle of Te Ika a Ranganui, where Nga Puhi finally got revenge for their defeat at Moremonui two decades earlier. Hongi initially intended to attack Te Roroa, but peace terms were negotiated with the chief Parore Te Awha. Hongi's Ngapuhi taua,

or war party, which included some Te Parawhau, came south by canoe to Mangawhai and the canoes were dragged inland, over the portage, towards Kaipara. They were met by a Ngati Whatua force near Kaiwaka. This force, said to have been 1,000 strong, included members of Te Uri o Hau, Te Taou, Ngati Whatua Tuturu, and Ngati Rongo. Although the Ngapuhi taua was reportedly only half the size of Ngati Whatua's, Ngapuhi were heavily armed with muskets, while Ngati Whatua possessed almost none. The result was a comprehensive defeat for Ngati Whatua forces, who suffered heavy losses.

… [description of battle's aftermath and dispersal of various groups] …

Although Kaipara was left largely deserted for some 10 years, it had not been entirely abandoned. Raiding parties from the Ngati Whatua confederation attacked Nga Puhi outposts. Te Parawhau, as the southernmost allies of Nga Puhi, bore the brunt of such raids. Nor did Nga Puhi follow up their victory at Te Ika a Ranganui with settlement in Kaipara. The concept of take raupatu, or assertion of ownership rights by settlement after battle, is discussed in the next chapter. Here, however, the Tribunal notes that it did not agree with the evidence of Waimarie Bruce, in her mana whenua report for Ngati Kahu o Torongare / Te Parawhau, that 'Nga Puhi took the Kaipara by conquest'. No raupatu, in terms of tikanga Maori, took place in Kaipara because victory in battle was not followed by settlement. Only in the northern part of our inquiry district, where Te Parawhau and related Nga Puhi-aligned groups lived near Te Uri o Hau and others who were part of the Ngati Whatua confederation, did the victors at Te Ika a ranganui assert ownership rights. As noted earlier, we consider this northern area to have been a contested zone, rather than a region where one group or another had established clear rights. …[1]

The Tribunal's subsequent discussion of 'take raupatu' (pp.42-45) reached the following conclusion:

Te Ika a Ranginui was a conquest of the Ngati Whatua confederation on the day, but it did not extinguish Ngati Whatua rights in the land. The impact on Ngati Whatua was traumatic, scattering the survivors southward and into the forested hills around Kaipara, where they lived in fear of further attack over the next decade. Ngati Whatua, including Te Uri o Hau, did not abandon their rights in Kaipara and they maintained ahi kaa. In 1835, the southern refugees returned to Tamaki Makaurau. As Urlich Cloher remarked: "In the many battles that Hongi had with other tribes, he had never appropriated land". He acted as a military commander of various hapu of Ngapuhi with their own chiefs, but none of these rangatira followed up this battle with effective settlement. Te Ika a Ranginui did not therefore justify take raupatu as a basis for claiming any Ngapuhi rights in lands of Ngati Whatua peoples.[2]

Similarly, when discussing the Mangawhai area, the Kaipara Tribunal was not convinced that Ngapuhi groups (except for Ngati Wai, if Ngati Wai can be described as Ngapuhi) could demonstrate "rights equivalent to tangata whenua status". Presumably, in the Tribunal's mind, this means that they would be unable to demonstrate such status further south in the Mahurangi district, and indeed Tamaki. The Tribunal stated:

We accept that there are whakapapa connections for both these groups [Ngati Kahu o Torongare/Te Parawhau (Wai 619) and Te Waiariki/Ngati Korora (Wai 620)] with ancestral Ngai Tahuhu, who occupied lands around Whangarei Harbour south to about Te Arai. Te Uri o Hau also have such links, as do Ngati Wai. However, ancestry

[1] Waitangi Tribunal, *The Kaipara Report*, 2006, pp.16-20
[2] Waitangi Tribunal, *The Kaipara Report*, 2006, p.45, citing Dorothy Urlich Cloher, *Hongi Hika, Warrior Chief*, Auckland, 2003, p.79

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needs to be reinforced by long occupation. Neither claimant group produced evidence of actual occupation or of stories about significant events on the land or landmarks connected with particular ancestors. Both groups asserted that their customary use included fishing in the costal waters off Mangawhai, intermittent camping by fishing parties, and transiting over the portage between Mangawhai Harbour and Otamatea River. We note that the central rohe of each group lies well north of the Mangawhai land, which is on the outer fringes of their respective area of interest. We do not dispute that, in the interests of whakawhanaungatanga and maintaining access to the fishing and other resources of the Mangawhai and Kaipara district, parties from each hapu periodically went on excursions there. We have not been persuaded, however, that this is a sufficient basis for these two hapu to claim rights equivalent to tangata whenua status at Mangawhai.

Both hapu have also claimed rights on the basis of Te Ika a Ranganui. As explained in chapter 3, take raupatu must also involve occupation of the land after conquest. Neither hapu was in occupation of Mangawhai after 1825. We consider that claims based on Ngapuhi conquest of Te Uri o Hau, and on the wider Ngati Whatua confederation that was formed after Te Ika a Ranganui, cannot be sustained.[3]

2. Ngapuhi customary interests in Mahurangi

As McBurney describes (pp.320-323), Ngapuhi korero stresses a number of events that took place in the 1820s and subsequently which give rise to customary rights. First, prior to the battle of Te Ika a Ranganui (1825), but subsequent to the Ngapuhi attacks at Thames (Te Totara Pa - 1821) and Tamaki (Mauinaina - 1821), as well as into the Waikato proper (Matakitaki - 1822), a peace-making was reached between Te Wherowhero and two Ngapuhi chiefs, Rewa and Te Wharerahe of Ngati Tawake, that set a boundary between the two iwi at Matekohe, or the Bombay Hills. Formalised by a marriage, Ngapuhi have subsequently held manawhenua to Matekohe.

The 1825 battle of Te Ika a Ranganui is considered a raupatu, although the argument is put that Ngapuhi did not follow up with occupation, in Mahurangi at least, because of tapu caused by the high levels of recent dead. Alternatively, the argument is put that Ngapuhi occupation was interrupted by the signing of the Treaty of Waitangi and imposition of Pax Britannia – if it had not been for the arrival of the Crown they would have occupied the land.

Another argument put is that Ngati Whatua belongs within Ngapuhi Nui Tonu, as with other groups such as Ngati Wai and Te Rarawa.

Finally, a Ngapuhi presence is alleged in the Fairburn purchase at Tamaki in the late 1830s, illustrating rights there (p.362). In a similar way the granting of land to the Ngapuhi chief Eruera Patuone, brother of Tamati Waka Nene, by George Grey is meant to have illustrated these rights (see also pp.356-358). McBurney describes the perspective of Ngapuhi members of MAGIC thus:

> According to Ngāi Tawake members of the Mahurangi and Gulf Islands Districts Collective, Pautone's presence in the Hauraki, Gulf Islands, Mahurangi and North Shore districts from 1833 until his death in 1872 represents an assertion of Ngāpuhi manawhenua in the region. Furthermore, they assert that the respect afforded Patuone by leading local Māori, such as Potatau Te Wherowhero, Āpihai Te Kawau and the Ngāti Paoa relatives of his wife, Riria Takarangi, indicates an acceptance of Ngāpuhi manawhenua. This was maintained by the Crown when Governor Grey awarded Patuone the land on the North Shore. It is also significant that Patuone

[3] Waitangi Tribunal, *The Kaipara Report*, pp. 143-144

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chose to be buried on the lower slopes of Takaranga (Mount Victoria), rather than be taken back to Hokianga as tradition would have dictated. (p.359)

Näku noa, nä

John Hutton

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8 October 2009

Greg Davis
Partner
Tumanako Law
PO Box 697
KERIKERI 0470

Tena koe Greg

Thank you for our meeting on 6 October 2009 to discuss Ngapuhi interests in the Kaipara, Tamaki Makaurau and Hauraki settlement regions.

As agreed, please find enclosed copies of the maps and schedules identifying core Crown properties in the Kaipara, Tamaki Makaurau and Hauraki regions.

At the meeting you agreed that you will identify any sites in which Ngapuhi have interests. The Crown will then advise you if any claimant groups in the Kaipara are seeking redress over those sites. In the first instance it makes sense for Ngapuhi and the relevant claimant group to discuss their respective interests in the sites, and I am happy to help facilitate these discussions if needed.

I look forward to catching up again within the next month.

Naku na noa

Michael Dreaver
Crown Negotiator

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DRAFT for comment

OFFICE OF TREATY SETTLEMENTS

Te Tari Whakatau Take e pä ana ki te Tiriti o Waitangi

INTERNAL MEMORANDUM

File Number:	CLA-N674-FR-02, CLA-N673-FR-02, CLA-N125-FR-02
To/Ki a:	**Maureen Hickey, Mike Dreaver**
From/Nä:	John Hutton
Date/Te Rä:	30 November 2009
Subject/Kaupapa:	**Overlapping interests through the Woodhill, Riverhead and Mangawhai South Forests.**

Tena korua,

This memorandum reviews the issue of overlapping interests in the Woodhill, Riverhead and Mangawhai South Forests. It is presently intended that all three forests will be included in offers to groups in negotiation in the 'Kaipara district', that is, all lands bordering the Kaipara Harbour across to the East Coast from Mangawhai to the Whangaparaoa Peninsula. The groups concerned are Ngati Whatua o Kaipara ki Te Tonga, Te Kawerau a Maki and Ngati Manuhiri, with a potential overlap from Te Runanga o Ngati Whatua and Ngapuhi affiliated groups based more around Whangarei.

Woodhill Forest and Riverhead Forest

Woodhill and Riverhead Forests are being offered to Ngati Whatua o Kaipara ki Te Tonga and Te Kawerau a Maki respectively, both of whom assert interests in the lands in question. This apportionment has its origins in the Proposal of Sir Douglas Graham and it has been borne out in negotiations to be an equitable allocation.

It is anticipated that Ngati Whatua o Kaipara ki Te Tonga will purchase the entirety of Woodhill Forest, except for the small Korpironui block of eight hectares lying within the forest. This block was obtained by the Crown from Te Kawerau a Maki tupuna under the Public Works Act and contains one of their pa and urupa. Ngati Whatua o Kaipara ki te Tonga have agreed that the block should be offered to Te Kawerau a Maki because of its specific cultural significance to them, and under the principle that land taken for Public Works should be returned to the descendants of the original owners. This has mitigated a significant concern of Te Kawerau a Maki that they would lose the ability to reconnect with Korpironui.

It should be noted that if Te Kawerau a Maki is unwilling or unable to purchase the entirety of Riverhead Forest, it is proposed to allow Ngati Whatua o Kaipara ki Te Tonga the right to purchase the balance. Ngati Whatua o Kaipara ki Te Tonga have significant customary interests in this area as well.

The area of interest set out by Te Runanga o Ngati Whatua encompasses the entirely if the south Kaipara region and elsewhere. However, Te Runanga o Ngati Whatua does not represent Ngati Whatua claims in the area of interest of Ngati Whatua o Kaipara ki

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Te Tonga, an area that includes both the Riverhead and Woodhill forests. It should be noted that Ngati Whatua o Kaipara ki Te Tonga is one of the constitutive iwi of Te Runanga o Ngati Whatua, and is represented on the board of trustees of the latter. This internal management of potential cross-claims is recorded in the Deed of Mandate for Te Runanga o Ngati Whatua, which states: "The claims associated with the Ngati Whatua o Kaipara negotiations do not form part of the negotiations led by the Runanga" (para 2.5, p.2). Similarly, the terms of negotiation for Te Runanga o Ngati Whatua states that the claims to be settled by the Runanga do "not include claims by descendants of Haumoewaarangi and other recognised tupuna where such claims":

- have been settled by the Te Uri o Hau Claims Settlement Act 2002;
- are included as the historical claims to be settled by the Te Roroa, Ngati Whatua o Orakei and Ngati Whatua o Kaipara negotiations; or
- are included as the historical claims to be settled by Te Kawerau a Maki (para 7.3).

The claimant definition for Ngati Whatua o Kaipara, set out in their Terms of Negotiation, is a broadly inclusive one. It covers "those who descend from Haumoewaarangi", or "a recognised ancestor of Ngati Whatua Tuturu, Te Taou, Ngati Rango, Ngati Rongo, Ngati Hine and Te Uri o Hau who exercised customary rights predominantly within the area of interest at any time after 6 February 1840" (sec. 5). A mandating process was conducted for Ngati Whatua o Kaipara ki Te Tonga concurrent to the establishment of their Terms of Negotiation in June 2008. This processes reaffirmed the support of the majority of the claimant community to Ngati Whatua o Kaipara ki Te Tonga, notably through the five marae of South Kaipara.

The definition of historical claims for settlement in Sec 12 of the Terms of Negotiation for Ngati Whatua o Kaipara lists Wai 312, the original 'South Kaipara' claim on behalf of the five South Kaipara marae. However, the Terms note that "other Wai claims made by Ngati Whatua o Kaipara claimants as identified by the Ngati Whatua o Kaipara Claim Committee in the course of negotiation". This process is underway, and it is anticipated that all Ngati Whatua claims in the area of interest of Ngati Whatua o Kaipara will be settled, in so much as those claims claim descent from Haumoewaarangi and exercise rights predominantly in that area. The Treaty settlement with Ngati Whatua o Kaipara ki Te Tonga is anticipated to be a comprehensive one.

Mangawhai South Forest

The Mangawhai South Forest is being offered to Ngati Manuhiri, who have significant customary interests in the area. Te Runanga o Ngati Whatua hold a threshold interest in the South Mangawhai Forest, in so much as they are mandated to represent Ngati Whatua claims not settled in the Te Uri o Hau Settlement Act or about to be settled by Ngati Whatua o Kaipara ki Te Tonga, and whereas the Mangawhai South Forest does not lie in the right of first refusal area of Te Uri o Hau or the area of interest of Ngati Whatua o Kaipara ki Te Tonga. The South Mangawhai forest also lies in the area of interest of Ngati Manuhiri.

During negotiations for the settlement of Te Uri o Hau claims an agreement was reached between Te Uri o Hau and Ngati Manuhiri (represented through Ngati Wai) that the Ngati Whatua interest in the Mangawhai Forest would be addressed by Te Uri o Hau 's receipt of the North Mangawhai Forest. South Mangawhai Forest would be left for Ngati Manuhiri's settlement.

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This agreement was recently referred to by the claims coordinator for Te Runanga o Ngati Whatua, Willie Wright, at a meeting with Crown Negotiator Mike Dreaver and consultant historian John Hutton in Whangarei on 27 November 2009. (It should be noted that Willie Wright took a leading role in the Te Uri o Hau negotiations in the late 1990s). Comment was made by [redacted] that Te Runanga o Ngati Whatua and the Ngati Wai Trust Board (including Ngati Manuhiri) have a good working relationship. Te Runanga o Ngati Whatua are presently aware of the proposal that South Mangawhai Forest will be offered to Ngati Manuhiri and have made no objection to it. s9(2)(a)

In the course of negotiations Te Kawerau a Maki have expressed an interest in the Mangawhai South Forest. However, their customary association with the area comes through shared descent from the ancestor Manuhiri, the apical ancestor for Ngati Manuhiri. Such interests are more properly expressed and managed through Ngati Manuhiri today. In so much as individual members of Te Kawerau a Maki actively associate themselves with Ngati Manuhiri and can demonstrate appropriate whakapapa, they will be entitled to become beneficiaries of a Ngati Manuhiri settlement.

It should be noted that two other groups have claimed an interest in the Mangawhai Forest, namely Wai 619 (Ngati Kahu o Torongare / Te Parawhau) and Wai 620 (Te Waiariki / Ngati Korua). Both groups are based around Whangarei and objected to the transfer of Mangawhai North to Te Uri o Hau as part of the latter's Treaty settlement. Evidence from those claimant groups was presented to the Kaipara Tribunal as part of that Tribunal's "Stage Three" hearings (2000-2001).

However, the Tribunal found that: "the Wai 619 and Wai 620 claims in respect of the Crown's purchase of the Mangawhai land are not well founded."[1] The Tribunal's reasoning was based on its understanding that neither group could claim interests "equivalent to tangata whenua status at Mangawhai".[2] On this basis the Crown should be able to proceed with confidence that there are no outstanding customary interests to settle from the South Mangawhai Forest, particularly from groups based around Whangarei. For completeness, the Tribunal's findings are set out in full below:

> We accept that there are whakapapa connections for both these groups with ancestral Ngai Tahuhu, who occupied lands around Whangarei Harbour south to about Te Arai. Te Uri o Hau also have such links, as do Ngati Wai. However, ancestry needs to be reinforced by long occupation. Neither claimant group produced evidence of actual occupation or of stories about significant events on the land or landmarks connected with particular ancestors. Both groups asserted that their customary use included fishing in the costal waters off Mangawhai, intermittent camping by fishing parties, and transiting over the portage between Mangawhai Harbour and Otamatea River. We note that the central rohe of each group lies well north of the Mangawhai land, which is on the outer fringes of their respective area of interest. We do not dispute that, in the interests of whakawhanaungatanga and maintaining access to the fishing and other resources of the Mangawhai and Kaipara district, parties from each hapu periodically went on excursions there. We have not been persuaded, however, that this is a sufficient basis for these two hapu to claim rights equivalent to tangata whenua status at Mangawhai.
>
> Both hapu have also claimed rights on the basis of Te Ika a Ranganui. As explained in chapter 3, take raupatu must also involve occupation of the land after

[1] Waitangi Tribunal, "The Kaipara Report", 2006, p.144
[2] Op cit.

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conquest. Neither hapu was in occupation of Mangawhai after 1825. We consider that claims based on Ngapuhi conquest of Te Uri o Hau, and on the wider Ngati Whatua confederation that was formed after Te Ika a Ranganui, cannot be sustained.[3]

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[3] Ibid., pp.143-144

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TUMANAKO
L A W

20 May 2010

Office of Treaty Settlements
12 Aitken Street
WELLINGTON 6011

ben.white@justice.govt.nz

Attn: Ben White

Dear Ben

RE: NGAPUHI INTERESTS IN GREATER TAMAKI MAKAURAU

1. We write to advise of Ngapuhi's interests in the areas that are the subject of negotiations between the Crown and Ngati Whatua, Te Kawarau a Maki, and Ngati Manuhiri and Ngati Rehua.

2. You will be aware that the traditional tribal rohe of Ngapuhi extends from Te Rerenga Wairua in the North to the Bombay hills in the South and incorporates a number of areas that are subject of discussion between iwi and the Crown.

3. In particular, you will be aware of the interests of the Davenport Navel Base and the interring of Patuone in that area.

4. Similarly you will be aware of the interests of the Ngapuhi tupuna Pomare in Hauturu, Aotea and Te Mahurangi.

5. We write to record our interests and to encourage the Crown to ensure that discussions to schedule the claims of other interested parties in the area are not undertaken without preference to Ngapuhi.

6. We are not aware of the precise areas under discussion and invite you to confirm the following:

   (a) The geographic areas the subject of discussions with each of Te Kawerau a Maki, Ngati Whatua (both in Orakei and elsewhere), Ngati Manuhiri and Ngati Rehua;
   (b) The Crown assets available for disposal in the areas set out above;
   (c) Whether the Crown has recognised the mandate of any of the hapu referred to above;
   (d) Whether there are any settlement discussions that have commenced with other iwi or hapu in the area; and
   (e) Discussions will be commenced with Ngapuhi in relation to any land or interests in land in the geographic areas mentioned above **before** any offer or agreement to settle (where contingent or otherwise)

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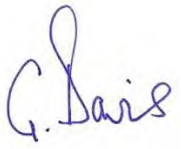
7. We trust we will be in a position to work with those other iwi engaged with the Crown, and the Office of Treaty Settlements to resolve these matters in a manner that is acceptable to all parties involved and look forward to those discussions commencing.

Yours faithfully



Greg Davis
Partner

Direct email address: greg@tumanako.com

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From: Ben White
To: Adam Eggleton; Maureen Hickey; Elizabeth Scurr
Subject: Fwd: Ngapuhi Interests in other districts
Date: Tuesday, 25 May 2010 10:27:10 am
Attachments: Untitled attachment 00003.bmp
Untitled attachment 00006.jpg
LT OTS email 2 200510.pdf
LT OTS email 3 200510.pdf

Ben White | Manager - Policy/Negotiations | Office of Treaty Settlements
DDI: +64 04 494 9837 | Ext: 50837 | Mobile: 027 290 0423 | www.ots.govt.nz
Te Tari Whakatau Take e pa ana ki te Tiriti o Waitangi

>>> "Greg Davis" <greg@tumanako.com> 24/05/2010 5:44 p.m. >>>
Tena koe Ben

Correspondence to follow

Regards

Greg resized

Greg Davis
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5 August 2010

Tania Tetitaha
Partner
Tumanako Law
PO Box 697
KERIKERI 0470

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Tēnā koe Tania

I refer to the letter of 20 May 2010 from Greg Davis advising of Ngapuhi's interest in the areas currently the subject of Treaty negotiations in Kaipara and Tāmaki Makaurau.

Mandates

The Crown has recognised the mandates of the following iwi/hapū groups:

a. Manuhiri Omaha Kaitiaki Ora Trust (Ngāti Manuhiri);
b. Ngāti Rehua – Ngāti Wai ki Aotea Trust (Ngāti Rehua-Ngāti Wai ki Aotea);
c. Ngāti Whātua o Kaipara Claims Komiti (Ngāti Whātua o Kaipara);
d. Te Kawerau Tribal Authority (Te Kawerau ā Maki);
e. Ngāti Whatua o Ōrākei Māori Trust Board (Ngāti Whatua o Ōrākei);
f. Ngāi Tai ki Tāmaki Tribal Trust (Ngāi Tai ki Tāmaki);
g. Te Rūnanga o Ngāti Whātua; and
h. Ngāti Tamaoho Tribal Trust.

The Crown has also recognised interim negotiators for Te Ākitai, Ngāti Pāoa, Ngāti Maru, Ngāti Whanaunga and Ngāti Tamaterā. The recognition of interim negotiators has allowed progress to continue in the Tāmaki Makaurau region and enabled all groups to participate in redress discussions concurrently.

On 3 July 2011 Ngāti Te Ata elected negotiators at a hui-a-iwi. The Crown is about to advertise that mandate ahead of Ministers deciding whether to recognise it.

Attached as **Appendix A** is a summary of developments since negotiations in Tāmaki Makaurau re-commenced in June 2009.

Current negotiations

In December 2009 and February 2010 the Crown signed agreements in principle with Ngāti Whātua o Kaipara, Ngāti Manuhiri, Ngāti Whātua o Ōrākei and Te Kawerau ā Maki. In addition, a Framework Agreement was signed with Ngā Mana Whenua o Tāmaki Makaurau (the Tāmaki Collective). Enclosed for your information are copies of these agreements, and maps (**Appendix B**) illustrating the areas of interest for each group. The Crown is currently in negotiations with these groups toward deeds of settlement. The intention is to initial deeds of settlement in April 2011 and to have those deeds signed in June 2011.

The Crown is also in negotiations with Ngāti Rehua, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Te Rūnunga o Ngāti Whātua, Te Ākitai, Ngāti Whanaunga, Ngāti Paoa, Ngāti Maru and Ngāti Tamaterā. It is intended that agreements in principle be signed with these groups prior to initialling of the Tāmaki Collective deed in April 2011. It is proposed that negotiations towards agreements in principle with Ngāti Te Ata will begin shortly.

In parallel with negotiations with Te Ākitai and Marutuahu iwi, those groups are undertaking mandating processes to achieve Crown-recognised mandates.

The Crown is also in preliminary negotiations with Pare Hauraki iwi through the Hauraki Collective. The Hauraki Collective includes the four Marutuahu iwi, Ngāti Hei, Ngāti Porou ki Hauraki, Ngāti Rahiri-Tumutumu, Ngāti Tara Tokanui, Ngāti Hako and Te Patukirikiri who have elected interim negotiators; and Ngāi Tai ki Tāmaki and Ngāti Pūkenga, both of whom have Crown-recognised mandates,. A mandate strategy for Pare Hauraki is currently being developed.

Crown assets

The Office of Treaty Settlements has prepared maps that show the core Crown assets within the areas subject to negotiations. These maps are enclosed as **Appendix C**.

Ngapuhi's interests in Kaipara and Tāmaki

All Treaty settlements are subject to the resolution of overlapping/shared interests. Deeds of settlement are not entered into until all overlapping/shared interests are addressed to the satisfaction of the Crown.

I have advised the four individual groups with whom the Crown is negotiating deeds of settlement of your letter and, in particular, Ngapuhi's interests in the Kaipara and Tāmaki areas.

It is the Crown's preference for parties with shared/overlapping interests to resolve their respective interests between themselves. I therefore encourage your client to meet with representatives of the groups we are in negotiations with to begin this dialogue. The contact details for those who are in negotiations to deeds of settlement are as follows:

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Claimant group	Contact details
Ngāti Whātua o Kaipara	Margaret Kawharu (claims manager) [redacted]
Ngāti Manuhiri	Mook Hohneck (lead negotiator) [redacted]
Ngāti Whātua o Ōrākei	Grant Hawke (chair) [redacted] ghawke@ngatiwhatuaorakei.com
Te Kawerau ā Maki	Te Warena Taua (chair) [redacted] tewarena.taua@tekawerau.iwi.nz
Ngā Mana Whenua o Tāmaki Makaurau	Paul Majurey (chair) [redacted] paul.majurey@ahjmiaw.com

I trust that this letter and the enclosed documents provide the information you require to address any concerns your client may have. If you have any questions, please do not hesitate to contact me.

Nāku noa, nā

Ben White
Negotiations and Settlements Manager

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APPENDIX A

Status of Tāmaki Makaurau Negotiations

	Claimant Group
Crown-recognised mandate	Ngāti Whātua o Kaipara Ngāti Rehua Ngāti Manuhiri Ngāi Tai ki Tāmaki Ngāti Whātua o Ōrākei Te Kawerau ā Maki Te Rūnanga on Ngāti Whātua Ngāti Tamaoho
Interim negotiators recognised by Minister	Te Ākitai Ngāti Pāoa Ngāti Maru Ngāti Whanaunga Ngāti Tamaterā
Agreements in Principle / Framework Agreement	Ngāti Whātua o Kaipara Te Kawerau ā Maki Ngāti Manuhiri Ngāti Whātua o Ōrākei (Supplementary Agreement to their 2006 Agreement in Principle) Ngā Mana Whenua o Tāmaki Makaurau (Tāmaki Collective)
Other negotiations work	Ngāti Rehua (towards agreement in principle) Ngāi Tai ki Tāmaki (towards agreement in principle) Ngāti Tamaoho (towards agreement in principle) Te Rūnanga o Ngāti Whātua (towards agreement in principle) Hauraki Collective (towards framework agreement) Te Ākitai (towards agreement in principle) Ngāti Te Ata (mandating)

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KAP: Crown Purchases 1854-1881: Historical Commentary

Crown Purchase Policy Drivers

1. While the south boundaries of the Mahurangi Purchase seemed to have been settled from a quite early date the western or interior boundary, said to run along the watershed between the east and west coasts, was left unsurveyed. In the mid-1840s, the Government surveyed two separate and discontinuous north to south lines between the Mahurangi coastline and the high land in the interior. It is Rigby's opinion that this surveying was done to facilitate the granting of timber and grazing licences rather than to define the interior boundary but the effect seems to have been, in the long run, to create confusion about the status of land immediately to the west of these lines.[1] Was it part of the Mahurangi Purchase, that is, Crown land, or not? The answer became a matter of some importance, in particular because of the rich timber resources located in various parts of the district and, in general, because of a perceived Crown need, from the early 1850s, to acquire, for the purpose of European settlement, all land north of Auckland 'not essential' to Maori.[2] It appears that the Government decided to settle the boundary question and at the same time acquire land for settlement by further purchasing, focused on land that overlapped or lay close the original 1841 interior boundary.[3] Blocks purchased or repurchased to confirm the original interior boundary of the Mahurangi purchase included Wainui, Ahuroa and Kourawhera and, later, Pakiri South

2. Further north, around Te Ari and beyond to Whangarie, the same policy drivers, to confirm the 1841 purchase and/or to acquire land for settlement, were instrumental as well. The 1854 Mangawhai purchase, for example, was set in motion to obtain land for a Scottish settlement although, in the end, the Scots decided to locate themselves at Waipu, further to the north. The Pakiri South purchase, in 1858, and the 1859 Waikeriawera purchase on the other hand, served, at least in part, to remove any doubts

[1] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, p 29. Johnson, it should be noted, seem to believe that the boundary in question was the correct boundary and that any timber cutting to the west of it was an encroachment on Maori land. Johnson to McLean, 3 June 1854, Turton's *Epitome*, Reports of the Land Purchase Department Relative to the Extinguishment of Native Title: Kaipara District, p 93

[2] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, pp 32-33; McLean to Johnson, 18 May 1854, Turton's *Epitome*, Reports of the Land Purchase Department relative to the Extinguishment of Native Title: Kaipara District, p 94

[3] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, pp 44-45

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about the northern extent of the original Mahurangi Purchase. These were adjacent blocks as well, which provided another justification for purchase.

3. From 1857 a new land policy driver came into existence, the land purchase commissioners being told that, unless they were specially authorised otherwise, they were only to commence negotiations for the purchase of land adjacent to exiting Crown lands, the objective being to create a consolidated and connected Crown estate.[4] Thus, having acquired land in the Whangarie and Mangawhai districts bridging the gap between these purchases and Mahurangi would have become one of the objectives of Crown purchase policy in this part of the country.

Wainui, Ahuroa and Kourawhera 1854

4. Ahuroa, Kourawhera and Wainui were offered for sale, and purchased, in 1854, the first two being covered by a single deed. Wainui lay to the south of the land identified on the plan of the 1853 Parihoro purchase as Hemara's reserve, Ahuroa and Kourawhera to the north, and all of the these blocks appear to have overlapped the original Mahurangi purchase to some extent.[5]

5. Both deeds were signed on 22 June 1854, the vendors being described as 'Chiefs and Freemen of the Kawerau'. There was considerable overlap between the two lists of owners: Te Hemara Tauhia was the first person to sign the Wainui deed and a relative, a nephew, Te Hemara Huia, was the last name on the Ahuroa/Kourawhera deed.[6] According to Johnson, the owners, 'about fifty in number' has assembled to receive the bulk of the Wainui payment. Other iwi interests also had to be satisfied and an unspecified amount of the Wainui purchase price was set aside for this purpose.[7] This seems to indicate that the vendors did not possess an exclusive right to the land being sold at Wainui. By contrast, it appears that none of the purchase price for the more

[4] Gore Browne to Land Purchase Commissioners, 4 June 1857, Turton, *Epitome*, Reports of the Land Purchase Department Relative to the Extinguishment of Native Title: Auckland District, p 161;
[5] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, pp 39, 47 Rigby, *The Crown, Maori and Mahurangi 1840-1881*, p 110
[6] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, p 46
[7] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, p 49

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northerly Ahuroa/Kourawhera land was reserved for other iwi, indicating that in this district the 'Kawerau' people may been the only interested party.

6. Neither of the deeds was accompanied by a plan and Maori were probably unaware of the size of the areas involved. It should be noted that Johnson referred to Ahuroa/Kourawhera as being offered for sale at £1200, which may mean that this was the price Maori wanted for the land. However, he also said that he had 'brought about the offer' which may mean that that he has suggested the figure of £1200 to the vendors. According to Rigby's calculations, the Wainui per acre price was 1/2d (£800): Ahuroa/Kourawhera cost 1/7d an acre (£1200).[8]

7. Neither deed provided for reserves. However, the Ahuroa/Kourawhera deed did provide for twenty pounds of the purchase price to be returned by Te Kiri in exchange for an area of forty acres, 'a sacred place which is not included in this sale of land'.[9] This land, just sold for an average price of 1/7d an acre, was repurchased by Te Kiri for 10s an acre; this being the price for Crown land set by regulation. Johnson made several other arrangements of the same kind in other parts of the upper North Island in the mid-1850s so the Ahuroa/Kourawhera deed was not unique in this respect, although it may have been uncommon to use this arrangement to protect a wahi tapu site.[10]

8. Johnson admitted this arrangement was 'irregular' but justified it for Ahuroa/Kourawhera (and possibly elsewhere as well) as a way of curbing the Maori practice of 'making reserves, which are very inconvenient to the settlers'.[11] If Maori had to pay for reserves, they would, Johnson apparently believed, be more prudent in their selections.

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[8] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, p 48
[9] Turton, *Maori Deeds of Land Purchases in the North Island of New Zealand*, vol 1, p 261
[10] Johnson to McLean, 20 March 1854 , Turton's *Epitome*, Reports of the Land Purchase Department Relative to the Extinguishment of Native Title: Whangarie District, p 58; Johnson to McLean, 12 November 1854 , Turton's *Epitome*, Reports of the Land Purchase Department Relative to the Extinguishment of Native Title: Whangarie District, p 64; Johnson to McLean, 20 November 1854 , Turton's *Epitome*, Reports of the Land Purchase Department Relative to the Extinguishment of Native Title: Whangarie District, p 65; Johnson to McLean, 5 September 1855, Turton's *Epitome*, Reports of the Land Purchase Department Relative to the Extinguishment of Native Title: Whangarie District, p 67; Johnson to McLean, 10 September 1855, Turton's *Epitome*, Reports of the Land Purchase Department Relative to the Extinguishment of Native Title: Whangarie District, p 68
[11] Johnson to McLean, 22 June 1854, AJHR, 1861, C-1, p 57

Mangawhai

9. Towards the end of 1853 Johnson started negotiations to purchase land in the Whangarei district, the intention being to establish a settlement for Scottish immigrants.[12] He began by determining who had customary rights, deciding that the key groups were NgaPuhi and people he called Parawhau and that the principal chief was a man called Tirarau. He approached Tirarau and got his consent to any sale, provided the more immediate owners were willing to sell.[13]

10. One place that was available for sale was Mangawhai, a location to the north of the Mahurangi purchase. About 100 claimants to Mangawhai attended a meeting to discuss the sale, Johnson listing the chiefs in attendance and their tribes. Eventually, Johnson was able to conclude the purchase of Mangawhai and two adjacent areas immediately to the north: Waipu and Ruakaka. [14]

11. Three separate receipts were associated with the Mangawhai deed; one of them was for the southern (Te Arai) part of the block. The signatories to this particular receipt were described as 'progenitors of the Kawerua tribe' and the basis of their rights on the block was said to be 'inheritance', that is to say, they were tangata whenua.[15]

12. A sketch map was attached to the Mangawhai deed but no estimate of the area being sold was recorded on the sketch plan.[16] It seems likely, however, that Maori had discussed the boundaries with Johnson and that the listing of places along the boundary in the deed was, in any case, probably a more meaningful explanation of the scope of the sale to Maori than a survey map would have provided.[17]

13. No provision was made for reserves or for the protection of wahi tapu places within the purchase area. There is no evidence that these issues were raised during the negotiations prior to the sale and no contemporary complaints about the lack of reserves or lack of

[12] Waitangi Tribunal, The Kaipara Report, p 116
[13] Waitangi Tribunal, The Kaipara Report, p 116
[14] Waitangi Tribunal, The Kaipara Report, p 118
[15] Waitangi Tribunal, The Kaipara Report, p 119
[16] Waitangi Tribunal, The Kaipara Report, p 121
[17] commencing at the Hororoa, thence to Ngaroto, Nga rakau e wha, thence in a westerly direction to Waititi, thence along the river of Waititi, Papawi, ascending the hill at Rauawe Wakaraurangi, emerging at Kaparaunui, thence in the valley to the river Hakuru, *then* along the course of the Hakuru, thence to the top of Pukekohe, thence to Taumatatirotiro, thence ascending mari roai, thence emerging at Wakatarariki—thence along the coast to the Hororoa, before mentioned (Mangawhai Deed, 3 March 1854, Turton's Deeds, pp 134-136

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protection for wahi tapu sites seem to have been made. It seems that these were not important issues for the vendors, perhaps because they were no longer resident on the land in question.

14. One unusual feature of this deed was a provision to set aside 'ten per cent of the proceeds of the sale of this block of Land by the Queen is to be expended for the benefit of the Natives'.[18] While this now somewhat ambiguous provision would have been explained to the Maori vendors at the time, and officials then no doubt understood what was intended, the subsequent history of the 10th payments is somewhat contradictory. Heaphy, for instance, distributed the accumulated fund in 1874 partly to institutions and partly to individual vendors or their heirs.[19] No further payments were made, mainly it seemed, because no records were maintained of the liability involved. When the Sims Commission investigated the situation in 1927, it decided that the 10% clause in the Mangawhai deed was intended to benefit Maori in general rather than the Mangawhai owners in particular and that the Crown had satisfied, by it general expenditure on social and educational services, the historical obligations created by the 10 % clauses.

Pakiri South

15. In 1858 the Crown concluded negotiations for the purchase or repurchase of land located to south of Te Ari point, immediately south of the Pakiri River. McLean made the first payment in March 1857, noting that since this was an area that the Crown had previously purchased the price per acre paid could be lower than might otherwise have been the case.[20] This statement was a clear indication that the block was being purchased to clear up any doubts about the northern part of the original Mahurangi purchase. McLean also went on to note that the few Maori resident on the block had participated in the payments made to 'Ngatipaoa' and others, that is to say, in the original transactions. For this reason, new payments to these people should be kept as low as possible.

[18] Mangawhai Deed, 3 March 1854, Turton's Deeds, pp 134-136
[19] Waitangi Tribunal, The Kaipara Report, p 130
[20] Rigby regards the Pakiri purchase as one transaction, between March 1857 and March 1858. Rigby, *The Crown, Maori and Mahurangi 1840-1881*, pp 53-58. Berghan describes it as two separate transactions, one in March 1857, for which she could find no deed, and a second, Pakiri No 2, in March 1858. Berghan *Northland Block Research Narratives, Vol 3 Crown Purchase Blocks 1840-186,* p 107

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16. The deed was signed in Auckland on 1 March 1858. Rigby has pointed out that this document had several interesting features. To begin with, it contained some pre-printed text of a general nature, intended to make the alienation as complete as possible: not only the land but everything on it and above it. The pre-printed text also referred to an appended plan. The intention here seems to have been to ensure that every purchase deed would be accompanied by a plan of the purchase. However, as Rigby points out, this provision, valuable in itself, did not ensure that in every case the plan would match the description of the purchase given in the deed, or vice versa. In the case of the Pakiri purchase, as it happens, the description of the southern boundary in the deed did not correspond with the boundary on the plan. According to Rigby, the plan shows both the correct and incorrect southern boundary, the latter being marked by dotted lines.

17. While the deed was signed by a number of individuals, the vendors were identified as 'Te Uri o Katea and Ngatirango'.

18. No provision was made for reserves in the deed despite the fact that some of the signatories live at Omaha, a coastal location within the purchase boundaries. The principal man there, Te Kiri, later claimed that he had pointed out the land he wanted preserved and had prevented Omaha from being included within the survey boundaries of the block; Te Hemara, on the other hand, said that he was one of those who had accompanied the surveyor around the northern boundary and that the boundary given in the purchased deed, enclosing Omaha, was the correct one. A government official, John Rogan, eventually arranged a payment to Te Kiri for the greater part of the land in dispute and that appears to have settled the dispute.[21]

19. Rogan had to deal with the second dispute over occupied land that had been included with the Pakiri Purchase, this time at Whangateau. Rogan believe that the individual concerned, Tawhitu, had participated in the purchase and therefore could not see how his claim was justified. At the same time, Rogan noted that there were houses and cultivation on the land in question and that Maori had lived in this particular place for at least 10 years. Because of that, he felt it would be very desirable if some arrangement could be

[21] Berghan *Northland Block Research Narratives, Vol 3 Crown Purchase Blocks 1840-186,* p 111

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made that would leave them in possession of their homes.[22] It is unknown if any such arrangement was reached.

Waikeriawera

20. The Waikeriawera purchase deed shows that this block lay to the south of Mangawhai and that it shared a common boundary with Mangawhai. Possibly it was being purchased because it was adjacent land available for sale. The deed was signed in August 1859 on behalf of the ' Chiefs and People of the Tribe Ngatimanuiri and Te Uriokatea'.[23]

21. The block seems to have been surveyed prior to purchase, and the plan, which Rigby believes was probably available for inspection before the deed was signed, showed the acreage as 12,738. Rogan paid (£500) 9.5 pence an acre for Waikeriawera but believed that the land was worth a shilling an acre.[24]

22. The deed contains no mention of reserves, probably an indication that none had been requested. Neither Rigby nor Berghan seem to have discovered any later complaints about a lack of reserves on Waikeriawera or any other evidence of post-purchase difficulties concerning Waikeriawera.

Komokoriki 1 and 2

23. Komokoriki 1 was purchased in September 1862. The deed did not specify the size of the block, but it was subsequently shown to contain 35,395 acres. The vendors were 'the Chiefs and People of the Tribe Ngati Rango', and the description of the boundaries in the deed would have been mostly gibberish to anyone who was not a surveyor.[25] However, Rigby reports that some of the vendors traversed at least part of the block with the surveyor.[26] The smaller (595 acre) Komokoriki 2 block was purchased in November 1862, and again only a surveyor would have fully understood the description of the boundaries contained in the deed.[27] The Komokoriki 2 purchase was, according to

[22] Berghan *Northland Block Research Narratives, Vol 3 Crown Purchase Blocks 1840-186*, p 110
[23] Waikeriawera deed, Turton, Maori Deeds of Land Purchases in the North Island of New Zealand, vol 1, p 157
[24] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, p 61
25 Komakoriki No. 1 Deed, Turton, Maori Deeds of Land Purchases in the North Island of New Zealand, vol 1, p 264
[26] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, p 67
[27] Komakoriki No. 2 Deed, Turton, Maori Deeds of Land Purchases in the North Island of New Zealand, vol 1, p 266

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Rigby, not so much an additional purchase but rather a confirmation that this area had been purchased in the September (Komokoriki 1) transaction.[28] He noted that Te Keene of Ngati Whatua was one of the signatories to the second transaction, which suggests that it had been considered necessary to extinguish a Ngati Whatua claim to the district. Neither deed contained any mention of reserves but Rigby notes that the final Komokoriki plan showed a wahi tapu area just outside the south eastern boundary of the block.[29]

24. Maps of the district show that Komokoriki was a T shaped block, with the top of the T lying in the Kaipara district, the stem of the T extending westwards into the old Mahurangi purchase, between Wainui and Ahuroa. This part of the block appears to lie near the land described in the plan of the 1853 Parihoro purchase as Hemara's reserve, which gives a clue as to the likely interests there would have been in this particular section of Komokoriki.[30]

25. According to Rigby, the purchase price per acre for Komokoriki was two shillings an acre.[31] Part of the eastern portion of the block became the Puhoi special settlement, the first settlers arriving in 1863.

Hoteo

26. Hoteo was located inland, to the west of Pakiri, and in fact extended as far as the shores of the Kaipara harbour. This district would not have been considered part of Mahurangi, so the Crown's objective in seeking to buy Hoteo was probably because it wished to consolidate its purchases in the Kaipara area and around the harbour. Payments were made in the early 1860s, apparently to all the interested parties, but the sale had not been completed by the mid-1860. By then it seems that while the interested Ngati Whatua were still willing to sell other interested parties, including those represented by Te Kiri, had changed their minds about a sale. Because the sale was still incomplete by 1865, the ownership of Hoteo became a matter for the newly established Native Land Court to decide. It appears that Ngati Whatua may have made the application for a title

[28] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, pp 68-69
[29] Maori Deeds of Land Purchases in the North Island of New Zealand, vol 1, p 266
[30] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, pp 39, 47
[31] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, p 69

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investigation. Te Kiri refused to participate in the hearing, but his rights and the rights of Kawerau, Manuhiri and Te Uri o Katea were advanced before the Court. [32]

27. In the end, the block was granted, according to Stirling, to Mangamata (Te Keene), Te Uri o Hau (Ereatara), Ngati Kura (Te Hemara), Te Uri o Katea (Te Kiri) and Ngati Manuhiri (Arama Karaka).[33] Rigby says that Ngati Whatua were also represented among the owners.

28. According to Rogan, Te Kiri was privy to at least some of the post-native land court discussions concerning the subsequent sale of Hotea, but resolutely refused to accept any of the purchase money.[34] It does appear that this is a case where the Court should have given consideration to partitioning the block between those who clearly wanted to sell and those represented by Te Kiri, who did not want to sell.

Pakiri North

29. Officials believed the 1859 Waikeriawera purchase crossed the gap between Te Arai point, the original northern boundary of the Mahurangi purchase, and the Crown land purchased or repurchased to the south of this location, thus forming a continuous area of Crown land between Auckland and Whangarei.[35] However, the map provided in Rigby's report shows an area between Waikeriawera and Pakiri South labelled Pakiri North 'Native Reserve'. It appears that this was land retained by Maori when the rest of Pakiri (Pakiri South) was sold. After the purchase of Waikeriawera this block of some 30,000 acres became the only large area of land remaining in Maori hands along the east coast between Auckland and Whangarei.

30. The Native Land Court awarded title to Te Kiri's daughter and two minors in 1869, presumably under the 10 owners rule. Subsequently John Sheehan attempted to organise a purchase, despite the fact that the land of minors could not be alienated. The eventual outcome, nonetheless, was that two thirds of the block, 20,000 acres, passed into the hands of the Crown in 1881. Rigby has described Sheehan's conduct in producing this result 'disgraceful' and argues that McLean's apparent complicity reflects badly on him as

[32] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, p 131
[33] Stirling, *Block Histories 1865-1900* (Draft), p 18
[34] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, p 132
[35] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, fig 11, p 111

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well.[36] Rigby's verdict is no more severe than that of officials in the 1870s who examined various phases of the purchase while it was ongoing and had no hesitation in describing the proceedings as 'illegal', 'unsatisfactory' and 'scandalous'.[37]

General Issues

31. While the Mahurangi Purchase had been negotiated, in turn, with Hauaraki, Ngati Whatua and Nga Puhi groups later, post 1854, purchases generally involved people described at Kawerau or Ngati Rongo or, more specifically, Ngati Manuhiri (for example, Waikeriawera) or Te Uri o Kotea (for example, Pakiri South). In some places, Ngati Whatua interests were also evident: Wainui and Hoteo, for example.

32. Johnson made earnest efforts to understand the basis of Maori customary rights in the district. Rogan, in Rigby's opinion, simply worked with whoever seemed to be in charge, making no great effort to develop an understanding of how the rights of these people originated or if there were other rights that should be recognised.[38] Having said that, there seemed to be few, perhaps no, cases in which a purchase was followed by claims that the wrong people had been identified as the rightful owners. Te Kiri's problem with Hoteo seems to be not so much that Ngati Whatua had no rights there but over Ngati Whatua's insistence on selling the block when other right holders did not wish to do so.

33. The plan prepared when Parohoro sold his northern interest in Mahurangi in 1853 showed that there was a reserve established by that date, presumably for Parohoro, in that district and a much larger area further south, in the Waiwera Puhoi district, called Hemara's reserve. When the Wainui, Ahuroa and Kourawhero blocks were sold, no provision was made for reserves, possibly because it was believed in government circles that 'ample reserves' had already been made.[39] However, one of the Ahuroa/Kourawhero vendors was allowed to purchase part of the land being sold, apparently to protect a wahi tapu site.

[36] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, pp 112-119
[37] Alemann, *Mangawhai Forest Claim*, pp 91-92
[38] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, p 74
[39] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, p 51

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34. None of the deeds subsequently prepared provided for reserves, despite general instructions to ensure that adequate reserves were made.[40] One inference may be that when the purchases were being discussed, the question of reserves was never raised by the vendors. There seems to be only one case where, after the purchase, disputes arose over the lack of formally designated reserves. This was Pakiri South where, despite the fact that people were known to be living on the block, the deed was silent on the question of reserves. It is unclear whether this was an intentional or not but it was a serious oversight nonetheless. On the related question of the protection of wahi tapu sites, this is also an issue on which the deeds are generally silent, the exception being the Ahuroa/Kourawhero deed, which contained a buyback provision for a wahi tapu site, an unusual way for the Crown to discharge its duty of protection. Komokoriki may also be an exception to the apparent rules that the protection of wahi tapu sites was not generally a priority for either vendors or the Crown agents in as far as there seems to be a possibility that the plan could have been adjusted to exclude a wahi tapu site.

35. Te Hemara took all or part of the reserve grant to him in the Waiwera/Puhoi area in the 1840s or 1850s through the Native Land Court in 1866. According to Rigby, an estate of 11 blocks, containing 6,691 acres, was awarded. This area, the 30,000 acres at Pakiri North, the relatively small reserve created at Omahaand the reserves created when the Hoteo title was determined, may have been the only significant areas of Maori owned land remaining in the district by the mid-1860s. By the beginning of the 1880s 20,000 acres of Pakiri North had gone, as a result of a transaction which reflects no credit on the Crown over all, despite evidence that there were individual Crown officials who were prepared to condemn the proceedings in question.

36. This is very little research on Maori motivation for land selling but it does appears that evidence of strong Maori opposition to the sale of land is evident only with respect to Hoteo and Pakiri North, both of them purchases towards the end of the period under review. Having said that, it's a fair comment that Crown purchase in the district was excessive. The evidence is plain that McLean's 1854 instruction, that only land that was

[40] McLean to Johnson, 18 May 1854, Turton's *Epitome*, Reports of the Land Purchase Department relative to the Extinguishment of Native Title: Kaipara District, p 94; McLean to Rogan, 31 January 1857, Turton's *Epitome*, Reports of the Land Purchase Department relative to the Extinguishment of Native Title: Kaipara District, p 101

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not essential to the welfare of Maori should be purchased, was largely ignored. It has been estimated that by 1881, Mahurangi Maori had lost possibly 90% of their land base.[41] By the end of the 20th century, it appears that there was only about 2,218 acres of Maori land in the Mahurangi-Mangawhai district.[42]

37. The price paid by land was low although it varied from to block to block. The main argument usually advanced in connection with the low price paid for land is that Maori were expected to benefit from the associated infrastructure and economic development that would follow on from land sales. This was only true, of course, if these developments actually occurred and if Maori had retained enough land to benefit from them. The lack of reserves in the district becomes, therefore, a critical point of disadvantage for Maori.

38. The Mangawhai deed contained a 10% clause. This is an issue unique to this district but not of course unique in itself.

39. The Crown's documentation of its purchasing activities was generally inadequate: for example, plans did not always accompany deeds and when plans were provided they were sometimes defective as to boundaries or the area of the land being purchased. Maori were entitled to see fully prepared survey plans attached to the deeds they were asked to sign. However, when there had been full discussion of a purchase before it was effected, and some traversing of the boundaries by the vendors and officials, the absence of a plan may not have been a critical defect. Sometimes, of course, the absence of a proper survey could cause major difficulties, as it did at Mangawhai, where an area of native land was mistakenly thought to be Crown land and onsold to a settler, Thomas Henry. In the end Crown was obliged to buy the land in question, in order to rectify its mistake and settle the dispute between itself and the Maori owner, the blameless Henry being the meat in the sandwich.

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[41] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, p 133
[42] Rigby, *The Crown, Maori and Mahurangi 1840-1881*, p 137. It is probable that general land was owned by Maori as well.

Ben White - Update on negotiations in Tamaki Makaurau, Kaipara and Hauraki-Coromandel

From: Ben White
To: Ben White
Date: 27/01/2011 7:50 p.m.
Subject: Update on negotiations in Tamaki Makaurau, Kaipara and Hauraki-Coromandel
Attachments: SIGNED Ngapuhi-Ngati Wai claimants.pdf

Tēnā koe

Please refer to the attached correspondence.

Nāku noa, nā
Ben White

Ben White | Negotiation and Settlement Manager | Office of Treaty Settlements
DDI: +64 04 494 9837 | Ext: 50837 | Mobile: 027 290 0423 | www.ots.govt.nz
Te Tari Whakatau Take e pa ana ki te Tiriti o Waitangi

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Message Id: 4D41CC95.FD7 : 76 : 64888
Subject: Update on negotiations in Tamaki Makaurau, Kaipara and Hauraki-Coromandel
Created By: Ben.White@justice.govt.nz
Scheduled Date:
Creation Date: 27/01/2011 7:50 p.m.
From: Ben White

out of scope

Recipients

Recipient Action Date & Time Comment

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[redacted]

BC: Carole Curtis info@legaleagle.co.nz (Carole Curtis info@legaleagle.co.nz)	Undeliverable	27/01/2011 7:51 p.m.	501 badly formatted RCPT TO user - no ">"
live.co.uk	Transfer Failed	27/01/2011 7:51 p.m.	
BC: Gerrald Sharrock gesharrock@live.co.uk (Gerrald Sharrock gesharrock@live.co.uk)	Undeliverable	27/01/2011 7:51 p.m.	501 badly formatted RCPT TO user - no ">"

[redacted]

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Pages 51-53 removed as out of scope]

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Te Tari Whakatau Take e pa ana ki te Tiriti o Waitangi

26 January 2011

Ngāpuhi and Ngāti Wai claimants
(by email)

Tēnā koutou

The Crown is currently in negotiations with iwi groups in the Tāmaki Makaurau, Kaipara and Hauraki-Coromandel regions to settle their historical Treaty of Waitangi claims. This letter updates you on these negotiations.

The Crown has signed agreements in principle with Ngāti Whātua o Kaipara, Ngāti Manuhiri, Ngāti Whātua o Ōrākei and Te Kawerau ā Maki. In addition, a Framework Agreement was signed with the collective of Tāmaki Makaurau iwi, Ngā Mana Whenua o Tāmaki Makaurau.

Negotiations with these five groups are advancing towards deeds of settlement in 2011. Ngāti Manuhiri and Ngāti Whātua o Kaipara deeds, in particular, are near completion and are expected to be signed at the end of February. Attached as **Appendix A** and **Appendix B** are summaries of the site-specific redress proposals for the Ngāti Manuhiri and Ngāti Whātua o Kaipara settlements respectively.

The Crown is also in negotiations with Ngāti Rehua, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Te Ata, Te Rūnanga o Ngāti Whātua, Te Ākitai, Ngāti Whanaunga, Ngāti Paoa, Ngāti Maru and Ngāti Tamaterā. It is intended that agreements in principle with these groups be completed by the end of 2011. In addition, the Crown and Hauraki iwi signed the Hauraki Framework Agreement on 1 October 2010. Parties are currently working towards concluding an agreement in principle in April 2011.

The settlements for each individual group comprise three broad elements:

a. Historical account, Crown acknowledgements and Crown apology;
b. Cultural redress; and
c. Commercial and financial redress.

All Treaty settlements are subject to the resolution of overlapping/shared interests. It is the Crown's preference for iwi with shared/overlapping interests to resolve such interests between themselves. Once negotiated and signed, the deeds of settlement will settle in full all Treaty of Waitangi historical claims that relate to the groups' historical grievances and will be given effect through settlement legislation. While the

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claims of the specific iwi in negotiations will be concluded, the claims of any other iwi with interests in these areas will not be settled. The Crown will be able to provide non-exclusive redress, where appropriate, to other iwi with interests in these areas.

For further information about the Treaty settlement process generally or the settlements mentioned above specifically, please visit the Office of Treaty Settlements' website at www.ots.govt.nz. Copies of the signed agreements in principle and Framework Agreement are available at that website. If you have any additional questions or comments, please contact Ben White, Negotiation and Settlement Manager either by post at:

Office of Treaty Settlements
PO Box 919
WELLINGTON

or by email at ben.white@justice.govt.nz.

Nāku noa, nā

Peter Galvin
Deputy Director

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APPENDIX A
Summary of proposed site-specific redress in the Ngāti Manuhiri settlement

Table 1 – Commercial redress properties

TYPE OF REDRESS	NAME/ADDRESS OF PROPERTY	AGENCY
CFL land	South Mangawhai CFL	LINZ
Purchase	12 Alnwick St, Warkworth	OTS
Purchase and Lease Back	Warkworth District Court (land only)	MOJ
	Pakiri School (land only)	MOE
Right of First Refusal	Over core Crown and NZTA held land within the agreed RFR area for 169 years	Core Crown departments and NZTA

Table 2 – Sites to be vested

SITE	AREA	AGENCY	CONDITIONS ON TRANSFER
Hauturu (part)	Up to 1.2 hectares	DOC	Subject to covenant
Hauturu (balance)	2815.1 (approx.)	DOC	To be gifted back to the Crown
Leigh Recreation Reserve (part)	5.5 hectares	DOC	Subject to recreation reserve status
Pakiri Block Conservation Area	47.4 hectares	DOC	Subject to covenant
Mt Tamahunga (part)	10 hectares	DOC	Subject to scientific reserve status
Pakiri Domain Recreation Reserve	2.02 hectares	DOC	Subject to recreation reserve status
Pakiri Riverbed (part)	Up to 7.8 hectares of dry land (subject to survey)	LINZ	Subject to covenant

Table 3 – Other site-specific cultural redress

REDRESS INSTRUMENT	SITES
Overlay classification	• Hauturu/Little Barrier Island Nature Reserve (gifted back area) • Waka Tū Whenua (comprising the remainder of Leigh Recreation Reserve, Goat Island Scientific Reserve and the Leigh Marine Reserve/Cape Rodney-Okakari Point Marine Reserve)
Statutory acknowledgements	• Motu Hawere (comprising the remainder of Leigh Recreation Reserve and Goat Island Scientific Reserve) • Remainder of Mt Tamahunga (Omaha Ecological Area) not transferred • Coastal area • Hoteo, Puhoi, Pakiri, Matakana, Waiwerawera and Poutawa Rivers • Ngaroto lakes (Slipper, Tomarata and Ngaroto lakes) • Tohitohi o Reipae (The Dome)

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	• Pohuehue Scenic Reserve • Paepae o Tū (Bream Tail)
Deed of Recognition	• Remainder of Mt Tamahunga (Omaha Ecological Area) not transferred
Geographic name changes (subject to approval by the NZGB)	• Bream Tail to be renamed Paepae ō Tū • Hauturu/Little Barrier to be renamed Te Hauturu o Toi • Goat Island to be renamed Motu Hawere a Maki • Matheson Bay to be renamed Te Kohuroa • Lake Spectacle and Slipper Lake to be named collectively as Ngaroto

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APPENDIX B

Summary of proposed site-specific redress in the Ngāti Whātua o Kaipara settlement

Table 1 – Commercial redress properties transferred on settlement date

TYPE OF REDRESS	NAME/ADDRESS OF PROPERTY	AGENCY
CFL land purchase	Woodhill CFL	LINZ
Delayed CFL purchase	Riverhead CFL (selection units not purchased by Te Kawerau ā Maki with any remaining quantum)	LINZ
Purchase	8 Old Woodcocks Rd, Kaipara Flat 16 Old Woodcocks Rd, Kaipara Flat 20 Old Woodcocks Rd, Kaipara Flat	OTS
Purchase and Lease Back	Kaipara College (land only) Kaukapakapa School (land only) Parakai School (land only) Tauhoa Primary School (land only) Waimauku School (land only) Woodhill Primary School (land only)	MOE
Right of First Refusal (RFR)	Over core Crown and NZTA held land within exclusive RFR area for 169 years	Core Crown departments and NZTA
Property specific RFR outside exclusive RFR area	Crown and NZTA properties within the 1841 Mahurangi Block Purchase area overlapping the Ngāti Whatua o Kaipara area of interest	
Joint Right of First Refusal with Te Kawerau ā Maki	Auckland (Paremoremo) Prison	Corrections
	Clark House	NZDF
Deferred selection purchase property (jointly with Te Kawerau a Maki)	Auckland (Paremoremo) Housing Block	Corrections

Table 2 – Ten acre block sites returned under Crown gifted land policy

SITE	AREA	AGENCY
24 Commercial Rd, Helensville	0.1878 hectares	LINZ

Table 3 – Sites to be vested

SITE	AREA (approx)	AGENCY	CONDITIONS ON TRANSFER
Moturemu Island Scenic Reserve	5.0 hectares	DOC	Subject to covenant

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Makarau Conservation Area	5 hectares	DOC	Subject to local purpose reserve status
Mauiniu Island Local Purpose Reserve	2 hectares	DOC	Subject to covenant
Mairetahi Landing Reserve	3.7 hectares	DOC	Subject to covenant
Tīpare Island (subject to survey)	4 hectares	DOC	Subject to covenant
Atuanui (Mt Auckland) Scenic Reserve	616 hectares	DOC	Subject to scenic reserve status
Makarau Bridge Reserve	3.9 hectares	DOC	Subject to local purpose reserve status
Parakai Conservation Area (subject to survey)	up to 155.9 hectares	DOC	Subject to local purpose reserve status
Section 37 Block XIV Kaipara Survey District Reserve	0.01 hectares	None (Crown owned)	Subject to recreation reserve status

Table 4 – Sites jointly vested (administration only) with Auckland Council

SITE	AREA (approx)	AGENCY	CONDITIONS ON TRANSFER
Parakai Recreation Reserve	18.2 hectares	DOC	Subject to recreation reserve status Crown retains underlying title

Table 4.5 – Other site-specific cultural redress

REDRESS INSTRUMENT	SITES
Statutory acknowledgements	• Papakanui Conservation Area and Papakanui Spit Wildlife Refuge • Rototoa Conservation Area and Lake Rototoa Scenic Reserve • Motutara Settlement Scenic Reserve • Goldie Bush Scenic Reserve • Coastal areas
Geographic name changes	• Lake Ototoa to be renamed Rototoa • Maori Bay to be renamed Maukatia Bay • Mount Auckland to be renamed Atuanui/Mount Auckland • Cornerstone Reynalls Hill to be named Kahukurī • Crocodile Island to be renamed Te Motu-o-Marae-Ariki • Shelly Beach to be renamed Aotea/Shelly Beach • Hatfields to be renamed Ōtānerua/Hatfields Beach • Mount Rex to be named Kaikai Pā • South Head Peninsula to be named Te Korowai-o-Te-Tonga

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	Peninsula • An historic site within Woodhill Forest to be named Hiorekata • Mosquito Bay to be named Mānunutahi Bay • Ti Tree Island to be named Tīpare Island • Flat Top Quarry White Hills to be named Te Rite-a-Kawharu Pā or Hill • An historic site near Reweti to be named Tauwhare

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5.4.5 MAGIC (Mahurangi and Gulf Islands Collective)

The Mahurangi and Gulf Islands Collective (MAGIC) is an ad hoc and loosely defined collection of claimants, brought together for the purposes of advancing their claims in the Mahurangi and Gulf Islands region, which is now considered to be part of the Waitangi Tribunal's wider 'Northland inquiry'. As such it functions as a component of CFRT's wider funding strategy for Northland.

There is no genealogically unifying basis to the collective, with its members affiliating to a number of iwi. Nor is there a unifying historical basis to the claims in the collective, with some claimants participating seemingly as a matter of convenience (they reside in Auckland, rather than Northland). This often diverse collection of claimants seems problematic at best, and it belies the geographically defining name of the Collective itself.

In September 2007 Dr Leonie Pihama completed a scoping report for the Collective and CFRT, that was intended to set out a strategy to advance more 'mana whenua' type issues, including oral histories and related oral evidence that may be used in an anticipated Tribunal inquiry side by side with 'professional' research. Pihama described the Collective thus:

> *The Mahurangi and Gulf Islands Collective is a particularly diverse collective both in terms of approach and the specific Claims. The Collective is a very accommodating group of people, who seek to support all Collective members. It is also takes an inclusive approach that seeks to provide a place for people who have claims albeit outside of the Mahurangi and Gulf Islands area. This means that the Claims that positioned under the Collective are broad in their scope. The Collective has three distinct 'types' of Claims under its umbrella which can be broadly viewed as (i) Mahurangi and Gulf Islands area claims (ii) Claims related to breaches outside the Mahurangi and Gulf Islands area (generally Northland claims) and (iii) Wider claims – e.g. State housing issues. It is noted in the 'Future Research' section of this report that these claims, for research purposes, can be clearly demarcated into to research strands or programmes.*
>
> *The Mahurangi Collective has a broad membership in that it includes both claims from within the Mahurangi and Gulf Islands area and claims that extend beyond the geographical boundaries that define the collective rohe. As such there are multiple hapü and iwi relationships that are beyond what may be experienced by Collectives that have a membership that is solely determined by geographical or hapü/iwi boundaries. Having Claimants join the Collective from outside the rohe is something that most collective members see as a part of their manaakitanga and tautoko to other people who are in a similar situation to themselves, that is they are in the process of seeking redress to Treaty grievances. The Collective is therefore very inclusive. There are however some difficulties in developing a research process with such a widely diverse grouping of claims and this seems to be more reflective of the way in which Collectives are constructed in order to expedite research funding and programmes. In the case of the Mahurangi and Gulf Islands collective there is a willingness of Claimants to support whomever wishes to join the Collective, however this may not in the long term enable a clear singular research programme to be developed.*[1]

The CFRT subsequently commissioned a substantial 'manawhenua' report, researched by Peter McBurney in co-operation with the Collective's members. This report is due out by the end of 2008 and should provide considerable clarity on the issue of manawhenua through the

[1] Leonie Pihama, 'Mahurangi and Gulf Islands Collective: Final Report', CFRT, 2007, pp.10-11

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district. CFRT funding for the Collective has increased steadily from $11,200 in 2006 to $47,800 in 2007, to $160,032 in the year ending 31 March 2008. Current budgets for the Collective are unknown.

Perhaps the most significant feature of the collective is the absence of some of the larger claimant groups who have an interest in the Mahurangi and Gulf Islands region, notably Te Runanga o Ngati Wai and the Hauraki Trust Board. Nor is Te Runanga o Ngati Whatua a member of the Collective. This can be contrasted by the inclusion of a wide range of what appear to be more 'whanau' or single-issue focused claims, as well as claimants who have disputed the mandate of Ngati Whatua in both Kaipara and Auckland (Pamela Warner).[2] The Collective also includes a group of Ngapuhi claimants who reside in Auckland, and who claim some form of manawhenua over all lands from Northland to the Waikato on the basis of Hongi Hika's 'conquest' (see discussion below). It is difficult to see how the Collective may function as a nascent group suitable to receive a Treaty settlement. It would certainly challenge the Crown's "natural grouping" policy.

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[2] See Appendix 4

Document 21

12 December 2011

Peter Galvin
Director
The Office of Treaty Settlements
SX10111 WELLINGTON

By email

Tēnā koe Peter

Ngapuhi Interests in Tamaki Makau Rau

Te Ropu o Tuhoronuku wishes to signal their concern over the signing of Agreements in Principle and Deeds of Settlement in Tamaki Makau Rau that have Ngapuhi interests.

These include:
- Ngāti Whātua Ōrākei – Deed of Settlement
- Ngāti Whātua o Kaipara – Deed of Settlement
- Ngāti Manuhiri – Deed of Settlement
- Ngai Tai ki Tamaki – Agreement in Principle
- Ngāti Rehua – Agreement in Principle
- Ngāi Tai ki Tāmaki – Agreement in Principle

To the best of our knowledge there has been no consultation with Ngāpuhi on these matters.

In August and September of 2011, Te Rōpū O Tūhoronuku (Tūhoronuku) held a mandate ballot of which an overwhelming 76 percent of Ngāpuhi voted in favour of Tūhoronuku having a mandate to represent Ngāpuhi in these matters. This mandate includes Ngāpuhi interests in Tamaki Makau Rau.

Te Ropu o Tuhoronuku has a responsibility to Ngāpuhi to ensure that Ngapuhi interests are given consideration before settlement agreements are finalised.

We look forward to a response from you on how these matters will be addressed so as not to delay these settlements being finalised.

Mauri ora

Raniera (Sonny) Tau
Interim Chairperson

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OFFICE OF TREATY SETTLEMENTS
Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi

The Vogel Centre • Aitken Street • SX10111 Wellington
Phone/Waea (04) 494 9800 • Fax/Waea Whakaahua (04) 494 9801 • www.ots.govt.nz

20 February 2012

Raniera (Sonny) Tau
Interim Chairperson
Tūhoronuku
PO Box 263
Kaikohe 0440

Tēnā koe

Thank you for your letter of 12 December 2011, where you signal your concern over the recent signing of Agreements in Principle and Deeds of Settlement in Tāmaki Makaurau. You state that to the best of your knowledge there has been no consultation with Ngāpuhi on those matters.

I appreciate that since 2009 you have been deeply involved in the work required to establish Te Rōpū o Tūhoronuku and to achieve a mandate to enter into direct negotiations. However, there has been communication between the Office of Treaty Settlements (OTS) and Ngāpuhi over Treaty settlement negotiations in the Tāmaki, Kaipara and Hauraki regions. In October 2009 the Chief Crown Negotiator for Tāmaki Makaurau, Michael Dreaver, met with Te Rūnanga-Ā-Iwi-O-Ngāpuhi's then legal counsel, Greg Davis, to discuss Ngāpuhi interests in these regions. Maps and schedules identifying core Crown properties were subsequently provided, with an invitation for the Rūnanga to identify sites in which Ngāpuhi have interests.

In August 2010, Ben White, Negotiation and Settlement Manager for Tāmaki Makaurau provided legal counsel for Te Rūnanga, Tania Tetitaha, details on the progress of the negotiations in Tāmaki and Kaipara, including copies of various agreements in principle then reached. In regard to Ngāpuhi interests, the point was made that it is the Crown's preference for parties with overlapping interests to resolve their respective interests between themselves. Contact details for the Kaipara and Tāmaki groups in negotiation were provided to facilitate this.

In January 2011 I wrote a letter to Ngāpuhi and Ngāti Wai claimants, which was widely disseminated by email through the Waitangi Tribunal's distribution list for Te Paparahi o Te Raki (Northland) inquiry. Copies of this letter were also sent to Te Rūnanga-Ā-Iwi-O-Ngāpuhi. The letter updated people of the progress of negotiations in the Tāmaki and Kaipara regions. In terms of any Ngāpuhi interests in these areas, I made the point that "While the claims of the specific iwi in negotiations [in Tāmaki and Kaipara] will be concluded, the claims by other iwi with interests in these areas will not be settled. The Crown will be able to provide non-exclusive redress, where appropriate, to other iwi with interests in these areas".

This essentially remains the Crown's position. Future Treaty settlement negotiations between Ngāpuhi and the Crown will allow us to discuss whether it is appropriate for

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Ngāpuhi to receive redress in the Tāmaki and Kaipara regions and the possible nature of that redress.

s9(2)(a)

I understand also that the Project Manager for Tūhoronuku, [redacted] has recently been in communication with Michael Dreaver, and that arrangements are being made for relevant maps to be sent to Tūhoronuku. Copies of the correspondence referred to above have also been provided.

In the mean time, I encourage you to familiarise yourself with the deeds of settlement for Ngāti Whatua o Kaipara, Ngāti Manuhiri and Ngāti Whatua o Ōrākei, and the agreements in principle for Ngāi Tai ki Tāmaki and Ngāti Rehua. If you believe there are issues of overlapping interests to be resolved with these groups, I ask that you meet with their representatives in the first instance to seek to resolve them. Please keep us informed of the issues you raise and any meetings you may have.

Nāku noa, nā

Peter Galvin
Deputy Secretary Treaty and Director Office of Treaty Settlements

File Ref: CLA-N115-OF-04

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TŪHORONUKU
Te Manu Aute A Rāhiri

Ngāpuhi this is our time
nō tātou tēnei wā!

Maureen

Received OTS 2012

27 February 2012

Peter Galvin
Deputy Secretary Treaty and Director Office of Treaty Settlements
The Vogel Centre
SX1011 **WELLINGTON**

Kia ora

I wish to acknowledge receipt of your letter dated 20 February 2012 regarding the recent signing of Agreements in Principle and Deeds of Settlement in Tamaki Makaurau.

Information requested has been received and we will respond in due course regarding Ngapuhi's interests in those areas.

Your suggestion that Te Ropu o Tuhoronuku meet with groups to resolve potential issues is commendable however as you are aware, Te Ropu o Tuhoronuku's mandate received from Ngapuhi in October 2011 is yet to be recognised by the Crown and until such time as this occurs we consider any discussions with groups to be unofficial. However, so as not to disadvantage these groups nearing settlement, if you are able to confirm that such meetings with Te Ropu o Tuhoronuku and these groups is considered official by the Crown, these will be considered and arranged.

Again thank you for this notice and look forward to your reply

Mauri ora

Raniera T (Sonny) Tau
Interim Chairman

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out of scope

Table 1: Engagement with overlapping groups regarding Ngāti Tamaoho settlement who have expressed concerns with package

Overlapping Group	OTS message(s)	Response from group	Redress / mechanisms	OTS to address	Next steps @ 10June2016
[redacted]					
Mahurangi Wai Claims Collective	As above	• See no major issues as it applies to the south Auckland rohe potae; • Ask to meet with the Crown		Contradictory messages as areas need clarification (poss Ngāti Awa interest in the north) and seek to meet with the Crown	• OTS to set up a meeting day/time with Gil Parker and Rihari Dargaville
Tehoronuku Iwi Mandated Authority (TIMA) (Ngāpuhi)	As above	• suggestions for contacts within the Mahurangi area • assume you have done your own assessment of who to contact in terms of overlapping groups	No properties proposed are within Ngapuhi's AOI.	Contacts within the Mahurangi area: • [redacted] (Mahurangi Claims Collective) and check WAI numbers for names of people; • Ngati Manu (hapū) [redacted] is a contact and legal counsel is Annette Sykes through WAI354; • Gill Parker is still with Mahurangi Collective is Chair ([redacted]) and [redacted] is Deputy Chair; • Other WAI claimants in the Mahurangi area.	• Letter received from Hone advising in Hapū engagement process and will continue once this is resolved.

s9(2)(a)

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Pages 77-78 removed as out of scope

From: Hickey, Maureen
Sent: Friday, 29 January 2016 1:59 p.m.
To: McNicholl, Leigh
Cc: Fyfe, Nigel
Subject: FW: Re Ngati Paoa Settlement getting closer.Ngati Hao

Kia ora Leigh

Please see the attached correspondence we have received from the Ngati Hao hapu kaikorero for Ngapuhi registering an interest being consulted/kept informed about the Ngati Paoa settlement.

Can your team please make contact with Mr Clyde?

Nga mihi

Maureen

From: Fyfe, Nigel
Sent: Monday, 25 January 2016 4:18 p.m.
To: Hickey, Maureen
Subject: Fwd: Re Ngati Paoa Settlement getting closer.Ngati Hao

Let's talk.

Sent from my iPhone

Begin forwarded message:
s9(2)(a)
From: James Clyde [redacted]
Date: 25 January 2016 at 11:36:01 AM NZDT
To: "nigel.fyfe@justice.govt.nz" <nigel.fyfe@justice.govt.nz>
Subject: Re Ngati Paoa Settlement getting closer.Ngati Hao
Morning Nigel,Maureen.

out of scope

[redacted]

What I was emailing about is we were at a hui last week at Awatahi Marae and was informed that Ngati Paoa are entering their last stages of settlement and because of delays with Nga Puhi engagement that Ngati Hao have interest in lands that Patuone had in this Rohe.Hence he is buried there at Mt Victoria Devonport,Northshore.The lands in question is the Crown Grant in Takapuna,Land he resided on in Whakatiwai Firth of Thames,The area on Waiheke Island around the Piritahi Marae,a portion of Tawharanui in Mahurangi know as Takatu Point.
If we can be kept informed re the Ngati Paoas position,we are happy to engage with them as well if it helps the process.Let me know your thoughts.

[redacted]

out of scope

Best Regards
Nga Mihi
James Clyde

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Ngati Hao Hapu Kaikorero

Sent from my iPad

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From: Chrisp, Sophie
Sent: Tuesday, 16 February 2016 11:14 a.m.
To: 'Hauauru Eugene Rawiri'; 'Morehu Wilson'
Cc: Barker, Rick; Campbell, Leah; McNicholl, Leigh
Subject: Overlapping claims with Ngāti Hao and Tūhoronuku

Kia ora Hau and Morehu

As we discussed on Friday, at the end of January James Clyde, Ngāti Hao Hapū Kaikōrero, emailed OTS. Please find a copy of the email **attached**.

In this email Mr Clyde identifies areas that Ngāti Hao hold an interest in and has requested to be consulted on redress offered to Ngāti Paoa in those areas.

The Crown has a responsibility to ensure that it consults with and takes into consideration the interests of all iwi and hapū that may have an interest in redress offered.

As such, we are proposing to respond to Mr Clyde's and inform him that the Crown will engage with Ngāti Hao in an overlapping claims process. We also think it important that the Crown engages with the Tūhoronuku Independent Mandated Authority. The next step in this process would be a notification letter to the Chairperson.

If possible, we would appreciate it if you could provide a response by the **end of the day**

Ngā mihi
Sophie

Office of Treaty Settlements
Te Tari Whakatau Take e pa ana ki te Tiriti o Waitangi
PART OF THE MINISTRY OF JUSTICE

Sophie Chrisp
Analyst | Office of Treaty Settlements
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From: Campbell, Leah
Sent: Thursday, 18 February 2016 9:16 a.m.
To: Paul Majurey (Paul.Majurey@ahjmlaw.com)
Cc: McNicholl, Leigh; Barker, Rick; Hauauru Eugene Rawiri; Morehu Wilson; Chrisp, Sophie
Subject: Overlapping claims and Ngati Hao interest

Kia ora Paul

In January we received an email from James Clyde, Ngāti Hao Hapū Kaikōrero for the Tūhoronuku Independent Mandated Authority. Mr Clyde identified areas that Ngāti Hao hold an interest in and requested to be consulted on redress offered to Ngāti Paoa. We have discussed this email with the Ngāti Paoa negotiators.

We wished to bring it to your attention as the Crown has also offered redress to the Marutūāhu Collective, and individual Marutūāhu iwi, in these areas. Ngāti Paoa is also supportive of the email being provided to the Marutūāhu Collective. Please find a copy **attached**. I suggest this is put on the agenda for discussion at the next Marutūāhu Collective hui on 26 February.

Nā Leah

Office of Treaty Settlements
Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi
PART OF THE MINISTRY OF JUSTICE

Leah Campbell
Deputy Director, Negotiations
Office of Treaty Settlements
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From: Hickey, Maureen
To: Chrisp, Sophie
Cc: McNicholl, Leigh
Subject: RE: Marutuahu Collective: draft letter re overlapping claims with Tūhoronuku
Date: Thursday, 31 March 2016 5:45:37 pm
Attachments: image001.png

Kia ora Sophie

Sorry for the delay in getting back to you - it's been a busy day.

The explanation of the area of interest map isn't quite right. The smaller area shows the 'core' area where the Ngapuhi hapu Tūhoronuku represents are based today but it is also accepted that Ngapuhi will have customary and historical interests in the wider Ngapuhi-nui-tonu area. The issue is determining what those associations are and how they should be dealt with in redress terms.

Clause 15.2 of the TIMA terms doesn't really help us at the moment because it's drafted to address what occurs in their negotiations when another party asserts an interest in a site we're considering providing redress to them over. We're not at a stage of negotiations in which TIMA are expressing interests in specific assets/redress so this shouldn't be read to restrict any consultation the Crown might ordinarily do in a good overlapping claims process.

In terms of the Marutuahu negotiations I think, given the issues with the TIMA mandate at the moment, you'd be wise to consult with any Ngapuhi claimant who has included the area you're dealing with in their historical claims to the Waitangi Tribunal. You'd also be wise to deal with TIMA and with any hapu who have asked you to deal with them directly. That will ensure you guard against any one of those parties being able to make a claim that they haven't been properly consulted on something that might impact on them. A Tribunal is likely to regard the Crown as being on notice that not all hapu consider TIMA does represent them so a single pronged approach of just talking to TIMA has some legal risk I'd think. That may be something you want to check with legal advisors.

I briefly discussed this with a TIMA Board member and their project manager yesterday and they thought consultation should be with both them and also directly with any hapū who are stating they want to be contacted in that way. They understand that James Clyde, one of their hapu kaikorero, has been in contact with you already and are comfortable with that.

Hope that helps.

Nga mihi

Maureen

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From: Chrisp, Sophie
Sent: Tuesday, 29 March 2016 3:09 p.m.
To: Hickey, Maureen
Cc: McNicholl, Leigh
Subject: Marutuahu Collective: draft letter re overlapping claims with Tūhoronuku

Kia ora Maureen

We've been liaising with the Collective and Ngāti Paoa on engagement with Ngāpuhi. I was hoping you could confirm my understanding (as drawn from the Terms) before we proceed.

Expressions of interest

It has been explained to me that the area of interest map in the Terms distinguishes between:

- the area TIMA is mandated to represent; and
- the Ngāpuhi-nui-tonu region, a much larger area that is of interest to a multiplicity of iwi that Ngāpuhi are closely related to.

The trigger for consulting with Ngāpuhi on redress offered in the Ngāpuhi-nui-tonu region is an expression of interest from TIMA (clause 15.2).

As far as I'm aware TIMA has expressed an interest in Tāmaki Makaurau generally and nowhere else. Noting that Ngāti Hao has also expressed particular interest in areas within Tāmaki Makaurau and on the Wharekawa coast. As such we intend to limit engagement with TIMA on redress offered in these areas.

Engaging Hapū representatives of TIMA

We've received several requests that engagement be with the relevant mandated representatives of Hapū rather than TIMA.

I understand that TIMA directed particular Hapū to engage with Ngātikahu-ki-Whangaparoa directly on those overlapping claims.

We were intending on informing TIMA of redress offered in the Tāmaki Makaurau area with the expectation they would inform the Hapū Kaikōrero and decide what level discussions would be at. Does that align with your expectations?

Kind regards
Sophie

From: Paul Majurey [mailto:paul.majurey@ahrnlaw.nz]
Sent: Tuesday, 15 March 2016 8:49 a.m.
To: Campbell, Leah
Cc: McNicholl, Leigh; Chrisp, Sophie
Subject: RE: Marutuahu Collective: draft letter re overlapping claims with Tūhoronuku

Kia ora Leah

We are well aware of the varying approaches taken by the Crown to overlapping claim processes over the years, especially in Tamaki.

The suggestion that the Crown will approach Tuhoronuku has not previously been discussed with us at all, in contrast to Ngati Whatua which was raised with us last year.

Before the Crown talks to any new group on our claims, we look forward to the following information:

- Why has OTS conflated a single Nga Puhi hapu request on the Ngati Paoa settlement to a Nga Puhi wide process for the Marutuahu Collective settlement?

- The "Nga Puhi area of interest map"

- If the Crown's proposed approach is based on the Nga Puhi area of interest map, forward the details of the overlapping claims process led by the Crown with Nga Puhi on the following Tamaki settlements:

  - Ngati Whatua o Kaipara
  - Ngati Whatua o Orakei
  - Te Kawerau a Maki
  - Ngai Tai ki Tamaki

We can address the next steps when we have that information.

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Regards
paul

From: Campbell, Leah [mailto:Leah.Campbell@justice.govt.nz]
Sent: Monday, 14 March 2016 4:48 p.m.
To: Paul Majurey <paul.majurey@ahmlaw.nz>
Cc: McNicholl, Leigh <Leigh.McNicholl@justice.govt.nz>; Chrisp, Sophie <Sophie.Chrisp@justice.govt.nz>
Subject: Marutuahu Collective: draft letter re overlapping claims with Tūhoronuku

Kia ora Paul

As discussed at the Marutūāhu Collective hui on 12 February, the Crown has a responsibility to ensure that it consults with and takes into consideration the interests of all iwi and hapū that may have an interest in redress offered.

As the Crown is aware that Ngāpuhi claims interests in redress offered in Tāmaki Makaurau, Kaipara and Hauraki regions we need to formally advise the Tūhoronuku Independent Mandated Authority that they will be engaged on redress offered to the Marutūāhu Collective and iwi-specific redress offered to each member.

Attached is a draft notification letter to be sent to the Tūhoronuku for the Marutūāhu Collective's considerdation. We would appreciate your response by **Friday 18 March**.

Nā Leah

Leah Campbell
Deputy Director, Negotiations
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From: McNicholl, Leigh
To: Pollock, Jacob; Chrisp, Sophie
Subject: RE: Marutuahu Collective: draft letter re overlapping claims with Tūhoronuku
Date: Thursday, 7 April 2016 11:45:15 am

Re-reading my email below, it is perhaps a little starkly worded. The perils of replying on the run.

My thinking is, we should be consistent with what we have done before / prior practice, rather than start to change our process at this point.

Leigh

From: Pollock, Jacob
Sent: Thursday, 7 April 2016 11:41 a.m.
To: McNicholl, Leigh; Chrisp, Sophie
Subject: RE: Marutuahu Collective: draft letter re overlapping claims with Tūhoronuku

I've had a look through jukebox and the x-drive (which, incidentally, should be referred to as x-box now that it's our de facto filing system). As far as I can tell, we didn't run an overlapping claims process with Ngāpuhi during the Ngāti Manuhiri and TKAM settlements, and didn't contact individual wai claimants. During the Ngāti Whatua Ōrakei overlapping claims process there was quite a lot of correspondence with individual wai claimants, but it seems to have been in response to the claimants contacting the Crown after a widely publicised AIP rather than the Crown being proactive.

From: McNicholl, Leigh
Sent: Thursday, 7 April 2016 9:19 a.m.
To: Chrisp, Sophie
Cc: Pollock, Jacob
Subject: RE: Marutuahu Collective: draft letter re overlapping claims with Tūhoronuku

My gut is we don't do this.

We just go to TIMA and see what we get back, rather than be proactive.

Leigh

From: Chrisp, Sophie
Sent: Wednesday, 6 April 2016 4:36 p.m.
To: McNicholl, Leigh
Cc: Pollock, Jacob
Subject: RE: Marutuahu Collective: draft letter re overlapping claims with Tūhoronuku

Hi again

I've spoken with Jake about Maureen suggestion and he says that'd it'd be relatively simple task to identify and then contact the the wai claimant with claims that cover Mahurangi, Tāmaki or other areas redress is offered to Hauraki iwi. His rough estimate is that this will be 10-11 wai claims but will confirm.

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Jake thought that not all of the claims will relate to specific areas where we are offering redress (or even to specific lands -- they may relate to language health etc). He suggested we contact the legal counsels for each directly to confirm, this information is in the 1040 Record of Inquiry.

I wanted to check in with you and see what you thought about the above. If you thought it a good idea could we chat about who may be best to undertake the second task? I don't think it would be hard but may take someone a bit of time.

Kind regards
Sophie

From: Chrisp, Sophie
Sent: Wednesday, 6 April 2016 4:11 p.m.
To: McNicholl, Leigh
Subject: RE: Marutuahu Collective: draft letter re overlapping claims with Tūhoronuku

Hi Leigh
What are your thoughts on this as an email -
I'm going to see if Jake will talk to me about this part of Maureen's email: "you'd be wise to consult with any Ngapuhi claimant who has included the area you're dealing with in their historical claims to the Waitangi Tribunal."
Nā
Sophie

Kia ora Paul

Apologies for the delay, please refer below to the responses to your questions -

Question one:
In 2012 the Crown made a commitment, in due course, to engage with Ngāpuhi on overlapping claims for redress offered in the Tāmaki Makaurau, Kaipara and the Hauraki settlement boundaries. We are looking to honour that commitment.

The Crown has recognised Tūhoronuku Independent Mandated Authority as the mandated entity to represent Ngāpuhi in negotiations. The Tūhoronuku mandate structure includes Hapū Kaikōrero who are the conduit for communication between their respective hapū, the negotiators and Tūhoronuku.

To ensure that all hapū with an interest in the redress offers are provided the opportunity to engage we think it prudent the Crown notifies, in the first instance, Tūhoronuku.

If a Hapū, such as Ngāti Hao, informs OTS that their preference is for direct consultation we will oblige and write to the Hapū Kaikōrero directly.

The Collective, if it wishes, can communicate with any of the hapū directly through the corresponding Hapū Kaikōrero. Kipa Munro is best placed to provide you with these contact

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details, you can reach Mr Munro at kipa.munro@tuhoronuku.co.nz, (09) 401-5530 Ext: 213 or [redacted]

Question two:
For the Ngāpuhi area of interest please refer to page 5 of the attached Terms of Negotiations, dated May 2015. You will note that the Ngāpuhi-nui-tonu region includes the Hauraki peninsula.

We are proposing to limit engagement on redress offered to areas that Ngāpuhi has identified. Currently this is Tāmaki Makaurau, islands in the Hauraki Gulf and the Whakatiwai coast.

Question three:
We are aware that the Crown may not have required claimant groups in previous negotiations to engage with Ngāpuhi. The basis for engaging Ngāpuhi in overlapping claims at this point in time is in light of the commitment made in the Terms of Negotiation and the correspondence received from Ngāti Hao.

Ngā mihi
Leah

From: Paul Majurey [paul.majurey@ahmlaw.nz]
Sent: 06 April 2016 07:36
To: Campbell, Leah
Cc: McNicholl, Leigh; Chrisp, Sophie; Turvey, Arnu
Subject: RE: Marutuahu Collective: draft letter re overlapping claims with Tūhoronuku

Morena Leah

Looking forward to that info requested on 15 March.

Regards
paul

From: Campbell, Leah [mailto:Leah.Campbell@justice.govt.nz]
Sent: Tuesday, 22 March 2016 4:28 p.m.
To: Paul Majurey <paul.majurey@ahmlaw.nz<mailto:paul.majurey@ahmlaw.nz>>
Cc: McNicholl, Leigh <Leigh.McNicholl@justice.govt.nz<mailto:Leigh.McNicholl@justice.govt.nz>>; Chrisp, Sophie <Sophie.Chrisp@justice.govt.nz<mailto:Sophie.Chrisp@justice.govt.nz>>
Subject: RE: Marutuahu Collective: draft letter re overlapping claims with Tūhoronuku

Kia ora Paul

I just wanted to touch base and let you know that we're still working through this at our end.

Nā Leah

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[cid:image001.png@01D18FD7.0C19E7E0]

Leah Campbell
Deputy Director, Negotiations
Office of Treaty Settlements
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Thank you.

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From: Paul Majurey [mailto:paul.majurey@ahmlaw.nz]
Sent: Tuesday, 15 March 2016 12:18 p.m.
To: Campbell, Leah
Cc: McNicholl, Leigh; Chrisp, Sophie
Subject: RE: Marutuahu Collective: draft letter re overlapping claims with Tūhoronuku

Thanks Leah

From: Campbell, Leah [mailto:Leah.Campbell@justice.govt.nz]
Sent: Tuesday, 15 March 2016 10:44 a.m.
To: Paul Majurey <paul.majurey@ahmlaw.nz<mailto:paul.majurey@ahmlaw.nz>>
Cc: McNicholl, Leigh <Leigh.McNicholl@justice.govt.nz<mailto:Leigh.McNicholl@justice.govt.nz>>; Chrisp, Sophie <Sophie.Chrisp@justice.govt.nz<mailto:Sophie.Chrisp@justice.govt.nz>>
Subject: RE: Marutuahu Collective: draft letter re overlapping claims with Tūhoronuku

Kia ora Paul

Thanks for your email. We'll come back to you with the information requested.

Nā Leah

[cid:image001.png@01D18FD7.0C19E7E0]

Leah Campbell

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==========

From: Paul Majurey [mailto:paul.majurey@ahmlaw.nz]
Sent: Tuesday, 15 March 2016 8:49 a.m.
To: Campbell, Leah
Cc: McNicholl, Leigh; Chrisp, Sophie
Subject: RE: Marutuahu Collective: draft letter re overlapping claims with Tūhoronuku

Kia ora Leah

We are well aware of the varying approaches taken by the Crown to overlapping claim processes over the years, especially in Tamaki.

The suggestion that the Crown will approach Tuhoronuku has not previously been discussed with us at all, in contrast to Ngati Whatua which was raised with us last year.

Before the Crown talks to any new group on our claims, we look forward to the following information:

> Why has OTS conflated a single Nga Puhi hapu request on the Ngati Paoa settlement to a Nga Puhi wide process for the Marutuahu Collective settlement?

> The “Nga Puhi area of interest map”

> If the Crown’s proposed approach is based on the Nga Puhi area of interest map, forward the details of the overlapping claims process led by the Crown with Nga Puhi on the following Tamaki settlements:

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- Ngati Whatua o Kaipara
- Ngati Whatua o Orakei
- Te Kawerau a Maki
- Ngai Tai ki Tamaki

We can address the next steps when we have that information.

Regards
paul

From: Campbell, Leah [mailto:Leah.Campbell@justice.govt.nz]
Sent: Monday, 14 March 2016 4:48 p.m.
To: Paul Majurey <paul.majurey@ahmlaw.nz<mailto:paul.majurey@ahmlaw.nz>>
Cc: McNicholl, Leigh
<Leigh.McNicholl@justice.govt.nz<mailto:Leigh.McNicholl@justice.govt.nz>>; Chrisp, Sophie
<Sophie.Chrisp@justice.govt.nz<mailto:Sophie.Chrisp@justice.govt.nz>>
Subject: Marutuahu Collective: draft letter re overlapping claims with Tūhoronuku

Kia ora Paul

As discussed at the Marutūāhu Collective hui on 12 February, the Crown has a responsibility to ensure that it consults with and takes into consideration the interests of all iwi and hapū that may have an interest in redress offered.

As the Crown is aware that Ngāpuhi claims interests in redress offered in Tāmaki Makaurau, Kaipara and Hauraki regions we need to formally advise the Tūhoronuku Independent Mandated Authority that they will be engaged on redress offered to the Marutūāhu Collective and iwi-specific redress offered to each member.

Attached is a draft notification letter to be sent to the Tūhoronuku for the Marutūāhu Collective's considerdation. We would appreciate your response by Friday 18 March.

Nā Leah

[cid:image001.png@01D18FD7.0C19E7E0]

Leah Campbell
Deputy Director, Negotiations
Office of Treaty Settlements
DDI: +64 04 913 9202 I Ext: 55202 I Mob 027 836 0532 Te Tari Whakatau Take e pā ana ki te Tiriti

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From: Hickey, Maureen
To: Chrisp, Sophie
Cc: Auelua, Meremine; Newton, Nathaniel; Cotton, Jonathon; Church, Stephen; Blair, Bryce; Chrisp, Tipene; Batt, Rosie
Subject: Re: Engagement with Ngāpuhi on overlapping claims
Date: Thursday, 28 April 2016 11:31:58 am

Thanks Sophie

Sent from my iPhone

On 28/04/2016, at 11:26 AM, Chrisp, Sophie <Sophie.Chrisp@justice.govt.nz> wrote:

> Kia ora koutou
>
> Of course, please find Maureen's advice attached.
>
> Nā
> Sophie
>
> ---
>
> **From:** Hickey, Maureen
> **Sent:** Thursday, 28 April 2016 11:17 a.m.
> **To:** Auelua, Meremine
> **Cc:** Chrisp, Sophie; Newton, Nathaniel; Cotton, Jonathon; Church, Stephen; Blair, Bryce; Chrisp, Tipene; Batt, Rosie
> **Subject:** Re: Engagement with Ngāpuhi on overlapping claims
>
> Kia ora koutou
>
> Ahh, sorry about this (Rosie wouldn't have been aware), but Tuhoronuku have advised that contact should be with them, any Wai claimants and any hapu who have expressed a specific interest.
>
> Sophie - can you please send around my previous advice to you on this?
>
> Thanks
>
> Maureen
>
> Sent from my iPhone
>
> On 28/04/2016, at 10:02 AM, Auelua, Meremine <Meremine.Auelua@justice.govt.nz> wrote:
>
> > Kia ora koutou
> >
> > I have just consulted with Rosie from the Ngapuhi team and have been informed that any correspondence from claimants or OTS should be addressed to Hone Sadler in the first instance.
> > Until advised otherwise, Tūhoronuku Independent Mandated Authority will be the first point of contact for Ngapuhi.
> >
> > Please find these contact details below:
> >
> > Contact details for Tūhoronuku IMA:
> >
> > Hone Sadler (Chair)
> > Kara George (Deputy Chair)
> >
> > PO Box 263
> > Kaikohe 0440
> >
> > info@tuhoronuku.co.nz

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Nga mihi
Mine

Meremine Auelua
Senior Analyst| Office of Treaty Settlements
DDI: +64 4 466 4129| Ext 44129
www.justice.govt.nz

From: Chrisp, Sophie
Sent: Thursday, 28 April 2016 9:57 a.m.
To: Auelua, Meremine
Cc: Blair, Bryce; Newton, Nathaniel; Church, Stephen; Cotton, Jonathon
Subject: RE: Engagement with Ngāpuhi on overlapping claims

Jokes Hone Sadler

From: Chrisp, Sophie
Sent: Thursday, 28 April 2016 9:55 a.m.
To: Auelua, Meremine
Cc: Blair, Bryce; Newton, Nathaniel; Church, Stephen; Cotton, Jonathon
Subject: RE: Engagement with Ngāpuhi on overlapping claims

Hi again

The Hapū Kaikōrero of Ngāti Hao, James Clyde, contacted OTS in January requesting to be consulted on all redress offered to Ngāti Paoa in Mahurangi, the North Shore, Waiheke and Whakatiwai coastline.

Given the Crown has offered redress to the Marutūāhu Collective and iwi-specific redress in these areas we think the obligation extends to engaging Ngāpuhi on redress offered to these groups in the identified areas.

We were already aware that Ngāpuhi, more broadly, has an interest in Tāmaki Makaurau and wants to be considered an overlapping claimant. Noting OTS didn't consult with Ngāpuhi on redress offered to settled groups of Tāmaki Makaurau (including Ngāi Tai ki Tāmaki). The point of consistency is an issue for the iwi of the Marutūāhu Collective.

Our preferred approach is to engage with Ngāti Hao and to contact Tūhoronuku Independent Mandated Authority (as the Crown has recognised they hold a mandate for Ngāpuhi). Hopefully this removes the risk that we haven't engaged the correct groups.

Best contact for Tūhoronuku is Kipa Munro at kipa.munro@tuhoronuku.co.nz, (09) 401-5530 Ext: 213 or [redacted] s9(2)(a)

Our conversation with the Marutūāhu iwi is on-going. As I said before we're looking for a 'best practice' approach, which is strengthened by OTS being consistent in our approach from now on.

Ngā mihi
Sophie

From: Chrisp, Sophie
Sent: Thursday, 28 April 2016 9:34 a.m.
To: Auelua, Meremine
Cc: Blair, Bryce; Newton, Nathaniel; Church, Stephen; Cotton, Jonathon
Subject: RE: Engagement with Ngāpuhi on overlapping claims

Thanks Mine! That'd be wonderful if you could. Pretty keen for us to have some degree of consistency in how we approach Ngāpuhi (if possible!).

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[redacted]

out of scope

Ngā mihi
Sophie

From: Auelua, Meremine
Sent: Thursday, 28 April 2016 9:28 a.m.
To: Chrisp, Sophie; Newton, Nathaniel; Church, Stephen; Cotton, Jonathon
Cc: Blair, Bryce
Subject: RE: Engagement with Ngāpuhi on overlapping claims

Morning Sophie

out of scope

Yes, we are consulting with Ngapuhi. [redacted]

Nga mihi
Mine

<image001.jpg>

Meremine Auelua
Senior Analyst| Office of Treaty Settlements
DDI: +64 4 466 4129| Ext 44129
www.justice.govt.nz

From: Chrisp, Sophie
Sent: Wednesday, 27 April 2016 9:17 a.m.
To: Newton, Nathaniel; Auelua, Meremine; Church, Stephen; Cotton, Jonathon
Cc: Blair, Bryce
Subject: Engagement with Ngāpuhi on overlapping claims

Kia ora koutou

Would you be able to tell me what engagement your team or iwi you're negotiating with have had with Ngāpuhi (or Ngāpuhi hapū) in an overlapping claims context?

I've heard on the wind that maybe you've engaged with Tūhoronuku Independent Mandated Authority for redress proposed for [redacted] and Ngāti Whātua.

Thank you all
Sophie

out of scope

<image001.jpg>

Sophie Chrisp
Analyst | Office of Treaty Settlements
DDI: +64 4 494 9878 | Ext 50878
www.justice.govt.nz

<mime-attachment>

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From: Pollock, Jacob
To: Hickey, Maureen
Cc: Blair, Bryce; McNicholl, Leigh
Subject: FW: FW: Marutuahu Collective - Overlapping Claims with Ngapuhi
Date: Monday, 30 May 2016 2:10:29 pm
Attachments: image001.jpg
image002.gif
2016 05 24 Marutuahu Collective - Ngapuhi Overlapping Claims Letter.pdf
image003.jpg

Kia ora Maureen,

As discussed, Tūhoronuku's response on Marutūāhu overlapping claims engagement is below.

Ngā mihi
Jake

From: Blair, Bryce
Sent: Monday, 30 May 2016 1:30 p.m.
To: Pollock, Jacob
Cc: McNicholl, Leigh
Subject: FW: FW: Marutuahu Collective - Overlapping Claims with Ngapuhi

cid:image001.jpg@01D11625.98FF6350

Bryce Blair
Senior Analyst | Office of Treaty Settlements
P +64 4 466 4186 | Ext 44186

www.justice.govt.nz

From: Blair, Bryce
Sent: Monday, 30 May 2016 1:23 p.m.
To: Campbell, Leah
Subject: FW: FW: Marutuahu Collective - Overlapping Claims with Ngapuhi

Hi Leah,

I have just received this.

I have spoken with Nicole and clarified that the Chair of Tuhoronuku wants confirmation that the Ngapuhi negotiations have not been suspended and that Ngapuhi will be fully resourced to engage in overlapping claims.

Something we should talk about?

cid:image001.jpg@01D11625.98FF6350

Bryce Blair
Senior Analyst | Office of Treaty Settlements
P +64 4 466 4186 | Ext 44186

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From: Nicole Anderson [redacted] s9(2)(a)
Sent: Monday, 30 May 2016 1:16 p.m.
To: Blair, Bryce
Cc: Hone Sadler ([redacted])
Subject: FW: FW: Marutuahu Collective - Overlapping Claims with Ngapuhi

Tēnā koe Bryce,

Ngāpuhi will take the opportunity to engage on all proposed redress in the Marutūahu Record of

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Agreement once OTS confirm that negotiations have not been suspended and that these discussions and any activities as a result of these discussions will be fully resourced.

Ngāpuhi do not aspire to delay the settlement of neighbouring Iwi and will be meeting with Marutūahu presently as a courtesy call.

Mauri ora,

Nicole Anderson
Interim Project Manager | TIMA
Te Rōpū o Tūhoronuku Independent Mandated Authority
s9(2)(a) Mob: [redacted]
Skype: [redacted]
PO Box 263, Kaikohe 0440

www.tuhoronuku.com

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From: Campbell, Leah
To: Hickey, Maureen; Blair, Bryce; McNicholl, Leigh
Cc: Fyfe, Nigel
Subject: RE: Defence Force Land on the North Shore
Date: Monday, 2 May 2016 10:16:16 am

Kia ora Maureen

Thanks for your email. The North Shore lands Mr Clyde refers to below transferred to Ngāti Whātua Ōrākei in 2012 as part of their settlement. It was commercial redress. It may be easier for you to let him know this than for us to contact him separately. Given Mr Clyde has expressed an interest in North Shore land, we will ensure that Ngāti Hao is informed of any proposed redress here for the Marutūāhu iwi.

Nā Leah

Leah Campbell
Deputy Director, Negotiations
Office of Treaty Settlements
DDI: +64 04 913 9202 I Ext: 55202 I Mob 027 836 0532
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-----Original Message-----
From: Hickey, Maureen
Sent: Monday, 2 May 2016 9:53 a.m.
To: Blair, Bryce; McNicholl, Leigh; Campbell, Leah
Cc: Fyfe, Nigel
Subject: FW: Defence Force Land on the North Shore

Kia ora koutou

We've received the following correspondence from James Clyde (Ngati Hao and Ngapuhi) - the first paragraph deals with Tamaki so is relevant to you.

We'll advise James we've passed this on to your team to address.

Nga mihi

Maureen

-----Original Message-----
From: James [redacted] s9(2)(a)
Sent: Sunday, 1 May 2016 5:45 p.m.
To: Fyfe, Nigel; Hickey, Maureen
Cc: teraa; Dr Benjamin Pittman
Subject: Defence Force Land on the North Shore

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Kia Ora Nigel,

[redacted]

A couple of things that I'm following up on.An Auckland Council member has contacted me to make sure Ngati Hao are involved with the Defence land on the North Shore and the discussions between the Crown and Ngati Whatua. A lot of things are happening and we just need to be informed so we can be at the table.Patuone lived here prior to the Treaty and the Marriage to Riria Takarangi cemented the Mana Whenua.The Purchase of these lands by the Crown and the subsequent Grants that came after only tied us to these lands that we had already exercised. So if we can go on record that we want to be at the table when these talks are being held,I will let our the Kaumatua Kuia know.

[redacted]

out of scope

Nga Mihi
James (Strongman)Clyde.
Ngati Hao Hapu Kai korero

Sent from my iPad

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Office of Treaty Settlements
Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi
PART OF THE MINISTRY OF JUSTICE

Office of Treaty Settlements
Justice Centre | 19 Aitken Street | DX SX10111 | Wellington
T 04 494 9800 | F 04 494 9801
www.ots.govt.nz

20 May 2016

Hone Sadler
Chairperson
Tehoronuku Iwi Mandated Authority
P O Box 263
KAIKOHE 0440

By email: info@tuhoronuku.co.nz

Tēnā kōe

Proposed redress for Ngāti Tamaoho Treaty of Waitangi negotiations

I write to advise you the Crown and the Ngāti Tamaoho Trust, the mandated negotiators for Ngāti Tamaoho, are working towards initialling a deed of settlement (**deed**) in June 2016. The deed will settle all Ngāti Tamaoho historical Treaty of Waitangi claims.

On 20 December 2012, the Crown and Ngāti Tamaoho signed an agreement in principle (**AIP**) which outlined the nature and scope of proposed redress for inclusion in Ngāti Tamaoho's deed. A full version of their AIP is available at http://www.ots.govt.nz/.

In the interest of full disclosure the Crown is providing information to all neighbouring groups regarding changes to the Ngāti Tamaoho's redress package that have occurred since the signing of their AIP in December 2012. Attached as **Appendix 1** is a table outlining the final redress package, as offered by the Crown to Ngāti Tamaoho, on 8 April 2016 and a map of the Ngāti Tamaoho area of interest. In addition, the Crown is exploring appropriate redress for Ngāti Tamaoho over the catchments of the Mangatawhiri River and Mangatangi Stream, in consultation with local councils. **Appendix 2** contains a summary of Crown settlement redress mechanisms.

Feedback on the proposed settlement redress offered

In reaching a settlement with Ngāti Tamaoho, the Crown must ensure interests of neighbouring groups, including those of Ngāpuhi, are not prejudiced. The Crown's preference is for overlapping claims to be resolved by discussion between groups. Final agreement on redress prior to concluding the deed of settlement will be subject to the resolution of overlapping claims to the satisfaction of the Crown.

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Feedback on the proposed settlement package

The Crown is seeking feedback on your views **by 10 June 2016** on the proposed redress offered. Can you please provide feedback in the form of either:

- written confirmation of support (or no objection) for the redress package including geographic name changes;
- any agreement reached with the Ngāti Tamaoho Trust relating to the redress; or
- identification of any concerns or issues for further discussion.

The Crown is also seeking feedback from the Ngāti Tamaoho Trust on discussions they have, and agreements they reach, with overlapping groups.

The Crown acknowledges that such discussions can sometimes be difficult. Should the need arise the Crown is able to assist in such discussions if both parties agree. The Office of Treaty Settlements (**OTS**) officials are also available at any time during this process to meet with you directly to discuss your interests and any issues.

Process and timeframes for engagement

Once we have your feedback, we will then assess this information alongside any additional information the Ngāti Tamaoho Trust provides us resulting from their engagement with you. Following this, we will report to the Minister for Treaty of Waitangi Negotiations on overlapping claims matters based on our assessment of information received from the Ngāti Tamaoho Trust and neighbouring groups. The Minister will then advise claimant groups of his initial views on any unresolved overlapping claims and whether any of the redress proposals may need to be amended based on the information he has received to date.

Should there remain outstanding matters between iwi, the Crown may have to make a decision. In reaching decisions on overlapping claims the Crown is guided by three principles:

- reaching a fair and appropriate settlement with the claimant group in negotiations;
- maintaining, as far as possible, its capability to provide appropriate redress to other claimant groups and achieve a fair settlement of their historical claims; and
- the Crown's duty to ensure the redress offered to the claimant group in negotiations doesn't cause prejudice to a settled group and has no unintended inferences about the mana of other groups.

You will have an opportunity, if need be, to respond to the Minister's preliminary decisions on unresolved overlapping claims. The Minister will then make final decisions on unresolved overlapping claims matters.

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Next steps

Kerry Williamson, Analyst, OTS will follow up with you over the next two weeks to ensure sufficient opportunity is provided for you to give feedback. If you have any questions concerning the overlapping claims process, please do not hesitate to contact Kerry on (04) 918 8882 or at kerry.williamson@justice.govt.nz.

Likewise, if you have any questions for the Ngāti Tamaoho Trust, please contact Janelle Wheatley, Project Manager, directly at janelle@tamaoho.maori.nz.

Nāku noa, nā

Tipene Chrisp
Negotiation and Settlement Manager
cc Christine Herzog, Kaiwhakahaere, Ngāti Tamaoho Trust
by email: christine@tamaoho.maori.nz

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Appendix 1: Summary of Ngāti Tamaoho redress package (*to be confirmed)

Site/Property	Proposed redress	AIP reference
Proposed Cultural Redress		
Transfer of the following sites:		
Raventhorpe Scenic Reserve and Raventhorpe Conservation Area[1] (Tuhimata property)	Subject to scenic reserve status	Clause 5.6, Table 1, Page 11
Waiau Pā Historic Reserve (Waitete Pā property)	Subject to historic reserve status	Clause 5.6, Table 1, Page 11
Waiau Pā Landing Reserve (Kingseat)	Vested in fee simple	Clause 5.6, Table 1, Page 11
1 Koheroa Road, Mercer	Vested in fee simple	
Share of Hunua Falls Scenic Reserve[2]	Subject to scenic reserve status	
112 Bairds Road, Otara	Vested in fee simple	
Great South Road, Drury (opposite Mercer St)	Vested in fee simple	

Site/Property	AIP reference
Statutory Acknowledgements: (*to be confirmed)	
Awaroa River	
Awhitu Conservation Area	
Waitemata Harbour / Te Wai O Te Mata	Clause 5.18, Page 15
Coastal marine area of the Manukau Harbour / Te Manukanuka O Hoturoa	Clause 5.18, Page 15
Drury Conservation Area and Marginal Strip	Clause 5.11, Table 4, Page 13
Drury Creek Islands Recreation Reserve	Clause 5.11, Table 4, Page 13
Hays Stream Conservation Area	
Hays Stream (Waipokapu Awa - includes Slippery Creek (Otūwairoa), Symonds Stream (Mangapū awa) and Waihoihoi (Waihoehoe) Stream))	Clause 5.13, Page 14
Hingaia Stream	Clause 5.13, Page 14
Hunua Awa	
Karaka Creek	Clause 5.13, Page 14
Kellyville Conservation Area	
Lake Pokorua and Waraha Stream	Clause 5.22.1, Page 15
Lake Pokorua Conservation Area and Marginal Strip	Clause 5.22.1, Page 15

[1] The two reserves will be united to form one reserve subject to scenic reserve status
[2] As tenants in common with Ngāi Tai ki Tāmaki, Ngaati Whanaunga and Ngāti Koheriki

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Site/Property	AIP reference
Statutory Acknowledgements *(cont'd)*: (*to be confirmed)	
Maioro Sands Marginal Strip	Clause 5.11, Table 4, Page 13
Mangatangi River	Clause 5.22.9, Page 16
Mangatawhiri Forest Conservation Area	Clause 5.11, Table 4, Page 13
Mangatawhiri River	Clause 5.22.9, Page 16
Maramarua River	
Mauku Stream	Clause 5.13, Page 14
Miranda Scientific Reserve	Clause 5.11, Table 4, Page 13
Mount William Scenic Reserve (Tohikuri)*	Clause 5.22.6, Page 16
Ngakoroa Stream	Clause 5.13, Page 14
Oira Stream	Clause 5.13, Page 14
Paparimu Conservation Area	Clause 5.11, Table 4, Page 13
Part Mercer Domain (Te Pou o Mangatawhiri)*	
Pratts Road Historic Reserve (Te Maketu)	Clause 5.22.5, Page 16
Puhitahi Creek	Clause 5.13, Page 14
Richard Sylvan Memorial Scenic Reserve	Clause 5.11, Table 4, Page 13
Te Hihi Creek	Clause 5.13, Page 14
Te Toro Recreation Reserve*	
Vining Scenic Reserve	Clause 5.11, Table 4, Page 13
Waipipi Scenic Reserve	Clause 5.22.3, Page 16
Wairoa Gorge Scenic Reserve	
Whangamaire Stream	Clause 5.13, Page 14
Whangamarino River hydro parcel (Te Aho O Te Tui A Tamaoho)	
Whangapouri Creek	Clause 5.13, Page 14
Whātāpaka Creek (Clarks Creek)	

Deeds of Recognition:	
Mt William Scenic Reserve (Tohikuri)*	Clause 5.22.6, Page 16
Pratts Road Historic Reserve (Te Maketu)	Clause 5.22.5, Page 16
Mangatawhiri Forest Conservation Area	Clause 5.10, Table 3, Page 12
Paparimu Conservation Area	Clause 5.10, Table 3, Page 12
Richard Sylvan Memorial Scenic Reserve	Clause 5.10, Table 3, Page 12
Vining Scenic Reserve	Clause 5.10, Table 3, Page 12

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Proposed Cultural Redress	
Geographic place name changes approved by NZGB - 28 March 2013	
• Whakaupoko	• Te Maketū Stream
• Whātāpaka Creek	• Mangatāwhiri
• Tamaoho / Mount William	• Mangatāwhiri Crossing
• Kaikākā	• Mangatāwhiri Forest
• Pakakina	• Mangatāwhiri River
• Pēhiakura	• Pēhiakura Lake
• Puhitahi	• Puhitahi Creek
• Purapura	• Whātāpaka Pā
• Teiaroa	• Upper Mangatāwhiri Dam
• Te Teoteo Pā	• Upper Mangatāwhiri Reservoir
• Tītī	

Geographic place name changes approved by NZGB – 20 April 2016	
• Waipokapū stream (currently Hays stream)	Clause 5.23, page 16
• Otūwairoa stream (currently Slippery creek)	Clause 5.23, page 16
• Waihoehoe stream (currently Waihoihoi stream)	Clause 5.23, page 16
• Mangapū stream (currently Symonds stream)	Clause 5.23, page 16
• Te Aparangi (currently unnamed locality)	Clause 5.23, page 16
Geographic place name changes sought (*to be confirmed)	
• Pōkino (currently Pokeno and unnamed locality)*	Clause 5.23, page 16
• Te Maunu a Tū (currently unnamed locality)*	Clause 5.23, page 16
• Kirikiri (currently Red Hill)*	Clause 5.23, page 16
• Kakaramea (Razorback Road)*	Clause 5.23, page 16
• Tipitai (Wattle Bay)*	Clause 5.23, page 16
Crown Protected Area name changes sought (*to be confirmed)	
• Tohikuri Scenic Reserve (currently Mt William Scenic Reserve)*	Clause 5.23, page 16
• Te Awaru o Taikehu Reserve (Pukekohe Reserve)*	Clause 5.23, page 16

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Site/Property		AIP reference
Proposed Financial / Commercial redress		
Ministry of Education Properties: sale and leaseback		
Kereru Park Campus School site	Land only – transfer fee simple	Clause 6.3, Table 6, page 22
Te Hihi School site	Land only – transfer fee simple	Clause 6.3, Table 6, page 22
Hunua School site	Land only – transfer fee simple	Clause 6.3, Table 6, page 22
New Zealand Defence Force: joint deferred selection with Ngāi Tai ki Tāmaki		
Papakura Housing	49 Dwelling units and land	Clause 6.3, Table 6, page 22
OTS Landbank Properties:		
112 Bairds Road, Otara	Value of improvements only	
725 Great South Road	Transfer fee simple	
LINZ Properties:		
Clark's Creek Landing Reserve	Transfer fee simple	Clause 5.6, Table 1, Page 11
Karaka Ferry Reserve	Transfer fee simple (status to be finalised)	

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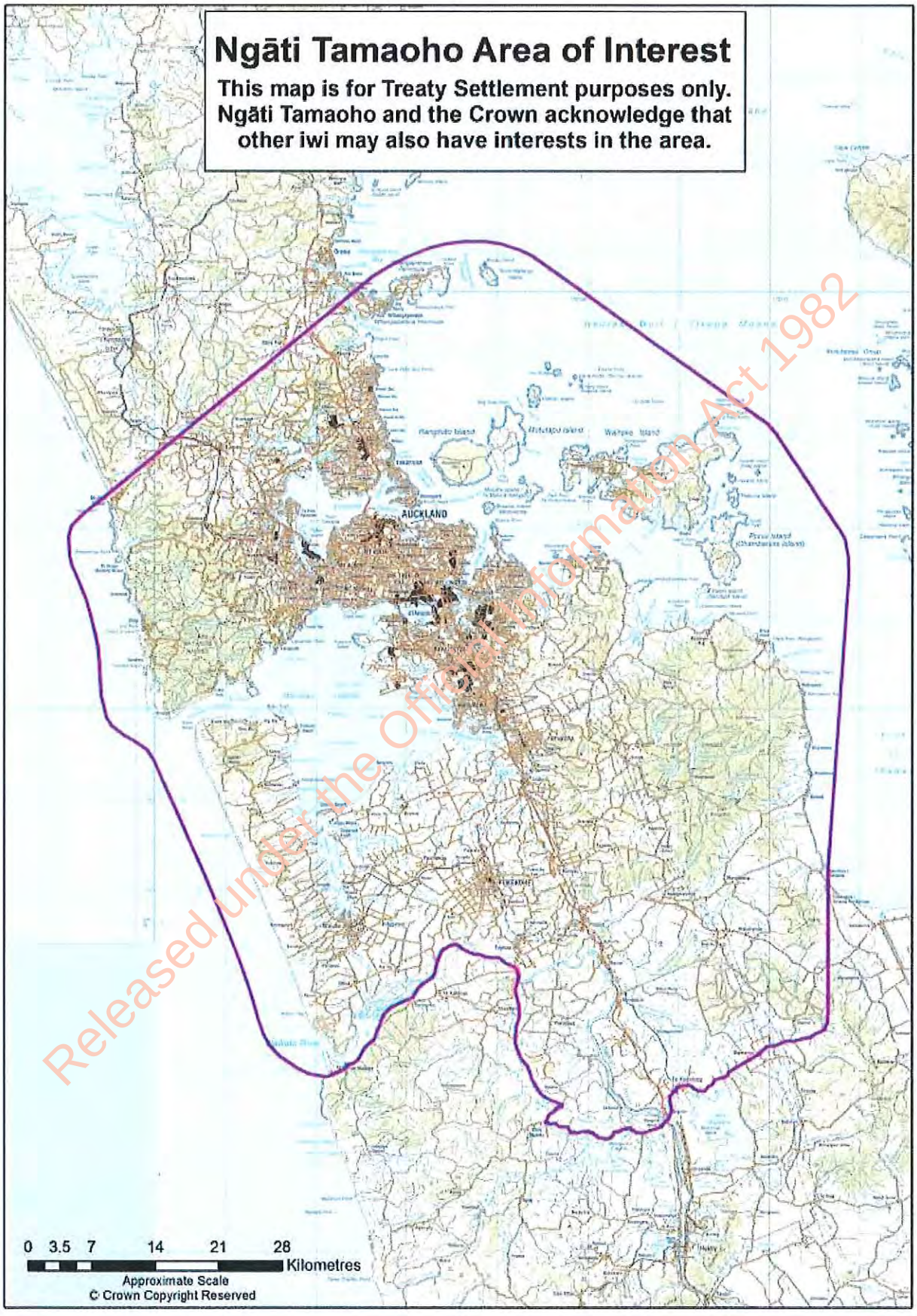

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Appendix 2
Summary of Crown settlement redress mechanisms

Definitions:	
Right of First Refusal	The right of a claimant group to have the opportunity, ahead of any other potential purchaser, to purchase specified surplus Crown land when such land is available for disposal.
Statutory Acknowledgement	A non-exclusive redress instrument which applies to sites of significance (including rivers, lakes, mountains, wetlands and coastal areas). The Crown acknowledges a statement of the claimant group's associations and enhances the claimant group's ability to participate in specified Resource Management Act 1991 processes.
Deed of Recognition	A non-exclusive redress instrument which may follow from a Statutory Acknowledgement. The Minister responsible for managing the land subject to the statutory acknowledgement acknowledges a statement of the claimant group's associations and agrees to consult and have regard to the claimant group's views on specified matters.
Overlay Classification	Applies to a highly significant site on land administered by the Department of Conservation. It recognises a statement of the iwi's values for the site and identifies actions to avoid harm to these. In general, overlay classifications are exclusive redress offered to one claimant group. In some situations where two groups seek an overlay classification over the same area, the Crown may offer a joint overlay classification on the basis there is one set of protection principles developed in collaboration between the two claimant groups and the Department of Conservation.
Fee simple vesting	Provides a statutory transfer of ownership (title) of land to the claimant group. Rights to use and manage may vary according to type of site.
Transfer and gift back	Ownership of site of outstanding significance is vested in the claimant group who then after a specified period, gift it back to the Crown for all New Zealanders.
Advisory Board	Iwi forum/board that provides advice to local authorities who must have regard to the advice.
Joint Committee	A joint committee with direct input into the development of regional policy statements and regional plans under the Resource Management Act 1991. The recommendations of the joint committee will be subject to usual council planning processes.
Place names	Subject to inclusion in settlement legislation upon recommendation by the New Zealand Geographic Board.

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Office of Treaty Settlements
Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi
PART OF THE MINISTRY OF JUSTICE

Office of Treaty Settlements
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24 May 2016

Hone Sadler
Chairman
Tūhoronuku Independent Mandated Authority
PO Box 263
KAIKOHE 0440

Email: info@tuhoronuku.co.nz

Tēnā koe

Redress for the Marutūāhu Collective historical Treaty of Waitangi settlement

As you may be aware, the Marutūāhu Collective signed a Record of Agreement on 17 May 2013 (available online at https://www.govt.nz/treaty-settlement-documents/marutuahu/).

The Marutūāhu Collective comprise of Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, Ngaati Whanaunga and Te Patukirikiri. These iwi are also on negotiations with the Crown for iwi-specific Treaty of Waitangi settlement redress. Iwi-specific overlapping claims will be conducted at a later date.

We have previously consulted with you on proposed redress for the Marutūāhu Collective shortly after the Record of Agreement was signed in 2013. This letter provides you with a table of the redress offered to the Marutūāhu Collective as further developed since the Record of Agreement for your consideration, and outlines the process for resolution of any overlapping claims. The redress is attached in **Appendix 1.** The Marutūāhu Collective has sought further redress, by way of a vesting of Crown land at Gladstone Park, which is situated in Parnell. Although ministerial consideration is yet to be given to this redress, I seek your view on it now.

Final agreement on any redress is subject to the resolution of any overlapping claims to the Crown's satisfaction. As such the Crown seeks your views relating to the redress in **Appendix 1** by 8 June 2016. We request you give us feedback in writing, whether that is confirmation of support or no objection, specification of any agreement reached with the Marutūāhu Collective relating to the redress proposed, or identification of issues for discussion.

Direct Engagement

The Crown prefers that groups engage directly on the proposed redress and Gladstone Park and, where possible, resolve any issues themselves. The Office of Treaty Settlements (**OTS**) encourages you to engage directly with the Chair of the Marutūāhu Collective, Paul Majurey, to discuss any matters you may wish to raise. Please ensure any correspondence or agreements with the Marutūāhu Collective are sent to OTS for our record.

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The Crown acknowledges that such discussions can sometimes be complex. Should the need arise the Crown is able to assist in these discussions if all parties agree. OTS officials are also available at any time during this process to meet with you directly to discuss any issue.

We recognise that sometimes all avenues of engagement are exhausted and matters remain unresolved between overlapping groups. In this event, as the Crown is ultimately responsible for the overall overlapping claims process, the Minister for Treaty of Waitangi Negotiations may be required to make a decision. If this step becomes necessary, the Minister will take into account the feedback provided by the Marutūāhu Collective and other claimant groups with interests and relevant historical research. The Minister will then advise all groups concerned of his preliminary decision on the unresolved overlapping claims. If final Ministerial decisions are required, there will be an opportunity to comment on the preliminary decision and provide further information.

Next Steps

The table below sets out the next steps in the process and timeframes:

Next steps	Timeframe
24 May 2016	OTS writes to all overlapping groups advising of proposed redress to the Marutūāhu Collective and Gladstone Park, and seeks a written response
8 June 2016	Overlapping groups to provide any written response to OTS
15 June 2016	OTS reports to the Minister for Treaty of Waitangi Negotiations on overlapping claims engagement and seeks a preliminary decision if required. The Minister writes to groups and the Marutūāhu Collective to confirm either: • that overlapping claims are resolved; or • the outcome of his preliminary decision and seek any further information
29 June 2016	Where a preliminary decision has been made, overlapping groups and the Marutūāhu Collective provide further information and views to OTS
6 July 2016	OTS reports to the Minister for Treaty of Waitangi Negotiations to seek a final decision on overlapping claims.
8 July 2016	Minister for Treaty of Waitangi Negotiations writes to inform overlapping groups and the Marutūāhu Collective of his final decision.

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Please provide OTS with any feedback on your views relating to the proposed redress and Gladstone Park by 8 June 2016.

The Marutūāhu Collective can be reached via the Chair, Paul Majurey at paul.majurey@ahmlaw.nz or [redacted] s9(2)(a)

If you have any queries for the Office of Treaty Settlements on this process please contact Bryce Blair at bryce.blair@justice.govt.nz or +64 4 466 4186.

Nāku noa, nā

Leah Campbell
Deputy Director, Negotiations and Settlements

cc: Paul Majurey, Chair, Marutūāhu Collective, paul.majurey@ahmlaw.nz

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APPENDIX 1

COMMERCIAL REDRESS	
Early Release properties	Former Takapuna Police Station
Settlement Date Properties	6-10 Homestead Drive, St Johns The North Shore housing blocks Tāmaki Leadership Centre 45, 47 and 49 Calliope Road Torpedo Bay (joint with Ngāi Tai ki Tāmaki)
Crown Forest Land	Maramarua Forest
Deferred Selection properties	21-23 Waikare Road, Waiheke Island 18 Jellicoe Parade, Waiheke Island 35 Grafton Road, Grafton Panmure Probation Centre (subject to a lease back) Boston Road Probation Centre (subject to a lease back)
Potential Deferred Selection Properties	Opportunity to select deferred selection purchase from the following school sites, subject to selection criteria (which limit the schools that can be selected) and lease back to Ministry of Education: • Auckland Grammar • Epsom Girls Grammar • Remuera Intermediate • Takapuna Normal Intermediate • Takapuna Grammar • Takapuna School • Rangitoto College • Ponsonby Intermediate • Bayswater School • Wairau Intermediate • Glendowie College • Parnell Primary School

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Deferred Purchase Property	Land administered by NZTA in the Mechanics Bay area
CULTURAL REDRESS	
Vesting Properties	1.37ha. of Kawau Island Historic Reserve (Te Kawau Tu Maro) 2.5ha. at Motuora Island Recreation Reserve (Moutohora) Mahurangi Scenic Reserve 0.5ha. at Tiritiri Matangi Island Scientific Reserve Whangaparoa property 2.3ha. at Motuihe Island Recreation Reserve (Te Mokai a Tinirau) 0.07ha. at Motuihe Island Recreation Reserve (Mangoparerua) 0.5ha. at Homestead Drive, St Johns 97 and 110A Gladstone Road, Parnell (Fred Ambler Lookout site) Vesting of the guardhouse building at Fort Takapuna Recreations Reserve
Possible Vesting Properties	110 Gladstone Road, Parnell
Final list of statutory acknowledgements	Fort Takapuna Waipapa The balance of Gladstone Park Motutapu Island area Mutukaroa (Hamlins Hill) Coastal Statutory Acknowledgement

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From: Williamson, Kerry
To: Chrisp, Tipene
Subject: RE: Overlapping claims consultation with Ngapuhi WAI claimants
Date: Tuesday, 24 May 2016 4:21:06 pm
Attachments: image001.png

Kia ora Tipene,

I phoned Hone Sadler. He said our letter was complex and he needs at least a week to read it before he can comment. In response to my prompting he advised he had only one area of concern and that would be their claims in Tāmaki - these need to be sorted out there. He advised that they have hapū claims as far down a Bombay Hills. He agreed contacting individual clusters would be helpful and suggested I contact the Mahurangi cluster. They are located in the Warkworth/Wellsford area as far down as Tāmaki. We agreed I would write to this cluster and cc Hone into the letter.

s9(2)(a)

He also suggested I contact [redacted] (who works for [redacted] somewhere). He will know how to get in touch with the historian they have engaged. I'm not too sure about the utility of contacting [redacted]. s9(2)(a)

However, contacting Mahurangi would be a good idea but I cannot see this name on your list below. I have done a bit of fossicking about and I think this is Wai 1313 *Ngāpuhi, (Mahurangi* and Tāmaki Makau Rau).

Can we meet to discuss.

Nā

Kerry

From: Chrisp, Tipene
Sent: Monday, 23 May 2016 6:03 p.m.
To: Robinson, Juliet
Cc: Church, Stephen; Williamson, Kerry
Subject: FW: Overlapping claims consultation with Ngapuhi WAI claimants

Hey there.

Please see below from Maureen re rationale for engaging with WAI claimants (in yellow). I like her suggestion of seeking advice from Crown Law about this matter (ie, what level of coverage is appropriate).

There are five hapu clusters referenced by Tuhoronuku: Whangaroa; Kaikohe-Waimate-Taiamai; Te Pewhairangi; Hokianga and Whangarei ki Mangakahia. This model is largely replicated in the Ngapuhi Engagement Report, although the two southern-most clusters (Whangarei and Mangakahia) are split in two. There are about 340 WAI claims listed in Tuhoronuku deed of mandate. As per e-mail and discussion with Maureen, it appears there has been no analysis about the geographical spread of these claims.

Tipene

From: Hickey, Maureen
Sent: Monday, 23 May 2016 3:15 p.m.

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To: Chrisp, Tipene
Subject: RE: Overlapping claims consultation with Ngapuhi WAI claimants

Hi Tipene

The question this raised for me was what work has your or a previous team done to decide Ngapuhi has an interest in the N' Tamaoho area of interest? Usually the team (or whoever was dealing with this previously) would do an analysis of Wai claims to work out who may have interests in N'Tamaoho's area of interest and who needed to be consulted with as part of assuring itself that it had captured everyone of relevance. Hopefully, that's what's informed the decision to consult with Ngapuhi?

If not, it's a matter of getting an historian or analyst to review Wai claims that are lodged for that Tribunal inquiry area or, if there's a suspicion that Ngapuhi claims in the Paparahi o Te Raki process extend further south (though the boundary for that inquiry is the North Shore) then they'll need to review those claims. We did some work on Ngapuhi Wai claims in 2014 but for different purposes so it wouldn't be able to be relied on for your purposes. I'm also conscious the claims are revised from time to time. Leah's team might have done some work on this for Hauraki.

Just to clarify my advice - I think there's a risk, given what's going on with Ngapuhi at the moment, that if a Ngapuhi Wai claimant asserts an interest that should be clear to the Crown through a statement in a Wai claim and they aren't consulted because TIMA has the mandate for Ngapuhi, the Tribunal may say (if it was asked) that the Crown was on notice that the Tribunal didn't consider TIMA was totally representative at the moment. Given that, the onus would be on the Crown to ensure it was aware of all those who assert an interest. Might be worth getting that checked by CLO though.

Cheers

Maureen

From: Chrisp, Tipene
Sent: Monday, 23 May 2016 11:26 a.m.
To: Hickey, Maureen
Subject: Overlapping claims consultation with Ngapuhi WAI claimants

Hey there.

Thanks for our quick chat this morning re Ngati Tamaoho's overlapping claims process. As discussed, we have written to Tuhoronuku to seek comments by 10 June.

You have advised we need to engage with Ngapuhi WAI claimants as well, in line with the expectations articulated by the Waitangi Tribunal.

As I understand it, no work has been undertaken to analyse the lie of the Ngapuhi WAI claimants

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(that is, which Ngapuhi WAI claimants may have claimed interests in the N' Tamaoho area of interest in south Auckland). Have I got that right? Do you have any suggestions about how we might get a running start at this?

Tipene

Tipene Chrisp I Negotiations and Settlement Manager **I** Office of Treaty Settlements
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From: Secretariat office
To: Bogardus, Ryan
Cc: Hauauru Eugene Rawiri; Morehu Wilson
Subject: Fwd: Overlapping Interests Meeting between Ngati Paoa and Ngati Hao.
Date: Sunday, 29 May 2016 11:02:25 pm

Kia Ora Ryan

For your record, I am forwarding you the email of support from Ngati Hao regarding our overlapping interests as listed in our email to Ngati Hao dated 27 May 2016.

Ngaa mihi
Haydn

---------- Forwarded message ---------- s9(2)(a)
From: **James** [redacted]>
Date: Sun, May 29, 2016 at 7:16 PM
Subject: Re: Overlapping Interests Meeting between Ngati Paoa and Ngati Hao.
To: Secretariat office <secretariat@ngatipaoaiwi.co.nz>
Cc: Hauauru Eugene Rawiri [redacted], Morehu Wilson [redacted] s9(2)(a)

Ata maarie e te Rangatira e Haydn
Ko reira te aroha,me te tautoko ki a koutou katoa

Thank you for your letter and being specific in outlining Ngati Paoa cultural interest for our consideration and support for which we give to you in our Aroha and our Manaakitunga in kinship.

Naku noa
James Strongman Clyde
Hapu Kaikorero Ngati Hao

Sent from my iPad

On 27/05/2016, at 10:40 AM, Secretariat office <secretariat@ngatipaoaiwi.co.nz> wrote:

> Ata maarie e te Rangatira e James
>
> Ko te tumanako e ora pai tonu koe ahakoa te aha.
>
> Following on from your email (dated 15 May 2016) of support to Ngati Paoa for our Cultural Redress, below is a specific list of that cultural redress in relation to the sites Ngati Hao have expressed an interests in.
>
> Can you please reply to this email to reaffirm your support for our cultural redress below:
>
> **Whakatiwai, Kaiaua.**
>
> - Kaiaua School site - (vesting)
> - Tauwhare Koiora - (vesting)
> -

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Pūkorokoro / Miranda Taramaire Government Reserve Wildlife Management Reserve, Pūkorokoro - (Vest and Vest Back)
- Miranda Scenic Reserve, Pūkorokoro - (Statutory Acknowledgement)
- Miranda Scientific Reserve, Pūkorokoro - (Statutory Acknowledgement)

Waiheke Island

- Māwhitipana (Māwhitipana Recreation Reserve), Waiheke Is. - (vesting)
- Pokai Wawahi Ika (Otakawhe Bay Recreation Reserve), Waiheke Is - (vesting)
- Te Waero Awe Houkura (Blackpool Park Recreation Reserve), Waiheke Is - (vesting)
- Matietie Bay Historic Reserve, Waiheke Is - (Statutory Acknowledgement)
- Te Matuku Bay Scenic Reserve, Waiheke Is - (Statutory Acknowledgement)

Te Raki Paewhenua / Mahurangi

- Te Haupa (Saddle) Island Scenic Reserve - (Vest and Vest-back)
- Papakura Pā (Tiritiri Matangi Island Scientific Reserve), Tiritiri Matangi - (Vesting)

We look forward to your response

Ngaa mihi

Haydn

On Sun, May 15, 2016 at 9:44 PM, James [redacted] wrote: s9(2)(a)

> Kei Te mihi Aroha e Te Rangatira
>
> Tena korua Hauauru and Haydn,
> In relation to our excellent discussion held at Awataha Marae on the 13/May/2016.
> To discuss our overlapping claims,for which there is an overwhelming amount of support for all of the matters that we have agreed upon.
>
> 1.Ngati Hao agrees to the cultural redress and gives support to Ngati Paoa,as we agreed.
>
> 2.Ngati Hao accepts to receive this letter in support for the Ngati Hao commercial redress from Ngati Paoa as discussed.
>
> 3.Ngati Hao agrees to this principle interest of (Whanuagatunga) between Ngati Hao and Ngati Paoa.Mana Motuhake will be maintained between both Iwi.
>
> 4.The walk over of sites of signifigance is long overdue and Ngati Hao are ready to start this process at the next earliest convenience.
>
> 5.Ngati Hao agrees to develop and implement the Reconciliation process with Ngati Paoa ,to bridge the historic grievances that still are very close to the surface in our Iwi.The bringing together of Ngati Paoa and Ngapuhi is of the highest importance.

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New beginnings,I found the hui at Awataha very signifigant and will bring the two Iwi closer together then ever before.It is with Integrity Mana and Aroha on this day that will see our people succeed to where our Tupuna knew we would ascend.

Naku Noa
James

Sent from my iPad

On 13/05/2016, at 3:37 PM, Secretariat office <secretariat@ngatipaoaiwi.co.nz> wrote:

> Tena Koe e te Rangatira e James
>
> He tino rawe toou taatou nei hui i te ahiahi nei ki Waitaha
>
> Below is a summary of the key points from our Overlapping Interests meeting today at Waitaha marae.
>
> **1** - Ngaati Hao agree to write a letter or email early next week to support Ngaati Paoa cultural redress in Taamaki
>
> **2** - Ngaati Paoa agree to write a letter or email to support Ngaati Hao Commercial Redress once that has been provided to Ngaati Paoa.
>
> **3** - The 'Relationship' (Whanaungatanga) between Ngaati Paoa and Ngaati Hao is separate to and elevated discussions on overlapping claims to maintain the Mana Motuhake of both Iwi.
>
> **4** - Ngaati Paoa and Ngaati Hao to develop a schedule to enable both Iwi Negotiators to visit sites of significance together.
>
> **5** - Ngaati Paoa and Ngaati Hao agree to develop and implement a 'Reconciliation' process regarding the historical grievances between Ngaati Paoa and Ngaa Puhi.
>
> Ngaa mihi
> Haydn

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PART OF THE MINISTRY OF JUSTICE

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31 May 2016

Kiharoa Parker
Chair
Mahurangi Collective
[redacted] s9(2)(a)

Tēnā kōe

Proposed redress for Ngāti Tamaoho Treaty of Waitangi negotiations

I write to advise you the Crown and the Ngāti Tamaoho Trust, the mandated negotiators for Ngāti Tamaoho, are working towards initialling a deed of settlement (**deed**) in June 2016. The deed will settle all Ngāti Tamaoho historical Treaty of Waitangi claims.

On 20 December 2012, the Crown and Ngāti Tamaoho signed an agreement in principle (**AIP**) which outlined the nature and scope of proposed redress for inclusion in Ngāti Tamaoho's deed. A full version of their AIP is available at http://www.ots.govt.nz/.

In the interest of full disclosure the Crown is providing information to all neighbouring groups regarding changes to the Ngāti Tamaoho's redress package that have occurred since the signing of their AIP in December 2012. Attached as **Appendix 1** is a table outlining the final redress package, as offered by the Crown to Ngāti Tamaoho, on 3 April 2016 and a map of the Ngāti Tamaoho area of interest (**AOI**).

In addition, the Crown is exploring appropriate redress for Ngāti Tamaoho over the catchments of the Mangatawhiri River and Mangatangi Stream, in consultation with local councils. **Appendix 2** contains a summary of Crown settlement redress mechanisms.

Feedback on the proposed settlement redress offered

The Crown has been in touch with Hone Sadler, Chairperson of Tuhoronuku Iwi Mandated Authority who suggested Mahurangi Collective may have interests that overlap with Ngāti Tamaoho's AOI.

In reaching a settlement with Ngāti Tamaoho, the Crown must ensure interests of neighbouring groups, including those of Ngāpuhi, are not prejudiced. The Crown's preference is for overlapping claims to be resolved by discussion between groups. Final agreement on redress prior to concluding the deed of settlement will be subject to the resolution of overlapping claims to the satisfaction of the Crown.

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Feedback on the proposed settlement package

The Crown is seeking feedback on your views **by 10 June 2016** on the proposed redress offered. Can you please provide feedback in the form of either:

- written confirmation of support (or no objection) for the redress package including geographic name changes;
- any agreement reached with the Ngāti Tamaoho Trust relating to the redress; or
- identification of any concerns or issues for further discussion.

The Crown is also seeking feedback from the Ngāti Tamaoho Trust on discussions they have, and agreements they reach, with overlapping groups.

The Crown acknowledges that such discussions can sometimes be difficult. Should the need arise the Crown is able to assist in such discussions if both parties agree. The Office of Treaty Settlements (**OTS**) officials are also available at any time during this process to meet with you directly to discuss your interests and any issues.

Process and timeframes for engagement

Once we have your feedback, we will then assess this information alongside any additional information the Ngāti Tamaoho Trust provides us resulting from their engagement with you. Following this, we will report to the Minister for Treaty of Waitangi Negotiations on overlapping claims matters based on our assessment of information received from the Ngāti Tamaoho Trust and neighbouring groups. The Minister will then advise claimant groups of his initial views on any unresolved overlapping claims and whether any of the redress proposals may need to be amended based on the information he has received to date.

Should there remain outstanding matters between iwi, the Crown may have to make a decision. In reaching decisions on overlapping claims the Crown is guided by three principles:

- reaching a fair and appropriate settlement with the claimant group in negotiations;
- maintaining, as far as possible, its capability to provide appropriate redress to other claimant groups and achieve a fair settlement of their historical claims; and
- the Crown's duty to ensure the redress offered to the claimant group in negotiations doesn't cause prejudice to a settled group and has no unintended inferences about the mana of other groups.

You will have an opportunity, if need be, to respond to the Minister's preliminary decisions on unresolved overlapping claims. The Minister will then make final decisions on unresolved overlapping claims matters.

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Next steps

If you know of other people or groups that believe they share interests within the Ngāti Tamaoho AOI, we would appreciate you advising us of their interest, or alternatively, providing them with contact details as provided below.

Kerry Williamson, Analyst, OTS will follow up with you over the next two weeks to ensure sufficient opportunity is provided for you to give feedback. If you have any questions concerning the overlapping claims process, please do not hesitate to contact Kerry on (04) 918 8882 or at kerry.williamson@justice.govt.nz.

Likewise, if you have any questions for the Ngāti Tamaoho Trust, please contact Janelle Wheatley, Project Manager, directly at janelle@tamaoho.maori.nz.

Nāku noa, nā

Tipene Chrisp
Negotiation and Settlement Manager

cc Hone Sadlier, Chairperson, Tehoronuku Iwi Mandated Authority
by email: info@tuhoronuku.co.nz

cc Christine Herzog, Kaiwhakahaere, Ngāti Tamaoho Trust
by email: christine@tamaoho.maori.nz

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Appendix 1: Summary of Ngāti Tamaoho redress package (*to be confirmed)

Site/Property	Proposed redress	AIP reference
Proposed Cultural Redress		
Transfer of the following sites:		
Raventhorpe Scenic Reserve and Raventhorpe Conservation Area[1] (Tuhimata property)	Subject to scenic reserve status	Clause 5.6, Table 1, Page 11
Waiau Pā Historic Reserve (Waitete Pā property)	Subject to historic reserve status	Clause 5.6, Table 1, Page 11
Waiau Pā Landing Reserve (Kingseat)	Vested in fee simple	Clause 5.6, Table 1, Page 11
1 Koheroa Road, Mercer	Vested in fee simple	
Share of Hunua Falls Scenic Reserve[2]	Subject to scenic reserve status	
112 Bairds Road, Otara	Vested in fee simple	
Great South Road, Drury (opposite Mercer St)	Vested in fee simple	

Site/Property	AIP reference
Statutory Acknowledgements: (*to be confirmed)	
Awaroa River	
Awhitu Conservation Area	
Waitemata Harbour / Te Wai O Te Mata	Clause 5.18, Page 15
Coastal marine area of the Manukau Harbour / Te Manukanuka O Hoturoa	Clause 5.18, Page 15
Drury Conservation Area and Marginal Strip	Clause 5.11, Table 4, Page 13
Drury Creek Islands Recreation Reserve	Clause 5.11, Table 4, Page 13
Hays Stream Conservation Area	
Hays Stream (Waipokapu Awa - includes Slippery Creek (Otūwairoa), Symonds Stream (Mangapū awa) and Waihoihoi (Waihoehoe) Stream))	Clause 5.13, Page 14
Hingaia Stream	Clause 5.13, Page 14
Hunua Awa	
Karaka Creek	Clause 5.13, Page 14
Kellyville Conservation Area	
Lake Pokorua and Waraha Stream	Clause 5.22.1, Page 15
Lake Pokorua Conservation Area and Marginal Strip	Clause 5.22.1, Page 15
Site/Property	**AIP reference**

[1] The two reserves will be united to form one reserve subject to scenic reserve status
[2] As tenants in common with Ngāi Tai ki Tāmaki, Ngaati Whanaunga and Ngāti Koheriki

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Statutory Acknowledgements *(cont'd)*: (*to be confirmed)	
Maioro Sands Marginal Strip	Clause 5.11, Table 4, Page 13
Mangatangi River	Clause 5.22.9, Page 16
Mangatawhiri Forest Conservation Area	Clause 5.11, Table 4, Page 13
Mangatawhiri River	Clause 5.22.9, Page 16
Maramarua River	
Mauku Stream	Clause 5.13, Page 14
Miranda Scientific Reserve	Clause 5.11, Table 4, Page 13
Mount William Scenic Reserve (Tohikuri)*	Clause 5.22.6, Page 16
Ngakoroa Stream	Clause 5.13, Page 14
Oira Stream	Clause 5.13, Page 14
Paparimu Conservation Area	Clause 5.11, Table 4, Page 13
Part Mercer Domain (Te Pou o Mangatawhiri)*	
Pratts Road Historic Reserve (Te Maketu)	Clause 5.22.5, Page 16
Puhitahi Creek	Clause 5.13, Page 14
Richard Sylvan Memorial Scenic Reserve	Clause 5.11, Table 4, Page 13
Te Hihi Creek	Clause 5.13, Page 14
Te Toro Recreation Reserve*	
Vining Scenic Reserve	Clause 5.11, Table 4, Page 13
Waipipi Scenic Reserve	Clause 5.22.3, Page 16
Wairoa Gorge Scenic Reserve	
Whangamaire Stream	Clause 5.13, Page 14
Whangamarino River hydro parcel (Te Ako O Te Tui A Tamaoho)	
Whangapouri Creek	Clause 5.13, Page 14
Whātāpaka Creek (Clarks Creek)	

Deeds of Recognition:	
Mt William Scenic Reserve (Tohikuri)*	Clause 5.22.6, Page 16
Pratts Road Historic Reserve (Te Maketu)	Clause 5.22.5, Page 16
Mangatawhiri Forest Conservation Area	Clause 5.10, Table 3, Page 12
Paparimu Conservation Area	Clause 5.10, Table 3, Page 12
Richard Sylvan Memorial Scenic Reserve	Clause 5.10, Table 3, Page 12
Vining Scenic Reserve	Clause 5.10, Table 3, Page 12

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Proposed Cultural Redress	
Geographic place name changes approved by NZGB - 28 March 2013	
• Whakaupoko	• Te Maketū Stream
• Whātāpaka Creek	• Mangatāwhiri
• Tamaoho / Mount William	• Mangatāwhiri Crossing
• Kaikākā	• Mangatāwhiri Forest
• Pakakina	• Mangatāwhiri River
• Pēhiakura	• Pēhiakura Lake
• Puhitahi	• Puhitahi Creek
• Purapura	• Whātāpaka Pā
• Teiaroa	• Upper Mangatāwhiri Dam
• Te Teoteo Pā	• Upper Mangatāwhiri Reservoir
• Tītī	

Geographic place name changes approved by NZGB – 20 April 2016	
• Waipokapū stream (currently Hays stream)	Clause 5.23, page 16
• Otūwairoa stream (currently Slippery creek)	Clause 5.23, page 16
• Waihoehoe stream (currently Waihoihoi stream)	Clause 5.23, page 16
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• Kakaramea (Razorback Road)*	Clause 5.23, page 16
• Tipitai (Wattle Bay)*	Clause 5.23, page 16
Crown Protected Area name changes sought (*to be confirmed)	
• Tohikuri Scenic Reserve (currently Mt William Scenic Reserve)*	Clause 5.23, page 16
• Te Awaaui o Taikehu Reserve (Pukekohe Reserve)*	Clause 5.23, page 16

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Site/Property		AIP reference
Proposed Financial / Commercial redress		
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Kereru Park Campus School site	Land only – transfer fee simple	Clause 6.3, Table 6, page 22
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Karaka Ferry Reserve	Transfer fee simple (status to be finalised)	

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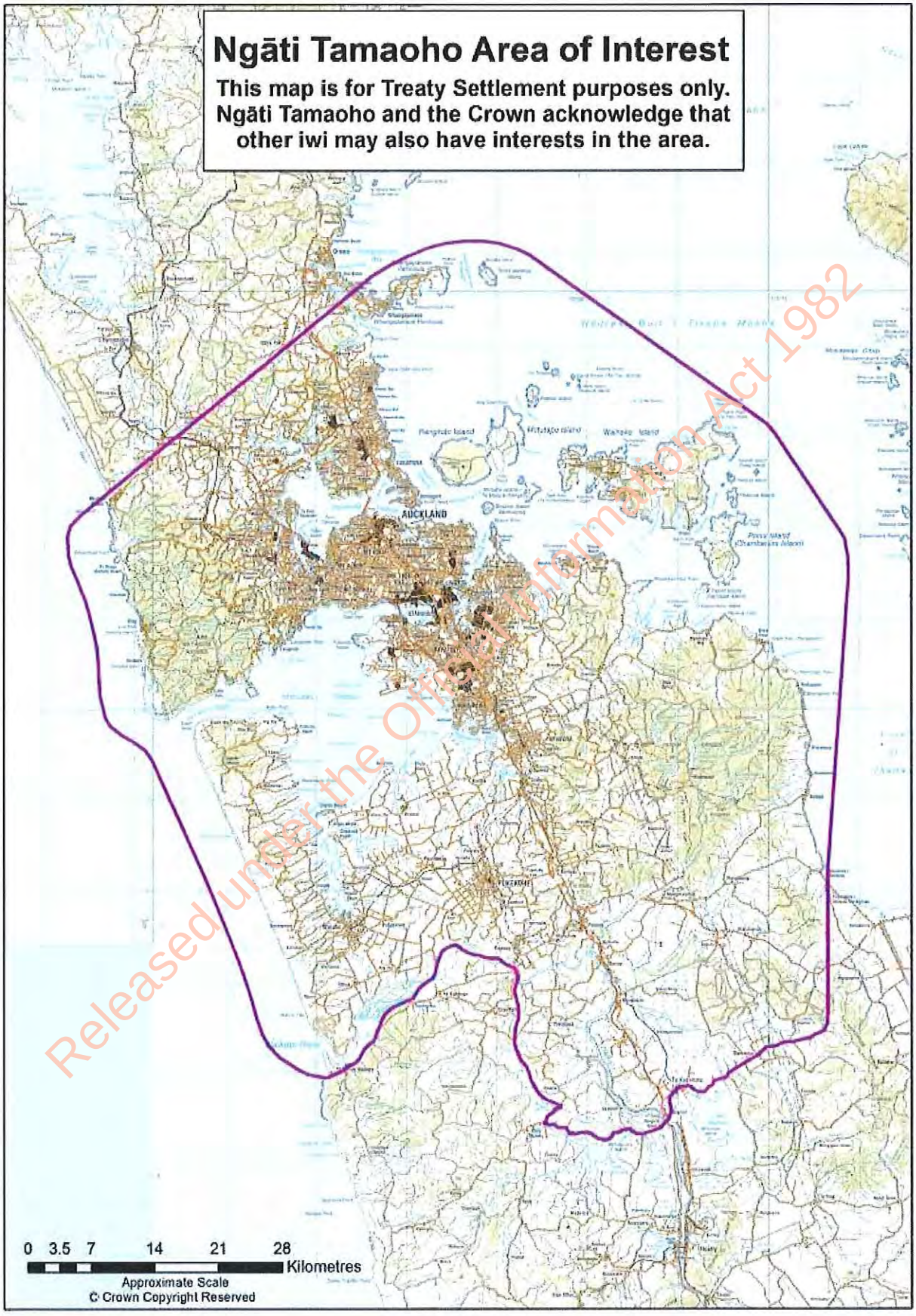

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Appendix 2
Summary of Crown settlement redress mechanisms

Definitions:	
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Deed of Recognition	A non-exclusive redress instrument which may follow from a Statutory Acknowledgement. The Minister responsible for managing the land subject to the statutory acknowledgement acknowledges a statement of the claimant group's associations and agrees to consult and have regard to the claimant group's views on specified matters.
Overlay Classification	Applies to a highly significant site on land administered by the Department of Conservation. It recognises a statement of the iwi's values for the site and identifies actions to avoid harm to these. In general, overlay classifications are exclusive redress offered to one claimant group. In some situations where two groups seek an overlay classification over the same area, the Crown may offer a joint overlay classification on the basis there is one set of protection principles developed in collaboration between the two claimant groups and the Department of Conservation.
Fee simple vesting	Provides a statutory transfer of ownership (title) of land to the claimant group. Rights to use and manage may vary according to type of site.
Transfer and gift back	Ownership of site of outstanding significance is vested in the claimant group who then after a specified period, gift it back to the Crown for all New Zealanders.
Advisory Board	Iwi forum/board that provides advice to local authorities who must have regard to the advice.
Joint Committee	A joint committee with direct input into the development of regional policy statements and regional plans under the Resource Management Act 1991. The recommendations of the joint committee will be subject to usual council planning processes.
Place names	Subject to inclusion in settlement legislation upon recommendation by the New Zealand Geographic Board.

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PART OF THE MINISTRY OF JUSTICE

Office of Treaty Settlements
Justice Centre | 19 Aitken Street | DX SX10111 | Wellington
T 04 494 9800 | F 04 494 9801
www.ots.govt.nz

31 May 2016

Rihari Dargaville
Deputy Chair
Mahurangi Collective
[redacted] s9(2)(a)

By email: [redacted]

Tēnā kōe

Proposed redress for Ngāti Tamaoho Treaty of Waitangi negotiations

I write to advise you the Crown and the Ngāti Tamaoho Trust, the mandated negotiators for Ngāti Tamaoho, are working towards initialling a deed of settlement (**deed**) in June 2016. The deed will settle all Ngāti Tamaoho historical Treaty of Waitangi claims.

On 20 December 2012, the Crown and Ngāti Tamaoho signed an agreement in principle (**AIP**) which outlined the nature and scope of proposed redress for inclusion in Ngāti Tamaoho's deed. A full version of their AIP is available at http://www.ots.govt.nz/.

In the interest of full disclosure the Crown is providing information to all neighbouring groups regarding changes to the Ngāti Tamaoho's redress package that have occurred since the signing of their AIP in December 2012. Attached as **Appendix 1** is a table outlining the final redress package, as offered by the Crown to Ngāti Tamaoho, on 8 April 2016 and a map of the Ngāti Tamaoho area of interest (**AOI**).

In addition, the Crown is exploring appropriate redress for Ngāti Tamaoho over the catchments of the Mangatawhiri River and Mangatangi Stream, in consultation with local councils. **Appendix 2** contains a summary of Crown settlement redress mechanisms.

Feedback on the proposed settlement redress offered

The Crown has been in touch with Hone Sadler, Chairperson of Tuhoronuku Iwi Mandated Authority who suggested Mahurangi Collective may have interests that overlap with Ngāti Tamaoho's AOI.

In reaching a settlement with Ngāti Tamaoho, the Crown must ensure interests of neighbouring groups, including those of Ngāpuhi, are not prejudiced. The Crown's preference is for overlapping claims to be resolved by discussion between groups. Final agreement on redress prior to concluding the deed of settlement will be subject to the resolution of overlapping claims to the satisfaction of the Crown.

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Feedback on the proposed settlement package

The Crown is seeking feedback on your views **by 10 June 2016** on the proposed redress offered. Can you please provide feedback in the form of either:

- written confirmation of support (or no objection) for the redress package including geographic name changes;
- any agreement reached with the Ngāti Tamaoho Trust relating to the redress; or
- identification of any concerns or issues for further discussion.

The Crown is also seeking feedback from the Ngāti Tamaoho Trust on discussions they have, and agreements they reach, with overlapping groups.

The Crown acknowledges that such discussions can sometimes be difficult. Should the need arise the Crown is able to assist in such discussions if both parties agree. The Office of Treaty Settlements (**OTS**) officials are also available at any time during this process to meet with you directly to discuss your interests and any issues.

Process and timeframes for engagement

Once we have your feedback, we will then assess this information alongside any additional information the Ngāti Tamaoho Trust provides us resulting from their engagement with you. Following this, we will report to the Minister for Treaty of Waitangi Negotiations on overlapping claims matters based on our assessment of information received from the Ngāti Tamaoho Trust and neighbouring groups. The Minister will then advise claimant groups of his initial views on any unresolved overlapping claims and whether any of the redress proposals may need to be amended based on the information he has received to date.

Should there remain outstanding matters between iwi, the Crown may have to make a decision. In reaching decisions on overlapping claims the Crown is guided by three principles:

- reaching a fair and appropriate settlement with the claimant group in negotiations;
- maintaining, as far as possible, its capability to provide appropriate redress to other claimant groups and achieve a fair settlement of their historical claims; and
- the Crown's duty to ensure the redress offered to the claimant group in negotiations doesn't cause prejudice to a settled group and has no unintended inferences about the mana of other groups.

You will have an opportunity, if need be, to respond to the Minister's preliminary decisions on unresolved overlapping claims. The Minister will then make final decisions on unresolved overlapping claims matters.

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Next steps

If you know of other people or groups that believe they share interests within the Ngāti Tamaoho AOI, we would appreciate you advising us of their interest, or alternatively, providing them with contact details as provided below.

Kerry Williamson, Analyst, OTS will follow up with you over the next two weeks to ensure sufficient opportunity is provided for you to give feedback. If you have any questions concerning the overlapping claims process, please do not hesitate to contact Kerry on (04) 918 8882 or at kerry.williamson@justice.govt.nz.

Likewise, if you have any questions for the Ngāti Tamaoho Trust, please contact Janelle Wheatley, Project Manager, directly at janelle@tamaoho.maori.nz.

Nāku noa, nā

Tipene Chrisp
Negotiation and Settlement Manager

cc Hone Sadler, Chairperson, Tehoronuku Iwi Mandated Authority
by email: info@tuhoronuku.co.nz

cc Christine Herzog, Kaiwhakahaere, Ngāti Tamaoho Trust
by email: christine@tamaoho.maori.nz

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Appendix 1: Summary of Ngāti Tamaoho redress package (*to be confirmed)

Site/Property	Proposed redress	AIP reference
Proposed Cultural Redress		
Transfer of the following sites:		
Raventhorpe Scenic Reserve and Raventhorpe Conservation Area[3] (Tuhimata property)	Subject to scenic reserve status	Clause 5.6, Table 1, Page 11
Waiau Pā Historic Reserve (Waitete Pā property)	Subject to historic reserve status	Clause 5.6, Table 1, Page 11
Waiau Pā Landing Reserve (Kingseat)	Vested in fee simple	Clause 5.6, Table 1, Page 11
1 Koheroa Road, Mercer	Vested in fee simple	
Share of Hunua Falls Scenic Reserve[4]	Subject to scenic reserve status	
112 Bairds Road, Otara	Vested in fee simple	
Great South Road, Drury (opposite Mercer St)	Vested in fee simple	

Site/Property	AIP reference
Statutory Acknowledgements: (*to be confirmed)	
Awaroa River	
Awhitu Conservation Area	
Waitemata Harbour / Te Wai O Te Mata	Clause 5.18, Page 15
Coastal marine area of the Manukau Harbour / Te Manukanuka O Hoturoa	Clause 5.18, Page 15
Drury Conservation Area and Marginal Strip	Clause 5.11, Table 4, Page 13
Drury Creek Islands Recreation Reserve	Clause 5.11, Table 4, Page 13
Hays Stream Conservation Area	
Hays Stream (Waipokapu Awa - includes Slippery Creek (Otūwairoa), Symonds Stream (Mangapū awa) and Waihoihoi (Waihoehoe) Stream))	Clause 5.13, Page 14
Hingaia Stream	Clause 5.13, Page 14
Hunua Awa	
Karaka Creek	Clause 5.13, Page 14
Kellyville Conservation Area	
Lake Pokorua and Waraha Stream	Clause 5.22.1, Page 15
Lake Pokorua Conservation Area and Marginal Strip	Clause 5.22.1, Page 15
Site/Property	**AIP reference**

[3] The two reserves will be united to form one reserve subject to scenic reserve status
[4] As tenants in common with Ngāi Tai ki Tāmaki, Ngaati Whanaunga and Ngāti Koheriki

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Statutory Acknowledgements *(cont'd)*: (*to be confirmed)	
Maioro Sands Marginal Strip	Clause 5.11, Table 4, Page 13
Mangatangi River	Clause 5.22.9, Page 16
Mangatawhiri Forest Conservation Area	Clause 5.11, Table 4, Page 13
Mangatawhiri River	Clause 5.22.9, Page 16
Maramarua River	
Mauku Stream	Clause 5.13, Page 14
Miranda Scientific Reserve	Clause 5.11, Table 4, Page 13
Mount William Scenic Reserve (Tohikuri)*	Clause 5.22.6, Page 16
Ngakoroa Stream	Clause 5.13, Page 14
Oira Stream	Clause 5.13, Page 14
Paparimu Conservation Area	Clause 5.11, Table 4, Page 13
Part Mercer Domain (Te Pou o Mangatawhiri)*	
Pratts Road Historic Reserve (Te Maketu)	Clause 5.22.5, Page 16
Puhitahi Creek	Clause 5.13, Page 14
Richard Sylvan Memorial Scenic Reserve	Clause 5.11, Table 4, Page 13
Te Hihi Creek	Clause 5.13, Page 14
Te Toro Recreation Reserve*	
Vining Scenic Reserve	Clause 5.11, Table 4, Page 13
Waipipi Scenic Reserve	Clause 5.22.3, Page 16
Wairoa Gorge Scenic Reserve	
Whangamaire Stream	Clause 5.13, Page 14
Whangamarino River hydro parcel (Te Ako O Te Tui A Tamaoho)	
Whangapouri Creek	Clause 5.13, Page 14
Whātāpaka Creek (Clarks Creek)	

Deeds of Recognition:	
Mt William Scenic Reserve (Tohikuri)*	Clause 5.22.6, Page 16
Pratts Road Historic Reserve (Te Maketu)	Clause 5.22.5, Page 16
Mangatawhiri Forest Conservation Area	Clause 5.10, Table 3, Page 12
Paparimu Conservation Area	Clause 5.10, Table 3, Page 12
Richard Sylvan Memorial Scenic Reserve	Clause 5.10, Table 3, Page 12
Vining Scenic Reserve	Clause 5.10, Table 3, Page 12

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Proposed Cultural Redress	
Geographic place name changes approved by NZGB - 28 March 2013	
• Whakaupoko	• Te Maketū Stream
• Whātāpaka Creek	• Mangatāwhiri
• Tamaoho / Mount William	• Mangatāwhiri Crossing
• Kaikākā	• Mangatāwhiri Forest
• Pakakina	• Mangatāwhiri River
• Pēhiakura	• Pēhiakura Lake
• Puhitahi	• Puhitahi Creek
• Purapura	• Whātāpaka Pā
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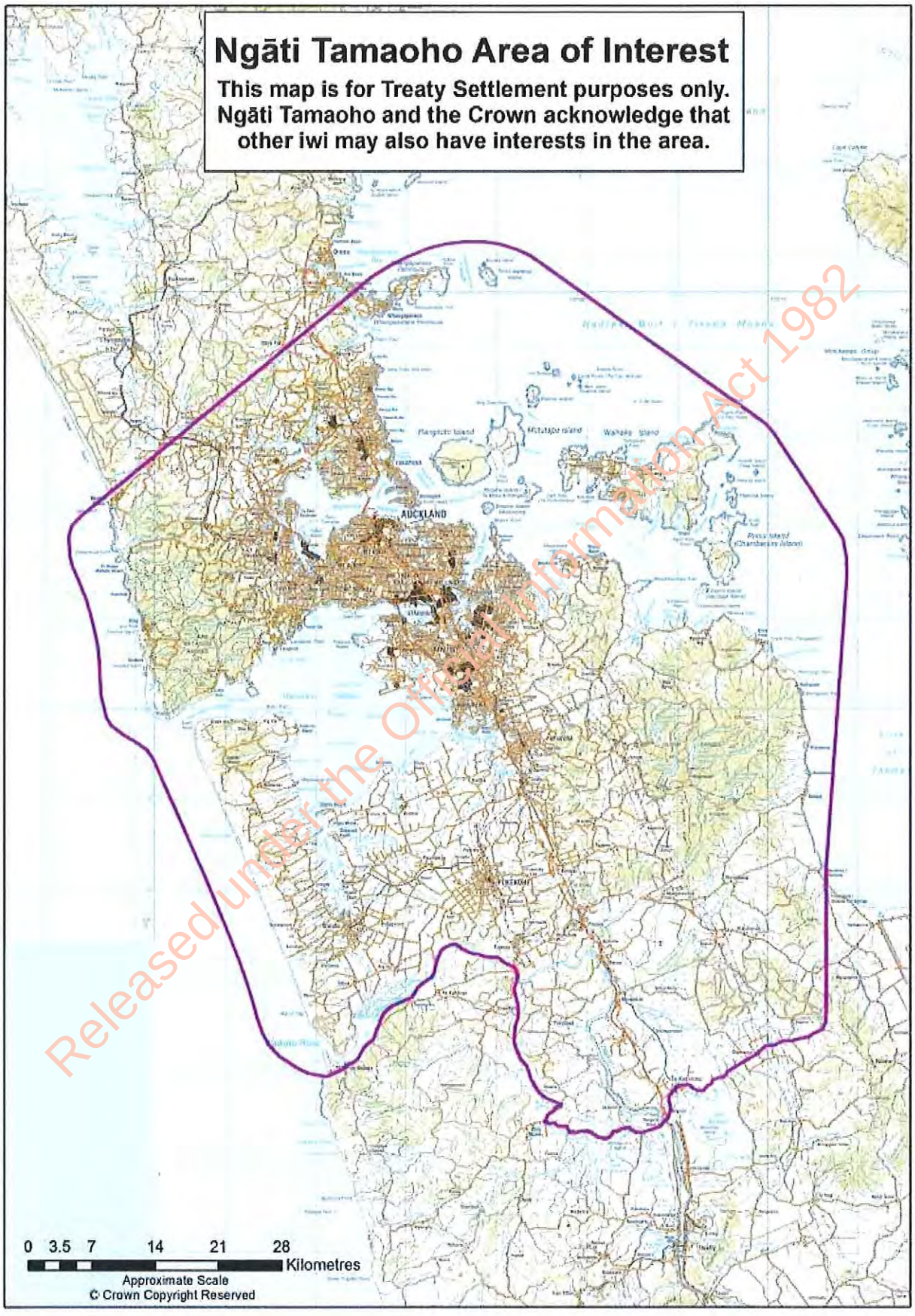

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Aide Memoire

To	Hon Christopher Finlayson Minister for Treaty of Waitangi Negotiations	**File no.** CLA-N129-OF-03
From	**Juliet Robinson** **Deputy Director** 027 220 9704	**Report no.** **2015/2016 – 744**
cc.	**Tipene Chrisp** **Negotiation & Settlement Manager**	
Date	**1 June 2016**	
Title	**Ngāti Tamaoho: Overlapping claims update**	

Purpose

1. This report provides an update on overlapping claims feedback received from neighbouring groups who may have shared interests with Ngāti Tamaoho.

Background

2. Ngāti Tamaoho is one of the Waikato-Tainui affiliated groups (Waiohua) located within Tāmaki Makaurau (Auckland). Ngāti Tamaoho's area of interest is centred on the Manukau Harbour but extends to include Franklin, the Hunua Ranges, Awhitu Peninsula, Waikato wetlands and central Auckland. The Ngāti Tamaoho area of interest map (**attached**) overlaps with the interests of 13 other groups.

3. Ngāti Tamaoho signed its agreement in principle (**AIP**) in December 2012. Since the AIP was signed, the Office of Treaty Settlements (**OTS**) has been focussed on other negotiations and, accordingly, negotiations with Ngāti Tamaoho towards its deed of settlement were deferred. However, during the period January 2013 to June 2015, Ngāti Tamaoho continued to regularly engage with neighbouring iwi.

4. In August 2015, the Crown recommenced negotiations with Ngāti Tamaoho and by mid April 2016 we had agreed a redress package with it. Since then we have engaged with each overlapping claimant group requesting feedback on the Crown's offer of redress including Ngāti Tamaoho's proposed geographic and Crown Protected Area name changes.

5. Overlapping claims are one of the final issues to be resolved if Ngāti Tamaoho is to initial its deed of settlement by the end of June 2016. A full summary of the responses received is attached as **Appendix 1**.

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out of scope

Responses from overlapping groups

[redacted]

No formal response to the Crown

7. [redacted]

8. [redacted]

9. [redacted]

out of scope

10. Ngāpuhi has asserted customary and historical interests in the wider Ngāpuhi-nui-tonu area. Accordingly, we have also written to the mandated negotiators for Ngāpuhi (Tūhoronuku Independent Mandated Authority (**TIMA**)) to ensure all iwi who may have shared interests with Ngāti Tamaoho are provided every opportunity to comment on the redress package. TIMA in turn have suggested the Crown contact the Mahurangi Collective and the Wai claimants within the Mahurangi area and we are beginning the engagement process.

Concerns expressed

[redacted]

out of scope

11. [redacted]

12. [redacted]

[redacted]

13. [redacted]

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out of scope

[redacted]

14. [redacted]

out of scope

Risks

15. [redacted]

16. We will brief in mid-June to update you again on how overlapping claimant matters are progressing and if we believe they can be resolved to the Crown's satisfaction in time for Ngāti Tamaoho to initial its deed of settlement by the end of June 2016.

17. We may need to seek a preliminary decision on the overlapping claims in relation to some specific elements in the Ngāti Tamaoho's package.

out of scope

Next steps

18. [redacted]

Recommendations

19. It is recommended that you:

    a. **note** this report provides you with an update on feedback received during consultation with overlapping groups on the Ngāti Tamaoho package;

    b. **note** we have received feedback from eight overlapping claimant groups and no feedback from four groups including the Ngāpuhi Wai claimants;

    c. [redacted] out of scope

    d. **note** it may be necessary to resolve these specific concerns over an extended timeframe; and

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e. **note** OTS will update you by mid June as to the progress of Ngāti Tamaoho's overlapping claims discussions.

Nāku noa, nā

Juliet Robinson
Deputy Director

NOTED / ~~APPROVED~~ / NOT ~~APPROVED~~
Hon Christopher Finlayson Minister for Treaty of Waitangi Negotiations
Date: / / 6 / 2016

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Appendix 1

out of scope

Overlapping Claimant Group feedback relating to Crown Offer of redress to Ngāti Tamaoho

Overlapping Group	Final feedback to the Crown
[redacted]	
Ngāpuhi *(the Ngāpuhi-nui-tonu region)* • Wai 354 • Wai 824 • Wai 1313 • Wai 1460 • Wai 1540 • Wai 1941 • Wai 2206	No response

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Te Manu Aute A Rāhiri

TŪHORONUKU

8 June 2016

BY EMAIL

Leah Campbell
Deputy Director, Negotiations and Settlements
Office of Treaty Settlements
DX SX10111
WELLINGTON

Tēnā koe Leah,

We write in response to your letter dated 24 May 2016.

I wish to direct your attention to the first sentence of paragraph three of your letter. We have since had this clarified by your staff that in fact Ngāpuhi have not been consulted on the proposed redress for the Marutūāhu Collective following the signing of the Record of Agreement in 2013 – or at any other time.

This is the first correspondence Ngāpuhi have received in relation to the Marutūāhu Collective redress.

On 27 May 2016, Sam Napia (Tūhoronuku IMA Trustee) and myself met with Paul Majurey, Marutūāhu Collective Chair.

By way of feedback to your office, the Tūhoronuku IMA presume that Ngāpuhi will be able to take this opportunity to engage on all proposed redress in the Marutūāhu Record of Agreement.

Only following this engagement could the Minister be satisfied that overlapping claims on redress to Marutūāhu have been resolved. Please confirm that this is the case.

Ngāpuhi do not aspire to delay the settlement of neighbouring Iwi however we note that presently, the Tūhoronuku IMA are engaged in a Hapū Engagement Process. We envisage a final report will be released shortly, however until that time, the Engagement Process is our priority focus.

Ngā Mihi,

Hōne Sadler
Chairperson

E: tuhoronuku@ngapuhi.iwi.nz | M: PO Box 263 Kaikohe 0440 | W: www.tuhoronuku.com | P: 0800 101 084

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From: Bogardus, Ryan
To: "Secretariat office"
Cc: Hauauru Eugene Rawiri; Morehu Wilson; Pollock, Jacob; Barker, Rick; Campbell, Leah
Subject: RE: Response to Ngāti Paoa re engaging with Tūhoronuku for your QA
Date: Wednesday, 8 June 2016 1:35:00 pm
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

Kia ora Haydn,

Thank you for responding to me with your comments on the letter to Tūhoronuku. We will send this on to Tūhoronuku today.

The Crown's understanding of any Ngāpuhi interests is possibly best described in the Terms of Negotiation document signed between the parties and available here: https://www.govt.nz/treaty-settlement-documents/ngapuhi/. I appreciate that this is not the list you seek and is also not redress specific. We consider the responsibility for identifing any Ngāpuhi interests in the redress offered to Ngāti Paoa does sit with Tūhoronuku rather than the Crown. As a first step they need to be made aware of the redress being offered to Ngāti Paoa so that they can identify whether they have an interest. If there is something further that I can provide to you to give you some comfort around this please let me know.

If it is ok with you, I will add Ngāpuhi (Tūhoronuku as the mandated entity) to the Overlapping Interests tracking table so that we can keep each other informed of any response from Tūhoronuku.

Īmēra mai mehemea he whakaaro ōu mō taua kaupapa.

Nāku iti nei,

Ryan Bogardus I Analyst I Office of Treaty Settlements
DDI: +64 04 9188727 I Ext: 58727 I **www.ots.govt.nz**
Te Tari Whakatau Take e pa ana ki te Tiriti o Waitangi

From: Secretariat office [mailto:secretariat@ngatipaoaiwi.co.nz]
Sent: Wednesday, June 08, 2016 11:51 AM
To: Bogardus, Ryan
Cc: Hauauru Eugene Rawiri; Morehu Wilson; Barker, Rick; Campbell, Leah; McNicholl, Leigh
Subject: Re: Response to Ngāti Paoa re engaging with Tūhoronuku for your QA

Kia Ora Ryan

We are comfortable with the letter from OTS being sent to Tuhoronuku because it provides -
1 - a clear process (ie - Minister makes final decision) and
2 - a clear timeline (ie - 6 weeks)
3 - a full list of our cultural redress

To reciprpcity Based on our meeting with Rick last Friday in Thames can you (OTS) please provide the **list of** Tuhoronuku's interests in Taamaki and Hauraki.

The above is important as we believe the onus is on Tuhoronuku to declare the rationale for their interests so we can initiate meaningful engagement regarding our overlapping interests.

Ngaa mihi
Haydn

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On Wed, Jun 8, 2016 at 9:18 AM, Bogardus, Ryan <Ryan.Bogardus@justice.govt.nz> wrote:
Tēnā koutou katoa,

I wanted to follw up with you on whether you had any comments on the letter we are proposing to send to Tūhoronuku.

Ka mea rā ka īmera mai,

Ryan Bogardus I Analyst I Office of Treaty Settlements
DDI: +64 04 9188727 I Ext: 58727 I **www.ots.govt.nz**
Te Tari Whakatau Take e pa ana ki te Tiriti o Waitangi

From: Bogardus, Ryan
Sent: Wednesday, June 01, 2016 4:45 PM
To: Hauauru Eugene Rawiri; Morehu Wilson
Cc: Secretariat office; Barker, Rick; Campbell, Leah; McNicholl, Leigh
Subject: RE: Response to Ngāti Paoa re engaging with Tūhoronuku for your QA

Tēnā koutou katoa,

Please find attached the draft letter to Tūhoronuku regarding overlapping claims with Ngāpuhi for your consideration.

We would appreciate your comments by close of business tomorrow.

Ngā mihi,

Ryan Bogardus I Analyst I Office of Treaty Settlements
DDI: +64 04 9188727 I Ext: 58727 I **www.ots.govt.nz**
Te Tari Whakatau Take e pa ana ki te Tiriti o Waitangi

From: Campbell, Leah
Sent: Tuesday, May 31, 2016 5:29 PM
To: Secretariat office
Cc: Hauauru Eugene Rawiri; Morehu Wilson; McNicholl, Leigh; Bogardus, Ryan; Barker, Rick
Subject: RE: Response to Ngāti Paoa re engaging with Tūhoronuku for your QA

Kia ora Haydn

Thanks for your email. Yes we will draft a letter and send it to you for feedback.

Nā Leah

Leah Campbell
Deputy Director, Negotiations
Office of Treaty Settlements
DDI: +64 04 913 9202 I Ext: 55202 I Mob 027 836 0532
Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi

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(2) do not act on this email in any other way.
Thank you.

==========

From: Secretariat office [mailto:secretariat@ngatipaoaiwi.co.nz]
Sent: Tuesday, 31 May 2016 11:25 a.m.
To: Campbell, Leah
Cc: Hauauru Eugene Rawiri; Morehu Wilson; McNicholl, Leigh; Bogardus, Ryan; Barker, Rick
Subject: Re: Response to Ngāti Paoa re engaging with Tūhoronuku for your QA

Ata maarie Leah

Appreciate and recognize the points you have raised with the OI process with Ngan Puhi.

It would be helpful in our Team discussions if you could email the draft letter

See you Friday.

Ngaa mihi
Haydn

On Mon, May 30, 2016 at 4:17 PM, Campbell, Leah <Leah.Campbell@justice.govt.nz> wrote:

Kia ora koutou

Thank you for your email to Ryan with regard to overlapping claims engagement. You've been making some great progress. We will update the overlapping claims table and send this to you on Friday. Thanks Haydn for sending through the emails Ngāti Paoa sent to [redacted] out of scope [redacted] Ngāti Hao. We will add these to our records.

With regard to overlapping claims engagement with Ngāpuhi - as you know the Crown, Ngāti Paoa and the Marutūāhu Collective have discussed engaging with Ngāpuhi on a number of occasions since February (on 26 February, 22 April and 20 May). Although OTS was contacted directly by Ngāti Hao in relation to Ngāti Paoa's settlement redress, because engagement with Ngāpuhi affects all of the Marutūāhu iwi the Crown asked to have the discussion about overlapping claims engagement with Ngāpuhi at the Marutūāhu Collective table in the first instance. At the Marutuahu Collective meeting on 20 May it was agreed that the Marutuahu Collective and all the individual Marutuahu iwi would engage with Tuhoronuku, (the body mandated to represent Ngapuhi in Treaty settlement negotiations) on overlapping claims.

We acknowledge Ngati Paoa's preference is to engage with individual hapū of Ngāpuhi who hold relevant overlapping interests in Tāmaki rather than engage with Tuhoronuku. However, as Tuhoronuku is the body mandated to represent Ngāpuhi in Treaty settlement negotiations the Crown has an obligation to engage with them on overlapping claims. Obviously this engagement will go a whole lot faster and smoother if Ngāti Paoa engage directly with Tuhoronuku. I should indicate that if other Ngāpuhi hapū approach either Ngāti Paoa or the Crown then we would also need to engage with them.

We consider it would be advantageous to write to Tuhoronuku as soon as possible so that overlapping claims conversation with them can start. This won't be an open-ended process and we can put timeframes around it so that Ngāti Paoa can have certainty about when overlapping claims engagement will be concluded.

I'm happy to discuss further with you if you would prefer. Alternatively we can send through a draft

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letter for your consideration - this would be similar to the letters the Crown sent to other groups.

Nā Leah

Leah Campbell
Deputy Director, Negotiations
Office of Treaty Settlements
DDI: +64 04 913 9202 I Ext: 55202 I Mob 027 836 0532
Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi
www.ots.govt.nz

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Thank you.

==========

From: Hauauru Eugene Rawiri [redacted] s9(2)(a)
Sent: Friday, May 27, 2016 4:48 PM
To: Bogardus, Ryan
Cc: Morehu Wilson; Secretariat office
Subject: Re: Overlapping claims with Ngapuhi

Kia ora Ryan
I was of the understanding that we were dealing with Ngaati Hao who have the mandate for overlapping interests in Taamaki as one of the Ngaapuhi hapuu?
Be good to get clarity.

Mauri ora

Hauauru Eugene Rawiri (Hau)

On Fri, May 27, 2016 at 4:39 PM, Bogardus, Ryan <Ryan.Bogardus@justice.govt.nz> wrote:
Tēnā koutou kātoa,

Leah has informed me that Tūhoronuku will be meeting on the 2 June and will be considering overlapping claims at there board meeting. We consider that it is a good time for the Crown to contact Tūhoronuku to initiate these discussions.

Are you comfortable with OTS writing to Tūhoronuku? We intend to send the letter out on Monday.

Īmēra mai mehemea he whakaaro ōu mō taua kaupapa,

Ryan Bogardus I Analyst I Office of Treaty Settlements
DDI: +64 04 9188727 I Ext: 58727 I **www.ots.govt.nz**
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Te Manu Aute A Rāhiri

TŪHORONUKU

10 June 2016

BY EMAIL

Tipene Chrisp
Negotiation and Settlement Manager
Office of Treaty Settlements
DX SX10111
WELLINGTON

Tēnā koe Tipene,

We write in response to your letter dated 20 May 2016.

By way of feedback to your office, the Tūhoronuku IMA presume that Ngāpuhi will be able to take this opportunity to engage on all proposed redress in the Ngāti Tamaoho negotiation.

Only following this engagement could the Minister be satisfied that overlapping claims on redress to Ngāti Tamaoho have been resolved. Please confirm that this is the case.

Ngāpuhi do not aspire to delay the settlement of neighbouring Iwi however we note that presently, the Tūhoronuku IMA are engaged in a Hapū Engagement Process. We envisage a final report will be released shortly, however until that time, the Engagement Process is our priority focus.

Ngā Mihi,

Hōne Sadler
Chairperson

E: tuhoronuku@ngapuhi.iwi.nz | M: PO Box 263 Kaikohe 0440 | W: www.tuhoronuku.com | P: 0800 101 084

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From: Nicole Anderson
To: Williamson, Kerry
Cc: christine@tamaoho.maori.nz; janelle@tamaoho.maori.nz
Subject: Proposed Redress for Ngāti Tamaoho ToW negotiations
Date: Thursday, 9 June 2016 11:47:59 am
Attachments: image001.jpg
image002.gif
Jun 16 Tamaoho Letter 10 June response.pdf

Tena koe Kerry,

Please find letter for Tipene from our Chair Hōne Sadler.

Mauri ora,

Nicole Anderson
Interim Project Manager | TIMA
Te Rōpū o Tūhoronuku Independent Mandated Authority
Mob: [redacted]
Skype [redacted] s9(2)(a)
PO Box 263, Kaikohe 0440

www.tuhoronuku.com

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Office of Treaty Settlements
Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi
PART OF THE MINISTRY OF JUSTICE

Office of Treaty Settlements
Justice Centre | 19 Aitken Street | DX SX10111 | Wellington
T 04 494 9800 | F 04 494 9801
www.ots.govt.nz

13 June 2016

Hone Sadler
Chairman
Tūhoronuku Independent Mandated Authority
PO Box 263
KAIKOHE 0440

Email: info@tuhoronuku.co.nz

Tēnā koe

Re: Redress for the Marutūāhu Collective historical Treaty of Waitangi settlement

Thank you for your response of 8 June 2016 in regard to the proposed redress for the Marutūāhu Collective historical Treaty of Waitangi settlement. The Crown is pleased to hear that you met with the Chair of the Marutūāhu Collective on 27 May 2016.

The Crown has endeavoured to keep Ngāpuhi informed about Treaty settlements in the Tāmaki Makaurau region since early 2009. I attach written correspondence for your reference.

The Crown appreciates that Tūhoronuku Independent Mandated Authority is currently engaged in a Hapū Engagement Process and this is a priority for you. However, we encourage you to also review the information we have sent to you previously and that is set out in the attached table (**Appendix 1**).

The overlapping claims process ensures groups with overlapping interests have the opportunity to comment on redress proposed for a claimant group. The 24 May 2016 letter is the opportunity for you to engage prior to the Minister making any decisions on the proposed redress for the Marutūāhu Collective historical Treaty of Waitangi settlement. Should you raise no objection, the Minister will consider you have no overlapping claims. Should you object to the proposed redress, the Minister will make a preliminary decision. We would then write to you again to give you an opportunity to provide the Minister with further information prior to the Minister making his final decision.

As outlined in the letter sent to Tūhoronuku Independent Mandated Authority on 24 May 2016, officials will brief the Minister on the state of overlapping claims with the Marutūāhu Collective. This will be provided to the Minister by 15 June 2016.

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If you have any queries for the Office of Treaty Settlements on this process please contact Bryce Blair at bryce.blair@justice.govt.nz or 04 466 4186.

Nāku noa, nā

Leah Campbell
Deputy Director, Negotiations and Settlements

cc: Paul Majurey, Chair, Marutūāhu Collective, paul.majurey@ahmlaw.nz

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APPENDIX 1

COMMERCIAL REDRESS	
Early Release properties	Former Takapuna Police Station
Settlement Date Properties	6-10 Homestead Drive, St Johns The North Shore housing blocks Tāmaki Leadership Centre 45, 47 and 49 Calliope Road Torpedo Bay (joint with Ngāi Tai ki Tāmaki)
Crown Forest Land	Maramarua Forest
Deferred Selection properties	21-23 Waikare Road, Waiheke Island 18 Jellicoe Parade, Waiheke Island 35 Grafton Road, Grafton Panmure Probation Centre (subject to a lease back) Boston Road Probation Centre (subject to a lease back)
Potential Deferred Selection Properties	Opportunity to select deferred selection purchase from the following school sites, subject to selection criteria (which limit the schools that can be selected) and lease back to Ministry of Education: • Auckland Grammar • Epsom Girls Grammar • Remuera Intermediate • Takapuna Normal Intermediate • Takapuna Grammar • Takapuna School • Rangitoto College • Ponsonby Intermediate • Bayswater School • Wairau Intermediate • Glendowie College • Parnell Primary School
Deferred Purchase Property	Land administered by NZTA in the Mechanics

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	Bay area
CULTURAL REDRESS	
Vesting Properties	1.37ha. of Kawau Island Historic Reserve (Te Kawau Tu Maro) 2.5ha. at Motuora Island Recreation Reserve (Moutohora) Mahurangi Scenic Reserve 0.5ha. at Tiritiri Matangi Island Scientific Reserve Whangaparoa property 2.3ha. at Motuihe Island Recreation Reserve (Te Mokai a Tinirau) 0.07ha. at Motuihe Island Recreation Reserve (Mangoparerua) 0.5ha. at Homestead Drive, St Johns 97 and 110A Gladstone Road, Parnell (Fred Ambler Lookout site) Vesting of the guardhouse building at Fort Takapuna Recreations Reserve
Possible Vesting Properties	110 Gladstone Road, Parnell
Final list of statutory acknowledgements	Fort Takapuna Waipapa The balance of Gladstone Park Motutapu Island area Mutukaroa (Hamlins Hill) Coastal Statutory Acknowledgement

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OFFICE OF TREATY SETTLEMENTS
The Vogel Centre • Kate Sheppard Place • SX10111 Wellington
Phone (04) 494 9800 • Fax (04) 494 9801 • www.ots.govt.nz

Pouaka Motuhake 919 • Te Whanganui a Tara
Waea (04) 494 9800 • Waea Whakaahua (04) 494 9801

Te Tari Whakatau Take e pa ana ki te Tiriti o Waitangi

26 January 2011

Ngāpuhi and Ngāti Wai claimants
(by email)

Tēnā koutou

The Crown is currently in negotiations with iwi groups in the Tāmaki Makaurau, Kaipara and Hauraki-Coromandel regions to settle their historical Treaty of Waitangi claims. This letter updates you on these negotiations.

The Crown has signed agreements in principle with Ngāti Whātua o Kaipara, Ngāti Manuhiri, Ngāti Whātua o Ōrākei and Te Kawerau ā Maki. In addition, a Framework Agreement was signed with the collective of Tāmaki Makaurau iwi, Ngā Mana Whenua o Tāmaki Makaurau.

Negotiations with these five groups are advancing towards deeds of settlement in 2011. Ngāti Manuhiri and Ngāti Whātua o Kaipara deeds, in particular, are near completion and are expected to be signed at the end of February. Attached as **Appendix A** and **Appendix B** are summaries of the site-specific redress proposals for the Ngāti Manuhiri and Ngāti Whātua o Kaipara settlements respectively.

The Crown is also in negotiations with Ngāti Rehua, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Te Ata, Te Rūnanga o Ngāti Whātua, Te Ākitai, Ngāti Whanaunga, Ngāti Paoa, Ngāti Maru and Ngāti Tamaterā. It is intended that agreements in principle with these groups be completed by the end of 2011. In addition, the Crown and Hauraki iwi signed the Hauraki Framework Agreement on 1 October 2010. Parties are currently working towards concluding an agreement in principle in April 2011.

The settlements for each individual group comprise three broad elements:

a. Historical account, Crown acknowledgements and Crown apology;
b. Cultural redress; and
c. Commercial and financial redress.

All Treaty settlements are subject to the resolution of overlapping/shared interests. It is the Crown's preference for iwi with shared/overlapping interests to resolve such interests between themselves. Once negotiated and signed, the deeds of settlement will settle in full all Treaty of Waitangi historical claims that relate to the groups' historical grievances and will be given effect through settlement legislation. While the

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claims of the specific iwi in negotiations will be concluded, the claims of any other iwi with interests in these areas will not be settled. The Crown will be able to provide non-exclusive redress, where appropriate, to other iwi with interests in these areas.

For further information about the Treaty settlement process generally or the settlements mentioned above specifically, please visit the Office of Treaty Settlements' website at www.ots.govt.nz. Copies of the signed agreements in principle and Framework Agreement are available at that website. If you have any additional questions or comments, please contact Ben White, Negotiation and Settlement Manager either by post at:

Office of Treaty Settlements
PO Box 919
WELLINGTON

or by email at ben.white@justice.govt.nz.

Nāku noa, nā

Peter Galvin
Deputy Director

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APPENDIX A
Summary of proposed site-specific redress in the Ngāti Manuhiri settlement

Table 1 – Commercial redress properties

TYPE OF REDRESS	NAME/ADDRESS OF PROPERTY	AGENCY
CFL land	South Mangawhai CFL	LINZ
Purchase	12 Alnwick St, Warkworth	OTS
Purchase and Lease Back	Warkworth District Court (land only)	MOJ
	Pakiri School (land only)	MOE
Right of First Refusal	Over core Crown and NZTA held land within the agreed RFR area for 169 years	Core Crown departments and NZTA

Table 2 – Sites to be vested

SITE	AREA	AGENCY	CONDITIONS ON TRANSFER
Hauturu (part)	Up to 1.2 hectares	DOC	Subject to covenant
Hauturu (balance)	2815.1 (approx.)	DOC	To be gifted back to the Crown
Leigh Recreation Reserve (part)	5.5 hectares	DOC	Subject to recreation reserve status
Pakiri Block Conservation Area	47.4 hectares	DOC	Subject to covenant
Mt Tamahunga (part)	10 hectares	DOC	Subject to scientific reserve status
Pakiri Domain Recreation Reserve	2.02 hectares	DOC	Subject to recreation reserve status
Pakiri Riverbed (part)	Up to 7.8 hectares of dry land (subject to survey)	LINZ	Subject to covenant

Table 3 – Other site-specific cultural redress

REDRESS INSTRUMENT	SITES
Overlay classification	• Hauturu/Little Barrier Island Nature Reserve (gifted back area) • Waka Tū Whenua (comprising the remainder of Leigh Recreation Reserve, Goat Island Scientific Reserve and the Leigh Marine Reserve/Cape Rodney-Okakari Point Marine Reserve)
Statutory acknowledgements	• Motu Hawere (comprising the remainder of Leigh Recreation Reserve and Goat Island Scientific Reserve) • Remainder of Mt Tamahunga (Omaha Ecological Area) not transferred • Coastal area • Hoteo, Puhoi, Pakiri, Matakana, Waiwerawera and Poutawa Rivers • Ngaroto lakes (Slipper, Tomarata and Ngaroto lakes) • Tohitohi o Reipae (The Dome)

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	• Pohuehue Scenic Reserve • Paepae o Tū (Bream Tail)
Deed of Recognition	• Remainder of Mt Tamahunga (Omaha Ecological Area) not transferred
Geographic name changes (subject to approval by the NZGB)	• Bream Tail to be renamed Paepae ō Tū • Hauturu/Little Barrier to be renamed Te Hauturu o Toi • Goat Island to be renamed Motu Hawere a Maki • Matheson Bay to be renamed Te Kohuroa • Lake Spectacle and Slipper Lake to be named collectively as Ngaroto

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APPENDIX B

Summary of proposed site-specific redress in the Ngāti Whātua o Kaipara settlement

Table 1 – Commercial redress properties transferred on settlement date

TYPE OF REDRESS	NAME/ADDRESS OF PROPERTY	AGENCY
CFL land purchase	Woodhill CFL	LINZ
Delayed CFL purchase	Riverhead CFL (selection units not purchased by Te Kawerau ā Maki with any remaining quantum)	LINZ
Purchase	8 Old Woodcocks Rd, Kaipara Flat 16 Old Woodcocks Rd, Kaipara Flat 20 Old Woodcocks Rd, Kaipara Flat	OTS
Purchase and Lease Back	Kaipara College (land only) Kaukapakapa School (land only) Parakai School (land only) Tauhoa Primary School (land only) Waimauku School (land only) Woodhill Primary School (land only)	MOE
Right of First Refusal (RFR)	Over core Crown and NZTA held land within exclusive RFR area for 169 years	Core Crown departments and NZTA
Property specific RFR outside exclusive RFR area	Crown and NZTA properties within the 1841 Mahurangi Block Purchase area overlapping the Ngāti Whatua o Kaipara area of interest	
Joint Right of First Refusal with Te Kawerau ā Maki	Auckland (Paremoremo) Prison	Corrections
	Clark House	NZDF
Deferred selection purchase property (jointly with Te Kawerau a Maki)	Auckland (Paremoremo) Housing Block	Corrections

Table 2 – Ten acre block sites returned under Crown gifted land policy

SITE	AREA	AGENCY
24 Commercial Rd, Helensville	0.1878 hectares	LINZ

Table 3 – Sites to be vested

SITE	AREA (approx)	AGENCY	CONDITIONS ON TRANSFER
Moturemu Island Scenic Reserve	5.0 hectares	DOC	Subject to covenant

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Makarau Conservation Area	5 hectares	DOC	Subject to local purpose reserve status
Mauiniu Island Local Purpose Reserve	2 hectares	DOC	Subject to covenant
Mairetahi Landing Reserve	3.7 hectares	DOC	Subject to covenant
Tīpare Island (subject to survey)	4 hectares	DOC	Subject to covenant
Atuanui (Mt Auckland) Scenic Reserve	616 hectares	DOC	Subject to scenic reserve status
Makarau Bridge Reserve	3.9 hectares	DOC	Subject to local purpose reserve status
Parakai Conservation Area (subject to survey)	up to 155.9 hectares	DOC	Subject to local purpose reserve status
Section 37 Block XIV Kaipara Survey District Reserve	0.01 hectares	None (Crown owned)	Subject to recreation reserve status

Table 4 – Sites jointly vested (administration only) with Auckland Council

SITE	AREA (approx)	AGENCY	CONDITIONS ON TRANSFER
Parakai Recreation Reserve	18.2 hectares	DOC	Subject to recreation reserve status Crown retains underlying title

Table 4.5 – Other site-specific cultural redress

REDRESS INSTRUMENT	SITES
Statutory acknowledgements	• Papakanui Conservation Area and Papakanui Spit Wildlife Refuge • Rototoa Conservation Area and Lake Rototoa Scenic Reserve • Motutara Settlement Scenic Reserve • Goldie Bush Scenic Reserve • Coastal areas
Geographic name changes	• Lake Ototoa to be renamed Rototoa • Maori Bay to be renamed Maukatia Bay • Mount Auckland to be renamed Atuanui/Mount Auckland • Cornerstone Reynalls Hill to be named Kahukurī • Crocodile Island to be renamed Te Motu-o-Marae-Ariki • Shelly Beach to be renamed Aotea/Shelly Beach • Hatfields to be renamed Ōtānerua/Hatfields Beach • Mount Rex to be named Kaikai Pā • South Head Peninsula to be named Te Korowai-o-Te-Tonga

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	Peninsula • An historic site within Woodhill Forest to be named Hiorekata • Mosquito Bay to be named Mānunutahi Bay • Ti Tree Island to be named Tīpare Island • Flat Top Quarry White Hills to be named Te Rite-a-Kawharu Pā or Hill • An historic site near Reweti to be named Tauwhare

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From: Williamson, Kerry
To: [redacted] s9(2)(a)
Cc: Church, Stephen; Chrisp, Tipene; Christine Herzog (christine@tamaoho.maori.nz); Dennis Kirkwood (dennis@tamaoho.maori.nz); Janelle Wheatley (janelle@tamaoho.maori.nz)
Subject: RE: Ngāti Tamaoho redress package
Date: Monday, 13 June 2016 1:27:00 pm
Attachments: image001.jpg

Tēnā korua Richard and Kiharoa,

Thank you for your email attaching the response of the Mahurangi Wai Claims Collective in terms of the proposed Ngāti Tamaoho redress package. We understand the Mahurangi Wai Claims Collective:

- have no objection to the proposed Ngāti Tamaoho redress package; and
- would like to meet with the Crown to discuss matters not related to the Ngāti Tamaoho negotiations.

Please respond confirming our understanding of your letter dated 6 June and advise when the Mahurangi Wai Claims Collective are available to meet with the Crown.

Nā māua

Kerry Williamson | Analyst | Office of Treaty Settlements
DDI: +64 04 918 8882 | Extn 58882 | Mob +64 027 260 3796
Te Tari Whakatau Take e pa ana ki te Tiriti o Waitangi

From: richard dargaville [redacted]
Sent: Monday, 6 June 2016 1:55 p.m.
To: Williamson, Kerry; janelle@tamaoho.maori.nz s9(2)(a)
Subject: Response to letter of 31 May 2016

Kerry Williamson,
Kia ora koutou nga mihi kia korua OTS ano a Ngati Tamaoho
As attached
Cell ph nos Kiharoa (Gilbert) Parker [redacted] and Rihari Dargaville, [redacted] s9(2)(a)
Nga mihi
Rihari Dargaville

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Office of Treaty Settlements
PART OF THE MINISTRY OF JUSTICE

Aide Memoire

To	Hon Christopher Finlayson Minister for Treaty of Waitangi Negotiations	**File no.** CLA-N129-OF-03
From	**Juliet Robinson** **Deputy Director** 027 220 9704	**Report no.** **2015/2016 – 763**
cc.	**Tipene Chrisp** **Negotiation & Settlement Manager**	
Date	**15 June 2016**	
Title	**Ngāti Tamaoho: Overlapping claims process and timeframes**	

Purpose

1. This report provides you with an outline of the process and proposed timeframes for the resolution of overlapping claims relating to Ngāti Tamaoho's proposed settlement redress pacakge.

Update on responses from overlapping groups

2. Further to our previous advice to you [OTS aide memoire 2015/16 – 744 refers] we provide the following update.

[redacted] out of scope

3. [redacted]

4. [redacted]

Ngāpuhi

5. As suggested by the mandated negotiators for Ngāpuhi (Tūhoronuku Independent Mandated Authority) we wrote to the Mahurangi WAI Claims Collective to clarify that these groups did not have any concerns with Ngāti Tamaoho's proposed package.

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6. The Mahurangi WAI Claims Collective has responded and appears to have no objection to the proposed package but we are seeking further confirmation of this. The Collective also wishes to meet with the Crown to discuss other matters in relation to Tāmaki negotiations.

[redacted] out of scope

7. [redacted]

8. [redacted]

9. [redacted]

10. [redacted]

11. [redacted]

12. [redacted]

13. [redacted]

Next steps and timeframes

14. [redacted]

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out of scope

15. [redacted]

16. [redacted]

Date	Action
[redacted]	
1 July 2016	• OTS provides preliminary advice to Minister on any unresolved matters
4 July 2016	• Minister writes to overlapping groups with preliminary decisions
18 July 2016	• Feedback from overlapping groups on preliminary decisions due with OTS
20 July 2016	• OTS provides final advice to Minister on any unresolved matters
22 July 2016	• Minister makes final decisions and writes to overlapping groups

out of scope

17. [redacted]

out of scope

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Recommendations

18. It is recommended that you:

a. **note** the latest responses received by overlapping groups regarding the proposed redress package for Ngāti Tamaoho; out of scope

b. [redacted]

c.

d.

Nāku noa, nā

Juliet Robinson
Deputy Director

NOTED / APP

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

/ 2016

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Office of Treaty Settlements
Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi
PART OF THE MINISTRY OF JUSTICE

Minister for Treaty of Waitangi Negotiations

Subject: Marutūāhu Collective: Update on Overlapping Claims in Tāmaki Makaurau

Date	16 June 2016	**Priority:**	High
Report No. OTS:	2015/2016 - 775	**File ref:**	CLA-N100-OF-03 CLA-N403-OC-04

Action sought

Minister for Treaty of Waitangi Negotiations (Hon Christopher Finlayson)	**Agree** to maintain the offer to the Marutūāhu Collective of commercial and cultural redress within Tāmaki Makaurau; and **Sign** the attached letters to the Marutūāhu Collective and other overlapping claimants	By 19 June 2016

Contact for phone discussion (if required)

Name	Position	Phone		1st Contact
Leah Campbell	Deputy Director, Negotiations and Settlements	04 913 9202	027 836 0532	✓
Jacob Pollock	Acting Negotiation and Settlement Manager	04 894 2980		
Bryce Blair	Senior Analyst	04 466 4186		

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Marutūāhu Collective: Update on Overlapping Claims in Tāmaki Makaurau

Purpose

1. This briefing seeks your decision on overlapping claims between the Marutūāhu Collective (the **Collective**) and the following overlapping groups:

out of scope

g. Ngāpuhi.

2. The decisions sought are for commercial and cultural redress offered to the Collective within Tāmaki Makaurau since the Record of Agreement was signed in 2013.

Background

3. The Collective comprises Ngāti Paoa, Ngāti Maru, Ngāti Tamaterā, Ngaati Whanaunga and Te Patukirikiri. These five closely related iwi make up 70 per cent of the 10,000 members of the Hauraki Collective and have interests from the Mahurangi coast in the north to the Bay of Plenty in the south. These five iwi are also part of Ngā Mana Whenua o Tāmaki Makaurau (the **Tāmaki Collective**).

4. The Collective has a financial redress package of $30 million for their interests in Tāmaki Makaurau and Mahurangi. The iwi of the Collective will also receive separate financial redress for their interests in the Hauraki region.

5. The Crown has offered the Collective cultural and commercial redress within Tāmaki Makaurau. Most of the Collective redress was recorded in the Record of Agreement signed in May 2013. Some individual iwi of the Collective have also been offered iwi-specific cultural and commercial redress in the Tāmaki Makaurau isthmus and islands in the Hauraki Gulf. This redress was developed and largely agreed within their iwi-specific negotiations in 2014. The redress offered is based on the Crown's assessment of the associations of the iwi of the Collective with Tāmaki Makaurau. The redress offered is subject to the resolution of overlapping claims to the Crown's satisfaction.

6. Overlapping claims engagement was undertaken in 2013 and 2014 with claimant groups with a known interest in the areas where redress was offered to the Collective.

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page 171 removed as out of scope

Engagement between the Marutūāhu Collective and overlapping groups

12. A range of factors guide the Crown's decision making in the matter of overlapping claims. These include previous agreements between overlapping groups in the course of negotiations, parity, fairness, historical interests and the availability of redress. The Crown also takes into account the interests of overlapping groups who have already settled, in whole or in part, with the Crown. The Collective has demonstrated historical interests in Tāmaki Makaurau, and officials consider the redress offer is fair and consistent with the approach taken to redress offers in other settlements.

13. The Marutūāhu Collective consulted all overlapping claimants, except Ngāpuhi, on redress in the Record of Agreement signed in May 2013. [redacted] out of scope

[redacted]

14. [redacted]

15. [redacted]

16. [redacted]

17. [redacted]

18. [redacted]

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Principles applied to engagement with overlapping groups

out of scope

19. [redacted] There are a number of considerations the Crown takes into account when making redress offers to overlapping groups. These include:

a. The Crown's wish to achieve a fair and appropriate settlement;

b. The Crown's wish to maintain its ability to provide appropriate redress to claimant groups who have yet to enter negotiations; and

c. The Crown's wish to ensure the redress offered to non-settled claimant groups strikes a balance between the Crown's obligations to that group and its ongoing obligations and relationships with overlapping settled groups.

20. The Crown considers the ongoing obligations with settled overlapping groups must be balanced with the principle of fairness and the Crown's ability to provide redress to non-settled groups who also have interests in an overlapped area.

out of scope

21. [redacted]

Consultation

22. On 24 May 2016, officials wrote to overlapping groups to provide timeframes and the process in which to provide the Crown with support, objection or neutrality to the Marutūāhu Collective redress offer. Officials requested overlapping groups respond by 8 June 2016. The response is below from those overlapping groups.

out of scope

[redacted]

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pages 174-175 removed as out of scope

[redacted]

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Ngāpuhi

48. Tūhoronuku Independent Mandated Authority (**TIMA**) has been engaged by the Crown over Treaty of Waitangi Settlements since 2009. On 27 May 2016, The Chair for the Marutūāhu Collective met with the Chair and Deputy Chair of TIMA. The Chair of the Collective informs officials that TIMA did not wish to delay a settlement with the Marutūāhu Collective but did not engaged in the specifics of the Marutūāhu Collective redress.

49. On 8 June 2016, TIMA wrote to state they wished to engage in overlapping claims with the Marutūāhu Collective. TIMA indicated they were unable to engage in any overlapping claims until the Hapū Engagement Process was complete and finalised.

50. TIMA sought confirmation from officials that the Crown would not finalise a redress offer to the Marutūāhu Collective until TIMA had the opportunity to engage with the Marutūāhu Collective. TIMA also provided no specificity as to where their interests are within Tāmaki Makaurau.

51. On 13 June 2016, officials wrote to TIMA and encouraged them to engage at this time. Officials set out the next steps in the overlapping claims engagement again and advised you would proceed to make a preliminary decision.

52. Officials have provided you a letter, for your consideration, which outlines your preliminary decision to maintain the offer of redress to the Marutūāhu Collective. This letter provides

TIMA with a four week period to provide any further information to inform your final decision, in light of the engagement in the Hapū Engagement Process.

53. Correspondence from TIMA is provided for your information.

Next steps

54. Attached are nine letters for your consideration:

    a. one updates the Chair of the Marutūāhu Collective on overlapping claims;

    b. one each to Te Kawerau ā Maki, Te Ākitai Waiohua, Ngāti Tamaoho, Ngāti Whātua o Kaipara and Te Rūnanga o Ngāti Whātua close off overlapping claims matters; and

    c. letters to Ngāi Tai ki Tāmaki and Ngāpuhi confirm the offer of redress as per your preliminary decision and seek further feedback from the groups. There is a further opportunity for iwi to provide feedback.

55. Based on any new information received, officials will brief you after the engagement period with a recommendation on a final decision.

Recommendations

56. It is recommended that you: out of scope

    a. [redacted]

    b. [redacted]

    c. **sign** the attached letters to the Marutūāhu Collective, [redacted] and Tūhoronuku Independent Mandated Authority outlining your preliminary decision; **YES / NO**

    d. [redacted]

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e. **note** officials will provide you with further information about overlapping claims with Ngāi Tai ki Tāmaki and Tūhoronuku Independent Mandated Authority, should any be provided, to inform your final decision should further consultation on overlapping claims be required.

Leah Campbell
Deputy Director, Negotiations and Settlements

NOTED / APPROVED / NOT APPROVED
Hon Christopher Finlayson Minister for Treaty of Waitangi Negotiations
Date: 16 / 6 / 2016

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Office of Hon Christopher Finlayson

17 JUN 2016

Paul Majurey
Chair
Marutūāhu Collective
PO Box 1585
Shortland Street
AUCKLAND 1140

Email: paul.majurey@ahmlaw.nz

Tēnā koe

Redress for the Marutūāhu Collective historical Treaty of Waitangi settlement

Thank you for your co-operation in overlapping claims with overlapping groups regarding the Crown's redress offer to the Marutūāhu Collective.

I have written to those groups with which you have overlapping claims. I consider overlapping claims to be resolved with the following groups:

- Te Rūnanga o Ngāti Whātua;
- Ngāti Whātua o Kaipara;
- Te Ākitai Waiohua;
- Ngāti Tamaoho; and
- Te Kawerau ā Maki.

I have made preliminary decisions to maintain the redress offers objected to by Ngāi Tai ki Tāmaki and the Tūhoronuku Independent Mandated Authority.

I have notified both Ngāi Tai ki Tāmaki and Tūhoronuku Independent Mandated Authority of my preliminary decision and asked them to provide me with any feedback or additional information by 1 July and 15 July 2016 respectively. I intend to make a final decision shortly thereafter.

If my officials receive any information, this will be provided to you for comment.

If you have any further queries, please contact Bryce Blair, Senior Analyst at bryce.blair@justice.govt.nz or 04 466 4186.

Nāku noa, nā

Christopher Finlayson

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

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Office of Hon Christopher Finlayson

17 JUN 2016

Hone Sadler
Chairman
Tūhoronuku Independent Mandated Authority
PO Box 263
KAIKOHE 0440

Email: info@tuhoronuku.co.nz

Tēnā koe

Re: Redress for the Marutūāhu Collective historical Treaty of Waitangi settlement

Thank you for writing to my officials on 8 June 2016 regarding the Crown's redress offer to the Marutūāhu Collective.

I am advised Tūhoronuku Independent Mandated Authority (**TIMA**) informed my officials on 8 June 2016 that TIMA wished to engage in overlapping claims with the Marutūāhu Collective but wished to wait for the Hapū Engagement Process to be completed and finalised. I am also advised representatives from TIMA met with the Chair of the Marutūāhu Collective on 27 May 2016.

While I am advised the work TIMA has to undertake for the Hapū Engagement Process, it is unfair to allow this to delay the closure of negotiations for other overlapping groups. The Crown must balance obligations to all the iwi and hapū whose interests are engaged by this process, and I have concluded that it is necessary for engagement with the Marutūāhu Collective to occur now.

As advised in previous correspondence, the Crown is guided by two general principles when considering overlapped redress:

- The Crown's wish to reach a fair and appropriate settlement with each iwi in negotiations; and
- The Crown's wish to maintain, as far as possible, its ability to provide appropriate redress to all iwi and achieve a fair settlement of their historical claims.

Based on this information, my preliminary decision is to maintain the finalised redress offered to the Marutūāhu Collective attached (**Attachment One**).

However, I wish to ensure TIMA has a further opportunity to consider these interests. If you have any new information on the Marutūāhu Collective historical interests, including information on your customary interests in the overlapped area for me to take into account before making my final decision, please advise my officials by 15 July 2016. I intend to make a final decision shortly thereafter. Please note any information received will be provided to the Marutūāhu Collective for consideration and comment.

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If you have any further queries, please contact Bryce Blair, Senior Analyst at bryce.blair@justice.govt.nz or 04 466 4186.

Nāku noa, nā

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

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Attachment One

COMMERCIAL REDRESS	
Early Release properties	Former Takapuna Police Station
Settlement Date Properties	6-10 Homestead Drive, St Johns The North Shore housing blocks Tāmaki Leadership Centre 45, 47 and 49 Calliope Road Torpedo Bay (joint with Ngāi Tai ki Tāmaki)
Crown Forest Land	Maramarua Forest
Deferred Selection properties	21-23 Waikare Road, Waiheke Island 18 Jellicoe Parade, Waiheke Island 35 Grafton Road, Grafton Panmure Probation Centre (subject to a lease back) Boston Road Probation Centre (subject to a lease back)
Potential Deferred Selection Properties	Opportunity to select deferred selection purchase from the following school sites, subject to selection criteria (which limit the schools that can be selected) and lease back to Ministry of Education: • Auckland Grammar • Epsom Girls Grammar • Remuera Intermediate • Takapuna Normal Intermediate • Takapuna Grammar • Takapuna School • Rangitoto College • Ponsonby Intermediate • Bayswater School • Wairau Intermediate • Glendowie College • Parnell Primary School
Deferred Purchase Property	Land administered by NZTA in the Mechanics Bay area

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CULTURAL REDRESS	
Vesting Properties	1.37ha. of Kawau Island Historic Reserve (Te Kawau Tu Maro) 2.5ha. at Motuora Island Recreation Reserve (Moutohora) Mahurangi Scenic Reserve 0.5ha. at Tiritiri Matangi Island Scientific Reserve Whangaparoa property 2.3ha. at Motuihe Island Recreation Reserve (Te Mokai a Tinirau) 0.07ha. at Motuihe Island Recreation Reserve (Mangoparerua) 0.5ha. at Homestead Drive, St Johns 97 and 110A Gladstone Road, Parnell (Fred Ambler Lookout site) Vesting of the guardhouse building at Fort Takapuna Recreations Reserve
Possible Vesting Properties	110 Gladstone Road, Parnell
Final list of statutory acknowledgements	Fort Takapuna Waipapa The balance of Gladstone Park Motutapu Island area Mutukaroa (Hamlins Hill) Coastal Statutory Acknowledgement

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MAHURANGI WAI CLAIMS COLLECTIVE

MEETING WITH OTS, 24th June 2016 – Auckland Airport

KAUPAPA

1. Mahurangi WAI Claims Collective was established in the mid 1980s. Its primary purpose was to develop a Ngapuhi, Ngati Awa position on the redress of historical breaches of the Crown over land, resources and other breaches of Te Tiriti O Waitangi 1840. Kiharoa Parker is one of the surviving members of that original collective of WAI claimants.

2. Mahurangi is one of the seven large natural groupings of Te Paparahi O Te Raki WAI 1040 Inquiry District. In March 2014 Mahurangi had its Waitangi Tribunal hearing at the North Shore Stadium following which the WAI claimants restructured to the status it holds today. An AGM was held in April 2016 and the following people were elected as the executive of Mahurangi WAI Claimants Rohe :

Kiharoa Parker, Chairman

Rihari Dargaville, Vice Chairman

[redacted] Secretary. s9(2)(a)

4. At this juncture Mahurangi's objective is to argue their right for more hearing time in the WAI 1040 Inquiry and that Mahurangi be given an equitable number of hearings in line with the other six taiwhenua in Te Paparahi O Te Raki. Mahurangi is still pursuing its right to be heard before the Waitangi Tribunal.

5. The matter of the Ngati Tamaoho AOI is one that Mahurangi has had no previous engagement with and were surprised as to the extent of the AOI in terms of it being an interest of Mahurangi hapu WAI claimants as well.

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6. At a meeting of the Mahurangi WAI Claims Collective held today at the Onepoto Community Centre in Northcote, discussions revealed that there are thirteen [13] Ngapuhi and Ngati Awa hapu with mana whenua interests in the Ngati Tamaoho AOI.

7. Mahurangi have not yet completed their mana whenua mana moana account of historical and cultural losses resulting from breaches of Te Tiriti O Waitangi by the Crown and Mahurangi have opted to prosecute their respective briefs of evidence before the Waitangi Tribunal.

8. Mahurangi is only too well aware that once the Tribunal hearing process is complete there will be ongoing terms of negotiation with the Crown towards an AIP that will culminate in settling their historical claims.

9. Mahurangi is not at any of these steps at this point in time but are parallel to the Tribunal's hearings process. Key claimants are preparing a framework for Mahurangi negotiations in anticipation of that point in time.

10. For the meeting with OTS on Friday, 24th June 2016, Mahurangi have charged K Parker and R Dargaville to engage with OTS in the first instance. The chair and vice chairman have been directed to advise OTS that Mahurangi will register its interests in the AOI of Ngati Tamaoho, namely Tamaki Makaurau, the next steps being to undertake audits of :-

(a) the areas of cultural redress – 5.0 to 5.45 of the AIP;

(b) financial and commercial redress properties – 6.0 to 6.6 of the AIP;

(c) historical account – 3.1 to 3.5 of the AIP.

11. Mahurangi notes that most claims areas of interest are south of the Bombays but there are areas of significance to Mahurangi in south Auckland, namely Papakura,

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including other areas of interest to the east, namely Miranda [Firth of Thames] and west to Wiri.

12. The AOI extends to the east taking in Waiheke Island, Tiritiri, to Whangaparaoa then south west to Helensville [Kaipara].

13. Mahurangi has interests in the whole of the AOI.

14. The extent of Mahurangi's interests cannot be conclusive at this point. Mahurangi deliberations today agreed those interests of neighbouring groups and particularly Ngapuhi Ngati Awa must be realised sooner or later.

15. Mahurangi Kahui Kaumatua state that there are whakapapa links to Ngati Tamaoho they wish to raise and it was agreed that this discussion take place when Mahurangi meets with Ngati Tamaoho.

AGENDA – 24th June 2016 Mahurangi Meeting with OTS :

(a) To scope the claimant interests of Ngati Tamaoho;

(b) To determine if any are overlapping interests;

(c) To feed-back any concerns of dual or overlapping interests; and

(d) To develop a framework toward addressing those areas of interest between the parties.

No decisions can be arrived at until these discussions and conversations are held without prejudice.

Mahurangi confers that they will meet with Ngati Tamaoho to advance these areas of interest notwithstanding that there are other hapu whom have reason(s) to conclude they may also have interests of mana whenua mana moana in common.

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Office of Treaty Settlements
Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi
PART OF THE MINISTRY OF JUSTICE

Office of Treaty Settlements
Justice Centre | 19 Aitken Street | DX SX10111 | Wellington
T 04 494 9800 | F 04 494 9801
www.ots.govt.nz

4 July 2016

Hōne Sadler
Chairperson
Tūhoronuku
P O Box 263
Kaikohe 0440

By email: tuhoronuku@ngapuhi.iwi.nz

Tēnā koe e Hōne,

Crown negotiations with Ngāti Tamaoho

I refer to our recent correspondence conversations about the proposed Treaty settlement redress for Ngāti Tamaho.

On 23 May, you advised Tūhuronuku had no concerns in relation to the Ngāti Tamaoho redress sought if the Mahurangi Collective were comfortable with it. You suggested we contact the Mahurangi Collective directly to pursue this conversation.

We have held hui with the Mahurangi Collective and associated Wai claimants. They have advised they are broadly comfortable with the Ngāti Tamaoho redress package and now seek to further their relationship with the Ngāti Tamaoho Trust, mandated negotiators for Ngāti Tamaoho. We understand a hui is scheduled between the Ngāti Tamaoho Trust and the Mahurangi Collective on 13 July.

We now seek your formal confirmation that Tūhoronuku is comfortable with the Crown offer of redress to Ngāti Tamaoho as outlined in our letter to you dated 20 May.

Please respond to this letter **by 8 July** to confirm Tūhoronuku's agreement with our understanding of its comfort with the Ngāti Tamaoho package. If you have any questions about the letter please contact Kerry Williamson, Analyst, on (04) 918 8882 or at kerry.williamson@justice.govt.nz.

Nāku noa, nā

Tipene Chrisp
Negotiation and Settlement Manager s9(2)(a)

cc: Christine Herzog, Ngāti Tamaoho Trust
christine@tamaoho.maori.nz

cc: Rihari Dargaville, Mahurangi Collective
[redacted]

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Office of Treaty Settlements
Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi
PART OF THE MINISTRY OF JUSTICE

Minister for Treaty of Waitangi Negotiations

Subject Marutūāhu Collective: Overlapping claims with Ngāpuhi (Tūhoronuku Independent Mandated Authority)

Date	22 July 2016	**Priority:**	High
Report No. OTS:	2016/2017 - 55	**File ref:**	CLA-N100-OF-03 CLA-N403-OC-04

Action sought

Minister for Treaty of Waitangi Negotiations (Hon Christopher Finlayson)	**Note** the Crown redress offer to the Marutūāhu Collective is based on and is commensurate with their historical interests in Tāmaki Makaurau; **Note** on 15 July 2016 Ngāpuhi provided further comments for the Crown to take into account in considering the Marutūāhu Collective's proposed redress offer; **Note** officials consider overlapping claims between Ngāpuhi and the Collective are closed, based on evidence outlined in this report; **Agree** to maintain the cultural and commercial redress to the Marutūāhu Collective within Tāmaki Makaurau; and **Sign** the attached letters to the Marutūāhu Collective and the Tūhoronuku Independent Mandated Authority notifying them of this decision.	By 26 July 2016

Contact for phone discussion (if required)

Name	Position	Phone		1st Contact
Leah Campbell	Deputy Director, Negotiations and Settlements	04 913 9202	027 836 0532	✓
Jacob Pollock	Acting Negotiation and Settlement Manager	04 884 2980		
Richard Cory-Wright	Senior Analyst	04 466 1529		

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Marutūāhu Collective: Overlapping claims with Ngāpuhi (Tūhoronuku Independent Mandated Authority)

Purpose

1. This briefing seeks your final decision on overlapping claims between Ngāpuhi and the Marutūāhu Collective (the **Collective**) and provides letters for you to sign.

2. This decision would be consistent with officials' previous advice and would maintain your preliminary decision with respect to the Collective's interests in Tāmaki Makaurau.

Background

3. The Collective comprises the following iwi - Ngāti Paoa, Ngāti Maru, Ngāti Tamaterā, Ngaati Whanaunga and Te Patukirikiri.

4. The Collective has a financial redress offer of $30 million, recorded in the Record of Agreement signed in May 2013. This redress offer is provided on the basis of assessment of interests in Tāmaki Makaurau and comprises both cultural and commercial redress.

Cultural redress

5. The proposed cultural redress for the Collective within Tāmaki Makaurau is less than 10 hectares across 10 cultural sites.

Commercial redress

6. The commercial redress offers to the Collective total 10-15 hectares (being approximately eight hectares of New Zealand Defence Force land in Devonport-Takapuna and 2.5 hectares of landbank properties in Takapuna, Grafton and Parnell). This may be increased through the deferred purchase of Ministry of Education-owned school sites, subject to leaseback by the Ministry of Education.

Progress on outstanding overlapping claims

7. Before the Collective's offer of redress can be finalised, the Crown must be satisfied overlapping claims have been closed.

8. On 16 June 2016, officials briefed you on overlapping claims in Tāmaki Makaurau affecting the interests of the iwi of the Collective [OTS report 2015/16 – 775 refers]. Two iwi raised concerns about overlapping claims – Ngāi Tai ki Tāmaki and Ngāpuhi. On 12 July 2016 officials reported to you on overlapping claims with Ngāi Tai ki Tāmaki [OTS report 2016/17 – 32 refers].

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9. On 17 June 2016 you wrote to Hone Sadler, Chairperson of the Tūhoronuku Independent Mandated Authority, and amongst other things:

   a. noted Ngāpuhi's wish to engage in overlapping claims with the Collective and that representatives from Ngāpuhi had met with the Collective Chair Paul Majurey on 27 May 2016;

   b. noted while Ngāpuhi was undertaking a hapū engagement process, it was unfair to delay the closure of negotiations for other overlapping groups;

   c. noted your preliminary decision was to maintain the offer of redress to the Collective; and

   d. invited the Tūhoronuku Independent Mandated Authority to provide officials by 15 July 2016 with any new information on the Collective's historical interests, such as Ngāpuhi's customary interests in Tāmaki Makaurau which might overlap with the Collective's interests, as you would soon afterwards be making a final decision about the Collective's settlement offer in Tāmaki Makaurau.

10. On 15 July 2016 Mr Sadler wrote to me by email, outlining Ngāpuhi's mana whenua status within Tāmaki Makaurau, including Ngāpuhi's historical and contemporary occupation of the area.

11. Mr Sadler reiterated Ngāpuhi's wish to engage further with the Collective. A copy of this emailed letter is attached.

12. We understand Mr Sadler has not met with Paul Majurey since their meeting on 27 May 2016 to discuss and close any overlapping claims between their iwi.

Risk

13. Officials have reviewed Ngāpuhi's interests in Tāmaki Makaurau as outlined in Mr Sadler's 15 July emailed letter and other correspondence. Mr Sadler identified general areas of interest in Tāmaki Makaurau and the wider region and outlined Ngāpuhi's mana whenua status within Tāmaki Makaurau, but did not identify any overlapping claims that could affect the proposed redress to the Collective.

14. We therefore consider there is nothing in the interests noted by Ngāpuhi requiring a change of redress offered to the Collective. We consider the redress offered to the Collective is reasonable and commensurate with the Collective's interests in Tāmaki Makaurau. Our approach is in line with standard overlapping claims practices.

Consultation

15. Officials have sought Crown Law advice on this report and draft letters. Crown Law provided a response on 21 July 2016 and the points raised have been addressed in this report.

16. We conclude there are no further overlapping claims for the Crown to consider between Ngāpuhi and the Collective.

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Next steps

17. If you agree with this conclusion, two draft letters are attached for your consideration:

    a. To the Chair of the Collective; and

    b. To the Chairperson of the Tūhoronuku Independent Mandated Authority.

Recommendations

18. It is recommended that you:

    a. **Note** the Crown redress offer to the Collective is based on and is commensurate with their historical interests in Tāmaki Makaurau;

    b. **Note** on 15 July 2016 Ngāpuhi provided further comments for the Crown to take into account in considering the Collective's proposed redress offer;

    c. **Note** officials consider overlapping claims between Ngāpuhi and the Collective are closed, based on evidence outlined in this report;

    d. **Agree** to maintain the cultural and commercial redress to the Collective within Tāmaki Makaurau; and **YES / NO**

    e. **Sign** the attached letters to the Collective and the Tūhoronuku Independent Mandated Authority notifying them of this decision. **YES / NO**

Leah Campbell
Deputy Director, Negotiations and Settlements

NOTED / APPROVED / NOT APPROVED
Hon Christopher Finlayson Minister for Treaty of Waitangi Negotiations
Date: 24 / 7 / 2016

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Te Manu Aute A Rāhiri

TŪHORONUKU

15 July 2016

BY EMAIL

Leah Campbell
Negotiation and Settlement Manager
Office of Treaty Settlements
DX SX10111
WELLINGTON

Tēnā koe Leah,

We write in response to your letter dated 13 June 2016 and acknowledge the letter from Minister Finlayson of 17 June 2016.

We wish to forward further information to your office by way of feedback in regard to the redress being offered to the Marutūāhu Collective.

Ngāpuhi have interests in the redress offered to the Marutūāhu Collective and wish to ensure the Ngāpuhi overlapping claim is registered with your office.

We note the following initial information was provided for feedback on the Ngāti Paoa redress on 22 June 2016 and we again provide further detail in regard to the historic and on-going occupation of Tamaki by Ngāpuhi.

Ngāpuhi wish to engage further to work through these overlapping interests and note the initial meeting with Paul Majurey, Chair - Marutūāhu Collective, held on 27 May 2016

Preface
Please note that in setting out for you the status of Ngāpuhi within Tamaki, both historically and contemporary, we are in no way denigrating the claims of mana whenua status by other iwi or hapū who have already been granted this status. This is not about competing interests between iwi/Hapū. Rather, this is about recognition by the Crown of Ngāpuhi's mana whenua status within Tamaki.

The Ngāpuhi World View
The world view of Ngāpuhi is encapsulated in the construct of the house of Puhi. The sacred rock of Puhi lies in Auckland, and the sacred rock of Tama Haere is in the north. According to our ancestors, the area of Ngāpuhi-Nui-Tonu is from Auckland to Te Rerenga Wairua inclusive of its iwi making up Ngāpuhi-Nui-Tonu. Five iwi came from Waimirirangi: Ngāpuhi, Te Rarawa, Ngāti Whātua, Ngāti Kahu, and Te Aupōuri. This is the house of Puhi.

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As afore stated, this paper is not a comprehensive compilation of Ngāpuhi's historical and contemporary occupation of Tamaki but rather a synopsis of events and traditions that wear all the hallmarks of an iwi in full historical occupation, kawanatanga and full control of their own Rangatiratanga and whenua. We

Matakohe

The southern boundary of the Auckland Council extends to the Bombay Hills, this area was occupied by and known to Ngāpuhi as Matakohe. In accordance with Ngāpuhi tradition, upon conquest at Matakohe, pūriri trees from the Ngāpuhi hinterland were planted; these were later to be immortalised as 'Ngā Pūriri o Taiāmai'. Eventually, the name Matakohe was translocated to the present-day township of Pukekohe. Matakohe was renamed Pukewhero, which would ultimately be called the Bombay Hills.

In 1822 under the leadership of Ngāi Tawake rangatira, Rewa Manu, Ngāpuhi won the decisive battle of Mātakitaki against Waikato. Waikato rangatira Te Wherowhero sued for peace and in 1823, peace was cemented through the marriage of Kati, brother of Te Wherowhero, and Matiretire Toha, daughter of Rewa Manu. It is on that score that Ngāpuhi accepted, as terms of peace with Waikato-Tainui, the demarcation of Te Whare o Puhi commencing from that place northward. Ngāpuhi's conquest and occupation was recalled by stands of pūriri planted on Matakohe [Bombay Hills]. This gave rise to the whakatauki:

> The House of Puhi is from the Pūriri at Ramarama to Spirits' Bay.
> The walls are Ngāti Whātua, Te Rarawa, Te Aupōuri, Ngāti Kahu,
> with Ngāpuhi on the inside. The mountains are the posts that hold
> aloft the Ridgepole of the House of Puhi.

It is not only in Ngāpuhi that the memory of these boundaries endures. As early as 1816, the Anglican Church in Aotearoa [Te Hāhi Mihinare] has had close connections with iwi Māori within Tāmaki. To this day, Te Pīhopatanga O Te Tai Tokerau, an Episcopal Polity [or Diocese] of the Anglican Church, officially extends from the Bombay Hills through to Te Rerenga Wairua.

Hūnua

Exercising mana whenua throughout the area, in 1825 the renowned Ngāpuhi tohunga Papahurihia performed ceremony and established a tūahu at Te Puna Hukahuka [present-day Hunua Falls]. Te Puna Hukahuka was an important cultural and strategic site for Ngāpuhi, being a place where southbound Ngāpuhi war planning and strategies were carried out. It was here too, that Ngāpuhi warriors killed in southern war expeditions were washed, cleaned and prepared before being taken home north to Te Whare Tapū o Ngāpuhi.

Remuera

Te Pā o Rāhiri was located at present-day Mount Hobson (in present-day Remuera). In that locality, in 1821 the Ngāpuhi rangatira Kaiteke cooked and ate a young woman, leaving as the only remnant the charred hem of her garment; thus giving rise to the name, Remu-era. Kaiteke's mana in Tāmaki is further memorialised by the naming of present-day Kaiteke Point near the north head of the Manukau Harbour.

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Patuone

Patuone and his younger brother Nene were famed Ngāpuhi rangatira. Patuone recounted seeing Cook in his childhood and experienced and influenced key events in the history of Aotearoa New Zealand. At the time of his death he was well over 100 years old.

Around 1835, following his marriage to Takarangi, the daughter of the Ngāti Pāoa rangatira Tūhekeheke, Patuone moved his residence to Whakatīwai. Patuone maintained his pā at Pūtiki on Waiheke and another in the Mahurangi district near Kawau. The union of Patuone and Takarangi is today commemorated at Piritahi marae on Waiheke.

In 1852, Patuone established an estate of some 110 acres in present-day Takapuna, which encompassed Lake Pupuke. Awataha, the name given to the present-day marae adjacent to the northern motorway, was the name of the papakāinga on which stood Patuone's residence. This portion of Patuone's Tāmaki estate had originally been sold to the Crown by Ngāti Pāoa. Its subsequent granting to Patuone ensured that the fledgling Auckland City would remain unmolested by both 'super powers' of the time, Ngāpuhi of the North and the Marutūahu, Hauraki, iwi of the South including Ngāti Pāoa. The influence and strength of these dual powers of the time had earlier been reflected in the 'Declaration of Independence' signed on 28 October 1835 at Waitangi by 34 Ngāpuhi rangatira, which proclaimed:

We the great leaders of the nations of New Zealand north of the Hauraki having assembled at Waitangi in Taitokerau on the 28th day of October 1835, do declare.

Upon his death in 1872, Patuone was buried at Takarunga [present-day Mount Victoria]. His second and third wives are buried below Takarunga at Waenga, an extensive wāhi tapu that is the burial place of tūpuna of Ngāti Tāwhaki, Ngāti Whanaunga, Ngāti Pāoa, Tāhuhu-nui-ā-rangi, Ngāti Whātua, Te Kawerau-ā-Maki and Ngāpuhi. Patuone was subsequently re-interred in the cemetery below at Takararo, in Devonport.

The Fairburn Purchase

Commencing in 1836, and brokered as 'an act of Christian peace making' between warring iwi on the Tāmaki isthmus, Church Missionary Society missionary William Fairburn set about purchasing an estimated 40,000 acres from hapū holding mana whenua in Tāmaki. Amongst the thirty signatories to the original deed were representatives of several Ngāpuhi hapū including Ngāi Tawake and Te Māhurehure. A marae near Western Springs is so named Te Māhurehure.

Ihumātao-Māngere

In 1845, the government set aside in Māngere land for settlement of Te Wherowhero's people of Ngāti Mahuta and Waikato. Following their invasion of the Waikato in 1863, the government confiscated the property but later returned three acres, vesting the land in only three trustees, one of whom was Matiretire of Ngāpuhi, the wife of Kati – brother of Te Wherowhero. By declaration of the Governor, all of those who would not give their allegiance to the Crown were required to relocate to below the Mangatāwhiri line. Consequently, the whole area that had been vested in Matiretire became deserted. However, Matiretire, following her uncle Patuone, later gave her allegiance to the Crown and secured an estate that– largely due to the efforts of Matirerire's Waikato uri Te Pūea Hērangi – has now been set aside as a Māori Reservation 'for the purpose of a Marae and a Meeting House for the common use and benefit of the Māori People of New Zealand'. The marae of Te Puea in Māngere – a memorial tribute to Te Puea–

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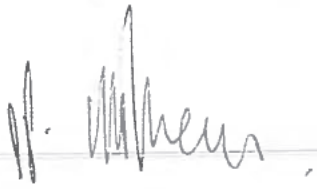
signifying Ngāpuhi's connection with Waikato in this part of Tāmaki; and to this day, Ngāpuhi remains actively interested in the governance and day-to-day running of the marae.

Summary
I look forward to engaging further with the Marutūāhu Collective and yourselves in order to further discuss the detail of Ngāpuhi interests in the proposed Marutūāhu Collective redress on behalf of Ngāpuhi.

Ngā Mihi,



Hōne Sadler
Chairperson

cc: Paul Majurey, Chair, Marutūāhu Collective [paul.majurey@ahmlaw.nz]

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E: tuhoronuku@ngapuhi.iwi.nz M: PO Box 263 Kaikohe 0440 W: www.tuhoronuku.com P: 0800 101 084

Office of Hon Christopher Finlayson

25 JUL 2016

Paul Majurey
Chair
Marutūāhu Collective
PO Box 1585
Shortland Street
AUCKLAND 1140

By email: paul.majurey@ahmlaw.nz

Tēnā koe

Redress for the Marutūāhu Collective historical Treaty of Waitangi settlement – overlapping claims with Ngāpuhi (the Tūhoronuku Independent Mandated Authority)

I refer to my letter dated 17 June 2016 outlining progress made on closing overlapping interests in relation to the Crown's redress offer to the Marutūāhu Collective in Tāmaki Makaurau.

In that letter I advised I had written to the Chairperson of the Tūhoronuku Independent Mandated Authority to notify them of my preliminary decision to maintain the redress offered to the Marutūāhu Collective in Tāmaki Makaurau.

I asked the Tūhoronuku Independent Mandated Authority to provide my officials with any feedback or additional information by 15 July 2016, as I intended to make a final decision shortly thereafter.

As you know, on 15 July 2016 Mr Sadler wrote to my officials by email, outlining Ngāpuhi's general areas of interest in Tāmaki Makaurau and the wider region, but without making specific reference to any overlapping claims affecting the proposed redress to the Collective. I note Mr Sadler's letter reiterated Ngāpuhi's wish to engage further with the Collective.

Having reviewed Ngāpuhi's interests in Tāmaki Makaurau as outlined in Mr Sadler's 15 July letter and in other previous correspondence, I consider there is nothing in the interests noted by Ngāpuhi requiring a change of redress offered to the Marutūāhu Collective.

I conclude there are no further overlapping claims for the Crown to consider between Ngāpuhi and the Marutūāhu Collective.

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Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand. Telephone 64 4 817 6808 Facsimile 64 4 817 6508

Consequently, my final decision is to maintain the redress offered to the Marutūāhu Collective.

If you have any questions, please contact Bryce Blair, Senior Analyst at bryce.blair@justice.govt.nz or 04 466 4186.

Nāku noa, nā

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

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Office of Hon Christopher Finlayson

25 JUL 2016

Hone Sadler
Chairperson
Tūhoronuku Independent Mandated Authority
PO Box 263
KAIKOHE 0440

By email: info@tuhoronuku.co.nz and tuhoronuku@ngapuhi.iwi.nz

Tēnā koe

Redress for the Marutūāhu Collective historical Treaty of Waitangi settlement

I refer to my letter dated 17 June 2016 outlining my preliminary decision to offer redress to the Marutūāhu Collective in Tāmaki Makaurau for their historical Treaty of Waitangi settlement.

I advised you I would shortly be making a final decision on the Crown's redress offer to the Marutūāhu Collective in Tāmaki Makaurau. I asked you to provide my officials by 15 July 2016 with any further information the Crown has not considered which you wish me to take into account. This could be information on Ngāpuhi's customary interests in Tāmaki Makaurau which might overlap with the Marutūāhu Collective's interests.

I note my officials received your letter by email dated 15 July and that you have outlined Ngāpuhi's areas of interest in Tāmaki Makaurau and the wider region. I also note Ngāpuhi's wish to engage further with the Marutūāhu Collective.

Your letter outlines very usefully areas of customary interest which will be helpful when Ngāpuhi negotiates with the Crown over your individual Treaty settlement.

However, having reviewed Ngāpuhi's interests in Tāmaki Makaurau as outlined in your letter and in other previous correspondence, I do not consider these matters specifically highlight any new information which affect the proposed Crown redress to the Marutūāhu Collective.

I conclude there are no further overlapping claims for the Crown to consider between Ngāpuhi and the Marutūāhu Collective.

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My final decision is therefore to maintain the finalised redress offered to the Marutūāhu Collective, which includes both cultural and commercial redress aspects and are outlined in **Attachment One**.

My decision has been based on the historical association the iwi of the Marutūāhu Collective have within the Tāmaki Makaurau region.

If you have any questions, please contact Bryce Blair, Senior Analyst at bryce.blair@justice.govt.nz or 04 466 4186.

Nāku noa, nā

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

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Attachment One

CULTURAL REDRESS	
Vesting Properties	1.37ha of Kawau Island Historic Reserve (Te Kawau Tu Maro) 2.5ha at Motuora Island Recreation Reserve (Moutohora) Mahurangi Scenic Reserve 0.5ha at Tiritiri Matangi Island Scientific Reserve Whangaparoa property 2.3ha at Motuihe Island Recreation Reserve (Te Mokai a Tinirau) 0.07ha at Motuihe Island Recreation Reserve (Mangoparerua) 0.5ha at Homestead Drive, St Johns 97 and 110A Gladstone Road, Parnell (Fred Ambler Lookout site) Vesting of the guardhouse building at Fort Takapuna Recreations Reserve
Possible Vesting Properties	110 Gladstone Road, Parnell
Final list of statutory acknowledgements	Fort Takapuna Waipapa The balance of Gladstone Park Motutapu Island area Mutukaroa (Hamlins Hill) Coastal Statutory Acknowledgement

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COMMERCIAL REDRESS	
Early Release properties	Former Takapuna Police Station
Settlement Date Properties	6-10 Homestead Drive, St Johns The North Shore housing blocks Tāmaki Leadership Centre 45, 47 and 49 Calliope Road Torpedo Bay (joint with Ngāi Tai ki Tāmaki)
Crown Forest Land	Maramarua Forest
Deferred Selection properties	21-23 Waikare Road, Waiheke Island 18 Jellicoe Parade, Waiheke Island 35 Grafton Road, Grafton Panmure Probation Centre (subject to a lease back) Boston Road Probation Centre (subject to a lease back)
Potential Deferred Selection Properties	Opportunity to select deferred selection purchase from the following school sites, subject to selection criteria (which limit the schools that can be selected) and lease back to Ministry of Education: • Auckland Grammar • Epsom Girls Grammar • Remuera Intermediate • Takapuna Normal Intermediate • Takapuna Grammar • Takapuna School • Rangitoto College • Ponsonby Intermediate • Bayswater School • Wairau Intermediate • Glendowie College • Parnell Primary School
Deferred Purchase Property	Land administered by NZTA in the Mechanics Bay area

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Document 52

Memorandum

To: Hauraki Collective

From: Rick Barker, Lead Negotiator

Date: 29 July 2016

Overlapping claims: place name changes in the Tāmaki region

Overlapping redress with Ngāpuhi

1. In 2013, the Hauraki Collective and the Crown undertook an overlapping claims process with iwi then identified as having interest in areas where the Collective has been offered redress. At this time, we did not engage with Ngāpuhi. However, in 2009 the Crown committed to consult with Ngāpuhi iwi and hapū over redress offers in areas where they have asserted interests. This includes the Tāmaki region. The Crown has recognised the mandate of the Tūhoronuku Independent Mandated Authority (**TIMA**) to represent Ngāpuhi's interests in Treaty settlement negotiations. As such, the Crown is required to consult with TIMA on redress the Crown proposes to provide to the Collective in these areas.

2. The Crown has considered the redress being offered to the Hauraki Collective and there are six proposed place name changes that are located within the Auckland region and Ngāpuhi's area of interest as follows:

Existing Name	Recommended name change
Horuhoru Rock (Gannet Rock)	Horuhoru Rock
Browns Island (Motukorea)	Browns Island / Motukōrea
Unnamed (in Saint John area)	Patutahi
Rotoroa Island	Rātōroa Island
Tapapakanga Stream	Te Tāpapakanga-o-Puku Stream
Bean Rocks	Bean Rocks / Kapetaua

[redacted]

3. [redacted]

out of scope

Next steps

4. I propose we engage with Ngāpuhi on the overlapping claims. The next step will be for the Crown to write to TIMA with regard to the proposed name changes redress it is offering to the

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Hauraki Collective and which are located in areas where Ngāpuhi have asserted interests. [redacted]

- [redacted] out of scope

5. Following this, there will be no further name changes to go through external overlapping claims.

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Ngati Tamaoho Trust
4/11 Freeman Way
MANUKAU.

Chairperson Dennis Kirkwood
Christine Herzog, Kaiwhakahaere
Project Manager, Janelle

Kerry Williamson
Office of Treaty Settlements
Wellington.

Tena koutou katoa -

MEETIING OF THE PARTIES NGATI TAMAOHO & MAHURANGI

Our executive and kahui kaumatua have reached a position where we wish to progress our kanohi ki te kanohi korero to fulfil the requirements of Ngati Tamaoho and of OTS for the purposes of your DoS.

Mahurangi WAI Claims Collective executive have concluded that the sooner we meet to advance the pathway agreed upon, that by August 2016 your objectives may be achieved.

The Mahurangi WAI Claims Collective is meeting on the 18th of August at the Onepoto Community Centre in Northcote and we cordially invite the same group who met with Mahurangi on the 13th July to meet with us between 1:30 to 4:30 p.m on that day along with OTS representatives, ~~and~~ ~~particularly~~ Tipene Chrisp ~~please~~ & Kerry Williamson.

The matters of detail will be discussed at that meeting.

Nga mihi –

K Parker
Chairman

R Dargaville
Vice Chairman

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MAHURANGI WAI CLAIMS COLLECTIVE

K Parker, Chairman
R Dargaville, Vice Chairman
[redacted] - [redacted]

s9(2)(a)

Monday, 6th June 2016

Office Of Treaty Settlements
19 Aitken Street
DX SX 10111 Wellington

Document 54

In the Matter of Ngati Tamaoho DOS

For the attention of:

Tipene Chrisp &Kerry Williamson

Tena korua.

Thank you for responding to the directive from Hone Sadler, Chairman of Tuhoronuku.

Mahurangi WAI claimants collective do have interests in the mapped Ngati Tamaoho area of interests, particularly south-west Auckland and in particular those areas of the North Shore within and north of Whangaparaoa across the Dairy Flat rohe and including Wellsford. s9(2)(a

The Mahurangi Executive being the chairman Kiharoa Parker, Rihari Dargaville, [redacted] and counsel have canvassed the Ngati Tamaoho redress package, and at this juncture we see no major issues in the yet to be confirmed redress package, particularly as it applies to the south Auckland rohe potae.

The executive has perused the proposed DOS and see fundamental areas that need clarification. It has been decided that rather than revisit the context of Ngati Tamaoho redresss issues of interest to their specific Tupuna claims and the many breaches of the Crown over their mana whenua mana moana, Mahurangi would like to approach this matter in the 1st instance with the Crown and in the second with Ngati Tamaoho Trust so as to arrive at a position whereby Mahurangi's interests are safeguarded, those of Ngati Tamaoho are confirmed and enabling everyone to move forward.

There are other iwi/hapu collective interests in the same area; however Mahurangi consider they also have local and generic interests relevant to Mahurangi tupuna rangatira claims.

[redacted]

out of scope

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Parallel to this I expect that the Mahurangi position is hereby communicated to you and we are happy to cc Ngati Tamaoho into this memoranduma that we seek a meeting with OTS at the earliest.

Noho mai ra, i runga i nga mano kaupapa ki mua i te Ao Maori

Kiharoa Parker
Chairman

Rihari Dargaville
Vice Chairman

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Office of Treaty Settlements
Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi
PART OF THE MINISTRY OF JUSTICE

Minister for Treaty of Waitangi Negotiations

Subject: Ngāti Paoa: Update on overlapping claims

Date	25 August 2016	**Priority:**	High
Report No. OTS:	2016/2017 - 112	**File ref:**	CLA-N100-OF-03

Action sought

Minister for Treaty of Waitangi Negotiations (Hon Christopher Finlayson)	**Agree** to maintain redress offered to Ngāti Paoa, and **Sign** attached letters to groups advising of your overlapping claims decisions.	By 1 September 2016

Contact for phone discussion (if required)

Name	Position	Phone		1st Contact
Leah Campbell	Deputy Director, Negotiations and Settlements	04 913 9202	027 836 0532	✓
Jake Pollock	Acting Negotiation and Settlement Manager	04 494 9703	027 406 7808	
Sophie Chrisp	Analyst	04 494 9878		

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Ngāti Paoa: Update on overlapping claims

Purpose

1. This report:

   a. provides you with an update on overlapping claims discussions between Ngāti Paoa and other groups for redress offered to Ngāti Paoa;

   b. seeks your decision to maintain the redress offered to Ngāti Paoa and that overlapping claims are closed with some groups; and

   c. attaches for your consideration and signature letters to groups either advising of your preliminary decision or that overlapping claims are closed.

Executive summary

2. Ngāti Paoa is party to Ngā Mana Whenua o Tāmaki Makaurau Redress Act 2014 and is in negotiations towards an individual settlement and in collective redress negotiations as a member of the Hauraki and Marutūāhu Collectives. Negotiations with Ngāti Paoa are substantially complete.

3. Officials undertook overlapping claims during 2013 and 2014 with groups with a known interest in the areas where redress was offered to Ngāti Paoa. Ngāti Paoa and officials from the Office of Treaty Settlements have engaged with groups to resolve any outstanding overlapping claims since December 2015.

4. As a result of this engagement a number of overlapping claims are closed. We propose you confirm this by signing the attached letters to overlapping groups.

5. This briefing also addresses situations where groups have either not engaged in the overlapping claims process or are yet to provide comment on the offer. We consider the best approach is for you to maintain the redress offered to Ngāti Paoa as there are no further overlapping claims to be considered.

6. The overlapping claims process for the offer of commercial redress from the Point England Reserve commenced on a later schedule. This report provides an update and, where appropriate, recommends a decision.

Recommendations

7. It is recommended you:

   a. **note** officials and Ngāti Paoa have consulted with overlapping groups on redress offered to Ngāti Paoa to conclude all outstanding overlapping claims;

   b. **note** written confirmation has been received confirming that the following groups do not object to cultural redress offered to Ngāti Paoa:

out of scope

[redacted]

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out of scope [redacted]

vii. Ngāti Hao (Ngāpuhi hapū);

out of scope [redacted]

c. **note** the following groups are yet to provide comment on redress offered to Ngāti Paoa:

out of scope [redacted]

d. **agree** to maintain the cultural redress offers to Ngāti Paoa and confirm overlapping claims with the above groups are closed; **YES / NO**

out of scope e. **note** overlapping claims engagement is on-going with Tūhoronuku Mandated Iwi Authority, [redacted] (for the proposed commercial redress from Point England Recreation Reserve); and

f. **sign** the attached letters to advise groups of your decisions. **YES / NO**

Leah Campbell
Deputy Director Negotiations and Settlements

NOTED / APPROVED / NOT APPROVED
Hon Christopher Finlayson Minister for Treaty of Waitangi Negotiations
Date: 25 / 8 / 2016

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Background

8. Ngāti Paoa is in negotiations with the Crown for the conclusion of the Hauraki and Marutūāhu Collective redress deeds and their iwi-specific settlement. Overlapping claims engagement is one of the last remaining matters to enable the conclusion of negotiations with Ngāti Paoa.

9. The majority of overlapping claims were closed during 2013 and 2014. During this period you made a series of decisions in relation to redress offered to iwi of the Hauraki and Marutūāhu Collectives [OTS reports 2013/2014 - 247, 2013/2014 - 351, 2014/2015 - 8 and 2014/2015 - 120, refer].

10. You confirmed the overlapping claims process for the release of 16 landbank properties to Ngāti Paoa prior to initialling a deed of settlement was complete on 8 July 2016 and 3 August 2015 [OTS reports 2015/2016 – 64 and 2016/2017 – 19 refer].

11. Finalising the Crown's redress offer to Ngāti Paoa requires the resolution of overlapping claims for the cultural redress package and the right to purchase 13 hectares from the Point England Recreation Reserve for the purposes of housing. This report recommends you make preliminary decisions or confirm overlapping claims are closed in relation to the Ngāti Paoa cultural redress package.

Process for resolving outstanding overlapping claims

Concluding overlapping claims for Crown offer to Ngāti Paoa

12. Prior to commencing the overlapping claims process, the Office of Treaty Settlements (**OTS**) and Ngāti Paoa agreed the list of outstanding redress to be discussed with each of the following groups:

out of scope

[redacted]	Ngāti Hao (Ngāpuhi hapū)	[redacted]
		Tūhoronuku Independent Mandated Authority (**TIMA**)
		[redacted]

13. On 23 December 2015 OTS notified these groups of the impending engagement process on redress offered to Ngāti Paoa. In March and April 2016 OTS wrote to these groups to provide details of the cultural redress. The letter encouraged the groups to engage directly with the Ngāti Paoa negotiators and to provide a formal written response to OTS by either 11 April or 9 May 2016.

14. The process for engaging Ngāpuhi (Ngāti Hao and the TIMA) interests commenced on a different timeframe. This process is summarised at paragraphs 23 and 47. The engagement process with TIMA is on-going and officials will report to you on this shortly.

15. Ngāti Paoa has played a central role in ensuring groups are well informed by contacting each group by letter or email and have met with all groups who sought the opportunity. On 10 April 2016 Ngāti Paoa wrote to these groups reiterating the Crown's request for their engagement in the process and offered to meet. Officials consider that the efforts of Ngāti Paoa demonstrate a willingness to engage with overlapping groups and a commitment to achieving mutually acceptable outcomes.

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16. A summary of engagement with each group is provided below. We have received written responses from groups advising of no objection and therefore recommend you confirm overlapping claims are closed with these groups. Where no formal response has been received we recommend you maintain the redress offered to Ngāti Paoa as there are no further overlapping claims to be considered.

Proposed commercial redress at the Point England Recreation Reserve

17. On 15 August 2016 Cabinet approved the commercial redress offer to Ngāti Paoa of 13 hectares from the Point England Recreation Reserve (the **Reserve**) for housing development. The offer is subject to the satisfaction of several conditions including the resolution of overlapping claims to the Crown's satisfaction.

out of scope

18. For efficiency purposes the letter officials sent on 21 and 24 March 2016 to [redacted] and TIMA noted Ngāti Paoa was seeking additional redress at the Reserve. On 22 July 2016 officials wrote to these groups outlining the redress sought and to request comment on Ngāti Paoa's redress proposal by 12 August 2016.

out of scope

19. [redacted]

out of scope

20. Officials consider it reasonable that further time be provided for engagement with [redacted] TIMA and [redacted] As such we are not recommending you make a preliminary decision at this time. [redacted]

Summary of responses received

out of scope

[redacted]

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[redacted]

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Ngāti Hao (Ngāpuhi hapū) s9(2)(a)

26. On 25 January 2016 [redacted] Ngāti Hao Hapū Kaikōrero, emailed OTS. [redacted] identified areas where Ngāti Hao assert an interest and asked to be consulted on redress offered to Ngāti Paoa in those areas. Officials advised Ngāti Paoa that, given this assertion of interest, the Crown had an obligation to ensure Ngāti Hao was consulted and their views were taken into consideration.

27. Ngāti Paoa accepted the Crown position and met with Ngāti Hao at Awataha Marae on 13 May 2016 to discuss their views on the Crown's offer of cultural redress to Ngāti Paoa on the Whakatiwai coastline, Waiheke Island and at Mahurangi. Email correspondence of 13 and 15 May 2016 between the parties confirmed in the meeting Ngāti Hao had supported Ngāti Paoa receiving the proposed cultural redress. On 29 May 2016 Ngāti Hao reiterated in writing their full support. Officials consider there to be no further overlapping claims with Ngāti Hao.

[redacted]

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Update on engagement with Tūhoronuku Independent Mandated Authority

56. On 24 May 2016 you wrote to TIMA advising them of the Crown's individual and collective Treaty settlement negotiations with Marutūāhu iwi including Ngāti Paoa.

57. On 8 June 2016 officials wrote to TIMA to seek their views by 22 June 2016 on cultural redress offered to Ngāti Paoa on the Whakatiwai coastline, Waiheke Island, Tāmaki Makaurau and Mahurangi. This included:

    a. nine cultural redress vestings;

    b. 17 statutory acknowledgements; and

    c. two vest and vest backs.

58. On 22 June 2016 Hone Sadler, Chair of TIMA, responded to OTS setting out a high level account of Ngāpuhi interests in Tāmaki Makaurau. He confirmed Ngāpuhi claim interests in the cultural redress offered to Ngāti Paoa and requested to be consulted on all redress offered to Ngāti Paoa. The letter identified that TIMA's ability to engage was currently restricted given the on-going Hapū Engagement Process. On 27 July 2016 Mr Sadler wrote again to OTS to reiterate that TIMA does not wish to delay the Ngāti Paoa negotiation timeframes but expect to be consulted on all propose redress offered to Ngāti Paoa.

59. Officials consider TIMA's request to be reasonable and recommend further time be provided for Ngāti Paoa and TIMA to engage. OTS has written to TIMA and Ngāti Paoa to encourage both groups to engage directly to find a mutually acceptable outcome. We may seek your preliminary decision if TIMA's capacity risks causing a significant delay to the closure of the Ngāti Paoa negotiations.

Next steps

60. Attached are fifteen letters for your consideration advising Ngāti Paoa and the following groups that there are no further overlapping claims to be considered: [redacted] Ngāti Hao, [redacted]

out of scope

[redacted]

61. Officials will also report to you separately in regards to on-going overlapping claims engagement with [redacted] TIMA and [redacted]

out of scope

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Office of Hon Christopher Finlayson

26 AUG 2016

Hauāuru Rawiri and Morehu Wilson
Ngāti Paoa negotiators

s9(2)(a)

By email: [redacted]

Tēnā kōrua

Ngāti Paoa overlapping claims

I am pleased with your co-operation in the process for engaging on overlapping claims in regards to the Crown's redress offer to Ngāti Paoa.

I have given due consideration to the submissions provided regarding cultural redress offered to Ngāti Paoa and consider the process to be closed with [redacted] Ngāti Hao, [redacted]

out of scope

[redacted]

The Tūhoronuku Independent Mandated Authority (**TIMA**) has sought further time to engage with Ngāti Paoa. I consider this to be a reasonable request given the TIMA Hapū Engagement process. I am advised my officials have written to TIMA to give reassurance that Ngāti Paoa will contact them shortly.

Nāku noa, nā

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

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Office of Hon Christopher Finlayson

26 AUG 2016

James Clyde
Hapū Kaikōrero
Ngāti Hao

s9(2)(a)

By email [redacted]

Tēnā koe

Redress for the Ngāti Paoa historic Treaty of Waitangi settlement

Thank you for your engagement with Ngāti Paoa and the Crown in relation to overlapping claims. The Crown sought to engage with Ngāti Hao in regards to the following cultural redress offered to Ngāti Paoa:

a) vesting of Kaiaua School site, part Kaiaua boat ramp area, Māwhitipana Recreation Reserve, Otakawhe Bay Recreation Reserve, Blackpool Park Recreation Reserve, part Tiritiri Matangi Island Scientific Reserve; and

b) vest and vest back over Pūkorokoro / Miranda Taramaire Government Reserve Wildlife Management Reserve and Te Haupa (Saddle) Island Scenic Reserve; and

c) a statutory acknowledgements over Miranda Scenic Reserve, Miranda Scientific Reserve, Matietie Bay Historic Reserve and Te Matuku Bay Scenic Reserve.

I am advised Ngāti Paoa and Ngāti Hao met to discuss the proposed redress on 13 May 2016. Subsequent to this Ngāti Hao emailed Ngāti Paoa on 15 May 2016 to confirm Ngāti Hao supports the redress offered to Ngāti Paoa. Therefore I consider there are no further overlapping claims to be considered between Ngāti Paoa and Ngāti Hao.

If you have any further queries, please contact Leah Campbell, Deputy Director, Negotiations and Settlements at leah.campbell@justice.govt.nz or 04 913 9202.

Nāku noa, nā

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

CC: Morehu Wilson, Negotiator, Ngāti Paoa,
Hauāuru Rawiri, Negotiator, Ngāti Paoa, [redacted]

s9(2)(a)

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Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand. Telephone 64 4 817 6808 Facsimile 64 4 817 6508

pages 223-232 removed as out of scope

Document 56

Memorandum

To: Hauraki Collective

From: Rick Barker, Lead Negotiator

Date: 23 September 2016

Hauraki Collective overlapping claims

Place name changes in Tāmaki

1. In July 2016, the Crown undertook overlapping claims consultation with [redacted] and Ngāpuhi on six name changes in Tāmaki that are being offered through the Hauraki Collective redress. Following a consultation period, the Minister has decided overlapping claims on this matter are closed and has written to iwi to inform them he is maintaining the offer to the Hauraki Collective.

out of scope

[redacted]

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Document 57

Memorandum

To: Hako

From: Rick Barker, Lead Negotiator

Date: 21 October 2016

Overlapping claims process for proposed redress in Auckland and the statement of association with Tāmaki Makaurau

1. This memo outlines the overlapping claims process we will undertake for redress offered to Hako in Tāmaki Makaurau, being:

   s9(2)(j)

   a. [redacted]

   b. [redacted]

2. In reaching settlement with Hako, the Crown must ensure the interests of overlapping groups are not prejudiced. As such final agreement on any redress offered is subject to the resolution of overlapping claims to the Crown's satisfaction.

3. In memo Hako 21 on 4 July 2016 I signalled that the Tāmaki Makaurau redress offers to Hako are subject to overlapping claims.

4. OTS considers it appropriate to engage with the following groups:

   out of scope

Landbank properties
[redacted]
Ngāpuhi

Statement of association
[redacted]
Ngāpuhi
[redacted]

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s9(2)(j)

5. [redacted] it is important to engage with all iwi with interests in Tāmaki Makaurau. Please let me know if there are other groups you consider hold an interest in Tāmaki Makaurau and should be engaged with in this process.

6. Process and timeframe for overlapping claims:

Timeframe	Next steps
25 October 2016	OTS writes to overlapping groups advising of overlapping claims process with Hako
31 October 2016	OTS writes to all overlapping groups advising of proposed redress to Hako and seeking a written response
31 October – 13 November 2016	Hako to engage directly with overlapping groups Groups provide information and views to OTS
Mid-November 2016	OTS reports to the Minister for Treaty of Waitangi Negotiations on overlapping claims engagement progress and to seek a preliminary decision. NB: a preliminary decision from the Minister is only sought if groups raise concerns with the proposed redress, and if the concerns could not be resolved through direct engagement with Hako
Mid-November 2016	The Minister writes to groups and Hako either to confirm that overlapping claims are closed, or to advise the outcome of his preliminary decision and seek further information
Late November 2016	Where preliminary decisions have been made, overlapping groups and Hako have the opportunity to provide further information and views to OTS
Early December 2016	If required, OTS reports to the Minister to seek a final decision on overlapping claims
Early December 2016	The Minister writes to inform groups of his final decision

7. Attached for your comment is the proposed initial letter to overlapping groups identified in this memo. The letter is proposed to be sent on **25 October 2016**, please provide any comment before that date.

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25 October016

<Name>
<Title>
<Compy>
<email>

Tēnā koe

Hako Treaty settlement negotiations with the Crown

I write regarding redress the Crown is proposing to offer to Hako as part of their Treaty settlement. Treaty settlement negotiations between the Crown and Hako are progressing well and we are working towards initialling a deed of settlement in the near future.

Final agreement on any redress, however, is subject to the resolution of overlapping claims to the Crown's satisfaction. In reaching settlement with Hako, the Crown must ensure the interests of overlapping groups are not prejudiced.

[*Overlapping group*] is likely to have an interest in redress offered to Hako as it relates to your area of interest and the Ngā Mana Whenua o Tāmaki Makaurau collective area of interest. The Crown will be in contact with you soon to set out the details of proposed redress.

If you have questions regarding the overlapping claims process, or would like further information, please contact me at leah.campbell@justice.govt.nz or on 04 913 9202.

Nāku noa, nā

Leah Campbell
Deputy Director Negotiations and Settlements

cc: Josie Anderson, Hako Negotiator ([redacted]) s9(2)(a)
John Linstead, Hako Negotiator ([redacted])

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Office of Treaty Settlements
Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi
PART OF THE MINISTRY OF JUSTICE

Minister for Treaty of Waitangi Negotiations

Ngāti Paoa: Preliminary decision on overlapping claims with Tūhoronuku

Date	21 October 2016	**Priority:**	High
Report No. OTS:	2016/2017 – 270	**File ref:**	CLA-N680-OF-03

Action sought

Minister for Treaty of Waitangi Negotiations (Hon Christopher Finlayson)	**Agree** to maintain the redress offered to Ngāti Paoa by making a preliminary decision on overlapping claims with Tūhoronuku Independent Mandated Authority; and **Sign** the attached letter to Tūhoronuku Independent Mandated Authority advising them of your preliminary decision.	By 26 October 2016

Contact for phone discussion (if required)

Name	Position	Phone		1st Contact
Leah Campbell	Deputy Director, Negotiations and Settlements	04 913 9202	027 839 0532	✓
Jacob Pollock	Negotiations and Settlement Manager (Acting)	04 894 2980	027 406 7808	
Ryan Bogardus	Analyst	04 918 8727		

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Ngāti Paoa: Preliminary decision on overlapping claims with Tūhoronuku

Purpose

1. This briefing seeks your agreement to maintain the proposed redress offer to Ngāti Paoa[1] by making a preliminary decision on overlapping claims with Tūhoronuku Independent Mandated Authority (**TIMA**).

Background on the overlapping claims process for Ngāti Paoa

2. The Crown is in negotiations with Ngāti Paoa toward the settlement of their historical Treaty of Waitangi claims. Negotiations are largely complete and the Crown intends to initial the Ngāti Paoa deed of settlement by the end of 2016. The resolution of overlapping claims is one of the last remaining matters to enable the deed of settlement to be initialled.

3. In 2013 and 2014 officials undertook an overlapping claims process with iwi interested in areas where redress was offered to Ngāti Paoa. During this period you made a series of decisions in relation to redress offered to Ngāti Paoa and the majority of overlapping claims were closed [OTS 2013/2014 - 247, 2013/2014 - 351, 2014/2015 - 8 and 2014/2015 - 120 refer].

4. In August 2015 and July 2016 you also made decisions on overlapping claims for the release of 16 landbank properties to Ngāti Paoa prior to initialling a deed of settlement [OTS 2015/2016 - 64 and 2016/2017 - 19 refer]

5. To bring the overlapping claims process to an end Ngāti Paoa and the Crown intensified engagement with groups in the first half of 2016. On 25 August 2016, officials briefed you on this engagement [OTS report 2016/2017 - 112 refers]. You agreed overlapping claims had concluded for all overlapping groups except for:

[redacted] out of scope

c. TIMA.

6. The conclusion of overlapping claims with all other groups included Ngāti Hao, a Ngāpuhi hapū which asserts interests in Tamaki Makaurau [OTS report 2016/2017 - 112 refers].

out of scope

7. [redacted]

8. We seek your agreement to maintain the proposed redress offer to Ngāti Paoa by making a preliminary decision on overlapping claims with TIMA. [redacted]

out of scope

[1] Ngāti Paoa is a member of the Hauraki and Marutūāhu collectives and is undertaking iwi specific negotiations in respect of its interests. Ngāti Paoa is also party to Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

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Proposed redress offer to Ngāti Paoa requiring an overlapping claims process with TIMA

9. The Crown has offered Ngāti Paoa redress at Whakatiwai coastline, Waiheke Island, Tāmaki Makaurau and Mahurangi, which is subject to the resolution of overlapping claims with TIMA. The proposed redress offer to Ngāti Paoa includes:

    a. nine cultural redress vesting sites;

    b. seventeen statutory acknowledgements;

    c. two vest and vest backs; and

    d. the opportunity to purchase up to 13 hectares of Point England Recreation Reserve for the purpose of housing.

10. A table setting out the proposed redress is attached at **Appendix One**.

Engagement with TIMA on Ngāti Paoa overlapping claims

11. On 24 May 2016 you wrote to TIMA to advise the Crown is in collective and iwi-specific Treaty Settlement negotiations with the Marutūāhu Collective and associated iwi including Ngāti Paoa.

12. On 8 June 2016 the Office of Treaty Settlements (**OTS**) wrote to TIMA to seek its views by 22 June 2016 on cultural redress offered to Ngāti Paoa. The letter noted Ngāti Paoa sought additional redress at Point England Recreation Reserve. OTS noted the additional redress was still being developed, but asked TIMA to also provide its views on this redress.

13. On 22 June 2016 the Chair of TIMA, Hone Sadler, responded to OTS setting out a high level account of Ngāpuhi's interests in Tāmaki Makaurau. He confirmed Ngāpuhi claim interests in the area the Crown proposed to provide redress to Ngāti Paoa and requested TIMA be consulted on all redress offered to Ngāti Paoa. Mr Sadler advised that TIMA's ability to engage in overlapping claims with Ngāti Paoa was restricted given the on-going Hapu Engagement Process.

14. On 22 July 2016 OTS wrote to TIMA providing an update on the additional redress Ngāti Paoa sought at Point England Recreation Reserve. OTS advised Ngāti Paoa were seeking up to 13 hectares of the reserve as commercial redress and sought TIMA's view on the proposal by 11 August 2016.

15. On 27 July 2016 Mr Sadler wrote to OTS to register an interest in proposed redress offered to Ngāti Paoa and expected to be consulted on all proposed redress offered to Ngāti Paoa. Mr Sadler also advised that TIMA did not wish to delay the Ngāti Paoa negotiations.

16. On 25 August 2016 we updated you on Ngāti Paoa overlapping claims, but did not seek a preliminary decision on the proposed redress in order to provide TIMA and Ngāti Paoa further time to engage. We advised at this time that officials may seek your preliminary decision if TIMA's capacity risked causing a significant delay to the closure of the Ngāti Paoa negotiations [OTS 2016/2017 – 112 refers].

17. On 25 August 2016 Ngāti Paoa and TIMA met to discuss Ngāpuhi's interests in the proposed redress offered to Ngāti Paoa.

18. On 6 September 2016 Mr Sadler wrote to OTS to advise TIMA had met with Ngāti Paoa and some issues remained unresolved. However, TIMA was unable to sufficiently resource

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engagement with Ngāti Paoa on the proposed redress offer, due to a lack of time and funding. Mr Sadler noted TIMA had registered an interest in the proposed redress offered to Ngāti Paoa and expressed concern that settlements with Hauraki iwi reduced the Crown's ability to provide redress for Ngāpuhi in Tāmaki Makaurau. Mr Sadler sought advice from OTS on how Ngāpuhi interests in areas where redress is offered to Ngāti Paoa would be maintained or protected.

Preliminary decision on overlapping claims with TIMA required

19. On 25 August 2016 we advised you officials may seek your preliminary decision if TIMA's capacity risks causing a significant delay to the closure of the Ngāti Paoa negotiations [OTS 2016/2017 – 112 refers]. Given Mr Sadler advised OTS on 6 September 2016 that TIMA is unable to sufficiently resource engagement with Ngāti Paoa, we now consider it appropriate you make this decision.

Considerations for your decision

20. On 6 September 2016 Mr Sadler expressed concern that settlements with Hauraki iwi would reduce the Crown's ability to provide redress for Ngāpuhi in Tāmaki Makaurau. Mr Sadler sought advice on how Ngāpuhi's interests in areas where redress is offered to Ngāti Paoa would be maintained or protected.

21. We consider this matter requires due consideration.

Crown framework for considering redress offers

22. The Crown is guided by two general principles when considering overlapped redress between non-settled groups:

    a. the Crown's wish to achieve a fair and appropriate settlement; and

    b. the Crown's wish to maintain its ability to provide appropriate redress to claimant groups who have yet to enter negotiations.

Officials advice on TIMA's concern

23. Ngāti Paoa has sufficient historical and contemporary interests in the areas in which the proposed redress is offered to justify the offer as appropriate and reasonable. The Ngāti Paoa area of interest is attached at **Appendix Two**.

24. The Crown also retains the ability to provide redress to Ngāpuhi in areas where TIMA has expressed an interest in the proposed redress offered to Ngāti Paoa.

25. TIMA continues to receive a claimant funding contribution from the Crown for costs incurred in engaging in Treaty settlements. Officials consider this fund to be sufficient to resource engagement with Ngāti Paoa in overlapping claims discussions.

26. Officials consider that TIMA's concern is not justified and that a preliminary decision to maintain the proposed redress offer to Ngāti Paoa is appropriate.

Proposed response to TIMA

27. Officials recommend you write to TIMA:

    a. noting some issues were not resolved between TIMA and Ngāti Paoa;

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b. noting TIMA's lack of resources to engage with Ngāti Paoa on the proposed redress offer at this time;

c. advising the Crown retains sufficient redress to recognise Ngāpuhi's interests in Tāmaki Makaurau;

d. advising your preliminary decision to maintain the proposed redress offer to Ngāti Paoa; and

e. providing TIMA three further weeks (until 15 November) to provide feedback and views on the proposed redress and to engage with Ngāti Paoa.

28. A draft letter is attached at **Appendix Three**.

Next steps

29. As discussed above, attached is a letter to the Chair of TIMA, Hone Sadler, for your signature.

Recommendations

30. It is recommended you:

a. **Agree** to maintain the redress offered to Ngāti Paoa by making a preliminary decision on overlapping claims with Tūhoronuku Independent Mandated Authority; and **YES / NO**

b. **Sign** the attached letter to Tūhoronuku Independent Mandated Authority advising them of your preliminary decision. **YES / NO**

Leah Campbell
Deputy Director, Negotiations and Settlements

NOTED / APPROVED / NOT APPROVED
Hon Christopher Finlayson Minister for Treaty of Waitangi Negotiations
Date: 22 / 11 / 2016

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Appendix One: Proposed redress offer to Ngāti Paoa subject to the resolution of overlapping claims with TIMA

Cultural Redress
Vesting:
Kaiaua School site [1.21 ha]
Tauwhare Koiora (Kaiaua boat ramp) [1.34 ha]
Māwhitipana (Māwhitipana Recreation Reserve), Waiheke [2.27 ha]
Te Waero Awe Houkura (Blackpool Park Recreation Reserve), Waiheke [1.05 ha]
Pokai Wawahi Ika (Otakawhe Bay Recreation Reserve), Waiheke [2.32 ha]
Papakura Pā (Tiritiri Matangi Island Scientific Reserve), Tiritiri Matangi [1.00 ha]
Paoa Whanake (Point England Recreation Reserve), Point England, 2 hectares [2.00 ha]
Paoa Ururoa and Paoa Ururua (Motuihe Island Recreation Reserve), Motuihe [0.40 ha + 1.60 ha]
Te Iwi Rahirahi (Whitford Point Local Purpose (Esplanade) Reserve), Whitford [0.50 ha]
Statutory acknowledgements:
Kiripaka Wildlife Scenic Reserve, Hūnua Ranges (northern)
Koputai Wetland Management Reserve
Mangatawhiri Forest Conservation Area, Hūnua Ranges (southern)
Matietie Bay Historic Reserve, Waiheke
Miranda Scenic Reserve, Pūkorokoro
Miranda Scientific Reserve, Pūkorokoro
Mutukaroa / Hamlin Hill
Ngāhue Reserve, Glen Innes
Paparimu Conservation Area, Hūnua Ranges (southern)
Balance of Point England Recreation Reserve, Point England
Pūkorokoro/Miranda Taramaire Government Purpose Reserve
Richard Sylvan Memorial Scenic Reserve, Hūnua Ranges (southern)
Te Haupa (Saddle) Island Scenic Reserve
Ruapotaka Reserve, Glen Innes
Te Matuku Bay Scenic Reserve, Waiheke
Te Morehu Scenic Reserve, Kawakawa Bay
Vining Scenic Reserve, Hūnua Ranges (southern)
Vest and vest back:
Pūkorokoro / Miranda Taramaire Government Reserve Wildlife Management Reserve, Pūkorokoro
Te Haupa (Saddle) Island Scenic Reserve
Commercial Redress
Opportunity to purchase up to 13 hectares of Point England Recreation Reserve for the purpose of housing

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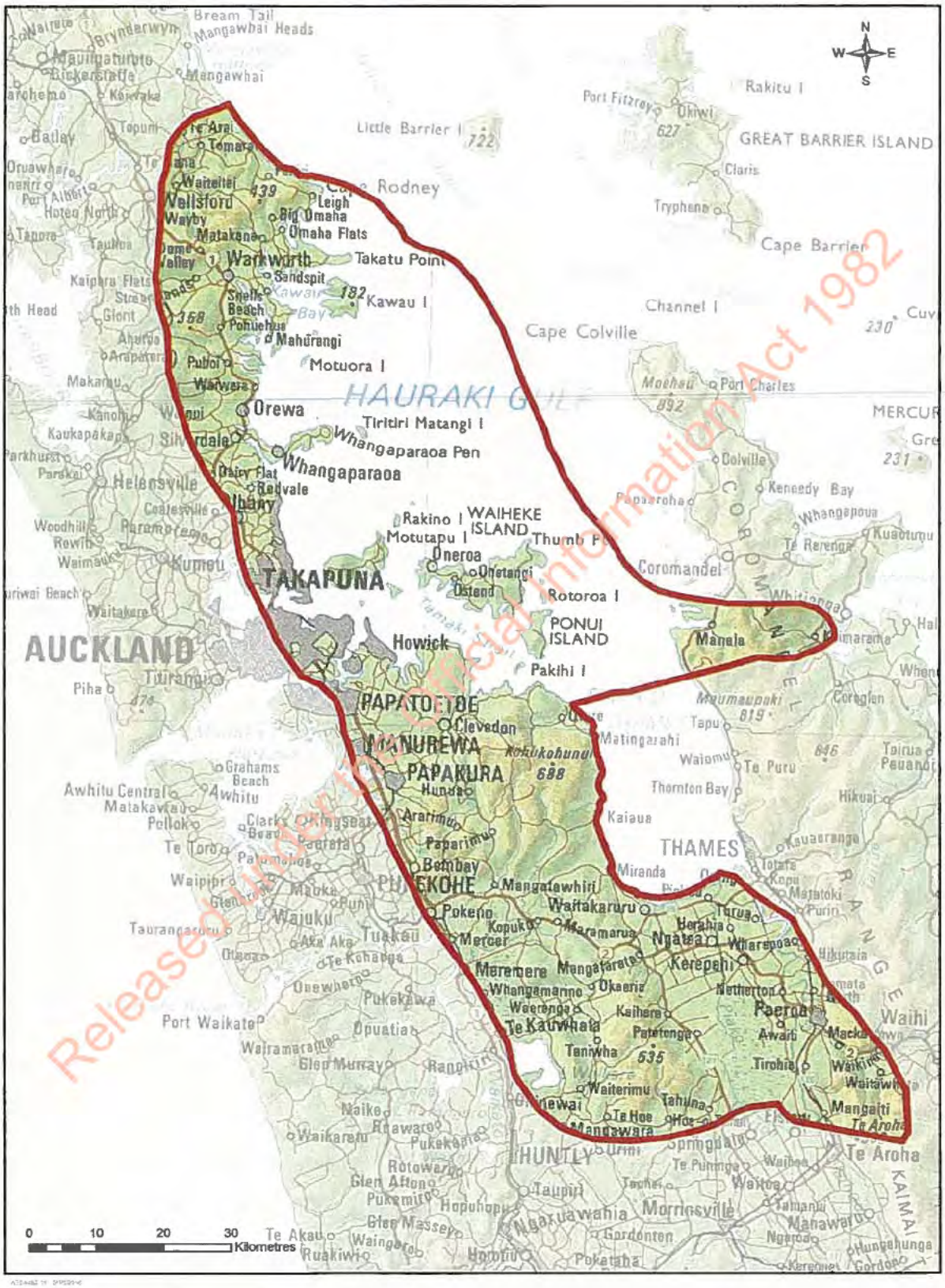
Appendix Two: Ngāti Paoa area of interest



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Office of Hon Christopher Finlayson

25 OCT 2016

Hone Sadler
Chairman
Tuhoronuku Independent Mandated Authority
PO Box 263
KAIKOHE 0440

By email: tuhoronuku@ngapuhi.iwi.nz

Tena koe

Redress for the Ngāti Paoa Treaty of Waitangi settlement

Thank you for writing to my officials on 22 June, 27 July and 6 September 2016 regarding the Crown's proposed redress offer to Ngāti Paoa.

I am advised Tūhoronuku Independent Mandated Authority (**TIMA**) met with Ngāti Paoa on 25 August 2016 to discuss Ngāpuhi interests in the proposed redress offered to Ngāti Paoa.

I am advised on 6 September 2016 you informed my officials:

- the issues that were not resolved with Ngāti Paoa at the time of you writing;
- you are concerned settlements with Hauraki iwi will reduced the Crown's ability to provide redress to Ngāpuhi in Tāmaki Makaurau; and
- TIMA is unable to sufficiently resource engagement with Ngāti Paoa on the proposed redress offer.

As advised in previous correspondence, the Crown is guided by two general principles when considering overlapped redress between non-settled groups:

1. the Crown's wish to reach a fair and appropriate settlement with each iwi in negotiations; and
2. the Crown's wish to maintain its ability to provide appropriate redress to claimant groups who have yet to enter negotiations.

Ngāti Paoa has sufficient historical and contemporary interests in the areas in which the proposed redress is offered. The Crown offer is appropriate and commensurate to those interests.

The Crown retains the ability to provide appropriate redress to Ngāpuhi in Tāmaki Makaurau should you be able to establish Treaty grievances in relation to this area. This is a matter for future Treaty settlement negotiations between the Crown and Ngāpuhi.

Based on this information, my preliminary decision is to maintain the redress offered to Ngāti Paoa (**Attachment One**).

I wish to ensure TIMA has a further opportunity to consider the proposed redress offered to Ngāti Paoa. If you have any new information on your customary interests in the overlapped area for me to take into account before making my final decision, please advise my officials

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Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand. Telephone 64 4 817 6808 Facsimile 64 4 817 6508

by **15 November 2016**. I intend to make a final decision shortly thereafter. Please note any information received will be provided to Ngāti Paoa for consideration and comment.

Please contact Leah Campbell, Deputy Director Negotiations and Settlements at leah.campbell@justice.govt.nz or on 04 913 9202 if you have any further questions.

Naku noa, na

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

cc. Hauāuru Rawiri, Mandate Negotiator, Ngāti Paoa, kaihautu@ngatipaoaiwi.co.nz
Morehu Wilson, Mandate Negotiator, Ngāti Paoa, morehuw@gmail.com

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Appendix One: Redress offered to Ngāti Paoa

Cultural Redress
Vesting:
Kaiaua School site [1.21 ha]
Tauwhare Koiora (Kaiaua boat ramp) [1.34 ha]
Māwhitipana (Māwhitipana Recreation Reserve), Waiheke [2.27 ha]
Te Waero Awe Houkura (Blackpool Park Recreation Reserve), Waiheke [1.05 ha]
Pokai Wawahi Ika (Otakawhe Bay Recreation Reserve), Waiheke [2.32 ha]
Papakura Pā (Tiritiri Matangi Island Scientific Reserve), Tiritiri Matangi [1.00 ha]
Paoa Whanake (Point England Recreation Reserve), Point England, 2 hectares [2.00 ha]
Paoa Ururoa and Paoa Ururua (Motuihe Island Recreation Reserve), Motuihe [0.40 ha + 1.60 ha]
Te Iwi Rahirahi (Whitford Point Local Purpose (Esplanade) Reserve), Whitford [0.50 ha]
Statutory acknowledgements:
Kiripaka Wildlife Scenic Reserve, Hūnua Ranges (northern)
Koputai Wetland Management Reserve
Mangatawhiri Forest Conservation Area, Hūnua Ranges (southern)
Matietie Bay Historic Reserve, Waiheke
Miranda Scenic Reserve, Pūkorokoro
Miranda Scientific Reserve, Pūkorokoro
Mutukaroa / Hamlin Hill
Ngāhue Reserve, Glen Innes
Paparimu Conservation Area, Hūnua Ranges (southern)
Balance of Point England Recreation Reserve, Point England
Pūkorokoro/Miranda Taramaire Government Purpose Reserve
Richard Sylvan Memorial Scenic Reserve, Hūnua Ranges (southern)
Te Haupa (Saddle) Island Scenic Reserve
Ruapotaka Reserve, Glen Innes
Te Matuku Bay Scenic Reserve, Waiheke
Te Morehu Scenic Reserve, Kawakawa Bay
Vining Scenic Reserve, Hūnua Ranges (southern)
Vest and vest back:
Pūkorokoro / Miranda Taramaire Government Reserve Wildlife Management Reserve, Pūkorokoro
Te Haupa (Saddle) Island Scenic Reserve
Commercial Redress
Point England Recreation Reserve [13ha]

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s9(2)(a)

From: Nicole Anderson [mailto:nicole.anderson@tuhoronuku.co.nz]
Sent: Thursday, 10 November 2016 2:28 p.m.
To: Batt, Rosie
Cc: [redacted] Campbell, Leah; Pollock, Jacob; Hone John Sadler
Subject: Re: Reminder: Feedback due on Hako overlapping claims

Tena koe,

On behalf of our Chairman Hone Sadler, I wish to confirm the Tuhoronuku IMA has no objections to the offer.

Nga mihi,

Nicole Anderson

On 10 November 2016 at 14:04, Batt, Rosie <Rosie.Batt@justice.govt.nz> wrote:
Kia ora

This is a reminder that we are seeking feedback on proposed redress for Hako outlined in OTS's 31 October letter to you by **11 November**.

Some of you have requested to view [redacted] before providing feedback. s9(2)(j)
We are working to finalised [redacted] and for those who wish to view it, we will extend the deadline for feedback. Please let me know (if you haven't already) if you wish to view a copy [redacted].

Otherwise, please ensure all feedback is returned by **tomorrow COP**.

Nāku noa, nā
Rosie

Rosie Batt
Analyst | Office of Treaty Settlements
Te Tari Whakatau Take e pa ana ki te Tiriti o Waitangi
DDI: +64 4 918 8503 | Ext 58503
www.govt.nz

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Office of Treaty Settlements
Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi
PART OF THE MINISTRY OF JUSTICE

Minister for Treaty of Waitangi Negotiations

Ngāti Paoa: Final decision for overlapping claims with [redacted] Tūhoronuku Independent Mandated Authority

out of scope

Date	22 November 2016	**Priority:**	Medium
Report No. OTS:	2016/2017 – 353	**File ref:**	CLA-N680-OF-03

Action sought

Minister for Treaty of Waitangi Negotiations (Hon Christopher Finlayson)	**Agree** to maintain the redress offered to Ngāti Paoa by making a final decision on overlapping claims with [redacted] Tūhoronuku Independent Mandated Authority; and	By 29 November 2016
	Sign the attached letters to [redacted] Tūhoronuku Independent Mandated Authority advising them of your final decision.	

out of scope

out of scope

Contact for phone discussion (if required)

Name	Position	Phone		1st Contact
Leah Campbell	Deputy Director, Negotiations and Settlements	04 913 9202	027 839 0532	✓
Jacob Pollock	Negotiations and Settlement Manager (Acting)	04 894 2980	027 406 7808	
Sophie Chrisp	Analyst	04 494 9878		

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out of scope

Ngāti Paoa: Final decision for overlapping claims with [redacted] Tūhoronuku Independent Mandated Authority

Purpose

1. This briefing seeks your agreement to maintain the proposed redress offer to Ngāti Paoa by making a final decision on overlapping claims with [redacted] Tūhoronuku Independent Mandated Authority (**TIMA**).

out of scope

Background

out of scope

2. The resolution of overlapping claims with [redacted] TIMA is one of the last remaining matters to enable the Ngāti Paoa deed of settlement to be initialled.

3. The majority of overlapping claims for redress offered to Ngāti Paoa were closed during 2013 and 2014 [OTS reports 2013/2014 - 247, 2013/2014 - 351, 2014/2015 - 8 and 2014/2015 - 120 refer]. In August and September 2016 you confirmed overlapping claims for the Crown's redress offer to Ngati Paoa were resolved or closed, except with [redacted] TIMA [OTS reports 2016/2017 - 112 and 2016/2017 – 224 refer].

out of scope

4. On 25 and 26 October 2016 you wrote to TIMA [redacted] to advise them of your preliminary decision to maintain the redress offered to Ngāti Paoa [OTS reports 2016/2017 - 270 and 2016/2017 - 280 refer]. To assist you in making a final decision you requested further information by [redacted] 15 November 2016 for TIMA. No response has been received within this timeframe.

out of scope

5. We seek your agreement to maintain the proposed redress offered to Ngāti Paoa by making a final decision on overlapping claims with [redacted] TIMA.

out of scope

Proposal

6. The Crown is guided by three general principles when considering offering redress in an area with overlapped interests:

   a. the Crown's wish to achieve a fair and appropriate with each claimant group in negotiations;

   b. the Crown's wish to maintain its ability to provide appropriate redress to all claimant groups and achieve a fair settlement of their historical claims; and

   c. the Crown's wish to ensure the redress offered to non-settled groups strikes a balance between the Crown's obligations to that claimant group and its on-going obligations and relationships with overlapping settled groups.

7. The proposed redress offered to Ngāti Paoa is within areas that [redacted] TIMA hold an interest, attached as **Appendix one**.

out of scope

8. Officials consider that Ngāti Paoa has sufficient historical and contemporary interests in these areas to justify the offers as appropriate and reasonable.

out of scope

9. Further, the concerns raised by [redacted] TIMA prior to your preliminary overlapping claims decision (refer below), are not sufficient for the Crown to revisit the Crown offer to Ngāti Paoa. Officials consider it is appropriate that your preliminary decision is maintained and overlapping claims with [redacted] TIMA are closed.

out of scope

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Engagement on redress offered to Ngāti Paoa

10. [redacted] TIMA have not provided further information or engaged with Ngāti Paoa directly within the requested timeframe following your preliminary decision. As such there is no further information for you to consider. The following is a high level summary of engagement prior to your preliminary decision:

[redacted]

Tūhoronuku Mandated Iwi Authority

15. On 24 May 2016 you wrote to TIMA to advise the Crown is in collective and iwi-specific Treaty settlement negotiations with the Marutūāhu Collective and associated iwi including Ngāti Paoa.

16. On 8 June and 22 July 2016 officials wrote to TIMA seeking its views on redress offered to Ngāti Paoa in which Ngāpuhi may have an interest.

17. TIMA has written to officials, on 22 June, 27 July and 6 September 2016, asserting Ngāpuhi's interests in the areas the Crown has offered redress to Ngāti Paoa and to seek reassurance the Crown retained the ability to negotiate redress in these areas. TIMA has also consistently noted that their ability to engage with Ngāti Paoa was restricted given the ongoing Hapū Engagement Process. They have also asserted they have insufficient funding to address overlapping claims.

18. [redacted] out of scope

19. Officials assessed the concerns raised and advised the appropriate preliminary decision was to maintain the redress offer to Ngāti Paoa on the basis that the Crown retains the ability to

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provide redress to Ngāpuhi in areas where TIMA has expressed an interest, should Ngāpuhi demonstrate sufficient interests to warrant redress. Given no further information has been provided for consideration officials recommend you make a final decision to maintain the redress offer to Ngāti Paoa.

Next steps

20. As discussed above, attached are letters to [redacted] the Chair of TIMA, Hone Sadler, for your signature. out of scope

Recommendations

out of scope

21. It is recommended you:

a. **agree** to maintain the redress offered to Ngāti Paoa by making a final decision on overlapping claims [redacted] Tūhoronuku Independent Mandated Authority; and **YES / NO** out of scope

b. **sign** the attached letters to [redacted] Tūhoronuku Independent Mandated Authority advising of your final decision. **YES / NO** out of scope

Leah Campbell
Deputy Director, Negotiations and Settlements

NOTED / APPROVED / NOT APPROVED
Hon Christopher Finlayson Minister for Treaty of Waitangi Negotiations
Date: 22 / 11 / 2016

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Appendix one: Proposed redress subject to the resolution of overlapping claims

NGĀI TAI KI TĀMAKI
Commercial redress
Opportunity to purchase up to 13 hectares of Point England Recreation Reserve for the purpose of housing development

TŪHORONUKU MANDATED IWI AUTHORITY
Cultural redress
Vesting:
Papakura Pā, being Tiritiri Matangi Island Scientific Reserve, Tiritiri Matangi Island
Māwhitipana, being Māwhitipana Recreation Reserve, Waiheke
Te Waero Awe Houkura, being Blackpool Park Recreation Reserve, Waiheke
Pokai Wawahi Ika, being Otakawhe Bay Recreation Reserve, Waiheke
Paoa Ururoa and Paoa Ururua, being Motuihe Island Recreation Reserve, Motuihe Island
Paoa Whanake, being Point England Recreation Reserve, Point England
Te Iwi Rahirahi, being Whitford Point Local Purpose (Esplanade) Reserve, Whitford
Kaiaua School site
Tauwhare Koiora, being Kaiaua boat ramp
Statutory acknowledgements:
Te Haupa (Saddle) Island Scenic Reserve
Matietie Bay Historic Reserve, Waiheke
Te Matuku Bay Scenic Reserve, Waiheke
Mutukaroa / Hamlin Hill
Point England Recreation Reserve, Point England
Ngāhue Reserve, Glen Innes
Ruapotaka Reserve, Glen Innes
Te Morehu Scenic Reserve, Kawakawa Bay
Kiripaka Wildlife Scenic Reserve, Hūnua Ranges (northern)
Richard Sylvan Memorial Scenic Reserve, Hūnua Ranges (southern)
Mangatawhiri Forest Conservation Area, Hūnua Ranges (southern)
Paparimu Conservation Area, Hūnua Ranges (southern)
Vining Scenic Reserve, Hūnua Ranges (southern)
Pūkorokoro / Miranda Scenic Reserve, Pūkorokoro
Pūkorokoro / Miranda Scientific Reserve, Pūkorokoro
Pūkorokoro / Miranda Taramaire Government Purpose Reserve
Vest and vest back:
Pūkorokoro / Miranda Taramaire Government Reserve Wildlife Management Reserve, Pūkorokoro
Te Haupa (Saddle) Island Scenic Reserve
Commercial redress
Opportunity to purchase up to 13 hectares of Point England Recreation Reserve for the purpose of housing development

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Office of Hon Christopher Finlayson

22 NOV 2016

Hone Sadler
Chairman
Tūhoronuku Independent Mandated Authority
PO Box 263
KAIKOHE 0440

By email: tuhoronuku@ngapuhi.iwi.nz

Tēnā koe

Final decision for redress offered to Ngāti Paoa

On 26 October 2016 I wrote to inform you of my preliminary decision to maintain the Crown's redress offer to Ngāti Paoa (refer to **Attachment one**). The letter invited Tūhoronuku Independent Mandated Iwi Authority to provide further information for consideration by 15 November 2016. My officials advise no information has been received.

I consider there are no further overlapping claims between Ngāti Paoa and Tūhoronuku Independent Mandated Authority to prevent the Crown initialling a deed of settlement with Ngāti Paoa. My final decision is to maintain the redress offer to Ngāti Paoa.

Please contact Leah Campbell, Deputy Director Negotiations and Settlements at leah.campbell@justice.govt.nz or on 04 913 9202 if you have any further questions.

Naku noa, na

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

cc. Hauāuru Rawiri, Mandate Negotiator, Ngāti Paoa, kaihautu@ngatipaoaiwi.co.nz
Morehu Wilson, Mandate Negotiator, Ngāti Paoa, morehuw@gmail.com

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Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand. Telephone 64 4 817 6808 Facsimile 64 4 817 6508

Appendix one: The Crown's redress offer to Ngāti Paoa

Cultural redress
Vesting:
Papakura Pā, being Tiritiri Matangi Island Scientific Reserve, Tiritiri Matangi Island
Māwhitipana, being Māwhitipana Recreation Reserve, Waiheke
Te Waero Awe Houkura, being Blackpool Park Recreation Reserve, Waiheke
Pokai Wawahi Ika, being Otakawhe Bay Recreation Reserve, Waiheke
Paoa Ururoa and Paoa Ururua, being Motuihe Island Recreation Reserve, Motuihe Island
Paoa Whanake, being Point England Recreation Reserve, Point England
Te Iwi Rahirahi, being Whitford Point Local Purpose (Esplanade) Reserve, Whitford
Kaiaua School site
Tauwhare Koiora, being Kaiaua boat ramp
Statutory acknowledgements:
Te Haupa (Saddle) Island Scenic Reserve
Matietie Bay Historic Reserve, Waiheke
Te Matuku Bay Scenic Reserve, Waiheke
Mutukaroa / Hamlin Hill
Point England Recreation Reserve, Point England
Ngāhue Reserve, Glen Innes
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Richard Sylvan Memorial Scenic Reserve, Hūnua Ranges (southern)
Mangatawhiri Forest Conservation Area, Hūnua Ranges (southern)
Paparimu Conservation Area, Hūnua Ranges (southern)
Vining Scenic Reserve, Hūnua Ranges (southern)
Pūkorokoro / Miranda Scenic Reserve, Pūkorokoro
Pūkorokoro / Miranda Scientific Reserve, Pūkorokoro
Pūkorokoro / Miranda Taramaire Government Purpose Reserve
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page 257 removed as out of scope