



PART OF THE MINISTRY OF JUSTICE

Document 61

Minister for Treaty of Waitangi Negotiations

Subject Ngāti Tamaoho: Final matters and initialling the deed of settlement

Date 5 December 2016

Priority: High

Report No. OTS: 2016/2017 – 348

File ref: CLA- N129-OF-03

Action sought
**Minister for Treaty of
Waitangi Negotiations**
(Hon Christopher Finlayson)

By 8 December 2016

out of scope

agree overlapping claims have been resolved to the Crown's satisfaction; and

agree to initial the Ngāti Tamaoho deed as soon as practicable.

Contact for phone discussion (if required)

Name	Position	Phone		1 st Contact
Juliet Robinson	Deputy Director	04 494 9711	027 220 9704	✓
Stephen Church	Acting Negotiations and Settlement Manager	04 894 2996	021 171 8151	
Kerry Williamson	Analyst	04 918 8882		

Ngāti Tamaoho: Final issues and initialling the deed of settlement

Purpose

1. This report updates you as to the final matters in negotiations with the Ngāti Tamaoho Trust and seeks your approval to initial the Ngāti Tamaoho deed of settlement. Ngāti Tamaoho has agreed for initialling to be 'on the papers' on 9 December 2016.

Background

out of scope

- 2.

- 3.

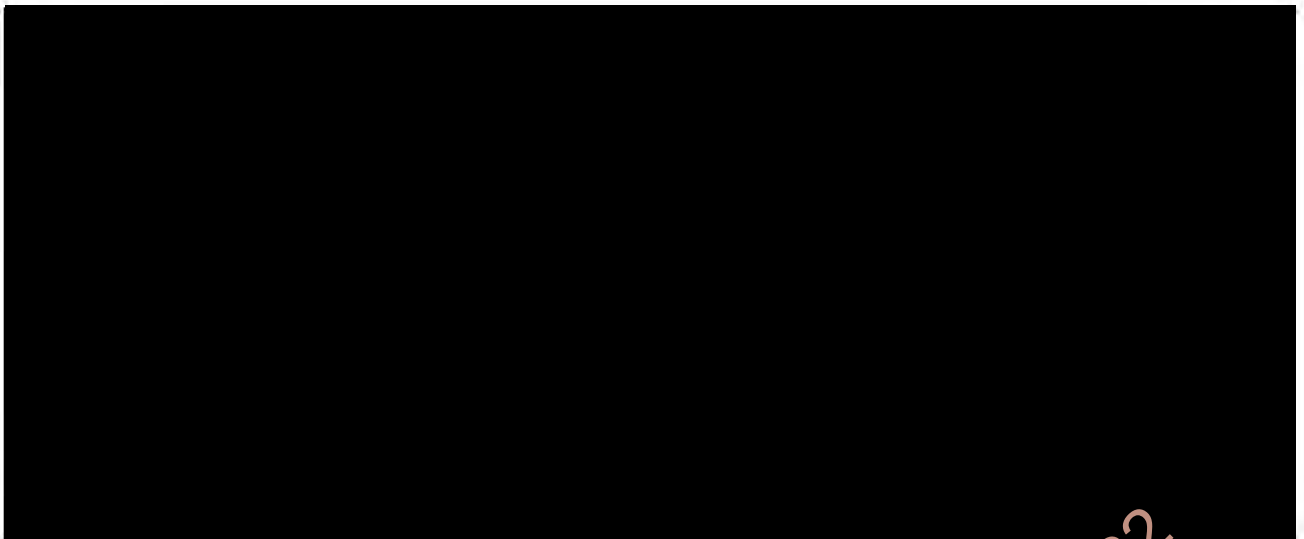
- 4.

Update on responses from overlapping groups

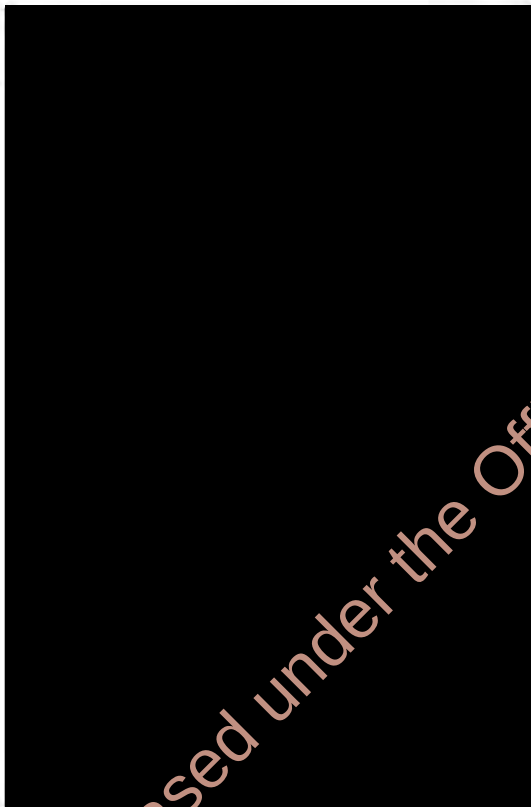
out of
scope

- 5.

██████████ This report ██████████
██████████ seeks your agreement that overlapping claims have been resolved to the
satisfaction of the Crown



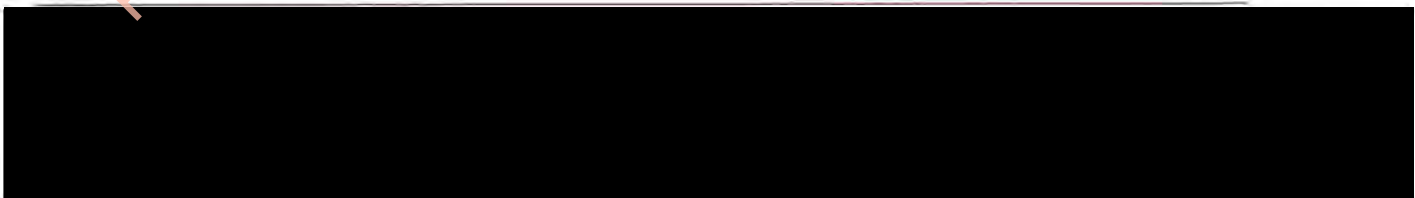
11. We seek your agreement that overlapping claims have been resolved to the satisfaction of the Crown with 13 of the 14 Ngāti Tamaoho overlapping claimant groups, namely:



out of scope

- n. Mahurangi WAI Claims Collective.

Communications



out of scope

Next steps

out of scope

15. We will post the deed and a summary of the settlement on the Office of Treaty Settlements website including questions and answers to cover a range of potential media queries.

Recommendations

out of scope

17. It is recommended that you:

out of scope

out of scope

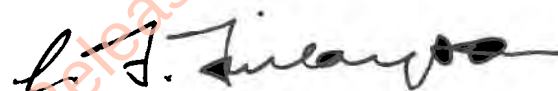
- e. agree overlapping claims have been resolved to the Crown's satisfaction;
and

YES / ~~NO~~

YES / ~~NO~~

out of scope


Juliet Robinson
Deputy Director

NOTED / APPROVED / NOT APPROVED

Hon Christopher Finlayson Minister for Treaty of Waitangi Negotiations
Date: 5 / 12 / 2016

Memorandum

To: Hauraki Collective

From: Rick Barker, Lead Negotiator

Date: 23 December 2016

Centralised overlapping claims process for the Protocol Area map

1. The Crown's Treaty settlement redress offer to each member of the Hauraki Collective includes two iwi-specific protocols (the **protocols**):
 - a. the Primary Industries Protocol; and
 - b. the Taonga Tūturu Protocol.
2. The iwi-specific protocols, including the Protocol Area map, were negotiated and finalised by the members collectively in 2014.
3. As you are aware, all proposed redress is subject to the resolution of overlapping claims to the Crown's satisfaction. An overlapping claims process needs to be completed for the Protocol Area map.
4. Given the same Protocol Area applies for all the protocols we are proposing a centralised overlapping claims process. Our assessment of groups to be engaged as overlapping claimants is recorded at **Attachment one**. We consider it is necessary to engage with these groups before finalising each individual iwi settlement.
5. The proposed process and indicative timeframes are set out in the table below:

Timeframe	Next steps
5 January 2017	OTS writes to all overlapping groups advising of proposed redress and seeking a written response
5 January – 19 January	Hauraki iwi engages directly with overlapping groups. Groups provide information and views to OTS
24 January 2017	OTS reports to the Minister for Treaty of Waitangi Negotiations on overlapping claims engagement progress and to seek a preliminary decision, if required. 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 Hauraki iwi.
25 January 2017	The Minister writes to groups and Hauraki iwi either to confirm that overlapping claims are closed, or to advise the outcome of his preliminary decision and seek further information
8 February 2017	Where preliminary decisions have been made, overlapping groups have the opportunity to provide further information and views to OTS
12 February 2017	If required, OTS reports to the Minister to seek a final decision on overlapping claims
13 February 2017	The Minister writes to inform groups of his final decision

6. Attached for your comment is the draft letter to overlapping groups identified in this memo (refer to **Attachment two**). This letter is proposed to be sent in early January 2017. Could each iwi advise me as soon as possible whether you agree to the attached letter being sent.

Released under the Official Information Act 1982

Attachment one: List of groups proposed to be consulted

Ngāpuhi		

out of scope

Released under the Official Information Act 1982

Attachment two: Proposed letter

X January 2017

«Name»
«Role»
«Entity»
«Email_address»

Tēnā koe

Overlapping claims regarding the proposed Protocol Area map for the Taonga Tūturu and Primary Industries protocols

As you may be aware, the Hauraki Collective initialled a redress deed with the Crown on 22 December 2016. This deed is available at <https://www.govt.nz/dmsdocument/6830.pdf>.

The Hauraki Collective comprises of Hako, Ngāi Tai ki Tāmaki, Ngāti Hei, Ngāti Maru, Ngāti Paoa, Ngāti Porou ki Hauraki, Ngāti Pūkenga, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngaati Whanaunga and Te Patukirikiri. These iwi are also in negotiations with the Crown for the settlement of their individual historic Treaty of Waitangi claims.

The Crown's iwi-specific redress offer to each member of the Hauraki Collective includes a Taonga Tūturu protocol and a Primary Industries protocol (the **protocols**). For the avoidance of doubt, the protocols are not Hauraki Collective redress. The purpose of this letter is to seek your comment on the proposed Protocol Area map for the protocols (refer to **Appendix one**).

The Taonga Tūturu Protocol

The Taonga Tūturu Protocol sets out how the Minister and the Chief Executive for Manatū Taonga will interact with the relevant governance entity within the protocol area. This is non-exclusive redress and includes, but is not limited to:

- a) the process by which the Chief Executive will engage with Taonga Tūturu;
- b) discuss proposed policy or operational changes;
- c) notification of ministerial appointments to Boards; and
- d) engage on proposed national monuments, war graves, historic graves and history publications.

The Primary Industries Protocol

The Primary Industries Protocols sets out how the Minister for Primary Industries and the Director-General of the Ministry of Primary Industries will establish and maintain an enduring relationship with the relevant governance entity. This is non-exclusive redress. The protocol applies to agriculture, forestry, fisheries, biosecurity and food safety within the protocol area. It does not cover the allocation of aquaculture space of Crown Forestry assets held by the Ministry of Primary Industries.

Overlapping claims process

Final agreement on any redress is subject to the resolution of overlapping claims to the Crown's satisfaction. The Crown is therefore seeking your feedback on the proposed Protocol Area map. We request your feedback in writing, whether that be confirming you support or no objection to the protocol map, specifying the outcome of any discussions you have with any of the iwi of Hauraki relating to the

proposed Protocol Area map, or identifying issues for discussion. Please provide your response by **5pm on Thursday 19 January 2017**.

It is the Crown's preference that groups engage directly if there are any concerns with the proposed Protocol Area map and, where possible, resolve any issues arising themselves. I encourage you to engage directly with Hauraki iwi listed at **Appendix Two** to discuss any matters you may wish to raise. The Crown acknowledges such discussions can be complex and should the need arise the Crown is able to assist in these discussions if both parties agree. The Office of Treaty Settlements is also available to meet with you during this process if necessary.

We recognise that sometimes all avenues of engagement are exhausted and matters remain unresolved between 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 iwi of Hauraki and other claimant groups.

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

Timeframe	Next steps
5 January 2017	OTS writes to all overlapping groups advising of proposed redress and seeking a written response
5 January – 19 January	Hauraki iwi engages directly with overlapping groups. Groups provide information and views to OTS
24 January 2017	OTS reports to the Minister for Treaty of Waitangi Negotiations on overlapping claims engagement progress and to seek a preliminary decision, if required. 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 Hauraki iwi.
25 January 2017	The Minister writes to groups and Hauraki iwi either to confirm that overlapping claims are closed, or to advise the outcome of his preliminary decision and seek further information
8 February 2017	Where preliminary decisions have been made, overlapping groups have the opportunity to provide further information and views to OTS
12 February 2017	If required, OTS reports to the Minister to seek a final decision on overlapping claims
13 February 2017	The Minister writes to inform groups of his final decision

Contact details for the mandated negotiators for the Hauraki iwi are attached to this letter at **Appendix 2**.

If you have questions regarding the overlapping claims process for the proposed Protocol Area map, or would like further information, please contact Ryan Bogardus at ryan.bogardus@justice.govt.nz or on 04 918 8727.

Nāku noa, nā

Leah Campbell
Deputy Director, Negotiations and Settlements

Appendix One: Proposed Protocol Area map



Appendix Two: Contact details for the Hauraki iwi

Hauraki iwi	Contact person and details		
Hako	Josie Anderson Negotiator [REDACTED] [REDACTED]	John Linstead Negotiator [REDACTED]	-
Ngāti Hei	Joe Davis Negotiator [REDACTED]	Peter Johnston Negotiator [REDACTED]	-
Ngāti Maru	Paul Majurey Negotiator paul.majurey@ahmlaw.nz	Wati Ngamane Negotiator [REDACTED]	-
Ngāti Paoa	Hauāuru Rawiri Negotiator [REDACTED] [REDACTED]	Morehu Rawiri Negotiator [REDACTED]	-
Ngāti Porou ki Hauraki	Pineamine Harrison Negotiator [REDACTED]	John Tamihere Negotiator [REDACTED] [REDACTED]	Fred Thwaites Negotiator [REDACTED]
Ngāti Rāhiri Tumutumu	Jill Taylor Negotiator [REDACTED]	Nicki Scott Negotiator [REDACTED]	-
Ngāti Tamaterā	Liane Ngamane Negotiator [REDACTED] [REDACTED]	John McEnteer Negotiator [REDACTED]	-
Ngāti Tara Tokanui	Amelia Williams Negotiator [REDACTED]	Russel Karu Negotiator [REDACTED] [REDACTED]	-
Ngaati Whanaunga	Tipa Compain Negotiator [REDACTED]	Nathan Kennedy Negotiator [REDACTED]	-
Te Patukirikiri	William Peters Negotiator [REDACTED]	David Williams Negotiator [REDACTED]	-

13 January 2017

Hone Sadler
Chairman
Tuhoronuku Independent Mandated Authority
tuhoronuku@ngapuhi.iwi.nz

Tēnā koe

Overlapping claims regarding the proposed Protocol Area map for the Taonga Tūturu and Primary Industries protocols

As you may be aware, the Hauraki Collective initialled a redress deed with the Crown on 22 December 2016. This deed is available at <https://www.govt.nz/dmsdocument/6830.pdf>.

The Hauraki Collective comprises of Hako, Ngāi Tai ki Tāmaki, Ngāti Hei, Ngāti Maru, Ngāti Paoa, Ngāti Porou ki Hauraki, Ngāti Pūkenga, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngaati Whanaunga and Te Patukirikiri. These iwi are also in negotiations with the Crown for the settlement of their individual historic Treaty of Waitangi claims.

The Crown's iwi-specific redress offer to each member of the Hauraki Collective includes a Taonga Tūturu protocol and a Primary Industries protocol (the **protocols**). For the avoidance of doubt, the protocols are not Hauraki Collective redress. The purpose of this letter is to seek your comment on the proposed Protocol Area map for the protocols (refer to **Appendix one**).

The Taonga Tūturu Protocol

The Taonga Tūturu Protocol sets out how the Minister and the Chief Executive for Manatū Taonga will interact with the relevant governance entity within the protocol area. This is non-exclusive redress and includes, but is not limited to:

- a. the process by which the Chief Executive will engage with Taonga Tūturu;
- b. discuss proposed policy or operational changes;
- c. notification of ministerial appointments to Boards; and
- d. engage on proposed national monuments, war graves, historic graves and history publications.

The Primary Industries Protocol

The Primary Industries Protocols sets out how the Minister for Primary Industries and the Director-General of the Ministry of Primary Industries will establish and maintain an enduring relationship with the relevant governance entity. This is non-exclusive redress. The protocol applies to agriculture, forestry, fisheries, biosecurity and food safety within the protocol area. It does not cover the allocation of aquaculture space of Crown Forestry assets held by the Ministry of Primary Industries.

Overlapping claims process

Final agreement on any redress is subject to the resolution of overlapping claims to the Crown's satisfaction. The Crown is therefore seeking your feedback on the proposed Protocol Area map. We request your feedback in writing, whether that be confirming you support or no objection to the protocol map, specifying the outcome of any discussions you have with any of the iwi of Hauraki relating to the proposed Protocol Area map, or identifying issues for discussion. Please provide your response by **5pm on Thursday 19 January 2017**.

It is the Crown's preference that groups engage directly if there are any concerns with the proposed Protocol Area map and, where possible, resolve any issues arising themselves. I encourage you to engage directly with Hauraki iwi listed at Appendix Two to discuss any matters you may wish to raise. The Crown acknowledges such discussions can be complex and should the need arise the Crown is able to assist in these discussions if both parties agree. The Office of Treaty Settlements is also available to meet with you during this process if necessary.

We recognise that sometimes all avenues of engagement are exhausted and matters remain unresolved between 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 iwi of Hauraki and other claimant groups.

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

Timeframe	Next steps
13 January 2017	OTS writes to all overlapping groups advising of proposed redress and seeking a written response
13 January – 31 January	Hauraki iwi engages directly with overlapping groups. Groups provide information and views to OTS
2 February 2017	OTS reports to the Minister for Treaty of Waitangi Negotiations on overlapping claims engagement progress and to seek a preliminary decision, if required. 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 Hauraki iwi.
3 February 2017	The Minister writes to groups and Hauraki iwi either to confirm that overlapping claims are closed, or to advise the outcome of his preliminary decision and seek further information
20 February 2017	Where preliminary decisions have been made, overlapping groups have the opportunity to provide further information and views to OTS
23 February 2017	If required, OTS reports to the Minister to seek a final decision on overlapping claims
24 February 2017	The Minister writes to inform groups of his final decision

Contact details for the mandated negotiators for the Hauraki iwi are attached to this letter at Appendix 2.

If you have questions regarding the overlapping claims process for the proposed Protocol Area map, or would like further information, please contact Ryan Bogardus at ryan.bogardus@justice.govt.nz or on 04 918 8727.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Leah Campbell'.

Leah Campbell
Deputy Director, Negotiations and Settlements

Released under the Official Information Act 1982

Appendix One: Proposed Protocol Area map



Appendix Two: Contact details for the Hauraki iwi

Hauraki iwi	Contact person and details		
Hako	Josie Anderson Negotiator [REDACTED]	John Linstead Negotiator [REDACTED]	-
Ngāti Hei	Joe Davis Negotiator [REDACTED]	Peter Johnston Negotiator [REDACTED]	-
Ngāti Maru	Paul Majurey Negotiator paul.majurey@ahmlaw.nz	Wati Ngamane Negotiator [REDACTED]	-
Ngāti Paoa	Hauāuru Rawiri Negotiator [REDACTED]	Morehu Rawiri Negotiator [REDACTED]	-
Ngāti Porou ki Hauraki	Pineamine Harrison Negotiator [REDACTED]	John Tamihere Negotiator [REDACTED]	Fred Thwaites Negotiator [REDACTED]
Ngāti Rāhiri Tumutumu	Jill Taylor Negotiator [REDACTED]	Nicki Scott Negotiator [REDACTED]	-
Ngāti Tamatera	Liane Ngamane Negotiator [REDACTED]	John McEnteer Negotiator [REDACTED]	-
Ngāti Tara Tokanui	Amelia Williams Negotiator [REDACTED]	Russel Karu Negotiator [REDACTED]	-
Ngaati Whanaunga	Tipa Compain Negotiator [REDACTED]	Nathan Kennedy Negotiator [REDACTED]	-
Te Patukirikiri	William Peters Negotiator [REDACTED]	David Williams Negotiator [REDACTED]	-



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

27 February 2017

Hone Sadler
Chairman
Tuhoronuku Independent Mandated Authority

s9(2)(a)

Tēnā koe

Overlapping claims for the Taonga Tūturu and Primary Industries protocols area

On 13 January 2017 I wrote to you and other overlapping groups to seek your feedback on the Taonga Tūturu and Primary Industries protocols area (**the protocol area**) for the individual settlements with the iwi of Hauraki.

The Crown has considered the feedback it has received through overlapping claims and proposes to amend the protocol area from a collective area to be specific for each individual Hauraki iwi. The amendments take into account the feedback and reflect the protocols are with individual Hauraki iwi.

The proposed protocol areas reflect the areas of interest submitted to the Crown by the iwi of Hauraki. The protocol areas which overlap with your area of interest are attached at **Appendix One**. We are yet to receive protocol areas for Ngāti Rāhiri Tumutumu, Hako and Ngāti Porou ki Hauraki. We will seek your comment on the protocol areas for these iwi at a later date should they overlap with your area.

The Taonga Tūturu and Primary Industries protocols are standard, non-exclusive relationship redress between an iwi and a government agency. It is a statement issued by a Minister of the Crown setting out how a Crown agency intends to interact with a claimant group on a continuing basis and sets out how a government agency will exercise its functions, powers and duties in relation to specified matters within the protocol area.

The Crown seeks your view on the proposed protocol areas for the individual iwi of Hauraki which overlap with your area of interest attached at **Appendix One**. We request your feedback in writing, whether that be confirming you support, no objection, specifying the outcome of any discussions you have with the iwi of Hauraki or identifying issues for discussion. Please provide your response by **14 March 2017**.

It is the Crown's preference groups engage directly if there are concerns with proposed redress and, where possible, resolve any issues arising themselves. I encourage you to engage directly with the negotiators for the iwi of Hauraki whose proposed protocols overlap with your area of interest. The relevant Hauraki iwi negotiators' contact details are attached at **Appendix Two**. The Crown acknowledges such discussions can be complex and should the need arise the Crown is able to assist in these discussions if the parties agree. The Office of Treaty Settlements is also available to meet with you during this process if necessary.

We recognise that sometimes all avenues of engagement are exhausted and matters remain unresolved between groups. In this event, as the Crown is ultimately responsible for the 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 iwi of Hauraki and other claimant groups.

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

Timeframe	Next steps
13 January 2017	The Office of Treaty Settlements (OTS) wrote to all overlapping groups advising of proposed redress and seeking a written response.
13 January - 31 January 2017	Hauraki iwi engages directly with overlapping groups. Groups provide information and views to OTS.
27 February 2017	The Office of Treaty Settlements (OTS) writes to all overlapping groups advising of proposed changes to the redress and seeking a written response.
27 February - 14 March 2017	Groups provide information and views to OTS. Hauraki iwi engage directly with overlapping groups.
17 March 2017	OTS reports to the Minister for Treaty of Waitangi Negotiations on overlapping claims engagement progress and seeks a preliminary decision, if required.
20 March 2017	The Minister writes to groups and Hauraki iwi either to confirm overlapping claims are closed, or to advise the outcome of his preliminary decision and to seek further information.
21 March - 4 April 2017	Where preliminary decisions have been made, overlapping groups and the iwi of Hauraki have the opportunity to engage directly and to provide further information and views to OTS.
7 April 2017	If required, OTS reports to the Minister to seek a final decision on overlapping claims.
10 April 2017	The Minister writes to inform groups of his final decision.

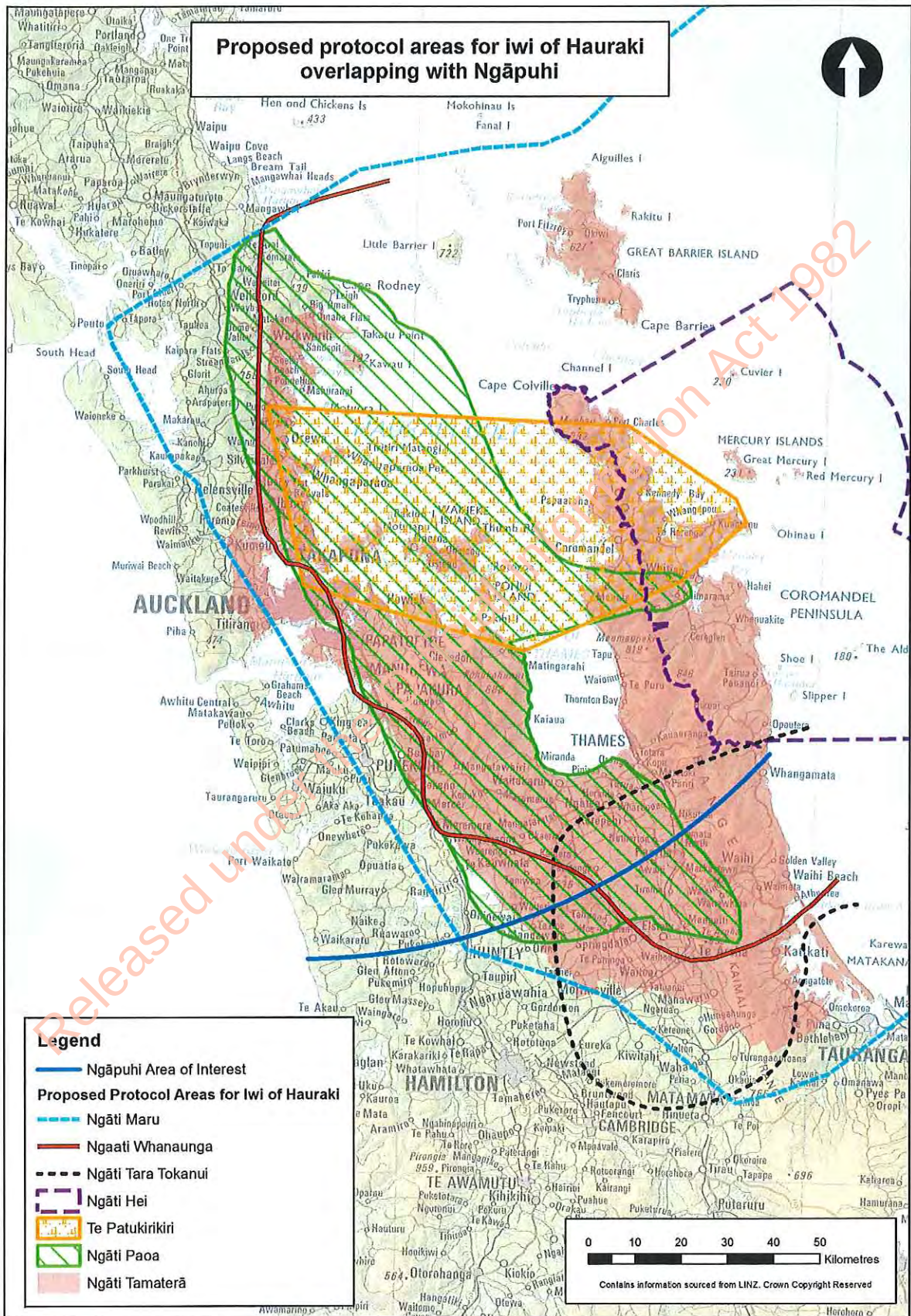
If you have questions regarding the overlapping claims process, or would like further information, please contact Ryan Bogardus at ryan.bogardus@justice.govt.nz or on 04 918 8727.

Nāku noa, nā

Leah Campbell

Deputy Director, Negotiations and Settlements

Appendix One



Appendix Two: Relevant Hauraki iwi negotiators' contact details

Hauraki iwi	Contact person and details	
Ngāti Hei	Joe Davis Negotiator [REDACTED]	Peter Johnston Negotiator [REDACTED]
Ngāti Maru	Paul Majurey Negotiator paul.majurey@ahmlaw.nz	Wati Ngamane Negotiator [REDACTED]
Ngāti Paoa	Hauāuru Rawiri Negotiator [REDACTED]	Morehu Rawiri Negotiator [REDACTED]
Ngāti Tamaterā	Liane Ngamane Negotiator [REDACTED]	John McEnteer Negotiator [REDACTED]
Ngāti Tara Tokanui	Amelia Williams Negotiator [REDACTED]	Russel Karu Negotiator [REDACTED]
Ngaati Whanaunga	Tipa Compain Negotiator [REDACTED]	Nathan Kennedy Negotiator [REDACTED]
Te Patukirikiri	William Peters Negotiator [REDACTED]	David Williams Negotiator [REDACTED]

1 March 2017

Hone Sadler
Chairman
Tuhoronuku Independent Mandated Authority

s9(2)(a)

By email: [REDACTED]

Tēnā koe

Treaty settlement negotiations with Ngaati Whanaunga: Overlapping claims

I am writing to update you on the Ngaati Whanaunga historical Treaty of Waitangi settlement negotiations.

The Ngaati Whanaunga negotiators have accepted the Crown's offer on behalf of Ngaati Whanaunga claimant community to settle their historical Treaty claims. The Crown and Ngaati Whanaunga are now working towards finalising a deed of settlement for initialling. The Crown offer of redress is made subject to the resolution of overlapping claims to the satisfaction of the Crown.

I attach for your information a summary of Crown redress mechanisms. Also attached are a summary of the redress offered to Ngaati Whanaunga and a map showing redress subject to overlapping claims.

If you wish to provide any comments on the redress offered prior to the initialling of the Ngaati Whanaunga deed of settlement, I would appreciate receiving those comments by **5.00 pm 15 March 2017**. Any issues raised in respect of the proposed redress for Ngaati Whanaunga must be resolved to the satisfaction of the Crown before the Ngaati Whanaunga deed of settlement can be initialled.

Once the Ngaati Whanaunga deed of settlement is initialled, the Ngaati Whanaunga Incorporated Society will seek their claimant community's views on the deed of settlement. Should the claimant community support the redress package offered by the Crown, the Crown and Ngaati Whanaunga will sign a deed of settlement. The settlement will be implemented through settlement legislation likely to occur in 2018.

It is the Crown's preference that groups engage directly if there are any concerns with proposed redress and, where possible, resolve any issues arising themselves. I therefore encourage you to engage directly with Ngaati Whanaunga. The Crown acknowledges such discussions can be complex and should the need arise the Crown is able to assist in these discussions if both parties agree. The Office of Treaty Settlements (OTS) is also available to meet with you during this process if necessary.

We recognise that sometimes all avenues of engagement are exhausted and matters remain unresolved between groups. In this event, as the Crown is ultimately responsible for the overall overlapping claims process, the Minister for Treaty of Waitangi Negotiations (the **Minister**) may be required to make a

decision. If this step becomes necessary, the Minister will take into account the feedback provided by Ngaati Whanaunga and overlapping claimant groups.

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

Timeframe	Next steps
1 March 2017	OTS writes to all overlapping groups advising of proposed redress and seeking a written response
1-15 March 2017	Ngaati Whanaunga engages directly with overlapping groups Groups provide information and views to OTS
17 March 2017	OTS reports to the Minister on the overlapping claims engagement progress and to seek a preliminary decision, if required 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 Ngaati Whanaunga
20 March 2017	The Minister writes to groups and Ngaati Whanaunga either to confirm that overlapping claims are closed or to advise the outcome of his preliminary decision and seek further information
20 -27 March 2017	Where preliminary decisions have been made, overlapping groups and the Hauraki Collective have the opportunity to engage directly and to provide further information and views to OTS
28 March 2017	If required, OTS reports to the Minister to seek a final decision on overlapping claims
30 March 2017	The Minister writes to inform groups of his final decision

If you have any queries please do not hesitate to contact me at Trina.Dyall@justice.govt.nz or on (04) 494 9871. Likewise, if you wish to speak with Ngaati Whanaunga about the redress directly, please contact Nathan Kennedy () or Tipa Compain ().

s9(2)(a)

Nāku noa, nā

Trina Dyall

Negotiations and Settlement Manager, Office of Treaty Settlements

Summary of Crown settlement redress mechanisms – definitions

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.
Deferred selection properties	The right of a claimant group to have the option to purchase specific Crown-owned properties for a specified period following settlement.
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	<p>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.</p> <p>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.</p>
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.
Settlement date properties	The right of a claimant group to purchase specific Crown-owned properties for transfer to that group on settlement date.



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

14 March 2016

Hone Sadler

Chairman

Tūhoronuku Independent Mandated Authority

s9(2)(a)

Tēnā koe

Ngāti Rāhiri Tumutumu: Taonga Tūturu and Primary Industries protocols area

I am writing to you further to my letter of 27 February 2017 regarding the Taonga Tūturu and Primary Industries protocols area. The letter noted the Crown had yet to receive a protocol area for Ngāti Rāhiri Tumutumu.

We have now received and confirmed a protocol area with Ngāti Rāhiri Tumutumu. It overlaps with your area of interest. A map showing the extent of the overlap between your area of interest and the Ngāti Rāhiri Tumutumu protocol area is **attached** to this letter.

The Crown seeks your view on the proposed protocol area for Ngāti Rāhiri Tumutumu. We request your feedback in writing, whether that be confirming your support, no objection, specifying the outcome of any discussions you have with Ngāti Rāhiri Tumutumu or identifying issues for discussion. Please provide your response by **24 March 2017**.

It is the Crown's preference groups engage directly if there are concerns with proposed redress and, where possible, resolve any issues arising themselves. I encourage you to engage directly with the negotiators for Ngāti Rāhiri Tumutumu. The negotiators' contact details are also **attached** to this letter. The Crown acknowledges such discussions can be complex and should the need arise the Crown is able to assist in these discussions if the parties agree. The Office of Treaty Settlements is also available to meet with you during this process if necessary.

We recognise that sometimes all avenues of engagement are exhausted and matters remain unresolved between groups. In this event, as the Crown is ultimately responsible for the 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 Ngāti Rāhiri Tumutumu and other claimant groups.

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

Timeframe	Next steps
27 February 2017	OTS writes to all overlapping groups advising of proposed changes to the redress and seeking a written response. A letter sent on this date stated the protocols area for Ngāti Rāhiri Tumutumu had not been provided yet and that a comment would be sought at a later time.
14 - 24 March 2017	This letter today asks for a response on the Ngāti Rāhiri Tumutumu protocols

Timeframe	Next steps
	area. Groups provide information and views to OTS. Overlapping groups engage directly.
28 March 2017	OTS reports to the Minister for Treaty of Waitangi Negotiations on overlapping claims engagement progress and seeks a preliminary decision, if required.
31 March 2017	The Minister writes to groups and Ngāti Rāhiri Tumutumu either to confirm overlapping claims are closed, or to advise the outcome of his preliminary decision and to seek further information.
31 March – 7 April 2017	Where preliminary decisions have been made, overlapping groups and Ngāti Rāhiri Tumutumu have the opportunity to engage directly and to provide further information and views to OTS.
11 April 2017	If required, OTS reports to the Minister to seek a final decision on overlapping claims.
14 April 2017	The Minister writes to inform groups of his final decision.

If you have questions regarding the overlapping claims process, or would like further information about any of the proposed redress for Ngāti Rāhiri Tumutumu, please contact Nat Newton, Analyst, at nathaniel.newton@justice.govt.nz or on 04 918 8723.

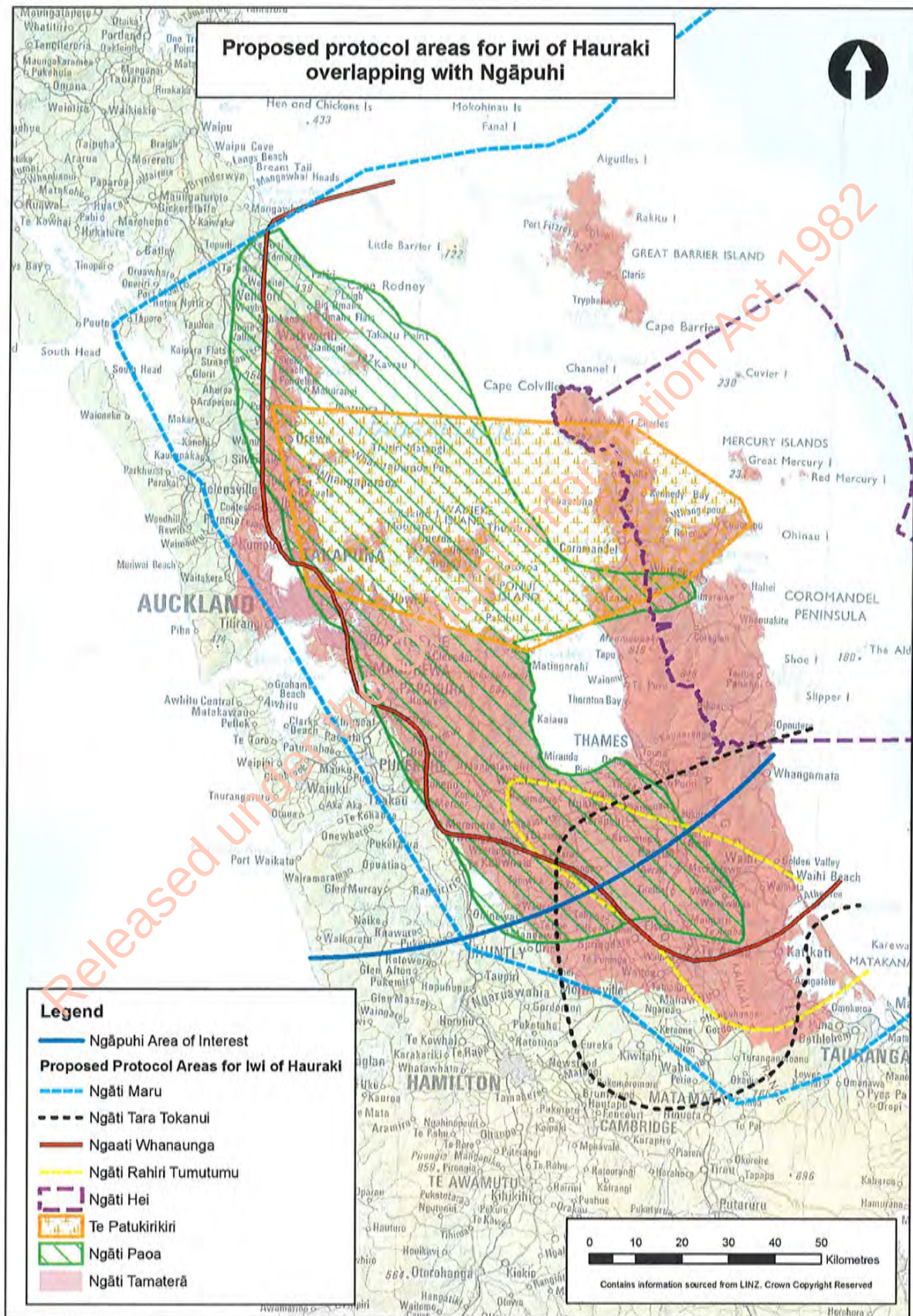
Nāku noa, nā

Leah Campbell

Regional Director, Te Waenga

cc: Nicki Scott, Negotiator, Ngāti Rāhiri Tumutumu
Jill Taylor, Negotiator, Ngāti Rāhiri Tumutumu
Janelle Beazley, Project Manager, Tūhoronuku Independent Mandated Authority

Proposed Ngāti Rāhiri Tumutumu protocols area overlapping with Ngāpuhi



Ngāti Rāhiri Tumutumu negotiators' contact details

Name	Email
Nicki Scott	[REDACTED]
Jill Taylor	[REDACTED]

S9(2)(a)

Released under the Official Information Act 1982

s9(2)(a)

From: [Janelle Beazley](#)
To: [Newton, Nathaniel](#)
Cc: [REDACTED]; [Campbell, Leah](#); [Dyall, Trina](#); [Hampton, Andrew](#); [Bogardus, Ryan](#)
Subject: Re: Ngāti Rāhiri Tumutumu: Taonga Tūturu and Primary Industries protocols area
Date: Wednesday, 22 March 2017 11:35:50 am
Attachments: [image001.jpg](#)

Tena koe e Nathaniel

I have been advised to reply and to advise that Tuhoronuku Independent Mandated Authority (TIMA) does not agree with the proposed overlap. We will further discussions regarding these areas directly with Ngati Rahiri Tumutumu.

Nga Mihi
Janelle Beazley
Interim Project Manager
Tuhoronuku Independent Mandated Authority (TIMA)

On Tuesday, 14 March 2017 5:17 PM, "Newton, Nathaniel" <Nathaniel.Newton@justice.govt.nz> wrote:

Tēnā koe,

On behalf of Leah Campbell, Regional Director, Te Waenga, please see **attached** correspondence regarding Ngāti Rāhiri Tumutumu: Taonga Tūturu and Primary Industries protocols area.

Ngā mihi,
Nat



Nat Newton | Kaitātari (Analyst) | Office of Treaty Settlements
DDI: +64 04 918 8723 | Ext: 58723 | www.justice.govt.nz
Te Tari Whakatau Take e pa ana ki te Tiriti o Waitangi



Whakaarotia a Papatūānuku i mua i tō tānga i te Īmēra nei

Confidentiality notice:

This email may contain information that is confidential or legally privileged. If you have received it by mistake, please:

- (1) reply promptly to that effect, and remove this email and the reply from your system;
- (2) do not act on this email in any other way.

Thank you.

From: [Cross, Matthew](#) s9(2)(a)
To: [REDACTED] [Tipa Compain](#) [REDACTED]
Cc: [Dyall, Trina](#); [Campbell, Leah](#); [Barker, Rick](#)
Subject: Overlapping claims update
Date: Wednesday, 22 March 2017 2:37:00 pm
Attachments: [image001.jpg](#)
[RE Overlapping claims.msg](#)

Kia ora kōrua

s9(2)(a)

We have received some further overlapping claims feedback. Janelle Beazley [REDACTED] has written to advise us that Tuhoronuku does not agree with the overlapped area and seek further discussion regarding the overlapped area.

Can you please add Ngā Puhi to the iwi you are to communicate with, in addition to Ngāti Manuhiri and Ngātiwai.

Do you have any update on your engagement with these groups?



Matthew Cross

Kaitātari - Analyst | Te Tari Whakatau Take e Pa Ana ki te Tiriti o
Waitangi - Office of Treaty Settlements
DDI: 04 978 7003 | Ext 45003
www.justice.govt.nz

Released under the Official Information Act 1982

From: [Newton, Nathaniel](#) s9(2)(a)
To: [Janelle Beazley](#)
Cc: [REDACTED]; [Campbell, Leah](#); [Dyall, Trina](#); [Hampton, Andrew](#); [Bogardus, Ryan](#)
Subject: RE: Ngāti Rāhiri Tumutumu: Taonga Tūturu and Primary Industries protocols area
Date: Wednesday, 29 March 2017 10:10:08 am
Attachments: [image001.jpg](#)

Kia ora Janelle,

Thank you for your email and the information. Please excuse my delayed reply, I have been off sick and on leave.

Ngā mihi,
 Nat

From: Janelle Beazley [REDACTED] s9(2)(a)
Sent: Wednesday, 22 March 2017 11:29 a.m.
To: Newton, Nathaniel
Cc: [REDACTED]; Campbell, Leah; Dyall, Trina; Hampton, Andrew; Bogardus, Ryan
Subject: Re: Ngāti Rāhiri Tumutumu: Taonga Tūturu and Primary Industries protocols area

Tena koe e Nathaniel

I have been advised to reply and to advise that Tuhoronuku Independent Mandated Authority (TIMA) does not agree with the proposed overlap. We will further discussions regarding these areas directly with Ngati Rahiri Tumutumu.

Nga Mihi
 Janelle Beazley
 Interim Project Manager
 Tuhoronuku Independent Mandated Authority (TIMA)

On Tuesday, 14 March 2017 5:17 PM, "Newton, Nathaniel" <Nathaniel.Newton@justice.govt.nz> wrote:

Tēnā koe,

On behalf of Leah Campbell, Regional Director, Te Waenga, please see **attached** correspondence regarding Ngāti Rāhiri Tumutumu: Taonga Tūturu and Primary Industries protocols area.

Ngā mihi,
 Nat



Nat Newton | Kaitātari (Analyst) | Office of Treaty Settlements
 DDI: +64 04 918 8723 | Ext: 58723 |
www.justice.govt.nz
 Te Tari Whakatau Take e pa ana ki te Tiriti o Waitangi



Whakaarotia a Papatūānuku i mua i tō tānga i te Īmēra nei

Confidentiality notice:

This email may contain information that is confidential or legally privileged. If you have received it by mistake, please:

- (1) reply promptly to that effect, and remove this email and the reply from your system;
- (2) do not act on this email in any other way.

Thank you.

Released under the Official Information Act 1982

Minister for Treaty of Waitangi Negotiations

Subject **Hauraki – Overlapping claims consultation with Ngāpuhi**

Date 29 June 2017

Priority: High

Report No. OTS: 2017/2018 - 11

File ref: CLA-N100-OF-03

Action sought

**Minister for Treaty of
Waitangi Negotiations**
(Hon Christopher Finlayson)

Agree a proposed engagement process with Ngāpuhi
in relation to remaining Hauraki settlement
overlapping claims decisions.

By 4 July 2017

Contact for phone discussion (if required)

Name	Position	Phone	1 st Contact
Lil Anderson	Director, Office of Treaty Settlements	04 913 8732	021 387 047
Leah Campbell	Regional Director	04 913 9202	027 836 0532
Leigh McNicholl	Negotiation and Settlement Manager	04 494 9703	

Overlapping claims consultation with Ngāpuhi

Purpose

1. We seek your agreement to a proposed engagement process with Ngāpuhi in relation to remaining Hauraki settlement overlapping claims decisions.

Background

Engagement with Ngāpuhi

2. The Crown has suspended Treaty settlement negotiations with Ngāpuhi to give Ngāpuhi time to resolve internal differences.
3. You have directed that the Office of Treaty Settlement should not engage with Ngāpuhi representatives on matters related to Treaty settlements, including overlapping claims, unless you have approved the proposed interaction.

Hauraki overlapping claims

4. Some of the Hauraki settlements require either the completion of existing overlapping claims consultation with Ngāpuhi or the commencement of such consultation. Hauraki negotiations involving Ngāpuhi consultation, in order of closest milestones, are as follows:

Settlement	Milestone	Date	Matter requiring consultation with Ngāpuhi	Preliminary or final decision	Date for decision
Hauraki Collective	Deed signing	22 July	Area over which Fisheries quota RFR will apply (non-exclusive redress)	Final	4 July
Ngai Tai ki Tamaki	Bill introduction	Early August	Primary Industries Protocol areas (non-exclusive)	Final	Mid-July
Ngaati Whanaunga, Ngāti Rahiri Tumutumu	Deed initialling	July	Primary Industries and Taonga Tuturu Protocol areas (non-exclusive)	Preliminary	4 July
Ngati Maru, Ngāti Tamaterā, Ngāti Paoa	Deed initialling	Late July/Early August	Primary Industries and Taonga Tuturu Protocols areas (non-exclusive)	Preliminary	4 July
Marutūāhu Collective	Deed initialling	July	School sites - deferred selection--consultation required if substitutions sought to existing list (exclusive)	Preliminary	TBC
Hako	Deed initialling	TBC	Statement of association and (possibly) area of interest map (non-exclusive), commercial redress properties (exclusive)	Final	TBC

5. **Attachment 1** is a detailed table showing the status of engagement with Ngāpuhi on Hauraki settlements.

Proposal to continued overlapping claims consultation with Ngāpuhi

6. We recommend the overlapping claims process with Ngāpuhi, including your final decisions on overlapping claims, should continue. Should the Hauraki settlements continue to their milestones without consultation with affected Ngāpuhi groups, or without existing overlapping claims consultation processes being completed, there is a risk the affected groups will seek an urgent hearing in the Waitangi Tribunal on the grounds Crown processes have not been Treaty compliant.
7. The overlapping claims area in the Hauraki settlements affecting Ngāpuhi interests is Tāmaki Makaurau. Ngāpuhi have long asserted they have interests in Tāmaki Makaurau and the Mahurangi area and that they expect those interests to be acknowledged in their own Treaty settlement. Our preliminary view is any Ngāpuhi interests in Tāmaki Makaurau and Mahurangi will be lesser than those of Hauraki. The Tūhoronuku Independent Mandated Authority (TIMA), which has previously been the contact point for overlapping claims with Hauraki, has, however, been accommodating of other iwi with interests in the area and not contested proposed redress. ✓
8. We note the majority of redress potentially at issue is non-exclusive redress, that is, redress provided to Hauraki will not prevent Ngāpuhi obtaining the same redress in the same area (subject to their own overlapping claims processes).

Process for consultation

9. The Crown's approach must be to strike a balance between fair consultation with Ngāpuhi on their interests and fairness to Hauraki in progressing their settlements with their acknowledged greater interests in the relevant areas. We seek to minimise the risk of a member of Ngāpuhi asserting the Crown has not consulted sufficiently in relation to their interests.
10. Previous consultation has been with TIMA as the mandated entity for Ngāpuhi. The Waitangi Tribunal found the Crown, in recognising the mandate of the TIMA to represent all Ngāpuhi, failed to protect the rangatiratanga of Ngāpuhi hapū. Subsequently TIMA has declined to implement the changes to its mandate recommended in Maranga Mai [OTS Report 2016/17 – 654 refers].
11. Our view is that remaining consultation should where appropriate also seek the input of Te Kotahitanga.
12. This is, firstly, because the large and complex nature of Ngāpuhi means consultation with a single Ngāpuhi entity on all overlapping claims carries litigation risk. In light of the current issues between Ngāpuhi groups, not consulting Te Kotahitanga increases the chance of litigation by a Ngāpuhi claimant in relation to the Hauraki settlements. Consultation with a single entity is unlikely to be regarded by the Waitangi Tribunal as adequate. This is particularly the case given the Tribunal's strong comments in the Ngāpuhi Mandate Inquiry Report that the Crown must take into account the hapū-centric nature of Ngāpuhi.
13. It is, secondly, because of the contested status within Ngāpuhi of TIMA as the Ngāpuhi representative for Treaty settlement matters. The Crown has asked Ngāpuhi leaders to resolve their mandate issues and return to the Crown with a united approach. Consulting

solely with TIMA risks giving TIMA the impression that even with mandate issues unresolved the Crown continues to view TIMA as the sole Ngāpuhi representative in Treaty settlement matters. This may reduce the incentive for TIMA to engage with other Ngāpuhi groups to resolve mandate concerns.

14. However, moving to consultation with individual Ngāpuhi Wai claimants, or attempting to engage on a hapū by hapū basis, would be a lengthy process that would likely mean Hauraki milestones cannot be met. Our view is an appropriate process is to engage Te Kotahitanga as well as TIMA on overlapping claims. These two groups between them represent a majority of Ngāpuhi. This approach balances the need to obtain Ngāpuhi input with the need to progress Hauraki settlements. We also consider it is appropriate to take this approach given the redress the subject of decisions required in the short term is non-exclusive redress, meaning Ngāpuhi interests in the same area can still be recognised.

Hauraki Collective – Final decision on area over which fisheries quota RFR will apply

15. The final decision on the area over which the Hauraki Collective fisheries quota RFR will apply will be sought on 4 July to meet the proposed Hauraki Collective deed of settlement signing on 22 July 2017. TIMA has accepted the proposed Hauraki fisheries quota RFR area, the northernmost boundary of which is Te Arai point, the same boundary as per the coastline agreements previously reached under the Māori Fisheries Act 2004 (MFA).
16. Given the proposed Hauraki redress mirrors the MFA coastline agreement areas our view is the final decision letter to Te Kotahitanga on this matter should be an "inform", that is, their comment is not sought prior to the making of the decision.

Proposed process for consultation with Ngāpuhi

17. Our view is that, other than for the Hauraki Collective fisheries quota RFR area discussed above, the following process should be undertaken for future consultation with Ngāpuhi on Hauraki settlements redress:

Status of consultation	Consultation process
Final decision - TIMA have been consulted and have stated they do not object.	TIMA to be advised of final decision. Te Kotahitanga to be advised of final decision and given opportunity to comment.
Final decision - TIMA have been consulted and have raised concerns or have not responded.	TIMA to be advised of final decision. Te Kotahitanga to be advised of final decision and given opportunity to comment.
Preliminary decision – TIMA have been consulted and have stated they do not object.	TIMA advised of decisions Te Kotahitanga to be advised in detail of redress and given opportunity to comment.
Preliminary decision - TIMA have been consulted and have raised concerns or have not responded.	Final opportunity given to TIMA to comment Te Kotahitanga to be advised in detail of redress and given opportunity to comment.

Litigation risk

18. Given that some of the decisions on Hauraki redress need to be made in early July, this necessarily constrains the opportunity for feedback, particularly for Te Kotahitanga who have not previously been consulted on Hauraki redress. This may cause concern from Te Kotahitanga. There may also be concerns expressed from individual Wai claimants or from individual hapū or hapū groupings that they should have been consulted. There is some risk that urgent Tribunal hearings may be sought on the basis that the appropriate groups were not consulted or (in the case of Te Kotahitanga) not enough time was given for consultation. However our view is that given –

- a. the redress requiring imminent decision is non-exclusive;
- b. Hauraki have proven interests in the relevant areas and the proposed redress is commensurate with these interests; and
- c. TIMA and Te Kotahitanga between them may be regarded in this context as sufficiently representative of Ngāpuhi –

the proposed process strikes an appropriate balance between fairness to Ngāpuhi in opportunity to comment and fairness to Hauraki in progressing their settlements.

Consultation

19. Crown Law has been consulted in the preparation of this report.

Next steps

20. The Office of Treaty Settlements will carry out overlapping claims consultation with TIMA and Te Kotahitanga.

Recommendations

21. It is recommended you:

- a. **note** your preliminary or final decisions on overlapping claims in relation to some non-exclusive Hauraki redress will be sought in July and August;
- b. **agree** consultation should continue with Ngāpuhi on overlapping claims in relation to the Hauraki settlements; YES / NO ~~YES~~
- c. **agree** Te Kotahitanga should be consulted on overlapping claims in addition to the Tūhoronuku Independent Mandated Authority; YES / NO ~~YES~~
- d. **note** the final decision on the area over which the Hauraki Collective fisheries quota RFR will apply will be sought on 4 July to meet the scheduled Hauraki Collective deed of settlement signing on 22 July 2017
- e. **agree** given the proposed Hauraki fisheries quota RFR area is the same as that agreed under existing Māori Fisheries Act 2004 coastline agreements and Tūhoronuku IMA has already agreed to the area, the final decision letter to Te Kotahitanga on this matter should simply inform them of the decision; YES / NO ~~YES~~
- f. **agree** the following engagement process with Ngāpuhi in relation to remaining Hauraki settlement overlapping claims decisions (other than for YES / NO ~~YES~~

the Hauraki Collective fisheries quota RFR area):

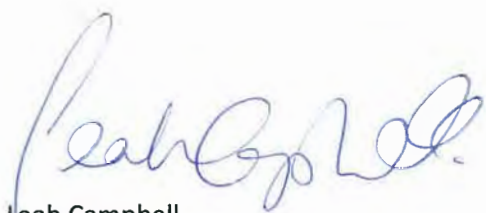
Status of consultation	Consultation process
Final decision - TIMA have been consulted and have stated they do not object.	TIMA to be advised of final decision. Te Kotahitanga to be advised of final decision and given opportunity to comment.
Final decision - TIMA have been consulted and have raised concerns or have not responded.	TIMA to be advised of final decision. Te Kotahitanga to be advised of final decision and given opportunity to comment.
Preliminary decisions - TIMA have been consulted and have stated they do not object.	TIMA advised of decisions Te Kotahitanga to be advised in detail of redress and given opportunity to comment.
Preliminary decision - TIMA have been consulted and have raised concerns or have not responded.	Final opportunity given to TIMA to comment Te Kotahitanga to be advised in detail of redress and given opportunity to comment.

g. agree that given -

YES / ~~NO~~

- i. the redress requiring imminent decision is non-exclusive;
- ii. Hauraki have proven interests in the relevant areas and the proposed redress is commensurate with these interests; and
- iii. TIMA and Te Kotahitanga between them may be regarded in this context as sufficiently representative of Ngāpuhi –

the proposed process strikes an appropriate balance between fairness to Ngāpuhi in opportunity to comment and fairness to Hauraki in progressing their settlements.



Leah Campbell
Regional Director

~~NOTED~~ / ~~APPROVED~~ / ~~NOT APPROVED~~



Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

Date: 4 / 7 / 2017

Released under the Official Information Act 1982



PART OF THE MINISTRY OF JUSTICE

Minister for Treaty of Waitangi Negotiations

Hauraki: Preliminary decisions on overlapping claims relating to iwi-specific protocol areas

Date	11 July 2017	Priority:	High
Report No. OTS:	2017/2018 – 46	File ref:	CLA-N100-OF-03

Action sought

Minister for Treaty of Waitangi Negotiations (Hon Christopher Finlayson)	Agree to make preliminary decisions on overlapping claims regarding the protocol areas of five Hauraki iwi; and Sign the attached letters to Hauraki iwi and overlapping groups advising them of your decisions.	By 12 July 2017
--	---	-----------------

Contact for phone discussion (if required)

Name	Position	Phone		1 st Contact
Leah Campbell	Regional Director, Te Waenga	04 913 9202	027 839 0532	✓
Tessa Buchanan	Negotiation and Settlement Manager	04 494 4924		
Jonathan West	Senior Analyst	04 466 4152		

Hauraki: Preliminary decisions on overlapping claims relating to iwi-specific protocol areas

Purpose

1. This briefing updates you on overlapping claims engagement relating to the proposed Hauraki iwi protocol areas with the Ministry of Culture and Heritage and Ministry of Primary Industries (the **taonga tuturu** and **Primary Industries protocol areas**). It recommends you make preliminary decisions to:
 - a. maintain the protocol areas for Ngāti Rahiri Tumutumu; and
 - b. [REDACTED]

Executive Summary

Background

2. The Pare Hauraki Collective Redress Deed initialled on 22 December 2016 included provision for iwi-specific Taonga Tūturu and Primary Industries protocol redress to each of the 12 Hauraki iwi.
3. At this time it was proposed that there be a Protocol Area for all Hauraki iwi, attached at **Appendix One**. This collective area was included in the signed Deeds of Settlement with Ngāi Tai ki Tāmaki and Ngāti Pūkenga.
4. However, overlapping iwi feedback subsequently pointed out individual Hauraki iwi areas of interest differ significantly, such that a collective protocol area was inappropriate. We therefore proposed to Hauraki iwi, [REDACTED] that their protocols should reflect their individual areas of interest.
5. Progress on negotiating the 12 Hauraki iwi protocol areas is as follows:
 - a. Hako and Ngāti Porou ki Hauraki have not finalised a proposed protocol area therefore feedback has not yet been sought from overlapping groups;
 - b. [REDACTED]
 - c. [REDACTED]; and
 - d. We have sought and received overlapping iwi feedback on the proposed protocol areas for eight Hauraki iwi: Ngāti Hei, Ngāti Tara Tokanui, Ngāti Rāhiri Tumutumu, Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, Ngaati Whanaunga, and Te Patukirikiri. Their proposed protocol areas are attached as **Appendix Two**.

Overlapping iwi feedback

6. Feedback from overlapping iwi is attached at **Appendix Three**. Overlapping iwi have objected to protocol redress in the following regions:

- a. Mahurangi and Kaipara, including Aotea [REDACTED];
- b. Tāmaki Makaurau, including Manukau Harbour [REDACTED];
- c. [REDACTED]; and
- d. [REDACTED]

7. [REDACTED]
8. [REDACTED]

Preliminary decisions sought

9. We have discussed with Hauraki iwi the overlapping iwi feedback on their proposed protocol areas. [REDACTED]
10. Ngāti Rāhiri Tumutumu have decided to restrict their taonga tuturu protocol area to their core interests around Te Aroha, but propose a more expansive Primary Industries protocol area. We consider Ngāti Rāhiri Tumutumu have interests covering their revised protocol areas, and recommend you make a preliminary overlapping claims decision to maintain these.
11. [REDACTED]
12. The revised protocol areas for Ngāti Rahiri Tumutumu [REDACTED] are attached at **Appendix Four**.
13. [REDACTED]
- a. [REDACTED]
- b. [REDACTED]

c.

d.

14.

Risks and mitigation

15.

16.

Next steps

17. We propose you write to affected groups advising them of your preliminary decisions and encouraging all groups to engage. Overlapping iwi are asked to provide information by 21 July, after which we will seek your final decision in relation to the protocol areas. Should you agree with this approach, timeframes for the proposed next steps are:

Step	Action	Timing
1	Communicate your preliminary decisions to overlapping groups	By 12 July 2017
2	Receive iwi submissions on preliminary decisions	By 26 July 2017
3	Report to you on final decisions, as required	By 27 July 2017
4	Communicate final decisions to iwi, as required	By 31 July 2017

18. Letters are attached at **Appendix Six** for your signature to overlapping iwi.

Recommendations

19. It is recommended you:

a. **note** the Pare Hauraki Collective Redress Deed initialled on 22 December 2016 included provision for iwi-specific Taonga Tūturu and Primary Industries protocol redress which was to relate to the single collective Protocol Area included in the Deeds of Settlement signed by Ngāi Tai ki Tāmaki and Ngati Pūkenga, attached at **Appendix One**;

b. **note** officials and Hauraki iwi subsequently agreed the areas to which the protocol redress should apply are the individual Hauraki iwi areas of interest, and we wrote to overlapping iwi regarding the protocol areas attached at **Appendix Two**;

c. **note** overlapping iwi provided feedback, attached at **Appendix Three**, on protocol areas for Ngāti Maru, Ngāi Tai ki Tamaki, Ngāti Paoa, Ngāti Tamaterā, Ngaati Whanaunga, Te Patukirikiri, Ngāti Rāhiri Tumutumu and Ngāti Tara Tokanui;

d.

[REDACTED]

e.

[REDACTED]

f. **note** officials have assessed the overlapping iwi feedback and discussed this with Hauraki iwi;

g.

[REDACTED]

h. **agree** to make a preliminary overlapping claims decision to maintain the revised protocol areas for Ngāti Rāhiri Tumutumu;

YES / NO

i.

[REDACTED]

j.

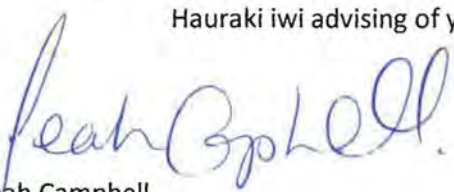
[REDACTED];

k.

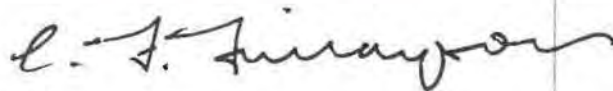
[REDACTED]

YES / NO

- I. sign the letters attached at **Appendix Six** to overlapping iwi and YES / ~~NO~~
Hauraki iwi advising of your preliminary decisions.


Leah Campbell
Regional Director, Te Waenga

~~NOTED~~ / ~~APPROVED~~ / ~~NOT APPROVED~~



Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

Date: 12 / 7 / 2017

Released under the Official Information Act 1982

Background

20. On 22 December 2016 the Crown and the Hauraki Collective initialled the Pare Hauraki Collective Redress Deed (the **Collective Redress Deed**). The Crown and the Hauraki Collective have negotiated the provision of iwi-specific Taonga Tūturu and Primary Industries protocol redress for each of the Hauraki iwi.
21. The Collective Redress Deed provided this iwi-specific redress was to relate to the single collective protocol area already included in the Deeds of Settlement signed by Ngāi Tai ki Tāmaki and Ngāti Pūkenga. The proposed collective protocol area is attached at **Appendix One**.
22. Protocol redress is standard non-exclusive redress that sets out how the relevant Minister and Chief Executive will interact with the iwi governance entity within the protocol area.
23. The Taonga Tūturu protocol specifically involves: discussion of proposed policy or operational changes; notification of Ministerial appointment to Boards; and engagement on proposed national monuments, war graves, historic graves and history publications. Importantly, they also provides for mechanisms through which iwi can claim ownership of found taonga within their protocol area.
24. The Primary Industries protocol specifies how the Minister and Director-General for the Ministry for Primary Industries will establish and maintain an enduring relationship with the iwi governance entity. The protocol applies to agriculture, forestry, fisheries, biosecurity and food safety within the protocol area. It does not cover the allocation of aquaculture space, fisheries assets or Crown forestry assets. In addition, the individual Hauraki areas of interest combine to define the scope of the Pare Hauraki collective advisory committee which may advise the Minister on “any matter relating to the sustainable utilisation of fisheries resources managed under the Fisheries Act 1996, in a place where an Iwi of Hauraki has an interest.”

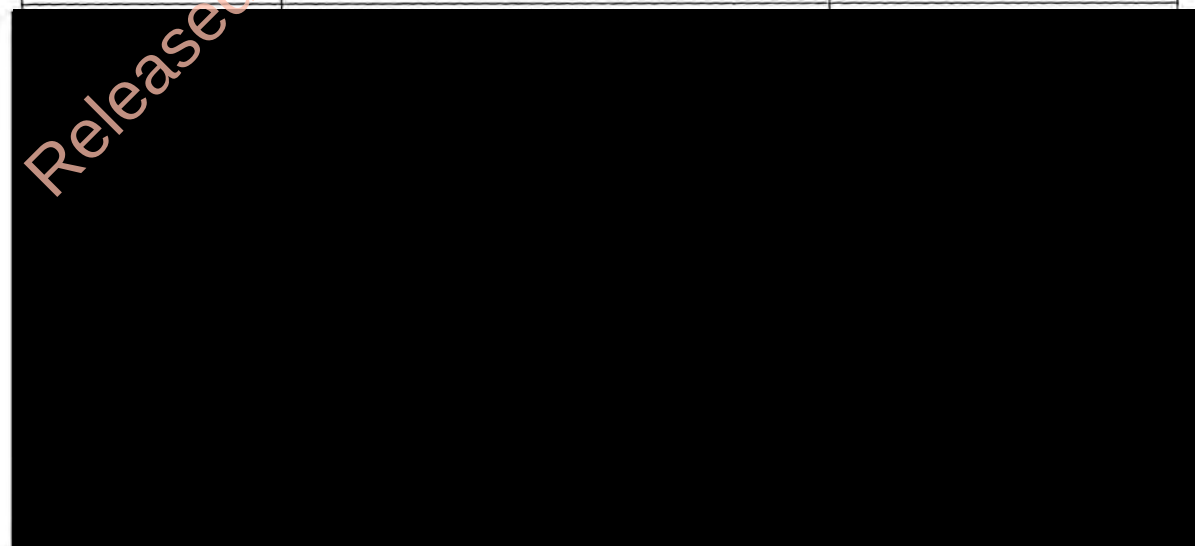
Overlapping claims relating to the protocol areas

25. On 18 January the Office of Treaty Settlements (OTS) wrote to 18 overlapping groups seeking their views on the proposed collective protocol area which was to relate to all the Hauraki iwi-specific protocols.
26. Feedback from overlapping groups highlighted that Hauraki iwi areas of interest differ significantly, such that a collective protocol area was inappropriate. We therefore revised the approach and agreed with Hauraki iwi, [REDACTED] that their protocols should reflect each Hauraki iwi’s area of interest.
27. On 27 February we wrote to overlapping groups again, advising of our revised approach, and seeking their feedback on the proposed protocol areas for individual Hauraki iwi.
28. Progress to date on the negotiation of 12 Hauraki iwi-specific areas of interest for protocol redress is set out in **Table 1** below:

out of scope

Table 1: Progress on Hauraki iwi-specific protocol areas

Iwi	Status	Next step
Released under the Official Information Act 1982		
Ngāti Rahiri Tumutumu	Iwi have significantly revised their protocol area in response to overlapping iwi feedback, and instead sought a smaller Taonga Tūturu protocol area around their core interests at Te Aroha, and a more expansive Primary Industries protocol area to maintain a connection to the coast	Preliminary decision sought to agree to both revised protocol areas



out of scope

Iwi	Status	Next step
-----	--------	-----------



Overlapping iwi feedback on proposed iwi-specific protocol areas

29. OTS wrote to overlapping iwi on 27 February 2017 seeking feedback on the proposed protocol areas for Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, Ngaati Whanaunga, Te Patukirikiri, Ngāti Hei and Ngāti Tara Tokanui. We also wrote to overlapping iwi on 14 March 2017 seeking feedback on the proposed protocol area for Ngāti Rāhiri Tumutumu. These proposed protocol areas are attached at **Appendix Two**.
30. We received feedback on eight Hauraki iwi-specific protocol areas from Ngāpuhi [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Their feedback is attached at **Appendix Three**.
31. [REDACTED]
[REDACTED]

out of scope

32. [REDACTED]
33. [REDACTED]
34. However, overlapping iwi raised a range of objections to the other Hauraki iwi proposed protocol areas. Their feedback included a range of objections to the size of the protocol areas where they overlap with their areas of interest. The feedback also included objections to other redress offered to Hauraki iwi and the Crown's approach to overlapping claims.

General framework for considering redress opportunities and overlapping groups

35. There are a number of considerations the Crown takes into account when providing redress opportunities to overlapping groups including the need to:
- a. achieve a fair and appropriate settlement; and
 - b. maintain its ability to provide appropriate redress to claimant groups who have yet to enter negotiations.
36. The resolution of overlapping claims does not require the complete removal of any dispute or overlapping claim. The Crown must be satisfied that the overlapping issues have been resolved to a point that the redress may proceed. The Crown prefers that overlapping claims in relation to specific items of redress are resolved by mutual agreement between claimant groups. Where there are overlapping claims, the Crown considers offers of non-exclusive redress, such as protocol redress, are a way to recognise and accommodate the interests of the different groups.
37. The Crown's provision of redress is not based on determining who has mana whenua or mana moana, but on assessing historical interests of the settling groups, groups yet to settle and groups with overlapping interests, and all other relevant factors, including the fiscal and policy parameters for achieving Treaty settlements.
38. A key consideration is whether the iwi of Hauraki have historical interests over an area appropriate to offering protocol redress. The other consideration is the overlapping groups' own interests and views, and any other additional factors relevant to the provision of Treaty settlement redress.

A threshold interest for protocol redress and areas of interest

39. Overlapping iwi have often contested areas of interest, and this has in some cases resulted in significant changes, for example to the Ngāti Tūwharetoa area of interest [OTS Report 2015/2016 – 795 refers]. However, this has typically been agreed between iwi and has not required Ministerial decisions. In this case, however, some Hauraki iwi have been reluctant to engage with overlapping iwi to discuss their concerns, and we consider Ministerial decisions are required.
40. Crown policy is that areas of interest do not represent exclusive claim areas or areas of exclusive interest, and are not tribal boundaries. Protocol redress is also non-exclusive

redress, and provides for participation in processes only. Nevertheless, given protocols are a form of cultural redress, the Crown must consider a cultural interest exists sufficient to offer protocol redress.

41. As Crown policy for redress over Crown Forest Lands notes, there are many ways that interests may be demonstrated. If a claimant group was awarded land by the Native Land Court, it is very likely that a threshold interest has been demonstrated. A likely indicator is also that a claim was made to the Native Land Court for land, whether or not an award was made to that group. It is also possible that a threshold interest can be demonstrated in other ways, even if a group did not make a claim to the Native Land Court.
42. OTS has deliberately set a low bar at the "threshold" level because we want to make sure we have thought about and reviewed evidence for all groups who may be able to make some level of claim to association.

43. [REDACTED]

out of scope

Analysis of overlapping iwi feedback: concerns raised and officials' advice

Ngāpuhi

Concerns raised

44. On 22 March Tūhoronuku Independent Mandated Authority wrote to OTS advising they opposed the overlap with the Ngāti Rāhiri Tumutumu protocol area, and stating they would engage with Ngāti Rāhiri Tumutumu directly.

Officials' advice

45. We have not heard anything further from Ngāpuhi or Ngāti Rāhiri Tumutumu as to the outcome of their engagement, if any. Ngāti Rāhiri Tumutumu have agreed to revise their protocol areas, and we consider these areas are consistent with their interests.
46. As per the agreed approach to engaging with Ngāpuhi in relation to remaining Hauraki settlement overlapping claims decisions, we attach letters for your signature to Tūhoronuku Independent Mandated Authority and Kotahitanga, so that they can each provide feedback on the Hauraki protocol areas in advance of any final decisions [OTS Report 2017/2018- 11 refers].

¹ For example Waitangi Tribunal, *Te Whanganui a Tara me ona Takiwa: Report on the Wellington District*, p.33; also *The Kaipara Report*, p.44.

Appendix One: Original Hauraki Collective protocol area (now superseded)

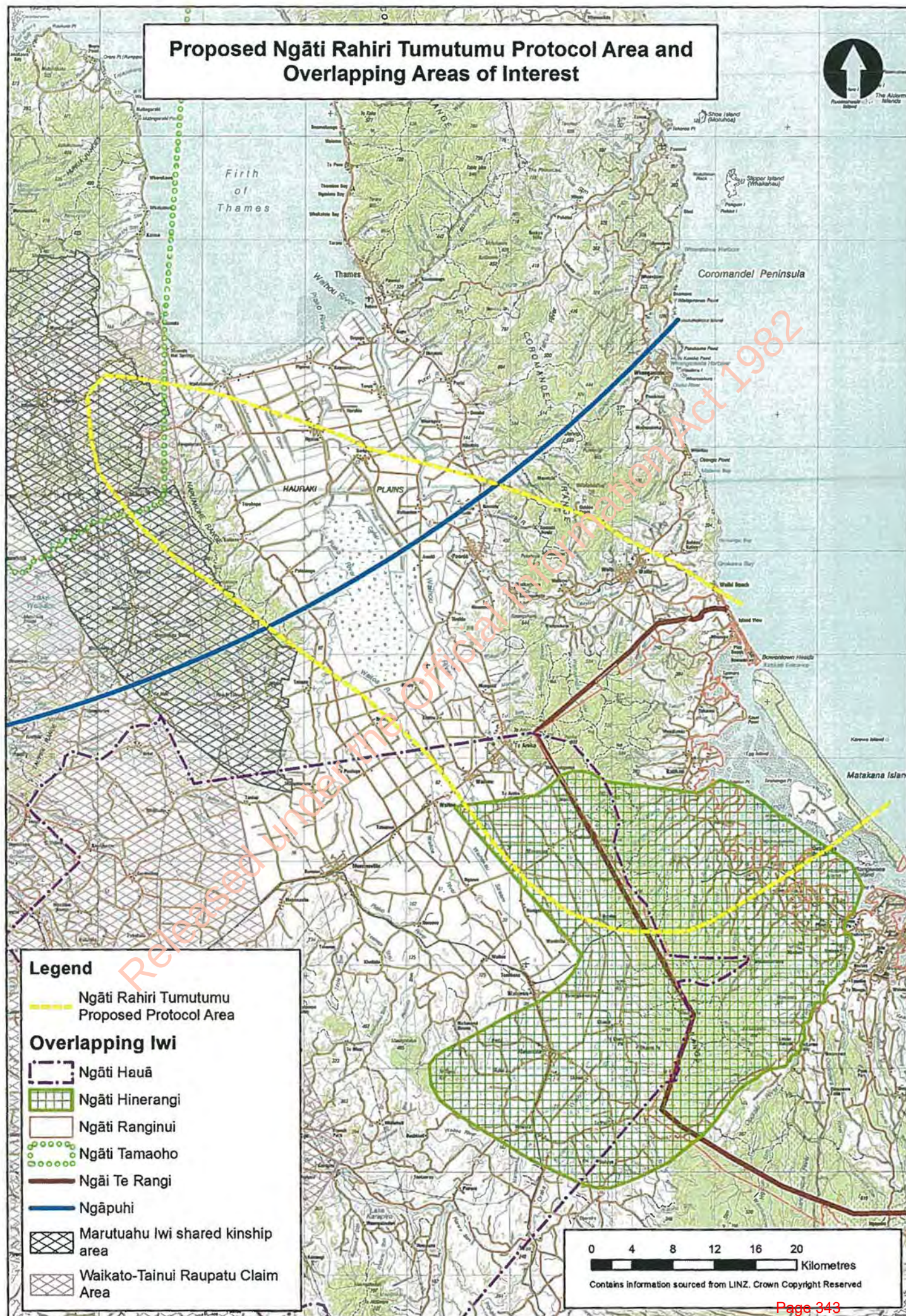
Released under the Official Information Act 1982



Appendix Two: Proposed Hauraki iwi-specific protocol areas sent to overlapping iwi

Released under the Official Information Act 1982

The Aikido Alliance



Released under the Official Information Act 1982

Proposed Ngāti Rahiri Tumutumu Protocol Areas



Legend

- Ngāti Rāhiri Tumutumu Ministry for Primary Industries Protocol Area
- Ngāti Rāhiri Tumutumu Taonga Tūturu Protocol Area

0 4 8 12 16 20
Kilometres

Contains information sourced from LINZ. Crown Copyright Reserved

Proposed Ngāti Tara Tokanui Protocol Area



Legend

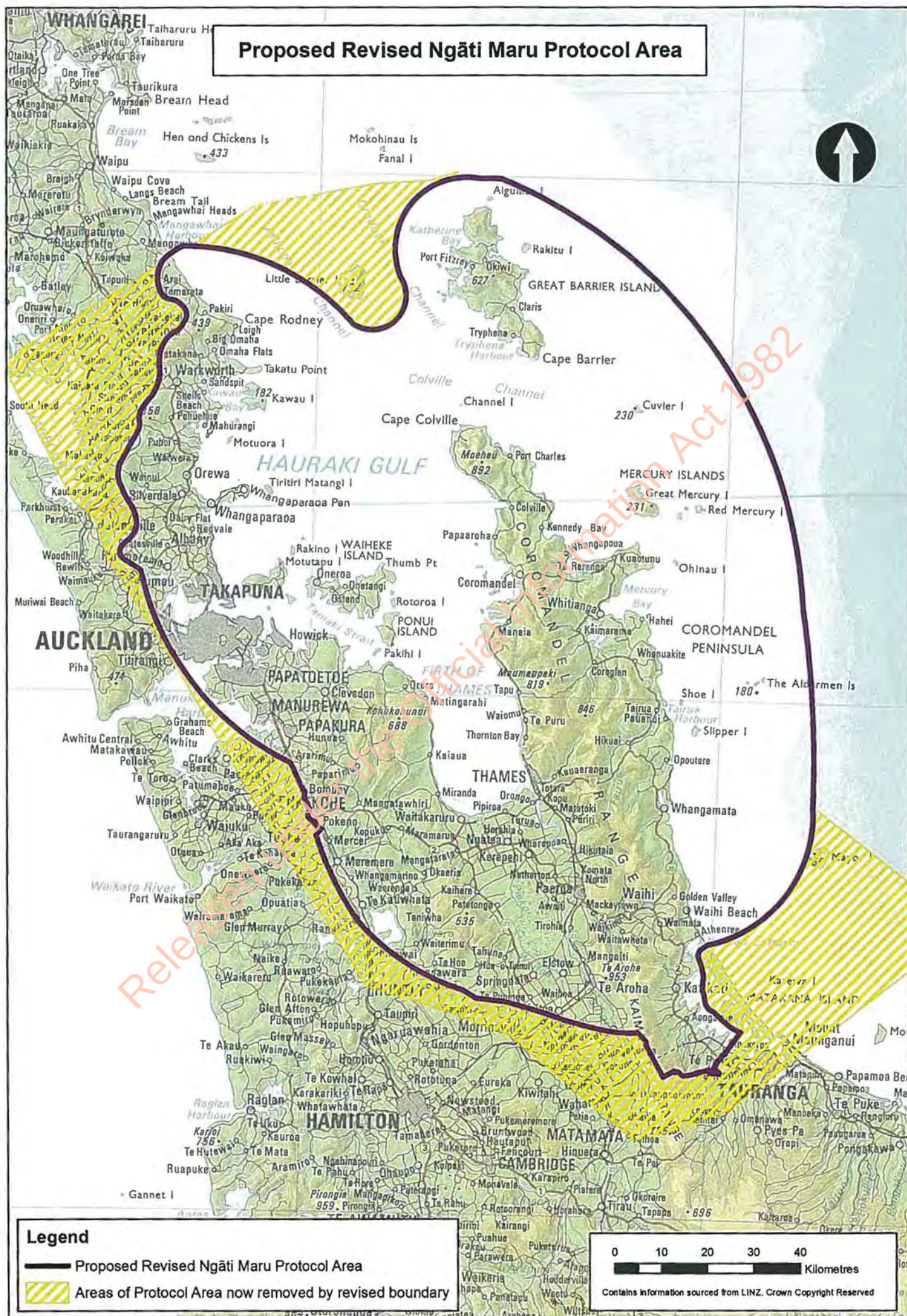
--- Proposal for the Ngāti Tara Tokanui Protocol Area

0 10 20 30 40 km

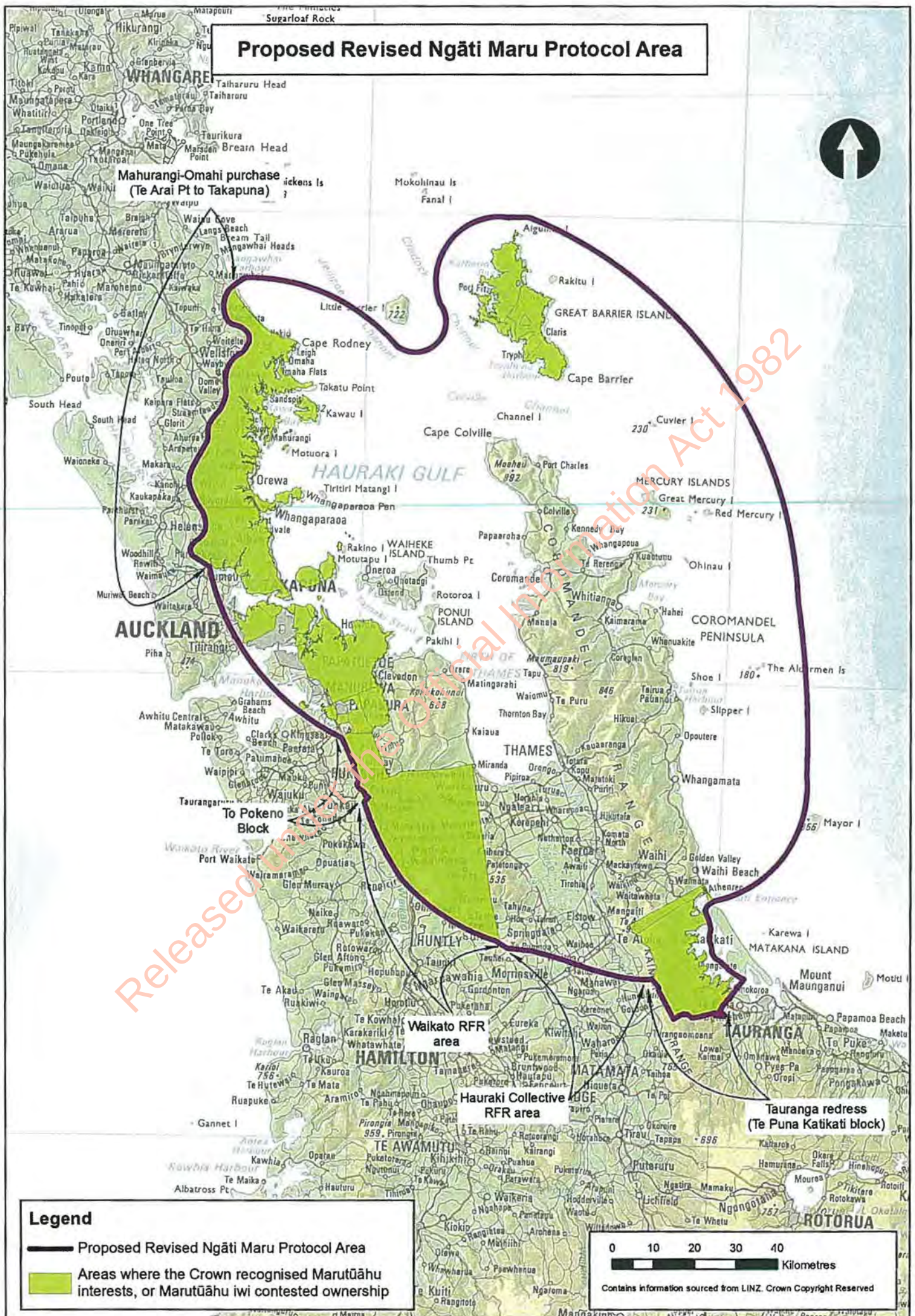
Contains information sourced from LINZ. Crown Copyright Reserved

Released under the Official Information Act 1982

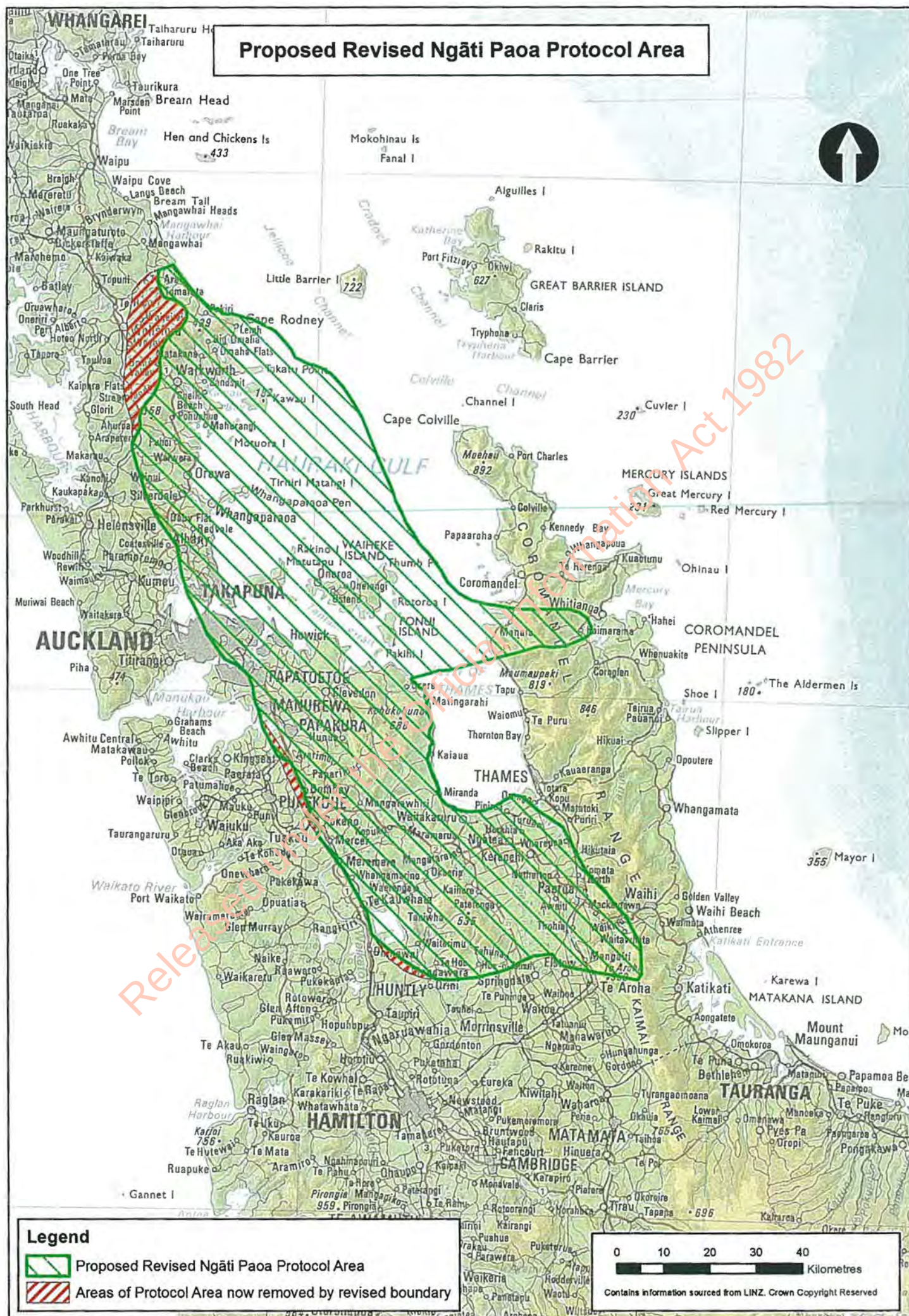
Proposed Revised Ngāti Maru Protocol Area



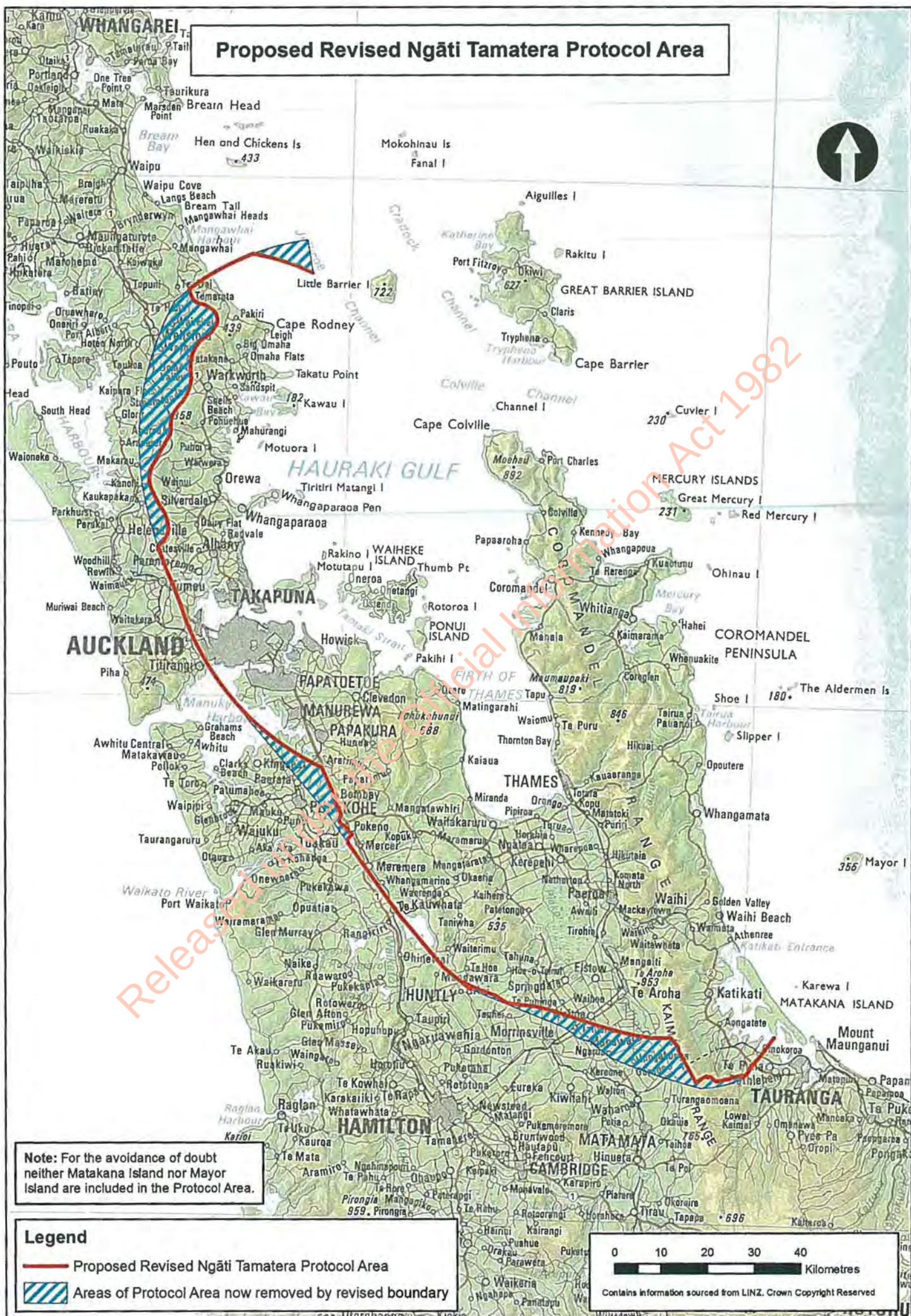
Proposed Revised Ngāti Maru Protocol Area



Proposed Revised Ngāti Paoa Protocol Area



Proposed Revised Ngāti Tamatera Protocol Area



Note: For the avoidance of doubt neither Matakana Island nor Mayor Island are included in the Protocol Area.

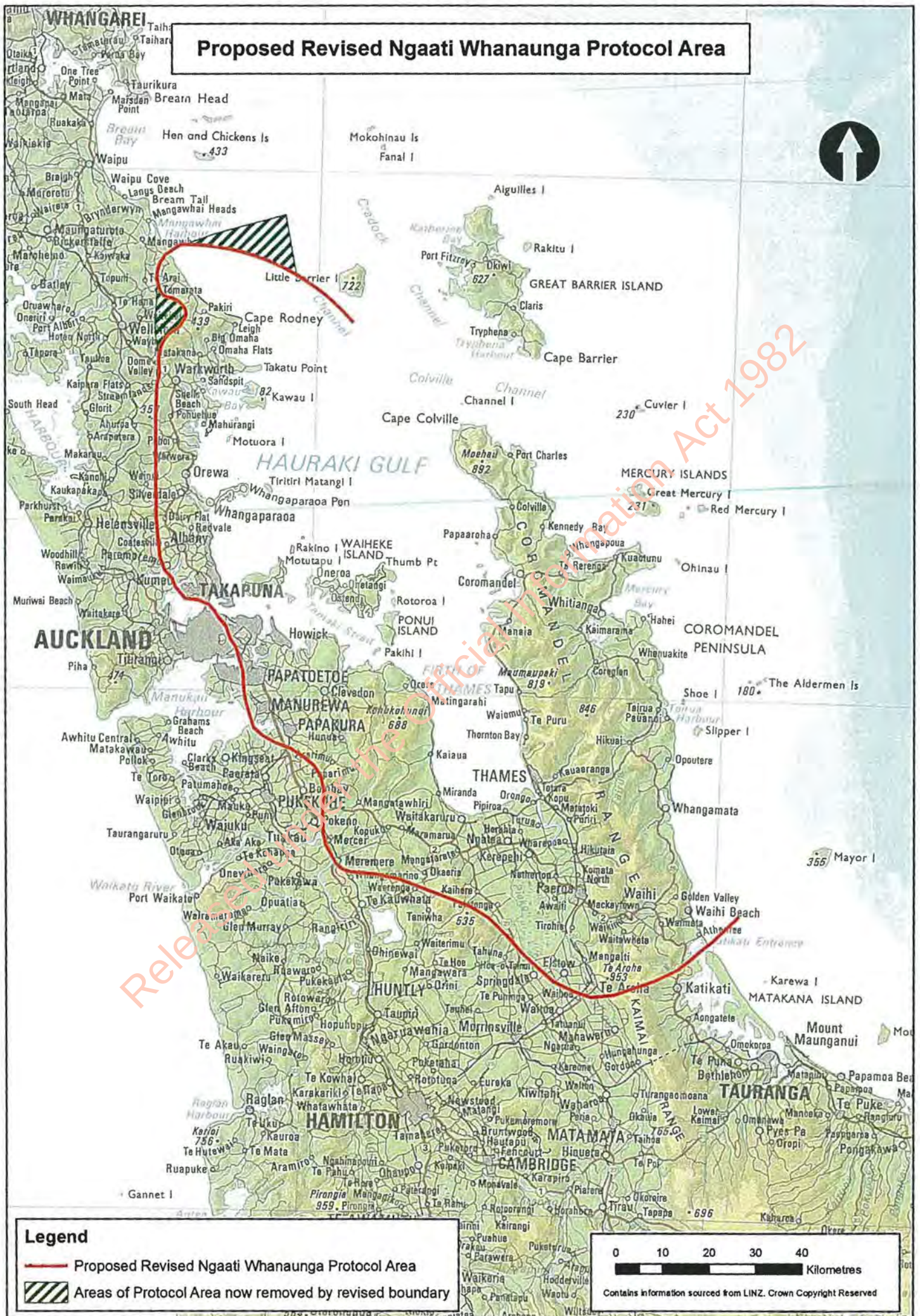
Legend

- Proposed Revised Ngāti Tamatera Protocol Area
- Areas of Protocol Area now removed by revised boundary

0 10 20 30 40 Kilometres

Contains information sourced from LINZ. Crown Copyright Reserved

Proposed Revised Ngaati Whanaunga Protocol Area



Released under the Official Information Act 1982



12 JUL 2017

Hone Sadler
Chairman
Tūhoronuku Independent Mandated Authority

By email: [REDACTED]

s9(2)(a)

Tēnā koe

Overlapping claims regarding Ngāti Rahiri Tumutumu protocol areas

On 18 January 2017 my officials wrote to you regarding the Crown's intent to offer Hauraki iwi protocol redress within a collective protocol area. In response to overlapping iwi feedback, the Crown revised this proposal, and now intends to provide Hauraki iwi protocol redress based on their individual areas of interest. Accordingly, on 27 February and 14 March 2017 my officials wrote to you to seek your feedback on proposed protocol areas for the Hauraki iwi (the **protocol areas**) which overlapped with your area of interest.

The Taonga Tūturu and Primary Industries protocols are standard, non-exclusive relationship redress. The protocols set out how a Crown agency intends to interact with a claimant group on a continuing basis in relation to specified matters within the protocol areas.

I am advised your feedback was limited to the Ngāti Rahiri Tumutumu protocol area, with which you disagreed, and that you wished to engage with them directly. My officials are not aware of any further engagement.

I wish to advise you as a result of the feedback received from overlapping groups, and further discussions with my officials, Ngāti Rāhiri Tumutumu have proposed a discrete Taonga Tūturu protocol area around Te Aroha, and a more expansive Primary Industries protocol over their full area of interest. I consider both their revised protocol areas are consistent with their interests. The revised protocol areas are attached at **Appendix One**.

The revised protocol areas take into account the Crown's considerations when providing redress, including the need to:

- a. achieve a fair and appropriate settlement;
- b. maintain its ability to provide appropriate redress to claimant groups who have yet to enter negotiations; and

Ngāpuhi will have the opportunity to seek protocol redress through any future settlement.

I wish to ensure you have a further opportunity to consider my decisions regarding the protocol areas. Please provide my officials with any further information or comment by **26 July 2017**. I intend to make a final decision shortly thereafter.

Please contact Tessa Buchanan, Negotiation and Settlement Manager, at tessa.buchanan@justice.govt.nz or on 04 494 4924 if you have any further questions on these Hauraki protocol areas.

Nāku noa, nā



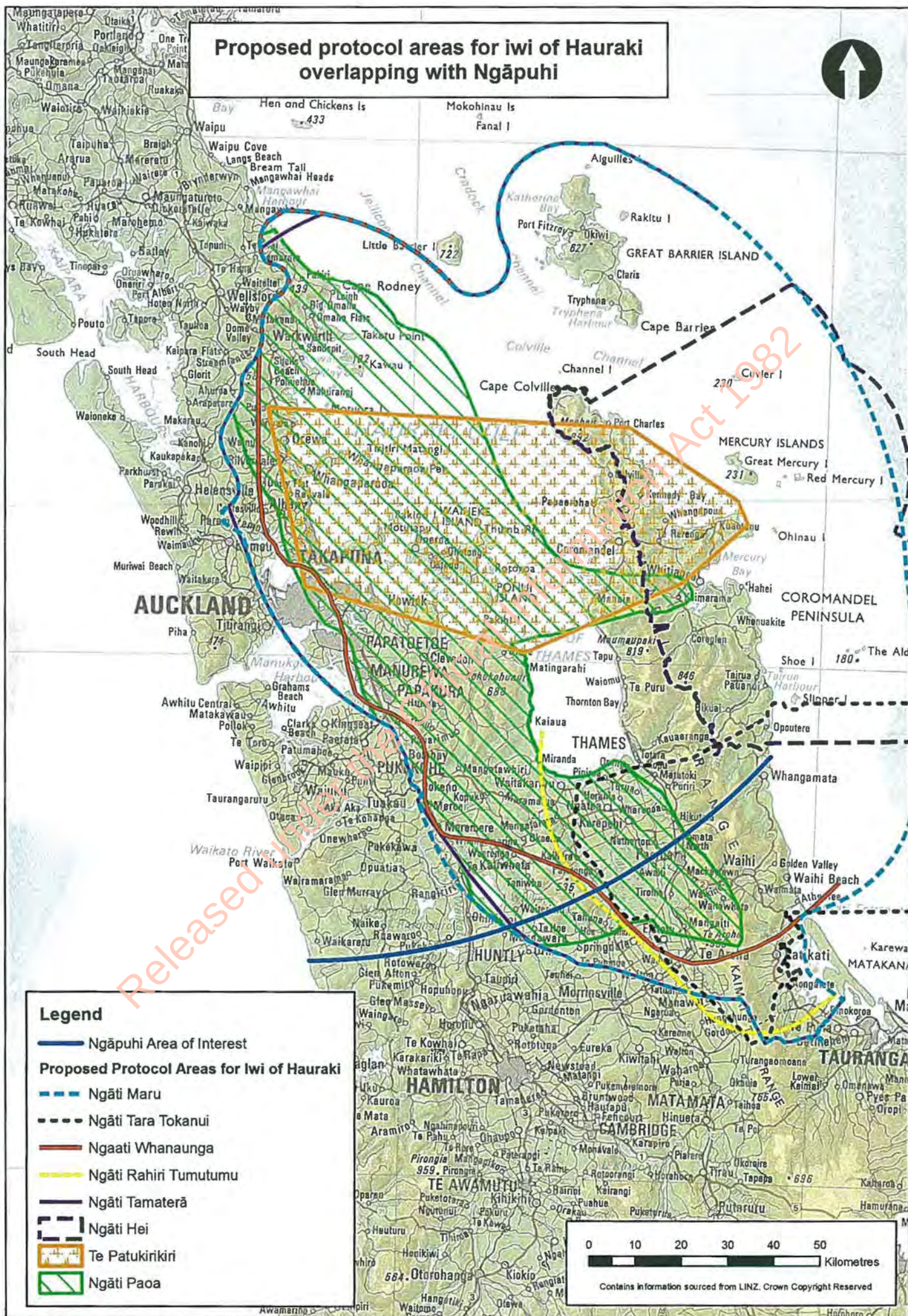
Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

CC: Janelle Beazley, Project Manager, Tūhoronuku Independent Mandated Authority,
[REDACTED]; Co-Chairs of Te Kotahitanga Pita Tipene [REDACTED]
[REDACTED] Rowena Tana [REDACTED]

s9(2)(a)

Released under the Official Information Act 1982

Proposed protocol areas for iwi of Hauraki overlapping with Ngāpuhi





12 JUL 2017

Pita Tipene and Rudy Taylor
Co-Chairs Te Kotahitanga

s9(2)(a)

By email: [REDACTED]

Tēnā korua

Overlapping claims regarding Ngāti Rahiri Tumutumu protocol areas

On 18 January 2017 my officials wrote to Tūhoronuku Independent Mandate Authority regarding the Crown's intent to offer Hauraki iwi protocol redress within a collective protocol area. In response to overlapping iwi feedback, the Crown revised this proposal, and now intends to provide Hauraki iwi protocol redress based on their individual areas of interest. Accordingly, on 27 February and 14 March 2017 my officials wrote to Tūhoronuku Independent Mandate Authority to seek feedback on proposed protocol areas for the Hauraki iwi (the **protocol areas**) which overlapped with the Ngāpuhi area of interest.

The Taonga Tūturu and Primary Industries protocols are standard, non-exclusive relationship redress. The protocols set out how a Crown agency intends to interact with a claimant group on a continuing basis in relation to specified matters within the protocol areas.

I wish to advise you as a result of the feedback received from overlapping groups, and further discussions with my officials, Ngāti Rāhiri Tumutumu have revised their protocol areas and proposed a discrete Taonga Tūturu protocol area around Te Aroha, and a more expansive Primary Industries protocol over their full area of interest. I consider both their revised protocol areas are consistent with their interests. I have made preliminary decisions to revise the protocol areas of Ngāti Maru, Ngāti paoa, Ngāti Tamaterā and Ngaati Whanaunga. The revised protocol areas are attached at **Appendix One**.

The revised protocol areas take into account the Crown's considerations when providing redress, including the need to:

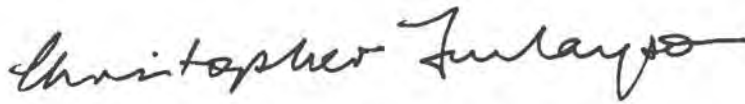
- a. achieve a fair and appropriate settlement;
- b. maintain its ability to provide appropriate redress to claimant groups who have yet to enter negotiations; and

Ngāpuhi will have the opportunity to seek protocol redress through any future settlement.

I wish to ensure Te Kotahitanga have an opportunity to consider my decisions regarding the protocol areas. Please provide my officials with any information or comment by **26 July 2017**. I intend to make a final decision shortly thereafter.

Please contact Tessa Buchanan, Negotiation and Settlement Manager, at tessa.buchanan@justice.govt.nz or on 04 494 4924 if you have any further questions on these Hauraki protocol areas.

Nāku noa, nā

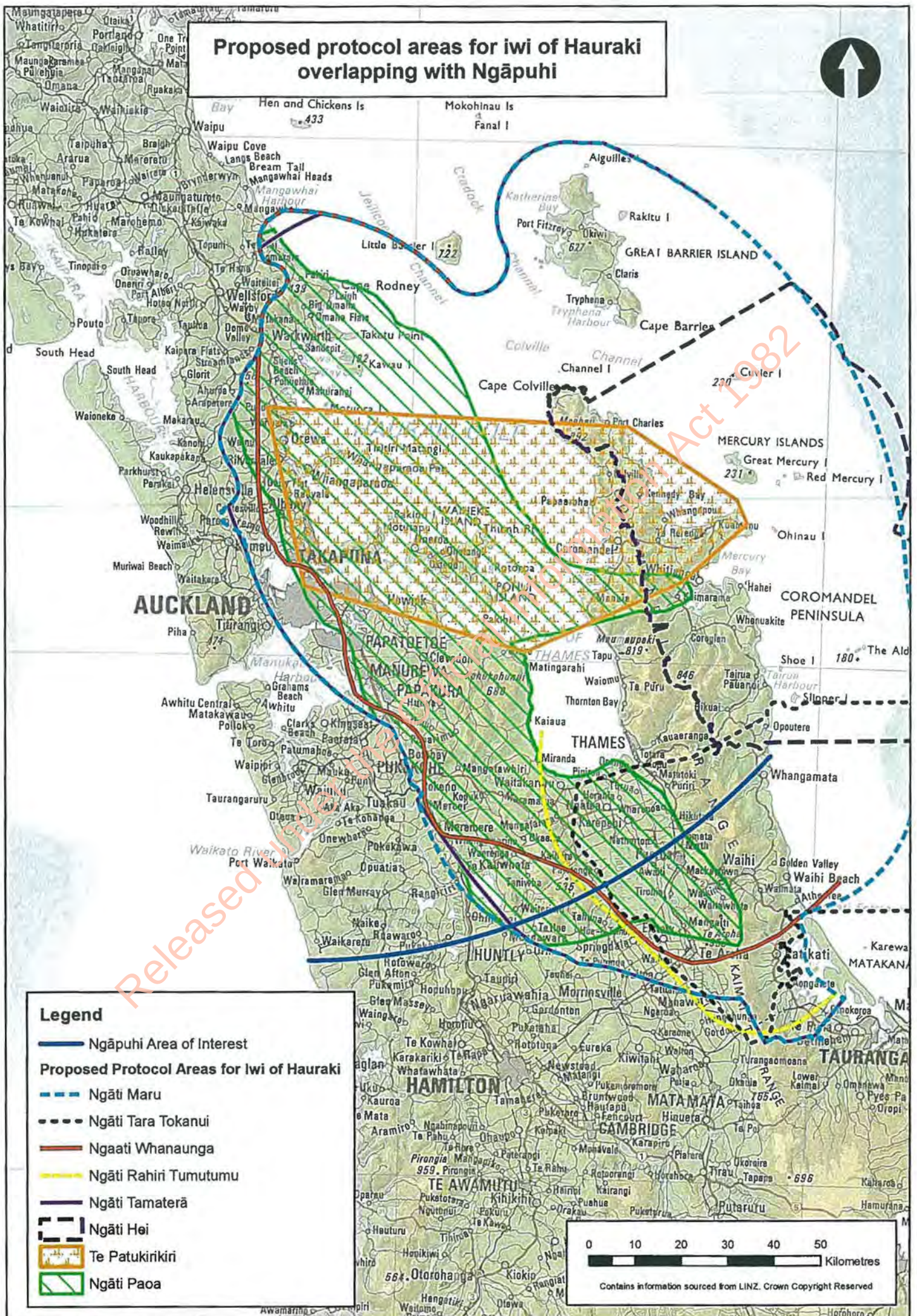


Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

CC:Hone Sadler, Chairman Tūhoronuku Independent Mandated Authority [REDACTED]
Janelle Beazley, Project Manager, Tūhoronuku Independent Mandated Authority,
[REDACTED] Rowena Tana [REDACTED]

s9(2)(a)

Released under the Official Information Act 1982





Office of Hon Christopher Finlayson

12 JUL 2017

Hone Sadler
Chairman
Tūhoronuku Independent Mandated Authority

By email:

s9(2)(a)

Tēnā koe

Overlapping claims regarding Ngāti Rahiri Tumutumu protocol areas

On 18 January 2017 my officials wrote to you regarding the Crown's intent to offer Hauraki iwi protocol redress within a collective protocol area. In response to overlapping iwi feedback, the Crown revised this proposal, and now intends to provide Hauraki iwi protocol redress based on their individual areas of interest. Accordingly, on 27 February and 14 March 2017 my officials wrote to you to seek your feedback on proposed protocol areas for the Hauraki iwi (the **protocol areas**) which overlapped with your area of interest.

The Taonga Tūturu and Primary Industries protocols are standard, non-exclusive relationship redress. The protocols set out how a Crown agency intends to interact with a claimant group on a continuing basis in relation to specified matters within the protocol areas.

I am advised your feedback was limited to the Ngāti Rahiri Tumutumu protocol area, with which you disagreed, and that you wished to engage with them directly. My officials are not aware of any further engagement.

I wish to advise you as a result of the feedback received from overlapping groups, and further discussions with my officials, Ngāti Rāhiri Tumutumu have proposed a discrete Taonga Tūturu protocol area around Te Aroha, and a more expansive Primary Industries protocol over their full area of interest. I consider both their revised protocol areas are consistent with their interests. The revised protocol areas are attached at **Appendix One**.

The revised protocol areas take into account the Crown's considerations when providing redress, including the need to:

- a. achieve a fair and appropriate settlement;
- b. maintain its ability to provide appropriate redress to claimant groups who have yet to enter negotiations; and

Ngāpuhi will have the opportunity to seek protocol redress through any future settlement.

I wish to ensure you have a further opportunity to consider my decisions regarding the protocol areas. Please provide my officials with any further information or comment by **26 July 2017**. I intend to make a final decision shortly thereafter.

Please contact Tessa Buchanan, Negotiation and Settlement Manager, at tessa.buchanan@justice.govt.nz or on 04 494 4924 if you have any further questions on these Hauraki protocol areas.

Nāku noa, nā



Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

CC: Janelle Beazley, Project Manager, Tūhoronuku Independent Mandated Authority,
[REDACTED] Co-Chairs of Te Kotahitanga Pita Tipene [REDACTED]
[REDACTED]; Rowena Tana [REDACTED]

s9(2)(a)

Proposed protocol areas for iwi of Hauraki overlapping with Ngāpuhi





12 JUL 2017

Pita Tipene and Rudy Taylor
Co-Chairs Te Kotahitanga

By email:

s9(2)(a)

Tēnā korua

Overlapping claims regarding Ngāti Rahiri Tumutumu protocol areas

On 18 January 2017 my officials wrote to Tūhoronuku Independent Mandate Authority regarding the Crown's intent to offer Hauraki iwi protocol redress within a collective protocol area. In response to overlapping iwi feedback, the Crown revised this proposal, and now intends to provide Hauraki iwi protocol redress based on their individual areas of interest. Accordingly, on 27 February and 14 March 2017 my officials wrote to Tūhoronuku Independent Mandate Authority to seek feedback on proposed protocol areas for the Hauraki iwi (the **protocol areas**) which overlapped with the Ngāpuhi area of interest.

The Taonga Tūturu and Primary Industries protocols are standard, non-exclusive relationship redress. The protocols set out how a Crown agency intends to interact with a claimant group on a continuing basis in relation to specified matters within the protocol areas.

I wish to advise you as a result of the feedback received from overlapping groups, and further discussions with my officials, Ngāti Rāhiri Tumutumu have revised their protocol areas and proposed a discrete Taonga Tūturu protocol area around Te Aroha, and a more expansive Primary Industries protocol over their full area of interest. I consider both their revised protocol areas are consistent with their interests. I have made preliminary decisions to revise the protocol areas of Ngāti Maru, Ngāti paoa, Ngāti Tamaterā and Ngaati Whanaunga. The revised protocol areas are attached at **Appendix One**.

The revised protocol areas take into account the Crown's considerations when providing redress, including the need to:

- a. achieve a fair and appropriate settlement;
- b. maintain its ability to provide appropriate redress to claimant groups who have yet to enter negotiations; and

Ngāpuhi will have the opportunity to seek protocol redress through any future settlement.

I wish to ensure Te Kotahitanga have an opportunity to consider my decisions regarding the protocol areas. Please provide my officials with any information or comment by **26 July 2017**. I intend to make a final decision shortly thereafter.

Please contact Tessa Buchanan, Negotiation and Settlement Manager, at tessa.buchanan@justice.govt.nz or on 04 494 4924 if you have any further questions on these Hauraki protocol areas.

Nāku noa, nā



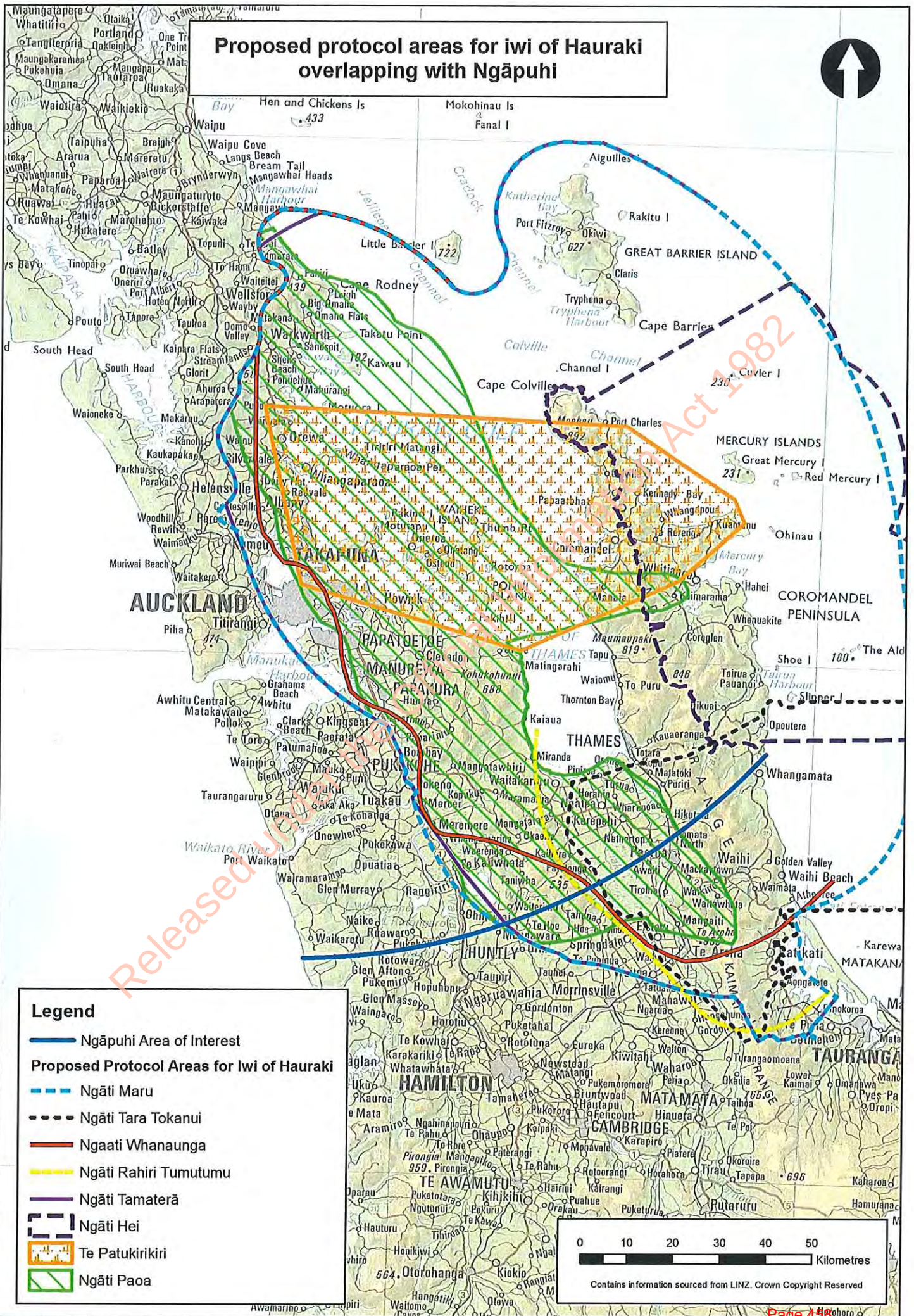
Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

CC:Hone Sadler, Chairman Tūhoronuku Independent Mandated Authority, [REDACTED]
[REDACTED] Project Manager, Tūhoronuku Independent Mandated Authority,
[REDACTED]

s9(2)(a)

Released under the Official Information Act 1982

Proposed protocol areas for iwi of Hauraki overlapping with Ngāpuhi





13 JUL 2017

Pita Tipene and Rudy Taylor
Co-chairs
Te Kotahitanga o Ngā Hapū Ngāpuhi

s9(2)(a)

By email:



Tēnā koe

Hauraki Collective Fisheries RFR Deed Over Quota Area Final Decision

I am writing to you about my final decision regarding the area over which the Hauraki Collective Fisheries RFR Deed Over Quota will apply (the Fisheries RFR area).

The Fisheries RFR Deed Over Quota provides the Hauraki Collective with a first option to purchase a portion of new fish stocks introduced into the Quota Management System. The Fisheries RFR area provides the basis for the calculation to allocate new fish stocks. The Crown also reserves the right to allocate quota by such a method it considers appropriate.

Since January 2017 my Lead Negotiator and my officials have been in contact with both Tūhoronuku Iwi Mandated Authority and Te Rūnanga o Iwi o Ngāpuhi to discuss the Fisheries RFR area. I am also writing to Tūhoronuku Iwi Mandated Authority to advise them of my final decision. I consider it appropriate to also inform you of my final decision.

My final decision is the Hauraki Collective Fisheries RFR area will reflect the coastline agreements Iwi of Hauraki are party to under the Māori Fisheries Act 2004. The Hauraki Collective Fisheries RFR area does not overlap with the coastline agreements that Ngāpuhi is party to under the Māori Fisheries Act 2004.

The Hauraki Collective Fisheries RFR area covers the coastline from Te Arai Point south to the Waiooro River, including part of the Waitematā harbour between the northern bank and southern bank, as well as the coastline of Aotea/Great Barrier Island. The Manukau harbour and the coastlines of all other islands in the Hauraki Gulf are excluded from the Fisheries RFR area. The final map of the Fisheries RFR area to be included in the Pare Hauraki Collective Redress Deed is attached to this letter.

The map reflects the coastlines of the Hauraki Collective Fisheries RFR area without lines. The red dots on the map mark the northern and southern boundaries of the coastline. The coastline between these dots, and including the coastline of

Aotea/Great Barrier Island, directly reflects the coastline agreements reached under the Māori Fisheries Act.

To avoid doubt the map notes the coastline of Aotea/Great Barrier Island is included as part of the Fisheries RFR area.

Whether the proposed redress is provided to the Hauraki Collective will ultimately be a matter for Parliament. The redress will not be provided until and unless Parliament authorises it to through settlement legislation.

The provision of this redress to the Hauraki Collective does not preclude similar redress being sought by Ngāpuhi through Treaty settlement negotiations.

Nāku noa, nā



Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

CC: Hone Sadler, Chairman, Tūhoronuku Independent Mandated Authority,

[Redacted]

S9(2)(a)

Released under the Official Information Act 1982

Pare Hauraki Fisheries RFR Deed Over Quota Areas



Notes:
The Pare Hauraki Fisheries RFR Quota redress covers the following coastline areas:

1. Between the red dots reflecting coastline agreements reached under the Māori Fisheries Act 2004.
2. All of Aotea / Great Barrier Island coast reflecting coastline agreements reached under the Māori Fisheries Act 2004.

The Pare Hauraki Fisheries RFR Quota redress does not prevent the Crown from providing RFR Quota redress in future historical Treaty settlements.



13 JUL 2017

Hone Sadler
Chairman
Tūhoronuku Independent Mandated Authority

By email

s9(2)(a)

Tēnā koe

Hauraki Collective Fisheries RFR Deed Over Quota Area Final Decision

On 6 April 2017 I wrote to you and other overlapping groups informing you of my preliminary decision regarding the area covered by the Hauraki Collective Fisheries RFR Deed Over Quota (the Fisheries RFR area).

I am advised representatives from Ngāpuhi (Tūhoronuku Iwi Mandated Authority and Te Rūnanga o Iwi o Ngāpuhi) met with my Lead Negotiator and officials to discuss this matter on 3 May 2017 and that feedback was provided on 8 May 2016 by a trustee of Tūhoronuku Independent Mandated Authority.

I have made a final decision to maintain my preliminary decision to revise the Fisheries RFR area to reflect the coastline agreements under the Māori Fisheries Act 2004. This decision reflects the feedback provided to the Crown by overlapping groups.

The Hauraki Collective Fisheries RFR area covers the coastline from Te Arai Point south to the Waioaro River, including part of the Waitematā harbour between the northern bank and southern bank, as well as the coastline of Aotea/Great Barrier Island. The Manukau harbour and the coastlines of all other islands in the Hauraki Gulf are excluded from the Fisheries RFR area. The final map of the Fisheries RFR area to be included in the Pare Hauraki Collective Redress Deed is attached to this letter.

Since my preliminary decision the map has been revised in response to feedback by overlapping groups. It now reflects the coastlines of the Hauraki Collective Fisheries RFR area without lines. The red dots on the map mark the northern and southern boundaries of the coastline. The coastline between these dots, and including the coastline of Aotea/Great Barrier Island, directly reflects the coastline agreements reached under the Māori Fisheries Act. To avoid doubt the map notes the coastline of Aotea/Great Barrier Island is included as part of the Fisheries RFR area.

The Hauraki Collective Fisheries RFR area does not overlap with the coastline agreements that Ngāpuhi is party to under the Māori Fisheries Act 2004. The

provision of this redress to the Hauraki Collective does not preclude similar redress being sought by Ngāpuhi through Treaty settlement negotiations.

Whether the proposed redress is provided to the Hauraki Collective will ultimately be a matter for Parliament. The redress will not be provided until and unless Parliament authorises it to through settlement legislation.

Please contact Leah Campbell, Regional Director, at leah.campbell@justice.govt.nz or on 04 913 9202 if you have any further questions on the Hauraki Collective Fisheries RFR area.

Nāku noa, nā



Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

CC: Pita Tipene and Rudy Taylor, Co-chairs, Te Kotahitanga o Ngā Hapū Ngāpuhi,
[REDACTED];
Janelle Beazley, Project Manager, Tūhoronuku Independent Mandated Authority,
[REDACTED]

s9(2)(a)

Released under the Official Information Act 1982

Pare Hauraki Fisheries RFR Deed Over Quota Areas



Notes:

The Pare Hauraki Fisheries RFR Quota redress covers the following coastline areas:

1. Between the red dots reflecting coastline agreements reached under the Māori Fisheries Act 2004.
2. All of Aotea / Great Barrier Island coast reflecting coastline agreements reached under the Māori Fisheries Act 2004.

The Pare Hauraki Fisheries RFR Quota redress does not prevent the Crown from providing RFR Quota redress in future historical Treaty settlements.



PART OF THE MINISTRY OF JUSTICE

Minister for Treaty of Waitangi Negotiations

Ngaati Whanaunga: Update on overlapping claims

Date:	20 July 2017	Priority:	High
Report No. OTS:	2017/2018 – 53	File ref:	CLA-N100-OF-03 CLA-N685-OF-03

Action sought

Minister for Treaty of Waitangi Negotiations (Hon Christopher Finlayson)	Agree to make a preliminary decision maintaining the redress offered to Ngaati Whanaunga; and	By 24 July 2017
	Sign letters to overlapping groups informing them of your decision.	

Contact for Telephone Discussion (if required)

Name	Position	Phone		1 st Contact
Leah Campbell	Regional Director, Te Waenga	04 913 9202	027 836 0532	✓
Tessa Buchanan	Negotiations and Settlement Manager	04 494 9924	027 560 5492	
Andrew Hampton	Senior Analyst	04 918 8808	-	

Ngaati Whanaunga: Update on overlapping claims

Purpose

1. This briefing:
 - a. seeks your preliminary decision on overlapping claims for the Ngaati Whanaunga redress package; and
 - b. attaches letters to overlapping groups either informing them of your preliminary decision or closing overlapping claims where there are no objections.

Background

2. Ngaati Whanaunga is a member of the Hauraki, Marutūāhu and Tāmaki collectives with interests in Hauraki, Tāmaki Makaurau and Mahurangi. We are working towards initialling a deed of settlement with Ngaati Whanaunga as soon as possible. Separate advice to you is being prepared regarding the timing of this initialling with respect to the initialling of the Marutūāhu Collective redress deed.

Overlapping claims engagement on the Ngaati Whanaunga redress package

3. [REDACTED]
4. [REDACTED]
5. On 1 March OTS wrote to 12 non-Hauraki overlapping groups and Ngāi Tai ki Tāmaki regarding the Ngaati Whanaunga redress package. The feedback from overlapping groups is summarised in the table below:

Groups who support or do not oppose the redress offer	Groups who did not respond or raise specific issues	Groups who oppose the redress offer
[REDACTED]		[REDACTED]
[REDACTED]		Ngāpuhi
[REDACTED]		[REDACTED]

6. The letters of 1 March did not include the proposed protocol area for Ngaati Whanaunga. Protocol areas for Hauraki iwi are being dealt with as part of a separate and centralised overlapping claims process. On 11 July we briefed you on the overlapping claims engagement in relation to the protocol areas for all Hauraki iwi, including Ngaati Whanaunga, seeking preliminary decisions where required [OTS report 2017/2018 – 46 refers].

Feedback from overlapping groups

Groups that do not oppose the redress offer

Released under the Official Information Act 1982

Groups that oppose the redress offer

Released under the Official Information Act 1982

Ngāpuhi

24. On 22 March Jannelle Beazley, Project Manager for Tuhoronuku Independent Mandated Authority (TIMA), emailed officials to object to the redress offer to Ngaati Whanaunga insofar as it overlapped with the Ngāpuhi area of interest.
25. On 24 March officials responded to TIMA acknowledging their objection and to advise the concerns had been referred to the Ngaati Whanaunga negotiators and they had been encouraged to engage directly. Officials also sought more detail from TIMA on the basis of the objection but no further response was received.

Analysis and recommended preliminary decision

out of scope

Framework for considering redress opportunities and overlapping groups

28. There are a number of considerations the Crown takes into account when providing redress opportunities to overlapping groups including the need to:
 - a. achieve a fair and appropriate settlement; and
 - b. maintain its ability to provide appropriate redress to claimant groups who have yet to enter negotiations.
29. The resolution of overlapping claims does not require the complete removal of any dispute or overlapping claim. The Crown must be satisfied that the overlapping issues have been addressed to a point that the redress may proceed. The Crown prefers that overlapping claims in relation to specific items of redress are resolved by mutual agreement between claimant groups. Where there are overlapping claims, the Crown considers offers of non-exclusive redress, such as protocol redress, are a way to recognise and accommodate the interests of the different groups.

30. The Crown's provision of redress is not based on determining who has mana whenua or mana moana, but on assessing historical interests of the settling groups, groups yet to settle and groups with overlapping interests, and all other relevant factors, including the fiscal and policy parameters for achieving Treaty settlements.
31. A key consideration is whether Ngaati Whanaunga has historical interests in areas where redress has been offered. The other consideration is the overlapping groups' own interests and views, and any other additional factors relevant to the provision of Treaty settlement redress.

Basis of offer of redress to Ngaati Whanaunga at Ōrewa

32. There is historical evidence to support the provision of redress to Ngaati Whanaunga in Ōrewa. The proposed redress falls within the Mahurangi and Omaha blocks (approximately 110000 acres) purchased by the Crown in 1841. Ngaati Whanaunga was a listed seller of the land. Ngāti Paoa gifted a reserve in the Mahurangi block to Ngaati Whanaunga and Ngaati Whanaunga sold this reserve to the Crown in 1844.

33.

out of scope

34. Officials consider the Crown acknowledgement in the Ngāti Manuhiri deed of settlement was that it failed to adequately investigate customary interests ahead of the 1841 Mahurangi and Omaha purchase. This acknowledgement was not an acknowledgement that the inclusion or association of Ngaati Whanaunga with this area was wrong, nor was it an acknowledgement of Ngāti Manuhiri exclusive interests in this area. Through their 2011 Deed of Settlement and subsequent settlement legislation, Ngāti Manuhiri have also received redress in the Mahurangi block area.

35. Officials consider the redress offered to Ngaati Whanaunga in the southern Mahurangi region is commensurate with Ngaati Whanaunga interests in the area. The proposed vesting of a landbank property is intended to provide a discrete footprint reflecting Ngaati Whanaunga historical interests in the area. The 2 deferred selection commercial redress properties are intended to contribute to the economic and social development of Ngaati Whanaunga in places where claims for loss of land or resources are established.

36.

out of scope

37.

Recommended preliminary decision

38. We recommend your preliminary decision should be to maintain the current proposed offer to Ngaati Whanaunga, noting a preliminary decision does not prejudice further discussions between Ngaati Whanaunga and [REDACTED]

out of scope

Risks and mitigation

39. Officials consider there is a low risk of the recommended preliminary decision triggering litigation or affecting existing negotiations for the following reasons:

- a.
- b.
- c.

40.

Next steps

41. If you agree to make a preliminary decision, we recommend you write to all overlapping groups to:

- a.

- b.

42. Regarding communicating your decision to Ngāpuhi, we propose you write to Te Kotahitanga o Ngā Hapū Ngāpuhi and Tūhoronuku Independent Mandate Authority as per the agreed communications strategy with Ngāpuhi for overlapping claims [OTS report 2017/2018 - 11 refers].

43. Letters are attached at **Appendix 2** for your signature.

44. Should you agree to our recommended approach, the below table sets out the next steps:

Timeframes	Next Steps
24 July	Preliminary decision communicated to overlapping groups with unresolved claims
7 August	Overlapping groups engage with Ngaati Whanaunga and respond to your preliminary decision
10 August	Final decision is made based on responses from overlapping groups, and decision communicated to overlapping groups

Recommendations

45. It is recommended you:

a. **note** the Crown and Ngaati Whanaunga are working to initial a deed of settlement as soon as possible;

b.

c. **note** on 1 March OTS wrote to 12 non-Hauraki overlapping groups and Ngāi Tai ki Tāmaki regarding the Ngaati Whanaunga redress package;

d. **note** protocol areas for Hauraki iwi, including Ngaati Whanaunga, are being dealt with as part of separate and centralised overlapping claims [OTS 2017/2018 – 46 refers];

e.

f.

g.

h.

i. **agree** to make a preliminary decision maintaining redress offered to Ngaati Whanaunga; and YES / NO

j. **sign** the letters to overlapping groups, attached at **Appendix 2**, informing them of your decision. YES / NO

Leah Campbell

Regional Director, Te Waenga

NOTED / APPROVED / NOT APPROVED

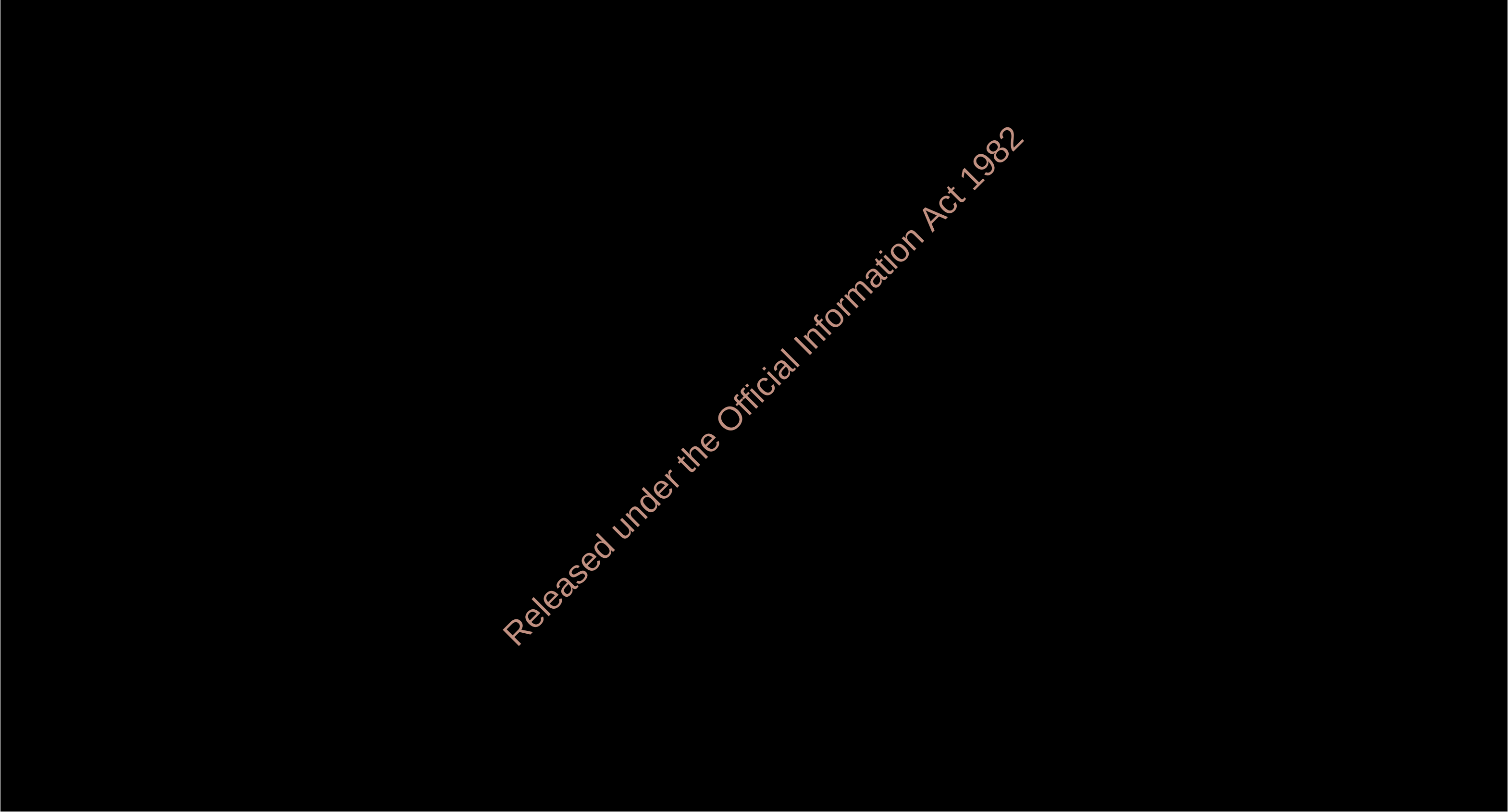
Hon Christopher Finlayson

Minister for Treaty of Waitangi Negotiations

Date: 20 / 11 / 2017

out of scope

Overlapping group	Contact details	cc.	Date of communication	Nature of communication and notes
-------------------	-----------------	-----	-----------------------	-----------------------------------

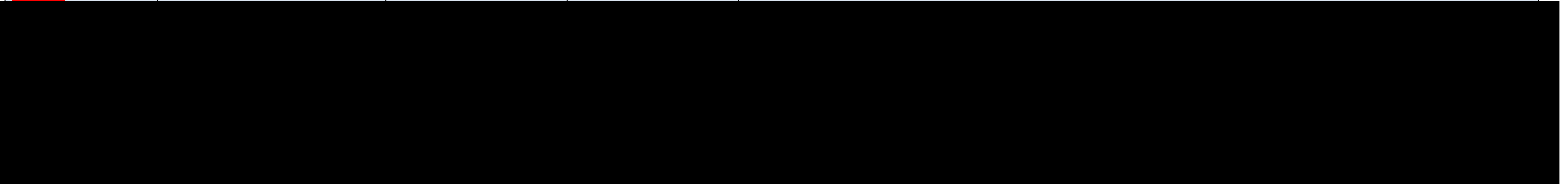


Released under the Official Information Act 1982

out of scope



Ngā Puhi	Hone Sadler Chairman Tuhoronuku Independent Mandated Authority	Janelle Beazley Janelle.beazley@xtra.co.nz	1/3/2017	OTS email attaching: <ul style="list-style-type: none">overlapping claims letter;map of overlapped redress;redress summary. Response sought by 15/3/2017
s9(2)(a)	<div></div> Pita Tipene and Rudy Taylor Co-chairs Te Kōtahitanga o Ngā Hapū Ngāpuhi		7/3/2017	OTS phone call to Hone Sadler: <ul style="list-style-type: none">confirmed received letter;advised Ngā Puhi not in good position with the Crown
s9(2)(a)	<div></div>		14/3/2017	OTS email re-attaching 1/3/2017 letter and attachments, seeking acknowledgement of receipt and understanding of timeframes. Also forwarded to Janelle Beazley
			20/3/2017	OTS email seeking clarification as to if and when feedback on the proposed redress will be sent.
			22/3/2017	Email from Janelle Beazley advising Tuhoronuku Independent Mandated Authority (TIMA) object to the proposed overlap with Ngaati Whanaunga.
			24/3/2017	OTS email to Janelle acknowledging receipt. Advised the concerns had been referred to the Ngaati Whanaunga negotiators and they had been encouraged to engage directly with TIMA. Also sought more detail on the basis of the objection
			21/7/2017	Letter MfTOWN to TIMA outlining preliminary decision, seeking feedback by 7 August. Similar letter also sent to Te Kotahitanga as per new communication strategy.



out of scope



Office of Hon Christopher Finlayson

Document 78

21 JUL 2017

Pita Tipene and Rudy Taylor
Co-chairs
Te Kōtahitanga o Ngā Hapū Ngāpuhi

s9(2)(a)

By email: [REDACTED]

Tēnā kōrua

Ngaati Whanaunga overlapping claims: Preliminary decision

On 1 March my officials wrote to Tūhoronuku Independent Mandated Authority seeking feedback on the Crown's offer of redress to Ngaati Whanaunga.

On 22 March Tūhoronuku Independent Mandated Authority responded to my officials to objecting to the Crown's offer of redress to Ngaati Whanaunga. I am advised my officials also sought more information on the basis of the objection, but no further response was received.

It is always the Crown's preference for overlapping claimants to resolve any issues between themselves. I encourage you to engage with Ngaati Whanaunga to discuss any concerns you have. The mandated negotiators for Ngaati Whanaunga are Nathan Kennedy [REDACTED] and Tipa Compain [REDACTED] s9(2)(a)

I consider the redress proposed for Ngaati Whanaunga is appropriate, does not prejudice future or existing settlements and is in accordance with the Crown's assessment of Ngaati Whanaunga's interests.

In light of feedback provided to the Crown by overlapping groups to date, my preliminary decision is to maintain the Crown's offer of redress to Ngaati Whanaunga.

If you wish to respond to my preliminary decision I invite you to do so in writing by **7 August 2017** to Andrew Hampton, Senior Analyst, Office of Treaty Settlements, at andrew.hampton@justice.govt.nz.

Nāku noa, nā

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

s9(2)(a)

CC: Tipa Compain, Ngaati Whanaunga Negotiator, [REDACTED]
Nathan Kennedy, Ngaati Whanaunga Negotiator, [REDACTED]
Hone Sadler, Chair, Tūhoronuku Iwi Mandated Authority, [REDACTED]
Janelle Beazley, Project Manager, Tūhoronuku Iwi Mandated Authority, [REDACTED]



Office of Hon Christopher Finlayson

Document 79

21 JUL 2017

Hone Sadler
Chairman
Tūhoronuku Independent Mandated Authority

By email: [REDACTED] s9(2)(a)

Tēnā koe

Ngaati Whanaunga overlapping claims: Preliminary decision

On 1 March my officials wrote to you seeking your feedback on the Crown's offer of redress to Ngaati Whanaunga.

I am advised on 22 March Tūhoronuku Independent Mandated Authority responded to my officials objecting to the Crown's offer of redress to Ngaati Whanaunga. I am advised my officials also sought more information on the basis of the objection, but no further response was received.

It is always the Crown's preference for overlapping claimants to resolve any issues between themselves. I encourage you to engage with Ngaati Whanaunga to discuss any further concerns you have.

I consider the redress proposed for Ngaati Whanaunga is appropriate, does not prejudice future or existing settlements and is in accordance with the Crown's assessment of Ngaati Whanaunga's interests.

In light of feedback provided to the Crown by overlapping groups to date, my preliminary decision is to maintain the Crown's offer of redress to Ngaati Whanaunga.

If you wish to respond to my preliminary decision I invite you to do so in writing by **7 August 2017** to Andrew Hampton, Senior Analyst, Office of Treaty Settlements, at andrew.hampton@justice.govt.nz.

Nāku noa, nā

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

s9(2)(a)

CC: Tipa Compain, Ngaati Whanaunga Negotiator, [REDACTED]
Nathan Kennedy, Ngaati Whanaunga Negotiator, [REDACTED]
Janelle Beazley, Project Manager, Tūhoronuku Iwi Mandated Authority, [REDACTED] [\[REDACTED\]@nz](mailto:[REDACTED]@nz)
Pita Tipene and Rudy Taylor, Co-chairs, Te Kotahitanga o Ngā Hapū Ngāpuhi
[REDACTED] [REDACTED]

Minister for Treaty of Waitangi Negotiations

Subject **Ngaati Whanaunga: final overlapping claims decisions and deed to initial**

Date 17 August 2017 **Priority:** High
Report No. OTS: 2017/2018 - 166 **File ref:** CLA-N685-OF-03
 CLA-N100-OF-03

Action sought

Minister for Treaty of Waitangi Negotiations **Agree** to make a final decision to maintain the By 18 August 2017
 (Hon Christopher Finlayson) Crown's offer of redress to Ngaati Whanaunga;
sign letters to overlapping groups informing them of
 your decision and advising you consider overlapping
 claims to be fully addressed except in relation to the
 proposed protocols area; and
agree to initial the Ngaati Whanaunga deed of
 settlement.

Contact for phone discussion (if required)

Name	Position	Phone	1 st Contact
Leah Campbell	Regional Director, Te Waenga	04 913 9202	027 839 0532 ✓
Tessa Buchanan	Negotiation and Settlement Manager	04 494 9924	027 560 5492
Nat Newton	Senior Analyst	04 918 8723	-

Ngaati Whanaunga: final overlapping claims decision and deed to initial

Purpose

1. This briefing:
 - a. recommends you make a final decision to maintain the Crown’s offer of redress to Ngaati Whanaunga;
 - b. attaches letters to overlapping groups informing them of your decision and advising you consider overlapping claims to be fully addressed except in relation to the proposed protocols area;
 - c. updates you on the status of cultural redress valuations for the Iwi of Hauraki; and
 - d. seeks your agreement to initial a deed of settlement with Ngaati Whanaunga.

Background

2. Ngaati Whanaunga is a member of the Hauraki, Marutuāhu and Tāmaki collectives with interests in Hauraki, Tāmaki Makaurau and Mahurangi.

out of scope

Previous overlapping claims decisions

3. Ngaati Whanaunga is overlapped by 13 claimant groups. You wrote to all overlapping groups on 21 July to advise of your preliminary decision and seek their feedback, or to close overlapping claims. Your preliminary decision was to maintain the Crown’s redress offer to Ngaati Whanaunga [OTS report 2017/18 – 53 refers].
4. The table below summarises the types of letters sent to Ngaati Whanaunga’s overlapping groups.

out of scope

Feedback on decision sought		Overlapping claims closed
	Ngāpuhi	

Final overlapping claims decision and feedback received from overlapping groups

Final overlapping claims decision

5. We recommend you agree to maintain the Crown’s offer to Ngaati Whanaunga. Should you agree, letters are attached at Appendix 1 to this briefing to the following groups to inform them of your final decision:

out of scope

out of scope

[REDACTED] Ngāpuhi (Tūhoronuku Iwi
Mandated Authority and Te Kotahitanga o Ngā Hapū Ngāpuhi).

6. This decision to maintain the Crown's offer to Ngaati Whanaunga does not include the protocols area. We will brief you separately on this issue. The letters to the overlapping groups make clear that a final decision on the protocols area is still to be made.

Feedback received from groups in response to your preliminary decision

No feedback received

out of scope

7. [REDACTED] Ngāpuhi and [REDACTED] did not respond to your preliminary decision.

8. [REDACTED]

9. [REDACTED]

10. [REDACTED]

11. [REDACTED]

12. [REDACTED]

13. [REDACTED]

14. [REDACTED]

out of
scope

15.

16.

17.

18.

Released under the Official Information Act 1982

Ngaati Whanaunga deed of settlement initialling

26

27

28

29

30.

31.

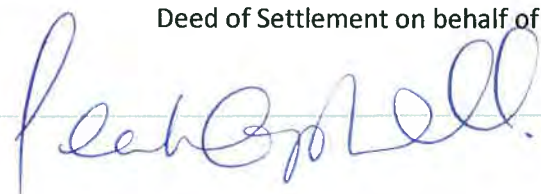
Next steps

32. Should you agree to our recommendation to make a final overlapping claims decision, letters are attached to this briefing to groups to inform them of your decision.
33. Should you agree to initial the attached 3 copies of the first 3 pages of the Ngaati Whanaunga Deed of Settlement we will arrange for the negotiators and mandated entity of Ngaati Whanaunga to initial the deed as soon as a date can be arranged.
34. After the deed is initialled Ngaati Whanaunga will undertake ratification to approve their deed of settlement and proposed post-settlement governance entity.

Recommendations

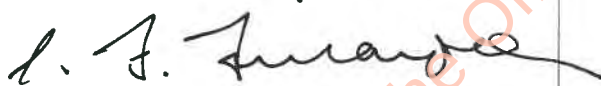
35. It is recommended you:

- a. **note** this briefing does not seek a final decision on the proposed Ngaati Whanaunga protocols area, which we will brief you on separately;
- b. **agree** to maintain the Crown's offer to Ngaati Whanaunga as your final overlapping claims decision on all other redress; YES / ~~NO~~
- c. **sign** the attached letters to overlapping groups informing them of your final decision; YES / ~~NO~~
- d. **note** officials consider there are no other outstanding items preventing the Ngaati Whanaunga deed of settlement being initialled; and
- e. **initial** the attached 3 copies of the first 3 pages of the Ngaati Whanaunga Deed of Settlement on behalf of the Crown. YES / ~~NO~~



Leah Campbell
Regional Director

~~NOTED~~ / ~~APPROVED~~ / ~~NOT APPROVED~~



Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

Date: 17 / 8 / 2017

Released under the Official Information Act 1982



Office of Hon Christopher Finlayson

18 AUG 2017

Pita Tipene and Rudy Taylor
Co-chairs
Te Kōtahitanga o Ngā Hapū Ngāpuhi

By email:

s9(2)(a)

Tēnā koe

Ngaati Whanaunga overlapping claims final decision

On 21 July 2017 I advised you of my preliminary decision on overlapping claims relating the Crown's offer of redress to Ngaati Whanaunga. I sought your feedback to my decision by 7 August. I am advised by my officials no response has been received.

I have made a final decision to maintain the Crown's offer to Ngaati Whanaunga except in relation to the proposed protocols area which I will make a final decision on separately.

Accordingly I consider overlapping claims between Ngaati Whanaunga and Ngāpuhi have been addressed to the Crown's satisfaction, except in relation to the proposed protocols area.

Whether the proposed redress is provided to Ngaati Whanaunga will ultimately be a matter for Parliament. The redress will not be provided until and unless Parliament authorises it through settlement legislation.

If you have any further queries I invite you to contact Andrew Hampton, Senior Analyst, Office of Treaty Settlements, at andrew.hampton@justice.govt.nz.

Nāku noa, nā

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

CC: Tipa Compain, Ngaati Whanaunga Negotiator
Nathan Kennedy, Ngaati Whanaunga Negotiator
Hone Sadler, Chair, Tūhoronuku Iwi Mandated Authority
Janelle Beazley, Project Manager, Tūhoronuku Iwi Mandated Authority

s9(2)(a)



Office of Hon Christopher Finlayson

18 AUG 2017

Hone Sadler
Chairman
Tūhoronuku Independent Mandated Authority

s9(2)(a)

By email: [REDACTED]

Tēnā koe

Ngaati Whanaunga overlapping claims final decision

On 21 July 2017 I advised you of my preliminary decision on overlapping claims relating the Crown's offer of redress to Ngaati Whanaunga. I sought your feedback to my decision by 7 August. I am advised by my officials no response has been received.

I have made a final decision to maintain the Crown's offer to Ngaati Whanaunga except in relation to the proposed protocols area which I will make a final decision on separately.

Accordingly I consider overlapping claims between Ngaati Whanaunga and Ngāpuhi have been addressed to the Crown's satisfaction, except in relation to the proposed protocols area.

Whether the proposed redress is provided to Ngaati Whanaunga will ultimately be a matter for Parliament. The redress will not be provided until and unless Parliament authorises it through settlement legislation.

If you have any further queries I invite you to contact Andrew Hampton, Senior Analyst, Office of Treaty Settlements, at andrew.hampton@justice.govt.nz.

Nāku noa, nā

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

s9(2)(a)

CC: Tipa Compain, Ngaati Whanaunga Negotiator ([REDACTED])
Nathan Kennedy, Ngaati Whanaunga Negotiator ([REDACTED])
Janelle Beazley, Project Manager, Tūhoronuku Iwi Mandated Authority ([REDACTED])
Pita Tipene, Rudy Taylor, Co-chairs, Te Kotahitanga o Ngā Hapū Ngāpuhi
[REDACTED]



Office of Hon Christopher Finlayson

Document 81

18 AUG 2017

Pita Tipene and Rudy Taylor
Co-chairs
Te Kōtahitanga o Ngā Hapū Ngāpuhi

By email: [REDACTED]

s9(2)(a)

Tēnā koe

Ngaati Whanaunga overlapping claims final decision

On 21 July 2017 I advised you of my preliminary decision on overlapping claims relating the Crown's offer of redress to Ngaati Whanaunga. I sought your feedback to my decision by 7 August. I am advised by my officials no response has been received.

I have made a final decision to maintain the Crown's offer to Ngaati Whanaunga except in relation to the proposed protocols area which I will make a final decision on separately.

Accordingly I consider overlapping claims between Ngaati Whanaunga and Ngāpuhi have been addressed to the Crown's satisfaction, except in relation to the proposed protocols area.

Whether the proposed redress is provided to Ngaati Whanaunga will ultimately be a matter for Parliament. The redress will not be provided until and unless Parliament authorises it through settlement legislation.

If you have any further queries I invite you to contact Andrew Hampton, Senior Analyst, Office of Treaty Settlements, at andrew.hampton@justice.govt.nz.

Nāku noa, nā

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

CC: Tipa Compain, Ngaati Whanaunga Negotiator [REDACTED]
Nathan Kennedy, Ngaati Whanaunga Negotiator [REDACTED]
Hone Sadler, Chair, Tūhoronuku Iwi Mandated Authority [REDACTED]
Janelle Beazley, Project Manager, Tūhoronuku Iwi Mandated Authority [REDACTED]

s9(2)(a)



Office of Hon Christopher Finlayson

Document 82

18 AUG 2017

Hone Sadler
Chairman
Tūhoronuku Independent Mandated Authority

By email: [REDACTED] s9(2)(a)

Tēnā koe

Ngaati Whanaunga overlapping claims final decision

On 21 July 2017 I advised you of my preliminary decision on overlapping claims relating the Crown's offer of redress to Ngaati Whanaunga. I sought your feedback to my decision by 7 August. I am advised by my officials no response has been received.

I have made a final decision to maintain the Crown's offer to Ngaati Whanaunga except in relation to the proposed protocols area which I will make a final decision on separately.

Accordingly I consider overlapping claims between Ngaati Whanaunga and Ngāpuhi have been addressed to the Crown's satisfaction, except in relation to the proposed protocols area.

Whether the proposed redress is provided to Ngaati Whanaunga will ultimately be a matter for Parliament. The redress will not be provided until and unless Parliament authorises it through settlement legislation.

If you have any further queries I invite you to contact Andrew Hampton, Senior Analyst, Office of Treaty Settlements, at andrew.hampton@justice.govt.nz.

Nāku noa, nā

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

CC: Tipa Compain, Ngaati Whanaunga Negotiator [REDACTED] s9(2)(a)
Nathan Kennedy, Ngaati Whanaunga Negotiator [REDACTED]
Janelle Beazley, Project Manager, Tūhoronuku Iwi Mandated Authority [REDACTED]
Pita Tipene, Rudy Taylor, Co-chairs, Te Kotahitanga o Ngā Hapū Ngāpuhi
[REDACTED]

6 October 2017

Pita Tipene and Rudy Taylor
Co-Chairs
Te Kotahitanga o Ngā Hapū Ngāpuhi

s9(2)(a)

By email: [REDACTED]

Tēnā kōrua

Hauraki iwi Taonga Tūturu and Primary Industries protocol areas

I write to update you on the overlapping claims process for the proposed Primary Industries and Taonga Tūturu protocol areas for Hauraki iwi.

The Minister for Treaty of Waitangi Negotiations wrote to you on 12 July with his preliminary decision on the proposed Primary Industries and Taonga Tūturu protocol areas for Hauraki iwi and to invite feedback.

I am aware it has been some time since you received an update on the overlapping claim process. We have discussed feedback received with individual Hauraki iwi and are carefully considering the information received from overlapping claimant groups.

Once a new government has formed we will update the Minister on the feedback and engagement to date. We will be in contact with you regarding the feedback we have received before seeking any further decisions from the Minister on the protocol areas.

If you would like to provide feedback please send your comments by **13 October**.

If you have questions or seek further information please contact Lisa Gooch at lisa.gooch@justice.govt.nz or on 04 494 1083.

Nāku noa, nā



Leigh McNicholl
Negotiation and Settlement Manager

s9(2)(a)

CC: Hone Sadler, Chairman Tūhoronuku Independent Mandated Authority, [REDACTED] Janelle Beazley, Project Manager, Tūhoronuku Independent Mandated Authority, [REDACTED]
Rowena Tana, Secretary, Te Kotahitanga, [REDACTED]



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

6 October 2017

Hone Sadler

Chairman

Tūhoronuku Independent Mandated Authority

By email:

s9(2)(a)

Tēnā koe

Hauraki iwi Taonga Tūturu and Primary Industries protocol areas

I write to update you on the overlapping claims process for the proposed Primary Industries and Taonga Tūturu protocol areas for Hauraki iwi.

The Minister for Treaty of Waitangi Negotiations wrote to you on 12 July with his preliminary decision on the proposed Primary Industries and Taonga Tūturu protocol areas for Hauraki iwi and to invite feedback.

I am aware it has been some time since you received an update on the overlapping claim process. We have discussed feedback received with individual Hauraki iwi and are carefully considering the information received from overlapping claimant groups.

Once a new government has formed we will update the Minister on the feedback and engagement to date. We will be in contact with you regarding the feedback we have received before seeking any further decisions from the Minister on the protocol areas.

If you would like to provide feedback please send your comments by **13 October**.

If you have questions or seek further information please contact Lisa Gooch at lisa.gooch@justice.govt.nz or on 04 494 1083.

Nāku noa, nā



Leigh McNicholl

Negotiation and Settlement Manager

s9(2)(a)

CC: [redacted] Project Manager, Tūhoronuku Independent Mandated Authority, [redacted]

Pita Tipene, Co-chair, Te Kotahitanga [redacted]

Rudy Taylor, Co-chair, Te Kotahitanga, [redacted]

[redacted] Secretary, Te Kotahitanga [redacted]

Document 85

8 November 2017

Hone Sadler
Chair
Tūhoronuku Independent Mandated Authority

Tēnā koe

Follow up: overlapping claims with Hako

The Office of Treaty Settlements (OTS) contacted you in late 2016 regarding redress the Crown has offered to Hako in settlement of their historical Treaty of Waitangi claims that Ngāpuhi may have an interest in.

I am aware it has been some time since you last heard from us about Hako overlapping claims. This is because we were working through matters with Hako that prevented their settlement negotiations from progressing further. Hako and the Crown are now working towards initialling a deed of settlement. s9(2)(j)

Released under the Official Information Act 1982

[REDACTED]

Nāku noa, nā



Tessa Buchanan
Negotiation and Settlement Manager

cc: John Linstead, Hako Negotiator, [REDACTED]
Josie Anderson, Hako Negotiator, [REDACTED]
Janelle Beazley, Interim Project Manager, Tūhoronuku Independent Mandated Authority,
[REDACTED]

s9(2)(a)

Released under the Official Information Act 1982

Document 86

8 November 2017

Pita Tipene
Co-Chair
Te Kotahitanga o Ngā Hapū Ngāpuhi

[REDACTED]

Rudy Taylor
Co-Chair
Te Kotahitanga o Ngā Hapū Ngāpuhi

[REDACTED]

s9(2)(a)

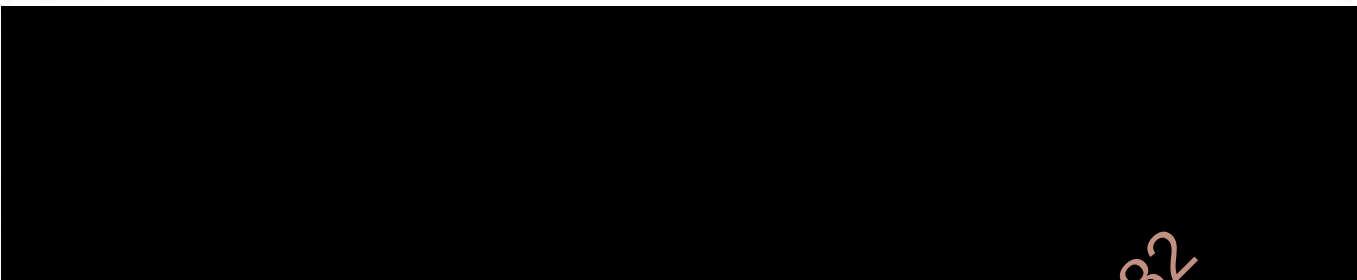
Tēnā kōrua

Overlapping claims with Hako

The Office of Treaty Settlements (OTS) contacted the Tūhoronuku Impendent Mandated Authority in late 2016 regarding redress the Crown has offered to Hako, 1 of the 12 Iwi of Hauraki, in settlement of their historical Treaty of Waitangi claims that Ngāpuhi may have an interest in.

s9(2)(j)

Released under the Official Information Act 1982



Naku hōa, hā

s9(2)(j)

Tessa Buchanan
Negotiation and Settlement Manager

cc: John Linstead, Hako Negotiator, [redacted]
Josie Anderson, Hako Negotiator, [redacted]
Rowena Tana, Te Kotahitanga o Ngā Hapū Ngāpuhi, [redacted]

s9(2)(a)

Released under the Official Information Act 1982

8 February 2018

Document 87

Pita Tipene and Rudy Taylor
Co-chairs
Te Kotahitanga o Ngā Hapū Ngāpuhi

s9(2)(a)

By email: [REDACTED]

Tēnā kōrua

Treaty settlement negotiations with Ngāti Porou ki Hauraki

I am writing to update you on the Ngāti Porou ki Hauraki historical Treaty of Waitangi negotiations.

On 20 December, the Crown presented a best and final redress offer to Ngāti Porou ki Hauraki to settle their historical Treaty claims. The redress offer is subject to overlapping claims being addressed to the satisfaction of the Crown. The Crown and Ngāti Porou ki Hauraki are working towards initialling the Ngāti Porou ki Hauraki deed of settlement (deed) in early 2018.

A summary of the redress offered to Ngāti Porou ki Hauraki is attached at Appendix 1. I have also attached a map showing the location of the redress at Appendix 2. Please note the map is without prejudice and for discussion purposes only. A summary of the redress mechanisms referred to in the offer is attached at Appendix 3.

If you wish to provide any comments on the redress offered to Ngāti Porou ki Hauraki, I would appreciate receiving those comments by **5.00PM, Monday 26 February 2018**. Any issues raised in respect of the proposed redress for Ngāti Porou ki Hauraki must be addressed to the satisfaction of the Crown.

s9(2)(a)

It is the Crown's preference that groups engage directly if there are any concerns with proposed redress and, where possible, resolve any issues arising themselves. I encourage you to engage directly with Ngāti Porou ki Hauraki by contacting John Tamihere at [REDACTED]. The Crown acknowledges such discussions can be complex and should the need arise the Crown is able to assist in these discussions if both parties agree. The Office of Treaty Settlements (OTS) is also available to meet with you during this process if necessary.

We recognise that sometimes all avenues of engagement between groups are exhausted and matters that cannot be addressed remain between 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 overlapping claimant groups.

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

Timeframe	Next steps
8 February	OTS writes to all overlapping groups advising of proposed redress and seeking a written response
8 February – 26 February	Ngāti Porou ki Hauraki engages directly with overlapping groups Groups provide information and views to OTS
26 February – 7 March	If required 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 addressed through direct engagement with Ngāti Porou ki Hauraki
7 March	The Minister writes to groups and Ngāti Porou ki Hauraki either to confirm that overlapping claims are closed, or to advise the outcome of his preliminary decision and seek further information
7 March – 21 March	If preliminary decisions have been made, overlapping groups have the opportunity to engage directly and to provide further information and views to OTS
21 March – 26 March	If required, OTS reports to the Minister to seek a final decision on overlapping claims
26 March	If required, the Minister writes to inform groups of his final decision

If you have any queries please contact Nat Newton, Senior Analyst, at nathaniel.newton@justice.govt.nz or on (04) 918 8723.

Nāku noa, nā



Tessa Buchanan
Negotiations and Settlement Manager

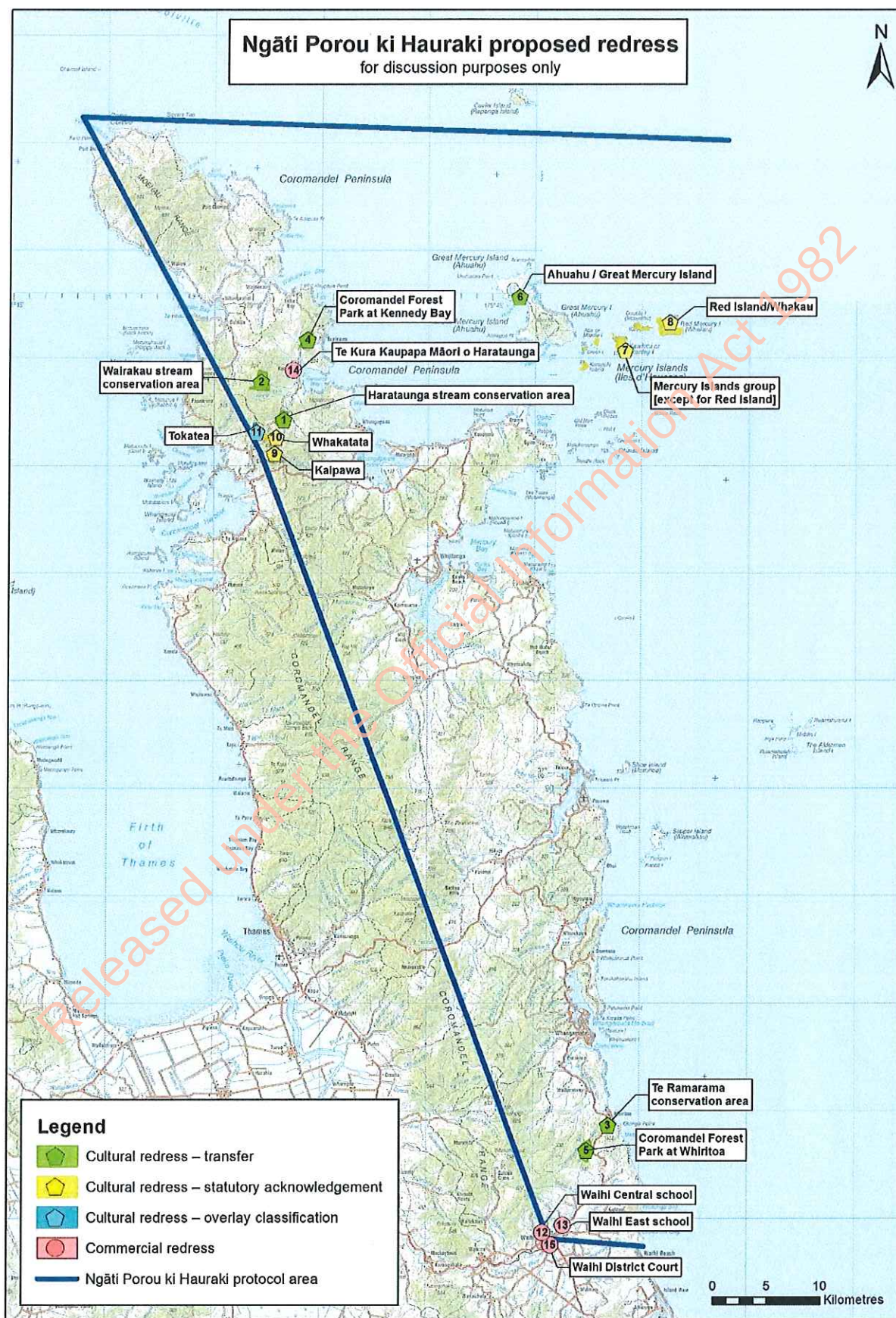
s9(2)(a)

CC: Hone Sadler, Chairman, TIMA, [REDACTED]
[REDACTED] Project Manager, TIMA [REDACTED]

Appendix 1 – Ngāti Porou ki Hauraki proposed redress

Ngāti Porou ki Hauraki individual redress			
Historical redress			
<ul style="list-style-type: none">Agreed historical accountCrown acknowledgementsCrown apology			
Commercial redress			
Name of site	Agency	Terms	
Waihi Central School	Ministry of Education (MOE)	Sale and leaseback (land only)	
Waihi East School	MOE	Sale and leaseback (land only)	
Waihi District Court	Ministry of Justice	Sale and leaseback (land only)	
Te Kura Kaupapa Māori o Harataunga	MOE	Right of first refusal for 177 years	
Cultural redress			
Vesting			
Name of site	Agency	Size (ha)	Terms
Previously approved by Ministers			
Ahuahu Great Mercury Island Landing Reserve	Department of Conservation (DOC)	0.814	Protection of conservation values; joint with Ngāti Maru, Ngāti Hako, Ngāti Hei, Ngaati Whanaunga
Wairakau Stream conservation area	DOC	188.5835	Protection of conservation values
Harataunga Stream conservation area	DOC	78.6835	Protection of conservation values
Te Ramarama conservation area	DOC	12.916	Unencumbered
Coromandel forest park at Kennedy Bay	DOC	50 ha	Protection of conservation values
Coromandel forest park at Whiritoa	DOC	50 ha	Protection of conservation values
Overlay classification			
Name	Agency		
Tokatea	DOC		
Statutory acknowledgements			
Name	Agency		
Whakatata maunga	DOC		
Kaipawa maunga	DOC		
Mercury Islands group	DOC		
Coastal area	N/A		
Red Island	DOC		
Kennedy Bay	DOC [subject to Ministerial approval and exact location to be determined]		
Whakanekeneke	DOC [subject to Ministerial approval and exact location to be determined]		
Hikurangi	DOC [subject to Ministerial approval and exact location to be determined]		
Relationship redress			
Instrument	Agency		
Taonga Tūturu Protocol	Ministry for Culture and Heritage		
Primary Industries Protocol	Agencies responsible for the primary sector		

Appendix 2 – map of Ngāti Porou ki Hauraki redress



Appendix 3 – Summary of Crown settlement redress mechanisms – definitions

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.
Settlement date properties	The right of a claimant group to purchase specific Crown-owned properties for transfer to that group on settlement date.

Document 88

8 February 2018

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

By email: [REDACTED] s9(2)(a)

Tēnā koe

Treaty settlement negotiations with Ngāti Porou ki Hauraki

I am writing to update you on the Ngāti Porou ki Hauraki historical Treaty of Waitangi negotiations.

On 20 December, the Crown presented a best and final redress offer to Ngāti Porou ki Hauraki to settle their historical Treaty claims. The redress offer is subject to overlapping claims being addressed to the satisfaction of the Crown. The Crown and Ngāti Porou ki Hauraki are working towards initialling the Ngāti Porou ki Hauraki deed of settlement (deed) in early 2018.

A summary of the redress offered to Ngāti Porou ki Hauraki is attached at Appendix 1. I have also attached a map showing the location of the redress at Appendix 2. Please note the map is without prejudice and for discussion purposes only. A summary of the redress mechanisms referred to in the offer is attached at Appendix 3.

If you wish to provide any comments on the redress offered to Ngāti Porou ki Hauraki, I would appreciate receiving those comments by **5.00PM, Monday 26 February 2018**. Any issues raised in respect of the proposed redress for Ngāti Porou ki Hauraki must be addressed to the satisfaction of the Crown.

It is the Crown's preference that groups engage directly if there are any concerns with proposed redress and, where possible, resolve any issues arising themselves. I encourage you to engage directly with Ngāti Porou ki Hauraki by contacting John Tamihere at [REDACTED]. The Crown acknowledges such discussions can be complex and should the need arise the Crown is able to assist in these discussions if both parties agree. The Office of Treaty Settlements (OTS) is also available to meet with you during this process if necessary.

We recognise that sometimes all avenues of engagement between groups are exhausted and matters that cannot be addressed remain between 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 overlapping claimant groups.

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

Timeframe	Next steps
8 February	OTS writes to all overlapping groups advising of proposed redress and seeking a written response
8 February – 26 February	Ngāti Porou ki Hauraki engages directly with overlapping groups Groups provide information and views to OTS
26 February – 7 March	If required 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 addressed through direct engagement with Ngāti Porou ki Hauraki
7 March	The Minister writes to groups and Ngāti Porou ki Hauraki either to confirm that overlapping claims are closed, or to advise the outcome of his preliminary decision and seek further information
7 March – 21 March	If preliminary decisions have been made, overlapping groups have the opportunity to engage directly and to provide further information and views to OTS
21 March – 26 March	If required, OTS reports to the Minister to seek a final decision on overlapping claims
26 March	If required, the Minister writes to inform groups of his final decision

If you have any queries please contact Nat Newton, Senior Analyst, at nathaniel.newton@justice.govt.nz or on (04) 918 8723.

Nāku noa, nā



Tessa Buchanan
Negotiations and Settlement Manager

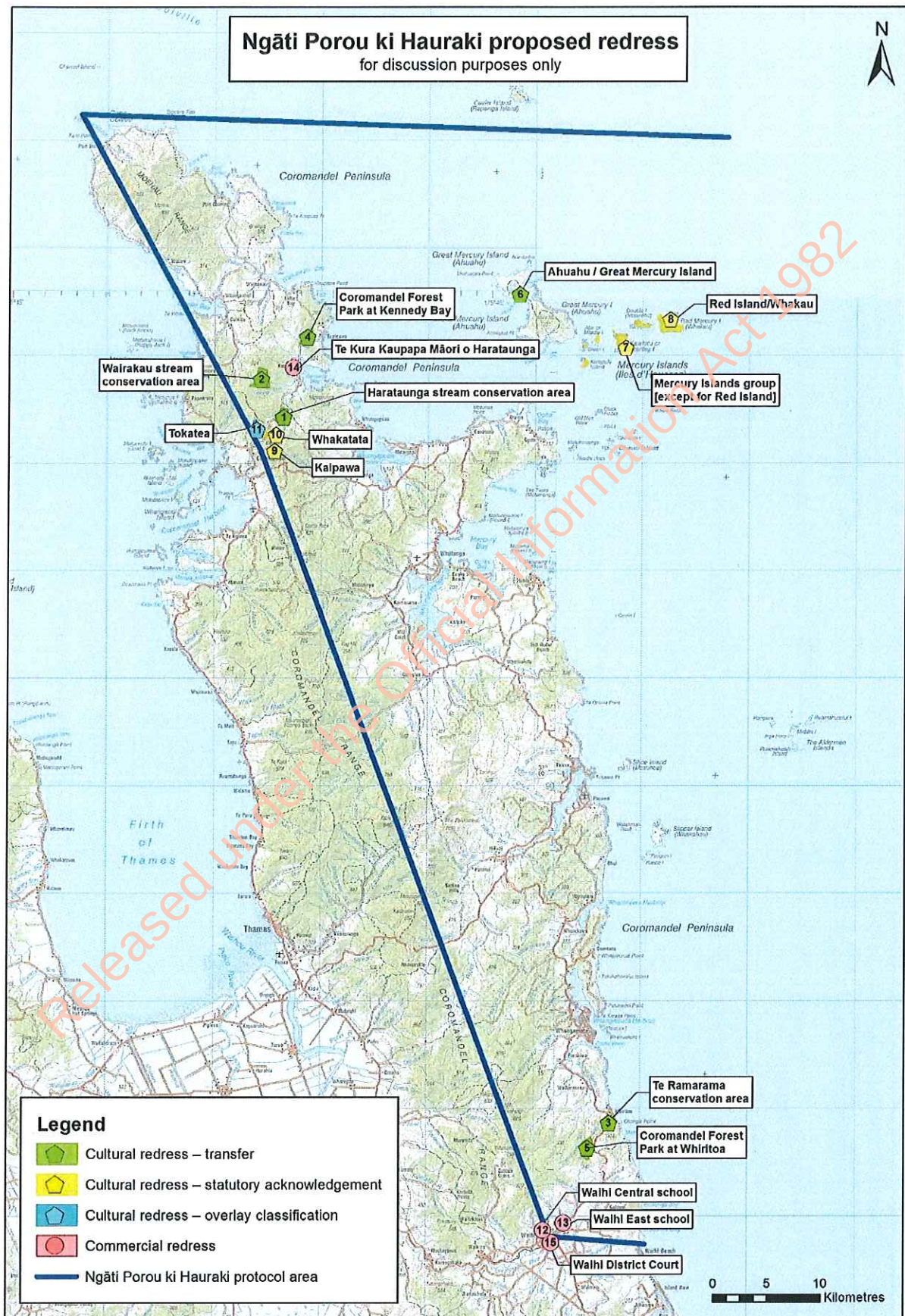
s9(2)(a)

CC: Janelle Beazley, Project Manager, TIMA [REDACTED]
Pita Tipene and Rudy Taylor, Co-chairs, Te Kotahitanga o Ngā Hapū Ngāpuhi, [REDACTED]

Appendix 1 – Ngāti Porou ki Hauraki proposed redress

Ngāti Porou ki Hauraki individual redress			
Historical redress			
<ul style="list-style-type: none">Agreed historical accountCrown acknowledgementsCrown apology			
Commercial redress			
Name of site	Agency	Terms	
Waihi Central School	Ministry of Education (MOE)	Sale and leaseback (land only)	
Waihi East School	MOE	Sale and leaseback (land only)	
Waihi District Court	Ministry of Justice	Sale and leaseback (land only)	
Te Kura Kaupapa Māori o Harataunga	MOE	Right of first refusal for 177 years	
Cultural redress			
Vesting			
Name of site	Agency	Size (ha)	Terms
Previously approved by Ministers			
Ahuahu Great Mercury Island Landing Reserve	Department of Conservation (DOC)	0.814	Protection of conservation values; joint with Ngāti Maru, Ngāti Hako, Ngāti Hei, Ngaati Whanaunga
Wairakau Stream conservation area	DOC	188.5835	Protection of conservation values
Harataunga Stream conservation area	DOC	78.6835	Protection of conservation values
Te Ramarama conservation area	DOC	12.916	Unencumbered
Coromandel forest park at Kennedy Bay	DOC	50 ha	Protection of conservation values
Coromandel forest park at Whiritoa	DOC	50 ha	Protection of conservation values
Overlay classification			
Name		Agency	
Tokatea		DOC	
Statutory acknowledgements			
Name	Agency		
Whakatata maunga	DOC		
Kaipawa maunga	DOC		
Mercury Islands group	DOC		
Coastal area	N/A		
Red Island	DOC		
Kennedy Bay	DOC [subject to Ministerial approval and exact location to be determined]		
Whakanekeneke	DOC [subject to Ministerial approval and exact location to be determined]		
Hikurangi	DOC [subject to Ministerial approval and exact location to be determined]		
Relationship redress			
Instrument	Agency		
Taonga Tūturu Protocol	Ministry for Culture and Heritage		
Primary Industries Protocol	Agencies responsible for the primary sector		

Appendix 2 – map of Ngāti Porou ki Hauraki redress



Appendix 3 – Summary of Crown settlement redress mechanisms – definitions

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	<p>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.</p> <p>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.</p>
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.
Settlement date properties	The right of a claimant group to purchase specific Crown-owned properties for transfer to that group on settlement date.

Document 89

13 March 2018

Pita Tipene and Rudy Taylor
Co-chairs
Te Kotahitanga o Ngā Hapū Ngāpuhi

s9(2)(a)

By email

Tēnā kōrua

Treaty settlement negotiations with Ngāti Porou ki Hauraki

On 8 February 2018, I wrote to you about the proposed Ngāti Porou ki Hauraki redress package (the package). The letter sought your feedback on the package by 26 February 2018. Officials contacted you a second time on 19 February 2018 to seek your feedback on the package.

We have not received any feedback from you. Accordingly the Crown considers there are no overlapping claims between Ngāpuhi and Ngāti Porou ki Hauraki to be addressed in relation to the package.

Nāku noa, nā



Tessa Buchanan
Negotiations and Settlement Manager

CC: Hone Sadler, Chairman, TIMA, [REDACTED]
Janelle Beazley, Project Manager, TIMA, [REDACTED]

s9(2)(a)

Document 90

13 March 2018

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

s9(2)(a)

By email [REDACTED]

Tēnā koe

Ngāti Porou ki Hauraki overlapping claims

On 8 February 2018, I wrote to you about the proposed Ngāti Porou ki Hauraki redress package (the package). The letter sought your feedback on the package by 26 February 2018. Officials contacted you a second time on 19 February 2018 to seek your feedback on the package.

We have not received any feedback from you. Accordingly the Crown considers there are no overlapping claims between Ngāpuhi and Ngāti Porou ki Hauraki to be addressed in relation to the package.

Nāku noa, nā



Tessa Buchanan
Negotiations and Settlement Manager

s9(2)(a)

CC: Janelle Beazley, Project Manager, TIMA, [REDACTED]
Pita Tipene and Rudy Taylor, Co-chairs, Te Kotahitanga o Ngā Hapū Ngāpuhi [REDACTED]

30 April 2018

Hone Sadler
Chairman
Tūhoronuku Independent Mandated Authority
By email: [REDACTED] **s9(2)(a)**

Tēnā koe

Proposed protocols areas for Hauraki iwi

Further to my letter of 6 October 2017, I write to update you on the overlapping claims process for the proposed protocols areas for Hauraki iwi.

We are continuing to consider feedback received on the proposed protocols areas for Hauraki iwi. We are also continuing to encourage Hauraki iwi to engage with overlapping groups, particularly where they have raised objections.

To date, we have not received any feedback on the proposed protocols areas from Tūhoronuku Independent Mandated Authority. If you have any feedback to provide, we ask you to please do so by 11 May. If you have any objections, we encourage you to meet with the relevant Hauraki iwi to discuss these.

In accordance with the Crown's overlapping claims policy, in situations where objections are raised and no agreement can be reached between iwi, the Minister for Treaty of Waitangi Negotiations may be required to make a decision. We anticipate further decisions may be sought within the next month if objections remain unresolved between iwi. As you are aware, the Crown's preference is that overlapping claims be resolved between iwi if possible.

If you have any questions or seek further information please contact me at leigh.mcnicholl@justice.govt.nz or on 04 494 9703.

Nāku noā, nā



Leigh McNicholl
Negotiation and Settlement Manager **s9(2)(a)**

CC: Janelle Beazley, Project Manager, Tūhoronuku Independent Mandated Authority,
[REDACTED]
Pita Tipene, Te Kotahitanga o Ngā Hapū Ngāpuhi [REDACTED]
Rudy Taylor, Te Kotahitanga o Ngā Hapū Ngāpuhi, [REDACTED]



Minister for Treaty of Waitangi Negotiations

Subject Ngāti Porou ki Hauraki: Preliminary decision on overlapping claims; negotiations

Date 12 July 2018

Priority: High

Report No. OTS: 2018/2019 – 3

File ref: CLA-N100-OF-03

Action sought

Minister for Treaty of
Waitangi Negotiations
(Hon Andrew Little)

By 17 July 2018



out of scope

Sign the attached letters to overlapping iwi.

Contact for Telephone Discussion (if required)

Name	Position	Phone		1 st Contact
Leah Campbell	Regional Director, Te Waenga	04 913 9202	027 836 0532	✓
Tessa Buchanan	Negotiation and Settlement Manager	04 494 9924	027 560 5492	
Nat Newton	Senior Analyst	04 918 8723	-	

Ngāti Porou ki Hauraki: Preliminary decision on overlapping claims; negotiations

Purpose

1. This briefing:

- a.

- b.

- c.

- d.

- e. attaches letters to Ngāpuhi (Tūhoronuku Independent Mandated Authority and Te Kotahitanga o Ngā Hapū Ngāpuhi) advising them overlapping claims are closed.

Executive Summary

2. Ngāti Porou ki Hauraki are 1 of 12 Iwi of Hauraki and a member of the Hauraki Collective.¹ They have interests on the Coromandel Peninsula centred around Kennedy Bay and north of Waihi at Mataora (see map at Appendix 1). These lands were gifted to Ngāti Porou ki Hauraki by Ngāti Tamaterā chief Paora Te Putu in the 1850s.
3. The Crown made a best and final offer to settle Ngāti Porou ki Hauraki historical Treaty claims on 18 December 2017. Ngāti Porou ki Hauraki have accepted the bulk of that offer, but have continued to seek additional cultural redress.

Overlapping claims

4. Engagement with overlapping groups – [redacted] and Ngāpuhi – commenced in February 2018. [redacted] Ngāpuhi have not responded and overlapping claims with them are considered closed.

- 5.

[redacted]

[redacted]

out of scope

6.

7.

8.

9.

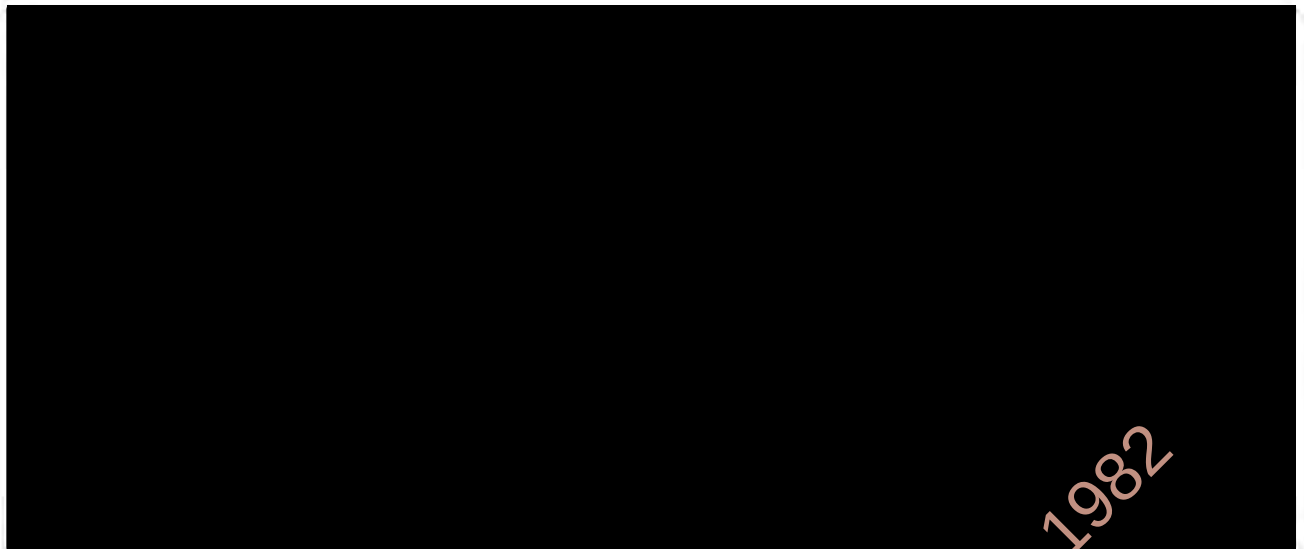
10.

out of scope

Letters to Ngāpuhi (to both Tūhoronuku Iwi Mandated Authority and Te Kotahitanga o Ngā Hapū Ngāpuhi) confirming overlapping claims are closed are also attached. These letters are attached at Appendix 7.

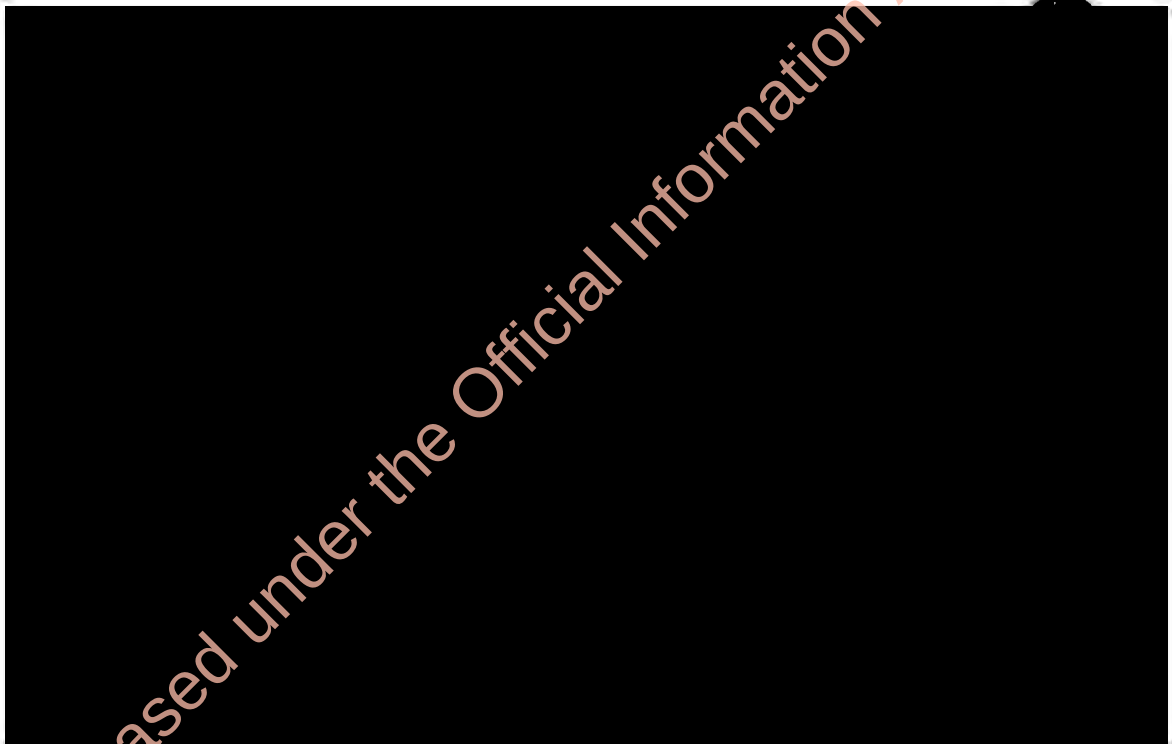
out of scope

out of scope



Recommendations

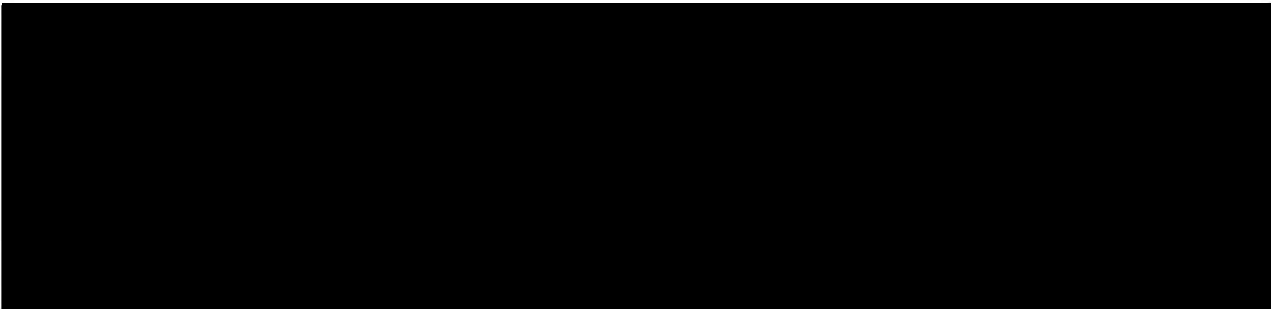
16. It is recommended you:



out of scope

Released under the Official Information Act 1982

out of scope



- h. **sign** the attached letters to Ngāpuhi (Tūhoronuku Independent Mandated Authority and Te Kotahitanga o Ngā Hapū Ngāpuhi) advising them overlapping claims are closed. **YES / NO**

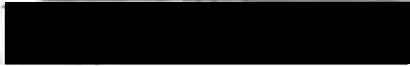
Leah Campbell
Regional Director, Te Waenga

NOTED / APPROVED / NOT APPROVED
Hon. Andrew Little Minister for Treaty of Waitangi Negotiations
Date: 17 / 7 / 2018

Released under the Official Information Act 1982



Overlapping claims engagement and feedback

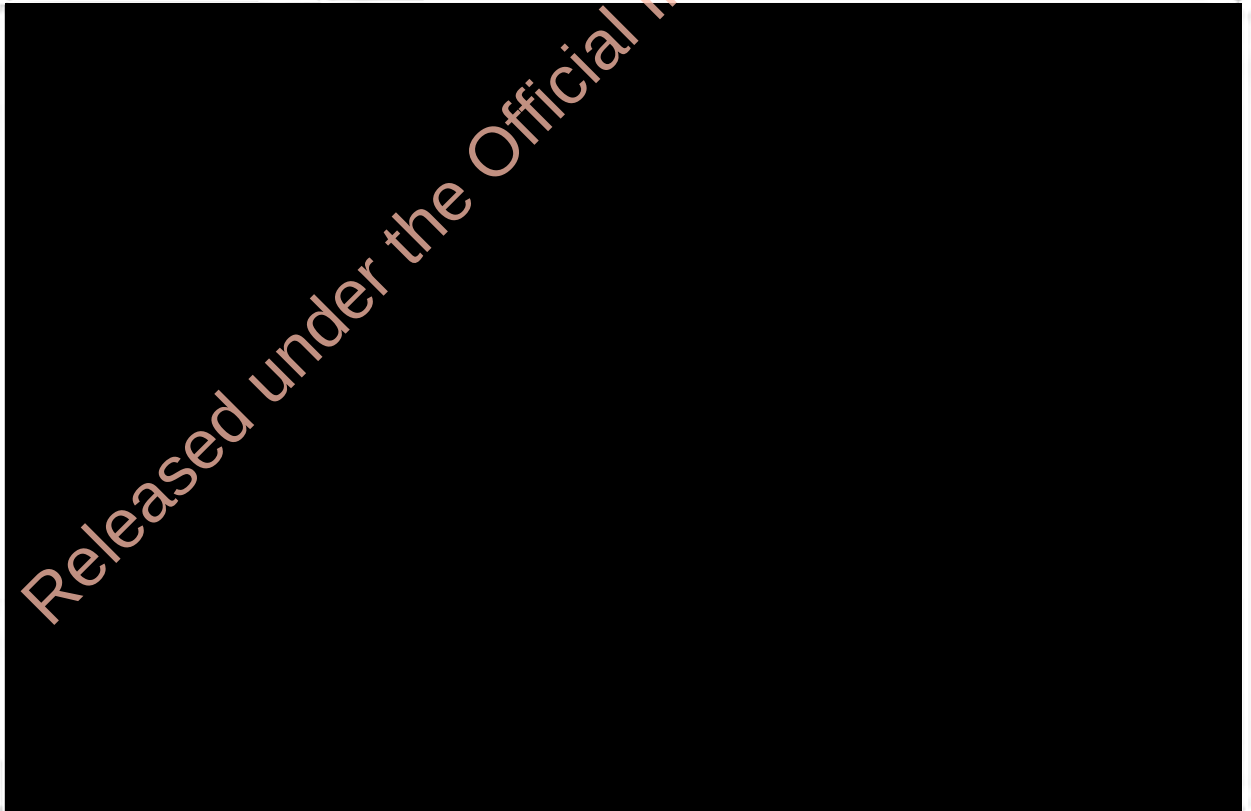
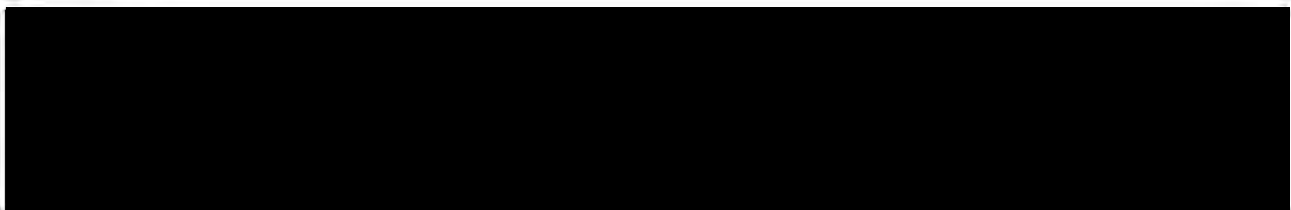


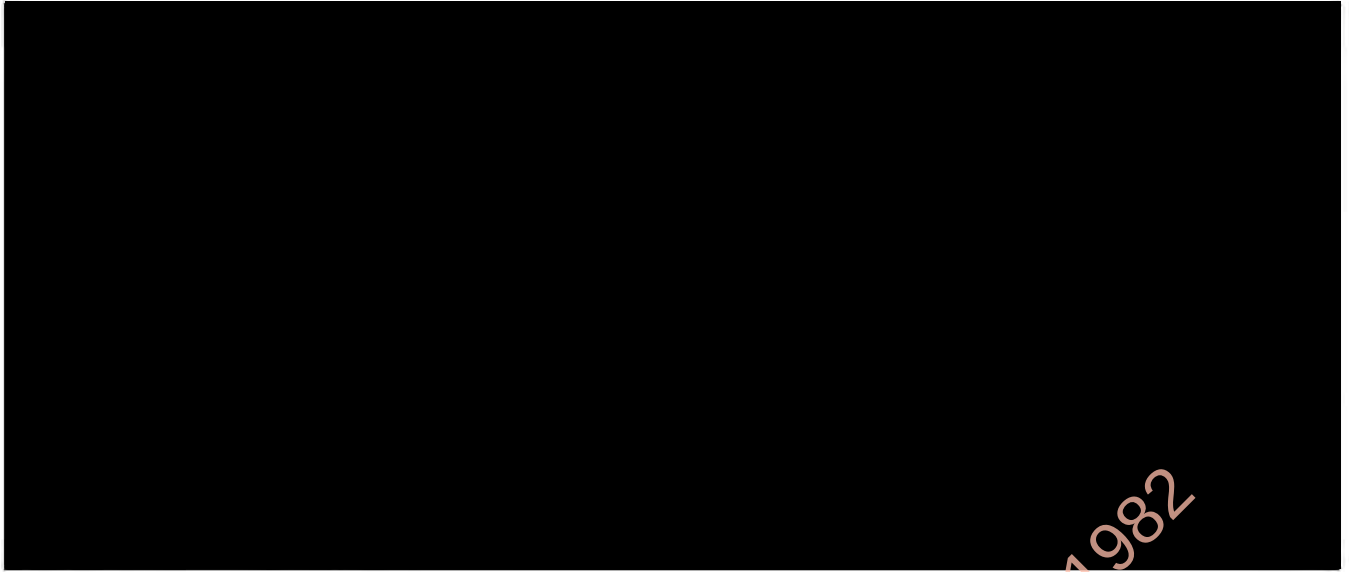
21.

out of scope

22.

23.





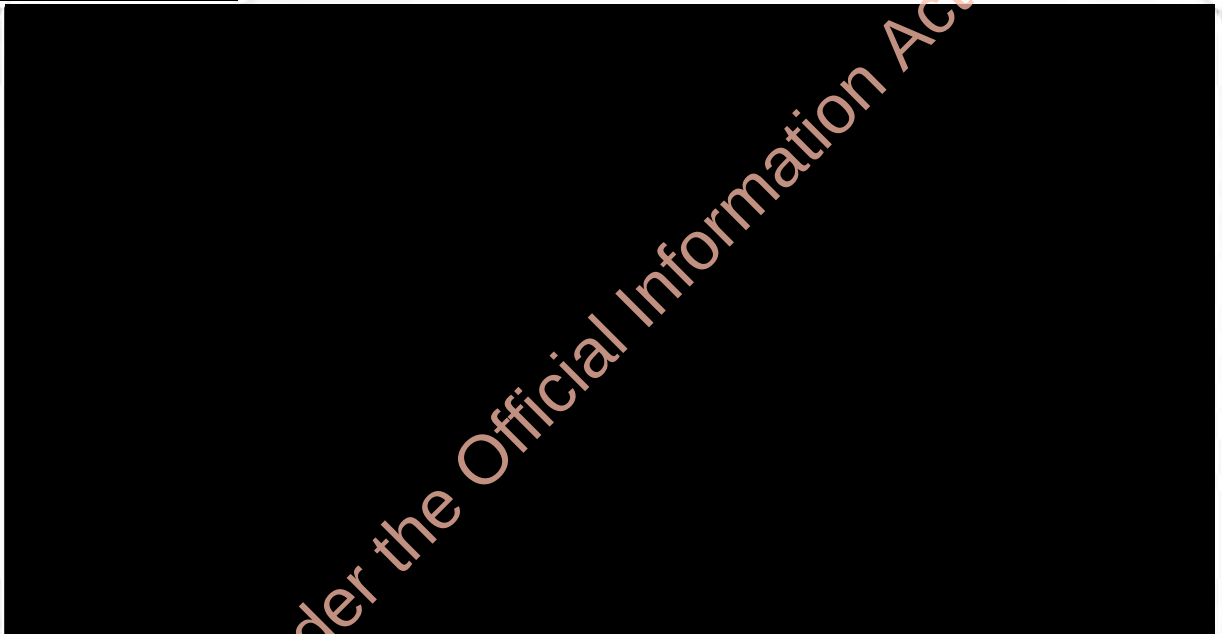
out of scope

26.

27.

28.

29.



Non-Hauraki iwi engagement and feedback

Ngāpuhi

30. Ngāpuhi were consulted on the proposed Ngāti Porou ki Hauraki redress package as Ngāpuhi's Area of Interest in their Terms of Negotiation overlaps with the redress offered to Ngāti Porou ki Hauraki in the northern Coromandel Peninsula.
31. On 8 February 2018 officials wrote to Ngāpuhi (to Tūhoronuku Independent Mandated Authority and Te Kōtahitanga o Ngā Hapū Ngāpuhi). The letters included a summary of the proposed redress and sought feedback by 26 February. Ngāpuhi did not respond to this correspondence, or any subsequent correspondence.
32. On 13 March 2018, officials wrote to Ngāpuhi advising as they had not responded that the Crown considers there are no overlapping claims to consider between Ngāti Porou ki Hauraki and Ngāpuhi. We now seek your signature on a letter to Tūhoronuku Independent Mandated Authority and Te Kōtahitanga o Ngā Hapū Ngāpuhi confirming overlapping claims with Ngāti Porou ki Hauraki are closed.

Released under the Official Information Act 1982

Minister of Justice

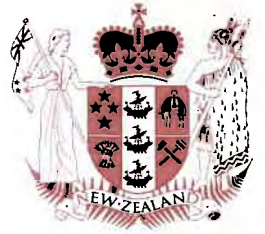
Minister for Courts

Minister for Treaty of Waitangi Negotiations

Minister Responsible for the NZSIS

Minister Responsible for the GCSB

Minister Responsible for Pike River Re-entry



19 JUL 2018

Hone Sadler
Chairman
Tūhoronuku Iwi Mandated Authority

By email:



s9(2)(a)

Tēnā koe

Ngāti Porou ki Hauraki: Overlapping claims

On 8 February and 13 March my officials wrote to you regarding the Ngāti Porou ki Hauraki redress package (the package).

I am advised you did not provide any feedback on the package. Accordingly I consider there are no overlapping claims between Ngāpuhi and Ngāti Porou ki Hauraki to be addressed.

Nāku noa, nā


Hon Andrew Little
Minister for Treaty of Waitangi Negotiations

CC: Janelle Beazley, Project Manager, TIMA, 
Pita Tipene and Rudy Taylor, Co-chairs, Te Kotahitanga o Ngā Hapū Ngāpuhi,


s9(2)(a)

Released under the Official Information Act 1982



19 JUL 2018

Pita Tipene and Rudy Taylor

Co-chairs

Te Kotahitanga o Ngā Hapū Ngāpuhi

s9(2)(a)

By email:



Tēnā kōrua

Ngāti Porou ki Hauraki: Overlapping claims

On 8 February and 13 March my officials wrote to you regarding the Ngāti Porou ki Hauraki redress package (the package).

I am advised you did not provide any feedback on the package. Accordingly I consider there are no overlapping claims between Ngāpuhi and Ngāti Porou ki Hauraki to be addressed.

Nāku noa, nā

Hon Andrew Little

Minister for Treaty of Waitangi Negotiations

s9(2)(a)

CC: Hone Sadler, Chairman, TIMA,

Janelle Beazley, Project Manager, TIMA,

From: [McNicholl, Leigh](#)
To: Zander.Lyons@parliament.govt.nz
Cc: [Campbell, Leah](#); [Kaipara, Moana](#); [Johnston, Doris](#); [Anderson, Lillian](#); [Langbein, Janet](#); [Huriwai, Naydene](#); [correspondence, official](#); [Bogardus, Ryan](#); [White, Tom](#); [Stapp, William](#)
Subject: FW: Ngati Hao Ngapuhi Northshore Tamaki Manawhenua.
Date: Friday, 28 September 2018 1:28:42 pm
Attachments: [image1.png](#)
[image2.png](#)
[image3.png](#)
[image4.png](#)
[image5.png](#)
[image6.png](#)
[Draft Min response to James Clyde \(re Ngati Paoa, Hato Petera, North Shore\).docx](#)

Kia ora Zander

As discussed, please find attached a draft Ministerial response to the below email, noting there is no reference number at your end (our reference is 70679).

Hard copy is in this afternoon's bag.

Regards,
Leigh

-----Original Message-----

From: James [REDACTED]
Sent: Monday, 27 August 2018 6:10 a.m.
To: Hon Andrew Little <Andrew.Little@parliament.govt.nz>; Hickey, Maureen <Maureen.Hickey@justice.govt.nz>
Subject: Ngati Hao Ngapuhi Northshore Tamaki Manawhenua.

Kia ora Minister, Office of Treaty Settlements, Ngati Paoa and Ngati Hao meet several years ago as Ngati Paoa needed a letter of support from Ngati Hao to move into Settlement. Minister Finlayson required to see supporting evidence and recommended the meeting.

Attendees were Hayden Solomon, Hau Rawiri Ngati Paoa and [REDACTED] James Clyde Ngati Hao. Hui was at Awataha Marae.

I will try to keep things brief, Ngapuhi Rangatira Chief Patuone married Riria Takarangi from Ngati Paoa. Through this marriage bought peace between the two Iwi. My Hapu and Iwi can Korero more around this at a later date. I hate doing this (keeping things brief) because this Hapu and its Chiefs are so understated as to the historical events they helped shape.

Getting back to the agreement required from Ngati Hao, we signed a letter in support to Ngati Paoa in good faith around land cross claims and one of the conditions was a letter from Ngati Paoa supporting Ngati Hao Commercial Redress for the North Shore and as explained that day from Hayden and agreed that on the Northshore Ngati Hao was in the driving seat.

I went home, had several hui and explained we had an agreement and given the letter supporting Ngati Paoa. Over the last few months Ngati Hao have been involved with Hato Petera on the Northshore and basically offering support because it's in our area of manawhenua. We have met with the Catholic Church, attending hui with the main driving group of Whanau Whanui Hato Petera and Ngati Paoa.

Yesterday we attended a hui at Hato Petera, Minister Hipkins attended. After the hui Te Raa Nehua and Myself met with Hayden Solomon Ngati Paoa to be told that Ngati Paoa has entered into talks with The Minister of Treaty Settlements and OTS to purchase the land from the church, they have the money to do this and there reason for doing this was to take the church out of the picture and make things easier for the school to move forward.

Minister on my way back north I reported back to my Taumata Ngapuhi Ngati Hao at what we just heard, Not a good reply. In short we do not support what Hayden (Ngati Paoa) are wanting. We are also hearing Takapuna Grammar, Belmont Bayswater schools and other assets are being spoken over on the Northshore and others are speaking over Ngati Hao.

Work has been busy and getting time to come through to Wellington is a challenge but now I can see I have to come through. It's better I come down so I can meet with OTS.

The Northshore of Auckland is a small and very beautiful place to live. My Tupuna is buried at Devenport. My

s9(2)(a)

Hapu has never left.

Can a day be suggested to come down,I don't want to take up to much of anyone's time.

Nga Mihi

James Clyde

Ngati Hao Mandated Hapu Kaikorero

Hokianga Trustee TIMA Board

Sent from my iPad

Released under the Official Information Act 1982

Hauraki protocol redress in protocol area.Ngati Hao

To: C Finlayson

Kia Ora Minister,

Thank you Minister for all the time yourself and Nigel have spent on bringing our Iwi together.I know that some times it must feel things are not getting ahead but the steps you have walked with us have moved us closer to a point as an Iwi to have some assurance we can sustain our people into the future.With your help we are further along this track,the only unknown is the distance left to travel.

This email is long overdue and thank you again for the assistance to get around the table with Ngati Paoa.Ngati Hao never wanted to hinder the cultural redress of Ngati Paoa and thus supported their claim.In return Ngati Paoa gave support to Ngati Hao to the Commercial redress to our lands on the Northshore.The terms applied on the 13th of May 2016 between us were that Ngati Hao take a backseat but are still acknowledged in areas of concern around Ngati Paoa cultural redress in other areas and that Ngati Hao are in the driving seat when dealing with the Northshore Commercial and Cultural Redress.

Ngati Hao area of redress is Devonport/Takapuna.

Any move to bring redress ahead in time would be a move that Ngati Hao would support

I have been tasked by my Kaumatua and Kuia to deliver a toanga to you in appreciation of time spent.

Thank you again

Nga Mihi

James Clyde
Ngati Hao Hapu Kaikorero.

Fyi Siru from my iPad Begin forwarded message From: Secretariat office <secretariat@ngatipaoa>

Secretariat office

Ala mauru e te Rangatira e James Ke te kumanaki e rua pai tena kua whakawhiwhi ki aha. Following on fr...

James

Re: Overlapping Interests Meeting between Ngati Paoa and Ngati Hao.

To: [redacted] Cc: [redacted]

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 Paoa and Ngati Paoa. Mana Motuhaka will be maintained between both Iwi.
 4. The walk over of sites of significance 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.
- New beginnings, I found the hui at Awataha very significant and will bring the two Iwi closer together than ever before. It is with Integrity Marae 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

From: **Secretariat office**

To: jgc@extra.co.nz

Cc: [Hauauru Eugene Rawiri](#); [Morehu Wilson](#)

Hide

50

Overlapping Interests Meeting between Ngati Paoa and Ngati Hao.

14 May 2018 at 3:57 PM

Found in [streaming inbox](#)

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

Released under the Official Information Act 1982



Eventual site of
The Pumphouse

Horstree Rd and Lake Pupuke to the right looking from Black Rock (Thomas Esch) it was in 1862.

The first farmer in the vicinity of The Pumphouse was a Mr. O'Connor whose homestead sat on the slope behind The Pumphouse site and may still be marked by a Moreton Bay Fig Tree.



Death of Ngāpuhi Chief Eruera Patuone – dubbed The Peacemaker and Father of the Pakeha, who lived his later years, managing his business interests from his Takapuna estate. His presence allowed for the peaceful settlement of Takapuna. He is buried at Mt Victoria in Devonport.

Mid to Late
1860s

1840s-60s

On The proceedings at the lake give promise of great amusement to visitors.

There are to be boat races by whaleboats, watermen's boats and the Waitemata Boat Club; a swimming match, a shield, hunt and horse, footrace, quints, cricket, football and other games. Bands are to be in attendance.

From an advertisement for Lake Takapuna Regatta Picnic on January 30th 1863

1872

Black swans
introduced.



Sacred to the memory of Eru Patuone, elder brother of Tūmāi Waka Nenei, son of Tapua; a noted chieftain of the Ngāpuhi nation; a close friend of the Europeans; supporter of the Queen's laws and Peacemaker amongst his own countrymen. Died at Auckland, 19th September 1872. This memorial stone is erected by the government of New Zealand as a fitting monument for him.

Page 596

Hon Andrew Little

Minister of Justice

Minister for Courts

Minister for Treaty of Waitangi Negotiations

Minister Responsible for the NZSIS

Minister Responsible for the GCSB

Minister Responsible for Pike River Re-entry



16 OCT 2018

James Clyde

Document 95

By email:



s9(2)(a)

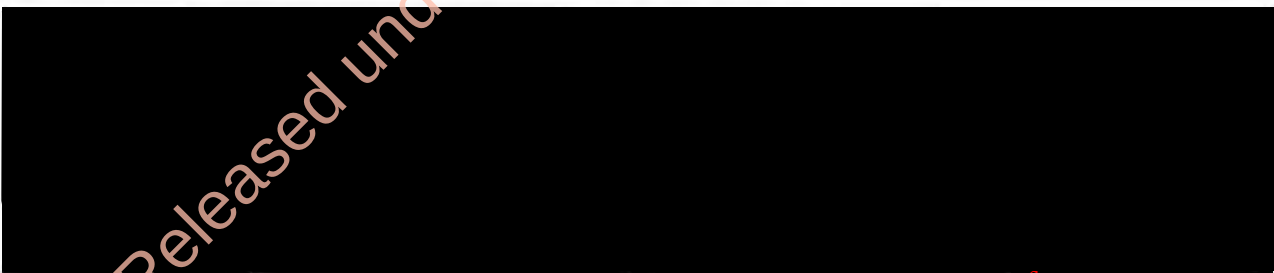
Tēnā koe

Re: Ngāti Hao Ngāpuhi Northshore Tāmaki Manawhenua

Thank you for your letter of 27 August about your discussions with Ngāti Paoa in relation to the North Shore in Tāmaki Makaurau.

The Office of Treaty Settlements and I have not had any discussions with Ngāti Paoa about purchasing the Hato Petera land from the Catholic Church and do not intend to do so. The Hato Petera land is privately owned. Crown policy is that privately-owned land is not available for consideration for Treaty settlement redress.

The Marutūāhu Iwi Collective Redress Deed, initialled on 27 July, contains a right to purchase land administered by the New Zealand Defence Force and a potential right to purchase specified school sites on the North Shore. This proposed redress was first notified in a Record of Agreement signed in May 2013. The Office of Treaty Settlements wrote to the Tūhoronuku Independent Mandated Authority about the collective redress offered to the Marutūāhu Iwi in 2016. Overlapping claims for this redress have been addressed to the Crown's satisfaction.



out of scope

Nāku noa, nā

Hon Andrew Little

Minister for Treaty of Waitangi Negotiations

Document 96

30 October 2018

Hōne Sadler
Chairman
Tūhoronuku Independent Mandated Authority

Pita Tipene and Rudy Taylor
Co-Chairs
Te Kotahitanga o Ngā Hapū Ngāpuhi

By email:

[REDACTED]
[REDACTED]
[REDACTED]

s9(2)(a)

Tēnā koutou

Te Ākitai Waiohua Deed of Settlement

In late 2016, the Office of Treaty Settlements (OTS) contacted Tūhoronuku to ask for initial views on Te Ākitai Waiohua's proposed redress prior to signing an agreement in principle (AIP). Tūhoronuku advised OTS to coordinate with the Mahurangi Wai Claimants Collective to seek their views.

In December 2016, the Crown and Te Ākitai Waiohua signed an AIP and following that OTS engaged with the Mahurangi Wai Claimants Collective again to seek feedback on interests relating to the AIP redress. In March 2017, the Mahurangi Wai Claimants Collective and Te Ākitai Waiohua Iwi Authority met to share information and discuss common interests.

Earlier this month the Minister for Treaty of Waitangi Negotiations presented Te Ākitai Waiohua with the Crown's final redress offer to settle their historical Treaty of Waitangi claims. Te Ākitai Waiohua have accepted the offer and are working towards initialling a deed of settlement.

I have attached for your information a table setting out the key components of the Crown's final redress offer to Te Ākitai Waiohua. Two maps showing Te Ākitai Waiohua's area of interest and the location of their proposed redress are also attached. Please note the maps are without prejudice.

If you have any questions or concerns about the proposed Te Ākitai Waiohū settlement package, please contact Pearl Carré, Senior Analyst, by 26 November (on 04 894 2932 or Pearl.Carre@justice.govt.nz).

Nāku noa, nā



Trina Dyll

Negotiation and Settlement Manager

s9(2)(a)

cc: Karen Wilson, Chair, Te Ākitai Waiohū Iwi Authority ()
Kiharoa Parker, Chairman, Mahurangi Wai Claimants Collective ()
Rihari Dargaville, Vice Chairman, Mahurangi Wai Claimants Collective ()

Released under the Official Information Act 1982

Definitions of statutory redress instruments

Definitions:	
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.
Statutory vesting as a reserve	Site vested in the claimant group as a reserve under s26 of the Reserves Act 1977, and the claimant group holds and administers the sites subject to the Reserves Act.
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.
Statement of Association	A non-exclusive form of redress that record the historical, cultural and spiritual importance to the claimant group of the sites and waterways to which the statutory acknowledgement applies ('the statutory area').
Place name changes	Usually to a dual Māori/English name. Provides visible recognition for the claimant group.
Protocol	Issued by a Minister (e.g. Minister of Energy and Resources). Sets out how the relevant department will exercise its functions, powers and duties in relation to specified matters in the claimant group's area of interest, interact with the claimant group and provide for its input into decision-making.
Advisory Committee appointments	Provides for the claimant group to advise a Minister directly on specified matters – for instance, advice to the Minister of Fisheries in relation to a taonga fish species.
Settlement date properties	The right of a claimant group to purchase specific Crown-owned properties for transfer to that group on settlement date.
Selection properties	The right of a claimant group to give notice of interest to purchase specific Crown-owned properties for a specified period before settlement.
Deferred selection properties	The right of a claimant group to have the option to purchase specific Crown-owned properties for a specified period following settlement.

Appendix 1: Summary of the proposed settlement package for Te Ākitai Waiohū

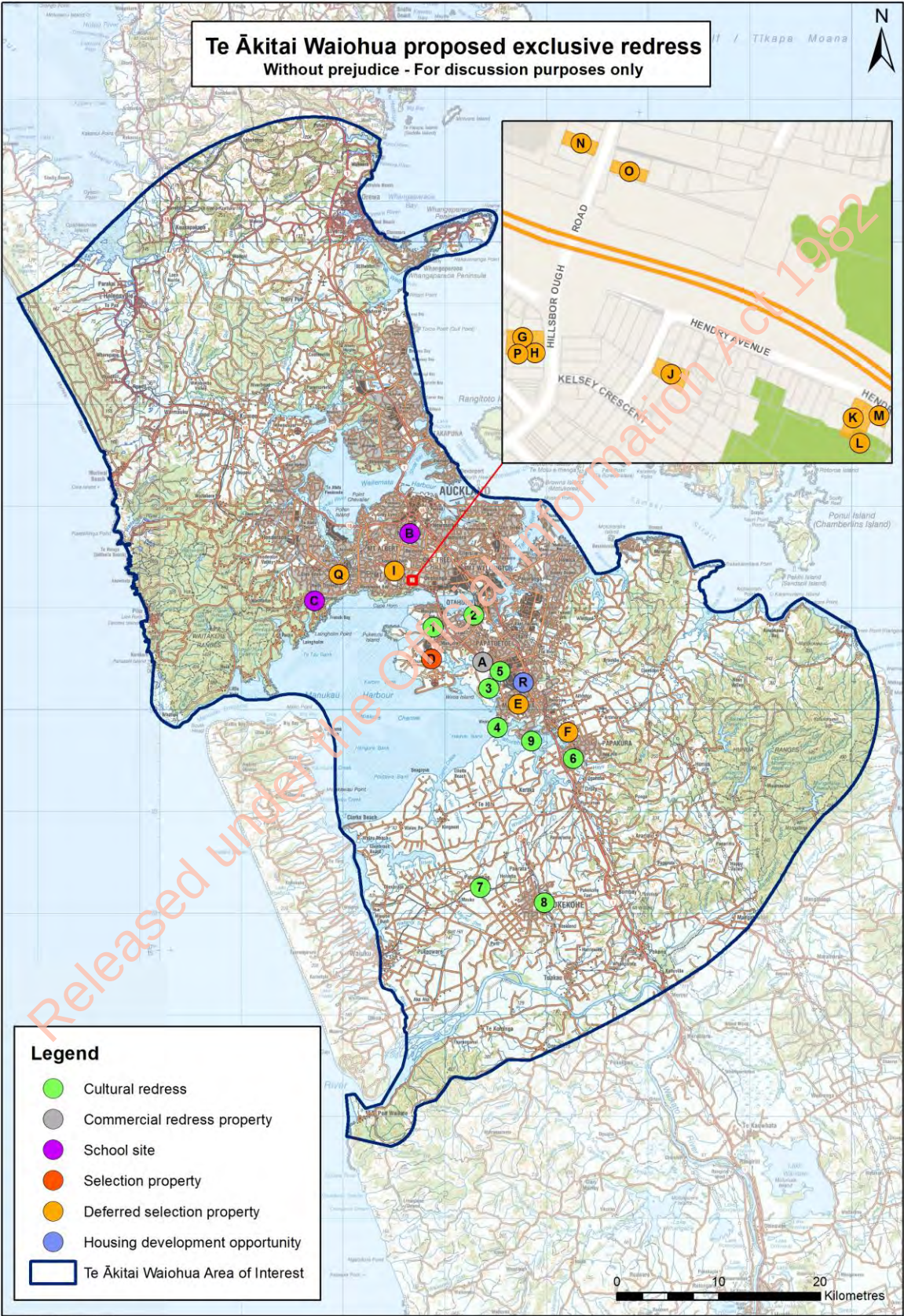
Historical redress			
Historical Account, Crown Acknowledgement and Apology			
Cultural redress			
Cultural redress properties			
Map	Name of site	Conditions	Size
1	Auckland Mataatua Society Marae Recreation Reserve	As a local purpose (marae/community buildings) reserve subject to the creation of a third-party lease	0.7393 ha
2	Favona Road Conservation Area	As a local purpose (wharewaka/waka ama, pou whenua, cultural purposes) reserve	0.2074 ha
3	Part Matukutureia / McLaughlins Mountain (unclassified reserve)	As a local purpose (marae, pou whenua, cultural purposes) reserve	0.3800 ha
4	Weymouth Conservation Area	As a recreation reserve	0.4500 ha
5	Wiri Lava Cave Scientific Reserve	As a scientific reserve subject to management by the Tūpuna Maunga o Tāmaki Makaurau Authority	1.5082 ha
6	Kirks Bush Scenic Reserve	As a scenic reserve	5.5134 ha
7	Patumahoe Scenic Reserve	As a scenic reserve	3.4297 ha
8	Roose's Bush Scenic Reserve	As a scenic reserve	1.1195 ha
9	Wattle Downs Local Purpose (Esplanade) Reserve	As a recreation reserve	0.0817ha
Statutory acknowledgement and deed of recognition			
Map	Name of site		
10	Matukutūreia / McLaughlins Mountain		
Statutory acknowledgement			
Map	Name of site		
11	Arch Hill Scenic Reserve		
12	Cameron Town Historic Reserve		
13	Drury Conservation Area		
14	Drury Creek Islands Recreation Reserve		
15	Goldie Bush Scenic Reserve		
16	Mangatawhiri Forest Conservation Area		
17	Mangere Conservation Area		
18	Mangere Mountain Education Centre (Local Purpose Reserve)		
19	Meola Creek Quarry Reserve		
20	Mutukaroa / Hamlin Hill		
21	Ōtuataua Stonefields Reserve		
22	Paerata Scenic Reserve		
23	Paparimu Conservation Area		
24	Raventhorpe Conservation Area		
25	Raventhorpe Scenic Reserve		
26	Recreation Reserve (Settlement Road, Papakura)		
27	Red Hill Scenic Reserve		
28	Richard Sylvan Memorial Scenic Reserve		
29	Rose Garden Reserve, Mangere		
30	Section 165 Suburbs of Tuakau (Scenic Reserve)		
31	St Johns Redoubt Historic Reserve		
32	Te Maketu Historic Reserve		
33	Thorne Bay Recreation Reserve		
34	Vining Scenic Reserve		
35	Wairoa Gorge Scenic Reserve		
Coastal statutory acknowledgement			
36	Coastal statutory acknowledgement area		
Statement of association			

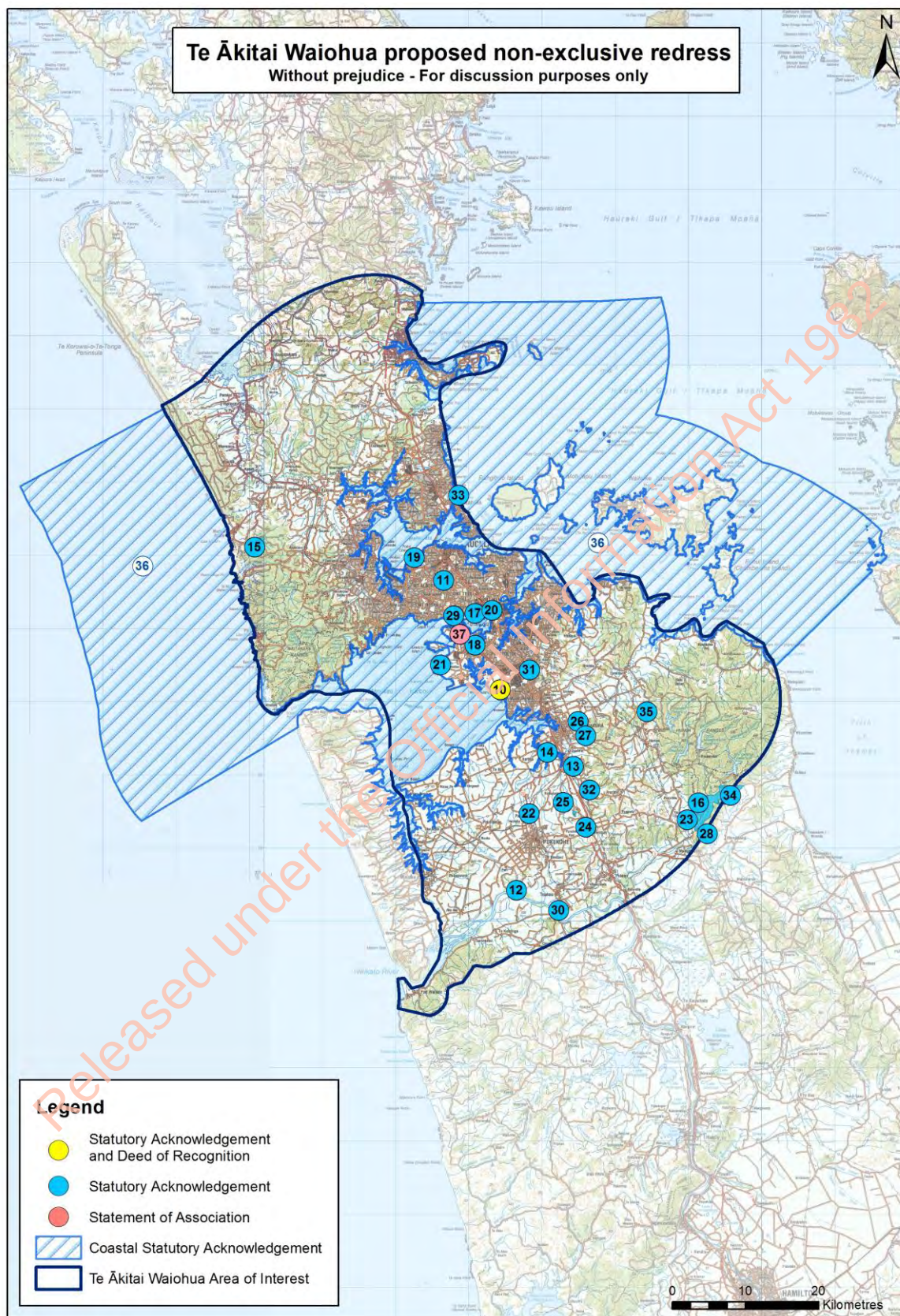
37	Mangere Mountain (Te Pane-o-Mataoho)		
Official geographic names			
Existing name		Proposed new name	Geographic feature type
Wiroa Island		Kohia Island	Island
Crater Hill (local use)		Ngā Kapua Kohuora	Crater
Papahinu (local use)		Papahīnau	Headland
Geddes Basin (local use)		Te Hōpua-a-Rangi / Geddes Basin	Crater
Unnamed		Te Maketū Falls	Waterfall
Pukaki Lagoon (local use)		Te Pūkākītapu-o-Poutūkeka	Crater
Mount Robertson (local use)		Te Tapuwae-o-Mataaoho	Crater
Mount Gabriel (local use)		Waitomokia Crater	Crater
Unofficial original Māori names			
Existing name		Proposed new name	Geographic feature type
Pukekiwiriki		Pukekōiwiriki	Hill
Puketutu Island		Te Motu-a-Hiaroa	Island
Te Maketū Falls		Noia Falls	Waterfall
Relationship redress			
Redress instrument		Responsible Minister/agency	
Crown Minerals Protocol		Minister of Energy and Resources	
Conservation Relationship Agreement		Minister of Conservation and the Director-General of Conservation	
Environment Relationship Agreement		Ministry for the Environment	
Whakaaetanga Tiaki Taonga		Ministry for Culture and Heritage Manatū Taonga, Department of Internal Affairs Te Tari Taiwhenua, Museum of New Zealand Te Papa Tongarewa, Heritage New Zealand Pouhere Taonga	
Letter of recognition from the Ministry for Primary Industries with respect to fisheries		Ministry for Primary Industries	
Appointment as an advisory committee to the Minister of Primary Industries on fisheries management		Minister of Primary Industries	
Commercial redress			
Commercial redress property			
Map	Name and Address	Conditions	Size
A	19 - 21 Aerovista, Wiri	Settlement date	0.8734 ha
Selection properties			
B	Mount Eden Normal School site (land only)	Sale and leaseback (land only)	1.82 ha
C	Titirangi School site (land only)	Sale and leaseback (land only)	0.82 ha
D	95 Richard Pearce Drive, Māngere (Archives New Zealand site) (land only)	Sale and leaseback (land only)	1.27 ha
Deferred selection properties			
E	48 Marr Road, Manurewa	Deferred selection	0.1017 ha
F	15A Snell Avenue, Papakura	Deferred selection	0.1189 ha
G	153 Hillsborough Road	Deferred selection	0.0786 ha
H	155 Hillsborough Road	Deferred selection	0.0799 ha
I	1350 Dominion Road, Mt Roskill	Deferred selection	0.0733 ha
J	13 Hendry Avenue	Deferred selection	0.1153 ha
K	43 Hendry Avenue	Deferred selection	0.0808 ha
L	45 Hendry Avenue	Deferred selection	0.0778 ha
M	47 Hendry Avenue	Deferred selection	0.0305 ha
N	101A Hillsborough Road	Deferred selection	0.0814 ha
O	110 Hillsborough Road	Deferred selection	0.0753 ha
P	155A Hillsborough Road	Deferred selection	0.0799 ha

Q	2A Seabrook Avenue, New Lynn	Deferred selection	0.2287 ha
B	Mount Eden Normal School site (land only)	Deferred selection Sale and leaseback (land only)	1.82 ha
C	Titirangi School site (land only)	Deferred selection Sale and leaseback (land only)	0.82ha
<i>Housing development opportunity</i>			
R	901 Great South Road, Wiri	Development opportunity as part of the Auckland Vacant and Underutilised Crown Land Programme)	

Released under the Official Information Act 1982

Appendix 2: Maps of Te Ākitai Waiohūa’s area of interest including location of proposed redress





AE04462.10 29/10/2018



Minister for Treaty of Waitangi Negotiations

Te Ākitai Waiohūa: Update on overlapping interests

Date	11 February 2019	Priority:	High
Report No. OTS:	2018/2019 – 281	File ref:	CLA – N131 – OF – 03

Action sought

out of scope

Minister for Treaty of
Waitangi Negotiations
(Hon Andrew Little)

By 18 February 2019

out of scope

By 18 February 2019

s9(2)(j)

Agree to write to Te Ākitai Waiohūa Iwi Authority to encourage them to meet with [REDACTED] overlapping groups who have opposed some of the proposed settlement redress and/or indicated further discussions with Te Ākitai Waiohūa are required; and

By 18 February 2019

Sign the attached letters.

By 18 February 2019

Contact for Telephone Discussion (if required)

Name	Position	Phone		1 st Contact
Leah Campbell	Regional Director, Te Waenga	04 913 9202	027 836 0532	✓
Trina Dyll	Negotiation and Settlements Manager	04 494 9871	027 498 8856	
Pearl Carré	Senior Analyst	04 894 2932		

Te Ākitai Waiohūa: update on overlapping interests

Purpose

1. This report updates you on the overlapping interests process for Te Ākitai Waiohūa, and recommends you close the overlapping interests process with [REDACTED] of 14 overlapping groups.

Background

out of scope

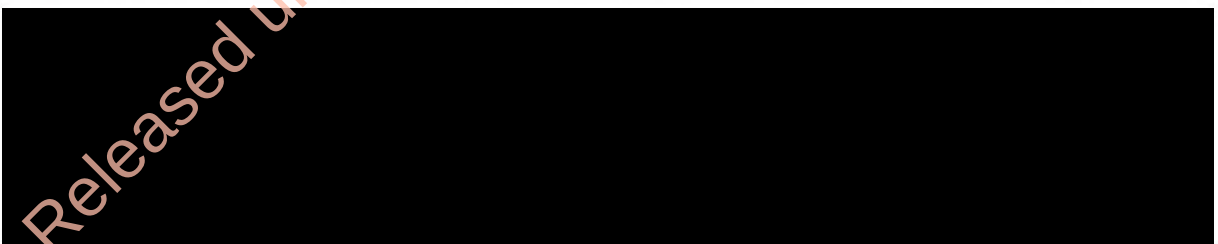
Te Ākitai Waiohūa

2. Te Ākitai Waiohūa (Te Ākitai) are a small iwi whose customary interests centre on Māngere and the wider south Auckland area. Te Ākitai's principal marae, Pūkaki, is located near Auckland Airport on the shore of the Manukau Harbour. Te Ākitai also claim customary interests across a wider area extending from the Waikato River in the south to the Whangaparaoa Peninsula and Kaipara Harbour in the north (see Appendix 1).
3. Te Ākitai are a beneficiary of the Waikato Raupatu Claims Settlement Act 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. Te Ākitai are also a party to the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.
4. Te Ākitai Waiohūa Iwi Authority (TAWIA) is the mandated entity representing Te Ākitai in Treaty negotiations. Te Ākitai and the Crown have been in negotiations since 2013 and signed an agreement in principle (AIP) in December 2016.
5. Te Ākitai accepted the Crown's best offer to settle their historical Treaty of Waitangi claims in October 2018 and are working towards initialing a deed of settlement (deed) in late March. Considering whether the Crown has sufficiently considered and addressed overlapping interests is an important matter to conclude before Te Ākitai and the Crown initial a deed.
6. All of Te Ākitai's redress will be provided through settlement legislation and no redress will be provided unless and until Parliament passes legislation for that purpose.

Overlapping groups

7. There are 14 groups with overlapping interests in Te Ākitai's proposed settlement redress:

out of scope



d. the Mahurangi Wai Claimants Collective; and

out of scope

8. TAWIA and officials have engaged with these 14 overlapping groups throughout negotiations and previously sought their views on the redress included in Te Ākitai's AIP. A summary of the earlier overlapping interests engagement is attached at Appendix 2.

Recent consultation with overlapping groups

Recent overlapping interests consultation

s9(2)(j)

9. [REDACTED]
10. In October 2018, TAWIA and officials wrote separately to the 14 overlapping groups to seek their feedback on the proposed settlement redress. The overlapping groups were asked to provide details of any concerns they may have with the proposed settlement redress and were advised if they did not respond by 26 November it would be considered by the Crown they have no concerns.
11. On 21 November, officials reminded the overlapping groups that feedback was required by 26 November and reiterated if no feedback was provided by this date it would be considered they have no concerns.
12. By 26 November 2018, 6 of the overlapping groups had provided feedback and 8 groups had made contact with either TAWIA or officials but not specified whether or not they had any concerns. On 28 November 2018, officials followed up with these 8 groups to discuss whether they had any concerns and extended the due date for feedback to 3 December. These groups were advised again if no response was received it would be considered they had no concerns.

out of scope

13. [REDACTED]
14. [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
15. [REDACTED]

Groups who have identified overlapping interests

out of scope

s9(2)(j)

16. [REDACTED] of the overlapping groups [REDACTED] the Mahurangi Wai Claimants Collective and [REDACTED] have raised concerns and/or opposed some of the proposed settlement redress and/or indicated further discussions with Te Ākitai Waiohū are required:

out of scope

- d. The Mahurangi Wai Claimants Collective have written to you and TAWIA and advised they have some unresolved issues which officials believe relate to whakapapa and Te Ākitai's area of interest. The Mahurangi Wai Claimants Collective wish to meet with Te Ākitai to further discuss these issues but they have not raised any concerns with the proposed settlement redress; and

out of scope

e. [REDACTED]

Addressing overlapping interests

17. [REDACTED]

18. [REDACTED]

19. [REDACTED]

20. We recommend you write to TAWIA and encourage them to meet with these 5 groups and make best efforts to find mutually acceptable resolutions. We have attached a letter for you to send to TAWIA if you agree with this approach (see Appendix 5).

s9(2)(j)

Recommendations

32. It is recommended you:

- a. **note** Te Ākitai Waiohū are working towards initialling a deed of settlement in late March and considering whether the Crown has sufficiently addressed overlapping interests is an important matter to conclude before a deed of settlement can be initialled;

out of scope

b.

c.

- d. **note** the remaining [redacted] groups have raised concerns and/or opposed some of the proposed settlement redress and/or indicated further discussions with Te Ākitai Waiohū are required;

s9(2)(j)

- e. **agree** to write to Te Ākitai Waiohū Iwi Authority to encourage them to meet with these [redacted] groups; s9(2)(j)

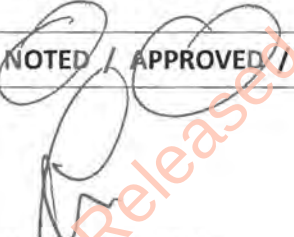
YES / NO

f.

- g. **sign** the attached letters.

YES / NO

Leah Campbell
Regional Director, Te Waenga

NOTED / APPROVED / NOT APPROVED

Hon Andrew Little Minister for Treaty of Waitangi Negotiations
Date: 25/2 / 2019

Appendix 1: Te Ākitai Waiohū area of interest



Appendix 2: Summary of previous overlapping interests engagement with 14 overlapping groups

out of scope

Date	Redress	Overlapping Group	Iwi response	Crown response
[Redacted]				
16 Jan 2017	Feedback on AIP redress	14 Overlapping groups	<p>[Redacted]</p> <p>f. Mahurangi Wai Claimants Collective met with TAWIA to discuss whakapapa, historical links and common interests. At the meeting TAWIA requested clarification on Mahurangi's concerns but none were raised. Mahurangi indicated they would like ongoing korero in terms of the AIP redress;</p> <p>[Redacted]</p>	No further engagement with groups who did not oppose the AIP redress. Various forms of engagement with other groups (emails, phone calls, iwi-to-iwi meetings) however no resolutions between Te Ākitia Waiohū and other groups reached. No additional ministerial consideration or decisions made.

out of scope

out of scope

out of scope

[Redacted]

Released under the Official Information Act 1982

SUBJECT TO LITIGATION PRIVILEGE

Minister for Treaty of Waitangi Negotiations

Subject **Te Ākitai Waiohua: Overlapping interests decisions**

Date 7 November 2019

Priority: High

Report No. TA: 2019/2020 – 127

File ref: CLA-N131-OF-F04

Action sought

Minister for Treaty of Waitangi Negotiations
(Hon Andrew Little)

Note Te Ākitai Waiohua are working towards initialling a deed of settlement in March 2020 and overlapping interests is one of the final matters to be addressed; **By 22 November 2019**



out of scope

Agree to close the overlapping interests process with the Mahurangi Wai Claims Collective who have not provided any further feedback on their overlapping interests but have been given sufficient opportunity to respond; and

Sign and send the attached letters.

Contact for Telephone Discussion (if required)

Te Arawhiti

Name	Position	Phone	1 st Contact
Leah Campbell	Regional Director, Te Waenga	04 913 9202 027 836 0532	✓
Trina Dyll	Negotiation and Settlements Manager	04 494 9871 027 498 8856	
Ron Hooper	Senior Analyst	04 494 9940	

Te Ākitai Waiohua: Overlapping interests decisions

Purpose

1. This report updates you on Te Ākitai Waiohua's overlapping interests process and recommends decisions for [REDACTED] the Mahurangi Wai Claims Collective. out of scope

Executive Summary

2. Te Ākitai Waiohua are working towards initialling a deed of settlement in March 2020 and overlapping interests is one of the final matters to be addressed before a deed of settlement can be initialled.
3. [REDACTED] out of scope
[REDACTED] There are [REDACTED] groups whose overlapping interests have not yet been addressed to the Crown's satisfaction: [REDACTED] out of scope
[REDACTED] the Mahurangi Wai Claims Collective [REDACTED] out of scope
4. The Crown prefers that overlapping interests are addressed by mutual agreement between claimant groups. [REDACTED]
[REDACTED] s9(2)(j)
5. [REDACTED] s9(2)(j)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
6. The recommendations in this paper are guided by general principles of the Crown's wish to reach a fair and appropriate settlement with Te Ākitai Waiohua while maintaining its capability to provide appropriate redress to other claimant groups who have yet to enter negotiations.
7. Recommendations were also guided by a careful weighing of factors the Crown takes into account in the absence of agreement between overlapping groups. These include assessment of customary interests, the ability to reach a durable settlement, alternative redress options, policy considerations where applicable and whether the redress is cultural or commercial.

- [REDACTED]
8. [REDACTED] out of scope
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

SUBJECT TO LITIGATION PRIVILEGE

9. [REDACTED]

out of
scope

10. [REDACTED]

11. [REDACTED]

out of
scope

12. [REDACTED]

[REDACTED]

13. [REDACTED]

out of
scope

14. [REDACTED]

[REDACTED]

15. [REDACTED]

out of
scope

Mahurangi Wai Claims Collective

16. We recommend you agree to close the overlapping interests process with the Mahurangi Wai Claims Collective who have not provided any further feedback on their overlapping interests but have been given sufficient opportunity to respond.

Communicating your decision

17. Subject to your agreement, letters communicating your decisions are attached at **Appendix Five**.
18. Any new overlapping interests information that emerges before the Crown and Te Ākitai Waiohua initial a deed of settlement will be taken into consideration.

Recommendations

19. It is recommended you:

1. note Te Ākitai Waiohū are working towards initialling a deed of settlement in March 2020 and overlapping interests is one of the final matters to be addressed before a deed of settlement is initialled;

[REDACTED]

2. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

out of
scope

3. [REDACTED]
[REDACTED]

4. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

5. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

6. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

out of
scope

7. [REDACTED]
[REDACTED]

8. [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

9. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

out of
scope

10. [REDACTED]
[REDACTED]

SUBJECT TO LITIGATION PRIVILEGE

[REDACTED]

out of
scope

[REDACTED]

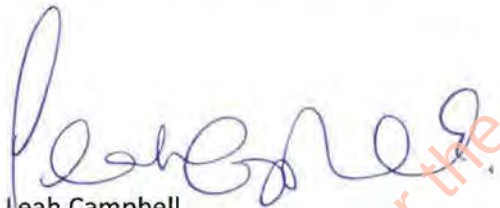
11. [REDACTED] out of scope

Mahurangi Wai Claims Collective

12. **agree** to close the overlapping interests with the Mahurangi Wai Claims Collective who have not provided any further feedback on their overlapping interests but have been given sufficient opportunity to respond; and **YES / NO**

Additional information and communicating decisions

13. **note** any overlapping interests issues may need to be reconsidered if material new information emerges; and
14. **sign and send** the attached letters communicating your decisions and setting out next steps. **YES / NO**


Leah Campbell
Regional Director, Te Waenga

NOTED / APPROVED / NOT APPROVED
 Hon Andrew Little Minister for Treaty of Waitangi Negotiations
Date: 18 / 11 / 2019

Background

- [REDACTED] out of scope
20. [REDACTED] out of scope
21. [REDACTED]
22. [REDACTED]
23. [REDACTED]

Overlapping groups

24. There are 14 groups with overlapping interests in Te Ākitai's proposed settlement redress: [REDACTED] out of scope
- [REDACTED]
- [REDACTED]
- [REDACTED]
- and the Mahurangi Wai Claims Collective (Mahurangi).

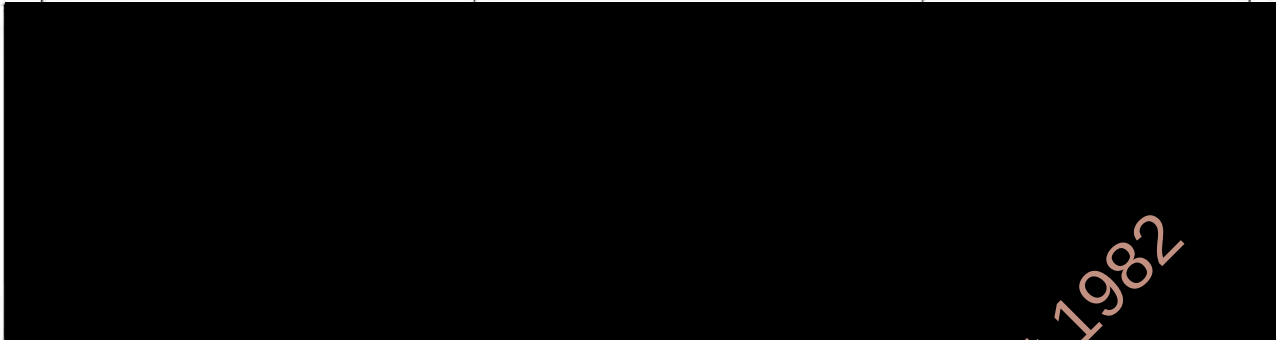
Previous overlapping interests consultation

25. [REDACTED] s9(2)(j)
26. In November 2016, Te Ākitai and OTS wrote to all overlapping groups to provide a summary of the proposed AIP redress and welcomed feedback prior to the AIP signing. Following the AIP signing, further letters were sent to all overlapping groups seeking formal views on the redress offered.
27. [REDACTED] s9(2)(j)
- [REDACTED]

out of scope

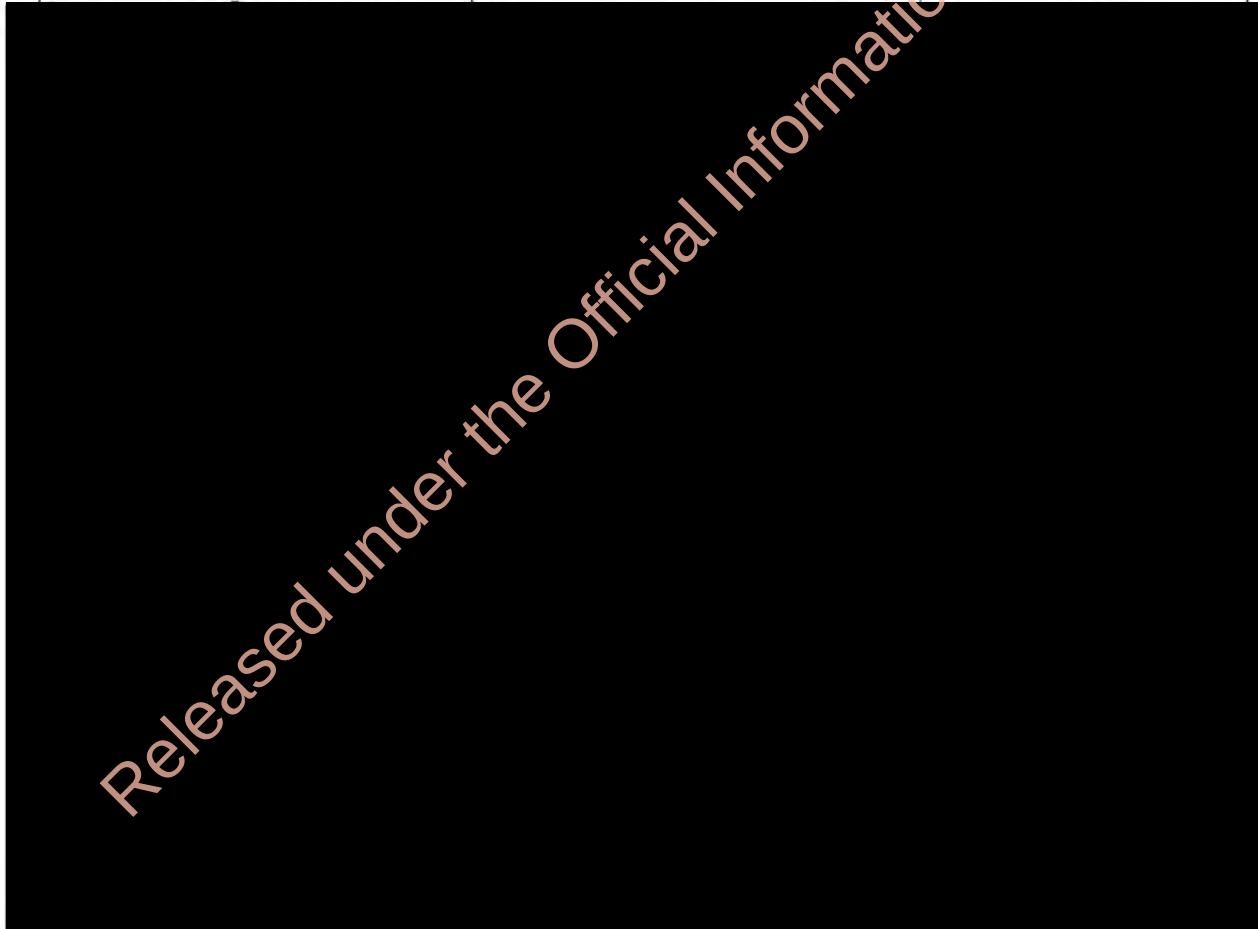
Table One: Status of overlapping interests process

Overlapping interests process complete		
Group and stage of negotiations	Status	Next steps



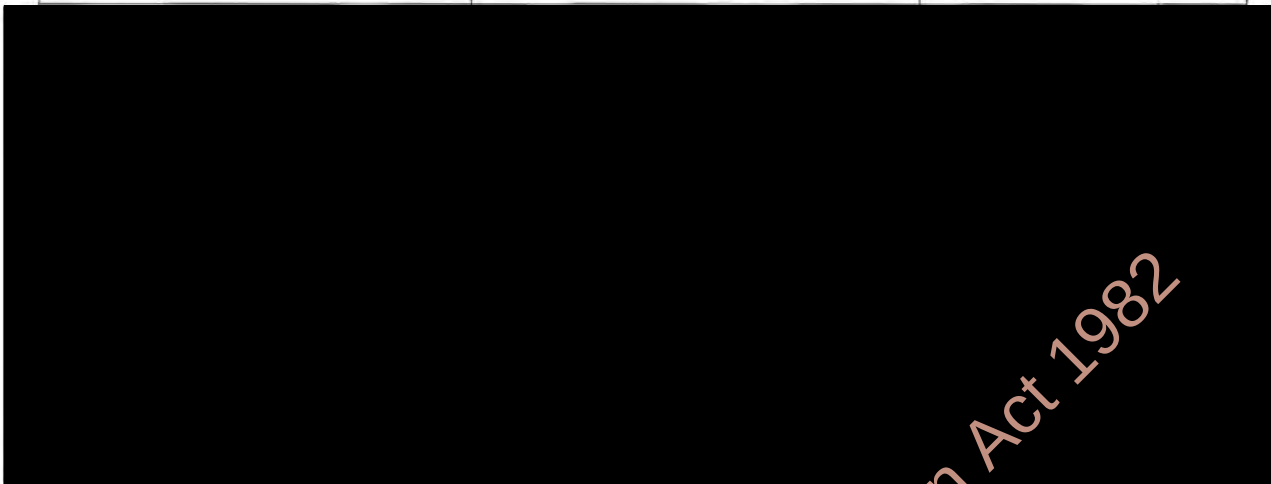
Outstanding overlapping interests and subject of this report		
Group and stage of negotiations	Status	Next steps

out of scope



Mahurangi Wai Claims Collective – not in negotiations	Have not responded to requests for specific concerns and information on customary interests	We recommend you close overlapping interests
---	---	--

Overlapping interests to be addressed by future report		
Group and stage of negotiations	Status	Next steps



Addressing the remaining overlapping interests

of scope

The Crown's overlapping interests policy and principles

28. The Crown prefers that disputes about overlapping interests in relation to specific items of redress are resolved by mutual agreement between groups. The Crown will also directly engage with the overlapping groups and offer to support discussions between the groups including offering to fund research, mediation or facilitation. The Crown seeks to give effect to any agreement between overlapping groups subject to consideration of Treaty settlement policy implications.
29. In the absence of any agreement between overlapping groups the Crown may have to make a decision on what it will offer for inclusion in the final redress offer. In reaching such a decision, the Crown is guided by two general principles:
 - a. the Crown's wish to reach a fair and appropriate settlement with the claimant group in negotiations; and
 - b. the Crown's wish to maintain its capability to provide appropriate redress to other claimant groups who have yet to enter negotiations, and to achieve a fair settlement of their historical claims.
30. In developing and making decisions on redress offers the Crown also engages with and considers the interests of overlapped groups, including settled groups where those interests overlap with proposed redress.
31. The Crown considers the customary interests of each group within the overlapped area and the balance of redress offered in each settlement package (individual and collective).
32. The Crown takes a number of other factors into account:
 - a. the customary interests and aspirations of the settling group;
 - b. what redress is required to reach a durable settlement;
 - c. whether overlapping groups have customary interests in the area, and the nature of those interests (and the interests of the settling group) based on the evidence of

SUBJECT TO LITIGATION PRIVILEGE

customary interests from multiple sources including historical documents, Tribunal reports and information provided by claimant groups and independent experts. The Crown considers the distinction between historical and contemporary interests, particularly when cultural redress provides for claimant group involvement in the governance or management of natural resources or conservation land;

- d. whether alternative redress options are available for use in future settlements with overlapping groups;
- e. whether it is appropriate to provide non-exclusive redress so as not to preclude similar redress for overlapping groups over the same area; and
- f. alignment with other policy considerations where applicable.¹

Cultural redress and commercial redress offers

- 33. Another consideration taken into account is whether the redress to be offered to the settling group is cultural or commercial redress. Sites with a specific cultural significance to a claimant group are more appropriately provided as cultural redress. In such instances claimant groups are required to demonstrate their cultural associations with the site.
- 34. Crown decisions to offer commercial redress within the area of interest have a different focus. Commercial redress is generally aimed at a fair distribution of assets across claimant groups that contributes to the economic and social development of the claimant group. Customary interests, while taken into account, are not the key determinant in Crown decisions of what commercial redress to offer.
- 35. The distinction between commercial and cultural redress is further highlighted by the:
 - a. fact claimants pay for commercial redress properties out of their own funds, whereas cultural redress properties are gifted from the Crown in recognition of demonstrated cultural significance; and
 - b. the Crown's view of commercial redress as substitutable in that, the nature of the property is the relevant consideration, not its location. Therefore, if a commercial redress property is not available for some reason, a property of a similar value and nature within the settling group's area of interest would provide an appropriate substitute in a way that is not as readily applicable to cultural redress.
- 36. Claimant groups will generally only be offered commercial redress in their area of interest. In cases where another group/s claim interests in the same area, the Crown will only transfer properties where these overlaps have been addressed by the groups or where it is able to offer similar property to the overlapping group/s. Where the overlapping interests relate to a settled group, the Crown considers the customary interests claimed, whether the settled group has received similar property, and the overall context of the negotiations (including the various matters set out in this briefing).

Pages 634-643 withheld in full as out of scope

[REDACTED]

out of scope

Released under the Official Information Act 1982

Mahurangi

96. On 30 March 2017, Te Ākitai met with Mahurangi to discuss whether they had any concerns with their proposed redress. Following this meeting, Te Ākitai advised OTS that discussions centred on whakapapa, historical links and common interests. Te Ākitai advised no redress concerns were raised at the meeting other than Mahurangi's desire to understand Te Ākitai's AIP and opportunities for mutual support.

SUBJECT TO LITIGATION PRIVILEGE

97. On 30 October 2018, Te Ākitai invited Mahurangi to meet with them again to discuss the changes to their proposed redress and any overlapping interests. On 12 November 2018, Mahurangi wrote to you and Te Arawhiti advising they were not in a position to further consider the Crown's redress offer to Te Ākitai until there is agreement on matters they had previously raised.
98. On 15 November 2018, Te Ākitai told Te Arawhiti they did not think there were any unresolved matters from previous engagement. On 18 February 2019, Te Arawhiti wrote to Mahurangi requesting information about their specific concerns and customary interests with the proposed Te Ākitai redress. Mahurangi have not responded.
99. Mahurangi have not communicated with Te Arawhiti or expanded on points made to Te Ākitai about whakapapa, historical links and common interests. None of these matters relate to Te Ākitai's proposed redress. Officials consider Mahurangi have had considerable time to provide feedback. The register attached at **Appendix Nine** shows the engagement that has taken place between Te Ākitai, Mahurangi and the Crown starting in 2016. We recommend you write to Mahurangi to close the overlapping interests process with them. A letter is attached for you to send to Mahurangi at **Appendix Five**.

out of
scope

Released under the Official Information Act 1982



Letter to Te Ākitai Waiohūa Iwi Authority

109. We have attached a letter for you to send to Karen Wilson, Chairperson of Te Ākitai Waiohūa Iwi Authority advising of your decisions and offering support and encouragement for their remaining overlapping interests engagement (**Appendix Ten**).

Next steps

110. [Redacted] s9(2)(j)
111. [Redacted]

out of scope

Appendix One: Te Ākitai Waiohua area of interest





19 NOV 2019

Gil Parker
Chairman
Mahurangi Wai Claims Collective

Rihari Dargaville
Kaitakawaenga
Mahurangi Wai Claims Collective

By email: [REDACTED] s9(2)(a)

Tēnā kōrua

Te Ākitai Waiohua Overlapping Interests

As you are aware, Te Ākitai Waiohua are working toward initialling a deed of settlement with the Crown. Overlapping interests is one of the final matters to be addressed before a deed of settlement is initialled.

The Office of Treaty Settlements (now part of the Office for Māori Crown Relations – Te Arawhiti) wrote to the Mahurangi Wai Claims Collective on 30 October 2018 to inform you of the Crown's final redress offer to Te Ākitai Waiohua to settle their historical Treaty of Waitangi claims.

I am advised you were scheduled to meet with Te Ākitai Waiohua on 13 November 2018 to discuss any outstanding overlapping interests issues however this meeting did not go ahead.

My officials sent you another letter on 18 February 2019 seeking clarification on what your outstanding overlapping interests issues are. I am advised no response was provided.

As no further concerns have been presented, I consider there are no overlapping interests to consider and therefore the overlapping interests process between Te Ākitai Waiohua and the Mahurangi Wai Claims Collective closed.

Should you require any further information on this matter please contact Trina Dyll, Negotiations and Settlement Manager, on 04 494 9871 or by email at Trina.Dyll@tearawhiti.govt.nz.

Nāku noa, nā

Hon Andrew Little
Minister for Treaty of Waitangi Negotiations

cc: Karen Wilson, Chairperson, Te Ākitai Waiohua Iwi Authority, tawia@teakitai.com

Released under the Official Information Act 1982

out of scope

Appendix Nine: Mahurangi overlapping interests correspondence register

MAHURANGI OVERLAPPING INTERESTS CORRESPONDENCE REGISTER

Date	Correspondence
4 October 2016	Letters from OTS and TAW to Mahurangi regarding the proposed housing development opportunity
27 October 2016	Letter from Mahurangi to OTS questioning who TAW are advising of their overlapping interests in relation to the proposed housing development opportunity
30 November 2016	Letter from OTS to Mahurangi regarding proposed AIP redress and requesting comments by 13 December 2016
1 December 2016	Letter from MfTOWN to Mahurangi advising of his preliminary decision to maintain the housing development opportunity for TAW
13 December 2016	Letter from Mahurangi to OTS stating TAW should meet with them to discuss the nature of their claims
15 December 2016	Letter from MfTOWN to Mahurangi stating he has received no further submissions on his preliminary decision over the housing development opportunity and therefore he confirms the housing development opportunity to be part of TAW's settlement package
19 December 2016	Letter from OTS to Mahurangi noting their request to meet with TAW and advising the Crown and TAW have signed an AIP, and OTS will be in contact again in the new year to progress the overlapping interests engagement
16 January 2017	Letter from OTS to Mahurangi requesting formal feedback on TAW's settlement package by 28 February 2017
20 February 2017	Email from OTS to Mahurangi advising that TAW would like to host a meeting with Mahurangi
30 March 2017	Meeting between TAW and Mahurangi to discuss overlapping interests. TAW's report back to OTS advised the discussion centred on potential common interests and overlapping points of research. TAW requested clarification of Mahurangi's concerns but none were raised other than the desire to understand the AIP and opportunities for mutual support
8 May 2017	Letter from Mahurangi to TAW discussing common whakapapa sharing of traditional and historical links between the two groups for the purposes of ongoing korero
24 October 2018	Letter from TAW to Mahurangi regarding the Crown's final redress offer
30 October 2018	Letter from OTS to Mahurangi regarding the Crown's final redress offer
30 October 2018	Email from Mahurangi to TAW requesting a meeting. Response from TAW suggesting a meeting on 13 November 2018
12 November 2018	Letter from Mahurangi to TAW and MfTOWN advising they are not yet in a position to further consider the redress offer until there is agreement on matters previously raised
18 February 2019	Letter from Te Arawhiti to Mahurangi seeking clarification on what the outstanding issues they refer to in their 12 November 2018 letter are. Te Arawhiti ask for Mahurangi's specific concerns and their customary interests with respect to any of the redress items by 11 March 2019. No response received.

Released under the Official Information Act 1982

Hon Andrew Little

Minister of Justice

Minister for Courts

Minister for Treaty of Waitangi Negotiations

Minister Responsible for the NZSIS

Minister Responsible for the GCSB

Minister Responsible for Pike River Re-entry



19 NOV 2019

Karen Wilson
Chairperson
Te Ākitai Waiohūa Iwi Authority
PO Box 59 185
Mangere Bridge
AUCKLAND 2151

By email: tawia@teakitai.com

Tēnā koe

Te Ākitai Waiohūa Overlapping Interests

out of scope

I am writing to confirm I have made decisions to progress your overlapping interests process with [REDACTED] the Mahurangi Wai Claims Collective.

Released under the Official Information Act 1982

Mahurangi Wai Claims Collective

The Mahurangi Wai Claims Collective have not been clear about what their overlapping interests relate to and did not respond to the last letter from my officials. I have written to the Mahurangi Wai Claims Collective to advise that I consider there are no overlapping interests to consider and therefore the overlapping interests process with them is closed.

Next steps

While I have made these decisions, I will continue to keep an open mind regarding overlapping interests issues should further information come to light [REDACTED]

[REDACTED]
[REDACTED] out of scope

[REDACTED]
[REDACTED] out of scope

I thank you for your efforts in your overlapping interests process to date and I encourage you to try and reach mutually acceptable outcomes with any overlapping groups who still have issues.

Nāku noa, nā


Hon Andrew Little
Minister for Treaty of Waitangi Negotiations



Internal Memorandum

To	Maureen Hickey (Negotiations and Settlement Manager, Ngāti Whātua)	File reference
From	Megan Mulder (Historian) Nigel Robson (Senior Historian)	
CC		
Date	27 May 2022	
Subject	Customary Interest Memorandum: Summary of Historical Material About Māori Associations with Awataha Marae	
For	Noting	

Purpose

1. This memorandum summarises the historical evidence available to Te Arawhiti in relation to customary interests and historical associations with Awataha Marae, and the nearby area. (see figures 1,2,5). The research was commissioned by the Te Rūnanga o Ngāti Whātua negotiations team as the marae land has been offered to Te Rūnanga o Ngāti Whātua as commercial redress.

Executive Summary

2. Awataha Marae is a 3.67-hectare site at 58 Akoranga Drive, Northcote, on Te Raki Pae Whenua (Auckland's North Shore).
3. The available evidence suggests that there were pā sites at Awataha, as well as at Stokes Point (Te Onewa Pā) and Te Mātā-rae-o-Mana along the northern shore of Waitematā Harbour to the west of the Awataha site, and that many iwi including Ngāi Tai ki Tāmaki, Ngāti Poataniwha, Ngāti Paoa, Ngāti Whātua, Te Kawerau ā Maki and Te Waiohū (from whom Ngāti Te Ata, Ngāti Tamaoho and Te Ākitai Waiohū descend) occupied these sites and/or were involved in resource use of the surrounding Waitematā Harbour area before 1840.
4. In the 1820s a Ngāpuhi invasion that swept through the area forced the dispersal of iwi occupying and/or utilising this North Shore land. In the decades following, prior to the signing of the Treaty, evidence suggests that Ngāi Tai ki Tāmaki, Ngāti Paoa, Ngāti Whātua and Te Kawerau ā Maki returned to Awataha and the surrounding pā sites. Following the Ngāpuhi raids, Ngāti Awa and Ngāti Kahu are recorded as residing at Awataha.

5. The Crown may be considered to have recognised the interests of a number of iwi in the years after 1840 when it included Awataha and the surrounding area in a number of purchases involving the Mahurangi block. Deeds of purchase for land at Mahurangi were signed by Ngaati Whanaunga, Ngāti Maru (Hauraki), Ngāti Paoa, Ngāti Tamaterā and Ngāti Whātua.
6. In 1850 the Awataha land was included in an endowment to the Catholic Church. Two years later Ngāpuhi rangatira Eruera Maihi Patuone was granted land in the vicinity of Awataha for his services to the Crown. Although their length of stay is unclear, Rigby notes that Te Tawera people (described as a Ngāti Pukenga/Ngaati Whanaunga related group) “sought refuge” at Awataha after an incident in 1856 and some of Te Hemera’s people (possibly Ngāti Whātua) moved there in 1893.
7. From 1903 Māori residing at Awataha began to petition the Crown for land they claimed had been set aside for them in the area, while other petitioners asserted that Awataha had not been included within the Crown’s nineteenth-century purchases. Up to 1925, when most Māori residents were evicted, those recorded as living at Awataha and/or petitioning the Crown include Ngaati Whanaunga, Ngāti Apakura, Ngāti Awa, Ngāti Maru (Hauraki), Ngāti Paoa, Ngāti Tamaterā, Te Waiohū and Te Kawerau ā Maki.
8. The land was used by the Auckland Technical Institute until 1965 when it was declared surplus to their requirements and reverted to the Crown to be administered by the Department of Lands and Survey. In 1986 the Crown leased the site to the Awataha Marae Incorporated Society for the purposes of building a pan-tribal marae on Auckland’s North Shore. While iwi affiliations of the communities served by Awataha Marae are not readily available, foundational protocols at the marae are informed by Te Kawerau ā Maki, and pouwhenua installed on the grounds were made by Te Kawerau ā Maki, Ngāti Whātua and Ngāti Paoa.
9. The claimants for Wai 187, the Awataha Land Claim, give their iwi affiliations as Ngāpuhi, Te Rarawa, Tainui, Tūhoe, Te Arawa, Ngāti Kuri, Te Aupouri, Ngāti Whātua, Ngāti Kahungunu, Ngāti Porou and Ngāti Hine, which suggests these groups have associations with Awataha.
10. A PhD thesis on Awataha Marae discusses what the author describes as ‘descendants of Tangata Whenua tribes’ who were invited to meet with the Minister of Māori Affairs in relation to the marae’s establishment. These groups are recorded as the “Ngāti Paoa, Ngāti Mahuta, Ngāti Maru, Ngāti Tamatera, Ngāti Whānaunga, Ngāpuhi and Kawerau-a-Maki”, which again suggests that these groups have associations with Awataha.

Methodology

11. This memorandum does not draw conclusions as to which groups held customary interests in accordance with tikanga in the site of Awataha Marae. The author has summarised evidence that may indicate customary interests and/or historical associations with Awataha Marae and land in the vicinity, including Awataha, Te Onewa Pā (Stokes Point) (see figures 1, 3) and Te Mātā-rae-o-Mana (Kauri Point) (see figures 1, 4) The evidence includes mostly secondary material and some readily available primary sources, none of which are in Te Reo Māori. The researcher is not an expert in

customary interests, including those in the Auckland region. A full understanding of customary interests in the area would require consultation with local experts. The author does, however, have experience of researching and analysing written historical sources of the type referenced in this report.

Structure of Report

12. Location of Awataha Marae: The report begins by situating the Awataha Marae within the environment of the North Shore.
13. Discussion of associations to 1840: It then discusses evidence located in the secondary sources consulted that suggest pre-1840 interests and associations.
14. Return to the North Shore: This section covers the return of iwi to the North Shore area after the Ngāpuhi raids, as well as groups who found refuge at Awataha. It also discusses the 1839 purchase by Tayler of land in Takapuna.
15. Awataha and the Mahurangi Purchases (1841-1865): This section discusses the Awataha marae land as it relates to the Mahurangi Purchases in the 1840s and 1850s, and the Crown's 1852 grant to the Ngāpuhi rangatira Eruera Maihi Patuone for services to the British Crown.
16. Awataha in the 20th century: Awataha's early twentieth-century history is examined through this section on the protests located at Awataha, where several groups asserted ancestral rights to the land and/or questioned the Crown's inclusion of Awataha in the Mahurangi Purchases.
17. The pan-tribal marae at Awataha: A discussion of the more recent history of Awataha is focussed on the pan-tribal Awataha Marae.
18. Wai Claims: This section discusses six Wai Claims related to Awataha and/or the immediate surroundings.
19. Deeds of Settlement: This section provides an overview of seven Deeds of Settlement and Historical Accounts that refer to Awataha.

s9(2)(j)

20.

Location of Awataha Marae

21. Awataha is an area of land on the north side of Tuff Crater at Northcote and historically was the site of a papakāinga. According to McBurney and Green, Te Kōpua-o-Matakamokamo (near Awataha) and Te Kōpua-o-Matakerepō (near Northcote) were named for Matakamokamo (the son of Mataaho, a famed tupuna of Tāmaki), and his wife, Matakerepō. Following a quarrel, the couple cursed Mahuika, the ancestress of fire, who responded by summoning Mataaho to avenge her with volcanoes and

earthquakes, causing the couple’s home to sink into what is now the crater lake Pupuke Moana (Lake Pupuke). The two were subsequently chased into the two craters that bear their names in Shoal Bay.¹

22. According to Mahuika Rāwiri, Awataha is also the name of a channel near what is now Barry’s Point Reserve and Hillside Creek on Auckland’s North Shore.² Lily George’s PhD on Awataha Marae refers to Awataha as “the River Flowing at the Side”.³

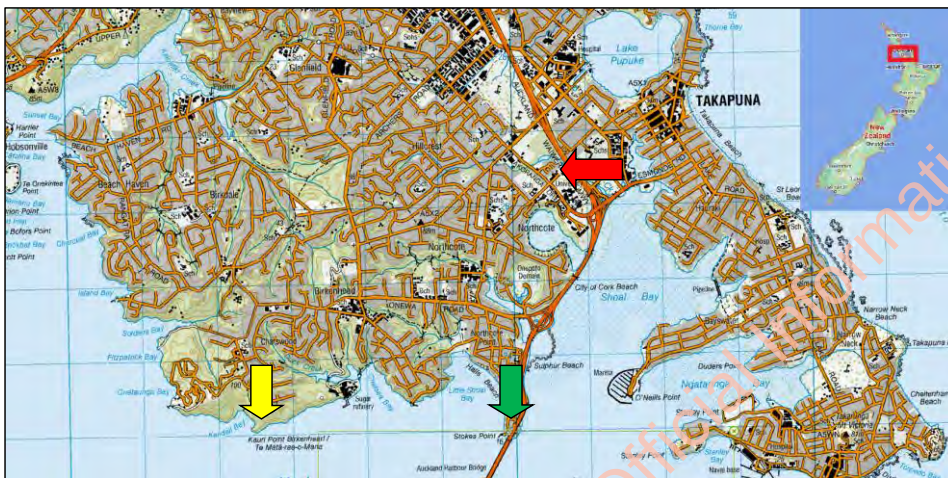


Figure 1: Regional Context – Awataha Marae, Northcote (red), Stokes Point (green), Kauri Point Birkenhead: Te Mātā-rae-o-Mana (yellow)

¹ P. McBurney and N. Green. ‘Ngāi Tai ki Tāmaki: Claims Overview Report’, 2012, pp. 108-109.

² Mahuika Rāwiri. 2018. “Cultural Values Assessment: AC36 Consent Application (Te Waitematā), Ngāti Paoa, p. 21. ([E77-CVA-Ngati-Paoa-Iwi-Trust.pdf](#) ([environmentcourt.govt.nz](#)).

³ Lily George. 2010. “Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae” (unpublished PhD thesis), Massey University: Auckland. p. 175.



Figure 2: Awataha Marae, Northcote (enlargement)



Figure 3: Stokes Point

Negotiations Confidential – Without Prejudice

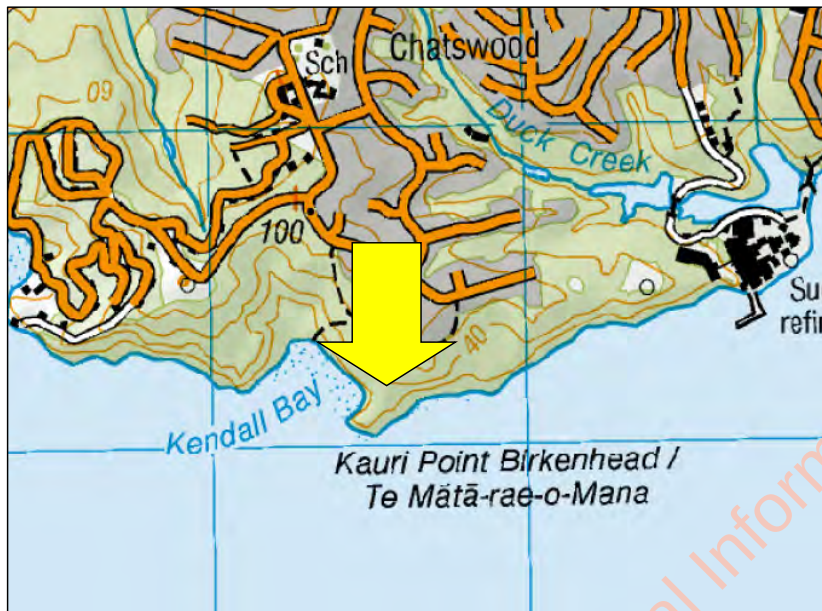


Figure 4: Kauri Point Birkenhead: Te Mātā-rae-o-Mana (enlargement)

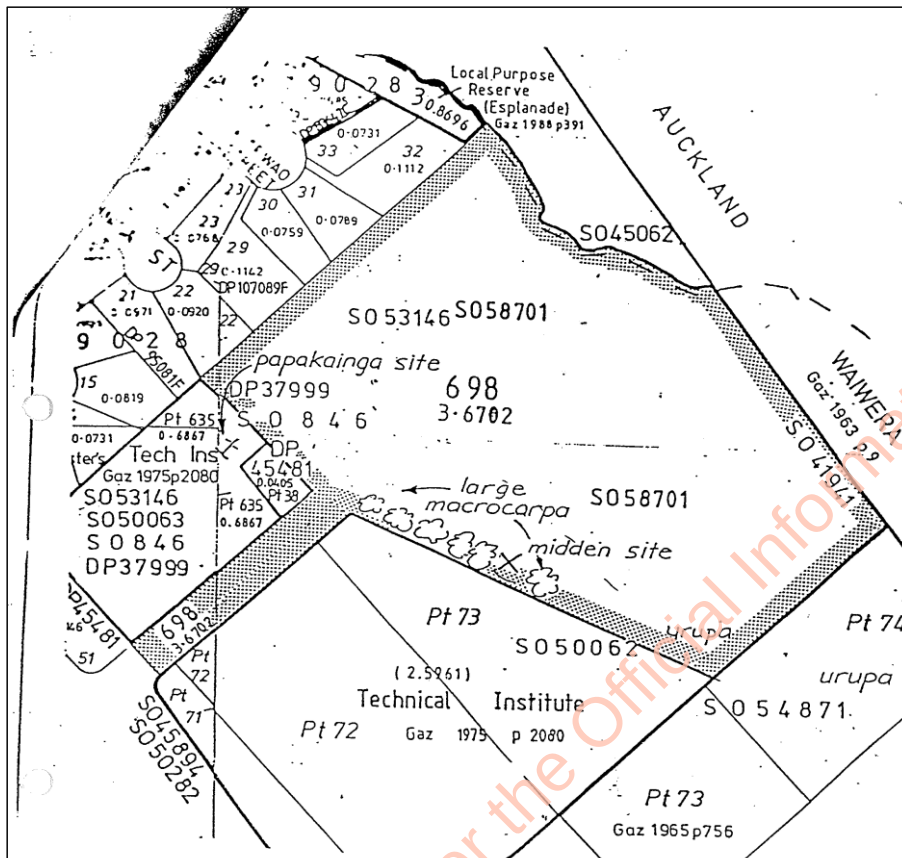


Figure 5: Site Context: Awataha Marae (allotment 698) (from Wai 187 1.1)

23. Lake Pupuke, located near Awataha, was a source of eels, while Māori regularly utilised the rich kaimoana resources of Waitematā Harbour.⁴ New Zealand Archaeological Association files indicate the closest identified sites to the area in question are middens around the shores of Waitematā Harbour. The results of test excavations in the 1970s at nearby Kauri Point, where Te Mātā-rae-o-Mana is said to have been situated, revealed that the pā was most likely constructed for occupants who came into the area for seasonal fishing activities.⁵ According to McBurney and Green, Ngāti Whātua and Ngāti Paoa described the peacetime occupation of pā within Tāmaki Makaurau and the land around the harbours of Manukau, Waitematā and the Hauraki Gulf as “whenua rangatira.” Under this peacetime

⁴ Rāwiri, Cultural Values Assessment: AC36 Consent Application (Te Waitematā), Ngāti Paoa, p. 20 ([E77-CVA-Ngati-Paoa-Iwi-Trust.pdf \(environmentcourt.govt.nz\)](#)).

⁵ Janet Davidson. 1990. “Test excavations on the headland Pa at Kauri Point, Birkenhead, Auckland, in 1971”, in *Records of the Auckland Institute and Museum* (Vol. 27), p. 18.

occupation, Māori moved around a series of camps within the wider rohe that were occupied according to “the seasonal availability of resources in concert with other hapū and iwi”.⁶

24. This memorandum focusses on evidence of groups with historical connections to, and potential customary interests in, the Awataha Marae site and its immediate surroundings, notably Awataha, Te Onewa Pā (Stokes Point)⁷ and Te Mātā-rae-o-Mana (Kauri Point)⁸, both pā sites on the Waitematā Harbour coast to the west of Awataha Marae, and Takapuna (see figure 1). Including these surrounding sites in the discussion helps to understand the broader movements of groups within this particular part of the North Shore. The following section discusses the particular groups moving into and around this area in the period before 1840.

Discussion of Associations to 1840

25. According to Russell Stone’s *From Tamaki-Makau-Rau to Auckland*, by at least 1700 Te Waiohūa “held an undisputed authority” over the area from the Tāmaki River to Te Whau and from the Manukau to the Waitematā.⁹ Stone notes, however, that tribal boundaries in the region were fluid and changed over time.¹⁰ In the mid-eighteenth century Ngāti Whātua invaded and established themselves in the region.¹¹ During the same period Ngāti Paoa attacked the Kawerau people who occupied lands from Takapuna north to Mahurangi.¹² Prior to the arrival of Pākehā, other groups including the Te Waiohūa groups Ngāti Te Ata and Ngāti Tamaoho made seasonal use of the resources of the Waitematā Harbour.¹³ Ngāi Tai ki Tāmaki, one of the earliest inhabitants of Tāmaki Makaurau, shared rights on the North Shore as far north as Mahurangi.¹⁴ Ngāpuhi invasions in the 1820s led many groups to vacate the area though after Ngāpuhi returned to their lands in the north a gradual reoccupation of the Tāmaki Makaurau region took place.

⁶ McBurney & Green, “Ngāi Tai ki Tāmaki: Claims Overview Report”, December 2012, p. 99.

⁷ According to Rāwiri, Te Onewa Pā was named either for its dark basaltic rock, or its use of a ditch defence system (Rāwiri, Cultural Values Assessment: AC36 Consent Application (Te Waitematā), Ngāti Paoa, p. 20. ([E77-CVA-Ngati-Paoa-Iwi-Trust.pdf \(environmentcourt.govt.nz\)](#)). According to Graham, Te Onewa Pā is situated at Northcote Point. (Simmons, D. R. (ed). “George Graham’s Maori Place Names of Auckland”, in *Records of Auckland Institute and Museum*. (16), 1980, p. 21). However, the Auckland City Council states that Te Onewa Pā site is located at Stokes Point. The fact that the New Zealand Archaeological Society identifies a “headland pa” at Stokes Point on Archsite makes this location for the pā more likely than Northcote Point (R11/54). This is supported by an Auckland Council website that refers to Te Onewa Pā/Stokes Point (See Reserve - North Shore walks ([aucklandcouncil.govt.nz](#))), and a Waka Kotahi/New Zealand Transport Agency website that does the same (see [onewa pa - Search \(bing.com\)](#)).

⁸ According to Graham, ‘Te Mataraeamana’ (the head of Mana’) at Kauri Point refers to Te Manaoterangi, an eighteenth-century ‘Ngāti Kawerau’ rangatira. (Simmons, “George Graham’s Maori Place Names of Auckland”, p. 17). The site is also referred to as Te Matarae o Mana or Te Matarae o Manaoterangi. This report uses the official name, Te Mātā-rae-o-Mana.

⁹ R. J. C. Stone. 2001. *From Tamaki-Makau-Rau to Auckland*, Auckland: Auckland University Press, p. 20.

¹⁰ Stone, pp. 20-21.

¹¹ Stone, p. 29.

¹² Stone, p. 49.

¹³ Stone, p. 34.

¹⁴ Mc Burney & Green, pp. 219-220.

26. The Crown purchased most of the land surrounding the Awataha Marae site before 1865, and there were comparatively few Native Land Court hearings to generate written records of the pre-1840 history as there are for many other blocks. Native Land Court proceedings covering the North Shore were not located in the secondary literature consulted for this memorandum.
27. The following discussion is ordered roughly chronologically. It begins by discussing groups who, according to the evidence available to us, have the earliest recorded associations with Awataha and the surrounding area (Ngāi Tai ki Tāmaki, Te Waiohū and Te Kawerau ā Maki). Ngāi Tai ki Tāmaki starts off this section because of their explicit connection between the arrival of the Tainui waka and Awataha. All these groups record whakapapa links with Ngāti Poataniwha. Russell Stone states that by the mid-eighteenth century Ngāti Whātua had established themselves in Tāmaki Makaurau. By the end of that century Ngāti Paoa records utilising the harbour area. Ngaati Whanaunga, Ngāti Maru (Hauraki) and Ngāti Tamaterā of the Marutūāhu Collective were involved in selling 'Mahurangi and Omaha' to the Crown in 1841 (along with another Marutūāhu Collective iwi Ngāti Paoa and, slightly later, Ngāti Whātua sold land at Mahurangi), which suggests the Crown acknowledged the existence of pre-1840 associations to the land. In the 1820s Ngāpuhi invaders raided the North Shore but did not remain in the area.

Ngāi Tai ki Tāmaki

28. According to McBurney and Green in their Ngāi Tai ki Tāmaki: Claims Overview Report, Ngāi Tāiki, also known as Ngāi Tāiki-wareware after a wartime incident, were named after the Ngāi Tai ancestor Tāiki of the Tainui waka. Tāiki "gave his name to the entrance of the Tāmaki Estuary – Te Wai o Tāiki – before settling his people near Awataha".¹⁵
29. McBurney and Green note that over time several early hapū with Ngāi Tai origins who were descendants of Ngāi Tāiki became closely affiliated with Te Kawerau ā Maki.¹⁶ They state that while it could be inferred that Tāiki originally settled in the Wai o Tāiki/Ōtāiki area, Ngāi Tāiki appear to have become established in the district of Awataha on the North Shore.¹⁷
30. McBurney and Green cite a George Graham account of a sacred pūriri tree, "Ngā Huru ā Tāiki", located in the vicinity of Awataha.¹⁸ The Ngāi Tai ki Tāmaki Claims Overview Report states that despite the impact of the Ngāpuhi raids, which began in 1821 and led to the depopulation of Tāmaki and Hauraki in the following two decades, Ngāi Tai ki Tāmaki kept their "ahi kā" alive.¹⁹ Although they do not provide a definite chronological period, McBurney and Green state that Hetaraka Takapuna, who lived at Te Onewa Pā near Awataha and was a rangatira of a "branch of Ngāi Tai ki Tāmaki", claimed interests "on both sides of the Waitemata" and elsewhere on the North Shore coast.²⁰ McBurney notes that the rangatira also claimed various other iwi affiliations, including Ngāti Poataniwha, Ngāti Kahu, Waiohū,

¹⁵ McBurney and Green, p. 30.

¹⁶ McBurney and Green, p. 30.

¹⁷ McBurney and Green, p. 157.

¹⁸ McBurney and Green, p. 157.

¹⁹ McBurney and Green, pp. 517-518.

²⁰ McBurney and Green, p. 518.

Ngāti Paoa, Ngāti Maru, Ngaati Whanaunga and Ngāti Tamaterā and stated his mother was of Ngāti Whātua o Kaipara.²¹

31. According to Ngāi Tai ki Tāmaki's Deed of Settlement, the iwi shares interests at "Matarae a Mana", and the associated shark fishing grounds.²²

Te Waiohū

32. R.C.J Stone writes that by the seventeenth century the main groups occupying the Tāmaki isthmus referred to themselves as Ngā Iwi and Waiohū.²³ Te Ākitai Waiohū, Ngāti Tamaoho and Ngāti Te Ata are descendants of Te Waiohū. Chief Judge Fenton thought that Ngā Iwi were a subdivision of Ngā Oho that occupied the area "between Papakura and the waters of the Waitematā".²⁴ Stone argues that there is not much documentary evidence detailing their use of specific pā along the North Shore in this period because, he claims, much of their oral tradition was erased when they were displaced by invaders in the mid-eighteenth century.²⁵ In Ngāti Whātua Ōrākei's Deed of Settlement, reference is made to Te Taoū seasonally residing at Te Mātā-rae-o-Mana "as had Kiwi and Waiōhū before them".²⁶ Evidence of associations with the area considered in this report has been found for three Te Waiohū descent groups: Te Ākitai Waiohū, Ngāti Te Ata and Ngāti Tamaoho.
33. Te Ākitai Waiohū describe themselves as "a kinship descent group of the Waiohū, Ngā Iwi and Ngā Oho iwi which maintained customary interests throughout an area stretching from Mahurangi and southern Kaipara in the north, down to the Waikato River and across to the Hunua Ranges in the south."²⁷
34. While acknowledging that other iwi and/or hapū have cultural and ancestral associations to Te Waitematā and the surrounding areas, in 2018, Karen Akamira Wilson, on behalf of Te Ākitai Waiohū claimed that the Waitematā Harbour area was a customary fishing site of Te Ākitai Waiohū²⁸ and that the iwi maintains "customary rights and interests in Te Waitematā and the surrounding area through ahi kā roa."²⁹ The Te Ākitai Waiohū Deed of Settlement states that the harbour was of great importance to the iwi and of "spiritual and cultural significance".³⁰ Pā along its coast were occupied by Te Ākitai Waiohū and Wilson mentions that Judges Bay (on the southern shores of Waitematā

²¹ P. J. McBurney. Traditional History Overview: Mahurangi & the Gulf Islands Districts, March 2010, Wai 1040, A-36, p. 373.

²² Ngāi Tai ki Tāmaki Deed of Settlement – Documents, 7 November 2015, p. 8.

²³ Stone. P. 19.

²⁴ Stone,, p. 19.

²⁵ Stone, p. 29.

²⁶ Te Ākitai Waiohū Deed of Settlement Schedule Documents, 12 November 2021, para 1.8, p. 2.

²⁷ Te Ākitai Waiohū Deed of Settlement, 12 November 2021, para 2.3, p. 12.

²⁸ "Brief of evidence of Karen Akamira Wilson on behalf of Te Ākitai Waiohū", 28 August 2018, p. 3 [E80-Karen-Wilson-EIC-Te-Akitai-Waiohū.pdf \(environmentcourt.govt.nz\)](#).

²⁹ "Brief of evidence of Karen Akamira Wilson on behalf of Te Ākitai Waiohū", 28 August 2018, p. 2 [E80-Karen-Wilson-EIC-Te-Akitai-Waiohū.pdf \(environmentcourt.govt.nz\)](#).

³⁰ Te Ākitai Waiohū Deed of Settlement Schedule: Documents, 12 November 2021, para 10.1(b), p. 51.

Harbour to the southeast of Awataha), for example, was occupied until the eighteenth century.³¹ The background section of the Te Ākitai Waiohū Deed of Settlement states that the iwi holds interests in Waiwharāiki (Takapuna).³²

Ngāti Te Ata

35. In the “Traditional Report of Ngāti Te Ata”, Roimata Minhinnick states that “Ngāti Te Ata emphasise that they are directly, Waiohū, the original inhabitants and tangata whenua of Tamaki Makaurau and ‘surrounding districts’”.³³ R.C.J. Stone notes that the Native Land Court’s deliberations on Ōrākei included a statement by Hori Tauroa of Ngāti Te Ata that in pre-Pākehā times his iwi would visit Waitemātā to hunt for sharks as “the lands were not divided in those days”.³⁴ The Ngāti Whātua rangatira Āpihai Te Kāwau acknowledged that Ngāti Tamaoho and “Te Ata” also utilized these shark fishing grounds.³⁵

Ngāti Tamaoho

36. The background section of the Ngāti Tamaoho Deed of Settlement states that the Waitemātā Harbour includes “many wāhi tapu and sites of great spiritual importance” and provided tūpuna with food, building materials and rongoā. According to the background section, “Over the course of centuries, our have [sic] developed a highly complex body of tikanga which governs our relationship with the harbour and the use of its resources.”³⁶

Ngāti Whātua

37. After Ngāti Whātua invaded Tāmaki in the eighteenth century, and established themselves in the region, Tarahawaiki of Te Taoū occupied Te Onewa Pā.³⁷ According to testimony by his son, Āpihai Te Kāwau, that was given in the mid-nineteenth century, Te Onewa was an important summer fishing camp with associated gardens for Ngāti Whātua.³⁸
38. Te Taoū resided seasonally at Te Mātā-ae-o-Mana, and Ngāti Whātua continued their utilisation of the site under Āpihai Te Kāwau, maintaining the gardens for visiting fishing parties.³⁹ Te Taoū are listed as a hapū in Ngāti Whātua Ōrākei’s Deed of Settlement.⁴⁰ The Ngāti Whātua Ōrākei deed of settlement

³¹ “Brief of evidence of Karen Akamira Wilson on behalf of Te Ākitai Waiohū”, 28 August 2018, [E80-Karen-Wilson-EIC-Te-Akitai-Waiohū.pdf \(environmentcourt.govt.nz\)](#), p. 3.

³² Te Ākitai Waiohū Deed of Settlement, 12 November 2021, p. 9.

³³ Minhinnick, Roimata, “Ka Whiri Te Ra Ki Tua Rehua Ka Ara a Kaiwhare I Te Rua, Ko Te Rua o Kaiwhare e Ngunguru Nei: Traditional Report of Ngāti Te Ata, 2000, Wai 1362, A-27, p. 10.

³⁴ Stone, p. 34.

³⁵ Stone, p. 67.

³⁶ Ngāti Tamaoho Deed of Settlement, 30 April 2017, p. 14.

³⁷ Simmons, “George Graham’s Maori Place Names of Auckland”, p. 21.

³⁸ Stone, pp. 65-66.

³⁹ Ngāti Whātua Ōrākei Deed of Settlement Schedule: Documents, 5 November 2011, para 1.8, p. 2.

⁴⁰ Some members of Te Taoū contest their inclusion as a hapū and instead argue that they are a separate group from Ngāti Whātua. “The Lost Tribe” *NZ Herald*, 22 January 2011; Ngāti Whātua Ōrākei Deed of Settlement, 5 November 2011, para 8.5.1(b), p. 49.

details the iwi's connection to Ngutuwhera/Tāwhiwhi-kareao, which is a bay near to Te Mātā-rae-o-Mana, where a Ngāti Whātua taua encamped before attacking coastal pā in the eighteenth century in their war against Waiohūa.⁴¹ Ngāti Whātua record in their Deed of Settlement that in 1790 they surprised a group of fishermen "from a neighbouring iwi" at Te Mātā-rae-o-Mana, killing the crew and taking their waka.⁴²

Te Kawerau ā Maki

39. Te Kawerau ā Maki descend from the eponymous ancestor Maki (or Makinui) from Kāwhia. Maki was part of Ngā Oho, of the wider Tainui descent group, and the tribal group known as Ngā Iwi.⁴³ In the early seventeenth century Te Kawerau ā Maki resettled in their ancestral home of Tāmaki. Over time, Te Kawerau ā Maki occupied a number of locations in the Tāmaki region including the North Shore.⁴⁴ Graham Murdoch records the seasonal movement of Te Kawerau ā Maki within their rohe, travelling from western Kaipara in autumn to Te Mātā-rae-o-Mana (Kauri Point) to catch pioke (dogfish), and to the Upper Waitematā to harvest birds and shellfish.⁴⁵
40. In her PhD thesis on Awataha Marae, Lily George states that Awataha was the site of Te Kawerau ā Maki pā, Te Korekore.⁴⁶ According to the Awataha Marae website, Hato Pētera College, an area formerly called Te Punawai a Tene (The Spring of Tene) after a Kawerau ā Maki chief, occupies part of this papakāinga site.⁴⁷ Murdoch's "Te Kawerau a Maki and the Crown in Kaipara" report and McBurney's "Traditional History Overview of the Mahurangi and Gulf Islands Districts" report both discuss Te Korekore Pā, which is described as a Te Kawerau pā near Muriwai.⁴⁸ It is unclear whether there were two Te Kawerau pā called Te Korekore at different locations.
41. Awataha is also the location of Te Urupā, which George describes as an ancient Te Kawerau ā Maki burial site.⁴⁹ In a 1991 letter to the Department of Survey and Land Information on behalf of "the Kawerau Tribe", Te Warena Taua stated that while the exact site of the urupā is no longer known, it is not located within the marae complex.⁵⁰ Taua added that the urupā contained the remains of deceased members of "Kawerau, Ngati Paoa, Ngati Whātua, Ngati Tai and other associated tribal groups in the

⁴¹ Ngāti Whātua Ōrākei Deed of Settlement Schedule: Documents, 5 November 2011, para 1.10, p. 2.

⁴² Ngāti Whātua Ōrākei Deed of Settlement Schedule: Documents, 5 November 2011, para 1.8, p. 2.

⁴³ G. Murdoch. "Te Kawerau a Maki and the Crown", Wai 470, pp. 17-18.

⁴⁴ Te Kawerau ā Maki Deed of Settlement, 22 February 2014, paras 2.2-2.3, p. 3.

⁴⁵ G. Murdoch. "Te Kawerau a Maki and the Crown", Wai 470, p. 63.

⁴⁶ L. George. "Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae" (unpublished PhD thesis), Massey University: Auckland, 2010. p. 175.

⁴⁷ "Awataha History: The Place – Awataha, the river flowing at the side", [Awataha History](#).

⁴⁸ G. Murdoch. "Te Kawerau a Maki and the Crown in Kaipara: A traditional/historical report", 2000, Wai 470, p. 36; P. McBurney, "Traditional History Overview of the Mahurangi and Gulf Islands Districts", 2010, Wai 1040, A-36, p. 116.

⁴⁹ L. George. "Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae" (unpublished PhD thesis), Massey University: Auckland, 2010. p. 176.

⁵⁰ Te Warena Taua to Steven Swartz, 21 February 1991, Wai 187 2.3.

vicinity of the Marae complex”.⁵¹ George Graham locates the urupā at a point at the ‘headwaters of Shoal Bay on the west side’ opposite Esmond Road.⁵²

Ngāti Poataniwha

42. McBurney and Green write that “[f]rom the North Shore of Te Waitematā along the Mahurangi coastline and the outlying islands of Te Kawau and Tiritirimatangi, the people of Ngāti Kahu and Ngāti Poataniwha are descended from ancestors of both Ngāti Taihaua and Te Kawerau, and connected by marriage to Ngāti Whātua.”⁵³ Stirling refers to Te Tahamate’s testimony to the Native Land Court, whereby the latter identified as Ngati Poataniwha and Ngati Kahu, which he claimed were “branches of the Ngati Whatua tribe.”⁵⁴
43. The background section of Te Ākitai Waiohūa’s Deed of Settlement states that through their Ngā Oho, Ngā Iwi and Ngāti Poataniwha whakapapa, Te Ākitai Waiohūa had customary interests in northern Waitematā lands.⁵⁵ It also highlights that their “Ngāti Poataniwha whakapapa” was “established primarily through Rangihuamoa, the wife of Huakaiwaka and grandmother of Kiwi Tāmaki, and Moenoho, the wife of Rangimatoru and mother of Pepene Te Tihi”.⁵⁶
44. In his traditional/historical report “Te Kawerau a Maki and the Crown in Kaipara”, Murdoch writes that in 1840 Te Kawerau ā Maki held “shared ancestral rights” on “the shores of the Upper Waitemata Harbour through their Ngati Poataniwha descent”.⁵⁷ These rights, claims Murdoch, are shared with Ngāti Whātua rangatira such as Āpihai Te Kawau through common descent.⁵⁸
45. According to the same report, Ngāti Poataniwha are defined as a hapū formed between descendants of Ngawhetu and local Ngāti Tai residing “around the northern shores of the upper Waitemata harbour”.⁵⁹ Ngawhetu was “a renowned warrior and leader among the Kawerau people.”⁶⁰ Ngāti Tai is used to refer to a group of hapū descending from the founding ancestors Taihaua, Tāiki and Taikehu as well as “a specific hapū descended from the ancestor Tainui”. Ngāi Tai ki Tāmaki often refer to themselves as Ngāti Tai when referring to their iwi affiliation.⁶¹ Murdoch asserts that Te Kawerau ā Maki stayed with Ngāti Poataniwha in their kāinga on the North Shore when European settlement began.⁶²

⁵¹ Te Warena Taua to Steven Swartz, 21 February 1991, Wai 187 2.3.

⁵² Simmons, D.R. (ed), “George Graham’s Maorui Place Names of Auckland”, in *Records of Auckland Institute and Museum* (16) 1980, p. 34.

⁵³ McBurney & Green, p. 29.

⁵⁴ Bruce Stirling, “Ngāti Whātua, the Crown, and the North Shore Lands”, Wai 1362 A-17, p. 11.

⁵⁵ Te Ākitai Waiohūa Deed of Settlement of Historical Claims, 12 November 2021, p. 8.

⁵⁶ Te Ākitai Deed of Settlement of Historical Claims, 12 November 2021, pp. 8-9.

⁵⁷ Murdoch, p. 35.

⁵⁸ Murdoch, p. 37.

⁵⁹ Murdoch, p. 34.

⁶⁰ Murdoch, p. 33.

⁶¹ McBurney & Green, p. 30.

⁶² Murdoch, p. 34.

46. Ngāti Poataniwha do not appear as a current hapū of any group on Te Puni Kōkiri's Te Kāhui Māngai website.

Ngāti Paoa

47. According to the background section of the Ngāti Paoa Deed of Settlement, by the 1700s, Ngāti Paoa seamanship had enabled them to establish a corridor from the North Shore extending out to the islands of the Waitematā, through Tāmaki and along the western inland shores of Tīkapa Moana (the Hauraki Gulf).⁶³ The background section further states that around 1780, Ngāti Paoa led the advance of the Marutūāhu Confederation toward Tāmaki and the Waitematā.⁶⁴ Ngāti Paoa traditions hold that a 1790 war with "a neighbouring iwi"⁶⁵ resulted in Ngāti Paoa using land and fishing grounds in an area which extended from Takapuna to Te Arai. Ngāti Paoa also claim connection to Te Onewa Pā.⁶⁶
48. To the southwest of Te Mātā-rae-o-Mana is the site of Te Matā, where, according to Mahuika Rāwhiri, Tama Te Kapua, captain of the Arawa waka, buried a mauri stone in order to give Tāmaki its soul. When a group of Ngāti Paoa fishermen were attacked at Kauri Point (see figures 1 & 4) survivors were tied to the stone and left to drown in an incident called Niho Kiore, after which a rāhui was imposed around the area and Ngāti Paoa claimed the surrounding waters as theirs.⁶⁷
49. Ngāti Paoa were also a vendor in the 1841 Mahurangi and Omaha Purchase.⁶⁸

Ngāti Maru (Hauraki), Ngāti Tamaterā and Ngaati Whanaunga

50. These Marutūāhu Collective iwi likely consider that they have rights in the district which were recognised by the Crown when it negotiated purchases from them. According to Ngāti Tamaterā's Deed of Settlement land at Awataha on the North Shore was reserved from the Crown's 1841 Mahurangi and Omaha purchase "for Ngāti Tamaterā and other iwi."⁶⁹ The Ngāti Maru (Hauraki) Deed of Settlement states that "The Crown agreed to reserve lands from this transaction for Ngāti Maru and other Marutūāhu iwi", adding "the only reserve that was made was at Awataha and this was alienated

⁶³ Ngāti Paoa Deed of Settlement – Historical Claims, 20 March 2021, para 1.9, pp. 2-3.

⁶⁴ Ngāti Paoa Deed of Settlement – Historical Claims, 20 March 2021, para 1.12, p. 3.

⁶⁵ Ngāti Paoa Deed of Settlement – Historical Claims, 20 March 2021, para 1.13, p. 3. As this information comes from the background section of the Ngāti Paoa Deed of Settlement, which is not footnoted, further research would be required to identify the other iwi.

⁶⁶ Rāwiri, Cultural Values Assessment: AC36 Consent Application (Te Waitematā), Ngāti Paoa, p. 20. ([E77-CVA-Ngati-Paoa-Iwi-Trust.pdf \(environmentcourt.govt.nz\)](#)).

⁶⁷ Rāwiri, Cultural Values Assessment: AC36 Consent Application (Te Waitematā), Ngāti Paoa, p. 19-20. ([E77-CVA-Ngati-Paoa-Iwi-Trust.pdf \(environmentcourt.govt.nz\)](#)). Rāwiri references David Verran's *An Illustrated History of the North Shore*, p. 14 for some of this information, but the researcher could not find a reference to Te Matā in this book. The story of Te Matā is, however, recorded in Ngāti Whātua Ōrākei's Deed of Settlement, where the rock itself is called Nihokiore. According to this account Ngāpuhi destroyed the mauri stone (Ngāti Whātua Ōrākei Deed of Settlement, 5 November 2011, 1.5, p. 2). Te Matā is also mentioned by Te Ākitai in a description of the cultural significance of Waitematā harbour (Brief of evidence of Karen Akamira Wilson on behalf of Te Ākitai Waiohūa", 28 August 2018, p. 2 [E80-Karen-Wilson-EIC-Te-Akitai-Waiohūa.pdf \(environmentcourt.govt.nz\)](#)).

⁶⁸ Craig Innes, "Northland Crown Purchase Deeds, 1840-1865", Wai 1040 A4, p. 123.

⁶⁹ Ngāti Tamaterā Deed of Settlement, 20 September 2017, para 2.11, p. 6.

by rangatira of another iwi in 1844.⁷⁰ In the time available more extensive research into the particularities of pre-1840s associations could not be completed.

Ngāpuhi

51. In the 1820s, armed Ngāpuhi descended on the North Shore which forced survivors to abandon the area.⁷¹ Takarau, the son of Ngāti Poataniwha rangatira Te Manaoterangi, had participated in the attack on the Ngāpuhi stronghold at Puketona in the late eighteenth century and married a captive Ngāpuhi woman called Matarangi. According to McBurney, Takarau hoped this alliance would protect him when Ngāpuhi invaded. However, the Ngāpuhi rangatira Hongi Hika obtained utu for the battle of Te Waiwhariki by sacking Te Mātā-rae-o-Mana Pā and killing its inhabitants.⁷² Victorious, Ngāpuhi abandoned the area and returned north.⁷³

Return to the North Shore

52. In the 1830s some of those who had fled and survived Ngāpuhi's incursions were able to return to the North Shore area. For Ngāti Paoa this was instigated by a peace pact between Ngāpuhi and Te Rauroha of Ngāti Paoa.⁷⁴ Maihi, the son of Maihi Te Hinaki of Ngāti Paoa, said that survivors of the attacks at Mokoia and Mauinaina returned to Waitematā in 1830 and settled at Awataha and Waiwharariki (Shoal Bay).⁷⁵ Although connected to Ngāti Paoa, Maihi Te Hinaki also descended from Ngāi Tai ancestors, and, according to George Graham, belonged to Ngāti Whātua.⁷⁶ Verran states that in 1835 Maruroa of Te Kawerau returned to Te Mātā-rae-o-Mana and Ngāi Tai returned to Te Onewa Pā.⁷⁷
53. Other groups not identified above are also recorded as residing at Awataha, including Wiripo Pōtene of Ngāti Awa, who told George Graham he had been living there since the time of Ngāpuhi raids from the north.⁷⁸ McBurney states that following their return from having sought refuge in the Waikato a small "remnant of Ngāti Kahu of Whangaparaoa" moved to Awataha.⁷⁹
54. In 1839 Hetaraka Takapuna, along with Puhata of Ngāti Paoa and Te Awa signed a deed of sale to Henry Tayler for about 1000 acres of unsurveyed land referred to as 'Takapuna'.⁸⁰ While Hetaraka asserted that the land was owned by Ngāti Kahu, Ngāti Poataniwha and Te Kawerau at the 1867 Tiritirimatangi Native Land Court hearing, on further questioning he stated that after the Ngāpuhi raids the land was

⁷⁰ Ngāti Maru (Hauraki) Deed of Settlement – Historical Claims, 8 September 2017, para 2.34, p. 9.

⁷¹ David Verran, *The North Shore: An Illustrated History*, Random House: New Zealand, 2010, p. 16.

⁷² McBurney, p. 105.

⁷³ Verran, *The North Shore*, p. 16.

⁷⁴ Rāwiri, Cultural Values Assessment: AC36 Consent Application (Te Waitematā), Ngāti Paoa, p. 21. ([E77-CVA-Ngati-Paoa-Iwi-Trust.pdf \(environmentcourt.govt.nz\)](#)), p. 18.

⁷⁵ Rāwiri, Cultural Values Assessment: AC36 Consent Application (Te Waitematā), Ngāti Paoa, p. 21. ([E77-CVA-Ngati-Paoa-Iwi-Trust.pdf \(environmentcourt.govt.nz\)](#)), p. 18.

⁷⁶ McBurney & Green, "Ngāi Tai Ki Tāmaki: Claimant Overview Report", p. 46.

⁷⁷ David Verran, "Maori and Pakeha on the North Shore", [MAORI AND PAKEHA ON THE NORTH SHORE, 1840 - 1926 - BIRKENHEAD HERITAGE SOCIETY \(historicbirkenhead.com\)](#).

⁷⁸ McBurney & Green, footnote 115, p. 111.

⁷⁹ McBurney, p. 100.

⁸⁰ McBurney, p. 479.

transferred to Ngāti Paoa hands.⁸¹ In 1841 the Crown completed the first of a series of purchases, collectively known as the Mahurangi Purchases, with the “Chiefs and people of Ngatipaoa Ngatimaru Ngatitamatera and Ngatiwhanaunga”,⁸² who together with Te Patukirikiri formed the Marutūāhu Confederation. The initial purchase extended from Te Arai Point in the north to Waitematā in the south. When surveyors were sent to define the boundaries of the sale, however, none of the Māori who accompanied the Crown surveyor could define this southern boundary.⁸³

Awataha and the Mahurangi Purchases (1841-1865)

55. Barry Rigby’s research report into the Crown’s purchase of land in the Mahurangi region notes that the original deed included a reserve: “Te Waimai a te Tumu being excepted as a place of residence for us”. The location of this reserve, notes Rigby, remains a mystery.⁸⁴ According to Ngāti Tamaterā’s Deed of Settlement, “Land at Awataha on the North Shore was reserved from this purchase for Ngāti Tamaterā and other iwi. The reserve was alienated by rangatira from a related iwi in 1844. No other reserves were set aside for Ngati Tamaterā.”⁸⁵ The Ngāti Tamaterā historical account does not provide a reference for land at Awataha being reserved for Ngāti Tamaterā and other iwi, and the source of this information is unclear. The Ngāti Paoa historical account states that Awataha was a block on the North Shore that had been part of the “Mahurangi purchase”.⁸⁶ The Ngāti Maru (Hauraki) historical account states that the only reserve set aside from the Mahurangi Omaha Crown purchase was at Awataha.⁸⁷ Awataha does appear to have been designated as a “Native Reserve” in an official schedule.⁸⁸
56. On 29 June 1841, the Crown purchased land at Takapuna from Ngāti Whātua.⁸⁹ According to Stirling, the boundary line for this transaction was not surveyed, but appears to have included the Takapuna Peninsula to Lake Pupuke, as well as Beachhaven, Hillcrest and Birkenhead.⁹⁰ This transaction,

⁸¹ McBurney, p. 479. Tayler subsequently sold half of this land to Alexander Brodie Sparke. These purchases were not upheld (Michael Belgrave, Grant Young and Anna Deacon. 2006. “Tikapa Moana and Auckland’s Tribal Cross Currents: the enduring customary interests of Ngati Paoa, Ngati Maru, Ngati Whanaunga, Ngati Tamatera and Ngai Tai in Auckland”, Wai 1362 A06, p. 77).

⁸² Rigby, “The Crown, Maori, and Mahurangi 1840-1861,” August 1998, Wai 674 F1, p. 20.

⁸³ Rigby, Wai 674 F1, p. 22. The Ngaati Whanaunga Deed of Settlement refers to the iwi petitioning the Crown and asserting that “the Awataha block in Takapuna” had not been included in the 1841 Crown Mahurangi and Omaha purchase (see Ngaati Whanaunga Deed of Settlement, 25 August 2017, p. 9). Both the Ngāti Paoa Deed of Settlement and the Ngāti Tamaterā Deed of Settlement note that the Mahurangi Omaha Crown purchase was not surveyed at the time it was purchased (see Ngāti Paoa Deed of Settlement, 20 March 2021, p. 12; Ngāti Tamaterā Deed of Settlement, 20 September 2017, p. 6). The Ngāti Maru (Hauraki) Deed of Settlement notes that a Marutūāhu rangatira received payment for pointing out the boundaries of the block (see Ngāti Maru (Hauraki) Deed of Settlement, 8 September 2017, p. 9).

⁸⁴ Rigby, Wai 674 F1, p. 20.

⁸⁵ Ngāti Tamaterā Deed of Settlement, 20 September 2017, p. 6, para 2.11. The “related iwi” here possibly refers to Ngaati Whanaunga. The translation of Deed 194 Te Waimai a Tumu reserve (Mahurangi) signed on 25 April 1844 states: “Listen all men to this Deed written by Houta, by all men of the Tribe of Ngatiwanaunga, we have delivered over to the Governor the piece of land which was made sacred by the Ngatipaoa, and given by them to us...” (Craig Innes. 2006. “Northland Crown Purchase Deeds, 1840-1865”, Wai 1040 A4, p. 145).

⁸⁶ Ngāti Paoa Deed of Settlement, 20 March 2021, p. 19.

⁸⁷ Ngāti Maru (Hauraki) Deed of Settlement, 8 September 2017, p. 9.

⁸⁸ Stirling, pp. 160-161.

⁸⁹ Rigby, Wai 674 F1, pp. 24.

⁹⁰ Stirling, p. 104.

according to Barry Rigby's research inquiry into the Mahurangi Purchases, "perhaps represented the Crown's acknowledgement of Ngāti Whātua interests throughout Mahurangi."⁹¹ On the other hand, Te Kawerau ā Maki claim that their exclusion from Old Land Claims and pre-emption waiver transactions on the North Shore, at West Auckland and at Mahurangi, and the "Crown sponsored process which legitimised them" meant that they had no basis on which to challenge the Crown grants or seek compensation.⁹² Te Kawerau ā Maki's Deed of Settlement states that: "As a result of the Mahurangi and Omaha transaction, Te Kawerau ā Maki lost land, kāinga and wāhi tapu on the north-eastern shores of the Waitemata Harbour and along on the eastern coastline between Te Oneroa o Kahu (Long Bay) and the Whangateau Harbour."⁹³ It also states that there is no record of payment being made to any Te Kawerau ā Maki in regards to the south-eastern part of the Mahurangi Omaha block.⁹⁴

57. In 1844, the Crown sold most of Northcote, including the land at Awataha, to the New Zealand Company. The Company proceeded to sell the land back to the Crown a few years later.⁹⁵ In 1848 the Hundred of Pupuke was created, extending from Uruamo Creek to Okura, and in 1850 sections 22, 23, 32, 37 and 39, totalling 400 acres of land at Awataha, was granted to the Catholic Church for educational purposes.⁹⁶ According to Awataha Marae's history, this area constituted the majority of the old pā site, and included Awataha, the land later used for Hato Pētera College and may have extended to the Catholic Church buildings in Tahoroto Road.⁹⁷ In 1869 most of the school's Māori enrolment of 60 lived nearby, perhaps coming from Eruera Maihi Patuone's settlement in Takapuna (see paragraphs 59-61).⁹⁸
58. In 1853 the Crown conducted two additional purchases of land between Takapuna and Te Arai: Deed 198 (Haimona's claim) in 1853 with "the chiefs the Ara and Haimona Pita", which Rigby states was "apparently on behalf of Ngāti Whātua",⁹⁹ and deed 199 in 1854 with "chiefs of Ngati Paoa".¹⁰⁰ The English wording for Deed 198 asserts that the transaction was the "final and unreserved giving up of Mahurangi that is, the land bought many years ago beginning at Takapuna and on to the Arai".¹⁰¹ Subsequent purchases continued through to 1855 and are estimated to total about 220,000 acres.¹⁰²

⁹¹ Rigby, Wai 674 F1, p. 24.

⁹² Murdoch, "Te Kawerau ā Maki and the Crown", Wai 470, p. 13.

⁹³ Te Kawerau ā Maki Deed of Settlement, 22 February 2014, para 2.21, p. 6.

⁹⁴ Te Kawerau ā Maki Deed of Settlement, 22 February 2014, para 2.20, p. 6.

⁹⁵ Verran, *The North Shore*, p. 19.

⁹⁶ Stirling, p. 120.

⁹⁷ "Awataha History: The Place – Awataha, the river flowing at the side", [Awataha History](#).

⁹⁸ Stirling, p. 120.

⁹⁹ Craig Innes. 2006. "Northland Crown Purchase Deeds, 1840-1865", Wai 1040 A4, p. 145; Rigby, "The Crown, Maori, and Mahurangi 1840-1881", Wai 674 F-1, p. 7.

¹⁰⁰ Michael Belgrave, Grant Young and Anna Deacon. 2006. "Tikapa Moana and Auckland's Tribal Cross Currents: the enduring customary interests of Ngati Paoa, Ngati Maru, Ngati Whanaunga, Ngati Tamatera and Ngai Tai in Auckland", Wai 1362 A06, p. 99.

¹⁰¹ Craig Innes. 2006. "Northland Crown Purchase Deeds, 1840-1865", Wai 1040 A4, p. 145.

¹⁰² Rigby, Wai 674 F1, p. 2.

Crown grant to Eruera Maihi Patuone

59. In 1833, the Ngāpuhi rangatira Eruera Maihi Patuone married Riria Takarangi, the sister of the Ngāti Paoa rangatira Te Kupenga.¹⁰³ Following the death of Riria Takarangi in 1846, Governor George Grey encouraged Patuone to settle in Auckland, which Patuone did, establishing himself on the North Shore close to present-day Takapuna.¹⁰⁴ Patuone is said to have lived for some time in the 1840s at Barry's Point near Awataha.¹⁰⁵
60. On 13 July 1852, the Crown formally granted 110 acres at Takapuna to Patuone 'on account of Services rendered to the British Crown', possibly for his assistance during the Northern War.¹⁰⁶ The grant extended from what is now downtown Takapuna to Hauraki Corner and included the shore at Shoal Bay and Takapuna Beach.¹⁰⁷ Two years later, *Te Karere* published a valedictory letter written by Patuone to Governor Grey in which the paper described Patuone as being 'of Awataha'.¹⁰⁸ In 1859, Patuone was again described in the press as being 'of Awataha', with the *Nelson Examiner* noting he was the older brother of Tamati Waka Nene.¹⁰⁹ During the 1860 Kohimarama Conference, *Te Karere* also referred to Patuone as being of Ngāpuhi and located at Awataha.¹¹⁰
61. Barry Rigby states that although Patuone's relatives remained at Takapuna following his death in 1872, the only other land on the North Shore inhabited by Māori was Awataha, where, Rigby notes, the Te Tawera people "sought refuge" after an incident in 1856 and where some of Te Hemera's people moved in 1893.¹¹¹ Rigby describes Te Tawera as "a Ngati Pukenga/Ngati Whanaunga related group with Tauranga and Hauraki connections".¹¹² At an 1879 meeting with Governor Grey in Waikato, Te Hemera said "I am of Ngatiwhatua".¹¹³

Awataha in the 20th century

62. In 1903 Aterea Petera and 80 others petitioned Parliament to investigate land that had been vested in the Catholic Church in the Waitematā Parish, "with a view to having the land used for the benefit of the

¹⁰³ McBurney, p. 341.

¹⁰⁴ McBurney, p. 367.

¹⁰⁵ Auckland Council. 2011. "North Shore Heritage: A thematic History of the North Shore", volume 1, <https://www.aucklandcouncil.govt.nz/arts-culture-heritage/heritage/heritagesurveys/north-shore-heritage-thematic-review-volume-1.pdf>, p. 11.

¹⁰⁶ 'Return of All Crown Grants', *Appendix to the Journal of the House of Representatives (AJHR)*, 1861, Session I, E-6, [p. 2]; Enclosure to Message No. 29, 'Enclosures to Messages', *AJHR*, 1855, Session I, Enclosure to Message No. 29, p. 4 (p. 24 of PDF).

¹⁰⁷ McBurney, p. 367.

¹⁰⁸ 'A Valedictory Letter', *Maori Messenger: Te Karere Maori*, 26 January 1854, p. 3.

¹⁰⁹ 'Visit of the Imperial Austrian Expedition to the Chief Patuone's Christmas Feast', *Nelson Examiner*, 12 February 1859, p. 3.

¹¹⁰ 'Proceedings of the Kohimarama Conference', *Maori Messenger: Te Karere Maori*, 1 September 1860, p. 6.

¹¹¹ Rigby, Wai 674 F1, p. 136.

¹¹² Rigby, Wai 674 F1, footnote 26, p. 43, p. 136.

¹¹³ 'Te Kopua Meeting', *AJHR*, 1879, Session I, G-2, p. 4. Ngāti Rongo are included in the Ngāti Whātua o Kaipara claimant definition.

Maoris.”¹¹⁴ Historian David Verran notes that in 1908, around the time he indicates Northcote Point became a domain, local Māori led by Pataka Hapi of Waikato and Whatarangi of Ngaati Whanaunga greeted the arrival of the visiting American fleet with a haka and planted a totara at the site of Te Onewa Pā.¹¹⁵ The totara was subsequently removed for the construction of the Auckland Harbour Bridge.¹¹⁶ According to Verran’s history of the North Shore, in 1911 around 69 Māori, including important kaumātua and kuia, mainly Hauraki, were living and farming in the vicinity of Awataha.¹¹⁷

63. In 1914 one group led by Nanaoka Tukamui and another led by Patariki Wiripo Mo Paki unsuccessfully requested Bishop Cleary’s assistance in their land claims.¹¹⁸
64. In 1919 the *New Zealand Herald* reported the resolution of a long-standing dispute over land at Awataha. The newspaper claimed that Māori resident on the land ‘in the Awataha block’ at the head of Shoal Bay had consented to the Supreme Court making an order by which Māori waived all their rights in the land in favour of the Roman Catholic Bishop of Auckland. In return for Māori abandoning their ‘old claims’, the Bishop undertook to provide them with land for residential purposes and guaranteed to protect urupā on the site.¹¹⁹
65. The land covered by the agreement included the site of the Catholic Takapuna orphanage. A newspaper article reported that land at Awataha had been vested in the Catholic Church as a trust for Māori educational purposes in 1852 when Māori were resident on the block. These Māori and their descendants, who continued to occupy the land and refused to leave, also refused to recognise the authority of the Catholic Church to control the areas of the block they occupied.¹²⁰
66. An obituary that appeared in the *Auckland Star* in 1921 documented the life of Waiti Noka ‘one of the oldest surviving Maori of the Waitemata district’. Noka, who had died the previous week, was described as being of Waiohūa and Ngāti Apakura¹²¹ descent and lived with her family on the ‘Catholic

¹¹⁴ Verran, *The North Shore*, p. 24.

¹¹⁵ Te Ara Encyclopedia of New Zealand: Kōrero: Graham, George Samuel [Graham, George Samuel – Dictionary of New Zealand Biography – Te Ara](#); Verran, “Maori and Pakeha on the North Shore”, [maori And Pakeha On The North Shore, 1840 - 1926. - Birkenhead Heritage Society \(historicalbirkenhead.com\)](#).

¹¹⁶ L. George, “Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae”, p. 209.

¹¹⁷ Verran, *The North Shore*, p. 24.

¹¹⁸ Verran, *The North Shore*, p. 24. The exact affiliations of these groups is unclear. The similarities in name suggest the possibility that Nanaoka (Noka) Tukamui is Noka Hukanui, who lived at Awataha at the same time and was of Ngāti Apakura and Ngāti Poataniwha. However, it has not been possible to verify this. Tukamui’s relatives anglicised their name to Peters (Verran, *The North Shore*, p. 24) which explains why this group was referred to in a newspaper article as led by Clement Peters of Waiohūa (‘Endowment Lands. Position at Northcote. Claims by Maori’, *New Zealand Herald*, 21 October 1924, p. 11).

¹¹⁹ ‘Old Dispute Settled - Maoris Waive Claim to Land’, *New Zealand Herald*, 14 May 1919, p. 9.

¹²⁰ ‘Old Dispute Settled - Maoris Waive Claim to Land’, *New Zealand Herald*, 14 May 1919, p. 9.

¹²¹ Ngāti Apakura are listed in the claimant definition of the Ngāti Maniapoto Deed of Settlement “as huānga, being a group who maintain their identity while affirming their whakapapa and other historical connections to Maniapoto” (Ngāti Maniapoto Deed of Settlement, 11 November 2021, para 9.6.3(c), p. 225). Ngāti Apakura are also listed in the claimant definition of Waikato-Tainui Raupatu Deed of Settlement as a hapū of Waikato Tainui (Waikato-Tainui Raupatu Deed of Settlement, 22 May 1995, 34, p.39). They are also included in the claimant definition for the Waikato-Tainui Remaining Claims Deed of Mandate, although they have currently not opted into the mandate to have their claims settled (Waikato-Tainui Remaining Claims Deed of Mandate, March 2020, p. 6).

native reserve' at Awataha.¹²² She was buried at the tribal urupā on the site and her tangi was attended by rangatira from Kaipara, Waikato and Hauraki districts.¹²³

67. The following year, Waiti Noka's 70-year-old husband, Noka Hukanui, also passed away at the 'historic little Maori village of Awataha'.¹²⁴ Noka Hukanui, described in the press as 'a staunch "Kingite"' who had been present at Ōrākau, was Ngāti Apakura and had been born in the Kāwhia region. Graeme Murdoch links Hukanui to earlier occupancy of the area, writing that "Ngati Poataniwha, in particular the descendants of Te Manaoterangi such as Noka Hukanui, were still in occupation of their ancestral land when European settlement began."¹²⁵ When Rewi Maniapoto visited Auckland in 1879, Noka Hukanui accompanied him and subsequently 'joined his local relatives at Awataha'. Noka Hukanui was also buried at the tribal urupā at the Awataha 'Catholic native reserve'.¹²⁶ His tangi was attended by his relatives from Ngāti Maniapoto, Waikato and Kāwhia together with Ngāpuhi, Ngāti Porou, and Ngāti Awa. Local iwi were represented at his tangi by Ngāti Paoa, Ngāti Tamaterā and Ngāti Whanaunga.¹²⁷
68. In 1921 the Catholic Church gave a lifetime lease to land between Ocean View Road and Raleigh Road to a group of about twenty people, led by Noka Tukamui, who had written to the Catholic bishop in 1914 with a request for land; this area, in the vicinity of Awataha, was inhabited by Tukamui's relatives until the 1950s.¹²⁸ A *New Zealand Herald* report refers to the group as led by Clement Peters of Waiohau.¹²⁹ Tukamui's Ngāti Paoa descendants, the Peters and Turua families, have recently asserted that the land on which Hato Pētera College sits was owned by their ancestors before it was granted to the Catholic Church in 1850.¹³⁰
69. In 1924 the Māori Patrick family was given a lifetime lease of 1.75 acres from the Catholic Church endowment at Barry's Point near Takapuna, and financial assistance for housing. A *New Zealand Herald* report refers to this group as "some of Potenes people, of the Ngatiawa". The remaining members of "Paki's group" are recorded as living adjacent to the urupā at Awataha. It is unclear whether "Paki's group" refers to the group led by Patariki Wiripo Mo Paki. According to the *Herald*, the claims of a third group of approximately 20 Ngāti Paoa from Waiheke, who were 'comparatively recent residents' at Awataha, were not recognised. Although legal action was taken to evict them, the Ngāti Paoa were reportedly prepared to vacate the land if they were given sufficient time to harvest their crops.¹³¹

¹²² 'Obituary', *Auckland Star*, 14 November 1921, p. 7; 'Maori Chief's Death: Picturesque Personality', *New Zealand Herald*, 31 March 1922, p. 8.

¹²³ 'Obituary', *Auckland Star*, 14 November 1921, p. 7.

¹²⁴ 'Deaths', *New Zealand Herald*, 31 March 1922, p. 1; 'Maori Chief's Death: Picturesque Personality', *New Zealand Herald*, 31 March 1922, p. 8.

¹²⁵ Murdoch, "Te Kawerau a Maki and the Crown", Wai 470, p. 34.

¹²⁶ 'Maori Chief's Death: Picturesque Personality', *New Zealand Herald*, 31 March 1922, p. 8.

¹²⁷ 'Maori Chief's Burial: Impressive Ceremony', *New Zealand Herald*, 4 April 1922, p. 8.

¹²⁸ Verran, *The North Shore*, p. 24.

¹²⁹ 'Endowment Lands. Position at Northcote. Claims by Maori', *New Zealand Herald*, 21 October 1924, p. 11.

¹³⁰ "Descendants of original landowners demand Hato Pētera College be returned", Stuff.co.nz, 11 September 2018; "Catholic Church seeks order to evict Māori protesters from Hato Petera College in Northcote", *New Zealand Herald*, 9 October 2018.

¹³¹ 'Endowment Lands. Position at Northcote. Claims by Maori', *New Zealand Herald*, 21 October 1924, p. 11.

70. In 1924, the *New Zealand Herald* reported that 'trouble' had again arisen in relation to Māori occupying the Awataha land. The newspaper now claimed that 300 acres had been vested in the Catholic Bishop of Auckland and his successors in 1852 'by Crown grant' rather than a grant of the Supreme Court. According to the newspaper, part of the 'endowment' had been leased ten years earlier, at which time Māori asserted a right to occupy a portion of Awataha. Noka Hukanui and Waiti Noka had reportedly been given permission to occupy the land until their deaths.¹³²
71. However, in 1925 the dispute had not been resolved and, according to a newspaper report, seven Māori from Ngāti Paoa and Ngāti Maru were arrested and imprisoned in Mount Eden after refusing to pay fines for trespass. The group, who claimed 'ancestral rights of occupation' at Awataha that were not recognised by the court, had refused to vacate the land. The press anticipated a large protest by other Māori following the arrests.¹³³ Ngāti Paoa's Deed of Settlement mentions that seven Ngāti Paoa members were arrested at this time and evicted from the land.¹³⁴
72. Four months later, the *New Zealand Herald* reported that judgement had been reserved to allow Māori occupying Awataha to petition the Crown. The petition was presented to Parliament by Sir Māui Pōmare in July 1925 and was brought by the 'true descendants of the several tribes of the Hauraki Gulf, namely, of Paoa, Maratuhau, Tamatera and Whanaunga' resident at Awataha. The petitioners stated that "We are living on this land as our forefathers did of old, and the chain of occupation from them to us as the present day has never been broken". According to the petitioners, it was not until 1916 that their occupation was 'disturbed' by Pākehā.¹³⁵
73. The petition stated that Awataha had been the subject of a Crown grant by the Governor to the Catholic Church on 19 August 1850, the validity of which the petitioners disputed on the grounds that the Crown had not purchased the land and the Governor was therefore not able to grant it to the Catholic Church. This appears to be a reference to 'Lot 22, Takapuna', a 19-acre reserve granted to the Roman Catholic Bishop of Auckland 'in trust for a school for education of children of both races, and poor people' on 19 August 1850.¹³⁶ The 1925 petitioners also claimed that Awataha was never mentioned in the Crown's Mahurangi purchases of 1841 and 1854. They asked that legal proceedings against them be suspended until their claim had been settled.¹³⁷ The Ngaati Whanaunga Deed of Settlement states that in the 1920s members of the iwi petitioned the Crown claiming that the Awataha block was not included in the 1841 agreement, and therefore "the Crown grant to the Catholic Bishop was invalid."¹³⁸

¹³² 'Endowment Lands. Position at Northcote. Claims by Maori', *New Zealand Herald*, 21 October 1924, p. 11. The 'grant' for the Awataha block took place prior to the establishment of the Native Land Court and the block does not appear to have passed through the Native Land Court at a later date.

¹³³ 'Maoris in Mount Eden: A Land Dispute', *New Zealand Truth*, 28 March 1925, p. 6; 'Natives and Bishop: Takapuna Maori Land', *New Zealand Herald*, 25 July 1925, p. 11.

¹³⁴ Ngāti Paoa Deed of Settlement, 20 March 2021, 2.45, p. 19.

¹³⁵ 'Natives and Bishop: Takapuna Maori Land', *New Zealand Herald*, 25 July 1925, p. 11.

¹³⁶ 'Report from the Commissioner of Native Reserves', *AJHR*, 1871, Session I, F-4, p. 35.

¹³⁷ 'Natives and Bishop: Takapuna Maori Land', *New Zealand Herald*, 25 July 1925, p. 11.

¹³⁸ Ngaati Whanaunga Deed of Settlement, 25 August 2017, para 2.10, p. 9.

74. In 1925 ethnographer George Graham noted that a Kawerau kuia, Mereri, was living at Awataha with the “remnant” of the iwi.¹³⁹ On 10 September 1925 the Native Affairs Committee indicated that it made no recommendation regarding the Awataha petition brought by “Wiha Rawiri Puhuta” and 76 others. Government records stated the petitioners occupied Awataha and that they alleged the land had never been included in the Crown’s purchase of the Mahurangi block, and therefore the Crown’s 1850 grant to the Catholic bishop was invalid.¹⁴⁰ At the end of that month those remaining in the vicinity were trespassed from the land and their houses torn down.¹⁴¹
75. In 1942 kōiwi in the nearby urupā, Te Urupā, were disinterred for the planned, but never completed, construction of an oil storage depot for the U.S Navy.¹⁴² Those disinterred included six Ngāti Paoa, including a rangatira and his family. They were reburied on Waiheke.¹⁴³ Wai 1385 states that the site is now occupied by the Warehouse Main Offices in the Tank Farm Area.¹⁴⁴ This is located less than 1 km from the Awataha Marae.
76. In the 20th century, Hato Pētera College (established in 1928) and North Shore Teachers’ College (established in 1963, now Auckland University of Technology) were built near the site, while other parts of Awataha were used for residential housing and motorway purposes.¹⁴⁵

The pan-tribal marae at Awataha

77. In April 1961, the North Shore Māori Tribal Committee (NSMTC) decided to establish a marae on the Auckland’s North Shore.¹⁴⁶ Though construction never began, it appears the marae was intended to be located on the grounds of Hato Pētera College.¹⁴⁷ According to the Awataha Land Claim, the land deemed surplus to the educational requirements of the Auckland Technical Institute couldn’t be transferred for use as a marae without payment at market value being made. The claimants state that the land therefore reverted to the Crown to be administered by the Department of Lands and Survey and was then subsequently transferred to Landcorp.¹⁴⁸ In 1975 the NSMTC re-initiated discussions on the building of a marae in the area. When Takapuna City Council asked who tangata whenua of the area were, NSMTC suggested that a pan-tribal project would most appropriately reflect the varied Māori demographic of the North Shore.¹⁴⁹

¹³⁹ R. Daamen, P. Hamer & B. Rigby. “Pāngahaua Whanui District 1 – Auckland”, July 1996 p. A whakapapa recorded by Graham indicates that Mereri was Te Hemera Tauhia’s first cousin (Wai 1040, 217).

¹⁴⁰ ‘Native Affairs Committee’, *A/H/R*, 1925, Session I, I-3, p. 10.

¹⁴¹ Verran, “Maori and Pakeha on the North Shore”, [Maori And Pakeha On The North Shore, 1840 - 1926. - Birkenhead Heritage Society \(historicbirkenhead.com\)](http://MaoriAndPakehaOnTheNorthShore,1840-1926.-BirkenheadHeritageSociety(historicbirkenhead.com).).

¹⁴² George, “Tradition, Invention, and Innovation”, pp. 177-178.

¹⁴³ Ngāti Paoa Deed of Settlement, 20 March 2021, para 2.46, p. 19.

¹⁴⁴ Wai 1385, 1.1.1, p. 27

¹⁴⁵ L. George. “Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae” (unpublished PhD thesis), Massey University: Auckland, 2010. p. 178.

¹⁴⁶ L. George. “Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae” (unpublished PhD thesis), Massey University: Auckland, 2010. p. 180.

¹⁴⁷ L. George. “Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae”, p. 180.

¹⁴⁸ The Awataha Land Claim, Wai 187 1.1.

¹⁴⁹ L. George. “Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae”, p. 181.

78. However, George states that at a North Shore Māori Committee meeting held in August 1976 it was decided to consolidate iwi support for the marae and to invite “descendants of Tangata Whenua tribes”, which George lists as “Ngāti Paoa, Ngāti Mahuta,¹⁵⁰ Ngāti Maru, Ngāti Tamatera, Ngāti Whānaunga, Ngāpuhi and Kawerau-a-Maki” to meet with the Minister of Māori Affairs, Duncan MacIntyre.¹⁵¹
79. In 1984 the land on which Awataha Marae stands was deemed surplus to Crown requirements and in the following year the Crown agreed to lease the land to the Awataha Marae Incorporated Society with a lease signed in 1986.¹⁵² According to the marae website, Awataha Marae was established as a non-profit organisation and is the first marae on Auckland’s North Shore.¹⁵³ The claimants of Wai 187 state that the marae was established with the permission of Te Kawerau ā Maki, Ngāti Paoa and Ngāti Whātua.¹⁵⁴
80. Although Awataha is a pan-tribal marae, a doctoral thesis by Lily George about the marae found that “there are differing perspectives” of iwi who claim the land on which the marae is situated which include “Ngāpuhi, Ngāti Whātua, Ngāti Paoa, Te Taou, Te Kawerau-a-Maki, Tainui and Hauraki”. George notes that people from iwi outside the region also reside in the area and that the “the Awataha site is literally highly contested ground”.¹⁵⁵
81. While the marae has adopted an “open kawa”, the “primary protocols” are informed by Te Kawerau ā Maki.¹⁵⁶ In 1987 three pouwhenua that had been removed from their original site at Northcote Point encircling a totara tree that was felled to make way for the Harbour Bridge, were relocated to the Awataha Marae on agreement by Ngāti Whātua.¹⁵⁷ The pou were attributed to Te Kawerau ā Maki, Ngāti Whātua and Ngāti Paoa.¹⁵⁸ At the blessing for the site of the wharehau in 1992, a mauri stone from a river in the Waitakere Ranges was gifted by Te Kawerau ā Maki.¹⁵⁹
82. It has not been possible for the researcher to find out what the Awataha Marae considers the specific iwi affiliations of their community to be. The marae’s website contains a sub-section entitled “Ngāti Awataha” which appears to be a promising resource for this information, but the page has unfortunately been left blank. George writes that “[t]he marae community then and now is primarily

¹⁵⁰ Ngaati Mahuta (North) and Ngaati Mahuta (South) were included in the 1995 Waikato Tainui raupatu settlement (see Waikato Raupatu Deed of Settlement 22 November 1995, p. 39). Ngāti Mahuta was the hapū of the second Māori king, Tāwhiao.

¹⁵¹ L. George, “Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae”, p. 182.

¹⁵² L. George, “Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae” (unpublished PhD thesis), Massey University: Auckland, 2010. p. 179.

¹⁵³ Awataha Marae website: [About us \(awataha.co.nz\)](http://www.awataha.co.nz).

¹⁵⁴ The Awataha Land Claim, Wai 187 1.1.

¹⁵⁵ L. George, “Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae” (unpublished PhD thesis), Massey University: Auckland, 2010. p. 221.

¹⁵⁶ L. George, “Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae”, p. 210.

¹⁵⁷ L. George, “Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae”, p. 209.

¹⁵⁸ L. George, “Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae”, p. 208.

¹⁵⁹ L. George, “Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae”, p. 210.

made up of Māori living on the North Shore, as well as quite a few Pākehā (non-Māori of European descent) and those from other ethnic groups.”¹⁶⁰

Wai Claims

83. Due to time constraints, this researcher has not conducted a comprehensive examination of all Wai claims. It is possible, therefore, that Awataha Marae or the land on which it is situated is discussed in other Wai claims.

Wai 187

84. In 1991, representatives of the Awataha Marae Incorporated Society lodged a claim with the Waitangi Tribunal regarding Awataha Marae. The claimants in Wai 187 – the Awataha Claim allege they have been prejudicially affected by the Crown’s transfer of the land on which Awataha Marae is situated to Landcorp after it was declared surplus to Crown requirements without investigating whether it should have been gifted to the Marae society.¹⁶¹
85. The claim stated that the Awataha land was included within the original Mahurangi Block. The claim also stated that Awataha is the site of an ancient papakāinga that was settled about 1000 years ago and was occupied by Te Kawerau-ā-Maki until 1923 when a court terminated their occupation.¹⁶²
86. The Wai 187 claimants gave their iwi as Ngāpuhi, Te Rarawa, Tainui, Tūhoe, Arawa, Ngāti Kuri, Te Aupouri, Ngāti Whātua, Ngāti Kahungunu, Ngāti Porou and Ngāti Hine.
87. The claimants make reference to a Ngāti Paoa claim to the land being made under the Wāhi Tapu designation.¹⁶³ This claim was not able to be located.
88. Addendum 2.3 of Wai 187 includes a letter from Te Warena Taua, writing on behalf of the “Kawerau Tribe”. In this letter, Taua claims that the urupā containing “members of Kawerau, Ngāti Paoa, Ngāti Whātua, Ngai Tai and other associated tribal groups” was not in the vicinity of the Awataha Marae complex. He also claims Ngāti Paoa were given permission to reside on Te Kawerau-ā-Maki’s land, but not to sell it.¹⁶⁴
89. Addendum 2.16 of Wai 187 states that Te Rūnanga o Ngāti Whātua “has mana whenua and a traditional interest in the land as the Awataha Marae land falls squarely within its rohe.”¹⁶⁵
90. Although the historical accounts of the Marutūāhu Collective iwi Ngāti Maru (Hauraki), Ngāti Paoa, Ngāti Whanaunga, and Ngāti Tamaterā that appear in the iwi’s respective deeds of settlement all

¹⁶⁰ L. George, “Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae”, p. 191.

¹⁶¹ The Awataha Land Claim, Wai 187 1.1.

¹⁶² The Awataha Land Claim, Wai 187 1.1, pp. 2-3.

¹⁶³ The Awataha Land Claim, Wai 187 1.1, p. 5.

¹⁶⁴ The Awataha Land Claim, Wai 187 2.3.

¹⁶⁵ The Awataha Land Claim, Wai 187 2.16, p. 3.

mention the Awataha block, Wai 187 was not included in these deeds of settlement as a claim that was settled insofar as it related to these iwi.¹⁶⁶

91. Wai 187 was settled in part through the Ngāti Whātua Ōrākei Deed of Settlement. Wai 187 was also included in the 2015 Ngāpuhi Terms of Negotiation as a claim that would be partially settled through a future Ngāpuhi settlement. It is also expected to be settled in part through a Te Rūnanga o Ngāti Whātua deed of settlement.¹⁶⁷
92. Wai 187 refers to a claim made by Ngāti Paoa for the land 'under the Wahi Tapu designation'.¹⁶⁸ The author has been unable to locate a record of this claim.

Wai 423

93. The claimants in Wai 423 – the Ngāi Tai ki Tāmaki Rohe Claim – claim 'an area encompassing Lake Pupuke', which is near Awataha.¹⁶⁹ Although Wai 423 does not refer to Awataha Marae by name, the claimants also seek compensation by way of transfer of lands currently held by the Crown at a number of specific locations in Auckland, as well as "All other surplus Crown Land owned or administered by Government Departments, Crown research Institutes and Health sector entities, which become available for disposal and are in the Ngai Tai rohe and Auckland City Council area[.]"¹⁷⁰
94. An amended statement of claim for Wai 423 includes an 1864 Crown sketch map showing the territories of Ngāti Whātua and Ngātiwai in the Auckland area though it is unclear from the map who the Crown considered to have interest on the northern shores of the Waitematā Harbour.¹⁷¹ Wai 423 was settled in full through the 2015 Ngāi Tai ki Tāmaki settlement.

Wai 454

95. Although not specifically referring to Awataha, the claimants in Wai 454 – the Marutūāhu Tribal Region claim lodged in 2001, claim all lands within the Marutūāhu tribal region including Crown leasehold lands and endowment lands for hospitals and churches.¹⁷² According to the claim "the Marutūāhu rohe

¹⁶⁶ Ngāti Maru (Hauraki) Deed of Settlement, 8 December 2017, paras 2.34, 10.2.2-10.2.3, pp. 9, 82-83; Ngāti Paoa Deed of Settlement, 20 March 2011, paras 2.45-2.48, 10.2.2-10.2.3, pp. 19, 81-82; Ngāti Whanaunga Deed of Settlement, 25 August 2017, paras 2.10, 10.2.2-10.2.3, pp. 9, 58-59; Ngāti Tamatera Deed of Settlement, 20 September 2017, paras 2.11, 10.2.2-10.2.3, pp. 6, 82-83.

¹⁶⁷ Te Rōpū o Tūhōronuku Independent Mandated Authority and the Crown Terms of Negotiation, May 2015, p. 30.

¹⁶⁸ The Awataha Land Claim, Wai 187 1.1 [p. 5].

¹⁶⁹ Wai 423 1.1, [p. 1].

¹⁷⁰ Wai 423 1.1, [p. 4].

¹⁷¹ Wai 423 1.1(a) Annexure A. The map was published in the *Appendix to the Journal of the House of Representatives* (see 'Further Papers Relative to Native Policy, Confiscation, etc.'. *AJHR*, 1864, Session I, E-2c, between p. 14 & p. 15)

¹⁷² Wai 454 1.1, [p. 2].

encompasses the Waitangi Tribunal inquiry districts for Hauraki, part of Tauranga Moana and part of Kaipara, as well as part of the Tamaki Isthmus and islands.”¹⁷³

96. The areas of interest of the Marutūāhu Collective iwi, Ngāti Paoa and Ngaati Whanaunga include the land on which Awataha Marae stands.¹⁷⁴ Although the deeds of settlement of Ngāti Maru (Hauraki) and Ngāti Tamaterā do not include an area of interest map, the Te Puni Kōkiri website Te Kāhui Māngai includes the Awataha area within the rohe of both iwi.¹⁷⁵
97. Wai 454 was settled insofar as it relates to these iwi through their respective Treaty settlements.

Wai 812

98. Wai 812 – the Marutūāhu Land and Taonga claim does not specifically mention Awataha but includes Waitemata in the Marutūāhu rohe. Among other issues, the claimants assert that the Crown failed to ensure its grants and transactions protected Marutūāhu interests.¹⁷⁶ The claim was settled insofar as it relates to Ngāti Maru (Hauraki), Ngāti Paoa, Ngaati Whanaunga and Ngāti Tamaterā through their respective deeds of settlement.

Wai 1385

99. The claimants in Wai 1385 – the Nga Taura Tawhito o Hato Petera Claim – state that they constitute a natural pan-tribal grouping comprised of Catholic Māori with an affiliation to the Hato Petera College.¹⁷⁷
100. According to the claimants “the Crown and its authorised agent, the Catholic Church, collectively and severally, were responsible for waging ‘a war of attrition’ against the local tangata whenua hapu of Northcote who lived on their ancestral land at Awataha, that saw them wrongfully labelled as “squatters” and forcibly ejected as ‘trespassers’ from their ancestral lands. This caused deep-seated prejudice and spiritual harm and cultural wrong-doing to both the tangata whenua hapu and the people of Nga Taura Tawhito o Hato Petera who for the past 150 years have had to live under the shadow of the actions taken by successive Bishops of the Catholic Church at Auckland.”¹⁷⁸
101. The claim also states that, after the Land Wars in the Waikato in 1864, Awataha was “re-occupied by tangata whenua”.¹⁷⁹ Bishop Clearly then “used his influence as the Roman Catholic Bishop of Auckland

¹⁷³ Wai 454 1.1(a), [p. 2]. The amended Wai 454 statement of claim says the Marutūāhu rohe “encompasses the area commencing from Nga Kuri a Wharei near Matakana in the south; to Te Aroha; to Te Hoe o Tainui; to Waitemata; then down to Matakana in the north, including the coastline and islands in and around that general area”.

¹⁷⁴ Ngāti Paoa Deed of Settlement Schedule: Attachments, 20 March 2021, p. 2; Ngaati Whanaunga Deed of Settlement Schedule: Attachments, 25 August 2017, p. 1.

¹⁷⁵ Te Kāhui Māngai, Ngāti Tamaterā, [TKM | Iwi | Ngāti Tamaterā | Te Kahui Māngai](#); Te Kāhui Māngai, Ngāti Maru, [TKM | Iwi | Ngāti Maru | Te Kahui Māngai](#).

¹⁷⁶ Wai 812, 1.1(a), p. 3.

¹⁷⁷ Wai 1385, 1.1.1.

¹⁷⁸ Wai 1385, 1.1.1, p. 8.

¹⁷⁹ Wai 1385, 1.1.1, p. 16.

to have the Crown change the legislation so that he could sell the land for the benefit of the Church rather than the land being returned to the local tangata whenua.”¹⁸⁰

Wai 2897

102. In 2018, Alohilani Harikoa Ormsby, representing the Māori of the North Shore and Te Raki Paewhenua Maori Committee, lodged a claim with the Waitangi Tribunal. Ormsby alleges that the failure of the Crown to “ensure that the necessary constitutional and monitoring arrangements were in place” after the people of the North Shore raised the funds with which to build the marae, “failed to protect the interests of the North Shore Maori”. The claim further states that the Māori of the North Shore and Te Raki Pae Whenua Maori Committee are likely to be prejudicially affected by the “policy or practice” adopted by the Crown “to transfer the freehold of the land on which Awataha Marae is held” to an iwi entity.¹⁸¹
103. In April 2021 a joint application of Wai 187 and Wai 2897 was made for an urgent hearing regarding the Awataha Marae Land.¹⁸²

Deeds of Settlement

Ngāti Whātua Ōrākei

104. As noted, Wai 187 is included in the Ngāti Whātua Ōrākei Deed of Settlement and is settled through the settlement insofar as it relates to Ngāti Whātua Ōrākei.¹⁸³

Te Kawerau ā Maki

105. The Te Kawerau ā Maki historical account notes that, despite the land now being privately owned by Pākehā, at times Te Kawerau ā Maki people moved to live near former ancestral kāinga, including Awataha (Northcote).¹⁸⁴

Ngāti Maru (Hauraki)

106. The Ngāti Maru (Hauraki) historical account notes that the Crown agreed to reserve lands for Ngāti Maru and other Marutūāhu iwi from approximately 220,000 acres it had purchased at Mahurangi and Omaha. However, the only reserve that was made was at Awataha and this was alienated by a “rangatira of another iwi” in 1844.¹⁸⁵

¹⁸⁰ Wai 1385, 1.1.1, p. 22.

¹⁸¹ The Awataha Marae (Ormsby) Claim, Wai 2897 1.1.1.

¹⁸² The Awataha Land Claim, Wai 187 2.16.

¹⁸³ Ngāti Whātua Ōrākei Deed of Settlement, 5 November 2011, para 8.2.3(a), p. 48.

¹⁸⁴ Te Kawerau ā Maki Deed of Settlement, 22 February 2014, para 2.82, p. 17.

¹⁸⁵ Ngāti Maru Deed of Settlement, 8 September 2017, para 2.34, p. 9.

107. The historical account also notes that the Ngāti Maru rohe included North Shore and Mahurangi.¹⁸⁶

Ngāti Paoa

108. The Ngāti Paoa historical account includes a section on Awataha urupā. The account notes that by the 1920s a small number of Ngāti Paoa were resident on the Awataha land that had been gifted to the Roman Catholic Church. It discusses the 1924 dispute over their occupation, the arrest and imprisonment at Mount Eden Prison of the seven individuals, and the subsequent eviction of the community occupying Awataha.¹⁸⁷

109. The account also discusses the Crown's 1942 decision to acquire part of Awataha that included an urupā from the Roman Catholic Church to construct an oil storage facility, and the disinterring of those buried in the urupā. It notes that Ngāti Paoa and "another iwi" removed the remains which included six Ngāti Paoa, including a rangatira and his family, who were disinterred from the Awataha urupā and reburied on Waiheke Island.¹⁸⁸ According to George, the party that removed the remains was led by Te Puea Hērangi of the Tainui iwi.¹⁸⁹

110. The account includes Hone Tuwhare's poem and notes that the oil facility was never completed.¹⁹⁰

Ngaati Whanaunga

111. The Ngaati Whanaunga historical account notes that the 1850 Crown grant of the Awataha block to the Catholic Bishop, and that in the 1920s Ngaati Whanaunga petitioned the Crown claiming that the Awataha block in Takapuna had not been included as part of the 1841 Mahurangi and Omaha agreement, and that the Crown grant was therefore invalid.¹⁹¹

Ngāti Tamaterā

112. The Ngāti Tamaterā historical account notes that land at Awataha was reserved from the Crown's purchase of a block "in the vicinity of the Waitemata known as Mahurangi" for Ngāti Tamaterā "and other iwi", and that no other reserves were set aside for Ngāti Tamaterā.¹⁹²

Ngāti Te Ata

113. As Ngāti Te Ata have yet to settle there is currently no Crown-acknowledged area of interest for the iwi. Although his report does not specifically refer to Awataha, as noted earlier, Roimata Minninnick's "Traditional Report of Ngati Te Ata" states that Ngāti Te Ata emphasise that they are Waiohūa and are

¹⁸⁶ Ngāti Maru Deed of Settlement, 8 September 2017, para 2.2, p. 5.

¹⁸⁷ Ngāti Paoa Deed of Settlement, 20 March 2021, para 2.45, p. 19.

¹⁸⁸ Ngāti Paoa Deed of Settlement, 20 March 2021, para 2.46, p. 19.

¹⁸⁹ L. George, "Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae" (unpublished PhD thesis), Massey University: Auckland, 2010, p. 177.

¹⁹⁰ Ngāti Paoa Deed of Settlement, 20 March 2021, paras 2.47-2.48, p. 19.

¹⁹¹ Ngaati Whanaunga Deed of Settlement, 25 August 2017, para 2.10, p. 9.

¹⁹² Ngāti Tamaterā Deed of Settlement, 20 September 2017, para 2.11, p. 6.

the original inhabitants of Tāmaki Makaurau and the surrounding districts.¹⁹³ Āpihai te Kawau stated that “Te Ata” (and Ngāti Tamaoho) utilized the shark fishing grounds in the Waitematā Harbour to the south-west of Awataha.¹⁹⁴

114. The report includes an 1869 quote from a Native Land Court judge that Waiohūa “held undisputed possession of the whole country from the Tamaki River to Te Whau and stretching from the Manukau to the Waitematā”.¹⁹⁵

s9(2)(j)

¹⁹³ Roimata Minhinnick, “Ka Whiti Te Ra Ki Tua Rehua Ka Ara a Kaiwhare I Te Rua, Ko Te Rua o Kaiwhare e Ngunguru Nei: Traditional Report of Ngati Te Ata, 2000, Wai 1362, A-27, p. 1011.

¹⁹⁴ Stone, *From Tamaki-Makau-Rau to Auckland*, p. 67.

¹⁹⁵ Minhinnick, “Ka Whiti Te Ra Ki Tua Rehua Ka Ara a Kaiwhare I Te Rua, Ko Te Rua o Kaiwhare e Ngunguru Nei: Traditional Report of Ngati Te Ata, 2000, Wai 1362, A-27, p. 11.

Bibliography

Secondary Sources

- Auckland Council. 2011. "North Shore Heritage: A thematic History of the North Shore", volume 1, <https://www.aucklandcouncil.govt.nz/arts-culture-heritage/heritage/heritagesurveys/north-shore-heritage-thematic-review-volume-1.pdf>
- Belgrave, M., Young, G. and Deason, A. "Tikapa Moana and Auckland's Tribal Cross Currents: The Enduring Customary Interests of Ngati Paoa, Ngati Maru, Ngati Whanaunga, Ngati Tamatera and Ngai Tai in Auckland". 2006 Commissioned by the Hauraki Māori Trust Board and the Marutūāhu Confederation. Wai 1362, A-6
- Daamen, R., Hamer, P. & Rigby, B., *Rangahaua Whanui District 1 - Auckland*, Waitangi Tribunal, July 1996
- Davidson, J. 1990. "Test excavations on the headland Pa at Kauri Point, Birkenhead, Auckland, in 1971", in *Records of the Auckland Institute and Museum* (Vol. 27), p. 1-18.
- George, Lily. "Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae" (unpublished PhD thesis), Massey University: Auckland, 2010
- Innes, Craig, 2006 "Northland Crown Purchase Deeds, 1840-1865", Wai 1040 A4.
- McBurney, P. & Green, N. "Ngāi Tai ki Tāmaki: Claims Overview Report", 2012
- McBurney, P., "Traditional History Overview of the Mahurangi and Gulf Islands Districts", 2010, Wai 1040, A-36
- Minhinnick, Roimata, "Ka Whiti Te Ra Ki Tua Rehua Ka Ara a Kaiwhare i Te Rua, Ko Te Rua o Kaiwhare e Ngunguru Nei: Traditional Report of Ngati Te Ata, 2000, Wai 1362, A-27
- Murdoch, Graeme. "Te Kawerau a Maki and the Crown in Kaipara: A traditional/historical report", 2000, Wai 470
- Rāwiri, Mahuika. "Cultural Values Assessment: AC36 Consent Application (Te Waitematā), Ngāti Paoa", 2018
- Rigby, B. "The Crown, Maori, and Mahurangi 1840-1881," Wai 674, F1
- Simmons, D. R. (ed). "George Graham's Maori Place Names of Auckland", in *Records of Auckland Institute and Museum*. (16), 1980
- Stirling, Bruce. "Ngati Whatua, The Crown, and North Shore Lands, 1840-1865", Wai 1362, A-17
- Stone, R.C.J., *From Tamaki-Makau-Rau to Auckland* (Auckland: Auckland University Press, 2001)
- Te Ara Encyclopedia of New Zealand: Kōrero: Graham, George Samuel [Graham, George Samuel – Dictionary of New Zealand Biography – Te Ara](#)
- Te Rōpū o Tūhono i te Tūhono Independent Mandated Authority and the Crown Terms of Negotiation, May 2015
- Wilson, Karen Akamira, *Brief of Evidence on Behalf of Te Ākita Waiohua*, 28 August 2018, p. 3 [E80-Karen-Wilson-EIC-Te-Akitai-Waiohua.pdf \(environmentcourt.govt.nz\)](#)
- Verran, David. 2010. *The North Shore: An Illustrated History*, Random House: New Zealand

Appendix of the Journals the House of Representatives

AJHR, 1855, Session I
AJHR, 1861, Session I, E-6
AJHR, 1871, Session I, F-4
AJHR, 1925, Session I, I-3

Newspapers

- *Auckland Star*, 14 November 1921
- *Daily Southern Cross*, 24 October 1868
- *Maori Messenger: Te Karere Maori*, 26 January 1854
- *Maori Messenger: Te Karere Maori*, 26 January 1854
- *Maori Messenger: Te Karere Maori*, 1 September 1860
- *Nelson Examiner*, 12 February 1859
- *New Zealand Herald*, 14 May 1919, p. 9
- *New Zealand Herald*, 31 March 1922
- *New Zealand Herald*, 4 April 1922
- *New Zealand Herald*, 21 October 1924
- *New Zealand Herald*, 25 July 1925
- *New Zealand Truth*, 28 March 1925

Digital Sources

- Awataha Marae - About us (awataha.co.nz)
- "Catholic Church seeks order to evict Māori protesters from Hato Petera College in Northcote" *New Zealand Herald*, 9 October 2018
- "Descendants of original landowners demand Hato Pētera College be returned" *Stuff*, 11 September 2018
- Rāwiri, Mahuika. "Cultural Values Assessment: AC36 Consent Application (Te Waitematā), Ngāti Paoa, 2018 [E77-CVA-Ngati-Paoa-Iwi-Trust.pdf](#) (environmentcourt.govt.nz)

- *Te Puni Kōkiri, Te Kāhui Māngai* - [TKM | Marae | Te Kahui Mangai](#)
- *Te Puni Kōkiri, Te Kāhui Māngai* - [TKM | Non-Tribal Marae \(Urban/Community & Institutional\) | Te Kahui Mangai](#)
- *"The Lost Tribe"* *New Zealand Herald*, 22 January 2011.
- Verran, David, "Maori and Pakeha on the North Shore", [MAORI AND PAKEHA ON THE NORTH SHORE, 1840 - 1926. - BIRKENHEAD HERITAGE SOCIETY \(historicbirkenhead.com\)](#)

Deeds of Settlement

- Ngāti Maniapoto Deed of Settlement, 11 November 2021
- Ngāi Tai ki Tāmaki Deed of Settlement – Documents, 7 November 2015
- Ngāti Maru (Hauraki) Deed of Settlement, 8 September 2017
- Ngāti Paoa Deed of Settlement, 20 March 2021
- Ngāti Tamaterā Deed of Settlement, 20 September 2017
- Ngaati Whanaunga Deed of Settlement, 25 August 2017
- Ngāti Whātua Ōrākei Deed of Settlement, 5 November 2011
- Te Ākitai Waiohua Deed of Settlement, 12 November 2021
- Te Kawerau ā Maki Deed of Settlement, 22 February 2014
- Waikato-Tainui Raupatu Deed of Settlement, 22 May 1995

Awataha Marae land: customary and historical associations

December 2022

Purpose

1. This document summarises the historical evidence available to Te Arawhiti in relation to customary interests and historical associations with the Awataha Marae land. The property has been offered to Te Rūnanga o Ngāti Whātua as commercial redress, subject to the lease held by the Awataha Marae Incorporated Society. This document is based on a collation, commissioned by the negotiations team, of existing research.

Methodology

2. The document does not draw conclusions as to which groups held customary interests in the land in accordance with tikanga. It summarises evidence that may indicate customary interests and/or historical associations with the land. The evidence considered includes mostly secondary material and some readily available primary sources, none of which are in te reo Māori.

Location

3. Awataha comprises a northern headland at the northwestern end of Shoal Bay on the north shore of Waitematā Harbour, between Tank Farm and Hillcrest Creek. Awataha Marae occupies a 3.67 ha site on this land.



Pre-1840 associations

4. The available evidence points to successive waves of occupation across the wider Tāmaki Makaurau region during the period of roughly 200 years prior to 1840. These hapū and iwi groups often displaced, although they did not completely drive out, existing inhabitants.
5. By the 1600s, the main groups occupying the Tāmaki region were part of the wider Tainui descent group and referred to themselves as Ngā Iwi and Te Waiohūa.¹ Te Kawerau ā Maki descend from the eponymous ancestor Maki, who was affiliated with Ngā Oho and Ngā Iwi.² Te Ākitai Waiohūa, Ngāti Tamaoho and Ngāti Te Ata are descendants of Te Waiohūa.
6. Ngāti Poataniwha were a Tainui group who occupied the upper and northern Waitematā lands. Te Ākitai Waiohūa, Te Kawerau ā Maki and Ngāti Whātua claimed rights in this area through Ngāti Poataniwha whakapapa.³ Ngāi Tai ki Tāmaki also claim shared rights on the North Shore and north to Mahurangi.⁴
7. In the mid-1700s, Ngāti Whātua invaded and established themselves in the region.⁵ Meanwhile, Ngāti Paoa led movement by the Marutūāhu confederation of iwi north and west from the Hauraki Gulf.⁶
8. The peacetime Māori occupation of the Tāmaki Makaurau area and surrounding waters prior to 1840 has been described in terms of movement around camps within the rohe, occupied according to seasonal availability of resources.⁷ In the vicinity of Awataha, archaeological evidence from nearby middens on the Waitematā harbour shore and a pā site at Te Mātā-rae-o-Mana (Kauri Point) indicate that these areas were primarily used for seasonal fishing activities.⁸ The waters off Kauri Point were a shark fishing ground prized by several groups.⁹
9. The earliest located specific reference to Awataha is associated with the Tainui waka. Tāiki, who arrived aboard the Tainui and is an ancestor of Ngāi Tai ki Tāmaki, later settled at Awataha.¹⁰ A pūriri tree known as ngā huru ā Tāiki was located in the vicinity.¹¹
10. Te Kawerau ā Maki made seasonal occupation of areas across Tāmaki, including the North Shore.¹² An area named Te Punawai o Tene, after a Te Kawerau leader, is located at Awataha.¹³ One source names Awataha as the site of a Te Kawerau ā Maki pā, Te Korekore.¹⁴ Other sources state Te

¹ R J C Stone, *From Tamaki-Makau-Rau to Auckland* (Auckland: Auckland University Press, 2001), p 19.

² G Murdoch, 'Te Kawerau ā Maki and the Crown in Kaipara' (Wai 674, doc J2, 2000), pp 10–11.

³ Murdoch, pp 35, 37.

⁴ P McBurney & N Green, 'Ngāi Tai ki Tāmaki: Claims Overview Report' (Crown Forestry Rental Trust, December 2012), pp 219–220.

⁵ Stone, p 29.

⁶ Stone, p 49.

⁷ McBurney & Green, p 99.

⁸ Janet Davidson, 'Test excavations on the headland Pa at Kauri Point, Birkenhead, Auckland, in 1971', in *Records of the Auckland Institute and Museum* (vol 27, 1990), p 18.

⁹ Stone, p 67; Ngāi Tai ki Tāmaki Deed of Settlement – Documents, 7 November 2015, p 8.

¹⁰ McBurney and Green, p 30.

¹¹ McBurney and Green, p 157.

¹² Murdoch, p 63.

¹³ 'Awataha History: The Place – Awataha, the river flowing at the side', <https://www.awataha.co.nz/About+Us/Awataha+History.html> (retrieved 7 December 2022).

¹⁴ Lily George, 'Tradition, Invention, and Innovation: Multiple Reflections of an Urban Marae' PhD thesis (Massey University, 2010), p 175.

Korekore was located near Muriwai.¹⁵ It is unclear whether there were two Te Kawerau pā called Te Korekore.

11. Te Onewa, near Awataha, became an important summer fishing camp for Ngāti Whātua, with associated gardens.¹⁶
12. During the late 1700s, Ngāti Paoa led the advance of Marutūāhu iwi along the western shores of Tikapa Moana (Hauraki Gulf). By about 1790 Ngāti Paoa were utilising land and fishing grounds from Takapuna north along the Mahurangi coast.¹⁷
13. These patterns of occupation were significantly disrupted in the 1820s, when Ngāpuhi parties armed with muskets attacked Tāmaki, killing many and forcing others to abandon the area. However, Ngāpuhi did not maintain their occupation and returned north.¹⁸
14. In the 1830s, people affiliated to Ngāti Paoa, Ngāti Whātua, Te Kawerau o Maki and Ngāi Tai returned to settle at Awataha and other sites on the north shore of Waitematā.¹⁹ Members of other groups, including Ngāti Awa and Ngāti Kahu ki Whangaparāoa are also recorded as living at Awataha from this time.²⁰
15. Te Warena Taua of Te Kawerau ā Maki has stated that an urupā at Awataha (but not in the vicinity of the marae complex) contained the remains of deceased members of Te Kawerau, Ngāti Paoa, Ngāti Whātua, Ngāi Tai and other associated tribal groups.²¹

Crown land purchases, 1841-1865

16. Between 1841 and 1865 the Crown made a series of land purchases on the North Shore and to the north, collectively known as the Mahurangi purchases. Two of these appear to relate specifically to Awataha.
17. First, in April 1841, the Crown signed a land purchase deed with the 'Chiefs and people of Ngatipaoa Ngatimarū Ngatitamatera and Ngatiwhanaunga' between Waitematā and Te Arai. The southern boundary of the sale was not defined. The deed included a reserve known as Te Waimai a te Tumu 'being excepted as a place of residence for us'.²² The location of the reserve is unclear, however some Marutūāhu iwi consider it was in the Awataha area.²³

¹⁵ Murdoch, p.36; P McBurney, 'Traditional History Overview of the Mahurangi and Gulf Islands Districts' (Wai 1040, doc A36, 2010), p 116.

¹⁶ Stone, pp 65–66.

¹⁷ Stone, p 49; Mahuika Rāwiri, 'Cultural Values Assessment: AC36 Consent Application (Te Waitematā)', <https://www.environmentcourt.govt.nz/assets/Documents/Publications/E77-CVA-Ngati-Paoa-Iwi-Trust.pdf>, p 18 (retrieved 7 December 2022).

¹⁸ David Verran, *The North Shore: An Illustrated History* (Auckland: Random House, 2010), p 16.

¹⁹ McBurney & Green, p. 46; David Verran, 'Maori and Pakeha on the North Shore', 1840–1926, <http://www.historicbirkenhead.com/maori-and-pakeha-on-the-north-shore-1840---1926.html> (retrieved 7 December 2022); Rawiri, p 21.

²⁰ McBurney & Green, p 111 fn 115; McBurney, p 100.

²¹ Te Warena Taua to Steven Swartz, 21 February 1991, letter to Department of Survey and Land Information (Wai 187, doc 2.3), p 1.

²² B Rigby, 'The Crown, Maori, and Mahurangi 1840–1881' (Wai 674, doc F1, August 1998), p 20.

²³ Ngāti Tamaterā Deed of Settlement, 20 September 2017, p 6; Ngāti Maru (Hauraki) Deed of Settlement, 8 September 2017, p 9.

18. In June 1841, the Crown signed a deed to acquire land on the North Shore from Ngāti Whātua leaders.²⁴ The boundary of the purchase was not surveyed but appears to have extended from Takapuna to Beach Haven.²⁵

Crown grant of land to the Catholic church and ongoing Māori occupation

19. In 1850, the Crown granted 400 acres of land at Awataha, including the marae land, to the Catholic Church to endow St Mary's School, which had opened at the head of Shoal Bay in 1849.²⁶ The evidence indicates that despite this, Māori continued to occupy and be buried on Awataha land for the next 75 years.
20. Some Māori groups are recorded as living at Awataha during the later 1800s, including the Te Tawera people from the Hauraki/Tauranga area who 'sought refuge' in 1856, and some of Te Hemara Tauhia's Ngāti Rongo people, who moved there in 1893 after Te Hemara's death in 1891.²⁷
21. In 1903 Aterea Petera and 80 others petitioned Parliament to investigate land that had been vested in the Catholic Church in the Waitematā Parish 'with a view to having the land used for the benefit of the Maoris'.²⁸
22. By 1911, around 70 Māori, mainly Hauraki, were recorded as living in the vicinity of Awataha.²⁹
23. In 1919, the *New Zealand Herald* reported that Māori had continued to live at Awataha since 1852, and that in return for waiving their rights to the land the Catholic Bishop of Auckland would undertake to provide them with land for residential purposes and to protect urupā.³⁰
24. Residents of Awataha during this period are recorded as having affiliations to Waiohua, Ngāti Apakura, Kawerau and Ngāti Paoa.³¹ Some were buried in urupā at Awataha.³²
25. In 1925, members of Ngāti Paoa and Ngāti Maru were arrested and imprisoned after claiming occupation rights at Awataha and refusing to leave.³³
26. A 1925 petition to Parliament brought by the 'true descendants of the several tribes of the Hauraki Gulf, namely, of Paoa, Maratuhū, Tamatera and Whanaunga' resident at Awataha, stated that they were 'living on this land as our forefathers did of old, and the chain of occupation from them to us as the present day has never been broken'. The petitioners stated it was not until 1916 that their occupation was 'disturbed' by Pākehā. They claimed part of the Crown grant to the Catholic church was invalid as the Crown had never purchased the land.³⁴ However, the Native Affairs Committee

²⁴ Rigby, p 24.

²⁵ Bruce Stirling, 'Ngāti Whātua, the Crown, and the North Shore Lands' (Wai 1362, doc A17, 2001), p 104.

²⁶ Bruce Stirling, pp 119–120.

²⁷ Rigby, p 43 fn 26, p 136.

²⁸ Verran, *The North Shore*, p 24.

²⁹ Verran, *The North Shore*, p 24.

³⁰ 'Old Dispute Settled – Maoris Waive Claim to Land', *New Zealand Herald*, 14 May 1919, p 9.

³¹ 'Endowment Lands. Position at Northcote. Claims by Maori', *New Zealand Herald*, 21 October 1924, p 11; 'Obituary', *Auckland Star*, 14 November 1921, p 7; 'Maori Chief's Death: Picturesque Personality', *New Zealand Herald*, 31 March 1922, p 8; R Daamen, P Hamer & B Rigby, *Auckland, Rangahaua Whanui series, district report 1 (part 1)*, 1996 p 51; 'Endowment Lands', *New Zealand Herald*, 21 October 1924, p 11.

³² 'Maori Chief's Death: Picturesque Personality', *New Zealand Herald*, 31 March 1922, p 8.

³³ 'Maoris in Mount Eden: A Land Dispute', *New Zealand Truth*, 28 March 1925, p 6; 'Natives and Bishop: Takapuna Maori Land', *New Zealand Herald*, 25 July 1925, p 11.

³⁴ 'Natives and Bishop', *New Zealand Herald*, 25 July 1925, p 11.

made no recommendation regarding the petition, and in September 1925 those remaining in the vicinity were trespassed from the land and their houses torn down.³⁵

27. Hato Pētera College was established on the Awataha land in 1928 and North Shore Teachers' College (now Auckland University of Technology) was established there in 1963, while other land was used for residential housing and motorway purposes.³⁶
28. In 1942 kōiwi including Ngāti Paoa in an urupā were disinterred for a planned oil storage depot for the U.S Navy.³⁷ They were reburied on Waiheke. The Wai 1385 claim states that the urupā was in the area now occupied by the Warehouse Group offices.³⁸

The pan-tribal marae at Awataha

29. In 1975 the North Shore Māori Tribal Committee (NSMTC) suggested a pan-tribal marae would appropriately reflect the varied Māori demographic on the North Shore.³⁹
30. In 1986, the Crown and Awataha Marae Incorporated Society signed a lease for the Awataha Marae land.⁴⁰
31. The Treaty claim of the marae society, Wai 187, states that the marae was established with the permission of Te Kawerau ā Maki, Ngāti Paoa and Ngāti Whātua. In her thesis discussing the development of Awataha marae, Lily George states 'there are differing perspectives' of iwi who claim the land on which the marae is situated, which include 'Ngāpuhi, Ngāti Whātua, Ngāti Paoa, Te Taoū, Te Kawerau-a-Maki, Tainui and Hauraki'. George notes that people from iwi outside the region also reside in the area and that the 'the Awataha site is literally highly contested ground'.⁴¹

³⁵ 'Native Affairs Committee', *AJHR*, 1925, I-3, p 10; Verran, 'Maori and Pakeha on the North Shore'.

³⁶ George, p 178.

³⁷ George, pp 177–178; Ngāti Paoa Deed of Settlement, 20 March 2021, p 19.

³⁸ Wai 1385, claim 1.1.1, p 27

³⁹ George, p 181.

⁴⁰ George, p 179.

⁴¹ George, p 221.



Internal Memorandum

To	Hauraki Negotiations Team	File reference
From	Emma Ward (Historian)	Actions required by
CC	Matthew Woodbury (Senior Historian) Michael Macky (Principal Historian) Stephen Clarke (Acting Manager Historians)	
Date	10 September 2024	
Subject	Customary Interests: Fort Takapuna, Auckland	Attachment
For	Noting	

Purpose

1. This memorandum provides a high-level summary of evidence regarding historical associations and the exercise of customary interests at Fort Takapuna on Auckland's North Shore.
2. This memorandum will not determine the allocation of redress. The information it contains may be one of several factors which will be considered when decisions about redress allocation are made.

Executive Summary

3. Fort Takapuna is a 3.34ha historic reserve located on Vauxhall Road, Narrow Neck, on Auckland's North Shore.
4. Before 1840, Fort Takapuna, the wider Takapuna peninsula, and the neighbouring Tāmaki and Mahurangi areas were occupied by numerous groups, including Ngāti Maru, Ngāti Paoa, Ngāti Tai/Ngāi Tai, Ngāti Whātua, and Te Kawerau. Groups such as Ngāti Te Ata gathered seasonal resources in the Waitematā Harbour, while Ngāpuhi briefly occupied parts of the region in the late eighteenth and early nineteenth centuries.
5. In 1839, a European settler transacted 1,000 acres of land called Takapuna with Ngāti Paoa rangatira. Although the Māori vendors supported the transaction at the Land Claims Commission, the claim was not confirmed as it had been included in the Crown's 1841 purchase of the Mahurangi and Omaha block.
6. Through a series of purchases made between 1841 and 1854, the Crown acquired interests in the Mahurangi and Omaha block from Ngaati Whanaunga, Ngāpuhi, Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, and Ngāti Whātua. Between 1844 and 1846, several pre-emption waiver purchases on the North Shore were made between settlers and Māori belonging to Ngāti Paoa and Ngāti Whātua.
7. After 1840, Māori occupied the village of Haukapua in Torpedo Bay, south of Fort Takapuna. Between 1849 and 1872, the Ngāpuhi rangatira Eruera Patuone lived in the northern part of the

Takapuna peninsula, on land granted to him by the Crown. He also lived on land in Devonport which belonged to his Ngāti Paoa wife.

8. Before 1886, a Pākehā purchased land on the Takapuna peninsula which included the Fort Takapuna site. In 1886, the Crown purchased the land for defence purposes and constructed Fort Takapuna. The land was transferred to the Department of Conservation and made a historic reserve in 2000.
9. As part of Treaty settlement redress, the Crown has:
 - 9.1. Provided a portion of the Defence land at Narrow Neck as redress to Ngāti Whātua Ōrākei.
 - 9.2. Made breach acknowledgements relating to the Mahurangi purchase to six groups.¹
 - 9.3. Included Statements of Association relating to sites of significance on the Takapuna peninsula to seven groups.²
 - 9.4. Vested 14 Tāmaki maunga in the ownership of the Tāmaki Collective, included Takarunga (Mount Victoria) and Maungauika (North Head) on the Takapuna peninsula.³
10. There are fifteen LNGs whose Treaty settlement Areas of Interest include the Fort Takapuna site.⁴

Sources and Limitations

11. I am a professional historian with an Honours degree in History. I have extensive experience identifying and summarising historical evidence that relates to customary interests, and in assessing the limitations of that evidence. However, I am not an expert in customary interests or tikanga, and this memorandum does not draw conclusions about who held customary interests at Fort Takapuna in accordance with tikanga. A full understanding of who held customary interests in these sites can only be obtained through consultation with local tikanga experts. Crown historians' approach to customary interests is informed by the Waitangi Tribunal's conclusion in its 2007 Tāmaki Makaurau Settlement Process report that the Crown should treat all layers of interest in any region or site as valid.
12. This memorandum is based on written historical sources available to the Crown. These sources include land purchase deeds, nineteenth-century government records, reports written for Waitangi Tribunal District Inquiries, published historical books, online historical and archaeological

¹ Those groups being Ngaati Whanaunga, Ngāti Manuhiri, Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, and Te Kawerau ā Maki.

² Those groups being Ngāi Tai ki Tāmaki, Ngāti Paoa, Ngāti Tamaterā, Ngāti Tamaoho, Te Ākitai Waiohūa, Te Kawerau ā Maki, and Te Patukirikiri.

³ The Tāmaki Collective represents Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Paoa, Ngāti Tamaoho, Ngāti Tamaterā, Ngāti Te Ata, Ngāti Whanaunga, Ngāti Whātua o Kaipara, Ngāti Whātua Ōrākei, Te Ākitai Waiohūa, Te Kawerau ā Maki, Te Patukirikiri, and Te Rūnanga o Ngāti Whātua hapū.

⁴ Hako; Ngaati Whanaunga; Ngāi Tai ki Tāmaki; Ngāti Koheriki; Ngāti Maru; Ngāti Paoa; Ngāti Tamaoho; Ngāti Tamaterā; Ngāti Te Ata; Ngāti Whātua Ōrākei; Tāmaki Collective; Te Ākitai Waiohūa; Te Kawerau ā Maki; Te Patukirikiri; and Te Rūnanga o Ngāti Whātua.

databases, archaeological reports, Department of Conservation reserve information, and Treaty settlement documentation. The author of this memorandum has also consulted customary interest memoranda relating to Mahurangi and the North Shore produced by OTS and TA historians.⁵

Structure of Memorandum

13. The historical discussion in this memorandum is arranged in the following sections:
 - 13.1. Oral traditions and pre-1840 history.
 - 13.2. Old Land Claim 454.
 - 13.3. Mahurangi Crown purchases.
 - 13.4. Fort Takapuna post-1840.
 - 13.5. Treaty settlement redress.
 - 13.6. Areas of Interest inclusive of the Fort Takapuna site.
 - 13.7. Appendices.

⁵ [2015 0223 Customary Int Memo. Marutūāhu](#); [2017 0404 DRAFT Mahurangi customary interests](#); [2017 0601 Ngaati Whanaunga interests in Mahurangi](#); [2022 0602 Customary Interests Memo. Awataha Marae](#).

Historical Discussion

14. Fort Takapuna is a 3.34ha historic reserve located on Vauxhall Road, Narrow Neck, on Auckland's North Shore (see **figure 1**). Fort Takapuna lies within the boundaries of both a pre-Treaty land transaction and multiple Crown purchases.

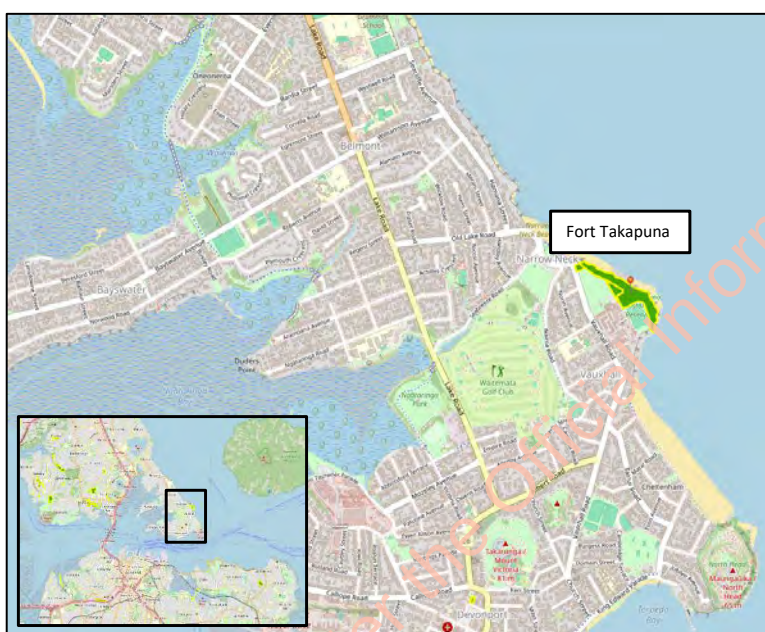


Figure 1: Location of Fort Takapuna at Narrow Neck, with map of Auckland inset.

Oral traditions and pre-1840 history

15. According to oral tradition, the name 'Takapuna' goes back to the arrival of the *Tainui* waka in Aotearoa. *Tainui* sought shelter at Torpedo Bay and, once ashore, the crew drank from a spring which they named Takapuna.⁶ The site of this spring is recorded by the New Zealand Archaeological Association.⁷ Taikahu, a crew member of the *Tainui*, settled at Haukapua at North Head.⁸ A kāinga at Haukapua appears to have been intermittently occupied over the centuries (see **figure 2**).⁹

⁶ Peter McBurney, 'Traditional History Overview of the Mahurangi and Gulf Islands Districts', Wai 1040 A036, p. 48.

⁷ NZAA site number R11/3312, [ArchSite](#) (accessed 3 September 2024).

⁸ McBurney, p. 48.

⁹ NZAA [R11/2401 \(Haukapua\) report](#).

16. Shared oral traditions speak of the ancestor Peretu, who was said to occupy a pā called Operetu at Narrow Neck, Devonport.¹⁰ The Department of Conservation notes that the headland where the historic reserve is located is called 'O Peretu'.¹¹ McBurney notes that Peretu is variously described as 'a descendant of the Arawa canoe', 'an illustrious ancestor of the Tainui iwi of the area', and 'the local Rangatira ... at the time of Toi's visit to the Hauraki Gulf'.¹²



Figure 2: Map showing locations of some pre-1840 sites near Fort Takapuna

17. In the mid-1600s, Ngāti Tai (also known as Ngāi Tai) occupied the area from Takapuna north to Whangaparaoa.¹³ The Ngāti Tai rangatira Taihua occupied Takarunga Pā at Devonport; other Ngāti Tai settlements across the peninsula included Takapuna Pā (North Head) and Takararo Pā (Mount Cambria).¹⁴ Taihua was attacked at Takapuna by Maki of Te Kawerau as part of a larger campaign

¹⁰ McBurney, p. 53. There are no archaeological reports of a pā at the Fort Takapuna site, but any site associated with this ancestor would likely be several hundred years old and therefore would be unlikely to have survived to the twentieth century.

¹¹ [Fort Takapuna Historic Reserve](#), Department of Conservation (accessed 4 September 2024).

¹² McBurney, p. 53.

¹³ McBurney, pp. 71, 78. Approximate date of mid-1600s comes from McBurney, pp. 64-65, 69.

¹⁴ McBurney, pp. 71, 217-218.

against Ngāti Tai in the region.¹⁵ It is not clear whether Ngāti Tai as a whole were ousted from the North Shore, there is some evidence that a Ngāti Tai/Ngāi Tai presence remained or emerged by the mid-eighteenth century.¹⁶

18. During the eighteenth century, the lands in and around the North Shore experienced many changes in occupation. In the early 1700s, Te Kawerau claimed a territory that extended from Takapuna in the southeast to Okaka in Kaipara in the northwest.¹⁷ During the same period, Te Kawerau fought a series of battles with Ngāti Whātua in the Kaipara region, with Ngāti Whātua claiming victory.¹⁸ As a result, Te Kawerau hapū Ngāti Kahu and Ngāti Poataniwha on the North Shore came under the mantle of Ngāti Whātua, as did many other Te Kawerau hapū elsewhere, although it appears that some form of Te Kawerau presence remained in the region.¹⁹
19. In the mid- to late-eighteenth century, a 'cycle of warfare' took place between Te Kawerau and Ngāti Paoa. During this period, Ngāti Paoa taua attacked Ngāti Tai kāinga at Takarunga (Mount Victoria), Takapuna (North Head), and Takararo (Mount Cambria).²⁰
20. In the 1770s and 1780s, Te Ākitai Waiohūa rangatira Kiwi Tāmaki claimed a territory that spanned Tāmaki Makaurau. As he preferred to move around this territory according to the seasons, he would occupy Takarunga during the season when birds were caught and preserved on nearby islands.²¹
21. In the 1790s, Te Maunga a Uika (North Head) was fortified and occupied by the Ngāi Tai rangatira Te Rangikaketu.²² Te Rangikaketu was the great-grandfather of Hetaraka Takapuna who, in 1839, was one of three who transacted the Takapuna peninsula to a European settler (see below).²³ Around the same time, Ngāti Paoa resident at Takapuna were attacked by a Ngāpuhi war party. Ngāti Paoa retreated to their settlement at Kawakawa Bay, while Ngāpuhi remained at Takapuna for a time before returning to the north.²⁴ After Ngāpuhi's departure, Ngāti Paoa re-established their seasonal fishing camps at Haukapua.²⁵
22. Prior to the arrival of Pākehā, Ngāti Maru, Ngāti Whātua, Ngāti Paoa, and other groups including Te Waiohūa group Ngāti Te Atā made seasonal use of the resources of the Waitematā Harbour,

¹⁵ McBurney, pp. 78, 100.

¹⁶ McBurney, pp. 217-218.

¹⁷ McBurney, pp. 78-80; Graeme Murdoch (2000), [Te Kawerau a Maki and the Crown in Kaipara](#), p. 22

¹⁸ McBurney, p. 597; R. C. J. Stone (2001), *From Tamaki-Makau-Rau to Auckland*, Auckland University Press, p. 28.

¹⁹ McBurney, p. 597.

²⁰ McBurney, pp. 217-218.

²¹ McBurney, pp. 58-59; Ballara, Taua, p. 206; [Te Ākitai Waiohūa Deed of Settlement](#), 12 November 2021, p. 7.

²² NZAA [R11/2401 \(Haukapua\) report](#), p. 3; [Ngāi Tai ki Tāmaki Deed of Settlement](#), 7 November 2015, p. 9.

²³ McBurney, p. 456.

²⁴ McBurney, pp. 230-231. McBurney describes the Ngāti Paoa settlement of Taupo as being 'near present-day Kawakawa Bay' (p. 220).

²⁵ According to Hetaraka Takapuna in the Native Land Court, as cited in NZAA [R11/2401 \(Haukapua\) report](#), p. 2.

particularly in periods of peace.²⁶ According to Hauraki kaumātua Taimoana Turoa, the tribal territory of Te Patukirikiri included 'parts of Auckland's North Shore in the vicinity of Takapuna'.²⁷

Takapuna (Old Land Claim 454), 1839

23. On 18 November 1839, European settler Henry Taylor negotiated a deed with three rangatira for 1,000 acres of land called Takapuna (see **figure 3**, Takapuna in yellow). The deed lists the vendors as Takapuna, Puhata, and Te Awa.²⁸ Historian Barry Rigby notes that these rangatira were Ngāti Paoa, with 'Takapuna' likely being Heteraka Takapuna.²⁹ Both Takapuna and Puhata, along with William Jowett (Wiremu Hoete, also of Ngati Paoa), gave evidence in support of Taylor's claim to the Land Claims Commission in August 1841.³⁰

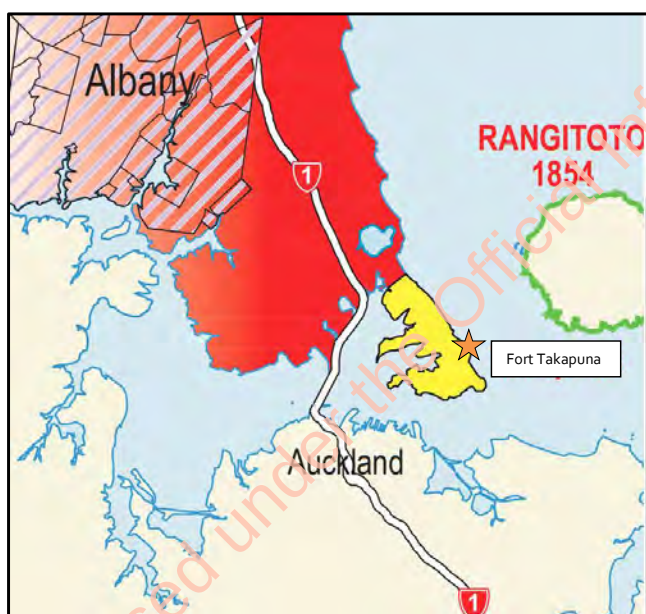


Figure 3: Takapuna OLC 454, shown in yellow. 'North Waitemata: the Mahurangi purchase, pre-emption waiver purchases, 'second wave' Crown purchases and old land claims', in Belgrave, Young, & Deason, Tikapa Moana, p. 50.

²⁶ Stone, p. 34; McBurney, p. 409.

²⁷ McBurney, p. 212, citing Taimoana Turoa, *Te Takoto o Te Whenua o Hauraki*, Auckland: Reed, 2000.

²⁸ H. H. Turton (1882), *Maori Deeds of Old Private Land Purchases in New Zealand*, [Deed No. 355, p. 317](#).

²⁹ Rigby, pp. 78-79.

³⁰ Paula Berghan (2006), '[Northland Block Narratives: Old Land Claims](#)', Wai 1040 A039(a), p. 292; Willoughby Shortland to the Chief Protector, 11 June 1841, in H. H. Turton (1883), *Epitome of Official Documents Relative to Native Affairs and Land Purchases in the North Island of New Zealand*, [C. No. 2, p. 138](#).

24. Despite the support from the Māori vendors, Taylor's claim was not settled until the early 1850s, although it appears this was not due to disputes over customary rights.³¹ In 1842, the commissioners considered that Taylor was not entitled to the purchase as he had not completed the purchase until 7 March 1840, well after the Proclamation of Crown presumptive rights over Māori land in January 1840.³² By 1843, it was discovered that Taylor's Takapuna claim was now in the same area as lands acquired by the Crown in 1841, known as the Mahurangi block.³³

Mahurangi Crown Purchases, 1841-1869

25. The Mahurangi block (also known as the Mahurangi and Omaha block), containing approximately 220,000 acres, stretched from North Head at Devonport and continued northwards to Te Arai (see **figure 4**).³⁴ Between 1841 and 1854, there were a number of Crown purchases and pre-emption waiver purchases made within the Mahurangi block. This section will focus on those transactions in the southern portion of the block due to their proximity to Fort Takapuna.
26. In April 1841, the Crown purchased the Mahurangi and Omaha block from Ngāti Paoa, Ngāti Maru, Ngāti Tamaterā and Ngaati Whanaunga (see **figure 4**).³⁵ While the inland boundaries of the block are 'inadequately defined', the deed states that the northern boundary was at Te Arai and that 'Waitemata is the boundary on the South to its entrance', being North Head at Devonport on the Takapuna peninsula.³⁶
27. According to Rigby, the deed was probably signed in Auckland.³⁷ It was not until after the deed was signed that the Surveyor General sent an assistant surveyor and interpreter with four Māori to identify the northern boundary of the block.³⁸ These Māori are unidentified but there is a record that Ngāti Paoa rangatira Wiremu Hoete was paid £5 for pointing out the boundaries.³⁹

³¹ Berghan, pp. 292-293.

³² Berghan, p. 292.

³³ Berghan, p. 292. Taylor was offered a credit for £1,000, which he initially accepted but later requested a grant of land elsewhere. Taylor's claim would remain unsettled until the 1850s, when the Bell Commission awarded his successors £500 as scrip (p. 292-293).

³⁴ Rigby, p. 2.

³⁵ H. H. Turton (1877), *Maori Deeds of Land Purchases in the North Island of New Zealand*, Vol. 1, Government Printer: Wellington, [Deed No. 192](#), p. 252.

³⁶ Turton (1877), Deed No. 192, p. 252; McBurney, p. 375.

³⁷ Rigby, p. 21.

³⁸ Rigby, p. 21.

³⁹ Willoughby Shortland to the Chief Protector, 11 June 1841, in H. H. Turton (1883), *Epitome of Official Documents Relative to Native Affairs and Land Purchases in the North Island of New Zealand*, [C. No. 2, p. 138](#).

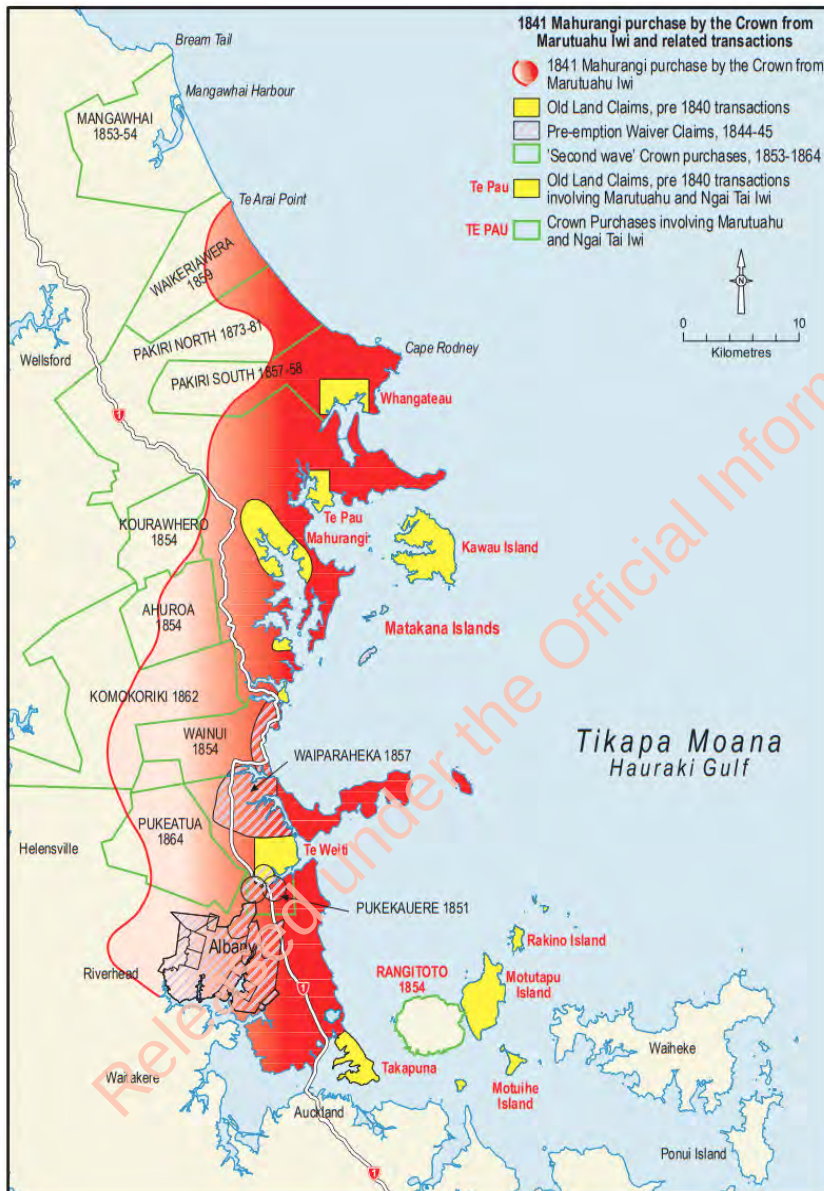


Figure 4: 'North Waitemata: the Mahurangi purchase, pre-emption waiver purchases, 'second wave' Crown purchases and old land claims', in Belgrave, Young, and Deason, *Tikapa Moana*, p. 50.

28. In June of the same year, five Ngāti Whātua rangatira signed a receipt on the back of the original deed, indicating that they too had received payment for their interests within the boundaries described in the original deed.⁴⁰ The deed does not define where in the block these interests were located.
29. In 1842, the Ngāpuhi rangatira Pomare sold his interests within the block.⁴¹ It is not clear where exactly within the block his interests were, as the deed only refers to '[Pomare's] places and all the places of my tribe within the boundaries of the place sold by Ngatipaoa'.⁴²
30. In 1844, Ngaati Whanaunga sold the only reserve set aside from the Mahurangi and Omaha purchase, which they had been gifted by Ngāti Paoa.⁴³ The location of this reserve, which the deed calls "Te Tumu and Waimai", was not identified in either in the 1844 deed or in the original 1841 Mahurangi and Omaha deed.⁴⁴

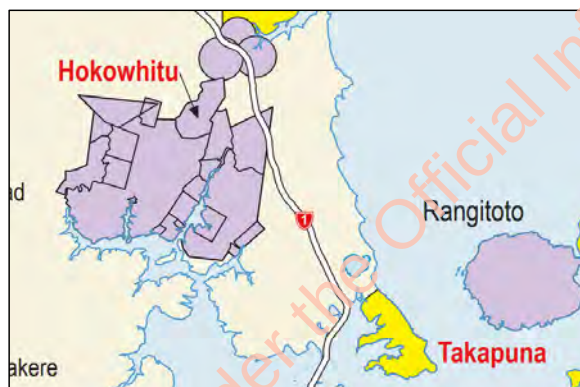


Figure 5: Pre-emption waiver purchases on the North Shore, from Belgrave, Young, and Deason, Tikapa Moana, p. 72.

31. Between 1844 and 1846, the Crown temporarily waived its pre-emptive right to purchase Māori land. A number of settlers applied for waivers over land on the North Shore, despite the fact that it had already been purchased by the Crown as part of the Mahurangi and Omaha purchase of 1841. The majority of these transactions were made solely with members of Ngāti Whātua, although one,

⁴⁰ Turton (1877), Deed No. 192, pp. 251-252.

⁴¹ Turton (1877), [Deed No. 193](#), pp. 252-253.

⁴² Turton (1877), Deed No. 193, p. 253.

⁴³ Turton (1877), [Deed No. 194](#), p. 253.

⁴⁴ Turton (1877), Deed No. 194, p. 253.

Hokowhitu, was initially transacted with Ngāti Whātua only, with further payments made to Ngāti Paoa for their interests (see **figure 5**).⁴⁵

32. In November 1853, the Crown purchased the interests of Te Ara Tinana and Haimona Pita, of Ngāti Whātua, to their lands in the Mahurangi block. The deed defines the boundaries of this purchase as 'the Land bought many years ago beginning at Takapuna and on to the Arai'.⁴⁶
33. In January 1854, the Crown signed a second deed with Hauraki rangatira for the "final and unreserved giving up of the land previously purchased" in the Mahurangi and Omaha purchase and made a further payment of £120. Although the deed identifies the signatories as 'the chiefs of Ngatipaoa', Rigby identifies a least one, Taraia, as a leading rangatira of Ngāti Tamaterā and Ngāti Maru.⁴⁷

Summary

34. Fort Takapuna was included in or nearby to several land transactions within the southern portion of the Mahurangi block. Between 1841 and 1854, the Crown purchased interests from Ngāpuhi, Ngaati Whanaunga, Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, and Ngāti Whātua. Between 1844 and 1846, several pre-emption waiver purchases on the North Shore were made between settlers and Māori belonging to Ngāti Paoa and Ngāti Whātua.

Fort Takapuna post-1840

35. In his evidence to the Native Land Court in 1868, Hetaraka Takapuna (Ngāti Paoa) noted that he had lived at Haukapua kāinga during his youth in the late 1830s.⁴⁸ **Figure 2** shows the location of Haukapua in relation to Fort Takapuna. In 1859, European scientists Hochstetter and Haast visited Torpedo Bay to study the volcanic zone and described a busy Māori settlement at Haukapua, complete with cultivations and Māori-style structures.⁴⁹ By 1863, the kāinga was noted to have had 50 occupants and a meeting house, possibly constructed between 1860 and 1862.⁵⁰ It appears the kāinga was abandoned either later in 1863 or in 1864, during the Waikato War. By 1879, there were no Māori buildings remaining at the site.⁵¹
36. Between 1849 and 1872, the Ngāpuhi rangatira Eruera Patuone lived on the Takapuna peninsula. After his wife, a Ngāti Paoa woman named Riria Takarangi, died in 1849, Patuone went to live on

⁴⁵ Belgrave, Deason, and Young, pp. 63-64, 115; Maurice Alemann, 'Early Land Transactions in the Ngatiwhatua Tribal Area', Wai 1362 A005, pp. 80-90.

⁴⁶ Turton (1877), [Deed No. 198](#), pp. 256-257; Rigby, p. 42; [Mahurangi Crown Purchase Deed](#), R12153722, Archives NZ.

⁴⁷ Turton (1877), [Deed No. 199](#), pp. 257-258; Rigby, p. 43.

⁴⁸ NZAA [R11/2401 \(Haukapua\) report](#), p. 3.

⁴⁹ NZAA [R11/2401 \(Haukapua\) report](#), p. 3.

⁵⁰ NZAA [R11/2401 \(Haukapua\) report](#), p. 3.

⁵¹ NZAA [R11/2401 \(Haukapua\) report](#), pp. 4-5.

the Takapuna peninsula. In 1852, Governor Grey issued Patuone a grant for 110 acres of land at Takapuna, covering lots 29 to 32.⁵² This author could not locate a map of the grant or these lots, but McBurney notes that Patuone's land 'extended from downtown Takapuna to Hauraki Corner and included the seashore on both sides, at Shoal Bay and Takapuna Beach' (see **figure 6**).⁵³ Patuone also lived in a small pā called Riria, after his wife, on Ngāti Paoa land at Devonport.⁵⁴ The exact location of this pā or the land is not clear, but it could be near to Haukapua kāinga.

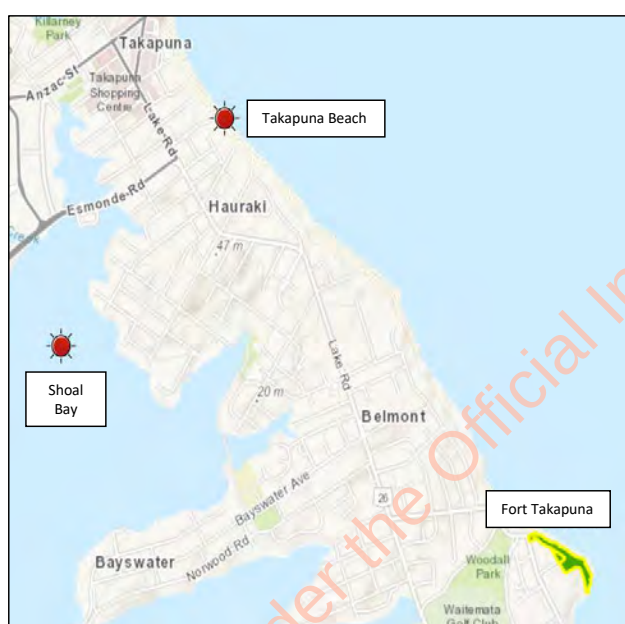


Figure 6: Location of Takapuna Beach and Shoal Bay in relation to Fort Takapuna

37. At some point before 1886, a Pākehā named Robert Adam Mozley Stark purchased an unknown amount of land on the Takapuna peninsula which included the land on which Fort Takapuna is now located. In 1886, the Crown purchased some or all of Stark's land for defence purposes.⁵⁵ Fort Takapuna was under construction from 1886 to 1889. During the First World War, the site was also known as Narrow Neck camp, and was a recruit depot for soldiers heading to theatres of war overseas. Māori and Pacific Island recruits were also housed at Narrow Neck. From 1919, the site housed a hospital for influenza patients, gun emplacements, ammunitions store, and military

⁵² AJHR 1861 E-06, p. 2; Ballara, 'Patuone, Eruera Maihi', [Dictionary of New Zealand Biography](#); McBurney, p. 367.

⁵³ McBurney, p. 367.

⁵⁴ Ballara, 'Patuone, Eruera Maihi'.

⁵⁵ It appears the Crown's purchase of the land was complicated and included an investigation into land prices. See AJHR 1886 D-07 and I-11. [Timeline of Fort Takapuna](#), Torpedo Bay Navy Museum.

barracks.⁵⁶ In 2000, the site was transferred to the Department of Conservation, and was opened as the Fort Takapuna Historic Reserve on 18 June 2000.⁵⁷

Treaty Settlement Redress

Commercial Redress, Ngāti Whātua Ōrākei, 2011

38. The Crown provided New Zealand Defence Force land at Narrow Neck, being Section 1 (3.2086ha), as commercial redress to Ngāti Whātua Ōrākei.⁵⁸ **Figure 7** shows the location of Section 1 in relation to the Fort Takapuna Historic Reserve.

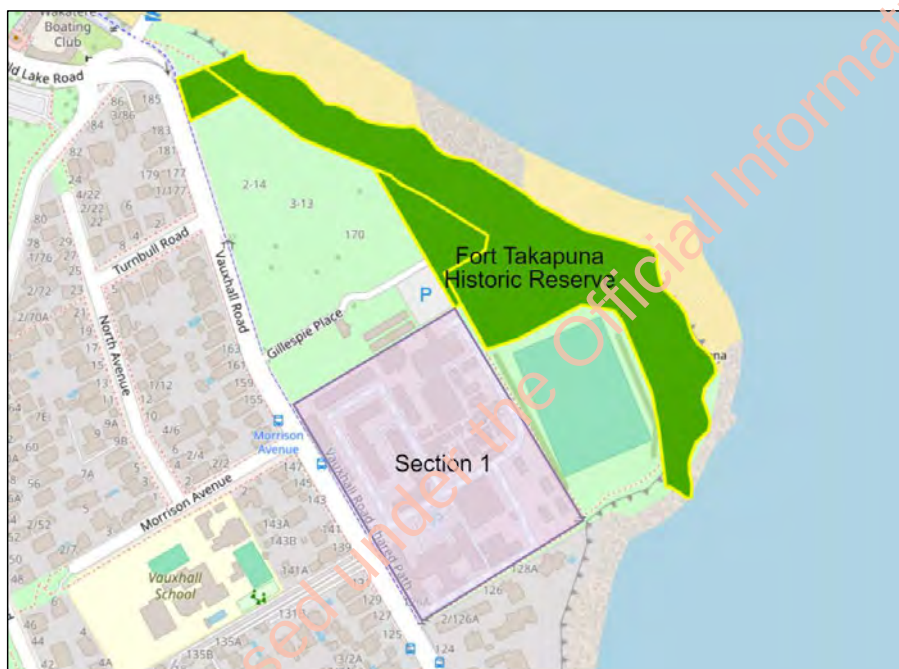


Figure 7: Section 1, redress to Ngāti Whātua Ōrākei, in relation to Fort Takapuna

Commented [TK1]: The Marutahu Collective redress deed at 3.8.2 provides a statutory acknowledgement & statement of association for Fort Takapuna

⁵⁶ [Timeline of Fort Takapuna](#), Torpedo Bay Navy Museum.

⁵⁷ [History of Fort Takapuna : Central and South Auckland heritage sites \(doc.govt.nz\)](#)

⁵⁸ Ngāti Whātua Ōrākei Deed of Settlement [Property Schedule](#), 5 November 2011, p. 4.

Crown Breach Acknowledgements

39. The Crown has made breach acknowledgements relating to the Mahurangi and Omaha purchases to Ngaati Whanaunga, Ngāti Manuhiri, Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, and Te Kawerau ā Maki.
40. The Crown made a breach acknowledgement to Ngāti Paoa regarding the surplus lands taken by the Crown in old land claims purchases, including Takapuna/OLC 454.⁵⁹ The Crown also made breach acknowledgements to Ngaati Whanaunga, Ngāti Maru, Ngāti Paoa, and Ngāti Tamaterā recognised its failure to ensure adequate reserves from the Mahurangi and Omaha transactions were protected in their ownership.⁶⁰
41. The Crown's acknowledgements to Ngāti Manuhiri⁶¹ and Te Kawerau ā Maki recognised its failure to adequately investigate customary rights at Mahurangi, failing to notify or obtain consent from Ngāti Manuhiri or Te Kawerau ā Maki, and failing to provide adequate compensation and reserves for Ngāti Manuhiri or Te Kawerau ā Maki. The Crown also acknowledged its failure to adequately survey and define the Mahurangi and Omaha block, which 'caused confusion and uncertainty' for both groups.⁶²

Statements of Association

42. In Treaty settlement documentation, Statements of Association accompany redress instruments such as Statutory Acknowledgements, Deeds of Recognition, and Overlay Classifications. Statements of Association record the historical, cultural, and spiritual importance of the sites to which the instrument applies to the settling group. Statements of Association are drafted by the settling group and are usually based on their oral traditions.
43. **Table 1** shows the groups whose Deed of Settlement documents contain Statements of Association relating to sites near Fort Takapuna and which sites are described.

⁵⁹ Ngāti Paoa Deed of Settlement, 20 March 2021, pp. 31-32.

⁶⁰ Ngaati Whanaunga Deed of Settlement, 25 August 2017, p. 18; Ngāti Maru Deed of Settlement, 8 September 2017, p. 25; Ngāti Paoa Deed of Settlement, 20 March 2021, p. 32; Ngāti Tamaterā Deed of Settlement, 20 September 2017, p. 22.

⁶¹ Ngāti Manuhiri's Treaty settlement Area of Interest stretches from Bream Tail (near Mangawhai Heads) south to Whangaparaoa (see [Ngāti Manuhiri Deed of Settlement Attachments](#), 21 May 2011, p. 1). In 1859, The Crown purchased the Waikeriawera block, the northernmost point of the Mahurangi block, from Ngāti Manuhiri (see Turton (1877), [Deed No. 117](#), p. 156).

⁶² Ngāti Manuhiri Deed of Settlement, 21 May 2011, p. 50; Te Kawerau ā Maki Deed of Settlement, 22 February 2014, p. 35.

Table 1: Groups with Statements of Association for sites near Fort Takapuna

Group	Statement of Association site/s
Ngāi Tai ki Tāmaki	Te Haukapua ki Takapuna ⁶³
Ngāti Paoa	Haukapua; Hauraki Gulf/Tikapa Moana; Maungauika/North Head; Takarunga/Mount Victoria ⁶⁴
Ngāti Tamaterā	Initialed Deed of Settlement documents indicate the inclusion of statements for Maungauika and Takarunga ⁶⁵
Ngāti Tamaoho (Tāmaki Collective Deed)	Ngāti Tamaoho have statements of association for Maungauika and Takarunga in the Tāmaki Collective Redress Deed ⁶⁶
Te Ākitai Waiohūa (Tāmaki Collective Deed)	Te Ākitai Waiohūa have statements of association for Maungauika and Takarunga in the Tāmaki Collective Redress Deed ⁶⁷
Te Kawerau ā Maki	North Shore/Te Whenua roa o Kahu ⁶⁸
Te Patukirikiri	Maungauika and Takarunga ⁶⁹

Tāmaki Makaurau Collective Redress, 2012

44. On 5 December 2012, the Crown signed the Tāmaki Makaurau Collective Redress Deed with Ngā Mana Whenua o Tāmaki Makaurau (the Tāmaki Collective). The Tāmaki Collective is made up of the following iwi and hapū:

- 44.1. Ngāi Tai ki Tāmaki;
- 44.2. Ngāti Maru;
- 44.3. Ngāti Paoa;
- 44.4. Ngāti Tamaoho;
- 44.5. Ngāti Tamaterā;
- 44.6. Ngāti Te Ata;
- 44.7. Ngāti Whanaunga;
- 44.8. Ngāti Whātua o Kaipara;
- 44.9. Ngāti Whātua Ōrākei;
- 44.10. Te Ākitai Waiohūa;

⁶³ Ngāi Tai ki Tāmaki Deed of Settlement Documents, pp. 8-9.

⁶⁴ Ngāti Paoa Deed of Settlement Documents, pp. 18-19, 21-22, 25.

⁶⁵ Ngāti Tamaterā Deed of Settlement Documents, p. 10.

⁶⁶ Tāmaki Collective Redress Deed Documents, pp. 15, 16.

⁶⁷ Tāmaki Collective Redress Deed Documents, pp. 6, 9.

⁶⁸ Te Kawerau ā Maki Deed of Settlement Documents, p. 11.

⁶⁹ Te Patukirikiri Deed of Settlement Documents, p. 2.

- 44.11. Te Kawerau ā Maki;
- 44.12. Te Patukirikiri; and
- 44.13. Hapū of Ngāti Whātua (other than Ngāti Whātua o Kaipara or Ngāti Whātua Ōrākei) whose members are beneficiaries of Te Rūnanga o Ngāti Whātua (including Te Taoū not descended from Tuperiri).⁷⁰
45. One of the redress mechanisms provided in the deed was the vesting of 14 Tāmaki maunga to the Tāmaki Collective, including Takarunga (Mount Victoria) and Maungauika (North Head). Takarunga, along with 12 other maunga, was subject to a co-governance regime called Tūpuna Maunga o Tāmaki Makaurau Authority. Maungauika, on the other hand, would remain the responsibility of the Department of Conservation, although ownership of the site would be transferred to the Tāmaki Collective.⁷¹

Areas of Interest inclusive of the Fort Takapuna site

46. Table 2 shows the fifteen LNGs whose Treaty settlement Areas of Interest include Fort Takapuna.

Table 2: Areas of Interest including Fort Takapuna

Group	Source
Hako	Hako Deed of Mandate, May 2011, (see Appendix A)
Ngaati Whanaunga	Ngaati Whanaunga Deed of Settlement Attachments , 25 Aug 2017, p. 1
Ngāi Tai ki Tāmaki	Ngāi Tai ki Tāmaki Deed of Settlement Attachments , 7 Nov 2015, p. 2
Ngāti Koheriki	An indicative Area of Interest for Ngāti Koheriki is dated 12 Feb 2013 (see Appendix B)
Ngāti Maru	Ngāti Maru area of kaitiakitanga for RMA purposes , Te Kāhui Māngai
Ngāti Paoa	Ngāti Paoa Deed of Settlement Attachments , 20 Mar 2021, p. 2
Ngāti Tamaoho	Ngāti Tamaoho Deed of Settlement Attachments , 30 Apr 2017, p. 3
Ngāti Tamaterā	Ngāti Tamaterā Deed of Mandate, Apr 2011, (See Appendix C)
Ngāti Te Ata	Ngāti Te Ata Terms of Negotiation , Appendix A, 29 Jun 2011
Ngāti Whātua Ōrākei	Ngāti Whātua Ōrākei Deed of Settlement Attachments , 5 Nov 2011, p. 1
Tāmaki Collective	Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed Attachments , 5 Dec 2012, p. 1
Te Ākitai Waiohū	Te Ākitai Waiohū Deed of Settlement Attachments , 12 Nov 2021, p. 4
Te Kawerau ā Maki	Te Kawerau ā Maki Deed of Settlement Attachments , 22 Feb 2014, p. 2
Te Patukirikiri	Te Patukirikiri Deed of Settlement Attachments , 7 Oct 2018, p. 1
Te Rūnanga o Ngāti Whātua	Te Rūnanga o Ngāti Whātua Agreement in Principle , 18 Aug 2017, p. 69

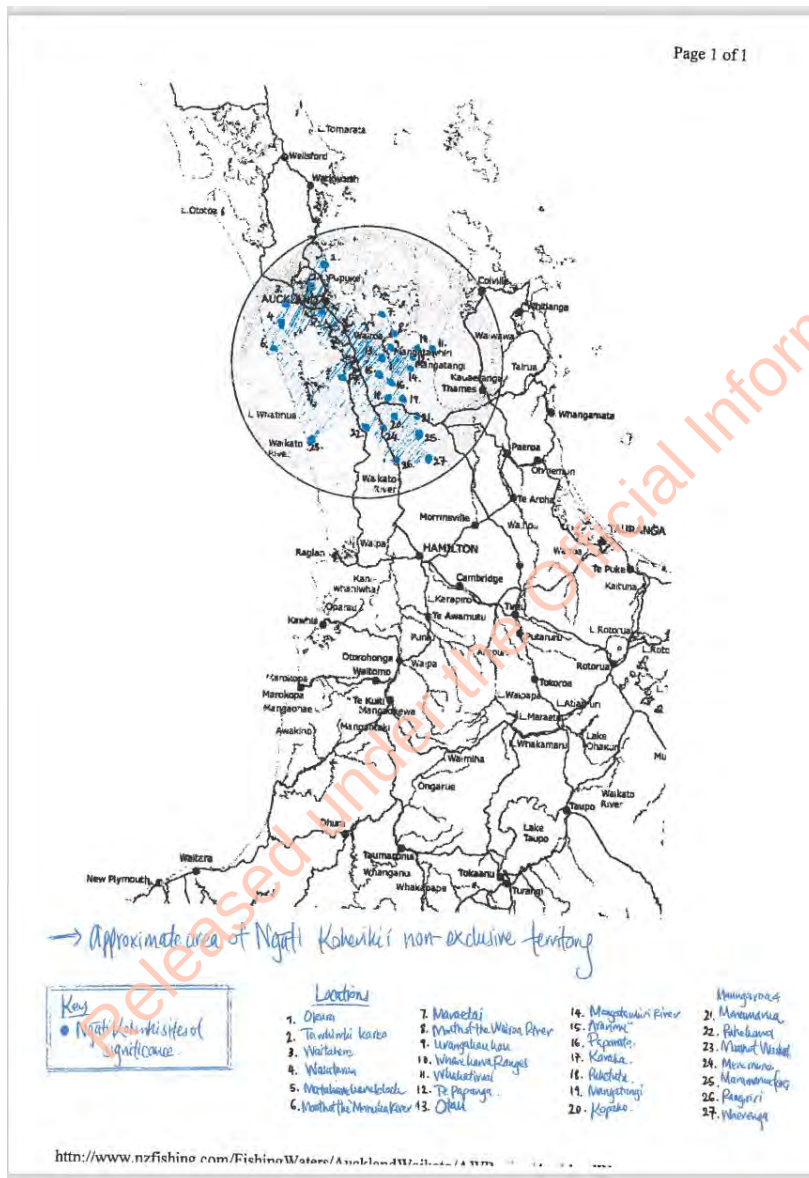
⁷⁰ Tāmaki Makaurau Collective Redress Deed, 5 December 2012, pp. 28-29.

⁷¹ Tāmaki Makaurau Collective Deed Summary, 7 June 2012, p. 2. The 14th maunga, Rarotonga/Mount Smart, would be administered by Auckland Council.

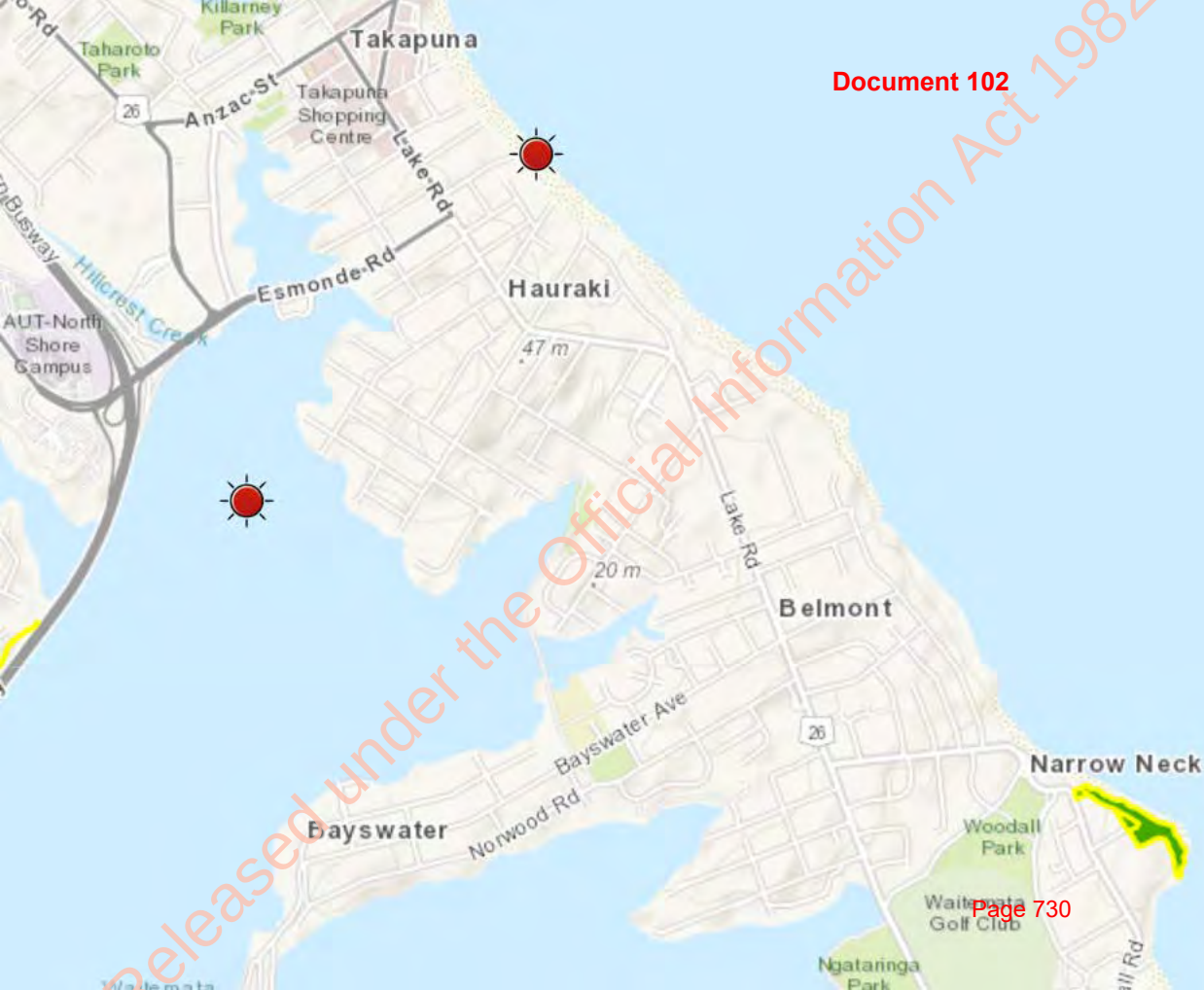
Appendix A: Hako Area of Interest, Deed of Mandate, May 2011



Appendix B: Indicative Area of Interest for Ngāti Koheriki, Correspondence to OTS, February 2013







Document 102