



Ngakingaki Te Whenua

DEED OF SETTLEMENT BETWEEN THE CROWN AND NGAI TAI

General background

Ngai Tai is an iwi whose settlement redress area is in the eastern Bay of Plenty, centred around Tōrere on the coast.

In 2023, the Crown recognised the mandate of the Ngaitai Iwi Authority to represent Ngai Tai in negotiating a comprehensive historical Treaty settlement.

The Crown signed Terms of Negotiation with the Ngaitai Iwi Authority on 1 September 2023. On 2 December 2025, the Crown and the Ngaitai Iwi Authority signed an Agreement in Principle which formed the basis for this settlement.

On 17 September 2026, the Ngaitai Iwi Authority and the Crown initialled a Deed of Settlement called Ngakingaki Te Whenua.

Te Tari Whakatau – the Office of Treaty Settlements and Takutai Moana, with the support of Te Papa Atawhai – Department of Conservation, and other government agencies, represented the Crown in day-to-day negotiations.

The Minister for Treaty of Waitangi Negotiations, Hon Paul Goldsmith, and his predecessor, Hon Andrew Little, represented the Crown in high-level negotiations with Ngai Tai.

Summary of the historical background to the claims of Ngai Tai

In June 1840, three Ngai Tai rangatira, Pūtiki, Rangihuatake, and Taku, signed te Tiriti o Waitangi/the Treaty of Waitangi at Tōrere. However, the Crown had a limited presence in the Ngai Tai rohe in the two decades that followed.

From 1865, Ngai Tai periodically assisted the Crown during the New Zealand Wars in military operations outside their rohe. Despite this, in 1866 the Crown included Waiaua, Waiohoata and Awaawakino in the land it confiscated from the Bay of Plenty Māori who it considered to have been in rebellion. Waiohoata and Awaawakino were returned to Ngai Tai, but the blocks were returned with individualised title, thereby extinguishing customary tenure. Furthermore, title to the blocks was not formalised until 1907.

In 1881, the Native Land Court began individualising title to other blocks of Ngai Tai lands. Native Land Court processes could be slow, and involve considerable expense, especially the cost of surveying land that came before the Court. In the 1930s, debts arising from survey costs contributed to the sale of Torere 63. The title determination for the Tunapahore block continued for 60 years and damaged relationships between Ngai Tai and neighbouring iwi. The individualisation of Ngai Tai land tenure in the nineteenth century resulted in fragmented ownership in the twentieth century, which the consolidation schemes that took place from 1930 to 1937 did not resolve.

By the 1930s the Crown had purchased over 70,000 acres in the Ngai Tai rohe. It acquired the entirety of the Takaputahi, Kapuarangi No. 1 West, and Whitikau No. 1 blocks, and parts of the Torere, Whitikau No. 2, and Whitikau No. 3 blocks.

In 1931, the Crown established the Torere Development Scheme to assist Ngai Tai in developing their lands into profitable dairy farms. The Crown controlled land included in the scheme, which deprived Ngai Tai of effective control of their most productive whenua for many years.

Ngai Tai contributed to public works in their rohe by providing labour for road construction and through land taken under public works legislation. However, for many years the Crown extracted gravel from Torere Reserve No. 2 without consulting the Ngai Tai owners or paying them royalties. Following Ngai Tai protests in the early 1950s, in 1955 the Crown compulsorily acquired the land that included the gravel pits under public works legislation.

From the 1840s, the Crown promoted laws aimed at assimilating Ngai Tai into European culture. Those laws negatively impacted the wairua, tikanga, mātauranga, and reo of Ngai Tai. The Crown also promoted an assimilationist school curriculum for tamariki Māori that strongly discouraged the use of te reo Māori. Ngai Tai children were punished for speaking their own language.

Crown policies discriminated against Ngai Tai military veterans. Despite this, Ngai Tai have a long and distinguished record of military service and sacrifice in many parts of the world. During the first four decades of the twentieth century, some Ngai Tai kaumatua were also discriminated against when they received lower old-age pensions than many other New Zealanders.

Ngai Tai retain an enduring, sacred relationship with te ao tūroa (the natural world) and are aggrieved by the impact of introduced species, development, and public works on their rohe. These activities have depleted their kaimoana stocks and mahinga kai, and adversely impacted the habitats of species they consider taonga. This has eroded the ability of Ngai Tai to transmit customary knowledge to their rangatahi.

Ngai Tai have long endured the effects of socio-economic deprivation, poor health outcomes and poor housing conditions. Limited employment opportunities in their rohe have resulted in many Ngai Tai moving to urban centres, which has weakened their connections to their kāinga and whenua. In the face of these enduring challenges, Ngai Tai have displayed determination, perseverance, and resilience. Those qualities continue to define Ngai Tai today.

Overview

Ngakingaki Te Whenua – the Deed of Settlement is the final settlement of all historical Treaty of Waitangi claims of Ngai Tai resulting from acts or omissions by the Crown prior to 21 September 1992, and is made up of a package that includes:

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

The benefits of the settlement will be available to all members of Ngai Tai wherever they may live.

Crown acknowledgements and apology

Ngakingaki Te Whenua contains Crown acknowledgements and a Crown apology for well-founded breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles and other Crown acts and omissions that caused prejudice to Ngai Tai. These include:

- harmful and irreversible environmental degradation within the Ngai Tai rohe;
- the Crown's assimilationist policies, including within the education system, which negatively impacted Ngai Tai;
- the Crown's indiscriminate confiscation of Ngai Tai whenua, its failure to return lands at Waiaua, and the extinguishment of Ngai Tai customary interests in Awaawakino, Waiohoata and Hakuranui;
- the Crown's discrimination against Ngai Tai veterans in the payment of military pensions, and in the award of military medals;
- the Crown's provision of discriminatory old-age pensions to some elderly Ngai Tai during the first four decades of the twentieth century;
- the Crown's failure to protect Ngai Tai tribal structures from the impact of the native land laws;
- the Crown's administration of the Torere Development Scheme;
- the Crown's approach to public works including the extraction of gravel from Ngai Tai land at Tōrere without consent;
- the Crown's compulsory acquisition of "uneconomic" Ngai Tai land interests; and
- the Crown's failure to protect te reo Māori.

Cultural redress

Ngakingaki Te Whenua includes recognition of the traditional, historical, cultural and spiritual associations that Ngai Tai has with sites within their settlement redress area. This allows Ngai Tai and the Crown to protect and enhance the conservation values associated with these sites.

CREATION OF HE PITO WHANAKE RESERVE

The settlement legislation will create a local purpose (cultural association and ecological restoration) reserve to be named He Pito Whanake. This reserve will be comprised of approximately 9,000 hectares of conservation land which will be vested in Ngai Tai. Ngai Tai will be appointed to control and manage this reserve. Existing third-party rights and existing values such as public access and conservation will be protected.

An image of the conservation land that will form He Pito Whanake reserve can be found in the Deed Plans in the Attachments Schedule to Ngakingaki Te Whenua.

CREATION OF NGAI TAI RAUKŪMARA RESERVE

The settlement legislation will create a local purpose (cultural association and ecological restoration) reserve to be named Ngai Tai Raukūmara Reserve. This reserve will be comprised of approximately 2,400 hectares of conservation land. Ngai Tai will be appointed to control and manage this reserve and marginal strips within it. Existing third-party rights and existing values such as public access and conservation will be protected.

An image of the conservation land that will form Ngai Tai Raukūmara Reserve can be found in the Deed Plans in the Attachments Schedule to Ngakingaki Te Whenua.

SHARED REDRESS WITH TE WHĀNAU A APANUI

The Ngai Tai settlement legislation will provide for the creation of a local purpose (cultural association and ecological restoration) reserve. This reserve will be comprised of approximately 5,800 hectares of conservation land. A joint management body will be formed to control and manage this reserve and marginal strips within it. Ngai Tai and Te Whānau a Apanui will each appoint three members to form the joint management body. When the settlements of both iwi are enacted, ownership of the shared reserve land will transfer to the governance entities for Ngai Tai and Te Whānau a Apanui. Existing third-party rights and existing values such as public access and conservation will be protected.

VESTING OF LAND IN FEE SIMPLE

The following sites will be vested in fee simple in Ngai Tai:

- Te Kura o Tōrere (land only), to be leased back to the Crown
- Te Atuahauta property
- Whitikau property

MANAGEMENT OF MARGINAL STRIPS

Ngai Tai will be appointed to control and manage marginal strips within their settlement redress area. Existing third-party rights and existing values such as conservation will be protected.

STATUTORY ACKNOWLEDGEMENTS

A statutory acknowledgement recognises the association between Ngai Tai and a particular site or area and enhances the iwi's ability to participate in specified resource management processes.

The Crown offers a statutory acknowledgement of the Ngai Tai association over the following areas:

- Wainui te Awa and its tributaries; and
- Wai Tii te Awa

STATUTORY ACKNOWLEDGEMENT OF ASSOCIATION WITH ŌNEWA

In the settlement legislation, the Crown will acknowledge the association between Ngai Tai and ōnewa (greywacke/basalt).

STATEMENT OF ASSOCIATION

Ngakingaki Te Whenua will include a statement of the association between Ngai Tai and the coastal area.

PLACE NAME CHANGES

Place names recognise iwi associations with geographic areas. The following two names will be restored as official geographic names through the settlement:

Existing name	New official geographical name
Tōrere River	Wainui te Awa
Waiiti Stream	Wai Tii te Awa

PROVISION FOR CULTURAL MATERIALS PLAN

Post-settlement, Ngai Tai and Te Papa Atawhai – Department of Conservation will jointly develop a cultural materials plan to apply within the settlement redress area, covering:

- the customary taking of flora material within public conservation land within the settlement redress area; and
- the possession of protected wildlife found dead within the settlement redress area.

Relationships

RELATIONSHIP AGREEMENTS AND PROTOCOLS

The settlement will provide for the following relationship redress with Crown agencies:

- Whakaaetanga Tiaki Taonga, a relationship agreement with Te Tari Taiwhenua – Department of Internal Affairs, the agency responsible for Te Puna Mātauranga o Aotearoa – National Library and Te Rua Mahara o Te Kāwanatanga – Archives New Zealand; Te Papa Tongarewa – Museum of New Zealand; Pouhere Taonga – Heritage New Zealand; and Manatū Taonga – Ministry for Culture and Heritage;
- Relationship agreements with:
 - Te Papa Atawhai – Department of Conservation;
 - Te Tāhuhu o te Mātauranga – Ministry of Education; and
 - Waka Kotahi – New Zealand Transport Agency;
- A Primary Industries Protocol with Manatū Ahu Matua – Ministry for Primary Industries; and
- A Crown Minerals Protocol with Hikina Whakatutuki – Ministry of Business, Innovation, and Employment.

LETTERS OF INTRODUCTION

On settlement date, the Tumu Whakarae – Chief Executive of the Office of Treaty Settlements and Takutai Moana—Te Tari Whakatau will write to introduce the post-settlement governance entity for Ngai Tai and their aspirations to work together, to:

- Justice sector agencies (Ara Poutama Aotearoa – Department of Corrections, Ngā Pirihimana o Aotearoa – New Zealand Police, and Te Tahu o Ture – Ministry of Justice);
- Ngā Taonga Sound and Vision;
- Ōpōtiki District Council; and
- Bay of Plenty Regional Council.

Financial and commercial redress

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

FINANCIAL REDRESS

Ngai Tai will receive financial redress of \$12.000 million (inclusive of \$1.000 million for costs towards a resource consent for aquaculture activities) plus interest.

COMMERCIAL REDRESS

Ngai Tai will receive the right to purchase Ngai Tai Raukūmara Reserve on a deferred selection basis for five years from settlement date. Ngai Tai will also receive a right of first refusal over this land for 186 years from the settlement date.

The settlement will reserve approximately 5,000 hectares of marine space within the Ngai Tai settlement redress area for 35 years, in which Ngai Tai will have an exclusive right to apply for permits for aquaculture activities.

Subject to confirmation of Crown ownership, Ngai Tai will receive a right of first refusal over Part Torere Reserve 2 for 186 years from the settlement date.

Questions and Answers

1. What is the total settlement package?

- An agreed historical account;
- Crown acknowledgment and apology for historical breaches of te Tiriti o Waitangi/the Treaty of Waitangi;
- Redress over conservation land including:
 - the management of approximately 17,200 hectares of land as local purpose (cultural association and ecological restoration) reserves, approximately 5,800 hectares of which will be jointly managed with Te Whānau a Apanui;
 - ownership of approximately 9,000 hectares of the reserve land on settlement date;
 - with the opportunity to purchase a further 2,400 hectares (approximately) in the form of the Ngai Tai Raukūmara Reserve, and to jointly own a further 5,800 hectares (approximately) with Te Whānau a Apanui in the form of a shared local purpose (cultural association and ecological restoration) reserve;
- Cultural redress including ownership of three sites in fee simple and relationship redress with 12 Crown agencies and entities;
- Financial and commercial redress including:
 - \$12 million; and
 - a reservation of approximately 5,000 hectares of marine space within the Ngai Tai marine settlement redress area for 35 years and the exclusive right to make resource consent applications for aquaculture within this reservation.

2. Is there any private land involved?

No.

3. Are the public's rights affected?

No

4. Does the reservation of space for consents for aquaculture activities prohibit other types of consents?

No. During the reservation term, the local authority may grant permits authorising other types of compatible activities, apart from aquaculture activities, in the Ngai Tai aquaculture space.

5. Are any place names changed?

The following place names will change:

- Tōrere River to Wainui te Awa; and
- Waiiti Stream to Wai Tii te Awa.

6. What are statutory acknowledgements?

Statutory acknowledgements acknowledge areas or sites with which iwi have a special relationship, and will be recognised in any relevant proceedings under the Resource Management Act (and the Natural Environment Act 2026 and Planning Act 2026, if enacted). These provisions aim to avoid past problems where areas of significance to Māori, such as burial grounds, were simply cleared or excavated for public works or similar purposes without permission or consultation with iwi. Statutory acknowledgements do not convey a property right and are non-exclusive.

7. What happens to memorials on private titles?

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

8. When will the settlement take effect?

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

9. Does Ngai Tai have the right to come back and make further claims about the behaviour of the Crown in the 19th and 20th centuries?

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

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

10. How will the settlement affect the Wai 1750 North Eastern Bay of Plenty District Inquiry?

Normally, a Treaty settlement would remove the jurisdiction of the Waitangi Tribunal to inquire into settled claims. The Ngai Tai settlement will not remove this jurisdiction in regard to the Wai 1750 North Eastern Bay of Plenty District Inquiry.

The Waitangi Tribunal will retain its ability to continue the inquiry and make findings, but not recommendations, on Ngai Tai historical claims in this inquiry.

11. Who benefits from the settlement?

All members of Ngai Tai wherever they may now live.

This and other settlement summaries are also available at www.govt.nz