



# Deed of Settlement

BETWEEN THE CROWN AND NGĀTI TARA TOKANUI

## General background

Ngāti Tara Tokanui is an iwi of approximately 540 members (according to 2013 Census figures). The area of interest of Ngāti Tara Tokanui is centered around Paeroa in the Hauraki/Coromandel region.

Ngāti Tara Tokanui is a member of the Pare Hauraki Collective and will receive collective redress through the Pare Hauraki Collective Redress Deed.

On 29 June 2011, the Crown recognised the mandate of the Ngāti Tara Tokanui negotiators to negotiate a comprehensive settlement of the historical Treaty claims of Ngāti Tara Tokanui with the Crown.

The mandated negotiators and the Crown entered into an agreement-in-principle equivalent on 22 July 2011.

On 1 June 2017, Ngāti Tara Tokanui and the Crown initialled a Deed of Settlement (the Deed). The Deed has been ratified and, following its signing, will be conditional on the enactment of settlement legislation. On settlement, the trustees of the Ngāti Tara Tokanui post-settlement governance entity, the Ngāti Tara Tokanui Trust, will manage the settlement assets.

The Office for Māori Crown Relations – Te Arawhiti (formerly the Office of Treaty Settlements) with the support of Te Papa Atawhai – Department of Conservation, Toitū Te Whenua – Land Information New Zealand and other government agencies, represented the Crown in day-to-day negotiations. The Minister for Treaty of Waitangi Negotiations, Hon Andrew Little, and his predecessor, Hon Christopher Finlayson, represented the Crown in high-level negotiations with Ngāti Tara Tokanui.

## Collective redress

Ngāti Tara Tokanui is a member of the Hauraki Collective and will receive collective redress through the Pare Hauraki Collective Redress Deed.

The collective approach recognises that the iwi of Hauraki have various overlapping customary interests which cannot be considered separately from each other. Details about collective redress can be found in the Pare Hauraki Collective Redress Deed and the summary of that Deed.

## Summary of the historical background to the claims by Ngāti Tara Tokanui

Ngāti Tara and Ngāti Tokanui had distinct whakapapa but were joined over many generations through intermarriage and together created the iwi known today as Ngāti Tara Tokanui. During the 19th century, Ngāti Tara rangatira described themselves primarily as Ngāti Koi.

Between 1865 and 1868, the Crown confiscated 290,000 acres of land around Tauranga. All customary interests in this land were extinguished, although the Crown returned most of the district to other Māori, and retained 50,000 acres. Ngāti Tara Tokanui had interests in lands that were included in the confiscation. In 1864 the Crown purchased from another iwi some of the land in the Katikati and Te Puna blocks. Ngāti Koi lands were included in these transactions. The Crown acknowledged the interests of other iwi in subsequent negotiations, but Ngāti Koi had no land returned and do not appear to have signed the sale deeds or to have been paid by the Crown.

In December 1868, Ngāti Tara Tokanui rangatira were among those who signed an agreement with the Crown to establish a goldfield at Ohinemuri. In 1870 Ngāti Tara Tokanui rangatira Te Keepa Raharuhi applied to the Native Land Court for a title investigation for the Owharoa in order to allow gold mining. The Court awarded Owharoa to Ngāti Tara Tokanui.

The iwi accumulated debts through the Native Land Court process, and by 1875 six of Owharoa's seven owners had sold their interests to private buyers. Further sales took place in the 1880s and 1890s. Today, just two acres of Ngāti Tara Tokanui's original holdings in the Owharoa blocks remain in Māori ownership.

From 1872, a Crown agent began making pre-title advances to individuals he deemed to have interests in the Ohinemuri block. In 1875, the Crown realised that it was not going to be able to obtain the agreement of enough owners to purchase the Ohinemuri block, and it negotiated a lease instead. Among the 88 individuals who signed the lease were at least eight members of the iwi. The Crown applied all the rental income to the repayment of advances despite not all of the owners having accepted these advances. As a result, Ngāti Tara Tokanui did not receive any income from gold mining in their rohe.

Between 1877 and 1882, a Crown official again made advance payments to individuals he deemed to have interests in Ohinemuri. Because the Crown had proclaimed monopoly powers over Ohinemuri, Māori had no option of alienating their land to private parties if they needed to sell their land. In 1882, the Native Land Court awarded the Crown 31,714 acres in Ohinemuri 17. The remaining 3,746-acre Ohinemuri 17A block went to the non-sellers (including Te Keepa). Some 1,170 acres and three wahi tapu sites were reserved for Ngāti Koi, half the reserves they thought they had been promised. After further Crown purchases, by 1896 Ngāti Tara Tokanui were left with approximately 2,500 acres of land.

In 1895, the Crown authorised the discharge of mine tailings into the Waihou and Ohinemuri Rivers, including cyanide-treated waste. In 1900, a Crown official estimated that about 300 Māori people needed an alternative water supply because the Ohinemuri River was 'polluted' and 'unfit for either human or animal consumption'.

In 1902, Te Keepa and other Māori protested that the discharge of mining waste into the rivers silted up the river beds, causing flooding and extensive crop damage. The Crown eventually initiated a number of schemes to try and control the flooding, resulting in significant changes to the Waihou and Ohinemuri Rivers and their tributaries and the surrounding lands from which Ngāti Tara Tokanui had traditionally drawn resources.

The wetland areas of the Hauraki plains were a significant source of food and resources for Ngāti Tara Tokanui. In the early 1900s, the Crown established the Hauraki Plains drainage scheme to drain the swamp and develop it for farming. The scheme was further expanded in the 1930s. From 1978 to 1995, land which Ngāti Tara Tokanui had traditionally occupied was taken under the Public Works Act for works related to the drainage scheme. Of the 2,500 acres Ngāti Tara Tokanui retained at 1896, only 232 acres remain as Māori freehold land today.

# Summary of the settlement between the Crown and Ngāti Tara Tokanui

## Overview

The Deed is the final settlement of all historical Te Tiriti o Waitangi/Treaty of Waitangi claims of Ngāti Tara Tokanui resulting from acts or omissions by the Crown before 21 September 1992, and is made up of a package that includes:

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

The benefits of the settlement will be available to all members of Ngāti Tara Tokanui wherever they may live.

## Crown acknowledgements and apology

The Deed contains acknowledgements that historical Crown actions or omissions caused prejudice to Ngāti Tara Tokanui or breached Te Tiriti o Waitangi/Treaty of Waitangi and its principles.

The Deed also includes a Crown apology to Ngāti Tara Tokanui for its acts and omissions which breached its obligations under Te Tiriti o Waitangi/Treaty of Waitangi and for the damage those actions caused to Ngāti Tara Tokanui. These include the promotion of laws and policies in Aotearoa New Zealand that led to the alienation of Ngāti Tara Tokanui land, caused environmental damage to the Waihou and Ohinemuri Rivers, eroded Ngāti Tara Tokanui tribal structures and dislocated them from their pā and kāinga. The Crown failed to uphold its obligations under Te Tiriti o Waitangi/Treaty of Waitangi and caused physical and spiritual hardship that is deeply felt by Ngāti Tara Tokanui today.

## Cultural redress

The cultural redress package for Ngāti Tara Tokanui intends to recognise the traditional, historical, cultural and spiritual associations of Ngāti Tara Tokanui with places and sites owned by the Crown within their area of interest.

## Sites vested in Ngāti Tara Tokanui

A total of seven sites of cultural significance will be vested in fee simple in Ngāti Tara Tokanui:

- Kepa Place (0.23 ha)
- Ngā Ure Tara (0.44 ha)
- Mimitu Pā (180.48 ha) subject to a conservation covenant
- Te Pou o Tiki Te Aroha (1.48 ha) as a scenic reserve
- Tawhitiaraia (261 ha) as a scenic reserve and subject to easements
- Ngāmarama (2.96 ha) as a recreation reserve
- Ngāti Koi Domain (54.13 ha) as a recreation reserve and jointly administered with the Hauraki District Council.

## Sites jointly vested in Ngāti Tara Tokanui

- Tanners Point property (0.20 ha) will be jointly vested as undivided half shares in Ngāti Tara Tokanui and Hako.
- Karangahake (Te Tihi o Karangahake Maunga) (10 ha) will be jointly vested as undivided third shares in Ngāti Tara Tokanui, Hako and Ngāti Tamaterā, subject to an easement and conservation covenant.

## WHENUA RĀHUI

An overlay classification (known as Whenua Rāhui) acknowledges the traditional, cultural, spiritual and historical association of Ngāti Tara Tokanui with certain sites of significance. The declaration of an area as an overlay classification provides for the Crown to acknowledge iwi values in relation to that area. The settlement provides a Whenua Rāhui over the Karangahake Scenic Reserve.

## Statutory acknowledgements

A statutory acknowledgement recognises the association between Ngāti Tara Tokanui and a particular site or area and enhances the ability of the iwi to participate in specified resource management processes. The Crown offers a statutory acknowledgement over the following areas:

- Aongatete River and its tributaries
- Waikino Conservation Area
- Karangahake Walkway Conservation Area
- Ohinemuri River and its tributaries
- Opoutere Beach Recreation Reserve
- Owharoa Falls Scenic Reserve
- Taingahue Stream and its tributaries (being Waitengae Stream and its tributaries)
- Uretara Stream and its tributaries
- Victoria Battery Historic Reserve
- Waiau River and its tributaries
- Waiorongomai (being part Kaimai Mamaku Conservation Park)
- Waimata Stream and its tributaries
- Wharekawa Burial Ground
- Coastal Statutory Acknowledgement Area.

## Relationships

### PROTOCOLS

The Deed will provide for the chief executive of Manatū Taonga – Ministry for Culture and Heritage and the Ministers for Primary Industries to issue protocols that set out how their respective agencies will interact with and consult the Ngāti Tara Tokanui governance entity when carrying out statutory duties and functions.

The Ngāti Tara Tokanui governance entity will enter into a conservation relationship agreement with the Department of Conservation that will outline how the department will engage with Ngāti Tara Tokanui.

### PROMOTION OF RELATIONSHIPS

The Minister for Treaty of Waitangi Negotiations will write to the following local authorities, Crown agencies and entities to raise the profile of Ngāti Tara Tokanui, advise them of matters of particular importance to the iwi and provide a platform for better engagement with the iwi:

- Hauraki District Council
- Thames-Coromandel District Council
- Western Bay of Plenty District Council
- Manukau Institute of Technology
- Massey University
- Ministry of Business and Innovation and Employment
- Ministry of Education
- Ministry for the Environment
- Ministry for Primary Industries
- Ministry for Social Development;
- Ngā Taonga Sound and Vision;
- Te Māngai Pāho;
- Te Taura Whiri i te Reo;
- Te Whare Wānanga o Awanuiārangi;
- University of Waikato; and
- Waikato Institute of Technology.

## STATEMENT OF ASSOCIATION WITH MOEHAU AND TE AROHA

The Deed will acknowledge that Ngāti Tara Tokanui has associations with, and asserts certain spiritual, cultural, historical and traditional values in relation to, the Moehau maunga and Te Aroha maunga.

## Cultural redress payment

The Crown will pay the Ngāti Tara Tokanui governance entity the following amounts on settlement date:

- \$100,000 towards the cultural revitalisation of Ngāti Tara Tokanui.
- \$344,166 to enable the purchase by the governance entity of three properties from the Pare Hauraki collective commercial entity.

## Financial and commercial redress

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

The total value of financial and commercial redress in this settlement is \$6 million.

## Financial redress

Ngāti Tara Tokanui has received \$4.1 million in on-account payments. The balance of \$1.9 million will be transferred on settlement date.

## Commercial redress

Ngāti Tara Tokanui will receive the right to purchase, for two years after the settlement date, the Paeroa College school site (land only) subject to its lease-back to the Crown. In the event that the school site becomes surplus to Crown's requirements, the Crown may give written notice to the governance entity advising it that the school site is no longer available for selection by the governance entity.

## Collective redress

Ngāti Tara Tokanui will receive collective redress as part of the Pare Hauraki Collective Redress Deed which includes collective cultural and commercial redress. The details of the redress can be found in the Pare Hauraki Collective Redress Deed settlement summary.

## MINERALS

Ownership of any Crown-owned minerals in land transferred to Ngāti Tara Tokanui under the Deed will also transfer to Ngāti Tara Tokanui. This does not include nationalised minerals (petroleum, gold, silver and uranium) or affect other lawful rights to subsurface minerals.

All land which is currently subject to Schedule 4 protection will continue to be subject to the same type of protection once owned by iwi.

## HARBOURS AND HAURAKI GULF

The settlement does not provide for redress in relation to Tikapa Moana/ the Hauraki Gulf and Te Tai Tamahine/Te Tai Tamawahine. The Crown and Ngāti Tara Tokanui have agreed to conduct separate negotiations in the future to discuss potential cultural redress in relation to these areas.

## Questions and answers

### 1. What is the total settlement package?

- Crown acknowledgements and apology for historical breaches of Te Tiriti o Waitangi/Treaty of Waitangi
- an agreed historical account
- cultural redress including the vesting of a number of sites in the Ngāti Tara Tokanui area of interest and relationship redress
- financial redress of a total of \$6 million (including previous on-account payments), and
- commercial redress involving the right to purchase a Crown property for up to two years.

Ngāti Tara Tokanui will receive collective redress as part of the Pare Hauraki Collective Redress Deed which includes collective cultural and commercial redress.

### 2. Is there any private land involved?

No.

### 3. Are the public's rights affected?

Generally, no. Where land is transferred with a reserve classification then the relevant provisions of the Reserves Act 1977 (including those concerning public access) will continue to apply.

### 4. Are any place names changed?

No.

### 5. What is a statutory acknowledgement?

A statutory acknowledgement recognises areas or sites with which iwi have a special relationship, and will be recognised in any relevant proceedings under the Resource Management Act 1991. 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. A statutory acknowledgement does not convey a property right and is non-exclusive.

### 6. What is a Whenua Rāhui?

Whenua Rāhui is the term used in the Ngāti Tara Tokanui settlement to refer to an overlay classification. An overlay classification acknowledges the traditional, cultural, spiritual and historical association of an iwi with certain sites of significance administered by the Department of Conservation.

An overlay classification status requires the Minister of Conservation and the settling group to develop and publicise a set of principles that will assist the Minister to avoid harming or diminishing values of the settling group with regard to that land. Te Pou Atawhai Aotearoa – New Zealand Conservation Authority and relevant Conservation Boards will also be required to have regard to the principles and consult with the settling group.

### 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. Do Ngāti Tara Tokanui have the right to come back and make further claims about the behaviour of the Crown in the 19th and 20th centuries?

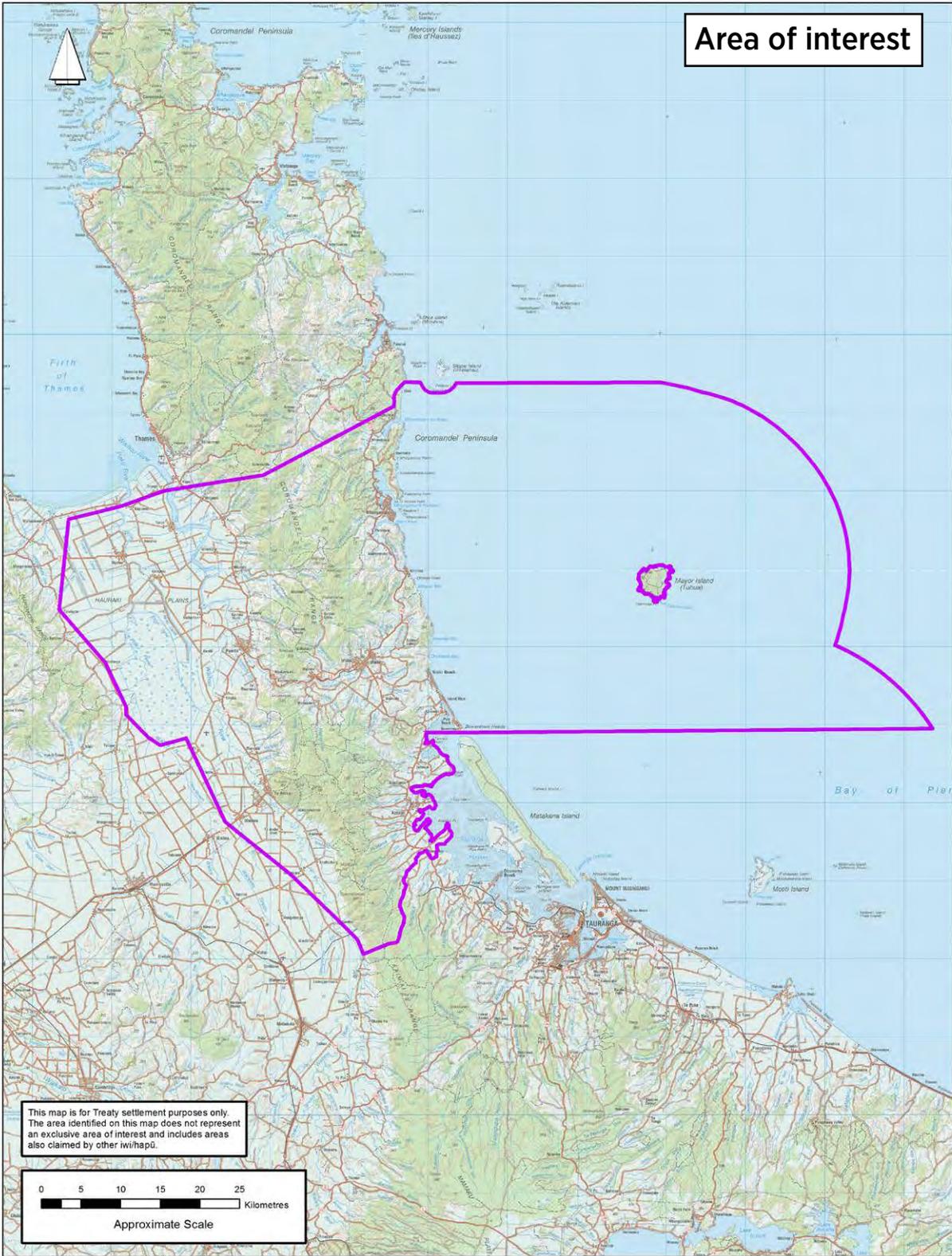
No. When the Deed is signed and settlement legislation is passed it will be a final and comprehensive settlement of all historical (relating to events before 21 September 1992) Treaty of Waitangi claims of Ngāti Tara Tokanui. The settlement legislation, once passed, will prevent the iwi re-litigating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

The settlement will still allow Ngāti Tara Tokanui 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.

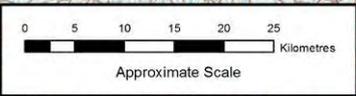
### 10. Who benefits from the settlement?

All members of Ngāti Tara Tokanui wherever they may now live.

**Area of interest**



This map is for Treaty settlement purposes only. The area identified on this map does not represent an exclusive area of interest and includes areas also claimed by other iwi/hapū.



South Auckland Land District  
 Territorial Authority: Thames-Coromandel,  
 Hauraki, Waikato, Matamata-Piako, Waipa  
 and Western Bay of Plenty Districts  
 Compiled as a graphic representation.  
 Boundaries are indicative only.



**Ngāti Tara Tokanui Area of Interest**

Areas referred to in the Deed of Settlement between  
 Ngāti Tara Tokanui and the Crown

Approved as to boundaries:  
 .....  
 for Ngāti Tara Tokanui  
 .....  
 for and on behalf of the Crown

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