

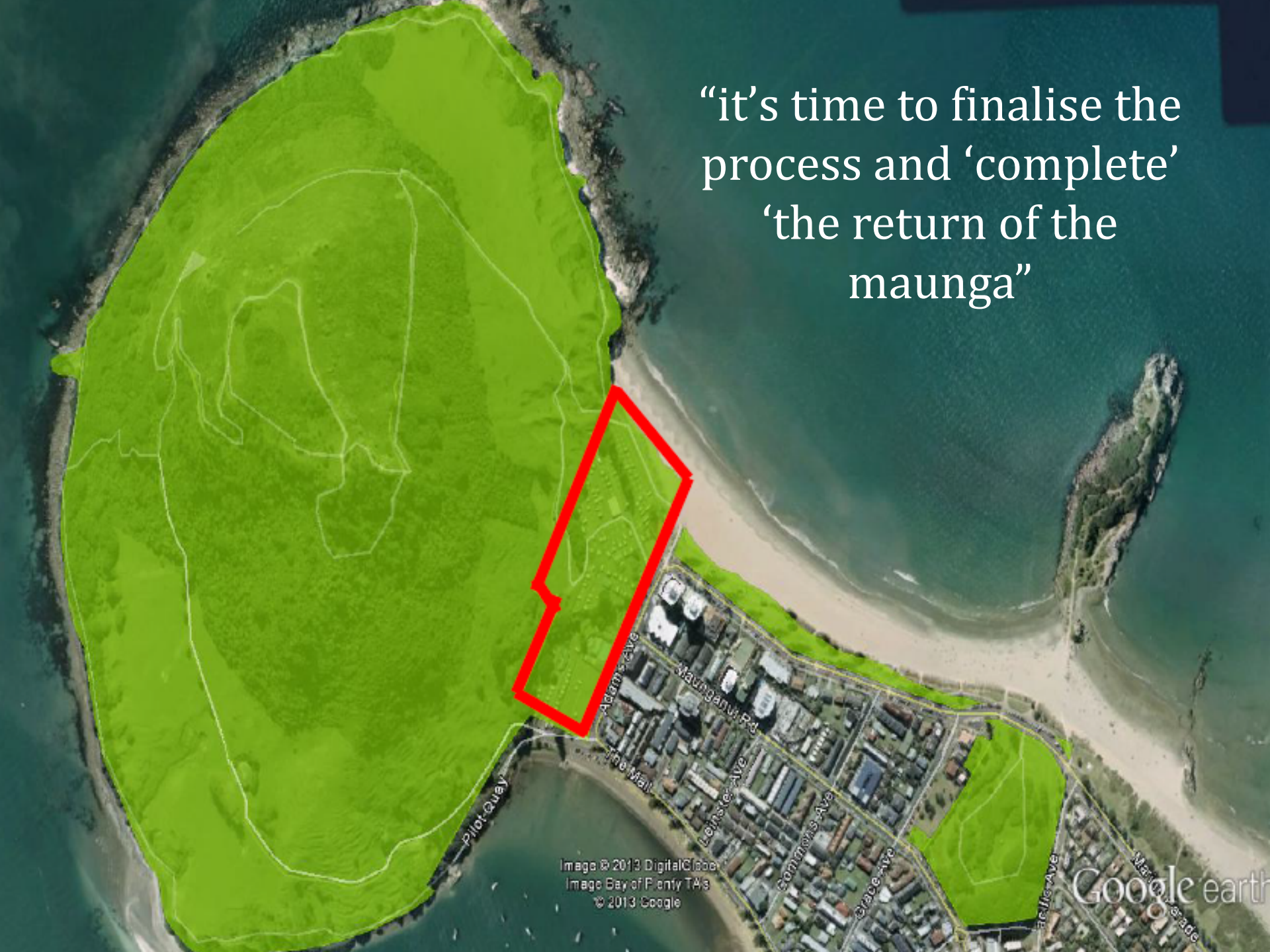


# ***Mauao Recreation Reserve***

Matching our aspirations for a greater future together

Ngai Te Rangi presentation to Tauranga City Council

“it’s time to finalise the process and ‘complete’ ‘the return of the maunga”



Section 19 Block VI Tauranga SURD

*Attributes*

APPELLATION	Section 19 Block VI Tauranga SURD
PARCEL_ACTION_STATUS	Current
PARCEL_ACTION	Create
PURPOSE	Recreation Reserve
NAME	
COMMENTS	
STATUTORY_ACTION_TYPE	Gazette Notice
STATUTORY_ACTION_STATUS	Current
GAZETTE_YEAR	1981
GAZETTE_PAGE	3065
GAZETTE_TYPE	New Zealand Gazette
OTHER_LEGALITY	
RECORDED_DATE	20011017
PAR_ID	4413085
STA_ID	87460
HECTARES	5.15

# Background

- } The information compiled as part of this presentation is through historical references and legal information; namely Roimata Minhinnick (1999), A Report on Mauao/Mount Maunganui, Evelyn Stokes (1992), Te Raupatu o Tauranga Moana.
- } The Waitangi Tribunal Raupatu Reports have also been utilised.

# History

- } 18 May 1865 – Ngai Te Rangi's land was confiscated by order in council under the New Zealand Settlements Act 1863.
- } The confiscation policy was intended to provide land for Pakeha settlement, but the inclusion of Mauao failed to recognise its special status for Ngai Te Rangi. The Waitangi Tribunal found that the Crown's confiscation of Mauao, which was not required for settlement purposes, and subsequent individualisation of tenure were 'poignant' treaty breaches *Waitangi Tribunal, 2004, pp. 330*

# History

- } The Tauranga District Lands Acts of 1867 and 1868 (the **Acts**) validated the original confiscation proclamation.
- } The Acts declared the entire district (290,000 acres) Crown land, but provided that three-quarters would be returned to Maori ownership, in accordance with promises made by Governor Grey.
- } The Acts also provided that the land not retained by the Crown would be returned to Maori after 'due enquiry'.

# Waikorire – Mauao Recreation Reserve

- } As part of the process of returning the land to Ngai Te Rangi, what is now known as the Mauao Recreation Reserve was originally part of the Waikorire Block awarded to Ngai Tukairangi Hapu by Commissioner Wilson (circa 1880).
- } Commissioner Brabant replaced Wilson and in 1881 Waikorire was granted to 50 individuals.
- } By 1886 Mauao in its entirety had been purchased by the Crown, Hori Ngatai was unwilling to sell and was the most publically pressured.

# Crown pressure

Wakorire was dealt with on September 13 1881. The list [of owners] was passed but a request was made by the owners to have the land made inalienable. The Court replied it had no authority to prevent the Government from purchasing the land." (McCaw Lewis Chapman, 1992, p.18)

# Crown Pressure

- } “This pressure on non-sellers is likely to have been heightened due to the fact that the cost of surveying the land was more than the financial value of the land itself. It is not surprising then that those who had been ‘granted’, or more appropriately, were returned their own land, opted to sell, (the so called ‘willing sellers’) since to retain the land meant having it surveyed, an expense one can safely assume few (if any) owners could afford.” (Minhinnick, 1999, p. 91)

# Waitangi Tribunal Findings

*“It is clear, however, from the reasons given by the Crown in the 1880s for its purchasing, from the means by which the Mauao blocks were purchased, and from the creation of the Mount Maunganui recreation reserve in 1888 that this relationship was never a factor in the Crown’s acquisition of Mauao. Pakeha recreation, quarrying, defence concerns, and navigation were among the reasons why the Crown deemed it necessary to purchase Mauao; Maori associations with the mountain were not. The Crown thus failed to protect the rangatiratanga of local Maori over their taonga when it acquired Mauao. This is a significant breach of the Treaty.” (Waitangi Tribunal, 2004, pp. 330–331)*

# Waitangi Tribunal Findings

*The Crown pursued a determined strategy to purchase shares from individuals without the unanimous consent of either the hapu that had customary rights at Mauao or even the narrower body of ownership who had received Crown titles. Minority interests in blocks were usually purchased as they became available, and this was done without the consent of Ngatai, the leading rangatira of the area... The Crown clearly undermined his authority in the awarding and purchasing of Mauao. By purchasing Mauao in the manner described, the Crown breached its article 2 Treaty obligation actively to protect the rangatiratanga of Tauranga Maori by failing to respect the right of hapu to deal with their land in a collective manner (Waitangi Tribunal, 2004, pp. 330)*

# 1980 – on transfer to Local Authority

- } The Mauao Recreation reserve remained in Crown ownership until 1980. In January 1980, section 26A was inserted into the Reserves Act 1977 (through s 11 of the Reserves Amendment Act 1979) which provided for the vesting of the Mauao Recreational Reserve into the Mount Maunganui Borough Council which later became amalgamated to form the Tauranga City Council.
- } **This transfer occurred at no cost to Council.**

# Mauao historical reserve vesting paves the way

- } The Crown returned the Mauao Historical Reserve to all Tauranga Moana tribes in 2008, that is an enormously important achievement.
- } However, support for return by Ngai Te Rangi was conditional on a special part of Mauao (the recreation reserve) being set aside for Ngai Te Rangi, particularly Ngai Tukairangi to pursue with Council.
- } The special relationship that Ngai Tukairangi holds is also recognised by Council in the Mt Hot Pools MOU (December 2008), and the Holiday Park MOU (September 2010) between Ngai Tukairangi, Ngai Te Rangi and TCC.

# Mana Whenua/Ngai Te Rangi Interests

Clause 1 in Mt Hot Pools MOU and Holiday Park MOU between Ngai Tukairangi, Ngai Te Rangi and TCC:

*“Ngai Tukairangi hapu and Ngai Te Rangi Iwi are recognised as the predominant tangata whenua groups in Mount Maunganui, and in particular, regarding the Mauao Recreation Reserve.”*

# Future Direction

Clause 7 in Mt Hot Pools MOU and Holiday Park MOU with Ngai Tukairangi, Ngai Te Rangi and TCC:

*“The future governance and management of the Mauao recreational reserve is something that should be considered by the Tauranga City Council, Ngai Tukairangi Hapu and Ngai Te Rangi Iwi and Crown representatives”*


# Proposal

The reconnection of Ngai Tukairangi and therefore Ngai Te Rangi to Mauao is paramount. In light of the current settlement climate, there is an opportunity for Tauranga City Council to contribute to history by completing the return of the entire mountain.

## What would be involved?

- Return of title to Ngai Te Rangi;
- No disruption of continued range of commercial activities as they currently occur, business as usual;
- Guaranteed public access; and
- Input into development of management plan by Ngai Tukairangi Hapu Representative.

# Benefits to Tauranga City Council

- } Delivery of long standing aspiration for our people;
  - } Opportunity to not only observe the Treaty settlement process, but to be a vested participant in the Treaty settlement process for Tauranga; and
  - } Opportunity to resolve any management issues on this site with tangata whenua.
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# Tauranga Moana Iwi Support

- } Tauranga Moana Iwi support Ngai Te Rangi pursuing return of the Mauao Recreation Reserve.
  - Existing arrangements and relationships with hapu in the management plans will remain.
- } Joint management by Ngai Te Rangi and Ngati Ranginui on commercial arrangements.
- } Ngati Pukenga supports this approach.

# 1952

## Okahu Bay & Bastion Pt

1. Ngati Whatua o Orakei were forcibly removed from Okahu Bay land and their houses burnt in preparation for Queens visit. The lands were turned in to recreation reserves for the public with Council management with sports clubs to restaurants being permitted activities.
2. Only the cemetery was excluded and managed by Ngati Whatua Orakei from 1952 to 1991.
3. **Through the Orakei Act 1991:**
  1. The land was vested in the hapu (right down to the high water mark);
  2. Joint administration by the Council and Hapu (Orakei Reserves Board);
    1. Fully resourced by Council;
    2. Equal representation from Council and Hapu;
    3. The Orakei Reserves Board Chaired by the Hapu with the Hapu holding a casting vote.
      1. Despite initial protests of Auckland City Council to casting vote, it has never been used.
  3. Public access & use guaranteed – no one has been stopped from going to the sports club, restaurant or beach on the original land.
  4. Further compensation paid for hurt caused to Hapu over and above original 'compensation'.

# Orakei

*“...from the trauma and the ashes the Crown restored title to Orakei’s 150 acre ‘Whenua Rangatira’... The arrangement has worked successfully and without untoward incident since its inception in 1992 ... It is a benign but efficient regime; and here at least the mana of Ngati Whatua stands tall, intact and protected ... [P]ublic access to the foreshore of Okahu Bay has been unrestricted from the day title returned to Ngati Whatua”*

*Sir Hugh Kawharu – promoting co-governance of the foreshore and seabed during the ‘consultation’ process*

## **Treaty of Waitangi Settlement: Taumata wiiwii Site Lake Karapiro**

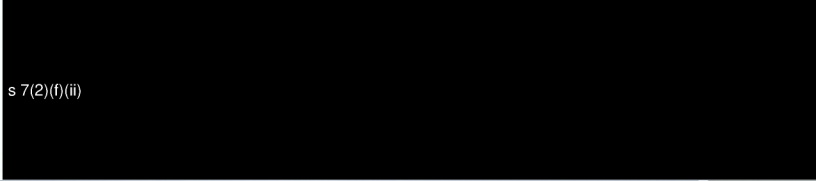
Council has been requested by the Office of Treaty Settlements, to provide you with confirmation that the Waipa District Council is supportive of the Crown administered Taumata wiiwii Reserve being returned to the Taumata wiiwii Trust.

I can confirm that:


1. Any previous agreement between Council and the Crown to vest the land is revoked
2. Council agrees to the Taumata wiiwii Reserve being vested in Ngati Koroki Kahukura as Treaty Settlement redress
3. The vesting is subject to the Reserve status that currently applies
4. The vesting would provide for the joint administration between NKK and Waipa District Council

Further, we understand NKK wish the current activities on the site to continue and that site will be used to extend the Te Awa Cycle way south to the official rowing start line. There is one tenet on the site, being the Brookland Water Ski Club. We understand NKK are happy for this tenancy to continue and for Council to manage this tenancy on their behalf.

Yours sincerely



# Treaty Settlement Timeframe

- } It is anticipated that Ngai Te Rangi will initial our Deed of Settlement by **28 June 2013**;
  - } The signing of the Deed of Settlement is proposed for **30 August 2013**; and
  - } Settlement legislation is anticipated to have its first reading in the house of representatives by the end of this year.
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# TCC Mayor and CEO Meeting

- } Looking for support to present proposal to full Council on 24 June 2013.
  - Will provide additional research by Monday.
  - Questions?