

NGATARAWA CLAIM: WAI 596

UPDATE REPORT

17 September 2020

OVERVIEW

The Ngatarawa Block claim was filed on 7 May 1996 by Irimana (Alex) Matenga.

The claimant sought the return of land, originally acquired under the Public Works Act 1894 by Proclamation in 1898, declared to be Crown land in 1912, reserved temporarily in 1913 under the Land Act 1908 for the improvement and protection of the Ngaruroro River, then permanently reserved two months later (in 1913) and a month later the lands were vested in the Hawkes Bay River Board (in trust): refer attachments for Wai 596 and associated land map.

The lands are presently held by the HB Regional Council for flood protection; a portion of the land has also been mined for limestone.

The claim is currently being managed by Olivia Thompson for, and on behalf of, the whanau whanui.

BACKGROUND

He Toa Takitini (HTT) gave notice of the claim to HBRC on 12 December 2016: *refer attached letter*.

Intensive engagement occurred between HBRC and HTT from 2016 with an undertaking from the HBRC Chairman, Rex Graham, to return the lands by transfer to the claimants, with Council reserving access for flood control purposes.

This undertaking was supported by the Chief Executive, who issued instructions to legal counsel to draft the necessary documentation. The plan was for the Crown to facilitate the transfer through the Heretaunga Tamatea Claims Settlement Act 2018, by way of a supplementary order paper.

For various reasons this was not possible and the HBRC sought to transfer the land by conventional means in exchange for consideration. Legal advice challenged the legality of an alienation without proceeding through the offer back process in the Public Works Act and whilst preserving the right of access.

The next step, a proposed a lease in perpetuity, was also challengable on the same grounds as tantamount to an alienation. The longest term and mechanism that HBRC felt it could lawfully offer was a ten year licence.

DEVELOPMENTS

Matters have not traversed further since, with HBRC considering a delegation to HTST pursuant to section 33 of the Resource Management Act.

NEXT STEPS

HTST has engaged counsel to assist in advancing the negotiation.

Relevant documentation has been engaged between HBRC and Vertongen Law and arrangements are being made for a Zoom hui next week to discuss next steps.
