NGĀI TE RANGI

and

NGĀ PŌTIKI

and

NGĀI TE RANGI SETTLEMENT TRUST

and

NGĀ PŌTIKI A TAMAPAHORE TRUST

and

THE CROWN

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# DEED OF SETTLEMENT: ATTACHMENTS

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# 1. AREA OF INTEREST

## 1: AREA OF INTEREST

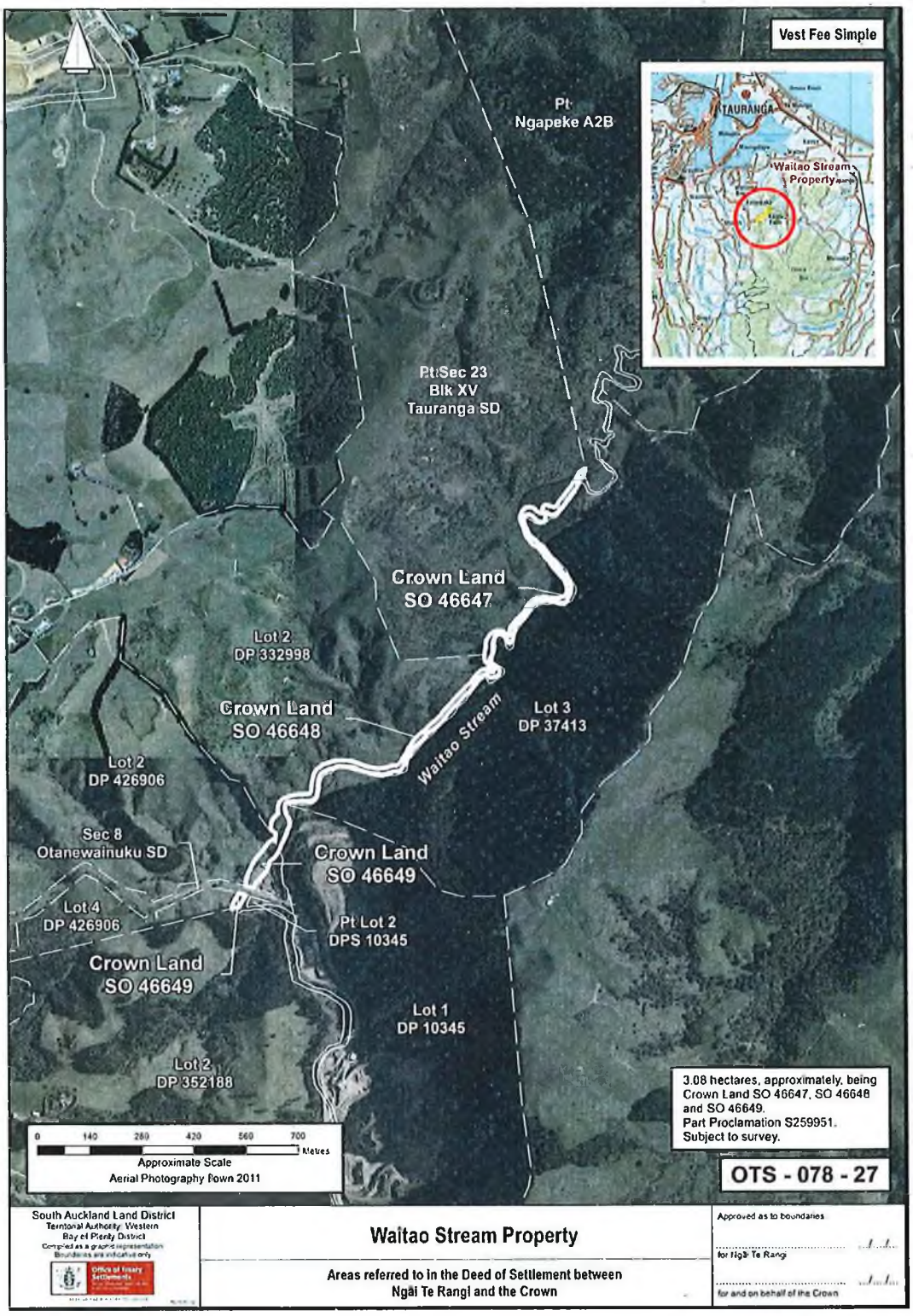
# 2. DEED PLANS

## 2.1 CULTURAL REDRESS PROPERTIES

## MOTUOTAU ISLAND (OTS 078-08)

## 2.1: CULTURAL REDRESS PROPERTIES

# WAITAO STREAM PROPERTY (OTS 078-27)

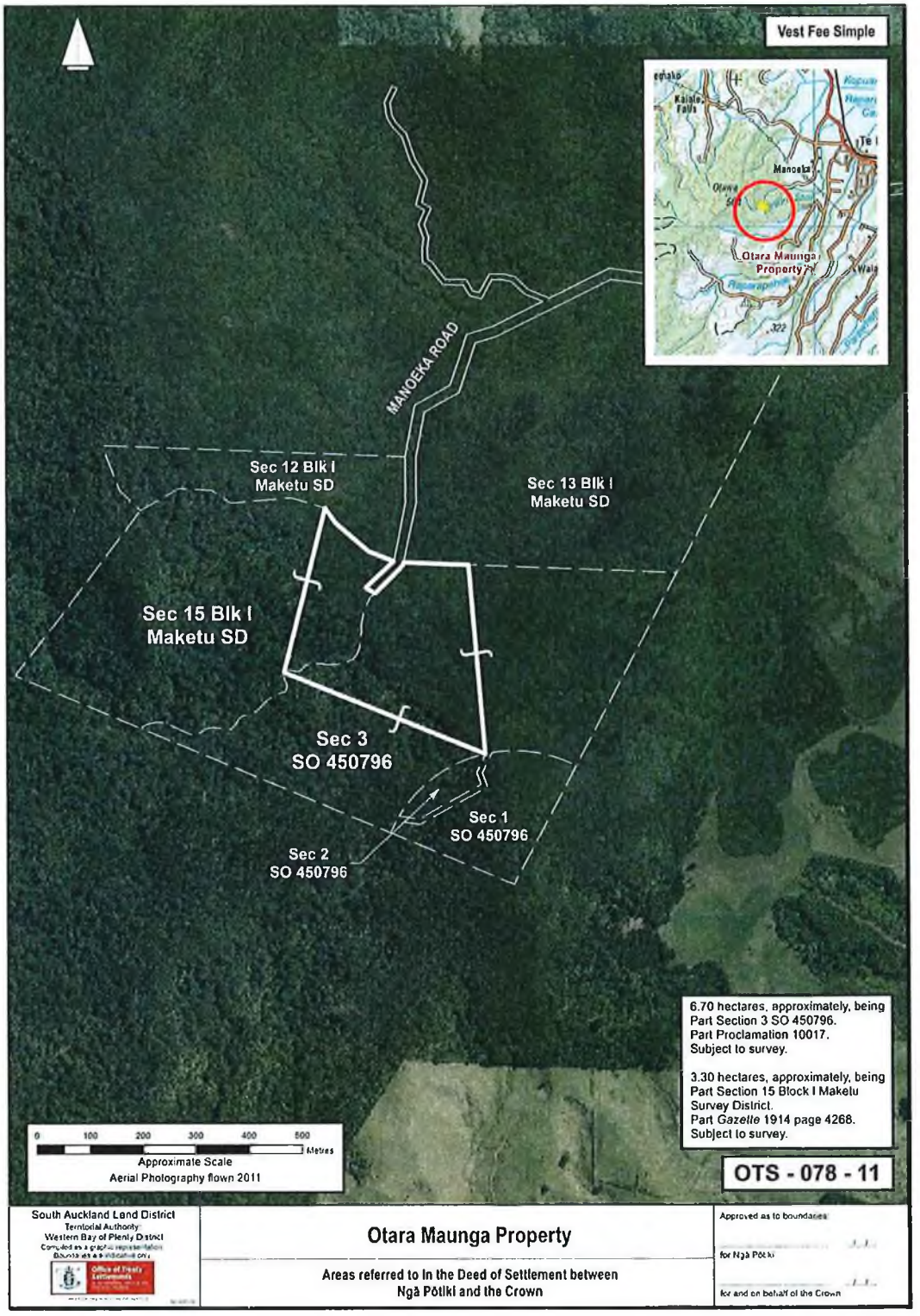


## 2.1: CULTURAL REDRESS PROPERTIES

### KAREWA ISLAND (OTS 078-09)

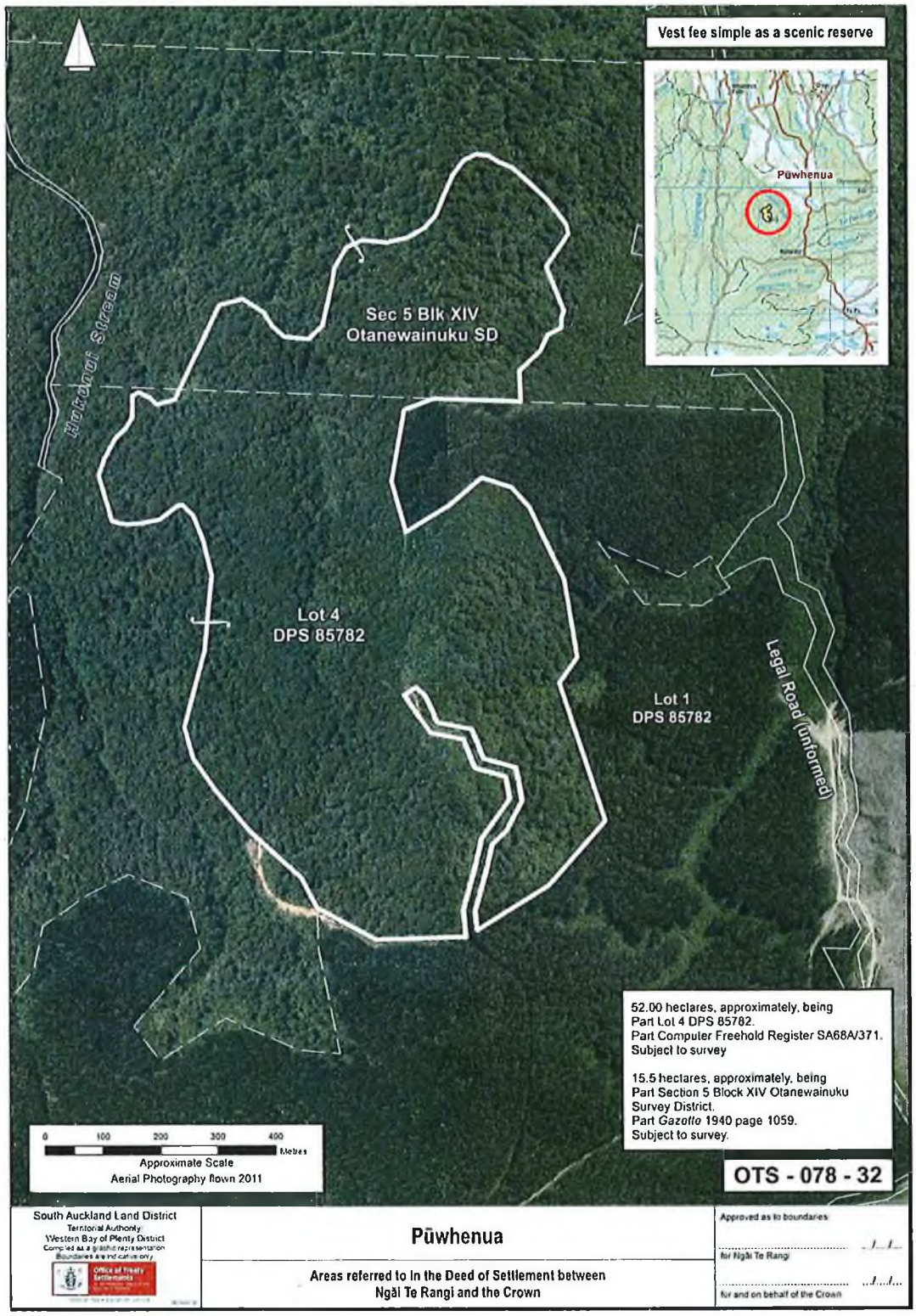
## 2.1: CULTURAL REDRESS PROPERTIES

# OTARA MAUNGA PROPERTY (OTS 078-11)



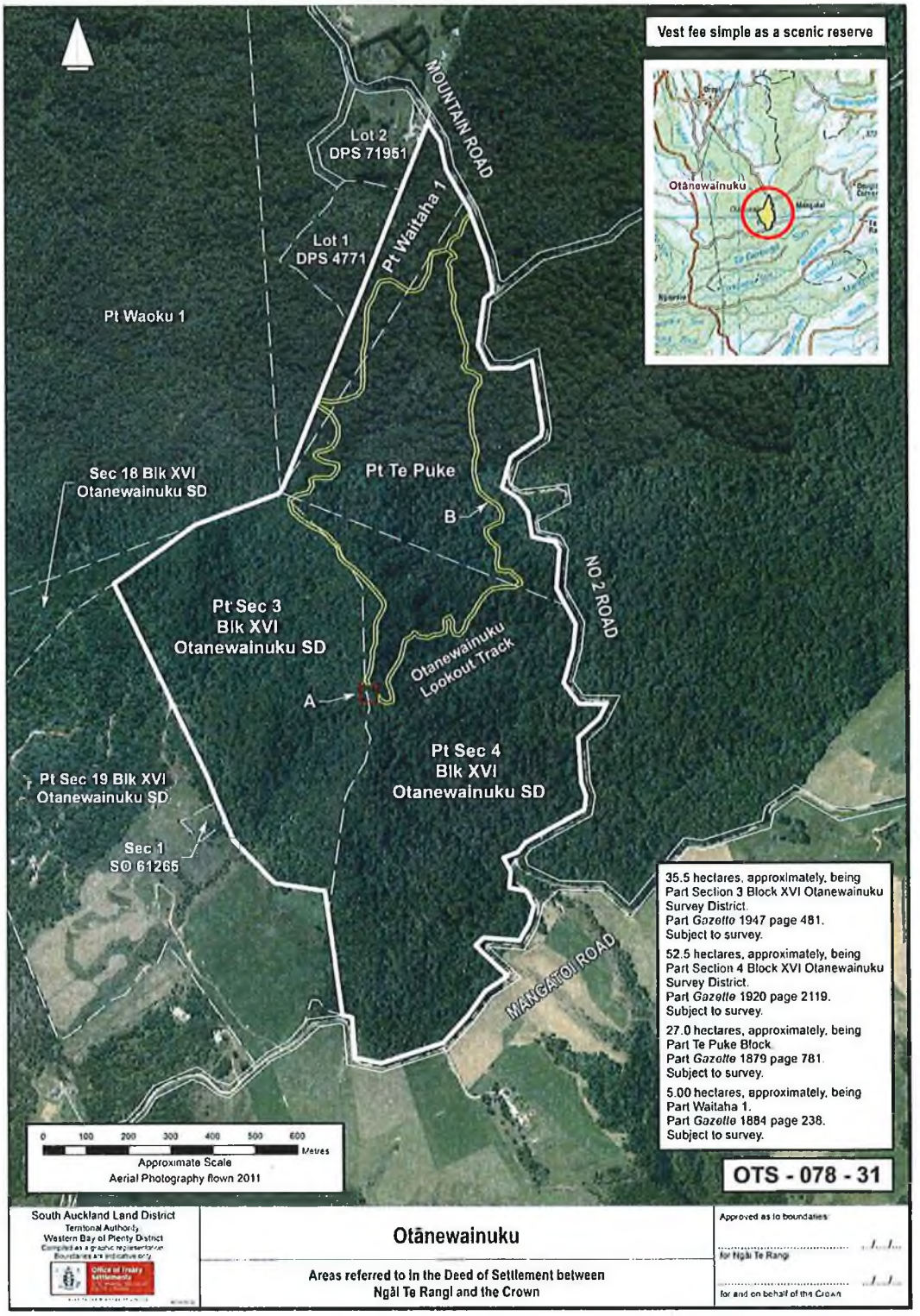
## 2.1: CULTURAL REDRESS PROPERTIES

### PŪWHENUA (OTS 078-32)



## 2.1: CULTURAL REDRESS PROPERTIES

# OTĀNEWAINUKU (OTS 078-31)



## 2.2 STATUTORY ACKNOWLEDGEMENT AREAS

## 2.2: STATUTORY ACKNOWLEDGEMENT AREAS

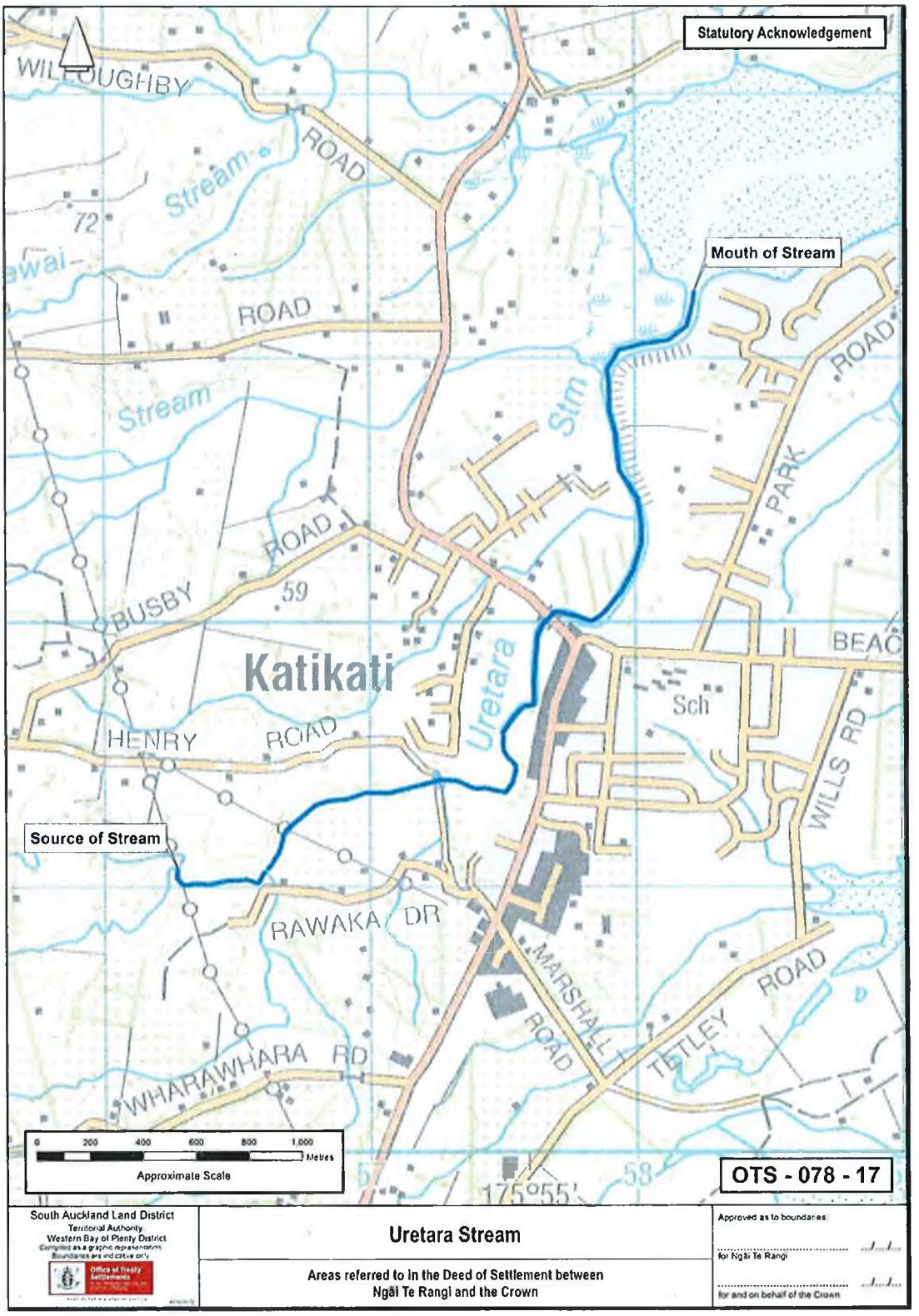
AONGATETE (OTS-078-03)

## 2.2: STATUTORY ACKNOWLEDGEMENT AREAS

### WAIAU RIVER (OTS-078-15)

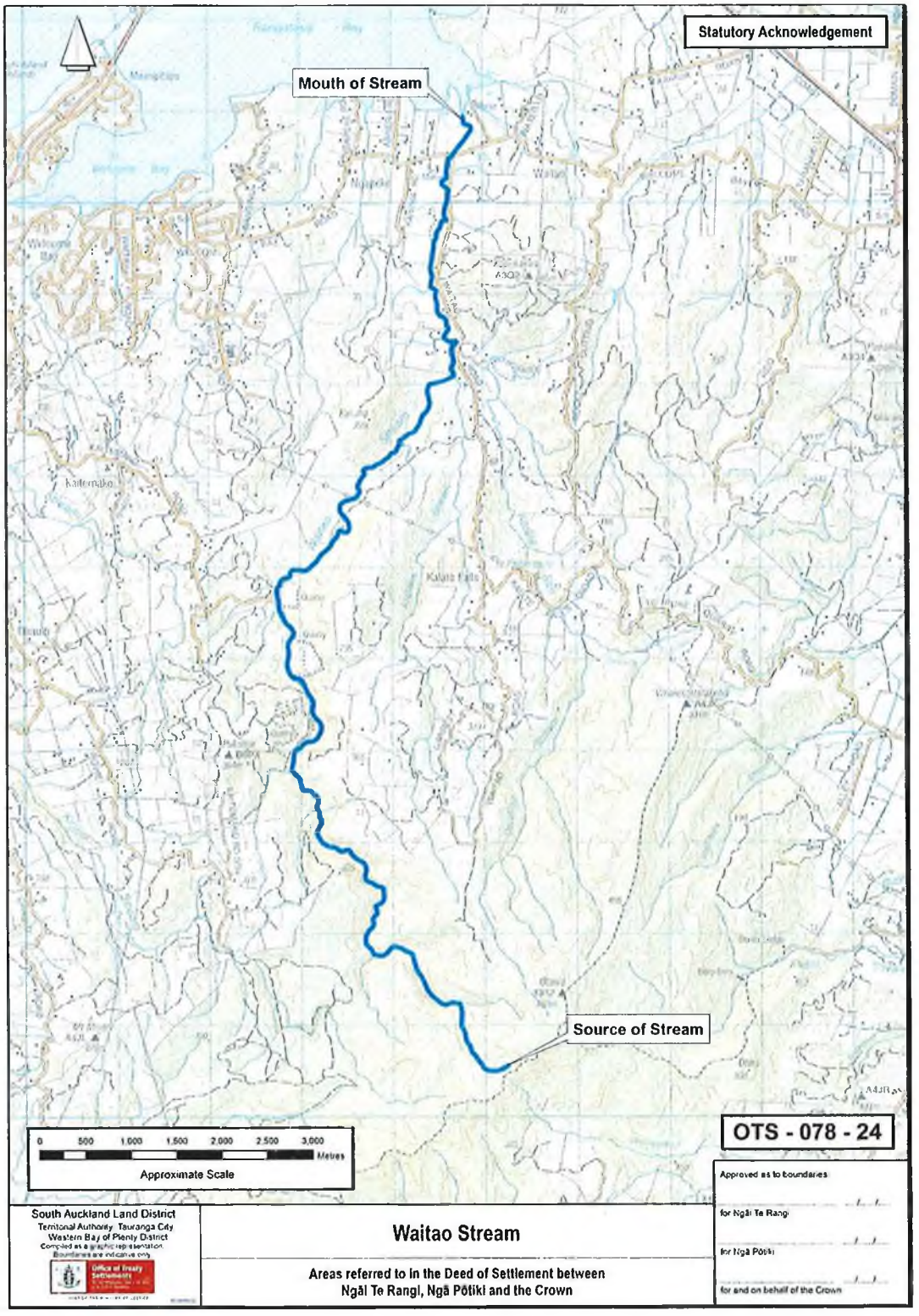
## 2.2: STATUTORY ACKNOWLEDGEMENT AREAS

### URETARA STREAM (OTS-078-17)



## 2.2: STATUTORY ACKNOWLEDGEMENT AREAS

### WAITAO STREAM (OTS-078-24)



## 2.2: STATUTORY ACKNOWLEDGEMENT AREAS

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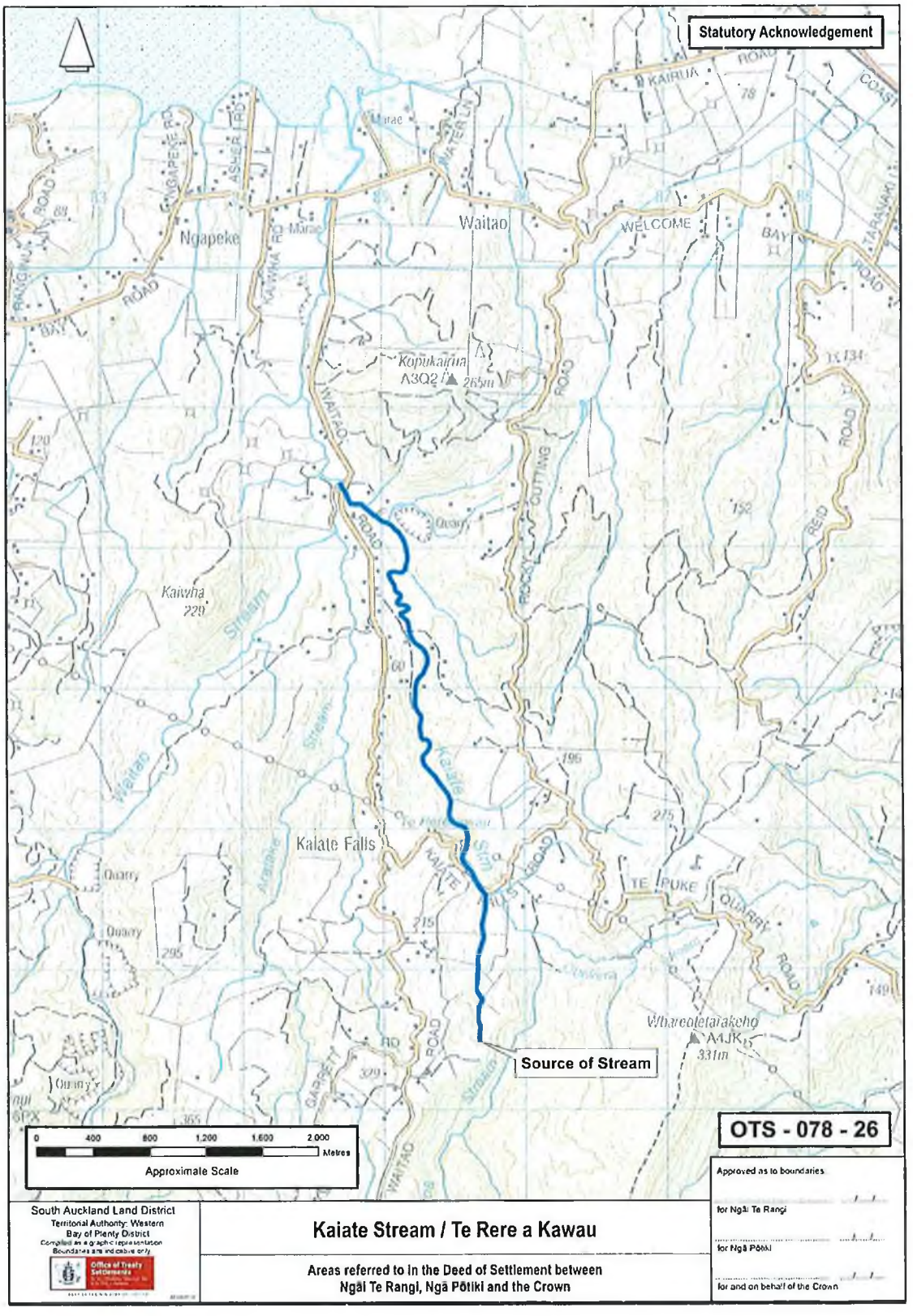


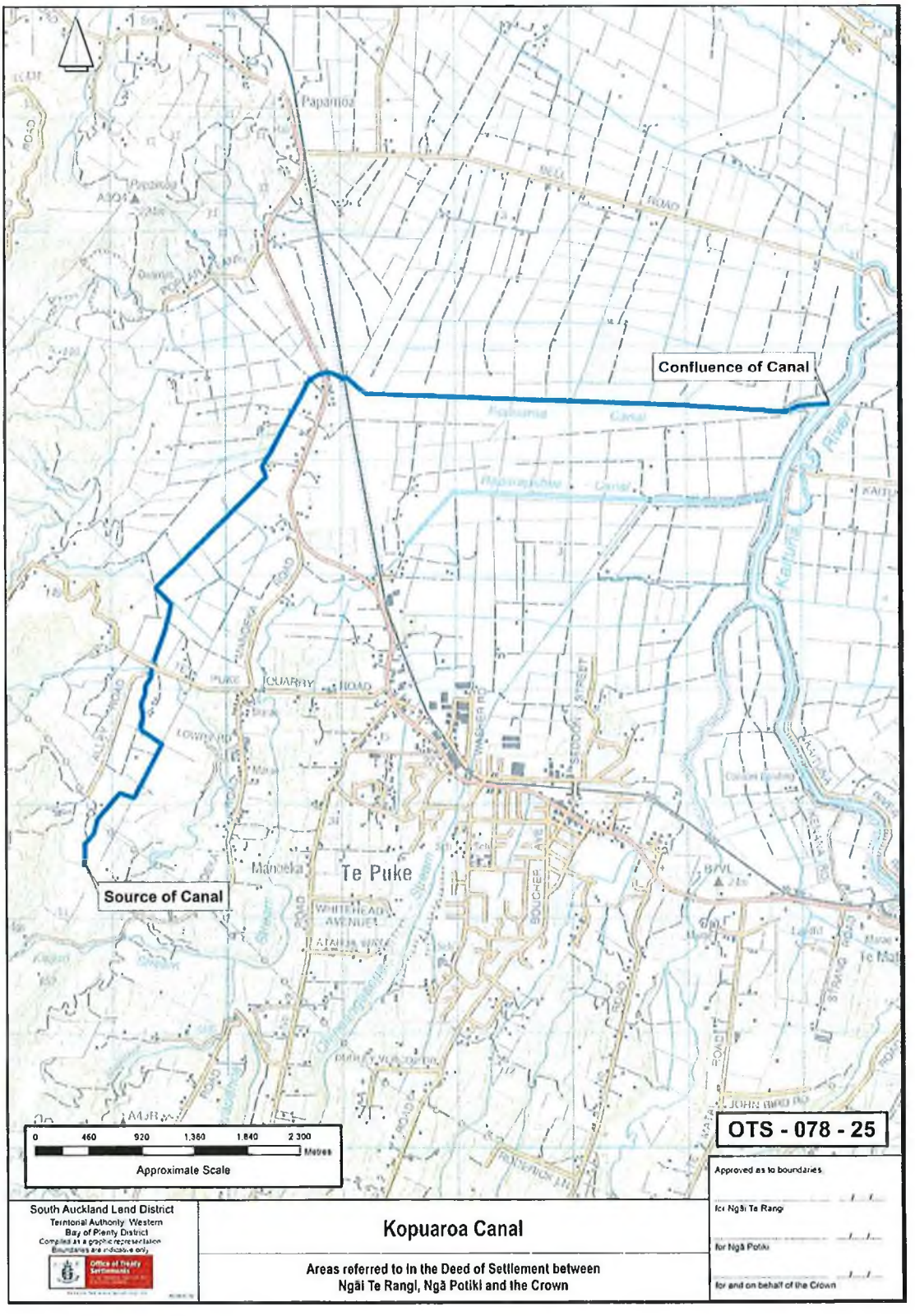
## 2.2: STATUTORY ACKNOWLEDGEMENT AREAS

### WAIOROORO KI MAKETU (OTS-078-13)

## 2.3 STATEMENTS OF ASSOCIATION AREAS

## 2.3: STATEMENTS OF ASSOCIATION AREAS

### KOPUAROA CANAL (OTS 078-25)



## 2.3: STATEMENTS OF ASSOCIATION AREAS

### WAIOROORO STREAM (OTS 078-14)

## WAIRAKEI RIVER (OTS 078-22)

# 3. RFR LAND

## RFR LAND

| Agency | Name of site | Location | Legal Description | Relevant governance entity |
|---|---|---|---|---|
| NZ Police | Mt Maunganui Police Station | 6 Salisbury Avenue, Mount Maunganui | 0.1536 hectares, approximately, being Part Section 4 Block VII Tauranga Survey District SO Plan 29946. All Proclamation 9866. Subject to survey.<br>0.0175 hectares, approximately, being Part Section 4 Block VII Tauranga Survey District. Balance Proclamation S8757. Subject to survey. | Ngāi Te Rangi governance entity |
| NZ Police | Papamoa Police Station | 530 Papamoa Beach Road, Papamoa | 0.0822 hectares, more or less, being Lot 4 DPS 8369. All computer freehold register SA2B/1145. | Ngā Pōtiki governance entity |
| Tauranga District Council (Crown reversionary interest) | Mauao Recreation Reserve | | 5.1500 hectares, more or less, being Section 19 Block VI Tauranga Survey District. All computer freehold register SA61D/711. | Ngāi Te Rangi governance entity |
| Ministry of Education | Maungatapu School site | | 1.2141 hectares, approximately, being Part Maungatapu 1. All Proclamation 2999. Subject to survey.<br>0.9500 hectares, more or less, being Lots 34, 35 and 36 DPS 10242. Balance *Gazette* notice S346007.<br>0.7987 hectares, more or less, being Maungatapu 1D2B3A. All Proclamation S153940. | Ngāi Te Rangi governance entity |

3: RFR LAND

| Agency | Name of site | Location | Legal Description | Relevant governance entity |
|---|---|---|---|---|
| Ministry of Education | Te Kura o Matapihi site | | 1.2070 hectares, approximately, being Part Hungahungatoroa 1 and 2. Balance computer interest register 516790. Subject to survey.<br>1.4569 hectares, approximately, being Parts Hungahungatoroa 1B and 2 and Part Matapihi 1A3D8. Part Proclamation 11336. Subject to survey. | Ngāi Te Rangi governance entity |
| Ministry of Education | Te Kura o te Moutere o Matakana site | | 2.0234 hectares, approximately, being Part Opureora. All Transfer 20323. Subject to survey.<br>0.1351 hectares, approximately, being Part Umuhapuku 2A. Balance Proclamation 7760. Subject to survey.<br>2.4281 hectares, approximately, being Section 1 Block II Tauranga Survey District. All *Gazette* notice S105624. Subject to survey. | Ngāi Te Rangi governance entity |
| Ministry of Education | Mount Maunganui College site | | 8.3361 hectares, approximately, being Part Lot 2 DP 31875 and Lot 1 DPS 54627. Balance Proclamation S86416. Subject to survey. | Ngāi Te Rangi governance entity |

3: RFR LAND

| Agency | Name of site | Location | Legal Description | Relevant governance entity |
|---|---|---|---|---|
| Ministry of Education | Omanu Primary School site | | 2.5987 hectares, more or less, being Lots 205 and 232 DPS 904. Balance Proclamation S32236.<br>0.0809 hectares, more or less, being Lot 206 DPS 904. All computer freehold register SA43C/391. | Ngāi Te Rangi governance entity |
| Ministry of Education | Selwyn Ridge Primary School site | | 2.2510 hectares, more or less, being Lot 1 DPS 27302. All *Gazette* notice H278643.<br>0.2296 hectares, approximately, being Part Section 15 Block XV Tauranga Survey District. All *Gazette* notice H310410. Subject to survey. | Ngāi Te Rangi governance entity |
| New Zealand Transport Agency | | 224 Tara Road, Papamoa | 1.0090 hectares, more or less, being Lot 4 DPS 54529. All computer freehold register SA45C/445. | Ngā Pōtiki governance entity |
| New Zealand Transport Agency | | Tara Road, Tauranga | 0.5439 hectares, more or less, being Part Lot 1 DP 11789. All computer freehold register SA46C/382. | Ngā Pōtiki governance entity |
| New Zealand Transport Agency | | 1149L Bell Road, Papamoa | 21.7659 hectares, more or less, being Section 10 SO 458365. All computer freehold register 606875.<br>12.9127 hectares, more or less, being Section 11 SO 458365. All computer freehold register 606877.<br>1.7884 hectares, more or less, being Section 12 SO 458365. All *Gazette* notice 9281362.4. | Ngā Pōtiki governance entity |

3: RFR LAND

| Agency | Name of site | Location | Legal Description | Relevant governance entity |
|---|---|---|---|---|
| | | | 6.9201 hectares, more or less, being Lot 3 DPS 10111. All computer freehold register SA54B/213.<br>2.0442 hectares, more or less, being Lot 1 DPS 66482. All computer freehold register SA55D/715. | |
| New Zealand Transport Agency | | Tara and Domain Roads, Tauranga | 3.9542 hectares, more or less, being Section 23 SO 457368. All computer freehold register 607327. | Ngā Pōtiki governance entity |

# 4. DRAFT SETTLEMENT BILL

**DRAFT BILL FOR ATTACHMENT TO SIGNED DEED OF SETTLEMENT.**
This Bill is subject to further instructions, peer review, and other PCO quality assurance measures.

# Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Bill

Government Bill

## Explanatory note

### General policy statement

### Departmental disclosure statement

The Ministry of Justice is required to prepare a disclosure statement to assist with the scrutiny of this Bill. It provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at [PPU to insert URL and link].

### Clause by clause analysis

*Clause*

*Hon Christopher Finlayson*

# Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Bill

Government Bill

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**The Parliament of New Zealand enacts as follows:**

### 1 Title

This Act is the Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Act **2013**.

### 2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

# Part 1
# Preliminary matters, acknowledgements and apology, and settlement of historical claims

*Preliminary matters*

### 3 Purpose

The purpose of this Act is—

(a) to record the acknowledgements and apology given by the Crown to Ngāi Te Rangi and Ngā Pōtiki in the deed of settlement; and

(b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngāi Te Rangi and Ngā Pōtiki.

### 4 Provisions to take effect on settlement date

(1) The provisions of this Act take effect on the settlement date unless stated otherwise.

(2) Before the date on which a provision takes effect, a person may prepare or sign a document or do anything else that is required for—

(a) the provision to have full effect on that date; or

(b) a power to be exercised under the provision on that date; or

(c) a duty to be performed under the provision on that date.

### 5 Act binds the Crown

This Act binds the Crown.

### 6 Outline

(1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of this Act or of the deed of settlement.

(2) This Part—

(a) sets out the purpose of this Act; and

(b) provides that the provisions of this Act take effect on the settlement date unless a provision states otherwise; and

(c) specifies that the Act binds the Crown; and

(d) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Ngāi Te Rangi and Ngā Pōtiki, as recorded in the deed of settlement; and

(e) defines terms used in this Act, including key terms such as Ngāi Te Rangi, Ngā Pōtiki, and historical claims; and

(f) provides that the settlement of the historical claims is final; and

(g) provides for—

(i) the effect of the settlement of the historical claims on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims; and

(ii) a consequential amendment to the Treaty of Waitangi Act 1975; and

(iii) the effect of the settlement on certain memorials; and

(iv) the exclusion of the law against perpetuities; and

(v) access to the deed of settlement.

(3) **Part 2** provides for cultural redress, including—

(a) cultural redress that does not involve the vesting of land, namely,—

(i) a statutory acknowledgement by the Crown of the statements made by Ngāi Te Rangi and Ngā Pōtiki of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement; and

(ii) the provision of official geographic names; and

(b) cultural redress requiring vesting in the trustees of the Ngāi Te Rangi Settlement Trust or the trustees of the Ngā Pōtiki a Tamapahore Trust of the fee simple estate in certain cultural redress properties.

(4) **Part 3** provides for commercial redress, including the power to transfer commercial properties and deferred selection properties, and the right of first refusal over RFR land.

(5) There are 4 schedules, as follows:

(a) **Schedule 1** sets out the historical claims relating to Ngāi Te Rangi and Ngā Pōtiki:

(b) **Schedule 2** describes the statutory areas to which the statutory acknowledgement relates:

(c) **Schedule 3** describes the cultural redress properties:

(d) **Schedule 4** sets out provisions that apply to notices given in relation to RFR land.

*Summary of historical background, acknowledgements, and apology of the Crown*

### 7 Summary of historical background, acknowledgements, and apology

(1) **Section 8** summarises the historical background in the deed of settlement, setting out the basis for the acknowledgements and apology.

(2) **Sections 9 and 10** record the text of the acknowledgements and apology given by the Crown to Ngāi Te Rangi and Ngā Pōtiki in the deed of settlement.

(3) The acknowledgements and apology are to be read together with the historical account recorded in part 2 of the deed of settlement.

### 8 Summary of historical background

*Historical Background to claims by Ngāi Te Rangi*

(1) During the 1840s and 1850s, the Crown had a limited presence in Tauranga. Ngāi Te Rangi continued to operate under their traditional tikanga and authority.

(2) In 1858 the Kīngitanga was founded to create a Māori political authority that could engage with the Crown. Many Ngāi Te Rangi hapū and individuals supported the Kīngitanga. During the early stages of the Waikato war, Ngāi Te Rangi supplied food, weapons, ammunition and men to their Waikato allies. In January 1864 the Crown sent troops to Tauranga to disrupt this, and in April Ngāi Te Rangi defeated the Crown at the battle of Pukehinahina (Gate Pā). In June Crown troops defeated Māori forces at Te Ranga.

(3) Between 1865 and 1868 the Crown established a confiscation district in Tauranga covering 290 000 acres to punish

Māori who had opposed the Crown. Governor Grey undertook to return three-quarters of the district and retain one-quarter of the lands of rebels. Ngāi Te Rangi rangatira understood that only those considered to be in rebellion would lose a quarter of their lands. The Crown instead retained a 50 000 acre block between the Waimapu and Wairoa Rivers. This included key Ngāi Te Rangi settlements on the Te Papa and Otumoetai peninsulas and other Ngāi Te Rangi settlements and resource-gathering sites in the ranges. The remaining lands in the confiscation district in which Ngāi Te Rangi held interests were returned by the Crown to individuals rather than hapū. This was a slow process which was not completed until the mid-1880s.

(4) In 1865 prominent Ngāi Te Rangi rangatira Hori Tupaea became associated with Pai Marire activities and was detained without being charged with any offence. He was released on parole on condition that he declare his allegiance to the Crown and live at a place of the Governor's choosing, affecting Ngāi Te Rangi leadership at a crucial time.

(5) Between 1864 and 1866 the Crown purchased 90 000 acres of land at Te Puna-Katikati. The purchase was arranged with nine Ngāi Te Rangi chiefs despite the opposition of other Ngāi Te Rangi rangatira. The Crown also purchased the Te Papa Peninsula from the Church Missionary Society, despite the CMS insisting that it held the land for the benefit of Ngāi Te Rangi and other Māori. Today Te Papa is the site of Tauranga's central business district.

(6) The individualisation of title made Ngāi Te Rangi lands more susceptible to alienation. Crown purchasing activity, in particular during times of economic hardship in the 1880s and 1890s, led to the loss of lands at one of Ngāi Te Rangi's most significant sites, Mauao, as well as at Otawa and on the offshore islands Moturiki, Motuotau and Karewa.

(7) During the twentieth century, infrastructure projects underpinning the development of Tauranga were constructed on land compulsorily acquired from Ngāi Te Rangi. These projects included the airport and port, Tauranga-Mount Maunganui power transmission line, water and harbour works, and Tauranga Te Maunga motorway.

(8) Some of these projects have resulted in the environmental degradation of Tauranga Moana and a reduction in biodiversity and food resources. Ngāi Te Rangi consider that the use of the Public Works Act had the same result as confiscation.

(9) Ngāi Te Rangi lost control over further lands through Crown policies including land development schemes and the compulsory acquisition of uneconomic shares.

(10) The Crown's actions and omissions have meant that today Ngāi Te Rangi is virtually landless, retaining only approximately 2 percent of their rohe, and that their cultural landscapes and seascapes have been compromised and diminished.

*Historical Background to claims by Ngā Potiki*

(11) In January 1864, the Crown deployed troops to Tauranga to stem the flow of Māori forces to the Waikato conflict. The Crown considered many Tauranga Māori to have been in "rebellion" during 1863 and 1864, and between 1865 and 1868 established a confiscation district in Tauranga covering 290 000 acres to punish Māori who had opposed the Crown. The land in the confiscation district in which Ngā Potiki held interests was subsequently returned, but this land was returned under Crown grants to individual owners and was a slow process which was not completed until the mid-1880s.

(12) Ngā Potiki were awarded lands at Mangatawa and Pāpāmoa. By 1893 the Crown had acquired well over half the Pāpāmoa block, including most of the coastline in the block, using aggressive purchasing tactics. This restricted Ngā Potiki access to their important coastal resources and sites of significance such as coastal urupā. From 1896 the remaining 6 000 acres of Pāpāmoa and Mangatawa were subject to a long and complex process of subdivision and alienation. Residential development along the Pāpāmoa coastal plain over the latter part of the twentieth century has been at the expense of Ngā Potiki heritage and archaeology.

(13) Since 1886, 421 acres of Ngā Potiki lands have been acquired for public works purposes. These include Mangatawa, a maunga tapu of great importance to Ngā Potiki and noted as the burial place of Tamapahore, the founding tūpuna of Ngā Potiki. In 1946 the Crown compulsorily acquired 5 acres

of Mangatawa for a quarry. Quarrying destroyed the once formidable Mangatawa hill-top pā, with its kainga and cultivation terraces, and burial caves, and uncovered numerous koiwi.

(14) In 1967 the Crown took 32 acres of the Pāpāmoa block adjacent to Te Tahuna o Rangataua (Rangataua estuary), where some Ngā Potiki were living, for the purposes of rubbish disposal. In 1975, despite vociferous opposition by Ngā Potiki, the Mount Maunganui Borough Reclamation and Empowering Act brought into operation a plan for reclamation work on the Rangataua tidal flats, and the construction of sewerage ponds and an outfall joining the ponds to the ocean. The ponds and adjacent rubbish dump make food gathering and other activities in Te Tahuna o Rangataua undesirable, effectively dislocating Ngā Potiki from the area.

(15) Between 1976 and 1978 the Mount Maunganui Borough Council created easements through Ngā Potiki lands in the Mangatawa and Pāpāmoa blocks, including through the Waitahanui urupā, for the laying of a pipe to discharge wastewater from the sewerage ponds into the Pacific Ocean. The passage of sewerage through this extremely tapu place is repugnant to Ngā Potiki.

(16) From 1962, with the agreement of the Māori owner, the Post Office used the summit of Kopukairoa (also referred to as Kopukairua) as the site of a VHF transmitter. In 1971 the Crown formally took Kopukairoa summit through public works legislation. Ngā Potiki regard Kopukairoa as a maunga of immense cultural importance, and its loss remains a source of significant grievance.

(17) Ngā Potiki consider that the amount of land taken for public works does not convey the full extent of the loss to them. Public works takings have had enduring negative impacts on Ngā Potiki's lands, resources, mana, cultural integrity and identity.

(18) The land which Ngā Potiki retained proved insufficient for Ngā Potiki's needs during the twentieth century. By the end of the century Ngā Potiki were left with just over 2 600 acres of land in Māori freehold title. The small amount of land that Ngā Potiki retains is largely cut off from the ocean, and this has impacted negatively on the identity of Ngā Potiki.

**9 Acknowledgements**

(1) The Crown acknowledges that until now it has failed to deal with the long-standing grievances of Ngāi Te Rangi and Ngā Potiki in an appropriate way. The Crown hereby recognises the legitimacy of the historical grievances of Ngāi Te Rangi and Ngā Potiki and makes the following acknowledgements.

(2) The Crown acknowledges that, prior to 1864, Ngāi Te Rangi and Ngā Potiki continued to manage their lands and resources according to their tikanga and were engaging in the New Zealand economy.

(3) The Crown acknowledges that it was ultimately responsible for the outbreak of war in Tauranga in 1864, and the resulting loss of life, and its actions were a breach of the Treaty of Waitangi and its principles. The Crown acknowledges that a number of Ngāi Te Rangi were killed and wounded in battles at Pukehinahina and Te Ranga, but that Ngāi Te Rangi were faithful to the rules of engagement they set down prior to the fighting, and provided aid to wounded Crown soldiers. The Crown also acknowledges that Ngāi Te Rangi chief Hori Tupaea was detained without being charged or tried and was released on the condition that he declared his allegiance to the Crown.

(4) The Crown acknowledges that the confiscation at Tauranga and the subsequent Tauranga District Lands Acts 1867 and 1868 were indiscriminate, unjust and a breach of the Treaty of Waitangi and its principles. The Crown also acknowledges that:

(a) it determined and imposed the location of the 50 000 acre block that was confiscated by the Crown; and

(b) the confiscated block included Ngāi Te Rangi lands; and

(c) lands in the Tauranga Confiscation District returned or reserved to Ngāi Te Rangi and Ngā Potiki were in the form of individualised title rather than Māori customary title.

(5) The Crown also acknowledges that land on the Te Papa Peninsula which today constitutes the Tauranga central business district was included within the confiscation district, and was conveyed to the Crown by a private institution despite this insti-

tution previously insisting that it would always hold this land for the benefit of Māori.

(6) The Crown further acknowledges that the confiscation and the subsequent Tauranga District Lands Acts 1867 and 1868:

(a) had a devastating effect on the welfare and economy of Ngāi Te Rangi and Ngā Potiki; and

(b) deprived Ngāi Te Rangi and Ngā Potiki of wāhi tapu, access to significant parts of the cultural landscapes and seascapes, and opportunities for development at Tauranga; and

(c) restricted Ngāi Te Rangi and Ngā Potiki in the exercise of mana and rangatiratanga over their lands and resources within Tauranga Moana.

(7) The Crown acknowledges that it failed to actively protect Ngāi Te Rangi interests in lands they wished to retain when it initiated the purchase of the Te Puna and Katikati blocks in 1864 with only nine members of Ngāi Te Rangi and completed the purchase despite the opposition of other Ngāi Te Rangi chiefs. The Crown acknowledges that this failure was in breach of the Treaty of Waitangi and its principles.

(8) The Crown acknowledges that:

(a) it imposed the individualisation of titles by the Tauranga Land Commissioners on Ngāi Te Rangi and Ngā Potiki, and did not consult Ngāi Te Rangi and Ngā Potiki on the introduction of native land legislation; and

(b) the reserves set aside in the 50 000 acre and Te Puna-Katikati blocks were mainly awarded to just a few Ngāi Te Rangi individuals; and

(c) the Tauranga Land Commissioners took many years to complete their investigations of the ownership of land; and

(d) those Ngāi Te Rangi and Ngā Potiki lands within the confiscation district which were returned to Māori were granted by the Crown to individual owners; and

(e) the awarding of titles to individuals by the Tauranga Land Commissioners and the Native Land Court made Ngāi Te Rangi and Ngā Potiki lands more susceptible to partition, fragmentation and alienation; and

(f) this had a prejudicial effect on Ngāi Te Rangi and Ngā Potiki as it contributed to the erosion of tribal structures which were based on collective tribal and hapū custodianship of land. The Crown failed to take adequate steps to protect those structures and this was a breach of the Treaty of Waitangi and its principles.

(9) The Crown acknowledges that, less than 20 years after confiscating a large amount of land from Ngāi Te Rangi and Ngā Potiki, it began purchasing additional large amounts, including the sacred site of Mauao, the offshore islands of Karewa, Motuotau, Moturiki and Tuhua, and Papamoa and Otawa, at a time of great economic hardship for Ngāi Te Rangi and Ngā Potiki. The Crown further acknowledges that in negotiating land purchases from Ngāi Te Rangi and Ngā Potiki during the 1880s and 1890s it:

(a) frequently made use of monopoly powers; and

(b) used aggressive tactics to negotiate for land including—

(i) exploiting food shortages to persuade individuals to sell; and

(ii) purchasing interests from minors.

(10) The Crown acknowledges that:

(a) by the end of the twentieth century, Ngā Potiki were left with just over 2 600 acres in Maori freehold title; and

(b) the loss of most of their coastal lands has reduced Ngāi Te Rangi and Ngā Potiki's access to coastal urupā, kainga, food-gathering areas, and associated resources; and

(c) the cumulative effect of its actions and omissions has left Ngāi Te Rangi virtually landless; and

(d) the Crown's failure to ensure that Ngāi Te Rangi and Ngā Potiki retained sufficient land for their present and future needs was a breach of the Treaty of Waitangi and its principles.

(11) The Crown acknowledges that the operation of a development scheme at Kaitimako from the 1930s to the 1950s meant that Ngāi Te Rangi lost effective control of this land for a number of years.

(12) The Crown acknowledges that between 1953 and 1974, it empowered the Māori Trustee to compulsorily acquire Māori land

interests it deemed 'uneconomic', and this was a breach of the Treaty of Waitangi and its principles, and deprived some Ngāi Te Rangi of a direct link to their turangawaewae.

(13) The Crown acknowledges that it compulsorily acquired over 4 000 acres of land from Ngāi Te Rangi and Ngā Potiki under public works legislation, including areas of cultural significance to Ngāi Te Rangi and Ngā Potiki such as Panepane, the maunga tupuna Mangatawa and urupā. These takings have given rise to a serious grievance that is still felt today by Ngāi Te Rangi and Ngā Potiki. The Crown further acknowledges that it breached the Treaty of Waitangi and its principles by:

(a) failing to protect the interests of the owners in relation to the Whareroa lands taken for "better utilisation"; and

(b) failing to adequately notify or provide compensation to some owners in relation to the construction of power lines over Māori-owned land; and

(c) knowingly taking more land than was required for the public work in relation to Kaitimako B and C. By not consulting the owners, the Crown failed to provide them with the opportunity to negotiate the amount to be taken.

(14) The Crown acknowledges that public works have had enduring negative effects on the lands, resources, and cultural identity of Ngāi Te Rangi and Ngā Potiki, including:

(a) the laying of sewerage and wastewater pipes over the Waitahanui urupā and the taking of lands for effluent treatment ponds; and

(b) the taking of land at Papamoa for rubbish disposal; and

(c) the establishment of a communications tower on the peak of Kopukairoa; and

(d) the development of the port and airport; and

(e) the motorway and infrastructure networks on the Maungatapu and Matapihi Peninsulas.

(15) The Crown further acknowledges:

(a) the significant contribution that Ngāi Te Rangi and Ngā Potiki have made to the wealth and infrastructure of Tauranga on account of the lands taken for public works; and

(b) the generosity of spirit shown by Ngāi te Rangi in enabling Tūhua to be the first island to be designated a

Māori conservation area, and the lost opportunity for Ngāi Te Rangi to exercise rangatiratanga over the island.

(16) The Crown acknowledges that the raupatu/confiscation at Tauranga, many of the Crown's subsequent policies, and the expansion of Tauranga onto the remaining lands of Ngāi Te Rangi and Ngā Potiki have contributed to the socio-economic marginalisation of Ngāi Te Rangi and Ngā Potiki in their rohe, and that Ngāi Te Rangi and Ngā Potiki living within their rohe suffer worse housing conditions, health, economic and educational outcomes than other New Zealanders.

(17) The Crown acknowledges:

(a) the significance of the land, forests, harbours, and waterways of Tauranga Moana to Ngāi Te Rangi and Ngā Potiki as a physical and spiritual resource; and

(b) that the development of the Port of Tauranga, the disposing of sewerage and wastewater into the harbours and waterways of Tauranga Moana, and the construction of effluent treatment ponds on Te Tahuna o Rangataua, have resulted in the environmental degradation of Tauranga Moana and reduction of biodiversity and food resources which remain a source of great distress to Ngāi Te Rangi and Ngā Potiki.

**10 Apology**

(1) The Crown makes this apology to Ngāi Te Rangi and Ngā Potiki, to your tūpuna and to your descendants.

(2) The Crown unreservedly apologises for not having fulfilled its obligations to Ngāi Te Rangi and Ngā Potiki under te Tiriti o Waitangi/the Treaty of Waitangi and for having shown disrespect for the mana and rangatiratanga of Ngāi Te Rangi and Ngā Potiki.

(3) The Crown's acts and omissions since the signing of the Treaty of Waitangi have dishonoured the spirit with which Ngāi Te Rangi and Ngā Potiki entered the Treaty with the Crown. At the Crown's hands Ngāi Te Rangi and Ngā Potiki suffered because of war and raupatu in Tauranga and the serious deprivations that followed. The Crown is profoundly sorry for its

actions and that your people have carried the heavy burden of these Crown actions over successive generations.

(4) The Crown deeply regrets its acts and omissions which have led to the loss of so much of the lands of Ngāi Te Rangi and Ngā Potiki. The Crown apologises for the loss of sacred sites and key resources its acts and omissions have caused Ngāi Te Rangi and Ngā Potiki. In particular the Crown is profoundly sorry that Ngāi Te Rangi lost ownership of Mauao for 120 years and lost access to coastal lands, and that Ngā Potiki lost access to coastal lands at Papamoa.

(5) The Crown is deeply sorry for the marginalisation Ngāi Te Rangi and Ngā Potiki have endured while the city of Tauranga expanded on their customary lands. The Crown apologises for the lost opportunities for development, and for the significant harm its actions have caused to the social and economic well-being of Ngāi Te Rangi and Ngā Potiki.

(6) Through this apology and this settlement the Crown seeks to address the wrongs of the past and to create a new platform from which to establish a relationship with Ngāi Te Rangi and Ngā Potiki, a relationship based on mutual respect and cooperation as was originally envisaged by the Treaty of Waitangi.

*Interpretation provisions*

**11 Interpretation of Act generally**

It is the intention of Parliament that the provisions of this Act are interpreted in a manner that best furthers the agreements expressed in the deed of settlement.

**12 Interpretation**

In this Act, unless the context otherwise requires,—

**administering body** has the meaning given in section 2(1) of the Reserves Act 1977

**attachments** means the attachments to the deed of settlement

**commercial property** has the meaning given in **section 62**

**computer register**—

(a) has the meaning given in section 4 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002; and

(b) includes, where relevant, a certificate of title issued under the Land Transfer Act 1952

**consent authority** has the meaning given in section 2(1) of the Resource Management Act 1991

**conservation area** has the meaning given in section 2(1) of the Conservation Act 1987

**Crown** has the meaning given in section 2(1) of the Public Finance Act 1989

**cultural redress property** has the meaning given in **section 38**

**deed of settlement**—

(a) means the deed of settlement dated {date} and signed by—

(i) the Honourable Christopher Finlayson, Minister for Treaty of Waitangi Negotiations, and the Honourable Simon William English, Minister of Finance, for and on behalf of the Crown; and

(ii) {names of iwi signatories}, for and on behalf of Ngāi Te Rangi; and

(iii) {names of iwi signatories}, for and on behalf of Ngā Potiki; and

(iv) {names of governance entity signatories}, being the trustees of Ngāi Te Rangi Settlement Trust; and

(v) {names of governance entity signatories}, being the trustees of Ngā Pōtiki a Tamapahore Trust; and

(b) includes—

(i) the schedules of, and attachments to, the deed; and

(ii) any amendments to the deed or its schedules and attachments

**deferred selection property** has the meaning given in **section 62**

**Director-General** means the Director-General of Conservation within the meaning of section 2(1) of the Conservation Act 1987

**documents schedule** means the documents schedule of the deed of settlement

**effective date** means the date that is 6 months after the settlement date

**Historic Places Trust** has the meaning given to **Trust** in section 2 of the Historic Places Act 1993

**historical claims** has the meaning given in **section 14**

**interest** means a covenant, easement, lease, licence, licence to occupy, tenancy, or other right or obligation affecting a property

**LINZ** means Land Information New Zealand

**local authority** has the meaning given in section 5(1) of the Local Government Act 2002

**member of Ngā Pōtiki** means an individual referred to in **section 13(2)(a)**

**member of Ngāi Te Rangi** means an individual referred to in **section 13(1)(a)**

**Ngā Pōtiki a Tamapahore Trust** means the trust of that name established by a trust deed dated 5 April 2009

**Ngāi Te Rangi Settlement Trust** means the trust of that name established by a trust deed dated 9 July 2013

**non-leaseback deferred selection property** means the property described in part 4B of part 4 of the property redress schedule

**property redress schedule** means the property redress schedule of the deed of settlement

**recorded name** has the meaning given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunahao Aotearoa) Act 2008

**regional council** has the meaning given in section 2(1) of the Resource Management Act 1991

**Registrar-General** means the Registrar-General of Land appointed under section 4 of the Land Transfer Act 1952

**representative entity** means, as the context requires,—

(a) the trustees of Ngāi Te Rangi Settlement Trust; and

(b) the trustees of Ngā Pōtiki a Tamapahore Trust; and

(c) any person (including any trustee) acting for or on behalf of—

(i) the collective groups referred to in **section 13(1)(a) or (2)(a)**; or

(ii) 1 or more members of Ngāi Te Rangi or Ngā Pōtiki; or

(iii) 1 or more of the whānau, hapū, or groups referred to in **section 13(1)(c) or (2)(c)**

**reserve** has the meaning given in section 2(1) of the Reserves Act 1977

**reserve property** has the meaning given in **section 38**

**resource consent** has the meaning given in section 2(1) of the Resource Management Act 1991

**RFR** means the right of first refusal provided for by **subpart 2 of Part 3**

**RFR land** has the meaning given in **section 68**

**settlement date** means the date that is 20 working days after the date on which this Act comes into force

**statutory acknowledgement** has the meaning given in **section 21**

**tikanga** means customary values and practices

**trustees of Ngā Pōtiki** means the trustees, acting in their capacity as trustees, of Ngā Pōtiki a Tamapahore Trust

**trustees of Ngāi Te Rangi** means the trustees, acting in their capacity as trustees, of Ngāi Te Rangi Settlement Trust

**working day** means a day other than—

(a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day:

(b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday:

(c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year:

(d) the days observed as the anniversaries of the provinces of Auckland and Wellington.

**13 Meaning of Ngāi Te Rangi and Ngā Pōtiki**

(1) In this Act, **Ngāi Te Rangi**—

(a) means the collective group composed of individuals who are descended from 1 or more ancestors of Ngāi Te Rangi; and

(b) includes those individuals; and

(c) includes every whānau, hapū, or group to the extent that it is composed of those individuals, including the following groups:

(i) Ngāi Tamawhariua:
(ii) Ngāi Tukairangi:
(iii) Ngāi Tuwhiwhia:
(iv) Ngāti He:
(v) Ngāti Kuku:
(vi) Ngāti Tapu:
(vii) Ngāti Tauaiti:
(viii) Te Ngare:
(ix) Te Whanau A Tauwhao.

(2) In this Act, **Ngā Pōtiki**—

(a) means the collective group composed of individuals who are descended from 1 or more ancestors of Ngā Pōtiki; and

(b) includes those individuals; and

(c) includes every whānau, hapū, or group to the extent that it is composed of those individuals, including the following groups:

(i) Ngāti Hinetoro:
(ii) Ngāti Homai:
(iii) Ngāti Kaahu:
(iv) Ngāti Kauae:
(v) Ngāti Kiritawhiti:
(vi) Ngāti Kiriwera:
(vii) Ngāti Mate Ika:
(viii) Ngāti Patukiri:
(ix) Ngāti Pou:
(x) Ngāti Puapua:
(xi) Ngāti Tahuora:
(xii) Ngāti Turumakina.

(3) In this section and **section 14**,—

**ancestor of Ngā Pōtiki** means an individual who—

(a) exercised customary rights by virtue of being descended from—

(i) the eponymous Ngā Pōtiki ancestor Tamapahore, through his children Uruhina, Kiritawhiti, Rereoho, Pupukino, Kahukino, Tamapiri, Ngaparetaihinu, and Parewaitai; or

(ii) 1 or more of Tamapahore's siblings Tamaururoa, Tamapinaki, and Werapinaki; and

(iii) any other recognised ancestor of a group referred to in **subsection (2)(c)**; and

(b) exercised the customary rights predominantly in relation to the Ngā Pōtiki area of interest at any time after 6 February 1840

**ancestor of Ngāi Te Rangi** means an individual who—

(a) exercised customary rights by virtue of being descended from—

(i) Te Rangihouhiri or Tamapahore; or

(ii) any other recognised ancestor of a group referred to in **subsection (1)(c)**; and

(b) exercised the customary rights predominantly in relation to the area of interest at any time after 6 February 1840

**area of interest**,—

(a) for Ngāi Te Rangi, means the area shown as the Ngāi Te Rangi area of interest in part 1.1 of the attachments; and

(b) for Ngā Pōtiki, means the area shown as the Ngā Pōtiki area of interest in part 1.2 of the attachments

**customary rights** means rights exercised according to tikanga Māori, including—

(a) rights to occupy land; and

(b) rights in relation to the use of land or other natural or physical resources

**descended** means that a person is descended from another person by—

(a) birth; or

(b) legal adoption; or

(c) Māori customary adoption in accordance with Ngāi Te Rangi or Ngā Pōtiki tikanga, as relevant.

### 14 Meaning of historical claims

(1) In this Act, **historical claims**—

(a) means the claims described in **subsection (2)**; and

(b) includes the claims described in **subsection (3)**; but

(c) does not include the claims described in **subsection (4)**.

(2) The historical claims are every claim that Ngāi Te Rangi or Ngā Pōtiki or a representative entity had on or before the settlement date, or may have after the settlement date, and that—

(a) is founded on a right arising—

(i) from the Treaty of Waitangi or its principles; or

(ii) under legislation; or

(iii) at common law (including aboriginal title or customary law); or

(iv) from a fiduciary duty; or

(v) otherwise; and

(b) arises from, or relates to, acts or omissions before 21 September 1992—

(i) by or on behalf of the Crown; or

(ii) by or under legislation.

(3) The historical claims include—

(a) a claim to the Waitangi Tribunal that relates exclusively to Ngāi Te Rangi, Ngā Pōtiki, or a representative entity, including each of the claims set out in **Part 1 of Schedule 1**, to the extent that **subsection (2)** applies to the claim; and

(b) any other claim to the Waitangi Tribunal, including each of the claims set out in **Part 2 of Schedule 1**, to the extent that **subsection (2)** applies to the claim and the claim relates to Ngāi Te Rangi, Ngā Pōtiki, or a representative entity.

(4) However, the historical claims do not include—

(a) a claim that a member of Ngāi Te Rangi, Ngā Pōtiki, or a whānau, hapū, or group referred to in **section 13(1)(c) or 13(2)(c)**, had or may have that is founded on a right arising by virtue of being descended from an ancestor

who is not an ancestor of Ngāi Te Rangi or Ngā Pōtiki; or

(b) a claim that a representative entity had or may have that is based on a claim referred to in **paragraph (a)**.

(5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date.

*Historical claims settled and jurisdiction of courts, etc, removed*

**15 Settlement of historical claims final**

(1) The historical claims are settled.

(2) The settlement of the historical claims is final, and on and from the settlement date the Crown is released and discharged from all obligations and liabilities in respect of those claims.

(3) **Subsections (1) and (2)** do not limit the deed of settlement.

(4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of—

(a) the historical claims; or

(b) the deed of settlement; or

(c) this Act; or

(d) the redress provided under the deed of settlement or this Act.

(5) **Subsection (4)** does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the deed of settlement or this Act.

*Amendment to Treaty of Waitangi Act 1975*

**16 Amendment to Treaty of Waitangi Act 1975**

(1) This section amends the Treaty of Waitangi Act 1975.

(2) In Schedule 3, insert in its appropriate alphabetical order "Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Act **2013**, **section 15(4) and (5)**".

*Resumptive memorials no longer to apply*

**17 Certain enactments do not apply**

(1) The enactments listed in **subsection (2)** do not apply—

(a) to a cultural redress property; or

(b) to a commercial property or the non-leaseback deferred selection property on and from the date of its transfer to the trustees of the Ngāi Te Rangi Settlement Trust or the trustees of the Ngā Pōtiki a Tamapahore Trust; or

(c) to the RFR land; or

(d) for the benefit of Ngāi Te Rangi, Ngā Pōtiki, or a representative entity.

(2) The enactments are—

(a) Part 3 of the Crown Forest Assets Act 1989:

(b) sections 211 to 213 of the Education Act 1989:

(c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990:

(d) sections 27A to 27C of the State-Owned Enterprises Act 1986:

(e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.

**18 Resumptive memorials to be cancelled**

(1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal description of, and identify the computer register for, each allotment that—

(a) is all or part of—

(i) a cultural redress property:

(ii) a commercial property:

(iii) the non-leaseback deferred selection property:

(iv) the RFR land; and

(b) is subject to a resumptive memorial recorded under any enactment listed in **section 17(2)**.

(2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after—

(a) the settlement date, for a cultural redress property, or the RFR land; or

(b) the date of transfer of the property to the trustees of the Ngāi Te Rangi Settlement Trust or the trustees of the Ngā Pōtiki a Tamapahore Trust, for a commercial property or the non-leaseback deferred selection property.

(3) Each certificate must state that it is issued under this section.

(4) As soon as is reasonably practicable after receiving a certificate, the Registrar-General must—

(a) register the certificate against each computer register identified in the certificate; and

(b) cancel each memorial recorded under an enactment listed in **section 17(2)** on a computer register identified in the certificate, but only in respect of each allotment described in the certificate.

*Miscellaneous matters*

**19 Rule against perpetuities does not apply**

(1) The rule against perpetuities and the provisions of the Perpetuities Act 1964—

(a) do not prescribe or restrict the period during which—

(i) the Ngāi Te Rangi Settlement Trust or the Ngā Pōtiki a Tamapahore Trust may exist in law; or

(ii) the trustees of the Ngāi Te Rangi Settlement Trust or the trustees of the Ngā Pōtiki a Tamapahore Trust may hold or deal with property or income derived from property; and

(b) do not apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective.

(2) However, if either the Ngāi Te Rangi Settlement Trust or the Ngā Pōtiki a Tamapahore Trust is, or becomes, a charitable trust, the application (if any) of the rule against perpetuities or of any provision of the Perpetuities Act 1964 to that trust must be determined under the general law.

**20 Access to deed of settlement**

The chief executive of the Ministry of Justice must make copies of the deed of settlement available—

(a) for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Just-

ice in Wellington between 9 am and 5 pm on any working day; and

(b) free of charge on an Internet site maintained by or on behalf of the Ministry of Justice.

# Part 2
# Cultural redress

## Subpart 1—Statutory acknowledgement

### 21 Interpretation

In this subpart,—

**relevant consent authority**, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area

**relevant iwi** means—

(a) for the statutory areas listed in **Part 1 of Schedule 2**, Ngāi Te Rangi; or

(b) for the statutory area described in **Part 2 of Schedule 2**, Ngā Pōtiki; or

(c) for the statutory areas listed in **Part 3 of Schedule 2**, both Ngāi Te Rangi and Ngā Pōtiki

**relevant trustees** means—

(a) for the statutory areas listed in **Part 1 of Schedule 2**, the trustees of the Ngāi Te Rangi Settlement Trust; or

(b) for the statutory area described in **Part 2 of Schedule 2**, the trustees of the Ngā Pōtiki a Tamapahore Trust; or

(c) for the statutory areas listed in **Part 3 of Schedule 2**, the trustees of the Ngāi Te Rangi Settlement Trust and the trustees of the Ngā Pōtiki a Tamapahore Trust

**statement of association**, for a statutory area, means the statement—

(a) made by the relevant iwi of their particular cultural, historical, spiritual, and traditional association with the statutory area; and

(b) set out in part 1.1 of the documents schedule

**statutory acknowledgement** means the acknowledgement made by the Crown in **section 22** in respect of the statutory areas, on the terms set out in this subpart

**statutory area** means an area described in **Schedule 2**, the general location of which is indicated on the deed plan for that area

**statutory plan**—

(a) means a district plan, regional coastal plan, regional plan, regional policy statement, or proposed policy statement as defined in section 43AA of the Resource Management Act 1991; and

(b) includes a proposed plan, as defined in section 43AAC of that Act.

*Statutory acknowledgement*

**22 Statutory acknowledgement by the Crown**

The Crown acknowledges the statements of association for the statutory areas.

**23 Purposes of statutory acknowledgement**

The only purposes of the statutory acknowledgement are to—

(a) require relevant consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgement, in accordance with **sections 24 to 26**; and

(b) require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the relevant trustees, in accordance with **sections 27 and 28**; and

(c) enable the relevant trustees and any member of the relevant iwi to cite the statutory acknowledgement as evidence of the association of the iwi with a statutory area, in accordance with **section 29**.

**24 Relevant consent authorities to have regard to statutory acknowledgement**

(1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

(2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the relevant trustees are affected persons in relation to the activity.

(3) **Subsection (2)** does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

### 25 Environment Court to have regard to statutory acknowledgement

(1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

(2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the relevant trustees are persons with an interest in the proceedings greater than that of the general public.

(3) **Subsection (2)** does not limit the obligations of the Environment Court under the Resource Management Act 1991.

### 26 Historic Places Trust and Environment Court to have regard to statutory acknowledgement

(1) This section applies to an application made under section 11 or 12 of the Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area.

(2) On and from the effective date, the Historic Places Trust must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 14 of the Historic Places Act 1993 in relation to the application.

(3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—

(a) in determining whether the relevant trustees are persons directly affected by the decision; and

(b) in determining, under section 20 of the Historic Places Act 1993, an appeal against a decision of the Historic Places Trust in relation to the application.

(4) In this section, **archaeological site** has the meaning given in section 2 of the Historic Places Act 1993.

### 27 Recording statutory acknowledgement on statutory plans

(1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.

(2) The information attached to a statutory plan must include—

(a) a copy of **sections 22 to 26, 28, and 29**; and

(b) descriptions of the statutory areas wholly or partly covered by the plan; and

(c) the statement of association for each statutory area.

(3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—

(a) part of the statutory plan; or

(b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

### 28 Provision of summary or notice to relevant trustees

(1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the relevant trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:

(a) if the application is received by the consent authority, a summary of the application; or

(b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.

(2) A summary provided under **subsection (1)(a)** must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act

1991 or as may be agreed between the relevant trustees and the relevant consent authority.

(3) The summary must be provided—

(a) as soon as is reasonably practicable after the relevant consent authority receives the application; but

(b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.

(4) A copy of a notice must be provided under **subsection (1)(b)** not later than 10 working days after the day on which the consent authority receives the notice.

(5) The relevant trustees may, by written notice to a relevant consent authority,—

(a) waive the right to be provided with a summary or copy of a notice under this section; and

(b) state the scope of that waiver and the period it applies for.

(6) This section does not affect the obligation of a relevant consent authority to decide,—

(a) under section 95 of the Resource Management Act 1991, whether to notify an application:

(b) under section 95E of that Act, whether the relevant trustees are affected persons in relation to an activity.

### 29 Use of statutory acknowledgement

(1) The relevant trustees and any member of the relevant iwi may, as evidence of the association of the iwi with a statutory area, cite the statutory acknowledgement that relates to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before—

(a) the relevant consent authorities; or

(b) the Environment Court; or

(c) the Historic Places Trust; or

(d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.

(2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—

(a) the bodies referred to in **subsection (1)**; or
(b) parties to proceedings before those bodies; or
(c) any other person who is entitled to participate in those proceedings.

(3) However, the bodies and persons specified in **subsection (2)** may take the statutory acknowledgement into account.

(4) To avoid doubt,—
(a) neither the relevant trustees nor members of the relevant iwi are precluded from stating that the iwi has an association with a statutory area that is not described in the statutory acknowledgement; and
(b) the content and existence of the statutory acknowledgement do not limit any statement made.

*General provisions relating to statutory acknowledgement*

**30 Application of statutory acknowledgement to river or stream**

If any part of the statutory acknowledgement applies to a river or stream, including a tributary, that part of the acknowledgement—
(a) applies only to—
(i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and
(ii) the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but
(b) does not apply to—
(i) a part of the bed of the river or stream that is not owned by the Crown; or
(ii) an artificial watercourse.

### 31 Exercise of powers and performance of functions and duties

(1) The statutory acknowledgement does not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw.

(2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of the relevant iwi with a statutory area than that person would give if there were no statutory acknowledgement for the statutory area.

(3) **Subsection (2)** does not limit **subsection (1)**.

(4) This section is subject to the other provisions of this subpart.

### 32 Rights not affected

(1) The statutory acknowledgement does not—

(a) affect the lawful rights or interests of a person who is not a party to the deed of settlement; or

(b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

(2) This section is subject to the other provisions of this subpart.

*Consequential amendment to Resource Management Act 1991*

### 33 Amendment to Resource Management Act 1991

(1) This section amends the Resource Management Act 1991.

(2) In Schedule 11, insert in its appropriate alphabetical order "Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Act **2013**".

## Subpart 2—Official geographic names

### 34 Interpretation

In this subpart,—

**Act** means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008

**Board** has the meaning given in section 4 of the Act

**official geographic name** has the meaning given in section 4 of the Act.

### 35 Official geographic names

(1) A name specified in the second column of the table in clause 5.27 of the deed of settlement is the official geographic name of the feature described in the third and fourth columns of that table.

(2) Each official geographic name is to be treated as if it were an official geographic name that takes effect on the settlement date by virtue of a determination of the Board made under section 19 of the Act.

### 36 Publication of official geographic names

(1) The Board must, as soon as practicable after the settlement date, give public notice of each official geographic name specified under **section 35** in accordance with section 21(2) and (3) of the Act.

(2) The notices must state that each official geographic name became an official geographic name on the settlement date.

### 37 Subsequent alteration of official geographic names

(1) In making a determination to alter the official geographic name of a feature named under this subpart, the Board—

(a) need not comply with section 16, 17, 18, 19(1), or 20 of the Act; but

(b) must have the written consent of the trustees of the Ngāi Te Rangi Settlement Trust.

(2) To avoid doubt, the Board must give public notice of a determination made under **subsection (1)** in accordance with section 21(2) and (3) of the Act.

## Subpart 3—Vesting of cultural redress properties

### 38 Interpretation

In this subpart,—

**cultural redress property** means each of the following properties, and each property means the land of that name described in **Schedule 3**:

*Properties vested in fee simple to be administered as reserves*

(a) Karewa Island:
(b) Motuotau Island:
(c) Otara Maunga property:
(d) Waitao Stream property:

*Ngā pae maunga: properties jointly vested in fee simple to be administered as reserves*

(e) Otānewainuku:
(f) Pūwhenua

**joint cultural redress property** means each of the properties named in **paragraphs (e) and (f)** of the definition of cultural redress property

**Ngā Hapū o Ngāti Ranginui Settlement Trust** means the trust of that name established by a trust deed dated 21 June 2012

**reserve property** means each of the properties named in **paragraphs (a) to (f)** of the definition of cultural redress property

**Tapuika Iwi Authority Trust** means the trust of that name established by a trust deed dated 15 December 2012

**Te Kapu o Waitaha** has the meaning given in section 9 of the Waitaha Claims Settlement Act 2013

**Te Tāhuhu o Tawakeheimoa Trust** means the trust of that name established by a trust deed dated 14 December 2012

**Te Tāwharau o Ngāti Pūkenga Trust** means the trust of that name established by a trust deed dated 24 March 2013

**vesting date** means, for a joint cultural redress property, the date specified under **section 43(1)**.

### *Properties vested in fee simple to be administered as reserves*

#### 39 Karewa Island

(1) The reservation of Karewa Island as defined in **subsection (7)** (being Karewa Island Wildlife Sanctuary) as a government

purpose (wildlife sanctuary) reserve subject to the Reserves Act 1977 is revoked.

(2) The Wildlife Sanctuary (Karewa Island) Order 1965 is revoked.

(3) The fee simple estate in Karewa Island (as defined in **Schedule 3**) vests in the trustees of the Ngāi Te Rangi Settlement Trust.

(4) Karewa Island is declared a reserve and classified as a nature reserve subject to section 20 of the Reserves Act 1977.

(5) The reserve is named Karewa Island Nature Reserve.

(6) **Subsections (1) to (5)** do not take effect until the trustees of the Ngāi Te Rangi Settlement Trust and the Director-General have entered into the memorandum of understanding referred to in cluase 5.3.2 of the deed.

(7) For the purposes of **subsection (1)** only, **Karewa Island** means the area of land measuring 8 acres 3 roods 12 perches, more or less, being Karewa East and West Blocks as shown on ML 5619 and SO 19411 (South Auckland Land District).

### 40 Motuotau Island

(1) The reservation of Motuotau Island (being Motuotau Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Motuotau Island vests in the trustees of the Ngāi Te Rangi Settlement Trust.

(3) Motuotau Island is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Motuotau Island Scenic Reserve.

### 41 Otara Maunga property

(1) The reservation of the part of the Otara Maunga property (being part of Otawa Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The reservation of the part of the Otara Maunga property as a local purpose (water conservation) reserve subject to the Reserves Act 1977 is revoked.

(3) The fee simple estate in the Otara Maunga property vests in the trustees of the Ngā Pōtiki a Tamapahore Trust.

(4) The Otara Maunga property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(5) The reserve is named Otara Maunga Scenic Reserve.

**42 Waitao Stream property**

(1) The Waitao Stream property ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in the Waitao Stream property vests in the trustees of the Ngāi Te Rangi Settlement Trust.

(3) The Waitao Stream property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Waitao Scenic Reserve.

*Ngā pae maunga: properties jointly vested in fee simple to be administered as reserves*

**43 Application of sections 44 to 46**

(1) **Sections 44 to 46** take effect on and from a date specified by Order in Council made on the recommendation of the Minister of Conservation.

(2) The Minister must not make a recommendation unless and until—

(a) legislation is enacted to settle the historical claims of each iwi described in **subsection (3)**; and

(b) that legislation, in each case, provides for the vesting, on a date specified by Order in Council, of the fee simple estate in Otānewainuku and Pūwhenua as undivided equal shares in the persons described in **sections 44(2) and 45(2)** as tenants in common.

(3) The iwi are—

(a) Ngāti Pūkenga:

(b) Ngāti Ranginui:

(c) Ngāti Rangiwewehi:

(d) Tapuika.

### 44 Otānewainuku

(1) Otānewainuku (recorded name being Otanewainuku) ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Otānewainuku vests as undivided equal shares in the following as tenants in common:

- (a) the trustees of the Ngāi Te Rangi Settlement Trust; and
- (b) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust for Ngāti Ranginui; and
- (c) the trustees of the Te Tāhuhu o Tawakeheimoa Trust for Ngāti Rangiwewehi; and
- (d) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust for Ngāti Pūkenga; and
- (e) the trustees of the Tapiuka Iwi Authority Trust for Tapiuka; and
- (f) the trustees of Te Kapu o Waitaha for Waitaha.

(3) Otānewainuku is declared a reserve and classified as a scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Otānewainuku Scenic Reserve.

(5) The joint management body established by **section 46** is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act.

(6) **Subsections (1) to (5)** do not take effect until the persons described in **subsection (2)** have provided the Crown with a registrable easement in gross for a right of way over Otānewainuku on the terms and conditions set out in part 4 of the documents schedule.

(7) Despite the provisions of the Reserves Act 1977, the easement—

- (a) is enforceable in accordance with its terms; and
- (b) is to be treated as having been granted in accordance with that Act.

### 45 Pūwhenua

(1) Pūwhenua (recorded name being Puwhenua) ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Pūwhenua vests as undivided equal shares in the following as tenants in common:

(a) the trustees of the Ngāi Te Rangi Settlement Trust; and
(b) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust for Ngāti Ranginui; and
(c) the trustees of the Te Tāhuhu o Tawakeheimoa Trust for Ngāti Rangiwewehi; and
(d) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust for Ngāti Pūkenga; and
(e) the trustees of the Tapuika Iwi Authority Trust for Tapuika; and
(f) the trustees of Te Kapu o Waitaha for Waitaha.

(3) Pūwhenua is declared a reserve and classified as a scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Pūwhenua Scenic Reserve.

(5) The joint management body established by **section 46** is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act.

### 46 Joint management body for Otānewainuku Scenic Reserve and Pūwhenua Scenic Reserve

(1) A joint management body is established for Otānewainuku Scenic Reserve and Pūwhenua Scenic Reserve.

(2) The following are appointers for the purposes of this section:
(a) the trustees of the Ngāi Te Rangi Settlement Trust; and
(b) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and
(c) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and
(d) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust; and
(e) the trustees of the Tapuika Iwi Authority Trust; and
(f) the trustees of Te Kapu o Waitaha.

(3) Each appointer may appoint 1 member to the joint management body.

(4) A member is appointed only if the appointer gives written notice with the following details to the other appointers:
(a) the full name, address, and other contact details of the member; and

(b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.

(5) An appointment ends after 5 years or when the appointer replaces the member by making another appointment.

(6) A member may be appointed, reappointed, or discharged at the discretion of the appointer.

(7) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board.

(8) However, the first meeting of the body must be held no later than 2 months after the vesting date.

*General provisions applying to vesting of cultural redress properties*

**47 Properties vest subject to or together with interests**

(1) Each cultural redress property (other than a joint cultural redress property) vested under this subpart is subject to, or has the benefit of, any interests listed for the property in the third column of the table in **Schedule 3**.

(2) Each joint cultural redress property vested under this subpart is subject to, or has the benefit of,—

(a) any interests listed for the property in the third column of the table in **Schedule 3** if the interest is current on the vesting date; and

(b) any other interests that are granted in relation to the property before the vesting date for the property.

**48 Interests in land for joint cultural redress properties**

(1) This section applies to a joint cultural redress property while all or part of the property remains a reserve under the Reserves Act 1977 (the **reserve land**).

(2) If the reserve property is affected by an interest that is an interest in land listed for the property in **Schedule 3** or that is granted in relation to the property before the vesting date for the property, the interest applies as if the administering body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land.

(3) Any interest in land that affects the reserve land must be dealt with for the purposes of registration as if the administering body were the registered proprietor of the reserve land.

(4) However, **subsections (2) and (3)** do not affect the registration of the easement referred to in **section 44(6)**.

### 49 Interests that are not interests in land

(1) This section applies if a cultural redress property is subject to an interest (other than an interest in land) listed for the property in **Schedule 3**, for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property.

(2) However, for a joint cultural redress property, the reference in **subsection (1)** to interests listed in **Schedule 3**—

(a) is only relevant if the interest is current on the vesting date; and

(b) includes any other interest granted before the vesting date for the property.

(3) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property, except to the extent that **subsection (4)** applies.

(4) If all or part of the cultural redress property is reserve land to which **section 48** applies, the interest applies as if the administering body of the reserve land were the grantor of the interest in respect of the reserve land.

(5) The interest applies—

(a) until the interest expires or is terminated, but any subsequent transfer of the cultural redress property must be ignored in determining whether the interest expires or is or may be terminated; and

(b) with any other necessary modifications; and

(c) despite any change in status of the land in the property.

### 50 Vesting of share of fee simple estate in property

In **sections 51 to 54**, a reference to the vesting of a cultural redress property, or the vesting of the fee simple estate in a cultural redress property, includes the vesting of an undivided

share of the fee simple estate in a joint cultural redress property.

### 51 Registration of ownership

(1) This section applies to a cultural redress property vested in any trustees under this subpart.

(2) **Subsection (3)** applies to a cultural redress property (other than a joint cultural redress property, or Motuotau Island), but only to the extent that the property is all of the land contained in a computer freehold register.

(3) The Registrar-General must, on written application by an authorised person,—

(a) register the trustees in whom the property is vested under this subpart as the proprietors of the fee simple estate in the property; and

(b) record any entry on the computer freehold register and do anything else necessary to give effect to this subpart and to part 5 of the deed of settlement.

(4) **Subsection (5)** applies to—

(a) a cultural redress property (other than a joint cultural redress property), but only to the extent that **subsection (2)** does not apply to the property; and

(b) Motuotau Island.

(5) The Registrar-General must, in accordance with a written application by an authorised person,—

(a) create a computer freehold register for the fee simple estate in the property in the name of the trustees in whom the property is vested under this subpart; and

(b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.

(6) For a joint cultural redress property, the Registrar-General must, in accordance with a written application by an authorised person,—

(a) create a computer freehold register for an undivided one-sixth share of the fee simple estate in the property in the names of the trustees of the Ngāi Te Rangi Settlement Trust; and

(b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.

(7) **Subsections (5) and (6)** are subject to the completion of any survey necessary to create a computer freehold register.

(8) A computer freehold register for a property that is not a joint cultural redress property must be created under this section as soon as is reasonably practicable after the settlement date, but no later than—

(a) 24 months after the settlement date; or

(b) any later date that may be agreed in writing by the Crown and the trustees in whom the property is vested under this subpart.

(9) A computer freehold register for a joint cultural redress property must be created under this section as soon as is reasonably practicable after the date on which the property vests, but no later than—

(a) 24 months after the vesting date; or

(b) any later date that may be agreed in writing by the Crown and the trustees in whom the property is jointly vested under **sections 44 and 45**.

(10) In this section, **authorised person** means a person authorised by the Director–General.

### 52 Application of Part 4A of Conservation Act 1987

(1) The vesting of the fee simple estate in a cultural redress property in any trustees under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.

(2) Section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve property.

(3) If the reservation of a reserve property under this subpart is revoked for all or part of the property, the vesting of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 for all or that part of the property.

(4) **Subsections (2) and (3)** do not limit **subsection (1)**.

**53 Matters to be recorded on computer freehold register**

(1) The Registrar-General must record on the computer freehold register—

(a) for a reserve property (other than Otānewainuku and Pūwhenua),—

(i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and

(ii) that the land is subject to **sections 52(3) and 57**; and

(b) for Otānewainuku and Pūwhenua,—

(i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and

(ii) that the land is subject to **sections 48(3), 52(3), and 57**.

(2) A notification made under **subsection (1)** that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.

(3) For a reserve property (other than Otānewainuku and Pūwhenua), if the reservation of the property under this subpart is revoked for—

(a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the computer freehold register for the property the notifications that—

(i) section 24 of the Conservation Act 1987 does not apply to the property; and

(ii) the property is subject to **sections 52(3) and 57**; or

(b) part of the property, the Registrar-General must ensure that the notifications referred to in **paragraph (a)** remain only on the computer freehold register for the part of the property that remains a reserve.

(4) For Otānewainuku and Pūwhenua, if the reservation of the property under this subpart is revoked for—

(a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from any

computer freehold register created under **section 51** for the property the notifications that—

(i) section 24 of the Conservation Act 1987 does not apply to the property; and

(ii) the property is subject to **sections 48(3), 52(3), and 57**; or

(b) part of the property, the Registrar-General must ensure that the notifications referred to in **paragraph (a)** remain only on any computer freehold register, created under **section 51** or derived from a computer freehold register created under that section, for the part of the property that remains a reserve.

(5) The Registrar-General must comply with an application received in accordance with **subsections (3)(a) and (4)(a)**.

### 54 Application of other enactments

(1) The vesting of the fee simple estate in a cultural redress property under this subpart does not—

(a) limit section 10 or 11 of the Crown Minerals Act 1991; or

(b) affect other rights to subsurface minerals.

(2) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property.

(3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this subpart, of the reserve status of a cultural redress property.

(4) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—

(a) the vesting of the fee simple estate in a cultural redress property under this subpart; or

(b) any matter incidental to, or required for the purpose of, the vesting.

### 55 Names of Crown protected areas discontinued

(1) **Subsection (2)** applies to the land, or the part of the land, in a cultural redress property that, immediately before the settlement date, was all or part of a Crown protected area.

(2) The official geographic name of the Crown protected area is discontinued in respect of the land, or the part of the land, and the Board must amend the Gazetteer accordingly.

(3) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

*Further provisions applying to reserve properties*

### 56 Application of other enactments to reserve properties

(1) The trustees in whom a reserve property is vested under this subpart are the administering body of the reserve property, except as provided for in **sections 44 and 45**.

(2) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to a reserve property, despite sections 48A(6), 114(5), and 115(6) of that Act.

(3) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve property.

(4) If the reservation of a reserve property under this subpart is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act.

(5) A reserve property is not a Crown protected area under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, despite anything in that Act.

(6) A reserve property must not have a name assigned to it or have its name changed under section 16(10) of the Reserves Act 1977 without the written consent of the owners of the property, and section 16(10A) of that Act does not apply to the proposed name.

**57 Subsequent transfer of reserve land**

(1) This section applies to all or the part of a reserve property that remains a reserve under the Reserves Act 1977 after the property has vested in any trustees under this subpart.

(2) The fee simple estate in the reserve land in a joint cultural redress property may only be transferred in accordance with **section 59**.

(3) The fee simple estate in the reserve land in any other property may only be transferred in accordance with **section 58 or 59**.

(4) In this section and **sections 58 to 60**, **reserve land** means the land that remains a reserve as described in **subsection (1)**.

**58 Transfer of reserve land to new administering body**

(1) The registered proprietors of the reserve land may apply in writing to the Minister of Conservation for consent to transfer the fee simple estate in the reserve land to 1 or more persons (the **new owners**).

(2) The Minister of Conservation must give written consent to the transfer if the registered proprietors satisfy the Minister that the new owners are able to—

(a) comply with the requirements of the Reserves Act 1977; and

(b) perform the duties of an administering body under that Act.

(3) The Registrar-General must, upon receiving the required documents, register the new owners as the proprietors of the fee simple estate in the reserve land.

(4) The required documents are—

(a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and

(b) the written consent of the Minister of Conservation to the transfer of the reserve land; and

(c) any other document required for the registration of the transfer instrument.

(5) The new owners, from the time of their registration under this section,—

(a) are the administering body of the reserve land; and

(b) hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer.

(6) A transfer that complies with this section need not comply with any other requirements.

**59 Transfer of reserve land to trustees of existing administering body if trustees change**

The registered proprietors of the reserve land may transfer the fee simple estate in the reserve land if—

(a) the transferors of the reserve land are or were the trustees of a trust; and

(b) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and

(c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that **paragraphs (a) and (b)** apply.

**60 Reserve land not to be mortgaged**

The owners of reserve land must not mortgage, or give a security interest in, the reserve land.

**61 Saving of bylaws, etc, in relation to reserve properties**

(1) This section applies to any bylaw, or any prohibition or restriction on use or access, that an administering body or the Minister of Conservation made or imposed under the Conservation Act 1987 or the Reserves Act 1977 in relation to a reserve property before the property was vested under this subpart.

(2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Conservation Act 1987 or the Reserves Act 1977.

# Part 3
# Commercial redress

## Subpart 1—Transfer of commercial properties and deferred selection properties

### 62 Interpretation

In this subpart,—

**commercial property** means a property described in part 3 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied

**deferred selection property** means a property described in part 4 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied

**land holding agency** means the land holding agency specified,—

(a) for a commercial property, in part 3 of the property redress schedule; or

(b) for a deferred selection property, in part 4 of the property redress schedule.

### 63 The Crown may transfer properties

(1) To give effect to part 6 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised to—

(a) transfer the fee simple estate in a commercial property or a deferred selection property to—

(i) the trustees of the Ngāi Te Rangi Settlement Trust; or

(ii) the trustees of the Ngā Pōtiki a Tamapahore Trust; and

(b) sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer.

(2) **Subsection (3)** applies to a commercial property or a deferred selection property that is subject to a resumptive memorial recorded under any enactment listed in **section 17(2)**.

(3) If this section applies, as soon as is reasonably practicable after the date on which a commercial property or a deferred selec-

tion property is transferred under **subsection (1)**, the chief executive of the land holding agency must give written notice of that date to the chief executive of LINZ for the purposes of **section 18** (which relates to the cancellation of resumptive memorials).

### 64 Computer freehold registers for commercial properties and deferred selection properties

(1) This section applies to each of the following properties that is to be transferred to the trustees of the Ngāi Te Rangi Settlement Trust or the trustees of the Ngā Pōtiki a Tamapahore Trust under **section 63**:

(a) a commercial property:

(b) a deferred selection property.

(2) However, this section applies only to the extent that—

(a) the property is not all of the land contained in a computer freehold register; or

(b) there is no computer freehold register for all or part of the property.

(3) The Registrar-General must, in accordance with a written application by an authorised person,—

(a) create a computer freehold register for the fee simple estate in the property in the name of the Crown; and

(b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application; but

(c) omit any statement of purpose from the computer freehold register.

(4) **Subsection (3)** is subject to the completion of any survey necessary to create a computer freehold register.

(5) In this section and **section 65**, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

### 65 Authorised person may grant covenant for later creation of computer freehold register

(1) For the purposes of **section 64**, the authorised person may grant a covenant for the later creation of a computer free-

hold register for any commercial property or deferred selection property.

(2) Despite the Land Transfer Act 1952,—

(a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a computer interest register; and

(b) the Registrar-General must comply with the request.

### 66 Application of other enactments

(1) This section applies to the transfer of the fee simple estate in a commercial property or a deferred selection property under **section 63**.

(2) The transfer is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.

(3) The transfer does not—

(a) limit section 10 or 11 of the Crown Minerals Act 1991; or

(b) affect other rights to subsurface minerals.

(4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to the transfer.

(5) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer or to any matter incidental to, or required for the purpose of, the transfer.

(6) In exercising the powers conferred by **section 63**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer.

(7) **Subsection (6)** is subject to **subsections (2) and (3)**.

## Subpart 2—Right of first refusal over RFR land

*Interpretation*

### 67 Interpretation

In this subpart and **Schedule 4**,—

**control**, for the purposes of **paragraph (d)** of the definition of Crown body, means,—

(a) for a company, control of the composition of its board of directors; and

(b) for another body, control of the composition of the group that would be its board of directors if the body were a company

**Crown body** means—

(a) a Crown entity, as defined in section 7(1) of the Crown Entities Act 2004; and

(b) a State enterprise, as defined in section 2 of the State-Owned Enterprises Act 1986; and

(c) the New Zealand Railways Corporation; and

(d) a company or body that is wholly owned or controlled by 1 or more of the following:

(i) the Crown:

(ii) a Crown entity:

(iii) a State enterprise:

(iv) the New Zealand Railways Corporation; and

(e) a subsidiary or related company of a company or body referred to in **paragraph (d)**

**dispose of**, in relation to RFR land,—

(a) means to—

(i) transfer or vest the fee simple estate in the land; or

(ii) grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 50 years or longer; but

(b) to avoid doubt, does not include to—

(i) mortgage, or give a security interest in, the land; or

(ii) grant an easement over the land; or

(iii) consent to an assignment of a lease, or to a sub-lease, of the land; or

(iv) remove an improvement, a fixture, or a fitting from the land

**expiry date**, in relation to an offer, means its expiry date under **sections 70(2)(a) and 71**

**leaseback property** means a deferred selection property described in table 4A of part 4 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied

**notice** means a notice given under this subpart

**offer** means an offer by an RFR landowner, made in accordance with **section 70**, to dispose of RFR land to the relevant trustees

**public work** has the meaning given in section 2 of the Public Works Act 1981

**related company** has the meaning given in section 2(3) of the Companies Act 1993

**relevant trustees** means, for each entry of RFR land in the table in part 3 of the attachments, the entity named in the column headed "Relevant governance entity"

**RFR landowner**, in relation to RFR land,—

(a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and

(b) means a Crown body, if the body holds the fee simple estate in the land; and

(c) includes a local authority to which RFR land has been disposed of under **section 76(1)**; but

(d) to avoid doubt, does not include an administering body in which RFR land is vested—

(i) on the settlement date; or

(ii) after the settlement date, under **section 77(1)**

**RFR period** means, the period of 174 years on and from the settlement date

**subsidiary** has the meaning given in section 5 of the Companies Act 1993.

### 68 Meaning of RFR land

(1) In this subpart, **RFR land** means—

(a) the land described in part 3 of the attachments that, on the settlement date, is—

(i) vested in the Crown; or

(ii) held in fee simple by the Crown; or

(iii) a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revest in the Crown; and

(b) any land obtained in exchange for a disposal of RFR land under **section 81(1)(c) or 82**.

(2) Land ceases to be RFR land if—

(a) the fee simple estate in the land transfers from the RFR landowner to—

(i) the relevant trustees or their nominee (for example, under **section 63** in the case of a lease-back property or under a contract formed under **section 74**); or

(ii) any other person (including the Crown or a Crown body) under **section 69(d)**; or

(b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body—

(i) under any of **sections 78 to 84** (which relate to permitted disposals of RFR land); or

(ii) under any matter referred to in **section 85(1)** (which specifies matters that may override the obligations of an RFR landowner under this subpart); or

(c) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under **section 93**; or

(d) the RFR period for the land ends.

*Restrictions on disposal of RFR land*

**69 Restrictions on disposal of RFR land**

An RFR landowner must not dispose of RFR land to a person other than the relevant trustees or their nominee unless the land is disposed of—

(a) under any of **sections 75 to 84**; or

(b) under any matter referred to in **section 85(1)**; or

(c) in accordance with a waiver or variation given under **section 93**; or

(d) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the relevant trustees if the offer to the relevant trustees was—
  (i) made in accordance with **section 70**; and
  (ii) made on terms that were the same as, or more favourable to the relevant trustees than, the terms of the disposal to the person; and
  (iii) not withdrawn under **section 72**; and
  (iv) not accepted under **section 73**.

*Relevant trustees' right of first refusal*

**70 Requirements for offer**

(1) An offer by an RFR landowner to dispose of RFR land to the relevant trustees must be by notice to the relevant trustees.

(2) The notice must include—
  (a) the terms of the offer, including its expiry date; and
  (b) the legal description of the land, including any interests affecting it, and the reference for any computer register for the land; and
  (c) a street address for the land (if applicable); and
  (d) a street address, postal address, and fax number for the relevant trustees to give notices to the RFR landowner in relation to the offer.

**71 Expiry date of offer**

(1) The expiry date of an offer must be on or after the date that is 20 working days after the date on which the relevant trustees receive notice of the offer.

(2) However, the expiry date of an offer may be on or after the date that is 10 working days after the date on which the relevant trustees receive notice of the offer if—
  (a) the relevant trustees received an earlier offer to dispose of the land; and
  (b) the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer; and
  (c) the earlier offer was not withdrawn.

### 72 Withdrawal of offer

The RFR landowner may, by notice to the relevant trustees, withdraw an offer at any time before it is accepted.

### 73 Acceptance of offer

(1) The relevant trustees may, by notice to the RFR landowner who made an offer, accept the offer if—

(a) it has not been withdrawn; and

(b) its expiry date has not passed.

(2) The relevant trustees must accept all the RFR land offered, unless the offer permits them to accept less.

### 74 Formation of contract

(1) If the relevant trustees accept an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and the relevant trustees on the terms in the offer.

(2) The terms of the contract may be varied by written agreement between the RFR landowner and the relevant trustees.

(3) Under the contract, the relevant trustees may nominate any person other than the relevant trustees (the **nominee**) to receive the transfer of the RFR land.

(4) The relevant trustees may nominate a nominee only if—

(a) the nominee is lawfully able to hold the RFR land; and

(b) notice is given to the RFR landowner on or before the day that is 10 working days before the day on which the transfer is to settle.

(5) The notice must specify—

(a) the full name of the nominee; and

(b) any other details about the nominee that the RFR landowner needs in order to transfer the RFR land to the nominee.

(6) If the relevant trustees nominate a nominee, the relevant trustees remain liable for the obligations of the transferee under the contract.

*Disposals to others but land remains RFR land*

**75 Disposal to the Crown or Crown bodies**

(1) An RFR landowner may dispose of RFR land to—
- (a) the Crown; or
- (b) a Crown body.

(2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 143(5) or 206 of the Education Act 1989.

**76 Disposal of existing public works to local authorities**

(1) An RFR landowner may dispose of RFR land that is a public work, or part of a public work, in accordance with section 50 of the Public Works Act 1981 to a local authority, as defined in section 2 of that Act.

(2) To avoid doubt, if RFR land is disposed of to a local authority under **subsection (1)**, the local authority becomes—
- (a) the RFR landowner of the land; and
- (b) subject to the obligations of an RFR landowner under this subpart.

**77 Disposal of reserves to administering bodies**

(1) An RFR landowner may dispose of RFR land in accordance with section 26 or 26A of the Reserves Act 1977.

(2) To avoid doubt, if RFR land that is a reserve is vested in an administering body under **subsection (1)**, the administering body does not become—
- (a) the RFR landowner of the land; or
- (b) subject to the obligations of an RFR landowner under this subpart.

(3) However, if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes—
- (a) the RFR landowner of the land; and
- (b) subject to the obligations of an RFR landowner under this subpart.

*Disposals to others where land may cease to be RFR land*

**78 Disposal in accordance with obligations under enactment or rule of law**

An RFR landowner may dispose of RFR land in accordance with an obligation under any enactment or rule of law.

**79 Disposal in accordance with legal or equitable obligations**

An RFR landowner may dispose of RFR land in accordance with—

(a) a legal or an equitable obligation that—

(i) was unconditional before the settlement date; or

(ii) was conditional before the settlement date but became unconditional on or after the settlement date; or

(iii) arose after the exercise (whether before, on, or after the settlement date) of an option existing before the settlement date; or

(b) the requirements, existing before the settlement date, of a gift, an endowment, or a trust relating to the land.

**80 Disposal under certain legislation**

An RFR landowner may dispose of RFR land in accordance with—

(a) section 54(1)(d) of the Land Act 1948; or

(b) section 34, 43, or 44 of the Marine and Coastal Area (Takutai Moana) Act 2011; or

(c) section 355(3) of the Resource Management Act 1991; or

(d) an Act that—

(i) excludes the land from a national park within the meaning of the National Parks Act 1980; and

(ii) authorises that land to be disposed of in consideration or part consideration for other land to be held or administered under the Conservation Act 1987, the National Parks Act 1980, or the Reserves Act 1977.

**81 Disposal of land held for public works**

(1) An RFR landowner may dispose of RFR land in accordance with—

(a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or

(b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or

(c) section 117(3)(a) of the Public Works Act 1981; or

(d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or

(e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.

(2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(e) of the Public Works Act 1981.

**82 Disposal for reserve or conservation purposes**

An RFR landowner may dispose of RFR land in accordance with—

(a) section 15 of the Reserves Act 1977; or

(b) section 16A or 24E of the Conservation Act 1987.

**83 Disposal for charitable purposes**

An RFR landowner may dispose of RFR land as a gift for charitable purposes.

**84 Disposal to tenants**

The Crown may dispose of RFR land—

(a) that was held on the settlement date for education purposes to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or

(b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted—

(i) before the settlement date; or

(ii) on or after the settlement date under a right of renewal in a lease granted before the settlement date; or

(c) under section 93(4) of the Land Act 1948.

*RFR landowner obligations*

**85 RFR landowner's obligations subject to other matters**

(1) An RFR landowner's obligations under this subpart in relation to RFR land are subject to—

(a) any other enactment or rule of law except that, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and

(b) any interest, or legal or equitable obligation, that—

(i) prevents or limits an RFR landowner's disposal of RFR land to the relevant trustees; and

(ii) the RFR landowner cannot satisfy by taking reasonable steps; and

(c) the terms of a mortgage over, or security interest in, RFR land.

(2) Reasonable steps, for the purposes of **subsection (1)(b)(ii)**, do not include steps to promote the passing of an enactment.

*Notices about RFR land*

**86 Notice to LINZ of RFR land with computer register after settlement date**

(1) If a computer register is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the register has been created.

(2) If land for which there is a computer register becomes RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land.

(3) The notice must be given as soon as is reasonably practicable after a computer register is first created for the RFR land or after the land becomes RFR land.

(4) The notice must include the legal description of the land and the reference for the computer register.

### 87 Notice to relevant trustees of disposal of RFR land to others

(1) An RFR landowner must give the relevant trustees notice of the disposal of RFR land by the landowner to a person other than the relevant trustees or their nominee.

(2) The notice must be given on or before the date that is 20 working days before the day of the disposal.

(3) The notice must include—

- (a) the legal description of the land, including any interests affecting it; and
- (b) the reference for any computer register for the land; and
- (c) the street address for the land (if applicable); and
- (d) the name of the person to whom the land is being disposed of; and
- (e) an explanation of how the disposal complies with **section 69**; and
- (f) if the disposal is to be made under **section 69(d)**, a copy of any written contract for the disposal.

### 88 Notice to LINZ of land ceasing to be RFR land

(1) This section applies if land contained in a computer register is to cease being RFR land because—

- (a) the fee simple estate in the land is to transfer from the RFR landowner to—
  - (i) the relevant trustees or their nominee (for example, under **section 63** in the case of a lease-back property or under a contract formed under **section 74**); or
  - (ii) any other person (including the Crown or a Crown body) under **section 69(d)**; or
- (b) the fee simple estate in the land is to transfer or vest from the RFR landowner in accordance with a waiver or variation given under **section 93**; or
- (c) the fee simple estate in the land is to transfer or vest from the RFR landowner to or in a person other than the Crown or a Crown body—
  - (i) under any of **sections 78 to 84**; or
  - (ii) under any matter referred to in **section 85(1)**.

(2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land.

(3) The notice must include—

(a) the legal description of the land; and

(b) the reference for the computer register for the land; and

(c) the details of the transfer or vesting of the land.

**89 Notice requirements**

**Schedule 4** applies to notices given under this subpart by or to—

(a) an RFR landowner; or

(b) the relevant trustees.

*Right of first refusal recorded on computer registers*

**90 Right of first refusal to be recorded on computer registers for RFR land**

(1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the computer registers for,—

(a) the RFR land for which there is a computer register on the settlement date; and

(b) the RFR land for which a computer register is first created after the settlement date; and

(c) land for which there is a computer register that becomes RFR land after the settlement date.

(2) The chief executive must issue a certificate as soon as is reasonably practicable—

(a) after the settlement date, for RFR land for which there is a computer register on the settlement date; or

(b) after receiving a notice under **section 86** that a computer register has been created for the RFR land or that the land has become RFR land, for any other land.

(3) Each certificate must state that it is issued under this section.

(4) The chief executive must provide a copy of each certificate to the relevant trustees as soon as is reasonably practicable after issuing the certificate.

(5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each computer register for the RFR land identified in the certificate that the land is—

(a) RFR land, as defined in **section 68**; and

(b) subject to this subpart (which restricts disposal, including leasing, of the land).

### 91 Removal of notifications when land to be transferred or vested

(1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under **section 88**, issue to the Registrar-General a certificate that includes—

(a) the legal description of the land; and

(b) the reference for the computer register for the land; and

(c) the details of the transfer or vesting of the land; and

(d) a statement that the certificate is issued under this section.

(2) The chief executive must provide a copy of each certificate to the relevant trustees as soon as is reasonably practicable after issuing the certificate.

(3) If the Registrar-General receives a certificate issued under this section, he or she must, immediately before registering the transfer or vesting described in the certificate, remove from the computer register identified in the certificate any notification recorded under **section 90** for the land described in the certificate.

### 92 Removal of notifications when RFR period ends

(1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends in respect of any RFR land, issue to the Registrar-General a certificate that includes—

(a) the reference for each computer register for that RFR land that still has a notification recorded under **section 90**; and

(b) a statement that the certificate is issued under this section.

(2) The chief executive must provide a copy of each certificate to the relevant trustees as soon as is reasonably practicable after issuing the certificate.

(3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notification recorded under **section 90** from any computer register identified in the certificate.

*General provisions applying to right of first refusal*

**93 Waiver and variation**

(1) The relevant trustees may, by notice to an RFR landowner, waive any or all of the rights the relevant trustees have in relation to the landowner under this subpart.

(2) The relevant trustees and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart.

(3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.

**94 Disposal of Crown bodies not affected**

This subpart does not limit the ability of the Crown, or a Crown body, to sell or dispose of a Crown body.

**95 Assignment of rights and obligations under this subpart**

(1) **Subsection (3)** applies if the RFR holder—

(a) assigns the RFR holder's rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder's constitutional document; and

(b) has given the notices required by **subsection (2)**.

(2) The RFR holder must give notices to each RFR landowner—

(a) stating that the RFR holder's rights and obligations under this subpart are being assigned under this section; and

(b) specifying the date of the assignment; and

(c) specifying the names of the assignees and, if they are the trustees of a trust, the name of the trust; and

(d) specifying the street address, postal address, or fax number for notices to the assignees.

(3) This subpart and **Schedule 4** apply to the assignees (instead of to the RFR holder) as if the assignees were the relevant trustees, with any necessary modifications.

(4) In this section,—

**constitutional document** means the trust deed or other instrument adopted for the governance of the RFR holder

**RFR holder** means the 1 or more persons who have the rights and obligations of the relevant trustees under this subpart, either because—

(a) they are the relevant trustees; or

(b) they have previously been assigned those rights and obligations under this section.

# Schedule 1
s 14

## Historical claims

### Part 1
### Claims that relate exclusively to Ngāi Te Rangi, Ngā Pōtiki, or representative entity

Wai 42—Te Puna-Kati Kati area claim
Wai 42c—D Murray, Ngāi Tamawhariua claim
Wai 159—Tuhua Island (Te Urungawera) claim
Wai 162—Tahuwhakatiki Trust claim
Wai 209—Otawa Kaiata Trust claim
Wai 211—M Ellis and H. Burton Ngāti Tukairangi claim
Wai 228—T Kuka Matakana claim
Wai 266—S Tawhiao Matakana claim
Wai 342—T Heke-Kaiawha Ngāti He claim
Wai 353—P Nicholas Ruawahine and Ngāi Tukairangi claim
Wai 360—L Waka Haua Whānau—Ohuki No. 3 claim
Wai 465—L Grey Kaitemako B&C claim
Wai 489—T Faulkner Ngāti Kuku claim
Wai 522—K Bluegum Ngāi Tamawhariua claim
Wai 540—K Ngāi Te Rangi Whanui claim
Wai 546—T Stockman Ngāti Tapu claim
Wai 636—Makarauri Whānau claim
Wai 668—W Te Kani Ngāi Tukairangi Trust claim
Wai 715—J White Matakana claim
Wai 717—Ngā Potiki claim
Wai 755—T Stockman Te Whānau a Tauwhao/Te Ngare claim
Wai 807—D Tata and others Te Whānau a Tauwhao ki Motiti claim
Wai 817—N Hirama Hirama Whānau claim
Wai 854—J Toma Ngāi Tamawhariua ki Matakana claim
Wai 938—T Wicks Te Whānau a Tauwhao claim
Wai 947—H Ngatai Ngāti Kuku claim
Wai 963—K Ngatai Ngāi Tukairangi CNI claim
Wai 1061—Mangatawa claim
Wai 1078—H Palmer Ngāi Te Rangi CNI claim

Part 1—*continued*

Wai 1328—Landbanking Policy claim
Wai 1355—Kakau Whānau—Papamoa 2 claim
Wai 1774—Ngāti Tapu hapū of Ngāi Te Rangi claim
Wai 1785—Hapū of Ngāi Te Rangi claim
Wai 1792—Ngā Potiki hapū of Ngāi Te Rangi claim
Wai 2252—Ngāti Te Ngare hapū of Ngāi Te Rangi claim
Wai 2263—Ngāi Tamawhariua, Ngāi Tuwhiwhia, and Ngāti Tauiti of Ngāi Te Rangi claim

## Part 2
## Other claims

Wai 47—Ngāi Te Rangi, Ngāti Ranginui, and Ngāti Pukenga claim
Wai 365—Matakana Island claim
Wai 383—(lodged 13 September 1993, withdrawn 23 July 1998)
Wai 580—Otamataha claim
Wai 603—Papakanui Trust claim
Wai 645—Tauranga Moana Trust Board claim
Wai 701—Athenree Forest claim
Wai 1462—Tuhua Island claim
Wai 1793—Ngāti Pango, Ngāti Kuku, Ngāti Kahu, and Ngāti Tamahapai claim
Wai 2042—Tauwhao hapū, Coromandel and Tauranga claim
Wai 2265–Ngāti Pukenga, Ngāi Te Rangi, and Ngāti He claim

# Schedule 2 s 21
## Statutory areas

### Part 1
### Areas subject to statutory acknowledgement of Ngāi Te Rangi

| Statutory area | Location |
|---|---|
| Aongatete | As shown on OTS-078-18 |
| Waiau River | As shown on OTS-078-15 |
| Uretara Stream | As shown on OTS-078-17 |
| Waiorooro ki Maketu, being the area within the marine and coastal area (as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011) from Waiorooroo Stream to Parakiri (recorded name being Omanu Beach) | As shown on OTS-078-13 |

### Part 2
### Area subject to statutory acknowledgment of Ngā Pōtiki

| Statutory area | Location |
|---|---|
| Waiorooro ki Maketu, being the following:<br>(a) the area within the marine and coastal area (as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011 from Parakiri (recorded name being Omanu Beach) to Wairakei:<br>(b) the area between mean high-water springs and mean low-water springs from Te Tumu to Maketu | As shown on OTS-078-13 |

### Part 3
### Areas subject to statutory acknowledgment of both Ngāi Te Rangi and Ngā Pōtiki

| Statutory area | Location |
|---|---|
| Waitao Stream | As shown on OTS-078-24 |

Part 3—*continued*

| Statutory area | Location |
|---|---|
| Kaiate / Te Rere a Kawau Stream (recorded name being Kaiate Stream) | As shown on OTS-078-26 |
| Waiorooro ki Maketu, being the area within the marine and coastal area (as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011) from Wairakei to Te Tumu | As shown on OTS-078-13 |

# Schedule 3

ss 38, 47, 48, 49

## Cultural redress properties

### Properties vested in fee simple to be administered as reserves

| Name of property | Description | Interests |
|---|---|---|
| Karewa Island | *South Auckland Land District—Western Bay of Plenty*<br>3.57 hectares, approximately, being Karewa East and West Blocks. All *Gazette* 1972, p 2023. Subject to survey.<br>As shown on OTS-078-09 | Subject to being a nature reserve, as referred to in **section 39(4)**. |
| Motuotau Island | *South Auckland Land District—Tauranga City*<br>2.50 hectares, approximately, being Motuotau No. 1 and No. 2. All computer freehold register SA96/199. Subject to survey.<br>As shown on OTS-078-08. | Subject to being a scenic reserve, as referred to in **section 40(3)**.<br>Subject to an unregistered concession to Massey University for a penguin monitoring programme. |
| Otara maunga property | *South Auckland Land District—Western Bay of Plenty*<br>6.70 hectares, approximately, being Part Section 3 SO 450796. Part Proclamation 10017. Subject to survey.<br>3.30 hectares, approximately, being Part Section 15 Block I Maketu Survey District. Part *Gazette* 1914, p 4268. Subject to survey.<br>As shown on OTS-078-11 | Subject to being a scenic reserve, as referred to in **section 41(4)**. |
| Waitao Stream property | *South Auckland Land District—Western Bay of Plenty*<br>3.08 hectares, approximately, being Crown Land SO 46647, SO 46648, and SO 46649. Part Proclamation | Subject to being a scenic reserve, as referred to in **section 42(3)**. |

| Name of property | Description | Interests |
|---|---|---|
| | S259951. Subject to survey.<br>As shown on OTS-078-27. | |

## Properties jointly vested in fee simple to be administered as reserves

| Name of property | Description | Interests |
|---|---|---|
| Otānewainuku | *South Auckland Land District—Western Bay of Plenty*<br>35.5 hectares, approximately, being Part Section 3 Block XVI Otanewainuku Survey District. Part *Gazette* 1947, p 481. Subject to survey.<br>52.5 hectares, approximately, being Part Section 4 Block XVI Otanewainuku Survey District. Part *Gazette* 1920, p 2119. Subject to survey.<br>27.0 hectares, approximately, being Part Te Puke Block. Part *Gazette* 1879, p 781. Subject to survey.<br>5.0 hectares, approximately, being Part Waitaha 1. Part *Gazette* 1884, p 238.<br>As shown on OTS-078-31. | Subject to being a scenic reserve, as referred to in **section 44(3)**.<br>Subject to an unregistered guiding permit with concession number PAC 04-06-40 to Golden Fern Trust (dated 22 September 2010).<br>Subject to an unregistered guiding permit with concession number PAC 10-06-229 to Black Sheep Touring Company Limited (dated 1 October 2012).<br>Subject to the right of way easement in gross referred to in **section 44(6)**. |
| Pūwhenua | *South Auckland Land District—Western Bay of Plenty*<br>52.0 hectares, approximately, being Part Lot 4 DPS 85782. Part computer freehold register SA68A/371. Subject to survey. | Subject to being a scenic reserve, as referred to in **section 45(3)**. |

| Name of property | Description | Interests |
|---|---|---|
| | 15.5 hectares, approximately, being Part Section 5 Block XIV Otanewainuku Survey District. Part *Gazette* 1940, p 1059. Subject to survey.<br>As shown on OTS-078-32. | |

# Schedule 4

ss 67, 89, 95(3)

## Notices in relation to RFR land

**1 Requirements for giving notice**

A notice by or to an RFR landowner, the trustees of the Ngāi Te Rangi Settlement Trust, or the trustees of the Ngā Pōtiki a Tamapahore Trust under **subpart 2 of Part 3** must be—

(a) in writing and signed by—

(i) the person giving it; or

(ii) at least 2 of the trustees of the Ngāi Te Rangi Settlement Trust or the trustees of the Ngā Pōtiki a Tamapahore Trust, for a notice given by those trustees; and

(b) addressed to the recipient at the street address, postal address, fax number, or email address,—

(i) for a notice to the trustees of the Ngāi Te Rangi Settlement Trust or the trustees of the Ngā Pōtiki a Tamapahore Trust, specified for those trustees in accordance with the deed of settlement, specified in a later notice given by those trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or email address of those trustees; or

(ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under **section 70**, specified in a later notice given to the trustees of the Ngāi Te Rangi Settlement Trust or the trustees of the Ngā Pōtiki a Tamapahore Trust, or identified by those trustees as the current address, fax number or email address of the RFR landowner.

(c) for a notice given under **section 86 or 88** to the chief executive of LINZ, at the Wellington office of LINZ; and

(d) given by—

(i) delivering it by hand to the recipient's street address; or

(ii) posting it to the recipient's postal address; or

(iii) faxing it to the recipient's fax number; or

(iv) sending it by electronic means such as email.

**2 Limitation on use of electronic transmission**

Despite **clause 1**, notices given under **sections 70, 73, 74, and 93** must not be given by electronic means other than by fax.

**3 Time when notice received**

(1) A notice is to be treated as having been received—

(a) at the time of delivery, if delivered by hand; or

(b) on the second day after posting, if posted; or

(c) at the time of transmission, if faxed or sent by other electronic means.

(2) However, a notice is to be treated as having been received on the next working day if, under **subclause (1)**, it would be treated as having been received—

(a) after 5 pm on a working day; or

(b) on a day that is not a working day.