

**TE ĀTIAWA O TE WAKA-A-MĀUI**

**and**

**TE ĀTIAWA O TE WAKA-A-MĀUI TRUST**

**and**

**THE CROWN**

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**DEED OF SETTLEMENT:  
ATTACHMENTS**

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**TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

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**TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

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**1. AREA OF INTEREST**

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TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

1. AREA OF INTEREST



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**2. DEED PLANS**

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**TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

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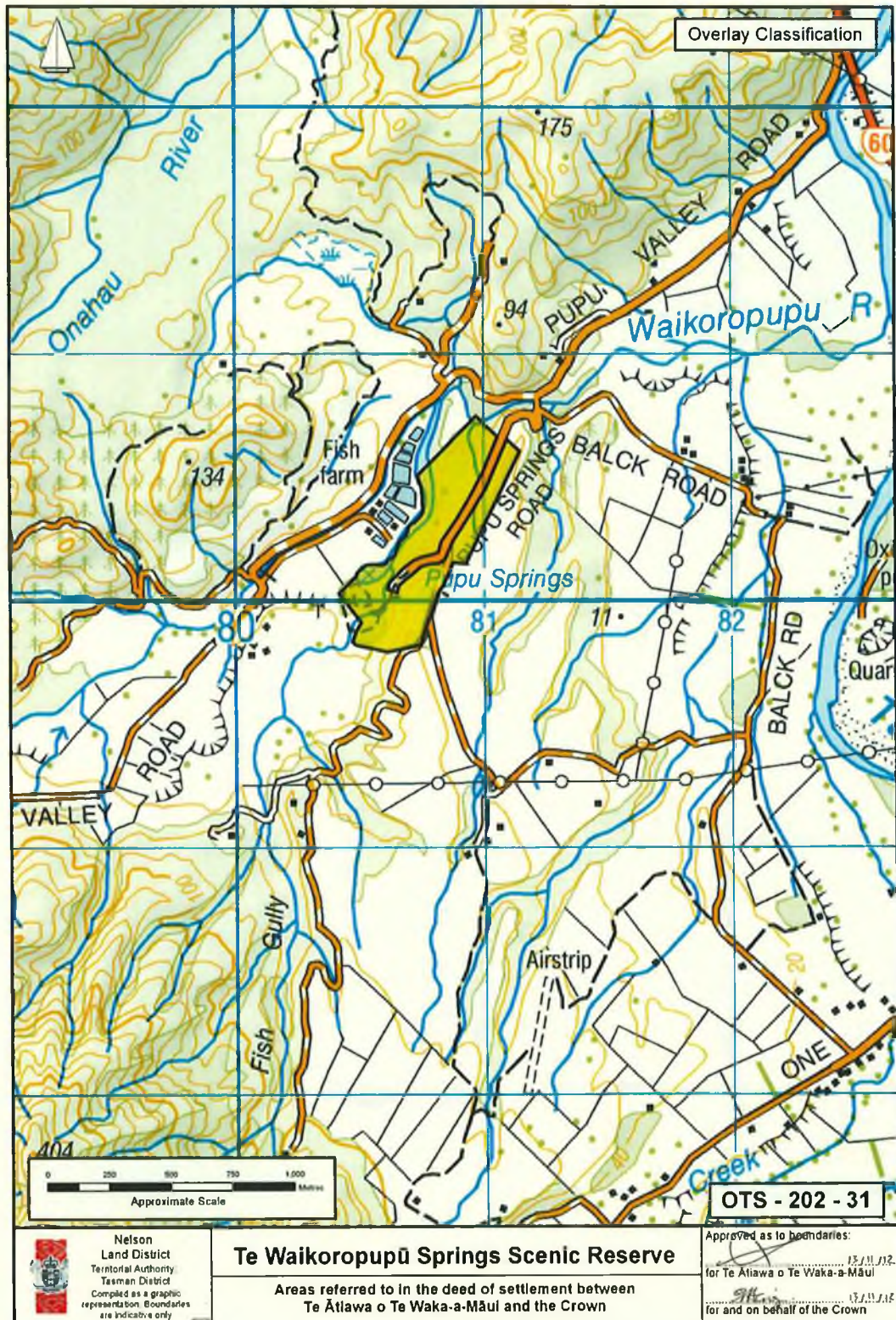
**2.1 OVERLAY SITES**

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TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.1: OVERLAY SITES

TE WAIKOROPUPŪ SPRINGS SCENIC RESERVE (OTS-202-31)





TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.1: OVERLAY SITES

FAREWELL SPIT NATURE RESERVE (OTS-202-32)




TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.1: OVERLAY SITES

EAST HEAD (OTS-202-37)






**Marlborough Land District**  
 Territorial Authority  
 Marlborough District  
 Compiled as a graphic representation. Boundaries are indicative only.

**East Head**

Areas referred to in the Deed of Settlement between  
Te Ātiawa o Te Waka-a-Māui and the Crown

Approved as to boundaries:


 for Te Ātiawa o Te Waka-a-Māui  

 for and on behalf of the Crown

TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.1: OVERLAY SITES

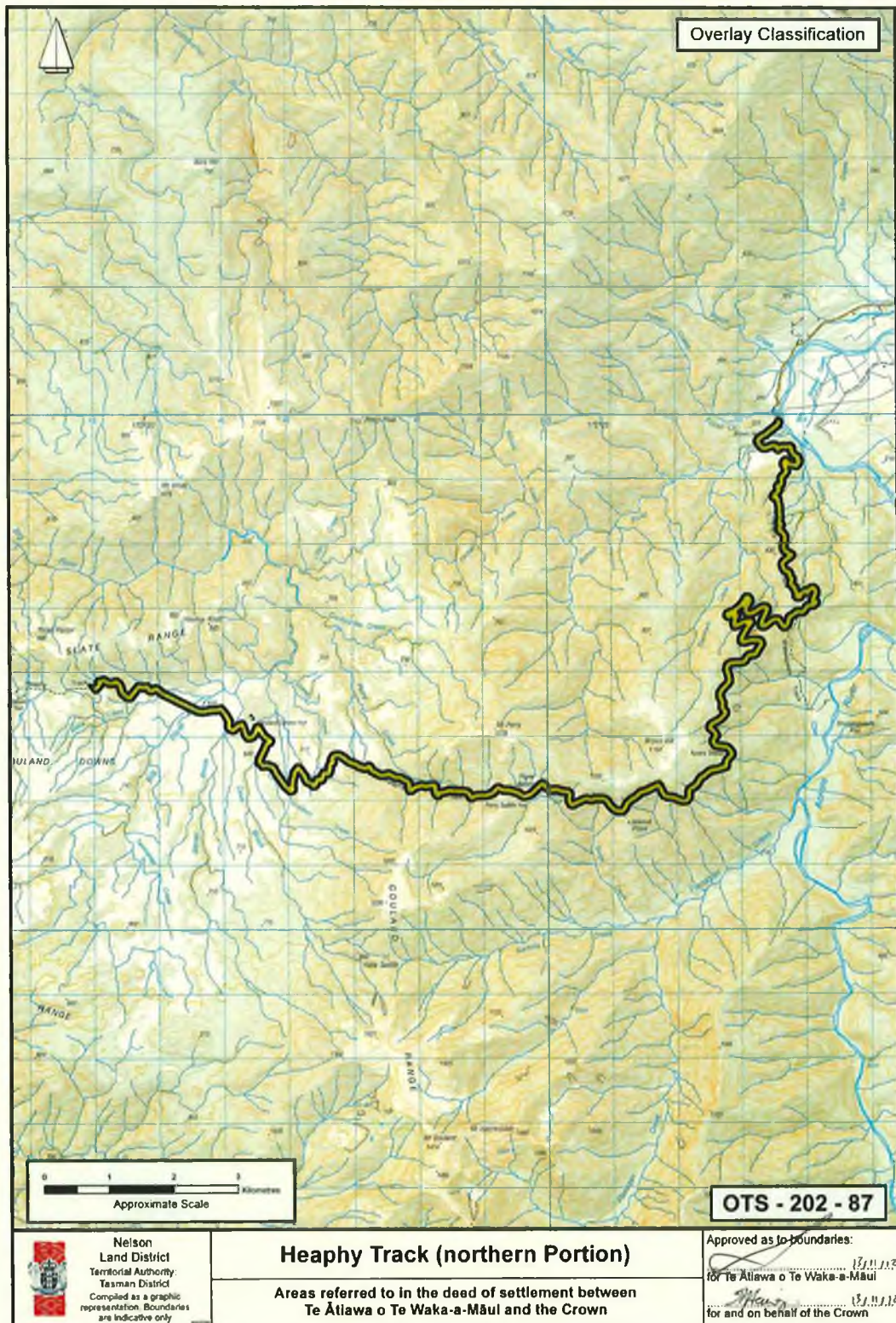
THE BROTHERS (OTS-202-38)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.1: OVERLAY SITES

HEAPHY TRACK (NORTHERN PORTION) (OTS-202-87)



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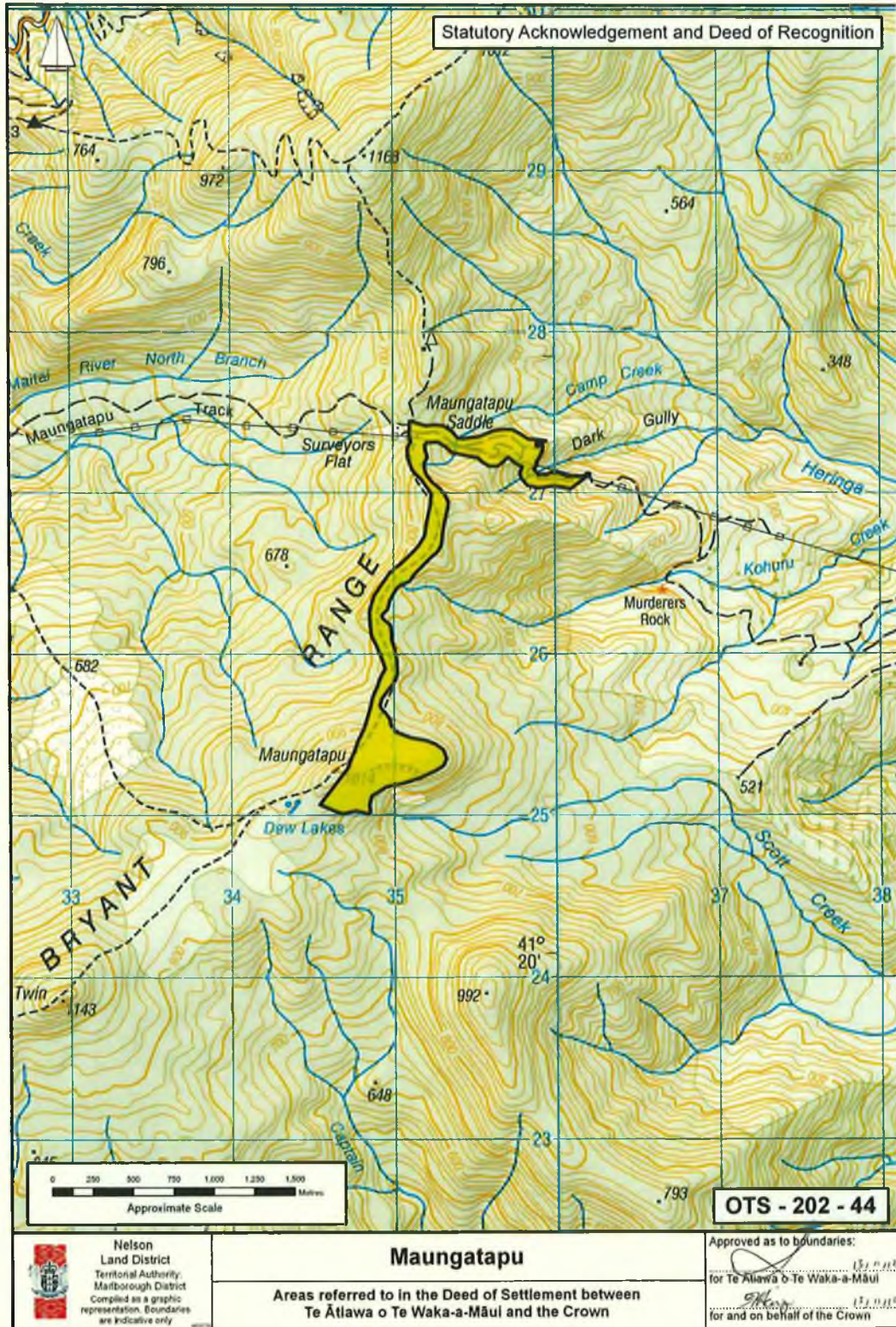
**2.2 STATUTORY AREAS**

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TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

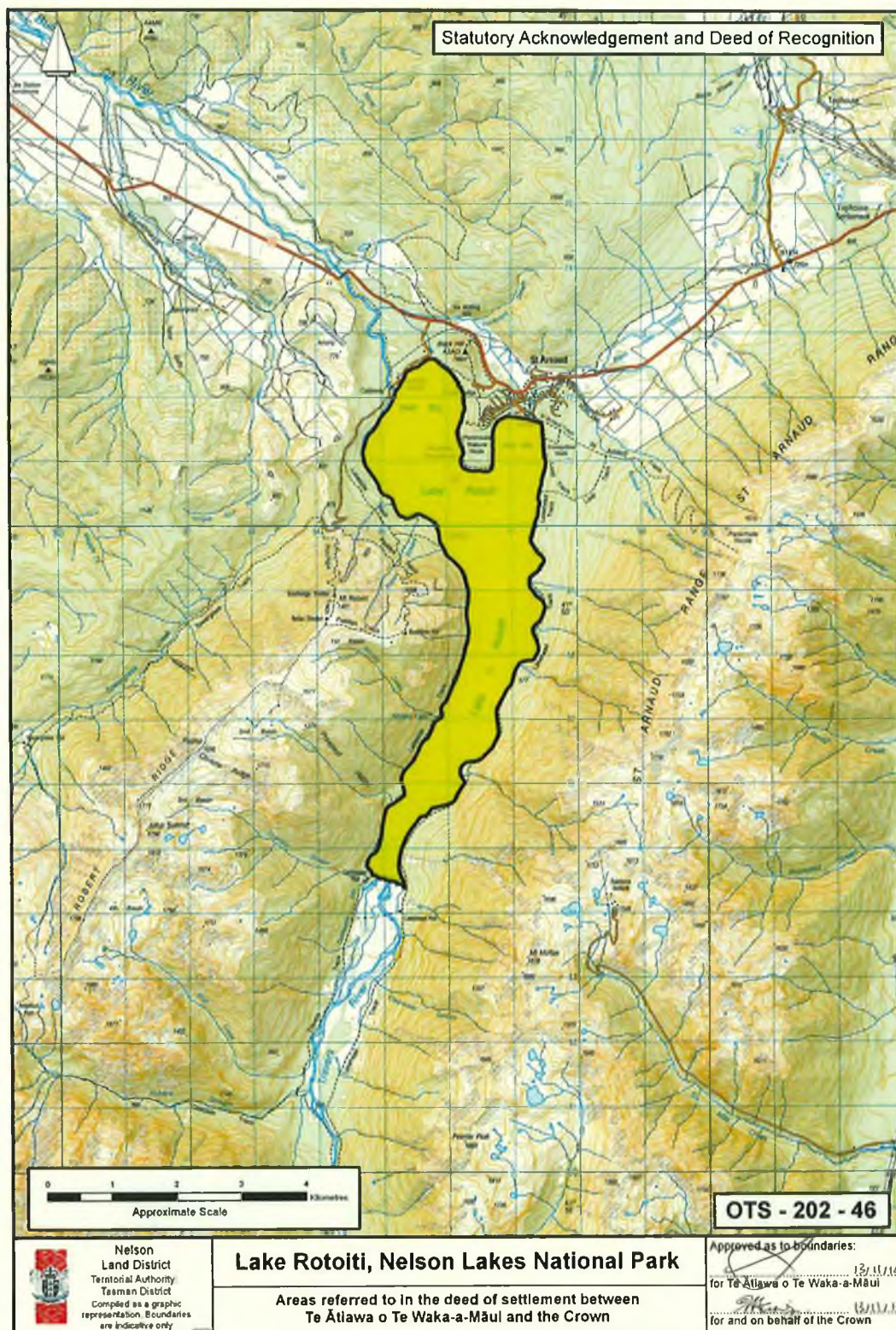
MAUNGATAPU (OTS-202-44)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

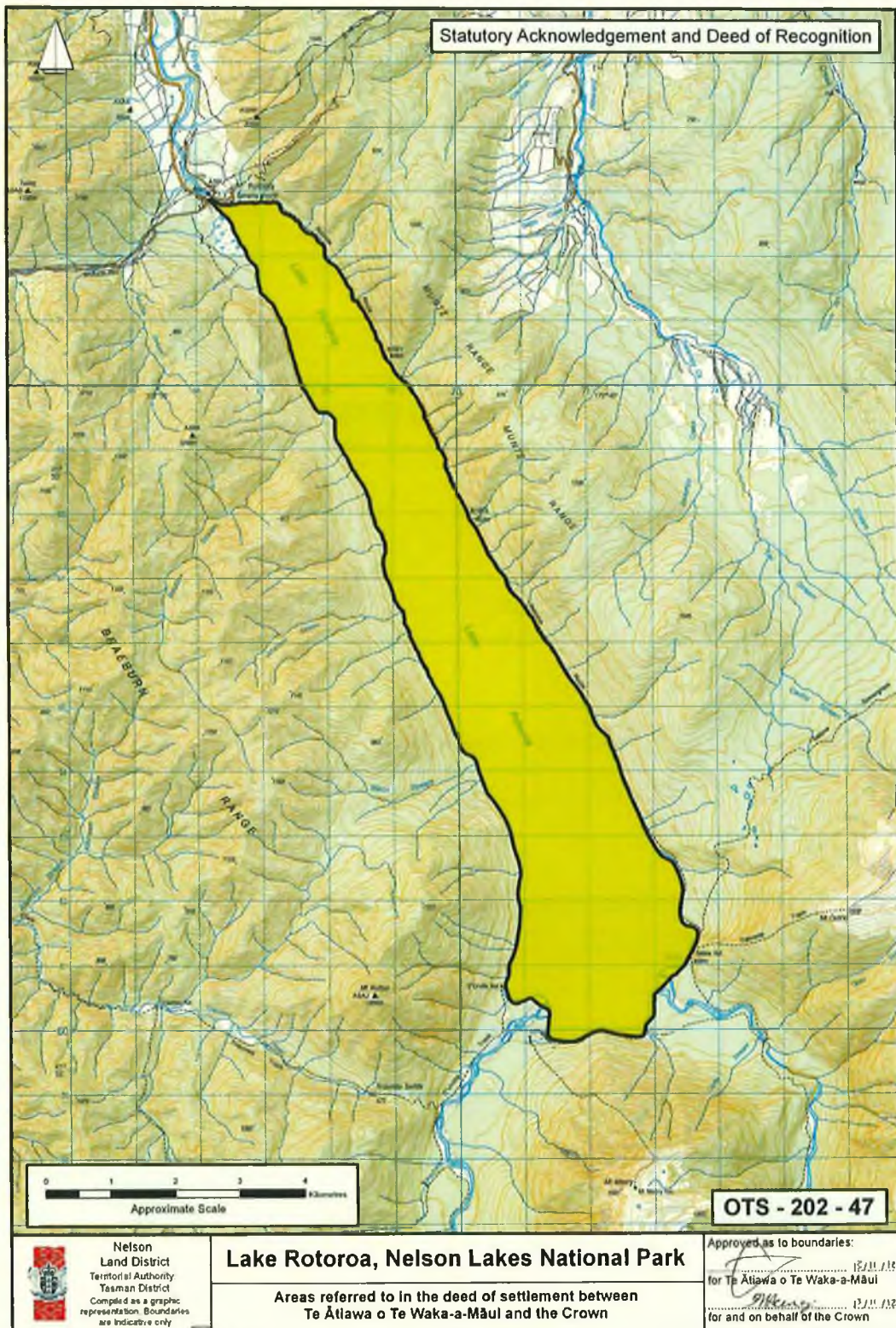
LAKE ROTOITI, NELSON LAKES NATIONAL PARK (OTS-202-46)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

LAKE ROTOROA, NELSON LAKES NATIONAL PARK (OTS-202-47)





**TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

**2.2: STATUTORY AREAS**

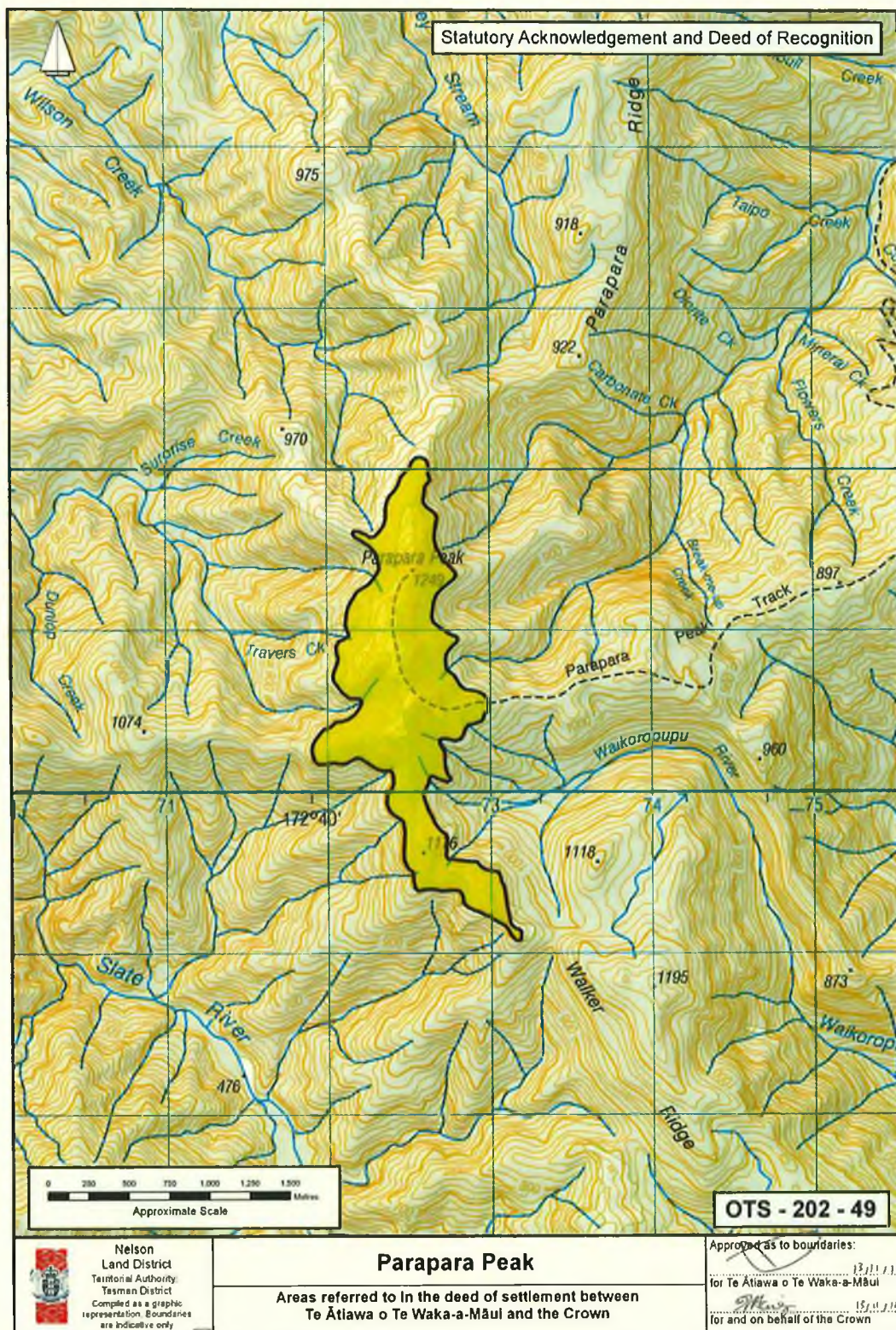
**WESTHAVEN (TE TAI TAPU) MARINE RESERVE AND WESTHAVEN (WHANGANUI INLET) WILDLIFE MANAGEMENT RESERVE (OTS-202-42)**



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

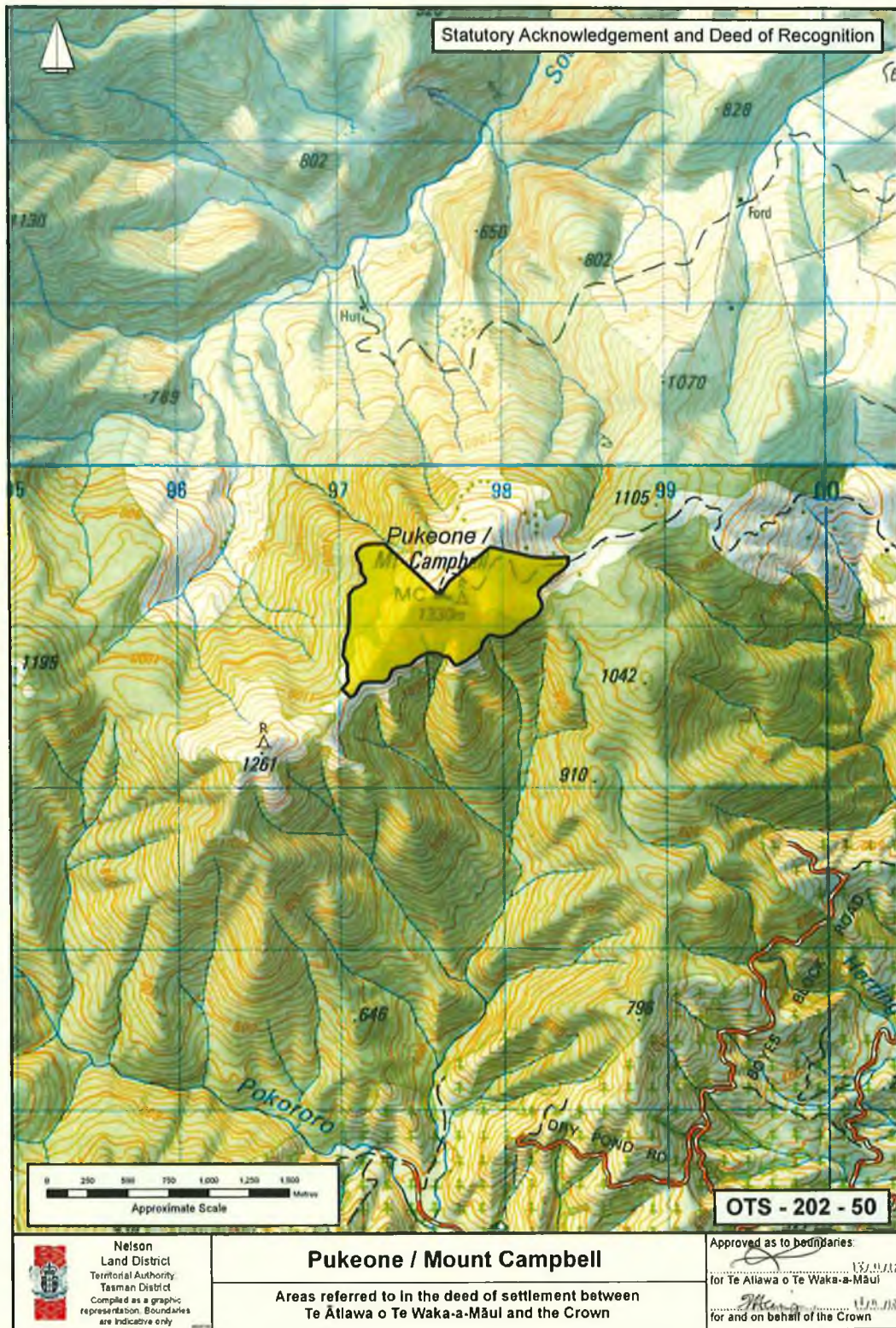
PARAPARA PEAK (OTS-202-49)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

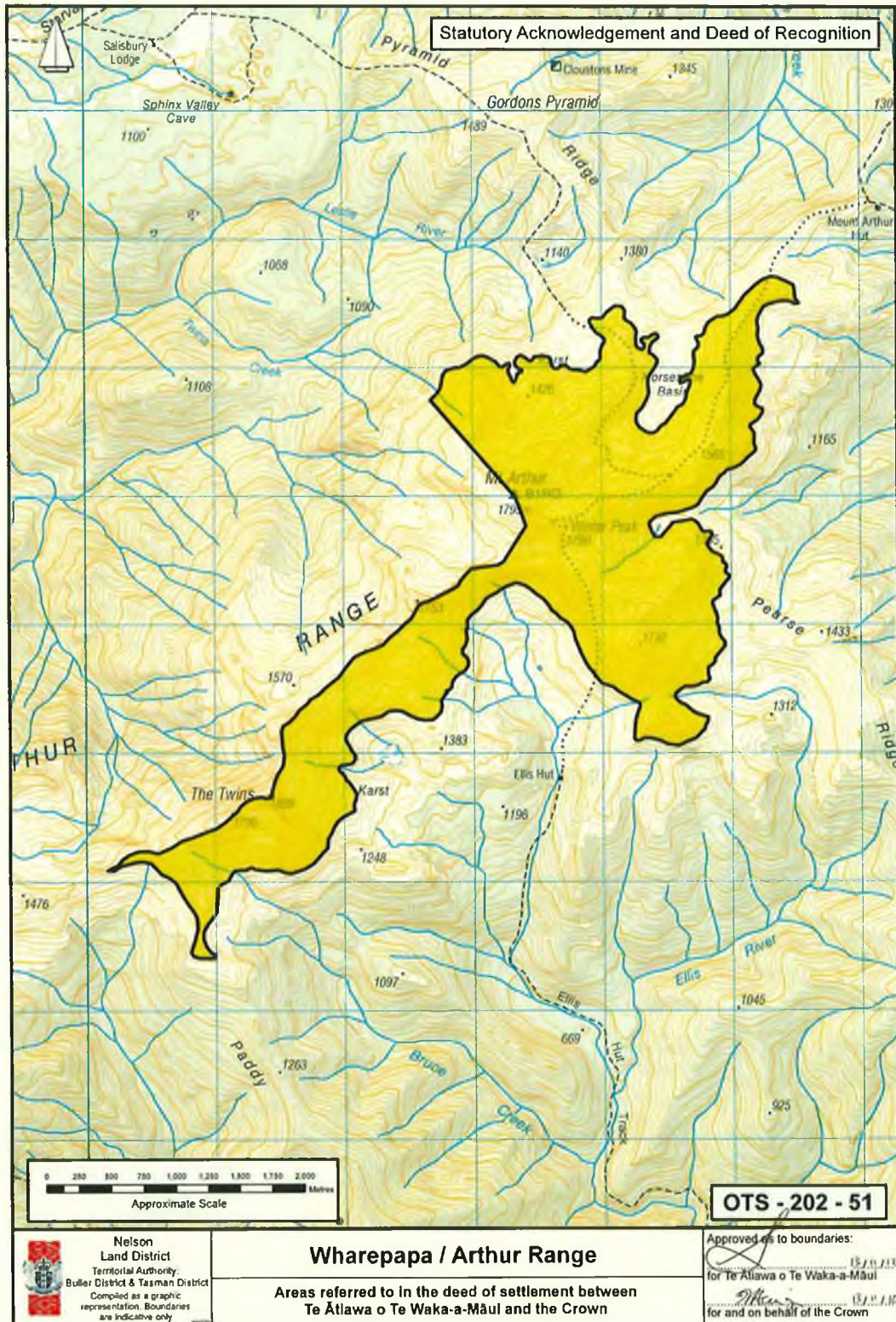
PUKEONE / MOUNT CAMPBELL (OTS-202-50)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

WHAREPAPA / ARTHUR RANGE (OTS-202-51)




TE ĀTIWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

QUEEN CHARLOTTE SOUND / TŌTARANUI AND ISLAND (OTS-202-59)




**Marlborough Land District**  
 Territorial Authority  
 Marlborough District  
 Compiled as a graphic representation. Boundaries are indicative only.

**Queen Charlotte Sound / Tōtaranui and Islands**  
 Areas referred to in the deed of settlement between Te Ātiawa o Te Waka-a-Māui and the Crown

Approved as to boundaries:  
 for Te Ātiawa o Te Waka-a-Māui *[Signature]* 13/11/13  
 for and on behalf of the Crown *[Signature]* 13/11/13

**TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

**2.2: STATUTORY AREAS**

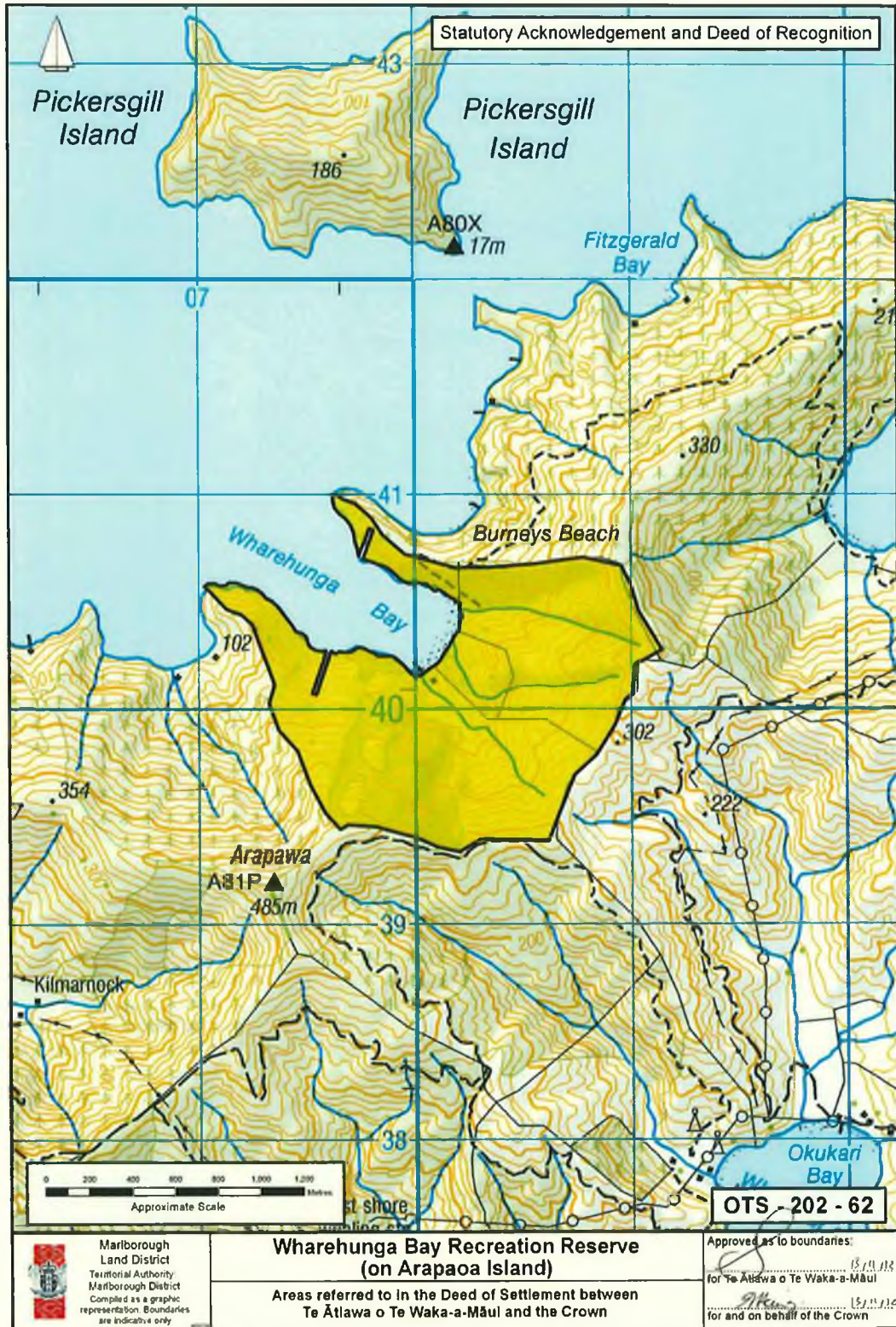
**HURA (ON ARAPAOA ISLAND) (OTS-202-60)**



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

WHAREHUNGA BAY RECREATION RESERVE (ON ARAPAOA ISLAND) (OTS-202-62)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

WEST OF SEPARATION POINT / TE MATAU (OTS-202-90)





TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

TE ANAMĀHANGA / PORT GORE (OTS-202-92)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

KAITERITERI SCENIC RESERVE (OTS-202-122)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

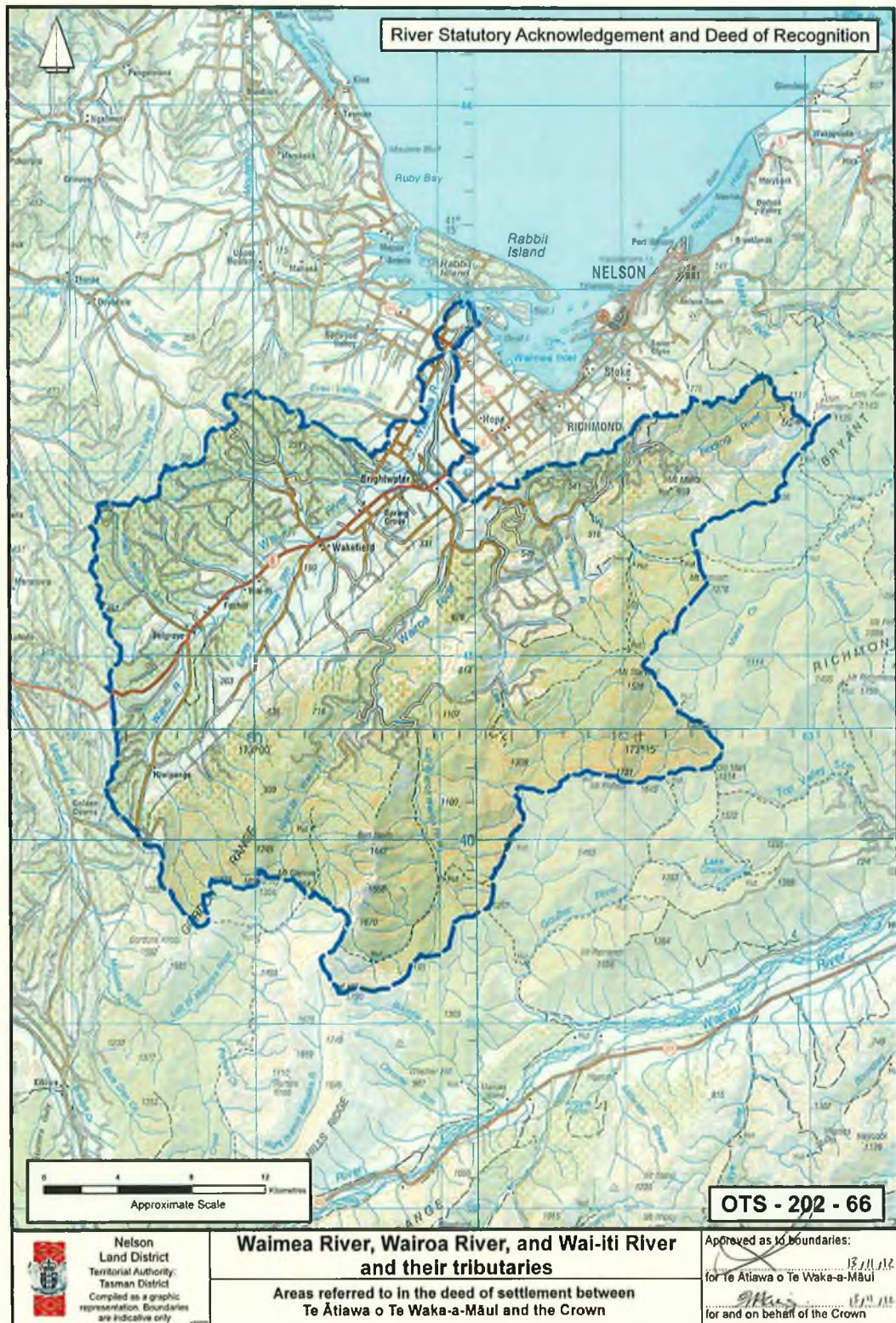
MAITAI RIVER AND ITS TRIBUTARIES (OTS-202-64)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

WAIMEA RIVER, WAIROA AND WAI-ITI RIVERS AND THEIR TRIBUTARIES (OTS-202-66)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

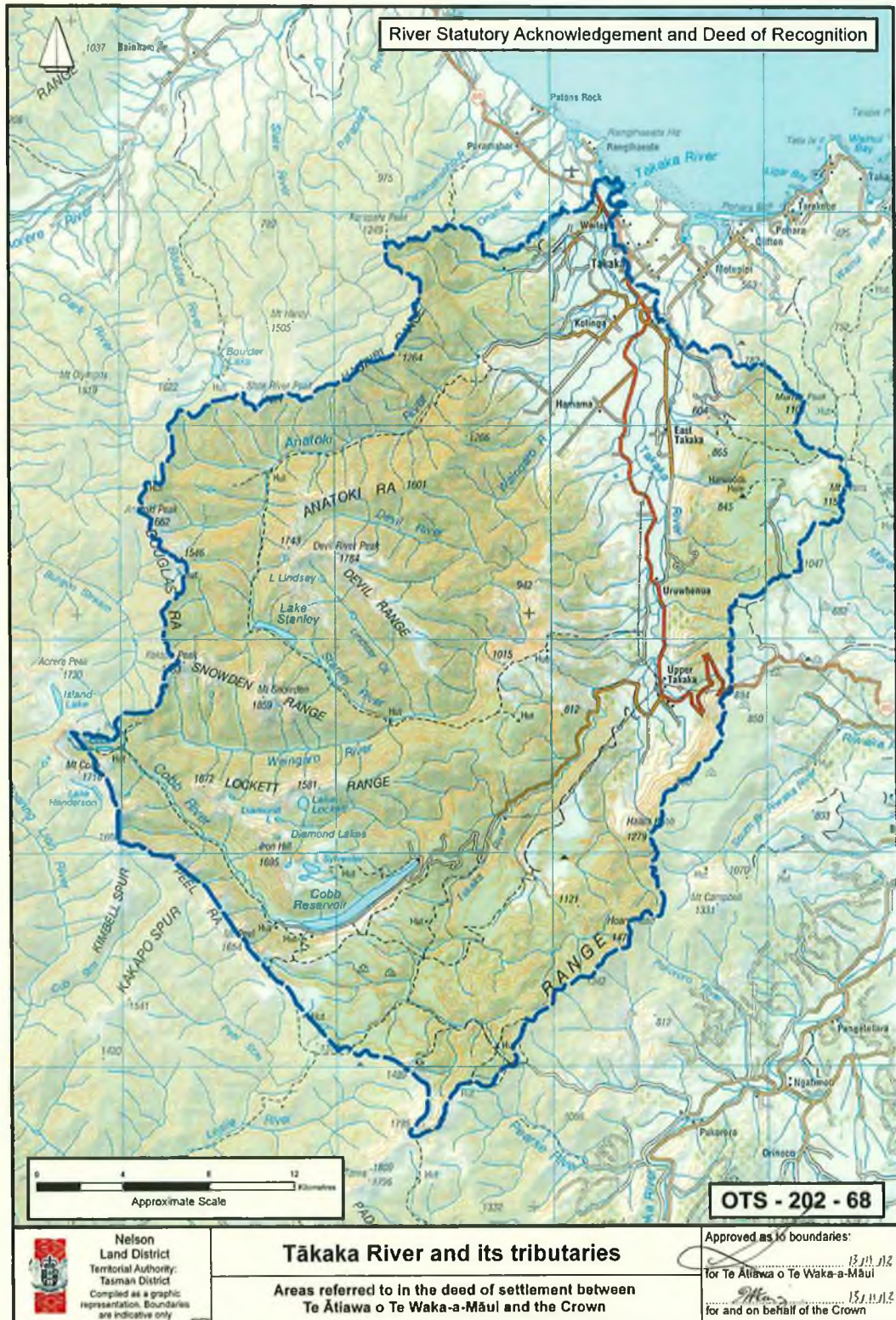
MOTUEKA RIVER AND ITS TRIBUTARIES (OTS-202-67)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

TĀKAKA RIVER AND ITS TRIBUTARIES (OTS-202-68)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

AORERE RIVER AND ITS TRIBUTARIES (OTS-202-69)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

TE HOIERE / PELORUS RIVER AND ITS TRIBUTARIES (OTS-202-70)

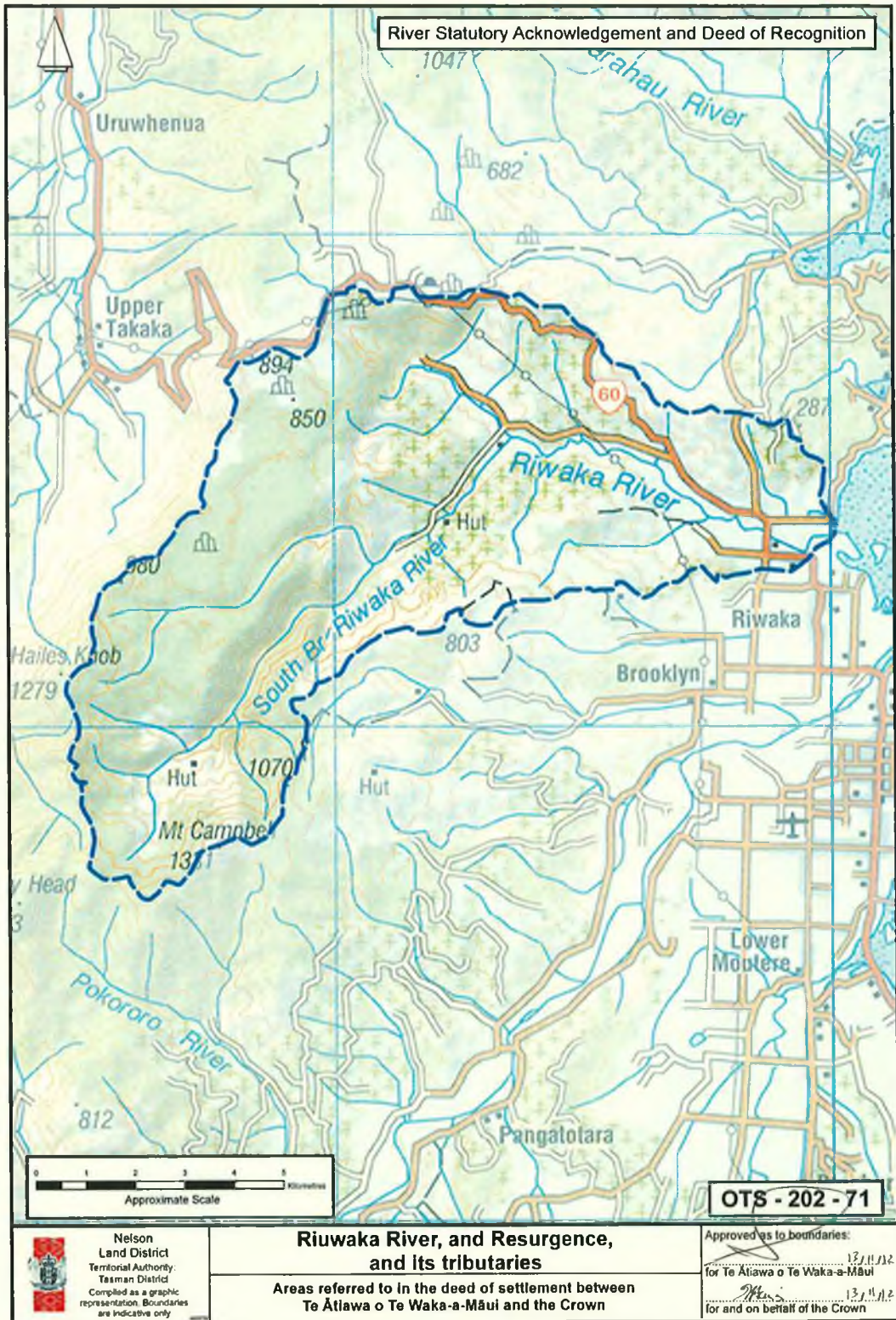




TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

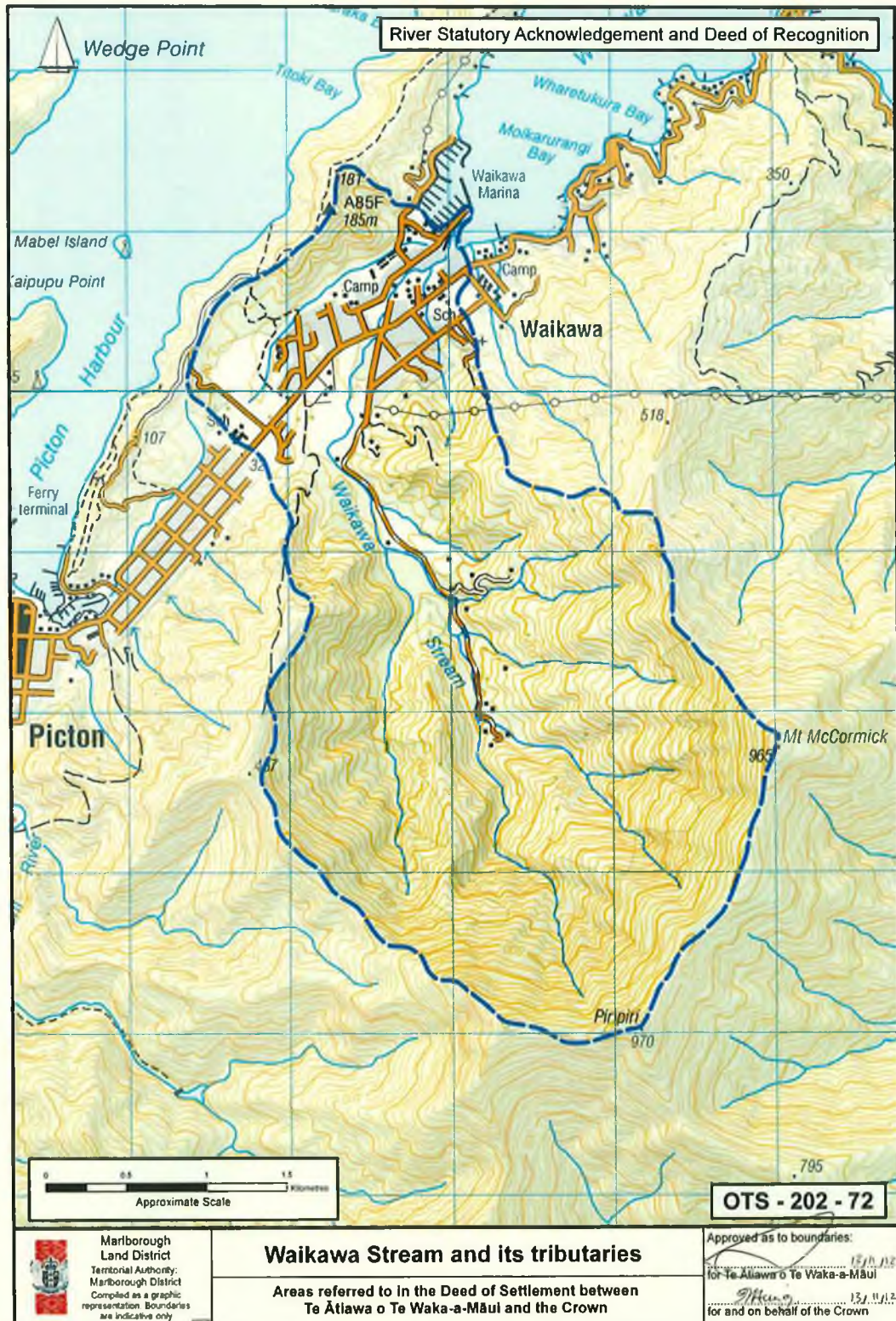
RIUWAKA RIVER, AND RESURGENCE, AND ITS TRIBUTARIES (OTS-202-71)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

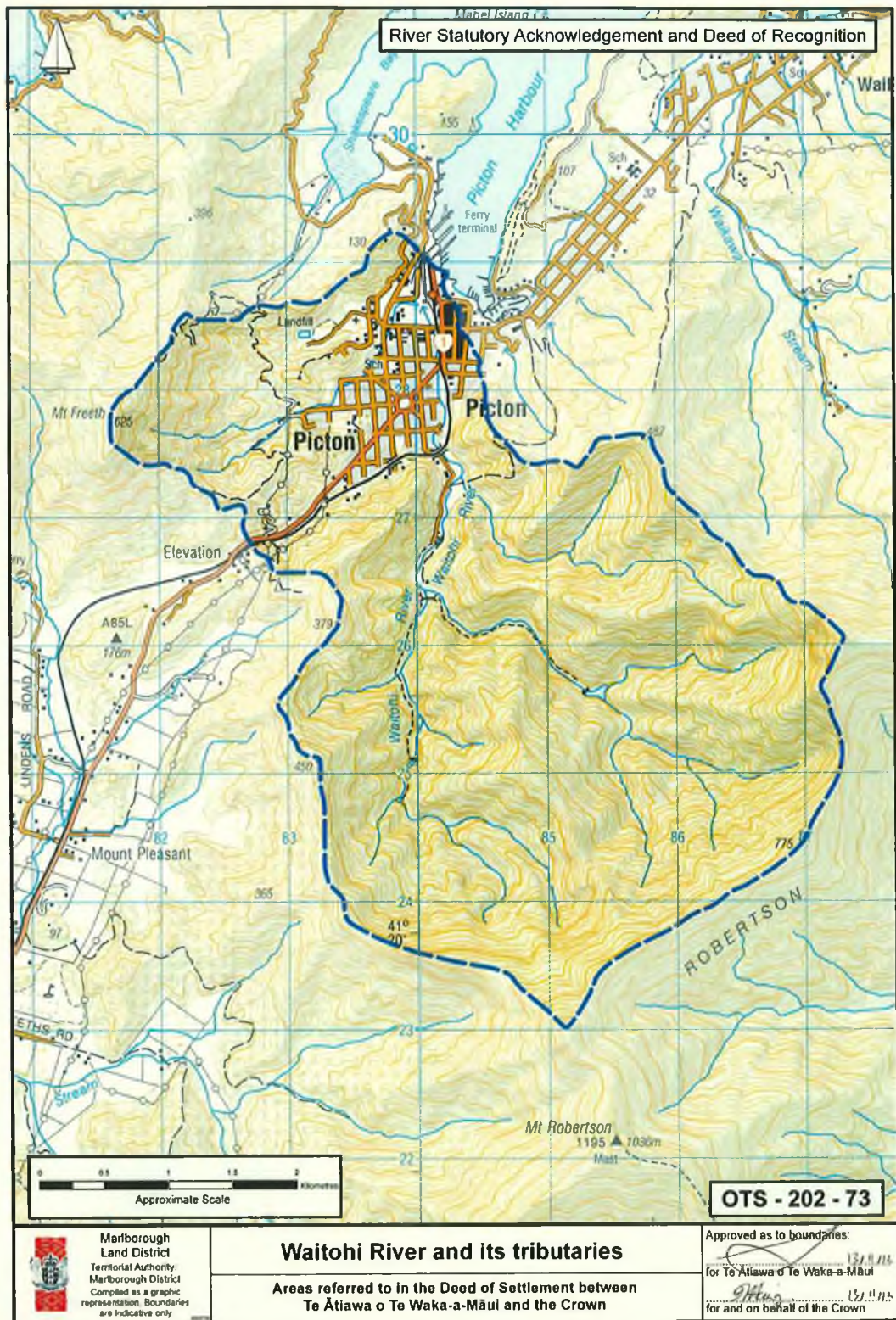
WAIKAWA STREAM AND ITS TRIBUTARIES (OTS-202-72)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

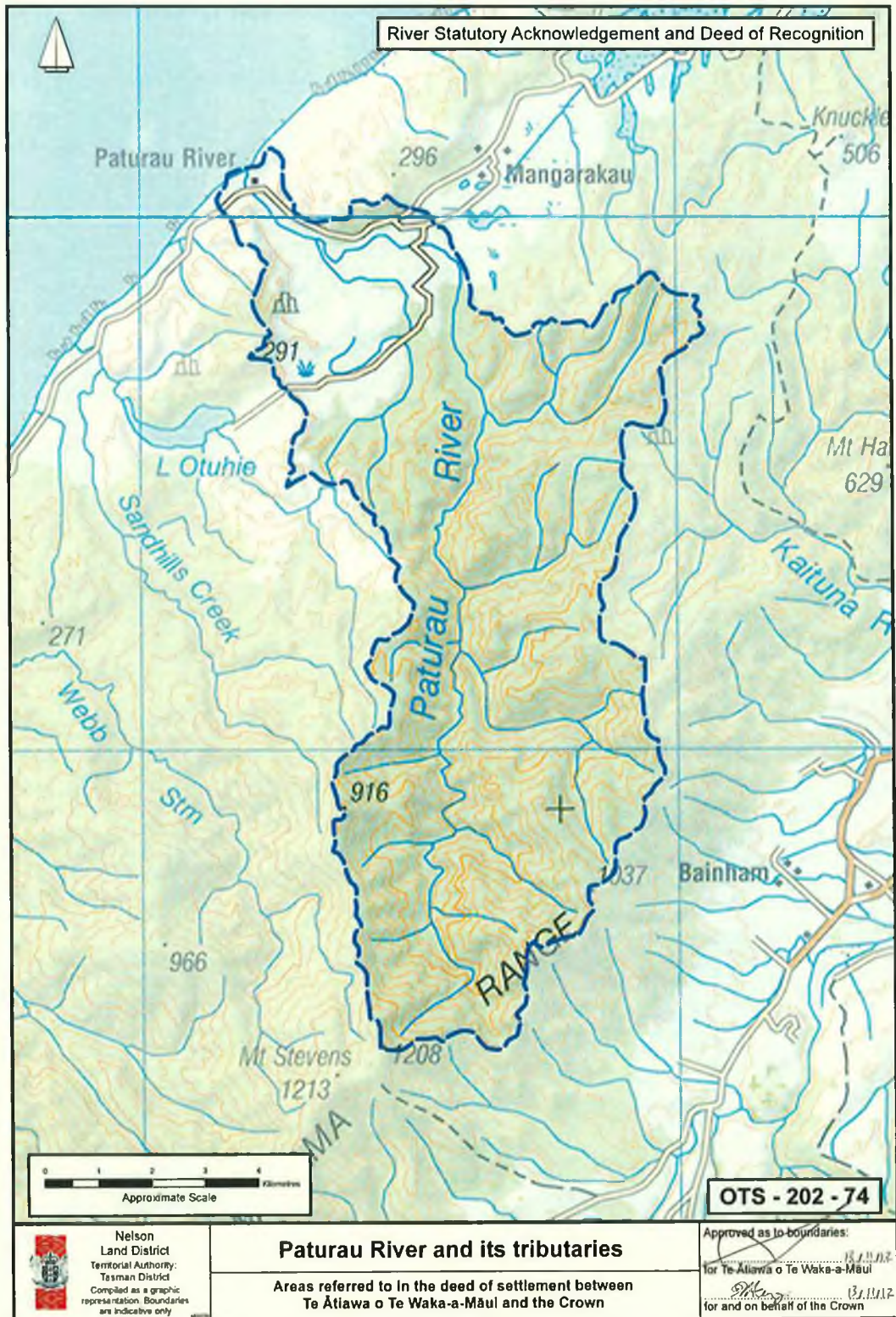
WAITOHI RIVER AND ITS TRIBUTARIES (OTS-202-73)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

PATURAU RIVER AND ITS TRIBUTARIES (OTS-202-74)



Nelson  
Land District  
Territorial Authority:  
Tasman District  
Compiled as a graphic  
representation. Boundaries  
are indicative only.

**Paturau River and its tributaries**

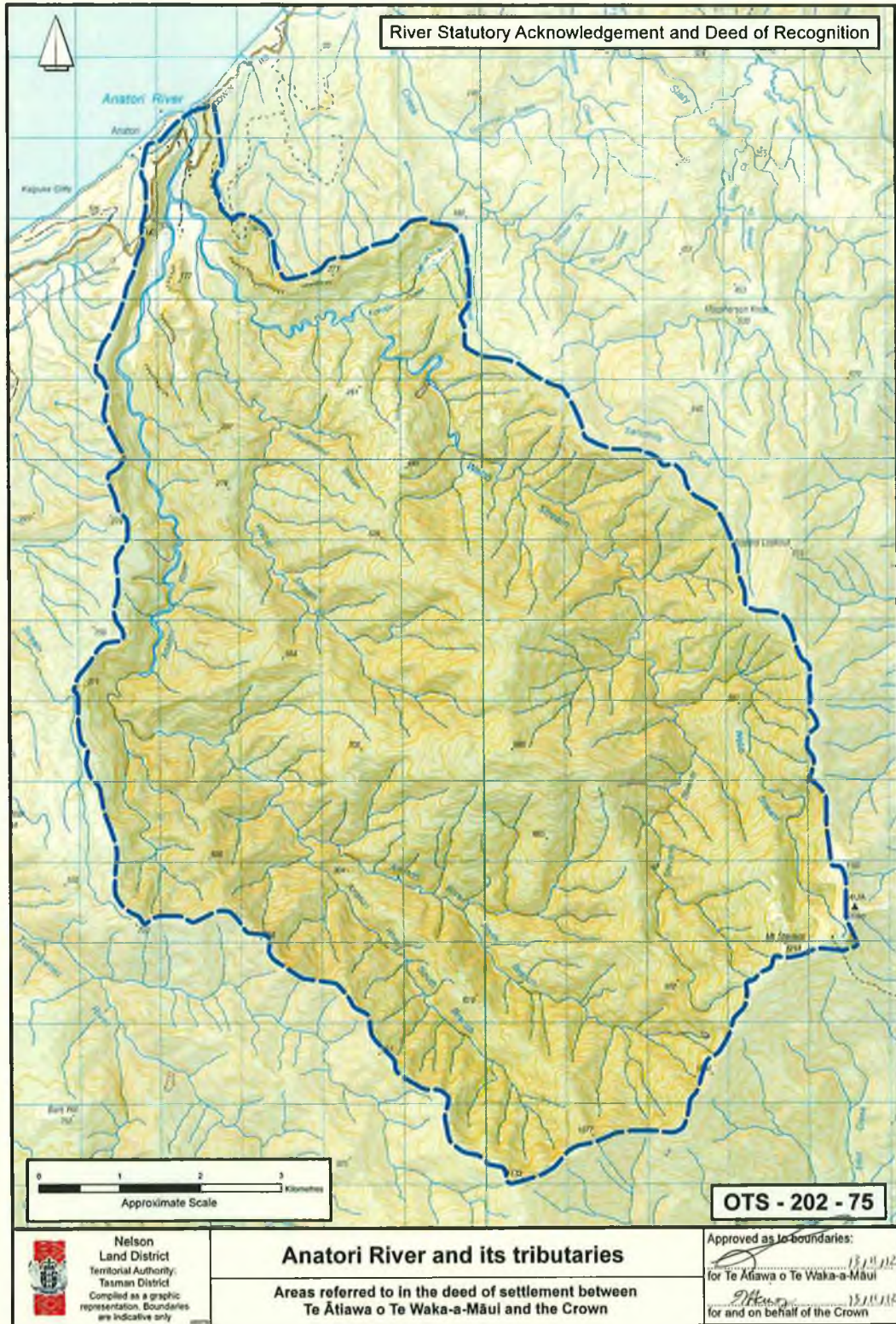
Areas referred to in the deed of settlement between  
Te Ātiawa o Te Waka-a-Māui and the Crown

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for Te Ātiawa o Te Waka-a-Māui  
for and on behalf of the Crown

TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

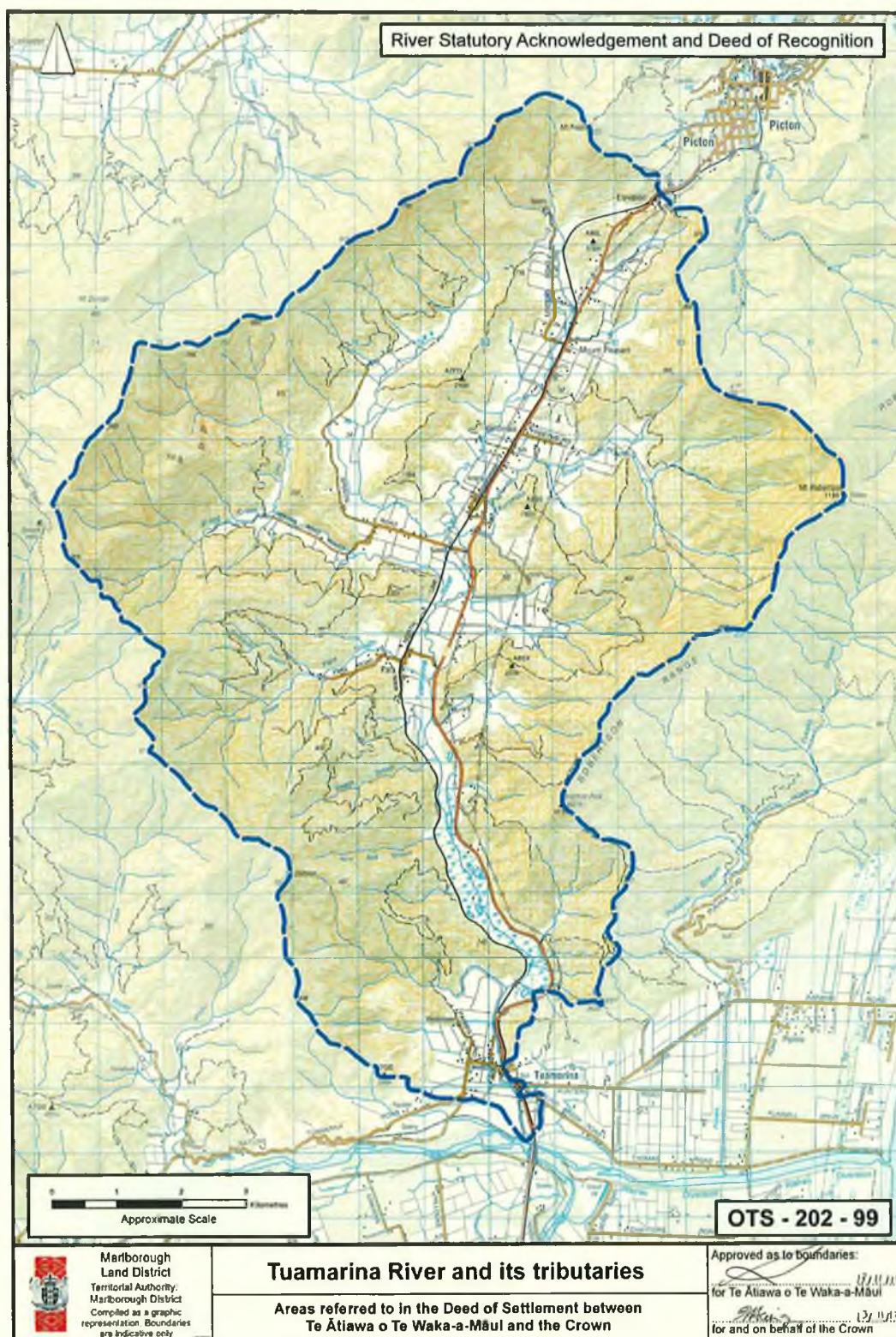
ANATORI RIVER AND ITS TRIBUTARIES (OTS-202-75)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

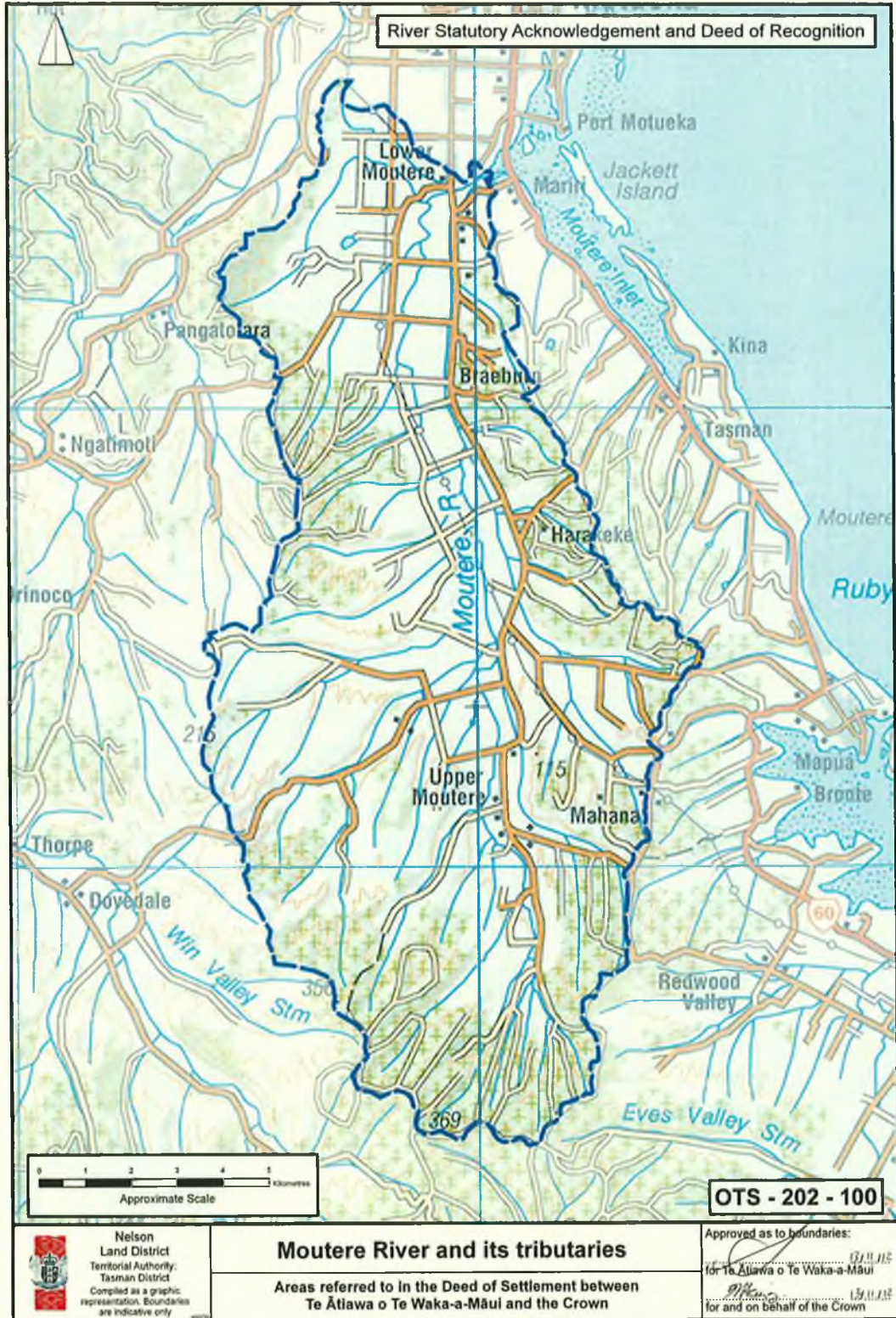
TUAMARINA RIVER AND ITS TRIBUTARIES (OTS-202-99)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

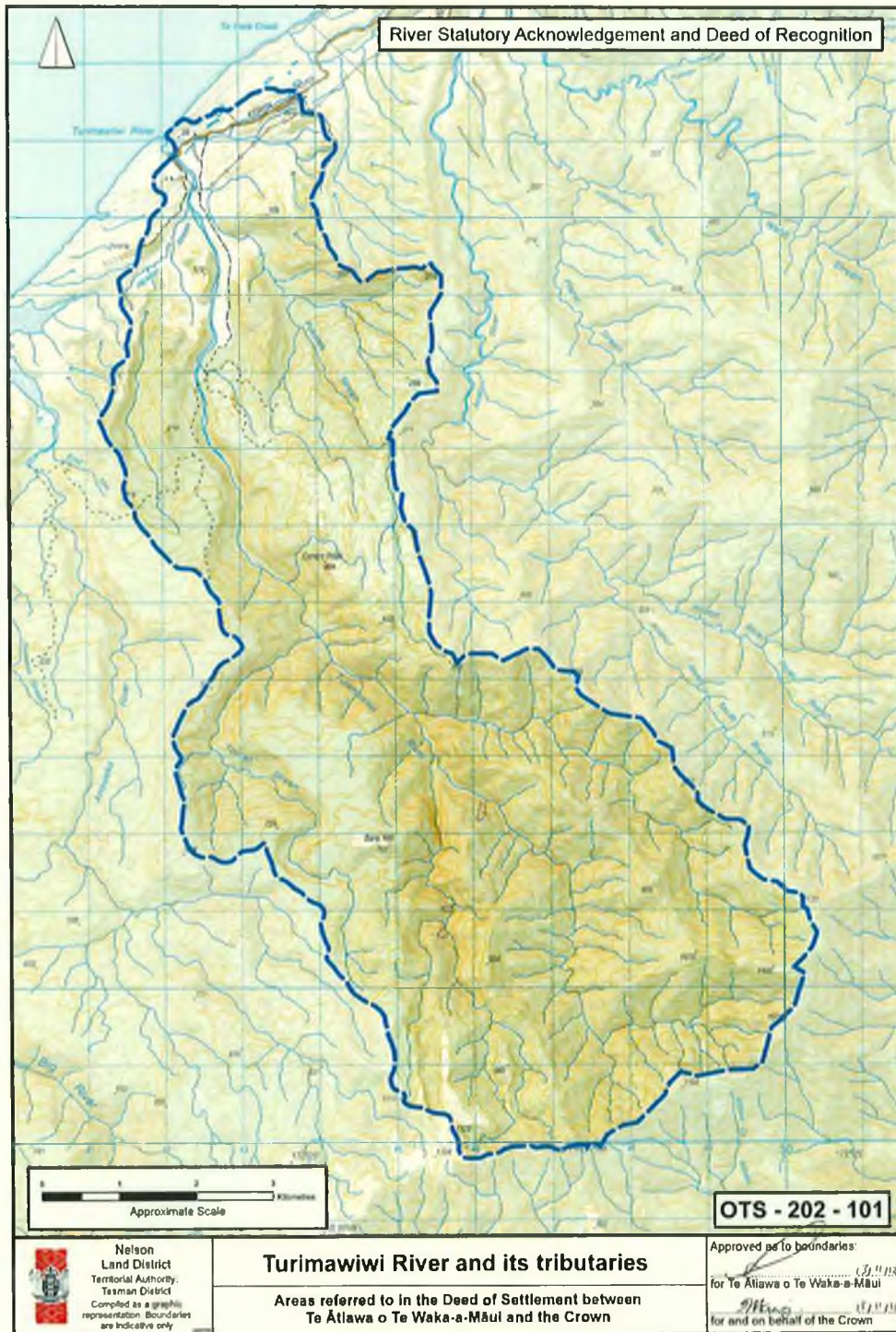
MOUTERE RIVER AND ITS TRIBUTARIES (OTS-202-100)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

TURIMAWIWI RIVER AND ITS TRIBUTARIES (OTS-202-101)





TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

KAKA POINT (OTS-202-113)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.2: STATUTORY AREAS

TITI ISLAND NATURE RESERVE (OTS-202-52)



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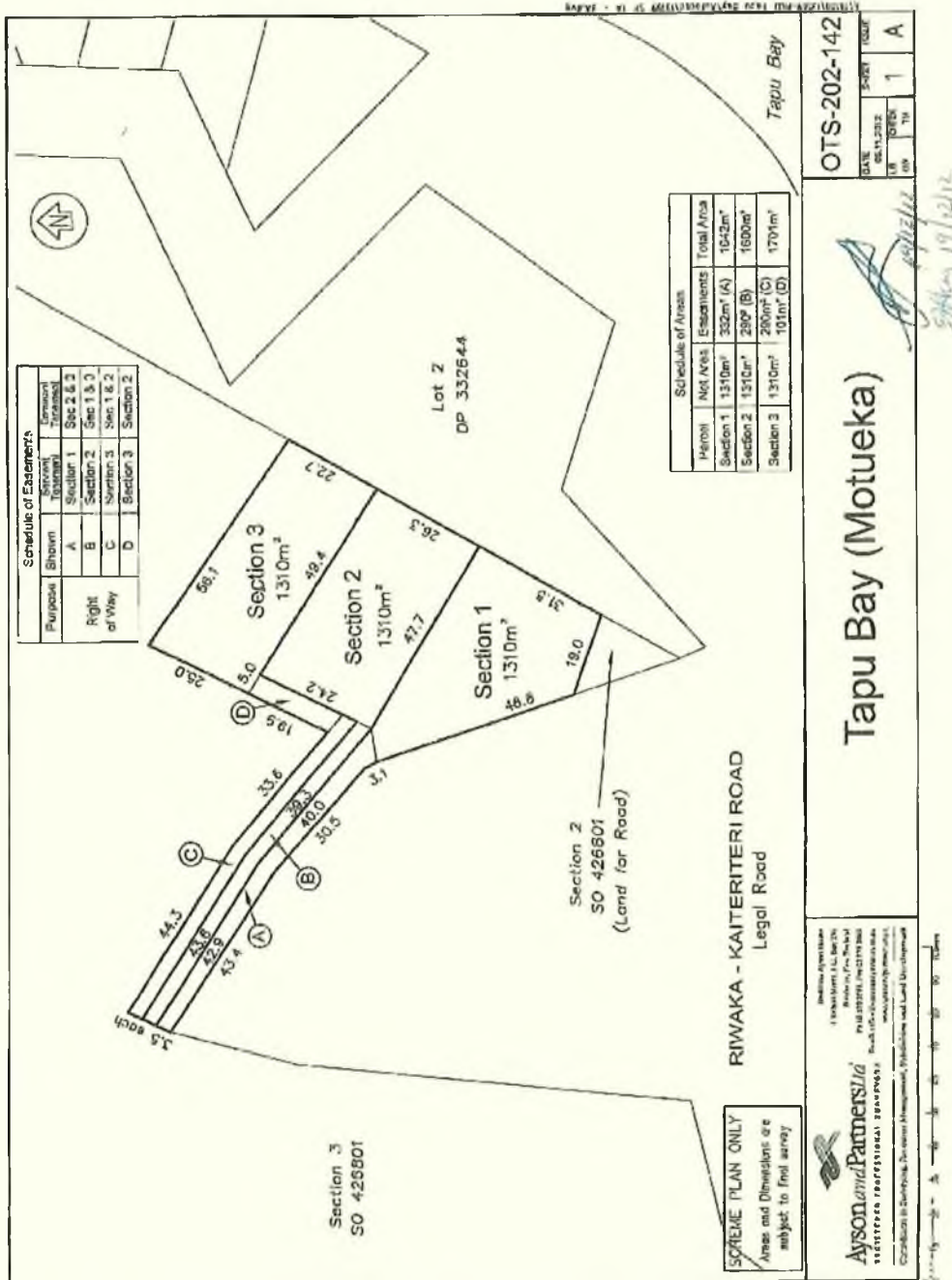
**2.3 CULTURAL REDRESS PROPERTIES**

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TE ĀTIAWA O TE WAKA-A-MĀUĪDEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

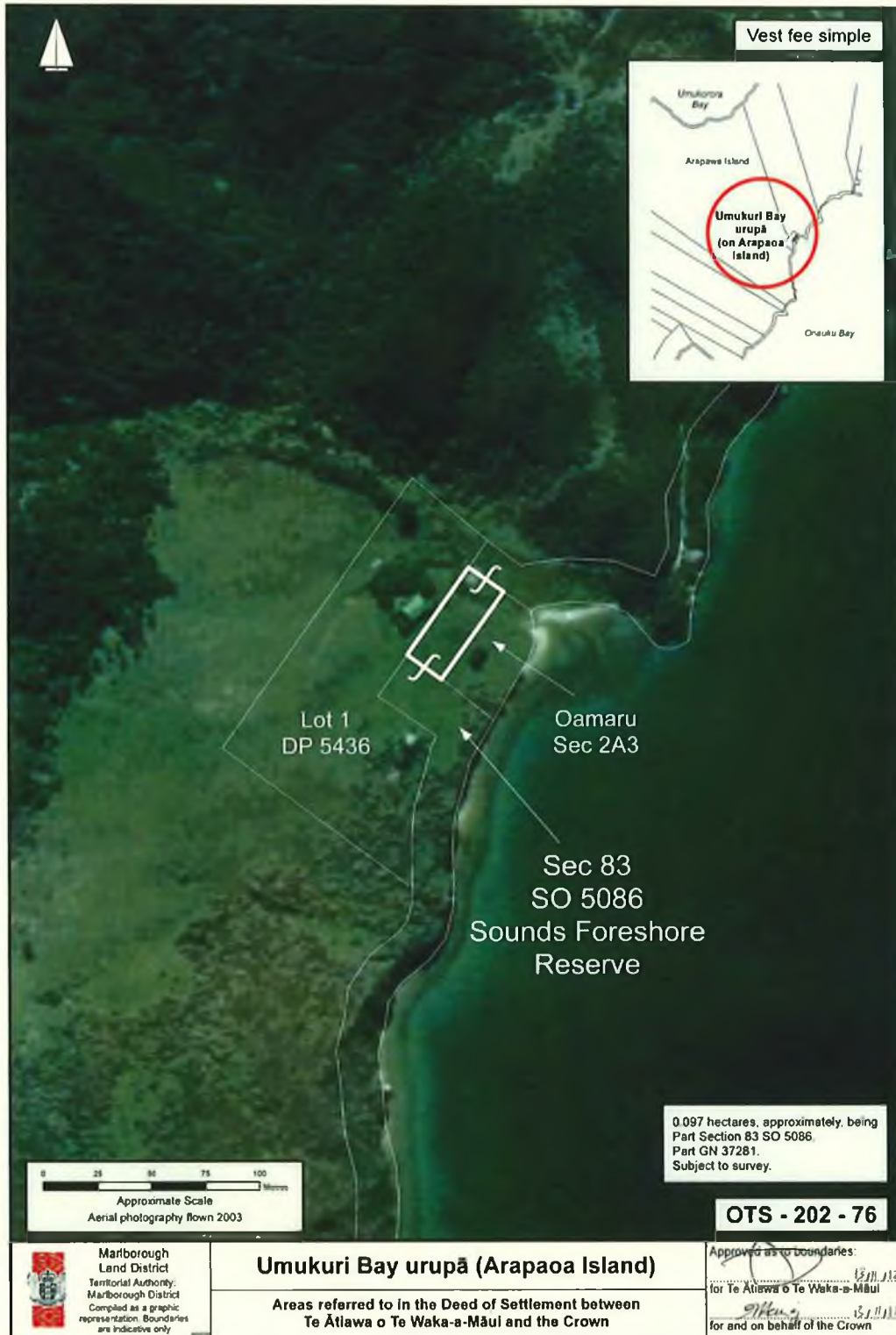
TAPU BAY (MOTUEKA) (OTS-202-142)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

UMUKURI BAY URUPĀ (ARAPAOA ISLAND) (OTS-202-76)



TE ĀTIAWA O TE WAKA-A-MĀUIDEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

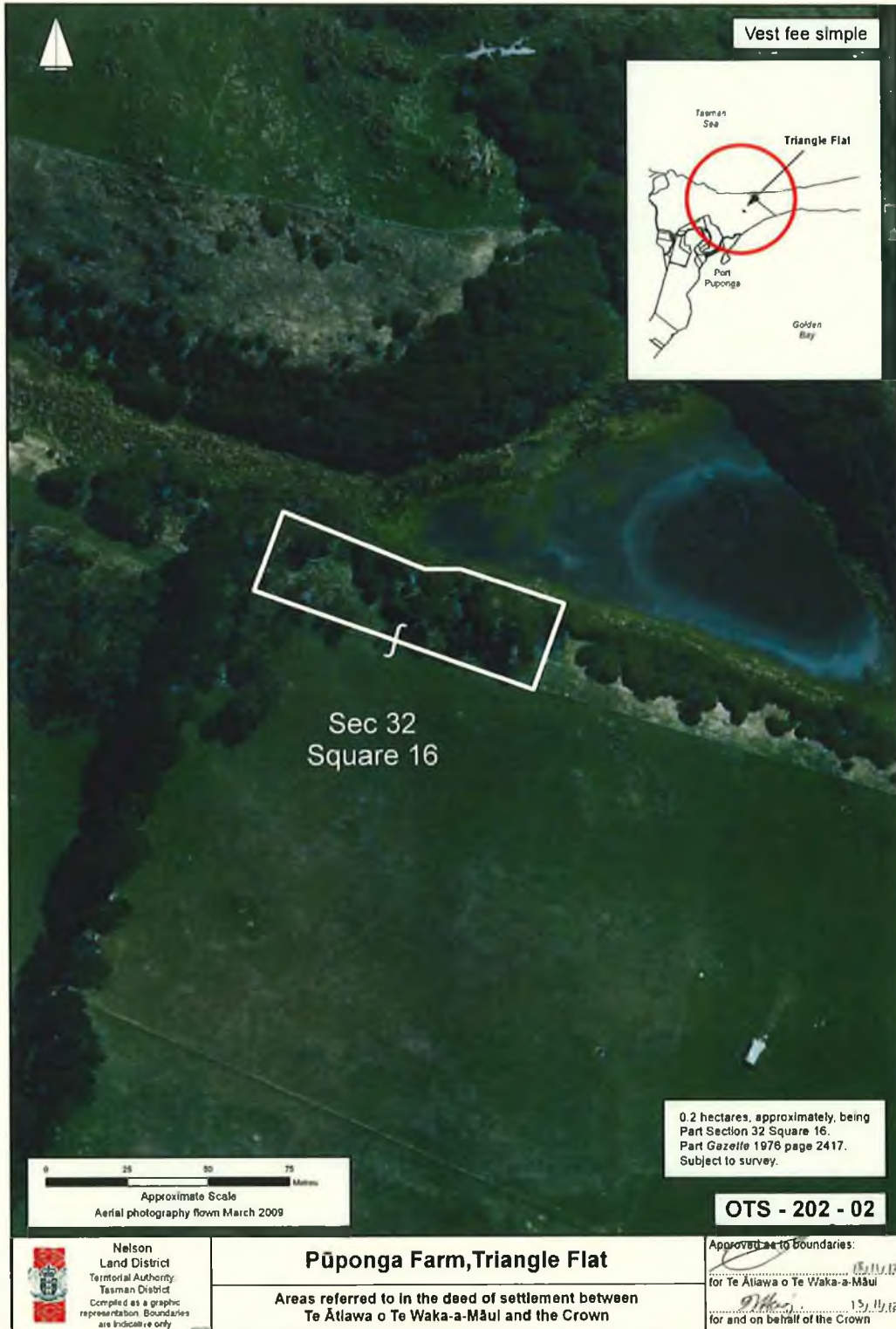
TAPU BAY (KAITERITERI) (OTS-202-09)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

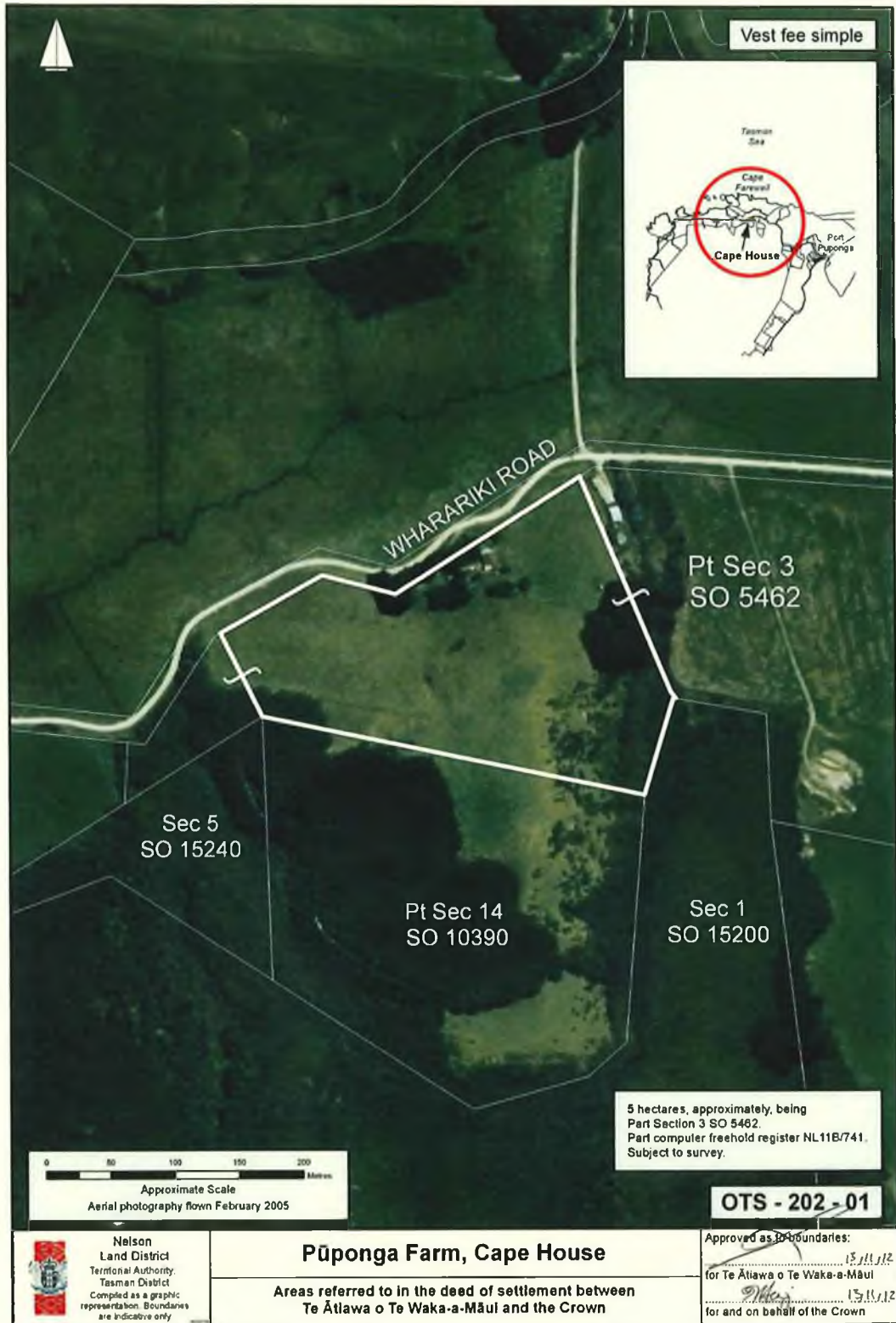
PŪPONGA FARM, TRIANGLE FLAT (OTS-202-02)



TE ĀTIAWA O TE WAKA-A-MĀUIDEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

PŪPONGA FARM, CAPE HOUSE (OTS-202-01)

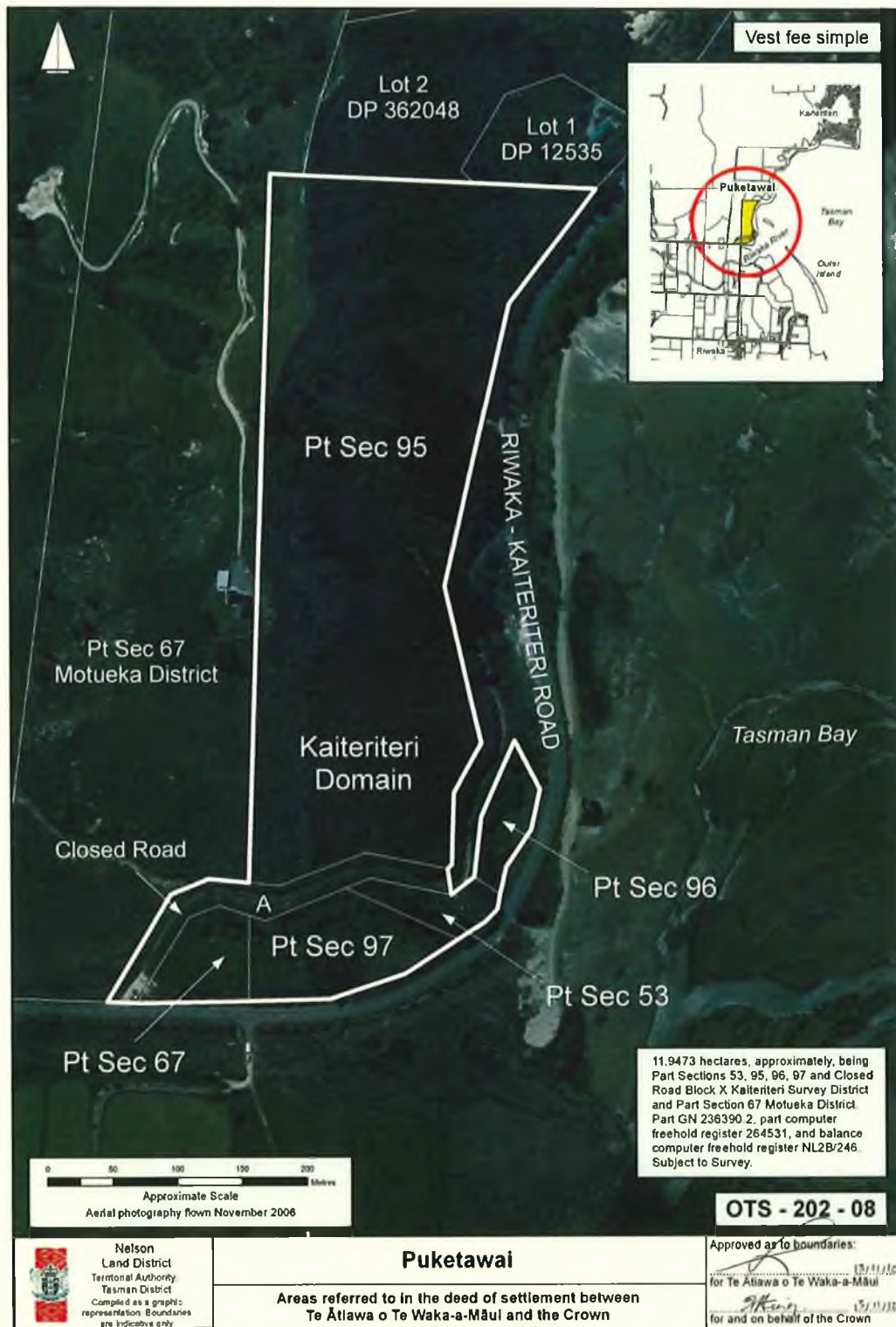




TE ĀTIAWA O TE WAKA-A-MĀUIDEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

PUKETAWAI (OTS-202-08)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

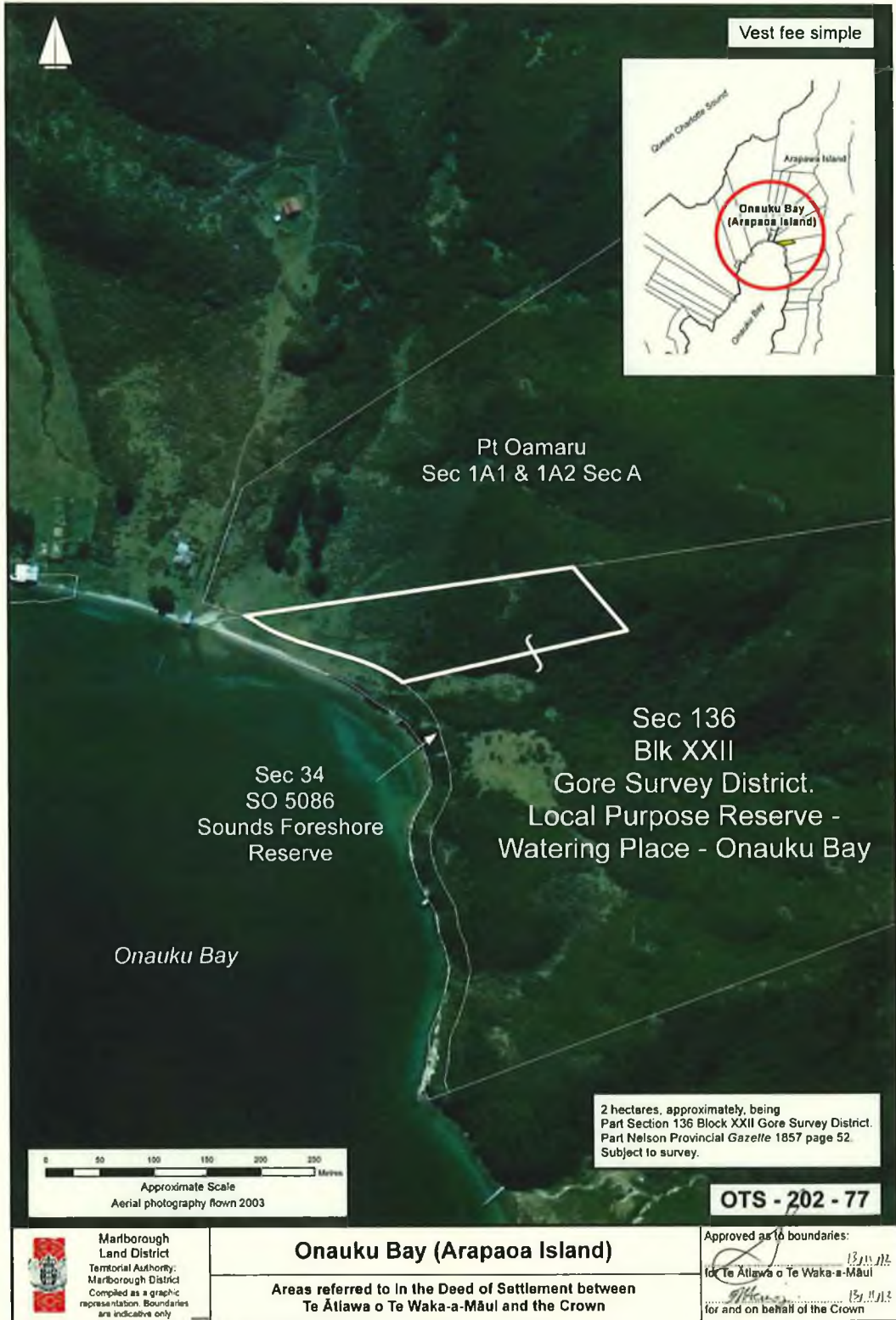
PAKAWAU INLET (OTS-202-04)



TE ĀTIAWA O TE WAKA-A-MĀUIDEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

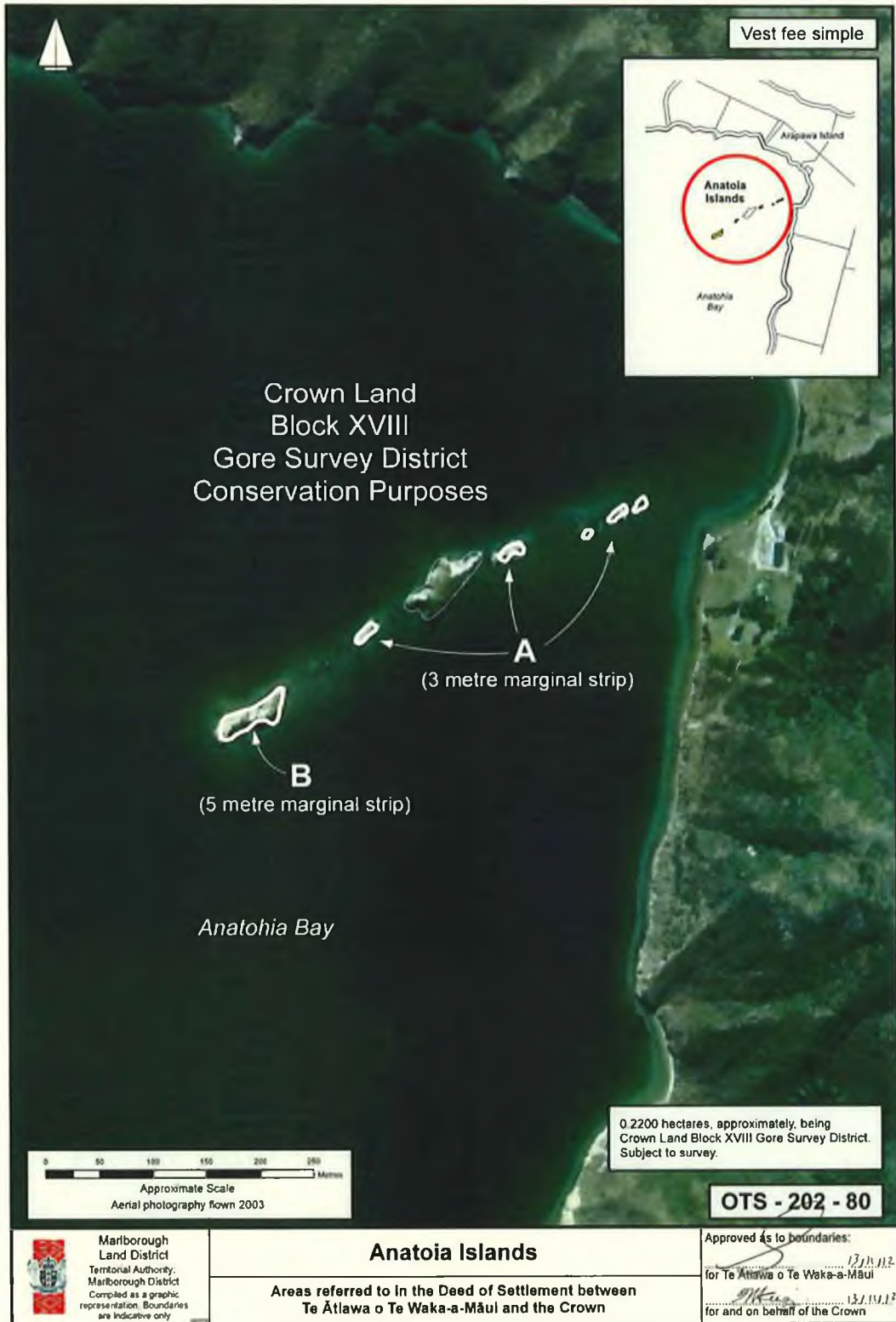
ONAUKU BAY (ARAPAOA ISLAND) (OTS-202-77)



TE ĀTIAWA O TE WAKA-A-MĀUIDEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

ANATOIA ISLANDS (OTS-202-80)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

TE TAI TAPU (ANATORI SOUTH) (OTS-202-104)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

TE TAI TAPU (ANATORI NORTH) (OTS-202-105)



TE ĀTIAWA O TE WAKA-A-MĀUIDEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

MOIOIO ISLAND (OTS-202-19)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

KATOA POINT SCENIC RESERVE (OTS-202-127)



Marlborough Land District  
Territorial Authority:  
Marlborough District  
Compiled as a graphic representation. Boundaries are indicative only.

**Katoa Point Scenic Reserve**

Areas referred to in the Deed of Settlement between  
Te Ātiawa o Te Waka-a-Māui and the Crown

Approved as boundaries:  
*[Signature]* 15/11/15  
for and on behalf of the Crown



TE ĀTIAWA O TE WAKA-A-MĀUIDEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

WEDGE POINT (OTS-202-20)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

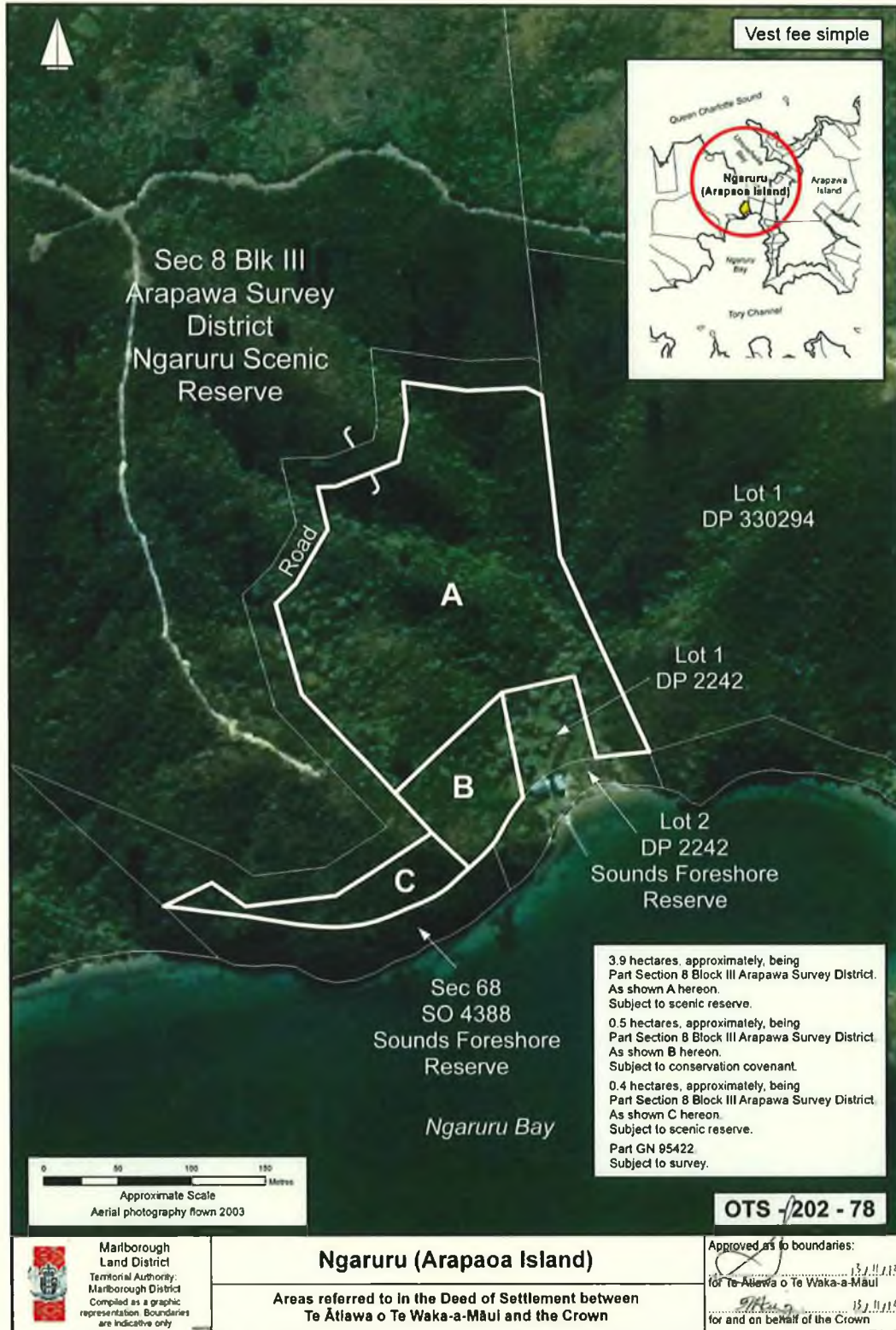
NGĀKUTA POINT(OTS-202-21)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

NGARURU (ARAPAOA ISLAND) (OTS-202-78)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

PŪPONGA POINT PĀ SITE (OTS-202-03)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

ARAPAWA MĀORI ROWING CLUB SITE (OTS-202-83)



TE ĀTIAWA O TE WAKA-A-MĀU  
DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

MĀTANGI ĀWHIO (NELSON) (OTS-202-27)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.3: CULTURAL REDRESS PROPERTIES

MOMORANGI POINT (OTS-202-18)



**TE ĀTIAWA O TE WAKA-A-MĀUIDEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

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**2.3: CULTURAL REDRESS PROPERTIES**

These deed plans indicate the general location of the relevant properties but are for information purposes only and do not show their precise boundaries. The legal description of each cultural redress property is set out in Schedule 3 of the draft settlement bill.



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**2.4 RELEVANT FOSSICKING AREA**

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TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.4: RELEVANT FOSSICKING AREA

RELEVANT FOSSICKING AREA (OTS-202-120)



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**2.5 DEFERRED SELECTION PROPERTY: TE TAI TAPU / NORTH ANATORI**

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**TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

**2.5: DEFERRED SELECTION PROPERTY: TE TAI TAPU / NORTH ANATORI**

TE TAI TAPU / NORTH ANATORI (OTS-202-125)



**TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

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**2.6 VEST AND GIFT BACK OF TE TAI TAPU (SO 433299)**

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TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.6: VEST AND GIFTBACK OF TE TAI TAPU



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**2.7 SPECIFIED AREA RFR LAND**

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2.7: SPECIFIED AREA RFR LAND

SPECIFIED AREA RFR LAND (OTS-202-140)





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**2.8 COASTAL AND MARITIME INSTRUMENT AREA**

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TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.8: COASTAL AND MARITIME INSTRUMENT AREA

TE TAU IHU COASTAL MARINE AREA (OTS-202-63)



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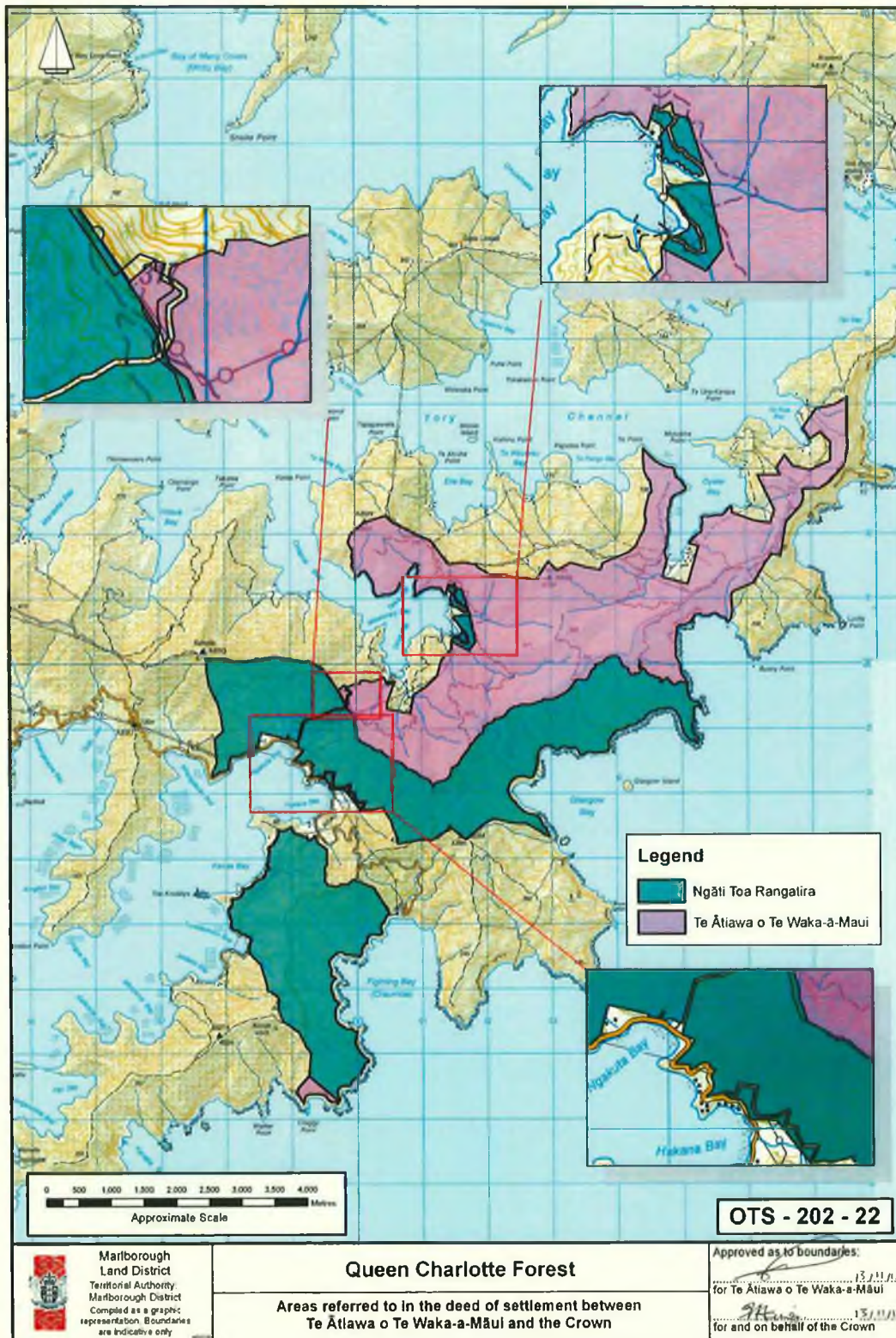
**2.9 LICENSED LAND PROPERTY: QUEEN CHARLOTTE FOREST**

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TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.9: LICENSED LAND PROPERTY: QUEEN CHARLOTTE FOREST

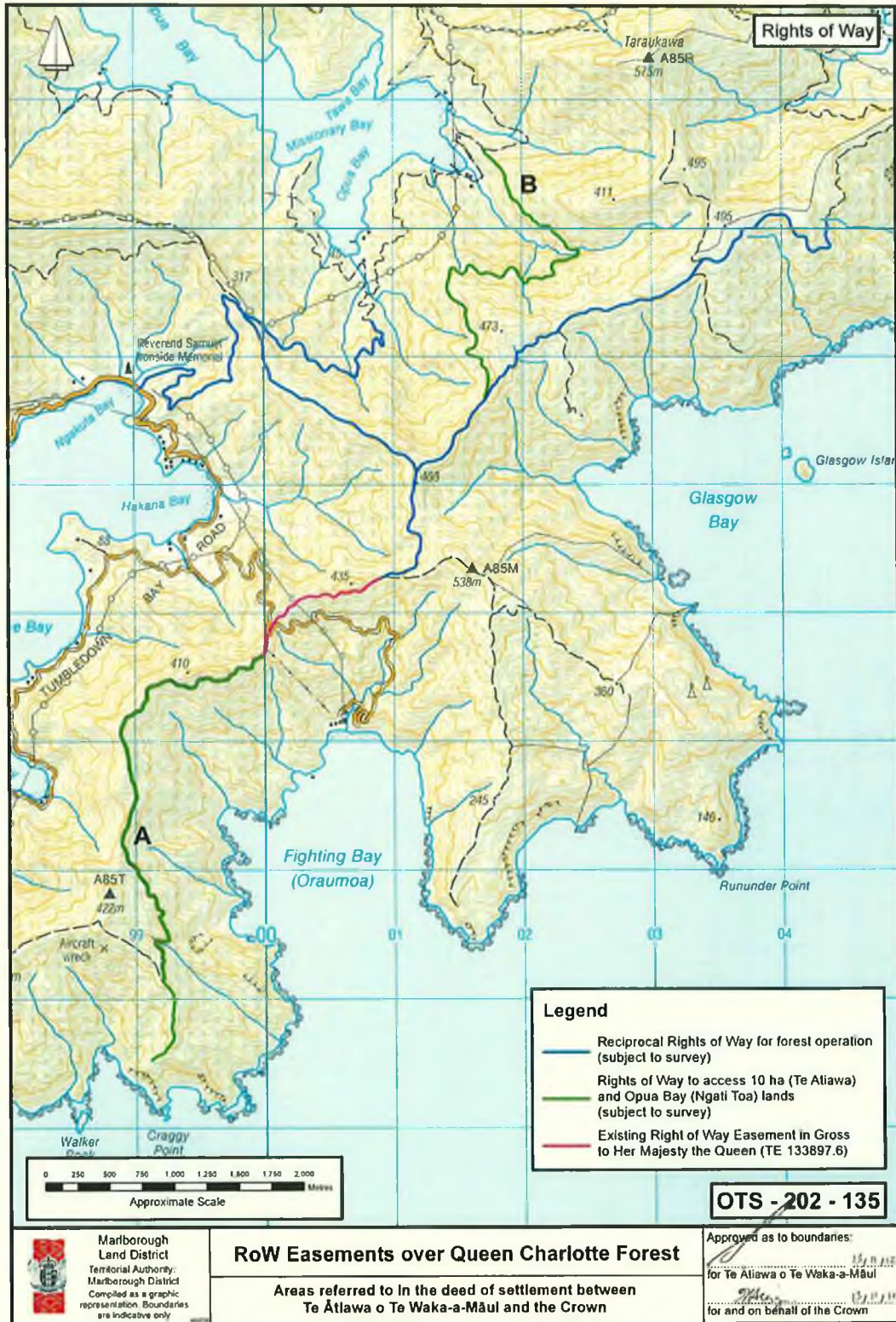
QUEEN CHARLOTTE FOREST (OTS-202-22)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

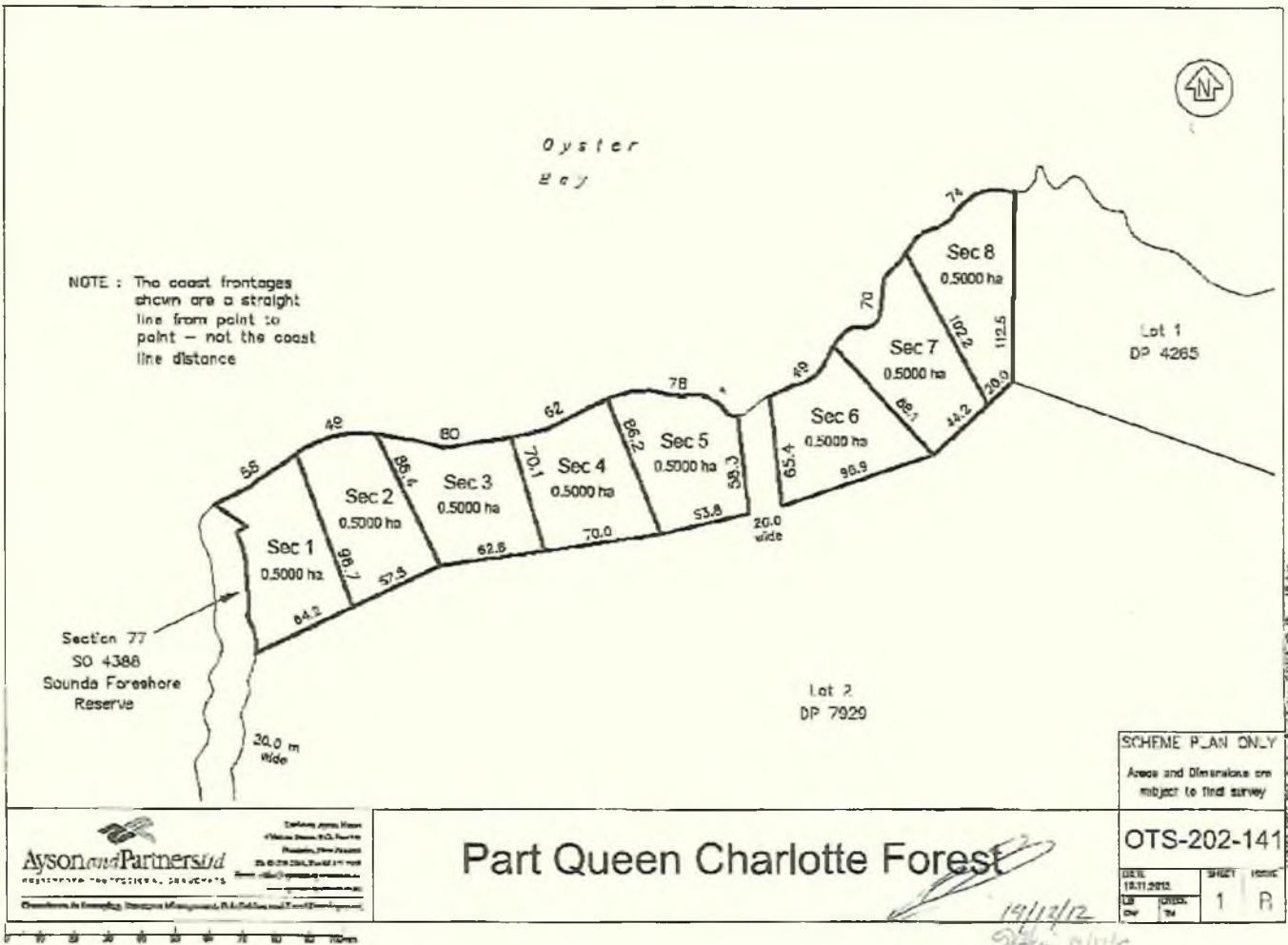
2.9: LICENSED LAND PROPERTY: QUEEN CHARLOTTE FOREST

RIGHT OF WAY, QUEEN CHARLOTTE FOREST (OTS-202-135)



TE ĀTIWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.9: LICENSED LAND PROPERTY: QUEEN CHARLOTTE FOREST  
PART QUEEN CHARLOTTE FOREST (OTS-202-141)



**TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

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**2.10 VEST AND GIFT BACK OF KAKA POINT**

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TE ĀTIWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.10: VEST AND GIFTBACK OF KAKA POINT

VEST AND GIFT BACK OF KAKA POINT (OTS-202-10)





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**2.11 QUEEN CHARLOTTE SOUND CONSERVATION KAITIAKI**

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2.11: QUEEN CHARLOTTE SOUND CONSERVATION KAITIAKI

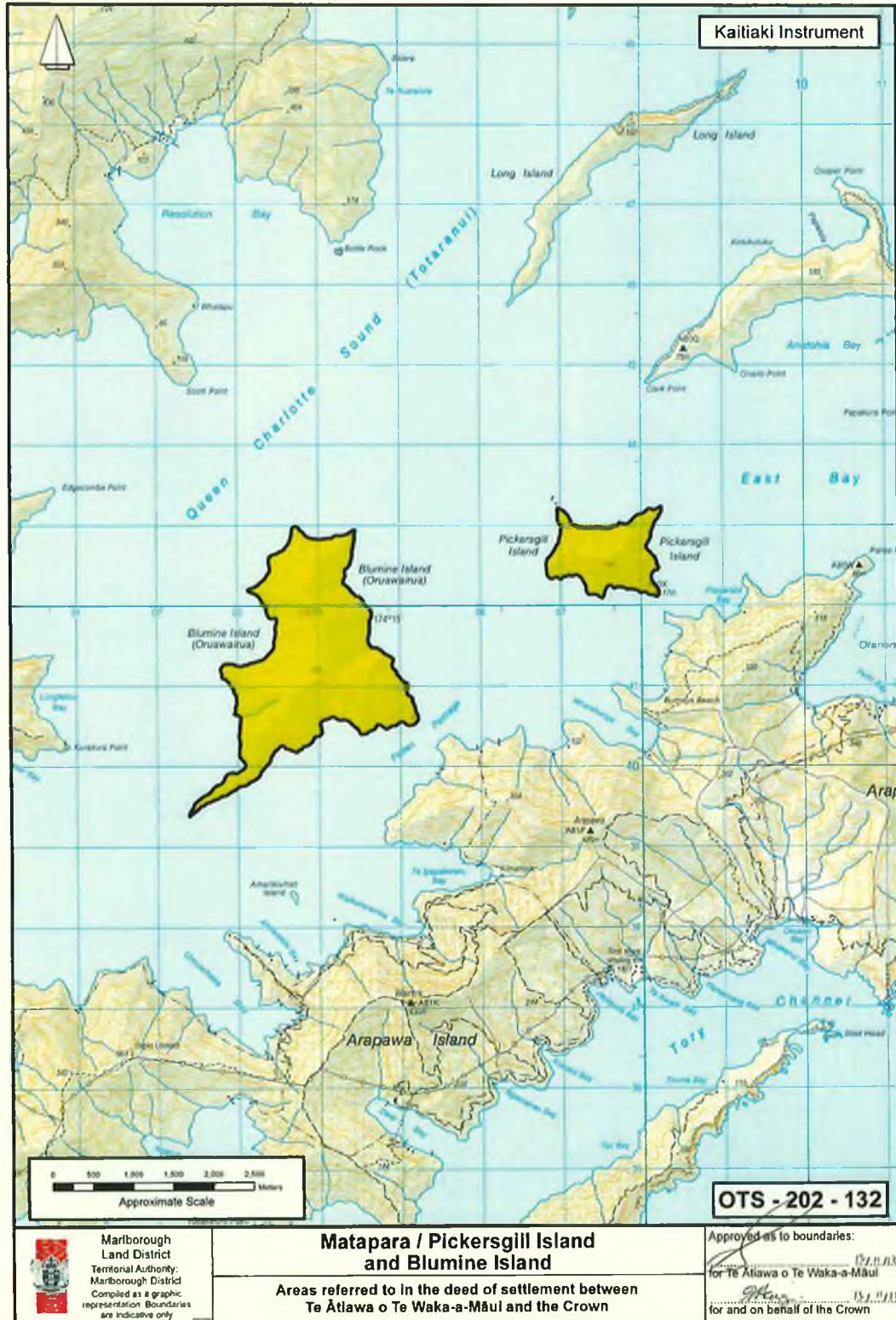
ALLPORTS ISLAND (OTS-202-131)




TE ĀTIWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.11: QUEEN CHARLOTTE SOUND CONSERVATION KAITIAKI

MATAPARA / PICKERSGILL ISLAND AND BLUMINE ISLAND (OTS-202-132)




 Marlborough  
Land District  
 Territorial Authority:  
Marlborough District  
 Compiled as a graphic  
representation. Boundaries  
are indicative only.

**Matapara / Pickersgill Island  
and Blumine Island**  
 Areas referred to in the deed of settlement between  
Te Ātiawa o Te Waka-a-Māui and the Crown

Approved as to boundaries:  
 for Te Ātiawa o Te Waka-a-Māui  
 for and on behalf of the Crown

TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.11: QUEEN CHARLOTTE SOUND CONSERVATION KAITIAKI

AMERIKIWHATI ISLAND (OTS-202-133)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.11: QUEEN CHARLOTTE SOUND CONSERVATION KAITIAKI

QUEEN CHARLOTTE SOUND / TŌTARANUI (OTS-202-134)



TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.11: QUEEN CHARLOTTE SOUND CONSERVATION KAITIAKI

MABEL ISLAND (OTS-202-136)



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**2.12 MEMORANDUM OF UNDERSTANDING**

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TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE

2.12: MEMORANDUM OF UNDERSTANDING

OTUWHERO (MOTUEKA) (OTS-202-86)





**TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

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**3. SETTLEMENT IWI RFR LAND**

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**TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

**3: SETTLEMENT IWI RFR LAND**

<b>Land Holding Agency</b>	<b>Ministry of Education</b>	<b>JOINT WITH ALL TAINUI TARANAKI IWI</b>
<b>Property</b>	<b>Address</b>	<b>Legal Description</b>
Nelson Marlborough Institute of Technology	322-344 Hardy Street Nelson 2-10 Alton Street Nelson	0.9222 hectares, more or less, being Lots 1 and 2 DP 949, Lot 3 DP 15517 and Part Section 427 and 429 City of Nelson. All Computer Freehold Register NL10B/248.
Nelson Marlborough Institute of Technology	333-337 Hardy Street Nelson	0.1654 hectares, more or less, being Part Section 202 City of Nelson. All Computer Freehold Register NL10B/172.
Nelson Marlborough Institute of Technology	57-65 Nile Street Nelson 137 Collingwood Street Nelson 310 Hardy Street Nelson	0.9793 hectares, more or less, being Lot 1 DP 15517 and Lot 1 and 2 DP 1134. All Computer Freehold Register NL10B/173.
Nelson Marlborough Institute of Technology	67-69 Nile Street Nelson	0.4949 hectares, more or less, being Lot 2 DP 15517 and Part Sections 430 and 431 City of Nelson. All Computer Freehold Register NL10B/174.
Nelson Marlborough Institute of Technology	129 Collingwood Street Nelson	0.0557 hectares, more or less, being Part Section 435 City of Nelson. All Computer Freehold Register NL9C/792. Limited as to Parcels
Nelson Marlborough Institute of Technology	131 Collingwood Street Nelson	0.0455 hectares, more or less, being Part Section 435 City of Nelson. All Computer Freehold Register NL9C/794. Limited as to Parcels
Nelson Marlborough Institute of Technology	143 Collingwood Street Nelson 55 Nile Street Nelson	0.0966 hectares, more or less, being Parts Section 434 City of Nelson. All Computer Freehold Register NL9C/791. Limited as to Parcels
Nelson Marlborough Institute of Technology	71 Nile Street Nelson	0.0559 hectares, more or less, being Part Lot 1 DP 185. All Computer Freehold Register NL10B/472.
Nelson Marlborough Institute of Technology	75 Nile Street Nelson	0.0554 hectares, more or less, being Part Lot 3 DP 185. All Computer Freehold Register NL10B/471.

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**4. GENERAL RFR LAND**

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**TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

**4: GENERAL RFR LAND**

Land Holding Agency	Ministry of Social Development	
Property	Address	Legal Description
CYF Family Home	95 Redwood Street Blenheim	0.1280 hectares, more or less, being Lot 1 DP 3401. All Gazette Notice 96296. Marlborough Land District

Land Holding Agency	Ministry of Education	
Property	Address	Legal Description
Waikawa Bay School	282 Waikawa Road Picton	1.6187 hectares, more or less, being Section 21 Waikawa Village. All Computer Freehold Register MB1D/188. Marlborough Land District
Koromiko School	State Highway 1 Blenheim	0.5661 hectares, more or less, being Lots 1, 2, 3 and 4 DP 1289. All Gazette Notice 54616. 0.1748 hectares, approximately, being Parts Section 29 Waitohi District and Parts Section 40 Block XV Linkwater Survey District. All Gazette Notice 57580. Subject to Survey 0.1214 hectares, more or less, being Section 39 Block XV Linkwater Survey District. All Gazette Notice 54777. Marlborough Land District

Land Holding Agency	Housing New Zealand Corporation This list is current at the date of writing, and is subject to change	
Property ID	Address	Legal Description Nelson Land District
3074880	MOTUEKA	0.0285 hectares, more or less, being Lot 3 DP 20362. All Computer Freehold Register NL13C/290.
3074860	MOTUEKA	0.0314 hectares, more or less, being Lot 1 DP 20362. All Computer Freehold Register NL13C/288.
3074870	MOTUEKA	0.0324 hectares, more or less, being Lot 2 DP 20362. All Computer Freehold Register NL13C/289.
3074890	MOTUEKA	0.0664 hectares, more or less, being Lot 4 DP 20362. All Computer Freehold Register NL13C/291.
3071490	MOTUEKA	0.0271 hectares, more or less, being Lot 6 DP 19477. All Computer Freehold Register NL13A/439.
3071500	MOTUEKA	0.0346 hectares, more or less, being Lot 7 DP 19477. All Computer Freehold Register NL13A/440.
3071490	MOTUEKA	0.0391 hectares, more or less, being Lot 5 DP 19477. All Computer Freehold Register NL13A/438.
3058820	MOTUEKA	0.0807 hectares, more or less, being Lot 2 DP 3735. All Computer Freehold Register NL9A/1177.
3061260	MOTUEKA	0.0807 hectares, more or less, being Lot 6 DP 3735. All Computer Freehold Register NL9A/1180.
3061270	MOTUEKA	0.0807 hectares, more or less, being Lot 7 DP 3735.

**TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

**4. GENERAL RFR LAND**

<b>Land Holding Agency</b>	<b>Housing New Zealand Corporation</b>	
	<b>This list is current at the date of writing, and is subject to change</b>	
Property ID	Address	Legal Description Nelson Land District
		All Computer Freehold Register NL9A/1181.
2354420	MOTUEKA	0.1012 hectares, more or less, being Lot 2 DP 2741. All Computer Freehold Register NL93/188.
3071510	MOTUEKA	0.0521 hectares, more or less, being Lot 4 DP 19477. All Computer Freehold Register NL13A/437.
3071520	MOTUEKA	0.0444 hectares, more or less, being Lot 3 DP 19477. All Computer Freehold Register NL13A/436.
3071530	MOTUEKA	0.0455 hectares, more or less, being Lot 2 DP 19477. All Computer Freehold Register NL13A/435.
3073810	NELSON	0.0359 hectares, more or less, being Lot 8 DP 20114. All Computer Freehold Register NL13B/859.
3073850	NELSON	0.0378 hectares, more or less, being Lot 3 DP 20114. All Computer Freehold Register NL13B/854.
3073780	NELSON	0.0380 hectares, more or less, being Lot 6 DP 20114. All Computer Freehold Register NL13B/857.
3073820	NELSON	0.0395 hectares, more or less, being Lot 7 DP 20114. All Computer Freehold Register NL13B/858.
3073840	NELSON	0.0464 hectares, more or less, being Lot 4 DP 20114. All Computer Freehold Register NL13B/855.
3073830	NELSON	0.0862 hectares, more or less, being Lot 5 DP 20114. All Computer Freehold Register NL13B/856.
3066080	NELSON	0.0677 hectares, more or less, being Lot 3 DP 6790. All Computer Freehold Register NL4B/12.
3066250	NELSON	0.0688 hectares, more or less, being Lot 7 DP 6790. All Computer Freehold Register NL4B/16.
3066240	NELSON	0.0705 hectares, more or less, being Lot 6 DP 6790. All Computer Freehold Register NL4B/15.
3066570	NELSON	0.0720 hectares, more or less, being Lot 11 DP 6790. All Computer Freehold Register NL4B/20.
306650	NELSON	0.0731 hectares, more or less, being Lot 5 DP 6790. All Computer Freehold Register NL4B/14.
3066070	NELSON	0.0834 hectares, more or less, being Lot 2 DP 6790. All Computer Freehold Register NL4B/11.
3066390	NELSON	0.0660 hectares, more or less, being Lot 15 DP 6790. All Computer Freehold Register NL4B/24.
3066760	NELSON	0.0743 hectares, more or less, being Lot 17 DP 6790. All Computer Freehold Register NL4B/26.
3066760	NELSON	0.1034 hectares, more or less, being Lot 21 DP 4603. All Computer Freehold Register NL6D/895.
3061660	NELSON	0.0897 hectares, more or less, being Lot 30 DP 4603. All Computer Freehold Register NL6D/900.

**TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

**4. GENERAL RFR LAND**

<b>Land Holding Agency</b>	<b>Housing New Zealand Corporation</b>	
	<b>This list is current at the date of writing, and is subject to change</b>	
Property ID	Address	Legal Description Nelson Land District
3060360	NELSON	0.0275 hectares, more or less, being Lot 7 DP 18561. All Computer Freehold Register NL12B/839.
3052590	NELSON	0.0286 hectares, more or less, being Lot 6 DP 18561. All Computer Freehold Register NL12B/838.
3052600	NELSON	0.0655 hectares, more or less, being Lot 1 DP 5406. All Computer Freehold Register NL6B/691.
1188780	NELSON	0.0229 hectares, more or less, being Lots 8 and 15 DP 18561 and an undivided 1/5 share in 0.0571 hectares, more or less, being Lot 14 DP 18561. All Computer Freehold Register NL12B/840.
1188770	NELSON	0.0244 hectares, more or less, being Lot 9 DP 18561 and an undivided 1/5 share in 0.0571 hectares, more or less, being Lot 14 DP 18561. All Computer Freehold Register NL12B/841.
1188870	NELSON	0.0277 hectares, more or less, being Lot 5 DP 18561 and an undivided 1/5 share in 0.0571 hectares, more or less, being Lot 14 DP 18561. All Computer Freehold Register NL12B/837.
1188830	NELSON	0.0315 hectares, more or less, being Lot 4 DP 18561 and an undivided 1/5 share in 0.0571 hectares, more or less, being Lot 14 DP 18561. All Computer Freehold Register NL12B/836.
1188800	NELSON	0.0368 hectares, more or less, being Lot 3 DP 18561 and an undivided 1/5 share in 0.0571 hectares, more or less, being Lot 14 DP 18561. All Computer Freehold Register NL12B/835.
3052300	NELSON	0.0260 hectares, more or less, being Lot 1 DP 18561. All Computer Freehold Register NL12B/833.
3051270	NELSON	0.0463 hectares, more or less, being Lot 8 DP 18752. All Computer Freehold Register NL12C/1.
3051260	NELSON	0.0467 hectares, more or less, being Lot 7 DP 18752. All Computer Freehold Register NL12B/1300.
3052560	NELSON	0.0535 hectares, more or less, being Lot 13 DP 18561. All Computer Freehold Register NL12B/845.
3020250	NELSON	0.0244 hectares, more or less, being Lot 1 DP 11915. All Computer Freehold Register NL12A/1001.
3020430	NELSON	0.0244 hectares, more or less, being Lot 2 DP 11915. All Computer Freehold Register NL7A/1325.
3020260	NELSON	0.0258 hectares, more or less, being Lot 3 DP 11915. All Computer Freehold Register NL12A/1003.
3020270	NELSON	0.0258 hectares, more or less, being Lot 4 DP 11915. All Computer Freehold Register NL12A/1002.

**TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

**4. GENERAL RFR LAND**

<b>Land Holding Agency</b>	<b>Housing New Zealand Corporation</b>	
	<b>This list is current at the date of writing, and is subject to change</b>	
<b>Property ID</b>	<b>Address</b>	<b>Legal Description</b>
		<b>Nelson Land District</b>
3059680	NELSON	0.0307 hectares, more or less, being Lot 11 DP 18561. All Computer Freehold Register NL12B/843.
3052550	NELSON	0.0346 hectares, more or less, being Lot 12 DP 18561. All Computer Freehold Register NL12B/844.
3052530	NELSON	0.0348 hectares, more or less, being Lot 10 DP 18561. All Computer Freehold Register NL12B/842.
3869790	NELSON	0.0542 hectares, more or less, being Lot 2 DP 13993. All Computer Freehold Register NL8C/655.
3051310	NELSON	0.03550 hectares, more or less, being Lot 2 DP 18752. All Computer Freehold Register NL12B/1295.
1750510	NELSON	0.0428 hectares, more or less, being Lot 5 DP 18752. All Computer Freehold Register NL12B/1298.
1750530	NELSON	0.0519 hectares, more or less, being Lot 6 DP 18752. All Computer Freehold Register NL12B/1299.
1750540	NELSON	0.0443 hectares, more or less, being Lot 4 DP 18752. All Computer Freehold Register NL12B/1297.
3051320	NELSON	0.0445 hectares, more or less, being Lot 1 DP 18752. All Computer Freehold Register NL12B/1294.
3051300	NELSON	0.0435 hectares, more or less, being Lot 3 DP 18752. All Computer Freehold Register NL12B/1296.
4002458	NELSON	1.2455 hectares, more or less, being Lot 1 DP 327442. All Computer Freehold Register 111475.
4000631	NELSON	1.000 hectares, more or less, being Lot 1 DP 18809. All Computer Freehold Register NL12C/147.

**This list is current at the date of writing, and is subject to change**

<b>Land Holding Agency</b>	<b>Housing New Zealand Corporation</b>	
	<b>This list is current at the date of writing, and is subject to change</b>	
<b>Property ID</b>	<b>Address</b>	<b>Legal Description</b>
		<b>Marlborough Land District</b>
1982240	PICTON	0.0473 hectares, more or less, being Lot 1 DP 4288. All Computer Freehold Register MB2D/1080.
3068460	PICTON	0.0764 hectares, more or less, being Lot 10 DP 3707. All Computer Freehold Register MB5C/682.
3068980	PICTON	0.0863 hectares, more or less, being Lot 14 DP 4146. All Computer Freehold Register MB3A/1387.
3074570	PICTON	0.0609 hectares, more or less, being Lot 6 DP 1861. All Computer Freehold Register MB4B/62.

**TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

**4. GENERAL RFR LAND**

Land Holding Agency	Housing New Zealand Corporation This list is current at the date of writing, and is subject to change	
Property ID	Address	Legal Description Marlborough Land District
3065290	PICTON	0.0764 hectares, more or less, being Lot 7 DP 1861. All Computer Freehold Register MB1C/270.
5000005	PICTON	0.0584 hectares, more or less, being Lot 2 DP 3822. All Computer Freehold Register MB4B/52.
1174910	PICTON	0.0240 hectares, more or less, being Lot 2 DP 11632. All Computer Freehold Register MB6B/757.
1175700	PICTON	0.0274 hectares, more or less, being Lot 1 DP 11632. All Computer Freehold Register MB6B/756.
3072630	PICTON	0.0410 hectares, more or less, being Lot 1 DP 11668. All Computer Freehold Register MB6B/829.
3072640	PICTON	0.0530 hectares, more or less, being Lot 2 DP 11668. All Computer Freehold Register MB6B/830.
3070100	PICTON	0.0498 hectares, more or less, being Lot 1 DP 5050. All Computer Freehold Register MB3B/249.
1183310	PICTON	0.0255 hectares, more or less, being Lot 2 DP 11667. All Computer Freehold Register MB6B/827.
1183320	PICTON	0.0284 hectares, more or less, being Lot 1 DP 11667. All Computer Freehold Register MB6B/826.
1183290	PICTON	0.0488 hectares, more or less, being Lot 3 DP 11667. All Computer Freehold Register MB6B/828.
2474740	PICTON	0.0260 hectares, more or less, being Lot 4 DP 11632. All Computer Freehold Register MB6B/759.
2474730	PICTON	0.0261 hectares, more or less, being Lot 3 DP 11632. All Computer Freehold Register MB6B/758.
5000003	PICTON	0.0559 hectares, more or less, being Lot 2 DP 4146. All Computer Freehold Register MB4C/748.
3056660	PICTON	0.0764 hectares, more or less, being Lot 3 DP 2250. All Computer Freehold Register MB6A/100.
3068440	PICTON	0.0612 hectares, more or less, being Lot 10 DP 4146. All Computer Freehold Register MB3A/1386.
3068410	PICTON	0.0688 hectares, more or less, being Lot 5 DP 4146. All Computer Freehold Register MB3A/1381.
3068420	PICTON	0.0863 hectares, more or less, being Lot 6 DP 4146. All Computer Freehold Register MB3A/1382.
3068430	PICTON	0.0875 hectares, more or less, being Lot 8 DP 4146. All Computer Freehold Register MB3A/1384.
3068970	PICTON	0.1396 hectares, more or less, being Lot 7 DP 4146. All Computer Freehold Register MB3A/1383.



**TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

**4. GENERAL RFR LAND**

Land Holding Agency	Housing New Zealand Corporation This list is current at the date of writing, and is subject to change	
Property ID	Address	Legal Description Marlborough Land District
3072730	PICTON	0.0562 hectares, more or less, being Lot 2 DP 3257. All Computer Freehold Register MB6A/93.
2467010	PICTON	0.0493 hectares, more or less, being Lot 1 DP 3271. All Computer Freehold Register MB1D/710.
5000981	PICTON	0.0962 hectares, more or less, being Part Section 1086 Town of Picton. All Computer Freehold Register 119957.
3949110	PICTON	0.0342 hectares, more or less, being Lot 3 DP 11585. All Computer Freehold Register MB6B/673.
3948970	PICTON	0.0345 hectares, more or less, being Lot 1 DP 11585. All Computer Freehold Register MB6B/671.
3949160	PICTON	0.0347 hectares, more or less, being Lot 4 DP 11585. All Computer Freehold Register MB6B/674.
3949030	PICTON	0.0361 hectares, more or less, being Lot 2 DP 11585. All Computer Freehold Register MB6B/672.
3072810	PICTON	0.0684 hectares, more or less, being Lot 1 DP 5057. All Computer Freehold Register MB3B/1388.
5000019	PICTON	0.0569 hectares, more or less, being Lot 4 DP 4126. All Computer Freehold Register MB2B/1249.
3068550	PICTON	0.0486 hectares, more or less, being Lot 1 DP 4256. All Computer Freehold Register MB5D/286.
3068560	PICTON	0.0513 hectares, more or less, being Lot 7 DP 4256. All Computer Freehold Register MB5C/748.
2236670	PICTON	0.0460 hectares, more or less, being Lot 2 DP 4288. All Computer Freehold Register MB2D/1081
5000009	BLENHEIM	0.1012 hectares, more or less, being Lot 12 DP 498. All Computer Freehold Register MB43/198.
3067450	BLENHEIM	0.0873 hectares, more or less, being Lot 3 DP 3206. All Computer Freehold Register MB4D/301.
3067440	BLENHEIM	0.1055 hectares, more or less, being Lot 2 DP 3206. All Computer Freehold Register MB4D/300.
3066590	BLENHEIM	0.0655 hectares, more or less, being Lot 20 DP 3143. All Computer Freehold Register MB2B/929.
3066580	BLENHEIM	0.0640 hectares, more or less, being Lot 19 DP 3143. All Computer Freehold Register MB2B/928.
3064870	BLENHEIM	0.0754 hectares, more or less, being Lot 11 DP 2593. All Computer Freehold Register MB3D/1499.
3064400	BLENHEIM	0.0728 hectares, more or less, being Lot 55 DP 2593. All Computer Freehold Register MB3E/26.

**TE ĀTIAWA O TE WAKA-A-MĀUI DEED OF SETTLEMENT:  
ATTACHMENTS SCHEDULE**

**4. GENERAL RFR LAND**

Land Holding Agency	Housing New Zealand Corporation This list is current at the date of writing, and is subject to change	
Property ID	Address	Legal Description Marlborough Land District
3064390	BLENHEIM	0.0746 hectares, more or less, being Lot 12 DP 2593. All Computer Freehold Register MB3D/1500.
3065530	BLENHEIM	0.0685 hectares, more or less, being Lot 54 DP 2593. All Computer Freehold Register MB3E/25.
3065540	BLENHEIM	0.0636 hectares, more or less, being Lot 1 DP 10654. All Computer Freehold Register MB6A/603.
3065540	BLENHEIM	0.0999 hectares, more or less, being Lot 2 DP 10654. All Computer Freehold Register MB6A/604.
3064230	BLENHEIM	0.0665 hectares, more or less, being Lot 45 DP 2593. All Computer Freehold Register MB3E/18.
3064540	BLENHEIM	0.0665 hectares, more or less, being Lot 46 DP 2593. All Computer Freehold Register MB3E/19.
3065470	BLENHEIM	0.0670 hectares, more or less, being Lot 35 DP 2593. All Computer Freehold Register MB3E/11.
3065440	BLENHEIM	0.0678 hectares, more or less, being Lot 32 DP 2593. All Computer Freehold Register MB3E/8.
3064250	BLENHEIM	0.0678 hectares, more or less, being Lot 47 DP 2593. All Computer Freehold Register MB3E/20.
3065450	BLENHEIM	0.0680 hectares, more or less, being Lot 33 DP 2593. All Computer Freehold Register MB3E/9.
3064220	BLENHEIM	0.0812 hectares, more or less, being Lot 44 DP 2593. All Computer Freehold Register MB3E/17.
3064210	BLENHEIM	0.0890 hectares, more or less, being Lot 43 DP 2593. All Computer Freehold Register MB3E/16.

**This list is current at the date of writing, and is subject to change**

\* until the signing of this deed, although Housing Corporation New Zealand does not intend to dispose of the land set out in this table, there is a possibility that some properties may change

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**5. DRAFT SETTLEMENT BILL**

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Draft settlement Bill for attachment to signed deed of settlement

## **Te Tau Ihu Claims Settlement Bill—Parts 4 to 6**

Government Bill

### **Explanatory note**

#### **General policy statement**

This Bill gives effect to the deeds of settlement in which the Crown and Ngāti Apa ki te Rā Tō, Ngāti Kuia, Rangitāne o Wairau, Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, Te Ātiawa o Te Waka-a-Māui, and Ngati Toa Rangatira agree to the final settlement of the historical claims of those iwi.

It is intended to divide the Bill at the committee of the whole House stage so that—

- *Parts 1 to 3* become the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Bill:
- *Parts 4 to 6* become the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Bill:
- *Parts 7 to 9* become the Ngati Toa Rangatira Claims Settlement Bill:
- *Part 10* becomes the Haka Ka Mate Attribution Bill.

#### **Clause by clause analysis**

*Clause 1* states the Bill's Title.

*Clause 2* specifies the Bill's commencement date.

## Part 4

### Preliminary matters and settlement of historical claims

*Part 4* provides for preliminary matters and the settlement of the historical claims.

#### Subpart 1—Purpose of Act, historical accounts, acknowledgements, and apologies

*Clause 3* states the purpose of *Parts 4 to 6* of the Bill.

*Clause 3A* provides that the provisions of *Parts 4 to 6* of the Bill take effect on the settlement date unless a provision states otherwise.

*Clause 4* provides that *Parts 4 to 6* of the Bill bind the Crown.

*Clause 5* provides an outline of *Parts 4 to 6* of the Bill.

*Clauses 6 to 18* summarise the historical accounts from the 4 deeds of settlement (which provide backgrounds to the deeds) and record the acknowledgements and the apologies given by the Crown to the iwi in the deeds.

#### Subpart 2—Interpretation

*Clause 19* provides that *Parts 4 to 6* of the Bill are to be interpreted in a manner that best furthers the agreements in the deeds of settlement.

*Clauses 20 and 21* define certain terms used in *Parts 4 to 6* of the Bill.

*Clause 22* defines Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui.

*Clause 23* defines historical claims.

#### Subpart 3—Settlement of historical claims

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

*Clause 24* settles the historical claims and provides that the settlement is final. It removes the jurisdiction of courts, tribunals, and other judicial bodies in respect of the historical claims, the deeds of settlement, *Parts 4 to 6* of the Bill, and the settlement redress (but not in respect of the interpretation or implementation of the deeds of settlement or *Parts 4 to 6* of the Bill).

*Consequential amendment to Treaty of Waitangi  
Act 1975*

*Clause 25* amends the Treaty of Waitangi Act 1975 to remove the jurisdiction of the Waitangi Tribunal as provided in *clause 24*.

*Protections no longer apply*

*Clause 26* provides that certain enactments do not apply to specified land.

*Clause 27* provides for the removal of existing memorials from the computer registers relating to the specified land.

**Subpart 4—Other matters**

*Clause 28* provides for an exception to the rule against perpetuities and any relevant provisions of the Perpetuities Act 1964 for the settlement trusts and in respect of documents entered into by the Crown to give effect to the deeds of settlement.

*Clause 29* requires the chief executive of the Ministry of Justice to make copies of the deeds of settlement available for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Justice in Wellington on any working day. The deeds must also be made available free of charge on an Internet site maintained by or on behalf of the Ministry of Justice.

*Clause 30* provides that if a provision in *Parts 4 to 6* has the same effect as a provision in *Parts 1 to 3 or 7 to 9*, the provisions must be given effect to only once.

**Part 5  
Cultural redress**

*Part 5* provides for cultural redress.

**Subpart 1—Protocols**

*Subpart 1 (clauses 31 to 38)* provides for the issue of protocols by the Minister of Conservation, the Minister of Fisheries and Aquaculture, the Minister of Energy and Resources, and the Minister for Arts, Culture and Heritage. The subpart provides that the protocols are subject to the Crown's obligations and limits the rights arising under them.

### Subpart 2—Statutory acknowledgement and deeds of recognition

*Subpart 2 (clauses 39 to 54)* contains the Crown's acknowledgement of the statements made by the relevant iwi of their association with certain statutory areas and of their coastal values. The purposes and limits of the statutory acknowledgement are specified. The subpart also provides that the Crown may issue and amend deeds of recognition.

### Subpart 3—Overlay classification

*Subpart 3 (clauses 55 to 73)* provides for an overlay classification to be declared in relation to certain overlay sites. The purposes and limits of the overlay classification are specified. The subpart authorises the making of certain regulations and bylaws relating to the overlay classification.

### Subpart 4—[Deleted]

[Deleted].

### Subpart 5—Vesting of cultural redress properties

*Subpart 5 (clauses 75 to 116)* provides for the vesting of 41 cultural redress properties in the trustees of the relevant settlement trusts (in some cases, jointly with each other or with the trustees of trusts for iwi under related settlements). Of the 41 properties, 13 vest in fee simple, 11 vest in fee simple subject to conservation covenants, and 17 vest in fee simple to be administered as reserves.

### Subpart 6—General provisions relating to vesting of cultural redress properties

*Subpart 6 (clauses 117 to 130)* contains technical provisions to facilitate the vesting of the cultural redress properties.

### Subpart 7—Delayed vesting of cleared land

*Subpart 7 (clauses 131 to 134)* provides for the delayed vesting of land that is no longer required for a public work and is not subject to

rights or obligations that are inconsistent with vesting the area in the trustees of Te Pātaka a Ngāti Kōata.

#### Subpart 8—Vesting and gifting back of properties

*Subpart 8 (clauses 135 and 136)* provides for the vesting of a property in the trustees of 3 settlement trusts, the vesting of another property in the trustees of 3 settlement trusts (jointly with the trustees of a trust for iwi under a related settlement), and the gifting back of the properties to the Crown.

#### Subpart 9—Easement over part of D’Urville Island Scenic Reserve

*Subpart 9 (clause 137)* provides for the grant of an easement over part of D’Urville Island Scenic Reserve.

#### Subpart 10—Geographic names

*Subpart 10 (clauses 138 to 141)* provides for the alteration and assignment of geographic names, sets out the requirements for publishing a notice of a new geographic name, and provides for the process for altering any new geographic name.

#### Subpart 11—Minerals fossicking right

*Subpart 11 (clauses 142 to 146)* provides for members of the settlement iwi to remove natural material from certain riverbeds by hand.

#### Subpart 12—Statutory advisers

*Subpart 12 (clauses 147 and 148)* provides for the appointment of the trustees of Te Pātaka a Ngāti Kōata as statutory advisers to the Minister of Conservation and the Director-General in relation to Takapourewa, Whangarae, and Moawhitu.



### Subpart 13—Statutory kaitiaki, acknowledgement as kaitiaki, and kaitiaki plan

*Subpart 13 (clauses 149 to 153)* appoints the trustees of the Te Ātiawa o Te Waka-a-Māui Trust as statutory kaitiaki of 5 islands in Queen Charlotte Sound / Tōtaranui with the power to advise the Minister of Conservation and the Director-General on certain matters relating to the islands. The subpart also provides for the trustees of the Te Ātiawa o Te Waka-a-Māui Trust to prepare and lodge a kaitiaki plan with Marlborough District Council. The plan applies to the coastal marine area of Queen Charlotte Sound / Tōtaranui and affects certain functions of the council relating to resource management in the area.

### Subpart 14—Acknowledgement of historical association with West of Separation Point / Te Matau

*Subpart 14 (clause 154)* contains the Crown's acknowledgement of the historical association of Ngāti Kōata with West of Separation Point / Te Matau.

### Subpart 15—River and freshwater advisory committee

*Subpart 15 (clauses 155 to 161)* establishes an iwi advisory committee to provide advice on the management of rivers and fresh water within the regions of certain councils. Members may be appointed to the committee by the trustees of the settlement trusts of the 8 iwi under the Bill.

## **Part 6** **Commercial redress**

*Part 6* provides for commercial redress.

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

*Subpart 1 (clauses 162 to 167)* contains provisions relating to the transfer of commercial redress properties (including the licensed

properties and unlicensed land) and deferred selection properties and provides for the creation of computer freehold registers for the properties and other related matters.

### Subpart 2—Licensed properties and unlicensed land

*Subpart 2 (clauses 168 to 172)* provides for the status of the licensed properties and the unlicensed land and their associated assets. The provisions set out the respective rights and obligations of the Crown and the trustees of the settlement trusts in relation to the licensed properties.

### Subpart 3—Right of access to protected sites

*Subpart 3 (clauses 173 to 176)* provides a right of access to certain protected sites on the licensed properties or unlicensed land to Māori for whom the sites are of special cultural, spiritual, or historical significance.

### Subpart 4—Right of first refusal in relation to RFR land

*Subpart 4 (clauses 177 to 207)* provides the trustees of each of the 4 settlement trusts in *Parts 4 to 6* with a right of first refusal in relation to RFR land. For certain RFR land, the right of first refusal is shared between various combinations of the trustees of the 4 settlement trusts, the trustees of 3 related settlement trusts, and the trustees of the Toa Rangatira Trust. The owner of RFR land must not dispose of the land to a person other than the relevant trustees (without offering it to the trustees on the same or better terms) unless a specified exception applies. The right of first refusal lasts for different periods depending on the type of RFR land.

## Schedules

There are 5 schedules, which—

- describe the statutory areas to which the statutory acknowledgement relates and for which (with some exceptions) a deed of recognition is issued (*Schedule 1*):

- 
- describe the overlay sites to which the overlay classification applies (*Schedule 2*):
  - describe the 41 cultural redress properties (*Schedule 3*):
  - describe the properties for delayed vesting or vesting and gifting back (*Schedule 4*):
  - set out provisions that apply to notices given in relation to RFR land (*Schedule 5*).
-

*Hon Christopher Finlayson*

**Te Tau Ihu Claims Settlement  
Bill—Parts 4 to 6**

Government Bill

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The Parliament of New Zealand enacts as follows:

- 1 Title**  
This Act is the Te Tau Ihu Claims Settlement Act **2012**.
- 2 Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent.

**Ngāti Kōata, Ngāti Rārua, Ngāti Tama  
ki Te Tau Ihu, and Te Ātiawa o Te  
Waka-a-Māui Claims Settlement Bill**

**Part 4**

**Preliminary matters and settlement of  
historical claims**

Subpart 1—Purpose of Act, historical  
accounts, acknowledgements, and apologies

- 3 Purpose**  
The purpose of **Parts 4 to 6** is to give effect to certain provisions of the deeds of settlement that settle the historical claims of Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui.
- 3A Provisions take effect on settlement date**
- (1) The provisions of **Parts 4 to 6** take effect on the settlement date unless a provision states 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—
- (a) for the provision to have full effect on that date; or
- (b) for a power to be exercised, or for a duty to be performed, under the provision on that date.
- 4 Act binds the Crown**  
**Parts 4 to 6** bind the Crown.

**5 Outline**

- (1) This section is a guide to the overall scheme and effect of **Parts 4 to 6**, but does not affect the interpretation or application of the other provisions of **Parts 4 to 6** or the deeds of settlement.
- (2) This Part—
  - (a) sets out the purpose of **Parts 4 to 6**; and
  - (b) provides that the provisions of **Parts 4 to 6** take effect on the settlement date unless a provision states otherwise; and
  - (c) specifies that **Parts 4 to 6** bind the Crown; and
  - (d) summarises the historical accounts from the deeds of settlement and records the acknowledgements and the apology given by the Crown in the deeds; and
  - (e) defines terms used in **Parts 4 to 6**, including key terms such as Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, Te Ātiawa o Te Waka-a-Māui, 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 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 deeds of settlement.
- (3) **Part 5** provides for cultural redress, including—
  - (a) the issuing of protocols to the trustees of the settlement trusts by the Minister of Conservation, the Minister of Fisheries and Aquaculture, the Minister of Energy and Resources, and the Minister for Arts, Culture and Heritage; and
  - (b) a statutory acknowledgement by the Crown of the statements made by the settlement iwi of their cultural, spir-

- itual, historical, and traditional associations with certain statutory areas; and
- (c) provision for deeds of recognition issued by the Crown to the trustees of the settlement trusts; and
  - (d) the application of an overlay classification to certain overlay sites by the Crown's acknowledgement of the values of the settlement iwi in relation to the relevant sites; and
  - (e) the vesting of cultural redress properties in the trustees of each settlement trust, in some cases jointly with each other or with the trustees of trusts for iwi under related settlements; and
  - (f) the delayed vesting of land that is no longer required for a public work and is not subject to rights or obligations that are inconsistent with the vesting of the area in the trustees of Te Pātaka a Ngāti Kōata; and
  - (g) the vesting of Kaka Point in the trustees of 3 settlement trusts, and the vesting of the site back to the Crown as a gift from the trustees; and
  - (h) the vesting of Te Tai Tapu in the trustees of 3 settlement trusts (jointly with the trustees of a trust for iwi under a related settlement), and the vesting of the site back to the Crown as a gift from the trustees; and
  - (i) provision for an easement over part of D'Urville Island Scenic Reserve; and
  - (j) the alteration and assignment of names for certain geographic features; and
  - (k) the appointment of the trustees of Te Pātaka a Ngāti Kōata as statutory advisers to the Minister of Conservation and the Director-General in relation to Takapourewa, Whangarae, and Moawhitu; and
  - (l) provision for members of the settlement iwi to remove natural material from certain riverbeds by hand; and
  - (m) the appointment of the trustees of the Te Ātiawa o Te Waka-a-Māui Trust as statutory kaitiaki of 5 islands in Queen Charlotte Sound / Tōtaranui, and provision for the trustees to prepare and lodge a kaitiaki plan with Marlborough District Council; and

- (n) the Crown's acknowledgement of the historical association of Ngāti Kōata with West of Separation Point / Te Matau; and
  - (o) the establishment of an iwi advisory committee to provide advice on the management of rivers and fresh water within the regions of certain councils, with members appointed by the trustees of the settlement trusts, the related settlement trusts, and the Toa Rangatira Trust.
- (4) **Part 6** provides for commercial redress, including—
- (a) authorisation for the transfer of commercial redress properties (including the licensed properties and unlicensed land) and deferred selection properties to the trustees of each settlement trust to give effect to the deeds of settlement; and
  - (b) provision for a right of access to certain protected sites on the licensed properties or unlicensed land; and
  - (c) a right of first refusal in relation to RFR land that may be exercised by the trustees of the settlement trusts (and, in some cases, the trustees of the related settlement trusts and the Toa Rangatira Trust).
- (5) There are 5 schedules, as follows:
- (a) **Schedule 1** describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which deeds of recognition are issued:
  - (b) **Schedule 2** describes the overlay sites to which the overlay classification applies:
  - (c) **Schedule 3** describes the cultural redress properties:
  - (d) **Schedule 4** describes the properties for delayed vesting or vesting and gifting back:
  - (e) **Schedule 5** sets out provisions that apply to notices given in relation to RFR land.
- 6 Historical accounts and the Crown's acknowledgements and apologies**
- (1) **Section 7** summarises the historical account from the deed of settlement for Ngāti Kōata, which provides a background to the deed of settlement.



- (2) **Sections 8 and 9** record the acknowledgements and the apology given by the Crown to Ngāti Kōata in the deed of settlement for Ngāti Kōata.
- (3) **Section 10** summarises the historical account from the deed of settlement for Ngāti Rārua, which provides a background to the deed of settlement.
- (4) **Sections 11 and 12** record the acknowledgements and the apology given by the Crown to Ngāti Rārua in the deed of settlement for Ngāti Rārua.
- (5) **Section 13** summarises the historical account from the deed of settlement for Ngāti Tama ki Te Tau Ihu, which provides a background to the deed of settlement.
- (6) **Sections 14 and 15** record the acknowledgements and the apology given by the Crown to Ngāti Tama ki Te Tau Ihu in the deed of settlement for Ngāti Tama ki Te Tau Ihu.
- (7) **Section 16** summarises the historical account from the deed of settlement for Te Ātiawa o Te Waka-a-Māui, which provides a background to the deed of settlement.
- (8) **Sections 17 and 18** record the acknowledgements and the apology given by the Crown to Te Ātiawa o Te Waka-a-Māui in the deed of settlement for Te Ātiawa o Te Waka-a-Māui.

*Historical account, acknowledgements, and  
apology for Ngāti Kōata*

**7 Summary of historical account for Ngāti Kōata**

The historical account set out in the deed of settlement for Ngāti Kōata is summarised as follows:

- (1) Ngāti Kōata first came to Te Tau Ihu (the northern South Island) in the mid-1820s after receiving a tuku of land from Tūtepourangi, and also as part of an invasion. Ngāti Kōata primarily settled at Rangitoto Island, Croisilles, Whakapuaka, and Whakatū.
- (2) In 1839 the New Zealand Company signed deeds with other iwi that purported to purchase the entire northern South Island. The following year several Ngāti Kōata chiefs signed the Treaty of Waitangi at Rangitoto Island.
- (3) In 1842 the Company presented gifts to local Māori upon establishing its Nelson settlement. In 1844 a Crown-appointed

commissioner investigated the Company's purchases. He heard only one Māori witness in Nelson before suspending the inquiry to enable the Company to negotiate a settlement. Māori signed deeds of release in return for accepting payments described by the commissioner as gifts to assist settlement rather than payments for the land.

- (4) In 1845, on the commissioner's recommendation, the Crown prepared a Company grant of 151 000 acres in Tasman and Golden Bays which would have reserved 15 100 acres for Māori. However, the Company objected to several aspects of this grant. In 1848 the Company accepted a new Crown grant for a larger area of land that reserved only 5 053 acres at Nelson and Motueka, and areas in the Wairau and Golden Bay.
- (5) Ngāti Kōata had negligible involvement in the administration of the Nelson and Motueka reserves, known as 'Tenths', which were leased to settlers to generate income that was spent on Maori purposes. From 1887 the Tenths were let under perpetually renewable leases. Rentals were infrequently reviewed and over time inflation reduced rental returns. During the twentieth century the Tenths were reduced by the compulsory acquisition of uneconomic shares and the sale of reserves.
- (6) In 1852 the Crown purchased the mineral-rich Pakawau block and paid only for its agricultural value. In 1853 the Crown signed the Waipounamu deed with other iwi, and purported to have purchased most of the remaining Māori land in Te Tau Ihu. Ngāti Kōata did not sign the deed but were to receive a share of the purchase money. The Crown used the 1853 deed as the basis for negotiations with resident Ngāti Kōata in 1856, which led to the alienation of most of their remaining interests for £100. Rangitoto Island was excluded from this purchase.
- (7) The reserves created for Ngāti Kōata from the Waipounamu sale were mostly inadequate for customary use or effective development. In 1883 and 1892 the Native Land Court awarded ownership of the reserves and Rangitoto Island to individual Ngāti Kōata. Over time, sales and successions to the titles made the lands increasingly fragmented and uneconomic.
- (8) In 1883 Ngāti Kōata participated in the Native Land Court's title investigation of Whakapuaka. Ngāti Kōata claimed interests on the basis of the tuku and ongoing occupation. The

Court deemed that Ngāti Kōata did not have interests and they were excluded from ownership. Ngāti Kōata were again excluded at a rehearing of the block in 1937.

- (9) By the late nineteenth century, some Ngāti Kōata were virtually landless. In 1894 the Crown allocated some landless Ngāti Kōata individuals land at Te Māpou and Te Raetihi, but did not issue titles to them until 1968.
- (10) Ngāti Kōata struggled to secure safe drinking water and social services on their reserves and Rangitoto Island well into the twentieth century. Many Ngāti Kōata came to Nelson for work, educational, and health purposes. A Māori hostel in Nelson used by Ngāti Kōata families was frequently overcrowded resulting in unhygienic conditions.
- (11) By the end of the twentieth century most of Ngāti Kōata's remaining land, including their reserves and Rangitoto Island, had been sold. Virtual landlessness has meant that Ngāti Kōata has lost connection and access to many of their traditional resources and sites, and the demise of a strong cultural base.

#### **8 Text of acknowledgements for Ngāti Kōata**

The text of the acknowledgements set out in the deed of settlement for Ngāti Kōata is as follows:

- (1) The Crown acknowledges that it has failed to deal with the long-standing grievances of Ngāti Kōata in an appropriate way and that recognition of these grievances is long overdue.
- (2) The Crown acknowledges that it failed to adequately inform itself of and protect the interests, including the ongoing needs, of Ngāti Kōata during the process by which land was granted to the New Zealand Company in 1848, and this failure was a breach of the Treaty of Waitangi and its principles.
- (3) The Crown acknowledges that in the reserves that became known as the Nelson and Motueka 'tenths' it failed to ensure that the area ultimately reserved was sufficient for the ongoing use and benefit of Ngāti Kōata. The Crown acknowledges that this failure was in breach of the Treaty of Waitangi and its principles.
- (4) The Crown acknowledges that—

- (a) Ngāti Kōata had negligible involvement in the administration of the tenths reserves between 1842 and 1977:
  - (b) on occasion, the Crown used tenths funds as a partial replacement to government spending:
  - (c) it was not until 1892, several decades after the establishment of the tenths, that the beneficiaries of the tenths fund were identified.
- (5) The Crown acknowledges that certain actions and omissions with respect to the administration of the Nelson and Motueka tenths reserves, including the imposition of a regime of perpetually renewable leases, and permitting the Māori Trustee to sell 'uneconomic interests' and tenths land in the twentieth century, resulted in prejudice to those Ngāti Kōata who held a beneficial interest in the tenths reserves fund and were in breach of the Treaty of Waitangi and its principles.
- (6) The Crown acknowledges that in 1852 it sought to purchase the Pakawau block before Ngāti Kōata and other Māori became aware of the full potential value of its minerals, and the price paid reflected the agricultural value of the land only.
- (7) The Crown acknowledges that when it purchased most of the remaining Māori land in Te Tau Ihu between 1853 and 1856:
- (a) it did not negotiate with Ngāti Kōata as an iwi prior to signing the 1853 Te Waipounamu deed, and used the 1853 deed as the basis for its negotiations with resident Ngāti Kōata in 1856, whereby Ngāti Kōata alienated most of their remaining interests for a small price; and
  - (b) it did not set aside adequate reserves for the present and future needs of Ngāti Kōata in Te Tau Ihu.

The Crown acknowledges that it failed to adequately protect the interests of Ngāti Kōata when purchasing their land and this was a breach of the Treaty of Waitangi and its principles.

- (8) The Crown acknowledges that the operation and impact of the native land laws on the remaining lands of Ngāti Kōata, in particular the awarding of land to individual Ngāti Kōata rather than to iwi or hapū, made those lands more susceptible to partition, fragmentation, and alienation. This further contributed to the erosion of the traditional tribal structures of Ngāti Kōata. The Crown failed to take adequate steps to protect those struc-

- tures and this was a breach of the Treaty of Waitangi and its principles.
- (9) The Crown acknowledges that the alienation of the Whakapuaka block has remained a significant grievance for Ngāti Kōata down to the present day. The Crown also acknowledges that it did not take steps to effect a reinvestigation of the Whakapuaka case until 1936.
  - (10) The Crown acknowledges that it failed to issue title to the Ngāti Kōata owners of the Te Māpou and Te Raetihi “landless natives” reserves until 1968. The Crown’s failure to implement the scheme effectively meant that it did nothing to alleviate the landless position of those Ngāti Kōata in Te Tau Ihu and this was a breach of the Treaty of Waitangi and its principles.
  - (11) The Crown acknowledges that since 1856 much of Ngāti Kōata’s reserve land, Rangitoto Island, and its surrounding islands, including Puangiangi and Whakaterepapanui, have been alienated from Ngāti Kōata ownership. This included the Crown’s acquisition of Takapourewa Island for public works purposes and purchase of part of Whangarae reserve for scenery preservation purposes.
  - (12) The Crown acknowledges that several islands at the entrance to Croisilles Harbour continued to be used by Ngāti Kōata as mahinga kai following their sale to the Crown in 1856. The Crown also acknowledges that when it declared the islands as scenic reserves in 1980 this detrimentally impacted on Ngāti Kōata’s customary use of the islands.
  - (13) The Crown acknowledges that it made several attempts to acquire ownership of Kurupongi Island from Ngāti Kōata. The Crown also acknowledges that by gazetting Kurupongi as a wildlife sanctuary in 1957 the Crown took effective control of the island, although Ngāti Kōata retained ownership and mutton birding rights.
  - (14) The Crown acknowledges that the cumulative effect of the Crown’s actions and omissions left Ngāti Kōata virtually landless. The Crown’s failure to ensure that Ngāti Kōata retained sufficient land was a breach of the Treaty of Waitangi and its principles.

- (15) The Crown acknowledges that the discouragement of the use of Te Reo Māori in Native Schools established in areas where Ngāti Kōata lived detrimentally impacted on the retention of Ngāti Kōata culture.
- (16) The Crown acknowledges that the isolation and poor quality of their reserve land at Croisilles and Rangitoto, and the lack or slow delivery of social services in these areas, resulted in poor economic and health conditions for Ngāti Kōata communities. The Crown also acknowledges that these circumstances forced many Ngāti Kōata to leave their land and seek economic, social, and educational opportunities elsewhere, including outside of Te Tau Ihu.
- (17) The Crown acknowledges that through the alienation of most of their land Ngāti Kōata have lost control over many of their significant sites and resources. This has had an ongoing impact on the ability of Ngāti Kōata to maintain spiritual connections to their ancestral lands.

**9 Text of apology for Ngāti Kōata**

The text of the apology set out in the deed of settlement for Ngāti Kōata is as follows:

- (1) The Crown makes the following apology to Ngāti Kōata, to their ancestors and to their descendants.
- (2) When Ngāti Kōata rangatira signed the Treaty of Waitangi at Rangitoto Island in May 1840, they entered into a relationship with the Crown based on hope and mutual respect. However, the Crown accepts and is deeply sorry that it has not always fulfilled its obligations under the Treaty of Waitangi and, for this, unreservedly apologises to Ngāti Kōata.
- (3) The Crown regrets and apologises for its failure to properly respect the rangatiratanga of Ngāti Kōata. Crown actions, moreover, left Ngāti Kōata virtually landless in Te Tau Ihu and alienated them from many of their most sacred sites. For this too the Crown apologises. Their disconnection from their lands marginalised Ngāti Kōata in the economic development of Te Tau Ihu, and had devastating consequences for the social, cultural, and spiritual well-being of Ngāti Kōata. Those consequences continue to be felt today.

- (4) With this apology and settlement the Crown seeks to atone for its wrongs. The Crown hopes that through this apology and settlement it can build a new, positive, and enduring relationship with Ngāti Kōata based on mutual trust and co-operation and respect for the Treaty of Waitangi and its principles.

*Historical account, acknowledgements, and apology for Ngāti Rārua*

**10 Summary of historical account for Ngāti Rārua**

The historical account set out in the deed of settlement for Ngāti Rārua is summarised as follows:

- (1) [To come].

**11 Text of acknowledgements for Ngāti Rārua**

The text of the acknowledgements set out in the deed of settlement for Ngāti Rārua is as follows:

- (1) [To come].

**12 Text of apology for Ngāti Rārua**

The text of the apology set out in the deed of settlement for Ngāti Rārua is as follows:

- (1) [To come].

*Historical account, acknowledgements, and apology for Ngāti Tama ki Te Tau Ihu*

**13 Summary of historical account for Ngāti Tama ki Te Tau Ihu**

The historical account set out in the deed of settlement for Ngāti Tama ki Te Tau Ihu (**Ngāti Tama**) is summarised as follows:

- (1) [To come].

**14 Text of acknowledgements for Ngāti Tama ki Te Tau Ihu**

The text of the acknowledgements set out in the deed of settlement for Ngāti Tama ki Te Tau Ihu (**Ngāti Tama**) is as follows:

- (1) [To come].

**15 Text of apology for Ngāti Tama ki Te Tau Ihu**

The text of the apology set out in the deed of settlement for Ngāti Tama ki Te Tau Ihu (**Ngāti Tama**) is as follows:

- (1) [*To come*].

*Historical account, acknowledgements, and  
apology for Te Ātiawa o Te Waka-a-Māui*

**16 Summary of historical account for Te Ātiawa o Te Waka-a-Māui**

The historical account set out in the deed of settlement for Te Ātiawa o Te Waka-a-Māui (**Te Ātiawa**) is summarised as follows:

- (1) Te Ātiawa came to Te Tau Ihu (the northern South Island) in the late 1820s. Te Ātiawa established pā and kainga at Queen Charlotte Sound (Totaranui), Tasman Bay, Golden Bay, and Te Tai Tapu.
- (2) In 1839 the New Zealand Company signed deeds with Māori that purported to purchase the entire northern South Island. In 1840 over twenty Te Ātiawa signed the Treaty of Waitangi at Totaranui.
- (3) In 1842 the Company presented gifts to local Māori, including Te Ātiawa, upon establishing its Nelson settlement. Te Ātiawa also contested the meaning of the Company's 1839 transactions. In 1844 a Crown-appointed commissioner investigated the Company's purchases. He heard from one Māori witness in Nelson before suspending the inquiry to enable the Company to negotiate a settlement. Māori signed deeds of release in return for accepting payments described by the commissioner as gifts to assist settlement rather than payments for the land. Some Te Ātiawa from Golden Bay were not present at the commissioner's hearing.
- (4) In 1845, on the commissioner's recommendation, the Crown prepared a grant to the New Zealand Company of 151 000 acres in Tasman and Golden Bays which would have reserved 15 100 acres for Māori. However, the Company objected to several aspects of this grant. In 1848 the Company accepted a new Crown grant for a larger area of land that reserved only



5 053 acres at Nelson and Motueka, and areas in the Wairau and Golden Bay.

- (5) Te Ātiawa had negligible involvement in the administration of the Nelson and Motueka reserves, known as ‘Tenths’, which were leased to settlers to generate income that was spent on Māori purposes. In the 1850s and 1860s the Crown allocated a number of Motueka Tenths sections to Te Ātiawa for their occupation. However, ownership of these lands was not granted separately to Te Ātiawa. From 1887 the Tenths were leased under perpetually renewable leases. Rentals were infrequently reviewed and over time inflation reduced rental returns. During the twentieth century the Tenths were reduced by the compulsory acquisition of uneconomic shares and the sale of reserves.
- (6) Between 1848 and 1850 the Crown assisted the New Zealand Company to purchase Waitohi (now known as Picton), the principal settlement of Te Ātiawa in Totaranui. As part of the sale Te Ātiawa relocated to a reserve at Waikawa that had less suitable soil for cultivation than Waitohi.
- (7) In 1852, the Crown purchased the mineral-rich Pakawau block. The Crown only paid for the agricultural value of Pakawau. In 1853, the Crown signed the Waipounamu deed with other iwi, and purported to have purchased most of the remaining Māori land in Te Tau Ihu. Te Ātiawa did not sign the deed, but were to receive a share of the purchase money. The Crown used the 1853 deed to pressure resident Te Ātiawa to agree to the sale and the alienation of their land. Resident Te Ātiawa received £613 for the Waipounamu purchase compared with £900 paid to non-resident Te Ātiawa. The reserves created for Te Ātiawa were generally inadequate for customary use or agricultural or pastoral farming. Over time most Te Ātiawa reserves in Totaranui and Golden Bay were alienated, including several hundred acres taken by the Crown for public works and scenery preservation purposes.
- (8) By the late nineteenth century, Te Ātiawa were virtually landless. At this time the Crown allocated landless Te Ātiawa individuals land on Stewart Island and on the West Coast but never granted them title to the land.

- (9) The loss of land and poor quality reserves have contributed to socio-economic hardship for Te Ātiawa. Crown policies of assimilation and integration as well as urbanisation exacerbated cultural dislocation. Te Ātiawa have lost connection with many significant sites and resources which has had a detrimental effect on their spiritual, economic, and cultural well-being.

**17 Text of acknowledgements for Te Ātiawa o Te Waka-a-Māui**

The text of the acknowledgements set out in the deed of settlement for Te Ātiawa o Te Waka-a-Māui (**Te Ātiawa**) is as follows:

- (1) The Crown acknowledges that it has failed to deal with the long-standing grievances of Te Ātiawa in an appropriate way and that recognition of these grievances is long overdue.
- (2) The Crown acknowledges that it failed to adequately inform itself of and protect the interests, including the ongoing needs, of Te Ātiawa during the process by which land was granted to the New Zealand Company in 1848, and this failure was a breach of the Treaty of Waitangi and its principles.
- (3) The Crown acknowledges that Waitohi, at the head of Tōtaranui (Queen Charlotte Sound), was Te Ātiawa's principal settlement on the mainland, and that—
- (a) the Crown's promise to survey a town at Waikawa was the main incentive for Te Ātiawa to finally agree to sell Waitohi and move to Waikawa:
  - (b) the Crown did not precisely define the boundaries of the land to be purchased in the preliminary 1848 agreement and did not show the boundaries of the purchase on a map until a deed was signed in 1850:
  - (c) the land set aside for Te Ātiawa at Waikawa was less suitable for their cultivations than the land they gave up at Waitohi:
  - (d) the Crown did not fulfil its promise in the 1850 deed to build a chapel for Te Ātiawa at Waikawa until 1860.

The Crown acknowledges the sense of grievance felt by Te Ātiawa at having to relocate from Waitohi to Waikawa and that this grievance exists to the present day.

- (4) The Crown acknowledges that it sought to purchase the Pakawau block before Te Ātiawa and other Māori became aware of the potential value of its minerals, and the price paid reflected the agricultural value of the land only.
- (5) The Crown acknowledges that when it purchased most of the remaining Māori land in Te Tau Ihu between 1847 and 1856:
  - (a) it did not negotiate with Te Ātiawa in Te Tau Ihu prior to signing the 1853 Te Waipounamu deed and applied heavy pressure in its negotiations with resident Te Ātiawa in 1856 to agree to the Waipounamu purchase; and
  - (b) it did not set aside adequate reserves for the present and future needs of Te Ātiawa in Te Tau Ihu.

The Crown acknowledges that it failed to adequately protect the interests of Te Ātiawa when purchasing their land and that this was a breach of the Treaty of Waitangi and its principles.

- (6) The Crown acknowledges that it did not include Te Ātiawa in its negotiations in 1862 to regulate gold mining on the Taitapu block.
- (7) The Crown acknowledges that in the reserves that became known as the Nelson and Motueka ‘tenths’ it failed to adequately provide for Te Ātiawa to control those lands they occupied and used, and failed to ensure that the area ultimately reserved was sufficient for the ongoing use and benefit of Te Ātiawa. The Crown acknowledges that these failures were in breach of the Treaty of Waitangi and its principles.
- (8) The Crown acknowledges that the grant of tenths land at Whakarewa in 1853 meant that some Te Ātiawa whanau had to move from land they were occupying at the time. The Crown further acknowledges that despite protests from Māori beginning in 1881 the Whakarewa lands were not returned until 1993.
- (9) The Crown acknowledges that—
  - (a) Te Ātiawa had negligible involvement in the administration of the tenths reserves between 1842 and 1977; and
  - (b) it was not until 1892, several decades after the establishment of the tenths, that the beneficiaries of the tenths fund were identified.

- (10) The Crown acknowledges that certain actions and omissions with respect to the administration of the Nelson and Motueka tenths reserves, including the imposition of a regime of perpetually renewable leases, and permitting the Māori Trustee to sell ‘uneconomic interests’ and tenths land in the twentieth century, resulted in prejudice to those Te Ātiawa who held a beneficial interest in the tenths reserves fund and were in breach of the Treaty of Waitangi and its principles.
- (11) The Crown acknowledges that the operation and impact of the native land laws on the reserves granted to Te Ātiawa, in particular the awarding of land to individual Te Ātiawa rather than to iwi or hapū, made those lands more susceptible to partition, fragmentation, and alienation. This further contributed to the erosion of the traditional tribal structures of Te Ātiawa. The Crown failed to take adequate steps to protect those structures and this was a breach of the Treaty of Waitangi and its principles.
- (12) The Crown acknowledges that most of the reserves set aside for Te Ātiawa from the Waitohi and Te Waipounamu purchases have over time been alienated from Te Ātiawa ownership, including through Crown takings from their Waikawa reserve for public works, and from their Queen Charlotte Sound reserves for scenery preservation purposes.
- (13) The Crown acknowledges that members of Te Ātiawa were never issued title to land allocated to them on Stewart Island and at Whakapoai under the “landless natives” scheme. The Crown’s failure to implement the scheme effectively meant that it did nothing to alleviate the landless position of those Te Ātiawa in Te Tau Ihu and this was a breach of the Treaty of Waitangi and its principles.
- (14) The Crown acknowledges that the cumulative effect of Crown actions and omissions left Te Ātiawa virtually landless. The Crown’s failure to ensure that Te Ātiawa retained sufficient land for their present and future needs was a breach of the Treaty of Waitangi and its principles.
- (15) The Crown acknowledges that environmental modification and degradation, particularly in the Marlborough Sounds, has had a detrimental impact on sites of cultural and spiritual

significance to Te Ātiawa and limited the ability of Te Ātiawa to access some of their traditional land and sea resources.

**18 Text of apology for Te Ātiawa o Te Waka-a-Māui**

The text of the apology set out in the deed of settlement for Te Ātiawa o Te Waka-a-Māui (**Te Ātiawa**) is as follows:

- (1) The Crown makes the following apology to Te Ātiawa, and to their ancestors and descendants.
- (2) The Crown is deeply sorry that it has failed to live up to the obligations it accepted when more than twenty Te Ātiawa rangatira signed the Treaty of Waitangi at Totaranui (Queen Charlotte Sound) in May 1840.
- (3) The Crown profoundly regrets and apologises for its actions, which left Te Ātiawa virtually landless in Te Tau Ihu. The Crown recognises that by 1860 Crown land purchases in Te Tau Ihu had largely restricted Te Ātiawa to isolated reserves and marginalised the iwi from the new emerging economy. In particular the Crown regrets that when it arranged the purchase of Waitohi as the site of a town for settlers, this meant Te Ātiawa had to forsake their principal settlement in Totaranui.
- (4) The Crown acknowledges that it has failed to appropriately respect Te Ātiawa rangatiratanga. It is greatly remorseful that, over the generations to the present day, Crown actions have undermined your social and traditional structures, and your autonomy and ability to exercise your customary rights and responsibilities.
- (5) The Crown unreservedly apologises to Te Ātiawa for failing to honour its obligations under the Treaty of Waitangi. Through this apology the Crown seeks to atone for these wrongs and hopes that this settlement will mark the beginning of a new relationship with Te Ātiawa based on the Treaty of Waitangi and its principles.

### Subpart 2—Interpretation

**19 Interpretation of Act generally**

It is the intention of Parliament that the provisions of **Parts 4 to 6** are interpreted in a manner that best furthers the agreements expressed in the deeds of settlement.

**20 Interpretation**

- (1) In **Parts 4 to 6**, unless the context requires another meaning,—

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

**advisory committee** means the committee established by **section 155** to provide advice in relation to the management of rivers and fresh water within the regions of certain councils

**affected person** has the meaning given by section 2AA(2) of the Resource Management Act 1991

**aquatic life** has the meaning given by section 2(1) of the Conservation Act 1987

**commercial redress property**—

- (a) means a property listed in part 3 of the property redress schedule of a deed of settlement; and
- (b) to avoid doubt, includes a licensed property and the unlicensed land

**Commissioner of Crown Lands** has the same meaning as Commissioner in section 2 of the Land Act 1948

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

**conservation land** means land that is—

- (a) vested in the Crown or held in fee simple by the Crown; and
- (b) held, managed, or administered by the Department of Conservation under the conservation legislation

**conservation legislation** means the Conservation Act 1987 and the Acts listed in Schedule 1 of that Act

**conservation management plan** has the meaning given by section 2(1) of the Conservation Act 1987

**conservation management strategy** has the meaning given by section 2(1) of the Conservation Act 1987

**conservation protocol**—

- (a) means a protocol issued by the Minister of Conservation under **section 32(1)(a)**; and
- (b) includes any amendments made to the protocol under **section 32(1)(b)**

**conservation protocol area** means the area shown on the map attached to a conservation protocol

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

**Crown body** means—

- (a) a Crown entity (as defined by section 7(1) of the Crown Entities Act 2004); and
- (b) a State enterprise (as defined by 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)**

**Crown forestry licence** means a licence granted under section 14 of the Crown Forest Assets Act 1989

**Crown-owned mineral** means a mineral (as defined by section 2(1) of the Crown Minerals Act 1991)—

- (a) that is the property of the Crown under section 10 or 11 of that Act; or
- (b) over which the Crown has jurisdiction under the Continental Shelf Act 1964

**cultural redress property** has the meaning given by **section 75**

**deed of recognition**—

- (a) means a deed of recognition issued under **section 49** to the trustees of a settlement trust by—

- (i) the Minister of Conservation and the Director-General; or
- (ii) the Commissioner of Crown Lands; and
- (b) includes any amendments to the deed made under **section 49**

**deed of settlement—**

- (a) means each of the following 4 deeds of settlement, including any schedules or attachments and including any amendments:
  - (i) the deed of settlement for Ngāti Kōata dated 21 December 2012, entered into by the Crown, Ngāti Kōata, and Te Pātaka a Ngāti Kōata;
  - (ii) the deed of settlement for Ngāti Rārua dated [ ], entered into by the Crown, Ngāti Rārua, and the Ngāti Rārua Settlement Trust;
  - (iii) the deed of settlement for Ngāti Tama ki Te Tau Ihu dated [ ], entered into by the Crown, Ngāti Tama ki Te Tau Ihu, and the Ngāti Tama ki Te Waipounamu Trust;
  - (iv) the deed of settlement for Te Ātiawa o Te Waka-a-Māui dated 21 December 2012, entered into by the Crown, Te Ātiawa o Te Waka-a-Māui, and the Te Ātiawa o Te Waka-a-Māui Trust; but
- (b) in **section 177 and Schedule 5**,—
  - (i) for a related settlement iwi, means the deed of settlement for that iwi defined by **section 17(1) of Parts 1 to 3**; or
  - (ii) for Ngati Toa Rangatira, means the deed of settlement for Ngati Toa Rangatira defined by **section 11(1) of Parts 7 to 9**

**deferred selection property** means a property listed in part 4 of the property redress schedule of a deed of settlement—

- (a) that the trustees of the relevant settlement trust have elected to purchase from the Crown by giving notice under paragraph 5.3 of part 5 of that schedule; and
- (b) in respect of which the agreement for sale and purchase (formed under paragraph 5.4 or 5.5 of that part 5) has not been cancelled



**Director-General** means the Director-General of Conservation

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

**fisheries protocol**—

- (a) means a protocol issued by the Minister of Fisheries and Aquaculture under **section 32(1)(a)**; and
- (b) includes any amendments made to the protocol under **section 32(1)(b)**

**fisheries protocol area** means the area shown on the map attached to a fisheries protocol, together with the adjacent waters

**freshwater fisheries management plan** has the meaning given by section 2(1) of the Conservation Act 1987

**Historic Places Trust** means the New Zealand Historic Places Trust (Pouhere Taonga) continued by section 38 of the Historic Places Act 1993

**historical claims** has the meaning given by **section 23**

**interest**, in relation to land, means a lease, tenancy, licence, licence to occupy, easement, covenant, or other right or obligation affecting the land

**land holding agency** means,—

- (a) for a commercial redress property, the land holding agency specified for the property in part 3 of the property redress schedule of the relevant deed of settlement;
- (b) for a deferred selection property, the land holding agency specified for the property in part 4 of the property redress schedule of the relevant deed of settlement

**licensed property**—

- (a) means a property listed as a licensed land property in table 1 in part 3 of the property redress schedule of a deed of settlement; but
- (b) excludes—
  - (i) all trees growing, standing, or lying on the property; and
  - (ii) all improvements that have been—
    - (A) acquired by any purchaser of the trees on the property; or

- (B) made, after the acquisition of the trees by the purchaser, by the purchaser or the licensee

**licensee** means the registered holder of a Crown forestry licence

**licensor** means the licensor of a Crown forestry licence

**LINZ** means Land Information New Zealand

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

**member**, for a settlement iwi, means an individual referred to in **paragraph (a)** of the definition of that iwi in **section 22(1)**

**minerals protocol**—

- (a) means a protocol issued by the Minister of Energy and Resources under **section 32(1)(a)**; and
- (b) includes any amendments made to the protocol under **section 32(1)(b)**

**minerals protocol area** means the area shown on the map attached to a minerals protocol, together with the adjacent waters

**national park management plan** has the same meaning as management plan in section 2 of the National Parks Act 1980

**overlay classification** has the meaning given by **section 55(1)**

**protocol**—

- (a) means a protocol issued under **section 32(1)(a)**; and
- (b) includes any amendments made to the protocol under **section 32(1)(b)**

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

**regional council** has the meaning given by 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

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

**related settlement iwi** has the meaning given by **section 21**

**related settlement trust** has the meaning given by **section 21**

**representative entity** means—

- (a) the trustees of each settlement trust; and
- (b) any person (including any trustees) acting for, or on behalf of,—
  - (i) the collective group referred to in **paragraph (a)** of the definition of Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, or Te Ātiawa o Te Waka-a-Māui in **section 22(1)**; or
  - (ii) 1 or more members of Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, or Te Ātiawa o Te Waka-a-Māui; or
  - (iii) 1 or more of the whānau, hapū, or groups referred to in **paragraph (c)** of the definition of Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, or Te Ātiawa o Te Waka-a-Māui in **section 22(1)**

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

**responsible Minister** means,—

- (a) for a conservation protocol, the Minister of Conservation; or
- (b) for a fisheries protocol, the Minister of Fisheries and Aquaculture; or
- (c) for a minerals protocol, the Minister of Energy and Resources; or
- (d) for a taonga tūturu protocol, the Minister for Arts, Culture and Heritage; or
- (e) for any protocol, any other Minister of the Crown authorised by the Prime Minister to exercise powers, and perform functions and duties, in relation to the protocol

**RFR land** has the meaning given by **section 178**

**settlement date** means the date that is 70 working days after the date on which **Parts 4 to 6** come into force

**settlement iwi** has the meaning given by **section 21**

**settlement trust** has the meaning given by **section 21**

**statutory acknowledgement** has the meaning given by **section 39(1)**

**statutory plan—**

- (a) means a district plan, regional plan, regional coastal plan, regional policy statement, or proposed policy statement (as defined by section 43AA of the Resource Management Act 1991); and
- (b) includes a proposed plan (as defined by section 43AAC of that Act)

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

**taonga tūturu—**

- (a) has the meaning given by section 2(1) of the Protected Objects Act 1975; and
- (b) includes ngā taonga tūturu (as defined by section 2(1) of that Act)

**taonga tūturu protocol—**

- (a) means a protocol issued by the Minister for Arts, Culture and Heritage under **section 32(1)(a)**; and
- (b) includes any amendments made to the protocol under **section 32(1)(b)**

**transfer** means the transfer of a property's beneficial ownership upon settlement for the property

**unlicensed land** means the land described as Koromiko in table 2 in part 3 of the property redress schedule of the deed of settlement for Ngāti Rārua

**working day** means a day of the week other than—

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day; and
- (b) a day in the period starting on 25 December in a year and ending on 15 January in the following year; and
- (c) the day observed as the anniversary of the province of Nelson, Marlborough, or Wellington.

- (2) In **Parts 4 to 6**, a reference to a transfer or vesting of any land (being the fee simple estate in the land) to or in any trustees includes the transfer or vesting of an undivided share of the fee simple estate in the land.
- (3) **Subsection (2)** applies unless the context requires another meaning.

**21 Interpretation: iwi and trusts**

In **Parts 4 to 6**, unless the context requires another meaning,—

**Ngāti Apa ki te Rā Tō** has the meaning given by **section 19(1) of Parts 1 to 3**

**Ngāti Apa ki te Rā Tō Trust** has the meaning given by **section 18 of Parts 1 to 3**

**Ngāti Kōata** has the meaning given by **section 22(1)**

**Ngāti Kuia** has the meaning given by **section 19(1) of Parts 1 to 3**

**Ngāti Rārua** has the meaning given by **section 22(1)**

**Ngāti Rārua Settlement Trust** means the trust with that name established by a deed of trust dated [ ]

**Ngāti Tama ki Te Tau Ihu** has the meaning given by **section 22(1)**

**Ngāti Tama ki Te Waipounamu Trust** means the trust with that name established by a deed of trust dated [ ]

**Ngāti Toa Rangatira** has the meaning given by **section 13(1) of Parts 7 to 9**

**Rangitāne o Wairau** has the meaning given by **section 19(1) of Parts 1 to 3**

**Rangitāne o Wairau Settlement Trust** has the meaning given by **section 18 of Parts 1 to 3**

**related settlement iwi** means each of the following iwi:

- (a) Ngāti Apa ki te Rā Tō:
- (b) Ngāti Kuia:
- (c) Rangitāne o Wairau

**related settlement trust** means,—

- (a) for Ngāti Apa ki te Rā Tō, the Ngāti Apa ki te Rā Tō Trust:
- (b) for Ngāti Kuia, the Te Runanga o Ngāti Kuia Trust:
- (c) for Rangitāne o Wairau, the Rangitāne o Wairau Settlement Trust

**settlement iwi** means each of the following iwi:

- (a) Ngāti Kōata:
- (b) Ngāti Rārua:
- (c) Ngāti Tama ki Te Tau Ihu:

- (d) Te Ātiawa o Te Waka-a-Māui settlement trust means,—
- (a) for Ngāti Kōata, Te Pātaka a Ngāti Kōata:
  - (b) for Ngāti Rārua, the Ngāti Rārua Settlement Trust:
  - (c) for Ngāti Tama ki Te Tau Ihu, the Ngāti Tama ki Te Waipounamu Trust:
  - (d) for Te Ātiawa o Te Waka-a-Māui, the Te Ātiawa o Te Waka-a-Māui Trust

**Te Ātiawa o Te Waka-a-Māui** has the meaning given by **section 22(1)**

**Te Ātiawa o Te Waka-a-Māui Trust** means the trust with that name established by a deed of trust dated 19 December 2012

**Te Pātaka a Ngāti Kōata** means the trust with that name established by a deed of trust dated 30 November 2012

**Te Runanga o Ngāti Kuia Trust** has the meaning given by **section 18 of Parts 1 to 3**

**Toa Rangatira Trust** has the meaning given by **section 12 of Parts 7 to 9**.

**22 Meaning of Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui**

**(1) In Parts 4 to 6,—**

**Ngāti Kōata—**

- (a) means the collective group composed of individuals who are descended from both—
  - (i) Te Kōata; and
  - (ii) any other recognised ancestor of Ngāti Kōata, including an ancestor identified in clause 8.11 of the deed of settlement for Ngāti Kōata, who exercised customary rights predominantly in relation to the area of interest of Ngāti Kōata at any time after 6 February 1840; and
- (b) includes those individuals; and
- (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals

**Ngāti Rārua—**

- (a) means the collective group composed of individuals who are descended from an ancestor of Ngāti Rārua; and
- (b) includes those individuals; and
- (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals

**Ngāti Tama ki Te Tau Ihu—**

- (a) means the collective group composed of individuals who are descended from an ancestor of Ngāti Tama ki Te Tau Ihu; and
- (b) includes those individuals; and
- (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals

**Te Ātiawa o Te Waka-a-Māui—**

- (a) means the collective group composed of individuals who are descended from an ancestor of Te Ātiawa o Te Waka-a-Māui; and
- (b) includes those individuals; and
- (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals.

## (2) In this section,—

**ancestor of Ngāti Rārua means—**

- (a) an individual identified in clause 8.9 of the deed of settlement for Ngāti Rārua (being the individuals who settled in Golden Bay, Motueka, Whakatu, and Wairau as a result of the raupatu during the 1820s and who were recorded on the title to land or reserves in the area of interest of Ngāti Rārua as Ngāti Rārua owners or occupiers);
- (b) any other individual who—
  - (i) exercised customary rights by virtue of being descended from a recognised tupuna of Ngāti Rārua; and
  - (ii) exercised the customary rights predominantly in relation to the area of interest of Ngāti Rārua at any time after 6 February 1840

**ancestor of Ngāti Tama ki Te Tau Ihu** means—

- (a) a tupuna identified in part 8 of the documents schedule of the deed of settlement for Ngāti Tama ki Te Tau Ihu:
- (b) any other tupuna who—
  - (i) is recognised as 1 or more of the following:
    - (A) a Ngāti Tama ki Te Tau Ihu signatory to the second deed of purchase by the New Zealand Company signed at Arapawa Island in November 1839:
    - (B) a Ngāti Tama ki Te Tau Ihu signatory to the Treaty of Waitangi in Te Tau Ihu:
    - (C) a Ngāti Tama ki Te Tau Ihu owner among the original owners of the Māori reserved lands in Nelson and Marlborough (such as native tenths reserves, occupation reserves, original native title blocks, and landless native reserves):
    - (D) a Ngāti Tama ki Te Tau Ihu signatory to a deed of sale of land to the Crown during the 1840s or 1850s:
    - (E) an individual who, as Ngāti Tama ki Te Tau Ihu, held ahi kā roa in the area of interest of Ngāti Tama ki Te Tau Ihu as established by census records, Native Land Court or Maori Land Court records, or any other document; and
  - (ii) exercised customary rights predominantly in relation to the area of interest of Ngāti Tama ki Te Tau Ihu at any time after 6 February 1840

**ancestor of Te Ātiawa o Te Waka-a-Māui** means—

- (a) a Ngātiawa/Te Ātiawa tupuna identified in clause 8.10 of the deed of settlement for Te Ātiawa o Te Waka-a-Māui, being the original Ngātiawa owners of the native reserves lands in Nelson, Marlborough, and Stewart Island / Rakiura (such as native tenths reserves, occupation reserves, original native title blocks, landless native reserves, and Crown grants to Ngātiawa):
- (b) any other tupuna who—
  - (i) is recognised as Ngātiawa/Te Ātiawa; and



- (ii) exercised customary rights predominantly in relation to the area of interest of Te Ātiawa o Te Waka-a-Māui at any time after 6 February 1840 as established by census records, Native Land Court or Maori Land Court records, or any other document

**area of interest of Ngāti Kōata** means the area of interest of Ngāti Kōata shown in part 1 of the attachments to the deed of settlement for Ngāti Kōata

**area of interest of Ngāti Rārua** means the area of interest of Ngāti Rārua shown in part 1 of the attachments to the deed of settlement for Ngāti Rārua

**area of interest of Ngāti Tama ki Te Tau Ihu** means the area of interest of Ngāti Tama ki Te Tau Ihu shown in part 1 of the attachments to the deed of settlement for Ngāti Tama ki Te Tau Ihu

**area of interest of Te Ātiawa o Te Waka-a-Māui** means the area of interest of Te Ātiawa o Te Waka-a-Māui shown in part 1 of the attachments to the deed of settlement for Te Ātiawa o Te Waka-a-Māui

**customary rights** means rights according to tikanga Māori (Māori customary values and practices), including—

- (a) rights to occupy land; and
- (b) rights in relation to the use of land or other natural or physical resources

**descended,—**

- (a) for Ngāti Rārua, means that a person is descended from another person by—
  - (i) birth; or
  - (ii) legal adoption:
- (b) for another settlement iwi, means that a person is descended from another person by—
  - (i) birth; or
  - (ii) legal adoption; or
  - (iii) Māori customary adoption in accordance with the tikanga (customary values and practices) of the settlement iwi.

**23 Meaning of historical claims**

- (1) In **Parts 4 to 6**, historical claims—
- (a) means the claims described in **subsection (2)**; and
  - (b) includes the claims described in **subsections (3) to (6)**; but
  - (c) does not include the claims described in **subsection (7)**.
- (2) The historical claims are every claim that a settlement iwi or a representative entity had on or before the settlement date, or may have after the settlement date, (whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date) and that—
- (a) is, or 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 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 Ngāti Kōata or a representative entity of Ngāti Kōata, including each of the following claims, to the extent that **subsection (2)** applies to the claim:
    - (i) Wai 184—Whangarae 1C claim;
    - (ii) Wai 220/1220—Cape Soucis land claim;
    - (iii) Wai 566—Ngāti Kōata iwi claim;
    - (iv) Wai 1007—Ngāti Kōata marine farming and aquaculture claim;
    - (v) Wai 1733—D’Urville Island Scenic Reserve claim; and
  - (b) any other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **subsection (2)** applies to the claim and the claim relates to Ngāti Kōata or a representative entity of Ngāti Kōata:

- (i) Wai 56—Nelson lands and fisheries claim:
  - (ii) Wai 102—Te Runanganui o Te Tau Ihu o Te Waka a Maui Inc claims:
  - (iii) Wai 172—Makara lands claim:
  - (iv) Wai 262—Indigenous flora and fauna and cultural intellectual property claim:
  - (v) Wai 648—Grace Saxton, George Hori Toms, and colonial laws of succession claim.
- (4) The historical claims include—
- (a) a claim to the Waitangi Tribunal that relates exclusively to Ngāti Rārua or a representative entity of Ngāti Rārua, including the following claim listed in the terms of negotiation signed with the Crown on 27 November 2007, to the extent that **subsection (2)** applies to the claim: Wai 594—Ngāti Rārua claim; and
  - (b) any other claim to the Waitangi Tribunal, including each of the following claims listed in the terms of negotiation signed with the Crown on 27 November 2007, to the extent that **subsection (2)** applies to the claim and the claim relates to Ngāti Rārua or a representative entity of Ngāti Rārua:
    - (i) Wai 56—Nelson lands and fisheries claim:
    - (ii) Wai 102—Te Runanganui o Te Tau Ihu o Te Waka a Maui Inc claims.
- (5) The historical claims include—
- (a) a claim to the Waitangi Tribunal that relates exclusively to Ngāti Tama ki Te Tau Ihu or a representative entity of Ngāti Tama ki Te Tau Ihu, including each of the following claims, to the extent that **subsection (2)** applies to the claim:
    - (i) Wai 723:
    - (ii) Wai 1734; and
  - (b) any other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **subsection (2)** applies to the claim and the claim relates to Ngāti Tama ki Te Tau Ihu or a representative entity of Ngāti Tama ki Te Tau Ihu:
    - (i) Wai 56:
    - (ii) Wai 102:

- (iii) Wai 104.
- (6) The historical claims include—
  - (a) a claim to the Waitangi Tribunal that relates exclusively to Te Ātiawa o Te Waka-a-Māui or a representative entity of Te Ātiawa o Te Waka-a-Māui, including each of the following claims, to the extent that **subsection (2)** applies to the claim:
    - (i) Wai 124—Waikawa lands claim:
    - (ii) Wai 379—Marlborough Sounds and Picton claim:
    - (iii) Wai 607—Te Ātiawa, Ngātiawa ki Te Tau Ihu claim:
    - (iv) Wai 851—Queen Charlotte Sound claim:
    - (v) Wai 920—Waikawa Block claim:
    - (vi) Wai 921—the Waikawa No. 1 Block claim:
    - (vii) Wai 922—Grennell adoption and ancestral lands claim:
    - (viii) Wai 923—Park Motueka Reserves claim:
    - (ix) Wai 924—Kinana Waikawa Village claim:
    - (x) Wai 925—Barcello Anatohia Bay claim:
    - (xi) Wai 927—Bowdler Waikawa Village Block claim:
    - (xii) Wai 1002—Te Ātiawa ki Motueka northern South Island claim:
    - (xiii) Wai 1005—Te Ātiawa marine farming and aquaculture claim:
    - (xiv) Wai 1454—Te Ātiawa ki Te Tau Ihu water rights claim:
    - (xv) Wai 1895—Lake Grassmere lands and resources claim; and
  - (b) any other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **subsection (2)** applies to the claim and the claim relates to Te Ātiawa o Te Waka-a-Māui or a representative entity of Te Ātiawa o Te Waka-a-Māui:
    - (i) Wai 56—Nelson lands and fisheries claim:
    - (ii) Wai 102—Te Runanganui o Te Tau Ihu o Te Waka a Maui Inc claims:
    - (iii) Wai 104—Whakarewa Trust claim:

- (iv) Wai 830—Sandy Bay Section 27 and Motueka Section 157 (Pounamu Block) claim:
  - (v) Wai 1987—Te Awhaiti Village claim.
- (7) However, the historical claims do not include—
- (a) a claim that a member of Ngāti Kōata, or a whānau, hapū, or group referred to in **paragraph (c)** of the definition of Ngāti Kōata in **section 22(1)**, had or may have that is, or is founded on, a right arising by virtue of being descended from an ancestor who is not referred to in **paragraph (a)** of that definition; or
  - (b) a claim that a representative entity of Ngāti Kōata had or may have that is, or is founded on, a claim described in **paragraph (a)**; or
  - (c) a claim that a member of Ngāti Rārua, or a whānau, hapū, or group referred to in **paragraph (c)** of the definition of Ngāti Rārua in **section 22(1)**, had or may have that is, or is founded on, a right arising by virtue of being descended from a person other than an ancestor of Ngāti Rārua (as defined in **section 22(2)**); or
  - (d) a claim that a representative entity of Ngāti Rārua had or may have that is, or is founded on, a claim described in **paragraph (c)**; or
  - (e) a claim that a member of Ngāti Tama ki Te Tau Ihu, or a whānau, hapū, or group referred to in **paragraph (c)** of the definition of Ngāti Tama ki Te Tau Ihu in **section 22(1)**, had or may have that is, or is founded on, a right arising by virtue of being descended from a person other than an ancestor of Ngāti Tama ki Te Tau Ihu (as defined in **section 22(2)**); or
  - (f) a claim that a representative entity of Ngāti Tama ki Te Tau Ihu had or may have that is, or is founded on, a claim described in **paragraph (e)**; or
  - (g) a claim that a member of Te Ātiawa o Te Waka-a-Māui, or a whānau, hapū, or group referred to in **paragraph (c)** of the definition of Te Ātiawa o Te Waka-a-Māui in **section 22(1)**, had or may have that is, or is founded on, a right arising by virtue of being descended from a person other than an ancestor of Te Ātiawa o Te Waka-a-Māui (as defined in **section 22(2)**); or

- (h) a claim that a representative entity of Te Ātiawa o Te Waka-a-Māui had or may have that is, or is founded on, a claim described in **paragraph (g)**.

### Subpart 3—Settlement of historical claims

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

#### **24 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 acknowledgements expressed in, or the provisions of, the deeds 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 deeds of settlement; or
  - (c) **Parts 4 to 6**; or
  - (d) the redress provided under the deeds of settlement or **Parts 4 to 6**.
- (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 deeds of settlement or **Parts 4 to 6**.
- (6) **Subsections (1) to (5)** do not affect—
  - (a) the ability of a plaintiff to pursue the appeal filed in the Court of Appeal as CA 436/2012; or
  - (b) the ability of any person to pursue an appeal from a decision of the Court of Appeal; or
  - (c) the ability of a plaintiff to pursue the application to appeal filed in the Supreme Court as SC 18/2012 and any appeal for which leave is granted; or
  - (d) the ability of a plaintiff to obtain any relief claimed in the Wakatū proceedings to which the plaintiff is entitled.
- (7) To avoid doubt, **subsection (6)** does not preserve any claim by or on behalf of a person who is not a plaintiff.

- (8) In this section,—  
**plaintiff** means a plaintiff named in the Wakatū proceedings  
**Wakatū proceedings** means the proceedings filed in the High Court as CIV–2010–442–181.

*Consequential amendment to Treaty of Waitangi  
Act 1975*

**25 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  
“**Parts 4 to 6 of the Te Tau Ihu Claims Settlement Act 2012, section 24(4) and (5).**”

*Protections no longer apply*

**26 Certain enactments do not apply**

- (1) The enactments listed in **subsection (2)** do not apply—  
(a) to land in the Nelson Land District or Marlborough Land District; or  
(b) for the benefit of a settlement iwi or a representative entity.  
(2) The enactments are—  
(a) sections 8A to 8HJ of the Treaty of Waitangi Act 1975;  
(b) sections 27A to 27C of the State-Owned Enterprises Act 1986;  
(c) sections 211 to 213 of the Education Act 1989;  
(d) Part 3 of the Crown Forest Assets Act 1989;  
(e) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990.

**27 Removal of memorials**

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify each computer register for the Nelson Land District or Marlborough Land District that has a memorial recorded under any enactment listed in **section 26(2)**.

- (2) The chief executive of LINZ must issue a certificate under **subsection (1)** as soon as is reasonably practicable after the settlement date.
- (3) Each certificate must state that it is issued under this section.
- (4) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under **subsection (1)**, remove any memorial recorded under an enactment listed in **section 26(2)** from each computer register identified in the certificate.

#### Subpart 4—Other matters

#### 28 Rule against perpetuities does not apply

- (1) The rule against perpetuities and the provisions of the Perpetuities Act 1964 do not—
  - (a) prescribe or restrict the period during which—
    - (i) a settlement trust may exist in law; or
    - (ii) the trustees of a settlement trust, in their capacity as trustees, may hold or deal with property (including income derived from property); or
  - (b) apply to a document entered into to give effect to a 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 a settlement 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.

#### 29 Access to deeds of settlement

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

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



**30 Provisions of other Acts that have same effect**

If a provision in **Parts 4 to 6** has the same effect as a provision in 1 or both of **Parts 1 to 3** and **Parts 7 to 9**, the provisions must be given effect to only once as if they were 1 provision.

**Part 5****Cultural redress**

## Subpart 1—Protocols

*General provisions***31 Interpretation**

In this subpart, **relevant trustees**, for a protocol, means the trustees of a settlement trust to whom the protocol may be or has been issued.

**32 Issue, amendment, and cancellation of protocols**

- (1) Each responsible Minister—
- (a) must issue a protocol to the trustees of each settlement trust in the form set out in part 4 of the documents schedule of the relevant deed of settlement; and
  - (b) may amend or cancel that protocol.
- (2) The responsible Minister may amend or cancel a protocol at the initiative of either—
- (a) the relevant trustees; or
  - (b) the responsible Minister.
- (3) The responsible Minister may amend or cancel a protocol only after consulting, and having particular regard to the views of, the relevant trustees.

**33 Protocols subject to rights, functions, and obligations**

Protocols do not restrict—

- (a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, which includes the ability to—
  - (i) introduce legislation and change Government policy; and
  - (ii) interact with or consult a person that the Crown considers appropriate, including any iwi, hapū,

marae, whānau, or other representative of tangata whenua; or

- (b) the responsibilities of a responsible Minister or a department of State; or
- (c) the legal rights of a settlement iwi or a representative entity.

**34 Enforceability of protocols**

- (1) The Crown must comply with a protocol while it is in force.
- (2) If the Crown fails, without good cause, to comply with a protocol, the relevant trustees may, subject to the Crown Proceedings Act 1950, enforce the protocol.
- (3) Despite **subsection (2)**, damages or any form of monetary compensation are not available as a remedy for a failure by the Crown to comply with a protocol.
- (4) To avoid doubt,—
  - (a) **subsections (1) and (2)** do not apply to guidelines developed for the implementation of a protocol; and
  - (b) **subsection (3)** does not affect the ability of a court to award costs incurred by the relevant trustees in enforcing the protocol under **subsection (2)**.

**35 Limitation of rights**

- (1) A conservation protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to,—
  - (a) the common marine and coastal area (as defined by section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011); or
  - (b) land held, managed, or administered, or flora or fauna managed or administered, under the conservation legislation.
- (2) A fisheries protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, assets or other property rights (including in respect of fish, aquatic life, and seaweed) held, managed, or administered under any of the following enactments:
  - (a) the Fisheries Act 1996:

- (b) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992:
  - (c) the Maori Commercial Aquaculture Claims Settlement Act 2004:
  - (d) the Maori Fisheries Act 2004.
- (3) A minerals protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Crown-owned minerals.
  - (4) A taonga tūturu protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu.

*Noting of conservation, fisheries, and minerals  
protocols*

**36 Noting of conservation protocols**

- (1) A summary of the terms of a conservation protocol must be noted in the conservation documents affecting the conservation protocol area for that protocol.
- (2) The noting of a conservation protocol is—
  - (a) for the purpose of public notice only; and
  - (b) not an amendment to the conservation documents for the purposes of section 17I of the Conservation Act 1987 or section 46 of the National Parks Act 1980.
- (3) In this section, **conservation document** means a conservation management plan, conservation management strategy, fresh-water fisheries management plan, or national park management plan.

**37 Noting of fisheries protocols**

- (1) A summary of the terms of a fisheries protocol must be noted in fisheries plans affecting the fisheries protocol area for that protocol.
- (2) The noting of a fisheries protocol is—
  - (a) for the purpose of public notice only; and
  - (b) not an amendment to the fisheries plans for the purposes of section 11A of the Fisheries Act 1996.
- (3) In this section, **fisheries plan** means a plan approved or amended under section 11A of the Fisheries Act 1996.

**38 Noting of minerals protocols**

- (1) A summary of the terms of a minerals protocol must be noted in—
  - (a) a register of protocols maintained by the chief executive of the Ministry of Business, Innovation, and Employment; and
  - (b) the minerals programmes affecting the minerals protocol area for that protocol when those programmes are replaced.
- (2) The noting of a minerals protocol is—
  - (a) for the purpose of public notice only; and
  - (b) not an amendment to the minerals programmes for the purposes of the Crown Minerals Act 1991.
- (3) In this section, **minerals programme** has the meaning given by section 2(1) of the Crown Minerals Act 1991.

Subpart 2—Statutory acknowledgement and  
deeds of recognition

*Statutory acknowledgement*

**39 Interpretation**

- (1) In **Parts 4 to 6**, **statutory acknowledgement** means the acknowledgement made by the Crown in **section 40** in respect of each statutory area, on the terms set out in this subpart.
- (2) In this subpart,—

**coastal statutory area** means the statutory area described in **Schedule 1** as Te Tau Ihu coastal marine area

**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**, for a statutory area, means the 1 or more iwi listed in **Schedule 1** as having an association with the statutory area

**relevant trustees**, for a statutory area, means the trustees of the settlement trust of each of the relevant iwi for the statutory area

**statements of association** means the statements—

- (a) made by the relevant iwi of their particular cultural, spiritual, historical, and traditional association with the statutory areas (except the coastal statutory area); and
- (b) that are in the form set out in part 2 (or, for Te Ātiawa o Te Waka-a-Māui, in part 1.3) of the documents schedule of each deed of settlement

**statements of coastal values** means the statements—

- (a) made by the relevant iwi of their particular values relating to the coastal statutory area; and
- (b) that are in the form set out in part 2.1 (or, for Te Ātiawa o Te Waka-a-Māui, in part 1.4) of the documents schedule of each deed of settlement

**statutory area** means an area described in **Schedule 1**, with the general location (but not the precise boundaries) indicated on the deed plan referred to in relation to the area.

#### 40 **Statutory acknowledgement by the Crown**

The Crown acknowledges the statements of association and the statements of coastal values.

#### 41 **Purposes of statutory acknowledgement**

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgement, as provided for in **sections 42 to 44**; and
- (b) to require relevant consent authorities to provide summaries of resource consent applications, or copies of notices of resource consent applications, to the relevant trustees, as provided for in **section 46**; and
- (c) to enable the relevant trustees and members of the relevant iwi to cite the statutory acknowledgement as evidence of the iwi's association with a statutory area, as provided for in **section 47**.

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

- (1) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the relevant trustees are affected persons in relation to an activity within, adjacent to, or directly affecting the statutory area and for which an application for a resource consent has been made.
- (2) **Subsection (1)** does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

**43 Environment Court to have regard to statutory acknowledgement**

- (1) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the relevant trustees are persons who have an interest in proceedings that is greater than the interest that the general public has in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area.
- (2) **Subsection (1)** does not limit the obligations of the Environment Court under the Resource Management Act 1991.

**44 Historic Places Trust and Environment Court to have regard to statutory acknowledgement**

- (1) This section applies if, on or after the effective date, an application is 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) The Historic Places Trust must have regard to the statutory acknowledgement relating to a statutory area in exercising its powers under section 14 of the Historic Places Act 1993 in relation to the application, including in determining whether the relevant trustees are directly affected by an extension of time.

- (3) The Environment Court must have regard to the statutory acknowledgement relating to a statutory area 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, including in determining whether the relevant trustees are directly affected by the decision.
- (4) In this section, **archaeological site** has the meaning given by section 2 of the Historic Places Act 1993.

**45 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) the relevant provisions of **sections 39 to 48** in full; and
  - (b) the descriptions of the statutory areas wholly or partly covered by the plan; and
  - (c) any statements of association or statements of coastal values for the statutory areas.
- (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.

**46 Provision of summaries or notices of certain applications to relevant trustees**

- (1) Each relevant consent authority must, for a period of 20 years starting on 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) The information provided in a summary of an application 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) A summary of an application must be provided under **subsection (1)(a)**—
  - (a) as soon as is reasonably practicable after the consent authority receives the application; but
  - (b) before the consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice of an application must be provided under **subsection (1)(b)** no later than 10 working days after the day on which the consent authority receives the notice.
- (5) This section does not affect a relevant consent authority's obligation,—
  - (a) under section 95 of the Resource Management Act 1991, to decide whether to notify an application, and to notify the application if it decides to do so; or
  - (b) under section 95E of that Act, to decide whether the relevant trustees are affected persons in relation to an activity.

**47 Use of statutory acknowledgement**

- (1) The relevant trustees and any member of the relevant iwi may, as evidence of the iwi's association with a statutory area, cite the statutory acknowledgement that relates to that area in submissions to, and in proceedings before, a relevant consent authority, the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991, the Environment Court, or the Historic Places Trust concerning activities within, adjacent to, or directly affecting the statutory area.



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- (2) The content of a statement of association or statement of coastal values is not, by virtue of the statutory acknowledgement, binding as fact on—
- (a) relevant consent authorities:
  - (b) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991:
  - (c) the Environment Court:
  - (d) the Historic Places Trust:
  - (e) parties to proceedings before those bodies:
  - (f) 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 a 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.

#### **48 Relevant trustees may waive rights**

- (1) The relevant trustees may waive the right to be provided with summaries, and copies of notices, of resource consent applications under **section 46** in relation to a statutory area.
- (2) The relevant trustees may waive the right to have a relevant consent authority, the Environment Court, or the Historic Places Trust have regard to the statutory acknowledgement under **sections 42 to 44** in relation to the coastal statutory area.
- (3) Rights must be waived by written notice to the relevant consent authority, the Environment Court, or the Historic Places Trust stating—
- (a) the scope of the waiver; and
  - (b) the period for which it applies.

- (4) An obligation under this subpart does not apply to the extent that the corresponding right has been waived under this section.

*Deeds of recognition*

**49 Issue and amendment of deeds of recognition**

- (1) Deeds of recognition must be issued to the trustees of the settlement trust of an iwi in respect of the statutory areas with which the iwi has an association as listed in **Schedule 1**, except the areas referred to as—
- (a) Westhaven (Te Tai Tapu) Marine Reserve and Westhaven (Whanganui Inlet) Wildlife Management Reserve; and
  - (b) Wairau Lagoons and Te Pokohiwi / Boulder Bank Historic Reserve; and
  - (c) Kaka Point; and
  - (d) Te Tau Ihu coastal marine area.
- (2) The Minister of Conservation and the Director-General must issue a deed of recognition for the relevant statutory areas administered by the Department of Conservation.
- (3) The Commissioner of Crown Lands must issue a deed of recognition for the relevant statutory areas administered by the Commissioner.
- (4) A deed of recognition must be issued in the form set out in part 3 (or, for Te Ātiawa o Te Waka-a-Māui, in part 2) of the documents schedule of the relevant deed of settlement.
- (5) The person or people who issue a deed of recognition to trustees may amend the deed, but only with the written consent of the trustees.
- (6) For the purposes only of issuing or amending a deed of recognition, Titi Island Nature Reserve is a statutory area (as if listed in **Schedule 1**)—
- (a) with the general location (but not the precise boundaries) indicated on deed plan OTS-202-52; and
  - (b) with which Te Ātiawa o Te Waka-a-Māui has an association.

*General provisions***50 Application to river or stream**

- (1) 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, meaning the land that the waters of the river or stream cover at its fullest flow without flowing over its banks; 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.
- (2) If any part of a deed of recognition applies to a river or stream (including a tributary), that part of the deed—
- (a) applies only to the bed of the river or stream, meaning the land that the waters of the river or stream cover at its fullest flow without flowing over its banks; but
  - (b) does not apply to—
    - (i) a part of the bed of the river or stream that is not owned and managed by the Crown; or
    - (ii) the bed of an artificial watercourse.

**51 Exercise of powers and performance of functions and duties**

- (1) The statutory acknowledgement and the deeds of recognition do not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under legislation or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under legislation 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 or deed of recognition for the statutory area.

- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to—
  - (a) the other provisions of this subpart; and
  - (b) any obligation imposed on the Minister of Conservation, the Director-General, or the Commissioner of Crown Lands by a deed of recognition.

**52 Rights not affected**

- (1) The statutory acknowledgement and the deeds of recognition do not affect the lawful rights or interests of a person who is not a party to a deed of settlement.
- (2) This section is subject to the other provisions of this subpart.

**53 Limitation of rights**

- (1) The statutory acknowledgement and the deeds of recognition do not 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*

**54 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 “**Parts 4 to 6 of the Te Tau Ihu Claims Settlement Act 2012**”.

Subpart 3—Overlay classification

**55 Interpretation**

- (1) In **Parts 4 to 6, overlay classification**—
  - (a) means the application of this subpart to each overlay site; and
  - (b) for Ngāti Kōata, is known as he uhi takai; and
  - (c) for Ngāti Rārua, is known as parirau whakaruru; and
  - (d) for Ngāti Tama ki Te Tau Ihu, is known as te korowai mana; and

- (e) for Te Ātiawa o Te Waka-a-Māui, is known as kahukiwi.
- (2) In this subpart,—
- Conservation Board** means a board established under section 6L of the Conservation Act 1987
- iwi values**, for each overlay site, means the values stated by the relevant iwi in their statements of iwi values
- New Zealand Conservation Authority** means the authority established by section 6A of the Conservation Act 1987
- overlay site**—
- (a) means a site that is declared under **section 56** to be subject to the overlay classification; but
- (b) does not include an area that is declared under **section 70(1)** to no longer be subject to the overlay classification
- protection principles**, for an overlay site, means the protection principles set out for the site in paragraph 4.1 of part 1 (or, for Te Ātiawa o Te Waka-a-Māui, of part 3) of the documents schedule of the relevant deed of settlement, including any amendments made to the principles under **section 59(3)**
- relevant iwi**, for an overlay site, means the 1 or more iwi listed in **Schedule 2** as having an association with the overlay site
- relevant trustees**, for an overlay site, means the trustees of the settlement trust of each of the relevant iwi for the overlay site
- specified actions**, for an overlay site, means the actions set out for the site in paragraph 5.1 of part 1 (or, for Te Ātiawa o Te Waka-a-Māui, of part 3) of the documents schedule of the relevant deed of settlement
- statements of iwi values**, for each overlay site, means the statements—
- (a) made by the relevant iwi of their values relating to their cultural, spiritual, historical, and traditional association with the overlay site; and
- (b) that are in the form set out in paragraph 3 of part 1 (or, for Te Ātiawa o Te Waka-a-Māui, of part 3) of the documents schedule of the relevant deed of settlement.

**56 Declaration of overlay classification**

Each site described in **Schedule 2** is declared to be subject to the overlay classification.

**57 Acknowledgement by the Crown of statements of iwi values**

The Crown acknowledges the statements of iwi values of the relevant iwi in relation to the overlay sites.

**58 Purposes of overlay classification**

The only purposes of the overlay classification are—

- (a) to require the New Zealand Conservation Authority and relevant Conservation Boards to have particular regard to the statements of iwi values, the protection principles, and the views of the relevant trustees, as provided for in **sections 60 and 61**; and
- (b) to require the New Zealand Conservation Authority to give the relevant trustees an opportunity to make submissions, as provided for in **section 62**; and
- (c) to enable the taking of action under **sections 63 to 68**.

**59 Agreement on protection principles**

- (1) The relevant trustees and the Minister of Conservation may agree on and publicise protection principles that are intended to prevent—
  - (a) harm to the iwi values in relation to an overlay site; or
  - (b) the diminishing of the iwi values in relation to an overlay site.
- (2) The protection principles set out in paragraph 4.1 of part 1 (or, for Te Ātiawa o Te Waka-a-Māui, of part 3) of the documents schedule of a deed of settlement are to be treated as having been agreed by the relevant trustees and the Minister of Conservation.
- (3) The relevant trustees and the Minister of Conservation may agree in writing to any amendments to the protection principles.

- 60 New Zealand Conservation Authority and Conservation Boards to have particular regard to certain matters**  
When the New Zealand Conservation Authority or a Conservation Board considers or approves a conservation management strategy, conservation management plan, or national park management plan in relation to an overlay site, it must have particular regard to—
- (a) the statements of iwi values for the site; and
  - (b) the protection principles for the site.
- 61 New Zealand Conservation Authority and Conservation Boards to consult relevant trustees**  
Before approving a conservation management strategy, conservation management plan, or national park management plan in relation to an overlay site, the New Zealand Conservation Authority or a Conservation Board must—
- (a) consult the relevant trustees; and
  - (b) have particular regard to the views of the relevant trustees as to the effect of the strategy or plan on—
    - (i) the iwi values for the site; and
    - (ii) the protection principles for the site.
- 62 Conservation management strategy**  
If the relevant trustees advise the New Zealand Conservation Authority in writing that they have significant concerns about a draft conservation management strategy in relation to an overlay site, the New Zealand Conservation Authority must, before approving the strategy, give the trustees an opportunity to make submissions in relation to those concerns.
- 63 Noting of overlay classification**
- (1) The application of the overlay classification to an overlay site must be noted in any conservation management strategy, conservation management plan, or national park management plan affecting the site.
  - (2) The noting of the overlay classification under **subsection (1)**—
    - (a) is for the purpose of public notice only; and

- (b) is not an amendment to the strategy or plan for the purposes of section 17I of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

**64 Notification in Gazette**

- (1) The Minister of Conservation must notify the following in the *Gazette*:
  - (a) the application of the overlay classification to each overlay site, as soon as practicable after the settlement date; and
  - (b) the protection principles for each overlay site, as soon as practicable after the settlement date; and
  - (c) any amendment to the protection principles agreed under **section 59(3)**, as soon as practicable after the amendment has been agreed in writing.
- (2) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under **section 65 or 66**.

**65 Actions by Director-General**

- (1) The Director-General must take action in relation to the protection principles that relate to an overlay site, including the specified actions.
- (2) The Director-General retains complete discretion to determine the method and extent of the action to be taken.
- (3) The Director-General must notify the relevant trustees in writing of any action intended to be taken.

**66 Amendment to strategy or plan**

- (1) The Director-General may initiate an amendment to a conservation management strategy, conservation management plan, or national park management plan to incorporate objectives relating to the protection principles that relate to an overlay site.
- (2) The Director-General must consult any relevant Conservation Board before initiating an amendment under **subsection (1)**.
- (3) An amendment initiated under **subsection (1)** is an amendment for the purposes of section 17I(1) to (3) of the Conserva-



tion Act 1987 or section 46(1) to (4) of the National Parks Act 1980, as the case may be.

**67 Regulations**

The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, make regulations for 1 or more of the following purposes:

- (a) to provide for the implementation of objectives included in a strategy or plan under **section 66(1)**;
- (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay site;
- (c) to create offences for breaching any regulations made under **paragraph (b)**;
- (d) to provide for the following fines to be imposed:
  - (i) for an offence referred to in **paragraph (c)**, a fine not exceeding \$5,000; and
  - (ii) for a continuing offence, an additional amount not exceeding \$50 for every day during which the offence continues.

**68 Bylaws**

The Minister of Conservation may make bylaws for 1 or more of the following purposes:

- (a) to provide for the implementation of objectives included in a strategy or plan under **section 66(1)**;
- (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay site;
- (c) to create offences for breaching any bylaws made under **paragraph (b)**;
- (d) to provide for the following fines to be imposed:
  - (i) for an offence referred to in **paragraph (c)**, a fine not exceeding \$1,000; and
  - (ii) for a continuing offence, an additional amount not exceeding \$50 for every day during which the offence continues.

**69 Existing classification of overlay sites**

- (1) This section applies if the overlay classification applies to any land in—

- (a) a national park under the National Parks Act 1980; or
  - (b) a conservation area under the Conservation Act 1987;  
or
  - (c) a reserve under the Reserves Act 1977.
- (2) The overlay classification does not affect—
- (a) the purpose of the national park, conservation area, or reserve; or
  - (b) the classification of the land as a national park, conservation area, or reserve.

**70 Termination of overlay classification**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that all or part of an overlay site is no longer subject to the overlay classification.
- (2) The Minister of Conservation must not make a recommendation for the purposes of **subsection (1)** unless—
- (a) the relevant trustees and the Minister of Conservation have agreed in writing that the overlay classification is no longer appropriate for the relevant area; or
  - (b) the relevant area is to be, or has been, disposed of by the Crown; or
  - (c) the responsibility for managing the relevant area is to be, or has been, transferred to another Minister of the Crown or to the Commissioner of Crown Lands.
- (3) **Subsection (4)** applies if—
- (a) **subsection (2)(c)** applies; or
  - (b) there is a change in the statutory management regime that applies to all or part of the overlay site.
- (4) The Crown must take reasonable steps to ensure that the relevant trustees continue to have input into the management of the relevant area.

**71 Exercise of powers and performance of functions and duties**

- (1) The overlay classification does not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under legislation or a bylaw.

- (2) A person, in considering a matter or making a decision or recommendation under legislation or a bylaw, must not give greater or lesser weight to the iwi values that relate to an overlay site than that person would give if the site were not subject to the overlay classification.
- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to the other provisions of this subpart.

#### 72 Rights not affected

- (1) The overlay classification does not affect the lawful rights or interests of a person who is not a party to a deed of settlement.
- (2) This section is subject to the other provisions of this subpart.

#### 73 Limitation of rights

- (1) The overlay classification does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, an overlay site.
- (2) This section is subject to the other provisions of this subpart.

#### Subpart 4—[Deleted]

- 74 [Deleted]  
[Deleted].

#### Subpart 5—Vesting of cultural redress properties

#### 75 Interpretation

In **Parts 4 to 6**, unless the context requires another meaning,—

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

*Sites that vest in fee simple*

- (1) Catherine Cove:
- (2) Whangarae Bay (Okiwi Bay):
- (3) Glenhope (Kawatiri):
- (4) Kawatiri Confluence:
- (5) Wairau Pā:

- (6) Rārangi (Ngāti Rārua):
- (7) Wainui Road:
- (8) Tapu Bay (Kaiteriteri):
- (9) Umukuri Bay urupā (Arapaoa Island):
- (10) Tapu Bay (Motueka):
- (11) Pūponga Farm, Cape House:
- (12) Pūponga Farm, Triangle Flat:
- (13) Puketawai:

*Sites that vest in fee simple subject to conservation covenants*

- (14) Lucky Bay:
- (15) Whangarae Estuary:
- (16) Wharf Road (Okiwi Bay):
- (17) Te Tai Tapu (Snake Creek):
- (18) Coombe Rocks:
- (19) Hori Bay:
- (20) Pakawau Inlet:
- (21) Onauku Bay (Arapaoa Island):
- (22) Anatoia Islands:
- (23) Te Tai Tapu (Anatori South):
- (24) Te Tai Tapu (Anatori North):

*Sites that vest in fee simple to be administered as reserves*

- (25) Moukirikiri Island:
- (26) Pah Point (Whanganui Inlet):
- (27) Waikutakuta / Robin Hood Bay:
- (28) Tākaka River Mouth:
- (29) Parapara Peninsula:
- (30) Momorangi Point:
- (31) Wedge Point:
- (32) Ngākuta Point:
- (33) Ngaruru (Arapaoa Island):
- (34) Arapawa Māori Rowing Club site:
- (35) Katoa Point:
- (36) Moioio Island:
- (37) Pūponga Point Pā site:
- (38) Mātangi Āwhio (Nelson):
- (39) Pukatea / Whites Bay:
- (40) Horahora-kākahu:

(41) Tokomaru / Mount Robertson

**jointly vested site** means each of the following sites:

- (a) Pūponga Farm, Cape House:
- (b) Pūponga Farm, Triangle Flat:
- (c) Puketawai:
- (d) Te Tai Tapu (Anatori South):
- (e) Te Tai Tapu (Anatori North):
- (f) Pūponga Point Pā site:
- (g) Mātangi Āwhio (Nelson):
- (h) Pukatea / Whites Bay:
- (i) Horahora-kākahu:
- (j) Tokomaru / Mount Robertson

**reserve site** means each of the 17 sites in **paragraphs (25) to (41)** of the definition of cultural redress property, except that only the parts of Ngaruru (Arapaoa Island) that are Sections 1 and 3 on SO 428534 are a reserve site.

*Sites that vest in fee simple*

**76 Catherine Cove**

- (1) The reservation of Catherine Cove (being part of D'Urville Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Catherine Cove then vests in the trustees of Te Pātaka a Ngāti Kōata.

**77 Whangarae Bay (Okiwi Bay)**

- (1) The reservation of Whangarae Bay (Okiwi Bay) (being part of Okiwi Bay and Moncrieff Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Whangarae Bay (Okiwi Bay) then vests in the trustees of Te Pātaka a Ngāti Kōata.
- (3) The trustees of Te Pātaka a Ngāti Kōata, as occupiers of Whangarae Bay (Okiwi Bay), are then bound by a fencing covenant (as defined in section 2 of the Fencing Act 1978) in favour of the Crown, as occupier of Section 3 SO 430484.
- (4) To avoid doubt, section 5(2) of the Fencing Act 1978 applies to the fencing covenant.

- (5) The Minister of Conservation must provide the trustees of Te Pātaka a Ngāti Kōata with a registrable easement for a right to convey water over the area shown as B on SO 430484 in favour of Whangarae Bay (Okiwi Bay) on the terms and conditions set out in part 5.1 of the documents schedule of the deed of settlement for Ngāti Kōata.
- (6) The easement—
  - (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
  - (b) is to be treated as having been granted in accordance with Part 3B of that Act; and
  - (c) is registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied.
- (7) **Subsections (1) to (6)** do not take effect until the trustees of Te Pātaka a Ngāti Kōata have provided the Crown with a registrable easement instrument (containing restrictive covenants) for Whangarae Bay (Okiwi Bay) in favour of Section 3 SO 430484 on the terms and conditions set out in part 5.2 of the documents schedule of the deed of settlement for Ngāti Kōata.
- (8) Any improvements in or on Whangarae Bay (Okiwi Bay) do not vest in the trustees of Te Pātaka a Ngāti Kōata, despite the vesting under **subsection (2)**.

**78 Glenhope (Kawatiri)**

- (1) The reservation of Glenhope (Kawatiri) (being part of Glenhope Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Glenhope (Kawatiri) then vests in the trustees of the Ngāti Rārua Settlement Trust.
- (3) The Minister of Conservation must provide the trustees of the Ngāti Rārua Settlement Trust with a registrable right of way easement over the area shown as A on SO 427227 in favour of Glenhope (Kawatiri) on the terms and conditions set out in part 5.3 of the documents schedule of the deed of settlement for Ngāti Rārua.
- (4) The easement—
  - (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and

- (b) is to be treated as having been granted in accordance with Part 3B of that Act; and
- (c) is registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied.

**79 Kawatiri Confluence**

- (1) The reservation of Kawatiri Confluence (being part of Glenhope Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Kawatiri Confluence then vests in the trustees of the Ngāti Rārua Settlement Trust.

**80 Wairau Pā**

- (1) Wairau Pā ceases to be a marginal strip under Part 4A of the Conservation Act 1987.
- (2) The fee simple estate in Wairau Pā then vests in the trustees of the Ngāti Rārua Settlement Trust.

**81 Rārangi (Ngāti Rārua)**

- (1) Rārangi (Ngāti Rārua) ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Rārangi (Ngāti Rārua) then vests in the trustees of the Ngāti Rārua Settlement Trust.

**82 Wainui Road**

- (1) Wainui Road ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Wainui Road then vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust.

**83 Tapu Bay (Kaiteriteri)**

- (1) The reservation of Tapu Bay (Kaiteriteri) (being part of Kaiteriteri Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Tapu Bay (Kaiteriteri) then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.

**84 Umukuri Bay urupā (Arapaoa Island)**

- (1) The reservation of Umukuri Bay urupā (Arapaoa Island) as a sounds foreshore reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Umukuri Bay urupā (Arapaoa Island) then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.

**85 Tapu Bay (Motueka)**

- (1) The reservation of Tapu Bay (Motueka) (being part of Kaiteriteri Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Tapu Bay (Motueka) then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) **Subsections (1) and (2)** do not take effect until the trustees of the Te Ātiawa o Te Waka-a-Māui Trust have provided the Crown with the following documents:
  - (a) a registrable right of way easement over the area shown as A on deed plan OTS-202-142 (subject to survey) in favour of Sections 2 and 3 on deed plan OTS-202-142 (subject to survey) on the terms and conditions set out in subpart 5.10.1 of the documents schedule of the deed of settlement for Te Ātiawa o Te Waka-a-Māui;
  - (b) a registrable right of way easement over the area shown as B on deed plan OTS-202-142 (subject to survey) in favour of Sections 1 and 3 on deed plan OTS-202-142 (subject to survey) on the terms and conditions set out in subpart 5.10.2 of that documents schedule;
  - (c) a registrable right of way easement on the terms and conditions set out in subpart 5.10.3 of that documents schedule—
    - (i) over the area shown as C on deed plan OTS-202-142 (subject to survey) in favour of Sections 1 and 2 on deed plan OTS-202-142 (subject to survey); and
    - (ii) over the area shown as D on deed plan OTS-202-142 (subject to survey) in favour of Section 2 on deed plan OTS-202-142 (subject to survey).



**86 Pūponga Farm, Cape House**

- (1) The reservation of Pūponga Farm, Cape House, (being part of Pūponga Farm Park) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Pūponga Farm, Cape House, then vests as undivided third shares in the specified groups of trustees as tenants in common, as follows:
  - (a) a share vests in the trustees of the Ngāti Rārua Settlement Trust; and
  - (b) a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and
  - (c) a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) **Subsections (1) and (2)** do not take effect until the trustees referred to in **subsection (2)** have provided the Crown with a registrable easement for a right to convey water over the area shown as A on SO 426796 in favour of Section 3 SO 426796 and Part Section 14 SO 10390 on the terms and conditions set out in part 5.2 of the documents schedule of the relevant deed of settlement.

**87 Pūponga Farm, Triangle Flat**

- (1) The reservation of Pūponga Farm, Triangle Flat, (being part of Pūponga Farm Park) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Pūponga Farm, Triangle Flat, then vests as undivided third shares in the specified groups of trustees as tenants in common, as follows:
  - (a) a share vests in the trustees of the Ngāti Rārua Settlement Trust; and
  - (b) a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and
  - (c) a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.

**88 Puketawai**

- (1) The stopped road shown as A on SO 12178, Nelson Land District, vests in the Crown as a recreation reserve subject to section 17 of the Reserves Act 1977.

- (2) The reservation of Puketawai (being part of Kaiteriteri Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is then revoked.
- (3) The fee simple estate in Puketawai then vests as undivided third shares in the specified groups of trustees as tenants in common, as follows:
  - (a) a share vests in the trustees of the Ngāti Rārua Settlement Trust; and
  - (b) a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and
  - (c) a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (4) **Subsections (5) and (6)** apply only if there is a historic monument at Puketawai on the settlement date.
- (5) **Subsections (1) to (3)** do not take effect until the trustees referred to in **subsection (3)** have provided the Crown with a registrable pedestrian right of way easement in gross over the area shown as A on SO 426273 on the terms and conditions set out in part 5.1 of the documents schedule of the relevant deed of settlement.
- (6) The historic monument at Puketawai does not vest in any of the trustees, despite the vesting under **subsection (3)**.

*Sites that vest in fee simple subject to  
conservation covenant*

**89 Lucky Bay**

- (1) The reservation of Lucky Bay (being part of D'Urville Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Lucky Bay then vests in the trustees of Te Pātaka a Ngāti Kōata.
- (3) **Subsections (1) and (2)** do not take effect until the trustees of Te Pātaka a Ngāti Kōata have provided the Crown with a registrable covenant in relation to the part of Lucky Bay shown as A on SO 436126 on the terms and conditions set out in part 5.3 of the documents schedule of the deed of settlement for Ngāti Kōata.

- (4) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

**90 Whangarae Estuary**

- (1) The reservation of Whangarae Estuary (being part of Okiwi Bay and Moncrieff Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Whangarae Estuary then vests in the trustees of Te Pātaka a Ngāti Kōata.
- (3) **Subsections (1) and (2)** do not take effect until the trustees of Te Pātaka a Ngāti Kōata have provided the Crown with a registrable covenant in relation to the part of Whangarae Estuary shown as C on SO 430484 on the terms and conditions set out in part 5.4 of the documents schedule of the deed of settlement for Ngāti Kōata.
- (4) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

**91 Wharf Road (Okiwi Bay)**

- (1) The reservation of Wharf Road (Okiwi Bay) (being part of Okiwi Bay and Moncrieff Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Wharf Road (Okiwi Bay) then vests in the trustees of Te Pātaka a Ngāti Kōata.
- (3) **Subsections (1) and (2)** do not take effect until the trustees of Te Pātaka a Ngāti Kōata have provided the Crown with a registrable covenant in relation to Wharf Road (Okiwi Bay) on the terms and conditions set out in part 5.5 of the documents schedule of the deed of settlement for Ngāti Kōata.
- (4) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

**92 Te Tai Tapu (Snake Creek)**

- (1) Te Tai Tapu (Snake Creek) (being part of North-west Nelson Forest Park) ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Te Tai Tapu (Snake Creek) then vests in the trustees of the Ngāti Rārua Settlement Trust.

- (3) **Subsections (1) and (2)** do not take effect until the trustees of the Ngāti Rārua Settlement Trust have provided the Crown with—
- (a) a registrable right of way easement in gross over the area shown as F on SO 426795 on the terms and conditions set out in part 5.4 of the documents schedule of the deed of settlement for Ngāti Rārua; and
  - (b) a registrable covenant in relation to the parts of Te Tai Tapu (Snake Creek) shown as D, E, and F on SO 426795 on the terms and conditions set out in part 5.5 of the documents schedule of the deed of settlement for Ngāti Rārua.
- (4) The covenant is to be treated as a conservation covenant for the purposes of—
- (a) section 77 of the Reserves Act 1977; and
  - (b) section 27 of the Conservation Act 1987.

**93 Coombe Rocks**

- (1) Coombe Rocks cease to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Coombe Rocks then vests in the trustees of the Ngāti Rārua Settlement Trust.
- (3) **Subsections (1) and (2)** do not take effect until the trustees of the Ngāti Rārua Settlement Trust have provided the Crown with a registrable covenant in relation to Coombe Rocks on the terms and conditions set out in part 5.6 of the documents schedule of the deed of settlement for Ngāti Rārua.
- (4) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

**94 Hori Bay**

- (1) Hori Bay (being part of Mt Richmond State Forest Park) ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Hori Bay then vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust.

- (3) **Subsections (1) and (2)** do not take effect until the trustees of the Ngāti Tama ki Te Waipounamu Trust have provided the Crown with—
- (a) a registrable right of way easement in gross over the area shown as A on SO 427909 on the terms and conditions set out in part 5.5 of the documents schedule of the deed of settlement for Ngāti Tama ki Te Tau Ihu; and
  - (b) a registrable covenant in relation to Hori Bay on the terms and conditions set out in part 5.6 of the documents schedule of the deed of settlement for Ngāti Tama ki Te Tau Ihu.
- (4) The covenant is to be treated as a conservation covenant for the purposes of—
- (a) section 77 of the Reserves Act 1977; and
  - (b) section 27 of the Conservation Act 1987.

**95 Pakawau Inlet**

- (1) The reservation of Pakawau Inlet as a public utility reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Pakawau Inlet then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) **Subsections (1) and (2)** do not take effect until the trustees of the Te Ātiawa o Te Waka-a-Māui Trust have provided the Crown with a registrable covenant in relation to Pakawau Inlet on the terms and conditions set out in part 5.5 of the documents schedule of the deed of settlement for Te Ātiawa o Te Waka-a-Māui.
- (4) The covenant is to be treated as a conservation covenant for the purposes of—
- (a) section 77 of the Reserves Act 1977; and
  - (b) section 27 of the Conservation Act 1987.

**96 Onauku Bay (Arapaoa Island)**

- (1) The reservation of Onauku Bay (Arapaoa Island) as a watering place and other purposes reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Onauku Bay (Arapaoa Island) then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.

- (3) **Subsections (1) and (2)** do not take effect until the trustees of the Te Ātiawa o Te Waka-a-Māui Trust have provided the Crown with a registrable covenant in relation to Onauku Bay (Arapaoa Island) on the terms and conditions set out in part 5.6 of the documents schedule of the deed of settlement for Te Ātiawa o Te Waka-a-Māui.
- (4) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

**97 Anatoia Islands**

- (1) The Anatoia Islands cease to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Anatoia Islands then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) **Subsections (1) and (2)** do not take effect until the trustees of the Te Ātiawa o Te Waka-a-Māui Trust have provided the Crown with a registrable covenant in relation to the Anatoia Islands on the terms and conditions set out in part 5.7 of the documents schedule of the deed of settlement for Te Ātiawa o Te Waka-a-Māui.
- (4) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

**98 Te Tai Tapu (Anatori South)**

- (1) Te Tai Tapu (Anatori South) (being part of North-west Nelson Forest Park) ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Te Tai Tapu (Anatori South) then vests as undivided half shares in the specified groups of trustees as tenants in common, as follows:
  - (a) a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and
  - (b) a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) **Subsections (1) and (2)** do not take effect until the trustees referred to in **subsection (2)** have provided the Crown with a registrable covenant in relation to the part of Te Tai Tapu (Anatori South) shown as A on SO 426795 on the terms and

conditions set out in part 5.3 of the documents schedule of the relevant deed of settlement.

- (4) The covenant is to be treated as a conservation covenant for the purposes of—
- (a) section 77 of the Reserves Act 1977; and
  - (b) section 27 of the Conservation Act 1987.

**99 Te Tai Tapu (Anatori North)**

- (1) Te Tai Tapu (Anatori North) (being part of North-west Nelson Forest Park) ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Te Tai Tapu (Anatori North) then vests as undivided half shares in the specified groups of trustees as tenants in common, as follows:
- (a) a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and
  - (b) a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) **Subsections (1) and (2)** do not take effect until the trustees referred to in **subsection (2)** have provided the Crown with a registrable covenant in relation to the parts of Te Tai Tapu (Anatori North) shown as B and C on SO 426795 on the terms and conditions set out in part 5.4 of the documents schedule of the relevant deed of settlement.
- (4) The covenant is to be treated as a conservation covenant for the purposes of—
- (a) section 77 of the Reserves Act 1977; and
  - (b) section 27 of the Conservation Act 1987.

*Sites that vest in fee simple to be administered  
as reserves*

**100 Moukirikiri Island**

- (1) The reservation of Moukirikiri Island (being Moukirikiri Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Moukirikiri Island then vests in the trustees of Te Pātaka a Ngāti Kōata.

- (3) Moukirikiri Island is then 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 Moukirikiri Island Scenic Reserve.

**101 Pah Point (Whanganui Inlet)**

- (1) Pah Point (Whanganui Inlet) (being part of North-west Nelson Forest Park) ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Pah Point (Whanganui Inlet) then vests in the trustees of the Ngāti Rārua Settlement Trust.
- (3) Pah Point (Whanganui Inlet) is then 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 Pah Point (Whanganui Inlet) Scenic Reserve.
- (5) Any improvements in or on Pah Point (Whanganui Inlet) do not vest in the trustees of the Ngāti Rārua Settlement Trust, despite the vesting under **subsection (2)**.

**102 Waikutakuta / Robin Hood Bay**

- (1) The reservation of Waikutakuta / Robin Hood Bay (being part of Robin Hood Bay Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Waikutakuta / Robin Hood Bay then vests in the trustees of the Ngāti Rārua Settlement Trust.
- (3) Waikutakuta / Robin Hood Bay is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Waikutakuta / Robin Hood Bay Recreation Reserve.

**103 Tākaka River Mouth**

- (1) Tākaka River Mouth ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Tākaka River Mouth then vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust.



- (3) Tākaka River Mouth is then 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 Ngāti Tama Scenic Reserve.

#### **104 Parapara Peninsula**

- (1) The reservation of Parapara Peninsula (being Parapara Peninsula Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Parapara Peninsula then vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust.
- (3) Parapara Peninsula is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Parapara Peninsula Historic Reserve.

#### **105 Momorangi Point**

- (1) The reservation of Momorangi Point (being part of Momorangi Bay Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Momorangi Point then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) Momorangi Point is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Momorangi Point Recreation Reserve.
- (5) **Subsections (1) to (4)** do not take effect until the trustees of the Te Ātiawa o Te Waka-a-Māui Trust have provided—
  - (a) the registered proprietors of the land contained in computer freehold registers MB3A/228 and MB3A/104 with a registrable easement for a right to convey water over the area shown as A on SO 429183 in favour of the proprietors' land on the terms and conditions set out in subpart 5.9.1 of the documents schedule of the deed of settlement for Te Ātiawa o Te Waka-a-Māui; and
  - (b) the registered proprietors of the land contained in computer freehold register MB4D/1275 with a registrable easement for a right to convey water over the areas

- shown as A and B on SO 455828 in favour of the proprietors' land on the terms and conditions set out in subpart 5.9.2 of that documents schedule; and
- (c) the registered proprietors of the land contained in computer freehold register MB4D/711 with a registrable easement for a right to convey water over the areas shown as A and B on SO 455828 in favour of the proprietors' land on the terms and conditions set out in subpart 5.9.3 of that documents schedule; and
  - (d) the Crown with a registrable easement in gross for a right to convey water over the area shown as B on SO 455828 on the terms and conditions set out in subpart 5.9.4 of that documents schedule.
- (6) Each easement—
- (a) is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and
  - (b) is to be treated as having been granted in accordance with that Act.

**106 Wedge Point**

- (1) The reservation of Wedge Point (being part of Wedge Point Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Wedge Point then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) Wedge Point is then 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 Te Ātiawa Wedge Point Scenic Reserve.

**107 Ngākuta Point**

- (1) The reservation of Ngākuta Point (being Ngākuta Point Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Ngākuta Point then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.

- (3) Ngākuta Point is then 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 Ngākuta Point Scenic Reserve.

**108 Ngaruru (Arapaoa Island)**

- (1) The reservation of Ngaruru (Arapaoa Island) (being part of Ngaruru Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Ngaruru (Arapaoa Island) then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) The parts of Ngaruru (Arapaoa Island) that are Sections 1 and 3 on SO 428534 are then 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 Te Ātiawa Arapaoa Scenic Reserve.
- (5) **Subsections (1) to (4)** do not take effect until the trustees of the Te Ātiawa o Te Waka-a-Māui Trust have provided the Crown with a registrable covenant in relation to the part of Ngaruru (Arapaoa Island) that is Section 2 SO 428534 on the terms and conditions set out in part 5.8 of the documents schedule of the deed of settlement for Te Ātiawa o Te Waka-a-Māui.
- (6) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

**109 Arapawa Māori Rowing Club site**

- (1) The road shown as Section 2 on SO 426964 is stopped.
- (2) Section 345(3) of the Local Government Act 1974 does not apply to the stopping of the road.
- (3) The stopped road then vests in the Crown as Crown land subject to the Land Act 1948.
- (4) The reservation of any part of the Arapawa Māori Rowing Club site as a recreation reserve subject to the Reserves Act 1977 is then revoked.
- (5) The land whose reservation is revoked under **subsection (4)** then vests in the Crown as Crown land subject to the Land Act 1948.

- (6) The fee simple estate in the Arapawa Māori Rowing Club site then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (7) The Arapawa Māori Rowing Club site is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (8) The reserve is named Te Ātiawa Arapaoa Waka Recreation Reserve.
- (9) The building of the Arapawa Māori Rowing Club on the Arapawa Māori Rowing Club site does not vest in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust, despite the vesting under **subsection (6)**.

**110 Katoa Point**

- (1) The reservation of Katoa Point (being part of Katoa Point Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Katoa Point then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) Katoa Point is then 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 Te Ātiawa Kura te Au Scenic Reserve.

**111 Moioio Island**

- (1) The reservation of Moioio Island (being Moioio Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Moioio Island then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) Moioio Island is then 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 Moioio Island Scenic Reserve.

**112 Pūponga Point Pā site**

- (1) The reservation of the Pūponga Point Pā site (being part of Pūponga Farm Park) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Pūponga Point Pā site then vests as undivided third shares in the specified groups of trustees as tenants in common, as follows:
  - (a) a share vests in the trustees of the Ngāti Rārua Settlement Trust; and
  - (b) a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and
  - (c) a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) The Pūponga Point Pā site is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Pūponga Point Pā Historic Reserve.
- (5) The joint management body established by **section 123(1)** 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 in trustees) under section 26 of that Act.
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 127**.
- (7) Any interpretation panels in or on the Pūponga Point Pā site do not vest in any of the trustees, despite the vesting under **subsection (2)**.

**113 Mātangi Āwhio (Nelson)**

- (1) The reservation of Mātangi Āwhio (Nelson) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Mātangi Āwhio (Nelson) then vests as undivided seventh shares in the specified groups of trustees as tenants in common, as follows:
  - (a) under this paragraph,—
    - (i) a share vests in the trustees of Te Pātaka a Ngāti Kōata; and
    - (ii) a share vests in the trustees of the Ngāti Rārua Settlement Trust; and

- (iii) a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and
    - (iv) a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust; and
  - (b) under **section 95(2)(a) of Parts 1 to 3**,—
    - (i) a share vests in the trustees of the Ngāti Apa ki te Rā Tō Trust; and
    - (ii) a share vests in the trustees of the Te Runanga o Ngāti Kuia Trust; and
    - (iii) a share vests in the trustees of the Rangitāne o Wairau Settlement Trust.
- (3) Mātangi Āwhio (Nelson) is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Mātangi Āwhio (Nelson) Recreation Reserve.
- (5) Nelson City Council is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve, as if the reserve were vested in the Council under section 26 of that Act.
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 127**.
- (7) Any improvements in or on Mātangi Āwhio (Nelson) do not vest in any of the trustees, despite the vestings referred to in **subsection (2)**.

**114 Pukatea / Whites Bay**

- (1) The reservation of Pukatea / Whites Bay (being part of Whites Bay Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Pukatea / Whites Bay then vests as undivided third shares in the specified groups of trustees as tenants in common, as follows:
  - (a) a share vests in the trustees of the Ngāti Rārua Settlement Trust under this paragraph; and
  - (b) a share vests in the trustees of the Rangitāne o Wairau Settlement Trust under **section 96(2)(a) of Parts 1 to 3**; and

- (c) a share vests in the trustees of the Toa Rangatira Trust under **section 76(2)(a) of Parts 7 to 9**.
- (3) Pukatea / Whites Bay is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Pukatea / Whites Bay Recreation Reserve.
- (5) The joint management body established by **section 124(1)** 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 in trustees) under section 26 of that Act.
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 127**.

#### 115 Horahora-kākahu

- (1) The reservation of Horahora-kākahu (being Horahora-kakahu Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Horahora-kākahu then vests as undivided third shares in the specified groups of trustees as tenants in common, as follows:
  - (a) a share vests in the trustees of the Ngāti Rārua Settlement Trust under this paragraph; and
  - (b) a share vests in the trustees of the Rangitāne o Wairau Settlement Trust under **section 97(2)(a) of Parts 1 to 3**; and
  - (c) a share vests in the trustees of the Toa Rangatira Trust under **section 77(2)(a) of Parts 7 to 9**.
- (3) Horahora-kākahu is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Horahora-kākahu Historic Reserve.
- (5) The joint management body established by **section 124(1)** 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 in trustees) under section 26 of that Act.
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 127**.

- (7) The historic monument at Horahora-kākahu does not vest in any of the trustees, despite the vestings referred to in **subsection (2)**.

**116 Tokomaru / Mount Robertson**

- (1) The reservation of Tokomaru / Mount Robertson (being part of Robertson Range Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Tokomaru / Mount Robertson then vests as undivided half shares in the specified groups of trustees as tenants in common, as follows:
- (a) a share vests in the trustees of the Ngāti Rārua Settlement Trust under this paragraph; and
  - (b) a share vests in the trustees of the Toa Rangatira Trust under **section 78(2)(a) of Parts 7 to 9**.
- (3) Tokomaru / Mount Robertson is then 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 Tokomaru / Mount Robertson Scenic Reserve.
- (5) The joint management body established by **section 125(1)** 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 in trustees) under section 26 of that Act.
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 127**.
- (7) **Subsections (1) to (6)** do not take effect until the trustees of the Ngāti Rārua Settlement Trust and the trustees of the Toa Rangatira Trust have provided the Crown with a registrable right of way easement in gross over the area shown as A on SO 426595 on the terms and conditions set out in part 5.7 of the documents schedule of the deed of settlement for Ngāti Rārua.
- (8) The easement—
- (a) is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and
  - (b) is to be treated as having been granted in accordance with that Act.



## Subpart 6—General provisions relating to vesting of cultural redress properties

### *General provisions*

#### **117 Properties are subject to, or benefit from, interests**

Each cultural redress property vested in the relevant trustees under **subpart 5** is subject to, or benefits from, any interests listed for the property in **Schedule 3**.

#### **117A Interests in land for reserve sites that are jointly vested sites**

- (1) This section applies to each of the following reserve sites while the site has an administering body that is treated as if the site were vested in it:
  - (a) Pūponga Point Pā site:
  - (b) Mātangi Āwhio (Nelson):
  - (c) Pukatea / Whites Bay:
  - (d) Horahora-kākahu:
  - (e) Tokomaru / Mount Robertson.
- (2) This section applies to all, or only the part, of the site that remains a reserve under the Reserves Act 1977 (the **reserve land**).
- (3) If the reserve site is affected by an interest listed for the property in **Schedule 3** that is an interest in land, the interest applies as if the administering body were the grantor, or the grantee, of the interest in respect of the reserve land.
- (4) 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.
- (5) However, **subsections (3) and (4)** do not affect the registration of the easement referred to in **section 116(7)**.
- (6) **Subsections (3) and (4)** continue to apply despite any subsequent transfer of the reserve land under **section 127**.

#### **117B Interests that are not interests in land**

- (1) This section applies if a cultural redress property is subject to an interest listed for the property in **Schedule 3** that is not an

- interest in land and for which there is a grantor, whether or not the interest also applies to land outside the property.
- (2) 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 (3)** applies.
  - (3) If all or part of the cultural redress property is reserve land to which **section 117A** 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.
  - (4) 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.

#### **118 Registration of ownership**

- (1) This section applies in relation to the fee simple estate in a cultural redress property vested in any trustees under **subpart 5**.
- (2) To the extent that a cultural redress property (other than Puketawai or a jointly vested site) is all of the land contained in a computer freehold register, the Registrar-General must, on written application by an authorised person,—
  - (a) register the trustees in whom the property is vested under **subpart 5** as the proprietors of the fee simple estate in the land; and
  - (b) record anything in the register, and do anything else, that is necessary to give effect to this Part and to part 5 of the relevant deed of settlement.
- (3) To the extent that **subsection (2)** does not apply to a cultural redress property (other than a jointly vested site), or in the case of Puketawai, the Registrar-General must, in accordance with a written application by an authorised person,—
  - (a) create 1 or more computer freehold registers for the fee simple estate in the property in the names of the trustees in whom the property is vested under **subpart 5**; and

- (b) record on the relevant registers any interests that are registered, notified, or notifiable and that are described in the application.
- (4) For a jointly vested site, the Registrar-General must, in accordance with written applications by an authorised person,—
  - (a) create 1 or more computer freehold registers for each undivided equal share of the fee simple estate in the property in the names of the trustees in whom the share is vested under **subpart 5**; and
  - (b) record on the relevant registers any interests that are registered, notified, or notifiable and that are described in the applications.
- (5) **Subsections (3) and (4)** are subject to the completion of any survey necessary to create a computer freehold register.
- (6) A computer freehold register 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 **subpart 5**.
- (7) In this section, **authorised person** means a person authorised by the Director-General.

#### **119 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 **subpart 5** 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) Despite **subsection (1)**,—
  - (a) the rest of section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve site in any trustees under **subpart 5**; and
  - (b) the marginal strips reserved by section 24 of the Conservation Act 1987 from the vesting of Catherine Cove under **section 76(2)** are reduced to a width of 3 metres; and

- (c) the marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of Whangarae Bay (Okiwi Bay) under **section 77(2)** is reduced to a width of 10 metres; and
  - (d) the marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of Glenhope (Kawatiri) under **section 78(2)** is reduced to a width of 10 metres; and
  - (e) the marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of Lucky Bay under **section 89(2)** is reduced to a width of 10 metres in certain areas as shown on SO 436126; and
  - (f) the marginal strips reserved by section 24 of the Conservation Act 1987 from the vesting of Coombe Rocks under **section 93(2)** are reduced to a width of 10 metres; and
  - (g) the marginal strips reserved by section 24 of the Conservation Act 1987 from the vesting of the Anatoia Islands under **section 97(2)** are—
    - (i) reduced to a width of 3 metres in Sections 2, 3, 4, 5, and 6 SO 426664; and
    - (ii) reduced to a width of 5 metres in Section 1 SO 426664.
- (3) If the reservation, under **subpart 5**, of a reserve site is revoked in relation to all or part of the site, then the vesting of the site in any trustees under **subpart 5** is no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or that part of the site (as the case may be).

**120 Recording application of Part 4A of Conservation Act 1987, sections of this Act, and fencing covenant**

- (1) The Registrar-General must record on any computer freehold register for a reserve site (other than a jointly vested site)—
  - (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
  - (b) that the land is subject to **sections 119(3) and 126 of Parts 4 to 6**.

- (2) The Registrar-General must record on any computer freehold register created under **section 118** for a reserve site that is a jointly vested site (being Pūponga Point Pā site, Mātangi Āwhio (Nelson), Pukatea / Whites Bay, Horahora-kākahu, and Tokomaru / Mount Robertson)—
- (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
  - (b) that the land is subject to **sections 117A(4), 119(3), and 127 of Parts 4 to 6.**
- (3) The Registrar-General must record on any computer freehold register for—
- (a) Catherine Cove that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strips are reduced to a width of 3 metres; and
  - (b) Whangarae Bay (Okiwi Bay) that—
    - (i) the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to a width of 10 metres; and
    - (ii) the land is subject to a fencing covenant (as defined in section 2 of the Fencing Act 1978); and
  - (c) Glenhope (Kawatiri) that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to a width of 10 metres; and
  - (d) Lucky Bay that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to a width of 10 metres in certain areas as shown on SO 436126; and
  - (e) Coombe Rocks that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strips are reduced to a width of 10 metres; and
  - (f) the Anatoia Islands that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strips are—
    - (i) reduced to a width of 3 metres in Sections 2, 3, 4, 5, and 6 SO 426664; and
    - (ii) reduced to a width of 5 metres in Section 1 SO 426664.

- (4) The Registrar-General must record on any computer freehold register for any other cultural redress property that the land is subject to Part 4A of the Conservation Act 1987.
- (5) A notification made under any of **subsections (1) to (4)** 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.
- (6) For a reserve site other than a jointly vested site, if the reservation of the site under **subpart 5** is revoked in relation to—
  - (a) all of the site, then the Director-General must apply in writing to the Registrar-General to remove from any computer freehold register for the site—
    - (i) the notification that section 24 of the Conservation Act 1987 does not apply to the site; and
    - (ii) the notifications that the site is subject to **sections 119(3) and 126 of Parts 4 to 6**; or
  - (b) part of the site, then the Registrar-General must ensure that the notifications referred to in **paragraph (a)** remain only on any computer freehold register for the part of the site that remains a reserve.
- (7) For a reserve site that is a jointly vested site, if the reservation of the site under **subpart 5** is revoked in relation to—
  - (a) all of the site, then the Director-General must apply in writing to the Registrar-General to remove from any computer freehold register created under **section 118** for the site—
    - (i) the notification that section 24 of the Conservation Act 1987 does not apply to the site; and
    - (ii) the notification that the site is subject to **sections 117A(4), 119(3), and 127 of Parts 4 to 6**; or
  - (b) part of the site, then the Registrar-General must ensure that the notifications referred to in **paragraph (a)** remain only on any computer freehold register, created under **section 118** or derived from a computer freehold register created under **section 118**, for the part of the site that remains a reserve.
- (8) The Registrar-General must comply with an application received in accordance with **subsection (6)(a) or (7)(a)**.

**121 Application of other enactments**

- (1) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under **subpart 5**, of the reserve status of a cultural redress property.
- (2) 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 **subpart 5**; or
  - (b) any matter incidental to, or required for the purpose of, the vesting.
- (3) The vesting of the fee simple estate in a cultural redress property under **subpart 5** 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 a deed of settlement in relation to a cultural redress property.

*Provisions relating to reserve sites*

**122 Application of Reserves Act 1977 to reserve sites**

- (1) The trustees in whom a reserve site is vested under **subpart 5** are the administering body of the reserve site, except as provided by **sections 112(5), 113(5), 114(5), 115(5), and 116(5)**.
- (2) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to a reserve site, 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 site (other than Mātangi Āwhio (Nelson)).
- (4) If the reservation, under **subpart 5**, of a reserve site is revoked under section 24 of the Reserves Act 1977 in relation to all or part of the site, section 25 (except subsection (2)) of that Act does not apply to the revocation.

**123 Joint management body for Pūponga Point Pā site**

- (1) A joint management body is established for the Pūponga Point Pā site.
- (2) Each of the following 3 groups of trustees may appoint 2 members to the joint management body:
  - (a) the trustees of the Ngāti Rārua Settlement Trust; and
  - (b) the trustees of the Ngāti Tama ki Te Waipounamu Trust; and
  - (c) the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) An appointer may appoint a member only by giving a written notice with the following details to the 1 or more other appointers:
  - (a) the member's full name, address, and other contact details; and
  - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (4) An appointment ends after 5 years or when the appointer replaces the member by appointing another member (whichever comes first).
- (5) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (6) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a Board.
- (7) However, the first meeting of the body must be held no later than 2 months after the settlement date.

**124 Joint management body for Pukatea / Whites Bay and Horahora-kākahu**

- (1) A joint management body is established for Pukatea / Whites Bay and Horahora-kākahu.
- (2) Each of the following 3 groups of trustees may appoint 2 members to the joint management body:
  - (a) the trustees of the Ngāti Rārua Settlement Trust; and
  - (b) the trustees of the Rangitāne o Wairau Settlement Trust; and
  - (c) the trustees of the Toa Rangatira Trust.



- (3) An appointer may appoint a member only by giving a written notice with the following details to the 1 or more other appointers:
  - (a) the member's full name, address, and other contact details; and
  - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (4) An appointment ends after 5 years or when the appointer replaces the member by appointing another member (whichever comes first).
- (5) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (6) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a Board.
- (7) **Subsection (6)** applies subject to **subsections (8) and (9)**.
- (8) The first meeting of the body must be held no later than 2 months after the settlement date.
- (9) If the 3 groups of trustees referred to in **subsection (2)** agree to adopt alternative provisions about meetings of the body,—
  - (a) those provisions apply; and
  - (b) section 32 of the Reserves Act 1977 does not apply.

**125 Joint management body for Tokomaru / Mount Robertson**

- (1) A joint management body is established for Tokomaru / Mount Robertson.
- (2) Each of the following 2 groups of trustees may appoint 2 members to the joint management body:
  - (a) the trustees of the Ngāti Rārua Settlement Trust; and
  - (b) the trustees of the Toa Rangatira Trust.
- (3) An appointer may appoint a member only by giving a written notice with the following details to the 1 or more other appointers:
  - (a) the member's full name, address, and other contact details; and
  - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.

- (4) An appointment ends after 5 years or when the appointer replaces the member by appointing another member (whichever comes first).
- (5) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (6) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a Board.
- (7) **Subsection (6)** applies subject to **subsections (8) and (9)**.
- (8) The first meeting of the body must be held no later than 2 months after the settlement date.
- (9) If the 2 groups of trustees referred to in **subsection (2)** agree to adopt alternative provisions about meetings of the body,—
  - (a) those provisions apply; and
  - (b) section 32 of the Reserves Act 1977 does not apply.

**126 Subsequent transfer of reserve sites (other than jointly vested sites)**

- (1) This section applies to a reserve site (other than a jointly vested site).
- (2) This section applies to all, or only the part, of the reserve site that remains a reserve under the Reserves Act 1977 after the site has vested in any trustees under **subpart 5 (the reserve land)**.
- (3) The fee simple estate in the reserve land may be transferred to any other person only in accordance with this section, despite any other enactment or rule of law.
- (4) The Minister of Conservation must give written consent to the transfer of the fee simple estate in the reserve land to another person or persons (the **new owners**) if, upon written application, the registered proprietors of the reserve land 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.
- (5) The Registrar-General must, upon receiving the documents specified in **subsection (6)**, register the new owners as the proprietors of the fee simple estate in the reserve land.

- (6) The 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 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 registration of the transfer instrument.
- (7) The new owners, from the time of registration under **subsection (5)**,—
  - (a) are the administering body of the reserve land; and
  - (b) hold the reserve land for the same reserve purposes as it was held by the administering body immediately before the transfer.
- (8) However, **subsections (3) to (7)** do not apply to the transfer of 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.

**127 Subsequent transfer of jointly vested sites**

- (1) This section applies to all, or only the part, of a jointly vested site that remains a reserve under the Reserves Act 1977 after the site has vested in any trustees under **subpart 5 of this Part, subpart 5 of Part 2 of Parts 1 to 3, or subpart 5 of Part 8 of Parts 7 to 9** (the reserve land).
- (2) The fee simple estate in the reserve land may be transferred only 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.

**128 No mortgage of reserve land**

- (1) This section applies to all, or only the part, of a reserve site that remains a reserve under the Reserves Act 1977 after the site has vested in any trustees under **subpart 5** (the **reserve land**).
- (2) The owners of the reserve land must not mortgage, or give a security interest in, all or part of the reserve land.

**129 Saving of bylaws, etc, in relation to reserve sites**

- (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 has made or imposed under the Reserves Act 1977 or the Conservation Act 1987 in relation to a reserve site before the site vests in any trustees under **subpart 5**.
- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Reserves Act 1977 or the Conservation Act 1987.

**130 Names of Crown protected areas and reserve sites**

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

- (4) A reserve site 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 site, and section 16(10A) of that Act does not apply to the proposed change.
- (5) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

#### Subpart 7—Delayed vesting of cleared land

##### 131 Interpretation

In **this subpart**,—

**cleared land** means an area of land described in a written notice under **section 132(4)(a)**

**French Pass School and teachers' residence** means the land described by that name in **Schedule 4**

**vesting date**, in relation to cleared land, means the land's date of vesting specified in a written notice under **section 132(4)(c)**.

##### 132 French Pass School and teachers' residence

- (1) This section applies to the 1 or more determinations that the chief executive of LINZ has made, or makes, about whether any area of the French Pass School and teachers' residence is subject to any rights or obligations that are inconsistent with vesting the area in the trustees of Te Pātaka a Ngāti Kōata.
- (2) For each determination, the Secretary for Education must give a written notice to the trustees of Te Pātaka a Ngāti Kōata—
  - (a) specifying any area that is free of such rights and obligations; and
  - (b) specifying any area that is subject to such rights and obligations.
- (3) A notice that specifies any area that is free of such rights and obligations must—
  - (a) specify the legal description of the area (including any interests affecting it) (**cleared land**); and

- (b) state that the cleared land is to vest in fee simple in the trustees of Te Pātaka a Ngāti Kōata; and
- (c) specify the date on which the cleared land is to vest in the trustees (the **vesting date**), which must be the later of—
  - (i) the settlement date;
  - (ii) the day that is 10 working days after the date on which the notice is given.
- (4) A notice that specifies an area that is subject to such rights and obligations must include the legal description of the area.
- (5) On the vesting date for cleared land, the fee simple estate in the cleared land vests in the trustees of Te Pātaka a Ngāti Kōata, subject to, or together with, any interests affecting the cleared land.

**133 Registration of ownership of cleared land**

- (1) The Registrar-General must, on written application by an authorised person, comply with **subsections (2) to (5)**.
- (2) To the extent that cleared land is all of the land contained in a computer freehold register, the Registrar-General must—
  - (a) register the trustees of Te Pātaka a Ngāti Kōata as the proprietors of the fee simple estate in the land; and
  - (b) record anything in the register, and do anything else, that is necessary to give effect to this subpart.
- (3) To the extent that **subsection (2)** does not apply to cleared land, the Registrar-General must, in accordance with an application by an authorised person,—
  - (a) create 1 or more computer freehold registers for the fee simple estate in the land in the names of the trustees of Te Pātaka a Ngāti Kōata; and
  - (b) record on the relevant registers any interests that are registered, notified, or notifiable and that are described in the application.
- (4) **Subsection (3)** is subject to the completion of any survey necessary to create a computer freehold register.
- (5) A computer freehold register must be created under this section for cleared land as soon as is reasonably practicable after the vesting date for the land, 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 of Te Pātaka a Ngāti Kōata.
- (6) In this section, **authorised person** means a person authorised by the Secretary for Education.

**134 Application of other enactments to cleared land**

- (1) The vesting of the fee simple estate in cleared land 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) The Registrar-General must record on any computer freehold register for cleared land that the land is subject to Part 4A of the Conservation Act 1987.
- (3) A notification made under **subsection (2)** is to be treated as having been made in compliance with section 24D(1) of the Conservation Act 1987.
- (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 cleared land under this subpart; or
  - (b) any matter incidental to, or required for the purpose of, the vesting.
- (5) The vesting of the fee simple estate in cleared land 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.

Subpart 8—Vesting and gifting back of  
properties

**135 Vesting and gifting back of Kaka Point**

- (1) The fee simple estate in Kaka Point (being part of Kaiteriteri Recreation Reserve) vests jointly in—
  - (a) the trustees of the Ngāti Rārua Settlement Trust; and
  - (b) the trustees of the Ngāti Tama ki Te Waipounamu Trust; and
  - (c) the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.

- (2) On the seventh day after the settlement date, the fee simple estate in Kaka Point vests in the Crown as a gift back to the Crown by the trustees for the people of New Zealand.
- (3) Kaka Point is then changed in classification to be a historic reserve subject to section 18 of the Reserves Act 1977 and the historic reserve is named Kaka Point Historic Reserve.
- (4) Despite the vestings,—
  - (a) Kaka Point remains a reserve under the Reserves Act 1977, and that Act continues to apply to the reserve, as if the vestings had not occurred; and
  - (b) the Kaiteriteri Recreation Reserve Board remains the administering body appointed to control and manage the reserve under section 30 of the Reserves Act 1977; and
  - (c) any other enactment or any instrument that applied to Kaka Point immediately before the settlement date continues to apply to it as if the vestings had not occurred; and
  - (d) any interest that affected Kaka Point immediately before the settlement date continues to affect it as if the vestings had not occurred; and
  - (e) the Crown retains all liability for Kaka Point as if the vestings had not occurred.
- (5) The vestings are not affected by Part 4A of the Conservation Act 1987, section 11 and Part 10 of the Resource Management Act 1991, or any other enactment.
- (6) To the extent that the statutory acknowledgement or a deed of recognition applies to Kaka Point, it applies only after Kaka Point vests back in the Crown.
- (7) The Registrar-General must, on written application by an authorised person, record on any computer freehold register that contains all or part of Kaka Point that, under **this section of Parts 4 to 6**, the land in Kaka Point is classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (8) The written application must be made as soon as is reasonably practicable on or after the seventh day after the settlement date.
- (9) In this section,—



**authorised person** means a person authorised by the Director-General

**Kaka Point** means the land described by that name in **Schedule 4**.

**136 Vesting and gifting back of Te Tai Tapu**

- (1) The fee simple estate in Te Tai Tapu vests jointly in—
  - (a) the trustees of the Ngāti Rārua Settlement Trust, the trustees of the Ngāti Tama ki Te Waipounamu Trust, and the trustees of the Te Ātiawa o Te Waka-a-Māui Trust under this paragraph; and
  - (b) the trustees of the Ngāti Apa ki te Rā Tō Trust under **section 110(1)(a) of Parts 1 to 3**.
- (2) On the seventh day after the settlement date, the fee simple estate in Te Tai Tapu vests in the Crown as a gift back to the Crown by the trustees for the people of New Zealand.
- (3) Despite the vestings,—
  - (a) Te Tai Tapu remains part of the North-west Nelson Forest Park under the Conservation Act 1987, and that Act continues to apply to the site, as if the vestings had not occurred; and
  - (b) any other enactment or any instrument that applied to Te Tai Tapu immediately before the settlement date continues to apply to it as if the vestings had not occurred; and
  - (c) any interest that affected Te Tai Tapu immediately before the settlement date continues to affect it as if the vestings had not occurred; and
  - (d) the Crown retains all liability for Te Tai Tapu as if the vestings had not occurred.
- (4) The vestings are not affected by Part 4A of the Conservation Act 1987, section 11 and Part 10 of the Resource Management Act 1991, or any other enactment.
- (5) To the extent that the statutory acknowledgement or a deed of recognition applies to Te Tai Tapu, it applies only after Te Tai Tapu vests back in the Crown.
- (6) In this section, **Te Tai Tapu** means the land described by that name in **Schedule 4**.

### Subpart 9—Easement over part of D’Urville Island Scenic Reserve

#### 137 Easement over part of D’Urville Island Scenic Reserve

- (1) The Minister of Conservation must provide the trustees of Te Pātaka a Ngāti Kōata with an unregistered right of way easement in gross in relation to part of D’Urville Island Scenic Reserve.
- (2) The easement must be on the terms and conditions set out in part 5.6 of the documents schedule of the deed of settlement for Ngāti Kōata and granted over the area shown on the plan attached to those terms and conditions.
- (3) The easement—
  - (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
  - (b) is to be treated as having been granted in accordance with Part 3B of that Act.
- (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 in relation to the easement.

### Subpart 10—Geographic names

#### 138 Interpretation

In this subpart,—

**New Zealand Geographic Board** has the meaning given to Board by section 4 of the NZGB Act

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

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

#### 139 New names of features

- (1) A name specified in the first column of the table in the following clauses is assigned to the feature described in the second and third columns of the table:
  - (a) clause 5.63.1 of the deed of settlement for Ngāti Kōata;
  - (b) clause 5.26.1 of the deed of settlement for Ngāti Rārua;

- (c) clause 5.26.1 of the deed of settlement for Ngāti Tama ki Te Tau Ihu:
  - (d) clause 5.40.1 of the deed of settlement for Te Ātiawa o Te Waka-a-Māui.
- (2) A name specified in the first column of the table in the following clauses for the feature described in the third and fourth columns of the table is altered to the name specified in the second column of the table:
- (a) clause 5.63.2 of the deed of settlement for Ngāti Kōata:
  - (b) clause 5.26.2 of the deed of settlement for Ngāti Rārua:
  - (c) clause 5.26.2 of the deed of settlement for Ngāti Tama ki Te Tau Ihu:
  - (d) clause 5.40.2 of the deed of settlement for Te Ātiawa o Te Waka-a-Māui.
- (3) Each assignment or alteration is to be treated as if it were an assignment or alteration of the official geographic name by a determination of the New Zealand Geographic Board, under section 19 of the NZGB Act, that takes effect on the settlement date.

#### **140 Publication of new names**

- (1) The New Zealand Geographic Board must, as soon as practicable after the settlement date, give public notice of each assignment or alteration of a name under **section 139** in accordance with section 21(2) and (3) of the NZGB Act.
- (2) However, the notices must state that the assignments and alterations took effect on the settlement date.

#### **141 Alteration of new names**

- (1) The New Zealand Geographic Board need not comply with the requirements of sections 16, 17, 18, 19(1), and 20 of the NZGB Act in making a determination to alter the official geographic name of a feature named by this subpart.
- (2) Instead, the Board may make the determination as long as it has the written consent of the following trustees:
- (a) the trustees of the settlement trusts; and
  - (b) the trustees of the related settlement trusts; and
  - (c) the trustees of the Toa Rangatira Trust.

- (3) To avoid doubt, the Board must give public notice of the determination in accordance with section 21(2) and (3) of the NZGB Act.

### Subpart 11—Minerals fossicking right

#### 142 Interpretation

In this subpart,—

**relevant fossicking area**, for a settlement iwi, means an area shown on the deed plan in part 2.4 of the attachments to the deed of settlement for that iwi

**riverbed** means the land that the waters of a river or other natural watercourse cover at its fullest flow without flowing over its banks.

#### 143 Authorisation to search for and remove sand, shingle, or other natural material

- (1) A member of a settlement iwi who has written authorisation from the trustees of that iwi's settlement trust may, by hand,—
- (a) search for any sand, shingle, or other natural material in any part of a riverbed that is, or is bounded on either side by, conservation land in a relevant fossicking area; and
  - (b) remove the material from that part of the riverbed.
- (2) A person who removes sand, shingle, or other natural material under **subsection (1)** must,—
- (a) each day, remove no more than the person can carry by hand in 1 load without assistance; and
  - (b) not use machinery or cutting equipment to remove the material.

#### 144 Access to riverbed to search for and remove sand, shingle, or other natural material

A person who is authorised to search for sand, shingle, or other natural material in, and remove the material from, a riverbed under **section 143** may access the riverbed over conservation land for that purpose, but only—

- (a) on foot; or
- (b) by any means that are available to the public; or

- (c) by any other means, and subject to any conditions, specified in writing by the Director-General or the Commissioner of Crown Lands.

**145 Obligations if accessing riverbed**

A person who accesses a riverbed under **section 143 or 144** must take all reasonable care to do no more than minor damage to vegetation on, and other natural features of, the riverbed and surrounding areas.

**146 Relationship with other enactments**

- (1) A person exercising a right under **section 143 or 144** must comply with all other lawful requirements (for example, under the Resource Management Act 1991).
- (2) However,—
  - (a) a person may exercise a right under **section 143 or 144** despite not having any authorisation required by the conservation legislation; and
  - (b) a person may exercise a right under **section 143** despite not having any authorisation required by the Land Act 1948.
- (3) The rights under **sections 143 and 144** do not apply in relation to any part of a riverbed that is—
  - (a) an ecological area declared under section 18 of the Conservation Act 1987; or
  - (b) an archaeological site (as defined by section 2 of the Historic Places Act 1993); or
  - (c) land described in Schedule 4 of the Crown Minerals Act 1991.

Subpart 12—Statutory advisers

**147 Interpretation**

- (1) In this subpart,—

**Moawhitu** means the 626.0496 hectares of land, lake, and associated wetlands in Part Rangitoto 5A and Part Rangitoto 5B3, which is part of D’Urville Island Scenic Reserve, as shown on deed plan OTS–202–39

**Takapourewa** means Takapourewa Nature Reserve, which is the 150.3314 hectares of land in Sections 1, 2, and 3 SO 15162, as shown on deed plan OTS–202–117

**Whangarae** means 321 hectares, approximately, as shown on deed plan OTS–202–118, comprising—

- (a) the part of Okiwi Bay and Moncrieff Scenic Reserve surrounding Whangarae that is Parts Section 23 Block X Whangamoā Survey District, Section 2 SO 429448, Part Subdivision 1C Section 18 Square 91, and Sections 3 and 4 SO 430484; and
- (b) Whangarae Recreation Reserve, which is Section 1 Block V Whangamoā Survey District

**Whangarae Estuary site** means the deferred selection property described as Whangarae Estuary in part 4 of the property redress schedule of the deed of settlement for Ngāti Kōata.

- (2) However, the meaning of **Whangarae** is subject to any survey of the Whangarae Estuary site (which is part of Whangarae) for the transfer of the site to the trustees of Te Pātaka a Ngāti Kōata in accordance with parts 5 and 6 of the property redress schedule of the deed of settlement for Ngāti Kōata.

**148 Statutory advisers may advise Minister of Conservation and Director-General**

- (1) The trustees of Te Pātaka a Ngāti Kōata are appointed as statutory advisers in relation to Takapourewa, Whangarae, and Moawhitu.
- (2) The trustees, as statutory advisers, may provide written advice to the Minister of Conservation or the Director-General about the restoration of native plants and the management of species of native animals at, or proposed to be relocated to, Takapourewa, Whangarae, or Moawhitu.
- (3) The Minister of Conservation or the Director-General must have regard to written advice received from the trustees on a matter referred to in **subsection (2)** when making a decision on the matter.
- (4) However, if the Whangarae Estuary site transfers to the trustees in accordance with parts 5 and 6 of the property redress schedule of the deed of settlement for Ngāti Kōata,

then the trustees cease to be statutory advisers in relation to the land in the site.

Subpart 13—Statutory kaitiaki,  
acknowledgement as kaitiaki, and  
kaitiaki plan

**149 Interpretation**

In this subpart,—

**coastal marine area** has the meaning given by section 2(1) of the Resource Management Act 1991

**kaitiaki plan** means the plan lodged with Marlborough District Council under **section 151**

**Queen Charlotte Sound / Tōtaranui** means the area with the general location (but not the precise boundaries) indicated on deed plan OTS–202–134.

**150 Statutory kaitiaki may advise Minister of Conservation and Director-General**

- (1) The trustees of the Te Ātiawa o Te Waka-a-Māui Trust are appointed as statutory kaitiaki of the following islands in Queen Charlotte Sound / Tōtaranui:
  - (a) Allports Island (as shown on deed plan OTS–202–131);
  - (b) Amerikiwhaiti Island (as shown on deed plan OTS–202–133);
  - (c) Blumine Island (as shown on deed plan OTS–202–132);
  - (d) Mabel Island (as shown on deed plan OTS–202–136);
  - (e) Matapara / Pickersgill Island (as shown on deed plan OTS–202–132).
- (2) The trustees, as statutory kaitiaki of the islands, may provide written advice to the Minister of Conservation or the Director-General about—
  - (a) the restoration of native plants on the islands; and
  - (b) the management of species of native animals on the islands.
- (3) The Minister of Conservation or the Director-General must have regard to written advice received from the trustees on a matter referred to in **subsection (2)** when making a decision on the matter.

**151 Preparation of kaitiaki plan**

- (1) The trustees of the Te Ātiawa o Te Waka-a-Māui Trust may at any time prepare a plan and lodge it with Marlborough District Council.
- (2) The plan must specify—
  - (a) the values of Te Ātiawa o Te Waka-a-Māui in relation to the coastal marine area of Queen Charlotte Sound / Tōtaranui; and
  - (b) the resource management issues of significance to Te Ātiawa o Te Waka-a-Māui in relation to the coastal marine area of Queen Charlotte Sound / Tōtaranui; and
  - (c) Te Ātiawa o Te Waka-a-Māui's statement of kaitiakitanga for fisheries management in the coastal marine area of Queen Charlotte Sound / Tōtaranui.

**152 Effect of kaitiaki plan on council**

- (1) This section applies when Marlborough District Council is preparing or changing a regional policy statement or regional coastal plan that wholly or partly covers the coastal marine area of Queen Charlotte Sound / Tōtaranui.
- (2) The council must take into account the kaitiaki plan to the extent that its content has a bearing on the resource management issues of the coastal marine area of Queen Charlotte Sound / Tōtaranui.
- (3) The council must include in the regional policy statement or regional coastal plan a statement of the resource management issues of significance to Te Ātiawa o Te Waka-a-Māui as set out in the kaitiaki plan.
- (4) The council must refer to the kaitiaki plan to the extent that it is relevant in its report under section 32(5) of the Resource Management Act 1991 on an evaluation of the proposed regional policy statement or regional coastal plan.

**153 Limitation of rights**

The kaitiaki plan does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights (including rights under the Marine and Coastal Area (Takutai



Moana) Act 2011) relating to, the coastal marine area of Queen Charlotte Sound / Tōtaranui.

Subpart 14—Acknowledgement of historical  
association with West of Separation Point /  
Te Matau

**154 Acknowledgement of historical association with West of  
Separation Point / Te Matau**

The Crown acknowledges the statement made by Ngāti Kōata of its historical association with West of Separation Point / Te Matau in the form set out in part 2.2 of the documents schedule of the deed of settlement for Ngāti Kōata.

Subpart 15—River and freshwater advisory  
committee

**155 Advisory committee established**

An advisory committee is established to provide advice in relation to the management of rivers and fresh water within the regions of the following councils (the **relevant councils**):

- (a) Marlborough District Council; and
- (b) Nelson City Council; and
- (c) Tasman District Council.

**156 Appointment of members to advisory committee**

- (1) The advisory committee consists of no more than 8 members.
- (2) One member may be appointed by the trustees of each of the 4 settlement trusts, the 3 related settlement trusts, and the Toa Rangatira Trust.
- (3) The trustees of a trust may appoint a member only by giving a written notice with the following details to the trustees of the 7 other trusts:
  - (a) the member's full name, address, and other contact details; and
  - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.

**157 Advisory committee may provide advice**

- (1) The advisory committee may provide written advice, in reply to an invitation under **section 158**, in relation to the management of rivers and fresh water within the region of a relevant council before the council—
  - (a) makes any decisions on the review of a policy statement or plan under section 79 of the Resource Management Act 1991; or
  - (b) starts to prepare or change a policy statement or plan under Part 1 of Schedule 1 of that Act; or
  - (c) notifies a proposed policy statement or plan under clause 5 of Schedule 1 of that Act.
- (2) If the committee and a relevant council agree in writing, the committee may provide written advice to the council on any other matter in relation to the Resource Management Act 1991.
- (3) The committee or the council may terminate any agreement to provide advice under **subsection (2)** by giving written notice to the other party.

**158 Council must invite and have regard to advice**

- (1) A relevant council must comply with this section before performing any action referred to in **section 157(1)(a) to (c)**.
- (2) The council must provide a written invitation to the advisory committee to provide written advice in relation to the action.
- (3) The council must have regard to advice received from the committee under **section 157(1)** in reply to an invitation if the advice is received—
  - (a) before the day that is 2 months after the day on which the committee received the invitation; or
  - (b) before any other day agreed to by the council and the committee.
- (4) The council must have regard to any advice received from the committee under **section 157(2)** if it is reasonably practicable to do so.

**159 Procedure and meetings of advisory committee**

- (1) The advisory committee must—
  - (a) regulate its own procedure; and

- (b) make decisions only with the agreement of all of the members who are present and who vote at a meeting; and
  - (c) conduct proceedings with a quorum of a majority of the members who have been appointed to the committee; and
  - (d) provide the relevant councils with an address to which the councils must send notices to the committee.
- (2) The committee may request that a relevant council have 1 or more representatives attend a meeting of the committee.
- (3) In making the request, the committee must—
- (a) give the council 10 working days' notice of the meeting in writing; and
  - (b) provide the council with an agenda for the meeting.
- (4) The council must have 1 or more representatives attend the meeting if it is reasonably practicable to do so, but the council may decide on the number of representatives at its discretion.
- (5) Each relevant council need not have representatives attend more than 4 meetings each year.

**160 Advisory committee may request information**

- (1) The advisory committee may make a written request for information from a relevant council in relation to an action or a proposed action of a council referred to in **section 157(1)(a) to (c)**.
- (2) The council must provide the requested information to the committee if it is reasonably practicable to do so.

**161 Other obligations under Resource Management Act 1991**

This subpart does not limit the obligations of a relevant council under the Resource Management Act 1991.

## Part 6 Commercial redress

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

#### 162 The Crown may transfer properties

To give effect to part 6 of a deed of settlement, and part 6 of the property redress schedule of a 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 redress property or deferred selection property to the trustees of a settlement trust; and
- (b) sign a transfer instrument or other document, or do anything else, to effect the transfer.

#### 163 Registrar-General to create computer freehold register

(1) **Subsection (2)** applies to the following:

- (a) a commercial redress property other than a licensed property;
- (b) a deferred selection property that is to transfer to the trustees of only 1 settlement trust.

(2) To the extent that the property is not all of the land contained in a computer freehold register, or there is no computer freehold register for all or part of the property, 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; and
- (c) omit any statement of purpose from the computer freehold register.

(3) For a licensed property that is to transfer to the trustees of only 1 settlement trust, 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; and
  - (c) omit any statement of purpose from the computer freehold register.
- (4) However, **subsections (5) and (6)** override **subsection (3)**.
- (5) For the licensed property described as Queen Charlotte Forest in table 1 in part 3 of the property redress schedule of the deed of settlement for Te Ātiawa o Te Waka-a-Māui, the Registrar-General must, in accordance with written applications by an authorised person,—
  - (a) create 9 computer freehold registers in the name of the Crown as follows:
    - (i) one for the fee simple estate in each of Sections 1 to 8 on deed plan OTS-202-141 (subject to survey);
    - (ii) one for the fee simple estate in the balance of the property; and
  - (b) record on the relevant registers any interests that are registered, notified, or notifiable and that are described in the applications; and
  - (c) omit any statement of purpose from the registers.
- (6) For the licensed property described as Rai Forest in table 1 in part 3 of the property redress schedule of the deed of settlement for Ngāti Tama ki Te Tau Ihu, the Registrar-General must, in accordance with written applications by an authorised person,—
  - (a) create 2 computer freehold registers in the name of the Crown as follows:
    - (i) one for the fee simple estate in the part of the property in the Marlborough land registration district;
    - (ii) one for the fee simple estate in the part of the property in the Nelson land registration district; and
  - (b) record on the relevant registers any interests that are registered, notified, or notifiable and that are described in the applications; and
  - (c) omit any statement of purpose from the registers.

- (7) For a licensed property or deferred selection property that is to transfer to the trustees of 2 or more settlement trusts, the Registrar-General must, in accordance with written applications by an authorised person,—
  - (a) create, in the name of the Crown, a computer freehold register for each undivided share of the fee simple estate in the property; and
  - (b) record on the relevant registers any interests that are registered, notified, or notifiable and that are described in the applications; and
  - (c) omit any statement of purpose from the registers.
- (8) **Subsections (2) to (7)** are subject to the completion of any survey necessary to create a computer freehold register.
- (9) The authorised person may grant a covenant for the later creation of a computer freehold register for any land that is to be transferred to the trustees of a settlement trust.
- (10) Despite the Land Transfer Act 1952,—
  - (a) the authorised person may request the Registrar-General to register the covenant under the Land Transfer Act 1952 by creating a computer interest register; and
  - (b) the Registrar-General must comply with the request.
- (11) In this section, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

**164 Minister of Conservation may grant easements**

- (1) The Minister of Conservation may grant any easement required to fulfil the terms of a deed of settlement in relation to a commercial redress property or deferred selection property over—
  - (a) a conservation area (under the Conservation Act 1987);  
or
  - (b) a reserve (under the Reserves Act 1977).
- (2) Any such easement—
  - (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
  - (b) is to be treated as having been granted in accordance with Part 3B of that Act; and

- (c) is registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied.

**165 Application of other enactments**

- (1) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
  - (a) the transfer of the fee simple estate in a commercial redress property or deferred selection property to the trustees of a settlement trust; or
  - (b) a leaseback of the property to the Crown in accordance with part 6 of a deed of settlement; or
  - (c) any matter incidental to, or required for the purpose of, the transfer or leaseback.
- (2) The transfer of the fee simple estate in a commercial redress property or deferred selection property to the trustees of a settlement trust does not—
  - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
  - (b) affect other rights to subsurface minerals.
- (3) The transfer of the fee simple estate in a commercial redress property or deferred selection property to the trustees of a settlement trust 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.
- (4) In exercising the powers conferred by **section 162**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a commercial redress property or deferred selection property.
- (5) **Subsection (4)** is subject to **subsections (2) and (3)**.
- (6) 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 part 6 of a deed of settlement, and part 6 of the property redress schedule of a deed of settlement, in relation to a commercial redress property or deferred selection property.

**166 Transfer of certain commercial redress properties and deferred selection properties**

- (1) The commercial redress property described as Renwick Area Office, 22 Gee Street, Linkwater, in table 2 in part 3 of the property redress schedule of the deed of settlement for Ngāti Kōata ceases to be a conservation area under the Conservation Act 1987.
- (2) **Subsection (3)** applies to a deferred selection property described as follows (in table 1 if there are 2 tables) in part 4 of the property redress schedule of a deed of settlement if the property transfers to the trustees of a settlement trust in accordance with part 6 of that schedule:
  - (a) Te Tai Tapu / North Anatori (in the deed of settlement for Ngāti Tama ki Te Tau Ihu, and being part of North-west Nelson Forest Park); or
  - (b) Te Tai Tapu / Snake Creek (in the deed of settlement for Ngāti Rārua, and being part of North-west Nelson Forest Park); or
  - (c) York Street workshop, York Street, Picton (in the deed of settlement for Te Ātiawa o Te Waka-a-Māui).
- (3) Immediately before the transfer, the property ceases to be a conservation area under the Conservation Act 1987.
- (4) If the land, or any part of the land, in the property referred to in **subsection (2)(a) or (b)** is, immediately before the transfer, all or part of a Crown protected area, then upon transfer 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.
- (5) For the deferred selection property described as the Waitaria Bay School site in part 4 of the property redress schedule of the deed of settlement for Ngāti Kōata, the reservation of the property as a government purpose reserve for education purposes subject to the Reserves Act 1977 is revoked.
- (6) **Subsection (7)** applies to a deferred selection property described as follows (in table 1 if there are 2 tables) in part 4 of the property redress schedule of a deed of settlement if the property transfers to the trustees of a settlement trust in accordance with part 6 of that schedule:



- (a) Whangarae Estuary (in the deed of settlement for Ngāti Kōata, and being part of Okiwi Bay and Moncrieff Scenic Reserve); or
  - (b) Whatapu / Queen Charlotte Sound (in the deed of settlement for Te Ātiawa o Te Waka-a-Māui).
- (7) Immediately before the transfer, the reservation of the property as any class of reserve subject to the Reserves Act 1977 is revoked.
- (8) If the land, or any part of the land, in the property referred to in **subsection (6)(a)** is, immediately before the transfer, all or part of a Crown protected area, then upon transfer 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.
- (9) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of reserve status under **subsection (5) or (7)**.
- (10) **Subsection (11)** applies to the deferred selection property described as Batchelor Ford Road in part 4 of the property redress schedule of the deed of settlement for Ngāti Tama ki Te Tau Ihu if the property transfers to the trustees of the Ngāti Tama ki Te Waipounamu Trust in accordance with part 6 of that schedule.
- (11) The marginal strip reserved by section 24 of the Conservation Act 1987 from the transfer of the deferred selection property is reduced to a width of 5 metres, despite **section 165(3)**.
- (12) In **subsections (4) and (8), Board, Crown protected area, Gazetteer, and official geographic name** have the meanings given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

**167 Transfer of properties subject to lease**

- (1) This section applies to a commercial redress property or deferred selection property—
- (a) for which the land holding agency is the Ministry of Education; and
  - (b) the ownership of which is to transfer to the trustees of a settlement trust in accordance with part 6 of the property redress schedule of a deed of settlement; and

- (c) that, after the transfer, is to be subject to a lease back to the Crown.
- (2) Despite **section 165(3)** (which refers to section 24(2A) of the Conservation Act 1987), the rest of section 24 of that Act does not apply to the transfer of the property.
- (3) The transfer instrument for the transfer of the property must include a notification that the land is to become subject to **section 167(6) and (7) of Parts 4 to 6** upon the registration of the transfer.
- (4) The Registrar-General must, upon the registration of the transfer of the property, record on any computer freehold register for the property—
  - (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
  - (b) that the land is subject to **section 167(6) and (7) of Parts 4 to 6**.
- (5) A notification made under **subsection (4)** 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.
- (6) If the lease referred to in **subsection (1)(c)** (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property, the transfer of the property is no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or that part of the property, as the case may be.
- (7) If the lease referred to in **subsection (1)(c)** (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property, then the registered proprietors of the property must apply in writing to the Registrar-General to,—
  - (a) if none of the property remains subject to such a lease, remove from the computer freehold register for the property any notifications that—
    - (i) section 24 of the Conservation Act 1987 does not apply to the land; and

- (ii) the land is subject to **section 167(6) and (7) of Parts 4 to 6**; or
- (b) if only part of the property remains subject to such a lease (the **leased part**), amend any notifications on the computer freehold register for the property to record that, in relation to only the leased part,—
  - (i) section 24 of the Conservation Act 1987 does not apply to that part; and
  - (ii) that part is subject to **section 167(6) and (7) of Parts 4 to 6**.
- (8) The Registrar-General must comply with an application received in accordance with **subsection (7)** free of charge to the applicant.

## Subpart 2—Licensed properties and unlicensed land

### *Licensed properties*

#### **168 Interpretation**

In this subpart,—

**Crown forestry rental trust** means the trust established by the Crown forestry rental trust deed

**Crown forestry rental trust deed** means the trust deed made on 30 April 1990 establishing the Crown forestry rental trust under section 34 of the Crown Forest Assets Act 1989

**relevant Crown forestry licence**, for a licensed property, means the Crown forestry licence described in relation to the property in part 3 of the property redress schedule of a deed of settlement

**relevant trustees**, for a licensed property, means the trustees of the settlement trust of each of the 1 or more settlement iwi whose deeds describe the property.

#### **169 Licensed property ceases to be Crown forest land**

- (1) A licensed property ceases to be Crown forest land under the Crown Forest Assets Act 1989 upon the registration of the transfer of the fee simple estate in the property to the relevant trustees.

- (2) However, although the licensed property does not cease to be Crown forest land until the transfer to the relevant trustees is registered, neither the Crown nor any court or tribunal may do any thing or omit to do any thing if that act or omission would, between the settlement date and the date of registration, be—
- (a) permitted by the Crown Forest Assets Act 1989; but
  - (b) inconsistent with part 6 of a deed of settlement.

**170 Trustees confirmed beneficiaries and licensors in relation to licensed property**

- (1) The relevant trustees are, in relation to a licensed property, the confirmed beneficiaries under clause 11.1 of the Crown forestry rental trust deed.
- (2) The effect of **subsection (1)** is that—
- (a) the relevant trustees are entitled to the rental proceeds paid for the property to the trustees of the Crown forestry rental trust under the relevant Crown forestry licence since the commencement of the licence; and
  - (b) all the provisions of the Crown forestry rental trust deed apply on the basis that the relevant trustees are the confirmed beneficiaries in relation to the property.
- (3) Despite **subsection (2)(a)**, the trustees of the settlement trusts and the trustees of the Toa Rangatira Trust are entitled to the rental proceeds referred to in **subsection (2)(a)** for all of the licensed properties as provided for in—
- (a) clause 6.9 of the deeds of settlement for Ngāti Kōata, Ngāti Rārua, and Ngāti Tama ki Te Tau Ihu;
  - (b) clause 6.11 of the deed of settlement for Te Ātiawa o Te Waka-a-Māui;
  - (c) clause 6.22 of the deed of settlement for Ngati Toa Rangatira.
- (4) The Crown must give notice in accordance with section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of each relevant Crown forestry licence, even though the Waitangi Tribunal has not made recommendations under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the 1 or more licensed properties to which the licence applies.
- (5) Notice given by the Crown under **subsection (4)** has effect as if—

- (a) the Waitangi Tribunal had made recommendations under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of each licensed property; and
  - (b) the recommendations had become final on the settlement date.
- (6) The relevant trustees are the licensors under the relevant Crown forestry licence in relation to a licensed property as if the property had been returned to Māori ownership—
- (a) on the settlement date; and
  - (b) under section 36 of the Crown Forest Assets Act 1989.
- (7) However, section 36(1)(b) of the Crown Forest Assets Act 1989 does not apply to a licensed property.

#### 171 Effect of transfer of licensed property

- (1) **Section 170** applies whether or not—
- (a) the transfer of the fee simple estate in the 1 or more licensed properties to which the relevant Crown forestry licence applies has been registered; or
  - (b) the processes described in clause 17.4 of the relevant Crown forestry licence have been completed.
- (2) To the extent that the Crown has not completed the processes referred to in **subsection (1)(b)** before the settlement date, it must continue those processes—
- (a) on or after the settlement date; and
  - (b) until the processes are completed.
- (3) **Subsection (4)** provides for the licence fee payable for a property under the relevant Crown forestry licence—
- (a) for the period starting on the settlement date until the completion of the processes referred to in **subsections (1) and (2)** for the 1 or more licensed properties to which the licence applies; and
  - (b) that is not part of the rental proceeds referred to in **section 170(2)(a)**.
- (4) The licence fee payable is the amount calculated in the manner described in—
- (a) paragraphs 6.24 and 6.25 of the property redress schedule of the deed of settlement for Ngāti Kōata:

- (b) paragraphs 6.26 and 6.27 of the property redress schedule of the deed of settlement for Ngāti Rārua and Ngāti Tama ki Te Tau Ihu:
  - (c) paragraphs 6.27 and 6.28 of the property redress schedule of the deed of settlement for Te Ātiawa o Te Waka-a-Māui.
- (5) However, the calculation under **subsection (4)** of the licence fee payable is overridden by any agreement between the licensors and the licensee of the relevant Crown forestry licence.
  - (6) With effect on and from the settlement date, references to the prospective proprietors in clause 17.4 of the relevant Crown forestry licence must, in relation to a licensed property, be read as if they were references to the relevant trustees.
  - (7) **Subsections (8) and (9)** apply if, in completing the processes described in clause 17.4 of the relevant Crown forestry licence for a licensed property, the balance of the land referred to in clause 17.4.1 of the licence is to be transferred as another licensed property under the deed of settlement for Ngāti Tama ki Te Tau Ihu, Te Ātiawa o Te Waka-a-Māui, or Ngati Toa Rangatira (instead of being retained by the Crown).
  - (8) The interests of the trustees to whom the balance is to be transferred replace the interests of the Crown in respect of the balance of the land in clause 17.4.1 of the relevant Crown forestry licence, and those trustees must be treated as if they were another set of prospective proprietors under clause 17.4 of the licence.
  - (9) The separate licence for the balance of the land referred to in clause 17.4.3 of the relevant Crown forestry licence must include clauses similar to clauses 16.3 to 16.9 of the licence, as described in clause 17.4.4.

#### *Unlicensed land*

#### **172 Effect of transfer of unlicensed land**

The unlicensed land ceases to be Crown forest land, and any Crown forestry assets associated with that land cease to be Crown forestry assets, under the Crown Forest Assets Act 1989.

## Subpart 3—Right of access to protected sites

**173 Interpretation**

- (1) In this subpart, **protected site** means any area of land situated in a licensed property or in the unlicensed land that is—
  - (a) a wahi tapu or wahi tapu area; and
  - (b) a registered place.
- (2) In **subsection (1)**, **registered place**, **wahi tapu**, and **wahi tapu area** have the meanings given by section 2 of the Historic Places Act 1993.

**174 Right of access to protected site**

- (1) The owner of land on which a protected site is situated and any person holding an interest in, or a right of occupancy to, the land must allow the people referred to in **subsection (2)** to have access across the land to each protected site.
- (2) The people are Māori for whom the protected site is of special cultural, spiritual, or historical significance.
- (3) The right of access may be exercised by vehicle or by foot over any reasonably convenient routes specified by the owner, and is subject to the following conditions:
  - (a) a person intending to exercise the right of access must give the owner reasonable notice, in writing, of his or her intention to exercise that right; and
  - (b) the right of access may be exercised only at reasonable times and during daylight hours; and
  - (c) a person exercising the right must observe any reasonable conditions imposed by the owner that—
    - (i) relate to the time, location, or manner of access; and
    - (ii) are reasonably required for the safety of people, for the protection of land, improvements, flora, fauna, plant, equipment, or livestock, or for operational reasons.

**175 Right of access subject to Crown forestry licence and registered lease**

- (1) The right of access under **section 174** is subject to the terms of—

- (a) any Crown forestry licence; and
  - (b) any registered lease of the unlicensed land—
    - (i) granted before the settlement date; or
    - (ii) granted on or after the settlement date under a right of renewal contained in a registered lease granted before the settlement date.
- (2) However, **subsection (1)** does not apply if the licensee or lessee has agreed to an exercise of the right.
- (3) An amendment to a Crown forestry licence or registered lease is of no effect to the extent that it would—
- (a) delay the date from which a person may exercise a right of access under **section 174**; or
  - (b) adversely affect the right of access in any other way.

**176 Notation on computer freehold register**

- (1) The Registrar-General must, in accordance with a written application by an authorised person, record on the computer freehold register for a licensed property or any unlicensed land that the land is subject to this subpart of **Parts 4 to 6**.
- (2) An application must be made as soon as is reasonably practicable after—
- (a) the settlement date; or
  - (b) a computer freehold register has been created for the land, if the computer freehold register has not been created by the settlement date.
- (3) In this section, **authorised person** means—
- (a) a person authorised by the chief executive of LINZ, for a licensed property; and
  - (b) a person authorised by the chief executive of the Ministry for Primary Industries, for the unlicensed land.

Subpart 4—Right of first refusal in relation  
to RFR land

*Interpretation*

**177 Interpretation**

In this subpart and **Schedule 5**, unless the context requires another meaning,—



**deferred selection RFR land** means a property—

- (a) that is listed in part 4 of the property redress schedule of the deed of settlement for a settlement iwi, or in part 3.6 or 3.7 of the property redress schedule of the deed of settlement for a related settlement iwi, other than the property described as Nelson High/District Courthouse in the deed of settlement for Ngāti Apa ki te Rā Tō; and
- (b) that has not been transferred, and is no longer able to be transferred,—
  - (i) for a settlement iwi, to the trustees of that iwi's settlement trust in accordance with parts 5 and 6 of the relevant property redress schedule; or
  - (ii) for a related settlement iwi, to the trustees of that iwi's related settlement trust in accordance with part 3 of the relevant property redress schedule

**dispose of**, for 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), for 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**, for an offer, means its expiry date under **sections 180(2)(a) and 181**

**general RFR land** means land described in part 4 of the attachments to the deed of settlement for a settlement iwi if, on the settlement date, the land is—

- (a) vested in the Crown; or
- (b) held in fee simple by the Crown or a Crown body

**notice** means a notice under this subpart

**offer** means an offer by an RFR landowner to dispose of RFR land to the trustees of an offer trust

**offer trust** means, for each of the following types of RFR land (or land obtained in exchange for the disposal of that land), the trust specified or each of the trusts specified:

- (a) for general RFR land, the settlement trust of the iwi whose deed of settlement describes the land:
- (b) for specified iwi RFR land, the Ngāti Rārua Settlement Trust and the Toa Rangatira Trust:
- (c) for settlement iwi RFR land, the 4 settlement trusts:
- (d) for deferred selection RFR land, the 4 settlement trusts and the 3 related settlement trusts:
- (e) for specified area RFR land, the 4 settlement trusts, the 3 related settlement trusts, and the Toa Rangatira Trust

**recipient trust** means, for each of the following types of RFR land (or land obtained in exchange for the disposal of that land), the trust specified:

- (a) for general RFR land, the settlement trust of the iwi whose deed of settlement describes the land:
- (b) for other RFR land, the 1 offer trust whose trustees accept an offer to dispose of the land under **section 183**

**RFR landowner**, for 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 186(1)**; but
- (d) to avoid doubt, does not include an administering body in which RFR land is vested under **section 187(1)**

**RFR period** means,—

- (a) for general RFR land, specified iwi RFR land, or settlement iwi RFR land, the period of 169 years starting on the settlement date:
- (b) for deferred selection RFR land or specified area RFR land, the period of 100 years starting on the settlement date

**settlement iwi RFR land** means the land described as the Nelson Marlborough Institute of Technology in part 3 of the at-

attachments to the deed of settlement for a settlement iwi if, on the settlement date, the land is—

- (a) vested in the Crown; or
- (b) held in fee simple by the Crown or a Crown body

**specified area RFR land** means land in the South Island within the area shown on deed plan OTS-202-140 (in part 2 of the attachments to the deed of settlement for a settlement iwi) that, on the settlement date,—

- (a) is vested in the Crown or held in fee simple by the Crown; and
- (b) is not land that is to, or may, transfer to or vest in trustees in accordance with the deed of settlement for a settlement iwi, a related settlement iwi, or Ngati Toa Rangatira; and
- (c) is not conservation land; and
- (d) is not subject to a pastoral lease under Part 1 of the Crown Pastoral Land Act 1998

**specified iwi RFR land** means the land described as the summit of Tokomaru / Mount Robertson in part 5 of the attachments to the deed of settlement for Ngāti Rārua or Ngati Toa Rangatira if, on the settlement date, the land is vested in the Crown or held in fee simple by the Crown.

**178 Meaning of RFR land**

- (1) In **Parts 4 to 6**, **RFR land** means—
  - (a) the general RFR land; and
  - (b) the specified iwi RFR land; and
  - (c) the settlement iwi RFR land; and
  - (d) the deferred selection RFR land; and
  - (e) the specified area RFR land; and
  - (f) land obtained in exchange for a disposal of RFR land under **section 191(1)(c) or 192**.
- (2) However, land ceases to be RFR land if—
  - (a) the fee simple estate in the land transfers from the RFR landowner to—
    - (i) the trustees of a recipient trust or their nominee (for example, under a contract formed under **section 184**); or

- (ii) any other person (including the Crown or a Crown body) under **section 179(3)**; 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 under—
  - (i) any of **sections 188 to 195**; or
  - (ii) anything referred to in **section 196(1)**; or
- (c) the land's RFR period ends.

*Restrictions on disposal of RFR land*

**179 Restrictions on disposal of RFR land**

- (1) An RFR landowner must not dispose of RFR land to any person other than the trustees of a recipient trust or their nominee unless the land is disposed of under **subsection (2) or (3)**.
- (2) The RFR land may be disposed of under any of **sections 185 to 195** or under anything referred to in **section 196(1)**.
- (3) The RFR land may be disposed of within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees of an offer trust, if the offer to those trustees was—
  - (a) made in accordance with **section 180**; and
  - (b) made on terms that were the same as, or more favourable to the trustees than, the terms of the disposal to the person referred to in **subsection (1)**; and
  - (c) not withdrawn under **section 182**; and
  - (d) not accepted under **section 183**.

*Trustees' right of first refusal*

**180 Requirements for offer**

- (1) An offer by an RFR landowner to dispose of RFR land to the trustees of an offer trust must be by notice to the trustees of the 1 or more offer trusts.
- (2) The notice must include—
  - (a) the terms of the offer, including its expiry date; and
  - (b) a legal description of the land (including any interests affecting it) and the reference for any computer register that contains the land; and
  - (c) a street address for the land (if applicable); and

- (d) a street address, postal address, and fax number for the trustees to give notices to the RFR landowner in relation to the offer; and
- (e) a statement that the RFR land is general RFR land, specified iwi RFR land, settlement iwi RFR land, deferred selection RFR land, or specified area RFR land (whichever applies).

**181 Expiry date of offer**

- (1) The expiry date of an offer must be on or after the 40th working day after the day on which the trustees of the 1 or more offer trusts receive notice of the offer.
- (2) However, **subsections (3) and (4)** override **subsection (1)**.
- (3) The expiry date of an offer may be on or after the 20th working day after the day on which the trustees receive notice of the offer if—
  - (a) the trustees received an earlier offer to dispose of the land; and
  - (b) the expiry date of the earlier offer was no earlier than 6 months before the expiry date of the later offer; and
  - (c) the earlier offer was not withdrawn.
- (4) For an offer of RFR land other than general RFR land, if the RFR landowner has received notice of acceptance from the trustees of 2 or more offer trusts at the end of the expiry date specified in the notice of offer given under **section 180**, the expiry date is extended only for the trustees of those 2 or more offer trusts to the 20th working day after the day on which the trustees receive the landowner's notice given under **section 183(4)**.

**182 Withdrawal of offer**

The RFR landowner may, by notice to the trustees of the 1 or more offer trusts, withdraw an offer at any time before it is accepted.

**183 Acceptance of offer**

- (1) The trustees of an offer trust 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 trustees must accept all the RFR land offered, unless the offer permits them to accept less.
- (3) For an offer of RFR land other than general RFR land,—
- (a) the offer is accepted only if the RFR landowner has received notice of acceptance from the trustees of only 1 offer trust at the end of the expiry date; and
  - (b) if the landowner has received notice of acceptance from the trustees of 2 or more offer trusts at the end of the expiry date specified in the notice of offer given under **section 180**, the landowner has 10 working days to give notice under **subsection (4)** to the trustees of those 2 or more offer trusts.
- (4) The notice must—
- (a) specify the offer trusts from whose trustees notices of acceptance have been received; and
  - (b) state that the offer may be accepted by the trustees of only 1 of those offer trusts before the end of the 20th working day after the day on which they receive the landowner's notice under this subsection.

**184 Formation of contract**

- (1) If the trustees of an offer trust accept, under **section 183**, an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the landowner and the trustees on the terms in the offer, including the terms set out in **subsections (3) to (6)**.
- (2) The terms of the contract may be varied by written agreement between the landowner and the trustees.
- (3) Under the contract, the trustees may nominate any person other than the trustees who is lawfully able to hold the RFR land (the **nominee**) to receive the transfer of the land.
- (4) The trustees may nominate a nominee only by giving notice to the 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 landowner needs in order to transfer the RFR land to the nominee.
- (6) If the trustees nominate a nominee, the trustees remain liable for the obligations of the transferee under the contract.

*Disposals to others where land remains RFR land*

**185 Disposals 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.

**186 Disposals 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 by 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.

**187 Disposals 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*

**188 Disposals in accordance with 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.

**189 Disposals in accordance with legal or equitable obligation**

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.

**190 Disposals 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 355(3) of the Resource Management Act 1991; or
- (c) subpart 3 of Part 2 of the Marine and Coastal Area (Takutai Moana) Act 2011.

**191 Disposals 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.

**192 Disposals 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.

**193 Disposals for charitable purposes**

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

**194 Disposals to tenants**

The Crown may dispose of RFR land—

- (a) that was held for education purposes on the settlement date to a person who, immediately before the disposal, is a tenant of the land or of 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—
  - (i) granted before the settlement date; or
  - (ii) granted on or after the settlement date under a right of renewal contained in a lease granted before the settlement date; or
- (c) under section 93(4) of the Land Act 1948.

**195 Disposals by Housing New Zealand Corporation**

Housing New Zealand Corporation, or any of its subsidiaries, may dispose of RFR land to any person if the Corporation has given notice to the trustees of the 1 or more offer trusts that, in the Corporation's opinion, the disposal is to give effect to, or assist in giving effect to, the Crown's social objectives in relation to housing or services related to housing.

**196 RFR landowner's obligations subject to other things**

- (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 but, for 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,—
    - (i) that prevents or limits an RFR landowner's disposal of RFR land to the trustees of an offer trust; and
    - (ii) that 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*

**197 Notice to LINZ of certain RFR land with computer register**

- (1) 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.
- (2) 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.
- (3) The notice must be given as soon as is reasonably practicable after—

- (a) the land for which there is a computer register becomes RFR land; or
  - (b) the computer register is first created for the RFR land.
- (4) The notice must specify the legal description of the land and identify the computer register that contains the land.

**198 Notice to trustees of potential disposal of RFR land**

- (1) This section applies if an RFR landowner is considering whether to dispose of RFR land (other than general RFR land) that, in order to be disposed of, may ultimately require the landowner to offer to dispose of the land to the trustees of an offer trust.
- (2) The landowner must give the trustees of the 1 or more offer trusts notice that, if the landowner decides to dispose of the land, the landowner may be required to offer to dispose of the land to the trustees of an offer trust.
- (3) The notice must—
- (a) specify the legal description of the land and identify any computer register that contains the land; and
  - (b) specify a street address for the land (if applicable); and
  - (c) if the land does not have a street address, include a narrative or diagrammatic description of the land with enough information so that a person who is not familiar with the land can locate and inspect it; and
  - (d) state that the RFR land is specified iwi RFR land, settlement iwi RFR land, deferred selection RFR land, or specified area RFR land (whichever applies).
- (4) The giving of the notice does not, of itself, mean that an obligation has arisen under—
- (a) section 207(4) of the Education Act 1989; or
  - (b) section 23(1) or 24(4) of the New Zealand Railways Corporation Restructuring Act 1990; or
  - (c) section 40 of the Public Works Act 1981 or that section as applied by another enactment.

**199 Notice to trustees of disposals of RFR land to others**

- (1) An RFR landowner must give the trustees of the 1 or more offer trusts notice of the disposal of RFR land by the landowner

- to a person other than the trustees of an offer trust or their nominee.
- (2) The notice must be given on or before the day that is 20 working days before the day of the disposal.
  - (3) The notice must—
    - (a) specify the legal description of the land (including any interests affecting it) and identify any computer register that contains the land; and
    - (b) specify a street address for the land (if applicable); and
    - (c) identify the person to whom the land is being disposed of; and
    - (d) explain how the disposal complies with **section 179**; and
    - (e) if the disposal is being made under **section 179(3)**, include a copy of the written contract for the disposal.

**200 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 trustees of a recipient trust or their nominee (for example, under a contract formed under **section 184**); or
    - (ii) any other person (including the Crown or a Crown body) under **section 179(3)**; or
  - (b) 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 under—
    - (i) any of **sections 188 to 195**; or
    - (ii) anything referred to in **section 196(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—
  - (a) specify the legal description of the land and identify the computer register that contains the land; and
  - (b) specify the details of the transfer or vesting of the land.

**201 Notice requirements**

**Schedule 5** applies to notices given under this subpart by or to—

- (a) an RFR landowner; or
- (b) the trustees of an offer trust or a recipient trust.

*Memorials for RFR land***202 Recording memorials 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 that contain,—
  - (a) the RFR land for which there is a computer register on the settlement date; and
  - (b) the land for which there is a computer register that becomes RFR land after the settlement date; and
  - (c) the RFR land for which a computer register is first created after the settlement date.
- (2) The chief executive must issue a certificate as soon as is reasonably practicable after—
  - (a) the settlement date, for RFR land for which there is a computer register on the settlement date; or
  - (b) receiving a notice under **section 197** that the land has become RFR land or that a computer register has been created for 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 trustees of the 1 or more offer trusts 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 identified in the certificate that the land described in the certificate (and contained in the computer register) is—
  - (a) RFR land as defined by **section 178 of Parts 4 to 6**; and
  - (b) subject to this subpart of **Parts 4 to 6** (which restricts disposal, including leasing, of the land).

**203 Removal of memorials 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 200**, issue to the Registrar-General a certificate that—
  - (a) specifies the legal description of the land and identifies the computer register that contains the land; and
  - (b) specifies the details of the transfer or vesting of the land; and
  - (c) states that it is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts 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 remove any memorial recorded under **section 202** from the computer register identified in the certificate immediately before registering the transfer or vesting described in the certificate.

**204 Removal of memorials when RFR period ends**

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends for any RFR land, issue to the Registrar-General a certificate that—
  - (a) identifies each computer register for the RFR land for which the RFR period has ended that still has a memorial recorded on it under **section 202**; and
  - (b) states that it is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts 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 a memorial recorded under **section 202** from any computer register identified in the certificate.

*General provisions***205 Waiver and variation**

- (1) The trustees of the 1 or more offer trusts may, by notice to an RFR landowner, waive any of the rights the trustees have in relation to the landowner under this subpart.
- (2) The trustees of the 1 or more offer trusts 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.

**206 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.

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

- (1) **Subsection (3)** applies if an 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 documents; and
  - (b) has given the notices required by **subsection (2)**.
- (2) Notices must be given 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 5** apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees of the relevant offer trust, with all necessary modifications.
- (4) In this section, **RFR holder** means the 1 or more persons who have the rights and obligations of the trustees of an offer trust under this subpart, either because—
  - (a) they are the trustees of the offer trust; or

- (b) they have previously been assigned those rights and obligations under this section.
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**Schedule 1**  
**Statutory areas**

ss 39(2), 49

<b>Statutory area</b>	<b>Location</b>	<b>Iwi with association</b>
Rotokura / Cable Bay	As shown on OTS-202-43	Ngāti Tama ki Te Tau Ihu
Maungatapu	As shown on OTS-202-44	Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Matapehe	As shown on OTS-202-45	Ngāti Kōata
Lake Rotoiti, Nelson Lakes National Park	As shown on OTS-202-46	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Lake Rotoroa, Nelson Lakes National Park	As shown on OTS-202-47	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Abel Tasman Monument in Abel Tasman National Park	As shown on OTS-202-48	Ngāti Rārua
Westhaven (Te Tai Tapu) Marine Reserve and Westhaven (Whanganui Inlet) Wildlife Management Reserve	As shown on OTS-202-42	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Parapara Peak	As shown on OTS-202-49	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Pukeone / Mount Campbell	As shown on OTS-202-50	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Wharepapa / Arthur Range	As shown on OTS-202-51	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Moawhitu (Rangitoto ki te Tonga / D'Urville Island)	As shown on OTS-202-53	Ngāti Kōata
Askews Hill quarry site in Taipare Conservation Area	As shown on OTS-202-56	Ngāti Kōata

Statutory areas—*continued*

Statutory area	Location	Iwi with association
Penguin Bay (Rangitoto ki te Tonga / D'Urville Island)	As shown on OTS-202-57	Ngāti Kōata
Cullen Point	As shown on OTS-202-112	Ngāti Kōata
Queen Charlotte Sound / Tōtaranui and islands	As shown on OTS-202-59	Te Ātiawa o Te Waka-a-Māui
Hura (on Arapaoa Island)	As shown on OTS-202-60	Te Ātiawa o Te Waka-a-Māui
Para Swamp Wildlife Reserve	As shown on OTS-202-61	Ngāti Rārua
Wharehunga Bay Recreation Reserve (on Arapaoa Island)	As shown on OTS-202-62	Te Ātiawa o Te Waka-a-Māui
West of Separation Point / Te Matau	As shown on OTS-202-90	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Wairau Lagoons and Te Pokohiwi / Boulder Bank Historic Reserve	As shown on OTS-202-97	Ngāti Rārua
Wairau River Diversion Conservation Area	As shown on OTS-202-96	Ngāti Rārua
Wairau River, marginal strips	As shown on OTS-202-95	Ngāti Rārua
Te Anamāhanga / Port Gore	As shown on OTS-202-92	Te Ātiawa o Te Waka-a-Māui
Maitai River and its tributaries	As shown on OTS-202-64	Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Wairau River, Omaka River, and Ōpaoa River and their tributaries	As shown on OTS-202-65	Ngāti Rārua
Waimea River, Wairoa River, and Wai-iti River and their tributaries	As shown on OTS-202-66	Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Motueka River and its tributaries	As shown on OTS-202-67	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui

Statutory areas—*continued*

<b>Statutory area</b>	<b>Location</b>	<b>Iwi with association</b>
Tākaka River and its tributaries	As shown on OTS–202–68	Ngāti Tama ki Te Tau Ihu and Te Ātiawa o Te Waka-a-Māui
Aorere River and its tributaries	As shown on OTS–202–69	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Te Hoiere / Pelorus River and its tributaries	As shown on OTS–202–70	Ngāti Kōata, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Riuwaka River, and Resurgence, and its tributaries	As shown on OTS–202–71	Ngāti Rārua and Te Ātiawa o Te Waka-a-Māui
Waikawa Stream and its tributaries	As shown on OTS–202–72	Te Ātiawa o Te Waka-a-Māui
Waitohi River and its tributaries	As shown on OTS–202–73	Te Ātiawa o Te Waka-a-Māui
Paturau River and its tributaries	As shown on OTS–202–74	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Anatori River and its tributaries	As shown on OTS–202–75	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Buller River (northern portion) and its tributaries	As shown on OTS–202–98	Ngāti Rārua
Tuamarina River and its tributaries	As shown on OTS–202–99	Te Ātiawa o Te Waka-a-Māui
Moutere River and its tributaries	As shown on OTS–202–100	Te Ātiawa o Te Waka-a-Māui
Turimawiwi River and its tributaries	As shown on OTS–202–101	Te Ātiawa o Te Waka-a-Māui
Whangamoā River and its tributaries	As shown on OTS–202–102	Ngāti Kōata and Ngāti Tama ki Te Tau Ihu
Anaweka River and its tributaries	As shown on OTS–202–103	Ngāti Rārua

Statutory areas—*continued*

<b>Statutory area</b>	<b>Location</b>	<b>Iwi with association</b>
Kaka Point	As shown on OTS-202-113	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Kaiteriteri Scenic Reserve	As shown on OTS-202-122	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Otuhaereroa Island	As shown on OTS-202-129	Ngāti Kōata
Motuanauru Island	As shown on OTS-202-130	Ngāti Kōata
Te Tau Ihu coastal marine area	As shown on OTS-202-63	Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui

## Schedule 2 Overlay sites

ss 55(2), 56

Overlay site	Location	Description	Iwi with association
Te Waikoropupū Springs Scenic Reserve	As shown on OTS-202-31	<i>Nelson Land District—Tasman District</i> 25.6963 hectares, more or less, being Parts Lot 1 DP 6769, Lot 1 DP 11091, Section 1 SO 13886, and Sections 301 and 302 Takaka District.	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Heaphy Track (northern portion)	As shown on OTS-202-87	<i>Nelson Land District—Tasman District</i> Heaphy Track.	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Farewell Spit Nature Reserve	As shown on OTS-202-32	<i>Nelson Land District—Tasman District</i> 11423.4662 hectares, approximately, being Parts Section 3 Block III, Part Section 4 and Section 5 Block VIII Onetaua Survey District, and Crown land Onetaua Survey District.	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui

Overlay sites—*continued*

Overlay site	Location	Description	Iwi with association
Wairau Bar and Wairau Lagoons (part of the Conservation Area—Wairau Diversion Mouth and part of the Wairau Lagoons Wetland Management Reserve)	As shown on OTS-202-94	<i>Marlborough Land District—Marlborough District</i> Part Section 4 SO 437606, Section 3 Block I and Section 3 Block II Clifford Bay Survey District, Sections 3, 4, 5, and 6 Wairau District, Lot 1 DP 6087, Sections 9, 10, and 21 Opawa District, Part Sections 11 and 22 Opawa District, Lot 1 DP 6162, and Sections 1 and 30 Block XVII Cloudy Bay Survey District.	Ngāti Rārua
Takapourewa / Takapourewa Nature Reserve	As shown on OTS-202-107	<i>Nelson Land District—Marlborough District</i> 150.3314 hectares, more or less, being Sections 1, 2, and 3 SO 15162.	Ngāti Kōata
Whakaterepanui / Wakaterepanui Island Recreation Reserve	As shown on OTS-202-34	<i>Nelson Land District—Marlborough District</i> 60.7028 hectares, more or less, being Whakaterepanui Island ML 8462.	Ngāti Kōata

Overlay sites—*continued*

Overlay site	Location	Description	Iwi with association
French Pass Scenic Reserve	As shown on OTS-202-35	<i>Nelson Land District—Marlborough District</i> 13.9101 hectares, more or less, being Sections 9, 12, 13, and 14 Square 93.	Ngāti Kōata
Rangitoto ki te Tonga / D'Urville Island site	As shown on OTS-202-36	<i>Nelson Land District—Marlborough District</i> <i>Nelson Land District—Marlborough District</i> D'Urville Island Scenic Reserve: 5853.49 hectares, approximately, being Rangitoto 8B1, Part Lot 1 DP 3041, Sections 3 and 4 SO 428440, Parts Lot 2 DP 3893, Part Lot 1 DP 5231, Section 2 SO 436126, Lots 1 and 2 DP 5258, Parts Rangitoto 4A, Parts Section 12 Block VII D'Urville Survey District, Section 13 Block VIII D'Urville Survey District, Lot 1 DP 8133, Section 13 Block VII D'Urville Survey District, Rangitoto 6A, Part Rangitoto 5A, Part Rangitoto 5B3, Part Rangitoto 1B (but only the	Ngāti Kōata

Overlay sites—*continued*

Overlay site	Location	Description	Iwi with association
East Head	As shown on OTS-202-37	<p>surface), and Part Rangitoto 3B2 (but only the surface). Local purpose (site for a public hall) reserve: 0.3530 hectares, more or less, being Part Lot 2 DP 3893. Government purpose reserve for esplanade purposes: 1.6780 hectares, more or less, being Lots 8 and 9 DP 321686. Whareatea Bay marginal strip: Crown land (under action) Block VIII D'Urville Survey District.</p>	Te Ātiawa o Te Waka-a-Māui
The Brothers	As shown on OTS-202-38	<p><i>Marlborough Land District—Marlborough District</i> 12.0773 hectares, more or less, being Crown land Block XXII Gore</p>	Te Ātiawa o Te Waka-a-Māui



Overlay sites—*continued*

<b>Overlay site</b>	<b>Location</b>	<b>Description</b>	<b>Iwi with association</b>
		Survey District SO 4903.	

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**Schedule 3**  
**Cultural redress properties**  
Sites that vest in fee simple

ss 75, 117

Name of site	Description	Interests
Catherine Cove	<p><i>Nelson Land District—Marlborough District</i> 0.9590 hectares, more or less, being Sections 1 and 2 SO 428440 (excluding the subsoil held in computer freehold register NL3D/780). Part computer freehold register NL87/222 and part Proclamation 245.</p>	
Whangarae Bay (Okiwi Bay)	<p><i>Nelson Land District—Marlborough District</i> 0.1110 hectares, more or less, being Section 1 SO 430484. Part <i>Gazette</i> 1977, p 2084.</p>	<p>Subject to the fencing covenant referred to in <b>section 77(3)</b>. Together with the easement for a right to convey water referred to in <b>section 77(5)</b>. Subject to the easement instrument (containing restrictive covenants) referred to in <b>section 77(7)</b>.</p>
Glenhope (Kawatiri)	<p><i>Nelson Land District—Tasman District</i> 3.4090 hectares, more or less, being Sections 1 and 2 SO 427227. Part <i>Gazette</i> notices 197875.1 and 145403.</p>	<p>Together with the right of way easement referred to in <b>section 78(3)</b>.</p>
Kawatiri Confluence	<p><i>Nelson Land District—Tasman District</i> 2.0000 hectares, more or less, being Section 1 SO 436671. Part <i>Gazette</i> notice 145403 and part <i>Gazette</i> 1974, p 2383.</p>	

Cultural redress properties—*continued*

Name of site	Description	Interests
Wairau Pā	<i>Marlborough Land District—Marlborough District</i> 1.7217 hectares, more or less, being Section 1 SO 429787.	
Rārangi (Ngāti Rārua)	<i>Marlborough Land District—Marlborough District</i> 0.2500 hectares, more or less, being Section 1 SO 426990. Part transfer 123115.	
Wainui Road	<i>Nelson Land District—Tasman District</i> 0.2000 hectares, more or less, being Section 1 SO 426602.	
Tapu Bay (Kaiteriteri)	<i>Nelson Land District—Tasman District</i> 0.2000 hectares, more or less, being Section 1 SO 426800. Part computer interest register 497569.	
Umukuri Bay urupā (Arapaoa Island)	<i>Marlborough Land District—Marlborough District</i> 0.0964 hectares, more or less, being Section 1 SO 428470. Part <i>Gazette</i> notice 37281.	
Tapu Bay (Motueka)	<i>Nelson Land District—Tasman District</i> 0.1642 hectares, approximately, being Part Section 1 SO 426801. Part computer interest register 497569. Subject to survey. As shown as Section 1 on OTS-202-142.	Subject to the right of way easement referred to in <b>section 85(3)(a)</b> . Together with the right of way easements referred to in <b>section 85(3)(b) and (c)(i)</b> .

Cultural redress properties—*continued*

Name of site	Description	Interests
	0.1600 hectares, approximately, being Part Section 1 SO 426801. Part computer interest register 497569. Subject to survey. As shown as Section 2 on OTS-202-142.	Subject to the right of way easement referred to in <b>section 85(3)(b)</b> . Together with the right of way easements referred to in <b>section 85(3)(a) and (c)</b> .
	0.1701 hectares, approximately, being Part Section 1 SO 426801. Part computer interest register 497569. Subject to survey. As shown as Section 3 on OTS-202-142.	Subject to the right of way easement referred to in <b>section 85(3)(c)</b> . Together with the right of way easements referred to in <b>section 85(3)(a) and (b)</b> .
Pūponga Farm, Cape House	<i>Nelson Land District—Tasman District</i> 4.9739 hectares, more or less, being Section 1 SO 426796 (excluding coal held in computer freehold register NL33/168). Part computer freehold register NL11B/741.	Subject to the easement for a right to convey water referred to in <b>section 86(3)</b> .
Pūponga Farm, Triangle Flat	<i>Nelson Land District—Tasman District</i> 0.2339 hectares, more or less, being Section 1 SO 426797. Part <i>Gazette</i> 1976, p 2417.	
Puketawai	<i>Nelson Land District—Tasman District</i> 11.8284 hectares, more or less, being Section 1 SO 426273. Part <i>Gazette</i> notice 236390.2, part computer freehold register 264531, and balance computer freehold register NL2B/246 (limited as to parcels).	Subject to a covenant under section 108(2)(d) of the Resource Management Act 1991 (which affects the land formerly Part Sections 53, 95, 96, and 97 Block X Kaiteriteri Survey District). Subject to a right of way easement created by conveyance 17D-23241 (which affects the land formerly Part Section 67 Motueka District). Subject to the pedestrian right of way easement in

Cultural redress properties—*continued*

Name of site	Description	Interests
		gross (if any) referred to in <b>section 88(5)</b> . Together with a waste pipeline easement created by transfer 75179 (which affects the land formerly Part Sections 53, 95, 96, and 97 Block X Kaiteriteri Survey District).

## Sites that vest in fee simple subject to conservation covenants

Name of site	Description	Interests
Lucky Bay	<i>Nelson Land District—Marlborough District</i> 15.1500 hectares, more or less, being Section 1 SO 436126. Part computer freehold register NL134/63.	Subject to the conservation covenant referred to in <b>section 89(3)</b> .
Whangarae Estuary	<i>Nelson Land District—Marlborough District</i> 10.0900 hectares, more or less, being Section 2 SO 430484. Part <i>Gazette</i> 1977, p 2084.	Subject to the conservation covenant referred to in <b>section 90(3)</b> .
Wharf Road (Okiwi Bay)	<i>Nelson Land District—Marlborough District</i> 1.3500 hectares, more or less, being Section 1 SO 429448. Part <i>Gazette</i> 1914, p 3604.	Subject to the conservation covenant referred to in <b>section 91(3)</b> . Subject to an unregistered right of way easement with concession number PAC 10/04/185 (dated 25 March 2010) to F M and A G Ericson.

Cultural redress properties—*continued*

Name of site	Description	Interests
Te Tai Tapu (Snake Creek)	<i>Nelson Land District—Tasman District</i> 10.0775 hectares, more or less, being Section 4 SO 426795. Part computer freehold register NL7B/167.	Subject to the right of way easement in gross referred to in <b>section 92(3)(a)</b> . Subject to the conservation covenant referred to in <b>section 92(3)(b)</b> . Together with a right of way easement created by transfer 193282.2. Together with a right of way easement created by transfer 20989.
Coombe Rocks	<i>Marlborough Land District—Marlborough District</i> 1.5782 hectares, more or less, being Sections 1 and 2 SO 429090.	Subject to the conservation covenant referred to in <b>section 93(3)</b> .
Hori Bay	<i>Nelson Land District—Nelson City</i> 112.0000 hectares, more or less, being Section 1 SO 427909. Part <i>Gazette</i> 1980, p 1793.	Subject to the right of way easement in gross referred to in <b>section 94(3)(a)</b> . Subject to the conservation covenant referred to in <b>section 94(3)(b)</b> . Together with right of way easements created by instrument K3184.
Pakawau Inlet	<i>Nelson Land District—Tasman District</i> 1.0830 hectares, more or less, being Section 1 SO 426799. Part <i>Gazette</i> 1894, p 374.	Subject to the conservation covenant referred to in <b>section 95(3)</b> .
Onauku Bay (Arapaoa Island)	<i>Marlborough Land District—Marlborough District</i> 2.2120 hectares, more or less, being Section 1 SO 431107. Part Nelson Provincial Gazette 1857, p 52.	Subject to the conservation covenant referred to in <b>section 96(3)</b> .

Cultural redress properties—*continued*

Name of site	Description	Interests
Anatoia Islands	<i>Marlborough Land District—Marlborough District</i> 0.2157 hectares, more or less, being Sections 1, 2, 3, 4, 5, and 6 SO 426664.	Subject to the conservation covenant referred to in <b>section 97(3)</b> .
Te Tai Tapu (Anatori South)	<i>Nelson Land District—Tasman District</i> 14.9999 hectares, more or less, being Section 1 SO 426795. Part computer freehold register NL7B/167.	Subject to the conservation covenant referred to in <b>section 98(3)</b> . Together with a right of way easement created by transfer 193282.2. Together with a right of way easement created by transfer 20989.
Te Tai Tapu (Anatori North)	<i>Nelson Land District—Tasman District</i> 4.4394 hectares, more or less, being Section 3 SO 426795. Part computer freehold register NL7B/167.	Subject to the conservation covenant referred to in <b>section 99(3)</b> . Together with a right of way easement created by transfer 193282.2. Together with a right of way easement created by transfer 20989.

## Sites that vest in fee simple to be administered as reserves

Name of site	Description	Interests
Moukirikiri Island	<i>Nelson Land District—Marlborough District</i> 0.7360 hectares, more or less, being Section 1 SO 446888. Part <i>Gazette</i> 1980, p 629.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.

Cultural redress properties—*continued*

Name of site	Description	Interests
Pah Point (Whanganui Inlet)	<i>Nelson Land District—Tasman District</i> 1.0000 hectare, approximately, being Part Section 1 Square 17. Part computer freehold register NL7B/167. Subject to survey. As shown on OTS-202-06.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Together with a right of way easement created by transfer 193282.2. Together with a right of way easement created by transfer 20989.
Waikutakuta / Robin Hood Bay	<i>Marlborough Land District—Marlborough District</i> 0.0800 hectares, more or less, being Section 3 SO 428338. Part computer freehold register MB2D/634.	Recreation reserve subject to section 17 of the Reserves Act 1977.
Tākaka River Mouth	<i>Nelson Land District—Tasman District</i> 2 hectares, approximately, being Part Lot 1 DP 15245. Part computer freehold register NL9C/1308. Subject to survey. As shown on OTS-202-05.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Parapara Peninsula	<i>Nelson Land District—Tasman District</i> 11.17 hectares, approximately, being Lot 1 DP 8871 and Subdivisions 1A and 1B of Section 108 Takaka District. All transfer 250684.1. Subject to survey. As shown on OTS-202-93.	Historic reserve subject to section 18 of the Reserves Act 1977. Together with a pipeline and water easement specified in easement certificate 159309.1 (which affects Lot 1 DP 8871). Subject to a right of way easement specified in easement certificate 162410.1 (surrendered over part in favour of Lot 1 DP 16719 by transfer 339753.2, and subject to (now) section 243(a) of the Resource Management Act 1991).



Cultural redress properties—*continued*

Name of site	Description	Interests
Momorangi Point	<i>Marlborough Land District—Marlborough District</i> 0.2026 hectares, more or less, being Section 1 SO 429183. Part <i>Gazette</i> notice 69676.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to the easements for a right to convey water referred to in <b>section 105(5)</b> .
Wedge Point	<i>Marlborough Land District—Marlborough District</i> 2.0300 hectares, more or less, being Section 1 SO 426669. Part <i>Gazette</i> 1927, p 2527.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Ngākuta Point	<i>Marlborough Land District—Marlborough District</i> 2.3269 hectares, more or less, being Section 12 Block XI Linkwater Survey District. All <i>Gazette</i> 1912, p 704.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Ngaruru (Arapaoa Island)	<i>Marlborough Land District—Marlborough District</i> 4.2503 hectares, more or less, being Sections 1 and 3 SO 428534. Part <i>Gazette</i> notice 95422. 0.5783 hectares, more or less, being Section 2 SO 428534. Part <i>Gazette</i> notice 95422.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977 (which affects Sections 1 and 3 SO 428534). Subject to the conservation covenant referred to in <b>section 108(5)</b> (which affects Section 2 SO 428534).
Arapawa Māori Rowing Club site	<i>Marlborough Land District—Marlborough District</i> 0.0228 hectares, more or less, being Sections 1 and 2 SO 426964. Part <i>Gazette</i> notice 90101 and all <i>Gazette</i> 2012, p 3494.	Recreation reserve subject to section 17 of the Reserves Act 1977.

Cultural redress properties—*continued*

Name of site	Description	Interests
Katoa Point	<i>Marlborough Land District—Marlborough District</i> 92.2119 hectares, more or less, being Sections 1, 2, 3, and 4 SO 447705. Part <i>Gazette</i> notice 123314.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to an unregistered easement in gross for a right to convey underground electricity and phone cabling in favour of Marlborough Lines Limited with concession number PAC 10/04/146.
Moioio Island	<i>Marlborough Land District—Marlborough District</i> 0.7960 hectares, more or less, being Section 1 SO 446852. Part Proclamation 330.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Pūponga Point Pā site	<i>Nelson Land District—Tasman District</i> 14.8600 hectares, more or less, being Section 1 SO 426798. Part <i>Gazette</i> 1976, p 2417.	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to an unregistered guiding concession with concession number NM-30464-GUI to J Richards. Subject to an unregistered guiding concession with concession number NM-28415-GUI to M Cook. Subject to an unregistered guiding concession with concession number NM-28416-GUI to the trustees of the Ngāti Rarua Atiawa Iwi Trust. Subject to an unregistered guiding concession with concession number CA-22579-GUI to Sidetracks Limited. Subject to an unregistered guiding concession with concession number

Cultural redress properties—*continued*

Name of site	Description	Interests
Mātangi Āwhio (Nelson)	<i>Nelson Land District—Nelson City</i> 0.2061 hectares, more or less, being Section 1212 City of Nelson. All <i>Gazette</i> 1952, p 1290.	NM-22415-GUI to True New Zealand Adventures Limited. Subject to an unregistered guiding concession with concession number CA-28151-GUI to South Island Discovery Limited. Recreation reserve subject to section 17 of the Reserves Act 1977.
Pukatea / Whites Bay	<i>Marlborough Land District—Marlborough District</i> 1.3160 hectares, more or less, being Section 1 SO 429266. Part <i>Gazette</i> notice 30056 and part <i>Gazette</i> notice 54787.	Recreation reserve subject to section 17 of the Reserves Act 1977.
Horahora-kākahu	<i>Marlborough Land District—Marlborough District</i> 2.3470 hectares, more or less, being Section 1 SO 447529. All <i>Gazette</i> 1913, p 2821.	Historic reserve subject to section 18 of the Reserves Act 1977.
Tokomaru / Mount Robertson	<i>Marlborough Land District—Marlborough District</i> 49.6000 hectares, more or less, being Section 1 SO 426595. Part <i>Gazette</i> notice 135293.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to the right of way easement in gross referred to in <b>section 116(7)</b> . Subject to an unregistered telecommunications licence and easement with concession number NM-27041-TEL (dated

Cultural redress properties—*continued*

Name of site	Description	Interests
		5 May 2010) to Airways Corporation of New Zealand Limited.

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**Schedule 4**      **ss 131, 135(9), 136(6)**  
**Properties for delayed vesting or vesting  
and gifting back**

Name of site	Description
French Pass School and teachers' residence	<p><i>Nelson Land District—Marlborough District</i></p> <p>0.1012 hectares, approximately, being Part Section 3 Square 93. All <i>Gazette</i> notice 155826.</p> <p>0.0997 hectares, approximately, being Part Section 3 Square 93, as shown on DP 3886. All <i>Gazette</i> notice 175624.1. Subject to survey. As shown on OTS-202-115.</p>
Kaka Point	<p><i>Nelson Land District—Tasman District</i></p> <p>2.0209 hectares, more or less, being Part Section 16 Square 9 and Lot 1 DP 3286.</p> <p>As shown on OTS-202-10.</p>
Te Tai Tapu	<p><i>Nelson Land District—Tasman District</i></p> <p>28,600 hectares, approximately, being Lot 1 DP 11694, Section 5 SO 426795, and Sections 2, 4, and 6 and Parts Section 1 Square 17.</p> <p>As shown on SO 433299.</p>

**Schedule 5** **ss 201, 207(3)**  
**Notices in relation to RFR land**

**1 Requirements for giving notice**

A notice by or to an RFR landowner, or the trustees of an offer trust or recipient trust, under **subpart 4 of Part 6** must be—

- (a) in writing and signed by—
  - (i) the person giving it; or
  - (ii) at least 2 of the trustees of the trust, or the 1 trustee of the trust if it has only 1 trustee, for a notice given by the trustees; and
- (b) addressed to the recipient at the street address, postal address, or fax number—
  - (i) specified for the trustees in accordance with the relevant deed of settlement, for a notice to the trustees; or
  - (ii) specified by the RFR landowner in an offer made under **section 180**, specified in a later notice given to the trustees, or identified by the trustees as the current address or fax number of the RFR landowner, for a notice by the trustees to an RFR landowner; or
  - (iii) of the national office of LINZ, for a notice given to the chief executive of LINZ under **section 197 or 200**; and
- (c) 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.

**2 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.
- (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

Notices in relation to RFR land—*continued*

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