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Ngati Toa Rangatira Claims Settlement Act 2014

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Māori Development—Te Puni Kōkiri.

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Notices in relation to RFR land

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngati Toa Rangatira Claims Settlement Act 2014.

2 Commencement

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

Part 1
Preliminary matters and settlement of historical claims

Subpart 1—Purpose of Act, historical account, acknowledgements, and apology

3 Purpose

The purpose of this Act is to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngati Toa Rangatira.

4 Provisions take effect on settlement date

(1) The provisions of this Act 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.

5 Act binds the Crown

This Act binds the Crown.

6 Outline

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

(2) This Part—

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

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

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

(d) summarises the historical account from the deed of settlement and records the acknowledgements and the apology given by the Crown in the deed; and

(e) defines terms used in this Act, including key terms such as Ngati Toa Rangatira 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 limit on the duration of a trust; and

(v) access to the deed of settlement.

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

(a) a statutory acknowledgement by the Crown of the statements made by Ngati Toa Rangatira of their cultural, spiritual, historical, and traditional associations with certain statutory areas; and

(b) provision for deeds of recognition issued by the Crown to the trustee of the Toa Rangatira Trust; and

(c) the application of a nga paihau to certain nga paihau sites by the Crown's acknowledgement of the values of Ngati Toa Rangatira in relation to the relevant sites; and

(d) the vesting of cultural redress properties in the trustee of the Toa Rangatira Trust, in some cases jointly with the trustees of trusts for iwi under related settlements; and

(e) the alteration and assignment of names for certain geographic features; and

(f) the delayed vesting of the balance of Mana Island in the trustee of the Toa Rangatira Trust, and the vesting of the site back to the Crown as a gift from the trustee; and

(g) the vesting of 3 sites on Kapiti Island in the trustee of the Toa Rangatira Trust on various terms (one of which involves a vesting back to the Crown), and the establishment of a strategic advisory committee to perform functions in relation to parts of Kapiti Island; and

(h) provision for the trustee of the Toa Rangatira Trust to prepare and lodge a poutiaki plan with certain councils; and

(i) the establishment of a joint board to administer Whitireia Recreation Reserve and 2 additional reserves; and

(j) the appointment of the trustee of the Toa Rangatira Trust as the administering body of a Queen Elizabeth Park campground site; and

(k) 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 Toa Rangatira Trust and the related settlement trusts.

(4) Part 3 provides for commercial redress, including—

(a) authorisation for the transfer of commercial redress properties (including the licensed properties), commercial properties, and deferred selection properties to the trustee of the Toa Rangatira Trust to give effect to the deed of settlement; and

(b) provision for a right of access to certain protected sites on the licensed properties; and

(c) a right of first refusal in relation to RFR land that may be exercised by the trustee of the Toa Rangatira Trust (and, in some cases, the trustees of the related settlement trusts).

(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 nga paihau sites to which the nga paihau applies:

(c) Schedule 3 describes the cultural redress properties:

(d) Schedule 4 describes the properties to which the Kapiti Island redress relates:

(e) Schedule 5 sets out provisions that apply to notices given in relation to RFR land.

Section 6(2)(g)(iv): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

7 Historical account and the Crown's acknowledgements and apology

(1) Section 8 summarises the historical account from the deed of settlement, which provides a background to the deed of settlement.

(2) Sections 9 and 10 record the acknowledgements and the apology given by the Crown to Ngati Toa Rangatira in the deed of settlement.

8 Summary of historical account

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

(1) By 1840 Ngati Toa Rangatira had established a powerful position in the Cook Strait region with settlements in the lower North Island and upper South Island (Te Tau Ihu). Several Ngati Toa Rangatira chiefs, including Te Rauparaha and Te Rangihaeata, signed the Treaty of Waitangi.

(2) In 1839, Ngati Toa Rangatira signed the Kapiti deed with the New Zealand Company for approximately 20 million acres between Taranaki and north Canterbury. The oral translation of the English deed did not accurately convey its meaning and effect.

(3) Ngati Toa Rangatira opposed Company surveys in the Wairau. In 1843, an attempt by an armed party of Nelson settlers to arrest Te Rauparaha and Te Rangihaeata resulted in a violent clash and the deaths of twenty-two Europeans and up to nine Maori.

(4) A Crown-appointed commissioner investigated the Company's land claims covering Port Nicholson and Te Tau Ihu. In Port Nicholson the Crown established a process by which the Company could validate its purchases by paying additional money to Maori in return for the signing of deeds of release. In 1844 Te Rauparaha accepted £400 for the "surrender" of Ngati Toa Rangatira interests in Harataunga (the Hutt Valley). Te Rangihaeata only accepted a share of the money in 1845 but did not regard this payment as extinguishing the rights of allies from other iwi. The Crown treated the payment, which did not define the boundaries of Harataunga or provide any reserves, as extinguishing Ngati Toa Rangatira interests across the Port Nicholson block.

(5) In 1845 the commissioner recommended that the Company receive a grant of 151 000 acres in Te Tau Ihu. The Wairau was not included in his recommendation. The Crown later established reserves, some of which became known as "tenths" reserves, within the land granted to the Company at Port Nichol-

son and Nelson. Ngati Toa Rangatira did not receive a share in the "tenths" reserves despite their interests in Port Nicholson and Nelson settlement area.

(6) During 1845, Te Rangihaeata and his section of Ngati Toa Rangatira supported the claims of their allies living on disputed land north of Rotokakahi in the Hutt Valley. These tensions led to several violent incidents between Maori, settlers, and Crown troops. The Crown subsequently took political and military action against Te Rauparaha and Te Rangihaeata in order to establish its authority and reduce the power and influence of the senior Ngati Toa Rangatira chiefs. In July 1846 the Crown seized Te Rauparaha and several other Ngati Toa Rangatira chiefs at Porirua. The Crown detained Te Rauparaha without trial for 18 months. Crown forces pursued Te Rangihaeata who withdrew into Horowhenua.

(7) In 1847, whilst Te Rauparaha was in captivity and Te Rangihaeata in exile, the Crown purchased the Wairau and Porirua districts from several younger Ngati Toa Rangatira chiefs who hoped to secure Te Rauparaha's release. Reserves of over 100 000 acres were set aside in the Wairau and over 10 000 acres in Porirua.

(8) Between 1853 and 1865 the Crown's Te Waipounamu, Whareroa, Wainui, Papakowhai, and Mana Island purchases further reduced the lands remaining in Ngati Toa Rangatira ownership. The Waipounamu deed repurchased nearly all of the large Wairau reserve. Between 1897 and 1911 the Crown, after prohibiting the sale or leasing of Kapiti Island to private interests, bought the majority of Kapiti Island from Ngati Toa Rangatira.

(9) By 1926 most of the Ngati Toa Rangatira reserves at Porirua had been alienated. Ngati Toa Rangatira gifted 500 acres at Whitireia to the Crown for the establishment of a school. When no school was established Ngati Toa Rangatira sought unsuccessfully to have the land returned. In 1948 and 1960 the Crown took several hundred acres of Ngati Toa Rangatira land at Takapuwahia under public works legislation for general housing purposes. Over time, the application of the native land laws led to most of the Porirua reserves being partitioned into smaller subsections. Today Ngati Toa Rangatira are virtually landless.

(10) Porirua harbour, an important food resource for Ngati Toa Rangatira, was adversely affected by pollution and sewage generated by urban development. This has had a severe impact on the ability of Ngati Toa Rangatira to use and protect traditional resources.

9 Text of acknowledgements

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

(1) The Crown acknowledges that it has failed to deal with the long-standing grievances of Ngati Toa Rangatira in an appropriate way and that recognition of these grievances is long overdue.

(2) The Crown acknowledges that it failed to adequately protect the interests of Ngati Toa Rangatira during the process by which it acquired their interests in the Port Nicholson Block, and this was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(3) The Crown acknowledges that the conflict between Ngati Toa Rangatira and European settlers at Tuamarina Stream in June 1843 had a detrimental effect on the relationship between Ngati Toa Rangatira and the Crown and was part of the context of the Crown's Wairau purchase from Ngati Toa Rangatira in 1847.

(4) The Crown acknowledges that—

(a) Te Rauparaha took no direct part in the fighting between Maori and Crown troops in the Hutt Valley prior to his capture by the Crown in July 1846; and

(b) its detention of Te Rauparaha for 18 months without trial in 1846–48 assumed the character of indefinite detention without trial and was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(5) The Crown acknowledges that in 1846 and 1847 it undermined the power and influence of the key Ngati Toa Rangatira leaders, Te Rauparaha and Te Rangihaeata, by seizing and detaining Te Rauparaha, and pressuring other Ngati Toa Rangatira leaders to agree to the Wairau and Porirua deeds in the absence of Te Rauparaha and Te Rangihaeata. The Crown acknowledges that this was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(6) The Crown acknowledges that it failed to adequately protect the interests of Ngati Toa Rangatira and breached Te Tiriti o Waitangi/the Treaty of Waitangi and its principles when—

(a) it failed to ensure sufficient, suitable reserve lands were maintained for the future use and benefit of Ngati Toa Rangatira when the Crown purchased a large amount of land from Ngati Toa Rangatira between 1844 and 1865; and

(b) it did not establish timely processes to ensure that Ngati Toa Rangatira obtained an interest in those reserves in the Wellington and Nelson areas that later became known as "tenths" reserves.

(7) The Crown acknowledges that the operation and impact of the native land laws on the remaining lands of Ngati Toa Rangatira, in particular the awarding of land to individual Ngati Toa Rangatira rather than to iwi or hapu, made those lands more susceptible to partition, fragmentation, and alienation. This contributed to the further erosion of the traditional tribal structures of Ngati Toa Rangatira. The Crown failed to take adequate steps to protect those structures and this was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(8) The Crown acknowledges that—

(a) the Taupo block was originally reserved for Ngati Toa Rangatira from the Crown's Porirua purchase in 1847:

(b) despite the Native Land Court ordering in 1881 that a Ngati Toa Rangatira urupa on the Taupo No. 2 block be made "absolutely inalienable" the Crown allowed the urupa to be reduced to one acre in 1896:

(c) in the 1920s it was reduced to approximately one-tenth of an acre to make the block available for leasing and development:

(d) these actions led to koiwi being reinterred in common graves.

(9) The Crown acknowledges that in 1848 Ngati Toa Rangatira gifted 500 acres of land at Whitireia to the Crown to establish a college. The Crown further acknowledges that Ngati Toa Rangatira sought to regain the land when a college was not constructed, but were unsuccessful in doing so, and that this has remained a significant grievance for Ngati Toa Rangatira to today. The Crown continues to own this land.

(10) The Crown acknowledges that—

(a) at 1895 Kapiti Island was one of the last remaining areas of Ngati Toa Rangatira land:

(b) Ngati Toa Rangatira strongly objected to legislation promoted by the Crown to acquire Kapiti Island for a nature reserve:

(c) the Kapiti Island Public Reserve Act 1897 gave the Crown a monopoly over purchasing land on Kapiti Island:

(d) between 1897 and 1911 the Crown purchased the individual interests of the majority of the Ngati Toa Rangatira owners of Kapiti Island.

The Crown acknowledges that the loss of ownership of Kapiti Island has remained a source of grievance and sorrow for Ngati Toa Rangatira.

(11) The Crown acknowledges that during the twentieth century it significantly reduced the lands remaining in Ngati Toa Rangatira ownership for their present and future needs by compulsorily acquiring several hundred acres of land at and around their core settlement at Takapuwahia for housing and public works purposes. The Crown further acknowledges that this land has contributed to the development of the wider Porirua region.

(12) The Crown acknowledges that the cumulative effect of successive Crown purchases of Ngati Toa Rangatira land and the Crown's failure to provide sufficient reserves left Ngati Toa Rangatira virtually landless. The Crown's failure to ensure that Ngati Toa Rangatira retained sufficient land for their present and future needs was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(13) The Crown acknowledges that pollution, reclamation, and public works have had a damaging impact on the shellfish and other kai moana resources in the Porirua Harbour, and that the loss of this formerly abundant resource has adversely affected the cultural and spiritual well-being of Ngati Toa Rangatira.

10 Text of apology

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

(1) The Crown recognises that a number of Ngati Toa Rangatira, including Te Rauparaha and Te Rangihaeata, signed Te Tiriti o Waitangi/the Treaty of Waitangi in 1840. The Crown profoundly regrets that it has not always lived up to its obligations to Ngati Toa Rangatira under Te Tiriti o Waitangi/the Treaty of Waitangi. Accordingly, the Crown makes this apology to Ngati Toa Rangatira, to their ancestors, and to their descendants.

(2) The Crown unreservedly apologises for the breaches of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles which have hurt and caused prejudice to Ngati Toa Rangatira. The Crown is deeply sorry for its actions that intentionally undermined the mana and rangatiratanga of leading Ngati Toa Rangatira chiefs. In particular the Crown apologises for its indefinite detention of Te Rauparaha, and deeply regrets that it has failed, until now, to acknowledge this injustice in an appropriate manner.

(3) The Crown profoundly regrets and apologises for its actions that left Ngati Toa Rangatira with few landholdings by 1865, and its ongoing failure to protect their remaining landholdings, which has left Ngati Toa Rangatira virtually landless and unable to access customary resources and significant sites.

(4) The Crown deeply regrets the cumulative effect of its actions and omissions which severely damaged Ngati Toa Rangatira social and traditional tribal structures, their autonomy and ability to exercise customary rights and responsibilities, their capacity for economic and social development, and physical, cultural, and spiritual well-being.

(5) With this apology and settlement the Crown seeks to atone for these wrongs, restore its tarnished honour and begin the process of healing. The Crown hopes that this apology and settlement will mark the beginning of a new, positive, and enduring relationship with Ngati Toa Rangatira founded on mutual trust and co-operation and respect for Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Subpart 2—Interpretation

11 Interpretation of Act generally

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

12 Interpretation

(1) In this Act, 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 162 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 property means a property—

(a) listed in table 1 or 2 in part 8 of the property redress schedule of the deed of settlement; and

(b) to which paragraph 6.9 of part 6 of that schedule applies; and

(c) in respect of which the agreement for sale and purchase (formed under that paragraph 6.9) has not been cancelled

commercial redress property means—

(a) a property—

(i) listed in table 1 or 2 in part 8 of the property redress schedule of the deed of settlement; and

(ii) to which paragraph 6.7 of part 6 of that schedule applies; and

(b) the commercial redress property for no consideration; and

(c) a licensed property

commercial redress property for no consideration means the property listed in table 3 in part 8 of the property redress schedule of the deed of settlement

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

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 59

date of the deed of settlement means 7 December 2012

deed of recognition—

(a) means a deed of recognition issued under section 34 to the trustee of the Toa Rangatira 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 34

deed of settlement—

(a) means the deed of settlement for Ngati Toa Rangatira dated 7 December 2012, entered into by the Crown, Ngati Toa Rangatira, and the Toa Rangatira Trust, including any schedules or attachments and including any amendments; but

(b) in section 183 and Schedule 5, for a related settlement iwi, means the deed of settlement for that iwi defined by section 18(1) of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 or section 21(1) of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014

deferred selection property means a property—

(a) listed in table 1 or 2 in part 8 of the property redress schedule of the deed of settlement; and

(b) that is not a commercial redress property or a commercial property; and

(c) that the trustee of the Toa Rangatira Trust has elected to purchase from the Crown by giving notice under paragraph 4.5.2 of part 4 of that schedule; and

(d) in respect of which the agreement for sale and purchase (formed under paragraph 4.7 of that part 4) has not been cancelled

deferred selection RFR land has the meaning given by section 183

Director-General means the Director-General of Conservation

disposed early RFR NZTA land has the meaning given by section 183

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

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

general RFR land has the meaning given by section 183

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

historical claims has the meaning given by section 15

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 the following, the land holding agency specified for the property in part 8 of the property redress schedule of the deed of settlement:

(i) a commercial redress property (other than a licensed property):

(ii) a commercial property:

(iii) a deferred selection property:

(b) for a licensed property, LINZ

licensed property—

(a) means a property listed as a licensed land property in part 3 of the property redress schedule of the 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 Ngati Toa Rangatira, means an individual referred to in section 14(1)(a)

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

New Zealand Transport Agency means the agency established by section 93 of the Land Transport Management Act 2003

nga paihau has the meaning given by section 40(1)

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 13

related settlement trust has the meaning given by section 13

representative entity means—

(a) the trustee of the Toa Rangatira Trust; and

(b) any person (including any trustees) acting for, or on behalf of,—

(i) the collective group referred to in section 14(1)(a); or

(ii) 1 or more members of Ngati Toa Rangatira; or

(iii) 1 or more of the whānau, hapū, or groups referred to in section 14(1)(c)

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

RFR land has the meaning given by section 184

settlement date means the date that is 70 working days after the date on which this Act comes into force

statutory acknowledgement has the meaning given by section 24(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)

strategic advisory committee means the committee established by section 121 to perform certain functions in relation to the Kapiti Island reserve sites (as defined by section 107(2))

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)

trustees means the trustees of a trust acting in their capacity as trustees

working day means a day of the week other than—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

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

(c) a day in the period starting on 25 December in a year and ending on 15 January in the following year; and

(d) the day observed as the anniversary of the province of Nelson, Marlborough, or Wellington.

(2) In this Act, 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.

Section 12(1) **Heritage New Zealand Pouhere Taonga**: inserted, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 12(1) **Historic Places Trust**: repealed, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 12(1) **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

13 Interpretation: iwi and trusts

In this Act, unless the context requires another meaning,—

Ngāti Apa ki te Rā Tō has the meaning given by section 20(1) of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014

Ngāti Apa ki te Rā Tō Trust has the meaning given by section 19 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014

Ngāti Kōata has the meaning given by section 23(1) of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014

Ngāti Kuia has the meaning given by section 20(1) of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014

Ngāti Rārua has the meaning given by section 23(1) of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014

Ngāti Rārua Settlement Trust has the meaning given by section 22 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014

Ngāti Tama ki Te Tau Ihu has the meaning given by section 23(1) of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014

Ngāti Tama ki Te Waipounamu Trust has the meaning given by section 22 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014

Ngati Toa Rangatira has the meaning given by section 14(1)

Rangitāne o Wairau has the meaning given by section 20(1) of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014

Rangitāne o Wairau Settlement Trust has the meaning given by section 19 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014

related settlement iwi means each of the following iwi:

(a) Ngāti Apa ki te Rā Tō:

(b) Ngāti Kuia:

(c) Rangitāne o Wairau:

(d) Ngāti Kōata:

(e) Ngāti Rārua:

(f) Ngāti Tama ki Te Tau Ihu:

(g) Te Ātiawa o Te Waka-a-Māui

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:

(d) for Ngāti Kōata, Te Pātaka a Ngāti Kōata:

(e) for Ngāti Rārua, the Ngāti Rārua Settlement Trust:

(f) for Ngāti Tama ki Te Tau Ihu, the Ngāti Tama ki Te Waipounamu Trust:

(g) 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 23(1) of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014

Te Ātiawa o Te Waka-a-Māui Trust has the meaning given by section 22 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014

Te Pātaka a Ngāti Kōata has the meaning given by section 22 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014

Te Runanga o Ngāti Kuia Trust has the meaning given by section 19 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014

Toa Rangatira Trust means the trust with that name established by a deed of trust dated 4 December 2012.

14 Meaning of Ngati Toa Rangatira

(1) In this Act, **Ngati Toa Rangatira**—

(a) means the collective group composed of individuals who are descended from both—

(i) Toa Rangatira; and

(ii) any other recognised ancestor of Ngati Toa Rangatira who migrated permanently to the area of interest of Ngati Toa Rangatira in the nineteenth century and who exercised customary rights predominantly within that area; 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,—

area of interest of Ngati Toa Rangatira means the area of interest of Ngati Toa Rangatira shown in part 1 of the attachments to the deed of settlement

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 means that a person is descended from another person by—

(a) birth; or

(b) legal adoption; or

(c) Māori customary adoption in accordance with the tikanga (customary values and practices) of Ngati Toa Rangatira.

15 Meaning of historical claims

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

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

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

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

(2) The historical claims are every claim that Ngati Toa Rangatira or a representative entity had on or before the settlement date, or may have after 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 Ngati Toa Rangatira or a representative entity, including each of the following claims, to the extent that subsection (2) applies to the claim:

(i) Wai 60—Parai estate, Takapuwahia C2A3 block claim:

(ii) Wai 207—Ngati Toa lands claim:

(iii) Wai 690—Ngati Tera lands and reserves (Porirua) claim:

(iv) Wai 722—Takapuwahia and other blocks (public works) 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 Ngati Toa Rangatira or a representative entity:

(i) Wai 102—Te Runanganui o Te Tau Ihu o Te Waka a Maui Inc claims:

(ii) Wai 172—Makara lands claim:

(iii) Wai 437—Koha Ora and Church Mission Society land claim:

(iv) Wai 648—Grace Saxton, George Hori Toms, and colonial laws of succession claim:

(v) Wai 1622—Ngati Toa (Taueki) claim:

(vi) Wai 1624—Ngati Toarangatira (Matenga) claim:

(vii) Wai 1626—Descendants of Hoani Te Puna/Rangiriri Taipua claim:

(viii) Wai 2361—The Kapiti and Motungararo Islands (Webber) claim.

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

(a) a claim that a member of Ngati Toa Rangatira, or a whānau, hapū, or group referred to in section 14(1)(c), 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 section 14(1)(a); or

(b) a claim that a representative entity had or may have that is, or is founded on, a claim described in paragraph (a).

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

Subpart 3—Settlement of historical claims

Historical claims settled and jurisdiction of courts, etc, removed

16 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 deed of settlement.

(4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction

to inquire or further inquire, or to make a finding or recommendation) in respect of—

(a) the historical claims; or

(b) the deed of settlement; or

(c) this Act or the Haka Ka Mate Attribution Act 2014; or

(d) the redress provided under the deed of settlement, this Act, or the Haka Ka Mate Attribution Act 2014.

(5) Subsection (4) does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the deed of settlement, this Act, or the Haka Ka Mate Attribution Act 2014.

Consequential amendment to Treaty of Waitangi Act 1975

17 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 "Ngati Toa Rangatira Claims Settlement Act 2014, section 16(4) and (5)".

Protections no longer apply

18 Certain enactments do not apply

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

(a) to land in the Wellington Land District that is—

(i) a cultural redress property; or

(ii) a commercial redress property; or

(iii) general RFR land; or

(iv) disposed early RFR NZTA land; or

(b) to each of the following properties in the Wellington Land District, but only on and from the date on which the property is transferred to the trustee of the Toa Rangatira Trust:

(i) a commercial property:

(ii) a deferred selection property (other than deferred selection RFR land); or

(c) to deferred selection RFR land in the Wellington Land District, but only on and from the date on which the land is transferred to the trustee of the Toa Rangatira Trust; or

(d) to land in the Nelson Land District or Marlborough Land District; or

(e) for the benefit of Ngati Toa Rangatira 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 568 to 570 of the Education and Training Act 2020:

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

(e) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990.

Section 18(2)(c): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

19 Removal of memorials

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

(a) that is—

(i) all or part of a cultural redress property; or

(ii) all or part of a commercial redress property; or

(iii) general RFR land; or

(iv) disposed early RFR NZTA land; or

(v) all or part of a commercial property; or

(vi) all or part of a deferred selection property (other than deferred selection RFR land); or

(vii) deferred selection RFR land; and

(b) that is subject to a memorial recorded under any enactment listed in section 18(2).

(2) 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 18(2).

(3) The chief executive of LINZ must issue a certificate under subsection (1) as soon as is reasonably practicable after—

(a) the settlement date, for the following:

(i) a cultural redress property:

(ii) a commercial redress property:

(iii) general RFR land:

(iv) disposed early RFR NZTA land; or

(b) the date on which the property is transferred to the trustee of the Toa Rangatira Trust under section 169, for the following:

(i) a commercial property:

(ii) a deferred selection property (other than deferred selection RFR land); or

(c) the date on which the land is transferred to the trustee of the Toa Rangatira Trust (for example, under section 169 or under a contract formed under section 190), for deferred selection RFR land.

(4) The chief executive of LINZ must issue a certificate under subsection (2) as soon as is reasonably practicable after the settlement date.

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

(6) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under subsection (1),—

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

(b) remove any memorial recorded under an enactment listed in section 18(2) from each computer register identified in the certificate, but only in respect of each allotment described in the certificate.

(7) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under subsection (2), remove any memorial recorded under an enactment listed in section 18(2) from each computer register identified in the certificate.

Subpart 4—Other matters

20 Limit on duration of trusts does not apply

(1) No rule of law or provisions of an Act limiting the duration of a trust, including section 16 of the Trusts Act 2019,—

(a) prescribe or restrict the period during which—

(i) the Toa Rangatira Trust may exist in law; or

(ii) the trustee of the Toa Rangatira Trust may hold or deal with property (including income derived from property); or

(b) apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective.

(2) However, if the Toa Rangatira Trust is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

Section 20 heading: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 20(1): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 20(2): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

21 Access to deed of settlement

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

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

22 Provisions of other Acts that have same effect

If a provision in this Act has the same effect as a provision in 1 or both of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 and the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014, the provisions must be given effect to only once as if they were 1 provision.

23 Amendment to Fisheries (South Island Customary Fishing) Regulations 1999

(1) This section amends the Fisheries (South Island Customary Fishing) Regulations 1999.

(2) In regulation 2(1), definition of **tangata whenua**, replace paragraph (b)(v) with:

(v) Te Runanga o Toa Rangatira Incorporated; or

Part 2
Cultural redress

Subpart 1—Statutory acknowledgement and deeds of recognition

Statutory acknowledgement

24 Interpretation

(1) In this Act, **statutory acknowledgement** means the acknowledgement made by the Crown in section 25 in respect of each statutory area, on the terms set out in this subpart.

(2) In this subpart,—

coastal statutory area means a statutory area described in Schedule 1 under the heading "Coastal statutory areas"

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

statements of association means the statements—

(a) made by Ngati Toa Rangatira of their particular cultural, spiritual, historical, and traditional association with the statutory areas (except the coastal statutory areas); and

(b) that are in the form set out in part 2.1 of the documents schedule of the deed of settlement

statements of coastal values means the statements—

(a) made by Ngati Toa Rangatira of their particular values relating to the coastal statutory areas; and

(b) that are in the form set out in part 2.2 of the documents schedule of the 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.

25 Statutory acknowledgement by the Crown

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

26 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

(a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, as provided for in sections 27 to 29; and

(b) to require relevant consent authorities to provide summaries of resource consent applications, or copies of notices of resource consent applications, to the trustee of the Toa Rangatira Trust, as provided for in section 31; and

(c) to enable the trustee of the Toa Rangatira Trust and members of Ngati Toa Rangatira to cite the statutory acknowledgement as evidence of the association of Ngati Toa Rangatira with a statutory area, as provided for in section 32.

Section 26(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

27 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 trustee of the Toa Rangatira Trust is an affected person 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.

28 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 trustee of the Toa Rangatira Trust is a person who has 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.

29 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 29: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

30 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 24 to 33 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.

31 Provision of summaries or notices of certain applications to trustee

(1) Each relevant consent authority must, for a period of 20 years starting on the effective date, provide the following to the trustee of the Toa Rangatira Trust 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 trustee of the Toa Rangatira Trust 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 trustee of the Toa Rangatira Trust is an affected person in relation to an activity.

32 Use of statutory acknowledgement

(1) The trustee of the Toa Rangatira Trust and any member of Ngati Toa Rangatira may, as evidence of the association of Ngati Toa Rangatira 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 Heritage New Zealand Pouhere Taonga concerning activities within, adjacent to, or directly affecting the statutory area.

(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) Heritage New Zealand Pouhere Taonga:

(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 trustee of the Toa Rangatira Trust nor members of Ngati Toa Rangatira are precluded from stating that Ngati Toa Rangatira 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.

Section 32(1): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

33 Trustee may waive rights

(1) The trustee of the Toa Rangatira Trust may waive the right to be provided with summaries, and copies of notices, of resource consent applications under section 31 in relation to a statutory area.

(2) The trustee may waive the right to have a relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga have regard to the statutory acknowledgement under sections 27 to 29 in relation to a coastal statutory area.

(3) Rights must be waived by written notice to the relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga 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.

Section 33(2): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 33(3): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Deeds of recognition

34 Issue and amendment of deeds of recognition

(1) Deeds of recognition must be issued to the trustee of the Toa Rangatira Trust in respect of each statutory area indicated in the third column in Schedule 1.

(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 of the documents schedule of the deed of settlement.

(5) The person or people who issue a deed of recognition may amend the deed, but only with the written consent of the trustee.

General provisions

35 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.

36 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 Ngati Toa Rangatira 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.

37 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 the deed of settlement.

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

38 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

39 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 "Ngati Toa Rangatira Claims Settlement Act 2014".

Subpart 2—Nga paihau

40 Interpretation

(1) In this Act, **nga paihau** means the application of this subpart to each nga paihau site.

(2) In this subpart,—

Conservation Board means a board established under section 6L of the Conservation Act 1987

iwi values, for each nga paihau site, means the values stated by Ngati Toa Rangatira in their statements of iwi values

New Zealand Conservation Authority means the authority established by section 6A of the Conservation Act 1987

nga paihau site—

(a) means a site that is declared under section 41 to be subject to the nga paihau; but

(b) does not include an area that is declared under section 55(1) to no longer be subject to the nga paihau

protection principles, for a nga paihau site, means the protection principles set out for the site in paragraph 4 of part 1 of the documents schedule of the deed of settlement, including any amendments made to the principles under section 44(3)

specified actions, for a nga paihau site, means the actions set out for the site in paragraph 5 of part 1 of the documents schedule of the deed of settlement

statements of iwi values, for each nga paihau site, means the statements—

(a) made by Ngati Toa Rangatira of their values relating to their cultural, spiritual, historical, and traditional association with the nga paihau site; and

(b) that are in the form set out in paragraph 3 of part 1 of the documents schedule of the deed of settlement.

41 Declaration of nga paihau

Each site described in Schedule 2 is declared to be subject to the nga paihau.

42 Acknowledgement by the Crown of statements of iwi values

The Crown acknowledges the statements of iwi values in relation to the nga paihau sites.

43 Purposes of nga paihau

The only purposes of the nga paihau are—

(a) to require the New Zealand Conservation Authority and relevant Conservation Boards to consult the trustee of the Toa Rangatira Trust and to have particular regard to the statements of iwi values, the protection principles, and the views of the trustee of the Toa Rangatira Trust, as provided for in sections 45 and 46; and

(b) to require the New Zealand Conservation Authority to give the trustee of the Toa Rangatira Trust an opportunity to make submissions, as provided for in section 47; and

(c) to enable the taking of action under sections 48 to 53.

44 Agreement on protection principles

(1) The trustee of the Toa Rangatira Trust 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 a nga paihau site; or

(b) the diminishing of the iwi values in relation to a nga paihau site.

(2) The protection principles set out in paragraph 4.1 of part 1 of the documents schedule of the deed of settlement are to be treated as having been agreed by the trustee of the Toa Rangatira Trust and the Minister of Conservation.

(3) The trustee of the Toa Rangatira Trust and the Minister of Conservation may agree in writing to any amendments to the protection principles.

45 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 a nga paihau site, it must have particular regard to—

(a) the statements of iwi values for the site; and

(b) the protection principles for the site.

46 New Zealand Conservation Authority and Conservation Boards to consult trustee

Before approving a conservation management strategy, conservation management plan, or national park management plan in relation to a nga paihau site, the New Zealand Conservation Authority or a Conservation Board must—

(a) consult the trustee of the Toa Rangatira Trust; and

(b) have particular regard to the views of the trustee of the Toa Rangatira Trust 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.

47 Conservation management strategy

If the trustee of the Toa Rangatira Trust advises the New Zealand Conservation Authority in writing that it has significant concerns about a draft conservation management strategy in relation to a nga paihau site, the New Zealand Conservation Authority must, before approving the strategy, give the trustee an opportunity to make submissions in relation to those concerns.

48 Noting of nga paihau

(1) The application of the nga paihau to a nga paihau 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 nga paihau 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.

49 Notification in *Gazette*

(1) The Minister of Conservation must notify the following in the *Gazette*:

(a) the application of the nga paihau to each nga paihau site, as soon as practicable after the settlement date; and

(b) the protection principles for each nga paihau site, as soon as practicable after the settlement date; and

(c) any amendment to the protection principles agreed under section 44(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 50 or 51.

50 Actions by Director-General

(1) The Director-General must take action in relation to the protection principles that relate to a nga paihau 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 trustee of the Toa Rangatira Trust in writing of any action intended to be taken.

51 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 a nga paihau 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 Conservation Act 1987 or section 46(1) to (4) of the National Parks Act 1980, as the case may be.

52 Regulations

(1) 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 51(1):

(b) to regulate or prohibit activities or conduct by members of the public in relation to a nga paihau 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.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 52(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

53 Bylaws

(1) 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 51(1):

(b) to regulate or prohibit activities or conduct by members of the public in relation to a nga paihau 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.

(2) Bylaws under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 53(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

54 Existing classification of nga paihau sites

(1) This section applies if the nga paihau 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 nga paihau 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.

55 Termination of nga paihau

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that all or part of a nga paihau site is no longer subject to the nga paihau.

(2) The Minister of Conservation must not make a recommendation for the purposes of subsection (1) unless—

(a) the trustee of the Toa Rangatira Trust and the Minister of Conservation have agreed in writing that the nga paihau 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 nga paihau site.

(4) The Crown must take reasonable steps to ensure that the trustee of the Toa Rangatira Trust continues to have input into the management of the relevant area.

(5) The Minister of Conservation must ensure that an order under this section is published in the *Gazette*.

Section 55(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

56 Exercise of powers and performance of functions and duties

(1) The nga paihau 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 a nga paihau site than that person would give if the site were not subject to the nga paihau.

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

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

57 Rights not affected

(1) The nga paihau does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

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

58 Limitation of rights

(1) The nga paihau does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a nga paihau site.

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

Subpart 3—Vesting of cultural redress properties

59 Interpretation

In this Act, 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

(a) Rarangi (Ngati Toa Rangatira):

(b) Akatarawa Road conservation area:

(c) former Tuamarina school house:

(d) Rangihaeata:

(e) Pelorus Bridge:

(f) Titahi Bay Road site A:

(g) Titahi Bay Road site B:

Sites that vest in fee simple subject to conservation covenants

(h) Waikutakuta / Robin Hood Bay:

(i) Elaine Bay:

Sites that vest in fee simple to be administered as reserves

(j) Whitianga site:

(k) Te Mana a Kupe:

(l) Taputeranga Island:

(m) Onehunga Bay:

(n) Wainui:

(o) Te Onepoto Bay:

(p) Te Arai o Wairau:

(q) Pukatea / Whites Bay:

(r) Horahora-kākahu:

(s) Tokomaru / Mount Robertson:

Sites that vest in fee simple to be held as Maori reservations

(t) Taupo urupa:

(u) Whitireia urupa

jointly vested site means each of the following sites:

(a) Pukatea / Whites Bay:

(b) Horahora-kākahu:

(c) Tokomaru / Mount Robertson

reserve site means each of the 10 sites in paragraphs (j) to (s) of the definition of cultural redress property.

Sites that vest in fee simple

60 Rarangi (Ngati Toa Rangatira)

(1) Rarangi (Ngati Toa Rangatira) ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Rarangi (Ngati Toa Rangatira) then vests in the trustee of the Toa Rangatira Trust.

61 Akatarawa Road conservation area

(1) Akatarawa Road conservation area ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Akatarawa Road conservation area then vests in the trustee of the Toa Rangatira Trust.

62 Former Tuamarina school house

The fee simple estate in the former Tuamarina school house vests in the trustee of the Toa Rangatira Trust.

63 Rangihaeata

(1) Rangihaeata ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Rangihaeata then vests in the trustee of the Toa Rangatira Trust.

64 Pelorus Bridge

(1) The reservation of Pelorus Bridge (being part of Pelorus Bridge Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Pelorus Bridge then vests in the trustee of the Toa Rangatira Trust.

65 Titahi Bay Road site A

The fee simple estate in Titahi Bay Road site A vests in the trustee of the Toa Rangatira Trust.

66 Titahi Bay Road site B

(1) The fee simple estate in Titahi Bay Road site B vests in the trustee of the Toa Rangatira Trust.

(2) Subsection (1) does not take effect until the trustee of the Toa Rangatira Trust has provided Porirua City Council with—

(a) a registrable easement in gross for the following rights on the terms and conditions set out in part 4.6 of the documents schedule of the deed of settlement:

(i) a right to drain sewage over the areas shown as B, D, G, H, J, K, M, N, and O on SO 446371:

(ii) a right to drain stormwater and water over the areas shown as A, B, F, H, I, K, L, N, Q, and R on SO 446371:

(iii) a right to convey water over the area shown as P on SO 446371; and

(b) a registrable easement for a right of way and a right to park over the areas shown as C, D, and E on SO 446371 in favour of Section 99 Block

1 Belmont Survey District on the terms and conditions set out in part 4.5 of the documents schedule of the deed of settlement.

Sites that vest in fee simple subject to conservation covenant

67 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 trustee of the Toa Rangatira Trust.

(3) Subsections (1) and (2) do not take effect until the trustee of the Toa Rangatira Trust has provided the Crown with a registrable covenant in relation to Waikutakuta / Robin Hood Bay on the terms and conditions set out in part 4.1 of the documents schedule of the 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.

68 Elaine Bay

(1) The reservation of Elaine Bay as a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Elaine Bay then vests in the trustee of the Toa Rangatira Trust.

(3) Subsections (1) and (2) do not take effect until the trustee of the Toa Rangatira Trust has provided the Crown with a registrable covenant in relation to Elaine Bay on the terms and conditions set out in part 4.2 of the documents schedule of the 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

69 Whitianga site

(1) Any part of the Whitianga site that is a conservation area under the Conservation Act 1987 ceases to be a conservation area.

(2) The fee simple estate in the Whitianga site then vests in the trustee of the Toa Rangatira Trust.

(3) The Whitianga 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 Whitianga Historic Reserve.

(5) Subsections (1) to (4) do not take effect until the trustee of the Toa Rangatira Trust has provided Porirua City Council with a registrable easement in gross for a right to drain sewage over the area shown as A on SO 446636, and a right to drain stormwater over the areas shown as B and C on SO 446636, on the terms and conditions set out in part 4.7 of the documents schedule of the deed of settlement.

(6) 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.

70 Te Mana a Kupe

(1) The reservation of Te Mana a Kupe (being part of Mana Island Scientific Reserve) as a scientific reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Te Mana a Kupe then vests in the trustee of the Toa Rangatira Trust.

(3) Te Mana a Kupe is then declared a reserve and classified as a scientific reserve subject to section 21 of the Reserves Act 1977.

(4) The reserve is named Te Mana a Kupe Scientific Reserve.

(5) Despite the vesting under subsection (2) or any subsequent transfer of reserve land under section 92,—

(a) the Reserves Act 1977 applies to the reserve as if the reserve were vested in the Crown; and

(b) any interest that affects the reserve land applies as if the reserve were vested in the Crown.

(6) To avoid doubt, as a result of subsection (5),—

(a) the reserve is not vested in, or managed and controlled by, an administering body; and

(b) the Crown administers, controls, and manages the reserve.

(7) However, the Crown must not grant a lease over any part of the reserve.

(8) Subsection (9) applies to all, or only the part, of Te Mana a Kupe that remains a reserve under the Reserves Act 1977 after the site has vested under subsection (2) (the **reserve land**).

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

(10) Subsection (9) continues to apply despite any subsequent transfer of the reserve land under section 92.

(11) Any improvements in or on Te Mana a Kupe do not vest in the trustee of the Toa Rangatira Trust, despite the vesting under subsection (2).

71 Taputeranga Island

(1) Any part of Taputeranga Island that is still subject to section 3 or 4 of the Wellington City Empowering and Amendment Act 1927 ceases to be—

(a) subject to those sections; and

(b) held for the purposes specified in those sections.

(2) The fee simple estate in Taputeranga Island then vests in the Crown as Crown land subject to the Land Act 1948.

(3) The fee simple estate in Taputeranga Island then vests in the trustee of the Toa Rangatira Trust.

(4) Taputeranga Island is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.

(5) The reserve is named Taputeranga Island Historic Reserve.

(6) Wellington 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.

(7) Subsection (6) continues to apply despite any subsequent transfer under section 93.

72 Onehunga Bay

(1) The reservation of Onehunga Bay (being part of Whitireia Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Onehunga Bay then vests in the trustee of the Toa Rangatira Trust.

(3) Onehunga Bay 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 Onehunga Bay Historic Reserve.

(5) To avoid doubt, the joint board established by section 150(1) is the administering body of the reserve, as provided by section 151, but subject to section 156.

(6) Subsections (1) to (5) do not take effect until the trustee of the Toa Rangatira Trust has provided the Crown with a registrable easement for a right to convey water over the area shown as A on SO 446704 in favour of Section 4 SO 446704 on the terms and conditions set out in part 4.8 of the documents schedule of the deed of settlement.

(7) 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.

73 Wainui

(1) The reservation of Wainui as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Wainui then vests in the trustee of the Toa Rangatira Trust.

(3) Wainui 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 Wainui ki Paekakariki Recreation Reserve.

(5) Any improvements in or on Wainui do not vest in the trustee of the Toa Rangatira Trust, despite the vesting under subsection (2).

74 Te Onepoto Bay

(1) The reservation of Te Onepoto Bay (being part of Whitireia Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Te Onepoto Bay then vests in the trustee of the Toa Rangatira Trust.

(3) Te Onepoto 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 Te Onepoto Recreation Reserve.

(5) To avoid doubt, the joint board established by section 150(1) is the administering body of the reserve, as provided by section 151, but subject to section 156.

75 Te Arai o Wairau

(1) The road comprising Te Arai o Wairau is stopped.

(2) Section 345(3) of the Local Government Act 1974 does not apply to the stopping of the road.

(3) The fee simple estate in Te Arai o Wairau then vests in the Crown as Crown land subject to the Land Act 1948.

(4) The fee simple estate in Te Arai o Wairau then vests in the trustee of the Toa Rangatira Trust.

(5) Te Arai o Wairau is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.

(6) The reserve is named Te Arai o Wairau Historic Reserve.

(7) Subsections (1) to (6) do not take effect until the trustee of the Toa Rangatira Trust has provided Marlborough District Council with a registrable easement in gross for a right to place a monument over the area shown as A on SO 446375 on the terms and conditions set out in part 4.9 of the documents schedule of the deed of settlement.

(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.

76 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 trustee of the Toa Rangatira 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 the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014; and

(c) a share vests in the trustees of the Ngāti Rārua Settlement Trust under section 115(2)(a) of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014.

(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 89(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 95.

77 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 trustee of the Toa Rangatira 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 the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014; and

(c) a share vests in the trustees of the Ngāti Rārua Settlement Trust under section 116(2)(a) of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014.

(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 89(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 95.

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

78 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 trustee of the Toa Rangatira Trust under this paragraph; and

(b) a share vests in the trustees of the Ngāti Rārua Settlement Trust under section 117(2)(a) of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014.

(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 90(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 95.

(7) Subsections (1) to (6) do not take effect until the trustees of the Ngāti Rārua Settlement Trust and the trustee 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 4.3 of the documents schedule of the deed of settlement.

(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.

Sites that vest in fee simple to be held as Maori reservations

79 Taupo urupa

(1) The reservation of the Taupo urupa as a local purpose reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in the Taupo urupa then vests in the Crown as Crown land subject to the Land Act 1948.

(3) The fee simple estate in the Taupo urupa then vests in the trustee of the Toa Rangatira Trust.

(4) The Taupo urupa is then set apart as a Maori reservation, as if it were set apart under section 338(1) of Te Ture Whenua Maori Act 1993,—

(a) for the purposes of a burial ground; and

(b) to be held for the benefit of Ngati Toa Rangatira.

(5) The Taupo urupa is not rateable under the Local Government (Rating) Act 2002, except under section 9 of that Act.

80 Whitireia urupa

(1) The reservation of the Whitireia urupa (being part of Whitireia Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in the Whitireia urupa then vests in the trustee of the Toa Rangatira Trust.

(3) The Whitireia urupa is then set apart as a Maori reservation, as if it were set apart under section 338(1) of Te Ture Whenua Maori Act 1993,—

(a) for the purposes of a burial ground; and

(b) to be held for the benefit of Ngati Toa Rangatira.

(4) The Whitireia urupa is not rateable under the Local Government (Rating) Act 2002, except under section 9 of that Act.

Subpart 4—General provisions relating to vesting of cultural redress properties

General provisions

81 Properties are subject to, or benefit from, interests

Each cultural redress property vested in the trustee of the Toa Rangatira Trust under subpart 3 is subject to, or benefits from, any interests listed for the property in Schedule 3.

82 Interests in land for certain reserve sites

(1) This section applies to Taputeranga Island or a jointly vested site while the site has an administering body that is treated as if the site were vested in it.

(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 78(7).

(6) Subsections (3) and (4) continue to apply despite any subsequent transfer of the reserve land under section 93 or 95.

83 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 82 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.

84 Registration of ownership

(1) This section applies in relation to the fee simple estate in a cultural redress property vested in the trustee of the Toa Rangatira Trust under subpart 3.

(2) To the extent that a cultural redress property (other than the former Tuamarina school house, Taputeranga Island, 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 trustee of the Toa Rangatira Trust as the proprietor 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 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 the former Tuamarina school house or Taputeranga Island, 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 name of the trustee of the Toa Rangatira Trust; 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 an undivided equal share of the fee simple estate in the property in the name of the trustee of the Toa Rangatira Trust (in whom the share is vested under subpart 3); 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 trustee of the Toa Rangatira Trust.

(7) In this section, **authorised person** means a person authorised by—

(a) the chief executive of the Ministry of Justice, for the following properties:

(i) the former Tuamarina school house:

(ii) Titahi Bay Road site A:

(iii) Titahi Bay Road site B:

(iv) Taputeranga Island:

(v) Te Arai o Wairau:

(vi) the Taupo urupa:

(b) the Director-General, for all other properties.

85 Application of Part 4A of Conservation Act 1987

(1) The vesting of the fee simple estate in a cultural redress property in the trustee of the Toa Rangatira Trust under subpart 3 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), the rest of section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve site in the trustee of the Toa Rangatira Trust under subpart 3.

(3) If the reservation, under subpart 3, of a reserve site is revoked in relation to all or part of the site, then the vesting of the site in the trustee of the Toa Rangatira Trust under subpart 3 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).

86 Recording application of Part 4A of Conservation Act 1987 and sections of this Act

(1) The Registrar-General must record on any computer freehold register for the Whitianga site, Wainui, or Te Arai o Wairau—

(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 85(3) and 91.

(2) The Registrar-General must record on any computer freehold register for Te Mana a Kupe—

(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 70(9), 85(3), and 92.

(3) The Registrar-General must record on any computer freehold register for Taputeranga Island—

(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 82(4), 85(3), and 93.

(4) The Registrar-General must record on any computer freehold register for Onehunga Bay or Te Onepoto Bay—

(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 85(3) and 94.

(5) The Registrar-General must record on any computer freehold register created under section 84 for 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 82(4), 85(3), and 95.

(6) 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.

(7) A notification made under any of subsections (1) to (6) 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.

(8) For a reserve site other than a jointly vested site, if the reservation of the site under subpart 3 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 section 70(9) or 82(4) (if either applies), section 85(3), and section 91, 92, 93, or 94 (whichever applies); 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.

(9) For a jointly vested site, if the reservation of the site under subpart 3 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 84 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 82(4), 85(3), and 95; 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 84 or derived from a computer freehold register created under section 84, for the part of the site that remains a reserve.

(10) The Registrar-General must comply with an application received in accordance with subsection (8)(a) or (9)(a).

87 Application of other enactments

(1) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under subpart 3, 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 3; 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 3 does not—

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

(b) affect other rights to subsurface minerals.

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

Provisions relating to reserve sites

88 Application of Reserves Act 1977 to reserve sites

(1) The trustee of the Toa Rangatira Trust is the administering body of a reserve site, except as provided by sections 70(6), 71(6), 76(5), 77(5), 78(5), and 151(1).

(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.

(4) If the reservation, under subpart 3, 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.

89 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 trustee of the Toa Rangatira Trust; and

(b) the trustees of the Rangitāne o Wairau Settlement Trust; and

(c) the trustees of the Ngāti Rārua Settlement 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.

90 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 trustee of the Toa Rangatira Trust; and

(b) the trustees of the Ngāti Rārua Settlement Trust.

(3) An appointer may appoint a member only by giving a written notice with the following details to the other appointer:

(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.

91 Subsequent transfer of Whitianga site, Wainui, or Te Arai o Wairau

(1) This section applies to each of the following reserve sites:

(a) Whitianga site:

(b) Wainui:

(c) Te Arai o Wairau.

(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 the trustee of the Toa Rangatira Trust under subpart 3 (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.

92 Subsequent transfer of Te Mana a Kupe

(1) This section applies to all, or only the part, of Te Mana a Kupe that remains a reserve under the Reserves Act 1977 after the site has vested in the trustee of the Toa Rangatira Trust under section 70(2) (the **reserve land**).

(2) 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.

(3) The registered proprietors of the reserve land must give written notice to the Director-General before the transfer—

(a) stating that the reserve land is to be transferred; and

(b) specifying the person or persons to whom the land is to be transferred (the **new owners**); and

(c) specifying the date on which the land is to be transferred.

(4) The Registrar-General must, upon receiving the documents specified in subsection (5), register the new owners as the proprietors of the fee simple estate in the reserve land.

(5) The documents are—

(a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners; and

(b) a copy of the written notice given to the Director-General; and

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

(6) However, subsections (2) to (5) 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.

93 Subsequent transfer of Taputeranga Island

(1) This section applies to all, or only the part, of Taputeranga Island that remains a reserve under the Reserves Act 1977 after the site has vested in the trustee of the Toa Rangatira Trust under section 71(3) (the **reserve land**).

(2) The fee simple estate in the reserve land may be transferred only to a Ngati Toa entity and only in accordance with this section, despite any other enactment or rule of law.

(3) The Minister of Conservation must give written consent to the transfer of the fee simple estate in the reserve land to the Ngati Toa entity (the **new owners**) if the registered proprietors of the reserve land,—

(a) upon written application, satisfy the Minister that the new owners are able to—

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

(ii) perform the duties of an administering body under that Act; and

(b) provide to the Minister a certificate given by the registered proprietors, or the registered proprietors' solicitor, verifying that the new owners are a Ngati Toa entity.

(4) The Registrar-General must, upon receiving the documents specified in subsection (5), register the new owners as the proprietors of the fee simple estate in the reserve land.

(5) The documents are—

(a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners; 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.

(6) However, subsections (2) to (5) 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.

(7) In this section, **Ngati Toa entity** means any person or persons (including any trustees) to whom the fee simple estate in Taputeranga Island may transfer in accordance with the constitutional documents of the registered proprietors of that estate.

94 Subsequent transfer of Onehunga Bay or Te Onepoto Bay

(1) This section applies to Onehunga Bay or Te Onepoto Bay.

(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 the trustee of the Toa Rangatira Trust under subpart 3 (the **reserve land**).

(3) Despite any other enactment or rule of law, the fee simple estate in the reserve land may be—

(a) transferred to a Ngati Toa entity only if the Minister of Conservation provides consent under subsection (4):

(b) transferred to any other person only if the Minister of Conservation provides consent under subsection (5).

(4) The Minister of Conservation must give written consent to a transfer to a Ngati Toa entity (the **new owners**) if the registered proprietors of the reserve land,—

(a) upon written application, satisfy the Minister that the new owners are able to—

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

(ii) perform the duties of an administering body under that Act; and

(b) provide to the Minister a certificate given by the registered proprietors, or the registered proprietors' solicitor, verifying that the new owners are a Ngati Toa entity.

(5) The Minister of Conservation must give written consent to a transfer to any other person (the **new owners**) if the registered proprietors of the reserve land, upon written application, 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.

(6) The Registrar-General must, upon receiving the documents specified in subsection (7), register the new owners as the proprietors of the fee simple estate in the reserve land.

(7) The documents are—

(a) either,—

(i) if the transfer is to a Ngati Toa entity and the joint board (as defined by section 149) is still the administering body of the reserve land, a transfer instrument to transfer the fee simple estate in the reserve land to the new owners; or

(ii) in any other case, 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 under subsection (4) or (5) (whichever applies); and

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

(8) If the reserve land transfers as described in subsection (7)(a)(ii), from the time of registration of the transfer, the new owners—

(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.

(9) If the reserve land transfers as described in subsection (7)(a)(i) or (10) and while the joint board is still the administering body, the joint board remains the administering body under section 151, despite the transfer.

(10) However, subsections (3) to (8) 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.

(11) In this section, **Ngati Toa entity** means any person or persons (including any trustees) to whom the fee simple estate in the reserve site may transfer in accordance with the constitutional documents of the registered proprietors of that estate.

95 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 3 of this Part, subpart 4 of Part 2 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014, or subpart 4 of Part 2 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 (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.

96 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 3 (the **reserve land**).

(2) The owners of the reserve land must not mortgage, or give a security interest in, all or part of the land.

97 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 3.

(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.

Names of Crown protected areas and reserve sites

98 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 name.

(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.

Repeal

99 Consequential repeal of certain sections of Wellington City Empowering and Amendment Act 1927

(1) This section amends the Wellington City Empowering and Amendment Act 1927.

(2) Repeal sections 2 to 4.

Subpart 5—Geographic names

100 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.

101 New names of features

(1) A name specified in the first column of the table in clause 5.49.1 of the deed of settlement is assigned to the feature described in the second and third columns of the table.

(2) A name specified in the first column of the table in clause 5.49.2 or 5.49.3 of the deed of settlement 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.

(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.

102 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 101 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.

103 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) for the name of a feature in the North Island (being those specified in the table in clause 5.49.1 or 5.49.2 of the deed of settlement), the trustee of the Toa Rangatira Trust; or

(b) for any other name,—

(i) the trustee of the Toa Rangatira Trust; and

(ii) the trustees of the related settlement trusts.

(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 6—Delayed vesting and gifting back of balance of Mana Island

104 Interpretation

In this subpart,—

balance of Mana Island means 212.46 hectares, approximately, being Parts Mana Island Block XI Paekakariki Survey District and being balance *Gazette* notice 966075.1 (as shown on SO 445976) and also being part of Mana Island Scientific Reserve

vesting date has the meaning given by section 105(4).

105 Notice appointing vesting date for balance of Mana Island

(1) The trustee of the Toa Rangatira Trust may give written notice to the Minister of Conservation of the date on which the balance of Mana Island is to vest in the trustee.

(2) The proposed date must be no later than 31 December 2024.

(3) The trustee must give the Minister of Conservation at least 40 working days' notice of the proposed date.

(4) The **vesting date** is—

(a) the date proposed by the trustee in accordance with subsections (1) to (3); or

(b) 31 December 2024, if no such date is proposed.

(5) The Minister of Conservation must publish a notice in the *Gazette*—

(a) specifying the vesting date; and

(b) stating that the fee simple estate in the balance of Mana Island vests in the trustee of the Toa Rangatira Trust on the vesting date.

(6) The notice must be published as early as practicable before the vesting date.

106 Delayed vesting and gifting back of balance of Mana Island

(1) The fee simple estate in the balance of Mana Island vests in the trustee of the Toa Rangatira Trust on the vesting date.

(2) On the tenth day after the vesting date, the fee simple estate in the balance of Mana Island vests in the Crown as a gift back to the Crown by the trustee for the people of New Zealand.

(3) Despite the vestings,—

(a) the balance of Mana Island remains a reserve under the Reserves Act 1977, 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 the balance of Mana Island immediately before the vesting date continues to apply to it as if the vestings had not occurred; and

(c) any interest that affected the balance of Mana Island immediately before the vesting date continues to affect it as if the vestings had not occurred; and

(d) to the extent that the statutory acknowledgement or a deed of recognition applied to the balance of Mana Island immediately before the vesting date, it continues to apply to the site as if the vestings had not occurred; and

(e) the Crown retains all liability for the balance of Mana Island 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.

Subpart 7—Kapiti Island redress

107 Interpretation

(1) In this subpart, each of the following sites means the land described by that name in Schedule 4:

(a) Kapiti Island site:

(b) Kapiti Island North Nature Reserve site:

(c) Kapiti Island North Nature Reserve balance site:

(d) Kapiti Island Nature Reserve site.

(2) In this subpart, **Kapiti Island reserve site** means each of the following:

(a) the Kapiti Island North Nature Reserve site and any adjoining land that is deemed by section 20(3) of the Reserves Act 1977 to form part of the reserve in that site:

(b) the Kapiti Island Nature Reserve site and any other land set apart as a reserve for the preservation of native flora and fauna by *Gazette* 1973, p 1381.

Kapiti Island site

108 Kapiti Island site

(1) The Kapiti Island site is declared a reserve subject to the Reserves Act 1977.

(2) The reservation of the Kapiti Island site as a reserve subject to the Reserves Act 1977 is then revoked.

(3) The fee simple estate in the Kapiti Island site then vests in the trustee of the Toa Rangatira Trust, despite section 2 of the Kapiti Island Public Reserve Act 1897.

(4) Subsections (1) to (3) do not take effect until the trustee of the Toa Rangatira Trust has provided the Crown with a registrable covenant in relation to the

Kapiti Island site on the terms and conditions set out in part 4.4 of the documents schedule of the deed of settlement.

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

(6) The Kapiti Island site vests under subsection (3) free of any interests except as provided by this subpart or another enactment.

109 Right of access over reserves to Kapiti Island site

(1) The trustee of the Toa Rangatira Trust, and any person authorised by the trustee, may access the Kapiti Island site across—

(a) the part of the Kapiti Island North Nature Reserve site shown as B on SO 457506; and

(b) any land that adjoins the part of the site referred to in paragraph (a) and that is deemed to form part of the reserve in that site under section 20(3) of the Reserves Act 1977; and

(c) the part of the Kapiti Island Nature Reserve site shown as A on SO 450703.

(2) A person exercising the right of access—

(a) may do so by vehicle or by foot; and

(b) may perform minor clearance of vegetation on the land referred to in subsection (1) to allow the right to be exercised; and

(c) must observe any reasonable conditions imposed by the Director-General, including conditions relating to the management of biosecurity or fire risk; and

(d) must not interfere with any person who is in a reserve under an authority granted under the Reserves Act 1977.

(3) The right of access may be exercised despite section 20(2)(c) of the Reserves Act 1977.

110 Registration of ownership of Kapiti Island site

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

(a) create a computer freehold register for the fee simple estate in the Kapiti Island site in the name of the trustee of the Toa Rangatira Trust; and

(b) record on the computer freehold register that the land—

(i) is subject to Part 4A of the Conservation Act 1987; and

(ii) has the benefit of section 109; and

(iii) is subject to section 2 of the Kapiti Island Public Reserve Act 1897; and

(iv) has the benefit of section 111(5); and

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

(2) Subsection (1) is subject to the completion of any survey necessary to create a computer freehold register.

(3) A notification made under subsection (1)(b)(i) 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.

(4) 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 trustee of the Toa Rangatira Trust.

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

111 Application of enactments to Kapiti Island site

(1) The vesting of the fee simple estate in the Kapiti Island site in the trustee of the Toa Rangatira Trust under section 108(3) 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) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status of the Kapiti Island site under section 108(2).

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

(a) the vesting of the fee simple estate in the Kapiti Island site in the trustee of the Toa Rangatira Trust under section 108(3); or

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

(4) The vesting referred to in subsection (3)(a) does not—

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

(b) affect other rights to subsurface minerals.

(5) The fee simple estate in the Kapiti Island site may be transferred despite section 2 of the Kapiti Island Public Reserve Act 1897 if—

(a) the transferees are the trustees of the Toa Rangatira Trust after any new trustee has been appointed or any transferor has ceased to be a trustee; and

(b) the instrument to transfer the site is accompanied by a certificate given by the trustees of the Toa Rangatira Trust, or the trustees' solicitor, verifying that paragraph (a) applies.

Kapiti Island North Nature Reserve site

112 Kapiti Island North Nature Reserve site

(1) The Kapiti Island North Nature Reserve site is declared a reserve and classified as a nature reserve subject to section 20 of the Reserves Act 1977.

(2) The reserve is named Kapiti Island North Nature Reserve.

(3) The fee simple estate in the Kapiti Island North Nature Reserve site then vests in the trustee of the Toa Rangatira Trust to be held as if held under section 26(2) of the Reserves Act 1977, despite section 2 of the Kapiti Island Public Reserve Act 1897.

(4) Despite the vesting under subsection (3),—

(a) the Reserves Act 1977 continues to apply to Kapiti Island North Nature Reserve as if the reserve remained vested in the Crown; and

(b) any interest listed for the Kapiti Island North Nature Reserve site in Schedule 4 continues to apply as if the reserve remained vested in the Crown.

(5) Despite any subsequent transfer under section 114(5),—

(a) the Reserves Act 1977 continues to apply to Kapiti Island North Nature Reserve as if the reserve remained vested in the Crown; and

(b) any interest that affected the Kapiti Island North Nature Reserve site immediately before the transfer continues to apply as if the reserve remained vested in the Crown.

(6) To avoid doubt, as a result of subsection (4)(a) or (5)(a),—

(a) the reserve is not vested in, or managed and controlled by, an administering body; and

(b) the Crown continues to administer, control, and manage the reserve.

(7) However, the Crown must not grant a lease over any part of the reserve.

(8) Any interest in land that affects the Kapiti Island North Nature Reserve site must be dealt with for the purposes of registration as if the Crown were the registered proprietor of the site.

(9) Subsection (8) continues to apply despite any subsequent transfer under section 114(5).

(10) Any improvements in or on the Kapiti Island North Nature Reserve site do not vest in the trustee of the Toa Rangatira Trust, despite the vesting under subsection (3).

(11) The right of way easement created by a partition order made on 3 April 1963 (recorded in Otaki minute book volume 70 folio 52) and referred to in Maori Land Court order B444342.1 is cancelled.

(12) The Registrar (as defined by section 4 of Te Ture Whenua Maori Act 1993) must note the cancellation of the easement.

(13) The Registrar-General must remove any memorial relating to the cancelled easement from any relevant computer register.

113 Registration of ownership of Kapiti Island North Nature Reserve site

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

(a) create a computer freehold register for the fee simple estate in the Kapiti Island North Nature Reserve site in the name of the trustee of the Toa Rangatira Trust; and

(b) record on the computer freehold register that the land—

(i) is subject to sections 109, 112(8), and 114(4); and

(ii) is subject to section 2 of the Kapiti Island Public Reserve Act 1897; and

(iii) has the benefit of section 114(5); and

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

(2) Subsection (1) is subject to the completion of any survey necessary to create a computer freehold register.

(3) 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 trustee of the Toa Rangatira Trust.

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

114 Application of enactments to Kapiti Island North Nature Reserve site

(1) Section 24 of the Conservation Act 1987 does not apply to the vesting of the fee simple estate in the Kapiti Island North Nature Reserve site in the trustee of the Toa Rangatira Trust under section 112(3).

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

(a) the vesting; or

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

(3) The vesting does not—

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

(b) affect other rights to subsurface minerals.

(4) The trustee of the Toa Rangatira Trust must not dispose of, or grant or create any legal or equitable right or interest over, the Kapiti Island North Nature Reserve site.

(5) The fee simple estate in the Kapiti Island North Nature Reserve site (except any part that has been divested by notice in the *Gazette* under section 116(2)) may be transferred despite section 2 of the Kapiti Island Public Reserve Act 1897 and subsection (4) if—

(a) a tupuna has not become the registered proprietor of the site under section 115; and

(b) the transferees are the trustees of the Toa Rangatira Trust after any new trustee has been appointed or any transferor has ceased to be a trustee; and

(c) the instrument to transfer the site is accompanied by a certificate given by the trustees of the Toa Rangatira Trust, or the trustees' solicitor, verifying that paragraph (b) applies.

115 Change of named registered proprietor of Kapiti Island North Nature Reserve site

(1) This section applies to the Kapiti Island North Nature Reserve site except any part that has been divested by notice in the *Gazette* under section 116(2) (the **site**).

(2) The trustee of the Toa Rangatira Trust may, at any time while the trustee is the registered proprietor of the fee simple estate in the site, give a written notice to the Registrar-General specifying the name of a tupuna of Ngati Toa Rangatira who is to be the registered proprietor instead.

(3) The Registrar-General must, as soon as is reasonably practicable after receiving a notice given in accordance with subsection (2), register the fee simple estate in the site in the name of the tupuna instead of in the name of the trustee.

(4) Section 74 of the Land Transfer Act 1952 does not apply in relation to the site.

(5) Despite a tupuna becoming the registered proprietor under this section,—

(a) section 112(8) (which relates to registration of interests in land) continues to apply; and

(b) the trustee retains all rights and obligations of the owner of the site that are not overridden by section 112(4) to (6) (which relate to the Crown's administration).

116 Trustee may divest all or part of Kapiti Island North Nature Reserve site

(1) The trustee of the Toa Rangatira Trust may, at any time, give a written notice to the Minister of Conservation stating that the trustee no longer wishes to hold all, or a specified part, of the Kapiti Island North Nature Reserve site.

(2) The Minister must, no later than 20 working days after receiving the notice,—

(a) publish a notice in the *Gazette* stating that the site, or the specified part of the site, is vested in the Crown (and is no longer held by the trustee as if held under section 26(2) of the Reserves Act 1977); and

(b) notify the Registrar-General of the notice in the *Gazette*.

(3) The Registrar-General must do anything required to give effect to the notice published in the *Gazette*.

117 Vesting of Kapiti Island North Nature Reserve balance site

(1) The Minister of Conservation may publish a notice in the *Gazette* in accordance with this section only if—

(a) enactments have settled all claims of Māori relating to Kapiti Island that are, or are founded on, any right and that arise from, or relate to, acts or omissions before 21 September 1992 by, or on behalf of, the Crown or by or under legislation; and

(b) any part of the Kapiti Island North Nature Reserve balance site remains vested in the Crown (the **balance land**).

(2) The notice must state that the balance land becomes part of the Kapiti Island North Nature Reserve site in accordance with subsection (3).

(3) On and from the date of the notice,—

(a) section 112(1), (3), (4)(a), and (5) to (10) apply to the balance land as if it were the Kapiti Island North Nature Reserve site; and

(b) the reserve created by the application of section 112(1) to the balance land is to be treated as if it were part of the Kapiti Island North Nature Reserve named by section 112(2); and

(c) despite the vesting of the balance land by the application of section 112(3), any interest that affected the balance land immediately before the vesting continues to apply as if the land remained vested in the Crown; and

(d) the following apply as if the balance land were included in the Kapiti Island North Nature Reserve site:

(i) sections 114, 115, and 116:

(ii) the definition of **Kapiti Island reserve site** in section 107(2) (and, therefore, the provisions that apply to a Kapiti Island reserve site):

(iii) the description of the nga paihau site referred to as Kapiti Island in Schedule 2 (and, therefore, the nga paihau that applies to the site).

(4) A replacement computer freehold register must be created under section 113 as soon as is reasonably practicable after the date of the notice as if the balance land were included in the Kapiti Island North Nature Reserve site.

(5) However, the computer freehold register must—

(a) exclude any part of the Kapiti Island North Nature Reserve site that has been divested by notice in the *Gazette* under section 116(2); and

(b) if notice specifying the name of a tupuna has been given in accordance with section 115(2), be created in the name of the tupuna instead of in the name of the trustee of the Toa Rangatira Trust.

Kapiti Island Nature Reserve site

118 Notice appointing vesting date for Kapiti Island Nature Reserve site

(1) The trustee of the Toa Rangatira Trust may give written notice to the Minister of Conservation of the date on which the Kapiti Island Nature Reserve site is to vest in the trustee.

(2) The proposed date must be no later than 31 December 2024.

(3) The trustee must give the Minister of Conservation at least 40 working days' notice of the proposed date.

(4) The **vesting date** is—

(a) the date proposed by the trustee in accordance with subsections (1) to (3); or

(b) 31 December 2024, if no such date is proposed.

(5) The Minister of Conservation must publish a notice in the *Gazette*—

(a) specifying the vesting date; and

(b) stating that the fee simple estate in the Kapiti Island Nature Reserve site vests in the trustee of the Toa Rangatira Trust on the vesting date.

(6) The notice must be published as early as practicable before the vesting date.

119 Delayed vesting and gifting back of Kapiti Island Nature Reserve site

(1) The fee simple estate in the Kapiti Island Nature Reserve site vests in the trustee of the Toa Rangatira Trust on the vesting date.

(2) On the tenth day after the vesting date, the fee simple estate in the Kapiti Island Nature Reserve site vests in the Crown as a gift back to the Crown by the trustee for the people of New Zealand in recognition of the mana of Ngati Toa Rangatira.

(3) The vestings occur despite section 2 of the Kapiti Island Public Reserve Act 1897.

(4) Despite the vestings,—

(a) the Kapiti Island Nature Reserve site remains a reserve under the Reserves Act 1977, 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 the Kapiti Island Nature Reserve site immediately before the vesting date continues to apply to it as if the vestings had not occurred; and

(c) any interest that affected the Kapiti Island Nature Reserve site immediately before the vesting date continues to affect it as if the vestings had not occurred; and

(d) to the extent that the nga paihau applies to the Kapiti Island Nature Reserve site immediately before the vesting date, it continues to apply to the site as if the vestings had not occurred; and

(e) the Crown retains all liability for the Kapiti Island Nature Reserve site 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) In this section, **vesting date** has the meaning given by section 118(4).

120 Recording right of access on register for Kapiti Island Nature Reserve site

(1) This section applies in relation to a computer register that is—

(a) for the fee simple estate in all or part of the Kapiti Island Nature Reserve site; and

(b) in existence on the settlement date or created at any time after the settlement date.

(2) The Registrar-General must record on the computer register that the site is subject to section 109.

Strategic advisory committee for Kapiti Island reserve sites

121 Strategic advisory committee established

A strategic advisory committee is established to perform functions in relation to the Kapiti Island reserve sites.

122 Appointment of members to strategic advisory committee

(1) The strategic advisory committee consists of no more than 6 members.

(2) The trustee of the Toa Rangatira Trust may appoint 2 members.

(3) The Director-General may appoint 2 members.

(4) The trustee of the Toa Rangatira Trust must appoint 1 of the members to be the chairperson.

(5) The committee may start to perform its functions only after—

(a) each appointer under subsections (2) and (3) has appointed its 2 members; and

(b) the chairperson has been appointed.

(6) 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.

(7) The Director-General must also publish the notice for each appointment in the *Gazette*.

(8) A member's appointment ends at the earliest of the following:

(a) 5 years after the start of the day of the appointment:

(b) when the appointer replaces the member by appointing another member:

(c) for an interim member appointed for an iwi under section 123, at the start of the day on which representatives of the iwi appoint a member of the committee under another enactment.

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

(10) In this section, **appointer** means—

(a) the trustee of the Toa Rangatira Trust; or

(b) the Director-General; or

(c) the Minister of Conservation, if he or she is entitled to appoint a member under section 123; or

(d) representatives of an iwi who become entitled to appoint a member under another enactment.

123 Interim members of strategic advisory committee

(1) The Minister of Conservation may appoint no more than 2 other members (**interim members**) of the strategic advisory committee under subsection (2).

(2) An interim member may be appointed for an iwi only on and from the day on which the mandated representatives of the iwi accept a written offer from the Crown that, if enacted in accordance with the offer, would entitle representatives of the iwi to appoint a member of the committee.

(3) An interim member is to be treated as a member of the committee, but only for the purposes of the committee performing its functions under sections 132 to 144 (which relate to the conservation management plan for Kapiti Island reserve sites).

(4) The appointment of an iwi's interim member ceases, and subsection (2) ceases to apply in respect of the iwi, at the start of the day on which representatives of the iwi appoint a member of the committee under another enactment.

124 Functions of strategic advisory committee

The functions of the strategic advisory committee are—

(a) to provide advice under section 127 on any conservation matter that affects a Kapiti Island reserve site:

(b) to be consulted, and to provide advice, under section 128 on annual planning for a Kapiti Island reserve site:

(c) to provide advice under section 129 in relation to the burial caves at Wharekohu Bay:

(d) to be consulted, and to provide advice, under section 130 on any conservation management strategy that affects a Kapiti Island reserve site:

(e) to perform the functions under sections 132 to 144 relating to the preparation and approval of the conservation management plan for the Kapiti Island reserve sites.

125 Procedure and meetings of strategic advisory committee

(1) The strategic advisory committee must regulate its own procedure, subject to the rest of this section and to section 126.

(2) The committee must make decisions only with the agreement of all of the members who are present and who vote at a meeting.

(3) The committee must hold its first meeting no later than 6 months after the settlement date.

(4) The committee must meet as required to perform its functions, but no less than twice a year unless the committee agrees otherwise.

(5) A person may attend a meeting of the committee in place of a member if appointed to do so by the member.

(6) An appointer must pay the costs of the members it appoints, except that an interim member appointed under section 123 (instead of the Minister of Conservation) must pay his or her own costs.

(7) Each appointer must pay the administrative costs of the committee in the same proportion as the number of its appointed members to the total number of members, except that an interim member appointed under section 123 (instead of the Minister of Conservation) must pay the administrative costs proportionate to his or her membership.

(8) To avoid doubt, section 56 of the Conservation Act 1987 and section 9 of the Reserves Act 1977 do not apply to the committee.

(9) In this section, **appointer** has the meaning given by section 122(10).

126 Quorum at meetings of strategic advisory committee

(1) The strategic advisory committee must conduct proceedings with the applicable quorum of members specified in this section, 1 of whom must be the chairperson.

Base quorum

(2) The quorum is the base quorum if subsection (3) or (4) applies.

(3) This subsection applies if no member is appointed by the Minister of Conservation under section 123 nor by representatives of an iwi under another enactment.

(4) This subsection applies if—

(a) at least 1 member is appointed by the Minister of Conservation under section 123; and

(b) no member is appointed by representatives of an iwi under another enactment; and

(c) the proceedings do not concern the committee's functions under sections 132 to 144 (which relate to the conservation management plan for the Kapiti Island reserve sites).

Base quorum plus 1 interim member of other iwi

(5) The quorum is the base quorum and 1 member appointed by the Minister of Conservation under section 123 if—

(a) at least 1 member is appointed by the Minister of Conservation under section 123; and

(b) no member is appointed by representatives of an iwi under another enactment; and

(c) the proceedings concern the committee's functions under sections 132 to 144 (which relate to the conservation management plan for the Kapiti Island reserve sites).

Base quorum plus 1 full member of other iwi

(6) The quorum is the base quorum and 1 member appointed by representatives of an iwi under another enactment if subsection (7) or (8) applies.

(7) This subsection applies if—

(a) no member is appointed by the Minister of Conservation under section 123; and

(b) at least 1 member is appointed by representatives of an iwi under another enactment.

(8) This subsection applies if—

(a) at least 1 member is appointed by the Minister of Conservation under section 123; and

(b) at least 1 member is appointed by representatives of an iwi under another enactment; and

(c) the proceedings do not concern the committee's functions under sections 132 to 144 (which relate to the conservation management plan for the Kapiti Island reserve sites).

Base quorum plus 1 interim or full member of other iwi

(9) The quorum is the base quorum and 1 member appointed by the Minister of Conservation under section 123 or by representatives of an iwi under another enactment if—

(a) at least 1 member is appointed by the Minister of Conservation under section 123; and

(b) at least 1 member is appointed by representatives of an iwi under another enactment; and

(c) the proceedings concern the committee's functions under sections 132 to 144 (which relate to the conservation management plan for the Kapiti Island reserve sites).

Definition of base quorum

(10) In this section, **base quorum** means—

(a) 2 members appointed by the trustee of the Toa Rangatira Trust; and

(b) 1 member appointed by the Director-General.

Consultation with and advice provided by strategic advisory committee

127 Strategic advisory committee may provide advice on conservation matters

(1) The strategic advisory committee may provide written advice to 1 or more of the following persons on any conservation matter that affects a Kapiti Island reserve site:

(a) the Minister of Conservation:

(b) the Director-General:

(c) the trustee of the Toa Rangatira Trust.

(2) The committee may provide the advice upon request or at its own initiative.

128 Strategic advisory committee to be consulted, and may provide advice, on annual planning

(1) The Director-General must consult the strategic advisory committee on annual planning (including the application of annual conservation priorities) for a Kapiti Island reserve site.

(2) The committee may provide advice, in writing, on a matter referred to in subsection (1) when consulted by the Director-General.

129 Strategic advisory committee may provide advice on burial caves at Wharekohu Bay

(1) The strategic advisory committee may provide written advice to the Minister of Conservation in relation to the burial caves at Wharekohu Bay.

(2) The committee may provide the advice upon request or at its own initiative.

130 Conservation management strategy that affects Kapiti Island reserve site

(1) This section applies to the preparation and approval under section 17F of the Conservation Act 1987 of a draft conservation management strategy that affects a Kapiti Island reserve site.

(2) This section also applies to the review or amendment under section 17H or 17I of the Conservation Act 1987 of a conservation management strategy that affects a Kapiti Island reserve site, with any necessary modifications.

(3) The Director-General must consult the strategic advisory committee under section 17F(a) of the Conservation Act 1987 at the outset of preparing the draft conservation management strategy under that paragraph.

(4) The Director-General must have regard to any written advice of the committee from the consultation as required by section 131.

(5) The Director-General must, when sending the revised draft and the summary of submissions to the Conservation Board under section 17F(i) of the Conservation Act 1987, also send the documents to the committee.

(6) The committee may, no later than 2 months after receiving the documents, provide written advice on the documents to the Conservation Board.

(7) The Conservation Board must, before doing anything under section 17F(k)(i) or (ii) of the Conservation Act 1987, have regard to any advice received from the committee under subsection (6) before the day that is 2 months after the day on which the committee received the documents.

(8) To avoid doubt, the committee may make submissions on a draft under section 17F(c) of the Conservation Act 1987.

131 General provision about advice

(1) If the Director-General or the Minister of Conservation consults, or requests advice from, the strategic advisory committee on a matter, he or she must specify a reasonable period in which the committee may provide advice on the matter.

(2) The Director-General or the Minister must have regard to any written advice on the matter received from the committee within the period specified.

(3) The Director-General or the Minister must also have regard to any written advice received from the committee at its own initiative under section 127 or 129 on a matter for which advice has not been requested.

(4) To avoid doubt, the Crown is not prevented from consulting, and receiving advice from, any other person or organisation in relation to a Kapiti Island reserve site.

Conservation management plan for Kapiti Island reserve sites

132 Interpretation

In this subpart,—

Conservation Board means the board established under section 6L of the Conservation Act 1987 that has jurisdiction over Kapiti Island

Kapiti Island plan has the meaning given by section 133(1)

summary of submissions means a summary prepared under section 137(5)(a) of the submissions received, and any public opinion obtained, on a draft Kapiti Island plan.

133 Process for preparation and approval of Kapiti Island plan

(1) A conservation management plan for the Kapiti Island reserve sites (the **Kapiti Island plan**) must be prepared and approved in accordance with this subpart.

(2) The Reserves Act 1977 applies to the Kapiti Island plan as if the plan were a conservation management plan prepared and approved under section 40B of that Act.

(3) Sections 17E (except subsection (9)), 17F, 17G, 17H, 17I, and 49(2) and (3) of the Conservation Act 1987 do not apply to the preparation, approval, review, or amendment of the Kapiti Island plan, despite section 40B of the Reserves Act 1977.

(4) The Director-General must not start preparing the first Kapiti Island plan until the earlier of the following:

(a) the day on which the Minister of Conservation appoints an interim member under section 123:

(b) the day that is 3 years and 6 months after the settlement date.

134 Preparation of draft plan

The Director-General must prepare a draft Kapiti Island plan in consultation with—

(a) the strategic advisory committee; and

(b) the Conservation Board; and

(c) any other persons or organisations that the Director-General considers it is practicable and appropriate to consult.

135 Notification of draft plan

(1) The Director-General must give notice of the draft Kapiti Island plan as follows:

(a) by public notice under section 49(1) of the Conservation Act 1987 as if he or she were the Minister of Conservation; and

(b) by written notice to the relevant regional councils, territorial authorities, and iwi authorities (as defined by section 2(1) of the Resource Management Act 1991).

(2) The notices must be given no later than 6 months after the start of the preparation of the draft plan.

(3) Each notice must—

(a) state that the draft plan is available for inspection at the places and times specified in the notice; and

(b) invite any person or organisation to make written submissions to the Director-General on the draft plan on or before the date specified in the notice, which must be no less than 2 months after the date the notice is given.

136 Submissions on draft plan

(1) Any person or organisation may make written submissions to the Director-General on the draft Kapiti Island plan at the place, and on or before the date, specified in a notice given for the draft plan under section 135.

(2) The Director-General may, after consulting the strategic advisory committee and the Conservation Board, obtain public opinion of the draft plan from any person or organisation by any other means.

(3) The Director-General must make the draft plan available for public inspection between 9 am and 5 pm on any working day—

(a) on and from the date a notice was given under section 135(1)(a) until the date by which public opinion of the draft has been made known to the Director-General; and

(b) in places and quantities that are likely to encourage public participation in the development of the plan.

137 Hearing of submissions

(1) Submissions on the draft Kapiti Island plan must be heard by a meeting of representatives of the Director-General, the strategic advisory committee, and the Conservation Board.

(2) A submitter who requested to be heard in support of a submission must be given a reasonable opportunity to be heard.

(3) Any other person or organisation that was consulted on the draft plan may be heard at the discretion of the representatives.

(4) The hearing of submissions must end no later than 2 months after the last date for written submissions.

(5) The Director-General must—

(a) prepare a summary of the submissions received, and any public opinion obtained, on the draft plan; and

(b) provide the summary to the strategic advisory committee and the Conservation Board no later than 1 month after the end of the hearing of submissions.

138 Revision of draft plan

(1) The Director-General must consider the submissions received, and any public opinion obtained, on the draft Kapiti Island plan.

(2) The Director-General then—

(a) may revise the draft plan in consultation with the representatives of the strategic advisory committee and the Conservation Board who heard submissions; and

(b) must provide the draft plan, including any revisions, to the strategic advisory committee and the Conservation Board no later than 4 months after the end of the hearing of submissions.

(3) The strategic advisory committee and the Conservation Board,—

(a) on receiving the draft plan, must together consider the draft plan and the summary of submissions; and

(b) no later than 4 months after receiving the draft plan and the summary, may together request the Director-General to revise the draft plan.

(4) If the Director-General receives a request under subsection (3)(b), he or she must—

(a) revise the draft plan in accordance with the request; and

(b) provide the revised draft plan to the strategic advisory committee and the Conservation Board no later than 2 months after receiving the request.

139 Referral of draft plan to Conservation Authority and Minister

(1) The strategic advisory committee and the Conservation Board must provide the draft Kapiti Island plan and the summary of submissions to—

(a) the Conservation Authority for its comments on matters relating to the national public conservation interest in the Kapiti Island reserve sites; and

(b) the Minister of Conservation for his or her comments.

(2) The draft plan must be provided in the form of, and on receipt of,—

(a) the draft plan provided by the Director-General under section 138(2)(b), if a request is not made under section 138(3)(b); or

(b) the revised draft plan provided by the Director-General under section 138(4)(b), if a request is made under section 138(3)(b).

(3) The Conservation Authority and the Minister of Conservation must provide their comments on the draft plan to the strategic advisory committee and the Conservation Board no later than 4 months after receiving the draft plan.

140 Approval of draft plan

(1) The strategic advisory committee and the Conservation Board must—

(a) consider the comments received from the Conservation Authority and the Minister of Conservation under section 139(3); and

(b) make any changes to the draft Kapiti Island plan that the committee and the Conservation Board consider are necessary.

(2) The committee and the Conservation Board must, no later than 2 months after receiving the comments,—

(a) approve the draft plan; or

(b) refer any disagreement about the draft plan to the Conservation Authority by providing a written statement of the matters of disagreement and the reasons for them.

141 Referral of disagreement to Conservation Authority

(1) If a disagreement is referred to the Conservation Authority under section 140(2)(b), the Conservation Authority must—

(a) make a recommendation on each matter of disagreement; and

(b) give written notice of the recommendations to the strategic advisory committee and the Conservation Board.

(2) The notice of recommendations must be given no later than 3 months after the disagreement is referred to the Conservation Authority.

(3) The strategic advisory committee and the Conservation Board must, after receiving and considering the notice of recommendations,—

(a) try to resolve any matters of disagreement; and

(b) make any changes to the draft Kapiti Island plan that they consider are necessary.

(4) If any matter of disagreement has not been resolved within 2 months after receiving the notice of recommendations,—

(a) the recommendations in the notice become binding; and

(b) the committee and the Conservation Board must make any changes to the draft plan that are necessary to implement the recommendations.

(5) The committee and the Conservation Board must approve the draft plan no later than 4 months after receiving the notice of recommendations.

142 Mediation of disagreement

(1) The strategic advisory committee, the Conservation Board, and the Director-General—

(a) must all agree on a mediator no later than 3 months after the settlement date; and

(b) may all agree on a different mediator at any time.

(2) If a disagreement arises between the persons referred to in subsection (1) at any time during the process under sections 134 to 141, the parties to the disagreement (the **parties**) must first try to resolve the matter in a co-operative, open-minded, and timely manner.

(3) If a party considers that it is necessary to resort to mediation, the party must refer the matter to mediation by giving written notice to the 1 or more other parties.

(4) The mediation must be conducted by the mediator agreed on under subsection (1).

(5) The parties must participate in the mediation—

(a) in a co-operative, open-minded, and timely manner; and

(b) having particular regard to the purpose of—

(i) having a conservation management plan for the Kapiti Island reserve sites; and

(ii) the conservation purposes for which the Kapiti Island reserve sites are held.

(6) The parties must do their best to continue with the preparation and approval of the Kapiti Island plan while the disagreement is mediated.

(7) Each party must—

(a) pay its own costs of mediation; and

(b) pay an equal share of the costs of the mediator and associated costs.

(8) The mediation must end no later than 3 months after the day on which the matter was referred to mediation.

(9) The period of time starting on the day on which the matter is referred to mediation and ending on the last day of the mediation must be excluded from any time limit specified in sections 134 to 141.

143 Review of Kapiti Island plan

(1) The Director-General may at any time initiate a review of all or part of the Kapiti Island plan, after first consulting the strategic advisory committee and the Conservation Board.

(2) The committee or the Conservation Board may at any time request the Director-General to initiate a review of all or part of the Kapiti Island plan. The Director-General must consider the request.

(3) Any review of the Kapiti Island plan must be carried out and approved in accordance with sections 134 to 141, which apply with any necessary modifications.

(4) The Director-General must review all of the Kapiti Island plan no later than 10 years after the date it was last approved.

(5) The Minister of Conservation may extend the time limit in subsection (4), but only after consulting the committee and the Conservation Board.

144 Amendment of Kapiti Island plan

(1) The Director-General may at any time initiate the amendment of all or part of the Kapiti Island plan, after first consulting the strategic advisory committee and the Conservation Board.

(2) Any amendment of the Kapiti Island plan must be carried out and approved in accordance with sections 134 to 141, which apply with any necessary modifications.

(3) However, an amendment may instead be made under subsections (4) to (6) if the Director-General, the committee, and the Conservation Board all consider that the amendment will not materially affect—

(a) the objectives or policies expressed in the Kapiti Island plan; or

(b) the public interest in the relevant area.

(4) The Director-General must provide the proposed amendment to the committee and the Conservation Board.

(5) The committee and the Conservation Board—

(a) must consider the proposed amendment; and

(b) may amend the Kapiti Island plan as proposed and approve the amended plan.

(6) Any approval under subsection (5)(b) must be given no later than 2 months after receiving the proposed amendment.

Subpart 8—Poutiaki plan

145 Interpretation

In this subpart,—

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

poutiaki area means the following areas, being the areas with the general location (but not the precise boundaries) indicated in yellow and pink on deed plan OTS–068–74:

(a) Cook Strait:

(b) Porirua Harbour:

(c) Te Whanganui / Port Underwood:

(d) Pelorus Sound / Te Hoiere (including Kenepuru Sound, Mahau Sound, and Tennyson Inlet)

poutiaki coastal marine area means the coastal marine area of the poutiaki area

poutiaki plan means the plan lodged with a relevant council under section 146

relevant councils means—

(a) Wellington Regional Council; and

(b) Marlborough District Council.

146 Preparation of poutiaki plan

(1) The trustee of the Toa Rangatira Trust may at any time prepare a plan and lodge it with the relevant councils.

(2) The plan must specify—

(a) the values and principles of Ngati Toa Rangatira in relation to the poutiaki coastal marine area; and

(b) the resource management issues of significance to Ngati Toa Rangatira in relation to the poutiaki coastal marine area; and

(c) Ngati Toa Rangatira's statement of kaitiakitanga for fisheries management in the poutiaki area.

147 Effect on relevant councils

(1) This section applies when a relevant council is preparing or changing a regional policy statement or regional coastal plan that wholly or partly covers the poutiaki coastal marine area.

(2) The council must take into account the poutiaki plan to the extent that its content has a bearing on the resource management issues of the poutiaki coastal marine area.

(3) The council must include in the regional policy statement or regional coastal plan a statement of the resource management issues of significance to Ngati Toa Rangatira as set out in the poutiaki plan.

(4) The council must refer to the poutiaki 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.

148 Limitation of rights

The poutiaki 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 poutiaki area.

Subpart 9—Whitireia Park redress

149 Interpretation

In this subpart,—

additional reserve—

(a) means Onehunga Bay Historic Reserve and Te Onepoto Recreation Reserve; but

(b) does not include a reserve for which the joint board is no longer the administering body (either because of a notice published in the *Gazette* under section 156(2) or because of section 94(8))

joint board means the joint board established by section 150(1)

Onehunga Bay Historic Reserve means the reserve created by section 72(3)

Te Onepoto Recreation Reserve means the reserve created by section 74(3)

Whitireia Recreation Reserve means 176.1743 hectares, more or less, being Section 4 SO 446704 and held in balance computer freehold register WN447/193 (limited as to parcels).

150 Joint board established

(1) A joint board is established for Whitireia Recreation Reserve and any additional reserve.

(2) The trustee of the Toa Rangatira Trust may appoint 3 members to the joint board.

(3) Wellington Regional Council may appoint 3 members to the joint board.

(4) An appointer may appoint a member only by giving a written notice with the following details to the other appointer:

(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.

(5) An appointment ends after 5 years or when the appointer replaces the member by appointing another member (whichever comes first).

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

(7) A vacancy on the joint board must be filled as soon as is reasonably practicable by the relevant appointer.

151 Joint board is administering body of reserves

(1) The joint board is the administering body of Whitireia Recreation Reserve and any additional reserve as if the joint board were appointed to control and manage the reserves under section 30 of the Reserves Act 1977.

(2) However, section 30 of that Act has no further application to the reserves or the joint board.

152 Application for statutory authorisation over additional reserve

(1) This section applies if an application is made for a statutory authorisation under the Reserves Act 1977 in respect of any additional reserve.

(2) The trustee of the Toa Rangatira Trust is the decision-maker on the application, and the grantor of any resulting statutory authorisation, as if it were the administering body in which the reserve were vested.

(3) The trustee may use any income it derives from the statutory authorisation for any purpose at its absolute discretion.

(4) To avoid doubt,—

(a) section 59A of the Reserves Act 1977 and Part 3B of the Conservation Act 1987 (which relate to concessions) do not apply to the application; and

(b) section 82 does not apply in relation to any additional reserve.

(5) This section continues to apply despite any subsequent transfer under section 94 that preserves the joint board as the administering body.

153 Interests in favour of additional reserves

(1) The trustee of the Toa Rangatira Trust may obtain, and is the grantee of, any interest in favour of an additional reserve as if it were the administering body in which the reserve were vested.

(2) This section continues to apply despite any subsequent transfer under section 94 that preserves the joint board as the administering body.

154 Management plan

(1) The joint board must, in accordance with section 41 of the Reserves Act 1977, prepare and have approved a management plan for Whitireia Recreation Reserve and any additional reserve.

(2) Section 41(13) of that Act does not apply to the management plan.

(3) A management plan continues to apply to Onehunga Bay Historic Reserve, or to Te Onepoto Recreation Reserve, after the reserve ceases to be an additional reserve until a new management plan is prepared and approved for the reserve.

(4) This section is for the avoidance of doubt.

155 Procedure and meetings of joint board

(1) The joint board must, at its first meeting,—

(a) appoint a member to be the chairperson; and

(b) adopt standing orders for the initial procedure of the joint board; and

(c) agree on a schedule of initial meetings.

(2) The joint board must—

(a) conduct proceedings with a quorum of 2 members appointed by the trustee of the Toa Rangatira Trust and 2 members appointed by Wellington Regional Council; and

(b) make decisions only with the agreement of a majority of the members who are present and who vote at a meeting; and

(c) regulate its own procedure, subject to the rest of this section and any provisions of the Reserves Act 1977 that apply to it.

(3) The chairperson of the joint board has a deliberative vote, but not a casting vote.

(4) Sections 31 and 32 of the Reserves Act 1977 do not apply to the joint board.

(5) To avoid doubt, the joint board is not a committee or a joint committee for the purposes of the Local Government Act 2002.

156 Trustee may become administering body of additional reserve

(1) The trustee of the Toa Rangatira Trust may, at any time, give written notices to the Minister of Conservation and the joint board stating that the trustee wishes to become the administering body of any additional reserve.

(2) The Minister must, no later than 20 working days after receiving the trustee's notice, publish a notice in the *Gazette* stating that the trustee, instead of the joint body, is the administering body of the reserve or reserves referred to in the trustee's notice.

(3) The trustee is the administering body of the reserve or reserves on and from the day on which the notice is published in the *Gazette*.

Subpart 10—Queen Elizabeth Park campground site

157 Interpretation

In this subpart, **campground site** means 4.0352 hectares, more or less, being Section 3 SO 464319, part computer freehold register 453989.

158 Change of reserve classification and appointment of administering body

(1) Wellington Regional Council ceases to be appointed to control and manage the campground site.

(2) The classification of the reserve comprising the campground site is changed from a recreation reserve to a local purpose reserve for campground purposes subject to section 23 of the Reserves Act 1977.

(3) The purpose for which the reserve is newly classified includes the purpose of providing a reasonable opportunity for affordable camping on the reserve.

(4) The trustee of the Toa Rangatira Trust is the administering body of the campground site as if it were a local authority appointed to control and manage the reserve under section 28 of the Reserves Act 1977.

(5) Sections 24 and 25 of the Reserves Act 1977 do not apply to the change of the reserve's classification or purpose under this section.

159 Improvements on campground site

(1) The campground improvements in or on the campground site vest in the trustee of the Toa Rangatira Trust.

(2) The campground improvements may remain in or on the campground site subject to clauses 5.62 to 5.71 of the deed of settlement.

(3) In this section, **campground improvements** has the meaning given by the general matters schedule of the deed of settlement.

160 Management of site and income

(1) To avoid doubt,—

(a) the trustee of the Toa Rangatira Trust may arrange for another person or body to manage, administer, and control the campground site in accordance with section 61(1) of the Reserves Act 1977; and

(b) the arrangement does not require a concession under section 59A of the Reserves Act 1977 and Part 3B of the Conservation Act 1987.

(2) Despite section 80 of the Reserves Act 1977, the trustee may spend any income derived from the campground site on 1 or more of the following:

(a) the campground site:

(b) any other reserve subject to that Act for which the trustee is the administering body:

(c) any Maori reservation (as defined by section 2(1) of that Act) owned by the trustee:

(d) the restoration or protection of the natural, ecological, or historic values of any other land owned by the trustee.

(3) Sections 79 and 84 of the Reserves Act 1977 do not apply in relation to the campground site.

161 Revocation of appointment of administering body

(1) This section applies if the Minister of Conservation proposes to revoke or amend, under section 28(2) of the Reserves Act 1977, the appointment of the trustee of the Toa Rangatira Trust to control and manage the campground site.

(2) The Minister must give a written notice to the trustee that—

(a) specifies the Minister's concerns with the trustee's control and management of the campground site; and

(b) invites the trustee to reply to the concerns within 2 months after the day on which the trustee receives the notice.

(3) The Minister must, before deciding whether to revoke or amend the appointment, take into account—

(a) any reply received from the trustee by the deadline specified in the notice; and

(b) the fact that the trustee's appointment was provided for in, and made in the context of, the deed of settlement.

(4) The Minister must give a written notice to the trustee of the Minister's decision about whether to revoke or amend the appointment.

Subpart 11—River and freshwater advisory committee

162 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.

163 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 Toa Rangatira Trust and the 7 related settlement trusts.

(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.

164 Advisory committee may provide advice

(1) The advisory committee may provide written advice, in reply to an invitation under section 165, 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.

165 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 164(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 164(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 164(2) if it is reasonably practicable to do so.

166 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.

167 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 164(1)(a) to (c).

(2) The council must provide the requested information to the committee if it is reasonably practicable to do so.

168 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 3
Commercial redress

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

169 The Crown may transfer properties

(1) To give effect to part 6 of the deed of settlement, and part 2 or 5 of the property redress schedule of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised to—

(a) transfer the fee simple estate in a commercial redress property, commercial property, or deferred selection property to the trustee of the Toa Rangatira Trust; and

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

(2) As soon as is reasonably practicable after the date on which a commercial property or deferred selection property in the Wellington Land District is transferred to the trustee of the Toa Rangatira Trust under subsection (1), the chief executive of the land holding agency must give written notice of that date to the chief executive of LINZ for the purposes of section 19.

(3) However, if the deferred selection property is also deferred selection RFR land, the requirement under subsection (2) is satisfied by a notice being given under section 209.

170 Registrar-General to create computer freehold register

(1) To the extent that a commercial redress property (other than a licensed property), a commercial property, or a deferred selection 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.

(2) For a licensed 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) Subsections (1) and (2) are subject to the completion of any survey necessary to create a computer freehold register.

(4) 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 trustee of the Toa Rangatira Trust.

(5) 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.

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

171 Minister of Conservation may grant easements

(1) The Minister of Conservation may grant any easement required to fulfil the terms of the deed of settlement in relation to a commercial redress property, commercial 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.

172 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, commercial property, or deferred selection property to the trustee of the Toa Rangatira Trust; or

(b) a leaseback of the property to the Crown in accordance with part 6 of the 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, commercial property, or deferred selection property to the trustee of the Toa Rangatira 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, commercial property, or deferred selection property to the trustee of the Toa Rangatira 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 169, 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, commercial 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 the deed of settlement, and part 2 or 5 of the property redress schedule of the deed of settlement, in relation to a commercial redress property, commercial property, or deferred selection property.

173 Transfer of commercial redress property for no consideration

(1) The reservation of the commercial redress property for no consideration as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status.

174 Transfer of properties subject to lease

(1) This section applies to a commercial redress property, commercial 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 trustee of the Toa Rangatira Trust in accordance with part 2 or 5 of the property redress schedule of the deed of settlement; and

(c) that, after the transfer, is to be subject to a lease back to the Crown.

(2) Despite section 172(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 subsections (6) and (7) 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 subsections (6) and (7).

(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 subsections (6) and (7); 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 subsections (6) and (7).

(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

175 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 the deed of settlement.

176 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 trustee of the Toa Rangatira Trust.

(2) However, although the licensed property does not cease to be Crown forest land until the transfer to the trustee 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 the deed of settlement.

177 Trustee confirmed beneficiary and licensor in relation to licensed property

(1) The trustee of the Toa Rangatira Trust is, in relation to a licensed property, the confirmed beneficiary under clause 11.1 of the Crown forestry rental trust deed.

(2) The effect of subsection (1) is that—

(a) the trustee is 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 trustee is the confirmed beneficiary in relation to the property.

(3) Despite subsection (2)(a), the trustee of the Toa Rangatira Trust, and the trustees of the related settlement trusts for Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui, are entitled to the rental

proceeds referred to in subsection (2)(a) for all of the licensed properties as provided for in—

(a) clause 6.22 of the deed of settlement for Ngati Toa Rangatira:

(b) clause 6.9 of the deeds of settlement for Ngāti Kōata and Ngāti Rārua:

(c) clause 6.10 of the deed of settlement for Ngāti Tama ki Te Tau Ihu:

(d) clause 6.11 of the deed of settlement for Te Ātiawa o Te Waka-a-Māui.

(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 trustee of the Toa Rangatira Trust is the licensor 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.

178 Effect of transfer of licensed property

(1) Section 177 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 177(2)(a).

(4) The licence fee payable is the amount calculated in the manner described in paragraphs 2.14 and 2.15 of the property redress schedule of the deed of settlement.

(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 trustee of the Toa Rangatira Trust.

(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 or Te Ātiawa o Te Waka-a-Māui (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.

Subpart 3—Right of access to protected sites

179 Interpretation

(1) In this subpart, **protected site** means any area of land situated in a licensed property that—

(a) is a wāhi tapu or wāhi tapu area within the meaning of section 6 of the Heritage New Zealand Pouhere Taonga Act 2014; and

(b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero as defined in section 6 of that Act.

(2) *[Repealed]*

Section 179(1) **protected site** paragraph (a): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 179(1) **protected site** paragraph (b): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 179(2): repealed, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

180 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.

181 Right of access subject to Crown forestry licence

(1) The right of access under section 180 is subject to the terms of any Crown forestry licence.

(2) However, subsection (1) does not apply if the licensee has agreed to an exercise of the right.

(3) An amendment to a Crown forestry licence 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 180; or

(b) adversely affect the right of access in any other way.

182 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 that the land is subject to this subpart.

(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 person authorised by the chief executive of LINZ.

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

Interpretation

183 Interpretation

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

deferred selection RFR land means a property—

(a) listed in table 1 in part 8 of the property redress schedule of the deed of settlement for Ngati Toa Rangatira; and

(b) that is not a commercial redress property or a commercial property

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 sublease, of the land; or

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

disposed early RFR NZTA land means land that, before the settlement date,—

(a) was early RFR NZTA land; and

(b) became subject to a contract for disposal under clause 6.36 of the deed of settlement for Ngati Toa Rangatira

early RFR NZTA land means early RFR NZTA land as defined by clauses 6.24.2 and 6.25 of the deed of settlement for Ngati Toa Rangatira

expiry date, for an offer, means its expiry date under sections 186(2)(a) and 187

general RFR land means—

(a) land described in part 4 of the attachments to the deed of settlement for Ngati Toa Rangatira if—

(i) any of the following apply on the settlement date:

(A) the land is vested in the Crown or held in fee simple by the Crown:

(B) for land described in table 3, 4, 6, 8, 9, or 10 of that part 4, the land is held in fee simple by the Crown body specified in the table as the land holding agency for the land:

(C) for land that was early RFR NZTA land before the settlement date, the land is held in fee simple by a Crown body, or the land is held in fee simple by a local authority after having been disposed of in accordance with section 50 of the Public Works Act 1981:

(D) the land is a reserve vested in an administering body that derived title to the reserve from the Crown; and

(ii) the land is not disposed early RFR NZTA land; and

(b) land in Wellington City (excluding the CBD) that—

(i) was acquired by the Crown or the New Zealand Transport Agency in the period starting on the day after the date of the deed of settlement and ending on the settlement date; and

(ii) is, on the settlement date, vested in the Crown or held in fee simple by the Crown or the New Zealand Transport Agency; and

(c) land in Wellington City (excluding the CBD) that is acquired by the Crown in the period starting on the day after the settlement date and ending on the day that is 4 years after the settlement date; and

(d) land in Wellington City (excluding the CBD) that is acquired by the New Zealand Transport Agency, or is acquired by the Crown to be administered by the New Zealand Transport Agency, in the period starting on the day after the settlement date and ending on 2 September 2019

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 or deferred selection RFR land, the Toa Rangatira Trust:

(b) for specified iwi RFR land, the Toa Rangatira Trust and the Ngāti Rārua Settlement Trust:

(c) for specified area RFR land, the Toa Rangatira Trust and the 7 related settlement trusts

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 or deferred selection RFR land, the Toa Rangatira Trust:

(b) for other RFR land, the 1 offer trust whose trustees accept an offer to dispose of the land under section 189

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 in accordance with section 50 of the Public Works Act 1981, which includes a disposal of early RFR NZTA land before the settlement date; but

(d) to avoid doubt, does not include an administering body in which RFR land is vested on the settlement date or (under section 193(1)) after the settlement date

RFR period means,—

(a) for general RFR land or specified iwi RFR land, the period of 169 years starting on the settlement date:

(b) for deferred selection RFR land, the period of 10 years starting on the settlement date:

(c) for specified area RFR land, the period of 100 years starting on the settlement date

specified area RFR land means land in the South Island within the area shown on deed plan OTS–068–75 (in part 2.9 of the attachments to the deed of settlement for Ngati Toa Rangatira) 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 Ngati Toa Rangatira or a related settlement iwi; 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 Ngati Toa Rangatira or Ngāti Rārua if, on the settlement date, the land is vested in the Crown or held in fee simple by the Crown

Wellington City (excluding the CBD)—

(a) means the district of Wellington City Council (as those terms are defined by section 5(1) and Part 2 of Schedule 2 of the Local Government Act 2002, respectively); but

(b) does not include the central business district of Wellington City, meaning the area on the seaward side of the central area boundary shown on map 32 of the district plan of Wellington City Council that was operative at 27 July 2000 (and reprinted at 2 November 2005).

184 Meaning of RFR land

(1) In this Act, **RFR land** means—

(a) the general RFR land; and

(b) the specified iwi RFR land; and

(c) the deferred selection RFR land; and

(d) the specified area RFR land; and

(e) land obtained in exchange for a disposal of RFR land under section 197(1)(c) or 198.

(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 section 169 or under a contract formed under section 190); or

(ii) any other person (including the Crown or a Crown body) under section 185(3) or (4); 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 194 to 202; or

(ii) anything referred to in section 203(1); or

(c) the land's RFR period ends.

Restrictions on disposal of RFR land

185 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 any of subsections (2) to (4).

(2) The RFR land may be disposed of under any of sections 191 to 202 or under anything referred to in section 203(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 186; 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 188; and

(d) not accepted under section 189.

(4) The RFR land may be disposed of within 2 years after the expiry date of an offer by the Crown to dispose of the land to the trustee of the Toa Rangatira Trust, if—

(a) the land is general RFR land that, before the settlement date,—

(i) was early RFR NZTA land; and

(ii) did not become subject to a contract for disposal under clause 6.36 of the deed of settlement; and

(b) the offer to that trustee was, before the settlement date,—

(i) made in accordance with clauses 6.29 and 6.30 of the deed of settlement; and

(ii) made on terms that were the same as, or more favourable to the trustee than, the terms of the disposal to the person referred to in subsection (1); and

(iii) not withdrawn under clause 6.33 of the deed of settlement; and

(iv) not accepted under clauses 6.34 and 6.35 of the deed of settlement.

(5) For the purposes of subsection (4), the expiry date of the offer means its expiry date under clauses 6.30.1, 6.31, and 6.32 of the deed of settlement.

Trustees' right of first refusal

186 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, deferred selection RFR land, or specified area RFR land (whichever applies).

187 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 (5) 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 RFR landowner is Housing New Zealand Corporation; or

(b) the following applies:

(i) the trustees received an earlier offer to dispose of the land; and

(ii) the expiry date of the earlier offer was no earlier than 6 months before the expiry date of the later offer; and

(iii) the earlier offer was not withdrawn.

(4) For the purposes of subsection (3)(b),—

(a) an offer to which section 185(4) applies must be treated as if it were an earlier offer to dispose of RFR land; and

(b) the expiry date of the earlier offer means its expiry date under clauses 6.30.1, 6.31, and 6.32 of the deed of settlement.

(5) For an offer of specified iwi RFR land or specified area 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 186, 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 189(4).

188 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.

189 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 specified iwi RFR land or specified area 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 186, 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.

190 Formation of contract

(1) If the trustees of an offer trust accept, under section 189, 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

191 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 563 of the Education and Training Act 2020.

Section 191(2): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

192 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.

193 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

194 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.

195 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.

196 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.

197 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(1)(e) of the Public Works Act 1981.

198 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.

199 Disposals for charitable purposes

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

200 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.

201 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.

202 Disposals by Health New Zealand

Health New Zealand (established by section 11 of the Healthy Futures (Pae Ora) Act 2022), or any of its subsidiaries, may dispose of RFR land to any person if the Minister of Health has given notice to the trustees that, in the Minister's opinion, the disposal will achieve, or assist in achieving, Health New Zealand's objectives.

Section 202: replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 202: amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

203 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

204 Notice to trustees if land becomes RFR land

(1) If land becomes RFR land under paragraph (b), (c), or (d) of the definition of general RFR land in section 183, the RFR landowner must give the trustee of the Toa Rangatira Trust notice that the land has become RFR land.

(2) The notice must specify—

(a) the paragraph of the definition under which the land became RFR land; and

(b) the date on which the land became RFR land; and

(c) a legal description of the land and the reference for any computer register that contains the land; and

(d) a street address for the land (if applicable).

205 Notice to LINZ of certain RFR land with computer register

(1) The RFR landowner must give the chief executive of LINZ notice that land has become RFR land if land for which there is a computer register—

(a) becomes RFR land on the settlement date under paragraph (b) of the definition of general RFR land in section 183; or

(b) becomes RFR land after the settlement date.

(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.

206 Notice to trustees of potential disposal of RFR land

(1) This section applies if an RFR landowner is considering whether to dispose of specified iwi RFR land or specified area 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 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 564(3) of the Education and Training Act 2020; 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.

Section 206(4)(a): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

207 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 185; and

(e) if the disposal is being made under section 185(3) or (4), include a copy of the written contract for the disposal.

208 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 section 169 or under a contract formed under section 190); or

(ii) any other person (including the Crown or a Crown body) under section 185(3) or (4); 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 194 to 202; or

(ii) anything referred to in section 203(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.

209 Notice to LINZ of transfer of certain deferred selection RFR land to trustees

As soon as is reasonably practicable after the date on which deferred selection RFR land in the Wellington Land District is transferred to the trustee of the Toa Rangatira Trust (for example, under section 169 or under a contract formed under section 190), the RFR landowner must give notice of that date to the chief executive of LINZ for the purposes of section 19.

210 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

211 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 205 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 184; and

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

212 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 208, 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, immediately before registering the transfer or vesting described in the certificate, remove from the computer register identified in the certificate any memorial recorded under section 211 for the land described in the certificate.

213 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 211; 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 211 from any computer register identified in the certificate.

General provisions

214 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.

215 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.

216 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.

Schedule 1
Statutory areas

ss 24(2), 34(1)

Statutory areas

Statutory area	Location	Deed of recognition
Balance of Mana Island	As shown on OTS–068–28	✓
Red Rocks Scientific Reserve	As shown on OTS–068–29	✓
Pukerua Bay Scientific Reserve	As shown on OTS–068–30	✓
Oteranga Bay Marginal Strip	As shown on OTS–068–23	
Queen Elizabeth Park	As shown on OTS–068–24	
Whareroa Farm	As shown on OTS–068–25	
Te Onepoto Bay	As shown on OTS–068–26	
Pauatahanui Wildlife Reserve	As shown on OTS–068–31	✓
Horokiri Wildlife Management Reserve	As shown on OTS–068–32	✓
Battle Hill Farm Forest Park	As shown on OTS–068–27	
Lake Rotoiti, Nelson Lakes National Park	As shown on OTS–068–33	✓
Lake Rotoroa, Nelson Lakes National Park	As shown on OTS–068–34	✓
Wairau Pa	As shown on OTS–068–35	✓
Chetwode Islands	As shown on OTS–068–36	✓
Malcolm's Bay Scenic Reserve, Arapaoa Island	As shown on OTS–068–37	✓
Hutt River and its tributaries	As shown on OTS–068–45	✓
Maitai River and its tributaries	As shown on OTS–068–46	✓
Wairau River, Omaka River, Ōpaoa River, and Kaituna River and their tributaries	As shown on OTS–068–47	✓
Te Hoiere / Pelorus River and its tributaries	As shown on OTS–068–48	✓
Tuamarina River and its tributaries	As shown on OTS–068–49	✓
Buller River and its tributaries (northern portion)	As shown on OTS–068–50	✓
Waimea River and its tributaries	As shown on OTS–068–58	✓
Motueka River and its tributaries	As shown on OTS–068–59	✓

Coastal statutory areas

Statutory area	Location	Deed of recognition
Cook Strait	As shown on OTS–068–38	
Te Awarua-o-Porirua Harbour	As shown on OTS–068–39	
Wellington Harbour (Port Nicholson)	As shown on OTS–068–40	
Thoms Rock / Tokahaere	As shown on OTS–068–41	
Kapukapuariki Rocks	As shown on OTS–068–42	
Toka-a-Papa Reef	As shown on OTS–068–43	
Tawhitikurī / Goat Point	As shown on OTS–068–44	
Te Tau Ihu coastal marine area	As shown on OTS–068–70	

Schedule 2
Nga paihau sites

s 41

Nga paihau site	Location	Description
Kapiti Island	As shown on OTS–068–20	*Wellington Land District—Kapiti Coast District* *Kapiti Island Nature Reserve site* 1760.7517 hectares, more or less, being Section 3 Block I Kapiti Survey District, Waiorua Kapiti 5C, and any other land set apart as a reserve for the preservation of native flora and fauna by *Gazette* 1973, p 1381. *Kapiti Island North Nature Reserve site* 188.4900 hectares, more or less, being Section 1 SO 457506. *Kapiti Marine Reserve* 2167 hectares, more or less, being the areas shown as A and B on SO 36790.
The Brothers	As shown on OTS–068–21	*Marlborough Land District—Marlborough District* 12.0773 hectares, more or less, being Crown land Block XXII Gore Survey District SO 4903.
Wairau Lagoons (part of the Wairau Lagoons Wetland Management Reserve)	As shown on OTS–068–22	*Marlborough Land District—Marlborough District* 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, and Lot 1 DP 6162.

Schedule 3
Cultural redress properties

ss 59, 81–83

Sites that vest in fee simple

Name of site	Description	Interests
Rarangi (Ngati Toa Rangatira)	*Marlborough Land District—Marlborough District* 0.7500 hectares, more or less, being Section 3 SO 426990. Part transfer 123115.	
Akatarawa Road conservation area	*Wellington Land District—Upper Hutt City* 1.0013 hectares, more or less, being Section 1 SO 426119. Part computer freehold register WN348/258.	
Former Tuamarina school house	*Marlborough Land District—Marlborough District* 0.1547 hectares, more or less, being Section 1 SO 427070. All computer freehold register MB4D/230.	Subject to an unregistered tenancy agreement dated 12 February 1997.
Rangihaeata	*Nelson Land District—Tasman District* 0.0852 hectares, more or less, being Section 27 Town of Rangihaeata.	
Pelorus Bridge	*Marlborough Land District—Marlborough District* 1.0000 hectare, more or less, being Section 2 SO 427361. Part computer freehold register MB50/234.	Subject to an unregistered grazing licence with concession number PAC 10–01–056 to P E, R J, and J P Bryant. Subject to *Gazette* notice 200608.1 declaring adjoining State highway 6 to be a limited access road. Together with water rights and incidental rights created by transfer 22889.
Titahi Bay Road site A	*Wellington Land District—Porirua City* 0.2478 hectares, more or less, being Section 1 SO 38131. Part *Gazette* 2012, p 3556.	
Titahi Bay Road site B	*Wellington Land District—Porirua City* 0.6309 hectares, more or less, being Section 2 SO 38131. Part *Gazette* 2012, p 3556, and all *Gazette* 2012, p 4060.	Subject to the easement in gross for a right to drain sewage, stormwater, and water, and to convey water, referred to in section 66(2)(a). Subject to the easement for a right of way and for a right to park referred to in section 66(2)(b).

Sites that vest in fee simple subject to conservation covenants

Name of site	Description	Interests
Waikutakuta / Robin Hood Bay	*Marlborough Land District—Marlborough District* 1.9973 hectares, more or less, being Section 2 SO 428338. Part computer freehold register MB2D/634.	Subject to the conservation covenant referred to in section 67(3). Subject to an easement in gross for a right to convey electricity and telecommunications in favour of Transpower New Zealand Limited with concession number NM–28568–TEL, registered as deed of easement 9021918.1.
Elaine Bay	*Nelson Land District—Marlborough District* 0.5237 hectares, more or less, being Section 1 SO 427923. Part *Gazette* 1991, p 3065.	Subject to the conservation covenant referred to in section 68(3).

Sites that vest in fee simple to be administered as reserves

Name of site	Description	Interests
Whitianga site	*Wellington Land District—Porirua City* 1.7720 hectares, more or less, being Section 1 SO 446636. All *Gazette* notice B493841.1 and all *Gazette* 2012, p 3494.	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to the easement in gross for a right to drain sewage and stormwater referred to in section 69(5).
Te Mana a Kupe	*Wellington Land District—Porirua City* 4.4100 hectares, more or less, being Section 1 SO 426110. Part *Gazette* notice 966075.1.	Scientific reserve subject to section 21 of the Reserves Act 1977.
Taputeranga Island	*Wellington Land District—Wellington City* 2.5776 hectares, more or less, being Sections 1 and 2 SO 429419. Balance computer freehold register WN25C/180.	Historic reserve subject to section 18 of the Reserves Act 1977.
Onehunga Bay	*Wellington Land District—Porirua City* 6.3195 hectares, more or less, being Sections 1 and 2 SO 446704. Part computer freehold register WN447/193 (limited as to parcels).	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to the easement for a right to convey water referred to in section 72(6).
Wainui	*Wellington Land District—Kapiti Coast District* 1.5000 hectares, more or less, being Section 1 SO 446259. Part computer freehold register 453989.	Recreation reserve subject to section 17 of the Reserves Act 1977.

Name of site	Description	Interests
Te Onepoto Bay	*Wellington Land District—Porirua City* 0.6612 hectares, more or less, being Lot 166 DP 32215. Part computer freehold register WN24A/47.	Recreation reserve subject to section 17 of the Reserves Act 1977.
Te Arai o Wairau	*Marlborough Land District—Marlborough District* 0.4254 hectares, more or less, being Sections 1 and 2 SO 446375. Part *Gazette* 1956, p 2, and part *Gazette* 1979, p 2633.	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to the easement in gross for a right to place a monument referred to in section 75(7). Subject to *Gazette* notice 84820 declaring adjoining State highway 1 to be a limited access road.
Pukatea / Whites Bay	*Marlborough Land District—Marlborough District* 1.3160 hectares, more or less, being Section 1 SO 429266. Part *Gazette* notice 30056 and part *Gazette* notice 54787.	Recreation reserve subject to section 17 of the Reserves Act 1977.
Horahora-kākahu	*Marlborough Land District—Marlborough District* 2.3470 hectares, more or less, being Section 1 SO 447529. All *Gazette* 1913, p 2821.	Historic reserve subject to section 18 of the Reserves Act 1977.
Tokomaru / Mount Robertson	*Marlborough Land District—Marlborough District* 49.6000 hectares, more or less, being Section 1 SO 426595. Part *Gazette* 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 section 78(7). Subject to an unregistered telecommunications licence and easement with concession number NM–27041–TEL (dated 5 May 2010) to Airways Corporation of New Zealand Limited.

Sites that vest in fee simple to be held as Maori reservations

Name of site	Description	Interests
Taupo urupa	*Wellington Land District—Porirua City* 0.0875 hectares, more or less, being Section 1 SO 443344. Part computer freehold register WN25C/949.	Maori reservation subject to section 338 of Te Ture Whenua Maori Act 1993 set apart for the purposes of a burial ground and held for the benefit of Ngati Toa Rangatira.
Whitireia urupa	*Wellington Land District—Porirua City* 1.0062 hectares, more or less, being Section 3 SO 446704. Part computer freehold register	Maori reservation subject to section 338 of Te Ture Whenua Maori Act 1993 set apart for the purposes of a burial ground and

Name of site	Description	Interests
	WN447/193 (limited as to parcels).	held for the benefit of Ngati Toa Rangatira.

Schedule 4
Kapiti Island redress

ss 107(1), 112(4)(b)

Kapiti Island site

Name of site	Description
Kapiti Island site	*Wellington Land District—Kapiti Coast District* 1.0000 hectare, more or less, being Section 1 SO 450703. Part Maori Land Court order B531357.5.

Kapiti Island North Nature Reserve site

Name of site	Description	Interests
Kapiti Island North Nature Reserve site	*Wellington Land District—Kapiti Coast District* 188.4900 hectares, more or less, being Section 1 SO 457506. All computer freehold register WN48C/227 and part Maori Land Court order B531357.5.	Nature reserve subject to section 20 of the Reserves Act 1977. Subject to an unregistered research permit with number WE–30216–FLO to R Buxton. Subject to an unregistered concession to Waiorua Lodge Limited (trading as Kapiti Island Alive) with concession number WE–22410–GUI (dated 10 July 2008).

Kapiti Island North Nature Reserve balance site

Name of site	Description
Kapiti Island North Nature Reserve balance site	*Wellington Land District—Kapiti Coast District* 1.0000 hectare, more or less, being Section 2 SO 450703. Part Maori Land Court order B531357.5.

Kapiti Island Nature Reserve site

Name of site	Description
Kapiti Island Nature Reserve site	*Wellington Land District—Kapiti Coast District* 1760.7517 hectares, more or less, being Section 3 Block I Kapiti Survey District and Waiorua Kapiti 5C. Part *Gazette* 1973, p 1381.

Schedule 5
Notices in relation to RFR land

ss 210, 216(3)

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 3 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 186, 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 205, 208, or 209; 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

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

Notes

1 General

This is a consolidation of the Ngati Toa Rangatira Claims Settlement Act 2014 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40): section 41(1)

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Secondary Legislation Act 2021 (2021 No 7): section 3

Education and Training Act 2020 (2020 No 38): section 668

Trusts Act 2019 (2019 No 38): section 161

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26): section 107

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