

Ngāti Apa (North Island) claims settlement right of first refusal

Learn about the key aspects of the Ngāti Apa (North Island) claims settlement right of first refusal (RFR). Note: this is a guide only and agencies must comply with the requirements of the Deed of Settlement, legislation and any relevant LINZ standards.

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The following has been developed in collaboration with Te Arawhiti.

Te Arawhiti website: <https://www.tearawhiti.govt.nz/>

The Ngāti Apa (North Island) area of interest

The North Island iwi of Ngāti Apa (North Island) has more than 3,200 members, and is based in the Rangitikei-Manawatu area.

The map below provides an indication of the area of interest for Ngāti Apa (North Island), but is **not** a depiction of any RFR area.



Map showing the area of interest referred to in the Deed of Settlement between Ngāti Apa (North Island) and the Crown.

Settlement Summary

Ngāti Apa (North Island) received redress through its Treaty settlement with the Crown.

Iwi	Ngāti Apa (North Island)
	8 October 2008
Deed of Settlement signed	The Deed was amended during the settlement process. Ngāti Apa (North Island) Deed of Settlement: https://www.govt.nz/treaty-settlement-documents/ngati-apa-north-island/
Settlement date	4 February 2011
Legislation	Ngāti Apa (North Island) Claims Settlement Act 2010 (“the Act”)
RFR provisions	The RFR provisions are enabled by a Deed granting a Right of First Refusal (“the RFR deed”) located in Part 24 of the Schedule of the Deed of Settlement. There are no RFR provisions in the settlement legislation. Deed Granting a Right of First Refusal: https://www.govt.nz/assets/Documents/OTS/Ngati-Apa-North-Island/Ngati-Apa-North-Island-Deed-of-Settlement-Schedule-8-Oct-2008.pdf
Offer made to	The RFR offer is in favour of the trustees of Te Runanga o Ngāti Apa (“the trustees ”)
RFR period	50 years from the settlement date (expires in 2061)
RFR memorials	No

Definition of RFR property

Clause 14.1 of the RFR deed defines RFR property included in the settlement. It includes each of the properties listed in Schedule 3 of the RFR deed.

Disposals

The RFR obligation arises for any disposal that:

- transfers or vests the fee simple estate in the land, or
- grants a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 50 years or longer.

Preliminary notice

There is no requirement to give preliminary notice of a disposal in this settlement.

Offering the land

Before disposing of an RFR property, the Crown must give notice to the trustees. This RFR notice offers to dispose of the property to the trustees at the price and on the terms and conditions set out in the notice.

The Crown may withdraw an RFR notice at any time before the trustees accept an offer. If the Crown withdraws an RFR notice, the RFR deed will still apply to the property. The Crown will be required to give another RFR notice before it disposes of the RFR property.

Expiry date of offer

The RFR offer expires one calendar month after it is received by the trustees.

Subsequent disposal process

Clause 3 of the RFR deed sets out that if the trustees do not accept an offer, or the offer period expires, the Crown can dispose of the land provided that:

- the subsequent disposal is not on more favourable terms than those offered to the trustees,
- the land is being disposed of within 2 years after expiry of the RFR offer

The Crown must, promptly after entering into an agreement to dispose of the RFR property to a purchaser or lessee, give notice to the trustees of that fact and disclose the terms of that agreement. The Crown must not dispose of the RFR property after the end of that 2-year period without first giving notice under clause 1.1 of the RFR deed.

Clause 4 of the RFR deed provides that should the Crown propose to dispose of the RFR property on more favourable terms it may do so only if it first gives another RFR notice to the trustees.

Exempted disposals

Certain disposals can occur without making an RFR offer to the trustees. These exempted disposals are set out in clauses 5 and 6 of the RFR deed. The Crown must notify the trustees of any disposal exempted from an RFR offer at least 20 business days before the disposal. This notification must provide details of the disposal, including the name of the person to whom the land is being disposed of and an explanation of how the disposal complies with clause 5 or clause 6, and a copy of any written contract for the disposal.

The RFR deed includes specific exemptions in relation to disposal of land that was held for a public work. This land may be disposed of to a local authority under section 50 of the Public Works Act 1981 or any other person where the land will be held or used for the purpose which, immediately before the disposal, constituted the public work.

Where RFR properties are to be disposed of to certain new owners a deed of covenant may be required to bind new owners to the RFR. The new owner takes on the obligations under the RFR deed. Clause 6 and Schedules 1 and 2 of the RFR deed set out when this is required.

Delivery of notices

Clause 11 of the RFR deed provides for offer notices to be delivered by hand, registered mail or facsimile. There is no provision in the RFR deed for electronic service of an offer.

Contact details

For more information about the Ngāti Apa (North Island) claims settlement contact:

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