

Te Tau Ihu Claims Settlement right of first refusal

Learn about the key aspects of the Te Tau Ihu claims settlement right of first refusal (RFR). Note: this is a guide only and agencies must comply with the requirements of the collective redress deed, legislation and any relevant LINZ standards.

Publication Date: 11 January 2021

The following has been developed in collaboration with Te Arawhiti.

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

The Te Tau Ihu area

There are eight iwi which have historical and cultural associations with the region at the top of the South Island referred to as 'Te Tau Ihu o Te Waka a Māui (Te Tau Ihu)'. These eight iwi are:

- Ngāti Apa ki te Rā Tō
- Ngāti Kuia
- Rangitāne o Wairau
- Ngāti Kōata
- Ngāti Rārua
- Ngāti Tama ki Te Tau Ihu
- Te Ātiawa o Te Waka-a-Māui
- Ngāti Toa Rangatira

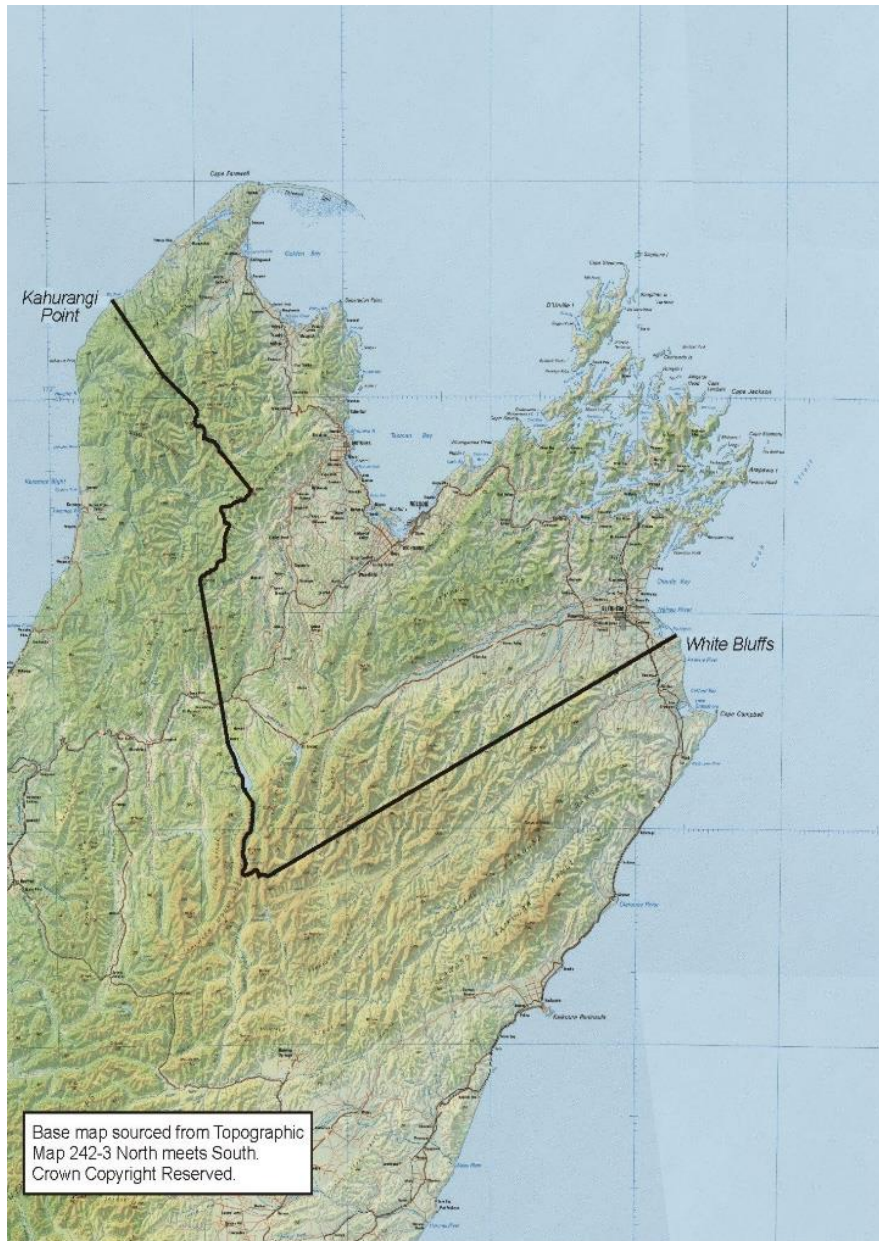
The map on the next page provides an indication of the Te Tau Ihu area (the area above the black line) but is not a depiction of any RFR area.

Note: The Ngāti Toa Rangatira Treaty settlement also includes land in the southern part of the North Island and two specific properties in Nelson (refer to the Ngāti Toa Rangatira RFR guide for this land).

Ngāti Toa Rangatira claims settlement right of first refusal:

<https://www.linz.govt.nz/crown-property/acquisition-and-disposal-land/crown-property-disposal-process/right-first-refusal-rfr/right-first-refusal-guides/ng%C4%81ti-toa-rangatira-claims-settlement-right-first-refusal>

This page only applies to the interest of Ngāti Toa Rangatira in Te Tau Ihu.



Map showing the Te Tau Ihu area.

Settlement Summary

The eight iwi of Te Tau Ihu received redress through their Treaty settlements with the Crown. Iwi:

- Ngāti Apa ki te Rā Tō
- Ngāti Kuia
- Rangitāne o Wairau
- Ngāti Kōata
- Ngāti Rārua
- Ngāti Tama ki Te Tau Ihu
- Te Ātiawa o Te Waka-a-Māui

- Ngāti Toa Rangatira

Note: Some Deeds of Settlement were amended during the settlement process.

Ngāti Apa ki te Rā Tō

Settlement date	1 August 2014
Deed of Settlement signed	29 October 2010 Ngāti Apa ki te Rā Tō Deed of Settlement: https://www.govt.nz/treaty-settlement-documents/ngati-apa-ki-te-ra-to/
Legislation	Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 The RFR provisions in this Act are contained in sections 161–191 and Schedule 4. Sections 161-191 of the Act: http://legislation.govt.nz/act/public/2014/0019/latest/DLM5214868.html Schedule 4 of the Act: http://legislation.govt.nz/act/public/2014/0019/latest/DLM5216207.html
Offer made to	Ngāti Apa ki te Rā Tō Trust

Ngāti Kuia

Settlement date	1 August 2014
Deed of Settlement signed	23 October 2010 Ngāti Kuia Deed of Settlement: https://www.govt.nz/treaty-settlement-documents/ngati-kuia/
Legislation	Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 The RFR provisions in this Act are contained in sections 161–191 and Schedule 4. Sections 161-191 of the Act: http://legislation.govt.nz/act/public/2014/0019/latest/DLM5214868.html Schedule 4 of the Act: http://legislation.govt.nz/act/public/2014/0019/latest/DLM5216207.html

Offer made to Ngāti Apa ki te Rā Tō Trust

Rangitāne o Wairau

Settlement date 1 August 2014

Deed of Settlement signed 4 December 2010
Rangitāne o Wairau Deed of Settlement: <https://www.govt.nz/treaty-settlement-documents/rangitane-o-wairau/>

Legislation Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014
The RFR provisions in this Act are contained in sections 161–191 and Schedule 4.
Sections 161-191 of the Act: <http://legislation.govt.nz/act/public/2014/0019/latest/DLM5214868.html>
Schedule 4 of the Act: <http://legislation.govt.nz/act/public/2014/0019/latest/DLM5216207.html>

Offer made to Rangitāne o Wairau Settlement Trust

Ngāti Kōata

Settlement date 1 August 2014

Deed of Settlement signed 21 December 2012
Ngāti Kōata Deed of Settlement: <https://www.govt.nz/treaty-settlement-documents/ngati-koata/>

Legislation Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014
The RFR provisions in this Act are contained in sections 181-211 and Schedule 5.
Sections 181-211 of the Act: <http://legislation.govt.nz/act/public/2014/0020/latest/DLM5955148.html>
Schedule 5 of the Act: <http://legislation.govt.nz/act/public/2014/0020/latest/DLM5955282.html>

Offer made to Te Pātaka a Ngāti Kōata

Ngāti Rārua

Settlement date 1 August 2014

Deed of Settlement signed 13 April 2013
 Ngāti Rārua Deed of Settlement: <https://www.govt.nz/treaty-settlement-documents/ngati-rarua/>

Legislation Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014
 The RFR provisions in this Act are contained in sections 181-211 and Schedule 5.
 Sections 181-211 of the Act: <http://legislation.govt.nz/act/public/2014/0020/latest/DLM5955148.html>
 Schedule 5 of the Act: <http://legislation.govt.nz/act/public/2014/0020/latest/DLM5955282.html>

Offer made to Ngāti Rārua Settlement Trust

Ngāti Tama ki Te Tau Ihu

Settlement date 1 August 2014

Deed of Settlement signed 20 April 2013
 Ngāti Tama ki Te Tau Ihu Deed of Settlement: <https://www.govt.nz/treaty-settlement-documents/ngati-tama-ki-te-tau-ihu/>

Legislation Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014
 The RFR provisions in this Act are contained in sections 181-211 and Schedule 5.
 Sections 181-211 of the Act: <http://legislation.govt.nz/act/public/2014/0020/latest/DLM5955148.html>
 Schedule 5 of the Act: <http://legislation.govt.nz/act/public/2014/0020/latest/DLM5955282.html>

Offer made to Ngāti Tama ki Te Waipounamu Trust

Te Ātiawa o Te Waka-a-Māui

Settlement date 1 August 2014

Deed of Settlement signed 21 December 2012
Te Ātiawa o Te Waka-a-Māui Deed of Settlement: <https://www.govt.nz/treaty-settlement-documents/te-atiawa-o-te-waka-a-maui/>

Legislation Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014
The RFR provisions in this Act are contained in sections 181-211 and Schedule 5.
Sections 181-211 of the Act: <http://legislation.govt.nz/act/public/2014/0020/latest/DLM5955148.html>
Schedule 5 of the Act: <http://legislation.govt.nz/act/public/2014/0020/latest/DLM5955282.html>

Offer made to Te Ātiawa o Te Waka-a-Māui Trust

Ngāti Toa Rangatira

Settlement date 1 August 2014

Deed of Settlement signed 7 December 2012
Ngāti Toa Rangatira Deed of Settlement: <https://www.govt.nz/treaty-settlement-documents/ngati-toa-rangatira/>

Legislation Ngāti Toa Rangatira Claims Settlement Act 2014
The RFR provisions in this Act are contained in sections 183-216 and Schedule 5.
Sections 183-216 of the Act: <http://legislation.govt.nz/act/public/2014/0017/latest/DLM5954113.html>
Schedule 5 of the Act: <http://legislation.govt.nz/act/public/2014/0017/latest/DLM5954244.html>

Offer made
to Toa Rangatira Trust

RFR land

The RFR is in favour of the post-settlement governance entities (PSGEs) for the eight iwi as outlined below.

Under the settlements there are five categories of RFR land applicable to Te Tau Ihu:

- general RFR land,
- settlement iwi RFR land,
- specified iwi RFR land,
- deferred selection RFR land and
- specified area RFR land.

The settlement legislation defines which land is subject to a particular RFR category. In general however, the land must have been owned by the Crown or a specified agency on the settlement date.

General RFR land under these settlements is exclusive to each of the relevant iwi. The RFR offer is made to each PSGE in respect of the land listed in their respective Deed.

Iwi with general RFR land with an RFR period of **169 years**:

- Ngāti Apa ki te Rā Tō (land listed in Part 3 of the attachments)
- Ngāti Kuia (land listed in Part 3 of the attachments)
- Rangitāne o Wairau (land listed in Part 3 of the attachments)
- Ngāti Kōata (land listed in Part 4 of the attachments)
- Ngāti Rārua (land listed in Part 4 of the attachments)
- Ngāti Tama ki Te Tau Ihu (land listed in Part 4 of the attachments)
- Te Ātiawa o Te Waka-a-Māui (land listed in Part 4 of the attachments)

The Ngāti Kuia settlement also includes general RFR land with an RFR period of 60 years. This is land described as “Titirangi Bay RFR area” and “Waitara Bay RFR area” listed in Part 3 of the attachments.

Note: Ngāti Toa Rangatira has exclusive RFR land, but this is situated in the North Island and not the Te Tau Ihu area. See the Ngāti Toa Rangatira RFR guide for more information.

Ngāti Toa Rangatira claims settlement right of first refusal:

<https://www.linz.govt.nz/crown-property/acquisition-and-disposal-land/crown-property-disposal-process/right-first-refusal-rfr/right-first-refusal-guides/ng%C4%81ti-toa-rangatira-claims-settlement-right-first-refusal>

Settlement iwi RFR land under these settlements is the Nelson Marlborough Institute of Technology, Nelson campus. The RFR period for this land is **169 years** and it is shared by four iwi: Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu and Te Ātiawa o Te Waka-a-Māui (land listed in Part 3 of the attachments to each relevant Deed). The RFR offer is

made to all four relevant PSGEs but a contract for disposal can only be entered into with one of the PSGEs.

Specified iwi RFR land under these settlements is the summit of Tokomaru / Mount Robertson. The RFR period for this land is **169 years**. It is shared by Ngāti Rārua and Ngāti Toa Rangatira (land described in part 5 of the attachments to each relevant Deed). The RFR offer is made to both relevant PSGEs but a contract for disposal can only be entered into with one of the PSGEs.

Deferred selection RFR land under these settlements includes deferred selection property (DSP) listed in individual Deeds of the relevant iwi that has not been transferred to, and is no longer able to be transferred to, the named individual iwi PSGE in accordance with the terms of the individual Deed (note: the property described as “Nelson High/District Courthouse” in the Ngāti Apa ki te Rā Tō Deed is excluded from deferred selection RFR land). The RFR period for this land is **100 years**, and it is shared by seven iwi:

- Ngāti Apa ki te Rā Tō (DSP lists in Parts 3.6 and 3.7 of the property redress schedule in the Deed to Amend dated February 2013)
- Ngāti Kuia (DSP lists in Parts 3.6 and 3.7 of the property redress schedule in the Deed to Amend dated December 2012)
- Rangitāne o Wairau (DSP lists in Parts 3.6 and 3.7 of the property redress schedule in the Deed to Amend dated December 2012)
- Ngāti Kōata (DSP list in Part 4 of the property redress schedule)
- Ngāti Rārua (DSP list in Part 4 of the property redress schedule)
- Ngāti Tama ki Te Tau Ihu (DSP list in Part 4 of the property redress schedule)
- Te Ātiawa o Te Waka-a-Māui (DSP list in Part 4 of the property redress schedule)

The RFR offer for deferred selection RFR land is made to all seven PSGEs but a contract for disposal can only be entered into with one of the PSGEs.

Note: The Ngāti Toa Rangatira settlement includes deferred selection RFR land, the majority of which is located in the North island (refer to the Ngāti Toa Rangatira RFR guide for this land). The RFR period for this land is 10 years from 1 August 2014.

Specified area RFR land included in this settlement is Crown-owned land within the area shown on the “Specified Area RFR Land” plan in the Deed of Settlement of each iwi. This excludes land that is to, or may, transfer to or vest in PSGE in accordance with their Deed, conservation land, or land subject to a pastoral lease under Part 1 of the Crown Pastoral Land Act 1998. The RFR period for this land is **100 years**, and shared by all Te Tau Ihu iwi:

- Ngāti Apa ki te Rā Tō (area shown on OTS-099-91 in Part 2 of the attachments)
- Ngāti Kuia (area shown on deed plan in Part 2 of the attachments)
- Rangitāne o Wairau (area shown on OTS-099-91 in Part 2 of the attachments)
- Ngāti Kōata (area shown on OTS-202-140 in Part 2 of the attachments)

- Ngāti Rārua (area shown on OTS-202-140 in Part 2 of the attachments)
- Ngāti Tama ki Te Tau Ihu (area shown on OTS-202-140 in Part 2 of the attachments)
- Te Ātiawa o Te Waka-a-Māui (area shown on OTS-202-140 in Part 2 of the attachments)
- Ngāti Toa Rangatira (area shown on OTS-068-75 in Part 2 of the attachments)

The RFR offer is made to all eight PSGEs but a contract for disposal can only be entered into with one of the PSGEs.

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 a preliminary notice requirement for deferred selection RFR land or specified area RFR land. An RFR landowner is required to notify the relevant PSGE(s) of the potential disposal of such land where they may ultimately be required to make an offer. There is no preliminary notice requirement for other categories of RFR land.

Offering the land

The RFR offer to the trustees of the PSGE(s) needs to include the terms of the offer, including:

- the expiry date
- the legal description and street address of the land
- contact details for the trustee to respond to
- which category of RFR land applies.

Expiry date of offer

The RFR offer expires on or after the 40th working date after the day the PSGE(s) receive the offer. However, a shorter offer period applies for any subsequent offers to a PSGE(s) that are made within 6 months of an earlier offer.

Shared RFR offers

Depending on the category of RFR land, an RFR landowner may have to offer the land to the trustees of more than one PSGE. Shared RFR offers are made at the same time, individually, to each relevant PSGE. A contract for disposal can only be entered into with one of the PSGEs.

If more than one PSGE seeks to accept an RFR offer, the RFR landowner has 10 working days to give notice to those PSGEs. This notice advises which PSGEs have sought to accept the offer and gives those PSGEs a further 20 working days to advise which will take up the offer. The onus is on the PSGEs to resolve which PSGE will accept the offer before the additional 20 working day period expires.

Subsequent disposal process

If the PSGE(s) does not accept an offer, or the offer period expires, the RFR landowner can dispose of the property provided that:

- the subsequent disposal is not on more favourable terms than those offered to the PSGE(s),
- the property is being disposed of within 2 years after expiry of the RFR offer and
- the PSGE(s) that were offered the land are notified of the proposed disposal at least 20 working days before the disposal occurs.

This notification must provide details of the disposal and a copy of the written contract to demonstrate that the subsequent disposal is not on more favourable terms than the RFR offer.

Exempted disposals

Certain disposals can occur without making an RFR offer to PSGE(s). These exempted disposals are set out in the relevant settlement legislation.

The relevant PSGE(s) must be notified of the proposed exempted disposal at least 20 working days before the disposal occurs, including an explanation of why the disposal is exempted under the settlement.

This settlement provides that specific exemptions apply to disposals of RFR land by Housing New Zealand Corporation where the Corporation considers 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. However, section 20 of the Kāinga Ora-Homes and Communities Act 2019 provides that Kāinga Ora-Homes and Communities may not exercise the powers conferred upon Housing New Zealand Corporation or any of its subsidiaries by the Te Tau Ihu settlement legislation.

Section 20 of the Kāinga Ora-Homes and Communities Act 2019:

<http://legislation.govt.nz/act/public/2019/0050/latest/LMS196222.html>

RFR Memorials

All records of title for RFR land subject to one of the RFR categories must be noted with a memorial protecting the PSGE(s) interest.

If an RFR landowner creates a new record of title for an RFR property after settlement date, it must advise LINZ as soon as possible so LINZ can place a memorial noting the RFR on the title.

In certain cases, the RFR landowner must seek a certificate from LINZ, requesting the removal of the RFR memorial before a transfer can occur.

Contact details

For more information about the Ta Tau Ihu claims settlement contact:

Ngāti Apa ki Rā Tō Trust

PO Box 708

BLLENHEIM 7240

Ngāti Apa ki te Rā Tō PSGE website: <http://www.ngatiapakiterato.iwi.nz/>

Te Runanga o Ngāti Kuia Trust

PO Box 968

NELSON 7040

Ngāti Kuia PSGE website: <http://www.ngatikuia.iwi.nz/>

Rangitāne o Wairau Settlement Trust

PO Box 883

BLLENHEIM 7240

Rangitāne o Wairau PSGE website: <https://www.rangitane.org.nz/>

Te Pātaka a Ngāti Kōata

PO Box 1659

NELSON 7010

Ngāti Kōata PSGE website: <http://ngatikoata.com/>

Ngāti Rārua Settlement Trust

PO Box 1026

BLLENHEIM 7240

Ngāti Rārua PSGE website: <https://ngatiraruaco.nz/>

Ngāti Tama ki Te Waipounamu Trust

PO Box 914

NELSON 7040

Ngāti Tama ki Te Tau Ihu PSGE website: <https://ngatitama.nz/>

Te Ātiawa o Te Waka-a-Māui Trust

PO Box 340

PICTON 7250

Te Ātiawa o Te Waka-a-Māui PSGE website: <http://www.teatiawatrust.co.nz/>

Toa Rangatira Trust

PO Box 50355

PORIRUA 5024

Ngāti Toa Rangatira PSGE website: <http://www.ngatittoa.iwi.nz/>

Toitū Te Whenua Land Information New Zealand

PO Box 5501

WELLINGTON 6145

Toitū Te Whenua Land Information New Zealand website: <https://www.linz.govt.nz/>

Te Arawhiti – The Office for Māori Crown Relations

SX10111

WELLINGTON 6011

Te Arawhiti website: <http://tearawhiti.govt.nz/>

Email: postsettlement@tearawhiti.govt.nz