

Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua claims settlement right of first refusal

Learn about the key aspects of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua 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 Kahungunu ki Wairarapa Tāmaki nui-a-Rua area of interest

Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua consists of 2 of the 6 taiwhenua (regions) that make up the Ngāti Kahungunu iwi: Ngāti Kahungunu ki Wairarapa and Ngāti Kahungunu ki Tāmaki nui-a-Rua.

The map below provides an indication of the area of interest for Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua but is **not** a depiction of any RFR area.



Map showing the area of interest referred to in the Deed of Settlement between Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and the Crown.

Settlement Summary

Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua received redress through its Treaty settlement with the Crown.

Iwi	Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua
Deed of Settlement signed	<p>29 October 2021</p> <p>Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Deed of Settlement:</p> <p>https://www.tearawhiti.govt.nz/te-kahui-whakatau-treaty-settlements/find-a-treaty-settlement/ngati-kahungunu-ki-wairarapa-tamaki-nui-a-rua/</p>
Settlement date	7 March 2023
Legislation	<p>Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022: ("the Act")</p> <p>https://legislation.govt.nz/act/public/2022/0078/latest/whole.html</p>
RFR provisions	<p>The RFR provisions are covered by sections 109 to 138 and Schedule 4 of the Act.</p> <p>Sections 109 to 138 of the Act:</p> <p>https://legislation.govt.nz/act/public/2022/0078/latest/LMS15371.html</p> <p>Schedule 4 of the Act:</p> <p>https://legislation.govt.nz/act/public/2022/0078/latest/LMS15390.html</p>
Offer made to	The RFR offer is in favour of the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust ("the trustees")
RFR period	178 years on and from the settlement date (expires 2201)
RFR memorials	Yes

Definition of RFR land

Section 110 of the Act defines RFR land included in the settlement. It includes all the land listed in Part 6 of the Attachments to the Deed of Settlement that, on settlement date, was vested in the Crown, held in fee simple by the Crown or AgResearch Limited, or was a Crown-derived reserve vested in an administering body that would revert to the Crown.

Section 110 of the Act:

<https://legislation.govt.nz/act/public/2022/0078/latest/LMS15328.html>

Deed of Settlement – Attachments:

<https://www.govt.nz/assets/Documents/OTS/Ngati-Kahungunu-ki-Wairarapa-Tamaki-Nui-a-Rua/Ngati-Kahungunu-ki-Wairarapa-Tamaki-nui-a-Rua-Deed-of-Settlement-Attachments-29-Oct-2021.pdf>

RFR land also includes land obtained in exchange for a disposal of RFR land under specified sections. This is set out in section 110(1)(b) of the Act.

Section 110(1)(b) of the Act:

<https://legislation.govt.nz/act/public/2022/0078/latest/LMS15328.html>

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

The RFR offer to the trustees needs to include the terms of the offer, including:

- the terms of the offer, including the expiry date
- the legal description and street address of the land
- the reference for any record of title for the land
- any interests affecting the land
- contact details for the trustees to respond to.

Section 112 of the Act:

<https://legislation.govt.nz/act/public/2022/0078/latest/LMS15331.html>

Expiry date of offer

The RFR offer expires on or after 20 working days after the day the trustees receive the offer. However, a shorter expiry date of on or after 10 working days after the day on which an offer is received applies for any subsequent offers where the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer.

Subsequent disposal process

If the trustees do not accept an offer, or the offer period expires, the RFR landowner 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 and
- the trustees are notified of the proposed disposal at least 20 working days before the disposal occurs.

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 section 111 of the Act, and a copy of the written contact to demonstrate that the subsequent disposal is not on more favourable terms than the RFR offer.

Section 111 of the Act:

<https://legislation.govt.nz/act/public/2022/0078/latest/LMS15330.html>

Section 130 of the Act:

<https://legislation.govt.nz/act/public/2022/0078/latest/LMS15356.html>

Exempted disposals

Certain disposals can occur without making an RFR offer. These exempted disposals are set out in sections 117 to 128 of the Act.

Sections 117 to 128 of the Act:

<https://legislation.govt.nz/act/public/2022/0078/latest/LMS15339.html>

The trustees 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.

Section 130 of the Act:

<https://legislation.govt.nz/act/public/2022/0078/latest/LMS15356.html>

The settlement includes a specific exemption for disposal of RFR land owned by AgResearch Limited on the settlement date, if the land is being disposed of by:

- AgResearch Limited, or
- a subsidiary of AgResearch Limited, or
- any partnership, entity, or body in which AgResearch Limited and any other Crown bodies are the only partners or equity participants, and

The notice must state that the relevant Ministers' (as defined in section 127(4) of the Act) are of the opinion that AgResearch Limited will give or assist in giving effect to, any research purpose or research objectives because of the disposal.

Section 127 of the Act:

<https://legislation.govt.nz/act/public/2022/0078/latest/LMS20335.html>

RFR Memorials

All records of title for RFR land must be noted with a memorial protecting the trustees' interest.

If an RFR landowner creates a new record of title for an RFR property, the landowner must advise Toitū Te Whenua Land Information as soon as possible so Toitū Te Whenua can place a memorial noting the RFR on the title.

Section 129 of the Act:

<https://legislation.govt.nz/act/public/2022/0078/latest/LMS15355.html>

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

Section 131 of the Act:

<https://legislation.govt.nz/act/public/2022/0078/latest/LMS15357.html>

Contact details

For more information about the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua claims settlement contact:

Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust

PO Box 756

MASTERTON 5840

Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-rua Settlement Trust website:

<https://www.kkwtnr.org.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