

Tapuika claims settlement right of first refusal

Learn about the key aspects of the Tapuika claims settlement right of first refusal (RFR).

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Note: this is a guide only and agencies must comply with the requirements of the Deed of Settlement, legislation and any relevant LINZ standards

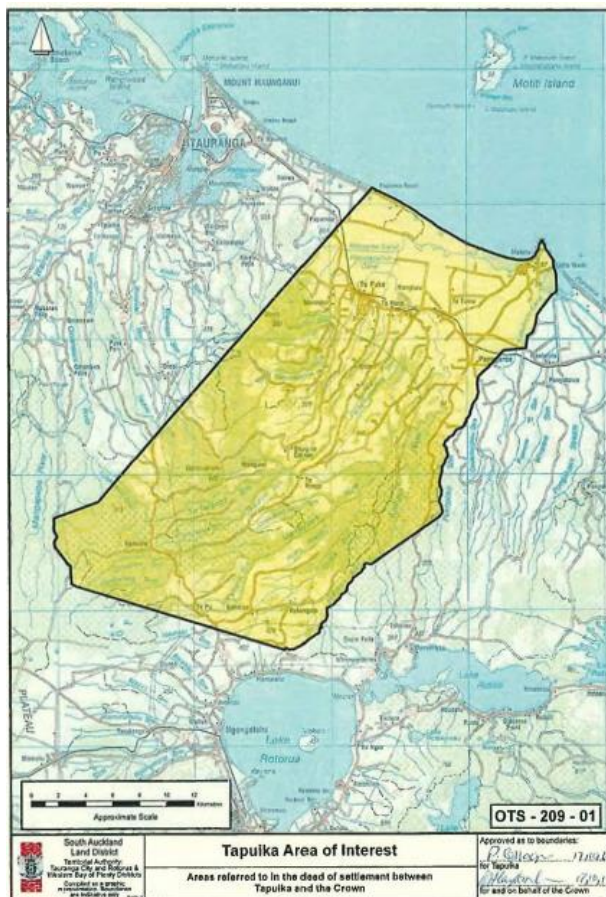
The following has been developed in collaboration with Te Arawhiti.

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

The Tapuika area of interest

The origins of Tapuika in Aotearoa date back to the arrival of Tia and his son Tapuika on Te Arawa waka. According to Tapuika tradition, Te Takapu o Tapuika, the tribal estate of Tapuika the iwi was formed on the lands within the claim or taumau of Tia in the Bay of Plenty Region between Papamoa and Maketu.

The map below provides an indication of the area of interest for Tapuika but is **not** a depiction of any RFR area.



Map showing the area of interest referred to in the Deed of Settlement between Tapuika and the Crown.

Settlement Summary

Tapuika received redress through their Treaty settlement with the Crown.

Iwi	Tapuika
Deed of Settlement signed	16 December 2012 Tapuika Deed of Settlement: https://www.tearawhiti.govt.nz/te-kahui-whakatau-treaty-settlements/find-a-treaty-settlement/tapuika/
Settlement date	20 May 2014
Legislation	Tapuika Claims Settlement Act 2014: ("the Act") Tapuika Claims Settlement Act 2014: https://legislation.govt.nz/act/public/2014/0015/latest/whole.html
RFR provisions	The RFR provisions are covered by sections 148-176 and Schedule 6 of the Act. Sections 148-176 of the Act: https://legislation.govt.nz/act/public/2014/0015/latest/DLM5993204.html Schedule 6 of the Act: https://legislation.govt.nz/act/public/2014/0015/latest/DLM5993304.html
Offer made to	The RFR offer is in favour of the trustees of the Tapuika Iwi Authority Trust ("the trustees ")
RFR period	171 years from the settlement date (expires in 2185)
RFR memorials	Yes

Definition of RFR land

Section 149 of the Act defines RFR land included in the settlement. It includes all the land listed in Part 3 of the Attachments to the Deed that, on settlement date, was vested in the Crown, held in fee simple by the Crown or the New Zealand Transport Agency Waka Kotahi, or was a Crown-derived reserve vested in an administering body that would revert to the Crown.

Section 149 of the Act:

<https://legislation.govt.nz/act/public/2014/0015/latest/DLM5993226.html>

Deed of Settlement – Attachments:

<https://www.govt.nz/assets/Documents/OTS/Tapuika/Tapuika-Deed-of-Settlement-Attachments-16-Dec-2012.pdf>

RFR land also includes land obtained in exchange for a disposal of RFR land under specified sections. This is set out in section 149(1)(b) of the Act.

Section 149(1)(b) of the Act:

<https://legislation.govt.nz/act/public/2014/0015/latest/DLM5993226.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

Body text

Offering the land

The RFR offer to the trustees needs to include:

- 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 151 of the Act:

<https://legislation.govt.nz/act/public/2014/0015/latest/DLM5993230.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.

Section 152 of the Act:

<https://legislation.govt.nz/act/public/2014/0015/latest/DLM5993232.html>

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

Section 150 of the Act:

<https://legislation.govt.nz/act/public/2014/0015/latest/DLM5993228.html>

Section 168 of the Act:

<https://legislation.govt.nz/act/public/2014/0015/latest/DLM5993253.html>

Exempted disposals

Certain disposals can occur without making an RFR offer to the trustees. These exempted disposals are set out in sections 156 to 166 of the Act.

Sections 156 to 166 of the Act:

<https://legislation.govt.nz/act/public/2014/0015/latest/DLM5993237.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 168 of the Act:

<https://legislation.govt.nz/act/public/2014/0015/latest/DLM5993253.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 New Zealand as soon as possible so Toitū Te Whenua can place a memorial noting the RFR on the title.

Section 167 of the Act:

<https://legislation.govt.nz/act/public/2014/0015/latest/DLM5993252.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 169 of the Act:

<https://legislation.govt.nz/act/public/2014/0015/latest/DLM5993254.html>

Contact details

For more information about the Tapuika claims settlement contact:

Tapuika Iwi Authority

PO Box 15

TE PUKE 3153

Tapuika Iwi website: <https://www.tapuika.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