

Ngāti Koroki Kahukura claims settlement right of first refusal

Learn about the key aspects of the Ngāti Koroki Kahukura 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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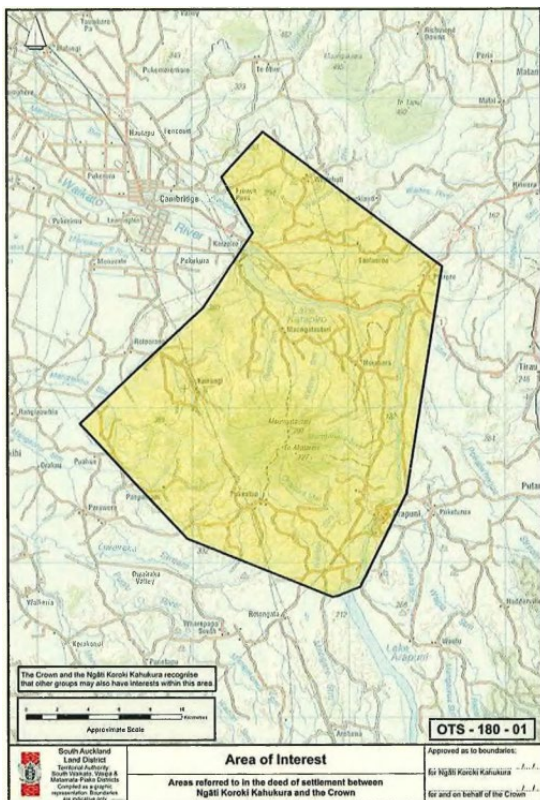
The following has been developed in collaboration with Te Arawhiti.

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

The Ngāti Koroki Kahukura area of interest

The rohe of Ngāti Koroki Kahukura, which they refer to as their homeland, stretches from Karapiro along the Pukekura Range and through Rotorangi and Puhue in the west, from Maungatautari 4 and 5 blocks to the top of Lake Arapuni in the south, then follows the Waikato River back to Piarere in the East, and from Piarere to the south of the Maungakawa Scenic Reserve, and on to Karapiro in the north.

The map below provides an indication of the area of interest for Ngāti Koroki Kahukura, but is not a depiction of any RFR area.



Map showing the area of interest referred to in the Deed of Settlement between Ngāti Koroki Kahukura and the Crown.

Settlement Summary

Ngāti Koroki Kahukura received redress through its Treaty settlement with the Crown.

Iwi	Ngāti Koroki Kahukura
Deed of Settlement signed	<p>20 September 2012.</p> <p>The Deed was amended during the settlement process.</p> <p>Ngāti Koroki Kahukura Deed of Settlement: https://www.govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement/ngati-koroki-kahukura/ngati-koroki-kahukura-deed-of-settlement-documents/</p>
Settlement date	9 February 2015
Legislation	Ngāti Koroki Kahukura Claims Settlement Act 2014 ("the Act")
RFR provisions	<p>The RFR provisions are covered by sections 105-133 and Schedule 4 of the Act.</p> <p>Sections 105-133 of the Act: https://legislation.govt.nz/act/public/2014/0074/latest/DLM5541169.html</p> <p>Schedule 4 of the Act: https://legislation.govt.nz/act/public/2014/0074/latest/DLM5541278.html</p>
Offer made to	The RFR offer is in favour of the trustees of the Taumatawiwi Trust ("the trustees ")
RFR period	173 years on and from the settlement date (expires in 2188)
RFR memorials	Yes

Definition of RFR land

Section 106 of the Act defines RFR land included in the settlement. RFR land is land within the RFR area (shown on SO 443357 in Part 3 of the Attachments to the Deed of Settlement) that, on settlement date, was vested in or held in fee simple by the Crown, or was a Crown-derived reserve vested in an administering body that would revert to the Crown.

Section 106 of the Act:

<https://legislation.govt.nz/act/public/2014/0074/latest/DLM5541190.html>

Deed of Settlement – Attachments:

<https://www.govt.nz/assets/Documents/OTS/Ngati-Koroki-Kahukura/Ngati-Koroki-Kahukura-Deed-of-Settlement-Attachments-20-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 106(1)(b) of the Act.

Section 106(1)(b) of the Act:

<https://legislation.govt.nz/act/public/2014/0074/latest/DLM5541190.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 expiry date
- the legal description and street address of the land
- any interests affecting the land
- contact details for the trustees to respond to.

Section 108 of the Act:

<https://legislation.govt.nz/act/public/2014/0074/latest/DLM5541195.html>

Expiry date of offer

The RFR offer expires on or after 40 working days after the day the trustees receive the offer. However, a shorter expiry date of on or after 20 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 109 of the Act:

<https://legislation.govt.nz/act/public/2014/0074/latest/DLM5541196.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 107 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 107 of the Act:

<https://legislation.govt.nz/act/public/2014/0074/latest/DLM5541193.html#DLM5541193>

Section 125 of the Act:

<https://legislation.govt.nz/act/public/2014/0074/latest/DLM5541217.html>

Exempted disposals

Certain disposals can occur without making an RFR offer to the trustees. These exempted disposals are set out in sections 113-123 of the Act.

Sections 113-123 of the Act:

<https://legislation.govt.nz/act/public/2014/0074/latest/DLM5541202.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 125 of the Act:

<https://legislation.govt.nz/act/public/2014/0074/latest/DLM5541217.html>

RFR Memorials

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

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

Section 128 of the Act:

<https://legislation.govt.nz/act/public/2014/0074/latest/DLM5541221.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 129 of the Act:

<https://legislation.govt.nz/act/public/2014/0074/latest/DLM5541222.html>

Contact details

For more information about the Ngāti Koroki Kahukura claims settlement contact:

Taumatawiwi Trust

PO Box 1522

HAMILTON 3240

Ngāti Koroki Kahukura Trust website: <https://www.korokikahukura.co.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