

Ngāti Pūkenga claims settlement right of first refusal

Learn about the key aspects of the Ngāti Pūkenga 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.

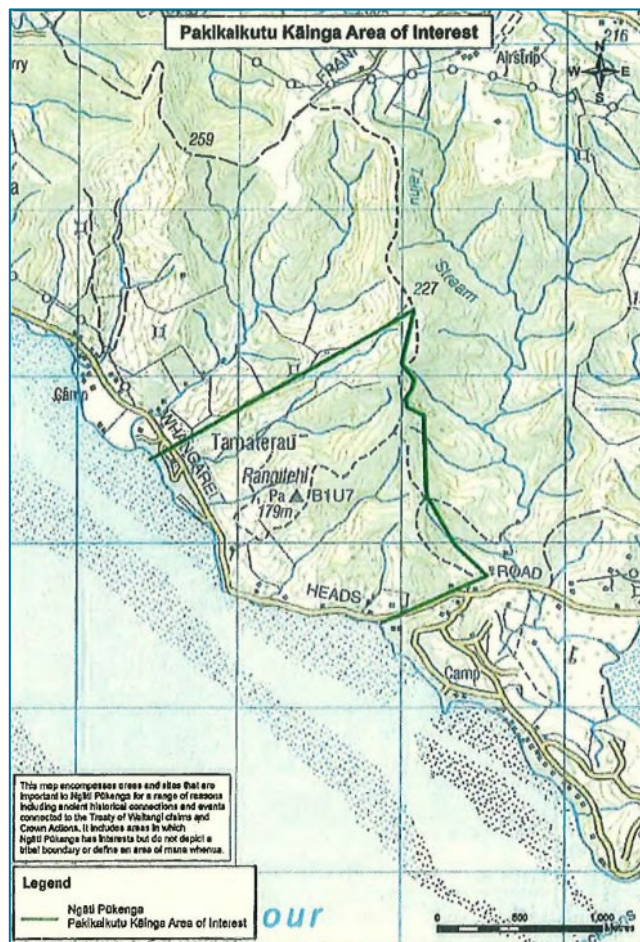
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The following has been developed in collaboration with Te Arawhiti.

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

The Ngāti Pūkenga kāinga areas of interest

There are three kāinga areas of interest in which Ngāti Pūkenga have interests. These are depicted in the three maps below which provide an indication of those areas for Ngāti Pūkenga, but are **not** depictions of any RFR area.



Map showing the Pakikaukutu Kāinga Area of Interest referred to in the Deed of Settlement between Ngāti Pūkenga and the Crown.



Map showing the Manaia Kāinga Area of Interest referred to in the Deed of Settlement between Ngāti Pūkenga and the Crown.



Map showing the Tauranga and Maketū Kāinga Area of Interest referred to in the Deed of Settlement between Ngāti Pūkenga and the Crown.

Settlement Summary

Ngāti Pūkenga received redress through its Treaty settlement with the Crown.

Iwi	Ngāti Pūkenga
Deed of Settlement signed	<p>7 April 2013</p> <p>The Deed was amended during the settlement process.</p> <p>Ngāti Pūkenga Deed of Settlement: https://www.govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement/ngati-pukenga/ngati-pukenga-deed-of-settlement-documents/</p>
Settlement date	12 September 2017
Legislation	<p>Ngāti Pūkenga Claims Settlement Act 2017 (“the Act”) https://legislation.govt.nz/act/public/2017/0039/latest/DLM6745613.html?src=qs</p>
RFR provisions	<p>The RFR provisions are covered by sections 87-115 and Schedule 4 of the Act.</p> <p>Sections 87-115 of the Act: https://legislation.govt.nz/act/public/2017/0039/latest/DLM6745875.html</p> <p>Schedule 4 of the Act: https://legislation.govt.nz/act/public/2017/0039/latest/DLM6745952.html</p>
Offer made to	The RFR offer is in favour of the trustees of Te Tāwharau o Ngāti Pūkenga Trust (“the trustees ”)
RFR period	174 years on and from the settlement date (expires in 2191)
RFR memorials	Yes

Definition of RFR land

Section 88 of the Act defines RFR land included in the settlement. RFR land is land listed in Part 2A of the Attachments to the Deed that, on settlement date, was vested in or held in fee simple by the Crown.

Section 88 of the Act:

<https://legislation.govt.nz/act/public/2017/0039/latest/DLM6745898.html>

Deed of Settlement – Attachments:

<https://www.govt.nz/assets/Documents/OTS/Ngati-Pukenga/Ngati-Pukenga-Deed-of-Settlement-Attachments-7-Apr-2013.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/2017/0039/latest/DLM6745898.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 90 of the Act:

<https://legislation.govt.nz/act/public/2017/0039/latest/DLM6745903.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 91 of the Act:

<https://legislation.govt.nz/act/public/2017/0039/latest/DLM6745904.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 89 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 89 of the Act:

<https://legislation.govt.nz/act/public/2017/0039/latest/DLM6745901.html>

Section 107 of the Act:

<https://legislation.govt.nz/act/public/2017/0039/latest/DLM6745925.html>

Exempted disposals

Certain disposals can occur without making an RFR offer to the trustees. These exempted disposals are set out in sections 95-105 of the Act.

Sections 95-105 of the Act:

<https://legislation.govt.nz/act/public/2017/0039/latest/DLM6745910.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 107 of the Act:

<https://legislation.govt.nz/act/public/2017/0039/latest/DLM6745925.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 106 of the Act:

<https://legislation.govt.nz/act/public/2017/0039/latest/DLM6745924.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 108 of the Act:

<https://legislation.govt.nz/act/public/2017/0039/latest/DLM6745926.html>

Contact details

For more information about the Ngāti Pūkenga claims settlement contact:

Te Tāwharau o Ngāti Pūkenga Trust

PO Box 13610

TAURANGA 3141

Ngāti Pūkenga Trust website: <https://ngatipukenga.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