

Maraeroa A and B Blocks claims settlement right of first refusal

Learn about the key aspects of the Maraeroa A and B Blocks 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

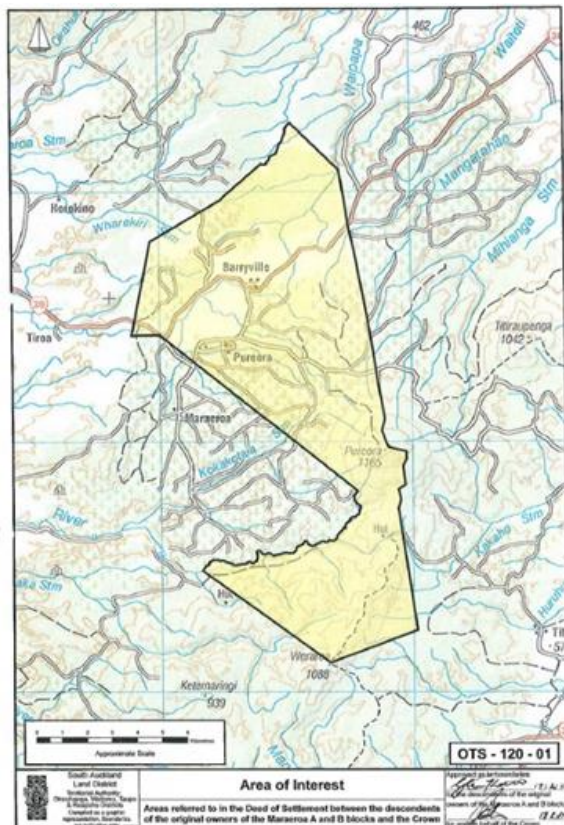
The following has been developed in collaboration with Te Arawhiti.

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

The Maraeroa A and B Blocks area of interest

The Maraeroa A and B blocks are located on the volcanic plateau to the east of Te Kuiti. The people of Maraeroa A and B Blocks comprise hapū affiliating to Ngāti Rereahu, Ngāti Maniapoto, Tūwharetoa, Raukawa and others.

The map below provides an indication of the area of interest for Maraeroa A and B Blocks, but is **not** a depiction of any RFR area.



Map showing the area of interest referred to in the Deed of Settlement between the descendants of the original owners of Maraeroa A and B Blocks and the Crown.

Settlement Summary

The descendants of the original owners of Maraeroa A and B Blocks received redress through their Treaty settlement with the Crown.

Group	The descendants of the original owners of Maraeroa A and B Blocks
Deed of Settlement signed	<p>12 March 2011</p> <p>The Deed was amended during the settlement process.</p> <p>Maraeroa A and B Blocks Deed of Settlement:</p> <p>https://www.tearawhiti.govt.nz/te-kahui-whakatau-treaty-settlements/find-a-treaty-settlement/maraeroa-a-and-b-blocks/</p>
Settlement date	29 August 2012
Legislation	<p>Maraeroa A and B Blocks Claims Settlement Act 2012: ("the Act")</p> <p>https://www.legislation.govt.nz/act/public/2012/0052/latest/whole.html</p>
RFR provisions	<p>The RFR provisions are set out in the Deed Granting a Right of First Refusal ("the RFR Deed"). There are no RFR provisions in the legislation.</p> <p>Deed Granting a Right of First Refusal:</p> <p>https://www.govt.nz/assets/Documents/OTS/Maraeroa/Maraeroa-A-B-Blocks-Deed-Granting-a-Right-of-First-Refusal-23-Aug-2012.pdf</p>
Offer made to	The RFR offer is in favour of the Maraeroa A and B Blocks Incorporation ("the governance entity incorporation").
RFR period	50 years after settlement date (expires in 2062)
RFR memorials	No

Definition of RFR land

Clause 14.1 of the RFR Deed defines RFR property included in the settlement. It includes each of the properties listed in Schedule 3 of the RFR Deed (as shown on OTS-120-21 in the Deed of Settlement Attachments).

Deed of Settlement – Attachments:

<https://www.govt.nz/assets/Documents/OTS/Maraeroa/Maraeroa-A-and-B-Blocks-Deed-of-Settlement-Attachments-12-Mar-2011.pdf>

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

Before disposing of an RFR property, the Crown must give notice to the governance entity incorporation. This RFR notice offers to dispose of the property to the governance entity incorporation at the price and on the terms and conditions set out in the notice.

The Crown may withdraw an RFR notice at any time before the governance entity incorporation accept an offer. If the Crown withdraws an RFR notice, the RFR deed will still apply to the property. The Crown will be required to give another RFR notice before it disposes of the RFR property.

Expiry date of offer

The RFR offer expires one calendar month after it is received by the governance entity incorporation.

Subsequent disposal process

Clause 3 of the RFR deed sets out that if the governance entity incorporation does not accept an offer, or the offer period expires, the Crown can dispose of the property provided that:

- the subsequent disposal is not on more favourable terms than those offered to the governance entity incorporation

- the land is being disposed of within 2 years after expiry of the RFR offer.

The Crown must, promptly after entering into an agreement to dispose of the RFR property to a purchaser or lessee, give notice to the governance entity incorporation of that fact and disclose the terms of that agreement. The Crown must not dispose of the RFR property after the end of that 2-year period without first giving notice under clause 1.1 of the RFR deed.

Clause 4 of the RFR deed provides that should the Crown propose to dispose of the RFR property on more favourable terms it may do so only if it first gives another RFR notice to the governance entity incorporation.

Exempted disposals

Certain disposals can occur without making an RFR offer to the governance entity incorporation. These exempted disposals are set out in clauses 5 and 6 of the RFR deed. The Crown must notify the governance entity incorporation of a disposal exempted from an RFR offer under clauses 5 or 6 in accordance with the RFR deed.

The RFR deed includes specific exemptions in relation to disposal of land that was held for a public work. This land may be disposed of to a local authority under section 50 of the Public Works Act 1981 where the land will be held or used for the purpose which, immediately before the disposal, constituted the public work.

Where RFR properties are to be disposed of to certain new owners, a deed of covenant may be required to bind new owners to the RFR. The new owner takes on the obligations under the RFR deed. Clause 6 and Schedules 1 and 2 of the RFR deed set out when this is required.

Delivery of notices

Clause 11 of the RFR deed provides for offer notices to be delivered by hand, registered mail or facsimile. There is no provision in the RFR deed for electronic service of an offer.

Contact details

For more information about the Maraeroa A and B Blocks claims settlement contact:

Maraeroa A and B Blocks Incorporation

c/- Murray Kidd Falconer
Chartered Accountants Ltd
46 Taupiri Street
PO Box 61
TE KUITI 3941

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