

# Ngāti Maru (Taranaki) claims settlement right of first refusal

Learn about the key aspects of the Ngāti Maru (Taranaki) 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.

This settlement involves properties that are also subject to other settlements. This page must be read in conjunction with any information for the Ngāti Hāua settlement and the Te Korowai o Wainuiārua settlement (see section 120 of the Ngāti Maru (Taranaki) Claims Settlement Act 2022) once those settlements are concluded.

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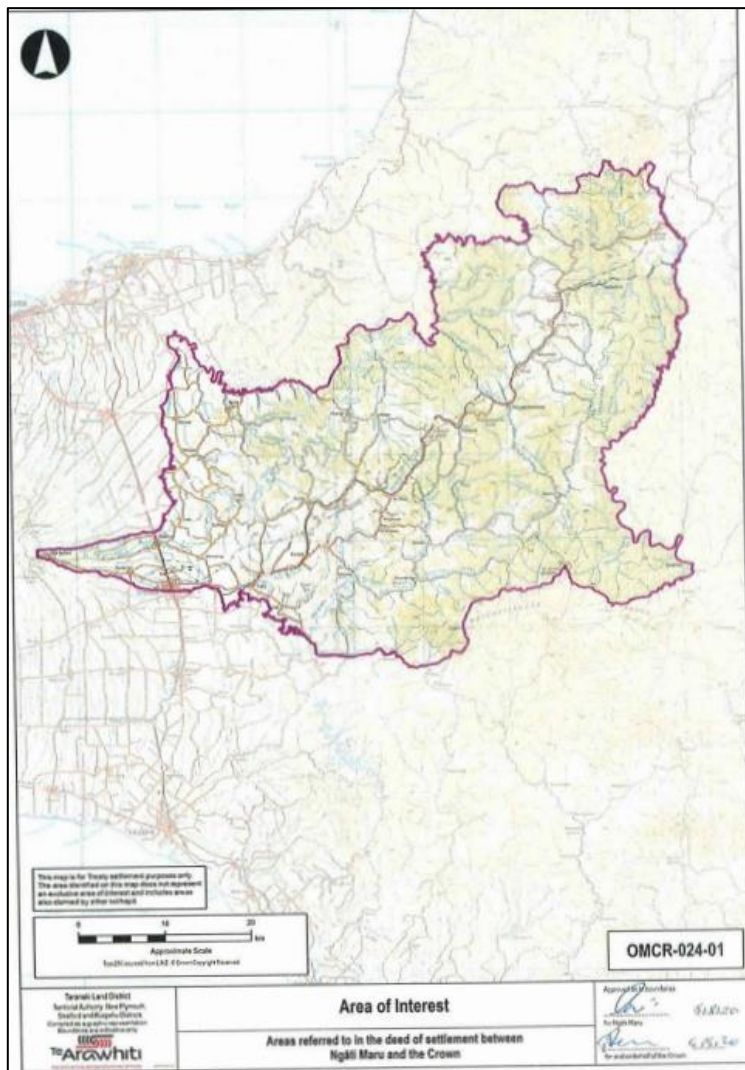
The following has been developed in collaboration with Te Arawhiti.

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

## The Ngāti Maru area of interest

Ngāti Maru are an iwi whose area of interest extends from Mount Taranaki east to the upper Whanganui River and north-east to the Waitara River, and is approximately 220,000 hectares in size.

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



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

## Settlement Summary

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

<b>Iwi</b>	Ngāti Maru
<b>Deed of Settlement signed</b>	<p>27 February 2021</p> <p>Ngāti Maru (Taranaki) Deed of Settlement:  <a href="https://www.govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement/ngati-maru-taranaki/ngati-maru-taranaki-documents/">https://www.govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement/ngati-maru-taranaki/ngati-maru-taranaki-documents/</a></p>
<b>Settlement date</b>	31 May 2022
<b>Legislation</b>	<p>Ngāti Maru (Taranaki) Claims Settlement Act 2011: ("the Act")  <a href="https://www.legislation.govt.nz/act/public/2022/0009/latest/whole.html#LMS493915">https://www.legislation.govt.nz/act/public/2022/0009/latest/whole.html#LMS493915</a></p>
<b>RFR provisions</b>	<p>The RFR provisions are covered by sections 120-150 and Schedule 3 of the Act</p> <p>Sections 120-150 of the Act:  <a href="https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493961.html">https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493961.html</a></p> <p>Schedule 3 of the Act:  <a href="https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493979.html">https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493979.html</a></p>
<b>Offer made to</b>	The RFR offer is in favour of the trustees of one or more of the trusts ("offer trusts") depending on the category of RFR land that applies to particular land and who is eligible to receive an RFR offer
<b>Categories of RFR land</b>	Exclusive RFR land, Shared RFR land, and the Tahora Bus Stop property
<b>RFR period</b>	<p>Exclusive RFR land: 180 years on and from the settlement date (expires in 2202)</p> <p>Shared RFR land: 180 years (refer to paragraph (b) of the definition of "RFR period" in section 120 of the Act)</p> <p>Tahora Bus Stop property: 180 years (refer to paragraph (c) of the definition of "RFR period" in section 120 of the Act)</p> <p>Section 120 of the Act:</p>

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<https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493913.html>

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**RFR memorials**

Yes

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## Definition of RFR land

Section 122 of the Act defines RFR land included in the settlement and sets out the categories of RFR land. Under the Act, three categories of RFR land apply to Ngāti Maru (Taranaki).

Section 121 of the Act defines **exclusive RFR land**, which includes all of the land listed in Part 4 of the Attachments to the Deed, that, on settlement date was:

- Vested in or held in fee simple by the Crown, or
- held in fee simple by Kāinga Ora-Homes and Communities, Fire and Emergency New Zealand, and the New Zealand Railways Corporation, or
- a Crown-derived reserve vested in an administering body that would revert to the Crown.

Exclusive RFR land also includes all the land within the exclusive RFR area (shown on SO 544260 in Part 3 of the Attachments) 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.

Exclusive RFR land also includes any land obtained in exchange for a disposal of Exclusive RFR land under specified sections.

Section 121 of the Act:

<https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493915.html>

Deed of Settlement – Attachments:

<https://www.govt.nz/assets/Documents/OTS/Ngati-Marui-Taranaki/Ngati-Marui-deed-of-settlement-Attachments-Schedule.pdf>

Section 120 of the Act defines **Shared RFR land** as all of the land listed in Part 5 of the Attachments to the Deed that, on the RFR date for that land (as defined in section 120 of the Act) is vested in or held in fee simple by the Crown, or is a Crown-derived reserve vested in an administering body that would revert to the Crown. This includes land obtained in exchange for a disposal of Shared RFR land under specified sections.

Section 120 of the Act:

<https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493913.html>

Deed of Settlement – Attachments:

<https://www.govt.nz/assets/Documents/OTS/Ngati-Marui-Taranaki/Ngati-Marui-deed-of-settlement-Attachments-Schedule.pdf>

Section 120 of the Act defines the **Tahora Bus Stop property** as the land listed in Part 6 of the Attachments to the Deed, that on the RFR date for that land (as defined in section 120 of the Act) is vested in or held in fee simple by the Crown. This includes land obtained in exchange for a disposal of the Tahora Bus Stop property under specified sections.

Section 120 of the Act:

<https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493913.html>

Deed of Settlement – Attachments:

<https://www.govt.nz/assets/Documents/OTS/Ngati-Marui-Taranaki/Ngati-Marui-deed-of-settlement-Attachments-Schedule.pdf>

Section 122 of the Act provides that RFR land does not include the licensed land.

Section 122 of the Act:

<https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493917.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 a preliminary notice requirement for shared RFR land and the Tahora Bus Stop property. An RFR landowner is required to notify the relevant offer trusts that the potential disposal of such land is being considered where they may ultimately be required to make an RFR offer.

Section 143 of the Act sets out the requirements in regard to shared RFR land and the Tahora Bus Stop property.

Section 143 of the Act:

<https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493947.html>

## 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
- which category of RFR land applies.

Section 124 of the Act:

<https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493921.html>

## Expiry date of offer

The RFR offer expires on or after 40 working days after the day the trustees of the one or more offer trusts receives 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 125 of the Act:

<https://www.legislation.govt.nz/act/public/2014/0012/latest/DLM5323330.html>

## Shared RFR offers

In the case of Shared RFR land or the Tahora Bus Stop property, an RFR landowner may have to offer the land to the trustees of more than one offer trust. Shared RFR offers are made simultaneously to each relevant offer trust. A contract for disposal can only be entered into with one of the offer trusts.

If the trustees of more than one offer trust seek to accept an RFR offer, the RFR landowner has 10 working days to notify the trustees of those offer trusts. This notice must identify the trusts which have sought to accept the offer and state that the offer may be accepted by only one offer trust before the end of the 10th working day after the day on which the RFR landowner's notice is received.

The onus is on the offer trusts to resolve which of them will accept the offer before the additional 10 working day period expires.

Section 125 of the Act:

<https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493922.html>

Section 127 of the Act:

<https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493924.html>

## Subsequent disposal process

If the offer trusts 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 offer trusts,
- the land is being disposed of within 2 years after expiry of the RFR offer and
- the offer trusts that were offered the land 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 123 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 123 of the Act:

<https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493919.html>

Section 141 of the Act:

<https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493944.html>

## Exempted disposals

Certain disposals can occur without making an RFR offer. These exempted disposals are set out in sections 129-139 of the Act.

Sections 129-139 of the Act:

<https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493927.html>

The relevant offer trusts 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 141 of the Act:

<https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493944.html>

## RFR Memorials

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

If an RFR landowner creates a new record of title for an RFR property after the relevant RFR date, the landowner must advise LINZ as soon as possible so LINZ can place a memorial noting the RFR on the title.

Section 140 of the Act:

<https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493943.html>

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

Section 142 of the Act:

<https://www.legislation.govt.nz/act/public/2022/0009/latest/LMS493945.html>

## Working Days

Te Rā Aro ki a Matariki/Matariki Observance Day (Matariki Observance Day) is recognised as a public holiday through Te Kāhui o Matariki Public Holiday Act 2022.

Ngāti Maru (Taranaki) Claims Settlement Act 2022 is yet to be amended to reflect that Matariki Observance Day should be excluded as a 'working day' in legislation, which would be consistent with the Legislation Act definition of 'working day'. The vehicle to achieve this is through a Statutes Amendment Bill or other appropriate legislative option.

Settlement provisions should be interpreted in a manner that best furthers the agreements expressed in the Deed of Settlement.

## Contact details

For more information about the Ngāti Maru (Taranaki) claims settlement contact:

### **Te Kāhui Maru Trust: Te Iwi o Maruwharanui**

PO Box 202

INGLEWOOD 4330

Te Kāhui Maru Trust: Te Iwi o Maruwharanui website: <https://www.maru.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/>

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