

Ngāti Toa Rangatira claims settlement right of first refusal

Learn about the key aspects of the Ngāti Toa Rangatira claims settlement right of first refusal (RFR). Note: this is a guide only and agencies must comply with the requirements of the collective redress deed, 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 Toa Rangatira area of interest

Ngāti Toa Rangatira has historical and cultural associations that span the Cook Strait area. Their area of interest covers the lower North Island from the Rangitikei in the north to the Hutt Valley and Wellington areas in the south. It also includes large areas of the Marlborough Sounds and much of the northern South Island.

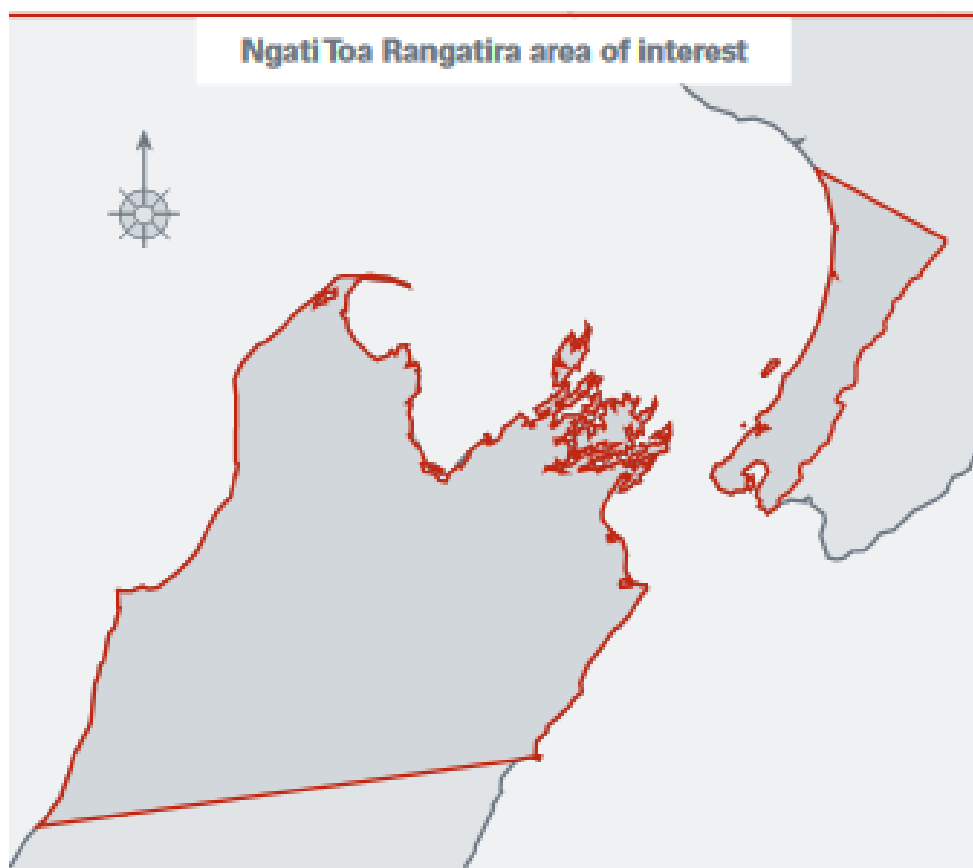
Note:

This page covers the Ngāti Toa Rangatira RFR only as it relates to properties in the lower North Island and two specific properties in Nelson (see the definition of deferred selection RFR land below). For RFR information covering other properties in the South Island refer to the page on the Te Tau Ihu RFR.

Te Tau Ihu Claims Settlement right of first refusal: <https://www.linz.govt.nz/crown-property/acquisition-and-disposal-land/crown-property-disposal-process/right-first-refusal-rfr/right-first-refusal-guides/te-tau-ihu-claims-settlement-right-first-refusal>

Also note that RFRs are established over different land in the Wellington area through other settlements.

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



Settlement Summary

Ngāti Toa Rangatira received redress through its Treaty settlement with the Crown.

Under the settlement there are four categories of RFR land applicable to Ngāti Toa Rangatira. The two categories described below relate to land in the North Island and, in the case of deferred selection RFR land, two specific properties in Nelson.

Definition of deferred selection RFR land: <https://www.linz.govt.nz/crown-property/acquisition-and-disposal-land/crown-property-disposal-process/right-first-refusal-rfr/right-first-refusal-guides/ng%C4%81ti-toa-rangatira-claims-settlement-right-first-refusal#definition>

Iwi	Ngāti Toa Rangatira
Deed of Settlement signed	7 December 2012 The Deed was amended during the settlement process. Ngāti Toa Rangatira deed of settlement: https://www.govt.nz/treaty-settlement-documents/ngati-toa-rangatira/
Settlement date	1 August 2014
Legislation	Ngāti Toa Rangatira Claims Settlement Act 2014 ("the Act") RFR provisions: The RFR provisions are covered by sections 183-216 of the Act. Sections 183-216 of the Act: http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954111.html Schedule 5 of the Act: http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954244.html
Offer made to	The trustee of the Toa Rangatira Trust ("the trustee ")
Categories of RFR land	General and deferred selection
RFR period	General RFR land: 169 years from the settlement date (expires in 2183) Deferred selection RFR land: 10 years from the settlement date (expires in 2024)
RFR memorials	Yes

Definition of RFR land

Sections 183-184 of the Act define RFR land included in the settlement.

General RFR land is defined in section 183 of the Act. It includes all the land listed in Part 4 of the Attachments to the Deed provided certain criteria are met. Additional land may be added. This includes some land that could be acquired either after the Deed of Settlement is signed or after the settlement date.

Sections 183-184 of the Act:

<http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954113.html>

Attachments to the Deed of Settlement:

<https://www.govt.nz/assets/Documents/OTS/Ngati-Toa-Rangatira/Ngati-Toa-Rangatira-Attachments-7-Dec-2012.pdf>

Deferred selection RFR land is defined in section 183 of the Act. It means a property listed in Table 1 in Part 8 of the property redress schedule of the Deed of Settlement that is not a commercial redress property or a commercial property.

Section 183 of the Act:

<http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954113.html>

Deed of Settlement Schedule - Property Redress:

<https://www.govt.nz/assets/Documents/OTS/Ngati-Toa-Rangatira/Ngati-Toa-Rangatira-Deed-of-Settlement-Schedule-Property-redress-7-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 184(1)(e) of the Act.

Section 184(1)(e) of the Act:

<http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954144.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

Section 185 of the Act sets out the restrictions on disposals of RFR land:

<http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954147.html>

Section 203 of the Act sets out additional obligations on the owners of RFR land:

<http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954169.html>

Preliminary notice

There is no requirement to give preliminary notice of a disposal in this settlement for general or deferred selection RFR land.

Offering the land

The RFR offer to the trustee 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.

Expiry date of offer

The RFR offer expires on or after the 40th working day after the day the trustee receives the offer. However, a shorter expiry date of on or after the 20th working day after the day on which an offer is received applies for any subsequent offers where the expiry date of the earlier offer was not earlier than 6 months before the expiry date of the later offer or where the RFR landowner is Kāinga Ora-Homes and Communities (formerly, Housing New Zealand Corporation).

Section 187 of the Act:

<http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954150.html>

Subsequent disposal process

If the trustee does 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 trustee
- the land is being disposed of within 2 years after expiry of the RFR offer and
- the trustee is 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 185 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 185 of the Act:

<http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954147.html>

Section 207 of the Act:

<http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954174.html>

Exempted disposals

Certain disposals can occur without making an RFR offer to the trustee. These exempted disposals are set out in the Act.

Sections 191-203 of the Act:

<http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954156.html>

The trustee 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 section 207 of the Act.

Section 207 the Act:

<http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954174.html>

Specific exemptions apply to disposals of RFR land by the Capital and Coast District Health Board or any of its subsidiaries. This is set out in section 202 of the Act.

Section 202 of the Act:

<http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954168.html>

Section 201 provides that specific exemptions apply to disposals of RFR land by Housing New Zealand Corporation or any of its subsidiaries. However, section 20 of the Kāinga Ora-Homes and Communities Act 2019 provides that Kāinga Ora-Homes and Communities may not exercise the powers conferred upon Housing New Zealand Corporation or any of its subsidiaries by section 201 of the Act.

Section 201 of the Act:

<http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954167.html>

Section 20 of the Kāinga Ora-Homes and Communities Act 2019:

<http://legislation.govt.nz/act/public/2019/0050/latest/LMS196222.html>

Notice if land becomes RFR land

If land becomes RFR land under paragraph (b), (c), or (d) of the definition of 'general RFR land' in section 183 of the Act, the RFR landowner must give the trustee of the Toa Rangatira Trust notice that the land has become RFR land.

Section 204 of the Act specifies what information must be included in the notice:

<http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954171.html>

Sections 204-210 of the Act cover requirements for notices to the trustee and LINZ:

<http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954170.html>

RFR Memorials

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

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

Section 205 of the Act:

<http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954172.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 208 of the Act:

<http://www.legislation.govt.nz/act/public/2014/0017/latest/DLM5954175.html>

Contact details

For more information about the Ngāti Toa Rangatira claims settlement contact:

Te Rūnanga o Toa Rangatira

PO Box 50355

PORIRUA 5240

Ngāti Toa Rangatira Iwi Trust website: <http://www.ngatitoea.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