

# Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) claims settlement right of first refusal

Learn about the key aspects of the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) 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.

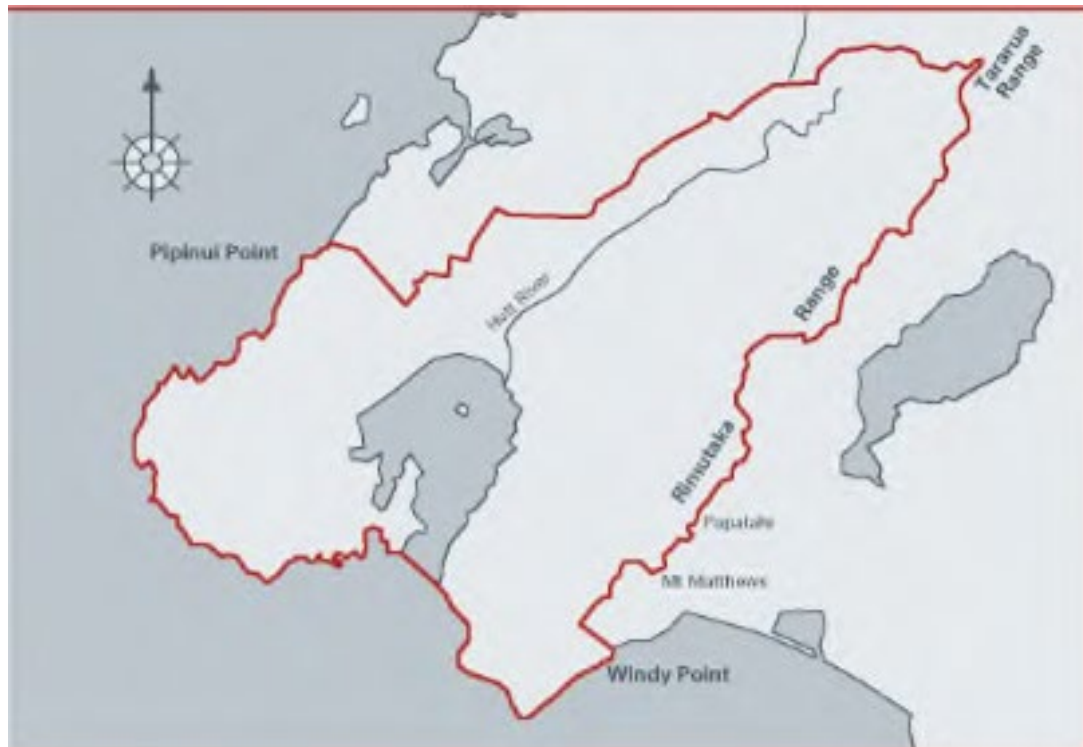
Te Arawhiti website: <https://www.tearawhiti.govt.nz/>

## The Taranaki Whānui ki Te Upoko o Te Ika area of interest

Taranaki Whānui ki Te Upoko o Te Ika is a collective that comprises people of Te Atiawa, Taranaki, Ngāti Ruanui, Ngāti Tama and others including Ngāti Mutunga from a number of Taranaki iwi whose ancestors migrated to Wellington in the 1820s and 1830s and who signed the Port Nicholson Block Deed of Purchase in 1839. The Port Nicholson Block runs from the Rimutaka Summit to the South Coast at Pipinui Point (Boomrock) around the coastline to Turakirae in the east and up the Rimutaka ridgeline to the summit. Taranaki Whānui ki Te Upoko o Te Ika, represented by the Port Nicholson Block Claims Team, have over 17,000 registered members.

Note: 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 Taranaki Whānui ki Te Upoko o Te Ika, but is not a depiction of any RFR area.



## Settlement Summary

Taranaki Whānui ki Te Upoko o Te Ika received redress through its Treaty settlement with the Crown.

<b>Iwi</b>	Taranaki Whānui ki Te Upoko o Te Ika (collective group)
<b>Deed of Settlement signed</b>	<p>19 August 2008</p> <p>The Deed was amended during the settlement process.</p> <p>Taranaki Whānui ki Te Upoko o Te Ika Deed of Settlement:  <a href="https://www.govt.nz/treaty-settlement-documents/taranaki-whanui-ki-te-upoko-o-te-ika/">https://www.govt.nz/treaty-settlement-documents/taranaki-whanui-ki-te-upoko-o-te-ika/</a></p>
<b>Settlement date</b>	2 September 2009
<b>Legislation</b>	Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 ("the Act")
<b>RFR provisions</b>	<p>The RFR provisions are covered by sections 91-120 and Schedule 4 of the Act.</p> <p>Sections 91–120 of the Act:  <a href="http://www.legislation.govt.nz/act/public/2009/0026/latest/DLM1526014.html">http://www.legislation.govt.nz/act/public/2009/0026/latest/DLM1526014.html</a></p> <p>Schedule 4 of the Act:  <a href="http://www.legislation.govt.nz/act/public/2009/0026/latest/DLM1526094.html">http://www.legislation.govt.nz/act/public/2009/0026/latest/DLM1526094.html</a></p>
<b>Offer made to</b>	The RFR offer is in favour of the trustees of the Port Nicholson Block Settlement Trust ("the trustees")
<b>RFR period</b>	100 years from the settlement date (expires in 2109)
<b>RFR memorials</b>	<p>Yes</p> <p>RFR memorials: <a href="https://www.linz.govt.nz/crown-property/acquisition-and-disposal-land/crown-property-disposal-process/right-first-refusal-rfr">https://www.linz.govt.nz/crown-property/acquisition-and-disposal-land/crown-property-disposal-process/right-first-refusal-rfr</a></p>

## Definition of RFR land

Section 92 of the Act defines RFR land included in the settlement. It includes all the land listed in the RFR land schedule that, on settlement date, was vested in or held in fee simple by the Crown or a Crown body.

RFR land also includes land added to the RFR schedule by an amendment to the Deed, and land obtained in exchange for a disposal of RFR land under specified sections.

Section 92 of the Act:

<http://www.legislation.govt.nz/act/public/2009/0026/latest/DLM1526033.html>

Deed of Settlement - RFR Land Schedule:

<https://www.govt.nz/assets/Documents/OTS/Taranaki-Whanui-ki-Te-Upoko-o-Te-Ika/Taranaki-Whanui-ki-Te-Upoko-o-Te-Ika-Deed-of-Settlement-RFR-Land-schedule-19-Aug-2008.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), for 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.

## Expiry date of offer

The expiry date of an RFR offer must be at least 1 month after the trustees receive notice of the offer. However, a shorter expiry date of at least 10 business days after the trustees receive notice of the offer applies for any subsequent offers where the expiry date of the earlier offer was not more than 6 months before the expiry of the later offer.

Section 95 of the Act:

<http://www.legislation.govt.nz/act/public/2009/0026/latest/DLM1526039.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 business 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 93 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 93 of the Act:

<http://www.legislation.govt.nz/act/public/2009/0026/latest/DLM1526035.html>

Section 112 of the Act:

<http://www.legislation.govt.nz/act/public/2009/0026/latest/DLM1526057.html>

## Exempted disposals

Certain disposals can occur without making an RFR offer to the trustees. These exempted disposals are set out in sections 99-109 of the Act.

Sections 99-109 of the Act:

<http://www.legislation.govt.nz/act/public/2009/0026/latest/DLM1526044.html>

The trustees must be notified of the proposed exempted disposal at least 20 business days before the disposal occurs, including an explanation of why the disposal is exempted under the settlement.

Section 112 of the Act:

<http://www.legislation.govt.nz/act/public/2009/0026/latest/DLM1526057.html>

Specific exemptions apply to disposals of RFR land by Capital and Coast District Health Board or any of its subsidiaries. This is set out in section 109 of the Act.

Section 109 of the Act:

<http://www.legislation.govt.nz/act/public/2009/0026/latest/DLM1526054.html>

Section 108 of the Act 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 108 of the Act.

Section 108 of the Act:

<http://www.legislation.govt.nz/act/public/2009/0026/latest/DLM1526053.html>

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

<http://legislation.govt.nz/act/public/2019/0050/latest/LMS196222.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 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 111 of the Act:

<http://www.legislation.govt.nz/act/public/2009/0026/latest/DLM1526056.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 116 of the Act:

<http://www.legislation.govt.nz/act/public/2009/0026/latest/DLM1526062.html>

## Contact details

For more information about the Taranaki Whānui ki Te Upoko o Te Ika claims settlement contact:

### Port Nicholson Block Settlement Trust

PO Box 12164

WELLINGTON 6144

Port Nicholson Block Settlement Trust website: <https://www.pnbst.maori.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](mailto:postsettlement@tearawhiti.govt.nz)