

**TE RARAWA**

**and**

**THE CROWN**

---

**DEED OF SETTLEMENT SCHEDULE:  
LEGISLATIVE MATTERS**

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TE RARAWA DEED OF SETTLEMENT  
LEGISLATIVE MATTERS SCHEDULE

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## 1 INTRODUCTION

- 1.1 This schedule sets out the matters agreed between the parties for inclusion in the settlement legislation.

## 2 TITLE, COMMENCEMENT AND PURPOSE

### Heading

- 2.1 The settlement legislation is to provide that—
- 2.1.1 its title is Te Rarawa Claims Settlement Act [ ]; and
  - 2.1.2 it comes into force on the day after the date on which it receives the Royal assent or, if any provision has not been brought into force by the day that is 12 months after the date on which the settlement legislation receives the Royal assent, the provision comes into force on that day; and
  - 2.1.3 its purpose is to give effect to certain provisions of this deed; and
  - 2.1.4 it binds the Crown.

### 3 SETTLEMENT

- 3.1 The settlement legislation is to provide that—
- 3.1.1 the historical claims are settled; and
  - 3.1.2 the settlement is final; and
  - 3.1.3 on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of the historical claims; and
  - 3.1.4 paragraphs 3.1.1 to 3.1.3 do not to limit the acknowledgements expressed in, or the provisions of, the deed of settlement.

## 4 SETTLEMENT IMPLEMENTATION

### **Judicial bodies' jurisdiction to be excluded**

- 4.1 The settlement legislation is to provide that, subject to paragraph 4.2, on and from the settlement date, despite any enactment or rule of law, no court, tribunal, or other judicial body, has jurisdiction in respect of—
- 4.1.1 the historical claims; or
  - 4.1.2 this deed; or
  - 4.1.3 the settlement legislation; or
  - 4.1.4 the redress provided under this deed or the settlement legislation.
- 4.2 The settlement legislation is to provide that the jurisdiction excluded by paragraph 4.1—
- 4.2.1 is to include the jurisdiction to inquire into, or further inquire into, or to make a finding or recommendation in respect of the matters referred to in that paragraph; and
  - 4.2.2 is not to exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of this deed or the settlement legislation.

### **Treaty of Waitangi Act 1975 to be amended**

- 4.3 The settlement legislation is to amend schedule 3 of the Treaty of Waitangi Act 1975 by including a reference to the title of the settlement legislation.

### **Certain legislation to cease to apply**

- 4.4 The settlement legislation is to provide that—
- 4.4.1 nothing in the legislation listed in this paragraph is to apply—
    - (a) to a redress property; or
    - (b) to RFR land; or
    - (c) to a purchased deferred selection property (if settlement of that property has been effected); or
    - (d) for the benefit of Te Rarawa or a representative entity; and
  - 4.4.2 the legislation is —
    - (a) sections 8A to 8HJ of the Treaty of Waitangi Act 1975;
    - (b) sections 27A to 27C of the State-Owned Enterprises Act 1986;
    - (c) sections 211 to 213 of the Education Act 1989;

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- (d) Part 3 of the Crown Forest Assets Act 1989; and
- (e) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990.

**Settlement properties with resumptive memorials to be required to be identified**

4.5 The settlement legislation is to require that the chief executive of LINZ must issue—

4.5.1 to the Registrar-General of Land a certificate that identifies (by reference to the relevant legal description, certificate of title, or computer register) each allotment that is—

- (a) all or part of a redress property, RFR land or a purchased deferred selection property (if settlement of the purchased deferred selection property has been effected); and
- (b) contained in a certificate of title or computer register that has a memorial entered under any legislation referred to in paragraph 4.4.2; and
- (c) each certificate under this paragraph, as soon as reasonably practicable after—
  - (i) the settlement date, for a redress property, exclusive RFR land or balance RFR land; or
  - (ii) the commencement of the RFR period, for each property that is shared RFR land; or
  - (iii) the actual TSP settlement date, for each property that is a purchased deferred selection property.

4.6 Each certificate under paragraph 4.5 is to state the section of the settlement legislation it is issued under.

**Resumptive memorials to be required to be removed from settlement properties**

4.7 The Registrar-General of Land is to be required by the settlement legislation, as soon as reasonably practicable after receiving a certificate under paragraph 4.5, to—

4.7.1 register the certificate against each certificate of title or computer register identified in the certificate; and

4.7.2 cancel, in respect of each allotment identified in the certificate, each memorial that is entered (under the legislation referred in paragraph 4.4.2) on a certificate of title or computer register identified in the certificate.

## 5 TE ONEROA-A-TŌHĒ

### **General**

- 5.1 The settlement legislation is to give effect to the clauses specified in clauses 5.14 to 5.126 of the deed in relation to Te Oneroa-a-Tōhē.

### **Specific modifications to Local Government Act 2002 provisions**

- 5.2 The settlement legislation is to provide for the Local Government Act 2002 to apply to the Te Oneroa-a-Tōhē Board ("**Board**") with the modifications set out in paragraphs 5.3 to 5.11 below.

### ***Discharge or resignation of Board members***

- 5.3 Clause 31(1) of Schedule 7 of the Local Government Act 2002 (which allows a local authority to appoint or discharge a member of a committee) applies only to the appointment and discharge of the members appointed by the local authorities.
- 5.4 The following clauses of Schedule 7 of the Local Government Act 2002 do not apply to the Board:
- 5.4.1 clause 30(2) (which allows a local authority to prohibit a committee from appointing a subcommittee);
  - 5.4.2 clause 30(3) (which provides that a committee or subcommittee is subject to the direction of a local authority);
  - 5.4.3 clause 30(5) (which allows a local authority to discharge or reconstitute a committee, and a committee to discharge or reconstitute a subcommittee);
  - 5.4.4 clause 30(7) (which provides that a committee or subcommittee is discharged at the next local authority election);
  - 5.4.5 clause 31(2) (which allows a local authority to direct a committee not to appoint a subcommittee); and
  - 5.4.6 clause 31(6) (which prescribes the minimum number of members of a subcommittee).

### ***Chair or Deputy Chair***

- 5.5 The following clauses of Schedule 7 of the Local Government Act 2002 do not apply to the Board:
- 5.5.1 clause 26(3) (which allows a local authority to appoint a chairperson for a committee); and
  - 5.5.2 clause 26(4) (which allows a local authority to appoint a deputy chairperson for a committee).



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5: TE ONEROA-A-TŌHĒ

***Standing orders***

- 5.6 Clause 27 of Schedule 7 of the Local Government Act 2002 (which requires a local authority to adopt a set of standing orders for the conduct of meetings of a committee) does not apply to the Board.

***Meetings of the Board***

- 5.7 Paragraph 5.8 applies to the following clauses of Schedule 7 of the Local Government Act 2002:

5.7.1 clause 19 (which sets out provisions in relation to meetings of a committee);

5.7.2 clause 20 (which provides for notice to be given of meetings); and

5.7.3 clause 22 (which provides for extraordinary meetings).

- 5.8 The clauses of Schedule 7 of the Local Government Act 2002 referred to in paragraph 5.7 apply to the Board subject to:

5.8.1 all references to "local authority" being references to the Board; and

5.8.2 the reference in clause 19(5) to the chief executive being a reference to the Chair of the Board.

- 5.9 The following clauses of Schedule 7 of the Local Government Act 2002 do not apply to the Board:

5.9.1 clause 23(3)(b) (which provides for a reduction in notice for meetings called by resolution); and

5.9.2 clause 30(9)(b) (which provides for a quorum for a committee).

- 5.10 Despite clause 19(2) of Schedule 7 of the Local Government Act 2002 (which provides for the right to attend local authority meetings), the members of the Board appointed by iwi appointers and the Te Hiku Community Board:

5.10.1 have the right to attend any meeting of the Board; but

5.10.2 do not have the right to attend meetings of the local authorities by reason merely of their membership of the Board.

***Decision-making***

- 5.11 Clause 24 of Schedule 7 of the Local Government Act 2002 (which provides for voting and decision-making) does not apply to the Board.

## 6 KOROWAI ATAWHAI MŌ TE TAI AO - KOROWAI FOR ENHANCED CONSERVATION

### General

- 6.1 The settlement legislation is to give effect to the clauses and appendix specified in clause 7.8 of the deed in relation to the korowai for enhanced conservation.
- 6.2 The subject matters addressed in those clauses and appendix are:
- 6.2.1 Te Hiku o Te Ika Conservation Board;
  - 6.2.2 Te Hiku o Te Ika Conservation Management Strategy;
  - 6.2.3 engagement with the New Zealand Conservation Authority;
  - 6.2.4 decision-making framework;
  - 6.2.5 customary materials;
  - 6.2.6 wāhi tapu framework;
  - 6.2.7 Te Rerenga Wairua;
  - 6.2.8 relationship and operational matters;
  - 6.2.9 the definition of Te Hiku o Te Ika iwi;
  - 6.2.10 other definitions; and
  - 6.2.11 Conservation Act 1987 provisions.

## 7 WARAWARA

### General

- 7.1 The settlement legislation is to give effect to part 6 of the deed in relation to Warawara Whenua Ngāhere i te Taiao to the extent necessary.

## 8 STATUTORY ACKNOWLEDGEMENTS

### General

- 8.1 The settlement legislation is to provide for statutory acknowledgements on the terms provided in this part.

### Crown to acknowledge statements of association

- 8.2 The Crown is to acknowledge the statements of association in the form set out in part 2 of the documents schedule to this deed.

### Purposes of statutory acknowledgements to be specified

- 8.3 The only purposes of the statutory acknowledgments are to—
- 8.3.1 require relevant consent authorities, the Environment Court, and the New Zealand Historic Places Trust to have regard to a statutory acknowledgement, as provided for in paragraphs 8.4 to 8.8; and
  - 8.3.2 require relevant consent authorities to provide summaries of resource consent applications, or, as the case requires, copies of applications, to Te Rūnanga o Te Rarawa trustees, as provided for in paragraphs 8.13 to 8.17; and
  - 8.3.3 enable Te Rūnanga o Te Rarawa trustees and any member of Te Rarawa to cite a statutory acknowledgement as evidence of the association of Te Rarawa with the relevant statutory area, as provided for in paragraph 8.20.

### Relevant consent authorities to be required to have regard to statutory acknowledgements

- 8.4 A relevant consent authority is to be required to have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, if Te Rūnanga o Te Rarawa trustees are affected persons in respect of an application for a resource consent.

- 8.5 Paragraph 8.4 is—

- 8.5.1 to apply to a relevant consent authority that has received an application for a resource consent for an activity within, adjacent to, or directly affecting, a statutory area; and
- 8.5.2 to apply on and from the effective date; and
- 8.5.3 not to limit the obligations of a relevant consent authority under the Resource Management Act 1991.

### Environment Court to be required to have regard to statutory acknowledgements

- 8.6 The Environment Court is to be required to have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, whether Te Rūnanga o Te Rarawa trustees are persons with an interest in proceedings greater than the general public in respect of an

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application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

8.7 Paragraph 8.6 is to—

8.7.1 apply on and from the effective date; and

8.7.2 not limit the obligations of the Environment Court under the Resource Management Act 1991.

**New Zealand Historic Places Trust and Environment Court to be required to have regard to statutory acknowledgements**

8.8 If, on and from the effective date, an application is made under section 11 or 12 of the Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area,—

8.8.1 the New Zealand Historic Places Trust is to be required to have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 14 of the Historic Places Act 1993 in relation to the application; and

8.8.2 the Environment Court is to be required to have regard to the statutory acknowledgement relating to a statutory area in determining, under section 20 of the Historic Places Act 1993, an appeal from a decision of the Historic Places Trust in relation to the application, including determining whether Te Rūnanga o Te Rarawa trustees are directly affected by the decision; and

8.8.3 **archaeological site** has the meaning given to it in section 2 of the Historic Places Act 1993.

**Statutory acknowledgements to be required to be recorded on statutory plans**

8.9 Each relevant consent authority is to be required to attach information recording the statutory acknowledgements to all statutory plans that wholly or partly cover a statutory area.

8.10 Paragraph 8.9 is to apply on and from the effective date.

8.11 The information to be required to be attached must include—

8.11.1 the provisions of the settlement legislation giving effect to paragraphs 8.3 to 8.8 in full; and

8.11.2 the descriptions of the statutory areas; and

8.11.3 the statements of association.

**Effect of the recording to be provided for**

8.12 The attachment of information to a statutory plan under paragraph 8.9 is for the purposes of public information only, and the information is not—

8.12.1 part of the statutory plan, unless adopted by the relevant consent authority; or

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8.12.2 subject to the provisions of Schedule 1 of the Resource Management Act 1991, unless adopted as part of the statutory plan.

**Consent authorities to be required to forward summaries and notices of resource consent applications**

8.13 Each relevant consent authority is to be required to forward to Te Rūnanga o Te Rarawa trustees—

8.13.1 a summary of resource consent applications received by that authority for activities within, adjacent to, or directly affecting a statutory area; and

8.13.2 if notice of an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area is served on the authority under section 145(10) of the Resource Management Act 1991, a copy of that notice.

8.14 Paragraph 8.13 is to apply for a period of 20 years from the effective date.

8.15 The information to be forwarded in a summary is to be—

8.15.1 the same as would be given to an affected person under section 95B of the Resource Management Act 1991; or

8.15.2 as agreed between Te Rūnanga o Te Rarawa trustees and the relevant consent authority.

8.16 A summary to be forwarded under paragraph 8.13.1 must be forwarded to Te Rūnanga o Te Rarawa trustees—

8.16.1 as soon as reasonably practicable—

- (a) after an application is received by the relevant consent authority; and
- (b) before the consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.

8.17 A copy of the notice to be forwarded under paragraph 8.13.2 must be forwarded to Te Rūnanga o Te Rarawa trustees no later than 10 business days after the day on which the consent authority receives the notice.

**Te Rūnanga o Te Rarawa trustees to be given ability to waive rights**

8.18 Te Rūnanga o Te Rarawa trustees are to be given the power, by notice in writing to a relevant consent authority, to—

8.18.1 waive their rights under paragraphs 8.4 to 8.8 and 8.13; and

8.18.2 state the scope of the waiver and the period it applies for.

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**Forwarding of summaries and notices not to limit other obligations**

8.19 Paragraphs 8.13 to 8.17 are not to limit the obligations of a relevant consent authority to—

8.19.1 decide, under section 95 of the Resource Management Act 1991, whether to notify an application; or

8.19.2 decide, under section 95E of that Act, whether Te Rūnanga o Te Rarawa trustees are affected persons in relation to an activity.

**Use of statutory acknowledgements by Te Rarawa to be provided for**

8.20 Te Rūnanga o Te Rarawa trustees, and any member of Te Rarawa, may, as evidence of the association of Te Rarawa with a statutory area, cite the statutory acknowledgements in submissions to, and in proceedings before, a relevant consent authority, the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991, the Environment Court, or the New Zealand Historic Places Trust concerning activities within, adjacent to, or directly affecting the statutory area.

**General provisions**

***Application to river or stream***

8.21 If any part of the statutory acknowledgement applies to a river or stream, that part of the acknowledgement:

8.21.1 applies only to:

- (a) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and
- (b) the bed of the river or stream, meaning the land that the waters of the river or stream cover at its fullest flow without flowing over its banks; but

8.21.2 does not apply to:

- (a) a part of the bed of the river or stream that is not owned by the Crown; or
- (b) an artificial watercourse; or
- (c) a tributary that flows into the river.

***Limitations in relation to statutory acknowledgements to be provided for***

8.22 The content of a statement of association is not to be, by virtue of the statutory acknowledgement, binding as fact on—

8.22.1 relevant consent authorities;

8.22.2 the Environment Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991;

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8.22.3 the Environment Court;

8.22.4 the New Zealand Historic Places Trust;

8.22.5 parties to proceedings before those bodies; and

8.22.6 any other person who is entitled to participate in those proceedings.

8.23 Despite paragraph 8.22, the bodies and persons specified in that paragraph are to be permitted to take the statutory acknowledgements into account.

8.24 To avoid doubt,—

8.24.1 neither Te Rūnanga o Te Rarawa trustees, nor members of Te Rarawa, are precluded from stating that Te Rarawa has an association with a statutory area that is not described in the statutory acknowledgements; and

8.24.2 the content and existence of the statutory acknowledgements do not limit any statement made.

***Limitations in relation to statutory acknowledgements to be provided for***

8.25 Except as expressly required by the settlement legislation,—

8.25.1 no person, in considering a matter or making a decision or recommendation under legislation or a bylaw, may give greater or lesser weight to the association of Te Rarawa with a statutory area (as described in a statement of association) than the person would give if there were no statutory acknowledgement for the statutory area; and

8.25.2 the statutory acknowledgements do not—

- (a) affect, and may not be taken into account by, a person exercising a power or performing a function or duty under legislation or a bylaw; or
- (b) affect the lawful rights and interests of a person who is not a party to this deed; or
- (c) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

**Resource Management Act 1991 to be amended**

8.26 The settlement legislation is to amend Schedule 11 of the Resource Management Act 1991 by inserting the name of the settlement legislation in alphabetical order.



## 9 PROTOCOLS

### General

9.1 The settlement legislation is to provide for protocols on the terms provided by this part.

### Issuance, amendment and cancellation of protocols to be authorised

9.2 Each responsible Minister is to be authorised to—

9.2.1 issue a protocol to Te Rūnanga o Te Rarawa trustees in the form set out in part 3 of the documents schedule; and

9.2.2 amend or cancel that protocol.

9.3 A protocol may be amended or cancelled at the initiative of either—

(a) Te Rūnanga o Te Rarawa trustees; or

(b) the responsible Minister.

9.4 The responsible Minister may amend or cancel a protocol only after consulting, and having particular regard to the views of, Te Rūnanga o Te Rarawa trustees.

### Protocols' effect on rights and obligations to be provided for

9.5 Protocols are not to restrict—

9.5.1 the Crown's ability to exercise its powers, and perform its functions and duties, in accordance with the law and government policy, which includes the ability to—

(a) introduce legislation and change government policy; and

(b) interact or consult a person the Crown considers appropriate, including any iwi, hapū, marae, whānau, or other representative of tangata whenua; or

9.5.2 the responsibilities of a responsible Minister or responsible department; or

9.5.3 the legal rights of Te Rarawa or a representative entity.

### Enforcement of protocols to be provided for

9.6 The Crown is to be required to comply with a protocol while it is in force.

9.7 If the Crown fails, without good cause, to comply with a protocol, Te Rūnanga o Te Rarawa trustees are to be given the power to enforce the protocol.

9.8 The right of Te Rūnanga o Te Rarawa trustees to enforce a protocol is to be subject to the Crown Proceedings Act 1950.

9.9 Damages, or monetary compensation, are not to be available as a remedy for the Crown's failure to comply with a protocol.

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9.10 However, paragraph 9.9 is not to affect a court's ability to award costs to Te Rūnanga o Te Rarawa trustees in respect of enforcing a protocol.

9.11 Paragraphs 9.6 to 9.9 are not to apply to guidelines for implementing a protocol.

**Limitations on protocol with the Minister of Energy and Resources**

9.12 The protocol with the Minister of Energy and Resources is not to have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Crown owned minerals.

**Limitations on culture and heritage protocol to be provided for**

9.13 The culture and heritage protocol is not to have the effect of granting, creating, or providing evidence of, an estate or interest in, or rights relating to, taonga tūturu.

**Noting and effect of protocol with the Minister of Energy and Resources to be provided for**

9.14 A summary of the terms of the protocol with the Minister of Energy and Resources must be noted by the Chief Executive of the Ministry of Economic Development in—

9.14.1 a register of protocols maintained by the chief executive of the Ministry of Economic Development; and

9.14.2 minerals programmes affecting the protocol area when those programmes are replaced.

9.15 The noting of the summary is—

9.15.1 for the purpose of public notice only; and

9.15.2 not an amendment to a minerals programme for the purposes of the Crown Minerals Act 1991.

9.16 **Minerals programme**, for the purposes of paragraphs 9.14 and 9.15, has the meaning given to it in section 2(1) of the Crown Minerals Act 1991.

## 10 FISHERIES ADVISORY COMMITTEES

### Appointment of individual fisheries advisory committee

10.1 The settlement legislation is to provide that the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995, must:

10.1.1 appoint Te Rūnanga o Te Rarawa trustees on or before the settlement date as an advisory committee under section 21(1) of that Act, for the purposes of advising the Minister on—

- (a) all matters concerning the utilisation, while ensuring the sustainability, of fish, aquatic life and seaweed administered by the Ministry of Agriculture and Forestry under the Fisheries Act 1996; and
- (b) the fisheries protocol area; and

("advice on the relevant matters")

10.1.2 in considering any advice on the relevant matters, recognise and provide for the customary non-commercial interest of Te Rarawa.

### Appointment of joint fisheries advisory committee

10.2 The settlement legislation is to provide that the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995, must:

10.2.1 appoint on the settlement date a joint advisory committee under section 21 of the Ministry of Agriculture and Fisheries Restructuring Act 1995 ("joint fisheries advisory committee") for the purposes of advising the Minister on:

- (a) all matters concerning the utilisation, while ensuring the sustainability, of fish, aquatic life and seaweed administered by the Ministry of Agriculture and Forestry under the Fisheries Act 1996; and
- (b) the fisheries protocol areas; and

("advice on the relevant matters")

10.2.2 in considering any advice on the relevant matters, recognise and provide for the customary non-commercial interest of Te Hiku o Te Ika iwi.

10.3 The settlement legislation will provide that:

10.3.1 the joint advisory committee will consist of one member appointed from time to time by each of the Te Hiku o Te Ika iwi; and

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- 10.3.2 where one of the Te Hiku o Te Ika iwi is not entering into a fisheries protocol (and therefore there is no defined 'fisheries protocol area', this area will be taken to mean the waters adjacent or otherwise relevant to that iwi's area of interest (including any relevant quota management area or relevant fisheries management area within the New Zealand Exclusive Economic Zone).

## 11 GEOGRAPHIC NAMES

### General

11.1 The settlement legislation is to authorise the alteration of geographic names on the terms provided by this part.

### Definitions to be provided

11.2 In this part,—

11.2.1 **official geographic name** is to have the meaning given by section 4 of the NZGB Act;

11.2.2 **New Zealand Geographic Board** is to mean the board continued by section 7 of the NZGB Act; and

11.2.3 **NZGB Act** is to mean the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

### Altered names of features to be provided

11.3 A name specified for a feature in the first column of the table in clause 9.32 of the deed of settlement is altered to the name specified for the feature in the second column of the table.

11.4 Each alteration is to be treated as if it were the alteration of an official geographic name by a determination of the New Zealand Geographic Board under section 19 of the NZGB Act that takes effect on the settlement date.

### Publication of altered names to be required

11.5 The New Zealand Geographic Board is to be required, as soon as is reasonably practicable after the settlement date, to—

11.5.1 give public notice of each alteration of a name under paragraphs 11.3 to 11.4 in accordance with section 21(2) and (3) of the NZGB Act; but

11.5.2 state in the notices that the alterations took effect on the settlement date.

### Alteration of new names to be provided

11.6 The New Zealand Geographic Board need not comply with the requirements of sections 16, 17, 18, 19(1), and 20 of the NZGB Act in making a determination to alter the official geographic name of a feature named by this part.

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11: GEOGRAPHIC NAMES

11.7 Instead, the Board may make the determination as long as it has the written consent of—

11.7.1 Te Rūnanga o Te Rarawa trustees; or

11.7.2 for the names proposed to be altered to Te Oneroa-a-Tōhē / Ninety Mile Beach, Cape Reinga / Te Rerenga Wairua and Piwhane / Spirits Bay,—

(a) Te Rūnanga o Te Rarawa trustees; and

(b) Te Rūnanga Nui o Te Aupōuri trustees; and

(c) Te Rūnanga o Ngāi Takoto trustees. .

11.8 To avoid doubt, the Board must give public notice of the determination in accordance with section 21(2) and (3) of the NZGB Act.

## 12 VESTING OF CULTURAL REDRESS PROPERTIES

### General

12.1 The settlement legislation is to include provisions vesting cultural redress properties on the terms provided by this part.

### Interpretation

12.2 The settlement legislation is to provide that—

12.2.1 **cultural redress property** means each of the following sites, and each site means the land described by that name in part 20:

- (a) Part Former Awanui (Kaitaia) Riverbed
- (b)
- (c) Te Oneroa a Tōhē- Clark Road site
- (d) Hukatere site B
- (e) 12 Waiotehue Road
- (f) Pukepoto School
- (g) Mapere
- (h) Rotokakahi site
- (i) Tauroa Point site C
- (j) Mangamuka Road, Mangamuka
- (k) Mangamuka Road, Tūtekēhua
- (l) Motukaraka site A
- (m) Motukaraka site B
- (n) Tangonge site
- (o) Lake Tangonge site A
- (p) Lake Tangonge site B
- (q) Tauroa Point site B
- (r) Whangape site
- (s) Whangape Road site
- (t) Epakauri site B
- (u) Awanui River site

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12: VESTING OF CULTURAL REDRESS PROPERTIES

- (v) Tauroa Point site A
- (w) Kaitaia Domain
- (x) Rotokakahi War Memorial site
- (y) Epakauri site A
- (z) Tauroa Point site D
- (aa) Beach site A
- (bb) Beach site B
- (cc) Beach site C
- (dd) Beach site D

12.2.2 **jointly vested site** means each of the following sites:

- (a) Tangonge site
- (b) Lake Tangonge site A
- (c) Beach site A
- (d) Beach site B
- (e) Beach site C
- (f) Beach site D

12.2.3 **reserve site** means each of the sites in paragraphs 12.2.1(t), 12.2.1(u), 12.2.1(v), 12.2.1(w), 12.2.1(x), 12.2.1(y), 12.2.1(z), 12.2.1(aa), 12.2.1(bb), 12.2.1(cc) and 12.2.1(dd) in the definition of cultural redress property.

12.3 The settlement legislation is, on the terms of this part, and parts 13 and 14, to vest the fee simple estate:

12.3.1 for each of the sites in paragraph 12.2.1, in Te Rūnanga o Te Rarawa trustees; but

12.3.2 for the jointly vested sites, in Te Rūnanga o Te Rarawa trustees and another specified group of trustees (or other specified groups of trustees, as the case may be) as tenants in common in equal shares.

**Part Former Awanui (Kaitaia) Riverbed**

12.4 The settlement legislation is to provide that the fee simple estate in the Part Former Awanui (Kaitaia) Riverbed vests in Te Rūnanga o Te Rarawa trustees.



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12: VESTING OF CULTURAL REDRESS PROPERTIES

**Te Oneroa a Tōhē-Clark Road site**

12.5 The settlement legislation is to provide that—

12.5.1 Te Oneroa a Tōhē-Clark Road site ceases to be a conservation area under the Conservation Act 1987; and

12.5.2 the fee simple estate in Te Oneroa a Tōhē-Clark Road site vests in Te Rūnanga o Te Rarawa trustees.

**Hukatere site B**

12.6 The settlement legislation is to provide that—

12.6.1 the Hukatere site B ceases to be Crown Forest land under the Crown Forest Assets Act 1989; and

12.6.2 the fee simple estate in Hukatere site B vests in Te Rūnanga o Te Rarawa trustees.

**12 Waiotehue Road**

12.7 The settlement legislation is to provide that the fee simple estate in 12 Waiotehue Road vests in Te Rūnanga o Te Rarawa trustees.

**Pukepoto School**

12.8 The settlement legislation is to provide that the fee simple estate in Pukepoto School vests in Te Rūnanga o Te Rarawa trustees.

12.9 Paragraph 12.9 is subject to Te Rūnanga o Te Rarawa trustees providing the Crown with a registrable lease in relation to Pukepoto School in the form set out in part 6.3 of the documents schedule.

12.10 If the board of trustees of Pukepoto School relinquishes the beneficial interest it has in the school house situated on that site ("Pukepoto School house") in accordance with clause 10.7 then:

12.10.1 the Pukepoto School house will vest in Te Rūnanga o Te Rarawa trustees; and

12.10.2 if this paragraph 12.11 applies:

(a) Pukepoto School in this schedule shall be read to include Pukepoto School house; and

(b) all references in this schedule to Pukepoto School are to be read as if that property included Pukepoto School house.

**Rotokakahi site**

12.11 The settlement legislation is to provide that —

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12.11.1 the reservation of Rotokakahi site as a local purpose reserve subject to the Reserves Act 1977 is revoked; and

12.11.2 the fee simple estate in Rotokakahi site vests in Te Rūnanga o Te Rarawa trustees.

**Tauroa Point site C**

12.12 The settlement legislation is to provide that —

12.12.1 Tauroa Point site C ceases to be a conservation area under the Conservation Act 1987; and

12.12.2 the fee simple estate in Tauroa Point site C vests in Te Rūnanga o Te Rarawa trustees.

**Mangamuka Road, Mangamuka**

12.13 The settlement legislation is to provide that the fee simple estate in Mangamuka Road, Mangamuka vests in Te Rūnanga o Te Rarawa trustees.

**Mangamuka Road, Tūtekēhua**

12.14 The settlement legislation is to provide that the fee simple estate in Mangamuka Road, Tūtekēhua vests in Te Rūnanga o Te Rarawa trustees.

**Mapere**

12.15 The settlement legislation is to provide that—

12.15.1 the reservation of Mapere as a recreation reserve subject to the Reserves Act 1977 is revoked; and

12.15.2 the fee simple estate in Mapere vests in Te Rūnanga o Te Rarawa trustees.

**Motukaraka site A**

12.16 The settlement legislation is to provide that—

12.16.1 the fee simple in Motukaraka site A vests in the Crown as Crown land subject to the Land Act 1948; and

12.16.2 the fee simple estate in Motukaraka site A vests in Te Rūnanga o Te Rarawa trustees.

**Motukaraka site B**

12.17 The settlement legislation is to provide that—

12.17.1 the reservation of Motukaraka site B as a scenic reserve subject to the Reserves Act 1977 is revoked;

12.17.2 the fee simple estate in Motukaraka site B vests in the Crown as Crown land subject to the Land Act 1948;

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- 12.17.3 the fee simple estate in Motukaraka site B vests in Te Rūnanga o Te Rarawa trustees;
- 12.17.4 paragraphs 12.18.1 and 12.18.3 are subject to Te Rūnanga o Te Rarawa trustees providing the Crown with a registrable covenant in relation to Motukaraka site B in the form set out in part 5.1 of the documents schedule; and
- 12.17.5 the covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

**Tangonge site**

12.18 The settlement legislation is to provide that—

- 12.18.1 the fee simple estate in Tangonge site vests in the specified groups of trustees as tenants in common in equal undivided shares, as follows:
- (a) a share vests in Te Rūnanga o Te Rarawa trustees; and
  - (b) a share vests in Te Rūnanga o Ngāi Takoto trustees;
- 12.18.2 paragraphs 12.19.1 and 12.19.2 are subject to the trustees referred to in paragraph 12.19.1 providing the Crown with:
- (a) a registrable covenant in relation to Tangonge site in the form set out in part 5.2 of the documents schedule;
  - (b) a registrable right of way easement over the area shown in red and marked 'A' on deed plan OTS-074-32 in favour of sections 5 and 7 and Part Sections 4 and 6 SO 64336 (subject to survey) in the form set out in part 5.3 of the documents schedule; and
- 12.18.3 the covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

**Lake Tangonge site A**

12.19 The settlement legislation is to provide that—

- 12.19.1 Lake Tangonge site A ceases to be a conservation area under the Conservation Act 1987;
- 12.19.2 the fee simple estate in Lake Tangonge A site vests in the specified groups of trustees as tenants in common in equal undivided shares, as follows:
- (a) a share vests in Te Rūnanga o Te Rarawa trustees; and
  - (b) a share vests in Te Rūnanga o Ngāi Takoto trustees;
- 12.19.3 paragraphs 12.20.1 and 12.20.2 are subject to the trustees referred to in paragraph 12.20.2 providing the Crown with a registrable covenant in relation to Lake Tangonge site A in the form set out in part 5.4 of the documents schedule; and

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12.19.4 the covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977 and section 27 of the Conservation Act 1987.

**Lake Tangonge site B**

12.20 The settlement legislation is to provide that—

12.20.1 Lake Tangonge site B ceases to be a conservation area under the Conservation Act 1987;

12.20.2 the fee simple estate in Lake Tangonge B site vests in Te Rūnanga o Te Rarawa trustees;

12.20.3 paragraphs 12.21.1 and 12.21.2 are subject to Te Rūnanga o Te Rarawa trustees providing the Crown with a registrable covenant in relation to Lake Tangonge site B in the form set out in part 5.5 of the documents schedule; and

12.20.4 the covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

**Tauroa Point site B**

12.21 The settlement legislation is to provide that—

12.21.1 Tauroa Point site B ceases to be a conservation area under the Conservation Act 1987; and

12.21.2 the fee simple estate in Tauroa Point site B vests in Te Rūnanga o Te Rarawa trustees.

**Epakauri site B**

12.22 The settlement legislation is to provide that—

12.22.1 Epakauri site B ceases to be a conservation area under the Conservation Act 1987;

12.22.2 the fee simple estate in Epakauri site B vests in Te Rūnanga o Te Rarawa trustees;

12.22.3 Epakauri site B is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and

12.22.4 the reserve created by paragraph 12.23.3 is named Epakauri Scenic Reserve.

**Awanui River site**

12.23 The settlement legislation is to provide that—

12.23.1 the reservation of Awanui River site as a scenic reserve subject to the Reserves Act 1977 is revoked;

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- 12.23.2 the fee simple estate in Awanui River site vests in Te Rūnanga o Te Rarawa trustees;
- 12.23.3 Awanui River site is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and
- 12.23.4 the reserve created by paragraph 12.24.3 is named Awanui River Scenic Reserve.

**Tauroa Point site A**

12.24 The settlement legislation is to provide that—

- 12.24.1 Tauroa Point site A ceases to be a conservation area under the Conservation Act 1987;
- 12.24.2 the fee simple estate in Tauroa Point site A site vests in Te Rūnanga o Te Rarawa trustees;
- 12.24.3 Tauroa Point site A is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977; and
- 12.24.4 the reserve created by paragraph 12.25.3 is named Tauroa Point Historic Reserve.

**Kaitaia Domain**

12.25 The settlement legislation is to provide that—

- 12.25.1 the reservation of Kaitaia Domain as a recreation reserve subject to the Reserves Act 1977 is revoked;
- 12.25.2 the fee simple estate in Kaitaia Domain vests in Te Rūnanga o Te Rarawa trustees;
- 12.25.3 that part of Kaitaia Domain as shown "A" on deed plan OTS-074-29 is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977;
- 12.25.4 the reserve created by paragraph 12.26.3 is named Pukemiro Recreation Reserve;
- 12.25.5 that part of Kaitaia Domain as shown "B" on deed plan OTS-074-29 is declared a reserve and classified as a local purpose (for a marae site) reserve subject to section 23 of the Reserves Act 1977; and
- 12.25.6 the reserve created by paragraph 12.26.5 is named Okahu Marae Local Purpose (for a marae site) Reserve.

12: VESTING OF CULTURAL REDRESS PROPERTIES

**Rotokakahi War Memorial site**

12.26 The settlement legislation is to provide that—

- 12.26.1 the reservation of Rotokakahi War Memorial site as a recreation reserve subject to the Reserves Act 1977 is revoked;
- 12.26.2 the fee simple estate in Rotokakahi War Memorial site vests in Te Rūnanga o Te Rarawa trustees;
- 12.26.3 Rotokakahi War Memorial site is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977;
- 12.26.4 the reserve created by paragraph 12.27.3 is named Rotokakahi War Memorial Recreation Reserve.

**Whangape site**

12.27 The settlement legislation is to provide that—

- 12.27.1 the reservation of Whangape site as a local purpose reserve subject to the Reserves Act 1977 is revoked;
- 12.27.2 the fee simple estate in Whangape site vests in the Crown as Crown land subject to the Land Act 1948; and
- 12.27.3 the fee simple estate in Whangape site vests in Te Rūnanga o Te Rarawa trustees.

**Epakauri site A**

12.28 The settlement legislation is to provide that—

- 12.28.1 Epakauri site A ceases to be a conservation area under the Conservation Act 1987;
- 12.28.2 the fee simple estate in Epakauri site A vests in Te Rūnanga o Te Rarawa trustees;
- 12.28.3 Epakauri site A is declared a reserve and classified as a local purpose (wind farm activities) reserve subject to section 23 of the Reserves Act 1977; and
- 12.28.4 the reserve created by paragraph 12.29.3 is named Epakauri Local Purpose (wind farm activities) Reserve.

**Whangape Road site**

12.29 The settlement legislation is to provide that —

- 12.29.1 the fee simple estate in Whangape Road site vests in Te Rūnanga o Te Rarawa trustees;
- 12.29.2 paragraph 12.30.1 is subject to Te Rūnanga o Te Rarawa trustees providing the Far North District Council with a registrable right of way easement in gross

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over the area marked "A" on deed plan OTS-074-40 (subject to survey) in the form set out in part 5.6 of the documents schedule.

**Tauroa Point site D**

12.30 The settlement legislation is to provide that—

- 12.30.1 Tauroa Point site D ceases to be a conservation area under the Conservation Act 1987;
- 12.30.2 the fee simple estate in Tauroa Point site D vests in Te Rūnanga o Te Rarawa trustees;
- 12.30.3 Tauroa Point site D is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977;
- 12.30.4 the reserve created by paragraph 12.31.3 is named Tauroa Point Recreation Reserve; and
- 12.30.5 any improvements in or on Tauroa Point site D do not vest in Te Rūnanga o Te Rarawa trustees, despite the vesting referred to in paragraph 12.31.2.

**Crown Forestry Licence: Beach sites A to C**

12.31 To avoid doubt, the settlement legislation is to provide that until such a time as the Crown forestry licence is terminated, expires or otherwise no longer applies to Beach sites A, B and C, the vesting of these sites as scenic reserves subject to the Reserves Act 1977, and the functions of the joint management body as the administering body of those reserves, is subject to the provisions of the Crown forestry licence.

**Beach Site A**

12.32 The settlement legislation is to provide that –

- 12.32.1 that part of Beach site A that is a conservation area under the Conservation Act 1987 cease to be a conservation area under that Act;
- 12.32.2 that part of Beach site A that is Crown forest land under the Crown Forest Assets Act 1989 ceases to be Crown forest land under that Act;
- 12.32.3 the fee simple estate in Beach site A vests in the specified entities as tenants in common in equal undivided shares, as follows:
  - (a) a share vests in Te Rūnanga o Ngāi Takoto trustees;
  - (b) a share vests in Te Rūnanga o Te Rarawa trustees;
  - (c) a share vests in Te Rūnanga Nui o Te Aupōuri trustees; and
  - (d) a share vests in the Ngāti Kuri governance entity;
- 12.32.4 Beach site A is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and

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12.32.5 the joint management body established by paragraph 14.3 is the administering body of the reserve for the purposes of the Reserves Act 1977 as if the reserve were vested in the body (as if in the entities referred to in paragraph 12.32.3) under section 26 of that Act.

**Beach Site B**

12.33 The settlement legislation is to provide that –

12.33.1 that part of Beach Site B that is a conservation area under the Conservation Act 1987 cease to be a conservation area under that Act;

12.33.2 that part of Beach site B that is Crown forest land under the Crown Forest Assets Act 1989 ceases to be Crown forest land under that Act;

12.33.3 the fee simple estate in Beach site B vests in the specified entities as tenants in common in equal undivided shares, as follows:

- (a) a share vests in Te Rūnanga o Ngāi Takoto trustees;
- (b) a share vests in Te Rūnanga o Te Rarawa trustees;
- (c) a share vests in Te Rūnanga Nui o Te Aupōuri trustees; and
- (d) a share vests in the Ngāti Kuri governance entity;

12.33.4 Beach site B is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and

12.33.5 the joint management body established by paragraph 14.3 is the administering body of the reserve for the purposes of the Reserves Act 1977 as if the reserve were vested in the body (as if in the entities referred to in paragraph 12.33.3) under section 26 of that Act.

**Beach Site C**

12.34 The settlement legislation is to provide that –

12.34.1 that part of Beach site C that is a conservation area under the Conservation Act 1987 cease to be a conservation area under that Act;

12.34.2 that part of Beach site C that is Crown forest land under the Crown Forest Assets Act 1989 ceases to be Crown forest land under that Act;

12.34.3 the fee simple estate in Beach site C vests in the specified entities as tenants in common in equal undivided shares, as follows:

- (a) a share vests in Te Rūnanga o Ngāi Takoto trustees;
- (b) a share vests in Te Rūnanga o Te Rarawa trustees;
- (c) a share vests in Te Rūnanga Nui o Te Aupōuri trustees; and



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(d) a share vests in the Ngāti Kuri governance entity;

12.34.4 Beach site C is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and

12.34.5 the joint management body established by paragraph 14.3 is the administering body of the reserve for the purposes of the Reserves Act 1977 as if the reserve were vested in the body (as if in the entities referred to in paragraph 12.35.3) under section 26 of that Act.

**Beach site D**

12.35 The settlement legislation is to provide that –

12.35.1 Beach site D ceases to be a conservation area under the Conservation Act 1987;

12.35.2 The fee simple estate in Beach site D vests in the specified entities as tenants in common in equal undivided shares, as follows:

- (a) a share vests in Te Rūnanga o Ngāi Takoto trustees;
- (b) a share vests in Te Rūnanga o Te Rarawa trustees;
- (c) a share vests in Te Rūnanga Nui o Te Aupōuri trustees; and
- (d) a share vests in the Ngāti Kuri governance entity;

12.35.3 Beach site D is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and

;

12.35.4 the joint management body established by paragraph 14.3 is the administering body of the reserve for the purposes of the Reserves Act 1977 as if the reserve were vested in the body (as if in the entities referred to in paragraph 12.36.2) under section 26 of that Act.

12.36 The settlement legislation is to provide that -

12.36.1 if the Crown Forestry Licence is terminated, expires or otherwise no longer applies to Beach sites A, B and C the owners of the sites may grant the owners of the Peninsula Block rights of way over the Beach sites A, B and C in favour of the Peninsula Block; and

12.36.2 an easement granted in accordance with paragraph 12.37.1 -

- (a) is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and
- (b) is to be treated as having been granted in accordance with that Act; and

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12: VESTING OF CULTURAL REDRESS PROPERTIES

12.36.3 the permission of a council under section 348 of the Local Government Act 1974 is not to be required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of this deed in relation to an easement referred to in paragraph 12.37.1.

**Central and South Conservation Areas**

12.37 The settlement legislation will provide that:

12.37.1 any part of the Central and South Conservation Areas (shown marked blue on the plan in part 7 of the attachments) below mean high water springs ceases to be a conservation area under the Conservation Act 1987; and

12.37.2 to avoid doubt, any part of the Central and South Conservation Areas below mean high water springs forms part of the common marine and coastal area.

## 13 TERMS OF VESTING FOR CULTURAL REDRESS PROPERTIES

### General

- 13.1 The settlement legislation is to provide for the vesting of the cultural redress properties on the terms provided by this part.
- 13.2 In parts 12, 13 and 14, a reference to a vesting of any land (being the fee simple estate in the land) in any trustees includes the vesting of an undivided share of the fee simple estate in the land.

### Vesting to be subject to listed encumbrances

- 13.3 Each cultural redress property is to vest in Te Rūnanga o Te Rarawa trustees or the relevant trustees under part 12 subject to, or together with, any encumbrances for the property listed in part 20 (whether as an existing encumbrance that continues to affect the property after the vesting or as a new encumbrance that first affects the property immediately after the vesting).
- 13.4 Paragraph 13.5 applies if a cultural redress property vests subject to an unregistered concession (as defined by section 2(1) of the Conservation Act 1987), whether or not the concession also applies to land outside the cultural redress property.
- 13.5 The concession applies in respect of the cultural redress property —
- 13.5.1 as if the registered proprietors of the property were the grantor under the concession;
  - 13.5.2 with any other necessary modifications; and
  - 13.5.3 despite any change in status of the land in the cultural redress property on the settlement date.

### Ownership of trustees to be registered on computer freehold register

- 13.6 Paragraphs 13.7 to 13.10 are to apply to the fee simple estate in a cultural redress property vested under the settlement legislation.
- 13.7 The Registrar-General of Land, on written application by an authorised person, is to be required to comply with paragraphs 13.8 and 13.9.
- 13.8 To the extent that a cultural redress property (other than a jointly vested site or Mangamuka Road, Mangamuka) is all of the land contained in a computer freehold register, the Registrar-General of Land is to—
- 13.8.1 register Te Rūnanga o Te Rarawa trustees as the proprietors of the fee simple estate in the land; and
  - 13.8.2 make any entries in the register, and do all other things, that are necessary to give effect to the settlement legislation and this deed.

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**13: TERMS OF VESTING FOR CULTURAL REDRESS PROPERTIES**

13.9 To the extent that paragraph 13.8 does not apply to a cultural redress property (other than a jointly vested site or in the case of Mangamuka Road, Mangamuka), the Registrar-General of Land is to—

13.9.1 create one or more computer freehold registers for the fee simple estate in the property in the name of Te Rūnanga o Te Rarawa trustees; and

- (a) enter on the register any encumbrances that are—
- (b) registered, notified, or notifiable; and
- (c) described in the application from the authorised person.

13.10 For a jointly vested site (other than the Tangonge site), the Registrar-General of Land is to, in accordance with written applications by an authorised person,—

13.10.1 create one or more computer freehold registers for each undivided equal share of the fee simple estate in the property in the name of Te Rūnanga o Te Rarawa trustees and the trustees in whom the share is vested under the settlement legislation; and

13.10.2 record on the relevant registers any encumbrances that are registered, notified, or notifiable and that are described in the applications.

13.10A For Tangonge site the Registrar-General of Land is to, in accordance with a written application by an authorised person-

13.10A.1 create one computer freehold register for the fee simple estate in the property in the name of Te Rūnanga trustees as to an undivided half share and in the name of Te Rūnanga o Ngāi Takoto trustees as to an undivided half share; and

13.10A.2 record on the register any encumbrances that are registered, notified or notifiable and that are described in the application.

**Timing of creation of computer freehold register to be specified**

13.11 The settlement legislation is to provide—

13.11.1 paragraphs 13.9 and 13.10 are to apply subject to the completion of any survey necessary to create the computer freehold register; and

13.11.2 the computer freehold register must be created as soon as reasonably practicable after the settlement date, but no later than—

- (a) 24 months after the settlement date; or
- (b) any later date that may be agreed in writing by Te Rūnanga o Te Rarawa trustees and the trustees in whom the property is vested and the Crown.

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13: TERMS OF VESTING FOR CULTURAL REDRESS PROPERTIES

**Application of Part 4A of the Conservation Act 1987 (including creation of marginal strips) to be dealt with**

13.12 The settlement legislation is to provide—

13.12.1 that vesting of the fee simple estate in a cultural redress property in Te Rūnanga o Te Rarawa trustees is to be a disposition for the purposes of Part 4A of the Conservation Act 1987; but

13.12.2 sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition; and

13.12.3 despite paragraphs 13.12.1 and 13.12.2:

(a) the rest of section 24 of the Conservation Act 1987 does not apply to the vesting under the settlement legislation in Te Rūnanga o Te Rarawa trustees of:

(i) a reserve site; and

(ii) Pukepoto School;

(b) the marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of Whangape site under paragraph 12.28.3 is reduced to a width of 3 metres; and

(c) the marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of Whangape Road site under paragraph 12.30.1 is reduced to a width of 3 metres; and

(d) the marginal strips reserved by section 24 of the Conservation Act 1987 from the vesting of Mapere under paragraph 12.16.2 are reduced to a width of 3 metres in the area marked red on deed plan OTS-074-25;

13.12.4 if the reservation under the settlement legislation of a reserve site is revoked in relation to all or part of the site, then its vesting is to be no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or part of that site; and

13.12.5 if the lease of Pukepoto School (or a renewal of that lease) terminates or expires without being renewed in relation to all or part of the site then its vesting is to be no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or part of the site.

**Application of Part 4A of Conservation Act and settlement legislation to be notified on computer freehold register**

13.13 The Registrar-General of Land is to be required to notify on any computer freehold register for a reserve site other than a jointly vested site that—

13.13.1 the land is subject to Part 4A of the Conservation Act 1987, but that

13.13.2 section 24 of that Act does not apply; and

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13: TERMS OF VESTING FOR CULTURAL REDRESS PROPERTIES

13.13.3 the land is subject to paragraphs 13.12.4 and 14.11.

13.14 The Registrar-General of Land is to be required to record on any computer freehold register created under paragraphs 13.4 to 13.10 for a reserve site that is a jointly vested site—

13.14.1 that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and

13.14.2 that the land is subject to paragraphs 13.12.4, 14.12, and 14.13.

13.15 The Registrar-General of Land is to be required to record on any computer freehold register for Pukepoto School that—

13.15.1 the land is subject to Part 4A of the Conservation Act 1987, but that;

13.15.2 section 24 of that Act does not apply; and

13.15.3 the land is subject to paragraph 13.12.5.

13.15.4 The Registrar-General of Land is to be required to record on any computer freehold register for:

- (a) Whangape site that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to a width of 3 metres; and
- (b) Whangape Road site that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to a width of 3 metres;
- (c) Mapere that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strips are reduced to a width of 3 metres in the area marked red on deed plan OTS-074-25 (subject to survey).

13.16 The Registrar-General of Land must record on any computer freehold register for any other cultural redress property that the land is subject to Part 4A of the Conservation Act 1987.

13.17 The settlement legislation is to provide that a notification made under paragraph 13.13, 13.14, 13.15 or 13.16 that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.

13: TERMS OF VESTING FOR CULTURAL REDRESS PROPERTIES

**Removal of notifications from computer freehold register to be provided for**

13.18 The settlement legislation is to provide that—

13.18.1 if the reservation of a reserve site is revoked, in relation to—

- (a) all of the site, the Director-General of Conservation is to apply in writing to the Registrar-General of Land to remove from the computer freehold register for the site the notifications that—
  - (i) section 24 of the Conservation Act 1987 does not apply to the site; and
  - (ii) the site is subject to paragraphs 13.12.4 and 14.10 or 14.12 and 14.13, as the case may be; or
- (b) part of the site, the Registrar-General of Land is to ensure that the notifications referred to in paragraph (a) remain on the computer freehold register only for the part of the site that remains a reserve; and

13.18.2 the Registrar-General of Land is to comply with an application received in accordance with paragraphs (a) or (b); and

13.18.3 in relation to Pukepoto school site:

- (a) if the lease referred to in paragraph 12.10 (or a renewal of that lease) terminates, or expires, without being renewed, in relation to all or part of the property, then the registered proprietors of the property must apply in writing to the Registrar-General to—
  - (i) if none of the property remains subject to such a lease, remove from the computer freehold register for the property any notifications that—
    - (I) section 24 of the Conservation Act 1987 does not apply to the land; and
    - (II) the land is subject to paragraphs 13.12.5 and 13.18.3(a); or
  - (ii) if only part of the property remains subject to such a lease ("the leased part"), amend any notifications on the computer freehold register for the property to record that, in relation to, only the leased part —
    - (I) section 24 of the Conservation Act 1987 does not apply to that part; and
    - (II) that part is subject to paragraphs 13.12.5 and 13.18.3(a).
- (b) the Registrar-General must comply with an application received in accordance with paragraph 13.18.3(a) free of charge to the applicant.

13: TERMS OF VESTING FOR CULTURAL REDRESS PROPERTIES

**Application of other legislation to be dealt with**

13.19 The settlement legislation is to provide—

13.19.1 sections 24 and 25 of the Reserves Act 1977 are not to apply to the revocation under the settlement legislation of the reserve status of a cultural redress property; and

13.19.2 section 11 and Part 10 of the Resource Management Act 1991 are not to apply to—

(a) the vesting of the fee simple estate in a cultural redress property under the settlement legislation; or

(b) any matter incidental to, or required for the purpose of, the vesting; and

13.19.3 the vesting of the fee simple estate in a cultural redress property under the settlement legislation is not to—

(a) limit section 10 or 11 of the Crown Minerals Act 1991; or

(b) affect other rights to subsurface minerals; and

13.19.4 the permission of a council under section 348 of the Local Government Act 1974 is not to be required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of this deed in relation to a cultural redress property.



## 14 RESERVE SITES

### General

14.1 The settlement legislation is to include provisions in relation to the vesting of reserve sites on the terms provided in this part.

### Application of Reserves Act 1977 to be dealt with

14.2 The settlement legislation is to provide that—

14.2.1 Te Rūnanga o Te Rarawa trustees are to be the administering body of a reserve site for the purposes of the Reserves Act 1977 (other than Beach sites A to D); and

14.2.2 despite sections 48A(6), 114(5), and 115(6) of the Reserves Act 1977, sections 48A, 114, and 115 of that Act apply to a reserve site; and

14.2.3 sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply to a reserve site; and

14.2.4 if the reservation under the settlement legislation of a reserve site is revoked under section 24 of the Reserves Act 1977 in relation to all or part of the site,—

(a) section 25(2) of that Act applies to the revocation; but

(b) the other provisions of section 25 do not apply;

### Joint management body for Beach sites A to D

14.3 A joint management body is established for Beach sites A to D.

14.4 Each of the following four entities may appoint two members to the joint management body:

14.4.1 Te Rūnanga o Te Rarawa trustees;

14.4.2 Te Rūnanga o Ngāi Takoto trustees;

14.4.3 Te Rūnanga Nui o Te Aupōuri trustees; and

14.4.4 the Ngāti Kuri governance entity;

14.5 An appointer may appoint a member only by giving a written notice with the following details to the other appointers:

14.5.1 the member's full name, address, and other contact details; and

14.5.2 the date on which the appointment takes effect, which must be no earlier than the date of the notice.

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14: RESERVE SITES

- 14.6 An appointment ends after five years or when the appointer replaces the member by appointing another member (whichever comes sooner).
- 14.7 A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- 14.8 Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a Board.
- 14.9 However, the first meeting of the body must be held no later than two months after the settlement date.
- 14.10 The joint management body is not required to prepare a reserve management plan under section 41 of the Reserves Act 1977 in relation to Beach sites A to D.

**Subsequent transfer of reserve sites to be provided for**

14.11 The settlement legislation is to provide that—

14.11.1 this paragraph is to apply to all, or any part, of a reserve site (other than Beach sites A to D) that remains a reserve at any time after the vesting in Te Rūnanga o Te Rarawa under the settlement legislation (the **reserve land**); and

14.11.2 the fee simple estate in the reserve land may be transferred to another person only in accordance with this paragraph; and

14.11.3 paragraph 14.11.2 is to apply despite any other enactment or rule of law; and

14.11.4 the Minister of Conservation is to give written consent to the transfer of the fee simple estate in reserve land to another person (the **new owner**) if, upon written application, the registered proprietor of the reserve land satisfies the Minister that the new owner is able to—

- (a) comply with the Reserves Act 1977; and
- (b) perform the obligations of an administering body under that Act; and

**Registration of transfer to be provided for**

14.11.5 the Registrar-General of Land, upon receiving the following documents, is to register the new owner as the proprietor of the estate in fee simple in the reserve land:

- (a) the transfer instrument to transfer the fee simple estate in the reserve land to the new owner, including a notification that the new owner is to hold the reserve land for the same reserve purpose as it was held by the administering body immediately before the transfer;
- (b) the Minister of Conservation's written consent to the transfer;
- (c) any other document required for the registration of the transfer instrument; and

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14: RESERVE SITES

***New owners are to be the administering body***

14.11.6 the new owner, from the time of its registration under paragraph 14.11.5,—

- (a) is to be the administering body of the reserve land for the purposes of the Reserves Act 1977; and
- (b) holds the reserve land for the same reserve purpose as it was held by the administering body immediately before the transfer; and

***Provisions not to apply if transfer is to new trustees of a trust***

14.11.7 paragraphs 14.11.1 to 14.11.6 are not to apply to the transfer of the fee simple estate in reserve land if—

- (a) the transferors are or were the trustees of a trust; and
- (b) the transferees are the trustees of the same trust after—
  - (i) a new trustee has been appointed; or
  - (ii) a transferor has ceased to be a trustee; and
- (c) the transfer instrument is accompanied by a certificate given by the transferees, or their solicitor, verifying that paragraphs (a) and (b) apply.

**Subsequent transfer of Beach sites A to D**

14.12 Paragraph 14.13 applies to Beach sites A to D as long as the land, or any part of the land, in the site remains a reserve under the Reserves Act 1977 after vesting in any trustees under part 12.

14.13 The fee simple estate in the reserve land may be transferred only if:

14.13.1 the transferors of the reserve land are or were the trustees of a trust; and

14.13.2 the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and

14.13.3 the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that paragraphs 14.13.1 and 14.13.2 apply;

14.14 Paragraph 14.13 applies despite any other enactment or rule of law.

**Reserve site is not to be mortgaged or charged**

14.15 The settlement legislation is to provide that the registered proprietors from time to time of a reserve site that is vested under the settlement legislation are not to mortgage, or give a security interest in, all or any part of the site that remains a reserve.

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14: RESERVE SITES

**Bylaws etc in relation to reserve sites to be saved**

14.16 The settlement legislation is to provide that a bylaw, prohibition, or restriction on use or access in relation to a reserve site made or granted under the Reserves Act 1977, or the Conservation Act 1987, by an administering body or the Minister of Conservation is to remain in force until it expires or is revoked under the applicable legislation.

**Application of legislation to certain names to be provided**

14.17 The settlement legislation is to provide that—

14.17.1 paragraph 14.17.2 applies to the land, or part of the land, in a cultural redress property that, immediately before the commencement of the settlement legislation, was all of part of a Crown protected area;

14.17.2 the official geographic name of the Crown protected area is discontinued in respect of the land, or part of the land, and the Board must amend the Gazetteer accordingly;

14.17.3 a reserve site is not a Crown protected area, despite anything in the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008;

14.17.4 the Minister of Conservation must not change the name of a reserve site under section 16(10) of the Reserves Act 1977 without the written consent of the administering body of the site, and section 16(10A) of that Act does not apply to the proposed change; and

14.17.5 in this paragraph, the following terms have the meaning given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008:

- (a) Board
- (b) Crown protected area
- (c) Gazetteer
- (d) official geographic name.

**Certain legislation to be consequentially repealed**

14.18 The following legislation is to be consequentially repealed:

14.18.1 section 17 of the Reserves and Other Lands Disposal Act 1977.

## 15 COMMERCIAL REDRESS PROPERTIES

### General

- 15.1 The settlement legislation is to include provisions in relation to commercial redress properties and deferred selection properties on the terms provided in this part.
- 15.2 In parts 15 and 16, a reference to a transfer of any land (being the fee simple estate in the land) to any trustees includes the transfer of an undivided share of the fee simple estate in the land.

### **Crown to be authorised to transfer commercial redress properties and deferred selection properties**

- 15.3 The Crown (acting by and through the chief executive of the land holding agency) is to be authorised to do one or both of the following:
- 15.3.1 transfer to Te Rūnanga o Te Rarawa trustees the fee simple estate in a commercial redress property or a deferred selection property:
- 15.3.2 sign a transfer instrument or other document, or do anything else, to effect the transfer.
- 15.4 The authority under paragraph 15.3 is to be given to give effect to this deed.

### **Registrar-General of Land to be required to create a computer freehold register**

- 15.5 Paragraph 15.6 is to apply to—
- 15.5.1 a commercial redress property (other than the Peninsula Block, Takahue Block, Corner Mathews Avenue and Melba Street Kaitaia and Kaitaia Nurses Home Redan Street Kaitaia), and a deferred selection property (other than a deferred selection property that is to transfer to the trustees of two or more trusts) to the extent that—
- (a) it is not all of the land contained in a computer freehold register; or
  - (b) there is no computer freehold register for all or part of the property; and
- 15.5.2 the Peninsula Block; and
- 15.5.3 the Takahue Block.
- 15.6 The Registrar-General of Land is to be required, in accordance with a written application by an authorised person, and after completion of any necessary survey, create a computer freehold register in the name of the Crown—
- 15.6.1 subject to, and together with, any encumbrances that—
- (a) are registered, notified, or notifiable; and
  - (b) are described in the written application; and

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15: COMMERCIAL REDRESS PROPERTIES

15.6.2 without any statement of purpose.

15.7 In relation to a deferred selection property or a commercial redress property (other than the Peninsula Block, Sweetwater 20 hectares shared site and Dairy 2 North) that is to transfer to the trustees of two or more trusts, the Registrar-General of Land must, in accordance with written applications by an authorised person, -

15.7.1 create in the name of the Crown, a computer freehold register for each undivided share of the fee simple estate in the property;

15.7.2 record on the relevant registers any encumbrances that are registered, notified, or notifiable and that are described in the applications; and

15.7.3 omit any statement of purpose.

**Covenant for later creation of freehold register to be permitted**

15.8 An authorised person is to be permitted to grant a covenant to arrange for the later creation of a computer freehold register for a transfer property that is to be transferred to Te Rūnanga o Te Rarawa trustees under the deed of settlement.

15.9 The settlement legislation is to provide that, despite the Land Transfer Act 1952,—

15.9.1 the authorised person may request the Registrar-General of Land to register a covenant granted in accordance with paragraph 15.8 under the Land Transfer Act 1952 by creating a computer interest register; and

15.9.2 the Registrar-General of Land must register the covenant.

**Application of other legislation**

15.10 The settlement legislation is to provide—

15.10.1 sections 11 and part 10 of the Resource Management Act 1991 do not apply to—

(a) the transfer to Te Rūnanga o Te Rarawa trustees of a commercial redress property or deferred selection property; or

(b) any matter incidental to, or required for the purpose of, the transfer; and

15.10.2 the transfer of a commercial redress property or deferred selection property to Te Rūnanga o Te Rarawa trustees—

(a) does not—

(i) limit section 10 or 11 of the Crown Minerals Act 1991; or

(ii) affect other rights to subsurface minerals; or

(b) is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition; and

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15: COMMERCIAL REDRESS PROPERTIES

15.10.3 in exercising the powers conferred by paragraphs 15.3 and 15.4, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a commercial redress property or deferred selection property; and

15.10.4 the permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting or reserving a private road, private way, or right of way required to fulfil the provisions of this deed in relation to the transfer of a commercial redress property or deferred selection property.

15.11 Paragraph 15.10.3 does not limit paragraph 15.10.2.

**Transfer of properties subject to lease**

15.12 This section applies to a commercial redress property or deferred selection property—

15.12.1 for which the land holding agency is the Ministry of Education; and

15.12.2 the ownership of which is to transfer to the trustees of a settlement trust in accordance with part 6 of the property redress schedule; and

15.12.3 that, after the transfer, is to be subject to a lease back to the Crown.

15.13 Despite paragraph 15.10.2(b), the rest of section 24 of that Act does not apply to the transfer of the property.

15.14 The transfer instrument for the transfer of the property must include a notification that the land is to become subject to paragraphs 15.17 and 15.18 upon the registration of the transfer.

15.15 The Registrar-General must, upon the registration of the transfer of the property, record on any computer freehold register for the property—

15.15.1 that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply;

15.15.2 that the land is subject to paragraphs 15.16, 15.17 and 15.18.

15.16 A notification made under paragraph 15.14 that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.

15.17 If the lease referred to in paragraph 15.12.3 (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property, the transfer of the property is no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or that part of the property, as the case may be.

TE RARAWA DEED OF SETTLEMENT  
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15: COMMERCIAL REDRESS PROPERTIES

15.18 If the lease referred to in paragraph 15.12.3 (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property, then the registered proprietors of the property must apply in writing to the Registrar-General to,—

15.18.1 if none of the property remains subject to such a lease, remove from the computer freehold register for the property any notifications that—

- (a) section 24 of the Conservation Act 1987 does not apply to the land; and
- (b) the land is subject to paragraphs 15.17 and 15.18; or

15.18.2 if only part of the property remains subject to such a lease (the leased part), amend any notifications on the computer freehold register for the property to record that in relation to only the leased part,—

- (a) section 24 of the Conservation Act 1987 does not apply to that part; and
- (b) that part is subject to paragraphs 15.17 and 15.18.

15.19 The Registrar-General must comply with an application received in accordance with paragraph 15.18 free of charge to the applicant.

**Minister of Conservation to be authorised to grant easements**

15.20 The Minister of Conservation is to be authorised to grant any easement required to fulfil the terms of this deed in relation to a commercial redress property or a deferred selection property over:

15.20.1 a conservation area (under the Conservation Act 1987); or

15.20.2 a reserve (under the Reserves Act 1977).

15.21 An easement granted under paragraph 15.20 is to be:

15.21.1 enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987;

15.21.2 treated as having been granted in accordance with Part 3B of that Act; and

15.21.3 registrable under section 17ZA(2) of that Act, as if it were a deed to which that provisions applied.

**Kaitaia College**

15.22 If the deferred selection property described as Kaitaia College in table 1 part 4 of the property redress schedule, transfers to the Te Rūnanga o Te Rarawa trustees in accordance with part 6 of the property redress schedule, then immediately before that transfer the reservation of that part of the property that is a Government purpose (education) reserve subject to the Reserves Act 1977, is revoked.

**Haumanga Road, Broadwood**



**TE RARAWA DEED OF SETTLEMENT  
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**15: COMMERCIAL REDRESS PROPERTIES**

15.23 In relation to that property described as Haumanga Road, Broadwood in table 1B part 3 of the property redress schedule its reservation as an endowment for primary education purposes is revoked.

## 16 PENINSULA BLOCK AND RENTAL PROCEEDS

### General

16.1 The settlement legislation is to include provisions in relation to the Peninsula Block, the Takahue Block, the cultural forest land properties and licence fees for the Aupōuri Forest on the terms provided in this part.

### Definitions to be provided

16.2 In this part:—

16.2.1 **Aupōuri Forest** means that land described and held in computer interest register NA100A/1

16.2.2 **Crown forestry rental trust deed** means the trust deed made on 30 April 1990 establishing the Crown forestry rental trust under section 34 of the Crown Forest Assets Act 1989

16.2.3 **cultural forest land properties**

- (a) means Beach site A, Beach site B, Beach site C and Hukatere site B; and
- (b) means Hukatere Pā described in part 20 of the legislative matters schedule to the deed of settlement for Te Rūnanga Nui o Te Aupōuri Trust; and
- (c) means Hukatere site A described in part 19 of the legislative matters schedule to the deed of settlement for Te Rūnanga o Ngāi Takoto, but
- (d) excludes, to the extent provided by the Crown forest licence in relation to the land:
  - (i) all trees growing, standing, or lying on the land; and
  - (ii) all improvements that have been—
    - (I) acquired by any purchaser of the trees on the property; or
    - (II) made, after the acquisition of the trees by the purchaser, by the purchaser or the licensee

16.2.4 **licence** means the Crown forest licence over the Aupōuri Forest held in computer interest register NA100A/1

16.2.5 **Peninsula Block**

- (a) means that land comprising part of the Aupōuri Forest as set out in table 1A in part 3 of the property redress schedule of the deed of settlement; but

TE RARAWA DEED OF SETTLEMENT  
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**16: PENINSULA BLOCK AND RENTAL PROCEEDS**

- (b) excludes, to the extent provided by the Crown forest licence in relation to the land:
  - (i) all trees growing, standing, or lying on the land; and
  - (ii) all improvements that have been—
    - (1) acquired by any purchaser of the trees on the property; or
    - (2) made, after the acquisition of the trees by the purchaser, by the purchaser or the licensee

**16.2.6 Peninsula Block settlement trust means:—**

- (a) for Te Aupōuri, Te Rūnanga o Te Aupōuri trustees;
- (b) for Te Rarawa, Te Rūnanga o Te Rarawa trustees;
- (c) for NgāiTakoto, Te Rūnanga o NgāiTakoto; and
- (d) for Ngāti Kuri, the Ngāti Kuri governance entity; and

**16.2.7 relevant trustees:**

- (a) for the Peninsula Block and for a cultural forest land property, means the trustees of each of the Peninsula Block settlement trusts; and
- (b) for Takahue Block, means the trustees of Te Rūnanga o Te Rarawa;

**16.2.8 Takahue Block**

- (a) means that land set out in table 1A in part 3 of the property redress schedule of the deed of settlement; but
- (b) excludes, to the extent provided by the Crown forest licence in relation to the land:
  - (i) all trees growing, standing, or lying on the land; and
  - (ii) all improvements that have been—
    - (1) acquired by any purchaser of the trees on the property; or
    - (2) made, after the acquisition of the trees by the purchaser, by the purchaser or the licensee

**Peninsula Block and Takahue Block ceases to be Crown forest land**

16.3 The Peninsula Block and Takahue Block cease to be Crown forest land under the Crown Forest Assets Act 1989 upon the registration of the transfer of the fee simple estate in the property to the relevant trustees.

16.4 However, although the Peninsula Block and the Takahue Block do not cease to be Crown forest land until the transfer to the relevant trustees is registered, neither the

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16: PENINSULA BLOCK AND RENTAL PROCEEDS

Crown nor any court or tribunal may do any thing or omit to do any thing if that act or omission would, between the settlement date and the date of registration, be—

16.4.1 permitted by the Crown Forest Assets Act 1989; but

16.4.2 inconsistent with part 10 of the deed of settlement.

**Trustees confirmed beneficiaries and licensors**

16.5 The relevant trustees are, in relation to the Peninsula Block and the Takahue Block, the confirmed beneficiaries under clause 11.1 of the Crown forestry rental trust deed.

16.6 The effect of paragraph 16.5 is that:—

16.6.1 the relevant trustees are entitled to the rental proceeds paid for the Peninsula Block and the Takahue Block under the licence since the commencement of the licence; and

16.6.2 all the provisions of the Crown forestry rental trust deed apply on the basis that the relevant trustees are the confirmed beneficiaries in relation to the Peninsula Block and the Takahue Block.

16.7 Despite paragraph 16.6, the relevant trustees are entitled to the rental proceeds referred to in paragraph 16.6.1 for the Aupōuri Forest as provided for in:

16.7.1 clause 10.10 of this deed of settlement for Te Rarawa

16.7.2 clause 10.11 of the deed of settlement for Te Aupōuri

16.7.3 clause [9.9] of the deed of settlement for Ngāti Kuri

16.7.4 clause [9.10] of the deed of settlement for Ngāi Takoto

16.7.5 the relevant equivalent clause of any future deed of settlement for Ngāti Kahu.

16.8 The Crown must give notice under section 17(4)(b) of the Crown Forests Act 1989 in respect of the licence, even though the Waitangi Tribunal has not made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the Peninsula Block and the cultural forest land properties, and the Takahue Block to which the licence applies.

16.9 Notice given by the Crown under paragraph 16.8 has effect as if:—

16.9.1 the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the Peninsula Block and the cultural forest land properties, and the Takahue Block; and

16.9.2 the recommendation had become final on the settlement date.

16.10 The relevant trustees are the licensors under the licence in relation to the property as if the property had been returned to Maori ownership—

16.10.1 on the settlement date; and

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16: PENINSULA BLOCK AND RENTAL PROCEEDS

16.10.2 under section 36 of the Crown Forest Assets Act 1989.

16.11 However, section 36(1)(b) of the Crown Forest Assets Act 1989 does not apply to the Peninsula Block and the cultural forest land properties, and the Takahue Block..

**Effect of transfer of Peninsula Block and Takahue Block**

16.12 Paragraphs 16.5 to 16.11 apply whether or not—

16.12.1 the transfer of the fee simple estate in the Peninsula Block and the Takahue Block to which the licence applies has been registered; or

16.12.2 in relation to the Peninsula Block and the cultural forest land properties, and the Takahue Block, the processes described in clause 17.4 of the licence have been completed.

***Licence-splitting process to be required to be completed***

16.13 To the extent that the Crown has not completed the processes referred to in paragraph 16.12.2 before the settlement date, it must continue those processes—

16.13.1 on and after the settlement date; and

16.13.2 until the processes are completed.

16.14 Paragraph 16.15 provides for the licence fee payable for the Peninsula Block and the cultural forest land properties and the Takahue Block under the licence—

16.14.1 for the period starting on the settlement date until the completion of the processes referred to in paragraphs 16.12.2 and 16.13 for the Peninsula Block and the cultural forest land properties, and the Takahue Block; and

16.14.2 that is not part of the rental proceeds referred to in paragraph 16.6.1.

16.15 The licence fee payable is the amount calculated in the manner described in paragraphs 6.27, 6.28 and 6.29 of the property redress schedule, provided that this calculation of the licence fee is overridden by:

16.15.1 in relation to the Peninsula Block and the cultural forest land properties, any agreement between the licensors, the licensee of the licence and the Crown; and

16.15.2 in relation to the Takahue Block, any agreement between Te Rūnanga o Te Rarawa trustees as licensor, the licensee of the licence and the Crown.

16.16 With effect on and from the settlement date, references to the prospective proprietors in clause 17.4 of the licence must be read as if they were references to the relevant trustees.

16: PENINSULA BLOCK AND RENTAL PROCEEDS

**RIGHT OF ACCESS TO PROTECTED SITES**

**Terms to be defined**

16.17 In this part, **protected site** means any area of land situated in the Peninsula Block and the Takahue Block that is, at any time—

16.17.1 a wahi tapu or wahi tapu area; and

16.17.2 a registered place.

16.18 In paragraph 16.17, **registered place**, **wahi tapu**, and **wahi tapu area** have the meanings given by section 2 of the Historic Places Act 1993.

**Right of access to protected site**

16.19 The owner of land on which a protected site is situated and any person holding an interest in, or a right of occupancy to, the land must allow the people referred to in paragraph 16.20 to have access across the land to each protected site.

16.20 The people are Māori for whom the protected site is of special cultural, spiritual, or historical significance.

16.21 The right of access may be exercised by vehicle or by foot over any reasonably convenient routes specified by the owner, and is subject to the following conditions:

16.21.1 a person intending to exercise the right of access must give the owner reasonable notice, in writing, of his or her intention to exercise that right; and

16.21.2 the right of access may be exercised only at reasonable times and during daylight hours; and

16.21.3 a person exercising the right must observe any reasonable conditions imposed by the owner that:—

(a) relate to the time, location, or manner of access; and

(b) are reasonably required for the safety of people, for the protection of land, improvements, flora, fauna, plant, equipment, or livestock, or for operational reasons.

**Right of access subject to Crown forestry licence**

16.22 The right of access under paragraphs 16.19 to 16.21 is subject to the terms of any Crown forestry licence.

16.23 However, paragraph 16.22 does not apply if the licensee has agreed to an exercise of the right.

16.24 An amendment to a Crown forestry licence is of no effect to the extent that it would:—

16.24.1 delay the date from which a person may exercise a right of access under paragraphs 16.19 to 16.21; or

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16.24.2 adversely affect the right of access in any other way.

**Notation on computer freehold register**

16.25 The Registrar-General must, in accordance with a written application by an authorised person, record on the computer freehold register for the Peninsula Block and the Takahue Block that the land is subject to this part.

16.26 An application must be made as soon as is reasonably practicable after:—

16.26.1 the settlement date; or

16.26.2 a computer freehold register has been created for the land, if the computer freehold register has not been created by the settlement date.

16.27 In paragraphs 16.25 and 16.26, **authorised person** means a person authorised by the chief executive of LINZ.

## 17 RFR PROVISIONS

### General

17.1 The settlement legislation is to include provisions in relation to RFR on the terms provided in this part.

### Definitions to be provided

17.2 The settlement legislation is to provide that, in the provisions relating to the RFR:

17.2.1 **balance RFR land** means each property:

- (a) that is exclusive RFR land; or
- (b) that is shared RFR land; and
- (c) that has:
  - (i) been offered for disposal as exclusive RFR land or shared RFR land to the trustees of an offer trust in accordance with paragraph 17.4; and
  - (ii) not withdrawn in accordance with paragraph 17.6; and
  - (iii) not accepted in accordance with paragraph 17.7; but
- (d) does not include any land vested in, or where the fee simple is held by Housing New Zealand Corporation.

17.2.2 **Crown body** means:

- (a) a Crown entity (as defined by section 7(1) of the Crown Entities Act 2004); and
- (b) a State enterprise (as defined by section 2 of the State-Owned Enterprises Act 1986); and
- (c) the New Zealand Railways Corporation; and
- (d) a company or body that is wholly owned or controlled
- (e) by one or more of the following:
  - (i) the Crown;
  - (ii) a Crown entity;
  - (iii) a State enterprise;
  - (iv) the New Zealand Railways Corporation; and



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- (v) a subsidiary, or related company, of a company or body referred to in paragraph 17.2.2(d)

17.2.3 **dispose of**, in relation to RFR land:

- (a) means to:
  - (i) transfer or vest the fee simple estate in the land; or
  - (ii) grant 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; but
- (b) to avoid doubt, does not include to:
  - (i) mortgage or give a security interest in the land; or
  - (ii) grant an easement over the land; or
  - (iii) consent to an assignment of a lease or to a sublease of the land; or
  - (iv) remove an improvement, fixture or fitting from the land;

17.2.4 **exclusive RFR land** means each property listed as exclusive RFR land in part 3 of the attachments to any Te Hiku o Te Ika iwi deed of settlement if, on the settlement date, the land is:

- (a) vested in the Crown; or
- (b) held in fee simple by the Crown or Housing New Zealand Corporation;

17.2.5 **expiry date**, for an offer, means its expiry date under paragraph 17.5.1 and 17.5.2;

17.2.6 **nominee** has the meaning given to it by paragraph 17.8.3;

17.2.7 **notice** means notice given under this part;

17.2.8 **offer** means an offer, made in accordance with paragraph 17.4, by an RFR landowner to dispose of RFR land to the trustees of an offer trust;

17.2.9 **offer trust** means, for each of the following types of RFR land (or land obtained in exchange for the disposal of that land), the trust specified or each of the trusts specified:

- (a) for exclusive RFR land, any RFR settlement trust for any Te Hiku o Te Ika iwi whose deed of settlement contains, as redress, a right to purchase exclusive RFR land; or
- (b) for shared RFR land, Te Rūnanga o Te Rarawa trustees and the RFR settlement trust for each of the other relevant iwi; or
- (c) the balance RFR land, the RFR settlement trust for each of the remaining iwi;

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- 17.2.10 **other relevant iwi** means the RFR settlement trust for each iwi listed in the "other relevant iwi" column against a property listed in table 1 in part 3 of the attachments;
- 17.2.11 **recipient trust** means, for each of the following types of RFR land (or land obtained in exchange for the disposal of that land), the specified trust:
- (a) for exclusive RFR land, any RFR settlement trust for any Te Hiku o Te Ika iwi whose deed of settlement contains, as redress, a right to purchase exclusive RFR land; or
  - (b) for shared RFR land and balance RFR land, the one offer trust whose trustees accept an offer to dispose of the land under paragraph 17.7;
- 17.2.12 **remaining iwi** means the RFR settlement trust of any Te Hiku o Te Ika iwi who, in accordance with clause 10.24, have settled and have not already received an offer for that land;
- 17.2.13 **RFR land** has the meaning given to it by paragraphs 17.2.20 and 17.2.21;
- 17.2.14 **RFR landowner**, for RFR land:
- (a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and
  - (b) means a Crown body, if the body holds the fee simple estate in the land; and
  - (c) includes a local authority to which RFR land has been disposed of under paragraph 17.9.2; but
  - (d) to avoid doubt, does not include an administering body in which RFR land is vested under paragraph 17.9.3;
- 17.2.15 **RFR period** means:
- (a) for each property that is exclusive RFR land and balance RFR land, the period of 172 years starting on the settlement date; and
  - (b) for each property that is shared RFR land, the period of 172 years starting on:
    - (i) the settlement date, if settlement legislation approving the other relevant iwi rights has been passed by or on the settlement date; or
    - (ii) if settlement legislation approving the other relevant iwi rights has not been passed by or on the settlement date, the earlier of the following dates:
      - (I) 24 months after the settlement date; or
      - (II) the settlement date under settlement legislation approving the other relevant iwi rights;

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17.2.16 **RFR settlement trust** means:

- (a) for Te Aupōuri, Te Rūnanga Nui o Te Aupōuri Trust;
- (b) for Ngāti Kuri, the Ngāti Kuri governance entity;
- (c) for NgāiTakoto, Te Rūnanga o NgāiTakoto trustees;
- (d) for Ngāti Kahu, [any trust established to receive redress for settlement of Ngāti Kahu's historical claims from the Crown]; and
- (e) for Te Rarawa, Te Rūnanga o Te Rarawa;

17.2.17 **shared RFR land** means each property listed as shared RFR land in part 3 of the attachments if the land is vested in the Crown or held in fee simple by the Crown or Housing New Zealand Corporation on:

- (a) the settlement date, if settlement legislation approving the other relevant iwi rights has been passed by or on the settlement date; or; or
- (b) if settlement legislation approving the other relevant iwi rights has not been passed by or on the settlement date, the earlier of the following dates:
  - (i) 24 months after the settlement date; or
  - (ii) the settlement date under settlement legislation approving the other relevant iwi rights;

17.2.18 **Te Hiku o Te Ika iwi** means each of Ngāti Kuri, Te Aupōuri, NgāiTakoto, [Ngāti Kahu] and Te Rarawa;

17.2.19 **trustees** means the trustees of the relevant offer trust.

**RFR land to be defined**

17.2.20 RFR land is to mean:

- (a) exclusive RFR land; and
- (b) shared RFR land; and
- (c) balance RFR land; and
- (d) land obtained in exchange for a disposal of RFR land under paragraph 17.10.5(c) or 17.10.6.

17.2.21 however, land ceases to be RFR land if:

- (a) the fee simple estate in the land transfers from the RFR landowner to:
  - (i) the trustees of a recipient trust or their nominee (for example, under a contract formed under paragraph 17.8.3); or

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- (ii) any other person (including the Crown or a Crown body) under paragraph 17.3.3; or
- (b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body under:
  - (i) any of the permitted disposals of RFR land specified in paragraph 17.10; or
  - (ii) anything referred to in paragraph 17.12; or
- (c) the land's RFR period ends.

**Restrictions on disposal of RFR land to be provided**

17.3 The settlement legislation is to provide that an RFR landowner must not dispose of RFR land to any person other than the trustees of a recipient trust or their nominee unless the land is disposed of:

17.3.1 under paragraphs 17.9 or 17.10; or

17.3.2 under an enactment, rule of law, encumbrance, legal or equitable obligation, mortgage or security interest referred to in paragraph 17.12; or

17.3.3 within two years after the expiry date of an offer by the RFR landowner to the trustees of an offer trust, if the offer:

- (a) related to exclusive RFR land or shared RFR land; and
- (b) was made in accordance with paragraph 17.4; and
- (c) on terms that were the same as, or more favourable to the trustees than the terms of the disposal to the person referred to in paragraph 17.3.1; and
- (d) was not withdrawn in accordance with paragraph 17.6; and
- (e) was not accepted in accordance with paragraph 17.7.

**Requirements for offer to be specified**

17.4 The settlement legislation is to specify that an offer by an RFR landowner to dispose of RFR land to the trustees of an offer trust must be made by written notice to the trustees of the one or more offer trusts, incorporating:

17.4.1 the terms of the offer, including its expiry date; and

17.4.2 the legal description of the land, including:

- (a) any encumbrances affecting it, and
- (b) the reference for any computer register that contains the land; and

17.4.3 a street address for the land (if applicable); and

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- 17.4.4 a street address, postal address, and fax number (if applicable) for the trustees to give notices to the RFR landowner in relation to the offer; and
- 17.4.5 a statement that the land is exclusive RFR land, shared RFR land or balance RFR land (whichever applies);
- 17.4.6 to avoid doubt, in relation to an offer by an RFR landowner to dispose of balance RFR land, any offer made under paragraph 17.4 must be on terms that were the same (to the extent practically possible) as the terms of the disposal of that land (as exclusive or shared RFR land, as the case may be) made to the trustees of an offer trust.

**Expiry date of offer to be specified**

17.5 The settlement legislation is to specify that:

17.5.1 the expiry date of an offer:

- (a) must be on or after the 20th business day after the day on which the trustees of the one or more offer trusts receive notice of the offer; but
- (b) may be on or after the 10th business day after the day on which the trustees receive notice of the offer if:
  - (i) the trustees received an earlier offer to dispose of the land; and
  - (ii) the expiry date of the earlier offer was no earlier than six months before the expiry date of the later offer; and
  - (iii) the earlier offer was not withdrawn; and

17.5.2 only for an offer of shared RFR land, if the RFR landowner has received notice of acceptance from the trustees of two or more offer trusts at the end of the expiry date specified in the notice of offer given under paragraph 17.4, the expiry date is extended only for the trustees of those two or more offer trusts to the 10th business day after the day on which the trustees receive the RFR landowner's notice given under paragraph 17.7.5.

**Withdrawal of offer to be permitted**

17.6 The settlement legislation is to provide that the RFR landowner may, by notice to one or more offer trusts, withdraw an offer at any time before it is accepted.

**Acceptance of offer to be specified**

17.7 The settlement legislation is to provide that:

- 17.7.1 the trustees of an offer trust may, by notice to the RFR landowner who made an offer, accept the offer if:
- (a) it has not been withdrawn; and
  - (b) its expiry date has not passed; and

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- 17.7.2 the trustees must accept all the RFR land offered, unless the offer permits them to accept less; and
- 17.7.3 for an offer of shared RFR land or balance RFR land, the offer is accepted only if the RFR landowner has received notice of acceptance from the trustees of only one offer trust at the end of the expiry date; and
- 17.7.4 only for an offer of shared RFR land, if the RFR landowner has received notice of acceptance from the trustees of two or more offer trusts at the end of the expiry date specified in the notice of offer given under paragraph 17.7, the RFR landowner has 10 business days to give notice under paragraph 17.7.5 to the trustees of those two or more offer trusts; and
- 17.7.5 the notice must:
- (a) specify the offer trusts from whose trustees notices of acceptance have been received; and
  - (b) state that the offer may be accepted by the trustees of only one of those offer trusts before the end of the 10th business day after the day on which they receive the RFR landowner's notice under settlement legislation giving effect to this paragraph.

**Formation of contract to be specified**

17.8 The settlement legislation is to provide that—

- 17.8.1 if the trustees of an offer trust accept, under paragraph 17.7, an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the landowner and the trustees on the terms in the offer, including the terms set out in paragraphs 17.8.3 to 17.8.6; and
- 17.8.2 the terms of the contract may be varied by written agreement between the landowner and the trustees; and
- 17.8.3 under the contract, the trustees may nominate any person other than the trustees (**nominee**) to receive the transfer of the RFR land; and
- 17.8.4 the trustees may nominate a nominee only if—
- (a) the nominee is lawfully able to hold the RFR land; and
  - (b) the trustees give notice to the landowner on or before the day that is 10 business days before the day on which the transfer is to settle; and
- 17.8.5 the notice must specify—
- (a) the full name of the nominee; and
  - (b) any other details about the nominee that the RFR landowner needs in order to transfer the RFR land to the nominee; and
- 17.8.6 if the trustees nominate a nominee, the trustees remain liable for the obligations of the transferee under the contract.

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**Certain disposals by RFR landowner permitted but land remains RFR land**

17.9 The settlement legislation is to permit an RFR landowner to dispose of RFR land—

***To the Crown or Crown bodies***

17.9.1 to the Crown or a Crown body, including, to avoid doubt, under section 143(5) or 206 of the Education Act 1989; or

***If a public work***

17.9.2 that is a public work, or part of a public work, to a local authority (as defined in section 2 of that Act) under section 50 of the Public Works Act 1981; or

***As a reserve***

17.9.3 under section 26 or 26A of the Reserves Act 1977.

**Certain disposals by RFR landowner permitted and land ceases to be RFR land**

17.10 The settlement legislation is to permit an RFR landowner to dispose of RFR land:

***In accordance with enactment or rule of law***

17.10.1 in accordance with an obligation under any enactment or rule of law; or

***In accordance with legal or equitable obligations***

17.10.2 in accordance with a legal or equitable obligation that:

- (a) was unconditional before the commencement of the RFR period; or
- (b) was conditional before the commencement of the RFR period but became unconditional on or after the commencement of the RFR period; or
- (c) arose after the exercise (whether before, on or after the commencement of the RFR period) of an option existing before the commencement of the RFR period; or

17.10.3 the requirements, existing before the commencement of the RFR period, of a gift, an endowment, or a trust relating to the land; or

***By the Crown under certain legislation***

17.10.4 if the landowner is the Crown, in accordance with:

- (a) section 54(1)(d) of the Land Act 1948; or
- (b) section 355(3) of the Resource Management Act 1991; or
- (c) subpart 3 of Part 2 of the Marine and Coastal Area (Takutai Moana) Act 2011; or

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***For public works***

17.10.5 in accordance with:

- (a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or
- (b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or
- (c) section 117(3)(a) of the Public Works Act 1981; or
- (d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or
- (e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990; or

***For reserve or conservation purposes***

17.10.6 in accordance with:

- (a) section 15 of the Reserves Act 1977; or
- (b) section 16A or 24E of the Conservation Act 1987; or

***For charitable purposes***

17.10.7 as a gift for charitable purposes; or

***To tenants***

17.10.8 that was held on the commencement of the RFR period for education purposes, if the RFR landowner is the Crown, to a person who, immediately before the disposal, is a tenant of:

- (a) or all or part of the land; or
- (b) all of part of a building on the land; or

17.10.9 under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted:

- (a) before the commencement of the RFR period; or
- (b) on or after the commencement of the RFR period under a right of a renewal contained in a lease granted before the commencement of the RFR period; or

17.10.10 under section 93(4) of the Land Act 1948; and

***Disposals by Housing New Zealand Corporation***

17.10.11 Housing New Zealand Corporation, or any of its subsidiaries, may dispose of RFR land to any person if the Corporation has given notice to the trustees of the one or more offer trusts that, in the Corporation's opinion, the disposal is to give effect to, or to assist in giving effect to, the Crown's social objectives in relation to housing or services related to housing; and



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17.10.12 to avoid doubt, references to "RFR land" in paragraph 17.10.11 shall only be read as a reference to exclusive RFR land or shared RFR land.

**Certain matters to be clarified**

17.11 The settlement legislation is to provide that—

17.11.1 RFR land may be disposed of by an order of the Maori Land Court under section 134 Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(e) of the Public Works Act 1981; and

17.11.2 to avoid doubt, if RFR land is disposed of to a local authority under paragraph 17.9.3 the local authority becomes:

- (a) the RFR landowner of the land; and
- (b) subject to the obligations of an RFR landowner under this subpart.

17.11.3 to avoid doubt:

- (a) if RFR land that is a reserve is vested in an administering body under paragraph 17.9.3, the administering body does not become:
  - (i) the RFR landowner of the land; and
  - (ii) subject to the obligations of an RFR landowner under this part however;
- (b) if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes:
  - (i) the RFR landowner; and
  - (ii) subject to the obligations of the RFR landowner under this part in relation to the land.

**RFR landowner's obligations to be subject to other things**

17.12 The settlement legislation is to provide that:

17.12.1 an RFR landowner's obligations in relation to RFR land are subject to:

- (a) any other enactment or rule of law but, for a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and
- (b) any encumbrance, or legal or equitable obligation:
  - (i) that prevents or limits an RFR landowner's disposal of RFR land to the trustees of an offer trust; and
  - (ii) that the RFR landowner cannot satisfy by itself taking reasonable steps; and
- (c) the terms of a mortgage over, or security interest in, RFR land; and

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17.12.2 reasonable steps, for the purposes of paragraph 17.12.1(b)(ii), do not include steps to promote the passing of an enactment.

***Notice to LINZ of RFR land to be required***

17.13 The settlement legislation is to provide that:

17.13.1 if a computer register is first created for RFR land after the commencement of the RFR period, the RFR landowner must give the chief executive of LINZ notice that the register has been created; and

17.13.2 if land for which there is a computer register becomes RFR land after the commencement of the RFR period, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land; and

17.13.3 the notice must:

- (a) include the reference for the computer register and a legal description of the land; and
- (b) be given as soon as is reasonably practicable after a computer register is first created for the RFR land or after the land becomes RFR land.

***Notice to trustees of disposals of RFR land to be required***

17.14 The settlement legislation is to specify that:

17.14.1 an RFR landowner must give the trustees of the one or more offer trusts notice of the disposal of RFR land by the landowner to a person other than the trustees of an offer trust or their nominee; and

17.14.2 the notice must be given on or before the day that is 20 business days before the day of the disposal; and

17.14.3 the notice must:

- (a) specify the legal description of the land (including any encumbrances affecting it) and identify any computer register that contains the land; and
- (b) specify a street address for the land (if applicable); and
- (c) identify the person to whom the land is being disposed of; and
- (d) explain how the disposal complies with paragraph 17.3; and
- (e) if the disposal is made under paragraph 17.3.3, include a copy of the written contract for the disposal.

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***Notice to LINZ of land ceasing to be RFR land to be required***

17.15 The settlement legislation is to require that:

17.15.1 the RFR landowner must give the chief executive of LINZ notice that the land is to cease being RFR land:

- (a) because the fee simple estate in the land is to transfer from the RFR landowner to:
  - (i) the trustees of a recipient trust (or nominee) (for example, under paragraph 17.8.3 or under a contract formed under paragraph 17.8.1); or
  - (ii) any other person (including the Crown or a Crown body) under paragraph 17.3.3; or
- (b) because the fee simple estate in the land is to transfer or vest from the RFR landowner to or in a person other than the Crown or a Crown body under anything referred to in paragraphs 17.10 or 17.13; and

17.15.2 the notice must:

- (a) give notice that the land is to cease being RFR land; and
- (b) include a legal description of the land and identify the computer register that contains the land; and
- (c) specify the details of the transfer or vesting of the land; and
- (d) be given as early as practicable before the transfer or vesting.

**Memorials for RFR land**

17.16 The settlement legislation is to provide that:

***Certificates to be issued identifying RFR land***

17.16.1 the chief executive of LINZ must:

- (a) issue to the Registrar-General of Land one or more certificates that specify the legal descriptions of, and identify the computer registers that contain:
  - (i) the RFR land for which there is a computer register on the commencement of the RFR period; and
  - (ii) the RFR land for which a computer register is first created after the commencement of the RFR period; and
  - (iii) land for which there is a computer register that becomes RFR land after the commencement of the RFR period; and

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- (b) provide a copy of each certificate to the trustees of the one or more offer trusts as soon as is reasonably practicable after issuing the certificate; and

17.16.2 a certificate issued under paragraph 17.16.1 must:

- (a) state that it is issued under the relevant section of the settlement legislation; and
- (b) be issued soon as reasonably practicable after:
  - (i) the commencement of the RFR period, for RFR land for which there is a computer register on the commencement of the RFR period; or
  - (ii) receiving a notice under paragraph 17.14 that a computer register has been created for the RFR land or that the land has become RFR land, for any other land; and

***Memorials to be recorded***

17.16.3 the Registrar-General of Land must, as soon as is reasonably practicable after receiving a certificate issued under paragraph 17.16.1, record on the computer register for the RFR land identified in the certificate that the land is:

- (a) RFR land as defined by paragraph 17.2.13; and
- (b) subject to this part (which restricts disposal, including leasing, of the land).

**Provision for removal of memorials from RFR land to be made**

17.17 The settlement legislation is to provide that:

***Certificates to be issued identifying land ceasing to be RFR land after transfer or vesting***

17.17.1 the chief executive of LINZ must:

- (a) before registration of the transfer or vesting of land described in a notice received under paragraph 17.14, issue to the Registrar-General a certificate that:
  - (i) specifies the legal description of the land and identifies the computer register that contains the land; and
  - (ii) specifies the details of the transfer or vesting of the land; and
  - (iii) states that it is issued under this section; and

17.17.2 as soon as is reasonably practicable after issuing the certificate, provide a copy of it to the trustees of the one or more offer trusts; and

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***Memorials to be removed***

17.17.3 if the Registrar-General of Land receives a certificate issued under paragraph 17.17.1, he or she must remove any memorial recorded from the computer register identified in the certificate, immediately before registering the transfer or vesting described in the certificate.

17.17.4 the chief executive of LINZ must:

- (a) as soon as is reasonably practicable after the RFR period ends for any RFR land, issue to the Registrar-General a certificate that:
  - (i) identifies each computer register for the RFR land for which the RFR period has ended that still has a memorial recorded on it; and
  - (ii) states that it is issued under this paragraph; and
- (b) provide a copy of each certificate to the trustees of the one or more offer trusts as soon as is reasonably practicable after issuing the certificate.

17.17.5 the Registrar-General of Land must, as soon as is reasonably practicable after receiving a certificate, remove a memorial from any computer register identified in the certificate.

**General provisions to be included**

17.18 The settlement legislation is to provide that:

***Waiver and variation to be permitted***

17.18.1 the trustees of the one or more offer trusts may, by notice to an RFR landowner, waive any of the rights the trustees have in relation to the landowner under this part; and

17.18.2 the trustees of the one or more offer trusts and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this part; and

17.18.3 a waiver or agreement is on the terms, and applies for the period, specified in it; and

***Disposal of Crown bodies not affected***

17.18.4 this part does not limit the ability of the Crown, or a Crown body, to sell or dispose of a Crown body; and

***Assignment of rights and obligations***

17.18.5 paragraph 17.18.7 applies if an RFR holder:

- (a) assigns the RFR holder's RFR rights and obligations under this part to one or more persons in accordance with the RFR holder's constitutional documents; and

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17: RFR

- (b) has given the notices required by paragraph 17.18.6;

17.18.6 notices must be given to each RFR landowner:

- (a) stating that the RFR holder's rights and obligations under this part are being assigned under paragraphs 17.18.5 to 17.18.8; and
- (b) specifying the date of the assignment; and
- (c) specifying the name of the assignee and, if assignees are the trustees of a trust, the name of the trust; and
- (d) specifying the street address, postal address, or fax number for notices to the assignees;

17.18.7 this part will apply, with all necessary modifications, to the assignees (instead of the RFR holder) as if the assignees were the trustees of the relevant offer trust, with all necessary modifications;

17.18.8 in paragraphs 17.18.5 to 17.18.7 **RFR holder** means the one or more persons who have the rights and obligations of the trustees of an offer trust under this part, either because:—

- (a) they are the trustees of an offer trust; or
- (b) they have previously been assigned those rights and obligations under paragraphs 17.18.5 to 17.18.7.

**Notice provisions to be specified**

17.19 Notice to or by an RFR landowner, or the trustees of an offer trust, under this part:

17.19.1 must be in writing; and

17.19.2 signed by:

- (a) the person giving it; or
- (b) in the case of the trustees of an offer trust, at least two of the trustees for the time being of the offer trust; and

17.19.3 addressed to the recipient at the street address, postal address or fax number:

- (a) specified for the trustees in accordance with this deed, in the case of a notice to the trustees of an offer trust; or
- (b) specified by the RFR landowner in an offer made under paragraph 17.4, or in a later notice given to the trustees of an offer trust, in the case of a notice to the RFR landowner; or
- (c) at the national office of LINZ, in the case of a notice given to the chief executive of LINZ; and

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17.19.4 given by:

- (a) delivering it by hand to the recipient's street address; or
- (b) posting it to the recipient's postal address; or
- (c) faxing it to the recipient's fax number; and

***Time when notice received***

17.19.5 is to be treated as having been received:

- (a) at the time of delivery, if delivered by hand; or
- (b) on the second day after posting, if posted; or
- (c) at the time of transmission, if faxed;

17.19.6 however, is to be treated as having been received on the next business day if, under paragraph 17.19.5, it would be treated as having been received:

- (a) after 5 pm on a business day; or
- (b) on a day that is not a business day.

## 18 MISCELLANEOUS

### Interpretation

18.1 The settlement legislation is to provide that it is Parliament's intention that it is interpreted in a manner that best furthers the agreements expressed in the deed of settlement.

### Guide to the settlement legislation

18.2 The settlement legislation is to—

18.2.1 include a guide to its overall scheme and effect; but

18.2.2 provide the guide does not affect the interpretation or application of—

- (a) the other provisions of the settlement legislation; or
- (b) this deed.

### Application of perpetuities rule to be removed

18.3 The settlement legislation is to provide that—

18.3.1 the rule against perpetuities and the Perpetuities Act 1964 do not—

- (a) prescribe or restrict the period during which—
  - (i) Te Rūnanga o Te Rarawa may exist in law; and
  - (ii) the trustees of Te Rūnanga o Te Rarawa, in their capacity as trustees, may hold or deal with property (including income derived from property); or
- (b) apply to a settlement document if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective; and

18.3.2 however, if Te Rūnanga o Te Rarawa trustees are, or becomes, a charitable trust, the application (if any) of the rule against perpetuities or any of the provisions of the Perpetuities Act 1964 to that trust must be applied in accordance with the general law.

### Access to this deed

18.4 The chief executive of the Ministry of Justice is to be required to make copies of this deed available—

18.4.1 for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Justice in Wellington during working hours on any business day; and



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**20: CULTURAL REDRESS PROPERTIES**

18.4.2 free of charge on an Internet site maintained by or on behalf of the Ministry of Justice.

**Provisions of other Acts to be read as one provision**

18.5 The settlement legislation is to provide that, if a provision in this legislative matters schedule has the same effect as a provision in the legislative matters schedule to the deed of settlement of one or more of another Te Hiku o Te Ika iwi, the provisions must be given effect to only once as if they were one provision.

**Timing of actions or matters**

18.6 Actions or matters occurring under the settlement legislation are to occur and take effect on and from the settlement date, except if the settlement legislation requires an action or matter to take effect on another date.

**The Crown is not to be prevented from providing other specified cultural redress**

18.7 The provision of the cultural redress is not to prevent the Crown from doing anything that is consistent with that redress, including—

18.7.1 providing the same or similar redress to a person other than Te Rūnanga o Te Rarawa trustees; or

18.7.2 disposing of land.

18.8 However, paragraph 18.7 is not an acknowledgement by the Crown or Te Rūnanga o Te Rarawa trustees that any other iwi or group has interests in relation to land or an area to which any of the cultural redress relates.

## 19 STATUTORY AREAS

- 19.1 Herekino Harbour (as shown on OTS-074-01);
- 19.2 Whangape Harbour (as shown on OTS-074-02);
- 19.3 Hokianga Harbour (as shown on OTS-074-03);
- 19.4 Awaroa River (as shown on OTS-074-04);
- 19.5 Awanui River (as shown on OTS-074-05);
- 19.6 Te Tai Hauauru / Coastal Marine Area (as shown on OTS-074-06);
- 19.7 Tauroa Peninsula (as shown on OTS-074-07); and
- 19.8 Wairoa Stream (as shown on OTS-074-08).

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## 20 CULTURAL REDRESS PROPERTIES

### To vest in fee simple

Name of site	Description	Encumbrances
Te Oneroa a Tōhē - Clarke Road site	<i>North Auckland Land District - Far North District</i> 3.6 hectares, approximately, being Part Allotment 31 Parish of Ahipara. Subject to survey. As shown on OTS-074-20	
Part former Awanui (Kaitaia) Riverbed	<i>North Auckland Land District - Far North District</i> 0.5550 hectares, approximately, being Old Awanui Riverbed [adjoining Lot 1 DP 176647]. Subject to survey. As shown on OTS-074-21	
Hukatere site B	<i>North Auckland Land District - Far North District</i> 2.0 hectares, approximately, being Part Lot 1 DP 137713. Part <i>Gazette</i> 1968 page 2426. Subject to survey. As shown on OTS-074-43	Subject to Crown Forestry licence registered as C312828.1F and held in Computer Interest Register NA100A/1. Subject to the protective covenant certificate C626733.1.
12 Waiotehue Road	<i>North Auckland Land District - Far North District</i> 2.0588 hectares, more or less, being Section 3A Block XV Takahue Survey District. All <i>Gazette</i> 1977 page 906. As shown on OTS-074-24	Subject to an unregistered Periodic Tenancy under the Residential Tenancies Act 1986.
Mapere	<i>North Auckland Land District - Far North District</i> 19.0300 hectares, approximately, being Part Sections 193 and 194 Block IV Ahipara Survey District. Part <i>Gazette</i> notice B495888.4. Subject to survey. As shown on OTS-074-25	
Rotokakahi site	<i>North Auckland Land District - Far North District</i> 2.7800 hectares, approximately, being Part Section 43 Block VIII Whangape Survey District. Part <i>Gazette</i> 1951 page 1399. Subject to survey. As shown on OTS-074-35	Subject to an unregistered lease to Pawarenga Community Trust, dated 2011.
Tauroa Point site C	<i>North Auckland Land District - Far North District</i>	Subject to an unregistered research and collection permit

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20: CULTURAL REDRESS PROPERTIES

Name of site	Description	Encumbrances
	<p>7.3 hectares, approximately, being Part Lot 1 DP 107387. Part Transfer B559864.4. Subject to survey.</p> <p>As shown on OTS-074-36</p>	<p>NO-19715-FLO to Museum of New Zealand Te Papa Tongarewa (dated 22 February 2007).</p>
<p>Motukaraka site A</p>	<p><i>North Auckland Land District - Far North District</i></p> <p>0.4100 hectares, more or less, being Lot 1 DP 136481. All Computer Freehold Register NA80B/950.</p> <p>8.9637 hectares, more or less, being Lot 3 DP136481. All Computer Freehold Register NA80B/951.</p> <p>6.8736 hectares, more or less, being Lot 4 DP 136481. All Computer Freehold Register NA80B/952.</p> <p>9.8617 hectares, more or less, being Section 40 Block X Mangamuka Survey District. All Computer Freehold Register NA55B/356.</p> <p>As shown on OTS-074-37</p>	<p>Subject to a right of way easement created by B 755956.1 and subject to Section 309(1)(a) Local Government Act 1974. (Affects NA80B/950)</p> <p>Subject to Section 8 Mining Act 1971 (Affects NA 80B/951, NA 80B/952 and NA55B/356)</p> <p>Subject to Section 5 Coal Mines Act 1979. (Affectes NA 80B /951, NA 80B/952 and NA55B/356)</p>
<p>Mangamuka Road, Tūtekēhua</p>	<p><i>North Auckland Land District - Far North District</i></p> <p>1.0067 hectares, more or less, being Lot 70A DP 7197. All Computer Freehold Register 59067.</p> <p>As shown on OTS-074-38</p>	<p>Subject to right of way easements created by Transfers 5370533.3 and 5370533.4.</p>
<p>Mangamuka Road, Mangamuka</p>	<p><i>North Auckland Land District - Far North District</i></p> <p>1.4 hectares, approximately, being Parts Te Karae 1 Block. PartComputer Freehold Register NA427/213.</p> <p>Subject to survey.</p> <p>As shown on OTS-074-41</p>	
<p>Whangape site</p>	<p><i>North Auckland Land District - Far North District</i></p> <p>0.1385 hectares, more or less, being Lot 2 DP 154514. All Computer Freehold Register NA93D/162.</p> <p>0.7490 hectares, more or less, being Lot 3 DP 154514. All Computer Freehold Register NA93D/163.</p> <p>As shown on OTS-074-34.</p>	
<p>Whangape Road site</p>	<p><i>North Auckland Land District - Far North District</i></p> <p>0.0985 hectares, more or less, being</p>	<p>Subject to the right of way easement in gross referred to in <b>paragraph 12.29.2.</b></p>

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LEGISLATIVE MATTERS SCHEDULE**

**20: CULTURAL REDRESS PROPERTIES**

Name of site	Description	Encumbrances
	Section 4 SO 377810. As shown on OTS-074-40.	
Tauroa Point site B	<i>North Auckland Land District - Far North District</i> 78.0 hectares, approximately, being Part Tauroa Block. Subject to survey. As shown on OTS-074-26	Subject to an unregistered grazing license NO-18437-GRA to Robert Harold Lovell (dated 17 December 2007).  Subject to an unregistered research and collection permit NO-19715-FLO to Museum of New Zealand Te Papa Tongarewa (dated 22 February 2007).

**To vest in fee simple subject to a lease**

Name of site	Description	Encumbrances
Pukepoto School Note: This site will include Pukepoto School house if clause 9,27 applies	<i>North Auckland Land District - Far North District</i> 4.6781 hectares, approximately, being Part Waipapa Block. Part Proclamation A5472. Subject to survey. As shown on OTS-074-42	Subject to the lease referred to in <b>paragraph 12.10.</b>
Pukepoto school house site	0.12 hectares, approximately, being Part Waipapa Block, Part Proclamation A5472, as shown bordered yellow on the Pukepoto school house site diagram in the attachments. (Related school is the property described as Pukepoto school)	

**To vest in fee simple subject to a conservation covenant**

Name of site	Description	Encumbrances
Motukaraka site B	<i>North Auckland Land District - Far North District</i> 14.3869 hectares, more or less, being Lot 2 DP 136481. As shown on OTS-074-23	Subject to the conservation covenant referred to in <b>paragraph 12.17.4.</b>
Lake Tangonge site B	<i>North Auckland Land District - Far North District</i> 25.0 hectares, approximately, being Part Allotment 42 Parish of Ahipara and Crown land. Subject to survey.	Subject to the conservation covenant referred to in <b>paragraph 12.20.3.</b> Subject to a right of way easement created by Certificate C312160.2.

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**20: CULTURAL REDRESS PROPERTIES**

Name of site	Description	Encumbrances
	As shown on OTS-074-44	Subject to a right to drain water easement created by Certificate C312160.2.

**To vest in fee simple subject to a conservation covenant as tenants in common in equal shares with NgāiTakoto**

Name of site	Description	Encumbrances
Lake Tangonge site A	<p><i>North Auckland Land District - Far North District</i></p> <p>31.0 hectares, approximately, being Part Allotments 37, 39 and 42 Parish of Ahipara and Crown Land. Subject to survey.</p> <p>As shown on OTS-074-31</p>	<p>Subject to the conservation covenant referred to in <b>paragraph 12.19.3.</b></p> <p>Subject to a right of way easement created by Certificate C312160.2.</p> <p>Subject to a right to drain water easement created by Certificate C312160.2.</p>
Tangonge site	<p><i>North Auckland Land District - Far North District</i></p> <p>110 hectares, approximately, being Part Sections 4 and 6 SO 64336. Part Computer Freehold Register NA99C/561. Subject to survey.</p> <p>As shown on OTS-074-32.</p>	<p>Subject to the conservation covenant referred to in paragraph 12.18.2(a).</p> <p>Subject to the right of way easement referred to in paragraph 12.18.2(b).</p> <p>Subject to Section 3 Petroleum Act 1937.</p> <p>Subject to Section 8 Atomic Energy Act 1945.</p> <p>Subject to Section 3 Geothermal Energy Act 1953.</p> <p>Subject to Sections 6 and 8 Mining Act 1979.</p> <p>Subject to Section 5 Coal Mines Act 1979.</p> <p>Subject to Section 261 Coal Mines Act 1979.</p> <p>Together with a right to drain water easement created by Certificate C312160.2.</p> <p>Together with a right of way easement created by Certificate C312160.2.</p> <p>Subject to 7821071.1 Open space covenant pursuant to section 22 Queen Elizabeth the Second National Trust</p>

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20: CULTURAL REDRESS PROPERTIES

Name of site	Description	Encumbrances
		Act 1977.

To vest as a scenic reserve

Name of site	Description	Encumbrances
Epakauri site B	<i>North Auckland Land District - Far North District</i> 252.0 hectares, approximately, being Part Epakauri Block. Part <i>Gazette</i> notice B.157083.1. Subject to survey. As shown on OTS-074-31	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to an unregistered concession NO-22990-OTH - Beehives to Ratahi Tatana Murray (dated 21 December 2010).
Awanui River site	<i>North Auckland Land District - Far North District</i> 1.7155 hectares, more or less, being Sections 103 and 104 Block V Takahue Survey District. All <i>Gazette</i> notice B218192.1. As shown on OTS-074-27.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.

To vest as a historic reserve

Name of site	Description	Encumbrances
Tauroa Point site A	<i>North Auckland Land District - Far North District</i> 32.7 hectares, approximately, being Part Lot 1 DP 107387 and Part Tauroa Block. Part Transfer B559864.4. Subject to survey. As shown on OTS-074-28	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to an unregistered research and collection permit NO-19715-FLO to Museum of New Zealand Te Papa Tongarewa (dated 22 February 2007).

To vest as a recreation reserve

Name of site	Description	Encumbrances
Kaitaia Domain	<i>North Auckland Land District - Far North District</i> 11.7 hectares, approximately, being Part Allotment 119 Parish of Ahipara. Part <i>Gazette</i> 1917 page 2882. Subject to	Recreation reserve subject to section 17 of the Reserves Act 1977 (9.7 hectares approximately as shown marked A on OTS-074-29).

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20: CULTURAL REDRESS PROPERTIES

Name of site	Description	Encumbrances
	survey. As shown on OTS-074-29	Local purpose (for marae site) reserve subject to section 23 of the Reserves Act 1977 (2.0 hectares approximately as shown marked B on OTS-074-29).
Rotokakahi War Memorial site	<i>North Auckland Land District - Far North District</i> 0.8621 hectares, approximately, being Part Section 43 Block VIII Whangape Survey District. Part <i>Gazette</i> 1951 page 1399. Subject to survey. As shown on OTS-074-30	Recreation reserve subject to section 17 of the Reserves Act 1977.
Tauroa Point site D	<i>North Auckland Land District - Far North District</i> 15.0 hectares, approximately, being Crown land. Subject to survey. As shown on OTS-074-45.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to an unregistered collection permit NO-20893-FLO to Landcare Research New Zealand Limited (dated 31 July 2007)

To vest as a local purpose (wind farm activities) reserve

Name of site	Description	Encumbrances
Epakauri site A	North Auckland Land District - Far North District 396.0 hectares, approximately, being Part Epakauri Block. Part <i>Gazette</i> Notice B157083.1. Subject to survey. As shown on OTS-074-39.	Local purpose (wind farm activities) reserve subject to section 23 of the Reserves Act 1977. Subject to an unregistered concession NO-22990-OTH - Beehives to Ratahi Tatana Murray (dated 21 December 2010).



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20: CULTURAL REDRESS PROPERTIES

To vest as scenic reserve as tenants in common in equal shares with Te Aupōuri,  
Ngāi Takoto and Ngāti Kuri

Name of site	Description	Encumbrances
Beach site A	<p><i>North Auckland Land District – Far North District</i></p> <p>15.0 hectares, approximately, being Part Lot 2 DP 63209. Part <i>Gazette</i> notice C195138.1. Subject to survey.</p> <p>As shown on OTS-091-32.</p>	<p>Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.</p> <p>Subject to the protective covenant certificate C626733.1.</p> <p>Subject to Crown forestry licence registered as C312828.1F and held in Computer Interest Register NA100A/1.</p> <p>Together with a right of way easement created by D592406A.2</p>
Beach site B	<p><i>North Auckland Land District – Far North District</i></p> <p>70.0 hectares, approximately, being Part Lot 1 DP 136869, Part Lot 1 DP 136868 and Part Lot 1 DP 137713. Part <i>Gazette</i> notice B342446.1. Subject to survey.</p> <p>As shown on OTS-091-33.</p>	<p>Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.</p> <p>Subject to the protective covenant certificate C626733.1.</p> <p>Subject to Crown Forestry licence registered as C312828.1F and held in Computer Interest Register NA100A/1.</p> <p>Together with a right of way easement created by D145215.1 (affects Lot1 DP 136868)</p>
Beach site C	<p><i>North Auckland Land District – Far North District</i></p> <p>40.0 hectares, approximately, being Part Lot 1 DP 137713 and Parts Lot 1 DP 137714. <i>Gazette</i> 1966 page 1435.</p> <p>Subject to survey.</p> <p>As shown on OTS-091-36.</p>	<p>Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.</p> <p>Subject to the protective covenant certificate C626733.1.</p> <p>Subject to Crown Forestry licence registered as C312828.1F and held in Computer Interest Register NA100A/1.</p>
Beach site D	<p><i>North Auckland Land District – Far North District</i></p> <p>89 hectares, approximately, being Crown Land (adjoining Parts Lot 3 DP 49057 and Lot 1 DP 137182). Subject</p>	<p>Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.</p>

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20: CULTURAL REDRESS PROPERTIES

Name of site	Description	Encumbrances
	to survey. As shown on OTS-074-47.	