

Maungaharuru-Tangitū Hapū claims settlement right of first refusal

Learn about the key aspects of the Maungaharuru-Tangitū Hapū claims settlement right of first refusal (RFR). Note: this is a guide only and agencies must comply with the requirements of the Deed of Settlement, legislation and any relevant LINZ standards.

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The following has been developed in collaboration with Te Arawhiti.

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

The Maungaharuru-Tangitū Hapū area of interest

The Maungaharuru-Tangitū Hapū are comprised of Ngāti Kurumōkihi, Ngāti Marangatūhetaua (also known as Ngāti Tū), Ngāti Whakaari, Ngāi Tauira, Ngāi Te Ruruku ki Tangoio, and Ngāi Tahu. The Hapū are based north of Napier in the Hawke's Bay Region.

The map below provides an indication of the area of interest for Maungaharuru-Tangitū Hapū, but is **not** a depiction of any RFR area.



Map showing the area of interest referred to in the Deed of Settlement between Maungaharuru-Tangitū Hapū and the Crown.

Settlement Summary

Maungaharuru-Tangitū Hapū received redress through their Treaty settlement with the Crown.

Iwi	Maungaharuru-Tangitū Hapū
Deed of Settlement signed	25 May 2013 Maungaharuru-Tangitū Hapū Deed of Settlement: https://www.tearawhiti.govt.nz/te-kahui-whakatau-treaty-settlements/find-a-treaty-settlement/maungaharuru-tangitu-hapu/
Settlement date	20 May 2014
Legislation	Maungaharuru-Tangitū Hapū Claims Settlement Act 2014: (“the Act”) https://www.legislation.govt.nz/act/public/2014/0012/latest/whole.html
RFR provisions	The RFR provisions are covered by sections 121-149 and Schedule 6 of the Act. Sections 121-149 of the Act: https://www.legislation.govt.nz/act/public/2014/0012/latest/DLM5323302.html Schedule 6 of the Act: https://www.legislation.govt.nz/act/public/2014/0012/latest/DLM5323381.html
Offer made to	The RFR offer is in favour of the trustees of the Maungaharuru-Tangitū Trust (the “trustees”)
RFR period	172 years on and from the settlement date (expires in 2186)
RFR memorials	Yes

Definition of RFR land

Section 122 of the Act defines RFR land included in the settlement. It includes all the land within the RFR area (shown on SO 459557 in Part 3 of the Attachments) that, on settlement date, was vested in or held in fee simple by the Crown, or was a Crown-derived reserve vested in an administering body that would revert to the Crown.

Section 122 of the Act provides that RFR land does not include a commercial redress property.

RFR land also includes land obtained in exchange for a disposal of RFR land under specified sections. This is set out in section 122(1)(b) of the Act.

Section 122 of the Act:

<https://www.legislation.govt.nz/act/public/2014/0012/latest/DLM5323324.html>

Deed of Settlement – Attachments:

<https://www.govt.nz/assets/Documents/OTS/Maungaharuru-Tangitu-Hapu/Maungaharuru-Tangitu-Hapu-Deed-of-Settlement-Attachments-25-May-2013.pdf>

Disposals

The RFR obligation arises for any disposal that:

- transfers or vests the fee simple estate in the land, or
- grants a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 50 years or longer.

Preliminary notice

There is no requirement to give preliminary notice of a disposal in this settlement.

Offering the land

The RFR offer to the trustees needs to include the terms of the offer, including:

- the terms of the offer, including the expiry date
- the legal description and street address of the land
- any interests affecting the land
- contact details for the trustees to respond to
- a statement that identifies the RFR land as RFR land

Section 124 of the Act:

<https://www.legislation.govt.nz/act/public/2014/0012/latest/DLM5323329.html>

Expiry date of offer

The RFR offer expires on or after 40 working days after the day the trustees receive the offer. However, a shorter expiry date of on or after 20 working days after the day on which an offer is received applies for any subsequent offers where the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer.

Section 125 of the Act:

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

Subsequent disposal process

If the trustees do not accept an offer, or the offer period expires, the RFR landowner can dispose of the land provided that:

- the subsequent disposal is not on more favourable terms than those offered to the trustees,
- the land is being disposed of within 2 years after expiry of the RFR offer and
- the trustees are notified of the proposed disposal at least 20 working days before the disposal occurs.

This notification must provide details of the disposal, including the name of the person to whom the land is being disposed of and an explanation of how the disposal complies with section 123 of the Act, and a copy of the written contract to demonstrate that the subsequent disposal is not on more favourable terms than the RFR offer.

Section 123 of the Act:

<https://www.legislation.govt.nz/act/public/2014/0012/latest/DLM5323327.html>

Section 141 of the Act:

<https://www.legislation.govt.nz/act/public/2014/0012/latest/DLM5323351.html>

Exempted disposals

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

Sections 129-138 of the Act:

<https://www.legislation.govt.nz/act/public/2014/0012/latest/DLM5323335.html>

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

Section 141 of the Act:

<https://www.legislation.govt.nz/act/public/2014/0012/latest/DLM5323351.html>

RFR Memorials

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

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

Section 140 of the Act:

<https://www.legislation.govt.nz/act/public/2014/0012/latest/DLM5323350.html>

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

Section 142 of the Act:

<https://www.legislation.govt.nz/act/public/2014/0012/latest/DLM5323352.html>

Contact details

For more information about the Maungaharuru-Tangitū Hapū claims settlement contact:

Maungaharuru-Tangitū Trust

PO Box 3376

Hawke's Bay Mail Centre

NAPIER 4142

Maungaharuru-Tangitū Trust website: <https://tangoio.maori.nz/>

Toitū Te Whenua Land Information New Zealand

PO Box 5501

WELLINGTON 6145

Toitū Te Whenua Land Information New Zealand website: <https://www.linz.govt.nz/>

Te Arawhiti – The Office for Māori Crown Relations

SX10111

WELLINGTON 6011

Te Arawhiti website: <http://tearawhiti.govt.nz/>

Email: postsettlement@tearawhiti.govt.nz