

# Ngāti Rangī claims settlement right of first refusal

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

This settlement involves properties that are also subject to another settlement. This page must be read in conjunction with any information for the Mōkai Pātea settlement (as referenced in section 148 of the Ngāti Rangī Claims Settlement Act 2019) once that settlement is concluded.

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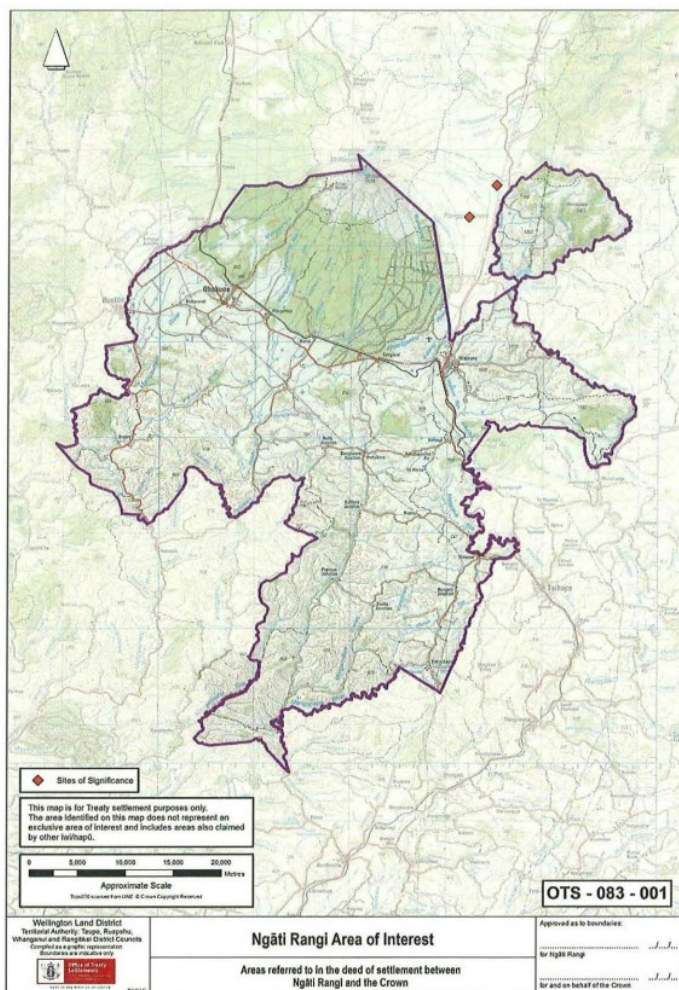
The following has been developed in collaboration with Te Arawhiti.

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

## The Ngāti Rangī area of interest

Ngāti Rangī is an iwi whose area of interest extends from the western and southern slopes of Mount Ruapehu. The principal townships within their area of interest are Ohakune and Waiouru.

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



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

## Settlement Summary

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

<b>Iwi</b>	Ngāti Rangī
<b>Deed of Settlement signed</b>	<p>10 March 2018. The Deed was amended during the settlement process.</p> <p>Ngāti Rangī Deed of Settlement:  <a href="https://www.tearawhiti.govt.nz/te-kahui-whakatau-treaty-settlements/find-a-treaty-settlement/ngati-rangi/">https://www.tearawhiti.govt.nz/te-kahui-whakatau-treaty-settlements/find-a-treaty-settlement/ngati-rangi/</a></p>
<b>Settlement date</b>	26 September 2019
<b>Legislation</b>	<p>Ngāti Rangī Claims Settlement Act 2019: ("the Act")  <a href="https://www.legislation.govt.nz/act/public/2019/0040/latest/whole.html">https://www.legislation.govt.nz/act/public/2019/0040/latest/whole.html</a></p>
<b>RFR provisions</b>	<p>The RFR provisions are covered by sections 146-179 and Schedule 9 of the Act.</p> <p>Sections 146-179 of the Act:  <a href="https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48526.html">https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48526.html</a></p> <p>Schedule 9 of the Act:  <a href="https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48584.html">https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48584.html</a></p>
<b>Offer made to</b>	The RFR offer is in favour of the trustees of one or more of the trusts ("offer trusts"), depending on the category of RFR land that applies to particular land and who is eligible to receive an RFR offer.
<b>Categories of RFR land</b>	Exclusive RFR land, and Shared RFR land
<b>RFR period</b>	<p>Exclusive RFR land: 177 years on and from the settlement date (expires in 2196)</p> <p>Shared RFR land: 177 years (refer to paragraph (b) of the definition of "RFR period" in section 146 of the Act)</p> <p>Section 146 of the Act:  <a href="https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48475.html">https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48475.html</a></p>

**RFR memorials**

Yes

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## Definition of RFR land

Section 147 of the Act defines RFR land included in the settlement and sets out the categories of RFR land. Under the Act, two categories of RFR land apply to Ngāti Rangī.

Exclusive RFR land includes all of the land listed in Part 3 of the Attachments to the Deed that, on settlement date was vested in or held in fee simple by the Crown, or was held in fee simple by the Housing New Zealand Corporation (now held by Kāinga Ora – Homes and Communities as the successor agency to the Housing New Zealand Corporation). This includes land obtained in exchange for a disposal of exclusive RFR land under specified sections.

Shared RFR land includes land listed in Part 4 of the Attachments to the Deed that, on the RFR date for that land (as defined in section 146 of the Act) is vested in or held in fee simple by the Crown. This includes land obtained in exchange for a disposal of shared RFR land under specified sections.

Section 146 of the Act:

<https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48475.html>

Section 147 of the Act:

<https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48477.html>

Deed of Settlement – Attachments:

<https://www.govt.nz/assets/Documents/OTS/Ngati-Rangi/Ngati-Rangi-Attachments-Schedule.pdf>

Deed to Amend the Deed of Settlement:

<https://www.govt.nz/assets/Documents/OTS/Ngati-Rangi/Ngati-Rangi-Deed-to-Amend.pdf>

Section 149 of the Act provides that the Minister for Treaty of Waitangi Negotiations may give notice to the persons specified in section 149(1) of the Act that shared RFR land is required for another Treaty settlement. If this occurs, the land ceases to be subject to this RFR.

Section 149 of the Act:

<https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48480.html>

## Disposals

The RFR obligation arises for any disposal that:

- transfers or vests the fee simple estate in the land, or

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

## Preliminary notice

There is a preliminary notice requirement for shared RFR land. An RFR landowner is required to notify the relevant offer trusts that the potential disposal of such land is being considered where they may ultimately be required to make an RFR offer.

Section 171 of the Act sets out the requirements in regard to shared RFR land.

Section 171 of the Act:

<https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48511.html>

## 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
- for RFR land that is, or is part of, a public work, a statement that specifies whether the land includes or adjoins the bed of the Whangaehu River
- which category of RFR land applies.

Section 151 of the Act:

<https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48484.html>

## Expiry date of offer

The RFR offer expires on or after 40 working days after the day the trustees of one or both offer trusts 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 152 of the Act:

<https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48485.html>

## Shared RFR offers

In the case of shared RFR land, an RFR landowner may have to offer the land to the trustees of both offer trusts. Shared RFR offers are made simultaneously to each relevant offer trust. A contract for sale can only be entered into with one of the offer trusts.

If the trustees of both offer trusts seek to accept the offer, the RFR landowner has 10 working days to notify the trustees of those two offer trusts. This notice must identify the trusts which have sought to accept the offer and state that the offer may be accepted by only one offer trust before the end of the 20th working day after the day on which the RFR landowner's notice is received.

The onus is on the offer trusts to resolve which of them will accept the offer before the additional 20 working day period expires.

Section 152 of the Act:

<https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48485.html>

Section 154 of the Act:

<https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48487.html>

## Subsequent disposal process

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

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

This notification must provide details of the disposal, including the name of the person to whom the land is being disposed of and an explanation of how the disposal complies with section 150 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 150 of the Act:

<https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48482.html>

Section 169 of the Act:

<https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48508.html>

## Exempted disposals

Certain disposals can occur without making an RFR offer. These exempted disposals are set out in sections 156-167 of the Act.

Sections 156-167 of the Act:

<https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48490.html>

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

Section 169 of the Act:

<https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48508.html>

Section 166 provides that specific exemptions apply to disposals of RFR land by Housing New Zealand Corporation or any of its subsidiaries. However, section 20 of the Kāinga Ora-Homes and Communities Act 2019 provides that Kāinga Ora-Homes and Communities may not exercise the powers conferred upon Housing New Zealand Corporation or any of its subsidiaries by section 166 of the Act.

Section 166 of the Act:

<https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48502.html>

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

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

## RFR Memorials

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

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

Section 168 of the Act:

<https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48506.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 170 of the Act:

<https://www.legislation.govt.nz/act/public/2019/0040/latest/LMS48509.html>



## Contact details

For more information about the Ngāti Rangi claims settlement contact:

### Te Tōtarahoe o Paerangi

PO Box 195

OHAKUNE 4660

Ngāti Rangi website: <https://ngatirangi.com/>

### 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

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

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