

RAUKAWA

and

RAUKAWA SETTLEMENT TRUST

and

THE CROWN

**DEED OF SETTLEMENT SCHEDULE:
LEGISLATIVE MATTERS**

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1. INTRODUCTION

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

2. TITLE, COMMENCEMENT AND PURPOSE PROVISIONS

2.1 The settlement legislation is to provide that:

2.1.1 its title is Raukawa Claims Settlement Act []; and

2.1.2 it comes into force on the day after the date on which it receives the Royal Assent; 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 PROVISIONS

- 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 are not to limit the acknowledgements expressed in, or the provisions of, this deed.

4. SETTLEMENT IMPLEMENTATION PROVISIONS

Judicial bodies' jurisdiction to be excluded

- 4.1 The settlement legislation is to provide that, on and from the settlement date, despite any enactment or rule of law, no court, tribunal, or other judicial body, is to have 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, implementation or enforcement 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 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 cultural early release property; or
 - (b) to a cultural redress property; or
 - (c) to a purchased commercial property; or
 - (d) to a purchased deferred selection property; or
 - (e) to RFR land; or
 - (f) for the benefit of Raukawa or a representative entity; and
 - 4.4.2 the legislation is:
 - (a) sections 8A to 8HJ of the Treaty of Waitangi Act 1975;

4: SETTLEMENT IMPLEMENTATION PROVISIONS

- (b) sections 27A to 27C of the State-Owned Enterprises Act 1986;
- (c) sections 211 to 213 of the Education Act 1989;
- (d) part 3 of the Crown Forest Assets Act 1989; and
- (e) part 3 of the New Zealand Railways Corporation Restructuring Act 1990.

4.5 Paragraph 4.4 is to apply to:

- 4.5.1 a cultural early release property, only when settlement of the property takes place in accordance with the cultural transfer terms; and
- 4.5.2 a purchased commercial property and a purchased deferred selection property only when its purchase is settled under paragraphs 4.4 or 6.4 of the property redress schedule (as the case may be).

Settlement properties with resumptive memorials to be required to be identified

4.6 The chief executive of LINZ is to be required by the settlement legislation to issue:

4.6.1 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 cultural early release property, a cultural redress property, purchased commercial property, a purchased deferred selection property, or RFR land; 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

4.6.2 each certificate under this paragraph, as soon as reasonably practicable after:

- (a) in the case of a cultural early release property, the date on which settlement of the property takes place in accordance with the cultural transfer terms;
- (b) in the case of a cultural redress property or RFR land, the settlement date; and
- (c) in the case of a purchased commercial property or a purchased deferred selection property, the actual TP settlement date for the property.

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

Resumptive memorials to be required to be removed from settlement properties

4.8 The Registrar-General of Land is to be required by the settlement legislation, as soon as reasonably practicable after receiving a certificate under paragraph 4.6, to:

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

4: SETTLEMENT IMPLEMENTATION PROVISIONS

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

5. OVERLAY CLASSIFICATION PROVISIONS

General

- 5.1 The settlement legislation is to provide for an overlay classification on the terms provided in this part.

Sites to be declared subject to overlay classification

- 5.2 Each site described in part 15 is to be declared subject to an overlay classification.

Crown to acknowledge Raukawa values

- 5.3 The Crown is to acknowledge the statement of Raukawa values in relation to each overlay classification site.

Purposes of overlay classification to be specified

- 5.4 The settlement legislation is to provide the only purposes of the declaration, and the Crown's acknowledgement, are to:

- 5.4.1 require the New Zealand Conservation Authority, and a conservation board, to:
- (a) have particular regard to the statement of Raukawa values and the protection principles, in accordance with paragraph 5.7; and
 - (b) consult with the trustees, and have particular regard to its views, in accordance with paragraph 5.8; and
- 5.4.2 require the New Zealand Conservation Authority to give the trustees an opportunity to make submissions to it, in accordance with paragraph 5.9; and
- 5.4.3 enable the taking of action under paragraphs 5.10 to 5.14 and paragraphs 5.19 to 5.21.

Agreement on, and change of, protection principles to be enabled

- 5.5 The settlement legislation is to provide that:
- 5.5.1 the trustees and the Crown are to be given the power to:
- (a) agree on, and publicise, protection principles that are directed at the Minister of Conservation avoiding harm to, and avoiding the diminishing of, Raukawa values in relation to an overlay classification site; and
 - (b) change the protection principles by agreement in writing; and
- 5.5.2 the Minister of Conservation may, after consulting the trustees, change the protection principles to give effect to a deed of settlement with another claimant group with an interest in an overlay classification site recognised by that deed.

5: OVERLAY CLASSIFICATION PROVISIONS

- 5.6 The trustees and the Crown are to be treated as having agreed under paragraph 5.5.1(a) the protection principles in the documents schedule to this deed.

Particular regard to be required to be given to Raukawa values and protection principles

- 5.7 The New Zealand Conservation Authority, and a conservation board, are to be required, when considering any conservation management strategy, conservation management plan, or national park management plan in relation to an overlay classification site, to have particular regard to the statement of the Raukawa values, and the protection principles, for the site.

Consultation with trustees to be required

- 5.8 The New Zealand Conservation Authority, and a conservation board, are to be required, before approving any conservation management strategy, conservation management plan, or national park management plan in relation to an overlay classification site, to:

5.8.1 consult with the trustees; and

5.8.2 have particular regard to their views as to the effect of the policy or the document on Raukawa values, and the protection principles, for the site.

Trustees to be given an opportunity to make submissions

- 5.9 If the trustees advise the New Zealand Conservation Authority in writing that it has significant concerns about a draft conservation management strategy in relation to an overlay classification site, the New Zealand Conservation Authority is to be required to give the trustees of the Raukawa Settlement Trust an opportunity to make submissions to it in relation those significant concerns before approving the strategy.

Director-General to be required to take action in relation to protection principles

- 5.10 The Director-General of Conservation is to be:

5.10.1 required to take action in relation to the protection principles, including the actions set out in paragraph 5.1 of part 1 of the documents schedule; and

5.10.2 given complete discretion to determine the method and extent of action taken under paragraph 5.10.1; and

5.10.3 required to notify the trustees in writing of the intended action to be taken under paragraph 5.10.1.

Director-General to be required to amend conservation documents

- 5.11 The Director-General of Conservation:

5.11.1 may initiate an amendment to a conservation document to incorporate objectives relating to the protection principles (including a recommendation to make regulations or bylaws); and

5.11.2 is required to consult with the relevant conservation boards before initiating an amendment.

5: OVERLAY CLASSIFICATION PROVISIONS

5.12 An amendment initiated under paragraph 5.11 is to be an amendment for the purposes of whichever of the following applies:

5.12.1 section 171(1) to (3) of the Conservation Act 1987; or

5.12.2 section 46(1) to (4) of the National Parks Act 1980.

Making of regulations to be enabled

5.13 The Governor-General is to be given the power to make regulations, by Order in Council made on the recommendation of the Minister of Conservation, to:

5.13.1 provide for the implementation of objectives included in a conservation document as a result of an amendment initiated under paragraph 5.11; and/or

5.13.2 regulate or prohibit activities or conduct by members of the public in relation to an overlay classification area; and/or

5.13.3 create offences in respect of the contravention of any regulations made under paragraph 5.13.2 and provide for the imposition of fines:

(a) not exceeding \$5000; and

(b) for a continuing offence, an additional amount not exceeding \$50 for every day during which the offence continues.

Making of bylaws to be enabled

5.14 The Minister of Conservation is to be given the power to make bylaws to:

5.14.1 provide for the implementation of objectives included in a conservation document as a result of an amendment initiated under paragraph 5.11; and/or

5.14.2 regulate or prohibit activities or conduct by members of the public in relation to an overlay classification area; and/or

5.14.3 to create offences in respect of the contravention of any bylaws made under paragraph 5.14.2 and provide for the imposition of fines:

(a) not exceeding \$1000; and

(b) for a continuing offence, an additional amount not exceeding \$50 for every day during which the offence continues.

Ability to terminate overlay classification to be provided for

5.15 The Governor-General is to be given the power, by Order in Council made on the recommendation of the Minister of Conservation, to declare that all or part of an overlay classification site is no longer subject to an overlay classification.

5.16 The Minister of Conservation may not make a recommendation unless:

5.16.1 the trustees and the Minister have agreed in writing that the area concerned should no longer be subject to an overlay classification; and

5: OVERLAY CLASSIFICATION PROVISIONS

5.16.2 the area concerned is to be, or has been, disposed of by the Crown; or

5.16.3 the responsibility for managing the area concerned is to be, or has been, transferred to another Minister of the Crown or the Commissioner of Crown Lands.

Continuing input to be enabled in certain cases after termination

5.17 Paragraph 5.18 is to apply if:

5.17.1 paragraph 5.16.3 applies; or

5.17.2 there is a change in statutory regime that applies to all or part of an overlay classification area.

5.18 The Crown is to be required to take reasonable steps to ensure the trustees continue to have input into the area concerned.

Noting of overlay classification to be required

5.19 The declaration of an overlay classification under the settlement legislation is to be required to be noted in all documents affecting the overlay classification.

5.20 The noting is:

5.20.1 to be for the purpose of public notice only; and

5.20.2 not to be an amendment to a conservation document for the purposes of whichever of the following is applicable:

(a) section 171 of the Conservation Act 1987:

(b) section 46 of the National Parks Act 1980.

Notification to be required in *Gazette* of overlay classification and actions in relation to it

5.21 The settlement legislation is to provide that:

5.21.1 the Minister of Conservation is to be required to notify in the *Gazette*:

(a) as soon as practicable after the settlement date:

(i) the declaration of each site as subject to an overlay classification; and

(ii) the protection principles; and

(b) as soon as practicable after the protection principles are changed, the changed protection principles.

5.21.2 the Director-General of Conservation may notify in the *Gazette* any action (including any action set out in paragraph 5.1 of part 1 of the documents schedule) taken or intended to be taken under any of paragraphs 5.10 to 5.14.

5: OVERLAY CLASSIFICATION PROVISIONS

Limitations on overlay classification and its effect to be provided for

- 5.22 The declaration of a site as subject to an overlay classification, and the Crown's acknowledgement of Raukawa values in relation to an overlay classification site, is not to:
- 5.22.1 affect, or be taken into account by, a person in exercising a power, or in performing a duty or function, under any legislation or bylaw; or
 - 5.22.2 affect the lawful rights or interests of a person who is not a party to this deed; or
 - 5.22.3 have the effect of granting, creating, or providing evidence of, an estate or interest in, or rights relating to, an overlay classification site.
- 5.23 No person, in considering a matter or making a decision or recommendation under any legislation or bylaw, may give any greater or lesser weight to Raukawa values than the person would give if:
- 5.23.1 an overlay classification site had not been declared subject to an overlay classification; and
 - 5.23.2 the statement of Raukawa values had not been acknowledged by the Crown.
- 5.24 Paragraphs 5.22 and 5.23 are to be subject to the other provisions in relation to the overlay classification in the settlement legislation.

6. PROVISIONS FOR STATUTORY ACKNOWLEDGEMENT, GEOTHERMAL STATUTORY ACKNOWLEDGEMENT AND DEEDS OF RECOGNITION

General

- 6.1 The settlement legislation is to provide for a statutory acknowledgement, geothermal statutory acknowledgement and deeds of recognition, on the terms provided in this part.

Crown to acknowledge statements of association

- 6.2 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 acknowledgement and geothermal statutory acknowledgement to be specified

- 6.3 The settlement legislation is to provide that the only purposes of the statutory acknowledgement and the geothermal statutory acknowledgement are to:
- 6.3.1 require relevant consent authorities, the Environment Court, and the New Zealand Historic Places Trust to have regard to the statutory acknowledgement as provided for in paragraphs 6.4 to 6.6, and 6.8 to 6.10; and
 - 6.3.2 require relevant consent authorities and the Environment Court to have regard to the geothermal statutory acknowledgement as provided for in paragraphs 6.4, 6.5, 6.7, 6.8 and paragraph 6.10; and
 - 6.3.3 require relevant consent authorities to forward summaries of resource consent applications, or copies of notices of resource consent applications, to the trustees, as provided for in paragraphs 6.15 to 6.18; and
 - 6.3.4 enable the trustees and any member of the Raukawa to cite the statutory acknowledgement and the geothermal statutory acknowledgement as evidence of the association of Raukawa with the relevant statutory areas or geothermal resource (as applicable), as provided for in paragraph 6.21.

Relevant consent authorities to be required to have regard to statutory acknowledgement and geothermal statutory acknowledgement

- 6.4 A relevant consent authority is to be required to have regard to:
- 6.4.1 the statutory acknowledgement in deciding, under section 95E of the Resource Management Act 1991, if the trustees are persons who may be affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on the statutory area;
 - 6.4.2 the geothermal statutory acknowledgement in deciding, under section 95E of the Resource Management Act 1991, if the trustees are persons who may be

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affected by the granting of a resource consent under section 14(1) of the Resource Management Act 1991, in respect of the geothermal resource.

6.5 Paragraph 6.4 is:

6.5.1 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 or geothermal resource (as the case may be); and

6.5.2 to apply on and from the effective date; and

6.5.3 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 acknowledgement

6.6 The Environment Court is to be required to have regard to the statutory acknowledgement in deciding under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in proceedings greater than the general public in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area.

Environment Court to be required to have regard to geothermal statutory acknowledgement

6.7 The Environment Court is to be required to have regard to the geothermal statutory acknowledgement in deciding under section 274 of the Resource Management Act 1991, whether the trustees are persons having an interest in proceedings greater than the general public in respect of an application under section 14(1) of the Resource Management Act 1991 in respect of the geothermal resource.

6.8 Paragraphs 6.6 and 6.7 are:

6.8.1 to apply on and from the effective date; and

6.8.2 not to 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 acknowledgement

6.9 The settlement legislation is to provide that:

6.9.1 this paragraph applies if 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; and

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

6.9.3 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

**6: PROVISIONS FOR STATUTORY ACKNOWLEDGEMENT, GEOTHERMAL STATUTORY
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the Historic Places Act 1993, an appeal from a decision of the Historic Places Trust in relation to the application, including determining whether the trustees are directly affected by the decision; and

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

6.10 Paragraph 6.9 is to apply on and from the effective date.

Statutory acknowledgement and geothermal statutory acknowledgement to be required to be recorded on statutory plans

6.11 Each relevant consent authority is to be required to attach information recording the statutory acknowledgement and the geothermal statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area or the geothermal resource (as the case may be).

6.12 Paragraph 6.11 is to apply on and from the effective date.

6.13 The information required to be attached must include:

6.13.1 the provisions of the settlement legislation giving effect to paragraphs 6.3 to 6.9 in full; and

6.13.2 the descriptions of the statutory areas or the geothermal resource (as the case may be); and

6.13.3 the statements of association.

Effect of the recording to be provided for

6.14 Unless the information attached to a statutory plan under paragraph 6.11 is adopted by the relevant consent authority as part of the statutory plan, the information is:

6.14.1 to be for the purposes of public information only; and

6.14.2 not to be:

(a) part of the plan; or

(b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

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

6.15 Each relevant consent authority is to be required to forward to the trustees a summary of resource consent applications received by that authority:

6.15.1 for activities within, adjacent to, or directly affecting a statutory area;

6.15.2 made under section 14 of the Resource Management Act 1991 in respect of the geothermal resource; and

**6: PROVISIONS FOR STATUTORY ACKNOWLEDGEMENT, GEOTHERMAL STATUTORY
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- 6.15.3 if notice of an application for a resource consent is served on the authority under section 145(10) of the Resource Management Act 1991, a copy of that notice.
- 6.16 Paragraph 6.15 is to apply for a period of 20 years from the effective date.
- 6.17 The information to be forwarded in a summary is to be:
- 6.17.1 the same as would be given to an affected person under section 95B of the Resource Management Act 1991; or
- 6.17.2 as agreed between the trustees and the relevant consent authority.
- 6.18 The settlement legislation is to provide:
- 6.18.1 a summary to be forwarded under paragraphs 6.15.1 and 6.15.2 must be forwarded to the trustees:
- (a) as soon as reasonably practicable after an application is received; and
 - (b) before the consent authority decides under section 95(a) of the Resource Management Act 1991 whether to notify the application; and
- 6.18.2 a copy of the notice to be forwarded under paragraph 6.15.3 must be forwarded to the trustees no later than 10 business days after the day on which the consent authority receives the notice.

Trustees to be given ability to waive rights

- 6.19 The trustees are to be given the power, by notice in writing to a relevant consent authority, to:
- 6.19.1 waive their rights under paragraphs 6.15 to 6.18; and
- 6.19.2 state the scope of the waiver and the period it applies for.

Forwarding of summaries and notices not to limit other obligations

- 6.20 Paragraphs 6.15 to 6.18 are not to limit the obligations of a relevant consent authority to:
- 6.20.1 decide, under section 95 of the Resource Management Act 1991 whether to notify an application for a resource consent; or
- 6.20.2 decide under section 95E of that Act whether the trustees are affected persons in relation to an application for a resource consent.

**Use of statutory acknowledgement and geothermal statutory acknowledgement by
Raukawa to be provided for**

- 6.21 The trustees, and any member of Raukawa, may cite:
- 6.21.1 as evidence of the association of Raukawa with a statutory area, the statutory acknowledgement 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,

**6: PROVISIONS FOR STATUTORY ACKNOWLEDGEMENT, GEOTHERMAL STATUTORY
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or the New Zealand Historic Places Trust concerning activities within, adjacent to, or directly affecting the statutory area; and

6.21.2 as evidence of the association of Raukawa with the geothermal resource, the geothermal statutory acknowledgement in submissions to, and in proceedings before, a relevant consent authority or the Environment Court, or the Environmental Protection Authority or a board of inquiry under part 6AA of the Resource Management Act 1991 concerning the taking, use, damming or diverting of any geothermal water or geothermal energy from any geothermal resource.

Limitations in relation to statutory acknowledgement and geothermal statutory acknowledgement to be provided for

6.22 The content of a statement of association is not to be, by virtue of the statutory acknowledgement or the geothermal statutory acknowledgement (as the case may be), binding as fact on:

6.22.1 relevant consent authorities;

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

6.22.3 the Environment Court;

6.22.4 the New Zealand Historic Places Trust (in relation to a statutory acknowledgement);

6.22.5 parties to proceedings before those bodies; and

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

6.23 To avoid doubt:

6.23.1 paragraph 6.22 does not affect the obligations of the bodies and persons specified in paragraph 6.22.1 to 6.22.4 under paragraphs 6.4, 6.6, 6.7 and 6.9;

6.23.2 the bodies and persons specified in paragraph 6.22.1 to 6.22.6 are to be permitted to take the statutory acknowledgement into account;

6.23.3 the bodies and persons specified in paragraph 6.22.1 to 6.22.3 and paragraphs 6.22.5 and 6.22.6 are to be permitted to take the geothermal statutory acknowledgement into account;

6.23.4 that neither the trustees, nor members of Raukawa, are precluded from stating that Raukawa has an association with a statutory area that is not described in the statutory acknowledgement or a geothermal resource that is not described in the geothermal statutory acknowledgement; and

6.23.5 the content and existence of the statutory acknowledgement or the geothermal statutory acknowledgement does not limit any statement made.

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Application of statutory acknowledgement to river or stream to be provided for

6.24 In relation to a statutory acknowledgement:

6.24.1 **river** or **stream** (including a tributary):

(a) means:

(i) a continuously or intermittently flowing body of fresh water, including a modified watercourse; and

(ii) the bed of the river or stream; but

(b) does not include:

(i) a part of the bed of the river or stream that is not owned by the Crown; or

(ii) land that the waters of the river or stream do not cover at its fullest flow without overlapping its banks; or

(iii) an artificial watercourse.

Application of deed of recognition to river or stream to be provided for

6.25 In relation to a deed of recognition:

6.25.1 **river** or **stream** (including a tributary):

(a) means the bed of a river or stream; but

(b) does not include:

(i) a part of the bed of the river or stream that is not owned and managed by the Crown; or

(ii) land that the waters of the river or stream do not cover at its fullest flow without overlapping its banks; or

(iii) the bed of an artificial watercourse.

Authority to issue and amend deed of recognition to be provided for

6.26 The settlement legislation is to authorise the Minister of Conservation and the Director-General of Conservation, and the Commissioner of Crown Lands, to:

6.26.1 issue a deed of recognition to the trustees in respect of the statutory area described in clause 5.5 of this deed; and

6.26.2 amend a deed of recognition, but only with the written consent of the trustees.

**6: PROVISIONS FOR STATUTORY ACKNOWLEDGEMENT, GEOTHERMAL STATUTORY
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**Limitations in relation to statutory acknowledgement, geothermal statutory
acknowledgement and deed of recognition to be provided for**

6.27 The settlement legislation is to provide that, except as expressly required by the settlement legislation:

6.27.1 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 Raukawa with a statutory area or the geothermal resource (as described in a statement of association) than the person would give if there were no statutory acknowledgement or geothermal statutory acknowledgement; and

6.27.2 The statutory acknowledgement, the geothermal statutory acknowledgement and a deed of recognition are not to:

- (a) affect, or 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 or the geothermal resource.

Resource Management Act 1991 to be amended

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

Interpretation

6.29 For the purposes of paragraphs 6.3 to 6.22:

6.29.1 "**consent authority**" has the meaning set out in section 2(1) of the Resource Management Act 1991; and

6.29.2 "**relevant consent authority**" means:

- (a) for the purposes of the geothermal statutory acknowledgement, a consent authority of a region or district which contains, or is adjacent to, the geothermal resource; or
- (b) for the purposes of the statutory acknowledgement, a consent authority of a region or district which contains, or is adjacent to, a statutory area.

7. GEOGRAPHIC NAMES

General

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

Definitions to be provided

- 7.2 In this part:
- 7.2.1 **official geographic name** is to have the meaning given by section 4 of the NZGB Act;
- 7.2.2 **New Zealand Geographic Board** is to mean the board continued by section 7 of the NZGB Act; and
- 7.2.3 **NZGB Act** is to mean the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

New names of features to be provided

- 7.3 A name specified for a feature in the first column of the table in clause 5.14.1 of the deed is assigned to the feature described in the other columns of the table.
- 7.4 A name specified for a feature in the first column of the table in clause 5.14.2 of the deed is altered to the name specified for the feature in the second column of the table.
- 7.5 Each assignment or alteration is to be treated as if it were the assignment or alternation of the 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 new names to be required

- 7.6 The New Zealand Geographic Board is to be required, as soon as is reasonably practicable after the settlement date, to:
- 7.6.1 give public notice of each assignment or alteration of a name under paragraphs 7.3, 7.4 or 7.5 in accordance with section 21(2) and (3) of the NZGB Act; but
- 7.6.2 state in the notices that the assignments and alterations took effect on the settlement date.

Further alteration of new names to be provided

- 7.7 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 names by this part.

7: GEOGRAPHIC NAMES

- 7.8 Instead, the Board may make the determination as long as it has the written consent of the trustees.
- 7.9 To avoid doubt, the Board must give public notice of the determination in accordance with section 21(2) and (3) of the NZGB Act.

8. PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

Interpretation

- 8.1 The settlement legislation is to provide that **cultural redress property** means each of the following sites, and each site means the land described by that name in part 18:
- 8.1.1 Whakakahonui;
 - 8.1.2 Whakamaru Hydro Village site;
 - 8.1.3 Te Tuki;
 - 8.1.4 Whenua ā-kura;
 - 8.1.5 Whakamaru (Site B);
 - 8.1.6 Whakamaru (Site A);
 - 8.1.7 Pureora; and
 - 8.1.8 Korakonui.
- 8.2 The settlement legislation is, on the terms in this part, and parts 9 and 10, to vest the fee simple estate in each of the sites in paragraphs 8.1.1 to 8.1.8 in the trustees.

Whakakahonui

- 8.3 The settlement legislation is to provide that the fee simple estate in Whakakahonui vests in the trustees.

Whakamaru Hydro Village site

- 8.4 The settlement legislation is to provide that the fee simple estate in the Whakamaru Hydro Village site vests in the trustees.

Te Tuki

- 8.5 The settlement legislation is to provide that:
- 8.5.1 Te Tuki ceases to be a conservation area under the Conservation Act 1987;
 - 8.5.2 the fee simple estate in Te Tuki vests in the trustees; and
 - 8.5.3 paragraphs 8.5.1 and 8.5.2 are subject to the trustees providing the Crown with a registrable right of way easement in gross to the Minister of Conservation over those parts of Te Tuki shown A and B on deed plan OTS-113-03, in the form set out in part 4.3 of the documents schedule.

8: PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

Whenua ā-kura

- 8.6 The settlement legislation is to provide that:
- 8.6.1 Whenua ā-kura (being part of the Kaimai Mamaku Conservation Park) ceases to be part of that park;
 - 8.6.2 Whenua ā-kura ceases to be a conservation area under the Conservation Act 1987;
 - 8.6.3 the fee simple estate in Whenua ā-kura vests in the trustees;
 - 8.6.4 Whenua ā-kura is declared a reserve and classified as a historic reserve subject to section 18 of the Reserve Act 1977; and
 - 8.6.5 the reserve created by paragraph 8.6.4 is named Whenua ā-kura Historic Reserve.

Pureora

- 8.7 The settlement legislation is to provide that:
- 8.7.1 that part of Pureora ceases to be a conservation area under the Conservation Act 1987;
 - 8.7.2 the fee simple estate in Pureora vests in the trustees;
 - 8.7.3 Pureora is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977;
 - 8.7.4 the reserve created by paragraph 8.7.3 is named Pureora Historic Reserve;
 - 8.7.5 paragraphs 8.7.1 to 8.7.4 are subject to paragraph 9.3; and
 - 8.7.6 to avoid doubt, the vesting of that part of Pureora being Part Section 3 SO326126 is also subject to compliance with the requirements of clause 20.2 of the operating easement.

Whakamaru (Site B)

- 8.8 The settlement legislation is to provide that:
- 8.8.1 Whakamaru (Site B) ceases to be a conservation area under the Conservation Act 1987;
 - 8.8.2 the fee simple estate in Whakamaru (Site B) vests in the trustees;
 - 8.8.3 Whakamaru (Site B) is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977;
 - 8.8.4 the reserve created by paragraph 8.8.3 is named Whakamaru Historic Reserve.

8: PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

Whakamaru (Site A)

8.9 The settlement legislation is to provide that:

- 8.9.1 Whakamaru (Site A) ceases to be a conservation area under the Conservation Act 1987;
- 8.9.2 the fee simple estate in Whakamaru (Site A) vests in the trustees;
- 8.9.3 Whakamaru (Site A) is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977; and
- 8.9.4 the reserve created by paragraph 8.9.3 is named Whakamaru Recreation Reserve.

Korakonui

8.10 The settlement legislation is to provide that:

- 8.10.1 the reservation of Korakonui as a local purpose (community use) reserve subject to the Reserves Act 1977 is revoked;
- 8.10.2 the fee simple estate in Korakonui vests in the trustees;
- 8.10.3 Korakonui is declared a reserve and classified as a local purpose (community use) reserve subject to section 23 of the Reserves Act 1977;
- 8.10.4 the reserve created by paragraph 8.10.3 is name Korakonui Local Purpose (Community Use) Reserve;
- 8.10.5 paragraphs 8.10.1 to 8.10.4 are subject to the governance entity entering into a management agreement with the Korakonui Community Hall Committee Incorporated which will enable the reasonable and continued use of the Korakonui Public Hall by the Korakonui community and protect the governance entity from any undue burden arising from the upkeep and maintenance of the Korakonui Public Hall; and
- 8.10.6 the lease to be granted in accordance with paragraph 8.10.5:
 - (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.

9. PROVISIONS SPECIFYING TERMS OF VESTING

General

- 9.1 The settlement legislation is to provide for the vesting of the cultural redress properties on the terms provided by this part.

Vesting to be subject to listed encumbrances

- 9.2 Each cultural redress property is to vest subject to, or together with, any encumbrances for the property listed in part 18.
- 9.3 On or before the settlement date, the trustees must sign and return to the Crown in relation to that part of Pureora being Part Section 3 SO 326126, the deed of covenant under clause 20.2(b) of the Deed of Grant of Easement 8672068.1 (Computer Interest Register 544115) in the form set out in part 6 of the documents schedule.

Ownership of trustees to be registered on computer freehold register

- 9.4 Paragraphs 9.5 to 9.8 are to apply to the fee simple estate in a cultural redress property vested under the settlement legislation.
- 9.5 The Registrar-General of Land, on written application by an authorised person, is to be required to comply with paragraphs 9.6 and 9.7.
- 9.6 To the extent that a cultural redress property is all of the land contained in a computer freehold register, the Registrar-General is to:
- 9.6.1 register the trustees as the proprietor of the fee simple estate in the land; and
 - 9.6.2 make any entries in the register, and do all other things, that are necessary to give effect to the settlement legislation and this deed.
- 9.7 To the extent that a cultural redress property is not all of the land contained in a computer freehold register, or there is no computer freehold register for all or part of the property, the Registrar-General is to:
- 9.7.1 create one or more computer freehold registers for the fee simple estate in the property in the name of the trustees; and
 - 9.7.2 enter on the register any encumbrances that are:
 - (a) registered, notified, or notifiable; and
 - (b) described in the application from the authorised person.

9: PROVISIONS SPECIFYING TERMS OF VESTING

Timing of creation of computer freehold register to be specified

9.8 The settlement legislation is to provide:

9.8.1 paragraph 9.7 is to apply subject to the completion of any survey necessary to create the computer freehold register; and

9.8.2 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 the trustees and the Crown.

Interpretation

9.9 In paragraphs 9.10 to 9.16 "reserve site" does not include Pureora.

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

9.10 The settlement legislation is to provide that:

9.10.1 the vesting of a cultural redress property in the trustees is to be a disposition for the purposes of Part 4A of the Conservation Act 1987; but

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

9.10.3 despite paragraphs 9.10.1 and 9.10.2 the rest of section 24 of the Conservation Act 1987 does not apply to the vesting of the following sites under the settlement legislation:

(a) Pureora; and

(b) a reserve site;

9.10.4 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.

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

9.11 The settlement legislation is to provide that the Registrar-General of Land is to be required to notify on the computer freehold register for:

9.11.1 a reserve site that:

(a) the land is subject to Part 4A of the Conservation Act 1987; but

(b) section 24 of that Act does not apply; and

(c) the land is subject to paragraphs 9.10.4 and 10.3; and

9: PROVISIONS SPECIFYING TERMS OF VESTING

9.11.2 any other cultural redress property that the land is subject to Part 4A of the Conservation Act 1987.

9.12 The settlement legislation is to provide that a notification made under paragraph 9.11 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.

Removal of notifications from computer freehold register to be provided for

9.13 The settlement legislation is to provide that:

9.13.1 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 9.10.4 and 10.3; 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

9.13.2 the Registrar-General of Land is to comply with an application received in accordance with paragraphs 9.13.1(a) or 9.13.1(b).

Pureora

9.14 The settlement legislation will provide that the vesting of Pureora is to be no longer exempt from the rest of section 24 of the Conservation Act 1987 where, in relation to all or part of that site:

9.14.1 the reservation under the settlement legislation is revoked; and

9.14.2 the operating easement is surrendered.

9.15 The Registrar-General of Land is to be required to notify on the computer freehold register for Pureora:

- (a) the land is subject to Part 4A of the Conservation Act 1987; but
- (b) section 24 of that Act does not apply; and
- (c) the land is subject to paragraph 9.14 and paragraph 10.3.

9.16 The settlement legislation is to provide that:

9.16.1 if the reservation of Pureora is revoked in relation to:

- (a) all of the site, where the operating easement has already been surrendered from the site, the Director-General of Conservation is to apply in writing to

9: PROVISIONS SPECIFYING TERMS OF VESTING

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;
 - (ii) the site is subject to paragraph 9.14; and
 - (iii) the site is subject to paragraph 10.3; or
- (b) part of the site, where the operating easement has already been surrendered from that part of the site, the Registrar-General of Land is to ensure that the relevant notifications referred to in paragraph 9.16.1(a) remain on the computer freehold register only for the part of the site that remains a reserve;

9.16.2 if the reservation of Pureora is revoked, in relation to:

- (a) all of the site, where the operating easement has not already been surrendered from the site, the Director-General of Conservation is to apply in writing to the Registrar-General of Land to:
 - (i) remove from the computer freehold register for the site the notification that the site is subject to paragraph 10.3; and
 - (ii) ensure that the notifications that section 24 of the Conservation Act 1987 does not apply to the site and that the site is subject to paragraph 9.14 remain on the computer freehold register only for that part of the site subject to the operating easement; or
- (b) part of the site, where the operating easement has not already been surrendered from the site, the Registrar-General of Land is to ensure that the notification referred to in paragraph 9.16.2(a)(i) remains on the computer freehold register only for the part of the site that remains a reserve;

9.16.3 if the operating easement is surrendered:

- (a) in full where the reservation has already been revoked from Pureora, the registered proprietor of that site is to apply in writing to the Registrar-General of Land to remove from the computer freehold register for the site the notification that:
 - (i) section 24 of the Conservation Act 1987 does not apply to the site; and
 - (ii) the site is subject to paragraph 9.14; and
- (b) in part, where the reservation has already been revoked from Pureora, the Registrar-General of Land is to ensure that the notifications referred to in paragraph 9.16.3 remain on the computer freehold register only for the part of the site that remains subject to the operating easement; and

9.16.4 the Registrar-General of Land is to comply with an application received in accordance with paragraphs 9.16.1 to 9.16.3; and

9: PROVISIONS SPECIFYING TERMS OF VESTING

9.16.5 to avoid doubt, if the operating easement is surrendered in full and the reservation of all or part of Pureora (as the case may be) has not been revoked, no notifications may be removed from the computer freehold register.

Application of other legislation to be dealt with

9.17 The settlement legislation is to provide:

9.17.1 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

9.17.2 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

9.17.3 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

9.17.4 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.

10. PROVISIONS RELATING TO RESERVE SITES

General

10.1 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

10.2 The settlement legislation is to provide that:

10.2.1 the trustees are to be the administering body of a reserve site for the purposes of the Reserves Act 1977; and

10.2.2 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

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

10.2.4 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; and

10.2.5 to avoid doubt, any obligations on the trustees under the Local Government Official Information and Meetings Act 1987 apply to them in the capacity as an administering body under the Reserves Act 1977 but not to the trustees acting in any other capacity.

Subsequent transfer of reserve sites to be provided for

10.3 The settlement legislation is to provide that:

10.3.1 this paragraph is to apply to all, or any part, of a reserve site that remains a reserve at any time after the vesting in the trustees under the settlement legislation (the **reserve land**); and

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

10.3.3 paragraph 10.3.2 is to apply despite any other enactment or rule of law; and

10.3.4 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

10: PROVISIONS RELATING TO RESERVE SITES

- (b) perform the obligations of an administering body under that Act; and

Registration of transfer to be provided for

10.3.5 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; and
- (c) any other document required for the registration of the transfer instrument; and

New owners are to be the administering body

10.3.6 the new owner, from the time of its registration under paragraph 10.3.5:

- (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

10.3.7 paragraphs 10.3.1 to 10.3.6 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 10.3.7(a) and 10.3.7(b) apply.

Reserve site is not to be mortgaged or charged

10.4 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.

Bylaws etc in relation to reserve sites to be saved

10.5 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

10: PROVISIONS RELATING TO RESERVE SITES

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

10.6 The settlement legislation is to provide that:

10.6.1 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**; and
- (d) **official geographic name**;

10.6.2 paragraph 10.6.3 applies to the land, or part of the land, in a cultural redress property that, immediately before the settlement date, was all of part of a Crown protected area;

10.6.3 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;

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

10.6.5 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.

11. PROVISIONS RELATING TO PURCHASED COMMERCIAL PROPERTIES AND PURCHASED DEFERRED SELECTION PROPERTIES

Crown to be authorised to transfer purchased commercial properties and purchased deferred selection properties

- 11.1 The Crown (acting by and through the chief executive of the landholding agency) is to be authorised to do one or both of the following:
- 11.1.1 transfer to the trustees the fee simple estate in a purchased commercial property or in a purchased deferred selection property;
 - 11.1.2 sign a transfer instrument or other document, or do anything else to effect the transfer.
- 11.2 The authority under paragraph 11.1 is to be given to give effect to this deed.

Tokoroa Golf Club site

- 11.3 The settlement legislation is to provide that from the actual TP settlement date:
- 11.3.1 the reservation of the Tokoroa Golf Club site as a recreation reserve subject to section 17 of the Reserves Act 1977 is revoked;
 - 11.3.2 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 the Tokoroa Golf Club site; and
 - 11.3.3 immediately upon transfer of the site to the trustees, the site is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977 and the trustees shall be the administering body.

Minister of Conservation to be authorised to grant easements

- 11.4 The Minister of Conservation is to be authorised to grant a right of way easement over a conservation area, as required by part 5 of this deed.
- 11.5 An easement granted under paragraph 11.4 is to be:
- 11.5.1 enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
 - 11.5.2 treated as having been granted in accordance with Part 3B of that Act; and
 - 11.5.3 registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied.

**11: PROVISIONS RELATING TO PURCHASED COMMERCIAL PROPERTIES AND
PURCHASED DEFERRED SELECTION PROPERTIES**

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

11.6 Paragraphs 11.7 to 11.10 are to apply to:

11.6.1 a purchased commercial property, or a purchased deferred selection property, 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; or

11.6.2 the licensed land.

11.7 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:

11.7.1 subject to, and together with, any encumbrances that:

- (a) are registered, notified, or notifiable; and
- (b) are described in the written application; and

11.7.2 without any statement of purpose.

Covenant for later creation of freehold register to be permitted

11.8 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 the trustees under the deed of settlement.

11.9 The settlement legislation is to provide that, despite the Land Transfer Act 1952:

11.9.1 the authorised person may request the Registrar-General of Land to register a covenant granted in accordance with paragraph 11.8 under the Land Transfer Act 1952 by creating a computer interest register; and

11.9.2 the Registrar-General must register the covenant.

Transfer of Waikeria Prison subject to lease

11.10 The settlement legislation is to provide that paragraphs 11.11 to 11.17 apply to the deferred selection property known as Waikeria Prison described in part 5 of the property redress schedule:

11.10.1 for which the land holding agency is the Department of Corrections; and

11.10.2 the ownership of which may transfer to the trustees in accordance with part 7 of the property redress schedule; and

11.10.3 that, any such transfer, is to be subject to a lease back to the Crown.

**11: PROVISIONS RELATING TO PURCHASED COMMERCIAL PROPERTIES AND
PURCHASED DEFERRED SELECTION PROPERTIES**

11.11 Despite paragraph 11.18.2(b) (which refers to section 24(2A) of the Conservation Act 1987), the rest of section 24 of that Act does not apply to the transfer of Waikeria Prison.

11.12 The transfer instrument for the transfer of Waikeria Prison must include a notification that the land is to become subject to paragraphs 11.15 and 11.16 upon the registration of the transfer.

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

11.13 The settlement legislation is to require the Registrar-General, upon the registration of the transfer of Waikeria Prison, to record on any computer freehold register for the property:

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

11.13.2 the land is subject to paragraphs 11.15 and 11.16.

11.14 A notification made under paragraph 11.13 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.

11.15 If the lease referred to in paragraph 11.10.3 (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of Waikeria Prison, the transfer of Waikeria Prison is no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or that part of Waikeria Prison, as the case may be.

Removal of notifications from computer freehold register to be provided for

11.16 The settlement legislation is to provide that, if the lease referred to in paragraph 11.10.3 (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of Waikeria Prison, then the registered proprietors of Waikeria Prison must apply in writing to the Registrar-General, to:

11.16.1 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 11.15 and 11.16; or

11.16.2 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 11.15 and 11.16.

**11: PROVISIONS RELATING TO PURCHASED COMMERCIAL PROPERTIES AND
PURCHASED DEFERRED SELECTION PROPERTIES**

11.17 The Registrar-General is to be required to comply with an application received in accordance with paragraph 11.16 free of charge to the applicant.

Application of other legislation

11.18 The settlement legislation is to provide:

11.18.1 sections 11 and part 10 of the Resource Management Act 1991 do not apply to:

- (a) the transfer to the trustees of a purchased commercial property or a purchased deferred selection property; or
- (b) any matter incidental to, or required for the purpose of, the transfer; and

11.18.2 the transfer of a purchased commercial property, or a purchased deferred selection property, to the 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

11.18.3 in exercising the powers conferred by paragraphs 11.18.1 and 11.18.2, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a purchased commercial property or a purchased deferred selection property; and

11.18.4 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 purchased commercial property or a purchased deferred selection property.

11.19 Paragraph 11.18.3 does not limit paragraph 11.18.2.

12. PROVISIONS RELATING TO LICENSED LAND AND UNLICENSED LAND

Licensed land and unlicensed land to cease to be Crown forest land

12.1 This part 12 is to apply to the purchased commercial property that is licensed land, and the purchased deferred selection property that is unlicensed land, only when its purchase is settled under paragraph 4.4 or 6.4 (as the case may be) of the property redress schedule.

12.2 The settlement legislation is to provide that:

12.2.1 the licensed land ceases to be Crown forest land upon the registration of the transfer of the fee simple estate in the land to the trustees;

12.2.2 the unlicensed land ceases to be Crown forest land and any Crown forest assets associated with that land cease to be Crown forestry assets on the actual TP settlement date; and

12.2.3 although the licensed land does not cease to be Crown forest land until the transfer of the fee simple estate in the land to the trustees is registered, neither the Crown nor any court or tribunal may, between the actual TP settlement date and the date of registration, do or omit to do anything if that act or omission would be:

- (a) consistent with the Crown Forest Assets Act 1989; but
- (b) inconsistent with this deed.

Trustees to be confirmed beneficiary and licensor in relation to licensed land

12.3 The settlement legislation is to provide that the trustees are, in relation to the licensed land:

12.3.1 a confirmed beneficiary under clause 11.1 of the Crown forestry rental trust deed and, therefore:

- (a) the trustees are entitled to the rental proceeds paid for the licensed land under the Crown forestry licence since the commencement of the Crown forestry licence; and
- (b) all the provisions of the Crown forestry rental trust deed apply on the basis that the trustees are a confirmed beneficiary; and

12.3.2 the licensor under the Crown forestry licence as if the licensed land had been returned to Maori ownership:

- (a) on the actual TP settlement date; and
- (b) under section 36 of the Crown Forest Assets Act 1989.

12: PROVISIONS RELATING TO LICENSED LAND AND UNLICENSED LAND

Crown to be required to give notice under Crown Forest Assets Act 1989

12.4 The Crown is to be required to give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of the Crown forestry licence.

12.5 The settlement legislation is to provide that:

12.5.1 paragraph 12.4 is to apply 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 licensed land; and

12.5.2 notice given by the Crown under paragraph 12.4 is to have effect as if:

(a) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land; and

(b) the recommendation had become final on the actual TP settlement date.

12.6 The settlement legislation is to provide that section 36(1)(b) of the Crown Forest Assets Act 1989 is not to apply to the licensed land.

Effect of transfer of licensed land to be specified

12.7 Paragraphs 12.3 to 12.6 are to apply whether or not, on the actual TP settlement date:

12.7.1 the transfer of the fee simple estate in the licensed land has been registered; or

12.7.2 the licence splitting process in clause 17.4 of the Crown forestry licence has been completed.

Licence-splitting process to be required to be completed

12.8 The settlement legislation is to provide:

12.8.1 to the extent the Crown has not completed the licence splitting process before the actual TP settlement date, it must continue that process until it is completed; and

12.8.2 for the period starting on the actual TP settlement date until the completion of the licence splitting process, the licence fee payable under the Crown forestry licence in respect of the licensed land is the amount to be calculated in accordance with paragraphs 7.24 and 7.25 of the property redress schedule; and

12.8.3 with effect on and from the actual TP settlement date, reference to the prospective proprietors in clause 17.4 of the Crown forestry licence must, in relation to the licensed land, be read as if they were references to the trustees.

12: PROVISIONS RELATING TO LICENSED LAND AND UNLICENSED LAND

Access to protected site to be provided

12.9 The settlement legislation is to provide that:

Protected site to be defined

12.9.1 protected site is to mean an area of land situated within the licensed land or the unlicensed land that:

- (a) is wāhi tapu or a wāhi tapu area within the meaning of section 2 of the Historic Places Act 1993; and
- (b) is, or becomes, a registered place within the meaning of section 2 of that Act; and

12.9.2 right of access means the right of access to a protected site granted under this paragraph; and

Right of access to protected site to be provided

12.9.3 the owner of the land on which a protected site is situated and any person having an interest in, or right of occupancy to, that land must allow access across the land to each protected site to Maori to whom the protected site is of spiritual, cultural, or historical significance; and

12.9.4 the right of access may be exercised by vehicles or by foot over any reasonably convenient routes specified by the owner; and

Conditions of right of access to be specified

12.9.5 the right of access is subject to the following conditions:

- (a) a person intending to exercise it must give the owner reasonable written notice of his or her intention:
- (b) it may be exercised only during daylight hours and at reasonable times:
- (c) a person exercising it must observe any reasonable conditions imposed by the owner relation to the time, location, or manner of access as are reasonably required for:
 - (i) the safety of people; or
 - (ii) the protection of land, improvements, flora and fauna, plant and equipment, or livestock; or
 - (iii) operational reasons; and

Right of access to be subject to Crown forestry licence and registered lease of unlicensed land

12.9.6 the right of access is to be subject to, and not to override:

- (a) the terms of any Crown forestry licence;
- (b) any existing registered lease of the unlicensed land, except if the licensee or the lessee (as the case may be) has agreed to the right of access; and

12: PROVISIONS RELATING TO LICENSED LAND AND UNLICENSED LAND

12.9.7 an amendment to a Crown forestry licence or any existing registered lease of the unlicensed land will be of no effect to the extent it purports to:

- (a) delay the date from which a person who has the right of access may exercise that right; or
- (b) otherwise adversely affect the right of access.

Registrar-General of Land to be required to note the right of access

12.10 The settlement legislation is to provide that:

- 12.10.1 the Registrar-General of Land must, in accordance with a written application by an authorised person, record on the computer freehold register for the licensed land and the unlicensed land, that the land is, or may at any future time be, subject to the right of access provided by paragraph 12.9; and
- 12.10.2 an application must be made as soon as reasonably practicable after the actual TP settlement date; but
- 12.10.3 if a computer freehold register for the licensed land or the unlicensed land (as the case may be) has not been created by the actual TP settlement date, an application must be made as soon as reasonably practicable after the register has been created.

13. RFR PROVISIONS

Definitions to be provided

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

13.1.1 **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), for 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 sub-lease, of the land; or
 - (iv) remove an improvement, fixture, or fitting from the land; and

13.1.2 **expiry date**, in relation to an offer, means its expiry date under paragraphs 13.5.1 and 13.6; and

13.1.3 **nominee** has the meaning given to it by paragraph 13.9.1; and

13.1.4 **notice** means a notice under this part; and

13.1.5 **offer** means an offer, made in accordance with paragraph 13.5, by an RFR landowner to dispose of RFR land to the trustees; and

13.1.6 **public work** has the meaning given to it in section 2 of the Public Works Act 1981; and

13.1.7 **RFR land** has the meaning given to it by paragraphs 13.2 and 13.3; and

13.1.8 **RFR landowner**, in relation to 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 it holds the fee simple estate in the land; and
 - (i) includes a local authority to whom RFR land has been disposed of under paragraph 13.10.2; and

13: RFR PROVISIONS

- (ii) to avoid doubt, does not include an administering body in which RFR land is vested after the settlement date under paragraph 13.10.3; and

13.1.9 **RFR period** means the period of 172 years from the settlement date.

RFR land to be defined

13.2 RFR land is to mean:

13.2.1 land described as RFR land in the attachments to this deed if, on the settlement date:

- (a) the land is vested in the Crown; or
- (b) the Crown or a Crown body holds the fee simple estate in the land; and

13.2.2 land obtained in exchange for a disposal of RFR land under paragraph 13.11.5(c) or 13.11.6; and

13.3 However, land ceases to be RFR land when any of the following things happen:

13.3.1 the fee simple estate in the land transfers from the RFR landowner to:

- (a) the trustees (or a nominee) (for example under paragraph 11.1 or under a contract formed under paragraph 13.8.3); or
- (b) any other person (including the Crown or a Crown body) in accordance with paragraph 13.4.3; or

13.3.2 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:

- (a) paragraphs 13.11 or 13.12.1; or
- (b) an enactment, rule of law, encumbrance, legal or equitable obligation, mortgage or security interest referred to in paragraph 13.11; or

13.3.3 the RFR period ends; or

13.3.4 if the trustees give notice under paragraph 13.22.

Restrictions on disposal of RFR land to be provided

13.4 The settlement legislation is to provide that an RFR landowner must not dispose of RFR land to a person other than the trustees or its nominee unless the land is disposed of:

13.4.1 under paragraphs 13.10, 13.11, or 13.12.1; or

13.4.2 under an enactment, rule of law, encumbrance, legal or equitable obligation, mortgage or security interest referred to in paragraph 13.13; or

13: RFR PROVISIONS

13.4.3 within two years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees, if the offer was:

- (a) made in accordance with paragraph 13.5; and
- (b) on terms that were the same as, or more favourable to the trustees than, the terms of the disposal to the person; and
- (c) not withdrawn under paragraph 13.7; and
- (d) not accepted under paragraph 13.8.

Requirements for offer to trustees to be specified

13.5 An offer by an RFR landowner to dispose of RFR land to the trustees must be by written notice to the trustees, incorporating:

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

13.5.2 a legal description of the land, including:

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

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

13.5.4 a street address, postal address, and fax number for the trustees to give notices to the RFR landowner in relation to the offer.

Expiry date of offer to be required

13.6 The settlement legislation is to specify that the expiry date of an offer:

13.6.1 must be on or after the 20th business day after the day on which the trustees receive notice of the offer; but

13.6.2 may be on or after the 10th business day after the day on which the trustees receive notice of the offer if:

- (a) the trustees have received an earlier offer to dispose of the land; and
- (b) the expiry date of the earlier offer was no earlier than 6 months before the expiry date of the later offer; and
- (c) the earlier offer was not withdrawn.

Withdrawal of offer to be permitted

13.7 An RFR landowner is to be permitted, by notice to the trustees, to withdraw an offer at any time before it is accepted.

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Acceptance of offer and formation of contract to be provided for

13.8 The settlement legislation is to provide that:

13.8.1 the trustees 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
- (c) in relation to that RFR land known as Waikeria Prison, the trustees may only accept the offer if the trustees have provided to the RFR landowner a copy of the Maniapoto entity's consent to the trustees' acceptance of the offer; and

13.8.2 the trustees must accept all the RFR land offered unless the offer permits them to accept less; and

13.8.3 if the trustees accept an offer by an RFR landowner to dispose of RFR land:

- (a) a contract for the disposal of the land is formed between the landowner and the trustees on the terms in the offer; and
- (b) the terms of the contract may be varied by written agreement between the RFR landowner and the trustees.

Transfer to trustees or a nominee to be provided for

13.9 The settlement legislation is to provide that if a contract for the disposal of RFR land is formed between an RFR landowner and the trustees under paragraph 13.8.3:

13.9.1 the RFR landowner will dispose of the RFR land to:

- (a) the trustees; or
- (b) in the case of a transfer of the fee simple estate, a person nominated by the trustees (a nominee) under paragraph 13.9.2; and

13.9.2 the trustees may nominate a nominee by giving written notice:

- (a) to the RFR landowner at least 10 business days before the RFR land is to be transferred under the contract for disposal of the RFR land; and
- (b) providing the name of, and all other relevant details about, the nominee; and

13.9.3 a nominee must not be a person to whom it would not be lawful to transfer the fee simple estate in the RFR land; and

13.9.4 if the trustees nominate a nominee, the trustees remain liable for all the transferees' obligations under the contract for disposal of the RFR land.

13: RFR PROVISIONS

Certain disposals by RFR landowner permitted but land remains RFR land

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

To the Crown or Crown bodies

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

If a public work

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

For reserves purposes

13.10.3 in accordance with section 26 or 26A of the Reserves Act 1977.

Certain disposals by RFR land owner permitted and land may cease to be RFR land

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

Under legislative and rule of law obligations

13.11.1 in accordance with an obligation under any legislation or rule of law; or

Under legal or equitable obligations

13.11.2 in accordance with a legal or equitable obligation that:

- (a) was unconditional before the settlement date; or
- (b) was conditional before the settlement date but become unconditional on or after the settlement date; or
- (c) arose after the exercise (whether before, on, or after the settlement date) of an option existing before the settlement date; or

13.11.3 in accordance with the requirements, existing before the settlement date, of a gift, endowment, or trust relating to the land; or

Under certain legislation

13.11.4 if the RFR 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

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Public works land

13.11.5 in accordance with:

- (a) section 40(2), 40(4) or 41 of the Public Works Act 1981 (including as applied by other legislation); 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 reserves or conservation purposes

13.11.6 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

13.11.7 as a gift for charitable purposes; or

To tenants

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

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

13.11.9 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 settlement date; or
- (b) on or after the settlement date as a renewal of a lease granted before the settlement date; or

13.11.10 under section 93(4) of the Land Act 1948; or

By Housing New Zealand Corporation

13.11.11 to any person if Housing New Zealand Corporation has given notice to the trustees that, in the Corporation's opinion, the disposal is to give effect, or assist

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in giving effect to, the Crown's social objectives in relation to housing or services related to housing; or

By the Waikato District Health Board

13.11.12 to any person if the Minister of Health has given notice to the trustees that, in the Minister's opinion, the disposal will achieve, or assist in achieving, the Waikato District Health Board's objectives.

Certain matters to be clarified

13.12 The settlement legislation is to provide, to avoid doubt, that:

13.12.1 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

13.12.2 if RFR land is disposed of to a local authority under paragraph 13.10.2, the local authority becomes:

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

13.12.3 to avoid doubt, if RFR land that is a reserve is vested in an administering body under paragraph 13.10.3, the administering body does not become:

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

13.12.4 however, if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes:

- (a) the RFR landowner; and
- (b) subject to the obligations of the RFR landowner under this part in relation to the land.

RFR landowner's obligations to be subject to specified matters

13.13 An RFR landowner's obligations under the settlement legislation in relation to RFR land are to be subject to:

13.13.1 any other enactment or rule of law but, in the case of a Crown body, the obligations apply despite its purpose, functions or objectives; and

13.13.2 any encumbrance, or legal or equitable obligation, that:

- (a) prevents or limits an RFR landowner's disposal of RFR land to the trustees; or
- (b) the RFR landowner cannot satisfy by taking reasonable steps; and

13.13.3 the terms of a mortgage over, or security interest in, RFR land.

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13.14 Reasonable steps, for the purposes of paragraph 13.13.2(b), are not to include steps to promote the passing of legislation.

Notice to LINZ of RFR land to be required after settlement date

13.15 The settlement legislation is to provide that:

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

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

13.15.3 the notice must:

(a) include:

(i) the reference for the computer register; and

(ii) a legal description of the land; and

(b) be given as soon as reasonably practicable after:

(i) a computer register is first created for the RFR land; or

(ii) the land becomes RFR land.

Notice to trustees of disposals of RFR land to be required

13.16 The settlement legislation is to require that:

13.16.1 an RFR landowner must give the trustees notice of the disposal of RFR land by the landowner to a person other than the trustees; and

13.16.2 the notice must:

(a) be given on or before the day that is 20 business days before the disposal; and

(b) include a legal description of the land, including any encumbrances affecting it; and

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

(d) identify the person to whom the land is being disposed of; and

(e) explain how the disposal complies with paragraph 13.4; and

(f) if the disposal is made under paragraph 13.4.3, include a copy of any written contract for the disposal.

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

13.17 The settlement legislation is to provide that:

13.17.1 the RFR landowner is to give the chief executive of LINZ notice if land contained in a computer register is to cease being RFR land because:

- (a) the fee simple estate in the land is to transfer from the RFR landowner to:
 - (i) the trustees (or nominee) (for example under paragraph 11.1 or under a contract formed under paragraph 13.8.3); or
 - (ii) any other person (including the Crown or a Crown body) under paragraph 13.4.3; or
- (b) 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:
 - (i) paragraphs 13.11 or 13.12.1; or
 - (ii) an enactment, rule of law, encumbrance, legal or equitable obligation, mortgage or security interest referred to in paragraph 13.11; and

13.17.2 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 that will result in it ceasing to be RFR land; and
- (d) be given as early as practicable before the transfer or vesting.

Provision for recording of memorials on RFR land to be made

13.18 The settlement legislation is to provide that:

Certificates identifying RFR land to be issued

13.18.1 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 settlement date; and
 - (ii) the RFR land for which a computer register is first created after the settlement date; and

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- (iii) land for which there is a computer register that becomes RFR land after the settlement date; and
 - (b) provide a copy of each certificate to the trustees as soon as reasonably practicable after issuing it; and
- 13.18.2 a certificate issued under paragraph 13.18.1 must:
- (a) state that is issued under this section; and
 - (b) be issued as soon as reasonably practicable after:
 - (i) the settlement date, in the case of RFR land for which there is a computer register on settlement date; or
 - (ii) receiving notice under paragraph 13.17 that a computer register has been created for the RFR land or that the land has become RFR land; and

Memorials to be recorded

- 13.18.3 the Registrar-General of Land must, as soon as reasonably practicable after receiving a certificate issued under paragraph 13.18.1, record on the computer register for the RFR land identified in the certificate that the land is:
- (a) RFR land as defined in paragraphs 13.2 and 13.3; 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

13.19 The settlement legislation is to provide that:

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

- 13.19.1 the chief executive of LINZ must:
- (a) before registration of the transfer or vesting of land described in a notice under paragraph 13.17, issue to the Registrar-General of Land a certificate that:
 - (i) specifies the legal description of the land and identifies the computer register that contains that land; and
 - (ii) specifies the details of the transfer or vesting of the land; and
 - (iii) states that it is issued under this paragraph; and
 - (b) as soon as reasonably practicable after issuing a certificate, provide a copy of it to the trustees; and

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Memorials to be removed

13.19.2 if the Registrar-General of Land receives a certificate issued under paragraph 13.19.1, he or she must remove a memorial recorded under paragraph 13.18.3 from any computer register for land identified in the certificate before registering the transfer or vesting described in the certificate.

Certificates to be issued identifying land ceasing to be RFR land on expiry of RFR period

13.19.3 the chief executive of LINZ must:

- (a) as soon as reasonably practicable after the RFR period ends, issue to the Registrar-General of Land a certificate that:
 - (i) identifies each computer register that has a memorial recorded on it under paragraph 13.18.3; and
 - (ii) states that it is issued under this paragraph; and
- (b) provide a copy of each certificate to the trustees as soon as reasonably practicable after issuing it; and

Memorials to be removed

13.19.4 the Registrar-General of Land must, as soon as reasonably practicable after receiving a certificate issued under paragraph 13.19.3, remove a memorial recorded under paragraph 13.18.3 from any computer register identified in the certificate.

General provisions to be included

13.20 The settlement legislation is to provide that:

Waiver and variation of rights to be permitted

13.20.1 the trustees may, by notice to an RFR landowner, waive any or all of the rights the trustees have in relation to the landowner under this part; and

13.20.2 the RFR landowner and the trustees may agree in writing to vary or waive any of the rights each has in relation to the other under this part; and

13.20.3 a waiver or agreement under paragraphs 13.20.1 or 13.20.2 is on the terms, and applies for the period, specified in it; and

Crown's ability to dispose of Crown bodies not affected

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

13: RFR PROVISIONS

Assignment of RFR right

13.20.5 paragraph 13.20.6 will apply if, at any time, an RFR holder:

- (a) assigns the RFR holder's RFR rights to an assignee in accordance with the RFR holder's constitutional documents; and
- (b) has given the notices required by paragraph 13.20.7;

13.20.6 this part will apply, with all necessary modifications, to an assignee as if the assignee were the trustee;

13.20.7 an RFR holder must give a notice to each RFR landowner:

- (a) stating that the RFR rights of the RFR holder are to be assigned under paragraphs 13.20.5 to 13.20.8; 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 or postal address or fax number for notices to the assignee;

13.20.8 in paragraphs 13.20.5 to 13.20.7:

- (a) **assignee** means one or more persons to whom an RFR holder assigns the RFR rights;
- (b) **constitutional documents** means, as the case requires, the trust deed of the trustees or the constitutional document of an assignee;
- (c) **RFR holder** means, as the case requires:
 - (i) the trustee; or
 - (ii) an assignee;
- (d) **RFR rights** means the rights and obligations provided for by or under this part.

Notice provisions to be specified

13.21 The settlement legislation is to provide that a notice to or by an RFR landowner, or the trustees, under this part:

Notice requirements

13.21.1 must be in writing; and

13.21.2 signed by:

- (a) the person giving it; or

13: RFR PROVISIONS

- (b) in the case of the trustees, at least two of the trustees for the time being of the Raukawa Settlement Trust; and

13.21.3 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 Raukawa Settlement Trust; or
- (b) specified by the RFR landowner in an offer made under paragraph 13.5, or in a later notice given to the trustees, 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

13.21.4 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

13.21.5 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;

13.21.6 however, is to be treated as having been received on the next business day if, under paragraph 13.21.5, 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.

Ceasing of RFR over certain sites

13.22 The settlement legislation is to provide that:

13.22.1 in accordance with clauses 6.11 and 6.12, the trustees may give notice to the Minister for Treaty of Waitangi Negotiations and the RFR landowner that, in relation to one or more of the following sites, the land ceases to be RFR land:

- (a) Tirohanga School; and
- (b) Marotiri School;

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13.22.2 the notice may be given at any time before a contract is formed under paragraph 13.8.3 for the disposal of the land; and

13.22.3 the land ceases to be RFR land on the day on which the notice is received.

13.23 The settlement legislation is provide that if the Crown receives a notice under paragraph 13.22 the Crown is released from its obligations under this part in relation to the site or sites referred to in the notice, on and from when notice is received.

14. MISCELLANEOUS PROVISIONS

Interpretation

14.1 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

14.2 The settlement legislation is to:

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

14.2.2 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 removed

14.3 the settlement legislation is to provide that the rule against perpetuities, and the Perpetuities Act 1964:

14.3.1 are not to prescribe or restrict the period during which:

- (a) the Raukawa Settlement Trust may exist in law; and
- (b) trustees, in their capacity as trustees, may hold or deal with property (including income derived from property); or

14.3.2 are not to 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

14.3.3 may, however, be applied in accordance with the general law to the Raukawa Settlement Trust if it is, or becomes, a charitable trust.

Timing of actions or matters

14.4 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.

Access to this deed

14.5 The Chief Executive of the Ministry of Justice is to be required to make copies of this deed available:

14.5.1 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

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

15. OVERLAY CLASSIFICATION AREAS

	Description	Deed Plan
15.1	Wharepūhanga	OTS-113-16
15.2	Pureora o Kahu	OTS-113-15

16. STATUTORY AREAS

- 16.1 Te Kohera - Kawakawa Bay (as shown on deed plan OTS-113-35);
- 16.2 Titiraupenga (as shown on deed plan OTS-113-31);
- 16.3 Arahiwi Scenic Reserve (as shown on deed plan OTS-113-22);
- 16.4 Waihou River Marginal Strip (as shown on deed plan OTS-113-23);
- 16.5 Part Kaimai Mamaku Conservation Park (as shown coloured yellow on deed plan OTS-113-17);
- 16.6 Part Pureora Conservation Park (as shown coloured yellow on deed plan OTS-113-21);
- 16.7 Arapuni Scenic Reserve (as shown on deed plan OTS-113-04);
- 16.8 Kaahu Scenic Reserve (as shown on deed plan OTS-113-06);
- 16.9 Waikato River and its tributaries (as shown on deed plan OTS-113-20);
- 16.10 Waihou River and its tributaries (as shown on deed plan OTS-113-18); and
- 16.11 Pūniu River and its tributaries (as shown on deed plan OTS-113-19);
- 16.12 Lake Arapuni (as shown on deed plan OTS-113-24);
- 16.13 Lake Atiamuri (as shown on deed plan OTS-113-28);
- 16.14 Lake Karapiro (as shown on deed plan OTS-113-30);
- 16.15 Lake Maraetai (as shown on deed plan OTS-113-26);
- 16.16 Lake Ohakuri (as shown coloured yellow on deed plan OTS-113-29);
- 16.17 Lake Waipapa (as shown on deed plan OTS-113-25); and
- 16.18 Lake Whakamaru (as shown on deed plan OTS-113-27).

17. GEOTHERMAL RESOURCE

- 17.1 Okauia geothermal field (as shown on deed plan OTS-113-32);
- 17.2 Taihoa geothermal field (as shown on deed plan OTS-113-32);
- 17.3 Okoroire geothermal field (as shown on deed plan OTS-113-32);
- 17.4 Mangakino geothermal field (as shown on deed plan OTS-113-32);
- 17.5 Atiamuri geothermal field (as shown on deed plan OTS-113-32);
- 17.6 Whakamaru Hot Beach geothermal field (as shown on deed plan OTS-113-32); and
- 17.7 Ongaroto geothermal field (as shown on deed plan OTS-113-32).

18. CULTURAL REDRESS PROPERTIES

All cultural redress properties are in the South Auckland Land District.

Part 1

Cultural redress properties to be vested in fee simple

Name of site	Description	Encumbrances
Whakakahonui	67.6482 hectares, more or less, being Section 20 Block XI Whakamaru Survey District. All <i>Gazette</i> 1900 page 105.	
Whakamaru Hydro Village site	1.92 hectares, approximately, being Part Pouakani B10. Part Computer Freehold Register SA51A/452. Subject to survey. As shown on OTS-113-08.	
Te Tuki	7.5 hectares, approximately, being Parts Section 4 and Part Sections 8 and 9 Block IV Wharepapa Survey District and Stopped Road. Subject to survey. As shown on OTS-113-03.	Subject to a right of way easement in gross over Areas A and B on deed plan OTS-113-03 (subject to survey) in favour of the Minister of Conservation referred to in paragraph 8.7.

**RAUKAWA DEED OF SETTLEMENT
LEGISLATIVE MATTERS SCHEDULE**

Part 2
Cultural redress properties to be vested in fee
simple to be administered as reserves

Name of site	Description	Encumbrances
Whenua ā-kura	29.0 hectares, approximately, being Part Section 60 Block I Tapapa East Survey District. Part <i>Gazette</i> 1975 page 2328. Subject to survey. As shown on OTS-113-02.	Historic reserve subject to Section 18 of the Reserves Act 1977.
Whakamaru (Site A)	2.4540 hectares, more or less, being Section 33 Block XI Whakamaru Survey District.	Recreation reserve subject to Section 17 of the Reserves Act 1977.
Whakamaru (Site B)	17.5600 hectares, more or less, being Sections 1 and 2 SO 60926.	Historic reserve subject to Section 18 of the Reserves Act 1977.
Pureora	63.0 hectares, approximately, being Part Wharepūhanga 19 and Part Section 3 SO 326126. Subject to survey. As shown on OTS-113-05.	Historic reserve subject to Section 18 of the Reserves Act 1977. Subject to an easement in gross to store water and to install and operate hydro electricity works in favour of Mighty River Power created by Deed of Grant of Easement 8672068.1, held in computer interest register 544115 (affects Part Section 3 SO 326126).
Korakonui	1.8532 hectares, more or less, being Part Section 1B Block XVI Puniu Survey District. All <i>Gazette</i> 2000 page 1949. Subject to survey. As shown on OTS-113-33.	Local Purpose (Community Use) Reserve subject to Section 23 of the Reserves Act 1977. Subject to an unregistered lease to the King Country Playcentre Incorporated over Area A (as per plan attached to lease) for a term of 20 years less one day from the 1 st of January 2001. Subject to an unregistered grazing licence to Brian Kay over Area C1 and C2 (as per plan attached to lease to King Country Playcentre Incorporated). Subject to an unregistered grazing licence to Peter Kay over Area D (as per plan attached to lease to King Country Playcentre Incorporated).