

Ngāti Pūkenga

and

The Trustees of Te Tāwharau o Ngāti Pūkenga Trust

and

THE CROWN

**DEED OF SETTLEMENT SCHEDULE:
LEGISLATIVE MATTERS**

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SETTLEMENT LEGISLATION - LEGISLATIVE MATTERS

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LEGISLATIVE MATTERS

1: INTRODUCTION

1 INTRODUCTION

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

 

LEGISLATIVE MATTERS

2: TITLE, COMMENCEMENT, AND PURPOSE PROVISIONS

2 TITLE, COMMENCEMENT, AND PURPOSE PROVISIONS

- 2.1 The settlement legislation is to provide that -
- 2.1.1 its title is Ngāti Pūkenga 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.



LEGISLATIVE MATTERS
3: SETTLEMENT PROVISIONS

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.
- 3.2 Paragraph 3.1 is not to limit the acknowledgements expressed in, or the provisions of, the deed of settlement.

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LEGISLATIVE MATTERS

4: SETTLEMENT IMPLEMENTATION PROVISIONS

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 or implementation of this deed or the settlement legislation.

Treaty of Waitangi Act 1975 to be amended

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

Certain legislation to cease to apply

- 4.4 The settlement legislation is to provide that -
- 4.4.1 nothing in the legislation listed in this paragraph is to apply –
 - (a) to a redress property but only on and from the date the property vests in accordance with paragraph 7.6 or 7.9; or
 - (b) for the benefit of Ngāti Pūkenga or a representative entity; and
 - 4.4.2 the legislation is –
 - (a) sections 8A to 8HJ of the Treaty of Waitangi Act 1975;
 - (b) sections 27A to 27C of the State-Owned Enterprises Act 1986; and



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4: SETTLEMENT IMPLEMENTATION PROVISIONS

- (c) sections 211 to 213 of the Education Act 1989:
- (d) part 3 of the Crown Forest Assets Act 1989:
- (e) part 3 of the New Zealand Railways Corporation Restructuring Act 1990.

Redress properties with resumptive memorials to be required to be identified

4.5 The chief executive of LINZ is to be required by the settlement legislation to issue –

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

- (a) all or part of a redress property; 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

4.5.2 each certificate under this paragraph, as soon as reasonably practicable after the settlement date or, on and from the date the property vests in accordance with paragraph 7.6 or 7.9.

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

Resumptive memorials to be required to be removed from redress properties

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

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

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

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LEGISLATIVE MATTERS

5: PROVISIONS FOR STATUTORY ACKNOWLEDGEMENT

5 PROVISIONS FOR STATUTORY ACKNOWLEDGEMENT

General

- 5.1 The settlement legislation is to provide for a statutory acknowledgement on the terms provided in this part.

Crown to acknowledge statements of association

- 5.2 The Crown is to acknowledge the statements of association in the form set out in part 1 of the documents schedule to this deed.

Purposes of statutory acknowledgement to be specified

- 5.3 The only purposes of the statutory acknowledgment are to –
- 5.3.1 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 5.4 to 5.9; and
 - 5.3.2 require relevant consent authorities to forward summaries of resource consent applications, and copies of notices of resource consent applications, to the governance entity, as provided for in paragraphs 5.14 to 5.18; and
 - 5.3.3 enable the governance entity and any member of Ngāti Pūkenga to cite the statutory acknowledgement as evidence of the association of Ngāti Pūkenga with the relevant statutory areas, as provided for in paragraph 5.21.

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

- 5.4 A relevant consent authority is to be required to have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, if the governance entity is a person who may be affected by the granting of a resource consent.
- 5.5 Paragraph 5.4 is –
- 5.5.1 to apply to a relevant consent authority that has received an application for a resource consent for an activity within, adjacent to, or directly affecting, a statutory area; and
 - 5.5.2 to apply on and from the effective date; and
 - 5.5.3 not to limit the obligations of a relevant consent authority under the Resource Management Act 1991.



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LEGISLATIVE MATTERS

5: PROVISIONS FOR STATUTORY ACKNOWLEDGEMENT

Environment Court to be required to have regard to statutory acknowledgement

- 5.6 The Environment Court is to be required to have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the governance entity is a person 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.
- 5.7 Paragraph 5.6 is to –
- 5.7.1 apply on and from the effective date; and
- 5.7.2 not limit the obligations of the Environment Court under the Resource Management Act 1991.

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

- 5.8 That –
- 5.8.1 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
- 5.8.2 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
- 5.8.3 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 the Historic Places Act 1993, an appeal from a decision of the Historic Places Trust in relation to the application, including determining whether the governance entity is directly affected by the decision; and
- 5.8.4 **archaeological site** has the meaning given to it in section 2 of the Historic Places Act 1993.

- 5.9 Paragraph 5.8 is to apply on and from the effective date.

Statutory acknowledgement to be required to be recorded on statutory plans

- 5.10 Each relevant consent authority is to be required to attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- 5.11 Paragraph 5.10 is to apply on and from the effective date.
- 5.12 The information to be required to be attached must include –

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LEGISLATIVE MATTERS

5: PROVISIONS FOR STATUTORY ACKNOWLEDGEMENT

- 5.12.1 the provisions of the settlement legislation giving effect to paragraphs 5.3 to 5.9 in full; and
- 5.12.2 the descriptions of the statutory areas; and
- 5.12.3 the statements of association.

Effect of the recording to be provided for

- 5.13 **Unless the information attached to a statutory plan under paragraph 5.10 is adopted by the relevant consent authority as part of the statutory plan, the information is –**
 - 5.13.1 to be for the purposes of public information only; and
 - 5.13.2 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

- 5.14 Each relevant consent authority is to be required to forward to the governance entity –
 - 5.14.1 a summary of resource consent applications received by that authority for activities within, adjacent to, or directly affecting a statutory area; and
 - 5.14.2 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.
- 5.15 Paragraph 5.14 is to apply for a period of 20 years from the effective date.
- 5.16 The information to be forwarded in a summary is to be –
 - 5.16.1 the same as would be given to an affected person under section 95B of the Resource Management Act 1991; or
 - 5.16.2 as agreed between the governance entity and the relevant consent authority.
- 5.17 A summary to be forwarded under paragraph 5.14.1 must be forwarded to the governance entity –
 - 5.17.1 as soon as reasonably practicable after an application is received; and
 - 5.17.2 before the consent authority decides under section 95(a) of the Resource Management Act 1991 whether to notify the application.



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5: PROVISIONS FOR STATUTORY ACKNOWLEDGEMENT

- 5.18 A copy of the notice to be forwarded under paragraph 5.14.2 must be forwarded to the governance entity no later than 10 business days after the day on which the consent authority receives the notice.

Governance entity to be given ability to waive rights

- 5.19 The governance entity is to be given the power, by notice in writing to a relevant consent authority, to -

5.19.1 waive its rights under paragraphs 5.14 to 5.18; and

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

Forwarding of summaries and notices not to limit other obligations

- 5.20 Paragraphs 5.14 to 5.18 are not to limit the obligations of a relevant consent authority to -

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

5.20.2 decide under section 95E of that Act whether the governance entity is an affected person in relation to an application.

Use of statutory acknowledgement by settling group to be provided for

- 5.21 The governance entity, and any member of Ngāti Pūkenga, may, as evidence of the association of Ngāti Pūkenga with a statutory area, cite 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, or the New Zealand Historic Places Trust concerning activities within, adjacent to, or directly affecting the statutory area.

Limitations in relation to statutory acknowledgement to be provided for

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

5.22.1 relevant consent authorities:

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

5.22.3 the Environment Court:

5.22.4 the New Zealand Historic Places Trust:

5.22.5 parties to proceedings before those bodies:

LEGISLATIVE MATTERS

5: PROVISIONS FOR STATUTORY ACKNOWLEDGEMENT

- 5.22.6 any other person who is entitled to participate in those proceedings.
- 5.23 Despite paragraph 5.22, the bodies and persons specified in that paragraph are to be permitted to take the statutory acknowledgement into account.
- 5.24 The content of a coastal statement of association is not to be, by virtue of the statutory acknowledgement, binding as fact on –
- 5.24.1 Te Ohu Kai Moana Trustee Limited for the purposes of determining coastline entitlements under section 11 and Schedule 6 of the Maori Fisheries Act 2004;
- 5.24.2 the Maori Land Court or any person or body in the determination of a dispute under Part 5 of the Maori Fisheries Act 2004.
- 5.25 To avoid doubt, the content and existence of the statutory acknowledgement do not –
- 5.25.1 imply, and should not be treated as implying, that the association Ngāti Pūkenga has with a statutory area is exclusive;
- 5.25.2 preclude iwi or settling groups other than Ngāti Pūkenga from stating that they have, or from being treated as having, an association with, or an interest in, a statutory area;
- 5.25.3 preclude either the governance entity, or members of Ngāti Pūkenga, from stating that Ngāti Pūkenga has an association with any area that is not described in the statutory acknowledgement; or
- 5.25.4 limit any statement made by Ngāti Pūkenga, or other iwi or settling groups, or their members.

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

- 5.26 In relation to a statutory acknowledgement, –
- 5.26.1 **harbour** includes the bed of the harbour and everything above the bed; and
- 5.26.2 **river or stream** –
- (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 –



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5: PROVISIONS FOR STATUTORY ACKNOWLEDGEMENT

- (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; or
- (iv) a tributary flowing into the river or stream.

Coastal statutory acknowledgement

- 5.27 The Te Tumu to Waihi Estuary Coastal Statutory Acknowledgement applies, and is limited to, the area between mean high water springs and mean low water springs.
- 5.28 The Pakikaikutu Coastal Statutory Acknowledgement –
- 5.28.1 applies, and is limited to, an area 100 metres wide on the seaward side of, and adjoining, the line of mean high water springs:
- 5.28.2 does not of itself constitute, and may not be relied upon, as evidence that Ngāti Pūkenga is an iwi whose territory abuts Whāngārei Harbour for the purposes of section 143 of the Maori Fisheries Act 2004.

Limitations in relation to statutory acknowledgement to be provided for

- 5.29 Except as expressly required by the settlement legislation, -
- 5.29.1 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 Ngāti Pūkenga with a statutory area (as described in a statement of association) than the person would give if there were no statutory acknowledgement; and
- 5.29.2 The statutory acknowledgement is 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.

Resource Management Act 1991 to be amended

- 5.30 Amend Schedule 11 of the Resource Management Act by inserting the name of the settlement legislation in alphabetical order.



LEGISLATIVE MATTERS
6: PROVISIONS RELATING TO PROTOCOL

6 PROVISIONS RELATING TO PROTOCOL

GENERAL

- 6.1 The settlement legislation is to provide for the protocol on the terms provided by this part.

ISSUE, AMENDMENT, AND CANCELLATION OF THE PROTOCOL TO BE AUTHORISED

- 6.2 The responsible Minister is to be authorised to -
- 6.2.1 issue the protocol to the governance entity in the form set out in the documents schedule; and
- 6.2.2 amend or cancel that protocol.
- 6.3 The settlement legislation is to provide -
- 6.3.1 the protocol may be amended or cancelled at the initiative of either -
- (a) the governance entity; or
- (b) the responsible Minister; and
- 6.3.2 the responsible Minister may amend or cancel the protocol only after consulting with, and having particular regard to the views of, the governance entity.

PROTOCOL'S EFFECT ON RIGHTS AND OBLIGATIONS TO BE PROVIDED FOR

- 6.4 The protocol is not to restrict -
- 6.4.1 the Crown's ability to exercise its powers, and perform its functions and duties, in accordance with the law and government policy; and
- 6.4.2 in particular, the Crown's ability to -
- (a) introduce legislation and change government policy; and
- (b) interact or consult with a person the Crown considers appropriate, including any iwi, hapū, marae, whānau, or other representative of tangata whenua; or
- 6.4.3 the responsibilities of a responsible Minister or responsible department; or
- 6.4.4 the legal rights of Ngāti Pūkenga or a representative entity.


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6: PROVISIONS RELATING TO PROTOCOL

ENFORCEMENT OF PROTOCOL TO BE PROVIDED FOR

- 6.5 The Crown is to be required to comply with the protocol while it is in force.
- 6.6 If the Crown fails, without good cause, to comply with the protocol, the governance entity is to be given the power to enforce the protocol.
- 6.7 The governance entity's right to enforce the protocol is to be subject to the Crown Proceedings Act 1950.
- 6.8 Damages, or monetary compensation, are not to be available as a remedy for the Crown's failure to comply with the protocol; but
- 6.9 Paragraph 6.8 is not to affect a court's ability to award the governance entity's costs of enforcing the protocol.
- 6.10 Paragraphs 6.5 to 6.8 are not to apply to guidelines for implementing the protocol.

LIMITATIONS ON THE PROTOCOL TO BE PROVIDED FOR

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

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7: PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

7 PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

General

- 7.1 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 appendix 2:

Interpretation

- 7.2 The settlement legislation is to provide that:

- 7.2.1 **Cultural redress property** means each of the following sites, and each site means the land described by that name in appendix 2:

- (a) Liens Block;
- (b) Pae ki Hauraki;
- (c) Te Tīhi o Hauturu;
- (d) Ōtūkōpiri;
- (e) Pūwhenua (recorded name is Puwhenua); and
- (f) Otānewainuku (recorded name is Otanewainuku)

- 7.2.2 **reserve site** means:

- (a) those parts of the land described as Ōtūkōpiri in appendix 2 shown as areas B, C and D on deed plan OTS-060-004;
- (b) Pūwhenua; and
- (c) Otānewainuku.

Liens Block

- 7.3 The settlement legislation is to provide that:

- 7.3.1 Liens Block ceases to be a conservation area under the Conservation Act 1987;
- 7.3.2 the fee simple estate in Liens Block vests in the trustees of Te Tāwharau o Ngāti Pūkenga Trust.



LEGISLATIVE MATTERS

7: PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

Pae ki Hauraki

- 7.4 The settlement legislation is to provide that:
- 7.4.1 Pae ki Hauraki (being part of Coromandel Forest Park) ceases to be a conservation area under the Conservation Act 1987;
 - 7.4.2 the fee simple estate in Pae ki Hauraki vests in the trustees of Te Tāwharau o Ngāti Pūkenga Trust;
 - 7.4.3 paragraphs 7.4.1 and 7.4.2 are subject to the governance entity providing a registrable covenant in relation to Pae ki Hauraki in the form set out in part 6 of the documents schedule;
 - 7.4.4 the covenant is to be treated as a conservation covenant for the purposes of -
 - (a) section 77 of the Reserves Act 1977; and
 - (b) section 27 of the Conservation Act 1987.

Ōtūkōpiri

- 7.5 The settlement legislation is to provide:
- 7.5.1 that those parts of Ōtūkōpiri that are conservation areas cease to be conservation areas under the Conservation Act 1987;
 - 7.5.2 that the fee simple estate in Ōtūkōpiri, being the areas shown A, B, C and D on deed plan OTS-060-004 (subject to survey) vests in the trustees of Te Tāwharau o Ngāti Pūkenga Trust;
 - 7.5.3 that the part of Ōtūkōpiri shown A on deed plan OTS-060-004 vested under paragraph 7.5.2 remains subject to the lease held in Computer Interest Register SA23D/203 and to any renewals of it, and the lease is varied so that the demised area is only that part shown A on OTS-060-004, subject to survey;
 - 7.5.4 that the areas shown B, C and D on deed plan OTS-060-004 are declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977;
 - 7.5.5 that the Registrar-General of Land must note on Computer Interest Register SA23D/203 that the land to which the lease now applies is that part shown A on OTS-060-004, subject to survey.

Te Tihi o Hauturu

- 7.6 The settlement legislation is to provide that:

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7: PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

- 7.6.1 Te Tihi o Hauturu (being part of the Coromandel Forest Park) ceases to be a conservation area under the Conservation Act 1987;
- 7.6.2 The fee simple estate in Te Tihi o Hauturu vests as undivided equal shares in the following as tenants in common:
- (a) the trustees of Te Tāwharau o Ngāti Pūkenga Trust as to a half share; and
 - (b) the trustees of the Ngāti Maru governance entity as to a half share;
- 7.6.3 paragraph 7.6.1 and 7.6.2 are subject to each entity referred to in paragraph 7.6.2 providing the Crown with a registrable covenant in relation to Te Tihi o Hauturu on the terms and conditions in part 7 of the documents schedule; and
- 7.6.4 the covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977 and section 27 of the Conservation Act 1987;
- 7.6.5 paragraphs 7.6.1 to 7.6.4 will apply on the settlement date if clause 6.16 of the deed applies;
- 7.6.6 paragraphs 7.6.1 to 7.6.4 will apply on the later of the settlement date and the Ngāti Maru settlement date if clause 6.17 of the deed applies;
- 7.6.7 paragraphs 7.6.1, 7.6.3 with necessary modifications and 7.6.4 will apply on the Te Tihi o Hauturu vesting date if clause 6.19 of the deed applies. If clause 6.19 of the deed applies the settlement legislation will provide for the fee simple estate in Te Tihi o Hauturu to vest in the trustees of Te Tāwharau o Ngāti Pūkenga Trust on the Te Tihi o Hauturu vesting date.

Otānewainuku

- 7.7 The settlement legislation is to provide that:
- 7.7.1 Otānewainuku ceases to be a conservation area under the Conservation Act 1987;
- 7.7.2 an undivided 1/6 share of the fee simple estate in Otānewainuku vests in the following as tenants in common:
- (a) the trustees of Te Tāwharau o Ngāti Pūkenga Trust; and
 - (b) the trustees of Te Kapu o Waitaha; and
 - (c) the trustees of Ngā Hapū o Ngāti Ranginui Settlement Trust; and
 - (d) the trustees of Te Tahuhu o Tawakeheimoa Trust; and



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7: PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

- (e) the trustees of Tapuika Iwi Authority Trust; and
 - (f) the entity to be established to represent the members of Ngāi Te Rangi for the purposes of this vesting;
- 7.7.3 Otānewainuku is declared a reserve and classified as a scenic reserve for the purposes subject to section 19(1)(a) of the Reserves Act 1977;
- 7.7.4 the reserve created under paragraph 7.7.3 is named Otānewainuku Scenic Reserve;
- 7.7.5 the joint management body to be established by paragraph 9.10 is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act;
- 7.7.6 paragraphs 7.7.1 to 7.7.5 are subject to each entity referred to in paragraph 7.7.2 providing the Crown with a registrable right of way easement in relation to Otānewainuku over the area marked A and B on OTS-060-012 on the terms and conditions set out in part 5 of the documents schedule;
- 7.7.7 an easement granted in accordance with paragraph 7.7.6:
- (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.

Pūwhenua

- 7.8 The settlement legislation is to provide that:
- 7.8.1 Pūwhenua ceases to be a conservation area under the Conservation Act 1987;
- 7.8.2 an undivided 1/6 share of the fee simple estate in Pūwhenua vests in the following as tenants in common:
- (a) the trustees of Te Tāwharau o Ngāti Pūkenga Trust; and
 - (b) the trustees of Te Kapu o Waitaha; and
 - (c) the trustees of Ngā Hapū o Ngāti Ranginui Settlement Trust; and
 - (d) the trustees of Te Tahuhu o Tawakeheimoa Trust; and
 - (e) the trustees of Tapuika Iwi Authority Trust; and

LEGISLATIVE MATTERS

7: PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

- (f) the trustees of the entity to be established to represent the members of Ngāi Te Rangi for the purposes of this vesting;
- 7.8.3 Pūwhenua is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977;
- 7.8.4 the reserve created under paragraph 7.8.3 is named Pūwhenua Scenic Reserve;
- 7.8.5 the joint management body to be established by paragraph 9.10 is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act.

Vesting mechanism for Otānewainuku and Pūwhenua

- 7.9 The settlement legislation is to provide that:
 - 7.9.1 the undivided shares in the fee simple estate in Otānewainuku and Pūwhenua vest on a date specified by Order in Council made by the Governor-General on the recommendation of the Minister of Conservation; and
 - 7.9.2 the Minister must not make a recommendation:
 - (a) unless and until legislation is enacted to settle the historical claims of all the iwi referred to in paragraph 7.7.2 and 7.8.2; and
 - (b) that legislation, in each case, provides for the vesting, on a date specified by Order in Council, of the fee simple estate in Otānewainuku and Pūwhenua as undivided equal shares in the entities referred to in paragraph 7.7.2 and 7.8.2 as tenants in common.



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8: PROVISIONS SPECIFYING TERMS OF VESTING

8 PROVISIONS SPECIFYING TERMS OF VESTING

General

- 8.1 The settlement legislation is to provide for the vesting of the cultural redress properties on the terms provided by this part.
- 8.2 Each cultural redress property is to vest subject to, or together with, any encumbrances for the property listed in appendix 2.

Ownership of governance entity to be registered on computer freehold register

- 8.3 Paragraphs 8.4 to 8.8 are to apply to the fee simple estate in a cultural redress property vested under the settlement legislation.
- 8.4 The Registrar-General of Land, on written application by an authorised person, is to be required to comply with paragraphs 8.5 and 8.6.
- 8.5 To the extent that a cultural redress property (other than Otānewainuku, Pūwhenua and Te Tihi o Hauturu) is all of the land contained in a computer freehold register, the Registrar-General is to –
- 8.5.1 register the governance entity as the proprietor of the fee simple estate in the land; and
 - 8.5.2 make any entries in the register, and do all other things, that are necessary to give effect to the settlement legislation and this deed.
- 8.6 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 –
- 8.6.1 create one or more computer freehold registers for the fee simple estate in the property in the name of the governance entity; and
 - 8.6.2 enter on the register any encumbrances that are –
 - (a) registered, notified, or notifiable; and
 - (b) described in the application from the authorised person.
- 8.7 For Otānewainuku, Pūwhenua and Te Tihi o Hauturu, the Registrar-General of Land is to-
- 8.7.1 create a computer freehold register for an undivided equal share of the fee simple estate in the property in the names of the trustees of the Te Tāwharau o Ngāti Pūkenga Trust and the Ngāti Maru governance entity . If clause's 6.16 and 6.17 of the deed do not apply and 6.19 of the deed applies, the



LEGISLATIVE MATTERS

8: PROVISIONS SPECIFYING TERMS OF VESTING

Registrar-General of Land is to create a computer freehold register for the fee simple estate in Te Tihi o Hauturu in the names of the trustees of the Te Tāwharau o Ngāti Pūkenga Trust ; and

- 8.7.2 record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.

Timing of creation of computer freehold register to be specified

8.8 The settlement legislation is to provide –

- 8.8.1 paragraph 8.6 is to apply subject to the completion of any survey necessary to create the computer freehold register; and

8.8.2 the computer freehold register must be created as soon as reasonably practicable after the settlement date or -

- (a) in the case of Otānewainuku and Pūwhenua, the date specified in the Order in Council under paragraph 7.9; or

- (b) in the case of Te Tihi o Hauturu, the date that Te Tihi o Hauturu vests in accordance with the settlement legislation; and

8.8.3 the computer freehold register referred to in paragraph 8.8.2 must be created no later than:

- (a) 24 months after whichever of those dates in paragraph 8.8.2 is relevant; or

- (b) any later date that may be agreed in writing by the governance entity and the Crown.

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

8.9 The settlement legislation is to provide that –

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

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

8.9.3 despite paragraphs 8.9.1 and 8.9.2 the rest of section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve site under the settlement legislation; and

8.9.4 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

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8: PROVISIONS SPECIFYING TERMS OF VESTING

part of that site.

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

8.10 The Registrar-General of Land is to be required to notify on the computer freehold register for –

8.10.1 a reserve site other than Otānewainuku and Pūwhenua 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 8.9.4 and 9.4; and

8.10.2 The Registrar-General of Land is to be required to notify on the computer freehold register for Otānewainuku and Pūwhenua 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 paragraph 8.9.4, 8.16 and 9.4; and

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

8.11 The settlement legislation is to provide that a notification made under paragraph 8.10 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

8.12 The settlement legislation is to provide that –

8.12.1 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 8.9.4 and 9.4; 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

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8: PROVISIONS SPECIFYING TERMS OF VESTING

freehold register only for the part of the site that remains a reserve; and

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

Interests in land for Otānewainuku and Pūwhenua

- 8.13 The settlement legislation is to provide that paragraphs 8.14 to 8.18 apply to Otānewainuku and Pūwhenua while either of those sites has an administering body that is treated as if the site were vested in it.
- 8.14 Paragraphs 8.15 to 8.22 apply to all, or any part of Otānewainuku or Pūwhenua that remains a reserve at any time under the Reserves Act 1977 (the **reserve land**).
- 8.15 If Otānewainuku or Pūwhenua are affected by an interest listed for the property in appendix 2 of the legislative matters schedule that is an interest in land, the interest applies as if the administering body (established under either paragraph 9.10) were the grantor, or the grantee, of the interest in respect of the reserve land.
- 8.16 Any interest in land that affects the reserve land must be dealt with for the purposes of registration as if the administering body for Otānewainuku or Pūwhenua were the registered proprietor of the reserve land.
- 8.17 However, paragraphs 8.15 and 8.16 do not affect the registration of the easement referred to in paragraph 7.7.6 in respect of Otānewainuku only.
- 8.18 Paragraphs 8.15 and 8.16 are to continue to apply notwithstanding any subsequent transfer of the reserve land as provided for under paragraph 9.3.7.

Interests that are not interests in land

- 8.19 The settlement legislation is to provide that paragraphs 8.21 to 8.22 apply if a cultural redress property is subject to an interest listed for the property in appendix 2 of the legislative matters schedule that is not an interest in land and for which there is a grantor, whether or not the interest also applies to land outside the property.
- 8.20 The interest in paragraph 8.19 applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property, except to the extent that paragraph 8.21 applies.
- 8.21 If all or part of the cultural redress property is reserve land to which paragraphs 8.13 to 8.18 apply, the interest applies as if the administering body of the reserve land were the grantor of the interest in respect of the reserve land.
- 8.22 The interest applies:
- 8.22.1 until the interest expires or is terminated, but any subsequent transfer of the cultural redress property must be ignored in determining whether the interest expires or is or may be terminated; and

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8: PROVISIONS SPECIFYING TERMS OF VESTING

- 8.22.2 with any other necessary modifications; and
- 8.22.3 despite any change in status of the land in the property.
- 8.22.4 the Liens Block, Pae ki Hauraki and Te Tihi o Hauturu will be afforded the same level of protection under the Crown Minerals Act 1991 as if those sites continued to be covered by clause 11 of Schedule 4 to that Act.
- 8.22.5 the Registrar-General of Land is to be required to notify on the computer freehold registers for the Liens Block, Pae ki Hauraki and Te Tihi o Hauturu that those sites are subject to the protection under the Crown Minerals Act referred to in paragraph 8.22.4.

Application of other legislation to be dealt with

- 8.23 The settlement legislation is to provide –
- 8.23.1 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
- 8.23.2 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
- 8.23.3 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.

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LEGISLATIVE MATTERS

9: PROVISIONS RELATING TO RESERVE SITES

9 PROVISIONS RELATING TO RESERVE SITES

General

- 9.1 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

- 9.2 The settlement legislation is to provide that:
- 9.2.1 except with respect to Otānewainuku and Pūwhenua, the trustees are to be the administering body of a reserve site for the purposes of the Reserves Act 1977; and
 - 9.2.2 the joint administering body created under paragraph 9.10 is to be the administering body of Otānewainuku and Pūwhenua for the purposes of the Reserves Act 1977; and
 - 9.2.3 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
 - 9.2.4 sections 78(1)(a), 79 to 81 and 88 of the Reserves Act 1977 do not apply to a reserve site; and
 - 9.2.5 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.

Subsequent transfer of reserve sites to be provided for

- 9.3 The settlement legislation is to provide that:
- 9.3.1 this paragraph is to apply to all, or any part, of a reserve site (other than Otānewainuku and Pūwhenua) that remains a reserve at any time after the vesting in the governance entity under the settlement legislation (the **reserve land**); and
 - 9.3.2 the fee simple estate in the reserve land may be transferred to another person only in accordance with this paragraph; and
 - 9.3.3 paragraph 9.3.2 is to apply despite any other enactment or rule of law; and
 - 9.3.4 the Minister of Conservation is to give written consent to the transfer of the

LEGISLATIVE MATTERS

9: PROVISIONS RELATING TO RESERVE SITES

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

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

Registration of transfer to be provided for

9.3.5 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:
- (c) any other document required for the registration of the transfer instrument; and

New owners are to be the administering body

9.3.6 the new owner, from the time of its registration under paragraph 9.3.5, -

- (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

9.3.7 paragraphs 9.3.1 to 9.3.6 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

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9: PROVISIONS RELATING TO RESERVE SITES

- (c) the transfer instrument is accompanied by a certificate given by the transferees, or their solicitor, verifying that paragraphs (a) and (b) apply.

Subsequent transfer of Otānewainuku and Pūwhenua

9.4 Paragraph 9.5 applies to Pūwhenua and Otānewainuku as long as the land, or any part of the land in the site, remains a reserve under the Reserves Act 1977 after vesting in any trustees under part 7.

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

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

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

9.5.3 the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that paragraphs 9.5.1 and 9.5.2 apply.

9.6 Paragraph 9.5 applies despite any other enactment or rule of law.

Reserve site is not to be mortgaged or charged

9.7 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

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

Application of legislation to certain names

9.9 The settlement legislation is to provide that—

9.9.1 paragraph 10.5.2 applies to the land, or part of the land, in a cultural redress property that, immediately before the commencement of the settlement legislation, was all or part of a Crown protected area;

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

LEGISLATIVE MATTERS

9: PROVISIONS RELATING TO RESERVE SITES

- 9.9.3 a reserve site is not a Crown protected area, despite anything in the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008;
- 9.9.4 the Minister of Conservation must not change the name of a reserve site under section 16(10) of the Reserves Act 1977 without the written consent of the administering body of the site, and section 16(10A) of that Act does not apply to the proposed change; and
- 9.9.5 in this paragraph, the following terms have the meaning given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008:
- (a) Board;
 - (b) Crown protected area;
 - (c) Gazetteer; and
 - (d) official geographic name.

Joint management body for Otānewainuku and Pūwhenua

- 9.10 The settlement legislation is to provide that:
- 9.10.1 a joint management body for Otānewainuku Scenic Reserve and Pūwhenua Scenic Reserve is established;
- 9.10.2 the following are appointers for the purposes of this section:
- (a) the trustees of Te Kapu o Waitaha;
 - (b) the trustees of Tapuika Iwi Authority Trust;
 - (c) the trustees of Te Tahuhu o Tawakeheimoa Trust;
 - (d) the trustees of Ngā Hapū o Ngāti Ranginui Settlement Trust;
 - (e) the trustees of an entity established to represent the members of the Ngāi Te Rangi governance entity for the purposes of the vesting;
 - (f) the trustees of Te Tāwharau o Ngāti Pūkenga Trust; and
- 9.10.3 each appointer under paragraph 9.10.2 may appoint 1 member to the joint management body; and
- 9.10.4 a member is appointed only if the appointer gives written notice with the following details to the other appointers:
- (a) the full name, address, and other contact details of the member; and

LEGISLATIVE MATTERS

9: PROVISIONS RELATING TO RESERVE SITES

- (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice; and
- 9.10.5 an appointment ends after 5 years or when the appointer replaces the member by making another appointment; and
- 9.10.6 a member may be appointed, reappointed, or discharged at the discretion of the appointer; and
- 9.10.7 sections 32 to 34 of the Reserves Act 1977 apply to the joint administering body as if it were a board;
- 9.10.8 however, the first meeting of the body must be held no later than 2 months after the date specified in the Order in Council made under paragraph 7.9.

Modifications to the Conservation Act 1987 in respect of Ōtūkōpiri

9.11 The settlement legislation is to provide that:

- 9.11.1 section 64(2)(b) of the Conservation Act 1987 continues to apply to the part of Ōtūkōpiri shown A on deed plan OTS-060-004 and the lease held in Computer Interest Register SA23D/203 as if:
 - (a) the reference to the Director General were a reference to the lessor under the lease held in Computer Interest Register SA23D/203, except for in clause 13 of the lease where the reference to the lessor shall be read as a reference to the Crown; and
 - (b) the provisions of the Land Act 1948 specified in section 64(3) of the Conservation Act 1987 were sections 130 to 151 (except 143(1)) and sections 170 to 170B; and
 - (c) the reference to 'the Crown' and 'Her Majesty' in sections 136(4), 139(1) and 146(3) of the Land Act 1948 were a reference to the lessor under the lease held in Computer Interest Register SA23D/203; and
 - (d) the words ', with approval of the Minister' were omitted from section 146(1) of the Land Act 1948.

LEGISLATIVE MATTERS

10: PROVISIONS RELATING TO COMMERCIAL REDRESS PROPERTIES

10 PROVISIONS RELATING TO COMMERCIAL REDRESS PROPERTIES

General

- 10.1 The settlement legislation is to include provisions in relation to the transfer of the commercial redress properties on the terms provided by this part.

Crown to be authorised to transfer commercial redress properties

- 10.2 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:

10.2.1 transfer to the governance entity the fee simple estate in a commercial redress property;

10.2.2 sign a transfer instrument or other document, or do anything else to effect the transfer.

- 10.3 The authority under paragraph 10.2 is to be given to give effect to this deed.

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

- 10.4 Paragraphs 10.4 to 10.8 are to apply to -

10.4.1 a commercial redress 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.

- 10.5 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 -

10.5.1 subject to, and together with, any encumbrances that -

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

10.5.2 without any statement of purpose.

Covenant for later creation of freehold register to be permitted

- 10.5.3 An authorised person is to be permitted to grant a covenant to arrange for the later creation of a computer freehold register for a commercial redress

LEGISLATIVE MATTERS

10: PROVISIONS RELATING TO COMMERCIAL REDRESS PROPERTIES

property that is to be transferred to the governance entity under the deed of settlement.

10.6 The settlement legislation is to provide that, despite the Land Transfer Act 1952, -

10.6.1 the authorised person may request the Registrar-General of Land to register a covenant granted in accordance with paragraph 10.5 under the Land Transfer Act 1952 by creating a computer interest register; and

10.6.2 the Registrar-General must register the covenant.

Application of other legislation

10.7 The settlement legislation is to provide -

10.7.1 sections 11 and part 10 of the Resource Management Act 1991 do not apply to -

(a) the transfer to the governance entity of a commercial redress property; or

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

10.7.2 the transfer of a commercial redress property to the governance entity -

(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

10.7.3 in exercising the powers conferred by paragraphs 10.2 and 10.3, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a commercial redress property; and

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

10.8 Paragraph 10.7.3 does not limit paragraph 10.7.2.

LEGISLATIVE MATTERS
11: MISCELLANEOUS PROVISIONS

11 MISCELLANEOUS PROVISIONS

Interpretation

- 11.1 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

- 11.2 The settlement legislation is to -
- 11.2.1 include a guide to its overall scheme and effect; but
- 11.2.2 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

- 11.3 the settlement legislation is to provide that the rule against perpetuities, and the perpetuities Act 1964, -
- 11.3.1 are not to prescribe or restrict the period during which -
- (a) Te Tāwharau o Ngāti Pūkenga Trust may exist in law; and
 - (b) the trustees of the governance entity, in their capacity as trustees, may hold or deal with property (including income derived from property); or
- 11.3.2 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
- 11.3.3 may, however, to be applied in accordance with the general law to Te Tāwharau o Ngāti Pūkenga Trust if it is, or becomes, a charitable trust.

Timing of actions or matters

- 11.4 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.

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[Signature]

LEGISLATIVE MATTERS
11: MISCELLANEOUS PROVISIONS

Access to this deed

- 11.5 The Chief Executive of the Ministry of Justice is to be required to make copies of this deed available –
- 11.5.1 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
 - 11.5.2 free of charge on an Internet site maintained by or on behalf of the Ministry of Justice.

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APPENDIX

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LEGISLATIVE MATTERS
APPENDIX - 1: STATUTORY AREAS

1 STATUTORY AREAS

- 1.1 Te Tumu to Waihi Estuary Coastal Statutory Acknowledgement Area (as shown on deed plan number OTS-060-007).
- 1.2 Hauturu Block (as shown on deed plan number OTS-060-005).
- 1.3 Pakikaikutu Coastal Statutory Acknowledgement Area (as shown on deed plan number OTS-060-009).
- 1.4 Manaia Harbour Statutory Acknowledgement Area (as shown on deed plan number OTS-060-006).
- 1.5 Manaia River Statutory Acknowledgement Area (as shown on deed plan number OTS-060-011).

 

LEGISLATIVE MATTERS
APPENDIX - 2: CULTURAL REDRESS PROPERTIES

2 CULTURAL REDRESS PROPERTIES

Vest fee simple

| Site | Description | Encumbrances |
|-----------------------------------|--|---|
| Liens Block | 106.3564 hectares, more or less, being Manaia (1B & 2B)E1. All Proclamation S582198. | |
| Te Tihi o Hauturu (Joint vesting) | 10.00 hectares, approximately, being Part Section 31 Block II Hastings Survey District. Part Gazette 1971 page 847. Shown on deed plan OTS-060-010. Subject to survey. | Subject to a conservation covenant referred to in paragraph 7.6.3. |
| Pae ki Hauraki | 301.00 hectares, approximately, being Part Section 31 Block II Hastings Survey District. Part Gazette 1971 page 847. Shown B on deed plan OTS-060-003. Subject to survey. | Subject to a conservation covenant referred to in paragraph 7.4.3. |
| Ōtūkōpiri | 5.27 hectares, approximately, being Part Section 26 Block XV Tauranga Survey District. Part Proclamation S363330, as shown A on deed plan OTS - 060 - 004. Subject to survey. | Subject to a Roadway created by Court Order H403957. Subject to a lease to Tauranga District Group Riding for the Disabled Association Incorporated held in Computer Interest Register SA23D/203 and an unregistered renewal of lease dated 23 June 2011 for a further 33 years. |
| | 1.16 hectares, approximately, being Part Section 26 Block XV Tauranga Survey District and Parts Ngapeke 1F2A. Balance Proclamation S363330, as shown B, C and D on deed plan OTS-060-004. Subject to survey. | Recreation Reserve subject to Section 17 of the Reserves Act 1977. Subject to a Roadway created by Court Order H403957. |

LEGISLATIVE MATTERS
APPENDIX - 2: CULTURAL REDRESS PROPERTIES

| Site | Description | Encumbrances |
|--------------|---|---|
| Otānewainuku | <p>35.5 hectares, approximately, being Part Section 3 Block XVI Otānewainuku Survey District. Part <i>Gazette</i> 1947 page 481. Subject to survey.</p> <p>52.5 hectares, approximately, being Part Section 4 Block XVI Otānewainuku Survey District. Part <i>Gazette</i> 1920 page 2119. Subject to survey.</p> <p>27.0 hectares, approximately, being Part Te Puke Block. Part <i>Gazette</i> 1879 page 781. Subject to survey.</p> <p>5.0 hectares, approximately, being Part Waitaha 1. Part <i>Gazette</i> 1947 page 1884 page 238. Subject to survey.</p> <p>As shown on deed plan OTS-060-012.</p> | <p>Scenic Reserve subject to section 19(1)(a) Reserves Act 1977.</p> <p>Subject to an unregistered guiding permit with concession number PAC 04-06-40 to Golden Fern Trust (dated 22/9/10).</p> <p>Subject to an unregistered guiding permit with concession number PAC 10-06-229 to Black Sheep Touring Company Ltd (dated 19/10/07).</p> <p>Subject to an easement in gross in favour of the Minister of Conservation referred to in paragraph 7.7.6.</p> <p>Subject to a Memorandum of Understanding with the Kokako Trust with number DOCDM 382280 (dated 21/5/09).</p> |
| Pūwhenua | <p>52.0 hectares, approximately, being Part Lot 4 DPS 85782. Part Computer Freehold Register SA68A/371. Subject to survey.</p> <p>15.5 hectares, approximately, being Part Section 5 Block XIV Otānewainuku Survey District. Part <i>Gazette</i> 1940 page 1059. Subject to survey.</p> <p>As shown on the deed plan OTS-060-013.</p> | <p>Scenic Reserve subject to section 19(1)(a) Reserves Act 1977.</p> <p>Together with a Right of Way easement over Lot 1 DPS 85782 (as shown marked B on DPS 85782) in favour of Lot 4 DPS 85782 to be created.</p> |

9/2