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WAITAHA

and

THE TRUSTEES OF TE KAPU O WAITAHA

and

THE CROWN

**DEED OF SETTLEMENT SCHEDULE:
LEGISLATIVE MATTERS**

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LEGISLATIVE MATTERS

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LEGISLATIVE MATTERS

1 INTRODUCTION

- 1.1 This schedule sets out matters the parties agree are to be included in the settlement bill for introduction to the House of Representatives.

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2 TITLE, COMMENCEMENT, AND PURPOSE

2.1 The settlement legislation is to provide that -

2.1.1 its title is the Waitaha Claims Settlement Act [date]; 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.



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3 SETTLEMENT

- 3.1 The settlement legislation is to provide that -
 - 3.1.1 the historical claims are settled; and
 - 3.1.2 the settlement is final; and
 - 3.1.3 on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of the historical claims.
- 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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4 SETTLEMENT IMPLEMENTATION

Jurisdiction of judicial bodies 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 1975 by including a reference to the title of the settlement legislation.

Certain legislation to cease to apply

- 4.4 The settlement legislation is to provide that -
- 4.4.1 nothing in the legislation listed in paragraph 4.4.2 is to apply -
 - (a) to a redress property; or
 - (b) to a deferred purchase property, if that property is purchased, and settlement of that property is effected, under this deed; or
 - (c) to second right of purchase property, if that property is not a redress property but is purchased, and settlement of that property effected, under this deed; or
 - (d) for the benefit of Waitaha or a representative entity; and

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4: SETTLEMENT IMPLEMENTATION

4.4.2 the legislation is -

- (a) sections 8A to 8HJ of the Treaty of Waitangi Act 1975; and
- (b) sections 27A to 27C of the State-Owned Enterprises Act 1986; and
- (c) sections 211 to 213 of the Education Act 1989; and
- (d) part 3 of the Crown Forest Assets Act 1989; and
- (e) part 3 of the New Zealand Railways Corporation Restructuring Act 1990.

Settlement properties with resumptive memorials to be required to be identified

4.5 The 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 any of the following properties:
 - (i) a redress property:
 - (ii) a deferred purchase property, if that property is purchased, and settlement of that purchase is effected, under this deed:
 - (iii) a second right of purchase property if that property is not a redress property but is purchased, and settlement of that purchase is effected, under this deed; 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 in the case of -

- (a) a redress property, the settlement date; or
- (b) a deferred purchase property, if that property is purchased, and settlement of that purchase is effected under this deed, the actual property settlement date for that property; and
- (c) a second right of purchase property, if that property is not a redress property but is purchased, and settlement of that purchase is effected under this deed, the actual property settlement date for that property.

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

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4: SETTLEMENT IMPLEMENTATION

Resumptive memorials to be required to be removed from settlement properties

- 4.7 The Registrar-General of Land is to be required by the settlement legislation, as soon as reasonably practicable after receiving a certificate under paragraph 4.5, to -
- 4.7.1 register the certificate against each certificate of title or computer register identified in the certificate; and
 - 4.7.2 cancel, in respect of each allotment identified in the certificate, each memorial that is entered (under an enactment referred in paragraph 4.4.2) on a certificate of title or computer register identified in the certificate.

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5 TE WHAKAIRINGA KŌRERO

General

- 5.1 The settlement legislation is to provide for Te Whakairinga Kōrero on the terms provided in this part.

Sites to be declared subject to Te Whakairinga Kōrero

- 5.2 Each site described in schedule 1 is to be declared subject to Te Whakairinga Kōrero.

Crown to acknowledge Waitaha values

- 5.3 The Crown is to acknowledge the statement of Waitaha values in relation to each Te Whakairinga Kōrero site.

Purposes of Te Whakairinga Kōrero to be specified

- 5.4 The settlement legislation is to provide that the only purposes of Te Whakairinga Kōrero in relation to a Te Whakairinga Kōrero site is to -

- 5.4.1 require the New Zealand Conservation Authority, and a conservation board, to -

(a) have particular regard to the statement of Waitaha values, and the protection principles, in relation to the site, in accordance with paragraph 5.7; and

(b) consult with the trustees, and have particular regard to their 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 -

(a) paragraphs 5.10 to 5.14; and

(b) paragraph 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 -

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5: TE WHAKAIRINGA KŌRERO

- (a) agree on, and publicise, protection principles in relation to each Te Whakairinga Kōrero site that are directed at the Minister of Conservation avoiding harm to, and avoiding the diminishing of, Waitaha values in relation to that site; and
- (b) amend the protection principles by agreement in writing; and

5.5.2 the Minister of Conservation may, after consulting the trustees, change the protection principles in relation to a Te Whakairinga Kōrero site to give effect to a deed of settlement with another group of Māori with an interest in the site recognised by that deed.

5.6 The trustees and the Crown are to be treated as having agreed under paragraph 5.5.1(a) the protection principles in relation to each Te Whakairinga Kōrero site in part 1 of the documents schedule to this deed.

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

5.7 The New Zealand Conservation Authority, and a conservation board, are to be required, when considering a conservation management strategy, a conservation management plan, or a national park management plan, in relation to a Te Whakairinga Kōrero site, to have particular regard to the statement of Waitaha values, and the protection principles, in relation to 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 a conservation management strategy, a conservation management plan, or a national park management plan, in relation to a Te Whakairinga Kōrero site, to -

5.8.1 consult with the trustees; and

5.8.2 have particular regard to the views of the trustees as to the effect of the document on Waitaha values, and the protection principles, in relation to 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 they have significant concerns about a draft conservation management strategy in relation to a Te Whakairinga Kōrero site, the New Zealand Conservation Authority is to be required to give the trustees an opportunity to make submissions to it in relation to those significant concerns before it approves 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 -

LEGISLATIVE MATTERS
5: TE WHAKAIRINGA KÖRERO

- 5.10.1 required to take action in relation to the protection principles for a Te Whakairinga Kōrero site, including the actions set out in paragraph E of the provisions in relation to the site in 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; and
- 5.10.4 required not to take action in respect of the protection principles in relation to a Te Whakairinga Kōrero site, if requested in writing by the trustees.

Director-General to be required to amend certain documents

- 5.11 The Director-General of Conservation is to be required to -
 - 5.11.1 initiate an amendment to a conservation management strategy, a conservation management plan, or national park management plan in relation to a Te Whakairinga Kōrero site to incorporate objectives relating to the protection principles for the site (including a recommendation to make regulations or bylaws); and
 - 5.11.2 consult with the relevant conservation boards before initiating an amendment.
- 5.12 An amendment initiated under paragraph 5.11.1 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:
 - 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 management strategy, a conservation management plan, or a national park management plan 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 a Te Whakairinga Kōrero site; 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 -

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- (a) not exceeding \$5000; and
- (b) for a continuing offence, that may incorporate 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 management strategy, conservation management plan, or a national park management plan 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 a Te Whakairinga Kōrero site; 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, that may incorporate an additional amount not exceeding \$50 for every day during which the offence continues.

Ability to terminate Te Whakairinga Kōrero 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 a Te Whakairinga Kōrero site is no longer subject to Te Whakairinga Kōrero.
- 5.16 The Minister of Conservation may not to make a recommendation under paragraph 5.15 unless -
- 5.16.1 the trustees and the Minister have agreed in writing that the area concerned should no longer be subject to Te Whakairinga Kōrero; and
 - 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.

Continuing input to be enabled in certain cases after termination

- 5.17 Paragraph 5.18 is to apply if -
- 5.17.1 paragraphs 5.16.2 or 5.16.3 apply; or

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5: TE WHAKAIRINGA KÖRERO

5.17.2 there is a change in statutory regime that applies to all or part of the Te Whakairinga Kōrero site concerned.

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

Noting of Te Whakairinga Kōrero to be required

5.19 The declaration of the Te Whakairinga Kōrero under the settlement legislation is to be required to be noted in all documents affecting a Te Whakairinga Kōrero site.

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 17I(1)-(3) of the Conservation Act 1987:

(b) section 46(1)-(4) of the National Parks Act 1980.

Notification to be required in Gazette of Te Whakairinga Kōrero 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 Te Whakairinga Kōrero site as subject to the Te Whakairinga Kōrero; and

(ii) the protection principles in relation to each Te Whakairinga Kōrero site; and

(b) as soon as practicable after the protection principles in relation to a Te Whakairinga Kōrero site are changed, the changed protection principles; and

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

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5: TE WHAKAIRINGA KŌRERO

Limitations on Te Whakairinga Kōrero and its effect to be provided for

- 5.22 The declaration of a Te Whakairinga Kōrero site as subject to the Te Whakairinga Kōrero, and the Crown's acknowledgement of Waitaha values in relation to the 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, the 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 Waitaha values in relation to a Te Whakairinga Kōrero site than the person would give if -
- 5.23.1 the site had not been declared subject to the Te Whakairinga Kōrero; and
 - 5.23.2 the Waitaha statement of values in relation to the site 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 Te Whakairinga Kōrero in the settlement legislation.

6 STATUTORY ACKNOWLEDGEMENT AND DEED OF RECOGNITION

General

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

Crown to acknowledge statements of association

6.2 The Crown is to acknowledge in the settlement legislation the statements of association in the form set out in part 2 of the documents schedule.

Purposes of statutory acknowledgement to be specified

6.3 The settlement legislation is to provide that the only purposes of the statutory acknowledgment 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 6.9; and

6.3.2 require relevant consent authorities to forward to the trustees summaries of resource consent applications, or copies of notices of resource consent applications, as provided for in paragraphs 6.14 to 6.17; and

6.3.3 enable the trustees, and any member of Waitaha, to cite the statutory acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, as provided for in paragraph 6.20.

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

6.4 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 trustees are persons who may be affected by the granting of a resource consent.

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; and

6.5.2 to apply on and from the effective date; and

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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 relating to a statutory area 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.

6.7 Paragraph 6.6 is -

6.7.1 to apply on and from the effective date; and

6.7.2 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

6.8 The settlement legislation is to provide that -

6.8.1 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

6.8.2 the New Zealand Historic Places Trust is 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

6.8.3 the Environment Court is 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 trustees are directly affected by the decision; and

6.8.4 **archaeological site** has, for the purposes of this paragraph, the meaning given to it in section 2 of the Historic Places Act 1993.

6.9 Paragraph 6.8 is to apply on and from the effective date.

Statutory acknowledgement to be required to be recorded on statutory plans

6.10 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.

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

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6: STATUTORY ACKNOWLEDGEMENT AND DEED OF RECOGNITION

- 6.12 The information to be required to be attached must include -
- 6.12.1 the relevant provisions of the settlement legislation in full; and
 - 6.12.2 the descriptions of the statutory areas; and
 - 6.12.3 the statements of association.

Effect of the recording to be provided for

- 6.13 Unless the information attached to a statutory plan under paragraph 6.10 is adopted by the relevant consent authority as part of the statutory plan, the information is -
- 6.13.1 to be for the purposes of public information only; and
 - 6.13.2 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

- 6.14 Each relevant consent authority is to be required to forward to the trustees -
- 6.14.1 a summary of resource consent applications received by that authority for activities within, adjacent to, or directly affecting a statutory area; and
 - 6.14.2 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.
- 6.15 Paragraph 6.14 is to apply for 20 years from the effective date.
- 6.16 The information to be forwarded in a summary is to be -
- 6.16.1 the same as would be given to an affected person under section 95B of the Resource Management Act 1991; or
 - 6.16.2 as agreed between the trustees and the relevant consent authority.
- 6.17 The settlement legislation is to provide -
- 6.17.1 a summary to be forwarded under paragraph 6.14.1 must be forwarded to the trustees -



LEGISLATIVE MATTERS

6: STATUTORY ACKNOWLEDGEMENT AND DEED OF RECOGNITION

- (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

6.17.2 a copy of the notice to be forwarded under paragraph 6.14.2 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

6.18 The trustees are to be given the power, by notice in writing to a relevant consent authority, to -

6.18.1 waive its rights under paragraphs 6.14 to 6.17; and

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

Forwarding of summaries and notices not to limit other obligations

6.19 Paragraphs 6.14 to 6.17 are not to limit the obligations of a relevant consent authority to -

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

6.19.2 decide, under section 95E of that Act, whether the trustees are affected persons in relation to an application.

Use of statutory acknowledgement by Waitaha to be provided for

6.20 The trustees, and any member of Waitaha, may, as evidence of the association of Waitaha 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

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

6.21.1 relevant consent authorities; or

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

6.21.3 the Environment Court; or

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6: STATUTORY ACKNOWLEDGEMENT AND DEED OF RECOGNITION

- 6.21.4 the New Zealand Historic Places Trust; or
- 6.21.5 parties to proceedings before those bodies; or
- 6.21.6 any other person who is entitled to participate in those proceedings.
- 6.22 Despite paragraph 6.21, the bodies and persons specified in that paragraph are to be permitted to take the statutory acknowledgement into account.
- 6.23 The settlement legislation is to provide, to avoid doubt, -
 - 6.23.1 neither the trustees, nor members of Waitaha, are precluded from stating that Waitaha has an association with a statutory area that is not described in the statutory acknowledgement; and
 - 6.23.2 the content and existence of the statutory acknowledgement do not limit any statement made.

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

- 6.24 The settlement legislation is to authorise the Minister of Conservation and the Director-General of Conservation to -
 - 6.24.1 issue the deed of recognition to the trustees; and
 - 6.24.2 amend the deed of recognition, but only with the written consent of the trustees.

Limitations in relation to statutory acknowledgement and deed of recognition to be provided for

- 6.25 The settlement legislation is to provide that, except as expressly required by the settlement legislation, -
 - 6.25.1 no person, in considering a matter or making a decision or recommendation under legislation or a bylaw, may give greater or lesser weight to the association of Waitaha with a statutory area (as described in a statement of association) than the person would give if there were -
 - (a) no statutory acknowledgement; and
 - (b) no deed of recognition; and
 - 6.25.2 the statutory acknowledgement and the 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

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6: STATUTORY ACKNOWLEDGEMENT AND DEED OF RECOGNITION

- (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.

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

6.26 In relation to a statutory acknowledgement -

6.26.1 **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

6.27 In relation to a deed of recognition -

6.27.1 **river or stream** (including a tributary) -

- (a) means 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 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.

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6: STATUTORY ACKNOWLEDGEMENT AND DEED OF RECOGNITION

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.

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7 PROTOCOLS

General

- 7.1 The settlement legislation is to provide for the issue of the conservation protocol, the taonga tūturu protocol, and the Crown minerals protocol, on the terms provided by this part.

Issue, amendment, and cancellation of protocols to be authorised

- 7.2 Each responsible Minister is to be authorised to -
- 7.2.1 issue a protocol to the trustees in the form set out in the documents schedule; and
 - 7.2.2 amend or cancel that protocol.
- 7.3 A protocol may be amended or cancelled at the initiative of either -
- 7.3.1 the trustees; or
 - 7.3.2 the responsible Minister.
- 7.4 The responsible Minister may amend or cancel a protocol only after consulting with, and having particular regard to the views of, the trustees.

Effect of protocols on rights and obligations to be provided for

- 7.5 The protocols are not to restrict -
- 7.5.1 the Crown's ability to exercise its powers, and perform its functions and duties, in accordance with the law and government policy; and
 - 7.5.2 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
 - 7.5.3 the responsibilities of a responsible Minister or responsible department; or
 - 7.5.4 the legal rights of Waitaha or a representative entity.

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7: PROTOCOLS

Enforcement of protocols to be provided for

- 7.6 The Crown is to be required to comply with a protocol while it is in force.
- 7.7 If the Crown fails, without good cause, to comply with a protocol, the trustees are to have the power to enforce the protocol.
- 7.8 The right of the trustees to enforce a protocol is to be subject to the Crown Proceedings Act 1950.
- 7.9 Damages, or monetary compensation, are not to be available as a remedy for the Crown's failure to comply with a protocol.
- 7.10 Paragraph 7.9 is not to affect a court's ability to award the costs of the trustees of enforcing a protocol.
- 7.11 Paragraphs 7.6 to 7.10 are not to apply to guidelines for implementing a protocol.

Limitations on conservation protocol to be provided for

- 7.12 The conservation protocol is not to have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, -
- 7.12.1 the marine and coastal area as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011; or
- 7.12.2 land held, managed, or administered, or flora or fauna managed or administered, under -
- (a) the Conservation Act 1987; or
- (b) the enactments listed in Schedule 1 of that Act.

Limitations on taonga tūturu protocol to be provided for

- 7.13 The taonga tūturu 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.

Limitations on Crown minerals protocol to be provided for

- 7.14 The Crown minerals protocol is not to have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Crown-owned minerals.

LEGISLATIVE MATTERS

7: PROTOCOLS

Noting of conservation protocol to be required

7.15 A summary of the terms of the conservation protocol is to be noted by the Director-General of Conservation in the conservation documents affecting the conservation protocol area (as defined in the conservation protocol).

7.16 The noting of the conservation protocol is to be -

7.16.1 for the purpose of public notice only; and

7.16.2 not an amendment to the conservation document for the purposes of -

(a) section 171 of the Conservation Act 1987; or

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

Noting and effect of Crown minerals protocol

7.17 A summary of the terms of the Crown minerals protocol must be noted in -

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

7.17.2 minerals programmes affecting the Crown minerals protocol area (as defined in the Crown minerals protocol) when those programmes are replaced.

7.18 The noting of the Crown minerals protocol is -

7.18.1 for the purpose of public notice only; and

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

7.19 In this deed, **minerals programme** has the meaning given to it by section 2(1) of the Crown Minerals Act 1991.

8 VESTING OF CULTURAL REDRESS PROPERTIES

Interpretation

8.1 The settlement legislation is to provide that -

8.1.1 **cultural redress property** means each of the following sites, being the land described by that name in schedule 3:

- (a) Hine Poto site:
- (b) Ohineangaanga site:
- (c) Whitikiore:
- (d) Te Haehae:
- (e) Maungaruahine Pā Historic Reserve:
- (f) Ōtara Scenic Reserve; and

8.1.2 **reserve site** means each of the following cultural redress properties:

- (a) Maungaruahine Pā Historic Reserve:
- (b) Ōtara Scenic Reserve.

Hine Poto site

8.2 The settlement legislation is to provide that the fee simple estate in Hine Poto site vests in the trustees.

Ohineangaanga site

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

Whitikiore

8.4 The settlement legislation is to provide that -

8.4.1 the fee simple estate in Whitikiore vests in the trustees; and

8.4.2 the Crown must provide the trustees with a registrable right of way easement, in the form in part 10 of the documents schedule, over the area

LEGISLATIVE MATTERS

8: VESTING OF CULTURAL REDRESS PROPERTIES

labelled "proposed right of way" on deed plan OTS-075-18 in favour of Whitikiore.

Te Haehae

8.5 The settlement legislation is to provide that the fee simple estate in Te Haehae vests in the trustees.

Maungaruahine Pā Historic Reserve

8.6 The settlement legislation is to provide that -

8.6.1 the reservation of Maungaruahine Pā Historic Reserve (the official geographic name of which, immediately before enactment, is Maungaruahine Pa Historic Reserve) as an historic reserve subject to section 18 of the Reserves Act 1977 is revoked; and

8.6.2 the fee simple estate in Maungaruahine Pā Historic Reserve vests in the trustees; and

8.6.3 Maungaruahine Pā Historic Reserve is declared a reserve and classified as an historic reserve subject to section 18 of the Reserves Act 1977; and

8.6.4 the reserve created by paragraph 8.6.3 is named Maungaruahine Pā Historic Reserve.

Ōtara Scenic Reserve

8.7 The settlement legislation is to provide that -

8.7.1 the reservation of Ōtara Scenic Resrve (being part of Otawa Scenic Reserve) as a scenic reserve subject to section 19 of the Reserves Act 1977 is revoked; and

8.7.2 the fee simple estate in Ōtara Scenic Reserve vests in the trustees; and

8.7.3 Ōtara Scenic Reserve is declared a reserve and classified as a scenic reserve subject to section 19 of the Reserves Act 1977; and

8.7.4 the reserve created under paragraph 8.7.3 is named Ōtara Scenic Reserve; and

8.7.5 the fee simple estate in Ōtara Scenic Reserve will not be transferred by the trustees except as provided for by paragraph 10.4.

LEGISLATIVE MATTERS

8: VESTING OF CULTURAL REDRESS PROPERTIES

Rights of Tapuika in relation to Ōtara Scenic Reserve

Definitions

8.8 The settlement legislation is to provide that -

8.8.1 Tapuika member means a person the Tapuika settlement legislation provides is a member of Tapuika for the purposes of paragraph 8.9.2; and

8.8.2 Tapuika right of access in relation to Ōtara Scenic Reserve means the right of access over Ōtara Scenic Reserve provided by paragraph 8.9.2 to each Tapuika member; and

8.8.3 Tapuika settlement legislation means legislation settling the historical claims of Tapuika.

Tapuika access in relation to Ōtara Scenic Reserve

8.9 The settlement legislation is to provide that -

Conditions

8.9.1 this paragraph is subject to Tapuika settlement legislation being enacted that defines a Tapuika member for the purposes of this paragraph; and

Right of access in relation to Ōtara Scenic Reserve

8.9.2 each Tapuika member may have access over Ōtara Scenic Reserve by the same methods as Waitaha.

Effect of Tapuika access in relation to Ōtara Scenic Reserve

8.10 The settlement legislation is to provide that, on and from the settlement date under the Tapuika settlement legislation, -

Modification of Reserves Act 1977 regime

8.10.1 the trustees, as the administering body of Ōtara Scenic Reserve, must exercise their powers under the Reserves Act 1977 in a way that does not limit the Tapuika right of access in relation to Ōtara Scenic Reserve; and

8.10.2 the obligations of the trustees, as the administering body of Ōtara Scenic Reserve, under the Reserves Act 1977 are modified to the extent necessary to take account of the Tapuika right of access in relation to Ōtara Scenic Reserve; and

8.10.3 any conditions, restrictions, or bylaws that apply to Ōtara Scenic Reserve under the Reserves Act 1977 are modified to the extent necessary to take account of the Tapuika right of access in relation to Ōtara Scenic Reserve.

NB!

9 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 schedule 3.

Ownership of trustees to be registered on computer freehold register

9.3 Paragraphs 9.4 to 9.7 are to apply to the fee simple estate in a cultural redress property vested under the settlement legislation.

9.4 The Registrar-General of Land, on written application by an authorised person, is to be required to comply with paragraphs 9.5 and 9.6.

9.5 To the extent that a cultural redress property is all of the land contained in a computer freehold register, the Registrar-General is to -

9.5.1 register the trustees as the proprietor of the fee simple estate in the land; and

9.5.2 make any entries in the register, and do all other things, that are necessary to give effect to the settlement legislation and this deed.

9.6 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 -

9.6.1 create one computer freehold register for the fee simple estate in the property in the name of the trustees; and

9.6.2 enter on the register any encumbrances that are -

(a) registered, notified, or notifiable; and

(b) described in the application from the authorised person.

Timing of creation of computer freehold register to be specified

9.7 The settlement legislation is to provide -

9.7.1 paragraph 9.6 is to apply subject to the completion of any survey necessary to create the computer freehold register; and

LEGISLATIVE MATTERS

9: TERMS OF VESTING

9.7.2 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.

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

9.8 The settlement legislation is to provide that -

9.8.1 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

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

9.8.3 despite paragraphs 9.8.1 and 9.8.2, 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

9.8.4 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 no longer to be 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

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

9.9.1 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 paragraph 9.8.4; and

9.9.2 Maungaruahine Pā Historic Reserve that the land is subject to paragraph 10.3; and

9.9.3 Ōtara Scenic Reserve that the land is subject to paragraphs 8.7.5 and 10.4; and

LEGISLATIVE MATTERS

9: TERMS OF VESTING

9.9.4 any cultural redress property that is not a reserve site that the land is subject to Part 4A of the Conservation Act 1987.

9.10 The settlement legislation is to provide that a notification made under paragraph 9.9.1 or 9.9.4 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

9.11 The settlement legislation is to provide that -

9.11.1 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 9.8.4; and

(iii) in the case of Maungaruahine Pā Historic Reserve, that it is subject to paragraph 10.3; and

(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

9.11.2 the Registrar-General of Land is to comply with an application received in accordance with paragraphs 9.11.1(a) or (b).

Tapuika right of access to Ōtara Scenic Reserve to be notified on computer freehold register

9.12 The settlement legislation is to provide that, if Tapuika settlement legislation is enacted that meets the requirements of paragraphs 8.9.1, the Registrar-General of Land must, on application made by an authorised person, after the enactment of that legislation, include a notification on the computer freehold register for Ōtara Scenic Reserve that it is subject to paragraph 8.9.

Application of other legislation to be dealt with

9.13 The settlement legislation is to provide -

9.13.1 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

LEGISLATIVE MATTERS**9: TERMS OF VESTING**

redress property; and

9.13.2 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

9.13.3 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

9.13.4 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 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.

Subsequent transfer of Maungaruahine Pā Historic Reserve to be provided for

10.3 The settlement legislation is to provide that -

Transfer enabled

10.3.1 this paragraph is to apply to all, or any part, of Maungaruahine Pā Historic Reserve 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 -

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LEGISLATIVE MATTERS

10: RESERVE SITES

- (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

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:
- (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.

Restrictions on transfer not to apply if transfer is to new trustees of a trust

10.4 Paragraph 8.7.5 is not to apply to the transfer of the fee simple estate in Ōtara Scenic Reserve, and paragraphs 10.3.1 to 10.3.6 are not to apply to the transfer of the fee simple estate in Maungaruahine Pā Historic Reserve, if -

10.4.1 the transferors are or were the trustees of a trust; and

10.4.2 the transferees are the trustees of the same trust after -

- (a) a new trustee has been appointed; or
- (b) a transferor has ceased to be a trustee; and

10.4.3 the transfer instrument is accompanied by a certificate given by the transferees, or their solicitor, verifying that paragraphs 10.4.1 and 10.4.2 apply.

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LEGISLATIVE MATTERS

10: RESERVE SITES

Reserve site is not to be mortgaged or charged

10.5 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

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

Application of legislation to certain names

10.7 The settlement legislation is to provide that -

10.7.1 in this paragraph -

- (a) **Act** means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008; and
- (b) **Board** means the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa continued by section 7 of the Act; and
- (c) **Crown protected area** has the meaning given to it by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008; and
- (d) **Gazetteer** has the meaning given to it by section 4 of the Act; and

10.7.2 if a cultural redress property, immediately before its vesting, -

- (a) comprises the whole of a reserve or conservation area, and an official geographic name was assigned under the Act to the property, -
 - (i) the official geographic name is discontinued; and
 - (ii) the Board must ensure that, as soon as reasonably practicable, the official geographic name is removed from the Gazetteer; and
- (b) comprises only part of a reserve or conservation area to which an official geographic name was assigned under the Act -
 - (i) paragraph 10.7.2(a) applies only to the part of the property that is vested; and
 - (ii) the Board must, as soon as reasonably practicable, amend the Gazetteer so that the official geographic name applies only to the

LEGISLATIVE MATTERS

10: RESERVE SITES

part of the reserve or conservation area that is not vested; and

- (c) if a cultural redress property is reserved and classified as a reserve under the settlement legislation, that reserve does not become a Crown protected area.

11 TRANSFER PROPERTIES

Crown to be authorised to transfer the transfer 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 the transfer properties:

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.

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

11.3 Paragraphs 11.4 to 11.6 are to apply to each transfer property, to the extent that -

11.3.1 it is not all of the land contained in a computer freehold register; or

11.3.2 there is no computer freehold register for all or part of the property.

11.4 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, to create a computer freehold register in the name of the Crown -

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

(a) are registered, notified, or notifiable; and

(b) are described in the written application; and

11.4.2 without any statement of purpose.

Covenant for later creation of freehold register to be permitted

11.5 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.

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

11.6.1 the authorised person may request the Registrar-General of Land to register a covenant granted in accordance with paragraph 11.5 under the Land Transfer Act 1952 by creating a computer interest register; and

11.6.2 the Registrar-General must register the covenant.

LEGISLATIVE MATTERS
11: TRANSFER PROPERTIES

Application of other legislation

11.7 The settlement legislation is to provide -

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

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

11.7.2 the transfer of a transfer 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

11.7.3 in exercising the powers conferred by paragraph 11.1, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer a transfer property; and

11.7.4 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 transfer property.

11.8 Paragraph 11.7.3 does not limit paragraph 11.7.2.

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LEGISLATIVE MATTERS

12 MISCELLANEOUS

Kaumātua flats

- 12.1 The settlement legislation must vest in the trustees on the settlement date, as cultural redress, any interest held by the Crown on that date in -
- 12.1.1 the kaumātua flats, being the improvements that are flats 1, 2, 3, and 4 at 155 Manoeka Road, Te Puke and are situated on the land described in computer freehold register 317207; and
 - 12.1.2 fixtures and fittings in the kaumātua flats.
- 12.2 The vesting of the kaumātua flats, and the fixtures and fittings referred to in paragraph 12.1.2 is to be subject to any encumbrance existing at the settlement date that affects -
- 12.2.1 the kaumātua flats; or
 - 12.2.2 any of the fixtures or fittings.

Interpretation

- 12.3 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

- 12.4 The settlement legislation is to -
- 12.4.1 include a guide to its overall scheme and effect; but
 - 12.4.2 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

- 12.5 The settlement legislation is to provide that the rule against perpetuities, and the Perpetuities Act 1964, -
- 12.5.1 are not to prescribe or restrict the period during which -
 - (a) Te Kapu o Waitaha may exist in law; and

NB

LEGISLATIVE MATTERS

12: MISCELLANEOUS

(b) the trustees, in their capacity as trustees, may hold or deal with property (including income derived from property); or

12.5.2 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

12.5.3 may, however, be applied in accordance with the general law to Te Kapu o Waitaha if it is, or becomes, a charitable trust.

Timing of actions or matters

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

Access to this deed

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

12.7.1 for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Justice in Wellington between the hours of 9am and 5pm on any business day; and

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

WB

LEGISLATIVE MATTERS

SCHEDULES

NB

LEGISLATIVE MATTERS

1 TE WHAKAIRINGA KÖRERO SITES

Ōtawa (as shown on deed plan OTS-075-01)

Te Ara a Hei (as shown on deed plan OTS-075-02)

(

2 STATUTORY AREAS

The peak of Ōtanewainuku (as shown on deed plan OTS-075-03)

Four wāhi tapu sites within Ōtanewainuku Forest -

Hakoko Creek (as shown on deed plan OTS-075-04)

Paraiti Creek (as shown on deed plan OTS-075-04)

Popaki Creek (as shown on deed plan OTS-075-04)

Kaokaonui Kāinga (as shown on deed plan OTS-075-04)

Waimapu River (as shown on deed plan OTS-275-06)

Part of Kaituna River (as shown on deed plan OTS-275-07)

Waiari Stream (as shown on deed plan OTS-275-08)

Te Raparapa-ā-Hoe (as shown on deed plan OTS-075-09 together with the marginal strips numbered 2, 3, and 4 on deed plan OTS-075-05)

Ohineangaanga Stream (as shown on deed plan OTS-275-10)

Te Rerenga Stream (as shown on deed plan OTS-275-11)

(Te Kopuaroa Stream (as shown on deed plan OTS-275-12)

Kaiate River (as shown on deed plan OTS-275-13)

Wairakei Stream (as shown on deed plan OTS-275-14)

Coastal Area from Maketu to Mauao (as shown on deed plan OTS-275-15)

LEGISLATIVE MATTERS

3 CULTURAL REDRESS PROPERTIES

Subpart A


Sites to vest in fee simple

Name of site	Description	Encumbrances
Hine Poto site.	<p>All Cultural Redress Properties are in South Auckland Land District</p> <p>Western Bay of Plenty District:</p> <p>2.8044 hectares, more or less, being Lots 1 and 2 Deposited Plan 27157. All Transfer B525705.2.</p> <p>As shown on deed plan OTS-075-16.</p>	<p>Subject to an unregistered lease over Lot 2 Deposited Plan 27157 to Hare Wiremu and Christina Manu Fitzpatrick.</p> <p>Subject to an unregistered lease over part to Waitaha Trust.</p>
Ohineangaanga site.	<p>Western Bay of Plenty District:</p> <p>0.4214 hectares, more or less, being Lot 1 Deposited Plan South Auckland 7913. All Computer Freehold Register SA1C/1437.</p> <p>0.0926 hectares, more or less, being Lot 2 Deposited Plan South Auckland 7913. All Computer Freehold Register SA1C/1438.</p> <p>As shown on deed plan OTS-075-17.</p>	<p>Subject to an unregistered lease to Nga Kakano Foundation Incorporated.</p>

SETTLEMENT LEGISLATION: AGREED CONTENTS

3: CULTURAL REDRESS PROPERTIES

Name of site	Description	Encumbrances
Whitikiore.	<p>Tauranga City:</p> <p>10.5 hectares, approximately, being part Lot 2 Deposited Plan South Auckland 24826. Part Computer Freehold Register SA23A/1366. Subject to survey.</p> <p>As shown on deed plan OTS-075-18.</p>	<p>Subject to a stormwater right (in gross) over part marked A on DPS 80982 in favour of the Tauranga District Council created by Transfer B483327.1.</p> <p>Together with the right of way referred to in paragraph 8.4.2.</p>
Te Haehae.	<p>Tauranga City:</p> <p>2.25 hectares, approximately, being part Lot 2 Deposited Plan South Auckland 24826. Part Computer Freehold Register SA23A/1366. Subject to survey.</p> <p>As shown on deed plan OTS-075-18.</p>	<p>Subject to a stormwater right (in gross) over part marked A on DPS 80982 in favour of the Tauranga District Council created by Transfer B483327.1.</p>



SETTLEMENT LEGISLATION: AGREED CONTENTS

3: CULTURAL REDRESS PROPERTIES

Subpart B

Site to vest in fee simple to be administered as historic reserve

Name of site	Description	Encumbrances
Maungaruahine Pā Historic Reserve.	South Auckland Land District Western Bay of Plenty District: 17.3200 hectares, more or less, being Section 51 Block V Maketu Survey District. All GN H076552. As shown on deed plan OTS-075-19.	Historic reserve subject to section 18(1) of the Reserves Act 1977.

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SETTLEMENT LEGISLATION: AGREED CONTENTS
3: CULTURAL REDRESS PROPERTIES

Subpart C

Site to vest in fee simple to be administered as scenic reserve

Name of site	Description	Encumbrances
Ōtara Scenic Reserve.	South Auckland Land District Western Bay of Plenty District: 5.0 hectares, approximately, being Part Section 14 Block I Maketu Survey District. Part Proclamation 10017. Subject to survey. As shown on deed plan OTS-075-20.	Scenic Reserve subject to section 19(1)(a) of the Reserves Act 1977.