

**NGĀTI KOROKI KAHUKURA**

**and**

**TAUMATAWIWI TRUST**

**and**

**THE CROWN**

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**DEED OF SETTLEMENT SCHEDULE:  
LEGISLATIVE MATTERS**

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# 1. INTRODUCTION

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



## 2. TITLE, COMMENCEMENT AND PURPOSE PROVISIONS

- 2.1 The settlement legislation is to provide that:
- 2.1.1 its title is Ngāti Koroki Kahukura Claims Settlement Act [ ];
  - 2.1.2 it comes into force on the day after the date on which it receives the Royal assent;
  - 2.1.3 its purpose is to give effect to certain provisions of this deed; and
  - 2.1.4 it binds the Crown.
- 2.2 The settlement legislation is to contain a preamble and be in a form satisfactory to the trustees of the Taumatawiwi Trust and the Crown.

### 3. SETTLEMENT PROVISIONS

- 3.1 The settlement legislation is to provide that:
- 3.1.1 the historical claims are settled;
  - 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 The settlement legislation is to provide that paragraphs 3.1.1 to 3.1.3 are not to limit the acknowledgements expressed in, or the provisions of, this deed.

## 4. SETTLEMENT IMPLEMENTATION PROVISIONS

### Judicial bodies' jurisdiction to be excluded

- 4.1 The settlement legislation is to provide that, on and from the settlement date, despite any enactment or rule of law, no court, tribunal, or other judicial body, is to have jurisdiction in respect of:
- 4.1.1 the historical claims;
  - 4.1.2 this deed;
  - 4.1.3 the settlement legislation; or
  - 4.1.4 the redress provided under this deed or the settlement legislation.
- 4.2 The settlement legislation is to provide that the jurisdiction excluded by paragraph 4.1:
- 4.2.1 is to include the jurisdiction to inquire into, or further inquire into, or to make a finding or recommendation in respect of the matters referred to in that paragraph; and
  - 4.2.2 is not to exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation, implementation or enforcement of this deed or the settlement legislation.

### Treaty of Waitangi Act 1975 to be amended

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

### Certain legislation to cease to apply

- 4.4 The settlement legislation is to provide that:
- 4.4.1 nothing in the legislation listed in this paragraph is to apply:
    - (a) to a cultural redress property;
    - (b) to the deferred selection property;
    - (c) to RFR land; or
    - (d) for the benefit of Ngāti Koroki Kahukura 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;
    - (c) sections 211 to 213 of the Education Act 1989;

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- (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 a cultural redress property, the deferred selection property, or RFR land; and
    - (b) contained in a certificate of title or computer register that has a memorial entered under any legislation referred to in paragraph 4.4.2; and
  - 4.5.2 each certificate under this paragraph, as soon as reasonably practicable after the settlement date.
- 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 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.

## **5. PROVISIONS FOR STATUTORY ACKNOWLEDGEMENT AND DEED OF RECOGNITION**

### **General**

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

### **Crown to acknowledge statements of association**

- 5.2 The Crown is to acknowledge in the settlement legislation 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 settlement legislation is to provide that 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 (Pouhere Taonga) to have regard to the statutory acknowledgement, as provided for in paragraphs 5.4 to 5.9;

5.3.2 require relevant consent authorities to forward summaries of resource consent applications, or copies of notices of resource consent applications, to the trustees of the Taumatawiwi Trust, as provided for in paragraphs 5.14 to 5.17; and

5.3.3 enable the trustees of the Taumatawiwi Trust and any member of Ngāti Koroki Kahukura to cite the statutory acknowledgement as evidence of the association of Ngāti Koroki Kahukura with the relevant statutory areas, as provided for in paragraph 5.20.

### **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 trustees of the Taumatawiwi Trust are persons 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;

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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**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 trustees of the Taumatawiwi Trust 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.
- 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 (Pouhere Taonga) and Environment Court to be required to have regard to statutory acknowledgement**

- 5.8 The settlement legislation is to provide 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;
- 5.8.2 the New Zealand Historic Places Trust (Pouhere Taonga) 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;
- 5.8.3 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 (Pouhere Taonga) in relation to the application, including determining whether the trustees of the Taumatawiwi Trust are 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 required to be attached must include:
- 5.12.1 the provisions of the settlement legislation giving effect to paragraphs 5.3 to 5.9 in full;

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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 trustees of the Taumatawiwi Trust:

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 trustees of the Taumatawiwi Trust and the relevant consent authority.

5.17 The settlement legislation is to provide that:

5.17.1 a summary to be forwarded under paragraph 5.14.1 must be forwarded to the trustees of the Taumatawiwi Trust:

(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

5.17.2 a copy of the notice to be forwarded under paragraph 5.14.2 must be forwarded to the trustees of the Taumatawiwi Trust no later than 10 business days after the day on which the trustees of the Taumatawiwi Trust receives the notice.

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**Trustees to be given ability to waive rights**

5.18 The trustees of the Taumatawiwi Trust are to be given the power, by notice in writing to a relevant consent authority, to:

5.18.1 waive their rights under paragraphs 5.14 to 5.17; and

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

**Forwarding of summaries and notices not to limit other obligations**

5.19 Paragraphs 5.14 to 5.17 are not to limit the obligations of a relevant consent authority to:

5.19.1 decide, under section 95 of the Resource Management Act 1991 whether to notify an application for a resource consent; or

5.19.2 decide under section 95E of that Act whether the trustees of the Taumatawiwi Trust are affected persons in relation to an application for a resource consent.

**Use of statutory acknowledgement by Ngāti Koroki Kahukura to be provided for**

5.20 The trustees of the Taumatawiwi Trust, and any member of Ngāti Koroki Kahukura, may, as evidence of the association of Ngāti Koroki Kahukura 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 (Pouhere Taonga) concerning activities within, adjacent to, or directly affecting the statutory area.

**Limitations in relation to statutory acknowledgement to be provided for**

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

5.21.1 relevant consent authorities;

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

5.21.3 the Environment Court;

5.21.4 the New Zealand Historic Places Trust (Pouhere Taonga);

5.21.5 parties to proceedings before those bodies; or

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

5.22 To avoid doubt:

5.22.1 paragraph 5.21 does not affect the obligations of the bodies and persons specified in paragraph 5.21.1 to 5.21.4 under paragraphs 5.4, 5.6 and 5.8; and

5.22.2 the bodies and persons specified in paragraph 5.21.1 to 5.21.6 are to be permitted to take the statutory acknowledgement into account;

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5.22.3 neither the trustees of the Taumatawiwi Trust, nor members of Ngāti Koroki Kahukura, are precluded from stating that Ngāti Koroki Kahukura has an association with a statutory area that is not described in the statutory acknowledgement; and

5.22.4 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**

5.23 The settlement legislation is to authorise the Minister of Conservation and the Director-General of Conservation to:

5.23.1 issue a deed of recognition to the trustees of the Taumatawiwi Trust in respect of a statutory area described in clause 5.9.1 of the deed; and

5.23.2 amend a deed of recognition, but only with the written consent of the trustees of the Taumatawiwi Trust.

5.24 The settlement legislation is to authorise the Commissioner of Crown Lands to:

5.24.1 issue a deed of recognition to the trustees of the Taumatawiwi Trust in respect of a statutory area described in clause 5.9.2 of the deed; and

5.24.2 amend a deed of recognition, but only with the written consent of the trustees of the Taumatawiwi Trust.

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

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

5.25.1 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 Ngāti Koroki Kahukura with a statutory area (as described in a statement of association) than the person would give if there were no statutory acknowledgement or deed of recognition; and

5.25.2 the statutory acknowledgement and a deed of recognition are not to:

- (a) affect, or be taken into account by, a person exercising a power or performing a function or duty under legislation or a bylaw;
- (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.

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**Application of statutory acknowledgement and deed of recognition to river, stream or lake to be provided for**

5.26 The settlement legislation is to provide that, if any part of the statutory acknowledgement applies to a river or stream, including a tributary, that part of the acknowledgement:

5.26.1 applies only to:

- (a) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and
- (b) the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but

5.26.2 does not apply to:

- (a) a part of the bed of the river or stream that is not owned by the Crown; or
- (b) an artificial watercourse.

5.27 The settlement legislation is to provide that, if any part of a deed of recognition applies to a river or stream, including a tributary, that part of the deed:

5.27.1 applies only to the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but

5.27.2 does not apply to:

- (a) a part of the bed of the river or stream that is not owned by the Crown; or
- (b) the bed of an artificial watercourse.

5.28 The settlement legislation is to provide that, if any part of a statutory acknowledgment or deed of recognition applies to a lake:

5.28.1 that part of the acknowledgement or deed of recognition applies only to:

- (a) the body of fresh water in the lake; and
- (b) the bed of the lake; but

5.28.2 that part of the acknowledgement or deed of recognition does not apply:

- (a) in the case of a lake not controlled by artificial means, to any land which the waters of the lake do not cover at their highest level without overflowing the banks of the lake; or
- (b) in the case of a lake controlled by artificial means, to any land which the waters of the lake do not cover at the maximum operating level; or
- (c) to any river, stream, or watercourse, whether artificial or otherwise, draining into or out of a lake; and

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5.28.3 in the case of a statutory acknowledgement, that part of the acknowledgement does not apply to any part of the bed of the lake that is not owned by the Crown; and

5.28.4 in the case of a deed of recognition, that part of the deed of recognition does not apply to any part of the bed of the lake not owned and managed by the Crown.

5.29 The settlement legislation is to provide that:

5.29.1 lake means a body of fresh water that is entirely or nearly surrounded by land, and includes a lake controlled by artificial means; and

5.29.2 maximum operating level means the level of water prescribed for an activity carried out in or on a lake under a resource consent or a rule in a regional plan or proposed plan within the meaning of the Resource Management Act 1991.

**Resource Management Act 1991 to be amended**

5.30 The settlement legislation is to amend Schedule 11 of the Resource Management Act 1991 by inserting the name of the settlement legislation in alphabetical order.

## 6. PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

### Interpretation

6.1 The settlement legislation is to provide that, unless specified otherwise in paragraph 7.12:

6.1.1 **cultural redress property** means each of the following sites, and each site means the land described by that name in part 15:

- (a) Koroki Kahukura ki Hinuera;
- (b) Te Reti;
- (c) Pukeatua Cemetery;
- (d) Puahue;
- (e) Taumatawiwi;
- (f) Waikaukau;
- (g) Oreipunga;
- (h) Tau Pakanga;
- (i) Motu Aratau;
- (j) Kohi Wheua;
- (k) Ara Hinerua;
- (l) Waitoa;
- (m) Whanatangi and Ihaia;
- (n) Koroki Kahukura ki Piarere; and
- (o) Tunakawa;

6.1.2 **Māori reservation site** means each of the following cultural redress properties:

- (a) Motu Aratau;
- (b) Kohi Wheua;
- (c) Ara Hinerua;
- (d) Waitoa;
- (e) Whanatangi and Ihaia;



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- (f) Koroki Kahukura ki Piarere;
- (g) Te Kiwa and Te Uira; and
- (h) Horahora Island; and

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

- (a) Pukeatua Cemetery;
- (b) Taumatawiwi;
- (c) Waikaukau;
- (d) Te Reti; and
- (e) Koroki Kahukura ki Hinuera.

6.2 The settlement legislation is, on the terms in this part, and parts 7 and 8, to vest the fee simple estate in each of the cultural redress properties in the trustees of the Taumatawiwi Trust.

**Koroki Kahukura ki Hinuera**

6.3 The settlement legislation is to provide that:

6.3.1 the reservation of Koroki Kahukura ki Hinuera (being Horahora Gorge Scenic Reserve) as a scenic reserve subject to section 19 of the Reserves Act 1977 is revoked;

6.3.2 the fee simple estate in Koroki Kahukura ki Hinuera vests in the trustees of the Taumatawiwi Trust;

6.3.3 Koroki Kahukura ki Hinuera is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977;

6.3.4 the reserve created under paragraph 6.3.3 is named Koroki Kahukura ki Hinuera Scenic Reserve; and

6.3.5 the joint management body established under paragraph 8.3 is the administering body of the reserve for the purposes of the Reserves Act 1977 as if the reserve were vested in the body (as if in trustees) under section 26 of that Act.

**Te Reti**

6.4 The settlement legislation is to provide that:

6.4.1 the reservation of Te Reti (being Te Reti Road Scenic Reserve) as a scenic reserve subject to section 19 of the Reserves Act 1977 is revoked;

6.4.2 the fee simple estate in Te Reti vests in the trustees of the Taumatawiwi Trust;

6.4.3 Te Reti is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977;



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- 6.4.4 the reserve created under paragraph 6.4.3 is named Te Reti Scenic Reserve; and
- 6.4.5 the joint management body established under paragraph 8.3 is the administering body of the reserve for the purposes of the Reserves Act 1977 as if the reserve were vested in the body (as if in trustees) under section 26 of that Act.

**Pukeatua Cemetery**

- 6.5 The settlement legislation is to provide that:
- 6.5.1 the reservation of the Pukeatua Cemetery as a local purpose (cemetery) reserve subject to section 23 of the Reserves Act 1977 is revoked;
- 6.5.2 the fee simple estate in the Pukeatua Cemetery vests in the trustees of the Taumatawiwi Trust;
- 6.5.3 the Pukeatua Cemetery is declared a reserve and is classified a Local Purpose (Cemetery) Reserve subject to section 23 of the Reserves Act 1977;
- 6.5.4 the reserve created by paragraph 6.5.3 is named Pukeatua Local Purpose (Cemetery) Reserve; and
- 6.5.5 the Waipa District Council is the administering body of the reserve for the purposes of the Reserves Act 1977 as if the reserve were vested in the Council under section 26 of that Act.

**Puahue**

- 6.6 The settlement legislation is to provide that:
- 6.6.1 the reservation of Puahue as a reserve subject to the Reserves Act 1977 is revoked; and
- 6.6.2 the fee simple estate in Puahue vests in the trustees of the Taumatawiwi Trust.

**Taumatawiwi**

- 6.7 The settlement legislation is to provide that:
- 6.7.1 the fee simple estate in Taumatawiwi vests in the trustees of the Taumatawiwi Trust;
- 6.7.2 Taumatawiwi is declared a reserve and is classified a recreation reserve subject to section 17 of the Reserves Act 1977;
- 6.7.3 the reserve created by paragraph 6.7.2 is named the Taumatawiwi Recreation Reserve; and
- 6.7.4 the joint management body established under paragraph 8.3 is the administering body of the reserve for the purposes of the Reserves Act 1977 as if the reserve were vested in the body (as if in trustees) under section 26 of that Act.

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**Waikaukau**

- 6.8 The settlement legislation is to provide that:
- 6.8.1 the fee simple estate in Waikaukau vests in the trustees of the Taumatawiwi Trust;
  - 6.8.2 Waikaukau is declared a reserve and is classified a recreation reserve subject to section 17 of the Reserves Act 1977;
  - 6.8.3 the reserve created by paragraph 6.8.2 is named Waikaukau Recreation Reserve; and
  - 6.8.4 the joint management body established under paragraph 8.3 is the administering body of the reserve for the purposes of the Reserves Act 1977 as if the reserve were vested in the body (as if in trustees) under section 26 of that Act.

**Oreipunga**

- 6.9 The settlement legislation is to provide that the fee simple estate in Oreipunga vests in the trustees of the Taumatawiwi Trust.

**Tau Pakanga**

- 6.10 The settlement legislation is to provide that the fee simple estate in Tau Pakanga vests in the trustees of the Taumatawiwi Trust.

**Motu Aratau**

- 6.11 The settlement legislation is to provide that the fee simple estate in Motu Aratau vests in the trustees of the Taumatawiwi Trust.

**Kohi Wheua**

- 6.12 The settlement legislation is to provide that the fee simple estate in Kohi Wheua vests in the trustees of the Taumatawiwi Trust.

**Ara Hinerua**

- 6.13 The settlement legislation is to provide that the fee simple estate in Ara Hinerua vests in the trustees of the Taumatawiwi Trust

**Waitoa**

- 6.14 The settlement legislation is to provide that the fee simple estate in Waitoa vests in the trustees of the Taumatawiwi Trust.

**Whanatangi and Ihaia**

- 6.15 The settlement legislation is to provide that the fee simple estate in Whanatangi and Ihaia vests in the trustees of the Taumatawiwi Trust.

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**Koroki Kahukura ki Piarere**

- 6.16 The settlement legislation is to provide that the fee simple estate in Koroki Kahukura ki Piarere vests in the trustees of the Taumatawiwi Trust.

**Tunakawa**

- 6.17 The settlement legislation is to provide that the fee simple estate in Tunakawa vests in the trustees of the Taumatawiwi Trust.

**Te Kiwa and Te Uira**

- 6.18 The settlement legislation is to provide that the fee simple estate in Te Kiwa and Te Uira vests in the trustees of the Taumatawiwi Trust.

**Horahora Island**

- 6.19 The settlement legislation is to provide that the fee simple estate in Horahora Island vests in the trustees of the Taumatawiwi Trust.

**Vestings subject to deed of covenant**

- 6.20 The settlement legislation will provide that paragraphs 6.7, 6.8, 6.11 to 6.16 and 6.18 to 6.19 are subject to paragraph 7.3.

**Māori reservation provisions**

- 6.21 The settlement legislation is to provide that:

6.21.1 each Māori reservation site is set apart as an individual Māori reservation as a place of cultural and historical interest as if each site was set apart under section 338(1) of Te Ture Whenua Māori Act 1993:

6.21.2 each Māori reservation so established is held on trust by the trustees of the Taumatawiwi trust for the benefit of Ngāti Koroki Kahukura;

6.21.3 each Māori reservation is held on the following terms as if the Māori Land Court had set out the terms of trust pursuant to section 338(8) of Te Ture Whenua Māori Act 1993:

- (a) each Māori reservation site is inalienable;
- (b) each Māori reservation site will be held to restore and preserve land holdings within the homeland rohe of Ngāti Koroki Kahukura to:
  - (i) recognise and support the relationship of Ngāti Koroki Kahukura and their culture and traditions with their ancestral lands;
  - (ii) support the use of the land by members of Ngāti Koroki Kahukura for traditional purposes; and
  - (iii) recognise and take account of the importance of the land in providing both cultural and material support for Ngāti Koroki Kahukura;



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- (c) in relation to Kohi Wheua, Ara Hinerua, Whanatangi and Ihaia, Koroki Kahukura ki Piarere, Te Kiwa and Te Uira and Horahora Island, nothing in this paragraph and paragraph 6.22 affects the rights and obligations of the grantee while the easement referred to in paragraph 7.3.1 is in force; and
- (d) in relation to Motu Aratau and Waitoa, nothing in this paragraph or paragraph 6.22 affects the rights and obligations of the grantee while the easement referred to in paragraph 7.3.2 is in force;

6.21.4 nothing in Part 17 of Te Ture Whenua Māori Act 1993 or any regulations made under section 338(15) of that Act shall apply to each Māori reservation site save that:

- (a) with the exception of those terms of trust set out in paragraph 6.21.3, the Māori Land Court shall have the jurisdiction, on the application from time to time of the trustees of the Taumatawiwi Trust, to amend the terms of the trust of the Māori reservations in accordance with section 338(8) of Te Ture Whenua Māori Act 1993; and
- (b) on the recommendation of the Māori Land Court, the chief executive of Te Puni Kōkiri, by notice in the *Gazette*, may, in accordance with section 338(5)(a) and (b) of Te Ture Whenua Māori Act 1993, cancel the reservation.

**How various Acts affect Māori reservation sites**

6.22 The settlement legislation is to provide that:

6.22.1 sections 18(1)(c), 18(1)(d), 19(1)(a), 20, 24, 26, 194 and 342 of Te Ture Whenua Māori Act 1993 applies to the Māori reservation sites as if the sites were Māori freehold land; and

6.22.2 section 108(9) of the Resource Management Act 1991 applies to the Māori reservation sites as if those sites were Māori land within the meaning of Te Ture Whenua Māori Act 1993.

## 7. PROVISIONS SPECIFYING TERMS OF VESTING

### General

- 7.1 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

- 7.2 Each cultural redress property is to vest subject to, or together with, any encumbrances for the property listed in part 15.

- 7.3 On or before the settlement date, the trustees of the Taumatawiwi Trust must sign and return to the Crown in relation to:

7.3.1 Taumatawiwi, Kohi Wheua, Ara Hinerua, Whanatangi and Ihaia, Koroki Kahukura ki Piarere, Te Kiwa and Te Uira, and Horahora Island, the deed of covenant required under clause 20.2(b) of the Deed of Easement 8672093.1 (Computer Interest Register 544104) in the form set out in part 4 of the documents schedule; and

7.3.2 Motu Aratau, Waitoa, and Waikaukau, the deed of covenant required under clause 20.2(b) of the Deed of Easement 8672073.1 (Computer Interest Register 544097) in the form set out in part 4 of the documents schedule.

### Title to Māori reservation sites

- 7.4 For a Māori reservation site, the Registrar-General of Land must, in accordance with a written application by an authorised person:

7.4.1 create separate computer freehold registers for the fee simple estate in each site vested under whichever of paragraphs 6.11 to 6.16, 6.18 or 6.19 applies; and

7.4.2 register the trustees of the Taumatawiwi Trust as the registered proprietor of the fee simple estate in the land; and

7.4.3 enter on the register any encumbrances that are registered, notified, or notifiable and described in the application; and

7.4.4 make a notation on each register that the land:

(a) is a Māori reservation created under paragraph 6.21; and

(b) is subject to paragraph 6.22.

- 7.5 Paragraph 7.4 applies subject to the completion of any survey necessary to create the computer freehold register.

7: PROVISIONS SPECIFYING TERMS OF VESTING

7.6 A computer freehold register must be created under paragraphs 7.4 and 7.5:

7.6.1 as soon as is reasonably practicable after the settlement date; and

7.6.2 no later than:

- (a) 24 months after the settlement date; or
- (b) a date that may be agreed in writing by the trustees of the Taumatawiwi Trust and the Crown.

**Ownership of trustees to be registered on computer freehold register**

7.7 Paragraphs 7.8 to 7.10 are to apply to the fee simple estate in a cultural redress property (other than a Māori reservation site) vested under the settlement legislation.

7.8 The Registrar-General of Land, on written application by an authorised person, is to be required to comply with paragraphs 7.9 and 7.10.

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

7.9.1 register the trustees of the Taumatawiwi Trust as the proprietor of the fee simple estate in the land; and

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

7.10 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 of Land is to:

7.10.1 create one or more computer freehold registers for the fee simple estate in the property in the name of the trustees of the Taumatawiwi Trust; and

7.10.2 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**

7.11 The settlement legislation is to provide that:

7.11.1 paragraph 7.9 is to apply subject to the completion of any survey necessary to create the computer freehold register; and

7.11.2 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 of the Taumatawiwi Trust and the Crown.

7: PROVISIONS SPECIFYING TERMS OF VESTING

**Interpretation**

7.12 Paragraphs 7.13 to 7.17 do not apply to Taumatawiwi and Waikaukau.

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

7.13 The settlement legislation is to provide that:

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

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

7.13.3 despite paragraphs 7.13.1 and 7.13.2 the rest of section 24 of the Conservation Act 1987 does not apply to the vesting of the following sites under the settlement legislation:

(a) a site subject to the operating easement; and

(b) a reserve site;

7.13.4 if the reservation under the settlement legislation of a reserve site is revoked in relation to all or part of the site, then its vesting is to be no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or part of that site;

7.13.5 if the operating easement is surrendered in relation to all or part of a site subject to the operating easement, then the vesting of that site is to be no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or part of that site; and

7.13.6 the trustees of the Taumatawiwi Trust are appointed as the manager of the Whitehall Estate marginal strip (shown on deed plan OTS-180-15) as if that appointment were made under section 24H of the Conservation Act 1987.

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

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

7.14.1 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;

(c) the land is subject to paragraph 7.13.4; and

(d) for Pukeatua Cemetery, the land is subject to paragraph 8.4;

7: PROVISIONS SPECIFYING TERMS OF VESTING

7.14.2 the sites subject to the operating easement 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 7.13.5; and

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

7.15 The settlement legislation is to provide that a notification made under paragraph 7.14 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**

7.16 The settlement legislation is to provide that:

7.16.1 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;
  - (ii) the site is subject to paragraph 7.13.4; and
  - (iii) for Pukeatua Cemetery, the site is subject to paragraph 8.4; or
- (b) part of the site, the Registrar-General of Land is to ensure that the relevant notifications referred to in paragraph 7.16.1(a) remain on the computer freehold register only for the part of the site that remains a reserve; and

7.16.2 the Registrar-General of Land is to comply with an application received in accordance with paragraph 7.16.1(a) or 7.16.1(b).

7.17 The settlement legislation is to provide that:

7.17.1 if the operating easement is surrendered in relation to:

- (a) all of a site subject to the operating easement, the registered proprietor of that site is to apply in writing to the Registrar-General of Land to remove from the computer freehold register for the site the notification that:
  - (i) section 24 of the Conservation Act 1987 does not apply to the site; and
  - (ii) the site is subject to paragraph 7.13.5; or
- (b) part of a site subject to the operating easement, the Registrar-General of Land is to ensure that the relevant notifications referred to in paragraph 7.17.1(a) remain on the computer freehold register only for the part of the site that remains subject to the operating easement; and



7: PROVISIONS SPECIFYING TERMS OF VESTING

7.17.2 the Registrar-General of Land is to comply with an application received in accordance with paragraph 7.17.1(a) or 7.17.1(b).

**Taumatawiwi and Waikaukau**

7.18 The settlement legislation will provide that:

7.18.1 the vesting of Taumatawiwi and Waikaukau in the trustees of the Taumatawiwi Trust is to be a disposition for the purposes of Part 4A of the Conservation Act 1987; but

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

7.18.3 despite paragraphs 7.18.1 and 7.18.2 the rest of section 24 of the Conservation Act 1987 does not apply to the vesting of Taumatawiwi or Waikaukau under the settlement legislation;

7.18.4 the vestings of Taumatawiwi and Waikaukau are to be no longer exempt from the rest of section 24 of the Conservation Act 1987 where, in relation to all or part of those sites:

(a) the reservation under the settlement legislation is revoked; and

(b) the operating easement is surrendered; and

7.19 The Registrar-General of Land is to be required to notify on the computer freehold register for Taumatawiwi and Waikaukau:

7.19.1 the land is subject to Part 4A of the Conservation Act 1987; but

7.19.2 section 24 of that Act does not apply; and

7.19.3 the land is subject to paragraph 7.18 and paragraph 8.4.

7.20 The settlement legislation is to provide that a notification made under paragraph 7.19 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.

7.21 In relation to Taumatawiwi and Waikaukau the settlement legislation is to provide that:

7.21.1 if the reservation of the site is revoked in relation to:

(a) all of the site, where the operating easement has already been surrendered from the site, the Director-General of Conservation is to apply in writing to 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 paragraph 7.18;

(iii) the site is subject to paragraph 8.4; or

**7: PROVISIONS SPECIFYING TERMS OF VESTING**

- (b) part of the site, where the operating easement has already been surrendered from that part of the site, the Registrar-General of Land is to ensure that the relevant notifications referred to in paragraph 7.21.1(a) remain on the computer freehold register only for the part of the site that remains a reserve;

7.21.2 if the reservation of the site is revoked, in relation to:

- (a) all of the site, where the operating easement has not already been surrendered from the site, the Director-General of Conservation is to apply in writing to the Registrar-General of Land to remove from the computer freehold register for the site the notification that the site is subject to paragraph 8.4; or
- (b) part of the site, where the operating easement has not already been surrendered from the site, the Registrar-General of Land is to ensure that the notification referred to in paragraph 7.21.2(a) remains on the computer freehold register only for the part of the site that remains a reserve;

7.21.3 if the operating easement is surrendered in relation to:

- (a) all of the site, where the reservation has already been revoked from the site, the registered proprietor of that site is to apply in writing to the Registrar-General of Land to remove from the computer freehold register for the site the notification that:
  - (i) section 24 of the Conservation Act 1987 does not apply to the site; and
  - (ii) the site is subject to paragraph 7.18; and
- (b) part of the site, where the reservation has already been revoked from the site, the Registrar-General of Land is to ensure that the notifications referred to in paragraph 7.21.3(a) remain on the computer freehold register only for the part of the site that remains subject to the operating easement; and

7.21.4 the Registrar-General of Land is to comply with an application received in accordance with paragraphs 7.21.1 to 7.21.3;

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

**Application of other legislation to be dealt with**

7.22 The settlement legislation is to provide that:

7.22.1 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;

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7: PROVISIONS SPECIFYING TERMS OF VESTING

- 7.22.2 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;
- 7.22.3 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;
- 7.22.4 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;
- 7.22.5 except as provided in paragraphs 6.21 and 6.22, nothing in Te Ture Whenua Māori Act 1993 applies to a cultural redress property; and
- 7.22.6 section 108(9) of the Resource Management Act 1991 applies to Taumatawiwi, Waikaukau, Koroki Kahukura ki Hinuera and Te Reti as if the properties were Māori land within the meaning of Te Ture Whenua Māori Act 1993.

## 8. PROVISIONS RELATING TO RESERVE SITES

### General

- 8.1 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

- 8.2 The settlement legislation is to provide that:

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

8.2.2 if the reservation under the settlement legislation of a reserve site is revoked under section 24 of the Reserves Act 1977 in relation to all or part of the site:

(a) section 25(2) of that Act applies to the revocation; but

(b) the other provisions of section 25 do not apply; and

8.2.3 paragraph 8.2.1 does not apply to Pukeatua Cemetery except where the new owner becomes the administering body under paragraph 8.4.6(a)(ii).

- 8.3 The settlement legislation is to provide that:

8.3.1 a joint management body is established for Te Reti, Koroki Kahukura ki Hinuera, Taumatawiwi and Waikaukau;

8.3.2 the Waipa District Council and the trustees of the Taumatawiwi Trust may appoint 4 members each to the joint management body;

8.3.3 sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a Board;

8.3.4 paragraph 8.3.3 applies subject to paragraphs 8.3.5 and 8.3.6;

8.3.5 the first meeting of the body must be held no later than 2 months after the settlement date; and

8.3.6 if Waipa District Council and the trustees of the Taumatawiwi Trust agree to adopt alternative provisions about meetings of the body:

(a) those provisions apply; and

(b) section 32 of the Reserves Act do not apply.

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8.4 The settlement legislation is to provide that:

**Subsequent transfer of reserve site to be provided for**

8.4.1 this paragraph is to apply to all, or any part, of Koroki Kahukura ki Hinuera, Te Reti, Pukeatua Cemetery, Taumatawiwi and Waikaukau that remain a reserve at any time after the vestings in the trustees of the Taumatawiwi Trust under the settlement legislation (the **reserve land**);

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

8.4.3 paragraph 8.4.2 is to apply despite any other enactment or rule of law; and

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

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

**Registration of transfer to be provided for**

8.4.5 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) the written consent of the administering body of the reserve; and
- (d) any other document required for the registration of the transfer instrument;

**The administering body of the transferred reserve**

8.4.6 from the time of the registration of the new owner under paragraph 8.4.5 the administering body of the transferred reserve for the purpose of the Reserves Act 1977 will:

- (a) in relation to Pukeatua Cemetery:
  - (i) continue to be the Waipa District Council as if the reserve had been vested in the Council under section 26 of the Reserves Act 1977; or
  - (ii) be the new owner for the purposes of the Reserves Act 1977; and

8: PROVISIONS RELATING TO RESERVE SITES

- (b) in relation to Taumatawiwi, Koroki Kahukura ki Hinuera, Te Reti and Waikaukau:
  - (i) be the new owner and the Waipa District Council as a new joint management body as if that body were established under paragraph 8.3 and the references in that paragraph to the trustees of the Taumatawiwi Trust were references to the new owner; or
  - (ii) be the Waipa District Council as the reserves had been vested in the Council under section 26 of the Reserves Act 1977;

8.4.7 at the time of giving its written approval to the transfer of reserve land under paragraph 8.4.5(c), the Waipa District Council will state whether:

- (a) for Pukeatua Cemetery, paragraph 8.4.6(a)(i) or 8.4.6(a)(ii) will apply to that reserve; or
- (b) for Taumatawiwi, Koroki Kahukura ki Hinuera, Te Reti, and Waikaukau, paragraph 8.4.6(b)(i) or 8.4.6(b)(ii) will apply to those reserves;

8.4.8 each administering body referred to in paragraph 8.4.6 will hold 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**

8.4.9 despite paragraphs 8.4.1 to 8.4.3, paragraphs 8.4.4 to 8.4.8 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;
- (b) the transferees are the trustees of the same trust after:
  - (i) a new trustee has been appointed; or
  - (ii) a transferor has ceased to be a trustee; and
- (c) the transfer instrument is accompanied by a certificate given by the transferees, or their solicitor, verifying that paragraphs 8.4.9(a) and 8.4.9(b) apply.

**Reserve site is not to be mortgaged or charged**

8.5 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**

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

8: PROVISIONS RELATING TO RESERVE SITES

**Interests in land for certain reserve sites**

- 8.7 The settlement legislation is to provide that paragraphs 8.8 and 8.9 apply to a reserve site while the property has an administering body that is treated as if the property were vested in it.
- 8.8 If the reserve site is affected by an interest in land listed for the property in part 15, the interest applies as if the administering body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve site.
- 8.9 Any interest in land that affects the reserve site must be dealt with for the purposes of registration as if the administering body were the registered proprietor of the reserve site.

**Application of legislation to certain names**

- 8.10 The settlement legislation is to provide that:

8.10.1 in this paragraph:

- (a) **Act** means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008;
- (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**, **Gazetteer**, and **official geographic name** have the meanings given by section 4 of the Act; and

8.10.2 if a cultural redress property vested under the settlement legislation:

- (a) immediately before the vesting comprised 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; or
- (b) comprises only part of a reserve or conservation area to which an official geographic name was assigned under the Act:
  - (i) paragraph 8.10.2(a)(i) 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 part of the reserve or conservation area that is not vested; and
- (c) is reserved and classified as a reserve under the settlement legislation, that reserve does not become a Crown protected area.

## 9. PROVISIONS RELATING TO WAIKATO RIVER ARRANGEMENTS

### General

9.1 The settlement legislation will provide for the matters set out in this part.

### Crown acknowledgement

9.2 The Crown acknowledges that Ngāti Koroki Kahukura holds dominant mana whenua, ahi kā roa, mana whakahaere and kaitiaki status within the homeland rohe of Ngāti Koroki Kahukura which encompasses:

9.2.1 the Pukekura, Horahora and Maungatautari land blocks;

9.2.2 the Waikato River within the Karapiro to Lake Arapuni sub-catchment; and

9.2.3 Maungatautari maunga; and

9.2.4 Ngāti Koroki Kahukura is a River Iwi.

### Statement of significance

9.3 The Crown recognises the following statement of significance of the Waikato River to Ngāti Koroki Kahukura:

9.3.1 Maungatautari and the Waikato River are regarded by Ngāti Koroki Kahukura as tūpuna and living taonga.

9.3.2 Maungatautari was named by the Tohunga (High Priest) Rakataura on board Tainui waka and both Koroki and Kahukura are his direct descendants. Waikato was named by Hoturoa the Tumu Ariki (Highest Chief) and captain of the Tainui waka. Again both Koroki and Kahukura are his direct descendants.

9.3.3 The world view of Ngāti Koroki Kahukura with regard to these tūpuna tūtohu whenua (ancestral environmental sites) is amplified in the Maimai Aroha (Song of sorrow) composed by King Taawhiao Pootatau Te Wherowhero, the second Māori King. A particular verse is:

*'Kaaore i aarika a Maungatautari, a Maungaakawa ooku puke  
maunga he taonga tuku iho'*

*The plentiful bounties of Maungatautari and Maungākawa, the hills of  
my inheritance handed down unto me*

and:

*'Tooku awa koiara, ko oona pikonga he kura tangihia o te mataamuri'*

*My river of life, each curve more beautiful than the last.*

9.3.4 To Ngāti Koroki Kahukura the Waikato River is a single indivisible being that includes its waters, banks, bed (and all minerals under it) and its streams, waterways, tributaries, lakes, aquatic fisheries, vegetation, floodplains,



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wetlands, islands, springs, water column, airspace and substratum as well as its metaphysical being with its own mauri.

9.3.5 Ngāti Koroki Kahukura is inextricably bound to the awa tupuna by virtue of whakapapa which derives from the creation stories of Ranginui and Papatūānuku. This interconnectedness lies at the heart of the way Ngāti Koroki Kahukura view the world and our waterways and is the basis of kaitiakitanga which dictates, among other things, that the mauri of waterways must be respected as a matter of priority. The awa tupuna has traditional healing powers and a significant spiritual relevance for Ngāti Koroki Kahukura who regard the awa as a source of mana and an indicator of their own mauri or well-being. The awa also provided physical sustenance. Its waters enabled lands to remain fertile thereby allowing the gardens of Ngāti Koroki Kahukura to flourish. The awa tupuna yielded water fowl and aquatic foods such as fish and tuna and the Arapuni region was known as 'te rohe o te tuna - the region of the plentiful eels'. The awa tupuna was the principal communications link and highway of trade and transport taking Ngāti Koroki Kahukura wheat, flax and potatoes as far as Auckland to be exported to Sydney and the Americas.

9.3.6 Maungatautari and Waikato continue to provide spiritual and physical sustenance to Ngāti Koroki Kahukura and are inextricably linked to the identity of Ngāti Koroki Kahukura. Maungatautari and Waikato are inseparable and indivisible.

**Ngāti Koroki Kahukura objectives for the Waikato River**

*The objectives*

9.4 Ngāti Koroki Kahukura may issue objectives for the Waikato River.

9.5 The objectives must be consistent with the overarching purpose of the arrangements in relation to the Waikato River to restore and protect the health and wellbeing of the Waikato River for future generations.

9.6 Ngāti Koroki Kahukura must:

9.6.1 make the Ngāti Koroki Kahukura objectives for the Waikato River available to the public for inspection at the offices of the Taumatawiwi Trust; and

9.6.2 give copies of those objectives to:

(a) the relevant local authorities; and

(b) the Minister for the Environment.

9.7 The Ngāti Koroki Kahukura objectives become effective when the objectives are made available for inspection pursuant to paragraphs 9.6.1 and 9.6.2.

*Amendments*

9.8 Ngāti Koroki Kahukura may amend the Ngāti Koroki Kahukura objectives at any time provided that the amendments proposed are consistent with the overarching purpose of the arrangements in relation to the Waikato River to restore and protect the health and wellbeing of the Waikato River for future generations.

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9.9 Ngāti Koroki Kahukura must:

9.9.1 make the amended Ngāti Koroki Kahukura objectives for the Waikato River available to the public for inspection at the offices of the Taumatawiwi Trust; and

9.9.2 give copies of the amended objectives to:

(a) the relevant local authorities; and

(b) the Minister for the Environment.

9.10 The amended Ngāti Koroki Kahukura objectives become effective when the amended objectives are made available pursuant to paragraphs 9.9.1 and 9.9.2.

9.11 On becoming effective, the Ngāti Koroki Kahukura objectives, and any amended objectives, are to be considered iwi objectives for the purposes of section 20(2)(a)(iv) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and section 21(2)(a)(ii) of the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.

**Karapiro to Lake Arapuni sub-catchment**

*Joint management agreements*

9.12 For the purposes of this deed, from settlement date the joint management agreements referred to in paragraph 9.13, whether in force on or after the settlement date, apply also to the Karapiro to Lake Arapuni sub-catchment.

9.13 The agreements referred to in paragraph 9.12 are the joint management agreements between the Waikato Raupatu River Trust and:

9.13.1 the Waikato Regional Council; and

9.13.2 the Waipa District Council.

9.14 In paragraphs 9.12 and 9.13 "**joint management agreement**" means an agreement as defined in section 6(3) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

9.15 For the purposes this deed:

9.15.1 the South Waikato District Council and the Waikato Raupatu River Trust may agree in writing to enter into a joint management agreement ("**preliminary agreement date**");

9.15.2 a joint management agreement must be generally in the form set out in part 5 of the Schedule of the Waikato-Tainui Deed of Settlement;

9.15.3 sections 42 to 55 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 will apply to a joint management agreement as if those sections were written to apply also to the Karapiro to Lake Arapuni sub-catchment; and

9: PROVISIONS RELATING TO WAIKATO RIVER ARRANGEMENTS

9.15.4 the provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 referred to in paragraph 9.15.3 will apply with any necessary modifications, including:

- (a) references to the Waikato River and its catchment mean the Waikato River and its catchment to the extent to which they are within the Karapiro to Lake Arapuni sub-catchment;
- (b) references to a local authority mean the South Waikato District Council; and
- (c) references to the settlement date mean the preliminary agreement date under paragraph 9.15.1.

9.16 To avoid doubt, for the purposes of joint management agreements applying to the Karapiro to Lake Arapuni sub-catchment, paragraphs 9.12 to 9.15:

9.16.1 provide for Ngāti Koroki Kahukura to be represented through the Waikato Raupatu River Trust; and

9.16.2 do not confer or imply additional representation for Ngāti Koroki Kahukura.

*Accords*

9.17 For the purposes of the settlement legislation, the conservation accord will apply also to the Karapiro to Lake Arapuni sub-catchment, except for the following provisions of that accord:

9.17.1 clause 6.3 (integrated river management plan); and

9.17.2 clause 6.9 (regulations).

9.18 Other accords entered into with Waikato-Tainui will apply also to the Karapiro to Lake Arapuni sub-catchment.

9.19 For the purposes of paragraph 9.18, "**other accords**" means

9.19.1 accords entered into pursuant to clauses 9.3 to 9.5 of the Waikato-Tainui Deed of Settlement, excluding the accords with the Minister for Land Information and the Commissioner of Crown Lands referred to in clause 9.3.6 of that deed; and

9.19.2 the Māori Affairs Accord dated 16 November 2009.

*Environmental Plan*

9.20 For the purposes of this deed the Waikato-Tainui Environmental Plan prepared under section 39(1) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 will apply also to the Karapiro to Lake Arapuni sub-catchment.

*Fisheries regulations and bylaws*

9.20.1 Any regulations made under section 58(3) of the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 are not a derogation from:

9.20.2 the Ngāti Koroki Kahukura interests referred to in the Crown acknowledgement set out in paragraph 9.2; or

9: PROVISIONS RELATING TO WAIKATO RIVER ARRANGEMENTS

- 9.20.3 the Ngāti Koroki Kahukura statement of significance set out in paragraph 9.3.
- 9.21 Any regulations made under section 93(4) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, to the extent that the regulations apply to the Karapiro to Lake Arapuni sub-catchment, are not a derogation from:
- 9.21.1 the Raukawa interests referred to in part 1 of the Raukawa Waikato River deed;  
or
- 9.21.2 the Raukawa statement of significance set out in part 2 of the Raukawa Waikato River deed.
- 9.22 For the purposes of the settlement legislation:
- 9.22.1 any regulations made under section 93(3) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 to manage customary fishing on the Waikato River will apply also to the Karapiro to Lake Arapuni sub-catchment;
- 9.22.2 subject to paragraphs 9.22.3 and 9.23 to 31, any regulations made under section 93(4) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 providing for recommendations to the Minister for Primary Industries for the making of bylaws restricting or prohibiting fishing on the Waikato River will also apply to the Karapiro to Lake Arapuni sub-catchment; and
- 9.22.3 a bylaw under regulations made under section 93(4) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 will take effect in the Karapiro to Lake Arapuni sub-catchment on a date notified in the Gazette by the Minister for Primary Industries.

*Process for development of bylaws for Karapiro to Lake Arapuni sub-catchment*

- 9.23 The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 both provide for the making of bylaws restricting or prohibiting fishing on the Waikato River (fisheries bylaws).
- 9.24 The purposes of paragraphs 9.25 to 9.30 is to provide for:
- 9.24.1 a co-ordinated approach to the preparation and proposal of a fisheries bylaw that will apply to the Karapiro to Lake Arapuni sub-catchment; and
- 9.24.2 only one version of a fisheries bylaw to apply to the Karapiro to Lake Arapuni sub-catchment.
- 9.25 The process set out in paragraphs 9.26 to 9.30 applies where there is an intention to prepare and propose a fisheries bylaw covering all or part of the Karapiro to Lake Arapuni sub-catchment under either:
- 9.25.1 the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; or
- 9.25.2 the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.
- 9.26 The preparation process for a fisheries bylaw:

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9.26.1 must involve the following parties:

- (a) the Waikato Raupatu River Trust; and
- (b) the Raukawa Settlement Trust (or nominee) as referred to in section 6(1)(b) of the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010; and

9.26.2 may involve any other relevant trusts referred to in section 6(1) of the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010

(the "**contributing parties**").

9.27 The contributing parties will work together to develop and propose one fisheries bylaw for all or part of the Karapiro to Lake Arapuni sub-catchment as opposed to separate fisheries bylaws applying under:

9.27.1 the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and

9.27.2 the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.

9.28 A fisheries bylaw must be consistent with the overarching purpose of:

9.28.1 the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and

9.28.2 the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.

9.29 The contributing parties must agree in writing to the form of a fisheries bylaw before it is proposed to the Minister for Primary Industries.

9.30 Once a fisheries bylaw is made it is deemed to be made under:

9.30.1 the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and

9.30.2 the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.

*Conservation regulations*

9.31 Regulations made under section 58(1) of the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 are not a derogation from:

9.31.1 the Ngāti Koroki Kahukura interests referred to in the Crown acknowledgement set out in paragraph 9.2; or

9.31.2 the Ngāti Koroki Kahukura statement of significance set out in paragraph 9.3.

9.32 Regulations made under section 93(1) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, to the extent that the regulations apply to the Karapiro to Lake Arapuni sub-catchment, are not a derogation from:

9.32.1 the Raukawa interests referred to in part 1 of the Raukawa Waikato River deed; or

9: PROVISIONS RELATING TO WAIKATO RIVER ARRANGEMENTS

9.32.2 the Raukawa statement of significance set out in part 2 of the Raukawa Waikato River deed.

*Integrated River Management Plans*

9.33 Subject to paragraph 9.34, when preparing the Upper Waikato River Integrated Management Plan under section 37(2) of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, the entities referred to in that section will, to the extent that plan applies to the Karapiro to Lake Arapuni sub-catchment, recognise and provide for:

9.33.1 the Ngāti Koroki Kahukura interests referred to in the Crown acknowledgement set out in paragraph 9.2; and

9.33.2 the Ngāti Koroki Kahukura statement of significance set out in paragraph 9.3.

9.34 When preparing the conservation component of the Upper Waikato River Integrated Management Plan under section 37(2) of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, the entities referred to in that section will, to the extent that plan applies to the Karapiro to Lake Arapuni sub-catchment, have particular regard to:

9.34.1 the Ngāti Koroki Kahukura interests referred to in the Crown acknowledgement set out in paragraph 9.2; and

9.34.2 the Ngāti Koroki Kahukura statement of significance set out in paragraph 9.3.

9.35 Subject to paragraph 9.36 when preparing the Integrated River Management Plan under section 36(1) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the entities referred to in that section will, to the extent that plan applies to the Karapiro to Lake Arapuni sub-catchment, recognise and provide for:

9.35.1 the Raukawa interests referred to in part 1 of the Raukawa Waikato River deed; and

9.35.2 the Raukawa statement of significance set out in part 2 of the Raukawa Waikato River deed.

9.36 When preparing the conservation component of the Integrated River Management Plan under section 36(1) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the entities referred to in that section will, to the extent that plan applies to the Karapiro to Lake Arapuni sub-catchment, have particular regard to:

9.36.1 the Raukawa interests referred to in part 1 of the Raukawa Waikato River deed; and

9.36.2 the Raukawa statement of significance set out in part 2 of the Raukawa Waikato River deed.

*Process for development of fisheries component of the integrated river management plan for the Karapiro to Lake Arapuni sub-catchment*

9.37 The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 both provide for an integrated river management plan which includes a fisheries component (fisheries component).

9: PROVISIONS RELATING TO WAIKATO RIVER ARRANGEMENTS

- 9.38 The purposes of paragraphs 9.39 to 9.44 is to provide for:
- 9.38.1 a co-ordinated approach to the preparation and agreement of a fisheries component that will apply to the Karapiro to Lake Arapuni sub-catchment; and
- 9.38.2 only one version of a fisheries component to apply to the Karapiro to Lake Arapuni sub-catchment.
- 9.39 The process set out in paragraphs 9.40 to 9.44 applies when there is an intention to prepare and propose a fisheries component covering the Karapiro to Lake Arapuni sub-catchment under either:
- 9.39.1 the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; or
- 9.39.2 the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.
- 9.40 The preparation process for a fisheries component:
- 9.40.1 must involve the following parties:
- (a) the Waikato Raupatu River Trust;
- (b) the Raukawa Settlement Trust (or nominee) as referred to in section 6(1)(b) of the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010; and
- (c) the Ministry for Primary Industries; and
- 9.40.2 may involve any other relevant trusts referred to in section 6(1) of the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010
- (the "**contributing parties**").
- 9.41 The contributing parties will work together to develop and agree one fisheries component for the Karapiro to Lake Arapuni sub-catchment as opposed to separate fisheries components applying under:
- 9.41.1 the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and
- 9.41.2 the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.
- 9.42 A fisheries component must be consistent with the overarching purpose of and provisions relating to the integrated river management plan under:
- 9.42.1 the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and
- 9.42.2 the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.
- 9.43 The contributing parties must agree in writing to the form of a fisheries component before it becomes part of the integrated river management plans under paragraph 9.44.

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9.44 Once a fisheries component is agreed it is deemed to be a part of the integrated river management plan under the following Acts and in accordance with the terms of those Acts:

9.44.1 the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and

9.44.2 the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.





## 10. PROVISIONS RELATING TO MAUNGATAUTARI

### General

- 10.1 The settlement legislation is to provide for arrangements for Maungatautari Mountain Scenic Reserve on the terms provided in this part.

### Statement of significance of Maungatautari to Ngāti Koroki Kahukura

- 10.2 Ngāti Koroki Kahukura make the following statement:

10.2.1 Maungatautari and the Waikato River continue to provide spiritual and physical sustenance to Ngāti Koroki Kahukura and are inextricably linked to the identity of Ngāti Koroki Kahukura. Maungatautari and Waikato are inseparable and indivisible.

10.2.2 Maungatautari is the tupuna maunga and a living taonga to Ngāti Koroki Kahukura. Ngāti Koroki Kahukura is inextricably bound to the maunga by virtue of whakapapa which derives from the creation stories of Ranginui and Papatūānuku. This interconnectedness lies at the heart of the way Ngāti Koroki Kahukura view the world and our taonga and is the basis of kaitiakitanga which dictates, among other things, that the mauri of these taonga must be respected as a matter of priority.

10.2.3 Maungatautari was named by the Tohunga, Rakataura, who arrived on board the Tainui waka and from whom Korokī and Kahukura are descended.

10.2.4 The maunga has a significant spiritual relevance for Ngāti Koroki Kahukura who regard the maunga as a source of mana and an indicator of their own mauri or well-being. The maunga and its forests offered shelter and provided physical sustenance for Ngāti Koroki Kahukura who have maintained ahi kā roa through the turbulence of the 1830s, the last period of large-scale inter-tribal conflict, and have continued to live close to the mountain ever since.

10.2.5 The world view of Ngāti Koroki Kahukura with regard to this tupuna tūtohu whenua (ancestral environmental site) is amplified in the Maimai Aroha (Song of sorrow) composed by King Tāwhiao Pōtatau Te Wherowhero, the second Māori King. A particular verse is:

*Kaaore i aarika a Maungatautari, a Maungaakawa ooku puke  
maunga he taonga tuku iho.*

*The plentiful bounties of Maungatautari and Maungaakawa, the hills of  
my inheritance handed down unto me.*

10.2.6 The people of Ngāti Koroki Kahukura are tāngata whenua of Maungatautari in the full sense of what it means to be tāngata whenua in accordance with their customs and culture.



10: PROVISIONS RELATING TO MAUNGATAUTARI

**Acknowledgement by the Crown**

- 10.3 The Maungatautari Mountain Scenic Reserve is situated within the homeland rohe of Ngāti Koroki Kahukura referred to in the acknowledgement made by the Crown in paragraph 9.2.
- 10.4 The Crown acknowledges the leadership and generosity of Ngāti Koroki Kahukura in agreeing that the settlement of the historical claims of Ngāti Koroki Kahukura will provide for the fee simple estate in the land within the Maungatautari Mountain Scenic Reserve to be held by "Te hapori o Maungatautari - The Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari".

**MAUNGATAUTARI AND OTHER IWI**

- 10.5 The parties acknowledge that Maungatautari is significant, too, for Ngāti Hauā, Raukawa and Waikato-Tainui who maintain associations with Maungatautari in accordance with their tikanga.

**RECOGNITION OF CUSTOMARY INTERESTS**

- 10.6 The Registrar-General of Land must record on any computer freehold register for the Maungatautari Mountain Scenic Reserve that Ngāti Koroki Kahukura, Ngāti Hauā, Raukawa and Waikato-Tainui have spiritual, ancestral, cultural, customary and historical interests in the land within the Maungatautari Mountain Scenic Reserve.
- 10.7 When carrying out functions or exercising powers under the settlement legislation or the Reserves Act 1977 in relation to the Maungatautari Mountain Scenic Reserve the persons carrying out those functions or exercising those powers must:

10.7.1 consider and give significant weight to:

- (a) the interests referred to in paragraph 10.6;
- (b) the statement of significance set out in paragraph 10.11;
- (c) other statements related to the significance of Maungatautari contained in deeds of settlement entered into between the Crown and Ngāti Hauā, Raukawa and Waikato-Tainui or in settlement legislation giving effect to those deeds; and
- (d) the Crown acknowledgement set out in paragraph 9.2; and

10.7.2 carry out the function or exercise the power in a manner that:

- (a) is not inconsistent with the matters considered under paragraph 10.7.1;
- (b) does not compromise or cause a known wāhi tapu site, archaeological site, site of habitation, or site of cultural significance to be destroyed, damaged or modified; and

10.7.3 when complying with paragraph 10.7.2(a), make a written statement describing how the matters considered under paragraph 10.7.1 have been reflected in the manner that the function has been carried out or the power has been exercised.

10: PROVISIONS RELATING TO MAUNGATAUTARI

- 10.8 The obligations under paragraph 10.7 apply to the extent that they are consistent with the purpose of the enactment under which the function is carried out or the power is exercised.
- 10.9 The recording of interests under paragraph 10.6 does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, the Maungatautari Mountain Scenic Reserve.

**MAUNGATAUTARI MOUNTAIN SCENIC RESERVE**

**Ownership by te hāpori o Maungatautari**

- 10.10 The “**Maungatautari Mountain Scenic Reserve**” means the land described by that name in part 16 of the legislative matters schedule.
- 10.11 On and from the settlement date the fee simple estate in the Maungatautari Mountain Scenic Reserve will be held by:
- “Te hāpori o Maungatautari - The Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari”.

- 10.12 In paragraph 10.11:

10.12.1 “**iwi with customary interests in Maungatautari**” includes Ngāti Koroki Kahukura, Ngāti Hauā, Raukawa and Waikato-Tainui;

10.12.2 “**members of the wider community connected with Maungatautari**” means those persons who, through proximity or sustained and positive involvement and association, consider themselves to be members of the Maungatautari community.

- 10.13 “Te hāpori o Maungatautari - The Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari” must not:

10.13.1 transfer or otherwise dispose of the Maungatautari Mountain Scenic Reserve;  
or

10.13.2 mortgage, or give a security interest in, the Maungatautari Mountain Scenic Reserve.

- 10.14 Subject to paragraphs 10.24 and 10.25 (exchanges), the reserve status of the Maungatautari Mountain Scenic Reserve must not be revoked but may be reclassified in accordance with the Reserves Act 1977.

**Registration**

- 10.15 To the extent that the Maungatautari Mountain Scenic Reserve is all of the land contained in a computer freehold register, the Registrar-General of Land must, on written application by the Director-General:

10.15.1 register “Te hāpori o Maungatautari - The Maungatautari community comprising iwi with customary interests in Maungatautari and members of the

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wider community connected with Maungatautari” as the proprietor of the fee simple estate in the land;

- 10.15.2 notify on the computer freehold register for the Maungatautari Mountain Scenic Reserve that the land is subject to this part 10 and the provisions of the settlement legislation giving effect to this part; and
- 10.16 To the extent that paragraph 10.15 does not apply to the Maungatautari Mountain Scenic Reserve, the Registrar-General of Land must, in accordance with a written application by the Director-General:
- 10.16.1 create one or more computer freehold registers for the fee simple estate in the land in the name of “Te hapori o Maungatautari - The Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari”;
- 10.16.2 notify on the computer freehold register that the land is subject to this part 10 and the provisions of the settlement legislation giving effect to this part; and
- 10.16.3 record on the register or registers any interests that are registered, notified or notifiable and that are described in the application.
- 10.17 If any part of the Maungatautari Mountain Scenic Reserve is no longer subject to reservation as a reserve under the Reserves Act 1977 as the result of an exchange in accordance with paragraphs 10.24 and 10.25 the Registrar-General of Land must ensure that the notations referred to in paragraphs 10.15.2 and 10.16.2 remain only on any computer freehold register for the part of the Maungatautari Mountain Scenic Reserve that remains subject to reservation as a reserve under the Reserves Act 1977.
- 10.18 Paragraph 10.16 is subject to the completion of any survey necessary to complete a computer freehold register.
- 10.19 A written application required to give effect to paragraphs 10.15 and 10.16 must be made by the Director-General no later than 24 months after the settlement date or any later date agreed in writing by the Crown and the governance entity.

**Public enjoyment and continuation of reserve status**

- 10.20 The Maungatautari Mountain Scenic Reserve:
- 10.20.1 shall be held for the use and enjoyment of the people of New Zealand; and
- 10.20.2 remains a scenic reserve under the Reserves Act 1977 unless that reserve status is reclassified under that Act.
- 10.21 Paragraph 10.20.1 does not of itself create any right on which a cause of action may be founded.
- 10.22 For the purposes of paragraph 10.20:
- 10.22.1 the Minister of Conservation continues to have, in relation to the Maungatautari Mountain Scenic Reserve, the functions, obligations and powers that the Minister has under the Reserves Act 1977 in relation to a reserve vested in the Crown; and

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10.22.2 the Waipa District Council continues to be appointed as the administering body of the Maungatautari Mountain Scenic Reserve:

- (a) as if appointed under section 28 of the Reserves Act 1977; and
- (b) unless the council's appointment as the administering body is revoked by the Minister of Conservation under section 28(2) of that Act.

10.23 Paragraph 10.22.1 does not entitle the Minister of Conservation to exercise:

10.23.1 the power under section 26 of the Reserves Act 1977 to vest the reserve in other entities or persons;

10.23.2 the power under section 24 of the Reserves Act 1977 to revoke the reservation of the land as a reserve; nor

10.23.3 the power under section 15 of the Reserves Act 1977 to exchange the land comprising the reserve or part of it unless the Minister has complied with paragraph 10.24.

10.24 Despite paragraph 10.23.3, the Minister of Conservation may authorise the exchange of part of the Maungatautari Mountain Scenic Reserve in accordance with section 15 of the Reserves Act 1977 but only if the Minister has the written consent of the authorised representatives of "Te hapori o Maungatautari - The Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari" to do so.

10.25 If the Minister of Conservation authorises an exchange in accordance with paragraph 10.24:

10.25.1 the fee simple in the part of the reserve that is exchanged:

- (a) ceases to be held by "Te hapori o Maungatautari - The Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari"; and
- (b) is no longer subject to the provisions of the settlement legislation relating to the Maungatautari Mountain Scenic Reserve or to the Reserves Act 1977; and

10.25.2 on and from the exchange:

- (a) the fee simple in the land acquired by way of exchange is held by "Te hapori o Maungatautari - The Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari"; and
- (b) the land acquired by way of exchange is held as part of the Maungatautari Mountain Scenic Reserve subject to:
  - (i) the same reserve classification and administration regime as that which applied to the land given in exchange; and
  - (ii) the settlement legislation and the Reserves Act 1977.

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- 10.26 No later than six months after the settlement date the administering body for the Maungatautari Mountain Scenic Reserve must commence a review of the management plan for the reserve.
- 10.27 When reviewing the management plan for the Maungatautari Mountain Scenic Reserve under paragraph 10.26 the administering body must:
- 10.27.1 follow the procedure specified in subsections (5) and (6) of section 41 of the Reserves Act 1977 as if the review were the preparation of a management plan; and
- 10.27.2 form a reference group with the governance entity to assist with the conduct of the review.

**Existing rights and obligations**

- 10.28 "Te hapori o Maungatautari - The Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari" holds the fee simple estate in the Maungatautari Mountain Scenic Reserve subject to and together with any encumbrances existing on the settlement date.
- 10.29 All arrangements entered into prior to the settlement date between the administering body and third parties in relation to the management of the Maungatautari Mountain Scenic Reserve (including, without limitation, arrangements relating to infrastructure for activities on the reserve) remain unaffected by the "Te hapori o Maungatautari - The Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari" becoming the holder of the fee simple estate in the Maungatautari Mountain Scenic Reserve.
- 10.30 Any interest under a lease, licence, permit, easement, or statutory authorisation (including any right to a renewal or extension of that interest) granted in respect of the Maungatautari Mountain Scenic Reserve that is in effect immediately prior to the settlement date will continue, so far as it is lawful, to have effect according to its tenor and, despite the operation of paragraph 10.11, the grantor of such lease, licence, permit, easement, or statutory authorisation immediately prior to the settlement date will continue to be treated as the grantor.
- 10.31 Any person who, immediately prior to the settlement date, has an interest in any structure fixed to, or under or over, the Maungatautari Mountain Scenic Reserve will continue to have that interest in the structure as personal property until the person's interest is changed by a disposition or by operation of law.
- 10.32 A bylaw, prohibition, or restriction on use or access in relation to the Maungatautari Mountain Scenic Reserve made or granted prior to the settlement date under the Reserves Act 1977 or the Conservation Act 1987 by the administering body or the Minister of Conservation will remain in force until it expires or is revoked under applicable legislation.
- 10.33 Despite any enactment or rule of law, no person may claim an interest in the Maungatautari Mountain Scenic Reserve on the ground of adverse possession or prescriptive title.

10: PROVISIONS RELATING TO MAUNGATAUTARI

10.34 Despite paragraph 10.11, the Crown continues to have, in relation to the Maungatautari Mountain Scenic Reserve, the rights and obligations of the holder of the fee simple estate, including any obligations that the holder of the fee simple estate would have in respect of occupational health and safety, building, climate change or rating liability legislation.

**Extension of reserve to other lands**

10.35 Subject to the written agreement of the authorised representatives, additional parcels of land may be transferred to, or vested in, "Te hapori o Maungatautari - The Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari".

10.36 If at any time any additional parcels of land are transferred to, or vested in, "Te hapori o Maungatautari - The Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari":

10.36.1 the additional parcels of land are to be held as part of the Maungatautari Mountain Scenic Reserve subject to:

(a) the same reserve classification and administration regime as applies to the Maungatautari Mountain Scenic Reserve; and

(b) the settlement legislation and the Reserves Act 1977; and

10.36.2 the rights and obligations of the Crown under paragraph 10.34 will apply to the additional parcels of land.

**Authorised representatives**

10.37 If, as the holder of an estate in fee simple in the Maungatautari Mountain Scenic Reserve, "Te hapori o Maungatautari - The Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari" is required to sign or enter into any deed, contract or other instrument in relation to the Maungatautari Mountain Scenic Reserve, not being an action that is required or authorised to be carried out by the administering body for the Maungatautari Mountain Scenic Reserve or by the Minister pursuant to paragraph 10.22, it shall do so by its authorised representatives.

10.38 For the purposes of paragraph 10.37 the authorised representatives of "Te hapori o Maungatautari - The Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari" are, ex officio:

10.38.1 the chairperson of the Taumatawiwi Trust;

10.38.2 the chairperson of the Ngāti Hauā Trust Board or its successor;

10.38.3 the chairperson of the Raukawa Settlement Trust;

10.38.4 the chairperson of Te Arataura; and

10.38.5 the mayor of the Waipa District Council.

NGĀTI KOROKI KAHUKURA DEED OF SETTLEMENT  
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10: PROVISIONS RELATING TO MAUNGATAUTARI

- 10.39 If at any time an entity referred to in paragraphs 10.38.1 to 10.38.4 and 10.40 has more than one chairperson only one of them may carry out the functions and duties of an authorised representative.
- 10.40 If the Crown and Ngāti Hauā enter into a deed of settlement then upon that deed becoming unconditional the person referred to in paragraph 10.38.2 ceases to be an authorised representative and the authorised representative will be the chairperson of the governance entity referred to in the Ngāti Hauā deed of settlement.
- 10.41 Decisions and signatures of the authorised representatives are valid if:
- 10.41.1 made or executed by a majority that:
- (a) comprises not less than four of them; and
- (b) includes the mayor of the Waipa District Council; and
- 10.41.2 all of them were given prior written notice.
- 10.42 No action will lie against the authorised representatives, or any of them, in respect of anything done or omitted to be done by them in the exercise of their functions unless it is shown that they acted in bad faith or without reasonable care.
- 10.43 No authorised representative will be personally liable for any liability of “Te hapori o Maungatautari - The Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari” including, without limitation, any liability or duty of “Te hapori o Maungatautari - The Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari” as an owner of land.
- 10.44 Despite the operation of paragraph 10.11, the following instruments, if capable of registration under the land Transfer Act 1952, shall be taken to have been validly executed and may be accepted by the Registrar-General of Land accordingly:
- 10.44.1 an instrument affecting the Maungatautari Mountain Scenic Reserve that is executed by or on behalf of the Crown pursuant to a function, obligation or power under paragraphs 10.20.1 or 10.24;
- 10.44.2 an instrument affecting the Maungatautari Mountain Scenic Reserve that is executed by the administering body for the Maungatautari Mountain Scenic Reserve pursuant to a function, obligation or power:
- (a) under paragraph 10.22.2; or
- (b) delegated to the administering body pursuant to section 10 of the Reserves Act 1977; and
- 10.44.3 an instrument affecting the Maungatautari Mountain Scenic Reserve that is executed by the authorised representatives of “Te hapori o Maungatautari - The Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari” in accordance with paragraphs 10.37 to 10.39.



10: PROVISIONS RELATING TO MAUNGATAUTARI

10.45 An instrument referred to in paragraph 10.44 must be accompanied by a certificate given by the party executing the instrument, or a solicitor, verifying that:

10.45.1 the instrument has been executed in accordance with a function, obligation or power authorised or conferred under the settlement legislation or the Reserves Act 1977; and

10.45.2 in the case of an instrument to give effect to an exchange, that paragraph 10.24 applies.

**Application of other enactments**

10.46 The following provisions, to the extent that they apply to Māori customary land, apply to the Maungatautari Mountain Scenic Reserve which, for the purpose of this paragraph, is deemed to be Māori customary land:

10.46.1 sections 104, 145 and 342 of Te Ture Whenua Māori Act 1993;

10.46.2 section 28 of the Limitation Act 2010; and

10.46.3 section 8 of the Local Government (Rating) Act 2002.

10.47 The following enactments apply as follows:

*Conservation Act 1987*

10.47.1 the operation of paragraph 10.11 constitutes a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24, 24A, and 24AA of that Act do not apply to the disposition;

10.47.2 the Registrar-General of Land is to be required to notify on the computer freehold register for the Maungatautari Mountain Scenic Reserve that the land is subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply;

10.47.3 if any part of the Maungatautari Mountain Scenic Reserve is no longer subject to reservation as a reserve under the Reserves Act 1977 as the result of an exchange in accordance with paragraphs 10.24 and 10.25:

(a) that part of the Maungatautari Mountain Scenic Reserve is no longer exempt from section 24 of the Conservation Act 1987 (other than from subsection (2A) of that section); and

(b) the Registrar-General of Land must ensure that the notation referred to in paragraph 10.47.2 remains only on any computer freehold register for the part of the Maungatautari Mountain Scenic Reserve that remains subject to reservation as a reserve under the Reserves Act 1977;

*Resource Management Act 1991*

10.47.4 section 108(9) of the Resource Management Act 1991 will apply to the Maungatautari Mountain Scenic Reserve as if the Maungatautari Mountain Scenic Reserve were Māori freehold land within the meaning of Te Ture Whenua Māori Act 1993;

10: PROVISIONS RELATING TO MAUNGATAUTARI

10.47.5 section 11 and Part 10 of the Resource Management Act 1991 do not apply to the operation of paragraph 10.11 or any matter incidental to, or required for the purpose of, the operation of paragraph 10.11;

*Te Ture Whenua Māori Act 1993*

10.47.6 except to the extent provided under paragraph 10.46.1, nothing in Te Ture Whenua Māori Act 1993 will apply to the Maungatautari Mountain Scenic Reserve;

*Crown Minerals Act 1991*

10.47.7 the operation of paragraph 10.11 does not limit sections 10 or 11 of the Crown Minerals Act 1991.

## 11. PROVISIONS RELATING TO THE COMMERCIAL REDRESS PROPERTY AND PURCHASED DEFERRED SELECTION PROPERTY

### General

- 11.1 The settlement legislation is to include provisions in relation to the commercial redress property and the purchased deferred selection property on the terms provided in this part.

### **Crown to be authorised to transfer the commercial redress property and purchased deferred selection property**

- 11.2 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:

11.2.1 transfer to the trustees of the Taumatawiwi Trust the fee simple estate in the commercial redress property or the purchased deferred selection property; and/or

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

- 11.3 The authority under paragraph 11.2 is to be given to give effect to this deed.

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

- 11.4 Paragraphs 11.5 to 11.7 are to apply to:

11.4.1 the commercial redress property or the purchased deferred selection property to be transferred to the trustees of the Taumatawiwi Trust, 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.

- 11.5 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:

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

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

11.5.2 without any statement of purpose.

### **Covenant for later creation of freehold register to be permitted**

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

11: PROVISIONS RELATING TO THE COMMERCIAL REDRESS PROPERTY AND  
PURCHASED DEFERRED SELECTION PROPERTY

purchased deferred selection property to be transferred to the trustees of the Taumatawiwi Trust under the deed of settlement.

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

11.7.1 the authorised person may request the Registrar-General of Land to register a covenant granted in accordance with paragraph 11.6 under the Land Transfer Act 1952 by creating a computer interest register; and

11.7.2 the Registrar-General of Land must register the covenant.

**Application of other legislation**

11.8 The settlement legislation is to provide that:

11.8.1 section 11 and part 10 of the Resource Management Act 1991 do not apply to:

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

11.8.2 the transfer of the commercial redress property or the purchased deferred selection property, to the trustees of the Taumatawiwi Trust:

- (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;

11.8.3 in exercising the powers conferred by paragraphs 11.2.1 and 11.2.2, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of the commercial redress property or the purchased deferred selection property; and

11.8.4 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 the commercial redress property or the purchased deferred selection property.

11.9 Paragraph 11.8.3 does not limit paragraph 11.8.2.

## 12. RFR PROVISIONS

### Definitions to be provided

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

12.1.1 **deferred selection RFR land** means

deferred selection property that has not been transferred, and is no longer able to be transferred to the trustees of the Taumatawiwi Trust, in accordance with parts 5 and 6 of the property redress schedule;

12.1.2 **dispose of**, in relation to RFR land:

(a) means to:

- (i) transfer or vest the fee simple estate in the land; or
- (ii) grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease) for 50 years or longer; but

(b) to avoid doubt, does not include to:

- (i) mortgage, or give a security interest in, the land;
- (ii) grant an easement over the land;
- (iii) consent to an assignment of a lease, or to a sub-lease, of the land; or
- (iv) remove an improvement, fixture, or fitting from the land;

12.1.3 **expiry date**, in relation to an offer, means its expiry date under paragraphs 12.5.1 and 12.6;

12.1.4 **nominee** has the meaning given to it by paragraph 12.9.1;

12.1.5 **notice** means a notice under this part;

12.1.6 **offer** means an offer, made in accordance with paragraph 12.5, by an RFR landowner to dispose of RFR land to the trustees of the Taumatawiwi Trust;

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

12.1.8 **RFR area** means the area shown on SO 443357 in the attachments;

12.1.9 **RFR land** has the meaning given to it by paragraphs 12.2 and 12.3;

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12.1.10 **RFR landowner**, in relation to RFR land:

- (a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land;
- (b) means a Crown body if it holds the fee simple estate in the land;
- (c) includes a local authority to whom RFR land has been disposed of under paragraph 12.10.2; and
- (d) to avoid doubt, does not include an administering body in which RFR land is vested:
  - (i) on the settlement date; or
  - (ii) after the settlement date under paragraph 12.10.3; and

12.1.11 **RFR period** means the period of 173 years from the settlement date.

**RFR land to be defined**

12.2 **RFR land** is to mean:

- 12.2.1 land within the RFR area excluding the commercial redress property and the deferred selection property if, on the settlement date, the land is vested in the Crown, or the Crown holds the fee simple estate in the land;
- 12.2.2 land obtained in exchange for a disposal of RFR land under paragraph 12.11.5(c) or 12.11.6;
- 12.2.3 land in the RFR area that, on the settlement date, is a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown; and
- 12.2.4 deferred selection RFR land.

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

- 12.3.1 the fee simple estate in the land transfers from the RFR landowner to:
  - (a) the trustees of the Taumatawiwi Trust (or a nominee); or
  - (b) any other person (including the Crown or a Crown body) in accordance with paragraph 12.4.3; or
- 12.3.2 the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body under:
  - (a) paragraphs 12.11 or 12.10.1; or
  - (b) an enactment, rule of law, encumbrance, legal or equitable obligation, mortgage or security interest referred to in paragraph 12.12; or
- 12.3.3 the RFR period ends.

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**Restrictions on disposal of RFR land to be provided**

- 12.4 The settlement legislation is to provide that an RFR landowner must not dispose of RFR land to a person other than the trustees of the Taumatawiwi Trust, or its nominee, unless the land is disposed of:
- 12.4.1 under paragraphs 12.10, 12.11, or 12.14.1;
  - 12.4.2 under an enactment, rule of law, encumbrance, legal or equitable obligation, mortgage or security interest referred to in paragraph 12.12; or
  - 12.4.3 within two years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees of the Taumatawiwi Trust, if the offer was:
    - (a) made in accordance with paragraph 12.5;
    - (b) on terms that were the same as, or more favourable to the trustees of the Taumatawiwi Trust than, the terms of the disposal to the person;
    - (c) not withdrawn under paragraph 12.7; and
    - (d) not accepted under paragraph 12.8.

**Requirements for offer to trustees to be specified**

- 12.5 An offer by an RFR landowner to dispose of RFR land to the trustees of the Taumatawiwi Trust must be by written notice to the trustees of the Taumatawiwi Trust, incorporating:
- 12.5.1 the terms of the offer, including its expiry date;
  - 12.5.2 a legal description of the land, including:
    - (a) the reference for any computer register that contains the land; and
    - (b) any encumbrances affecting it;
  - 12.5.3 a street address for the land (if applicable); and
  - 12.5.4 a street address, postal address, and fax number for the trustees of the Taumatawiwi Trust to give notices to the RFR landowner in relation to the offer.

**Expiry date of offer to be required**

- 12.6 The settlement legislation is to specify that the expiry date of an offer:
- 12.6.1 must be on or after the 40<sup>th</sup> business day after the day on which the trustees of the Taumatawiwi Trust receives notice of the offer; but
  - 12.6.2 may be on or after the 20<sup>th</sup> business day after the day on which the trustees of the Taumatawiwi Trust receives notice of the offer if:
    - (a) the trustees of the Taumatawiwi Trust has received an earlier offer to dispose of the land;

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- (b) the expiry date of the earlier offer was no earlier than 6 months before the expiry date of the later offer; and
- (c) the earlier offer was not withdrawn.

**Withdrawal of offer to be permitted**

- 12.7 An RFR landowner is to be permitted, by notice to the trustees of the Taumatawiwi Trust, to withdraw an offer at any time before it is accepted.

**Acceptance of offer and formation of contract to be provided for**

- 12.8 The settlement legislation is to provide that:

12.8.1 the trustees of the Taumatawiwi Trust may, by notice to the RFR landowner who made an offer, accept the offer if:

- (a) it has not been withdrawn; and
- (b) its expiry date has not passed;

12.8.2 the trustees of the Taumatawiwi Trust must accept all the RFR land offered unless the offer permits them to accept less; and

12.8.3 if the trustees of the Taumatawiwi Trust accepts an offer by an RFR landowner to dispose of RFR land:

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

**Transfer to trustees or a nominee to be provided for**

- 12.9 The settlement legislation is to provide that if a contract for the disposal of RFR land is formed between an RFR landowner and the trustees of the Taumatawiwi Trust under paragraph 12.8.3:

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

- (a) the trustees of the Taumatawiwi Trust; or
- (b) in the case of a transfer of the fee simple estate, a person nominated by the trustees of the Taumatawiwi Trust (a nominee) under paragraph 12.9.2; and

12.9.2 the trustees of the Taumatawiwi Trust may nominate a nominee by giving written notice:

- (a) to the RFR landowner at least 10 business days before the RFR land is to be transferred under the contract for disposal of the RFR land;



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- (b) providing the name of, and all other relevant details about, the nominee;

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

12.9.4 if the trustees of the Taumatawiwi Trust nominates a nominee, the trustees of the Taumatawiwi Trust remains liable for all the obligations of the transferee under the contract.

**Certain disposals by RFR landowner permitted but land remains RFR land**

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

***To the Crown or Crown bodies***

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

***If a public work***

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

***For reserves purposes***

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

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

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

***Under legislative and rule of law obligations***

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

***Under legal or equitable obligations***

12.11.2 in accordance with a legal or equitable obligation that:

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

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

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***Under certain legislation***

12.11.4 in accordance with:

- (a) section 54(1)(d) of the Land Act 1948;
- (b) section 355(3) of the Resource Management Act 1991; or
- (c) section 34, 43 or 44 of the Marine and Coastal Area (Takutai Moana) Act 2011;

***Public works land***

12.11.5 in accordance with:

- (a) section 40(2), 40(4) or 41 of the Public Works Act 1981 (including as applied by other legislation);
- (b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981;
- (c) section 117(3)(a) of the Public Works Act 1981;
- (d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or
- (e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990;

***For reserves or conservation purposes***

12.11.6 in accordance with:

- (a) section 15 of the Reserves Act 1977; or
- (b) section 16A or 24E of the Conservation Act 1987;

***For charitable purposes***

12.11.7 as a gift for charitable purposes;

***To tenants***

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

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

12.11.9 under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted:

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

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12.11.10 under section 93(4) of the Land Act 1948.

**RFR landowner's obligations to be subject to specified matters**

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

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

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

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

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

12.13 The settlement legislation is to provide that:

12.13.1 reasonable steps, for the purposes of paragraph 12.12.2(b), are not to include steps to promote the passing of legislation; and

12.13.2 this part does not limit anything referred to in paragraph 12.12

**Certain matters to be clarified**

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

12.14.1 RFR land may be disposed of by an order of the Māori Land Court under section 134 Te Ture Whenua Māori Act 1993, after an application by an RFR landowner under section 41(e) of the Public Works Act 1981;

12.14.2 if RFR land is disposed of to a local authority under paragraph 12.10.2, the local authority becomes:

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

12.14.3 to avoid doubt, if RFR land that is a reserve is vested in an administering body under paragraph 12.10.3, the administering body does not become:

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

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

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

12: RFR PROVISIONS

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

12.15 The settlement legislation is to provide that:

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

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

12.15.3 the notice must:

(a) include:

- (i) the reference for the computer register; and
- (ii) a legal description of the land; and

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

- (i) a computer register is first created for the RFR land; or
- (ii) the land becomes RFR land.

**Notice to trustees of disposals of RFR land to be required**

12.16 The settlement legislation is to require that:

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

12.16.2 the notice must:

- (a) be given on or before the day that is 20 business days before the disposal;
- (b) include a legal description of the land, including any encumbrances affecting it and identify any computer register that contains the land;
- (c) include a street address for the land (if applicable);
- (d) identify the person to whom the land is being disposed of;
- (e) explain how the disposal complies with paragraph 12.4; and
- (f) if the disposal is made under paragraph 12.4.3, include a copy of any written contract for the disposal.

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

12.17 The settlement legislation is to provide that:

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

- (a) because the RFR landowner is to:
  - (i) transfer the fee simple estate in the land to:
    - (I) the trustees of the Taumatawiwi Trust or its nominee; or
    - (II) any other person (including the Crown or a Crown body) under paragraph 12.4.3; or
  - (ii) transfer or vest the fee simple estate in the land to or in a person (other than the Crown or a Crown body) under:
    - (I) paragraphs 12.11 or 12.14.1; or
    - (II) an enactment, rule of law, encumbrance, legal or equitable obligation, mortgage or security interest referred to in paragraph 12.12; and

12.17.2 the notice must:

- (a) give notice that the land is to cease being RFR land;
- (b) specify the legal description of the land and identify the computer register that contains the land;
- (c) specify the details of the transfer or vesting of the land that will result in it ceasing to be RFR land; and
- (d) be given as early as practicable before the transfer or vesting.

**Notice provisions to be specified**

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

***Notice requirements***

12.18.1 must be in writing; and

12.18.2 signed by:

- (a) the person giving it; or
- (b) in the case of the trustees of the Taumatawiwi Trust, at least two of the trustees for the time being of the trustees of the Taumatawiwi Trust;

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12.18.3 addressed to the recipient at the street address, postal address, or fax number:

- (a) specified for the trustees of the Taumatawiwi Trust in accordance with this deed, in the case of a notice to the trustees of the Taumatawiwi Trust;
- (b) specified by the RFR landowner in an offer made under paragraph 12.5, or in a later notice given to the trustees of the Taumatawiwi Trust, in the case of a notice to the RFR landowner; or
- (c) at the national office of LINZ, in the case of a notice given to the chief executive of LINZ;

12.18.4 given by:

- (a) delivering it by hand to the recipient's street address;
- (b) posting it to the recipient's postal address; or
- (c) faxing it to the recipient's fax number;

***Time when notice received***

12.18.5 is to be treated as having been received:

- (a) at the time of delivery, if delivered by hand;
- (b) on the second day after posting, if posted; or
- (c) at the time of transmission, if faxed; and

12.18.6 is to be treated as having been received on the next business day if, under paragraph 12.18.5, it would be treated as having been received:

- (a) after 5 pm on a business day; or
- (b) on a day that is not a business day.

**Provision for recording of memorials on RFR land to be made**

12.19 The settlement legislation is to provide that:

***Certificates identifying RFR land to be issued***

12.19.1 the chief executive of LINZ must:

- (a) issue to the Registrar-General of Land one or more certificates that specify the legal descriptions of, and identify the computer registers that contain:
  - (i) the RFR land for which there is a computer register on the settlement date;

12: RFR PROVISIONS

- (ii) the RFR land for which a computer register is first created after the settlement date; and
  - (iii) land for which there is a computer register that becomes RFR land after the settlement date; and
- (b) provide a copy of each certificate to the trustees of the Taumatawiwi Trust as soon as reasonably practicable after issuing it;
- 12.19.2 a certificate issued under paragraph 12.19.1 must:
- (a) state that is issued under this paragraph; and
  - (b) be issued as soon as reasonably practicable after:
    - (i) the settlement date, in the case of RFR land for which there is a computer register on settlement date; or
    - (ii) receiving notice under paragraph 12.15 that a computer register has been created for the RFR land or that the land has become RFR land; and

***Memorials to be recorded***

- 12.19.3 the Registrar-General of Land must, as soon as reasonably practicable after receiving a certificate issued under paragraph 12.19.1, record on the computer register for the RFR land identified in the certificate that the land is:
- (a) RFR land as defined in paragraphs 12.2 and 12.3; and
  - (b) subject to this part (which restricts disposal, including leasing, of the land).

**Provision for removal of memorials from RFR land to be made**

12.20 The settlement legislation is to provide that:

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

12.20.1 the chief executive of LINZ must:

- (a) before registration of the transfer or vesting of land described in a notice received under paragraph 12.17, issue to the Registrar-General of Land a certificate that:
  - (i) specifies the legal description of the land and identifies the computer register that contains that land;
  - (ii) specifies the details of the transfer or vesting of the land; and
  - (iii) states that it is issued under this paragraph; and
- (b) as soon as reasonably practicable after issuing a certificate, provide a copy of it to the trustees of the Taumatawiwi Trust; and

12: RFR PROVISIONS

***Memorials to be removed***

12.20.2 if the Registrar-General of Land receives a certificate issued under paragraph 12.20.1, he or she must remove a memorial recorded under paragraph 12.19.3 from any computer register identified in the certificate before registering the transfer or vesting described in the certificate; or

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

12.20.3 the chief executive of LINZ must:

- (a) as soon as reasonably practicable after the RFR period ends, issue to the Registrar-General of Land a certificate that:
  - (i) identifies each computer register that has a memorial recorded on it under paragraph 12.19.3; and
  - (ii) states that it is issued under this paragraph; and
- (b) provide a copy of each certificate to the trustees of the Taumatawiwi Trust as soon as reasonably practicable after issuing it; and

***Memorials to be removed***

12.20.4 the Registrar-General of Land must, as soon as reasonably practicable after receiving a certificate issued under paragraph 12.20.3, remove a memorial recorded under paragraph 12.19.3 from any computer register identified in the certificate.

**General provisions to be included**

12.21 The settlement legislation is to provide that:

***Waiver and variation of rights to be permitted***

12.21.1 the trustees of the Taumatawiwi Trust may, by notice to an RFR landowner, waive any or all of the rights the trustees of the Taumatawiwi Trust has in relation to the landowner under this part;

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

12.21.3 a waiver or agreement under paragraphs 12.21.1 or 12.21.2 is on the terms, and applies for the period, specified in it; and

***Crown's ability to dispose of Crown bodies not affected***

12.21.4 this part does not limit the ability of the Crown, or a Crown body, to sell or dispose of a Crown body.



## 13. MISCELLANEOUS PROVISIONS

### Interpretation

- 13.1 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

- 13.2 The settlement legislation is to:
- 13.2.1 include a guide to its overall scheme and effect; but
  - 13.2.2 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

- 13.3 The settlement legislation is to provide that the rule against perpetuities, and the Perpetuities Act 1964:
- 13.3.1 are not to prescribe or restrict the period during which:
    - (a) the Taumatawiwi Trust may exist in law; and
    - (b) the trustees of the Taumatawiwi Trust, in their capacity as trustees, may hold or deal with property (including income derived from property); or
  - 13.3.2 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
  - 13.3.3 may, however, be applied in accordance with the general law to the Taumatawiwi Trust if it is, or becomes, a charitable trust.

### Timing of actions or matters

- 13.4 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.

13: MISCELLANEOUS PROVISIONS

**Access to this deed**

- 13.5 The Chief Executive of the Ministry of Justice is to be required to make copies of this deed available:
- 13.5.1 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
  - 13.5.2 free of charge on an internet site maintained by or on behalf of the Ministry of Justice.

## 14. STATUTORY AREAS

### 14.1 Statutory Acknowledgement Statutory Areas

Description	Deed Plan
Little Waipā Recreation Reserve	(OTS-180-14)
Whitehall Estate site	(OTS-180-15)
Pōkaiwhenua Stream marginal strip site	(OTS-180-17)
Waikato River and its tributaries within the area of interest	(OTS-180-27)
Lake Arapuni	(OTS-180-28)
Lake Karapiro	(OTS-180-29)

### 14.2 Deeds of Recognition Statutory Areas

Description	Deed Plan
Pōkaiwhenua Stream marginal strip site	(OTS-180-17)
Waikato River and its tributaries within the area of interest	(OTS-180-27)
Lake Arapuni	(OTS-180-28)
Lake Karapiro	(OTS-180-29)



## 15. CULTURAL REDRESS PROPERTIES

Name	Description All in South Auckland Land District	Encumbrances
Koroki Kahukura ki Hinuera	32.0982 hectares, more or less, being Sections 152 and 157 Block XVI Cambridge Survey District. All <i>Gazette</i> 1987 page 23. As shown on deed plan OTS-180-08.	Scenic Reserve subject to section 19(1)(a) of the Reserves Act 1977.  Subject to a water easement created by document S123406.  Subject to a right of way easement created by document S134688.  Subject to GN H080406 declaring adjoining State Highway 1 to be limited access road
Te Reti	27.9380 hectares, more or less, being Section 12 Block X Maungatautari Survey District. All <i>Gazette</i> Notice H476156.  2.6610 hectares, more or less, being Lot 1 DPS 31406. All Transfer H432476.6. As shown on deed plan OTS-180-07.	Scenic Reserve subject to section 19(1)(a) of the Reserves Act 1977.
Pukeatua Cemetery	0.8093 hectares, more or less, being Section 1B Tautari Settlement. Part <i>Gazette</i> 1982 page 1451. As shown on deed plan OTS-180-06.	Local Purpose (Cemetery) Reserve subject to section 23 of the Reserves Act 1977.
Oreipunga	0.4489 hectares, more or less, being Lot 3 DP 31746. All Computer Freehold Register SA819/219. As shown on deed plan OTS-180-09.	
Taumatawiwi	4.3000 hectares, approximately, being Section 8 SO 326117. Part <i>Gazette</i> 1996 page 1838. As shown on deed plan OTS-180-12. Subject to survey.	Recreation reserve subject to section 17 of the Reserves Act 1977.  Subject to an easement in gross for a right to store water and to install and operate hydro electricity works in favour of Mighty River Power Limited, created by Deed of Easement 8672093.1 and held in Computer Interest Register 544104.  Subject to an unregistered lease in

NGĀTI KOROKI KAHUKURA DEED OF SETTLEMENT  
LEGISLATIVE MATTERS SCHEDULE

15: CULTURAL REDRESS PROPERTIES

Name	Description All in South Auckland Land District	Encumbrances
		favour of Brooklyn Water Ski Club (Incorporated), dated 2 December 1994.
Waikaukau	0.85 hectares, approximately, being Part Section 2 SO 326129. Part Gazette Notice 5724545.2. As shown on deed plan OTS-180-20. Subject to survey.	Recreation reserve subject to section 17 of the Reserves Act 1977.  Subject to an easement in gross for a right to store water and to install and operate hydro electricity works in favour of Mighty River Power Limited, created by Deed of Easement 8672073.1, held in Computer Interest Register 544097.
Ara Hinerua	0.0600 hectares, approximately, being Part Section 10 SO 326117 as shown B on SO 306282 (formerly Part Pukekura 1). Part Gazette Notice 5266206.2. As shown on deed plan OTS-180-02. Subject to survey.	Subject to an easement in gross for a right to store water and to install and operate hydro electricity works in favour of Mighty River Power Limited, created by Deed of Easement 8672093.1 and held in Computer Interest Register 544104.
Kohi Wheua	0.0365 hectares, approximately, being Part Section 10 SO 326117 as shown C on SO 306282 (formerly Part Pukekura 1). Part Gazette Notice 5266206.2. As shown on deed plan OTS-180-02. Subject to survey.	Subject to an easement in gross for a right to store water and to install and operate hydro electricity works in favour of Mighty River Power Limited, created by Deed of Easement 8672093.1 and held in Computer Interest Register 544104.
Motu Arataua	9.9553 hectares, approximately, being Part Section 1 SO 326129 (formerly Closed Road and Part Section 10A Tautari Settlement). Part Gazette 1996 page 55. As shown on deed plan OTS-180-05. Subject to survey.	Subject to an easement in gross for a right to store water and to install and operate hydro electricity works in favour of Mighty River Power Limited, created by Deed of Easement 8672073.1 and held in Computer Interest Register 544097.
Tau Pakanga	2.3300 hectares, more or less, being Section 1 SO 59555. Part Proclamation 6030. As shown on deed plan OTS-180-03.	Subject to a pipeline easement in favour of Natural Gas Corporation New Zealand Limited (now NGC Limited) created by Easement Certificate H389937.
Puahue	0.4216 hectares, more or less, being Lots 2 and 3 DPS 9683. All Transfer S465738. As shown on deed plan OTS-180-13.	Subject to a Mining Permit created by SA71B/94.
Waitoa	13.4100 hectares, more or less,	Subject to an easement in gross for

NGĀTI KOROKI KAHUKURA DEED OF SETTLEMENT  
LEGISLATIVE MATTERS SCHEDULE

15: CULTURAL REDRESS PROPERTIES

Name	Description All in South Auckland Land District	Encumbrances
	being Section 4 SO 326129. All <i>Gazette</i> 2003 page 2295. As shown on deed plan OTS-180-19.	a right to store water and to install and operate hydro electricity works in favour of Mighty River Power Limited, created by Deed of Easement 8672073.1, held in Computer Interest Register 544097.
Whanatangi and Ihaia	1.00 hectares, approximately, being Part Section 1 SO 326117. Part <i>Gazette</i> Notice 5729973.1. As shown on deed plan OTS-180-23. Subject to survey.	Subject to an easement in gross for a right to store water and to install and operate hydro electricity works in favour of Mighty River Power Limited, created by Deed of Easement 8672093.1 and held in Computer Interest Register 544104.
Koroki Kahukura ki Piarere	4.60 hectares, approximately, being Part Section 1 SO 326117. Part Proclamation 5567426.1. As shown on deed plan OTS-180-25. Subject to survey.	Subject to an easement in gross for a right to store water and to install and operate hydro electricity works in favour of Mighty River Power Limited, created by Deed of Easement 8672093.1 and held in Computer Interest Register 544104.
Te Kiwa and Te Uira	1.04 hectares, approximately, being Part Section 1 SO 326117. Part <i>Gazette</i> Notice 5567426.1. As shown on deed plan OTS-180-22. Subject to survey.	Subject to an easement in gross for a right to store water and to install and operate hydro electricity works in favour of Mighty River Power Limited, created by Deed of Easement 8672093.1 and held in Computer Interest Register 544104.
Tunakawa	0.0936 hectares, approximately, being Part Hinuera 2. All <i>Gazette</i> Notice S606138. As shown on deed plan OTS-180-24. Subject to survey.	
Horahora Island	1.23 hectares, approximately, being Part Section 1 SO 326117. Part <i>Gazette</i> Notice 5567426.1. As shown on Deed Plan OTS-180-21 subject to survey.	Subject to an easement in gross to store water and to install and operate hydro electricity works in favour of Mighty River Power Limited created by Deed of Easement 8672093.1 and held in Computer Interest Register 544104.



## 16. MAUNGATAUTARI MOUNTAIN SCENIC RESERVE

Name	Description All in South Auckland Land District	Encumbrances
Maungatautari Mountain Scenic Reserve	<p>1512.3821 hectares, approximately, being Part Maungatautari 3A5A7 and Maungatautari 3A5A3 and 3A5A6. Balance Proclamation H547522.1. Subject to survey.</p> <p>361.3109 hectares, more or less, being Sections 31 and 32 Tautari Settlement and Maungatautari 3A6A and 3A7A. All Gazette 1953 page 1341.</p> <p>180.9704 hectares, more or less, being Maungatautari 4G2B. All Gazette Notice S268111.</p> <p>81.6732 hectares, more or less, being Lot 2 DP 27762. All Computer Freehold Register SA989/172.</p> <p>73.5013 hectares, more or less, being Lot 3 DPS 27075. All Transfer H273349.</p> <p>56.8330 hectares, more or less, being Lot 1 DPS 5051. All Gazette Notice S166754.</p> <p>40.4610 hectares, approximately, being Part Maungatautari 3A5G1. All Gazette Notice S117797. Subject to survey.</p> <p>37.0287 hectares, more or less, being Lot 1 DPS 7036. All Gazette Notice S232175.</p> <p>30.8300 hectares, more or less, being Lot 1 DPS 39276. All Transfer H631080.4.</p> <p>20.2300 hectares, more or less, being Lot 1 DPS 34267. All Transfer H533839.</p> <p>10.8100 hectares, more or less, being Lot 1 DPS 19374. All Transfer H121356.4.</p> <p>0.0910 hectares, more or less, being Lot 1 DPS 29722. All Transfer H361488.2. As shown on deed plan OTS-180-11.</p>	<p>Scenic Reserve subject to section 19(1)(a) of the Reserves Act 1977.</p> <p>Subject to a right of way easement created by Transfer 319602 (affects Lot 2 DP 27762).</p> <p>Subject to a water easement created by Easement Certificate H361488.1 (affects Lot 1 DPS 29722).</p>

