

NGĀTI MĀKINO
and
NGĀTI MĀKINO IWI AUTHORITY
and
THE CROWN


**DEED OF SETTLEMENT SCHEDULE:
SETTLEMENT LEGISLATION: AGREED CONTENTS**

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SETTLEMENT LEGISLATION: AGREED CONTENT

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1 INTRODUCTION

- 1.1 This schedule sets out matters the parties agree are to be included in the settlement legislation.

2 TITLE, COMMENCEMENT, AND PURPOSE PROVISIONS

2.1 The settlement legislation is to provide that -

2.1.1 its title is Ngāti Mākino Claims Settlement Act [*date*]; and


2.1.2 it comes into force on the day after the date on which it receives the Royal assent; and

2.1.3 its purpose is to give effect to certain provisions of this deed; and

2.1.4 it binds the Crown.

3 SETTLEMENT PROVISIONS

- 3.1 The settlement legislation is to provide that –
- 3.1.1 the historical claims are settled; and
 - 3.1.2 the settlement is final; and
 - 3.1.3 on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of the historical claims.
- 3.2 Paragraph 3.1 is not to limit the acknowledgements expressed in, or the provisions of, the deed of settlement.

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4 SETTLEMENT IMPLEMENTATION PROVISIONS

Judicial bodies' jurisdiction to be excluded

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

Treaty of Waitangi Act 1975 to be amended

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

Māori land claims protection legislation to cease to apply

- 4.4 The settlement legislation is to provide that –
- 4.4.1 nothing in the legislation listed in this paragraph is to apply –
 - (a) to a redress property; or
 - (b) the deferred selection property if that property is purchased, and settlement of that property effected, under this deed; and
 - (c) to RFR land; or
 - (d) for the benefit of Ngāti Mākino or a representative entity; and

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4.4.2 the legislation is –

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

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 –
 - (i) a redress property; or
 - (ii) the deferred selection property if that property is purchased, and settlement of that purchase is effected, under this deed; or
 - (iii) 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 in the case of –

- (a) a redress property or RFR land, the settlement date; or
- (b) the deferred selection property, if that property is purchased, and settlement of that purchase is effected under this deed, the actual TSP 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 –

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

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5 WHENUA RĀHUI PROVISIONS

General

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

Site to be declared subject to whenua rāhui

- 5.2 The site described in schedule 1 is to be declared subject to the whenua rāhui.

Crown to acknowledge Ngāti Mākino values

- 5.3 The Crown is to acknowledge the statement of Ngāti Mākino values in relation to the whenua rāhui site.

Purposes of whenua rāhui to be specified

- 5.4 The settlement legislation is to provide the only purposes of the whenua rāhui is to –
- 5.4.1 require the New Zealand Conservation Authority, and a conservation board, to-
- (a) have particular regard to the statement of Ngāti Mākino values, and the protection principles, in accordance with paragraph 5.7; and
 - (b) consult with the trustees, and have particular regard to their views, in accordance with paragraph 5.8; and
- 5.4.2 require the New Zealand Conservation Authority to give the trustees an opportunity to make submissions to it, in accordance with paragraph 5.9; and
- 5.4.3 enable the taking of action under paragraphs 5.10 to 5.14 and paragraph 5.21.

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

- 5.5 The settlement legislation is to provide that –
- 5.5.1 the trustees and the Crown are to be given the power to –
- (a) agree on, and publicise, protection principles that are directed at the Minister of Conservation avoiding harm to, and avoiding the diminishing of, Ngāti Mākino values in relation to the whenua rāhui site; and

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(b) change the protection principles by agreement in writing; and

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

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

Particular regard to be required to be given to Ngāti Mākino values and protection principles

5.7 The New Zealand Conservation Authority, and a conservation board, are to be required, when considering general policy, a conservation management strategy, a conservation management plan, or a national park management plan, in relation to the whenua rāhui site, to have particular regard to the statement of Ngāti Mākino values and the protection principles.

Consultation with trustees to be required

5.8 The New Zealand Conservation Authority, and a conservation board, are to be required, before approving general policy, a conservation management strategy, a conservation management plan, or a national park management plan, in relation to the whenua rāhui site, to—

5.8.1 consult with the trustees; and

5.8.2 have particular regard to their views as to the effect of the policy or the document on Ngāti Mākino values and the protection principles.

Trustees to be given an opportunity to make submissions


5.9 If the trustees advise the New Zealand Conservation Authority in writing that they have significant concerns about a draft conservation management strategy in relation to the whenua rāhui site, the New Zealand Conservation Authority is to be required to give the trustees an opportunity to make submissions to it in relation those significant concerns before approving the strategy

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

5.10 The Director-General of Conservation is to be –

5.10.1 required to take action in relation to the protection principles, including the actions set out in paragraph 1.4 of part 1 of the documents schedule; and

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

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

5.10.4 required not take action in respect of the protection principles if requested in writing by the trustees.

Director-General to be required to amend certain documents

5.11 The Director-General of Conservation is to be required to -

5.11.1 initiate an amendment to a conservation management strategy, a conservation management plan, or national park management plan to incorporate objectives relating to the protection principles (including a recommendation to make regulations or bylaws); and

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

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

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

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

Making of regulations to be enabled

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

5.13.1 provide for the implementation of objectives included in a conservation management strategy, a conservation management plan, or a national park management plan as a result of an amendment initiated under paragraph 5.11; and/or

5.13.2 regulate or prohibit activities or conduct by members of the public in relation to the whenua rāhui site; and/or

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

(a) not exceeding \$5000; and

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

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Making of bylaws to be enabled

- 5.14 The Minister of Conservation is to be given the power to make bylaws to -
- 5.14.1 provide for the implementation of objectives included in a conservation management strategy, conservation management plan, or a national park management plan as a result of an amendment initiated under paragraph 5.11; and/or
 - 5.14.2 regulate or prohibit activities or conduct by members of the public in relation to the whenua rāhui site; and/or
 - 5.14.3 to create offences in respect of the contravention of any bylaws made under paragraph 5.14.2 and provide for the imposition of fines -
 - (a) not exceeding \$1000; and
 - (b) for a continuing offence, an additional amount not exceeding \$50 for every day during which the offence continues.

Ability to terminate whenua rāhui to be provided for

- 5.15 The Governor-General is to be given the power, by Order in Council made on the recommendation of the Minister of Conservation, to declare that all or part of the whenua rāhui site is no longer subject to the whenua rāhui.
- 5.16 The Minister of Conservation may not to make a recommendation unless--
- 5.16.1 the trustees and the Minister have agreed in writing that the area concerned should no longer be subject to the whenua rāhui; and
 - 5.16.2 the area concerned is to be, or has been, disposed of by the Crown; or
 - 5.16.3 the responsibility for managing the area concerned is to be, or has been, transferred to another Minister.

Continuing input to be enabled in certain cases after termination

- 5.17 Paragraph 5.18 is to apply if -
- 5.17.1 paragraphs 5.16.2 or 5.16.3 apply; or
 - 5.17.2 there is a change in statutory regime that applies to all or part of the whenua rāhui site.
- 5.18 The Crown is to be required to take reasonable steps to try to ensure the trustees continue to have input into the area concerned.

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5: WHENUA RĀHUI PROVISIONS

Noting of whenua rāhui to be required

5.19 The declaration of the whenua rāhui under the settlement legislation is to be required to be noted in all documents affecting the whenua rāhui site.

5.20 The noting is –

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

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

(a) section 171(1) - (3) of the Conservation Act 1987:

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

Notification to be required in *Gazette* of whenua rāhui and actions in relation to it

5.21 The settlement legislation is to provide that –

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

(a) as soon as practicable after the settlement date, -

(i) the declaration of the whenua rāhui site as subject to the whenua rāhui; and

(ii) the protection principles; and

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

5.21.2 the Director-General of Conservation may notify in the *Gazette* any action (including any action set out in paragraph 1.4 of part 1 of the documents schedule) taken or intended to be taken under any of paragraphs 5.10 to 5.14.

Limitations on whenua rāhui and its effect to be provided for

5.22 The declaration of the whenua rāhui site as subject to the whenua rāhui, and the Crown's acknowledgement of Ngāti Mākino values in relation to the whenua rāhui site, is not to -

5.22.1 affect, or be taken into account by, a person in exercising a power, or in performing a duty or function, under any legislation or bylaw; or

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- 5.22.2 affect the lawful rights or interests of a person who is not a party to this deed;
or
- 5.22.3 have the effect of granting, creating, or providing evidence of, an estate or interest in, or rights relating to, the whenua rāhui site.
- 5.23 No person, in considering a matter or making a decision or recommendation under any legislation or bylaw, may give any greater or lesser weight to Ngāti Mākinō values than the person would give if –
- 5.23.1 the whenua rāhui site had not been declared subject to the whenua rāhui;
and
- 5.23.2 the Ngāti Mākinō statement of values had not been acknowledged by the Crown.
- 5.24 Paragraphs 5.22 and 5.23 are to be subject to the other provisions in relation to the whenua rāhui in the settlement legislation.

6 PROVISIONS FOR STATUTORY ACKNOWLEDGEMENT AND DEED OF RECOGNITION

General

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

Crown to acknowledge statements of association

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

Purposes of statutory acknowledgement to be specified

- 6.3 The settlement legislation is to provide that the only purposes of the statutory acknowledgment are to –
- 6.3.1 require relevant consent authorities, the Environment Court, and the New Zealand Historic Places Trust to have regard to the statutory acknowledgement, as provided for in paragraphs 6.4 to 6.9; and
 - 6.3.2 require relevant consent authorities to forward summaries of resource consent applications, or copies of notices of resource consent applications, to the trustees, as provided for in paragraphs 6.14 to 6.17; and
 - 6.3.3 enable the trustees and any member of Ngāti Mākino to cite the statutory acknowledgement as evidence of the association of Ngāti Mākino with the relevant statutory areas, as provided for in paragraph 6.20.

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

- 6.4 A relevant consent authority is to be required to have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, if the trustees are persons who may be affected by the granting of a resource consent.
- 6.5 Paragraph 6.4 is –
- 6.5.1 to apply to a relevant consent authority that has received an application for a resource consent for an activity within, adjacent to, or directly affecting, a statutory area; and
 - 6.5.2 to apply on and from the effective date; and

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6.5.3 not to limit the obligations of a relevant consent authority under the Resource Management Act 1991.

Environment Court to be required to have regard to statutory acknowledgement

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

6.7 Paragraph 6.6 is –

6.7.1 to apply on and from the effective date; and

6.7.2 not to limit the obligations of the Environment Court under the Resource Management Act 1991.

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

6.8 The settlement legislation is to provide that –

6.8.1 this paragraph applies if an application is made under section 11 or 12 of the Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area; and

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

6.8.3 the Environment Court is to have regard to the statutory acknowledgement relating to a statutory area in determining, under section 20 of the Historic Places Act 1993, an appeal from a decision of the Historic Places Trust in relation to the application, including determining whether the trustees are directly affected by the decision; and

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

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

Statutory acknowledgement to be required to be recorded on statutory plans

6.10 Each relevant consent authority is to be required to attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.

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- 6.11 Paragraph 6.10 is to apply on and from the effective date.
- 6.12 The information to be required to be attached must include –
- 6.12.1 the relevant provisions of the settlement legislation in full; and
 - 6.12.2 the descriptions of the statutory areas; and
 - 6.12.3 the statements of association.

Effect of the recording to be provided for

- 6.13 Unless the information attached to a statutory plan under paragraph 6.10 is adopted by the relevant consent authority as part of the statutory plan, the information is –
- 6.13.1 to be for the purposes of public information only; and
 - 6.13.2 not to be-
 - (a) part of the plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

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

- 6.14 Each relevant consent authority is to be required to forward to the trustees –
- 6.14.1 a summary of resource consent applications received by that authority for activities within, adjacent to, or directly affecting a statutory area; and
 - 6.14.2 if notice of an application for a resource consent is served on the authority under section 145(10) of the Resource Management Act 1991, a copy of that notice.
- 6.15 Paragraph 6.14 is to apply for 20 years from the effective date.
- 6.16 The information to be forwarded in a summary is to be –
- 6.16.1 the same as would be given to an affected person under section 95B of the Resource Management Act 1991; or
 - 6.16.2 as agreed between the trustees and the relevant consent authority.
- 6.17 The settlement legislation is to provide –

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6.17.1 a summary to be forwarded under paragraph 6.14.1 must be forwarded to the trustees –

- (a) as soon as reasonably practicable after an application is received; and
- (b) before the consent authority decides under section 95(a) of the Resource Management Act 1991 whether to notify the application; and

6.17.2 a copy of the notice to be forwarded under paragraph 6.14.2 must be forwarded to the trustees no later than 10 business days after the day on which the trustees receive the notice.

Trustees to be given ability to waive rights

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

6.18.1 waive their rights under paragraphs 6.14 to 6.17; and

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

Forwarding of summaries and notices not to limit other obligations

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

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

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

Use of statutory acknowledgement by Ngāti Mākino to be provided for

6.20 The trustees, and any member of Ngāti Mākino, may, as evidence of the association of Ngāti Mākino with a statutory area, cite the statutory acknowledgement in submissions to, and in proceedings before, a relevant consent authority, the Environmental Protection Authority or a board of inquiry under part 6AA of the Resource Management Act 1991, the Environment Court, or the New Zealand Historic Places Trust concerning activities within, adjacent to, or directly affecting the statutory area.

Limitations in relation to statutory acknowledgement to be provided for

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

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- 6.21.1 relevant consent authorities; or
 - 6.21.2 the Environment Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991; or
 - 6.21.3 the Environment Court; or
 - 6.21.4 the New Zealand Historic Places Trust; or
 - 6.21.5 parties to proceedings before those bodies; or
 - 6.21.6 any other person who is entitled to participate in those proceedings.
- 6.22 Despite paragraph 6.21, the bodies and persons specified in that paragraph are to be permitted to take the statutory acknowledgement into account.
- 6.23 The settlement legislation is to provide, to avoid doubt, -
- 6.23.1 neither the trustees, nor members of Ngāti Mākino, are precluded from stating that Ngāti Mākino has an association with a statutory area that is not described in the statutory acknowledgement; and
 - 6.23.2 the content and existence of the statutory acknowledgement do not limit any statement made.

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

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

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

- 6.25 The settlement legislation is to provide that, except as expressly required by the settlement legislation, -
- 6.25.1 no person, in considering a matter or making a decision or recommendation under legislation or a bylaw, make give greater or lesser weight to the association of Ngāti Mākino 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

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6.25.2 the statutory acknowledgement, and the deed of recognition, are not to -

- (a) affect, or be taken into account by, a person exercising a power or performing a function or duty under legislation or a bylaw; or
- (b) affect the lawful rights and interests of a person who is not a party to this deed; or
- (c) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

Resource Management Act 1991 to be amended

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

7 PROVISIONS RELATING TO PROTOCOLS

General

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

Issue, amendment, and cancellation of protocols to be authorised

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

Protocols' effect on rights and obligations to be provided for

- 7.4 The protocols are not to restrict –
- 7.4.1 the Crown's ability to exercise its powers, and perform its functions and duties, in accordance with the law and government policy; and
 - 7.4.2 in particular, the Crown's ability to –
 - (a) introduce legislation and change government policy; and
 - (b) interact or consult with a person the Crown considers appropriate, including any iwi, hapū, marae, whānau, or other representative of tangata whenua; or
 - 7.4.3 the responsibilities of a responsible Minister or responsible department; or
 - 7.4.4 the legal rights of Ngāti Mākino or a representative entity.

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7: PROVISIONS RELATING TO PROTOCOLS

Enforcement of protocols to be provided for

- 7.5 The Crown is to be required to comply with a protocol while it is in force.
- 7.6 If the Crown fails, without good cause, to comply with a protocol, the trustees are to be given the power to enforce the protocol.
- 7.7 The trustees' right to enforce a protocol is to be subject to the Crown Proceedings Act 1950.
- 7.8 Damages, or monetary compensation, are not to be available as a remedy for the Crown's failure to comply with a protocol; but
- 7.9 Paragraph 7.8 is not to affect a court's ability to award the trustees' costs of enforcing a protocol.
- 7.10 Paragraphs 7.5 to 7.8 are not to apply to guidelines for implementing a protocol.

Limitations on taonga tūturu protocol to be provided for

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

Limitations on Crown minerals protocol

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

Noting and effect of Crown minerals protocol to be provided for

- 7.13 A summary of the terms of the Crown minerals protocol must be noted by the Chief Executive of the Ministry of Economic Development in –
- 7.13.1 a register of protocols maintained by the Chief Executive of the Ministry of Economic Development; and
- 7.13.2 minerals programmes affecting the Crown minerals protocol area when those programmes are replaced.
- 7.14 The noting of the Crown minerals protocol is –
- 7.14.1 for the purpose of public notice only; and
- 7.14.2 not an amendment to a minerals programme for the purposes of the Crown Minerals Act 1991.

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7: PROVISIONS RELATING TO PROTOCOLS

7.15 **Minerals programme**, for the purposes of paragraphs 7.13 and 7.14, has the meaning given to it in section 2(1) of the Crown Minerals Act 1991.

8 PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

Interpretation

8.1 The settlement legislation is to provide that **cultural redress property** means any of the following sites and each site means the land described by that name in schedule 2:

- 8.1.1 Rākau ō Kauwae Hapa site:
- 8.1.2 Ngā Pōrōtai-o-Waitaha-a-Hei site:
- 8.1.3 Lake Rotoehu Scenic Reserve site:
- 8.1.4 Balance of Matawhāura site:
- 8.1.5 Rotoehu Forest Central Wānanga site:
- 8.1.6 Te Kōhanga site.

Rākau ō Kauwae Hapa site

8.2 The settlement legislation is to provide that –

- 8.2.1 the Rākau ō Kauwae Hapa site ceases to be a conservation area under the Conservation Act 1987; and
- 8.2.2 the fee simple estate in the Rākau ō Kauwae Hapa site vests in the trustees; and
- 8.2.3 paragraphs 8.2.1 and 8.2.2 are subject to the trustees providing the Crown with a registrable covenant in relation to the Rākau ō Kauwae Hapa site in the form in subpart A of part 8 of the documents schedule; and
- 8.2.4 the covenant referred to in paragraph 8.2.3 is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

Ngā Pōrōtai-o-Waitaha-a-Hei site

8.3 The settlement legislation is to provide that –

- 8.3.1 Ngā Pōrōtai-o-Waitaha-a-Hei site ceases to be a conservation area under the Conservation Act 1987; and
- 8.3.2 the fee simple estate in Ngā Pōrōtai-o-Waitaha-a-Hei site vests in the trustees; and



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- 8.3.3 Ngā Pōrōtai-o-Waitaha-a-Hei site is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and
- 8.3.4 the reserve created under paragraph 8.3.3 is named Ngā Pōrōtai-o-Waitaha-a-Hei Scenic Reserve; and
- 8.3.5 the Minister of Conservation must provide the trustees with a registrable right of way easement over the area shown as "A" on the diagram attached to the easement document (the final easement area being subject to survey) in favour of Ngā Pōrōtai-o-Waitaha-a-Hei site in the form set out in subpart C of part 8 of the documents schedule.

Lake Rotoehu Scenic Reserve site

- 8.4 The settlement legislation is to provide that -
- 8.4.1 the reservation of the Lake Rotoehu Scenic Reserve site as a scenic reserve subject to the Reserves Act 1977 is revoked; and
- 8.4.2 the fee simple estate in the Lake Rotoehu Scenic Reserve site vests in the trustees; and
- 8.4.3 the Lake Rotoehu Scenic Reserve site is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and
- 8.4.4 the reserve created under paragraph 8.4.3 is named Lake Rotoehu Scenic Reserve.

Rotoehu Forest Central Wānanga site

- 8.5 The settlement legislation is to provide that -
- 8.5.1 the Rotoehu Forest Central Wānanga site ceases to be a conservation area under the Conservation Act 1987; and
- 8.5.2 the fee simple estate in Rotoehu Forest Central Wānanga site vests in the trustees; and
- 8.5.3 the Rotoehu Forest Central Wānanga site is declared a reserve and classified as a local purpose (conservation and education) reserve for the purposes specified in section 23 of the Reserves Act 1977; and
- 8.5.4 the Minister of Conservation must provide the trustees with a registrable right of way easement over the area shown as "A" on the diagram attached to the easement document (the final easement area being subject to survey) in favour of the Rotoehu Forest Central Wānanga site in the form set out in subpart D of part 8 of the documents schedule.

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Balance of Matawhāura site

- 8.6 The settlement legislation is to provide that -
- 8.6.1 the reservation of the Balance of Matawhāura site as a scenic reserve subject to the Reserves Act 1977 is revoked; and
 - 8.6.2 the fee simple estate in the Balance of Matawhāura site vests in the trustees; and
 - 8.6.3 the Balance of Matawhāura site is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

Te Kōhanga site

- 8.7 The settlement legislation is to provide -
- 8.7.1 that Te Kōhanga site ceases to be a conservation area under the Conservation Act 1987; and
 - 8.7.2 that the fee simple estate in Te Kōhanga site vests in the trustees; and
 - 8.7.3 that clauses 8.7.1 and 8.7.2 are subject to the trustees providing the Crown with a registrable right of way easement in gross over the areas shown as "A" and "B" on deed plan OTS-275-06 (the final easement area being subject to survey) in favour of the Minister of Conservation set out in subpart B of part 8 of the documents schedule; and
 - 8.7.4 that the Minister of Conservation must provide the trustees with a registrable right of way easement over -
 - (a) the areas shown as "A" and "B" on the diagram attached to the document (the final easement area being subject to survey); and
 - (b) the area shown as "A" on SO 379094 in favour of Te Kōhanga site in the form set out in subpart E of part 8 of the documents schedule; and
 - 8.7.5 for the matters set out in clauses 5.26 to 5.28, and 5.33 to 5.35, of this deed.

9 PROVISIONS SPECIFYING TERMS OF VESTING

General

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

Vesting to be subject to listed encumbrances

- 9.2 Each cultural redress property is to vest subject to, or together with, any encumbrances for the property listed in schedule 3.

Ownership of trustees to be registered on computer freehold register

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

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

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

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

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

- 9.6 To the extent that a cultural redress property is not all of the land contained in a computer freehold register, or there is no computer freehold register for all or part of the property, the Registrar-General is to –

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

9.6.2 enter on the register any encumbrances that are –

(a) registered, notified, or notifiable; and

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

Timing of creation of computer freehold register to be specified

- 9.7 The settlement legislation is to provide –

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9: PROVISIONS SPECIFYING TERMS OF VESTING

- 9.7.1 paragraph 9.6 is to apply subject to the completion of any survey necessary to create the computer freehold register; and
- 9.7.2 the computer freehold register must be created as soon as reasonably practicable after the settlement date, but no later than –
- (a) 24 months after the settlement date; or
 - (b) any later date that may be agreed in writing by the trustees and the Crown.

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

- 9.8 The settlement legislation is to provide that –
- 9.8.1 the vesting of a cultural redress property in the trustees is to be a disposition for the purposes of Part 4A of the Conservation Act 1987; but
- 9.8.2 sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition; and
- 9.8.3 despite paragraphs 9.8.1 and 9.8.2, the rest of section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve site under the settlement legislation; and
- 9.8.4 if the reservation under the settlement legislation of a reserve site is revoked in relation to all or part of the site, then its vesting is to be no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or part of that site.

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

- 9.9 The Registrar-General of Land is to be required to notify on the computer freehold register for –
- 9.9.1 a reserve site –
- (a) that the land is subject to Part 4A of the Conservation Act 1987; but
 - (b) that section 24 of that Act does not apply; and
 - (c) other than the Balance of Matawhāura site, that the land is subject to paragraphs 9.8.4 and 10.3.1 to 10.3.7; and
 - (d) that is the Balance of Matawhāura site, that the land is subject to paragraphs 9.8.4 and 10.3; and

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

9.10 The settlement legislation is to provide that a notification made under paragraph 9.9.1 or 9.9.2 that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.

Removal of notifications from computer freehold register to be provided for

9.11 The settlement legislation is to provide that –

9.11.1 if the reservation of a reserve site is revoked, in relation to –

(a) all of the site, the Director-General of Conservation is to apply in writing to the Registrar-General of Land to remove from the computer freehold register for the site the notifications that –

(i) section 24 of the Conservation Act 1987 does not apply to the site; and

(ii) the sites, other than the Balance of Matawhāura site, are subject to paragraphs 9.8.4 and 10.3.1 to 10.3.7; and

(iii) the Balance of Matawhāura site is subject to paragraphs 9.8.4 and 10.3; and

(b) part of the site, the Registrar-General of Land is to ensure that the notifications referred to in paragraph (a) remain on the computer freehold register only for the part of the site that remains a reserve; and

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

Application of other legislation to be dealt with

9.12 The settlement legislation is to provide –

9.12.1 sections 24 and 25 of the Reserves Act 1977 are not to apply to the revocation under the settlement legislation of the reserve status of a cultural redress property; and

9.12.2 section 11 and Part 10 of the Resource Management Act 1991 are not to apply to –

(a) the vesting of the fee simple estate in a cultural redress property under the settlement legislation; or

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



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9: PROVISIONS SPECIFYING TERMS OF VESTING

- 9.12.3 the vesting of the fee simple estate in a cultural redress property under the settlement legislation is not to –
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals; and
- 9.12.4 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.

Minister of Conservation to be authorised to grant easements

- 9.13 The Minister of Conservation is to be authorised to grant the right of way easements over conservation areas, as required by clause 5.15 of this deed.
- 9.14 An easement granted by the Minister of Conservation under paragraphs 8.3.5, 8.5.5, or 8.7.4 is to be –
- 9.14.1 enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
 - 9.14.2 treated as having been granted in accordance with Part 3B of that Act; and
 - 9.14.3 registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied.

10 PROVISIONS RELATING TO RESERVE SITES

General

- 10.1 The settlement legislation is to include provisions in relation to the vesting of reserve sites on the terms provided in this part.

Application of Reserves Act 1977 to be dealt with

- 10.2 The settlement legislation is to provide that –
- 10.2.1 the trustees are to be the administering body of a reserve site for the purposes of the Reserves Act 1977; and
 - 10.2.2 despite sections 48A(6), 114(5), and 115(6) of the Reserves Act 1977, sections 48A, 114, and 115 of that Act apply to a reserve site; and
 - 10.2.3 sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply to a reserve site; and
 - 10.2.4 if the reservation under the settlement legislation of a reserve site is revoked under section 24 of the Reserves Act 1977, in relation to all or part of the site,-
 - (a) section 25(2) of that Act applies to the revocation; but
 - (b) the other provisions of section 25 do not apply.

- 10.3 The settlement legislation is to provide that –

Subsequent transfer of reserve sites to be provided for

- 10.3.1 this paragraph is to apply to all, or any part, of a reserve site that remains a reserve at any time after the vesting in the trustees under the settlement legislation (the **reserve land**); and
- 10.3.2 the fee simple estate in the reserve land may be transferred to another person only in accordance with this paragraph; and
- 10.3.3 paragraph 10.3.2 is to apply despite any other enactment or rule of law; and
- 10.3.4 the Minister of Conservation is to give written consent to the transfer of the fee simple estate in reserve land to another person (the **new owner**) if, upon written application, the registered proprietor of the reserve land satisfies the Minister that the new owner is able to –
 - (a) comply with the Reserves Act 1977; and

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

Registration of transfer to be provided for

10.3.5 the Registrar-General of Land, upon receiving the following documents, is to register the new owner as the proprietor of the estate in fee simple in the reserve land:

- (a) the transfer instrument to transfer the fee simple estate in the reserve land to the new owner, including a notification that the new owner is to hold the reserve land for the same reserve purpose as it was held by the administering body immediately before the transfer:
- (b) the Minister of Conservation's written consent to the transfer:
- (c) any other document required for the registration of the transfer instrument; and

New owners are to be the administering body

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

- (a) is to be the administering body of the reserve land for the purposes of the Reserves Act 1977; and
- (b) holds the reserve land for the same reserve purpose as it was held by the administering body immediately before the transfer; and

Provisions not to apply if transfer is to new trustees of a trust

10.3.7 paragraphs 10.3.1 to 10.3.6 are not to apply to the transfer of the fee simple estate in reserve land if -

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

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Certain provisions do not apply to transfer of Balance of Matawhāura site under the deed

- 10.3.8 if the trustees are transferring the fee simple estate in the Balance of Matawhāura site in accordance with paragraph 5.18 of this deed, the Minister of Conservation's written consent is not required under –
- (a) paragraph 10.3.4; or
 - (b) paragraph 10.3.5 (b).

Reserve site is not to be mortgaged or charged

- 10.4 The registered proprietors from time to time of a reserve site that is vested under the settlement legislation are not to mortgage, or give a security interest in, all or any part of the site that remains a reserve.

Bylaws etc in relation to reserve sites to be saved

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

Application of legislation to certain names

- 10.6 The settlement legislation is to provide that –

10.6.1 in this paragraph –

- (a) **Act** means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008; and
- (b) **board** means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) continued by section 7 of the Act; and
- (c) **Crown protected area, Gazetteer, and official geographic name** have the meanings given by section 4 of the Act; and

10.6.2 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,

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the official geographic name is removed from the Gazetteer; and

- (b) comprises only part of a reserve or conservation area –
 - (i) paragraph 10.6.2(a) applies only to the part of the property that is vested; and
 - (ii) the board must 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 scenic reserve under the settlement legislation, that scenic reserve does not become a Crown protected area.



11 PROVISIONS RELATING TO THE LICENSED LAND AND THE DEFERRED SELECTION PROPERTY

Crown to be authorised to transfer the licensed land and the deferred selection property

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

Minister of Conservation to be authorised to grant easements

- 11.3 The Minister of Conservation is to be authorised to grant a right of way easement over a conservation area, as required by clause 6.3.2(c) and (d) of this deed.
- 11.4 An easement granted under paragraph 11.3 is to be –
- 11.4.1 enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
- 11.4.2 treated as having been granted in accordance with Part 3B of that Act; and
- 11.4.3 in the case of an easement required by clause 6.3.2(c), registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied.

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

- 11.5 Paragraphs 11.5 to 11.9 are to apply to –
- 11.5.1 the deferred selection property to the extent that –
- (a) it is not all of the land contained in a computer freehold register; or
 - (b) there is no computer freehold register for all or part of the property; or

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11.5.2 the licensed land that is subject to a single Crown forestry licence.

11.6 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 –

11.6.1 subject to, and together with, any encumbrances that –

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

(b) are described in the written application; and

11.6.2 without any statement of purpose.

Covenant for later creation of freehold register to be permitted

11.7 An authorised person is to be permitted to grant a covenant to arrange for the later creation of a computer freehold register for –

11.7.1 the licensed land; or

11.7.2 the deferred selection property.

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

11.8.1 the authorised person may request the Registrar-General of Land to register a covenant granted in accordance with paragraph 11.7 under the Land Transfer Act 1952 by creating a computer interest register; and

11.8.2 the Registrar-General must register the covenant.

Application of other legislation

11.9 The settlement legislation is to provide –

11.9.1 sections 11 and part 10 of the Resource Management Act 1991 do not apply to –

(a) the transfer to the trustees of –

(i) the licensed land; or

(ii) the deferred selection property; or

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

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11.9.2 the transfer of the licensed land, or the deferred selection property, to the trustees –

(a) does not –

(i) limit section 10 or 11 of the Crown Minerals Act 1991; or

(ii) affect other rights to subsurface minerals; or

(b) is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition; and

11.9.3 in exercising the powers conferred by paragraphs 11.1 and 11.2, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer –

(a) the licensed land; or

(b) the deferred selection property; and

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

(a) the licensed land; or

(b) the deferred selection property.

11.10 Paragraph 11.9.3 does not limit paragraph 11.9.2.

12 PROVISIONS RELATING TO THE LICENSED LAND

Licensed land to cease to be Crown forest land

- 12.1 The settlement legislation is to provide that –
- 12.1.1 the licensed land ceases to be Crown forest land upon the registration of the transfer of the fee simple estate in the land to the trustees; and
 - 12.1.2 although the licensed land does not cease to be Crown forest land until the transfer of the fee simple estate in the land to the trustees is registered, neither the Crown nor any court or tribunal may, between the settlement date and the date of registration, do or omit to do anything if that act or omission would be –
 - (a) consistent with the Crown Forest Assets Act 1989; but
 - (b) inconsistent with this deed.

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

- 12.2 The settlement legislation is to provide that the trustees are, in relation to the licensed land, –
- 12.2.1 a confirmed beneficiary under clause 11.1 of the Crown forestry rental trust deed and, therefore, -
 - (a) the trustees are entitled to the rental proceeds payable since the commencement of the Crown forestry licence; and
 - (b) all the provisions of the Crown forestry rental trust deed apply on the basis that the trustees are a confirmed beneficiary; and
 - 12.2.2 the licensor under the Crown forestry licence as if the licensed land had been returned to Māori ownership –
 - (a) on the settlement date; and
 - (b) under section 36 of the Crown Forest Assets Act 1989.

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

- 12.3 The Crown is to be required to give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of the Crown forestry licence.
- 12.4 The settlement legislation is to provide that –

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12.4.1 paragraph 12.3 is to apply even though the Waitangi Tribunal has not made a recommendation under section 8HB(1)(a) for the return of the licensed land; and

12.4.2 notice given by the Crown under paragraph 12.3 is to have effect as if –

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

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

12.5 Section 36(1)(b) of the Crown Forest Assets Act 1989 is not to apply to the licensed land.

Effect of transfer of licensed land to be specified

12.6 The settlement legislation is to provide that –

12.6.1 paragraphs 12.2 to 12.5 are to apply whether or not, on the settlement date, -

(a) transfer of the fee simple estate in the licensed land has been registered; or

(b) the licence-splitting process in clause 17.4 of the Crown forestry licence has been completed; and

12.6.2 for the period from the settlement date until the completion of the licence splitting process, the licence fee payable under the Crown forestry licence in respect of the licensed land is the amount to be calculated in accordance with paragraphs 6.24 and 6.25 of the property redress schedule; and

12.6.3 with effect from the settlement date, reference to the prospective purchasers in clause 17.4 of the Crown forestry licence must, in relation to the licensed land, be read as if they were references to the trustees.

Access to protected site to be provided

12.7 The settlement legislation is to provide that –

Protected site to be defined

12.7.1 **protected site** is to mean an area of land situated within the licensed land that –

(a) is wāhi tapu or a wāhi tapu area within the meaning of section 2 of the Historic Places Act 1993; and

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- (b) becomes a registered place within the meaning of section 2 of that Act; and

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

Right of access to protected site to be provided

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

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

Conditions of right of access to be specified

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

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

Right of access to be subject to Crown forestry licence

12.7.6 the right of access is to be subject to, and not to override, the terms of any Crown forestry licence, except if the licensee has agreed to the right of access; and

12.7.7 an amendment to a Crown forestry licence will be of no effect to the extent it purports to –

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

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- (b) otherwise adversely affect the right of access.

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

12.8 The settlement legislation is to provide that –

- 12.8.1 the Registrar-General of Land must, in accordance with a written application by an authorised person, record on the computer freehold register for the licensed land that the land is, or may at a future time be, subject to the right of access provided by paragraph 12.7; and
- 12.8.2 an application must be made as soon as reasonably practicable after the settlement date; but
- 12.8.3 if a computer freehold register for the licensed land has not been created by the settlement date, an application must be made as soon as reasonably practicable after the register has been created.

Public access to be continued

12.9 The settlement legislation is to provide that –

- 12.9.1 clause 6.2 of the Crown forestry licence (which relates to public entry for recreational purposes) is to continue to apply even though the Crown is no longer the licensor under the licence because the licensed land has been transferred to the trustees in accordance with this deed; and
- 12.9.2 a notification to the same effect as described in paragraph 12.9.1 must –
- (a) be recorded against the computer freehold register for the licensed land; and
- (b) on application by the registered proprietor, be removed from the computer freehold register for the licensed land on expiry of the Crown forestry licence.

Public right of way easements to be permitted

12.10 The settlement legislation is to provide that –

- 12.10.1 a public right of way easement –
- (a) may be granted under section 8 of the Crown Forests Act 1989; and
- (b) is enforceable in accordance with its terms, despite its subject matter; and

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- 12.10.2 sections 26 and 27 of the Crown Forest Assets Act 1989 apply, subject to any necessary modifications, to any variation, renewal or cancellation under section 8(b) of that Act of a public right of easement; and
- 12.10.3 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 under this paragraph; and
- 12.10.4 in this paragraph, **public right of way easement** means an easement in gross granted in relation to the licensed land, as described in clause 6.3.3 of the deed of settlement.

Lifting of part of Waitahanui Stream protective covenant

- 12.11 The settlement legislation is to provide –
- 12.11.1 the responsible Ministers under the Crown Forest Assets Act 1989 must, as soon as reasonably practicable after the settlement date, vary, in accordance with section 21 of that Act, the Waitahanui Stream protective covenant to exclude from the covenant the area (subject to survey) deed plan OTS-275-12 identifies to be excluded from it; and
- 12.11.2 section 22 of the Crown Forest Assets Act 1989 does not apply to the variation of the Waitahanui Stream protective covenant under paragraph 12.11.1; and
- 12.11.3 the Registrar-General of Land must, on written application by a person authorised by the Chief Executive of LINZ, accompanied by the memorandum of amendment of the Waitahanui Stream protective covenant made by the responsible Ministers under paragraph 12.11.1, notify the particulars of the variation of the covenant on any relevant computer register or instruments of title.

13 RFR PROVISIONS

Definitions to be provided

13.1 The settlement legislation is to provide that, for the purpose of this part –

13.1.1 **dispose of**, in relation to RFR land, -

(a) means to –

(i) transfer or vest the fee simple estate in the land; or

(ii) grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), for 50 years or longer; but

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

(i) mortgage, or give a security interest in, the land; or

(ii) grant an easement over the land; or

(iii) consent to an assignment of a lease, or to a sub-lease, of the land; or

(iv) remove an improvement, fixture, or fitting from the land; and

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

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

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

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

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

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

13.1.8 **RFR landowner**, in relation to RFR land, -

(a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and

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- (b) means a Crown body if it holds the fee simple estate in the land; and
- (c) includes a local authority to whom the RFR land has been disposed of under paragraph 13.10.2; and

13.1.9 RFR **period** means the period of 100 years from the settlement date.

RFR land to be defined

13.2 RFR land is to mean –

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

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

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

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

13.3.1 the fee simple estate in the land is transferred from the RFR landowner to –

- (a) the trustees (or their nominee); or
- (b) any other person, including the Crown or a Crown body, in accordance with paragraph 13.4.3; or

13.3.2 the fee simple estate in the land is transferred from the RFR landowner to, or vests in, a person other than the Crown or a Crown body under-

- (a) paragraphs 13.11 or 13.12.1; or
- (b) an enactment, rule of law, encumbrance, legal or equitable obligation, mortgage or security interest referred to in paragraph 13.13; or

13.3.3 the RFR period ends.

Restrictions on disposal of RFR land to be provided

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

13.4.1 under paragraphs 13.10, 13.11, or 13.12.1; or



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- 13.4.2 under an enactment, rule of law, encumbrance, legal or equitable obligation, mortgage or security interest referred to in paragraph 13.13; or
- 13.4.3 within two years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees, if the offer was –
- (a) made in accordance with paragraph 13.5; and
 - (b) on terms that were the same as, or more favourable to the trustees than, the terms of the disposal to the person; and
 - (c) not withdrawn under paragraph 13.7; and
 - (d) not accepted under paragraph 13.8.

Requirements for offer to trustees to be specified

- 13.5 An offer by an RFR landowner to dispose of RFR land to the trustees must be by written notice to the trustees, incorporating –
- 13.5.1 the terms of the offer, including its expiry date; and
- 13.5.2 a legal description of the land, including –
- (a) the reference for any computer register that contains the land; and
 - (b) any encumbrances affecting it; and
- 13.5.3 a street address for the land (if applicable); and
- 13.5.4 a street address, postal address, and fax number for the trustees to give notices to the RFR landowner in relation to the offer.

Expiry date of offer to be required

- 13.6 The settlement legislation is to specify that the expiry date of an offer –
- 13.6.1 must be on or after the 20th business day after the day on which the trustees receive notice of the offer; but
- 13.6.2 may be on or after the 10th business day after the day on which the trustees receive notice of the offer if –
- (a) the trustees have received an earlier offer to dispose of the land; and
 - (b) the expiry date of the earlier offer was no earlier than 6 months before the expiry date of the later offer; and



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- (c) the earlier offer was not withdrawn.

Withdrawal of offer to be permitted

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

Acceptance of offer and formation of contract to be provided for

- 13.8 The settlement legislation is to provide that –
- 13.8.1 the trustees may, by notice to the RFR landowner who made an offer, accept the offer if –
 - (a) it has not been withdrawn; and
 - (b) its expiry date has not passed; and
 - 13.8.2 the trustees must accept all the RFR land offered unless the offer permits them to accept less; and
 - 13.8.3 if the trustees accept an offer by an RFR landowner to dispose of RFR land –
 - (a) a contract for the disposal of the land is formed between the landowner and the trustees on the terms in the offer; and
 - (b) the terms of the contract may be varied by written agreement between the RFR landowner and the trustees.

Transfer to trustees or a nominee to be provided for

- 13.9 The settlement legislation is to provide that, if a contract for the disposal of RFR land is formed between an RFR landowner and the trustees under paragraph 13.8.3, -
- 13.9.1 the RFR landowner must dispose of the RFR land to –
 - (a) the trustees; or
 - (b) in the case of a transfer of the fee simple estate, a person nominated by the trustees (a **nominee**) under paragraph 13.9.2; and
 - 13.9.2 the trustees may nominate a nominee by giving written notice-
 - (a) to the RFR landowner at least 10 business days before the RFR land is to be transferred under the contract for disposal of the RFR land; and
 - (b) providing the name of, and all other relevant details about, the nominee; and

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

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

Certain disposals by RFR landowner permitted but land remains RFR land

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

To the Crown or Crown bodies

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

For a public work

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

Vested for reserve purposes

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

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

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

Under legislative and rule of law obligations

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

Under legal or equitable obligations

13.11.2 in accordance with a legal or equitable obligation that –

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

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

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Under certain legislation

13.11.4 if the RFR landowner is the Crown, in accordance with-

- (a) section 54(1)(d) of the Land Act 1948; or
- (b) section 355(3), 355AA, or 355AB of the Resource Management Act 1991; or

Public works land

13.11.5 in accordance with -

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

Exchanges of reserve or conservation land

13.11.6 in accordance with –

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

For charitable purposes

13.11.7 as a gift for charitable purposes; or

To tenants

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

- (a) the land; or

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- (b) a building, or part of a building, on the site; or
- 13.11.9 under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted –
- (a) before the settlement date; or
 - (b) on or after the settlement date as a renewal of a lease granted before the settlement date; or
- 13.11.10 under section 93(4) of the Land Act 1948.

Certain matters to be clarified

- 13.12 The settlement legislation is to provide, to avoid doubt, that -
- 13.12.1 RFR land may be disposed of by an order of the 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; and
- 13.12.2 if RFR land is disposed of to a local authority under paragraph 13.10.2, the local authority becomes –
- (a) the RFR landowner of the land; and
 - (b) subject to the obligations of an RFR landowner under this part in relation to the land; and
- 13.12.3 if, on the settlement date, a reserve is RFR land, the administering body of that reserve, unless it is the Crown or a Crown body, is not -
- (a) the RFR landowner of the land; and
 - (b) subject to the obligations of the RFR landowner under this part in relation to the land; and
- 13.12.4 if RFR land is disposed of under section 26 or 26A of the Reserves Act 1977 in accordance with paragraph 13.10.3, and the land is vested in an administering body that is not the Crown or a Crown body, -
- (a) the administering body does not become -
 - (i) the RFR landowner of the land; and
 - (ii) subject to the obligations of the RFR landowner under this part in relation to the land: but
 - (b) if the land vests back in the Crown under section 25 or 27 of the

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Reserves Act 1977, the Crown becomes -

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

RFR landowner's obligations to be subject to specified matters

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

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

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

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

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

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

Notice to trustees of disposals of RFR land to be required

13.15 The settlement legislation is to require that -

13.15.1 an RFR landowner must give the trustees notice of the disposal of RFR land by the landowner to a person other than the trustees (or their nominee); and

13.15.2 the notice must -

- (a) be given on or before the day that is 20 business days before the disposal; and
- (b) include a legal description of the land, including any encumbrances affecting it; and
- (c) include a street address for the land (if applicable); and
- (d) identify the person to whom the land is being disposed of; and
- (e) explain how the disposal complies with paragraph 13.4; and

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

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

13.16 The settlement legislation is to provide that –

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

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

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

13.17 The settlement legislation is to provide that –

13.17.1 the RFR landowner is to give the Chief Executive of LINZ notice if land 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 (or their nominee); or

(II) any other person (including the Crown or a Crown body) under paragraph 13.4.3; 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-

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- (I) paragraphs 13.11 or 13.12.1; or
- (II) an enactment, rule of law, encumbrance, legal or equitable obligation, mortgage or security interest referred to in paragraph 13.13; and

13.17.2 the notice must –

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

Provision for recording of memorials on RFR land to be made

13.18 The settlement legislation is to provide that –

Certificates identifying RFR land to be issued

13.18.1 the Chief Executive of LINZ must –

- (a) issue to the Registrar-General of Land certificates that identify -
 - (i) the RFR land for which there is a computer register on the settlement date; and
 - (ii) the RFR land for which a computer register is first created after the settlement date; and
 - (iii) land for which there is a computer register that becomes RFR land after the settlement date; and
- (b) provide a copy of each certificate to the trustees as soon as reasonably practicable after issuing it; and

13.18.2 a certificate issued under paragraph 13.18.1 must –

- (a) state that is issued under this section; and
- (b) be issued as soon as reasonably practicable after –
 - (i) the settlement date, in the case of RFR land for which there is a computer register on settlement date; or

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- (ii) receiving notice under paragraph 13.3 that a computer register has been created for the RFR land or that the land has become RFR land; and

Memorials to be recorded

13.18.3 the Registrar-General of Land must, as soon as reasonably practicable after receiving a certificate issued under paragraph 13.18.1, record on the computer register for the RFR land identified in the certificate that the land is—

- (a) RFR land as defined in paragraphs 13.2 and 13.3; and
- (b) subject to this part (which restricts disposal, including leasing, of the land).

Provision for removal of memorials from RFR land to be made

13.19 The settlement legislation is to provide that —

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

13.19.1 the Chief Executive of LINZ must, -

- (a) before registration of the transfer or vesting of land described in a notice received under paragraph 13.18.1, issue to the Registrar-General of Land a certificate that —
 - (i) identifies each allotment of land that is contained in a computer register that has a memorial recorded on it under paragraph 13.18.3; and
 - (ii) specifies the details of the transfer or vesting of the land; and
 - (iii) states that it is issued under this paragraph; and
- (b) as soon as reasonably practicable after issuing a certificate, provide a copy of it to the trustees; and

Memorials to be removed

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

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

13.19.3 the Chief Executive of LINZ must –

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

Memorials to be removed

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

Notice

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

Notice requirements

13.20.1 must be in writing; and

13.20.2 must be signed by –

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

13.20.3 must be addressed to the recipient at the street address, postal address, or fax number –

- (a) specified for the trustees in accordance with this deed, in the case of a notice to the trustees; or
- (b) specified by the RFR landowner in an offer made under paragraph 13.5, or in a later notice given to the trustees, in the case of a notice to the RFR landowner; or

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- (c) at the national office of LINZ, in the case of a notice given to the chief executive of LINZ; and

13.20.4 must be given by –

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

Time when notice received

13.20.5 is to be treated as having been received –

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

13.20.6 however, is to be treated as having been received on the next business day if, under paragraph 13.20.5, 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.

General matters

13.21 The settlement legislation is to provide that -

Waiver and variation of rights to be permitted

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

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

13.21.3 a waiver or agreement under paragraphs 13.21.1 or 13.21.2 is on the terms, and applies for the period, specified in it; and

Crown's ability to dispose of Crown bodies not affected

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

14 MISCELLANEOUS PROVISIONS

Moutoroi Pā site

- 14.1 The settlement legislation is to provide that –
- 14.1.1 the Moutoroi Pā site means the land described in relation to that site in schedule 4; and
 - 14.1.2 the fee simple estate in the Moutoroi Pā site is to vest in the trustees subject to, or together with, any encumbrances listed in schedule 4; and
 - 14.1.3 paragraphs 4.4 to 4.7, 9.3 to 9.10, 9.12, and paragraph 10.6 are to apply as if the Moutoroi Pā site were a cultural redress property.

Interpretation

- 14.2 The settlement legislation is to provide that it is Parliament's intention that it is interpreted in a manner that best furthers the agreements expressed in the deed of settlement.

Guide to the settlement legislation

- 14.3 The settlement legislation is to –
- 14.3.1 include a guide to its overall scheme and effect; but
 - 14.3.2 provide the guide does not affect the interpretation or application of –
 - (a) the other provisions of the settlement legislation; or
 - (b) this deed.

Application of perpetuities rule removed

- 14.4 The settlement legislation is to provide that the rule against perpetuities, and the Perpetuities Act 1964, –
- 14.4.1 are not to prescribe or restrict the period during which –
 - (a) the Ngāti Mākino Iwi Authority may exist in law; and
 - (b) the trustees, in their capacity as trustees, may hold or deal with property (including income derived from property); or

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14: MISCELLANEOUS PROVISIONS

14.4.2 are not to apply to a settlement document if the application of that rule, or the provisions of that Act, would otherwise make the document, or a right conferred by the document, invalid or ineffective; and

14.4.3 may, however, be applied in accordance with the general law to Ngāti Māhino Iwi Authority if it is, or becomes, a charitable trust.

Timing of actions or matters

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

Access to this deed

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

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

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

SCHEDULES

1 WHENUA RĀHUI SITE

Part of Lake Rotoma Scenic Reserve (as shown on deed plan OTS-275-13)

2 STATUTORY AREAS

- 2.1 Part of Lake Rotoma Scenic Reserve (as shown on deed plan OTS-275-10)
- 2.2 Part of Lake Rotoiti Scenic Reserve (as shown on deed plan OTS-275-11)

3 CULTURAL REDRESS PROPERTIES

Name of Site	Description All cultural redress properties are in South Auckland Land District	Encumbrances
Rākau ō Kauwae Hapa site	<p>274.8320 hectares more or less, being Section 2 SO 60650. Part <i>Gazette</i> 1981 page 2680.</p> <p>As shown on deed plan OTS-275-05</p>	<p>Subject to a right of way easement over the area marked 'A' on SO 378784 in favour of Lot 2 DPS 35012, Lots 3 and 4 DPS 35013, Lot 5 DPS 35014, Lot 1 DPS 57549, Lots 1 and 2 DPS 57553 and Lot 6 DPS 35014.</p> <p>Subject to a right of way easement created by Deed of Easement 6405090.4 and held in Computer Interest Register (Provisional) 220529.</p> <p>Subject to the conservation covenant referred to in clause 8.2.3</p> <p>Together with a right of way easement over the areas marked 'A-B' and 'C-D' on the diagram attached to the 'Deed granting easement of right of way in gross dated 26 April 2005 between Te Runanga o Ngati Awa and the Minister of Conservation. Subject to confirmation that clause 9.1 of that deed will apply in respect of the route</p>

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3: CULTURAL REDRESS PROPERTIES

Name of Site	Description All cultural redress properties are in South Auckland Land District	Encumbrances
Ngā Pōrōtai-o-Waitaha-a-Hei site	<p>23 hectares, approximately, being part Section 1 SO 60652. Part <i>Gazette</i> 1940 page 2595. Subject to survey.</p> <p>As shown on deed plan OTS – 275-08</p>	<p>Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.</p> <p>Together with the right of way easement referred to in clause 8.3.5.</p>

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3: CULTURAL REDRESS PROPERTIES

Name of Site	Description All cultural redress properties are in South Auckland Land District	Encumbrances
Lake Rotoehu Scenic Reserve site	<p>41.2779 hectares, more or less, being Section 20 Block VI Rotoma Survey District. All Gazette 1973 page 1693.</p> <p>33.5000 hectares, more or less, being Section 27 Rotoma Survey District. All Gazette 1977 page 2638.</p> <p>26.0560 hectares, more or less, being Sections 28, 29 and 30 Block VI Rotoma Survey District. All Gazette 1978 page 2532.</p> <p>18.9700 hectares, more or less, being Section 31 Block VI Rotoma Survey District. All Gazette 1978 page 2532.</p> <p>11.2700 hectares, more or less, being Sections 32 and 33 Block VI Rotoma Survey District. All Gazette 1979 page 1095.</p> <p>0.2800 hectares, more or less, being Sections 1, 3, 5, 6, 7 and 8 SO 47354.</p> <p>0.6194 hectares, more or less, being Sections 3 and 5 SO 47355.</p> <p>0.1077 hectares, more or less, being Sections 1 and 2 SO 47356.</p> <p>As shown on deed plan OTS-275-04</p>	<p>Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.</p> <p>Subject to a water supply easement held in computer interest register SA48C/94 (affects Section 20 Block VI Rotoma Survey District).</p>

SETTLEMENT LEGISLATION: AGREED CONTENTS

3: CULTURAL REDRESS PROPERTIES

Name of Site	Description All cultural redress properties are in South Auckland Land District	Encumbrances
Balance of Matawhāura site	53 hectares, approximately, being part Section 2 SO 382301. Part Proclamation 5125. Subject to survey. As shown on deed plan OTS-275-02	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Rotoehu Forest Central Wānanga site	3 hectares, approximately, being part Section 1 SO 60652. Part <i>Gazette</i> 1940 page 2595 and Part <i>Gazette</i> 1920 page 2109. Subject to survey. As shown on deed plan OTS- 275-07	Local purpose (conservation and education) reserve subject to section 23 of the Reserves Act 1977. Together with the right of way easement referred to in clause 8.5.4
Te Kōhanga site	202 hectares, approximately, being part Section 1 SO 60652. Part <i>Gazette</i> 1940 page 2595, Part <i>Gazette</i> 1920 page 2109 and Part <i>Gazette</i> 1937 page 1711. Subject to survey. As shown on deed plan OTS-275-06	Subject to the right of way easement referred to in clause 8.7.3. Together with the right of way easement referred to in clause 8.7.4. Subject to honey collection permit issued to Kintail Honey Te Puke Limited.




4 MOUTOROI PĀ SITE

Name of Site	Description South Auckland Land District	Encumbrances
Moutoroi Pā site	0.2093 hectares, approximately, being Part Section 1A Block X Waihi South Survey District. Subject to survey. As shown on deed plan OTS-275-09	