



## Meeting of the Corporate and Strategic Committee

### LATE ITEMS

**Date:** 1 June 2022  
**Time:** 11.30am  
**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

### Agenda

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Item	Title	Page
<b>Decision Items</b>		
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**Hawke's Bay Regional Council**  
**Corporate and Strategic Committee**  
**1 June 2022**

**Item 17**

**Subject: Operational Land Asset Policy**

**Reason for Report**

1. This item seeks a recommendation from the Corporate and Strategic Committee to Council, to adopt the Operational Land Asset Policy.

**Officers' Recommendations**

2. Council officers recommend that the Corporate and Strategic Committee resolves a recommendation to the Regional Council to adopt the Policy as proposed, the Policy having been updated in response to feedback provided at the 25 May 2022 workshop with councillors.

**Executive Summary**

3. This is a new Council policy, created to provide a framework for the assessment of and decisions on claims for the transfer of operational land holdings.
4. The Policy does not signal a review or changed position from the status quo on HBRC's operational land holdings, but merely provides staff a mechanism for reviewing requests that are received from time to time.
5. The Policy may be used when Council has identified a parcel of land for review, or is responding to an external request to purchase, occupy, transfer or obtain an interest in operational land such as a lease, license or easement.
6. The Policy considers key criteria when assessing any land or property asset and aligns with the strategic plan, in-particular the desire to recognise the cultural connection and whakapapa of Tangata Whenua to land and water, that brings with it an inseverable role of kaitiakitanga.
7. The Policy applies to Council's operational land portfolio which is primarily, but not exclusively managed by the Asset Management group for the purposes of Flood Management. It may extend to land managed by other parts of the organisation for purposes such as soil conservation or forestry estate. It excludes investment property, leasehold land property portfolios providing investment returns and commercial assets governed and managed within Council's Investment and Treasury Frameworks.
8. Council retains the right to refuse or decline any claim, or decide that the application of this Policy is not the appropriate mechanism for evaluation of the claim, should the objectives of the claim fail to align with the purpose of the Policy.

**Funding and Resourcing the Business Case preparation**

9. The Policy presented includes a proposed business case framework. The cost of preparing business case(s) and the subsequent staff time contributing towards decision making will require funding. There is currently no dedicated funding within current work programmes.
10. It is proposed the business cases be prepared internally by Council staff and funded by Council up to \$20,000 per business case. Many historical land ownership right matters are complex and will also require external consultancy advice and expertise.
11. The development of a business case could vary significantly depending on the complexity of the land ownership. In more complex cases the cost could be as much as \$30k-\$40k per business case. A number of options available for consideration for funding the costs include:

- 11.1. The requestor funds the costs
- 11.2. Council funds the costs – either charged to the scheme in which the land resides, or to the Governance and Partnerships cost centre
- 11.3. The cost is shared between the requestor and Council, by either ratio or cap where Council funds the first \$10,000 or \$20,000.
- 12. To manage Council resources, both people and financial, staff recommend including limits to the Policy whereby only one request or business case is accepted for preparation by staff at any given time.
- 13. The Policy has been drafted with a staff recommendation of shared costs, where Council funds the first \$20,000 towards development of the business case, for Committee consideration.

### **Significance and Engagement Policy assessment**

- 14. This Policy is a decision-making framework and in itself does not trigger consultation in accordance with the Significance and Engagement policy.
- 15. It is possible that a recommendation by staff on a particular land holding may trigger the Significance and Engagement Policy, and if that is the case then the requirements of the Significance and Engagement Policy will be met.

### **Climate Change considerations**

- 16. Land may be held by HBRC for strategic purposes which may include for flexibility in managing schemes or assets with respect to the impact of climate change.

### **Considerations of Tangata Whenua**

- 17. A determinant for the drafting of this Policy is four independent tangata whenua requests that Council has received, some dating back to early 2018. These relate to specific parcels of Council's operational land holdings at Pōrangahau, Roys Hill – Ngatarawa, Waiōhiki and Ōhiti. Each of these requests will require extensive investigation, research and consultation with potential for a business case to Council.
- 18. Council's desire and commitment is to achieve a close partnered working relationship with its Tiriti partner. That becomes evident in the co-governance and legislated relationship of Council with ten post settlement governance entities across Te Matau a Māui region. Also, the Māori Committee of Council and its enduring 25yr+ relationship with Ngāti Kahungunu Iwi through four of six Taiwhenua within the region.
- 19. Council recognises and acknowledges its Māori Committee and Regional Planning Committee. It is anticipated that this agenda item and draft policy, prior to its finalisation, will be brought before each of those committees for consideration and endorsement.

### **Financial and Resource Implications**

- 20. The financial impact of any individual claim, on either Council income (annualised) or balance sheet is expected to be immaterial based on the level of materiality during the FY20-21 audit was deemed \$100k by Audit NZ.
- 21. For context as at 30 June 2021, annual income from grazing leases on infrastructure land totals \$90k per annum. Significant assumptions used in land valuation value floodable land that is grazed at \$6k per annum, and floodable land that is not grazed at nil.
- 22. However, for larger land holdings where divestment is being requested or considered, the financial impact may be more significant. The financial impact on income and therefore funding of Council operations and balance sheet treatment and impact will be assessed on a case-by-case basis. Council's standard decision-making processes apply to every decision made. If the

financial impacts assessed as significant or the asset is strategic, Council may need to consult ahead of making a formal decision.

23. Current Infrastructure land valuations are based on a 2017 valuation and are due for revaluation. Staff are progressing the revaluation of infrastructure land assets in parallel with development of this policy. Current valuations as at 30 June 2022 will be available for business case assessment, and to ensure that these land asset values are not misstated within financial statements.

### Decision Making Process

24. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 24.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
  - 24.2. The use of the special consultative procedure is not prescribed by legislation.
  - 24.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
  - 24.4. Given the nature and significance of the issue to be considered and decided, the Committee can exercise its discretion and make a decision recommendation to Council without consulting directly with the community.

### Recommendations

1. That the Corporate and Strategic Committee:
  - 1.1. Receives and considers the *Operational Land Asset Policy* staff report.
  - 1.2. Refers the *Operational Land Asset Policy* to the Māori Committee and Regional Planning Committee for their consideration and endorsement for provision to the 29 June 2022 Regional Council meeting.
2. The Corporate and Strategic Committee recommends that Hawke's Bay Regional Council:
  - 2.1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
  - 2.2. Adopts the *Operational Land Asset Policy* as proposed.

### Authored by:

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### Approved by:

**Chris Dolley**  
Group Manager Asset Management

**Attachment/s** [1](#) draft Operational Land Asset Policy for adoption





## Operational Land Asset Policy

Hawke's Bay Regional Council

**Document Control**

Section

Document owner

Date of policy

Next review

Approval

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## Operational Land Asset Policy

### Purpose

By reasons of its functions and services, the Hawke's Bay Regional Council (Council) needs to hold and maintain land and property. Council's portfolio is significant and just over 20,000 hectares of land is either held, or managed and administered as 'operational' land assets.

The purpose of this policy is to provide a framework for the assessment of, and decision making concerning operational land holdings where Council may have identified a parcel of land for review or be responding to an external request to purchase, occupy, transfer or obtain an interest in operational land such as a lease, license or easement.

This policy aligns with the strategic plan in-particular the desire to recognise the cultural connection and whakapapa of Tangata Whenua to land and water, that brings with it an inseverable role of kaitiakitanga.

Further, its aims to honour Te Tiriti o Waitangi by acknowledging that while operational land holdings enable the delivery of Council's vision and strategic goals they may also create important opportunities for enhanced partnerships with tangata whenua. Protecting and restoring customary rights for iwi, hapū, and whānau with rights of access and ability to manage land and resources is intrinsic to the exercise of kaitiakitanga.

### Scope

This policy strictly applies to Council's operational land portfolio which is primarily but not exclusively managed by the Asset Management group for the purposes of Flood Management. It may extend to land managed by other parts of the organisation for purposes such as soil conservation or forestry estate. It excludes investment property, leasehold land property portfolios providing investment returns and commercial assets governed and managed within Council's Investment and Treasury Frameworks.

It will be applied when Council has identified a parcel of operational land for review, or is responding to an external request to purchase, occupy, transfer or obtain an interest in operational land such as a lease, license or easement.

Council retains the right to refuse or decline any claim, or decide application of this policy is not the appropriate mechanism for evaluation of the claim, should the objectives of the claim fail to align with the purpose of the policy

The Policy aims to ensure that robust decision making is supported, potential risks are identified, managed and mitigated and that there is a clear and transparent process for compliance with statutory and regulatory requirements.

### Decision Making

Council's Significance and Engagement Policy applies to every issue requiring a decision to ensure that the degree of significance is considered and the most appropriate level of engagement undertaken. In some cases, a special consultative procedure under the Local Government Act 2002, may be required.

The Significance and Engagement Policy must be applied to any Council consideration to a change in a Strategic Asset.

## Overview

Of the 1.4 million hectares of land in Hawke's Bay, just over 20,000 hectares of land<sup>1</sup> is either held, or managed and administered by the Regional Council as 'operational' land assets. Property is an enabler to the delivery of Council's vision and strategic goals.

It is important to note that areas of land managed and administered by Council include hydro parcels that are subject to existing river and flood control assets and schemes. So, this is where Council has existing river and flood control assets and undertakes activities associated with river and flood control.

Much of the land either held by Council, or managed and administered contains networks of stopbanks, hydraulic structures and pump stations and access and assets to manage the river, stream and drainage channels to ensure they work as expected during floods to help protect life and property.

Some of Council's assets and land holdings support and enable secondary public use, such as cycle trail routes and wider recreation use and access. Generally speaking, Council's land is held within the statutory framework provided by the River Boards Act 1908, Soil Conservation and Rivers Control Act 1941, Reserves Act 1977, Local Government Act 2002 and the Resource Management Act 1991.

Council was established as part of the framework of Local Government (Local Government (Hawke's Bay Region) Reorganisation Order 1989) whose purpose is to enable democratic local decision-making and action by, and on behalf of, communities. These decisions and actions are to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.

## Functions

It is important to note that there are numerous statutes, which specifically identify regional councils as having a specific function and role in various activities. These include:

- Biosecurity Act 1993
- Building Act 2004
- Civil Defence Emergency Management Act 2002
- Hawke's Bay Endowment Land Empowering Act 2002
- Land Drainage Act 1908
- Land Transport Management Act 2003
- Local Electoral Act 2001 and Local Electoral Amendment Act 2013
- Local Government Act 2002
- Local Government (Rating) Act 2002
- Maritime Transport Act 1994
- Resource Management Act 1991
- Soil Conservation and Rivers Control Act 1941

These statutes have, to date, principally directed and determined the present responsibilities and activities of the Council.

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<sup>1</sup> September 2021 Council GIS records and subject to ongoing updates.

### Business Case Framework

Decisions around land use, rights to occupy and ownership are complex, and it is important that decisions are made in accordance with relevant legislation, policy and delegations.

Council will use a business case framework alongside a decision-making flow chart to document the request and decision making to record the process leading up to a Council decision ensuring a robust process and methodology is followed.

The framework is designed to ensure that Council is supported to make decisions around whether ownership of land is essential for core activities, service delivery or is significant for another strategic outcome and objective.

The framework considers the following key criteria when assessing any land or property assets:

- Council records and information regarding land and how it is held by Council need to be checked and updated where relevant, to ensure the decisions are made in accordance with the relevant legislation under which the land is held, if it is to be divested or an interest in land granted.
- Applicant must demonstrate that they have an undisputed connection / claim to the land – non-dispute status is a key element during the discovery process of business case
- Any transaction, be open and transparent, unless there are confidential or commercially sensitive reasons and grounds for the transaction to be conducted privately.
- The value of recognising the cultural connection and whakapapa of Tangata Whenua to land and water, that brings with it an inseparable role of kaitiakitanga.
- Where land is proposed to be divested by sale or other method, it is important that Council seeks to receive a fair financial return on the land. The same applies where Council considers granting a lease or licence over land.
- Council owns and holds property where it is required to support and deliver its core functions or other strategic outcomes as determined by Council strategy, policy and plans.

A draft business case framework is set out at Appendix One. Whilst all suggested topics and headings may not apply, the framework is designed to achieve consistency and full consideration of all relevant information and assessment to support decision making and a recommendation.

For the avoidance of doubt, investment properties are governed and managed within Council's Investment and Treasury Frameworks and excluded from the proposed business case approach and strategy.

### Funding of the Business Case

In recognition of the benefits achieved and opportunities for enhanced partnerships with tangata whenua Council will fund the first \$20,000 of each business case preparation.

Costs and expenses incurred by the submitter in any way associated with the development, preparation and submission of the business case in excess of \$20,000 will be borne by the submitter.

### Decision Making Process

Business Cases will pass through a Three step approval process

Step One – Council Staff will prepare the business case and submit to the Executive Leadership Team (ELT) with a recommendation.

Step Two - of the approval process is review and approval by the ELT for the business case to proceed for Council consideration. This ensures that broad operational context is taken into account in the first instance. Given the scale of Council's land holdings and the inter dependencies of interests, e.g. much of Council's land is important from a biodiversity perspective, the internal approval requirement ensures that any decision to progress a request is consistent with Council's goals and objectives within the Long Term and Annual Plans.

Step Three - of the approval process is a decision of Council by elected members supported by a business case and proposed divestment approach and strategy.

The decision making assessment will be in accordance with appendix 2, with the decision making process documented as per appendix 1.

### Register of Claims

All requests will be added to a centralised Register of Claims for transparency.

The register will be used to keep Council informed of the status of any claims received, and will be regularly report to the xx Committee.

### **Method of Divestment**

The sale or transfer of property should be by way of auction, tender, or private treaty unless otherwise resolved by Council, or as set out in any relevant statutory or regulatory provisions as applicable in each case to the particular property.

A current market value should be obtained to provide a guide for the sale price. The date of the valuation should be relevant and current to the date of the proposed sale of the property.

Particular care should be taken when considering sale to an adjoining owner, to ensure that this is not an automatic default approach. Consideration should be given as to whether there is any other potential alternative for sale method.

### **Alternatives to ownership**

Where it has been established that property is required for a service it will be assessed against all options including approaches that do not involve property ownership. This includes:

- leasing the land or securing the required outcome via easements etc.
- redesigning the service to reduce the use of assets
- reducing demand for the service
- increasing the utilisation of existing assets
- contracting the service to a provider that supplies the assets

### **Lease/Licence**

Leases and licences are two common ways of granting someone the right to use a property. A licence is usually a short-term right to occupy a property for a particular purpose, and it does not give any right to exclusive occupation. Other forms of short-term rights to use our properties are also available.

A lease is a longer-term right and can give the lessee the exclusive use of the property. Lease agreements may include rights of renewal, and provisions for reviewing the rent over the term of the lease.

A common example of existing licences issued by Council are those for stock grazing of the Council's land and stopbank network to assist with land management and reduce fire risk. A formal licence ensures that the terms of conditions of the stock grazing are clearly set out, such as the stock permitted, fencing requirements and duration (if seasonal).

#### Leases

Some services can be provided on any land or within any building, and ownership is not critical to secure or enable service delivery. In these circumstances, Council may choose to lease property rather than own property.

Leasing may also be an option where non-ownership solutions have been found to offer superior outcomes and offer flexibility to Council if the service is considered as a short term solution.

When a lease is considered over Council land, it is important that the status of the land and how it is held is determined to ensure that a lease can be issued within the relevant legislative parameters. This is particularly relevant when the Property is held by Council under the Reserves Act 1977, as there are restrictions relating to the leasing of land under this Act pertaining to the reserve classification.

#### Licences

In some cases where an activity on a property requires temporary or infrequent use of access, a licence may be appropriate.

Licences over Council owned land for stock grazing or other activities that are of a temporary nature and do not require exclusive occupation of the land may be appropriate to consider. Frequent examples may be grazing licences for Council land.

As in the case of leases of Council land, it is important that the status of the land and how it is held is determined to ensure that a licence can be issued within the relevant legislative parameters.

#### Partnerships

In some instances, it may be appropriate and advantageous to consider a partnership approach in relation to Council Property where it is important to seek input and guidance as to the appropriate protection, enhancement and management of cultural and historical values on the land.

In many cases, partnership approaches for the day-to-day management, planning and reserve strategy may work through management committees enabling input and advice. There are working examples of this in relation to some of the regional parks held by Council, i.e. Hawea Park.

Partnership through 'shared' or joint ownership can present challenges and generally the objectives and goals underpinning the partnership approach are able to be achieved through the management and administration of the land, as opposed to ownership.

Where a partnership approach is considered, it is important that matters such as the ownership, liability, insurance and maintenance of assets on the land is clarified and documented. Also too, that ultimately there needs to be a single decision-making entity for critical and key decisions, over and above the agreed management and administration of the land. The same applies in relation to land ownership and the responsibility and liability, particularly where the land is open to public access and use.

Finally, the operational cost of administering and maintaining the relationship should also be taken into consideration. While the partnership will may have many non-financial benefits Council also has an obligation to ratepayers to be efficient and effective.

### Financial Impacts

The financial impact(s) of each claim will be assessed on a case-by-case basis as part of the business case framework. Impact on council income and therefore funding of Council operations, annualised and over the lifetime of the asset, and any impact to the treatment of the asset on the balance sheet will be assessed by the Senior Group Accountant.

Because of the nature of claims, most parcels of land likely to fall under review within this Policy and the value and use of the operational land assets, the financial impacts on both Council income (annualised) and balance sheet are expected to be \*immaterial, \*(<\$100k per annum). However, for larger land holdings where divestment is being requested or considered, the financial impact may be more significant. Council's normal decision-making processes apply to every decision made by Council. If the financial impact(s) are assessed as significant, or the asset is strategic, Council may need to consult ahead of making a formal decision (refer to Significance and Engagement Policy).

The accounting treatment and any potential impact of changes to the accounting treatment, of any asset, will be assessed during both the preparation of business case framework and then during any contract negotiation should a decision be made to proceed.

\*Audit NZ deemed the level of materiality as \$100k per annum to the FY21-22 financial statements

*For context @ 30 June 2021 Annual income from leases on infrastructure land currently totals \$90k per annum*

*Balance Sheet valuation from 30 June 2017:*

Significant assumptions used in the land valuation include:

- Heretaunga Plains land protected from flooding was valued at \$80,000 per hectare
- Ruataniwha Plains land protected from flooding was valued at \$20,000 per hectare
- floodable land that is grazed was valued at \$6,000 per hectare
- floodable land that is not grazed was valued at nil.

Council officers have delegation beyond the Council business case framework approval to negotiate ownership agreements in accordance with normal financial delegations.

### Treaty of Waitangi Settlement Claims – Right of First Refusal

Under the Local Government Act 2002, a local authority must establish and maintain processes to provide opportunities for Māori and foster Māori capacity to contribute to the decision-making processes of the local authority.

It is important that any recommendation for a decision is made in full knowledge of any implication or obligation under a relevant Treaty Settlement(s) in relation to the land in question, the wider decision making process by Council and as Council's treaty partner.

### Settlements and Council Property Assets

The various Treaty Settlement Acts in the Hawke's Bay region contain the following provisions:

- The option for Iwi to purchase specific properties owned by the Crown (Deferred Selection Properties and RFR List properties)
- Iwi to have a right of first refusal over properties owned by the Crown within a specific area
- The requirement for Statutory acknowledgements to be recorded in relevant district and regional plans and policy statements in relation to specific sites of cultural, spiritual, historic significance
- Requirement for an administering Crown body (Department of Conservation and Commissioner of Crown Lands) to recognise specific sites of special association.

As Council are not “the Crown” they are not the Registered Owner of any Deferred Settlement Properties. They are also not the Registered Owner of any RFR List properties.

Council should determine whether they are the Registered Owner of any Crown-derived reserves, as these may be subject to a right of first refusal.

Council may become an RFR landowner of an RFR property and subject to the obligations of an RFR landowner if RFR land is transferred to Council in accordance with section 50 of the Public Works Act 1981.

As a “relevant authority”, Council should be mindful of their obligations in relation to the Statutory Acknowledgment requirements of each Deed of Settlement.

Council will also need to be aware of any specific agreements entered into with any iwi in the region or specific obligations imposed on Council through the settlement legislation as outlined in the summaries for each settlement.

**Appendix Three** provides a summary of the Post Settlement Governance Entities Settlement within Hawke’s Bay.

## APPENDICES

### Appendix One - Business Case Template

The following headings provide a guide for key considerations required to inform a business case for decision making around property for Council.

In some cases, a preliminary investigation and assessment of the property may only detail part of the following criteria, with a recommendation to undertake further assessment to fully evaluate the options and support a recommendation for a decision.

**Property name****Property Address/Location****Location Plan & photos (if any)****Description of Property**

Including size, location of boundary fences and any assets located on the land and land use (lease or licence if third party).

How is the property accessed and does the property have independent legal access.

**Purpose**

The purpose for which the land was acquired by Council and is held/used by Council.

**Relevant Legislation**

How is the land held and under which legislation is the land managed and administered by Council under?

**Assets**

Does the property contain any existing Council assets and does Council continue to require rights to manage and operate those assets.

**Access**

Does the property provide the public with access either to the property or adjoining (both formal and informal)?

**Property Title**

Note any restrictions or encumbrances on the title. Take care where the title has a memorial that the land is subject to the Reserves Act 1977, as this may mean that the land is a Crown derived reserve.

If the land is held in Gazette Notice only, or was vested on deposit of a survey plan, then note whether there are any subsequent actions i.e. gazette notices.

**Brief Acquisition history**

How was the land first acquired by Council?

**Restrictions/Obligations**

Assess if there are any statutory objections and processes if divestment is being considered, such as offer back to a former owner or if the land was gifted to Council. It is important to identify any restrictions and process requirements that may relate to the process.

**Zoning**

Including any designations or constraints in the District Plan and any local authority services and network utilities.

**Values**

Are there any known values (e.g. cultural, historical, biodiversity, recreation) on the land, current land use or future land use opportunities.

**Special Protection Areas**

Are there any registered archaeological sites on the property, areas of special significance and any cultural, historical, biodiversity and ecological values present. If known are know or recorded, then it may be appropriate to recommend that an assessment is completed firstly to assess the values to inform any decision.

**Lease Information**

Details of any current leases/licences of the land, including term, income and ability to terminate.

**Hazards/Known Risks/Liabilities**

Identify any hazards on the site relating to flooding, costal hazards, building and ground, such as earthquake risk, fault lines, Hail Site register.

**Rating Valuation**

Include current annual rates (if rateable land)

**Relevant Strategy & Policy****Estimated Market Value**

Provide basis for estimate (registered valuer or desktop assessment etc)

Less estimated disposal costs

Net proceeds if sold

**Current annual rental income**

Estimated Market Rent

Basis for assessment of estimate

Less rates

Less repairs and maintenance

Less insurance

Net rental less OPEX

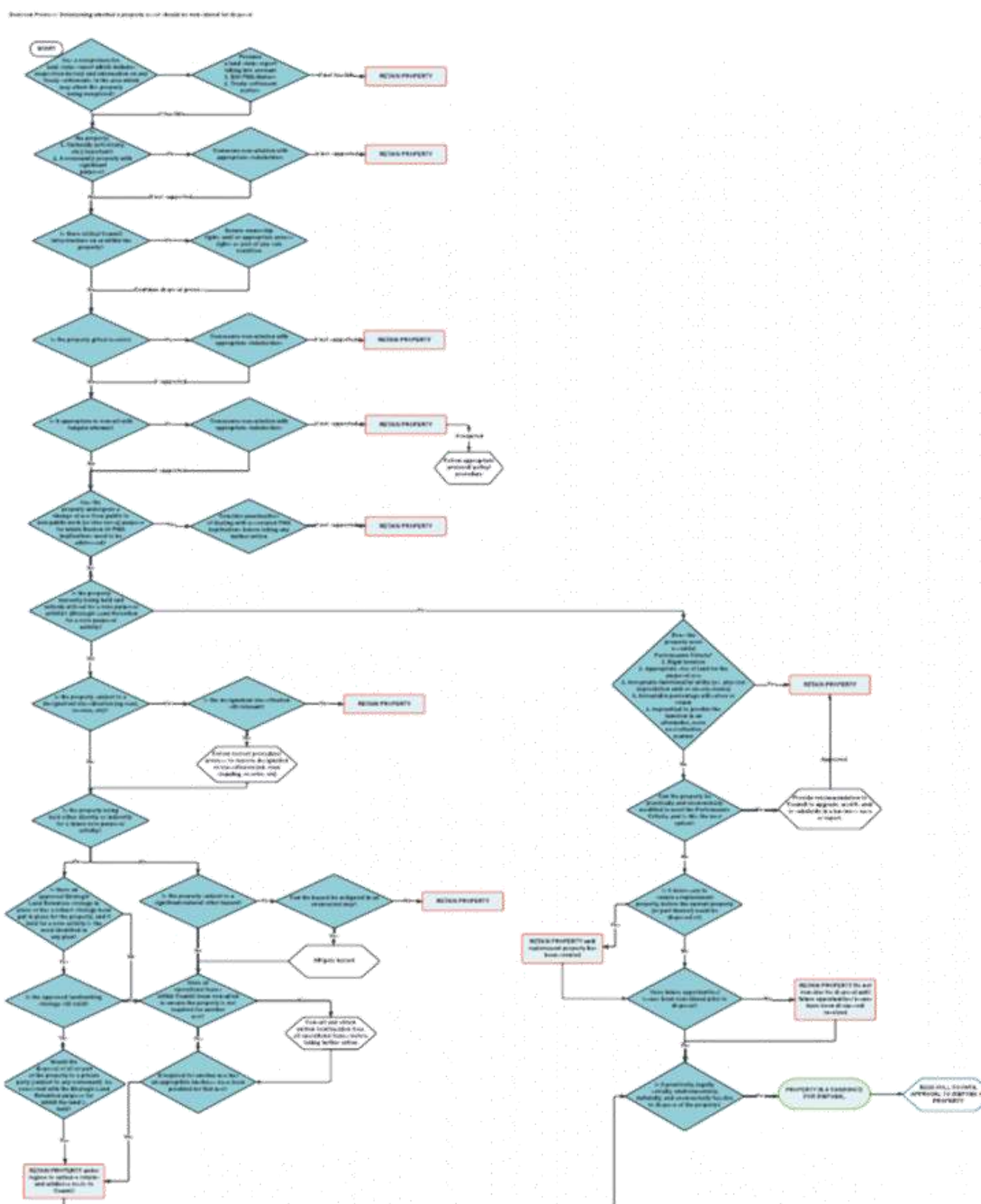
**Long Term Plan Information**

Budget assumptions and comments

**Alternative Options****Comments/Assumptions****Any known expressions of interest?****Internal input**


Obtain internal input and commentary, where appropriate, as to the intended action and recommendation. Input from all internal departmental groups including finance, should be obtained where divestment is the intended recommendation to ensure that the recommendation presents the full internal view of Council in support or otherwise of the recommendation.

## Appendix Two - Decision-Making Flow Chart





Appendix Three - Post Settlement Governance Entities Settlement within Hawke’s Bay

Te Rohe o te Wairoa Iwi and Hapū		Te Wairoa iwi and hapū Deed of Settlement Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Act 2018		
Areas of Interest	Date of Deed	Deferred Selection Properties	Listed RFR Land	Area RFR
	26 November 2016	Yes (defined in section 78 of the Act); Landbanked Crown-owned properties described in part 3 of the property redress schedule of the Deed of Settlement	Yes (defined in section 98 of the Act); the properties listed in part 3 of the attachments to the Deed of Settlement owned by Crown as at 23 October 2018 comprising: <ul style="list-style-type: none"><li>Landbanked Crown-owned properties</li><li>Crown-owned properties administered by Department of Conservation and Land Information New Zealand</li><li>Properties owned by Housing New Zealand Corporation</li></ul>	No
<p><b>Comments</b></p> <p>In accordance with section 98(1)(b) of the Act, any land obtained in exchange for a disposal of RFR land under section 111(1)(c) or section 112 becomes RFR land.</p> <p>Council will become an RFR landowner of an RFR property and subject to the obligations of an RFR landowner if RFR land is transferred to Council in accordance with section 50 of the Public Works Act 1981 (section 106 of the Act).</p> <p><b>Statutory Acknowledgement</b></p> <p>Set out in sections 27 to 35 of the Act</p> <p>Statutory acknowledgements are statements of cultural, spiritual, historic, and traditional associations of an iwi with a site or an area. A Statutory Acknowledgement recognises the association between iwi and hapu of Te Rohe o Te Wairoa and a particular site or area and enhances the iwi's ability to</p>				

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participate in specified Resource Management Act processes.

Under the RMA, Deeds of Settlement and Settlement Legislation, regional, city and district councils, are required to include statutory acknowledgments in relevant district and regional plans and policy statements, and to have regard to them in resource consent decision making.

Consent authorities are required to attach a statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area **and provide summaries of resource consent applications or copies of notices of applications to the trustees of Tātau Tātau o Te Wairoa**. The information attached to a statutory plan must include a copy of sections 28 to 32, 34 and 35 of the Act; a description of the statutory areas wholly or partly covered by the plan; and the statement of association for each statutory area. The statement of association is set out in part 2 of the documents schedule to the Deed of Settlement.

Consent authorities are also required to **provide summaries of any resource consent applications or copies of notices of applications to the trustees of Tātau Tātau o Te Wairoa** of any activity within, adjacent to, or directly affecting a statutory area (section 34 of the Act).

The statutory areas are:

- Kumi Pakarae Conservation Area
- Mahia Peninsula Local Purpose (Esplanade) Reserve
- Maungawhio Lagoon
- Morere Recreation Reserve
- Nuhaka River and its tributaries
- Otoki Government Purpose (Wildlife Management) Reserve
- Portland Island Marginal Strip
- Te Reinga Scenic Reserve property B
- Wairoa River and its tributaries
- Whangawehi Stream and its tributaries
- Hangaroa River and its tributaries
- Mangaone Caves Historic Reserve
- Mangapoike River and its tributaries
- Panekirikiri Conservation Area
- Ruakituri River and its tributaries
- Waiaatai Scenic Reserve
- Waiau River and its tributaries within the area of interest
- Waikaretaheke River and its tributaries
- Un-named marginal strip (Waitaniwha)

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### Deeds of Recognition

Set out in Sections 36 to 39 of the Act.

Deeds of Recognition set out an agreement between the administering Crown body and a claimant group in recognition of their special association with a site and oblige the Crown to consult with Tātau Tātau o Te Wairoa Trust on specified matters and have regard to their views regarding the special association of the iwi and hapū of Te Rohe o Te Wairoa with certain areas.

The Minister of Conservation and Director-General must issue a deed of recognition for the statutory areas administered by the Department of Conservation.

The Commissioner of Crown Lands must issue a deed of recognition for the statutory areas administered by the Commissioner.

The form of such deed is set out in part 3 of the documents schedule of the Deed of Settlement.

Deeds of Recognition are in place for:


- Hangaroa River and its tributaries
- Mangaone Caves Historic Reserve
- Mangapoike River and its tributaries
- Panekirikiri Conservation Area
- Ruakituri River and its tributaries
- Waiaata Scenic Reserve
- Waiau River and its tributaries within the area of interest
- Waikaretaheke River and its tributaries
- Un-named marginal strip (Waitaniwha)

### Tripartite Relationship Agreement

This Agreement is between Tātau Tātau o Te Wairoa Trust, the Wairoa District Council and Hawkes Bay Regional Council.


The purpose of the tripartite relationship agreement is to establish a framework for a positive and enduring relationship between the parties. The tripartite relationship agreement sets out how the Hawke's Bay Regional Council and Wairoa District Council will interact with the governance entity with regard to the matters specified in it. The form of the agreement is set out in part 9 of the documents schedule.

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Ngāi Tūhoe		Ngāi Tūhoe Deed of Settlement Tūhoe Claims Settlement Act 2014		
Areas of Interest	Date of Deed	Deferred Selection Properties	Listed RFR Land	Area RFR
	4 June 2013	<p>Yes (defined in section 51 of the Act); the properties described in subpart A of part 3 of the property redress schedule of the Deed of Settlement, comprising of:</p> <ul style="list-style-type: none"> <li>Landbanked Crown-owned properties</li> <li>Crown-owned properties administered by the Ministry of Education</li> <li>A property owned by New Zealand Railways Corporation</li> </ul>	None	<p>Yes (defined in section 59 of the Act):</p> <ul style="list-style-type: none"> <li>fee simple properties located within the area defined on SO 464047 that on 23 August 2014 were vested in the Crown</li> <li>reserves located within the area defined on SO 464047 that on 23 August 2014 were vested in an administering body that derived title to the reserve from the Crown and that would, on revocation of the reserve status, revert in the Crown</li> <li>the property owned by New Zealand Railways Corporation listed in part 3 of the property redress schedule of the Deed of Settlement.</li> </ul>
<p><b>Comments:</b></p> <p>In accordance with section 59(1)(c) of the Act, any land obtained in exchange for a disposal of RFR land under section 72(1)(c) or section 73 becomes RFR land. Council will become an RFR landowner of an RFR property and subject to the obligations of an RFR landowner if RFR land is transferred to Council in accordance with section 50 of the Public Works Act 1981 (section 67 of the Act).</p> <p><b>Statutory Acknowledgement and Deed of Recognition</b></p> <p>None</p> <p><b>Relationships</b></p> <p>The Deed provides for the promotion of relationships between Tūhoe, Whakatane District Council, Wairoa District Council, Hawkes Bay Regional Council and Bay of Plenty Regional Council.</p>				

## Right of First Refusal Area - SO Plan



Ngāti Pāhauwera		Ngāti Pāhauwera Deed of Settlement Ngāti Pāhauwera Treaty Claims Settlement Act 2012		
Areas of Interest	Date of Deed	Deferred Selection Properties	Listed RFR Land	Area RFR
	17 December 2010	None	None	<p>Yes (defined in section 96 of the Act):</p> <ul style="list-style-type: none"> <li>• fee simple properties located within the area defined on SO 433356 that on 8 May 2012 were vested in the Crown.</li> <li>• reserves located within the area defined on SO 433356 that on 8 May 2012 were vested in an administering body that derived title from the Crown</li> </ul>
<p><b>Comments:</b></p> <p>In accordance with section 96(1)(b) of the Act, any land obtained in exchange for a disposal of RFR land under section 109(1)(c) or section 110 becomes RFR land.</p> <p>Council will become an RFR landowner of an RFR property and subject to the obligations of an RFR landowner if RFR land is transferred to Council in accordance with section 50 of the Public Works Act 1981 (section 104 of the Act).</p> <p>Commercial redress properties are not RFR properties.</p> <p><b>Statutory Acknowledgement</b></p> <p>Set out in sections 66 to 75 of the Act</p> <p>Statutory acknowledgements are statements of cultural, spiritual, historic, and traditional associations of an iwi with a site or an area. A Statutory Acknowledgement recognises the association between iwi and hapu of Te Rohe o Te Wairoa and a particular site or area and enhances the iwi's ability to participate in specified Resource Management Act processes.</p> <p>A Statutory Acknowledgement recognises the association between iwi and a particular site or area and enhances the iwi's ability to participate in specified Resource Management Act processes.</p>				

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The Statutory Acknowledgement provisions in the Ngāti Pāhauwera Treaty Claims Settlement Act 2012 relates specifically to the Earthquake Slip Marginal Strip.

Under the RMA, Deeds of Settlement and Settlement Legislation, regional, city and district councils are required to include statutory acknowledgments in relevant district and regional plans and policy statements, and to have regard to them in resource consent decision making.

Consent authorities are required to attach a statutory acknowledgement to all statutory plans that wholly or partly cover a statutory. The information attached to a statutory plan must include a copy of sections 67 to 71 of the Act; a description of the relevant part of the Earthquake Slip Marginal Strip; and the statement of association for the relevant part of the Earthquake Slip Marginal Strip. The statement of association is set out in part 1 of the documents schedule to the Deed of Settlement.

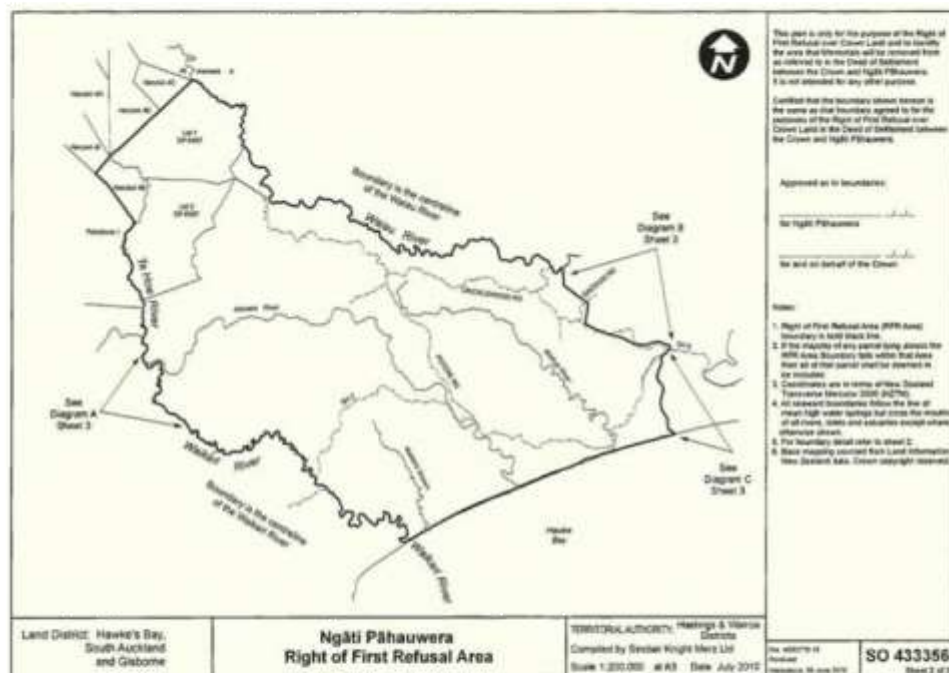
Consent authorities are also required to provide summaries of any resource consent applications or copies of notices of applications to the trustees of Ngāti Pāhauwera Development Trust for activities within, adjacent to, or directly affecting the relevant part of the Earthquake Slip Marginal Strip as set out in section 73 of the Act.

**Deed of Recognition**

None

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## Right of First Refusal Area - SO Plan



Ngāti Hineuru		Ngāti Hineuru Deed of Settlement Hineuru Claims Settlement Act 2016		
Areas of Interest	Date of Deed	Deferred Selection Properties	Listed RFR Land	Area RFR
	2 April 2015 Deed to Amend: 11 June 2015 Second Deed to Amend: 17 June 2016	Yes; one Crown-owned property held by Land Information New Zealand described in part 4 of the property redress schedule of the Deed of Settlement.	Yes (defined in section 108 of the Act); properties listed in part 4 of the attachments to the Deed of Settlement owned by Crown as at the settlement date comprising: <ul style="list-style-type: none"> <li>Two Crown-owned properties administered by Waka Kotahi NZ Transport Agency</li> <li>One Crown-owned property administered by Land Information New Zealand</li> </ul>	No
<p><b>Comments:</b></p> <p>In accordance with section 108(1)(c) of the Act, any land obtained in exchange for a disposal of RFR land under section 121(1)(c) or section 122 becomes RFR land.</p> <p>Council will become an RFR landowner of an RFR property and subject to the obligations of an RFR landowner if RFR land is transferred to Council in accordance with section 50 of the Public Works Act 1981 (section 116 of the Act).</p> <p><b>Statutory Acknowledgement</b></p> <p>Set out in sections 33 to 41 of the Act</p> <p>A Statutory Acknowledgement registers the association between iwi and a particular site or area and enhances the iwi's ability to participate in specified Resource Management Act processes.</p> <p>Under the RMA, Deeds of Settlement and Settlement Legislation, regional, city and district councils are required to include statutory acknowledgments in relevant district and regional plans and policy statements, and to have regard to them in resource consent decision making.</p>				

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Consent authorities are required to attach a statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area. The information attached to a statutory plan must include a copy of sections 34 to 38, 40 and 41 of the Act; a description of the statutory areas wholly or partly covered by the plan; and the statement of association for each statutory area. The statement of association is set out in part 2 of the documents schedule to the Deed of Settlement.

Consent authorities are also required to provide summaries of any resource consent applications or copies of notices of applications to the trustees of *Te Kōpere o te iwi o Hineuru Trust* or any activity within, adjacent to, or directly affecting a statutory area (section 40 of the Act).

The statutory areas are:

- Heruiwi Block Conservation Area
- Kaimanawa Forest Park (within Hineuru area of interest)
- Ripia River and its tributaries
- Tarawera Conservation Area
- Te Hoe River and its tributaries
- Te Kohu Ecological Area
- Whirinaki Te Pua-a-Tāne Conservation Park (within Hineuru area of interest)
- Kokomoka Forest
- Mohaka River and its tributaries (within Hineuru area of interest)
- Opoto Scenic Reserve
- Rangitaiki Conservation Area
- Rangitaiki River and its tributaries (within Hineuru area of interest)
- Stoney Creek Conservation Area
- Turangakumu Scenic Reserve
- Urutomo Conservation Area
- Waipunga Forest
- Waipunga River and its tributaries

### Deed of Recognition

Set out in Sections 42 to 45 of the Act.

Deeds of Recognition set out an agreement between the administering Crown body and a claimant group in recognition of their special association with a site and oblige the Crown to consult with Hineuru's on specified matters and have regard to their views regarding the special association Hineuru with certain areas. They also specify the nature of Hineuru's input into management of those areas by the Department of Conservation and Land Information New Zealand.

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The Minister of Conservation and Director-General must issue a deed of recognition for the statutory areas administered by the Department of Conservation.

The Commissioner of Crown Lands must issue a deed of recognition for the statutory areas administered by the Commissioner.

The form of such deed is set out in part 3 of the documents schedule of the Deed of Settlement.

Deeds of Recognition are in place for:

- Kokomoka Forest
  - Mohaka River and its tributaries (within Hineuru area of interest)
  - Opoto Scenic Reserve
  - Rangitaiki Conservation Area
  - Rangitaiki River and its tributaries (within Hineuru area of interest)
  - Stoney Creek Conservation Area
  - Turangakumu Scenic Reserve
  - Urutomo Conservation Area
  - Waipunga Forest
  - Waipunga River and its tributaries
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Maungaharuru Tangitū Hapū		Maungaharuru-Tangitū Hapū Deed of Settlement Maungaharuru-Tangitū Hapū Claims Settlement Act 2014		
Areas of Interest	Date of Deed	Deferred Selection Properties	Listed RFR Land	Area RFR
	25 May 2013	No	No	<p>Yes (as defined in section 122 of the Act):</p> <ul style="list-style-type: none"> <li>• fee simple properties located within the area defined on SO 459557 that on 20 May 2014 were vested in the Crown</li> <li>• reserves located within the area defined on SO 459557 that on 20 May 2014 were vested in an administering body that derived title from the Crown</li> </ul>
<p><b>Comments:</b></p> <p>In accordance with section 122(1)(b) of the Act, any land obtained in exchange for a disposal of RFR land under section 135(1)(c) or section 136 becomes RFR land.</p> <p>Council will become an RFR landowner of an RFR property and subject to the obligations of an RFR landowner if RFR land is transferred to Council in accordance with section 50 of the Public Works Act 1981 (section 130 of the Act).</p> <p><b>Statutory Acknowledgement</b></p> <p>Set out in sections 37 to 45 of the Act.</p> <p>A Statutory Acknowledgement recognises the association between Maungaharuru Tangitū Hapū and a particular site or area and enhances the ability of the Hapū to participate in specified Resource Management Act processes. Deeds of Recognition oblige the Crown to consult with the Maungaharuru-Tangitū Hapū on specified matters and have regard to their views regarding their special associations with certain areas.</p> <p>Under the RMA, Deeds of Settlement and Settlement Legislation, regional, city and district councils are required to include statutory acknowledgments in relevant district and regional plans and policy statements, and to have regard to them in resource consent decision making.</p> <p>Consent authorities are required to attach a statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area. The information</p>				

attached to a statutory plan must include a copy of sections 38 to 42, 44 and 45 of the Act; a description of the statutory areas wholly or partly covered by the plan; and the statement of association for each statutory area. The statement of association is set out in part 3 of the documents schedule to the Deed of Settlement.

Consent authorities are also required to provide summaries of any resource consent applications or copies of notices of applications to the trustees of the *Maungaharuru-Tangitū Trust* or any activity within, adjacent to, or directly affecting a statutory area (section 44 of the Act).

The statutory areas are:

- Earthquake Slip Marginal Strip
- Moeangiangi Marginal Strip
- Esk Kiwi Sanctuary Area
- Tangoio Falls Scenic Reserve
- White Pine Bush Scenic Reserve
- Mangapukahu Scenic Reserve
- Te Kuta Recreation Reserve
- Waipatiki Scenic Reserve
- Waikoau Conservation Area
- Peaks of Maungaharuru Range
- Balance of the Tutira Domain Recreation Reserve
- Balance of the Opouahi Scenic Reserve
- Anaura Stream and its tributaries
- Aropaoanui River and its tributaries
- Esk River and its tributaries
- Mahiaruhe Stream and its tributaries
- Te Ngarue Stream and its tributaries
- Waikari River and its tributaries
- Waikoau River and its tributaries
- Moeangiangi River and its tributaries
- Hapū Coastal Marine Area
- Rocks and Reefs
- Sandy Creek and its tributaries
- Waitaha Stream and its tributaries
- Pākuratahi Stream and its tributaries

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- Boundary Stream Scenic Reserve
  - Bellbird Bush Scenic Reserve
  - Whakaari Landing Place Reserve
  - Tangoio Marginal Strip
  - Waipatiki Beach Marginal Strip

### Deed of Recognition

Set out in Sections 46 to 49 of the Act.

Deeds of Recognition set out an agreement between the administering Crown body and a claimant group in recognition of their special association with a site. Deeds of recognition require the Crown to consult with *Maungaharuru-Tangitū on specified matters* and have regard to the views of *Maungaharuru-Tangitū regarding their special association with certain areas*.

The Minister of Conservation and Director-General must issue a deed of recognition for the statutory areas administered by the Department of Conservation.

The Commissioner of Crown Lands must issue a deed of recognition for the statutory areas administered by the Commissioner.

The form of such Deeds of Recognition are set out in part 4 of the documents schedule of the Deed of Settlement.

Deeds of Recognition are in place for:

- Earthquake Slip Marginal Strip
  - Moeangiangi Marginal Strip
  - Esk Kiwi Sanctuary Area
  - Tangoio Falls Scenic Reserve
  - White Pine Bush Scenic Reserve
  - Mangapukahu Scenic Reserve
  - Te Kuta Recreation Reserve
  - Waipatiki Scenic Reserve
  - Waikoau Conservation Area
  - Peaks of Maungaharuru Range
  - Anaura Stream and its tributaries
  - Aropaoanui River and its tributaries
  - Esk River and its tributaries
  - Mahiaruhe Stream and its tributaries
  - Te Ngarue Stream and its tributaries
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- Waikari River and its tributaries
  - Waikoau River and its tributaries

#### Letters of Introduction

The Deed of Settlement provides for the promotion of relationships with local authorities and government agencies. The Crown is obliged to provide Letters of introduction to local authorities, government agencies and museums, encouraging them to develop an effective relationship with the Maungaharuru-Tangitū Hapū governance entity and in some cases, to discuss the erection of pouwhenua and/or interpretation panels on certain named sites.

#### Tangoio Soil Conservation Reserve

Set out in Sections 20 to 25 of the Act.

A catchments fund is to be created by the Hawke's Bay Regional Council for the purpose of soil conservation and remedying its effects on the environment over an area, extending over the Aropaoanui, Te Ngarue, and Waipātiki and part of the Esk water catchments within the area of interest of the Maungaharuru-Tangitū Hapū (the catchments Management Area). The Maungaharuru-Tangitū Hapū and Hawke's Bay Regional Council will form a relationship to manage the fund, reflecting the special nature of the Catchments Management Area, and the desire of the Hapū to exercise kaitiakitanga there.

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## Right of First Refusal Area - SO Plan



Ngāti Tūwharetoa Deed of Settlement documents Ngāti Tūwharetoa Claims Settlement Act 2018				
Areas of Interest	Date of Deed	Deferred Selection Properties	Listed RFR Land	Area RFR
	8 July 2017	<p>Yes; the properties described in part 4 of the property redress schedule of the Deed of Settlement, comprising of:</p> <ul style="list-style-type: none"> <li>1 Crown-owned property administered by Department of Conservation</li> <li>Geothermal assets administered by Treasury</li> </ul>	No, however are entitled to listed RFR properties under the CNI Forests Iwi Collective Deed.	<p>Yes (defined in section 142 of the Act); being an exclusive RFR over:</p> <ul style="list-style-type: none"> <li>fee simple properties located within the area defined on SO 513557 that on 20 February 2019 were vested in the Crown or held in fee simple by the Crown</li> <li>reserves located within the area defined on SO 513557 that on 20 February 2019 were vested in an administering body that derived title from the Crown</li> </ul> <p><u>excluding:</u></p> <ul style="list-style-type: none"> <li>any Collective RFR property (defined in s142). (These are covered by the CNI Forest Iwi Collective Deed.)</li> <li>any Ngāti Tūrangaituka RFR property (defined in s142)</li> <li>Part No 2 playing fields/Toi Ohomai Institute of Technology Campus, Horomatangi St, Taupo</li> </ul>
<p><b>Comments:</b></p> <p>In accordance with section 142(1)(b) of the Act, any land obtained in exchange for a disposal of RFR land under section 155(1)(c) or section 156 becomes RFR land.</p> <p>Council will become an RFR landowner of an RFR property and subject to the obligations of an RFR landowner if RFR land is transferred to Council in accordance with section 50 of the Public Works Act 1981 (section 150 of the Act).</p>				

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**Statutory Acknowledgement**

Set out in sections 28 to 44 of the Act.

A Statutory Acknowledgement recognises the association between Ngāti Tūwharetoa and a particular site or area and enhances the iwi's ability to participate in specified Resource Management Act processes.

Under the RMA, Deeds of Settlement and Settlement Legislation, regional, city and district councils are required to include statutory acknowledgments in relevant district and regional plans and policy statements, and to have regard to them in resource consent decision making.

Consent authorities are required to attach a statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area. The information attached to a statutory plan must include a copy of sections 29 to 33, 35 and 36 of the Act and sections 38 to 41, 43 and 44 in respect of the Geothermal statutory acknowledgement; a description of the statutory areas wholly or partly covered by the plan; and the statement of association for each statutory area. The statement of association is set out in part 4 of the documents schedule to the Deed of Settlement.

The Statutory Acknowledgements require that consent authorities provide the trustees of Te Kotahitanga o Ngāti Tūwharetoa Trust with summaries of all resource consent applications for an activity within, adjacent to, or directly affecting a statutory area (section 35 of the Act).

The statutory areas are:


- Waiotaka River and its tributaries
- Rangitāiki River and its tributaries within the Ngāti Tūwharetoa area of interest
- Waikato River and its tributaries within the Ngāti Tūwharetoa area of interest
- Lake Rotokawa
- Lake Te Whaiāu
- Lake Otamangakau
- Titiraupenga Mountain
- Pureora Mountain

**Deed of Recognition**

None

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Mana Ahuriri		Ahuriri Hapū Deed of Settlement Ahuriri Hapū Claims Settlement Act 2021		
Areas of Interest	Date of Deed	Deferred Selection Properties	Listed RFR Land	Area RFR
	2 November 2016	Yes; the properties listed in part 4 of the property redress schedule of the Deed of Settlement, comprising of: <ul style="list-style-type: none"> <li>Landbanked Crown-owned properties</li> <li>Crown-owned properties administered by the Land Information New Zealand</li> <li>Whakatu Forest, administered by Ministry for Primary Industries</li> </ul>	Yes (as defined in section 113 of the Act); the properties listed in part 3 of the attachments to the Deed of Settlement owned by the Crown as at the settlement date comprising: <ul style="list-style-type: none"> <li>Landbanked Crown-owned properties</li> <li>Crown-owned properties administered by Department of Conservation</li> <li>Crown-owned properties administered by Land Information New Zealand</li> <li>Crown-owned properties administered by Ministry of Education</li> </ul>	No
	Deed to Amend:			
	16 February 2017			
	Second Deed to Amend:			
	13 June 2017			
	Third Deed to Amend:			
	6 December 2021			
<b>Comments:</b> In accordance with section 113(1)(b) of the Act, any land obtained in exchange for a disposal of RFR land under section 126(1)(c) or section 127 becomes RFR land. Council will become an RFR landowner of an RFR property and subject to the obligations of an RFR landowner if RFR land is transferred to Council in accordance with section 50 of the Public Works Act 1981 (section 121 of the Act). <b>Statutory Acknowledgement</b> Set out in sections 32 to 40 of the Act. A Statutory Acknowledgement recognises the association between Ahuriri Hapū and a particular site or area and enhances the iwi's ability to participate in specified Resource Management Act processes. Under the RMA, Deeds of Settlement and Settlement Legislation, regional, city and district councils are required to include statutory acknowledgments in				

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relevant district and regional plans and policy statements, and to have regard to them in resource consent decision making.

Consent authorities are required to attach a statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area. The information attached to a statutory plan must include a copy of sections 33 to 37, 39 and 40 of the Act; a description of the statutory areas wholly or partly covered by the plan; and the statement of association for each statutory area. The statement of association is set out in part 3 of the documents schedule to the Deed of Settlement.

The Statutory Acknowledgements require that consent authorities provide the trustees of Mana Ahuriri Trust with summaries of all resource consent applications for an activity within, adjacent to, or directly affecting a statutory area (section 39 of the Act).

The statutory areas are:

- Ahuriri Hapū Coastal Marine Area
- Esk River and its tributaries within the area of interest
- Fern Bird Bush Nature Reserve
- Hutchinson Scenic Reserve
- Part of Kaimanawa Forest Park
- Part of Kaweka Forest Conservation Area
- Part of Kaweka State Forest Park
- Kuripapango DOC Field Base
- Mangaone River and its tributaries within the area of interest
- Mohaka River and its tributaries within the area of interest
- Ngaruroro River and its tributaries within the area of interest
- Puketitiri (Puketitiri Field Centre)
- Tutaekuri River and its tributaries within the area of interest

as detailed in Part 1 and Part 2 of Schedule 1 of the Act.

### **Deed of Recognition**

Set out in sections 41 to 44 of the Act.

Deeds of Recognition set out an agreement between the administering Crown body and a claimant group in recognition of their special association with a site and oblige the Crown to consult with Ahuriri Hapū on specified matters and have regard to their views regarding the special association of Ahuriri Hapū with a site. They also specify the nature of the input of Ahuriri Hapū into management of those areas by the Department of Conservation and Land Information New Zealand.

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The Minister of Conservation and Director-General must issue a deed of recognition for the statutory areas administered by the Department of Conservation.

The Commissioner of Crown Lands must issue a deed of recognition for the statutory areas administered by the Commissioner.

The form of such deeds is set out in part 4 of the documents schedule of the Deed of Settlement.

Deeds of Recognition are in place for:

- Esk River and its tributaries within the area of interest
- Fern Bird Bush Nature Reserve
- Hutchinson Scenic Reserve
- Part of Kaimanawa Forest Park
- Part of Kaweka Forest Conservation Area
- Part of Kaweka State Forest Park
- Kuripapango DOC Field Base
- Mangaone River and its tributaries within the area of interest
- Mohaka River and its tributaries within the area of interest
- Ngaruroro River and its tributaries within the area of interest
- Puketitiri (Puketitiri Field Centre)
- Tutaekuri River and its tributaries within the area of interest

as detailed in Part 2 Schedule 1 of the Act.


#### **Te Komiti Muriwai o Te Whanga**

Set out in sections 82 to 99 of the Act

The Act establishes a permanent statutory committee called Te Komiti Muriwai o Te Whanga. The purpose of the Komiti is to promote the protection and enhancement of the environmental, economic, social, spiritual, historical and cultural values of Te Muriwai o Te Whanga (Ahuriri Estuary) for present and future generations.

Mana Ahuriri Trust will hold the permanent chair position and four of the eight seats. Other seats are held by the Department of Conservation, **Hawke's Bay Regional Council**, Napier City Council and Hastings District Council.

Te Komiti Muriwai o Te Whanga will provide guidance and co-ordination in the management of Te Muriwai o Te Whanga to local authorities and Crown agencies that exercise functions in relation to Te Muriwai o Te Whanga. The Komiti will prepare and approve a plan for Te Muriwai o Te Whanga called the Te Muriwai o Te Whanga Plan.

Heretaunga Tamatea				
<a href="#">Heretaunga Tamatea Deed of Settlement</a> <a href="#">Heretaunga Tamatea Deed to Amend the Deed of Settlement</a> <a href="#">Heretaunga Tamatea Claims Settlement Act 2018</a>				
Areas of Interest	Date of Deed	Deferred Selection Properties	Listed RFR Land	Area RFR
	26 September 2015 Deed to amend: 16 February 2017 Second Deed to Amend: 13 June 2017	Yes (defined in section 80 of the Act); the Landbanked Crown-owned properties described in part 4 of the property redress schedule of the Deed of Settlement, and on page 25 of the Deed of Amendment	Yes (defined in section 98 of the Act); the Crown-owned Hawke's Bay Regional Prison administered by Department of Corrections (as listed in part 3 of the attachments to the Deed of Settlement)	No
<b>Comments:</b> <p>In accordance with section 98(1)(b) of the Act, any land obtained in exchange for a disposal of RFR land under section 111(1)(c) or section 112 becomes RFR land.</p> <p>Council will become an RFR landowner of an RFR property and subject to the obligations of an RFR landowner if RFR land is transferred to Council in accordance with section 50 of the Public Works Act 1981 (section 106 of the Act).</p> <p><b>Statutory Acknowledgement</b></p> <p>Set out in sections 21 to 29 of the Act.</p> <p>Statutory acknowledgements are statements of cultural, spiritual, historic, and traditional associations of an iwi with a site or an area.</p> <p>A Statutory Acknowledgement recognises the association between Heretaunga Tamatea o and a particular site or area and enhances the iwi's ability to participate in specified Resource Management Act processes.</p> <p>Under the RMA, Deeds of Settlement and Settlement Legislation, regional, city and district councils are required to include statutory acknowledgments in</p>				

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relevant district and regional plans and policy statements, and to have regard to them in resource consent decision making.

Consent authorities are required to attach a statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area. The information attached to a statutory plan must include a copy of sections 22 to 26, 28 and 29 of the Act; a description of the statutory areas wholly or partly covered by the plan; and the statement of association for each statutory area. The statement of association is set out in part 2 of the documents schedule to the Deed of Settlement.

The Statutory Acknowledgements require that consent authorities provide the trustees of the Heretaunga Tamatea Settlement Trust with summaries of all resource consent applications for an activity within, adjacent to, or directly affecting a statutory area (section 28 of the Act).

The statutory areas are:

- Māharakeke Stream (with recorded name Maharakeke Stream) and its tributaries
  - Mākāretu River (with recorded name Makaretu River) and its tributaries within the Heretaunga Tamatea area of interest
  - Maraetōtara River (with recorded name Maraetotara River) and its tributaries
  - Pōrangahau / Tāurekaitai River (with recorded name Porangahau River) and its tributaries within the Heretaunga Tamatea area of interest
  - Tukipō River (with recorded name Tukipo River) and its tributaries
  - Tukituki River and its tributaries within the Heretaunga Tamatea area of interest
  - Waipawa River and its tributaries within the Heretaunga Tamatea area of interest
  - Clive River and its tributaries
  - Elsthorpe Scenic Reserve
  - Hiranui Scenic Reserve
  - Inglis Bush Scenic Reserve
  - Kāhika Conservation Area
  - Karamū Stream (with official name Karamu Stream) and its tributaries
  - Maraetōtara Gorge Scenic Reserve (with official name Maraetotara Gorge Scenic Reserve)
  - Maraetōtara Scenic Reserve (with official name Maraetotara Scenic Reserve)
  - Mātai Moana Scenic Reserve (with official name Matai Moana Scenic Reserve)
  - McLeans Bush Scenic Reserve
  - Mohi Bush Scenic Reserve
  - Monckton Scenic Reserve
  - Ngaruroro River and its tributaries within the Heretaunga Tamatea area of interest
  - Parkers Bush Scenic Reserve
  - Part of Kāweka State Forest Park (with official name Kaweka State Forest Park)
  - Part of Ruahine Forest Park
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- Ruahine Forest (East) Conservation Area
  - Springhill Scenic Reserve
  - Te Aute Conservation Area
  - Tūtaekurī River (with official name Tutaekuri River) and its tributaries within the Heretaunga Tamatea area of interest

#### **Deed of Recognition**

Set out in Sections 30 to 33 of the Act.

Deeds of Recognition set out an agreement between the administering Crown body and a claimant group in recognition of their special association with a site. Deeds of recognition require the Crown to consult with Heretaunga Tamatea, and have regard for Heretaunga Tamatea's special association with a site or place and specify Heretaunga Tamatea input into the management of those areas administered by the Department of Conservation or the Commissioner of Crown Lands.

The Minister of Conservation and Director-General must issue a deed of recognition in the form set out in part 3.1 of the documents schedule of the Deed of Settlement for the statutory areas administered by the Department of Conservation.

The Commissioner of Crown Lands must issue a deed of recognition in the form set out in part 3.2 of the documents schedule of the Deed of Settlement for the statutory areas administered by the Commissioner.

Deeds of Recognition are in place for:

- Clive River and its tributaries
  - Elsthorpe Scenic Reserve
  - Hiranui Scenic Reserve
  - Inglis Bush Scenic Reserve
  - Kāhika Conservation Area
  - Karamū Stream (with official name Karamu Stream) and its tributaries
  - Maraetōtara Gorge Scenic Reserve (with official name Maraetotara Gorge Scenic Reserve)
  - Maraetōtara Scenic Reserve (with official name Maraetotara Scenic Reserve)
  - Mātai Moana Scenic Reserve (with official name Matai Moana Scenic Reserve)
  - McLeans Bush Scenic Reserve
  - Mohi Bush Scenic Reserve
  - Monckton Scenic Reserve
  - Ngaruroro River and its tributaries within the Heretaunga Tamatea area of interest
  - Parkers Bush Scenic Reserve
  - Part of Kāweka State Forest Park (with official name Kaweka State Forest Park)
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- Part of Ruahine Forest Park
  - Ruahine Forest (East) Conservation Area
  - Springhill Scenic Reserve
  - Te Aute Conservation Area
  - Tūtaekurī River (with official name Tutaekuri River) and its tributaries within the Heretaunga Tamatea area of interest
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The purpose of this strategy is to provide an overarching framework. The Taituara – Local Government Professionals Aotearoa (formerly SOLGM) provides an excellent Guideline/Modules covering Property Sales, Acquisitions and Leases - [Property Sales Acquisitions and Leases » Taituarā \(solgm.co.nz\)](https://solgm.co.nz). This also extends to divestment of parks, reserves and endowment land.

This strategy is not designed to replace the existing guidelines, but to provide a framework to support robust decision making on property sales, acquisitions and leases.