



Whakarewarewa and Roto-a-Tamaheke Vesting Act 2009 registration guideline

LINZG20721

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Terms and definitions

Introduction

- The terms and definitions in the Whakarewarewa and Roto-a-Tamaheke Vesting Act 2009 (Act) apply to this guideline. Refer to ss 3, 20(2), 20(3), 25(1)(d), 25(6), 26(3), 29(5), 31(3), 31(4), 32(4), 32(5) and 33(3) of the Act.
 - Additional terms and abbreviations are defined below.
 - Any reference to a section in this guideline is a reference to that section of the Act.
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Term/abbreviation	Definition
Act	Whakarewarewa and Roto-a-Tamaheke Vesting Act 2009
Affiliate Act	Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008
CA	Conservation Act 1987
CE	Chief Executive
CFR	computer freehold register
CIR	computer interest register
CMA	Crown Minerals Act 1991
joint trustees	the trustees for the time being of the trust established by Ngāti Whakaue and Tūhourangi Ngāti Wahiao in accordance with the vesting deed
LGA	Local Government Act 1974
LINZ	Land Information New Zealand
MACI	the New Zealand Māori Arts and Crafts Institute
OIC	Order in Council
RA	Reserves Act 1977
RGL	Registrar-General of Land
RMA	Resource Management Act 1991
RR	Roto-a-Tamaheke Reserve
SAR	Southern Arikikapakapa Reserve
the reserves	the Whakarewarewa Valley Land (comprising the Whakarewarewa Thermal Springs Reserve and the Southern Arikikapakapa Reserve) and the Roto-o-Tamaheke Reserve

TPK

Te Puni Kokiri

WTSR

Whakarewarewa Thermal Springs Reserve

Foreword

Introduction

- (a) This legislation does not reflect a Treaty settlement; its purpose was to foster the Crown's relationship with Ngāti Whakaue and Tūhourangi Ngāti Wahiao iwi.
- (b) The freeholds of the three properties involved in this legislation are currently vested in the Crown. However, two of the three properties - the Whakarewarewa Thermal Springs Reserve (WTSR) and Roto-a-Tamaheke Reserve (RR) - will first vest in trustees under the Affiliate Act (a treaty settlement). Those trustees have agreed with the Crown that the properties can then vest in the joint trustees of Ngāti Whakaue and Tūhourangi Ngāti Wahiao under the Whakarewarewa and Roto-a-Tamaheke Vesting Act 2009 (Act). The relevant parts of the Affiliate Act will come into effect one day prior to this Act coming into effect (both by Order in Council), enabling the WTSR and RR to vest for one day in the trustees under the Affiliate Act before vesting in the joint trustees under this Act.
- (c) Both the Affiliate Act and this Act provide for various lease documents to be entered into prior to the vestings, requiring some registration actions. A summary of these provisions is provided in 12: Background information on relevant sections.
- (d) For context, the land is indicated on a diagram contained in Appendix A: Diagram showing affected land. This is provided for guidance only and is not an authoritative description of the land and legal boundaries.
- (e) After vesting under this Act, **all** properties have 'recreation reserve' status - the Southern Arikikapakapa Reserve (SAR) is declared recreation reserve, and the other two properties retain that status from the Affiliate Act.
- (f) The deed which establishes the joint trustees contains a process for establishing the beneficial ownership shares of various hapu (subtribes). This is reflected in the Act, which provides a process (after vesting) for subdivision and transfer to effect such a distribution.
- (g) This Act came into force on 19 November 2010. The Affiliate Act came into force on 18 November 2010.
- (h) The Act contains a deadline for the Registrar-General of Land (RGL) to create a computer freehold register (CFR) for the third property (SAR) - upon application and within 24 months after the date this Act comes into force, or later if agreed.
- (i) All the land concerned is in the South Auckland Land Registration District.

Foreword, continued

Purpose of guideline

This guideline has been issued by the RGL to ensure that applications received by Land Information New Zealand (LINZ) under the Act are dealt with correctly.

Scope

This document only relates to those parts of the Act that impact on the registration process, but where necessary for understanding that process, background information has been given (eg status changes before applications are lodged, and applicability (or not) of legislation such as Crown Minerals Act 1991 (CMA), and Resource Management Act 1991 (RMA) to vesting).

Intended use of guideline

This guideline has been issued by the RGL for employees of LINZ with delegated authority to exercise registration functions under the Land Transfer Act 1952. It has therefore been written from the perspective of the applications that we anticipate LINZ will receive.

References

This guideline needs to be read in conjunction with the Act and also the Affiliate Act.

Southern Arikikapakapa Reserve – application for Title in name of joint trustees

1. Overview

Introduction

- This section describes the registration actions to be taken on receipt of an application to create a title for the Southern Arikikapakapa Reserve (SAR) in the name of the joint trustees.
 - It also sets out useful background information to assist the interpretation of relevant sections of the Act.
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2. Registration actions on receipt of application

Registration actions

This section describes the registration actions required to create a title for the SAR in the name of the joint trustees.

The RGL will:

- (a) upon receipt of an application by the Chief Executive (CE) of TPK (and subject to the completion of any necessary survey) create a CFR and register the joint trustees as the proprietors of the fee simple estate in the SAR [s 17(1)(a) and (2)],
- (b) enter on the register any registrable encumbrances or other matters that are described in the application [s 17(1)(b)], and
- (c) make specific legislative notifications which are set out in (d) below [s 17(4)].
- (d) When a certificate under s 17 is presented for registration:

- (i) the standard registration fee is payable,

- (ii) an example of a suitable memorial to record the vesting is:

'[Registration number] Application vesting the within land in [names of the trustees of the joint trust] under section 17 of the Whakarewarewa and Roto-a-Tamaheke Vesting Act 2009 [date and time]'

'Subject to Part 4A of the Conservation Act 1987 but section 24 does not apply'

'Subject to sections 8(3) and 20 of the Whakarewarewa and Roto-a-Tamaheke Vesting Act 2009'

3. Background information on relevant sections

SAR description	<p>The land is described in Schedule 1 [s 3], and indicated on the diagram contained in Appendix A.</p> <ul style="list-style-type: none">(a) 0.5978 hectares, more or less, being Part Lot 1 DP 23567. Part computer freehold register SA621/156, and(b) 12.8247 hectares, more or less, being Part Lot 3 DP 23567. Part computer freehold register SA621/156, and(c) the Arikikapakapa section 8 land, and(d) the Arikikapakapa section 101 land, and(e) the closed roads. <p>The land is shown on SO 40875.</p>
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Status	<p>The closed roads in (e) above are declared and classified as recreation reserves subject to s 17 of the Reserves Act 1977 (RA) [s 5(1)].</p>
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Land to be included in Arikikapakapa Reserve	<p>The land described in (c), (d), and (e) above is to be included in the recreation reserve known as the Arikikapakapa Reserve in Schedule 2 of the Tourist and Health Resort Control Act 1908 (despite anything in that Act or the RA) [s5(2)].</p>
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Revoke SAR's status – remove SAR from Arikikapakapa Reserve	<p>Immediately after the inclusion above, the recreation reserve status of the SAR is revoked, and it ceases to be part of the Arikikapakapa Reserve (and Tourist and Health Resort Control Act 1908) ceases to apply). Sections 24 and 25 of the RA do not apply to this revocation [s 5(4) and (5)].</p>
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SAR to vest in joint trustees subject to preconditions	<p>The SAR vests in the joint trustees subject to the Act, the Schedule 2 encumbrances and other matters, and the trustees complying with s 13 [s 6].</p>
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Continued on next page

Background information on relevant sections, continued

Declare SAR's status The SAR is declared and classified a recreation reserve subject to s 17 of the RA. The SAR is referred to as if specified in a s 16(10) RA notice [s 7(1) and (2)]

Conservation Act 1987 Part 4A of the Conservation Act 1987 (CA) applies to SAR vesting in the joint trustees above, but ss 24, 24A and 24AA do not apply (except if the s 7(1) reservation is subsequently revoked in which case s 24(2A) will be treated as being complied with) [s 8(3)].

Resource Management Act 1991 Section 11 and Part 10 of the RMA do not apply to the SAR vesting in the joint trustees [s 9(1)].

Crown Minerals Act 1991 The SAR vesting in the joint trustees does not limit ss 10 or 11 of the CMA or other rights to subsurface minerals or geothermal energy [s 9(2)].

Reserves Act 1977

- (a) Sections 48A, 114 and 115 of the RA apply to the SAR, despite ss 48A(6), 114(5), and 115(6) of the RA [s 10(1)].
- (b) Sections 78(1)(a), 79-81, and 88 of the RA do not apply [s 10(2)].

Reserves Act application if SAR reserve revoked If the SAR reservation is revoked under s 24 of the RA, then s 25 of the RA, except subs (2), does not apply to the revocation [s 10(3)].

Whakarewarewa Thermal Springs and Roto-a-Tamaheke Reserves – vesting after initial vesting under Affiliate Act

4. Overview

Introduction

- This section describes the registration actions to be taken on receipt of an application by the CE of TPK for the vesting of Whakarewarewa Thermal Springs Reserve (WTSR) and Roto-a-Tamaheke Reserve (RR) after vesting under the Affiliate Act.
 - It also sets out useful background information to assist the interpretation of relevant sections of the Act.
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This section contains the following topics:

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5. Registration actions on receipt of application

Registration action

This section describes the registration actions required to vest Whakarewarewa Thermal Springs Reserve (WTSR) and Roto-a-Tamaheke Reserve (RR) after vesting under the Affiliate Act.

The RGL will:

- (a) Upon receipt of an application by the CE of TPK, register the joint trustees for the time being as the registered proprietor of the fee simple of WTSR and RR; and
- (b) enter on the register any registrable encumbrances or other matters that are described in the application [s 18(1)(b)], and
- (c) remove the notification that these properties are subject to s 117 of the Affiliate Act and make a notification that they are subject to s 20 of the Act [s 18(2)].
- (d) When a s 18 certificate is presented for registration:
 - (i) the standard registration fee is payable,
 - (ii) examples of a suitable memorial to record the vestings are:

'[Registration number] Application vesting the within land in [names of the trustees of the joint trust] under section 18 of the Whakarewarewa and Roto-a-Tamaheke Vesting Act 2009 [date and time]'

'[Registration number of application for removal] [Reference for wording of memorials being removed as referred to above] REMOVED [date and time]'

'Subject to section 20 of the Whakarewarewa and Roto-a-Tamaheke Vesting Act 2009'

6. Background information on relevant sections

WTSR and RR description The land is described in Schedule 1 [s 3] and indicated on the diagram contained in Appendix A:

- (a) Whakarewarewa: 43.4200 hectares, more or less, being Section 1 SO 390094, Part *Gazette* 1904 page 2119,
 - (b) Roto-a- Tamaheke: 4.2110 hectares, more or less, being Sections 1, 2 and 3 SO 389705, Part *Gazette* 1904 page 2119.
-

Vesting conditional on s 13 The vesting is subject to the joint trustees complying with s 13 of the Act (see relevant clauses in 9: Background information on relevant sections and 12: Background information on relevant sections that follow) [ss 11(2) and 12(2)].

Effect of Affiliate Act provisions The vesting has effect despite anything in the Affiliate Act that regulates the transfer of the land [ss 11(3) and 12(3)].

Status The vesting does not affect the status of the lands as reserves under the Affiliate Act [ss 11(4)(a) and 12(4)(a)].

Reserves Act and Conservation Act The vesting does not affect the application of these Acts to the reserves, as provided for in the Affiliate Act [ss 11(4)(b) and 12(4)(b)].

Application to create registrable easement

7. Overview

- Introduction**
- This section describes the registration actions to be taken on receipt of an application to create a registrable easement under s 13(d).
 - It also sets out useful background information to assist the interpretation of relevant sections of the Act.
-

Contents This section contains the following topics:

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Background information on relevant sections	18

8. Registration actions on receipt of application

Registration actions

This section describes the registration actions required on receipt of an application under s 13(d) to create a registrable easement.

The RGL will:

- (a) Upon receipt of an application for registration of an easement, follow the usual registration processes for registration of easements.
 - (b) When such an application is presented for registration:
 - (i) the standard registration fee is payable,
 - (ii) the usual easement memorial format should be recorded on the relevant registers.
-

9. Background information on relevant sections

**Vesting
conditional on
s 13 – grant of
water
easement**

The vesting is subject to the joint trustees complying with s 13 which requires (among other things) that the joint trustees must grant to the Rotorua District Council a registrable easement for the right to convey water in order to formalise an existing use right [s 13(d)].

Application to surrender existing leases and enter into new leases

10. Overview

- Introduction**
- This section describes the registration actions to be taken on receipt of an application to surrender existing leases and enter into new leases under ss 13, 6(2), 11(2) and 12(2).
 - It also sets out useful background information to assist the interpretation of relevant sections of the Act.
-

Contents This section contains the following topics:

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11. Registration actions on receipt of application

Registration actions

This section describes the registration actions required on receipt of an application to surrender the existing leases and enter into new leases under ss 13, 6(2), 11(2) and 12(2).

The RGL will:

- (a) Upon receipt of an application to surrender the existing leases and enter into new leases, follow the usual registration processes for surrenders and grants of leases (as applicable).
 - (b) It appears there is no existing record in the Land Register of the s 101 Block 1 Tarawera Survey District lease which is 'registrable' under s 108(9)(c) of the Affiliate Act, and surrendered under s 13(a) of this Act. Accordingly, a computer interest register should be created for this land. For further information see 12: Background information on relevant sections below.
 - (c) The Minister of Tourism may execute any of these deeds on behalf of the New Zealand Māori Arts and Crafts Institute (MACI) as lessee [s 14].
 - (d) When such an application is presented for registration:
 - (i) the standard registration fee is payable,
 - (ii) the memorials for the surrender and grant of leases will follow the standard memorial format.
-

12. Background information on relevant sections

- Existing leases**
- (a) Prior to the Affiliate Act coming into effect, the Arikikapakapa lease (SA2021/47) included the WTSR land (as defined in the Affiliate Act). The extent of that leased land is indicated in purple on the diagram contained in Appendix A.
 - (b) The Affiliate Act refers to a partial surrender of the existing lease (between the Crown and MACI) in SA2021/47 to remove the land which becomes the WTSR under that Act [s 108(9)(b)(i)].
 - (c) The Affiliate Act also refers to a variation between the Crown and MACI of the remaining leased land in SA2021/47 (as partially surrendered) [s108(9)(b)].
 - (d) Finally, the Affiliate Act refers to the granting of a registrable lease of s 101 Block 1 Tarawera Survey District [s 108(9)(c)]. There is no further provision in either the Affiliate Act or this Act in relation to the registration of that lease. A CIR will need to be created for it (on the basis that the Affiliate Act says it is 'registrable', to bring that land into our Land Register, so that we will have a record against which we can register the subsequent surrender of that lease under this Act (which occurs just prior to its inclusion in the SAR).
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Vesting conditional on s 13 – surrender/ regrant leases

The vesting of WTSR and RR under this Act are subject to the joint trustees complying with s 13 [ss 6(2), 11(2) and 12(2)].

This requires the joint trustees to:

- (a) enter registrable deeds of surrender in respect of the existing WTSR lease, the existing Arikapakapa lease (the balance in SA2021/27 after the WTSR land was surrendered) and the existing Arikapakapa s 101 lease; and
 - (b) grant new registrable leases to MACI in respect of the WTSR and SAR.
-

Application to remove notifications following revocation of reserve status

13. Overview

- Introduction**
- This section describes the registration actions to be taken on receipt of an application by the Director-General of Conservation to remove notifications following revocation of reserve status.
 - It also sets out useful background information to assist the interpretation of relevant sections of the Act.
-

Contents This section contains the following topics:

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14. Registration actions on receipt of application

Registration actions

This section describes the registration actions required on receipt of an application by the Director-General of Conservation to remove notifications following revocation of reserve status.

The RGL will:

- (a) Upon receipt of an application by the Director-General of Conservation to remove the following notifications [(reflecting a revocation of the reserve status under the Act)] on the SAR register:
 - (i) that s 24 of that Act does not apply to the land,
 - (ii) that the land is subject to ss 8(3) and 20 of the Act, and
 - (iii) comply with any such applications [and also remove purpose statement re: reserve].
- (b) Remove the following notifications [(reflecting a revocation of the reserve status under the Affiliate Act)] on the WTSR or RR registers:
 - (i) that the land is subject to s 20 of the Act.
- (c) When a s 17(6) application is made:
 - (i) the standard registration fee is payable,
 - (ii) examples of suitable memorials to record the revocation are as follows:

'[Registration number] Application under section 18(3) of the Whakarewarewa and Roto-a-Tamaheke Vesting Act 2009 whereby the memorial [*detail relevant memorial*] is REMOVED [date and time]'

'[Registration number] Application under section 18(3) of the Whakarewarewa and Roto-a-tamaheke Vesting Act 2009 whereby the memorial [*detail relevant memorial*] is REMOVED as to part of the land [describe part of land over which memorial is removed] [date and time]'.
- (d) A check should be made before finalising the changes, to ensure:
 - (i) that the memorial 'subject to Part 4A of the Conservation Act 1987' is retained, and
 - (ii) that where the revocation only relates to part of the land, all the relevant notifications remain on the part of the land that remains a reserve.

15. Background information on relevant sections

Removal of notifications where SAR reserve status is revoked

If the reserve status of SAR under Part 2 of the Act is revoked in relation to all or part of the SAR, the Director-General of Conservation must apply in writing to the RGL to have the notifications made under ss 17(4)(b)-(d) (inclusive) removed in relation to all or part (as applicable) and the RGL must comply [s 17(6) and (7)].

Conservation Act memorial does not apply

This relates to the notifications that s 24 of the CA does not apply, and that ss 8(3) and 20 of the Act apply. It does not relate to the memorial that the land is 'subject to Part 4A of the Conservation Act 1987'.

Removal of notifications where WTSR or RR reserve status is revoked

If the reserve status of WTSR or RR under the Affiliate Act is revoked in relation to all or part of those reserves, the Director-General of Conservation must apply in writing to the RGL to have the notifications that the land is subject to s 20 of the Act removed and the RGL must comply [s 18(3)].

Notifications must remain on parts remaining as reserve

Where the revocation relates to part of the land, the RGL must ensure the relevant notifications remain on the part that remains a reserve [s 17(7) and 18(4)].

Subdivision and transfer of reservations

If any of the reservations are subdivided and transferred in accordance with s 25 (which is to effect a determination of the beneficial interest), then

- (a) in relation to SAR, ss 17(6) and (7) of the Affiliate Act, and
- (b) in relation to WTSR or RR ss 18(3) and (4), and s 113(3) of the Affiliate Act,

cease to apply and s 31 deals with subsequent revocation in such circumstances (see 25: Transfer of resulting reserve land (after subdivision) below).

Application to transfer the lands

16. Overview

- Introduction**
- This section describes the registration actions to be taken on receipt of an application (after vesting) to transfer reserve land.
 - It also sets out useful background information to assist the interpretation of relevant sections of the Act.
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17. Registration actions on receipt of application

Registration actions

This section describes the registration actions required on receipt of an application to transfer the land.

The RGL will:

- (a) Upon receipt of an application (after vesting) to transfer the land (so long as it remains a reserve), where the transferees are not either a trustee or new trustee of the transferor trust, ensure the following documents are received:
 - (i) a transfer instrument which includes a notification that the new owners are to hold the reserve land for the same reserve purposes as it was held by the administering body immediately before the transfer, and
 - (ii) the written consent of the Minister of Conservation to the transfer, and
 - (iii) other documents required for registration.
 - (b) Upon receipt of an application to transfer the land where the transferee is either a trustee or new trustee of the transferor trust, ensure that the transfer instrument is accompanied by a certificate from the transferees or their solicitor, verifying that:
 - (i) the transferors of the reserve land are or were the trustees of a trust, and
 - (ii) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust.
 - (c) Follow the usual registration processes for registration of transfers.
 - (d) When such an application is presented for registration:
 - (i) the standard registration fee is payable,
 - (ii) the usual easement memorial format should be recorded on the relevant registers, and
 - (iii) any provisions of the Affiliate Act that correspond to that section, as it applies to the WTSR and RR cease to have effect and the Affiliate Act must be read in accordance with these provisions.
-

18. Background information on relevant sections

Restrictions on transfer After the land has vested as reserve, there are restrictions on subsequent transfers.

Provisions in Affiliate Act superseded In relation to WTSR and RR, there are restrictions in the Affiliate Act [s 117]. Those have been superseded by the restrictions on transfer of all three reserves in the Act [s 20].

Transfer to replacement trustees Where a transfer reflects a change in trustees, the only requirement outside the usual processes for transfer instruments is that the transferees (or their solicitor) give a certificate to confirm it is a replacement trustee under s 20 of the Act.

Transfer to new owners Other transfers require that the transfer instrument have a notification about the reserve purpose, and that the Minister of Conservation consent [s 20(7)(a) and (b)], over and above the usual LINZ processes.

Transfer and order for new titles to deposit a plan (subdivision)

19. Overview

Introduction

- This section describes the registration actions to be taken on receipt of an application to transfer, and an order for new titles to deposit a plan in relation to the subdivision of a reserve.
 - It also sets out useful background information to assist the interpretation of relevant sections of the Act.
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20. Registration actions on receipt of application

Registration actions

This section describes the registration actions to be taken on receipt of an application to transfer, and an order for new titles to deposit a plan in relation to the subdivision of a reserve.

The RGL will:

- (a) Upon receipt of an application to transfer and an order for new titles to deposit a plan in relation to a reserve (subject to the completion of any necessary survey) where the following documents are received:
 - (i) a transfer which includes a notification that the new owners are to hold the reserve land for the same reserve purpose as it was held by the administering body immediately before the transfer, and
 - (ii) the written consent of the Minister of Conservation to the transfer of the reserve land, and
 - (iii) any other document required for registration of the transfer instrument [s 29(1) and (2)],create a CFR for each resulting parcel of land and register the joint trustees as the proprietors of the fee simple and make appropriate entries in the register.
 - (b) Upon receipt of an application to transfer and an order for new titles to deposit a plan in relation to a reserve where the special requirements referred to in (a)(i) above **have not** been met (because it does not reflect a division into beneficial entitlement) follow the usual registration processes without limit to the application of any relevant enactment or rule of law [s 25(8)].
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21. Background information on relevant sections

Minister of Māori Affairs certification

The Minister of Māori Affairs may certify that an application by the joint trustees to subdivide and transfer the land complies with the process of determination of beneficial entitlement in the vesting deeds.

When RMA does not apply to subdivision and transfer

If there is certification by the Minister of Māori Affairs referred to above, and if the land remains reserve [s 25], then s 11 and Part 10 of the RMA do not apply to the subdivision and transfer or any matter incidental to it [s 25(3)].

Minister of Conservation consent required

The subdivision and transfer is prohibited unless the Minister of Conservation consents in writing to the transfer [s 25(4)].

Council permission not required

Permission of a council under s 348 of the LGA is not required for roads or rights of way that may be required for the subdivision and transfer [s 25(7)].

Reserves Act 1977

- (a) Each resulting parcel of land is to be treated as a separate recreation reserve subject to s 17 of the RA, from the date of registration of the transfer [s 26(1), (2) and (3)].
 - (b) Sections 48A, 114 and 115 of the RA apply to the sites, despite s48A(6), 114(5) and 115(6) of the RA [s 28(1)].
 - (c) Sections 78(1)(a), 79-81 and 88 of the RA do not apply [s 28(2)].
-

Revocation of reserve status of Reserves after subdivision

22. Overview

Introduction

- This section describes the registration actions to be taken on receipt of an application or gazette notice revoking the reserve status of an allotment following a subdivision.
 - It also sets out useful background information to assist the interpretation of relevant sections of the Act.
-

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This section contains the following topics:

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23. Registration actions on receipt of application / gazette notice

Registration actions

This section describes the registration actions to be taken on receipt of an application, or gazette notice under s 24 of the RA, revoking the reserve status of an allotment resulting from a subdivision.

The RGL will:

- (a) Upon [application s 31(1)(a)/receipt of a gazette notice (pursuant to s 24 of the RA)] revoking the reserve status of an allotment resulting from such a subdivision into beneficial ownership, follow LINZ's usual registration procedures for such applications.
 - (b) Upon receipt of an application by the Director-General of Conservation to remove the following notifications:
 - (i) that s 24 of the Conservation Act does not apply to the land;
 - (ii) that the land is subject to
 - in relation to the Southern Arikikapakapa Reserve, that, the land is subject to s 8(3) of the Whakarewarewa and Roto-a-Tamaheke Vesting Act 2009, subject to s 27 of that Act, and
 - in relation to the Whakarewarewa Thermal Springs Reserve or the Roto-a-Tamaheke Reserve, that the land is subject to s 112(4) of the Affiliate Act, subject to s 27 of the Whakarewarewa and Roto-a-Tama Vesting Act 2009,and
that the land is subject to s 32 of the Act; and
comply with any such applications and also remove purpose statement re: reserve. [s 31]
 - (c) When such an application is presented for registration:
 - (i) the standard registration fee is payable,
 - (ii) LINZ's usual revocation of status memorial format should be recorded on the relevant registers.
-

24. Background information on relevant sections

General If the reservation of a resulting parcel of land (arising from a s 25 subdivision into beneficial ownership) is revoked in relation to all or part of a site, the following sections apply.

Conservation Act 1987

- (a) SAR: s 24 of the CA (Marginal Strips Reserved) is to be treated as having applied to the vesting (and the s 24(2A) requirement complied with) [s 27(1) applying s 8(3)].
- (b) WTSR and/or RR: the vesting is no longer exempt from 'the rest of section 24 of the CA' [s 27(2) applying s 112(4) of the Affiliate Act]. This needs to be understood by reference to ss 112(2) and (3) of the Affiliate Act, which provided that (in relation to reserves) not only is the vesting exempt from ss 24(2A), 24A and 24AA of the CA, it is also exempt from 'the rest of s 24 of the CA'.

Reserves Act 1977 Section 25 of the RA (except s 25(2) does not apply to the revocation [s 28(3)]

Notifications

- (a) SAR: ss 17(6) and (7) of the Act cease to apply.
- (b) WTSR and RR: s 113(3) of the Affiliate Act and ss 18(3) and (4) of the Act cease to apply.

[ss 30(1) and (2)]

Application by Director-General of Conservation – removal of notifications The Director-General of Conservation must apply in writing to the RGL to have certain notifications removed in relation to all or part (as applicable) and the RGL must comply (see below).

Conservation Act 1987 - marginal strips Section 24 of the CA does not apply to the land.

Continued on next page

Background information on relevant sections, continued

**SAR
suspension
provision**

SAR: that the land is subject to s 8(3) of the Whakarewarewa and Roto-a-Tamaheke Vesting Act 2009, subject to s 27 of that Act.

**WTSR and RR
suspension
provision**

WTSR and/or RR:

- (a) that the land is subject to s 112(4) of the Affiliate Act, subject to s 27 of the Whakarewarewa and Roto-a-Tama Vesting Act 2009, and
- (b) that the land is subject to s 32 of the Whakarewarewa and Roto-a-Tamaheke Vesting Act 2009.

[s 31]

**Transfer
restriction**

Section 31(2) requires the RGL to ensure that where the revocation only relates to part of the properties, the relevant notifications only remain on the part of the land that remains a reserve.

Transfer of resulting reserve land (after subdivision)

25. Overview

Introduction

- This section describes the registration actions to be taken on receipt of an application (after vesting) to transfer land that remains a reserve after subdivision to beneficial owners.
 - It also sets out useful background information to assist the interpretation of relevant sections of the Act.
-

Contents

This section contains the following topics:

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26. Registration actions on receipt of application

Registration actions

This section describes the registration actions to be taken on receipt of an application (after vesting) to transfer land that remains a reserve after subdivision to beneficial owners.

The RGL must:

- (a) Upon receipt of an application (after vesting) to transfer the land (so long as it remains a reserve), where the transferees are not either a trustee or new trustee of the transferor trust, ensure the following documents are received:
 - (i) a transfer which includes a notification that the new owners are to hold the reserve land for the same reserve purpose as it was held by the administering body immediately before the transfer, and
 - (ii) the written consent of the Minister of Conservation to the transfer of the reserve land, and
 - (iii) any other document required for registration of the transfer instrument; andregister the new owners as the proprietors of the fee simple estate in the reserve land.
 - (b) Upon receipt of an application to transfer the land where the transferee is either a trustee or new trustee of the transferor trust, ensure that the transfer instrument is accompanied by a certificate from the transferees or their solicitor, verifying that:
 - (i) the transferors of the reserve land are or were the trustees of a trust, and
 - (ii) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust.
 - (c) Follow LINZ's usual registration processes for registration of transfers.
 - (d) When such an application is presented for registration the standard registration fee is payable.
-

27. Background information on relevant sections

Restrictions on transfer

- (a) After the land has been subdivided to reflect the beneficial ownership, and while it remains a reserve, there are restrictions on subsequent transfers [s 32].
 - (b) Where a transfer reflects a change in trustees, the only requirement outside the usual LINZ processes for transfer instruments, is that the transferees (or their solicitor) give a certificate to confirm it is a replacement trustee, in terms of s 32(9) of the Act.
 - (c) Other transfers require that the transfer instrument have a notification about the reserve purpose, and that the Minister of Conservation consent [ss 32(7)(a) and (b)] over and above the usual LINZ processes.
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Appendix A: Diagram showing affected land

