



# Maraeroa A and B Blocks Claims Settlement Act 2012 registration guideline

LINZG20724

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# 1 Terms and definitions

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## General

- (a) For the purposes of this guideline, the terms and definitions in the Maraeroa A and B Block Claims Settlement Act 2012 (Act) apply, unless stated otherwise. Refer to ss 9, 10, 11, 12, 56, and 74 of the Act for interpretation.
  - (b) Terms and abbreviations used in this guideline that are not defined in the Act are defined below.
  - (c) 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	Maraeroa A and B Blocks Claims Settlement Act 2012
authorised person	an authorised person as defined in ss 64(5), 69(5), or 77(4), as the case may be
Chief Executive	Chief Executive of Land Information New Zealand
cultural redress property	a property listed in s 56 and described in Schedule 3 of the Act
commercial redress property	a property defined as commercial redress property in s 10 of the Act
deed of settlement	Deed of Settlement to the Maraeroa A and B blocks dated 12 March 2011 referred to in s 3 of the Act and defined in s 10 of the Act
LINZ	Land Information New Zealand
RGL	Registrar-General of Land appointed under s 4 of the Land Transfer Act 1952
trustees	trustees from time to time of Maeraeroa A and B Trust established by the trust deed of the Settlement Trust as defined in s 10 of the Act

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## 2 Foreword

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- Introduction**
- (a) The Maraeroa A and B Block Claims Settlement Act 2012 (Act) came into force on 1 August 2012.
  - (b) The land concerned is in the South Auckland Land Registration District.
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**Purpose** The Registrar-General of Land (RGL) has issued this guideline to ensure that applications received by Land Information New Zealand (LINZ) under the Act are dealt with correctly.

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- Scope**
- (a) This document contains guidelines for compliance with the Act. It covers:
    - (i) the requirements for certificates, applications, and other transactions to be lodged for registration with the RGL, and
    - (ii) registration requirements and memorial formats.
  - (b) The guideline focuses primarily on the provisions of the Act that impact on the registration process.
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**Intended use of guideline** The RGL has issued this guideline for employees of LINZ with delegated authority to exercise registration functions under the Land Transfer Act 1952.

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**Application where part computer register affected** When this guideline refers to parcels of land or whole computer registers, but the incoming application affects only part, memorials and actions should be amended accordingly.

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- References** The following documents are necessary for the application of this guideline:
- (a) Deed of Settlement for Maraeroa A and B Blocks dated 12 March 2011<sup>1</sup>
  - (b) Maraeroa A and B Block Claims Settlement Act 2012
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<sup>1</sup> Refer to the Office of Treaty Settlements website for a copy of the deed of settlement and its amendments

### 3 Removal of memorials

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**Trigger** Receipt of a certificate under s 17 for the removal of certain memorials from a computer register.

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**Legislation**

- (a) Section 16 provides that certain legislative provisions do not apply to a settlement property, or for the benefit of the settling group or a representative entity.
- (b) Section 16(2) lists the legislative provisions as:
  - (i) sections 8A to 8HJ of the Treaty of Waitangi Act 1975,
  - (ii) sections 27A to 27C of the State-Owned Enterprises Act 1986,
  - (iii) sections 211 to 213 of the Education Act 1989,
  - (iv) Part 3 of the Crown Forest Assets Act 1989, and
  - (v) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990.

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**Certificate** Section 17(4) requires the RGL to register a certificate against the affected registers, cancelling any relevant memorial referred to in s 16. The certificate must:

- (a) be issued by the Chief Executive (s 17(1)), as soon as reasonably practicable after the settlement date or actual deferred settlement date,
- (b) identify each allotment, which is all, or part, of a settlement property, and computer register which contains such a memorial (s 17(1)), and
- (c) state that it is issued under s 17(3).

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## Removal of memorials, continued

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### Action

When a certificate under s 17 is presented for registration:

- (a) any memorial on the current view of the computer register which relates to an enactment referred to in s 16(2) should be removed,
- (b) the following memorial should be recorded on the historic view of that register:
  - '*[instrument number]* Certificate under section 17 of Maraeroa A and B Blocks Claims Settlement Act 2012 cancelling *[memorial identifier]* *[date and time]*',
- (c) the standard registration fee is payable.

**Note:** If the existing memorial on the title refers to an Act in general, such as 'subject to the Crown Forest Assets Act 1989', the original notation remains on the computer register, but it should be recorded on the computer register that 'Part 3 of the Crown Forest Assets Act 1989 (or any other relevant section mentioned in s 16(2)) does not apply'.

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## 4 Cultural redress properties to vest in Maraeroa A and B Blocks Incorporation

### Maraeroa A and B blocks

The properties set out in the following table vest in Maraeroa A and B Blocks Incorporation.

Site	Land description	Subject to and together with
<b>Sites vested in fee simple</b>		
Nga Herenga	South Auckland Land District—Waitomo District 1.1098 hectares, more or less, being Section 2 SO 441383. Part Computer Interest Register SAPR185/49	
Koromiko	South Auckland Land District—Waitomo District 22.6445 hectares, more or less, being Section 2 SO 442898. Part Gazette 1978 page 2463.	Subject to the right of way easement in gross referred to in s 58(4).
<b>Site vested in fee simple subject to conservation covenant</b>		
Kotukunui	South Auckland Land District—Waitomo District 35.4552 hectares, more or less, being Section 3 SO 442898. Part Gazette 1978 page 2463.	Subject to the conservation covenant referred to in s 59(4)(a). Subject to the right of way easement in gross referred to in s 59(4)(b). Subject to the easement in gross for a right to convey electricity, telecommunications, and computer media referred to in s 59(4)(c).
Pikiariki	South Auckland Land District—Waitomo District 130.6281 hectares, more or less, being Section 1 SO 441383. Part Computer Interest Register SAPR185/49.	Subject to the conservation covenant referred to in section 60(4).

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## Cultural redress properties to vest in Maraeroa A and B Blocks Incorporation, continued

Sites vested in fee simple, continued

Site	Land description	Subject to and together with
<b>Site vested in fee simple subject to conservation covenant, continued</b>		
Waimiha Kei Runga	<p>South Auckland Land District—Waitomo and Taupo Districts</p> <p>1566.8160 hectares, more or less, being Section 1 SO 442816. Part Computer Freehold Register 532173.</p>	<p>Subject to an unregistered licence to occupy the HF radio site in favour of the Director-General of Conservation dated 3 November 2009.</p> <p>Subject to a right of way over part marked V and W on DP 310734 created by Deed of Easement 6869282.7 and held in Computer Interest Register 293507.</p> <p>Subject to the forestry right registered under the Forestry Rights Registration Act 1983.</p> <p>Subject to the conservation covenant referred to in s 61(3)(a).</p> <p>Subject to the right of way easement in gross referred to in s 61(3)(b).</p> <p>Subject to the right of way easement in gross referred to s 61(3)(c).</p> <p>Subject to the right of way easement in gross referred to in s 61(3)(d).</p> <p>Subject to the right of way easement in gross referred to in s 61(3)(e).</p> <p>Together with the right of way easement referred to in 61(5).</p>
Whareana	<p>South Auckland Land District—Waitomo District</p> <p>31.8715 hectares, more or less, being Section 1 SO 442898. Part Gazette 1978 page 2463.</p>	<p>Subject to the conservation covenant referred to in s 62(4)(a).</p> <p>Subject to the easement in gross for a right to convey electricity, telecommunications, and computer media referred to in s 62(4)(b).</p>



## 5 Vesting of cultural redress properties

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**Trigger** Receipt of a written application under s 64(2) by an authorised person to register the trustees as proprietors of the fee simple estate.

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**Action - registration of trustees**

- (a) The RGL must create a computer freehold register in the name of Maraeroa A and B Blocks Incorporation and enter any encumbrances described in the application (s 64(2)).
- (b) The following must be recorded on the computer register:
  - 'Subject to Part 4A of the Conservation Act 1987'
  - 'Subject to section 11 of the Crown Minerals Act 1991'
  - 'subject to section 83 of the Marearo A and Blocks Claims Settlement Act 2012'.
- (c) Creation of the above computer register is subject to completion of any necessary survey.
- (d) The standard registration fee is payable.

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**Statutory exemptions** Cultural redress properties are not subject to:

- (a) the subdivision requirements of the Resource Management Act 1991, or
- (b) the Council's requirements for consent under s 348 of the Local Government Act 1974.

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**Action - vestings subject to encumbrances**

- (a) The cultural redress properties are vested subject to the encumbrances set out in the third column in Schedule 3 of the Act (s 63).
- (b) The encumbrances may include unregistered instruments.
- (c) Only the encumbrances referred to in the application are required to be entered on the computer register.

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## Vesting of cultural redress properties, continued

### Action - vestings subject to trustees' encumbrances or covenants

- (a) The cultural redress properties set out in the table below are vested subject to the trustees creating the encumbrances or covenants as stated.
- (b) The applications in respect of these sites must be accompanied by the instruments creating the encumbrances or covenants referred to.
- (c) The legal descriptions affecting any easements, encumbrances, or covenants are set out in ss 56 to 62 of the Act.
- (d) Rights of way are not subject to s 348 of the Local Government Act 1974 [s 66(3)].

Property	Encumbrance or covenants the trustees must create (register)	Refer to ...
Koromiko site	<ul style="list-style-type: none"> <li>• A right of way easement in gross in favour of the Minister of Conservation.</li> <li>• The right of way easement is not subject to s 348 of the Local Government Act 1974 (s 66).</li> </ul>	s 58(4)
Kotukunui site	<ul style="list-style-type: none"> <li>• Conservation covenants to the Crown to be treated as conservation covenants for the purposes of s 77 of the Reserves Act 1977 and s 27 of the Conservation Act 1987.</li> <li>• A right of way in gross in favour of the Minister of Conservation.</li> <li>• A right to convey electricity in gross in favour of the Minister of Conservation.</li> <li>• The right of way easement is not subject to s 348 of the Local Government Act 1974 (s 66).</li> </ul>	s 59(4)
Pikiariki Site	Conservation covenants to the Crown to be treated as conservation covenants for the purposes of s 77 of the Reserves Act 1977.	s 60(4)
Waimiha Kei Runga	<ul style="list-style-type: none"> <li>• Conservation covenants to the Crown to be treated as conservation covenants for the purposes of s 77 of the Reserves Act 1977.</li> <li>• Rights of way in gross in favour of the Minister of Conservation.</li> <li>• The rights of way easements are not subject to s 348 of the Local Government Act 1974 (s 65).</li> </ul>	s 61(3)
Wharaena	<ul style="list-style-type: none"> <li>• Conservation covenants to the Crown to be treated as conservation covenants for the purposes of s 77 of the Reserves Act 1977.</li> <li>• A right to convey electricity telecommunications and computer media in gross in favour of the Minister of Conservation.</li> </ul>	s 62(4)

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## Vesting of cultural redress properties, continued

### Action - revocation and reconferring of reserve status

The reserve status of the following sites is revoked and/or new reserve status or no reserve status conferred.

Property	Revoked status	Section	Estate	New status/purpose	Section
Nga Herenga	Conservation area	57(1)	fee simple	<i>No specified purpose</i>	57(3)
Koromiko	Conservation area	58(1)	fee simple	<i>No specified purpose</i>	58(3)
Kotukunui	Conservation area	59(1)	fee simple	<i>No specified purpose</i>	59(3)
Pikiariki	Conservation area	60(1)	fee simple	<i>No specified purpose</i>	60(3)
Waimiha Kei Runga	Crown Forest land	61(1)	fee simple	<i>No specified purpose</i>	61(2)
Whareana	Conservation area	62(1)	fee simple	<i>No specified purpose</i>	62(3)

### Action - statutory action

- (a) When an application is made in respect of a reserve site, the statutory action revoking the reserve must be captured before the registration of the trustees as registered proprietors.
- (b) If the statutory action requires updating the cadastre survey system in any way, survey staff should be notified and requested to update the cadastre.
- (c) When the vesting in the trustees has been registered, the new reserve status (if any) must, where applicable, be noted on the current view of the relevant computer register as per the above table.

## 6 Vesting of commercial redress properties

### Licensed land to which commercial redress applies

Site	Land description	Subject to
Pureora North Forest	286.344 hectares, approximately, being Part Lot 1 DPS 55932 and Part Lot 1 DPS 64708. All Proclamation S369260 and Part Proclamation H634511.4. Subject to survey. Shown yellow on OTS-120-30.	<ul style="list-style-type: none"> <li>• Crown forestry licence held in Computer Interest Register SA58D/661.</li> <li>• Protective covenant certificate B300361.3 held in Computer Interest Register SA58D/662.</li> <li>• Public access easement B300361.3 held in Computer Interest Register SA58D/663.</li> <li>• Right of way easement in gross over the area indicated A on the diagram attached to the easement indicated in 4.13 of the document schedule in favour of the Minister of Conservation as referred to in clause 6.3.2.</li> </ul>

### Trigger

A written application by an authorised person under s 69(1) to create a computer freehold register.

### Action – create computer freehold register

- (a) The RGL must create one computer freehold register in the name of the Crown
  - (i) subject to and together with any encumbrances that are registered or described in the application but
  - (ii) without any statement of purpose.
- (b) Creation of the above computer register is subject to completion of any necessary survey.
- (c) Standard registration fees apply.

### Statutory exemption

Commercial redress properties are not subject to:

- (a) the subdivision requirements of the Resource Management Act 1991, or
- (b) the Council's requirements for consent under s 348 of the Local Government Act 1974.

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## Vesting of commercial redress properties, continued

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**Trigger** Receipt of a covenant for the later creation of a computer register under s 69 (4).

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**Statutory directive**

- (a) Notwithstanding anything to the contrary in the Land Transfer Act 1952, the covenant must be registered and a computer register created.
- (b) The same notifications apply as for a computer register issued under s 69(1).

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## 7 Access to protected sites

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**Trigger** Written application by an authorised person under s 77 to note a right of access.

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**Action – notation on computer freehold register** The RGL must make a notation on the computer freehold register that the land is, or may at any future time, be subject to the right of access set out in s 75.

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**Memorial** A suitable memorial would be:

'[part of] the within land is or may at any future time be subject to a right of access under section 75 of the Maraeroa A and B Blocks Claims Settlement Act 2012. See application [registration number] [*date and time*]'

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## 8 Transfer of protected land

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### Trigger

A request under s 84(2) to remove the notation 'subject to section 83 of the Maraeroa A and B Block Claims settlement Act 2012' noted under s 62(2)(c).

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### Statutory requirement

- (a) A request under s 84(2) must contain a certificate under s 84(1) that the requirements of s 83 have been complied with.
  - (b) The RGL may take that certificate as evidence that the requirements of s 83 have been complied with.
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### Action – remove notation

The RGL must remove the notation.

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### Memorial

A suitable memorial would be:

'[Instrument number] Application under section 84 of the Maraeroa A and B Block Claims settlement Act 2012 removing the notation 'subject to section 83 of the Maraeroa A and B Block Claims settlement Act 2012 {date and time}'

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