



Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008 registration guideline

LINZG20716

7 September 2009

Table of contents

1	TERMS AND DEFINITIONS.....	4
	Introduction.....	4
2	FOREWORD	5
	Introduction.....	5
	Purpose.....	5
	Scope	5
	Intended use of guideline	5
	References.....	5
3	SECTION 17 CERTIFICATE TO REMOVE MEMORIALS.....	6
	Trigger	6
	Legislation	6
	Definition of properties.....	7
4	PROCESS TO REMOVE MEMORIALS.....	8
	Trigger	8
	Legislation	8
	Format for certificate	8
	Registration requirements and memorial formats.....	8
5	VESTING OF CULTURAL REDRESS PROPERTIES.....	4
	Trigger	4
	Authorised applicants	4
	Sections about vesting	4
	Application of Part 4A of the Conservation Act 1987.....	4
	Application of Reserves Act 1977 to reserve sites	5
	Application of other enactments	5
	Registration of new owners.....	5
	Vesting is subject to encumbrances	6
	Registration requirements and memorial formats.....	7
	Conservation Act 1987 - additional memorials required	7
6	DELAYED VESTING OF OTHER PROPERTIES	8
	Trigger	8
	Legislation	8
	Application of Part 4A of the Conservation Act 1987 to Matawhaura	8
	Application of Reserves Act 1977 to Matawhaura	8
	Application of Crown Minerals Act 1991	9
	Authorised applicants.....	9
	Registration of new owners.....	9
	Vesting subject to encumbrances.....	9
	Registration requirements and memorial formats.....	10
7	FUTURE APPLICATION TO REVOKE RESERVE STATUS OF CULTURAL REDRESS PROPERTIES.....	11
	Trigger	11
	Conservation Act 1987 – revocation of reserve site.....	11
	Conservation Act 1987 – termination or expiry of school lease	12

8 TRANSFER OF COMMERCIAL REDRESS PROPERTIES..... 13

- Trigger 13
- Description of commercial redress properties 13
- Authority to transfer 13
- Change of status 14
- Application of the Crown Minerals Act 1991..... 14
- Application of Part 4A of the Conservation Act 1987 to Matawhaura 14
- Registration of new owners..... 14
- Encumbrances..... 14
- Registration requirements and memorial formats..... 15
- Additional memorial required - public access to licensed land 15
- Public right of way easements may be granted 16

9 RIGHT OF ACCESS TO PROTECTED SITES 17

- Trigger 17
- Additional memorial required 17

10 FUTURE APPLICATION TO REVOKE PUBLIC ACCESS TO LICENSED LAND 18

- Trigger 18
- Format for removing memorial 18

1 Terms and definitions

- Introduction**
- (a) For the purposes of this guideline, the terms and definitions in the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008 (Act) apply, unless stated otherwise below. Refer to ss 9, 10, 49, 68, 83, 88, 118, 120, and 135 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.
 - (d) Any reference to a Schedule in this guideline is a reference to that Schedule in the Act unless otherwise specified.
-

Term/abbreviation	Definition
Deed of Settlement	Deed of Settlement of the historical claims of the Affiliate Te Arawa Iwi/Hapu
RGL	the Registrar-General of Land appointed under s 4 of the Land Transfer Act 1952
Act	Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008

2 Foreword

- Introduction**
- (a) The Act came into force on 4 June 2009, with the exception of ss 107 and 108. Settlement date is 2 July 2009. Sections 107 and 108 come into force on a date to be appointed by the Governor-General by Order in Council (s 2).
 - (b) The Act provides the legal and procedural framework for the return of the land to the Affiliate. The settlement is final (see s 13(1)) and the Waitangi Tribunal is not able to enquire into or make recommendations about the settled land. The Tribunal is not however excluded from interpreting or implementing the Deed of Settlement or the Act.
-

Purpose The Registrar-General of Land (RGL) has issued this guideline to ensure that applications received by LINZ under the Act are dealt with correctly.

- Scope**
- (a) This document contains guidelines for compliance with the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008. 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 guidelines focus primarily on the provisions of the Act that impact on the registration process.
-

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.

- References** The following documents are necessary for the application of this guideline:
- Deed of Settlement of the historical claims of the Affiliate Te Arawa Iwi/Hapu ¹
 - Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008
-

¹ Refer to the Office of Treaty Settlements website for a copy of the Deed of Settlement and its amendments.

3 Section 17 certificate to remove memorials

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

Legislation

- (a) Section 16 provides that certain legislative provisions do not apply to a cultural redress property, Matawhaura, Otari Pa, a commercial redress property, or for the benefit of the Affiliate 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.
- (c) This links to s 17, which requires the removal of memorials entered under any of the enactments referred to in s 16(2).
- (d) See guideline 4 below for more on the removal of memorials.
- (e) Further information about the properties is set out below.

Continued on next page

Section 17 certificate to remove memorials, Continued

Definition of properties

- (a) The cultural redress properties are defined and listed in s 88, and described in Schedule 6. There are 24 cultural redress properties.
 - (b) Matawhaura and Otari Pa are defined in s 118 and described in Schedule 4 and Schedule 7 respectively. While not part of the definition of cultural redress properties, they form part of the cultural redress but are subject to delayed vesting. This links to ss 118 to 123, which is discussed at guideline 6 below.
 - (c) Commercial redress property is defined in s 10 as:
 - (i) the licensed land, and
 - (ii) a deferred selection property.
 - (d) Licensed land is defined in s 10 as the land described in Part 1 of Schedule 4 of the Deed of Settlement, namely Rotoehu Forest/Part West Block.
 - (e) Deferred selection property is defined in s 10 as the fee simple in property described in Part 1 of Schedule 5 of the Deed of Settlement, namely a Ministry of Social Development residential dwelling, Horohoro Forest, and a former Te Puni Kokiri property.
-

4 Process to remove memorials

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

Legislation Section 17 sets out the process for the removal of certain memorials from registers, as discussed in guideline 3 above.

Format for certificate Section 17 requires the RGL, or their delegate, to register a certificate against the affected registers. The certificate must:

- (a) be issued by the Chief Executive of LINZ, or their delegate (s 17(1)),
 - (b) state that it is issued under s 17 (s 17(3)), and
 - (c) identify the relevant registers (s 17(1)).
-

Registration requirements and memorial formats When a certificate under s 17 is presented for registration:

- (a) the standard registration fee is payable,
- (b) any memorial on the current view of the computer register for the relevant property which relates to an enactment referred to in s 16(2) should be removed, and
- (c) the following memorial should be recorded on the historic view of that register:

'[Instrument number] Certificate pursuant pursuant to section 17 of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008 cancelling [memorial to be cancelled] [date and time]'

5 Vesting of cultural redress properties

Trigger An application under s 111 to vest a cultural redress property in the trustees of Te Pumautanga o Te Arawa Trust, or, in the case of an undivided half share of the fee simple estate in the Te Ariki site, in the trustees of the Te Ariki Trust.

Authorised applicants

- (a) Section 111 states that an authorised person may make a written application to vest a cultural redress property in the trustees of Te Pumautanga o Te Arawa Trust, or in the case of an undivided half share of the fee simple estate in the Te Ariki site, in the trustees of the Te Ariki Trust.
- (b) Section 111(9) sets out the meaning of 'authorised person' in relation to the different properties.

Sections about vesting

- (a) Sections 88 to 117 of the Act authorise the Crown to vest the 24 cultural redress properties (including five school sites) in the trustees of the Te Pumautanga o Te Arawa Trust on settlement date, except for the Te Ariki site (of which only a half share vests in that trust), Roto-o-Tamaheke Reserve, and Whakarewarewa Thermal Springs Reserve.
- (b) The other half share of the Te Ariki site vests in the trustees of the Te Ariki Trust as tenants in common in equal shares with the half share of the trustees of Te Pumautanga o Te Arawa referred to in (a).
- (c) The Roto-a-Tamaheke Reserve and Whakarewarewa Thermal Springs Reserve vest in the trustees of Te Pumautanga o Te Arawa Trust on the date specified in the Order in Council made under s 2(1).

Application of Part 4A of the Conservation Act 1987 Sections 112(2) and (3) describes how Part 4A of the Conservation Act 1987 applies to the vesting of the different properties.

Continued on next page

Vesting of cultural redress properties, Continued

Application of Reserves Act 1977 to reserve sites

- (a) Section 114(4) applies to a cultural redress property that has vested as reserve in the iwi under Part 3 of the Act. If the reserve status is revoked under s 24 of the Reserves Act 1977, then s 25 of the Reserves Act 1977 (except subsection (2)) does not apply.
 - (b) This prevents the property reverting to the status of Crown land under the Land Act 1948.
-

Application of other enactments

Section 115(3) confirms that the vesting does not limit s 11 of the Crown Minerals Act 1991.

Registration of new owners

- (a) Section 111 authorises the RGL, in accordance with an application, to register the trustees of the Te Pumautanga o Te Arawa Trust as the proprietors of the fee simple estate in all the cultural redress properties, other than the Te Ariki site.
 - (b) In the case of the Te Ariki site, s 111 authorises the RGL, in accordance with an application, to register the trustees of the Te Pumautanga o Te Arawa Trust the proprietors of an undivided half share of the fee simple estate, and the trustees of the Te Ariki Trust the other undivided half share of the fee simple estate.
 - (c) The RGL is authorised to do all necessary things to give effect to Part 3 of the Act and Part 10 of the Deed of Settlement. This includes the creation of a register where there is not one, subject to completion of a survey, as soon as reasonably practicable but no later than 24 months after the settlement date, or later if agreed, except in the case of Roto-a-Tamaheke Reserve or Whakarewarewa Thermal Springs Reserve.
 - (d) In the case of Roto-a-Tamaheke Reserve or Whakarewarewa Thermal Springs Reserve, the creation of a register where there is not one, subject to completion of a survey, should be as soon as reasonably practicable but no later than 24 months after the date specified in the Order in Council made under s 2(1), or later if agreed.
-

Continued on next page

Vesting of cultural redress properties, Continued

Vesting is subject to encumbrances

- (a) The cultural redress properties are vested subject to the encumbrances set out in Schedule 6 of the Act (s 110).
- (b) This means that vesting cannot proceed until the trustees of the Te Pumautanga o Te Arawa Trust provide the Crown with registrable covenants, leases, and right of way easements in respect of those properties.
- (c) The cultural redress properties subject to encumbrances are:
 - (i) Okataina Lodge site (s 91),
 - (ii) Te Ariki site (s 94),
 - (iii) site on Horohoro Bluff (s 96),
 - (iv) site adjacent to Orakei Korako (s 97),
 - (v) site adjacent to Lake Rotomahana (s 98),
 - (vi) Te Wairoa (s 99),
 - (vii) Lake Rotokawa site (s 100),
 - (viii) beds of Lakes Rotongata (Mirror lake) and Rotoatua (s 101),
 - (ix) Moerangi site (s 102),
 - (x) Kakapiko (s 103),
 - (xi) Wai-o-Tapu site (s 106),
 - (xii) Whakarewarewa Thermal Springs Reserve (s 108), and
 - (xiii) school sites (s 109).

Continued on next page

Vesting of cultural redress properties, Continued

Registration requirements and memorial formats

- (a) When an application is presented for registration under s 111, the standard registration fee is payable.
 - (b) Examples of suitable memorials to record the vesting are as follows:
 - '[Registration number] Application vesting the within land in [names of the trustees of the Te Pumautanga o Te Arawa Trust] under section 111 of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008 [date and time]'
 - 'Subject to Part 4A of the Conservation Act 1987'
 - 'Subject to section 11 of the Crown Minerals Act 1991'
-

Conservation Act 1987 - additional memorials required

- (a) Section 113 requires the RGL to record on the register for:
 - (i) the Te Ariki site, that the land is subject to Part 4A of the Conservation Act 1987, but that s 24 of that Act does not apply. It has a similar requirement in relation to Pateko Island and Te Koutu Pa, but as these are commercial redress properties, this is covered in guideline 8 below,
 - (ii) the Lake Rotokawa site that the land is subject to Part 4A of the Conservation Act 1987, but that s 24 of that Act does not apply to Sections 1 and 2 SO 384463,
 - (iii) a reserve site that the land is subject to Part 4A of the Conservation Act 1987, but that s 24 of that Act does not apply, and that the land is subject to ss 112(4) and 117 of the Act,
 - (iv) a school site that the land is subject to Part 4A of the Conservation Act 1987, but that s 24 of that Act does not apply, and that the land is subject to s 112(5) of the Act,
 - (v) the Punaromia site that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to a width of 10 metres,
 - (vi) the beds of Lakes Rotongata (Mirror Lake) and Rotoatua that Part 4A of the Conservation Act 1987 does not apply, and
 - (vii) any other cultural redress property that the land is subject to Part 4A of the Conservation Act 1987.
 - (b) The above Part 4A notifications are deemed to comply with s 24D(1) of the Conservation Act 1987, so that separate memorials under that section are not required.
-

6 Delayed vesting of other properties

Trigger An application received under s 111 to vest Matawhaura (part of the Lake Rotoiti Scenic Reserve), Otari Pa (s 119(8)), or the Karamuramu Baths (s 122(7)).

Legislation

- (a) Sections 118 and 119 deal with the delayed vesting of Matawhaura and Otari Pa in the Pikiāo entity.
- (b) Sections 120 to 123 deal with the delayed vesting of Karamuramu Baths land.
- (c) Matawhaura, Otari Pa, and Karamuramu Baths are described in Schedules 4, 7, and 5 of the Act respectively.
- (d) Sections 111 to 115 apply to Matawhaura, Otari Pa, and Karamuramu Baths land, while s 117 also applies to Matawhaura and Otari Pa ((ss 119(8) and 122(7)).

Application of Part 4A of the Conservation Act 1987 to Matawhaura

- (a) Section 112 sets out how Part 4A of the Conservation Act 1987 applies.
- (b) The vesting of Matawhaura, Otari Pa or the Karamuramu Baths is a disposition for the purposes of Part 4A of the Conservation Act 1987 (s 112(2)), but:
 - (i) Part 4A does not apply to the vesting of the Karamuramu Baths land (s 122(10)),
 - (ii) sections 24(2A), 24A and 24AA do not apply to the vesting of Otari Pa and Matawhaura, and
 - (iii) the remainder of s 24 does not apply to the vesting of Matawhaura (refer to s 119(8)(e) which applies s 112(3)(a)(v) as if Matawhaura were a reserve).

Application of Reserves Act 1977 to Matawhaura

- (a) Section 114 sets out how the Reserves Act 1977 applies.
- (b) If the reserve status of Matawhaura is revoked under s 24 of the Reserves Act 1977, then s 25 of the Reserves Act 1977 (except subsection (2)) does not apply.
- (c) This prevents the property reverting to the status of Crown land under the Land Act 1948 (s 119(8) applies s 114).

Continued on next page

Delayed vesting of other properties, Continued

Application of Crown Minerals Act 1991

The Crown Minerals Act 1991 still applies to the vesting.

Authorised applicants

- (a) The effect of s 119(8) in relation to Matawhaura and Otari Pa, and s 122(7) in relation to Karamuramu Baths land is that an authorised person may make an application to vest a cultural redress property in the trustees.
 - (b) An 'authorised person' is:
 - (i) a person authorised by the Director-General, in the case of Matawhaura and Karamuramu Baths land (ss 119(8)(d)(i) and 122(7)(c) respectively), or
 - (ii) the Chief Executive of LINZ in the case of Otari Pa (s 119(8)(d)(ii)).
-

Registration of new owners

Section 111 (as amended by ss 119(8) and 122(7)) authorises the RGL, in accordance with an application by an authorised person, to:

- (a) register the trustees of the Pikiāo Trust as the proprietors of the fee simple estate of Matawhaura and Otari Pa, and the Karamuramu Baths land in the trustees of Te Pumautanga o Te Arawa Trust, and
 - (b) create a register where there is not one, subject to completion of a survey, as soon as reasonably practical but no later than 24 months after the property vests.
-

Vesting subject to encumbrances

- (a) Section 119(7) provides that Matawhaura and Otari Pa vest subject to any encumbrances that affect each property.
 - (b) Section 122(6) provides that the Karamuramu baths land vests free of any encumbrances.
-

Continued on next page

Delayed vesting of other properties, Continued

Registration requirements and memorial formats

(a) When an application is presented for registration under s 111, the standard registration fee is payable.

(b) Examples of suitable memorials to the record the vesting of Matawhaura or Otari Pa are as follows:

'[Registration number] Application vesting the within land in [names of the trustees of the Pikiāo Trust] under section 119 of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008 [date and time]'

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

'Subject to section 11 of the Crown Minerals Act 1991'

(c) In addition, the following condition should be added to the Conservation Act 1987 memorial for Matawhaura, due to its reserve status (see ss 119(8) and 113(1)(c):

'and the land is subject to sections 112(4) and 117 of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008'

(d) Examples of suitable memorials to the record the vesting of Karamuramu Baths land are as follows:

'[Registration number] Application vesting the within land in [names of the trustees of the Pikiāo Trust] under section 122 of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008 [date and time]'

'Subject to section 11 of the Crown Minerals Act 1991'

7 Future application to revoke reserve status of cultural redress properties

Trigger A future application (after the status change and vesting) to revoke all or part of a reserve created under Part 3 of Subpart 2 of the Act.

Conservation Act 1987 – revocation of reserve site Section 113(3) states that if the reservation under Part 3 Subpart 2 of a reserve site (as defined in s 112) is revoked in relation to:

- (a) all of the site, then the Director-General must apply in writing to the RGL (and the RGL must comply) to remove from the register the following notifications in relation to all or part of a site:
 - (i) s 24 of the Conservation Act 1987 does not apply to the site, and
 - (ii) the site is subject to ss 112(4) and 117 of the Act;
- (b) part of a site, the RGL must ensure that the notifications referred to above remain only on the register for the part of the site that remains a reserve.
- (c) Examples of suitable memorials to record the revocation are as follows:

*'[Registration number of application for removal]
[Reference for wording of memorials being removed
as referred to in (a)(i) and (ii) above] REMOVED [date
and time]'*

*'[Registration number of application for removal]
[Reference for wording of memorials being removed
as referred to in (a)(i) and (ii) above] REMOVED as to
part of the land [describe part of land over which
memorial is removed] [date and time]'*

Continued on next page

Future application to revoke reserve status of cultural redress properties, Continued

Conservation Act 1987 – termination or expiry of school lease

- (a) Section 113(4) states that if a s 109(2) lease (or renewal) of all or part of a school site terminates or expires without being renewed, then the Minister of Education must apply in writing to the RGL (and the RGL must comply) to remove the following notifications in relation to all or part of a site:
 - (i) s 24 of the Conservation Act 1987 does not apply to the site, and
 - (i) the site is subject to s 112(5) of the Act.
 - (b) Where the application relates to only part of a site, the RGL must ensure that the notifications referred to above remain on the register only for the leased part of the site.
 - (c) Examples of suitable memorials to record the revocation are as shown above.
-

8 Transfer of commercial redress properties

Trigger

In relation to a commercial redress property, either:

- (a) a transfer is lodged, or
- (b) an application is made for the creation of either a computer freehold register or a computer interest register in the name of the Crown, and/or
- (c) an application is made to register a covenant for the later creation of a computer freehold register.

(refer s 126)

Description of commercial redress properties

- (a) The licensed land is Rotoehu Forest/Part West Block.
 - (b) The deferred selection properties are:
 - (i) a Ministry of Social Development residential dwelling,
 - (ii) MAF Forest Land (defined as the Horohoro Forest – refer s 10), and
 - (iii) a former Te Puni Kokiri property.
 - (c) Licensed land and deferred selection properties are defined in s 10 which cross-references to Part 1 of Schedule 4 and Part 1 of Schedule 5 of the Deed of Settlement.
-

Authority to transfer

The following officers are authorised to transfer the fee simple to the trustees of Te Pumautanga o Te Arawa trust and/or sign a document to give effect to such a transfer, on behalf of the Crown:

- (a) The Commissioner of Crown Lands for land held under the Land Act 1948,
 - (b) the responsible Ministers (as defined in s 2(1) of the Crown Forest Assets Act 1989) in relation to the MAF Forest Land, and
 - (c) the Chief Executive of LINZ in all other cases.
-

Continued on next page

Transfer of commercial redress properties, Continued

- Change of status**
- (a) The Crown forest land status of the licensed land (Rotoehu Forest/Part West Block), ceases upon the registration of the transfer (s 128).
 - (b) The Crown forest land status of the MAF forest land ceases on the actual deferred settlement date, which will be prior to any registration applications relating to it (s 133(2)).
-

Application of the Crown Minerals Act 1991 The Crown Minerals Act 1991 applies upon transfer (s 127(2)).

Application of Part 4A of the Conservation Act 1987 to Matawhaura The transfer is a disposition for the purposes of Part 4A of the Conservation Act 1987, but ss 24(2A), 24A, and 24AA of that Act do not apply to the disposition (s 127(3)).

Registration of new owners Where a commercial redress property is not all of the land in a register, or there is no register, the Act authorises the RGL, in accordance with an application from the appropriate person, to create a computer freehold register in the name of the Crown without any statement of purpose (s 126).

Encumbrances The creation of a computer freehold register in accordance with s 126 is subject to any encumbrances that are described in the application.

Continued on next page

Transfer of commercial redress properties, Continued

Registration requirements and memorial formats

(a) When a transfer is presented for registration under s 124 or s 133 the standard registration fee is payable.

(b) Examples of suitable memorials to record the vesting are as follows:

'[Registration number] Transfer to [names of the trustees of the Affiliate o Te Arawa Trust] under section 124 of the Affiliate Te Arawa Hapu and Iwi Claims Settlement Act 2008 [date and time]'

'Subject to Part 4A of the Conservation Act 1987'

'Subject to section 11 of the Crown Minerals Act 1991'

Additional memorial required - public access to licensed land

(a) Section 131 provides that clause 6.2 of the Crown forestry licence (which relates to public entry for recreational purposes) continues to apply even though the Crown is no longer the licensor under the licence. This is because the licensed land has been transferred to the trustees under s 124.

(b) Section 131 requires a notification to this effect to be recorded against each computer freehold register for the licensed land.

(c) An appropriate format for recording this memorial is:

'Clause 6.2 of Crown forestry licence [instrument number](which relates to public entry for recreational purposes) continues to apply even though the Crown is no longer the licensor under the licence because the licensed land has been transferred to the trustees under section 124 of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008 – see section 131 of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008.'

(d) There is provision for a future application to remove the memorial referred to in (c). See guideline 10 below for more information on removing this memorial.

Continued on next page

Transfer of commercial redress properties, Continued

Public right of way easements may be granted

- (a) Section 132(4) defines 'public right of way easement' as an easement in gross granted in relation to the licensed land.
 - (b) Section 132 provides that a public right of way easement may be granted under s 8 of the Crown Forest Assets Act 1989, and that ss 26 and 27 of that Act apply, subject to any necessary modifications.
 - (c) Section 132(3) provides that the permission of a council under s 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way under this section.
-

9 Right of access to protected sites

Trigger An application by an authorised person (as defined in s 138(5)) for the RGL to make a notation on the register that the land is subject to Subpart 3 of Part 4 of the Act.

Additional memorial required

- (a) Subpart 3 of Part 4 of the Act (ss 135 to 139) preserves a right of access to protected sites.
- (b) A 'protected site' is defined in s 135 as any area of land situated in licensed land or the MAF forest land that:
 - (i) becomes a 'registered place', and
 - (ii) is a 'wāhi tapu' or a 'wāhi tapu area' (as defined in the Historic Places Act 1993)and in relation to the MAF forest land, does not apply unless the trustees purchase the land.
- (c) An appropriate format for this memorial would be:

'Subject to subpart 3 of Part 4 of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008.'

10 Future application to revoke public access to licensed land

Trigger

A future application under s 131(2)(b) of the Act by a registered proprietor for a s 131 memorial (referred to in guideline 8 above) to be removed from each computer freehold register for the licensed land on the expiry of the Crown forestry licence.

Format for removing memorial

An appropriate format for removing this memorial is:

'[Instrument number] Application pursuant to s 131 of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008 cancelling [memorial to be cancelled] [date and time]'
