



NgāiTakoto Claims Settlement Act 2015 treaty settlement registration guideline

LINZG20756

25 January 2016

Table of contents

Terms and definitions.....	4
General	4
Foreword.....	8
Introduction	8
Purpose	8
Scope.....	8
Intended use of guideline.....	8
References	9
1 Landonline settings to reflect statutory prohibitions on registration	10
Purpose	10
Trigger - Memorial of statutory restricting dealing	10
Action - Put Landonline setting that "prevents registration" against specified memorials	10
2 Removal of resumptive memorials	11
Trigger – receipt of s 18 (1) certificate.....	11
Execution by CE.....	11
Legislation	11
Action:	12
3 Initial vesting of Cultural Redress Properties	13
Background - Vesting of all or specified shares	13
Joint ownership	13
Trigger – receipt of written application under s 46.....	14
Action –	15
Preconditions to vesting.....	15
Where CFR -registration of Trustees (subject to preconditions in table).....	15
Where no CFR exists or CFR exists for part,.....	16
and/or	16
for Jointly Vested Properties	16
- creation of CFR (subject to preconditions in table above) (s46(5)-(7)).....	16
Memorial formats - examples	17
Dealings subsequent to initial vesting – process for removal of memorials following revocations of reserve status of Cultural Reserve Properties (not revocations within initial vesting process)	19
Process for amending or removing memorials - on Reserve Properties upon subsequent revocation of reserve status (not revocations within initial vesting process) s 48	19
Trigger - application under s 48(3) re: a revocation of a Reserve Property (other than a Jointly Vested Property).....	19
Action – Precondition to revocation	20
Trigger - application under s 48(3) re: a revocation of a Reserve Property that <i>is</i> a Jointly Vested Property	21
Action.....	22
Dealings subsequent to initial vesting – Transfer of Cultural Redress Properties.....	22
Restrictions on transferring Reserve Land under ss 53 to 55.....	22
Transfer of Reserve Land to Administering Body (s 57).....	23
Trigger - receipt of documents for transfer of Reserve Land to new owners	23
Note: Continuation of "prevents registration" flag – eg prohibition against mortgage of Reserve Land under s 60 continues	24
4 Commercial Redress	25
Background - Vesting of all or specified shares	25
Joint ownership	25

School House sites: Waiharara School, Paparore School and Awanui School (for Kaitaia College School House site, see below under Kaitaia College).....	25
Kaitaia College – Revocation of reserve (s 143)	26
Kaitaia Aerodrome and Te Kura Kaupapa Maori o Te Rangi Aniwaniwa	26
Properties Subject to a Lease (s 144)	26
Applications of statutory provisions	27
Requirements if Lease terminates or expires	27
Authorised Person	27
Crown may transfer properties s 135.....	28
Covenant for later creation of CFR under s 141(1).....	28
(see above re: covenant for the later creation of a CFR)	28
Transfer of Commercial Redress Properties	28
Action - create a CFR (s 138(3)(a)) (and register transfer).....	29
Trigger – s 139 application for CFR for:	29
a <i>Commercial Redress Property</i> ; or	29
a <i>Deferred Selection Property</i>	29
that is transferred to tenants in common (under s 135) – s 139.....	29
(<i>except the Peninsula Block</i>)	29
(see above re: covenant for the later creation of a CFR)	29
Action - create a CFR (<i>unless Shared Redress or the Peninsula Block</i>)	30
Properties subject to lease (s 144) - if the lease terminates (s 145)	31
Trigger - Application	31
Action.....	32
Memorials	32
Background	32
Trigger - application for CFR for the Peninsula Block with or without transfer	33
Action – create CFR for Peninsula Block	33
5 Access to protected sites	35
Right of access to protected sites under s 150	35
Trigger Transfer of Peninsula Block.....	35
Action – notation of right of access on CFR.....	35
Memorial.....	35
6 Right of first refusal (RFR)	36
Initial Noting of RFR on Computer Register	36
Trigger	36
Action - memorials recording RFR land – s 178(5).....	36
Ongoing restrictions on disposal of land that has an RFR memorial	37
Restrictions on disposal of RFR land	37
Meaning of "dispose of" in relation to RFR land	37
Restrictions on disposal of RFR Land.....	37
Subsequent removal of RFR memorial	38
Trigger - notice to remove an RFR memorial when land being transferred or vested under this Act or certificate when RFR Period ends –	38
Action.....	38
Table 1 – Description of Cultural redress properties, vesting, reserve status, interests and memorials	39

Terms and definitions

General

- (a) For the purposes of this guideline, the terms and definitions in the NgāiTakoto Claims Settlement Act 2015 (Act) apply, unless stated otherwise. Refer to ss 11 to 14, 22, 134, 153, and 154 of the Act for definitions of terms used in the sections relating to registration.
 - (b) Terms and abbreviations commonly used in this guideline are defined below
 - (c) Any reference to a section in this guideline is a reference to that section of the Act.
-

Term/abbreviation Definition

Act	NgāiTakoto Claims Settlement Act 2015
Attachment Schedule	NgāiTakoto Attachment Schedule
Aupouri Forest	all the land described in CIR NA100A/1 (s 134) and subject to a Crown Forestry Licence. Defined in the Deed's Property Redress Schedule.
Authorised person	An authorised person as defined in ss 46(10), or 138(5), as the case may be.
Beach Site	Any or all of the Cultural Redress Properties described as Beach Site A, Beach Site B, Beach Site C and Beach Site D.
Chief Executive (CE)	Chief Executive of Land Information New Zealand
CFR	Computer freehold register, as defined in s 2 of the Land Transfer Act 1952.

Commercial Redress

The Commercial Redress (described in part 3 of the Act) which has registration implications is:

- **Commercial Redress Properties** (described on pp 6-16 of the **Property Redress Schedule** and pp 54-61 and 67-72 of the **Attachments Schedule**):
 - **Licensed Land** being the "Peninsula Block" (pp 6-8 of the Property Redress Schedule);
 - **Other Commercial Redress Properties** (p9-15 Property Redress Schedule) 17 properties (including 3 **School House Sites** (p16 Property Redress Schedule)), if preconditions satisfied – see p54-62 Attachments Schedule));
- **Deferred Selection Properties ("DSP")** (described on pp 17-19 of the **Property Redress Schedule**) (7 properties) *may* include 1 **DSP School House sites** (p 19 **Property Redress Schedule**), if preconditions satisfied; and
- **Right of Access** (to protected sites and being over **the Peninsula Block** (see s 134, and ss 150-152); and
- **Right of First Refusal** (see pp34-53 of **Attachments** and subpart

3 of Part 4the Act).

The boundaries are subject to survey.

Commercial Redress	Described in Part 3 of the Act, and includes Commercial Redress Property, Right of First Refusal (RFR), School House Sites and Deferred Selection Property . The boundaries are subject to survey.
Commercial Redress Property	Licensed Land , and Other Commercial Redress . The boundaries are subject to survey. Defined in the Property Redress Schedule.
Crown forestry licence	Crown forestry licence as defined in s 134.
Cultural forest land properties	Defined in s 134 (and used in the definition of Relevant Trustees in s 147), as: <ul style="list-style-type: none">(a) Beach sites A, B, and C; and(b) Hukatere site A Cultural Redress; and(c) Hukatere Pā, as defined in section 22 of the Te Aupouri Claims Settlement Act 2015; and(d) Hukatere site B, as defined in section 22 of the Te Rarawa Claims Settlement Act 2015.
Cultural Redress Property	A property listed in s 22 and described in Schedule 1 of the Act (reproduced in Table 1). The boundaries are subject to survey. For a general indication of the location of individual properties an internet search on the name, and NgāiTakoto's Area of Interest shown on p4 of the Deed's Attachments (see web link below), may assist. http://nz01.terabyte.co.nz/ots/DocumentLibrary/NgaiTakotoAttachments[1].pdf
Deed	The NgāiTakoto Deed of Settlement on behalf of NgāiTakoto dated 27 October 2012 referred to in s 3 of the Act (see weblink below). http://nz01.terabyte.co.nz/ots/DocumentLibrary/NgaiTakoto-DeedofSettlement[1].pdf
Deferred Selection Property	7 properties; and may include 1 DSP School House sites. The boundaries are subject to survey. More details in Commercial Redress .
Four Iwi	The following four iwi, together with two other iwi are collectively referred to as Muriwhenua: Ngāti Kuri, Te Aupouri, NgāiTakoto and Te Rarawa
Jointly Vested Property	Defined in s 22 and relates to those Cultural Redress Properties which vest in Specified Groups of Trustees as tenants in common. See Joint ownership below.
Licensed Land	The Peninsula Block , being Commercial Redress Property . The boundaries are subject to survey. More detail is in Commercial

Redress.

LINZ	Land Information New Zealand
NgāiTakoto Attachment Schedule	The Attachment Schedule: http://nz01.terabyte.co.nz/ots/DocumentLibrary/NgaiTakotoAttachments[1].pdf Also accessible via OTS documents webpage for this settlement.
NgāiTakoto General, Legislative and Property Matters Schedule	A document containing the Property Redress Schedule : http://nz01.terabyte.co.nz/ots/DocumentLibrary/NgaiTakotoGMandLegandProperty.pdf Also accessible via OTS documents webpage for this settlement.
Other Commercial Redress Properties	The Commercial Redress Properties <i>other than</i> the Licensed Land . The boundaries are subject to survey. More detail in Commercial Redress .
OTS documents webpage for this settlement	On p3 of the Documents tab that appears on the top of this webpage: http://www.ots.govt.nz/
Peninsula Block	Defined in s 134 being <i>part</i> of the Aupouri forest. The boundaries are subject to survey. It is Licensed Land.
Property Redress Schedule	See p98 – 153 of the NgāiTakoto General, Legislative and Property Matters Schedule.
Relevant Trustees	Defined in s 134 and used in s 147-9 in relation to: (a) the Peninsula Block and each Cultural Forest Land Property as: the trustees of each of the Peninsula Block settlement trusts (the Trustees, and the trustees of the Te Manawa O Ngāti Kuri Trust, and the trustees of the Te Rūnanga Nui o Te Aupouri Trust; and the trustees of Te Rūnanga o Te Rarawa); and.
Reserve Property	Each of the properties named in (d) to (i), and (l) of the definition of Cultural Redress Property in the Act (s 22).
Resumptive Memorials	Memorials entered under any enactment referred to in s 17.
RGL	Registrar-General of Land appointed under s 4 of the Land Transfer Act 1952
Right of Access	Defined in subpart 3 of Part 3 of the Act. More detail in Commercial Redress .
Right of First Refusal (or RFR) Land	A right over many properties. Includes <i>Exclusive RFR Land, Shared RFR land and Balance RFR Land, and land obtained in exchange for a disposal of RFR land</i> (s 196(1)(c) of 197) More detail in Commercial Redress .
RMA	Resource Management Act 1991
School House Sites	3 properties, called Waiharara School House site, the Paparore School House site and the Awanui School House site, as described in table 2 of

part 3 on p16 of the Deed's Property Redress Schedule.

settlement date	17 th December 2015, being the date that is 60 working days after the date on which the Act comes into force.
Shared Redress	<p>Commercial Redress Properties and Deferred Selection Properties which transfer to the trustees of the Four Iwi (see Introduction below).</p> <p>The relevant properties are:</p> <p><i>Commercial Redress Properties:</i> Peninsula Block, Sweetwater 20 hectare shared area, Dairy 2 North, Corner Matthews Avenue and Melba St Kaitaia, Kaitaia Nurses Home Redan Road Kaitaia.</p> <p><i>Deferred Selection Properties (listed under "Joint DSP" in the Table referred to in the definition of Deferred Selection Property):</i> Kaitaia Intermediate, Kaitaia School, Kaitaia College, 42 Church Road, Kaitaia, Kaitaia Courthouse, Kaitaia Aerodrome, Te Kura Kaupapa Maori o Te Rangī Aniwaniwa.</p>
Specified Groups of Trustees	used in Part 2 of the Act (Cultural Redress) in the subsections relating to the vesting of various Cultural Redress Properties which do not vest wholly in "the Trustees". It means the various groups of trustees listed in each subsection (see ss 26 – 29 and 33-34). In this Act, the only properties vesting in Specified Groups of Trustees are the "Jointly Vested Properties: See Joint ownership below.
Titles Advisor	Staff in LINZ's Survey and Title Operations team employed as a Titles Advisor.
Trustees	trustees of Te Rūnanga o Ngāi Takoto

Foreword

- Introduction**
- (a) A Treaty settlement is an agreement between the Crown and a Maori claimant group to settle all of that claimant group's historical claims against the Crown.
 - (b) The process of settling claims made by is led by the Office of Treaty Settlements ("OTS") and innovative redress mechanisms are often developed in response to specific claimants' needs. Such new mechanisms are authorised by legislation specific to each settlement.
 - (c) Further information about what the claims relate to and the usual components of a treaty settlement can be found on the Office of Treaty Settlements website, www.ots.govt.nz under "What is a Treaty Settlement".
 - (d) The NgāiTakoto Claims Settlement Act 2015 (Act) came into force on 23rd September 2015.
 - (e) The land concerned is in the North Auckland Land Registration District.
 - (f) This Act is one of four that record the settlement of treaty claims for four of the six Muriwhenua iwi (the "Four Iwi").
- Note:** There is no space in the name "NgāiTakoto".
-

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.

Scope This document contains guidelines for compliance with the provisions of the Act that impact on the registration process. It covers the pre-requisitions for accepting dealings lodged for registration with the RGL, and the consequent registration requirements and memorial formats.

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.

continued on next page

Foreword, continued

References

The following documents are necessary for the application of this guideline:

- Deed of Settlement for NgāiTakoto dated 27 October 2012
 - Deed to Amend for NgāiTakoto dated 6 February 2014
 - NgāiTakoto Claims Settlement Act 2015
 - Te Aupouri Claims Settlement Act 2015
 - Ngati Kuri Claims Settlement Act 2015
 - Te Rarawa Claims Settlement Act 2015
 - Customer Services Technical Circular 2013.T06 - Registration of Treaty Claims Settlement Dealings.
-

1 Landonline settings to reflect statutory prohibitions on registration

Purpose

The purpose of this section is to highlight that a Landonline setting that stops registration must be put against each of the memorials for the statutory prohibitions.

Trigger - Memorial of statutory restricting dealing

- (a) In relation to Cultural Redress Properties that are Reserve Properties Part 2 of the Act:
 - (i) prescribes processes that apply if the owners wish to transfer them at any time after the initial vesting (ss 53-55); and
 - (ii) prohibits owners of land from securing or mortgaging them (s 56).
 - (b) In relation to RFR Land, Subpart 4 of Part 3 of the Act prescribes a process for recording a right of first refusal against some land (s 177).
 - (c) Specific guidance on which land is affected, along with instructions about memorials that must be entered on the relevant CFRs, are included in later sections of this guideline that deal with the processing of the applications.
 - (d) As noted above, the purpose of this section is to highlight that a Landonline setting that stops registration must be put against each of the memorials for the relevant statutory prohibitions referred to above.
-

Action - Put Landonline setting that "prevents registration" against specified memorials

When a computer register contains the following memorials:

'Subject to section 53 of the NgāiTakoto Claims Settlement Act 2015'

'Subject to section 56 of the NgāiTakoto Claims Settlement Act 2015 (which prohibits reserve land from being mortgaged)'

'[*certificate identifier*] Certificate under section 177(1) of the NgāiTakoto Claims Settlement Act 2015 that the within land is RFR land as defined in section 154 and is subject to Subpart 4 of Part 3 of the Act (which restricts disposal, including leasing, of the land) [*date and time*]'

Ensure the 'prevents registration' flag has been set for each of the memorials.

2 Removal of resumptive memorials

Trigger – receipt of s 18 (1) certificate Receipt of a certificate under s 18(1) for the removal of certain memorials from a computer register.

Note: there is no space in the name “NgāiTakoto”.

Execution by CE (a) A statement in the certificate that the signatory is acting on delegation or authority of the CE shall be taken as evidence of the authority of the person to execute the certificate on behalf of the CE.

(b) A template certificate has been approved by the RGL and is set out in Technical Circular 2013.T06.

Legislation Section 17(1) provides that certain legislative provisions do not apply:

(a) to a Cultural Redress Property; or

(b) to a Commercial Redress Property; or

(c) to a Deferred Selection Property, on and from the date of its transfer to the Trustees; or

(d) to the Exclusive RFR land or the Shared RFR land, on and from the RFR date for the land; or

(e) for the benefit of the NgāiTakoto or a representative entity.

Section 17(2) lists the legislative provisions as:

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

Note: These legislative provisions, being statutory notations, do not fall within the definition of 'encumbrance' in treaty settlement legislation, so must be brought down onto the computer registers created for the relevant entity or trustees. They are only to be noted as 'cancelled' as soon as reasonably practicable after receiving a certificate described below.

continued on next page

Removal of resumptive memorials, continued

Action:

- (a) As soon as reasonably practicable after s 18 certificate is presented, and provided it specifies the legal description and CFR, and provided it states it is issued under s 18 of the Act, the RGL must:
 - (i) remove each memorial on the current view of the CFR identified in the certificate which relates to an enactment referred to in s 17(2), and
 - (ii) Record the following memorial on the historic view of that register:

'[instrument number] Certificate under section 18(1) of the NgāiTakoto Claims Settlement Act 2015 cancelling [memorial identifier] [date and time]'
- (b) The Landonline registration code is RRSM (see T06 2013 Technical Circular), and
- (c) The standard registration fee is payable.

Note: If the existing memorial on the computer register refers to an Act in general, such as 'subject to the Crown Forest Assets Act 1989', the original notation remains, but the following should also be recorded:

'Part [insert Part of the Relevant Act] of [the relevant Act mentioned in s 17(2)] does not apply'.

3 Initial vesting of Cultural Redress Properties

Background -
Vesting of all or
specified shares

Note: there is no space in the name “NgāiTakoto”.

- (a) Cultural Redress Properties are defined and listed in s 22 of the Act. See also [Table 1](#).
- (b) Either:
 - (i) all of a Cultural Redress Property; or
 - (ii) in relation a Jointly Vested Property, an equal undivided share as tenants in common;

vests in the Trustees.

[see [Joint ownership](#) below and Subpart 1 of Part 2 of the Act (ss 22, 26 – 29 and 33 -34)].

Joint ownership

- (a) This Act is one of four that record the settlement of treaty claims for the Four Iwi.
 - (b) Under this Act, “Jointly Vested Properties” are the only *Cultural Redress Properties* that vest in joint owners (as tenants in common- see ss 26-29, 33 and 34). Some of the Commercial Redress also vests jointly as tenants in common (eg the Peninsula Block), but that is separately explained in the relevant section of this guideline.
 - (c) The joint owners of the Jointly Vested Property are the “Specified Groups of Trustees” - that term is used (but not defined) in the Act (ss 26-29, 33 and 34); to assist it has been defined in this guideline.
 - (d) For example, ss 46(6) contains the registration process for recording the vesting in the Trustees (of NgāiTakoto) of an undivided specified share in Jointly Vested Property. A separate title for an equal undivided share in the Trustees may be issued.
 - (e) The vesting of a specified share of a Cultural Redress Property in the trustees of another Te Hiku o Te Ika iwi occur under the Act relevant to that iwi.
 - (f) The applications and registration processes for recording the vesting of undivided specified shares in other iwi (including the creation of CFRs) under the Act relevant to that iwi may or may not have already occurred.
-

continued on next page

Initial vesting of Cultural Redress Properties, continued

Trigger – receipt of written application under s 46

- (a) Receipt of a written application under s 46(3), (5), (6) or (7) by an Authorised Person to register the Trustees as proprietors of all (or a share of) the fee simple estate.
- (b) Section s 46(10) defines Authorised Person as a person authorised by—
 - (i) the CE for:
 - Hukatere site A;
 - Lake Katavich;
 - Lake Ngakapua;
 - Lake Rotokawa; and
 - Lake Waiparera.
 - (ii) the Secretary for Justice, for
 - Mai i Waikanae ki Waikoropūpūnoa;
 - Mai i Hukatere ki Waimahuru;
 - Mai i Ngāpae ki Waimoho; and
 - Tangonge property.
 - (iii) The Director-General of Conservation for all other Cultural Redress Properties.

continued on next page

Initial vesting of Cultural Redress Properties, continued

Action – Provided the following statutory preconditions have been satisfied (where applicable):

Preconditions to vesting	Cultural Redress Property	Precondition to be satisfied before vesting takes effect	Refer to ...
	Waipapakaurā Beach property	The rights of way in favour of the registered proprietors of CFRs NA 78D/973 ,NA78D/974 NA78D/975 NA78D/959 , NA78D/961 NA78D/962 NA78D/963 as specified in s31(5)	s 31(5)
	Lake Tangonge site A	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	S33(3)
	Tangonge property	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.	S34(3)

Note: The preconditions in the table above apply to the vesting. If they are not included in the registration application to effect the vesting, it should be queried with the lodging party. If it is still not provided, the matter should be referred to a Titles Advisor.

Where CFR - registration of Trustees (subject to preconditions in table)

Provided the preconditions have been satisfied (where applicable), then upon receipt of an application by an Authorised Person under s 46(3):

- (a) except in the case of the Jointly Vested Properties (s46(2), where the Cultural Redress Property is all the land in a CFR:
 - (i) register the Trustees as the proprietors of all of the fee simple; and
 - (ii) make any entry and do all things necessary to give effect to Part 2 of subpart 1 the Act and part 8 of the Deed (see note below) (s 48(3)(b)). Also refer to [Table 1](#).
- (b) Standard registration fees apply.

Note: see guidance notes below.

continued on next page

Initial vesting of Cultural Redress Properties, continued

Where **no CFR** exists or **CFR exists for part**,

and/or

for **Jointly Vested Properties**

- creation of CFR (subject to preconditions in table [above](#)) (s46(5)-(7))

- (a) When the Cultural Redress Property is **not** all of the land in a CFR (or no CFR exists for it) and/or for Jointly Vested Properties, and, **subject** to the completion of any necessary survey:
- (i) create one of more CFRs as requested in the application:
- (A) in the case of a Jointly Vested Property (other than the Tangonge Property), in the name of the Trustees as to an equal undivided $\frac{1}{4}$ share (s 46(6)) as **tenants in common**; and
- (B) in the case of the Tangonge Property:
- in the name of the Trustees as to an equal undivided $\frac{1}{2}$ share; and
- the trustees of Te Rūnanga o Te Rarawa as to an undivided half share
- of the fee simple, as tenants in common (s 46(7)); and
- (C) in all other cases, in the name of the Trustees as to all of the property (ss 46(4) and (5));
- (ii) and enter any interests described in the application [ss 46(5)(b), 46(6)(b) and 46(7)(b)].
- (f) Standard registration fees apply.

Note: see guidance notes below.

Guidance Notes	
Note:	Action
Schedule 1 of the Act may include unregistered instruments.	<u>Only</u> the interests referred to in the application are required to be entered on the CFR.
Memorial format examples	See detailed guidance for Memorial formats - examples .
Creating and revoking reserve status	See below for detailed guidance.
Resumptive memorials shown on a prior CFR	These must be brought down onto the new CFRs; they cannot be noted as 'cancelled' until a Certificate by the CE authorising the removal of the memorials under s 18(1) is lodged for registration. [s 18 (4)(b)]
Council right of way consent under s 348 of the Local Government	This is not required for the creation of rights of way to fulfil the terms of the Deed (s 49(2)).
Subdivision approval	This is not required for vestings of the fee simple in Cultural Redress Properties, because they are not subject to section 11 and Part 10 of the RMA (s 49(4)).

continued on next page

Initial vesting of Cultural Redress Properties, continued

Memorial formats - examples

- (a) The following is an example of a suitable memorial format to record the vesting on an existing CFR:

'[registration number] Application under section 46 ([insert sub/section]) of the NgāiTakoto Claims Settlement Act 2015 vesting the within land in [*names of the trustees*] [*date and time*]'.

- (b) Examples of other suitable memorial formats for other matters that must also be recorded on CFRs (under ss 48, 49, 51, 53 and 56) are in the table below:

Note: Ensure the "prevents registration" flag is set for any ss 56 and 59 memorials.

Note: For descriptions of the actual properties that fall within the types of properties referred to below, see [Table 1](#) (at the back of this guideline). And to see and understand the boundaries of individual properties see also the Deed's Attachments on the web link that follows:

<http://nz01.terabyte.co.nz/ots/DocumentLibrary/NgatiKuriAttachments.pdf>

Type of Cultural Redress Property	Example of memorial formats	Refer to:
<p>For: <u>Reserve Properties</u> (other than Jointly Vested Properties – which excludes the Beach Sites)</p> <p>being:</p> <p><i>Properties vested in fee simple to be administered as reserves</i></p> <p>Waipapakauri Beach property (s22(h));</p> <p>Wharemaru East Beach property (s22(i)).</p> <p><i>Lake and lakebed properties vested in fee simple</i></p> <p>Bed of Lake Ngatu (s22(l)).</p>	<p>'Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply'</p> <p>'Subject to section 11 of the Crown Minerals Act 1991'</p> <p>'Subject to sections 47(4) and 53 of the NgāiTakoto Claims Settlement Act 2015 '</p> <p>'Subject to section 56 of the NgāiTakoto Claims Settlement Act 2015 (which prohibits reserve land from being mortgaged or charged for security)'</p> <p>Ensure the 'prevents registration' flag has been set for the s 53 and s 56 memorials.</p>	s 48(1)(a)
<p>For Lake Katavich, Lake Ngakapua, Lake Rotokawau; and Lake Waiparera.</p> <p>being:</p> <p><i>Lake and lakebed properties vested in fee simple</i></p> <p>Lake Katavich (s22(m));</p> <p>Lake Ngakapua (s22(n));</p> <p>Lake Rotokawau (s22(o));</p> <p>Lake Waiparera (s22(p)).</p>	<p>'Part 4A of the Conservation Act 1987 does not apply to the within land'</p> <p>'Subject to section 11 of the Crown Minerals Act 1991'</p>	s 48(1)(b)

<p>For any other Jointly Vested Properties (other than the Beach Sites* and the Tangonge property)</p> <p>being:</p> <p><i>Properties vested in fee simple subject to conservation covenant</i> Lake Tangonge site A (s22(j)).</p> <p>*Note: whilst s 48(1)(c) does not exclude the Beach Sites, a separate section has been created in this guideline to ensure the specified memorials for the Beach sites include a s56 one (which prevents owners of Reserve Land mortgaging or giving a security interest in the Reserve Land)</p>	<p>'Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply'</p> <p>'Subject to section 11 of the Crown Minerals Act 1991'</p> <p>'Subject to sections 43(4) 47(4) and 53 of the NgāiTakoto Claims Settlement Act 2015'</p> <p>Ensure the 'prevents registration' flag has been set for the s 53 memorial</p>	
<p>For the Beach Sites</p> <p><i>Properties vested in fee simple to be administered as reserves</i> Mai i Waikanae ki Waikoropūpūnoa (Beach site A) (s22(d)); Mai i Hukatere ki Waimahuru (Beach site B) (s22(e)); Mai i Ngāpae ki Waimoho (Beach site C) (s22(f)); Mai i Waimimiha ki Ngāpae (Beach site D) (s22(g)).</p>	<p>'Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply'</p> <p>'Subject to section 11 of the Crown Minerals Act 1991'</p> <p>'Subject to sections 43(4) 47(4) and 53 of the NgāiTakoto Claims Settlement Act 2015'</p> <p>'Subject to section 56 of the NgāiTakoto Claims Settlement Act 2015 (which prohibits reserve land from being mortgaged or charged for security)</p> <p>Ensure the 'prevents registration' flag has been set for the s 53 and s 56 memorials.</p>	<p>s 48(1)(c) – see *Note above</p>
<p>For the Tangonge Property* and any other Cultural Redress Property not previously referred to above</p> <p>being:</p> <p><i>Properties vested in fee simple</i> Hukatere site A (s22(a)); Kaimaumau Marae property (s22(b)); Waipapakauri Papakainga property (s22(c));</p> <p><i>Properties vested in fee simple subject to conservation covenant</i> Tangonge property s22(k)</p> <p>*whilst this is a Jointly Vested Property, s 48(1)(c) excludes those "to which section 46(6) applies" (which excludes the Tangonge Property), which is why it is included here.</p>	<p>'Subject to Part 4A of the Conservation Act 1987'</p> <p>'Subject to section 11 of the Crown Minerals Act 1991'</p>	<p>s 48(1)(d)</p>

Initial vesting of Cultural Redress Properties, continued

Changes of status for Reserve Properties- upon vesting -

revocation and re - conferring of reserve status, and, ceasing of conservation area and conferring of reserve status ss 26 to 32

- (a) When an application is made in respect of a Reserve Property, the statutory action revoking the reserve (or, where applicable, the cessation of conservation area) 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, a memorial relating to the new reserve status must be noted on the current view of the relevant computer register.
-

Dealings subsequent to initial vesting – process for removal of memorials following revocations of reserve status of Cultural Reserve Properties (not revocations within initial vesting process)

Process for amending or removing memorials - on

Reserve Properties upon subsequent revocation of reserve status (not revocations within initial vesting process) s 48

Note: there is no space in the name "NgāiTakoto".

- (a) The Act prescribes a process for amending or removing certain memorials (following revocations of reserve status that occur at any time subsequent to the revocation that occurs as part of the initial vesting process), for of all or part of a Reserve Property (which may be one or more CFRs).
 - (b) The application must be preceded by the normal documentation required for revoking reservations in terms of the Reserve Act 1977.
-

Trigger -

application under s 48(3) re: a revocation of a Reserve Property (other than a Jointly Vested Property)

An application from the Director-General of Conservation under s 48(3) to remove the memorials listed below from all or part of the CFR of a Reserve Property **other than a Jointly Vested Property**:

'Section 24 of the Conservation Act 1987 does not apply to the property'; and

'Subject to section 47(4) and 53 of the NgāiTakoto Claims Settlement Act 2015'.

continued on next page

Dealings **subsequent** to initial vesting – process for removal of memorials following revocations of status of Cultural Reserve Properties (not revocations within initial vesting process), continued

Action –
Precondition to
revocation

Memorials

(a) Provided the application is accompanied by the normal documentation required for revoking reservations in terms of the Reserves Act 1977:

(i) Where the application relates to **all** of the land in the CFR:

(A) the approved format for the memorial on the historic view of the CFR which must record the cancellation is:

'[application identifier] Application under section 48(3) of NgāiTakoto Claims Settlement Act 2015 revoking the reserve status of the within land [date and time]'

and the following notifications must be modified accordingly

from the memorial *'Subject to Part 4A of the Conservation Act 1977 but section 24 of that Act does not apply'* delete the words *"but section 24 of that act does not apply"*; and

delete the memorial *'Subject to sections 47(4) and 53 of the NgāiTakoto Claims Settlement Act 2015'*; and

delete the memorial *'Subject to section 56 of NgāiTakoto Claims Settlement Act 2015 (which prohibits reserve land from being mortgaged or charged for security)'*.

(B) The "prevents registration" flag for the ss 53 and 56 must be removed.

(ii) Where the application relates to **part** of the land in the CFR, the following memorials must be modified accordingly:

(A) The approved format for the memorial on the historic view of the CFR which must record the cancellation is:

'[application identifier] Application under section 48(3) of the NgāiTakoto Claims Settlement Act 2015 revoking the reserve status as to part of the within land [date and time]'

continued on next page

Dealings **subsequent** to initial vesting – process for removal of memorials following revocations of status of Cultural Reserve Properties (not revocations within initial vesting process), continued

and the following notifications must be modified accordingly:

add the words "Part of the within land is" to the beginning of the memorial 'Subject to Part 4A of the Conservation Act 1977 but section 24 of that Act does not apply', and

add the words "Part of the within land is" at the beginning of the memorial 'Subject to section 47(4) and 53 of the NgāiTakoto Claims Settlement Act 2015', and

add the words "Part of the within land is" at the beginning of the memorial 'Subject to section 56 of NgāiTakoto Claims Settlement Act 2015 (which prohibits reserve land from being mortgaged or charged for security)'.

(B) **Do not remove** the "prevents registration" flag for the ss 53 and 56 memorials.

In the case of revocations of reserve status over part of the land in the CFR, the s 53 reserve memorial may be amended (if possible) to clarify the part which remains reserve, but as noted above the "prevents registration" flag must remain against that memorial.

(b) The standard registration fees apply.

Trigger -
application under s 48(3) re: a revocation of a Reserve Property that **is** a Jointly Vested Property

An application from the Director-General of Conservation under s 48(4) to remove the memorials listed below from all or part of the CFR of a Reserve Property **that is a Jointly Vested Property:**

'Section 24 of the Conservation Act 1987 does not apply to the property'; and

'Subject to section 47(4), 47(4) and 53 of the NgāiTakoto Claims Settlement Act 2015'.

continued on next page

Dealings **subsequent** to initial vesting – process for removal of memorials following revocations of status of Cultural Reserve Properties (not revocations within initial vesting process), continued

Action

Provided the application is accompanied by the normal documentation required for revoking reservations in terms of the Reserves Act 1977:

- (a) the actions are the same as those referred to above above for a "**Reserve Property other than a Jointly Vested Property**" as they relate to all or part of the land, except:
 - (i) that the memorial on the historic view should refer to s 48(4) (rather than s 48(3)); and
 - (ii) references to 'Subject to section 47(4) and 53 of the NgāiTakoto Claims Settlement Act 2015' should be read as if it included s 43(4) as well.
- (b) Standard registration fees apply.

Note: Follow the applicable requirements regarding the "prevents registration" flag.

Dealings **subsequent** to initial vesting – Transfer of Cultural Redress Properties

Restrictions on transferring Reserve Land under ss 53 to 55

Note: There is no space in the name 'NgāiTakoto'.

- (a) The fee simple in any land which remains a reserve after vesting under this Act may only be transferred in accordance with:
 - (i) section 54 (in relation to Waipapakauri Beach property, the Wharemaru / East Beach property, and the Bed of Lake Ngatu; [s 53(2), read in conjunction with s 53(1) and (4) and the definitions of "reserve property" in s 22]); and
 - (ii) section 55 (in relation to the Beach Sites).
[s 53(2), as the Beach Sites are also Jointly Vested Properties].

continued on next page

Dealings **subsequent** to initial vesting – Transfer of Cultural Redress Properties, continued

- (b) These provisions enable:
- (i) in relation to Reserve Land (other than the Beach Sites) and as described in (a)(i) above:
 - (A) transfers to Administering Bodies (which are defined in the Act by reference to the definition in the s 2(1) of the Reserves Act 1977) [s 54]; it envisages the transferees will be 1 or more persons;
 - (ii) in relation to the Beach Sites:
 - (B) transfers to reflect a change in trustees of an existing trust [s 55];

If there is any doubt whether ss 54 or 55 apply the matter should be escalated to a Titles Advisor for resolution.

Transfer of Reserve Land to Administering Body (s 57)

To effect a transfer to an Administering Body, under s 74(1), the registered proprietors of the Reserve Land may apply in writing to the Minister of Conservation for consent to transfer the fee simple estate in the Reserve Land to one or more persons (the new owners).

Trigger - receipt of documents for transfer of Reserve Land to new owners

Receipt by the RGL (ss 54(3) and 55) of:

- (a) In the case of a transfer to a new administering body under s54:
 - (i) a transfer instrument to transfer the fee simple estate in Reserve Land to new owners, including a notification that the new owners are to hold the Reserve Land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer (s 54(4)(a)); and
 - (ii) the written consent of the Minister of Conservation to the transfer of the reserve land (s 54(4)(b)); and
 - (iii) any other document required for the registration of the transfer instrument (s 54(4)(c)).
-

continued on next page

Dealings **subsequent** to initial vesting – Transfer of Cultural Redress Properties, continued

- (b) In the case of a transfer to reflect a change in trustees under s 55 the registered proprietor of reserve land may transfer the fee simple estate in the reserve land if:
 - (i) The transferors of the reserve land are or were the trustees of a trust (s 55(a)); 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 (s 55(b)); and
 - (iii) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that ss 55(a) and 55(b) apply (s 55(c)).
-

Action - registration of new owners (s 57)

- (a) Upon receipt of the documents required by ss 54 or 55 (see above), the RGL must register the new owners as the proprietors of the fee simple estate in the reserve land (s 54(3) or s 55).
- (b) Standard registration fees apply.
- (c) In the case of:
 - (i) a transfer under s 54, a transfer that complies with s 54 need not comply with any other requirements [s54 (6)]
 - (ii) a transfer under s 55, the transfer must be accompanied by a certificate referred to in the trigger section above.

Note: **Continuation of "prevents registration" flag** – eg prohibition against mortgage of Reserve Land under s 60 continues

- (d) The memorials that prevented registration upon vesting and for which a "prevents registration" flag has been set continue to apply. For example, the transferees remain **prohibited from registering a mortgage or any other security interest** (charge) the Reserve Land.
 - (e) Ensure the "**prevents registration**" flag against relevant memorials (explained in Part 1 of this guideline) remains on the land.
-

4 Commercial Redress

Background - Vesting of all or specified shares

Note: there is no space in the name "NgāiTakoto".

- (a) Commercial Redress Properties and Deferred Selection Properties are:
 - (i) included in the Act's Commercial Redress (s 22);
 - (ii) defined in s 134; and
 - (iii) described in p74-117 of the Deed's Property Redress Schedule.
 - (b) The boundaries are subject to survey.

For a general indication of the location of individual properties an internet search on the name, and NgāiTakoto's Area of Interest shown on p4 of the Deed's Attachments, may assist.
 - (c) Rights of first refusal to acquire RFR Land properties, are also included in the Act's Commercial Redress and defined in subpart 4 of Part 3 of the Act. [ss 153-182].
-

Joint ownership

- (a) This Act is one of four that record the settlement of treaty claims for four Te Hiku o Te Ika iwi - the other ones are Ngāti Kuri Claims Settlement Act, Te Aupouri Claims Settlement Act 2015, and Te Rarawa Claims Settlement Act 2015.
 - (b) Under this Act, the Trustees take some Commercial Redress jointly (as tenants in common in the shares against the relevant property) with other "Relevant Trustees".
 - (c) The applications and registration processes for recording the vesting of undivided specified shares in other iwi (including the creation of CFRs) under the Act relevant to that iwi may or may not have already occurred.
-

School House sites: Waiharara School, Paparore School and Awanui School (for Kaitaia College School House site, see below under Kaitaia College)

- (a) These are 3 of the 15 Commercial Redress Properties.
 - (b) Their respective definitions state they will include related school House sites (which are separately defined) *if* clause 9.8 of the Deed (which is the process for that inclusion) applies. Clause 9.8 applies, if (within the period specified) the relevant Board of Trustees relinquishes a beneficial interest in the related School House site (cl 9.7).
 - (c) There is no statutory obligation on the RGL to assess whether the precondition for the inclusion of the relevant School House site has been met, and staff should rely on the description of the relevant sites in the Applications.
-

continued on next page

Commercial Redress, continued

Kaitaia College – Immediately before the transfer to the Trustees, the reservation of any part of these properties as a **government purpose reserve for education purposes** subject to the Reserves Act 1977 is revoked

Revocation of reserve (s 143)

(s 143)

School site

- (a) This is 1 of the 8 Deferred Selection Properties (“DSP”).
- (b) the definition states it will include the related school House site (which is separately defined) *if* clause 9.21 of the Deed (which is the trigger for the cl 9.22 process for inclusion) applies. Clause 9.21 applies if (within the specified period) the relevant Board of Trustees relinquishes a beneficial interest in the related School House site (9.21).

There is no statutory obligation on the RGL to assess whether the precondition for the inclusion of the relevant School House site has been met, and staff should rely on the description of the relevant sites in the Applications.

Kaitaia Aerodrome and Te Kura Kaupapa Maori o Te Rangi Aniwaniwa

- (a) These are 2 of 8 Deferred Selection Properties, which is defined in table 1 of Part 4 of the Deeds Property Redress Schedule referred to above, and which includes a note to refer to clause 9.16 of the Deed. That clause states that their inclusion as Deferred Selection Properties is on the basis that any transfer of these sites to Te Rūnanga o NgāiTakoto trustees and a Ngāti Kahu governance entity under a deed of settlement, is *subject to* the continued use of those sites for the operation of the aerodrome and a kura Kaupapa Māori.
 - (b) There is no statutory obligation on the RGL to assess whether the precondition for the inclusion of the relevant School House site has been met, and staff should rely on the description of the relevant sites in the Applications.
-

Properties Subject to a Lease (s 144)

These are those of the Commercial Redress Properties and Deferred Selection Properties being transferred to the Trustees which are:

- (a) held by the Ministry of Education; and
 - (b) are, after transfer to the Trustees, subject to a lease back to the Crown.
 - (c) **(s 144(1))**
-

continued on next page

Commercial Redress, continued

Applications of statutory provisions

- (a) The following statutory provisions apply:
- (b) The transfer is a disposition for the purposes of Part 4A of the Conservation Act 1987, but section 24 of the Conservation Act 1987 does not apply to a transfer;
- (c) The transfer instrument **must** include a statement that the land is to become subject to section 145 on the registration of the transfer;
- (d) The Registrar-General must, on the registration of the transfer of the property, record on any computer freehold register for the property that—
 - (i) the land is subject to [Part 4A](#) of the Conservation Act 1987, but that section 24 of that Act does not apply [s 144(4)(a)], which is to be treated as having been made in compliance with section 24D(1) of the Conservation Act 1987 [s 144(5)]; and
 - (ii) the land is subject to section 145 of the NgāiTakoto Claims Settlement Act 2015 (which contains requirements if lease terminates or expires).

(s 144)

Requirements if Lease terminates or expires

If the lease referred to in s 144(1)(c) (including renewal) in relation to the Properties Subject to a Lease (described above) terminates or expires without being renewed, then the following statutory provisions apply:

- (a) the transfer is no longer exempt from Section 24 (except subsection 2A) of the Conservation Act 1987; and
- (b) the registered proprietors must apply in writing to the RGL, to remove from the CFR the notifications that:
 - (A) section 24 of the Conservation Act 1987 does not apply; and
 - (A) the land is subject to section 145 of the NgāiTakoto Claims Settlement Act 2015 (which contains requirements if lease terminates or expires);in relation to all (or part) of the land (as applicable).
- (b) No registration fees apply (s 145(4)).

(s 145)

Authorised Person

Section 138(5) defines authorised person (in relation to commercial redress) as the chief executive of the land holding agency for the relevant property; these are specified for each property in the tables referred to above.

continued on next page

Commercial Redress, continued

Crown may transfer properties s 135

- (a) To give effect to part 9 of the Deed, the Crown may transfer all or an undivided share of the fee simple in a Commercial Redress Property or a Deferred Selection Property, to the Trustees [s 135(1)(a) and 136]
- (b) If a transfer is lodged for registration pursuant to s 135 it must contain a statement that it is authorised under s 135.
- (c) CFRs will need to be issued for Commercial Redress Properties and Deferred Selection Properties transferred from the Crown to the trustees (ss 138 and 139).
- (d) There are also special provisions for the transfers of:
 - (i) the Peninsula Block (s 140); and
 - (ii) Kaitaia College, Kaitaia Aerodrome **and** Te Kura Kaupapa Maori o Te Rangi Aniwaniwa (s
 - (iii) the properties for which the Ministry of Education is the land holding agency and which are subject to a lease back to the Crown (ss 144 and 145);

as outlined in the above section of this guideline.

Covenant for later creation of CFR under s 141(1)

Under s 141 the Authorised Person may lodge a covenant for the later creation of a CFR for a Commercial Redress Property; in this situation a computer interest registered must be created and the covenant registered [s 141(2)].

Trigger: s 138 application for CFR for:

a Commercial Redress Property or

a Deferred Selection Property

other than Shared Redress, or the Peninsula Block or land that will be subject to a lease back (s 144) s 138

(see [above](#) re: covenant for the later creation of a CFR)

Transfer of Commercial Redress Properties

- (a) A written application under s 138(3) by an Authorised Person to create a CFR for a Commercial Redress Property or Deferred Selection Property that is to be transferred to the Trustees (but no other person or entity), accompanied by a transfer to the Trustees stating it is authorised under s 140.
- (b) The relevant properties are listed in the definitions above.

Commercial Redress, continued

- Action** - create a CFR
(**s 138(3)(a)**)
(and register transfer)
- (a) Upon receipt of an application and transfer described above; and
 - (b) provided no CFR exists for all of the property (or a CFR exists for only part of the property (**s 138(2)**)); then
 - (c) the RGL must:
 - (i) subject to completion of any necessary survey, create a CFR for the fee simple in the name of the Crown without any statement of purpose (**s 138(3)(a)** and (**c**)); and
 - (ii) record any interests described in the application (**s 138(3)(b)**); and
 - (iii) register the transfer to the Trustees; and
 - (iv) record the following memorials on the CFR (**s 142**):
 - 'Subject to Part 4A of the Conservation Act 1987 (but section 24(2A), 24A and 24AA of that Act does not apply)'
 - 'Subject to section 11 of the Crown Minerals Act 1991'; and
 - (d) Standard registration fees apply.

Note: See guidance notes below

- Trigger – s 139**
application for CFR for:
a Commercial Redress Property; or
a Deferred Selection Property
that **is** transferred to tenants in common (under **s 135) – s 139**
(except the Peninsula Block)
(see [above](#) re: covenant for the later creation of a CFR)
- (a) A written application under **s 139(2)** by an Authorised Person to create a CFR for either:
 - (i) a Commercial Redress Property (other than the Peninsula Block); or
 - (ii) a Deferred Selection Property; and which together with a transfer to the trustees as tenants in common (being "Shared Redress");
 - (b) provided it is accompanied by:
 - (i) in the case of a property to which **s 144** applies (properties subject to lease), a transfer to the Trustees which states that:
 - (A) the land is to become subject to **s 145** on the registration of the transfer; and
 - (B) it is authorised under **s 144**; and
 - (ii) in all other cases, a transfer to the Trustees.

continued on next page

Commercial Redress, continued

- Action** - create a CFR (*unless Shared Redress or the Peninsula Block*)
- (a) Upon receipt of an application and transfer described above; and
 - (b) provided no CFR exists for all of the property (or a CFR exists for only part of the property (**s 138(2)**); and
 - (c) in the case of a transfer of **Kaitaia College**, provided:
 - (i) there is a revocation of the government purpose reserve for education purposes subject to the Reserve Act 1977 (refer above) accompanied by the normal documentation required for revoking reservations in terms of the Reserves Act 1977; [*insert link to guidance on process/memorials revoking reserves*]; and
 - (d) in the case of a property to which **s 144** applies (**properties subject to lease**), where the lease (or renewal) has not terminated or expired (in accordance with **s 145** – see subsequent actions below):
 - (i) provided the transfer to the Trustees states that:
 - (A) the land is to become subject to s 145 on the registration of the transfer; and
 - (B) it is authorised under s 144.
 - (e) the RGL must:
 - (i) subject to completion of any necessary survey, create a CFR for the fee simple in the name of the Crown *without any statement of purpose* (**s 139(2)(a)** and **(c)** and **139(3)**); and
 - (ii) record any interests described in the application (**s 138(3)(b)**); and

continued on next page

Commercial Redress, continued

- (iii) register the transfer to the Trustees; and
- (A) in the case of a property to which s 144 applies (properties subject to lease) record the following memorials on the CFR (**s 142**):
- 'Subject to Part 4A of the Conservation Act 1987 (but section 24(of that Act does not apply)'
- 'Subject to section 145 of the NgāiTakoto Claims Settlement Act 2015'
- 'Subject to section 11 of the Crown Minerals Act 1991'
- (B) in all other cases, record the following memorials on the CFR (**s 142**):
- 'Subject to Part 4A of the Conservation Act 1987 (but section 24(2A), 24A and 24AA of that Act does not apply)'
- 'Subject to section 11 of the Crown Minerals Act 1991'; and

(f) Standard registration fees apply.

Note: in the case of a transfer of Kaitaia College, ss 24 and 25 of the Reserves Act 1977 do not apply to the required revocation of reserve status immediately prior to the transfer.

Note: See guidance notes below

Properties subject to lease (s 144) - if the lease terminates (s 145)

- (a) If the lease relating to a Commercial Redress Property or a Deferred Selection Property for which the Ministry of Education is the land holding agency (or a renewal of that lease), terminates or expires without being renewed, in relation to all or part of the property that transferred subject to the lease.
- (b) The transfer of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or part of the property (s 145(2)).
-

Trigger - Application

The registered proprietor of the property must apply in writing to the Registrar-General, to remove from the CFR the notifications that—

- (a) section 24 of the Conservation Act 1987 does not apply to the site; and
- (b) the property is subject to s 146 of the Act.
-

continued on next page

Commercial Redress, continued

- Action** The Registrar-General must comply with an application received from the registered proprietor under subsection 145(3) free of charge to the applicant.
-
- Memorials**
- (a) When an application from the registered proprietor of commercial redress land or deferred selection land, to which s 144 applies, is presented under s 145(3), the approved format for the memorial on the historic view of the CFR which must record the application is:
- '[application identifier] Application under section 145(3) of the Ngāi Takoto Claims Settlement Act 2015 removing [memorial identifiers] [date and time]'
- (b) The following memorials must be modified accordingly
- From the memorial "Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply" delete the words "but section 24 of that act does not apply"
- Delete the memorial "'Subject to sections 145 of the Ngāi Takoto Claims Settlement Act 2015'
- (c) If part of the property remains subject to the lease the memorials remain on the CFR and continue to have effect over the part still subject to the lease
-

Transfer of Peninsula Block

- Background** The Peninsula Block is the only *Commercial Redress Property* which the Deed provides for the Trustees to own jointly, as tenants in common in equal shares, with the trustees for the other 3 Te Hiku o Te Ika iwi who are: the trustees of Te Manawa*, the trustees of Te Rūnanga o Te Rarawa and the trustees of Te Rūnanga Nui (together "the Relevant Trustees").
- [*Te Manawa relates to Ngāti Kuri Claims Settlement Act 2015; and Te Rūnanga Nui relates to Te Aupouri Claims Settlement Act 2015].
- Note:** It ceases to be Crown forest land on the registration of the transfer of the fee simple estate to the trustees (**s 146(1)**).
- Note:** Nothing can be registered or noted that would be consistent with the Crown Forest Assets Act 1989, but inconsistent with Subpart 2 of Part 3 of the Act or Part 9 of the deed of settlement or part 6 of the property redress schedule (**s 146(2)**).
-

continued on next page

Transfer of Peninsula Block, continued

Trigger - application for CFR for the Peninsula Block with or without transfer

A written application under s **140(2)** by an Authorised Person to create a CFR for either the whole or an undivided share of the fee simple of the Peninsula Block; with or without a transfer of the fee simple:

- (a) as to the whole, to the *joint owners* as explained [above](#); or
- (b) as to an undivided share to *the Trustees*;
- (c) as tenants in common.

Action – create CFR for Peninsula Block

- (a) Upon receipt of an application under s **140(2)** the RGL must:
- (b) Provided any accompanying transfer of the Peninsula Block:
 - (i) includes a statement that the land is subject to a right of access to any protected sites on that under [s 152(2)];
 - (ii) and, where it relates to the Trustees share only, is to the Trustees; or to
 - (iii) where it relates to the whole of the property, it is to the Relevant Trustees (as applicable) as tenants in common in equal shares.
- (c) the RGL must:
 - (i) Subject to the completion of any necessary survey, create a CFR in the name of the Crown *without any statement of purpose* (**s 140(2)(a) and (c) and 140(3)**); and
 - (ii) record any interests described in the application (**s 140(2)(b)**); and
- (d) where a transfer (in accordance with ss **164** and **165**) is also lodged, either:
 - (i) in the case of a transfer of the whole to the *joint owners* as explained [above](#), register the transfer of the fee simple to them in equal undivided shares; or
 - (ii) in the case of a transfer of an undivided share to the *Trustees* as explained [above](#), register the transfer of the undivided share in the fee simple to them; and

continued on next page

Transfer of Peninsula Block, continued

(e) Record the following memorials on the CFR:

'Subject to Part 4A of the Conservation Act 1987 (but section 24(2A), 24A and 24AA of that Act does not apply)'

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

'Subject to section 145 of the Te NgāiTakoto Claims Settlement Act 2015 (provides a right of access over the within land)'

(f) Standard registration fees apply.

Guidance Notes	
Note:	Action
The Deed	Parts 3-7 of the Property Redress Schedule and Part 9 of the Deed deal with matters that are covered in the Act relating to the vesting of Commercial Redress Property. There is nothing in Part 6 or Part 9 that requires the RGL to do anything more than is required under the Act.
Separate title for undivided share	A separate title for the Trustees' equal undivided share may be issued (s 138-141).
The properties that are Commercial Redress and listed in the Tables in the Deed's Property Schedule may include unregistered instruments.	<u>Only</u> the interests referred to in the application are required to be entered on the CFR (s 138-140).
Memorial format examples	See detailed guidance above for Memorial formats - examples .
Creating and revoking reserve status	See detailed guidance above .
Council right of way consent under s 348 of the Local Government	This is <u>not</u> required for the creation of rights of way to fulfil the terms of the Deed (s 144(4)).
Subdivision approval	This is <u>not</u> required for the transfer of the fee simple in Commercial Redress Properties, because they are not subject to section 11 and Part 10 of the RMA (s 144(5)).

5 Access to protected sites

Right of access to protected sites under s 150 The owner of land on which a protected site is situated and any person holding an interest or right to occupancy to the land must allow Maori for whom the protected land has special spiritual cultural or historical significance to have access across the land to each protected site

Trigger Transfer of Peninsula Block The transfer of Peninsula Block to the trustees must include a statement that the land is subject to a right of access to any protected sites on that under [s 152(2)]

Action – notation of right of access on CFR Upon registration of the transfer of Peninsula Block under s 135 the RGL must make a notation on the CFR that the land is subject to the right of access [s 152(3)].

Memorial A suitable memorial would be:

'[*part of*] the within land is subject to a right of access under section 150 of the NgāiTakoto Claims Settlement Act 2015. See application [*registration number*] [*date and time*]'

6 Right of first refusal (RFR)

RFR Land - four types, and when land ceases to be RFR Land

- (a) The Act describes four types of RFR Land: "exclusive RFR Land", "shared RFR Land", "Balance RFR Land" or land obtained in exchange [s 154]. They are described in p34-54 of the Attachments to the Deed
- (b) Land ceases to be RFR Land in the circumstances described in s 175 and 179, with applications to remove the RFR memorial governed by s 178 and 189.

Note: any instruments that dispose of RFR Land which are lodged for registration on a computer register containing an RFR memorial on the basis that it has ceased to be RFR Land, **must** be accompanied by a s 179 Certificate (see [below](#)).

RFR Date - beginning of relevant RFR Period [s 154]

The provisions of this subpart take effect from the RFR Date for the relevant RFR properties, which is the settlement date [s 153 "RFR Period" defined and commencement date described- all settlement dates were the same].

Initial Noting of RFR on Computer Register

Trigger

Receipt of a s 177(1) CE certificate which states it is issued under s 178 and specifies a computer register for:

- (a) RFR land for which a computer register exists on, or is first created after, the relevant RFR Date for the land; or
 - (b) land (for which a computer register exists), that becomes RFR land after the Settlement Date. [see RFR Date above].
-

Action - memorials recording RFR land - s 178(5)

- (a) As soon as reasonably practicable after receiving a s 177 certificate the RGL must add the following memorial to the current view of the computer register identified in the s 178 certificate:

'[*certificate identifier*] Certificate under section 177(1) of the NgāiTakoto Claims Settlement Act 2015 that the within land is RFR land as defined in section 154 and is subject to Subpart 4 of Part 3 of the Act (which restricts disposal, including leasing, of the land) [*date and time*]'

- (b) The standard registration fee is payable.
 - (c) **Ensure the "prevents registration" flag is set.**
-

Ongoing restrictions on disposal of land that has an RFR memorial

Restrictions on disposal of RFR land

RFR Land cannot be "disposed" (see below for meaning), unless:

- (a) it falls within and exemptions specified in s 155(1)(a) – (d), or
- (b) it ceases to be RFR land

Note: An application to dispose of land containing an RFR memorial where either:

- (A) *an exemption to disposal is claimed, or*
- (B) *it is not accompanied by a certificate of the type described above for the removal of the memorial;*

must be referred to a Titles Advisor for approval.

- (c) **Example of an exemption:** Transfers or leases over 50 years of RFR land without a preceding s 179 or 180 certificate can be accepted if the transferee is the Crown or a Crown Body (as defined in s 154). As noted above, the application must be referred to a Titles Advisor for approval.

Note: After exempted disposals under s 156(1) the land remains RFR Land and the memorial remains on the computer register

Meaning of "dispose of" in relation to RFR land

Section 154 defines "dispose of" in relation to RFR land as:

- (a) as:
 - (i) to transfer or vest the fee simple estate in the land; or
 - (ii) to grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 50 years or longer;
 - (c) but to avoid doubt, does not include—
 - (i) to mortgage, or give a security interest in, the land; or
 - (ii) to grant an easement over the land; or
 - (iii) to consent to an assignment of a lease, or to a sublease, of the land; or
 - (iv) to remove an improvement, fixture, or fitting from the land.
-

Restrictions on disposal of RFR Land

Section 156 prohibits restrictions on the disposal of RFR land – refer s 154 for definition of "dispose of", which is referred to in the memorial under s 174(5)(b) (referred to above).

Subsequent removal of RFR memorial

Trigger -
notice to
remove an RFR
memorial
when land
being
transferred or
vested under
this Act or
certificate
when RFR
Period ends –
(ss 179-180)

Receipt of a notice or certificate (together with the relevant transfer or vesting application) from the CE under ss 178(1) and 179(1) respectively, for the removal of a s 177 memorial from a computer register upon either: land ceasing to be RFR land prior to RFR land being transferred or vested; or when the RFR Period ends.

Action

- (a) The RGL must remove the RFR memorial upon receipt from the CE of:
 - (i) in relation to land to be disposed of, a notice containing the information in s 178(1)(a)-(d); or
 - (ii) in relation to land for which the RFR period has ended, a certificate containing the information in s 179(1)(a)-(b).
 - (b) As soon as reasonably practicable after receiving such a certificate, the RGL must record the following memorial on the historic view of the register:

'[certificate identifier] Certificate under section [] of Ngāi Takoto Claims Settlement Act 2015 removing [memorial identifier] entered under section [178 or 179 as applicable] [date and time]'.
 - (c) The standard registration fee is payable.
 - (d) The "prevents registration" flag should be removed in relation to the s 177 memorial.
-

Table 1 – Description of Cultural redress properties, vesting, reserve status, interests and memorials

For a general indication of the location of individual properties an internet search on the name and NgāiTakoto's Area of Interest shown on p4 of the Deed's Attachments (see web link below), may assist. [http://nz01.terabyte.co.nz/ots/DocumentLibrary/NgaiTakotoAttachments\[1\].pdf](http://nz01.terabyte.co.nz/ots/DocumentLibrary/NgaiTakotoAttachments[1].pdf)

Property Name & Description	Vesting in fee simple/Reserve Status	Existing Interests and Covenants that must be recorded	Spatial statutory action	Memorials to be recorded (as specified in the Act and application to vest)
Hukatere site A 2.1403 hectares, more or less, being Section 469833. Part Gazette 1966, p 1435.	Ceases to be Crown forest land. Fee simple vests in the Trustees. No reserve status S23	Existing Interests Subject to Crown Forestry licence registered as C312828.1F and held in computer interest register NA100A/1. Subject to protective covenant registered as C626733.1. Subject to the Public Access Easement Certificate C626733.2. Subject to a notice pursuant to <u>section 195(2)</u> of the Climate Change Response Act 2002 registered as Instrument 9109779.1.	Crown Forest Land ceases (if applicable).	'Subject to Part 4A of the Conservation Act 1987' 'Subject to section 11 of the Crown Minerals Act 1991'.
Kaimaumu Marae property 14.5686 hectares, more or less, being Section 26 Block I Rangau Survey District.	Ceases to be a conservation area under the Conservation Act 1987. Fee simple vests in the Trustees. No reserve status S24		Conservation Area ceases (if applicable).	'Subject to Part 4A of the Conservation Act 1987'. 'Subject to section 11 of the Crown Minerals Act 1991'.
Waipapakauri Papakainga property 4.8103 hectares, more or less, being Section 1 SO 472392	Ceases to be a conservation area under the Conservation Act 1987. Fee simple vests in the Trustees. No reserve status S25		Conservation Area ceases (if applicable).	Subject to Part 4A of the Conservation Act 1987. Subject to section 11 of the Crown Minerals Act 1991.
Mai i Waikanae ki Waikoropūpūnoa	"Jointly Vested Property"	Subject to the protective covenant certificate C626733.1.	Conservation Area ceases	'Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not

<p>(Beach site A) 18.7500 hectares, more or less, being Section 2 SO 470146. Part Gazette notice C195138.1.</p>	<p>Any part that is a conservation area under the Conservation Act 1987 ceases to be a conservation area under that Act.</p> <p>Any part of that is Crown forest land under the Crown Forest Assets Act 1989 ceases to be Crown forest land under that Act.</p> <p>Vests as to an undivided quarter share in the Trustees.</p> <p>Declared a reserve and classified as a scenic reserve for the purposes specified in section <u>19(1)(a)</u> of the Reserves Act 1977.</p> <p>s26</p>	<p>Subject to Crown forestry licence registered as C312828.1F and held in computer interest register NA100A/1.</p> <p>Together with a right of way easement created by D592406A.2.</p> <p>Subject to a Notice pursuant to <u>section 195(2)</u> of the Climate Change Response Act 2002 registered as Instrument 9109779.1.</p> <p>If the property is subject to a Crown forestry licence, as long as a Crown forestry licence applies, the provisions of the licence prevail despite—</p> <p>(a) the vesting of the Beach site as a scenic reserve subject to the Reserves Act 1977; and</p> <p>(b) administration by the joint management body established under section 52</p> <p>s30</p>	<p>(if applicable). Crown forest land ceases) if applicable. Declared a reserve.</p>	<p>apply' 'Subject to section 11 of the Crown Minerals Act 1991' 'Subject to the Reserves Act 1977' 'Subject to sections 43(4), 47(4) and 53 of the NgāiTakoto Claims Settlement Act 2015' 'Subject to section 56 of the NgāiTakoto Claims Settlement Act 2015 (which prohibits reserve land from being mortgaged or charged). Ensure the 'prevents registration' flag has been set for the s53 and s56 memorials.</p>
<p>Mai i Hukatere ki Waimahuru (Beach site B) 80.8425 hectares, more or less, being Sections 8, 9, and 10 SO 469833. Part Gazette notice B342446.1 and Part Gazette 1966, p 1435.</p>	<p>"Jointly Vested Property"</p> <p>Any part that is a conservation area under the Conservation Act 1987 ceases to be a conservation area under that Act.</p> <p>Any part of that is Crown forest land under the Crown Forest Assets Act 1989 ceases to be Crown forest land under that Act.</p> <p>Vests as to an undivided quarter share in the Trustees.</p> <p>Declared a reserve and classified as a scenic reserve for the purposes specified in section <u>19(1)(a)</u> of the Reserves Act 1977.</p> <p>s27</p>	<p>Subject to the protective covenant certificate C626733.1.</p> <p>Subject to Crown Forestry licence registered as C312828.1F and held in computer interest register NA100A/1.</p> <p>Together with a right of way easement created by D145215.1 (affects the part formerly Lot 1 DP 136868).</p> <p>Subject to a Notice pursuant to <u>section 195(2)</u> of the Climate Change Response Act 2002 registered as Instrument 9109779.1 (affects the parts formerly Part Lot 1 DP 136869, Part Lot 1 DP 136868, and Part Lot 1 DP 137713).</p> <p>If the property is subject to a Crown forestry licence, as long as a Crown</p>	<p>Conservation Area ceases (if applicable). Crown forest land ceases) if applicable. Declared a reserve.</p>	<p>'Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply' 'Subject to section 11 of the Crown Minerals Act 1991' 'Subject to the Reserves Act 1977' 'Subject to sections 43(4), 47(4) and 53 of the NgāiTakoto Claims Settlement Act 2015' 'Subject to section 56 of the NgāiTakoto Claims Settlement Act 2015 (which prohibits reserve land from being mortgaged or charged). Ensure the 'prevents registration' flag has been set for the s53 and s56 memorials.</p>

		forestry licence applies, the provisions of the licence prevail despite— (c) the vesting of the Beach site as a scenic reserve subject to the Reserves Act 1977; and (d) administration by the joint management body established under section 52 s30		
Mai i Ngāpae ki Waimoho (Beach site C) 44.2385 hectares, more or less, being Sections 1, 2, 3, and 4 SO 469833. Part <i>Gazette</i> 1966, p 1435.	"Jointly Vested Property" Any part that is a conservation area under the Conservation Act 1987 ceases to be a conservation area under that Act. Any part of that is Crown forest land under the Crown Forest Assets Act 1989 ceases to be Crown forest land under that Act. Vests as to an undivided quarter share in the Trustees. Declared a reserve and classified as a scenic reserve for the purposes specified in section <u>19(1)(a)</u> of the Reserves Act 1977. s28	Existing Interests Subject to the protective covenant certificate C626733.1. Subject to Crown Forestry licence registered as C312828.1F and held in computer interest r Roading Powers Act 1989 created by Instrument D538881.1 (affects the part formerly Lot 1 DP 137714). Subject to a Notice pursuant to <u>section 195(2)</u> of the Climate Change Response Act 2002 registered as Instrument 9109779.1. If the property is subject to a Crown forestry licence, as long as a Crown forestry licence applies, the provisions of the licence prevail despite— (e) the vesting of the Beach site as a scenic reserve subject to the Reserves Act 1977; and (f) administration by the joint management body established under section 52 s30	Conservation Area ceases (if applicable). Crown forest land ceases) if applicable. Declared a reserve.	'Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply' 'Subject to section 11 of the Crown Minerals Act 1991' 'Subject to the Reserves Act 1977' 'Subject to sections 43(4), 47(4) and 53 of the NgāiTakoto Claims Settlement Act 2015' 'Subject to section 56 of the NgāiTakoto Claims Settlement Act 2015 (which prohibits reserve land from being mortgaged or charged). Ensure the 'prevents registration' flag has been set for the s53 and s56 memorials.
Mai i Waimimiha ki Ngāpae (Beach site D) 72.1300 hectares, more or less,	"Jointly Vested Property" Any part that is a conservation area under the Conservation Act	Existing Interests Subject to being a scenic reserve, as referred to in section 29(3).	Conservation Area ceases (if	'Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply'

<p>being Section 1 SO 469396</p>	<p>1987 ceases to be a conservation area under that Act. Any part of that is Crown forest land under the Crown Forest Assets Act 1989 ceases to be Crown forest land under that Act. Vests as to an undivided quarter share in the Trustees. Declared a reserve and classified as a scenic reserve for the purposes specified in section <u>19(1)(a)</u> of the Reserves Act 1977. s29</p>	<p>If the property is subject to a Crown forestry licence, as long as a Crown forestry licence applies, the provisions of the licence prevail despite— (g) the vesting of the Beach site as a scenic reserve subject to the Reserves Act 1977; and (h) administration by the joint management body established under section 52 s30</p>	<p>applicable). Crown forest land ceases) if applicable. Declared a reserve.</p>	<p>'Subject to section 11 of the Crown Minerals Act 1991' 'Subject to the Reserves Act 1977' 'Subject to sections 43(4), 47(4) and 53 of the NgāiTakoto Claims Settlement Act 2015' 'Subject to section 56 of the NgāiTakoto Claims Settlement Act 2015 (which prohibits reserve land from being mortgaged or charged). Ensure the 'prevents registration' flag has been set for the s53 and s56 memorials.</p>
<p>Waipapakauri Beach property 6.3410 hectares, more or less, being Section 2 SO 472392</p>	<p>Vests in the trustees in fee simple Purpose Scenic Reserve s31</p>	<p>Existing Interests Subject to the right of way easements referred to in <u>section 31(5)</u>.</p>	<p>Conservation Area ceases (if applicable). Declared scenic reserve.</p>	<p>'Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply' 'Subject to section 11 of the Crown Minerals Act 1991' 'Subject to the Reserves Act 1977' 'Subject to sections 47(4) and 53 of the NgāiTakoto Claims Settlement Act 2015' 'Subject to section 56 of the NgāiTakoto Claims Settlement Act 2015 (which prohibits reserve land from being mortgaged or charged). Ensure the 'prevents registration' flag has been set for the s53 and s56 memorials.</p>
<p>Wharemaru / East Beach property 1000.0830 hectares, more or less, being Section 1 SO 470833.</p>	<p>Vests in the trustees in fee simple Purpose Scenic Reserve s32</p>	<p>Existing Interests Subject to being a scenic reserve, as referred to in section 32(3).</p>	<p>Conservation Area ceases (if applicable). Declared Scenic reserve</p>	<p>Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply' 'Subject to section 11 of the Crown Minerals Act 1991' Subject to the Reserves Act 1977 'subject to sections 47(4) and 53 of the NgāiTakoto Claims Settlement Act 2015 'Subject to section 56 of the NgāiTakoto Claims Settlement Act 2015 (which prohibits</p>

				reserve land from being mortgaged or charged). Ensure the 'prevents registration' flag has been set for the s53 and s56 memorials.
Lake Tangonge site A 25.2850 hectares, more or less, being Section 9 SO 472393.	"Jointly Vested Property" Subject to the precondition (requiring the Trustees providing a registrable Covenant to the Crown): Ceases to be a conservation area under the Conservation Act 1987. An undivided half share of the fee simple (as tenants in common) vests in the Trustees. No reserve status. s33	Existing Interests Subject to the conservation covenant referred to in section 33(3). Subject to a right of way easement created by Certificate C312160.2. Subject to a right to drain water easement created by Certificate C312160.2.	Conservation Area ceases (if applicable).	'Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply' 'Subject to section 11 of the Crown Minerals Act 1991' 'Subject to sections 43(4) 47(4) and 53 of the NgāiTakoto Claims Settlement Act 2015' Ensure the 'prevents registration' flag has been set for the s 53 memorial
Tangonge property 131.1420 hectares, more or less, being Sections 5 and 6 SO 472393. Part computer freehold register NA99C/561.	"Jointly Vested Property" Subject to the precondition (requiring the Trustees and the trustees of Te Rūnanga o NgāiTakoto providing: (a) a registrable Covenant to the Crown; and (b) a registrable right of way to the trustees of Te Rūnanga o Te Rarawa. An undivided half share of the fee simple (as tenants in common) vests in the Trustees. No reserve status s34	Existing Interests Subject to the conservation covenant referred to in <u>section 34(2)(a)</u> . Subject to the right of way easement referred to in section 34(2)(b). Subject to section 3 of the Petroleum Act 1937. Subject to <u>section 8</u> of the Atomic Energy Act 1945. Subject to section 3 of the Geothermal Energy Act 1953. Subject to sections 6 and 8 of the Mining Act 1971. Subject to section 5 of the Coal Mines Act 1979. Subject to section 261 of the Coal Mines Act 1979. Together with a right to drain water easement created by Certificate C312160.2. Together with a right of way	Conservation Area ceases (if applicable).	'Subject to Part 4A of the Conservation Act 1987' 'Subject to section 11 of the Crown Minerals Act 1991'

		easement created by Certificate C312160.2. Subject to 7821071.1 open space covenant pursuant to <u>section 22</u> of the Queen Elizabeth the Second National Trust Act 1977.		
Bed of Lake Ngatu 56.5200 hectares, more or less, being Section 1 SO 484985. Part computer interest register 631218.	Vests in the Trustees in fee simple Purpose: recreation reserve s35	Existing Interests Subject to being a recreation reserve, as referred to in section 35(3).	Recreation reserve status revoked / Declared recreation reserve	'Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply' 'Subject to section 11 of the Crown Minerals Act 1991' 'Subject to sections 47(4) and 53 of the NgāiTakoto Claims Settlement Act 2015 ' 'Subject to section 56 of the NgāiTakoto Claims Settlement Act 2015 (which prohibits reserve land from being mortgaged or charged for security)' Ensure the 'prevents registration' flag has been set for the s 53 and s 56 memorials.
Lake Ngatu Recreation Reserve	The Crown stratum above the bed of Lake Ngatu continues to be a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977. s36		N/A	
Lake Katavich 10.7890 hectares, more or less, being Section 1 SO 460023. Part Proclamation B342446.1.	Vests in the Trustees in fee simple No reserve status s37		N/A	'Part 4A of the Conservation Act 1987 does not apply to the within land' 'Subject to section 11 of the Crown Minerals Act 1991'
Lake Ngakapua 16.4445 hectares, more or less, being Section 1 SO 459372.	Vests in the trustees in fee simple No reserve status s38		N/A	'Part 4A of the Conservation Act 1987 does not apply to the within land' 'Subject to section 11 of the Crown Minerals Act 1991'
Lake Rotokawau 17.6290 hectares, more or less, being Section 2 SO 459372.	Vests in the trustees in fee simple No reserve status		N/A	'Part 4A of the Conservation Act 1987 does not apply to the within land' 'Subject to section 11 of the Crown Minerals

	s39			Act 1991'
Lake Waiparera 115.3990 hectares, more or less, being Section 2 SO 460023. Part Proclamation B342446.1.	Vests in the trustees in fee simple. No reserve status S40		N/A	'Part 4A of the Conservation Act 1987 does not apply to the within land' 'Subject to section 11 of the Crown Minerals Act 1991'