

# Ngāruahine Claims Settlement Act 2016 registration guideline

**LINZG 20762**

**23 February 2017**



# Contents

Revision History .....	2
<b>1 Background .....</b>	<b>3</b>
1.1 Introduction .....	3
1.2 Purpose, scope and use .....	3
1.3 Map of area of interest .....	5
<b>2 Landonline settings to prevent auto-registration.....</b>	<b>6</b>
<b>3 Removing resumptive memorials.....</b>	<b>6</b>
<b>4 Cultural Redress Properties - Initial Vesting.....</b>	<b>6</b>
<b>5 Cultural Redress Properties - Ongoing restrictions .....</b>	<b>6</b>
<b>6 Cultural Redress Properties - Subsequent dealings .....</b>	<b>7</b>
<b>7 Commercial Redress - Initial transfer .....</b>	<b>7</b>
<b>8 Commercial Redress - Other property-related rights .....</b>	<b>7</b>
8.1 Rights of first refusal.....	7
8.2 Ongoing restrictions.....	8
<b>Glossary .....</b>	<b>8</b>
<b>Table 1: Summary of registration provisions - Cultural Redress.....</b>	<b>10</b>
<b>Table 2: Summary of registration provisions – Commercial Redress.....</b>	<b>15</b>

**NOTE:**

This Specific Guideline should be read in conjunction with the *Treaty Claims Settlement Acts general guideline – LINZG20701*

## Revision History

Date	Version	Revision	Author	Description
23/02/17	1			

---

# 1 Background

## 1.1 Introduction

A Treaty Settlement is an agreement between the Crown and a Māori claimant group to settle that claimant group's historical claims against the Crown. The process of settling claims is led by the Office of Treaty Settlements (OTS), and results in an Act for each settlement.

Ngāruahine is one of eight iwi of Taranaki. The Crown and Ngāruahine signed a Deed of Settlement on 1 August 2014 with later amendments, to settle the iwi's historical Treaty of Waitangi claims. The Ngāruahine Deed of Settlement will be the final settlement of all historical claims of Ngāruahine resulting from acts or omissions by the Crown prior to 21 September 1992.

Summary of this settlement can be found in the Deed of Settlement Summary <https://www.govt.nz/treaty-settlement-documents/ngaruahine/ngaruahine-deed-of-settlement-summary-1-aug-2014/>

Further information can be found on the OTS website, <https://www.govt.nz/organisations/office-of-treaty-settlements/> under the tab 'Find out about the Treaty Settlement Process'.

## 1.2 Purpose, scope and use

Treaty settlements have a range of common elements. A *Treaty Claims Settlement Acts General Guideline (General Guideline)* is available to ensure that applications received by Land Information New Zealand (LINZ) under the *Specific Acts* are dealt with correctly (see LINZG20701).

A *Specific Guideline* is developed for each of the *Specific Acts*.

This *Specific Guideline* covers the Ngāruahine Claims Settlement Act 2016 (the Act). It contains detailed information about that settlement and is designed to be read in conjunction with the *General Guideline*. A summary of the provisions that relate to the initial vesting of *Cultural Redress Properties* and the transfer of *Commercial Redress Properties* are set out in **Tables 1 and 2**.

A glossary of terms used in this guideline is attached. When used, a glossary term appears in *italics*. In some cases, *Specific Guidelines* may also contain more detailed explanations in relation to the same terms (for example *Cultural Redress Properties*).

References to the Act are in **bold text**.

You will need to refer to the following resources:

- the Ngāruahine Claims Settlement Act 2016  
<http://www.legislation.govt.nz/act/public/2016/0093/latest/DLM6536714.htm?src=qs>
- the *Deed* (including Schedules) relating to the *Specific Act*  
<https://www.govt.nz/treaty-settlement-documents/ngaruahine>
- *Treaty Claims Settlement Acts General Guideline LINZG20701*

- 
- Customer Services Technical Circular 2013.T06 – Registration of Treaty Claims Settlement Dealings

The *General Guideline* applies to a *Specific Act*, unless a *Specific Guideline* states otherwise.

The Registrar-General of Land (RGL) has issued this guideline for employees of LINZ with delegated authority to exercise registration functions under the Land Transfer Act 1952.

### 1.3 Map of area of interest



---

## 2 Landonline settings to prevent auto-registration

The *General Guideline* applies.

Where a *Specific Act* prohibits certain transactions with land, memorials of the prohibitions will be put on the computer register (CR) for the land as outlined in this guideline.

It is important to ensure the Landonline setting that prohibits these transactions is set against those memorials. This mitigates the risk of auto-registration of the prohibited transaction.

At the end of processing any application relating to the Act, you must check whether it includes a memorial of one the following restrictions:

**s71** Restrictions on subsequent transfers of reserve lands

**s74** Prohibitions on mortgages or charges

**s122** *Right of First Refusal* (RFR) Memorial

If one of these memorials apply, make sure the landonline setting prohibiting registration is set.

## 3 Removing resumptive memorials

The *General Guideline* applies.

Section **18(1) (a) & (b)** describes the properties with resumptive memorial that can be removed on receipt of a certificate issued under s18.

## 4 Cultural Redress Properties - Initial Vesting

The *General Guideline* applies, and specific detail is set out in [Table 1](#).

## 5 Cultural Redress Properties - Ongoing restrictions

The *General Guideline* applies, and specific detail is set out in [Table 1](#). Please note:

**s66(3)** specifies that if the reserve status of a *Cultural Redress Reserve Property* is revoked, the property is no longer exempt from s24(except (2A)) of the Conservation Act 1987.

**s71** prescribes the process for subsequent transfers of *Cultural Redress Reserve Properties*.

**s74** specifies that reserve land is not to be mortgaged.

---

## 6 Cultural Redress Properties - Subsequent dealings

The *General Guideline* applies, and suitable memorials are set out in [Table 1](#). Please also note:

- ss66(3) and 67(3)** revocation of reserve status – marginal strip exemption no longer applies
- s67(3)(a)** removal of notification where revocation of reserve status for all property
- s67(3)(b)** removal of notification where revocation of reserve status for part of property
- s71(2), s72 or s73** restrictions on transfers of reserves
- s72** transfers of reserves to new administering body
- s82-84** Potential purchase of two properties – although these transfer to (rather than vest in) the *Trustees*, they are included in Cultural Redress as they are of cultural significance to Ngāruahine
- s83** Te Ngutu o Te Manu site B initially vests in the South Taranaki District Council upon revocation of the reserve status prior to transfer (rather than reverting back to Crown ownership)

## 7 Commercial Redress- Initial transfer

The provisions of the *General Guideline* apply, and suitable memorials are set out in [Table 2](#). Please also note:

**Deferred Selection Properties** are included in the *Act* – refer **s94**

**Kaipī Street Conservation Area** if it becomes a *Deferred selection Property* – refer **s92**

**Covenants for the later creation of CRs are provided for** – refer **s95**

## 8 Commercial Redress - Other property-related rights

### 8.1 Rights of first refusal

The provisions of the *General Guideline* apply.

The CE will issue to the RGL certificates that will identify computer registers for **RFR Land** being **exclusive RFR land** and **Shared RFR land (s122)**. These are defined in s97 by reference to **exclusive RFR area** and **shared RFR area**, which are shown on pages 77-79 of the **Attachments** Schedule.

---

## 8.2 Ongoing restrictions

A RFR memorial prevents the registration of any subsequent disposal such as a transfer, unless there is an exemption in the *Specific Act*, or the RFR memorial has been removed.

Note:

- s97** defines **dispose of**, in relation to *RFR Land*
- s98** section defining *RFR Land*, including *exclusive RFR land* and *shared RFR land* used in *RFR memorial*
- s100** restrictions on disposal of *RFR Land*
- s122** Chief Executive (CE) certificate for recording *RFR*, used in *RFR memorial*
- s123** CE Certificate that *RFR Land* transferred or vested, triggers *RGL* to remove *RFR memorial*
- s124** CE Certificate *RFR* period ends, triggers *RGL* to remove memorial

## Glossary

**Use of this Glossary** – For terms that are not defined in the *General Guideline* or this guideline, refer to the *Specific Act*. Please note, the *Specific Act* may have several "interpretation" sections", these are referenced below.

**Defined terms:** terms used in this guideline which are explained in either this guideline and/or the *General Guideline*, are indicated by italics. They may repeat terms used in the glossary to the *General Guideline*, to provide a more detailed explanation eg *Cultural Redress Properties* below lists the relevant properties in relation to the Ngāruahine Cairns Settlement Act 2016.

**Defined terms** – in interpretation sections 12, 58, 82, 90, and 97

**Commercial Redress** includes:

**Commercial Redress Properties**, which comprise:

- **Deferred Selection Properties s90** being;
  - A property described in part 3 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied, and
  - Kaipī Street Conservation Area** also means the land of that name described in part 3 of the property redress schedule
- **Right of First Refusal (RFR):** Subpart 2 of Part 3 ss97-127.

**RFR Land:** Land subject to an RFR including **exclusive RFR land** and **shared RFR land**.



---

**Cultural Redress includes:**

**Cultural Redress Properties:** which are the 3 **Cultural Redress Reserve Properties** (see below) and one other property which is not a reserve (Te Poho o Taranaki).

**Cultural Redress Reserve Properties** – three properties which are defined in s58 and described in Schedule 3 and which vest as historic reserve: **Te Kohinga property, Te Ngutu o te Manu site A and Waipakari property** and

Specific to this Act, it also includes **Other Cultural Redress** which is two properties that may transfer (they aren't vesting) being Kaipi Street property and Te Ngutu o te Manu site B.

**Other Cultural Redress:** see Cultural Redress above.

**Representative Entity** – the *Trustees*

**Settlement date, (s12)** – 23 February 2017

**Specific Act** – For this guideline the Specific Act is Ngāruahine Claims Settlement Act 2016

**Trustees** – trustees of Te Korowai O Ngāruahine Trust

**Table 1: Summary of registration provisions - Cultural Redress**

Trigger: an application to vest <b>s65(2)</b> if existing CR, or <b>65(5)</b> if no existing CR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, issue title (where applicable), owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
<p><b>Te Kohinga property s59</b> (and see <a href="#">Schedule 3</a> for legal description)</p>	<p>Cultural Redress <b>Reserve Property</b></p>	<p>Director-General of Conservation <b>s65(8)(b)</b></p>	<p><b>Preconditions:</b> If not met, registration prohibited:  The Trustees must provide a registrable easement in gross for a right to drain stormwater in favour of the South Taranaki District Council on the terms and conditions set out in part 7.1 of the documents schedule <b>s59(7)</b></p>	<p>See <a href="#">Schedule 3</a> and refer to application.  <b>Note:</b> Some interests in <i>Schedule 3</i> interests may be unregistered – only register those that are registrable and referred in the application</p>	<p>The part that is local purpose reserve (esplanade) is revoked <b>s59(1)</b>  The part that is a conservation area ceases to be so <b>s59(2)</b>  Other than the part that is a conservation area), vests in the Crown as Crown Land subject to the Land Act 1948 <b>s59(3)</b>  Fee simple vests in Trustees <b>s59(4)</b>  Declared reserve, classified as a historic reserve subject to section 18 of the Reserves Act 1977 <b>s59(5)</b>  Subject to s66(3) of the Ngāruahine Claims Settlement Act 2016 <b>s67(1)(a)(ii)</b>  Subject to s71 of the Ngāruahine Claims Settlement Act 2016 <b>s67(1)(a)(ii)</b> <b>Ensure the “prevents registration” flag is set against this memorial</b>  Subject to s74 of the Ngāruahine Claims Settlement Act 2016 (which prohibits reserve land from being mortgaged). <b>Ensure the “prevents registration” flag is set against this memorial</b></p>	<p><u>Conservation Act 1987</u>  <i>Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply</i> <b>s67(1)(a)(i)</b>  If the reservation under this Act is revoked for all or part prior to vesting, the vesting is no longer exempt from s24 (except subsection (2A)). Suitable memorial:  <i>Subject to Part 4A of the Conservation Act 1987</i>  <u>Crown Minerals Act 1991</u>  <i>Subject to section 11 of the Crown Minerals Act 1991</i></p>

Trigger: an application to vest <b>s65(2)</b> if existing CR, or <b>65(5)</b> if no existing CR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, issue title (where applicable), owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
<p><b>Te Ngutu o te Manu site A s60</b> (and see <a href="#">Schedule 3</a> for legal description)</p>	<p>Cultural Redress Reserve Property</p>	<p>Director General of Conservation <b>s65(8)(b)</b></p>	<p><b>Preconditions:</b> If not met, registration prohibited:</p> <p>The Trustees must provide the Crown with a registrable easement in gross for a right to locate, access, and maintain the monument on the terms and conditions set out in part 7.2 of the documents schedule <b>s60(5)</b></p>	<p>See Schedule 3 and refer to application.</p> <p><b>Note:</b> Some interests in <a href="#">Schedule 3</a> interests may be unregistered – only register those that are registrable and referred in the application</p>	<p>Reservation as a recreation reserve subject to the Reserves Act 1977 is revoked <b>s60(1)</b></p> <p>Fee Simple vests in Trustees <b>s60(2)</b></p> <p>Declared reserve, classified as a historic reserve subject to section 18 of the Reserves Act 1977 <b>s60(3)</b></p> <p>Subject to s66(3) of the Ngāruahine Claims Settlement Act 2016 <b>s67(1)(a)(ii)</b></p> <p>Subject to s71 of the Ngāruahine Claims Settlement Act 2016 <b>s67(1)(a)(ii) Ensure the “prevents registration” flag is set against this memorial</b></p> <p>Subject to s74 of the Ngāruahine Claims Settlement Act 2016 (which prohibits reserve land from being mortgaged) <b>Ensure the “prevents registration” flag is set against this memorial</b></p>	<p><u>Conservation Act 1987</u></p> <p><i>Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply s67(1)(a)(i) If the reservation under this Act is revoked for all or part prior to vesting, the vesting is no longer exempt from s24 (except subsection (2A)). Suitable memorial:</i></p> <p><i>Subject to Part 4A of the Conservation Act 1987</i></p> <p><u>Crown Minerals Act 1991</u></p> <p><i>Subject to section 11 of the Crown Minerals Act 1991</i></p>

Trigger: an application to vest <b>s65(2)</b> if existing CR, or <b>65(5)</b> if no existing CR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, issue title (where applicable), owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
<b>Waipakari property s61</b> (and see <a href="#">Schedule 3</a> for legal description)	Cultural Redress <b>Reserve Property</b>	Director General of Conservation <b>s65(8)(b)</b>	None	See Schedule 3 and refer to application.  <b>Note:</b> Some interests in <a href="#">Schedule 3</a> interests may be unregistered – only register those that are registrable and referred in the application	Reservation as a recreation reserve subject to the Reserves Act 1977 is revoked <b>s61(1)</b>  Fee Simple vests in Trustees <b>s61(2)</b>  Declared reserve, classified as a historic reserve subject to section 18 of the Reserves Act 1977 <b>s61(3)</b>  Subject to <b>s66(3)</b> of the Ngāruahine Claims Settlement Act 2016 <b>s67(1)(a)(ii)</b>  Subject to s71 of the Ngāruahine Claims Settlement Act 2016 <b>s67(1)(a)(ii)</b> <b>Ensure the “prevents registration” flag is set against this memorial</b>  Subject to s74 the of the Ngāruahine Claims Settlement Act 2016 (which prohibits reserve land from being mortgaged) <b>Ensure the “prevents registration” flag is set against this memorial</b>	<u>Conservation Act 1987</u>  <i>Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply <b>s67(1)(a)(i)</b></i>  If the reservation under this Act is revoked for all or part prior to vesting, the vesting is no longer exempt from s24 (except subsection (2A)). Suitable memorial:  <i>Subject to Part 4A of the Conservation Act 1987</i>  <u>Crown Minerals Act 1991</u>  <i>Subject to section 11 of the Crown Minerals Act 1991</i>

Trigger: an application to vest <b>s65(2)</b> if existing CR, or <b>65(5)</b> if no existing CR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, issue title (where applicable), owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
<p><b>Te Poho o Taranaki property s62</b> (and see <a href="#">Schedule 3</a> for legal description)</p>	Cultural Redress Property	Secretary for Justice <b>s65(8)(a)</b>	<p><b>Precondition: s62(1)</b> only takes effect if, on the settlement date, there is an unconditional agreement for sale and purchase between the Crown and the registered proprietor of <b>CFR TNH2/862 relating to Section 1 SO 482508 and Lot 1 DP 5292</b></p>	<p>See <a href="#">Schedule 3</a> and refer to application.</p> <p><b>Note:</b> Some interests in Schedule 3 interests may be unregistered – only register those that are registrable and referred in the application.</p>	<p>Reservation of Lot 1 DP 5292 as an endowment for education reserve subject to the Reserves Act 1977 is revoked <b>s62(2)</b></p> <p>Lot 1 DP 5292 ceases to be a conservation area subject to the Conservation Act 1987 <b>s62(4)</b></p> <p>Section 1 SO 482508 vests in the Crown as Crown Land subject to the Land Act 1948 <b>s62(5)</b></p> <p>Fee simple of Lot 1 DP 5292 vests in the registered proprietor of <b>CFR TNH2/862 s62(6)</b></p> <p>Creation of CFR <b>s62(7)</b></p> <p>Fee simple vests in Trustees <b>s62(8)</b></p>	<p><u>Conservation Act 1987</u></p> <p><i>Subject to Part 4A of the Conservation Act 1987</i> If the reservation under this Act is revoked for all or part prior to vesting, the vesting is no longer exempt from s24 (except subsection (2A)). Suitable memorial:</p> <p><i>Subject to Part 4A of the Conservation Act 1987.</i></p> <p><u>Crown Minerals Act 1991</u></p> <p><i>Subject to section 11 of the Crown Minerals Act 1991</i></p>
<b>CULTURAL REDRESS - OTHER</b>						
<p><b>Kaipī Street Property</b> (means land shown on deed plan OTS-023-62 (subject to survey))</p>	Other Cultural Redress	<p><b>Representative</b> (in capacity as Transferor or transferee respectively): Chief Executive or authorised delegate of South Taranaki District Council, and Trustees <b>84(1)</b></p>	<p>If within 5 years from the settlement date, the Trustees are a party to an unconditional agreement for sale and purchase with the South Taranaki District Council for the Kaipī Street Property, the South Taranaki District Council may transfer the property to the Trustees in accordance with that agreement <b>s84(1)</b></p>	See title and application		<p><u>Local Government Act 1974</u></p> <p>The transaction may occur despite <b>s345(1)</b> of this Act (<b>s84(3)</b>).</p>

Trigger: an application to vest <b>s65(2)</b> if existing CR, or <b>65(5)</b> if no existing CR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, issue title (where applicable), owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
<p><b>Te Ngutu o Te Manu site B</b> (means land shown on deed plan OTS-023-63 (subject to survey))</p>	<p>Other Cultural Redress</p>	<p><b>Representative</b> for vesting application (prior to transfer to Trustees)  <b>s83(2)</b>: Chief Executive of South Taranaki District Council</p> <p><b>Representative</b> (in capacity as Transferor and transferee respectively): Chief Executive or authorised delegate of South Taranaki District Council, and Trustees <b>84(1)</b></p>	<p>Takes effect only if the Trustees within 5 years from the settlement date, are a party to an unconditional agreement for sale and purchase with the South Taranaki District Council <b>s83</b></p>	<p>See title and application</p>	<p>Immediately before the transfer of Te Ngutu o Te Manu site B to the Trustees the reservation as a recreation reserve subject to the Reserves Act 1977 is revoked <b>s83(2)(a)</b></p> <p>Fee simple vests in the South Taranaki District Council <b>s83(2)(b)</b></p> <p>Transfer to the Trustees 83(2)</p>	

**Table 2: Summary of registration provisions – Commercial Redress**

Trigger:	Property	Redress Type	Authorised Person
<p><b>Transfer of Deferred Selection Properties</b></p> <p><b>Transfer:</b> where existing CR <b>s91</b></p> <p>or</p> <p><b>Application:</b> to create CR where no existing CR –for Deferred Selection Property <b>s94</b></p> <p>or</p> <p><b>Application:</b> register covenant for later creation of a Computer Interest Register for a Deferred Selection Property <b>s95</b></p> <p><b>or</b></p> <p><b>Transfer</b> of Kaipī Street Conservation Area if it becomes deferred selection property <b>s92</b></p>	<p>Described in <a href="#">part 3 of the property redress schedule</a></p>	<p>Deferred Selection Property</p>	<p>CE of the land holding agency <b>s90</b> for the relevant property <b>s94(5)</b></p>

Right of First refusal		
Trigger for noting RFR memorial:	Property	Memorial for noting RFR
<p>CE certificate (if existing CR at Settlement Date) <b>s122</b></p> <p>or</p> <p>Notice (if CR created after Settlement Date) <b>s117</b></p> <p>or</p> <p>Notice (if land in CR becomes RFR after Settlement Date) <b>s117(2)</b></p>	<p><b>RFR Land</b> – defined in s97</p>	<p><i>[certificate identifier] Certificate under section [ ] of the Ngāruahine Claims Settlement Act 2016 that the within land is RFR land as defined in section 97 and is subject to Subpart 2 of Part 3 of the Act (which restricts disposal, including leasing, of the land) [date and time]</i></p> <p><b>Ensure the “prevents registration” flag is set against this memorial</b></p>
Trigger for removal RFR memorial:		
<p>Notice (when land transferred or vested) <b>s119</b></p> <p>or</p> <p>Notice (when RFR period ends) <b>s123</b></p>		