Ngāti Rangiwewehi Claims Settlement Act 2014 registration guideline

LINZG20725

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Terms and definitions

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| General | 1. For the purposes of this guideline, the terms and definitions in the Ngāti Rangiwewehi Claims Settlement Act 2014 (Act) apply, unless stated otherwise. Refer to ss 13, 14, 51, 64, 69, 75, 84, 91 92, 97, 105 and 106 of the Act for relevant interpretation. 2. Terms and abbreviations used in this guideline that are not defined in the Act are defined below. 3. Any reference to a section in this guideline is a reference to that section of the Act. |

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| Term/abbreviation | Definition |
| Act | Ngāti Rangiwewehi Claims Settlement Act 2014 |
| authorised person | an authorised person as defined in ss 64, 84, or 97, as the case may be |
| Chief Executive | Chief Executive of Land Information New Zealand |
| cultural redress property | a property defined by s 51 and described in Schedule 2 of the Act |
| deed of settlement | the Ngāti Rangiwewehi and Te Tāhuhu o Tawakeheimoa Trust Deed of Settlement, dated 16 December 2012, including the schedules of, and attachments to, the deed; and any amendments to the deed or its schedules and attachments |
| Documents Schedule | the documents schedule to the deed of settlement |
| joint cultural redress property | Properties defined by s 75 as Ōtanewainuku and Pūwhenua described in Schedule 3 of the Act |
| LINZ | Land Information New Zealand |
| LTA | Land Transfer Act 1952 |
| resumptive memorials | memorials entered under any enactment referred to in s 18 |
| RFR (right of first refusal) land | land defined as RFR land in s 106 |
| RGL | Registrar-General of Land appointed under s 4 of the LTA |
| settlement date | Settlement date as defined in s 13 being 20 May 2014 |
| Trustees (and trustees of Te Tāhuhu o Tawakeheimoa Trust) | the trustees, acting in their capacity as trustees, of Te Tāhuhu o Tawakeheimoa Trust |

Foreword

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| Introduction | 1. The Ngāti Rangiwewehi Claims Settlement Act 2014 (Act) came into force on 17 April 2014. 2. The land concerned is in the South Auckland Land Registration District. |

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

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| Scope | 1. This document contains guidelines for compliance with the Act. It covers:    1. the requirements for certificates, applications, and other transactions to be lodged for registration with the RGL, and    2. registration requirements and memorial formats. 2. The guideline focuses primarily on the provisions of the Act that impact on the registration process. |

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| Intended use of guideline | The RGL has issued this guideline for employees of LINZ with delegated authority to exercise registration functions under the Land Transfer Act 1952 (LTA). |

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| References | The following documents are necessary for the application of this guideline:   1. The Ngāti Rangiwewehi Claims Settlement Act 2014; 2. The Deed of Settlement for Ngāti Rangiwewehi and Te Tāhuhu o Tawakeheimoa Trust dated 16 December 2012;[[1]](#footnote-1) 3. Customer Services Technical Circular 2007.011 – Registration of Documents that are recorded as Statutory Actions, 4. Customer Services Technical Circular 2013.T06 - Registration of Treaty Claims Settlement Dealings. |

# Noting statutory restrictions on registration

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| **Statutory prohibitions restricting dealing with computer registers** | Sections 69, 72, 80, 89 and 107 of the Act contain restrictions against dealing with land held in computer registers. In each case a memorial of the statutory restrictions on registration should be entered on the relevant computer register. |

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| **Follow up action for Landonline** | |  | | --- | | When a computer register contains any of the following memorials:  'Subject to section 69 of the Ngati Rangiwewehi Claims Settlement Act 2014';  'Subject to section 72 of the Ngati Rangiwewehi Claims Settlement Act 2014';  'Subject to section 80 of the Ngati Rangiwewehi Claims Settlement Act 2014';  'Subject to section 89 of the Ngati Rangiwewehi Claims Settlement Act 2014';  '[*certificate identifier*] Certificate under section 128 of the Ngāti Rangiwewehi Claims Settlement Act 2014 that the within land is RFR land as defined in section 106 and is subject to Subpart 3 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. | |

# Removal of resumptive memorials

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| Trigger | Receipt of a certificate under s 19(1) for the removal of certain memorials from a computer register. |

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| Authorised person | 1. A statement in the certificate that the signatory is acting on delegation or authority of the Chief Executive shall be taken as evidence of the authority of the person to execute the certificate on behalf of the Chief Executive. 2. A template certificate has been approved by the RGL and is set out in Technical Circular 2013.T06. |

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| Legislation | 1. Section 18(1) provides that certain legislative provisions do not apply to:    1. a cultural redress property, other than Te Taita; or    2. Mamaku North Forest; or    3. the RFR land; or    4. the deferred selection property, on and from the date of its transfer to the trustees; or    5. a joint cultural redress property, on and from the vesting date; or    6. Te Taita, on and from the date of its vesting under s 146; or    7. the Te Matai Forest (South), on and from the date of its transfer as provided for in s 182; or    8. for the benefit of Ngāti Rangiwewehi or a representative entity. 2. Section 18(2) lists the legislative provisions as:    1. Part 3 of the Crown Forest Assets Act 1989;    2. Sections 211 to 213 of the Education Act 1989;    3. Part 3 of the New Zealand Railways Corporation Restructuring Act 1990;    4. Sections 27A to 27C of the State Owned Enterprises Act 1986; and    5. Sections 8A to 8HJ of the Treaty of Waitangi Act 1975,   **Note:** These legislative provisions, being statutory notations, must be brought down onto the computer registers created for the relevant entity or trustees. They are only to be noted as 'cancelled' by the RGL, acting on the certificate issued as below. |

Removal of resumptive memorials, continued

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| Certificate | Section 19(4) requires the RGL to register a certificate against the affected registers, cancelling any relevant memorial referred to in s 18. The certificate must:   1. be issued by the Chief Executive, as soon as reasonably practicable (s 19(2)), after;    1. the settlement date, for a cultural redress property (other than Te Taita); Mamaku North Forest; and the RFR land; and    2. the date of the transfer of 830 Te Waerenga Road, Hamurana (Computer Freehold Register SA57D/71) to the trustees; and    3. the date of the transfer of Te Matai Forest (South) to the trustees and the trustees of the Tapuika Iwi Authority Trust; and    4. the respective vesting dates of Ōtanewainuku and Pūwhenua; and    5. the vesting date of Te Taita. 2. identify each allotment and specify the legal description of, and identify the computer register for, each allotment, which is all, or part, of a settlement property, the computer register for which contains such a memorial (s 19(1)); and 3. state that it is issued under that section (s 19(3)). |

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| Action | When a certificate under s. 19(1) is presented for registration:   1. any memorial on the current view of the computer register which relates to an enactment referred to in s 18(2) must be removed, 2. the following memorial is to be recorded on the historic view of that register:   '[*instrument number*] Certificate under section 19(1) of the Ngāti Rangiwewehi Claims Settlement Act 2014 cancelling [*memorial identifier*] [*date and time*]',   1. the Landonline registration code is RRSM, and 2. the standard registration fee is payable.   **Note**: If the existing memorial on the title refers to an Act in general, such as 'subject to the Crown Forest Assets Act 1989', the original notation remains on the computer register, but it should be recorded on the computer register that 'Part 3 of the Crown Forest Assets Act 1989 (or any other relevant section mentioned in s 18(2)) does not apply'. |

# Cultural redress properties to vest in the trustees of Te Tāhuhu o Tawakeheimoa Trust

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| **Te Tāhuhu o Tawakeheimoa Trust** | The properties set out in the following table vest in the trustees of Te Tāhuhu o Tawakeheimoa Trust   |  |  |  | | --- | --- | --- | | Property | Land description | Subject to and together with | | Property vested in fee simple | | | | Te Riu o Kereru A | 0.5 hectares approximately, being:  Part Section 32 Block XV Otanewainuku Survey District.  Part computer interest register 298730.  Subject to survey.  As shown on OTS–209–49. |  | | **Properties vested in fee simple to be administered as reserves** | | | | Hamurana Springs A | 35.9 hectares, approximately, being:  Part Mangorewa Kaharoa 7A2B and Section 42 and  Parts Section 12 and 41, and Part Section 47 Block V Rotoiti Survey District.  Part computer freehold register SA21A/8.  Subject to survey.  As shown on OTS–209–31 | Recreation reserve subject to section 17 of the Reserves Act 1977.  Subject to a lease to the Rangiwewehi Charitable Trust (on behalf of Te Maru o Ngāti Rangiwewehi) with concession number BP-17887-SSE, dated 18/6/07.  Subject to a memorandum of understanding between the Department of Conservation and Hamurana Springs Incorporated Society (dated 24/11/2010).  Subject to a variation of lease with concession number BP-12113–GRA to H H Merewether as trustee (dated 31/7/1990).  Hamurana Stream (as identified on OTS-209-31) subject to the Wildlife Act 1953 (*Gazette* 1958 page 465). | | Hamurana Springs B | 1.32 hectares, approximately, being:  Part Section 41 and  Parts Section 12 Block V Rotoiti Survey District.  Part computer freehold register SA21A/8.  Subject to survey.  As shown on OTS–209–31. | Historic reserve subject to section 18 of the Reserves Act 1977. | | Ngā Tini Roimata a Rangiwewehi | 2.5118 hectares, approximately, being:  Part Section 53 Block IV Rotorua Survey District.  Part *Gazette* 1959, p 565.   Subject to survey.  As shown on OTS–209–36. | Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. | | Te Riu o Kereru B | 5.5185 hectares, approximately, being:  Part Section 32 Block XV Otanewainuku Survey District.  Part computer interest register 298730.  Subject to survey.  As shown on OTS–209–49. | Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. | | Property vested in fee simple subject to conservation covenant | | | | Te Riu o Ngata | 18.4132 hectares, more or less, being:  Sections 8 and 9 Block V Rotoiti Survey District.  All *Gazette* notice S498947.  As shown on OTS–209–35. | Subject to the conservation covenant referred to in s.57 and set out in 6.1 of the Documents Schedule | | **Property jointly vested in fee simple** | | | | Te Taita | 6 hectares, approximately, being:  Part Section 21 Block IV Rotorua Survey District.  Part *Gazette* 1920, p 2116 amended by *Gazette* 1967, p 184.  Subject to survey.   As shown on OTS–209–37. | Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.  Subject to an afforestation lease to OTPP New Zealand Forest Investments Limited (dated 19/9/1978). | | **Property jointly vested in fee simple to be administered as reserve[[2]](#footnote-2)** | | | | Ōtanewainuku | 35.5 hectares, approximately, being:  Part Section 3 Block XVI Otanewainuku Survey District. Part *Gazette* 1067, p 481. Subject to survey.  52.5 hectares, approximately, being:  Part Section 4 Block XVI Otanewainuku Survey District. Part *Gazette* 1920, p 2119. Subject to survey.  27.0 hectares, approximately, being:  Part Te Puke Block. Part *Gazette* 1879, p 781. Subject to survey.  5.0 hectares, approximately, being Part Waitaha 1. Part *Gazette* 1884, p 238. Subject to survey.  As shown on deed plan OTS–209–84. | Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.  Subject to an unregistered guiding permit with concession number PAC 04-06-40 to Golden Fern Trust (dated 22/9/10).  Subject to an unregistered guiding permit with concession number PAC 10-06-229 to Black Sheep Touring Company Limited (dated 1/10/12).  Subject to the right of way easement in gross set out in 6.2 of the Documents Schedule (s.77(6)).  Subject to a memorandum of understanding with the Ōtanewainuku Kiwi Trust (dated 21/5/2009). | | Pūwhenua | 52.0 hectares, approximately being:  Part Lot 4 DPS 85782.  Part computer freehold register SA68A/371.  Subject to survey.  15.5 hectares, approximately, being:  Part Section 5 Block XIV Otanewainuku Survey District.  Part *Gazette* 1060, p 1059.   Subject to survey.  As shown on deed plan OTS–209–85. | Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. | |

# Vesting of cultural redress properties

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| Trigger - registration | Receipt of a written application under s 64(3) (where the property is *all* the land contained in a computer freehold register) by an authorised person to register the trustees as proprietors of the fee simple estate.  **authorised person** means a person authorised by the Director-General, of Conservation. |

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| Action – registration of trustees | 1. The RGL must:    1. register the trustees as the proprietors of the fee simple estate in the property; and    2. record any entry on the computer freehold register, and do anything else, necessary to give effect to subpart 4 of Part 2 of the Act and to part 5 (*Cultural Redress*) of the deed of settlement. 2. The standard registration fee is payable.   **Note**: The resumptive memorials must be brought down onto the computer registers created for the relevant entity or trustees. They cannot be noted as 'cancelled' until a certificate by the Chief Executive authorising the removal of the memorials is lodged for registration. |

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| Trigger – creation of computer register | Receipt of a written application under s 64(5) (where the property is *not* all the land contained in a computer freehold register) by an authorised person for the creation of a computer register for the trustees as proprietors of the fee simple estate.  **authorised person** means a person authorised by the Director-General, of Conservation. |

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Vesting of cultural redress properties, continued

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| Action – registration of trustees | 1. The RGL must:    1. create a computer freehold register in the name of the trustees; and    2. record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application. 2. Creation of the above computer register is subject to completion of any necessary survey. 3. The standard registration fee is payable.   **Note**: The resumptive memorials must be brought down onto the computer registers created for the relevant entity or trustees. They cannot be noted as 'cancelled' until a certificate by the Chief Executive authorising the removal of the memorials is lodged for registration. |

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| Trigger -  Te Taita | Receipt of a written application under s 64(6) by an authorised person for the creation of a computer register for Te Taita in undivided shares for the trustees and the trustees of the Tapuika Iwi Authority Trust as proprietors of the fee simple estate.  **authorised person** means a person authorised by the Director-General of Conservation |

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| Action – registration of trustees | 1. The RGL must:    1. create a computer freehold register for each undivided ½ share of the fee simple estate in the names of each of the trustees of the Te Tāhuhu o Tawakeheimoa Trust and the trustees of the Tapuika Iwi Authority Trust; and    2. record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application. 2. Creation of the above computer register is subject to completion of any necessary survey. 3. The standard registration fee is payable.   **Note**: The resumptive memorials must be brought down onto the computer registers created for the relevant entity or trustees. They cannot be noted as 'cancelled' until a certificate by the Chief Executive authorising the removal of the memorials is lodged for registration. |

Vesting of cultural redress properties, continued

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| Trigger - Ōtanewainuku and Pūwhenua | Receipt of a written application under s 84(2) by an authorised person for the creation of a computer register for Ōtanewainuku or Pūwhenua in undivided 1/6th shares of the fee simple estate.  **authorised person** means a person authorised by the Director-General, of Conservation |

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| Action – registration of trustees | 1. The RGL must:    1. create a computer freehold register for each undivided 1/6th share of the fee simple estate in the names of;       1. the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and       2. the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and       3. the entity established to represent the members of Ngāi Te Rangi for the purpose of the vesting of Ōtanewainuku and Pūwhenua; and       4. the trustees of the Te Tāwharau o Ngāti Pūkenga Trust; and       5. the trustees of the Tapuika Iwi Authority Trust; and       6. the trustees of Te Kapu o Waitaha; and    2. record on each computer freehold register any interests that are registered, notified, or notifiable and that are described in the application. 2. Creation of the above computer registers is subject to completion of any necessary survey. 3. Ōtanewainuku is vested subject to the easement in gross set out in 6.2 (pages 93 to 100) of the Documents Schedule. 4. The application in respect of Ōtanewainuku must be accompanied by the instrument creating the easement. 5. The standard registration fees are payable.   **Note**: The resumptive memorials must be brought down onto the computer registers created for the relevant entity or trustees. They cannot be noted as 'cancelled' until a certificate by the Chief Executive authorising the removal of the memorials is lodged for registration. |

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Vesting of cultural redress properties, continued

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| Action – vesting subject to covenant - Te Riu o Ngata | 1. Te Riu o Ngata is vested subject to the covenant set out in 6.1 (pages 79 to 92) of the Documents Schedule. 2. The application in respect of Te Riu o Ngata must be accompanied by the instrument creating the covenant. |

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| Action – vestings subject to interests | 1. Some cultural redress properties and the joint cultural redress property are vested subject to, or with the benefit of, the interests set out in the respective third column in Schedules 2 and 3 of the Act (ss 61 and 81). 2. The interests may include unregistrable instruments. 3. Only the interests referred to in the application that are registrable, or notifiable, are required to be entered on the computer register. 4. Unregistrable, or non-notifiable, interests apply as if the trustees, or the administering body, as the case may be, were the grantor of the interest. |

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| Statutory exemptions | Cultural redress properties are not subject to:   1. the subdivision requirements of the Resource Management Act 1991, or 2. the Council's requirements for consent under s 348 of the Local Government Act 1974. |

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Vesting of cultural redress properties, continued

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| Action – matters to be recorded on computer freehold register for a reserve (other than Te Taita) | The following must be recorded on the computer register:  'Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply '  'Subject to sections 65(4) and 69 of the Ngāti Rangiwewehi Claims Settlement Act 2014’  'Subject to section 11 of the Crown Minerals Act 1991'  Ensure the 'prevents registration' flag has been set.  **Note:** Section 65(4) deals with the revocation of all, or part, of a reserve property.  In such case, the s 24 exemption (other than s 24(2A)) ceases to apply.  Section 69 deals with the subsequent transfer of reserve land. |

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Vesting of cultural redress properties, continued

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| Action – matters to be recorded on computer freehold register for Te Taita | The following must be recorded on the computer register:  'Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply'  'Subject to sections 60(3) 65(4) and 69 of the Ngāti Rangiwewehi Claims Settlement Act 2014’  'Subject to sections 81(3), 86(4) and 90 of the Tapuika Claims Settlement Act 2014''  'Subject to section 11 of the Crown Minerals Act 1991'  Ensure the 'prevents registration' flag has been set.  **Note:** Sections 60(3) and s 81(3) of the Tapuika Claims Settlement Act 2014 provide:  “Any interest in land that affects the reserve land must be dealt with *for the purposes of registration* as if the administering body [*i.e. the joint management body appointed by the trustees of the two Trusts*] were the registered proprietor of the reserve land.”  Sections 65(4) and 86(4) of the Tapuika Claims Settlement Act 2014 deal with the revocation of all, or part, of a reserve property. In such case, the s 24 exemption (other than s 24(2A)) ceases to apply.  Sections 69 and 90 of the Tapuika Claims Settlement Act 2014 deals with the subsequent transfer of reserve land. |

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| Action – matters to be recorded on computer freehold registers of other cultural redress properties | The following must be recorded on the computer register:  'Subject to Part 4A of the Conservation Act 1987'  'Subject to section 11 of the Crown Minerals Act 1991' |

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Vesting of cultural redress properties, continued

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| Action – matters to be recorded on computer freehold registers of joint cultural redress properties | 1. The following must be recorded on the computer register:   'Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply'  subject to sections 80, 82(3), and 85(2) of the Ngāti Rangiwewehi Claims Settlement Act 2014’  'Subject to section 11 of the Crown Minerals Act 1991'   1. Ensure the 'prevents registration' flag has been set. |

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| Action - revocation and re-conferring of reserve status | The reserve status of the following sites is revoked and/or new reserve status or no reserve status conferred.   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Property | Revoked status | Section | Estate | New status/purpose | Section | | **Te Riu o Kereru A** | Scenic reserve | 52(1) | fee simple |  |  | | **Hamurana Springs A** | Recreation reserve | 53(1) | fee simple | Recreation reserve  (Section 17 Reserves Act 1977) | 53(3) | | **Hamurana Springs B** | Recreation reserve | 54(1) | fee simple | Recreation reserve  (Section 18 Reserves Act 1977) | 54(3) | | **Ngā Tini Roimata a Rangiwewehi** | Scenic reserve | 55(1) | fee simple | Scenic reserve (Section 19(1)(a) Reserves Act 1977) | 55(3) | | **Te Riu o Kereru B** | Scenic reserve | 56(1) | fee simple | Scenic reserve (Section 19(1)(a) Reserves Act 1977) | 56(3) | | **Te Riu o Ngata** | Scenic reserve | 571) | fee simple |  | 57(4) | | **Te Taita** | Conservation area | 58(2) | fee simple | Scenic reserve (Section 19(1)(a) Reserves Act 1977) | 58(4) | | **Ōtanewainuku** | Conservation area | 77(1) | fee simple | Scenic reserve (Section 19(1)(a) Reserves Act 1977) | 77(3) | | **Pūwhenua** | Conservation area | 78(1) | fee simple | Scenic reserve (Section 19(1)(a) Reserves Act 1977) | 78(3) | |

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| Action – statutory action | 1. When an application is made in respect of a reserve site, the statutory action revoking the reserve must be captured before the registration of the trustees as registered proprietors. 2. If the statutory action requires updating the cadastre survey system in any way, survey staff should be notified and requested to update the cadastre. 3. When the vesting in the trustees has been registered, the new reserve status (if any) must, where applicable, be noted on the current view of the relevant computer register as per the above table. |

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| Trigger - revocation of reserve | Receipt of a written application under s 66(3)(a) or s 66(4)(a) by the Director-General of Conservation for the removal of reserve notifications from a computer freehold register. |

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Vesting of cultural redress properties, continued

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| Action – removal of notification from computer register for part of reserve affected | 1. If the reservation of a reserve property (other than Te Taita) under subpart 4 is revoked for:    1. all of the property, the RGL must remove the notifications that—       1. section 24 of the Conservation Act 1987 does not apply to the property; and       2. the property is subject to ss 65(4) and 69; or    2. part of the property, the RGL must ensure that the notifications referred to in paragraph (a) remain on the computer freehold register for only the part of the property that remains a reserve. 2. For Te Taita, if the reservation of the property under subpart 4 is revoked for—    1. all of the property, the RGL must remove the notifications that—       1. section 24 of the Conservation Act 1987 does not apply to the property; and       2. the property is subject to ss 60(3), 65(4) and 69; or    2. part of the property, the RGL must ensure that the notifications referred to in paragraph (a) remain on any computer freehold register created under s 64(6), or derived from a computer freehold register created under s 64(6), for only the part of the property that remains a reserve. |

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Vesting of cultural redress properties, continued

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| Trigger - transfer of reserve land to new administering body | Receipt of the following (ss 70(3) and (4)):   1. a transfer instrument to transfer the fee simple estate in the 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; and 2. the written consent of the Minister of Conservation to the transfer of the reserve land; and 3. any other document required for the registration of the transfer instrument. |

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| Action – register new owners | The RGL must register the new owners as the proprietors of the fee simple estate in the reserve land.  **Note 1:** A transfer that complies with s 70 need not comply with any other requirements.  **Note 2:** Thefee simple estate in the reserve land in Te Taita may not be transferred in accordance with this section. |

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| Trigger - transfer of reserve land – change of trustees | Receipt of a transfer instrument for reserve land under s 71. |

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Vesting of cultural redress properties, continued

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| Action – register new owners, if conditions satisfied | The RGL must register the transfer, *if* the transfer satisfies the requirements of s 71:   1. the transferors of the reserve land are or were the trustees of a trust; and 2. 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; and 3. the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees’ solicitor, verifying that paragraphs (a) and (b) apply.   **Note:** Thefee simple estate in the reserve land in Te Taita may be transferred only in accordance with this section. |

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| Statutory restriction on reserve land | The registered proprietors of a reserve property must not mortgage, or give a security interest in, any part of the property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees. |

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| Action – notification of restriction | 1. The following must be recorded on the computer register for reserves, which are *not* joint cultural redress properties:   'Subject to section 72 of the Ngāti Rangiwewehi Claims Settlement Act 2014'   1. The following must be recorded on the computer register for Ōtanewainuku and Pūwhenua:   'Subject to section 89 of the Ngāti Rangiwewehi Claims Settlement Act 2014'   1. Ensure the 'prevents registration' flag has been set. |

# Vesting of commercial redress properties

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| Unlicensed land to which commercial redress applies | |  |  |  | | --- | --- | --- | | Site | Land description | Interests | | Mamaku North Forest | 1502.8600 hectares, more or less:  being Lot 1 DPS 85780 and Lot 1 DPS 85781.  All Computer Freehold Register SA68A/368. | Subject to a lease held in Balance Computer Interest Registers SA45A/462 and All Computer Interest Register SA45A/463.  Subject to a right of way easement marked ‘A’ on DPS 85781 created by Transfer H509763.  Subject to the adjoining State Highway being a limited access road pursuant to Section 94C Transit New Zealand Act 1989 registered as notice 519130.1.  Subject to a right of way, right to convey electricity, telecommunications and Computer Media easement marked A and K on LT 459387 to be created.  Subject to a right of way, right to convey electricity, telecommunications and Computer Media easement marked A and B on LT 459440 to be created.  Subject to a right of way marked L and N on DPS 85780 to be created, as set out in 6.3 of the Documents Schedule.  Together with a right of way, right to convey electricity, telecommunications and Computer Media easement marked D and F on LT 459387 to be created.  Together with a right of way, right to convey electricity, telecommunications and Computer Media easement marked C - M on LT 459440 | | Te Matai Forest (South) | 280.5350 hectares, more or less, being: Section 1 SO 60849. All Computer Freehold Register 53282.  55.8980 hectares, more or less, being: Section 1 SO 60850. All Computer Freehold Register 531289.  267.8290 hectares, more or less, being: Section 1 SO 60855. All Computer Freehold Register 531291. | Subject to an unregistered forestry lease\* (dated 19/9/78) assigned to OTTP New Zealand Forest Investment Limited on 4/9/04 the term commencing on 1st April 1974 and extending until 31 March 2073.  Subject to a crossing place notice pursuant to section 91 Government Roading Powers Act 1989 to be registered.  Subject to a right of way easement marked A on SO 60854 to be created, as set out in 6.4 of the Documents Schedule.  Together with a right of way easement marked A and B on SO 60849 to be created, as set out in 6.5 of the Documents Schedule.  Together with a right of way, right to convey electricity, telecommunications and Computer Media easement marked A, D, F and K on LT 459387 to be created.  Together with a right of way, right to convey electricity, telecommunications and Computer Media easement marked A - M on LT 45944 to be created. | |

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| Deferred selection property | |  |  |  | | --- | --- | --- | | Site | Land description | Interests | | 830 Te Waerenga Road Hamurana | 19.8070 hectares, more or less, being:  Lot 2 DPS 71824.  All Computer Freehold Register SA57D/71. | Consent Notice B34657.1 under s.221 Resource Management Act 1991 | |

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| Trigger – Mamaku North Forest  and 830 Te Waerenga Road Hamurana | 1. Receipt of transfers of CFRs SA68A/368A and SA57D/71 (under s 93); 2. Receipt of a certificate by an authorised person under s 19(1) for the removal of certain memorials from the CFRs.   **authorised person** means, for (a) a person authorised by the chief executive of the land holding agency and, for (b), the chief executive of LINZ. |

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| Action – register trustees as proprietors | 1. The RGL must register the trustees as registered proprietors of the CFRs, subject to and together with any interests that are registered, notified, or notifiable and set out on the CFR and in column 3 above: 2. Any statement of purpose must be removed. 3. Standard registration fees apply.   **Note:** Any resumptive memorials must remain on the CFRs until a certificate by the Chief Executive authorising the removal of the memorials is lodged for registration. |

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| Trigger – Te Matai Forest (South) | 1. Receipt of transfers of CFRs 53282, 531289 and 531291 (under s 94); 2. Receipt of a certificate by an authorised person under s 19(1) for the removal of certain memorials from the CFRs.   **authorised person** means for (a) a person authorised by the chief executive of the land holding agency and, for (b), the chief executive of LINZ. |

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Vesting of commercial redress properties, continued

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| Action – register trustees and trustees of the Tapuika Iwi Authority Trust as proprietors | 1. The RGL must register the trustees and the trustees of the Tapuika Iwi Authority Trust as registered proprietors as tenants in common of ½ undivided shares in the CFRs, subject to and together with any interests that are registered, notified, or notifiable and set out on the CFR and in column 3 above: 2. Any statement of purpose must be removed. 3. Standard registration fees apply.   **Note:** Any resumptive memorials must remain on the CFRs until a certificate by the Chief Executive authorising the removal of the memorials is lodged for registration. |

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| Action – Inform survey | When the Crown transfers a commercial redress property, the survey technical adviser must be notified, to enable the cadastre to be updated.  **Note:** See Technical Circular 2007.011. |

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| Trigger | Receipt of an Easement Instrument granted by the Minister of Conservation over a conservation area or reserve that is required to fulfil the terms of the deed of settlement in relation to unlicensed land or the deferred selection property s 96. |

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| Action – register easement | The RGL must register the easement, in accordance with s 96(2)(c). |

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| Statutory exemption | Commercial redress properties are not subject to   1. the subdivision requirements of the Resource Management Act 1991, or 2. the Council's requirements for consent under s 348 of the Local Government Act 1974. |

# Access to protected sites

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| Trigger | Receipt of a transfer of Mamaku North Forest or Te Matai Forest (South), which includes a statement that the land is subject to a right of access to any protected sites on the land. |

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| Action – notation on computer freehold register | On registration of the transfer the RGL must record on any computer freehold register for the land that the land is subject to a right of access to protected sites on the land (s 104(3)). |

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| Memorial | A suitable memorial would be:  '[*if applicable – see s 103* - Subject to Lease [*unique identifier*]] [Part of] [T]he within land is subject to a right of access under section 102 of the Ngāti Rangiwewehi Claims Settlement Act 2014. See application [*registration number*] [*date and time*]' |

# Right of first refusal

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| Recording RFR on registerTrigger – s.128 certificate | 1. Receipt of a certificate from the Chief Executive under s 128(1) that:    1. specifies the legal description of, and    2. identifies the computer register for,— 2. RFR land, for which:    1. there is a computer register on the settlement date; and    2. a computer register is first created after the settlement date; and    3. there is a computer register and which becomes RFR land after the settlement date. |

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| Action - memorials record RFR land | 1. Add the following memorial to the current view of the computer register identified in the s 128 certificate:   '[*certificate identifier*] Certificate under section 128(1) of the Ngāti Rangiwewehi Claims Settlement Act 2014 that the within land is RFR land as defined in section 106 and is subject to Subpart 3 of Part 3 of the Act (which restricts disposal, including leasing, of the land) [*date and time*]'   1. Ensure the 'prevents registration' flag has been set. 2. The standard registration fee is payable. |

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| Removal of RFR from registerTrigger – s.129 certificate | Receipt of a certificate from the Chief Executive under s 129(1) for the removal of s 128 memorials from a computer register on land ceasing to be RFR land. |

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Right of first refusal, continued

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| Action – registration requirements | 1. The RGL must record the following memorial on the historic view of the register:   '[*certificate identifier*] Certificate under section 129(1) of the Ngāti Rangiwewehi Claims Settlement Act 2014 removing [*memorial identifier*] entered under section 128 [*date and time*]'   1. The transfer or vesting must be registered. 2. The standard registration fee is payable.   **Note:** In addition to the legal description, computer register identifier and statement that the certificate is issued under the section, Section 129(1)(c) requires the certificate to include “the details of the transfer or vesting of the land”. The certificate template is designed to account for this by the reference “transferred to or vested in the person(s) named in the instrument lodged with this certificate.” Therefore, certificates in this form should be accepted for registration. |

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| Removal of RFR from register at end of RFR periodTrigger – s 130 certificate | Receipt of a certificate from the Chief Executive under s 130(1) for the removal of s 128 memorials from a computer register at the end of the RFR period. |

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| Action – registration requirements | 1. The RGL must record the following memorial on the historic view of the register:   '[*certificate identifier*] Certificate under section 130(1) of the Ngāti Rangiwewehi Claims Settlement Act 2014 removing [*memorial identifier*] entered under section 128 [*date and time*]'.   1. The standard registration fee is payable. |

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Right of first refusal, continued

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| Action – ongoing monitoring | A transfer or vesting of the fee simple estate, or grant of a lease for 50 years or more (including any rights of renewal or extensions), in a computer register that has a memorial recorded on it under s 128, cannot be registered unless:   1. a certificate from the Chief Executive has been received under s 129(1), or 2. at the end of the RFR period, a certificate from the Chief Executive has been received under s 130(1) for the removal of the notification under s 128, or 3. the dealing is in favour of the Crown or a Crown Body (s 113).   **Note:** Transfers of RFR land without a preceding s 129 or s 130 certificate should only be accepted if it is absolutely clear that the transferee is the Crown or a Crown Body. If there is any doubt, these matters should be escalated to a senior officer (eg Titles Advisor) for resolution.  **Note:** Where land is disposed of to the Crown or a Crown body in terms of s 113, the RFR will remain on the title and must continue to be monitored and enforced by LINZ until it is removed under ss 129 or 130. |

1. Refer to the Office of Treaty Settlements website (‘Completed Settlements’) for a copy of the deed of settlement and its Schedules [↑](#footnote-ref-1)
2. Takes effect on and from a date specified by Order in Council made on the recommendation of the Minister of Conservation, after the enactment of legislation settling the historical claims of Ngāi Te Rangi, Ngāti Ranginui, Ngāti Pūkenga and Tapuika. [↑](#footnote-ref-2)