



Te Aupouri Claims Settlement Act 2015 registration guideline

LINZG20737

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Terms and definitions

General

- (a) For the purposes of this guideline, the terms and definitions in the Te Aupouri Claims Settlement Act 2015 (Act) apply, unless stated otherwise. Refer to “interpretation” sections in ss 11 – 14, 22, 138, 154, and 155 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 | Te Aupouri Claims Settlement Act 2015 |
| Attachments | See Te Aupouri Attachments Schedule |
| Aupouri Forest | all the land described in CIR NA100A/1 (s 138) and subject to a Crown Forestry Licence. Defined in the Deed’s General, Property and Legislative Matters Schedule |
| Authorised Person | Defined in s 48(9), and 141(4), 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 |
| CFR | computer freehold register, as defined in s 2 of the Land Transfer Act 1952 |
| Chief Executive (CE) | Chief Executive of Land Information New Zealand |
| Commercial Property | means Te Kao School site C if— <ol style="list-style-type: none">(a) it is cleared land within the meaning of clause 10.6.1 of the deed of settlement; and(b) clause 10.6.3(a)(ii) of the deed of settlement applies; and(c) the conditions of transfer under the deed of settlement have been satisfied. |
| Commercial Redress | The Commercial Redress (described in part 3 of the Act) which has registration implications is: <ul style="list-style-type: none">• Commercial Redress Properties (described in pp 5-13 of the Property Redress Schedule):<ul style="list-style-type: none">- Licensed Land being the “Peninsula Block” (p6-8 Property Redress Schedule);- Other Commercial Redress Properties (p9-13 Property Redress Schedule) 6 properties; |

- **Right of Access** (to protected sites and being over **the Peninsula Block**) (see s138, and ss151-153); and
- **Right of First Refusal** (see pp32-52 of **Attachments Schedule** and subpart 4 of Part 3 of the Act).

The boundaries are subject to survey.

Commercial Redress Property

Licensed Land, and **Other Commercial Redress Properties**

The boundaries are subject to survey.

Defined in the Property Redress Schedule.

Crown Forestry Licence

Crown Forestry licence as defined in s138.

Cultural Forest Land

- Defined in s136.
- The following properties defined in the Act:
 - Hukatere Pā
 - Beach sites A, B, and C
 - Waiparariki (Te Kao 76 and 77B); and
- Hukatere site A, as defined in section 22 of the NgāiTakoto Claims Settlement Act 2015 and
- 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](#)).

For a general indication of the location of individual properties an internet search on the name and Ngāti Kuri's Area of Interest shown on p3 of the Deed's Attachments (see web link below), may assist.

[http://nz01.terabyte.co.nz/ots/DocumentLibrary/TeAupouriDOSAttachments\[1\].pdf](http://nz01.terabyte.co.nz/ots/DocumentLibrary/TeAupouriDOSAttachments[1].pdf)

Deed

the deed of settlement on behalf of Te Aupouri dated 28th January 2012 referred to in s 3 of the Act and defined in s 12 of the Act.

Four Iwi

The following four iwi, which together with two other iwi are collectively referred to as Muriwhenua (outside the Act):

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 (s 138), which is subject to a Crown Forest Licence being part of the Aupouri Forest.

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Other Commercial

The **Commercial Redress Properties** *other than* the **Licensed**

| | |
|---|--|
| Redress Properties | <p>Land.</p> <p>The boundaries are subject to survey.</p> <p>More detail in Commercial Redress</p> |
| OTS documents webpage for this settlement | <p>On p2 of the Documents tab that appears on the top of this webpage: http://www.ots.govt.nz/</p> |
| Peninsula Block | defined in s 22 being <i>part</i> of the Aupouri forest. |
| Property Redress Schedule | See Te Aupouri Property Redress Schedule |
| Relevant Trustees | <p>(a) Defined in s 138.</p> <p>(b) In relation to the Peninsula Block and each Cultural Forest Land Property (other than Waiparariki (Te Kao 76 or 77B)), as the trustees of the Four Iwi; and</p> <p>(c) In relation to Waiparariki (Te Kao 76 or 77B), as the Trustees.</p> |
| Reserve Property | each of the properties named in (j)-(p) 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 defined in s 4 of the Land Transfer Act 1952 |
| Right of First Refusal (or RFR) Land | <p>A right over many properties (defined in s155) of first chance to acquire (or not) them.</p> <p>Includes <i>Exclusive RFR Land, Shared RFR land and Balance RFR Land, and land obtained in exchange for a disposal of RFR land (ss 166(1)(c) or 169)</i></p> <p>More detail in Commercial Redress.</p> |
| RMA | Resource Management Act 1991 |
| settlement date | 17 December 2015, being the date that is 60 working days after the date on which the Act comes into force. |
| shared redress | Commercial Redress Properties which transfer to the trustees of the Four Iwi (see Introduction below). The relevant property is the Peninsula Block. |
| Specified Groups of Trustees | Used in this guideline to refer to the various groups of trustees listed in each subsection Subsections in Part 2 of the Act (Cultural Redress) which deal with vesting of the various Cultural Redress Properties, where they do not vest wholly in "the trustees" (see ss 22, 24, 35-38, 41, and 42). Includes the Jointly Vested Properties. See Joint ownership below. |
| Te Aupouri Attachments Schedule | http://nz01.terabyte.co.nz/ots/DocumentLibrary/TeAupouriDOSAttachments[1].pdf |
| Te Aupouri Property Redress Schedule | One of the Deed's schedules, within the Te Aupouri General, Property and Legislative Matters Schedule: |

http://nz01.terabyte.co.nz/ots/DocumentLibrary/TeAupouriGM_Prop_Legislative.pdf

Also accessible via OTS' website (under "Documents" tab; Te Rarawa is within the 4th group of 10):

<http://www.ots.govt.nz/>

| | |
|----------------|---|
| Titles Advisor | staff in LINZ's Survey and Title Operations team employed as a Titles Advisor. |
| Trustees | trustees from time to time of Te Rūnanga Nui acting in their capacity as trustees of Te Rūnanga Nui o Te Aupouri Trust as defined in s 12 of the Act. |

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 Te Aupouri 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").
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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.

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.

- References** The following documents are necessary for the application of this guideline:
- Deed of Settlement for Te Aupouri dated 28 January 2012 (the Deed) and Deed to Amend
 - The 2015 Treaty Settlement Act for each of the Four Iwi (defined above).
 - Customer Services Technical Circular 2013.T06 - Registration of Treaty Claims Settlement Dealings.
-

1 Landonline settings to reflect statutory prohibitions on subsequent 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 55-57); and
 - (ii) prohibit owners of land from securing or mortgaging them (s 60).
- (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 178).
- (c) Specific guidance on which land is affected, along with instructions about memorials that must be entered on the relevant CFRs, are in the sections on processing applications below.
- (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 relevant memorials for the statutory prohibitions referred to above.

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

Where a computer register contains one or more of the following memorials:

- 'Subject to section 55 of the Te Aupouri Claims Settlement Act 2015';
- 'Subject to section 60 of Te Aupouri Claims Settlement Act 2015 (which prohibits reserve land from being mortgaged)'; or
- '[*certificate identifier*] Certificate under section 178(1) of Te Aupouri Claims Settlement Act 2015 that the within land is RFR land as defined in section 154 of that Act and is subject to Subpart 4 of Part 3 of the Act (which restricts disposal, including leasing, of the land) [*date and time*]';

then ensure the "prevents registration" flag has been set for each of the memorials.

2 Removal of resumptive memorials

Trigger Receipt of a certificate from the CE under s 18 for the removal of certain memorials from a computer register.

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 appendix II of Technical Circular 2013.T06.

Legislation

- (a) Section 17 provides that certain legislative provisions do not apply to:
 - (i) a Cultural Redress Property, or
 - (ii) a Commercial Property (if any) on and from the date of its transfer to the trustees; or
 - (iii) a Commercial Redress Property; or
 - (iv) exclusive RFR land or shared RFR land (on and from each of their relevant RFR dates); or
 - (v) for the benefit of Te Aupouri or a representative entity.
- (b) Section 17(2) lists the legislative provisions as:
 - (i) Part 3 of the Crown Forest Assets Act 1989;
 - (ii) Sections 211 to 213 of the Education Act 1989;
 - (iii) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990;
 - (iv) Sections 27A to 27C of the State Owned Enterprises Act 1986; and
 - (v) 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.

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Removal of resumptive memorials, continued

Action

- (a) As soon as reasonably practicable after s18 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 s17(2); and
 - (ii) Record the following memorial on the historic view of that register:

"*[instrument number]* Certificate under section 18(1) of the Te Aupouri Claims Settlement Act 2015 cancelling *[memorial identifier]* *[date and time]*"; and
- (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**
- (a) Cultural Redress Properties are defined and listed in s 22. See also Table 1.
 - (b) Either:
 - (i) all of a Cultural Redress Property vests in the Trustees;
 - (ii) or
 - (A) a specified undivided share; or
 - (B) in relation to a Jointly Vested Property (s22), an equal undivided share
- vests in the Trustees as tenants in common with the Specified Groups of Trustees.
- [see [Joint ownership](#) below and Subpart 1 of Part 2 of the Act] (see ss 22, 24, 35-38, 41, and 42).
-

- 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 23, 35-38, 40 and 42). 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 (see ss 23, 35-38, 40 and 42); to assist it has been defined in this guideline.
 - (d) For example, ss 48(6) of the Act contains the registration process for recording the vesting of an equal undivided share of the Jointly Vested Property in the Trustees (of Te Aupouri). A separate title for an equal undivided share in the Trustees may be issued.
 - (e) The vesting of a specified share (or all) of a Cultural Redress Property in the trustees of an 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.
-

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Initial vesting of cultural redress properties, continued

Trigger - receipt of written application under s 48

- (a) Receipt of a written application under s 48(5) or (6) by an authorised person to register the Trustees as proprietors of all or a specified share in the fee simple estate.
- (b) Section 48(9) defines authorised person as a person authorised by—
 - (i) the CE, for:
 - (A) Waiparariki (Te Kao 76 and 77B);
 - (B) Hukatere Pā; and
 - (C) Waihopo Lake property; and
 - (ii) The chief executive of the Ministry of Education, in relation to Te Kao School site A; and
 - (iii) the Secretary for Justice, for:
 - Murimotu Island;
 - Mai i Waikanae ki Waikoropūpūnoa;
 - Mai i Hukatere ki Waimahuru;
 - Mai i Ngāpae ki Waimoho; and
 - (iv) the Director-General of Conservation for all other Cultural Redress Properties.

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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 |
|--------------------------|--|--|---------|
| | Murimotu Island | The Specified Groups of trustees in s 24(3) have provided the lease. | s 23(4) |
| | Te Kao School site A | The Trustees have provided the lease. | s 25(2) |
| | Kahokawa | The Trustees have provided the covenant. | s 27(3) |
| | Maungatiketike Pā | The Trustees have provided the covenant. | s 28(3) |
| | Pitokuku Pā | The Trustees have provided the covenant. | s 29(3) |
| | Taurangatira Pā | The Trustees have provided the covenant. | s 30(3) |
| | Te Rerepari | The Trustees have provided the covenant. | s 31(3) |
| | Te Ārai Conservation Area | The Trustees have provided the right of way easement. | s 32(5) |
| | Te Tomo a Tāwhana (Twin Pā Sites) | The Trustees have provided the right of way easement. | s 34(5) |

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.

Provided the preconditions above have been satisfied (where applicable), then upon receipt of an application by an Authorised Person under s 48(3):

- (a) Where the Cultural Redress Property is all the land in a CFR:
- (i) register the Trustees as the proprietors of
 - (A) all; or
 - (B) in the case of a Jointly Vested Property, a specified share 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) (ss 48(3)(b), 48(5)(b), 48(6)(b) and 50. Refer to [Table 1](#) - Description of Cultural redress properties, vesting, reserve status, interests and memorials.
- (b) Standard registration fees apply.

Note: see guidance notes below.

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Initial vesting of cultural redress properties, continued

Where no CFR or CFR exists for part - creation of CFR (subject to preconditions in table above)

- (a) Where the Cultural Redress Property is not all of the land in a CFR or no CFR exists for it, and, subject to the completion of any necessary survey and provided the preconditions have been satisfied (where applicable):
- (i) create one or more CFRs as requested by the application, in the name of the Trustees as the proprietors of:
 - (A) all; or
 - (B) in the case of a Jointly Vested Property, an equal undivided ¼ share as tenants in common; or
 - (C) in the case of a Cultural Redress Property that vests jointly with Specified Groups of Trustees, the relevant share as tenants in common;

of the fee simple; and
 - (ii) enter any interests described in the Application (see Guidance Notes below and [Table 1](#). [ss 48(3)(b), 48(5)(b) and 48(6)(b)]).
- (b) 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 below for Memorials format examples . |
| Creating and revoking reserve status | See detailed guidance below Memorials format examples . |
| Resumptive memorials shown on a prior CFR | These <u>must be</u> 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 [s18 (4)(b)] |
| Council right of way consent under s 348 of the Local Government Act 1974 | This is <u>not</u> required for the creation of rights of way to fulfil the terms of the Deed (s52(2)). |
| Subdivision approval | This is <u>not</u> 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 (s52(4)). |

Initial vesting of cultural redress properties, continued

Memorials format examples

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

'[registration number] Application under section 48([insert subsection]) of the Te Aupouri 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 (ss 50, 52, 54, 55, and 60) are in the table below.

Note: Ensure the "prevents registration" flag is set for any ss 55 and 60 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.

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Initial vesting of cultural redress properties, continued

| Type of Cultural Redress Property (s 48): | Example of memorial format: | Refer to: |
|---|--|---|
| <p>For Reserve Properties (s22(j)-(p)) except "Jointly Vested Property" (s22(b) and (m)-(r))</p> <p>being:</p> <p><i>Properties vested in fee simple to be administered as reserves:</i></p> <p>Te Ārai Conservation Area (s22(j)); and Te Ārai Ecological Sanctuary (s22(k)). Te Tomo a Tāwhana (Twin Pā sites) (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 section 49(5) of the Te Aupouri Claims Settlement Act 2015'</p> <p>"Subject to sections 55 to 57 of the Te Aupouri Claims Settlement Act 2015 (which contains restrictions on subsequent transfers)'</p> <p>'Subject to section 60 (which prohibits mortgaging reserve land) of the Te Aupouri Claims Settlement Act 2015'</p> <p>Ensure the 'prevents registration' flag has been set for the s55 to 57, and s 60 memorials.</p> | <p>ss 44(1), s 48(2)-(5), 49(2) and (5), 50(1)(a), and s 52</p> |
| <p>For Reserve Properties (s22(j)-(p)) that are "Jointly Vested Property" (s22(b) and (m)-(r)):</p> <p>being:</p> <p><i>Properties vested in fee simple to be administered as reserves:</i></p> <p>Mai i Waikanae ki Waikoropūpūnoa (Beach site A) (s22(m)); Mai i Hukatere ki Waimahuru (Beach site B) (s22(n)); Mai i Ngāpae ki Waimoho (Beach site C) (s22(o)); and Mai i Waimimiha ki Ngāpae (Beach site D) (s22(p)).</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 46(4), 49(5) and 59 of the Te Aupouri Claims Settlement Act 2015'</p> <p>'Subject to section 60 of the Te Aupouri Claims Settlement Act 2015 (which prevents reserve land being transferred except in accordance with s58 of the Ngāti Kuri Claims Settlement Act 2015)'</p> <p>Ensure the 'prevents registration' flag has been set for the ss 59 and s60 memorials.</p> | <p>ss 44(1), 48(6), 49(2), 50(1)(b) and s 52</p> |
| <p><i>Properties vested in fee simple:</i></p> <p>Te Kao School Site A (s22(c)).</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 49(6) of the Te Aupouri Claims Settlement Act 2015'</p> <p>'Subject to section 11 of the Crown Minerals Act 1991'</p> | <p>ss 44(1), 48(2)-(5), 50(1)(c) and s 52</p> |
| <p><i>Properties vested in fee simple subject to conservation covenants:</i></p> <p>Maungatiketike Pā (s22(f)); Pitokuku Pā (s22(g)); and Taurangatira Pā (s22(h)).</p> | <p>'Subject to Part 4A of the Conservation Act 1987 but the marginal strip is reduced to a width of 3 metres'</p> <p>'Subject to section 11 of the Crown Minerals Act 1991'</p> | <p>ss 44(1), 48(2)-(5), 50(1)(d) and s 52</p> |

| | | |
|--|--|--|
| <p><i>Lake and Lakebed properties vested in fee simple:</i></p> <p>Bed of Lake Ngākeketo (s22(q)); and Waihopo Lake property (s22(r)).</p> | <p>"Part 4A of the Conservation Act does not apply"</p> <p>'Subject to section 11 of the Crown Minerals Act 1991'</p> | <p>ss 44(1), 48(2)-(5), 49(3), 50(1)(e) & s 52</p> |
| <p>For all other Cultural Redress Property that are not Reserve Property or not previously referred to above.</p> <p>being:</p> <p><i>Properties vested in fee simple</i></p> <p>Hukatere Pā (s22(a)); Murimotu Island (s22(b)); Waiparariki (Te kao 76 and 77B) (s22(d)).</p> <p><i>Properties vested in fee simple subject to conservation covenants</i></p> <p>Kahokawa (s22(e)); Te Rerepari (s22(i)).</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>ss 44(1) and s 52</p> |

Changes of status: upon vesting - revocation and re-conferring of reserve status; and ceasing of conservation area and conferring of reserve status under ss 32 to 40

- (a) When an application is made in respect of a reserve site, 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 – for removal of memorials following revocations of status (not being revocations within initial vesting process)

Process for amending or removing memorials –

Reserve Properties upon subsequent revocation of reserve status (not being revocations within initial vesting process)
s 50

- (a) The Act prescribes a process for removal of memorials (following revocations of reserve status that occur at any time subsequent to the revocation that occurs upon vesting), for of all or part of a Reserve Property (which may or may not be all or part of the land contained in a CFR).
- (b) The application must be preceded by the normal documentation required for revoking reservations in terms of the Reserve Act 1977.

Trigger:

application under **s51(1)(a)** re: Reserve Property (other than a Jointly Vested Property)

An application from the Director-General of Conservation under s 51(1)(a) 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 49(5) and sections 55 to 57 of the Te Aupouri Claims Settlement Act 2015'.

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

Action -
Precondition to
revocation

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

Memorials

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

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

'[application identifier] Application under section 51(1) of Te Aupouri 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 section 49(5) and sections 55 to 57 of the Te Aupouri Claims Settlement Act 2015'*; and

delete the memorial *'Subject to section 60 of Te Aupouri Claims Settlement Act 2015 (which prohibits reserve land from being mortgaged or charged for security)'*.

(ii) The "prevents registration" flag for the ss 55 to 57 and s 60 memorials must be removed.

(iii) Standard registration fees apply.

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

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

'[application identifier] Application under section 51(1) of the Te Aupouri Claims Settlement Act 2015 revoking the reserve status as to part of the within land [date and time]'

and the following notifications must be modified accordingly:

continued on next page

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

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 49(5) and sections 55 to 57 of the Te Aupouri Claims Settlement Act 2015’; and

add the words “Part of the within land is” at the beginning of the memorial ‘Subject to section 60 of Te Aupouri Claims Settlement Act 2015 (which prohibits reserve land from being mortgaged or charged for security)’.

- (ii) **Do not remove** the "prevents registration" flag for the ss 55 to 57 and 60 memorials.
 - (iii) Standard registration fees apply.
-

Trigger -
application re:
Reserve Property
that **is** a Jointly
Vested Property
s 51(1)

An application from the Director-General of Conservation under s 50(1)(b) to remove the following memorials 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 46(4), 49(5) and 59 of the Te Aupouri Claims Settlement Act 2015’.

Action

The actions are the same as those referred to above for a “**Reserve Property other than a Jointly Vested Property**” as they relate to all or part of the land, except:

- (a) that the memorial on the historic view described above should refer to s50(1)(b) (rather than s51(1)); and
 - (b) references to ‘Subject to sections 49(5) and 55 to 57 of the Te Aupouri Claims Settlement Act 2015’ should be read as if it referred to 46(4), 49(5) and 59.
 - (c) **Do not remove** the 'prevents registration' flag for the ss 55 to 57 and s 60 memorials.
 - (d) Standard registration fees apply.
-

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

Trigger:
application re: Te Kao School site A
s 51(3)

An application from the registered proprietors under s 51(3) to remove the memorials listed below from all or part of the CFR for Te Kao School site A (where the lease (or a renewal) over the site terminates or expires without being renewed):

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

'Subject to section 49(6) of the Te Aupouri Claims Settlement Act 2015'.

Action: Te Kao School site A

The actions are the same as those referred to above for a "**Reserve Property other than a Jointly Vested Property**" as they relate to all or part of the land, except:

- (a) that the memorial on the historic view described above should refer to s 51(3) (rather than s 51(1)); and
 - (b) references to 'Subject to section 49(5) and sections 55 to 57 of the Te Aupouri Claims Settlement Act 2015' should be read as if it referred to s 49(6) instead.
 - (c) Standard registration fees apply.
-

Dealings **subsequent** to initial vesting – Transfer of Cultural Redress Properties that are Reserve Land

Restrictions on transferring Reserve Land under ss 55 to 57, and 59

- (a) The fee simple in Reserve Land may only be transferred in accordance with:
 - (i) section 55 to 57 (in relation to Te Ārai Conservation Area, Te Ārai Ecological Sanctuary, and Te Tomo a Tāwhana (Twin Pā) Sites); [(s 56(3))] and
 - (ii) section 59 (in relation to the Beach Sites) [(s 56(2), as the Beach sites are also Jointly Vested Properties)].
 - (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 55-57]; it envisages the transferees will be 1 or more persons; and
 - (B) transfers to reflect a change in trustees of an existing trust [s 57(2)]; or
 - (ii) in relation to the Beach Sites:
 - (A) a transfer to Te Kāhui Kaitiaki Rangatiratanga o Te Aupouri Limited; [s59(2)(a)]; or
 - (B) transfers to reflect a change in trustees of an existing trust [s 59(2)(b)].
 - (c) If there is any doubt whether ss 55-57 or 59 apply the matter should be escalated to a Titles Advisor for resolution.
-

Conditions on transfer of Beach Sites: (s 59)

- Under s 59, the fee simple in a Beach site may only be transferred if:
- (a) the transferee is Te Kāhui Kaitiaki Rangatiratanga o Te Aupouri Limited; or
 - (b) the transferors are or were the trustees of a trust and 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.
-

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

Transfer of Reserve Land to Administering Body (s 57)

- (a) To effect a transfer to an Administering Body, under s 57(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 56 and s57(3)) of:

- (a) In the case of a transfer to a new administering body under s56:
 - (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 (s56(1)(a)); and
 - (ii) the written consent of the Minister of Conservation to the transfer of the reserve land (s56(1)(b)); and
 - (iii) any other document required for the registration of the transfer instrument (s56(1)(c)).
 - (b) In the case of a transfer to reflect a change in trustees under s57 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 (s57(2)(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 57(2)(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 s57(2)(a) and 57(2)(b) apply (s 57(2)(c)).
-

Action - registration of new owners

- (a) Upon receipt of the documents required by s 57 or 58 (see above), the RGL must register the new owners as the proprietors of the fee simple estate in the reserve land (s 57(3) or s58).
- (b) Standard registration fees apply.
- (c) In the case of:
 - (i) a transfer under s 57, a transfer that complies with s 57 need not comply with any other requirements [s 57(6)]
 - (ii) a transfer under s 58, 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 59 continues

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 are **prohibited from registering a mortgage or any other security interest** (charge) on the Reserve Land.

Ensure the **"prevents registration"** flag against relevant memorials (explained in Part 1 of this guideline) remains on the land.

4 Commercial Redress

Commercial Property: types of properties, and other relevant mechanisms

- (a) Commercial *Redress* Properties are:
 - (i) included in the Act's Commercial Redress;
 - (ii) defined in s 138; and
 - (iii) described in p6-13 of the Deed's [Property Redress Schedule](#).
 - (b) The boundaries are subject to survey.
 - (c) For a general indication of the location of individual properties an internet search on the name, and Te Aupouri's Area of Interest shown on p4 of the Deed's [Attachment Schedule](#), may assist.
 - (d) Rights of first refusal to acquire RFR Land are also included in the Act's Commercial Redress and defined in subpart 3 of part 3 of the Act. [ss 154-183].
-

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 NgāiTakoto Claims Settlement Act, Ngāti Kuri 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.

Transfer of Te Kao School Site C s138

Subject to provisos, the Act defines the Te Kao School Site C as Commercial Property (it is the only one); it becomes a Commercial Redress Property subject to clause 10.6 of the Deed. **(s138)**

Transfer of Te Kao School Site B (Other Commercial Redress Property) s145 -6

This is one of the 6 Commercial Redress Properties described in the Deed's Property Redress Schedule (discussed above); the description of Te Kao School Site B states that if clause 10.5 of the Deed applies, this site will also include the Te Kao School *House* Site B which is separately defined.

The transfer is subject to a leaseback to the Crown. **(s145(1)(c))**, with special provisions applying if the lease terminates or expires **(s146)**.

Authorised Person

s 141(4) 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 ss 139 & 140

To give effect to part 10 of Deed the Crown may transfer all (or in the case of the Peninsula Block an undivided share) of the fee simple in the Commercial Property or the Commercial Redress Property to the Trustees [ss 139 & 140].

If a transfer is lodged for registration pursuant to s 139 it must contain a statement that it is authorised under s 139.

CFRs will need to be issued for Commercial Redress Properties transferred from the Crown to the Trustees (s 141).

There are also special provisions for the Transfers of:

(a) the Peninsula Block (**s 141(b)**, and **Subpart 2 of Part 3, ss147-150**); and

(b) the transfer of Te Kao School site B (**ss 145-146**): and

as outlined in the above sections of this guideline.

Covenant for later creation of CFR under s 142(1)

Under s **142** 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 [142(2)].

5 Transfer of Commercial Redress Properties

Trigger: application for CFR for:

A written application under **s 141(2)** by an Authorised Person to create a CFR for a commercial redress property (other than the Peninsula Block), accompanied by a transfer to the Trustees stating it is authorised under **s 140**.

Commercial Redress Property (*except the Peninsula Block*)

The relevant properties are described in the definitions section of this guideline.

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

Action: create a CFR (*except 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 (**s141(1)(a)**); and
- (c) in the case of a transfer of Te Kao School site B, provided the following statutory requirements are satisfied:

| Commercial Redress Property | Statutory requirement |
|---|--|
| Te Kao School site B | <p>The transfer must comply with part 4 of the Deed's property redress schedule (s145).*</p> <p>The transfer instrument for the transfer of the property must include a statement that the land is to become subject to section 146 on the registration of the transfer.</p> |
| <p>* Part 4 of the Deed's property redress schedule is too long to insert here, but can be found from page 14 onwards here: http://nz01.terabyte.co.nz/ots/DocumentLibrary/TeAupouriGM_Prop_Legislative.pdf</p> <p>Note: Te Kao School Site B will include Te Kao School House site B ("House site") <i>if</i> clause 10.5 of the Deed, which refers to a lease of Te Kao School site B to the Crown immediately after transfer to Te Rūnanga Nui Trustees, applies. The House site is described at the end of the schedule referred to above.</p> | |

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Transfer of Commercial Redress Properties, continued

- (d) 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* (**s141(2)(a) and (c)**); and
 - (ii) record any interests described in the application (**s141(2)(b)**); and
 - (iii) register the transfer to the Trustees; and
 - (iv) Except in the case of the Te Kao School Site B, record the following memorials on the CFR (**s144**):

'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
 - (v) in the case of the Te Kao School site B only (**s145**):
 - (A) If the lease (including any renewal) relating to Te Kao School site B, has not terminated or expired, in relation to Te Kao School site B that transferred subject to it, record the following memorials on the CFR of the site which is leased (**ss145** and **ss144(1)(3)**):
 1. if the lease relates to all of site:

'Subject to Part 4A of the Conservation Act 1987 but that section 24 of that Act does not apply'; and

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

'the within land is subject to section 146 of Te Aupouri Claims Settlement Act 2015 (which contains requirements if lease terminates or expires)'; and
 2. if the lease relates to part of the site:

"subject to Part 4A of the Conservation Act 1987 but section 24 (affects part)"

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

'the within land is subject to section 146 of Te Aupouri Claims Settlement Act 2015" (which contains requirements if lease terminates or expires) (affects part)";

Note: see guidance notes below

Subsequent termination of Lease - Te Kao School site B

Te Kao School site B – subsequent termination of lease – s146

- (a) If the lease (including any renewal) relating to Te Kao School site B, terminates or expires without being renewed, in relation to all or part of Te Kao School site B that transferred subject to it, amend the following memorials on the CFR (s146) in relation to all (or part) of the site which is no longer leased:

In the memorial:

‘Subject to Part 4A of the Conservation Act 1987 but that section 24 of that Act does not apply’

Replace “section 24” with “subsection 24(2A)”

(s146(2) and s146(3))

Transfer of Commercial Redress Properties, continued

Transfer of Peninsula Block

Background

The Peninsula Block is the only *Commercial* Redress Property which the Deed provides for the trustees of the Four Iwi to own jointly, as tenants in common in equal shares..

Note: It ceases to be Crown forest land on the registration of the transfer of the fee simple estate to the trustees **(147(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 or part 4 of the Property Redress Schedule **(s 147(2))**.

Note: see guidance notes below.

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

- (a) A written application under s 141(1)(b) 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 to the joint owners as explained above; or,
- (b) as to an undivided share to *the Trustees*.
-

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Transfer of Peninsula Block, continued

Action -

application for CFR for the Peninsula Block with or without transfer

- (a) Upon receipt of an application in s141(2):
- (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 153(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.
- (b) The RGL must:
 - (i) subject to completion of any necessary survey, create a CFR for the whole or undivided share of the fee simple (as applicable) in *the name of the Crown* without any statement of purpose (s 141(2)(a) and (c)); and
 - (ii) record any interests described in the application (s 141(2)(b); and
- (c) where a transfer (in accordance with ss 139 and 140) 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
- (d) record the following memorials on the CFR (s 144):
 - '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'
 - '[part of] the within land is subject to a right of access under section 153 of the Te Aupouri Claims Settlement Act 2015. See application [registration number] [date and time]'Standard registration fees apply.

Note: see guidance notes below.

Transfer of Peninsula Block, continued

| Guidance Notes | |
|---|--|
| Note: | Action |
| The Deed | Parts 3 and 4 of the property redress schedule and Part 10 of the Deed deal with matters that are covered in the Act relating to the vesting of Commercial Redress Property. There is nothing in those Parts 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 (s141). |
| 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 (s141(2)(b)). |
| Memorial format examples | See detailed guidance above for Memorials format 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)). |

6 Commercial Redress - Access to protected sites

Right of access to protected sites under s 151

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 153(2)]

Action – notation of right of access on CFR

Upon registration of the transfer of Peninsula Block under s 151 the RGL must make a notation on the CFR that the land is subject to the right of access [s 153(3)].

Memorial

A suitable memorial would be:

'[*part of*] the within land is subject to a right of access under section 153 of the Te Aupouri Claims Settlement Act 2015. See application [*registration number*] [*date and time*]'

7 Commercial Redress: 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 155]. They are described in p32-51 of the Attachments to the Deed
 - (b) Land ceases to be RFR Land in the circumstances described in s176 and 180, with applications to remove the RFR memorial governed by s179 and 180. **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 180 Certificate (see [below](#)).
-

RFR Date - beginning of relevant RFR Period [s154]

The provisions of this subpart take effect from the RFR Date for the relevant RFR properties, which is the settlement date [s154 "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 178(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)

- (c) As soon as reasonably practicable after receiving a s 178 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 178(1) of the Te Aupouri 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]'

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

Ongoing restrictions on disposal of land that has an RFR memorial

Restrictions on disposal of RFR land

- (a) RFR Land cannot be “disposed” (see below for meaning), unless:
 - (i) it falls within and exemptions specified in s156(1)(a) – (d), or
 - (ii) it ceases to be RFR land

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

- (i) *an exemption to disposal is claimed, or*
- (ii) *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.

- (b) **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 s156(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)

- (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;
 - (b) 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.
-

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 179(1) and 180(1) respectively, for the removal of a s 178 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 s179(1)(a)-(d); or
 - (ii) in relation to land for which the RFR period has ended, a certificate containing the information in s120(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 Te Aupouri Claims Settlement Act 2015 removing [memorial identifier] entered under section [179 or 180 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 178 memorial.
-

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

For the boundaries of individual properties see the Deed's Attachments on the web link that follows (a "general indication" on satellite images), and SO 469373 - <http://nz01.terabyte.co.nz/ots/DocumentLibrary/NgatiKuriAttachments.pdf>

| Property Name & Description | Ownership and 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) |
|--|---|---|--------------------------|--|
| Properties vested in Fee simple | | | | |
| <p>Hukatere Pā 10.1352 hectares, more or less, being Section 5 SO 469833. Part <i>Gazette</i> 1966, p 1435 and Part <i>Gazette</i> 1968, p 2426.</p> | <p>Vests as undivided half shares in the Specified Groups of Trustees set out in s 23(3) as tenants in common Refer to commentary on jointly vested properties at page 9 No reserve status</p> | <p>Existing Interests Subject to Crown Forestry licence registered as C312828.1F and held in computer interest register NA100A/1. Subject to the protective covenant certificate C626733.1. Subject to the Public Access Easement certificate C626733.2. Subject to a Notice pursuant to section 195(2) of the Climate Change Response Act 2002 registered as Instrument 9109779.1</p> | N/A. | <p>'Subject to Part 4A of the Conservation Act 1987' 'Subject to section 11 of the Crown Minerals Act 1991'</p> |
| <p>Murimotu Island 8.8500 hectares, more or less, being Sections 1 and 2 SO 457794. All computer freehold register NA138A/291.</p> | <p>"Jointly Vested Property" Vests in the Trustees in fee simple No reserve status</p> | <p>Existing Interests Subject to a lease to Maritime New Zealand referred to in section 24(4). Subject to an unregistered licence to Institute of Geological and Nuclear Sciences Limited for installation and operation of a tsunami warning system dated 10 December 2008.</p> | N/A | <p>'Subject to Part 4A of the Conservation Act 1987' 'Subject to section 11 of the Crown Minerals Act 1991'</p> |
| <p>Te Kao School site A 0.4047 hectares, more or less, being Te Kao 1F. All Proclamation 19972. 2.4711 hectares, more or less, being Parengarenga 5B3E. All computer freehold register NA2D/999</p> | <p>Vests in the Trustees in fee simple No reserve status</p> | <p>Existing Interests Subject to the lease referred to in section 25(2).</p> | N/A | <p>'Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply' 'Subject to section 49(6) of the Te Aupouri Claims Settlement Act 2015' 'Subject to section 11 of the</p> |

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| | | | | Crown Minerals Act 1991' |
| Waiparariki (Te Kao 76 and 77B) 59.3370 hectares, more or less, being Lot 1 DP 136786. All <i>Gazette</i> notice C195139.1 . | Vests in the Trustees in fee simple No reserve status | Existing Interests Subject to Crown Forestry licence registered as C312828.1F and held in computer interest register NA100A/1. Subject to the protective covenant certificate C626733.1. Subject to a right of way easement created by M.L.C. Order dated 8 January 1943 (M.B. N74/26). Together with a right of way easement created by Consolidation Order P.R. 4A/557. Subject to a Notice pursuant to section 195(2) of the Climate Change Response Act 2002 registered as Instrument 9109779.1. | Revoked reserve status. | 'Subject to Part 4A of the Conservation Act 1987' 'Subject to section 11 of the Crown Minerals Act 1991' |
| Properties vested in fee simple subject to conservation covenants | | | | |
| Kahokawa 8.5500 hectares, more or less, being Section 5 SO 469373. Part computer interest register 629523 | Vests in the Trustees in fee simple No reserve status | Existing Interests Subject to the conservation covenant referred to in section 27(3). | Revoked reserve status | 'Subject to Part 4A of the Conservation Act 1987' 'Subject to section 11 of the Crown Minerals Act 1991' |
| Maungatiketike Pā 2.0220 hectares, more or less, being Section 2 SO 469373. Part computer interest register 629523. | Vests in the Trustees in fee simple No reserve status | Existing Interests Subject to the conservation covenant referred to in section 28(3). | Revoked reserve status | 'Subject to Part 4A of the Conservation Act 1987 but the marginal strip is reduced to a width of 3 metres' 'Subject to section 11 of the Crown Minerals Act 1991' |
| Pitokuku Pā 4.2360 hectares, more or less, being Section 3 SO 469373. Part computer interest register 629523. | Vests in the Trustees in fee simple No reserve status | Existing Interests Subject to the conservation covenant referred to in section 29(3). | Revoked reserve status | 'Subject to Part 4A of the Conservation Act 1987 but the marginal strip is reduced to a width of 3 metres' 'Subject to section 11 of the Crown Minerals Act 1991' |
| Taurangatira Pā 12.0770 hectares, more or less, being Section 4 SO 469373. Part computer interest | Vests in the Trustees in fee simple The parts of Kapowairua that are Sections 15, 16, 19, 20, and 21 | Existing Interests Subject to the conservation covenant referred to in section 30(3). | Revoked reserve status Declared reserve | 'Subject to Part 4A of the Conservation Act 1987 but the marginal strip is reduced to a width of 3 metres' |

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| register 629523. | SO 469373 are declared a reserve and classified as a recreation reserve subject to <u>section 17</u> of the Reserves Act 1977. The part of Kapowairua that is Section 17 SO 469373 is Declared a reserve and classified as a scenic reserve for the purposes specified in <u>section 19(1)(a)</u> of the Reserves Act 1977. | | | 'Subject to section 11 of the Crown Minerals Act 1991' |
| Te Rerepari 6.0000 hectares, more or less, being Section 5 SO 470881. Part computer freehold registers NA738/244 (half share), NA2108/28 (three-eighths share) and NA1A/1450 (one-eighth share). | Vests in the Trustees in fee simple Declared a reserve and classified as a scenic reserve for the purposes of <u>section 19(1)(a)</u> of the Reserves Act 1977 | Existing Interests Subject to the conservation covenant referred to in section 31(3). Subject to an unregistered concession NO-21987-OTH - Beehives to Watson & Murray Associates (dated 22 December 2008) | Reserve status revoked Declared reserve | 'Subject to Part 4A of the Conservation Act 1987' 'Subject to section 11 of the Crown Minerals Act 1991' |
| Properties vested in fee simple to be administered as reserves | | | | |
| Te Ārai Conservation Area 1195.8450 hectares, more or less, being Section 1 SO 470871. Part <i>Gazette</i> 1961, p 911. All computer freehold register NA31A/52. | Vests in the Trustees in fee simple Declared a reserve and classified as a historic reserve subject to <u>section 18</u> of the Reserves Act 1977 | Existing Interests Subject to being a scenic reserve, as referred to in section 32(3). Subject to the right of way easement in section 32(5). | Declared 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 49(5) and sections 55 to 57 of the Te Aupouri Claims Settlement Act 2015 ' 'Subject to section 60 of the Te Aupouri claims settlement Act 2015 (which prohibits mortgaging reserve land.) Note: the memorials relating to ss 55-57 and s 60 of Te Aupouri Claims Settlement Act 2015 require the 'prevents registration' flag to be set. |
| Te Ārai Ecological Sanctuary 4.7626 hectares, more or less, being Section 1 Block III | Vests in the Trustees in fee simple Declared a reserve and | Existing Interests Subject to being a nature reserve, as referred to in section 33(3). | Declared reserve | 'Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not |

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| <p>Houhora West Survey District. All Gazette 1970, p 2362.</p> | <p>classified as a historic reserve subject to <u>section 18</u> of the Reserves Act 1977.</p> | | | <p>apply' 'Subject to section 11 of the Crown Minerals Act 1991' 'Subject to sections 49(5) and sections 55 to 57 of the Te Aupouri Claims Settlement Act 2015 ' 'Subject to section 60 of the Te Aupouri claims settlement Act 2015 (which prohibits mortgaging reserve land.) Note: the memorials relating to ss 55-57 and s 60 of Te Aupouri Claims Settlement Act 2015 require the 'prevents registration' flag to be set.</p> |
| <p>Te Tomo a Tāwhana (Twin Pā) Sites 70.7357 hectares, more or less, being Sections 1 and 2 SO 470882. All computer freehold register NA120C/540 and Part Proclamation B342446.1</p> | <p>Vests in the Trustees in fee simple Declared a reserve and classified as a historic reserve subject to <u>section 18</u> of the Reserves Act 1977.</p> | <p>Subject to being a historic reserve, as referred to in section 34(3). Subject to section 241(2) of the Resource Management Act 1991 (affects the part formerly held in computer freehold register NA120C/540). Subject to the right of way easement in gross referred to in section 34(5).</p> | <p>Declared 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 sections 49(5) and sections 55 to 57 of the Te Aupouri Claims Settlement Act 2015 ' 'Subject to section 60 of the Te Aupouri claims settlement Act 2015 (which prohibits mortgaging reserve land.) Note: the memorials relating to ss 55-57 and s 60 of Te Aupouri Claims Settlement Act 2015 require the 'prevents registration' flag to be set.</p> |
| <p>Mai i Waikanae ki Waikoropūpūnoa [Beach site A – s22] 18.7500 hectares, more or less, being Section 2 SO 470146. Part Gazette notice C195138.1.</p> | <p>“Jointly Vested Property” Vests as undivided quarter shares in the Specified Groups of Trustees as tenants in common as follows: (a) a share vests in the Trustees under section 35; and (b) a share vests in the trustees of the Te Rūnanga Nui o Te</p> | <p>Existing Interests Subject to being a scenic reserve, as referred to in section 35(4). Subject to the protective covenant certificate C626733.1. Subject to Crown forestry licence registered as C312828.1F and held in computer interest register NA100A/1. Together with a right of way easement created</p> | <p>Declared 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 sections 46(4), 49(5) and 59 of the Te Aupouri Claims Settlement Act 2015 '.</p> |

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| | <p>Aupouri Trust under <u>section 35</u> of the Te Aupouri Claims Settlement Act 2015; and</p> <p>(c) a share vests in the trustees of Te Rūnanga o NgāiTakoto under <u>section 26</u> of the NgāiTakoto Claims Settlement Act 2015; and</p> <p>(d) a share vests in the trustees of Te Rūnanga o Te Rarawa under <u>section 46</u> of the Te Rarawa Claims Settlement Act 2015.</p> <p>Beach site A is declared a reserve and classified as a scenic reserve for the purposes specified in <u>section 19(1)(a)</u> of the Reserves Act 1977</p> <p>Refer to commentary on jointly vested properties at page 12.</p> | <p>by D592406A.2.</p> <p>Subject to a notice pursuant to section 195(2) of the Climate Change Response Act 2002 registered as Instrument 9109779.1.</p> | | <p>'Subject to section 60 of the Te Aupouri Claims Settlement Act 2015</p> <p>Ensure the 'prevents registration' flag has been set for the ss 59 and s60 memorials</p> |
| <p><u>Mai i Hukatere ki Waimahuru [Beach site B – s22]</u></p> <p>80.8425 hectares, more or less, being Sections 8, 9, and 10 SO 469833. Part <i>Gazette</i> notice B342446.1 and Part <i>Gazette</i> 1966, p 1435.</p> | <p>“Jointly Vested Property”</p> <p>The fee simple estate in Beach site B vests as undivided quarter shares in the Specified Groups of Trustees as tenants in common as follows:</p> <p>(a) a share vests in the Trustees under section 36; and</p> <p>(b) a share vests in the trustees of the Te Rūnanga Nui o Te Aupouri Trust under <u>section 36</u> of the Te Aupouri Claims Settlement Act 2015; and</p> <p>(c) a share vests in the trustees of Te Rūnanga o NgāiTakoto under <u>section 27</u> of the NgāiTakoto Claims Settlement Act 2015; and</p> <p>(d) a share vests in the trustees of Te Rūnanga o Te Rarawa under <u>section 47</u> of the Te Rarawa Claims Settlement Act 2015.</p> <p>Beach site B is declared a reserve and classified as a scenic reserve for the purposes specified in <u>section 19(1)(a)</u> of</p> | <p>Existing Interests</p> <p>Subject to being a scenic reserve, as referred to in section 36(4).</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 section 195(2) 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>Declared reserve</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 46(4), 49(5) and 59 of the Te Aupouri Claims Settlement Act 2015 '</p> <p>'Subject to section 60 of the Te Aupouri Claims Settlement Act 2015</p> <p>Ensure the 'prevents registration' flag has been set for the ss 59 and s60 memorials</p> |

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| | <p>the Reserves Act 1977. Refer to commentary on jointly vested properties at page 12.</p> | | | |
| <p>Mai i Ngāpae ki Waimoho [Beach site C – s22] 44.2385 hectares, more or less, being Sections 1, 2, 3, and 4 SO 469833. Part <i>Gazette</i> 1966, p 1435</p> | <p>“Jointly Vested Property” The fee simple estate in Beach site C vests as undivided quarter shares in the Specified Groups of Trustees as tenants in common as follows:</p> <p>(a) a share vests in the Trustees under section; 37 and (b) a share vests in the trustees of the Te Rūnanga Nui o Te Aupouri Trust under section 37 of the Te Aupouri Claims Settlement Act 2015; and (c) a share vests in the trustees of Te Rūnanga o NgāiTakoto under section 28 of the NgāiTakoto Claims Settlement Act 2015; and (d) a share vests in the trustees of Te Rūnanga o Te Rarawa under section 48 of the Te Rarawa Claims Settlement Act 2015.</p> <p>Beach site C is declared a reserve and classified as a scenic reserve for the purposes specified in <u>section 19(1)(a)</u> of the Reserves Act 1977 Refer to commentary on jointly vested properties at page 12.</p> | <p>Existing interests Subject to being a scenic reserve, as referred to in section 37(4). Subject to the protective covenant certificate C626733.1. Subject to Crown Forestry licence registered as C312828.1F and held in computer interest register NA100A/1. Subject to a Notice pursuant to section 195(2) of the Climate Change Response Act 2002 registered as Instrument 9109779.1. Subject to a notice pursuant to section 91 of the Government Roding Powers Act 1989 created by Instrument D538881.1 (affects the part formerly Lot 1 DP 137714).</p> | Declared reserve | <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 sections 46(4), 49(5) and 59 of the Te Aupouri Claims Settlement Act 2015'. 'Subject to section 60 of the Te Aupouri Claims Settlement Act 2015' Ensure the 'prevents registration' flag has been set for the ss 59 and s60 memorials</p> |
| <p>Mai i Waimimiha ki Ngāpae [Beach site D – s22] 72.1300 hectares, more or less, being Section 1 SO 469396</p> | <p>“Jointly Vested Property” The fee simple estate in Beach site D vests as undivided quarter shares in the Specified Groups of Trustees as tenants in common as follows:</p> <p>(a) a share vests in the Trustees under section 38; and (b) a share vests in the trustees of the Te Rūnanga Nui o Te Aupouri Trust under section</p> | <p>Existing Interests Subject to being a scenic reserve, as referred to in section 38(3).</p> | Declared reserve | <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 sections 46(4), 49(5) and 59 of the Te Aupouri Claims Settlement Act 2015'. 'Subject to section 60 of the Te Aupouri Claims Settlement Act</p> |

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| | <p>38 of the Te Aupouri Claims Settlement Act 2015; and</p> <p>(c) a share vests in the trustees of Te Rūnanga o Ngāi Takoto under section 29 of the Ngāi Takoto Claims Settlement Act 2015; and</p> <p>(d) a share vests in the trustees of Te Rūnanga o Te Rarawa under section 49 of the Te Rarawa Claims Settlement Act 2015.</p> <p>Beach site D is declared a reserve and classified as a scenic reserve for the purposes specified in <u>section 19(1)(a)</u> of the Reserves Act 1977.</p> <p>Refer to commentary on jointly vested properties at page 12.</p> | | | <p>2015</p> <p>Ensure the 'prevents registration' flag has been set for the ss 59 and s60 memorials</p> |
| Lake and Lakebed properties vested in fee simple | | | | |
| <p>Bed of Lake Ngākeketō</p> <p>11.5100 hectares, more or less, being Section 6 SO 469373.</p> <p>Part computer interest register 629523.</p> | <p>"Jointly Vested Property"</p> <p>The fee simple estate in the bed of Lake Ngākeketō vests as undivided half shares in the Specified Groups of Trustees as tenants in common as follows:</p> <p>(a) a share vests in the Trustees under section 40; and</p> <p>(b) a share vests in the trustees of the Te Rūnanga Nui o Te Aupouri Trust under section 41 of the Te Aupouri Claims Settlement Act 2015.</p> <p>The Crown stratum above the bed of Lake Ngākeketō continues to be a reserve and continues to be classified as a recreation reserve subject to <u>section 17</u> of the Reserves Act 1977 (s41)</p> <p>Refer to commentary on jointly vested properties at page 12.</p> | <p>Existing Interests</p> <p>Subject to the conservation covenant referred to in section 41(3).</p> | <p>Reserve status revoked</p> <p>Stratum estate above the bed of Lake Ngākeketō is declared a reserve</p> | <p>"Part 4A of the Conservation Act does not apply "</p> <p>'Subject to section 11 of the Crown Minerals Act 1991'</p> |
| <p>Waihopo Lake property</p> <p>20.4600 hectares, more or less,</p> | <p>"Jointly Vested Property"</p> <p>The fee simple estate in the</p> | | N/A | <p>"Part 4A of the Conservation Act does not apply "</p> |

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| <p>being Section 1 SO 68594. Part Proclamation B342446.1.</p> | <p>Waihopo Lake property vests as undivided half shares in the Specified Groups of Trustees as tenants in common as follows:</p> <ul style="list-style-type: none"> (a) a share vests in the Trustees under section 42; and (b) a share vests in the trustees of the Te Rūnanga Nui o Te Aupouri Trust under section 42 of the Te Aupouri Claims Settlement Act 2015. <p>Refer to commentary on jointly vested properties at page 12.</p> <p>No reserve status</p> | | | <p>'Subject to section 11 of the Crown Minerals Act 1991'</p> |
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