

Ahuriri Hapū Claims Settlement Act 2021

Registration Guideline 2022

LINZ OP G 01284

Office of the Registrar-General of Land



Authority and regulatory attributes

LINZ OP G 01284

Authority	Registrar-General of Land Section 231(3) Land Transfer Act 2017
-----------	--

Type	Guideline
------	-----------

Date	4 March 2022
------	--------------

Review	5 years
--------	---------

Contents

Introduction.....	5
Purpose, scope and use	6
Map of Ahuriri Hapū area of interest.....	7
Terms and definitions.....	8
1 Landonline settings to prevent registration.....	10
2 Removing resumptive memorials	10
3 Cultural redress properties – initial vesting.....	11
4 Cultural redress properties – ongoing restrictions.....	11
5 Cultural redress properties – subsequent dealings.....	12
6 Commercial redress – initial transfer	12
7 Commercial redress – other property-related rights	13
7.1 Right of first refusal.....	13
7.2 Ongoing RFR restrictions	13
7.3 Right of access	14
Appendix A: Summary of registration provisions – cultural redress	15
Appendix B: Summary of registration provisions – commercial redress	17

Introduction

A Treaty Settlement is an agreement between the Crown and a Māori claimant group to settle that claimant group's historical claims against the Crown. The process of settling claims is led by Te Arawhiti and results in an Act for each settlement. Summary of this settlement can be found in the Ahuriri Hapū Deed of Settlement Summary.

[Ahuriri Hapū Deed of Settlement Summary](#)

In January 2010, the Crown recognised the mandate of Mana Ahuriri Incorporated to enter negotiations for the comprehensive settlement of all Ahuriri Hapū historical Treaty of Waitangi claims.

On 19 December 2013, the Crown and Ahuriri Hapū signed an Agreement in Principle which formed the basis for this settlement. The Ahuriri Hapū Deed of Settlement was initialled on 19 June 2015 and signed on 2 November 2016.

A Deed to amend the Deed of Settlement was signed on 16 February 2017 and a Second Deed to amend the Deed of Settlement was signed on 13 June 2017

Further information can be found on the Te Arawhiti website:

[Te Kāhui Whakatau \(Treaty Settlements\)](#)

Purpose, scope and use

Treaty settlements have a range of common elements. The [Treaty Claims Settlement Acts General Guideline 2018 - LINZG 20786](#) (General Guideline) is available to ensure that applications received by Toitū Te Whenua (LINZ) under the specific Acts are dealt with correctly.

A specific Guideline is developed for each specific Act and contains detailed guidance about it and is designed to be used in conjunction with the General Guideline.

This specific Guideline covers the [Ahuriri Hapū Claims Settlement Act 2021](#) (the Specific Act). It contains detailed information about that settlement and is designed to be read in conjunction with the General Guideline. A summary of the provisions that relate to the initial vesting of Cultural Redress Properties and the transfer of Commercial Redress Properties are set out in Appendices A and B. References to the Specific Act are in bold text.

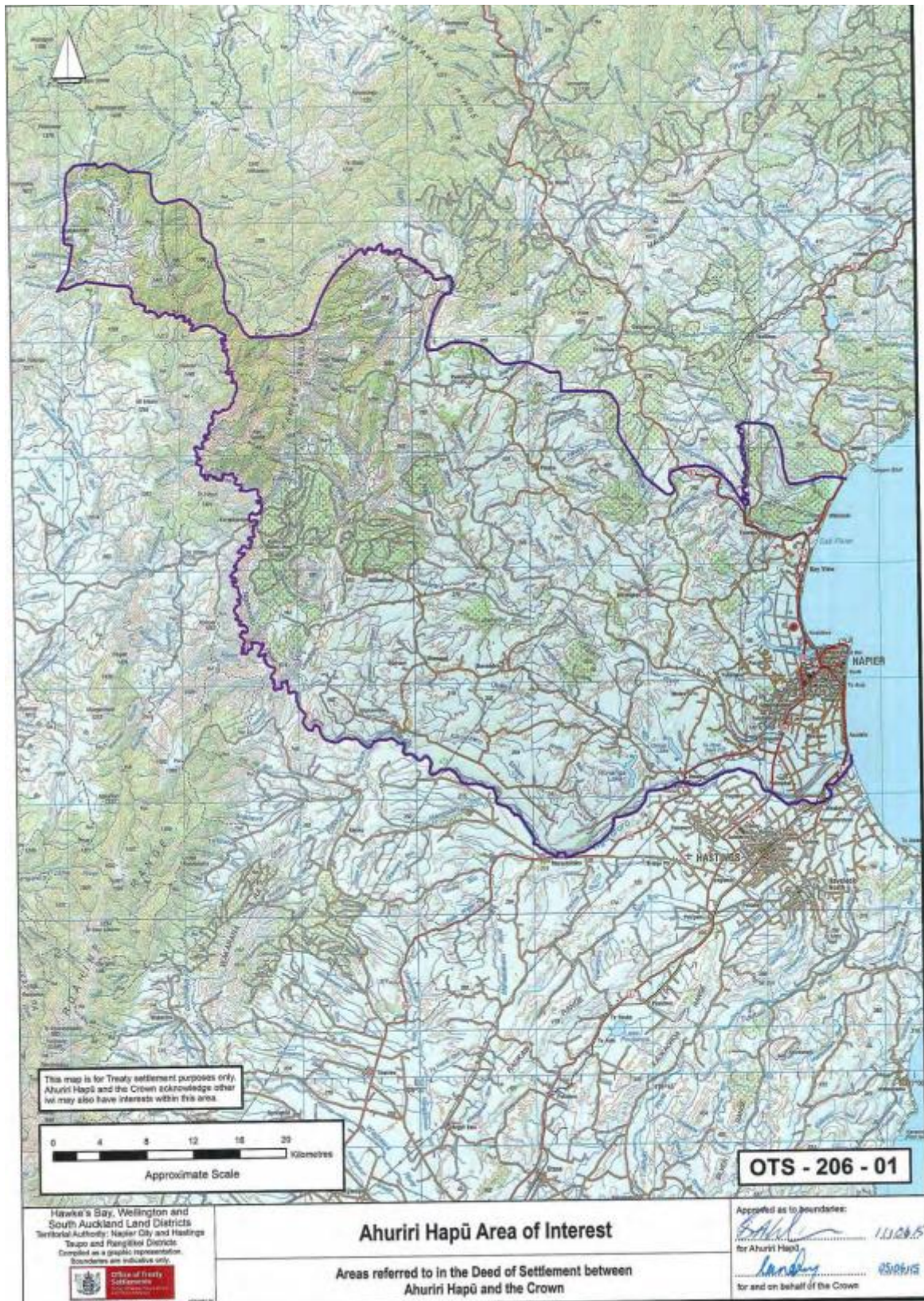
The following documents should also be referred to:

- the [Ahuriri Hapū Deed of Settlement \(and its attachments\)](#) relating to the Specific Act, and
- Customer Services Technical Circular 2013.T06 – Registration of Treaty Claims Settlement Dealings.

The General Guideline applies to a specific Act unless a specific Guideline states otherwise.

The Registrar-General of Land (the Registrar) has issued this specific Guideline for our people of Toitū Te Whenua (LINZ) with delegated authority to exercise registration functions under the Land Transfer Act 2017.

Map of Ahuriri Hapū area of interest



Terms and definitions

Specific Acts generally have several “interpretation” sections, and terms used in this guideline and the General Guideline have the same meaning as those specific Acts.

Terms used in this guideline may repeat terms used in the General Guideline, for the purpose of providing more detailed explanation e.g. Cultural Redress Properties lists the relevant properties in relation to the Ahuriri Hapū Claims Settlement Act 2021.

The Specific Act includes interpretation sections at ss 12, 65, 82, 100 and 112.

Terms	Definitions
Commercial redress	Includes: <ul style="list-style-type: none"> • Licensed Land • Deferred selection properties • Right of first refusal (RFR) • RFR Land.
Commercial redress properties	Are comprised of: <ul style="list-style-type: none"> • Licensed Land – Gwavas and Kaweka • Unlicensed Land - Whakatu Forest property • Ahuriri Station (s106), and • The other Deferred Selection Properties • All listed in pages 9-12 of the Property Redress Schedule.
Cultural Redress Properties	The properties listed in s65 and described in Schedule 3 , being Conservation House property, Pakake, and Heipipi Pa.
Deed of Settlement	Ahuriri Hapū Deed of Settlement and its attachments
Deferred Selection Property	Has the meaning given in s100.
General Guideline	Treaty Claims Settlement Acts General Guideline 2018 - LINZG 20786
Heipipi Pa Reserve Land	Means all or the part of Heipipi Pa that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees under subpart 6 - Vesting of cultural redress properties.

Terms	Definitions
Property Redress Schedule	Means the <u>Property Redress Schedule</u> of the Deed of Settlement.
Registrar	Registrar-General of Land, appointed in terms of s231 of the Land Transfer Act 2017, and delegates in terms of s233 of the Land Transfer Act 2017.
Right of first refusal, or RFR	Means the right of first refusal provided for by subpart 4 of Part 4 of the Specific Act.
RFR Land	Has the meaning given in s113 .
RFR Period	Means the period of 174 years on and from the settlement date - s112 .
RT	Record of Title
Settlement date	3 March 2022 - s12 .
Specific Act	<u>Ahuriri Hapū Claims Settlement Act 2021</u>
Trustees	The trustees, acting in their capacity as trustees, of the Mana Ahuriri Trust.

1 Landonline settings to prevent registration

The General Guideline applies.

Where a specific Act prohibits certain transactions with land, memorials of the prohibitions will be put on the record of title (RT) for the land as outlined in this guideline.

It is important to ensure the Landonline setting that prohibits these transactions is set against those memorials, to ensure registration does not occur in these cases.

When processing any application relating to this Act, the appropriate Landonline settings must be applied to restrict registration in respect of the following memorials:

- s77 Restrictions on subsequent transfers of Heipipi Pa reserve land
- s80 Prohibition on mortgages, or security interests, on Heipipi Pa reserve land
- s114 Right of First Refusal (RFR) Memorial

2 Removing resumptive memorials

The General Guideline applies.

Section 17(1) describes the properties with resumptive memorials that can be removed upon receipt of a certificate issued under s18.

3 Cultural redress properties – initial vesting

The General Guideline applies, and specific detail is set out in Appendix A.

Note:

- s71 describes the requirements for registration of ownership
- s72 provides for the application of Part 4A of the Conservation Act 1987
- s73 sets out the matters to be recorded on the RTs for cultural redress properties
- s74 provides for the application of other enactments to cultural redress properties
- s76 provides for the application of other enactments to Heipipi Pa reserve land

4 Cultural redress properties – ongoing restrictions

The General Guideline applies, and specific detail is set out in Appendix A.

5 Cultural redress properties – subsequent dealings

The General Guideline applies, and specific detail is set out in Appendix A.

Note:

Heipipi Pa

- | | |
|--------|--|
| s72(3) | deals with removal of the Conservation Act s24 notation in case of the revocation of reserve status for all or part, of the property |
| s77 | deals with transfer to a new administering body, only in accordance with ss78 or 79 |
| s78(3) | sets out requirements where the land is to be transferred to new owners |
| s79 | provides for the transfer to trustees of existing administering body if trustees change |
| s80 | prevents mortgaging or giving a security interest in the property |

6 Commercial redress – initial transfer

The General Guideline applies, and suitable memorials are set out in Appendix B.

Note:

- Part 3 of the [Property Redress Schedule](#) (pages 5 to 7) lists 33.34% of Gwavas and Kaweka as Commercial Redress Properties, being Licensed Land
- Part 4 of the [Property Redress Schedule](#) (pages 9 to 12) lists 18 deferred selection properties, of which Whakatu Forest property is Unlicensed Land – **ss100, 101-106**
- Covenants for the later creation of RTs are provided for – **s104**
- Application of Other Enactments is dealt with in **s105**

7 Commercial redress – other property-related rights

7.1 Right of first refusal

The General Guideline applies to the RFR requirements in subpart 4 of Part 4 of the Act.

There are 10 properties, described in part 3 (pages 25 and 26) of the [Attachments Schedule](#):

- 58 Severn Street
- 2 Parade Street
- 56 Coote Road
- Westshore School, Napier
- Kuripapango Field Base
- 79 Napier Terrace (Hinepare Hostel)
- 4959 Puketitiri Road (former school)
- 55 – 57 Coote Road (Ex- Napier prison)
- 2110 Puketitiri Road Rissington (former school)
- Puketitiri Field Base

7.2 Ongoing RFR restrictions

An RFR memorial prevents the registration of any subsequent disposal (dispose of in relation to RFR Land being defined in s112 of the Specific Act) such as a transfer, unless there is an exemption in the Specific Act, or the RFR memorial has been removed.

Note:

- | | |
|------|--|
| s112 | defines dispose of , in relation to RFR Land |
| s113 | defines RFR Land , used in RFR memorial |
| s114 | specifies the restrictions on disposal of RFR Land |
| s135 | provides for registration of certificates for recording RFR memorials |
| s136 | provides for registration of certificates to remove RFR memorials when land is transferred or vested |
| s137 | provides for registration of certificates to remove memorials when RFR period ends |

7.3 Right of access

The General Guideline applies.

Note:

- s111(3)** requires a right of access to protected sites to be recorded on the record title when a transfer of unlicensed land made under s101 (which must state that it is subject to those rights) is registered

Appendix A: Summary of registration provisions – cultural redress

Trigger: an application under s73(3) if existing RT, or 73(5) if no existing RT	Type of Property	Authorised Person	Conditions	Existing Interests	Status changes, estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
<p>Conservation House property</p> <p>Section 1 SO 2726. Gazette 1992, p971</p> <p>s66</p>	Cultural Redress Property	Director-General of Conservation s71(8)(a)	RGL must create RT not later than 24 months after the Settlement Date - 2/03/2024 (unless a later date is agreed) - s71(7).	<p>See Schedule 3 and refer to application.</p> <p>Note: The interests in Schedule 3 are unregistered – only register any interest referred in the application.</p>	<p>Reservation as a government purpose reserve subject to the Reserves Act 1977 is revoked – s66(1).</p> <p>Fee Simple vests in Trustees - s66(2).</p>	<p>Conservation Act 1987 Memorial (s73(1)(b)): “Subject to Part 4A of the Conservation Act 1987” - s72(1)</p> <p>Crown Minerals Act 1991 Memorial (s73(1)(b)): “Subject to section 11 of the Crown Minerals Act 1991” - s74(1)(a)</p>
<p>Pakake</p> <p>RT HBP2/876</p> <p>s67</p>	Cultural Redress Property	Te Tumu Whakarae Chief Executive of LINZ s71(8)(b)	None	<p>See Schedule 3 and refer to application.</p> <p>Note: One of the interests in Schedule 3 is unregistered – only register those that are registrable and referred in the application.</p>	Fee Simple vests in Trustees - s67.	<p>Conservation Act 1987 Memorial (s73(1)(b)): “Subject to Part 4A of the Conservation Act 1987” - s72(1)</p> <p>Crown Minerals Act 1991 Memorial (s73(1)(b)): “Subject to section 11 of the Crown Minerals Act 1991” - s74(1)(a)</p>

Trigger: an application under s73(3) if existing RT, or 73(5) if no existing RT	Type of Property	Authorised Person	Conditions	Existing Interests	Status changes, estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
<p>Heipipi Pa</p> <p>RTs HB142/185, HBF4/779, HBA3/793, HBA3/1044</p> <p>s68</p>	<p>Cultural Redress Property</p>	<p>Director-General of Conservation</p> <p>s71(8)(a)</p>	<p>None</p>	<p>See Schedule 3 and refer to application.</p> <p>Note: Some interests in Schedule 3 interests are unregistered – only register those that are registrable and referred in the application.</p>	<p>The reservation of Heipipi Pa (being Heipipi Pa Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked - s68(1)</p> <p>Fee Simple vests in Trustees - s68(2)</p> <p>Declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977 - s68(3)</p> <p>Named Heipipi Historic Reserve - s68(4)</p>	<p>Conservation Act 1987</p> <p>Memorial - (s73(1)(a)(i)):</p> <p><i>“Subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply)”</i></p> <p>Ahuriri Hapū Claims Settlement Act 2021</p> <p>Memorial - (s73(1)(a)(ii)):</p> <p><i>“Subject to sections 72(3) and 77 of the Ahuriri Hapū Claims Settlement Act 2021”</i></p> <p>Note:</p> <p>‘Heipipi Pa reserve land’ means all, or the part, of Heipipi Pa that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees under s68(2) - s65</p>

Appendix B: Summary of registration provisions – commercial redress

Trigger	Property	Redress Type	Authorised Person	Application of other Statutory Provisions upon transfer to trustees
Registration of transfer of deferred selection property to the trustees under s101	Refer Part 4 of the Property Redress Schedule	Commercial redress Deferred Selection Properties	Te Tumu Whakarae Chief Executive of LINZ, or Chief Executive of Te Arawhiti Office for Māori Crown Relations	<p>Conservation Act 1987</p> <p>Memorial (s105(2)): <i>“Subject to Part 4A of the Conservation Act 1987”</i></p> <p>Crown Minerals Act 1991</p> <p>Memorial (s105(3)): <i>“Subject to section 11 of the Crown Minerals Act 1991”</i></p> <p>Note: The Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer.</p>
Creation of record of title in the name of the Crown for deferred selection property with no RT under s103	Refer Part 4 of the Property Redress Schedule	Commercial redress Deferred Selection Properties	Te Tumu Whakarae Chief Executive of LINZ, or Chief Executive of Te Arawhiti Office for Māori Crown Relations	Record on the record of title any interests that are registered, noted, or to be noted and that are described in the application, but omitting any statement of purpose.
Registration of covenant for later creation of RT under s104	Refer Part 4 of the Property Redress Schedule	Commercial redress Deferred Selection Properties	Te Tumu Whakarae Chief Executive of LINZ, or Chief Executive of Te Arawhiti Office for Māori Crown Relations	Create RT that records an interest for the covenant.

Trigger	Property	Redress Type	Authorised Person	Application of other Statutory Provisions upon transfer to trustees
Registration of transfer of Ahuriri Station to Her Majesty the Queen under s106	Ahuriri Station Secs 1, 4 and 5 SO 10213 RT HBP2/646	Commercial redress Deferred Selection Properties	Chief Executive of Te Arawhiti Office for Māori Crown Relations	<p><u>Conservation Act 1987</u></p> <p>Memorial (s105(2)): <i>"Subject to Part 4A of the Conservation Act 1987"</i></p> <p><u>Crown Minerals Act 1991</u></p> <p>Memorial (s105(3)): <i>"Subject to section 11 of the Crown Minerals Act 1991"</i></p> <p>Note: The Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer.</p>
Registration of transfer of unlicensed land under s101	Whakatu Forest property RT 598050 RT 374033	Commercial Redress Properties – Unlicensed Land - refer Part 4 (page 12) of the <u>Property Redress Schedule</u>	Chief Executive of Manatū Ahu Matua Ministry for Primary Industries	<p><u>Conservation Act 1987</u></p> <p>Memorial (s105(2)): <i>"Subject to Part 4A of the Conservation Act 1987"</i></p> <p><u>Crown Minerals Act 1991</u></p> <p>Memorial (s105(3)): <i>"Subject to section 11 of the Crown Minerals Act 1991"</i></p> <p>The transfer instrument must include a statement that the land is subject to a right of access to any protected sites on the land – s111(2).</p> <p>Memorial (s111(3)): <i>"Subject to a right of access to protected sites pursuant to section 109 of the Ahuriri Hapū Claims Settlement Act 2021."</i></p>

Trigger	Property	Redress Type	Authorised Person	Application of other Statutory Provisions upon transfer to trustees
Registration of transfer of licensed land under s101	Gwavas 8425.9508 hectares, more or less, being Lot 1 DP 21614, Lots 1, 2, 3 and 4 DP 21615, and Lot 1 DP 21416	Commercial Redress Properties – Licensed Land	Te Tumu Whakarae Chief Executive of LINZ	<p><u>Conservation Act 1987</u></p> <p>Memorial (s105(2)): <i>“Subject to Part 4A of the Conservation Act 1987”</i></p> <p><u>Crown Minerals Act 1991</u></p> <p>Memorial (s105(3)): <i>“Subject to section 11 of the Crown Minerals Act 1991”</i></p> <p>Note: The Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer.</p> <p>Subject to a Crown forestry licence held in RT HBP1/1401 and other interests listed on pages 5 and 6 of the Property Redress Schedule.</p>

Trigger	Property	Redress Type	Authorised Person	Application of other Statutory Provisions upon transfer to trustees
Registration of transfer of licensed land under s101	Kaweka 7521.7550 hectares, more or less, being Lot 1 DP 21218, Lot 1 DP 21454, Lot 1 DP 21522, Lot 1 DP 21612, and Lot 1 DP 21613	Commercial Redress Properties – Licensed Land	Te Tumu Whakarae Chief Executive of LINZ	<p><u>Conservation Act 1987</u></p> <p>Memorial (s105(2)): "Subject to Part 4A of the Conservation Act 1987"</p> <p><u>Crown Minerals Act 1991</u></p> <p>Memorial (s105(3)): "Subject to section 11 of the Crown Minerals Act 1991"</p> <p>Note: The Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer.</p> <p>Subject to a Crown forestry licence held in RT HBP1/1403 and other interests listed on pages 6 and 7 of the Property Redress Schedule.</p>

Trigger for noting shared RFR memorial	Property	Memorial for noting RFR
Issue of Te Tumu Whakarae Chief Executive of LINZ Right of First Refusal Certificate - s135(1)	The properties defined in part 3 of the Attachments Schedule .	<p>Memorial: <i>[certificate identifier] Certificate under section 135 of the Ahuriri Hapū Claims Settlement Act 2021 that the within land is RFR land as defined in section 113 and is subject to Subpart 4 of Part 4 of the Act (which restricts disposal, including leasing, of the land) [date and time]</i></p> <p>The 'prevents registration' setting in Landonline must be set against the memorial.</p>

Trigger for removal of RFR memorial	
Issue of Te Tumu Whakarae Chief Executive of LINZ's Certificate of a Notice under s133 (that land contained in a record of title is to cease being RFR land, when transferred or vested) s136 , or	Remove memorial.
Te Tumu Whakarae Chief Executive of LINZ Certificate (when RFR period ends) s137	Remove memorial.