



Ngāti Koroki Kahukura Claims Settlement Act 2014 registration guideline

LINZG20753

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Terms and definitions

General

- (a) For the purposes of this guideline, the terms and definitions in the Ngāti Koroki Kahukura Claims Settlement Act 2014 (Act) apply, unless stated otherwise. Refer to ss 11 to 14, 21, 35, 71, 99, 105 and 106 of the Act for interpretation.
 - (b) Terms and abbreviations used frequently in this guideline are defined below.
 - (c) Any reference to a section, Part, or subpart in this guideline is a reference to that section, Part, or subpart of the Act.
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Term/abbreviation	Definition
Act	Ngāti Koroki Kahukura Claims Settlement Act 2014
authorised person	an authorised person as defined in ss 54(8) and 101(5), as the case may be
Chief Executive	Chief Executive of Land Information New Zealand
CFR	Computer freehold register
cultural redress property	a property defined in s 12 as cultural redress property, listed in s 35 and described in Schedule 2
commercial redress property	a property defined as commercial redress property in ss 12 and 99
deed of settlement	the Ngāti Koroki Kahukura Deed of Settlement dated 20 December 2012 as defined in s 12
LINZ	Land Information New Zealand
Operating easement	easement in gross created by deed of easement 8672093.1, held in computer interest register 544104, or deed of easement 8672073.1, held in computer interest register 544097
Reserve land	land that remains a reserve under the Reserves Act 1977 as defined in s 53(1)
Resumptive memorials	Memorials entered under any enactment referred to in s 17
RFR land	land defined as RFR land in s 106 (right of first refusal)
RGL	Registrar-General of Land appointed under s 4 of the Land Transfer Act 1952
Settlement date	Settlement date is 20 days after the date on which the Act comes into force being 9 th February 2015
trustees	The trustees, acting in their capacity as trustees, of Taumatawiwi Trust as defined in s 12 of the Act.

Foreword

- Introduction**
- (a) The Ngāti Koroki Kahukura Claims Settlement Act 2014 (Act) came into force on 16th December 2014.
 - (b) The land concerned is in the South Auckland Land Registration District.
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Purpose

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

- Scope**
- (a) This document contains guidelines for compliance with the Act. It covers:
 - (i) the requirements for certificates, applications, and other transactions to be lodged for registration with the RGL, and
 - (ii) registration requirements and memorial formats.
 - (b) The guideline focuses primarily on the provisions of the Act that impact on the registration process.
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Intended use of guideline

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

- References**
- The following documents are necessary for the application of this guideline:
- Deed of Settlement for Ngāti Koroki Kahukura dated 20th December 2012¹,
 - Ngāti Koroki Kahukura Claims Settlement Act 2014, and
 - Customer Services Technical Circular 2013.T06 - Registration of Treaty Claims Settlement Dealings.
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¹ Refer to the Office of Treaty Settlements website for a copy of the deed of settlement and its amendments

1 Noting Statutory Prohibitions on Registration

Statutory prohibitions restricting dealing with computer registers

Sections 63, 66, 68, 74, 77, and 128(1) contain restrictions against dealing with land held in computer registers. In each case a memorial of the statutory restrictions on registration must be entered on the relevant computer register and a 'prevents registration' flag must be created in Landonline – refer to Table 1 – Description of Cultural redress properties, vesting, reserve status, interests and memorials, Table 2 – Maungatautari Mountain Scenic Reserve, and section 6 of this guideline – 'Right of first refusal'.

Follow up action for Landonline

- (a) When a computer register contains the following memorials:
- 'Subject to section 55(3) and 63 of the Ngāti Koroki Kahukura Claims Settlement Act 2014'
 - 'Subject to section 55(4) and 68 of the Ngāti Koroki Kahukura Claims Settlement Act 2014'
 - 'Subject to *section* 66 of the Ngāti Koroki Kahukura Claims Settlement Act 2014'
 - 'Subject to s74 of the Ngāti Koroki Kahukura Claims Settlement Act 2014'
 - 'Subject to section 77 of the Ngāti Koroki Kahukura Claims Settlement Act 2014'
 - '[*certificate identifier*] Certificate under section 128 of the Ngāti Koroki Kahukura Claims Settlement Act 2014 that the within land is RFR land as defined in section 106 and is subject to Subpart 2 of Part 3 of the Act (which restricts disposal, including leasing, of the land) [*date and time*]'
- (b) Ensure the 'prevents registration' flag has been set for each of the memorials.
-

2 Vesting of cultural redress properties

Properties vesting in the trustees

Cultural redress properties are listed in s 35 and are vested in the trustees pursuant to subpart 2 of Part 2 of the Act.

Trigger – receipt of a written application under s 54

- (a) Receipt of a written application under s 54 by an authorised person to register the trustees as proprietors of the fee simple estate.
 - (b) Authorised person is an authorised person defined in s 54(8) as a person authorised by The Director General of Conservation for the following properties:
 - (i) Koroki Kahukura ki Hinuera,
 - (ii) Puahue, and
 - (iii) Te Reti
 - (c) The Chief Executive of LINZ (Chief Executive) for all other properties.
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Action - registration of trustees and creation of CFR under s54

- (a) When an application under s 54 by an authorised person is presented for registration and a cultural redress property is not all of the land in a CFR or there is no CFR for all or part of the property, the RGL must:
 - (i) create a CFR in the name of the trustees and enter any interests described in the application (s 54(5)), and
 - (ii) record the applicable memorials on the CFR. Refer to Table 1 – Description of Cultural redress properties, vesting, reserve status, interests and memorials.
- (b) Creation of the above CFR is subject to completion of any necessary survey;
- (c) The standard registration and new title fee is payable.

Note: Any resumptive memorials (see s 17 for details) recorded on existing titles must be brought down onto the computer registers created for the relevant entity or trustees. They cannot be noted as 'cancelled' until a certificate under s 18 by the Chief Executive authorising the removal of the memorials is lodged for registration.

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Vesting of cultural redress properties, continued

Recording registration of trustees under s54

When an application under s 54 is presented for registration and a cultural redress property is all of the land contained in a CFR, the RGL must:

- (a) register the trustees as the proprietors of the fee simple and
- (b) record any entry and do all things necessary to give effect to Part 2 subpart 2 of the Act and part 5 of the deed of settlement s 54(3). Refer to Table 1 – Description of Cultural redress properties, vesting, reserve status, interests and memorials.

Note Part 5 of the deed of settlement relates to the vesting of cultural redress land and other related matters that are covered in the Act. There is nothing in Part 5 that requires the RGL to do anything more than is required under the Act.

Memorials to be recorded on CFRs under ss 57 and 58

Sections 57 and 58 set out in detail the matters to be recorded on CFRs for cultural redress properties. Refer to Table 1 – Description of Cultural redress properties, vesting, reserve status, interests and memorials for details.

Application of Part 4A Conservation Act 1987 to cultural redress properties under ss 56 - 58

Cultural redress properties are subject to Part 4A of the Conservation Act 1987 with some but not all having the exception that s 24 or parts thereof does not apply. Refer to column 5 of Table 1 – Description of Cultural redress properties, vesting, reserve status, interests and memorials for details.

Action - vestings subject to interests

- (a) Cultural redress properties are vested subject to the Interests set out in the third column in Schedule 2 of the Act (s 52). Refer to Table 1 – Description of Cultural redress properties, vesting, reserve status, interests and memorials for details.
 - (b) The interests in Schedule 2 of the Act may include unregistered instruments. Only the interests referred to in the application are required to be entered on the CFR.
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Vesting of cultural redress properties, continued

RMA/LGA

Statutory exemptions under s 59

- (a) The vesting of the fee simple in cultural redress properties in the trustees under Part 2 of the Act do not require subdivision approval, because they are not subject to s 11 and Part 10 of the Resource Management Act 1991.
 - (b) Creation of rights of way to fulfil the terms of the deed of settlement in relation to a cultural redress property do not require Council consent under s 348 of the Local Government Act 1974.
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Revocation and reconferring of reserve status under ss 35 to 50

The reserve status of the vesting of cultural redress properties is either *revoked and/or new reserve status* or *no reserve status* conferred. Refer to Table 1 – Description of Cultural redress properties, vesting, reserve status, interests and memorials and Table 2 – Maungatautari Mountain Scenic Reserve for details.

Action - statutory action revoking and creating reserve

- (a) When an application is made in respect of a reserve site, the statutory action revoking the reserve must be captured before the registration of the trustees as registered proprietors.
 - (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, the new reserve status (if any) must, where applicable, be noted on the current view of the relevant computer register as per Table 1 – Description of Cultural redress properties, vesting, reserve status, interests and memorials.
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Vesting of cultural redress properties, continued

Registration action under s 57 - notice of revocation of reservation for Koroki Kahukura ki Hinuera and/or Te Reti

- (a) If the reservation of all or part of Koroki Kahukura ki Hinuera or Te Reti is revoked, the Director-General of Conservation will apply to remove notifications that s 24 of the Conservation Act 1987 does not apply and that the property is subject to ss 55(3) and 63 (see s 57(3)).
 - (b) If the reservation is revoked for all of the property the relevant memorials should be removed from the CFR (see s 57(5)).
 - (c) If the reservation of the property is revoked for part the relevant memorials should remain only on the CFR for the part of the property that remains a reserve.
-

Registration action under s 57 - notice of revocation of reservation for a Māori reservation property

- (a) If the operating easement is surrendered for all or part of a Māori reservation property the registered proprietors will apply to remove notifications that s 24 of the Conservation Act 1987 does not apply and that the property is subject to ss 55(4) (see s 57(4)).
 - (b) If none of the property remains subject to the operating easement the relevant memorials should be removed from the CFR (s 57(5)).
 - (c) If part of the property remains subject to the operating easement the relevant memorials on the CFR should be amended to record that they apply to that part (see s 57(5)).
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Vesting of cultural redress properties, continued

Registration action under s 58 - notice of revocation of reservation for Taumatawiwi and/or Waikaukau

- (a) Table 3 – Revocation and/or surrender of easements under s 58 summarises the requirements for applications under s 58 and amending affected CFRs.
- (b) Section 58 provides that if the reservation of Taumatawiwi or Waikaukau is revoked for part of the property, and the operating easement has been surrendered for that part of the property, the notifications 'subject to section 24 of the Conservation Act 1987 and subject to sections 56(3) and 63' (the notifications) should remain only on the CFR for the part of the property that remains a reserve.
- (c) If the reservation of Taumatawiwi or Waikaukau is revoked for all of the property, but the operating easement has not been surrendered, on receipt of an application by the Director-General, remove the notification that the property is 'subject to section 63' from the CFR.
- (d) If the reservation of Taumatawiwi or Waikaukau is revoked for part of the property (the revoked part), but the operating easement has not been surrendered for the revoked part, the notifications (except the notification that the land is subject to s 63) should be recorded on the computer freehold register for the revoked part; and the notifications should remain on the CFR for the part of the property that remains a reserve.
- (e) If the operating easement is surrendered for all or part of the property (and the reservation has been revoked), and if none of the property remains subject to the operating easement, the notifications that 'section 24 of the Conservation Act 1987 does not apply; and the property is subject to section 56(3)' should be removed on receiving an application.
- (f) If part of the property remains subject to the operating easement (the subject part), amend the notifications on the computer freehold register for the property to record that, for the subject part only, section 24 of the Conservation Act 1987 does not apply to that part; and that part is subject to s 56(3).

Note: If the operating easement is surrendered in relation to all or part of the property but the reservation of the property or the part of the property has not been revoked, the notifications must not be removed from the CFR.

Refer to Table 3 – Revocation and/or surrender of easements under s 58 for details.

3 Transfer of reserve land

Prohibition on transfer of reserve land under ss 64 and 65

The fee simple estate in reserve land may only be transferred to any other person in accordance with ss 64 or 65.

Statutory prohibition against mortgage of reserve land

The registered proprietors are prohibited from registering a mortgage or any other security interest (charge) in any land or part of the land so long as it remains a reserve under the Reserves Act 1977 (s 66).

Transfer of reserve land when trustees change under s 65

The registered proprietors of the reserve land may only transfer the fee simple estate in the reserve land (s 65) if:

- (a) the transferors are or were the trustees of the trust, and
 - (b) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust, or any transferor has ceased to be a trustee of the trust, and
 - (c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that s 65(a) and (b) apply.
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Transfer of reserve land to new administering body

Under s 64(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).

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Transfer of reserve land, continued

**Trigger –
Receipt by the
RGL of a transfer
under s 64(5)**

Receipt by the RGL (s 64 (5)) of:

- (a) 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, and
 - (b) the written consent of the Minister of Conservation to the transfer of the reserve land, and
 - (c) the written consent of the Waipa District Council, and
 - (d) any other document required for the registration of the transfer instrument.
-

**Action -
registration of
new owners**

- (a) Upon receipt of the documents required by s 64 the RGL must register the new owners as the proprietors of the fee simple estate in the reserve land (s64(5)).
 - (b) From the time of their registration under s 64, the new owners:
 - (i) are the administering body of the reserve land, and
 - (ii) hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer, and have the same rights and obligations as the registered proprietors had immediately before the transfer.
 - (c) A transfer that complies with s 64 need not comply with any other requirements.
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4 Maungatautari Mountain Scenic Reserve

Background Subpart 3 provides for the fee simple estate in the land within the Maungatautari Mountain Scenic Reserve to be held by Te Hapori o Maungatautari — the Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari.

Trigger – receipt of written application under s 72 Receipt of a written application under s 72 by the Director-General of Conservation to create one CFR for the fee simple estate in Maungatautari Mountain Scenic Reserve. Refer to Table 2 – Maungatautari Mountain Scenic Reserve.

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Maungatautari Mountain Scenic Reserve, continued

Registration action

Upon receipt of an application under s 72 the RGL must:

- (a) create one CFR for the fee simple estate in Maungatautari Mountain Scenic Reserve, subject to completion of any necessary survey, and
- (b) record the proprietor on the CFR as specified in s 71(2) ie 'Te Hapori o Maungatautari - the Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari', and
- (c) record on the CFR any interests that are registered, notified, or notifiable and that are described in the application (refer to Table 2), and
- (d) record the following memorials:

'The within land is held as part of Maungatautari Mountain Scenic Reserve and is subject to subpart 3 of part 2 of the Ngāti Koroki Kahukura Claims Settlement Act 2014'

'Subject to the Reserves Act 1977'

'Subject to section 74 of the Ngāti Koroki Kahukura Claims Settlement Act 2014'

'Subject to section 77 of the Ngāti i Koroki Kahukura Claims Settlement Act 2014' **Note:** This requires the 'prevents registration' flag to be set.

'Subject to Part 4A of the Conservation Act 1987 (but is not subject to section 24 of that Act)'

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

Refer to Table 2 – Maungatautari Mountain Scenic Reserve

Prohibition on Transfer or mortgage memorials under s 72(7)

Te Hapori o Maungatautari must not transfer or otherwise dispose of Maungatautari Mountain Scenic Reserve; or mortgage or give a security interest in Maungatautari Mountain Scenic Reserve (s 72(7)).

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Maungatautari Mountain Scenic Reserve, continued

Reserve status must not be revoked under s 75

- (a) Maungatautari Mountain Scenic Reserve is a scenic reserve for the purposes of s 19(1)(a) of the Reserves Act 1977.
- (b) The reservation of Maungatautari Mountain Scenic Reserve as a reserve under the Reserves Act 1977 must not be revoked.
- (c) If the reserve classification of Maungatautari Mountain Scenic Reserve is reclassified in accordance with s 24 of the Reserves Act 1977, the name of the reserve also changes, but only to the extent necessary to reflect the new reserve classification. Refer to Table 2 – Maungatautari Mountain Scenic Reserve

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Maungatautari Mountain Scenic Reserve, continued

Registration of instruments under Land Transfer Act 1952 under s 77

- (a) The RGL must not accept for registration an instrument that relates to the Maungatautari Mountain Scenic Reserve unless the instrument is executed by or on behalf of the Crown:
 - (i) pursuant to a power or function under ss 73(3) or 76(1), or
 - (ii) to give effect to an exchange of land under s 78, or
 - (iii) to give effect to an addition of land in accordance with ss 79 or 80, or
 - (iv) executed by the administering body of the reserve pursuant to a power or function under the Reserves Act 1977 or pursuant to a power or function delegated to the administering body under s 10 of that Act, or
 - (v) executed by the authorised representatives in accordance with s 82.
 - (b) The instrument must be accompanied by a certificate given by a solicitor that:
 - (i) identifies the provision in s 77(2) that applies to the instrument, and
 - (ii) verifies that the instrument has been executed in accordance with the Act or the Reserves Act 1977, and

in the case of an instrument to give effect to an exchange of land, confirms that the Minister has complied with s 78(2).
-

Exchange of land under s 78

The Minister may, by notice published in the *Gazette*, authorise the exchange of part of Maungatautari Mountain Scenic Reserve for private land if the Minister has obtained the written consent of the authorised representatives.

RMA/Statutory exemptions under s 85

The creation of a CFR for the purposes of an exchange of land under s 78 does not require subdivision approval because it is not subject to s 11 and Part 10 of the Resource Management Act 1991.

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Maungatautari Mountain Scenic Reserve, continued

Trigger – lodgement of transfer instrument under s 78

Lodgement of a transfer instrument that is in order for registration and contains a statement that the land described in the transfer instrument is to be exchanged in accordance with s 78.

Registration action to give effect to exchange

- (a) When a transfer instrument that is in order for registration and contains a statement that the land described in the transfer instrument is to be exchanged in accordance with s 78 is lodged.
 - (b) The RGL must record any entry on any CFR and do anything else necessary to give effect to the exchange.
 - (c) If the transfer removes part of Maungatautari Mountain Scenic Reserve for the purpose of exchange, the removed land:
 - (i) ceases to be subject to subpart 3 of the Act and to the Reserves Act 1977, and
 - (ii) is subject to—
 - (A) Part 4A of the Conservation Act 1987 (and is no longer exempt from s 24 (except subsection (2A)) of that Act), and
 - (B) section 11 of the Crown Minerals Act 1991.
 - (d) If the transfer adds land to Maungatautari Mountain Scenic Reserve for the purpose of exchange the RGL must:
 - (i) register the transfer of the fee simple estate in the added land to the Crown, and
 - (ii) immediately register Te Hapori o Maungatautari as the proprietor of the fee simple estate in the added land, and
 - (iii) record on the computer freehold register the memorials specified in s 81 – Refer to Table 2 – Maungatautari Mountain Scenic Reserve for details.
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Maungatautari Mountain Scenic Reserve, continued

Registration action – addition of Crown-owned land to reserve under s 79

- (a) Any Crown-owned land that does not form part of the Maungatautari Mountain Scenic Reserve may, with the consent of the authorised representatives as defined in s 71, be added to the reserve.
 - (b) To the extent that the added land is all of the land contained in a CFR, the RGL must, in accordance with a written application by the Director-General of Conservation:
 - (i) register Te Hapori o Maungatautari as the proprietor of the fee simple estate in the land, and
 - (ii) record on the CFR the memorials specified in s 81.
 - (c) To the extent that the added land is not contained in a CFR, the RGL must, in accordance with a written application by the Director-General of Conservation:
 - (i) create a CFR for the fee simple estate in the land in the name of Te Hapori o Maungatautari, and
 - (ii) record on the CFR the memorials specified in s 81. Refer to Table 2 – Maungatautari Mountain Scenic Reserve.
-

Registration action - addition of private land to reserve under s 80

- (a) Any private land may, with the consent of the authorised representatives, as defined in s 71 be added to the reserve.
 - (b) The RGL must, on receipt of a transfer instrument that is in order for registration and contains a statement that the land described in the transfer instrument is to be added to Maungatautari Mountain Scenic Reserve in accordance with s 80:
 - (i) register the transfer of the fee simple estate in the land to the Crown, and
 - (ii) immediately register Te Hapori o Maungatautari as the proprietor of the fee simple estate in the land, and
 - (iii) record on the CFR the memorials specified in s 81. Refer to Table 2 – Maungatautari Mountain Scenic Reserve.
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Maungatautari Mountain Scenic Reserve, continued

- RMA exemptions** Section 11 and Part 10 of the Resource Management Act 1991 do not apply to:
- (a) the registration of Te Hapori o Maungatautari as the proprietor of the fee simple estate in Maungatautari Mountain Scenic Reserve under s 72, or
 - (b) the creation of a CFR for the purposes of an exchange of land under s 78 or an addition of land to the reserve under ss 79 or 80, or
 - (c) any matter incidental to, or required for the purpose of, the matters described in paragraphs (a) and (b).
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5 Transfer of commercial redress properties

Legislation s100 To give effect to part 8 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised to transfer the fee simple estate in a commercial redress property to the trustees; and sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer (s 100).

Deed of Settlement Schedule

The Deed of Settlement Schedule, Part 3 of the Property Redress describes the commercial redress properties at page 6:

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

Property Name/Address	Description	Landholding Agency
Pukeatua School 2110 Arapuni Road Te Awamutu	2.4685 hectares, approximately, being Part Section 7 Tautari Village. Part Gazette 1914 page 155. Subject to survey.	Ministry of Education (property is subject to the Crown leaseback)
Pukeatua School House Site	0.1200 hectares, approximately, being Part Section 7 Tautari Village. Part Gazette 1914 page 155, as shown bordered yellow on the Pukeatua School diagram in the attachments. Subject to survey	Ministry of Education

Trigger – a written application under s 101(3)

- (a) A written application by an authorised person under s 101(3) to create a computer freehold register.
 - (b) Authorised person means a person authorised by the Chief Executive of the relevant land holding agency (s 101(5)).
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Transfer of commercial redress properties, continued

Action – create computer freehold register	<p>Upon receipt of an application under s 101 the RGL must:</p> <ul style="list-style-type: none">(a) create one CFR in the name of the Crown, subject to and together with any interests that are registered or described in the application but without any statement of purpose.(b) Record the following memorials: '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'(c) Creation of the above CFR is subject to completion of any necessary survey.(d) Standard registration and new title fees apply.
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Transfer of balance Puhue quarry property	<ul style="list-style-type: none">(a) Immediately before the transfer of the balance Puhue quarry property (described in s 104) under s 100, the property's reservation as a local purpose reserve subject to the Reserves Act 1977 is revoked (s 104).(b) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status of the balance Puhue quarry property.
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Covenant for later creation of computer freehold register	<p>A person authorised by the chief executive of the land holding agency for the relevant property may grant a covenant for the later creation of a CFR for a commercial redress property for the purpose of s 101 (s 102).</p>
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Trigger – receipt of a covenant	<p>Receipt of a covenant for the later creation of a CFR under s 102.</p>
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Registration action	<p>Notwithstanding anything to the contrary in the Land Transfer Act 1952, the covenant for the later creation of a CFR must be registered by creating a computer interest register for the covenant.</p>
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Transfer of commercial redress properties, continued

**RMA/LGA
Statutory
exemption under
s 103**

The transfer from the Crown to the trustees of the fee simple estate in commercial redress properties are not subject to:

- (a) section 11 and Part 10 of the Resource Management Act 1991, and
 - (b) creation of rights of way to fulfil the terms of the deed of settlement in relation to the transfer of a commercial redress property do not require Council consent under s 348 of the Local Government Act 1974.
-

6 Right of first refusal

Trigger - receipt of RFR certificate under s 128

Receipt of a certificate from the Chief Executive under s 128 that identifies one or more computer registers for RFR land.

Action - memorials record RFR land

- (a) Upon receipt of the s 128 certificate the RGL must add the following memorial to the current view of the computer register identified in the s 128 certificate:

'[certificate identifier] Certificate under section 128 of the Ngāti Koroki Kahukura Claims Settlement Act 2014 that the within land is RFR land as defined in section 106 and is subject to Subpart 2 of Part 3 of the Act (which restricts disposal, including leasing, of the land) [date and time]'.

- (b) Create a 'prevents registration' flag in Landonline.
(c) The standard registration fee is payable
-

Trigger – certificate under s 129

Receipt of a certificate from the Chief Executive under s 129 for the removal of s 128 memorials from a CFR on land ceasing to be RFR land upon land being transferred or vested.

Action – registration requirements

- (a) Upon receipt of the s 129 certificate, together with the relevant transfer or vesting application, the RGL must record the following memorial on the historic view of the computer register:

'[certificate identifier] Certificate under section 129 of the Ngāti Koroki Kahukura Claims Settlement Act 2014 removing [memorial identifier] entered under section 128 [date and time]'.

- (b) The transfer or vesting is then registered.
(c) The standard registration fee is payable
-

Trigger – certificate to remove RFR at end of RFR period under s 130

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

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Right of first refusal, continued

Action – registration requirements

Upon receipt of the s 130 certificate the RGL must record the following memorial on the historic view of the register:

'[certificate identifier] Certificate under section 130 of the Ngāti Koroki Kahukura Claims Settlement Act 2014 removing [memorial identifier] entered under section 128 [date and time]'.

Action - ongoing monitoring of RFR land

A transfer or vesting of the fee simple estate, or grant of a lease for 50 years or more (including any rights of renewal or extensions), in a computer register that has a memorial recorded on it under s 128, cannot be registered unless:

- (a) a certificate from the Chief Executive has been received under s 129, or
- (b) at the end of the RFR period, a certificate from the Chief Executive has been received under s 130 for the removal of the memorial under s 128, or
- (c) the dealing is in favour of the Crown or a Crown Body as defined in s 105 (s 113).

Note: Transfers of RFR land without a preceding s 129 or s 130 certificate should only be accepted if it is absolutely clear that the transferee is the Crown or a Crown Body as defined in s 105. If there is any doubt, these matters should be escalated to a senior officer (eg Titles Advisor) for resolution.

Note: Where land is disposed of to the Crown or a Crown body as defined in s 105 in terms of s 113, the RFR will remain on the title and must continue to be monitored and enforced by LINZ until it is removed under ss 129 or 130.

7 Removal of resumptive memorials

Trigger – receipt of certificate under s 18 Receipt of a certificate by the Chief Executive under s 18 for the removal of certain memorials from a computer register.

Authorised person A statement in the certificate that the signatory is acting on delegation or authority of the Chief Executive shall be taken as evidence of the authority of the person to execute the certificate on behalf of the Chief Executive.

Legislation

(a) Section 17 provides that certain legislative provisions do not apply to:

- (i) a cultural redress property, or
- (ii) a commercial redress property, or
- (iii) an early transfer property, or
- (iv) to the RFR land, or
- (v) for the benefit of Ngāti Koroki Kahukura or a representative entity.

(b) Section 17(2) lists the legislative provisions as:

- (i) sections 8A to 8HJ of the Treaty of Waitangi Act 1975,
- (ii) sections 27A to 27C of the State Owned Enterprises Act 1986,
- (iii) sections 211 to 213 of the Education Act 1989,
- (iv) Part 3 of the Crown Forest Assets Act 1989, and
- (v) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990.

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' by the RGL, acting on the certificate issued as below.

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Removal of resumptive memorials, continued

Certificate cancelling relevant memorials

Section 18(4) requires the RGL to register a certificate against the affected registers, cancelling any relevant memorial referred to in s 17. The certificate must:

- (a) be issued by the Chief Executive, as soon as reasonably practicable after the settlement date, or actual deferred settlement date,
 - (b) identify the relevant CFRs which are subject to any or all of the relevant memorials and are all, or part, of
 - (i) a cultural redress property,
 - (ii) a commercial redress property,
 - (iii) an early transfer property,
 - (iv) the RFR land
 - (c) state that it is issued under s 18.
-

Action – registration certificate under s 18

When a certificate under s 18 is presented for registration:

- (a) any memorial on the current view of the computer register which relates to an enactment referred to in s 17(2) should be removed,
- (b) the following memorial should be recorded on the historic view of that register:

'[instrument number] Certificate under section 18 of the Ngāti Koroki Kahukura Claims settlement Act 2014 cancelling [memorial identifier] [date and time]'.

- (c) the standard registration fee is payable.

Note: If the existing memorial on the title refers to an Act in general, such as 'subject to the Crown Forest Assets Act 1989', the original notation remains on the computer register, but it should be recorded on the computer register that 'Part 3 of the Crown Forest Assets Act 1989 (or any other relevant section mentioned in s 17) does not apply'.

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

Property Name & Description	Vesting in fee simple/Reserve Status	Existing Interests and Covenants that must be recorded	Spatial statutory action	Memorials to be recorded (as specified in the Act and application to vest)
Puahue 0.4216 hectares, more or less, being Lots 2 and 3 DPS 9683. All Transfer S465738.	Vests in the trustees in fee simple. Reserve status revoked (s36)	Existing Interests Subject to a mining permit created by SA71B/94.	Revoked reserve status.	Subject to Part 4A of the Conservation Act 1987 Subject to section 11 of the Crown Minerals Act 1991.
Tau Pakanga 2.3300 hectares, more or less, being Section 1 SO 59555. Part Proclamation 6030.	Vests in the trustees in fee simple No reserve status	Existing Interests Subject to a pipeline easement in gross in favour of Vector Gas Limited.	N/A	Subject to Part 4A of the Conservation Act 1987. Subject to section 11 of the Crown Minerals Act 1991.
Tunakawa 0.0937 hectares, more or less, being Section 1 SO 462032. All Gazette notice S606138.	Vests in the trustees in fee simple No reserve status		N/A	Subject to Part 4A of the Conservation Act 1987. Subject to section 11 of the Crown Minerals Act 1991.
Koroki Kahukura ki Hinuera 32.0982 hectares, more or less, being Sections 152 and 157 Block XVI Cambridge Survey District. All Gazette 1987, p 23.	Vests in the trustees in fee simple The reservation of Koroki Kahukura ki Hinuera (being Horahora Gorge Scenic Reserve) as a scenic reserve subject to section 19 of the Reserves Act 1977 is revoked; Koroki Kahukura ki Hinuera is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; s 39(1) & (3).	Existing Interests Subject to a water easement created by document S123406. Subject to a right of way easement created by document S134688. Subject to GN H080406 declaring adjoining State Highway 1 to be limited access road.	Revoked reserve status. 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 55(3) and 63 of the Ngāti Koroki Kahukura Claims Settlement Act 2014. Subject to the Reserves Act 1977. Subject to sections 66 of the Ngāti Koroki Kahukura Claims Settlement Act 2014. Note: the memorials relating to ss 63, and 66 of Ngāti Koroki Kahukura Claims Settlement Act 2014 require the 'prevents registration' flag to be set).
Taumatawiwi 4.3869 hectares, more or less, being Section 1 SO 462033. Part Gazette 1996, p 1838.	Vests in the trustees in fee simple Taumatawiwi is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977 s 40(1) & (2).	Existing Interests Subject to an easement in gross for a right to store water and to install and operate hydroelectricity works in favour of Mighty River Power Limited, created by deed of easement 8672093.1	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 56(3) and 63 of the Ngāti Koroki Kahukura Claims Settlement Act 2014.

		and held in computer interest register 544104.		Subject to the Reserves Act 1977. Subject to section 66 of the Ngāti Koroki Kahukura Claims Settlement Act 2014. Note: the memorials relating to ss 63, and 66 of Ngāti Koroki Kahukura Claims Settlement Act 2014 require the 'prevents registration' flag to be set.
Te Reti 27.9380 hectares, more or less, being Section 12 Block X Maungataut-ari Survey District. All Gazette notice H476156. 2.6610 hectares, more or less, being Lot 1 DPS 31406. All Transfer H432476.6.	Vests in the trustees in fee simple The reservation of Te Reti (being Te Reti Road Scenic Reserve) as a scenic reserve subject to section 19 of the Reserves Act 1977 is revoked; Te Reti is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. s 41(2) & (3)		Revoked reserve status 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 55(3) and 63 of the Ngāti Koroki Kahukura Claims Settlement Act 2014. Subject to the Reserves Act 1977. Subject to sections 66 of the Ngāti Koroki Kahukura Claims Settlement Act 2014. Note: the memorials relating to ss63 and 66 of Ngāti Koroki Kahukura Claims Settlement Act 2014 require the 'prevents registration' flag to be set.
Waikaukau 0.8986 hectares, more or less, being Section 2 SO 465103. Part Gazette notice 5724545.2.	Vests in the trustees in fee simple Waikaukau is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977 s 42(1) &(2).	Subject to an easement in gross for a right to store water and to install and operate hydroelectricity works in favour of Mighty River Power Limited, created by deed of easement 8672073.1, held in computer interest register 544097.	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 the Reserves Act 1977. Subject to sections 56(3) and 63 of the Ngāti Koroki Kahukura Claims Settlement Act 2014. Subject to section 66 of the Ngāti Koroki Kahukura Claims Settlement Act 2014. Note: the memorials relating to ss 63 and 66 of Ngāti Koroki Kahukura Claims Settlement Act 2014 the require the 'prevents registration' flag to be set.
Ara Hinerua South Auckland Land District–Waipa District 0.0365 hectares, more or less, being Section 3 SO 306282. Part Gazette notice	Vests in the trustees in fee simple (to be administered as Māori reservation) s43(1)	Subject to being a Maori reservation, as referred to in section 68(2). Subject to an easement in gross for a right to store water and to install and		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 section 55(4)

5266206.2.		operate hydroelectricity works in favour of Mighty River Power Limited, created by deed of easement 8672093.1 and held in computer interest register 544104.		and 68 of the Ngāti Koroki Kahukura Claims Settlement Act 2014. Note: the memorial relating to s68 of Ngāti Koroki Kahukura Claims Settlement Act 2014 requires the 'prevents registration' flag to be set.
Horahora Island South Auckland Land District–South Waikato District 1.2327 hectares, more or less, being Section 2 SO 306282. Part Gazette notice 5266206.2	Vests in the trustees in fee simple (to be administered as Māori reservation) s44(1)	Subject to being a Maori reservation, as referred to in section 68(2). Subject to an easement in gross to store water and to install and operate hydroelectricity works in favour of Mighty River Power Limited, created by deed of easement 8672093.1 and held in computer interest register 544104.		Subject to Part 4A of the Conservation Act 1987 (but section 24 that Act does not apply). Subject to section 11 of the Crown Minerals Act 1991. Subject to section 55(4) and 68 of the Ngāti Koroki Kahukura Claims Settlement Act 2014. Note: the memorial relating to s 68 Ngati Koroki Kahukura Claims Settlement Act 2014 requires the 'prevents registration' flag to be set.
Kohi Wheua South Auckland Land District–Waipa District 0.0600 hectares, more or less, being Section 2 SO 306282. Part Gazette notice 5266206.2.	Vests in the trustees in fee simple (to be administered as Māori reservation) s45(1)	Subject to being a Maori reservation, as referred to in section 68(2). Subject to an easement in gross for a right to store water and to install and operate hydroelectricity works in favour of Mighty River Power Limited, created by deed of easement 8672093.1 and held in computer interest register 544104.		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 section 55(4) and 68 of the Ngāti Koroki Kahukura Claims Settlement Act 2014. Note: the memorial relating to s 68 of Ngāti Koroki Kahukura Claims Settlement Act 2014 requires the 'prevents registration' flag to be set.
Koroki Kahukura ki Piarere South Auckland Land District–South Waikato and Matamata-Piako Districts 4.7089 hectares, more or less, being Section 6 SO 461172. Part Gazette notice 5567426.1.	Vests in the trustees in fee simple (to be administered as Māori reservation) s46(1)	Subject to being a Maori reservation, as referred to in section 68(2). Subject to an easement in gross for a right to store water and to install and operate hydroelectricity works in favour of Mighty River Power Limited, created by deed of easement 8672093.1 and held in computer interest register 544104.		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 section 55(4) and 68 of the Ngāti Koroki Kahukura Claims Settlement Act 2014. Note: the memorial relating to s 68 of Ngāti Koroki Kahukura Claims Settlement Act 2014 requires the 'prevents registration' flag to be set.
Motu Aratau South Auckland Land District–Waipa District 11.1005 hectares, more or less, being Section 1 SO 462109. Part Gazette 1996, p	Vests in the trustees in fee simple (to be administered as Māori reservation) s 47(1)	Subject to being a Maori reservation, as referred to in section 68(2). Subject to an easement in gross for a right to store water and to install and		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 section 55(4)

55.		operate hydroelectricity works in favour of Mighty River Power Limited, created by deed of easement 8672073.1 and held in computer interest register 544097.		and 68 of the Ngāti Koroki Kahukura Claims Settlement Act 2014. Note: the memorials relating to s 68 of Ngāti Koroki Kahukura Claims Settlement Act 2014 require the 'prevents registration' flag to be set.
Te Kiwa and Te Uira South Auckland Land District–Waipa District 0.0435 hectares, more or less, being Sections 1 and 2 SO 461172. Part Gazette notice 5567426.1.	Vests in the trustees in fee simple (to be administered as Māori reservation) s48(1)	Subject to being a Maori reservation, as referred to in section 68(2). Subject to an easement in gross for a right to store water and to install and operate hydroelectricity works in favour of Mighty River Power Limited, created by deed of easement 8672093.1 and held in computer interest register 544104.		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 section 55(4) and 68 of the Ngāti Koroki Kahukura Claims Settlement Act 2014. Note: the memorials relating to s 68 of Ngāti Koroki Kahukura Claims Settlement Act 2014 require the 'prevents registration' flag to be set.
Waitoa South Auckland Land District–Waipa District 12.4532 hectares, more or less, being Section 2 SO 462109. All Gazette 2003, p 2295.	Vests in the trustees in fee simple (to be administered as Māori reservation) s 49(1)	Subject to being a Maori reservation, as referred to in section 68(2). Subject to an easement in gross for a right to store water and to install and operate hydroelectricity works in favour of Mighty River Power Limited, created by deed of easement 8672073.1, held in computer interest register 544097.		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 section 55(4) and 68 of the Ngāti Koroki Kahukura Claims Settlement Act 2014. Note: the memorials relating to s 68 of Ngāti Koroki Kahukura Claims Settlement Act 2014 require the 'prevents registration' flag to be set.
Whanatangī and Ihaia South Auckland Land District–Waipa District 1.5337 hectares, more or less, being Sections 4 and 5 SO 461172. Part Gazette notice 5729973.1.	Vests in the trustees in fee simple (to be administered as Māori reservation) s50(1)	Subject to being a Maori reservation, as referred to in section 68(2). Subject to an easement in gross for a right to store water and to install and operate hydroelectricity works in favour of Mighty River Power Limited, created by deed of easement 8672093.1 and held in computer interest register 544104.		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 section 55(4) and 68 of the Ngāti Koroki Kahukura Claims Settlement Act 2014. Note: the memorials relating to s 68 of Ngāti Koroki Kahukura Claims Settlement Act 2014 require the 'prevents registration' flag to be set.

9 Table 2 – Maungatautari Mountain Scenic Reserve

Description & Interests	Vesting in fee simple/ Reserve Status	Proprietorship & Memorials that must be recorded
<p>1513.9714 hectares, more or less, being Section 1 SO 460456 and Maungatautari 3A5A3 and 3A5A6. Balance Proclamation H547522.1.</p> <p>361.3109 hectares, more or less, being Sections 31 and 32 Tautari Settlement and Maungatautari 3A6A and 3A7A. All Gazette 1953, p 1341.</p> <p>180.9704 hectares, more or less, being Maungatautari 4G2B. All Gazette notice S268111.</p> <p>81.6732 hectares, more or less, being Lot 2 DP 27762. All Computer Freehold Register SA989/172. Subject to a right of way easement created by Transfer 319602 (affects Lot 2 DP 27762).</p> <p>73.5013 hectares, more or less, being Lot 3 DPS 27075. All Transfer H273349.</p> <p>56.8330 hectares, more or less, being Lot 1 DPS 5051. All Gazette notice S166754.</p> <p>40.4610 hectares, more or less, being Section 1 SO 38698. All Gazette notice S117797.</p> <p>37.0287 hectares, more or less, being Lot 1 DPS 7036. All Gazette notice S232175.</p> <p>30.8300 hectares, more or less, being Lot 1 DPS 39276. All Transfer H631080.4.</p> <p>20.2300 hectares, more or less, being Lot 1 DPS 34267. All Transfer H533839.</p> <p>10.8100 hectares, more or less, being Lot 1 DPS 19374. All Transfer H121356.4. Subject to a water easement created by easement certificate H361488.1 (affects Lot 1 DPS 29722).</p> <p>0.0910 hectares, more or less, being Lot 1 DPS 29722. All Transfer H361488.2.</p>	<p>Vests in Te Hapori o Maungatautari in fee simple.</p> <p>Scenic reserve for the purposes of section 19(1)(a) of the Reserves Act 1977.</p> <p>The reservation of Maungatautari Mountain Scenic Reserve as a reserve under the Reserves Act 1977 must not be revoked.</p>	<p>The Proprietor name must be recorded on the CFR as follows: 'Te Hapori o Maungatautari - the Maungatautari community comprising iwi with customary interests in Maungatautari and members of the wider community connected with Maungatautari'</p> <p>Memorials:</p> <p>'Subject to s74 of the Ngati Koroki Kahukura Claims Settlement Act 2014'</p> <p>'The within land is part of Maungatautari Mountain Scenic Reserve and is subject to subpart 3 of part 2 of the Ngāti Koroki Kahukura Claims Settlement Act 2014'</p> <p>'Subject to section 77 of the Ngāti Koroki Kahukura Claims Settlement Act 2014'</p> <p>'Subject to the Reserves Act 1977'</p> <p>(Note: the memorials relating to ss 74 and 77 of the Ngāti Koroki Kahukura Claims Settlement Act (2014) require the prevents registration flag to be set)</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>

10 Table 3 – Revocation and/or surrender of easements under s 58

If the reservation of all or part of Taumatawiwi or Waikaukau is revoked, and if the operating easement has been fully or partially-surrendered, the Director-General of Conservation and registered proprietors will apply to remove notifications that s 24 of the Conservation Act 1987 does not apply and that the property is subject to ss 55(3) and 63 (s 58(3) & (4)). Table 3 summarises the requirements for applications under s 58 amending CFRs.

Revocation of reservation and/or surrender of easement	As to all or part of the property	Application is made by:	Required amendments (s 58(5))
Reservation revoked and easement surrendered (s 58(3)(a) & s 58(4)(a))	All	Director-General in re: s 24 and ss 56(3) & 63 and registered proprietors in re: s 24 and s 56(3)	Remove notifications that s 24 doesn't apply and subject to ss 56(3), 63, & 66
Reservation revoked and easement surrendered (s 58(3)(b) & s 58(4)(b))	Part	Director-General in re: s 24 and ss 56(3) & 63 and registered proprietors in re: s 24 and s 56(3)	Notifications that s 24 doesn't apply and subject to ss 56(3), 63, & 66 remain as to part that remains reserve
Reservation revoked only (s 58(3)(c))	All	Director-General	Remove notification subject to s 63 & 66
Reservation revoked only (s 58(3)(d))	Part	Director-General	(i) s 24 and s 56(3) remain as to the revoked part, but not s 63 & 66 (ii) s 24 and ss 56(3), 63 & 66 remain as to the part that remains reserve
Easement surrendered only (s 58(6))	All or Part	n/a	n/a