



# Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 registration guideline

LINZG20734

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## Terms and definitions

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- General**
- (a) For the purposes of this guideline, the terms and definitions in the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (Act) apply, unless stated otherwise. Refer to ss 7 to 11, 117, 118, and 119 of the Act for interpretation.
  - (b) Terms and abbreviations used in this guideline that are not defined in the Act are defined below.
  - (c) Any reference to a section in this guideline is a reference to that section of the Act.
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<b>Term/abbreviation</b>	<b>Definition</b>
Act	Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014
Administered lands	Means administered lands as defined in s8(1)(a)
authorised person	an authorised person as defined in s 43(6)
CFR	computer freehold register as defined in s 2 of the Land Transfer Act 1952
Chief Executive	Chief Executive of Land Information New Zealand
cultural redress property	a property listed in Part 2 of the Act
commercial redress property	a property defined as commercial redress property in Part 4 of the Act
collective deed	the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed referred to in s 3 of the Act and as defined in s 8 of the Act
Effective date	Means the effective date that is 20 working days after the date on which the Act comes into force as mentioned in s4 and defined in s8
LINZ	Land Information New Zealand
maunga	as defined in ss 8 and 10 of the Act
motu	As defined in s 11 of the Act
RFR land	land defined as RFR land in s 118 (right of first refusal)

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RGL

Registrar-General of Land appointed under s 4 of the Land Transfer Act 1952

trustees

The Tūpuna Taonga o Tāmaki Makaurau Trust limited acting in its capacity as trustee from time to time of the Tūpuna Taonga o Tāmaki Makaurau Trust as defined in s 8 of the Act

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# Foreword

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- Introduction**
- (a) Section 164(3) and Schedule 6 of the The Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (Act) comes into force on the date specified in an Order in Council made under s 38(1).
  - (b) The rest of the Act comes into force on the day after the date on which the Act receives the Royal assent (1 August 2014).
  - (c) The effective date on which the Act takes effect is 29<sup>th</sup> August 2014 (s 4).
  - (d) The land concerned is in the North Auckland Land Registration District.
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- Purpose**
- The Registrar-General of Land (RGL) has issued this guideline to ensure that applications received by Land Information New Zealand (LINZ) under the Act are dealt with correctly.
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- Scope**
- (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.
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- References**
- The following documents are necessary for the application of this guideline:
- (a) The collective deed for Ngā Mana Whenua o Tāmaki Makaurau<sup>1</sup>,
  - (b) Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, and
  - (c) Customer Services Technical Circular 2013.T06 - Registration of Treaty Claims Settlement Dealings.
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<sup>1</sup> Refer to the Office of Treaty Settlements website for a copy of the deed of settlement and its amendments

# 1 Noting statutory restrictions on registration

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## Statutory prohibitions restricting dealing with computer registers

Sections 41 70 73 77 and 148 of the Act contain restrictions against dealing with land held in computer freehold registers (CFR). In each case a memorial of the statutory restrictions on registration must be created on the relevant CFR.

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## Follow up action for Landonline

- (a) When a CFR contains the following memorials:
- (i) 'subject to subpart 4 and subpart 1 of Part 2 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014',
  - (ii) 'subject to subpart 4 and subpart 2 of Part 2 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014',
  - (iii) Subject to subpart 4 and subpart 3 of Part 2 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014',
  - (iv) Subject to section 70(4) to (7) and 88(4) of the Ngā Mana Whenua O Tāmaki Makaurau Collective Redress Act 2014',
  - (v) Subject to section 73(5) and (6) of the Ngā Mana Whenua O Tāmaki Makaurau Collective Redress Act 2014',
  - (vi) Subject to section 77(5) and (6) of the Ngā Mana Whenua O Tāmaki Makaurau Collective Redress Act 2014', and
  - (vii) '[certificate identifier] Certificate under section 148 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to subpart 1 of Part 4 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.
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## 2 Removal of memorials

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<b>Trigger – receipt of s 14 certificate</b>	Receipt of a certificate under s 14 from the Chief Executive of LINZ for the removal of certain memorials from a CFR.
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<b>Authorised person</b>	(a) 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.  (b) A template certificate has been approved by the RGL and is set out in Technical Circular 2013.T06.
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<b>Legislation</b>	(a) Section 13 provides that certain legislative provisions do not apply to:  (i) a maunga, (ii) a Rangitoto Island property, (iii) land transferred under a contract formed under s 127, and (iv) a former deferred selection property but only from the date on which the property is transferred to the Limited Partnership under s 154.  (b) Section 13(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.
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**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 CFRs 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 memorials, continued

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### Certificate

Section 14(4) requires the RGL to register a certificate against the affected registers, cancelling any relevant memorial referred to in s 13. The certificate must:

- (a) be issued by the Chief Executive (s 14(1)), as soon as reasonably practicable after the settlement date, or actual deferred settlement date,
  - (b) identify each relevant allotment, that is
    - (i) all or part of a maunga,
    - (ii) all or part of a Rangitoto Island property,
    - (iii) land transferred under a contract formed under s 127, and
    - (iv) all or part of a former deferred selection property , and
    - (v) the CFR is subject to a resumptive memorial under any enactment listed in s 13(2) [s 14(1)],
  - (c) state that it is issued under s 14(3).
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### Action

When a certificate under s 14 is presented for registration:

- (a) any memorial on the current view of the CFR which relates to an enactment referred to in s 14(2) should be removed,
- (b) the following memorial should be recorded on the historic view of that register:

'[instrument number] Certificate under section 14 of Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 cancelling [memorial identifier] [date and time]',
- (c) the Landonline registration code is RRSM, and
- (d) 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 CFR, but it should be recorded on the CFR that 'Part 3 of the Crown Forest Assets Act 1989 (or any other relevant section mentioned in s 13(2)) does not apply'.

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### 3 General provisions applying to vesting of all maunga

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<b>Maunga</b>	(a) Maunga as defined in s 10 means:  (i) Matukuturu and (ii) Maungakiekie/One Tree Hill and (iii) Maungarei/Mount wellington and (iv) Maungauika and (v) Maungawhau/Mount Eden and (vi) Mount Albert and (vii) Mount Roskill and (viii) Mount St John and (ix) Ohinerau/Mount Hobson and (x) Ohuiarang/Pidgeon Mountain and (xi) Otahuhu/Mount Richmond and (xii) Rarotonga/Mount Smart and (xiii) Takarunga/Mount Victoria and (xiv) Te Tatua a Riukiuta.  (b) The legal descriptions and interests affecting maunga are set out in Schedule 1 of the Act.
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<b>Legislation vesting of maunga under s 42</b>	Each maunga vests in the relevant trustees under subparts 1, 2, or 3 of Part 2 of the Act, subject to, or together with, any encumbrances listed in relation to the property in Schedule 1 of the Act.
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<b>Trigger – receipt of written application under s 43(2)</b>	Receipt of a written application under s 43(2) by a person authorised by the Director-General of Conservation to register the trustees as proprietors of the fee simple estate in the maunga.
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## General provisions applying to vesting of all maunga, continued

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### Action – registration of trustees

When a s 43(2) application is presented for registration

- (a) For maunga (except specified maunga) that is all of the land contained in a CFR, the RGL must:
  - (i) register the trustees as the proprietors of the fee simple, and
  - (ii) record anything in the register to give effect to Part 2 of the Act and the collective deed.

**Note:** the collective deed relates to the vesting of cultural redress land and other related matters that are covered in the Act. There is nothing in Part 4D that requires the RGL to do anything more than is required under the Act

- (b) If, as defined in s 43(6) of the Act:
  - (i) a maunga is not all of the land in a CFR, or
  - (ii) there is no CFR for all or part of the property, or
  - (iii) for specified maunga being:
    - (i) the part of Maungawhau / Mount Eden that is Section 2 SO 454833:
    - (ii) Mount Albert:
    - (iii) Mount Roskill:
    - (iv) the part of Mount St John that is Section 1 SO 454980:
    - (v) the part of Ōtāhuhu / Mount Richmond that is Section 1 SO 454943:
    - (vi) Rarotonga / Mount Smart

the RGL must create one or more CFRs in the name of the trustee, and enter any encumbrances or interests described in the application (s 43(3)).

- (c) Creation of the above CFRs is subject to the completion of any necessary survey.
- (d) The standard registration fee is payable.

**Note:** The resumptive memorials must be brought down onto the CFRs created for the relevant entity or trustees. They cannot be noted as 'cancelled' until a certificate by the Chief Executive authorising the removal of the memorials is lodged for registration.

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## General provisions applying to vesting of all maunga, continued

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### Action – memorials

The following are examples of suitable memorials to record the vesting on an existing CFR (upon registration of an application under s 43 and to reflect the requirements of s 45 in regard to Part IV of the Conservation Act 1987).

(a) On all maunga:

- (i) '[registration number] Application under section 43 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 vesting the land in [names of the trustees] [date and time]',
- (ii) 'subject to section 44 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014',
- (iii) 'subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply)', and
- (iv) 'subject to section 11 of the Crown Minerals Act 1991'.

(b) In addition, the following must also be recorded:

(i) For Maungauika:

'subject to subparts 2 and 4 of Part 2 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014'.

(ii) For Rarotonga/Mount Smart:

'subject to subparts 3 and 4 of Part 2 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014'.

(iii) For any other maunga:

'subject to subparts 1 and 4 of Part 2 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014'.

(c) Ensure the 'prevents registration' flag has been set for each of the memorials.

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### Statutory exemptions under s 46

The vesting of the fee simple in each maunga under subparts 1, 2 or 3 of Part 2 of the Act or the creation of rights of way under the Act are not subject to:

- (a) the subdivision requirements of the Resource Management Act 1991, or
- (b) the Council's requirements for consent under s 348 of the Local Government Act 1974.

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## General provisions applying to vesting of all maunga

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<b>Action – vestings subject to encumbrances</b>	Each maunga vests subject to the encumbrances set out in Schedule 1 of the Act (s 42(1)).
<b>Recording of spiritual, ancestral etc interests under s 44</b>	The RGL is directed to record on any CFR for each maunga that iwi or hapū have spiritual, ancestral, cultural, customary, and historic interests in the maunga.
<b>Action – recording of spiritual, ancestral etc interests</b>	Record on the CFR:  'Subject to section 44 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014'.

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## General provisions applying to vesting of all maunga

continued

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**Action –  
vestings subject  
to trustees'  
encumbrances,  
covenants, or  
easements**

- (a) The cultural redress properties set out below are vested subject to the trustees creating the encumbrances or covenants as stated.
- (b) The applications in respect to these sites must be accompanied by the instruments creating the encumbrances, easements, or covenants referred to.
- (c) The areas subject to the easements are set out in the Act.
- (d) Section 348 of the Local Government Act 1974 does not apply to any right of way required to fulfil the terms of the collective deed in relation to the maunga (s 46(4)).

Property	Encumbrance, easement, or covenants to be created and registered	Refer to
	<b>Description of Easement:</b> The type of easement is not specifically mentioned in the Act, however, under the collective deed it is defined as a right of way, water supply easement, wastewater pipeline easement, water storage easement, and could mean all or any particular components of the easement defined in the Documents Schedule of the collective deed.	
Matukutūruru	<ul style="list-style-type: none"> <li>• Trustees to grant a right of way easement in gross favour of Watercare Services Limited, and</li> <li>• A right of way in favour of the Crown.</li> </ul>	s 18(5)
Maungakiekie/ One Tree Hill	Trustees to grant an easement in favour of Watercare Services Limited	s 19(5)
Maungarei/ Mount Wellington	<ul style="list-style-type: none"> <li>• Trustees to grant a lease to Auckland City Council, and</li> <li>• Trustees to grant an easement in gross favour of Watercare Services Limited.</li> </ul>	s 20(7)
Maungawhau/ Mount Eden	Trustees to grant an easement in gross favour of Watercare Services Limited.	s 21(7)
Mount Albert	Trustees to grant an easement in gross favour of Watercare Services Limited.	s 22(5)
Mount Roskill	Trustees to grant an easement in gross favour of Watercare Services Limited.	s 23(5)
Ōhinerau /Mount Hobson	Trustees to grant an easement in gross favour of Watercare Services Limited.	s 25(5)
Ōhuiarangi/ Pigeon Mountain	Trustees to grant an easement in gross favour of Watercare Services Limited.	s 26(9)
Ōtāhuhu/Mount Richmond	Trustees to grant an easement in gross favour of Watercare Services Limited.	s 27(5)
Takarunga/Mount Victoria	Trustees to grant an easement in gross favour of Watercare Services Limited.	s 28(9)
Te Tātua-a-Riukiuta	Trustees to grant an easement in gross favour of Watercare Services Limited.	s 29(5)
Maungauika	Trustees to grant an easement in gross favour of Watercare Services Limited.	s 33(4)
Rarotonga/Mount Smart	Trustees to grant an easement in gross favour of Watercare Services Limited.	s 39(4)

## General provisions applying to vesting of all maunga continued, continued

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### Action – revocation and reconfering of reserve status

The reserve status of the following sites is revoked and/or new reserve status or no reserve status conferred.

<b>Property</b>	<b>Revoked status</b>	<b>Sec</b>	<b>Estate</b>	<b>New status/purpose</b>	<b>Sec</b>
Matukutūruru	Historic reserve	18(1)	Fee simple	Historic reserve subject to s 18 of the Reserves Act 1977	18(3)
Maungakiekie /One Tree Hill	Recreation Reserve	19(1)	Fee simple	Recreation reserve subject to s 17 of the Reserves Act 1977	19(3)
Maungarei/Mount Wellington	1. Recreation Reserve site for a borough and depot 2. Recreation Reserve	20(1) & 20(2)	Fee simple	1. Local purpose reserve for the purpose of a council depot site and subject to s 23 of the Reserves act 1977 2. Recreation reserve subject to s 17 of the Reserves Act 1977	20(4) & (5)
Maungawhaua/ Mount Eden	Historic Reserve	21(1)	Fee simple	Historic reserve subject to s 18 of the Reserves Act 1977	21(4)
Mount Albert	Recreation Reserve	22(1)	Fee simple	Recreation reserve subject to s 17 of the Reserves Act 1977	22(3)
Mount Roskill	Recreation Reserve	23(1)	Fee simple	Recreation reserve subject to s 17 of the Reserves Act 1977	23(3)
Mount St John	Recreation Reserve	24(1)	Fee simple	Recreation reserve subject to s 17 of the Reserves Act 1977	24(3)
Ōhinerau/ Mount Hobson	Recreation Reserve	25(1)	Fee simple	Recreation reserve subject to s 17 of the Reserves Act 1977	25(3)
Ōhuiarangi/ pigeon Mountain Historic reserve	Historic reserve	26(1)	Fee simple	Historic reserve subject to s 18 of the Reserves Act 1977	26(5)
Ōhuiarangi/ pigeon Mountain local purpose reserve (for community buildings)	Local purpose reserve (for community buildings)	26(2)	Fee simple	Local purpose reserve (for community buildings) subject to s 23 of the Reserves Act 1977	26(6)
Ōhuiarangi/ pigeon Mountain recreation reserve	Recreation Reserve	26(3)	Fee simple	Recreation reserve subject to s 17 of the Reserves Act 1977	26(7)
Ōtāhuhu/ Mount Richmond	Recreation Reserve	27(1)	Fee simple	Recreation reserve subject to s 17 of the Reserves Act 1977	27(3)

## General provisions applying to vesting of all maunga, continued

<b>Property</b>	<b>Revoked status</b>	<b>Sec</b>	<b>Estate</b>	<b>New status/purpose</b>	<b>Sec</b>
Takarunga /Mount Victoria recreation reserve	Recreation Reserve	28(1)	Fee simple	Recreation reserve subject to s 17 of the Reserves Act 1977	28(5)
Takarunga /Mount Victoria local purpose reserve (Community use)	Local purpose reserve (Community use)	28(2)	Fee simple	local purpose reserve (for community use ) subject to s 23 of the Reserves Act 1977	28(6)
Takarunga /Mount Victoria local purpose reserve (community buildings)	Local purpose reserve (community buildings)	28(3)	Fee simple	Local purpose reserve (for community buildings) subject to s 23 of the Reserves Act 1977	28(7)
Te Tātua-a-Riukiuta ( Big King Reserve)	Recreation Reserve	29(1)	Fee simple	Recreation reserve subject to s 17 of the Reserves Act 1977	29(3)
Maungauika (North Head Historic Reserve)	Historic Reserve	33(1)	Fee simple	Historic reserve subject to s 18 of the Reserves Act 1977	33(3)
Rarotonga/ Mount Smart	Recreation Reserve	39(1)	Fee simple	Recreation reserve subject to s 17 of the Reserves Act 1977	39(3)

### Action – statutory actions

- (a) When an application is made in respect of a maunga with reserve status, the statutory action revoking the reserve must be captured before the registration of the trustees as registered proprietors.
- (b) 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 CFR as per the above table.

### Land exchanged under s 51

- (a) An exchange of land by the Director-General of Conservation under s 15 of the Reserves Act 1977 has the effect of revoking the reservation over any part of the maunga given by way of exchange which no longer forms part of the maunga (if the reservation of a reserve site is revoked, in whole or in part).
- (b) The RGL must ensure that the relevant memorials remain only on any CFR for a maunga.

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## General provisions applying to vesting of all maunga, continued

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- Action – removal of memorials under s 50(5)**
- (a) The RGL is directed to make entries in the appropriate register and do anything necessary to give effect to s 51.
  - (b) If a transfer giving effect to an exchange of land affecting a maunga is presented for registration.
  - (c) For land which is no longer part of the maunga, the relevant notifications must be modified accordingly:
    - (i) For Maungauika:
      - (A) From the memorial 'Subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply)' delete the words '(but section 24 of that Act does not apply)',
      - (B) Delete the memorial 'Subject to subparts 2 and 4 of Part 2 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014'.
    - (ii) From Rarotonga/Mount Smart:
      - (A) From the memorial 'Subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply) delete the words '(but section 24 of that Act does not apply)',
      - (B) Delete the memorial 'Subject to subparts 1 and 4 of Part 2 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014'.
    - (iii) For any other maunga:
      - (A) From the memorial 'Subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply)' delete the words '(but section 24 of that Act does not apply)'.
      - (B) Delete the memorial 'Subject to subparts 1 and 4 of Part 2 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014'.

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- Maunga Authority administering body for certain other land under s 110**
- (a) To enable integrated management the Maunga Authority may consent to being appointed as the administering body for certain land set out in s 110.
  - (b) Land in respect of which the Maunga Authority has been appointed as the administering body under s 110(2) must be administered as if it were vested in the Maunga Authority
  - (c) For the purpose of any registration matter related to an interest, the Maunga Authority must be treated as the registered proprietor of the fee simple in the land
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## **4 Vesting of Maungakiekie/One Tree Hill northern land and Māngere Mountain (administered lands)**

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<b>Legal descriptions</b>	(a) Maungakeikie/One Tree Hill northern land and Mangere Mountain are administered lands as defined in s 8(1)(a).  (b) The legal descriptions of Maungakiekie/One Tree Hill northern land and Māngere Mountain are set out in Schedule 2 of the Act.
<b>Vestings cancelled under ss 53 and 54</b>	The vesting in trust in the Auckland Council in Maungakiekie/One Tree Hill and Māngere Mountain are cancelled. Maungakiekie/One Tree Hill and Māngere Mountain vests in the Crown.
<b>Recording iwi and hapū interests under s 56</b>	The RGL must record on any CFR for administered land that iwi or hapū have spiritual, ancestral, cultural, customary, and historic interests in the administered land (s 56).
<b>Action – recording of spiritual, ancestral etc interests</b>	Record on the affected CFR:  'Subject to section 56 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014'.

## 5 Vesting of Rangitoto Island properties

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### Vesting and vesting back of motu under s 69

- (a) The fee simple estate in each motu is vested in the trustee on the motu vesting date defined in s 68.
  - (b) The fee simple estate in each motu is then vested back in the Crown on the 32<sup>nd</sup> day after the motu vesting date.
  - (c) The Crown retains all liability for the motu and all management and administrative authority for the motu.
  - (d) The vestings are not affected by Part 4A of the Conservation Act 1987, s 11 and Part 10 of the Resource Management Act or any other Act.
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### Motu

Motu is defined in s 11 and includes Rangitoto Island properties.

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### Rangitoto Island properties

Rangitoto Island properties include:

- (a) Ngā Pona-toru-a-Peretū,
  - (b) Islington Bay Hall property, and
  - (c) Islington Bay Bach property.
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### Legal descriptions

The legal descriptions for motu sites including Rangitoto Island properties are set out in Schedule 3 of the Act.

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### Trigger – receipt of a written application under s 80(2)

Receipt of a written application under s 80(2) by a person authorised by the Director-General of Conservation to register the trustees as proprietors of the fee simple estate in any Rangitoto Island property site under subpart 9 of Part 2 of the Act

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### Statutory exemptions under s 83

The vesting of the fee simple in Rangitoto Island properties under subpart 9 of Part 2 of the Act is not subject to the subdivision requirements of Part 10 or s 11 of the Resource Management Act 1991.

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## Vesting of Rangitoto Island properties, continued

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**Action –  
registration of  
trustees**

Upon presentation for registration of an application under s 80(2)

- (a) The RGL must create one or more CFRs in the name of the trustees and enter any encumbrances described in the application (s 80(2)).
  - (b) Creation of the above CFRs is subject to the completion of any necessary survey.
  - (c) The standard registration fee is payable.
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**Action –  
recording of  
customary  
interests under  
s 81**

The RGL must record on any CFR for each Rangitoto Island property that iwi or hapū have spiritual, ancestral, cultural, customary, and historic interests in the Rangitoto Island property site.

Record the following memorial:

'Subject to section 81 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014'.

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## Vesting of Rangitoto Island properties, continued

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- Action – memorials**
- (a) The following is a suitable memorial to record the vesting on an existing CFR on registration of an application under s 80:
- (i) '[registration number] application under section 80 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 vesting the within land in [names of the trustees] [date and time]'.
    - (ii) 'subject to Part 4A of the Conservation Act 1987',
    - (iii) 'subject to section 81 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014', and
    - (iv) 'subject to section 11 of the Crown Minerals Act 1991'.
- (b) The following must also be recorded:
- (i) For Ngā Pona-toru-a-Peretū:  
'subject to section 70(4) to (7) and 88(4) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014'.
  - (ii) For Islington Bay Hall property:  
'subject to section 73(5) and (6) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014'.
  - (iii) For Islington Bay Bach 80 property:  
'subject to section 77(5) and (6) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014'.

**Note:** Ensure the 'prevents registration' flag has been set for each of these memorials.

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**Crown to be treated as registered proprietor of Ngā Pona-toru-a-Peretū under s 88(4)**

For the purposes of any registration matter relating to an interest for Ngā Pona-toru-a-Peretū, the Crown must be treated as the registered proprietor of the fee simple estate in Ngā Pona-toru-a-Peretū.

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## Vesting of Rangitoto Island properties, continued

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| <b>Action – vesting subject to encumbrances</b> | (a) Ngā Pona-toru-a-Peretū vests subject to the interests set out in Part 2 of Schedule 3 of the Act (s 71), and is subject to the restrictions in s 70(6) and (7).<br><br>(b) Islington Bay vests subject to the encumbrances set out in Part 2 of Schedule 3 of the Act (s 74), and is subject to the restrictions in s 73(5) and (6).<br><br>(c) Islington Bay Bach 80 vests subject to the encumbrances set out in Part 2 of Schedule 3 of the Act (s 77), and is subject to the restrictions in s 77(5) and (6).<br><br>(d) A number of the encumbrances may be unregistered instruments.<br><br>(e) Only the encumbrances referred to in the application are required to be entered on the CFR. |
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<b>Action – revocation and reconfering of reserve status</b>	The reserve status of the following sites (reserve sites) is revoked and/or new reserve status or no reserve status conferred.
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Property	Revoked status	Sec	Estate	New status/purpose	Sec
Ngā Pona-toru-a-Peretū	Scenic Reserve	70(1)	Fee simple	Scenic Reserve for the purposes of s 19(1)(a) of the Reserves Act 1977	70(3)
Islington Bay Hall property	Scenic Reserve	73(1)	Fee simple	Scenic Reserve for the purposes of s 19(1)(a) of the Reserves Act 1977 and included in the Hauraki Gulf Marine Park established under s 33 of the Hauraki Gulf Marine Park Act 2000 in accordance with s 164 of the Act.	73(3)
Islington Bay Bach site	Scenic Reserve	77(1)	Fee simple	Scenic Reserve for the purposes of s 19(1)(a) of the Reserves Act 1977 and included in the Hauraki Gulf Marine Park established under s 33 of the Hauraki Gulf Marine Park Act 2000 in accordance with s 164 of the Act.	77(3)

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## Vesting of Rangitoto Island properties, continued

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| <b>Action – statutory actions</b> | <ul style="list-style-type: none"><li>(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.</li><li>(b) 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 CFR as per the above table.</li></ul> |
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## 6 Right of first refusal

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<b>Trigger – s 148 certificate</b>	Receipt of a certificate from the Chief Executive under s 148 that identifies a CFR for RFR land.
<b>Action – memorials</b>	<p>(a) Add the following memorial to the current view of the CFR identified in the s 148 certificate:</p> <p>'[certificate identifier] Certificate under section 148 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) [date and time]'.</p> <p>(b) The standard registration fee is payable.</p> <p>(c) Ensure the 'prevents registration' flag has been set.</p>
<b>Trigger – s 149(1) certificate</b>	Receipt of a certificate from the Chief Executive under s 149(1) for the removal of s 148 memorials from a CFR on land ceasing to be RFR land upon transfer or vesting
<b>Action – registration requirements</b>	<p>(a) The standard registration fee is payable.</p> <p>(b) The transfer or vesting must be registered.</p> <p>(c) When the s149 certificate is received, the following memorial should be recorded on the historic view of the register:</p> <p>'[certificate identifier] certificate under section 149(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 removing [memorial identifier] entered under section 148 [date and time]'.</p>
<b>Trigger – s 150 certificate</b>	Receipt of a certificate from the Chief Executive under s 150(1) for the removal of s 148 memorials from a CFR at the end of the RFR period.

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## Right of first refusal, continued

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<b>Action – registration requirements</b>	(a) The standard registration fee is payable.  (b) When the s 150 certificate is received, the following memorial must be recorded on the historic view of the register:  '[certificate identifier] certificate under section 150(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 removing [memorial identifier] entered under section 148 [date and time]'. <hr/>
<b>Action – ongoing monitoring of RFR land</b>	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 CFR that has a memorial recorded on it under s 148, cannot be registered unless:  (a) the dealing is in favour of the Crown, or a Crown Body as defined in s 119 (s 128), or  (b) a certificate from the Chief Executive has been received under s 149(1), or  (c) at the end of the RFR period, a certificate from the Chief Executive has been received under s 150(1) for the removal of the memorial under s 148.

### Notes:

- Transfers of RFR land without a preceding s 149 or s 150 certificate should only be accepted if it is absolutely clear that the transferee is the Crown or a Crown Body as defined in s 119. If there is any doubt, these matters should be escalated to a senior officer (eg Titles Advisor) for resolution.
  - Where land is disposed of to the Crown or a Crown Body (as defined in s 119) in terms of s 128, the RFR will remain on the title and must continue to be monitored and enforced by LINZ until it is removed under ss 149 or 150.
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## 7 Option to purchase former deferred selection properties

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### Crown may transfer former deferred selection properties s 154

- (a) The Crown acting by and through the Chief Executive of the land holding agency is authorised under s 154 to:
    - (i) transfer the fee simple in a former deferred selection property to the limited partnership, and
    - (ii) sign a transfer instrument or other document or do anything else necessary to effect the transfer.
  - (b) The Chief Executive of the land holding agency must forward to the Chief Executive of LINZ a written notice under s 14 of the Act (which relates to the removal of resumptive memorials).
  - (c) Upon receipt of the s 14 certificate the procedure set out in s 2 of this guideline 'removal of memorials' should be followed.
  - (d) The certificate under s 14 should precede or accompany any transfer of the fee simple estate of former deferred selection property to the Limited Partnership under s 154.
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### Action – create computer freehold register

Upon the presentation of a transfer of the fee simple of former deferred selection property to the limited partnership the RGL must:

- (a) If the deferred selection property to be transferred to the Limited Partnership is not all of the land in a CFR or there is no CFR for all or part of the property The RGL must create one computer freehold register in the name of the Crown:
  - (i) subject to and together with any encumbrances that are registered or described in the application, but
  - (ii) without any statement of purpose.
- (b) Creation of the above computer register is subject to completion of any necessary survey.
- (c) Standard registration fees apply.

**Note:** Any resumptive memorials shown on a prior computer register must be brought down onto the computer registers created for the relevant trustees. They cannot be noted as 'cancelled' until a certificate by the Chief Executive authorising the removal of the memorials is lodged for registration.

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## Option to purchase former deferred selection properties, continued

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<b>Trigger – Presentation of covenant under s 155(4)</b>	<p>Presentation of a covenant for registration by an authorised person under s 155(4).</p> <p>Authorised person means a person authorised by the Chief Executive of the land holding agency for the relevant property (155(5)).</p> <hr/>
<b>Statutory directive s 155(4)</b>	<p>Notwithstanding anything to the contrary in the Land Transfer Act 1952, the RGL must register the covenant and create a computer interest register .</p> <hr/>
<b>Application of other enactments under s 156</b>	<ul style="list-style-type: none"><li>(a) Section 156 sets out how certain other enactments apply to commercial redress properties upon registration of a transfer from the Crown.</li><li>(b) In addition to the standard transfer memorial recording the details of the transferee, the following memorials must be added:<ul style="list-style-type: none"><li>(i) 'Subject to Part 4A of the Conservation Act 1987 but sections 24(2A), 24A, and 24AA of that Act do not apply'</li><li>(ii) 'Subject to section 11 of the Crown Minerals Act 1991'</li></ul></li><li>(c) Under s 155(6), if a right of way easement is registered, s 348 of the Local Government Act 1974 does not apply.</li><li>(d) Section 11 and Part 10 of the Resource Management Act do not apply to any right of way required to fulfil the terms of a transfer of a relevant former deferred selection property as defined in s 156(1).</li></ul> <hr/>