

Ngatikahu ki Whangaroa Claims Settlement Act 2017 Registration Guideline

LINZG 20769

17 October 2017



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NOTE:

This Specific Guideline should be read in conjunction with the *Treaty Claims Settlement Acts general guideline – LINZG20701*

Revision History

Date	Version	Revision	Author	Description

1 Background

1.1 Introduction

A Treaty Settlement is an agreement between the Crown and a Māori claimant group to settle that claimant group's historical claims against the Crown. The process of settling claims is led by the Office of Treaty Settlements (OTS), and results in an Act for each settlement.

Summary of this settlement can be found in the Deed of Settlement Summary <https://www.govt.nz/treaty-settlement-documents/ngatikahu-ki-whangaroa/ngatikahu-ki-whangaroa/background/>

Ngatikahu ki Whangaroa (NKKW) is a claimant group of approximately 3000 people whose area of interest lies in the Far North between the Mangonui Harbour and Whangaroa Harbour. The iwi is bordered by Ngāti Kahu to the north-west and Ngāpuhi to the south-east.

In October 2004, the Crown recognised the mandate of the NKKW Trust Board to negotiate on behalf of NKKW. The Crown and the NKKW Trust Board signed Terms of Negotiation, also in October 2004, which agreed the scope, objectives and general procedures for the negotiations. An Agreement in Principle (AIP) was signed in December 2007, and a refined AIP was signed in July 2014.

The trustees of the post settlement governance entity (PSGE), the Kahukuraariki Trust, undertook the management of the settlement assets on settlement.

The Ngatikahu ki Whangaroa Deed of Settlement was signed on 18 December 2015 and a Deed to Amend was signed on 29 February 2016.

Further information can be found on the OTS website, <https://www.govt.nz/organisations/office-of-treaty-settlements/> under the tab 'Find out about the Treaty Settlement Process'.

The Deed of Settlement and supporting documents can be found at: <https://www.govt.nz/treaty-settlement-documents/ngatikahu-ki-whangaroa/>

1.2 Purpose, scope and use

Treaty settlements have a range of common elements. A *Treaty Claims Settlement Acts General Guideline (General Guideline)* is available to ensure that applications received by Land Information New Zealand (LINZ) under the *Specific Acts* are dealt with correctly (see LINZG20701).

A *Specific Guideline* is developed for each *Specific Act*.

This *Specific Guideline* covers the Ngatikahu ki Whangaroa Claims Settlement Act 2017 (the Act). It contains detailed information about that settlement and is designed to be read in conjunction with the *General Guideline*. A summary of the provisions that relate to the initial vesting of *Cultural Redress Properties* is set out in **Table 1**.

A glossary of terms used in this guideline is attached. When used, a glossary term appears in *italics*. In some cases, *Specific Guidelines* may also contain more detailed explanations in relation to the same terms (for example *Cultural Redress Properties*).

References to the Act are in **bold text**.

You will need to refer to the following resources:

- the Ngatikahu ki Whangaroa Claims Settlement Act 2017
http://www.legislation.govt.nz/act/public/2017/0041/latest/DLM6774810.html?search=ts_act%40bill%40regulation%40deemedreg_Ngatikahu+ki+Whangaroa+resel_25_a&p=1
- the *Deed* (including Schedules) relating to the Act
<https://www.govt.nz/treaty-settlement-documents/ngatikahu-ki-whangaroa/>
- *Treaty Claims Settlement Acts General Guideline LINZG20701*
- Customer Services Technical Circular 2013.T06 – Registration of Treaty Claims Settlement Dealings

The *General Guideline* applies to a *Specific Act*, unless a *Specific Guideline* states otherwise.

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

1.3 Map of area of interest

Figure 1 – Sourced from Ngatikahu ki Whangaroa Deed of Settlement Schedule: Attachments



2 Landonline settings to prevent auto-registration

The *General Guideline* applies.

Where a *Specific Act* prohibits certain transactions with land, memorials of the prohibitions will be put on the *computer register (CR)* for the land as outlined in this guideline.

It is important to ensure the Landonline setting that prohibits these transactions is set against those memorials. This mitigates the risk of auto-registration of the prohibited transaction.

At the end of processing any application relating to the Act, you must check whether it includes a memorial of one the following restrictions:

section 86 Restrictions on subsequent transfers

section 89 Prohibitions on mortgages or charges

If either of these memorials applies, make sure the Landonline setting prohibiting registration is set.

3 Removing resumptive memorials

The *General Guideline* applies.

Section **17(1)** describes the properties with *resumptive memorials* that can be removed on receipt of a certificate issued under s**18**.

4 Cultural Redress Properties - Initial Vesting

The *General Guideline* applies, and specific detail is set out in **Table 1**. Please note:

Section 68 - Stony Creek Station:

The Minister of Conservation must provide the *trustees* with a registrable easement for a right to convey water on the terms and conditions set out in part 6.4 of the documents schedule.

Section 71 – Thomson Block

The fee simple estate in Thomson Block DOES NOT VEST in the *trustees*, UNTIL they have provided the Crown with a registrable right of way easement in gross on the terms and conditions set out in part 6.3 of the documents schedule.

Section 73 – Kōwhairoa Peninsula property

Is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.

Section 74 - Waihi Bay property

Is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

Section 75 - Paekauri

The CESSATION of Paekauri AS A CONSERVATION AREA AND the VESTING of the fee simple estate in the *trustees* DOES NOT OCCUR, UNTIL they have provided the Crown with:

- (a) a registrable conservation covenant (for the purposes of s.77 Reserves Act 1977 and s.27 Conservation Act 1987) on the terms and conditions set out in part 6.1 of the documents schedule; and
- (b) a registrable easement in gross for a right of way and a right to convey telecommunications and computer media in favour of the Minister of Conservation on the terms and conditions set out in part 6.3 of the documents schedule.

Section 76 - Taemaro to Tokamatā

The CESSATION of Taemaro to Tokamatā AS A CONSERVATION AREA AND the VESTING of the fee simple estate in the *trustees* DOES NOT OCCUR, UNTIL they have provided the Crown with a registrable conservation covenant (for the purposes of s.77 Reserves Act 1977 and s.27 Conservation Act 1987) on the terms and conditions set out in part 6.2 of the documents schedule.

5 Cultural Redress Properties - Ongoing restrictions

The *General Guideline* applies, and specific detail is set out in [Table 1](#). Please note:

section 86 Restrictions on subsequent transfers

section 89 Prohibitions on mortgages or charges

See [2](#) - Landonline settings to prevent auto-registration (above).

6 Cultural Redress Properties - Subsequent dealings

The *General Guideline* applies, and suitable memorials are set out in [Table 1](#). Please also note:

Section 86 Subsequent transfer of reserve land

The fee simple of the Kōwhairoa Peninsula property and the Waihi Bay property may only be transferred in accordance with sections 87 or 88.

Section 87 Transfer of reserve land to new administering body

- (a) a written transfer application must be made to the Minister of Conservation;
- (b) if the prospective owners are competent to comply with the Reserves Act 1977 and to perform the duties of an administering body under that Act, the Minister of Conservation must give written consent;
- (c) on receipt of:
 - (i) a transfer; and
 - (ii) 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
 - (iii) the written consent of the Minister of Conservation; and
 - (iv) any other document required for the registration of the transfer;

the *RGL* must register the new owners as registered proprietors.

Section 88 Transfer of reserve land to trustees of existing administering body if trustees change

The fee simple may be transferred if:

- (a) the transferors are or were the *trustees* of a 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

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- (c) the transfer is accompanied by a certificate by the transferees, or their solicitor, verifying that (a) and (b) apply.

Glossary

Use of this Glossary – For terms that are not defined in the *General Guideline* or this guideline, refer to the *Specific Act*. Please note, the *Specific Act* may have several "interpretation" sections, these are referenced below.

Defined terms: terms used in this guideline which are explained in either this guideline and/or the *General Guideline*, are indicated by italics. They may repeat terms used in the glossary to the *General Guideline*, to provide a more detailed explanation e.g. *Cultural Redress Properties* below lists the relevant properties in relation to the Ngatikahu ki Whangaroa Claims Settlement Act 2017.

Defined terms – in **Interpretation** sections 11, 12, 21, 27, 41, 56 and 61.

Cultural Redress Properties: these properties are defined in s.61 described in Schedule 3.

Cultural Redress Reserve Properties – sub-sections 61(l) - Kōwhairoa Peninsula property and (m) - Waihi Bay property

Representative Entity:

- (a) the *trustees*; and
- (b) any person, including any trustee, acting for or on behalf of the collective group composed of individuals who are descended from an ancestor of Ngatikahu ki Whangaroa, or 1 or more members of Ngatikahu ki Whangaroa; and
- (c) any whānau, hapū, or group to the extent that it is composed of those individuals, including the following:
 - (i) Ngāti Aukiwa:
 - (ii) Te Hoia:
 - (iii) Ngāti Kaitangata:
 - (iv) Te Pohotiare:
 - (v) Ngāti Rangimatamomoe:
 - (vi) Ngāti Roha:
 - (vii) Ngāti Rua.

Settlement date – s.12 - 40 working days after the date on which this Act comes into force [22 August 2017]¹

Specific Act – Ngatikahu ki Whangaroa Claims Settlement Act 2017

Trustees – trustees of Kahukuraariki Trust

¹ 17 October 2017

Table 1: Summary of registration provisions - Cultural Redress

Trigger: an application to vest s.79(3) if all of an existing CFR, or 79(5) if no existing CFR or part of a CFR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
<p>Clarke Block s.62 (see Schedule 3 for legal description)</p>	Fee simple	Chief executive of the Ministry of Justice s.79(8)(a)	None	<p>See Schedule 3 and refer to application.</p> <p>Note: The interest in Schedule 3 is unregistered – only register those that are registrable and referred in the application</p>	<p>Fee simple estate vests in the trustees. S.62</p>	<p><u>Conservation Act 1987</u> Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s.81(1)(b)</p> <p><u>Crown Minerals Act 1991</u> Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s.82(1)(a)</p> <p><u>Local Government Act 1974</u> Section 348 of the Local Government Act 1974 does not apply s.82(2)</p> <p><u>Resource Management Act 1991</u> Section 11 and Part 10 of the Resource Management Act 1991 do not apply s.82(4)</p>

Trigger: an application to vest s.79(3) if all of an existing CFR, or 79(5) if no existing CFR or part of a CFR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
Kōwhairoa ana koiwi s.63 (see Schedule 3 for legal description)	Fee simple	Director-General of Conservation s.79(8)(c)	None	See Schedule 3 and refer to application. Note: The interests in Schedule 3 are unregistered – only register those that are registrable and referred in the application	Reservation as a scenic reserve subject to the Reserves Act 1977 is revoked s.63(1) Fee simple estate vests in the trustees. s.63(2)	<u>Conservation Act 1987</u> Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s.81(1)(b) <u>Crown Minerals Act 1991</u> Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s.82(1)(a) <u>Local Government Act 1974</u> Section 348 of the Local Government Act 1974 does not apply s.82(2) <u>Resource Management Act 1991</u> Section 11 and Part 10 of the Resource Management Act 1991 do not apply s.82(4)

Trigger: an application to vest s.79(3) if all of an existing CFR, or 79(5) if no existing CFR or part of a CFR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
Opakau Urupā s.64 (see Schedule 3 for legal description)	Fee simple	The CE s.79(8)(b)	None	None	Fee simple estate vests in the trustees s.64	<p><u>Conservation Act 1987</u></p> <p>Suitable memorial:</p> <p><i>Subject to Part 4A of the Conservation Act 1987</i> s.81(1)(b)</p> <p><u>Crown Minerals Act 1991</u></p> <p>Suitable memorial:</p> <p><i>Subject to section 11 of the Crown Minerals Act 1991</i> s.82(1)(a)</p> <p><u>Local Government Act 1974</u></p> <p>Section 348 of the Local Government Act 1974 does not apply s.82(2)</p> <p><u>Resource Management Act 1991</u></p> <p>Section 11 and Part 10 of the Resource Management Act 1991 do not apply s.82(4)</p>

Trigger: an application to vest s.79(3) if all of an existing CFR, or 79(5) if no existing CFR or part of a CFR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
<p>Otara ana koiwi s.65</p> <p>(see Schedule 3 for legal description)</p>	Fee simple	Director-General of Conservation s.79(8)(c)	None	<p>See Schedule 3 and refer to application</p> <p>Note: The interests in Schedule 3 are unregistered – only register those that are registrable and referred in the application</p>	<p>Reservation as a scenic reserve subject to the Reserves Act 1977 is revoked s.65(1)</p> <p>Fee simple estate vests in the trustees s.65(2)</p>	<p><u>Conservation Act 1987</u></p> <p>Suitable memorial:</p> <p><i>Subject to Part 4A of the Conservation Act 1987</i> s.81(1)(b)</p> <p><u>Crown Minerals Act 1991</u></p> <p>Suitable memorial:</p> <p><i>Subject to section 11 of the Crown Minerals Act 1991</i> s.82(1)(a)</p> <p><u>Local Government Act 1974</u></p> <p>Section 348 of the Local Government Act 1974 does not apply s.82(2)</p> <p><u>Resource Management Act 1991</u></p> <p>Section 11 and Part 10 of the Resource Management Act 1991 do not apply s.82(4)</p>

Trigger: an application to vest s.79(3) if all of an existing CFR, or 79(5) if no existing CFR or part of a CFR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
Pear Tree Bay property s.66 (see Schedule 3 for legal description)	Fee simple	Director-General of Conservation s.79(8)(c)	None	See Schedule 3 and refer to application Note: The interests in Schedule 3 are unregistered – only register those that are registrable and referred in the application	Reservation as a scenic reserve subject to the Reserves Act 1977 is revoked s.66(1) Fee simple estate vests in the trustees s.66(2)	<u>Conservation Act 1987</u> Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s.81(1)(b) <u>Crown Minerals Act 1991</u> Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s.82(1)(a) <u>Local Government Act 1974</u> Section 348 of the Local Government Act 1974 does not apply s.82(2) <u>Resource Management Act 1991</u> Section 11 and Part 10 of the Resource Management Act 1991 do not apply s.82(4)

Trigger: an application to vest s.79(3) if all of an existing CFR, or 79(5) if no existing CFR or part of a CFR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
Pukeānginga/ Kiwitahi Urupā s.67 (see Schedule 3 for legal description)	Fee simple	The CE of LINZ s.79(8)(b)	None	None	Fee simple estate vests in the trustees s.67	<p><u>Conservation Act 1987</u></p> <p>Suitable memorial:</p> <p><i>Subject to Part 4A of the Conservation Act 1987</i> s.81(1)(b)</p> <p><u>Crown Minerals Act 1991</u></p> <p>Suitable memorial:</p> <p><i>Subject to section 11 of the Crown Minerals Act 1991</i> s.82(1)(a)</p> <p><u>Local Government Act 1974</u></p> <p>Section 348 of the Local Government Act 1974 does not apply s.82(2)</p> <p><u>Resource Management Act 1991</u></p> <p>Section 11 and Part 10 of the Resource Management Act 1991 do not apply s.82(4)</p>

Trigger: an application to vest s.79(3) if all of an existing CFR, or 79(5) if no existing CFR or part of a CFR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
Stony Creek Station s.68 (see Schedule 3 for legal description)	Fee simple	Chief Executive of the Ministry of Justice s.79(8)(a)	Minister of Conservation must provide the trustees with a registrable easement for a right to convey water on the terms and conditions set out in part 6.4 of the documents schedule s.68(2)	See Schedule 3 and refer to application Note: The easement referred to in s.68(2) should be presented with the application	Fee simple estate vests in the trustees s.68(1)	<u>Conservation Act 1987</u> Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s.81(1)(b) <u>Crown Minerals Act 1991</u> Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s.82(1)(a) <u>Local Government Act 1974</u> Section 348 of the Local Government Act 1974 does not apply s.82(2) <u>Resource Management Act 1991</u> Section 11 and Part 10 of the Resource Management Act 1991 do not apply s.82(4) <u>Mining Act 1971</u> Suitable memorial: <i>Subject to section 8 of the Mining Act 1971 (affects part – formerly NA89C/41 and NA86D/158)</i>

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						<p><u>Coal Mines Act 1979</u></p> <p>Suitable memorial:</p> <p><i>Subject to sections 5 and 261 of the Coal Mines Act 1979 (affects part - formerly NA89C/41 and NA86D/158)</i></p> <p><u>Petroleum Act 1937</u></p> <p>Suitable memorial:</p> <p><i>Subject to section 3 of the Petroleum Act 1937 (affects part - formerly NA89C/41 and NA86D/158)</i></p> <p><u>Atomic Energy Act 1945</u></p> <p>Suitable memorial:</p> <p><i>Subject to section 8 of the Atomic Energy Act 1945 (affects part - formerly NA89C/41 and NA86D/158)</i></p> <p><u>Geothermal Energy Act 1953</u></p> <p>Suitable memorial:</p> <p><i>Subject to section 3 of the Geothermal Energy Act 1953 (affects part - formerly NA89C/41 and NA86D/158)</i></p>

Trigger: an application to vest s.79(3) if all of an existing CFR, or 79(5) if no existing CFR or part of a CFR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
Te Komanga Urupā s.69 (see Schedule 3 for legal description)	Fee simple	Director-General of Conservation s.79(8)(c)	None	See Schedule 3 and refer to application Note: The interests in Schedule 3 are unregistered – only register those that are registrable and referred in the application	Reservation as a scenic reserve subject to the Reserves Act 1977 is revoked s.69(1) Fee simple estate vests in the trustees s.69(2)	<u>Conservation Act 1987</u> Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s.81(1)(b) <u>Crown Minerals Act 1991</u> Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s.82(1)(a) <u>Local Government Act 1974</u> Section 348 of the Local Government Act 1974 does not apply s.82(2) <u>Resource Management Act 1991</u> Section 11 and Part 10 of the Resource Management Act 1991 do not apply s.82(4)

Trigger: an application to vest s.79(3) if all of an existing CFR, or 79(5) if no existing CFR or part of a CFR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
Temahani Urupā s.70 (see Schedule 3 for legal description)	Fee simple	The CE of LINZ s.79(8)(b)	None	None	Fee simple estate vests in the trustees s.70	<p><u>Conservation Act 1987</u></p> <p>Suitable memorial:</p> <p><i>Subject to Part 4A of the Conservation Act 1987</i> s.81(1)(b)</p> <p><u>Crown Minerals Act 1991</u></p> <p>Suitable memorial:</p> <p><i>Subject to section 11 of the Crown Minerals Act 1991</i> s.82(1)(a)</p> <p><u>Local Government Act 1974</u></p> <p>Section 348 of the Local Government Act 1974 does not apply s.82(2)</p> <p><u>Resource Management Act 1991</u></p> <p>Section 11 and Part 10 of the Resource Management Act 1991 do not apply s.82(4)</p>

Trigger: an application to vest s.79(3) if all of an existing CFR, or 79(5) if no existing CFR or part of a CFR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
Thomson Block s.71 (see Schedule 3 for legal description)	Fee simple	Chief Executive of the Ministry of Justice s.79(8)(a)	Vesting does not take effect until the trustees have provided the Crown with a registrable right of way easement in gross on the terms and conditions set out in part 6.3 of the documents schedule. s.71(2)	See Schedule 3 and refer to application. Note: An interest listed in Schedule 3 is unregistered – only register that which is registrable and referred in application The easement referred to in s.71(2) should be presented with the application	Fee simple estate vests in the trustees s.71(1)	<u>Conservation Act 1987</u> Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s.81(1)(b) <u>Crown Minerals Act 1991</u> Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s.82(1)(a) <u>Local Government Act 1974</u> Section 348 of the Local Government Act 1974 does not apply s.82(2) <u>Resource Management Act 1991</u> Section 11 and Part 10 of the Resource Management Act 1991 do not apply s.82(4) Suitable memorial <i>Subject to section 241(2) of the Resource Management Act 1991 (affects Lots 1 and 3 DP 164336)</i> Sch.3

Trigger: an application to vest s.79(3) if all of an existing CFR, or 79(5) if no existing CFR or part of a CFR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
Waipouritaka ana koiwi s.72 (see Schedule 3 for legal description)	Fee simple	Director-General of Conservation s.79(8)(c)	None	See Schedule 3 and refer to application Note: The interests listed in Schedule 3 are unregistered – only register any that are registrable and referred in application	Reservation as a scenic reserve subject to the Reserves Act 1977 is revoked s.72(1) Fee simple estate vests in the trustees s.67	<u>Conservation Act 1987</u> Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s.81(1)(b) <u>Crown Minerals Act 1991</u> Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s.82(1)(a) <u>Local Government Act 1974</u> Section 348 of the Local Government Act 1974 does not apply s.82(2) <u>Resource Management Act 1991</u> Section 11 and Part 10 of the Resource Management Act 1991 do not apply s.82(4)

Trigger: an application to vest s.79(3) if all of an existing CFR, or 79(5) if no existing CFR or part of a CFR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
<p>Kōwhairoa Peninsula property s.73</p> <p>(see Schedule 3 for legal description)</p>	<p>Fee simple to be administered as a reserve</p>	<p>Director-General of Conservation s.79(8)(c)</p>	<p>None</p>	<p>See Schedule 3 and refer to application</p> <p>Note: The interests listed in Schedule 3 are unregistered – only register any that are registrable and referred in application</p>	<p>Reservation as a scenic reserve subject to the Reserves Act 1977 is revoked s.73(1)</p> <p>Fee simple estate vests in the trustees s.73(2)</p> <p>The Kōwhairoa Peninsula property is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977 s.73(3)</p> <p>Revocation of Reserve (in whole or part)</p> <p>Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status of a cultural redress property, under subpart 5 of the Ngatikahu ki Whangaroa Claims Settlement Act 2017 s.82(3)</p> <p>If the reservation of a reserve property under subpart 5 of the Ngatikahu ki Whangaroa Claims Settlement Act 2017 is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act s.85(3)</p>	<p><u>Conservation Act 1987</u></p> <p>Suitable memorial:</p> <p><i>Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply</i> s.81(1)(a)(i)</p> <p><u>Crown Minerals Act 1991</u></p> <p>Suitable memorial:</p> <p><i>Subject to section 11 of the Crown Minerals Act 1991</i> s.82(1)(a)</p> <p><u>Local Government Act 1974</u></p> <p>Section 348 of the Local Government Act 1974 does not apply s.82(2)</p> <p><u>Resource Management Act 1991</u></p> <p>Section 11 and Part 10 of the Resource Management Act 1991 do not apply s.82(4)</p> <p><u>Reserves Act 1977</u></p> <p>Suitable memorial:</p> <p><i>Subject to the Reserves Act 1977</i> ss.73(3) and 85(1)</p>

Trigger: an application to vest s.79(3) if all of an existing CFR, or 79(5) if no existing CFR or part of a CFR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
					<p>The Director-General of Conservation must give a written application to the RGL to remove from the computer registers for the whole, or the affected part, the notifications that—</p> <ul style="list-style-type: none"> (i) section 24 of the Conservation Act 1987 does not apply to the property; and (ii) the property is subject to sections 80(3) and 86 of the <i>Ngatikahu ki Whangaroa Claims Settlement Act 2017</i> <p>s.81(3)</p> <p>Subsequent transfer of reserve land</p> <p>The fee simple estate in all or the part of a reserve property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees may be transferred only in accordance with section 87 (new administering body) or 88 (change of trustee). s.86(1) and (2)</p> <p>Reserve land not to be mortgaged</p> <p>The owners of reserve land must not mortgage, or give a security interest in, the reserve land s.89</p>	<p><u>Ngatikahu ki Whangaroa Claims Settlement Act 2017</u></p> <p>Suitable memorial: <i>Subject to sections 80(3) and 86 of the Ngatikahu ki Whangaroa Claims Settlement Act 2017</i> s.81(1)(a)(ii)</p> <p>ENSURE THE “PREVENTS REGISTRATION” FLAG IS SET AGAINST THIS MEMORIAL</p> <p><u>Ngatikahu ki Whangaroa Claims Settlement Act 2017</u></p> <p>Suitable memorial: <i>Subject to section 89 of the Ngatikahu ki Whangaroa Claims Settlement Act 2017</i> s.89</p> <p>ENSURE THE “PREVENTS REGISTRATION” FLAG IS SET AGAINST THIS MEMORIAL</p>

Trigger: an application to vest s.79(3) if all of an existing CFR, or 79(5) if no existing CFR or part of a CFR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
<p>Waihi Bay property s.74</p> <p>(see Schedule 3 for legal description)</p>	<p>Fee simple to be administered as a reserve</p>	<p>Director-General of Conservation s.79(8)(c)</p>	<p>None</p>	<p>See Schedule 3 and refer to application</p> <p>Note: The interests listed in Schedule 3 are unregistered – only register any that are registrable and referred in application</p>	<p>Reservation as a scenic reserve subject to the Reserves Act 1977 is revoked s.74(1)</p> <p>Fee simple estate vests in the trustees s.74(2)</p> <p>The Waihi Bay property 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.74(3)</p> <p>Revocation of Reserve (in whole or part)</p> <p>Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status of a cultural redress property, under subpart 5 of the Ngatikahu ki Whangaroa Claims Settlement Act 2017 s.82(3)</p> <p>If the reservation of a reserve property under subpart 5 of the Ngatikahu ki Whangaroa Claims Settlement Act 2017 is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act s.85(3)</p>	<p><u>Conservation Act 1987</u></p> <p>Suitable memorial:</p> <p><i>Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply</i> s.81(1)(a)(i)</p> <p><u>Crown Minerals Act 1991</u></p> <p>Suitable memorial:</p> <p><i>Subject to section 11 of the Crown Minerals Act 1991</i> s.82(1)(a)</p> <p><u>Local Government Act 1974</u></p> <p>Suitable memorial:</p> <p><i>Section 348 of the Local Government Act 1974 does not apply</i> s.82(2)</p> <p><u>Resource Management Act 1991</u></p> <p>Section 11 and Part 10 of the Resource Management Act 1991 do not apply s.82(4)</p> <p><u>Reserves Act 1977</u></p> <p>Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977 but sections 78(1)(a), 79 to 81, and 88 do not apply ss.74(3) and 85(1)</p>

Trigger: an application to vest s.79(3) if all of an existing CFR, or 79(5) if no existing CFR or part of a CFR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
					<p>The Director-General of Conservation must give a written application to the RGL to remove from the computer registers for the whole, or the affected part, the notifications that—</p> <ul style="list-style-type: none"> (i) section 24 of the Conservation Act 1987 does not apply to the property; and (ii) the property is subject to sections 80(3) and 86 of the <i>Ngatikahu ki Whangaroa Claims Settlement Act 2017</i> <p>s.81(3)</p> <p>Subsequent transfer of reserve land</p> <p>The fee simple estate in all or the part of a reserve property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees may be transferred only in accordance with section 87 (new administering body) or 88 (change of trustee)</p> <p>s.86(1) and (2)</p> <p>Reserve land not to be mortgaged</p> <p>The owners of reserve land must not mortgage, or give a security interest in, the reserve land</p> <p>s.89</p>	<p><u>Ngatikahu ki Whangaroa Claims Settlement Act 2017</u></p> <p>Suitable memorial:</p> <p><i>Subject to sections 80(3) and 86 of the Ngatikahu ki Whangaroa Claims Settlement Act 2017</i></p> <p>s.81(1)(a)(ii)</p> <p>ENSURE THE “PREVENTS REGISTRATION” FLAG IS SET AGAINST THIS MEMORIAL</p> <p><u>Ngatikahu ki Whangaroa Claims Settlement Act 2017</u></p> <p>Suitable memorial:</p> <p><i>Subject to section 89 of the Ngatikahu ki Whangaroa Claims Settlement Act 2017</i></p> <p>s.89</p> <p>ENSURE THE “PREVENTS REGISTRATION” FLAG IS SET AGAINST THIS MEMORIAL</p>

Trigger: an application to vest s.79(3) if all of an existing CFR, or 79(5) if no existing CFR or part of a CFR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
<p>Paekauri s.75</p> <p>(see Schedule 3 for legal description)</p>	<p>Fee simple subject to conservation covenant</p>	<p>Director-General of Conservation s.79(8)(c)</p>	<p>The cessation of the conservation area and the vesting of the fee simple do not take effect until:</p> <p>the trustees have provided the Crown with:</p> <ul style="list-style-type: none"> (a) a registrable covenant in relation to Paekauri on the terms and conditions set out in part 6.1 of the documents schedule; and (b) a registrable easement in gross for a right of way and a right to convey telecommunications and computer media in favour of the Minister of Conservation on the terms and conditions set out in part 6.3 of the documents schedule. <p>s.75(3)</p> <p>The covenant is to be treated as a conservation covenant for the purposes of:</p> <ul style="list-style-type: none"> (a) section 77 of the Reserves Act 1977; and (b) section 27 of the Conservation Act 1987 <p>s.75(4)</p>	<p>See Schedule 3 and refer to application.</p> <p>Note: The interests listed in Schedule 3 are the conservation covenant and the easement referred to in subsection 75(3), which should be presented with the application</p>	<p>Ceases to be a conservation area under the Conservation Act 1987 s.75(1)</p> <p>Fee simple estate vests in the trustees s.75(2)</p>	<p>Conservation Act 1987</p> <p>Suitable memorial:</p> <p><i>Subject to Part 4A of the Conservation Act 1987</i> s.81(1)(b)</p> <p>Crown Minerals Act 1991</p> <p>Suitable memorial:</p> <p><i>Subject to section 11 of the Crown Minerals Act 1991</i> s.82(1)(a)</p> <p>Local Government Act 1974</p> <p>Section 348 of the Local Government Act 1974 does not apply s.82(2)</p> <p>Resource Management Act 1991</p> <p>Section 11 and Part 10 of the Resource Management Act 1991 do not apply s.82(4)</p>

Trigger: an application to vest s.79(3) if all of an existing CFR, or 79(5) if no existing CFR or part of a CFR	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
Taemaro to Tokamatā s.76 (see Schedule 3 for legal description)	Fee simple subject to conservation covenants	Director-General of Conservation s.79(8)(c)	<p>The cessation of the conservation area and the vesting of the fee simple do not take effect until the trustees have provided the Crown with a registrable covenant in relation to Taemaro to Tokamatā on the terms and conditions set out in part 6.2 of the documents schedule s.76(3)</p> <p>The covenant is to be treated as a conservation covenant for the purposes of:</p> <ul style="list-style-type: none"> (a) section 77 of the Reserves Act 1977; and (b) section 27 of the Conservation Act 1987 s.76(4)	See Schedule 3 and refer to application Note: The interest listed in Schedule 3 is the conservation covenant referred to in sub-section 76(3), which should be presented with the application	Ceases to be a conservation area under the Conservation Act 1987 s.76(1) Fee simple estate vests in the trustees s.76(2)	<u>Conservation Act 1987</u> Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s.81(1)(b) <u>Crown Minerals Act 1991</u> Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s.82(1)(a) <u>Local Government Act 1974</u> Section 348 of the Local Government Act 1974 does not apply s.82(2) <u>Resource Management Act 1991</u> Section 11 and Part 10 of the Resource Management Act 1991 do not apply s.82(4)