



Tapuika Claims Settlement Act 2014 registration guideline

LINZG20745

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Terms and definitions

General

- (a) For the purposes of this guideline, the terms and definitions in the Tapuika Claims Settlement 2014 Act (Act) apply, unless stated otherwise. Refer to sections 12, 13, 65, 85(9), 90(4), 96, 105(5), 133, 140(5), 148 and 149 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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Term/abbreviation	Definition
Act	Tapuika Claims Settlement Act 2014
authorised person	an authorised person as defined in sections 85, 105, or 140, as the case may be
Chief Executive	Chief Executive of Land Information New Zealand
cultural redress property	a property defined by and listed in s 65 and described in Schedule 2 of the Act
commercial redress property	a property defined in s 133 of the Act and described in part 3 of the Property Redress Schedule (unless in the case of the Pūwhenua Forest clause 6.8 of the Deed of Settlement applies)
CFR	Computer freehold register
deed of settlement	the Tapuika and Tapuika Iwi Authority Trust Deed of Settlement of Historical Claims dated 16 December 2012 including the schedules of, and attachments to, the deed; and any amendments to the deed or its schedules and attachments
deferred selection property	the Pūwhenua Forest if— <ul style="list-style-type: none">(a) clause 6.8 of the Deed of Settlement applies; and(b) the requirements for transfer under the Deed of Settlement have been satisfied
Documents Schedule	The Documents Schedule to the deed of settlement
joint cultural redress property	Ōtanewainuku and Pūwhenua - properties defined by and listed in s 96 and described in Schedule 3 of the Act
LINZ	Land Information New Zealand
member of Waitaha	has the meaning given in section 9 of the Waitaha Claims Settlement Act 2013

Ōtara Scenic Reserve	5.0050 hectares, more or less, being Sections 1 and 2 SO 450796. Part Proclamation 10017
Property Redress Schedule	The Property Redress Schedule to the deed of settlement
resumptive memorials	memorials entered under any enactment referred to in s 17
RFR (right of first refusal) land	land defined as RFR land in s 149
RGL	the Registrar-General of Land appointed under s 4 of the Land Transfer Act 1952
settlement date	Settlement date as defined in s 12 being 20 May 2014
Te Puke property	a property described as a second right of purchase property in part 5 of the Property Redress Schedule
trustees and trustees of Tapuika Iwi Authority Trust	the trustees, acting in their capacity as trustees, of the Tapuika Iwi Authority Trust

Foreword

- Introduction**
- (a) The Tapuika Claims Settlement Act 2014 (Act) came into force on 17 April 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:
- (a) The Tapuika Claims Settlement Act 2014;
 - (b) The Tapuika and Tapuika Iwi Authority Trust Deed of Settlement;¹
 - (c) 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 ('Completed Settlements') for a copy of the deed of settlement and its Schedules

1 Noting statutory restrictions on registration

Statutory prohibitions restricting dealing with computer registers

Sections 77, 90, 93, 101 and 110 of the Act contain restrictions against dealing with land held in computer registers. In each case a memorial of the statutory restrictions on registration should be entered on the relevant computer register.

Follow up action for Landonline

When a computer register contains any of the following memorials:

'Subject to section 77 of the Tapuika Claims Settlement Act 2014';

'Subject to section 90 of the Tapuika Claims Settlement Act 2014';

'Subject to section 93 of the Tapuika Claims Settlement Act 2014';

'Subject to section 101 of the Tapuika Claims Settlement Act 2014';

'Subject to section 110 of the Tapuika Claims Settlement Act 2014';

'[*certificate identifier*] Certificate under section 171 of the Tapuika Claims Settlement Act 2014 that the within land is RFR land as defined in section 49 and is subject to Subpart 4 of Part 4 of the Act (which restricts disposal, including leasing, of the land) [*date and time*]'

Ensure the 'prevents registration' flag has been set.

2 Removal of resumptive memorials

Trigger Receipt of a certificate under s 18(1) 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(1) provides that certain legislative provisions do not apply:

- (i) to a cultural redress property, other than Te Taita; or
- (ii) to a commercial redress property, other than Pūwhenua Forest, Te Matai Forest (South), and Te Matai Forest (North); or
- (iii) to the RFR land; or
- (iv) to a joint cultural redress property on and from the vesting date; or
- (v) to Te Taita on and from the date of its vesting under section 79; or
- (vi) to Pūwhenua Forest, Te Matai Forest (South), and Te Matai Forest (North) on and from the date on which the property is transferred; or
- (vii) to a Te Puke property on and from 17 April 2014; or
- (viii) for the benefit of Tapuika or a representative entity

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Removal of resumptive memorials, continued

Legislation continued

- (b) Section 17(3) lists the legislative provisions as:
- (i) Part 3 of the Crown Forest Assets Act 1989;
 - (ii) Sections 211 to 213 of the Education Act 1989;
 - (iii) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990;
 - (iv) Sections 27A to 27C of the State Owned Enterprises Act 1986; and
 - (v) Sections 8A to 8HJ of the Treaty of Waitangi Act 1975.

Note:

These legislative provisions, being statutory notations, do not fall within the definition of "interest" 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

- (c) **Exceptions:** The enactments *continue to apply* to:
- (i) Te Taita, until the date of its vesting under s 79;
 - (ii) Pūwhenua Forest, until the date of its transfer;
 - (iii) Te Matai Forest (South), until the date of its transfer; and
 - (iv) Te Matai Forest (North), until the date of its transfer.

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Removal of resumptive memorials, continued

Certificate

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 (s 18(2)) after the:
 - (i) settlement date, for a property described in s 17(1)(a) to (c) of the Act (i to iii above);
 - (ii) date of transfer of a Te Puke property to the Trustees;
 - (iii) the date of a transfer of Te Matai Forest (South), and of Te Matai Forest (North), and of Pūwhenua Forest under s 135 or s 136 of the Act;
 - (iv) vesting date, for a joint cultural redress property; or
 - (v) vesting date for Te Taita.
- (b) specify the legal description of, and identify the computer register for, each allotment, which is all, or part, of a settlement property, and is subject to such a memorial s 18(1), and
- (c) state that it is issued under s 18(1).

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Removal of resumptive memorials, continued

Action

When a certificate under s 18(1) 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(3) must be removed,
- (b) the following memorial should be recorded on the historic view of that register:

'[instrument number] Certificate under section 18(1) of the Tapuika 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(3)) does not apply'.

3 Cultural redress properties to vest in the Tapuika Iwi Authority Trust

Vesting of cultural redress properties

The properties set out in Schedule 2 of the Act vest in the Tapuika Iwi Authority Trust.

4 Vesting of cultural redress properties

Trigger

Receipt of a written application under s 85(3) or s 85(5) by a person authorised by the Chief Executive (for Otāhu Pā); the chief executive of the Ministry of Justice (for Otukawa); or the Director-General (for all other properties), to register the trustees as proprietors of the fee simple estate.

Action – registration of trustees

- (a) Where the property is all of the land contained in a computer freehold register (CFR), the RGL must:
 - (i) register the trustees as the proprietors of the fee simple estate in the property;
 - (ii) record any entry on the CFR; and
 - (iii) do anything else necessary to give effect to subpart 6 of Part 2 of the Act and to part 4 (“Settlement”) of the Deed of Settlement (s 85(3))
- (b) Where the property is not all of the land contained in a CFR (other than for Te Taita), the RGL must:
 - (i) create a CFR in the name of the Tapuika Iwi Authority Trust; and
 - (ii) record on the CFR any interests that are registered, notified, or notifiable and that are described in the application (s 85(5)).
- (c) For Te Taita, the RGL must:
 - (i) create a CFR for an undivided half-share of the fee simple estate in the names of each of the Tapuika Iwi Authority Trust and the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and
 - (ii) record on the CFR any interests that are registered, notified, or notifiable and that are described in the application (s 85(6)).
- (d) The following must be recorded on the computer register of a reserve property (other than Te Taita):
 - 'Subject to Part 4A of the Conservation Act 1987 but section 24 of the Act does not apply'
 - 'Subject to sections 86(4) and 90 of the Tapuika Claims Settlement Act 2014'
 - 'Subject to section 11 of the Crown Minerals Act 1991'

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Vesting of cultural redress properties, continued

Action– registration of trustees continued

- (e) For Te Taita the following must be recorded on the computer register:
- 'Subject to Part 4A of the Conservation Act 1987 but section 24 of the Act does not apply'
 - 'Subject to sections 81(3), 86(4) and 90 of the Tapuika Claims Settlement Act 2014'
 - 'Subject to sections 60(3) 65(4) and 69 of the Ngāti Rangiwewehi Claims Settlement Act 2014'
 - 'Subject to section 11 of the Crown Minerals Act 1991'
- (f) The following must be recorded on the computer register of any other cultural redress property:
- 'Subject to Part 4A of the Conservation Act 1987'
 - 'Subject to section 11 of the Crown Minerals Act 1991'
- (g) Creation of the above computer registers is subject to completion of any necessary survey.
- (h) The standard registration fee is payable.

Notes:

The resumptive memorials must be brought down onto the computer registers 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.

Section 81(3) and s 60(3) of the Ngāti Rangiwewehi Claims Settlement Act 2014 provide:

"Any interest in land that affects the reserve land must be dealt with *for the purposes of registration* as if the administering body [*i.e. the joint management body appointed by the trustees of the two Trusts*] were the registered proprietor of the reserve land."

Sections 86(4) and s 65(4) of the Ngāti Rangiwewehi Claims Settlement Act 2014 deal with the revocation of all, or part, of a reserve property. In such case, the s 24 exemption (other than s 24(2A)) ceases to apply.

Section 90 and s 69 of the Ngāti Rangiwewehi Claims Settlement Act 2014 deal with the subsequent transfer of reserve land.

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Vesting of cultural redress properties, continued

Joint cultural redress properties

The properties set out in the following table vest in undivided equal one-sixth shares in the following as tenants in common:

- (a) the trustees of the Tapuika Iwi Authority Trust; and
- (b) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and
- (c) the entity to be established to represent the members of Ngāi Te Rangi for the purpose of this vesting; and
- (d) the trustees of Te Kapu o Waitaha; and
- (e) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and
- (f) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust.

Site	Land description	Subject to and together with
Sites vesting in fee simple		
Ōtanewainuku	35.5 hectares, approximately, being Part Section 3 Block XVI Otanewainuku Survey District. Part <i>Gazette</i> 1947 page 481. Subject to survey.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to an unregistered guiding permit with concession number PAC 04-06-40 to Golden Fern Trust (dated 22/9/2010).
	52.5 hectares, approximately, being Part Section 4 Block XVI Otanewainuku Survey District. Part <i>Gazette</i> 1920 page 2119. Subject to survey.	Subject to an unregistered guiding permit with concession number PAC 10-06-229 to Black Sheep Touring Company Limited (dated 1/10/2012).
	27.0 hectares, approximately, being Part Te Puke Block. Part <i>Gazette</i> 1879 page 781. Subject to survey.	Subject to the right of way easement in gross referred to in s.98 and set out in 7.2 of the Documents Schedule (pages 106-111).
	5.0 hectares, approximately, being Part Waitaha 1. Part <i>Gazette</i> 1884 page 238. As shown on deed plan OTS-209-82.	Subject to a memorandum of understanding with the Otanewainuku Kiwi Trust (dated 21/5/2009).
Pūwhenua	52.0 hectares, approximately, being Part Lot 4 DPS 85782. Part computer freehold register SA68A/371. Subject to survey.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
	15.5 hectares, approximately, being Part Section 5 Block XIV Otanewainuku Survey District. Part <i>Gazette</i> 1940 page 1059. Subject to survey. As shown on deed plan OTS-209-83.	

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Vesting of cultural redress properties, continued

Effective date	<p>(a) Sub-part 7 of the Act takes effect on and from a date specified by Order in Council on the recommendation of the Minister of Conservation.</p> <p>(b) He cannot make that recommendation until the settlement legislation for:</p> <ul style="list-style-type: none">(i) Ngāi Te Rangi;(ii) Ngāti Ranginui;(iii) Ngāti Rangiwewehi;(iv) Ngāti Pūkenga; and(v) Waitaha. <p>has been enacted, and all provide for the vesting, on a date specified by Order in Council, of the fee simple estate in Ōtanewainuku and Pūwhenua as undivided equal shares in the persons referred to in (i)(A) to (i)(F) below ('Action'), as tenants in common.</p>
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Trigger	Receipt by the RGL of a written application under s 105(2) by a person authorised by the Director General of Conservation to create a CFR for each undivided one-sixth share of the fee simple estate.
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Vesting of cultural redress properties, continued

Action – create CFR

- (a) The RGL must:
 - (i) create a CFR for each undivided one-sixth share of the fee simple estate in the property in the name of each of:
 - (A) the trustees of the Tapuika Iwi Authority Trust; and
 - (B) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and
 - (C) the entity established to represent the members of Ngāi Te Rangī for the purpose of the vesting of Ōtanewainuku and Pūwhenua; and
 - (D) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and
 - (E) the trustees of Te Kapu o Waitaha; and
 - (F) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust; and
 - (ii) record on each CFR any interests that are registered, notified, or notifiable described in the application.
- (b) The following must be recorded on the computer register for a joint cultural redress property:
 - 'Subject to Part 4A of the Conservation Act 1987 but section 24 of the Act does not apply'
 - 'Subject to sections 101, 103(3) and 106(2) of the Tapuika Claims Settlement Act 2014'
 - 'Subject to section 11 of the Crown Minerals Act 1991'
- (c) Creation of the above computer registers is subject to completion of any necessary survey.
- (d) The standard registration fee is payable.

Note:

The resumptive memorials must be brought down onto the computer registers 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. In the event that the reservation is revoked, in all, or in part, see sections 107(3) and (4) for removal of the Conservation Act and Tapuika Claims Settlement Act notifications.

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Vesting of cultural redress properties, continued

Statutory exemptions

Cultural redress properties and joint cultural redress properties 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.
-

Action – vestings subject to interests

- (a) The cultural redress properties and joint cultural redress properties are vested subject to, or with the benefit of, the interests set out in the respective third columns in Schedules 2 and 3 of the Act (ss 82 and 102).
 - (b) The interests may include unregistered instruments.
 - (c) Only the interests referred to in the application that are registrable, or notifiable, are required to be entered on the computer register.
-

Statutory restriction on transfer of reserve land

- (a) The fee simple estate in the reserve land may not be transferred to any other person, except to:
 - (i) Trustees of the existing administering body if trustees change; or
 - (ii) a new administering body - [see below].
 - (b) The following must be recorded on the computer register:

'Subject to section 90 of the Tapuika Claims Settlement Act 2014'
-

Transfer to new administering body

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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Vesting of cultural redress properties, continued

Trigger

Receipt 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) any other document required for the registration of the transfer instrument.
-

Action – registration of new owners

- (a) The RGL must register the new owners as the proprietors of the fee simple estate in the reserve land (s 91(3)).
 - (b) A transfer that complies with s 91 need not comply with any other requirements
 - (c) From the time of their registration under s 91, 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.
-

Statutory restriction on transfer of Waiari Stream site

The trustees must not transfer the fee simple estate in the Waiari Stream site to a person other than the Crown **except:**

- (a) to transferees who are the trustees of the Tapuika Iwi Authority Trust, after any new trustee has been appointed to the trust; or
 - (b) any transferor has ceased to be a trustee of the trust; but
 - (c) only if the transfer instrument is accompanied by a certificate given by the transferees, or the transferee's solicitor, verifying that subsection 77(2) of the Act applies.
-

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Vesting of cultural redress properties, continued

Action – notification of restriction

- (a) The following must be recorded on the computer register:
'Subject to section 77 of the Tapuika Claims Settlement Act 2014'
 - (b) Ensure the 'prevents registration' flag has been set.
-

Statutory restriction on transfer and mortgage of joint cultural redress property

- (a) The registered proprietors of an undivided share in the fee simple estate in a joint cultural redress property must not transfer the undivided share **except where:**
 - (i) the transferors of the share are or were the trustees of a trust; and
 - (ii) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and
 - (iii) the instrument to transfer the share is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that s 101(2)(a) and (b) apply
 - (b) The registered proprietors of a joint cultural redress property must not mortgage, or give a security interest in, any part of the property that remains a reserve under the Reserves Act 1977 after the property has vested under section 98 or 99.
-

Action – notification of restriction

- (a) The following must be recorded on the computer register:
'Subject to sections 101 and 110 of the Tapuika Claims Settlement Act 2014'
 - (b) Ensure the 'prevents registration' flag has been set.
-

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Vesting of cultural redress properties, continued

Action –vestings subject to trustees’ encumbrances or covenants

- (a) The cultural redress properties set out in the table below are vested subject to the trustees creating the easements as stated.
- (b) The applications in respect of these sites must be accompanied by the Easement Instruments creating the easements.
- (c) The legal descriptions affecting the easements, encumbrances, or covenants are set out in Parts 7.1 and 7.3 of the Documents Schedule.
- (d) Rights of way are not subject to s 348 of the Local Government Act 1974 (s 108(2)).

Property	Encumbrance or covenants the trustees must create (register)	Refer to ...
Omawake Pā	<ul style="list-style-type: none"> • A right of way easement in gross in favour of the Minister of Conservation on the terms and conditions set out in 7.1 in the Documents Schedule. 	s 69(5)
Wai Paepae	<ul style="list-style-type: none"> • a right of way easement in favour of the trustees over the area marked 'A' on SO 60791 in favour of Wai Paepae, on the terms and conditions set out in 7.3 of the Documents Schedule. 	s 78(4)

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Vesting of cultural redress properties, continued

Action – revocation and re-conferring of reserve status

The reserve status of the following sites is revoked and new reserve status conferred.

Property	Revoked status	Section	Estate	New status/purpose	Section
Omawake Pā	Conservation area	69(1)	fee simple (subject to s 69(5))	Historic reserve (s 18 Reserves Act 1977)	69(3)
Te Kainga Onaumoko	Conservation area	70(1)	fee simple	Historic reserve (s 18 Reserves Act 1977)	70(3)
Te Manga o Ngakohua	Scenic reserve	71(1)	fee simple	Scenic reserve (s 19(1)(a) Reserves Act 1977)	71(3)
Te Paieka	Conservation area	72(1)	fee simple	Historic reserve (s 18 Reserves Act 1977)	72(3)
Te Pehu Pā	Conservation area	73(1)	fee simple	Historic reserve (s 18 Reserves Act 1977)	73(3)
Te Weta Pā	Conservation area	74(1)	fee simple	Historic reserve (s 18 Reserves Act 1977)	74(3)
Te Whaititiri Pā	Conservation area	75(1)	fee simple	Historic reserve (s 18 Reserves Act 1977)	75(3)
Waiari Stream site	Conservation area	76(1)	fee simple	Scenic reserve (s 19(1)(a) Reserves Act 1977)	76(3)
Wai Paepae	Conservation area	78(1)	fee simple (subject to s 78(4))	Scenic reserve (s 19(1)(a) Reserves Act 1977)	78(3)
Te Taita	Conservation area	79(2)	fee simple	Scenic reserve (s 19(1)(a) Reserves Act 1977)	79(4)

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Vesting of cultural redress properties, continued

**Action–
statutory action**

- (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 must be noted on the current view of the relevant computer register as per the above table.
-

5 Vesting of commercial redress properties

Commercial redress properties

- (a) The Commercial Redress Properties are described in Part 3 of the Property Redress Schedule.
 - (b) Te Puke Police Station (0.2268 hectare, more or less, being Lot 1 DPS 307255. All CFR 28206) is to be leased back to the Crown (New Zealand Police).
-

Deferred selection properties

- (a) the Pūwhenua Forest if:
 - (i) clause 6.8 of the deed of settlement applies (see Note); and
 - (ii) the requirements for transfer under the deed of settlement have been satisfied.
- (b) Te Puke properties described as second right of purchase properties in part 5 of the Property Redress Schedule.

Note:

Clause 6.8 of the Deed of Settlement - *Pūwhenua Forest as a Deferred Selection Property*.

Pūwhenua Forest is no longer a commercial redress property.

Instead, the governance entity has, for two years after the last of the Tapuika, Ngāti Ranginui and Ngāti Rangiwewehi settlement dates, a right to elect to purchase Pūwhenua Forest as a deferred selection property on, and subject to, the terms and conditions in part 6 and 8 of the Property Redress Schedule.

The transfer may be to:

- (a) Pūwhenua Forestry Holdings Limited; or
 - (b) a joint entity formed by two or more of the trustees, the Ngāti Ruanui governance entity, and the Ngāti Rangiwewehi governance entity (see clause 6.2.3 of the Property Redress Schedule); or
 - (c) the trustees.
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Vesting of commercial redress properties, continued

Unlicensed land to which commercial redress applies	Site	Land description	Subject to/together with
	Te Matai Forest (North)	<p>261.9350 hectares more or less, being Sections 1 and 2 SO 60852. All Computer Freehold Register 532168.</p> <p>145.0660 hectares more or less, being Sections 1, 2 and 3 SO 60853. All Computer Freehold Register 532167.</p> <p>29.4200 hectares more or less, being Sections 1 and 2 SO 60851. All Computer Freehold Register 397263.</p>	<ul style="list-style-type: none"> • Subject to an unregistered forestry lease (dated 19/9/78) assigned to OTTP New Zealand Forest Investment Limited on 4/9/04 the term commencing on 4 April 1974 and extending until 31 March 2073. • Subject to a Crossing Place Notice pursuant to s 91 of the Government Roding Powers Act 1989 <i>to be registered</i>. • Together with a right of way easement marked 'A' on SO 60851 <i>to be created</i>, as referred to in clause 6.3.3 of the Property Redress Schedule • Together with a right of way easement marked 'A' on LT 460557 <i>to be created</i> • Together with a right of way easement marked 'A' to 'J' on LT 460556 <i>to be created</i> • Together with a right of way, right to convey electricity telecommunications and computer media easements marked 'A' 'D' 'F' and 'K' on LT 459387 <i>to be created</i> • Together with a right of way, right to convey electricity telecommunications and computer media easements marked 'A' to 'M' on LT 459440 <i>to be created</i>
	Te Matai Forest (South)	<p>280.5350 hectares more or less, being Section 1 SO 60849. All Computer Freehold Register 532170.</p> <p>55.8980 hectares more or less, being Section 1 SO 60850. All Computer Freehold Register 532169.</p> <p>267.8290 hectares more or less, being Section 1 SO 60855. All Computer Freehold Register 532171.</p>	<ul style="list-style-type: none"> • Subject to an unregistered forestry lease (dated 19/9/78) assigned to OTTP New Zealand Forest Investment Limited on 4/9/04 the term commencing on 4 April 1974 and extending until 31 March 2073. • Subject to a Crossing Place Notice pursuant to s.91 of the Government Roding Powers Act 1989 <i>to be registered</i>. • Subject to a right of way easement marked 'A' on SO 60854 <i>to be created</i>, as referred to in clause 6.3.4(a) of the Property Redress Schedule • Together with a right of way easement marked 'A' and 'B' on SO 60849 <i>to be created</i>, as referred to in clause 6.3.4(b) of the Property Redress Schedule

		<ul style="list-style-type: none"> • Together with a right of way, right to convey electricity telecommunications and computer media easements marked 'A' 'D' 'F' and 'K' on LT 459387 <i>to be created</i> • Together with a right of way, right to convey electricity telecommunications and computer media easements marked 'A' to 'M' on LT 459440 <i>to be created</i>
Kaharoa Forest	88.7000 hectares more or less, being Section 1 SO 60791. All Computer Freehold Register 532172.	<ul style="list-style-type: none"> • Subject to an unregistered forestry lease (dated 19/9/78) assigned to OTTP New Zealand Forest Investment Limited on 4/9/04 the term commencing on 4 April 1974 and extending until 31 March 2073. • Subject to a right of way easement marked 'A' on SO 60791 <i>to be created</i>, as referred to in clause 6.3.2 of the Property Redress Schedule

Trigger – commercial redress property (other than Te Matai Forest (South), Te Matai Forest (North), and Pūwhenua Forest)

Receipt of:

- a transfer under s 134 of any CFR for the properties listed in Part 3 of the Property Redress Schedule (which includes Kaharoa Forest); or
- a certificate by an authorised person under s 19(1) for the removal of certain memorials from the CFR.

Authorised person means a person authorised by the Chief Executive of the land holding agency for the relevant property.

Action – register trustees as proprietors

- The RGL must register the trustees as registered proprietors of the CFRs, subject to and together with any interests that are registered, notified, or notifiable and set out on the CFR and/or in column 3 of Part 3 of the Property Redress Schedule.
- Any statement of purpose must be removed.
- Standard registration fees apply.

Note:

Any resumptive memorials must remain on the CFRs until a certificate by the Chief Executive authorising the removal of the memorials is lodged for registration.

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Vesting of commercial redress properties, continued

Trigger – Te Matai Forest (North)

Receipt of:

- (a) Transfers of CFRs 532168, 532167 and 397263 (under s 135); or
- (b) A certificate by an authorised person under s 19(1) for the removal of certain memorials from the CFRs.

Authorised person means a person authorised by the Chief Executive of the land holding agency for the relevant property

Action – register the trustees as proprietors

- (a) The RGL must register the trustees as registered proprietors of the CFRs, subject to and together with any interests that are registered, notified, or notifiable and set out on the CFR and in column 3 on page 25 of this guideline.
- (b) Any statement of purpose must be removed.
- (c) Standard registration fees apply.

Note: Any resumptive memorials must remain on the CFRs until a certificate by the Chief Executive authorising the removal of the memorials is lodged for registration.

Trigger – Te Matai Forest (South)

Receipt of

- (a) Transfers of CFRs 532169, 532170 and 532171 (under s 135); or
- (b) A certificate by an authorised person under s 19(1) for the removal of certain memorials from the CFRs.

Authorised person means a person authorised by the Chief Executive of the land holding agency for the relevant property

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Vesting of commercial redress properties, continued

Action – register trustees and Te Tāhuhu o Tawakeheimoa Trust as proprietors

- (a) The RGL must register the trustees and the trustees of the Te Tāhuhu o Tawakeheimoa Trust as registered proprietors as tenants in common of one-half undivided shares in the CFRs, subject to and together with any interests that are registered, notified, or notifiable and set out on the CFR and in column 3 on page 25 of this guideline.
- (b) Any statement of purpose must be removed.
- (c) Standard registration fees apply.

Note:

Any resumptive memorials must remain on the CFRs until a certificate by the Chief Executive authorising the removal of the memorials is lodged for registration.

Trigger – Pūwhenua Forest

- (a) Receipt of a transfer of CFR SA68A/370 (under s 136) to:
 - (i) Pūwhenua Forestry Holdings Limited; or
 - (ii) a joint entity consisting of the trustees and either the trustees of Te Tāhuhu o Tawakeheimoa Trust or the Ngāti Ranginui governance entity; or
 - (iii) the trustees.
- (b) Receipt of a certificate by an authorised person under s 19(1) for the removal of certain memorials from the CFRs.

Authorised person means a person authorised by the Chief Executive of the land holding agency for the relevant property.

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Vesting of commercial redress properties, continued

Action – register the trustees as proprietors

- (a) The RGL must register the transferees as the registered proprietors of the CFR, subject to and together with any interests that are registered, notified, or notifiable and set out on the CFR;
- (b) Any statement of purpose must be removed.
- (c) Standard registration fees apply.

Note:

Any resumptive memorials must remain on the CFRs until a certificate by the Chief Executive authorising the removal of the memorials is lodged for registration.

Statutory exemption

Commercial redress properties 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.
-

Action – Inform survey

When the Crown transfers a commercial redress property, the survey technical adviser must be notified, to enable the cadastre to be updated.

Note:

See Technical Circular 2007.011 – Registration of Documents that are recorded as Statutory Actions.

6 Access to protected sites

Trigger	Receipt of a transfer of: <ul style="list-style-type: none">(a) a commercial redress property;(b) Te Matai Forest (South);(c) Te Matai Forest (North);(d) Pūwhenua Forest; or(e) Kaharoa Forest which includes a statement that the land is subject to a right of access to any protected sites on the land.
Action – notation on CFR	On registration of the transfer the RGL must record on any CFR for the land that the land is subject to a right of access to protected sites on the land (s 147(3)).
Memorial	A suitable memorial would be: <i>'[if applicable – see s.146 - Subject to Lease [unique identifier]] [Part of] [T]he within land is subject to a right of access under section 145 of the Tapuika Claims Settlement Act 2014. See application [registration number] [date and time]'</i>
Ōtara Scenic Reserve	Despite the Reserves Act 1977, on and from the settlement date, the members of Tapuika have a right of access, exercisable at any time and in perpetuity, over the Ōtara Scenic Reserve and may use the same methods of access as the members of Waitaha.
Trigger – right of access	An application by the Director-General that the Ōtara Scenic Reserve is subject to s 64.
Action – notation on CFR	On receipt of the application, the RGL must note on the CFR for the Ōtara Scenic Reserve: 'Subject to 64 of the Tapuika Claims Settlement Act 2014'

7 Right of first refusal

Recording RFR on register

Trigger – s 171 certificate

- (a) Receipt of a certificate from the Chief Executive under s 171(1) that:
 - (i) specifies the legal description of; and
 - (ii) identifies the computer register for,
 - (b) RFR land, for which:
 - (i) there is a computer register on the settlement date; and
 - (ii) a computer register is first created after the settlement date; and
 - (iii) there is a computer register and which becomes RFR land after the settlement date.
-

Action – memorials

- (a) The RGL must record the following memorial on the current view of the computer register identified in the s 171 certificate:

'[*certificate identifier*] Certificate under section 171(1) of the Tapuika Claims Settlement Act 2014 that the within land is RFR land as defined in section 149 and is subject to Subpart 4 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.
 - (c) The standard registration fee is payable.
-

Removal of RFR from register

Trigger – s 172 certificate

Receipt of a certificate from the Chief Executive under s 172 for the removal of s 171 memorials from a computer register on land ceasing to be RFR land.

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Right of first refusal, continued

Action – registration requirements

- (a) The RGL must record the following memorial on the historic view of the register:

'[*certificate identifier*] Certificate under section 172(1) of the Tapuika Claims Settlement Act 2014 removing [*memorial identifier*] entered under section 171 [*date and time*].'

- (b) The transfer or vesting must be registered.

- (c) The standard registration fee is payable.

Note:

In addition to the legal description, computer register identifier and statement that the certificate is issued under the section, Section 172(1)(c) of the Act requires the certificate to include “the details of the transfer or vesting of the land.” The certificate template is designed to account for this by the reference “transferred to or vested in the person(s) named in the instrument lodged with this certificate.” Therefore, certificates in this form should be accepted for registration.

Removal of RFR from register at end of RFR period

Receipt of a certificate from the Chief Executive under s 173(1) for the removal of s 171 memorials from a computer register at the end of the RFR period.

Trigger – s 173 certificate

Action – registration requirements

- (a) The RGL must record the following memorial on the historic view of the register:

'[*certificate identifier*] Certificate under section 173(1) of the Tapuika Claims Settlement Act 2014 removing [*memorial identifier*] entered under section 171 [*date and time*].'

- (b) The standard registration fee is payable.
-

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Right of first refusal, continued

Action – on-going monitoring

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 171, cannot be registered unless:

- (a) a certificate from the Chief Executive has been received under s 172(1); or
- (b) at the end of the RFR period, a certificate from the Chief Executive has been received under s 173(1) for the removal of the notification under s 171; or
- (c) the dealing is in favour of the Crown or a Crown Body (s 156).

Notes:

Transfers of RFR land without a preceding s 172(1) or s 173(1) certificate should only be accepted if it is absolutely clear that the transferee is the Crown or a Crown Body. If there is any doubt, these matters should be escalated to a senior officer (e.g. Titles Advisor) for resolution.

Where land is disposed of to the Crown or a Crown body in terms of s 156, the RFR will remain on the title and must continue to be monitored and enforced by LINZ until it is removed under s 172(1) or s 173(1).
