

Ngāti Rangi Claims Settlement Act 2019 registration guideline

LINZ OP G 01244

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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

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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/ngati-rangi/>

Ngāti Rangī are one of four Whanganui large natural groups recognised by the Crown, with about 2,500 registered members. Ngāti Rangī are based at the western and southern foot of Mount Ruapehu. Their area of interest includes Ohakune and Waiouru, and borders Raetihi.

The mandate given to Ngāti Rangī Trust by Ngāti Rangī members to negotiate a deed of settlement was formally recognised by the Crown in August 2014. On 17 August 2017, the deed was initialled by the Crown and Ngāti Rangī Trust. The deed was then signed at Raketapauma Marae on 10 March 2018. A deed to amend the deed of settlement was signed on 21 June 2018. A second deed to amend the deed of settlement was signed on 7 December 2018. Te Tōtarahoe o Paerangi is the Ngāti Rangī post-settlement governance entity.

Further information can be found on the OTS website:

<https://www.govt.nz/organisations/treaty-settlements-ropu/>

(under the tab 'Find out about the Treaty Settlement Process').

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 LINZG20786.

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

This *Specific Guideline* covers the Ngāti Rangī Claims Settlement Act 2019 (**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* and the transfer of *Commercial Redress Properties* are set out in **Tables 1 and 2**.

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:

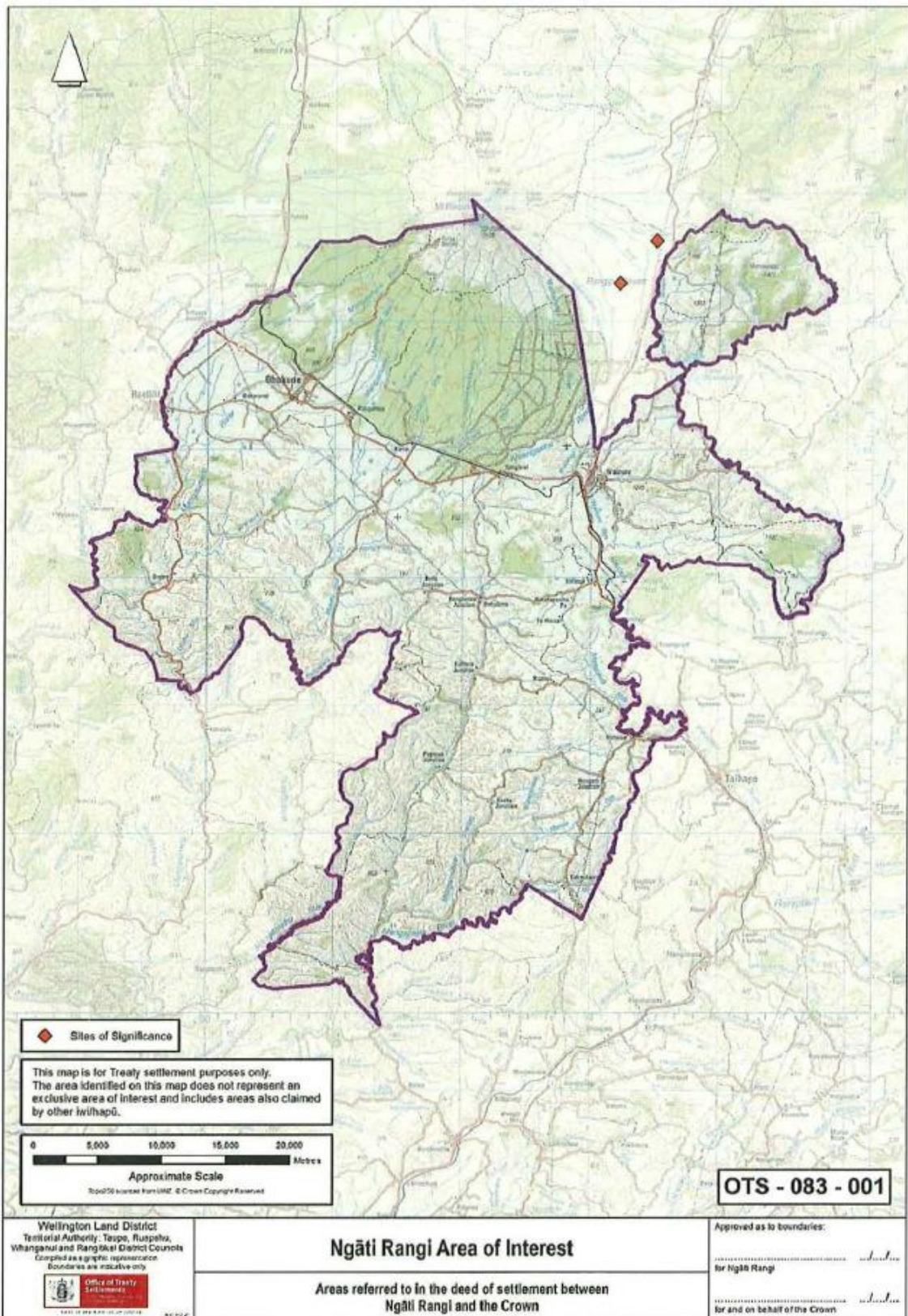
- the Ngāti Rangi Claims Settlement Act 2019:
<http://www.legislation.govt.nz/act/public/2019/0040/latest/LMS47954.html>
- the *Deed* (including Schedules) relating to the *Specific Act*:
<https://www.govt.nz/treaty-settlement-documents/ngati-rangi/>
- *Treaty Claims Settlement Acts General Guideline LINZG20786*:
<https://www.linz.govt.nz/regulatory/20786>
- Customer Services Technical Circular 2013.T06 – Registration of Treaty Claims Settlement Dealings:
<http://inlinz2/tech-circulars/>

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 2017.

1.3 Map of area of interest

Sourced from *Ngāti Rangī 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 record of title 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 173](#) *Right of First Refusal (RFR) Memorial*

If one 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\(1\)](#)**.

4 Cultural Redress Properties - Initial Vesting

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

- **[s 70\(1\)](#)** – The vesting of the fee simple estate in a cultural redress property in the trustees under subpart 5 of part 2 is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.
- **[s 72](#)** - Application of other enactments to the vesting of cultural redress properties.

Please note in relation to **Rotokura lakes**:

- Despite the vesting of the fee simple estate in the Beds of the Rotokura Lakes in the trustees, the Crown retains the ownership of the Crown stratum, and the Crown stratum continues to be a part of the Rangataua Conservation Area (including part Rotokura Ecological Area) – **[s 66\(3\)](#)**
- The vesting of the fee simple estate in the Beds of the Rotokura Lakes does not take effect until the trustees have provided the Crown with a registrable covenant on the terms and conditions set out in part 10.3 of the documents schedule – **[s 66\(4\)](#)**.

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- Part 4A of the Conservation Act 1987 does not apply to the vesting of the Beds of the Rotokura Lakes – [s 70\(2\)](#).

5 Cultural Redress Properties – Ongoing Restrictions

Section 5 of the *General Guideline* is not applicable as this settlement does not have Cultural Redress Reserve Properties.

6 Cultural Redress Properties - Subsequent dealings

Section 6 of the *General Guideline* is not applicable as this settlement does not have Cultural Redress Reserve Properties against which restrictions on subsequent dealings can be put.

6.1 Other Cultural Redress - Delayed vesting and gift back of Raketapauma/Irirangi

This Act includes a property that will be vested on a delayed vesting date (as defined in [s 75\(5\)](#)). On the seventh day after the delayed vesting date (gifting back vesting date), this property will vest in the Crown as a gifting back to the Crown by the trustees for the people of New Zealand (Subpart 6 of Part 2, [s 75](#)).

[s 75\(1\)](#) applies to Raketapauma, also known as Irirangi (defined in [s 75\(5\)](#)).

[s 75\(1\)](#) The fee simple estate vests in the Trustees on the vesting date.

[s 75\(2\)](#) On the seventh day after the vesting date, the fee simple estate vests in the Crown as a gifting back by the trustees.

[s 75\(3\)\(a\)](#) a gifting back property remains land that is held for defence purposes under the Defence Act 1990 and the Public Works Act 1981; and

[s 75\(3\)\(b\)](#) any enactment, instrument, or interest that applied to a gifting back property immediately before the vesting date, continues to apply to it, and

[s 75\(3\)\(c\)](#) the Crown retains all liability for a gifting-back property.

[s 75\(4\)](#) The vestings are not affected by Part 4A of the Conservation Act 1987, section 10 or 11 of the Crown Minerals Act 1991, or section 11 or Part 10 of the Resource Management Act 1991, or any other enactment relating to the land.

Statutory Action

The vesting set out in [s 75](#) must be recorded in the spatial database against the land described in [s 75\(5\)](#) of the Act.

Note: There is no specific direction in the Act for the issue of a record of title for this land. But should a record of title be requested outside of the treaty settlement legislation, the effect of [s 75](#) will need to be considered as part of this process.

7 Commercial Redress- Initial transfer

The provisions of the *General Guideline* apply, and suitable memorials are set out in [Table 2](#). Please also note:

Deferred Selection Properties – There are 46 properties described in part 4 of the property redress schedule, including Conway Conservation Area and Foyle Street Conservation Area – [s 131](#)

Conway Conservation Area and Foyle Street Conservation Area - each property ceases to be a conservation area under the Conservation Act 1987 immediately before it is transferred – [s 131\(2\)](#)

Defence Area Land - may be transferred to the trustees – refer to [s 132](#)

Licensed Land – is included in the settlement - refer to [s 129](#), [140-142](#)

Covenants for the later creation of records of title are provided for – refer to [s 136](#)

Application of other enactments - refer to [s 137](#)

Transfer of Property Subject to Lease – refer to [s 138](#)

8 Commercial Redress - Other property-related rights

8.1 Rights of first refusal

The provisions of the *General Guideline* apply, and a suitable memorial is set out in [Table 2](#).

RFR land is defined in [s 147](#) (including qualifications and exclusions). It includes both *exclusive RFR land* and *shared RFR land* as defined in [s 146](#).

8.2 Ongoing restrictions

An RFR memorial prevents the registration of any subsequent disposal (*dispose of* in relation to *RFR Land* being defined in the *Act*) such as a transfer, unless there is an exemption in *the Act*, or the RFR memorial has been removed ([s 150](#)).

Note:

[s 146](#) defines **dispose of**, in relation to *RFR Land*

[s 147](#) section defining *RFR Land*, used in RFR memorial

[s 150](#) restrictions on disposal of *RFR Land*

[s 173](#) CE certificates for recording RFR, used in RFR memorial

[s 174](#) CE certificate that *RFR Land* to be transferred or vested, triggering RGL to remove RFR memorial

[s 175](#) CE certificate that *RFR land* is required for another Treaty of Waitangi settlement as set out in a s.149 notice, triggering RGL to remove RFR memorial

[s 176](#) CE certificate that RFR period has ended, triggering RGL to remove RFR memorial

8.3 Right of Access

The provisions of the *General Guideline* apply.

[Section 145\(2\)](#) requires the transfer of any *licensed land* to the trustees to include a statement as to a right of access and [s 145\(3\)](#) requires the RGL to record on any record of title for the land that the land is subject to a right of access to protected sites on the land.

DD to monitor

If there is no title for the *licensed land*, and LINZ receives an application for title to issue without the following transfer, a DD should be created against the title to enable any subsequent transfer to be checked for the [s 145\(2\)](#) statement (and prevent auto registration of a non-compliant transfer).

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 Ngāti Rangi Claims Settlement Act 2019.

Defined terms – in interpretation [sections 12, 21, 60, 129](#) and [146](#).

Commercial Redress means a property described in part 3 of the *Property Redress Schedule*, and includes:

Commercial Redress Properties [s 129](#) which comprise:

- **Licensed Land [s 129](#)**, being:

Part Karioi Forest: Part 3 of the *Property Redress Schedule*

- **Other Commercial Redress Properties [s 129](#)** being:

Ohakune Police Station and Waiouru Police Station, Part 3 of the *Property Redress Schedule*

Defence Area Land, as defined in [s 129](#)

Deferred Selection Property [s 129](#), being 46 properties (including Conway Conservation Area and Foyle Street Conservation Area) listed in the *Property Redress Schedule*, Part 4 of the *Property Redress Schedule*

Right of First Refusal (RFR): Subpart 4 of Part 4 – [ss 146-179](#)

RFR Land: Land subject to an RFR [s 147](#)

Cultural Redress Properties: these properties are defined in [s 60](#) and described in [Schedule 3](#).

Representative Entity – the *Trustees*

Right of First Refusal – see above under Commercial Redress

Settlement date, [s 12](#) – 40 working days after commencement

Specific Act – Ngāti Rangi Claims Settlement Act 2019

Trustees – trustees of Te Totarahoe o Paerangi

Table 1: Summary of registration provisions - Cultural Redress

Trigger: application see s 69 re: rules for transfers and creating titles	Type of Property:	Applicant Authorised by:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
Rangatauanui property s 61 See Schedule 3 for legal description	Cultural Redress (Property vested in fee simple)	Director-General of Conservation s 69(8)(b)	The Minister of Conservation must provide the trustees with a registrable right of way easement on the terms and conditions set out in part 10.2 of the documents schedule s 61(3)	See Schedule 3 and refer to application. Note: An interest in Schedule 3 is as yet unregistered – only register those that are registrable and referred to in the application (s 69(5))	Reservation as a scenic reserve subject to the Reserves Act 1977 is revoked s 61(1) Fee Simple vests in the trustees s 61(2)	Conservation Act 1987 - Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s 71(1)(b) Crown Minerals Act 1991 - Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s 72(1)
Rau Korokio s 62 See Schedule 3 for legal description	Cultural Redress (Property vested in fee simple)	Chief Executive of LINZ s 69(8)(a)(i)		See Schedule 3 and refer to application. Note: Some interests in Schedule 3 may be unregistered – only register those that are registrable and referred to in the application (s 69(5))	Fee Simple vests in the trustees s 62	Conservation Act 1987 - Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s 71(1)(b) Crown Minerals Act 1991 - Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s 72(1)
Te Tāuru s 63 See Schedule 3 for legal description	Cultural Redress (Property vested in fee simple)	Director-General of Conservation s 69(8)(b)			Ceases to be a conservation area under the Conservation Act 1987 s 63(1) Fee simple vests in the trustees s 63(2)	Conservation Act 1987 - Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s 71(1)(b) Crown Minerals Act 1991 - Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s 72(1)
Te Urunga property s 64 See Schedule 3 for legal description	Cultural Redress (Property vested in fee simple)	Director-General of Conservation s 69(8)(b)			Ceases to be a conservation area under the Conservation Act 1987 s 64(1) Fee simple vests in the trustees. s 64(2)	Conservation Act 1987 - Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s 71(1)(b) Crown Minerals Act 1991 - Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s 72(1)
Waimaire s 65 see Schedule 3 for legal description	Cultural Redress (Property vested in fee simple)	Chief Executive of LINZ s 69(8)(a)(ii)			Fee simple vests in the trustees s 65	Conservation Act 1987 - Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s 71(1)(b) Crown Minerals Act 1991 - Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s 72(1)

Trigger: application see s 69 re: rules for transfers and creating titles	Type of Property:	Applicant Authorised by:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
Beds of Rotokura Lakes s 66 see Schedule 3 for legal description	Cultural Redress (Property vested in fee simple subject to conservation covenant)	Director-General of Conservation s 69(8)(b)	Precondition: If not met, registration prohibited: The trustees must provide the Crown with a registrable covenant in relation to the Beds of the Rotokura lakes on the terms and conditions set out in part 10.3 [pp173 to 186] of the Documents Schedule. s 66(4)	See Schedule 3 and refer to application. Note: Some or all interests in Schedule 3 may be unregistered – only register those that are registrable and referred to in the application (s 69(5))	Cease to be an ecological area and a conservation area under the Conservation Act 1987 s 66(1) Fee simple estate in the beds of the Rotokura Lakes vests in the trustees s 66(2) Despite the vesting under s 66(2) the Crown retains the ownership of the Crown stratum and the Crown stratum continues to be part of the Rangataua Conservation Act (including part Rotokura Ecological area) s 66(3)	Conservation Act 1987 - Suitable memorial: <i>Part 4A of the Conservation Act 1987 does not apply</i> s 71(1)(a) Crown Minerals Act 1991 - Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s 72(1)

Table 2: Summary of registration provisions - Commercial Redress

Trigger:	Property	Redress Type	Authorised Person	Conditions
<p>NOTE:</p> <ul style="list-style-type: none"> if, instead of the applications below, there is a covenant for later creation of record of title, see s.136 regarding the recording of the covenant by creating a record of title that records an interest. If the property is not all of the land contained in a record of title for a fee simple estate, or there is no record of title for the fee simple estate, then an authorised person can apply for the creation of a record of title. Otherwise, a transfer of the property may be lodged for registration (see part 7 of the <i>General Guideline</i>) 				
<p>Application: to create freehold record of Title s 134</p>	<p>Ohakune Police Station and Waiouru Police Station</p>	<p>Commercial Redress Property (other than licensed land)</p> <p>[pages 8-9 – Property Redress Schedule]</p>	<p>Chief Executive of the land holding agency for the relevant property s 134(5) (NZ Police)</p>	<p>See creation of record of title (s 134) and in particular s 134(3).</p> <p>Also see application of other enactments (s 137) and in particular:</p> <p>Conservation Act 1987 - Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s 137(2)</p> <p>Crown Minerals Act 1991 - Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s 137(3)</p>
<p>Application: to create freehold record of title for the Licensed Land s 135</p>	<p>Part Karioi Forest</p>	<p>Commercial Redress Property (licensed land)</p> <p>[pages 6-8 – Property Redress Schedule]</p>	<p>Chief Executive of the land holding agency for the relevant property s 134(5) (LINZ)</p>	<p>See creation of record of title (s 135) and in particular s 135(2).</p> <p>The transfer instrument for the transfer must include a right of access statement which the RGL must record on the record of title (see s 145(2) and (3))</p> <p>Also see application of other enactments (s 137) and in particular:</p> <p>Conservation Act 1987 - Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s 137(2)</p> <p>Crown Minerals Act 1991 - Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s 137(3)</p>

<p>Application: to create freehold record of Title s 134</p>	<p>Conway Conservation Area Foyle Street Conservation Area</p>	<p>Deferred selection property [page 11 – Property Redress Schedule]</p>	<p>Chief Executive of the land holding agency for the relevant property (Dept. of Conservation)</p>	<p>Ceases to be a conservation area under the Conservation Act 1987 immediately before transfer of the fee simple estate in the property under section 130. s 131(2)</p> <p>See creation of record of title (s 134) and in particular s 134(3).</p> <p>Also see application of other enactments (s 137) and in particular: Conservation Act 1987 - Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s 137(2)</p> <p>Crown Minerals Act 1991 - Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s 137(3)</p>
<p>Application: to create freehold record of Title s 134</p>	<p>Other deferred selection properties</p>	<p>Deferred selection property [pp. 10-20 – Property Redress Schedule]</p>	<p>Chief Executive of the land holding agency for the relevant property</p>	<p>See creation of record of title (s 134) and in particular s 134(3).</p> <p>Also see application of other enactments (s 137) and in particular: Conservation Act 1987 - Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s 137(2)</p> <p>Crown Minerals Act 1991 - Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s 137(3)</p>
<p>Application: to create freehold record of Title s 134</p>	<p>Deferred selection properties subject to a lease</p>	<p>Deferred selection property where the following apply:</p> <p>The property is a commercial redress property or deferred selection property—</p> <p>(a) for which the land holding agency is the Ministry of Education; and</p> <p>(b) the ownership of which is to be transferred to the trustees; and</p> <p>(c) that, after the transfer, is to be subject to a lease back to the Crown.</p> <p>s 138(1)</p>		<p>Transfer instrument must include a statement that the land is to become subject to s139 upon the registration of a transfer s 138(3)</p> <p>RGL must record on the record of title that:</p> <ul style="list-style-type: none"> • The land is subject to Part 4A of the Conservation Act 1987 but that s24 does not apply • The land is subject to s139 <p>s 138(4)</p> <p>If the lease terminates or expires without being renewed in relation to all or part of the property that is transferred subject to the lease, then the registered owners of the property must apply in writing to the RGL to remove the notations made under s 138(4) from the record of title if no part of the property remains subject to a lease and to amend the notations on the record of title if only part of the property remains subject to a lease.</p> <p>s 139</p>

<p>Application: to create freehold record of Title s 134</p>	<p>Defence Area Land</p>		<p>Chief Executive of the land holding agency for the relevant property</p>	<p>See creation of record of title (s 134) and in particular s 134(3). Also see application of other enactments (s 137) and in particular: Conservation Act 1987 - Suitable memorial: <i>Subject to Part 4A of the Conservation Act 1987</i> s 137(2) Crown Minerals Act 1991 - Suitable memorial: <i>Subject to section 11 of the Crown Minerals Act 1991</i> s 137(3)</p>
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Right of First refusal		
Trigger for noting RFR memorial:	Property	Memorial for noting RFR
CE certificate for: (a) the RFR land for which there is a record of title on the relevant RFR date; and (b) the RFR land for which a record of title is first created after the relevant RFR date; and (c) land for which there is a record of title that becomes RFR land after the relevant RFR date. s 173(1)	RFR land is defined in s 147 to include: <ul style="list-style-type: none"> • Exclusive RFR land • Shared RFR land 	<i>[certificate identifier] Certificate under section 173 of the Ngāti Rangī Claims Settlement Act 2019 that the within land is RFR land as defined in section 147 and is subject to Subpart 4 of Part 4 of the Act (which restricts disposal, including leasing, of the land) [date and time]</i> Ensure the "prevents registration" flag is set against this memorial
Trigger for removal RFR memorial:		
CE certificate that: (a) RFR land is to be transferred or vested s 174(1) or (b) RFR land is required for another Treaty of Waitangi settlement s 175(1) (c) RFR period has ended s 176(1)		