



Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 registration guideline

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Table of contents

Terms and definitions.....	4
General	4
Foreword	6
Introduction	6
Purpose	6
Scope.....	6
Intended use of guideline.....	6
References	6
1 Noting statutory restrictions on registration	7
Statutory prohibitions restricting dealing with computer registers	7
Follow up action for Landonline.....	7
2 Removal of memorials.....	8
Trigger – receipt of s 28 certificate.....	8
Authorised person.....	8
Legislation	8
Certificate	9
Action.....	9
3 Vesting of cultural redress properties	10
Trigger – receipt of written application for vesting.....	10
Action – registration of trustees.....	10
Statutory exemptions	10
Names of trustees in whom the properties are vested.....	11
Action – memorials	15
Action – vestings subject to trustees’ encumbrances or covenants	17
Statutory exemptions –s 312.....	19
Action – vestings subject to encumbrances	19
Action – revocation and reconfering of reserve status.....	20
Action – statutory action.....	20
Trigger –revocation of reserve for reserve site other than a jointly vested site.....	20
Action –memorials	21
Action –removal of memorials	21
Trigger – revocation of reserve for a jointly vested site.....	21
Action –memorials	21
Action – removal of memorials	22
Revocation in relation to part of a site	22
Trigger	22
Transfer of reserve site except jointly vested sites	22
Trigger – receipt of transfer instrument under s 130.....	23
Transfer of jointly vested sites.....	23
Prohibition against mortgage of reserve land	23
Trigger – Kaka Point.....	23
Action – statutory direction	23
4 Delayed vesting of cleared land.....	24
Legislation	24
Trigger – receipt of application under s 136(1)	24
Action – registration under s 136(1).....	25
Action – memorials	25
5 Vesting of commercial redress properties.....	26
Details of commercial redress and deferred selection properties.....	26
Trigger – written application under s 166(2).....	26
Action – create computer freehold register	26

Action - create computer register for licensed property	27
Trigger – Queen Charlotte Forest.	27
Action – create computer register for Queen Charlotte Forest	27
Trigger – Rai Forest.....	28
Action – create computer register for Rai Forest	28
Trigger – written application under s 166(7).....	28
Action – create computer register for a licensed or deferred selection property	28
Trigger – receipt of covenant.....	29
Action – register a covenant	29
Statutory exemption – s 168	29
Trigger – receipt of transfer under s 170	29
Memorials	29
Trigger – receipt of application under s 170(8)	29
Action – memorials	30
Action – removal of memorials	30
Statutory directive	30
6 Access to protected sites	31
Trigger – application to note right of access	31
Action – notation on computer freehold register.....	31
Memorial.....	31
7 Right of first refusal	32
Trigger – receipt of RFR certificate under s 206(1)	32
Action – memorials record RFR land	32
Trigger – s 207	32
Action – registration requirements	32
Trigger – s 208 certificate	33
Action – registration requirements	33
Action - ongoing monitoring of RFR land	33
8 Vesting of assets of Charitable Trust Board – noting of registers.....	34
Evidence for change of registered proprietorship.....	34

Terms and definitions

General

- (a) For the purposes of this guideline, the terms and definitions in the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 (Act) apply, unless stated otherwise. Refer to ss 21, 22, 23, 24, 75, 171 and 181 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	Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014
authorised person	an authorised person as defined in ss 121 (7), 136(6), 138(8), 166(11), or 180(3), as the case may be
Chief Executive	Chief Executive of Land Information New Zealand
cultural redress property	a property listed in s 75 and described in Schedule 3 of the Act
commercial redress property	a property defined as commercial redress property in s 21 of the Act and listed in part 3 of the property redress schedule of a deed of settlement
deed of settlement	the following four Deeds of Settlement, and as defined in s 21 of the Act: <ul style="list-style-type: none">(a) The deed of settlement for Ngāti Kōata dated 21 December 2012, entered into by the Crown, Ngāti Kōata, and Te Pātaka a Ngāti Kōata,(b) The deed of settlement for Ngāti Rārua dated 13 April 2012, entered into by the Crown, Ngāti Rārua, and the Ngāti Rārua Settlement Trust,(c) The deed of settlement for Ngāti Tama ki Te Tau Ihu dated 20 April 2013, entered into by the Crown, Ngāti Tama ki Te Tau Ihu, and the Ngāti Tama ki Te Waipounamu Trust, and(d) The deed of settlement for Te Ātiawa o Te Waka-a-Māui dated 21 December 2012, entered into by the Crown, Te Ātiawa o Te Waka-a-Māui, and the Te Ātiawa o Te Waka-a-Māui Trust.
deferred selection property	A property defined in s 21 and listed in part 4 of the property redress schedule of a deed of settlement

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LINZ	Land Information New Zealand
RFR land	land defined as RFR land in s 182 (right of first refusal)
RGL	Registrar-General of Land appointed under s 4 of the Land Transfer Act 1952
settlement date	1 August 2014
trustees	trustees, from time to time, of any of the trusts established by the trust deed of the settlement trust as defined in s 22 of the Act.

Foreword

- Introduction**
- (a) The Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 (Act) came into force on 23 April 2014.
 - (b) The land concerned is in the Nelson and Marlborough Land Registration Districts.
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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) Deeds of Settlement for Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui, as defined in s 21 of the Act.¹
 - (b) Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014.
 - (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 for a copy of the deed of settlement and its amendments

1 Noting statutory restrictions on registration

Statutory prohibitions restricting dealing with computer registers

Sections 129, 130, 131, 132 and 206 of the Act contain restrictions against dealing with land held in computer registers. In each case a memorial of the statutory restrictions on registration must be entered on the relevant computer register.

Follow up action for Landonline

- (a) When a computer register contains the following memorials:
- (i) Subject to section 129 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014,
 - (ii) Subject to section 130 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014,
 - (iii) Subject to section 131 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014,
 - (iv) Subject to section 132 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014, and
 - (v) [certificate identifier] Certificate under section 206 (1) of the the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 'that the within land is RFR land as defined in section 182 and is subject to Subpart 4 of Part 3 of the Act (which restricts disposal, including leasing, of the land) [*date and time*]'
- (b) Ensure the 'prevents registration' flag is set.
-

2 Removal of memorials

Trigger – receipt of s 28 certificate Receipt of a certificate under s 28 for the removal of certain memorials from a computer register.

Authorised person

- (a) A statement in the certificate that the signatory is acting on delegation or authority of the Chief Executive shall be taken as evidence of the authority of the person to execute the certificate on behalf of the Chief Executive.
- (b) A template certificate has been approved by the RGL and is set out in Technical Circular 2013.T06.

Legislation

- (a) Section 27(1) provides that certain legislative provisions do not apply to a settlement property, or for the benefit of the settling group or a representative entity.
- (b) Section 27(2) lists the legislative provisions as:
 - (i) sections 8A to 8HJ of the Treaty of Waitangi Act 1975,
 - (ii) sections 27A to 27C of the State Owned Enterprises Act 1986,
 - (iii) sections 211 to 213 of the Education Act 1989,
 - (iv) Part 3 of the Crown Forest Assets Act 1989, and
 - (v) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990.

Note: These legislative provisions, being statutory notations, do not fall within the definition of 'encumbrance' in treaty settlement legislation, so must be brought down onto the computer registers created for the relevant entity or trustees. They are only to be noted as 'cancelled' by the RGL, acting on the certificate issued as below.

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Removal of memorials, continued

Certificate

Section 28(4) requires the RGL to register a certificate against the affected registers, cancelling any relevant memorial referred to in s 27. The certificate must:

- (a) be issued by the Chief Executive s 28(1), as soon as reasonably practicable after the settlement date, or actual deferred settlement date,
 - (b) identify each allotment, which is all, or part, of a settlement property, and computer register which contains such a memorial s 28(1), and
 - (c) state that it is issued under s 28 (3).
-

Action

When a certificate under s 28 is presented for registration:

- (a) any memorial on the current view of the computer register which relates to an enactment referred to in s 27 (2) should be removed,
- (b) the following memorial should be recorded on the historic view of that register:

'[instrument number] Certificate under section 28 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui 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 27(2) does not apply'.

3 Vesting of cultural redress properties

Schedule of properties

The cultural redress properties set out in Schedule 3 of the Act vest in the trustees.

Trigger – receipt of written application for vesting

Receipt of a written application under s 121 by an authorised person to register the trustees as proprietors of the fee simple estate.

Authorised person means a person authorised by the Director-General.

Action – registration of trustees

- (a) If a cultural redress property is all of the land contained in a computer freehold register (other than Puketawai or a jointly vested site) the RGL must:
 - (i) register the trustees in whom the property vests under sub-part 4 of the Act as the proprietors of the fee simple, and
 - (ii) make any entry and do all things necessary to give effect to Part 2 of the Act and to Part 5 of the relevant deed of settlement (s 121(2)).
 - (b) If a cultural redress property is not all of the land in a computer freehold register (other than a jointly vested site) or in the case of Puketawai, the RGL must:
 - (i) create one or more computer freehold register in the name of the trustees in whom the property vests under Part 4 of the Act, and
 - (ii) enter any interests described in the application (s 121(3)).
 - (c) For a jointly vested site the RGL must:
 - (i) create one or more computer freehold registers for each undivided equal share in the name of the trustees in whom the property vests under sub-part 4 of the Act, and
 - (ii) enter interests described in the application (s 121(4)(b)).
 - (d) Creation of the above computer register is subject to completion of any necessary survey.
 - (e) The standard registration fee is payable.
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Statutory exemptions

Cultural redress properties are not subject to the subdivision requirements of the Resource Management Act 1991, or the Council's requirements for consent under s 348 of the Local Government Act 1974.

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Vesting of cultural redress properties, continued

Names of trustees in whom the properties are vested

This table sets out the trustees in whom the cultural redress properties are vested:

Site	Vests
Catherine Cove	vests in the trustees of Te Pātaka a Ngāti Kōata.
Whangarae Bay (Okiwi Bay)	vests in the trustees of Te Pātaka a Ngāti Kōata.
Glenhope (Kawatiri)	vests in the trustees of the Ngati Rarua Settlement Trust
Kawatiri Confluence	vests in the trustees of the Ngati Rarua Settlement Trust
Wairau Pā	vests in the trustees of the Ngati Rarua Settlement Trust
Rārangi (Ngāti Rārua)	vests in the trustees of the Ngati Rarua Settlement Trust
Wainui urupā	vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust.
Tapu Bay (Kaiteriteri)	vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
Umukuri Bay urupā (Arapaoa Island)	vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust
Tapu Bay (Motueka)	vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust
Pūponga Farm, Cape House	vests as undivided third shares in the specified groups of trustees as tenants in common, as follows: <ul style="list-style-type: none"> • a share vests in the trustees of the Ngāti Rārua Settlement Trust; and • a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and • a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
Pūponga Farm, Triangle Flat	vests as undivided third shares in the specified groups of trustees as tenants in common, as follows: <ul style="list-style-type: none"> • a share vests in the trustees of the Ngāti Rārua Settlement Trust; and • a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and • a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.

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Site	Vests
Puketawai	vests as undivided third shares in the specified groups of trustees as tenants in common, as follows: <ul style="list-style-type: none"> • a share vests in the trustees of the Ngāti Rārua Settlement Trust; and • a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and • a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
Lucky Bay	vests in the trustees of Te Pātaka a Ngāti Kōata
Whangarae Estuary	vests in the trustees of Te Pātaka a Ngāti Kōata
Wharf Road (Okiwi Bay)	vests in the trustees of Te Pātaka a Ngāti Kōata
Te Tai Tapu (Snake Creek)	vests in the trustees of the Ngāti Rārua Settlement Trust.
Coombe Rocks	vests in the trustees of the Ngāti Rārua Settlement Trust
Hori Bay	vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust
Pakawau Inlet	vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust
Onauku Bay (Arapaoa Island)	vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust
Anatoia Islands	vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust
Te Tai Tapu (Anatori South)	vests as undivided half shares in the specified groups of trustees as tenants in common, as follows: <ul style="list-style-type: none"> • a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and • a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust
Te Tai Tapu (Anatori North)	vests as undivided half shares in the specified groups of trustees as tenants in common, as follows: <ul style="list-style-type: none"> • a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and • a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust
Moukirikiri Island	vests in the trustees of Te Pātaka a Ngāti Kōata

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Pah Point (Whanganui Inlet)	vests in the trustees of the Ngāti Rārua Settlement Trust
Waikutakuta/ Robin Hood Bay	vests in the trustees of the Ngāti Rārua Settlement Trust
Tākaka River Mouth	vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust
Parapara Peninsula	vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust
Momorangi Point	vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust
Wedge Point	vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust
Ngākuta Point	vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust
Ngaruru (Arapaoa Island)	vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust
Arapawa Māori Rowing Club site	vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust
Katoa Point	vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust
Moioio Island	vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust
Pūponga Point Pā site	vests as undivided third shares in the specified groups of trustees as tenants in common, as follows: <ul style="list-style-type: none"> • a share vests in the trustees of the Ngāti Rārua Settlement Trust; and • a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and • a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.

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Mātangi Āwhio (Nelson)	<p>vests as undivided seventh shares in the specified groups of trustees as tenants in common, as follows:</p> <ul style="list-style-type: none"> • a share vests in the trustees of Te Pātaka a Ngāti Kōata; and • a share vests in the trustees of the Ngāti Rārua Settlement Trust; and • a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and • a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust; and • a share vests in the trustees of the Ngāti Apa ki te Rā Tō Trust; and • a share vests in the trustees of the Te Runanga o Ngāti Kuia Trust; and a share vests in the trustees of the Rangitāne o Wairau Settlement Trust.
Pukatea/Whites Bay	<p>vests as undivided third shares in the specified groups of trustees as tenants in common, as follows:</p> <ul style="list-style-type: none"> • a share vests in the trustees of the Ngāti Rārua Settlement; and • a share vests in the trustees of the Rangitāne o Wairau Settlement Trust; and • a share vests in the trustees of the Toa Rangatira Trust
Horahora-kākahu	<p>vests as undivided third shares in the specified groups of trustees as tenants in common, as follows:</p> <ul style="list-style-type: none"> • a share vests in the trustees of the Ngāti Rārua Settlement Trust; and • a share vests in the trustees of the Rangitāne o Wairau Settlement Trust; and • a share vests in the trustees of the Toa Rangatira Trust
Tokomaru/Mount Robertson	<p>vests as undivided half shares in the specified groups of trustees as tenants in common, as follows:</p> <ul style="list-style-type: none"> • a share vests in the trustees of the Ngāti Rārua Settlement Trust; and • a share vests in the trustees of the Toa Rangatira Trust

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Vesting of cultural redress properties, continued

Action – memorials

The following are examples of suitable memorials to record the vesting on a computer freehold register (upon registration of an application under s 121 and to reflect the requirements of s 123).

(a) On all cultural redress properties

'[registration number] Application under section 121 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 vesting the within land in [names of the trustees] [date and time]'.

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

(i) on any cultural redress property, except for any sites listed in (ii) to (ix) below:

'Subject to Part 4A of the Conservation Act 1987'

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

(ii) On Reserve sites (other than jointly vested sites):

'Subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply)'.

'Subject to sections 122 (3) and 129 of of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014'.

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

(iii) On jointly vested sites (being Pūponga Point Pā site, Mātangi Āwhio (Nelson), Pukatea / Whites Bay, Horahora-kākahu, and Tokomaru / Mount Robertson):

'Subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply)'.

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

'Subject to sections 119(4), 122(3), and 130 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014'.

(iv) On a computer register for Catherine Cove:

'Subject to Part 4A of the Conservation Act 1987, but that the marginal strips are reduced to a width of 3 metres'.

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

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Vesting of cultural redress properties, continued

- (v) On a computer register for Whangarae Bay (Okiwi Bay):

'Subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to a width of 10 metres'.

'Subject to a fencing covenant (as defined in section 2 of the Fencing Act 1978)'.

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

- (vi) On a computer register for Glenhope (Kawatiri):

'Subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to a width of 10 metres'.

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

- (vii) On a computer register for Lucky Bay:

'Subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to a width of 10 metres in certain areas as shown on SO 436126'.

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

- (viii) On a computer register for Coombe Rocks:

'Subject to Part 4A of the Conservation Act 1987, but that the marginal strips are reduced to a width of 10 metres'.

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

- (ix) On a computer register for the Anatoia Islands:

'Subject to Part 4A of the Conservation Act 1987, but that the marginal strips are:

(A) reduced to a width of 3 metres in sections 2, 3, 4, 5, and 6 SO 426664, and

(B) reduced to a width of 5 metres in section 1, SO 426664'.

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

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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 encumbrances or covenants as stated.
- (b) The applications in respect of these sites must be accompanied by the instruments creating the encumbrances or covenants referred to.
- (c) The legal descriptions affecting any easements, encumbrances, or covenants are set out in the relevant section of subpart 4 of Part 2 of the Act.
- (d) Rights of way are not subject to s 348 of the Local Government Act 1974.

Property	Encumbrance or covenants the trustees must create (register)	Refer to
Whangarae Bay (Okiwi Bay)	<ul style="list-style-type: none"> • The Crown must provide the trustees of Te Pātaka a Ngāti Kōata with a right to convey water over the area shown as B on SO 430484 in favour of Whangarae Bay (Okiwi Bay) • The trustees of Te Pātaka a Ngāti Kōata must provide the Crown with a registrable easement instrument (containing restrictive covenants) for Whangarae Bay (Okiwi Bay) in favour of Section 3 SO 430484 	s 77 (5) and (7)
Tapu Bay (Motueka)	<p>The trustees of the Te Ātiawa o Te Waka-a-Māui Trust must provide the Crown with the following:</p> <ol style="list-style-type: none"> (a) a registrable right of way easement over the area shown as A on SO 463616 in favour of Sections 2 and 3 SO 463616 on the terms and conditions set out in subpart 5.10.1 of the documents schedule of the deed of settlement for Te Ātiawa o Te Waka-a-Māui (b) a registrable right of way easement over the area shown as B on SO 463616 in favour of Sections 1 and 3 SO 463616 on the terms and conditions set out in subpart 5.10.2 of that documents schedule (c) a registrable right of way easement on the terms and conditions set out in subpart 5.10.3 of that documents schedule: <ol style="list-style-type: none"> (i) over the area shown as C on SO 463616 in favour of Sections 1 and 2 SO 463616; and (ii) over the area shown as D on SO 463616 in favour of Section 2 SO 463616. 	s 85(3)

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Vesting of cultural redress properties, continued

Pūponga Farm, Cape House	The trustees provide the Crown with a right to convey water over the area shown as A on SO 426796 in favour of Section 3 SO 426796 and Part Section 14 SO 10390	s 86(3)
Puketawai	The trustees provide the Crown with a right of way (for pedestrians only) in gross over the area shown as A on SO 426273	s 88(5)
Lucky Bay	The trustees provide the Crown with a conservation covenant in relation to the part of Lucky Bay shown as A on SO 436126	s 90(3)
Whangarae Estuary	The trustees provide the Crown with a conservation covenant over part shown as C on SO 430484	s 91(3)
Wharf Road (Okiwi Bay)	The trustees provide the Crown with a conservation covenant in relation to Wharf Road (Okiwi Bay)	s 92(3)
Te Tai Tapu (Snake Creek)	The trustees provide the Crown with: (a) a registrable right of way easement in gross over the area shown as F on SO 426795 (b) a conservation covenant over parts shown as D, E, and F on SO 426795.	s 93 (3)
Coombe Rocks	The trustees provide the Crown with a conservation covenant in relation to Coombe Rocks.	s 94(3)
Hori Bay	The trustees provide the Crown with: (a) a right of way easement in gross in favour of the Crown over the area shown as A on SO 427909 (b) a conservation covenant in relation to Hori Bay	s 95(3)
Pakawau Inlet	The trustees provide the Crown with a conservation covenant in relation to Pakawau Inlet	s 96(3)
Onauku Bay (Arapaoa Island)	The trustees provide the Crown with a conservation covenant in relation to Onauku Bay (Arapaoa Island)	s 97(3)
Anatoia Islands	The trustees provide the Crown with a conservation covenant in relation to Anatoia Islands	s 98(3)
Te Tai Tapu (Anatori South)	The trustees provide the Crown with a conservation covenant over part shown as A on SO 426795	s 99(3)
Te Tai Tapu (Anatori North)	The trustees provide the Crown with a conservation covenant over part shown as B and C on SO 426795	s 100(3)

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Vesting of cultural redress properties, continued

Momorangi Point	The trustees provide: (a) a right to convey water in gross over the area shown as A on SO 429183 in favour of the registered proprietors of computer freehold registers MB3A/228 and MB3A/104 (b) a right to convey water in gross over the area shown as A and B on SO 455828 in favour of the registered proprietors of computer freehold register MB4D/1275 (c) a right to convey water in gross over the area shown as A and B on SO 455828 in favour of the registered proprietors of computer freehold register MB4D/711 (d) a right to convey water in gross over the area shown as B on SO 455828 in favour of the Crown	s 106(5)
Ngaruru (Arapaoa Island)	The trustees provide the Crown with a conservation covenant in relation to Ngaruru (Arapaoa Island)	s 109(5)
Tokomaru / Mount Robertson	The trustees provide a right of way easement in gross in favour of the Crown over the area shown as A on SO 426595	s 117(7)

Statutory exemptions – s 312

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 encumbrances

- (a) The cultural redress properties are vested subject to the encumbrances set out in Schedule 3 of the Act (s 118).
- (b) The encumbrances may include unregistered instruments.
- (c) Only the encumbrances referred to in the application are required to be entered on the computer register.

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Vesting of cultural redress properties, continued

**Action –
revocation and
reconferring of
reserve status**

The reserve status of the sites set out in Schedule 3 of the Act are revoked and/or new reserve status or no reserve status conferred.

**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 (if any) must, where applicable, be noted on the current view of the relevant computer register as per the above table.
-

**Trigger –
revocation of
reserve for
reserve site
other than a
jointly vested
site**

Application from the Director-General of Conservation, under s 123(6), to cancel memorials recording that s 24 of the Conservation Act 1987 does not apply if the reservation of a reserve site, other than a jointly vested site is revoked in whole or in part.

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Vesting of cultural redress properties, continued

Action – memorials

The approved format for the cancellation memorial which must be recorded on the historic view of the title is:

'[application identifier] Application under section 123(6) of the of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and the Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 revoking the reserve status of [part of] the within land [date and time]'.

Action –removal of memorials

The following notifications must be removed:

- (a) From the memorial 'Subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply)' the words '(but section 24 of that Act does not apply)', and
 - (b) the memorial 'Subject to sections 122(3) and 129 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014'.
-

Trigger – revocation of reserve for a jointly vested site

Application from the Director-General of Conservation, under s 123(7), to cancel memorials recording that s 24 of the Conservation Act 1987 does not apply if the reservation of a reserve site is revoked in whole or in part.

Action – memorials

The approved format for the cancellation memorial which must be recorded on the historic view of the title is:

'[application identifier] Application under section 123(7) of the of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 revoking the reserve status of [part of] the within land [date and time]'.

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Vesting of cultural redress properties, continued

Action – removal of memorials

The following notifications must be removed:

- (a) from the memorial 'Subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply)' the words '(but section 24 of that Act does not apply)', and
 - (b) the memorial 'Subject to sections 119(4) and 122(3) and 130 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014'.
-

Revocation in relation to part of a site

If a reserve is revoked as to part of the site the memorials remain only on those computer freehold registers or part computer freehold registers that remain a reserve.

Trigger

Receipt of a transfer instrument under s 129 transferring reserve sites (other than jointly vested sites) to new owners.

Transfer of reserve site except jointly vested sites

- (a) The fee simple estate in reserve land may only be transferred to any other person in accordance with s 129.
 - (b) The written consent of the Minister of Conservation must accompany the transfer instrument.
 - (c) If any other documents are required for registration they must be registered or lodged.
 - (d) Upon receipt of the transfer instrument and consent the RGL must register the transfer.
 - (e) The transfer memorial must contain a statement that the new owners hold the land for the same purpose as the previous owners held it.
 - (f) The above does not apply in certain circumstances where the land is held in a trust and the effect of the transfer is to change the trustees. A certificate by the transferees or the transferee's solicitor accompanying a subsequent transfer is sufficient proof that s 129(3) – s 129(7) do not apply.
-

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Vesting of cultural redress properties, continued

Trigger – receipt of transfer instrument under s 130

Receipt of a transfer instrument under s 130 transferring jointly vested sites to new owners.

Transfer of jointly vested sites

- (a) The fee simple estate in reserve land may only be transferred to any other person in accordance with s 130.
 - (b) Jointly vested land may only be transferred where the land is held in a trust and the effect of the transfer is to change the trustees. A certificate by the transferees or the transferee's solicitor accompanying a subsequent transfer is sufficient proof that s 130(2) applies.
 - (c) Ensure the 'prevents registration' flag is set on entry of the s 130 memorial.
-

Prohibition against mortgage of reserve land

- (a) The registered proprietors are prohibited from registering a mortgage or any other security interest (charge) in any land or part of the land so long as it remains a reserve under the Reserves Act 1977 (s 131(2)).
 - (b) Ensure the 'prevents registration' flag is set on entry of the s 131 memorial.
-

Trigger – Kaka Point

Receipt of a written application under s 138(6)(1) by an authorised person to classify Kaka Point as a historic reserve.

Authorised person means a person authorised by the Director-General.

Action – statutory direction

The RGL must record on any computer register containing all or part of Kaka Point that the land is classified as historic reserve subject to s 18 of the Reserves Act 1977.

4 Delayed vesting of cleared land

Legislation

- (a) Section 135 provides for the Chief Executive of LINZ to make determinations about whether any area of the French Pass School and teachers' residence (described by that name in Schedule 4 of the Act) is subject to any rights or obligations that are inconsistent with vesting the area in the trustees of Te Pātaka a Ngāti Kōata. For each determination, the Secretary for Education must give a written notice to the trustees of Te Pātaka a Ngāti Kōata specifying any area that is free of such rights and obligations, and specifying any area that is subject to such rights and obligations.
 - (b) A notice that specifies any area that is free of such rights and obligations must:
 - (i) specify the legal description of the area (including any interests affecting it) (cleared land), and
 - (ii) state that the cleared land is to vest in fee simple in the trustees of Te Pātaka a Ngāti Kōata, and
 - (iii) specify the date on which the cleared land is to vest in the trustees (the vesting date), which must be the later of the settlement date or the day that is 10 working days after the date on which the notice is given.
 - (c) On the vesting date for cleared land, the fee simple estate in the cleared land vests in the trustees of Te Pātaka a Ngāti Kōata, subject to, or together with, any interests affecting the cleared land.
-

Trigger – receipt of application under s 136(1)

Receipt of a written application under s 136(1) by an authorised person to register the trustees of Te Pātaka a Ngāti Kōata as proprietors of the fee simple estate.

Authorised person means a person authorised by the Secretary for Education.

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Delayed vesting of cleared land, continued

Action – registration under s 136(1)

- (a) If cleared land is all of the land contained in a computer freehold register, the RGL must:
 - (i) register the trustees of Te Pātaka a Ngāti Kōata as the proprietors of the fee simple, and
 - (ii) make any entry and do all things necessary to give effect to Part 2 subpart 6 of the Act (s 136(2)(b)).
 - (b) If cleared land is not all of the land in a computer freehold register the RGL must:
 - (i) create one or more computer freehold register in the name of the trustees the trustees of Te Pātaka a Ngāti Kōata, and
 - (ii) enter any encumbrances described in the application (s 136(3)).
-

Action – memorials

The following are examples of suitable memorials to record the vesting on a computer freehold register (upon registration of an application under s 136(1) and to reflect the requirements of s 137 in regard to Part 4 of the Conservation Act 1987).

- (a) [*registration number*] Application under section 136 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 vesting the within land in the trustees of Te Pātaka a Ngāti Kōata [*date and time*].
 - (b) In addition the following must also be recorded:
 - (i) 'Subject to Part 4A of the Conservation Act 1987', and
 - (ii) 'Subject to section 11 of the Crown Minerals Act 1991'.
-

5 Vesting of commercial redress properties

Details of commercial redress and deferred selection properties

The legal descriptions of the commercial redress properties and deferred selection properties are set out in Part 3 of the property redress schedule to the relevant deed of settlement.

Trigger – written application under s 166(2)

A written application by an authorised person under s 166(2) to create a computer freehold register in the name of the Crown.

Authorised person means a person authorised by the chief executive of the land holding agency for the relevant property.

Action – create computer freehold register

(a) The RGL must create one computer freehold register in the name of the Crown subject to and together with any encumbrances that are registered or described in the application but without any statement of purpose.

(b) Creation of the above computer register is subject to completion of any necessary survey.

(c) Standard registration fees apply.

Note: 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.

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Vesting of commercial redress properties, continued

Trigger – written application under s 166(3) A written application by an authorised person under s 166(3) to create a computer freehold register in the name of the Crown.

Authorised person means a person authorised by the chief executive of the land holding agency for the relevant property.

Action - create computer register for licensed property

(a) The RGL must create one computer freehold register in the name of the Crown subject to and together with any encumbrances that are registered or described in the application but without any statement of purpose.

(b) Creation of the above computer register is subject to completion of any necessary survey.

(c) Standard registration fees apply.

Trigger – Queen Charlotte Forest. A written application by an authorised person under s 166(5) to create nine computer freehold registers for the licensed property described as Queen Charlotte Forest.

Authorised person means a person authorised by the chief executive of the land holding agency for the relevant property.

Action – create computer register for Queen Charlotte Forest

(a) The RGL must create 9 computer freehold register in the name of the Crown:

(i) one for the fee simple estate in each of sections 1 to 8 on SO 463404, and

(ii) one for the fee simple of the balance area,

subject to and together with any encumbrances that are registered or described in the application but without any statement of purpose.

(b) Creation of the above computer registers is subject to completion of any necessary survey or surveys.

(c) Standard registration fees apply.

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Vesting of commercial redress properties, continued

Trigger – Rai Forest.

A written application by an authorised person under s 166(6) to create two computer freehold registers for the licensed property described as Rai Forest.

Authorised person means a person authorised by the chief executive of the land holding agency for the relevant property.

Action – create computer register for Rai Forest

(a) The RGL must create 2 computer freehold registers in the name of the Crown:

- (i) one for the fee simple estate in the part of the property in the Marlborough land registration district, and
- (ii) one for the fee simple of the land in the Nelson land registration district

subject to and together with any encumbrances that are registered or described in the application but without any statement of purpose.

(b) Creation of the above computer registers is subject to completion of any necessary survey or surveys.

(c) Standard registration fees apply.

Trigger – written application under s 166(7)

A written application by an authorised person under s 166(7) to create computer freehold registers for each undivided share in the fee simple estate.

Authorised person means a person authorised by the chief executive of the land holding agency for the relevant property.

Action – create computer register for a licensed or deferred selection property

(a) The RGL must create a computer freehold registers in the name of the Crown for each undivided share of the fee simple subject to and together with any encumbrances that are registered or described in the application but without any statement of purpose.

(b) Creation of the above computer registers is subject to completion of any necessary survey or surveys.

(c) Standard registration fees apply.

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Vesting of commercial redress properties, continued

Trigger – receipt of covenant Receipt of a covenant for the later creation of a computer register under s 166(10).

Action – register a covenant Notwithstanding anything to the contrary in the Land Transfer Act 1952, the covenant must be registered and a computer register created.

Statutory exemption – s 168 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.

Trigger – receipt of transfer under s 170

- (a) Receipt of a transfer pursuant to s 170 which applies to a commercial redress property or deferred selection property that, after the transfer to the trustees, is to be subject to a lease back to the Crown.
- (b) The transfer must include a statement that the land is to become subject to s 170(6) and (7) upon registration of the transfer.

Memorials Upon registration of the transfer the following must be recorded on the computer:

'Subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply)', and

'Subject to section 170(6) and (7) of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014'.

Trigger – receipt of application under s 170(8) Receipt of an application under s 170(8), to cancel memorials recording that s 24 of the Conservation Act 1987 does not apply, if the lease terminates or expires without being renewed in whole or part.

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Vesting of commercial redress properties, continued

Action – memorials

The approved format for the memorial on the historic view of the computer freehold register which must record the cancellation is:

'[application identifier] Application under section 170(8) of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014' [*date and time*].

Action – removal of memorials

- (a) The following notifications must be modified accordingly:
- (i) delete from the memorial 'Subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply)' the words '(but section 24 of that Act does not apply)', and
 - (ii) delete the memorial 'Subject to sections 170(6) and (7) of the the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014'.
- (b) If part of the property remains subject to a lease the notifications as to s 24 of the Conservation Act 1987 and s 170(6) and (7) of the Act remain on the computer register to the part still subject to the lease.
-

Statutory directive

A modification of any computer register pursuant to an application under s 170(8) of the Act is free of charge (s 170(8)).

6 Access to protected sites

Trigger – application to note right of access

Written application by an authorised person under s 180(1) to note a right of access.

Authorised person means a person authorised by the chief executive of LINZ, for a licensed property, and a person authorised by the chief executive of the Ministry for Primary Industries for the unlicensed land.

Action – notation on computer freehold register

The RGL must make a notation on the computer freehold register that the land is or may at any future time be subject to the right of access set out in subpart 3 of Part 3 of the Act.

Memorial

A suitable memorial would be:

'*[part of]* the within land is or may at any future time be subject to a right of access under subpart 3 of Part 3 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014. See application [*registration number*] [*date and time*]'

7 Right of first refusal

Trigger – receipt of RFR certificate under s 206(1)

Receipt of a certificate from the Chief Executive under s 206(1) that identifies one or more computer registers for RFR land.

Action – memorials record RFR land

- (a) Add the following memorial to the current view of the computer register identified in the s 109 certificate:

'[certificate identifier] Certificate under section 206(1) of the the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 'that the within land is RFR land as defined in section 182 and is subject to Subpart 4 of Part 3 of the Act (which restricts disposal, including leasing, of the land) [*date and time*]'.

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

Trigger – s 207

Receipt of a certificate from the Chief Executive under 207(1) for the removal of s 206 memorials from a computer register on land ceasing to be RFR land.

Action – registration requirements

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

'[certificate identifier] Certificate under section 207(1) of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 removing [memorial identifier] entered under section 206 [*date and time*]'

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

- (c) The standard registration fee is payable
-

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Right of first refusal, continued

Trigger – s 208 certificate

Receipt of a certificate from the Chief Executive under s 208(1) for the removal of s 206 memorials from a computer register at the end of the RFR period.

Action – registration requirements

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

'[certificate identifier] Certificate under section 208 of the the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014' removing [memorial identifier] entered under section 206 [*date and time*]'.

(b) The standard registration fee is payable.

Action - ongoing monitoring of RFR land

A transfer or vesting of the fee simple estate, or grant of a lease for 50 years or more (including any rights of renewal or extensions), in a computer register that has a memorial recorded on it under s 206 cannot be registered unless:

- (a) the dealing is in favour of the trustees, the Crown, or a Crown Body s 183, or
- (b) a certificate from the Chief Executive has been received under s 207, or
- (c) at the end of the RFR period, a certificate from the Chief Executive has been received under s 208 for the removal of the memorial under s 206.

Note: Transfers of RFR land without a preceding s 207 or s 208 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 (eg Titles Advisor) for resolution.

Note: Where land is disposed of to the Crown or a Crown body in terms of s 183, the RFR will remain on the title and must continue to be monitored and enforced by LINZ until it is removed under s 207 or s 208.

8 Vesting of assets of Charitable Trust Board – noting of registers

Evidence for change of registered proprietorship

- (a) The RGL does not need to change the name of the charitable trust board to the names of the Ngāti Tama ki Te Waipounamu Trust (NTTW) trustees in the register without first receiving a written application transfer or other instrument authorised for registration under s 221.
 - (b) Any application or instrument presented to the RGL may, in the absence of evidence to the contrary, be taken as sufficient proof that the property is vested in the trustees, provided the instrument is:
 - (i) executed or purported to be executed by the NTTW trustees; and
 - (ii) relates to assets or liabilities held, managed, or controlled by the charitable trust board, or any entity wholly or partly owned or controlled by the charitable trust board, immediately before the commencement of the act; and
 - (iii) accompanied by a certificate given by the NTTW trustees or their solicitor stating that the property was vested in the NTTW trustees by or under the act.
-