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Drafted by Leeanne O'Brien

**IN CONFIDENCE**

**This Bill is in draft form and will be completed before the signing of the deed of settlement.**

**Ngā Mana Whenua o Tāmaki  
Makaurau Collective Redress Bill**

Government Bill



*Hon Christopher Finlayson*

# **Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Bill**

Government Bill

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### **Preamble**

- (1) The iwi and hapū comprising the collective known as Ngā Mana Whenua o Tāmaki Makaurau have claims to Tāmaki Makaurau based on historical breaches of the Treaty of Waitangi (te Tiriti o Waitangi) by the Crown:
- (2) Settlement of these claims is progressing through negotiations between the Crown and each individual iwi and hapū:
- (3) At the same time, the Crown has been negotiating other redress with Ngā Mana Whenua o Tāmaki Makaurau—
  - (a) relating to certain maunga, motu, and lands of Tāmaki Makaurau; and
  - (b) in respect of which all the iwi and hapū have interests; and
  - (c) in respect of which all the iwi and hapū will share:
- (4) The maunga and motu are taonga in relation to which the iwi and hapū have always—
  - (a) maintained a unique relationship; and
  - (b) honoured their intergenerational role as kaitiaki:
- (5) The negotiations between the Crown and Ngā Mana Whenua o Tāmaki Makaurau began in July 2009:
- (6) On 12 February 2010, the Crown and Ngā Mana Whenua o Tāmaki Makaurau signed a Framework Agreement:
- (7) On 5 November 2011, the Crown and Ngā Mana Whenua o Tāmaki Makaurau signed a Record of Agreement:
- (8) On 7 June 2012, the Crown and Ngā Mana Whenua o Tāmaki Makaurau initialled a deed encapsulating the redress agreed arising from the Framework Agreement and the Record of Agreement:

- (9) On [ ], the Crown and Ngā Mana Whenua o Tāmaki Makaurau signed the deed:
- (10) To implement the deed, legislation is required.

**The Parliament of New Zealand therefore enacts as follows:**

**1 Title**

This Act is the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act **2012**.

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

**Part 1**  
**Preliminary provisions**

**3 Purpose of Act**

The purpose of this Act is to give effect to certain provisions of the collective deed, which provides shared redress to the iwi and hapū comprising Ngā Mana Whenua o Tāmaki Makaurau, including by—

- (a) restoring certain maunga and motu of Tāmaki Makaurau to the iwi and hapū, the maunga and motu being treasured sources of mana to the iwi and hapū; and
- (b) providing mechanisms by which the iwi and hapū may exercise mana whenua and kaitiakitanga over the maunga and motu; and
- (c) providing a right of first refusal regime over certain land of Tāmaki Makaurau to enable those iwi and hapū to build an economic base for their members.

**4 Provisions take effect on effective date**

- (1) The provisions of this Act take effect on the effective date unless a provision states otherwise.
- (2) Before the date on which a provision takes effect, a person may prepare or sign a document or do anything else that is required—

- (a) for the provision to have full effect on that date; or
- (b) for a power to be exercised, or for a duty to be performed, under the provision on that date.

## 5 Act binds the Crown

This Act binds the Crown.

## 6 Outline

- (1) This section is a guide to the overall scheme and effect of this Act. It does not affect the interpretation or application of the other provisions of this Act or the collective deed.
- (2) This Part—
  - (a) states the purpose of this Act; and
  - (b) provides for the provisions of the Act to take effect on the effective date unless a provision states otherwise; and
  - (c) specifies that the Act binds the Crown; and
  - (d) defines terms used in the Act; and
  - (e) provides for—
    - (i) the exclusion of the law against perpetuities; and
    - (ii) access to the collective deed.
- (3) **Part 2** provides for cultural redress, including [ ]
- (4) **Part 4** provides for commercial redress, including [ ]
- (5) **Part 5** provides for miscellaneous matters, including [ ]
- (6) There are 6 schedules, as follows:
  - (a) **Schedule 1** describes the maunga:
  - (b) **Schedule 2** describes Rarotonga / Mount Smart:
  - (c) **Schedule 3** describes Maungakiekie / One Tree Hill northern area and Mount Mangere:
  - (d) **Schedule 4** describes the motu:
  - (e) **Schedule 5** sets out matters relating to the Tūpuna Maunga o Tāmaki Makaurau Authority and its members:
  - (f) **Schedule 6** sets out provisions that apply to notices given in relation to RFR land.

### Note

**To be completed when Bill more settled.**

*Interpretation***7 Interpretation of Act generally**

It is the intention of Parliament that this Act is interpreted in a manner that best furthers the agreements expressed in the collective deed.

**8 Interpretation**

In this Act, unless the context requires another meaning,—

**administering body** has the meaning given by section 2(1) of the Reserves Act 1977

**administeed lands** has the meaning given in **section 100**

**annual operation plan** means [ ]

**Auckland Council** means the local authority established by section 6(1) of the Local Government (Auckland Council) Act 2009

**authorised person** means a person authorised by the Director-General

**collective deed**—

(a) means the deed, dated [ ] between Ngā Mana Whenua o Tāmaki Makaurau and the Crown; and

(b) includes any schedules of or attachments to the deed; and

(c) includes any amendments validly made to the deed

**Conservation Authority** means the New Zealand Conservation Authority established under section 6A of the Conservation Act 1987

**Conservation Board** means the board established under section 6L of the Conservation Act 1987 that has jurisdiction over Auckland and the inner Hauraki Gulf islands

**Crown** has the meaning given by section 2(1) of the Public Finance Act 1989

**documents schedule** means the documents schedule of the collective deed

**effective date** means the date that is 20 working days after the date on which this Act comes into force

**integrated management plan** means the management plan prepared under **section 38**

**Islington Bay Bach 80 property** means the land described by that name in **Part 2 of Schedule 4**

**Islington Bay Hall property** means the land described by that name in **Part 2 of Schedule 4**

**interest**, in relation to land, means a lease, tenancy, licence, licence to occupy, easement, covenant, or other right or obligation affecting the land

**management plan** [ ]

**Marutūāhu rūpū entity** means the Marutūāhu rūpū entity [refer to establishment document]

**maunga** has the meaning given by **section 10**

**Maungakiekie / One Tree Hill northern land** means the land described by that name in **Schedule 3**

**Maungauika** means the land described by that name in **Schedule 2**

**motu** has the meaning given by **section 81**

**motu vesting date** has the meaning given in **section 82(4)**

**Mount Smart Act** means the Mount Smart Regional Recreation Centre Act 1985

**Ngā Mana Whenua o Tāmaki Makaurau** has the meaning given by **section 9**

**Ngā Pona-toru-a-Peretū** means the land described by that name in **Part 2 of Schedule 4**

**Ngāti Whātua rūpū entity** means the Ngāti Whātua rūpū entity [refer to establishment document]

**RFR land** has the meaning given by **section 133**

**Rangitoto properties** means the following properties:

- (a) Islington Bay Bach 80 property; and
- (b) Islington Bay Hall property; and
- (c) Ngā Pona-toru-a-Peretū

**Rarotonga / Mount Smart** means the land described by that name in **Schedule 3**

**Registrar-General** means the Registrar-General of Land appointed under section 4 of the Land Transfer Act 1952

**rūpū entity** means the Marutūāhu rūpū entity, the Ngāti Whātua rūpū entity, and the Waiohua Tāmaki rūpū entity

**summary of submissions** means a summary prepared under **section 108(6)(a)** of the submissions received, and any public opinion obtained, on a draft Motu plan

**Tāmaki Makaurau Motu plan** or **Motu plan** has the meaning given by **section 104(1)**

**Tūpuna Taonga o Tāmaki Makaurau Trust** or **Taonga Trust** means the Tūpuna Taonga o Tāmaki Makaurau Trust established by a deed of trust dated [ ]

**trustee** means the Tūpuna Taonga o Tāmaki Makaurau Trust Limited in its capacity as trustee of the Tūpuna Taonga o Tāmaki Makaurau Trust

**Tūpuna Maunga o Tāmaki Makaurau Authority** or **Maunga Authority** means the Tūpuna Maunga o Tāmaki Makaurau Authority established by **section 122**

**Waiohua Tāmaki rūpū entity** means the Waiohua Tāmaki rūpū entity [refer to establishment document]

**[Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership** or **Limited Partnership** means [ ]

**working day** means a day of the week other than—

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day; and
- (b) a day in the period starting on 25 December in a year and ending on 15 January in the following year; and
- (c) the day observed as the anniversary of the province of Auckland or the province of Wellington.

#### **Note**

**This section incomplete. More definitions will be added or deleted as necessary. Note that definitions in other parts of the Bill may move up to this section.**

**Motu and maunga definitions to be reviewed (for use outside specified subparts).**

#### **9 Meaning of Ngā Mana Whenua o Tāmaki Makaurau**

In this Act, **Ngā Mana Whenua o Tāmaki Makaurau**—

- (a) means the collective group of the following iwi and hapū:
  - (i) Ngāi Tai ki Tāmaki:



- (ii) Ngāti Maru:
  - (iii) Ngāti Pāoa:
  - (iv) Ngāti Tamaoho:
  - (v) Ngāti Tamaterā:
  - (vi) Ngāti Te Ata:
  - (vii) Ngāti Whanaunga:
  - (viii) Ngāti Whātua o Kaipara:
  - (ix) Ngāti Whātua Ōrākei:
  - (x) Te Ākitai Waiohūa:
  - (xi) Te Kawerau ā Maki:
  - (xii) Te Patukirikiri:
  - (xiii) hapū of Ngāti Whātua (other than Ngāti Whātua o Kaipara and Ngāti Whātua Ōrākei) whose members are beneficiaries of Te Rūnanga o Ngāti Whātua, including Te Taoū not descended from Tuperiri
- (b) includes the individuals who are members of one or more of the iwi and hapū described in **paragraph (a)**; and
- (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals.

*Other matters*

**10 Application of Te Ture Whenua Maori Land Act 1993**

On and from the effective date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire or to make a finding or recommendation) in respect of any matter that arises from the application of Te Ture Whenua Maori Land Act 1993, if the matter relates to—

- (a) any land to which this Act applies; or
- (b) any governance arrangement over that land.

**11 Rule against perpetuities does not apply**

(1) The rule against perpetuities and the provisions of the Perpetuities Act 1964 do not—

- (a) prescribe or restrict the period during which—
  - (i) the Tūpuna Taonga o Tāmaki Makaurau Trust may exist in law; or

- (ii) the trustee may hold or deal with property or income derived from property; or
  - (b) apply to a document entered into to give effect to the collective deed if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective.
- (2) However, if the Tūpuna Taonga o Tāmaki Makaurau Trust is, or becomes, a charitable trust, the application (if any) of the rule against perpetuities or any provision of the Perpetuities Act 1964 to that trust must be determined under the general law.

## **12 Access to collective deed**

The chief executive of the Ministry of Justice must make copies of the collective deed available—

- (a) for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Justice in Wellington between 9 am and 5 pm on any working day; and
- (b) free of charge on an Internet site maintained by or on behalf of the Ministry of Justice.

## **Part 2 Cultural redress**

### Subpart 1—Statements of iwi and hapū interests

#### **13 Statements of association**

- (1) The Crown acknowledges the statements of iwi and hapū interests.
- (2) However, the statements—
  - (a) must not affect, or be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw made by a local authority under an enactment; and
  - (b) does not affect the lawful rights or legal obligations of any person; and

- (c) does not grant, create, or affect any interests or rights relating to the maunga or the motu referred to in the statements.
- (3) In this section, **statements of iwi and hapū** means the statements—
  - (a) made by the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau of their particular spiritual, ancestral, cultural, customary, and historical interests in the maunga and motu referred to in the statements; and
  - (b) that are set out in the form set out in part 1 of the documents schedule at the settlement date.

#### Subpart 2—Vesting of maunga

#### 14 Meaning of maunga

In this Act, unless the context requires another meaning, **maunga** means each of the following properties, and each property means the land described by that name in **Schedule 1**:

- (a) Takarunga / Mount Victoria:
- (b) Ōhinerau / Mount Hobson:
- (c) Maungawhau / Mount Eden:
- (d) Maungakiekie / One Tree Hill:
- (e) Mount Albert:
- (f) Mount Roskill:
- (g) Mount St John:
- (h) Ōhuiarangi / Pigeon Mountain:
- (i) Maungarei / Mount Wellington:
- (j) Te Tātua-a-Riukiuta:
- (k) Ōtāhuhu / Mount Richmond:
- (l) Matukutūruru.

**Note**

**Maunga to be listed in alphabetical order once finalised. Rarotonga / Mount Smart moved to separate subpart due to its special nature (already subject to the Mount Smart Regional Recreation Centre Act 1985).**

**Maungauika moved to separate subpart due to its special arrangements.**

**Maungakiekie / One Tree Hill northern land and Mangere Mountain in separate subpart because not vesting in trustee**

*Maunga vested in fee simple to be administered  
as historic and recreation reserve*

**15 Maungawhau / Mount Eden**

- (1) The reservation of the part of Maungawhau / Mount Eden that is a historic reserve subject to the Reserves Act 1977 is revoked.
- (2) The reservation of the parts of Maungawhau / Mount Eden that are recreation reserve subject to the Reserves Act 1977 is revoked.
- (3) The fee simple estate in Maungawhau / Mount Eden then vests in the trustee.
- (4) The part of Maungawhau / Mount Eden referred to in **subsection (1)** is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (5) The parts of Maungawhau / Mount Eden referred to in **subsection (2)** are then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (6) **Subsections (1) to (5)** do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross over the areas shown, and on the terms and conditions set out, in part 4 of the documents schedule.
- (7) The easement—
  - (a) is enforceable in accordance with its terms despite—
    - (i) the provisions of the Reserves Act 1977; and
    - (ii) any inconsistency with the Property Law Act 2007 or any other enactment or rule of law; and

- (b) on and from the effective date, is to be treated as having been granted by the Maunga Authority in accordance with the Reserves Act 1977.
- (8) The Tūpuna Maunga o Tāmaki Makaurau Authority is the administering body of Maungawhau / Mount Eden for the purposes of the Reserves Act 1977, and that Act applies as if Maungawhau / Mount Eden were a reserve vested in the administering body.

*Maunga vested in fee simple to be administered  
as historic, local purpose, and recreation  
reserve*

**16 Ōhūiarangi / Pigeon Mountain**

- (1) The reservation of the part of Ōhūiarangi / Pigeon Mountain that is a historic reserve subject to the Reserves Act 1977 is revoked.
- (2) The reservation of the part of Ōhūiarangi / Pigeon Mountain that is a local purpose (site for community buildings) reserve subject to the Reserves Act 1977 is revoked.
- (3) The reservation of the parts of Ōhūiarangi / Pigeon Mountain that are recreation reserve subject to the Reserves Act 1977 is revoked.
- (4) The fee simple estate in Ōhūiarangi / Pigeon Mountain then vests in the trustee.
- (5) The part of Ōhūiarangi / Pigeon Mountain referred to in **subsection (1)** is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (6) The part of Ōhūiarangi / Pigeon Mountain referred to in **subsection (2)** is then declared a reserve and classified as a local purpose reserve, for the purposes of a site for community buildings, subject to section 23 of the Reserves Act 1977.
- (7) The parts of Ōhūiarangi / Pigeon Mountain referred to in **subsection (3)** are then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (8) **Subsections (1) to (7)** do not take effect until the trustee has provided Watercare Services Limited with a registrable

easement in gross over the areas shown, and on the terms and conditions set out, in part 4 of the documents schedule.

- (9) The easement—
- (a) is enforceable in accordance with its terms despite—
    - (i) the provisions of the Reserves Act 1977; and
    - (ii) any inconsistency with the Property Law Act 2007 or any other enactment or rule of law; and
  - (b) on and from the effective date, is to be treated as having been granted by the Maunga Authority in accordance with the Reserves Act 1977.
- (10) The Tūpuna Maunga o Tāmaki Makaurau Authority is the administering body of Ōhūiarangi / Pigeon Mountain for the purposes of the Reserves Act 1977 and that Act applies as if Ōhūiarangi / Pigeon Mountain were a reserve vested in the administering body.

*Maunga vested in fee simple to be administered  
as recreation reserves*

**17 Maungakiekie / One Tree Hill**

- (1) The reservation of Maungakiekie / One Tree Hill as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Maungakiekie / One Tree Hill then vests in the trustee.
- (3) Maungakiekie / One Tree Hill is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) **Subsections (1) to (3)** do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross over the areas shown, and on the terms and conditions set out, in part 4 of the documents schedule.
- (5) The easement—
- (a) is enforceable in accordance with its terms despite—
    - (i) the provisions of the Reserves Act 1977; and
    - (ii) any inconsistency with the Property Law Act 2007 or any other enactment or rule of law; and
  - (b) on and from the effective date, is to be treated as having been granted by the Maunga Authority in accordance with the Reserves Act 1977.

- (6) To avoid doubt, section 2 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1912 continues to apply to that part of Maungakiekie / One Tree Hill described in subsection 2(4) of that Act despite the vesting of the reserve in the trustee.
- (7) The Tūpuna Maunga o Tāmaki Makaurau Authority is the administering body of Maungakiekie / One Tree Hill for the purposes of the Reserves Act 1977 and that Act applies as if Maungakiekie / One Tree Hill were a reserve vested in the administering body.

#### **18 Mount Albert**

- (1) The reservation of Mount Albert as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Mount Albert then vests in the trustee.
- (3) Mount Albert is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) **Subsections (1) to (3)** do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross over the areas shown, and on the terms and conditions set out, in part 4 of the documents schedule.
- (5) The easement—
  - (a) is enforceable in accordance with its terms despite—
    - (i) the provisions of the Reserves Act 1977; and
    - (ii) any inconsistency with the Property Law Act 2007 or any other enactment or rule of law; and
  - (b) on and from the effective date, is to be treated as having been granted by the Maunga Authority in accordance with the Reserves Act 1977.
- (6) The Tūpuna Maunga o Tāmaki Makaurau Authority is the administering body of Mount Albert for the purposes of the Reserves Act 1977 and that Act applies as if Mount Albert were a reserve vested in the administering body.

#### **19 Mount Roskill**

- (1) The reservation of Mount Roskill as a recreation reserve subject to the Reserves Act 1977 is revoked.

- (2) The fee simple estate in Mount Roskill then vests in the trustee.
- (3) Mount Roskill is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) **Subsections (1) to (3)** do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross over the areas shown, and on the terms and conditions set out, in part 4 of the documents schedule.
- (5) The easement—
  - (a) is enforceable in accordance with its terms despite—
    - (i) the provisions of the Reserves Act 1977; and
    - (ii) any inconsistency with the Property Law Act 2007 or any other enactment or rule of law; and
  - (b) on and from the effective date, is to be treated as having been granted by the Maunga Authority in accordance with the Reserves Act 1977.
- (6) The Tūpuna Maunga o Tāmaki Makaurau Authority is the administering body of Mount Roskill for the purposes of the Reserves Act 1977 and that Act applies as if Mount Roskill were a reserve vested in the administering body.

## **20 Mount St John**

- (1) The reservation of Mount St John as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Mount St John then vests in the trustee.
- (3) Mount St John is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The Tūpuna Maunga o Tāmaki Makaurau Authority is the administering body of Mount St John for the purposes of the Reserves Act 1977 and that Act applies as if Mount St John were a reserve vested in the administering body.

## **21 Ōhinerau / Mount Hobson**

- (1) The reservation of Ōhinerau / Mount Hobson as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Ōhinerau / Mount Hobson then vests in the trustee.



- (3) Ōhinerau / Mount Hobson is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) **Subsections (1) to (3)** do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross over the areas shown, and on the terms and conditions set out, in part 4 of the documents schedule.
- (5) The easement—
  - (a) is enforceable in accordance with its terms despite—
    - (i) the provisions of the Reserves Act 1977; and
    - (ii) any inconsistency with the Property Law Act 2007 or any other enactment or rule of law; and
  - (b) on and from the effective date, is to be treated as having been granted by the Maunga Authority in accordance with the Reserves Act 1977.
- (6) The Tūpuna Maunga o Tāmaki Makaurau Authority is the administering body of Ōhinerau / Mount Hobson for the purposes of the Reserves Act 1977, and that Act applies as if the reserve were a reserve vested in the administering body.

## 22 Ōtāhuhu / Mount Richmond

- (1) The reservation of Ōtāhuhu / Mount Richmond as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Ōtāhuhu / Mount Richmond then vests in the trustee.
- (3) Ōtāhuhu / Mount Richmond is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) **Subsections (1) to (3)** do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross over the areas shown, and on the terms and conditions set out, in part 4 of the documents schedule.
- (5) The easement—
  - (a) is enforceable in accordance with its terms despite—
    - (i) the provisions of the Reserves Act 1977; and
    - (ii) any inconsistency with the Property Law Act 2007 or any other enactment or rule of law; and

- (b) on and from the effective date, is to be treated as having been granted by the Maunga Authority in accordance with the Reserves Act 1977.
- (6) The Tūpuna Maunga o Tāmaki Makaurau Authority is the administering body of Ōtāhuhu / Mount Richmond for the purposes of the Reserves Act 1977 and that Act applies as if Ōtāhuhu / Mount Richmond were a reserve vested in the administering body.

### 23 Te Tātua-a-Riukiuta

- (1) The reservation of Te Tātua-a-Riukiuta (commonly known as Big King Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Te Tātua-a-Riukiuta then vests in the trustee.
- (3) Te Tātua-a-Riukiuta is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) **Subsections (1) to (3)** do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross over the areas shown, and on the terms and conditions set out, in part 4 of the documents schedule.
- (5) The easement—
  - (a) is enforceable in accordance with its terms despite—
    - (i) the provisions of the Reserves Act 1977; and
    - (ii) any inconsistency with the Property Law Act 2007 or any other enactment or rule of law; and
  - (b) on and from the effective date, is to be treated as having been granted by the Maunga Authority in accordance with the Reserves Act 1977.
- (6) The Tūpuna Maunga o Tāmaki Makaurau Authority is the administering body of Te Tātua-a-Riukiuta for the purposes of the Reserves Act 1977 and that Act applies as if Te Tātua-a-Riukiuta were a reserve vested in the administering body.

*Maunga vested in fee simple to be administered  
as local purpose and recreation reserves*

**24 Maungarei / Mount Wellington**

- (1) The reservation of the part of Maungarei / Mount Wellington that is a reserve for a site for a borough depot subject to the Reserves Act 1977 is revoked.
- (2) The reservation of the parts of Maungarei / Mount Wellington that are recreation reserve subject to the Reserves Act 1977 is revoked.
- (3) The fee simple estate in Maungarei / Mount Wellington then vests in the trustee.
- (4) The part of Maungarei / Mount Wellington referred to in **subsection (1)** is then declared a reserve and classified as a local purpose reserve, for the purposes of a site for a council depot, subject to section 23 of the Reserves Act 1977.
- (5) The parts of Maungarei / Mount Wellington referred to in **subsection (2)** are then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (6) **Subsections (1) to (5)** do not take effect until the trustee has provided—
  - (a) Watercare Services Limited with a registrable easement in gross over the areas shown, and on the terms and conditions set out, in part 4 of the documents schedule; and
  - (b) the Auckland Council with an unregistered lease over the area shown, and on the terms and conditions set out in, part 6 of the documents schedule.
- (7) The easement and lease—
  - (a) are enforceable in accordance with their terms despite—
    - (i) the provisions of the Reserves Act 1977; and
    - (ii) any inconsistency with the Property Law Act 2007 or any other enactment or rule of law; and
  - (b) on and from the effective date, are to be treated as having been granted by the Maunga Authority in accordance with the Reserves Act 1977.
- (8) The Tūpuna Maunga o Tāmaki Makaurau Authority is the administering body of Maungarei / Mount Wellington for the

purposes of the Reserves Act 1977 and that Act applies as if Maungarei / Mount Wellington were a reserve vested in the administering body.

## 25 Takarunga / Mount Victoria

- (1) The reservation of the parts of Takarunga / Mount Victoria that are recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The reservation of the part of Takarunga / Mount Victoria that is a local purpose (community use) reserve subject to the Reserves Act 1977 is revoked.
- (3) The reservation of the part of Takarunga / Mount Victoria that is a local purpose (community buildings) reserve subject to the Reserves Act 1977 is revoked.
- (4) The fee simple estate in Takarunga / Mount Victoria then vests in the trustee.
- (5) The parts of Takarunga / Mount Victoria referred to in **subsection (1)** are then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (6) The part of Takarunga / Mount Victoria referred to in **subsection (2)** is then declared a reserve and classified as a local purpose reserve, for the purpose of community use, subject to section 23 of the Reserves Act 1977.
- (7) The part of Takarunga / Mount Victoria referred to in **subsection (3)** is then declared a reserve and classified as a local purpose reserve, for the purpose of community buildings, subject to section 23 of the Reserves Act 1977.
- (8) **Subsections (1) to (7)** do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross over the areas shown, and on the terms and conditions set out, in part 4 of the documents schedule.
- (9) The easement—
  - (a) is enforceable in accordance with its terms despite—
    - (i) the provisions of the Reserves Act 1977; and
    - (ii) any inconsistency with the Property Law Act 2007 or any other enactment or rule of law; and

- (b) on and from the effective date, is to be treated as having been granted by the Maunga Authority in accordance with the Reserves Act 1977.
- (10) The Tūpuna Maunga o Tāmaki Makaurau Authority is the administering body of Takarunga / Mount Victoria for the purposes of the Reserves Act 1977 and that Act applies as if Takarunga / Mount Victoria were a reserve vested in the administering body.

*Maunga vested in fee simple to be administered  
as historic reserve*

**26 Matukutūruru**

- (1) The reservation of Matukutūruru (being Wiri Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Matukutūruru then vests in the trustee.
- (3) Matukutūruru is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) **Subsections (1) to (3)** do not take effect until the trustee has provided the Crown with a registrable right of way easement over the area dotted in red on deed plan OTS-115-15 (subject to survey) in favour of Section 1 SO 68724 on the terms and conditions set out in part 5 of the documents schedule.
- (5) The easement—
  - (a) is enforceable in accordance with its terms despite—
    - (i) the provisions of the Reserves Act 1977; and
    - (ii) any inconsistency with the Property Law Act 2007 or any other enactment or rule of law; and
  - (b) on and from the effective date, is to be treated as having been granted by the Maunga Authority in accordance with the Reserves Act 1977.
- (6) The Tūpuna Maunga o Tāmaki Makaurau Authority is the administering body of Matukutūruru for the purposes of the Reserves Act 1977, and that Act applies as if the reserve were a reserve vested in the administering body.

**Note**

**Easement description in subclause (4) will move to documents schedule when description finalised.**

Subpart 3—General provisions relating to  
vesting of maunga*Conditions of vesting***27 Maunga must remain as reserves vested in trustee**

- (1) This section applies to each maunga once it is—
  - (a) vested in the trustee under **subpart 2**; and
  - (b) declared a reserve under any of **sections 15 to 26**.
- (2) The maunga is held by the trustee for the common benefit of Ngā Mana Whenua o Tāmaki Makaurau and the other people of Auckland.
- (3) The trustee must not—
  - (a) transfer the fee simple estate in the maunga to any other person; or
  - (b) mortgage, or give a security interest in, the maunga.
- (4) The reserve status of the maunga must not be revoked, but may be reclassified in accordance with the Reserves Act 1977.
- (5) The prohibition in **subsection (4)** does not apply to any part of the maunga transferred in accordance with section 15 of the Reserves Act 1977.
- (6) **Subsection (2)** does not of itself create any right on which a cause of action may be founded.
- (7) Despite **subsection (3)**, the trustee may transfer the fee simple estate in the maunga if—
  - (a) the transfer is to give effect to an exchange of any part of the maunga in accordance with section 15 of the Reserves Act 1977; and
  - (b) the instrument to transfer the land is accompanied by a certificate given by the trustee, or its solicitor, verifying that **paragraph (a)** applies.

**28 Maunga vest subject to, or together with, interests**

- (1) Each maunga vests in the trustee under **subpart 2** subject to, or together with, any interests listed for the maunga in **Schedule 1** (whether as an existing interest that continues to affect the maunga after the vesting or as a new interest that first affects the maunga immediately after the vesting).

- (2) On and from the vesting, the Maunga Authority must be treated as the owner of the fee simple estate in the maunga for the purposes of any dealing with an interest described in **subsection (1)**, including in relation to the reversion of any such interest, but excluding the granting and initial registration of the easements referred to in **sections 15(6), 16(8), 17(4), 18(4), 19(4), 21(4), 22(4), 23(4), 24(6)(a), 25(8), and 26(4)**.
- (3) **Subsection (4)** applies if a maunga vests subject to an interest that is not an interest in land, whether or not the interest also applies to other land on the maunga or any other land.
- (4) The interest applies in respect of the maunga—
  - (a) until the interest expires or is terminated; and
  - (b) if the interest has a grantor, as if the Maunga Authority were the grantor; and
  - (c) with any other necessary modifications; and
  - (d) despite any change in status of the land in the maunga.

*Improvements attached to maunga*

**29 Improvements attached to maunga**

- (1) This section applies to improvements attached to the maunga, despite the vesting of the maunga in the trustee under **subpart 2**.
- (2) An improvement that is governed by an interest to which **section 16(1)** applies is vested, or continues to vest, in accordance with the enactment or agreement by or under which the interest is created.
- (3) The improvements specified in part 4 of the property redress schedule of the collective deed vest in the trustee.
- (4) **Subsections (5) to (8)** apply to any other improvements.
- (5) Improvements owned by the Crown immediately before the effective date and attached to Takarunga / Mount Victoria or Matukutūruru, vest in the Maunga Authority.
- (6) Improvements owned by the Auckland Council immediately before the effective date remain vested in the Auckland Council. However, the Maunga Authority must treat the improvements as if they were vested in itself for the purposes of administering the maunga under the Reserves Act 1977.

- (7) Any other improvement attached to a maunga with the consent of the Crown or the administering body of the maunga at the time of its attachment is vested in—
- (a) the person or body who attached the improvement; or
  - (b) if the person or body is deceased, dissolved, or otherwise no longer exists, the person or body who, immediately before the effective date, would have had a proprietary right to the improvement were the improvement treated as personal property.
- (8) An improvement to which **subsection (5) or (6)** applies—
- (a) must be treated as personal property and not as land or as an interest in land; and
  - (b) does not form part of the maunga; and
  - (c) may remain attached to the maunga without the consent of, and without charge by, the trustee; and
  - (d) may be used, occupied, accessed, repaired, or maintained at any time without the consent of, and without charge by, the trustee; and
  - (e) may be removed or demolished at any time without the consent of, and without charge by, the trustee, however,—
    - (i) before doing so, the owner of the improvement must give the trustee no less than [15] working days' written notice of the removal or demolition; and
    - (ii) after doing so, the owner of the improvement must leave the land in a clean and tidy condition.
- (9) The trustee is not liable for an improvement for which it would, apart from this section, be liable by reason of its ownership of the maunga.
- (10) This section is subject to **section 30**.
- (11) In this section, **improvement**, to avoid doubt, includes utilities infrastructure (for example water, sewerage, electricity, and telecommunications pipes or lines).

### **30 Further matters relating to improvements**

- (1) **Subsection (2)** applies to the ownership of an improvement attached to a maunga, if—



- (a) the improvement is an improvement to which any of **section 29(5) to (7)** applies; and
  - (b) the improvement is subject to any enactment that applies to the improvement's ownership or continued existence; and
  - (c) an inconsistency arises in applying the enactment and **section 29**.
- (2) The enactment overrides **section 29** to the extent necessary to resolve the inconsistency.
- (3) To avoid doubt, **section 29(7)** relates to the ownership of an improvement to which that section applies and does not affect or limit any rights in relation to a maunga that may arise from that ownership.
- (4) To avoid doubt, the Maunga Authority, for the purposes of administering the maunga under the Reserves Act 1977, is responsible for any decisions in respect of any matters that may arise from any person exercising, or purporting to exercise, a right in relation to a maunga arising from the ownership of an improvement to which **section 29(8)** applies.

*Registration of ownership and recording of iwi  
and hapū interests*

**31 Registration of ownership**

- (1) This section applies in relation to the fee simple estate in each maunga vested in the trustee under **subpart 2**.
- (2) To the extent that the maunga is all of the land contained in a computer freehold register, the Registrar-General must, on written application by an authorised person,—
- (a) register the trustee as the proprietor of the fee simple estate in the land; and
  - (b) record anything on the register, including the iwi and hapū interests as required by **section 32**, and do anything else, that is necessary to give effect to this subpart and to the collective deed.
- (3) To the extent that **subsection (2)** does not apply to the maunga, the Registrar-General must, in accordance with a written application by an authorised person,—

- (a) create 1 or more computer freehold registers for the fee simple estate in the land in the name of the trustee; and
  - (b) record on the register the iwi and hapū interests as required by **section 32**; and
  - (c) record on the register any interests that are registered, notified, or notifiable and that are described in the application.
- (4) **Subsection (3)** is subject to the completion of any survey necessary to create a computer freehold register.
- (5) A computer freehold register must be created under this section as soon as is reasonably practicable after the effective date, but no later than—
- (a) 24 months after the effective date; or
  - (b) any later date that may be agreed in writing by the Crown and the trustee.

### **32 Recording of iwi and hapū interests**

- (1) The Registrar-General must record on any computer freehold register for each maunga that the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau specified for that maunga in part 3 of the property redress schedule of the collective deed have spiritual, ancestral, cultural, customary and historical interests in the maunga.
- (2) The recording of interests under this section does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to the maunga.

#### *Other matters relating to vestings*

### **33 Application of Part 4A of Conservation Act 1987**

- (1) The vesting of the fee simple estate in each maunga in the trustee under **subpart 2** is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24, 24A, and 24AA of that Act do not apply to the disposition.
- (2) **Subsection (3)** applies if the reservation of any part of a maunga as a reserve is revoked for the purposes of an exchange of that part of the maunga in accordance with section 15 of the Reserves Act 1977.

- (3) The vesting of the maunga in the trustee under this subpart is no longer exempt from section 24 of the Conservation Act 1987 (other than subsection (2A) of that section) in relation to that part of the maunga.

**34 Application of other enactments to vestings**

- (1) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this subpart, of the reserve status of each maunga.
- (2) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
- (a) the vesting of the fee simple estate in each maunga under this subpart; or
  - (b) any matter incidental to, or required for the purpose of, the vestings.
- (3) The vesting of the fee simple estate in the maunga under this subpart does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
  - (b) affect other rights to subsurface minerals.
- (4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the collective deed in relation to the maunga.

**35 Savings of bylaws, etc, in relation to maunga**

- (1) This section applies to any bylaw, prohibition, or any restriction on use or access, that an administering body, the Minister of Conservation, or a local authority made under the Reserves Act 1977, the Conservation Act 1987, or the Local Government Act 2002 in relation to a maunga before the maunga vested in the trustee under this subpart.
- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Reserves Act 1977, the Conservation Act 1987, or the Local Government Act 2002.

**36 Names of Crown protected areas and maunga reserves**

- (1) **Subsection (2)** applies to the land, or the part of the land, in a maunga that, immediately before the commencement of this Act was all or part of a Crown protected area.
- (2) The official geographic name of the Crown protected areas is discontinued in respect of the land, or the part of the land, and the Board must amend the Gazetteer accordingly.
- (3) A maunga is not a Crown protected area, despite anything in the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.
- (4) The Minister must not name or change the name of a maunga reserve under section 16(10) of the Reserves Act 1977 without the written consent of the trustee, and section 16(10A) of that Act does not apply to the proposed change.
- (5) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

*Application of Reserves Act 1977 after vestings***37 Application of Reserves Act 1977 after vesting**

- (1) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to the maunga, despite sections 48A(6), 114(5), and 115(6) of that Act.
- (2) This section is subject to **sections 22A and 24 [or the other provisions of this Act]**.

**Note**

**More provisions may be added to this section in order to ensure that Maunga Authority has adequate powers under the Act in order to carry out all its functions and duties imposed by this Bill.**

**Provisions may also be added to ensure that the financial arrangements for the maunga under this Bill work with the Reserves Act.**

**38 Integrated management plan for maunga and other land administered by Maunga Authority**

- (1) The Maunga Authority must prepare a management plan—

- (a) that applies to—
    - (i) each maunga; and
    - (ii) Maungauika; and
    - (iii) the Maungakiekie / One Tree Hill northern land; and
    - (iv) Mount Mangere; and
    - (v) any land described in **section 126(1)(a) or (b)** in relation to which the Maunga Authority has consented to be the administering body; and
    - (vi) any land in relation to which an enactment requires the Maunga Authority to be the administering body for the land; and
  - (b) complies with **section 39**.
- (2) The Maunga Authority is not required to submit the management plan to the Minister of Conservation for approval except in relation to Maungauika at any time that it is administered by the Crown.
  - (3) However, the Maunga Authority must make the management plan available for inspection by or on behalf of the Minister whenever the Minister requires.
  - (4) Section 41 of the Reserves Act 1977 applies to a management plan prepared under this section—
    - (a) with any necessary modifications; but
    - (b) subject to this section.
  - (5) To avoid doubt, the Minister may still require the Maunga Authority—
    - (a) to review the management plan for a maunga under section 41(4) of the Reserves Act 1977; and
    - (b) to consult with another administering body in the preparation of a management plan for a maunga under section 41(14) of that Act.

**39 Integrated management plan must include provisions relating to authorised cultural activities**

- (1) The integrated management plan must prescribe any terms and conditions in relation to members of Ngā Mana Whenua o Tāmaki Makaurau carrying out an authorised cultural activity specified in **paragraphs (a) to (h) of section 47**.

- (2) Terms and conditions may relate to carrying out the activity on all maunga or specific maunga.
- (3) To avoid doubt, any terms or conditions imposed on an activity must not be of such a nature that the activity is effectively prohibited.
- (4) The Maunga Authority must consider including in the integrated management plan provisions relating to members of Ngā Mana Whenua o Tāmaki Makaurau carrying out other activities for cultural or spiritual purposes or that recognise their traditional or ancestral ties to the maunga.
- (5) Without limiting **subsection (4)**, the Maunga Authority must consider including provisions in the plan relating to members of Ngā Mana Whenua o Tāmaki Makaurau carrying out the following activities:
  - (a) limited land cultivation for harvesting traditional food and plants:
  - (b) limited collection of other materials, including volcanic rock:
  - (c) archaeological activities:
  - (d) hangi:
  - (e) tribally significant tangihana or hari tupapaku and the interment of tupapaku:
  - (f) spiritual and cultural traditional practices and ceremonies other than those described in any of **paragraphs (a) to (h) of section 47**:
  - (g) nohoanga:
  - (h) the permanent erection of symbolic structures and signage:
  - (i) activities that exercise kaitiakitanga or manaakitanga over the maunga, including overnight occupation.
- (6) If the plan includes provisions relating to the carrying out of an activity as the result of consideration by the Maunga Authority under **subsection (5)**, the plan must prescribe any terms and conditions in relation to the carrying out of the activity.
- (7) The terms and conditions may relate to carrying out the activity on all maunga or specific maunga.

*Recording of certain matters on computer  
freehold registers*

**40 Recording of certain matters on computer freehold registers**

- (1) This section applies in relation to each maunga.
- (2) The Registrar-General must record on any computer freehold register for the maunga—
  - (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
  - (b) that the land is subject to **subpart 2** and this subpart.
- (3) A notification made under **subsection (2)(a)** is to be treated as having been made in compliance with section 24D(1) of the Conservation Act 1987.
- (4) **Subsections (5) and (6)** apply if the reservation of any part of the maunga as a reserve is revoked for the purposes of an exchange of that part in accordance with section 15 of the Reserves Act 1977.
- (5) The Registrar-General must ensure that the following notifications remain only on any computer freehold register for the part of the maunga that remains a reserve:
  - (a) the part of the notification referred to in **subsection (1)(a)** that section 24 of the Conservation Act 1987 does not apply; and
  - (b) the notification referred to in **subsection (1)(b)**.
- (6) The Registrar-General must enter on any computer freehold register for the maunga any new interest granted by the Maunga Authority under the Reserves Act 1977, or any subsequent dealing with the new interest, that is registrable under that Act or any other enactment or rule of law.
- (7) For the purposes of registering an interest or dealing described in **subsection (6)**, the Maunga Authority must be treated as if it were the registered proprietor of the fee simple estate in the maunga.
- (8) In **subsection (6) new interest** means any interest other than an interest listed in **Schedule 2**.

*Role of Auckland Council***41 Maunga Authority and Auckland Council to agree annual operational plan**

- (1) Each financial year, the Maunga Authority and the Auckland Council must—
  - (a) prepare a draft annual operational plan; and
  - (b) agree, and each adopt, an annual operational plan.
- (2) The purpose of an annual operational plan is to provide a framework in which the Council will carry out its functions under **section 42** for the next financial year.
- (3) Each annual operational plan must include,—
  - (a) for each maunga, information relating to the matters specified in **subsection (5)** for the financial year concerned; and
  - (b) the financial information contained in the Council's current long term plan for all activities and functions relating to the maunga; and
  - (c) indicative information in respect of the matters in **paragraph (a)** for the following 2 financial years.
- (4) An annual operational plan may also include any other information agreed by the Maunga Authority and the Council.
- (5) The matters referred to **subsection (3)** are—
  - (a) funding;
  - (b) restoration work;
  - (c) capital projects;
  - (d) strategic, policy, and planning projects;
  - (e) maintenance and operational projects;
  - (f) levels of service to be provided by the Council;
  - (g) contracts for management or maintenance activities on the maunga;
  - (h) education, [ ], or other programmes;
  - (i) Ngā Mana Whenua o Tāmaki Makaurau programmes, including iwi or hapū programmes;
  - (j) opportunities for members of Ngā Mana Whenua o Tāmaki Makaurau to carry out or participate in any of the activities described in **paragraphs (b) to (h)**.



- (6) A draft annual operational plan must be prepared so that it may be included in the Council's draft long term plan or annual plan.
- (7) An annual operational plan must be finalised and adopted in conjunction with the Council's annual plan, or long term plan, if an annual plan is not prepared for that year.
- (8) In this section, **annual plan**, **financial year**, and **long term plan**, have the meanings given in section 5(1) of the Local Government Act 2002.

**42 Auckland Council responsible for routine management of maunga**

- (1) On and from the effective date, the Auckland Council is responsible for the routine management of the maunga.
- (2) The Council must carry out this responsibility—
  - (a) under the direction of the Maunga Authority; and
  - (b) in accordance with—
    - (i) the annual operational plan; and
    - (ii) any standard operating procedures agreed between the Maunga Authority and the Council; and
    - (iii) any delegation to the Council under **section 128**.
- (3) However, the Council is required to fulfil this responsibility only to the extent that revenue from the maunga, Council funding for the maunga (as dedicated under the operational plan or otherwise), or any other funding for the maunga allows.
- (4) For the purposes of carrying out its responsibilities under this section, the Reserves Act 1977 applies—
  - (a) as if the Council were the administering body of the maunga; and
  - (b) with any necessary modification; but
  - (c) subject to **subsection (2)**.

**43 Auckland Council responsible for costs in relation to maunga**

- (1) The Auckland Council is responsible for the costs in relation to the maunga—

- (a) incurred by itself in carrying out its functions under this Act; and
  - (b) incurred by the Maunga Authority in carrying out its functions under this Act or the Reserves Act 1977.
- (2) Despite **subsection (1)**, the Council is required to meet those costs only to the extent that revenue from the maunga, Council funding for the maunga (as dedicated under the annual operational plan or otherwise), or any other funding for the maunga allows.

#### **44 Reporting and financial management relating to maunga**

- (1) Funding from any source and revenue generated from, or in relation to, the maunga, including all income derived from leases, licences, concessions, rentals, or other interests in the maunga, whether payable to the Maunga Authority or the Auckland Council, must be—
- (a) held by the Council and accounted for separately from any other funding, revenue, or income of the Council; and
  - (b) applied by the Council, under the direction of the Maunga Authority, in accordance with the operational plan, including for the purposes of the Council fulfilling its responsibilities under **section 42**; and
  - (c) applied for the purposes of the Council fulfilling its responsibilities under **section 129**; and
  - (d) applied for the purposes of making payments in accordance with **clause 9 of Schedule 5**.
- (2) In each financial year, the Council must—
- (a) report quarterly to the Maunga Authority on the costs, funding, and revenue of the maunga for the quarter; and
  - (b) provide to the Maunga Authority an annual financial and operational report on the maunga; and
  - [(c) provide to the Maunga Authority a copy of the Council's overall audit].
- (3) This section applies despite—
- (a) any provision to the contrary in the Reserves Act 1977 or any other enactment; and
  - (b) any agreement; and
  - (c) any common law rule.

**45 Annual meeting of Auckland Council and Ngā Mana Whenua o Tāmaki Makaurau**

The Auckland Council must meet annually with Ngā Mana Whenua o Tāmaki Makaurau to discuss matters relating to the maunga, including—

- (a) the performance of the Maunga Authority during the year; and
- (b) and the proposed activities of the Maunga Authority in the following year.

*Ngā Mana Whenua o Tāmaki Makaurau  
cultural activities on maunga*

**46 Crown acknowledgement**

The Crown acknowledges—

- (a) the importance to Ngā Mana Whenua o Tāmaki Makaurau of cultural activities and traditional uses of the tūpuna maunga o Tāmaki Makaurau; and
- (b) the importance of cultural activities and traditional uses of the tūpuna maunga o Tāmaki Makaurau as an integral part of the relationship of Ngā Mana Whenua o Tāmaki Makaurau with the tūpuna maunga o Tāmaki Makaurau; and
- (c) the desirability of restoring and facilitating the exercise by Ngā Mana Whenua o Tāmaki Makaurau of cultural activities and traditional uses on the tūpuna maunga reserves.

**47 Meaning of authorised cultural activity**

In this Act, unless the context requires another meaning, **authorised cultural activity** means—

- (a) the erection of pou or flags:
- (b) an instructional or educational hiko:
- (c) a wananga, hui, or powhiri:
- (d) an event that celebrates the maunga and volcanic activity as distinguishing and land-shaping features of Tāmaki Makaurau:
- (e) an event that marks or celebrates the history of Aotearoa, Waitangi Day, or Matariki:

- (f) an event that celebrates the ancestral association of, or exercises the mana of Ngā Mana Whenua o Tāmaki Makaurau over the maunga:
- (g) an event that celebrates Ngā Mana Whenua o Tāmaki Makaurau in its collective capacity:
- (h) an event that celebrates an iwi or hapū of Ngā Mana Whenua o Tāmaki Makaurau:
- (i) any other activity in relation to which provisions are included in the integrated management plan in accordance with **section 39(4) to (7)**.

**48 Ngā Mana Whenua o Tāmaki Makaurau may carry out authorised cultural activities on maunga**

- (1) The trustee may grant approval to a member of Ngā Mana Whenua o Tāmaki Makaurau to carry out an authorised cultural activity on a maunga, without the requirement for a permit or other authorisation issued by the Maunga Authority under the Reserves Act 1977.
- (2) However, if requested by a rōpū entity, or a representative entity of an iwi or hapū described in **section 9(a)**, the trustee must devolve the decision-making role in **subsection (1)** to that entity in respect of authorising cultural activities for members of the relevant iwi or hapū.
- (3) The trustee must notify the Maunga Authority if it devolves its responsibility under **subsection (1)** in accordance with **subsection (2)**.
- (4) The trustee, representative entity, or ropū entity may grant approval for the authorised cultural activity if satisfied that—
  - (a) the activity will comply with the relevant provisions of the integrated management plan, including any terms and conditions imposed by the Maunga Authority in the plan in respect of the activity or an activity of that type; and
  - (b) the activity will comply with the Resource Management Act 1991; and
  - (c) the activity will comply with the Reserves Act 1977 and the purpose under that Act for which the maunga is held; and

- (d) any approvals required under that Act, including any Ministerial approval in respect of which the Maunga Authority does not have delegated responsibility under **section 31** have been obtained; and
  - (e) the activity will comply with any other relevant enactment (for example, the Historic Places Act 1993, the Burial and Cremations Act 1964, and the Health Act 1956).
- (5) If the authorised cultural activity involves the erection of 1 or more structures, the trustee, representative entity, or ropū entity must also be satisfied that—
- (a) each structure is temporary or moveable; or
  - (b) if permanent, is limited to a symbolic structure (for example pou whenua or waharoa) or necessary for cultural interpretation (for example a sign explaining a feature or event).
- (6) The trustee, representative entity, or ropū entity must give the Maunga Authority as much notice as possible, but no less than 5 working days, before carrying out an activity for which it has been granted approval to carry out under **subsection (3)**.

#### Subpart 4—Vesting of Maungauika

##### **49 Maungauika**

- (1) The reservation of Maungauika (being North Head Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Maungauika then vests in the trustee.
- (3) Maungauika is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) **Subsections (1) to (4)** do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross over the areas shown, and on the terms and conditions set out, in part 4 of the documents schedule.
- (5) The easement—
  - (a) is enforceable in accordance with its terms despite—
    - (i) the provisions of the Reserves Act 1977; and

- (ii) any inconsistency with the Property Law Act 2007 or any other enactment or rule of law; and
  - (b) on and from the effective date, is to be treated as having been granted by the Crown in accordance with the Reserves Act 1977.
- (6) Despite the vesting under **subsection (2)**, the Reserves Act 1977 applies to the reserve as if the reserve were vested in the Crown.
- (7) To avoid doubt, as a result of **subsection (6)**,—
  - (a) the reserve is not vested in, or managed and controlled by an administering body; and
  - (b) the Crown continues to administer, control, and manage the reserve; and
  - (c) the Crown continues to retain all income, and be responsible for all liabilities, in relation to the reserve; and
  - (d) the reserve continues to form part of the Hauraki Gulf Marine Park established under section 33 of the Hauraki Gulf Marine Park Act 2000.
- (8) The Crown must administer, control, and manage the reserve in accordance with—
  - (a) the North Head Historic Reserve Conservation Management Plan (1999), until the date the integrated management plan comes into effect; and
  - (b) with the integrated management plan, on and from that date.

**50 Maungauika must remain as reserve vested in trustee**

- (1) This section applies to Maungauika once it is vested in the trustee and declared a reserve under **section 49**.
- (2) Maungauika is held by the trustee for the common benefit of Ngā Mana Whenua o Tāmaki Makaurau and the other people of Auckland.
- (3) The trustee must not—
  - (a) transfer the fee simple estate in Maungauika to any other person; or
  - (b) mortgage, or give a security interest in, Maungauika.
- (4) The reserve status of Maungauika must not be revoked, but may be reclassified in accordance with the Reserves Act 1977.

- (5) The prohibition in **subsection (4)** does not apply to any part of Maungauika transferred in accordance with section 15 of the Reserves Act 1977.
- (6) **Subsection (2)** does not of itself create any right on which a cause of action may be founded.
- (7) Despite **subsection (3)**, the trustee may transfer the fee simple estate in Maungauika if—
  - (a) the transfer is to give effect to an exchange of any part of Maungauika in accordance with section 15 of the Reserves Act 1977; and
  - (b) the instrument to transfer the land is accompanied by a certificate given by the trustee, or its solicitor, verifying that **paragraph (a)** applies.

**51 Maungauika vests subject to, or together with, interests**

- (1) Maungauika vests in the trustee under **section 49** subject to, or together with, any interests listed for Maungauika in **Schedule 2** (whether as an existing interest that continues to affect Maungauika after the vesting or as a new interest that first affects Maungauika immediately after the vesting).
- (2) On and from the vesting, the Crown must be treated as the owner of the fee simple estate in Maungauika for the purposes of any dealing with an interest described in **subsection (1)**, including in relation to the reversion of any such interest, but excluding the granting and initial registration of the easement referred to in **section 49(4)**.
- (3) **Subsection (4)** applies if Maungauika vests subject to an interest that is not an interest in land, whether or not the interest also applies to any other land.
- (4) The interest applies in respect of Maungauika—
  - (a) until the interest expires or is terminated; and
  - (b) if the interest has a grantor, the Crown remains the grantor; and
  - (c) with any other necessary modifications; and
  - (d) despite any change in status of the land.

**52 Improvements attached to Maungauika**

- (1) This section applies to improvements attached to Maungauika, despite the vesting of Maungauika in the trustee under **section 49**.
- (2) An improvement that is governed by an interest to which **section 51(1)** applies is vested, or continues to vest, in accordance with the enactment or agreement by or under which the interest is created.
- (3) The improvements specified in part 4 of the property redress schedule of the collective deed vest in the trustee.
- (4) **Subsections (5) to (8)** apply to any other improvements.
- (5) Improvements owned by the Crown immediately before the effective date remain vested in the Crown.
- (6) Improvements owned by the Auckland Council immediately before the effective date remain vested in the Auckland Council.
- (7) Any other improvement attached to Maungauika with the consent of the Crown at the time of its attachment is vested in—
  - (a) the person or body who attached the improvement; or
  - (b) if the person or body is deceased, dissolved, or otherwise no longer exists, the person or body who, immediately before the effective date, would have had a proprietary right to the improvement were the improvement treated as personal property.
- (8) An improvement to which **subsection (5) or (6)** applies—
  - (a) must be treated as personal property and not as land or as an interest in land; and
  - (b) does not form part of Maungauika; and
  - (c) may remain attached to Maungauika without the consent of, and without charge by, the trustee; and
  - (d) may be used, occupied, accessed, repaired, or maintained at any time without the consent of, and without charge by, the trustee; and
  - (e) may be removed or demolished at any time without the consent of, and without charge by, the trustee, however,—
    - (i) before doing so, the owner of the improvement must give the trustee no less than [15] working



- days' written notice of the removal or demolition; and
- (ii) after doing so, the owner of the improvement must leave the land in a clean and tidy condition.
- (9) The trustee is not liable for an improvement for which it would, apart from this section, be liable by reason of its ownership of Maungauika.
- (10) This section is subject to **section 54**.
- (11) **Subsection (8)(e)** is subject to **section 62**.
- (12) In this section, **improvement**, to avoid doubt, includes utilities infrastructure (for example water, sewerage, electricity, and telecommunications pipes or lines).

### **53 Crown must allow trustee access to certain improvements**

- (1) The Crown must provide the trustee with reasonable access to the improvements described in **section 52(3)**—
- (a) on and from the effective date; and
- (b) for the purpose of the trustee maintaining the improvements.
- (2) **Subsection (1)** applies subject to any terms and conditions agreed between the Crown and the trustee.
- (3) In this section, **trustee** includes 1 or more members of Ngā Mana Whenua o Tāmaki Makaurau authorised by the trustee.

### **54 Further matters relating to improvements**

- (1) **Subsection (2)** applies to the ownership of an improvement attached to Maungauika, if—
- (a) the improvement is an improvement to which any of **section 52(5) to (7)** applies; and
- (b) the improvement is subject to any enactment that applies to the improvement's ownership or continued existence; and
- (c) an inconsistency arises in applying the enactment and **section 52**.
- (2) The enactment overrides **section 52** to the extent necessary to resolve the inconsistency.
- (3) To avoid doubt, **section 52(7)** relates to the ownership of an improvement to which that section applies and does not affect

or limit any rights in relation to Maungauika that may arise from that ownership.

- (4) To avoid doubt, the Crown, for the purposes of administering Maungauika under the Reserves Act 1977, is responsible for any decisions in respect of any matters that may arise from any person exercising, or purporting to exercise, a right in relation to Maungauika arising from the ownership of an improvement to which **section 52(8)** applies.

### **55 Registration of ownership**

- (1) The Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create 1 computer freehold register for the fee simple estate in Maungauika in the name of the trustee; and
  - (b) record on the register the iwi and hapū interests as required by **section 80**; and
  - (c) record on the register any interests that are registered, notified, or notifiable and that are described in the application.
- (2) **Subsection (3)** is subject to the completion of any survey necessary to create a computer freehold register.
- (3) A computer freehold register must be created under this section as soon as is reasonably practicable after the effective date, but no later than—
- (a) 24 months after the effective date; or
  - (b) any later date that may be agreed in writing by the Crown and the trustee.

### **56 Recording of iwi and hapū interests**

- (1) The Registrar-General must record on any computer freehold register for Maungauika that the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau specified for Maungauika in part 3 of the property redress schedule of the collective deed have spiritual, ancestral, cultural, customary and historical interests in the maunga.
- (2) The recording of interests under this section does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Maungauika.

**57 Application of Part 4A of Conservation Act 1987**

- (1) The vesting of the fee simple estate in Maungauika in the trustee under **section 49** is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24, 24A, and 24AA of that Act do not apply to the disposition.
- (2) **Subsection (3)** applies if the reservation of any part of Maungauika as a reserve is revoked for the purposes of an exchange of that part of Maungauika in accordance with section 15 of the Reserves Act 1977.
- (3) The vesting of Maungauika in the trustee under this subpart is no longer exempt from section 24 of the Conservation Act 1987 (other than subsection (2A) of that section) in relation to that part of Maungauika.

**58 Application of other enactments to vestings**

- (1) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this subpart, of the reserve status of Maungauika.
- (2) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
  - (a) the vesting of the fee simple estate in Maungauika under this subpart; or
  - (b) any matter incidental to, or required for the purpose of, the vesting.
- (3) The vesting of the fee simple estate in Maungauika under this subpart does not—
  - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
  - (b) affect other rights to subsurface minerals.
- (4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the collective deed in relation to Maungauika.

**59 Savings of bylaws, etc, in relation to Maungauika**

- (1) This section applies to any bylaw, prohibition, or any restriction on use or access, that the Minister of Conservation made

under the Reserves Act 1977 or the Conservation Act 1987 in relation to a maunga before the maunga vested in the trustee under this subpart.

- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Reserves Act 1977 or the Conservation Act 1987.

#### **60 Name of Maungauika**

The Minister must not name or change the name of Maungauika under section 16(10) of the Reserves Act 1977 without the written consent of the trustee, and section 16(10A) of that Act does not apply to the proposed change.

#### **61 Recording of certain matters on computer freehold register**

- (1) The Registrar-General must record on any computer freehold register for Maungauika—
  - (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
  - (b) that the land is subject to this subpart.
- (2) A notification made under **subsection (2)(a)** is to be treated as having been made in compliance with section 24D(1) of the Conservation Act 1987.
- (3) **Subsection (4)** applies if the reservation of any part of Maungauika as a reserve is revoked for the purposes of an exchange of that part in accordance with section 15 of the Reserves Act 1977.
- (4) The Registrar-General must ensure that the following notifications remain only on any computer freehold register for the part of Maungauika that remains a reserve:
  - (a) the part of the notification referred to in **subsection (1)(a)** that section 24 of the Conservation Act 1987 does not apply; and
  - (b) the notification referred to in **subsection (1)(b)**.
- (5) The Registrar-General must enter on any computer freehold register for Maungauika any new interest granted by the Crown under the Reserves Act 1977, or any subsequent

dealing with the new interest, that is registrable under that Act or any other enactment or rule of law.

- (6) For the purposes of registering an interest or dealing described in **subsection (5)**, the Crown must be treated as if it were the registered proprietor of the fee simple estate in Maungauika.
- (7) In **subsection (5)**, **new interest** means any interest other than an interest listed in **Schedule 2**.

*Right of first refusal over certain Crown  
improvements*

**62 Right of first refusal over certain Crown improvements**

- (1) **Subsections (2) and (3)** apply if the Crown decides it no longer wishes to occupy the buildings located on that part of Maungauika identified as Area C1 on deed plan OTS-115-12.
- (2) The Crown must offer the buildings to the trustee for purchase on any terms it thinks fit. However, the Crown may sell the buildings to the trustee only if the trustee can demonstrate that it is able to secure the right to use the buildings for a purpose compatible with its classification as a historic reserve subject to section 18 of the Reserves Act 1977.
- (3) If the trustee declines to purchase the buildings, the buildings remain vested in the Crown and **sections 52 to 54** continue to apply accordingly.
- (4) **Subsections (5) and (6)** apply if the Crown decides it no longer wishes to occupy the buildings located on that part of Maungauika identified as Area C2 on deed plan OTS-115-12.
- (5) The Crown must offer the buildings to the trustee for purchase on any terms it thinks fit. However, the Crown may sell the buildings to the trustee only if the trustee can demonstrate that it is able to secure the right to use the buildings for a purpose compatible with its classification as a historic reserve subject to section 18 of the Reserves Act 1977.
- (6) If the trustee declines to purchase the buildings, the Crown must remove the buildings and **section 52(8)(e)** applies.
- (7) An offer by the Crown made under **subsection (2) or (5)** expires on the 40th working day after the trustee receives notice of the offer.

**63 Order in Council triggering different arrangements for Maungauika**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that, on and from the date specified in the order,—
  - (a) that specified sections of this Act no longer apply, or apply with modification; and
  - (b) **Schedule 7** applies.
- (2) The Minister of Conservation may recommend the making of an order only if—
  - (a) the Minister has consulted the Minister of Local Government; and
  - (b) the Auckland Council, after consulting the Maunga Authority, has provided notice in writing to the Minister of Conservation that it has agreed to assume responsibility for the management of Maungauika in the same manner as applies to other maunga under **section 42**.

**Subpart 5—Vesting of Rarotonga / Mount Smart****64 Rarotonga / Mount Smart vested in fee simple**

- (1) The reservation of Rarotonga / Mount Smart as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Rarotonga / Mount Smart then vests in the trustee.
- (3) Rarotonga / Mount Smart is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) **Subsections (1) to (3)** do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross over the areas shown, and on the terms and conditions set out, in part 4 of the documents schedule.
- (5) The easement—
  - (a) is enforceable in accordance with its terms, despite—
    - (i) the provisions of the Reserves Act 1977; and
    - (ii) any inconsistency with the Property Law Act 2007 or any other enactment or rule of law; and

- (b) on and from the effective date, is to be treated as having been granted by the Auckland Council in accordance with the Reserves Act 1977.
- (6) Despite the revocation, vesting, declaration, and classification under **subsections (1) to (3)**,—
  - (a) any enactment or instrument applying to the reserve, including the Mount Smart Act and the Local Government (Tāmaki Makaurau Reorganisation) Council-controlled Organisations Vesting Order 2010, continues to apply to the reserve as if those matters had not occurred; and
  - (b) the Reserves Act 1977 continues to apply to the reserve as if the reserve were vested in the Auckland Council.
- (7) To avoid doubt, as a result of **subsection (6)**, the Auckland Council retains—
  - (a) all the powers conferred upon it under the Mount Smart Act in respect of Rarotonga / Mount Smart; and
  - (b) all management and administrative authority for Rarotonga / Mount Smart as the administering body for the reserve under the Reserves Act 1977 (subject to section 4 of the Mount Smart Act (except as modified by **section 26M**)).

**65 Rarotonga / Mount Smart vests subject to, or together with, interests**

- (1) Rarotonga / Mount Smart vests in the trustee under **section 64** subject to, or together with, the interests listed in **Schedule 2** (whether as an existing interest that continues to affect Rarotonga / Mount Smart after the vesting or as a new interest that first affects Rarotonga / Mount Smart immediately after the vesting).
- (2) On and from the vesting, the Auckland Council must be treated as the owner of the fee simple estate in Rarotonga / Mount Smart for the purposes of any dealing with an interest described in **subsection (1)**, including in relation to the reversion of any such interest, but excluding the granting and initial registration of the easement referred to in **section 64(4)**.

- (3) Rarotonga / Mount Smart vests in the trustee under **section 64** subject also to any instrument that creates an interest in land—
- (a) which is not listed in **Schedule 2**; and
  - (b) that was in force immediately before the effective date; and
  - (c) to which the Council or Regional Facilities Auckland Limited (in its capacity as trustee of Regional Facilities Auckland) is a party.

**66 Rarotonga / Mount Smart must remain as reserve vested in trustee**

- (1) This section applies to Rarotonga / Mount Smart once it is—
- (a) vested in the trustee; and
  - (b) declared a reserve under **section 65**.
- (2) Rarotonga / Mount Smart is held by the trustee for the common benefit of Ngā Mana Whenua o Tāmaki Makaurau and the other people of Auckland.
- (3) The trustee must not—
- (a) transfer the fee simple estate in Rarotonga / Mount Smart to any other person; or
  - (b) mortgage, or give a security interest in, Rarotonga / Mount Smart.
- (4) The reserve status of Rarotonga / Mount Smart must not be revoked or reclassified in accordance with the Reserves Act 1977.
- (5) The prohibition in **subsection (4)** does not apply to any part of Rarotonga / Mount Smart transferred in accordance with section 15 of the Reserves Act 1977.
- (6) **Subsection (2)** does not of itself create any right on which a cause of action may be founded.
- (7) Despite **subsection (3)**, the trustee may transfer the fee simple estate in Rarotonga / Mount Smart if—
- (a) the transfer is to give effect to an exchange of any part of Rarotonga / Mount Smart in accordance with section 15 of the Reserves Act 1977; and



- (b) the instrument to transfer the land is accompanied by a certificate given by the trustee, or its solicitor, verifying that **paragraph (a)** applies.

**67 Registration of ownership of Rarotonga / Mount Smart**

- (1) The Registrar-General must, in accordance with a written application by an authorised person,—
  - (a) create 1 computer freehold register for the fee simple estate in Rarotonga / Mount Smart in the name of the trustee; and
  - (b) record on the register the iwi and hapū interests as required by **section 68**; and
  - (c) record on the register any interests that are registered, notified, or notifiable and that are described in the application.
- (2) **Subsection (1)** is subject to the completion of any survey necessary to create a computer freehold register.
- (3) A computer freehold register must be created under this section as soon as is reasonably practicable after the effective date, but no later than—
  - (a) 24 months after the effective date; or
  - (b) any later date that may be agreed in writing by the Crown and the trustee.

**68 Recording of iwi and hapū interests**

- (1) The Registrar-General must record on any computer freehold register for Rarotonga / Mount Smart that the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau specified for Rarotonga / Mount Smart in part 3 of the property redress schedule of the collective deed have spiritual, ancestral, cultural, customary and historical interests in Rarotonga / Mount Smart.
- (2) The recording of interests under this section does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Rarotonga / Mount Smart.

**69 Application of Part 4A of Conservation Act 1987**

- (1) The vesting of the fee simple estate in Rarotonga / Mount Smart in the trustee under this subpart is a disposition for the

purposes of Part 4A of the Conservation Act 1987, but sections 24, 24A, and 24AA of that Act do not apply to the disposition.

- (2) **Subsection (3)** applies if the reservation of any part of Rarotonga / Mount Smart as a reserve is revoked for the purposes of an exchange of that part of Rarotonga / Mount Smart in accordance with section 15 of the Reserves Act 1977.
- (3) The vesting of Rarotonga / Mount Smart in the trustee under this subpart is no longer exempt from section 24 of the Conservation Act 1987 (other than subsection (2A) of that section) in relation to that part of Rarotonga / Mount Smart.

#### **70 Application of other enactments to vestings**

- (1) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this subpart, of the reserve status of Rarotonga / Mount Smart.
- (2) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
  - (a) the vesting of the fee simple estate in Rarotonga / Mount Smart under this subpart; or
  - (b) any matter incidental to, or required for the purpose of, the vesting.
- (3) The vesting of the fee simple estate in Rarotonga / Mount Smart under this subpart does not—
  - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
  - (b) affect other rights to subsurface minerals.

#### **71 Rarotonga / Mount Smart not Crown protected area**

- (1) Rarotonga / Mount Smart is not a Crown protected area, despite anything in the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.
- (2) The Auckland Council must not change the name of Rarotonga / Mount Smart under section 16(10) of the Reserves Act 1977 without the written consent of the trustee, and section 16(10A) of that Act does not apply to the proposed change.
- (3) In this section, **Crown protected area** has the meaning given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

**72 Application of Reserves Act 1977 to Rarotonga / Mount Smart**

Sections 48A, 114, and 115 of the Reserves Act 1977 apply to Rarotonga / Mount Smart, despite—

- (a) sections 48A(6), 114(5), and 115(6) of that Act; and
- (b) section 4 of the Mount Smart Regional Recreation Centre Act 1985.

**73 Recording application of this subpart and registration of new dealings**

- (1) The Registrar-General must record on any computer freehold register for Rarotonga / Mount Smart that—
  - (a) the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
  - (b) the land is subject to this subpart.
- (2) A notification made under **subsection (1)(a)** is to be treated as having been made in compliance with section 24D(1) of the Conservation Act 1987.
- (3) **Subsection (4) and (5)** apply if the reservation of any part of Rarotonga / Mount Smart as a reserve is revoked for the purposes of an exchange of that part of Rarotonga / Mount Smart in accordance with section 15 of the Reserves Act 1977.
- (4) The Registrar-General must ensure that the following notifications remain only on any computer freehold register for the part of Rarotonga / Mount Smart that remains a reserve:
  - (a) the part of the notification referred to in **subsection (1)(a)** that section 24 of the Conservation Act 1987 does not apply; and
  - (b) the notification referred to in **subsection (1)(b)**.
- (5) The Registrar-General must enter on any computer freehold register for Rarotonga / Mount Smart any new interest granted by the Auckland Council under the Reserves Act 1977 or the Mount Smart Act, or any subsequent dealing with the new interest, that is registrable under those Acts or any other enactment or rule of law.
- (6) For the purposes of registering an interest or dealing described in **subsection (5)**, the Auckland Council must be treated as

if it were the registered proprietor of the fee simple estate in Rarotonga / Mount Smart.

- (7) In **subsection (5) new interest** means any interest other than an interest listed in **Schedule 3**.

**74 Other lawful rights and interests not affected**

- (1) Nothing in this subpart limits or affects any other lawful right or interests in relation to Rarotonga / Mount Smart, including the licence between Auckland Council and Regional Facilities Auckland Limited dated 22 December 2011.
- (2) This section is for the avoidance of doubt.

Subpart 6—Administration of Maungakiekie  
/ One Tree Hill northern land and Mount  
Mangere

**75 Interpretation**

In this subpart, **administered lands** means—

- (a) Maungakiekie / One Tree Hill northern land; and  
(b) Mangere Mountain.

**76 Maungakiekie / One Tree Hill northern land**

- (1) The vesting in trust in the Auckland Council of the Maungakiekie / One Tree Hill northern land is cancelled.
- (2) The Maungakiekie / One Tree Hill northern land then vests back in the Crown as a recreation reserve subject to the Reserves Act 1977.
- (3) The Tūpuna Maunga o Tāmaki Makaurau Authority is the administering body of Maungakiekie / One Tree Hill northern land for the purposes of the Reserves Act 1977 and that Act applies as if Maungakiekie / One Tree Hill northern land were a reserve vested in the administering body.
- (4) **Subsection (2)** is for the avoidance of doubt.

**77 Mangere Mountain**

- (1) Any vestings in trust, or control and management appointments over, any part of Mangere Mountain in favour of the Auckland Council are cancelled.

- (2) The fee simple estate in those parts of Mangere Mountain that were vested in trust in the Auckland Council then vest back in the Crown so that the Crown again holds the entire fee simple estate in Mangere Mountain.
- (3) The Tūpuna Maunga o Tāmaki Makaurau Authority is the administering body of Mangere Mountain for the purposes of the Reserves Act 1977 and that Act applies as if Mangere Mountain were a reserve vested in the administering body.
- (4) **Subsection (2)** is for the avoidance of doubt.

#### **78 Matters affecting administered lands**

- (1) The following matters apply despite the operation of **sections 76(1) and 77(1)**:
  - (a) The administered lands remain reserve subject to the classifications of the Reserves Act 1977 applying immediately before the operation of **sections 76(1) and 77(1)**:
  - (b) any other enactment or any instrument applying to the administered lands, or any part of them, immediately before the operation of **sections 76(1) and 77(1)** continues to apply to the administered lands, or the part of them:
  - (c) any interest that affected the administered lands, or any part of them, immediately before the operation of **sections 76(1) and 77(1)** continues to affect the administered lands, or the part of them:
  - (d) the Maunga Authority must be treated as the owner of the fee simple estate in the administered lands for the purposes of any dealing with an interest described in **paragraph (c)**, including in relation to the reversion of any such interest:
  - (e) if an interest described in **paragraph (c)** is not an interest in land, whether or not the interest also applies to other land, the interest applies in respect of the administered lands—
    - (i) until the interest expires or is terminated; and
    - (ii) if the interest has a grantor, as if the Maunga Authority were the grantor; and
    - (iii) with any other necessary modifications; and

- (iv) despite any change in status of the land in the administered lands:
- (2) The Registrar-General must enter on any computer freehold register for the administered lands any new interest granted by the Maunga Authority under the Reserves Act 1977, or any subsequent dealing with the new interest, that is registrable under that Act or any other enactment or rule of law.
- (3) For the purposes of registering an interest or dealing described in **subsection (2)**, the Maunga Authority must be treated as if it were the registered proprietor of the fee simple estate in the administered lands.
- (4) This section is subject to **section 79**.

#### **79 Improvements attached to administered lands**

- (1) This section applies to improvements attached to the administered lands.
- (2) Any improvement governed by an interest described in **section 2(1)(c)** continues to vest, in accordance with the enactment or agreement by or under which the interest is created.
- (3) Any improvement owned by the Crown immediately before the effective date remains vested in the Crown.
- (4) Any improvement owned by the Auckland Council immediately before the effective date remains vested in the Auckland Council. However, the Maunga Authority must treat the improvement as it were vested in itself for the purposes of administering the administered lands under the Reserves Act 1977.
- (5) Any other improvement attached to the administered lands with the consent of the Crown or the administering body of the administered lands at the time of its attachment is vested in—
  - (a) the person or body who attached the improvement; or
  - (b) if the person or body is deceased, dissolved, or otherwise no longer exists, the person or body who, immediately before the effective date, would have had a proprietary right to the improvement were the improvement treated as personal property.
- (6) An improvement to which **subsection (3) or (4)** applies—

- (a) must be treated as personal property and not as land or as an interest in land; and
  - (b) does not form part of the administered lands; and
  - (c) may remain attached to the administered lands without the consent of, and without charge by, the Maunga Authority; and
  - (d) may be used, occupied, accessed, repaired, or maintained at any time without the consent of, and without charge by, the Maunga Authority; and
  - (e) may be removed or demolished at any time without the consent of, and without charge by, the Maunga Authority, however,—
    - (i) before doing so, the owner of the improvement must give the Maunga Authority no less than [15] working days' written notice of the removal or demolition; and
    - (ii) after doing so, the owner of the improvement must leave the land in a clean and tidy condition.
- (7) To avoid doubt, the Maunga Authority, for the purposes of administering the administered lands under the Reserves Act 1977, is responsible for any decisions in respect of any matters that may arise from any person exercising, or purporting to exercise, a right in relation to the administered lands arising from the ownership of an improvement to which **subsection (6)** applies.

**80 Recording of iwi and hapū interests**

- (1) The Registrar-General must record on any computer freehold register for Mangere Mountain that the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau specified for Mangere Mountain in part 3 of the property redress schedule of the collective deed have spiritual, ancestral, cultural, customary and historical interests in Mangere Mountain.
- (2) The recording of interests under this section does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Mangere Mountain.

## Subpart 7—Motu

**81 Meaning of motu**

In this subpart, unless the context requires another meaning, **motu** means each of the following reserves, and each reserve means the land described by that name in **Part 1 of Schedule 4**:

- (a) Motutapu Island Recreation Reserve:
- (b) Rangitoto Island Scenic Reserve:
- (c) Motuihe Island Recreation Reserve:
- (d) Tiritiri Matangi Island Scientific Reserve.

*Vesting of motu and vesting back***82 Notice appointing vesting date for motu**

- (1) The trustee may give written notice to the Minister of Conservation of the date on which the motu are to vest in the trustee.
- (2) The proposed date must be no later than one year after the effective date.
- (3) The trustee must give the Minister of Conservation not less than 40 working days' notice of the proposed date. However, the Minister may agree to a shorter notice period, in which case the trustee must give notice within the agreed number of working days.
- (4) The **motu vesting date** is—
  - (a) the date proposed by the trustee in accordance with **subsections (1) to (3)**; or
  - (b) the date that is one year after the effective date, if no such date is proposed.
- (5) The Minister of Conservation must publish a notice in the *Gazette*—
  - (a) specifying the motu vesting date; and
  - (b) stating that the fee simple estate in each motu vests in the trustee on the motu vesting date; and
  - (c) stating, for each motu, that the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau specified for that motu in part 3 of the property redress schedule of the collective deed have spiritual, ancestral, cultural, customary and historical interests in the motu.



- (6) The notice must be published as early as practicable before the motu vesting date.
- (7) The stating of interests under **subsection (5)(c)** does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to the motu.

**83 Vesting and vesting back of motu**

- (1) The fee simple estate in each motu vests in the trustee on the motu vesting date.
- (2) The fee simple estate in each motu vests back in the Crown on the 32nd day after the motu vesting date.
- (3) The following matters apply as if the vestings had not occurred:
  - (a) each motu remains a reserve under the Reserves Act 1977 and that Act continues to apply to it; and
  - (b) any other enactment or any instrument that applied to a motu immediately before the motu vesting date continues to apply to it; and
  - (c) any interest that affected a motu immediately before the motu vesting date continues to affect it.
- (4) As a result of **subsection (3)**, the Crown retains, as if the vestings had not occurred,—
  - (a) all liability for the motu; and
  - (b) all management and administrative authority for the motu.
- (5) **Subsection (4)** is for the avoidance of doubt.
- (6) The vestings are not affected by Part 4A of the Conservation Act 1987, section 11 and Part 10 of the Resource Management Act 1991, or any other enactment.

*Vesting of Ngā Pona-toru-a-Peretū*

**84 Ngā Pona-toru-a-Peretū**

- (1) The reservation of Ngā Pona-toru-a-Peretū (being part of Rangitoto Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Ngā Pona-toru-a-Peretū then vests in the trustee.

- (3) Ngā Pona-toru-a-Peretū is then declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) Despite the vesting under **subsection (2)**, the Reserves Act 1977 applies to the reserve as if the reserve were vested in the Crown.
- (5) To avoid doubt, as a result of **subsection (4)**,—
  - (a) the reserve is not vested in, or managed and controlled by an administering body; and
  - (b) the Crown continues to administer, control, and manage the reserve; and
  - (c) the Crown continues to retain all income, and be responsible for all liabilities, in relation to the reserve; and
  - (d) the reserve continues to form part of the Hauraki Gulf Marine Park established under section 33 of the Hauraki Gulf Marine Park Act 2000.
- (6) However, the Minister must not—
  - (a) authorise the exchange of Ngā Pona-toru-a-Peretū under the Reserves Act 1977; or
  - (b) revoke the reserve status of Ngā Pona-toru-a-Peretū (but may reclassify it) under that Act.
- (7) The trustee must not—
  - (a) transfer the fee simple estate in Ngā Pona-toru-a-Peretū to any other person; or
  - (b) mortgage, or give a security interest in, the land.

**85 Ngā Pona-toru-a-Peretū vests subject to, or together with interests**

- (1) Ngā Pona-toru-a-Peretū vests in the trustee under **section 84** subject to, or together with, any interests listed for Ngā Pona-toru-a-Peretū in **Part 2 of Schedule 4** (whether as an existing interest that continues to affect Ngā Pona-toru-a-Peretū after the vesting or as a new interest that first affects Ngā Pona-toru-a-Peretū immediately after the vesting).
- (2) On and from the vesting, the Crown must be treated as the owner of the fee simple estate for the purposes of any dealing with an interest referred to in **subsection (1)**, including in relation to the reversion of the interest.

- (3) **Subsection (4)** applies if Ngā Pona-toru-a-Peretū vests subject to an interest that is not an interest in land, whether or not the interest also applies to other land administered by the Department of Conservation.
- (4) The interest applies in respect of the property—
  - (a) until the interest expires or is terminated; and
  - (b) if the interest has a grantor, the Crown remains the grantor; and
  - (c) with any other necessary modifications; and
  - (d) despite any change in status of the land in the property.

#### **86 Recording and registering certain matters**

- (1) The Registrar-General must record on any computer freehold register for Ngā Pona-toru-a-Peretū—
  - (a) that the Crown administers, controls, and manages Ngā Pona-toru-a-Peretū for the purposes of the Reserves Act 1977; and
  - (b) that **section 85(2)** of this Act applies to any interests for Ngā Pona-toru-a-Peretū listed in **Part 2 of Schedule 4** of this Act.
- (2) The Registrar-General must enter on any computer freehold register for Ngā Pona-toru-a-Peretū any new interest granted by the Crown under the Reserves Act 1977, or any subsequent dealing with the new interest, that is registrable under that Act or any other enactment or rule of law.
- (3) For the purposes of registering an interest or dealing described in **subsection (3)**, the Crown must be treated as if it were the registered proprietor of the fee simple estate in Ngā Pona-toru-a-Peretū.
- (4) In **subsection (3) new interest** means any interest other than an interest listed in **Part 2 of Schedule 4**.

#### **87 Improvements in or on Ngā Pona-toru-a-Peretū**

- (1) This section applies to the improvements in or on Ngā Pona-toru-a-Peretū, despite its vesting in the trustee under **section 84**.
- (2) The improvements remain vested in the Crown, and—

- (a) may remain in or on the property without the consent of, and without charge by, the trustee; and
  - (b) may be used, occupied, accessed, repaired, or maintained by the Crown at any time without the consent of, and without charge by, the trustee; and
  - (c) may be removed or demolished at any time by the Crown without the consent of, and without charge by, the trustee.
- (3) If an improvement is removed or demolished the Crown must leave the land in a clean and tidy condition.
- (4) The trustee is not liable for an improvement for which they would, apart from this section, be liable by reason of their ownership of Ngā Pona-toru-a-Peretū.
- (5) In this section, **improvement**—
- (a) means an improvement owned, immediately before the effective date, by the Crown; and
  - (b) to avoid doubt, includes utilities infrastructure (for example water, sewerage, electricity, and telecommunications pipes or lines).

*Islington Bay Hall property*

**88 Islington Bay Hall property**

- (1) The reservation of the Islington Bay Hall property (being part of Rangitoto Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Islington Bay Hall property then vests in the trustee.
- (3) The Islington Bay Hall property is then—
- (a) declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and
  - (b) included in the Hauraki Gulf Marine Park established under section 33 of the Hauraki Gulf Marine Park Act 2000 in accordance with **section 176** of this Act.
- (4) The reserve is named [Scenic Reserve].
- (5) The trustee is the administering body of the [Scenic Reserve].
- (6) The trustee must not—

- (a) transfer the fee simple estate in the Islington Bay Hall property to any other person; or
  - (b) mortgage, or give a security interest in, the property; or
  - (c) consent to the exchange of the property under section 15 of the Reserves Act 1977.
- (7) The reserve status of the Islington Bay Hall property must not be revoked, but may be reclassified in accordance with the Reserves Act 1977.

**89 Islington Bay Hall property vests subject to, or together with, interests**

- (1) The Islington Bay Hall property vests in the trustee under **section 88** subject to, or together with, any interests listed for the property in **Part 2 of Schedule 4** (whether as an existing interest that continues to affect the property after the vesting or as a new interest that first affects the property immediately after the vesting).
- (2) **Subsection (3)** applies if the Islington Bay Hall property vests subject to an interest that is not an interest in land, whether or not the interest also applies to other land administered by the Department of Conservation.
- (3) The interest applies in respect of the property—
- (a) until the interest expires or is terminated; and
  - (b) if the interest has a grantor, as if the trustee were the grantor; and
  - (c) with any other necessary modifications; and
  - (d) despite any change in status of the land in the property.

**90 Improvements in or on Islington Bay Hall property**

- (1) An improvement in or on the Islington Bay Hall property owned, immediately before the effective date, by the Crown does not vest in the trustee, despite the vesting under **section 88**, and the improvement—
- (a) may remain in or on the property without the consent of, and without charge by, the trustee and
  - (b) may be used, occupied, accessed, repaired, or maintained by the Crown at any time without the consent of, and without charge by, the trustee; and

- (c) may be removed, or demolished by the Crown at any time without the consent of, and without charge by, the trustee; and
  - (d) for the purposes of managing the improvements, the Reserves Act 1977 continues to apply as if the Crown administers that part of the property occupied by the improvements.
- (2) If an improvement is removed or demolished the Crown must leave the land in a clean and tidy condition.
  - (3) The trustee is not liable for an improvement for which they would, apart from this section, be liable by reason of their ownership of the Islington Bay Hall property.
  - (4) In **subsection (1)(b)**, the Crown includes any person with the consent of the Crown to access, use, or occupy the property.

**91 Use of Islington Bay Hall property and its improvements**

- (1) Ngā Mana Whenua o Tāmaki Makaurau may use the improvements for activities that would otherwise be authorised only by a permit under the Hauraki Gulf Maritime Park Bylaws 1984—
  - (a) without charge; but
  - (b) subject to availability.
- (2) The trustee may—
  - (a) place temporary or moveable structures on the open spaces of the Islington Bay Hall property during Ngā Mana Whenua o Tāmaki Makaurau spiritual or cultural events so long as the structures do not damage the improvements; and
  - (b) fix or place permanent symbolic structures (for example, pou whenua or waharoa) that reflect Ngā Mana Whenua o Tāmaki Makaurau associations with Rangitoto or other motu on the open spaces of the Islington Bay Hall property, so long as the structures do not damage the improvements.
- (3) For the purposes of the Reserves Act 1977, any activity carried out by the trustee under **subsection (2)** must be treated

as having been carried out with the approvals or consents necessary under that Act.

- (4) To avoid doubt, nothing in this section removes any obligations of the trustee in respect of obtaining any other consents or approvals necessary to erect a structure referred to in **subsection (2)** (for example, a building consent under the Building Act 1994).
- (5) In this section, **improvement** has the meaning given in **section 90(4)**.

*Islington Bay Bach 80 property*

**92 Islington Bay Bach 80 property**

- (1) The reservation of Islington Bay Bach 80 property (being part of Rangitoto Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Islington Bay Bach 80 property then vests in the trustee together with, any interests listed for the property in **Part 2 of Schedule 4** (whether as an existing interest that continues to affect the property after the vesting or as a new interest that first affects the property immediately after the vesting).
- (3) Islington Bay Bach 80 property is then—
  - (a) declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and
  - (b) included in the Hauraki Gulf Marine Park established under section 33 of the Hauraki Gulf Marine Park Act 2000 in accordance with **section 176** of this Act.
- (4) The reserve is named [Scenic Reserve].
- (5) The trustee is the administering body of the [Scenic Reserve].
- (6) The trustee must not—
  - (a) transfer the fee simple estate in Islington Bay Bach 80 property to any other person; or
  - (b) mortgage, or give a security interest in, the property; or
  - (c) consent to the exchange of the property under section 15 of the Reserves Act 1977.

- (7) The reserve status of Islington Bay Bach 80 property must not be revoked, but may be reclassified in accordance with the Reserves Act 1977.

**93 Trustee may erect certain improvements as if approvals granted**

- (1) The trustee may erect an ancillary building or structure on the Islington Bay Bach 80 property so that the existing Bach 80 building may be lawfully used as overnight accommodation.
- (2) The trustee may erect, as a Ngā Mana Whenua o Tāmaki Makaurau spiritual or cultural wānanga centre, a single storey building of no more than 200 m<sup>2</sup> floor area on the open space of the Islington Bay Bach 80 property.
- (3) For the purposes of the Reserves Act 1977, any activity undertaken by the trustee that complies with **subsection (1) or (2)** must be treated as having been carried out with the approvals or consents necessary under that Act.
- (4) To avoid doubt, nothing in this section removes any obligations of the trustee in respect of obtaining any other consents or approvals necessary to erect the structure or buildings referred to in **subsections (1) and (2)** (for example, a building consent under the Building Act 2004).

**94 Trustee may restrict or prohibit access to improvements**

- (1) The trustee may—
- (a) restrict or prohibit public access to the improvements on the Islington Bay Bach 80 property; or
  - (b) for spiritual or cultural purposes, authorise exclusive private use of those improvements by the trustee or invitees of the trustee.
- (2) **Subsection (1)** applies despite anything to the contrary in the Reserves Act 1977.

*General provisions relating to Rangitoto properties*

**95 Registration of ownership**

- (1) This section applies in relation to the fee simple estate in each Rangitoto property vested in the trustee under this subpart.



- (2) The Registrar-General must, in accordance with a written application by an authorised person,—
  - (a) create 1 computer freehold register for the fee simple estate in the land in the name of the trustee; and
  - (b) record on the register the iwi and hapū interests as required by **section 96**; and
  - (c) record on the register any interests that are registered, notified, or notifiable and that are described in the application.
- (3) **Subsection (3)** is subject to the completion of any survey necessary to create a computer freehold register.
- (4) A computer freehold register must be created under this section as soon as is reasonably practicable after the effective date, but no later than—
  - (a) 24 months after the effective date; or
  - (b) any later date that may be agreed in writing by the Crown and the trustee.

**96 Recording of iwi and hapū interests**

- (1) The Registrar-General must record on the computer freehold register for each Rangitoto property that the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau specified for that property in part 3 of the property redress schedule of the collective deed have spiritual, ancestral, cultural, customary and historical interests in the property.
- (2) The recording of interests under this section does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to the property.

**97 Application of Part 4A of Conservation Act 1987 to Rangitoto properties**

The vesting of the fee simple estate in each Rangitoto property in the trustee under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24, 24A, and 24AA of that Act do not apply to the disposition.

**98 Recording application of Part 4A of Conservation Act 1987 and sections of this Act**

- (1) The Registrar-General must record on any computer freehold register for a Rangitoto property—
  - (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
  - (b) that the land is subject to **section 84, 85, or 95** as the case may be.
- (2) A notification made under **subsection (1)(a)** that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.

**99 Application of other enactments to vestings**

- (1) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this subpart, of the reserve status of the Rangitoto properties.
- (2) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
  - (a) the vesting of the fee simple estate in the Rangitoto properties under this subpart; or
  - (b) any matter incidental to, or required for the purpose of, the vestings.
- (3) The vesting of the fee simple estate in the Rangitoto properties under this subpart does not—
  - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
  - (b) affect other rights to subsurface minerals.
- (4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the collective deed in relation to the Rangitoto properties.

**100 Application of Reserves Act 1977 to Islington Bay Hall and Islington Bay Bach 80 properties after vesting**

- (1) Sections 48A, 114, and 115 of the Reserves Act 1977 apply in relation to the Islington Bay Hall property and the Islington Bay Bach 80 property, despite sections 48A(6), 114(5), and 115(6) of that Act.
- (2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to the Islington Bay Hall property or Islington Bay Bach 80 property.

**101 Application of Forest and Rural Fires Act 1977 to Rangitoto properties after vesting**

For the purposes of the Forest and Rural Fires Act 1977, each Rangitoto property must be treated as if it were a State area within the meaning of section 2(1) of that Act.

**102 Saving of bylaws, etc, in relation to Rangitoto properties**

- (1) This section applies to any bylaw, prohibition, or any restriction on use or access, that an administering body or the Minister of Conservation made under the Reserves Act 1977 or the Conservation Act 1987 in relation to a Rangitoto property before the property vested in the trustee under this subpart.
- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Reserves Act 1977 or the Conservation Act 1987.

**103 Names of crown protected areas and reserves**

- (1) **Subsection (2)** applies to the Islington Bay Hall property and Islington Bay Bach 80 property (in respect of their status as being part of a Crown protected area immediately before the commencement of this Act).
- (2) The official geographic name of the Crown protected area is discontinued in respect of the land and the Board must amend the Gazetteer accordingly.
- (3) The Islington Bay Hall property and Islington Bay Bach 80 property are not Crown protected areas, despite anything in the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

- (4) The Minister must not change the name of a Rangitoto property under section 16(10) of the Reserves Act 1977 without the written consent of the trustee, and section 16(10A) of that Act does not apply to the proposed change.
- (5) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

#### Subpart 8—Conservation Management Plan for inner Gulf motu

##### **104 Process for preparation and approval of Tāmaki Makaurau Motu plan for inner Gulf motu**

- (1) A conservation management plan for the inner Gulf motu (the **Tāmaki Makaurau Motu plan**) must be prepared and approved in accordance with this subpart.
- (2) The Reserves Act 1977 applies to the Motu plan as if the plan were a conservation management plan prepared and approved under section 40B of that Act.
- (3) Sections 17E (except subsection (9)), 17F, 17G, 17H, 17I, and 49(2) and (3) of the Conservation Act 1987 do not apply to the preparation, approval, review, or amendment of the Motu plan, despite section 40B of the Reserves Act 1977.
- (4) The Director-General must start preparing the first Motu plan within 6 months of the effective date.
- (5) In this section, **inner Gulf motu** means the following properties:
  - (a) the Rangitoto properties; and
  - (b) the Motutapu Island Recreation Reserve (as defined in **section 81**); and
  - (c) the Rangitoto Island Scenic Reserve (as defined in **section 81**); and
  - (d) the Motuihe Island Recreation Reserve (as defined in **section 81**); and
  - (e) the Browns Island Recreation Reserve (being the land described in **Part 3 of Schedule 4**).

**105 Preparation of draft plan**

The Director-General must prepare a draft Motu plan in consultation with—

- (a) the trustee; and
- (b) the Conservation Board; and
- (c) the Auckland Council, in respect of that part relating to the Browns Island Recreation Reserve; and
- (d) any other persons or organisations that the Director-General considers it is practicable and appropriate to consult.

**106 Notification of draft plan**

(1) The Director-General must give notice of the draft Motu plan as follows:

- (a) by public notice under section 49(1) of the Conservation Act 1987, as if he or she were the Minister of Conservation; and
- (b) by written notice to—
  - (i) the Auckland Council; and
  - (ii) the rūpū entities; and
  - (iii) iwi authorities (as defined by section 2(1) of the Resource Management Act 1991) of Auckland and the inner Hauraki Gulf; and
  - (iv) the Hauraki Gulf Forum (as defined by section 4 of the Hauraki Gulf Marine Park Act 2000).

(2) The notices must be given no later than 12 months after the start of the preparation of the draft plan.

(3) Each notice must—

- (a) state that the draft plan is available for inspection at the places and times specified in the notice; and
- (b) invite any person or organisation to make written submissions to the Director-General on the draft plan on or before the date specified in the notice, which must be no less than 2 months after the date the notice is given.

**107 Submissions on draft plan**

(1) Any person or organisation may make written submissions to the Director-General on the draft Motu plan at the place, and

on or before the date, specified in a notice given for the draft under **section 106**.

- (2) The Director-General may, after consulting the trustee and the Conservation Board, obtain public opinion of the draft plan from any person or organisation by any other means.
- (3) The Director-General must make the draft plan available for public inspection between 9 am and 5 pm on any working day—
  - (a) on and from the date a notice was given under **section 106(1)(a)** until the date referred to in **section 106(3)**; and
  - (b) in places and quantities that are likely to encourage public participation in the development of the plan.

#### **108 Hearing of submissions**

- (1) Submissions on the draft Motu plan must be heard by a meeting of representatives of the Director-General, the trustee, and the Conservation Board.
- (2) A submitter who requested to be heard in support of a submission must be given a reasonable opportunity to be heard.
- (3) Any other person or organisation that was consulted on the draft plan may be heard at the discretion of the representatives.
- (4) The representatives must determine the procedures at any hearing under this section.
- (5) The hearing of submissions must end no later than 2 months after the last date for written submissions.
- (6) The Director-General must—
  - (a) prepare a summary of the submissions received, and any public opinion obtained, on the draft plan; and
  - (b) provide the summary to the trustee and the Conservation Board no later than 1 month after the end of the hearing of submissions.

#### **109 Revision of draft plan**

- (1) The Director-General must consider the submissions received, and any public opinion obtained, on the draft Motu plan.
- (2) The Director-General then—

- (a) may revise the draft Motu plan in consultation with the representatives of the trustee and the Conservation Board who heard submissions; and
  - (b) must provide the draft, including any revisions, to the trustee and the Conservation Board no later than 4 months after the end of the hearing of submissions.
- (3) The trustee and the Conservation Board,—
- (a) on receiving the draft, must together consider the draft and the summary of submissions; and
  - (b) no later than 4 months after receiving the draft and the summary, may request the Director-General to revise the draft.
- (4) If the Director-General receives a request under **subsection (3)(b)**, he or she must—
- (a) revise the draft in accordance with the request; and
  - (b) provide the revised draft to the trustee and the Conservation Board no later than 2 months after receiving the request.

#### **110 Referral of draft plan to Conservation Authority and Minister**

- (1) The trustee and the Conservation Board must provide the draft Motu plan and the summary of submissions to—
- (a) the Conservation Authority for its comments on matters relating to the national public conservation interest in the motu; and
  - (b) the Minister of Conservation for his or her comments.
- (2) The draft plan must be provided in the form of, and on receipt of,—
- (a) the draft provided by the Director-General under **section 109(2)(b)**, if a request is not made under **section 109(3)(b)**; or
  - (b) the revised draft provided by the Director-General under **section 109(4)(b)**, if a request is made under **section 109(3)(b)**.
- (3) The Conservation Authority and the Minister of Conservation must provide any comments on the draft plan to the trustee and the Conservation Board no later than 4 months after receiving the draft plan.

**111 Approval of draft plan**

- (1) The trustee and the Conservation Board must—
  - (a) consider any comments received from the Conservation Authority and the Minister of Conservation under **section 110(3)**; and
  - (b) make any changes to the draft Motu plan that are considered necessary.
- (2) The trustee and the Conservation Board must, no later than 2 months after receiving the comments,—
  - (a) approve the draft plan; or
  - (b) refer any disagreement about the draft plan to the Conservation Authority by providing a written statement of the matters of disagreement and the reasons for them.

**112 Referral of disagreement to Conservation Authority**

- (1) If a disagreement is referred to the Conservation Authority under **section 111(2)(b)**, the Conservation Authority must—
  - (a) make a recommendation on any matter of disagreement; and
  - (b) give written notice of the recommendation to the trustee and the Conservation Board.
- (2) The notice of recommendation must be given no later than 3 months after the disagreement is referred to the Conservation Authority.
- (3) The trustee and the Conservation Board must, after receiving and considering the notice of recommendation,—
  - (a) try to resolve any matters of disagreement; and
  - (b) make any changes to the draft plan that are considered necessary.
- (4) If any matter of disagreement has not been resolved within 2 months after receiving the notice of recommendation,—
  - (a) the recommendations in the notice become binding; and
  - (b) the trustee and the Conservation Board must make any changes to the draft plan that are necessary to implement the recommendations.
- (5) The trustee and the Conservation Board must approve the draft plan no later than 4 months after receiving the notice of recommendation.



**113 Mediation of disagreement**

- (1) The trustee, the Conservation Board, and the Director-General—
  - (a) must all agree on a mediator no later than 3 months after the effective date; and
  - (b) may all agree on a different mediator at any time.
- (2) If a disagreement arises between the persons referred to in **subsection (1)** at any time during the process under **sections 105 to 111**, the parties to the disagreement (the **parties**) must first try to resolve the matter in a co-operative, open-minded, and timely manner.
- (3) If a party considers that it is necessary to resort to mediation, the party must refer the matter to mediation by giving written notice to the 1 or more other parties.
- (4) The mediation must be conducted by the mediator agreed on under **subsection (1)**.
- (5) The parties must participate in the mediation—
  - (a) in a co-operative, open-minded, and timely manner; and
  - (b) having particular regard to the purpose of—
    - (i) having a conservation management plan for the motu; and
    - (ii) the conservation purposes for which the motu are held.
- (6) The parties must do their best to continue with the preparation and approval of the Motu plan while the disagreement is mediated.
- (7) Each party must—
  - (a) pay its own costs of the mediation; and
  - (b) pay an equal share of the costs of the mediator and associated costs.
- (8) The mediation must end no later than 3 months after the day on which the matter was referred to mediation.
- (9) The period of time starting on the day on which the matter is referred to mediation and ending on the last day of the mediation must be excluded from any time limit specified in **sections 105 to 111**.

**114 Review of Motu plan**

- (1) The Director-General may at any time initiate a review of all or part of the Motu plan, after first consulting the trustee and the Conservation Board.
- (2) The trustee or the Conservation Board may at any time request the Director-General to initiate a review of all or part of the Motu plan. The Director-General must consider the request.
- (3) Any review of the Motu plan must be carried out and approved in accordance with **sections 105 to 111**, which apply with any necessary modifications.
- (4) The Director-General must review all of the Motu plan no later than 10 years after the date it was last approved.
- (5) The Minister of Conservation may extend the time limit in **subsection (4)**, but only after consulting the trustee and the Conservation Board.

**115 Amendment of Motu plan**

- (1) The Director-General may at any time initiate the amendment of all or part of the Motu plan, after first consulting the trustee and the Conservation Board.
- (2) Any amendment of the Motu plan must be carried out and approved in accordance with **sections 105 to 111**, which apply with any necessary modifications.
- (3) However, an amendment may instead be made under **subsections (4) to (6)** if the Director-General, the trustee, and the Conservation Board all consider that the amendment will not materially affect—
  - (a) the objectives or policies expressed in the Motu plan; or
  - (b) the public interest in the relevant area.
- (4) The Director-General must provide the proposed amendment to the trustee and the Conservation Board.
- (5) The trustee and the Conservation Board—
  - (a) must consider the proposed amendment; and
  - (b) may amend the Motu plan as proposed and approve the amended plan.
- (6) Any approval under **subsection (5)(b)** must be given no later than 2 months after receiving the proposed amendment.

## Subpart 9—Geographic names

### 116 Interpretation

In this subpart,—

**official geographic name** has the meaning given by section 4 of the NZGB Act

**New Zealand Geographic Board** means the board continued by section 7 of the NZGB Act

**NZGB Act** means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

### 117 New official names of features

- (1) The name specified in the first column of the table in **clause 5.1** of the collective deed is assigned to the feature described in the second and third columns of that table.
- (2) A name specified in the first column of the table in **clause 5.2** of the collective deed is altered to the name specified in the second column of the table for the feature described in the third and fourth columns of the table.
- (3) Each assignment or alteration is to be treated as if it were an assignment or alteration of the official geographic name by a determination of the New Zealand Geographic Board under section 19 of the NZGB Act that takes effect on the effective date.

### 118 Publication of new official names

- (1) The New Zealand Geographic Board must, as soon as practicable after the effective date, give public notice of each assignment or alteration of a name under **section 117** in accordance with section 21(2) and (3) of the NZGB Act.
- (2) However, the notices must state that the assignments and alterations took effect on the effective date.

### 119 Alteration of new official names

- (1) The New Zealand Geographic Board need not comply with the requirements of sections 16, 17, 18, 19(1) and 20 of the NZGB Act in making a determination to alter the official geographic name of a feature named by this subpart.

- (2) Instead, the Board may make the determination as long as it has the written consent of the trustee.
- (3) To avoid doubt, the Board must give public notice of the determination in accordance with section 21(2) and (3) of the NZGB Act.

**120 Name changes for Crown protected areas**

- (1) The name of North Head Historic Reserve is changed to Maungauika / North Head Historic Reserve.
- (2) The name of that part of Rangitoto Island Scenic Reserve that is Ngā Pona-toru-a-Peretū is changed to Ngā Pona-toru-a-Peretū Scenic Reserve.

Subpart 10—Miscellaneous

**121 Limitation of liability under section 314(1)(da) of Resource Management Act 1991**

- (1) No enforcement order may be made by the Environment Court requiring the trustee to act under section 314(1)(da) of the Resource Management Act 1991 to avoid, remedy, or mitigate any actual or likely adverse effect on the environment relating to 1 or more of the maunga vested in the trustee under this Act or the Rangitoto properties.
- (2) **Subsection (1)** applies only to the extent that the effect—
  - (a) is caused by or results from 1 or more activities or events that were carried out or occurred at any time before the effective date; and
  - (b) is not identified in the disclosure information provided by the Crown to Nga Mana Whenua Tamaki Makaurau, as described in clause 1.1 of the property redress schedule of the collective deed.
- (3) In this section, **enforcement order** and **environment** have the meanings given in section 2(1) of the Resource Management Act 1991.

### **Part 3**

## **Tūpuna Maunga o Tāmaki Makaurau Authority**

### **122 Establishment of Tūpuna Maunga o Tāmaki Makaurau Authority**

This section establishes the Tūpuna Maunga o Tāmaki Makaurau Authority.

### **123 Membership**

- (1) The Maunga Authority comprises—
  - (a) 2 members appointed by the Marutūāhu rūpū entity; and
  - (b) 2 members appointed by the Ngāti Whātua rūpū entity; and
  - (c) 2 members appointed by the Waiohua Tāmaki rūpū entity; and
  - (d) 6 members appointed by the Auckland Council; and
  - (e) 1 non-voting member appointed by the Minister for Arts, Culture and Heritage—
    - (i) for the first 3 years of the Maunga Authority's existence; and
    - (ii) for any longer period agreed between the Minister, the trustee, and the Auckland Council.
- (2) An appointer may appoint a member only by giving a notice in writing with the following details to all other appointers and the Maunga Authority:
  - (a) the member's full name, address, and contact details; and
  - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.

### **124 Chair and deputy chairperson**

- (1) The members appointed by the rūpū entities must appoint the chairperson of the Maunga Authority.
- (2) The members appointed by the Auckland Council must appoint the deputy chairperson of the Maunga Authority.
- (3) The chairperson must preside at all meetings of the Maunga Authority at which he or she is present.

- (4) The deputy chairperson must preside at all meetings of the Maunga Authority at which he or she is present and at which the chairperson is absent.
- (5) An appointer may appoint a chairperson or deputy chairperson only by giving a writing notice with the following details to the other appointer, the Maunga Authority, and the ropū entities:
  - (a) the member's full name, address, and contact details; and
  - (b) the date on which the member's appointment as chairperson or deputy chairperson takes effect, which must be no earlier than the date of the notice.

#### **125 Functions and powers**

- (1) The Maunga Authority has the powers and functions conferred on it by or under this Act or any other enactment.
- (2) In exercising its powers and carrying out its functions in relation to the maunga, the Maunga Authority must have regard to—
  - (a) **section 27(2)**; and
  - (b) the spiritual, ancestral, cultural, customary and historical significance of the maunga to Ngā Mana Whenua o Tāmaki Makaurau.

#### **126 Maunga Authority administering body for certain other land**

- (1) To enable integrated management of land, the Maunga Authority may consent to being appointed as the administering body of any of the following land:
  - (a) land owned by the Crown—
    - (i) that is subject to the Reserves Act 1977; and
    - (ii) in respect of which Ngā Mana Whenua o Tāmaki Makaurau has a similar historic and cultural relationship as to the maunga; and
    - (iii) in respect of which the Crown has determined would be for the better carrying out of the purposes of the reserve; and
    - (iv) in respect of which the Auckland Council has consented to the appointment of the Maunga Authority as the administering body:

- (b) land owned or vested in the Auckland Council—
  - (i) that is subject to the Reserves Act 1977; and
  - (ii) in respect of which Ngā Mana Whenua o Tāmaki Makaurau has a similar historic and cultural relationship as to the maunga; and
  - (iii) in respect of which the Council has determined would be best administered by the Maunga Authority rather than the Council itself or any other administering body.
- (2) **Subsection (3)** applies to the administering of land in respect of which the Maunga Authority—
  - (a) has consented to be the administering body for under **subsection (1)**; or
  - (b) is required to be the administering body for under any other enactment.
- (3) The Maunga Authority must administer the land as if the land were vested in it, and this Act applies accordingly with any necessary modifications.

**Note**

**Further provision to be added in relation to subsection (1) land that Maunga Authority becomes administering body by notice in the *Gazette* if land added in this manner (and preconditions met).**

**Further provision to be added that Crown or Council may take back administration of land to which this section applies as Reserves Act currently allows after consultation with Maunga Authority.**

**127 Ministerial delegations under Reserves Act 1977**

- (1) The Maunga Authority may exercise, in relation to each maunga, a power or function—
  - (a) that the Minister of Conservation has delegated to all local authorities under section 10 of the Reserves Act 1977; and
  - (b) that is relevant to the maunga.
- (2) The delegation applies to the Maunga Authority with all necessary modifications.

**128 Maunga Authority may delegate administering body functions and powers to Auckland Council**

- (1) For the purposes of **section 42**, the Maunga Authority may delegate to the Auckland Council—
  - (a) a power or function to which **section 127** applies; and
  - (b) 1 or more of its general functions, duties, and powers as the administering body of a maunga under the Reserves Act 1977, except the following powers:
    - (i) [ ]
    - (ii) [ ]
- (2) However, nothing in **subsection (1)(b)** restricts the Maunga Authority's power to delegate to the Council the power to do anything precedent to the exercise by the Maunga Authority of any power referred to in **[exceptions]**.
- (3) The Council may delegate any of its functions, duties, and powers delegated to it by the governing body to another person, subject to any conditions, limitations, or prohibitions imposed on the Council by the Maunga Authority when making the original delegation.
- (4) The Council or a person to which or to whom the Council has delegated responsibilities, duties, or powers, may, without confirmation by the Maunga Authority or the Council (as the case may be), exercise or perform the responsibilities, duties, or powers in the same manner and with the same effect as the Maunga Authority could itself have exercised or performed them.
- (5) No delegation under this section relieves the Maunga Authority or the Council of the liability or legal responsibility to perform or ensure performance of any function or duty.
- (6) This section applies despite anything to the contrary in the Reserves Act 1977.

**129 Auckland Council to provide administrative support**

- (1) The Auckland Council must provide to the Maunga Authority the administrative support necessary for the Maunga Authority to carry out its functions and powers under this Act—
  - (a) from within the Council's current administrative framework; and



- (b) at a level equivalent to that provided to a committee of the Council.
- (2) **Subsection (1)** applies unless and until the Council and the Maunga Authority agree in writing otherwise.
- (3) To avoid doubt, **administrative support** includes administrative support for meetings held by the Maunga Authority.

**130 Maunga Authority not council organisation, council-controlled organisation, or joint committee**

The Maunga Authority is not a council organisation, council-controlled organisation, or a joint committee for the purposes of the Local Government Act 2002.

**131 Procedures**

- (1) **Schedule 5** applies to the Maunga Authority and its members.
- (2) Otherwise, the Maunga Authority and its members may regulate their own procedure.

**Part 4**  
**Commercial redress**

*Interpretation*

**132 Interpretation**

In this **Part and Schedule 6**, unless the context requires another meaning,—

**Crown body** has the meaning given by **section 134**

**dispose of**, in relation to RFR land—

- (a) means to transfer or vest the fee simple estate in the land or grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), for 50 years or longer; but
- (b) to avoid doubt, does not include to—
  - (i) mortgage, or give a security interest in, the land; or
  - (ii) grant an easement over the land; or
  - (iii) consent to an assignment of a lease, or to a sub-lease, of the land; or

- (iv) remove an improvement, fixture, or fitting from the land

**expiry date**, for an offer, means its expiry date under **sections 138(1)(a) and 139**

**former deferred selection property** means a property that—

- (a) is situated in the RFR area; and
- (b) is defined or specified as a deferred selection property in a deed of settlement between the Crown and 1 or more iwi or hapū specified in **section 9(a)(i) to (vii) and (ix) to (xiii)**; and
- (c) has not been transferred, or is no longer available for transfer, to the iwi or hapū, or a representative entity, in accordance with that deed of settlement

**former deferred selection RFR land** means a former deferred selection property that—

- (a) would have been subject to a lease back to the Crown under the relevant deed of settlement; and
- (b) that has not been transferred, or is no longer available for transfer, to the Limited Partnership in accordance with the clauses of the collective deed relating to second right to purchase

**land holding agency** means the agency specified for a deferred selection property (as described in **paragraph (b)** of the definition of **former deferred selection property**) in that deed of settlement (or an attachment to that deed)

**LINZ** means Land Information New Zealand

**notice** means a notice under this Part

**offer** means an offer by an RFR landowner to dispose of RFR land under this Part

**RFR area** means the area shown on the RFR plan in the attachments to the collective deed as the RFR area

**RFR land** has the meaning given in **section 133**

**RFR landowner**, for RFR land,—

- (a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and
- (b) means a Crown body, if the body holds the fee simple estate in the land; and

- (c) includes a local authority to which RFR land has been disposed of under **section 144(1)**; but
- (d) to avoid doubt, does not include an administering body in which RFR land is vested on the effective date or (under **section 145(1)**) after the effective date

**RFR period** means the period of 172 years starting on the effective date

**tertiary education institution** means an institution within the meaning of section 159(1) of the Education Act 1989

**Unitec** means Unitec Institute of Technology being an institution established under Part 14 of the Education Act 1989.

#### Note

**Further definitions to be included, while some that are included may transfer to general interpretation provision in Part 1.**

#### 133 Meaning of RFR land

(1) In this Act, **RFR land**—

- (a) means the land within the RFR area but only if, on the effective date, the land—
  - (i) is vested in the Crown and not occupied by a tertiary education institution; or
  - (ii) is held in fee simple by the Crown and not occupied by a tertiary education institution; or
  - (iii) is a reserve vested in an administering body that derived title to the reserve from the Crown that would, on the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown; and
- (b) means the land described in table 1 of part 3 of the attachments to the collective deed but only if, on the effective date, the land is held in fee simple by a Crown body; and
- (c) means the land obtained in exchange for a disposal of RFR land under **section 149(1)(c) or 150**; and
- (d) means former deferred selection RFR land; and
- (e) means the land described in table 2 of part 3 of the attachments to the collective deed but only if, on the effective date, the land is—

- (i) vested in or held in fee simple by the Crown, and occupied by Unitec; or
  - (ii) vested in or held in fee simple by Unitec; and
  - (f) does not include the Pourewa Creek site or a commercial property (as those terms are defined in **section 10 of the Ngāti Whātua Ōrākei Claims Settlement Act 2012**).
- (2) However, land ceases to be RFR land if—
- (a) the fee simple estate in the land transfers from the RFR landowner to—
    - (i) the Limited Partnership or a rōpū entity or the Partnership’s or entity’s nominee (for example, under a contract formed under **section 149**); or
    - (ii) any other person (including the Crown or a Crown body) under **section 136(3)**; or
  - (b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body under—
    - (i) any of **sections 146 to 155**; or
    - (ii) anything referred to in **section 156(1)**; or
  - (c) the land’s RFR period ends; or
  - (d) for land required for another Treaty settlement, notice is given for the land under **section 135**.

#### 134 Meaning of Crown body

- (1) In this Act, **Crown body** means—
- (a) a Crown entity (as defined by section 7(1) of the Crown Entities Act 2004); and
  - (b) a State enterprise (as defined by section 2 of the State-Owned Enterprises Act 1986); and
  - (c) the New Zealand Railways Corporation; and
  - (d) a company or body that is wholly owned or controlled by 1 or more of the following:
    - (i) the Crown;
    - (ii) a Crown entity;
    - (iii) a State enterprise;
    - (iv) the New Zealand Railways Corporation; and
  - (e) a subsidiary, or related company, of a company or body referred to in **paragraph (d)**.

- (2) For the purposes of **subsection (1)(d)**, **control** means—
- (a) for a company, majority control of the composition of its board of directors; and
  - (b) for any other body, control of the composition of the group that would be its board of directors if the body were a company.

**135 Land required for another Treaty settlement ceasing to be RFR land**

- (1) The Minister for Treaty of Waitangi Negotiations must, for land required for another Treaty settlement, give notice to both the RFR landowner and the Limited Partnership that the land ceases to be RFR land.
- (2) The notice may be given at any time before a contract is formed under **section 142** for the disposal of the land.
- (3) The land ceases to be RFR land on the day on which the notice is given.
- (4) In this section, **land required for another Treaty settlement** means land that is to be vested or transferred as part of the settling of historical claims under the Treaty of Waitangi, being those relating to acts or omissions of the Crown before 21 September 1992.

Subpart 1—RFR Land

*Restrictions on disposal of RFR land*

**136 Restrictions on disposal of RFR land**

- (1) An RFR landowner must not dispose of RFR land to any person other than the Limited Partnership or a rōpū entity (or the Partnership's or entity's nominee) unless the land is disposed of under **subsection (2) or (3)**.
- (2) The RFR land may be disposed of under any of **sections 143 to 155** or under anything referred to in **section 156(1)**.
- (3) The RFR land may be disposed of within 12 months after the expiry date of an offer by the RFR landowner to dispose of the land to the Limited Partnership, if the offer to the Partnership was—
  - (a) made in accordance with **section 138**; and

- (b) on terms that were the same as, or more favourable to the Partnership than, the terms of the disposal to the person referred to in **subsection (1)**; and
- (c) not withdrawn under **section 140**; and
- (d) not accepted under **section 141**.

*Notice of potential disposal of RFR land*

**137 Notice to Limited Partnership of potential disposal of RFR land**

- (1) This section applies if an RFR landowner is considering whether to dispose of RFR land that, in order to be disposed of, may ultimately require the landowner to offer to dispose of the land to the Limited Partnership under this Part.
- (2) The landowner must give the Limited Partnership notice that, if the landowner decides to dispose of the land, the landowner may be required to offer to dispose of the land to the Partnership under this Part.
- (3) The notice must—
  - (a) specify the legal description of the land and identify any computer register that contains the land; and
  - (b) specify a street address for the land (if applicable); and
  - (c) if the land does not have a street address, include a narrative or diagrammatic description of the land with enough information so that a person who is not familiar with the land can locate and inspect it.
- (4) The giving of the notice does not, of itself, mean that an obligation has arisen under—
  - (a) section 207(4) of the Education Act 1989; or
  - (b) section 23(1) or 24(4) of the New Zealand Railways Corporation Restructuring Act 1990; or
  - (c) section 40 of the Public Works Act 1981 or that section as applied by another enactment.

*Limited Partnership's right of first refusal*

**138 Requirements for offer**

- (1) An offer by an RFR landowner to dispose of RFR land under this Part must be by notice to the Limited Partnership, incorporating—

- (a) the terms of the offer, including its expiry date; and
  - (b) a legal description of the land (including any interests affecting it) and the reference for any computer register that contains the land; and
  - (c) a street address for the land (if applicable); and
  - (d) a street address, postal address, and fax number for the Limited Partnership to give notice to the RFR landowner in relation to the offer.
- (2) An offer may not be made in accordance with this section unless—
- (a) the RFR landowner has previously given notice to the Limited Partnership under **section 137** in respect of the land; and
  - (b) at least 40 working days have elapsed since that notice was given.

**139 Expiry date of offer**

- (1) The expiry date of an offer must be on or after the 40th working day on which the Limited Partnership receive notice of the offer.
- (2) However, the expiry date of an offer may be on or after the 20th working day after the day on which the Partnership receives notice of the offer if—
- (a) the Partnership received an earlier offer to dispose of the land; and
  - (b) the expiry date of the earlier offer was no earlier than 6 months before the expiry date of the later offer; and
  - (c) the earlier offer was not withdrawn.

**140 Withdrawal of offer**

An RFR landowner may, by notice to the Limited Partnership, withdraw an offer at any time before it is accepted.

**141 Acceptance of offer**

- (1) The Limited Partnership may, by notice to the RFR landowner who made an offer, accept the offer if—
- (a) it has not been withdrawn; and
  - (b) its expiry date has not passed.

- (2) The Limited Partnership must accept all the RFR land offered, unless the offer permits them to accept less.
- (3) The notice must specify whether the Partnership is accepting the offer—
  - (a) on its own behalf; or
  - (b) on behalf of a rōpū entity.

#### **142 Formation of contract**

- (1) If the Limited Partnership accepts, under **section 141**, an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the landowner and the purchaser on the terms in the offer, including the terms set out in **subsections (3) to (6)**.
- (2) The terms of the contract may be varied by written agreement between the landowner and the purchaser.
- (3) Under the contract, the purchaser may nominate any person who is lawfully able to hold the RFR land (the **nominee**) to receive the transfer of the land.
- (4) The purchaser may nominate a nominee only by giving notice to the landowner on or before the day that is 10 working days before the day on which the transfer is to settle.
- (5) The notice must specify—
  - (a) the full name of the nominee; and
  - (b) any other details about the nominee that the landowner needs in order to transfer the RFR land to the nominee.
- (6) If the purchaser nominates a nominee, the purchaser remains liable for the obligations of the transferee under the contract.
- (7) In this section, **purchaser** means—
  - (a) the Limited Partnership, if the Partnership is specified in the notice of acceptance; or
  - (b) the rōpū entity, if the rōpū entity is specified in the notice of acceptance.

#### *Disposals to others where land remains RFR land*

#### **143 Disposals to the Crown or Crown bodies**

- (1) An RFR landowner may dispose of RFR land to—
  - (a) the Crown; or



- (b) a Crown body.
- (2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 143(5) or 206 of the Education Act 1989.

**144 Disposals of existing public works to local authorities**

- (1) An RFR landowner may dispose of RFR land that is a public work, or part of a public work, in accordance with section 50 of the Public Works Act 1981 to a local authority (as defined by section 2 of that Act).
- (2) To avoid doubt, if RFR land is disposed of to a local authority under **subsection (1)**, the local authority becomes—
  - (a) the RFR landowner of the land; and
  - (b) subject to the obligations of an RFR landowner under this Part.

**145 Disposals of reserves to administering bodies**

- (1) An RFR landowner may dispose of RFR land in accordance with section 26 or 26A of the Reserves Act 1977.
- (2) To avoid doubt, if RFR land that is a reserve is vested in an administering body under **subsection (1)**, the administering body does not become—
  - (a) the RFR landowner of the land; or
  - (b) subject to the obligations of an RFR landowner under this Part.
- (3) However, if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes—
  - (a) the RFR landowner of the land; and
  - (b) subject to the obligations of an RFR landowner under this Part.

*Disposals to others where land may cease to be  
RFR land*

**146 Disposals in accordance with enactment or rule of law**

An RFR landowner may dispose of RFR land in accordance with an obligation under any enactment or rule of law.

**147 Disposals in accordance with legal or equitable obligation**

- (1) An RFR landowner may dispose of RFR land in accordance with a legal or equitable obligation that—
- (a) was unconditional before the effective date; or
  - (b) was conditional before the effective date but became unconditional on or after the effective date; or
  - (c) arose after the exercise (whether before, on, or after the effective date) of an option existing before the effective date.
- (2) An RFR landowner may dispose of RFR land in accordance with the requirements, existing before the effective date, of a gift, endowment, or trust relating to the land.

**148 Disposals by the Crown under certain legislation**

The Crown may dispose of RFR land in accordance with—

- (a) section 54(1)(d) of the Land Act 1948; or
- (b) section 355(3) of the Resource Management Act 1991; or
- (c) subpart 3 of Part 2 of the Marine and Coastal Area (Takutai Moana) Act 2011.

**149 Disposals of land held for public works**

- (1) An RFR landowner may dispose of RFR land in accordance with—
- (a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or
  - (b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or
  - (c) section 117(3)(a) of the Public Works Act 1981; or
  - (d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or
  - (e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.
- (2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993 after an application by an RFR landowner under section 41(e) of the Public Works Act 1981.

**150 Disposals for reserve or conservation purposes**

An RFR landowner may dispose of RFR land in accordance with—

- (a) section 15 of the Reserves Act 1977; or
- (b) section 16A or 24E of the Conservation Act 1987.

**151 Disposals for State housing purposes**

An RFR landowner may dispose of RFR land that is held for State housing purposes if the Minister of Housing has given notice to the Limited Partnership that, in the Minister's opinion, the disposal is to achieve, or assist in achieving, the Crown's social objectives in relation to housing or services related to housing.

**152 Disposals by district health boards**

- (1) A district health board may dispose of RFR land if the Minister of Health has given notice to the Limited Partnership that, in the Minister's opinion, the disposal is to achieve, or assist in achieving, the district health board's objectives.
- (2) In this section, **district health board**—
  - (a) means—
    - (i) Auckland District Health Board; and
    - (ii) Counties Manukau District Health Board; and
    - (iii) Waitemata District Health Board; and
  - (b) includes a subsidiary of a district health board specified in **paragraph (a)**.

**153 Disposals for charitable purposes**

An RFR landowner may dispose of RFR land as a gift for charitable purposes.

**154 Disposals to tenants**

The Crown may dispose of RFR land—

- (a) that was held for education purposes on the effective date to a person who, immediately before the disposal, is a tenant of the land or of all or part of a building on the land; or

- (b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land—
  - (i) granted before the effective date; or
  - (ii) granted on or after the effective date under a right of renewal contained in a lease granted before the effective date; or
- (c) under section 93(4) of the Land Act 1948.

#### **155 Disposals of Unitec land**

The RFR landowner may dispose of RFR land described in table 2 of part 3 of the attachments to the collective deed if the chief executive of Unitec has given notice to the Limited Partnership that Unitec has determined that the disposal—

- (a) is to further, or assist in furthering, the provision of tertiary education, including the funding of tertiary education, on other land owned or occupied by Unitec; and
- (b) is not merely because the land is no longer required by Unitec.

#### **156 RFR landowner's obligations subject to other things**

- (1) An RFR landowner's obligations under this Part in relation to RFR land are subject to—
  - (a) any other enactment or rule of law but, for a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and
  - (b) any interest, or legal or equitable obligation,—
    - (i) that prevents or limits an RFR landowner's disposal of RFR land to the Limited Partnership or a rōpū entity; and
    - (ii) that the RFR landowner cannot satisfy by taking reasonable steps; and
  - (c) the terms of a mortgage over, or security interest in, RFR land.
- (2) Reasonable steps, for the purposes of **subsection (1)(b)(ii)**, do not include steps to promote the passing of an enactment.
- (3) This Part does not limit anything referred to in **subsection (1)**.

*Notices*

**157 Notice of RFR land with computer register after effective date**

- (1) If a computer register is first created for RFR land after the effective date, the RFR landowner must give the chief executive of LINZ notice that the register has been created.
- (2) If land for which there is a computer register becomes RFR land after the effective date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land.
- (3) The notice must be given as soon as is reasonably practicable after a computer register is first created for the RFR land or after the land becomes RFR land.
- (4) The notice must specify the legal description of the land and identify the computer register that contains the land.

**158 Notice to Limited Partnership of disposals of RFR land to others**

- (1) An RFR landowner must give the Limited Partnership notice of the disposal of RFR land by the landowner to a person other than the Limited Partnership or a rōpū entity (or a nominee of the Partnership or the rōpū entity).
- (2) The notice must be given on or before the day that is 20 working days before the day of the disposal.
- (3) The notice must—
  - (a) specify the legal description of the land (including any interests affecting it) and identify any computer register that contains the land; and
  - (b) specify a street address for the land (if applicable); and
  - (c) identify the person to whom the land is being disposed of; and
  - (d) explain how the disposal complies with **section 136**; and
  - (e) if the disposal is made under **section 136(3)**, include a copy of the written contract for the disposal.

**159 Notice of land ceasing to be RFR land**

- (1) **Subsections (2) and (3)** apply if land contained in a computer register is to cease being RFR land because—
- (a) the fee simple estate in the land is to transfer from the RFR landowner to—
    - (i) the Limited Partnership or a rōpū entity (for example, under a contract formed under **section 142**); or
    - (ii) any other person (including the Crown or a Crown body) under **section 136(3)**; or
  - (b) the fee simple estate in the land is to transfer or vest from the RFR landowner to or in a person other than the Crown or a Crown body under—
    - (i) any of **sections 146 to 155**; or
    - (ii) anything referred to in **section 156(1)**.
- (2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land.
- (3) The notice must—
- (a) specify the legal description of the land and identify the computer register that contains the land; and
  - (b) specify the details of the transfer or vesting of the land.
- (4) **Subsections (5) and (6)** apply if land contained in a computer register ceases to be RFR land because the land is all or part of a specified RFR property and notice is given for the property under **section 135**.
- (5) The RFR landowner must, as soon as practicable after receiving the notice under **section 135**, give the chief executive of LINZ notice that the land has ceased to be RFR land.
- (6) The notice must—
- (a) specify the legal description of the land and identify the computer register that contains the land; and
  - (b) include a copy of the notice given under **section 135**.

**160 Notice requirements**

- Schedule 6** applies to notices given under this Part by or to—
- (a) an RFR landowner; or
  - (b) the Limited Partnership; or

- (c) a rōpū entity.

*Memorials for RFR land*

**161 Recording memorials on computer registers for RFR land**

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the computer registers that contain,—
- (a) the RFR land for which there is a computer register on the effective date; and
  - (b) the RFR land for which a computer register is first created after the effective date; and
  - (c) land for which there is a computer register that becomes RFR land after the effective date.
- (2) The chief executive must issue a certificate as soon as is reasonably practicable after—
- (a) the effective date, for RFR land for which there is a computer register on the effective date; or
  - (b) receiving a notice under **section 157** that a computer register has been created for the RFR land or that the land has become RFR land, for any other land.
- (3) Each certificate must state that it is issued under this section.
- (4) The chief executive must provide a copy of each certificate to the Limited Partnership as soon as is reasonably practicable after issuing the certificate.
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each computer register identified in the certificate that the land described in the certificate (and contained in the computer register) is—
- (a) RFR land as defined by **section 132** of this Act; and
  - (b) subject to this Part of this Act (which restricts disposal, including leasing, of the land).

**162 Removal of memorials when land ceases to be RFR land**

- (1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under **section 159(2)**, issue to the Registrar-General a certificate that—

- (a) specifies the legal description of the land and identifies the computer register that contains the land; and
  - (b) specifies the details of the transfer or vesting of the land; and
  - (c) states that it is issued under this subsection.
- (2) The chief executive of LINZ must, as soon as is reasonably practicable after receiving a notice under **section 159(5)**, issue to the Registrar-General a certificate that—
  - (a) specifies the legal description of the land, and identifies the computer register that contains the land, described in the notice; and
  - (b) includes a copy of the notice given under **section 135**; and
  - (c) states that it is issued under this subsection.
- (3) The chief executive must provide a copy of each certificate to the Limited Partnership as soon as is reasonably practicable after issuing the certificate.
- (4) If the Registrar-General receives a certificate issued under **subsection (1)**, he or she must remove any memorial recorded under **section 161** from the computer register identified in the certificate, immediately before registering the transfer or vesting described in the certificate.
- (5) If the Registrar-General receives a certificate issued under **subsection (2)**, he or she must remove any memorial recorded under **section 161** from the computer register identified in the certificate, as soon as is reasonably practicable.

### **163 Removal of memorials when RFR period ends**

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends for any RFR land, issue to the Registrar-General a certificate that—
  - (a) identifies each computer register for the RFR land for which the RFR period has ended that still has a memorial recorded on it under **section 161**; and
  - (b) states that it is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the Limited Partnership as soon as is reasonably practicable after issuing the certificate.



- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove a memorial recorded under **section 161** from any computer register identified in the certificate.

*General provisions*

**164 Waiver and variation**

- (1) The Limited Partnership may, by notice to an RFR landowner, waive any of the rights the Partnership have in relation to the landowner under this Part.
- (2) The Limited Partnership and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this Part.
- (3) A waiver or agreement under this section is on the terms, and applies for the period, specified in it.

**165 Disposal of Crown bodies not affected**

- (1) This Part does not limit the ability of the Crown, or a Crown body, to sell or dispose of a Crown body.
- (2) To avoid doubt, the sale or disposition does not remove or avoid any obligation of the Crown or the Crown body under this Part.

**166 Assignment of rights and obligations under this subpart**

- (1) **Subsection (3)** applies if an RFR holder—
  - (a) assigns the RFR holder's rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder's constitutional documents; and
  - (b) has given the notices required by **subsection (2)**.
- (2) Notices must be given to each RFR landowner—
  - (a) stating that the RFR holder's rights and obligations under this subpart are being assigned under this section; and
  - (b) specifying the date of the assignment; and
  - (c) specifying the names of the assignees and, if they are the trustees of a trust, the name of the trust; and
  - (d) specifying the street address, postal address, or fax number for notices to the assignees.

- (3) This subpart and **Schedule notices** apply to the assignees (instead of to the RFR holder) as if the assignees were the Limited Partnership, with all necessary modifications.
- (4) In this section, **RFR holder** means the 1 or more persons who have the rights and obligations of the Limited Partnership under this subpart, either because—
  - (a) they are the Limited Partnership; or
  - (b) they have previously been assigned those rights and obligations under this section.

**167 Certain enactments do not apply to RFR land**

- (1) The following enactments do not apply to RFR land:
  - (a) sections 8A to 8HJ of the Treaty of Waitangi Act 1975;
  - (b) sections 27A to 27C of the State-Owned Enterprises Act 1986;
  - (c) sections 211 to 213 of the Education Act 1989;
  - (d) part 3 of the Crown Forest Assets Act 1989;
  - (e) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990.
- (2) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal description of and identify the computer register that contains each allotment that is RFR land and that is contained in a computer register that has a memorial recorded under any enactment listed in **subsection (1)**.
- (3) The chief executive of LINZ must issue a certificate under **subsection (2)** as soon as is reasonably practicable after the effective date.
- (4) A certificate must state that it is issued under this section.
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under **subsection (2)**,—
  - (a) register the certificate against each computer register identified in the certificate; and
  - (b) remove each memorial recorded under an enactment listed in **subsection (2)** from each computer register identified in the certificate, but only in respect of each allotment described in the certificate.

Subpart 2—Option to purchase former  
deferred selection properties

**168 The Crown may transfer former deferred selection properties**

The Crown (acting by and through the chief executive of the land holding agency) is authorised to do the following to give effect to the collective deed:

- (a) transfer the fee simple estate in a former deferred selection property to the Limited Partnership;
- (b) sign a transfer instrument or other document, or do anything else necessary, to effect the transfer.

**169 Registrar-General to create computer freehold register**

- (1) To the extent that a former deferred selection property to be transferred to the Limited Partnership under **section 2.1** is not all of the land contained in a computer freehold register, or there is no computer freehold register for all or part of the property, the Registrar-General must, in accordance with a written application by an authorised person,—
  - (a) create a computer freehold register for the fee simple estate in the property in the name of the Crown; and
  - (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application; and
  - (c) omit any statement of purpose from the computer freehold register.
- (2) **Subsection (1)** is subject to the completion of any survey necessary to create a computer freehold register
- (3) The authorised person may grant a covenant to arrange for the later creation of a computer freehold register for any land that is to be transferred to the Limited Partnership under **section 2.1**.
- (4) Despite the Land Transfer Act 1952,—
  - (a) the authorised person may request the Registrar-General to register a covenant (as referred to in **subsection (3)**) under that Act by creating a computer interest register; and

- (b) the Registrar-General must register the covenant in accordance with **paragraph (a)**
- (5) In this section, **authorised person** means a person authorised by the chief executive of the land holding agency for the property.

#### **170 Application of other enactments**

- (1) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
  - (a) the transfer of a former deferred selection property to the Limited Partnership under **section 2.1**; or
  - (b) any matter incidental to, or required for the purpose of, the transfer.
- (2) The transfer of a former deferred selection property to the Limited Partnership under **section 2.1** does not—
  - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
  - (b) affect other rights to subsurface minerals.
- (3) The transfer of a former deferred selection property to the Limited Partnership under **section 2.1** 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.
- (4) In exercising the powers conferred by **section 2.1**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a former deferred selection property.
- (5) **Subsection (4)** is subject to **subsections (2) and (3)**.
- (6) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the transfer of a former deferred selection property to the Limited Partnership under **section 2.1**.

## Part 5 Miscellaneous

### Subpart 1—Transitional provisions

#### Note

**Further provisions will be added to this subpart, as necessary, to provide for matters resulting from the change in ownership and administration of the land to which this Bill applies.**

#### **171 First meeting of Maunga Authority**

- (1) The first meeting of the Maunga Authority must take place at the Auckland Town Hall no later than 4 weeks after the effective date.
- (2) At the meeting the Maunga Authority must—
  - (a) adopt an interim operational plan that satisfies the requirements of **section 172 (interim operational plan)**; and
  - (b) make initial delegations for the purposes of **section 128**; and
  - (c) adopt standing orders for the conduct of its meetings; and
  - (d) appoint the chairperson and deputy chairperson:

#### Note

**This provision will cover what matters the Maunga Authority must address at its first meeting.**

#### **172 Interim operational plan**

- (1) The Maunga Authority and the Auckland Council must, at its first meeting, agree an interim operational plan for the period [ ].
- (2) Until the interim operation plan takes effect, the Auckland Council must continue to [ ]

**Note**

**The interim plan will continue until the first operational plan is adopted.**

**This provision will set out how the Council will carry out the routine management of the maunga until the first operational plan comes into force.**

**173 Management plans for maunga**

- (1) The management plan applying to each maunga, including the area of Ōhinerau / Mount Hobson administered by the trustee and the Maungakiekie / One Tree Hill northern land, immediately before the effective date continues to apply to each maunga until the integrated management plan is prepared by the Maunga Authority.
- (2) The North Head Historic Reserve Conservation Management Plan (1999) continues to apply to Maungauika until the integrated management plan is prepared by the Maunga Authority.

**174 Cultural activities**

[ ].

**Note**

**This provision will provide for how authorised cultural activities may be carried out on a maunga until the first integrated management plan is prepared. The Maunga Authority must develop terms and conditions no later than 3 months after effective date. No cultural activities may be undertaken in those 3 months. However, if no terms and conditions developed by end of 3 months after effective date, cultural activities**

**Subpart 2—Consequential amendments****175 Amendment to Conservation Act 1987**

- (1) This section amends the Conservation Act 1987.
- (2) Section 6P(2) is amended by inserting “(4A),” after “subsections”.
- (3) Section 6P is amended by inserting the following subsection after subsection (4):

- “(4A) The Board whose area of jurisdiction includes Auckland and the islands of the Hauraki Gulf must consist of—
- “(a) no more than 9 members appointed under subsection (2); and
  - “(b) 1 member appointed by the Minister on the recommendation of the Marutūāhu rōpū entity (as defined in **section 8 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2012**; and
  - “(c) 1 member appointed by the Minister on the recommendation of the Ngāti Whātua rōpū entity (as defined in **section 8 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2012**; and
  - “(d) 1 member appointed by the Minister on the recommendation of the Waiohua Tāmaki rōpū entity (as defined in **section 8 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2012**.”

**176 Amendment to Hauraki Gulf Marine Park Act 2000**

- (1) This section amends the Hauraki Gulf Marine Park Act 2000.
- (2) After section 33(2)(g) insert:
  - “(h) the land described as Islington Bay Bach 80 property in **Part 2 of Schedule 4 of the Ngā Mana Whenua o Tāmaki Makaurau Act 2012**;
  - “(i) the land described as the Islington Bay Hall property in **Part 2 of Schedule 4 of the Ngā Mana Whenua o Tāmaki Makaurau Act 2012**.”

**177 Amendment to Local Government (Auckland Council) Act 2009**

[ ].

**Note**

**This provision will require the Council to include the information relating to the annual operational plan in its long term plan and annual plan.**

## Schedule 1

s 14

## Maunga descriptions

Name	Description (all North Auckland Land District)	Interests
Matukutūruru	3.8413 hectares, more or less, being Sections 1 and 2 SO 382028. All computer interest register 394893.	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to the right of way easement referred to in <b>section 26(4)</b> .
Maungawhau / Mount Eden	<p>10.4900 hectares, approximately, being Part Allotment 1A Section 6 Suburbs of Auckland. Part <i>Gazette</i> Notice B244847.1. As shown A on SO 55658. Subject to survey.</p> <p>16.1150 hectares, approximately, being Part Allotment 1A Section 6 Suburbs of Auckland. Part <i>Gazette</i> 1876 page 405. Subject to survey.</p> <p>0.0685 hectares, more or less, being Allotment 121 Section 6 Suburbs of Auckland. Part <i>Gazette</i> 1951 page 1030.</p> <p>0.0604 hectares, approximately, being Part Allotment 53 Section 6 Suburbs of Auckland. All Proclamation 18803. Subject to survey.</p> <p>0.0599 hectares, more or less, being Lot 3 DP 31644. All computer freehold register NA824/102.</p> <p>0.3724 hectares, more or less, being Allotment 111 Section 6 Suburbs of Auckland. All <i>Gazette</i> Notice 16192.</p> <p>0.1445 hectares, approximately, being Part Section 6 Suburbs of Auckland. Subject to survey.</p> <p>0.1547 hectares, more or less, being Section 1 SO 63939. All <i>Gazette</i> 1990 page 19. As shown on deed plan OTS-115-03</p>	<p>Historic reserve subject to section 18 of the Reserves Act 1977 (affects part <i>Gazette</i> Notice B244847.1). Recreation reserve subject to section 17 of the Reserves Act 1977 (affects part <i>Gazettes</i>' 1876 page 405 and 1951 page 1030 and all <i>Gazette</i> 1990 page 19, all <i>Gazette</i> Notice 16192, all Proclamation 18803, all computer freehold register NA824/102, and Part Section 6 Suburbs of Auckland). <i>Interests relating only to recreation reserve</i></p> <p>Subject to the easement in gross referred to in <b>section 15(6)</b>.</p> <p>Subject to an unregistered lease to The Scout Association of NZ dated 30 May 2000 and renewed 1 March 2010.</p> <p>[Subject to an unregistered tenancy agreement to be granted before deed signed] <i>Interests relating only to historic reserve</i></p> <p>Subject to the easement in gross referred to in <b>section 15(6)</b>.</p>



Name	Description (all North Auckland Land District)	Interests
Maungakiekie / One Tree Hill	46.4630 hectares, approximately, being Part Allotment 11 and Allotment 54 Section 12 Suburbs of Auckland. Part <i>Gazette</i> Notice 596717. Subject to survey. As shown on deed plan OTS-115-04	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to the easement in gross referred to in <b>section 17(4)</b> . Subject to a memorandum of encumbrance created by D326273.1. Subject to an unregistered lease to The Auckland Observatory and Planetarium Trust Board dated 10 May 1999 and Deed of variation of lease. Subject to an unregistered lease to the Auckland Archery Club Incorporated dated 3 February 2009. Subject to an unregistered lease to The Sorrento Group Limited and Neil McCormack dated 10 November 2004 and renewed 12 January 2010.
Maungarei / Mount Wellington	23.4346 hectares, approximately, being Part Allotment 56 Section 12 Suburbs of Auckland. Part <i>Gazette</i> 1880 page 1723. Subject to survey. 0.5084 hectares, approximately, being Part Allotment 64 Section 12 Suburbs of Auckland. Subject to survey. 2.1064 hectares, more or less, being Allotment 200 Section 12 Suburbs of Auckland. Part <i>Gazette</i> Notice 260258. 0.7001 hectares, approximately, being Part Allotment 64 Section 12 Suburbs of Auckland. All <i>Gazette</i> 1909 page 1500. Subject to survey. 1.0813 hectares, more or less, being Allotment 201 Section 12 Suburbs of Auckland. Part <i>Gazette</i> Notice 260258.	Recreation reserve subject to section 17 of the Reserves Act 1977 (affects Allotment 200, Part Allotment 56, and Parts Allotment 64 Section 12 Suburbs of Auckland). Local purpose (site for a council depot) reserve subject to section 23 of the Reserves Act 1977 (affects Allotment 201 Section 12 Suburbs of Auckland). <i>Interests relating only to recreation reserve</i> Subject to the easement in gross referred to in <b>section 24(6)(a)</b> . Subject to an unregistered lease to the Mt Wellington Roller Sports Club Incorporated dated 27 May 2010.

Name	Description (all North Auckland Land District)	Interests
Mount Albert	<p>As shown on deed plan OTS-115-09</p> <p>3.7660 hectares, approximately, being Part Allotment 100 Parish of Titirangi. All <i>Gazette</i> 1931 page 465. Subject to survey.</p> <p>5.0890 hectares, approximately, being Part Allotment 100 Parish of Titirangi. Part <i>Gazette</i> 1903 page 736. Subject to survey.</p> <p>0.6310 hectares, more or less, being Lot 48 DP 39801. All computer freehold register NA47A/143.</p> <p>0.0290 hectares, approximately, being Part Allotment 195 Parish of Titirangi. Part <i>Gazette</i> 1933 page 1370. Subject to survey.</p> <p>As shown on deed plan OTS-115-05</p>	<p>Subject to an unregistered grazing licence in favour of Peter Linton.</p> <p><i>Interests relating only to local purpose (site for a council depot) reserve</i></p> <p>Subject to the unregistered lease referred to in <b>section 24(6)(b)</b>.</p> <p>Recreation reserve subject to section 17 of the Reserves Act 1977.</p> <p>Subject to the easement in gross referred to in <b>section 18(4)</b>.</p> <p>Subject to an unregistered lease to the Mountain Green Archery Club dated 12 December 2002 and renewed 22 September 2010.</p> <p>Subject to an unregistered grazing licence in favour of Peter Linton.</p> <p>Subject to an unregistered agreement for grant of water supply easement dated 26 June 1994.</p>
Mount Roskill	<p>8.3259 hectares, more or less, being Part Lot 1476 DP 22826. Balance computer freehold register NA621/252.</p> <p>0.1452 hectares, more or less, being Lots 94 and 211 DP 42694. All <i>Gazette</i> Notice 15584.</p> <p>0.2081 hectares, more or less, being Section 3 SO 430425. All computer interest register 559441.</p> <p>0.0766 hectares, more or less, being Lot 103 DP 41516. All computer freehold register NA13D/812.</p> <p>0.1578 hectares, more or less, being Lot 106 DP 41516. All</p>	<p>Recreation reserve subject to section 17 of the Reserves Act 1977.</p> <p>Subject to the easement in gross referred to in <b>section 19(4)</b>.</p> <p>Subject to a stormwater pipe line easement created by Certificate K64304 (affects NA14D/117).</p> <p>Subject to an unregistered lease to Watercare Services Limited dated 21 July 1988 and variation dated 6 July 2001.</p> <p>Subject to and together with stormwater pipeline easement created by cer-</p>

Name	Description (all North Auckland Land District)	Interests
Mount St John	<p>computer freehold register NA21D/757. 0.0703 hectares, more or less, being Lot 107 DP 41516. All computer freehold register NA6A/1488. 0.0875 hectares, more or less, being Lot 109 DP 41516. All computer freehold register NA14D/117.</p> <p>3.0402 hectares, approximately, being Allotment 12A Section 11 Suburbs of Auckland. Part <i>Gazette</i> 1902 page 734. Subject to survey. 0.1576 hectares, more or less, being Part Lot 23 of Allotment 18 Section 11 Suburbs of Auckland. All computer freehold register NA505/200 limited as to parcels. 0.2633 hectares, more or less, being Part Lots 24 and 25 DP 13194. All computer freehold register NA309/209. 0.4879 hectares, more or less, being Lot 1 DP 39142. All computer freehold register NA1038/123. 0.3819 hectares, more or less, being Lot 1 DP 37516. All computer freehold register NA975/186. 0.0033 hectares, more or less, being Part Allotment 15 Section 11 Suburbs of Auckland. All computer freehold regis-</p>	<p>tificate K64304 (affects NA13D/812) Subject to a fencing agreement in Transfer A263125 (affects NA13D/812). Subject to an unregistered agreement for acquisition of land for SH20 Winstone Park, dated 31 May 2005. Together with a stormwater pipeline easement created by certificate K64304 (affects NA21D/757). Subject to a sewage pipeline and a stormwater pipeline easement created by certificate K64304 (affects NA6A/1488). Subject to an unregistered grazing licence in favour of Peter Linton.</p> <p>Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to a fencing agreement created by Transfer 154277 (affects NA671/94). Subject to an unregistered grazing licence in favour of the Cornwall Park Trust Board.</p>

Name	Description (all North Auckland Land District)	Interests
Ōhinerau / Mount Hobson	<p>ter NA1058/220 limited as to parcels.</p> <p>0.0098 hectares, more or less, being Lot 4 DP 106274. All computer freehold register NA672/48.</p> <p>0.0047 hectares, more or less, being Lot 5 DP 106274. All computer freehold register NA671/94.</p> <p>0.1110 hectares, approximately, being Parts Lot 8 DP 15394. Balance <i>Gazette</i> Notice 792484.1. Subject to survey.</p> <p>0.1901 hectares, approximately, being Allotment 43 and Part Allotment 44 Section 11 Suburbs of Auckland. Balance <i>Gazette</i> Notice B096302.1. Subject to survey. As shown on deed plan OTS-115-07</p> <p>9.4089 hectares, approximately, being Allotment 2A Section 11 Suburbs of Auckland. Part <i>Gazette</i> 1880 page 635. Subject to survey. As shown on deed plan OTS-115-02</p>	<p>Recreation reserve subject to section 17 of the Reserves Act 1977.</p> <p>Subject to the easement in gross referred to in <b>section 21(4)</b>.</p> <p>Subject to an unregistered agreement for grant of water supply and storage and pumping station easement with Auckland Regional Council (now Watercare Services Limited) dated 4 August 1992.</p> <p>Subject to an unregistered grazing licence in favour of Peter Linton dated 29 May 1986.</p>

Name	Description (all North Auckland Land District)	Interests
Ōhūiarangi / Pigeon Mountain	<p>7.6707 hectares, approximately, being Part Allotments 18 and 22 Section 5 Small Farms Near Howick and Section 5 SO 434440. Part <i>Gazette</i> Notice 894244.1. Subject to survey.</p> <p>3.5763 hectares, more or less, being Section 6 SO 434440. All <i>Gazette</i> 2011 page 317.</p> <p>0.5445 hectares, more or less, being Allotment 23 Section 5 Small Farms Near Howick. Part <i>Gazette</i> Notice 894244.1. As shown on deed plan OTS-115-08</p>	<p>Historic reserve subject to section 18 of the Reserves Act 1977 (affects Section 6 SO 434440).</p> <p>Recreation reserve subject to section 17 of the Reserves Act 1977 (affects Part Allotments 18 and 22 Section 5 Small Farms Near Howick and Section 5 SO 434440).</p> <p>Local purpose (site for community buildings) reserve subject to section 23 of the Reserves Act 1977 (affects Allotment 23 section 5 Small Farms Near Howick)</p> <p><i>Interests relating only to historic reserve</i></p> <p>Subject to the easement in gross referred to in <b>section 16(8)</b>.</p> <p><i>Interests relating only to recreation reserve</i></p> <p>Subject to an unregistered lease to the Pakuranga Tennis Club Incorporated dated 19 November 1981 and renewed 6 July 1998.</p> <p>Subject to an unregistered lease to the Pigeon Mountain Cricket Club Incorporated dated 2009.</p> <p>Subject to an unregistered lease to the BMX Mountain Raiders Club Incorporated dated 16 October 1995.</p> <p>Subject to the easement in gross referred to in <b>section 16(8)</b>.</p> <p><i>Interests relating only to local purpose (site for community buildings) reserve</i></p> <p>Subject to an unregistered lease to the Young Mariners of New Zealand Incorporated dated 15 August 2000.</p> <p>Subject to an unregistered lease to the Scout Associ-</p>

Name	Description (all North Auckland Land District)	Interests
Ōtāhuhu / Mount Richmond	<p>16.5921 hectares, more or less, being Allotment 60 and Parts Allotment 61 Section 12 Suburbs of Auckland. All computer freehold register NA6/188.</p> <p>0.0582 hectares, more or less, being Part Hamlin's Grant. All computer freehold register NA583/71 limited as to parcels.</p> <p>4.3954 hectares, more or less, being Part Lot 10 DP 47429. All computer freehold register NA43B/507.</p>	<p>ation of New Zealand dated 17 May 1991 and renewed 1 May 2006.</p> <p>Subject to an unregistered lease to the Auckland Kindergarten Association Incorporated dated 1 November 1983.</p> <p>Recreation reserve subject to section 17 of the Reserves Act 1977.</p> <p>Subject to the easement in gross referred to in <b>section 22(4)</b>.</p> <p>Subject to drainage rights created by Deed 238138 (affects NA583/71).</p> <p>Subject to water supply rights created by Deed 113190 as partially surrendered by Document B139544.6 (affects NA43B/507).</p> <p>Subject to a water supply right created by Transfer 653527 (affects NA43B/507).</p> <p>Subject to an unregistered lease to the Otahuhu Rovers Rugby League Football Club Incorporated dated 7 October 1975 and renewed 26 January 2011.</p> <p>Subject to an unregistered lease to the Northern Sports Car Club Incorporated dated 7 August 2009.</p> <p>Subject to an unregistered lease to the Mount Richmond Bowling Club Incorporated dated 1999 and renewed 21 June 2010.</p> <p>Subject to an unregistered grazing licence in favour of Peter Linton.</p>

Name	Description (all North Auckland Land District)	Interests
Takarunga / Mount Victoria	<p>6.5476 hectares, approximately, being Part Allotments 42 and 46 Section 2 Parish of Takapuna. Part <i>Gazette</i> 1880 page 1242. Subject to survey.</p> <p>0.0726 hectares, approximately, being Part Allotment 42 Section 2 Parish of Takapuna. All <i>Gazette</i> 2005 page 1868. Subject to survey.</p> <p>1.0361 hectares, approximately, being Part Allotment 42 Section 2 Parish of Takapuna. All <i>Gazette</i> Notice D316947.1. Subject to survey. As shown on deed plan OTS-115-01</p>	<p>Recreation reserve subject to section 17 of the Reserves Act 1977 (affects part <i>Gazette</i> 1880 page 1242)</p> <p>Local purpose (community buildings) reserve subject to section 23 of the Reserves Act 1977 (affects all <i>Gazette</i> Notice D316947.1).</p> <p>Local purpose (community use) reserve subject to section 23 of the Reserves Act 1977 (affects all <i>Gazette</i> 2005 page 1868).</p> <p><i>Interests relating only to recreation reserve</i></p> <p>Subject to the easement in gross referred to in <b>section 25(8)</b>.</p> <p>Subject to a right of way easement in gross in favour of Auckland Harbour Board (now Ports of Auckland Limited) created by section 3(2) of the Reserves and other Lands Disposal Act 1935.</p> <p>Subject to an unregistered lease to the Devonport Folk Music Club Incorporated commencing 16 May 2009.</p> <p><i>Interests relating only to local purpose (community buildings) reserve</i></p> <p>Subject to the easement in gross referred to in <b>section 25(8)</b>.</p> <p>Subject to an unregistered lease to The Depot Incorporated dated 23 March 2006.</p> <p>Subject to an unregistered lease to the North Shore Playcentre Association Incorporated dated 17 November 2004.</p> <p>Subject to a right of way easement in gross in favour of Auckland Harbour Board</p>

Name	Description (all North Auckland Land District)	Interests
Te Tātua-a-Riukiuta	7.7295 hectares, more or less, being Section 1 SO 34827. Part Proclamation 12901.	<p>(now Ports of Auckland Limited) created by section 3(2) of the Reserves and other Lands Disposal Act 1935.</p> <p><i>Interests relating only to local purpose (community use) reserve</i></p> <p>Subject to an unregistered lease to the Michael King Writers' Studio Trust dated 12 September 2010.</p> <p>Subject to a right of way easement in gross in favour of Auckland Harbour Board (now Ports of Auckland Limited) created by section 3(2) of the Reserves and other Lands Disposal Act 1935.</p> <p>Recreation reserve subject to section 17 of the Reserves Act 1977.</p> <p>Subject to a sewage easement created by Certificate K61272.</p> <p>Subject to the easement in gross referred to in <b>section 23(4)</b>.</p>



**Schedule 2**

**ss 00**

**Maungauika and Rarotonga / Mount  
Smart descriptions**

Name	Description (all North Auckland Land District)	Interests
Maungauika	8.5995 hectares, approximately, being Allotment 38 Section 2 Parish of Takapuna. Part <i>Gazette</i> 1980 page 1429. Subject to survey.	<p>Historic reserve subject to section 18 of the Reserves Act 1977.</p> <p>Subject to the easement in gross referred to in <b>section 49(4)</b>.</p> <p>Subject to an unregistered guiding concession to Magic Broomstick (Segway) Tours Limited held in concession number AK-29235-GUI.</p> <p>Subject to an unregistered concession to Bus and Coach Association (New Zealand) Incorporated held in concession number WC-27582-LAN, PAC-11-06-442.</p> <p>Subject to an unregistered guiding concession to Historic Forts of Auckland Limited held in concession number AK-28245-GUI.</p> <p>Subject to an unregistered guiding concession to Ramblers Holidays Limited held in concession number PAC-13-06-70.</p> <p>Subject to an unregistered permit for a radio repeater station to Auckland Yacht and Boating Association.</p>
Rarotonga / Mount Smart	22.3229 hectares, approximately, being Part Allotment 59 Section 17 Suburbs of Auckland. All computer freehold register NA490/239, and balance computer freehold registers NA491/75, NA620/46, and NA680/114, and all <i>Gazette</i> Notices A329195, A375934,	<p>Recreation reserve subject to section 17 of the Reserves Act 1977.</p> <p>Subject to the easement in gross referred to in <b>section 64(4)</b>.</p>

<b>Name</b>	<b>Description (all North Auckland Land District)</b>	<b>Interests</b>
	and A532457. Subject to survey. 0.0497 hectares, more or less, being Allotment 60 Section 17 Suburbs of Auckland. All computer freehold register NA54D/1031. As shown on deed plan OTS-115-11	

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**Schedule 3**

**s 00**

**Maungakiekie / One Tree Hill northern  
area and Mount Mangere descriptions**

<b>Name</b>	<b>Description (all North Auckland Land District)</b>
Maungakiekie / One Tree Hill northern area	<i>Recreation reserve</i> 2.5596 hectares, more or less, being Part Allotment 11 Section 12 Suburbs of Auckland. All computer freehold register NA87/219. As shown on deed plan OTS-115-12 (reserve classification not specified)
Mangere Mountain	<i>Recreation reserve</i> 5.3805 hectares, more or less, being Section 2 SO 68568. Part <i>Gazette</i> 1890 page 897. 0.1889 hectares, more or less, being Section 1 SO 40483. All <i>Gazette</i> 1958 page 210. 0.0460 hectares, more or less, being Allotment 270 Parish of Manurewa. All <i>Gazette</i> 1959 page 762. [0.0865 hectares, more or less, being Lot 16 DP 42381. All <i>Gazette</i> 1955 page 1712]. <i>Local purpose (community buildings) reserve</i> 0.9453 hectares, more or less, being Section 1 SO 41481 and Sections 3 and 4 SO 68568. Part <i>Gazette</i> Notice D478576.3. <i>Historic reserve</i> 31.8291 hectares, more or less, being Section 1 SO 68568. Part <i>Gazette</i> Notice D478576.3. As shown on deed plan OTS-115-16 (reserve classifications not specified).

## Schedule 4 ss 14, 81, 104(5)(e)

### Motu descriptions

#### Part 1

<b>Name</b>	<b>Description (all North Auckland Land District)</b>
Motutapu Island Recreation Reserve	1508.6679 hectares, more or less, being Section 10 Block V Rangitoto Survey District. All <i>Gazette</i> Notice A256297. 1.7000 hectares, more or less, being Section 11 Block V Rangitoto Survey District. All <i>Gazette</i> 1986 page 4858. As shown on SO 448556
Motuihe Island Recreation Reserve	178.6433 hectares, more or less, being Sections 1 and 2 and Parts Motuihe Island Block XIII Rangitoto Survey District. All <i>Gazette</i> Notice 274308. As shown on SO 448555
Rangitoto Island Scenic Reserve	22.0680 hectares, more or less, being part Section 2 SO 34085 and Section 1 Block XI Rangitoto Survey District. All <i>Gazette</i> 1983 page 1931. 2254.5434 hectares, approximately, being Part Section 7 Block XI Rangitoto Survey District. Balance <i>Gazette</i> Notice 274309. Subject to survey. As shown on SO 448817
Tiritiri Matangi Island Scientific Reserve	14.0856 hectares, more or less, being Sections 2 and 8 Block III Tiritiri Survey District. All <i>Gazette</i> 1987 page 3439. 206.5282 hectares, more or less, being Sections 5, 6 and 7 Block III Tiritiri Survey District. All <i>Gazette</i> Notice 831035.1. As shown on SO 448554

#### Part 2

<b>Name</b>	<b>Description (all North Auckland Land District)</b>	<b>Interests</b>
Islington Bay Bach 80 property	0.5 hectares, approximately, being Part Section 7 Block XI Rangitoto Survey District. Part <i>Gazette</i> Notice 274309. Subject to survey. As shown marked B on deed plan OTS-115-19	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.

Part 2—*continued*

Name	Description (all North Auckland Land District)	Interests
Islington Bay Hall property	0.4 hectares, approximately, being Part Section 7 Block XI Rangitoto Survey District. Part <i>Gazette</i> Notice 274309. Subject to survey. As shown marked A on deed plan OTS-115-19	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to an unregistered concession to Motutapu Outdoor Education Camp Trust held in concession number AK-0002-ACC.
Ngā Pona-toru-a-Peretū	55.4 hectares, approximately, being Part Section 7 and Sections 8 and 9 Block XI Rangitoto Survey District. Part <i>Gazette</i> Notice 274309. Subject to survey. As shown on deed plan OTS-115-18	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to an unregistered concession to Fullers Group Limited held in concession number AK-0015-LAN. Subject to an unregistered concession to Antipodes Travel Limited held in concession number OT-21698-GUI. Subject to an unregistered concession to ANZ Nature Tours Limited held in concession number TT-28206-GUI. Subject to an unregistered concession to Auckland Sea Kayaks Limited held in concession number AK-29563-GUI. Subject to an unregistered concession to Glenn and Les Handley held in concession number AK-26810-OTH. Subject to an unregistered concession to Tom McMurdo held in concession number AK-27618-GUI. Subject to an unregistered concession to Ian Ferguson Marine Sports Centre Limited held in concession number AK-31171-GUI. Subject to an unregistered concession to Motutapu Island Restoration Trust

Part 2—*continued*

Name	Description (all North Auckland Land District)	Interests
		<p>held in concession number AK-28055-SSE.</p> <p>Subject to an unregistered concession to Outdoor Discoveries (2009) Limited held in concession number AK-22046-GUI.</p> <p>Subject to an unregistered concession to Rangitoto Island Historic Conservation Trust held in concession number AK-25549-GUI.</p> <p>Subject to an unregistered concession to Waitemata Honey Company Limited held in concession number AK-26786-OTH.</p> <p>Subject to an unregistered concession to C &amp; E Tours Limited held in concession number CA-25567-GUI.</p> <p>Subject to an unregistered concession to Motutapu Outdoor Education Camp Trust held in concession number AK-0002-ACC.</p>

## Part 3

Name	Description (North Auckland Land District)
Browns Island Recreation Reserve	59.8935 hectares, more or less, being the island of Motukorea commonly known as Browns Island and defined on DP 16315. All computer freehold register NA364/284.

**Schedule 5**

**s 130(1)**

**Tūpuna Maunga o Tāmaki Makaurau  
Authority**

**Membership**

**1 Qualifications of members**

- (1) To be a member of the Maunga Authority, a member must—
  - (a) be a natural person; and
  - (b) consent to being appointed; and
  - (c) not be disqualified under **subclause (2)**; and
  - (d) if appointed by a rōpū entity, whakapapa to 1 or more of the iwi or hapū comprising the rōpū.
- (2) The following people are disqualified from being members:
  - (a) a person who is under 18 years of age;
  - (b) a person who is an undischarged bankrupt;
  - (c) a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, the Securities Act 1978, the Securities Markets Act 1988, or the Takeovers Act 1993;
  - (d) a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988;
  - (e) a person in respect of whom a personal order has been made under the Personal and Property Rights Act 1988 that reflects adversely on the person's—
    - (i) competence to manage his or her own affairs in relation to his or her property; or
    - (ii) capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare;
  - (f) a person who has been convicted on an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence;
  - (g) a current member of Parliament.

**2 Term of membership**

- (1) The term of office of a member of the Maunga Authority—

- (a) begins on the date referred to in **section 28(2)(b)**; and
  - (b) ends on the date of the immediately following triennial general election of members of local authorities, as calculated under section 10 of the Local Electoral Act 2001.
- (2) A member may be reappointed.

### **3 When member ceases to hold office**

A member of the Maunga Authority remains a member until the earliest of the following:

- (a) his or her term of office ends;
- (b) he or she becomes disqualified under **clause 1**;
- (c) he or she dies;
- (d) he or she resigns by giving [20 working days' written notice] to the Authority and the body or individual that appointed the member.

### **4 Extraordinary vacancies**

- (1) If a member of the Maunga Authority dies or resigns his or her office becomes vacant and the vacancy is an extraordinary vacancy.
- (2) An extraordinary vacancy must be filled in the manner in which the appointment to the vacant office was originally made.
- (3) A person appointed to fill an extraordinary vacancy must be appointed for the residue of the term for which the vacating member was appointed.

### **5 No compensation for loss of office**

A member of the Maunga Authority is not entitled to any compensation or other payment or benefit relating to his or her ceasing, for any reason, to hold office as a member.

## Meetings

### **6 Meetings of Maunga Authority**

- (1) Meetings of the Maunga Authority must be held at a time and place fixed by itself.



- (2) A member has a right to attend any meeting, unless lawfully excluded.
- (3) A meeting is properly constituted if a quorum is present.
- (4) A quorum for a meeting consists of one half or the number of members, but no meeting may be held or continue unless—
  - (a) the chair or deputy chair is present; and
  - (b) at least 2 members appointed by the rōpū entities and 2 members appointed by the Auckland Council are present.
- (5) At least a quorum must be present during the whole of the time at which the business is transacted at the meeting.
- (6) The Maunga Authority may invite to meetings any advisers who the Maunga Authority considers necessary to facilitate the efficient transaction of the meeting's business.
- (7) A member unable to attend a meeting person may attend by way of an electronic means.
- (8) Notice of meetings must be given as follows:
  - (a) the notice must be given at least 5 working days before a meeting:
  - (b) the chairperson must give the notice:
  - (c) the notice must be given to each member:
  - (d) the notice must state the date, time, and place of the meeting:
  - (e) the notice must be given by hand, by post, or by an electronic means.
- (9) A member may waive the requirement of giving notice of a meeting to him or her.
- (10) A member may request leave of absence from a particular meeting.

## **7 Minutes**

The Maunga Authority must keep and approve the minutes of its meetings. The properly kept and approved minutes are prima facie evidence of the business transacted at the meetings.

**8 Voting**

- (1) A matter to be decided by the Maunga Authority must be decided by a majority of the votes cast.
- (2) The chairperson, or any person who is acting as the chairperson, has a deliberative vote, but no casting vote if there is an equality of votes.

**9 Standing orders**

- (1) The Maunga Authority must adopt a set of standing orders for the conduct of its meetings.
- (2) A member of the Maunga Authority must abide by the standing orders.
- (3) After the adoption of the first standing orders of the Maunga Authority, an amendment of the standing orders or the adoption of a new set of standing orders requires, in every case, a vote of not less than 75% of the members present.
- (4) The Maunga Authority or a committee may temporarily suspend standing orders during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension.

**10 Committees**

[ ]

**Note**

**This provision will be proved for the Maunga Authority to establish committees of the Authority.**

**The provision will authorise the Maunga Authority to co-opt non-members to a committee.**

## Remuneration

**11 Remuneration and expenses of members**

- (1) A member of the Maunga Authority appointed by a rūpū entity is entitled to receive remuneration, at a rate and of a kind determined by the Maunga Authority, for services as a member.
- (2) A member of the Maunga Authority appointed by a rūpū entity is entitled to be reimbursed for actual and reasonable travelling

and other expenses incurred in performing his or her functions and duties as a member.

**Note**

**Minimum rate of payment to be addressed.**

Delegations

**12 Ability to delegate**

- (1) The Maunga Authority may delegate any of its functions or powers, either generally or specifically, to any of the following persons by resolution and written notice to the person or persons:
  - (a) a member or members:
  - (b) a committee:
  - (c) any other person or persons approved by the Maunga Authority.
- (2) **Subclause (1)** does not apply to any functions or powers specified in this Act as not being capable of delegation.
- (3) The Maunga Authority must not delegate the general power of delegation.
- (4) A Maunga Authority member must not delegate the function of attending the Maunga Authority's meetings.
- (5) The power in this clause is in addition to the power in **section 128**.

**13 Powers of delegate**

- (1) A delegate to whom any function or power of the Maunga Authority is delegated may, unless the delegation provides otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the delegate were the Maunga Authority.
- (2) A delegate who purports to perform a function or exercise a power under a delegation—
  - (a) is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation; and
  - (b) must produce evidence of his or her authority to do so, if reasonably requested to do so.

**14 Effect of delegation on Maunga Authority**

No delegation in accordance with this Act—

- (a) affects or prevents the performance of any function or the exercise of any power by the Maunga Authority; or
- (b) affects the responsibility of the Maunga Authority for the actions of any delegate acting under the delegation; or
- (c) is affected by any change in the membership of the Maunga Authority or of any committee or class of persons.

**15 Revocation of delegations**

A delegation under **clause 2** may be revoked at will by—

- (a) resolution of the Maunga Authority and written notice to the delegate; or
- (b) any other method provided for in the delegation.

Liability, validity, and invalidity

**16 Liability of members**

A member of the Maunga Authority is not liable for anything done or omitted in good faith in the performance of the Authority's functions or the exercise of its powers.

**17 Validity and invalidity**

- (1) The appointment of a member is not invalid because of a defect in the appointment.
- (2) Nothing done by the Maunga Authority is invalid because of—
  - (a) a vacancy in the membership of the Authority at the time the thing was done; or
  - (b) the subsequent discovery of a defect in the appointment of a person acting as a member; or
  - (c) the subsequent discovery that the person was incapable of being a member.

Conflict of interest disclosure rules

**18 Conflict of interest disclosure rules**

A member of the Maunga Authority must, when acting as a member, act in good faith.

**19 When interests must be disclosed**

- (1) In this clause, **matter** means—
- (a) the Maunga Authority’s performance of its functions or exercise of its powers; or
  - (b) an arrangement, agreement, or contract made or entered into, or proposed to be entered into, by the Maung Authority.
- (2) A person is **interested** in a matter if he or she—
- (a) may derive a financial benefit from the matter; or
  - (b) is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or
  - (c) may have a financial interest in a person to whom the matter relates; or
  - (d) is a partner, director, officer, board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or
  - (e) may be interested in the matter because this Act so provides; or
  - (f) is otherwise directly or indirectly interested in the matter.
- (3) However, a person is not interested in a matter—
- (a) only because he or she is a member of Ngā Mana Whenua o Tāmaki Makaurau; or
  - (b) because he or she receives an indemnity, insurance cover, remuneration, or other benefits authorised under this Act; or
  - (c) if his or her interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence him or her in carrying out his or her responsibilities under this Act; or
  - (d) if this Act provides that he or she is not interested, despite this clause.

**20 Obligation to disclose interest**

- (1) A member who is interested in a matter relating to the Maunga Authority must disclose details of the interest in accordance with **clause 19** as soon as practicable after the member becomes aware that he or she is interested.

- (2) A general notice of an interest in a matter relating to the Maunga Authority, or in a matter that may in future relate to the Maunga Authority, that is disclosed in accordance with **clause 19** is a standing disclosure of that interest for the purposes of this clause.
- (3) A standing disclosure ceases to have effect if the nature of the interest materially alters or the extent of the interest materially increases.

**21 Where and to whom disclosure of interest must be made**

The member must disclose details of the interest in an interests register kept by the Maunga Authority and to

- (a) the chairperson or, if there is no chairperson or if the chairperson is unavailable or interested, the deputy chairperson; and
- (b) the Auckland Council.

**22 What must be disclosed**

The details that must be disclosed under **clause 20** are—

- (a) the nature of the interest and the monetary value of the interest (if the monetary value can be quantified); or
- (b) the nature and extent of the interest (if the monetary value cannot be quantified).

**23 Consequences of being interested in matter**

A member who is interested in a matter relating to the Maunga Authority—

- (a) must not vote or take part in any discussion or decision of the Maunga Authority or any committee relating to the matter, or otherwise participate in any activity of the Maunga Authority that relates to the matter; and
- (b) must not sign any document relating to the entry into a transaction or the initiation of the matter; and
- (c) is to be disregarded for the purpose of forming a quorum for that part of a meeting of the Maunga Authority or committee during which a discussion or decision relating to the matter occurs or is made.

**24 Permission to act despite being interested in matter**

- (1) The chairperson of the Maunga Authority may, by prior written notice to the Maunga Authority, permit 1 or more members, or members with a specified class of interest, to do anything otherwise prohibited by **clause 23** if the chairperson is satisfied that it is in the public interest to do so.
- (2) The permission may state conditions that the member must comply with.
- (3) The deputy chairperson may give the permission if there is no chairperson or if the chairperson is unavailable or interested.
- (4) The permission may be amended or revoked in the same way as it may be given.
- (5) The Maunga Authority must disclose an interest to which a permission relates in its annual report, together with a statement of who gave the permission and any conditions or amendments to, or revocation of, the permission.

Accountability

**25 Reporting and audit**

- (1) The Maunga Authority must prepare an annual report.
- (2) The report—
  - (a) must include the dates and times of the Authority's meetings in the financial year; and
  - (b) must include a summary of the Authority's activities in the financial year; and
  - (c) may include anything else that the Authority wants to put in it.
- (3) The Authority must publish the report and provide copies to the Auckland Council and the trustee.

**Schedule 6****s 160****Notices in relation to RFR land****1 Requirements for giving notice**

- (1) A notice by or to an RFR landowner, the Limited Partnership, or a rōpū entity under **Part 3** must be—
- (a) in writing and signed by—
    - (i) the person giving it; or
    - (ii) at least 2 of the [trustees] of the rōpū entity, for a notice given by a rōpū entity [that is a trust]; and
  - (b) addressed to the recipient at the street address, postal address, or fax number—
    - (i) specified for the Limited Partnership in accordance with the collective deed, for a notice to the Limited Partnership; or
    - (ii) specified by the rōpū entity in accordance with [ ]; or
    - (iii) specified by the RFR landowner in an offer made under **section 138**, or specified in a later notice given to the Partnership or rōpū entity, or identified as the current address or fax number of the RFR landowner, for a notice to an RFR landowner; or
    - (iv) of the national office of LINZ, for a notice to the chief executive of LINZ under **section 157 or 159**; and
  - (c) given by—
    - (i) delivering it by hand to the recipient's street address; or
    - (ii) posting it to the recipient's postal address; or
    - (iii) faxing it to the recipient's fax number.
- (2) This clause is subject to **clause 3**.

**2 Time when notice received**

- (1) A notice is to be treated as having been received—
- (a) at the time of delivery, if delivered by hand; or
  - (b) on the second day after posting, if posted; or
  - (c) at the time of transmission, if faxed.



- (2) However, a notice is to be treated as having been received on the next working day if, under **subclause (1)**, it would be treated as having been received—
- (a) after 5 pm on a working day; or
  - (b) on a day that is not a working day.

**3 Electronic notices**

Despite **clause 1**, the following notices may be given by electronic notice:

- (a) notice under **section 135(1)**;
- (b) notice under **section 137(2)**;
- (c) notice under **section 151**;
- (d) notice under **section 152**;
- (e) notice under **section 155**;
- (f) notice under **section 157(1)**;
- (g) notice under **section 158(1)**;
- (h) notice under **section 159(2) or (5)**;
- (i) notice under **section 164**.

**Note**

**Further provisions authorising electronic notices may be included.**

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## Schedule 7

### Maungauika

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#### 1 Interpretation

In this Schedule, unless the context requires another meaning,—

**specified date** means the dated specified in the Order in Council referred to in **section 63**

[ ]

#### 2 Maunga Authority administering body of Maungauika

On and from the specified date, the Tūpuna Maunga o Tāmaki Makaurau Authority is the administering body of Maungauika for the purposes of the Reserves Act 1977, and that Act applies as if the reserve were a reserve vested in the administering body.

#### 3 Status of interests vested with Maungauika

- (1) On and from the specified date, the Maunga Authority must be treated as the owner of the fee simple estate in Maungauika for the purposes of any dealing with an interest existing immediately before the specified date, including in relation to the reversion of any such interest.
- (2) **Subclause (3)** applies if an interest described in **subsection (1)** is not an interest in land, whether or not the interest also applies to any other land.
- (3) On and from the specified date, the interest applies in respect of Maungauika —
  - (a) until the interest expires or is terminated; and
  - (b) if the interest has a grantor, as if the Maunga Authority were the grantor; and
  - (c) with any other necessary modifications; and
  - (d) despite any change in status of the land when vested in trustees under **section 14L**.

#### 4 Improvements attached to Maungauika

- (1) On and from the specified date, improvements owned by the Crown, immediately before the specified date,—
  - (a) vest in the Maunga Authority; and

- (b) must be treated as personal property and not as land or as an interest in land; and
  - (c) do not form part of Maungauika; and
  - (d) may remain attached to Maungauika without the consent of, and without charge by, the trustee; and
  - (e) may be used, occupied, accessed, repaired, or maintained at any time without the consent of, and without charge by, the trustee; and
  - (f) may be removed or demolished at any time without the consent of, and without charge by, the trustee, however,—
    - (i) before doing so, the Maunga Authority must give the trustee no less than [15] working days' written notice of the removal or demolition; and
    - (ii) after doing so, must leave the land in a clean and tidy condition.
- (2) On and from the specified date, the Maunga Authority must treat any improvements owned by the Auckland Council immediately before the specified date as if they were vested in itself for the purposes of administering Maungauika under the Reserves Act 1977. Otherwise, **section 52** continues to apply to those improvements and any other improvements owned by the Council after the effective date.
- (3) The trustee is not liable for an improvement for which it would, apart from this section, be liable by reason of its ownership of Maungauika.
- (4) In **subclause (1), improvements** do not include—
- (a) the buildings located on that part of Maungauika identified as Area C1 on deed plan OTS-115-12, if, before the specified date, the buildings have been purchased in accordance with **section 62(2)**; or
  - (b) the buildings located on that part of Maungauika identified as Area C2 on deed plan OTS-115-12, if, before the specified date,—
    - (i) the buildings have been purchased in accordance with **section 62(5)**; or
    - (ii) the buildings have been removed in accordance with **section 62(6)**; or

- (c) any improvements located on that part of Maungauika identified as Area C1 or C2 on deed plan OTS-115–12 if, immediately before the specified date, the Crown is occupying the buildings in those areas.

## 5 Further matters relating to improvements

- (1) **Subclause (4)** applies, on and from the specified date, to the ownership of an improvement attached to Maungauika, if—
  - (a) the improvement is an improvement that remains vested in the Crown, is owned by the Auckland Council, or is an improvement described in **section 52(6)**; and
  - (b) the improvement is subject to any enactment that applies to the improvement's ownership or continued existence; and
  - (c) an inconsistency arises in applying the enactment and **section 52 or clause 5**, as the case may be.
- (2) The enactment overrides **section 52 or clause 5** to the extent necessary to resolve the inconsistency.
- (3) To avoid doubt, on and from the specified date, the Maunga Authority, for the purposes of administering Maungauika under the Reserves Act 1977, is responsible for any decisions in respect of any matters that may arise from any person exercising, or purporting to exercise, a right in relation to Maungauika arising from the ownership of an improvement to which **section 52(7)** applies.

### Note

**This provision needs to be broadened to cover certain improvements placed between effective and specified dates.**

## 6 Maunga Authority must allow access to certain Crown-occupied land to continue

- (1) This clause applies to the improvements located on that part of Maungauika identified as Area C1 or C2 on deed plan OTS-115–12 if, immediately before the specified date, the Crown is occupying the buildings in those areas.
- (2) On and from the specified date, the Maunga Authority must unconditionally authorise the following:

- (a) the Crown to continue to occupy and use the improvements; and
  - (b) the Crown to have access to and use of the areas as is reasonably required for the continued occupation and use of the improvements; and
  - (c) 24-hour vehicular access for the Crown to the improvements over the route shown dotted in red on deed plan OTS-115-12).
- (3) The obligation in **subclause (2)** applies until the Crown notifies the Maunga Authority in writing that it no longer wishes to occupy the buildings.

**7 Maungauika ceases to be Crown protected area**

- (1) **Subclause (2)** applies to Maungauika in respect of its status as a Crown protected area immediately before the specified date.
- (2) On the specified date, the official geographic name of the Crown protected area is discontinued in respect of the land and the Board must amend the Gazetteer accordingly.
- (3) Maungauika is not a Crown protected area, despite anything in the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.
- (4) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

**8 Certain provisions of Reserves Act 1977 apply**

- (1) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to Maungauika, despite sections 48A(6), 114(5), and 115(6) of that Act.
- (2) This section is subject to **sections 40 and 42 (or the other provisions of this Act)**.

**Note**

**See note at clause 24.**

**May be more provisions added to subclause (3).**

**9 Director-General must notify Registrar-General of certain matters**

- (1) As soon as practicable after the specified date, the Director-General must notify the Registrar-General, in writing, that, on and from the specified date, the Maunga Authority is the administering body for Maungauika.
- (2) The Registrar-General must then record on any computer freehold register for Maungauika that the land is also subject to this Schedule.

**10 Recording of certain matters on computer freehold register**

- (1) On and from the specified date, the Registrar-General must enter on any computer freehold register for Maungauika any new interest granted by the Maunga Authority under the Reserves Act 1977, or any subsequent dealing with the new interest, that is registrable under that Act or any other enactment or rule of law.
- (2) For the purposes of registering an interest or dealing described in **subsection (1)**, the Maunga Authority must be treated as if it were the registered proprietor of the fee simple estate in Maungauika.
- (3) In this clause, **new interest** means any interest other than an interest listed in **Schedule 2** or granted between the effective date and the specified date.

**11 Right of first refusal over certain Crown improvements**

- (1) **Subclauses (2) and (3)** apply if the Crown decides it no longer wishes to occupy the buildings located on that part of Maungauika identified as Area C1 on deed plan OTS-115-12.
- (2) The Crown must offer the buildings to the trustee for purchase on any terms it thinks fit. However, the Crown may sell the buildings to the trustee only if the trustee can demonstrate that it is able to secure the right to use the buildings for a purpose compatible with its classification as a historic reserve subject to section 18 of the Reserves Act 1977.
- (3) If the trustee declines to purchase the buildings, the buildings vest in the Maunga Authority.

- (4) **Subclauses (5) to (7)** apply if the Crown decides it no longer wishes to occupy the buildings located on that part of Maungauika identified as Area C2 on deed plan OTS-115–12.
- (5) The Crown must offer the buildings to the trustee for purchase on any terms it thinks fit. However, the Crown may sell the buildings to the trustee only if the trustee can demonstrate that it is able to secure the right to use the buildings for a purpose compatible with its classification as a historic reserve subject to section 18 of the Reserves Act 1977.
- (6) If the trustee declines to purchase the buildings, the Crown must offer the buildings to the Maunga Authority for purchase on any terms it thinks fit.
- (7) If the Maunga Authority declines to purchase the buildings, the Crown must remove the buildings and **section 52(7)(e)** applies.
- (8) An offer by the Crown made under **subclause (2), (5), or (7)** expires on the 40th working day after the trustee or the Maunga Authority, as the case may be, receives notice of the offer.

**12 Amendment to Hauraki Gulf Marine Park Act 2000**

- (1) This section amends the Hauraki Gulf Marine Park Act 2000.
- (2) After **section 129(2)(j)**, insert:
  - “(k) the land described as Maungauika in **Schedule 2 of the Ngā Mana Whenua o Tāmaki Makaurau Act 2012.**”