

shaping **our** future **TOGETHER** NEW PLYMOUTH DISTRICT

Have your say on the future of the Waitara endowment and leasehold lands...



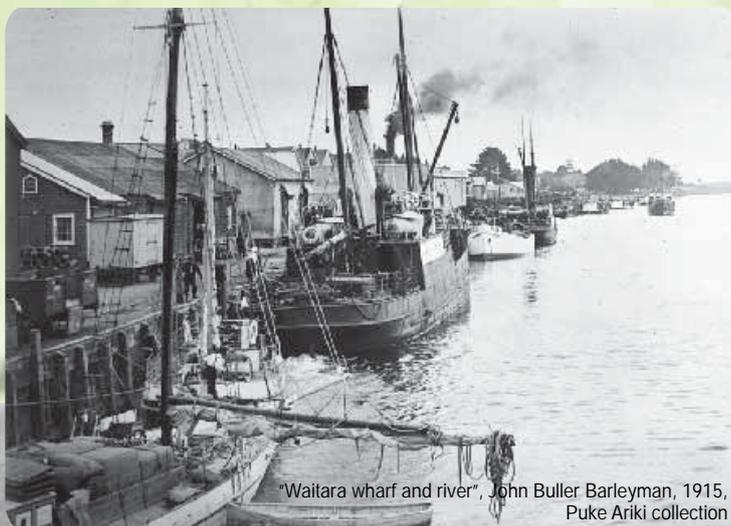
STATEMENT OF PROPOSAL NEW PLYMOUTH DISTRICT COUNCIL (WAITARA LANDS) BILL



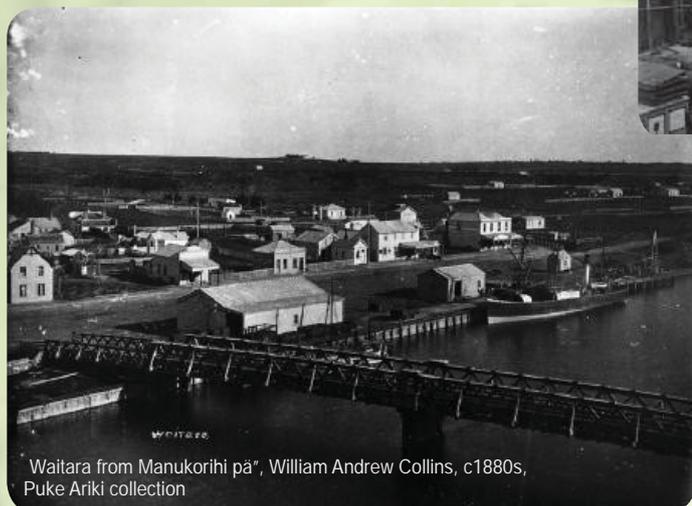
Te Kaunihera-ā-Rohe o Ngāmotu
NEW PLYMOUTH DISTRICT COUNCIL
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"Waitara wharf and river", John Buller Barleyman, 1915, Puke Ariki collection



Waitara from Manukorihi pā, William Andrew Collins, c1880s, Puke Ariki collection

Front cover: Looking from Battiscombe Terrace towards the Waitara River, with the early morning sun. Battiscombe Terrace will be transferred to Te Kotahitanga o Te Atiawa, with the Council continuing to administer the land as public recreation reserve.

Foreword

The New Plymouth District Council is proposing a new approach to seek a resolution to the Waitara endowment and leasehold land issues. We have jointly developed this proposition with Taranaki Regional Council and Te Kotahitanga o Te Atiawa Trust (Te Atiawa's post-settlement governance entity), reflecting their interests in this land. The Council would like to thank both of these organisations for their willingness to find a new resolution and the work they have put in to develop this proposal. The Council also acknowledges Hon Chris Finlayson (Minister for Treaty of Waitangi Negotiations) and the Government's Office of Treaty Settlements for their work in developing this proposal.

We are seeking your views on the new approach. Our proposal has three key aspects to it:

- Firstly, that leaseholders will receive a right to purchase the freehold title to their property. Leaseholders who don't exercise this right will be able to continue to rent their land.
- Secondly, the funds from the leasehold land – both rents and proceeds from sales – will be put back into Waitara. The money will be divided between New Plymouth District Council and Taranaki Regional Council, and both councils have committed to investing the money back into the Waitara community.
- Thirdly, some land will be transferred to Te Kotahitanga o Te Atiawa Trust, reflecting the historic land confiscations by the Crown from Te Atiawa hapū in Waitara.

We expect our proposal, if supported, will provide for a new phase of prosperity for the Waitara community, creating new opportunities and substantial long-term benefits to the community as a whole.

We do acknowledge our proposal provides a compromise between competing interests and it may not provide everyone with everything they want. However, we believe we have struck an appropriate balance to move the community forward to an exciting new future.

To achieve this new proposal we have created a draft local Bill to take to Parliament, where we will ask Parliament to pass it as an Act. We want to ensure that we can present to Parliament the strongest case we can, and we now seek your input on the proposal. It is important that we hear the views of leaseholders, ngā uri o Te Atiawa, members of the Waitara community and the wider community. We look forward to your submissions.



Andrew Judd
Mayor New Plymouth District

The name "Whaitara" (commonly spelt as "Waitara") comes from the story of Whare Matangi, the estranged son of Ariki Ngärue, and his quest to be reunited with his father. Whare Matangi was given a magic dart (tara) that his mother foretold would lead him to his father. On the fifth throw of the tara, Whare struck Ngärue's house at the mouth of a river and thereby found his father. The area became known as "Te-Whai-tara-nui-a-Ngärue" (follow the dart of Ngärue).

Source: Puke Ariki



Have your say on the future of the Waitara endowment and leasehold lands

New Plymouth District Council is proposing to change the legal framework for the Waitara endowment land, including leasehold properties. This will be done through promoting new legislation to Parliament. The aims of this reform are to enable leaseholders to obtain freehold titles to their properties, create a new fund for the benefit of the Waitara community and transfer land to Te Atiawa.

In August 2014 the Council and Te Kotahitanga o Te Atiawa Trust entered into a Heads of Agreement to achieve a new way forward for the Waitara endowment lands. Legislation has been developed to implement this Heads of Agreement. The Council is seeking the community's views on the proposed legislation.

Local bills are promoted by local authorities and deal with matters confined to a particular area.

The Council is seeking your views on the proposed Bill before taking it to Parliament. The proposed Bill will substantially alter the future of Waitara and, once implemented, will be hard to reverse. For this reason, the Council wants to ensure it has considered the views of the community before taking the Bill to Parliament.

Next stages are:

- 1 After taking into account this consultation, the Council will adopt a final version of the Bill.
- 2 The Bill will be introduced to Parliament.
- 3 The Bill will proceed through the parliamentary process, which normally includes consideration by a select committee and an opportunity for further public submissions.
- 4 Provided that Parliament supports the Bill, the Bill will be enacted and become law.

Why is the Bill being proposed?

The Council administers the Waitara endowment land under a range of outdated legislation, specifically the Waitara Harbour Act 1940 and the Waitara Borough Reserves Vesting Act 1909. These Acts limit what the Council can do with the endowment land and funds gained from that land. The old legislation is a significant constraint for the Council and the community.

For many years, Te Atiawa have fought for the return of land confiscated in 1865 by the Crown and Waitara leaseholders have sought to purchase the freehold title to their properties. This Bill proposes a way forward to address these competing interests in a manner that benefits the whole Waitara community.



A brief history of the Waitara endowment lands

The Waitara endowment lands have a long and controversial history.

Before European settlement the area of modern Waitara was a prominent Te Atiawa settlement. The initial European settlers of Taranaki saw Waitara as an attractive harbour and site for a new township. Tensions began as early as 1842. In the 1850s the Pekapeka Block (on the western side of the Waitara River) became a source of contention, and eventually in 1860 war broke out in Waitara. In 1865 (following a further outbreak of war) the Crown confiscated the Pekapeka Block and other lands from Te Atiawa.

In 1876 the Crown began vesting land in the Waitara Harbour Board and the Raleigh Town Board (which later became the Waitara Borough Council). Over the next 70 years further land was vested in the Council's predecessors for various purposes, mostly relating to harbour improvements and municipal development. That was a common method of funding local bodies and others in those times, when central Government had little money available. An endowment, sometimes without power of sale, gave a town, harbour board, hospital authority, charity or university a steady income from rentals. Most of the endowment land in Waitara is now governed by the Waitara Harbour Act 1940, with the Waitara Borough Reserves Vesting Act 1909 also applying to some of the land.

In 1989 the Council resolved to adopt a policy of permitting leasehold owners to freehold, subject to further investigation. This resulted in a 1991 decision to promote local legislation to Parliament to facilitate freeholding and enable all funds derived from sales to be credited to the Council. In 1992 the New Plymouth (Land Vesting) Bill was introduced to Parliament. This Bill was not progressed in Parliament because of concerns by the Government of the day around Treaty of Waitangi claim issues with Te Atiawa.

In 2002 the Council began to review its position. After two years of consultation, the Council resolved to withdraw the 1992 Bill from Parliament and to sell the leasehold land to the Crown for a Treaty of Waitangi claims settlement for Te Atiawa. The Waitara Leaseholders Association Inc. challenged this decision. The Court of Appeal eventually resolved in favour of the Council. The Waitara Leaseholders Association sought leave to appeal to the Supreme Court, but leave was denied. Further litigation by individual leaseholders was ultimately dismissed.

In 2010 the Council entered into a conditional sale and purchase agreement with the Crown that provided for the transfer of the leasehold land to the Crown if Te Atiawa decided to purchase the Waitara endowment land as part of its Treaty settlement. New Plymouth District Council and Taranaki Regional Council also came to an agreement in relation to the use of sales proceeds for the Waitara harbour land that reflected Taranaki Regional Council's contingent interest under the Waitara Harbour Act 1940. In 2014, following negotiations between Crown negotiators, Te Atiawa negotiators and Council, it was decided that the Waitara endowment land would not be included as part of the Treaty settlement.

The Council has sought a new way forward. In August 2014 the Council resolved to enter into a Heads of Agreement with Te Kotahitanga o Te Atiawa Trust on the future of the Waitara endowment land. This Heads of Agreement sees the Council promoting new legislation to govern the Waitara endowment land. The Heads of Agreement provides for leaseholders to be able to freehold, some land to be transferred to Te Atiawa, and funds related to the land to be used in Waitara. The proposed Bill implements this Heads of Agreement.

"The Mouth of the Waitara from the camp", Justin E.D. McCarthy, 1860, Puke Ariki collection. The image shows the Waitara Blockhouse, Hurirapa Pa, at the mouth of the Waitara River. Blockhouse is to the left middleground, boat ("Tasmanian Maid") steaming up river at left middleground, and above this boat is a Māori burial ground.



A short summary of the Bill

The proposed New Plymouth District Council (Waitara Lands) Bill will, if enacted, substantially alter the rules around the Waitara endowment land and the future of the Waitara community.

- **Leaseholders will have a right to freehold.**

Leaseholders will have the right to purchase the freehold title to their property from the Council at any time. Leaseholders will pay for the unimproved land value, and for administrative conditions relevant to their particular land. This right will be set in law (not at the discretion of the Council), and will pass on to any successors in title.

- **Rents and sales proceeds will be split between New Plymouth District Council and Taranaki Regional Council to benefit Waitara**

The District Council and Regional Council will split equally the balance of funds from land currently governed by the Waitara Harbour Act 1940 (approximately 80 per cent of endowment land), while the District Council will receive all funds from other endowment lands. Taranaki Regional Council is the legal successor to the Waitara Harbour Board.

- *New Plymouth District Council funds will be used to benefit the Waitara community.* All funds that New Plymouth District Council receives from rents and sales proceeds will be used in Waitara to benefit the Waitara community. These funds will be held in perpetuity by the Council, with an annual release of funds. A statutory Board, appointed by the Council and Te Kotahitanga, will determine where to spend the funds to benefit the Waitara community.

- *Taranaki Regional Council funds will be used to benefit the Waitara community.* Taranaki Regional Council will be obligated to spend the funds within Waitara for activities within its mandate. The Regional Council will also be able to recover its costs from the recent flood protection scheme work if it chooses to do so. However, the Regional Council may undertake a public process to spend the money elsewhere in Taranaki if it cannot identify projects within Waitara within its mandate. This reflects the scope of activities the Regional Council undertakes.

- **Some land within Waitara will be transferred to Te Atiawa.**

The Council-owned land at Battiscombe Terrace, Clifton Park and East Beach will be transferred to Te Kotahitanga o Te Atiawa. Most land will be public-access guaranteed reserve but some land at Battiscombe Terrace (the 'Brown Road land') will be able to be developed. Te Kotahitanga will also have the right of first refusal to purchase the coastal part of the Waitara Golf Course freehold and the Council-owned part of Ranfurly Park should the Council ever seek to sell it. The Council does not have any current proposal to sell that land.

This Bill reflects a joint approach between New Plymouth District Council, Taranaki Regional Council and Te Kotahitanga o Te Atiawa Trust. The inclusion of Te Kotahitanga o Te Atiawa reflects that the Waitara endowment lands were confiscated from Te Atiawa hapū in Waitara.

Te Kotahitanga o Te Atiawa Trust is Te Atiawa's post-settlement governance entity.

Questions for leaseholders

How will I buy the freehold title for my leasehold property?

The proposed Bill provides leaseholders with a right to purchase the freehold title of their property. This right attaches to the leasehold owner, so would transfer to any new owner should the leaseholder sell the lease.

Leaseholders can apply to the Council to freehold at any time once the Act is in force. There are no time limits.

Leaseholders will need to meet a number of administrative conditions in order to freehold. These include obtaining any necessary subdivision and building consents. Obtaining any necessary financing or mortgages will also be the responsibility of the leaseholder.

Once a leaseholder has the freehold title they are able to sell the property just as any freehold property owner does. There will be no remaining restrictions related to the lease.

The Council will develop an initial package to support leaseholders to freehold. The details of this initial package are yet to be confirmed but could include valuations and legal fee assistance. The Council will also discuss with banks possible support for mortgage costs.

What will the price to freehold be?

The Council will set a price based on the unimproved land value. This will be done by a registered valuer. If the leaseholder does not believe the price offered by the Council reflects the unimproved land value then there is an arbitration process available to determine the unimproved land value to form the purchase price.

What if I cannot buy the freehold title?

Leaseholders can continue to lease the property for as long as they wish. Leaseholders will be under no obligation to purchase the freehold title. The right to purchase the freehold title will be attached to the lease, so it will transfer to any new leaseholder upon sale. It is possible that having a right to freehold may improve the marketability of leases, even if not exercised, because it is transferable to new leaseholders.

Will my rent change?

No. The Bill does not address how rents are calculated or how often they are calculated. Rents are currently calculated in accordance with the terms of the leases and the Public Bodies Leases Act 1969. This process is not proposed to be changed. Rents, based on the value of the leasehold, will continue to be reset when the current renewal term expires.

Can I buy the freehold title today?

No. Freeholding will not be available until the Bill is passed by Parliament and becomes law. This depends on the Parliamentary timetable, but is likely to occur in 2017 or even early 2018.

Could the Council sell the freehold title to someone else?

The Bill does not stop the Council selling the freehold title to a third party. If the Council decided in the future to do so, then the terms of the lease and the right for the leaseholder to purchase the freehold title would not change. In effect, it would be the same as a residential tenant being subject to a change in landlord – the only change is who receives the rental income. The Council has not made any decision whether it would do this, but the Council wants to keep its options open in this regard. The Council could, for instance, use this ability if there were only a small group of leaseholders left who had not purchased the freehold title and the Council wanted to inject additional income into the funds available for the Waitara community. It would be expected that the Council would have to undertake a public consultation process before doing this.

Questions on funding and financial impacts

Who will get funds from the endowment land?

The leasehold properties generate two different income streams. Firstly, as is the case now, leaseholders will continue to pay an annual rental (there will be no change to how rents are calculated). Secondly, leaseholders will have the right to purchase the freehold title to their property. In addition, there will be sales proceeds if the Council decides to sell Ranfurly Park or the Waitara Golf Course or other surplus properties subject to current restrictions.

The current status of land affects how it will be distributed into the future. Income from land currently governed by the Waitara Harbour Act 1940 (approximately 80 per cent of the endowment land) will be split equally between New Plymouth District Council and Taranaki Regional Council. This is because currently both councils have interests in the income from that land under the Waitara Harbour Act 1940. Income derived from all other endowment land will be solely distributed to New Plymouth District Council.

What will Taranaki Regional Council do with its funding?

Taranaki Regional Council's income will be used by the Regional Council to undertake projects within its mandate in Waitara. Reflecting that the Regional Council has a focused mandate, the proposed Bill allows for the Regional Council to use its income outside of Waitara if it cannot allocate funds to Waitara within its mandate, and identifies this as part of its long-term plan. The Regional Council can, if it wishes, apply it to the cost of the flood protection scheme recently constructed in Waitara.

What will New Plymouth District Council do with its funding?

New Plymouth District Council's income will be invested into a perpetual fund that releases an amount each year. This 'annual release' will be used to benefit the Waitara community and decisions on its use will be made each year by a board with members appointed by the Council and Te Atiawa. The proposed Bill does not specify particular uses of the annual release. Instead the Bill provides a list of non-binding examples of potential future uses – this list is broadly consistent with the provisions that govern lottery grant distributions.

The Council wants to hear the community's views on potential opportunities for this funding to test these provisions.

Who will make decisions on the use of the District Council's funds?

The proposed Bill establishes an independent statutory board to decide on the use of the annual release. The board will have three members appointed by the Council and three members appointed by Te Kotahitanga o Te Atiawa. The Council will appoint the chairperson from within these six members. This provides a collaborative approach between the Council and Te Kotahitanga, building a future partnership to advance positive outcomes in Waitara. The money will be used to benefit the whole Waitara community.

How much income will be available?

The income available depends on when leaseholders decide to freehold. The 2013 rating valuations provide an average of \$90,000 for the rateable land value of residential properties. This means that potentially more than \$60 million could be split between New Plymouth District Council and Taranaki Regional Council (to use as per the previous questions).

Where will the money be spent?

The money will be spent in Waitara. The Bill proposes to define Waitara as shown in the map. This includes all current urban areas of Waitara, areas marked for future expansion, the Pekapeka Block, as well as some of the immediate rural surrounds.



Questions on other land changes

What is the proposed future status of the Waitara endowment lands?

The Bill proposes to remove the endowment and trust status of the land. In the future, the land will be split into a number of categories:

- Leasehold land that can be purchased by the leaseholder and become privately-owned freehold estate. There are about 780 properties. Most are residential, but a few are commercial/industrial.
- Land that will be transferred to Te Kotahitanga o Te Atiawa Trust, under various categories.
- General land, now freed from restrictions, that will enable the Council to consider the future of that land (such as for future sale). This includes a number of empty sections in Waitara owned by the Council that are not subject to leases, as well as properties that the Council identifies as surplus.

What land is being transferred to Te Kotahitanga o Te Atiawa Trust?

The Bill proposes that Te Kotahitanga o Te Atiawa Trust establish a new footprint in Waitara. There are three categories of land.

- The Council-owned land between Battiscombe Terrace and the foreshore, a sliver of land at East Beach, and Clifton Park. The underlying title to these pieces of land will be transferred to Te Kotahitanga o Te Atiawa. However, the Council will continue to administer these areas as public reserve with public access in the same way that other reserves are. The Reserves Act 1977 will apply to this land, with some modifications. This is similar to how the Council administers the Urenui Domain even though it is now owned by Ngāti Mutunga. This land is coloured yellow on the map below.
- Between the Battiscombe Terrace reserve land and Brown Road is approximately 13ha of land owned by the Council and zoned as residential land in the District Plan. Te Kotahitanga o Te Atiawa will have this land transferred to develop as it sees fit (within the District Plan framework). This land is coloured purple on the map below.
- The Council owns the western part of Ranfurly Park and the Waitara Golf Course. The proposal is that this land remains with the Council at this stage. However, if the Council decides to sell Ranfurly Park and/or the coastal golf course land, then it would be required first to offer this land for sale to Te Kotahitanga o Te Atiawa Trust by following a process set out in the Bill before being able to put it on the open market. The land is coloured green and orange on the map below.



Will public access to Battiscombe Terrace, Clifton Park and the East Beach land be assured?

Yes, generally it will be. The land will be subject to the Reserves Act 1977. That law allows for some exclusions of the public to occur by way of leasing out the land. This could, for instance, include for a café or sports hall. Some of the land is already subject to existing and proposed leases. These leases are subject to public consultation processes, so the wider community will have an ability to comment on any exclusions before they occur. There will not be any large-scale exclusions of the public. The Brown Road land will be privately owned, and access may be restricted.

Options

The Council has considered a range of options in relation to this proposal. The key options are summarised below. The Council also has the option not to proceed with changes to the Waitara endowment land.

The future of the leasehold land

There are three main options.

Option 1

The Council could continue to own and lease this land.

Legislation could change the use of the rental income, although funds would be limited by the rental incomes (so would be a low rate). This would mean the current discontent of some leaseholders would continue. This option would be inconsistent with the Heads of Agreement between the Council and Te Kotahitanga o Te Atiawa.

Option 2

The proposed legislation could enable leaseholders to freehold at a timing of the Council's choosing.

This would allow the Council to maximise its returns from the leasehold land by only selling the freehold title when conditions suited the Council. Under this option, the Council could offer discounted prices at certain times as the market conditions favour the Council selling the land. The Council could refuse applications to freehold if returns from leases are better than from other investments.

Option 3

The proposed legislation could provide leaseholders with a right to purchase the freehold title at the timing of the lessees' choosing.

This option provides a new, transferrable right for leaseholders and ensures they can purchase the freehold title at a time of their choosing. Under this option, in fairness to all parties, leaseholders would need to pay the unimproved land value in order to freehold.

The Council's preferred option is the third option – leaseholders have a right to purchase the freehold title if and when they wish. This provision of a right for leaseholders to purchase the freehold title has been something leaseholders have sought for many years. This will enable leaseholders to make a decision about when they want to freehold. This right will effectively form part of each lease, and will be passed on to new leaseholders if a lease is sold. The price being set is a market price based on the unimproved land value, and is consistent with the Council's legal obligations to act in a financially prudent manner. The Council believes this approach is fair to all interested parties. This is the approach used by both New Plymouth District Council and Taranaki Regional Council when selling the freehold estate in a number of other leasehold situations.

"Unimproved land value" means the value of the land as if no improvements (structures, excavations etc.) had been made to it. This is the unimproved value of what is leased. It is the market value of the land set in its neighbourhood as though it was undeveloped.



Funds

Funds will be from accumulated and ongoing rental income and sales proceeds.

Use of funds

The funds could be used for:

1. Specific purposes within Waitara. The current legislation sets out that funds can be used for certain activities that are no longer practicable. New legislation could set out a range of activities that the fund could be used for.
2. The benefit of the Waitara community. The new legislation could provide an open-ended and flexible approach to both capital and income that leaves funding decisions for current and future generations.
3. General funds. The new legislation could enable funds to be part of general Council revenues, and used to fund any project the Council saw fit (including outside of Waitara).

New Plymouth District Council proposes that its funds are used for the benefit of the Waitara community, with no rigid specification of what these purposes may be. However, the Council believes that some direction needs to be given and proposes two mechanisms for this. The first is a list of non-binding examples in the legislation, consistent with the provisions that govern lottery grant allocations. The second is the ability to set a strategy every three years. The Council also proposes to define in the Bill the area of Waitara as including the immediate surrounding rural area – this could allow for new facilities to be built just outside the existing urban area and can also accommodate future urban growth of Waitara.

It is proposed that Taranaki Regional Council funds should be used within Waitara but may be used outside of Waitara if, following a public process, the Regional Council determines that it cannot reasonably use its funds on any projects within its mandate within Waitara. The Regional Council will also have the ability to recover costs from its 2012-15 flood protection scheme, as this represents the Regional Council's most significant investment in Waitara in recent years.

There is no option around whether or not to split proceeds between New Plymouth District Council and Taranaki Regional Council for land currently governed by the Waitara Harbour Act 1940 as this reflects the pecuniary interest both councils currently have in the proceeds from this land. Funds will also be used to recover associated costs.

Timing of funds

The second aspect is the timing of funds. Funds will come from two different streams – rental income is predictable and relatively stable, while sales proceeds will likely start strong and then be variable depending on market conditions (e.g. mortgage rates, lease cycles). There are three main options on when to use these income streams:

1. Perpetual fund. The rental income and sales proceeds would be invested, with a small return each year. Over time, the fund would keep its value or grow if earnings were retained to cover inflation, although there may be some years where it shrinks due to market performance and interest rates.
2. Perpetual fund with some capital release provisions. This is similar to a perpetual fund, but there could be occasions where investments are sold to provide a bigger amount of funding in any one year so that a big project can be undertaken.
3. As-they-come-in. Under this option, the rents and sale proceeds would be used in the same year as they come in. This would allow for some significant projects early on as leaseholders purchase the freehold title, but would eventually extinguish all funds available.

The Council proposes that the funds New Plymouth District Council receives are held in a perpetual fund, with an annual release each year (option 1). This reflects the Council's preferred position to use the funds in Waitara – it turns the endowment fund into a long-term fund to improve the social, cultural, environmental and economic outcomes of Waitara. This means there is unlikely to be a large bucket of money available immediately, and instead it will take several years before substantial funding comes in. However, the Council also proposes that the fund can be pre-committed to enable significant projects to be funded over a number of years without spending the capital of the fund. Taranaki Regional Council will have more discretion for its shares, and its funds may accumulate and then be used on projects as needed.

There is already a fund made up of accumulated rentals, and both councils propose to deduct their costs to date, and the costs of the legislation process, from this.



Collaborative distribution entity

The Council and Te Atiawa entered into a Heads of Agreement that provides for a separate entity to be responsible for distributing the funds.

The Bill aims to provide as much independence to this entity as possible, while reflecting that the Council's tax-free status would not apply to a separate entity. There are a number of different options for how this entity could be structured:

- A statutory committee of the Council. The Council has a number of different committees with delegated decision-making authority. However, this option is inconsistent with the agreement between the Council and Te Kotahitanga.
- A statutory board. The law can create a specific type of body that is independent but supported by the Council's governance support services.
- An incorporated entity. The distributing entity could be a company or similar body. The entity would have its own staff, so this would be a high-cost model, taking funds away from Waitara.
- A charitable trust. A charity could be formed under the Charities Act 2005. Charities legislation would limit how the fund could be used within Waitara.

The Council's preferred option is to establish a statutory board with equal appointees from Council and Te Atiawa. Each appointing body can determine who it appoints, so (by way of example only) the Council could appoint councillors or Waitara residents.

Transfer of land to Te Kotahitanga o Te Atiawa Trust

The Heads of Agreement provides for the Council to transfer land to Te Kotahitanga o Te Atiawa Trust. This provides for the restoration of some land within Waitara to Te Atiawa, reflecting the historic confiscations of land by the Crown. There are four different approaches for each piece of land the Council owns in Waitara:

- Transfer ownership outright to Te Kotahitanga. This is the option the Council has selected for the Brown Road land.
- Transfer underlying title to Te Kotahitanga with the Council continuing to administer the property as reserve. This is the option the Council has selected for Battiscombe Terrace, East Beach and Clifton Park.
- Provide a right of first refusal in favour of Te Kotahitanga if the Council decides to sell it. This is the option selected for the Council-owned part of Ranfurly Park and the coastal part of the Waitara Golf Course.
- Do not transfer to Te Kotahitanga. This is the option selected by the Council for the leasehold land and all other Council-owned land in Waitara.

It should be noted that if the Bill is enacted the Council will be in a position to sell a number of other sites in Waitara to any interested party.

Do nothing

The Council could decide to continue with existing arrangements. There is no legal obligation on the Council to seek a new resolution to the Waitara endowment lands. This would mean:

- No right for lessees to freehold;
- Te Kotahitanga o Te Atiawa will not have land transferred to it; and
- Income will continue to accumulate with no practical purpose.

This is not the preferred option. While there could be future attempts to resolve the Waitara endowment land issues, there is no assurance that these would provide a better outcome for any party and they may not occur for some time.

Legislation

The Council's proposed Bill is set out over the next pages. Understanding legislation is not necessarily a difficult task, however legal advice should always be taken before undertaking any action or making any decision based on legislation (particularly as this Bill may change considerably between now and when/if Parliament passes it). There are some basic principles to understanding legislation:

- Check what terms are defined in the interpretation clause. Sometimes terms are defined in a way which limits or expands the ordinary day-to-day use of a word or phrase.
- Consider the purpose of the legislation. Legislation often includes a 'purpose' clause that states what it is trying to achieve, and this can affect how the rest of the legislation is read. If there are multiple interpretations, the one most consistent with the purpose will often be used by courts. In this case, there is also a Preamble, which gives context to the Bill, although it is not binding.
- Consider the legislation as a whole, not each clause on its own. Each clause should not be read by itself, and instead consider how the rest of the legislation may affect the operation of any one particular provision.
- Take the sensible interpretation. Many words can be given a variety of meanings, but there is likely to be a sensible, plain-English interpretation.

The draft of the Bill uses maps to provide information. The final Bill submitted to Parliament will use formal legal descriptions.

The precise terminology will likely vary as a result of further consultation with Government, and examination, advice and assistance from the Parliamentary Counsel Office.

The New Plymouth District Council (Waitara Lands) Bill

Preamble

1 Land issues have been contentious in the Waitara area since at least 1865, when land was taken from Te Atiawa.

2 Significant pieces of land are now vested in the New Plymouth District Council, having been vested in or endowed upon the former Waitara Harbour Board and various former local government entities.

3 There are restrictions on the ability of the Council to deal with the land or the proceeds of rents from or disposal of much of the land.

4 The Taranaki Regional Council has interests conferred by statute in some of those proceeds and is required to apply them in ways that are not now considered appropriate.

5 Te Atiawa (represented by the Te Kotahitanga o Te Atiawa Trust) as tangata whenua, has interests in the land referred to above, other land that is dealt with by this Act, and the Waitara community generally.

6 Leaseholders of much of the land dealt with by this Act have long desired the right to freehold their land and have engaged in litigation to attempt to obtain that right without success.

7 The Council, as the relevant territorial authority and as lessor, has interests, roles, rights, and responsibilities in respect of the land and the Waitara Community generally.

8 Previous attempts (including local Bills) to reconcile the various interests noted above have not been successful, but following extensive consultation with affected parties the Council has promoted this Act to:

- (a) enable the transfer of land to Te Atiawa;
- (b) allow lessees to freehold their properties; and
- (c) create an enduring fund for the benefit of Waitara and its community.

9 Legislation is required in order to give effect to the matters that have been consulted upon and related matters affecting land in the Waitara area.

The Parliament of New Zealand therefore enacts as follows:

1 Title

This Act is the New Plymouth District Council (Waitara Lands) Act 2016.

2 Commencement

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

Part 1

Preliminary provisions

3 Purposes

The purposes of this Act are to—

- (a) remove all existing endowments, statutory trusts, restrictions, reservations and limitations affecting the Waitara Endowment Land and any accumulated and ongoing income generated from the Waitara Endowment Land; and
- (b) provide for the fee simple ownership in the Transfer Land to be transferred to the Trust subject to restrictions; and
- (c) continue the status of the Transfer Land as recreation reserve subject to the Reserves Act 1977;
- (d) provide for the Council to be administering body of the

Transfer Land; and

(e) provide for the Council and the Trust to enter into a memorandum of understanding relating to consultation arrangements for the management and administration of the Transfer Land; and

(f) provide for the fee simple ownership of the Brown Road Land to be transferred to the Trust without restriction; and

(g) provide the Trust with a right of first refusal to acquire the RFR Land at current market value at the time of sale, if the Council resolves at any time within the RFR period to sell the RFR Land; and

(h) provide lessees the option to freehold their leasehold properties at any time without restricting the ability of the Council to sell its interest in any property before the option is exercised; and

(i) provide for the division of net accumulated and ongoing income from the Waitara Endowment Land between the Council and TRC; and

(j) create the Waitara Endowment Fund for the administration of the Council's share of any accumulated and ongoing income generated from the Waitara Endowment Land; and

(k) provide for the establishment of the Board to apply the Council's share of any accumulated and ongoing income generated from the Waitara Endowment Land and held in the Waitara Endowment Fund; and

(l) repeal the Waitara Borough Reserves Vesting Act 1909, the Waitara Harbour Act 1940, and related legislation.

4 Interpretation

In this Act, unless the context otherwise requires—

Brown Road Land means the land described in Part 1 of Schedule 3

accumulated and future income means the income of the Council already derived from, and to be derived from, the Waitara Endowment Land plus earnings on that income

Board means the Board established by section 24

Council means the New Plymouth District Council

Council costs means the actual and reasonable costs paid or incurred by the Council before and after the commencement of this Act relating to the Waitara Endowment Land including (but not limited to):

(i) legal costs relating to the litigation with the lessees (less any amounts received from the Council's insurers in respect of it);

(ii) legal, valuation, and other costs relating to negotiations with the Crown and Te Atiawa regarding the Waitara Endowment Land;

(iii) costs, charges, disbursements, and expenses relating to the administration of the Waitara Endowment Land;

(iv) drafting, consulting on, introduction, and enactment of this Act;

(v) legal, survey, and other internal and external costs for preparing the Waitara Endowment Land for sale in accordance with this Act, including Council staff time;

(vi) legal, valuation, and other costs relating to negotiating, documenting and settling of the sale of any part of the Waitara Endowment Land to any person.

dispose of in relation to RFR Land,—

(a) means—

- (i) to transfer or vest the fee simple estate in the land; or
- (ii) to 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) 50 years or longer; but

(b) to avoid doubt, does not include—

- (i) to mortgage, or give a security interest in the land; or
- (ii) to grant an easement over the land; or
- (iii) to consent to an assignment of a lease, or to a sublease of the land; or
- (iv) to remove an improvement, fixture or fitting from the land.

Former Borough Land means the land described in subpart 2 of Part 2 of Schedule 3

Fund means the Waitara Endowment Fund established by section 23

Harbour Act land means the land described in subpart 1 of Part 2 of Schedule 3

lessee means the holder of a registered lease of any of the Waitara Endowment Land

LINZ means Land Information New Zealand

litigation with the lessees means all litigation relating to the Waitara Endowment Land subsequent to the decision of the Council regarding that land dated 30 March 2004 including (without limitation) the challenges to the Council decision by the Waitara Leaseholders Association Incorporated in the High Court, Court of Appeal, and Supreme Court and litigation by individual lessees against the Council;

Minister means the Minister of Conservation

Portfolio Land means the land described in subpart 3 of Part 2 of Schedule 3

Registrar-General means the Registrar-General of Land

RFR Land means that part of the Waitara Endowment Land described in Part 3 of Schedule 3

RFR Period means a period of 172 years from the date of commencement of this Act

Sale proceeds means the net proceeds from the sale of the Council's interests in any part of the Waitara Endowment Land

Transfer Land means the land described in Part 4 of Schedule 3

TRC means the Taranaki Regional Council

TRC costs means the actual and reasonable legal costs paid or incurred by TRC in relation to the litigation with the lessees (less any amount received from TRC's insurers in respect of it) and its costs, charges, disbursements, and expenses relating to the drafting, consulting on, introduction and enactment of this Act.

Trust means Te Kotahitanga o Te Atiawa Trust

Trustees means the trustees for the time being of the Trust, acting in their capacity as trustees of the Trust

Waitara means the area described in Schedule 1; and includes any additional area that may be added by Order in Council made under section 40(1)

Waitara Endowment Land means the land described in Part 2 of Schedule 3

Part 2

Provisions relating to various land

Subpart 1

Removal of endowment, trusts and restrictions

5 Waitara Endowment Land income, and proceeds of sale freed from trusts, reservations, endowments and restrictions

(1) The Waitara Endowment Land remains vested in the Council, but—

(a) free of any trusts or restrictions imposed by the Waitara Borough Reserves Vesting Act 1909 or the Waitara Harbour Act 1940 and all express or implied trusts, reservations, endowments, or restrictions;

(b) subject to or with the benefit of all existing registered or unregistered interests, including the leases and all licences, easements, liens and encumbrances existing in respect of the Waitara Endowment Land immediately before the commencement of this Act.

(2) Subsection (1)(a) does not affect the application of the Reserves Act 1977.

(3) All accumulated and future income and sale proceeds generated from the Waitara Endowment Land is free of any trusts or restrictions imposed by the Waitara Borough Reserves Vesting Act 1909 or the Waitara Harbour Act 1940 and all express or implied trusts, reservations, endowments and restrictions except those imposed by this Act.

(4) Sections 140 and 141 of the Local Government Act 2002 do not apply to the Waitara Endowment Land nor to any accumulated or ongoing income and proceeds of sale of any Waitara Endowment Land.

(5) Sections 40 to 42 of the Public Works Act 1981 do not apply to the Waitara Endowment Land.

Subpart 2

Transfer and status of Transfer Land and Brown Road Land

6 Transfer of Transfer Land to the Trust

(1) The vesting of the Transfer Land in the Council under the Reserves Act 1977 is cancelled.

(2) The fee simple estate in the Transfer Land vests in the Trustees subject to all existing interests, including any leases, licences, easements and any applicable resource consents.

(3) Subsection (2) does not vest any improvements in or on the Transfer Land in the Trustees.

(4) The Transfer Land is classified as a recreation reserve as if it had been classified as recreation reserve under the Reserves Act 1977.

7 Reserve status of Transfer Land preserved

(1) While any Transfer Land remains recreation reserve, the Transfer Land is to be treated for all purposes (unless otherwise provided in this Act) as if it—

(a) remains vested in the Council under section 26 of the Reserves Act 1977; and

(b) has not been vested in the Trustees under section 6(2) of this Act.

(2) The Council and the Trustees must negotiate and agree a memorandum of understanding that:

(a) provides for the Council to engage with the Trustees regarding all significant proposed decisions regarding the management and administration of the Transfer Land; and

(b) allows the Trustees to initiate proposals for the management and administration of the Transfer Land.

(3) Copies of the memorandum of understanding must be maintained on the Council's website and at least one public premises of the Council in Waitara.

(4) The Council and the Trustees, acting as if they jointly were the administering body for the Transfer Land, must:

(a) prepare and review the management plan for the Transfer Land under section 41 of the Reserves Act 1977; and

(b) consider any proposal to change the classification of any part of the Transfer Land under section 24 of the Reserves Act 1977.

(5) If the reserve status of any Transfer Land is revoked by the Minister under section 24 of the Reserves Act 1977, the land is vested in the Trustees, and section 25 of the Reserves Act 1977 does not apply.

(6) No part of the Transfer Land may be exchanged for other land under section 15 of the Reserves Act 1977.

(7) While any Transfer Land remains a reserve—

(a) the Council continues to be the administering body of the Transfer Land under the Reserves Act 1977 with all of the functions, and obligations of an administering body; and

(b) subject to subsections (2) and (4), the Council may continue to exercise its powers as an administering body under the Reserves Act 1977 with respect to the Transfer Land.

(c) the Minister—

(i) has all the Minister's functions, obligations, and powers under the Reserves Act 1977 and under any other enactment, as if the fee simple in the Transfer Land had not been vested in the Trustees but had remained vested in the Council; and

(ii) may continue to exercise the Minister's powers under section 108 (bylaws to be approved by Minister);

(8) Subsections (5) and (7) do not limit subsection (1), and are for the avoidance of doubt.

8 Transfer of Brown Road Land to the Trust

(1) The vesting of the Brown Road Land in the Council as recreation reserve under the Reserves Act 1977 is cancelled.

(2) The fee simple estate in the Brown Road Land vests in the Trustees subject to all existing interests, including any leases, licences, easements and any applicable resource consents.

(3) The council may at any time after the Brown Road Land vests under subsection (2) seek an easement to protect any infrastructure existing at the time of vesting, or any easement shown on SO Plan 496323, and the Trustees must take all reasonable steps to ensure that the easement is registered.

(4) The terms of an easement referred to in subsection (3) are to be agreed upon by the Council and the Trustees.

(5) An easement granted in accordance with subsections (3) and (4) is -

(a) enforceable in accordance with its terms, despite any other enactment or rule of law; and

(b) to be treated as having been granted in accordance with any enactment that applies to granting the easement.

(6) The permission of the 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 under this section while vested in the Trustees.

Subpart 3

Right of first refusal

9 Restrictions on disposal of RFR Land

(1) The Council must not dispose of RFR Land to a person other than the Trustees unless the land is disposed of—

(a) under section 13; or

(b) within 2 years after the expiry date of an offer by the Council to dispose of the land to the Trustees, if the offer to the Trustees—

(i) was made in accordance with section 10; and

(ii) was made on terms that were the same as, or more favourable to the Trustees than, the terms of the disposal to the person; and

(iii) was not withdrawn; and

(iv) was not accepted under section 11.

(2) Land ceases to be RFR Land if—

(a) The fee simple estate in any part of the RFR Land transfers from the Council to—

(i) the Trustees; or

(ii) any other person under subsections (1)(b) or section 13; or

(b) the RFR Period for the RFR Land ends.

10 Requirements for offer

(1) An offer by the Council to dispose of RFR Land to the Trustees must be made by notice to the Trustees incorporating —

(a) the terms of the offer, including its expiry date; and

(b) the 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 electronic address for the Trustees to give notices to the Council in relation to the offer.

(2) The expiry date of an offer under subsection (1) must be on or after the date that is 30 working days after the date on which the Trustees receive notice of the offer.

(3) The Council may, by notice to the Trustees, withdraw an offer at any time before it is accepted.

11 Acceptance of offer

(1) The Trustees may, by notice to the Council, accept without further terms an offer made under section 10(1) if—

(a) it has not been withdrawn; and

(b) its expiry date has not passed.

(2) The Trustees must accept all of the RFR Land offered, unless the offer permits them to accept less.

12 Formation of contract

(1) If the Trustees accept an offer by the Council under section 11(1) to dispose of RFR Land, a contract for the disposal of the land is formed between the Council and the Trustees on the terms in the offer, including the terms set out in this section.

(2) The terms of the contract including those specified in subsections (3) to (6) may be varied by written agreement between the Council and the Trustees.

(3) Under the contract, the Trustees may nominate any person other than the Trustees (the nominee) to receive the transfer of the RFR Land.

- (4) The Trustees may nominate a nominee only if—
- (a) the nominee is lawfully able to hold the RFR Land; and
 - (b) the Trustees give notice to the Council 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 Council needs in order to transfer the RFR Land to the nominee.

(6) If the Trustees nominate a nominee, the Trustees remain liable for the obligations of the transferee under the contract.

13 Disposals of RFR Land to others

The Council may dispose of RFR Land in accordance with—

- (a) an obligation under any enactment or rule of law; or
- (b) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or
- (c) section 50, 52, 105(1), 106, 114(3), 117(7) or 119 of the Public Works Act 1981; or
- (d) section 117(3)(a) of the Public Works Act 1981; or
- (e) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land.

14 Council's obligations subject to other matters

(1) The Council's obligations under this Subpart in relation to RFR Land are subject to—

- (a) any other enactment or rule of law; and
- (b) any interest or legal or equitable obligation—
 - (i) that prevents or limits the Council's disposal of RFR Land to the Trustees; and
 - (ii) that the Council cannot satisfy by taking reasonable steps; and
- (c) the terms of any mortgage over, or security interest in, RFR Land.

(2) To avoid doubt, reasonable steps for the purposes of subsection (1)(b)(ii), do not include steps to promote the passing of an enactment.

(3) The Council's obligations under this Act do not prevent the Council exercising any of its powers or rights as a local authority in relation to RFR Land.

(4) Where the Council exercises its power to set aside any RFR land for a public work or reserve that land ceases to be RFR Land.

15 Notice to Trustees of disposal of RFR Land to others

(1) The Council must give the Trustees notice of the proposed disposal of RFR Land by the Council to a person other than the Trustees.

(2) The notice under subsection (1) must be given on or before the date that is 20 working days before the day of disposal.

(3) The notice under subsection (1) must include—

- (a) the legal description of the land and any interests affecting it; and
- (b) the reference for any computer register for the land; and
- (c) the street address for the land (if applicable); and
- (d) the name of the person to whom the land is being disposed of; and

(e) an explanation of how the disposal complies with section 9; and

(f) if the disposal is to be made under section 9(1)(b), a copy of any written contract for the disposal.

16 Waiver and variation

(1) The Trustees may, by notice to the Council, waive any or all of the rights the Trustees have in relation to the RFR Land under this part of the Act.

(2) The Trustees and the Council may agree in writing to vary or waive any of the rights each has in relation to the RFR Land under this part of the Act.

(3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.

Part 3

Rights to purchase and sell Waitara Endowment Land

17 Lessee may purchase freehold of Waitara Endowment Land

(1) The rights and obligations of a lessee of any Waitara Endowment Land are not affected or altered by this Act; except that the lessee of any Waitara Endowment Land has the right, by notice to the Council in accordance with section 38 to purchase the fee simple estate in the land that is subject to the lease.

(2) The rights of the lessee under subsection (1) are to be treated as terms of the lease and survive any sale of the fee simple interest by the Council or any other person.

18 Process for purchase of freehold by lessee

(1) A lessee exercising the right conferred by section 17(1) does so on terms and conditions determined by the Council and the following terms:

- (a) the lessee must obtain, at the purchasers expense, any necessary subdivision consent and consents under the Building Act 2004 and any other enactment;
- (b) the lessee must meet the costs, including the reasonable costs of the Council, in respect of the transfer;
- (c) the purchase price to be paid by the lessee is the unimproved value of the land at the date the right to purchase is exercised.

(2) This section does not prevent the Council:

- (a) entering into an agreement to sell the fee simple interest in the land to any person before notice is received from the lessee under section 17; or
- (b) exercising any other rights or powers that it may have in its capacity as a local authority in respect of the land.

(3) Within 20 working days after receiving the notice from the lessee under section 38, the Council must give notice to the lessee of the price determined by the Council under section 17.

(4) Where the Council has sold the fee simple interest in any Waitara Endowment Land, references in this section (except subsection (2)(b)) and sections 17 and 19 to the Council must be read as references to the owner for the time being of the fee simple interest in the land.

19 Valuation of land for purposes of sale to a lessee

(1) If the lessee is not satisfied with the price determined by the Council under section 18(3), the Council must, if requested by the lessee, have the land valued to determine the unimproved value described in section 18(1)(c), and therefore the purchase price to be paid by the lessee.

(2) If, after the land has been valued, the Council and the lessee cannot agree on the purchase price, the Council and lessee must submit the valuation of the land to arbitration.

(3) The Arbitration Act 1996 applies to an arbitration under subsection (2) subject to the following provisions:

(a) any arbitrator appointed must be a valuer registered in the Register of Valuers under the Valuers Act 1948:

(b) the Council and the lessee must appoint a single arbitrator, if they can agree on a single arbitrator:

(c) the Council and the lessee must each appoint an arbitrator, if they cannot agree on a single arbitrator:

(d) if 2 arbitrators are appointed but they cannot agree on the value of the land, the arbitrators must appoint an umpire to value the land.

Part 4

Allocation of net rent and sale proceeds

Subpart 1

Allocation to TRC and Council

20 Distribution of accumulated and future income and sale proceeds from Waitara Endowment Land

(1) The TRC's interest in the accumulated and future income and sale proceeds is attributable only to the land that is subject to the Waitara Harbour Act 1940 and it has no claim to any accumulated income or sale proceeds attributable to the Former Borough Land or the Portfolio Land.

(2) The accumulated income and sale proceeds attributable to any part of the Waitara Endowment Land must be distributed as follows:

(a) accumulated and future income and sale proceeds attributable to the Former Borough Land and the Portfolio Land are payable to the Council;

(b) the Council costs and the TRC costs must be deducted from the remaining accumulated and future income and sale proceeds;

(c) the balance of the accumulated and future income and sale proceeds (after the application of paragraph (a) and the deductions provided for in paragraph (b) have been made), must be divided equally between the Council and the TRC to be applied in accordance with sections 21 and 22.

21 TRC rights and obligations regarding allocation of accumulated income and sale proceeds

(1) TRC must apply the amounts received by it under section 20(2)(c) only in the performance of its functions and exercise of its powers in accordance with its funding and financial policies adopted under section 102 of the Local Government Act 2002 within Waitara or for the benefit of the Waitara community or parts of the Waitara community.

(2) If TRC so resolves, the amounts received by it under section 20(2)(c) may be applied to meet its costs in respect of the Lower Waitara River Flood Control Scheme, whether those costs were incurred before or after the commencement of this Act.

(3) If TRC believes that it is unable to apply the amounts in accordance with subsection (1), and to the extent that it does not resolve to apply them under subsection (2), TRC may accumulate the amounts until those purposes arise, or include in its long-term plan or annual plan a proposal to apply the amounts for non-commercial purposes that benefit of the wider Taranaki community generally including the Waitara community.

(4) After its long term plan or annual plan is adopted, TRC may apply the amounts as contemplated by that plan.

Subpart 2

Waitara Endowment Fund and Board

22 Establishment and investment of Fund

(1) The Council must maintain the Fund comprising:

(a) all accumulated income and sale proceeds received by the Council under section 20(2)(a) and (c); and

(b) all accumulations derived from any such money.

(2) All money held in the Fund must be administered and allocated by the Council in accordance with this subpart.

(3) The Council's investment policy under section 105 of the Local Government Act 2002 must separately address the matters specified in that section in respect of the investment of the Fund.

(4) In adopting the investment policy for the Fund the Council must consult the Board.

(5) For the avoidance of doubt, income from investment of the Fund is derived by the Council in its capacity as a local authority and the Council is not a trustee in respect of the Fund.

23 Establishment of Board

(1) The Board is established as a statutory body.

(2) The Board is subject to the Local Government Official Information and Meetings Act 1987; but is not a committee of the Council nor a council organisation.

(3) The Board may choose to name itself; and may change its name at any time.

(4) The Auditor General is the auditor of the Board and the Fund.

24 Functions and duties of the Board

(1) The functions of the Board are:

(a) to recommend to the Council the policy for determining Annual Releases; and

(b) to determine, subject to section 25(4), the distribution of the Annual Release for each year; and

(c) to exercise any other functions that may be conferred on it by this Act.

(2) The Board must, within 9 months after the end of each financial year of the Council, provide to the Council its determination of the distribution of the Annual Release for that financial year.

(3) The Board need not distribute all the Annual Release for any year and to the extent that an Annual Release is not distributed it remains part of the Fund.

(4) The Board may not—

(a) acquire, hold or dispose of money or property;

(b) borrow any money;

(c) purport to lend money or provide any other financial accommodation, indemnity or guarantee;

(d) enter into contracts;

(e) appoint any employee; or

(f) willingly be a party to any legal proceedings.

25 Council obligations to Board

(1) The Council must provide adequate administration and operating services to the Board and meet its expenses as approved by the Council to the extent they are not to be met from the Fund.

- (2) The Council must approve remuneration and expenses of Board members that are to be met from the Fund.
- (3) The Council must provide the Board with a statement of the actual amount of the Annual Release within 3 months of the end of each financial year.
- (4) The Council must notify the Board within 3 months of receiving a determination if the Council declines to endorse all or part of the determination; and refer it back to the Board for further consideration as required by section 31.

26 Membership of Board

- (1) The Board comprises—
- (a) 3 members appointed by the Trustees (who may, but need not, be Trustees or employees of the Trust); and
 - (b) 3 members appointed by the Council (who may, but need not, be elected members or employees of the Council).
- (2) The Trustees and the Council must—
- (a) In the case of the initial appointments of members of Board—
 - (i) make the appointments before the first meeting of the Board; and
 - (ii) notify the other appointer in writing of the appointments.
 - (b) in the case of any subsequent appointment of a member to the Board, notify the Board in writing of the appointment, and provide a copy of the notice to the other appointer as soon as is reasonably practicable.
- (3) Before making an appointment, the appointer must consult the other appointer.

27 Administration and operation of the Board

- (1) The Council and Trust must adopt terms of reference for the Board to provide for—
- (a) the calling of and quorum for meetings of the Board;
 - (b) how the Board will be administered;
 - (c) the procedure relating to meetings of the Board, decision making by the Board, and dispute resolution, including procedures—
 - (i) for the Board to refer applications for distributions to the Council for comment;
 - (ii) for the Council to refer back to the Board for reconsideration any determination made by the Board in respect of the distribution of an Annual Release but not endorsed by the Council (whether in whole or in part); and
 - (iii) for the Board to provide further determinations to the Council;
 - (d) how the costs of administering and operating the Board will be approved and met, including the commissioning and costs of any advice to be sought by the Board.
 - (e) how applications for distribution from the Annual Release will be sought and considered;
 - (f) how the Board will engage in consultation with the Waitara community regarding issues of importance to the Waitara community as required by section 30(3).
- (2) The terms of reference may be amended by agreement between the Council and the Trust; and copies must be maintained on the Council's website and at least one public premises of the Council in Waitara.
- (3) Schedule 2 contains further provisions relating to the Board.
- (4) The terms of reference must not be inconsistent with Schedule 2.

- (5) To the extent that the procedures of the Board are not prescribed by the terms of reference, or Schedule 2, they may be determined by the Board.

28 Council obligations in relation to Fund

- (1) The Council must, in its annual plan and long term plan include a statement showing:
- (a) the money held in the Fund under section 22(1);
 - (b) the investments of the Fund;
 - (c) forecast income and capital gains or losses of the Fund;
 - (d) actual and forecast administration and operating costs to be paid from the Fund; and
 - (e) forecast Annual Releases for the periods covered by the annual plan and long term plan.
- (2) The annual report of the Council must report against the forecasts referred to in subsection (1).

29 Determination of Annual Release

- (1) The Council must in respect of every year, by resolution made after consulting the Board, determine the amount of the Annual Release.
- (2) The policy for determining the Annual Release must be set out in the Council's long term plan and must take into account:
- (a) the desirability of maintaining or increasing the real value of the capital of the Fund; and
 - (b) the recommendation of the Board under section 24(1)(a) on the policy for determining the amount of Annual Releases.

30 Purposes for which Annual Release may be distributed

- (1) The Annual Release must only be distributed for the benefit of the Waitara community or parts of the Waitara community as contemplated by this section.
- (2) The Council must distribute the Annual Release only in accordance with the requirements of this Act and the recommendations of the Board; but may decline any recommendation and refer it back to the Board for further consideration.
- (3) To assist with the distribution of the Annual Release the Board must assess issues of importance to the Waitara community (including social, economic, cultural and environmental issues) in consultation with the Waitara community at intervals of no more than 3 years, with the first such assessment to be commenced no later than 3 months after the commencement of this Act.
- (4) By way of example only, and not limitation, for the purposes of this section, a distribution is for the benefit of the Waitara community if it would encourage or enable—
- (a) community self-reliance, capacity building and stability;
 - (b) opportunities for social, recreational, civic, or cultural participation and reducing or overcoming barriers to such participation;
 - (c) community or environmental health;
 - (d) development or preservation of arts, culture, heritage, or community identity; or
 - (e) sports or recreation.
- (5) A distribution must not involve private profit or gain for an individual, except to the extent that the profit or gain arises as a mere incident of the principal purpose or purposes of the distribution (such as a prize, scholarship or sponsorship).
- (6) The Board may recommend to the Council that:

(a) it commits to funding an activity that meets the requirements of this section from the Annual Release over more than one financial year;

(b) it commit the Fund to making, repaying, or underwriting a loan to enable funding of an activity that meets the criteria for a distribution from the Fund.

(7) The total value of commitments under subsection (6) must not exceed 50 percent of forecast future Annual Releases for the period of the funding or loan.

(8) For the avoidance of doubt, distributions that comply with this section may be made to the Council or the Trust, or to entities controlled by either of them.

31 Council determination for payment of distributions

(1) The Council must determine whether or not it endorses the Board's recommendations for distribution of the Annual Release, having regard to the matters in section 30.

32 Process for endorsement or redetermination of distributions

(1) If the Council does not endorse the Board's recommendation (whether in whole or in part), the Council must specify its reasons for not endorsing the Board's determination and refer the matter back to the Board for reconsideration in accordance with the procedure referred to in section 27(1)(c)(i).

(2) If the Council does endorse the Board's determination, the Council must—

(a) cause the amount of any grant to be paid in accordance with the Board's determination; and

(b) notify in writing the person to whom the grant is made of any terms or conditions attached to the grant; and

(c) publish the grant, and any terms and conditions, on its website and at least one public premises of the Council in Waitara.

(3) If the Council and the Board cannot reach agreement on:

(a) whether or not a particular grant should be made; or

(b) the amount of any grant; or

(c) the terms and conditions applying to any grant —

the dispute must be referred to an independent arbitrator to be appointed by the parties (or the Local Government Commission if the parties are unable to agree on an arbitrator) who will determine the matter.

Part 5

Miscellaneous

33 Application of Resource Management Act 1991

Section 11 and Part 10 of the Resource Management Act 1991 do not apply to:

(a) the vesting of the Transfer Land in the Trust under section 6; or

(b) the vesting of the Brown Road Land in the Trust under section 8; or

(c) any transfer of RFR Land to the Trust under Subpart 3 of Part 2; or

(d) any transfer of Waitara Endowment Land to a lessee under Part 3; or

(e) any matter incidental to, or required to give effect to, any vesting or transfer contemplated by any of paragraphs (a) to (d).

34 Powers of Registrar-General

(1) The Registrar-General is authorised and directed to make such entries in the registers and do all such other things as may be necessary to give effect to the provisions of this Act.

(2) The presentation to the Registrar-General of an instrument (whether or not comprising an instrument of transfer) that complies with section 5 is, in the absence of proof to the contrary, sufficient evidence that the land the instrument relates to is no longer reserved and subject to any trusts or restrictions imposed by the Waitara Harbour Act 1940 and the Waitara Borough Reserves Vesting Act 1909.

(3) An instrument complies with subsection (2) if the instrument—

(a) relates to land held by the Council; and

(b) contains a recital that section 5 applies to the land; and

(c) is executed or appears to be executed by the Council.

35 Right of first refusal recorded on computer registers for RFR Land

(1) As soon as practicable after the RFR Period commences, the Council must give the Chief Executive of LINZ notice that the land has become RFR Land.

(2) The Chief Executive of LINZ must issue to the Registrar-General a certificate that specifies the legal descriptions of, and identify the computer registers for the RFR Land as soon as practicable after receiving a notice under subsection (1).

(3) Each certificate must state that it is issued under this section.

(4) The Registrar-General must, as soon as is reasonable practicable after receiving a certificate issued under this section, record on each computer register for the RFR land identified in the certificate that the land is RFR Land to which this Act applies and subject to restrictions on disposal (including leasing).

36 Notice to LINZ of land ceasing to be RFR Land

(1) This section applies 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 Council to—

(i) the Trustees; or

(ii) any other person under sections 9(1)(a), 9(1)(b) or 13; or

(iii) the RFR Period for the RFR Land ends.

(2) The Council must, before the transfer or vesting takes effect or the RFR period ends, give the chief executive of LINZ notice that the land is to cease being RFR Land;

(3) The notice must include—

(a) the legal description of the land; and

(b) the reference for the computer register for the land; and

(c) the details of the transfer or vesting of the land.

37 Removal of notifications when land to be transferred or vested or RFR period ends

(1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under section 36, issue to the Registrar-General a certificate that includes—

(a) the legal description of the land; and

(b) the reference for the computer register for the land; and

(c) the details of the transfer or vesting of the land; and

(d) a statement that the certificate is issued under this subsection

(2) The chief executive of LINZ must, immediately before the expiration of the RFR period, issue to the Registrar-General a certificate that includes the matters specified in subsection (1) (a) to (c) and a statement that the land will cease to be RFR land on a date specified by the chief executive.

(3) The chief executive must provide a copy of each certificate issued under subsection (1) or subsection (2) to the Trustees as soon as is reasonably practicable after issuing the certificate.

(4) If the Registrar-General receives a certificate issued under this section, he or she must, immediately before registering the transfer or vesting described in the certificate or immediately upon the expiration of the RFR period, as the case requires, remove from the computer register identified in the certificate any notifications recorded under section 35.

38 Requirements for giving notice

A notice by or to the Council or the Trustees under this Act must be—

(a) In writing and signed by—

- (i) the person giving it; or
- (ii) at least two of the Trustees, for a notice given by the Trustees; and

(b) Addressed to the recipient at the street address, postal address, fax number, or electronic address,—

(i) for a notice to the Trustees, specified by the Trustees or identified by the Council as the current physical, postal, or electronic address of the Trustees; or

(ii) for a notice to the Council, specified by the Council in an offer made under section 10, or in a later notice given to the Trustees, or identified by the Trustees as the current physical, postal, or electronic address of the Council; and

(c) For a notice given under section 35 or section 36, addressed to the chief executive of LINZ at the Wellington office of LINZ; and

(d) 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) sending it by electronic means such as email.

(e) A notice given in accordance with paragraph (a) may be given by electronic means if the notice is given with an electronic signature that satisfies section 22(1)(a) and (b) of the Electronic Transactions Act 2002.

39 Time when notice received

(1) A notice is treated as having been received—

- (a) at the time of delivery, if delivered by hand; or
- (b) on the fourth day after posting, if posted; or
- (c) at the time of transmission, if sent by electronic means.

(2) However, a notice is treated as having been received on the next working day if, under subsection (1), it would be treated as having been received—

- (a) after 5pm on a working day; or
- (b) on a day that is not a working day.

40 Power to amend Schedules

(1) The Governor-General may, by Order in Council, amend Schedule 1 by extending the area of Waitara.

(2) The Governor-General may, by Order in Council, amend Schedule 3 for the purpose of—

- (a) correcting any misdescription or error in that schedule;
- (b) adding details of any land which may have been omitted in error.

(3) An Order in Council may be made under subsection (2)(b) only if:

- (a) the land is owned by the Council and was, immediately before this Act was passed, subject to the Waitara Borough Reserves Vesting Act 1909 or the Waitara Harbour Act 1940; and
- (b) any holder of a registered lease of the land has consented in writing to the Order in Council being made

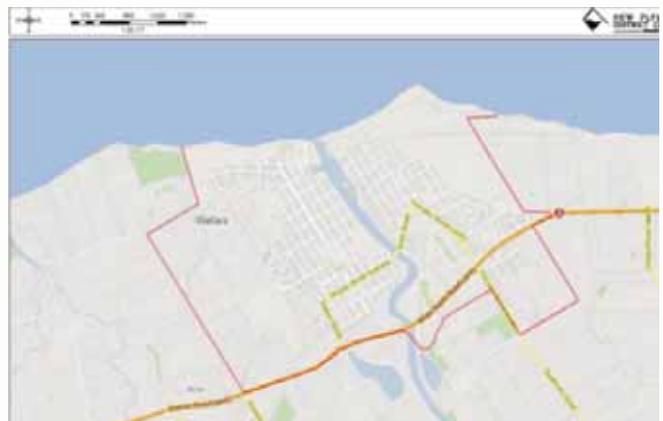
41 Repeals

The following enactments are repealed:

- (a) the Waitara Borough Reserves Vesting Act 1909;
- (b) the Waitara Harbour Act 1940;
- (c) Section 36 of the Local Legislation Act 1952;
- (d) so much of Schedule 5 of the Taranaki Harbours Board Empowering Act 1955 as relates to the Waitara Harbour Act 1940;
- (e) section 3 of the Reserves and Other Lands Disposal Act 1969.

Schedule 1 Waitara Defined

[NOTE: Map used for consultation purposes, a formal description will be used when the Bill is introduced to Parliament]



Schedule 2

Further provisions relating to Board

1 Term of appointment

(1) Subject to this Act,—

- (a) a Trust member is appointed to the Board for a term not exceeding 3 years as may be specified by the Trust;
- (b) a Council member is appointed to the Board for a term not exceeding 3 years as may be specified by the Trust.

(2) However, if a Council member is an elected member of the Council, the member is appointed until the close of the day before the members of the Council elected at the next triennial general election take office or such earlier date as is specified in the appointment.

(3) Any member is eligible for reappointment.

2 Discharge or suspension of membership

(1) A member may be removed from office by that member's appointer.

(2) If subclause (1) applies, the member's appointer must, within 10 working days after the date on which the member was discharged or suspended,—

(a) notify the Board in writing that the member has been discharged or suspended (including the period of suspension); and

(b) provide a copy of the notice to the other appointer.

3 Resignation of membership

(1) A member may resign by giving written notice to the Board and his or her appointer.

4 Vacancies

(1) A vacancy occurs if a member:

(a) resigns or dies;

(b) is removed from office by that member's appointer;

(c) 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 Financial Markets Conduct Act 2013, or the Takeovers Act 1993;

(d) is subject to a property order under the Protection of Personal and Property Rights Act 1988;

(e) is a person in respect of whom a personal order has been made under that Act 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) has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person.

(2) If a vacancy occurs on the Board, the relevant appointer must fill the vacancy as soon as is reasonably practicable.

(3) A vacancy does not prevent the Board from continuing to perform its functions or exercise its powers.

5 Chairperson

(1) The Council must nominate a member of the Board to be chairperson and may change the chairperson at any time.

(2) Each chairperson has a term of one year and the Council may not reappoint the existing chairperson unless all the members of the Board agree.

6 Alternate members

(1) The Council and the Trust may each appoint one or more alternative members who may attend meetings and be treated in all respects as members of the Board when a member of the Board is absent, or if a vacancy has arisen and has not been filled.

7 Decision making

(1) The decisions of the Board must be made by consensus whenever possible, but if necessary by vote at meetings or in accordance with the terms of reference.

(2) In the event of an equality of votes, the chairperson has a casting as well as a deliberative vote.

8 Conflict of interest

(1) Each member of the Board must disclose any actual or potential conflict of interest to the Board.

(2) The Board must maintain an interests register.

(3) A member of the Board is not precluded from discussing or voting on a matter merely because the member has an actual or potential conflict of interest, so long as that has been disclosed before consideration of the matter.

9 Reporting and review by Board

(1) The Council must include in its annual report prepared under section 98 of the Local Government Act 2002 the matters referred to in section 28(2), and information about—

(a) the activities of the Board during the previous 12 months;

(b) how those activities are relevant to the purpose and functions of the Board.

(2) The Board must provide the Council in a timely manner with information requested by the Council to enable it to comply with paragraphs (a) and (b) of subclause (1).

(3) The appointers—

(a) must, no later than 3 years after the first meeting of the Board, undertake a review of the performance of the Board; and

(b) may undertake any subsequent review of the Board at a time agreed by both appointers.

(4) The appointers may, following a review, make recommendations to the Board on relevant matters arising from the review.

10 Remuneration and expenses of members

(1) Every member of the Board who is neither a member nor an employee of the Council is entitled to receive remuneration for services as a member at a rate determined by the Council having regard to the Board's purpose and functions, the need to be fair to the members of the Board, and the Waitara community, and the Council's remuneration policy for other entities.

(2) No member or employee of the Council is entitled to receive any remuneration for services as a member of the Board.

(3) Every member of the Board is entitled to be reimbursed for actual and reasonable travelling and other expenses incurred in carrying out his or her office as a member of the Board, and approved by the Council.

11 Costs payable from Fund

(1) All costs of the Board including remuneration and expenses referred to in clause 10 must be paid out of the Fund, unless the Council agrees otherwise.

(2) Subclause (2) does not relieve the Board of the obligation to have its administration and operating costs approved by the Council.

Schedule 3

Land to which this Act applies

Part 1

Brown Road Land

Description

13.1220 hectares, more or less, being Section 1 SO Plan 496323 (Part Section 136, Waitara West District CFR 658872 Limited as to Parcels)

0.2082 hectares, more or less, being Section 2 SO Plan 496323 (Part section 136, Waitara West District CFR 658872 Limited as to Parcels)

Part 2

Waitara Endowment Land

[NOTE: This Part of Schedule 3 will list every property subject to endowment status, including every leasehold property. This will be a long list and has not been included for the sake of brevity. The map below indicates the land that will be referred to

- Land under 1940 Act to be a subpart
- Former Borough Land under 1909 Act to be a subpart
- 16 titles not endowment land but subject to similar leases (called "Portfolio Land") to be a subpart

The final legislation will outline this land by legal description.]

Part 3

RFR Land – Ranfurly Park

Description

9.6149 hectares, more or less, being Lots 3-15 DP 451289 (CFR 575170)

4.4193 hectares, more or less, being Lots 19-20 DP 451289 (CFR 575173)

0.3651 hectares, more or less, being Section 1 Block IV Town of Waitara West and Part Section 2 Block IV Town of Waitara West and Section 3-4 Block IV Town of Waitara West (CFR 677067 Limited as to Parcels)

0.0632 hectares, more or less, being Section 13 SO Plan 496323 (Part Section 136 Waitara West District, CFR 658872 Limited as to Parcels)

0.0033 hectares, more or less, being Section 14 SO Plan

496323 (Part Section 136, Waitara West District, CFR 658872 Limited as to Parcels)

RFR Land – Waitara Golf Club Land

17.7826 hectares, more or less, being Lot 2 DP 455390 (Part CFR 585942)

Part 4

Transfer Land – Battiscombe, Motor Camp, Marine Park

Description

0.4723 hectares, more or less, being Section 7 SO Plan 496323 (Part Reserve A Waitara West District, Part CFR 658872 Limited as to Parcels)

20.0600 hectares, more or less, being Section 9 SO Plan 496323 (Part Section 136 and Part Reserve A Waitara West District, Part Lot 2, Part Lot 3, Lot 4, Part Lot 8, Lot 9, Lot 10, Part Lot 14, Part Lot 15, Part Lot 19, Part Lot 20, Part Lot 25, Part Lot 26, Lot 31 and Part Lot 32, DP 4707, Lots 5-6 and 11 DP 4707, Part CFR 658872 Limited as to Parcels and Part CFR TNB3/286)

3.1150 hectares, more or less, being Section 12 SO Plan 496323 (Part Reserve A Waitara West District, Part Lot 1 DP 11418, Lot 18 DP 4707, Lot 1 DP 11954, Part Lot 15, Part of part Lot 16, part Lots 20, 21, 22, 26, Lot 27, Part of part Lot 28, Part Lot 32, Lot 33 and Part Lot 34 DP 4707 (Part CFR 666582, All CFR TNG4/819, All CFR TND4/675 and All CFR TNB3/287)

Transfer Land – East Beach

0.5832 hectares, more or less, being Lot 1 DP 455390 (All CFR 585941)

Transfer Land – Clifton Park

6.3600 hectares, more or less, being Section 1 SO Plan 495472 (All CFR 721050, All CFR 721051, All CFR 667448, All CFR 652535, All CFR TNH2/1168)



**WAITARA
LAND STATUS PLAN**

- LAND VESTED UNDER WHA 1940 (PRE 1940)
- WAITARA HARBOUR ENDOWMENT LAND SUBSEQUENTLY MADE SUBJECT TO THE WAITARA HARBOUR ACT 1940 (WHA)
- WAITARA LIBRARY ENDOWMENT LAND SUBJECT TO WAITARA BOROUGH VESTING ACT 1909
- LAND HELD FOR WAITARA TOWN IMPROVEMENTS, TOWN IMPROVEMENTS
- MIXED TITLE LAND HELD SUBJECT TO BOTH WHA AND FOR TOWN IMPROVEMENTS
- OTHER LAND

How to have your say

There are many ways to send us your views:

Complete the submission form on the next page of this booklet and

- Post it to:
NPDC Waitara Endowment Submissions,
Reply Paid DX, DX Box NX10026, New Plymouth
- Deliver it to the Civic Centre, Liardet Street, New Plymouth;
or to the library and service centres in Bell Block, Inglewood
or Waitara.
- Make your submission online at newplymouthnz.com/Waitara
- Email us at submissions@npdc.govt.nz

The Council will consider all submissions on 15-17 June. Once any changes agreed to by the Council are made, the Council will adopt a final Bill. The Council will then begin the Parliamentary processes, which involves extensive formal notification processes to all affected landowners, Government agencies and to the wider public.

Parliament sets its own timetables. However, the usual course would indicate that the Bill may take up to one year to pass through the Parliamentary processes and become law.

Please note: As required by legislation, all submissions, including any personal information, will be made available to the public and media as part of the Council's decision-making process. Submissions will close on Friday 20 May 2016 and late submissions are unlikely to be able to be accepted.

What happens now?

20 April 2016 - submissions open

20 May - submissions close

15-17 June - public hearings

June or July - Council adopts final Bill

Supporting Information

Available at newplymouthnz.com/Waitara:

- An explanatory note to the draft Bill (this explains the intended effect of each provision)
- Waitara Land Information reports
- Heads of Agreement relating to Waitara Land between the New Plymouth District Council and the Trustees of Te Kotahitanga o Te Atiawa Trust
- Independent advice from Telfer Young for leaseholders

Waitara Harbour Act 1940, available at <http://www.legislation.govt.nz/act/local/1940/0006/latest/whole.html>

Waitara Borough Reserves Vesting Act 1909, available at <http://www.legislation.govt.nz/act/local/1909/0042/latest/whole.html>

Question and answer drop-in sessions

The Council will be running question and answer sessions at the Waitara Library and Service Centre for all members of the community to discuss this proposal with councillors and staff. These sessions enable you to find out more information to help you with your submission.

Friday 22 April, 11am to 2pm

Monday 2 May, 12pm to 5pm

Tuesday 26 April, 9am to 12pm

Wednesday 4 May, 10am to 4pm

Thursday 28 April, 2pm to 6pm

Monday 16 May, 9am to 5pm

Saturday 30 April, 9am to 12pm

Waitara Endowment Lands Submission Form

Any individual or organisation can make a written submission. We welcome both general and detailed comment. Your submission will be considered by the Council in an open meeting. Please return your submission no later than Friday 20 May 2016

Save time by filling in your submission online at newplymouthnz.com/Waitara

Please note: As required by legislation, all submissions, including any personal information, will be made available to the public and media as part of the Council's decision-making. Consultation will close on Friday 20 May 2016 and late submissions will not be accepted.

Full Name/Organisation:

Address:

Phone (Day):Email:.....

Do you identify as one of the following (select all that apply): Leaseholder Te Atiawa member Waitara resident

Speaking To Your Submission

Do you want to speak to the Council in support of your submission? (15-17 June 2016) Yes No

If one of the boxes is not ticked, we'll assume you don't want to be heard.

If yes, please let us know how long you want to speak for. Five minutes 10 minutes 15 minutes

Details of submission (please be as specific as possible to help us understand your views)

Do you support the proposed package? Yes No

Why?

YOUR COMMENTS

Do you support the proposed approach of giving leaseholders a right to freehold? Yes No

Why?

YOUR COMMENTS

<p>Do you support the proposed <input type="checkbox"/> Yes approach of transferring land to Te Kotahitanga o Te <input type="checkbox"/> No Atiawa Trust? Why?</p>	<p>YOUR COMMENTS</p>
<p>Do you support the proposed <input type="checkbox"/> Yes approach to distribute funds to benefit Waitara? <input type="checkbox"/> No Why? What particular projects or works do you think the funds should be used on?</p>	

ADDITIONAL COMMENTS OR SUGGESTIONS

Thank you for your submission

There are many ways to send us your submission

- Mail** NPDC Waitara Endowment Submissions, Reply Paid DX,
DX Box NX10026, New Plymouth
- Deliver it** To the Civic Centre, Liardet Street, New Plymouth; or to the library and service
centres in Bell Block, Inglewood or Waitara
- Online** Make your submission online at newplymouthnz.com/Waitara
- Email** submissions@npdc.govt.nz



<p>FOR OFFICE USE ONLY</p> <p>Doc. No:</p> <p>Subject: Waitara Lease Freehold Matters</p> <p>Date Stamp:</p>



For more information:

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New Plymouth

Phone: 06-759 6060
Email: enquiries@npdc.govt.nz
Web: newplymouthnz.com



Te Kaunihera-ā-Rohe o Ngāmotu
NEW PLYMOUTH DISTRICT COUNCIL
newplymouthnz.com