

# **New Plymouth District Council (Waitara Lands) Bill**

Local Bill

As reported from the Māori Affairs Committee

## **Commentary**

### **Recommendation**

The Māori Affairs Committee has examined the New Plymouth District Council (Waitara Lands) Bill and recommends by majority that it be passed with the amendments shown.

### **Historical context of Waitara**

Waitara is a town in Taranaki, located about 15 kilometres northeast of New Plymouth. The town has a population of about 6,500. New Plymouth District Council (NPDC) is the district council, and Taranaki Regional Council (TRC) is the regional council.

In the last census, 39.9 percent of Waitara residents identified as Māori. Te Atiawa is the local iwi, and Waitara is home to Manukorihi and Otaraua hapū.

During our consideration of this bill, we were particularly aware of the importance of Waitara's history. This context is discussed in the bill's Explanatory note.

We encourage readers to bear the context of Waitara's history in mind when considering our recommended amendments to the bill.

### **Intention of the bill as introduced**

The New Plymouth District Council (Waitara Lands) Bill is a local bill promoted by NPDC. The member in charge is Jonathan Young, the member of Parliament for New Plymouth. As introduced, the bill seeks to give effect to the Heads of Agreement between NPDC and Te Kotahitanga o Te Atiawa Trust (the Trust). Overall, the bill as introduced would allow:

- the co-management of endowment lands between NPDC and the Trust
- transfer of some lands to Te Atiawa

- the removal of restrictions on how income derived from the Waitara Endowment Land can be used
- the right for leaseholders of Waitara Endowment Land to freehold titles.

### **Different categories of land**

The bill is concerned with several different parcels of council-owned land in and around Waitara, which differ in their uses and histories, and the obligations they carry. The legal descriptions of the land are set out in Schedule 3 of the bill.

There are four main categories of land:

- Brown Road Land, which consists of about 13 hectares of land on Brown Road, Waitara.
- Waitara Endowment Land, which includes an endowment for the maintenance of the Waitara Public Library, land held for town improvements, mixed endowment land, portfolio land, and land vested in NPDC under the Waitara Harbour Act 1940.
- Right of First Refusal (RFR) Land, including parts of Ranfurly Park and the Waitara Golf Club.
- Transfer Land, consisting of about 23 hectares of the West Beach, 0.6 hectares of the East Beach, and about 6 hectares of Clifton Park.

### **Our process in considering this bill**

The submissions process raised substantial issues with the bill, so we directed our advisers to engage in extensive negotiations with several stakeholders after we heard submissions. As a result of this process, we are recommending substantial amendments to the bill.

We note that there are ongoing discussions between the Waitara hapū, the Trust, and our advisers. The Waitara hapū are yet to finalise their position, but support the bill to the second reading.

We would like to thank our advisers for their excellent work negotiating with the various stakeholders involved in this bill. This work is the basis for many of our recommended changes, and without it the progress of this bill would not have been possible. We would also like to acknowledge the promoter of the bill, New Plymouth District Council, for its positive and open-minded perspective throughout negotiations.

### **Negotiations not covered by this bill**

We note that NPDC and Waitara hapū have been engaging positively, outside of the context of this bill. NPDC is offering its property expertise to the hapū, and the groups are working together to see some land returned to the hapū of Waitara.

We support these negotiations, and commend the council's commitment to improving its relationship with the hapū.

## **Proposed amendments**

This commentary covers the main amendments we recommend to the bill. It does not discuss minor or technical amendments.

### **Changes to Preamble and Purpose clause**

We note that the bill includes a Preamble, intended to give context to the provisions of the bill. We recommend that this section be redrafted to clearly acknowledge Waitara's role in the New Zealand Land Wars. We recommend that Manukorihi and Otaraua hapū are specifically acknowledged as having interests in Waitara and its land.

We recommend changes to the bill's Purpose clause. These changes are intended to reflect the changes we have made to the bill.

### **Definitions of “Waitara hapū”, “Waitara hapū entity”, and “Waitara River”**

As introduced, the bill does not define who Waitara hapū are or what the Waitara River is. In light of our other proposed changes, we recommend adding definitions for these and related terms.

We recommend defining “Waitara hapū” as Manukorihi hapū and Otaraua hapū. We use this definition for the purposes of this commentary.

Some of our proposed changes rely on an entity representing both Manukorihi and Otaraua hapū. We recommend adding a definition of “Waitara hapū entity”. The Waitara hapū entity would be the entity that is recognised by the Trustees as representing the Waitara hapū for the purposes of this bill.

Further, we recommend defining “Waitara River” as:

the body of water known as the Waitara River that flows continuously or intermittently from its headwaters to the mouth of the Waitara River on the Tasman Sea and is located within the Waitara River catchment.

It would also include all tributaries and streams that are parts of the catchment, as well as any lakes and wetlands connected with the Waitara River.

We are advised that there will likely be a Supplementary Order Paper introduced later in the progress of the bill, which would add a reference to the Survey Office plan of the river and its catchments to the bill.

### **Land to be vested in the Waitara hapū**

In the bill as introduced, the Brown Road Land and the Transfer Land would be vested in the Trust's Trustees (the Trustees).

We recommend amending the bill (principally clauses 6 and 9) to allow the Trustees to give their consent for the Transfer Land and the Brown Road Land to be vested in the Waitara hapū entity.

We recommend adding new clause 9A to specify the provisions around this vesting. This new clause would set out that the Trustees and the Waitara hapū entity may give

NPDC's chief executive written notice that they consent to the Transfer Land and Brown Road Land being vested in the Waitara hapū entity. We recommend that this written notice must be supplied by the Trustees within 40 working days of the bill's Royal assent.

We note that the commencement clause specifies that the legislation would not come into force until 3 months after it receives Royal assent. We recommend that new clause 2(1) be added, to make an exception that new clause 9A would come into force on the day after the date of Royal assent.

Further, we recommend subclause (2)(b) in new clause 9A, to make it clear that if the Waitara hapū entity is a trust, the notice of consent must include the names of the trustees.

### **Transferring the fee simple estate**

We note that there may be circumstances where the Trustees or the Waitara hapū entity needs to transfer a piece of the Transfer Land. Clause 7 sets out the unique reserve status of transfer land. This includes stating the fact that proprietors cannot mortgage or give a security interest in the Transfer Land.

We recommend changes to subclause (4) and adding new subclause (4A) to allow for situations where the Transfer Land is transferred again.

Our amended subclause 4 would set out how the land could be transferred if the Trustees were the proprietor. We propose that the fee simple estate could only be transferred in two circumstances. It could be transferred to the Waitara hapū entity. Alternatively, the land could be transferred if either: a new trustee has been appointed to the Trust, or an existing trustee has ceased to be a trustee. In these cases, the instrument to transfer the reserve land would be accompanied by a certificate verifying the above situation.

New subclause 4A would set out the provisions for when the Waitara hapū entity was the proprietor who wanted to transfer the Transfer Land. We propose that the land could only be transferred if the proprietor is a trust and there is a change of trustees. As with subclause 4, we recommend that the instrument to transfer the reserve land would need to be accompanied by a certificate to verify the changes described above.

### **Leaseholders may purchase freehold title**

Under Part 3 of the bill as introduced, people who have a registered lease over certain Waitara Endowment Land would have the right to purchase the fee simple estate in that land.

We recommend the following changes to this Part.

### **Special conditions for lessees who want to purchase promptly**

Clause 20(2) sets out special conditions for a lessee who gives notice within a certain timeframe that they intend to purchase the land. As introduced, this clause would apply to lessees who give notice within 12 months of the legislation's commencement. We recommend amending this to within 15 months of clause 20's commence-

ment. This change would grant lessees slightly more time to take advantage of subclause (2).

Subclause (2) provides that the price to be paid by the lessee would be the unimproved value of the land on the day the bill received Royal assent. This assumes that land values will rise, and therefore benefits lessees who notify promptly. We note that the change of valuation day will result in the price freeze date moving forward by three months.

We note that there is no guarantee that land values will continue to rise, and that this clause could therefore become detrimental to lessees.

We recommend adding subclause (2A) to allow for circumstances where land values decrease. Subclause (2A) would allow the lessee to choose whether subclause (2) would apply.

### **Additional terms and conditions**

Further, we recommend inserting clause 20(5) to specify some additional terms and conditions. These are that the lessee might have to pay:

- any rent that is owing
- any costs incurred by NPDC as a result of the lessee breaching the lease.

We note that NPDC would be able to sell the fee simple estate of Waitara Endowment Land to people other than the leaseholders. However, this would not affect the leaseholders' rights in relation to purchasing the leasehold. We consider it essential that, in these situations, NPDC considers the views of Waitara hapū alongside those of the lessee, the Trustees, and TRC. We recommend amending clause 23(1) so that the views of Manukorihi hapū and Otaraua hapū must also be considered.

### **Distributing income to the councils**

Clause 24 deals with the distribution of accumulated and future income from the Waitara Endowment Land. At present the total fund generated by this land, after deductions, is about \$4 million. Annual net rental income is about \$1.08 million. It is estimated that, if all lessees exercised their freeholding rights, the net proceeds of the sales could exceed \$60 million.

Currently, this money is shared between NPDC and TRC but for purposes that are no longer relevant. TRC is entitled to this surplus income through the Waitara Harbour Act 1940.

How these funds would be distributed and spent was a prominent issue throughout submissions. In an effort to balance the views expressed, we are recommending extensive changes to Part 4 of the bill. It is our intention that these changes represent a compromise between the various stakeholders.

We do not recommend any substantive changes to clause 24, other than changes to make its meaning clearer.

## How TRC must spend income from the Waitara Endowment Land

Under the bill as introduced, TRC would first be required to spend its funds:

only in the performance of its responsibilities and exercise of its powers in accordance with its funding and financial policies adopted under the Local Government Act 2002 within Waitara or for the benefit of the Waitara community or any part of the Waitara community.

We note ongoing interest in TRC's accountability and transparency in regards to its share.

We were advised that TRC has relatively restricted options for how it is able to spend its funds in Waitara. One of these is to fulfil its responsibilities for the sustainable management of freshwater.

We propose significant changes to how TRC can spend its funds, based on this responsibility for Waitara's freshwater.

We recommend that it be TRC's duty to spend its income from the Waitara Endowment Land on the "restoration, protection, and enhancement of the environmental, cultural, and spiritual health and well-being of the Waitara River".

To achieve this goal, we propose that TRC establish a Waitara River Committee and that this committee establish a subcommittee. The joint committee would oversee all of the TRC proceeds. Of these proceeds, 30 percent would be ring-fenced to be spent on the lower Waitara Catchment or Waitara community, and the remaining 70 percent would be spent on the whole river.

We recommend inserting new Subpart 1A in Part 4 of the bill to set out our proposed plan for TRC's expenditure. We also recommend substantially amending clause 25 to reflect the changes discussed above.

### Establishing the Waitara River Committee

We recommend adding new clause 25A to require TRC to establish a standing committee called the Waitara River Committee.

We recommend inserting new clause 25 to require that the funds that TRC receives through clause 24 would be allocated according to determinations made by the Waitara River Committee.

#### *Membership*

The committee would comprise an equal number of members: half nominated by TRC, and half nominated by the Waitara River Authorities.

Clause 25A(13) would define "Waitara River Authority" as an iwi authority that exercises historical and continuing mana whenua in an area within the Waitara River catchment. Further, the authority would need to be one or more of the following:

- a mandated iwi organisation within the meaning of section 5 of the Māori Fisheries Act 2004
- a body that has been the subject of a settlement of Treaty of Waitangi claims

- a body that has been confirmed by the Crown as holding a mandate for the purpose of negotiating Treaty of Waitangi claims and that is negotiating those claims with the Crown.

We note that this definition is wider than just Te Atiawa or Waitara hapū. This is deliberate, because it is more effective to begin river restoration and protection efforts upstream, and the length of Waitara River spans several rohe. We have not named the river authorities who will sit on the committee, as this is for the appropriate parties to work out. It is therefore important for all Waitara River Authorities and TRC to collaborate.

We understand the need for Te Atiawa to have a consistent voice in the Waitara River Committee. We therefore recommend that at least one of the nominated members allocated to the Waitara River Authorities must be nominated by the Trustees.

We note that neither Te Atiawa nor Waitara hapū would have direct control of any Waitara River funds.

#### *Stakeholder agreement*

TRC would be required to take all reasonable steps to enter into an agreement with the Waitara River Authorities. This agreement would provide administrative, strategic, and procedural guidance for the Waitara River Committee, as detailed in clause 25A(6). This subclause also includes the right for the committee to re-name itself. This is provided for under clause 25A(7).

We propose stipulating that the agreement could not be inconsistent with any enactment that applies to TRC or a Waitara River Authority (clause 25A(8)).

The committee could not be discharged unless TRC and all Waitara River Authorities who entered the agreement were satisfied that this was appropriate (clause 25A(13)).

#### *Powers*

Our new clause 25A(9) would require TRC to delegate all the powers necessary for the Waitara River Committee to perform its functions.

#### *Procedure*

We recommend adding new subclauses (10) to (12) to explain that Schedule 2 of the bill would apply to the Waitara River Committee, with any necessary modifications.

### **Functions and responsibilities of the Waitara River Committee**

We recommend adding new clause 25B to establish the functions of the Waitara River Committee.

#### *Determinations*

As mentioned earlier, the funds received by TRC under clause 24 would be allocated according to determinations by the Waitara River Committee. One of the committee's key functions, therefore, would be to determine how this income would be allocated, and for what purposes. This is set out in clause 25B(1).

Clause 25B(1)(a) would require that 70 percent of the income received by TRC should be used for the restoration, protection, and enhancement of the environmental, cultural, and spiritual health and well-being of the Waitara River.

Clause 25B(1)(b) would require that 30 percent of the income received by TRC should be used for any matter in Waitara or in the lower catchment of the Waitara River that is within the role and responsibilities of TRC under the Local Government Act 2002. We provide some examples of these matters in new subclause (6).

*When it is impractical to spend money on the Waitara River*

We note that there may be circumstances where it is impractical for the committee to allocate funds to the Waitara River. We consider it important to provide for these circumstances. Regardless of where the money is spent, we consider it essential that the Waitara community ultimately benefits in some way from the money generated by the Waitara Lands. Our proposed changes reflect this priority.

We therefore recommend new clause 25B(2). This would allow the committee several options for how to use the money in other ways.

First, we propose an option that would allow the committee to accumulate the funds until such time as a purpose arises.

Alternatively, the committee could apply the funds to a flood control scheme for the Waitara River.

If this second option were impractical, the committee could then allocate the funds to a purpose that benefits all or part of the Waitara community, as long as this fell within the role and responsibilities of TRC under the Local Government Act.

Finally, if the third option were also impractical, the committee may then allocate the funds to any non-commercial purpose that would benefit the Taranaki community generally, including the Waitara community.

*Establishing and engaging with the subcommittee*

As discussed, new clause 25C would require the Waitara River Committee to establish a subcommittee.

Under new clause 25B the committee would need to engage with the subcommittee and to have particular regard to its recommendations in relation to some activities.

Before spending any of the 30 percent income allocated to “any matter in Waitara”, the committee must give particular regard to the recommendations of the subcommittee. To ensure that the subcommittee is properly engaged with, we recommend inserting new subclause (4). This would set out that the Waitara River Committee must:

- notify the subcommittee, in writing, of its proposed determination and the reasons for this determination
- invite the subcommittee to make an oral or written submission in response
- consider any submission the subcommittee makes
- make a determination



- notify the subcommittee, in writing, of the determination and the reasons for this determination.

We recommend inserting new subclause (5) to provide guidance for voting on determinations about the 30 percent funding for “any matter in Waitara”. This guidance would set out that the only members of the Waitara River Committee who may consider or vote on these determinations would be:

- any members nominated by the Waitara River Authorities who entered into the stakeholders’ agreement and exercise mana whenua in Taranaki
- an equal number of members nominated by TRC.

### **Establishing the Waitara River Subcommittee**

We recommend inserting clause 25C to provide that the Waitara River Committee must establish a subcommittee. This subcommittee would comprise two members representing Manukohiri hapū, and two members representing Otaraua hapū.

#### *Recommendations to the Waitara River Committee*

As discussed above, the subcommittee’s role would be to make recommendations to the Waitara River Committee about the 30 percent of funds that it allocates to “any matter in Waitara”. This function would be formalised in new subclause (4).

#### *Administration and powers*

As with the Waitara River Committee, we recommend that the subcommittee follow Schedule 2’s provisions. These set out some administrative matters for the subcommittee. Any matter not addressed in Schedule 2 could be determined by the subcommittee.

We recommend inserting clause 25C(6) to provide that, despite clause 4(3) of Schedule 2, the subcommittee cannot perform its functions with a membership vacancy. This subclause would ensure that the two Waitara hapū are always equally represented on the subcommittee.

Clause 25C(7) would require TRC to delegate all the powers necessary for the subcommittee to perform its functions.

### **Reporting on Waitara River expenditure**

We recommend inserting clause 25D, to make it clear that TRC must report publicly about how it spends income from Waitara Endowment Land.

New clause 25D specifies that the council’s annual and long-term plans must include a statement showing:

- how much money is held by TRC under clause 24
- forecast distributions for the periods covered by the plans
- forecast income for relevant periods

- administrative and operating costs incurred by TRC and the Waitara River Committee under Part 4, Subpart 2, and forecast costs for the periods covered by the plans
- any other costs required by Part 4, Subpart 2.

### **How NPDC must spend its Waitara Lands income**

Under the bill as introduced, NPDC's share of the Waitara Lands income, and any accumulations derived from that income, would be held in a fund to be established by clause 26. Clause 26 would also set out an investment policy for the Fund. The Fund would be used for the "benefit of the Waitara Community or a part of the Waitara community". The bill as introduced gives examples of what this could include:

- community or environmental health
- sports or recreation
- development or presentation of arts, culture, heritage, or community identity
- community self-reliance, capacity building, and stability.

As a result of the submissions process and negotiations by our advisers, we recommend substantial changes to how NPDC would be able to spend the Fund. The most significant change is the creation of two new funds within the overall NPDC fund: the Hapū Land Fund and the Waitara Community Fund.

We recommend adding new clause 31A, which would require NPDC to establish these two funds.

We note that, as introduced, this part of the bill—Subpart 2 of Part 4—is titled "Fund and Board". We recommend renaming it as "Council expenditure". This would more clearly describe its subject-matter.

### **Establishing the Board**

Clause 27 would establish a Board, and provides for it to choose, or change, its own name and that of the Fund. We recommend adding subclause (3A) to make it clear that any reference to the Board or the Fund would be treated as a reference to the Board or the Fund under its new name.

### **Functions and powers of the Board**

Clause 28 would establish the functions and powers of the Board. We recommend several changes to this clause.

In clause 28(1), we recommend requiring the Board to make recommendations to NPDC about its investment policy for the Waitara Community Fund, as well as its policy for determining the amount of Annual Releases from the Waitara Community Fund.

We propose adding a requirement that the Board must make distributions from our proposed new Hapū Land Fund, based on recommendations made by our proposed Hapū Land Fund Committee.

Further, we recommend changing clause 28(1)(b). These changes would make it the Board's function to determine who the recipients would be from the Waitara Community Fund from each financial year's Annual Release.

Finally, we recommend a change to clause 28(2), to make it clear that the Board must provide NPDC with its determinations of how much will go to each recipient, and what this will be for. This information should be given within 9 months of the end of each financial year.

### **Membership of the Board when appointments are not made on time**

Clause 29 provides for the membership of the Board. We recommend inserting clause 29A, to provide for circumstances when Board member appointments are not made on time.

This new clause would provide that, if either the Trustees or NPDC do not make appointments within 3 months, the other party may make the outstanding appointment.

We emphasise that, even if a board member was appointed under this new clause, the normal provisions relating to the Board as set out in Schedule 2 would still apply.

### **Managing the Board**

Schedule 2 covers administrative and procedural matters for the Board.

Clause 5 deals with the chairperson of the Board. We recommend amending clause 5(1) so that the Board would appoint the chairperson, rather than NPDC having this power. Under the bill as introduced, each chairperson would hold the role for one year, and could not be reappointed unless all members of the Board agreed. We recommend adding a further provision, that a chairperson who is reappointed may not hold the role for more than 3 years.

Clause 8 relates to decision-making processes for the Board. We recommend amending clause 8(2) so that the chairperson would not have a casting vote in the event of a tied vote. Under the bill as introduced, the chairperson would have both a casting vote and a deliberative vote.

It is our intention that these changes would make the Board more independent of NPDC.

Clause 31 also deals with the administration and operation of the Board. We recommend inserting clause 31(1)(g) to add a requirement that NPDC and the Trustees' terms of reference for the Board must include "how the Board will engage with the Hapū Land Fund Committee".

### **The Hapū Land Fund and its committee**

We recommend inserting clause 31B to establish the Hapū Land Fund. Its purpose would be to contribute to the return of Waitara land to the Waitara hapū.

We propose that NPDC would be required to allocate 50 percent of the money it receives from the Waitara Lands to the Hapū Land Fund.

Our proposed clause 31B(3) would make it clear that money in the Hapū Land Fund could only be used for the benefit of the Waitara hapū in relation to land in or around Waitara. It could only be used for the following purposes:

- to purchase land or interests in land
- to develop land
- to manage interests in land.

Under new clause 31B(5), NPDC could only abolish the Hapū Land Fund if it had been depleted for 2 years and no further income was expected.

#### *Establishing the Hapū Land Fund Committee*

We recommend inserting clause 31C to establish the Hapū Land Fund Committee as a committee of the Board. It would comprise two members representing Manukohiri hapū, and two members representing Otaraua hapū.

The Board would be required to delegate to the Hapū Land Fund Committee all the powers necessary for it to perform its functions.

Clause 31C(3) would provide that members of the Hapū Land Fund Committee may be members of the Board, but do not have to be. As with the Board, Schedule 2 would exclude certain candidates from being members of the Hapū Land Fund Committee.

The Hapū Land Fund Committee would end at the same time as the Hapū Land Fund.

#### *Function and operations of the Hapū Land Fund Committee*

We recommend inserting clause 31D to set out the function of the Hapū Land Fund, which would be to determine the amounts and purposes of distributions from the Hapū Land Fund.

New clause 31D(2) provides that any interest in land purchased in accordance with a recommendation of the Hapū Land Fund Committee must be registered to the Waitara hapū entity. The exception to this would be any land purchased under our proposed new clause 35A.

Our proposed new clause 31E sets out how the operational provisions in Schedule 2 would apply to the Hapū Land Fund Committee.

#### *NPDC may buy land for benefit of Waitara hapū*

Our proposed new clause 35A would enable NPDC to purchase an interest in Waitara land for the purposes of the Hapū Land Fund.

It would require that NPDC be reimbursed from the Hapū Land Fund for the price of the purchase and NPDC's net related costs. This reimbursement would need to be done before any money was distributed from the Fund for any other reason.

#### *NPDC must include the Hapū Land Fund in its reporting documents*

We consider it important that there is transparency around the Hapū Land Fund. We therefore recommend inserting clause 35B.

Under the bill as introduced, NPDC would need to include a statement in its annual and long-term plans reporting on various financial aspects of the overall Fund. New clause 35B(2A) would require NPDC to show separately in its annual report another statement for the Hapū Land Fund that canvasses the same matters.

### **Waitara Community Fund**

Our proposed new clause 32A requires that the Waitara Community Fund be established as a perpetual fund, with the purpose of benefitting the whole, or any other part of, the Waitara community. This would be achieved through the processes set out in clauses 33 to 35.

*How much money will be released from the Waitara Community Fund each year?*

As introduced, clause 33 initially addressed how NPDC would release funds from the overall Fund. We recommend amending it to address the Waitara Community Fund instead.

*Examples of what the money could be spent on*

Some submitters told us that they felt that the Waitara Community could learn more about its history, and in particular the history of its hapū. We support this idea, and recommend adding paragraphs (f) and (g) to clause 34(3) to add more examples to the list of possible uses for the Waitara Community Fund. Our proposed new examples would be “a greater understanding of the relationship that the Waitara hapū have with Waitara” and “a greater understanding of the role of Waitara in the New Zealand Land Wars”.

### **Regulation-making powers**

We were advised by the Regulations Review Committee about the Henry VIII powers contained in clause 45 of the bill. Unfortunately, we were not able to address this clause during our consideration of the bill. We recommend that the House consider this issue during later stages of consideration.

### **Green Party of Aotearoa New Zealand minority view**

The Green Party has considered this bill closely, including all the efforts which have improved it from the original draft. It does now represent a step forward from the deep unresolved issues affecting manawhenua and leaseholders in Waitara. However, we cannot support it at this time. We acknowledge that this bill is not formally a Te Tiriti Settlement Bill, but it attempts to deal with the issues of the Pekapeka Block. These cannot be separated from the breaches of Te Tiriti o Waitangi that led to war, land alienation, and poverty descending upon the manawhenua of Waitara.

The bill has been hugely changed since the first reading and it is much improved, but it is yet to achieve full hapū support. Originally this bill enacted a Heads of Agreement between the Te Ātiawa iwi post-settlement group and the New Plymouth District Council, but it failed to resolve the land losses of the Pekapeka Block and the risk of leaseholder homes being offered for sale at market rates.

Following hearings at Te Owae Marae the bill has basically been rewritten to make the NPDC funds into an opportunity for the two hapū to have half the money for land purchases in Waitara (Hapū Land Fund) and for a Waitara Community Fund. A co-governance committee to spend the Taranaki Regional Council Fund has been set up to clean up the Waitara River.

As a result of ongoing negotiations with the officials and the Chair of the Select Committee, the two hapū have agreed to the Bill going through second reading on the understanding that they will have some time and resources for a proper process of consultation. This is not agreement to the bill as it stands but until such time as the full consultation within the hapū has taken place. The Green Party is concerned that the Bill will now be back in the House and the ability of the hapū to substantially change it or request for it to be stopped will be seriously weakened. The Green Party would have preferred that the full consultation with the wider hapū membership and a decision from them had been completed before second reading. We cannot support the Bill until it is fully endorsed. We will however remain open to supporting the Bill following further consultation, and therefore we will reconsider our position for the Committee of the whole House and third reading.

The argument that this negotiated agreement with the New Plymouth District Council and the Taranaki Regional Council has a short life span is not a sign of good faith to resolve the underlying issues of the Pekapeka Block. After more than 150 years of hurt and land loss the Green Party supports the hapū calling for more time.

Our view after this complex process is that we should uphold hapūtanga and support their judgement on this Bill after their full consultations, while expressing considerable respect for the effort which has been made to improve this legislation. It may not be Te Tiriti bill but our position needs to be guided by a commitment to honouring Te Tiriti o Waitangi in all legislation.

### **New Zealand First Party minority view**

This is a bill brought to the House by the Member of Parliament for New Plymouth, Mr. Jonathan Young.

NZ First recognises the bill is not a treaty settlement bill, but one of addressing the utilisation of income derived from the leased lands.

NZ First has considered the final draft of the New Plymouth District Council (Waitara Lands) Bill and notes that it is markedly different to that which was originally brought to the House. This has been the result of a concentrated effort by all parties concerned—iwi/hapū, local bodies, and Crown representatives.

While not a Treaty of Waitangi (Te Tiriti) settlement bill the history of the Pekapeka Block associated with this bill reflects some of the breaches to Te Tiriti that is evidenced by the Taranaki wars.

We note that some hapū have had limited opportunity to consider this bill in detail and we understand that they support the bill. A number of submissions were received which contributed to the latest draft of the bill.

The bill would establish a Standing Committee of the Taranaki Regional Council, the membership of which is to comprise members nominated by the Regional Council to represent the Council and iwi/hapū representation.

NZ First has some concerns if membership is to comprise non-elected members on the one hand and members of council who have been elected as part of a Local Body election. We believe that all members should be subject to the same electoral process.

We note that apart from the opportunity to apply income to the acquisition of land, including the option to purchase sections currently leased, if and when they should become available income is to be used for the environmental maintenance of the Waitara River and its catchment area.

NZ First believes that the environmental care and maintenance of the river should be the responsibility of central government and that income identified under this bill be available to the acquisition of those leasehold properties that will become available from time to time.

## **Appendix**

### **Committee process**

The New Plymouth District Council (Waitara Lands) Bill was referred to the committee on 21 September 2016. The closing date for submissions was 7 November 2016. We received and considered 118 submissions from interested groups and individuals. We heard oral evidence from 53 submitters at hearings in New Plymouth, Waitara, and Wellington.

We received advice from the Department of Internal Affairs. An official from the Office of Treaty Settlements acted as a special adviser for this bill. The Regulations Review Committee reported to the committee on the powers contained in clause 45.

### **Committee membership**

Tutehounuku Korako (Chairperson)

Hon Chester Borrows

Marama Davidson

Kelvin Davis

Marama Fox

Peeni Henare

Pita Paraone

Dr Shane Reti

Catherine Delahunty, Adrian Rurawhe, and Jonathan Young also participated in the consideration of this item of business.



**Key to symbols used in reprinted bill**

**As reported from a select committee**

text inserted by a majority

~~text deleted by a majority~~



*Jonathan Young*

## **New Plymouth District Council (Waitara Lands) Bill**

Local Bill

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#### Schedule 3

#### Land to which this Act applies

### Preamble

- (1) ~~Land issues have been contentious in the Waitara area since at least 1865, when land was confiscated from various hapū of Te Atiawa by the Crown.~~
- (2) ~~The Crown and Te Atiawa have entered into a Deed of Settlement dated 9 August 2014 in which the Crown acknowledged its wrongdoings and their consequences, and apologised to the tupuna, the descendants, the hapū, and the whanau of Te Atiawa.~~ 5
- (3) ~~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.~~ 10

- (4) ~~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.~~
- (5) ~~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
- (1) The New Zealand land wars began at Waitara in 1860 when disputes regarding the Crown’s purchasing methods escalated. In 1865, all land owned by Māori at Waitara was confiscated and today little remains in Māori ownership.
- (2) The Crown acknowledged the dispossession and the impacts of landlessness to Te Atiawa in 2014, with the settling of Te Atiawa’s historical Treaty claims. In the deed of settlement, the Crown apologised to Te Atiawa tūpuna, hapū, and whanaū. 10
- (3) Some of the confiscated land is vested in the New Plymouth District Council (the **Council**), as successor to a number of former local government entities (including the Waitara Harbour Board) on which the land was endowed. 15
- (4) There are restrictions on the purposes for which the Council may apply the proceeds of the use of the land (for example, rental income) or the disposal of the land.
- (5) The Taranaki Regional Council (TRC) has interests conferred by statute in some of those proceeds. 20
- (6) Te Atiawa (represented by the Te Kotahitanga o Te Atiawa Trust) and the Waitara hapū (Manukorihi and Otaraua), as tangata whenua, ~~has~~ have interests in the land referred to above and other land that is dealt with by this Act, and the Waitara community generally.
- (7) 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, but ultimately without success. 25
- (8) 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. 30
- (9) Previous attempts (including a local Bill) 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:~~ this Act will—
- (a) enable the transfer of land to Te Atiawa or the Waitara hapū; and
- (b) allow lessees to freehold their properties; and 35
- (c) create an enduring fund for the benefit of the Waitara community, including the Waitara hapū.
- (10) Legislation is required in order to give effect to ~~the matters that have been consulted upon~~ those matters and related matters affecting land in the Waitara area.

**The Parliament of New Zealand therefore enacts as follows:** 40

**1 Title**

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

**2 Commencement**

(1) **Sections 1, 2, 3, 4, and 9A** come into force on the day after the date on which this Act receives the Royal assent. 5

(2) ~~This~~ The rest of this Act comes into force ~~three~~ on the day that is 3 months after the date on which it receives the Royal assent.

**Part 1****Preliminary provisions****3 ~~Purpose~~ Purposes** 10

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 15
- (b) provide for the fee simple ownership in the Transfer Land to be vested in the Trustees or the Waitara hapū entity subject to restrictions; and
- (c) provide for the status of the Transfer Land as ~~recreation~~ land subject to the Reserves Act 1977; and
- (d) provide for the Council to be the administering body of Transfer Land that remains a reserve; and 20
- (e) provide for the Council and the Trustees to enter into a memorandum of understanding relating to consultation arrangements for the management and administration of Transfer Land that remains a ~~recreation~~ reserve; and 25
- (f) provide for the fee simple ownership of the Brown Road Land to be vested in the Trustees or the Waitara hapū entity without restriction; and
- (g) provide the Trustees or their nominee with a right of first refusal in relation to the RFR Land if the Council resolves at any time within the RFR period to dispose of the RFR Land; and 30
- (h) provide lessees with 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 ~~the Taranaki Regional Council~~ TRC; and 35

- (ia) establish funds and administrative bodies for the administration and application of TRC's and the Council's respective shares of any accumulated and ongoing income generated from the Waitara Endowment Land
- (j) ~~create the Fund for the administration of the Council's share of any accumulated and ongoing income generated from the Waitara Endowment Land; and~~ 5
- (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 Fund; and~~
- (l) repeal the Waitara Borough Reserves Vesting Act 1909, the Waitara Harbour Act 1940, and related legislation. 10

#### 4 Interpretation

- (1) In this Act, unless the context otherwise requires,—
- accumulated and future income** means the income of the Council already derived from, and to be derived from, the Waitara Endowment Land, including sale proceeds, plus earnings on that income 15
- annual plan** has the same meaning as in the Local Government Act 2002
- annual report** has the same meaning as in the Local Government Act 2002
- Board** means the Board established by **section 27**
- Brown Road Land** means the land described in **Part 1 of Schedule 3** 20
- Clifton Park** means that part of the Transfer Land described by this name in **Part 4 of Schedule 3**
- Council** means the New Plymouth District Council
- dispose of**, in relation to the RFR Land,—
- (a) means— 25
- (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— 30
- (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, a fixture, or a fitting from the land 35
- East Beach** means that part of the Transfer Land described by this name in **Part 4 of Schedule 3**



entity, in the definition of Waitara hapū entity, means a body corporate (including a corporate trust) or other legal entity, or the trustees of an unincorporated trust

**Former Borough Land** means the land described in ~~subpart 2~~ **subparts 2, 3, and 4 of Part 2 of Schedule 3**

**Fund** means the fund established by **section 26**

**Hapū Land Fund** means the fund established under **section 31A(a)**

**Hapū Land Fund Committee** means the committee established under **section 31C**

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

**lessee** means the holder of a current registered lease of any of the Waitara Endowment Land, other than registered lease 6411893.1

**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

**long-term plan** has the same meaning as in the Local Government Act 2002

**Minister** means the Minister of Conservation

**nominee**, in relation to the Trustees, means a nominee of the Trustees appointed under a contract formed under **section 13**

**Portfolio Land** means the land described in **subpart 5 of Part 2 of Schedule 3**

**RFR Land** means the 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** and comprises East Beach, West Beach, and Clifton Park

**TRC** means the Taranaki Regional Council

**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 45(1)**

**Waitara Community Fund** means the fund established under **section 31A(b)**

**Waitara Endowment Land** means—

- (a) subject to **paragraph (b)**, the land described in **subparts 1 to 4 of Part 2 of Schedule 3**: 5
- (b) in **Part 3, subpart 1 of Part 4 and section 36**, the land described in **paragraph (a)** and the Portfolio Land

**Waitara hapū** means Manukorihi hapū and Otaraua hapū

**Waitara hapū entity** means the entity that is recognised by the Trustees as representing the Waitara hapū for the purposes of this Act 10

**Waitara River** means—

- (a) the body of water known as the Waitara River that flows continuously or intermittently from its headwaters to the mouth of the Waitara River on the Tasman Sea and is located within the Waitara River catchment; and
- (b) all tributaries, streams, and other natural watercourses that flow continuously or intermittently into the body of water referred to in **paragraph (a)** and that are located within the Waitara River catchment; and 15
- (c) all lakes and wetlands connected continuously or intermittently with the bodies of water referred to in **paragraphs (a) and (b)** and all tributaries, streams, and other natural watercourses that flow continuously or intermittently into those lakes and wetlands; and 20
- (d) the beds of the bodies of water referred to in **paragraphs (a) to (c)**

**Waitara River Committee** means the committee established under **section 25A**

**West Beach** means that part of the Transfer Land described by this name in **Part 4 of Schedule 3**. 25

- (2) For the purposes of the definition of **Waitara**, to the extent that the area map in **Schedule 1** is inconsistent with the description of Waitara in that schedule, the description prevails.
- (3) The names by which areas of land are described in this Act (for example, Brown Road Land, East Beach, Ranfurly Park, and Waitara Endowment Land) may be used in any other enactment, instrument, or document to refer to the land they describe in this Act, but are not required to be so used. 30
- (4) A reference in this Act to a record of title in relation to any land or any interest in land is to be read as a reference to a computer freehold register or computer interest register (as the case may be) for that land or that interest in land until— 35
  - (a) the **Land Transfer Act 2017** comes into force; and
  - (b) a record of title is created under that Act for that land or that interest in land.

## Part 2

### Provisions relating to various land

#### Subpart 1—Waitara Endowment Land freed from trusts and restrictions

- 5 Waitara Endowment Land and income and proceeds freed from trusts, reservations, and endowments, but subject to existing interests** 5
- (1) The fee simple estate in 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 other express or implied trusts, reservations, or endowments; and 10
- (b) subject to or with the benefit of all interests existing in respect of the Waitara Endowment Land immediately before the commencement of this Act.
- (2) All accumulated and future income generated from the Waitara Endowment Land is free of any trusts imposed by the Waitara Borough Reserves Vesting Act 1909 or the Waitara Harbour Act 1940 and all express or implied trusts, reservations, or endowments, other than those imposed by this Act. 15
- (3) **Subsection (1)(a)** does not affect the application of the Reserves Act 1977.
- (4) Sections 140 and 141 of the Local Government Act 2002 do not apply to the Waitara Endowment Land or to any accumulated and future income. 20
- (5) Sections 40 to 42 of the Public Works Act 1981 do not apply in relation to the vesting or transfer of any Waitara Endowment Land under **section 6, 9, or 49Part 3** of this Act.

#### Subpart 2—Transfer Land and Brown Road Land

- 6 Vesting of Transfer Land ~~in Trustees~~** 25
- (1) The reservation of any part of Clifton Park as a recreation reserve subject to the Reserves Act 1977 is revoked.
- ~~(2) The fee simple estate in the Transfer Land vests in the Trustees, subject to, or with the benefit of, all existing interests and any applicable resource consents.~~
- (2) The fee simple estate in the Transfer Land vests in— 30
- (a) the Trustees; or
- (b) the Waitara hapū entity if the Trustees and the entity give consent under section 9A.
- (2A) That fee simple estate is vested subject to, or with the benefit of, all existing interests and any applicable resource consents. 35
- (3) Each of the following parts of the Transfer Land is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977:

- (a) Clifton Park:
- (b) East Beach:
- (c) West Beach.
- (4) Any improvements in or on the Transfer Land do not vest in the Trustees or the Waitara hapū entity, despite the vesting under **subsection (2)**. 5
- (5) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under **subsection (1)**, of the reserve status of part of the Clifton Park Transfer Land.
- 7 Reserve status of Transfer Land**
- Reserve land* 10
- (1) While any Transfer Land that is vested under **section 6(2)** remains a reserve subject to the Reserves Act 1977 (the **reserve land**), the reserve land is to be treated for all purposes (unless otherwise provided in this Act) as if it—
- (a) were vested in the Council under the Reserves Act 1977; and
- (b) had not vested in the Trustees or the Waitara hapū entity under **section 6(2)** of this Act. 15
- (2) Without limiting **subsection (1)**,—
- (a) the Council is the administering body of the reserve land under the Reserves Act 1977 with all of the functions and obligations of an administering body; and 20
- (b) subject to **subsections (8) and (10)**, the Council may exercise its powers as an administering body under the Reserves Act 1977 with respect to the reserve land; and
- (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~~ reserve land had not ~~been~~ vested in the Trustees or the Waitara hapū entity but had remained vested in the Council; and 25
- (ii) may continue to exercise the Minister's powers under section 108 of the Reserves Act 1977 (bylaws to be approved by Minister); and 30
- (d) any interest in land affecting the ~~Transfer Land~~ reserve land at the date of its vesting under **section 6(2)** applies as if the Council were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land; and 35
- (e) any interest in land affecting the reserve land must be dealt with for the purposes of registration as if the Council were the registered proprietor of the land; and

- (f) any interest (other than an interest in land) affecting the ~~Transfer Land~~ reserve land at the date of its vesting under **section 6(2)** applies—
- (i) as if the Council were the grantor of the interest in respect of the reserve land; and
  - (ii) until the interest expires or is terminated; and 5
  - (iii) with any other necessary modifications; and
  - (iv) despite any change in status of the land.
- (3) The ~~Trustees~~ registered proprietor of any reserve land must not mortgage, or give a security interest in, the reserve land.
- (4) If the Trustees are the registered proprietor of any reserve land, they may transfer the fee simple estate in that land only if— 10
- (a) the transferee is—
    - (i) the Waitara hapū entity; or
    - (ii) the trustees of the Trust, if a new trustee has been appointed to the Trust or an existing trustee has ceased to be a trustee of the Trust; 15  
and
  - (b) the instrument of transfer is accompanied by a certificate given by the transferor or the transferor's solicitor verifying that **paragraph (a)(i) or (ii)** (as the case may be) applies.
- (4A) If the Waitara hapū entity is the registered proprietor of any reserve land, that entity may transfer the fee simple estate in that land only if— 20
- (a) the Waitara hapū entity is an unincorporated trust and either a new trustee has been appointed to the trust or an existing trustee has ceased to be a trustee of the trust; and
  - (b) the trustees of the Waitara hapū entity are the transferee; and 25
  - (c) the instrument of transfer is accompanied by a certificate given by the transferor or the transferor's solicitor verifying that **paragraphs (a) and (b)** apply.
- (4) ~~The Trustees may transfer the fee simple estate in the reserve land only if—~~
- (a) ~~the transferees are the trustees of the Trust, after any new trustee has been appointed to the Trust or any transferor has ceased to be a trustee of the Trust; and~~ 30
  - (b) ~~the instrument to transfer the reserve land is accompanied by a certificate given by the Trustees, or the Trustees solicitor, verifying that **paragraph (a)** applies.~~ 35
- (5) If the reserve status of any ~~Transfer Land~~ reserve land is revoked by the Minister under section 24 of the Reserves Act 1977,—
- (a) section 25(2) of the Reserves Act 1977 applies to the revocation, but not the rest of section 25 of that Act; and

- (b) the land remains vested in the ~~Trustees~~ registered proprietor.
- (6) No part of the ~~Transfer Land~~ reserve land may be exchanged for other land under section 15 of the Reserves Act 1977.
- Recreation reserve land*
- (7) ~~Subsections (8) to (10)~~ apply to any reserve land that is classified as a recreation reserve subject to the Reserves Act 1977 (the ~~recreation reserve land~~). 5
- (8) The Council and the ~~Trustees~~ registered proprietor must negotiate and agree a memorandum of understanding that:—
- (a) provides for the Council to engage with the ~~Trustees~~ registered proprietor regarding all significant proposed decisions regarding the management and administration of the ~~recreation~~ reserve land; and 10
- (b) allows the ~~Trustees~~ registered proprietor to initiate proposals for the management and administration of the ~~recreation~~ reserve land.
- (9) Copies of the memorandum of understanding must be maintained on the Council's Internet site and at public premises of the Council in Waitara. 15
- (10) The Council and the ~~Trustees~~ registered proprietor, acting as if they jointly were the administering body for the ~~recreation~~ reserve land, must:—
- (a) prepare and review the management plan for the ~~recreation~~ reserve land under section 41 of the Reserves Act 1977; and
- (b) consider any proposal to change the classification of any part of the ~~recreation~~ reserve land under section 24 of the Reserves Act 1977. 20
- (11) If the registered proprietor is a transferee under **subsection (4)(a)(ii) or (4A)**,—
- (a) the parties under **subsection (8)** are not required to negotiate and agree a new memorandum of understanding, but are required to continue to act in accordance with the existing memorandum of understanding; and 25
- (b) the parties under **subsection (10)** are not required to prepare a new management plan, but are required otherwise to comply with that subsection.
- 8 Land may become Transfer Land** 30
- (1) This section applies to each of the following areas of land if at any time the Council is the registered proprietor of the fee simple estate in the land and there is no leasehold estate in that land:
- (a) Section 10 SO 496323:
- (b) Section 11 SO 496323. 35
- (2) The fee simple estate in the land vests in the ~~Trustees~~ registered proprietor of West Beach, subject to, or with the benefit of, all existing interests and any applicable resource consents.
- (3) The land—

- (a) is declared a reserve and classified under the Reserves Act 1977 with the same classification as for the reserve over West Beach (the **existing reserve**) at the time of the vesting under **subsection (2)**; and
- (b) forms part of the existing reserve.
- (4) Any improvements in or on the land do not vest in the ~~Trustees, despite the vesting person in whom the land is vested~~ under **subsection (2)**. 5
- (5) **Sections 7, 36, and 37(5)** apply to the land as if the land were Transfer Land vested under **section 6(2)** and declared a reserve under **section 6(3)**.
- (6) The Registrar-General must, on written application by a person authorised by the chief executive of the Council,— 10
- (a) register ~~the Trustees as the proprietors~~ as the proprietor of the fee simple estate in the land the person named in the application as the person in whom the land has vested under **subsection (2)**; and
- (b) record on the ~~computer freehold register~~ record of title that the land is subject to **section 7(2)(c) and (4)**; and 15
- (c) record any other entry on the ~~computer freehold register~~ record of title and do anything else necessary to give effect to this Act.
- (7) An application under **subsection (6)** must be made as soon as is reasonably practicable after a vesting under **subsection (2)**.
- 9 Vesting of Brown Road Land ~~in the Trustees~~** 20
- ~~(1) The fee simple estate in the Brown Road Land vests in the Trustees subject to, or with the benefit of, all existing interests and any applicable resource consents.~~
- (1) The fee simple estate in the Brown Road Land vests in—
- (a) the Trustees; or 25
- (b) the Waitara hapū entity if the Trustees and the entity give consent under **section 9A**.
- (1A) That fee simple estate is vested subject to, or with the benefit of, all existing interests and any applicable resource consents.
- ~~(2) Any improvements in or on the Brown Road Land do not vest in the Trustees, despite the vesting under **subsection (1)**.~~ 30
- (2) Despite the vesting under **subsection (1)**, the following improvements in or on the Brown Road Land do not vest in the Trustees or the Waitara hapū entity:
- (a) drainage infrastructure and related improvements owned by the Council;
- (b) improvements owned by any other person. 35
- (3) The Council may, at any time ~~within~~ before the day that is 12 months after the Brown Road Land vests under **subsection (1)**, request that the registered proprietor of the Brown Road Land grant the following:

- (a) a registrable easement in gross for a right to drain water shown as CE and CF on SO Plan 496323:
- (b) a registrable right of way easement in gross shown as CG on SO Plan 496323.
- (4) The registered proprietor must grant an easement referred to in **subsection (3)** if the terms of the easement are agreed with the Council, and the parties must use their best endeavours to reach agreement on reasonable terms. 5
- (5) If the registered proprietor transfers the fee simple estate in any part of the Brown Road Land that is subject to the Council's right under **subsection (3)** they must, before the transfer of the land, advise the transferee of that right. 10
- (6) The permission of the ~~council~~ 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 in relation to the Brown Road Land while that land is owned by the Trustees or the Waitara hapū entity.
- 9A Consents to land vesting in Waitara hapū entity** 15
- (1) For the purposes of **sections 6 and 9**, written notice of consent to the Transfer Land or the Brown Road Land vesting in the Waitara hapū entity may be given to the chief executive of the Council by—
- (a) the Trustees; and
- (b) the Waitara hapū entity. 20
- (2) Any notice under this section must—
- (a) be given before the day that is 40 working days after the commencement of this section; and
- (b) if the Waitara hapū entity is a trust, include the names of all trustees.
- Subpart 3—RFR Land 25
- 10 Restrictions on disposal of RFR Land**
- (1) The Council must not dispose of RFR Land to a person other than the Trustees or their nominee unless the land is disposed of—
- (a) under **section 14**; or
- (b) under any matter referred to in **section 15(1)**; or 30
- (c) in accordance with a waiver or variation given under **section 17**; or
- (d) 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 11**; 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 35
- (iii) was not withdrawn under **section 11(3)**; and



- (iv) was not accepted under **section 12**.
- (2) Land ceases to be RFR Land if—
- (a) the fee simple estate in the land transfers from the Council to—
- (i) the Trustees or their nominee; or
- (ii) any other person under **subsection (1)(d)**; or 5
- (b) the fee simple estate in the land transfers or vests from the Council—
- (i) to or in a person under **section 14** or under any matter referred to in **section 15(1)**; or
- (ii) in accordance with any waiver or variation given under **section 17**; or 10
- (c) the RFR Period for the RFR Land ends.

### 11 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 that includes—
- (a) the terms of the offer, including its expiry date; and 15
- (b) the legal description of the land, including any interests affecting it and the reference for any ~~computer register~~ record of title for the land; and
- (c) the 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. 20
- (2) The expiry date of an offer must be on or after the ~~date~~ day 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.

### 12 Acceptance of offer 25

- (1) The Trustees may, by notice to the Council, accept an offer made under **section 11(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. 30

### 13 Formation of contract

- (1) If the Trustees accept an offer by the Council under **section 12(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 set out in the offer and this section. 35

- (2) The terms of the contract 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— 5
- (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— 10
- (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.
- 14 Disposals of RFR Land to other persons** 15
- 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 20
  - (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.
- 15 Council's obligations subject to other matters** 25
- (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— 30
    - (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) Reasonable steps for the purposes of **subsection (1)(b)(ii)** do not include steps to promote the passing of an enactment. 35
- (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.

- 16 Notice to Trustees of proposed 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 or their nominee.
- (2) The notice under **subsection (1)** must be given on or before the ~~date~~ day that is 20 working days before the day of proposed disposal. 5
- (3) The notice must include—
- (a) the legal description of the land and any interests affecting it; and
- (b) the reference for any ~~computer register~~ record of title 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 10
- (e) an explanation of how the proposed disposal complies with **section 10**; and
- (f) if the disposal is to be made under **section 10(1)(d)**, a copy of any written contract for the disposal.
- 17 Waiver and variation** 15
- (1) The Trustees may, by notice to the Council, waive any or all of the rights the Trustees have in relation to the Council under this subpart.
- (2) The Trustees and the Council may agree in writing to vary or waive any of the rights each has to the other under this subpart.
- (3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it. 20
- 18 Assignment of rights and obligations under this subpart**
- (1) **Subsection (3)** applies if the RFR holder—
- (a) assigns the RFR holder’s rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder’s constitutional document; and 25
- (b) has given the notices required by **subsection (2)**.
- (2) The RFR holder must give a notice to each RFR landowner that—
- (a) states that the RFR holder’s rights and obligations under this subpart are being assigned under this section; and 30
- (b) specifies the date of the assignment; and
- (c) specifies the names of the assignees and, if they are the trustees of a trust, the name of the trust; and
- (d) specifies the street address, postal address, and fax number or electronic address for notices to the assignees. 35
- (3) This subpart applies to the assignees (instead of to the RFR holder) as if the assignees were the Trustees, with any necessary modifications.

- (4) In this section,—
- constitutional document** means the trust deed or other instrument adopted for the governance of the RFR holder
- RFR holder** means the 1 or more persons who have the rights and obligations of the Trustees under this subpart, because— 5
- (a) they are the Trustees; or
- (b) they have previously been assigned those rights and obligations under this section.

### Part 3

#### Rights to purchase and sell Waitara Endowment Land 10

##### 19 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.
- (2) In addition, a lessee of any Waitara Endowment Land has the right to purchase the fee simple estate in the land that is subject to the lease. 15
- (3) The right of the lessee under **subsection (2)** is to be treated as a term of the lease and survives any sale of the fee simple interest by the Council or any other person.

##### 20 Purchase price and other terms and conditions

- (1) The price to be paid by a lessee for the purchase of any Waitara Endowment Land is the unimproved value of the land on the date the lessee gives notice to the Council under **section 21(1)(a)**. 20
- (2) If a lessee gives notice under **section 21(1)(a)** no later than ~~12~~ 15 months after ~~this Act comes into force~~ the commencement of this section,—
- (a) the date of the notice under **subsection (1)** is taken to be the date on which this Act ~~came into force~~ receives the Royal assent; and 25
- (b) the lessee is not liable to meet the costs of the Council referred to in **section 21(1)(c)**.
- (2A) Subsection (2)(a) does not apply if the lessee exercising the right to purchase elects that subsection (1) is to apply according to its terms. 30
- (3) The purchase price of the land is as determined—
- (a) by the Council; or
- (b) under **section 22**, if applicable.
- (4) The purchase is to be on any additional terms and conditions determined by the Council. 35
- (5) Additional terms and conditions may include payment by the lessee of—

- (a) any arrears of rent;
- (b) any costs incurred by the Council as a consequence of any breach of the lease by the lessee.

## 21 Process for purchase of freehold by lessee

- (1) A lessee exercising the right to purchase any Waitara Endowment Land must— 5
  - (a) give notice to the Council of the lessee's intent to purchase; and
  - (b) obtain, at the purchaser's expense, any necessary subdivision consent and consents under the Building Act 2004 and any other enactment; and
  - (c) meet the costs, including the reasonable costs of the Council, in respect of the transfer. 10
- (2) This section does not prevent the Council from—
  - (a) entering into an agreement to sell the fee simple estate in the land to any person before the Council receives a notice from the lessee under **subsection (1)(a)**; or
  - (b) exercising any other rights or powers it has in its capacity as a local authority in respect of the land. 15
- (3) ~~Within~~ Before the day that is 20 working days after receiving the notice from the lessee under **subsection (1)(a)**, the Council must give notice to the lessee of the purchase price determined by the Council under **section 20(3)(a)**.
- (4) If the Council sells the fee simple estate in any Waitara Endowment Land under **subsection (2)(a)**, references to the Council in this section (except **subsection (2)(b)** and **sections 19, 20, and 22** must be read as references to the owner for the time being of the fee simple estate in that land. 20

## 22 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 20(3)(a)**, the Council must, if requested by the lessee, have the land valued to determine the purchase price. 25
- (2) If, after the land has been valued, the Council and the lessee do not agree on the purchase price, the Council and lessee must submit the valuation of the land to arbitration. 30
- (3) The purchase price determined by arbitration is the purchase price of the land for the purposes of the proposed purchase by the lessee; but the lessee is not obliged to complete the purchase if not satisfied with the price determined by arbitration.
- (4) The Arbitration Act 1996 applies to an arbitration under **subsection (2)**, subject to the following provisions: 35
  - (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. 5

### 23 Sale other than to lessee

- (1) Before selling the fee simple estate in any Waitara Endowment Land to any person other than the lessee of that land, the Council must seek and have particular regard to the views of the lessee, the Waitara hapū, the Trustees, and TRC. 10
- (2) If a party whose views are sought under **subsection (1)** fails to provide its views ~~within~~ before the day that is 30 working days after they were sought, the Council may proceed with the proposed sale on the basis that the party has no views on the matter. 15
- (3) A sale to a person other than the lessee does not become unconditional ~~less than~~ before the day that is 30 working days after the parties' views have been sought under **subsection (1)**, unless all those parties agree otherwise.

## Part 4

### Allocation of net rent and sale proceeds 20

#### Subpart 1—Allocation to TRC and Council

### 24 Distribution of accumulated and future income from Waitara Endowment Land

- (1) ~~This Part applies to TRC's interest in the accumulated and future income attributable to the land that is subject to the Waitara Harbour Act 1940 and TRC has no claim to any accumulated income attributable to the Former Borough Land or the Portfolio Land.~~ 25
- (2) The accumulated and future income attributable to any part of the Waitara Endowment Land vested in the Council must be distributed as follows:
  - (a) accumulated and future income attributable to the Former Borough Land and the Portfolio Land ~~are~~ is payable to the Council; and 30
  - (b) the Council costs and TRC costs must be deducted from ~~the remaining~~ accumulated and future income other than that referred to in paragraph (a); and
  - (c) the balance of the accumulated and future income ~~(after the application of paragraph (a) and deductions provided for in paragraph (b) have been made)~~ referred to in paragraph (b) must be divided equally be- 35

tween the Council and TRC to be applied in accordance with ~~sections 25 and subpart 2 subparts 2 and 3.~~

- (3) ~~For the purposes of **subsection (2)(b)**, if~~ If the Council costs exceed the ~~remaining~~ accumulated and future income to which **subsection (2)(b)** applies, those costs may, to the extent that they exceed that ~~remaining~~ income, be deducted from— 5
- (a) the future income of a subsequent year; or
  - (b) the Fund, after consultation with the Board.
- (4) In **subsection (2)(b)**,— 10
- Council costs** means the actual and reasonable costs paid or incurred by the Council before and after the commencement of this Act ~~relating that relate~~ to the Waitara Endowment Land, including (but not limited to) ~~the following:—~~
- (a) the following ongoing costs:
    - (i) costs, charges, disbursements, and expenses relating to the administration of the Waitara Endowment Land: 15
    - (ii) 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 but not including costs payable by a lessee under **section 21(1)(c)**:
    - (iii) legal, valuation, and other costs relating to the negotiating, documenting, and settling of the sale or transfer of any part of the Waitara Endowment Land to any person (not including costs payable by a lessee under **section 21(1)(c)**); and 20
  - (b) the following historical costs:
    - (i) legal costs relating to the litigation with the lessees (less any amounts received from the Council's insurers in respect of it): 25
    - (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 consulting on, and the drafting, introduction, and enactment of, this Act 30
  - (a) ~~legal costs relating to the litigation with the lessees (less any amounts received from the Council's insurers in respect of it):~~
  - (b) ~~legal, valuation, and other costs relating to negotiations with the Crown and Te Atiawa regarding the Waitara Endowment Land:~~
  - (e) ~~costs, charges, disbursements, and expenses relating to the administration of the Waitara Endowment Land:~~ 35
  - (d) ~~drafting, consulting on, introduction, and enactment of this Act:~~

- (e) ~~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;~~
- (f) ~~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~~ 5

**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 consulting on, and the drafting, ~~consulting on,~~ introduction, and enactment of, this Act. 10

**25 ~~TRC rights and obligations regarding allocation of accumulated and future income~~**

- (1) ~~TRC must apply the amounts received by it under **section 24(2)(c)** only in the performance of its responsibilities and exercise of its powers in accordance with its funding and financial policies adopted under the Local Government Act 2002 within Waitara or for the benefit of the Waitara community or any part of the Waitara community.~~ 15
- (2) ~~If TRC so resolves, the amounts received by it under **section 24(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.~~ 20
- (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 for the benefit of the Taranaki community generally, including the Waitara community.~~ 25
- (4) ~~After its long term plan or annual plan is adopted, TRC may apply the amounts as contemplated by that plan.~~ 30
- (5) ~~In **subsection (2)**, **Lower Waitara River Flood Control Scheme** means the scheme by that name established and maintained by TRC under the Local Government Act 2002.~~

Subpart 1A—TRC expenditure

- 25 TRC duty to allocate accumulated and future income** 35
- TRC must apply the amounts received by it under **section 24(2)(c)** (**TRC income**) in accordance with determinations made by the Waitara River Committee under **section 25B**.



**25A Establishment of Waitara River Committee**

- (1) TRC must establish a standing committee of TRC called the Waitara River Committee.
- (2) The Waitara River Committee comprises an equal number of members—
- (a) nominated by TRC; and 5
  - (b) nominated by the Waitara River Authorities who enter the agreement under **subsection (5)**.
- (3) At least 1 member nominated under **subsection (2)(b)** must be nominated by the Trustees.
- (4) A person to whom **clause 4(1)(c), (d), (e), (f), or (g) of Schedule 2** applies is not eligible to be a member of the Waitara River Committee. 10
- (5) TRC must take all reasonable steps to enter an agreement with the Waitara River Authorities to constitute the Waitara River Committee for the purposes of this subpart.
- (6) The name of the Waitara River Committee may be changed— 15
- (a) by the agreement under **subsection (5)**; or
  - (b) later, by the committee.
- (7) A change of name of the Waitara River Committee under **subsection (6)** has effect, and any reference to the Waitara River Committee in this Act or in any other enactment, instrument, or document is to be treated as a reference to the committee by its new name. 20
- (8) The agreement under **subsection (5)** must not be inconsistent with any enactment that applies to TRC or to a Waitara River Authority.
- (9) TRC must delegate to the Waitara River Committee all of TRC’s powers that TRC considers necessary to enable the committee to perform the committee’s functions. 25
- (10) **Schedule 2** applies to the Waitara River Committee—
- (a) subject to this section; and
  - (b) as if—
    - (i) the Waitara River Committee were the Board; and 30
    - (ii) TRC were the Council; and
    - (iii) in **clauses 1(1)(a), 6, and 12(2) of the schedule** the Trustees were the Waitara River Authorities who enter the agreement under **subsection (5)** of this section; and
  - (c) as if in **clause 11(1)** the reference to the Fund were a reference to the TRC income; and 35
  - (d) with any other necessary modifications.

- (11) To the extent that the procedures of the Waitara River Committee are not prescribed by **Schedule 2**, they may be determined by the committee.
- (12) Despite **clause 4(3) of Schedule 2**, if there is a vacancy in the membership of the Waitara River Committee, the committee must not perform any function until the vacancy is filled. 5
- (13) The Waitara River Committee may be discharged only if TRC and all Waitara River Authorities who entered the agreement under **subsection (5)** are satisfied that to do so is appropriate.
- (14) In this section,—
- iwi authority** means the authority that represents an iwi and that is recognised by that iwi as having authority to do so 10
- Waitara River Authority** means an iwi authority that—
- (a) exercises historical and continuing mana whenua in an area within the Waitara River catchment; and
- (b) is 1 or more of the following in relation to the Waitara River catchment: 15
- (i) a mandated iwi organisation within the meaning of section 5 of the Maori Fisheries Act 2004;
- (ii) a body that has been the subject of a settlement of Treaty of Waitangi claims;
- (iii) a body that has been confirmed by the Crown as holding a mandate for the purpose of negotiating Treaty of Waitangi claims and that is in the process of negotiating those claims with the Crown. 20

## **25B Functions of Waitara River Committee**

- (1) The functions of the Waitara River Committee are—
- (a) to determine the amounts and purposes of distributions of 70 percent of the TRC income toward the restoration, protection, and enhancement of the environmental, cultural, and spiritual health and well-being of the Waitara River: 25
- (b) to determine the amounts and purposes of distributions of 30 percent of the TRC income toward any matter in Waitara or in the lower catchment of the Waitara River that is within the role and responsibilities of TRC under the Local Government Act 2002: 30
- (c) to make a determination under **subsection (2)**:
- (d) to establish a subcommittee to make recommendations under **section 25C**: 35
- (e) to engage with that subcommittee for the purposes of **subsection (3)**.
- (2) If the Waitara River Committee is satisfied that it is impracticable to apply any amount for the purpose set out in **subsection (1)(a)**, the committee may determine that TRC—

- (a) accumulate amounts of TRC income until that purpose arises; or
- (b) apply the amounts—
- (i) for the purpose of a flood control scheme for the Waitara River; or
- (ii) if expenditure under **subparagraph (i)** is impracticable, for a purpose within the role and responsibilities of TRC under the Local Government Act 2002 that benefits the Waitara community or any part of the Waitara community; or 5
- (iii) if expenditure under **subparagraphs (i) and (ii)** is impracticable, for non-commercial purposes within the role and responsibilities of TRC under the Local Government Act 2002 that benefit the Taranaki community generally, including the Waitara community. 10
- (3) Before making a determination under **subsection (1)(b)**, the Waitara River Committee must have particular regard to the recommendations of the subcommittee established under **section 25C**. 15
- (4) For the purposes of **subsection (3)**, if the Waitara River Committee proposes to make a determination that is not in accordance with a recommendation of the subcommittee, the Waitara River Committee must—
- (a) notify the subcommittee in writing of its proposed determination and the reasons for that proposed determination; and 20
- (b) invite the subcommittee to make an oral or written submission in support of its recommendation and in response to the notification; and
- (c) consider any submission made by the subcommittee; and
- (d) make a determination; and
- (e) notify the subcommittee in writing of the determination and the reasons for that determination. 25
- (5) The only members of the Waitara River Committee who may consider and vote on a determination under **subsection (1)(b)** are—
- (a) the member or members nominated by the Waitara River Authorities that— 30
- (i) entered the agreement under **section 25A(5)**; and
- (ii) exercise mana whenua in an area within the Taranaki region; and
- (b) an equal number of members nominated by TRC.
- (6) By way of example only, and not limitation, a distribution is to be treated as being within the role and responsibilities of TRC under the Local Government Act 2002 for the purposes of **subsection (1)(b)** if it would contribute to any of the following matters that are within that role and responsibilities at the relevant time: 35
- (a) the planning of land and coast restoration and management;

- (b) economic development planning:
- (c) the planning of transport infrastructure development:
- (d) civil defence and emergency preparedness, including marae preparedness planning:
- (e) natural hazards risk management: 5
- (f) protection of cultural heritage and biodiversity:
- (g) development of Waitara hapū planning documents:
- (h) development of an enduring relationship between Waitara hapū and TRC.
- 25C Waitara River Committee to establish subcommittee** 10
- (1) The Waitara River Committee must establish a subcommittee for the purposes of this subpart.
- (2) The subcommittee comprises the following members nominated by the Waitara hapū entity:
- (a) 2 members representing the Manukorihi hapū; and 15
- (b) 2 members representing the Otaraua hapū.
- (3) A person to whom **clause 4(1)(c), (d), (e), (f), or (g) of Schedule 2** applies is not eligible to be a member of the subcommittee.
- (4) The function of the subcommittee is to make recommendations to the Waitara River Committee in relation to determinations to be made under **section 25B(1)(b).** 20
- (5) **Schedule 2** applies to the subcommittee—
- (a) subject to this section; and
- (b) as if—
- (i) the subcommittee were the Board; and 25
- (ii) TRC were the Council; and
- (c) as if **clause 1** were replaced by “A member of the subcommittee is appointed for a term not exceeding 3 years as specified by the hapū represented by that member”; and
- (d) as if,— 30
- (i) in **clause 6** “Council and Trustees” were replaced by “Waitara hapū”; and
- (ii) in **clause 11(1)** the reference to the Fund were a reference to the TRC income; and
- (e) with any other necessary modifications. 35
- (6) To the extent that the procedures of the subcommittee are not prescribed by **Schedule 2**, they may be determined by the subcommittee.

- (7) Despite **clause 4(3) of Schedule 2**, if there is a vacancy in the membership of the subcommittee, the subcommittee must not perform any function until the vacancy is filled.
- (8) TRC must delegate to the subcommittee all of TRC's powers that TRC considers necessary to enable the subcommittee to perform the subcommittee's functions. 5
- 25D TRC's annual plan, long-term plan, and annual report**
- (1) TRC must, in its annual plan and long-term plan, include a statement showing—
- (a) money held by TRC under **section 24**; 10
- (b) forecast distributions from the TRC income for the relevant periods;
- (c) forecast income for the relevant periods;
- (d) actual administration and operating costs to be paid from the TRC income and forecast costs for the relevant periods;
- (e) any other costs to be included by this subpart. 15
- (2) TRC's annual report must report against the matters referred to in **subsection (1)**.
- (3) Nothing in **subsection (1)** requires TRC to amend its annual plan or its long-term plan that was in force immediately before the commencement of this Act.
- Subpart 2—~~Fund and Board~~Council expenditure 20
- 26 Establishment and investment of Fund**
- (1) The Council must establish and maintain a fund comprising—
- (a) all accumulated and future income received by the Council under **section 24(2)(a) and (c)**; and
- (b) all accumulations derived from any such income (after deduction of Council costs within the meaning of **section 24**). 25
- (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.~~ 30
- (4) ~~The Council must consult the Board before adopting the investment policy for the Fund.~~
- (5) Income referred to in **subsection (1)** and 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 income or the Fund. 35

**27 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 and the Public Records Act 2005, but the Board is not a committee of the Council or a council organisation. 5
- (3) The Board may choose to name itself ~~and the Fund~~ and may change ~~those names~~ its name at any time.
- (3A)** The name of the Board, as chosen or changed under **subsection (3)**, has effect as chosen or changed, and any reference to the Board in this Act or in any other enactment, instrument, or document is to be treated as a reference to the Board by its name as chosen or changed. 10
- (4) The Auditor-General is the auditor of the Board and the Fund.

**28 Functions and powers of Board**

- (1) The functions of the Board are:—
- (a) ~~to recommend~~ make recommendations to the Council ~~the policy for determining the amount of Annual Releases; and concerning—~~ 15
- (i) the Council's investment policy for the Waitara Community Fund (including recommendations about addressing the matters specified in section 105 of the Local Government Act 2002 for the purposes of **section 32A(2)**); and 20
- (ii) the policy for determining the amount of Annual Releases from the Waitara Community Fund;
- (ab)** to make distributions from the Hapū Land Fund in accordance with determinations made by the Hapū Land Fund Committee under **section 31D(1)(a)**; 25
- (b) to determine and make distributions from the Annual Release from the Waitara Community Fund for each financial year ~~for endorsement by the Council; and;~~
- (c) to perform any other functions that may be conferred on it by this Act.
- (2) The Board must, ~~within~~ before the day that is 9 months after the end of each financial year of the Council, provide to the Council its determinations of the distribution of the Annual Release from the Waitara Community Fund for that financial year. 30
- (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~~ Waitara Community Fund. 35
- (4) The Board has all the powers necessary to enable it to perform its functions, but ~~may~~ must not—
- (a) acquire, hold or dispose of money or property; or

- (b) borrow any money; or
- (c) purport to lend money or provide any other financial accommodation, indemnity or guarantee; or
- (d) enter into contracts; or
- (e) ~~employee-employ~~ any person; or
- (f) willingly be a party to any legal proceedings.

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## 29 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 Trustees); 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 (the appointers) must,—
  - (a) in the case of the initial appointments of members of the Board,—
    - (i) make the appointments before the first meeting of the Board; and
    - (ii) notify ~~the other appointer~~ each other in writing of the appointments; and
  - (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~~ each other as soon as is reasonably practicable.
- (3) Before making an appointment, the appointer must consult the other appointer.
- (4) In making an appointment, the appointer must take into account the need for the Board members collectively to possess the skills, knowledge, and experience, and the understanding of the Waitara community, that are relevant to the purpose and functions of the Board.
- (5) A person to whom **clause 4(1)(c), (d), (e), (f), or (g) of Schedule 2** applies is not eligible for appointment to the Board.

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### 29A Membership of Board when appointments not made on time

- (1) If an appointer does not make initial appointments of members of the Board under **section 29** by the day that is 3 months after the commencement of this Act, the other appointer may make the outstanding appointments.
- (2) If an appointer does not make any subsequent appointment under **section 29** by the day that is 3 months after the relevant vacancy occurs, the other appointer may make the appointment.
- (3) If the Council appoints a member of the Board under this section, **Schedule 2** applies as if the Council were the appointer of that member under **section 29**.

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- (4) If the Trustees appoint a member of the Board under this section, **Schedule 2** applies as if the Trustees were the appointer of that member under **section 29**.

### **30 Council obligations to Board**

- (1) The Council must provide adequate administration and operating services to the Board and meet the Board's expenses to the extent contemplated by **clauses 10 and 11 of Schedule 2**. 5
- (2) The Council must provide the Board with a statement of the amount of the Annual Release ~~within~~ from the Waitara Community Fund before the day that is 3 months after the end of each financial year.

### **31 Administration and operation of the Board**

- (1) The Council and the Trustees must adopt terms of reference for the Board to provide ~~for~~ for the following matters: 10
- (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, and procedures for the Board to refer applications for distributions to the Council for comment;: 15
  - (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;: 20
  - (e) how applications for distributions 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 34(2)**;: 25
  - (g) how the Board will engage with the Hapū Land Fund Committee.
- (2) The terms of reference may be amended by agreement between the Council and the Trustees.
- (3) ~~**Schedule 2** contains~~ The further provisions relating to the Board set out in **Schedule 2** have effect according to their terms. 30
- (4) The terms of reference must not be inconsistent with **Schedule 2**.
- (5) The Council must ensure that the terms of reference are—
- (a) published on the Council's Internet site; and
  - (b) available for inspection at premises of the Council in Waitara.
- (6) 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. 35



**31A Establishment of Hapū Land Fund and Waitara Community Fund**

The Council must, for the purposes of this subpart, establish within the Fund—

- (a) a Hapū Land Fund; and
- (b) a Waitara Community Fund.

**31B Hapū Land Fund**

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- (1) The Hapū Land Fund must be established and administered for the purpose of contributing to the return of land in or adjacent to Waitara to the Waitara hapū.
- (2) The Council must allocate to the Hapū Land Fund 50 percent of the money paid into the Fund under **section 26(1)**.
- (3) Money in the Hapū Land Fund must not be applied for any purpose other than carrying out the following actions for the benefit of the Waitara hapū in relation to land in or adjacent to Waitara: 10
  - (a) the purchase of land or interests in land;
  - (b) the development of land;
  - (c) the management of interests in land. 15
- (4) A distribution from the Hapū Land Fund must not involve private profit or gain for an individual, except to the extent that the profit or gain is incidental to the principal purpose or purposes of the distribution.
- (5) The Council may abolish the Hapū Land Fund if—
  - (a) the fund has held no funds for a continuous period of 2 years; and 20
  - (b) the Board and the Hapū Land Fund Committee are satisfied that the Hapū Land Fund will not receive any further income.
- (6) After the Hapū Land Fund is abolished,—
  - (a) **subsection (2)** no longer applies; and
  - (b) the Council must allocate all money into the Fund under **section 26(1)** to the Waitara Community Fund. 25

**31C Establishment of Hapū Land Fund Committee**

- (1) The Hapū Land Fund Committee is established as a committee of the Board.
- (2) The Hapū Land Fund Committee comprises the following members nominated by the Waitara hapū entity— 30
  - (a) 2 members representing the Manukorihi hapū; and
  - (b) 2 members representing the Otaraua hapū.
- (3) The members of the Hapū Land Fund Committee may, but need not, be members of the Board.
- (4) A person to whom **clause 4(1)(c), (d), (e), (f), or (g) of Schedule 2** applies is not eligible to be a member of the Hapū Land Fund Committee. 35

(5) The Board must delegate to the Hapū Land Fund Committee all of the Board's powers that the Board considers necessary to enable the committee to perform the committee's functions.

(6) The Hapū Land Fund Committee is abolished immediately on the abolition of the Hapū Land Fund.

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### **31D Function of Hapū Land Fund Committee**

(1) The function of the Hapū Land Fund Committee is to determine the amounts and purposes of distributions from the Hapū Land Fund.

(2) Any interest in any land purchased in accordance with a recommendation of the Hapū Land Fund Committee must be registered in the name of the Waitara hapū entity.

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(3) **Subsection (2)** does not apply to land purchased under **section 35A** until the Council has been reimbursed under that section.

### **31E Operation of Hapū Land Fund Committee**

(1) **Section 27(2)** applies to the Hapū Land Fund Committee as if it were the Board.

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(2) **Schedule 2** applies, with any necessary modifications, to the Hapū Land Fund Committee and its members as if the committee were the Board.

(3) To the extent that the procedures of the Hapū Land Fund Committee are not prescribed by **Schedule 2**, they may be determined by the committee.

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(4) Despite **clause 4(3) of Schedule 2**, if there is a vacancy in the membership of the Hapū Land Fund Committee, the committee must not perform any function until the vacancy is filled.

### **32 Council's annual plan, long-term plan, and annual report**

(1) ~~The Council must, in its annual plan and long-term plan, include a statement showing:~~

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(a) ~~the money held in the Fund under **section 26(1)**;~~

(b) ~~the investments of the Fund;~~

(c) ~~forecast income and capital gains or losses of the Fund for the periods covered by the annual plan and long-term plan;~~

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(d) ~~actual administration and operating costs to be paid from the Fund and forecast costs for the periods covered by the annual plan and long-term plan;~~

(e) ~~forecast Annual Releases for the periods covered by the annual plan and long-term plan;~~

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(f) ~~any other matter required by this subpart to be included.~~

(2) ~~The annual report of the Council must report against the matters referred to in **subsection (1)**.~~

- (3) ~~Nothing in **subsection (1)** requires the Council to amend its annual plan or its long-term plan that was in force immediately before the commencement of this Act.~~

### **32A Waitara Community Fund**

- (1) The Waitara Community Fund must be established as a perpetual fund and administered for the purpose of benefiting the Waitara community or any part of the Waitara community by the scheme of Annual Releases under **sections 33 to 35**. 5
- (2) 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 Waitara Community Fund. 10
- (3) Before adopting the investment policy for the Waitara Community Fund, the Council must have particular regard to the recommendations made by the Board under **section 28(1)(a)(i)**.

### **33 Determination of amount of Annual Release from Waitara Community Fund** 15

- (1) ~~The Council must in respect of every financial year, by resolution made after consulting the Board, determine the amount of the Annual Release from the Waitara Community Fund for each financial year.~~
- (2) The policy for determining the amount of the Annual Release must be set out in the Council's long-term plan and must take into account:— 20
- (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 28(1)(a)(ii)** on the policy for determining the amount of Annual Releases. 25
- (3) Nothing in **subsection (2)** requires the Council to amend its long-term plan that was in force immediately before the commencement of this ~~Act~~ section.

### **34 Purposes for which Annual Release may be distributed**

- (1) ~~The An Annual Release from the Waitara Community Fund must only be distributed only for the benefit of the Waitara community or a part of the Waitara community in accordance with this section purpose referred to in **section 32A(1)**.~~ 30
- (2) To assist with the distribution of the Annual Release from the Waitara Community Fund, the Board must assess issues of importance to the Waitara community (including social, economic, cultural, and environmental issues), or a part of the Waitara community 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 the day that is 3 months after the commencement of this ~~Act~~ section. 35

- (3) By way of example only, and not limitation, for the purposes of this section, a distribution is for the benefit of the Waitara community or a part of the Waitara community if it would encourage or enable—
- (a) community self-reliance, capacity building and stability; or
  - (b) opportunities for social, recreational, civic, or cultural participation or for reducing or overcoming barriers to such participation; or 5
  - (c) community or environmental health; or
  - (d) development or preservation of arts, culture, heritage, or community identity; or
  - (e) sports or recreation; or 10
  - (f) a greater understanding of the relationship that the Waitara hapū have with Waitara; or
  - (g) a greater understanding of the role of Waitara in the New Zealand land wars.
- (4) A distribution must not involve private profit or gain for an individual, except to the extent that the profit or gain is incidental to the principal purpose or purposes of the distribution (such as a prize, scholarship, or sponsorship). 15
- (5) The Board may—
- (a) commit to funding an activity that meets the requirements of this section from the Annual Release over more than one financial year; and 20
  - (b) commit the Waitara Community Fund to making, repaying, or underwriting a loan to enable funding of an activity that meets the requirements of this section for a distribution from the Fund.
- (6) The total value of commitments under **subsection (5)** must not exceed 50 percent of future Annual Releases forecast by the Council for the period of the funding or loan. 25
- (7) Distributions that comply with this section may be made to the Council or the Trustees, or to entities controlled by either of them.

### **35 Process for distributions from Annual Release**

- The Council must— 30
- (a) cause the amount of any distribution from an Annual Release to be paid in accordance with the Board's determination; and
  - (b) notify in writing the person to whom the distribution is to be paid of any terms or conditions attached to the distribution; and
  - (c) publish the distribution, and any terms and conditions, on the Council's Internet site and in its annual report and make it available for inspection at public premises of the Council in Waitara. 35

- 35A Separate purchases of land by Council for benefit of Waitara hapū**
- (1) The Council may purchase an interest in land in or adjacent to Waitara for the benefit of the Waitara hapū.
- (2) The Council must be reimbursed from the Hapū Land Fund for the price of the purchase and the Council's net related costs (including any holding costs) and, unless the Council agrees otherwise in writing and subject to any conditions imposed by the Council, the reimbursement must be made before any money is distributed from that fund for any other reason. 5
- 35B Council's annual plan, long-term plan, and annual report**
- (1) The Council must, in its annual plan and long-term plan, include a statement showing— 10
- (a) money held in the Fund under **section 26(1)**;
- (b) forecast distributions for the relevant periods;
- (c) the investments of the Fund;
- (d) actual administration and operating costs to be paid from the Fund and forecast costs for the relevant periods; 15
- (e) any other matter required by this subpart to be included.
- (2) The Council's annual report must report against the matters referred to in **subsection (1)**.
- (2A) A statement under **subsection (1)** and the Council's annual report must separately show and report against the matters referred to in **subsection (1)** in relation to the Hapū Land Fund (other than **subsection (1)(e)**) and the Waitara Community Fund. 20
- (3) Nothing in **subsection (1)** requires the Council to amend its annual plan or its long-term plan that was in force immediately before the commencement of this section. 25

## Part 5 Miscellaneous

- 36 Application of Resource Management Act 1991**
- Section 11 and Part 10 of the Resource Management Act 1991 do not apply to:— 30
- (a) the vesting of the Transfer Land ~~in the Trustees~~ under **section 6**; or
- (b) the vesting of the Brown Road Land ~~in the Trustees~~ under **section 9**; or
- (c) any disposal of RFR Land to the Trustees or their nominee under **subpart 3 of Part 2**; or 35
- (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)**.

**37 Registration of ownership and matters to be recorded on ~~computer freehold register~~ record of title for Transfer Land and Brown Road Land**

- (1) This section applies to the land vested ~~in the Trustees~~ under **subpart 2 of Part 2**. 5
- (2) For East Beach, the Registrar-General of Land must, on written application by an authorised person,—
- (a) register ~~the Trustees as the proprietors~~ as the proprietor of the fee simple estate in the land the person named in the application as the person in whom the land has vested; and 10
- (b) record on the ~~computer freehold register~~ record of title that the land is subject to **section 7(2)(e) and (4)**; and
- (c) record any other entry on the ~~computer freehold register~~ record of title and do anything else necessary to give effect to this Act. 15
- (3) **Subsection (4)** applies to each of the following:
- (a) West Beach:
- (b) Clifton Park:
- (c) Brown Road Land.
- (4) The Registrar-General of Land must, in accordance with a written application by an authorised person,— 20
- (a) create a ~~computer freehold register~~ record of title for the fee simple estate in the land in the name of ~~the Trustees~~ the person named in the application as the person in whom the land has vested; and
- (b) record on the ~~computer freehold register~~ record of title— 25
- (i) any interests that are registered, notified, or notifiable and that are described in the application; and
- (ii) for West Beach and Clifton Park, that the land is subject to **section 7(2)(e) and (4)**.
- (5) For East Beach, West Beach, or Clifton Park, if the reservation of the land under **section 6(3)** is revoked for— 30
- (a) all of the land, the authorised person must apply in writing to the Registrar-General of Land to remove from the ~~computer freehold register~~ record of title for the land the notifications that the land is subject to **section 7(2)(e) and (4)**; or 35
- (b) part of the land, the Registrar-General of Land must ensure that the notifications referred to in **paragraph (a)** remain ~~only~~ on the ~~computer freehold register~~ record of title only for the part of the land that remains a reserve.

- (6) **Subsection (4)** is subject to the completion of any survey necessary to create a ~~computer freehold register~~ record of title.
- (7) A ~~computer freehold register~~ record of title must be created under this section as soon as is reasonably practicable, but not later than the day that is 12 months after the commencement of this ~~Act~~ section. 5
- (8) In this section, **authorised person** means a person authorised by the chief executive of the Council.
- 38 Right of purchase by lessee to be ~~recorded on computer registers~~ entered on records of title**
- (1) As soon as is reasonably practicable after the commencement of this ~~Act~~ section, the chief executive of the Council must give the Registrar-General of Land notice of any land that is subject to a right of purchase by a lessee under **section 19**. 10
- (2) The notice must include—
- (a) the reference for the ~~computer freehold register~~ record of title for the land; and 15
- (b) the reference for any ~~computer interest register~~ record of title for the leasehold estate in the land; and
- (c) a statement that the notice is issued under **subsection (1)**.
- (3) The Registrar-General of Land must, as soon as is reasonably practicable after receiving a notice under **subsection (1)**, record on each ~~computer register~~ record of title referred to in the notice that the land is subject to **section 19**. 20
- (4) **Subsections (5) and (6)** apply to the transfer to a lessee of the fee simple estate in the land that is subject to **section 19**.
- (5) The transfer instrument for the transfer must include a statement that the fee simple estate in the land is no longer subject to **section 19**. 25
- (6) The Registrar-General of Land must, upon registration of the transfer of the land, remove from any ~~computer register~~ record of title for the land the notification that the land is subject to **section 19**.
- (7) If an amendment to **Part 2 of Schedule 3** is made under **section 45(2)** that results in land becoming, or ceasing to be, subject to **section 19**, the chief executive of the Council must give notice to the Registrar-General of Land. 30
- (8) The notice must—
- (a) include the matters referred to in **subsection (2)(a) and (b)**; and
- (b) specify whether the land is, or ceases to be, subject to **section 19**, as the case requires; and 35
- (c) include a statement that the notice is issued under **subsection (7)**.
- (9) If the Registrar-General of Land receives a notice under **subsection (7)**, he or she must, as the case requires,—

- (a) record on each ~~computer register~~ record of title referred to in the notice that the land is subject to **section 19**; or
- (b) remove from each ~~computer register~~ record of title referred to in the notice the notification that the land is subject to **section 19**.
- 39 Removal of notation from certain ~~computer freehold registers~~ records of title** 5
- (1) As soon as is reasonably practicable after the commencement of this ~~Act section~~ section, the chief executive of the Council must apply in writing to the Registrar-General of Land to remove from the ~~computer freehold register~~ record of title for any land described in **Schedule 3**, or any land subsequently included in **Part 2 of Schedule 3** by an amendment under **section 45(2)**,— 10
- (a) any notation that the land is subject to the Waitara Harbour Board Act 1940 or the Waitara Borough Reserves Vesting Act 1909:
- (b) any statement of purpose relating to an endowment to which **section 5** applies. 15
- (2) The application must—
- (a) include the reference for the ~~computer freehold register~~ record of title for the land; and
- (b) specify any notation or statement of purpose to be removed.
- (3) The Registrar-General of Land must comply with an application received under **subsection (1)**. 20
- 40 Right of first refusal ~~recorded on computer registers~~ entered on records of title for RFR Land**
- (1) As soon as practicable after the RFR Period commences, the chief executive of the Council must give the Registrar-General of Land notice that the land has become RFR Land. 25
- (2) The notice must—
- (a) specify the legal descriptions of, and identify the ~~computer registers~~ records of title for, the RFR Land; and
- (b) state that it is given under this section. 30
- (3) The Registrar-General of Land must, as soon as is reasonably practicable after receiving the notice, record on each ~~computer register~~ record of title for the RFR Land identified in the notice that the land is RFR Land to which this Act applies and is subject to restrictions on disposal (including leasing).
- 41 Notice to Registrar-General of land ceasing to be RFR Land** 35
- (1) This section applies if land contained in a ~~computer register~~ record of title is to cease, or has ceased, being RFR Land because—
- (a) the fee simple estate in the land is to transfer from the Council to—



- (i) the Trustees or their nominee; or
    - (ii) any other person under **section 10(1)(d)**; or
  - (b) the fee simple estate in the land is to transfer or vest from the Council—
    - (i) to or in a person under **section 14** or under any matter referred to in **section 15(1)**; or 5
    - (ii) in accordance with any waiver or variation given under **section 17**; or
  - (c) the RFR Period for the RFR Land has ended.
- (2) The chief executive of the Council must, before the transfer or vesting takes effect or as soon as is reasonably practicable after the RFR period ends (as the case requires), give the Registrar-General of Land notice that the land is to cease, or has ceased, being RFR Land. 10
- (3) The notice must include—
- (a) the legal description of the land; and
  - (b) the reference for the ~~computer register~~ record of title for the land; and 15
  - (c) the details of the transfer or vesting of the land (if applicable); and
  - (d) a statement that the notice is given under this section.
- 42 Removal of notifications when land to be transferred or vested or RFR period ends**
- If the Registrar-General of Land receives a notice under **section 41**, he or she must, immediately before registering the transfer or vesting described in the notice or as soon as is reasonably practicable after the RFR Period ends (as the case requires), remove from the ~~computer register~~ record of title identified in the notice any notifications recorded under **section 40** for the land described in the notice. 20  
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- 43 Requirements for giving notice**
- (1) A notice under this Act must be—
- (a) in writing and signed by—
    - (i) the person giving it; or
    - (ii) at least 2 of the Trustees, for a notice given by the Trustees; and 30
  - (b) 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.
- (2) The notice may be given by electronic means if it is given with an electronic signature in accordance with section 22(1)(a) and (b) of the Electronic Transactions Act 2002. 35

**44 Time when notice received**

- (1) A notice under this Act 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. 5
- (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 5:00 pm on a working day; or
  - (b) on a day that is not a working day.

**45 Power to amend Schedules**

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- (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 **Part 2 of Schedule 3** for the purpose of—
- (a) correcting any misdescription or error in that schedule: 15
  - (b) adding details of any land which may have been omitted in error.
- (3) An Order in Council may be made under this section only on the recommendation of the Minister made in relation to a request for amendment by the Council.
- (4) An Order in Council may be made under **subsection (2)(b)** only if:— 20
- (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. 25

**46 Repeals**

- (1) The following enactments are repealed:
- (a) the Waitara Borough Reserves Vesting Act 1909; and
  - (b) the Waitara Harbour Act 1940; and
  - (c) section 36 of the Local Legislation Act 1952; and 30
  - (d) ~~so much of in~~ Schedule 5 of the Taranaki Harbours Board Empowering Act 1955 ~~as, the item that~~ relates to the Waitara Harbour Act 1940; and
  - (e) section 3 of the Reserves and Other Lands Disposal Act 1969.
- (2) Subpart 3 of Part 3 of the Te Atiawa Claims Settlement Act 2016 is repealed.

**Schedule 1**  
**Waitara-~~Defined~~ defined**

s 4

**Description of Waitara**

Waitara consists of the following area units and meshblocks (as determined by Statistics New Zealand and described in the 2013 Census meshblock dataset): 5

*Area units*

551301—Waitara West

551302—Waitara East

*Meshblocks*

10

That part of meshblock 1550401, excluding that part east of Elliot Street North (paper road) and that part of Lot 2 DP 17091 that is north of Waihi Road (paper road)

That part of meshblock 1550503 that is bounded by Princess Street, Waipapa Road (paper road), Elliot Street South (both a paper road and a formed road), and Main North Road 15

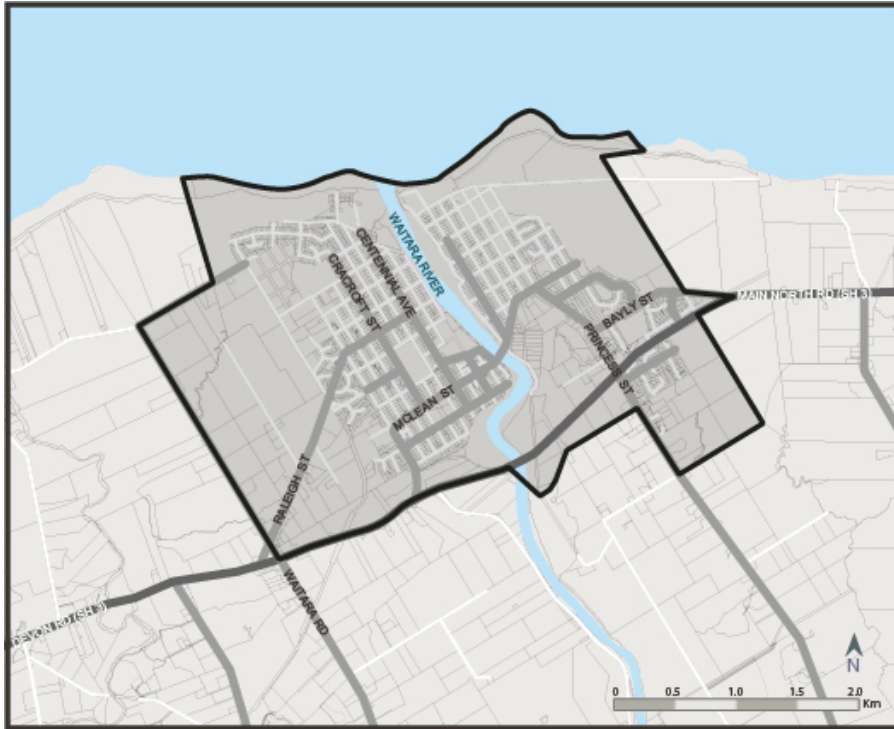
That part of meshblock 1550503 that is bounded by Main North Road, Bayly Street, and Elliot Street North

That part of meshblock 1550800 that is north of Joll Street

1565300

That part of meshblock 1565600 that is north of Devon Road 20

### Map of Waitara



## Schedule 2

### Further provisions relating to Board

ss 29A, 30, 31, 31E

- 1 Term of appointment**
- (1) Subject to this Act,— 5
- (a) a Trustees member is appointed to the Board for a term not exceeding 3 years as may be specified by the Trustees:
- (b) a Council member is appointed to the Board for a term not exceeding 3 years as may be specified by the Council.
- (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. 10
- (3) Any member of the Board is eligible for reappointment.
- 2 Removal of Board member from office** 15
- (1) A Board member may be removed from office by that member’s appointer.
- (2) If **subclause (1)** applies, the appointer must, ~~within~~ before the day that is 10 working days after that removal,—
- (a) notify the Board in writing that the member has been removed from office; and 20
- (b) provide a copy of the notice to the other appointer.
- 3 Resignation of membership**
- A member may resign by giving written notice to the Board and his or her appointer.
- 4 Vacancies** 25
- (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 a person in respect of whom an order has been made under section 10, 11, 12, or 31 of the Protection of Personal and Property Rights Act 1988 that reflects adversely on the person’s— 35

- (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;
- (e) has been convicted of an offence punishable by imprisonment for a term of 2 years or more or of a crime involving dishonesty (within the meaning of the Crimes Act 1961), 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; 5
- (f) has been declared bankrupt and not discharged; 10
- (g) has been removed from office as a trustee by a court at any time during the 10 years before the member's appointment to the Board.
- (2) If a vacancy occurs, 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. 15
- 5 Chairperson**
- (1) ~~The Council must nominate~~ Board must appoint 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~~ Board may not reappoint the existing chairperson unless all the members of the Board agree. 20
- (3) A chairperson who is reappointed may not hold that office for more than 3 years.
- 6 Alternate members**
- The Council and the Trustees may each appoint one or more alternate members, who may attend meetings and must be treated in all respects as members of the Board when a member of the Board appointed by them is absent or if a vacancy has arisen and not been filled. 25
- 7 Proceedings and actions of Board not invalidated by defect in appointment of member** 30
- No act or proceeding of the Board is invalid merely because—
- (a) there was a defect in the appointment of any person acting as a member of the Board; or
- (b) a person acting as a member of the Board was incapable of being, or had ceased to be, a member of the Board. 35
- 8 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~~ does not have a casting vote.

## 9 Conflict of interest

- (1) Each member of the Board must disclose any actual or potential conflict of interest to the Board. 5
- (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 the conflict has been disclosed before consideration of the matter.

## 10 Remuneration and expenses of Board members 10

- (1) Every member of the Board who is neither an elected member nor an employee of the Council is entitled to receive remuneration for services as a member of the Board at a rate determined by the Council having regard to the Board's purpose and functions, fairness to the members of the Board, and the Waitara community, and the Council's remuneration policy for other entities. 15
- (2) No elected 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, that have been approved by the Council. 20
- (4) The Council must approve remuneration and expenses of Board members that are to be paid out of the Fund.

## 11 Board expenses

- (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. 25
- (2) **Subclause (1)** does not relieve the Board of the obligation to have its administration and operating costs approved by the Council.

## 12 ~~Reporting and review by Board on~~ and review of 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 ~~32(2)~~35B(2)** and information about— 30
- (a) the activities of the Board during the previous 12 months; and
- (b) how those activities are relevant to the purpose and functions of the Board.
- (2) The Board must, in a timely manner, provide the Council with information requested by the Council to enable it to comply with **subclause (1)** and provide the Trustees with a copy of that information. 35
- (3) The appointers of Board members—

- (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's performance 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. 5



### Schedule 3

#### Land to which this Act applies

ss 4, 38, 39, 45

#### Part 1

#### Brown Road Land

5

Legal description	Area (hectares)	<del>Computer Freehold Register</del> <u>Record of title</u>
Section 1 SO Plan 496323	13.1220	Part 658872
Section 2 SO Plan 496323	0.2082	Part 658872

#### Part 2

#### Waitara Endowment Land

Subpart 1—Endowment for ~~Municipal~~ municipal purposes subject to section 9 of Waitara Harbour Act 1940 (vested both pre 1940 and subsequently)

10

Legal description	Area (hectares)	<del>Computer Freehold Register</del> <u>Record of title</u>
Lot 1 DP 7525	0.0766	TN197/15
Lot 2 DP 7525	0.0766	TN197/68
Lot 3 DP 7525	0.0766	TN198/29
Lot 4 DP 7525	0.0766	TN197/70
Lot 5 DP 7525	0.0766	TN199/28
Lot 6 DP 7525	0.0766	TN199/27
Lot 8 DP 7525	0.0766	TN197/69
Lot 1 DP 8282	0.1290	715887
Lot 2 DP 8282	0.0968	715888
Lot 2 DP 10388	0.0508	TNC2/600
Lot 1 DP 10610	0.0739	TNC3/312
Lot 2 DP 10610	0.0739	TNC3/313
Lot 4 DP 10610	0.0739	TNC3/315
Lot 5 DP 10610	0.0739	TNC3/316
Lot 6 DP 10610	0.0739	TNC3/317
Lot 7 DP 10610	0.0739	TNC3/318
Lot 1 DP 11412	0.0505	TND2/705
Lot 2 DP 11412	0.0503	TND2/706
Lot 1 DP 14491	0.0683	TNG2/311
Lot 2 DP 14491	0.0677	TNG2/312
Lot 3 DP 14491	0.0680	TNG2/313
Lot 1 DP 8843	0.0526	715884 Limited as to parcels
Lot 2 DP 8843	0.0871	715885

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Lot 3 DP 8843	0.0759	Limited as to parcels 715886
Block VI, XII, XVIII Town of Waitara East	2.6912	Limited as to parcels TN140/263
Section 3 Block IX Town of Waitara East	0.1012	TN165/218 Limited as to parcels
Section 5 Block IX Town of Waitara East	0.1012	TN165/215 Limited as to parcels
Section 6 Block IX Town of Waitara East	0.1012	TN165/216 Limited as to parcels
Section 7 Block IX Town of Waitara East	0.1012	TN165/217 Limited as to parcels
Section 8 Block IX Town of Waitara East	0.1012	TN166/13 Limited as to parcels
Section 9 Block XIV Town of Waitara East	0.1012	TN155/291 Limited as to parcels
Section 10 Block XIV Town of Waitara East	0.1012	TN155/292 Limited as to parcels
Section 11 Block XIV Town of Waitara East	0.1012	TN155/293 Limited as to parcels
Section 12 Block XIV Town of Waitara East	0.1012	TN155/294 Limited as to parcels
Section 3 Block XVI Town of Waitara East	0.1012	TN159/226 Limited as to parcels
Section 4 Block XVI Town of Waitara East	0.1012	TN159/227 Limited as to parcels
Section 2 Block XIX Town of Waitara East	0.1012	726135
Section 10-11, Block XIX and Section 1, 3, 5,7, 9, Block XXXVI and Sections 7-13 Block XXVII Town of Waitara East	1.4468	726136
Section 9 Block XXI Town of Waitara East	0.1012	TN157/242 Limited as to parcels
Section 10 Block XXI Town of Waitara East	0.1012	TN157/243 Limited as to parcels
Section 11 Block XXI Town of Waitara East	0.1012	TN157/244 Limited as to parcels
Section 12 Block XXI Town of Waitara East	0.1012	TN157/245 Limited as to parcels
Section 3 Block XXII Town of Waitara East	0.1012	726127 Limited as to parcels
Section 4 Block XXII Town of Waitara East	0.1012	726140 Limited as to parcels
Section 8 Block XXII Town of Waitara East	0.1012	TN95/33
Section 1 Block XXX Town of Waitara East	0.1012	TN161/62 Limited as to parcels
Section 2 Block XXX Town of Waitara East	0.1012	TN164/114 Limited as to parcels
Section 3 Block XXX Town of Waitara East	0.1012	TN155/289 Limited as to parcels

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Section 4 Block XXX Town of Waitara East	0.1012	TNA3/620 Limited as to parcels
Section 11 Block XXXVI Town of Waitara East	0.1062	TNB3/1137
Section 1 Block XXVIII Town of Waitara East	0.1012	TN167/184
Section 3 Block XXVIII Town of Waitara East	0.1012	TN155/290 Limited as to parcels
Section 2 Block XXVIII Town of Waitara East	0.1012	726128
Section 4 Block XXVIII Town of Waitara East	0.1012	726141
Section 11 Block XXXII Town of Waitara East	0.1012	TN167/41
Section 9 Block XLI Town of Waitara East	0.1012	726130
Section 9 Block XLIII Town of Waitara East	0.1012	726142
Section 1 Block XLI Town of Waitara East	0.1012	TN156/268
Section 3 Block XLI Town of Waitara East	0.1012	TN218/61
Section 5 Block XLI Town of Waitara East	0.1012	TN166/77
Section 7 Block XLI Town of Waitara East	0.1012	TN166/12
Section 11 Block XLI Town of Waitara East	0.1012	TN165/212
Section 10 Block XLIII Town of Waitara East	0.1012	726132
Section 12 Block XLIII Town of Waitara East	0.1012	726143
Section 11 Block XLIII Town of Waitara East	0.1012	TN166/232
Sections 8-11 Block XLV Town of Waitara East	0.3794	TND2/1171 Limited as to parcels
Lot 1 DP 8398	0.0682	715874
Lot 2 DP 8398	0.0682	715875
Lot 3 DP 8398	0.0682	715876
Lot 4 DP 8398	0.0682	715877
Lot 5 DP 8398	0.0682	715878
Lot 6 DP 8398	0.0682	715879
Lot 7 DP 8398	0.0682	715880
Lot 8 DP 8398	0.0682	715881
Lot 9 DP 8398	0.0682	715882
Lot 10 DP 8398	0.1023	715883
Part Allotment 1 Deeds Plan 50 and Allotments 2-3 Deeds Plan 50	0.1219	528001 Limited as to parcels
Part Lots 6A, 6B, 6B Deeds Plan 50 and Lot 5 Deeds Plan 50	0.1034	TN128/120 Limited as to parcels
Part Lots 8-9 Deeds Plan 50	0.0458	TNH3/812 Limited as to parcels
Allotments 1-6 Deeds Plan 51	0.2101	TN128/11 Limited as to parcels
Lot 7 Deeds Plan 51	0.1075	TN162/213 Limited as to parcels
Lot 3 DP 18168	0.0181	TNJ4/934
Lots 1-3 and Lot 12 Deeds Plan 52	0.1189	TNJ4/935 Limited as to parcels
Lot 6 Deeds Plan 52	0.0171	TNB1/691 Limited as to parcels

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Allotments 7-8, 11, 13, Deeds Plan 52	0.1528	TN128/130 Limited as to parcels
Lot 1 DP 18168	0.0151	TNJ4/932
Lot 2 DP 18168	0.0177	TNJ4/933
Section 1, Part Section 2 and Sections 3-4 Block IV Town of Waitara West	0.3651	677067 Limited as to parcels
Section 2 Block XV Town of Waitara West	0.1062	TN160/166
Section 4 Block XV Town of Waitara West	0.1037	TN156/48
Section 7 Block XV Town of Waitara West	0.1012	726144
Section 5 Block XV Town of Waitara West	0.1012	726133
Section 6 Block XV Town of Waitara West	0.1012	TN156/49
Section 1 Block XXIV Town of Waitara West	0.1012	TN160/249 Limited as to parcels
Section 3 Block XXIV Town of Waitara West	0.1012	TN160/250 Limited as to parcels
Part Section 2 Block XXIV and Part Section 4 Block XXIV Town of Waitara West	0.1012	TNB4/228 Limited as to parcels
Lot 1 DP 440708	1.2712	548089
Section 1 Block XLII Town of Waitara West	0.1012	TN156/52 Limited as to parcels
Section 2 Block XLII Town of Waitara West	0.1012	TN156/1 Limited as to parcels
Lot 1 DP 19736	0.1021	TNK4/573
Section 4 Block XLII Town of Waitara West	0.1012	TN155/297 Limited as to parcels
Section 3 Block XLIV Town of Waitara West	0.1012	TN158/114 Limited as to parcels
Section 4 Block XLIV Town of Waitara West	0.1012	TN158/154
Section 9 Block LIII Town of Waitara West	0.1012	TN156/2
Section 10 Block LIII Town of Waitara West	0.1012	TN156/51 Limited as to parcels
Section 9 Block LV Town of Waitara West	0.1012	726134 Limited as to parcels
Section 10 Block LV Town of Waitara West	0.1012	726145 Limited as to parcels
Section 12 Block LV Town of Waitara West	0.1012	TN156/3 Limited as to parcels
Section 4 Block LXI Waitara West Town	0.1022	TN171/64
Section 9 Block XCIV Town of Waitara West	0.1012	TN93/33
Sections 9-12 Block LXXII Town of Waitara West	0.4081	TN128/1 Limited as to parcels
Sections 10-12 Block LXXXVII Town of Waitara West	0.3062	TN127/249 Limited as to parcels
Section 8 Block CI Town of Waitara West	0.1012	TN150/57 Limited as to parcels
Section 8 Block XV Town of Waitara West	0.0986	TN157/1
Part Lot 3 DP 2375	0.0692	527996

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> Record of title</b>
Lot 1 DP 435380	0.1115	532674
Lot 2 DP 435380	0.0929	532675
Part Lot 16 DP 3551 and Part Lots 1-2 DP 7453	0.0689	527997
Part Section 13 DP 3410	0.0086	684368
Part Lot 21 DP 3577	0.0221	529902
Part Lots 22-23 DP 3577	0.0490	527995
Part Lot 24 DP 4022	0.0111	684298
Lots 5-6 and Lots 11-12 DP 4707	0.2023	TNB3/286
Lot 18 DP 4707	0.0506	TNB3/287
Lot 1 DP 446113	0.0027	561756
Lot 2 DP 446113	0.0991	561757
Lot 3 DP 446113	0.0230	561758
Balance Allotment A,B SO 4795	0.5994	TN90/92 Part cancelled
Lot 1 DP 6539	0.0635	TN161/1
Lot 2 DP 6539	0.0386	TN161/2
Lot 1 DP 6705	0.1305	TN166/111
Lot 6 DP 6705	0.1095	TN166/112
Lot 14 DP 6768	0.0511	TN166/84
Part Lot 2 DP 6771	0.0489	528002
Part Lot 1 DP 6795	0.0340	666585
Part Lot 3 DP 6795	0.0281	666589
Lot 4 DP 6816	0.0599	TN171/66
Lot 1 DP 7374	0.0510	TNB4/395
Lot 3 DP 435380	0.0885	532676
Lot 3 DP 7470	0.0802	726259
Lot 4 DP 7470	0.0835	726260
Lot 7 DP 7470	0.0809	726261
Lot 8 DP 7470	0.0817	726262
Lot 9 DP 7470	0.1050	726263
Lots 5-6 DP 7470	0.1603	726264
Lot 12 DP 7470	0.1128	TNC3/1128
Lot 14 DP 7470	0.1151	TNC3/618
Lot 15 DP 7470	0.1171	TNC3/617
Lot 16 DP 7470	0.1196	TNC3/968
Lot 1 DP 7490	0.0976	TN197/16
Lot 7 DP 7525	0.0766	TN198/28
Lot 1 DP 7935	0.1201	715865
Lot 2 DP 7935	0.1032	715866
Lot 1 DP 8244, and Section 3 Block CXXVII Town of Waitara West	0.0435	TNB2/190
Lot 2 DP 8244 and Section 2 Block CXXVII Town of Waitara West	0.0359	TNB3/160
Lot 3 DP 8244 and Section 1 Block CXXVII Town of Waitara West	0.0301	TNB3/281

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> Record of title</b>
Lot 4 DP 8244	0.0297	715843
Lot 5 DP 8244	0.0297	715844
Lot 7 DP 8244	0.0297	715845
Lot 6 DP 8244	0.0297	TNC2/51
Lot 8 DP 8244	0.0297	715840
Lot 10 DP 8244	0.0297	715841
Lot 11 DP 8244	0.0297	715842
Lot 9 DP 8244	0.0297	TNC2/50
Lot 12 DP 8244	0.0297	715831
Lot 13 DP 8244	0.0297	715832
Lot 14 DP 8244	0.0297	715833
Lot 15 DP 8244	0.0297	TNC2/49
Lot 1 DP 8284	0.0536	535823
Lot 2 DP 8284	0.0536	535824
Lot 3 DP 8284	0.0536	535825
Lot 4 DP 8284	0.0536	535826
Lot 5 DP 8284	0.0536	535827
Lot 6 DP 8284	0.0536	535828
Lot 7 DP 8284	0.0536	535829
Lot 2 DP 8317	0.0599	533378
Lot 3 DP 8317	0.1067	533379
Lot 4 DP 8317	0.0599	533380
Lot 3 DP 8506	0.0592	715820
Lot 5 DP 8506	0.0587	715821
Lot 8 DP 8506	0.0536	715822
Lot 10 DP 8506	0.0536	715823
Lots 16-17 DP 8506	0.1072	715824
Lots 18-19 DP 8506	0.1224	TNC2/96
Lot 20 DP 8506	0.0612	720261
Lot 21 DP 8506	0.0612	720262
Lot 23 DP 8506	0.0612	720263
Lot 24 DP 8506	0.0612	720264
Lot 25 DP 8506	0.0612	720265
Lot 26 DP 8506	0.0607	720266
Lot 27 DP 8506	0.0615	720267
Lot 39 DP 8506	0.0612	720268
Lot 41 DP 8506	0.1166	720269
Lot 44 DP 8506	0.0604	720270
Lot 45 DP 8506	0.0612	720271
Lot 29 DP 8506	0.0615	715867
Lot 30 DP 8506	0.0610	715868
Lot 31 DP 8506	0.0900	715869
Lot 34 DP 8506	0.0551	715870
Lot 35 DP 8506	0.0572	715871

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Lot 36 DP 8506	0.0599	715872
Lot 37 DP 8506	0.0599	715873
Lots 1-2 DP 8580	0.1020	TNB2/304
Section 4 Block LXII Town of Waitara West	0.1062	533377 Limited as to parcels
Lot 1 DP 8616	0.0536	539066
Lot 2 DP 8616	0.0536	539067
Lot 3 DP 8616	0.0536	539068
Lot 4 DP 8616	0.0536	539069
Lot 2 DP 7490	0.2302	TN196/22
Lots 62-69, 79-80 DP 8776	0.6784	535822
Lots 70-71 DP 8776	0.1371	535814
Lot 72 DP 8776	0.0587	535815
Lot 73 DP 8776	0.0536	535816
Lot 74 DP 8776	0.0564	535817
Lot 75 DP 8776	0.0647	535818
Lot 76 DP 8776	0.0604	535819
Lot 77 DP 8776	0.0655	535820
Lot 78 DP 8776	0.0696	535821
Lot 1 DP 9004	0.0855	715861
Lot 2 DP 9004	0.0903	715862
Lot 3 DP 9004	0.0812	715863
Part Lot 4 DP 9004	0.1222	715864
Lot 1 DP 368939	0.0488	280287
Lot 2 DP 368939	0.0903	280288
Lot 2 DP 9119	0.0868	TNB1/468
Part Lots 3-4 DP 9387	0.0551	539867
Lot 1 DP 9402	0.0675	TNA3/89
Lot 6 DP 9324	0.0589	720713
Lot 4 DP 9324	0.0589	TNB3/41
Lot 5 DP 9324	0.0589	TNB2/770
Lot 11 DP 9324	0.0637	720721
Lot 12 DP 9324	0.0625	722393
Lot 24 DP 9324	0.0764	721078
Lot 25 DP 9324	0.0610	721079
Lot 26 DP 9324	0.0754	721080
Lot 27 DP 9324	0.0701	TNC1/359
Lot 28 DP 9324	0.0579	TNC2/899
Lot 2 DP 9608	0.0711	TNB1/498
Lot 3 DP 9608	0.0711	TNB1/793
Lot 4 DP 9608	0.0711	TNB2/869
Lot 6 DP 9608	0.0837	TNB2/769
Lot 7 DP 9608	0.0746	TNB2/455
Lot 8 DP 9608	0.0703	TNB3/517

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> Record of title</b>
Allotments 4-5 Deeds Plan 52	0.0683	TN128/131 Limited as to parcels
Lot 1 DP 9878	0.0895	TNB3/325
Lot 2 DP 9878	0.1093	TNB3/326
Lot 6 DP 9995	0.0665	TNB3/223
Lot 7 DP 9995	0.0665	TNB3/224
Lot 8 DP 9995	0.0665	TNB3/225
Lot 9 DP 9995	0.0665	TNB3/226
Lot 10 DP 9995	0.0665	TNB3/227
Lot 11 DP 9995	0.0665	TNB3/228
Lot 12 DP 9995	0.0840	TNB3/229
Lot 13 DP 9995	0.0840	TNB3/230
Lot 14 DP 9995	0.0733	TNB3/231
Lot 15 DP 9995	0.0736	TNB3/232
Lot 16 DP 9995	0.0622	TNB3/233
Lot 17 DP 9995	0.0627	TNB3/234
Lot 18 DP 9995	0.0761	TNB3/235
Lot 19 DP 9995	0.0761	TNB3/236
Lot 20 DP 9995	0.0604	TNB3/237
Lot 1 DP 10080	0.0506	TNB4/226
Lot 2 DP 10080	0.0519	TNB4/227
Lot 1 DP 10196	0.0680	TNC1/231
Lot 2 DP 10196	0.0680	TNC1/232
Lot 3 DP 10196	0.0680	TNC1/233
Lot 4 DP 10196	0.0680	TNC1/234
Lot 5 DP 10196	0.0680	TNC1/235
Lot 6 DP 10196	0.0680	TNC1/236
Lot 7 DP 10196	0.0680	TNC1/237
Lot 8 DP 10196	0.0680	TNC1/238
Lot 9 DP 10196	0.0680	TNC1/239
Lot 10 DP 10196	0.0680	TNC1/240
Lot 11 DP 10196	0.0830	TNC1/241
Lot 12 DP 10196	0.0744	TNC1/242
Lot 13 DP 10196	0.0635	TNC1/243
Lot 14 DP 10196	0.0635	TNC1/244
Lot 15 DP 10196	0.0635	TNC1/245
Lot 16 DP 10196	0.0635	TNC1/246
Lot 17 DP 10196	0.0635	TNC1/247
Lot 18 DP 10196	0.0635	TNC1/248
Lot 19 DP 10196	0.0744	TNC1/249
Lot 3 DP 10610	0.0739	TNC3/314
Lot 1 DP 10797	0.1230	TNC4/261
Lot 2 DP 10797	0.0809	TNC4/262
Lot 1 DP 11272	0.0509	TND1/1124



<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Lot 2 DP 11272	0.0509	TND1/1125
Lot 2 DP 11418	0.0985	TND2/725
Part Lot 1 DP 11418	2.4774	TNG4/819
Lot 1 DP 11540	0.0231	TND2/1219
Lot 2 DP 11540	0.0419	TND2/1220
Lot 3 DP 11540	0.0432	TND2/1221
Lot 1 DP 11861	0.0516	TND4/152
Lot 2 DP 11861	0.0763	TND4/153
Lot 3 DP 11861	0.0746	TND4/154
Lot 1 DP 11954	0.1637	TND4/675
Lot 1 DP 12629	0.0818	TNE3/223
Lot 2 DP 12629	0.0793	TNE3/224
Lot 3 DP 12629	0.0784	TNE3/225
Lot 4 DP 12629	0.0790	TNE3/226
Lot 5 DP 12629	0.0812	TNE3/227
Lot 6 DP 12629	0.0814	TNE3/228
Lot 7 DP 12629	0.0798	TNE3/229
Lot 11 DP 12629	0.0666	TNE3/233
Lot 12 DP 12629	0.0663	TNE3/234
Lot 13 DP 12629	0.0650	TNE3/235
Lot 14 DP 12629	0.0626	TNE3/236
Lot 3 DP 12804	0.0900	544137
Lot 1 DP 12919	0.0648	TNE4/604
Lot 2 DP 12919	0.0648	TNE4/605
Lot 3 DP 12919	0.0648	TNE4/606
Lot 4 DP 12919	0.0648	TNE4/607
Lot 5 DP 12919	0.0620	TNE4/608
Lot 6 DP 12919	0.0620	TNE4/609
Lot 2 DP 13635	0.1270	TNF3/44
Lot 1 DP 13970	0.0732	TNF4/570
Lot 2 DP 13970	0.0732	TNF4/571
Lot 3 DP 13970	0.0732	TNF4/572
Lot 4 DP 13970	0.0732	TNF4/573
Lot 5 DP 13970	0.0699	TNF4/574
Lot 6 DP 13970	0.0775	TNF4/575
Lot 7 DP 13970	0.0731	TNF4/576
Lot 8 DP 13970	0.0731	TNF4/577
Lot 9 DP 13970	0.0731	TNF4/578
Lot 10 DP 13970	0.0731	TNF4/579
Lot 11 DP 13970	0.0790	TNF4/580
Lot 12 DP 13970	0.0736	TNF4/581
Lot 13 DP 13970	0.0730	TNF4/582
Lot 1 DP 14104	0.0724	TNG1/28
Lot 2 DP 14104	0.0724	TNG1/29

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> Record of title</b>
Lot 3 DP 14104	0.0724	TNG1/30
Lot 4 DP 14104	0.0724	TNG1/31
Lot 5 DP 14104	0.0724	TNG1/32
Lot 6 DP 14104	0.0724	TNG1/33
Lot 1 DP 14577	0.0698	TNG3/129
Lot 2 DP 14577	0.0715	TNG3/130
Lot 3 DP 14577	0.0763	TNG3/131
Lot 4 DP 14577	0.0704	TNG3/132
Lot 5 DP 14577	0.0704	TNG3/133
Lot 6 DP 14577	0.0704	TNG3/134
Lot 7 DP 14577	0.0763	TNG3/135
Lot 8 DP 14577	0.0761	TNG3/136
Lot 9 DP 14577	0.0702	TNG3/137
Lot 10 DP 14577	0.0702	TNG3/138
Lot 11 DP 14577	0.0702	TNG3/139
Lot 12 DP 14577	0.0709	TNG3/140
Lot 13 DP 14577	0.0751	TNG3/141
Lot 14 DP 14577	0.0689	TNG3/142
Lot 15 DP 14577	0.0689	TNG3/143
Lot 16 DP 14577	0.0701	TNG3/144
Lot 17 DP 14577	0.0658	TNG3/145
Lot 1 DP 14699	0.0726	TNG3/878
Lot 2 DP 14699	0.0654	TNG3/879
Lot 3 DP 14699	0.0766	TNG3/880
Lot 4 DP 14699	0.0908	TNG3/881
Lot 5 DP 14699	0.0687	TNG3/882
Lot 6 DP 14699	0.0789	TNG3/883
Lot 7 DP 14699	0.0673	TNG3/884
Lot 8 DP 14699	0.0609	TNG3/885
Lot 9 DP 14699	0.0599	TNG3/886
Lot 10 DP 14699	0.0599	TNG3/887
Lot 11 DP 14699	0.0623	TNG3/888
Lot 12 DP 14699	0.0652	TNG3/889
Lot 13 DP 14699	0.0682	TNG3/890
Lot 14 DP 14699	0.0834	TNG3/891
Lot 15 DP 14699	0.0735	TNG3/892
Lot 16 DP 14699	0.0793	TNG3/893
Lot 17 DP 14699	0.0792	TNG3/894
Lot 18 DP 14699	0.0638	TNG3/895
Lot 19 DP 14699	0.0701	TNG3/896
Lot 20 DP 14699	0.0679	TNG3/897
Lot 21 DP 14699	0.0654	TNG3/898
Lot 22 DP 14699	0.0631	TNG3/899
Lot 23 DP 14699	0.0654	TNG3/900

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> Record of title</b>
Lot 1 DP 15241	0.0510	TNH1/441
Lot 2 DP 15241	0.0795	TNH1/442
Lot 1 DP 15353	0.0973	TNH1/431
Lot 2 DP 15353	0.0832	TNH1/432
Lot 3 DP 15353	0.0832	TNH1/433
Lot 4 DP 15353	0.0832	TNH1/434
Lot 5 DP 15353	0.0832	TNH1/435
Lot 6 DP 15353	0.0832	TNH1/436
Lot 7 DP 15353	0.0832	TNH1/437
Lot 8 DP 15353	0.0972	TNH1/438
Lot 1 DP 12760	0.0733	TNE3/921
Lot 3 DP 12760	0.0709	TNE3/923
Lot 1 DP 14357	0.0844	TNG1/1005
Lot 2 DP 14357	0.0825	TNG1/1006
Lot 1 DP 14492	0.1082	TNG2/307
Lot 2 DP 14492	0.0640	TNG2/308
Lot 1 DP 16277	0.0144	TNH3/810
Lot 2 DP 16277	0.0149	TNH3/811
Lot 1 DP 16812	0.0223	TNJ1/413
Lot 2 DP 16812	0.0299	TNJ1/414
Part Section B Town of Waitara West	0.0229	684296
Part Lot 4 DP 6795	0.0080	684208
Lot 1 DP 10727	0.0849	TNC3/1014
Lot 2 DP 10727	0.0849	TNC3/1015
Lot 19 DP 11707	0.0707	TND3/699
Lot 26 DP 11707	0.0586	TND3/706
Lot 1 DP 11963	0.9646	TND4/676
Lot 2 DP 11963	0.1011	TND4/677
Lot 1 DP 12476	2.0234	TNE2/469
Lot 1 DP 12488	0.7081	TNE2/814
Lot 1 DP 12559	1.3742	TNE2/813
Lot 1 DP 14418 and Lot 5 DP 20116	0.1323	TNL1/368
Lot 2 DP 14418 and Lot 4 DP 20116	0.1326	TNL1/367
Lot 3 DP 14418 and Lot 3 DP 20116	0.1329	TNL1/366
Lot 4 DP 14418 and Lot 2 DP 20116	0.1332	TNL1/365
Lot 1 DP 20116	0.6878	TNL1/364
Lot 1 DP 15178	0.6018	TNG4/1164
Part Lot 4 DP 15178	0.5013	TNH1/1331
Lot 1 DP 15275	0.1169	TNH1/18
Lot 2 DP 15275	0.1169	TNH1/19
Lot 3 DP 15275	0.1169	TNH1/20
Lot 1 DP 15694	0.0600	TNH1/1328
Lot 2 DP 15694	0.0600	TNH1/1329
Lot 3 DP 15694	0.0892	TNH1/1330

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> Record of title</b>
Lot 1 DP 9041	0.0622	721054
Lot 6 DP 9041	0.0604	721055
Lot 15 DP 9041	0.0981	721056
Lot 17 DP 9041	0.0653	721057
Lot 18 DP 9041	0.0620	721058
Lot 19 DP 9041	0.0589	721059
Lot 24 DP 9041	0.0731	721060
Lot 25 DP 9041	0.0645	721061
Lot 26 DP 9041	0.0663	721062
Lot 27 DP 9041	0.0630	721063
Lot 28 DP 9041	0.0632	721064
Lot 34 DP 9041	0.0620	721065
Lot 35 DP 9041	0.0589	721066
Lot 36 DP 9041	0.0731	721067
Lot 37 DP 9041	0.0794	721068
Lot 38 DP 9041	0.0832	721069
Lot 39 DP 9041	0.1004	721070
Lot 40 DP 9041	0.0898	721071
Lot 41 DP 9041	0.0599	721072
Part Lot 58 Deposited Plan 8776, Lots 59-61, 81-82 Deposited Plan 8776, and Part Lots 86-92 DP 8776	0.5804	684449
Lot 83 DP 8776	0.0630	530234
Lot 84 DP 8776	0.0582	533239
Lot 85 DP 8776	0.0620	533240
Lots 1-4, 7-10, 13-15 and Part Lot 16 and Lots 19-21 and Part Lot 22 and Lots 25-27 and Part Lot 28 and Lots 31-33 and Part Lot 34 DP 4707	1.0858	666582
Part Reserve A and Part Section 136 Waitara West District, and Part Section 136 Waitara West District and Part Section 136 Waitara West District	45.8777	658872 Limited as to parcels
Lot 1 DP 10057	0.0728	554551
Lot 2 DP 451289	0.4083	575169
Lots 3-15 DP 451289	9.6149	575170
Lot 16 DP 451289	0.0386	575171
Lots 17-18 DP 451289	1.0656	575172
Section 5 Block XXXII Town of Waitara East	0.1012	TNC2/476
Section 7 Block XXXII Town of Waitara East	0.1012	TNC2/477
Section 9 Block XXXII Town of Waitara East	0.1012	TNC2/478
Lot 1 DP 10388	0.0508	TNC2/599
Lot 2 DP 10443	0.0617	TNC2/453
Lot 3 DP 10443	0.0612	TNC2/454
Lot 10 DP 10443	0.0809	TNC2/467
Lot 11 DP 10443	0.0850	TNC2/468
Lot 15 DP 10443	0.1093	TNC2/463
Lot 16 DP 10443	0.0769	TNC2/464

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Lot 17 DP 10443	0.0726	TNC2/465
Lot 18 DP 10443	0.0733	TNC2/466
Lot 16 DP 11073	0.0691	TND1/19
Lot 17 DP 11073	0.0691	TND1/20
Lot 18 DP 11073	0.0772	TND1/21
Lot 34 DP 11073	0.0563	TND1/23
Lot 35 DP 11073	0.0563	TND1/24
Lot 36 DP 11073	0.0563	TND1/25
Lot 37 DP 11073	0.0563	TND1/26
Lot 40 DP 11073	0.0592	TND1/29
Lot 41 DP 11073	0.0592	TND1/30
Lot 42 DP 11073	0.0592	TND1/31
Lot 5 DP 11707	0.0707	TND3/688
Lot 6 DP 11707	0.0707	TND3/689
Lot 7 DP 11707	0.0707	TND3/690
Lot 8 DP 11707	0.0707	TND3/691
Lot 9 DP 11707	0.0707	TND3/692
Lot 10 DP 11707	0.0707	TND3/693
Lot 11 DP 11707	0.0707	TND3/694
Lot 12 DP 11707	0.0707	TND3/695
Lot 13 DP 11707	0.0706	TND3/696
Lot 14 DP 11707	0.0707	TND3/697
Lot 15 DP 11707	0.0772	TND3/698
Lot 46 DP 11707	0.0669	TND3/715
Lot 47 DP 11707	0.0711	TND3/716
Lot 50 DP 11707	0.0870	TND3/719
Lot 51 DP 11707	0.0796	TND3/720
Lot 52 DP 11707	0.0753	TND3/721
Lot 56 DP 11707	0.0686	TND3/725
Lot 57 DP 11707	0.0669	TND3/726
Lot 1 DP 19394	0.1020	TNK3/747
Lot 1 DP 455390	0.5832	585941
Lots 2-4 DP 455390	38.2060	585942
Part Block CXXIII and Part Section 4 Block CXXVII Town of Waitara West	0.2331	725697

### Subpart 2—Mixed endowment land

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Lots 16-31, 38 DP 8776 (Parts formerly Part Section 12 Block XLV, Parts Sections 9, 11 and 12 Block XLVI and Part Block CXXIII Town of Waitara West (municipal purposes) and parts formerly Section 2 and Part Sections 1, 3, 4 and 6 Block LVI, Part Blocks CXIII, CXXIV, and CXXV Town of Waitara West (Town Improvements))	1.0920	TN258/73

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> Record of title</b>
Lot 1 DP 10395 (part Block CXXIV Town of Waitara West (Town improvements) and Parts Sections 11 and 12 Block XLVI Town of Waitara West (municipal purposes)	0.0774	TNC2/220
Lot 1 DP 9324 (municipal purposes except as to Part formerly Block CXXXI Town of Waitara West)	0.0701	720711
Lot 2 DP 9324 (municipal purposes except as to Part formerly Block CXXXI Town of Waitara West)	0.0579	720712
Lot 7 DP 9324 (municipal purposes except as to Part formerly Block CXXXI Town of Waitara West)	0.0589	720714
Lot 8 DP 9324 (municipal purposes except as to Part formerly Block CXXXI Town of Waitara West)	0.0579	720715
Lot 9 DP 9324 (municipal purposes except as to Part formerly Block CXXXI Town of Waitara West)	0.0701	720716
Lot 3 DP 9324 (municipal purposes except as to Part Block formerly CXXXI Town of Waitara West)	0.0579	TNC1/911
Lot 10 DP 9324 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0650	720720
Lot 13 DP 9324 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0809	722394
Lot 14 DP 9324 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0625	722395
Lot 15 DP 9324 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0668	722396
Lot 16 DP 9324 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0655	722397
Lot 17 DP 9324 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0802	722398
Lot 18 DP 9324 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0731	722399
Lot 19 DP 9324 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0933	721073
Lot 20 DP 9324 (municipal purposes except as to the Part Blocks VI and CXXXI Town of Waitara West)	0.0787	721074
Lot 21 DP 9324 (municipal purposes except as to the Part Blocks VI and CXXXI Town of Waitara West)	0.0675	721075
Lot 22 DP 9324 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0647	721076
Lot 23 DP 9324 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0759	721077
Lot 31 DP 9324 (municipal except as to the Part Block CXXXI Town of Waitara West)	0.0589	TNB3/39
Lot 32 DP 9324 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0589	TNG4/983
Lot 34 DP 9324 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0579	TNC1/530
Lot 29 DP 9324 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0579	TNH2/848
Lot 30 DP 9324 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0589	TNH2/849

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Lot 33 DP 9324 ( municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0589	TNA2/664
Lot 35 DP 9324 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0701	TNH2/847
Lot 1 DP 9608 ( municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0845	TNB2/300
Lot 5 DP 9608 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0703	TNA3/767
Lot 9 DP 9608 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0670	TNB3/54
Lot 10 DP 9608 (municipal purposes as to Part formerly Block CIX Town of Waitara West)	0.0713	TNB1/874
Lot 11 DP 9608 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0713	TNB2/302
Lot 12 DP 9608 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0698	TNB2/303
Lot 1 DP 9995 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0665	TNB3/218
Lot 2 DP 9995 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0744	TNB3/219
Lot 3 DP 9995 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0665	TNB3/220
Lot 4 DP 9995 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0665	TNB3/221
Lot 5 DP 9995 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0665	TNB3/222
Lot 21 DP 9995 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0604	TNB3/238
Lot 22 DP 9995 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0604	TNB3/239
Lot 23 DP 9995 (municipal purposes except as to the Part Block CXXXI Town of Waitara West)	0.0604	TNB3/240
Lot 8 DP 10610 (the part formerly contained in TN161/130 held for municipal purposes)	0.0764	TNC3/319
Lot 9 DP 10610 (the part formerly contained in TN161/130 held for municipal purposes)	0.0764	TNC3/323
Lot 10 DP 10610 (the part formerly contained in TN161/130 held for municipal purposes)	0.0764	TNC3/320
Lot 11 DP 10610 (the part formerly contained in TN161/130 held for municipal purposes)	0.0764	TNC3/324
Lot 12 DP 10610 (the part formerly contained in TN161/130 held for municipal purposes)	0.0764	TNC3/321
Lot 13 DP 10610 (the part formerly contained in TN161/130 held for municipal purposes)	0.0764	TNC3/325
Lot 14 DP 10610 (the part formerly contained in TN161/130 held for municipal purposes)	0.0764	TNC3/322
Lot 15 DP 10610 (the part formerly contained in TN161/130 held for municipal purposes)	0.0764	TNC3/326

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Lot 16 DP 10610 (the part formerly contained in TN161/130 held for municipal purposes)	0.0678	TNC3/327
Lot 17 DP 10610 (the part formerly contained in TN161/130 held for municipal purposes)	0.0678	TNC3/328
Lot 1 DP 10446 (municipal purposes except as to the part formerly described as Block CXXXIX in TNC2/517)	1.4038	TNC2/518
Lot 1 DP 10602 (the part formerly contained in TN155/296 and TNB3/289 subject to Section 9 of the Waitara Harbour Act 1940)	0.0604	TNC3/307
Lot 2 DP 10602 (the part formerly contained in TN155/296 subject to Section 9 of the Waitara Harbour Act 1940)	0.0604	TNC3/308
Lot 3 DP 10602 (the part formerly contained in TN155/296 and TN93/44 subject to Section 9 of the Waitara Harbour Act 1940)	0.0604	TNC3/309
Lot 4 DP 10602 (the part formerly contained in TN93/44 subject to Section 9 of the Waitara Harbour Act 1940)	0.0604	TNC3/310
Lot 5 DP 10602 (the part formerly contained in TN93/44 subject to Section 9 of the Waitara Harbour Act 1940)	0.0604	TNC3/311
Lot 1 DP 451289 (municipal purposes except as to the part marked Part CXXXI on DP 451289)	0.8546	575168
Lot 1 DP 10443 (subject to Section 9 of the Waitara Harbour Act 1940 as to part formerly in TN161/130)	0.0698	TNC2/452
Lot 4 DP 10443 (subject to Section 9 of the Waitara Harbour Act 1940 as to part formerly in TN161/130)	0.0675	TNC2/455
Lot 5 DP 10443 (subject to Section 9 of the Waitara Harbour Act 1940 as to part formerly in TN161/130)	0.0900	TNC2/456
Lot 6 DP 10443 (subject to Section 9 of the Waitara Harbour Act 1940 as to part formerly in TN161/130)	0.0718	TNC2/457
Lot 7 DP 10443 (municipal purposes except as to the part formerly contained in TNC2/231)	0.0923	TNC2/458
Lot 8 DP 10443 (municipal purposes except as to the part formerly contained in TNC2/231)	0.1148	TNC2/459
Lot 9 DP 10443 (municipal purposes except as to the part formerly contained in TNC2/231)	0.1176	TNC2/460
Lot 12 DP 10443 (municipal purposes except as to the part formerly contained in TNC2/231)	0.0779	TNC2/469
Lot 13 DP 10443 (municipal purposes excepting as to the part formerly contained in TNC2/231)	0.1252	TNC2/461
Lot 14 DP 10443 (municipal purposes except as to the part formerly contained in TNC2/231)	0.0635	TNC2/462
Lot 19 DP 10443 (municipal purposes except as to the part formerly contained in TNC2/231)	0.0759	TNC2/470
Lot 20 DP 10443 (municipal purposes except as to the part formerly contained in TNC2/229)	0.0726	TNC2/471
Lot 21 DP 10443 (municipal purposes except as to the part formerly contained in TNC2/229)	0.0617	TNC2/472
Lot 22 DP 10443 (municipal purposes except as to the part formerly contained in TNC2/229)	0.0617	TNC2/473



<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Lot 23 DP 10443 (municipal purposes except as to the part formerly contained in TNC2/229)	0.0617	TNC2/474
Lot 24 DP 10443 (municipal purposes except as to the part formerly contained in TNC2/229)	0.0726	TNC2/475
Lot 33 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0658	TND1/22
Lot 39 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0643	TND1/28
Lot 43 DP 11073 (municipal purposes excepting as to the part formerly contained in TNC2/227)	0.0707	TND1/32
Lot 60 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/231)	0.0604	TND1/33
Lot 61 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/231)	0.0604	TND1/34
Lot 62 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/231)	0.0604	TND1/35
Lot 63 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/231)	0.0604	TND1/36
Lot 64 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/231)	0.0604	TND1/37
Lot 65 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/231)	0.0604	TND1/38
Lot 66 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/231)	0.0756	TND1/39
Lot 67 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/231)	0.0678	TND1/40
Lot 68 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/231)	0.0678	TND1/41
Lot 92 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/229)	0.0666	TND1/44
Lot 93 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/229)	0.0565	TND1/45
Lot 94 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/229)	0.0565	TND1/46
Lot 95 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/229)	0.0565	TND1/47
Lot 96 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/229)	0.0666	TND1/48
Lot 97 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/229)	0.0765	TND1/49
Lot 98 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/229)	0.0765	TND1/50
Lot 99 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/229)	0.0765	TND1/51
Lot 100 DP 11073 (municipal purposes except as to the part formerly contained in TNC2/229)	0.0765	TND1/52
Lot 1 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/226)	0.0708	TND3/684

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Lot 2 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/226)	0.0634	TND3/685
Lot 3 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/226)	0.0634	TND3/686
Lot 4 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/226)	0.0699	TND3/687
Lot 20 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0592	TND3/700
Lot 21 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0592	TND3/701
Lot 22 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0592	TND3/702
Lot 23 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0592	TND3/703
Lot 24 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0672	TND3/704
Lot 25 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0586	TND3/705
Lot 27 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0586	TND3/707
Lot 28 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0586	TND3/708
Lot 29 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0631	TND3/709
Lot 30 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0636	TND3/710
Lot 31 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0592	TND3/711
Lot 32 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0592	TND3/712
Lot 44 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/227)	0.0691	TND3/713
Lot 45 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/227)	0.0777	TND3/714
Lot 48 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0650	TND3/717
Lot 49 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0771	TND3/718
Lot 53 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0728	TND3/722
Lot 54 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0710	TND3/723
Lot 55 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0679	TND3/724
Lot 58 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0778	TND3/727
Lot 59 DP 11707 (municipal purposes except as to the part formerly contained in TNC2/230)	0.0692	TND3/728

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Lot 1-6, 11-12 DP 9370 (that part formerly part Section 1 Block LVII Town of Waitara West held for town improvements)	0.0976	TNA3/225
Lot 8 DP 9370 (that part formerly part Section 1 Block LVII Town of Waitara West held for town improvements)	0.0089	TNF3/47
Lot 9 DP 9370 (that part formerly part Section 1 Block LVII Town of Waitara West held for town improvements)	0.0101	TNA3/257
Lot 10 DP 9370 (that part formerly part section 1 Block LVII Town of Waitara West held for town improvements)	0.0124	TNC2/95
Lot 14 DP 9370 (that part formerly part Block CXIII Town of Waitara West held for town improvements)	0.0873	TNB2/870

### Subpart 3—Endowment for ~~the~~ maintenance of ~~the~~ Waitara Public Library

<b>Legal Description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Section 5 Block XX Town of Waitara East	0.1012	TN155/90
Section 7 Block XX Town of Waitara East	0.1012	TN155/88
Section 9 Block XX Town of Waitara East	0.1012	TN155/89
Section 1 Block XXXI Town of Waitara West	0.1012	TNB3/561
Section 3 Block XXXI Town of Waitara West	0.1012	TNB3/562
Section 4 Block XXXI Town of Waitara West	0.1012	TN160/199
Section 5 Block XXXI Town of Waitara West	0.1012	TNB3/563
Section 6 Block XXXI Town of Waitara West	0.1012	TN160/164
Section 8 Block XXXI Town of Waitara West	0.1012	TN160/165
Section 5 Block XXXII Town of Waitara West defined on DP 3546	0.1062	TNE3/370
Section 6 Block XXXII Town of Waitara West	0.1062	TNE3/260
Section 7 Block XXXII Town of Waitara West	0.1062	TNE3/65
Section 8 Block XXXII Town of Waitara West	0.1062	TNE3/261
Section 10 Block XLIV Town of Waitara West	0.1012	726125
Section 12 Block XLIV Town of Waitara West	0.1012	726139
Section 2, Section 4 and Section 6 Block LXXXII Town of Waitara West	0.3035	TNB3/698
Lot 1 DP 10852	0.0511	TNC4/395
Lot 2 DP 10852	0.0511	TNC4/396

### Subpart 4—Land held for town improvements

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Section 3 Block L Town of Waitara East	0.1012	TN167/108
Section 4 Block L Town of Waitara East	0.1012	TNC1/306
Section 5 Block L Town of Waitara East	0.1012	TNC3/615
Section 6 Block L Town of Waitara East	0.1012	TN168/71
Section 7 Block L Town of Waitara East	0.1012	TNC3/616

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> Record of title</b>
Section 8 Block L Town of Waitara East	0.1012	TN168/74
Section 9 Block L Town of Waitara East	0.1012	TN167/181
Section 10 Block L Town of Waitara East	0.1012	TN168/73
Section 12 Block L Town of Waitara East	0.1012	TN168/72
Section 1 Block LI Town of Waitara East	0.1012	TN162/135
Section 3 Block LI Town of Waitara East	0.1012	TN162/136
Section 5 Block LI Town of Waitara East	0.1012	TN167/42
Section 7 Block LI Town of Waitara East	0.1012	TN162/137
Section 9 Block LI Town of Waitara East	0.1011	TNC4/610
Section 11, Block LI Town of Waitara East	0.1012	533237
Sections 1-9 Block LII Town of Waitara East	1.0018	721050
Section 4 Block CII Town of Waitara West	0.1012	TN157/67
Lot 1 DP 7901	0.0596	TNE2/81
Lot 2 DP 7901	0.0589	TNE2/82
Lot 3 DP 7901	0.0596	TNE2/850
Lot 4 DP 7901	0.0613	TNE1/1001
Lot 5 DP 7901	0.0613	TNE1/1258
Lot 6 DP 7901	0.0613	TNE2/186
Lot 7, DP 7901	0.0613	715937
Lot 10 DP 7901	0.0613	715938
Lot 12 DP 7901	0.0613	715939
Lot 13 DP 7901	0.0613	715940
Lot 19 DP 7901	0.1054	715941
Lot 8 DP 7901	0.0613	TNE1/1256
Lot 9 DP 7901	0.0613	TNE1/1000
Lot 11 DP 7901	0.0613	TNE2/1245
Lot 14 DP 7901	0.0613	TNE2/816
Lot 15 DP 7901	0.0613	TNE2/238
Lot 16 DP 7901	0.0613	TNE2/851
Lot 17 DP 7901	0.0680	TNE2/80
Lot 18 DP 7901	0.0679	TNE1/845
Lot 1 DP 7975	0.0519	TNE1/1257
Lot 2 DP 7975	0.0685	TNE2/1244
Lot 3 DP 7975	0.0640	TNE1/1015
Lot 4 DP 7975	0.0574	715935
Lot 7 DP 7975	0.0551	715936
Lot 5 DP 7975	0.0589	TNE2/817
Lot 6 DP 7975	0.0506	TNE1/1255
Lot 8 DP 7975	0.0612	TNE2/502
Lot 9 DP 7975	0.0612	TNE1/1013
Lot 10 DP 7975	0.0612	715932
Lot 12 DP 7975	0.0506	715933
Lot 13 DP 7975	0.0589	715934
Lot 11 DP 7975	0.0551	TNE1/846

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Lot 14 DP 7975	0.0534	TNE2/1243
Lot 15 DP 7975	0.0551	TNE2/1242
Lot 16 DP 7975	0.0579	TNE2/849
Lot 7 DP 8133	0.0893	535090
Lot 1 DP 8133	0.0523	715920
Lot 2 DP 8133	0.0501	715921
Lot 3 DP 8133	0.0579	715922
Lot 8 DP 8133	0.0473	715923
Lot 9 DP 8133	0.0498	715924
Lot 10 DP 8133	0.0521	715925
Lot 11 DP 8133	0.0579	715926
Lot 12 DP 8133	0.0501	715927
Lot 13 DP 8133	0.0524	715928
Lot 1 DP 8801	0.0890	715929
Lot 2 DP 8801	0.0602	715930
Lot 14 DP 8133	0.0812	715895
Lot 15 DP 8133	0.0688	715896
Lot 17 DP 8133	0.0521	715897
Lot 18 DP 8133	0.0569	715898
Lot 19 DP 8133	0.0599	715899
Lot 20 DP 8133	0.0716	715900
Lot 21 DP 8133	0.0599	715901
Lot 22 DP 8133	0.0599	715902
Lot 23 DP 8133	0.0574	715903
Lot 24 DP 8133	0.0521	715904
Lot 25 DP 8133	0.0503	715905
Lot 16 DP 8133	0.0579	TNE2/1241
Lot 26 and Part Lot 27 DP 8133	0.1054	715889
Lot 28 DP 8133	0.0660	715890
Lot 29 DP 8133	0.0663	715891
Lot 30 DP 8133	0.0635	715892
Lot 31 DP 8133	0.0653	715893
Lot 32 DP 8133	0.0607	715894
Lot 1 DP 8441	0.1315	535830
Lot 2 DP 8441	0.0653	535831
Lot 3 DP 8441	0.0749	535832
Lot 4 DP 8441	0.0754	535833
Lot 5 DP 8441	0.0690	535834
Lot 6 DP 8441	0.0610	535835
Lot 1 DP 8776	0.0670	715846
Lot 2 DP 8776	0.0554	715847
Lot 3 DP 8776	0.0627	715848
Lot 4 DP 8776	0.0668	715849
Lot 5 DP 8776	0.0776	715850

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Lot 6 DP 8776	0.0658	715851
Lot 7 DP 8776	0.0630	715852
Lot 8 DP 8776	0.0640	715853
Lot 9 DP 8776	0.0640	715854
Lot 10 DP 8776	0.0630	715855
Lot 11 DP 8776	0.0658	715856
Lot 12 DP 8776	0.0776	715857
Lot 13 DP 8776	0.0668	715858
Lot 14 DP 8776	0.0627	715859
Lot 15 DP 8776	0.0554	715860
Lot 37 DP 8776	0.0696	TNC1/707
Lot 1 DP 8967	0.1492	TN268/37
Lot 1 DP 9078	0.0559	TNC3/1130
Lot 2 DP 9078	0.0624	TNC3/1131
Lot 3 DP 9078	0.0814	TNC3/1132
Lot 6 DP 9078	0.0799	720432
Lot 7 DP 9078	0.0865	720433
Lot 8 DP 9078	0.0802	720434
Lot 9 DP 9078	0.0731	720435
Lot 10 DP 9078	0.0807	720436
Lot 11 DP 9078	0.1361	720437
Lot 7 DP 9370	0.0089	TNF4/255
Part Lot 15 DP 9370	0.4993	TNC2/219
Lot 1 DP 9810	0.0511	TNC1/303
Lot 2 DP 9810	0.0511	TNC1/304
Lot 1 DP 9939	0.1140	TNC3/966
Lot 1 DP 11388	0.0916	TND2/352
Lot 2 DP 11388	0.0973	TND2/353
Lot 1 DP 14785	0.0517	TNG3/1091
Lot 2 DP 14785	0.0505	TNG4/69
Lot 1 DP 14909	0.0510	TNG4/294
Lot 2 DP 14909	0.0511	TNG4/295
Part Block CXXIV Town of Waitara West	0.0055	725698

### Subpart 5—Other land (portfolio)

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Sections 2, 3, 5, and 6 Block XXIII Town of Waitara West	0.4248	TNF4/662
Lot 1 DP 14184	0.0536	TNG1/164
Lot 2 DP 14184	0.0536	TNG1/165
Section 7 Block XXIII Town of Waitara West	0.1062	TNC3/969
Lot 1 DP 12618	0.0510	TNE3/382
Lot 2 DP 12618	0.0511	TNE3/383
Lot 1 DP 14807	0.0516	TNG4/292

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Lot 2 DP 14807	0.0505	TNG4/293
Section 9 Block VIII Town of Waitara East	0.1012	TNC1/912
Section 10 Block VIII Town of Waitara East	0.1012	TNC1/924
Section 9 Block XXIII Town of Waitara West	0.1062	TNC2/794
Lot 1 DP 16796	0.4083	TNH4/1197
Section 13 Block LXXXVIII Town of Waitara West	0.0809	TNB1/370
Section 6 Block XLVI Town of Waitara East	0.1012	TNA3/1058
Lot 38 DP 11073	0.0643	TND1/27
Section 5 Block LXXXVIII Town of Waitara West	0.1012	TNA3/184

### Part 3

#### RFR Land—Ranfurly Park

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Lots 3-15 DP 451289	9.6149	575170
Lots 19-20 DP 451289	4.4193	575173
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	0.3651	677067 Limited as to parcels
Section 13 SO Plan 496323	0.0632	Part 658872
Section 14 SO Plan 496323	0.0033	Part 658872

#### RFR Land—Waitara Golf Club—~~Land~~ land

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Lot 2 DP 455390	17.7816	Part 585942
<u>Blocks VI, XII, XVII, Town of Waitara East</u>	<u>2.6912</u>	<u>TN140/263</u>

### Part 4

#### Transfer Land—West Beach

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<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Section 7 SO Plan 496323	0.4723	Part 658872
Section 9 SO Plan 496323	20.0600	Part 658872 Part 666582
Section 12 SO Plan 496323	3.1150	Part 658872 TNG4/819 TND4/675 TNB3/287 Part 666582

### Transfer Land—East Beach

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Lot 1 DP 455390	0.5832	585941

### Transfer Land—Clifton Park

<b>Legal description</b>	<b>Area (hectares)</b>	<b><del>Computer Freehold Register</del> <u>Record of title</u></b>
Section 1 SO Plan 495472	6.3600	721050 721051 667448 652535 TNH2/1168

### Legislative history

14 September 2016	Introduction (Bill 174–1)
21 September 2016	First reading and referral to Māori Affairs Committee