

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

10 July 2017

Summary of Parts

- Preamble
- Definitions
 - See definition for **Waitara hapū**, **Waitara River**, and **nominee**
- Part 2: Provisions relating to various lands
 - Hapū to get the land via nomination process from **Trustees** (Te Kotahitanga o Te Atiawa Trust) - s13(3)
- Part 3: Rights to purchase and sell Waitara Endowment Lands
 - Price paid by lessee is the “unimproved value of the land” - s20(1)
 - Lessee has 18 months from the enactment of bill to buy land - s20(2)
 - Purchase price may include payment by the lessee of (a) any arrears of rent; and (b) any costs incurred by the council as a consequence of any breach of the lease by the lessee - s20(5)
 - if a lessee is unhappy with the Council’s offer, they can get a valuation of the land and go to arbitration - s22

Cont.

- Part 4: Allocation of net rent and sale proceeds
 - Accumulated and future income must be distributed as follows - s24(2)
 - 24(2)(a) accumulated and future income attributed to the Former Borough Land and the Portfolio Land are payable to the Council
 - 24(2)(b) The [NPD] Council costs and TRC costs must be deducted
 - 24(2)(c) **The balance of the accumulated and future income must be divided equally between the Council and TRC** to be applied in accordance with s25
 - TRC must apply the amounts received by it toward the restoration, protection, and enhancement of the environment, cultural and spiritual health of the Waitara River - s25(1)
 - function of the Board is to make distributions from the Hapū Land Fund that have been recommended by the Hapū Land Fund Committee - S 28(ab)

Rent and Sale Proceeds from leasehold land – Part 4, subpart 1



Endowment Lands Fund

50%
s24(2)(c)

NPDC
Establishes the Fund and 2 subsidiary funds
Empowers hapū Land Fund Committee
Administers scheme of Annual Releases from Waitara Community Fund

Waitara River Committee 50%
s24(2)(c)
TRC and Waitara River Authorities (Iwi) – 50/50
Determinations on expenditure:
Health and well-being of Waitara River (70%);
Matters in Waitara or lower catchment of river (30%)
particular regard to recommendations of subcommittee;
Contingency matters (hierarchy).

30%

TRC
Establishes and empowers Waitara River Committee
Applies money in accordance with Committee determinations

Waitara River subcommittee
Waitara hapū memebrs
Recommendations on the 30% portion of expenditure

The Fund

Hapū Land Fund
Purchase, development, management of land for benefit of Waitara Hapū

Waitara Community Fund
Benefit of Wiatara community of any part of community
Perpetual fund

50%

50%

Hapū Land Fund Committee s31C
2 members of each Waitara Hapū
Committee of Board
Determines amounts and purposes of distributions from Hapū Land Fund

The Board
Established and empowered by statute
Council members and Trustees memebrs
Role: To distribute money from Hapū Land Fund in accordance with determinations of Hapū Land Fund Committee;
Determine and distribute from Annual Releases from Waitara Community Fund

Land: Vested and RFR

See s13(3), Hapū can get the land as **nominee** of Te Kotahitanga o Te Atiawa Trust

Brown Road Land s9(1)

Clifton Park s6(3)(a)

East Beach s6(3)(b)

West Beach s6(3)(c)

RFR Land; Waitara Golf Course and Ranfurly Park

Land to Hapū Outside of Bill

49 ha of Crown land

Part of Ranfurly Park (RFR)

Waitara Golf Course (RFR)