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**LOCAL GOVERNMENT (SALE OF EARTHQUAKE
AND RECLAIMED LAND)**

ANALYSIS

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| Title | 3. Application of Act |
| 1. Short Title | 4. Conditions relating to sale of specified land |
| 2. Interpretation | |

A BILL INTITULED

An Act to ensure that certain land vested in local authorities is sold to lessees at a fair and reasonable price

5 BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Local Government (Sale of Earthquake and Reclaimed Land) Act 1998.

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

10 “Harbour board” means a harbour board constituted under the Harbours Act 1950 or any other enactment:

“Local authority” means a regional council or a territorial authority within the meaning of the Local Government Act 1974:

15 “Minister” means any Minister of the Crown:

“Specified land” means land specified in **section 3 (1)**.

(2) Expressions defined in the Valuation of Land Act 1951 have the meanings so defined.

20 **3. Application of Act**—(1) This Act applies in respect of the sale of land that—

(a) Is vested in a local authority; and

(b) Was formerly vested in a harbour board; and

(c) Was formed by—

(i) The raising of the seabed or foreshore or other land, or by subsidence of such land, or otherwise in consequence of an earthquake; or

(ii) Reclamation; and

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(d) Is used, or intended to be used, for housing purposes; and

(e) Is leased to any person.

(2) For the avoidance of doubt, it is declared that the provisions of this Act apply even if in respect to any specified land (whether generally or in any particular case) the consent of a Minister is required under any enactment before that land may be sold.

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(3) Nothing in this Act limits or affects—

(a) The Public Bodies Leases Act 1969:

(b) The Harbour Boards Dry Land Endowment Revesting Act 1991:

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(c) The Foreshore and Seabed Endowment Revesting Act 1991.

4. Conditions relating to sale of specified land—

(1) Specified land may be sold by or for a local authority if, and only if, that local authority complies with the following conditions:

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(a) That the land to be sold is first offered for sale to the lessee of the land:

(b) That the land is sold for a price that is not more than the current unimproved value of the land, as determined by the Valuer-General under the Valuation of Land Act 1951,—

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(i) Plus the value of any improvements (as so determined) made by the local authority; and

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(ii) If the local authority thinks fit, plus an amount not exceeding 5% of the value of the land (as so determined); but

(iii) Less the value of any improvements (as so determined) made by or formerly purchased by the lessee:

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(c) That the local authority enter into an agreement with the lessee under which that person undertakes, upon becoming the registered proprietor of the land,—

(i) Not to subdivide the land (within the meaning of that term in section 218 (1) of the Resource Management Act 1991); and

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(ii) Not to make substantial improvements to the land—
for a period of 7 years from the date of its transfer to that person.

- 5 (2) Upon application by the local authority, the District Land Registrar must note on the certificate of title issued under the Land Transfer Act 1952 in relation to any specified land transferred in accordance with this Act, the restriction referred to in **subparagraph (i) of subsection (1) (c)**.