

[AS REPORTED FROM THE INTERNAL AFFAIRS AND LOCAL
GOVERNMENT COMMITTEE]

House of Representatives, 6 September 1994.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon Sir Robin Gray

**OTAGO REGIONAL COUNCIL (KURIWAO
ENDOWMENT LANDS)**

[LOCAL]

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A BILL INTITULED

An Act to—

(a) Confirm the vesting of land in the Otago Regional Council:

- (b) Redefine the purposes for which the land is held by the Otago Regional Council:**
- (c) Recognise existing leases of the land:**
- (d) Transfer the lessor's interest in leases of the land to the Otago Regional Council:** 5
- (e) Empower the Otago Regional Council to dispose of the land:**
- (f) Define the purposes for which any proceeds from the land may be used**

WHEREAS— 10

- (a) Land was vested in the Board of Conservators of the Clutha River Trust under the Clutha River Trust Reserves Act 1874 for the purposes set out in that Act and varied by the Clutha Rivers Conservators Board Act 1875: 15
- (b) The land was transferred to the Clutha River Board under the River Boards Act 1884:
- (c) The Clutha River Board was dissolved by section 29 of the Lower Clutha River Improvement Act 1938:
- (d) Under the Lower Clutha River Improvement Act 1938 the land was transferred to the Lower Clutha River Trust: 20
- (e) Under section 31 of the Lower Clutha River Improvement Act 1938 income from the land was to be applied—
 - (i) In payment of the interest, sinking fund, and other charges on any loan raised by the Clutha River Board: 25
 - (ii) Towards payment of the cost of carrying on the steamer service formerly carried on by the Clutha River Board:
 - (iii) Towards payment of interest, sinking fund, and other charges on any loan raised by the Trust for river works only: 30
 - (iv) In such other manner as the Lower Clutha River Trust may think fit for the carrying out *(of)* or maintenance *(to)* of any drainage or river works by the Trust or towards its general administrative expenses: 35
- (f) By Order in Council made on the 25th day of February 1952 and published in the *Gazette* of 28 February 1952, the Lower Clutha River Trust was dissolved and the land and powers and functions of the Trust *(was)* were transferred to the Otago Catchment Board: 40

- (g) Under the Local Government (Otago Region) Reorganisation Order 1989 the Land was transferred to the Otago Regional Council:
- 5 (h) Notwithstanding this vesting of the land, it has been administered by the Crown and leased under the Land Act 1948:
- (i) Many of the purposes for which the land is held are now obsolete:
- 10 (j) It is desired to—
- (i) Confirm that the land is vested in the Otago Regional Council; and
 - (ii) Redefine the purposes for which the land is held by the Otago Regional Council; and
 - 15 (iii) Recognise the existing leases of the land; and
 - (iv) Transfer the lessor's interest in leases of the land to the Otago Regional Council; and
 - (v) Empower the Otago Regional Council to dispose of the land; and
 - 20 (vi) Define the purposes for which any of the proceeds from the sale of the land may be used.

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

1. Short Title—This Act may be cited as the Otago Regional Council (Kuriwao Endowment Lands) Act 1994.

25 **2. Act to bind Crown**—This Act shall bind the Crown.

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

30 “Council” means the Otago Regional Council constituted by clause 9 of the Local Government (Otago region) Reorganisation Order 1989:

“District Land Registrar” means the District Land Registrar for the Otago Land Registration District:

35 “Existing lease” means any lease of the land which is in effect at the commencement of this Act and has not expired; and includes—

(a) Any lease granted in exchange for any existing lease under section 126 or section 126A of the Land Act 1948; and

40 (b) Any lease granted in a subdivision of any holding subject to any existing lease under section 93 of the Land Act 1948:

“Expired lease” means any lease of the land, containing a right of renewal, which has expired and has not been renewed at the commencement of this Act, and where the lessee has remained in occupation of the land subject to the lease and is entitled in accordance with the provisions of that lease to obtain a renewed lease: 5

“Land” means the land described in the **First** Schedule to this Act; and includes any part of the land:

“Lease” means any lease, licence, or other form of lawful occupation of the land or any part of the land: 10

“Lower Clutha District” means the area described in the **Second** Schedule to this Act:

“Renewal lease” means any lease renewed in accordance with **section (8) 10** of this Act: 15

“Works” means any works which the Council is authorised to conduct, undertake, establish, manage, operate, or maintain, and every use of land for any work which the Council is authorised to construct, undertake, establish, operate, or maintain under any of the enactments referred to in **section 5** of this Act; and includes anything required directly or indirectly for any such work or use: 20

(2) Where the provisions of the Land Act 1948 apply to any lease of land affected by this Act, every reference in the Land Act 1948 to the Minister, Commissioner, or Board shall be deemed to be a reference to the Council in respect of the lease. 25

PART I

LOWER CLUTHA DISTRICT

4. Lower Clutha District—The area described in the **Second** Schedule to this Act is hereby constituted as the Lower Clutha District. 30

5. Functions of Council—The Council shall have, in respect of the Lower Clutha District,—

(a) The functions, duties, and powers of a regional council under the Local Government Act 1974: 35

(b) The functions, duties, and powers of a Land Drainage Board under the Land Drainage Act 1908:

(c) The functions, duties, and powers of a River Board under the River Boards Act 1908: 40

(d) Any other functions, duties, or powers conferred on a regional council, Land Drainage Board, or River Board under any other enactment.

PART II

VESTING AND PURPOSES

6. Vesting of land—(1) The estate in fee simple in the land is hereby declared to be vested in the Council.

5 (2) The Council is deemed to be and always to have been the lessor in respect of any lease of the land.

7. Purposes—(1) The Council shall hold—

(a) The land declared to be vested in the Council by **section (4) 6** of this Act; and

10 (b) The Council's interest as lessor in any lease; and

(c) Any profits, incomes or gains derived from the land; and

(d) Any proceeds received by the Council from the sale or other disposition of the land; and

15 (e) Any profits, income, or gains derived from any proceeds received by the Council from the sale or other disposition of the land—

upon trust—

20 (f) To pay firstly the costs, charges, and expenses reasonably incurred by the Council in administering the land, any leases of the land, or any funds obtained by the sale or other disposition of the land:

(g) To use the balance (if any) for, as the Council, in its absolute discretion, thinks fit,—

25 (i) Works for the benefit of the Lower Clutha District:

(ii) Servicing any loans raised for works for the benefit of the Lower Clutha Special Rating District:

30 (iii) Carrying out the functions, performing the duties, and exercising the powers of the Council under **section 5** of this Act for the benefit of the Lower Clutha District, including the Council's general administration expenses incurred in respect of the Lower Clutha District.

35 (2) Notwithstanding any rule of law or enactment to the contrary the Council may, in its absolute discretion, accumulate income derived from the land.

8. Management of funds—(1) The Council shall, show in a separately identified account, in its financial records:—

40 (a) All profits, income or gains derived from the land; and

(b) Any proceeds from the sale or other disposition of the land; and

(c) Any profits, income, or gains derived by the Council from the proceeds of sale or other disposition of the land.

(2) The Council shall have all the powers and duties of trustees in the investment of trust funds that are contained in Part II of the Trustee Act 1956.

PART III

LEASES

5

9. Existing leases—(1) Subject to this Act—

(a) The ~~(vesting of the land)~~ declaration that the land is vested in the Council is subject to all existing leases of the land:

(b) All existing leases shall be deemed to have been granted by the Council as lessor: 10

(c) The Council shall have all the rights, powers and obligations of the lessor under existing leases:

(d) The provisions of the Land Act 1948 shall continue to apply to existing leases as if— 15

(i) Leases which are renewable leases were renewable leases of Crown land under that Act:

(ii) Leases which are pastoral leases were pastoral leases of Crown land under that Act.

New

20

(2) In applying the Land Act 1948 to any existing lease, any expired lease, or any renewal lease, every reference in that Act to the Crown, Her Majesty, the Minister of Lands, the Commissioner, the Department, the Director-General, the Land Settlement Board, or the Board shall be read as a reference to the Council. 25

10. Expired leases—Subject to this Act, where—

(a) Any lease containing a right of renewal has expired; and

(b) The lease has not been renewed at the commencement of this Act; and 30

(c) The Lessee remains in occupation of the land subject to the expired lease and is entitled under the terms of the expired lease to obtain a renewal of that lease—

then—

(d) Nothing in this Act shall affect any right of the lessee to obtain a renewal lease under the terms and conditions of the expired lease: 35

(e) The provisions of section 125 and Part VIII of the Land Act 1948 shall apply to the renewal of such leases and the determination of the rent on renewal: 40

- (f) The expired lease shall be deemed to have been granted by the Council as lessor:
- (g) The Council shall have all the rights, powers, and obligations of the lessor under the expired lease and any renewal lease:
- 5 (h) The lessee shall have all the rights, powers, and obligations of the lessee under the expired lease and any renewal lease:
- 10 (i) The renewal lease shall be in the same form and contain the same terms and conditions (except as to rental and as otherwise provided in this Act) as the expired lease:
- 15 (j) The provisions of the Land Act 1948 shall apply to the expired lease and the renewal lease as if such leases were leases of Crown land granted under that Act.

11. Rebates on payments—In respect of leases to which this Act applies, section 85 of the Land Act 1948 shall be read as if—

Struck Out

- 20 (a) The words “such proportion as may be fixed by the Minister of Finance” in subsections (1) and (2) were omitted, and the expression “0.5 percent” substituted:
- 25 (b) The words “such rate as may be fixed by the Minister of Finance” in subsection (3) were omitted, and the expression “0.5 percent” substituted:

New

- (a) References in that section to the Minister of Finance were references to the Council:
- 30 (c) The words “within one month after the day appointed for the payment thereof” in subsections (1), (2), and (3) were omitted, and the words “on or before the day appointed for payment” substituted.

35 **12. Leases of vacant land**—Where, on the commencement of this Act or at any later time, any part of the land is vacant, the Council may grant a lease of that part of the land under the Public Bodies Leases Act 1969; and the provisions of that Act shall apply accordingly.

PART IV

SALE OF LAND

13. Sale of land—(1) Notwithstanding any other enactment, the Council may, by resolution made after public notice has been given in accordance with subsection (2) of this section, sell or exchange the whole or any part of the land (*which is not subject to any lease*). 5

(2) Public notice of the time and place of the meeting at which the resolution is to be submitted to the Council and the purport of the resolution (including the number of the road or some other readily identifiable description of the land) shall be given not less than 14 clear days before the date of the meeting. 10

(3) In the case of an exchange, the Council may give or receive any money for equality of exchange. 15

(4) Before any transfer of land is registered, the District Land Registrar shall be satisfied by a certificate from the principal administrative officer of the Council or a solicitor of the High Court that public notice complying with **subsection (2)** of this section has been properly given. 20

(5) In the case of a sale, the land shall be sold for a price not less than the capital value of the land as determined by the Valuer-General under the Valuation of Land Act 1951 not earlier than 6 months before the date of sale.

(6) In the case of an exchange, the total of— 25

(a) The capital value of the land received in exchange, as determined by the Valuer-General under the Valuation of Land Act 1951 not earlier than 6 months before the date of exchange; and

(b) Any money received or paid by the Council by way of equality of exchange— 30

shall not be less than the capital value of the land given by Council in exchange as determined by the Valuer-General under the Valuation of Land Act 1951 not earlier than 6 months before the date of the exchange. 35

(7) The Minister of Local Government may consent to a sale or exchange of land otherwise than in accordance with **subsections (5) and (6)** of this section.

(8) Nothing in section 230 of the Local Government Act 1974 or in any other enactment shall apply to any sale or exchange of land under this section. 40

(9) Any land so sold or exchanged shall thereupon be free of all trusts, reservations, or restrictions affecting it.

New

(10) This section shall not apply to any part of the land leased under the Land Act 1948.

5 **14. Freeholding**—(1) The Council may sell the estate in fee simple in any part of the land leased under the Land Act 1948 to the lessee of that part of the land in accordance with this section.

(2) The land so sold shall thereupon be free of all trusts, reservations or restrictions affecting it.

10 (3) The Council shall be responsible for any necessary survey to determine the boundaries of the land to be sold under this section and shall, subject to **subsection 5 (b)** of this section, pay all the costs of such survey.

15 (4) The provisions of Part VII of the Land Act 1948 shall apply, with any necessary modifications, to any such sale.

(5) In addition to the purchase price determined under Part VII of the Land Act 1948, the purchaser shall pay to the Council—

20 (a) All fees necessary to obtain title, including fees payable to the District Land Registrar; and

(b) All fees payable in respect of any subdivision of the land or part of the land formerly occupied by the purchaser under any lease:

25 (c) All fees payable for any necessary consent, permit, or approval under any enactment.

(6) Subject to **subsections (2), (3), (4) and (5)** of this section, any other terms and conditions of sale may be negotiated and agreed by the parties.

30 (7) Nothing in section 230 of the Local Government Act 1974 shall apply to any such sale.

New

(8) This section shall not apply to any part of the land which is not subject to a lease or which is subject to a lease under the Public Bodies Leases Act 1969.

PART V

ENCUMBRANCES

- 15. Encumbrances**—(1) Nothing in this Act shall affect any existing encumbrance over the land or over any interest in the land under any lease. 5
- (2) If any new lease is granted under this Act—
- (a) The District Land Registrar shall record on the certificate of title or, if appropriate, on the lease all encumbrances, liens, and interests registered against the previous lease in order of their registered priority: 10
- (b) The new lease shall be subject to all such encumbrances, liens, and interests as if they had been created in respect of the new lease.
- (3) Where any lessee acquires an estate in fee simple in the land previously held by the lessee under any lease— 15
- (a) The District Land Registrar shall record on the certificate of title issued all existing encumbrances, liens, and interests in order of their registered priority before issuing the certificate of title in the name of the lessee as registered proprietor of the estate in fee simple: 20
- (b) The estate in fee simple shall be subject to all such encumbrances, liens, and interests as if they had been created in respect of that estate.
- (4) Where any lease is renewed under this Act, the lease granted on renewal shall be subject to all encumbrances, liens, and interests registered against the previous lease in order of their registered priority. 25

PART VI

MISCELLANEOUS PROVISIONS

- 16. Alternative means of determining rental**—If— 30
- (a) In accordance with this Act any lease is treated as if it were a renewable lease of Crown land under the Land Act 1948; and
- (b) The rent is reviewed in accordance with the Land Act 1948 and the terms of the lease; and 35
- (c) The lessee does not accept the rent determined by or on behalf of the Council—
- the Council and the lessee may agree that, instead of the new rent being determined by the Land Valuation Tribunal under section 133 of the Land Act 1948, the rent shall be determined by arbitration in accordance with the Third Schedule to this Act. 40

5 **17. Survey on renewal**—(1) The Council may, on renewal of any lease, at its own cost, resurvey the area actually occupied by the lessee under the expired lease and may, on granting a renewal lease, describe the land leased so that it corresponds with the land actually occupied under the expired lease.

10 (2) Where the land is resurveyed and the description of the land altered under **subsection 1** of this section, the rental payable under the renewal lease shall be assessed on the basis of the area and description of the land to be contained in the renewal lease.

18. Other powers of District Land Registrar—(1) The District Land Registrar is authorised and directed to make all entries in the registers for the Otago Land District and do all other things necessary to give effect to this Act.

15 (2) The District Land Registrar is authorised and directed to issue certificates of title, in the name of the Council as the registered proprietor of the estate in fee simple, for the whole or any part of the land as the Council may in writing request upon the completion of any survey and the deposit of any plans, and the payment of any fee, the District Land Registrar may require.

20 (3) The District Land Registrar is authorised and directed to register any lease granted or renewed under this Act upon presentation of the lease for registration, and on payment of the appropriate fee.

Struck Out

19. Administration of leases—On the commencement of this Act, the Council shall take over the administration of the land and leases of the land.

30 **20. Records**—The Crown shall, on the commencement of this Act, deliver to the Council all records held by the Crown relating to the administration of the land and leases of the land, including the collection and disbursement of rent, renewals of expired leases of the land, and the conduct of proceedings to
35 determine rentals payable in each case where the lessee has exercised the right of renewal of an expired lease or lease which is due to expire.

21. Accounts—(1) The Crown shall, on the commencement of this Act, account to the Council for all money (*received by the Crown from the land*) from the land held by the Crown.

(2) The Crown shall be entitled to a commission of 5 percent (*on rentals actually collected by the Crown*) from money paid pursuant to subsection (1) of this section. 5

(3) The Crown shall not be entitled to deduct any other costs or disbursements for administering the land or leases, or obtaining renewals of any expired lease, or obtaining vacant possession of any land. 10

Struck Out

(4) The Crown shall pay to the Council the balance of the money due to the Council after deduction of any commission to which the Crown may be entitled.

New

(4) The Crown shall pay to the Council, out of money appropriated by Parliament for the purpose, the balance of the money due to the Council pursuant to **subsection (1)** of this section after the deduction of the commission to which the Crown is entitled. 15
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22. Delegation—(1) The Council may, by resolution, delegate to any councillor, Committee of Council, or officer of the Council all or any powers exercisable by the Council (other than this power of delegation) under this Act, the Land Act 1948, (*and any lease of land*) the Public Bodies Leases Act 1969, 25
and any lease of the land.

(2) Any delegation may be subject to any special or general directions.

(3) The delegation under this section shall remain in force until expressly revoked by resolution of the Council. 30

(4) Every delegate may exercise the powers delegated in the same manner and with the same effect as if those powers had been conferred on the delegate directly by this section.

(5) No delegation shall be affected by any vacancy on the Council or the holding of any election for the Council. 35

(6) Any delegation may be made to a specific office of Council or to an identified person employed as an officer of the Council.

5 (7) No delegation to a specified office of the Council shall be affected by any vacancy in that office, and the powers delegated may be exercised by any person for the time being holding that office or being authorised to exercise the powers of the holder of that office.

10 (8) No delegation to a named officer of the Council shall be affected by that person ceasing to hold the office held when the delegation was made, and the delegation shall continue to have effect as if made to the person for the time being holding that office or, if there is no person holding that office, to any person for the time being authorised to exercise the powers of the holder of that office.

15 (9) The exercise by any person of any power of the Council which may be delegated under this section shall be sufficient evidence of the delegation in the absence of evidence to the contrary.

(10) No delegation shall prevent the exercise of any power by the Council.

20 **23. Repeals**—(1) The following enactments are hereby repealed:

(a) The Lower Clutha River Improvement Act 1938:

(b) The Lower Clutha River Improvement Amendment Act 1939:

25 (c) So much of the Ninth Schedule to the Resource Management Act 1991 as relates to the Lower Clutha River Improvement Act 1938.

30 (2) Notwithstanding the repeal of the Lower Clutha River Improvement Act 1938, the Lower Clutha River Improvement Amendment Act 1943 shall continue to have full force and effect.

SCHEDULES

Section 3 (1)**FIRST SCHEDULE****KURIWAO ENDOWMENT LANDS**

The land subject to this Act is the following land situated in the Otago Land District:

Area (ha)	Description	Certificate of Title No.
481.8310	Sections 7, 8, 15, 16 & 17 Block VIII Kuriwao Survey District	All 348/68
289.7119	Sections 1 & 3, Block VI, Catlins Survey District	All 348/125
490.3146	Sections 5, 6, 12 & 13 Block VIII, Kuriwao Survey District	All 348/112
502.5446	Sections 4, 5, 25 & 26 & Part Sections 2 & 3, Block IX, Kuriwao Survey District	Bal. 362/70
1841/2539	Sections 9, 10, 11 & 14, Block VIII, Sections 9, 10, 11 & 23, Block IX and Section 1, Block XI, Kuriwao Survey District	All 362/154
377.1038	Sections 1, 6 & 7, Block X Kuriwao Survey District	All 348/178
348.7530	Sections 6, 7 & 8, Block IX, Kuriwao Survey District	All 369/92
260.8675	Sections 3 & 4, Block VIII and Section 24 & Part Section 1, Block IX, Kuriwao Survey District	Bal. 369/89
1228.2209	Section 3, Block XII, Kuriwao Survey District	All B2/724
125.2831	Section 2, Block VIII, Kuriwao Survey District	All 2C/195
796.1921	Sections 3, 4, 10, 11, 14, 17, 19, 25 & 26, Block VII and Sections 5 & 6, Block XII, Kuriwao Survey District	Bal. 6C/1455
843.0040	Sections 13, 16, 18, 21, 22, 23 & 24, Block VII and Section 4, Block XII, Kuriwao Survey District	All 6C/1454
666.9622	Sections 7 & 8, Block XII, Kuriwao Survey District and Run 789 situated in Block VI, Slopedown Survey District & Block VII, Kuriwao Survey District	All 9A/426
3205.1103	Run 719 situated in Blocks X & XI, Kuriwao Survey District, Block III, Rimu Survey District, Block VIII, Warepa Survey District & Block VI, Catlins Survey District	All B2/653
1796.8043	Run 720 situated in Blocks II, III & VII, Rimu Survey District	All A2/1266
1316.8471	Run 786 situated in Blocks X & XI, Kuriwao Survey District & Blocks II & III, Rimu Survey District	All 4D/416
1300.0000	Run 806 situated in Block VI, Slopedown Survey District & Blocks VII, X, XI & XII, Kuriwao Survey District	All 15A/8
<u>847.1000</u> 16717.9043 ha	Sections 1, 2, 3, 4 & 5, S.O. 23283	Bal. 386/2

SECOND SCHEDULE

Section 4

LOWER CLUTHA DISTRICT

1. *Balclutha Subdivision*—

All that area in the Otago Land District, being the Borough of Balclutha, as described in the *Gazette*, 17 March 1938, No. 19, at page 489, including that portion of the Clutha River, the bed thereof, and the islands therein contained within the said borough.

Also all that area in the Clutha County, being the Clutha River, the bed thereof, and the islands therein, bounded on the north by a line across the said river in prolongation of the northern boundary of Section 11, Block XXXVI, Clutha Survey District, on the east generally by the left bank of the said river, and by the western boundary of the Borough of Balclutha hereinbefore described on the south and west generally by the right bank of the said river.

Also all that area in the Otago Land District, being the Clutha River, the bed thereof, and the islands therein, bounded as follows: commencing at a point on the right bank of the said river, in prolongation of the northern boundary of Section 11, Block XXXVI, Clutha Survey District and proceeding thence in an easterly direction across the said river by a line in prolongation of the northern boundary of Section 11 aforesaid to the left bank of the said river; thence generally in a northwesterly direction along the left bank of the said river to a point thereon, in prolongation of the original southern boundary of Section 8, Block V, Teviot Survey District, which said Section 8 is now included in Section 48, Block V, Teviot Survey District; thence in a westerly direction across the said river by a line in prolongation of the southern boundary of Section 8 aforesaid to the right bank of the said river; thence generally in a south easterly direction to the point of commencement.

2. *Kaitangata Subdivision*—

All that area in the Otago Land District, being the Borough of Kaitangata as described in *Gazette*, 4 August 1887, No. 51, at page 1038.

3. *Inch-Clutha Subdivision*—

All that area in the Otago Land District situated in Bruce County, being the area described in the Schedule to the Inch-Clutha Road, River and Drainage Amendment Act 1921-22.

Also all that area in the Otago Land District situated in the counties of Bruce and Clutha, being the Clutha River, the Matau and Koau branches of the said river, the bed thereof and the islands therein; from the southern boundary of the Borough of Balclutha to the Pacific Ocean.

Also all that area in the Otago Land District situated in Bruce County, being Sections 1, 2, and 3, Block XVII, Coast Survey District, and public roads adjoining the said Sections 1, 2, and 3.

4. *Matau Subdivision*—

All that area in the Otago Land District situated in Bruce County being the Matau River District, as defined in *Gazette*, 5 February 1920, No. 19 at page 428, excepting thereout such portion of the Borough of Kaitangata, hereinbefore described, as is included in the description of the aforesaid Matau River District.

SECOND SCHEDULE—*continued*LOWER CLUTHA DISTRICT—*continued*

Also all that area in the Otago Land District situated in Bruce County, being parts of Blocks I and II, North Molyneux Survey District, and bounded as follows: Commencing (*as*) at a point on the left (*of*) bank of the Matau Branch of the Clutha River in prolongation of the northern boundary of Allotment No. 2 on a plan deposited in the Lands and Deeds Registry Office, at Dunedin, under No. 2344, and proceeding thence in an easterly direction along the southern side of a public road forming the northern boundary of Allotment No. 2 aforesaid, to the north-eastern corner thereof; thence generally in a southerly direction along a public road forming the eastern boundary on Allotment No. 2 aforesaid, intersecting Allotment No. 1 on the said plan, and forming the eastern boundary of Allotment No. 3 on the said plan, (*and forming*) to the eastern corner thereof; thence in a southerly direction, across a public road, and along the western side of a public road intersecting Sections 3 and 2, Block I, in the aforesaid District, to the north-eastern boundary of the last-mentioned Section 2; thence in a southerly direction along the north-eastern boundary of Section 2 aforesaid, and Section 1, Block I, in the aforesaid district to the south-eastern corner of Section 1, last mentioned; thence across a public road to a point on the high-water mark of the Pacific Ocean, in prolongation of the north-eastern boundary of Section 1 aforesaid; thence in a westerly direction along the high-water mark of the Pacific Ocean to a point thereon in prolongation of the western boundary of the last mentioned Section 1; thence generally in a northerly direction along a public road, and along the left bank of the Matau Branch of the Clutha District to the point of commencement.

5. *Otanomomo Subdivision*—

All that area in the Otago Land District situated in the Clutha County, being the Otanomomo River District, as described in the *Gazette* 29 January 1914, No. 19 at page (295) 294.

Also all that area in the Otago Land District situated in the Clutha County, being public roads and parts of Sections 14, 15, 17, 18 and 19, Block XXXIII, Clutha Survey District, bounded on the south by the Otanomomo River District hereinbefore described, on the west by a railway reserve, on the north by a railway reserve, and on the east by the right bank of the Koau Branch of the Clutha River.

Also all that area in the Otago Land District situated in the Clutha County, being parts of Sections 9, 10 and 11, Block XXXV, Clutha Survey District, bounded on the north by the Clutha River, on the east by the eastern boundary of Section 9 aforesaid, which said boundary forms in part the western boundary of the Borough of Balclutha herewith described, on the south by public roads, and on the west by the western boundary of Section 11 aforesaid.

Where, pursuant to **section 16** of this Act, the Council and the lessee agree that a new rent shall be determined by arbitration, the following provisions shall apply:

1. The arbitration shall be conducted by a sole arbitrator to be agreed on by the parties.
2. The person appointed as arbitrator need not be a registered valuer.
3. The arbitrator shall determine the rent payable by the lessee in accordance with section 131 (1), (2), (3), (4) and (5) or section 132A (1) of the Land Act 1948, as the case may be.
4. The arbitrator shall give each party the opportunity to adduce evidence, either orally or in writing, in accordance with the procedures prescribed by the arbitrator.
5. The arbitrator shall give written notice of the decision to the parties.
6. The arbitrator's decision shall provide how the costs of arbitration are to be borne.
7. The arbitrator's decision on the rent and costs shall be final and binding on the parties.
8. These provisions for arbitration shall be deemed to be a submission to arbitration for the purposes of the Arbitration Act 1908, and that Act shall, so far as applicable, apply.