

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, the 21st day of November 1973

RESERVES AND OTHER LANDS DISPOSAL

Proposed Amendment

Hon. Mr RATA, in Committee, to move the following amendment:

To add, after *clause 8* on page 10, the following clauses: (d)

9. Empowering the Dunedin City Corporation to subdivide, develop, lease, and sell the old Taieri Airport, requiring it to apply the proceeds for the benefit of Momona Airport, and validating subdivisions, developments, and sales already completed by the Corporation—Whereas the Mayor, Councillors, and Citizens of the City of Dunedin (in this section called "the Corporation") are registered as the proprietors of an estate in fee simple in the land first and secondly described in subsection (12) of this section: And whereas the land comprises the old Taieri Airport and is controlled by the Corporation: And whereas Taieri Airport became inadequate for the needs of the district, and a new airport was therefore constructed at Momona under the control of the Corporation: And whereas by a deed dated the 9th day of March 1960 (as varied by a supplementary deed dated the 21st day of April 1964), made between the Corporation and the Crown, it was agreed between the parties that the Corporation should sell or otherwise dispose of the land first and secondly described in subsection (12) of this section, and apply the proceeds towards the costs of acquisition and development of Momona Airport: And whereas in reliance on the agreement between the Corporation and the Crown, the Corporation has subsequently subdivided, developed, and sold parts of the land to various purchasers, and has made certain payments in respect of the costs and expenses incurred in doing so: And whereas doubts have arisen as to the power of the Corporation to subdivide, develop, or sell any parts of the land or to pay any costs or expenses incurred in doing so: And whereas it is desired to resolve such doubts by conferring power on the Corporation to subdivide, develop, lease, and sell the land, and to pay the costs and expenses incurred in doing so: And whereas it is also

desired to validate the subdivision, development, and sale of parts of the land already completed by the Corporation, and the payments already made by it in respect of the costs and expenses incurred in doing so: And whereas it is also desired to provide for the application of the proceeds of all such subdivisions, developments, leases, and sales of the land: Be it therefore enacted as follows:

(1) Notwithstanding the Airport Authorities Act 1966 or the Civil Aviation Act 1964 or any other enactment or rule of law, the Corporation shall hold, administer, and dispose of the land first and secondly described in subsection (12) of this section in accordance with the provisions of this section.

(2) The Corporation shall, as long as any parts of the land are still required for the purposes of an aerodrome, continue to hold those parts of the land for those purposes.

(3) The Corporation may from time to time, with the prior consent in writing of the Minister of Civil Aviation and Meteorological Services, do any one or more of the following things in respect of any part of the land that is no longer required for the purposes of an aerodrome:

- (a) Subdivide or re-subdivide it into lots:
- (b) Lease it on such terms and conditions as the Corporation may think fit:
- (c) Sell it by such method of sale and on such terms and conditions as the Corporation thinks fit, with or without any grants or reservations of easements or other rights or privileges in favour of the purchaser or the Corporation or any other person.

(4) The Corporation may, in subdividing or re-subdividing any part of the land under subsection (3) of this section, construct or provide such public streets, service lanes, access ways, sanitary and water drains, water supplies, electric power lines or cables, and other services and public works, as it thinks necessary or desirable for the use, convenience, and enjoyment of the land subdivided or re-subdivided.

(5) The Corporation may pay out of its Capital Reserve Account (known as the Air Development Capital Reserve Fund) all the costs and expenses incurred by it in subdividing, re-subdividing, leasing, or selling any parts of the land under subsection (3) of this section, or in doing any of the things specified in subsection (4) of this section.

(6) The Corporation shall pay the net proceeds from the subdivision, development, lease, and sale of any parts of the land under subsection (3) of this section into its Air Development Capital Reserve Fund.

(7) The Corporation shall then apply those proceeds in recoupment of all costs and expenses paid from the Air Development Capital Reserve Fund under subsection (5) of this section.

(8) After applying the proceeds in accordance with subsection (7) of this section, the Corporation shall divide the balance of the proceeds into 2 equal portions.

(9) Without prejudice to section 13B of the Civil Aviation Act 1964, the Corporation shall pay the first portion of the balance of the proceeds to the Minister of Civil Aviation and Meteorological Services, who shall lodge it to the credit of the Consolidated Revenue Account.

(10) The Corporation shall apply the other portion of the balance of the proceeds in reduction of any loans raised by the Corporation in connection with the acquisition and development of Momona Airport, and shall hold any excess in reserve and use it for the future development of Momona Airport in such manner as may from time to time be agreed on between the Corporation and the Minister of Civil Aviation and Meteorological Services.

(11) All subdivisions, developments, and sales of parts of the land completed by the Corporation before the commencement of this section, and all payments made by the Corporation in respect of the costs and expenses incurred by it in doing so, that would have been valid if this section had been in force at the time when they were completed or made, are hereby validated and declared to have been lawfully completed and made; and the Corporation shall apply the net proceeds from such subdivisions, developments, and sales in accordance with the other provisions of this section.

(12) This section relates to the following land:

All that area of land in Mosgiel Borough and Taieri County, Otago Land District, containing first 90.4067 hectares, more or less, being Section 18, Block VI, East Taieri Survey District, and being all the land in cancelled certificate of title Register 1D, folio 554, Otago Land Registry (S.O. Plan 13669); and secondly 40.2257 hectares, more or less, being Section 12 and Part Section 11, Block V, East Taieri Survey District, and being all the land in cancelled certificate of title Volume 262, folio 15 (limited as to parcels), Otago Land Registry.

10. Empowering the New Plymouth City Corporation to subdivide, develop, lease, and sell the old Bell Block Airport, and requiring it to apply the proceeds for the benefit of the new airport at Brown Road—Whereas the Mayor, Councillors, and Citizens of the City of New Plymouth (in this section called “the Corporation”) are registered as the proprietors of an estate in fee simple in the land first and secondly described in subsection (11) of this section: And whereas the land comprises the old airport at Bell Block and is controlled by the Corporation: And whereas Bell Block Airport became inadequate for the needs of the district, and a new airport was therefore constructed at Brown Road, New Plymouth, under the control of the Corporation: And whereas by a deed dated the 3rd day of December 1964, made between the Corporation and the Crown, it was agreed between the parties that the Corporation should subdivide, sell, lease, or otherwise dispose of the land first described in

subsection (11) of this section: And whereas by Order in Council 171091 the Corporation was directed to sell the land secondly described in that subsection: And whereas none of the land has been subdivided, sold, leased, or otherwise disposed of: And whereas doubts have arisen as to the power of the Corporation to subdivide, develop, sell, or lease the land first and secondly described in that subsection or to pay any costs or expenses incurred in doing so: And whereas it is desired to remove such doubts by conferring that power on the Corporation by this section: And whereas it is also desired to provide for the application of the proceeds of all such subdivisions, developments, sales, and leases of any parts of the land: Be it therefore enacted as follows:

(1) Notwithstanding the Airport Authorities Act 1966 or the Civil Aviation Act 1964 or any other enactment or rule of law, the Corporation shall hold, administer, and dispose of the land first and secondly described in subsection (11) of this section in accordance with the provisions of this section.

(2) The Corporation shall, as long as any parts of the land are still required for the purposes of an aerodrome, continue to hold those parts of the land for those purposes.

(3) The Corporation may from time to time, with the prior consent in writing of the Minister of Civil Aviation and Meteorological Services, do any one or more of the following things in respect of any part of the land that is no longer required for the purposes of an aerodrome:

(a) Subdivide or re-subdivide it into lots:

(b) Lease it on such terms and conditions as the Corporation may think fit:

(c) Sell it by such method of sale and on such terms and conditions as the Corporation thinks fit, with or without any grants or reservations of easements or other rights or privileges in favour of the purchaser or the Corporation or any other person.

(4) The Corporation may, in subdividing or re-subdividing any part of the land under subsection (3) of this section, construct or provide such public streets, service lanes, access ways, sanitary and water drains, water supplies, electric power lines or cables, and other services and public works, as it thinks necessary or desirable for the use, convenience, and enjoyment of the land subdivided or re-subdivided.

(5) The Corporation may pay out of its Capital Reserve Account (known as the Bell Block Realisation Reserve Fund) all the costs and expenses incurred by it in subdividing, re-subdividing, leasing, or selling any parts of the land under subsection (3) of this section, or in doing any of the things specified in subsection (4) of this section.

(6) The Corporation shall pay the net proceeds from the subdivision, development, sale, and lease of any parts of the land under subsection (3) of this section into its Bell Block Realisation Reserve Fund.

(7) The Corporation shall then apply those proceeds in recoupment of all costs and expenses paid from the Bell Block Realisation Reserve Fund under subsection (5) of this section.

(8) After applying the proceeds in accordance with subsection (7) of this section, the Corporation shall divide the balance of the proceeds into 2 equal portions.

(9) Without prejudice to section 13B of the Civil Aviation Act 1964, the Corporation shall pay the first portion of the balance of the proceeds to the Minister of Civil Aviation and Meteorological Services, who shall lodge it to the credit of the Consolidated Revenue Account.

(10) The Corporation shall apply the other portion of the balance of the proceeds in reduction of any loans raised by the Corporation in connection with the acquisition and development of the airport at Brown Road, New Plymouth, and shall hold any excess in reserve and use it for the future development of the airport at Brown Road, New Plymouth, in such manner as may from time to time be agreed on between the Corporation and the Minister of Civil Aviation and Meteorological Services.

(11) This section relates to the following land:

All that area of land in Taranaki County, Taranaki Land District, containing first 117.0047 hectares, more or less, being Part Kaipakopako No. 1 Block (D.P. 1468), and Section 145, Part Section 73 (D.P. 153), Part Section 77 (D.P. 343), Part Section 78B and 79, Part Mangateranoho Stream Bed and Lots 1, 2, 3, 4, 5, and 6, D.P. 5331, being Sections 74, 75, and 76 Waitara West District situated in Blocks II and III, Paritutu Survey District, and being all the land contained in certificate of title, Volume 144, folio 11, Taranaki Land Registry, subject to a pipeline easement registered as Document Number 165446 in favour of the Natural Gas Corporation of New Zealand; and secondly 100.1518 hectares, more or less, being Part Sections 149 and 150 Waitara West District, and Section 17, Bell District, situated in Blocks II and III, Paritutu Survey District, and being the balance of the land contained in certificate of title, Register B2, folio 818, Taranaki Land Registry, subject to a compensation certificate 182595 under the provisions of Section 17 of the Public Works Amendment Act 1948 affecting Section 150, Waitara West District.

EXPLANATORY NOTE

The proposed *clause 9* relates to the old Taieri Airport. This is controlled by the Dunedin City Corporation which is also the airport authority for Momona Airport which was constructed to replace it. In 1960 and 1964, the Corporation agreed with the Crown that the Corporation should dispose of parts of Taieri Airport as they ceased to be needed for the purposes of an aerodrome. The proceeds were to be applied towards the costs of Momona Airport. Subsequently the Corporation subdivided, developed, and sold parts of Taieri Airport, but doubts have now arisen as to its power to do so.

The purpose of the proposed new clause is to validate the actions of the Corporation, and to empower it to subdivide, develop, sell, and lease the remaining parts of the airport as they cease to be required for the purposes of an aerodrome. The proceeds are to be applied for the benefit of Momona Airport.

The proposed *clause 10* relates to the airport at Bell Block. This is controlled by the New Plymouth City Corporation which is also the authority for the new airport at Brown Road, New Plymouth.

The proposed new clause confers virtually the same powers of subdivision, development, sale, and leasing on the New Plymouth City Corporation in respect of Bell Block Airport as would be conferred on the Dunedin City Corporation in respect of Taieri Airport. However, no provision for validation is necessary as the New Plymouth City Corporation has not yet begun to undertake such activities.

The proceeds are to be applied for the benefit of the new airport at Brown Road.
