

House of Representatives

# Supplementary Order Paper

Wednesday, 12 December 2018

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

*Proposed amendments for the consideration of the Committee of the whole House*

**Key:**

- **this is inserted text**
- **~~this is deleted text~~**

**Note:** This Supplementary Order Paper shows amendments to the Bill that are being proposed for the purposes of consideration in Committee of the whole House. This document does—

- **NOT have official status in terms of unamended text**
- **NOT have the status of an as-reported version of the Bill.**



## Explanatory note

This Supplementary Order Paper makes significant changes to the Bill as reported back by the Māori Affairs Committee.

The Preamble has been extended to include more background material.

The commencement clause (*clause 2*) provides for the Bill to come into force on 17 March 2019.

*Clause 3* is amended to indicate in broad outline the changes made by this Supplementary Order Paper. The changes include making further land available for future purchase or acceptance of transfer by Te Kōwhatu Tū Moana, the governance entity representing the Waitara hapū. Changes are made to the overall management of land held under reserve status, with provision for Te Kōwhatu Tū Moana and the New Plymouth District Council (the **Council**) to enter into an agreement to administer and manage the reserves and to prepare and review the management plan. The Supplementary Order Paper also provides for certain funds to be established, including one to enable the restoration, protection, and enhancement of the Waitara River; another for the benefit of the river and its lower catchment; another to enable the Waitara hapū to purchase, develop, and manage land in and adjacent to the Waitara area; and the fourth for the social, economic, cultural, and environmental benefit of the Waitara community (*see also clauses 25B, 31A to 31BA, 32A, and 34 to 35A*).

The amendments to *clause 4* introduce a number of new definitions, including that of Te Kōwhatu Tū Moana, the incorporated charitable trust set up to represent the Waitara hapū for the purposes of this Bill.

*New clause 4A* requires decisions made by the Council and the Taranaki Regional Council (the **TRC**) under the Bill to be made taking into account the relationship of the Waitara hapū and their culture and traditions with their valued taonga (but this does not apply in making decisions in relation to other iwi and hapū with interests in the Waitara River), and *new clause 4B* provides that the Bill, when enacted, will bind the Crown.

*Clauses 6 and 8* are amended to clarify the vesting arrangements for the vested land and its status under the Reserves Act 1977, namely Clifton Park, East Beach River Mouth, and West Beach. The Brown Road Land is removed from these arrangements.

There are new provisions covering future arrangements for Council transfer properties, including their reserve status (*see new clauses 9B to 9E*), the Brown Road Land (*see new clause 9F*), and Crown purchase properties (*see new clauses 9G to 9I*).

*New clauses 9J to 9L* replace the former RFR arrangements with provisions that provide for the administration and management of certain lands as reserve land, including co-management arrangements.

The arrangements for purchasing and selling Waitara Endowment Land are set out in *new clause 19AA, clauses 20 to 23 and new clause 23A*, with amendments to clarify the process, the issue of valuation, and sales other than to lessees.

*Clause 24* governs the allocation of accumulated income from Waitara Endowment Land to ensure that allocations are made to 2 of the new funds, the Hapū Land Fund

**Proposed amendments to**

SOP No 184

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

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and the Waitara Perpetual Community Fund, as well as to the TRC (in respect of a certain area of land). No change is made as to the distribution of future income (*see clause 24A*). In addition, there are requirements for the expenditures made by the TRC, including a new requirement for building capacity of the Waitara River Authorities to pursue the well-being of the Waitara River and its catchment (*see clause 25B*).

New provisions set out the way in which the Conservation Act 1987 and the Crown Minerals Act 1991 are to apply to land vested or transferred under the Bill (*see new clause 36A*) and how the land vested is to be registered (*see clause 37 and new clauses 37A to 37C*). The provisions relating to the RFR mechanism are removed.

*Amendments to other Acts*

*New clause 47* amends the Income Tax Act 2007 by inserting *new section CZ 35* to exempt from income tax amounts of income, including amounts derived from the vesting of land in Waitara, derived by Te Kōwhatu Tū Moana in the 6-month period starting on 17 March 2019.

*New clause 48* amends the Goods and Services Tax Act 1985 by inserting *new section 78H* to provide that the vesting of land in Waitara in Te Kōwhatu Tū Moana is zero-rated for GST purposes.

*Schedule 3* has been amended to restructure the data it contains and to include further properties.

**Jonathan Young, in Committee, to propose the amendments shown in the following document.**

*Jonathan Young*

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

Local Bill

### **Contents**

	Page
Preamble	
1 Title	7
2 Commencement	7
<b>Part 1</b>	
<b>Preliminary provisions</b>	
3 Purposes	7
4 Interpretation	8
<u>4A Requirement in relation to decisions</u>	<u>13</u>
<u>4B Act binds the Crown</u>	<u>13</u>
<b>Part 2</b>	
<b>Provisions relating to various land</b>	
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	13
<del>Subpart 2—Transfer Land and Brown Road Vested Land</del>	
6 Vesting of <del>Transfer Vested Land</del>	14
7 <del>Reserve status of Transfer Land</del>	14
8 <del>Land may become Transfer Land</del> <u>Land adjacent to West Beach may also be vested</u>	17
9 <del>Vesting of Brown Road Land</del>	17
9A Consents to land vesting in Waitara hapū entity	18

**Proposed amendments to  
New Plymouth District Council (Waitara Lands) Bill**

---

Subpart 2A—Future transfer of property

*Council transfer properties*

<u>9B</u>	<u>Agreement to purchase Council purchase property</u>	<u>19</u>
<u>9C</u>	<u>Agreement to transfer Council option property</u>	<u>19</u>
<u>9D</u>	<u>Transfer of Council transfer property</u>	<u>20</u>
<u>9E</u>	<u>Reserve status of certain Council transfer properties</u>	<u>20</u>
<u>9F</u>	<u>Brown Road Land</u>	<u>21</u>

*Crown purchase properties*

<u>9G</u>	<u>Agreement to purchase Crown purchase property</u>	<u>21</u>
<u>9H</u>	<u>Transfer of Crown purchase property</u>	<u>22</u>
<u>9I</u>	<u>Reserve status of Crown transfer property</u>	<u>22</u>

Subpart 2B-3—RFR Land Dealing with reserve status of various  
land

<u>9J</u>	<u>Reserve status of Vested Land and other reserve properties</u>	<u>23</u>
<u>9K</u>	<u>Dealing with reserve land</u>	<u>24</u>
<u>9L</u>	<u>Management of reserve land</u>	<u>24</u>
<u>10</u>	<u>Restrictions on disposal of RFR Land</u>	<u>25</u>
<u>11</u>	<u>Requirements for offer</u>	<u>25</u>
<u>12</u>	<u>Acceptance of offer</u>	<u>26</u>
<u>13</u>	<u>Formation of contract</u>	<u>26</u>
<u>14</u>	<u>Disposals of RFR Land to other persons</u>	<u>26</u>
<u>15</u>	<u>Council's obligations subject to other matters</u>	<u>27</u>
<u>16</u>	<u>Notice to Trustees of proposed disposal of RFR Land to others</u>	<u>27</u>
<u>17</u>	<u>Waiver and variation</u>	<u>27</u>
<u>18</u>	<u>Assignment of rights and obligations under this subpart</u>	<u>28</u>

**Part 3**

**Rights to purchase and sell Waitara Endowment Land**

<u>19AA</u>	<u>Purpose of this Part</u>	<u>28</u>
<u>19</u>	<u>Lessee may purchase freehold of Waitara Endowment Land</u>	<u>29</u>
<u>20</u>	<u>Purchase price and other terms and conditions</u>	<u>29</u>
<u>21</u>	<u>Process for purchase of freehold by lessee</u>	<u>29</u>
<u>22</u>	<u>Valuation of land for purposes of sale to a lessee</u>	<u>30</u>
<u>23</u>	<u>Sale other than to lessee</u>	<u>31</u>
<u>23A</u>	<u>Council's rights and powers as local authority not affected</u>	<u>32</u>

**Part 4**

**Allocation of net rent and sale proceeds**

Subpart 1AA—Outline of this Part

<u>24AA</u>	<u>Allocation and management of accumulated and future income from Waitara Endowment Land</u>	<u>32</u>
-------------	---	-----------

**Proposed amendments to  
New Plymouth District Council (Waitara Lands) Bill**

---

<u>Subpart 1—Allocation to TRC and Council of accumulated and future income</u>		
24	<del>Distribution</del> <u>Allocation</u> of accumulated and future income from Waitara Endowment Land	32
<u>24A</u>	<u>Allocation of future income from Waitara Endowment Land</u>	<u>34</u>
<u>Subpart 1A—TRC expenditure</u> <del>Expenditure of TRC's income</del>		
25	TRC duty to allocate accumulated and future income	35
25A	Establishment of Waitara River Committee	35
25B	Functions of Waitara River Committee	37
25C	Waitara River Committee to establish subcommittee	40
25D	TRC's annual plan, long-term plan, and annual report	41
<u>Subpart 2—Council expenditure</u> <del>Expenditure of Council's income</del>		
26	Establishment and investment of Fund	41
27	Establishment of Board	42
28	Functions and powers of Board	42
29	Membership of Board	43
29A	Membership of Board when appointments not made on time	43
30	Council obligations to Board	44
31	Administration and operation of the Board	44
31A	Establishment of Hapū Land Fund and Waitara <u>Perpetual</u> Community Fund	45
31B	Hapū Land Fund	45
<u>31BA</u>	<u>Te Kōwhatu Tū Moana's role in administering Hapū Land Fund</u>	<u>46</u>
31C	<del>Establishment of Hapū Land Fund Committee</del>	<del>46</del>
31D	<del>Function of Hapū Land Fund Committee</del>	<del>47</del>
31E	<del>Operation of Hapū Land Fund Committee</del>	<del>47</del>
32A	Waitara <u>Perpetual</u> Community Fund	47
33	Determination of amount of annual release from Waitara <u>Perpetual</u> Community Fund	48
34	Purposes for which annual release may be distributed	48
35	Process for distributions from <u>Annual Release Fund</u>	49
<u>35AA</u>	<u>Investment of Hapū Land Fund and Waitara Perpetual Community Fund</u>	<u>49</u>
35A	<del>Separate purchases of land by Council for benefit of Waitara hapū</del>	<del>50</del>
<u>35A</u>	<u>Provision of further land to Te Kōwhatu Tū Moana</u>	<u>50</u>
35B	Council's annual plan, long-term plan, and annual report	50
<b>Part 5</b>		
<b>Miscellaneous</b>		
36	Application of Resource Management Act 1991	51
<u>36A</u>	<u>Application of Conservation Act 1987 and Crown Minerals Act 1991</u>	<u>52</u>

**Proposed amendments to**

Preamble

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

37	Registration of ownership and matters to be recorded on record of title for <del>Transfer Land and Brown Road Land</del> <u>Vested Land</u>	52
37A	<u>Record of title for Council transfer properties</u>	54
37B	<u>Record of title for Crown transfer properties</u>	54
37C	<u>Registration requirements for certain properties</u>	54
38	Right of purchase by lessee to be entered on records of title	55
39	Removal of notation from certain records of title	56
40	<del>Right of first refusal entered on records of title for RFR Land</del>	57
41	<del>Notice to Registrar-General of land ceasing to be RFR Land</del>	57
42	<del>Removal of notifications when land to be transferred or vested or RFR period ends</del>	57
43	Requirements for giving notice	58
44	Time when notice received	58
45	Power to amend schedules	58
46	Repeals	59
<i>Amendments to other Acts</i>		
47	<u>Income Tax Act 2007 amended</u>	59
	<u>CZ 35 Amounts derived by Te Kōwhatu Tū Moana</u>	59
48	<u>Goods and Services Tax Act 1985 amended</u>	60
	<u>78H Land in Waitara vested in Te Kōwhatu Tū Moana to be zero-rated</u>	60
<b>Schedule 1</b>		
<b>Waitara defined</b>		
61		
<b>Schedule 2</b>		
<b>Further provisions relating to Board</b>		
63		
<b>Schedule 3</b>		
<b>Land to which this Act applies</b>		
67		

**Preamble**

- (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.~~
- (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.~~



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- (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.~~
- (6) ~~Te Atiawa (represented by the Te Kotahitanga o Te Atiawa Trust) and the Waitara hapū (Manukorihi and Otaraua), as tangata whenua, 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.~~
- (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.~~
- (9) ~~Previous attempts (including a local Bill) to reconcile the various interests noted above have not been successful, but 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~~
  - ~~(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 those matters and related matters affecting land in the Waitara area.~~
- (1) Rangatira of Otaraua and Manukorihi hapū (the **Waitara hapū**) signed te Tiriti o Waitangi, with others, in 1840 and in doing so preserved rangatiratanga for their descendants.
- (2) The rangatira Whiti Te Rangitaake refuted individual title of land and therefore the right of sale of the Waitara land. He claimed in 1859 that “the land belongs to us all; to the orphan and to the widow belongs that piece of land”. Despite that advice, land sales did proceed.
- (3) The Waitara hapū consider that the lands and waterways of Waitara have not been recognised by the Crown as taonga tuku iho. The retention and use of those lands for the benefit of the original owners, their hapū, and their whānau, have not been promoted, nor their wāhi tapu protected. The protection of rangatiratanga embodied in te Tiriti o Waitangi has not been manifested in Waitara.
- (4) The Waitara hapū, as tangata whenua, hold mana whenua over the lands and waterways of Waitara, although they have long been unable to exercise their kaitiakitanga over these lands and waterways.

Proposed amendments to

Preamble

New Plymouth District Council (Waitara Lands) Bill

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- (5) 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 the Waitara hapū at Waitara was confiscated and today only 3 hectares remain in the ownership of the Otaraua hapū, while Manukorihi hapū owns no land.
- (6) Since the 1860s, there have been a number of investigations, commissions, and reports that have inquired into the confiscation of the Waitara lands. All recognised that the confiscations at Waitara, the first wide-scale confiscations in Aotearoa New Zealand, were unjust. The Waitangi Tribunal has characterised them as a breach of te Tiriti o Waitangi.
- (7) 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 whānau. That settlement was not supported by the Waitara hapū.
- (8) 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.
- (9) There are restrictions on the purposes for which the Council may apply the proceeds from the use of the land (for example, rental income) or the disposal of the land.
- (10) The Taranaki Regional Council has interests conferred by statute in some of those proceeds and has roles, rights, and responsibilities in respect of the Waitara community generally.
- (11) 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.
- (12) 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.
- (13) Previous attempts (including a local Bill) to reconcile the various interests noted above have not been successful, but despite significant reservations, the Waitara hapū acknowledge that this Act—
  - (a) enables the transfer of land to the Waitara hapū and secures for them and their descendants a foundation for the future, as a rock to endure the relentless tide (kōwhatu e te moana); and
  - (b) allows lessees to freehold their properties; and
  - (c) creates an enduring fund for the benefit of the Waitara community, including the Waitara hapū, as well as a fund for river restoration and a fund for land to be acquired by the Waitara hapū.

- (14) In the words of the whakataukī written by Whiti Te Rangitaake to the chief land purchase commissioner in 1859—

“Ko enei whenua ekore e hoatu e matou ki a korua ringaringa ko te Kawana, kei rite matou ki nga manu o te moana e noho ana i runga i te kōwhatu, ka pari te tai ka ngaromia taua kōwhatu e te moana, ka rere ngā manu, no te mea kaore he nohoanga mo ratou”.

“These lands will not be given by us into the Governor’s and your hands, lest we resemble the seabirds which perch upon a rock, when the tide flows the rock is covered by the sea, and the birds take flight for they have no resting place ... ”.

- (15) Legislation is required in order to give effect to the matters above and related matters affecting land in the Waitara area.

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

**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.
- (2) ~~The rest of this~~ This Act comes into force on the day that is ~~3~~ months after the date on which it receives the Royal assent 17 March 2019.

**Part 1**

**Preliminary provisions**

**3 Purposes**

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
- (b) provide for the fee simple ownership in the ~~Transfer Vested Land (including the Crown-owned portion of Clifton Park)~~ to be vested in ~~the Trustees or the Waitara hapū entity~~ Te Kōwhatu Tū Moana subject to restrictions; and
- (ba) ~~provide for the future purchase or acceptance of transfer by Te Kōwhatu Tū Moana of further Council land (including the Brown Road Land);~~ and
- (bb) ~~provide for the future acceptance by Te Kōwhatu Tū Moana of transfer of the Crown’s title in 5 reserves; and~~

Proposed amendments to

- (c) ~~provide for the status of the Transfer Vested Land and certain land transferred in the future as reserve land subject to the Reserves Act 1977; and~~
- (d) ~~provide for the Council to be the administering body of Transfer Vested Land and other transferred land that remains or becomes a reserve; and~~
- (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 reserve; and~~
- (e) provide for the Council and Te Kōwhatu Tū Moana (as registered owner of Vested Land and other transferred land that remains or becomes a reserve) to enter an agreement for the administration and management of reserve land and to prepare and review the management plan for that land; and
- (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~~
- (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 TRC and the Council~~ (and the Hapū Land Fund, for some accumulated income); and~~
- (ia) ~~establish~~ provide for the establishment of 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, including by creating—
  - (i) a fund to improve the health and well-being of the Waitara River and its catchment;
  - (ii) a fund to improve Waitara and the lower Waitara River catchment;
  - (iii) the Hapū Land Fund to enable the Waitara hapū to purchase, develop, and manage land in and adjacent to Waitara;
  - (iv) the Waitara Perpetual Community Fund to improve the social, economic, cultural, and environmental well-being of Waitara; and
- (l) ~~repeal the Waitara Borough Reserves Vesting Act 1909, the Waitara Harbour Act 1940, and related legislation.~~

#### 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

**agreed Council option property** means a Council option property for which the transfer requirements under a Council agreement have been met

**agreed Council purchase property** means a Council purchase property for which the transfer requirements under a Council agreement have been met

**annual plan** has the same meaning as in section 5(1) of the Local Government Act 2002

**annual report** ~~has the same meaning as in~~ means an annual report delivered under section 67 of the Local Government Act 2002

**Board** means the Board established by **section 27**

**Brown Road Land** means the land described by that name in Part 4 3 of Schedule 3

**Clifton Park** means that part of the ~~Transfer Vested~~ Land described by ~~this~~ that name in Part 4 2A of Schedule 3

**Council** means the New Plymouth District Council

**Council agreement** means an agreement between the Council and Te Kōwhatu Tū Moana for the transfer to Te Kōwhatu Tū Moana of—

- (a) a Council purchase property; or
- (b) a Council option property

**Council option property** means a Council-owned property, described in **Part 5 of Schedule 3**, in relation to which Te Kōwhatu Tū Moana has a future option under **section 9C** to accept transfer

**Council purchase property** means a Council-owned property, described in **Part 3 of Schedule 3**, that Te Kōwhatu Tū Moana has a right to purchase under **section 9B**

**Council transfer property** means—

- (a) an agreed Council purchase property; or
- (b) an agreed Council option property

**Crown agreement** means an agreement between the Crown and Te Kōwhatu Tū Moana for the transfer of a Crown purchase property to Te Kōwhatu Tū Moana

**Crown purchase property** means a property described in **Part 6 of Schedule 3**

**Crown transfer property** means a Crown purchase property for which the transfer requirements under a Crown agreement have been met

Proposed amendments to

~~dispose of, in relation to the RFR Land,—~~

(a) means—

- (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—~~

- (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~~

Director-General has the same meaning as in section 2(1) of the Conservation Act 1987

East Beach River Mouth means that part of the ~~Transfer Vested Land~~ described by ~~this~~ that name in **Part 4 2A 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 **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(1)(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 section 5(1) of the Local Government Act 2002

lower catchment of the Waitara River means that portion of the Waitara River catchment that is identified as the lower catchment on SO 513923

Manukorihi Hapū Charitable Trust means the incorporated trust of that name created by trust deed dated 4 December 2018 and incorporated under the Charitable Trusts Act 1957, number 2723132

~~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

registered valuer has the same meaning as in section 2 of the Valuers Act 1948

**sale proceeds** means the net proceeds from the sale of the Council's interests in any part of the Waitara Endowment Land

Te Kōwhatu Tū Moana means the incorporated charitable trust board of that name created by trust deed on 10 December 2018 by the Manukorihi Hapū Charitable Trust and incorporated under the Charitable Trusts Act 1957, number 2723472; and includes an incorporated trust or other incorporated body that is the successor to Te Kōwhatu Tū Moana

~~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

Vested Land means the land described in **Part 2A of Schedule 3** and comprises Clifton Park, East Beach River Mouth, and West Beach

**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**;
- (b) in **Part 3, subpart 1 of Part 4, and section 36**, the land described in **paragraph (a)** and the Portfolio Land

Proposed amendments to

**Waitara hapū** means Manukorihi hapū and Otaraua hapū of Te Atiawa (within the meaning of section 13 of the Te Atiawa Claims Settlement Act 2016)

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

**Waitara Perpetual Community Fund** means the fund established under **section 31A(1)(b)**

**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 that 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
- (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
- (d) the beds of the bodies of water referred to in **paragraphs (a) to (c)**

**Waitara River catchment** means the catchment of the Waitara River, being the area so identified on SO 513923

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

**West Beach** means that part of the ~~Transfer Vested~~ Land described by ~~this~~that name in **Part 4 2A of Schedule 3**.

- (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 River Mouth, 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.
- (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—~~
  - ~~(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.~~



**4A Requirement in relation to decisions**

- (1) In making decisions under this Act, the Council and TRC must take into account the relationship of the Waitara hapū and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga in Waitara and in relation to the Waitara River.
- (2) **Subsection (1)** does not affect the performance or exercise of any function, duty, or power by the Council or TRC under any other enactment or TRC's responsibilities to other iwi and hapū in relation to the Waitara River.

**4B Act binds the Crown**

This Act binds the Crown.

**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**

- (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
  - (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.
- (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.
- (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, 8, or 9D or Part 3** of this Act.

Subpart 2—~~Transfer Land and Brown Road Vested Land~~**6 Vesting of ~~Transfer Vested Land~~**

- (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 Vested Land~~ vests in Te Kōwhatu Tū Moana.
  - (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.
- (2B) In the case of the Crown-owned portion of Clifton Park (Section 2 SO Plan 495472, see **Part 2A of Schedule 3**), the Council must pay the Crown fair market value for the land on or before the vesting under **subsection (2)**.
- (3) Each of the following parts of the ~~Transfer Vested 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 River Mouth;
  - (c) West Beach.
- (4) Any improvements in or on the ~~Transfer Vested Land~~ do not vest in ~~the Trustees or the Waitara hapū entity~~ Te Kōwhatu Tū Moana, despite the vesting under **subsection (2)**.
- (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**

- (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.~~
- (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~~

- (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
- (e) 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 reserve land had not vested in the Trustees or the Waitara hapū entity but had remained vested in the Council; and
  - (ii) may continue to exercise the Minister's powers under section 108 of the Reserves Act 1977 (bylaws to be approved by Minister); and
- (d) any interest in land affecting the 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
- (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 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
  - (iii) with any other necessary modifications; and
  - (iv) despite any change in status of the land.
- (3) The 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—
  - (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; 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—

- (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~~
  - (e) ~~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.~~
- (5) ~~If the reserve status of any 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 registered proprietor.~~
- (6) ~~No part of the reserve land may be exchanged for other land under section 15 of the Reserves Act 1977.~~
- (8) ~~The Council and the registered proprietor must negotiate and agree a memorandum of understanding that—~~
- (a) ~~provides for the Council to engage with the registered proprietor regarding all significant proposed decisions regarding the management and administration of the reserve land; and~~
  - (b) ~~allows the registered proprietor to initiate proposals for the management and administration of the 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.~~
- (10) ~~The Council and the registered proprietor, acting as if they jointly were the administering body for the reserve land, must—~~
- (a) ~~prepare and review the management plan for the reserve land under section 41 of the Reserves Act 1977; and~~
  - (b) ~~consider any proposal to change the classification of any part of the reserve land under section 24 of the Reserves Act 1977.~~
- (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~~
  - (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~~ Land adjacent to West Beach may also be vested
- (1) This section applies to each of the following areas of land if at any time the Council is the registered ~~proprietor~~ owner 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.
  - (2) The fee simple estate in the land vests in the registered ~~proprietor~~ owner of West Beach, subject to, or with the benefit of, all ~~existing~~ interests and any applicable resource consents that exist at the time of vesting.
  - (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 person in whom the land is vested under subsection (2)~~—
    - (a) that are owned by the Council at the time of vesting may vest in the person in whom the land is vested under subsection (2), in accordance with any agreement between the Council and that person;
    - (b) that are not owned by the Council at the time of vesting do not vest in the person in whom the land is vested under subsection (2).
  - (5) **Sections 7, 9J, 9K, 9L, 36, and 37(5)** apply to the land as if the land were ~~Transfer Vested Land~~ vested under **section 6(2)** and declared a reserve under **section 6(3)**.
  - (6) The Registrar-General of Land must, on written application by a person authorised by the chief executive of the Council,—
    - (a) register as the ~~proprietor~~ owner 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 record of title that the land is subject to ~~section 7 sections 9J and 9K~~; and
    - (c) record any other entry on the 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~~
- (1) The fee simple estate in the Brown Road Land vests in—
    - (a) ~~the Trustees; or~~

Proposed amendments to

- (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) ~~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.~~
- (3) ~~The Council may, at any time 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) ~~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.~~
- (6) ~~The permission of the 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**

- (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.~~
- (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 2A—Future transfer of property

### *Council transfer properties*

#### **9B Agreement to purchase Council purchase property**

- (1) Te Kōwhatu Tū Moana may, at any time, notify the Council in writing of its interest in purchasing a Council purchase property.
- (2) The purchase price for the property agreed by the Council and Te Kōwhatu Tū Moana must be based on a fair market valuation.
- (3) If Te Kōwhatu Tū Moana decides to purchase the property, the Council and Te Kōwhatu Tū Moana must enter an agreement to transfer the property to Te Kōwhatu Tū Moana on the terms specified in the agreement.
- (4) The parties must enter into the agreement as soon as is reasonably practicable and use their best endeavours to reach agreement on reasonable terms.
- (5) The agreement must provide for the acknowledgement and protection of any existing infrastructure and services (whether or not owned by the Council), including protection by registrable interest if required by the Council.
- (6) If the parties cannot agree on the purchase price, they must submit the issue to a suitably qualified valuation arbitrator.
- (7) The purchase price determined by arbitration under **subsection (6)** is the price of the property for the purposes of this section, but Te Kōwhatu Tū Moana is not obliged to complete the purchase if not satisfied with the price determined by arbitration.
- (8) The Arbitration Act 1996 applies to an arbitration under this section, subject to the following:
  - (a) any arbitrator appointed must be a registered valuer:
  - (b) the parties must appoint a single arbitrator, if they can agree on a single arbitrator:
  - (c) the parties 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 purchase price, the arbitrators must appoint an umpire to value the property.
- (9) **Subsections (2) and (5) to (8)** do not apply to the Brown Road Land (*see section 9F*).

#### **9C Agreement to transfer Council option property**

- (1) Te Kōwhatu Tū Moana may, at any time, notify the Council in writing of its interest in accepting transfer of a Council option property at no cost.
- (2) If Te Kōwhatu Tū Moana decides to accept the transfer of the property, the Council and Te Kōwhatu Tū Moana must enter into an agreement to transfer

Proposed amendments to

the property to Te Kōwhatu Tū Moana at no cost on the terms specified in the agreement.

- (3) The parties must use their best endeavours to reach agreement on reasonable terms and, as soon as is reasonably practicable, enter into the agreement.
- (4) The agreement must provide for the acknowledgement and protection of any existing infrastructure and services (whether or not owned by the Council), including protection by registrable interest if required by the Council.

**9D** **Transfer of Council transfer property**

- (1) This section applies to a property to which a Council agreement entered into under **section 9B or 9C** relates.
- (2) The chief executive of the Council (acting for and on behalf of the Council) is authorised—
  - (a) to transfer the fee simple estate in the property to Te Kōwhatu Tū Moana; and
  - (b) to take any other action that is necessary to give effect to the agreement.
- (3) A transfer under **subsection (2)(a)** is subject to all interests (registered and unregistered) in the property that exist at the time of the transfer.
- (4) The Council, in exercising the powers conferred by **subsection (2)**, is not required to comply with any other enactment that would otherwise regulate, or apply to, the transfer.

**9E** **Reserve status of certain Council transfer properties**

- (1) This section applies to an agreed Council option property (other than the Brown Road Land) that is transferred to Te Kōwhatu Tū Moana under **section 9D**.
- (2) The reservation of the following agreed Council option properties as reserves subject to the Reserves Act 1977 is revoked immediately before the transfer of the land takes effect:
  - (a) Manukorihi Park;
  - (b) Manukorihi Reserve;
  - (c) Ranfurly Park property A;
  - (d) Tangaroa Reserve.
- (3) Immediately after the transfer takes effect, the property is declared a reserve and classified as follows:
  - (a) in the case of Memorial Park, as a local purpose (community buildings and uses) reserve under section 23 of the Reserves Act 1977;
  - (b) in the case of Tangaroa Reserve, as a local purpose (esplanade) reserve under section 23 of the Reserves Act 1977;



- (c) in the case of any other agreed Council option property, as a recreation reserve under section 17 of the Reserves Act 1977.
- (4) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of reserve status under **subsection (2)**.
- (5) In **subsections (2) and (3)(a)**, each of the named properties means the property described by that name in **Part 5 of Schedule 3**.

**9F Brown Road Land**

- (1) Despite **section 9B(2)**, the transfer value for the Brown Road Land is \$1.
- (2) The Council may, at any time before the day that is 12 months after the Brown Road Land is transferred under **section 9D**, request that the registered owner 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.
- (3) The registered owner must grant an easement referred to in **subsection (2)**.
- (4) The permission of the 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 Te Kōwhatu Tū Moana.

*Crown purchase properties*

**9G Agreement to purchase Crown purchase property**

- (1) Te Kōwhatu Tū Moana may, at any time, notify the Director-General and the Council in writing of its interest in purchasing a Crown purchase property.
- (2) As soon as is reasonably practicable after receiving a notification under **subsection (1)**,—
- (a) the Director-General must give Te Kōwhatu Tū Moana all material information (including encumbrances) that, to the best of the Director-General's knowledge, is in records about the property held by the Crown; and
- (b) the chief executive of the Council must give Te Kōwhatu Tū Moana and the Director-General all material information (including encumbrances) that, to the best of the chief executive's knowledge, is in records about the property held by the Council.
- (3) After providing disclosure under **subsection (2)**, Te Kōwhatu Tū Moana and the Director-General may agree that they will each instruct (at their own cost) a registered valuer to provide a fair market valuation of the property on terms determined by the Director-General.

Proposed amendments to

- (4) After obtaining the valuations, the parties must endeavour to reach written agreement on the purchase price of the property, which must not exceed the higher valuation or be less than the lower valuation.
- (5) If the parties cannot agree on the purchase price, they must submit the valuation of the property to a suitably qualified valuation arbitrator.
- (6) The parties must each pay half the costs of arbitration unless the arbitrator awards a different proportioning of costs as the result of a party's unreasonable conduct.
- (7) The purchase price determined by arbitration is the price of the property for the purposes of this section, but neither party is obliged to complete the purchase if not satisfied with that price.
- (8) If the parties agree to proceed with the purchase, the Director-General (on behalf of the Crown) and Te Kōwhatu Tū Moana must use their best endeavours to reach agreement on reasonable terms and enter into an agreement to transfer the property to Te Kōwhatu Tū Moana as soon as is reasonably practicable.

**9H** **Transfer of Crown purchase property**

- (1) This section applies to give effect to a Crown agreement entered into under **section 9G**.
- (2) The Director-General (acting for and on behalf of the Crown) is authorised—
  - (a) to transfer the fee simple estate in the Crown transfer property to Te Kōwhatu Tū Moana; and
  - (b) to take any other action that is necessary to give effect to the agreement.
- (3) A transfer under **subsection (2)(a)** is subject to all interests (registered and unregistered) in the property that exist at the time of the transfer.
- (4) A transfer under **subsection (2)(a)** does not include any improvements that exist on the land at the time of the transfer, and any such improvements remain the property of their respective owner.
- (5) The Crown, in exercising the powers conferred by **subsection (2)**, is not required to comply with any other enactment that would otherwise regulate, or apply to, the transfer.
- (6) **Subsection (5)** is subject to **section 36A(2) and (3)**.

**9I** **Reserve status of Crown transfer property**

- (1) The reservation of a Crown transfer property as a reserve subject to the Reserves Act 1977 is revoked immediately before the transfer of the land takes effect.
- (2) Immediately after the transfer takes effect, the property is declared a reserve and classified as a recreation reserve under section 17 of the Reserves Act 1977.

- (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of reserve status under **subsection (1)**.

Subpart ~~2B-3~~—~~RFR Land~~ Dealing with reserve status of various land

**9J Reserve status of Vested Land and other reserve properties**

- (1) While any Vested Land or any other reserve property 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, or transferred to, Te Kōwhatu Tū Moana under **section 6(2), 9D, or 9H**.
- (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
  - (b) subject to **section 9L**, 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 of Conservation has all the Minister’s functions, obligations, and powers under the Reserves Act 1977, and under any other enactment, as if the fee simple estate in the reserve land had not vested in, or transferred to, Te Kōwhatu Tū Moana but had remained vested in the Council; and
  - (d) any interest in land affecting the reserve land at the date of its vesting under **section 6(2)** or transfer under **section 9D or 9H** 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
  - (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 owner of the land; and
  - (f) any interest (other than an interest in land) affecting the reserve land at the date of its vesting under **section 6(2)** or transfer under **section 9D or 9H** 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
    - (iii) with any other necessary modifications; and
    - (iv) despite any change in status of the land.

- (3) Despite **subsection (2)(a)**, the administration of Pukekohe Domain must be undertaken jointly by the Council and Te Kōwhatu Tū Moana on terms and conditions agreed between them.
- (4) If the reserve status of any reserve land is revoked by the Minister of Conservation 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 owned by Te Kōwhatu Tū Moana.
- (5) In this section, **other reserve property** means—
- (a) an agreed Council option property that is transferred under **section 9D**;  
or
  - (b) a Crown transfer property that is transferred under **section 9H**.
- (6) No part of the reserve land may be exchanged for other land under section 15 of the Reserves Act 1977.

**9K Dealing with reserve land**

- (1) Te Kōwhatu Tū Moana must not—
- (a) transfer the fee simple estate in any reserve land to any person; or
  - (b) mortgage, or give a security interest in, that land.
- (2) Despite **subsection (1)(a)**, Te Kōwhatu Tū Moana may transfer the fee simple estate in reserve land to the successor to Te Kōwhatu Tū Moana if the instrument of transfer is accompanied by a certificate by the transferor or the transferor's solicitor verifying that the transferee is the successor to Te Kōwhatu Tū Moana.
- (3) In this section, **reserve land** has the same meaning as in **section 9J**.

**9L Management of reserve land**

- (1) The Council and Te Kōwhatu Tū Moana must enter into an agreement that—
- (a) provides for the Council to engage with Te Kōwhatu Tū Moana regarding all significant proposed decisions regarding the management and administration of reserve land; and
  - (b) allows Te Kōwhatu Tū Moana to make proposals for the management and administration of that land.
- (2) Copies of the agreement must be maintained on the Council's Internet site and at public premises of the Council in Waitara.
- (3) The Council and Te Kōwhatu Tū Moana, acting as if they were jointly the administering body for the reserve land, must—
- (a) prepare and review the management plan for the reserve land under section 41 of the Reserves Act 1977; and

- (b) consider any proposal to change the classification of any part of the reserve land under section 24 or 24A of the Reserves Act 1977.
- (4) Any management plan for the reserve land that exists before the agreement under **subsection (1)** is entered into remains in force until it is replaced by a plan prepared and reviewed under **subsection (3)(a)**.
- (5) In this section, **reserve land** has the same meaning as in **section 9J**.

#### **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
  - (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
    - (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
  - (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
  - (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
  - (b) the legal description of the land, including any interests affecting it and the reference for any record of title for the land; and
  - (c) the street address for the land (if applicable); and

Proposed amendments to

- (d) a street address, postal address, and electronic address for the Trustees to give notices to the Council in relation to the offer.
- (2) The expiry date of an offer must be on or after the 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**

- (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.

**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.
- (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—
  - (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—
  - (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**

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

- (e) ~~section 50, 52, 105(1), 106, 114(3), 117(7) or 119 of the Public Works Act 1981; or~~
- (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**

- (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—
    - (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.
- (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 day that is 20 working days before the day of proposed disposal.
- (3) The notice must include—
  - (a) the legal description of the land and any interests affecting it; and
  - (b) the reference for any 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
  - (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**

- (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.

Proposed amendments to

- (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.~~

**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~~
  - (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~~
  - (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.~~
- (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—~~

  - (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**

**19AA Purpose of this Part**

- (1) This Part provides for the sale and purchase of Waitara Endowment Land.
- (2) For land that is subject to a lease when this Act comes into force, this Part gives the lessee the right to purchase the fee simple estate.
- (3) For all land, this Part provides for the sale of the fee simple estate to a third party.



**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.
- (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~~ exercising the right to purchase the fee simple estate in any Waitara Endowment Land is the unimproved value of the land on the date on which the lessee gives notice to the Council under **section 21(1)(a)**.
- (2) If a lessee gives notice under **section 21(1)(a)** no later than ~~the day that is 15 months after the commencement of this section~~ 17 June 2020,—
  - (a) the date of the notice under **subsection (1)** is taken to be the date on which this Act receives the Royal assent; and
  - (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.
- (3) The purchase price of the land is as determined—
  - (a) ~~by the Council~~ a registered valuer; or
  - (b) by arbitration under **section 22**, if applicable.
- (4) The purchase is to be on any additional terms and conditions determined by the Council.
- (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 the fee simple estate in any Waitara Endowment Land must—
  - (a) give notice to the Council of the lessee's intent to purchase; and
  - (b) obtain, at the ~~purchaser's~~ lessee's expense, any necessary subdivision consent and consents under the Building Act 2004 and any other enactment; and

Proposed amendments to

- (c) meet the costs, including the reasonable costs of the Council, in respect of the transfer.
- (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.~~
- (3) Before the day that is ~~20~~ 60 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.~~

## 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.~~
- (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.~~
- (2) If the lessee, after obtaining a valuation from a registered valuer, states on reasonable grounds that the purchase price determined under **section 20(3)(a)** is not the unimproved value of the land, the Council and lessee must submit the issue to a suitably qualified valuation arbitrator.
- (3) The purchase price determined by arbitration under **subsection (2)** 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)**~~ this section, subject to the following provisions:
  - (a) ~~any arbitrator appointed must be a valuer registered in the Register of Valuers under the Valuers Act 1948~~ registered valuer;
  - (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.

## 23 Sale other than to lessee

(1AA) This Part does not prevent the Council from entering into an agreement to sell the fee simple estate in any Waitara Endowment Land to a person other than the lessee (if any) of that land before the Council receives a notice from the lessee under **section 21(1)(a)**.

(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 (if any), the Waitara hapū, the Trustees, and Te Kōwhatu Tū Moana, and, in relation to that part of the Waitara Endowment Land that is described in **subpart 1 of Part 2 of Schedule 3**, TRC.

(2) If a party whose views are sought under **subsection (1)** fails to provide its views before the day that is 30 working days after the date on which they were sought, the Council may proceed with the proposed sale on the basis that the party has no views on the matter.

(2A) If the Council proposes to sell the fee simple estate in any Waitara Endowment Land to a person other than the lessee (if any) of that land, the Council must first offer to sell the fee simple estate to Te Kōwhatu Tū Moana at the fair market value of the land.

(2B) An offer under **subsection (2A)** must include—

- (a) the terms of the offer, including its expiry date (which must be no less than 60 working days after the date of the offer); and
- (b) the legal description of the land, including any interests affecting it and the reference for any 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 Te Kōwhatu Tū Moana to give notices to the Council in relation to the offer.

(2C) The Council may, by notice to Te Kōwhatu Tū Moana, withdraw an offer under **subsection (2A)** at any time before it is accepted.

(2D) If the Council withdraws an offer under **subsection (2C)**, the Council must not sell the fee simple estate in the land to any person other than the lessee (if any).

(3) A sale to a person other than the lessee (if any) does not become unconditional before the day that is 30 working days after ~~the parties' views have been sought under **subsection (1)**, unless all those parties agree otherwise.~~ earlier of the following:

- (a) the day on which the offer to sell to Te Kōwhatu Tū Moana expires;
- (b) the day on which Te Kōwhatu Tū Moana rejects the offer in writing.

(4) If the Council sells the fee simple estate in any Waitara Endowment Land under this section,—

- (a) **section 19(2)** continues to apply to the land; and

- (b) references to the Council in **sections 20 to 22** must be read as references to the registered owner for the time being of the fee simple estate in the land.

**23A Council's rights and powers as local authority not affected**

This Part does not prevent the Council from exercising its rights and powers as a local authority or lessor in respect of Waitara Endowment Land.

**Part 4**  
**Allocation of net rent and sale proceeds**

Subpart 1AA—Outline of this Part

**24AA Allocation and management of accumulated and future income from Waitara Endowment Land**

- (1) This Part provides for the allocation and management of accumulated and future income from Waitara Endowment Land.
- (2) **Subpart 1** provides for the allocation of that income as follows:
- (a) accumulated income is allocated in accordance with **section 24**:
- (b) future income is allocated in accordance with **section 24A**.
- (3) **Subpart 1A** provides for the expenditure of accumulated and future income allocated to TRC.
- (4) **Subpart 2** provides for the management of—
- (a) accumulated income allocated to the Hapū Land Fund and the Waitara Perpetual Community Fund; and
- (b) future income allocated to the Council and then to the Hapū Land Fund or the Waitara Perpetual Community Fund.
- (5) In this Part,—
- accumulated income** means income derived from the Waitara Endowment Land before the commencement of this Act
- future income** means income derived from the Waitara Endowment Land on or after the commencement of this Act.

Subpart 1—Allocation to TRC and Council of accumulated and future income

**24 ~~Distribution~~ Allocation of accumulated and future income from Waitara Endowment Land**

- (1) This section allocates the accumulated income.
- (2) The accumulated income is allocated as follows:

- (a) one-third of the accumulated income, less any historical hapū costs, is payable to the Hapū Land Fund:
  - (b) half of the income that has been derived from that part of the Waitara Endowment Land that is described in **subpart 1 of Part 2 of Schedule 3**, less any historical TRC costs, is payable to TRC:
  - (c) the balance of the accumulated income, less any historical Council costs that have not already been paid out of the accumulated income and remain outstanding on the commencement of this Act, is payable to the Waitara Perpetual Community Fund.
- (3) In this section,—
- historical Council costs** means the following actual and reasonable costs incurred by the Council:
- (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:
  - (c) costs, charges, disbursements, and expenses relating to consultation on, and the drafting, introduction, and enactment of, this Act
- historical hapū costs** means the costs incurred by the Waitara hapū relating to consultations and responses to drafts of, and proposals relating to, this Act before its enactment
- historical TRC costs** means the actual and reasonable legal costs paid or incurred by TRC in relation to the litigation with the lessees of the Waitara Endowment Land (less any amount received from TRC’s insurers in respect of it) and its costs, charges, disbursements, and expenses relating to consultation on, and the drafting, introduction, and enactment of, this Act.
- ~~(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 is payable to the Council; and~~
  - ~~(b) the Council costs and TRC costs must be deducted from accumulated and future income other than that referred to in **paragraph (a)**; and~~
  - ~~(e) the balance of the accumulated and future income referred to in **paragraph (b)** must be divided equally between the Council and TRC to be applied in accordance with **subparts 2 and 3**.~~
- ~~(3) If the Council costs exceed the accumulated and future income to which **subsection (2)(b)** applies, those costs may, to the extent that they exceed that income, be deducted from—~~
- ~~(a) the future income of a subsequent year; or~~
  - ~~(b) the Fund, after consultation with the Board.~~

Proposed amendments to

(4) In ~~subsection (2)(b)~~,—

~~Council costs~~ means the actual and reasonable costs paid or incurred by the Council before and after the commencement of this Act that relate to the Waitara Endowment Land, including (but not limited to)—

- (a) the following ongoing costs:
  - (i) costs, charges, disbursements, and expenses relating to the administration of the Waitara Endowment Land;
  - (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
- (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);
  - (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

~~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, introduction, and enactment of, this Act.

**24A Allocation of future income from Waitara Endowment Land**

- (1) This section allocates future income.
- (2) Future income is allocated as follows:
  - (a) future income attributable to the Former Borough Land and the Portfolio Land is payable to the Council; and
  - (b) Council costs must be deducted from future income other than the future income referred to in **paragraph (a)**; and
  - (c) the balance of the future income is payable in equal shares to the Council and TRC.
- (3) If the Council's costs for a year exceed the future income for that year, those costs may, to the extent that they exceed that income, be deducted from—
  - (a) the future income of a subsequent year; or

- (b) the Fund, after consultation with the Board.
- (4) In this section, **Council's costs** means the following actual and reasonable ongoing costs incurred by the Council on or after the commencement of this Act:
- (a) costs, charges, disbursements, and expenses relating to the administration of the Waitara Endowment Land:
- (b) 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)**:
- (c) 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)**).

~~Subpart 1A—TRC expenditure~~ Expenditure of TRC's income

**25 TRC duty to allocate accumulated and future income**

- (1) ~~TRC must apply the amounts received by it under **section 24(2)(c)** allocated to it under **subpart 1 (TRC income)** in accordance with determinations made by the Waitara River Committee under **section 25B**.~~
- (2) TRC must carry out all activities under this subpart in addition to, and not instead of, any other activities carried out by TRC in relation to the same or any related subject matter.

**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~~ comprises—
- (a) 5 members nominated by TRC; and
- (b) 4 members nominated by the Waitara River Authorities who enter the agreement under **subsection (5)**; and
- (c) 1 member nominated by Te Kōwhatu Tū Moana, in recognition of the historical and continuing mana whenua exercised by the Waitara hapū in Waitara.
- (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.

Proposed amendments to

- (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.
- (5A) A Waitara River Authority that is not a party to the agreement under **subsection (5)** that first constitutes the Waitara River Committee may be added as a party to the agreement at a later time.
- (6) The name of the Waitara River Committee may be changed—
- (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 as changed, 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.
- (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.
- (10) **Schedule 2** applies to the Waitara River Committee—
- (a) subject to this section; and
  - (b) as if—
    - (i) a reference to the Board were a reference to the Waitara River Committee ~~were the Board~~; and
    - (ii) a reference to the Council were a reference to TRC ~~were the Council~~; and
    - (iii) ~~in **clauses 1(1)(a), 6, and 12(2) of the schedule** the Trustees were a reference to Te Kōwhatu Tū Moana were a reference to the Waitara River Authorities who enter the agreement under **subsection (5)** of this section~~; and
  - (c) as if ~~in **clause 11(1)** the~~ a reference to the Fund were a reference to the TRC income; and
  - (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.



- (13) The Waitara River Committee may be discharged only if TRC and all Waitara River Authorities who ~~entered the agreement under **subsection (5)**~~ are parties to the agreement at the relevant time 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
- 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:
    - (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:~~
      - (ii) either—
        - (A) the iwi or any other collective of individuals nominated in an Act of Parliament to receive redress in the settlement of Treaty of Waitangi claims; or
        - (B) an entity that represents that iwi or collective under that Act:
      - (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.

## 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~~ 70% of the TRC income toward the restoration, protection, and enhancement of the environmental, cultural, and spiritual health and well-being of the Waitara River and the Waitara River catchment;
  - (b) to determine the amounts and purposes of distributions of ~~30 percent~~ 30% 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~~;
  - (c) to make a determination under **subsection (2)**;
  - (d) to establish a subcommittee to make recommendations under **section 25C**;
  - (e) to engage with that subcommittee for the purposes of **subsection (3)**.
- (1A) Without limiting **subsection (1)(a)**, the ways in which the restoration, protection, and enhancement of the environmental, cultural, and spiritual health and

Proposed amendments to

well-being of the Waitara River and the Waitara River catchment can be pursued include building the capacity and capability of the Waitara River Authorities to pursue those purposes.

(1B) For the purpose of performing its functions, the Waitara River Committee must—

- (a) have regard to the long-term use of the TRC income to pursue the purposes set out in **subsection (1)(a) and (b)** for present and future generations; and
- (b) so far as is reasonably practicable, notify TRC each year of the determinations under **subsection (1)(a) and (b)** that the committee proposes to make during the year.

(1C) **Subsection (2)** applies if the Waitara River Committee is satisfied that—

- (a) it is impracticable to apply any amount for any purpose set out in **subsection (1)(a)**; or
- (b) it is unnecessary to apply any amount for any purpose set out in **subsection (1)(a)** due to the positive state of the environmental, cultural, and spiritual health and well-being of the Waitara River and the Waitara River catchment.

(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 ~~The Waitara River Committee~~ may determine that TRC—

- (a) accumulate amounts of TRC income until ~~that purpose~~ a purpose set out in **subsection (1)(a)** arises; or
- (b) apply the amounts—
  - (i) for the purpose of ~~a flood control scheme for the Waitara River~~ the Lower Waitara River Flood Control Scheme; 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
  - (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.

(2A) The functions of the Waitara River Committee may be performed only in relation to matters that are within the role and responsibilities of TRC under the Local Government Act 2002 or any other enactment.

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- (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**.
- (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
  - (b) invite the subcommittee to make an oral or a 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.
- (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—
    - (i) ~~entered~~ are parties to the agreement under **section 25A(5)**; and
    - (ii) ~~exercise mana whenua in an area within the Taranaki region; and~~  
are iwi of Taranaki within the meaning of section 75 of Te Atiawa Claims Settlement Act 2016; and
  - (b) an equal number of members nominated by TRC.
- (6) By way of example only, and not a 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) or (2)(b)(ii) or (iii)** if it would contribute to any of the following matters that are within that role and those responsibilities at the relevant time:
- (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:
  - (f) protection of cultural heritage and biodiversity:
  - (g) the development of Waitara hapū planning documents that are relevant to TRC's functions:

Proposed amendments to

- (h) the development of an enduring relationship between Waitara hapū and TRC.

**25C Waitara River Committee to establish subcommittee**

- (1) The Waitara River Committee must establish a subcommittee for the purposes of this subpart.
- (2) The subcommittee comprises ~~the following~~<sup>4</sup> members nominated by ~~the Waitara hapū entity~~ Te Kōwhatu Tū Moana.
- (a) ~~2 members representing the Manukorihi hapū; and~~
- (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)**.
- (4A) In making recommendations, the subcommittee must have regard to the long-term use of that portion of the TRC income that is referred to in **section 25B(1)(b)** to pursue the purposes set out in that provision for present and future generations.
- (5) **Schedule 2** applies to the subcommittee—
- (a) subject to this section; and
- (b) as if—
- (i) ~~the subcommittee were the Board~~ a reference to the Board were a reference to the subcommittee; and
- (ii) ~~TRC were the Council~~ a reference to the Council were a reference to TRC; and
- (iii) the references to the Fund in **clauses 10(4) and 11(1)** were references to the TRC income; and
- (e) ~~as if the text of **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,—
- (i) ~~in **clause 6**, “Council and Trustees Te Kōwhatu Tū Moana” were replaced by “Waitara hapū”; and~~
- (ii) ~~in **clause 11(1) clauses 10(4) and 11(1)**, the reference to the Fund were a reference to the TRC income; and~~
- (e) with any other necessary modifications.
- (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.

## **25D TRC's annual plan, long-term plan, and annual report**

- (1AA) TRC must ensure that long-term plans, annual plans, and annual reports prepared by TRC under the Local Government Act 2002 provide, as appropriate, for—
- (a) the funds allocated to TRC under **section 24**:
  - (b) TRC's expenditure and other activities under this subpart, including—
    - (i) distributions from the TRC income; and
    - (ii) activities and administration costs relating to the Waitara River Committee; and
  - (c) recommendations made by the subcommittee of the Waitara River Committee for distributions to be determined under **section 25B(1)(b)**; and
  - (d) details of any notification, submission, and determination (including reasons) under **section 25B(4)**.
- (1) ~~TRC must, in its annual plan and long-term plan, include a statement showing—~~
- (a) ~~money held by TRC under **section 24**:~~
  - (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.~~
- (2) ~~TRC's annual report must report against the matters referred to in **subsection (1)**.~~
- (3) ~~Nothing in **subsection (1)** this section 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—Council expenditure Expenditure of Council's income

### **26 Establishment and investment of Fund**

- (1) The Council must establish and maintain a fund (the **Fund**) comprising—
  - (a) ~~all accumulated and future income received by the Council under **section 24(2)(a) and (c)** allocated to the Council under **subpart 1**; and~~

Proposed amendments to

- (b) all accumulations derived from any such income (after deduction of Council costs within the meaning of **section 24 24A(4)**).
- (2) All money held in the Fund must be administered and allocated by the Council in accordance with this subpart.
- (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.

**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.
- (3) The Board may choose to name itself and may change 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.
- (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 make recommendations to the Council concerning—
    - (i) the Council's investment policy for the Waitara Perpetual 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)~~ **section 35AA(1)(b)**); and
    - (ii) the policy for determining the amount of annual releases from the Waitara Perpetual 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)**:~~
  - (b) to determine ~~and make~~ distributions from the annual release from the Waitara Perpetual Community Fund for each financial year:
  - (c) to perform any other functions that may be conferred on it by this Act.
- (2) The Board must, 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 from~~ the annual release from the Waitara Perpetual Community Fund for that financial year.

- (3) The Board need not ~~distribute all~~ determine the distribution of all of the annual release for any year, and, to the extent that an annual release is not distributed, it remains part of the Waitara Perpetual Community Fund.
- (4) The Board has all the powers necessary to enable it to perform its functions, but 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) employ any person; or
  - (f) willingly be a party to any legal proceedings.

## 29 Membership of Board

- (1) The Board comprises—
  - (a) 3 members appointed by ~~the Trustees Te Kōwhatu Tū Moana~~ (who may, but need not, be ~~Trustees~~ trustees or employees of ~~the Trustees Te Kōwhatu Tū Moana~~); and
  - (b) 3 members appointed by the Council (who may, but need not, be elected members or employees of the Council).
- (2) ~~The Trustees Te Kōwhatu Tū Moana~~ 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 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 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 to 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.

## 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~~ 17 June 2019, 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**.
- (4) ~~If the Trustees appoint~~ Te Kōwhatu Tū Moana appoints a member of the Board under this section, **Schedule 2** applies as if ~~the Trustees~~ Te Kōwhatu Tū Moana 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**.
- (2) The Council must provide the Board with a statement of the amount of the annual release from the Waitara Perpetual 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~~ Te Kōwhatu Tū Moana must adopt terms of reference for the Board to provide for the following matters:
  - (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;
  - (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;
  - (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)**;
  - ~~(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~~ Te Kōwhatu Tū Moana.
- (3) The further provisions relating to the Board set out in **Schedule 2** have effect according to their terms.
- (4) The terms of reference must not be inconsistent with **Schedule 2**.
- (5) The Council must ensure that the terms of reference ~~are~~—



- (a) are published on the Council’s Internet site; and
- (b) are 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.

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

- (1) The Council must, for the purposes of this subpart, establish within the Fund—
  - (a) a Hapū Land Fund; and
  - (b) a Waitara Perpetual Community Fund.
- (2) The Council must allocate to each subfund 50% of the money paid into the Fund under **section 26(1)(a)**.
- (3) All accumulations derived from a subfund are a part of the subfund.

**31B Hapū Land Fund**

- (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.
- (1A) The Hapū Land Fund comprises—
  - (a) the accumulated income allocated to it under **section 24(2)(a)**; and
  - (b) money allocated to it under **section 31A(2)**.
- (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:~~
  - (a) ~~the purchase of land or interests in land;~~
  - (b) ~~the development of land;~~
  - (c) ~~the management of interests in land.~~
- (3) Money in the Hapū Land Fund must be applied only to—
  - (a) carrying out the following actions for the benefit of the Waitara hapū in relation to land in or adjacent to Waitara:
    - (i) the purchase of land or interests in land;
    - (ii) the development of land;
    - (iii) the management of interests in land; and
  - (b) reimbursing the Council for purchases made under **section 35A**; and
  - (c) paying the costs incurred by Te Kōwhatu Tū Moana in administering the Hapū Land Fund.

Proposed amendments to

Part 4 cl 31BA

New Plymouth District Council (Waitara Lands) Bill

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- (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~~ Hapū Land Fund has held no funds for a continuous period of 2 years; and
  - (b) the Board and ~~the Hapū Land Fund Committee~~ Te Kōwhatu Tū Moana are satisfied that the Hapū Land Fund will not receive any further income.
- (6) After the Hapū Land Fund is abolished, ~~— the Council must allocate all money paid into the Fund under **section 26(1)** to the Waitara Perpetual Community Fund.~~
  - (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.~~

**31BA Te Kōwhatu Tū Moana’s role in administering Hapū Land Fund**

- (1) Te Kōwhatu Tū Moana has the following functions in the administration of the Hapū Land Fund:
  - (a) to determine the amounts and purposes of distributions from the Hapū Land Fund; and
  - (b) to make recommendations to the Council concerning the Council’s investment policy for the Hapū Land Fund (including recommendations about addressing the matters specified in section 105 of the Local Government Act 2002 for the purposes of **section 35AA(1)(a)**).
- (2) Any interest in any land purchased in accordance with a recommendation of Te Kōwhatu Tū Moana must be registered in the name of Te Kōwhatu Tū Moana.

**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—~~
  - (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.~~

- (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.~~

#### **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.~~
- (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.~~
- (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.~~
- (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.~~

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

- (1) ~~The Waitara Perpetual 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**.~~
- (1A) Money in the Waitara Perpetual Community Fund must be applied only to—
  - (a) the operation of the scheme of annual releases; and
  - (b) paying the following costs of the Board:
    - (i) costs incurred in operating the scheme;
    - (ii) the costs of the Board under **clause 11 of Schedule 2**.
- (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.~~

Proposed amendments to

- (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 Perpetual Community Fund**

- (1) The Council must determine the amount of the annual release from the Waitara Perpetual Community Fund for each financial year in accordance with the policy referred to in **subsection (2)**.
- (2) The Council's 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—~~
- (a) ~~the desirability~~have the objective of maintaining or increasing the real value of the capital of the Waitara Perpetual Community Fund; and
  - (b) take into account the recommendation of the Board under **section 28(1)(a)(ii)** on the policy for determining the amount of annual releases.
- (3) Nothing in **subsection (2)** requires the Council to amend its long-term plan that was in force immediately before the commencement of this ~~section~~ Act.

**34 Purposes for which annual release may be distributed**

- (1) An annual release from the Waitara Perpetual Community Fund must be distributed only for the purpose referred to in **section 32A(1)**.
- (2) To assist with the distribution of the annual release from the Waitara Perpetual Community Fund, the Board must assess issues of importance to the Waitara community or a part of 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 section~~ 17 June 2019.
- (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~~ will 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
  - (c) community or environmental health; or
  - (d) development or preservation of arts, culture, heritage, or community identity; or
  - (e) sports or recreation; or
  - (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).
- (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
  - (b) commit the Waitara Perpetual 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~~ 50% of future annual releases forecast by the Council for the period of the funding or loan.
- (7) Distributions that comply with this section may be made to the Council or ~~the Trustees~~ Te Kōwhatu Tū Moana, or to entities controlled by either of them.

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

The Council must—

- (a) cause the amount of any distribution ~~from an Annual Release to be paid in accordance with the Board's determination~~ a determination made under **section 28(1)(b)** or **31BA(1)(a)** and any terms and conditions attached to the 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.

### **35AA Investment of Hapū Land Fund and Waitara Perpetual Community Fund**

- (1) 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—
  - (a) the investment of the Hapū Land Fund;
  - (b) the investment of the Waitara Perpetual Community Fund.
- (2) Before adopting the investment policy for the Waitara Perpetual Community Fund, the Council must have particular regard to the recommendations made by the Board under **section 28(1)(a)(i)**.
- (3) In addition, before adopting the investment policy for the Hapū Land Fund, the Council must have particular regard to the recommendations made by Te Kōwhatu Tū Moana under **section 31BA(1)(b)**.

**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.~~

**35A Provision of further land to Te Kōwhatu Tū Moana**

- (1) The Council may, at the request of Te Kōwhatu Tū Moana and subject to complying with its obligations under this Act and any other enactment,—
  - (a) fund the purchase for Te Kōwhatu Tū Moana of any interest in land in or adjacent to Waitara; or
  - (b) fund the transfer to Te Kōwhatu Tū Moana of any interest in land owned by the Council in or adjacent to Waitara and no longer required by the Council.
- (2) The Council must be reimbursed from the Hapū Land Fund for—
  - (a) the price of a purchase under **subsection (1)(a)** or the market value of the land transferred under **subsection (1)(b)**; and
  - (b) the Council's net related costs (including any holding costs).
- (3) If any amount is owing to the Council under **subsection (2)**, the Council is entitled to 50% of all money paid or payable into the Hapū Land Fund until no reimbursement is owing.
- (4) The Council may decline any request under **subsection (1)** if it is reasonably satisfied, having regard to the amounts likely to be paid into the Hapū Land Fund, and any obligations of that Fund, that it is unlikely to be reimbursed under **subsection (2)** within a reasonable time.
- (5) In this section, **interest in land** includes an interest in Waitara Endowment Land or any other land to which this Act applies.

**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—~~
  - (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;~~
  - (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.
- (1) The Council must ensure that long-term plans, annual plans, and annual reports prepared by the Council under the Local Government Act 2002 provide, as appropriate, for—
- (a) the funds allocated to the Council under **section 24A**:
  - (b) the Council's expenditure and other activities under this subpart, including—
    - (i) distributions from the Hapū Land Fund and from annual releases from the Waitara Perpetual Community Fund; and
    - (ii) activities and administration costs relating to the Board established under **section 27** and Te Kōwhatu Tū Moana in its role administering the Hapū Land Fund:
  - (c) the Council's investment policy for the Waitara Perpetual Community Fund.
- (3) Nothing in ~~subsection (1)~~ this section requires the Council to amend its annual plan or its long-term plan that was in force immediately before the commencement of this section Act.

## 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—

- (a) the vesting of the ~~Transfer Vested Land~~ under **section 6**; or
- (b) the vesting of the ~~Brown Road Land~~ under **section 9**; or
- (e) any disposal of ~~RFR Land~~ to the ~~Trustees~~ or their nominee under ~~subpart 3 of Part 2~~; or
- (ca) the transfer of a Council transfer property under **section 9D**; or
- (cb) the transfer of a Crown transfer property under **section 9H**; or
- (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)**.

**36A Application of Conservation Act 1987 and Crown Minerals Act 1991**

- (1) This section applies to—
  - (a) the vesting of the fee simple estate in Section 2 SO Plan 495472 under **section 6** (see **Part 2A of Schedule 3, Vested land—Clifton Park**):
  - (b) the transfer of a Crown transfer property under **section 9H**.
- (2) The vesting or transfer does not—
  - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
  - (b) affect other rights to subsurface minerals.
- (3) The vesting or transfer is a disposition for the purposes of Part 4A (marginal strips) of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.
- (4) However, section 24 of the Conservation Act 1987 does not apply to the transfer of the fee simple estate in a Crown transfer property under **section 9H**.
- (5) If a reservation under **section 9I(2)** is revoked for all or part of a Crown transfer property transferred under **section 9H**, the transfer is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 for all or that part of the property.

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

- (1) This section applies to the land vested under **subpart 2 of Part 2**.
- (2) For East Beach River Mouth, the Registrar-General of Land must, ~~on~~ in accordance with a written application by an authorised person,—
  - (a) register Te Kōwhatu Tū Moana as the ~~proprietor-owner~~ of the fee simple estate in the land ~~the person named in the application as the person in whom the land has vested; and~~
  - (b) record on the record of title that the land is subject to ~~section 7 sections 9J and 9K~~; and
  - (c) record any other entry on the record of title and do anything else necessary to give effect to this Act.
- (3) **Subsection (4)** applies to each of the following:
  - (a) ~~West Beach~~ Clifton Park;
  - (b) ~~Clifton Park~~ West Beach;
  - (e) ~~Brown Road Land~~.
- (4) The Registrar-General of Land must, in accordance with a written application by an authorised person,—



- (a) create a record of title for the fee simple estate in the land in the name of ~~the person named in the application as the person in whom the land has vested~~ Te Kōwhatu Tū Moana; and
  - (b) record on the record of title—any interests that are registered, noted, or to be noted and that are described in the application.
    - (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**.~~
- (4A) The Registrar-General of Land must record on the record of title—
- (a) for Clifton Park—
    - (i) that the land is subject to **sections 9J and 9K**; and
    - (ii) that Section 2 SO Plan 495472 (*see Part 2A of Schedule 3, Vested land—Clifton Park*) is subject to Part 4A of the Conservation Act 1987; and
  - (b) for West Beach that the land is subject to **sections 9J and 9K**.
- (4B) A notation on a record of title made in accordance with **subsection (4A)(b)(ii) (4A)(a)(ii)** is taken to comply with section 24D(1) of the Conservation Act 1987.
- (5) ~~For Clifton Park, East Beach River Mouth, or West Beach, or Clifton Park,~~ if the reservation of the land under **section 6(3)** is revoked for—
- (a) all of the land, the authorised person must apply in writing to the Registrar-General of Land to remove from the record of title for the land the ~~notifications~~notations that the land is subject to ~~**section 7**~~ **sections 9J and 9K**; or
  - (b) part of the land, the Registrar-General of Land must ensure that the ~~notifications~~notations referred to in **paragraph (a)** remain on the 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 record of title.
- (7) A 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 section~~ 17 March 2020.
- (8) In this section, **authorised person** means, ~~—a person authorised by the chief executive of the Council.~~
- (a) for Clifton Park, a person authorised by the chief executive of the Council and a person authorised by the Director-General;
  - (b) for other land, a person authorised by the chief executive of the Council.

**37A Record of title for Council transfer properties**

- (1) This section applies to each Council transfer property that is to be transferred to Te Kōwhatu Tū Moana under **section 9D**.
- (2) However, this section applies only to the extent that the property is not all of the land contained in a record of title for a fee simple estate.
- (3) The Registrar-General of Land must, in accordance with a written application by a person authorised by the chief executive of the Council,—
  - (a) create a record of title for the fee simple estate in the property in the name of the Council; and
  - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but
  - (c) omit any statement of purpose from the record of title.
- (4) **Subsection (3)** is subject to the completion of any survey necessary to create a record of title.

**37B Record of title for Crown transfer properties**

- (1) This section applies to each Crown transfer property that is to be transferred to Te Kōwhatu Tū Moana under **section 9H**.
- (2) However, this section applies only to the extent that the property is not all of the land contained in a record of title for a fee simple estate.
- (3) The Registrar-General of Land must, in accordance with a written application by a person authorised by the Director-General,—
  - (a) create a record of title for the fee simple estate in the property in the name of the Crown; and
  - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but
  - (c) omit any statement of purpose from the record of title.
- (4) **Subsection (3)** is subject to the completion of any survey necessary to create a record of title.

**37C Registration requirements for certain properties**

- (1) This section applies to a transfer of—
  - (a) an agreed Council option property; or
  - (b) a Crown transfer property.
- (2) The transfer instrument must include a statement that any record of title for the property must be noted in accordance with this section.
- (3) The Registrar-General of Land must, on registering the transfer, record on the record of title—

- (a) for an agreed Council option property that the land is subject to **sections 9J and 9K**:
- (b) for a Crown transfer property—
  - (i) that the land is subject to **sections 9J, 9K, and 36A(5)**; and
  - (ii) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply.
- (4) A notation on a record of title made in accordance with **subsection (3)(b)(ii)** is taken to comply with section 24D(1) of the Conservation Act 1987.
- (5) If the reservation of an agreed Council option property under **section 9E(3)** is later revoked and the revocation relates to—
  - (a) all of the property, the Council must apply in writing to the Registrar-General of Land to remove from the record of title the notations that the land is subject to **sections 9J and 9K**:
  - (b) part of the property, the Registrar-General of Land must ensure that the notations that the land is subject to **sections 9J and 9K** remain on the record of title only for the part of the property that remains a reserve.
- (6) If the reservation of a Crown transfer property under **section 9I(2)** is later revoked and the revocation relates to—
  - (a) all of the property, the Director-General must apply in writing to the Registrar-General of Land to remove from the record of title the notations that—
    - (i) the land is subject to **sections 9J, 9K, and 36A(5)**; and
    - (ii) section 24 of the Conservation Act 1987 does not apply to the land:
  - (b) part of the property, the Registrar-General of Land must ensure that the notations that the land is subject to **sections 9J, 9K, and 36A(5)** remain on the record of title only for the part of the property that remains a reserve.

### **38 Right of purchase by lessee to be entered on records of title**

- (1) As soon as is reasonably practicable after the commencement of this ~~section~~ Act, 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**.
- (2) The notice must include—
  - (a) the reference for the record of title for the land; and
  - (b) the reference for any record of title for the leasehold estate in the land; and
  - (c) a statement that the notice is issued under **subsection (1)**.

Proposed amendments to

- (3) The Registrar-General of Land must, as soon as is reasonably practicable after receiving a notice under **subsection (1)**, record on each record of title referred to in the notice that the land is subject to **section 19**.
- (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**.
- (6) The Registrar-General of Land must, upon registration of the transfer of the land, remove from any record of title for the land the ~~notification~~ notation 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.
- (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
  - (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 record of title referred to in the notice that the land is subject to **section 19**; or
  - (b) remove from each record of title referred to in the notice the ~~notification~~ notation that the land is subject to **section 19**.

**39 Removal of notation from certain records of title**

- (1) As soon as is reasonably practicable after the commencement of this ~~section~~ Act, the chief executive of the Council must apply in writing to the Registrar-General of Land to remove from the 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)**,—
  - (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.
- (2) The application must—
  - (a) include the reference for the 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)**.

**40 Right of first refusal 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.~~
- (2) ~~The notice must—~~
  - (a) ~~specify the legal descriptions of, and identify the records of title for, the RFR Land; and~~
  - (b) ~~state that it is given under this section.~~
- (3) ~~The Registrar-General of Land must, as soon as is reasonably practicable after receiving the notice, record on each 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**

- (1) ~~This section applies if land contained in a 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~~
    - (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.~~
- (3) ~~The notice must include—~~
  - (a) ~~the legal description of the land; and~~
  - (b) ~~the reference for the record of title for the land; and~~
  - (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 record of title identified in the notice any notifications recorded under **section 40** for the land described in the notice.

#### 43 Requirements for giving notice

- (1) A notice under this Act must be—
  - (a) in writing and signed by— the person giving it; and
    - (i) ~~the person giving it; or~~
    - (ii) at least 2 of the Trustees, for a notice given by the Trustees; and
  - (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~~ section 226(1) of the Contract and Commercial Law Act 2017.

#### 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.
- (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~~ 5 pm on a working day; or
  - (b) on a day that is not a working day.

#### 45 Power to amend schedules

- (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;
  - (b) adding details of any land ~~which may have~~ that has 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.

- (3A) The Council may request an amendment to be made under **subsection (1)** only if the Council has consulted Te Kōwhatu Tū Moana, the Board, and TRC.
- (4) ~~An Order in Council may~~ The Council may request an amendment to be made under **subsection (2)(b)** only if—
- (a) ~~the land is owned by the Council and was, immediately before this Act was passed, came into force,~~ 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; ~~and~~
  - (c) the Council has consulted Te Kōwhatu Tū Moana and the Board (and TRC, if the land was subject to the Waitara Harbour Act 1940).
- (5) In this section, **Minister** has the same meaning as in section 5(1) of the Local Government Act 2002.

#### 46 Repeals

- (1) The following enactments are repealed:
- (a) the Waitara Borough Reserves Vesting Act 1909 ~~(1909 No 42 (L)); and~~
  - (b) the Waitara Harbour Act 1940 ~~(1940 No 6 (L)); and~~
  - (c) section 36 of the Local Legislation Act 1952; ~~and~~
  - (d) in Schedule 5 of the Taranaki Harbours Board Empowering Act 1955, the item that relates to the Waitara Harbour Act 1940; ~~and~~
  - (e) section 3 of the Reserves and Other Lands Disposal Act 1969;
  - (f) subpart 3 of Part 3 of the Te Atiawa Claims Settlement Act 2016.
- (2) ~~Subpart 3 of Part 3 of the Te Atiawa Claims Settlement Act 2016 is repealed.~~

#### *Amendments to other Acts*

#### 47 Income Tax Act 2007 amended

- (1) This section amends the Income Tax Act 2007.
- (2) After section CZ 34, insert:

#### **CZ 35 Amounts derived by Te Kōwhatu Tū Moana**

##### *Exempt income*

- (1) Income derived by Te Kōwhatu Tū Moana (the **trust**) is exempt income of the trustees and beneficiaries of the trust if it is derived by the trust in the 6-month period starting on 17 March 2019.

##### *Meaning*

- (2) In this section, **Te Kōwhatu Tū Moana** has the meaning given in **section 4** of the New Plymouth District Council (Waitara Lands) Act **2016**.

Defined in this Act: beneficiary, exempt income, income, month, trustee

**48    Goods and Services Tax Act 1985 amended**

- (1)    This section amends the Goods and Services Tax Act 1985.
- (2)    After section 78G, insert:

**78H   Land in Waitara vested in Te Kōwhatu Tū Moana to be zero-rated**

- (1)    On the day on which land in Waitara vests in Te Kōwhatu Tū Moana under **subpart 2 of Part 2** of the New Plymouth District Council (Waitara Lands) Act **2016**, the vesting is treated as being a taxable supply that is charged with tax at the rate of 0%.
- (2)    In this section, **Te Kōwhatu Tū Moana** has the meaning given in **section 4** of the New Plymouth District Council (Waitara Lands) Act **2016**.



## Schedule 1 Waitara defined

s 4(1)

### 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):

#### *Area units*

551301—Waitara West

551302—Waitara East

#### *Meshblocks*

That part of meshblock 1550401, excluding that part east of ~~Elliott~~Elliott 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), ~~Elliott~~Elliott Street South (both a paper road and a formed road), and Main North Road

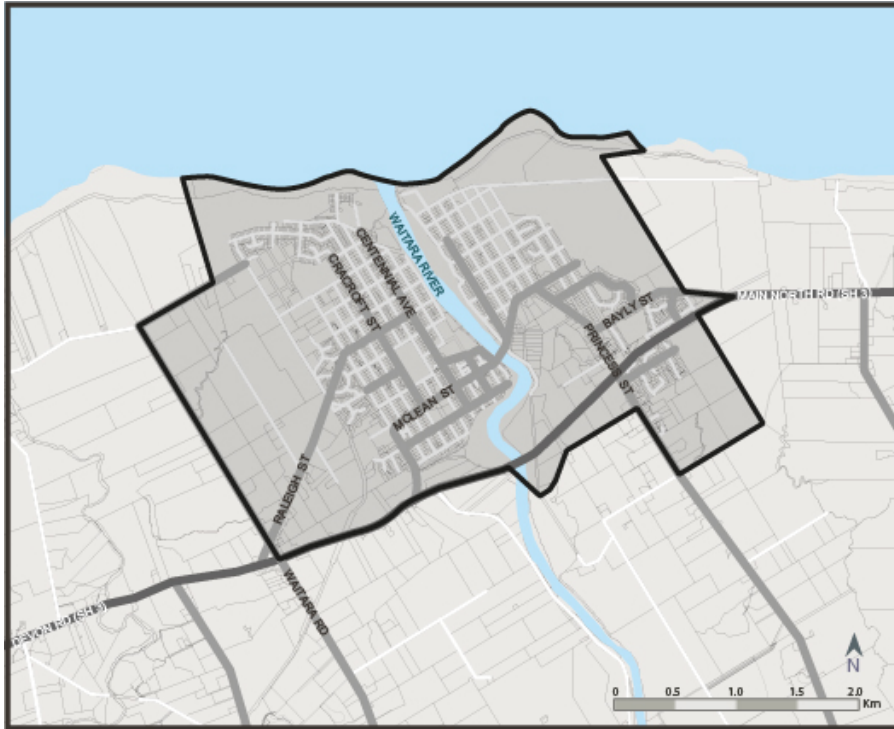
That part of meshblock 1550503 that is bounded by Main North Road, Bayly Street, and ~~Elliott~~Elliott Street North

That part of meshblock 1550800 that is north of Joll Street

1565300

That part of meshblock 1565600 that is north of Devon Road

## Map of Waitara



## Schedule 2 Further provisions relating to Board

ss ~~25A, 25C, 29, 29A, 30, 31, 31E~~  
32A

### 1 Term of appointment

- (1) Subject to this Act,—
  - (a) a ~~Trustees Te Kōwhatu Tū Moana~~ member is appointed to the Board for a term not exceeding 3 years as may be specified by ~~the Trustees Te Kōwhatu Tū Moana~~:
  - (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.
- (3) Any member of the Board is eligible for reappointment.

### 2 Removal of Board member from office

- (1) A Board member may be removed from office by that member's appointer.
- (2) If **subclause (1)** applies, the appointer must, 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
  - (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

- (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—

- (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:
  - (f) has been declared bankrupt and not discharged:
  - (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 or during the member's term.
- (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.

## **5 Chairperson**

- (1) The 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 Board may not reappoint the existing chairperson unless all the members of the Board agree.
- (3) A chairperson who is reappointed may not hold that office for more than 3 years.

## **6 Alternate members**

The Council and ~~the Trustees~~ Te Kōwhatu Tū Moana may each appoint ~~one~~ 1 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.

## **7 Proceedings and actions of Board not invalidated by defect in appointment of member**

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.

## **8 Decision making**

- (1) The decisions of the Board must be made by consensus whenever possible, but if necessary may be made by vote at meetings or in accordance with the terms of reference.
- (2) In the event of an equality of votes, the chairperson 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.
- (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**

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

## **12 Reporting 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 35B(2)35B(1)** and information about—
  - (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~~ Te Kōwhatu Tū Moana with a copy of that information.
- (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.

**Schedule 3**  
**Land to which this Act applies**

**ss 4, 6, 9E, 23, 24, 36A, 37, 38, 39,  
45**

**Part 1**  
**Brown Road Land**

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
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 purposes subject to section 9 of  
Waitara Harbour Act 1940 (~~vested both pre 1940 and subsequently~~)

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
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 Limited as to parcels

**Proposed amendments to**

Schedule 3

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

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
Lot 3 DP 8843	0.0759	715886 Limited as to parcels
Blocks VI, XII, XVIII Town of Waitara East	2.6912	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
Sections 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
Section 4 Block XXX Town of Waitara East	0.1012	TNA3/620



**Proposed amendments to  
New Plymouth District Council (Waitara Lands) Bill**

Schedule 3

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
		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
Allotments 7-8, 11, 13, Deeds Plan 52	0.1528	TN128/130

**Proposed amendments to**

Schedule 3

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

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
		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
Lot 1 DP 435380	0.1115	532674

**Proposed amendments to  
New Plymouth District Council (Waitara Lands) Bill**

Schedule 3

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
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
Lot 4 DP 8244	0.0297	715843

**Proposed amendments to**

Schedule 3

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

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
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
Lot 36 DP 8506	0.0599	715872

**Proposed amendments to  
New Plymouth District Council (Waitara Lands) Bill**

Schedule 3

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
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
Allotments 4-5 Deeds Plan 52	0.0683	TN128/131

Proposed amendments to

Schedule 3

New Plymouth District Council (Waitara Lands) Bill

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
		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
Lot 2 DP 11272	0.0509	TND1/1125

**Proposed amendments to  
New Plymouth District Council (Waitara Lands) Bill**

Schedule 3

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
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
Lot 3 DP 14104	0.0724	TNG1/30

**Proposed amendments to**

Schedule 3

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

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
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
Lot 1 DP 15241	0.0510	TNH1/441



**Proposed amendments to  
New Plymouth District Council (Waitara Lands) Bill**

Schedule 3

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
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
Lot 1 DP 9041	0.0622	721054

**Proposed amendments to**

Schedule 3

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

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
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
Lot 17 DP 10443	0.0726	TNC2/465

**Proposed amendments to  
New Plymouth District Council (Waitara Lands) Bill**

Schedule 3

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
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>Record of title</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

**Proposed amendments to**

Schedule 3

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

<b>Legal description</b>	<b>Area (hectares)</b>	<b>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

**Proposed amendments to  
New Plymouth District Council (Waitara Lands) Bill**

Schedule 3

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</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

**Proposed amendments to**

Schedule 3

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

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</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 <del>excepting</del> <u>except</u> 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

**Proposed amendments to  
New Plymouth District Council (Waitara Lands) Bill**

Schedule 3

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</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 <del>excepting</del> <del>except</del> 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

**Proposed amendments to**

Schedule 3

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

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</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



**Proposed amendments to  
New Plymouth District Council (Waitara Lands) Bill**

Schedule 3

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
Lots 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 maintenance of Waitara Public Library**

<b>Legal Description</b>	<b>Area (hectares)</b>	<b>Record of title</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>Record of title</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
Section 8 Block L Town of Waitara East	0.1012	TN168/74

**Proposed amendments to**

Schedule 3

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

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
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
Lot 14 DP 7975	0.0534	TNE2/1243

**Proposed amendments to  
New Plymouth District Council (Waitara Lands) Bill**

Schedule 3

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
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
Lot 6 DP 8776	0.0658	715851

**Proposed amendments to**  
**Schedule 3 New Plymouth District Council (Waitara Lands) Bill**

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<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
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>Record of title</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
Lot 2 DP 14807	0.0505	TNG4/293

**Proposed amendments to  
New Plymouth District Council (Waitara Lands) Bill**

Schedule 3

<b>Legal description</b>	<b>Area (hectares)</b>	<b>Record of title</b>
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 2A**  
**Vested Land**

**Clifton Park**

<b><u>Legal description</u></b>	<b><u>Area (hectares)</u></b>	<b><u>Record of title</u></b>
<u>Section 1 SO Plan 495472</u>	<u>6.3600</u>	<u>721050</u> <u>721051</u> <u>667448</u> <u>652535</u> <u>TNH2/1168</u>
<u>Section 2 SO Plan 495472</u>	<u>0.0733</u>	<u>764959</u>

**East Beach River Mouth**

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

**West Beach**

<b><u>Legal description</u></b>	<b><u>Area (hectares)</u></b>	<b><u>Record of title</u></b>
<u>Section 7 SO Plan 496323</u>	<u>0.4723</u>	<u>Part 658872</u>
<u>Section 9 SO Plan 496323</u>	<u>20.0600</u>	<u>Part 658872</u> <u>Part 666582</u> <u>Part TNB3/286</u>
<u>Section 12 SO Plan 496323</u>	<u>3.1150</u>	<u>Part 658872</u> <u>TNG4/819</u> <u>TND4/675</u> <u>TNB3/287</u> <u>Part 666582</u>

**Part 3**  
**RFR Land—Ranfurly Park Council purchase properties**

**Brown Road Land**

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

**Ranfurly Park**

<b><u>Legal description</u></b>	<b><u>Area (hectares)</u></b>	<b><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 Sections 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**

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

**RFR Land—Waitara Golf Club land**

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

**Part 4**  
**Transfer Land—West Beach**

<b><u>Legal description</u></b>	<b><u>Area (hectares)</u></b>	<b><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~~

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Lot 1 DP 455390</u>	<u>0.5832</u>	<u>585941</u>

### ~~Transfer Land—Clifton Park~~

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

## Part 5 Council option properties

### Barclay Park

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Sections 7, 9, and 11 Block LXXV Town of Waitara West</u>	<u>0.3036</u>	<u>TNF4/1027</u>

### East Quay

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Sections 1, 3, 5, 7, and 9 Block XXXVI and Sections 7-13 Block XXVII Town of Waitara East</u>	<u>1.2440</u>	<u>Part 726136</u>

### Kinkade Park

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Lots 17 and 18 DP 451289</u>	<u>1.0656</u>	<u>575172</u>
<u>Part Block CXXIV Town of Waitara West</u>	<u>0.0055</u>	<u>725698</u>
<u>Section 15 SO Plan 496323</u>	<u>0.2108</u>	<u>Part 725697</u>

### Larsen Park

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Lot 7 DP 8133</u>	<u>0.0893</u>	<u>535090</u>

### Manukorihi Park

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Part Section 96 Waitara East District</u>	<u>1.5336</u>	<u>841968</u>
<u>Part Lot 13 DP 14009</u>	<u>2.3844</u>	<u>846586</u>

Proposed amendments to  
Schedule 3 New Plymouth District Council (Waitara Lands) Bill

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<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Section 1 SO 12409</u>	<u>2.0806</u>	<u>TNH3/970</u>

Manukorihi Reserve

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Lot 3 DP 15975</u>	<u>0.4576</u>	<u>845480</u>

Memorial Park

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Sections 1-4 Block 85 Town of Waitara West</u>	<u>0.4047</u>	<u>TN58/245</u>

Pennington Park

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Lot 2 DP 9005</u>	<u>0.1394</u>	<u>TNA1/249</u>
<u>Sections 1, 3, 5, 7, 9, and 11 Block XXXVII Town of Waitara East</u>	<u>0.6070</u>	<u>TN167/232</u>
<u>Sections 1-2 Block XLVI Town of Waitara East</u>	<u>0.2024</u>	<u>TNH1/1237</u>
<u>Sections 3-4 Block XLVI Town of Waitara East</u>	<u>0.2024</u>	<u>TNG3/923</u>
<u>Section 6 Block XXXVII Town of Waitara East</u>	<u>0.1012</u>	<u>TNH1/1229</u>
<u>Section 10 Block XXXVII Town of Waitara East</u>	<u>0.1012</u>	<u>TNH1/1231</u>
<u>Section 12 Block XXXVII Town of Waitara East</u>	<u>0.1012</u>	<u>TNH1/1232</u>
<u>Section 13 Block XXXVII Town of Waitara East</u>	<u>0.0357</u>	<u>TN203/52</u>
<u>Section 8 Block XXXVII Town of Waitara East</u>	<u>0.1012</u>	<u>TNH1/1230</u>
<u>Section 5 Block XLVI Town of Waitara East</u>	<u>0.1012</u>	<u>TNH1/1234</u>

Ranfurly Park property A

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Part Section 1 Block CXXXV Town of Waitara West (being the land formerly held in records of title TN93/44 and TNA1/278)</u>	<u>4.8651 (subject to survey)</u>	<u>Part TNC1/177</u>

Tangaroa Reserve

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Lot 57 DP 502311</u>	<u>0.8247</u>	<u>759651</u>
<u>Lot 60 DP 494025</u>	<u>0.1256</u>	<u>737463</u>

Victoria Park

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Part Lot 15 DP 9370</u>	<u>0.4993</u>	<u>TNC2/219</u>



<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Lots 1-6, 11-12 DP 9370</u>	<u>0.0976</u>	<u>TNA3/225</u>
<u>Lot 7 DP 9370</u>	<u>0.0089</u>	<u>TNF4/255</u>
<u>Lot 8 DP 9370</u>	<u>0.0089</u>	<u>TNF3/47</u>

### West Quay

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Part Section 13 DP 3410</u>	<u>0.0086</u>	<u>684368</u>
<u>Part Lot 24 DP 4022</u>	<u>0.0111</u>	<u>684298</u>
<u>Part Lot 1 DP 6795</u>	<u>0.0340</u>	<u>666585</u>
<u>Balance Allotment A, B SO 4795</u>	<u>0.5994</u>	<u>TN90/92 Part cancelled</u>
<u>Part Lot 3 DP 6795</u>	<u>0.0281</u>	<u>666589</u>
<u>Part Section B Town of Waitara West</u>	<u>0.0229</u>	<u>684296</u>
<u>Part Lot 4 DP 6795</u>	<u>0.0080</u>	<u>684208</u>

## **Part 6** **Crown purchase properties**

### James Nuku Reserve

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Blocks X and XI Town of Waitara East</u>	<u>2.4432</u>	<u>Part TNH1/1238</u>

### Joll Street Reserve

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Part Section 18 Waitara East District</u>	<u>9.7037</u>	<u>841966</u>

### Pukekohe Domain

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Block CXV Town of Waitara West</u>	<u>6.0804</u>	<u>773306</u>

### Ranfurly Park property B

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Part Section 1 Block CXXXV Town of Waitara West (being the land formerly held in record of title TN69/196)</u>	<u>3.1472</u> <u>(subject to</u> <u>survey)</u>	<u>Part TNC1/177</u>

Te Puna Park

<u>Legal description</u>	<u>Area (hectares)</u>	<u>Record of title</u>
<u>Block LVIII Town of Waitara East</u>	<u>1.2216</u>	<u>Part TNH1/1238</u>

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