

NOTIFICATION DRAFT

Notification draft for the purposes of Appendix C of the Standing Orders of the House of Representatives.

New Plymouth District Council (Waitara Lands) Bill

Local Bill

Explanatory note

General policy statement

Historical background

The Council currently owns approximately 163.2 hectares of land in Waitara held in various special categories. The land was vested in the Council by virtue of the Local Government (Taranaki Region) Reorganisation Order 1989. For some time, issues surrounding the Council owned land at Waitara have been divisive for the Waitara community. Some leaseholders have sought to freehold the land, and Te Atiawa has argued for the return of the land.

The land was originally confiscated by the Crown from Waitara hapu in 1865 under the New Zealand Settlements Act 1863. Waitara was then surveyed and renamed Raleigh by the Crown.

The Te Atiawa Claims Settlement Bill, which is currently before the House of Representatives, contains an account of the historical relationship between Te Atiawa and the Crown. That Bill also contains factual acknowledgements and an apology from the Crown.

In 1876 the Crown vested land in the Waitara Harbour Board and the Raleigh Town Board for harbour improvement and municipal development. During the next 70 years, further land was vested in the Council's predecessors for those purposes.

As a consequence of a series of local government amalgamations, the land is now vested in New Plymouth District Council.

The land can be broadly divided into six different categories:

- Waitara Harbour Land—land subject to the Waitara Harbour Act 1940 and vested or settled by the Crown or Waitara Harbour Board between 1876 and 1915, and 1.5 hectares purchased by the Waitara Harbour Board in February 1905. The land was initially set aside for the nominated purpose of “harbour im-

provement”. The Waitara Harbour Act 1940 expressly repealed various statutory provisions that affected the land dating back to 1879, terminating each of the instruments by which the trusts were created and vested the land in the Council’s predecessor for municipal purposes and subject to section 9 of the Waitara Harbour Act 1940. This land currently is approximately 133.2 hectares.

- Subsequently vested Waitara Harbour Land—land vested in the Council’s predecessors between 1953 and 1969 and declared to be subject to the Waitara Harbour Act 1940. This land is approximately 4.8 hectares.
- Waitara Public Library Land—land vested by the Waitara Borough Reserves Vesting Act 1909 and held by the Council in trust as an endowment for the maintenance of the Waitara Public Library. This land is approximately 1.9 hectares.
- Town Improvement Land—land gazetted at the same time as the initial grant of the Waitara Harbour Land in 1876, and on the same initial terms, but for “town improvement”. This land is approximately 10.0 hectares.
- Mixed Land—The first four categories determine the status of this land, principally because it comprises parcels of land which are held in more than one of the other categories, or where part of the land does not come under any of the other categories. This land is approximately 1.9 hectares comprising 16 titles.
- Portfolio Land—sixteen separate parcels of land not held for any of the above purposes, and not subject to any other special purpose or status, but subject to leases and consistently treated for some time as part of the same portfolio as the other categories of land. This land is approximately 1.9 hectares.

The existing statutory restrictions that affect the Waitara Endowment Land are outdated and restrict the ability of the Council to use the land, and any income derived from it.

By the 1930s it was clear that Waitara was not going to be the main regional port for Taranaki, and the Waitara Harbour Act 1940 was passed to disestablish the Waitara Harbour Board and distribute its assets. Some of the Act is still in force.

The Waitara Harbour Board’s land holdings included foreshore, and grazing and town sections in the Waitara township. The Waitara Harbour Act 1940 vested the foreshore between the high and low water marks on the East and West Beaches in the New Plymouth Harbour Board (now Taranaki Regional Council (**TRC**)) as a foreshore endowment for harbour purposes. The balance of the land was vested in the Waitara Borough Council (now New Plymouth District Council) for municipal purposes subject to section 9 of the Act. The foreshore endowments reverted to the Crown under section 36 of the Local Legislation Act 1952.

While the Waitara Harbour Act 1940 does not prevent the sale of the land subject to that Act, it does restrict the application of any funds received from that land.

Section 9 of the Waitara Harbour Act requires all funds received by the Council in respect of the Waitara harbour land to be placed in a separate account. The Council is authorised to deduct the costs and expenses of collecting, receiving and administering

the land, together with the costs incurred in the promotion and passing of the Waitara Harbour Act 1940 (now irrelevant) and maintenance and improvement of that land.

The balance must then be applied in and towards the purposes listed in section 9(1)(a) to (e).

These are:

- the prevention of erosion by the Waitara River within the Borough of Waitara, with a power to construct and maintain works within and outside the borough for such purpose; and
- the maintenance and reconstruction of any bridge over the Waitara River within the Borough; and
- the payment of interest and principal on the loans raised in connection with such a bridge; and
- the payment of costs and charges incurred in complying with section 6 of the Waitara Harbour Act (which provides for the Council to maintain lights, harbour buoys and beacons); and
- the payment of a retiring allowance to the Secretary and Harbourmaster of the Board for a term of 4 years (now expired).

Other than the provision and maintenance of a bridge, the above purposes relate to statutory responsibilities that are carried out by TRC, rather than the Council.

TRC currently funds Waitara flood protection works from a targeted works rate.

Section 9(2) provides that if it appears that there are surplus moneys not required for the above purposes, the Governor-General can appoint a Commission to determine whether the funds are surplus to requirements. Any surplus funds (or any portion determined by the Commission) are then paid to the New Plymouth Harbour Board (now TRC) for general harbour purposes.

Alternatively, the Act envisages an agreement being reached between the Council and the Harbour Board (now TRC) regarding the amount of surplus moneys available and not required by the Council. With the consent of the Governor-General, and an Order in Council, any agreed amount may be paid to the Harbour Board for general harbour purposes.

Unless the Waitara Harbour Act is repealed, it will continue to apply to the application of funds received from Waitara harbour land.

The Waitara Borough Reserves Vesting Act 1909 provides for that part of the Waitara land that is subject to that Act to be held in trust as an endowment for the maintenance of the Waitara Public Library. The Act contains a specific leasing power. It does not prohibit sale of the land subject to it; but does not contemplate that either. It provides that any rental income derived from the land must be kept in a separate account and applied to the purchase of books and periodicals or “*otherwise in and towards the maintenance and equipment of the Waitara Public Library*”.

Land administered under the Local Government Act 2002 as endowment or trust land cannot be disposed of unless sections 140 and 141 of that Act are complied with. Sections 140 and 141 impose restrictions on the disposal of property vested in a local authority. Property is defined to mean real property of every type (and includes both fee simple and leasehold estates) and includes every type of interest and estate in property.

Section 141 applies conditions to the sale or exchange of endowment properties and trusts which the Council would need to comply with if it sells any part of the Waitara land, unless the statutory restrictions are first removed.

The conditions relate to:

- the use to which the proceeds of sale or exchange may be put (must be consistent with the purpose of the endowment); and
- if the Crown was the donor of the property, notification to the Minister for Land Information and the Minister for Treaty of Waitangi Negotiations of the proposal to sell or exchange the land; and
- if someone other than the Crown was the donor of the property, the Council has made a reasonable attempt to notify the donor or their successor that the Council intends to sell or exchange the property and provided them with an opportunity to comment on the intended sale or exchange.

Under section 141 of the Local Government Act 2002, if the Waitara land is sold under current law, the proceeds of sale would need to be used in accordance with the existing statutory restrictions, which are too narrow. To use it for broader purposes, more appropriate to today, requires a legislative exclusion of those provisions.

With the exception of some land used as reserve and for other public works, most of the Waitara Endowment Land is leased on perpetually renewable ground leases. The portfolio comprises approximately 770 leases, including approximately 700 residential leases, but also some commercial, industrial and grazing purposes.

All leases, other than registered lease 6411893.1 (Waitara Golf Club), which is not perpetual and not included in the freeholding process, include terms which provide that:

- the lessee has the ownership of all the improvements (buildings, driveways, fences, etc):
- the lessee has the ability to sell the leasehold interest to any third party:
- the lessee has a perpetual right of renewal (where provided for in the lease) with renewals ranging from 7–21 year terms:
- lease rentals are determined by independent valuation, with lessees having the right of arbitration if the lessee disputes the Council valuation.

None of the leases contain a right for the lessee to purchase the fee simple (freehold) interest in the land.

Despite this, there has been a long-standing desire amongst Waitara leaseholders to have the right to acquire the fee simple estate, and for some time, lessees have lobbied the Council to allow them to purchase the fee simple estate in their leased land. This dates back to at least 1977, when residents of Waitara petitioned the Waitara Borough Council to enable freeholding of their properties.

In December 1989, the Council resolved to adopt a policy of permitting owners of leasehold property in Waitara to purchase the fee simple estate in their leased land, subject to certain conditions, including that an investigation be undertaken to determine the most satisfactory use of the capital and to provide the greatest benefit to Waitara. As a consequence of such investigations, a further decision was made by the Council on 8 April 1991 to promote local legislation:

“empowering the New Plymouth District Council to offer for sale the freehold of various leasehold properties at Waitara and to enable all funds derived from the sale of such lands to be credited to the General Revenue of the Council.”

In 1992, the New Plymouth District Council (Land Vesting) Bill, was introduced to Parliament, promoted by the Council. It proposed freeing the land from the restrictions applying to it such as the Waitara Harbour Act 1940 and other endowments, and revesting it in the Council in fee simple (subject to the leases and other encumbrances) to enable the Council to deal with the land without the endowment restrictions.

The Bill was referred to the Local Affairs Select Committee and submissions were called for. There was considerable opposition to the Bill from Te Atiawa. The Minister of Justice, (Sir) Douglas Graham, also outlined the Government’s concerns about the Bill. The Government asked the Council to enter into discussions with local Maori about the Bill. Discussions subsequently took place although the issues were not able to be resolved. By the end of 1995, the Council’s position was the Bill should “lie on the table”. The Council did not wish the Bill to pass while land issues were still being resolved.

On 20 May 2002, the Council commenced a review of the position when it resolved to consider the issue following receipt of submissions during the 2002 Long Term Strategic Plan submission process.

On 20 August 2002, the Council resolved to put the New Plymouth District Council (Land Vesting) Bill on hold until the Council had reconsidered the issue and made a decision.

Over the next 18 months, there were three rounds of consultation and submissions which culminated in a final decision on 30 March 2004 to offer the land (excluding land used for parks and reserves, pensioner and council housing and other local authority purposes) to the Crown for inclusion in the Crown’s offer of settlement to Te Atiawa. The terms of the 2004 resolution included:

- that the land could be included in the Crown’s offer to settle Te Atiawa’s historical claims:
- that the Council receive a fair market value for the land:
- that the rights of leaseholders under the existing leases were preserved:

- that the settlement legislation provided for the land to vest free of all statutory trusts, restrictions and other reservations:
- that the transfer of the land only occur once the settlement legislation has passed and the Council would continue to own the land and administer the existing leases in the meantime.

The Council also resolved—

- to advocate for the significance of the land to be recognised by the Crown and be in addition to any negotiated settlement, and in the interim, to advocate for the Crown and Te Atiawa mandated negotiators to deal with interested leaseholders and consider freeholding after settlement; and
- to withdraw the New Plymouth District Council (Land Vesting) Bill.

The Waitara Leaseholders Association challenged the Council's resolution of 30 March 2004 in the High Court.

While the litigation was proceeding, it was agreed between the Council and the Crown that any negotiations regarding the Council's resolution of 30 March 2004 would be put on hold.

In an initial decision relating to preliminary points, the High Court concluded that (most of) the Waitara Endowment Land was held on trust according to various specified statutory purposes. In a second High Court decision, it was held that the Council had failed to act in accordance with its duties as a trustee when resolving to offer the land to the Crown.

The Council appealed to the Court of Appeal and the Court of Appeal overturned the declarations made in the High Court and upheld the Council's decision. The Court of Appeal concluded that, while the land was held on trust according to specified statutory purposes, the trust was not a charitable trust and the Council was not subject to all the obligations of charitable trustees. The court also concluded that the Council did not breach its obligations in making its resolution of 30 March 2004.

The Waitara Leaseholders Association subsequently sought leave to appeal against the decision to the Supreme Court, but leave was denied.

In addition to the Waitara Leaseholders Association litigation, between August and October 2006, 155 claims were issued against the Council in the District Court by individual leaseholders. The proceedings related to the 2004 decision to offer the land to the Crown. They sought to recover damages from the Council for losses allegedly suffered as a result of the Council's decisions. Although the claims differed slightly, they all originally alleged breach of the Fair Trading Act 1986, promissory estoppel and negligent misstatement.

The Council applied successfully for the claims to be transferred to the High Court and for six of the claims to proceed as test cases. The Council then applied for summary judgement on its defence or to strike out each of the six claims.

The High Court granted summary judgment in favour of the Council. Although the plaintiffs initially appealed the High Court decision, to the Court of Appeal, they

abandoned their appeal before the hearing. All litigation by leaseholders has now been disposed of.

It was made clear by the various decisions in the Waitara Leaseholders Association Case that the Council has a statutory power of sale of the land, subject to the restrictions and obligations prescribed in sections 140 and 141 of the Local Government Act 2002.

Following the court decisions summarised above, there was no legal impediment to the Council implementing the decision of 30 March 2004, and negotiations between the Council and the Crown recommenced in September 2009 so that the land could be used for settlement purposes if necessary.

An agreement for sale and purchase between the Council and the Crown was signed on 7 September 2010 for approximately 120 hectares of predominantly leasehold land. The agreement reflected the requirements of the Council resolution of 30 March 2004. At about the same time, the Council signed a deed with TRC providing for the net proceeds of sale of land subject to the Waitara Harbour Act 1940 to the Crown to be distributed equally between the Council and TRC.

The sale and purchase agreement with the Crown provided for the purchase price for the land to be the fair market value, determined by a valuation process set out in the agreement. On 2 October 2013, the Council and the Crown agreed on a provisional transfer price of \$23 million. Under the terms of the agreement, the Crown was then required to engage and negotiate with Te Atiawa to confirm whether or not the provisional transfer price was acceptable as a final transfer price for the land. Following its negotiations with Te Atiawa, the Crown did not accept the provisional transfer price as a final transfer price, and did not propose a formal alternative. Te Atiawa Iwi Authority did make a separate approach direct to the Council proposing an alternative offer to purchase the land for \$16.3 million. However, that was outside the terms of the Council's resolution of 30 March 2004, and in its view did not represent fair market value based on valuation advice received by the Council.

On 30 May 2014, representatives of the Office of Treaty Settlements confirmed that the land was, for several reasons, not required by Te Atiawa for settlement purposes and so it was not included in the Deed of Settlement negotiated with Te Atiawa Iwi Authority. The agreement between the Crown and the Council was therefore terminated, and the Council engaged in negotiations direct with Te Atiawa.

The Te Atiawa Claims Settlement Bill, currently before the House contains, at clause 117, a provision dealing with land that is subject to the 1909 or 1940 Acts. The effect of the clause is no more than that if the Council sold the land to the Trust, the restrictions on dealing with the proceeds that are in sections 140 and 141 of the Local Government Act 2002 will not apply. Clause 117 incentivises the Council to sell to the Trust ahead of other potential purchasers (leaseholders or investors); but does not incentivise the Trust to offer full market value. Clause 117 is not affected by this Bill, but if this Bill is passed clause 117 is not likely to be invoked.

The Council and Te Kotahitanga o Te Atiawa Trust (the **Trust**) entered into a Heads of Agreement in August 2014 to provide for the aspirations of all parties with interests in the various lands and proceeds. The Heads of Agreement provides for the Council to promote the enactment of legislation (with the support of the Trust) to provide for:

- the vesting of certain land (part of it as reserve administered by the Council) to the Trust; and
- the grant of rights of first refusal to the Trust; and
- the establishment of a separate legal entity, with representation from the Trust, to have responsibility for the Council's net share of income (including sale proceeds) from the Waitara Endowment Land for the benefit of the Waitara community; and
- the removal of existing statutory trust and restrictions on the land and on the use of all the Waitara endowment funds; and
- the ability for the Council to sell the freehold interest in the balance of the Waitara Endowment Land, including ability to offer leaseholders the option to freehold their properties; and
- protection of the contingent interest of TRC under the Waitara Harbour Act 1940.

This Bill gives effect to that Heads of Agreement; with the addition of a right for leaseholders to freehold their properties at any time by purchasing the Council's interest as lessor.

When the Council entered into the agreement with the Crown in 2010, it also entered into a Deed with TRC, dated 31 August 2010. The Deed was entered into on the basis that, as successor to the New Plymouth Harbour Board, TRC has a contingent entitlement to surplus funds under the Waitara Harbour Act. It does not have any claim to any funds or income generated from any part of the Waitara land that is not subject to the Waitara Harbour Act.

The Deed provided for the balance of the proceeds of a sale to the Crown (after deductions to take account of land not subject to the Waitara Harbour Act and both parties' costs) would be divided equally between the Council and TRC.

The effect of the Deed was limited to the application of the proceeds of sale of the Waitara Endowment Land to the Crown as contemplated for settlement processes with Te Atiawa in 2010. It did not apply to any accumulated income, or money generated from sale to any other party or parties.

The Deed is no longer relevant since it was predicated on the sale of the freehold of many properties to the Crown for Treaty settlement purposes, and that never occurred.

The Council and TRC have subsequently reached agreement on how they consider all accumulated and ongoing income (including sale proceeds) should be apportioned to recognise the contingent interests of TRC and the terms of this Bill reflect that agreement.

General effects of Bill

This Bill achieves a number of objectives to meet the aspirations of various affected parties.

The restrictions on the application of net proceeds from Waitara harbour land and the trusts and restrictions applying to the Waitara public library land are removed (*clause 5*). New provisions are substituted, as described below. The land affected is approximately 104 hectares in approximately 770 titles. Most are residential properties occupied by leaseholders but approximately 70 are commercial or industrial. There is also a large block of land to the east of the Waitara River mouth about half of which (17 hectares approximately) is occupied by the Waitara Golf Club.

The leaseholders are given the right to acquire the Council's interest as lessor of the land they lease (*clauses 19 and 21*) at the current unimproved value of the land. The right runs with the land, and so passes to any new lessee. The Council has the right to sell the land, but any purchaser will have notice that the lessee's right to freehold at any time continues. If the Council (or subsequent owner) and the lessee cannot agree on the unimproved value of the land then the valuation goes to arbitration.

Land described as Transfer Land is vested in the Trustees (*clause 6*). Part of that land (part of Clifton Park) is currently recreation reserve, and the balance will become a recreation reserve (*clause 7*). Administration will be the responsibility of the Council, but under a memorandum of understanding with the Trustees that requires that the Trustees be consulted on significant proposed decisions and have the right to initiate proposals. The Transfer Land is 30.5905 hectares in total, and consists of West Beach which is the Battiscombe Terrace Grazing Land, Motor Camp and Marine Park west of the Waitara River mouth, a small area on the east side of the river mouth (East Beach), and Clifton Park.

The Brown Road Land is vested in the Trustees without restriction (*clause 9*). It is considered suitable for housing or other uses. It is 13.3302 hectares between Brown Road and the West Beach Land and is Sections 1 and 2 on SO Plan 496323.

The Trustees are granted a right of first refusal over RFR Land should the Council choose to dispose of the land within 172 years.

The land is Ranfurly Park and the Waitara Golf Club land.

The accumulated net income from land held to which the 1940 Act applies is approximately \$864,000.

The Council and TRC have agreed that the accumulated net income and future net income be divided between them.

The accumulated and future net income arising from rental or sales of the 1909 Act (library endowment land) and the 16 titles that are not endowment land but are treated similarly is not to be divided but goes wholly to the Council to be dealt with in the same way as Council's share of income from 1940 Act land (*clause 24*).

TRC must apply its share only for its functions within Waitara, for the benefit of all or part of the Waitara community. For example, public transport subsidies could apply outside Waitara, but benefit the Waitara community.

If TRC wishes to apply any of the money for the wider Taranaki community generally then it can include a proposal to that effect in its annual plan (*clause 25*).

So far as the Council's share of accumulated and future net income from rent and sales is concerned, an endowment fund and a board are created.

It is intended that the fund be perpetual but that there be an Annual Release of money to be distributed for the benefit of the Waitara community (*clause 33*).

The Board will comprise an equal number of members appointed by the Council and the Trustees.

The Council must distribute the Annual Release as determined by the Board.

General purpose statement

This Bill broadens the purposes for which net accumulated and future rental income and proceeds of sale of significant amounts of endowment land at Waitara can be applied. TRC receives a half share, and the rest is held in a fund to be applied by a Board with equal Council and Te Atiawa representation. Most of the land is subject to registered leases. The rights of existing leaseholders, and Te Atiawa as the tangata whenua, are not compromised. The Council retains its existing right to sell all, or any part, of the land, but it is not obliged to do so except to leaseholders. Leaseholders gain the right to freehold their land by purchasing the Council's interest as lessor at market value. The Bill also vests land in the trustees of the Te Kohitanga o Te Atiawa Trust, some as reserves with the trustees being consulted on their future management, and gives the Trustees a right of first refusal over other land, should the Council choose to dispose of it in the next 172 years. Finally, the Bill deals with some other land owned by the Council without restriction. That land is subject to leases and has generally been dealt with on the same basis as endowment land.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 relates to the commencement. The 3 month gap between assent and commencement allows time for the members of the Board established by section 27 to be appointed and other preliminary steps to be taken as contemplated by section 11 of the Interpretation Act 1999.

Part 1

Preliminary provisions

Clause 3 sets out the purposes of the Bill. These have been described in some detail above, but they include:

- removing restrictions on the use of the proceeds of rent or sales of Waitara Endowment Land; and
- vesting the Transfer Land in the Trustees, to be administered by the Council (in consultation with the Trustees) as a recreation reserve; and
- vesting the Brown Road Land in the Trustees without restrictions (but some easements are needed); and
- providing the Trustees with the right of first refusal should the Council decide to dispose of the RFR land within the next 172 years; and
- providing lessees of Endowment Land (mostly residential, but some commercial sites) the right to acquire the Council's interest as lessor at market value. This does not prevent the Council selling its interest, but the lessees' rights continue; and
- allocating accumulated and future income from the Waitara Endowment Land between the Council and TRC; and
- creating a fund to hold the net accumulated and future income of the Council from rent and sales of Waitara Endowment Land; and
- creating the Board (comprising nominees of Council and Trustees) to distribute the annual net income of the Waitara Endowment Fund; and
- repealing the Waitara Borough Reserves Vesting Act 1909 and the Waitara Harbour Act 1940, and related legislation.

Clause 4 defines terms used in the Bill. Most do not require explanation but in lay terms:

- the Brown Road Land is 13.3302 hectares of land on the northern side of Brown Road, west of the Waitara township currently undeveloped but suitable for housing or other uses; and
- the Former Borough Land is approximately 4.8 hectares of land subject to the 1909 Act and Waitara Harbour Board Act 1876 situated in various locations on both the western and eastern sides of the township; and
- the Portfolio Land is approximately 1.9 hectares of land in 16 titles which, although not subject to endowments, has been treated on the same basis as 1909 and 1940 Act land; and
- the RFR Land is Ranfurly Park and part of the Waitara Golf Course; and
- the RFR period is 172 years, which is consistent with the RFR Period granted to Te Atiawa in its Treaty settlement; and
- the Transfer Land is 30.5905 hectares of land on the west side of the Waitara River mouth currently used for grazing, motor camp and marine park, but excluding the Brown Road Land; a small area on the east of Waitara River mouth; and Clifton Park. This land vests in the Trustees subject to being a recreation reserve under the Reserves Act 1977 to be administered by the Council in consultation with the Trustees.

Waitara is defined on a map in *Schedule 1* and a full legal description is included. The latter prevails.

Part 2

Provisions relating to various land

Subpart 1—Waitara Endowment Land freed from trusts and restrictions

Clause 5 removes the restrictions imposed by the 1909 and 1940 Acts, on the Waitara Endowment Land and the proceeds of rents and sales. Neither Act restricts the Council's ability to sell the land but they do restrict the application of rents and sale proceeds.

Subpart 2—Transfer Land and Brown Road Land

Clause 6 vests the Transfer Land in the Trustees and classifies it as recreation reserve.

Clause 7 provides that the Council is the administering body, under the Reserves Act 1977, of Transfer Land that remains a reserve. It also provides that, in relation to any Transfer Land that remains a recreation reserve, the Council must engage with the Trustees under a Memorandum of Understanding in relation to the management of that part of the Transfer Land.

Clause 8 allows for 2 pieces of land that are surrounded by Transfer Land to be included in the Transfer Land if the Council acquires the fee simple and there is no longer any lessee interest.

Clause 9 vests the Brown Road Land in the Trustees.

Subpart 3—RFR Land

Clauses 10 to 18 create a right of first refusal over the RFR land in favour of the Trustees. The RFR period is 172 years. The right of first refusal is similar to that in the Te Atiawa Claims Settlement Bill. *See also clauses 40, 41, and 42* for administrative provisions relating to RFR land.

The Transfer Land is described in *Part 4 of Schedule 3* as being part of the land on SO Plan 496323. The plan also defines some small pieces of land that will be vested in TRC for flood protection purposes or in the Council as road (so as to legalise existing roads) or to regularise existing titles.

Part 3

Rights to purchase and sell Waitara Endowment Land

Clause 19 gives lessees of Waitara Endowment Land the right to purchase the Council's interest as lessor.

The Council retains the right to sell its interest to any other party before a lessee exercises its right, but the lessee's right remains and can be exercised against any subsequent purchaser as if that purchaser were the Council.

Clause 20 provides that the purchase price is the unimproved value as determined by the Council or under a disputes process. If a lessee exercises the right to freehold within the first year of the Act's operation, the price is set as at the commencement of the Act, and the lessee is not liable to meet the Council's costs.

Clause 21 provides for lessees to give notice of intention to exercise their right, and requires the Council to specify its price.

Clause 22 provides for resolution of disputes over price. The Council must first obtain a valuation. If the lessee and Council cannot then agree, the valuation goes to arbitration.

Clause 23 requires the Council to seek and have particular regard to the views of the lessee, the Trustees, and TRC before it sells the freehold interest to anyone other than the lessee.

Part 4

Allocation of net rent and sale proceeds

Subpart 1—Allocation to TRC and Council

Under *clause 24*, the past and ongoing costs of the local authorities are deducted from the accumulated and future income before division. The current total, after deductions is approximately \$2,900,000. Current net rental income is approximately \$1,080,000. Amounts and timing of receipts from sales are difficult to predict; but if all lessees exercised their freeholding rights as at current values, the likely net proceeds could exceed \$60,000,000.

TRC has the right to half the net proceeds relating to 1940 Act land.

Clause 25 requires TRC to apply its share within Waitara, or for the benefit of the Waitara community or parts of it (eg public transport to New Plymouth).

If TRC cannot apply the money for those purposes it may accumulate it until those purposes arise.

Alternatively, TRC may include in its long term plan or annual plan a proposal to apply the amounts more generally within the region, but including benefit to the Waitara community.

TRC also has the option, if it wishes, to apply the money to meet the costs it has already incurred in respect of the Lower Waitara River Flood Control Scheme.

Subpart 2—Fund and Board

Clause 26 establishes the Fund, that consists of the Council's current and future net proceeds of rents and sales of Waitara Endowment Land.

The Fund is administered by the Council in accordance with the recommendations of the Board.

The Council is required to have a separate investment policy for the Fund; developed in consultation with the Board.

Clause 27 establishes the Board. It is neither a council committee nor a council organisation.

Clause 28 provides that a function of the Board is to determine the allocation of the Annual Release and sets out other functions in relation to the Annual Release, and restrictions on the activities of the Board.

Clause 29 provides for the Board to comprise 3 members appointed by the Trustees and 3 by the Council. Trustees' appointees need not be Trustees or their employees. The Council's appointees need not be councillors or Council employees. An appointer must consult with the other appointer before making an appointment.

Clause 30 sets out the Council's obligations to the Board. These include administrative and operating services, and notification of the amount of the Annual Release.

Clause 31 requires terms of reference for the Board to be developed by the Council and the Trustees.

Clause 32 requires the Council to report on the Fund and its operation.

Clause 33 requires the Council to have an Annual Release policy in its long term plan and to determine the amount of each Annual Release.

Clause 34 deals with the Annual Release. Distributions must be for the benefit of the Waitara community or parts of the Waitara community.

The Board is required to assess the issues of importance to the Waitara community at least 3 yearly by consulting the community.

Distributions must not be for general profit or gain except incidentally (eg, as a prize, scholarship, or sponsorship).

The Board can determine a grant of funding over more than one year and can determine loans or loan underwriting so long as future commitments are not more than 50% of anticipated Annual Releases.

Both the Council and the Trustees may receive distributions for qualifying purposes.

Clause 35 requires the Council to pay the distributions in accordance with the Board's determinations and give public notification of them and their conditions.

Part 5

Miscellaneous

Clause 36 disapplies the Resource Management Act 1991 to vestings and transfers that occur under the Bill. Because there are no substantive changes to the land affected it is not appropriate that controls on subdivision or other matters should apply.

Clause 37 deals with the machinery of giving effect to the Bill in the land titles system.

Clause 38 provides for every lessee's right to purchase the freehold to be recorded on the appropriate computer freehold register.

Clause 39 provides for the removal from computer freehold registers of notations relating to local Acts that are to be repealed by this Bill.

Clauses 40 to 42 deal with the machinery of recording and removing RFR rights in the land titles system in terms similar to these in the Te Atiawa Claims Settlement Bill.

Clauses 43 and 44 deal with the processes for giving of notice under this Act.

Clause 45 allows the boundaries of Waitara to be extended by Order in Council. It also allows errors in Part 2 of Schedule 3 to be corrected. The error correction power is based on section 10 of the Hawke's Bay Endowment Land Empowering Act 2002.

Clause 46 repeals the previously relevant local Acts and provisions in public Acts that have amended them.

Schedules

Schedule 1 contains a description and a map of Waitara.

Schedule 2 contains additional formal provisions relating to the Board established by *clause 27*.

Schedule 3 contains a detailed description of all land to which the Act relates.

Jonathan Young

New Plymouth District Council (Waitara Lands) Bill

Local Bill

Contents

	Page
Preamble	
1 Title	4
2 Commencement	4
Part 1	
Preliminary provisions	
3 Purpose	4
4 Interpretation	5
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	7
Subpart 2—Transfer Land and Brown Road Land	
6 Vesting of Transfer Land in Trustees	7
7 Reserve status of Transfer Land	8
8 Land may become Transfer Land	10
9 Vesting of Brown Road Land in the Trustees	10
Subpart 3—RFR Land	
10 Restrictions on disposal of RFR Land	11
11 Requirements for offer	12
12 Acceptance of offer	12

New Plymouth District Council (Waitara Lands) Bill

13	Formation of contract	12
14	Disposals of RFR Land to other persons	13
15	Council's obligations subject to other matters	13
16	Notice to Trustees of proposed disposal of RFR Land to others	13
17	Waiver and variation	14
18	Assignment of rights and obligations under this subpart	14

Part 3

Rights to purchase and sell Waitara Endowment Land

19	Lessee may purchase freehold of Waitara Endowment Land	15
20	Purchase price and other terms and conditions	15
21	Process for purchase of freehold by lessee	15
22	Valuation of land for purposes of sale to a lessee	16
23	Sale other than to lessee	16

Part 4

Allocation of net rent and sale proceeds

Subpart 1—Allocation to TRC and Council

24	Distribution of accumulated and future income from Waitara Endowment Land	17
25	TRC rights and obligations regarding allocation of accumulated and future income	18

Subpart 2—Fund and Board

26	Establishment and investment of Fund	19
27	Establishment of Board	19
28	Functions and powers of Board	19
29	Membership of Board	20
30	Council obligations to Board	20
31	Administration and operation of the Board	21
32	Council's annual plan, long-term plan, and annual report	21
33	Determination of amount of Annual Release	22
34	Purposes for which Annual Release may be distributed	22
35	Process for distributions	23

Part 5

Miscellaneous

36	Application of Resource Management Act 1991	23
37	Registration of ownership and matters to be recorded on computer freehold register for Transfer Land and Brown Road Land	23
38	Right of purchase by lessee to be recorded on computer registers	24
39	Removal of notation from certain computer freehold registers	25
40	Right of first refusal recorded on computer registers for RFR Land	26
41	Notice to Registrar-General of land ceasing to be RFR Land	26
42	Removal of notifications when land to be transferred or vested or RFR period ends	27

43	Requirements for giving notice	27
44	Time when notice received	27
45	Power to amend Schedules	27
46	Repeals	28
	Schedule 1	29
	Waitara Defined	
	Schedule 2	31
	Further provisions relating to Board	
	Schedule 3	35
	Land to which this Act applies	

Preamble

- (1) Land issues have been contentious in the Waitara area since at least 1865, when land was confiscated from various hapu of Te Atiawa by the Crown.
- (2) The Crown and Te Atiawa have entered into a Deed of Settlement dated 9 August 2014 in which the Crown acknowledged its wrongdoings and their consequences, and apologised to the tupuna, the descendants, the hapu, and the whanau of Te Atiawa.
- (3) Significant pieces of land are now vested in the New Plymouth District Council, having been vested in or endowed upon the former Waitara Harbour Board and various former local government entities.
- (4) There are restrictions on the ability of the Council to deal with the land or the proceeds of rents from or disposal of much of the land.
- (5) The Taranaki Regional Council has interests conferred by statute in some of those proceeds and is required to apply them in ways that are not now considered appropriate.
- (6) Te Atiawa (represented by the Te Kotahitanga o Te Atiawa Trust) as tangata whenua, has 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 following extensive consultation with affected parties the Council has promoted this Act to:
 - (a) enable the transfer of land to Te Atiawa; and
 - (b) allow lessees to freehold their properties; and

- (c) create an enduring fund for the benefit of the Waitara community.
- (10) Legislation is required in order to give effect to the matters that have been consulted upon 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

This Act comes into force three months after the date on which it receives the Royal assent.

Part 1
Preliminary provisions

3 Purpose

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 Land to be vested in the Trustees subject to restrictions; and
- (c) provide for the status of the Transfer Land as recreation reserve subject to the Reserves Act 1977; and
- (d) provide for the Council to be the administering body of Transfer Land that remains 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 recreation reserve; and
- (f) provide for the fee simple ownership of the Brown Road Land to be vested in the Trustees without restriction; and
- (g) provide the Trustees 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 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 the Taranaki Regional Council; and
- (j) create the Fund for the administration of the Council's share of any accumulated and ongoing income generated from the Waitara Endowment Land; and
- (k) provide for the establishment of the Board to apply the Council's share of any accumulated and ongoing income generated from the Waitara Endowment Land and held in the Fund; 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

annual plan has the same meaning as in the Local Government Act 2002

annual report has the same meaning as in the Local Government Act 2002

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

Brown Road Land means the land described in **Part 1 of Schedule 3**

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

Council means the New Plymouth District Council

dispose of, in relation to 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

East Beach means that part of the Transfer Land described by this name in **Part 4 of Schedule 3**

Former Borough Land means the land described in **subpart 2 of Part 2 of Schedule 3**

Fund means the fund established by **section 26**

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 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 the Local Government Act 2002

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

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

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

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 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

West Beach means that part of the Transfer Land described by this name in **Part 4 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, 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.

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, or 19** of this Act.

Subpart 2—Transfer Land and Brown Road Land

6 Vesting of Transfer Land in Trustees

- (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 Land vests in the Trustees, subject to, or with the benefit of, all existing interests and any applicable resource consents.
- (3) Each of the following parts of the Transfer 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:
 - (c) West Beach.
- (4) Any improvements in or on the Transfer Land do not vest in the Trustees, 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

Reserve land

- (1) While any Transfer Land 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 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
 - (c) 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 Transfer Land had not been vested in the Trustees 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 Transfer 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 Transfer 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 Trustees must not mortgage, or give a security interest in, the reserve land.
 - (4) The Trustees may transfer the fee simple estate in the reserve land only if—
 - (a) the transferees are the trustees of the Trust, after any new trustee has been appointed to the Trust or any transferor has ceased to be a trustee of the Trust; and
 - (b) the instrument to transfer the reserve land is accompanied by a certificate given by the Trustees, or the Trustees solicitor, verifying that **paragraph (a)** applies.
 - (5) If the reserve status of any Transfer 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 Trustees.
 - (6) No part of the Transfer Land may be exchanged for other land under section 15 of the Reserves Act 1977.
- Recreation reserve land*
- (7) **Subsections (8) to (10)** apply to any reserve land that is classified as a recreation reserve subject to the Reserves Act 1977 (the **recreation reserve land**).
 - (8) The Council and the Trustees must negotiate and agree a memorandum of understanding that:
 - (a) provides for the Council to engage with the Trustees regarding all significant proposed decisions regarding the management and administration of the recreation reserve land; and
 - (b) allows the Trustees to initiate proposals for the management and administration of the recreation 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 Trustees, acting as if they jointly were the administering body for the recreation reserve land, must:

- (a) prepare and review the management plan for the recreation reserve land under section 41 of the Reserves Act 1977; and
- (b) consider any proposal to change the classification of any part of the recreation reserve land under section 24 of the Reserves Act 1977.

8 Land may become Transfer Land

- (1) This section applies to each of the following areas of land if at any time the Council is the registered proprietor 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 Trustees, subject to, or with the benefit of, all existing interests and any applicable resource consents.
- (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 Trustees, despite the vesting under **subsection (2)**.
- (5) **Sections 7, 36, and 37(5)** apply to the land as if the land were Transfer Land vested under **section 6(2)** and declared a reserve under **section 6(3)**.
- (6) The Registrar-General must, on written application by a person authorised by the chief executive of the Council,—
 - (a) register the Trustees as the proprietors of the fee simple estate in the land; and
 - (b) record on the computer freehold register that the land is subject to **section 7(2)(e) and (4)**; and
 - (c) record any other entry on the computer freehold register 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 in the Trustees

- (1) The fee simple estate in the Brown Road Land vests in the Trustees subject to, or with the benefit of, all existing interests and any applicable resource consents.
- (2) Any improvements in or on the Brown Road Land do not vest in the Trustees, despite the vesting under **subsection (1)**.

- (3) The Council may, at any time within 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.

Subpart 3—RFR Land

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 computer register for the land; and
 - (c) the street address for the land (if applicable); and
 - (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 date 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
- (c) 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.
- (2) The notice under **subsection (1)** must be given on or before the date 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 computer register 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.
- (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

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 any Waitara Endowment Land is the unimproved value of the land on the date 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 12 months after this Act comes into force,—
 - (a) the date of the notice under **subsection (1)** is taken to be the date on which this Act came into force; and
 - (b) the lessee is not liable to meet the costs of the Council referred to in **section 21(1)(c)**.
- (3) The purchase price of the land is as determined—
 - (a) by the Council; or
 - (b) under **section 22**, if applicable.
- (4) The purchase is to be on any additional terms and conditions determined by the Council.

21 Process for purchase of freehold by lessee

- (1) A lessee exercising the right to purchase 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 expense, any necessary subdivision consent and consents under the Building Act 2004 and any other enactment; and
 - (c) meet the costs, including the reasonable costs of the Council, in respect of the transfer.
- (2) This section does not prevent the Council—

- (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) Within 20 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.
- (3) The purchase price determined by arbitration 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)**, subject to the following provisions:
- (a) any arbitrator appointed must be a valuer registered in the Register of Valuers under the Valuers Act 1948;
 - (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

- (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, the Trustees, and TRC.

- (2) If a party whose views are sought under **subsection (1)** fails to provide its views within 30 working days, the Council may proceed with the proposed sale on the basis that the party has no views on the matter.
- (3) A sale to a person other than the lessee does not become unconditional less than 30 working days after the parties' views have been sought under **subsection (1)**, unless all those parties agree otherwise.

Part 4

Allocation of net rent and sale proceeds

Subpart 1—Allocation to TRC and Council

24 Distribution of accumulated and future income from Waitara Endowment Land

- (1) This Part applies to TRC's interest in the accumulated and future income attributable to the land that is subject to the Waitara Harbour Act 1940 and TRC has no claim to any accumulated income attributable to the Former Borough Land or the Portfolio Land.
- (2) The accumulated and future income attributable to any part of the Waitara Endowment Land must be distributed as follows:
 - (a) accumulated and future income attributable to the Former Borough Land and the Portfolio Land are payable to the Council; and
 - (b) the Council costs and TRC costs must be deducted from the remaining accumulated and future income; and
 - (c) the balance of the accumulated and future income (after the application of **paragraph (a)** and deductions provided for in **paragraph (b)** have been made) must be divided equally between the Council and TRC to be applied in accordance with **sections 25 and subpart 2**.
- (3) For the purposes of **subsection (2)(b)**, if the Council costs exceed the remaining accumulated and future income, those costs may, to the extent that they exceed that remaining income, be deducted from—
 - (a) the future income of a subsequent year; or
 - (b) the Fund, after consultation with the Board.
- (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 relating to the Waitara Endowment Land including (but not limited to) the following:

 - (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 the administration of the Waitara Endowment Land:
- (d) drafting, consulting on, introduction, and enactment of this Act:
- (e) 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:
- (f) legal, valuation, and other costs relating to negotiating, documenting and settling of the sale of any part of the Waitara Endowment Land to any person

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 the drafting, consulting on, introduction and enactment of this Act.

25 TRC rights and obligations regarding allocation of accumulated and future income

- (1) TRC must apply the amounts received by it under **section 24(2)(c)** only in the performance of its responsibilities and exercise of its powers in accordance with its funding and financial policies adopted under the Local Government Act 2002 within Waitara or for the benefit of the Waitara community or any part of the Waitara community.
- (2) If TRC so resolves, the amounts received by it under **section 24(2)(c)** may be applied to meet its costs in respect of the Lower Waitara River Flood Control Scheme, whether those costs were incurred before or after the commencement of this Act.
- (3) If TRC believes that it is unable to apply the amounts in accordance with **subsection (1)**, and to the extent that it does not resolve to apply them under **subsection (2)**, TRC may accumulate the amounts until those purposes arise or include in its long-term plan or annual plan a proposal to apply the amounts for non-commercial purposes for the benefit of the Taranaki community generally, including the Waitara community.
- (4) After its long-term plan or annual plan is adopted, TRC may apply the amounts as contemplated by that plan.
- (5) In **subsection (2)**, **Lower Waitara River Flood Control Scheme** means the scheme by that name established and maintained by TRC under the Local Government Act 2002.

Subpart 2—Fund and Board

26 Establishment and investment of Fund

- (1) The Council must establish and maintain a fund comprising:
 - (a) all accumulated and future income received by the Council under **section 24(2)(a) and (c)**; and
 - (b) all accumulations derived from any such income (after deduction of Council costs within the meaning of **section 24**).
- (2) All money held in the Fund must be administered and allocated by the Council in accordance with this subpart.
- (3) 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 Fund.
- (4) The Council must consult the Board before adopting the investment policy for the Fund.
- (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 the Fund and may change those names at any time.
- (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 recommend to the Council the policy for determining the amount of Annual Releases; and
 - (b) to determine distributions from the Annual Release for each financial year for endorsement by the Council; and
 - (c) to perform any other functions that may be conferred on it by this Act.
- (2) The Board must, within 9 months after the end of each financial year of the Council, provide to the Council its determinations of the distribution of the Annual Release for that financial year.
- (3) The Board need not distribute all the Annual Release for any year and to the extent that an Annual Release is not distributed it remains part of the Fund.

- (4) The Board has all the powers necessary to enable it to perform its functions, but may 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 (who may, but need not, be Trustees or employees of the Trustees); and
 - (b) 3 members appointed by the Council (who may, but need not, be elected members or employees of the Council).
- (2) The Trustees and the Council 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 the other appointer 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 the other appointer 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 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.

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 within 3 months after the end of each financial year.

31 Administration and operation of the Board

- (1) The Council and the Trustees must adopt terms of reference for the Board to provide for—
 - (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)**.
- (2) The terms of reference may be amended by agreement between the Council and the Trustees.
- (3) **Schedule 2** contains further provisions relating to the Board.
- (4) The terms of reference must not be inconsistent with **Schedule 2**.
- (5) The Council must ensure that the terms of reference are—
 - (a) published on the Council’s Internet site; and
 - (b) 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.

32 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) the money held in the Fund under **section 26(1)**;
 - (b) the investments of the Fund;
 - (c) forecast income and capital gains or losses of the Fund for the periods covered by the annual plan and long-term plan;
 - (d) actual administration and operating costs to be paid from the Fund and forecast costs for the periods covered by the annual plan and long-term plan;
 - (e) forecast Annual Releases for the periods covered by the annual plan and long-term plan;
 - (f) any other matter required by this subpart to be included.

- (2) The annual report of the Council must report against the matters referred to in **subsection (1)**.
- (3) Nothing in **subsection (1)** requires the Council to amend its annual plan or its long-term plan that was in force immediately before the commencement of this Act.

33 Determination of amount of Annual Release

- (1) The Council must in respect of every financial year, by resolution made after consulting the Board, determine the amount of the Annual Release.
- (2) The 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 of maintaining or increasing the real value of the capital of the Fund; and
 - (b) the recommendation of the Board under **section 28(1)(a)** 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 Act.

34 Purposes for which Annual Release may be distributed

- (1) The Annual Release must only be distributed for the benefit of the Waitara community or a part of the Waitara community in accordance with this section.
- (2) To assist with the distribution of the Annual Release the Board must assess issues of importance to the Waitara community (including social, economic, cultural, and environmental issues) 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 3 months after the commencement of this Act.
- (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 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.
- (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 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 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, or to entities controlled by either of them.

35 Process for distributions

The Council must—

- (a) cause the amount of any distribution to be paid in accordance with the Board's 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.

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 Land in the Trustees under **section 6**; or
- (b) the vesting of the Brown Road Land in the Trustees under **section 9**; or
- (c) any disposal of RFR Land to the Trustees under **subpart 3 of Part 2**; or
- 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)**.

37 Registration of ownership and matters to be recorded on computer freehold register for Transfer Land and Brown Road Land

- (1) This section applies to the land vested in the Trustees under **subpart 2 of Part 2**.
- (2) For East Beach, the Registrar-General of Land must, on written application by an authorised person,—

- (a) register the Trustees as the proprietors of the fee simple estate in the land; and
 - (b) record on the computer freehold register that the land is subject to **section 7(2)(e) and (4)**; and
 - (c) record any other entry on the computer freehold register and do anything else necessary to give effect to this Act.
- (3) **Subsection (4)** applies to each of the following:
- (a) West Beach:
 - (b) Clifton Park:
 - (c) Brown Road Land.
- (4) The Registrar-General of Land must, in accordance with a written application by an authorised person,—
- (a) create a computer freehold register for the fee simple estate in the land in the name of the Trustees; and
 - (b) record on the computer freehold register—
 - (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(2)(e) and (4)**.
- (5) For East Beach, 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 computer freehold register for the land the notifications that the land is subject to **section 7(2)(e) and (4)**; or
 - (b) part of the land, the Registrar-General of Land must ensure that the notifications referred to in **paragraph (a)** remain only on the computer freehold register 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 computer freehold register.
- (7) A computer freehold register must be created under this section as soon as is reasonably practicable, but not later than 12 months, after the commencement of this Act.
- (8) In this section, **authorised person** means a person authorised by the chief executive of the Council.

38 Right of purchase by lessee to be recorded on computer registers

- (1) As soon as is reasonably practicable after the commencement of this 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 computer freehold register for the land; and
 - (b) the reference for any computer interest register for the leasehold estate in the land; and
 - (c) a statement that the notice is issued under **subsection (1)**.
- (3) The Registrar-General of Land must, as soon as is reasonably practicable after receiving a notice under **subsection (1)**, record on each computer register 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 computer register for the land the notification 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 computer register referred to in the notice that the land is subject to **section 19**; or
 - (b) remove from each computer register referred to in the notice the notification that the land is subject to **section 19**.

39 Removal of notation from certain computer freehold registers

- (1) As soon as is reasonably practicable after the commencement of this Act, the chief executive of the Council must apply in writing to the Registrar-General of Land to remove from the computer freehold register 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 computer freehold register 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 recorded on computer registers 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 computer registers 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 computer register 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 computer register 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 computer register 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 computer register 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—
 - (i) the person giving it; or
 - (ii) at least two 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.

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 5:00pm 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 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.
- (4) An Order in Council may be made under **subsection (2)(b)** only if:
 - (a) the land is owned by the Council and was, immediately before this Act was passed, 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.

46 Repeals

The following enactments are repealed:

- (a) the Waitara Borough Reserves Vesting Act 1909; and
- (b) the Waitara Harbour Act 1940; and
- (c) section 36 of the Local Legislation Act 1952; and
- (d) so much of Schedule 5 of the Taranaki Harbours Board Empowering Act 1955 as relates to the Waitara Harbour Act 1940; and
- (e) section 3 of the Reserves and Other Lands Disposal Act 1969.

Schedule 1 Waitara Defined

s 4

Description of Waitara

Waitara consists of the following area units and meshblocks:

Area units

551301—Waitara West

551302—Waitara East

Meshblocks

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

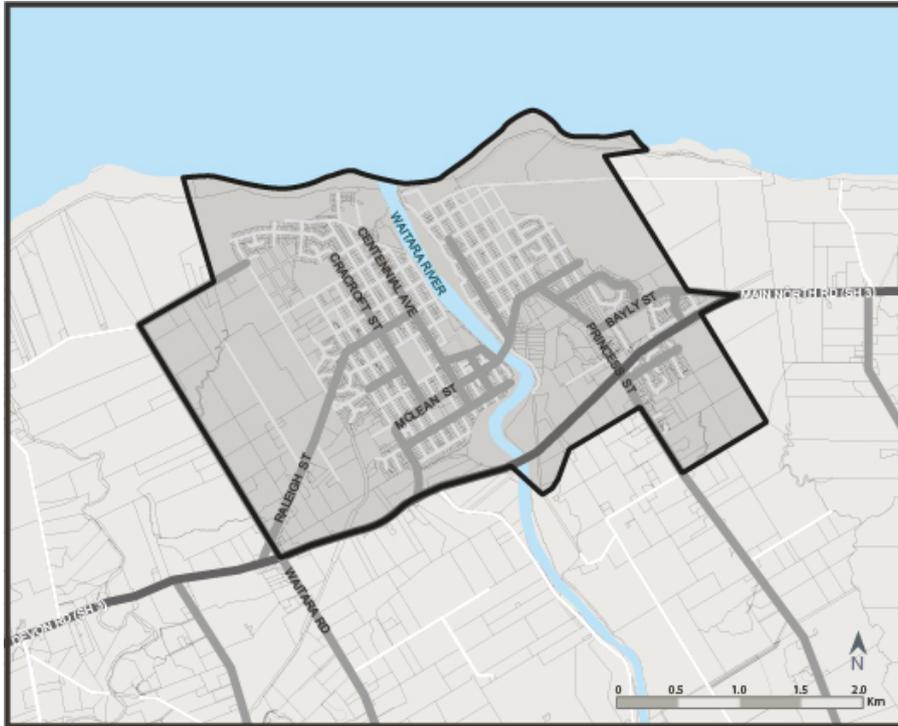
That part of meshblock 1550503 that is bounded by Main North Road, Bayly Street, and Elliot Street North

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 30, 31

1 Term of appointment

- (1) Subject to this Act,—
 - (a) a Trustees member is appointed to the Board for a term not exceeding 3 years as may be specified by the Trustees;
 - (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, within 10 working days,—
 - (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.
- (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 Council must nominate 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 Council may not reappoint the existing chairperson unless all the members of the Board agree.

6 Alternate members

The Council and the Trustees may each appoint one 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 by vote at meetings or in accordance with the terms of reference.
- (2) In the event of an equality of votes, the chairperson has a casting as well as a deliberative 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 and review by 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 32(2)** 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 with a copy of that information.
- (3) The appointers—
 - (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, 38, 39, 45

Part 1

Brown Road Land

Legal description	Area (hectares)	Computer Freehold Register
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)

Legal description	Area (hectares)	Computer Freehold Register
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	TN C3/315
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	TN G2/311
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
Lot 3 DP 8843	0.0759	715886

Legal description	Area (hectares)	Computer Freehold Register
		Limited as to parcels
Block 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
Section 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
		Limited as to parcels

Legal description	Area (hectares)	Computer Freehold Register
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 Limited as to parcels

Legal description	Area (hectares)	Computer Freehold Register
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
Lot 2 DP 435380	0.0929	532675

Legal description	Area (hectares)	Computer Freehold Register
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
Lot 5 DP 8244	0.0297	715844

Legal description	Area (hectares)	Computer Freehold Register
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
Lot 37 DP 8506	0.0599	715873

Legal description	Area (hectares)	Computer Freehold Register
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 Limited as to parcels

Legal description	Area (hectares)	Computer Freehold Register
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
Lot 2 DP 11418	0.0985	TND2/725

Legal description	Area (hectares)	Computer Freehold Register
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
Lot 4 DP 14104	0.0724	TNG1/31

Legal description	Area (hectares)	Computer Freehold Register
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
Lot 2 DP 15241	0.0795	TNH1/442

Legal description	Area (hectares)	Computer Freehold Register
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
Lot 6 DP 9041	0.0604	721055

Legal description	Area (hectares)	Computer Freehold Register
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
Lot 18 DP 10443	0.0733	TNC2/466

Legal description	Area (hectares)	Computer Freehold Register
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

Legal description	Area (hectares)	Computer Freehold Register
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

Legal description	Area (hectares)	Computer Freehold Register
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

Legal description	Area (hectares)	Computer Freehold Register
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

Legal description	Area (hectares)	Computer Freehold Register
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 excepting 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

Legal description	Area (hectares)	Computer Freehold Register
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 excepting 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

Legal description	Area (hectares)	Computer Freehold Register
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

Legal description	Area (hectares)	Computer Freehold Register
Lot 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 the maintenance of the Waitara Public Library

Legal Description	Area (hectares)	Computer Freehold Register
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

Legal description	Area (hectares)	Computer Freehold Register
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

Legal description	Area (hectares)	Computer Freehold Register
Section 8 Block L Town of Waitara East	0.1012	TN168/74
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

Legal description	Area (hectares)	Computer Freehold Register
Lot 14 DP 7975	0.0534	TNE2/1243
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

Legal description	Area (hectares)	Computer Freehold Register
Lot 6 DP 8776	0.0658	715851
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)

Legal description	Area (hectares)	Computer Freehold Register
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

Legal description	Area (hectares)	Computer Freehold Register
Lot 2 DP 14807	0.0505	TNG4/293
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 3

RFR Land—Ranfurly Park

Legal description	Area (hectares)	Computer Freehold Register
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 Section 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

Legal description	Area (hectares)	Computer Freehold Register
Lot 2 DP 455390	17.7816	Part 585942

Part 4

Transfer Land—West Beach

Legal description	Area (hectares)	Computer Freehold Register
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

Legal description	Area (hectares)	Computer Freehold Register
Lot 1 DP 455390	0.5832	585941

Transfer Land—Clifton Park

Legal description	Area (hectares)	Computer Freehold Register
Section 1 SO Plan 495472	6.3600	721050 721051 667448 652535 TNH2/1168