

House of Representatives

Supplementary Order Paper

Tuesday, 9 April 2013

Reserves and Other Lands Disposal Bill

Proposed amendments

Hon Maurice Williamson, in Committee, to move the following amendments:

Clause 7

Replace *clause 7* (lines 5 to 14 on page 5) with:

7 Background

- (1) The Auckland Art Gallery is sited on land vested in Regional Facilities Auckland Limited (in its capacity as trustee of Regional Facilities Auckland). Regional Facilities Auckland is a council-controlled organisation of the Auckland Council.
- (2) The Auckland Art Gallery is also sited over part of the reserve known as Albert Park. Albert Park is vested in fee simple in the Auckland Council (as the current local authority for Auckland) under the Auckland Improvement Trust Act 1971.
- (3) For ease of administration, Auckland Council wishes to amalgamate into one land title the land on which the Auckland Art Gallery is sited. However, the Auckland Improvement Trust Act 1971 prohibits the alienation of the whole or any part of Albert Park.

Clause 9

Replace *clause 9(1)* (lines 23 and 24 on page 5) with:

- (1) The excluded land is vested in Regional Facilities Auckland Limited (in its capacity as trustee of Regional Facilities Auckland) to be held in trust for the purposes of encouraging, fostering, and promoting the practice and appreciation of, and public interest in, the arts and culture.
 - (1A) The excluded land is then amalgamated with the Auckland Art Gallery land.
 - (1B) The Registrar-General of Land must—

- (a) create a single computer register for the amalgamated land in the name of Regional Facilities Auckland Limited; and
- (b) record on the register that the land is held in trust for the purposes of encouraging, fostering, and promoting the practice and appreciation of, and public interest in, the arts and culture.

Clauses 18 to 20 and cross-heading above clause 18

Delete *clauses 18 to 20* and the cross-heading above *clause 18* (line 25 on page 7 to line 28 on page 8).

Clause 22

Delete *clause 22(3)* (lines 11 and 12 on page 9).

Clause 23

Replace *clause 23(1) and (2)* (lines 20 to 29 on page 9) with:

- (1) The reservation of the Mahinepua Bay reserve land as a local purpose (esplanade) reserve subject to the Reserves Act 1977 is revoked.
- (2) The Mahinepua Bay reserve land is then set apart as a Māori reservation (esplanade purposes).
- (2A) The Mahinepua Bay reserve land then vests in the trustees in trust to hold and administer the land for the common use and benefit of the people of New Zealand.

After *clause 23(4)* (after line 2 on page 10), insert:

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

Clauses 34A to 34C and cross-heading above clause 34A

Delete *clauses 34A to 34C* and the cross-heading above *clause 34A* (line 3 on page 14 to line 27 on page 15).

Clause 48

In *clause 48(2)*, replace “Waitakere City” (line 20 on page 20) with “Auckland”.

Explanatory note

This Supplementary Order Paper (SOP) replaces SOP 133. It incorporates the amendments proposed to the Auckland Art Gallery land, the Opuia esplanade reserve land, and the Waikumete Cemetery land in SOP 133 without change (including the relevant part of the explanatory note). The amendment to the Mahinepua Bay reserve land in SOP 133 is replaced by the amendments in this SOP. Amendments to the Bill not previously included in SOP 133 are also contained in this SOP. However, these are limited to the Lookout Point land.

Clauses 6 to 9 of the Bill relate to the development of Auckland Art Gallery by the Auckland City Council. Since the Bill was introduced and reported back from the Primary Production Select Committee, the reorganisation of local government in Auckland has taken effect, including the dissolution of the Auckland City Council. In addition, the extensions to the gallery have been completed. This SOP substitutes a *new clause 7*, amends *clause 9(1)*, and inserts a new *clause 9(1A)* to account for these changes in circumstances.

Clauses 18 to 20 of the Bill relate to the Lookout Point land. The SOP removes these provisions. They are no longer necessary because the Waitaki District Council Reserves and Other Land Empowering Act 2013 (2013 No 1 (L)), which came into force on 27 February 2013, contains equivalent provisions.

Clauses 21 to 23 of the Bill relate to Mahinepua Bay reserve land. The SOP amends *clause 23* to clarify that the reserve status of the land is revoked before it is set apart as a Māori reservation. In addition, the SOP removes the precondition to the vesting of the land in the trustees of the Mahinepua B1 Māori Reservation that an easement be granted by the trustees over the Mahinepua B1 Block (and removes the relevant reference in *clause 22*).

Clauses 34A to 34C were included in the Bill at the select committee stage to enable the Far North District Council to grant easements over certain esplanade reserve land at Opuia to the current owner of land adjoining the esplanade reserve. This SOP deletes those provisions.

Clauses 47 to 49 of the Bill relate to land that is part of Waikumete Cemetery in West Auckland. As noted above, since the Bill was introduced and reported back from the select committee, the reorganisation of local government in Auckland has taken effect. This means that the reference in *clause 48(2)* is now out of date, because the Waitakere City Council has been dissolved. Accordingly, this SOP amends the reference in *clause 48(2)* to that council by substituting a reference to the Auckland Council. Auckland Council is the local authority for Auckland, including the district that the Waitakere City Council previously held jurisdiction over, and, by operation of law, has vested in it all the assets, including reserves, liabilities, etc, of the Waitakere City Council.
