



Date: Wednesday 25 June 2025
Time: 9:30 am
Meeting Room: Council Chamber
Venue: 156 High Street
Dannevirke

Tararua District Council

OPEN LATE ATTACHMENTS

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9 May 2025
Our Job No 720153

Land Disposal Investigation Report – 39 Ransom Street Reserve, Dannevirke

Introduction

Tararua District Council (**Council**) has engaged The Property Group Limited (**TPG**) to complete a land status and acquisition history investigation in respect of the property at 39 Ransom Street Reserve, Dannevirke (**Property**).

The purpose of this investigation is to:

1. Confirm the status of the Property, and how it is held by Council,
2. Establish the acquisition history of the Property,
3. If the Property is subject to the Public Works Act 1981 (**PWA**), identify the former owner (and any successor) and whether there is an obligation to 'offer back', and
4. Establish the correct pathway(s) available to Council to dispose of the Property, and any existing obligations on Council in following those pathways.

TPG has completed a detailed review and research into the Property to determine Council's statutory obligations and recommended disposal process, should all or part of the Property become surplus to Council's requirements. The purpose of this report is to assist in future decision making, and stakeholder engagement in respect of the Property. This report is preliminary advice only and neither the request for this report nor the report itself is in any way intended to imply the Property has been declared surplus or that Council intends to declare it surplus.

Executive Summary

The Property is legally described as Lot 5 Deposited Plan (**DP**) 14559, and is 1.0300 hectares more or less located between the Tapuata stream and the end of Ransom Street, Dannevirke.

Our investigations have concluded that the Property is a recreation reserve subject to the Reserves Act 1977 (**Reserves Act**). The Property is vested in Council and does not derive title from the Crown.

The Property was vested in Council's predecessor (Dannevirke Borough Council) as a condition of subdivision undertaken by the former owner. The Property was not acquired for and has not been held or used for a public work and is not subject to the PWA. There is no obligation to address the PWA in the disposal of the Property.

Should Council wish to dispose of the Property in the future, it would first be required to revoke the reserve status in accordance with the Reserves Act – this process is summarised in Appendix Five.

Should Council wish to reserve an esplanade strip along the edge of Tapuata Stream, planning advice would be required, and a subdivision consent would be necessary to enable the balance land, being that part of the Property to be disposed, to be held in a separate RT. As part of this process, a survey would be required.

We note that Lot 13 DP 14459 (see Diagram D below) has the same status and acquisition history as the Property. We recommend that Council includes Lot 13 DP 14459 in any disposal and consideration of retaining an esplanade strip, and that the two properties are treated consistently and in tandem in respect of any disposal.

As the Property is not Crown-derived reserve, it would become fee simple land vested in Council upon revocation. Council could the dispose of the Property in accordance with its internal disposal policies (if any). All disposal proceeds would be able to be retained by Council.

We also note that the Property is subject to a lease to Warren Leslie Pinfold for a further term of five years expiring 14 February 2028, as described later in this report. Council would need to ensure it complies with the termination provision in the Lease – three months' notice would be required.

Additionally, we note that there is tree cover on the Property, however we have not investigated any possible implications under the Climate Change Response Act 2002 (in terms of that land falling within the definition of pre-1990 forest land or post-1989 forest land). Council may wish to investigate this further if the Property is declared surplus.

Further details are outlined below.


Client	Tararua District Council
Instruction	Email dated 6 March from Kawtar Tani, Group Manager – Strategy & Community Wellbeing attaching a signed short form agreement pursuant to TPG's proposal dated 3 March 2025.
Location/Address Physical Description	<p>The Property is located in the north-western outskirts of Dannevirke and is shaded yellow in Diagram A below. The Property is bare land with vegetation covering approximately 50% of the Property.</p> <p>The western boundary of the Property abuts the hydro parcel through which the Tapuata Street flows. It appears that there is some accretion and erosion from the Tapuata Stream.</p> <p>The Property is accessed through a gate at the end of Ransom Street – see Diagram B below.</p> <p>According to aerial imagery, the boundary is unfenced between the Property and the adjoining bare Council land to the north (Part Lot 2 DP 6101). It is unknown whether the boundary is fenced between the Property and the private land to the south (part Lot 37 DP 1534 and Lot 1 DP 24481), as there is vegetation along this boundary in the available aerial imagery.</p>  <p>Diagram A: Aerial Plan of the Property (shaded yellow).</p>



Diagram B: Snip of Google Street View Ransom Street access to the Property (Dec 2019).

An article in the Manawātū Standard dated 2 January 2025¹ states the following about the Property:

At Dannevirke were two properties that backed onto each other in the northwestern edge of town, the Ransom Street Reserve and 39 Gregg St.

Residential development would require a zone change and some low-lying parts could be susceptible to flooding. It was across the road from Coronation Park, so recreation demand was limited.

The Ransom St Reserve was not often used by the public. Its size and topography could limit development.

The council would consider retaining an esplanade strip along Tapuata Stream by the two sites, if they were sold.

Parcel ID	4234293
Legal Description, Area and Title	1.0300 hectares more or less being Lot 5 DP 14559. No record of title (RT) has been issued for the Property. If Council wishes to create an esplanade strip along the edge of Tapuata Stream, planning advice will be required, and a subdivision consent will be necessary to enable the part of the Property to be disposed of to be held in a separate RT. As part of this process, a survey will also be required – see Additional Considerations on pages 6-7.
Status	Recreation reserve vested in Council and subject to the Reserves Act.
Administering Body	Tararua District Council (being the successor of the Dannevirke Borough Council).

¹ [Tararua District Council considers asset sales | The Post](#)

Zoning	<p>Operative District Plan</p> <p>The Property is zoned Rural and contains the notation “R 240” (Reserve Site 240). Map Numbers 32 and 34 are attached as Appendix One.</p> <p>The Property is listed in Operative District Plan Appendix 14: Schedule of Reserves at 14.2 (Tararua District Council Reserves).</p> <p>Property District Plan Review 2023/2024</p> <p>The Property is zoned Rural on the Re-zoning Mapping Tool.</p>
Contamination	<p>The Property is not recorded in Horizons Regional Council's Sites with Hazardous Substances (SAHS) database.</p> <p>Horizons Regional Council has also checked the Property against the information it holds from the Council in relation to Hazardous Activities and Industry Lists (HAIL) records (last updated September 2023) and has confirmed that are no records relating to the Property.</p>
Hazards	<p>The Property has been categorised as “Possible” for Liquefaction Vulnerability – see Liquefaction Prone Land – Local Maps and Tararua Hazards – Public Maps.</p>
Interests Affecting the Status of the Property	<p>The Property is a recreation reserve and is subject to the Reserves Act.</p> <p>The Property (along with adjoining 39 Gregg St, being Lot 2 DP 6101, and Lot 13 DP 14559) is subject to a lease to Warren Leslie Pinfold commencing 15 February 2018 (Lease). The Council and the Lessee agreed to renew the Lease for a further period of five years, expiring 14 February 2028. The Lease documentation provided by the Council is included at Appendix Two. The Lease includes the following termination clause:</p> <p>24. TERMINATION: The term hereby created may be terminated by either party upon three (3) months prior written notice being given to the other party. Termination of the term shall not release any party from liability to the other party for any prior breach of the terms and conditions of the Lease.</p> <p>(a) Council reserves the right to terminate the Lease at any time after 12 months with three (3) months' notice should the property be put up for sale.</p>
Māori Interests	<p>The Property is located within the area of interest of Ngāti Kahungunu, Ngāti Kahungunu ki Wairarapa - Tāmaki nui-ā-Rua, and Rangitāne o Tāmaki nui ā Rua.</p> <p>However, as the Property is not Crown-derived land, it is therefore not subject to any Right of First Refusal obligations.</p>
Acquisition History	<p>The Property became a recreation reserve vested in Council's predecessor (Dannevirke Borough Council) on deposit of DP 14559 in 1976. Prior to this, the Property was part of two fee simple parcels (Lots 10 and 11 DP 2855) between Ransom St and Tapuata Stream.</p> <p>See Appendix Three for the detailed acquisition history of the land.</p>

<p>Statutory Interpretation</p>	<p>Reserves Act 1977 (Reserves Act)</p> <p>The Property is subject to the Reserves Act, as it falls within the section 2 definition of “reserve” or “public reserve” as including “any land which immediately before the commencement of this Act was a public reserve within the meaning of the Reserves and Domains Act 1953.”</p> <p>The provisions for revocation and disposal of reserves are provided for in sections 24 and 25 of the Reserves Act 1977.</p> <p>Conservation Act 1987</p> <p>The Council, in its capacity as administering body, will need to consider whether consultation with iwi is/is not warranted pursuant to section 4 of the Conservation Act 1987.</p> <p>Section 4 requires that the Reserves Act should be interpreted and administered to give effect to the principles of the Treaty of Waitangi.</p> <p>Public Works Act 1981</p> <p>Not applicable on the evidence at hand – the Property was not acquired for a public work and does not appear to have been held or used for a public or local work.</p> <p>Local Government Act 2002</p> <p>Section 138 LGA (restriction on disposal of parks (by sale or otherwise)) is not applicable as a park does not include land that is held as a reserve.</p> <p>See Appendix Four for detailed analysis of the relevant legislation.</p>
<p>Disposal Process Summary and Additional Considerations</p>	<p>The Property is subject to the provisions of the Reserves Act, which contains the reserve revocation and disposal process. Appendix Five outlines the steps involved in the revocation process, should Council wish to dispose of the Property.</p> <p>While many Ministerial powers under the Reserves Act are currently delegated to local authorities that are administering bodies, the Minister of Conservation (Minister) retains the power to revoke the status of reserves.</p> <p>Additional considerations for potential disposal</p> <ul style="list-style-type: none"> As Council is yet to decide whether to create an esplanade strip along the edge of Tapuata Stream, we have not considered in depth the retaining of land alongside the stream for an esplanade strip. If Council is interested in retaining a strip of land alongside the riparian boundary, planning advice would be necessary. Furthermore, Council could either: <ul style="list-style-type: none"> reclassify the ‘esplanade strip’ to a local purpose (esplanade) reserve, and then revoke the status of the remaining part of the Property to be disposed of, or create an esplanade strip or reserve through the Resource Management Act 1991 process. For this to happen, the reserve status over the whole Property would need to be revoked first.

Under either scenario, a survey would be required, which would also tidy up the accretion and erosion along Tapuata Stream and identify the proposed esplanade strip from the part of the Property to be disposed of. Additionally, a subdivision consent would be needed to enable the remaining part of the Property to be held in a separate record of title.

The Property is already defined on DP 14559, however no record of title has been raised for the Property. To assist in disposal of the land, and on the assumption that Council may seek to dispose of the land on the open market, Council should raise a record of title for the Property by making an application under section 90 Land Transfer Act 2017. This application would be required irrespective of whether Council chooses to retain an esplanade strip.

- There appears to be existing stormwater infrastructure within the Property (see area circled black on Diagram C below). Council may wish to consider registering an easement in gross over this infrastructure prior to disposal.

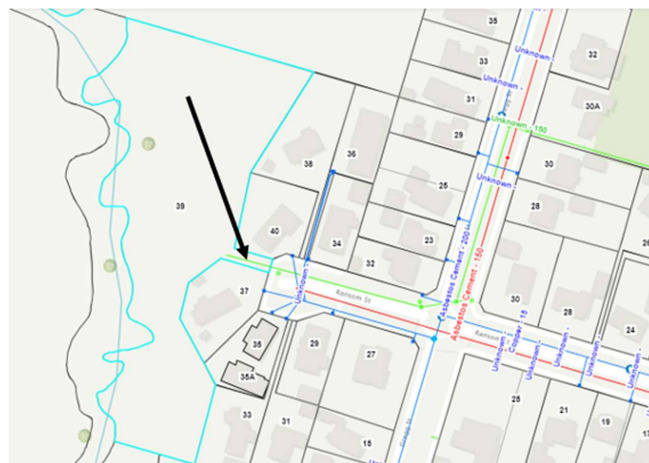


Diagram C: Plan of infrastructure in the vicinity of the Property (from [Tararua Utilities – Public Maps](#)) with arrow indicating location of stormwater pipes within the Property.

- Council would need to ensure it complies with the termination provisions in the Lease – three months' notice would be required.
- Lot 13 DP 14559 (shaded yellow in Diagram D below) is an irregular-shaped parcel measuring 275 square metres more or less. This parcel was vested as recreation reserve in the Council at the same time as the Property – therefore, it has the same status. We recommend that Council includes Lot 13 DP 14559 in any disposal and consideration of retaining an esplanade strip, and that the two properties are treated consistently and in tandem in respect of any disposal.
- We note that there is tree cover on the Property, however we have not investigated any possible implications under the Climate Change Response Act 2002 (in terms of that land falling within the definition of pre-1990 forest land or post-1989 forest land). Council may wish to investigate this further if the Property is declared surplus.



Diagram D: Aerial Plan of Lot 13 DP 14559 (shaded yellow).

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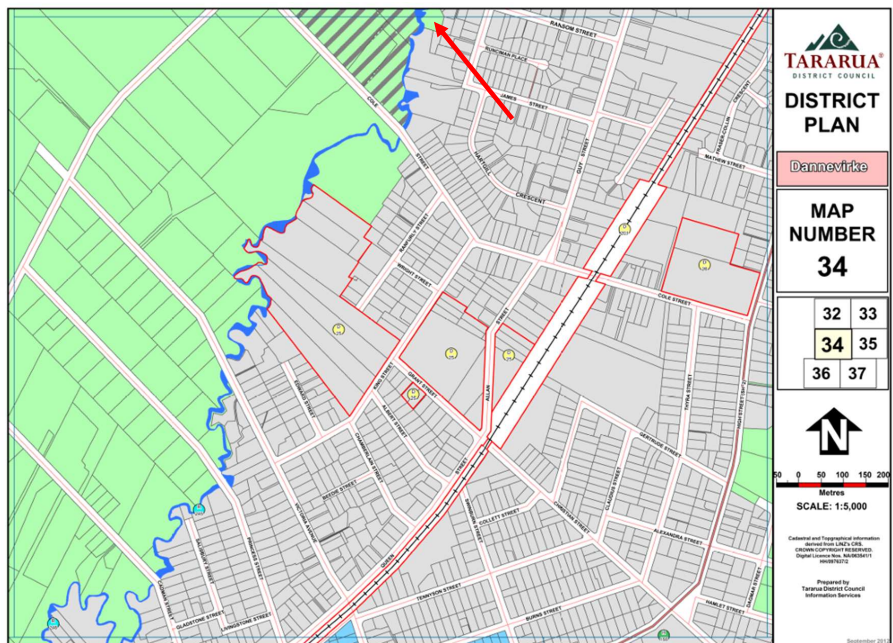
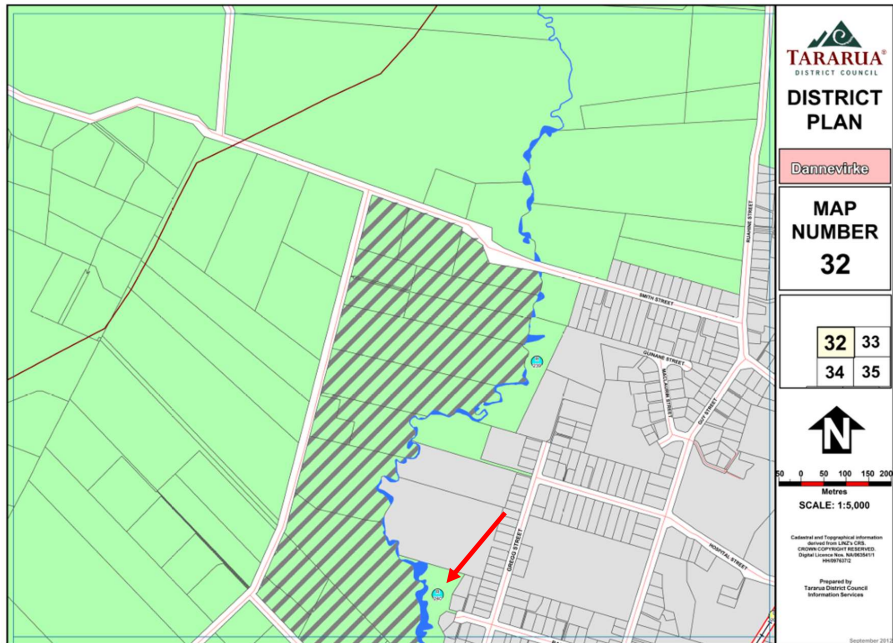
Disclaimer

This Land Disposal Investigation Report is based on available evidence and records.

The Property Group Limited has no power to make a binding ruling or legal determination as to the status of land but does have significant knowledge and experience in the provision of Land Disposal Investigation Reports.


Appendix One – Tararua District Plan Maps


We have inserted red arrows indicating the location of the Property.





Key to Planning Maps


Management Areas


Industrial



Commercial



Residential


Rural



Settlement


Overlay


Future Industrial



Future Residential


Water Features



Water Catchment
(for information only)



Water Body


Notations


Designations



Significant Natural Area



Heritage Site



Reserve Site



Designation Areas


Other Features



Gas Pipeline (HPG)



Railway Lines



Transmission Lines



Urban Buffer Area



Parcel Boundary



District Boundary


Formed Roads


Unformed Roads


Dairy Factory Noise Boundary
(Refer Appendix 17)


Covenant Areas


Forest Parks

DISTRICT PLAN

LEGEND

Cartorial and Topographical information derived from LINZ's CDE COUNTY CORPONENT FILE SERVICE Digital Licence files. 10/09/2019 10:09:20:19

Prepared by
Tararua District Council
Information Services

Appendix Two – Lease information

MEMORANDUM OF LEASE

THE TARARUA DISTRICT COUNCIL ("the Council") being registered as the proprietor of the land situated in the Land District of Hawke's Bay being part of Part Lot 2 DP 6101 and Lots 5 and 13 DP 14559 containing approximately 3.12 ha ("the land")

HEREBY LEASES the land to Warren Leslie Pinfold ("the Lessees") for a term of five years commencing on 15 February 2018 and expiring on 14 February 2023 at an annual rental of \$1258.00 (GST inclusive), payable annually in advance, on the terms and conditions referred to in the Schedule ("the lease").

AND I Warren Leslie Pinfold, accept this lease of the above land, to be held by us as tenants, subject to the terms, conditions and restrictions set out in the Schedule.

Dated this 7th day of March 2018

THE COMMON SEAL of the
TARARUA DISTRICT COUNCIL
Was a true and correct copy of the



[Signature]
Mayor
[Signature]
Chief Executive

as Lessees, in the presence of:-

[Signature]
[Signature]



THE SCHEDULE

It is agreed by the **COUNCIL** and the **LESSEES**, during the term of the Lease, as follows:-

1. **RENT:** That the Lessees shall pay the rent annually in advance.

2. **RENT REVIEW:**

2.1 The landlord shall periodically review the amount of rent payable by the Lease Holder, and there shall be two (2) rent reviews as follows:-

- (a) The first review is to take place 2.5 years after the commencement date of the Lease. This will determine the rental payable in respect of the years 15 February 2021 and 15 February 2022.
- (b) The second review is to take place 2.5 years after the date of the first review.

2.2 The annual rent payable as from each rent review date shall be determined as follows:-

- (a) Either party may not earlier than three (3) months prior to a rent review date and not later than the next rent review date give written notice to the other party specifying the annual rent proposed as the current market rent as at the relevant rent review date.
- (b) If the party receiving the notice ("the Recipient") gives written notice to the party giving the notice ("the Initiator") within one (1) month after service of the Initiator's notices disputing the annual rent proposed and specifying the annual rent proposed by the Recipient as the current market rent, then the new rent shall be determined in accordance with clause 2.3.
- (c) If the Recipient fails to give such notice (time being of the essence) the Recipient shall be deemed to have accepted the annual rent specified in the Initiator's notice and the extension of time for commencing arbitration proceedings contained in the Arbitration Act 1996 shall not apply.
- (d) Notwithstanding any other provision of this clause, the annual rent payable as from the relevant rent review date shall not be less than the annual rent payable as at the commencement date of the then current Lease term.
- (e) The annual rent agreed, determined or imposed pursuant to this clause shall be the annual rent payable as from the relevant rent review date, or the date of service of the Initiator's notice if such notice is served later than three (3) months after the relevant rent review date but subject to clause 2.4 and 2.5.
- (f) The rent review at the option of either party may be recorded in a Deed.





2.3 Rent Determination: IMMEDIATELY following service of the Recipient's notice on the Initiator, the parties shall endeavour to agree upon the current market rent, but if agreement is not reached within 14 days the new rent may be determined either:-

- (a) By one party giving written notice to the other requiring the new rent to be determined by arbitration; or
- (b) If the parties so agree by registered Valuers acting as experts and not as Arbitrators as follows:-
 - i. Each party shall appoint a valuer and give written notice of the appointment to the other party within fourteen (14) days of the parties agreeing to so determine the new rent;
 - ii. If the party receiving a notice fails to appoint a valuer within the fourteen (14) day period then the valuer appointed by the other party shall determine the new rent and such determination shall be binding on both parties;
 - iii. The valuers appointed before commencing their determination shall appoint a third expert who need not be a registered valuer;
 - iv. The valuers appointed by the parties shall determine the current market rent of the premises but if they fail to agree then the rent shall be determined by the third expert;
 - v. Each party shall be given the opportunity to make written or oral representations subject to such reasonable time and other limits as the valuers or the third expert may prescribe and they shall have regard to any such representations but not be bound thereby.

When the new rent has been determined the person or persons determining the same shall give written notice thereof to the parties. The notice shall provide as to how the costs of the determination shall be borne and such provision shall be binding on the parties.

2.4 PENDING determination of the new rent, the Lease Holder shall from the relevant rent review date, or the date of service of the Initiator's notice if such notice is served later than three (3) months after the relevant rent review date, until the determination of the new rent pay an interim rent as follows:-

- (a) If both parties supply a registered valuer's certificate substantiating the new rents proposed, the interim rent payable shall be half way between the new rents proposed by the parties; or
- (b) If only one party supplies a registered valuer's certificate, the interim rent payable shall be the rent substantiated by the certificate; or



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(c) If no registered valuer's certificates are supplied, the interim rent payable shall be the rent payable immediately prior to the relevant rent review date:

But in no circumstances shall the interim rent be less than the rent payable as at the commencement date of the then current Lease term.

The interim rent payable shall be determined as at the relevant rent review date, or the date of service of the Initiator's notice if such notice is served later than three (3) months after the relevant rent review date and, subject to clause 2.4, shall not be subject to adjustment.

2.5 UPON determination of the new rent, any overpayment shall be applied in payment of the next month's rent and any amount then remaining shall immediately be refunded to the Lease Holder. Any shortfall in payment shall immediately be payable by the Lease Holder.

3. **OUTGOINGS:** That the Lessees will pay all electricity, gas, water, taxes and any other outgoings levied or imposed in respect of the land.

4. **REPAIRS:**

4.1 At the commencement of the term of the Lease the Council and the Lessees will meet to inspect the fences, buildings and other erections ("the improvements") on the land and will take photographs of the improvements to establish the standard of the improvements.

4.2 The Lessees will during the term keep and maintain the improvements situated on the land in the same standard as existed at the commencement of the Lease. On the expiry (or earlier termination) of the Lease, the Lessees will ensure that the improvements are in the same standard of repair as at the commencement of the lease (except for fair wear and tear or damage by fire or earthquake).

5. **CULTIVATION/USE:**

5.1 That the Lessees will cultivate, use and manage all parts of the land in a proper and husbandlike manner and will not impoverish or waste the land, but will keep it in good order and condition. The Lessees will use the land for grazing stock only and will not use the land for any other purpose.

5.2 In the proper season for so doing in each year the Lessee will topdress the land with appropriate quantities of phosphatic fertiliser, to be approved by the Council, in accordance with good farming practice. At the expiry (or earlier termination) of the Lease all of the

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land is to be sown in good permanent grasses and clovers and in the event it fails to grow properly the lessee will re-sow it at their own expense or pay the Council the costs of doing so.

6. **TREES:** That the Lessees will not damage, destroy or cut down any trees growing on the land without the prior written consent of the Council. The Lessees shall remove all fallen or cut trees from the land, at their own expense.
7. **PEST PLANTS:** That the Lessees will, at this own expense, and at the Council's direction:
- (a) Use the most approved modern methods to suppress and eradicate gorse, blackberry, ragwort, hemlock, thistles or other pest plants growing on the land,
 - (b) Punctually comply with all reasonable directions of the Council as to the methods to be used, and
 - (c) Comply with all the provisions, amendments and regulations of the Biosecurity Act 1993, **PROVIDED** that the Lessees shall indemnify the Council against any contributions, costs, charges and expenses which the Council may be called upon or compelled to pay under those Acts.
8. **ANIMAL PESTS:** That the Lessees will, at their own expense, keep the land free and clear of rabbits and other animal pests, and will indemnify the Council against any contributions, costs, charges and expenses which the Council may be required to pay under the Biosecurity Act 1993, or its amendments/re-enactments.
9. **PRESERVATION OF ENVIRONMENT:** That the Lessees will do whatever is necessary to prevent destruction or damage to the natural, historical, archaeological, geological or other scientific features of the land, or any indigenous flora or fauna on it. The Lessees will notify the Council immediately if any damage occurs, or if any threat of damage becomes apparent.
10. **NUISANCE:** That the Lessees will not do, permit, or cause to be done in, on or around the land, any act, matter or thing which could become an annoyance, nuisance or disturbance to the Council or adjoining landowners or occupiers.
11. **STATUTES AND REGULATIONS:** That the Lessees will in all respects comply with the provisions of all Statutes, Orders in Council, ordinances, regulations, bylaws, requisitions, notices or orders so far as they relate to the land or to anything done or omitted to be done on the land by the Lessees. The Lessees will indemnify the Council from and against all actions and claims resulting from any breach of the above provisions.



- 12. PERMANENT IMPROVEMENTS:** That the Lessees will obtain the written consent of the Council before erecting any improvements of a permanent nature.
- 13. ASSIGNMENT:** That the Lessees will not assign, sublet or part with the possession of the land, or any part of it.
- 14. COUNCIL'S RIGHT OF ENTRY:** The Lessees will permit the Council or persons authorised by the Council, at all reasonable times to enter upon the land:
- (a) To view its condition. If anything requires repairs, the Council shall tell the Lessees, who shall immediately, at their own expense, repair whatever is required. The Lessees shall also meet the costs, if any, of inspection of the repairs by the Council, and
 - (b) If the Council intends to do any work which involves the land, the council shall have the right, to carry out such tests and evaluations as the Council considers necessary to ascertain the suitability of the land for the work. In carrying out such tests the Council and its authorised personnel will cause as little inconvenience to the Lessee as possible and the Council will at its cost reinstate the land following any such testing.
 - (c) If a stream or river borders or traverses the land the Council shall have the right to erect stock proof fences to fence off the stream or river. Any fences so erected shall be maintained by the Lessee to the same condition during the term of the lease.
- 15. COUNCIL MAY PERFORM LESSEES' OBLIGATIONS:** That if the Lessees shall at any time default in the performance of any of the terms or conditions expressed or implied in the lease, the Council may remedy the defaults, without prejudice to its other rights or remedies and the Lessees shall be liable for the Council's costs incurred in remedying such defaults.
- 16. REMOVAL OF BUILDING ETC:** That the Lessees will not remove from the land any buildings, erections, fences or improvements without the prior written consent of the Council.
- 17. FENCES:** In addition to Clause 3 above, the Lessees will, at their own costs comply with the provisions of the Fencing Act 1978, or its amendments and re-enactments.
- 18. GRASS GRUB, ETC:** The Lessees will take all steps and measures to control grass grub, porina caterpillar and all other insect pests.



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19. **DAIRY CATTLE:** If the Lessees graze dairy cattle on the land, they shall, at their cost, comply with the provisions of the Dairy Industry Act 1952, or its amendments and re-enactments. Under no circumstances whatsoever shall the Council be liable to contribute to any expenditure on buildings or other improvements.
20. **METAL:** The Lessees shall not remove, nor allow to be removed from the land, any metal, stone, gravel, topsoil or sand.
21. **FIRE:** In the event of fire going over the land, the Lessees will, at their own expense, in the proper season of the year immediately following the fire, sow that part of the land to the satisfaction of the Council with certified seed of suitable quantity, quality and type.
22. **LESSEES' IMPROVEMENTS:** At the expiry or earlier termination of the lease, the Lessees may and if required by the Council, shall, remove from the land any fixtures and fittings owned by the Lessees. Such removal is at the Lessees' cost, as is any damage caused by such removal. No compensation shall be payable to the Lessees for any fixtures or fittings left on the land after the termination of the Lease, unless agreed to by the Council in writing.
23. **STOCKING:** The Lessees will not overstock the land and in particular, during the final year of the Lease, will not run any more stock than has been usual over the previous two years, in compliance with the obligation not to overstock.
24. **TERMINATION:** The term hereby created may be terminated by either party upon three (3) months prior written notice being given to the other party. Termination of the term shall not release any party from liability to the other party for any prior breach of the terms and conditions of the Lease.
- (a) Council reserves the right to terminate the Lease at any time after 12 months with three (3) months' notice should the property be put up for sale.
25. **RIGHT OF RENEWAL:** That if the Lessee has, during the term of the Lease, paid the rent and observed and performed the covenants and conditions required of the Lessee up to the expiry of the term of the Lease and have given notice in writing to the Council at least two (2) calendar months before the expiry of the Lease of his desire to take a renewed Lease, then the Council may in the Council's sole discretion grant to the Lessee a renewal of this Lease for a further term of five (5) years at a rental to be mutually agreed upon by the parties or failing agreement the rental shall be determined by an independent registered valuer appointed by the Council but in neither case shall such new rental be less than the
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rental payable immediately prior to the commencement of such renewed term.

26. BREACHES:

26.1 That if the rental or other moneys payable pursuant to the Lease remains unpaid for fourteen (14) days after the due date or demand, or the Lessees breach any terms or conditions of the Lease, then the Council may without prejudice to any of the Lessors other rights or remedies at law or at equity sue the Lessee for specific performance or cancel this Lease by immediately or thereafter re-entering the land if the Council has first observed the requirements, where it is required by law to do so, of sections 243-264 of the Property Law Act 2007 but without prejudice to the rights of the Council in respect of any prior breaches by the Lessee in relation to the terms and conditions of the Lease.

26.2 It shall be an act of default under this Lease if the Lessees:

26.2.1 Lessee a Natural Person: being natural person

- (a) is declared bankrupt or insolvent according to law; or
- (b) assigns his or her estate or enters into a deed of arrangement for the benefit of creditors; or

26.2.2 Lessee a company: being a company

- (a) is or is deemed to be unable to pay the Lessee's debts under section 287 of the Companies Act 1993
- (b) goes into liquidation (other than voluntary liquidation for the purpose of reconstruction or amalgamation approved in writing by the Council);
- (c) is wound up or dissolved;
- (d) enters into voluntary administration or any assignment or other compromise of scheme of arrangement with the Lessee's creditors or any class of the Lessee's creditors; or
- (e) has a receiver, manager or receiver and manager appointed relating to any of the Lessee's assets.

27. INTEREST: That if the Lessees fail to make payment to the Council of any moneys owing to it pursuant to any clause of the Lease, within fourteen (14) days of the Council demanding such moneys, the Lessees agrees that interest shall accrue on the outstanding moneys at the rate of 10 (10)% per annum, until such moneys are paid, notwithstanding the Council's right of re-entry in Clause 25 above.

28. COSTS: That the Council's legal costs relating to the preparation and completion of the Lease, including any variation or renewal, shall be paid by the Lessee together with any costs or expenses that may be incurred by the Council as a result of the Lessee's breach of any terms or conditions of the Lease.



29. **QUIET ENJOYMENT:** That in return for the payment of rental and the performance of all the terms and conditions of the lease, the Lessees shall quietly hold and enjoy the land throughout the Lease without any interruption by the Council or its agents.
30. **PROPERTY LAW ACT:** The covenants and powers contained in subpart 3 of part 4 of the Property Law Act 2007 do not apply to this Lease to the extent that they are inconsistent with this Lease's expressed terms.
31. **LEASE NOT REGISTRABLE:** That the Lessees shall not be entitled to register the Lease, or any renewal of it, nor caveat the Council's title to the land.
32. **ARBITRATION/MEDIATION:** All differences and disputes arising between the Lessees and the Council concerning the land, or any term or condition of the Lease, shall be referred to the arbitration of two arbitrators - one to be appointed by each party, with an umpire to be appointed by the two arbitrators if necessary. Any arbitration shall be in accordance with the Arbitration Act 1996 or any amendment and re-enactment **SUBJECT HOWEVER** to the Lessees and the Council attempting to mediate, on mutually acceptable terms any differences first.
33. **GST:** That the Lessee shall pay to the Council the amount of Goods and Services Tax, if applicable, on any of the moneys payable by the Lessee to the Council.





RIGHT OF RENEWAL

THE PARTIES WARREN LESLIE PINFOLD (hereinafter called "the Lessee")
and THE TARARUA DISTRICT COUNCIL (hereinafter called "the Council")

WHEREAS

- (a) The Lessee and the Council are parties to a Memorandum of Lease dated the 15th of February 2018.
- (b) The term of the Lease was for five (5) years expiring on the 14th of February 2023.
- (c) The Lessee wishes to exercise its right of renewal for a further period of five (5) years from the expiry of the original agreement.

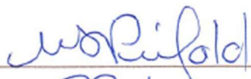

IT IS HEREBY AGREED that the Memorandum of Lease is renewed for a further period of five (5) years, to the 14th of February 2028, on the existing terms and conditions.

DATED this 26th day of January 2023

SIGNED for

Warren Leslie Pinfold



Witnessed by

SIGNED for the

TARARUA DISTRICT COUNCIL

Witnessed by

Appendix Three – Acquisition History

July 1971 Certificate of Title (CT) HBD4/380 was issued to Mabel Dwan Riddell for Lots 10 and 11 and Part Lots 9 and 12 DP 2855.

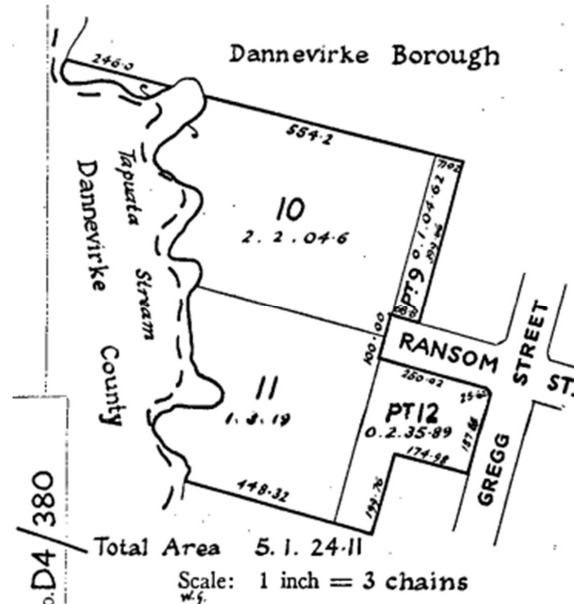


Diagram E: Snip of historic CT HBD4/380.

DP 2855 (1913) surveyed Lots 1 to 18 of Part Suburban Section 29 Dannevirke.

The Property is comprised in Lots 10 and 11 DP 2855.

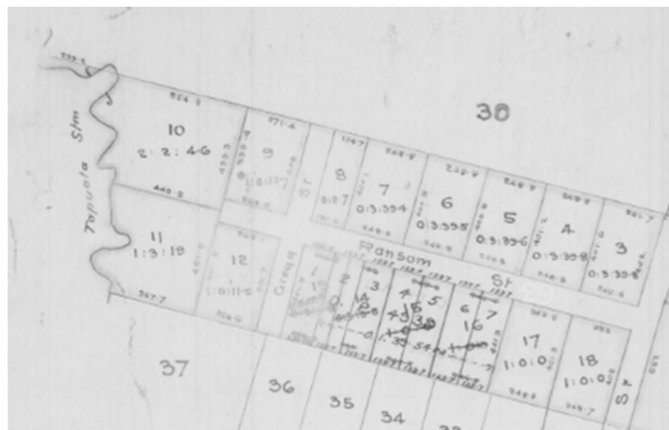


Diagram F: Snip of DP 2855.

Dec 1975	A motion in the Dannevirke Borough Council's minute book refers to a "Land Transfer Plan of Mrs Dawn Riddell's subdivision for execution by the Council". This motion notes that Lot 5 is to be vested in the Council and offered to Mrs Riddell as a grazing lease "until Council requires it for development".
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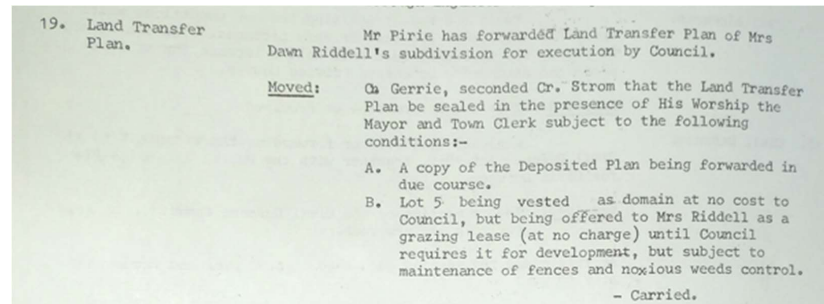


Diagram G: Snip of page 82, Dannevirke Borough Council 1975 minute book.

Apr 1976 DP 14559 was deposited, defining Lots 1-13 and being a subdivision of all of the land held in CT HBD4/380.

Lot 5, being the Property, was vested as recreation reserve in Dannevirke Borough Council pursuant to section 352(4) of the Municipal Corporations Act 1954. Upon vesting, the Property became subject to the Reserves and Domains Act 1953.

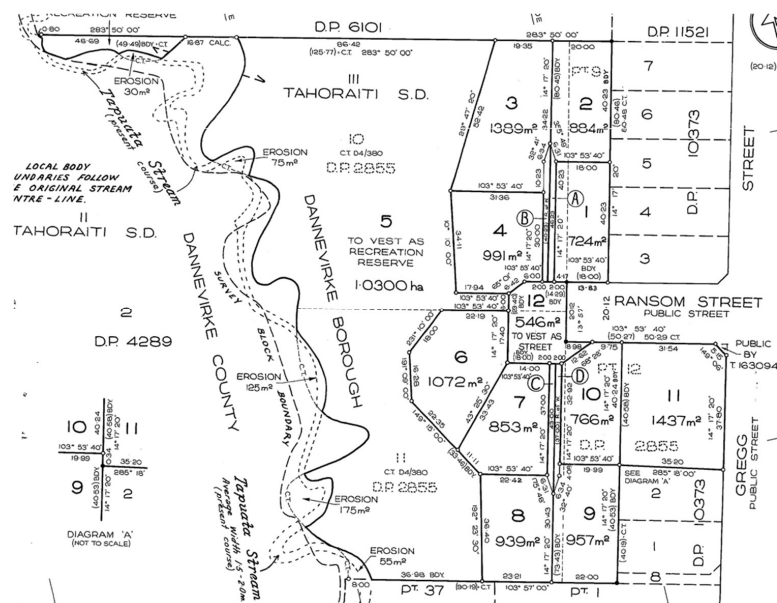


Diagram H: Snip of DP 14559

Feb 1987	Under the Dannevirke Borough – Dannevirke County Union Order 1987, the Dannevirke Borough Council and the Dannevirke County Council amalgamated to become the Dannevirke District Council (NZ <i>Gazette</i> 1987 page 1018).
----------	---

June 1989	Under the Local Government (Manawatu-Wanganui Region) Reorganisation Order 1989, the Dannevirke District Council was dissolved, and the Tararua District Council took over its functions, duties and powers as an administering body under the Reserves Act (NZ <i>Gazette</i> 1989 page 2351).
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Appendix Four – Statutory Interpretation

Municipal Corporations Act 1954

Section 352(3) provided that, on deposit of a subdivision plan, any land shown on the plan as reserves shall vest in the Corporation. Such land would be held as reserve set apart for the purposes indicated on the plan and would be subject to the Reserves and Domains Act 1953.

On deposit of DP 14559 in 1976, the Property vested in Dannevirke Borough Council as a recreation reserve.

Reserves Act 1977 (Reserves Act)

The Property falls within the section 2 definition of “reserve” or “public reserve” as including *“any land which immediately before the commencement of this Act was a public reserve within the meaning of the Reserves and Domains Act 1953.”*

Revocation and disposal of reserves are provided for in sections 24 and 25 of the Reserves Act – see the revocation and disposal process outlined at Appendix Five.

Upon revocation of the reservation of the Property, title shall be deemed to have been derived by the Corporation, given the Property vested in Corporation (Dannevirke Borough Council) on subdivision – section 25(5) Reserves Act.

Conservation Act 1987

The Council, in its capacity as administering body, will need to consider whether consultation with iwi is/is not warranted pursuant to section 4 of the Conservation Act 1987. Section 4 requires that the Reserves Act should be interpreted and administered to give effect to the principles of the Treaty of Waitangi.

If consultation is warranted, this should take place before public notification (step 5, Appendix Five). If consultation is not warranted, the Council report should state the reasons for this stance.

While the Property is not deemed to be Crown-derived (and therefore are not subject to any Treaty Settlement), the obligation to consult with iwi remains. The following passages have been taken from the Department of Conservation’s ‘A Guide for Reserve Administering Bodies’ with relation to the administration of the Reserves Act:

Why the Treaty Applies

The Reserves Act 1977 is one of the Acts contained in the First Schedule to the Conservation Act 1987. S.4 of the Conservation Act requires that the Act should be interpreted and administered so as to give effect to the principles of the Treaty of Waitangi. The Court of Appeal in *Ngai Tahu Maori Trust Board v Director-General of Conservation* [1995] 3 NZLR 553 held that the obligation in s.4 required each of the Acts in the First Schedule to be interpreted and administered as to give effect to the principles of the Treaty of Waitangi, at least to the extent that the provisions of those Acts were clearly not inconsistent with those principles.

Treaty Obligation

Administering bodies under the Reserves Act derive their authority over reserves from the Act. Accordingly, in performing functions and duties under the Act, the administering body has a duty similar to the Crown's to interpret and administer the Act to give effect to the principles of the Treaty of Waitangi.

As the obligation relates to the administration of the Act, all reserves administered under the Reserves Act – whether they derive from the Crown or otherwise – are subject to the s.4 of the Conservation Act obligation.

In any event, current industry view recommends that consultation with iwi should occur as a matter of course.

Public Works Act 1981

We consider that the Property is not subject to section 40 of the PWA, because:

- the Property was never acquired for a public work but was rather vested in Council's predecessor (Dannevirke Borough Council) as a condition of subdivision, without the presence of compulsion, and
- there is no evidence that Council has held the Property for a public work or 'local work'.

The Property was vested in Council's predecessor as reserve on subdivision by the former owner (Mabel Dawn Riddell pursuant to the Municipal Corporations Act 1954. The former owner's decision to subdivide and vest the land in Council's predecessor would have been a commercial one.

Whether Council needs to assess section 40 PWA depends on whether the Property is considered to be held for a public work in its own right. If there are works on the land that qualify as 'local works' under the PWA, it can be argued that the land is held for a public work – 'local work' is defined in section 2 of the PWA:

local work means—

(a) a work constructed or intended to be constructed by or under the control of a local authority, or for the time being under the control of a local authority; and

(b) [not applicable].

Aerial imagery (Retrolens) does not suggest that there has been any development on the Property. We have indicated the location of the Property on each image below in red.

25

Therefore, unless Council has evidence of a 'local work' component on the Property, this land is not considered to be subject to section 40 PWA.



1977



1980



1983



1999

Local Government Act 2002

There are no restrictions on disposal of the reserves in terms of section 138 of the Local Government Act 2002 as the definition of park in this Act excludes land held as reserve under the Reserves Act.

Appendix Five – Reserves Act Revocation and Disposal Process

Preliminary Actions Completed by Council

- 1 If Council wishes to create an esplanade strip along the edge of Tapuata Stream, we suggest that Council officers seek planning advice at the outset of this process to understand when the following actions need to occur in the below process:
 - Arranging survey of the Property to tidy up the accretion and erosion and identify the proposed esplanade strip from the part of the Property to be disposed of, and
 - Obtaining subdivision consent to enable the part of the Property to be disposed of to be held in a separate record of title.
- 2 Council officers discuss revocation proposal with the Department of Conservation (DOC) in accordance with section 24(2)(b) of the Reserves Act.
- 3 Council officers consult with iwi pursuant to section 4 of the Conservation Act 1987 (if warranted).
- 4 An initial report to Council is submitted outlining the reasons for the revocation and seeking a decision to initiate the revocation process.
- 5 Council publicly notifies its intention to prepare a resolution for the revocation of reserve status and calling for written objections in accordance with section 24(2)(b) of the Reserves Act.

Persons claiming to be affected may give written notice of their objections within one month (section 24(2)(c) of the Reserves Act).
- 6 Council formally resolves to request the revocation of reserve status by the Minister. The reasons for the proposed revocation must be set out in the resolution.

Any objections or submissions from the public notice must be summarised in the Council report and considered by Council.
- 7 Council officers submit the Council resolution to DOC along with supporting information to enable a case for the revocation to be presented to the Minister of Conservation.

Timeframe: 4-6 months, depending on Council's internal processes and whether objections/submissions received.

DOC Internal Actions

- 8 DOC follows internal processes to consider Council's request and review public objections or submissions on the proposal, and Council's response to the said objections or submissions.

DOC notifies Council of decision.

- 9 If DOC agrees to the revocation, DOC executes a gazette notice and arranges for registration and publication in the New Zealand Gazette.

Timeframe: Dependant on DOC capacity.

Subsequent Actions Completed by Council

- 10 The Property (or the part of the Property to be disposed of) becomes fee simple land on revocation (publication of the Gazette notice). Council can dispose of the land in accordance with its internal disposal policy (if any). All disposal proceeds will be able to be retained by Council.

Note: On the assumption that Council may seek to dispose of the land on the open market, Council should raise a Record of Title for the Property (or the part of the Property to be disposed of) by making a section 90 Land Transfer Act 2017 application.



The Property Group Limited
Christchurch Office
PO Box 7240 Christchurch 8240
Level 2, Lion House
169 Madras Street
Christchurch 8011

9 May 2025
Our Job No 720153

Land Disposal Investigation Report – 62 Ormond Street, Woodville (Woodville Pioneer Museum)

Introduction

Tararua District Council (**Council**) has engaged The Property Group Limited (**TPG**) to complete a land status and acquisition history investigation in respect of the property at 62 Ormond Street, Woodville (Woodville Pioneer Museum) (**Property**).

The purpose of this investigation is to:

1. Confirm the status of the Property, and how it is held by Council,
2. Establish the acquisition history of the Property,
3. If the Property is subject to the Public Works Act 1981 (**PWA**), identify the former owner (and any successor) and whether there is an obligation to 'offerback', and
4. Establish the correct pathway(s) available to Council to dispose of the Property, and any existing obligations on Council in following those pathways.

TPG has completed a detailed review and research into the Property to determine Council's statutory obligations and recommended disposal process, should all or part of the Property become surplus to Council's requirements. The purpose of this report is to assist in future decision making, and stakeholder engagement in respect of the Property. This report is preliminary advice only and neither the request for this report nor the report itself is in any way intended to imply the Property has been declared surplus or that the Council intends to declare it surplus.

Executive Summary

The Property is legally described as Town Section 44 Town of Woodville held in Record of Title (**RT**) HB66/240, and is 1012 square metres more or less located at 62 Ormond Street, Woodville.

Our investigations have concluded that the Property is a local purpose (site for a museum) reserve subject to the Reserves Act 1977 (**Reserves Act**). The Property is a Crown-derived reserve vested in Council.

The Property was originally Crown reserve for "a site for a Courthouse", before it was exchanged with a nearby reserve and became "a site for a library and mechanic's institute" in 1886.

The Property was vested in trust in the Woodville Borough Council in 1903, and classified as a local purpose (site for a museum) reserve in 1981.

Should Council wish to dispose of the Property in the future, it will have to revoke the reserve status in accordance with the Reserves Act – this process is summarised in Appendix Five.

Should Council wish to subdivide the Property and to dispose of only the front part of the Property containing the dwelling, we suggest that Council seeks planning advice at the outset of this process. Additionally, if Council intends to retain the back part of the Property, it should consider whether reclassification under the Reserves Act is appropriate to reflect the current local purpose of this part of the Property.

As the Property is Crown-derived, it would become Crown land available for disposal under the Land Act 1948 upon revocation. The Department of Conservation (**DOC**) would then arrange for disposal through Toitū Te Whenua Land Information New Zealand under the Land Act 1948.

DOC's current policy is that the Crown and territorial local authorities will equally share the proceeds of the disposal of a revoked reserve and be reimbursed for costs. Council could access moneys available under this policy by applying to DOC at the point when it notifies the Commissioner that a reservation should be revoked. We also note that DOC usually allows the administering body to retain the sale proceeds relating to any improvements on the revoked reserve.

Further details are outlined below.

Client	Tararua District Council
Instruction	Email dated 6 March from Kawtar Tani, Group Manager – Strategy & Community Wellbeing attaching a signed short form agreement pursuant to TPG's proposal dated 3 March 2025.
Location/Address Physical Description	<p>The Property is located at 62 Ormond Street in the centre of Woodville and is shaded yellow on Diagram A below.</p> <p>The Property contains a dwelling (formerly used as a museum) fronting Ormond Street, a modern storage shed at the back of the Property, and two small sheds along the northern boundary of the Property.</p>  <p>Diagram A: Aerial Plan of the Property (shaded yellow).</p>  <p>Diagram B: Snip of Google Street View of 62 Ormond Street (Jan 2025).</p>



Diagram C: Snip of Google Street View of 31 Pollen Street, looking at the southern side of the modern storage shed on the Property (Jan 2025).

An article in the Manawātū Standard dated 2 January 2025¹ states the following about the Property:

Part of the Woodville Pioneer Museum on Ormond would be disposed of.

The house at the front of the site no longer operated as a museum but was used for storage. A modern shed at the rear of the property was used by the museum trust.

The council would consider subdividing the section, retaining the rear building and disposing of the house.

The minister of conservation would have to revoke the site's reserve status before it could be disposed.

The council would talk with the Woodville Museum Trust about its needs for the site.

Parcel ID	4199811
Legal Description, Area and Title	1012 square metres more or less being Town Section 44 Town of Woodville held in RT HB66/240. If Council intends to retain the back part of the Property, subdivision consent and a Land Transfer (LT) plan will be required to create a separate RT for the part of the Property to be disposed of. Planning advice is required in relation to any proposed subdivision.
Interests recorded on the Title	None.

¹ [Tararua District Council considers asset sales | The Post](#)

Status	Crown-derived reserve local purpose (site for a museum) vested in Council and subject to the Reserves Act.
Administering Body	Tararua District Council
Zoning	<p>Operative District Plan</p> <p>The Property is zoned Residential. Map Number 42 is attached as Appendix One.</p> <p>The Property is not listed in Operative District Plan Appendix 14: Schedule of Reserves at 14.2 (Tararua District Council Reserves).</p> <p>Property District Plan Review 2023/2024</p> <p>The Property is zoned Mixed Use on the Re-zoning Mapping Tool for.</p>
Contamination	<p>The Property is not recorded in Horizons Regional Council's Sites with Hazardous Substances (SAHS) database.</p> <p>Horizons Regional Council has also checked the Property against the information it holds from the Council in relation to Hazardous Activities and Industry Lists (HAIL) records (last updated September 2023) and has confirmed that there are no records relating to the Property.</p>
Hazards	The Property has been categorised as "Possible" for Liquefaction Vulnerability – see Liquefaction Prone Land – Local Maps and Tararua Hazards – Public Maps .
Interests Affecting the Status of the Property	<p>The Property is a recreation reserve and is subject to the Reserves Act.</p> <p>We have not sighted any leases or licences between the Woodville Pioneer Museum Society (Museum Society) and the Council. If the Museum Society uses both the dwelling and the "modern shed" for storage, any arrangement with the Museum Society will have to be appropriately terminated / partially terminated if the Council decides to dispose of part or all of the Property. A letter dated June 2007 from the Museum Society to Council notes that Council owns the buildings at the Property – a copy of this letter is attached as Appendix Two.</p>
Māori Interests	<p>The Property is located within the area of interest of Ngāti Kahungunu, Ngāti Kahungunu ki Wairarapa - Tāmaki nui-ā-Rua, and Rangitāne o Tāmaki nui ā Rua.</p> <p>While the Property is a Crown-derived reserve, it does not fall within the meaning of RFR (right of first refusal) land under:</p> <ul style="list-style-type: none"> • Section 110 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 – the Property is not described in part 6 of the Attachments to the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Deed of Settlement. • Section 99 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 – the Property is not described in part 6

	<p>of the Attachments to the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Deed of Settlement.</p> <p>Because this is a Crown-derived reserve and will become Crown land under the Land Act 1948 upon revocation, any disposal of the land would be subject to Crown disposal clearance requirements, which may include submission of the land to Te Tari Whakatau (Māori Protection Mechanism and Sites of Significance Process).</p>
Acquisition History	<p>The Property was originally Crown reserve for “a site for a Courthouse”, before it was exchanged with a nearby reserve and became “a site for a library and mechanic’s institute” in 1886. The Property was vested in trust in the Woodville Borough Council in 1903 and classified as a local purpose (site for a museum) reserve in 1981.</p> <p>See Appendix Three for the detailed acquisition history of the land.</p>
Statutory Interpretation	<p>Reserves Act 1977 (Reserves Act)</p> <p>The Property is subject to the Reserves Act, as it falls within the section 2 definition of “reserve” or “public reserve”.</p> <p>The provisions for revocation and disposal of reserves are provided for in sections 24 and 25 of the Reserves Act 1977.</p> <p>Conservation Act 1987</p> <p>The Council, in its capacity as administering body, will need to consider whether consultation with iwi is/is not warranted pursuant to section 4 of the Conservation Act 1987.</p> <p>Section 4 requires that the Reserves Act should be interpreted and administered to give effect to the principles of the Treaty of Waitangi.</p> <p>Public Works Act 1981</p> <p>Not applicable on the evidence at hand – the Property has been subject to reserves legislation since the 1880s.</p> <p>Local Government Act 2002</p> <p>Section 138 (restriction on disposal of parks (by sale or otherwise)) is not applicable as a park does not include land that is held as a reserve.</p> <p>See Appendix Four for detailed analysis of the relevant legislation.</p>
Disposal Process Summary and Additional Considerations	<p>The Property is subject to the provisions of the Reserves Act, which contains the reserve revocation and disposal process. Appendix Five outlines of the steps involved in the revocation process should Council wish to dispose of the Property.</p> <p>While many ministerial powers under the Reserves Act are currently delegated to local authorities that are administering bodies, the Minister of Conservation (Minister) retains the power to revoke the status of reserves.</p>

Additional considerations for potential disposal

- We understand that the Council may consider subdividing the Property, so that it can retain the part with the rear building (the modern storage shed) and dispose of the part containing the dwelling. Subdivision would be required to create a separate RT for the part of the Property to be disposed of. Planning advice is required in relation to any proposed subdivision. As part of this process, an LT plan will be required.
- Additionally, if Council intends to retain the back part of the Property, it should consider whether reclassification under the Reserves Act is appropriate to reflect the current local purpose of this part of the Property.

Prepared by:



Jenny Acker

Senior Property Consultant

021 195 0144

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Reviewed by:



Jackie Haynes

General Counsel

027 271 4405

jhaynes@propertygroup.co.nz

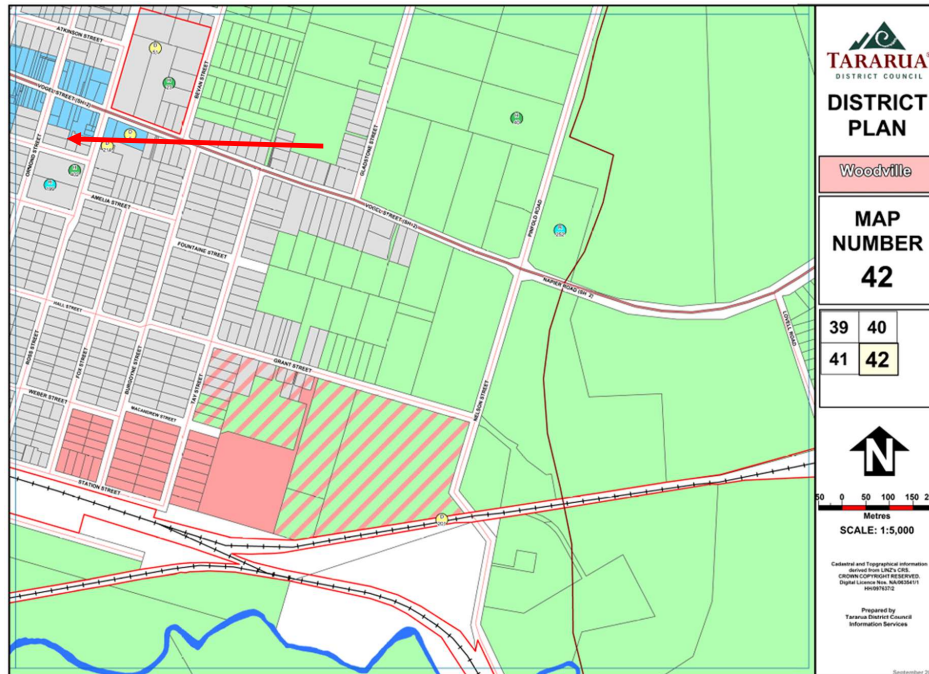
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



















This Land Disposal Investigation Report is based on available evidence and records.

The Property Group Limited has no power to make a binding ruling or legal determination as to the status of land but does have significant knowledge and experience in the provision of Land Disposal Investigation Reports.

Appendix One – Tararua District Plan Maps

We have inserted a red arrow indicating the location of the Property.



Key to Planning Maps			 DISTRICT PLAN LEGEND
Management Areas	Water Features	Other Features	
 Industrial	 Water Catchment <small>(For information only)</small>	 Gas Pipeline (HPG)	
 Commercial	 Water Body	 Railway Lines	
 Residential	Notations  Designations	 Transmission Lines	
 Rural		 Urban Buffer Area	
 Settlement	 Significant Natural Area	 Parcel Boundary	
Overlay  Future Industrial  Future Residential	 Heritage Site	 District Boundary	
	 Reserve Site	 Formed Roads	
	 Designation Areas	 Unformed Roads	
		 Dairy Factory Noise Boundary <small>(Refer Appendix 17)</small>	
		 Covenant Areas	
		 Forest Parks	
		<small>Cadastral and Topographical information derived from LINZ's LRS. CROWN COPYRIGHT RESERVED. Digital Licence No. N4050491. 1000910372</small>	
		<small>Prepared by Taranaki District Council Information Services</small>	
		<small>June 2025</small>	

Appendix Two – Letter to Council

SCANNED21/06/200708:32:30

The Woodville Pioneer Museum Society Inc.

Located at: 62 Ormond Street, Woodville.

Open: 2- 4pm Sundays

18 June 2007

Michael Brown
Taranua District Council
P.O. Box 115
Dannevirke 4930

106036



Dear Michael

Re : Council Owned Buildings

As you are aware the Council owns the land and buildings at 62 Ormond Street Woodville. The Museum maintains the land and buildings to a high standard. The paintwork is white with a green trim. The Library/Residence (cottage) was purpose built by the Woodville Borough Council before 1900 and is one of Woodville's oldest buildings.

At present we have a old waterpump near the front left-side with a sign attached. A few years ago with funding from Pub Charity I arranged for a local signwriter (at the time) to paint a large sign which was placed on the front of the building above the windows.

The curator and I feel we have enough signage, along with the yellow (AA) sign at the Vogel Street corner with Ormond Street.

Many of the members would like Bettina McCulloch to paint a mural on the front of the cottage. This I feel would detract from the clean tidy heritage appearance of the building and give it a cluttered effect (overkill). I did hear that there was a move some time ago to paint a mural on the library building.

Myself and others in the town feel that the Woodville is nearing the limit for this type of signage. We would prefer to see some of the buildings in the business area given a fresher coat of paint or have old signage removed from those buildings that have been vacated.

I look forward to the hearing Council's policy/view on this matter.

Yours sincerely

A handwritten signature in cursive script that reads "Barbara Olsen".

Barbara Olsen
Secretary

Please address all correspondence to: Mrs Barbara Olsen
Secretary
Woodville Pioneer Museum Society Inc.
28 Ormond Street
WOODVILLE

Appendix Three – Acquisition History

July 1884 The Property is shown as Town Section 44 shaded red on a map of the Township of Woodville (now Survey Office Plan (SO) 5208).

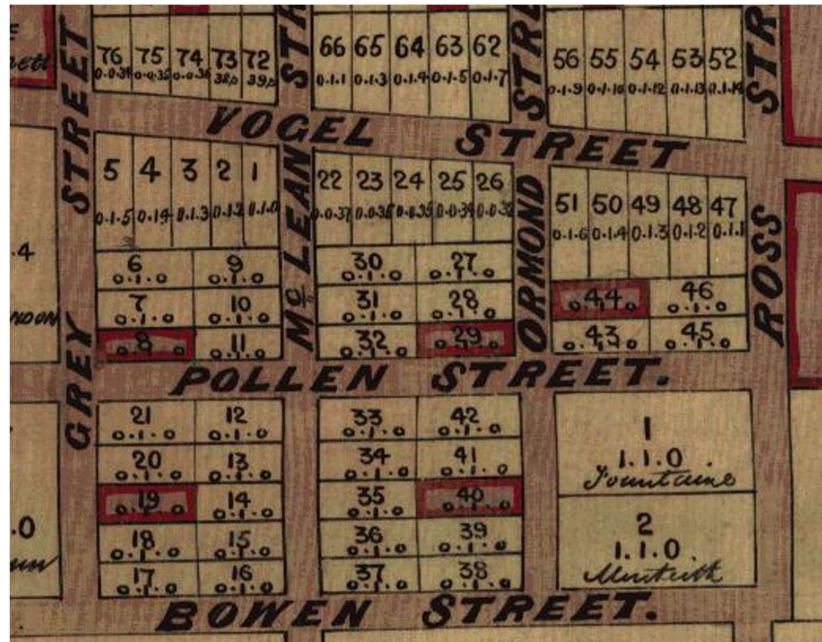


Diagram D: Snip of SO 5208.

The Property is described as “RED” on the schedule of Town Sections on SO 5208, as are other reserves i.e. Town Section 40.

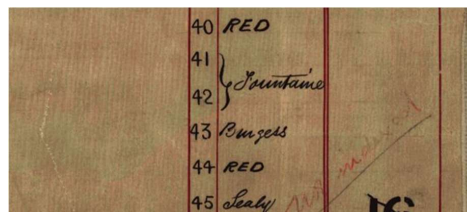


Diagram E: Snip of schedule of Town Sections on SO 5208.

Sept 1886 The Property exchanged with a nearby reserve described as Section No. 40 Township of Woodville pursuant to the Public Reserves Act 1881 (NZ Gazette 1886 page 1091).

The result of this exchange was that the Property changed from “a site for a courthouse” to “a site for a library and mechanic’s institute”. These uses were

categorised as "Class 1: Reserves for County, Local, and Municipal Purposes" under the First Schedule of the Public Reserves Act 1881.

Exchange of Land in Hawke's Bay.

WM. F. DRUMMOND JERVOIS,
Governor.

WHEREAS the provisions and the requirements of the seventh section of "The Public Reserves Act, 1881," have been duly complied with in respect of the lands described in the first column of the Schedule hereto: And whereas notices in the *Gazette* have been duly published for four consecutive weeks, and laid before both Houses of the Assembly, as provided by the ninth section of the said Act: And whereas no resolution of either House of Assembly has been passed that such House does not concur in the intention declared in any such notices:

Now, therefore, I, William Francis Drummond Jervois, the Governor of the Colony of New Zealand, in exercise and pursuance of the powers and authorities vested in me by the Act aforesaid, do hereby exchange the land described in the first column of the Schedule hereto for the land described in the second column of the said Schedule.

SCHEDULE.

First Column.	Second Column.
All that piece or parcel of land in the Provincial District of Hawke's Bay, containing by admeasurement 1 rood, more or less, situate in the Woodville Survey District, being Section No. 40 of the Township of Woodville. Bounded on the East by Ormond Street, 100 links; on the South by Town Section No. 39, 250 links; on the West by Town Section No. 35, 100 links; and on the North by Town Section No. 41, 250 links: be all the aforesaid linkages more or less. From a site for a library and mechanics' institute to a site for a courthouse.	All that parcel of land in the Provincial District of Hawke's Bay, containing by admeasurement 1 rood, more or less, being Town Section No. 44 on the map of the Township of Woodville. Bounded towards the North by Sections Nos. 51, 50, and 49, 250 links; towards the East by Section No. 46, 100 links; towards the South by Section No. 43, 250 links; and towards the West by Ormond Street, 100 links: be all the aforesaid linkages more or less. From a site for a courthouse to a site for a library and mechanics' institute.

As witness the hand of His Excellency the Governor,
this seventh day of September, one thousand
eight hundred and eighty-six.

ROBERT STOUT,
(For the Minister of Lands.)

Diagram F: Snip of NZ Gazette 1886 page 1091.

It is noted that Section No. 40 Township of Woodville was also a Crown reserve at the time of this exchange. We have found evidence that this reserve was reserved under the Land Act 1877 – see NZ *Gazette* 1884 page 1410.

Sept 1903 The Property was vested in the Woodville Borough Council "in trust, as a reserve for a site for a library and mechanics' institute' under the Public Reserves Act 1881 (NZ *Gazette* 1903 page 2048).

Vesting a Reserve in the Woodville Borough Council.

RANFURLY, Governor.

ORDER IN COUNCIL.

At the Government House, at Wellington, this fourteenth day of September, 1903.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS the land mentioned in the Schedule hereto was permanently set aside as a site for a library and mechanics' institute, on the seventh day of September, one thousand eight hundred and eighty-six:

And whereas, in the opinion of the Governor, it is expedient to vest the said land in the Woodville Borough Council:

Now, therefore, His Excellency the Governor of the Colony of New Zealand, acting by and with the advice and consent of the Executive Council of the said colony, and in exercise of the powers and authorities vested in him by the fourth section of "The Public Reserves Act, 1881," doth hereby declare that, from and after the day of the date hereof, the reserve mentioned in the Schedule hereto shall become vested in "The Mayor, Councillors, and Burgesses of the Borough of Woodville," in trust, as a reserve for a site for a library and mechanics' institute.

SCHEDULE.

ALL that parcel of land in the Hawke's Bay Land District, containing by admeasurement 1 rood, more or less, being Section No. 44, Town of Woodville.

J. F. ANDREWS,

Acting Clerk of the Executive Council.

Diagram G: Snip of NZ Gazette 1903 page 2048.

Mar 1904 RT HB66/240 was issued to Woodville Borough Council for the Property.

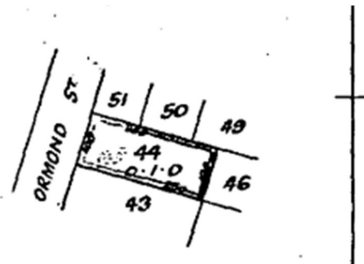


Diagram H: Snip of diagram on historic certificate of title HB66/240.

A notation on the historic title notes the reserve purpose:

THOS. HALL.
(L.S) District Land Registrar.
The within land is held in trust as a site for a Library
and Mechanics Institute THOS. HALL, D.L.R.

Diagram I: Snip of notation on historic certificate of title HB66/240.

July 1981 The Property was classified as a local purpose (site for a museum) reserve under the Reserves Act (NZ *Gazette* 1981 page 2187, GN 397347.1).

Classification of Reserves

PURSUANT to the Reserves Act 1977, and to a delegation from the Minister of Lands, the Assistant Commissioner of Crown Lands hereby declares the reserves, described in the Schedule hereto, to be classified as reserves for the purposes specified at the end of the respective descriptions of the said lands, subject to the provisions of the said Act.

SCHEDULE

HAWKE'S BAY LAND DISTRICT—WOODVILLE BOROUGH

1011 square metres, more or less, being town Section 44, Woodville, situated in Block IV, Woodville Survey District. All certificate of title 66/240. Local purpose (site for a museum).

2023 square metres, more or less, being suburban Section 47, Woodville, situated in Block IV, Woodville Survey District. *Gazette* notice 315604.2. S.O. Plan 3168. Recreation.

2995 square metres, more or less, being suburban Section 51, Woodville, situated in Block IV, Woodville Survey District. *Gazette* notice 316256.2. S.O. Plan 6632. Recreation.

Dated at Napier this 10th day of July 1981.

J. GRAY, Assistant Commissioner of Crown Lands.

(L. and S. H.O. Res. 5/2/77; D.O. 8/5/72)

Diagram J: Snip of NZ Gazette NZ Gazette 1981 page 2187, GN 397347.1.

March 1987 Under the Woodville Borough – Woodville County Union Order 1986, the Woodville Borough Council and the Woodville County Council amalgamated to become the Woodville District Council (NZ *Gazette* 1987 page 1121).

June 1989 Under the Local Government (Manawatu-Wanganui Region) Reorganisation Order 1989, the Woodville District Council was dissolved and the Tararua District Council took over its functions, duties and powers as an administering body under the Reserves Act (NZ *Gazette* 1989 page 2351).

Appendix Four – Statutory Interpretation

Reserves Act 1977 (Reserves Act)

The Property fell within the definition of “public reserve” and “reserve” under the Public Reserves Act 1881, and within subsequent definitions under successive legislation dealing with reserves – the Public Reserves and Domains Act 1908, the Public Reserves, Domains, and National Parks Act 1928, and the Reserves and Domains Act 1953.

The Property falls within the section 2 Reserves Act definition of “reserve” or “public reserve” as including *“any land which immediately before the commencement of this Act was a public reserve within the meaning of the Reserves and Domains Act 1953.”*

Revocation and disposal of reserves are provided for in sections 24 and 25 of the Reserves Act – see the revocation and disposal process outlined at Appendix Five.

Upon revocation of the reservation of the Property, the Property will become Crown land available for disposal under the Land Act 1948 – section 25(1) Reserves Act.

Conservation Act 1987

The Council, in its capacity as administering body, will need to consider whether consultation with iwi is/is not warranted pursuant to section 4 of the Conservation Act 1987. Section 4 requires that the Reserves Act should be interpreted and administered to give effect to the principles of the Treaty of Waitangi.

If consultation is warranted, this should take place before public notification (step 4, Appendix Five). If consultation is not warranted, the Council report should state the reasons for this stance.

While the Property does not fall within the meaning of RFR land under the relevant Treaty Settlement legislation (see Māori Interests section on pages 5-6), the obligation to consult with iwi remains. The following passages have been taken from the Department of Conservation's 'A Guide for Reserve Administering Bodies' with relation to the administration of the Reserves Act:

Why the Treaty Applies

The Reserves Act 1977 is one of the Acts contained in the First Schedule to the Conservation Act 1987. S.4 of the Conservation Act requires that the Act should be interpreted and administered so as to give effect to the principles of the Treaty of Waitangi. The Court of Appeal in *Ngai Tahu Maori Trust Board v Director-General of Conservation* [1995] 3 NZLR 553 held that the obligation in s.4 required each of the Acts in the First Schedule to be interpreted and administered as to give effect to the principles of the Treaty of Waitangi, at least to the extent that the provisions of those Acts were clearly not inconsistent with those principles.

Treaty Obligation

Administering bodies under the Reserves Act derive their authority over reserves from the Act. Accordingly, in performing functions and duties under the Act, the administering body has a duty similar to the Crown's to interpret and administer the Act to give effect to the principles of the Treaty of Waitangi.

As the obligation relates to the administration of the Act, all reserves administered under the Reserves Act – whether they derive from the Crown or otherwise – are subject to the s.4 of the Conservation Act obligation.

In any event, current industry view recommends that consultation with iwi should occur as a matter of course.

Public Works Act 1981

We have not found any evidence that the Property was previously held PWA. The Property has been subject to reserves legislation since the 1880s. The earliest evidence we have been able to find about the Property is SO 5208 (1884) and the reserve exchange with Town Section 40 in 1886 (NZ *Gazette* 1886 page 1091), which occurred under the Public Reserves Act 1881.

The result of this reserve exchange was that the Property changed to “a site for a library and mechanic's institute”. These uses were categorised as “Class 1: Reserves for County, Local, and Municipal Purposes” under the First Schedule of the Public Reserves Act 1881.

Local Government Act 2002

There are no restrictions on disposal of the reserves in terms of section 138 of the Local Government Act 2002 as the definition of park in this Act excludes land held as reserve under the Reserves Act.

Appendix Five – Reserves Act Revocation and Disposal Process

Preliminary Actions Completed by Council

- 1 If Council wishes to subdivide the Property and to dispose of the front part of the Property containing the dwelling, we suggest that Council officers seek planning advice at the outset of this process. It would be important to understand when in the below process the subdivision consent needs to be obtained, and an LT plan prepared, to create a separate RT for the part of the Property to be disposed of.
- 2 Council officers discuss resolution/proposal with DOC in accordance with section 24(2)(b) of the Reserves Act.
- 3 Council officers consult with iwi pursuant to section 4 of the Conservation Act 1987 (if warranted).
- 4 An initial report to Council is submitted outlining the reasons for the revocation and seeking a decision to initiate the revocation process.
- 5 Council publicly notifies its intention to prepare a resolution for the revocation of reserve status and calling for written objections in accordance with section 24(2)(b) of the Reserves Act.

Persons claiming to be affected may give written notice of their objections within one month (section 24(2)(c) of the Reserves Act).
- 6 Council formally resolves to request the revocation of reserve status by the Minister of Conservation.

Any objections or submissions from the public notice must be summarised in the Council report and considered by Council.
- 7 Council officers submit the Council resolution to DOC along with supporting information to enable a case for the revocation to be presented to the Minister of Conservation.

NB: DOC's current policy is that the Crown and territorial local authorities will equally share the proceeds of the disposal of a revoked reserve, and be reimbursed for costs. Council can access moneys available under this policy by applying to DOC at this point, when it notifies the Commissioner that a reservation should be revoked.

Timeframe: 4-6 months, depending on Council's internal processes and whether objections/submissions received.

DOC Internal Actions

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- 8** DOC follows internal processes of considering Council's request, reviewing public submissions on proposal, and Council's response to said submissions.

DOC notifies Council of decision.

-
- 9** If DOC agrees to the revocation, DOC executes a gazette notice and arranges for registration and publication in the Gazette.

-
- 10** The Property becomes Crown land on revocation (publication of the Gazette notice). DOC arranges for disposal through Toitū Te Whenua Land Information New Zealand under the Land Act 1948.

Timeframe: Dependant on DOC capacity.
