

AUCKLAND GRAMMAR SCHOOL BOARD v DEPARTMENT OF SURVEY & LAND INFORMATION

Year: 1995
Date: 10 October 1995
Court: Land Valuation Tribunal
Judge: Judge Morris
Reported: [1995] DCR 937
Noted: NZCLD, 5th Series, 0620
BriefCase

Property

Successful application as to whether memorial on certificate of title affected market value of land; 1939 Crown compulsorily acquired land for defence purposes; 1990 land transferred to Telecom under s25(1)(a) SOE Act 1986; land offered back to applicant for \$5,800,000; unable to buy land; entered into agreement with Fletcher Homes to on sale of land to latter at that price plus \$125,000

Held, resumption of land under Treaty of Waitangi Act 1975 a real risk for developers and owners; reduction in land valuation justified; compensation under s60(1) Public Works Act 1981 alternative to resumption; s27B memorial not insurmountable encumbrance; each case fact specific; value reduced to \$5,500,000

Words and Phrases

"full compensation"

Legislation Cited

Statutes

Atomic Energy Act 1945 s 8

Coal Mines Act 1979 s 5, s 261

Geothermal Energy Act 1953 s 3

Mining Act 1971 s 6, s 8

Petroleum Act 1937 s 3

Public Works Act 1981 s 40, s 40(1), s 40(2)(c), s 40(2A), s 60(1), s 62

State Owned Enterprises Act 1986 s 25(1)(a), s 27A, s 27B

Treaty of Waitangi (State Owned Enterprises) Act 1988

Treaty of Waitangi Act 1975 s 8A, s 8B

Cases Cited

Referred to

Chamberlain v Minister of Lands 20/12/90, Chilwell J, IW Lyall , HC Whangarei AP17/89; AP19/89 

Drower v Minister of Works and Development [1984] 1 NZLR 26 (CA)  [Yellow]