

Reserves and Other Lands Disposal Bill

Government Bill

As reported from the committee of the whole House

Reserves and Other Lands Disposal Bill

Key to symbols used in reprinted bill

As reported from the committee of the whole House

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Hon Louise Upston

Reserves and Other Lands Disposal Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Reserves and Other Lands Disposal Act **2008**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

Part 1

Preliminary provisions

3 Act binds the Crown

This Act binds the Crown.

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4 Entries in registers

The Registrar-General of Land is authorised and directed to make entries in the appropriate registers and to do any other things necessary to give effect to this Act.

Part 2 Land dealings

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Amendments to Reserves Act 1977

5 Sections 48A(6), 114(5), and 115(6) Reserves Act 1977 repealed

Sections 48A(6), 114(5), and 115(6) of the Reserves Act 1977 are repealed.

Auckland Art Gallery development

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6 Interpretation

(1) In **sections 7, 8, and 9**, **Albert Park** means the land described in the first paragraph of Schedule 1 of the Auckland Improvement Trust Act 1971.

(2) In **section 9**,—

Auckland Art Gallery land means the land comprising 3 645 square metres, being Allotment 14 Section 13 City of Auckland, and being all of the land described in computer freehold register NA14B/1135 15

excluded land means the land described as sections 2 and 3 on SO Plan 374931.

7 Background

20

(1) ~~Auckland City Council wishes to extend the Auckland Art Gallery, which is sited on land vested in fee simple in the Council.~~

(2) The land over which the extension is sought is—

(a) part of the reserve known as Albert Park; and

(b) ~~vested in fee simple in the Auckland City Council under the Auckland Improvement Trust Act 1971.~~ 25

(3) ~~The Auckland Improvement Trust Act 1971 prohibits the alienation of the whole or any part of Albert Park.~~

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. 30

(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 cur- 35

rent 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. 5

8 Auckland Improvement Trust Act 1971 amended

The first paragraph in Schedule 1 of the Auckland Improvement Trust Act 1971 is amended by inserting “but excluding any land described in this paragraph or the eleventh paragraph that is included as sections 2 and 3 on SO Plan 374931” after “described in this schedule)”. 10

9 Amalgamation of excluded land with Auckland Art Gallery land

- (1) ~~The excluded land is amalgamated with the Auckland Art Gallery land.~~
- (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. 15
- (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 20
- (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.
- (2) For the avoidance of doubt, as from the commencement of this Act, the excluded land— 25
- (a) is no longer part of Albert Park; and
- (b) is no longer reserve or part of a reserve under the Reserves Act 1977.

Auckland volcanic cones land

10 Background 30

- (1) ~~Section 5 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1915 creates an offence (amongst others) in respect of excavating, quarrying, terracing, or cutting on the side or slope of a volcanic cone or hill in the Auckland Provincial District that is bounded by or abuts on to a domain or other public reserve without express authorisation from the Governor in Council (now the Governor-General by Order in Council).~~ 35
- (2) ~~The requirement to obtain the consent of the Governor-General to this type of local activity is no longer appropriate. Accordingly, the Department of Conser-~~

~~vation wishes to replace this requirement with a requirement to obtain the consent of the Minister of Conservation.~~

~~**11 Reserves and other Lands Disposal and Public Bodies Empowering Act 1915 amended**~~

~~Section 5(1) of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1915 is amended by omitting “Governor in Council” and substituting “Minister of Conservation”.~~ 5

Dunedin Octagon land

12 Interpretation

In **section 13, Octagon land** means the land secondly described in section 2(5) of the Reserves and Other Lands Disposal Act 1957 (being the land in Dunedin City commonly known as the Octagon). 10

13 Background

(1) Section 2 of the Reserves and Other Lands Disposal Act 1957 vested the Octagon land in the Corporation of the City of Dunedin (now Dunedin City Council) in trust as a reserve for a site for a public garden subject to— 15

- (a) the Reserves and Domains Act 1953; and
- (b) the condition that no buildings or erections other than those existing on the land as at 24 October 1957 be placed on the land (that date being the commencement date of the Reserves and Other Lands Disposal Act 1957). 20

(2) Dunedin City Council wishes to remove the restriction on the erection of structures on the Octagon land.

14 Proviso to section 2(2) Reserves and Other Lands Disposal Act 1957 repealed 25

The proviso to section 2(2) of the Reserves and Other Lands Disposal Act 1957 is repealed.

Kahurangi National Park land

15 Interpretation

In **sections 16 and 17, Kahurangi land** means the land— 30

- (a) comprising 2.5581 hectares being sections 2, 3, 4, 9, 11, 15, 25, 31, 33, 34, and 36 SO Plan 317559; and
- (b) comprising 1 517 square metres being sections 10 and 11 SO Plan 357450.

16 Background

- (1) The Kahurangi land was declared to be part of the Kahurangi National Park by the Kahurangi National Park Order 1996 (*Gazette* 1996, p 977).
- (2) However, the Kahurangi land is now used as part of State Highway 6.

17 Kahurangi land declared road

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- (1) The Kahurangi land is excluded from Kahurangi National Park.
- (2) The Kahurangi land is declared to be road.
- (3) The declaration under subsection (2) must be treated as if it had been made under section 114 of the Public Works Act 1981 and the requirements of that section had been satisfied.

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*Lookout Point land***18 Interpretation**

In ~~sections 19 and 20~~, **Lookout Point land** means the land described in computer freehold register OT325/79.

19 Background

15

- (1) In 1885, by Order in Council, the Lookout Point land, as part of a larger block, was set aside for the purposes of an endowment in aid of the funds of the Oamaru Borough Council.
- (2) In 1937, by Order in Council, the Lookout Point land was set apart as reserves for an endowment in aid of the funds of the Oamaru Borough Council and, erroneously, made subject to (a predecessor of) the Reserves Act 1977 (*Gazette* 1937, Vol III, p 2549).
- (3) In 1947, a certificate of title in the name of the Oamaru Borough Council was issued for the Lookout Point land. The title carried forward the reference to Reserves Act legislation.
- (4) Uncertainty now exists as to whether the Lookout Point land—
 - (a) was vested in the Oamaru Borough Council as an endowment;
 - (b) is subject to the Reserves Act 1977.
- (5) The Waitaki District Council, the successor to the Oamaru Borough Council, wishes to have the status of the Lookout Point confirmed as that contemplated in the 1885 Order, namely as endowment land, so that it may sell the land in accordance with sections 140 and 141 of the Local Government Act 2002.

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20 Lookout Point land declared endowment land

- (1) The Lookout Point land is—
 - (a) vested in the Waitaki District Council as an endowment property for the purposes of aiding Waitaki District Council funds; and

35

- (b) ~~an endowment property within the meaning of section 140(2) of the Local Government Act 2002.~~
- (2) **Subsection (1)** applies—
- (a) ~~for the avoidance of doubt; and~~
- (b) ~~despite any enactment or instrument to the contrary.~~ 5

Mahinepua Bay reserve land

21 Interpretation

In **sections 22 and 23**,—

Mahinepua Bay reserve land means the land comprising 0.4265 hectares being section 1 SO Plan 404862 10

trustees means the trustees of the Mahinepua B1 Māori Reservation.

22 Background

- (1) The Mahinepua Bay reserve land forms part of the bed of Mahinepua Bay. The land, formed by accretion, is a narrow spit just above mean high water mark.
- (2) In 1995, the Mahinepua Bay reserve land was declared a local purpose (esplanade) reserve under the Reserves Act 1977 (*Gazette* 1995, p 1911). In accordance with a notice in the *Gazette* (2005, p 1807), it is currently administered by the trustees of the adjoining Māori reservation, Mahinepua B1 Block, known as the Mahinepua B1 Māori Reservation. 15
- (3) ~~The Mahinepua Bay reserve land is accessible only over the foreshore or the Mahinepua B1 Māori Reservation.~~ 20
- (4) The local community (including local Members of Parliament, local authorities, iwi, local hapū, community representatives, and the trustees) wish the Mahinepua Bay land to be a Māori reservation for esplanade purposes for the common use and benefit of the people of New Zealand. 25

23 Mahinepua Bay reserve land set apart as Māori reservation

- (1) ~~The Mahinepua Bay reserve land is—~~
- (a) ~~set apart as a Māori reservation (esplanade purposes); and~~
- (b) ~~subject to **subsection (2)**, vested in fee simple in the trustees to hold and administer the land for the common use and benefit of the people of New Zealand.~~ 30
- (2) ~~The trustees must grant an easement over that part of the Mahinepua B1 Block shown as Area A on SO Plan 4048622 for the purposes of providing walking access for the public to the Māori reservation (as set apart under **subsection (1)(a)**).~~ 35
- (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. 5
- (3) For the avoidance of doubt, the vesting of the Mahinepua Bay reserve land under **subsection (1)** is not a disposition of land by the Crown for the purposes of Part 4A of the Conservation Act 1987.
- (4) The setting apart of the Mahinepua Bay reserve land as a Māori reservation under **subsection (1)(a)** must be treated as if it had been made under Part 17 of Te Ture Whenua Maori Act 1993 and the requirements of that Part of that Act had been satisfied. 10
- (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.

Marlborough District Council (Picton Office) land 15

24 Interpretation

In **sections 25 to 27**,—

1903 transfer means the transfer of the Picton Office land by the members of the Picton Institute to the Mayor, Councillors, and Burgesses of the Borough of Picton by deed of conveyance dated 12 February 1903 (Deed of Conveyance Volume 18, Folio 163; Deeds Index Reference 1/599, Marlborough Registry) 20

Picton Office land means the land described in computer freehold register MB4A/110.

25 Background

- (1) ~~The Picton Institute Act 1864 authorised the Superintendent of the Province of Marlborough to convey the Picton Office land to trustees, as a site for the Picton Institute.~~ 25
- (2) ~~The transfer took place but, on the death of the last trustee and with no replacement trustees having been appointed, members of the Picton Institute transferred the Picton Office land to the Mayor, Councillors, and Burgesses of the Borough of Picton by deed of conveyance dated 12 February 1903.~~ 30
- (3) ~~On 13 September 1926, the District Land Registrar issued certificate of title MB29/271 for the Picton Office land in the name of the Mayor, Councillors, and Burgesses of the Borough of Picton.~~
- (4) ~~The current title to the Picton Office land, in the name of the Picton Borough Council, records, amongst other things, that the land is subject to—~~ 35
- (a) ~~the Reserves Act 1977 (being a reserve for local purpose (community buildings)); and~~

- (b) the provisions of the Picton Institute Act 1864.
- (5) ~~The Marlborough District Council, the successor to the Picton Borough Council, now wishes to—~~
- (a) ~~validate the 1903 transfer; and~~
- (b) ~~have the interest in relation to the Picton Institute Act 1864 removed from the title of the Picton Office land.~~ 5
- 26 Validation of 1903 transfer**
- The 1903 transfer is deemed to be and always have been lawful.
- 27 Picton Institute Act 1864 repealed**
- (1) ~~The Picton Institute Act 1864 (1864, Sess 10, No 1) is repealed.~~ 10
- (2) ~~The Picton Office land is consequentially no longer subject to the provisions of the Picton Institute Act 1864.~~
- Nelson–Marlborough District Health Board land*
- 28 Interpretation**
- In **sections 29 to 34**,— 15
- Braemar Hospital Site A** means the 1.2282 hectares of land contained in computer freehold register NL11A/200
- Braemar Hospital Site B** means the 0.4940 hectares of land contained in computer freehold register NL146/55
- Braemar Hospital Site C** means the 1.1094 hectares of land contained in computer freehold register NL5D/139 20
- French Pass District Nursing Property** means the 0.0562 hectares of land—
- (a) contained in computer freehold register NL1A/1326; and
- (b) formerly contained in certificate of title 106/99 (Nelson Registry); and
- (c) held in trust for hospital purposes pursuant to the Reserves and Domains Act 1953 25
- Wairau Hospital Site, East End** means the 13.0809 hectares of land—
- (a) contained in computer freehold register MB5B/412; and
- (b) formerly contained in certificate of title 31/180 (Marlborough Registry); and 30
- (c) held in trust as a site for a public hospital.
- 29 Background**
- (1) The Nelson–Marlborough District Health Board (the **DHB**) holds the fee simple title to the French Pass District Nursing Property, ~~the Wairau Hospital Site, East End~~, and the Braemar Hospital Sites A, B, and C. 35

- (2) In order to better use these properties to provide health and disability support services to its community, and to regularise the uses to which the properties are put, the DHB wishes to remove any references on the titles to a requirement that the land concerned be—
- (a) used for hospital purposes; or 5
 - (b) held in trust for hospital or any other purposes; or
 - (c) held in trust without a power of sale; or
 - (d) an endowment; or
 - (e) subject to the Reserves Act 1977 or its predecessors.
- 30 French Pass District Nursing Property freed of trust and reservation 10**
- (1) The trust for hospital purposes affecting the French Pass District Nursing Property is cancelled.
- (2) The reservation of the French Pass District Nursing Property as reserve under the Reserves and Domains Act 1953 is revoked.
- (3) The revocation of status under **subsection (2)** must be treated as if— 15
- (a) it occurred under section 24 of the Reserves Act 1977; and
 - (b) the requirements of that section were satisfied; and
 - (c) section 25 of the Reserves Act 1977 does not apply to the land to which the revocation relates.
- 31 ~~Wairau Hospital Site, East End freed of trust~~ 20**
- ~~The trust for a public hospital site affecting the Wairau Hospital Site, East End is cancelled.~~
- 32 Braemar Hospital Site A freed of endowment and reservation**
- (1) The endowment affecting the Braemar Hospital Site A is cancelled.
- (2) The reservation of the Braemar Hospital Site A as reserve under the Reserves Act 1977 is revoked. 25
- (3) The revocation of status under **subsection (2)** must be treated as if—
- (a) it occurred under section 24 of the Reserves Act 1977; and
 - (b) the requirements of that section were satisfied; and
 - (c) section 25 of the Reserves Act 1977 does not apply to the land to which 30 the revocation relates.
- 33 Braemar Hospital Site B freed of trust and reservation**
- (1) The trust without power of sale affecting the Braemar Hospital Site B is cancelled.
- (2) The reservation of the Braemar Hospital Site B as reserve for the purpose of a hospital under the Reserves Act 1977 is revoked. 35

- (3) The revocation of status under **subsection (2)** must be treated as if—
- (a) it occurred under section 24 of the Reserves Act 1977; and
 - (b) the requirements of that section were satisfied; and
 - (c) section 25 of the Reserves Act 1977 does not apply to the land to which the revocation relates.

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34 Braemar Hospital Site C freed of trust and reservation

- (1) The trust affecting the Braemar Hospital Site C is cancelled.
- (2) The reservation of the Braemar Hospital Site C as reserve for hospital purposes under the Reserves Act 1977 is revoked.
- (3) The revocation of status under **subsection (2)** must be treated as if—
- (a) it occurred under section 24 of the Reserves Act 1977; and
 - (b) the requirements of that section were satisfied; and
 - (c) section 25 of the Reserves Act 1977 does not apply to the land to which the revocation relates.

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Opua esplanade reserve land

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34A Interpretation

In ~~sections 34B and 34C,~~

~~**adjoining land** means the land comprising 1 088 square metres being Part Lot 1, Lot 2, and Section 3, Block XXXII, Town of Opua, and described in computer freehold register NA21C/265~~

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~~**current registered proprietor of the adjoining land** means the person who is the registered proprietor of the adjoining land on the date on which this Act comes into force~~

~~**esplanade reserve land** means the land comprising 1 385 square metres being sections 1, 2, 3, and 4 SO Plan 68634, and described in computer freehold register NA121C/187.~~

25

34B Background

- (1) ~~The Far North District Council wishes to grant easements over part of a local purpose reserve vested in the Council for esplanade purposes to facilitate the operation of a business on land adjoining the reserve.~~
- (2) ~~Some of the proposed easements cannot be granted under section 48 of the Reserves Act 1977.~~

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34C Certain easements over esplanade reserve may be granted

- (1) ~~This section overrides section 48 of the Reserves Act 1977, but does not limit or affect any obligations that a person to whom this section applies may have under the Resource Management Act 1991.~~

35

- (2) ~~The Far North District Council may grant easements over the esplanade reserve land in favour of the adjoining land.~~
- (3) ~~The easements that may be granted are easements that authorise the current registered proprietor of the adjoining land—~~
- (a) ~~to enter and remain temporarily on the esplanade reserve land to repair or maintain or wash a vessel or a structure on the land:~~ 5
- (b) ~~to leave a vessel temporarily on the esplanade reserve land for the purpose of repairing, maintaining, or washing the vessel:~~
- (c) ~~to move a vessel across the esplanade reserve land to or from the adjoining land:~~ 10
- (d) ~~to discharge contaminants onto or over the esplanade reserve land for the purposes of **paragraphs (a) and (b)**:~~
- (e) ~~to erect 1 or more structures on the esplanade reserve land for the purposes of—~~
- (i) ~~moving, repairing, maintaining, or washing a vessel; or~~ 15
- (ii) ~~containing or discharging contaminants in relation to a vessel.~~
- (4) ~~The Council may grant an easement subject to such terms and conditions as the Council thinks fit.~~
- (5) ~~The Council may apply for the registration of the instrument granting an easement against the certificate of title for the esplanade reserve land, and, if it does so, the Registrar-General of Lands must register the instrument granting the easement.~~ 20
- (6) ~~An easement granted under this section expires on the sooner of—~~
- (a) ~~the date specified for that purpose in the instrument creating the easement; or~~ 25
- (b) ~~the date on which the current registered proprietor of the adjoining land ceases to be the registered proprietor of the land.~~

Paparoa National Park land

35 Interpretation

In **sections 36 and 37**, **Paparoa land** means the land comprising 666 square metres shown as Area A on SO Plan 12622. 30

36 Background

- (1) The Paparoa land was declared to be part of the Paparoa National Park by the Paparoa National Park Order 1987 (*Gazette* 1987, p 5361).
- (2) However, the Paparoa land is now used as part of State Highway 6. 35

37 Paparoa land declared road

- (1) The Paparoa land is excluded from Paparoa National Park.

- (2) The Paparoa land is declared to be road.
- (3) The declaration under subsection (2) must be treated as if it had been made under section 114 of the Public Works Act 1981 and the requirements of that section had been satisfied.

Port Chalmers Recreation Reserve 5

38 Interpretation

In **sections 39 to 41**,—

Bowling Club lease means the lease referred to in **section 39(2)**

Reserve means the reserve known as Port Chalmers Recreation Reserve (being the land in computer freehold registers 358133 and 360774). 10

39 Background

- (1) Under section 45 and Schedule 10 of the Reserves and other Lands Sale, Disposal, and Enabling and Public Bodies Empowering Act 1901, the Crown granted the Reserve to Port Chalmers Borough Corporation in trust as a domain with the restriction that the land not be sold or leased. 15
- (2) Despite this prohibition, a lease, dated 15 August 2001, was granted to the Port Chalmers Bowling Club Incorporated over part of the Reserve.
- (3) Currently, the Reserve is—
 - (a) vested in the Dunedin City Council as a recreation reserve under the Reserves Act 1977; and 20
 - (b) subject to (amongst other things)—
 - (i) that Act; and
 - (ii) the restriction on its sale or lease under section 45 of the Reserves and other Lands Sale, Disposal, and Enabling and Public Bodies Empowering Act 1901. 25
- (4) The Dunedin City Council wishes to repeal section 45 of the Reserves and other Lands Sale, Disposal, and Enabling and Public Bodies Empowering Act 1901 and manage and administer the Reserve subject only to the provisions of the Reserves Act 1977. This would allow the Council to—
 - (a) regularise the Bowling Club lease; and 30
 - (b) lawfully enter into new leasing arrangements for the Reserve.

40 Section 45 Reserves and other Lands Sale, Disposal, and Enabling and Public Bodies Empowering Act 1901 repealed

Section 45 of the Reserves and other Lands Sale, Disposal, and Enabling and Public Bodies Empowering Act 1901 is repealed. 35

41 Validation of Bowling Club lease

The Bowling Club lease is valid and has always been valid.

*Taieri Airport land***45 Background**

- (1) Amongst other things, section 9 of the Reserves and Other Lands Disposal Act 1973 empowered the Dunedin City Council (previously the Dunedin City Corporation) to subdivide, develop, lease, and sell the land comprising the Taieri Airport subject to the requirement that as long as any parts of the land were still required for the purposes of an aerodrome, the Corporation was to continue to hold the land for those purposes. 5 10
- (2) Dunedin City Council now wishes to transfer to a community trust some of the land that is still required for the purposes of an aerodrome.

46 Reserves and Other Lands Disposal Act 1973 amended

Section 9 of the Reserves and Other Lands Disposal Act 1973 is amended by inserting the following subsections after subsection (2): 15

- (2A) Despite subsection (2), the Dunedin City Corporation (now Dunedin City Council) may transfer the 38.2691 hectares of land described in computer freehold register OT2C/1307 (being Lot 1 on Deposited Plan 11036) to the community trust known as the Taieri Airport Trust. However, if the Taieri Airport Trust sells the land, it must pay half the net proceeds of the sale into a Crown Bank Account. 20
- (2B) In **subsection (2A)**, **net proceeds** means the amount remaining after any expenses incurred by the Taieri Airport Trust from the sale of the land (including any expenses in relation to any subdivision and development of the land) have been deducted. 25
- (2C) The Dunedin City Council must obtain the written consent of the Minister of Transport before acting under **subsection (2A)**.

*Waikumete Cemetery land***47 Interpretation**

In **sections 48 and 49**, **Waikumete cemetery land** means the land comprising 4.11229 hectares being— 30

- (a) Lots 1 to 5, 7 to 23, 25, 26, and 29 DP 167393 (residential sections); and
- (b) Lots 55, 59, and 60 DP 167393 (road or accessway); and
- (c) Lots 1 and 2 DP 173686 (residential sections); and
- (d) Lots 30 to 40 and 42 to 54 DP 175401 (residential sections); and 35
- (e) Lots 1 and 2 DP 181743 (residential sections); and
- (f) Lots 1 to 3 DP 182710 (residential sections); and

- (g) Lots 1 to 3 DP 185409 (residential sections).

48 Background

- (1) The Waikumete cemetery land is a part of Waikumete Cemetery.
- (2) Waikumete Cemetery is Crown land classified as a local purpose (site for cemetery) reserve under the Reserves Act 1977. The cemetery is currently vested in the ~~Waitakere City~~ Auckland Council, in trust, for cemetery purposes. 5
- (3) In 1995, the Waitakere City Council, without lawful authority, disposed of the Waikumete cemetery land to a local authority trading enterprise.
- (4) The local authority trading enterprise in turn subdivided the Waikumete cemetery land and sold it to private owners as fee simple titles. Most of the land is now developed with residential buildings erected on it. 10
- (5) However, because the titles to the Waikumete cemetery land were created by an invalid process, and contrary to section 112 of the Reserves Act 1977, the land retains its reserve status and remains subject to that Act.

49 Reserve status of Waikumete cemetery land revoked 15

- (1) The reservation of the Waikumete cemetery land as a reserve for local purpose (site for cemetery) is revoked.
- (2) The revocation of status under **subsection (1)** must be treated as if—
- (a) it occurred under section 24 of the Reserves Act 1977; and
- (b) the requirements of that section were satisfied; and 20
- (c) section 25 of the Reserves Act 1977 does not apply to the land to which the revocation relates.
- (3) The dealings referred to in **section 48(4)** are valid and have always been valid despite section 112 of the Reserves Act 1977.

Waipa District Council land 25

50 Interpretation

In **sections 51 and 52**, **trust land** means the land comprising 203.7996 hectares contained in computer freehold register 78214 (being sections 23 and 26, Block VII, Pirongia Survey District).

51 Background 30

- (1) On 9 June 1942, Te Awamutu Borough Council, Otorohanga County Council, Hamilton Borough Council, Raglan County Council, and Waipa County Council entered into an agreement to purchase the Government interest in the trust land, with Te Awamutu Borough Council holding the land in trust for itself and the other councils for afforestation and water conservation purposes and as a scenic reserve. This agreement was validated by section 10 of the Reserves and 35

- Other Lands Disposal Act 1942 and vesting notices published in the *Gazette* (1958, pp 1240, 1315).
- (2) On 15 July 1960, Raglan County Council withdrew from the agreement and a supplementary agreement was signed by the remaining parties to reflect this change. This agreement was also validated in legislation, by section 14 of the Reserves and Other Lands Disposal Act 1960. 5
- (3) Changes to local government organisation in 1970 and 1989 and arrangements between the councils again altered the parties to the original agreement so that, by 2003, the legal and beneficial interest in the trust land resided solely with the Waipa District Council. In addition, the purpose of the reserve had changed from afforestation, water conservation, and scenic purposes to a reserve for afforestation and water conservation purposes (*Gazette* 1973, p 360). 10
- (4) Waipa District Council now wishes to have the trusts cancelled and the reference to them on the computer register in respect of the trust land removed.
- 52 Trust land freed of trusts** 15
- (1) The trusts affecting the trust land are removed.
- (2) Despite **subsection (1)**, the trust land continues to be reserve subject to the Reserves Act 1977.
- Westland National Park land*
- 53 Interpretation** 20
- In **sections 54 and 55**, **Westland land** means the land comprising—
- (a) 573 square metres shown as area D on SO Plan 11246; and
- (b) 1 145 square metres being section 4 SO Plan 349493.
- 54 Background**
- (1) The Westland land is part of the Westland National Park declared by section 6(1)(i) of the National Parks Act 1980 to be a national park under and subject to the provisions of that Act. 25
- (2) However, the Westland land is now used as part of State Highway 6.
- 55 Westland land declared road**
- (1) The Westland land is excluded from Westland National Park. 30
- (2) The Westland land is declared to be road.
- (3) The declaration under **subsection (2)** must be treated as if it had been made under section 114 of the Public Works Act 1981 and the requirements of that section had been satisfied.

*Winton Racecourse***56 Background**

- (1) The Winton Racecourse Reserve Management Ordinance 1873—
- (a) appoints, for life, three trustees for the Winton Racecourse; and
 - (b) provides for their replacement by (through devolution of responsibility) the Minister of Conservation. 5
- (2) So as to enable wider community and independent input into the racecourse, the Department of Conservation wishes to enable the Minister of Conservation to appoint up to 5 trustees at any one time for the racecourse, and to limit each appointment to a 3-year period. 10

57 Winton Racecourse Reserve Management Ordinance 1873 amended

Section 3 of the Winton Racecourse Reserve Management Ordinance 1873 is repealed and the following section substituted:

3 Power to appoint and remove trustees

- (1) The Minister of Conservation must appoint, by notice in the *Gazette*, not fewer than 3 but no more than 5 persons as trustees of the Winton Racecourse. 15
- (2) A trustee—
- (a) must be appointed for a term not exceeding 3 years; and
 - (b) may be reappointed any number of times; and
 - (c) may be removed from office by the Minister, by written notice, for inability to perform the functions of office, legal incapacity, neglect of duty, or misconduct, proved to the satisfaction of the Minister; and 20
 - (d) may at any time resign office by written notice to the Minister; and
 - (e) remains in office, despite the expiry of his or her term of office, until a successor is appointed (unless he or she resigns or is removed from office). 25

58 Transitional provision

- (1) This section applies to a person who is a trustee of the Winton Racecourse immediately before the commencement of this Act.
- (2) As from the commencement of this Act, the person must be treated as if he or she were appointed as a trustee under section 3 of the Winton Racecourse Reserve Management Ordinance 1873 (as amended by **section 57 of this Act**) as from that commencement date. 30

Reserves and Other Lands Disposal Bill

Legislative history

15 July 2008
10 March 2009
21 September 2009
19 May 2015
1 July 2015

Introduction (Bill 237-1)
First reading and referral to Primary Production Committee
Reported from Primary Production Committee (Bill 237-2)
Second reading
Committee of the whole House (Bill 237-3)