

Reprint
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Reserves and Other Lands Disposal Act 1977

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by Land Information New Zealand.

18	Entries in registers	20
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An Act to provide for various matters relating to Crown land, reserves, and other land held for public purposes

1 Short Title

This Act may be cited as the Reserves and Other Lands Disposal Act 1977.

2 Opotiki County road reserve

Whereas in a plan of subdivision deposited on 10 October 1919 and numbered 12689AK, provision was made in accordance with the requirements of section 3(1) of the Land Laws Amendment Act 1912 for the land to which this section relates to be set aside as a road reserve: And whereas it was then customary for the registered proprietor of any area so shown as a road reserve to transfer it to the Crown: And whereas the land has never been so transferred: And whereas the registered proprietor of the land died in 1954: And whereas it is desired to vest the land in the Chairman, Councillors, and Inhabitants of the County of Opotiki (in this section called **the Council**) as a road reserve: And whereas the trustees of the estate of the registered proprietor have consented to such vesting: Be it therefore enacted as follows:

- (1) The land to which this section relates is hereby vested in the Council as a road reserve, subject to the provisions of the Reserves and Domains Act 1953, but otherwise freed and discharged from all trusts, reservations, and restrictions affecting the land.

- (2) This section relates to the following land:

All that parcel of land in the Gisborne Land District, containing 1 289 square metres, more or less, being Parts Allotments 384 and 395, Waiotahi Parish, designated as Road Reserve on Deposited Plan 12689AK, situated in Block III, Opotiki Survey District, and being the balance of the land comprised and described in certificate of title, Volume 70, folio 190 (Gisborne Registry) and certificate of title, Volume 66, folio 247 (Gisborne Registry).

3 Westport Colliery Reserve

Whereas the Westport Colliery Reserve, being the land to which this section relates, was by section 4 of the Westland and Nelson Coal Fields Administration Act 1877 (in this section called **the 1877 Act**) declared to be Crown land: And whereas the rents, royalties, fees, moneys, and proceeds derivable from the Reserve were by section 13(4) of the 1877 Act dedicated to be an endowment for the Harbour Board, for the time being, for the improvement of the Port of Westport: And whereas the functions, powers, duties, and authorities of a Harbour Board in respect of the Port of Westport are exercised and performed by the Governor-General in Council pursuant to section 6 of the Harbours Act

1950: And whereas the Governor-General in Council pursuant to section 17 of the 1877 Act has granted leases to various persons of portions of the Reserve: And whereas it is desired to extinguish the endowment and, subject to the existing rights of present lessees, to repeal the 1877 Act so far as it relates to the Reserve and to confer on the lessees options to purchase the portions of the land leased to them: Be it therefore enacted as follows:

- (1) The endowment created by section 13(4) of the 1877 Act is hereby extinguished.
- (2) The 1877 Act, so far as it relates to the Reserve, is hereby repealed, and the Reserve is hereby declared to be Crown land subject to the Land Act 1948.
- (3) Notwithstanding subsection (2), every lease that—
 - (a) has been granted under section 17 of the 1877 Act in respect of any portion of the Reserve; and
 - (b) is in force at the commencement of this section—shall continue in force according to its tenor and shall be deemed to be a lease that has been granted under section 67(2) of the Land Act 1948.
- (4) Every lease to which subsection (3) applies shall be deemed to be a lease within the meaning of section 122(1) of the Land Act 1948 for the purposes of sections 122, 123, and 124 of that Act (which relate to the acquisition by a lessee of the fee simple of the land leased by him), but in determining the price to be paid by the lessee for the purchase of the land, no account shall be taken of the value of the improvements on the land or of the goodwill of the lessee in his lease.
- (5) On the expiry by effluxion of time of any term granted by any lease to which subsection (3) applies (whether the term is the original term or a renewed term), the lessee, as an alternative to any right of renewal contained in his lease, shall have the right to obtain instead a renewable lease under section 63 of the Land Act 1948 in respect of the land so leased.
- (6) Notwithstanding any provision to the contrary in the Land Act 1948, where a lessee wishes to obtain in accordance with subsection (5) a renewable lease under section 63 of that Act, the following provisions shall apply:
 - (a) the lessee shall not later than 6 months before the expiry of his lease notify the lessor in writing that he wishes to obtain a renewable lease under section 63 of that Act:
 - (b) subject to paragraph (c), the yearly rental payable during the first term of the renewable lease under section 63 of that Act shall be determined in accordance with the formula set out in subsection (3) of that section:
 - (c) the persons by whom the rental referred to in paragraph (b) shall be determined shall be the persons who, under the provisions of the lease granted under section 17 of the 1877 Act, would determine the rental if that lease were renewed in accordance with its provisions, and the provi-

sions of that lease relating to such a determination (including the provisions as to arbitration) shall apply accordingly.

- (7) Where any lease—
- (a) has been granted under section 17 of the 1877 Act in respect of any portion of the Reserve; and
 - (b) has expired after 1 January 1974 but before 30 June 1978 and has not been renewed by the lessee—

the term of the lease shall, as long as the lessee or his successors or assigns remain in possession, be deemed to be extended until 30 June 1978 and the lease shall be deemed to be a lease to which subsection (3) applies.

- (8) This section relates to the following land:

All that area in the Nelson Land District known as the Westport Colliery Reserve and being all the lands defined in Schedule 4 of the 1877 Act, the Schedule of the Westland and Nelson Coalfields Administration Act 1901, and section 7 of the Reserves and other Lands Disposal Act 1932, together with all other lands that have by operation of the law been subsequently made subject to the 1877 Act, but excepting any lands that by operation of law have ceased to be subject to the 1877 Act.

4 Buller Coal Field Reserve

Whereas the Buller Coal Field Reserve, being the land to which this section relates, was by section 4 of the Westland and Nelson Coal Fields Administration Act 1877 (in this section called **the 1877 Act**), declared to be Crown land: And whereas the rents, royalties, fees, moneys, and proceeds derivable from the Reserve were by section 13(3) of the 1877 Act dedicated to the trusts and purposes referred to in that subsection for the Harbour Board for the Harbour of Westport: And whereas the functions, powers, duties, and authorities of a Harbour Board in respect of the Port of Westport are now exercised and performed by the Governor-General in Council pursuant to section 6 of the Harbours Act 1950; And whereas it is desired to extinguish the trusts and purposes referred to, and repeal the 1877 Act so far as it relates to the Reserve: Be it therefore enacted as follows:

- (1) The trusts and purposes referred to in section 13(3) of the 1877 Act are hereby extinguished, and that Act is hereby repealed so far as it relates to the Reserve.
- (2) This section relates to the following land:

All that area in the Nelson Land District being all the lands defined in Schedule 3 of the 1877 Act, as amended by section 5 of the Reserves and Other Lands Disposal Act 1953, together with all other lands that have by operation of the law been subsequently made subject to the 1877 Act, but excepting any lands that by operation of law have ceased to be subject to the 1877 Act.

5 Maud Island

Whereas the land to which this section relates (being part of Maud Island) is a Sounds Foreshore Reserve subject to section 17 of the Reserves and Other Lands Disposal Act 1955: And whereas the whole of Maud Island is vested in Her Majesty the Queen: And whereas, for the better protection of the flora and fauna on Maud Island, it is desired to exclude the application of the said section 17 to the land: Be it therefore enacted as follows:

- (1) Section 17 of the Reserves and Other Lands Disposal Act 1955 shall not apply to the land to which this section relates.
- (2) This section relates to the following land:

All that parcel of land in the Marlborough Land District containing 31.4000 hectares, more or less, being Sounds Foreshore Reserve fronting Section 115 and part Sections 111, 114, and 116, Pelorus Sound Registration District, and Lot 3, Deposited Plan 4034, situated in Block XV, Orieri Survey District (SO 4449).

6 Cromwell Aerodrome Reserve

Whereas by section 4 of the Reserves and Other Lands Disposal Act 1974, provision was made to change the purpose for which part of the Cromwell Racecourse Reserve was set aside to a reserve for aerodrome purposes: And whereas the land to which that section relates was incorrectly described in that section: Be it therefore enacted as follows:

- (1) The reference in section 4(2) of the Reserves and Other Lands Disposal Act 1974 to a part of Section 91, Block III, Cromwell Survey District, shall be read as, and shall be deemed at all times since the commencement of the said section 4(2) to have been, a reference to the whole of Section 91 of that Block.
- (2) The reference in section 4(2) of the Reserves and Other Lands Disposal Act 1974 to SO Plan 17957 shall be read as, and shall be deemed at all times since the commencement of that section to have been, a reference to SO Plan 17959 lodged in the office of the Chief Surveyor at Dunedin and thereon delineated in bold black lines.

7 Westland National Park

Whereas the land to which this section relates is included in the Westland National Park, but has in fact been formed and sealed as part of State Highway No 6: And whereas it is desired to exclude the land from the national park: And whereas by section 10(2) of the National Parks Act 1952 no land included in a national park may be excluded from the national park except by Act of Parliament: Be it therefore enacted as follows:

- (1) The land to which this section relates is hereby excluded from the Westland National Park.

(2) This section relates to the following land:

All those areas in the Westland Land District, being—

- (a) Part Reserve 1017, situated in Block XVI, Okarito Survey District, containing 1.5376 hectares, more or less (shown marked C on SO Plan 9497); and
- (b) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 3 757 square metres, more or less (shown marked E on SO Plan 9497); and
- (c) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 2 121 square metres, more or less (shown marked B on SO Plan 9757); and
- (d) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 493 square metres, more or less (shown marked D on SO Plan 9757); and
- (e) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 611 square metres, more or less (shown marked F on SO Plan 9757); and
- (f) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 3 854 square metres, more or less (shown marked H on SO Plan 9757); and
- (g) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 7 794 square metres, more or less (shown marked J on SO Plan 9757); and
- (h) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 7 169 square metres, more or less (shown marked N on SO Plan 9758); and
- (i) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 1.2000 hectares, more or less (shown marked Q on SO Plan 9758); and
- (j) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 3 square metres, more or less (shown marked R on SO Plan 9758); and
- (k) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 1 754 square metres, more or less (shown marked K on SO Plan 9758).

8 Mount Aspiring National Park

Whereas the first land to which this section relates is included in the Mount Aspiring National Park: And whereas part of that land has in fact been formed and sealed as part of State Highway No 6: And whereas the New Zealand Alpine Club has erected the Aspiring Hut on a portion of the second land to which this

section relates, and the nature of the second land is such that it is not in any event readily identifiable as a part of the national park: And whereas it is desired to exclude all of the land to which this section relates from the national park: And whereas by section 10(2) of the National Parks Act 1952 no land included in a national park may be excluded from the national park except by Act of Parliament: Be it therefore enacted as follows:

- (1) The land to which this section relates is hereby excluded from the Mount Aspiring National Park.
- (2) This section relates to the following land:
 - (a) first, all those areas in the Westland Land District, being—
 - (i) Part Rural Section 4716, situated in Block XII, Governor's Pass Survey District, containing 1.5320 hectares, more or less (shown marked A on SO Plan 9560); and
 - (ii) Part Rural Section 4716, situated in Block XII, Governor's Pass Survey District, and Block IX, Haast Pass Survey District, containing 1.8500 hectares, more or less (shown marked B on SO Plan 9560); and
 - (iii) Part Rural Section 4716, situated in Block IX, Haast Pass Survey District, containing 1.8180 hectares, more or less (shown marked C on SO Plan 9561); and
 - (iv) Part Rural Section 4716, situated in Block IX, Haast Pass Survey District, containing 1.7570 hectares, more or less (shown marked D on SO Plan 9561); and
 - (v) Part Rural Section 4716, situated in Block IX, Haast Pass Survey District, containing 1.9640 hectares, more or less (shown marked E on SO Plan 9561); and
 - (vi) Part Rural Section 4716, situated in Block IX, Haast Pass Survey District, containing 2.8100 hectares, more or less (shown marked F on SO Plan 9562); and
 - (vii) Part Rural Section 4716, situated in Block IX, Haast Pass Survey District, containing 2.2950 hectares, more or less (shown marked G on SO Plan 9562); and
 - (viii) Part Rural Section 4716, situated in Block IX, Haast Pass Survey District, containing 2.3580 hectares, more or less (shown marked H on SO Plan 9563); and
 - (ix) Part Rural Section 4716, situated in Block IX, Haast Pass Survey District, containing 3.2300 hectares, more or less (shown marked I on SO Plan 9563); and
 - (x) Part Rural Section 4716, situated in Block IX, Haast Pass Survey District, containing 1.7780 hectares, more or less (shown marked J on SO Plan 9564); and

- (xi) Part Rural Section 4716, situated in Blocks V and IX, Haast Pass Survey District, containing 6.4200 hectares, more or less (shown marked K on SO Plan 9564); and
- (xii) Part Rural Section 4716, situated in Block V, Haast Pass Survey District, containing 1.8450 hectares, more or less (shown marked L on SO Plan 9564); and
- (xiii) Part Rural Section 4716, situated in Block V, Haast Pass Survey District, containing 2.5320 hectares, more or less (shown marked M on SO Plan 9565); and
- (xiv) Part Rural Section 4716, situated in Block V, Haast Pass Survey District, containing 2.7200 hectares, more or less (shown marked N on SO Plan 9565); and
- (xv) Part Rural Section 4716, situated in Block V, Haast Pass Survey District, containing 1.8400 hectares, more or less (shown marked O on SO Plan 9566); and
- (xvi) Part Rural Section 4716, situated in Block V, Haast Pass Survey District, containing 7 530 square metres, more or less (shown marked P on SO Plan 9566); and
- (xvii) Part Rural Section 4714, situated in Block V, Haast Pass Survey District, containing 2 525 square metres, more or less (shown marked U on SO Plan 9568); and
- (xviii) Part Rural Section 4715, situated in Block V, Haast Pass Survey District, containing 1.3990 hectares, more or less (shown marked X on SO Plan 9569); and
- (xix) Part Rural Section 4715, situated in Block V, Haast Pass Survey District, containing 7 685 square metres, more or less (shown marked Z on SO Plan 9569); and
- (xx) Part Rural Section 4716, situated in Blocks I and V, Haast Pass Survey District, containing 1.8600 hectares, more or less (shown marked BB on SO Plan 9570); and
- (xxi) Part Rural Section 4716, situated in Block I, Haast Pass Survey District, containing 4.4600 hectares, more or less (shown marked CC on SO Plan 9570); and
- (xxii) Part Rural Section 4716, situated in Block I, Haast Pass Survey District, containing 1 761 square metres, more or less (shown marked DD on SO Plan 9571); and
- (xxiii) Part Rural Section 4831, situated in Block I, Haast Pass Survey District, containing 828 square metres, more or less (shown marked FF on SO Plan 9571); and

- (xxiv) Part Rural Section 4828, situated in Block I, Haast Pass Survey District, containing 4 250 square metres, more or less (shown marked II on SO Plan 9571); and
 - (xxv) Part Rural Section 4828, situated in Block I, Haast Pass Survey District, containing 3 165 square metres, more or less (shown marked MM on SO Plan 9572); and
 - (xxvi) Part Rural Section 4830, situated in Block I, Haast Pass Survey District, containing 1 092 square metres, more or less (shown marked RR on SO Plan 9572); and
 - (xxvii) Part Rural Section 4830, situated in Block I, Haast Pass Survey District, containing 2 705 square metres, more or less (shown marked VV on SO Plan 9573); and
 - (xxviii) Part Rural Section 4828, situated in Block I, Haast Pass Survey District, containing 3 460 square metres, more or less (shown marked YY on SO Plan 9573); and
- (b) secondly, all that area situated in the Cascade Survey District of the Otago Land District, containing 52 hectares, more or less, bounded by a line commencing at the intersection of the right banks of the Cascade Burn and Matukituki Fiver (West Branch) and proceeding south-westerly to and along the north-western boundary of Part Run 715 to the bush edge; thence generally northerly along that bush edge to the right bank of the Cascade Burn; thence generally easterly along that bank to the point of commencement.

9 Revocation of setting apart of State forests

Whereas the land to which this section relates is set apart as State forest land under the Forests Act 1949: And whereas it is desired that it should be declared to be Crown land subject to the Land Act 1948: And whereas by section 19(1) of the Forests Act 1949 the setting apart of any land as State forest may not be revoked except by Act of Parliament: Be it therefore enacted as follows:

- (1) The setting apart of the land to which this section relates as State forest is hereby revoked, and the land is hereby declared to be Crown land subject to the Land Act 1948.

- (2) This section relates to the following land:

First, all that parcel of land situated in the North Auckland Land District containing 1.3127 hectares, more or less, being Maruata 2B1 Block, situated in Blocks I and V, Whangarei Survey District (ML Plan 14347):

Secondly, all that parcel of land situated in the North Auckland Land District containing 41.5400 hectares, more or less, being part Section 6, Block XIII, Omapere Survey District (SO Plan 51424):

Thirdly, all that parcel of land situated in the North Auckland Land District containing 23.9017 hectares, more or less, being Section 21, Block XIII, Omāpere Survey District (SO Plan 48710):

Fourthly, all that parcel of land situated in the North Auckland Land District containing 2.4660 hectares, more or less, being Section 22, Block XIII, Omāpere Survey District (SO Plan 48710):

Fifthly, all that parcel of land situated in the North Auckland Land District containing 84.2600 hectares, more or less, being part Section 3, Block XIV, Omāpere Survey District (SO Plan 51424):

Sixthly, all that parcel of land situated in the North Auckland Land District containing 5.4200 hectares, more or less, being part Section 15, Block XIV, Omāpere Survey District (SO Plan 51424):

Seventhly, all that parcel of land situated in the South Auckland Land District containing 285 square metres, more or less, being part Section 15, Block VIII, Coromandel Survey District (SO Plan 47026):

Eighthly, all that parcel of land situated in the South Auckland Land District containing 1.7257 hectares, more or less, being part Section 39, Block VII, Wharepapa Survey District (SO Plan 48962):

Ninthly, all that parcel of land situated in the Gisborne Land District containing 9.1118 hectares, more or less, being Sections 32 and 33 (formerly parts Sections 24 and 25), Block XIII, Taramarama Survey District (SO Plan 6704):

Tenthly, all that parcel of land situated in the Hawke's Bay Land District containing 1.2562 hectares, more or less, being Section 3, Block II, Mohaka Survey District (SO Plan 7167):

Eleventhly, all that parcel of land situated in the Hawke's Bay Land District containing 85 square metres, more or less, being Section 5, Block II, Mohaka Survey District (SO Plan 7167):

Twelfthly, all that parcel of land situated in the Hawke's Bay Land District containing 525 square metres, more or less, being Section 7, Block II, Mohaka Survey District (SO Plan 7167):

Thirteenthly, all that parcel of land situated in the Hawke's Bay Land District containing 337 square metres, more or less, being Section 9, Block II, Mohaka Survey District (SO Plan 7167):

Fourteenthly, all that parcel of land situated in the Hawke's Bay Land District containing 388 square metres, more or less, being Section 15, Block VI, Mohaka Survey District (SO Plan 7168):

Fifteenthly, all that parcel of land situated in the Hawke's Bay Land District containing 790 square metres, more or less, being Section 16, Block VI, Mohaka Survey District (SO Plan 7168):

Sixteenthly, all that parcel of land situated in the Hawke's Bay Land District containing 23 square metres, more or less, being Section 17, Block VI, Mohaka Survey District (SO Plan 7168):

Seventeenthly, all that parcel of land situated in the Hawke's Bay Land District containing 75 square metres, more or less, being Section 18, Block VI, Mohaka Survey District (SO Plan 7168):

Eighteenthly, all that parcel of land situated in the Hawke's Bay Land District containing 3.7118 hectares, more or less, being Section 19, Block VI, Mohaka Survey District (SO Plan 7168):

Nineteenthly, all that parcel of land situated in the Wellington Land District containing 2 129 square metres, more or less, being Part Section 5, Block XII, Wainuioru Survey District more particularly shown coloured blue edged blue on SO Plan 28590 lodged in the office of the Chief Surveyor at Wellington:

Twentiethly, all that parcel of land situated in the Wellington Land District containing 1 573 square metres, more or less, being Part Section 5, Block XII, Wainuioru Survey District more particularly shown coloured blue on SO Plan 28590 lodged in the office of the Chief Surveyor at Wellington:

Twenty-firstly, all that parcel of land situated in the Wellington Land District containing 896.3600 hectares, more or less, being Part Kaimanawa 3A Block, situated in Blocks IX and XIII, Mangamaire Survey District (SO Plan 31064):

Twenty-secondly, all that parcel of land situated in the Wellington Land District containing 4 400 square metres, more or less, being Part Waimarino No 1 Block, situated in Block IV, Manganui Survey District (as marked A on SO Plan 30977):

Twenty-thirdly, all that parcel of land situated in the Wellington Land District containing 1 355 square metres, more or less, being Part Section 6, Block IV, Manganui Survey District (as marked B on SO Plan 30977):

Twenty-fourthly, all that parcel of land situated in the Marlborough Land District containing 8.5945 hectares, more or less, being Section 9, Block II, Mount Olympus Survey District (SO Plan 4978):

Twenty-fifthly, all that parcel of land situated in the Nelson Land District containing 73.2300 hectares, more or less, being part State forest, situated in Block X, Brighton Survey District (as marked A on SO Plan 12153):

Twenty-sixthly, all that parcel of land situated in the Nelson Land District containing 5 665 square metres, more or less, being part State forest, situated in Block XII, Matiri Survey District and being all of the land coloured blue on SO Plan 11744 lodged in the office of the Chief Surveyor at Nelson:

Twenty-seventhly, all that parcel of land situated in the Westland Land District containing 9.1000 hectares, more or less, being part reserve 1712, situated in Block VII, Okuru Survey District (SO Plan 9820):

Twenty-eighthly, all that parcel of land situated in the Westland Land District containing 43.8000 hectares, more or less, being part reserve 1717, situated in Blocks VII and VIII, Okuru Survey District (SO Plan 9820):

Twenty-ninthly, all that area situated in the Westland Land District, containing 2.6504 hectares, more or less, being part reserve 1639, situated in Block XVI, Okarito Survey District (shown marked D on SO Plan 9497):

Thirtiethly, all that parcel of land situated in the Canterbury Land District containing 387 square metres, more or less, being part Rural Section 32382, Block XI, Opihi Survey District more particularly shown coloured orange edged orange on SO Plan 10646 lodged in the office of the Chief Surveyor at Christchurch.

10 King George V Memorial Hospital

Whereas the land to which this section relates is vested in Her Majesty the Queen, and consists of part of an area of a recreation reserve known as the Pukeroa Domain and part of an area of land set aside as a hospital reserve: And whereas control of the land is vested in the Minister of Tourism pursuant to the Tourist and Health Resorts Control Act 1908: And whereas the land is used by the Waikato Hospital Board for the purposes of the King George V Memorial Hospital: And whereas there is no lawful authority for that use of the land by the Waikato Hospital Board: And whereas it is desired to revoke the vesting of the control of the land in the Minister of Tourism and to provide for all of the land to be a recreation reserve, and to provide for the incorporation of the land in a lease of other land, vested in Her Majesty the Queen and set aside as a recreation reserve, to the Waikato Hospital Board in accordance with section 23 of the Reserves and Other Lands Disposal Act 1940: Be it therefore enacted as follows:

- (1) The Order in Council made pursuant to the Tourist and Health Resorts Control Act 1908 and published in the *Gazette* of that year at page 849 is hereby revoked so far as it applies to the land to which this section relates.
- (2) The purpose of reservation of the part of the land to which this section relates that is set aside as a hospital reserve is hereby changed to the purpose of a recreation reserve, subject to the provisions of the Reserves and Domains Act 1953.
- (3) Notwithstanding subsection (2), or the Reserves and Domains Act 1953, or any other enactment or rule of law, the land to which this section relates is hereby declared to be incorporated in and form part of the land leased to the Waikato Hospital Board under lease number 539 (South Auckland Registry) dated 3 September 1941 issued pursuant to section 23 of the Reserves and Other Lands Disposal Act 1940 and the Reserves and Domains Act 1953 and registered in certificate of title, Volume 749, folio 68 (South Auckland Registry); on the same terms and conditions as that other land is held under the lease and under section 23 of the Reserves and Other Lands Disposal Act 1940.

- (4) This section relates to the following land:

All that parcel of land in the South Auckland Land District containing 1.0952 hectares, more or less, being Section 16 (formerly part Sections 3 and 7) Block LVIII of the Town of Rotorua, situated in Block I of the Tarawera Survey District (SO Plan 47621).

11 Waiohine Valley road reserve

Whereas the first land to which this section relates is a road, known as the Waiohine Valley Road: And whereas, following a realignment of the road, portions of that land were included in certificates of title issued in respect of sections in Moroa Block situated in Block VI, Waiohine Survey District: And whereas those portions of the road have never been closed: And whereas, in consequence of the realignment of the road, the second land to which this section relates has been used as a public road without lawful authority: And whereas it is desired to close the portions of the road in respect of which the certificates of title were issued, and to declare the second land to be road, with effect from 8 December 1921 (being the date of the deposit of the plan in respect of which the certificates of title were issued), and to validate the issue of the certificates of title: Be it therefore enacted as follows:

- (1) The area of road comprising the first land to which this section relates (being the land described in subsection (4)(a)) is hereby declared to have been closed on 8 December 1921.
- (2) Certificate of title, Volume 12C, folio 837 (Wellington Registry), and certificate of title, Volume 336, folio 296 (Wellington Registry) are hereby validated according to their tenor and declared to have been lawfully issued on the respective dates on which they were issued.
- (3) The second land to which this section relates (being the land described in subsection (4)(b)) is hereby declared to be road with effect from 8 December 1921.
- (4) This section relates to the following land:
 - (a) first, the area coloured green on the plan lodged in the office of the Chief Surveyor at Wellington under No 17014:
 - (b) secondly, the area coloured blue and red on the plan referred to in paragraph (a).

12 Canterbury Provincial Buildings Board

Whereas the land to which this section relates is vested in the Canterbury Provincial Buildings Board (in this section called **the Board**) established by the Canterbury Provincial Buildings Vesting Act 1928 (in this section called **the Act**) to be held in trust for the purposes specified in the Act: And whereas it is desired to empower the Board to borrow money on the security of the land: Be it therefore enacted as follows:

- (1) Notwithstanding any provision in the Act, or any other enactment or rule of law, the Board may from time to time, with the consent in writing of the Minister of Finance and subject to such terms and conditions as he may impose, borrow money on the security of a mortgage or charge over all or any part of the land to which this section relates.
- (2) All expenditure incurred in repaying any money so borrowed by the Board shall be paid out of the funds of the Board.
- (3) This section relates to the land described in Schedules 1 and 2 of the Act.

13 Pukekura Park

Whereas the land to which this section relates is held in fee simple by the Mayor, Councillors, and Citizens of the City of New Plymouth (in this section called **the Corporation**) in trust for a botanic garden and public recreation grounds pursuant to section 2 of the Taranaki Botanic Garden Act 1876 (in this section called **the 1876 Act**): And whereas the land was intended to be used as part of the area known as Pukekura Park: And whereas the land has never been so used and is unsuitable for such use: And whereas, pursuant to section 12 of the 1876 Act and to the Taranaki Botanic Garden Act Amendment Act 1907, the Corporation has granted leases in respect of portions of the land to various persons: And whereas it is desired to empower the Corporation to sell to the various lessees the portions of the land so leased by them, subject to the condition that the Corporation shall apply all the proceeds of such sales in accordance with section 11 of the 1876 Act: Be it therefore enacted as follows:

- (1) Notwithstanding the 1876 Act or the Taranaki Botanic Garden Act Amendment Act 1907, or any other enactment or rule of law, the Corporation may from time to time sell any portion of the land to which this section relates to the lessee of that portion of the land, on such terms and conditions as the Corporation and the lessee may agree, but otherwise freed and discharged from all trusts, reservations, and restrictions affecting that portion of the land.
- (2) All money received by the Corporation from the sale of any land to which this section relates shall be applied by it in accordance with section 11 of the 1876 Act.
- (3) This section relates to the following land:

All that land in the Taranaki Land District containing 8 689 square metres, more or less, being Part Lot 1, Deposited Plan 2582, Lot 1, Deposited Plan 4779, Lots 1, 2, 3, 6, and 7, Deposited Plan 6287, and Lots 1, 2, and 3, Deposited Plan 10785, being Part Section 1256, Town of New Plymouth, Part Section X, New Plymouth Town Belt, and Section 224, Fitzroy District, and being the balance of the land comprised and described in certificate of title, Volume 160, folio 18, and all of the land comprised and described in certificate of title, Volume 160, folio 19, certificate of title, Volume 160, folio 20, certificate of title, Volume D4, folio 587, certificate of title, Volume D4, folio 588, and certificate of title, Volume D4, folio 589 (all in the Taranaki Land Registry), the said Lot

2, Deposited Plan 10785 and Lot 7, Deposited Plan 6287 being subject to a building line restriction contained in Order in Council Number 1670.

14 Farewell Spit reserves

Amendment(s) incorporated in the Act(s).

15 Tokaora road reserve

Whereas the land to which this section relates, pursuant to a notice published in the *Gazette* in 1878 at page 1136, under section 144 of the Land Act 1877, was reserved for road purposes: And whereas pursuant to the Public Reserves Act 1877 the land was subsequently held in trust for those purposes by the Hawera County Council (in this section called **the Council**): And whereas in consequence of the deviation of the Tokaora road and the exhausting of a metal pit on the land, the purposes of the trust have ceased to be necessary: And whereas the Council, contrary to the terms of the trust, entered into agreements to sell the land to certain persons: And whereas in pursuance of one of the agreements, the Council has transferred to one of the purchasers an estate in fee simple in the first land to which this section relates: And whereas the Council has also become registered as the proprietor of an estate in fee simple in the second land to which this section relates: And whereas it is desired to revoke the purposes of the trust and to validate the actions of the Council and the issue of a certificate of title for an estate in fee simple to the purchaser of the first land to which this section relates: Be it therefore enacted as follows:

- (1) Notwithstanding the Public Reserves Act 1877, the Reserves and Domains Act 1953, or any other enactment or rule of law,—
 - (a) the reservation for road purposes of the land to which this section relates is hereby revoked, and the second land to which this section relates (being the land described in subsection (2)(b)) is hereby declared to have been validly vested in the Council for an estate in fee simple, free of encumbrances from all trusts, reservations, and restrictions affecting the land; and
 - (b) certificate of title, Volume C3, folio 745 (Taranaki Registry), is hereby validated according to its tenor and declared to have been lawfully issued on the date on which it was issued.
- (2) This section relates to the following land:
 - (a) first, all that parcel of land in the Taranaki Land District, containing 4.3175 hectares, more or less, being Section 573, Patea District, situated in Block VIII, Waimate Survey District, and being all of the land comprised and described in certificate of title, Volume C3, folio 745 (Taranaki Registry), (SO Plan 10002):
 - (b) secondly, all that parcel of land in the Taranaki Land District, containing 2.8328 hectares, more or less, being section 574, Patea Survey District, situated in Block VIII, Waimate Survey District, and being all of the

land comprised and described in certificate of title, Volume C3, folio 746 (Taranaki Registry), (SO Plan 10002).

16 Otago University endowment lands

Whereas by the University of Otago Endowment Ordinance 1870 (Province of Otago) the land to which this section relates was vested in the University of Otago as an endowment for the University: And whereas, pursuant to section 2 of the Otago University Reserves Act 1904, the land became administered under the Land Act 1892, and is now administered under the Land Act 1948 by the Land Settlement Board on behalf of the University: And whereas portions of the land are leased under the Land Act 1948 to various persons: And whereas in order to provide for expenditure on capital projects of the University it is desired to empower the University to offer for sale to the various lessees, subject to the conditions set out in this section, the portions of the land so leased by them: Be it therefore enacted as follows:

- (1) Subject to the provisions of this section, but notwithstanding the University of Otago Endowment Ordinance 1870 (Province of Otago), or the Otago University Reserves Act 1904, or any other enactment or rule of law, the Land Settlement Board may from time to time, on behalf of the University of Otago, sell any portion of the land to which this section relates to the lessee of that portion, on such terms and conditions as the Land Settlement Board and the lessee may agree, but otherwise freed and discharged from all trusts, reservations, and restrictions affecting that portion of the land.
- (2) No land may be sold pursuant to this section unless it has been classified by the Land Settlement Board as farm land, being land suitable or adaptable for any type of farming. For the purposes of this subsection, the Land Settlement Board shall have the same powers of classification and reclassification as it has in respect of Crown land under the Land Act 1948.
- (3) Land available for sale pursuant to this section may be purchased for cash, or on deferred payments.
- (4) Where land available for sale pursuant to this section is purchased on deferred payments, the following provisions shall apply:
 - (a) subject to paragraphs (b) to (e), the provisions of the Land Act 1948 relating to deferred payment licences shall apply in the same manner as they apply to the purchase of Crown land on deferred payments:
 - (b) the deposit payable shall be not less than 25% of the purchase price, provided however that with the consent of the Council of the University the deposit may be reduced in any specified case to an amount that is not less than 15% of the purchase price:
 - (c) the licence shall be for such period as may be fixed by the Council of the University, being not less than 10 years and not greater than 20 years,

commencing on the 1 January or the 1 July next following the date of the licence:

- (d) *[Repealed]*
 - (e) the rate of interest that shall be payable under the licence shall be the same rate as at the date of the licence then applies to Crown land purchased on deferred payments under the Land Act 1948, and shall be reviewable by the Land Settlement Board on the expiration of the period of 3 years following the 1 January or the 1 July next following the date of the licence, and at 3 yearly intervals thereafter.
- (5) The purchase price of any land to be sold pursuant to this section shall be the market value of the land, exclusive of all improvements, as determined by a registered valuer appointed for the purpose by the Council of the University and confirmed by the District Field Officer, Dunedin, of the department within the meaning of section 2 of the Survey Act 1986.
 - (6) Where the District Field Officer declines to confirm the purchase price determined by the registered valuer under subsection (5), the purchase price shall be fixed by arbitration in accordance with the provisions of the Arbitration Act 1908.
 - (7) For the purposes of such arbitration subsection (6) shall be deemed to be a submission within the meaning of the Arbitration Act 1908 and the reference shall be deemed to be to 2 arbitrators, one to be a registered valuer appointed by the Council of the University, and the other to be a registered valuer appointed by the Director-General of Lands.
 - (7A) The purchase price of any land to be sold under this section shall be reduced by the value (if any) of the purchaser's goodwill in any lease held by him over that land, as determined by the Commissioner of Crown Lands, Dunedin.
 - (7B) Every determination of a purchase price or of goodwill under subsection (5) or subsection (6) or subsection (7A) shall be made as at a date determined by the Land Settlement Board, being a date not later than the date on which the agreement to sell the land is entered into under subsection (1).
 - (8) Section 58 of the Land Act 1948 shall apply to all sales of land pursuant to this section in the same manner as it applies to sales of Crown land.
 - (9) Every applicant to purchase land pursuant to this section shall pay to the Land Settlement Board on the making of his application a valuation fee of \$100 or of such other amount as the Council of the University, with the prior written consent of the Minister of Lands, may for the time being determine.
 - (10) Every applicant to purchase land pursuant to this section shall be liable for payment to the Land Settlement Board of all survey costs necessary to give title to him pursuant to the sale and, where he is an applicant to purchase on deferred payments, the preparation and registration fees payable under the Land Act 1948 in respect of deferred payment licences.

- (11) There shall be payable by the University to the Land Settlement Board by way of reimbursement for the costs of the Land Settlement Board in administering the provisions of this section—
- (a) in the case of land sold on deferred payments, a collection fee of 6% of every instalment received (which amount may be deducted by the Land Settlement Board on receipt from the purchaser); and
 - (b) in all other cases, such fees as may be agreed between the Council of the University and the Land Settlement Board.
- (12) This section applies to the following land:
- All those areas of land in the Otago Land District being:
- (a) Run 79C, situated in Sutton Survey District, containing 235.5270 hectares, more or less, and being all of the land comprised and described in certificate of title, Volume 5A, folio 537 (Otago Registry); and
 - (b) Run 79E, situated in Sutton and Nenthorn Survey Districts, containing 1 928.3271 hectares, more or less, and being all of the land comprised and described in certificate of title, Volume 348, folio 119 (Otago Registry); and
 - (c) Run 79J, situated in Sutton and Nenthorn Survey Districts containing 485.6228 hectares, more or less, and being all of the land comprised and described in certificate of title, Volume 348, folio 118 (Otago Registry); and
 - (d) Run 79B, situated in Sutton and Nenthorn Survey Districts containing 809.3713 hectares, more or less, being all of the land comprised and described in certificate of title, Volume 348, folio 117 (Otago Registry); and
 - (e) Run 79A, situated in Sutton and Nenthorn Survey Districts, containing 1 220.5319 hectares, more or less, being all of the land comprised and described in Volume 348, folio 145 (Otago Registry); and
 - (f) Run 79I, situated in Nenthorn Survey District, and Section 1444R, situated in Block IX, Nenthorn Survey District, containing 773.3505 hectares, more or less, being all of the land comprised and described in certificate of title, Volume 348, folio 140 (Otago Registry); and
 - (g) Run 79G, situated in Nenthorn Survey District, and Section 18, Block VI, and Section 10, Block VII, Nenthorn Survey District, containing 1 738.5295 hectares, more or less, being all of the land comprised and described in certificate of title, Vol 348, folio 175 (Otago Registry); and
 - (h) Run 79F, situated in Nenthorn Survey District, and Section 1, Block IX, Nenthorn Survey District, containing 1 923.0662 hectares, more or less, being all of the land comprised and described in certificate of title, Volume 348, folio 172 (Otago Registry); and

- (i) Run 79H, situated in Nenthorn Survey District, and Section 1442R, situated in Block XI, Nenthorn Survey District, containing 1 980.7957 hectares, more or less, being all of the land comprised and described in certificate of title, Volume 348, folio 144 (Otago Registry); and
- (j) Run 79D, situated in Sutton and Nenthorn Survey Districts, containing 1 180.8727 hectares, more or less, being all of the land comprised and described in certificate of title, Volume 3448, folio 148 (Otago Registry); and
- (k) Part Run 520, situated in Silverpeak and Nenthorn Survey Districts, and Sections 3–12 (inclusive), situated in Block VI, Silverpeak Survey District, containing 2 131.7167 hectares, more or less, being all of the land comprised and described in certificate of title, Volume 338, folio 91 (Otago Registry); and
- (l) Part Run 521, situated in Silverpeak and Nenthorn Survey Districts, and Section 2 and Part Sections 1524R and 1525R, situated in Block VI, Silverpeak Survey District, containing 2 270.3959 hectares, more or less, being all of the land comprised and described in certificate of title, Volume 338, folio 92 (Otago Registry); and
- (m) Section 17, situated in Block VI, Nenthorn Survey District, containing 8 094 square metres, more or less (SO Plan 5929); and
- (n) Section 16 and Parts Section 14, situated in Block VI, Nenthorn Survey District, containing 27.3163 hectares, more or less (SO Plan 1253).
- (o) Runs 545 and 546 situated in Blocks I, II, III, IV, V, IX, and X Ohau River Survey District and Blocks XIV and XV Benmore Survey District, comprising 10 165.2986 hectares, more or less, being part of the land comprised and described in certificate of title Volume 223, folio 10, and being all the land contained in Register Volume 386, folio 127 (Otago Registry) (SO Plans 255, 256, 257, and 258):
- (p) Sections 8, 9, 10, 11, and 12, and Part Sections 3 and 1437R, Block XII, Section I and Part Section 4, Block XVI, Part Section 1217R and Part Run 553, situated in Blocks XI and XII; Part Run 554, situated in Blocks XI, XII, and XVI; and Part Run 555, situated in Blocks XI, XII, and XVI, Benmore Survey District, containing 2 863.9094 hectares, more or less, being all the land comprised and described in certificate of title Volume 4C, folio 484, certificate of title Volume 5D, folio 1444, and part certificate of title Volume 223, folio 10, and being all the land contained in Register Volume 386, folio 135 (Otago Registry) (SO Plan 19949).

Section 16(4)(c): substituted, on 7 January 1981, by section 14(1) of the Reserves and Other Lands Disposal Act 1980 (1980 No 62).

Section 16(4)(d): repealed, on 7 January 1981, by section 14(1) of the Reserves and Other Lands Disposal Act 1980 (1980 No 62).

Section 16(5): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 16(6): substituted, on 7 January 1981, by section 14(2) of the Reserves and Other Lands Disposal Act 1980 (1980 No 62).

Section 16(7): substituted, on 7 January 1981, by section 14(2) of the Reserves and Other Lands Disposal Act 1980 (1980 No 62).

Section 16(7A): inserted, on 7 January 1981, by section 14(2) of the Reserves and Other Lands Disposal Act 1980 (1980 No 62).

Section 16(7B): inserted, on 7 January 1981, by section 14(2) of the Reserves and Other Lands Disposal Act 1980 (1980 No 62).

Section 16(12)(o): added, on 19 November 1981, by section 9 of the Reserves and Other Lands Disposal Act 1981 (1981 No 57).

Section 16(12)(p): added, on 19 November 1981, by section 9 of the Reserves and Other Lands Disposal Act 1981 (1981 No 57).

17 Te Puna-Topu-O-Hokianga Trust

[Repealed]

Section 17: repealed, on 23 September 2015, by section 5 of the Reserves and Other Lands Disposal Act 1977 Amendment Act 2015 (2015 No 81).

18 Entries in registers

District Land Registrars are hereby authorised and directed to make such entries in their respective registers, and to do all such other things, as may be necessary to give full effect to the provisions of this Act.

Reprints notes

1 *General*

This is a reprint of the Reserves and Other Lands Disposal Act 1977 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Reserves and Other Lands Disposal Act 1977 Amendment Act 2015 (2015 No 81)
Survey Amendment Act 1996 (1996 No 55): section 5
Reserves and Other Lands Disposal Act 1981 (1981 No 57): section 9
Reserves and Other Lands Disposal Act 1980 (1980 No 62): section 14