



ANALYSIS

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1961, No. 128

An Act to provide for the sale, reservation, and other disposition of certain reserves, Crown lands, endowments, and other lands, to validate certain transactions, and to make provision in respect of certain other matters

[1 December 1961]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Reserves and Other Lands Disposal Act 1961.

2. Changing the purpose of certain land vested in the Corporation of the City of Invercargill—Whereas the land described in subsection (3) of this section is vested in the Mayor, Councillors, and Citizens of the City of Invercargill (in this section referred to as the Corporation) in trust as an endowment in aid of city funds: And whereas the said land adjoins certain other land which is vested in the Corporation in trust for the purposes of a public cemetery: And whereas the Corporation has requested that the said land be declared a reserve for cemetery purposes: And whereas it is expedient that the said land be so declared: Be it therefore enacted as follows:

(1) The vesting in the Corporation in trust as an endowment in aid of city funds of the land described in subsection (3) of this section is hereby cancelled, and the said land is hereby declared to be a reserve for the purposes of a public cemetery, and to be vested in the Corporation in trust for those purposes, freed and discharged from all other trusts, reservations, and restrictions heretofore affecting the same.

(2) The District Land Registrar for the Land Registration District of Southland is hereby authorised and directed to make such entries in the register books and to do all such other things as may be necessary to give effect to the provisions of this section.

(3) The land to which this section relates is particularly described as follows:

All that area in the Southland Land District being Lot 1, D.P. 2991, being part of Section 1, Block XXII, Invercargill Hundred, containing thirty-four acres one rood eighteen perches, more or less, and being part of the land comprised and described in certificate of title, Volume 192, folio 236, Southland Registry: as the same is shown on the plan marked L. and S. 2/645B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

3. Authorising the Lawrence Athenaeum and Mining Institute to lease certain land under the Public Bodies' Leases Act 1908—Whereas Sections 1, 2, 6, 7, 11, and 23,

Block I, Beaumont Survey District, Otago Land District, containing an area of five hundred and four acres two roods and five perches, were vested absolutely in the Lawrence Athenaeum and Mining Institute (in this section referred to as the Institute) by the Lawrence Athenaeum and Mining Institute Reserve Act 1876: And whereas under that Act power was conferred on the Institute to lease the said land for any term or terms of years not exceeding twenty-one years at any one time: And whereas the said Act provided that all moneys, rents, issues, and profits arising from the leasing of the said land should be applied for the purposes of the Institute in the manner provided by the Lawrence Athenaeum and Mining Institute Reserves Management Ordinance 1872: And whereas certain portions of the said land have from time to time been taken by Proclamation for various purposes, and certain areas of closed roads have been added thereto in exchange: And whereas the said land now comprises an area of four hundred and ninety acres sixteen perches and two-tenths of a perch, as firstly described in subsection (5) of this section: And whereas the land secondly and thirdly described in the said subsection was granted to the Institute under the provisions of the Land Act 1908 and the Public Works Act 1908 in exchange for land taken as aforesaid: And whereas the whole of the land described in subsection (5) of this section, being the residual area of the land vested in the Institute under the Lawrence Athenaeum and Mining Institute Reserve Act 1876 together with the additions thereto and the additional areas hereinbefore mentioned, has been leased by the Institute as if it had all been vested in the Institute under that Act: And whereas the Institute desires to grant leases of the said land for terms longer than twenty-one years, and to exercise in respect of the land the powers conferred on leasing authorities by the Public Bodies' Leases Act 1908: And whereas it is desirable to make provision accordingly and to declare that the said land is vested in the Institute in trust as an endowment: Be it therefore enacted as follows:

(1) The land described in subsection (5) of this section is hereby declared to be vested in the Institute in trust as an endowment, subject to the provisions of the Lawrence Athenaeum and Mining Institute Reserve Act 1876.

(2) For the purpose of dealing with the leasing of the said land the Institute is hereby declared to be a leasing authority within the meaning of the Public Bodies' Leases Act 1908.

(3) Section 4 of the Lawrence Athenaeum and Mining Institute Reserve Act 1876 is hereby amended by omitting the words "for any term or terms of years not exceeding twenty-one years at any one time, and subject to such terms and conditions as the said Lawrence Athenaeum and Mining Institute shall determine".

(4) The District Land Registrar for the Land Registration District of Otago is hereby authorised and directed to accept such documents for registration, to make such entries in the register books, and to do all such other things as may be necessary to give effect to the provisions of this section.

(5) The land to which this section relates is particularly described as follows:

Firstly, all that area in the Otago Land District containing four hundred and ninety acres sixteen perches and two-tenths of a perch, more or less, being Sections 6 and 23, parts of Sections 1, 2, 7, and 11, and parts of closed road, in Block I, Beaumont Survey District, together with such parts of the mines of coal or other minerals (if any) under those parts of the said Sections 1, 2, 7, and 11 and those other parts of closed road bordered green on the title as are not taken by either of the Proclamations Nos. 2565, 2711, and 2913 but are excepted thereout by law, and being the balance of the land comprised and described in certificate of title, Volume 178, folio 134, Otago Registry.

Secondly, all that area in the Otago Land District, containing two acres two roods eighteen perches, more or less, being Section 1225R, Block I, Beaumont Survey District, and being all of the land comprised and described in certificate of title, Volume 203, folio 155, Otago Registry.

Thirdly, all that area in the Otago Land District, containing five acres three roods thirty-seven perches and nine-tenths of a perch, more or less, being parts of Railway Reserve in Block I, Beaumont Survey District, and being all of the land comprised and described in certificate of title, Volume 177, folio 286, Otago Registry.

4. Vesting certain land in the Southland Harbour Board as an addition to an endowment and vesting certain land in Guy Peter Chewings in fee simple—Whereas by the Bluff Harbour Endowment and Borrowing Act 1877 an area of five thousand nine hundred and seventy-four acres of land known as Part Run 181 was vested in the Bluff Harbour Board (now the Southland Harbour Board) as an endowment for harbour board purposes: And whereas the said land is

now held by the Southland Harbour Board (in this section referred to as the Harbour Board) as an endowment for harbour board purposes under the provisions of the Harbours Act 1950: And whereas part of the said land known as Run 181A and containing two thousand six hundred and fifty-seven acres is under the provisions of the Land Act 1948 held by Guy Peter Chewings, of Mossburn, sheep farmer, under a licence numbered PRL 515, registered in Volume 167, folio 12, Southland Registry: And whereas the said Guy Peter Chewings holds an estate in fee simple over the land described in subsection (4) of this section: And whereas it is desirable and expedient that the said freehold land should be exchanged for that portion of the said endowment land described in subsection (5) of this section: And whereas the said Guy Peter Chewings and the Harbour Board have agreed to such exchange: Be it therefore enacted as follows:

(1) The freehold land described in subsection (4) of this section is hereby vested in the Southland Harbour Board as an endowment for harbour board purposes subject to the provisions of the Harbours Act 1950, and is hereby incorporated in the said licence No. PRL 515, registered in Volume 167, folio 12, Southland Registry, subject to the same terms and conditions as apply to the land already held under the said licence.

(2) The endowment land described in subsection (5) of this section is hereby excluded from the said licence numbered PRL 515, registered in Volume 167, folio 12, Southland Registry, and is declared to be no longer vested in the Southland Harbour Board as an endowment for harbour board purposes subject to the provisions of the Harbours Act 1950, and is hereby vested in the said Guy Peter Chewings for an estate in fee simple freed and discharged from any trusts and restrictions heretofore affecting the same.

(3) The District Land Registrar for the Land Registration District of Southland is hereby authorised and directed to deposit such plans, to make such entries in the register books, and to do all such other things as may be necessary to give effect to the provisions of this section.

(4) The land to which subsection (1) of this section relates is particularly described as follows:

All that area in the Southland Land District containing two hundred and twenty-four acres two roods, more or less, being Lot 1 on plan deposited in the Land Registry Office at Invercargill as number 5708, being part Section 181, Block

V, Taringatura Survey District, and being part of the land comprised and described in certificate of title, Volume 222, folio 63, Southland Registry: as shown on the plan marked L. and S. 8/10/88, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured blue (S.O. Plan 6849).

(5) The land to which subsection (2) of this section relates is particularly described as follows:

All that area in the Southland Land District containing three hundred and twenty-eight acres, more or less, being Section 473, Blocks V and X, Taringatura Survey District, and being part of the land comprised in Licence to Occupy for Pastoral Purposes, No. PRL 515, registered in Volume 167, folio 12, Southland Registry: as shown on the plan marked L. and S. 8/10/88, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured yellow (S.O. Plan 6849).

5. Declaring land subject to the Forests Act 1949 to be Crown land subject to the Land Act 1948—Whereas the land described in subsection (2) of this section is set apart as permanent State forest land under the Forests Act 1949: And whereas it is desirable that it should be declared Crown land subject to the Land Act 1948: Be it therefore enacted as follows:

(1) The setting apart of the land described in subsection (2) of this section as permanent State forest land is hereby revoked and the said land is hereby declared to be Crown land subject to the Land Act 1948.

(2) The land to which this section relates is particularly described as follows:

Firstly, all that area in the North Auckland Land District, being Lot 1 on Deposited Plan numbered 15446, and being part Old Land Claim 549, situated in Block VI, Whangaroa Survey District, containing two hundred and eighty-three acres one rood thirty-four perches, more or less, and being all the land comprised and described in certificate of title, Volume 489, folio 251, Auckland Registry: as shown on the plan marked L. and S. 36/2169A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

Secondly, all those areas in the South Auckland Land District, being Section 29, Block III, and Section 23, Block VII, Rotoma Survey District, coloured green and containing two thousand four hundred and fifty-four acres three roods five

and eight-tenths perches, more or less: and also part Section 6, Block VI, Waihi South Survey District, coloured sepia and containing eleven hundred and thirty acres one rood fifteen perches, more or less: and also part closed road (*Gazette*, 1945, Vol. III, page 1118), coloured blue and containing thirty-four acres three roods twenty-seven perches, more or less: and also Section 3, Block VII, Section 2, Block VIII, Sections 4, 5, 6, 7, 8, and 9, Block XI, and Section 4, Block XII, Waihi South Survey District, and Section 5, Block III, Rotoma Survey District, coloured yellow and containing seven thousand eight hundred and eighteen acres three roods twenty-seven perches, more or less: and also Section 1, Block XI, and parts Section 1A, Block X, Waihi South Survey District, coloured red and containing sixteen hundred and thirty-three acres three roods thirty-eight perches, more or less: and also parts Section 3, Block XI, Waihi South Survey District, edged red and containing four hundred and forty-six acres and thirty-two perches, more or less: and also part Section 30, Block III, Rotoma Survey District, edged red and containing twenty-nine acres two roods fifteen perches, more or less: as shown on the plan marked L. and S. 36/2476B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured or edged as hereinbefore described (S.O. Plans 40558, 41096, and 41134).

Thirdly, all those areas in the Gisborne Land District, being Section 1, Block XIII, Paritu Survey District, containing two hundred and sixty acres, more or less, and also part Section 1, Block XVI, Nuhaka North Survey District, containing seventy acres three roods fourteen perches, more or less, and being parts of the land comprised and described in certificate of title, Volume 34, folio 91, Gisborne Registry: also part Lot 7 on Deposited Plan numbered 1026, being part Paritu Block, situated in Block XVI, Nuhaka North Survey District, and Block XIII, Paritu Survey District, containing one hundred and seven acres one rood eighteen perches, more or less, and being part of the land comprised and described in certificate of title, Volume 41, folio 125, Gisborne Registry: as shown on the plan marked L. and S. 10/102/21A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 5233): also all that area in the Hawke's Bay Land District, being part Lot 1 on Deposited Plan numbered 1760, being part Takararoa No. 5231A Block, situated in Block XVI, Nuhaka North Survey District, and Block XIII, Paritu Survey District, containing forty-eight

acres three roods sixteen perches, more or less, and being part of the land comprised and described in certificate of title, Volume HB 4, folio 39: as shown on the plan marked L. and S. 10/102/21B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

Fourthly, all that area in the Gisborne Land District, being Lots 3 and 4 on Deposited Plan numbered 2317, and Lot 1 on Deposited Plan numbered 4479, all being part of Waingaromia No. 2 Block, situated in Blocks XV and XVI, Tutamoe Survey District, containing one thousand eight hundred and fourteen acres two roods four perches, more or less, and being all the land comprised and described in certificate of title, Volume 113, folio 111, Gisborne Registry: as shown on the plan marked L. and S. 1913/605K, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

Fifthly, all those areas in the Hawke's Bay Land District, being Sections 1 and 2, Block XI, Ngaruroro Survey District, containing three hundred and ninety-six acres and two roods, more or less: and also Section 5 (part formerly part Lot 2, Pastoral Run 12), Block XV, Ngaruroro Survey District, containing nine hundred and fifty-two acres, more or less: as shown on the plans marked L. and S. 21/149/2867A and B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plans 3126 and 3125).

Sixthly, all those areas in the Hawke's Bay Land District, being Section 4, Block XIII, Maungaharuru Survey District (formerly parts S.G.R. 104 and S.G.R. 105), containing twelve hundred and four acres and two roods, more or less: also part Lot 3 on Deposited Plan numbered 3831, being part Kaiwaka 2B Block, situated in Blocks IX and X, Maungaharuru Survey District: also part S.G.R. 103, situated in Block X, Maungaharuru Survey District, containing two thousand two hundred and ninety-eight acres, more or less: as shown on the plans marked L. and S. 8/2/28A and B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plans 3014 and 3012).

Seventhly, all that area in the Taranaki Land District, being part Lots 95 and 97 on Deposited Plan numbered 1786, being parts Section 105, Moa District, situated in Block IV, Egmont Survey District, (Borough of Inglewood), containing one acre one rood twenty perches and one-tenth of a

perch, more or less: and being parts of the land comprised and described in certificates of title, Volume 60, folio 59, and Volume 62, folio 246, Taranaki Registry, respectively: as shown on the plan marked L. and S. 10/94/22A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 9269).

Eighthly, all that area in the Nelson Land District, being Section 167 (formerly part Section 2), Block XIII, Reefton Survey District, containing five acres and thirty-eight perches, more or less: as shown on the plan marked L. and S. 22/1450/1263A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 10237).

Ninthly, all that area in the Nelson Land District, being Section 164 (formerly part Sections 88, 91, and 92), Square 5, situated in Block XIII, Wai-iti Survey District, containing seventy-one acres one rood nine perches, more or less, and being part of the land comprised and described in certificate of title, Volume 72, folio 21, Nelson Registry: as shown on the plan marked L. and S. 10/97/12B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 10219).

Tenthly, all that area in the Nelson Land District, being part Sections 26, 27, 28, and 29, Square 4, part sections 1s and 3s, Golden Downs Settlement, also part Lot 1 on Deposited Plan numbered 84, being part Sections 1, 7, 8, 9, and 10, Square 45, situated in Blocks VI and X, Gordon Survey District, and also closed road in Block X, Gordon Survey District, containing one thousand and twenty-five acres, more or less: as shown on the plan marked L. and S. 10/97/12c, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 10249).

Eleventhly, all that area in the Canterbury Land District, being Reserve 3500, and being the area described in *Gazette*, 1899, Vol. II, page 2117, and situated in Blocks X, XI, XIV, XV, and XVI, Dillon Survey District, and Blocks II, III, IV, and VI, Tekoa Survey District: as shown on the plan marked L. and S. 25355A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged green.

Twelfthly, all that area in the Westland Land District, being part Reserve 1679, situated in Block I, Poerua Survey District, containing twenty-four acres and twenty-two perches,

more or less: as shown on the plan marked L. and S. 10/98/5B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

Thirteenthly, all that area in the Otago Land District, being Section 45, Block I, Catlins Survey District, containing one hundred and twenty-five acres three roods thirty-two perches, more or less: as shown on the plan marked L. and S. 10/100/6A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plans 296 and 297).

Fourteenthly, all that area in the Otago Land District, being Section 23, Block XV, Glenkenich Survey District, containing fifteen acres and nine perches, more or less: as shown on the plan marked L. and S. 36/1921A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 9794).

Fifteenthly, all that area in the Otago Land District, being part Section 3334, McKerrow Survey District, containing four hundred and eighty-seven acres, more or less: as shown on the plan marked L. and S. 38485A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured orange (S.O. Plan 12466).

Sixteenthly, all that area in the Southland Land District, being part of Sections 2 and 3, and closed road in Block VIII, Lillburn Survey District, containing thirteen hundred acres, more or less: as shown on the plan marked L. and S. 22/4465, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 6886).

Seventeenthly, all that area in the Southland Land District, being Section 13 (formerly part of Section 9), Block XXII, Jacobs River Hundred, containing eighty-seven acres two roods ten perches, more or less: as shown on the plan marked L. and S. 10/101/33A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 6843).

Eighteenthly, all that area in the South Auckland Land District, being part Section 2, Block VIII, Maramarua Survey District, containing thirteen acres two roods thirty perches, more or less; also part Lot 1 on Deposited Plan numbered 25047, being part Allotment 64, Maramarua Parish, containing one perch, more or less: as shown on the plan marked

L. and S. 21/149/751B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 41210).

6. Authorising the burial of Bishop Michael Verdon in land of the Holy Cross College, Mosgiel—(1) Notwithstanding anything to the contrary in the Cemeteries Act 1908, or in any other Act, the burial of the body of Michael Verdon formerly Roman Catholic Bishop of Dunedin may be lawfully made in the Memorial Chapel of the Holy Cross College, Mosgiel.

(2) The body of the said Michael Verdon may, after due notice to the authorities of the Southern Cemetery, Dunedin, be exhumed and reburied in the said chapel.

(3) The body of no other person shall be buried in the said chapel.

7. Authorising the transfer of Mount Maunganui Golf Course Domain to the Mount Maunganui Golf Club (Incorporated)—Whereas the land described in subsection (4) of this section (in this section referred to as the said land) was transferred by Mount Maunganui Golf Lands Limited, a company duly incorporated under the Companies Act 1955 and having its registered office at Tauranga (in this section called the Company) to Her Majesty the Queen as a recreation reserve, subject to the Reserves and Domains Act 1953, pursuant to an agreement made with the Company: And whereas in pursuance of the same agreement eight sections vested in Her Majesty from the Company under the Land Subdivision in Counties Act 1946 on the subdivision of its adjoining land were transferred back to the Company: And whereas the said land was constituted the Mount Maunganui Golf Course Domain and the Mount Maunganui Borough Council was appointed as the Domain Board: And whereas the Mount Maunganui Golf Club (Incorporated), a club duly registered under the Incorporated Societies Act 1908 and having its registered office at Mount Maunganui (in this section referred to as the Golf Club) acquired all the shares in the Company and, in accordance with the conditions applying to the transfer of the said land, was granted a lease thereof for a term of twenty-one years from the first day of January, nineteen hundred and fifty-three: And whereas the Golf Club wishes to obtain full ownership and control of the

said land to be held by it for the purposes of a Golf Course: And whereas it has been agreed that the said land be transferred to the Golf Club, subject to its paying the agreed value of the eight sections returned to the Company as aforesaid: And whereas there is no provision to enable this to be done and it is desirable and expedient to make provision accordingly: Be it therefore enacted as follows:

(1) On payment by the Golf Club of the sum of three thousand two hundred pounds to the Receiver of Land Revenue, Hamilton—

- (a) The lease dated the twelfth day of March, nineteen hundred and fifty-four, granted to the Golf Club under the provisions of Part II of the Public Reserves and Domains Act 1928 over the said land shall be deemed to be cancelled:
- (b) The notice dated the ninth day of May, nineteen hundred and fifty-six, and published in the *Gazette* of the seventeenth day of that month, appointing the Mount Maunganui Borough Council to be the Mount Maunganui Golf Course Domain Board under the provisions of the Reserves and Domains Act 1953 shall be deemed to be revoked:
- (c) The Order in Council dated the sixteenth day of September, nineteen hundred and fifty-three, and published in the *Gazette* of the seventeenth day of that month, bringing the said land under the provisions of Part II of the Public Reserves and Domains Act 1928 as the Mount Maunganui Golf Course Domain, and the reservation for recreation purposes over the said land, shall be deemed to be revoked:
- (d) The Governor-General may grant the said land in fee simple to the Golf Club, freed and discharged from all trusts, reservations, and restrictions theretofore affecting the same.

(2) The said sum of three thousand two hundred pounds shall be held pursuant to section 78 of the Reserves and Domains Act 1953 for expenditure on public domain land within the Borough of Mount Maunganui.

(3) The District Land Registrar for the Land Registration District of Auckland is hereby authorised and directed to make such entries in the register books and to do all such other things as may be necessary to give effect to the provisions of this section.

(4) The land to which this section relates is particularly described as follows:

Firstly, all that area in the South Auckland Land District, being part Lot 1 on Deposited Plan numbered 34345, being part Omanu 1, 2A 2 and 2B 1 Blocks, situated in Block VII, Tauranga Survey District, containing sixty acres three roods thirty-two perches and five-tenths of a perch, more or less, and being the whole of the land comprised and described in certificate of title, Volume 1050, folio 142, Auckland Registry.

Secondly, Lot 2 on Deposited Plan numbered S.1500, being part Omanu 2A 2 Block, situated in Block VII, Tauranga Survey District, containing four acres one rood thirteen perches and five-tenths of a perch, more or less, and being the whole of the land comprised and described in certificate of title, Volume 1042, folio 244, Auckland Registry.

Thirdly, Lot 1 on Deposited Plan numbered 35675, being part Section 8, Block XI, Tauranga Survey District, containing fifty-seven acres and fifteen perches, more or less, and being the whole of the land comprised and described in certificate of title, Volume 933, folio 75, Auckland Registry.

As the same are more particularly shown on the plan marked L. and S. 1/1245/1, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

8. Authorising the Tauranga County Council to levy rates on land in the Waihi Drainage Area on an acreage basis—Whereas by an Order in Council dated the thirteenth day of April, nineteen hundred and fifty-nine, and published in the *Gazette* of the twenty-third day of that month, control of the Waihi Drainage Area, as described in subsection (13) of section 21 of the Reserves and Other Lands Disposal Act 1958 (in this section referred to as the district) was vested in the Tauranga County Council (in this section referred to as the Council) as from the thirty-first day of March, nineteen hundred and fifty-nine: And whereas rates are levied on the unimproved value of the land in the district: And whereas a large majority of the ratepayers desire that rates be levied on an acreage basis: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in the Swamp Drainage Act 1915 or in any other Act, any rate made and levied on or after the first day of April, nineteen hundred and sixty-two, by the Council by virtue of the vesting in it of control of the district may be made and levied on an acreage basis.

(2) Any such rate shall be made and levied on a graduated scale according to the fresh classification of the land in the district that is to be made by the Council, pursuant to the provisions of subsection (11) of section 21 of the Reserves and Other Lands Disposal Act 1958, not later than the thirty-first day of March, nineteen hundred and sixty-two.

9. Authorising the Corporation of the City of Wanganui to expend certain compensation money, and vesting certain land in the Corporation as an endowment in aid of city funds—Whereas the land known as Reserve L is vested in the Corporation of the City of Wanganui (in this section referred to as the Corporation) in trust as an endowment in aid of the funds of the city: And whereas Her Majesty the Queen intends to construct a motorway through and across part of the said reserve and proposes to take part of the same for or in connection with such purpose by Proclamation: And whereas the land described in subsection (5) of this section (hereinafter in this section referred to as the said land) is vested in the Corporation for an estate in fee simple for municipal purposes: And whereas the Corporation desires to set aside the said land and to hold the same in trust as an endowment in aid of the funds of the City of Wanganui: And whereas it is desirable to make provision for the payment of the compensation money in respect of the taking of part of Reserve L for or in connection with such motorway direct to the Corporation, and also to make provision for the application of that money, together with certain other money now held by the Corporation under the provisions of section 22 of the Reserves and Other Lands Disposal Act 1951, in or towards the development and improvement of the said land: Be it therefore enacted as follows:

(1) The land described in subsection (5) of this section is hereby vested in the Corporation as an endowment in aid of the funds of the City of Wanganui.

(2) Notwithstanding anything to the contrary in the Public Works Act 1928 or in any other Act or rule of law, the compensation money in respect of the taking for or in connection with a motorway of part of Reserve L may be paid direct to the Corporation, and the Corporation may give a valid and complete discharge for the same.

(3) Notwithstanding anything to the contrary in any Act or rule of law, the Corporation is hereby authorised and empowered to pay the said compensation money into its General Account and to apply the same, together with the

money held by it under the provisions of section 22 of the Reserves and Other Lands Disposal Act 1951, in and towards the development and improvement, in such manner as it may from time to time determine, of the land described in subsection (5) of this section.

(4) The District Land Registrar for the Land Registration District of Wellington is hereby authorised and directed to make such entries in the register books and to do all such other things as may be necessary to give effect to the provisions of this section.

(5) The land vested in the Corporation as an endowment in aid of the funds of the City of Wanganui by subsection (1) of this section is particularly described as follows:

All that piece of land situated in the City of Wanganui containing eleven acres and thirty-three perches, more or less, being part Section 227, Right Bank Wanganui River, and being further Lot 1 on Deposited Plan No. 18046, and being part of the land comprised and described in certificate of title, Volume 669, folio 47, Wellington Registry.

10. Declaring certain endowment land vested in the University of Canterbury to be Crown land subject to the Land Act 1948—Whereas the land described in subsection (7) of this section (in this section referred to as the said land) forms portion of an area vested in the University of Canterbury (in this section referred to as the University) as an endowment for the promotion of superior education: And whereas Lakes Grasmere, Hawdon, Marymere, Pearson, and Sarah are included within the said land: And whereas the said land has been leased by the University under leases registered as Numbers 11077, 11170, and 10539, Canterbury Registry: And whereas Lake Grasmere, together with a strip of land ten chains in width around the lake, was declared to be a wildlife refuge under the provisions of section 14 of the Wildlife Act 1953 by Proclamation dated the sixteenth day of October, nineteen hundred and fifty-seven, and published in the *Gazette* of the twenty-fourth day of that month: And whereas the University has agreed to the revocation of the vesting of the said land in order that it may be held by the Crown to preserve to the public free access to all lakes and rivers in accordance with the provisions of the Land Act 1948: And whereas the lessees under leases Numbers 11077, 11170, and 10539 aforesaid have agreed to the exclusion from their respective leases of the lake and land areas concerned: Be it therefore enacted as follows:

(1) The land firstly described in subsection (7) of this section is hereby excluded from lease Number 11077, Canterbury Registry.

(2) The land secondly described in subsection (7) of this section is hereby excluded from lease Number 11170, Canterbury Registry.

(3) The land thirdly described in subsection (7) of this section is hereby excluded from lease Number 10539, Canterbury Registry.

(4) The vesting in the University as an endowment for the promotion of superior education of the land described in subsection (7) of this section is hereby cancelled, and the said land is hereby declared to be Crown land subject to the Land Act 1948, freed and discharged from all leases, trusts, and reservations whatsoever heretofore affecting the same.

(5) The District Land Registrar for the Land Registration District of Canterbury is hereby authorised and directed, on the deposit of such plans and documents as he may require, to make such entries in the register books and to do all such other things as may be necessary to give effect to the provisions of this section.

(6) Nothing in this section shall affect in any way the declaration by the Proclamation dated the sixteenth day of October, nineteen hundred and fifty-seven, as a wildlife refuge under the Wildlife Act 1953 of Lake Grasmere and a strip of land surrounding the same.

(7) The land and lake areas excluded from leases Numbers 11077, 11170, and 10539 by subsection (1), subsection (2), and subsection (3) of this section respectively and declared to be Crown land by subsection (4) of this section are particularly described as follows:

Firstly, all those areas in the Canterbury Land District, Tawera County, containing together two hundred and ninety acres one rood thirty-five perches, more or less, and particularly described as follows:

Lake Sarah, Lot 7, D.P. 21924, being part Reserve 1577, situated in Block I, Grasmere Survey District, area, sixty-one acres and fifteen perches, more or less, part certificate of title, Volume 793, folio 57:

Also Lot 8, D.P. 21924, being part Reserve 1577, situated in Block I, Grasmere Survey District, area, six acres three roods ten perches, more or less, part certificate of title, Volume 793, folio 57:

Also Lot 10, D.P. 21924, being part Reserve 1577, situated in Block I, Grasmere Survey District, area, twenty-nine acres three roods twenty perches, more or less, part certificate of title, Volume 793, folio 57:

Also Lake Grasmere, Lot 11, D.P. 21924, being part Reserve 1577, situated in Block I, Grasmere Survey District, area, one hundred and fifty-five acres and thirty perches, more or less, part certificate of title, Volume 793, folio 57:

Also Lot 12, D.P. 21924, being part Reserve 1577, situated in Block I, Grasmere Survey District, area, two acres two roods, more or less, part certificate of title, Volume 793, folio 57:

Also Lot 1, D.P. 21925, being part Reserve 1577, situated in Block V, Grasmere Survey District, area, ten acres, more or less, part certificate of title, Volume 793, folio 57:

Also Lot 4, D.P. 21925, being part Reserve 1577, situated in Block V, Grasmere Survey District, area, twenty-five acres, more or less, part certificate of title, Volume 793, folio 57.

Secondly, all that area in the Canterbury Land District, Tawera County, containing six acres, more or less, being Lot 5, D.P. 21925, part Reserve 1577, situated in Block V, Grasmere Survey District, and being part of the land in certificate of title, Volume 793, folio 57.

Thirdly, all those areas in the Canterbury Land District, Tawera County, containing together seven hundred and thirty-one acres two roods ten perches, more or less, and particularly described as follows:

Lot 2, D.P. 21925, being part Reserve 1577, situated Block V, Grasmere Survey District, area, twenty-three acres, more or less, part certificate of title, Volume 793, folio 57:

Also Lake Pearson, Lot 3, D.P. 21925, being part Reserve 1577, situated in Block V, Grasmere Survey District, area, five hundred and ten acres, more or less, part certificate of title, Volume 793, folio 57:

Also Lot 2, D.P. 21926, being part Reserve 1577, situated in Block VI, Grasmere Survey District, area, fifteen acres and twenty-five perches, more or less, part certificate of title, Volume 793, folio 57:

Also Lake Hawdon, Lot 3, D.P. 21926, being part Reserve 1577, situated in Block VI, Grasmere Survey District, area, one hundred and four acres three roods twenty-five perches, more or less, part certificate of title, Volume 793, folio 57:

Also Lot 5, D.P. 21926, being part Reserve 1577, situated in Block VI, Grasmere Survey District, area, eleven acres two roods, more or less, part certificate of title, Volume 793, folio 57:

Also Lake Marymere, Lot 6, D.P. 21926, being part Reserve 1577, situated in Block VI, Grasmere Survey District, area, sixty-seven acres, more or less, part certificate of title, Volume 793, folio 57.

11. Vesting the old Caversham Tunnel in the Corporation of the City of Dunedin—Whereas for the purpose of constructing the old Caversham Tunnel on the Waitaki-Bluff Railway Her Majesty the Queen acquired by conveyance 43179 (Otago Deeds Registry Book, Volume 60, folio 269) a site for a tunnel twenty-five feet wide by twenty feet high in the subsoil of the land firstly described in subsection (4) of this section, and also reserved by Memorandum of Transfer No. 15135 (Otago Land Registry) the subsoil of the land secondly described in subsection (4) of this section: And whereas there is excepted from the land thirdly described in subsection (4) of this section the subsoil occupied by the said tunnel: And whereas the subsoil of the land fourthly described in subsection (4) of this section is vested by statute in Her Majesty the Queen for the purposes of the aforesaid railway: And whereas Her Majesty the Queen is the owner of the land fifthly described in subsection (4) of this section: And whereas the tunnel is not now used for the purpose of the aforesaid railway: And whereas Her Majesty has agreed with the Dunedin City Council that the site of the tunnel and all rights and appurtenances thereto belonging or ever created should be vested in the Mayor, Councillors, and Citizens of the City of Dunedin (in this section referred to as the Corporation) for municipal purposes: And whereas it is desirable and expedient that this be done: Be it therefore enacted as follows:

(1) The parts of the subsoil of the land firstly, secondly, thirdly, fourthly, and fifthly described in subsection (4) of this section contained between the planes of the floor of the tunnel and planes twenty feet in vertical height above those planes are hereby vested in the Corporation for an estate in fee simple for municipal purposes, subject to the provisions of the Municipal Corporations Act 1954. The planes of the floor of the tunnel are situated vertically below the land delineated and coloured blue and sepia on the plan marked L.O. 16769 (S.O. 12795), deposited in the office of the Minister of Railways, at Wellington, being at the eastern boundary 178·87 feet above city datum and rising at the rate of one foot in sixty-six feet for a distance of 26·5 chains to a height of 205 feet above city datum and thence at that

height for 15.5 chains to the western boundary, as shown by longitudinal section on the aforesaid plan.

(2) The District Land Registrar for the Otago Land Registration District is hereby authorised and directed to deposit such plans and to do all such other things as may be necessary to give effect to the provisions of this section and shall, on application by the Corporation, issue a certificate of title for the said land.

(3) The parts of the land used as tunnel as are situated below Mornington Road, Caversham Valley Road, and Aberfeldy Street that are vested in Her Majesty the Queen by statute for the purposes of the aforesaid Railway are hereby vested in the Corporation to the intent that the whole of the land of the said streets shall now be vested in the Corporation in fee simple.

(4) The land to which this section relates is particularly described as follows:

Firstly, those parts of Sections 38 and 45, Block VI, Town District, shown coloured sepia on the plan marked L.O. 16769 (S.O. 12795), deposited in the office of the Minister of Railways at Wellington.

Secondly, those parts of Lots 8 and 9, Deposited Plan 6662, being part Section 31, Block VI, Town District, coloured sepia and blue on the aforesaid plan marked L.O. 16769.

Thirdly, Section 109, Block VI, Town District, being the land comprised and described in Deferred Payment Licence No. 461, U, recorded in Volume 408, folio 170, Otago Land Registry.

Fourthly, those parts of Sections 31, 33, 34, 37, and 110, Block VI, Town District, as are coloured blue and sepia on the aforesaid plan marked L.O. 16769.

Fifthly, part Sections 41 and 42, Block VI, Town District, being the balance of the land comprised and described in certificate of title, Volume 46, folio 72, Otago Land Registry.

12. Provisions of the Land Act 1948 to apply to leases of certain land acquired by the Crown from the Napier Harbour Board—Whereas Her Majesty has acquired for housing purposes certain land which was vested in the Napier Harbour Board as an endowment: And whereas certain pieces of the land are subject to leases from the said Board conferring rights of renewal: And whereas other pieces of the land so acquired were leased by the said Board to Her Majesty who had granted subleases thereof with rights of renewal: And whereas it is desirable that provision be made to enable persons holding the aforesaid leases and subleases to purchase the fee

simple of the land subject thereto: And whereas it is desirable that the provisions of the Land Act 1948 as to renewals of leases be applied to the aforesaid leases and subleases: Be it therefore enacted as follows:

(1) This section applies to all leases granted by the Napier Harbour Board and to all subleases granted by Her Majesty over the land described in subsection (5) of this section.

(2) This section shall come into force on the first day of January, nineteen hundred and sixty-two.

(3) The lessee or sublessee under any lease or sublease to which this section applies shall, subject to the provisions of this section, have the right—

(a) At any time during the term of his lease or sublease to acquire the fee simple of the land comprised therein as if the lease or sublease were a renewable lease (with the right of acquiring the fee simple) under the Land Act 1948, and in any such case the provisions of subsections (2) to (10) of section 122 of that Act shall apply with any necessary modifications; or

(b) On the expiration of the term of his lease or sublease to be granted a renewable lease (with the right of acquiring the fee simple) under the Land Act 1948 over the land comprised in the expiring lease or sublease, and in any such case the rental value of the land, the value of improvements, and the yearly rent for the purposes of any such renewable lease shall be calculated in accordance with the provisions of Part VIII of that Act; or

(c) At any time during the term of his lease or sublease, and with the consent of every person having a registered interest therein, to surrender the same and to be granted in exchange a renewable lease (with the right of acquiring the fee simple) under the Land Act 1948 over the land comprised in the surrendered lease or sublease. In any such case the provisions of subsections (2) to (4) of section 126 of that Act shall apply with any necessary modifications.

(4) The provisions of section 114 of the Land Act 1948 shall apply in respect of the acquisition of the fee simple of any land under paragraph (a) of subsection (3) of this section and in respect of any lease granted under paragraph (b) or paragraph (c) of that subsection.

(5) The land subject to the leases and subleases to which this section applies is particularly described as follows:

Description	Area		Leasehold Certificate of Title Reference	
	r.	p.	Volume	Folio
Lot 1, D.P. 7547	1	0	121	184
Lot 2, D.P. 7547	1	0	121	183
Lot 1, D.P. 7634	1	0	122	299
Lots 2 and 3, D.P. 7634	2	31·38	123	280
Lot 2, D.P. 7829	1	0	128	293
Lot 3, D.P. 7829	1	0	128	294
Lot 4, D.P. 7829	1	0	128	295
Lot 5, D.P. 7829	1	0	128	296
Lot 6, D.P. 7829	1	0	128	297
Lot 1, D.P. 7884	1	05·2	131	164
Lot 1, D.P. 7946	0	38·5	131	173
Lot 2, D.P. 7946	0	38·5	131	171
Lot 1, D.P. 8036	0	38·5	131	172
Lot 1, D.P. 8230	0	33	134	63
Lot 1, D.P. 8232	0	37·9	134	180
Lot 1, D.P. 8393	0	33	136	139
Lot 1, D.P. 8474	1	03·6	142	160
Lot 107, D.P. 9035	1	08·6	119	245 (balance)
Lot 109, D.P. 9035	1	29·1	119	247 (balance)
Lot 110, D.P. 9035	2	04·3	119	248 (balance)
Lot 111, D.P. 9035	1	08·5	119	249 (balance)
Lot 160, D.P. 9320	1	17·1	119	255 (balance)
Lot 208, D.P. 9507	1	11·5	119	266 (balance)
Lot 209, D.P. 9507	1	07·2	119	267 (balance)
Lot 210, D.P. 9507	1	08·4	119	277 (balance)
Lot 214, D.P. 9799	1	23·9	119	260 (balance)
Lot 215, D.P. 9799	1	06·3	119	262 (balance)
Lot 216, D.P. 9799	1	08·5	119	270 (balance)
Lot 217, D.P. 9799	2	11	119	269 (balance)
Lot 219, D.P. 9799	1	06	119	274 (balance)
Lot 6, D.P. 9857	1	18·7	119	258 (balance)
Lot 122, D.P. 9889	1	05·6	119	250 (balance)
Lot 103, D.P. 10248	1	14·6	119	271 (balance)
Lot 104, D.P. 10248	1	20	119	273 (balance)

the said land being parts Te Whare-O-Maraenui Block, parts Te Whare-O-Maraenui No. 1 Block, and parts Old Bed of Tutaekuri River, situated in the City of Napier.

13. Provision with respect to the establishment of an aluminium smelting works at Bluff—Whereas the land described in subsection (3) of this section is Crown land subject to the Land Act 1948 (in this section referred to as the said land): And whereas it is desired to facilitate the establishment of an aluminium smelting works on part of the said land or in the vicinity of the said land: And whereas it is desired to free the operation of the said works from objections by the occupiers and the holders of any form of tenure of the said land in respect of the emission of smoke, fumes, vapour, grit, and dust from such works: Be it therefore enacted as follows:

(1) Notwithstanding the provisions of any Act or rule of law, the discharge or emission of smoke, fumes, vapour, grit, or dust caused by the operation of an aluminium smelting works situated on any part of the said land or in the vicinity of the said land or caused by any activity ancillary or incidental to the operation of the works shall not constitute a nuisance in relation to any person having for the time being any estate or interest in the said land or being an occupier of any part of the said land, and no such person shall have any right or claim to compensation for any damage, disturbance, or annoyance caused by such smoke, fumes, vapour, grit, or dust, or any other remedy in respect thereof, whether by way of injunction or otherwise:

Provided that nothing in this section shall limit in any way the provisions of the Health Act 1956, or of any other enactment, regulation, or bylaw relating to air pollution.

(2) In this section the term “smoke” has the same meaning as in the Health Act 1956.

(3) The land to which this section relates is particularly described as follows:

All that area situated in the Southland County, Southland Land District, containing nineteen thousand acres approximately and comprising Sections 54 and 66, Block VIII, Sections 65, 68, and part Section 66, Block IX, Sections 1, 7, and 10, Block X, Sections 11, 12, 15 to 19, 24, and 27 to 37, Block XI, Sections 5, 8, and 9, Block XII, and Sections 9, and 11 to 25, Block XV, Campbelltown Hundred; the unsurveyed Crown land in Blocks VIII, IX, X, and XI, Campbelltown Hundred; and that portion of unsurveyed Crown land in Block XV, Oteramika Hundred, lying between Block XV, Campbelltown Hundred and the Waituna Lagoon, save and except a strip five chains wide along the shore of the Waituna

Lagoon: as shown on the plan marked L. and S. 34/677, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

14. Provision for the repeal of the Hauraki Plains Act 1926 and the vesting of certain assets of the former Hauraki Plains Drainage District in the Hauraki Catchment Board—

Whereas the Hauraki Plains Drainage District (in this section referred to as the District) has been administered by the Minister of Lands (in this section referred to as the Minister) under the provisions of the Hauraki Plains Act 1926 (in this section referred to as the principal Act): And whereas the Minister is empowered to construct and carry on such works as he thinks fit for the survey, drainage, reclamation, and roading of the District or otherwise rendering the same fit for settlement, and to maintain such works in proper order and condition: And whereas by Order in Council made on the twenty-eighth day of June, nineteen hundred and sixty-one, pursuant to the Local Government Commission Act 1953 and published in the *Gazette* of the twenty-ninth day of that month, the District was abolished: And whereas it is desirable that the principal Act be repealed and that the care, control, and management of the drainage works in the District be carried out pursuant to the provisions of the Land Drainage Act 1908 and the Soil Conservation and Rivers Control Act 1941: And whereas it is equitable that the debts and liabilities of the District remain the liability of the Crown: Be it therefore enacted as follows:

(1) This section shall come into force on the first day of April, nineteen hundred and sixty-two.

(2) In this section the term "Crown land" has the same meaning as in the Land Act 1948.

(3) All the land, easements, and other interest in land, drains, pumps, machinery, tools, implements, and drainage works owned by the Crown in respect of the drainage system carried on by the Minister in the District are hereby vested in the Hauraki Catchment Board (in this section referred to as the Board).

(4) The decision of the Minister as to what assets have vested in the Board under subsection (3) of this section shall be final.

(5) A notice in the *Gazette* by the Minister specifying that any land, easement, or other interest in land has vested in the Board under subsection (3) of this section shall be conclusive

evidence of that vesting to the District Land Registrar and shall be sufficient authority to him to issue a certificate of title to the land in the name of the Board and to make such memorials in the register book and in any instrument of title as are necessary to record the vesting in the Board of any such land, easement, or other interest.

(6) Notwithstanding the provisions of section 11 of the Soil Conservation and Rivers Control Amendment Act 1946, as amended by subsection (4) of section 15 of the Soil Conservation and Rivers Control Amendment Act 1948, the debts and liabilities of the Crown in respect of the District shall remain the debts and liabilities of the Crown.

(7) In respect of Crown land in the District of which there is for the time being no occupier within the meaning of the Rating Act 1925, the Commissioner of Crown Lands for the South Auckland Land District shall be deemed to be the occupier for the purposes of rates levied by the Board, and all rates payable in respect of such land shall from time to time be payable out of money appropriated by Parliament for that purpose.

(8) The Board shall have the power to collect all rates for drainage purposes outstanding at the first day of April, nineteen hundred and sixty-two, in respect of any property in the District. All outstanding rates collected by the Board shall be paid to the Minister.

(9) In every other respect the provisions of the Land Drainage Act 1908 and the Soil Conservation and Rivers Control Act 1941 shall, on and after the first day of April, nineteen hundred and sixty-two, apply to and be observed in respect of the District.

(10) Any land acquired under the principal Act remaining unalienated from the Crown at the commencement of this section (other than land subject to subsection (3) of this section) shall be deemed to be Crown land subject to the provisions of the Land Act 1948, and all rent, interest, purchase money, and all other money derived from the lease, sale, or other disposition thereof shall be paid to the credit of the Land Settlement Account.

(11) Notwithstanding any other provision contained in this section, payment of any necessary money for drainage works undertaken by the Minister before the commencement of this section shall from time to time be made out of money appropriated by Parliament for the purpose, whether such works are completed before or after the commencement of this section.

(12) The following enactments are hereby repealed, namely—

(a) The Hauraki Plains Act 1926:

(b) Section 7 of the Finance Act 1932:

(c) Section 27 of the Reserves and Other Lands Disposal Act 1949.

(13) The Finance Act 1932 is hereby amended by omitting from the First Schedule so much thereof as relates to the Hauraki Plains Act 1926.

(14) Section 54 of the Statutes Amendment Act 1938 is hereby amended by omitting from subsection (4) the words "the Hauraki Plains Act 1926 and".

(15) The Summary Proceedings Act 1957 is hereby amended by omitting from Part II of the First Schedule so much thereof as relates to the Hauraki Plains Act 1926.

This Act is administered in the Department of Lands and Survey.
