



ANALYSIS

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1962, No. 49

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

[5 December 1962]

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 1962.

2. **Variation of the trusts with respect to the Church of England cemetery at Tamaki**—Whereas the General Trust Board of the Diocese of Auckland is required by subsection (2) of section 44 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 to hold an area of one acre two roods twenty perches, being portion of the land comprised in a deed of conveyance registered in the Deeds Registry Office at Auckland under No. 376, upon trust as a site for a church vicarage or other building for use for the purposes of the Church of the Province of New Zealand commonly called the Church of England: And whereas the Board holds the residue of the land comprised in the said conveyance upon certain trusts: And whereas in pursuance of those trusts the Board has subdivided and leased portion of the said residue to various lessees: And whereas one of those lessees has erected a house and a garage which encroach upon the portion of the land held by the Board upon trust as a site for a church vicarage or other building as aforesaid: And whereas it is expedient to reduce the area required to be held upon trust for that site so that the encroachment may be remedied by the leasing of an additional piece of land to the lessee whose buildings so encroach: Be it therefore enacted as follows:

Section 44 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The said General Trust Board of the Diocese of Auckland shall hold all those pieces of land containing together one acre two roods thirteen perches, being Lot 3 on plan deposited in the Land Registry Office at Auckland as No. 36914 and Lot 2 on plan deposited as aforesaid as No. 39214,

being part of Allotment 27 of the District of Tamaki, and being parts of the land comprised in certificate of title, Volume 767, folio 41, Auckland Registry, being portions of the land contained in the said deed of conveyance registered as aforesaid as No. 376, upon trust as a site for a church vicarage or other building for use for the purposes of the Church of the Province of New Zealand commonly called the Church of England.”

3. Adding an area of Crown land to the Wellington Botanic Garden—Whereas the land described in subsection (3) of this section (in this section referred to as the said land) forms part of an area of Crown land used as a site for an observatory: And whereas the said land is no longer required for the purposes of an observatory: And whereas the said land at one time formed part of the Wellington Botanic Garden and it is desirable that the said land be revested in the Corporation of the City of Wellington as part of that Garden: Be it therefore enacted as follows:

(1) The said land is hereby vested in the Mayor, Councillors, and Citizens of the City of Wellington for an estate in fee simple as part of the Wellington Botanic Garden for the purposes and subject to the provisions of the Wellington Botanic Garden Vesting Act 1891.

(2) The District Land Registrar for the Wellington Land Registration District 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 more particularly described as follows:

All those areas in Block VI, Port Nicholson Survey District, Wellington Land District, containing together one rood thirty-three perches and sixty-two one-hundredths of a perch, more or less, being Sections 1224 and 1225, Town of Wellington (S.O. Plan 25200).

4. Vesting certain land in the Whataroa Physical and Social Welfare Club Incorporated—Whereas the Waitangi-Whataroa Public Hall and Library Institution a body corporate under the Libraries and Mechanics' Institutes Act 1908 (in this section referred to as the Institution) holds the land described in subsection (5) of this section and it is used as a site for a hall and library: And whereas four of the trustees of the Institution called a public meeting on the sixth day of June, nineteen hundred and fifty-two, when it was

agreed that the assets and liabilities of the Institution should be handed over to the Whataroa Physical and Social Welfare Club, which had been in existence for many years, and which had actually administered the property of the Institution: And whereas the said club was not at that time a body corporate, but has since been incorporated under the provisions of the Incorporated Societies Act 1908: And whereas there are now no trustees of the Institution in office: And whereas no bylaws were ever made providing for the dissolution of the Institution: And whereas it is desirable and expedient that the agreement reached at the said public meeting be given effect to and that the Institution be dissolved: Be it therefore enacted as follows:

(1) The land described in subsection (5) of this section is hereby vested in the Whataroa Physical and Social Welfare Club Incorporated, freed and discharged from any trusts heretofore affecting the same, but subject to all leases, easements, liens, encumbrances, and other restrictions existing at the date of the passing of this Act, and subject to the existing right of Her Majesty the Queen to the minerals under the surface of the land and rights to work the same.

(2) The District Land Registrar for the Westland Land Registration District is hereby authorised and directed to issue such documents, 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 assets and liabilities of the Institution are hereby declared to be assets and liabilities of the Whataroa Physical and Social Welfare Club Incorporated, and the said assets shall be used and applied in or towards the general welfare of the said Club.

(4) The Institution is hereby dissolved.

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

All that area in the Westland Land District containing one rood ten perches, more or less, being all the land on Deposited Plan numbered 592 and being part Rural Section 95 situated in Block XIV, Whataroa Survey District, and being the whole of the land comprised and described in certificate of title, Volume 27, folio 197, Westland Registry.

5. Closing certain portions of public road in Block III, Huangarua Survey District, and validating the issue of certain certificates of title—Whereas the areas coloured green on the plan lodged in the office of the Chief Surveyor at

Wellington under number 25344 form parts of a road within the meaning of section 110 of the Public Works Act 1928: And whereas those parts of that road were included in Sections 9 and 51, Ahiaruhe District, without having first been closed: And whereas Sections 9 and 51 aforesaid were subdivided and delineated on the plan deposited as number 3469, Wellington Registry: And whereas the said parts of that road have been included in certain subdivisions of the land delineated on the said Deposited Plan 3469: And whereas, to put in order the instruments which have been issued affecting the land concerned, it is expedient that the said areas of road coloured green on the said plan numbered 25344 should be closed as from the tenth day of October, nineteen hundred and sixteen: Be it therefore enacted as follows:

(1) The areas of road coloured green on the said plan numbered 25344 are hereby declared to be and to have been closed and to have been included in Sections 9 and 51, Ahiaruhe District, situated in Block III, Huangarua Survey District, as from the tenth of day of October, nineteen hundred and sixteen.

(2) Certificates of title, Volume 241, folio 72 (now cancelled), Volume 253, folio 42, Volume 267, folio 121, and Volume 267, folio 122, Wellington Registry, are hereby validated and declared to be and to have been always of full force and effect as from the dates when they were issued.

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

6. Authorising the Auckland Centennial Memorial Park Board to exchange certain land—Whereas the land described in subsection (3) of this section is vested in the Auckland Centennial Memorial Park Board (in this section referred to as the Board); And whereas the Board wishes to exchange that land for the land described in subsection (4) of this section: And whereas it is desirable and expedient that such exchange should be authorised: Be it therefore enacted as follows:

(1) Notwithstanding the provisions of the Auckland Centennial Memorial Park Act 1941, the Board is hereby authorised to exchange the land described in subsection (3) of this section for the land described in subsection (4) of this section.

(2) Upon completion of the exchange the land described in subsection (3) of this section shall cease to be subject to the provisions of the Auckland Centennial Memorial Park Act 1941, and the Board shall hold the land described in subsection (4) of this section for the purposes of the scenic park known as the Auckland Centennial Memorial Park.

(3) The land to be given in exchange by the Board is particularly described as follows:

All that area in the North Auckland Land District, containing three roods sixteen perches, more or less, being part Lot 2, D.P. 31544, being part Wekatahi Block, situated in Block III, Waitakere Survey District, and being part of the land comprised and described in certificate of title, Volume 813, folio 125, Auckland Registry: as shown on the plan marked L. and S. 4/36F, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon edged red (S.O. Plan 33599).

(4) The land to be obtained in exchange by the Board is particularly described as follows:

All that area in the North Auckland Land District, containing one rood two and eight-tenths perches, more or less, being Lot 1, D.P. 49389, being part Wekatahi Block, situated in Block III, Waitakere Survey District, and being part of the land comprised and described in certificate of title, Volume 1114, folio 142, Auckland Registry: as shown on the plan marked L. and S. 4/36F, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon edged red (S.O. Plan 33599).

7. Vesting certain land in Wellington City in Her Majesty as an addition to the Wellington Technical College site—Whereas the land described in subsection (3) of this section was granted to the Secretary of State for War and his successors on the thirty-first day of May, eighteen hundred and fifty-eight: And whereas at that time the said land was used as part of the Mount Cook Military Reserve: And whereas for many years the said land has been used as part of the grounds of the Wellington Technical School and it is desirable and expedient that the said land be vested in Her Majesty as an addition to a site for a technical school: Be it therefore enacted as follows:

(1) The land described in subsection (3) of this section is hereby vested in Her Majesty as an addition to a site for a technical school (Wellington) freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.

(2) The District Land Registrar for the Wellington Land Registration District 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 more particularly described as follows:

All that area in the Wellington Land District situated in Block X, Port Nicholson Survey District, containing by admeasurement two roods twenty-seven perches and forty-one hundredths of a perch, more or less, being section 1232, Town of Wellington (formerly described as Lots 2 and 4 on Survey Office Plan numbered 17327, being part of Sections 84 and 85, Town of Wellington, situated in Block VI, Port Nicholson Survey District): as shown on the plan marked L. and S. 57607B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 17327).

8. Authorising the Invercargill City Corporation to dispense with the appointment and employment of a harbour-master for the New River Harbour—Whereas the Corporation of the City of Invercargill is required by subsection (6) of section 22 of the Reserves and Other Lands Disposal Act 1955 to appoint and at all times employ a harbourmaster for the New River Harbour and to pay the salary and other incidental expenses connected with that office from the General Account of the Corporation: And whereas the New River Harbour has silted up and there is no longer any practical need for a harbourmaster for that harbour: And whereas it is desirable and expedient that the Corporation should be freed from the statutory requirement to appoint and employ a harbourmaster: Be it therefore enacted as follows:

Section 22 of the Reserves and Other Lands Disposal Act 1955 is hereby amended by repealing subsection (6).

9. Cancelling the vesting in the Otago Catchment Board of certain endowment land and declaring that land and a closed road area to be set apart as provisional State forest—Whereas on the dissolution of the Lower Clutha River Trust by an Order in Council dated the twenty-fifth day of February, nineteen hundred and fifty-two, and published in the *Gazette* of the twenty-eighth day of that month, the land described in subsection (4) of this section became vested in the

Otago Catchment Board (in this section referred to as the Board) in trust for endowment purposes: And whereas the said land is unsuitable for leasing as an endowment, but is suitable for addition to an adjoining State forest: And whereas the Board is willing to relinquish the said land subject to the payment to it of compensation at the rate of five shillings an acre: And whereas it is desirable that portion of a closed road intersecting the said land should also be added to the State forest: Be it therefore enacted as follows:

(1) The vesting in the Board as an endowment of the land described in subsection (4) of this section is hereby cancelled, and the said land is hereby declared to be Crown land set apart as provisional State forest land under the Forests Act 1949, freed and discharged from all trusts and restrictions heretofore affecting the same.

(2) The area of closed road described in subsection (5) of this section is hereby set apart as provisional State forest land under the Forests Act 1949.

(3) The Board shall, without further authority than this section, be paid out of money appropriated by Parliament for the purpose the sum of seven hundred and twenty-five pounds as compensation for the loss of the endowment land described in subsection (4) of this section, and the said sum shall, notwithstanding anything contained in the Lower Clutha River Improvement Act 1938 or in any other Act, be paid to the credit of the Board's Administrative Account and applied accordingly.

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

All that area in the Otago Land District, containing two thousand nine hundred acres, more or less, being Parts Run 129, Catlins and Rimu Survey Districts: as shown on the plan marked L. and S. 10/100/48A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 12802).

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

All that area in the Otago Land District containing seventeen acres, more or less, being closed road situated in Blocks III and VI, Rimu Survey District: as shown on the plan marked L. and S. 10/100/48A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 12777).

10. Authorising the Governor-General to proclaim certain land in the Towns of Lyell, Pensiniville, and Charleston, and in the Maruia and Waitakere Survey Districts in Buller County to be Crown land—Whereas in the Towns of Lyell, Pensiniville, and Charleston and in the Waitakere and Maruia Survey Districts certain land has been granted in fee simple, or reserved, or taken up under residence-site or business-site or special-site licences issued in terms of the Mining Act 1926: And whereas many of the owners and licensees are not known or cannot be located and the land has been abandoned: And whereas it is in the public interest that the land should be resumed by Her Majesty, but subject to the right of the owners and licensees thereof or their beneficiaries or successors in title to claim compensation as hereinafter provided: And whereas when the land was subdivided various strips of land were laid off as roads: And whereas most of them have never been used as roads and will not be required as roads in the future: And whereas it is desirable and expedient that special provision be made to enable the land, together with such roads as are not required, to be vested in Her Majesty as Crown land: Be it therefore enacted as follows:

(1) This section relates to all land in the Nelson Land District in Blocks III, IV, and VI, Waitakere Survey District, and Block I, Maruia Survey District, and in the Towns of Lyell, Pensiniville, and Charleston, in respect of which residence-site or business-site or special-site licences under the Mining Act 1926, or Crown grants, have heretofore been issued, and to all land laid off as roads, whether or not the same have been legalised, in the said Towns of Charleston, Lyell, and Pensiniville and in the said blocks in the Waitakere and Maruia Survey Districts, save and except the following:

- (a) No. 6 State Highway; and
- (b) That part of Princes Street in the Town of Charleston between the north-western side of Rotten Row and the said State Highway; and
- (c) That part of Rotten Row in the Town of Charleston between the south-western side of Princes Street and the said State Highway; and
- (d) The road from the said State Highway to Darkies Terrace; and
- (e) The road on the north bank of the Nile River from the said State Highway to the western boundary of Section 20, Block VI, Waitakere Survey District; and

- (f) The formed coastal road commencing at the said State Highway on the northern bank of the Nile River and running generally northerly to the southern bank of the Totara River; and
- (g) The road adjoining Sections 32 and 33, Block III, Waitakere Survey District; and
- (h) The road passing through Sections 40 and 41, Block IV, Waitakere Survey District; and
- (i) The road adjoining Sections 11 and 12, Block IV, Waitakere Survey District; and
- (j) The road passing through Section 2, Block IV, Waitakere Survey District.

(2) The Governor-General may by Proclamation from time to time declare that any land (inclusive of roads, legal or otherwise), or any portion of the land, to which this section relates shall, as from a date specified in that behalf in any such Proclamation, be deemed to be vested in Her Majesty as Crown land subject to the Land Act 1948, and every such Proclamation shall have effect according to its tenor:

Provided that no land shall be taken under this section so long as any person who is liable to pay rates on that land continues to pay those rates, except with the consent of that person, and no road or part of a road shall be taken if the effect of the taking would be to deprive any such land of legal access.

(3) Any roads or portions of roads (legal or otherwise) the subject of any Proclamation under subsection (2) of this section shall, as from a date to be specified in the Proclamation, be deemed to be closed.

(4) Before exercising any of the powers conferred on him by this section, the Governor-General shall cause not less than three months' notice of his intention so to do to be given in the *Gazette* and in such newspaper or newspapers as he thinks fit.

(5) The District Land Registrar for the Nelson Land Registration District and the appropriate Mining Registrar are 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.

(6) If at any time within five years after the date specified in any Proclamation issued under this section the registered proprietor or licensee or any other person having any estate or interest in any land to which the Proclamation relates adduces satisfactory evidence of title to or interest in that land, he shall be entitled to claim compensation for his interest

therein. The amount of compensation shall in every case be determined by the Land Settlement Board, and on any such determination, shall, without further appropriation than this section, be paid out of the Land Settlement Account established under the provisions of the Land Act 1948:

Provided that in no case shall the amount of compensation awarded under this section exceed the claimant's interest in the value of the land as determined by the said Board, as at the date specified in the Proclamation affecting the same, together with the value as at that date and as determined by the said Board of any improvements then existing on the land.

11. Closing certain portions of public road and declaring certain land to be public road in Normandale Settlement in Blocks VIII and IX, Belmont Survey District, and validating the issue of certain certificates of title—Whereas the area coloured green on the plan lodged in the office of the Chief Surveyor at Wellington under No. 25335 is a road within the meaning of section 110 of the Public Works Act 1928: And whereas portions of the said area of road were included in certain certificates of title issued for sections in Normandale Settlement situated in Blocks VIII and IX, Belmont Survey District, without having first been closed: And whereas the areas coloured blue on the said plan have been used as a public road without legal authority: And whereas, to put in order the certificates of title which have been issued affecting the land concerned, it is expedient that those parts of the said area of road coloured green on the said plan should be closed as from the twentieth day of November, nineteen hundred and three, being the date of approval of the survey plan of the Normandale Settlement, and that the said areas coloured blue should be declared to be road as from the same date: Be it therefore enacted as follows:

(1) The area of road coloured green on the plan lodged in the office of the Chief Surveyor at Wellington under No. 25335 is hereby declared to have been closed and to have formed part of Sections 40, 42, 43, 45, 48, 49, 52, 53, 56, 58, 59, 64, 67, 68, 74, Lot 2 of 84, 99, 101, and 102 Normandale Settlement, situated in Blocks VIII and IX, Belmont Survey District, as from the twentieth day of November, nineteen hundred and three. Nothing in this subsection shall affect the validity of the dedication by transfer No. 383359 and transfer No. 360519 of those parts of Pokohiwi Road coloured green on the said plan.

(2) The areas coloured blue on the said plan numbered 25335 are hereby declared to have been road as from the twentieth day of November, nineteen hundred and three.

(3) Certificates of title, Volume 646, folio 19, Volume 533, folio 226, Volume 472, folio 211, Volume 321, folio 101, Volume 454, folio 46, Volume 416, folio 221, Volume 518, folio 77, Volume 454, folio 106, Volume 428, folio 130, Volume 405, folio 80, Volume 379, folio 174, Wellington Registry, are hereby validated and declared to have been lawfully issued.

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

12. Authorising sale of Rotorua Aerodrome and providing for disposal of proceeds—Whereas the Rotorua Aerodrome in the City of Rotorua consists of the land described in subsection (6) of this section, and is controlled by the Rotorua City Council (in this section referred to as the City Council): And whereas the land comprises public reserve land subject to the Reserves and Domains Act 1953, closed street, and freehold land held by the City Council: And whereas part of the public reserve portion of the aerodrome was formerly part of an area set aside for use as a public cemetery, and another part was acquired in exchange for cemetery land: And whereas the aerodrome has become inadequate for the needs of the district, and it is proposed to construct a new aerodrome at Rotokawa in the County of Rotorua: And whereas it is desirable that the present aerodrome should be sold and the proceeds applied in or towards the costs of acquisition and development of the new aerodrome and in or towards the development of the Rotorua Public Cemetery or in the acquisition and development of land for a new cemetery: Be it therefore enacted as follows:

(1) The land described in subsection (6) of this section is hereby vested in the Corporation of the City of Rotorua for an estate in fee simple freed and discharged from all trusts, reservations, and restrictions affecting any part of the same at the date of the passing of this Act, and the said land shall be held, administered, and disposed of in accordance with the provisions of this section.

(2) The said land shall continue to be held and used for the purposes of an aerodrome for so long as it may be required for those purposes.

(3) The City Council is hereby empowered, as the need for any part of the said land to be held and used for aerodrome purposes ceases, from time to time, but subject always to the prior written approval of the Minister of Works, to subdivide or resubdivide the same into lots, and to sell the same by public auction, public tender, or private contract, or partly by one and partly by the other of such modes of sale, subject to such conditions as to title, time, or mode of payment of purchase money or otherwise as it thinks fit, and with or without a grant or reservation of rights of way, rights of water easements, drainage easements, or other rights, privileges, or easements in favour of the purchaser or purchasers or the City Council, or any other person. The City Council in subdividing the land may construct or provide public streets, service lanes, access ways, sanitary and water drains, water supplies, electric power lines, and such other services or public works as may be deemed necessary for the use, convenience, and enjoyment of the subdivisions.

(4) The net proceeds from the subdivision and sale of the said land shall be applied progressively by the City Council as they become available as follows:

- (a) Amounts up to but not exceeding the sum of sixteen thousand three hundred pounds, being the present value of areas totalling sixteen acres two roods thirty perches and three-tenths of a perch, which were formerly parts of a public cemetery reserve, shall be paid by the City Council to a special account and shall be held in trust as a fund to be used for the purchase and development of land for a new cemetery to serve Rotorua or for the development of the existing cemetery in Rotorua:
- (b) Amounts up to but not exceeding the sum of one thousand three hundred and fifty pounds, being the present value of an area of one acre one rood twelve perches and three-tenths of a perch, being land which was acquired in exchange for part of a former public cemetery reserve, shall be dealt with in the same manner as the amount of sixteen thousand three hundred pounds referred to in paragraph (a) of this subsection:
- (c) All amounts received over and above the sum of seventeen thousand six hundred and fifty pounds (being the total sum required to be set aside under paragraphs (a) and (b) of this subsection) shall be divided into two equal portions. One portion shall

be paid to the Minister of Works, who shall lodge it to the credit of the Public Account, and the other shall be shared by the City Council with the Rotorua County Council in such proportions as they may agree. The City Council and the Rotorua County Council shall apply their shares of such proceeds in reduction of any loans raised in connection with the acquisition and development of the new aerodrome at Rotokawa and any excess shall be held in reserve and used for the future development of that aerodrome as from time to time agreed between the City Council, the Rotorua County Council, and the Minister of Works.

(5) The District Land Registrar for the Auckland Land Registration District is hereby authorised to issue such certificates of title, to deposit such plans, 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.

(6) The aerodrome land vested in the Corporation of the City of Rotorua and authorised to be sold under the provisions of this section is particularly described as follows:

All those areas in the South Auckland Land District in Block I, Tarawera Survey District, containing together one hundred and thirty-six acres two roods six perches and fifteen one-hundredths of a perch, more or less, and being—

- (a) Lots 21 to 29, D.P. 3194, being part Section 25, Suburbs of Rotorua: total area, two acres one rood fifteen and one-tenth perches, more or less: all certificate of title, Volume 445, folio 83, Auckland Registry:
- (b) Lots 52 to 60, D.P. 3194, being part Section 25, Suburbs of Rotorua: total area, two acres one rood fifteen and one-tenth perches, more or less: all certificate of title, Volume 445, folio 85, Auckland Registry:
- (c) Lots 61 to 69, D.P. 3194, being part Section 25, Suburbs of Rotorua: total area, two acres one rood thirteen perches, more or less: all certificate of title, Volume 445, folio 86, Auckland Registry:
- (d) Lots 92 to 100, D.P. 3194, being part Section 25, Suburbs of Rotorua: total area, two acres one rood thirteen perches, more or less: all certificate of title, Volume 445, folio 88, Auckland Registry:
- (e) Part Section 130, Suburbs of Rotorua, Lot 20, and parts Lots 18 and 19, D.P. 3194, being parts Section 25,

Suburbs of Rotorua: total area, one acre one rood twelve perches and three-tenths of a perch, more or less:

- (f) Part Lot 2, D.P. 26782, being part Section 26, Suburbs of Rotorua: area, thirteen acres two roods twenty-one perches and three-tenths of a perch, more or less:
- (g) Section 80, Suburbs of Rotorua: area, seventy-nine acres twelve perches and eighty-six one-hundredths of a perch, more or less:
- (h) Lots 1 to 11 and 30 to 41 of Section 82, Suburbs of Rotorua: total area, five acres two roods six perches and three one-hundredths of a perch, more or less:
- (i) Lots 12 to 29 of Section 82, Suburbs of Rotorua: total area, four acres two roods thirty-eight perches and thirty-six one-hundredths of a perch, more or less:
- (j) Section 83, Suburbs of Rotorua: area, five acres and twenty-four and seven-tenths perches, more or less:
- (k) Closed street: area, seven acres three roods thirty-five perches and six-tenths of a perch, more or less:
- (l) Section 16, and parts Sections 15 and 17, Block I, Tarawera Survey District: total area, six acres two roods twenty-nine perches and eight-tenths of a perch, more or less:
- (m) Part Section 11, Block I, Tarawera Survey District: area, three acres and nine perches, more or less:

As shown on the plan marked L. and S. 22/3455 G., deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. plans 21358, 22106, 22866, 26060, 28646, 28648, 32744, 34438, 39686).

13. 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 South Auckland Land District, containing seventy-two acres three roods thirty perches, more

or less, being part Runanga 2A Block, as shown on Deposited Plan No. 17646, situated in Blocks III, IV, and VIII, Maruanui Survey District: as shown on the plan marked L. and S. 10/81A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 37558).

Secondly, all that area in the South Auckland Land District, containing one hundred and thirty-nine acres two roods thirty perches, more or less, being part Selwyn Settlement, situated in Blocks III and V, Patetere North East Survey District: as shown on the plan marked L. and S. 10/92/7A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 41260).

Thirdly, all that area in the South Auckland Land District, containing twelve acres two roods two and three-tenths perches, more or less, being parts Sections 4, 5, 5A, and 11, Block I, Tarawera Survey District, and part Section 26A, Suburbs of Rotorua, situated in Block I, Tarawera Survey District: as shown on the plan marked L. and S. 38104A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 41246).

Fourthly, all that area in the Wellington Land District, containing sixty-seven acres, more or less, being Section 61, Block VII, Pohangina Survey District: as shown on the plan marked L. and S. 1/1183A, deposited in the Head Office Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 12884).

Fifthly, all that area in the Canterbury Land District, containing nine acres two roods twenty-two perches, more or less, being Rural Section 38324, formerly part of Reserve 4948, situated in Block IX, Opihi Survey District: as shown on the plan marked L. and S. 1/1088D, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 9999).

Sixthly, all that area in the South Auckland Land District, containing seven acres two roods sixteen perches, more or less, being part Patetere South 1B 2 Block, situated in Blocks IX and X, Horohoro Survey District: as shown on the plan marked L. and S. 10/92/92c, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 41760).

Seventhly, all that area in the South Auckland Land District, containing one acre one rood three and two-tenths

perches, more or less, being parts Karo No. 1 and closed road, situated in Block VI, Whitianga Survey District: as shown on the plan marked L. and S. 10/92/3A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 41778).

Eighthly, all those areas in the Canterbury Land District, containing together thirty-seven acres three roods seventeen and eight-tenths perches, being Rural Section 38757 (formerly part Reserves 2173, 2174, and 2175), situated in Blocks VI and VII, Opihi Survey District, and being part of the land comprised and described in certificates of title, Volume 82, folio 17, Volume 82, folio 21, and Volume 593 folio 4, Canterbury Registry, and Rural Section 38758 (formerly part Reserve 2174 and part bed of Kakahu River), situated in Block VII, Opihi Survey District, being part of the land comprised and described in certificate of title, Volume 82, folio 21, Canterbury Registry, and Rural Section 38759 (formerly part Reserve 2175), situated in Block VII, Opihi Survey District, being part of the land comprised and described in certificate of title, Volume 82, folio 17, Canterbury Registry, and Rural Section 38781 (formerly part Reserve 2175), situated in Block VII, Opihi Survey District, being part of the land comprised and described in certificate of title, Volume 82, folio 17, Canterbury Registry: as shown on the plan marked L. and S. 28203B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 9937).

Ninthly, all that area in the Wellington Land District, containing fifty-one acres two roods twenty perches, more or less, being part Section 6, Block IV, Mikimiki Survey District, and parts of Section 7, Block XIV, Tararua Survey District: as shown on the plan marked L. and S. 36/2621A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 25452).

Tenthly, all that area in the Southland Land District, containing forty-seven acres three roods twenty perches, more or less, being Section 66 (formerly known as Section 35, part Sections 34 and 36, closed road, and Mining Reserve along Moa Creek), situated in Block XIX, Jacobs River Hundred: as shown on the plan marked L. and S. 10/101/34A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 6924).

Eleventhly, all that area in the Canterbury Land District, containing two roods twenty and eight-tenths perches, more or less, being part Reserve 4880, situated in Block I, Lyndon

Survey District: as shown on the plan marked L. and S. 53102A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

Twelfthly, all that area in the Hawke's Bay Land District, containing three hundred and sixty-nine acres, more or less, being Section 34, Block X, Mohaka Survey District (formerly described as Section 26, Block X, and part Section 3 and part closed road, Block VI, Mohaka Survey District): as shown on the plan marked 36/2333A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 3532).

Thirteenthly, all that area in the Wellington Land District, containing twelve acres, more or less, and being part of Murimotu 4A Block, situated in Block XII, Karioi Survey District, bounded to the north by Provincial State Highway No. 49, to the east by part Murimotu 3B 1c 1 Block, to the south by the North Island Main Trunk Railway, and to the west generally by part Murimotu 4A Block: as shown on the plan marked L. and S. 10/95/18A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

Fourteenthly, all that area in the South Auckland Land District, containing fifty-three acres and twelve perches, more or less, being parts Section 10, Block IX, Waihi South Survey District: as shown on the plan marked L. and S. 36/1359/3, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 41524).

Fifteenthly, all that area in the South Auckland Land District, containing thirty-nine acres three roods twenty-one perches and two-tenths of a perch, more or less, being parts Section 14, Block VIII, Coromandel Survey District: as shown on the plan marked L. and S. 36/2115/6A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 41774).

14. Provision for the payment of a lump sum in satisfaction of the annual payment of "fourths" to the Taranaki Harbour Board—Whereas under the provisions of section 2 of the Taranaki Harbour Board Endowment Act 1874 (as amended by section 2 of the Statutes Repeal Act 1907 and subsection (3) of section 4 of the Finance Act 1932 and subsection (3) of section 4 of the Taranaki Harbour Board Act 1954) annual payments are made to the Taranaki Harbour Board (formerly known as the New Plymouth Harbour

Board and in this section referred to as the Board) out of money appropriated by Parliament for the purpose of an amount equivalent to one-fourth of all revenues arising from the sale, occupation, or other disposal of the waste lands of the Crown within the Province of Taranaki: And whereas section 22 of the Taranaki Harbour Board Empowering Act 1908 provides that the Board shall each year set apart any money received by the Board from that source for the purpose of providing a fund for the liquidation of the annual charges on the money borrowed under that Act: And whereas it is considered desirable to terminate the annual payments made to the Board under the authority of the Taranaki Harbour Board Endowment Act 1874, and in lieu thereof to pay a lump sum of forty-two thousand two hundred pounds which is calculated to be the present value of the said annual payments: And whereas the Board has agreed to accept the said sum in lieu of the annual payments: And whereas the Board has agreed to appropriate and set apart twenty-five thousand pounds of the said sum of forty-two thousand two hundred pounds to protect the lenders of the money still owing under the Taranaki Harbour Board Empowering Act 1908: Be it therefore enacted as follows:

(1) The Taranaki Harbour Board Endowment Act 1874 and so much of the Schedule to the Statutes Repeal Act 1907 as relates to section 2 of that Act are hereby repealed.

(2) There shall be paid to the credit of the General Account of the Board before the thirtieth day of June, nineteen hundred and sixty-three, without further authority than this section, the sum of forty-two thousand two hundred pounds from money to be appropriated by Parliament for the purpose. The said sum shall be full compensation for the loss of the revenue received by the Board under section 2 of the Taranaki Harbour Board Endowment Act 1874.

(3) The Board shall appropriate and set apart the sum of twenty-five thousand pounds from the money paid to it by virtue of subsection (2) of this section for the purpose of the fund established pursuant to section 22 of the Taranaki Harbour Board Empowering Act 1908.

(4) The Taranaki Harbour Board Empowering Act 1908 (as amended by subsection (3) of section 4 of the Taranaki Harbour Board Act 1954) is hereby consequentially amended—

(a) By omitting from section 7 the words “upon the land revenue receivable by the Board pursuant to the Taranaki Harbour Board Endowment Act 1874, and”:

- (b) By omitting from section 20 the words “(a) the amount annually receivable by the Board pursuant to the Taranaki Harbour Board Endowment Act 1874,”:
- (c) By omitting from section 22 the words “, and all revenue received by the Board pursuant to the Taranaki Harbour Board Endowment Act 1874,”.
- (5) The Finance Act 1932 is hereby consequentially amended by repealing so much of the First Schedule (as amended by subsection (3) of section 4 of the Taranaki Harbour Board Act 1954) as relates to section 2 of the Taranaki Harbour Board Endowment Act 1874.
- (6) This section shall come into force on the first day of April, nineteen hundred and sixty-three.

15. Validating the vesting of certain reserves in the Tauranga Borough Council—Whereas by section 3 of the Tauranga Foreshore Vesting and Endowment Act 1915 the whole of the foreshore of the Tauranga Harbour was vested in the Tauranga Harbour Board (in this section referred to as the Board) subject to certain rights of resumption by the Crown: And whereas by section 5 of the said Act Allotment 7, Te Papa Parish, was vested in the Board as an endowment: And whereas the Board has subdivided part of the foreshore and part of the said Allotment 7, and on the plan of the subdivision certain lots have been shown as recreation reserves: And whereas on the deposit of the said plan under the Land Transfer Act 1952 the said lots became vested in the Corporation of the Borough of Tauranga (in this section referred to as the Corporation) as recreation reserves pursuant to the provisions of subsection (3) of section 352 of the Municipal Corporations Act 1954: And whereas the said lots were vested as aforesaid without payment of monetary consideration: And whereas doubts have arisen as to the power of the Board to divest itself of the said lots in the manner aforesaid, and it is desirable that those doubts should be resolved: Be it therefore enacted as follows:

(1) Notwithstanding anything contained in the Tauranga Foreshore Vesting and Endowment Act 1915 or the Harbours Act 1950 or in any other Act or in any rule of law, the vesting of the land described in subsection (3) of this section in the Corporation as recreation reserves on the deposit in the Land Registry Office at Auckland on the sixth day of October, nineteen hundred and sixty-one, of Deposited Plan No. S. 6794 is hereby validated, and shall be deemed lawful in all respects and for all purposes.

(2) That portion of the foreshore of Tauranga Harbour lying within the boundaries of the land described in the said subsection is hereby removed from the operation of the provisions of section 6 of the Tauranga Foreshore Vesting and Endowment Act 1915 relating to the right of resumption by the Crown.

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

All that land in the South Auckland Land District, containing three roods twenty-four perches, more or less, being Lots 1, 2, and 4 on Deposited Plan No. S. 6794, and being part of Allotment 7, Te Papa Parish, and part foreshore of Tauranga Harbour situated in Block X, Tauranga Survey District, the said land being all the land comprised and described in certificates of title, Volume 1779, folio 59, and Volume, 2015, folio 58, Auckland Registry.

16. Authorising the Parakai Domain Board to purchase and operate a tea kiosk and camp store and to borrow money for that purpose—Whereas the Parakai Domain, being Section 14 and Part Section 10, Block XIV, Kaipara Survey District, in the North Auckland Land District, is controlled by the Parakai Domain Board (in this section referred to as the Board): And whereas the business of a tea kiosk and camp store is operated on the domain under licence from the Board: And whereas the Board wishes to purchase the business from the licensee with the intention that the business will thereafter be operated by the Board: And whereas the Board wishes to borrow money for the purpose of purchasing the business: And whereas the Board has no authority in law to operate such a business or to borrow money to purchase the same: And whereas it is desirable to confer such authority on the Board: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in the Reserves and Domains Act 1953, the Board may purchase the tea kiosk and camp store business at present conducted on the Parakai Domain and, subject to such terms and conditions as may be specified by the Minister of Finance, may borrow a sum not exceeding one thousand pounds for that purpose.

(2) The Board is hereby authorised and empowered to operate a tea kiosk and camp store on the Parakai Domain.

(3) The Board shall at all times keep such records, books, and accounts of the operation of the tea kiosk and camp store as may be required by the Controller and Auditor-General.

17. Amending the Canterbury Provincial Buildings Vesting Act 1928—Section 5 of the Canterbury Provincial Buildings Vesting Act 1928 is hereby amended by omitting from subsection (1) the words “five or less than three”, and substituting the words “seven or less than five”.

18. Cancelling the vesting in the Taranaki Harbour Board of certain endowment land and declaring the land to be vested in Her Majesty as an addition to the Corbett Park Domain—Whereas the land described in subsection (3) of this section was, together with other land, by a deed authorised by the New Plymouth Harbour Board Ordinance 1875 (Province of Taranaki) conveyed to and vested in the New Plymouth (now Taranaki) Harbour Board upon trust for the construction and maintenance of a harbour or breakwater or of any other works for the accommodation of vessels, or for facilitating the landing and shipping of goods and passengers at or near the Town of New Plymouth: And whereas the said land is of no value for the purposes mentioned, but is suitable for recreation purposes: And whereas it is desirable and expedient that the said land should be administered and developed for recreational purposes: And whereas the Taranaki Harbour Board has agreed to transfer the land to Her Majesty as an addition to the Corbett Park Domain, but has no statutory authority to do so: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in the Harbours Act 1950 or in any other Act or rule of law, the vesting in the Taranaki Harbour Board of the land described in subsection (3) of this section is hereby cancelled and the said land is hereby vested in Her Majesty as a public domain, subject to the provisions of Part III of the Reserves and Domains Act 1953, as part of the Corbett Park Domain under the control of the Corbett Park Domain Board, but otherwise freed and discharged from all trusts, reservations, or restrictions heretofore affecting the said land.

(2) The District Land Registrar for the Taranaki Land Registration District is hereby authorised and directed to make such entries in the register books, to accept such plans, 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:

Firstly, all that area in the Taranaki Land District, containing six acres three roods ten perches, more or less, being

part New Plymouth Harbour Reserve C, situated in Block I, Wairau Survey District; and

Secondly, all that area in the Taranaki Land District, containing fourteen acres and twenty perches, more or less, being accretion to parts New Plymouth Harbour Reserve C, formerly part New Plymouth Harbour Reserve A, situated in Blocks I and II, Wairau Survey District; and

Thirdly, all that area in the Taranaki Land District, containing two roods ten perches, more or less, being accretion to Section 1, Oakura Town Belt, formerly part of New Plymouth Harbour Reserve A, situated in Block II, Wairau Survey District:

As shown on the plan marked L. and S. 1/1163b, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 9481).

19. Authorising the Governor-General to proclaim certain land in the Towns of Collingwood and Milnthorpe, and in the Pakawau and Waitapu Survey Districts in Golden Bay County to be Crown Land—Whereas in the Towns of Collingwood and Milnthorpe, and in the Pakawau and Waitapu Survey Districts certain land has been granted in fee simple, or reserved, or taken up under residence-site or business-site or special-site licences issued in terms of the Mining Act 1926: And whereas many of the owners and licensees are not known or cannot be located and the land has been abandoned: And whereas it is in the public interest that the land should be resumed by Her Majesty, but subject to the right of the owners and licensees thereof or their beneficiaries or successors in title to claim compensation as hereinafter provided: And whereas when the land was subdivided various strips of land were laid off as roads: And whereas most of them have never been used as roads and will not be required as roads in the future: And whereas it is desirable and expedient that special provision be made to enable the land, together with such roads as are not required, to be vested in Her Majesty as Crown land: Be it therefore enacted as follows:

(1) This section relates to all land in the Nelson Land District in Blocks XIV and XV, Pakawau Survey District, and in Block I, Waitapu Survey District, and in the Towns of Collingwood and Milnthorpe, in respect of which residence-site or business-site or special-site licences under the Mining Act 1926, or Crown grants, have heretofore been issued, and to all land laid off as roads, whether or not the same have been

legalised, in the said Towns of Collingwood and Milnthorpe and in the said blocks in the Pakawau and Waitapu Survey Districts, save and except all formed roads.

(2) The Governor-General may by Proclamation from time to time declare that any land (inclusive of roads, legal or otherwise), or any portion of the land, to which this section relates shall, as from a date specified in that behalf in any such Proclamation, be deemed to be vested in Her Majesty as Crown land, subject to the Land Act 1948, and every such Proclamation shall have effect according to its tenor:

Provided that no land shall be taken under this section so long as any person who is liable to pay rates on that land continues to pay those rates, except with the consent of that person, and no road or part of a road shall be taken if the effect of the taking would be to deprive any such land of legal access.

(3) Any roads or portions of roads (legal or otherwise) the subject of any Proclamation under subsection (2) of this section shall, as from a date to be specified in the Proclamation, be deemed to be closed.

(4) Before exercising any of the powers conferred on him by this section, the Governor-General shall cause not less than three months' notice of his intention so to do to be given in the *Gazette* and in such newspaper or newspapers as he thinks fit.

(5) The District Land Registrar for the Nelson Land Registration District and the appropriate Mining Registrar are 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.

(6) If at any time within five years after the date specified in any Proclamation issued under this section the registered proprietor or licensee or any other person having any estate or interest in any land to which the Proclamation relates adduces satisfactory evidence of title to or interest in that land, he shall be entitled to claim compensation for his interest therein. The amount of compensation shall in every case be determined by the Land Settlement Board, and on any such determination, shall, without further appropriation than this section, be paid out of the Land Settlement Account established under the provisions of the Land Act 1948:

Provided that in no case shall the amount of compensation awarded under this section exceed the claimant's interest in the value of the land as determined by the said Board, as at the date specified in the Proclamation affecting the same,

together with the value as at that date and as determined by the said Board of any improvements then existing on the land.

20. Authorising the Minister of Lands to declare certain land held by the Corporation of the Borough of Oamaru to be endowment land—Whereas the land referred to in subsection (5) of this section is vested in the Corporation of the Borough of Oamaru (in this section referred to as the Corporation) in trust for municipal purposes or for purposes of public utility: And whereas the Oamaru Borough Council has granted leases of parts of that land which purport to confer rights to successive renewals thereof: And whereas doubts have arisen as to the validity of these leases: And whereas to resolve these doubts it is desirable that provision be made for the land to be held as an endowment and that the leases be declared to have been lawfully issued: Be it therefore enacted as follows:

(1) Notwithstanding anything in the Reserves and Domains Act 1953, or in any other Act, the Minister of Lands may from time to time by notice in the *Gazette* revoke the trust on which any part or parts of the land referred to in subsection (5) of this section is held by the Corporation and declare such part or parts to be held by the Corporation in trust as an endowment for the general purposes of the Corporation.

(2) As from the date of any notice issued under subsection (1) of this section the land described in that notice shall be held by the Corporation as an endowment for the general purposes of the Corporation freed and discharged from all trusts and reservations theretofore affecting the same, but subject to all leases, easements, liens, encumbrances, and other restrictions existing and affecting the same at that date.

(3) Any lease granted by the Corporation before the date of the commencement of this Act over any part of the land referred to in any notice issued under subsection (1) of this section and any renewal of any such lease granted by the Corporation, whether before or after the date of the commencement of this Act, shall have effect as if the land comprised in the lease or in the renewal thereof had been held by the Corporation as an endowment for the general purposes of the Corporation at the time when the lease or the renewal thereof, as the case may be, was granted.

(4) The District Land Registrar for the Otago Land Registration District is hereby authorised and directed to

make such entries in the register books, to register such instruments, 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 described as follows:

- (a) Any land vested in the Corporation under the Oamaru Town Reserves Management Act 1869:
- (b) Any land acquired by the Corporation in exchange for land vested in the Corporation under the Oamaru Town Reserves Management Act 1869:
- (c) Any land vested in the Corporation for the purposes of public utility pursuant to the Oamaru Town Hall and Gasworks Sites and Recreation Reserves Act 1875:
- (d) Section 10, Block I, Town of Oamaru.

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