



ANALYSIS

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1998, No. 112

An Act to provide for various matters relating to Crown land, and other land held for public or special purposes
[11 December 1998]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Reserves and Other Lands Disposal Act 1998.

(2) This Act comes into force on the day on which it receives the Royal assent.

2. Arthur's Pass National Park: exclusion of land for road at Bealey Klondyke corner—Whereas the land to which this section relates is included in the Arthur's Pass National Park: And whereas the land was developed as a road to facilitate the realignment of State Highway 73 at the Bealey Klondyke corner: And whereas it is desired to exclude the land from the national park to allow it to be declared road: And whereas section 11 (1) of the National Parks Act 1980 prohibits

the exclusion of land from a national park, except by Act of Parliament: Be it therefore enacted as follows:

- (1) The land to which this section relates—
 - (a) Is excluded from the Arthur's Pass National Park; and
 - (b) Is declared to be Crown land for the purposes of the Land Act 1948; and
 - (c) Is available to be declared road under section 114 of the Public Works Act 1981.
- (2) This section applies to those pieces of land in the Canterbury Land District—
 - (a) Comprising 5600 square metres, more or less, being part Rural Section 40738, shown marked "A" on S.O. Plan 18546, situated in Block XIV, Bealey Survey District, and being part of the Arthur's Pass National Park in accordance with the National Parks Act 1980:
 - (b) Comprising 2.9000 hectares, more or less, being part Rural Section 40738, shown marked "B" on S.O. Plan 18546, situated in Block XIV, Bealey Survey District, and being part of the land described in the Order in Council published in the *Gazette* 1954, page 340:
 - (c) Comprising 3585 square metres, more or less, being part Rural Section 40738, shown marked "C" on S.O. Plan 18546, situated in Block XIV, Bealey Survey District, and being part of the land described in the Order in Council published in the *Gazette* 1955, page 1143 (Document GN 424134):
 - (d) Comprising 2.0177 hectares, more or less, being part Rural Section 40738, shown marked "H" on S.O. Plan 18546, situated in Block XIV, Bealey Survey District, and being part of the Arthur's Pass National Park in accordance with the National Parks Act 1980.

3. Arthur's Pass National Park: exclusion of land for road at Arthur's Pass village—Whereas the land to which this section relates is included in the Arthur's Pass National Park: And whereas the land provides access to the Sunshine Terrace subdivision: And whereas the land is in rough vegetation and has no significant conservation values: And whereas it is desired to exclude the land from the national park to allow it to be declared road: And whereas section 11 (1) of the National Parks Act 1980 prohibits the exclusion of land from a national park except by Act of Parliament: Be it therefore enacted as follows:

- (1) The land to which this section relates—
 - (a) Is excluded from the Arthur's Pass National Park; and

- (b) Is declared to be Crown land for the purposes of the Land Act 1948; and
- (c) Is available to be declared road under section 114 of the Public Works Act 1981.

(2) This section applies to that piece of land comprising 660 square metres, more or less, being part Rural Section 40738, shown marked "A" on S.O. Plan 19714, situated in Block VI, Bealey Survey District, and being part of the Arthur's Pass National Park in accordance with the National Parks Act 1980.

4. Abel Tasman National Park—Whereas the land to which this section relates is included in the Abel Tasman National Park: And whereas the land is rough pasture and it is proposed to exchange this land for an area of beech forest: And whereas it is desired to exclude the land from the national park to allow the land to be exchanged: And whereas section 11 (1) of the National Parks Act 1980 prohibits the exclusion of land from a national park except by Act of Parliament: Be it therefore enacted as follows:

(1) The land to which this section relates is excluded from the Abel Tasman National Park and is to be transferred to the owner of the adjoining land in certificate of title Volume 4D, folio 1155 (Nelson Registry) in accordance with the amalgamation condition shown on Land Transfer Plan 18607.

(2) This section applies to that piece of land situated in the Nelson Land District comprising 17.0340 hectares, more or less, being Lot 2 on Land Transfer Plan 18607 situated in Block XI, Waitapu Survey District, and being part of the land described in the Order in Council published in the *Gazette* 1942, page 2865.

5. Mount Cook National Park—Whereas the land to which this section relates is included in the Mount Cook National Park: And whereas the land was developed as a road in 1977 and 1978 to allow the realignment of the Kitchener Bridge on State Highway 80: And whereas it is desired to exclude the land from the national park to allow the land to be declared road: And whereas section 11 (1) of the National Parks Act 1980 prohibits the exclusion of land from a national park, except by Act of Parliament: Be it therefore enacted as follows:

(1) The land to which this section relates—

- (a) Is excluded from the Mount Cook National Park; and
- (b) Is declared to be Crown land for the purposes of the Land Act 1948; and

(c) Is available to be declared road under section 114 of the Public Works Act 1981.

(2) This section relates to that piece of land in the Canterbury Land District comprising 4506 square metres, more or less, being part Reserve 2652, shown marked "A" on S.O. Plan 16750, situated in Block X, Mueller Survey District, and being part of the land described in the Order in Council published in the *Gazette* 1953, page 1662.

6. Westland National Park: exclusion of land for road—Whereas the land to which this section relates is included in the Westland National Park: And whereas the land was developed as a road in 1983 to facilitate the replacement of the bridge over Docherty's Creek: And whereas it is desired to exclude the land from the national park to allow it to be declared road: And whereas section 11 (1) of the National Parks Act 1980 prohibits the exclusion of land from a national park, except by Act of Parliament: Be it therefore enacted as follows:

(1) The land to which this section relates—

(a) Is excluded from the Westland National Park; and

(b) Is declared to be Crown land for the purposes of the Land Act 1948; and

(c) Is available to be declared road under section 114 of the Public Works Act 1981.

(2) This section relates to those pieces of land in the Westland Land District—

(a) Comprising 2655 square metres, more or less, being part Reserve 1018, shown marked "A" on S.O. Plan 10974, situated in Block X, Waiho Survey District, and being part of the land described in the Order in Council published in the *Gazette* 1960, page 416:

(b) Comprising 255 square metres, more or less, being part Reserve 1018, shown marked "E" on S.O. Plan 10974, situated in Block X, Waiho Survey District, and being part of the land described in the Order in Council published in the *Gazette* 1960, page 416:

(c) Comprising 72 square metres, more or less, being part Reserve 1018, shown marked "H" on S.O. Plan 10974, situated in Block X, Waiho Survey District, and being part of the land described in the Order in Council published in the *Gazette* 1960, page 416:

(d) Comprising 308 square metres, more or less, being part Reserve 1018, shown marked "I" on S.O. Plan 10974, situated in Block X, Waiho Survey District, and being

part of the land described in the Order in Council published in the *Gazette* 1960, page 416:

- (e) Comprising 1021 square metres, more or less, being part Reserve 1018, shown marked "J" on S.O. Plan 10974, situated in Block X, Waiho Survey District, and being part of the land described in the Order in Council published in the *Gazette* 1960, page 416.

7. Westland National Park: exclusion of former staff housing land—Whereas the land to which this section relates is included in the Westland National Park: And whereas the land was acquired in 1964 and 1966 for the purpose of staff housing and is no longer required for that purpose: And whereas it is desired to exclude the land from the national park in order to dispose of the land: And whereas section 11 (1) of the National Parks Act 1980 prohibits the exclusion of land from a national park, except by Act of Parliament: Be it therefore enacted as follows:

- (1) The land to which this section relates—
 - (a) Is excluded from the Westland National Park; and
 - (b) Is declared to be Crown land for the purposes of the Land Act 1948; and
 - (c) Is available for alienation under the Land Act 1948.

(2) The proceeds of alienation of the land to which this section relates must be paid into the Crown Bank Account in accordance with section 58 of the National Parks Act 1980, and the provisions of subsection (1) of that section then apply.

(3) This section relates to those pieces of land in the Westland Land District—

- (a) Comprising 799 square metres, more or less, being Rural Section 4156, situated in Block XIII, Waiho Survey District (S.O. Plan 4765), and being part of the land described in the Order in Council adding land to Westland National Park published in the *Gazette* 1964, page 6:
- (b) Comprising 809 square metres, more or less, being Lot 4, Deposited Plan 1260, situated in Block XIII, Waiho Survey District, and being all the land described in the Order in Council adding land to Westland National Park published in the *Gazette* 1966, page 222.

8. Fiordland National Park—Whereas the land to which this section relates is included in the Fiordland National Park: And whereas it is desired that the land described in

paragraph (a) of subsection (2) be disposed of in consideration for other land to be held by the Crown: And whereas the remainder of the land described in subsection (2) has been affected by the realignment of the Te Anau–Milford Sounds Road at Milford Sound and it is desired to exclude the land from the national park to allow it to be declared road: And whereas section 11 (1) of the National Parks Act 1980 prohibits the exclusion of land from a national park, except by Act of Parliament: Be it therefore enacted as follows:

(1) The land to which this section relates is excluded from the Fiordland National Park and—

(a) The land described in paragraph (a) of subsection (2) is declared to be a conservation area for the purposes of the Conservation Act 1987 and the Minister of Conservation, without further authority than this paragraph, may do all such acts and things as may be necessary to exchange that land for land to be acquired by the Crown for national park purposes under the National Parks Act 1980:

(b) The land described in any of paragraphs (b) to (e) of subsection (2) is declared to be Crown land for the purposes of the Land Act 1948 and is available to be declared road under section 114 of the Public Works Act 1981.

(2) This section relates to those pieces of land in the Southland Land District—

(a) Comprising 2024 square metres, more or less, being Sections 16 and 17, Block II, Town of Cromarty, and being part of the land described in the Fiordland National Park Order 1978/333 (S.O. Plan 2803):

(b) Comprising 2260 square metres, more or less, being part Section 6, Block I, Milford Sound Survey District, and shown marked “A” on S.O. Plan 11831, and being part of the land described in the Fiordland National Park Order 1978/333:

(c) Comprising 4290 square metres, more or less, being part Section 6, Block I, Milford Sound Survey District, and shown marked “C” on S.O. Plan 11831, and being part of the land described in the Fiordland National Park Order 1978/333:

(d) Comprising 970 square metres, more or less, being part Fiordland National Park situated in Block I, Milford Sound Survey District, and shown marked “D” on S.O. Plan 11831, and being part of the land described

in the Order in Council published in the *Gazette* 1993, page 2949:

- (e) Comprising 420 square metres, more or less, being part Fiordland National Park situated in Block I, Milford Sound Survey District, and shown marked "I" on S.O. Plan 11832, and being part of the land described in the Order in Council published in the *Gazette* 1993, page 2949.

9. Harbour Board endowment lands in Marlborough—

Whereas the land to which this section relates comprises part of the land vested in the Wairau Harbour Board in trust, without power of sale, as an endowment for harbour purposes under section 79 (1) of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1910: And whereas the Wairau Harbour Board was empowered, by section 9 of the Reserves and Other Lands Disposal Act 1958, to subdivide some of that land: And whereas the assets, liabilities, rights, powers, functions, duties, and authorities of the Wairau Harbour Board have been vested in the Marlborough Harbour Board by an Order in Council made under section 14 of the Marlborough Harbour Act 1958: And whereas the assets, liabilities, rights, powers, functions, duties, and authorities of the Marlborough Harbour Board were vested in the Marlborough District Council ("the Council") by an Order in Council dated 25 March 1991 published in the *Gazette* 1991, page 1039: And whereas the Council wishes to have the authority to sell or exchange the land described in subsection (3) (a): And whereas the Council does not have that authority: And whereas on the transfer of the land, the certificate of title issued for the land described in subsection (3) (b) contravened the Reserves and Other Lands Disposal and Public Bodies Act 1910: And whereas it is desired to validate the transfer of the land and issue of the certificate of title: Be it therefore enacted as follows:

(1) The Council may sell or exchange any portion of the land to which subsection (3) (a) relates, freed and discharged from all trusts, reservations, and restrictions but subject to leases 122467, 122674, and 122465.

(2) The transfer of the land in subsection (3) (b) by transfer 125340 and the issue of certificate of title Volume 4A, folio 881 (Marlborough Registry) are, to the extent that they contravened the Reserves and Other Lands Disposal and Public Bodies Act 1910, validated and declared always to have been lawful.

(3) This section relates to all those pieces of land situated in the Marlborough Land District—

- (a) Comprising 3036 square metres, more or less, being Lots 1, 2, and 4 on Deposited Plan 2911 situated in Block IV, Cloudy Bay Survey District, and being the balance of the land comprised and described in certificate of title Volume 1A, folio 1212 (Marlborough Registry):
- (b) Comprising 1012 square metres, more or less, being Lot 3 on Deposited Plan 2911 situated in Block IV, Cloudy Bay Survey District, and being all the land comprised and described in certificate of title Volume 4A, folio 881 (Marlborough Registry).

10. Clutha District Council endowment lands—Whereas the land to which this section relates was vested in the Borough of Milton without power of sale by section 31(2) of the Reserves and Other Lands Disposal Act 1949: And whereas the Borough of Milton became part of the Bruce District Council (Bruce County–Milton Borough–Kaitangata Borough Union Order 1986 published in the *Gazette* 1986, page 3523): And whereas the Bruce District Council became part of the Clutha District Council (Local Government Re-organisation Order 1989 published in Part VII of the *Gazette* 1989, page 2410): And whereas it is desirable that the Clutha District Council has the authority to sell or otherwise dispose of the land to enable the transfer of the land to the Crown for addition to the Puerua Estuary Wildlife Management Reserve: And whereas the land is subject to a grazing lease issued in 1983 for 21 years with a right of renewal: And whereas the land is no longer grazed: Be it therefore enacted as follows:

(1) The Clutha District Council may dispose of the land to which this section relates by sale or otherwise, freed and discharged from all trusts, reservations, and restrictions but subject to the grazing lease 626946.

(2) This section relates to that piece of land in the Otago Land District comprising 18.6155 hectares (46 acres), more or less, being Section 1 Block XVII, Coast Survey District, (S.O. Plan 3739) and being part of the land comprised and described in certificate of title Volume 112, folio 201 (Otago Registry).

11. Lands of General Trust Board of Anglican Diocese of Auckland—Whereas the land to which this section relates was vested in the General Trust Board of the Anglican Diocese of Auckland: And whereas section 15 of the Reserves and

Other Lands Disposal and Public Bodies Empowering Act 1915 authorised the issue of a certificate of title for the land to the General Trust Board of the Anglican Diocese of Auckland as an estate in fee simple, in trust as a church site, without power of sale: And whereas the church on the site is old, in need of maintenance, and is no longer adequate for the needs of the parish at Albany: And whereas the General Trust Board wishes to sell all or part of the land to fund the building of new church facilities: Be it therefore enacted as follows:

(1) The General Trust Board of the Anglican Diocese of Auckland may dispose of the land to which this section relates by sale or otherwise, freed and discharged from all trusts, reservations, and restrictions.

(2) This section relates to that piece of land situated in the Auckland Land District comprising 4046 square metres, more or less, being Allotment 333 of the Parish of Paremoremo, situated in Block III, Waitemata Survey District, and being all the land comprised and described in certificate of title Volume 382, folio 293 (Auckland Registry).

Entries in Registers

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

This Act is administered in Land Information New Zealand.
