

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

*House of Representatives, 12 August 1971.*

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

*Mr B. G. Barclay*

**CHRISTCHURCH CITY (RESERVES) EMPOWERING  
(NO. 2)**

[LOCAL]

ANALYSIS

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A BILL INTITULED

5 An Act to redefine the purposes for which certain reserves in the City of Christchurch (including Hagley Park and the Botanic Gardens) are held, to make provision for the dedication of parts of those reserves as streets and the stopping of (*certain streets and their*) part of Harper Avenue and its addition to Hagley Park, (*Latimer Square, and Cranmer Square*) and to make provision incidental to all of those objects

10 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 Christchurch City (Reserves) Empowering Act (No. 2) 1971.

No. 19—2

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**2. Interpretation**—In this Act, unless the context otherwise requires,—

“Corporation” means the Mayor, Councillors, and Citizens of the City of Christchurch:

“Council” means the Christchurch City Council:

“Minister” means the Minister of Lands.

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**3. Cancellation of existing reservations**—Subject to section 5A of this Act, all reservations, trusts, and other restrictions (but not leases or licences) in force immediately before the commencement of this Act and affecting the pieces of land described in the First, Second, Third, and Fourth Schedules to this Act are hereby cancelled.

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**4. Botanic Gardens and International Gravity Base Tie Station**—(1) The land known as the Botanic Gardens, being the land described in the First Schedule to this Act is, except for the part of that land described in subsection (2) of this section, hereby vested in the Corporation for an estate in fee simple as a reserve for a botanic garden.

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(2) That part of the land described in the First Schedule to this Act which is occupied by the International Gravity Base Tie Station, together with all buildings and improvements thereon, and all land within a perimeter of 5 ft of the said buildings, is hereby vested in the Corporation as a reserve for the purposes of an International Gravity Base Tie Station.

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(3) The Department of Scientific and Industrial Research shall have control of the reserve vested in the Corporation by subsection (2) of this section and the Corporation shall ensure that the Department continues to enjoy reasonable access to that reserve.

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**5. Hagley Park**—(1) The land known as Hagley Park, being the land described in the Second Schedule to this Act, is, except for the parts of that land described in the Fourth Schedule to this Act, hereby vested in the Corporation for an estate in fee simple as a reserve for recreation purposes.

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*New*

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(2) Notwithstanding anything in the Reserves and Domains Act 1953, the Corporation shall not, without the consent of the Minister, appropriate any part of Hagley Park for

*New*

parking places for vehicles unless that part is already appropriated for that purpose at the commencement of this Act.

5 **5A. Helmore's Lane**—Notwithstanding the provisions of sections 3, 5, and 12 of this Act, the inclusion within the land described in the Second Schedule to this Act of the part of Helmore's lane which passes through Hagley Park shall not affect the status of that part of Helmore's Lane. If that  
10 part of Helmore's lane is street—

(a) It shall continue to remain street until it is closed in accordance with the Municipal Corporations Act 1954; and

15 (b) If it is so stopped or if it is stopped street at the commencement of this Act it shall, notwithstanding anything to the contrary in the Municipal Corporations Act 1954, thereupon or as from the commencement of this Act, as the case may require, vest in the Corporation for an estate in fee simple as a reserve for recreation purposes and shall  
20 become part of Hagley Park.

**6. (Ornamental gardens and buildings) Lawns, ornamental gardens, and ornamental buildings and the statue of John Robert Godley**—(1) The pieces of land described in the  
25 Third Schedule to this Act are, except for the parts of that land described in the Fourth Schedule to this Act and for the piece of land described under item 3 in the Third Schedule to this Act, hereby declared to be vested, and, where necessary, vested, in the Corporation for an estate in fee simple as  
30 reserves for the use of the inhabitants of the City of Christchurch for the purposes of (ornamental gardens and buildings) lawns, ornamental gardens, and ornamental buildings.

(2) The piece of land described under item 3 in the Third  
35 Schedule to this Act is hereby declared to be vested in the Corporation as a reserve for the purposes of the statue of John Robert Godley.

**7. Land for road reserve**—The land described in the Fourth  
40 Schedule to this Act is hereby vested in the Corporation for an estate in fee simple for the purposes of a road reserve.

*Struck Out*

**8. Additional land for road reserve**—(1) Where the Minister is satisfied that any other land within the City of Christchurch which is vested in the Corporation or is administered by the Council is shown as proposed future street in the Council's operative district scheme for the time being in force under the Town and Country Planning Act 1953, and such land is a public reserve within the meaning of the Reserves and Domains Act 1953 and is subject to a reservation, trust, or restriction affecting its use, the Minister may at his discretion upon a resolution of the Council requesting him so to do, by notice in the *Gazette* cancel any such reservation, trust, or restriction and vest, or declare the said land to be vested, in the Corporation for an estate in fee simple for the purposes of a road reserve.

(2) The Minister shall not issue a notice under subsection (1) of this section unless the Council has paid into its Reserves Account such sum of money as the Minister considers appropriate or has under section 13 of the Reserves and Domains Act 1953, declared land, having an area and situation approved by the Minister, to be a public reserve to be held for such purposes as the Minister shall specify or approve.

(3) The Corporation from time to time may, and if the Minister so requires, shall, by ordinary resolution published in the *Gazette* add the whole or any part of any land declared a public reserve in pursuance of subsection (2) of this section, to the land described in the First Schedule, the Second Schedule, or the Third Schedule to this Act as from a date to be specified in the resolution and as from that date the land to which the resolution relates shall become subject to the provisions of this Act as if it were part of the land described in the Schedule specified in the resolution.

**9. Dedication of road reserve as street**—In order to carry out the requirements of the Christchurch Master Transportation Plan, but for no other purpose, the Council may from time to time dedicate as street in accordance with section 98 of the Reserves and Domains Act 1953 the whole or any part of the land described in the Fourth Schedule to this Act (or the whole or any part of any land for the time being vested or declared to be vested in the Corporation by a notice under subsection (1) of section 8 of this Act).

10. **Street to be stopped**—Upon the dedication by the Council as street of the land described under (items 6, 7, 8, 9, and) item 14 in the Fourth Schedule to this Act the Council shall immediately take all steps necessary under the Municipal Corporations Act 1954 to stop the street(s) described in the Fifth Schedule to this Act, and, notwithstanding anything to the contrary in the Municipal Corporations Act 1954, such stopped street shall thereupon *(be vested)* vest in the Corporation for an estate in fee simple *(and as to item 1 shall be held)* as a reserve for recreation purposes and shall become part of Hagley Park *(, as to items 2 and 3 shall be held as a reserve for the purposes of ornamental gardens and buildings)*.

11. **Payment for reserves dedicated as street**—(1) The Council shall, from time to time, at the direction of the Minister, and within such time as he shall specify, pay into its Reserves Account such sum or sums of money as the Minister shall determine in respect of any land described in the Fourth Schedule to this Act which is dedicated as street.

(2) Any money paid by the Council into its Reserves Account pursuant to (subsection (2) of section 8 of this Act or) subsection (1) of this section shall be applied only in the purchase, improvement, or development of public reserves.

*Struck Out*

12. **Land subject to Reserves and Domains Act 1953**—The land described in the First, Second, Third, and Fourth Schedules to this Act, land added thereto pursuant to section 10 of this Act, and any land vested or declared to be vested in the Corporation by a notice under subsection (1) of section 8 of this Act, shall be deemed to be reserves within the meaning of the Reserves and Domains Act 1953 and shall be held and administered accordingly notwithstanding the provisions of section 11 of that Act.

*New*

12. **Application of Reserves and Domains Act 1953**—For the avoidance of doubt it is hereby declared that—

(a) The land described in the First, Second, Third, and Fourth Schedules to this Act; and

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*New*

(b) Any land that, under section 5A or section 10 of this Act, becomes part of Hagley Park,—  
are public reserves which, subject to the provisions of this Act, shall be held and administered subject to the provisions of the Reserves and Domains Act 1953. 5

**13. Repeals and savings—**(1) The following enactments are hereby repealed—

(a) The Canterbury Association's Reserves' Ordinance, Session V, No. 2: 10

(b) The Christchurch City Reserves Act 1877:

(c) The Public Domains Act 1881 Amendment Act 1895:

(d) The Christchurch City Reserves Amendment Act 1932–33: 15

(e) The Christchurch Domains Act 1946.

(2) The repeal of the enactments mentioned in subsection (1) of this section shall not affect any deed or instrument made, signed, or acknowledged or anything done or suffered or any estate, interest, right, or benefit created or conferred under or by virtue of any such enactment. 20

(3) Nothing in this Act shall affect the validity of any lease or licence granted before the commencement of this Act in respect of any land described in the First, Second, Third, or Fourth Schedules to this Act or restrict the rights of the lessee or licensee under any such lease or licence. 25

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SCHEDULES

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FIRST SCHEDULE

Sections 3, 4, (8 (3)), 12, 13 (3)

BOTANIC GARDEN AND INTERNATIONAL GRAVITY  
BASE TIE STATION

ALL that piece of land in the City of Christchurch containing 52 acres and 1 rood, more or less, being part Reserve 25, shown edged red on S.O. Plan 11525, comprised in K. 772554.

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*Christchurch City (Reserves) Empowering (No. 2) 7*

SECOND SCHEDULE

Sections 3, 5, (8 (3)), 12, 13 (3)

HAGLEY PARK

ALL those pieces of land in the City of Christchurch, being more particularly described as follows:

1. 175 acres, more or less, being part Reserve 24 (South Hagley Park), shown edged red on S.O. Plan 11525, comprised in K. 772554.
2. 216 acres, more or less, being part Reserve 24 (North Hagley Park), shown edged red on S.O. Plan 11525, comprised in K. 772554.
3. 17 acres, more or less, being part Reserve 24 and part closed street (Little Hagley Park), shown edged red on S.O. Plan 11525, part comprised in K. 772554.

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THIRD SCHEDULE

Sections 3, 6, (8 (3)), 12, 13 (3)

RESERVES FOR THE PURPOSES OF (ORNAMENTAL GARDENS AND SITES FOR) LAWNS, ORNAMENTAL GARDENS, AND ORNAMENTAL BUILDINGS AND, IN RESPECT OF ITEM 3, THE STATUE OF JOHN ROBERT GODLEY

ALL those pieces of land in the City of Christchurch, being more particularly described as follows:

1. All that plot of land known as Cranmer Square, bounded on the north by Kilmore Street, on the south by Armagh Street, and on the east and west by roads 1 chain wide.
2. All that plot of land known as Latimer Square, bounded on the north by Gloucester Street, on the south by Hereford Street, and on the east and west by roads 1 chain wide.
3. All that piece of land situate on the west side of Cathedral Square, being part of the plot of land known as the Godley Statue Block, containing by admeasurement 20.2 perches, more or less: as the same is delineated on the plan deposited in the Head Office, Department of Lands and Survey, at Wellington, as No. 2622, and thereon edged red.
4. All that plot of land between Antigua Street and Montreal Street, bounded on the north and north-east by Cambridge Terrace, and on the south and south-west by the River Avon.
5. All that plot of land lying between Montreal Street and Durham Street, and extending to Cashel Street, and bounded on the north and north-west by Cambridge Terrace, and on the south and south-west by the River Avon.
6. All that plot of land lying between Cashel Street and Hereford Street, bounded on the west by Cambridge Terrace, and on the east by the River Avon.
7. All that plot of land lying between Hereford Street and Worcester Street, and bounded on the west by Cambridge Terrace, and on the east by the River Avon.
8. All that plot of land lying between Worcester Street and Gloucester Street, and bounded on the west and north-west by Cambridge Terrace, and on the east and south-east by the River Avon.

THIRD SCHEDULE—*continued*

9. All that plot of land lying between Colombo Street and Manchester Street, and bounded on the west by Colombo Street, and on the north and north-east by Cambridge Terrace, and on the south and south-west by the River Avon.

10. All that plot of land lying between Manchester Street and Madras Street, and bounded on the north and north-west by Cambridge Terrace, and on the south and south-east by the River Avon.

11. All that plot of land lying between Madras Street and Barbadoes Street, and bounded on the north-west by Cambridge Terrace, and on the south-east by the River Avon.

12. All that plot of land bounded on the west by the Hospital Grounds, on the south-west by Oxford Terrace, and on the north-east by the River Avon.

13. All that plot of land lying between Montreal Street and Durham Street and extending to Cashel Street, and bounded on the south and south-east by Oxford Terrace, and on the north and north-west by the River Avon.

14. All that plot of land lying between Cashel Street and Hereford Street, bounded on the east by Oxford Terrace, and on the west by the River Avon.

15. All that plot of land lying between Hereford Street and Worcester Street, bounded on the east by Oxford Terrace, on the south-west by the River Avon, and on the north by Worcester Street, except such portion as is now vested in the Mayor, Councillors, and Citizens of the City of Christchurch.

16. All that plot of land extending from Worcester Street to Gloucester Street, and bounded on the south by Worcester Street, on the east and south-east by Oxford Terrace, and on the west and north-west by the River Avon, except such portion as is now vested in the Mayor, Councillors, and Citizens of the City of Christchurch.

17. All that plot of land extending from Manchester Street to Madras Street, and bounded on the south-east by Oxford Terrace, and on the north-west by the River Avon.

18. All that plot of land lying between Madras Street and Barbadoes Street, and bounded on the south-east by Oxford Terrace east, and on the north-west by the River Avon.

19. All that triangular plot of land bounded on the north-east by Victoria Street, on the west by Montreal Street, and on the south by Section number 102.

20. All that plot of land bounded on the north-east by Victoria Street, on the south by Peterborough Street, and on the west by Section number 100.

21. All that plot of land bounded on the north by Peterborough Street, on the east by Section number 153, and on the south-west by Victoria Street.

22. All that plot of land bounded on the east by Durham Street, on the north by Section number 152, and on the south-west by Victoria Street.

23. All that plot of land bounded on the north-east by High Street, on the west by Colombo Street, and on the south by Section number 842.

24. All that plot of land bounded on the north-east by High Street, on the west by Section number 840, and on the south by Cashel Street.



THIRD SCHEDULE—*continued*

25. All that plot of land bounded on the north by Cashel Street, on the east by Section number 900, and on the south-west by High Street.

26. All that plot of land bounded on the north by Section number 902, on the east by Manchester Street, and on the south-west by High Street.

27. All that plot of land bounded on the north by Armagh Street, on the south by Gloucester Street, on the west by Oxford Terrace, and on the east by the road fronting on the west side of Christchurch Town Sections numbers 577, 578, 579, 580, and 581.

28. All that plot of land between Antigua Street and Montreal Street, bounded on the north and north-east by Sections numbers 500, 502, and 503, and on the south-west by Cambridge Terrace.

29. All that plot of land bounded on the north by Kilmore Street, on the south-east by Cambridge Terrace, and on the south-west by Section number 223.

30. All that plot of land bounded on the north by Peterborough Street, on the south-east by Cambridge Terrace east, and on the south-west by Section number 222.

31. All that plot of land lying north of Peterborough Street, and bounded on the south-east by Cambridge Terrace east, and on the north and west by Sections numbers 1, 2, 3, 4, and 6.

32. All that plot of land lying south of the Avon River, and bounded on the east by Madras Street, on the south by Chester Street, and on the north-west by Oxford Terrace east.

33. All that plot of land bounded on the north-east by High Street, on the south by Section number 984 and on the west by Manchester Street.

34. All that plot of land bounded on the north-east by High Street, on the south by Tuam Street, and on the west by Section number 985.

35. All that plot of land known as Victoria Square, bounded on the east by Colombo Street, on the south by Armagh Street, and on the west and north-west by the River Avon.

FOURTH SCHEDULE

Sections 3 5, 6 (1), 7,  
9, 10, 11, 12, 13 (3)

ROAD RESERVE

ALL those pieces of land in the City of Christchurch, being more particularly described as follows:

1. 6 perches, more or less, being part Public Reserve, section 2, Christchurch City Reserves Act 1877, shown washed red on S.O. Plan 11490.

2. 18 perches, more or less, being part Public Reserve, section 2, Christchurch City Reserves Act 1877, shown washed red on S.O. Plan 11490.

3. 6 perches, more or less, being part Public Reserve, section 2, Christchurch City Reserves Act 1877, shown washed red on S.O. Plan 11490.

4. 9 perches, more or less, being part Public Reserve, section 2, Christchurch City Reserves Act 1877, shown washed red on S.O. Plan 11490.

5. 0.2 perches, more or less, being part Public Reserve, section 2, Christchurch City Reserves Act 1877, shown washed red on S.O. Plan 11490.

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FOURTH SCHEDULE—*continued*

*Struck Out*

6. 25 perches, more or less, being part Public Reserve, section 2, Christchurch City Reserves Act 1877, shown washed red on S.O. Plan 11492.

7. 29 perches, more or less, being part Public Reserve, section 2, Christchurch City Reserves Act 1877, shown washed red on S.O. Plan 11492.

8. 24.7 perches, more or less, being part Public Reserve, section 2, Christchurch City Reserves Act 1877, shown washed red on S.O. Plan 11415.

9. 24.7 perches, more or less, being part Public Reserve, section 2, Christchurch City Reserves Act 1877, shown washed red on S.O. Plan 11415.

10. 1 acre, 1 rood, and 10 perches, more or less, being part Reserve 24 (Hagley Park), shown washed blue on S.O. Plan 11527, comprised in K. 772554.

11. 3 roods and 39 perches, more or less, being part Reserve 24 (Hagley Park), shown washed red on S.O. Plan 11537, comprised in K. 772554.

12. 2 roods and 10 perches, more or less, being part Reserve 24 (Hagley Park), shown washed red on S.O. Plan 11537, comprised in K. 772554.

13. 10 perches, more or less, being part Reserve 24 (Hagley Park), shown washed red on S.O. Plan 11493, comprised in K. 772554.

14. 3 acres, 2 roods, and 17 perches, more or less, being part Reserve 24 (Hagley Park), shown washed red on S.O. Plan 11493, comprised in K. 772554.

15. 1 acre and 20 perches, more or less, being part Reserve 24 and part closed street (Hagley Park), shown washed red on S.O. Plan 11493, part comprised in K. 772554.

16. 1 acre, 1 rood, and 17 perches, more or less, being part Rural Section 239 (Sydenham Park), shown washed red on S.O. Plan 11491, comprised in part certificate of title 125/181.

FIFTH SCHEDULE

Section 10

STREET(S) TO BE STOPPED AND ADDED TO HAGLEY PARK,  
(LATIMER SQUARE, AND CRANMER SQUARE)

ALL (*those pieces*) that piece of land in the City of Christchurch, (*being more particularly described as follows. 1*) containing 1 acre, 3 roods, and 30 perches, more or less, being part Harper Avenue, shown washed green on S.O. Plan 11493.

*Struck Out*

2. 21 perches, more or less, being parts Latimer Square, shown washed green on S.O. Plan 11415.

3. 24 perches, more or less, being parts Cranmer Square, shown washed green on S.O. Plan 11492.