

## RESERVES AND OTHER LANDS DISPOSAL BILL

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### EXPLANATORY NOTE

*Clause 2:* Vesting certain areas of land in the Corporation of the City of Dunedin for street purposes and as a public reserve. The land dealt with in this clause, totalling 1 acre 11·75 perches, is known as the Octagon and is the hub of the shopping area of Dunedin City. The land was granted in 1858 to the Superintendent of the Province of Otago as a reserve for a site for a public garden. The land is now vested in Her Majesty the Queen. Under section 15 of the Dunedin Public Lands Ordinance 1854 it was provided that, except for a parapet wall and railing, or fence, for enclosing the land it shall not be lawful to erect any buildings whatever on the said land which shall forever remain otherwise an open area. An unnamed street runs through the Octagon and connects Princes and George Streets. Two conveniences have been built underground and a statue of Robert Burns is situated on the western side. The present position is unsatisfactory and the purpose of the legislation is to put matters on a proper basis by vesting all the land which has always been used for street purposes in the Corporation of the City of Dunedin for a public street and by vesting the balance of the land in the Corporation as a reserve for a site for a public garden subject to the Reserves and Domains Act 1953. The clause also provides that no more buildings or erections are to be erected on or under the land which shall always remain an open space but that civic amenities may be erected underground with the approval of the Minister of Lands on such terms and conditions as he thinks fit. The purpose for which the land was originally set aside will in the main be preserved by the proposals which have been agreed to by the Corporation.

*Clause 3:* Vesting certain land in the Mayor, Councillors and Citizens of the City of Auckland in trust for water supply purposes—The Auckland Centennial Memorial Park Act 1941 established a Board to hold and control certain lands for the purposes of a scenic park to be known as the Auckland Centennial Memorial Park. The park which was established to commemorate the centennial of Auckland comprises some 10,000 acres in the Waitakere Ranges. The areas dealt with in this clause fringe the City's existing water supply reserve. The Auckland City Council had originally asked that this land be added to its adjoining water supply reserve but when the areas were transferred to the Auckland Centennial Memorial Park Board in 1943-44 the Council's

request for the areas was overlooked. The Council and the Park Board have agreed that the land should be included in the water supply reserve. The Park Board has no power of sale and legislation will be required to effect the vesting in the Council in trust for water supply purposes. The clause makes provision accordingly.

*Clause 4:* Declaring certain land to be vested in Her Majesty and validating a lease thereover—The land dealt with in this clause, which comprises some 40 acres, is situated about 25 miles south-west from Whangarei. In 1946 approval was given to the land being disposed of to Mr T. H. Watts, of Waikiekie, farmer, on perpetually renewable lease under the Land Act 1924. The term of the lease subsequently granted was sixty-six years from 1 January 1947. Upon the lease being lodged for registration in the Land Registry Office it was discovered that there was already a limited certificate of title in existence for this land. The title emanated from a registered Crown grant dated 14 March 1874 to one James Smith who conveyed the land to James Thornton, of Newmarket, storekeeper, in 1884 for a consideration of £8. Unfortunately, at the time of the lodging of the application for the renewable lease, it was not known that a Crown grant had been issued for this land. It was assumed, therefore, that the land was unalienated Crown land. The existence of the certificate of title meant that although disposal by lease had been made all in good faith it had no legal effect. The land has been actively farmed now for some years and the lessee has erected a full range of farm buildings and made other improvements. The descendants of James Thornton have never occupied the land and have never over recent years exercised any rights of ownership. A mistake has been made and the only way to rectify this is by the Crown purchasing the land and validating Mr Watts' lease. The investigations made to ascertain the persons entitled to an interest in the land established that there are three beneficiaries in the estate. Two are living in New Zealand and are entitled to an  $\frac{2}{9}$ th interest in the land. The whereabouts of the other who is entitled to the remaining  $\frac{1}{9}$ th interest is not known. In view of this it is impossible for the Crown to obtain a transfer of the land. Neither of the New Zealand beneficiaries are interested in the land and have agreed to sell their interest in it to the Crown for the sum of £184, being  $\frac{2}{9}$ th of the present day unimproved value of the land plus the amount of rent paid by the lessee during his occupancy. The total value on this basis is £207. The clause accordingly vests the land in the Crown as at 16 July 1946, validates Mr Watts' lease, and provides for the payment to the New Zealand beneficiaries of their  $\frac{2}{9}$ th share of £184. The remaining £23, the share of the missing beneficiary, may be claimed from the Crown at any time within a period of six years upon proof being produced as to being the person entitled.

*Clause 5:* Declaring certain land at Riverton to be Crown land subject to the Land Act 1948—In 1869 an area of 13 acres 2 roods 10 perches at Riverton was reserved for the purposes of a pilot station and lighthouse. In 1920 legislation was enacted vesting this reserve in the Riverton Harbour Board in trust without power of sale as a harbour endowment. The Riverton Borough Council wishes to acquire 6 acres 3 roods 35 perches of this reserve for subdivision into crib sites for sale or lease. The area is no longer required for harbour endowment purposes and the formal consent of the Riverton Borough Council in its capacity as the Riverton Harbour Board has been obtained to the 6 acres 3 roods 35 perches being declared Crown land. The proposal has been advertised and no objections were received. The Marine Department concurs. The clause accordingly declares the 6 acres 3 roods 35 perches to be

Crown land available for disposal under the Land Act 1948. Following the passing of the legislation the land will be disposed of in terms of that Act to the Riverton Borough Council to be held subject to the Municipal Corporations Act 1954.

*Clause 6:* Authorising the transfer of certain land to the Te Pahu Hall Society (Inc.)—The land dealt with in this clause, which comprises 2 roods 28 perches, is situated at Te Pahu, sixteen miles south-west from Frankton Junction. The land, until February 1955, was held by the trustees of the Te Pahu Hall Society, which was then unincorporated. Both trustees were elderly and they approached the Raglan County Council with a view to the Council taking over the control and management of the hall property so as to avoid the necessity of appointing new trustees from time to time. The property was subsequently transferred to the Council. Apparently this was done without reference to the Te Pahu Hall Committee which, on discovery that the hall affairs had been taken out of its control, immediately took up with the Council the question of revesting the land in the Society. The Council agreed to this and on 4 October 1956 the Society incorporated for the purpose of taking title to the land from the Council. There is no authority for the Council to transfer the land to the Society and the only way to effect this is by special legislation. The clause makes provision accordingly.

*Clause 7:* Cancelling the vesting of certain endowment land in the Inglewood Borough Council and declaring that land to be a scenic reserve subject to the Reserves and Domains Act 1953—The land dealt with in this clause is vested in the Inglewood Borough Council as an endowment for town improvements. It is situated on the outskirts of the Borough and comprises an area of 3 acres and 7 perches. The area is a steep hillside covered with native bush and was purchased in 1937 by the Council in order to preserve the bush. The land is in full view from the main New Plymouth - Wellington Highway and Railway and is considered worthy of preservation. The Council desires to hand the land over to the Crown for scenic purposes, control to be vested in the newly constituted Inglewood District Reserve Board which controls the Everett Road scenic reserve of 166 acres situated some 6 miles from Inglewood. As endowment land is involved, special legislation is necessary to give effect to the proposal. The clause makes provision accordingly. Once the legislation has been passed steps will be taken in terms of the Reserves and Domains Act 1953 to appoint the Inglewood District Reserve Board to control the area.

*Clause 8:* Validating a payment from money held under the Land Subdivision in Counties Act 1946—The land to which this clause relates comprises an area of some 12 acres located at the mouth of the Oakura River, eight miles from New Plymouth. It is held under a perpetually renewable lease issued pursuant to the West Coast Settlement Reserves Act 1892 administered by the Maori Trustee on behalf of the Maori owners. The law in respect of this land does not permit the freehold being acquired. The leasehold interest was recently purchased by the Crown for recreation purposes at a cost of £1,500. The Taranaki County Council, who will control the area, agreed to the purchase price being made available from money received under the Land Subdivision in Counties Act 1946. The Council also agreed to guarantee all future rental payments in respect of the lease of this land. The 1946 Act, although providing for Land Subdivision in Counties money to be used for the

purchase of land as a public reserve, gives no authority to purchase a leasehold interest in land. The purchase in the present case is considered to be desirable and as payment of the purchase money has been made it is necessary therefore to validate this payment of £1,500. The clause makes provision accordingly.

*Clause 9:* Cancelling the reservation over certain endowment land and declaring it to be a scenic reserve subject to the Reserves and Domains Act 1953—The land dealt with in this clause was reserved in 1901 as a municipal endowment. It comprises two sections totalling 2 acres and 24 perches in the Mamaku Township, some ten miles north-west of Rotorua. The land is bush covered and has definite scenic qualities. It is not required for endowment purposes and it is desired to set the land aside as a scenic reserve. The Rotorua County Council has no objections. As endowment land is involved, special legislation is necessary to give effect to the proposal and the clause makes provision accordingly.

*Clause 10:* Validating the sale of certain land, together with the grant of right of way appurtenant thereto, by the Hawera Borough Council—The land dealt with in this clause comprises four small areas in the Hawera Township. Part of the Opera House encroaches on to two of the areas, which total 18.52 perches, and this land has been leased by the Hawera Borough Council to the Hawera Theatre Company Limited for many years. The Council recently sold the land to the Theatre Company, and granted a right of way thereto over the other two areas, which total 4.60 perches. Although all lands concerned are vested in the Council, it has no power of sale as part of the land is held as a town endowment and the balance comprises portion of the Hawera Public Library site. The Council has adequate endowments in the township. As regards the library site, the present library building which has been in existence for some forty-five years is erected on the greater portion of the actual library site. The balance is not required for library purposes. The sale price was £3,000. The sum of £2,000 has already been spent on general borough amenities and the balance of £1,000 is earmarked for similar purposes. It is desirable that the sale, together with the grant of right of way, be validated and the clause makes provision accordingly.

*Clause 11:* Renouncing a bequest of certain land and declaring certain land to be a wildlife refuge—The Maraeweka Estate property situated fifteen miles south-west of Oamaru was, until her death, owned by Miss C. L. H. Fenwick. In her will she devised to the New Zealand Government the wild duck lake sanctuary situated behind the Maraeweka Homestead and 50 acres of land surrounding, together with a right of way thereto, as a game and nature fauna sanctuary and scenic reserve for the benefit of the people of New Zealand. The late Miss Fenwick also bequeathed £50 a year for the upkeep of fences on the sanctuary and adjoining land. The lake (an artificial one) comprises about 2 acres. It is bordered on two sides by plantation areas and, while it has not been formally declared a sanctuary, it has always been regarded as such. From the scenic point of view the lake and surrounding land have little attraction. They cannot be seen from the main road or surrounding countryside. The 50 acres is in no way defined and there is no express definition of the right of way. Acquisition by the Crown of the lake and 50 acres, with right of access reserved to the public, would seriously affect the general working of the property, and also its saleable value. The main object of the gift is to protect

the wildlife on the lake. It is considered in the circumstances that the Crown should renounce the gift but, to give effect to Miss Fenwick's wishes, it should constitute the lake on the property, together with a surrounding strip suitable for protection purposes, a wildlife refuge in perpetuity for the purposes of the Wildlife Act 1953. The proposal has been discussed with the local Acclimatisation Society, the Presbyterian Social Service Association, (the main beneficiary in the estate) the Estate Trustee, and the manager of the property. All agree to the lake, together with a 10 chain strip surrounding it, being declared a wildlife refuge in perpetuity for the purposes of the Wildlife Act 1953, reserving right of access to the refuge to officers of the Internal Affairs Department and the Acclimatisation Society and subject also to the prior consent of the Internal Affairs Department to the cutting, etc., of the trees surrounding the lake and to the alteration and erection of fences around the lake. It was also agreed that the water level of the lake should not be altered in any way without the consent of the local Acclimatisation Society. Special legislation is necessary to give effect to all these matters and the clause makes provision accordingly.

*Clause 12:* Declaring lands subject to the Forests Act 1949 to be Crown land subject to the Land Act 1948—The areas dealt with in this clause comprise eight parcels of permanent State forest land in the South Auckland, Taranaki, and Westland Land Districts. None of the areas concerned is required for forestry purposes. The area firstly described is situated on the Murupara - Te Teko Road, approximately six miles north of Murupara Township. It is desired to amalgamate the area with 315 acres of adjoining land so as to provide better access. Once the access is available the future utilisation of the combined areas can be decided. The area secondly described is situated ten miles west of Tokaanu on the Taumarunui-Tokaanu Main Highway. It is more suitable for farming than forestry purposes and will be included in the adjoining Hirata Farm Settlement being developed by the Crown for settlement purposes. The area thirdly described is situated on Makomako Road twenty-four miles south of Raglan. The purpose of this withdrawal is to facilitate boundary adjustments between the Forest Service and the adjoining Crown lessee. Other Crown land is involved and the adjustments will result in the lessee obtaining an economic farm and the Forest Service a block of some 1,518 acres of bush land. The area fourthly described is situated sixteen miles north of Thames. It will be disposed of to the adjoining owner in exchange for his freehold property of 250 acres situated some six miles away. There is to be no payment by way of equality of exchange. The area fifthly described fronts Kelly Street, Inglewood Borough. It comprises part of a block of some 24 acres recently purchased by the Forest Service as a nursery site. The Taranaki Education Board requires the land as a site for a teacher's residence and women teachers' hostel. The area sixthly described is situated five miles south-east from Blackball, Westland. It is portion of a Crown leasehold area which was inadvertently proclaimed as State forest land. It is necessary to uplift the reservation to rectify the position. The area seventhly described is situated eight miles east of Totara Flat, Westland. It is more suitable for farming than forestry purposes and will be disposed of to the adjoining owner together with 26 acres of Crown land. The area eighthly described is situated at Havelock Creek, fifteen miles south of the Town of Weheka at the Fox Glacier. It is desired to reserve this area, together with an area of some 10 acres of river flat, as a resting place for travelling stock. It is necessary to first withdraw the area from State forest reservation to enable this to be done.

*Clause 13:* Vesting certain land in Her Majesty as the W. Douglas Lysnar Domain—The land dealt with in this clause, comprising 22 acres, lies between the Gisborne - Te Araroa State Highway and the sea at Wainui Beach near Gisborne. The area, which is known as the Lysnar Reserve, was given by the late William Douglas Lysnar to the Corporation of the City of Gisborne about thirty-five years ago for the use of the public as a recreation ground. Adjoining this land to the north is a 16-acre strip of beach frontage purchased by the Crown in 1952 from Miss W. F. Lysnar, daughter of the late William Douglas Lysnar. It is desired to transfer the 22 acres to the Crown for recreation purposes and to add it to the 16-acre area plus a small area of adjacent recreation reserve, the whole area to be made one public domain with representatives of the Gisborne City Council, the Cook County Council, and local residents as Domain Board. This proposed public domain would then comprise the whole of the land between the highway and the sea from just across the Hamanatua Stream to Makarori Point, a distance of some 1½ miles of beach frontage. This strip of beach frontage is a most popular area for the holidaying public. The 22 acres was acquired by the Corporation pursuant to a deed of trust and the best way to effect the transfer to the Crown for recreation purposes is by special legislation. Miss Lysnar, survivor of the late William Douglas Lysnar, who is in full agreement with the proposed transfer, desires that any leasing of the area be confined to recreational purposes to comply with the provisions of the deed of trust. This has been agreed to. The Gisborne City Council and Cook County Council have also consented to the proposals, which in effect adhere to the provisions of the deed of trust. The clause accordingly vests the 22 acres in the Crown as a public domain subject to the Reserves and Domains Act 1953 but subject to certain restrictions on leasing of the land and, in terms of the deed of trust, provides that the land shall be known as the W. Douglas Lysnar Reserve.

*Clause 14:* Vesting certain land in the Corporation of the Borough of Bluff subject to the Municipal Corporations Act 1954—The land dealt with in this clause comprises an area of 5 acres 1 rood 32 perches of endowment land situated on the outskirts of the Town of Bluff. The Bluff Borough Council is required to give alternative access to the Bluff cemetery, which is situated at the end of Suir Street, as McDougall and Suir Streets are to be closed as a result of the quarrying operations for the Bluff Harbour Extension Scheme. To finance the extension of Lagan Street, which will be the new access to the cemetery, the Council wishes to sell sections for housing purposes in this block and desires the existing trust on the land to be removed. The land is not required for endowment purposes and, as endowment land is involved, it is not possible for the Council to sell it without special authority. The proposal has been advertised and no objections were received. The clause accordingly vests the land in the Council subject to the Municipal Corporations Act 1954 and provides for the application of the net proceeds on development and improvement of lands within the borough.

*Clause 15:* Vesting certain land in the Corporation of the Town District of Kihikihi subject to the Municipal Corporations Act 1954—The land dealt with in this clause comprises an area of 5 acres of endowment land in the Town of Kihikihi near Te Awamutu. The Town Council, in order to meet the demand for building sections in the township, proposes to subdivide the 5 acres into residential sites to provide fifteen building lots. The Council wishes to grant purchasers of individual lots a freehold title. The township has

adequate endowment land for its size and as the land concerned is vested in the Council as an endowment in aid of Council funds it is not possible for it to be sold without special authority. The proposal has been advertised and no objections were received. The Council proposes to expend the proceeds from sale of sections on the development and improvement of the Kihikihi Domain and other lands in the township. The clause accordingly vests the land in the Council subject to the Municipal Corporations Act 1954 and provides for the application of the net proceeds on development and improvement of certain land within the township.

*Clause 16:* Validating an agreement between the Lower Hutt City Council and the Hutt Park Committee—The agreement to be validated provides primarily for two actions—firstly, the closing by the Council of the portion of Hutt Park Road between Seaview Road and the Waiwhetu Stream comprising 2 acres 1 rood 39 perches and the transfer of that land to the Committee. Secondly, the transfer from the Committee to the Council of an area of 1 acre 24·98 perches fronting Randwick Road and Seaview Road for street widening purposes, and also a strip of 4 acres 2 roods 20·34 perches along the southern side of the Waiwhetu Stream from Seaview Road to Hutt Park Road and continuing to where the railway line crosses the stream. This latter area will be made a public street and will provide access from Seaview Road to the industrial area to the south-east of the Waiwhetu Stream in substitution for the portion of the Hutt Park Road to be closed. These proposals will improve the traffic flow at the Randwick Road - Seaview Road intersection and enable the provision of a less expensive and less complicated traffic roundabout than would be possible under existing conditions. The agreement also provides for incidental matters such as the erection of fences on new boundaries, planting and beautifying of the bank of the Waiwhetu along the proposed new road, and removal of power and telephone lines from the area to be vested in the Committee. The Committee also undertakes in the agreement to give the Council an easement over portion of its land in Randwick Road at present occupied by a sewerage pumping station. A similar agreement was executed between the parties in 1952 and validated by section 28 of the Reserves and Other Lands Disposal Act 1952. Following survey it was found that a strip of land owned by the Wellington City Corporation as a pipe line reserve was wrongly included in part of the area to be transferred from the Committee to the Council. Subsequently, too, portion of the other area to be transferred to the Council was taken by proclamation for street extension purposes and vested in the Council. In view of these area adjustments both parties agreed that the previous agreement was incapable of implementation and a fresh deed of agreement was executed. The clause accordingly validates the new agreement but with a proviso that the Council will require to follow the normal street closing procedure in regard to the portion of Hutt Park Road to be vested in the Committee.

*Clause 17:* Amending section ten of the Reserves and Other Lands Disposal Act 1954—The Queen Elizabeth Park Domain Board, which controls 1,563 acres of domain land at Paekakariki comprises: (a) The Commissioner of Crown Lands for the Land District of Wellington; (b) three members appointed on the recommendation of the Wellington City Council; (c) one member appointed on the joint recommendation of the Hutt County Council and any other contributing local bodies; and (d) one Government nominee. The Board's present term of office is for a period of three years and expires on 9 February 1958. The next local body elections will not be until November 1959. The Domain Board feels that if the terms of local body members could

coincide with their term as Councillors it would be better from an administration point of view and would ensure more stability in Board membership. The Hutt County Council, in whose district the domain is situated, is prepared to contribute financially to the funds of the Board. Apart from the Wellington City Council there are no other contributing local bodies. The Hutt County Council feels that it should be solely responsible for recommending one person for appointment to the Domain Board and has asked that the legislation be amended. Both these proposals have been agreed to by the Crown and all other interested parties. The clause accordingly provides for certain members to be appointed for a term not exceeding three years, members to remain in office until their successors are appointed, and also for one person to be appointed to the Board on the recommendation of the Hutt County Council.

*Clause 18:* Special provisions relating to portions of the Pukeroa Domain, Rotorua—The land known as the Pukeroa Reserve, situated about half a mile from the Rotorua Post Office, was originally gifted by the Ngati Whakaue Tribe for public recreation. This was in 1880, and a few years later the land was set apart as a park or domain for the public use and enjoyment of the inhabitants of Rotorua. In 1908 the control of the reserve was vested in the Minister charged with the administration of the Tourist and Health Resorts Control Act 1908. During World War I a military hospital was erected on the reserve. It was originally intended that the occupation would only be of a temporary nature but the hospital has, over the years, developed and is now a general hospital under control of the Waikato Hospital Board (King George V Memorial Hospital). In 1940 special legislation was enacted authorising the issue of a lease over some 28 acres of the reserve occupied by the hospital to the Waikato Hospital Board for a term of 999 years at a peppercorn rental. The legislation also provided that, in the event of the land not being required for hospital purposes, the lease would terminate and the land would revert to the Crown as a public domain. The balance of the reserve remained under control of the Tourist Department, but since 1940 two areas, one for a Maori guest house and the other for a workers' hostel, have been taken from the reserve. The Tourist Department is no longer interested in the residue area of 5 acres 2 roods 15 perches and has suggested that it be included in the Hospital Board's lease. The land presents a neglected appearance and has not been well maintained. It would fit in well with the adjoining land leased by the Board and could be used for future buildings or an extension of the hospital grounds. The representatives of the Ngati Whakaue Tribe, and also the Health Department, are agreeable to the residue area being incorporated in the Hospital Board's present lease. The proposal has been advertised and no objections were received. The Ngati Whakaue Tribe desires to obtain a lease of half an acre of the area at present leased by the Hospital Board situated at the corner of Rangiuru Street and Lake Road as a site for an administration building. The site is adequately suited for the tribe's requirements and is situated within a short distance of its marae. The proposal will not interfere with the working of the hospital and the Board has no objections. The tribe wishes the lease to run concurrently with the Hospital Board's lease and this will be provided for in the lease. Special legislation is necessary to deal with both these matters and the clause accordingly incorporates the 5 acres 2 roods 15 perches in the Board's existing lease, provides for the exclusion of the half acre from the Board's lease, and authorises the Minister of Lands to lease the area to the Ngati Whakaue Tribe on certain terms and conditions.



*Clause 19:* Declaring certain land at Addington to be vested in the Canterbury Agricultural and Pastoral Association—The showgrounds of the Canterbury Agricultural and Pastoral Association at Addington comprise some 40 acres, of which approximately 35 acres is owned in fee simple by the Association and the balance of 5 acres, being the land dealt with in this clause, is known as the Twigger bequest. When the Association purchased some 29 acres from John Twigger in 1885 Mr Twigger also agreed to gift to the Association this 5 acre area as an endowment, together with a 1 chain road running through the property which connects Lincoln Road with the main showground block and for which an easement was subsequently created in favour of this showground block. This gift was made on certain conditions, among which were: (a) That the land was to be held forever for the purposes of the Association by trustees, viz., the District Land Registrar for the Land Registration District of Canterbury and up to five persons appointed by the Association; and (b) that the land was inalienable and that if alienated it would revert to John Twigger and his heirs. The 5 acres was subsequently transferred to trustees, who signed a declaration of trust which provided that in the event of the Association ceasing to exist then the land would revert to the Crown which must use it in promoting the public interests of agricultural and pastoral pursuits in the provincial district of Canterbury. The Association has the power of leasing but cannot sell or mortgage the land. When Mr Twigger sold the 29 acres to the Association he left £5,350 10s. on mortgage, which was discharged many years ago. Mr Twigger died in November 1885 and by an order of the Supreme Court the residue of his estate, which would include any reversionary interest in the 5 acres, was vested in the Ashburton and North Canterbury Hospital Board, now the North Canterbury Hospital Board. The Board is not interested in the land and relinquishes any interest it may have in it. At the present time the title to the land is in the name of the District Land Registrar for the Canterbury Land Registration District and five other persons as trustees for the Association. The five persons are deceased and no new appointments have been made. The Association's tenure of this 5 acre area is not satisfactory and, as it must very soon undertake a big building programme, it is anxious to secure a clear title to all the land it occupies as security for the finance it will need to raise. The bequest by Mr Twigger would seem to have now outlived its purpose. It is felt that the main reason for the bequest was more as an additional security for the late Mr Twigger for the money loaned to the Association and which was paid off many years ago. The likelihood of the Association, which is a much more substantial body than it was in 1885, going out of existence is very remote. The North Canterbury Hospital Board makes no claim to the land and relinquishes any interest it may have. The Association's request is reasonable and there are no objections to the 5 acre area being vested in fee simple in the Association subject to the Agricultural and Pastoral Societies Act 1908 and to the easement in favour of the main showground block merging in the fee simple estate of that block. The clause makes provision accordingly.

*Clause 20:* Special provisions relating to the Westport Colliery Reserve—The Westland and Nelson Coalfields Administration Act 1877 governs the administration of an area of 582 acres in the Town of Westport known as the Westport Colliery Reserve, and an area of 114,000 acres to the north known as the Buller Coalfields Reserve. Originally the revenue derived from leases, etc., of portions of these areas was to defray the cost of certain railways, and

later was to become an endowment for the harbour of Westport. The endowment attaches to the revenue and not the land. The areas are generally referred to as the Westport Harbour Endowment. In 1953 an area of 37,225 acres of the Buller Coalfields Reserve, being high country in bush and unsuitable for settlement, was declared provisional State forest. The Westport Colliery Reserve has been leased under the 1877 Act and amendments, some of the leases being for 42 years without right of renewal. By an amending Act in 1926 the right was given to lessees to convert to leases for 21 years with perpetual right of renewal and many lessees took advantage of this right. The Buller Coalfields Reserve has always been leased under the Land Act 1948 or former Land Acts. Various types of leases are in force, but none of them confers the right of freehold. The administration of the land is in the hands of the Lands and Survey Department, and revenue received is paid into the Consolidated Fund, which in turn meets any deficiencies arising from the operation of the port. The harbour has, since 1920, been administered by the Marine Department. Although there is no Harbour Board, the endowment in respect of the Westport Colliery Reserve should be properly constituted by declaring the land to be an endowment for the Westport Harbour. Only a small portion of the Buller Coalfields Reserve is leased, it generally being unsuitable for farming. There are considerable areas of coal bearing country and in view of this it is not proposed in the meantime to formally declare this reserve land to be an endowment for the Westport Harbour. The standard lease of Crown lands under the Land Act 1948 is the renewable lease for 33 years with a perpetual right of renewal and all leases, other than leases in perpetuity, over portions of the Buller Coalfields Reserve will eventually be renewed as renewable leases. It is proposed, therefore, that the leases of the Westport Colliery Reserve be on the same basis. Existing leases will be renewed as renewable leases, and lessees will have the right to exchange to renewable leases before expiry if they so desire. As well as being an advantage administratively, the proposal will be of benefit to the lessees in that they will obtain a 33-year lease with a perpetual right of renewal. They will not be deprived of any rights which they now hold. Being endowment land the right to acquire the freehold will not be available, but the lessees have never had this right. Any Westport Colliery Reserve land within the endowment may, under section 167 of the Land Act 1948, with the consent of the Minister of Marine, be reserved for public purposes, and provision is made that when reservations are revoked the land again forms part of the endowment.

*Clause 21:* Authorising the disposal of certain lands fronting Fraser Street, Tauranga—Mr L. R. Wilkinson owns an area of some 18 acres of tidal, swamp, and marsh land adjoining the upper reaches of an estuary of the Tauranga Harbour. At the time he bought the land it had a sea frontage, but since the formation of the Fraser Street Extension crossing the estuary and having the effect of a stop bank, there now lies between Mr Wilkinson's sea boundary and the street portions of former harbour bed comprising 1 acre and 20 perches, 1 rood 38 perches, and 2 acres 2 roods 2 perches respectively and which are dealt with in this clause. The Tauranga Borough Council, as compensation to Mr Wilkinson for loss of his sea frontage, has agreed, with the concurrence of the Tauranga Harbour Board, in which body the land is vested, to facilitate the transfer to Mr Wilkinson without cost of the 1 acre and 20 perches and the 1 rood 38 perches. The balance of the land severed from the sea comprising 2 acres 2 roods 2 perches is now not required by the Harbour Board which has agreed to dispose of it to the Borough Council. The other area of 2 roods 28 perches

dealt with in the clause comprises a strip of land reserved from sale or other disposition in terms of section 129 of the Land Act 1924, which land was originally alongside the high water mark of the sea. It adjoins the above-mentioned harbour bed areas and its reservation from disposal is now no longer necessary following the formation of the new street. It is reasonable that this area should also be made available for disposal. Special authority is necessary to enable the four areas to be disposed of and the clause, in terms of the arrangements made with Mr Wilkinson, authorises the disposal to him of the two former harbour bed areas by the Tauranga Harbour Board at the direction of the Tauranga Borough Council, authorises the Harbour Board to dispose of the other harbour bed area to the Tauranga Borough Council, and declares the reserve strip as Crown land available for disposal under the Land Act 1948.

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*Hon. Mr Gerard*

## RESERVES AND OTHER LANDS DISPOSAL

### ANALYSIS

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| 4. Declaring certain land to be vested in Her Majesty and validating a lease thereover   | 14. Vesting certain land in the Corporation of the Borough of Bluff subject to the Municipal Corporations Act 1954          |
| 5. Declaring certain land at Riverton to be Crown land subject to the Land Act 1948.   | 15. Vesting certain land in the Corporation of the Town District of Kihikihi subject to the Municipal Corporations Act 1954 |
| 6. Authorising the transfer of certain land to the Te Pahu Hall Society (Inc.)   | 16. Validating an agreement between the Lower Hutt City Council and the Hutt Park Committee                                 |
| 7. Cancelling the vesting of certain endowment land in the Inglewood Borough Council and declaring that land to be a scenic reserve subject to the Reserves and Domains Act 1953 | 17. Amending section 10 of the Reserves and Other Lands Disposal Act 1954   |
| 8. Validating a payment from money held under the Land Subdivision in Counties Act 1946  | 18. Special provisions relating to portions of the Pukeroa Domain, Rotorua  |
| 9. Cancelling the reservation over certain endowment land and declaring it to be a scenic reserve subject to the Reserves and Domains Act 1953                                   | 19. Declaring certain land at Addington to be vested in the Canterbury Agricultural and Pastoral Association                |
| 10. Validating the sale of certain land, together with the grant of right of way appurtenant thereto, by the Hawera Borough Council  | 20. Special provisions relating to the Westport Colliery Reserve  |
|  | 21. Authorising the disposal of certain lands fronting Fraser Street, Tauranga  |

## A BILL INTITULED

**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

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 1957. 10

**2. Vesting certain areas of land in the Corporation of the City of Dunedin for street purposes and as a public reserve**—  
Whereas the land known as the Octagon, Dunedin City, being the land firstly and secondly described in subsection five of this section (in this section referred to as the said land) is vested in Her Majesty as a reserve for a site for a public garden: And whereas section fifteen of the Dunedin Public Lands Ordinance 1854 restricted building on the said land: And whereas portions of the said land, being more particularly firstly described in subsection five of this section, have long been used as a public street and it is desirable to vest them in the Mayor, Councillors, and Citizens of the City of Dunedin (in this section referred to as the Corporation) for that purpose: And whereas the balance of the said land, being that more particularly secondly described in subsection five of this section, has been used for municipal purposes: And whereas to provide for the more effective future control and management of the land secondly described it is desirable to vest it in the Corporation in trust as a reserve for a site for a public garden subject to the Reserves and Domains Act 1953 and subject also to certain other conditions: Be it therefore enacted as follows: 15  
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(1) The vesting in Her Majesty of the land firstly described in subsection five of this section is hereby cancelled, and the reservation as a site for a public garden is hereby revoked and the land is hereby declared to be a public street subject to the Municipal Corporations Act 1954, freed and discharged from all trusts, reservations, and restrictions heretofore affecting it. 35

(2) The vesting in Her Majesty of the land secondly described in subsection five of this section is hereby cancelled, and the land is hereby declared to be vested in the Corporation in trust as a reserve for a site for a public garden subject to the Reserves and Domains Act 1953:

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10 Provided that no buildings or erections, other than those existing on the said land at the commencement of this Act, shall be placed upon the said land secondly described which, subject to subsection three of this section, shall remain otherwise an open space:

(3) The Minister of Lands, may, subject to such terms and conditions as he thinks fit, permit the undersurface of the said land so secondly described to be used for the construction of civic amenities but no such amenities shall disturb the surface of the said land or encroach thereon for entries or exits.

(4) The District Land Registrar for the Land Registration District of Otago is hereby authorised and directed, upon application being made to him in that behalf, and upon payment of all necessary fees and the deposit of such plan or plans as he may require, to issue such certificate or certificates of title for the land declared to be vested in the Corporation and to do all such other things as may be necessary to give effect to the provisions of this section.

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

30 Firstly, all that area in the Otago Land District, City of Dunedin, being parts of Reserve Number 2, Town of Dunedin, containing one rood twenty-five perches and seventy-five one hundredths of a perch, more or less: as shown on the plan marked L. and S. 6/1/1044, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured blue (S.O. Plan 12279).

35 Secondly, all that area in the Otago Land District, City of Dunedin, being Lots 1 and 2 of Reserve Number 2, Town of Dunedin, containing two roods and twenty-six perches, more or less: as shown on the plan marked L. and S. 6/1/1044, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan  
40 12279).

**3. Vesting certain land in the Mayor, Councillors, and Citizens of the City of Auckland in trust for water supply purposes**—Whereas the land described in subsection three of this section is vested in the Auckland Centennial Memorial Park Board (in this section referred to as the Board) upon trust for the purposes of a Scenic Park under the Auckland Centennial Memorial Park Act 1941: And whereas it was originally intended that the said land be added to the adjoining Auckland City water supply reserve but this was not done: And whereas the Board has no power of sale and it is desirable and expedient that the said land be vested in the Mayor, Councillors, and Citizens of the City of Auckland in trust for water supply purposes subject to the Municipal Corporations Act 1954: Be it therefore enacted as follows:

(1) The vesting in the Board of the land described in subsection three of this section is hereby cancelled and the said land is hereby declared to be vested in the Mayor, Councillors, and Citizens of the City of Auckland in trust for water supply purposes subject to the Municipal Corporations Act 1954 but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.

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

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

All those areas in the North Auckland Land District being—

Firstly, Allotment 260, Parish of Waikomiti, Block V, Titirangi Survey District, containing four acres and fourteen perches, more or less, and being all the land comprised and described in certificate of title, Volume 870, folio 130, Auckland Registry (S.O. Plan 33655).

Secondly, Allotments 471 and 472, Parish of Waikomiti, Block V, Titirangi Survey District, containing thirty-six acres three roods eleven perches and six-tenths of a perch, more or less, and being all the land comprised and described in certificate of title, Volume 833, folio 70, Auckland Registry (S.O. Plan 33151).

Thirdly, Allotment W.M. 11, Parish of Karangahape, Block IX, Titirangi Survey District, containing forty-two acres and two roods, more or less, and being part of the land comprised and described in certificate of title, Volume 833, folio 69, Auckland Registry (S.O. Plan 33157).

**4. Declaring certain land to be vested in Her Majesty and validating a lease thereover**—Whereas by conveyance numbered 86795 dated the eighteenth day of April, eighteen hundred and eighty-four, the land described in subsection 5 seven of this section (in this section referred to as the said land) was conveyed to one James Thornton, storekeeper, of Newmarket, Auckland: And whereas the said James Thornton died intestate in Charters Towers in the year nineteen hundred and three: And whereas neither his beneficiaries nor his 10 personal representatives have ever occupied the said land nor in recent years exercised any rights of ownership in respect thereof: And whereas on the assumption that the said land was unalienated Crown land a renewable lease was granted thereover on the sixteenth day of July, nineteen hundred 15 and forty-six, for a term of sixty-six years from the first day of January, nineteen hundred and forty-seven, under the Land Act 1924: And whereas the said land has been occupied and farmed under this lease: And whereas the known beneficiaries in the estate of the said James Thornton, deceased, 20 who are entitled to an eight-ninths interest in the said land have agreed to sell their interest therein to the Crown: And whereas the person or persons entitled to the remaining one-ninth interest in the said land are not known and cannot be found: And whereas it is desirable and expedient that the 25 said land be vested in the Crown and the said renewable lease granted in respect thereof be validated: Be it therefore enacted as follows:

(1) Subject to the provisions of subsection three of this section, the said land is hereby declared to be and to have 30 been vested in Her Majesty as Crown land as from the sixteenth day of July, nineteen hundred and forty-six, freed and discharged from all trusts, reservations, and restrictions theretofore affecting the same.

(2) The renewable lease numbered 2465 granted to 35 Thomas Henry Watts, of Waikiekie, farmer, under the Land Act 1924 for a term of sixty-six years from the first day of January, nineteen hundred and forty-seven, over the said land is hereby declared to be valid and to have full force and effect according to its tenor.

(3) The Minister of Lands shall pay to the known beneficiaries in the estate of James Thornton, deceased, in respect 40 of their eight-ninths interest in the said land a sum not exceeding one hundred and eighty-four pounds and the said sum shall be paid in the proportion to which each of the said 45 known beneficiaries shares in the said estate.



(4) The Minister of Lands shall, upon production to him of satisfactory proof as to entitlement to the balance of one-ninth interest in the said land, pay to such persons, being beneficiaries in the estate of James Thornton, deceased, for the said interest a sum not exceeding twenty-three pounds: 5

Provided that no claim for any such interest may be made at any time after the expiration of six years from the commencement of this section.

(5) Any payments made under subsections three and four of this section shall be paid out of the Land Settlement Account from money appropriated for the acquisition of land and interests therein. 10

(6) The District Land Registrar for the Land Registration District of Auckland is hereby authorised and directed to cancel without fee the certificate of title for the said land and to do all such other things as may be necessary to give effect to the provisions of this section. 15

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

All that area in the North Auckland Land District, being the north-western portion of Allotment 61, Parish of Māretu, situated in Block IV, Matakōhe Survey District, and Block XVI, Tangihua Survey District, containing forty acres, more or less, being all the land in certificate of title, Volume 779, folio 139, Auckland Registry (limited as to parcels and title). 20 25

**5. Declaring certain land at Riverton to be Crown land subject to the Land Act 1948**—Whereas the land described in subsection three of this section is portion of the pilot station and lighthouse reserve vested in the Riverton Harbour Board in trust without power of sale as a harbour endowment: And whereas the said land is no longer required as a harbour endowment and it is desirable that it should be vested in Her Majesty so that it can be made available for disposal under the Land Act 1948: Be it therefore enacted as follows: 30 35

(1) The vesting of the land described in subsection three of this section in the Riverton Harbour Board is hereby cancelled and the land is hereby declared to be Crown land subject to the Land Act 1948 freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same. 40

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

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

All that area in the Southland Land District, being part of Section 30, Block II, Jacobs River Hundred, containing six acres three roods and thirty-five perches, more or less, and being part of the land comprised and described in certificate of title, Volume 115, folio 228, Southland Registry: as shown on the plan marked L. and S. 30/228/81, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

**6. Authorising the transfer of certain land to the Te Pahu Hall Society (Inc.)**—Whereas the land described in subsection three of this section is vested in the Chairman, Councillors, and Inhabitants of the County of Raglan (in this section referred to as the Corporation) under the provisions of the Counties Act 1956: And whereas the said land was formerly held on behalf of the Te Pahu Hall Society by various persons: And whereas the said land and the buildings and other amenities thereon have for many years been used by the Te Pahu Hall Society for the benefit of the residents in the locality: And whereas a society named the Te Pahu Hall Society Incorporated (in this section referred to as the Society) has been incorporated under the Incorporated Societies Act 1908 for the purpose, among others, of acquiring and holding the said land for the benefit of the aforesaid residents: And whereas the Corporation desires to transfer the said land to the Society: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in the Counties Act 1956 or in any other Act, the Corporation may transfer to the Society without consideration the land described in subsection three of this section freed from any trusts, reservations, or restrictions theretofore affecting the same.

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

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

All that area in the South Auckland Land District shown on Deposited Plan Number 6809, being part of Allotment 121, Parish of Pirongia, situated in Block XI, Alexandra Survey District, containing two roods twenty-eight perches, more or less, and being all the land comprised and described in certificate of title, Volume 176, folio 279, Auckland Registry. 5

**7. Cancelling the vesting of certain endowment land in the Inglewood Borough Council and declaring that land to be a scenic reserve subject to the Reserves and Domains Act 1953**—Whereas the land described in subsection three of this section is vested in the Mayor, Councillors, and Citizens of the Borough of Inglewood (in this section referred to as the Corporation) for an estate in fee simple, as an endowment, in trust for town improvements: And whereas the said land which is bush covered was originally purchased by the Corporation in order to preserve the bush: And whereas, for proper administration and control, the Corporation desires the land to be declared a scenic reserve subject to the Reserves and Domains Act 1953: And whereas it is desirable and expedient that effect be given to the Corporation's wishes: Be it therefore enacted as follows: 10 15 20

(1) The vesting in the Corporation of the land described in subsection three of this section is hereby cancelled and the said land is hereby declared to be vested in Her Majesty as a scenic reserve under and subject to the Reserves and Domains Act 1953, freed and discharged from all other trusts, reservations, and restrictions heretofore affecting the land. 25

(2) The District Land Registrar for the Land Registration District of Taranaki 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. 30

(3) The land to which this section relates is particularly described as follows: 35

All that area in the Taranaki Land District, being Lot 1 on Deposited Plan numbered 5674, being part of Section 1, Moa District, situated in Block IV, Egmont Survey District, containing three acres and seven perches, more or less, and being all the land comprised and described in certificate of title, Volume 143, folio 107, Taranaki Registry. 40

**8. Validating a payment from money held under the Land Subdivision in Counties Act 1946**—Whereas the land described in subsection two of this section was held under a perpetually renewable lease issued pursuant to the West Coast Settlement Reserves Act 1892: And whereas the Crown recently purchased the leasehold interest in the said land for recreation purposes: And whereas the Taranaki County Council agreed to the purchase price for the leasehold interest of fifteen hundred pounds being made available from money received under the Land Subdivision in Counties Act 1946 and payment from this source has been effected: And whereas section fourteen of that Act provides that any money received thereunder may be paid out for the purchase of land to be held as public reserves but there is no authority therein for any such money to be used for the purchase of a leasehold interest: And whereas it is desirable to validate the said payment of fifteen hundred pounds: Be it therefore enacted as follows:

(1) The payment by the Crown of fifteen hundred pounds for the leasehold interest in the land described in subsection two of this section from money held under the Land Subdivision in Counties Act 1946 is hereby validated and declared to have been lawfully made.

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

All that area in the Taranaki Land District, being part of Section 12, Oakura Town Belt, situated in Block II, Wairau Survey District, containing eleven acres three roods twenty-eight perches and five-tenths of a perch, more or less, and being part of the land comprised and described in lease registered in Volume 135, folio 147, Taranaki Registry.

**9. Cancelling the reservation over certain endowment land and declaring it to be a scenic reserve subject to the Reserves and Domains Act 1953**—Whereas the land described in subsection two of this section was, by notice in the *Gazette* of the second day of May, nineteen hundred and one, at page 988, reserved as a municipal endowment; And whereas the said land is bush covered and has definite scenic qualities: And whereas it is not suitable for the purpose for which it was reserved and it is desirable that the said land be constituted a reserve for scenic purposes subject to the Reserves and Domains Act 1953: Be it therefore enacted as follows:

(1) The reservation as an endowment for municipal purposes over the land described in subsection two of this section is hereby cancelled and the said land is hereby declared to be a scenic reserve under and subject to the Reserves and Domains Act 1953, freed and discharged from all other trusts, reservations, and restrictions heretofore affecting the same. 5

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

All that area in the South Auckland Land District, being Section 1 of Block XII and Section 1 of Block XIII, Village of Mamaku, situated in Block XIV, Rotorua Survey District, containing two acres and twenty-four perches, more or less: as shown on the plan marked L. and S. 4/78, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 11240<sup>t</sup>). 15

**10. Validating the sale of certain land, together with the grant of right of way appurtenant thereto, by the Hawera Borough Council**—Whereas the land firstly and secondly described in subsection three of this section is vested in the Mayor, Councillors, and Citizens of the Borough of Hawera (in this section referred to as the Corporation) for an estate in fee simple as a town endowment under the Hawera Borough Endowment Act 1889: And whereas the land thirdly and fourthly described in the said subsection form part of the land vested in the Corporation as a site for a public library subject to the provisions of the Reserves and Domains Act 1953, the vesting being made pursuant to the Land Act 1877: And whereas part of the Hawera Opera House is erected on the land firstly and thirdly described in the said subsection three and that land has for many years been leased by the Corporation to the Hawera Theatre Company Limited: And whereas the Corporation has sold this land to the said company together with a grant of right of way appurtenant thereto over the land secondly and fourthly described in the said subsection three: And whereas the Hawera Library is erected on the balance of the library site hereinbefore referred to: And whereas the Corporation has no power of sale in respect of the land firstly and thirdly described, and it is desirable and expedient to validate the said sale, together with the grant of right of way appurtenant thereto, over the land secondly and fourthly described: Be it therefore enacted as follows: 35 40

(1) Notwithstanding anything to the contrary in any Act or rule of law, the sale by the Corporation of the land firstly and thirdly described in subsection three of this section, together with the grant of right of way appurtenant thereto over the  
5 land secondly and fourthly described in the said subsection three, are hereby validated and declared to have been lawfully made and to be binding in all respects on the parties thereto and the said sale and grant of right of way shall have full force and effect according to their tenor and the said land  
10 firstly, secondly, thirdly, and fourthly described are hereby freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.

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

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

20 All those areas in the Taranaki Land District, Borough of Hawera, being—

Firstly, Lot 2 on Deposited Plan numbered 3280, being part of Section 19, Town of Hawera, containing thirteen perches and ninety-five one-hundredths of a perch, more or less, and  
25 being part of the land comprised and described in certificate of title, Volume 22, folio 6, Taranaki Registry:

Secondly, Lot 2 on Deposited Plan numbered 4349, being part of Section 19, Town of Hawera, containing two perches and ninety-nine one-hundredths of a perch, more or less, and  
30 being part of the land comprised and described in certificate of title, Volume 22, folio 6, Taranaki Registry:

Thirdly, Lot 1 on Deposited Plan numbered 6829, being part of Section 19, Town of Hawera, containing four perches and fifty-seven one-hundredths of a perch, more or less, and  
35 being part of the land comprised and described in certificate of title, Volume 20, folio 164, Taranaki Registry:

Fourthly, Lot 2 on Deposited Plan numbered 6829, being part of Section 19, Town of Hawera, containing one perch and sixty-one one-hundredths of a perch, more or less, and  
40 being part of the land comprised and described in certificate of title, Volume 20, folio 164, Taranaki Registry:

As the same are more particularly shown on the plan marked L. and S. 6/1/117, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon  
45 edged red.

**11. Renouncing a bequest of certain land and declaring certain land to be a wildlife refuge**—Whereas the will of Constance Louisa Hamilton Fenwick, of Maraeweka, spinster, deceased (in this section referred to as the testatrix), devised a wild duck lake sanctuary situated on the Maraeweka Estate property, together with fifty acres of land surrounding it and a right of way thereto, to the Government of New Zealand in trust as a game and nature fauna sanctuary and scenic reserve for the benefit of the people of New Zealand: And whereas the testatrix in a codicil to the said will bequeathed the sum of fifty pounds a year for the upkeep of fences on the wild duck sanctuary and land adjoining and on the property: And whereas the said land is not suitable for scenic purposes and certain legal and practical difficulties would be involved in giving effect to the said gifts: And whereas it is agreed between the Crown and other beneficiaries that the Crown need not take title to the said land in order to achieve the object of the testatrix: And whereas it has also been likewise agreed that it would be generally in keeping with the wishes of the testatrix for the Crown to renounce the gifts but to make provision for the constitution of the wild duck lake sanctuary as described in subsection five of this section as a wildlife refuge in perpetuity for the purposes of the Wildlife Act 1953 and subject also to certain other conditions as hereinafter provided: And whereas it is desirable and expedient to give effect to these matters: Be it therefore enacted as follows:

(1) It is hereby declared that the devise of the testatrix of the wild duck lake sanctuary, situated behind Maraeweka House on the Maraeweka Estate, and approved fifty acres of land surrounding it together with a right of way thereto, in trust as a game and nature fauna sanctuary and scenic reserve for the benefit of the people of New Zealand shall be deemed to be renounced and that the additional bequest of fifty pounds a year for the upkeep of fences on the wild duck sanctuary and land adjoining and on the property shall also be deemed to be renounced.

(2) The land described in subsection five of this section is hereby declared to be a wildlife refuge in perpetuity for the purposes of the Wildlife Act 1953.

(3) Notwithstanding anything to the contrary in the Wildlife Act 1953, the following provisions shall apply in respect of the said wildlife refuge:

- (a) A right of access at all reasonable times is hereby reserved thereto for the purposes of the Wildlife Act 1953 to the employees of the Department of Internal Affairs and the employees of the Waitaki Acclimatisation Society:

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Provided that before any entry is made on the land by any such persons they shall, when practicable, give reasonable notice to the occupier of the land of intention to enter thereon:

- 10 (b) The water level of the lake comprised in the said wildlife refuge shall not be artificially manipulated in any way without the prior consent of the Waitaki Acclimatisation Society:

- 15 (c) Trees, shrubs, and other vegetation within the boundaries of the said wildlife refuge shall not be cleared, burned, felled, or destroyed in any way without the prior consent of the Secretary for Internal Affairs:

- 20 (d) The existing fences along portion of the circumference of the lake comprised in the said wildlife refuge shall be maintained at all times at the expense of the occupier in good order and condition and no further fencing or alterations to the existing fences about the circumference of the said lake shall be undertaken without the prior consent of the Secretary for Internal Affairs:

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- (e) Any consent required to be given by any person or body under the provisions of this section shall not be arbitrarily or unreasonably withheld.

- 30 (4) The District Land Registrar for the Land Registration District of Otago 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.

- 35 (5) The land declared a wildlife refuge under this section is particularly described as follows:

All that area in the Otago Land District containing fifty-six acres, more or less, subject to survey, being parts of Sections 39 and 40, Block I, Kauru Survey District, bounded by a line 10 chains distant from the edge of the pond situated in the aforesaid Section 39, and intersected by an unformed road, and being parts of the land comprised and described in certificate of title, Volume 269, folio 170, Otago Registry, limited as to parcels: as shown on the plan marked L. and S. 21/8, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 12485).

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

(1) The setting apart of the lands described in subsection two of this section as permanent State forest is hereby revoked and the said lands are hereby declared to be Crown land subject to the Land Act 1948. 10

(2) The lands to which this section relates are particularly described as follows:

Firstly, all that area in the South Auckland Land District being part of the land set apart as permanent State forest by Proclamation dated the fifteenth day of February, nineteen hundred and twenty-seven, and published in the *Gazette* of the seventeenth day of that month at page 460, and being also the land now known as Section 8, Block V, Galatea Survey District, containing twenty-eight acres and one rood, more or less: as shown on the plan marked L. and S. 7/652, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 24594<sup>3</sup>). 20

Secondly, all that area in the South Auckland Land District being part of Section 1, Block XV, Puketapu Survey District, containing sixty-two acres and three roods, more or less: as shown on the plan marked L. and S. 36/2442, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 38528). 30

Thirdly, all that area in the South Auckland Land District being Section 2, Block XV, Karioi Survey District, containing seven hundred and forty-three acres, more or less, and being all the land comprised and described in certificate of title, Volume 946, folio 285, Auckland Registry: as shown on the plan marked L. and S. 21/239, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 17975). 35

Fourthly, all that area in the South Auckland Land District being part Waikawau Block, situated in Block VII, Hastings Survey District, containing three hundred and sixty acres, more or less: as shown on the plan marked L. and S. 27/86, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 38530). 45

Fifthly, all that area in the Taranaki Land District situated in the Borough of Inglewood, being part of Lots 95 and 96 on Deposited Plan numbered 1786, being part of Section 105, Moa District, situated in Block IV, Egmont Survey District, 5 containing one rood and twenty-four perches, more or less, and being part of the land comprised and described in certificate of title, Volume 60, folio 59, Taranaki Registry: as shown on the plan marked L. and S. 10/94/22, deposited in the Head Office, Department of Lands and Survey, at Wellington, 10 and thereon edged red (S.O. Plan 8834).

Sixthly, all that area in the Westland Land District being part of Reserve 1707, situated in Block XI, Mawheranui Survey District, containing twenty-three acres three roods and nine perches, more or less, and being all of the land set apart 15 as permanent State forest by Proclamation dated the twenty-first day of August, nineteen hundred and forty, and published in the *Gazette* of the twenty-ninth day of that month at page 2236: as shown on the plan marked L. and S. 10/98/35B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red. 20

Seventhly, all that area in the Westland Land District being part of Reserve 1694, situated in Block XV, Mawheraiti Survey District, containing eighty-eight acres, more or less, and being part of the land set apart as permanent State forest 25 by Proclamation dated the fifteenth day of October, nineteen hundred and forty-nine, and published in the *Gazette* of the twentieth day of that month at page 2465, and bounded on the west by the Waipuna River; on the south by Crown land, Block III, Ahaura Survey District; on the south-east by Sections 170 and 169, Square 122, and Rural Section 3937; on 30 the north-east by Rural Sections 3372 and 3919; and on the north by another part of Reserve 1694: as shown on the plan marked L. and S. 10/98/40A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon 35 edged red.

Eighthly, all that area in the Westland Land District being part of Reserve 1683, situated in Block VI, Karangarua Survey District, containing twelve acres three roods and fifteen perches, more or less, and being part of the land set apart as 40 permanent State forest by Proclamation dated the nineteenth day of December, nineteen hundred and thirty-two, and published in the *Gazette* of the twelfth day of January, nineteen hundred and thirty-three, at page 11: as shown on the plan marked L. and S. 6/1/971B, deposited in the Head Office, 45 Department of Lands and Survey, at Wellington, and thereon edged red.

**13. Vesting certain land in Her Majesty as the W. Douglas Lysnar Domain**—Whereas the land described in subsection four of this section is vested in the Corporation of the City of Gisborne (in this section referred to as the Corporation) in trust for the purpose of a recreation reserve: And whereas the said land was acquired by the Corporation by gift from the late William Douglas Lysnar pursuant to a deed of trust (in this section referred to as the deed) dated the fifth day of December, nineteen hundred and twenty-one: And whereas the deed imposes certain restrictions and confers certain powers as to the management of the said land by the Corporation: And whereas the deed provides that its presents shall not be varied or modified without the express consent in writing of certain persons named therein, the survivor of whom is Winifred Frances Lysnar, daughter of the said William Douglas Lysnar: And whereas it is desirable that the said land be vested in Her Majesty the Queen as a public domain subject to Part III of the Reserves and Domains Act 1953, but subject to certain restrictions on the leasing thereof, freed and discharged from the provisions of the deed: And whereas the said Winifred Frances Lysnar and the Corporation have consented and agreed to the said land being so vested: Be it therefore enacted as follows:

(1) The land described in subsection four of this section is hereby declared to be vested in Her Majesty the Queen as a public domain to be known as the W. Douglas Lysnar Domain subject to the provisions of Part III of the Reserves and Domains Act 1953 except as hereinafter provided but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.

(2) Notwithstanding anything to the contrary in the Reserves and Domains Act 1953, the land described in subsection four of this section may be leased under that Act only for the purpose of recreational development or for the provision of amenities for the enjoyment, use, or safety of the public but not otherwise.

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

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

All that area in the Gisborne Land District, being Lot 1, Deposited Plan 2702, and being Part of Lot 5 of Section 7 of Pouawa Number 1 Block, situated in Block VIII, Turanganui Survey District, containing twenty-two acres, more or less, and being all the land comprised and described in certificate of title, Volume 64, folio 190, Gisborne Registry.

**14. Vesting certain land in the Corporation of the Borough of Bluff subject to the Municipal Corporations Act 1954—**

Whereas the land described in subsection four of this section is vested in the Mayor, Councillors, and Citizens of the Borough of Bluff (in this section referred to as the Corporation) for an estate in fee simple as an endowment in aid of borough funds: And whereas, as a result of the Bluff Harbour Extension Scheme, new development works are required within the borough: And whereas the said land is not required for endowment purposes and the Corporation wishes to dispose of the land for housing purposes and to apply the proceeds from sale to the cost of the said development works: And whereas it is desirable and expedient that the said land should be sold and for that purpose it should be vested in the Corporation without trust but subject to the Municipal Corporations Act 1954 and subject also to the proceeds from the sale thereof being applied in the manner hereinafter provided: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in any Act or rule of law, the vesting in the Corporation as an endowment in aid of borough funds of the land described in subsection four of this section is hereby cancelled and the land is hereby declared to be vested in the Corporation for an estate in fee simple subject to the provisions of the Municipal Corporations Act 1954 but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the said land.

(2) The net proceeds from the sale of the land described in subsection four of this section shall be paid into a separate bank account in the name of the Corporation and shall be applied in or towards the cost of purchasing lands for public purposes or the erection or construction of buildings, improvements, or amenities of any kind, including the maintenance of land controlled by the Corporation or vested in the Corporation as a public reserve or otherwise.

(3) The District Land Registrar for the Land Registration District of Southland is hereby authorised and directed 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. 5

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

All that area in the Southland Land District, Borough of Bluff, being part of Section 1, Block XXIV, Town of Campbelltown, situated in Block I, Campbelltown Hundred, containing five acres one rood and thirty two perches, more or less, and being part of the land comprised and described in certificate of title, Volume 168, folio 117, Southland Registry: as shown on the plan marked L. and S. 13/108/57, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red. 10 15

**15. Vesting certain land in the Corporation of the Town District of Kihikihi subject to the Municipal Corporations Act 1954**—Whereas the land described in subsection four of this section is vested in the Chairman, Councillors, and Citizens of the Town District of Kihikihi (in this section referred to as the Corporation) as an endowment in aid of the funds of the Corporation pursuant to the Plans of Towns Regulation Act 1875: And whereas the Corporation has adequate endowment land in the township and the said land is not required for endowment purposes: And whereas there is an urgent need for housing sections in the township and the Corporation wishes to dispose of the said land for those purposes: And whereas it is desirable and expedient that the land should be sold and that it should be vested in the Corporation without trust but subject to the Municipal Corporations Act 1954 and subject also to the proceeds from the sale thereof being applied in the manner hereinafter provided: Be it therefore enacted as follows: 20 25 30 35

(1) Notwithstanding anything to the contrary in any Act or rule of law, the vesting in the Corporation as an endowment in aid of Corporation funds of the land described in subsection four of this section is hereby cancelled and the land is hereby declared to be vested in the Corporation for an estate in fee simple subject to the provisions of the Municipal Corporations Act 1954 but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the said land. 40

(2) The net proceeds from the sale of the land described in subsection four of this section shall be held by the Corporation and paid into a separate account and shall be applied in or towards the cost of purchasing lands for public purposes  
5 or the erection or construction of buildings, improvements, or amenities of any kind including maintenance on land controlled by the Corporation or vested in the Corporation as a public reserve or otherwise.

(3) The District Land Registrar for the Land Registration  
10 District of Auckland is hereby authorised and directed 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.

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

All that area in the South Auckland Land District, being Allotments 289, 290, 296, 302, and 303, Town of Kihikihi, situated in Block VII, Puniu Survey District, containing five  
20 acres, more or less, and being part of the land comprised and described in certificate of title, Volume 42, folio 100, Auckland Registry: as shown on the plan marked L. and S. 6/1/580F, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan  
25 324).

**16. Validating an agreement between the Lower Hutt City Council and the Hutt Park Committee**—Whereas section twenty-eight of the Reserves and Other Lands Disposal Act 1952 validated a certain deed made between the Hutt Park  
30 Committee, a body corporate constituted by the Hutt Park Act 1907 (in this section referred to as the Committee), and the Mayor, Councillors, and Citizens of the City of Lower Hutt acting by and through the Lower Hutt City Council (in this section referred to as the Council), a copy of which is  
35 deposited in the Head Office of the Department of Lands and Survey, at Wellington, as Wellington Deed Number 1677: And whereas the said deed is incapable of full performance as certain lands included therein are not owned by the Committee and also as certain parts of the lands referred to in the  
40 First Schedule to the said deed have subsequently become vested in the Council by Proclamation dated the sixth day of December, nineteen hundred and fifty-five, and published in the *Gazette* of the eighth day of that month at page 1876:

And whereas it has been agreed by the Committee and the Council that a fresh deed to replace the said Wellington Deed Number 1677 is desirable to give full effect to the wishes of the parties and therefore the said parties have executed a further deed dated the twentieth day of May, nineteen hundred and fifty-seven, to this intent: And whereas a copy of this deed is deposited in the Head Office of the Department of Lands and Survey, at Wellington, as Wellington Deed Number 1714: And whereas it is expedient that this deed be authorised and validated: Be it therefore enacted as follows: 5 10

(1) The said Wellington Deed Number 1677 is hereby declared to be inoperative and of no effect.

(2) Notwithstanding anything to the contrary in any Act or in any rule of law, the said Wellington Deed Number 1714 is hereby declared to be and to have always been deemed to be valid and binding in all respects and of full force and effect according to its tenor and the Council and the Committee shall be deemed to have and to have had all powers and authorities necessary to enter into and execute the said deed and to do all things requisite for the carrying out of the terms and conditions thereof and to execute the necessary documents to give effect thereto: 15 20

Provided that nothing in this section shall be construed by implication or otherwise to close or stop or otherwise deal with the portion of Hutt Park Road described in the said deed or to confer on the Council any power to effect such stopping or closing or other dealing in addition to the powers conferred upon it by the Sixth Schedule to the Municipal Corporations Act 1954 or by the Public Works Act 1928. 25

(3) The District Land Registrar for the Land Registration District of Wellington is hereby authorised and directed to deposit such plans, to accept such documents for registration, and to do all such other things as may be necessary to give effect to the provisions of this section and to the provisions of the said Wellington Deed Number 1714. 30 35

**17. Amending section 10 of the Reserves and Other Lands Disposal Act 1954**—Whereas section ten of the Reserves and Other Lands Disposal Act 1954 made special provision for the appointment of a Domain Board to control Queen Elizabeth Park (a public domain subject to the provisions of Part III of the Reserves and Domains Act 1953): And whereas paragraph (c) of subsection two of the said section ten 40

provided for the appointment by the Minister of Lands to the said Domain Board of one person on the joint recommendation of the Hutt County Council and such other local bodies as may from time to time contribute to the funds of the said Domain Board or financially or materially assist in the development and maintenance of the said Domain: And whereas it is desirable that the person appointed pursuant to the said paragraph (c) should be so appointed on the recommendation of the Hutt County Council only: And whereas the persons appointed under paragraph (b), paragraph (c), and paragraph (d) of subsection two of the said section ten are to hold office for a term of three years but may from time to time be reappointed: And whereas it is desirable that these persons should if necessary be appointed for a lesser term than three years: And whereas the Queen Elizabeth Park Domain Board, the Wellington City Council, the Hutt County Council, and the Crown have agreed to the provisions respecting the appointment of the Domain Board for the said Queen Elizabeth Park Domain being amended accordingly: Be it therefore enacted as follows:

(1) Section ten of the Reserves and Other Lands Disposal Act 1954 is hereby amended as follows:

(a) By repealing paragraph (c) of subsection two, and substituting the following paragraph:

“(c) One person appointed by the Minister on the recommendation of the Hutt County Council.”

(b) By repealing subsection three and substituting the following subsection—

“(3) The persons appointed under paragraph (b), paragraph (c), and paragraph (d) of subsection two of this section shall hold office for a term not exceeding three years and may from time to time be reappointed. Any person so appointed shall remain in office until his successor is appointed.”

**18. Special provisions relating to portions of the Pukeroa Domain, Rotorua**—Whereas the land known as the Pukeroa Domain (in this section referred to as the Domain) at Rotorua was given to the Crown many years ago by the Maoris and is a public domain set apart for the use and enjoyment of the inhabitants of Rotorua: And whereas section twenty-three of the Reserves and Other Lands Disposal Act 1940 authorised the leasing in perpetuity of portion of the Domain to the Waikato Hospital Board (in this section referred to as



the Board): And whereas in pursuance of this authority a lease was issued to the Board over an area of twenty-eight acres two roods thirty perches of the Domain, now the site of the King George V Memorial Hospital, for a term of nine hundred and ninety-nine years from the first day of January, nineteen hundred and forty-one, at a peppercorn rental and subject to certain terms and conditions: And whereas certain other small areas have since been excluded from the Domain for various purposes: And whereas the land firstly described in subsection four of this section is part of the balance area in the Domain, the control of which is vested in the Minister charged with the administration of the Tourist and Health Resorts Control Act 1908: And whereas this land is no longer required for any purpose connected with the administration of that Act: And whereas it is desirable for better administration and management of the said land to incorporate it in the Board's existing lease over portion of the Domain: And whereas the Ngati Whakaue Tribe, the Maori donors of the Domain, desires to obtain a lease of the land secondly described in subsection four of this section, being portion of the land at present held on lease by the Board as a site for an Administration building: And whereas the Board has agreed to the said land secondly described being excluded from its lease for this purpose: And whereas it is desirable to make provision accordingly: Be it therefore enacted as follows:

(1) The vesting of control of the land firstly described in subsection four of this section in the Minister charged with the administration of the Tourist and Health Resorts Control Act 1908 is hereby cancelled and the said land is hereby declared to form part of the land leased by the Board under Auckland Lease Number 539 dated the third day of September, nineteen hundred and forty-one, issued pursuant to section twenty-three of the Reserves and Other Lands Disposal Act 1940, and Part II of the Public Reserves, Domains, and National Parks Act 1928 and registered in certificate of title, Volume 749, folio 68, Auckland Registry.

(2) The land secondly described in subsection four of this section is hereby excluded from the lease referred to in subsection one of this section and the Minister of Lands is hereby authorised to lease the said land to such person or persons or to such incorporated body (in this section referred to as the lessee) as he in his absolute discretion shall consider to be representative of the Ngati Whakaue Tribe for such term and on such conditions and for such purposes as he thinks fit:

Provided that if at any time the land, in the opinion of the Minister, is no longer required or used for any such purposes, the Minister may determine the lease and thereupon the land shall revert to the Crown for use as a public domain  
5 freed from all rights, title, and interest therein on the part of the lessee.

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

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

15 Firstly, all that area in the South Auckland Land District, being part of the Pukeroa Domain and now known as Section 14, Block LVIII, Town of Rotorua, situated in Block I, Tarawera Survey District, containing five acres two roods and fifteen perches, more or less: as shown on the plan marked  
20 L. and S. 6/8/6, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 38618).

Secondly, all that area in the South Auckland Land District, being part of Section 8, Block LVIII, Town of Rotorua,  
25 situated in Block I, Tarawera Survey District, containing two roods and twenty perches, more or less, bounded as follows:

By a line commencing at the intersection of the south-western side of Lake Road with the western side of Rangioru Street and running southerly along that western side for a  
30 distance of 300 links; thence westerly along a right line at right angles to that western side for a distance of 170 links to and along another right line parallel to the western side of Rangioru Street aforesaid for a distance of 435·25 links to the south-western side of Lake Road; thence along that south-  
35 western side for a distance of 217·24 links, to the point of commencement; and being part of the land in lease Number 539, registered in certificate of title, Volume 749, folio 68, Auckland Registry: as shown on the plan marked L. and S. 6/8/6A, deposited in the Head Office, Department of Lands  
40 and Survey, at Wellington, and thereon edged red (S.O. Plan 31322).

**19. Declaring certain land at Addington to be vested in the Canterbury Agricultural and Pastoral Association**—Whereas pursuant to an agreement dated the ninth day of June, eighteen hundred and eighty-five, John Twigger, of Christchurch, gentleman, gave to the Canterbury Agricultural and Pastoral Association (in this section referred to as the Association) the land described in subsection four of this section together with a one chain road running through the said land and for which an easement was subsequently created by transfer Number 75005: And whereas the said land was given subject to the land being held in the name of the District Land Registrar for the Land Registration District of Canterbury and up to five persons appointed by the Association as trustees for the said Association and subject also to a condition that in the event of the land being alienated, the land would revert to the said John Twigger and his heirs: And whereas the said land was transferred to trustees who signed a declaration of trust which provided that, upon the Association ceasing to exist, the land would revert to the Crown for use in promoting the public interests of agricultural and pastoral pursuits in the provincial district of Canterbury: And whereas the said John Twigger died in November, eighteen hundred and eighty-five, and by an Order of the Supreme Court the residue of the estate of the said John Twigger, which included any reversionary interest in the said land, was vested in the Ashburton and North Canterbury Hospital Board, now the North Canterbury Hospital Board: And whereas the said Board makes no claim to the said land and relinquishes any possible interest it may have therein: And whereas the said District Land Registrar is by virtue of his office a permanent and continuing trustee: And whereas all other trustees are deceased and no further appointments have been made: And whereas, to enable the Association to improve its showground and if necessary raise money on mortgage of the said land, the Association wishes to have the said land vested in it for an estate in fee simple subject to the Agricultural and Pastoral Societies Act 1908 and to have the easement created by the said transfer Number 75005 in favour of the land in certificate of title, Volume 114, folio 102, Canterbury Registry, merge in the fee simple title of that land: And whereas it is desirable and expedient that effect be given to the Association's wishes: Be it therefore enacted as follows:

(1) Subject to the provisions of subsection two of this section, the land described in subsection four of this section is hereby declared to be vested in the Association subject to the Agricultural and Pastoral Societies Act 1908 freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.

(2) The easement created by transfer Number 75005 in favour of the land comprised in certificate of title, Volume 114, folio 102, Canterbury Registry, is hereby merged in the fee simple estate of the land.

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

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

All that area in the Canterbury Land District, City of Christchurch, being part of Rural Section 128, situated in Block XV, Christchurch Survey District, containing five acres three roods and twenty perches, more or less, and being all the land comprised and described in certificate of title, Volume 114, folio 103, Canterbury Registry, subject to the easement in favour of the land in certificate of title, Volume 114, folio 102, Canterbury Registry, created by transfer Number 75005.

**20. Special provisions relating to the Westport Colliery Reserve**—Whereas the land described in subsection ten of this section, being the Westport Colliery Reserve, is vested in Her Majesty subject to the Westland and Nelson Coalfields Administration Act 1877 (in this section referred to as the said Act): And whereas the Westport Harbour Board Act 1884 endowed the Westport Harbour Board with the revenue derived from the said Westport Colliery Reserve: And whereas the Westport Harbour Board was abolished by the Westport Harbour Act 1920, and the revenue derived from the said reserve is now paid into the Consolidated Fund in consideration of the Crown meeting certain expenses in connection with the operation of the Port of Westport: And whereas it is desirable that the endowment for the Westport Harbour, in respect of the Westport Colliery Reserve, be

reconstituted and that the said reserve land be set aside for this purpose: And whereas portions of the Westport Colliery Reserve have from time to time been leased under the said Act on varying terms and conditions: And whereas, for the better administration and control of the lands within the Westport Colliery Reserve, it is desirable that all existing leases be converted to renewable leases subject to the Land Act 1948, whether or not any such leases contain rights of renewal, and that any future leases be granted under that Act but without conferring on the lessee the right of acquiring the fee simple: Be it therefore enacted as follows:

(1) The land described in subsection ten of this section is hereby declared to be vested in Her Majesty as an endowment for the Westport Harbour.

(2) Notwithstanding anything contained in any lease or in any Act or rule of law, the provisions of subsections one and two of section one hundred and twenty-five and section one hundred and twenty-six of the Land Act 1948 shall, as far as they are applicable and with the necessary modifications, apply in the case of every lease of land, whether or not any such leases contain rights of renewal, within the Westport Colliery Reserve (being the land described in subsection ten of this section) in existence on the coming into force of this section as if the leases were leases within the meaning of section one hundred and twenty-two of the Land Act 1948:

Provided that no lease granted under this subsection shall confer on the lessee the right of acquiring the fee simple.

(3) Where any land to which this section relates is on the coming into force of this section unalienated, that land may be leased on renewable lease under the provisions of the Land Act 1948 as if it was land subject to that Act, but no such lease shall confer the right of acquiring the fee simple.

(4) Where any survey is required in connection with any lease over the land described in subsection ten of this section or with its registration under the Land Transfer Act 1952, the survey shall be made under the direction of the Land Settlement Board, and the lessee under any such lease shall, if called upon to do so by the said Board, pay to the Crown the whole or such portion of the cost thereof as the Board shall determine.

- (5) Notwithstanding anything in the Education Lands Act 1949, or the Reserves and Domains Act 1953, where any land held for a site for a public school becomes Crown land, or where the reservation over any public reserve is revoked  
5 and the land is within the boundaries of the land described in subsection ten of this section, that land shall be deemed to be part of the endowment for the Westport Harbour, and shall be subject to the Westland and Nelson Coalfields Administration Act 1877, and to this section.
- 10 (6) Nothing herein contained shall in any way affect any coal lease or any other coal mining rights or any mining privileges which have been granted or which may hereafter be granted under the Coal Mines Act 1925 or the Mining Act 1926 over the land referred to in this section.
- 15 (7) The District Land Registrar for the Land Registration District of Nelson is hereby authorised and directed 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.
- 20 (8) The following enactments are hereby repealed:  
(a) Section seventeen of the Westland and Nelson Coalfields Administration Act 1877:  
(b) Section seven of the Westland and Nelson Coalfields Administration Act 1877 Amendment Act 1893:  
25 (c) The Westland and Nelson Coalfields Administration Act 1877 Amendment Act 1894:  
(d) The Westland and Nelson Coalfields Administration Amendment Act 1926.
- 30 (9) Notwithstanding the provisions of subsection eight of this section, all the provisions of the Westland and Nelson Coalfields Administration Act 1877, the Westland and Nelson Coalfields Administration Act 1877 Amendment Act 1893, the Westland and Nelson Coalfields Administration Act 1877  
35 Amendment Act 1894, and the Westland and Nelson Coalfields Administration Amendment Act 1926 shall, unless inconsistent with this section, apply to all leases granted under those enactments during the remainder of the terms of those leases in all respects as if the said subsection eight  
40 had not been passed.
- (10) The land to which this section relates is particularly described as follows:

All that area in the Nelson Land District known as the Westport Colliery Reserve, and being all the lands defined in the Fourth Schedule to the Westland and Nelson Coalfields Administration Act 1877, the Schedule to the Westland and Nelson Coalfields Administration Act 1901, and section 7 of the Reserves and Other Lands Disposal Act 1932, excepting so much of the said lands as have, by operation of law, ceased to be subject to the Westland and Nelson Coalfields Administration Act 1877. 5

**21. Authorising the disposal of certain lands fronting Fraser Street, Tauranga**—Whereas the lands firstly, secondly, and thirdly described in subsection four of this section, being portions of the foreshore of the Tauranga Harbour, are vested in the Tauranga Harbour Board (in this section referred to as the Board) pursuant to the Tauranga Foreshore Vesting and Endowment Act 1915: And whereas the said lands, which adjoin the property of Lionel Roberts Wilkinson, of Tauranga, settler, became severed from the sea as a result of certain new street formation: And whereas, to compensate the said Lionel Roberts Wilkinson for the deprivation of riparian rights resulting from this street formation, the Corporation of the Borough of Tauranga (in this section referred to as the Corporation) with the concurrence of the Board, agreed to facilitate the transfer to the said Lionel Roberts Wilkinson of the lands firstly and secondly described in the said subsection four: And whereas the balance of the lands severed from the sea by the aforesaid street formation, being the land thirdly described in the said subsection four, is no longer required by the Board, which has agreed to its being disposed of to the Corporation: And whereas the land fourthly described in the said subsection four is land reserved from sale or other disposition in terms of section one hundred and twenty-nine of the Land Act 1924 and adjoins the other parcels of land hereinbefore referred to: And whereas the reservation from sale or other disposition in terms of the said section one hundred and twenty-nine over this land is now no longer necessary following on the new street formation: And whereas, to give effect to the arrangements entered into with the said Lionel Roberts Wilkinson, it is desirable and expedient that authority be given to the lands firstly and secondly described being disposed of to 40

him, that authority be also given to the Board to dispose of the land thirdly described to the Corporation, and that the land fourthly described be declared Crown land available for disposal under the Land Act 1948: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in the Tauranga Foreshore Vesting and Endowment Act 1915, or in any other Act or rule of law, the Board,—

10 (a) At the direction of the Corporation is hereby authorised to dispose of the lands firstly and secondly described in subsection four of this section to Lionel Roberts Wilkinson, of Tauranga, settler, for an estate in fee simple, freed and discharged from all trusts, reservations, and restrictions theretofore affecting the said lands:

15 (b) May transfer to the Corporation, with or without valuable consideration, the land thirdly described in subsection four of this section to be held by the Corporation subject to the Municipal Corporations Act 1954, and, on the transfer of that land, it shall be discharged from all trusts, reservations, and restrictions theretofore affecting the said land.

20 (2) The land fourthly described in subsection four of this section is hereby declared to be Crown land available for disposal in terms of the Land Act 1948 freed and discharged from all trusts, reservations, and restrictions theretofore affecting the said land.

25 (3) The District Land Registrar for the Land Registration District of Auckland is hereby authorised and directed 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.

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

35 All those areas in the South Auckland Land District being—

Firstly, all that area in the Tauranga County, being Section 2, Block XIV, Tauranga Survey District, containing one acre and twenty perches, more or less:

40 Secondly, all that area in the Tauranga County, being Section 3, Block XIV, Tauranga Survey District, containing one rood and thirty-eight perches, more or less:



Thirdly, all that area in the Tauranga County, being Section 4, Block XIV, Tauranga Survey District, containing two acres two roods and two perches, more or less:

Fourthly, all that area in the Tauranga Borough, being Section 5, Block XIV, Tauranga Survey District, containing 5 two roods and twenty-eight perches, more or less:

As the same are shown on the plan marked L. and S. 9/2507, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 38892).

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