

[AS REPORTED FROM THE LANDS COMMITTEE]

*House of Representatives, 23 September 1958.*

Words inserted by the Lands Committee are shown in black within bold square brackets or in roman with rule down side.

## RESERVES AND OTHER LANDS DISPOSAL BILL

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### EXPLANATORY NOTE

*Clause 2:* Validating an agreement between the Cornwall Park Trustees and the Auckland Hospital Board in respect of the Board's occupancy of part of Cornwall Park—Cornwall Park, the total area of which is approximately 333 acres, was in 1901 vested by the late Sir John Logan Campbell in trustees to be held as a place of public recreation and enjoyment for the people of New Zealand. During World War II a large military hospital was built on part of Cornwall Park for the use of the American Forces. On cessation of hostilities, and pursuant to section 11 of the Reserves and Other Lands Disposal Act 1945, the Auckland Hospital Board was granted the use of the buildings and part of the park for hospital purposes as a temporary and emergency expedient pending completion of an extensive building programme by the Board. It had been hoped that the Board would be able to vacate the park by 1950 but these hopes were not realised and by section 36 of the Reserves and Other Lands Disposal Act 1950 the Board's use of the park was extended to 15 December 1957 and under certain conditions to 15 December 1960. The Board has been unable to erect the necessary hospital accommodation to enable it to vacate Cornwall Park and cannot do so before December 1960. A further extension of the Board's tenure of occupation is necessary. The Cornwall Park Trustees, although concerned that the parklands cannot meantime become available to the public in terms of the trust under which they are held recognise that an extension of tenure is unavoidable. Consequently, following agreement between the Government and the Board for the construction of the new National Women's Hospital and for the accommodation elsewhere of aged sick, and accounting and stores services, the trustees agreed to extend the Board's tenancy for a further period of eight years commencing on 16 December 1957 at a rental of £60 per month with provision that for every day from 15 December 1965 until the land is restored to the trustees the Board becomes liable instead of rent for ascertained damages of £10 per day. This clause validates the agreement entered into by the trustees with the Auckland Hospital Board on 29 November 1957.

*Clause 3:* Authorising the Ashburton County Council to transfer funds from its Reserve Account to its General Account—The Ashburton County Council has numerous reserves vested in it and some of these vestings were made by the Crown as far back as seventy or eighty years. Many of the reserves have

been leased without proper authority by the local body to adjoining farmers while other reserves are being used wholly or partly for purposes other than those for which they were set aside. Plantations, resulting in excellent wind-breaks, have been established, the cost of planting and maintenance being borne from general county revenue. All revenues received from the leasing of reserves and sales of mature timber have been credited to the general county fund.

Section 31 of the Reserves and Domains Act 1953 provides that all money received by way of rent, royalty, or otherwise from public reserves (other than domains) are to be held by the administering body, solely for the management, administration, and improvement of public reserves under the control of that body. The Ashburton County operates a separate reserves costing account within its General Account and does not wish to release control of any of the reserves vested in it. Negotiations with the Council resulted in agreement to operate a separate reserves account from which all reserves expenditure will in future be provided and into which all reserves revenues, including rentals, will in future be paid. All leases granted by the County have been validated. The county also agreed to operate this separate reserves account as from 1 April 1958 provided it was empowered to transfer surplus funds from the Reserves Account to its General Account as it, in its sole discretion, thought fit. The county, from the expenditure of general county funds on its reserves, has created a considerable asset. However, the proposal is outside existing legislation although somewhat similar powers have previously been granted to the Selwyn Plantation Board by the Selwyn Plantation Board Act 1953. As it is desirable that the powers requested by the Ashburton County Council be granted, the clause provides accordingly.

*Clause 4:* Vesting certain land in Her Majesty the Queen as an addition to the Rakaunui Domain—The land dealt with in this clause is the site of the local hall at Rakaunui, in the Pahiatua district, and is situated across the road from the Rakaunui Domain. This land, on which a hall has been erected, is held in the name of the Rakaunui Hall Company Ltd., which became defunct and was struck off the Companies Register in 1933. A committee of local residents, who are also the Domain Board, now administer the hall and although not legally constituted to do so virtually hold the site in trust for hall purposes. A suggestion was made that the land and hall should form part of the domain and a public meeting called for the purpose of considering this suggestion recommended that this action be taken. As the land is held virtually in trust for a hall by the Rakaunui Domain Board and it is the wish of the local people that the hall site be added to the domain it is desirable that legislation be provided to enable this to be done. The clause makes provision accordingly.

*Clause 5:* Vesting certain land in Her Majesty as a public utility reserve—In 1870 an area of land situated in Boyle Street, Town of Clifton, near Takaka, was conveyed to certain trustees upon trust for the sole use and benefit of the Clifton Literary and Scientific Institute and the Clifton Horticultural Society. The Clifton Horticultural Society later went out of existence and the Clifton Literary and Scientific Institute, not incorporated under any Act, has carried out the provisions of the trust. A library building was erected in 1870 and a number of valuable books have been accumulated. The Society is contemplating winding up its affairs. A public meeting held to consider the future of the land, building, and library decided that the building and all books of no reference value be sold. The funds so obtained, together with the

books of value retained, are to go towards providing a reference library and museum extension to the Takaka Memorial Library. It was further decided that the land be transferred to the Crown to be held in trust until such time as a public meeting of Clifton residents may request its return for such use as they may wish. The conveyance in 1870 provided for appointment of new trustees but did not make any provision for disposal of the land in the event of the Institute ceasing to exist. The Crown is willing to accept the land as a public utility reserve and the clause makes provision accordingly.

*Clause 6: Vesting the Porangahau Cemetery Reserve in Her Majesty the Queen as Crown land subject to the Land Act 1948*—The land referred to in this clause was, before the Napier earthquake in 1931, held in the name of the Patangata County Council in trust for a cemetery reserve. On the assumption that they owned the reserve, the Waiapu Board of Diocesan Trustees in 1932 applied for and was issued with a reconstructed title to this land. The error was discovered in 1955 and a voluntary transfer, transferring the land to the Patangata County Council as trustees for a cemetery reserve was registered in 1957. The Patangata County Council wishes to erect homes for Council employees on this reserve and has made application to have the trust and reservation uplifted. There have been no burials on this land and as alternative burial grounds sufficient to meet the requirements of the locality are available, there is no objection to the Council's proposals. There is some doubt as to whether the trust and reservation can be revoked pursuant to the provisions of the Reserves and Domains Act 1953, and in order to overcome these difficulties and to remove all doubts it is desirable that legislation be provided to enable the land to be declared Crown land subject to the Land Act 1948 so that it can be disposed of to the county for the purposes for which it is required. The clause makes provision accordingly.

*Clause 7: Vesting certain land held by the Campbell Trust in Her Majesty the Queen as an addition to the Riwaka Memorial Domain*—In 1852 an area of freehold land situated at Riwaka, about 39 miles north-westwards by road from Nelson, was conveyed to certain trustees, known locally as the Campbell Trust, in trust for the purposes of a schoolhouse, school ground, place of public worship, and for other purposes of the inhabitants of Riwaka. The title to this area records no change in trustees since 1852, and the area is at present controlled by a group of local residents which is recognised as the Campbell Trust. The trust land adjoins the Riwaka Memorial Domain, which has not been proclaimed subject to Part III of the Reserves and Domains Act 1953, and is partly developed as a recreation reserve; on the ground that it forms an effective part of the domain. Cash assets amounting to £11 12s. 3d. are deposited at the Bank of New Zealand, Motueka. A library building, croquet green, and tennis courts are partly on the trust area and partly on the domain. It is desirable that the trust area and the domain should have the same status and be controlled by the same authority. The Campbell Trust is agreeable to transfer its land and interests to the Crown for this purpose, but under the trust deed there is no power of sale. This clause accordingly vests the real and personal property of the trustees in the Crown and at the same time declares the trust area and Riwaka Memorial Domain to be a public domain subject to the provisions of Part III of the Reserves and Domains Act 1953.

*Clause 8:* Validating an agreement entered into between the Crown and the Napier City Council in respect of bonds under the Land Subdivision in Counties Act 1946—In 1949 the Napier City Council, by agreement with the Napier Harbour Board, planned the development and layout of a light industrial area contiguous to the city but lying within the Hawke's Bay County. This area, being part of the Ahuriri Lagoon, was owned by the Napier Harbour Board and contained some 74 acres but with the approval of the Hawke's Bay County was not to be included within the city boundaries until certain road works were completed. On the assurance that some 6½ acres would be provided for reserve purposes in terms of section 12 of the Land Subdivision in Counties Act 1946 approval to various scheme plans was given. However, situated near this industrial area and within the city boundary are Marewa and Onekawa Parks and it was later decided that further recreational areas in the locality were unnecessary. Instead of a reserve contribution, therefore, the Crown accepted from the Council bonds for the payment of money in respect of the subdivisions on the basis of the values assessed in terms of the Land Subdivision in Counties Act 1946. On an undertaking being obtained from the Hawke's Bay County that it would make no claim whatsoever on the amount due under the bonds it was agreed that money expended on the development and improvement of Onekawa Park could be offset against the money accruing thereunder. Subsequently, following representations from the City Council it was further agreed that money expended on the development and improvement of Marewa Park after 11 November 1949, being the date of Ministerial approval to the first scheme plan of the industrial area, could be similarly offset. The Audit Office agreed to the proposals but there is no authority in the Land Subdivision in Counties Act 1946 to allow money so expended on reserves within or outside county boundaries to be offset against money accruing under bond in terms of that Act and the clause makes provision accordingly.

*Clause 9:* Declaring certain endowment land vested in the Wairau Harbour Board to be subject to the provisions of the Land Subdivision in Counties Act 1946—The land referred to in this section is a long, narrow strip of land extending eight miles northward along the sea coast from the mouth of the Wairau River, near Blenheim. The land is vested without power of sale in the Wairau Harbour Board as an endowment for harbour purposes. The Board wishes to subdivide portion of the endowment at Rarangi, a small settlement of seaside cottages, a popular picnic area and nearest beach to Blenheim, so that it can lease sections as holiday cottage sites. As the land is held in trust without power of sale it is doubtful if the Board is able to comply fully with the Land Subdivision in Counties Act 1946 and divest itself of the reserve areas and dedicate roads laid out in any subdivisions as required by that Act. Reserves along the seafront are most desirable in this popular locality and the clause provides for the necessary authority to enable the Board to divest itself of any reserves and roads necessary to comply with the Land Subdivision in Counties Act 1946.

*Clause 10:* Revoking the reservation over certain land in the Waitakere and Titirangi Survey Districts and vesting it in the Auckland Centennial Memorial Park Board—This clause vests in the Auckland Centennial Memorial Park Board foreshore and recreation reserves which on subdivision of adjacent land have been vested in the Crown. These reserves are adjacent to or in the near vicinity of the Auckland Centennial Memorial Park and should be brought under control of the Park Board. The foreshore reserves comprise very steep rocky faces seldom visited by the public but which present a fire

danger to the park. A recreation reserve, Lot 272, D.P. 24221, physically separated from the park by the Auckland water supply area, is covered in scrub and small native trees and contains some rare botanical species and interesting mixed bush. The Board wishes to control this area to conserve the bush. The local body is agreeable and there have been no objections (after public notice was given) to the reserves being added to the Auckland Centennial Memorial Park and the clause makes provision accordingly.

*Clause 11:* Validating a lease in favour of the Colonial Ammunition Co. Ltd. over part of the Mount Eden Prison Reserve—In the 1880's part of the Mount Eden Prison Reserve was occupied by the Colonial Ammunition Co. Ltd; and since 1908 has been held under formal lease from the Crown and is the site of the Colonial Ammunition Co.'s ammunition factory in Auckland. Post-war negotiations with the company resulted in agreement being reached whereby the company's leasehold area was extended to include other adjoining land necessary to the company because of its expansion. In return the company surrendered an unoccupied portion of its leasehold area to the Crown and at the same time granted to the Crown access and quarrying rights over other parts of the leased land. The original lease was authorised by special legislation. Rather than issue new leases over the additional land and obtain separate grants of quarry rights, a new lease was drawn up on the same terms and conditions as the earlier lease and amended to conform to the terms of the agreement and setting out the quarrying rights in favour of the Crown. This has been executed and requires statutory confirmation. The clause provides accordingly.

*Clause 12:* Section 24 of Reserves and Other Lands Disposal Act 1949 (as to certain abandoned lands in the Coromandel County) amended—By section 24 of the Reserves and Other Lands Disposal Act 1949 the Governor-General was authorised to proclaim certain lands in the Coromandel County to be Crown land. These lands, commonly known as the Coromandel Abandoned Lands comprised the sites of former mining townships in and around Coromandel. The majority of original settlers abandoned their holdings and left the district, in many cases effecting hurried sales having the effect of unregistered transfers with the result that many of the present residents have no secure claim to the lands they hold. Original owners or their legal successors are now extremely difficult to trace and in many cases this is impossible. Consequently present day land transactions cannot be arranged on a proper basis, which in turn has retarded the normal development of the district.

The first step to place titles on a proper basis following the legislation above was to undertake an occupational and topographical survey of the townships involved. Shortage of surveyors delayed matters but the surveys are now completed and a Proclamation declaring the abandoned lands Crown land subject to the Land Act 1948 can issue. Any person who can then establish that he is a bona fide occupier of any land included in the Proclamation and has paid his predecessor in occupation valuable consideration for it, will be entitled to have that land preferentially allotted to him under the Land Act 1948 at a nominal price. Any lands not claimed will be available for general disposal. It is desirable that all claims to land be dealt with as expeditiously as possible, preferably on the spot, with the right of the applicant to appear before an authority possessed with the power to decide the claim on the evidence adduced. Under the legislation mentioned the Land Settlement Board is the body responsible for decisions on claims but it would be preferable that the Board delegate this responsibility in terms of the Land Act 1948 to an impartial

resident authority, not a member of the Public Service, to be known as the Coromandel Land Claims Authority. There is some doubt as to the Land Settlement Board's power to delegate its functions to a person outside the Public Service and the clause makes provision accordingly.

There are also doubts as to whether the District Land Registrar has power to register any Proclamation under section 24 of the Reserves and Other Lands Disposal Act 1949. This authority is now provided.

Provision is also made for the protection of rates payable to the local authority by bona fide owners of land declared Crown land pending its preferential disposal to them under the Land Act. Also the legislation is extended to cover certain other small additional lands adjacent to Coromandel Township not included in the original legislation.

*Clause 13:* Provision with respect to **[acceptance of]** surrender of lease by Public Trustee—In terms of section 2 (1) of the Auckland Education Reserves Act 1912, an area of land formerly known as the Auckland Supreme Court Site was vested in the Public Trustee as a reserve for education purposes in the Education District of Auckland. Income from the trust is payable to the Auckland University College Council at the discretion of the Minister of Education.

Erected on part of the land is a five-storey brick building which is leased to Macky Caldwell Estates Ltd. for a term expiring in 1975. The building is sublet to Macky Logan Caldwell Ltd. on a monthly tenancy, but the subtenant expects to vacate later this year.

The property reverts to the Public Trustee on expiry of the lease in 1975, and the lessee company is not entitled to compensation for improvements. Some time ago the lessee inquired whether the Public Trustee would accept a surrender of the lease for a consideration to be agreed upon. Such consideration would be the value to the lessee of the unexpired term of the lease.

The Public Trustee has power, pursuant to section 16 (2) (a) of the Reserves and Other Lands Disposal Act 1940, to arrange leases of the land comprised in the Trust and to accept surrenders of leases granted pursuant to that section, but has no power to accept a surrender of the present lease to Macky Caldwell Estates Ltd., which was arranged before the passing of that Act. Legislation will accordingly be necessary authorising the Public Trustee to accept the surrender.

Power to use the Reserve Fund for improvements is contained in subsections (3) and (5) of section 16 of the Reserves and Other Lands Disposal Act 1940, but there is no power to borrow money and legislation for this will also be needed.

*Clause 14:* Vesting certain land in the Christchurch City Council—The land referred to in this section is situated in Hills Road, Christchurch, adjoining the Champion Street Pensioners' Cottages. It was purchased by the Christchurch City Council in September 1956 partly for housing purposes and partly to provide an access strip to the pensioners' cottages. The purchase money was provided from the Christchurch City Council's General Account and later recouped from loan money raised for the Champion Street Pensioners' Cottages. The memorandum of transfer, however, incorrectly quoted section 305 of the Municipal Corporations Act 1954 instead of section 327 of that Act and the land, in terms of the said section 305, is therefore wrongly stated to be held for the purpose of public recreation, instruction, and amenities. The Council now wishes to sell that part of the land not required for access and to apply the proceeds from the sale towards the pensioners' cottages project. As the land is held with an implied trust, disposal for this purpose is not possible under existing legislation. The clause therefore rectifies the position in accordance with the Council's original intentions.

*Clause 15:* Authorising the Governor-General to proclaim certain lands in the Westland and Fiord Counties to be Crown land—Situating 10 miles north-east by road from Hokitika is the deserted and derelict gold-mining town of Goldsbrough. Most of the land in the township was abandoned many years ago and the registered owners, many of whom are now deceased, and their legal successors are exceedingly difficult to locate. Various church authorities and the Canterbury Education Board hold interests in church and school reserves but they have indicated that they would relinquish these. The surrounding country is permanent State forest on which planting operations are being carried out. In order to prevent unauthorised lighting of fires and to prevent damage by wandering stock the New Zealand Forest Service desires to have the vacant land and unwanted and unformed roads in the Town of Goldsbrough and in the immediate vicinity vested in its control. Considerable work, expense, and time tracing ownerships and arranging transfers of land (when this is possible) can be avoided by authorising the vesting of the lands in Her Majesty the Queen as Crown land subject to provision for payment of compensation to those able to establish claims.

Similarly the Town of Cromarty, lying some distance up Preservation Inlet, deep in Fiordland, about 100 miles by sea from Bluff, is surrounded by the Fiordland National Park. This town was subdivided in the early days when it was thought that there would be some settlement in this out of the way place. At Cromarty 41 sections of 1 rood each were freeholded but never occupied. Nine unselected sections at Cromarty have been added to the Fiordland National Park. It is desirable and in the interests of the National Park that the freehold sections be acquired by the Crown and these with the unwanted and unformed roads be added to the park, subject again to payment of compensation to those able to establish claims.

The clause provides for the vesting of these lands in Her Majesty as Crown land subject to the Land Act 1948.

*Clause 16:* Declaring certain land in the Whakatane County to be vested in Her Majesty as Crown land subject to the provisions of the Land Act 1948—The land dealt with in this clause was, together with other land, vested for tree-planting purposes in the Whakatane County Council in 1925 by Order in Council pursuant to section 70 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924. The original plantation on this area has been cut and the second plantation is not thriving. The Whakatane Racing Club, which wishes to become established on a permanent course, approached the Whakatane County Council regarding the use of part of the plantation area which, because of the soil composition, is unsuitable for farming purposes. The Council is prepared to release part of the plantation area on which the trees are not thriving specifically for use by the racing club. The Land Settlement Board has agreed to sell the land to the club and to enable this to be done the clause provides for the vesting of the land in the Crown as Crown land subject to the Land Act 1948.

*Clause 17:* Vesting certain land in the Otago University as an addition to an endowment—In 1872 the Otago Provincial Council set apart an area of 100,000 acres now known as the Benmore Runs as an endowment for the Otago University and in 1893 the land was vested in the university for this purpose. The land is leased under the provisions of the Land Act 1948 and the revenue goes to the university. In 1915 and 1917, to give better boundaries, parts of the land were exchanged for adjoining Crown land and an area of 10 acres was excluded for use as a school site. It has not been used and is not likely to be required for that purpose and as it is surrounded by the endow-

ment lands it is proposed that it should revert to the endowment and be included in the lease of the adjoining endowment lands. The Council of the University are agreeable to this action, which allows for the better utilisation of the area in question.

*Clause 18:* Authorising the Otago Hospital Board to transfer certain land in the City of Dunedin to the University of Otago—The land dealt with in this clause is held by the Otago Hospital Board in trust as a site for a hospital for infectious diseases. It is the former fever hospital at Logan Park, Dunedin, known as the Logan Park Hospital and has been used for some years by the University of Otago for the residential accommodation of sixth-year medical students. The Otago Hospital Board is desirous of transferring the property to the University of Otago on a permanent basis without consideration. The university is prepared to accept the property and make it available for the accommodation of married medical students. Statutory authority is necessary to give effect to the transfer and, as there is no objection to the proposal, the clause makes provision accordingly.

*Clause 19:* 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 seven parcels of permanent State Forest land in the North Auckland, South Auckland, Nelson, and Southland Land Districts. None of the areas concerned is required for forestry purposes. The area firstly described is situated approximately 30 miles north of Kaikohe. It is more suitable for farming than forestry purposes and will be disposed of to the adjoining owner to give a more practicable fence line. The area secondly described is situated on the Waiotemarama Gorge Road, 33 miles west of Kaikohe. It is suitable farming land, and will be offered for selection on optional tenures under the Land Act 1948 to applicants owning or leasing on permanent leases land adjacent to this area. The area thirdly described is situated off the Waipu Gorge Road, 6 miles from Waipu and 20 miles south of Whangarei. An adjoining owner unwittingly encroached on portion of this area and, as the land is now more suitable for farming than forestry purposes, it is to be offered on lease under the Land Act 1948 with preference to those farming land in the locality. The area fourthly described is situated on the Waihi-Tairua Road, 15 miles from Waihi. It is being developed by the Crown for farming purposes and the greater portion forms the Rama farm settlement and the balance of small areas will be included in the adjoining Whangamata Maori Block. The area fifthly described is situated 12 miles west of Murchison. It is more suitable for farming than forestry purposes and will be incorporated in the adjoining owners' leasehold property. The area sixthly described is situated near Hedgehope township, some 20 miles north-east of Invercargill. It will be disposed of under the Land Act 1948 as the land is suitable for farming purposes. The area seventhly described is situated at Piano Flat, near Waikaia, 85 miles north of Invercargill. For many years this area has been used as bach sites, for camping, and general recreation purposes. To legalise the use of this area for those purposes it is first necessary to withdraw it from State Forest reservation.

*Clause 20:* Vesting the Clevedon public hall site in the Manukau County Council as a public reserve—In 1877 an area of freehold land at Clevedon, 8 miles north-eastwards by road from Papakura, was conveyed to certain trustees as a site for a public hall, reading room, and library. A hall erected on this site in 1872 is now nearing the end of its useful life and is in a very poor state of repair. In its present condition the hall cannot be relicensed in



accordance with the provisions of the Counties Act 1956. Alterations and renovations would be uneconomic and the only practical solution is to replace the building with a modern structure. Local residents at a largely attended meeting considered that a new hall is an urgent necessity and have asked the Manukau County Council to assist in providing one. The Council is willing to do this. As a prerequisite to undertaking expenditure on a new hall the Council requires the land to be vested in it. The trustees support the proposal but as they have no power of sale vested in them in terms of their trust they are not able to fulfill the Council's wishes. The clause therefore provides for the vesting of the land in the Manukau County Council subject to existing liabilities as a reserve for a public hall and other amenities subject to the provisions of the Reserves and Domains Act 1953, and provides also for the transfer of the present hall furnishings and effects to the Council. The Council is also empowered to repay existing liabilities out of the County Fund Account or other money raised for the purpose.

*Clause 21: Special provisions enabling the control of the Waihi Drainage Area to be transferred to the Tauranga County Council*—The purpose of this clause is to enable control of the Waihi Drainage Area, at present administered by the Minister of Lands under the Swamp Drainage Act 1915, to be transferred to the Tauranga County Council. The Council has agreed to accept the responsibility and a meeting of ratepayers has approved the proposal.

*Subclause (1)* defines the meaning of the term "district".

*Subclause (2)* enables control of the area to be vested in the Council by Order in Council.

*Subclause (4)* empowers the Minister of Lands to transfer assets used in the working of the drainage system to the Council upon the execution of a debenture to secure payment to the Crown for the assets and *subclause (5)* makes the Minister's decision as to what assets are transferred final.

*Subclause (6)* enables the formalities of the transfer of certain assets to be confirmed by a notice in the *Gazette*.

*Subclause (7)* provides for the liability taken over by the Council to be determined by agreement between the Minister of Finance and the Council and for a debenture to be given to secure the liability. The debenture is to be secured over all land and drainage works of the Council in the district and over rates on lands in the district.

*Subclause (8)* substitutes the debt set out in the debenture for the capital amount of loan moneys expended in drainage works as determined by section twenty-six of the Finance Act 1929.

*Subclause (9)* enables the Council to exercise the present powers of the Minister of Lands in administering the district for a period of three years or until the land is reclassified in accordance with the provisions of *subclause (11)*, whichever is the sooner.

*Subclause (10)* provides that the Council shall be entitled to all rates already levied, and enables the Council to collect outstanding rates.

*Subclause (11)* provides that the Council shall reclassify the lands in the district in accordance with the usual provisions in the Land Drainage Act 1908 within a period of three years from the date control is vested in the Council.

*Subclause (12)* provides that any former national endowment lands (national endowment lands have been abolished) shall be liable for special rates raised to repay future works. The proceeds of the lands when sold by the Crown were applied in reduction of the capital indebtedness, and for that reason the purchasers were not made liable for special rates to repay the loan money.

*Subclause (13)* defines the land in the district.

*New*

*Clause 22: Validating an agreement between the Lower Hutt City Council and the Hutt Park Committee*—In 1954 the Lower Hutt City Council and Hutt Park Committee, by exchange of correspondence, agreed, *inter alia*, that a piece of land of area 1 acre 10 perches, bounded on the south side by the Waiwhetu Stream, on the eastern side by Seaview Road, and on the western side by the property of N. P. Croft and Co. Ltd., should be transferred to the Council at a consideration of £4,000. By section 16 of the Reserves and Other Lands Disposal Act 1957 certain of the provisions reduced to writing in a deed dated 20 May 1957 have been validated and the appropriate transfers registered in the Land Registry Office at Wellington. Prior to the deed of 20 May 1957 a S.O. Plan No. 22718 was prepared and portion of the area of 1 acre 10 perches was taken by the Council with the consent of the Minister of Lands under the provisions of the Public Works Act 1928 and upon this area being vested in the Council, payment to the Hutt Park Committee of the sum of £4,000 was duly made. It was the original intention to transfer the whole of the area of 1 acre 10 perches but the surveyor, in preparing S.O. Plan 22718, included only that portion which the Council required for road as an approach to the new Hutt estuary bridge and it now appears that reference to the remaining area of 1 rood 25 perches was inadvertently omitted from the deed dated 20 May 1957. The Council, having called upon the Committee to transfer this area, has entered into a deed bearing the date 1 September 1958 to that intent and until this deed is validated the Committee cannot execute a registerable transfer in favour of the Council. The Council, in proceeding to take certain lands in the area, incorrectly advised its Surveyor as to the area required and permitted the plan to proceed without the inclusion of the area now sought to be transferred. The clause validates the deed of 1 September 1958 (deposited in the Head Office of the Department of Lands and Survey as Wellington Deed No. 1719) and this will then enable the transfer of the 1 rood 25 perches, the regularising of the payment of £4,000 for this and the balance of the area of 1 acre 10 perches.

*Clause 23: Vesting certain land at Rongotai in the Wellington City Council*—The land involved in the Wellington Airport project is about 128 acres and includes the existing aerodrome and what is known as the exhibition site. In the early 1900s, following negotiations with the Crown, an original telegraph reserve was uplifted over this land and in exchange the Crawford Estate, which then owned adjoining land, provided an area of approximately 12 acres as a telegraph reserve. At the same time the Wellington City Council acquired a small adjoining area of approximately 8 acres for recreation purposes. Shortly afterwards the City Council proposed purchasing a further adjoining area of 10 acres with a view to providing car sheds, workshops, and general yard and then the opportunity arose for the Council to acquire a further area of 70 acres, approximately. Following negotiations with

*New*

the Crown, it was agreed that if the Crown shared the cost of the purchase of the 70 acres this area, plus the 10 acres previously acquired by the Council, plus half (approximately 6 acres) of the telegraph reserve would be vested in the Wellington City Council as a recreation and manoeuvre ground. The remaining half of the telegraph reserve vested in the City Council for the purposes of a general yard and site for car sheds. In 1918 the reservation over the western portion of the telegraph reserve was by legislation changed to workers' dwellings or such other municipal purposes as the Council determined. Later in 1929, pursuant to section 9 of the Wellington City Empowering and Amendment Act, these reservations were amended and an area of approximately 63 acres was vested in the Wellington City Council in trust for an aerodrome and general aviation purposes freed from all former trusts and reservations but subject to certain rights reserved to the Minister of Defence. Sixty-seven acres, approximately, was vested in the City Corporation in trust for a pleasure ground freed from the former restrictions but subject to certain rights reserved to the Minister of Defence. In 1935 the Wellington City Council purchased further areas adjoining for recreation purposes and the Crown, which held land reserved for street extension purposes, vested its land in the City Council for recreation. This clause has the effect of returning to the Council 45 acres of land freed of all existing trusts and enables the Council, following roading and provision of services, to lease it for industrial purposes and the area of approximately 82 acres will be incorporated in the new Wellington Airport. The 6½ acres, approximately, which is held in trust for workers' dwellings or other municipal purposes and about 1½ acres of recreation reserve is retained in the Council's ownership and will later be negotiated for by the Crown for addition to Rongotai College.

The clause accordingly removes the various reservations and restrictions over the lands required for the Wellington Airport project, and also makes provision in connection therewith for the leasing of the land and buildings and installations necessary for purposes associated with the airport.

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*Hon. Mr Skinner*

## RESERVES AND OTHER LANDS DISPOSAL

### ANALYSIS

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| 1. Short Title   | 11. Validating a lease in favour of the Colonial Ammunition Company Limited   |
| 2. Validating an agreement between the Cornwall Park Trustees and the Auckland Hospital Board in respect of the Board's occupancy of part of Cornwall Park   | 12. Section 24 of Reserves and Other Lands Disposal Act 1949 (as to certain abandoned lands in the Coromandel County) amended               |
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| 10. Revoking the reservation over certain land in the Waitakere and Titirangi Survey Districts and vesting it in the Auckland Centennial Memorial Park Board | 20. Vesting the Clevedon public hall site in the Manukau County Council as a public reserve   |
|  | 21. Special provisions enabling the control of the Waihi Drainage Area to be transferred to the Tauranga County Council                     |

## 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 1958. 10

**2. Validating an agreement between the Cornwall Park Trustees and the Auckland Hospital Board in respect of the Board's occupancy of part of Cornwall Park**—Whereas by section eleven of the Reserves and Other Lands Disposal Act 1945, the Cornwall Park Trustees (in this section referred to as the trustees) were authorised and empowered to make available to the Auckland Hospital Board (in this section referred to as the Board) for hospital purposes an area of Cornwall Park (in this section referred to as the said land) on which had been erected temporary military hospital buildings, which buildings are now owned by the Board: And whereas under an agreement dated the sixteenth day of December, nineteen hundred and forty-four, made between the Minister of Works, the trustees, and the Board, and validated by the said section eleven, the said Minister, on behalf of the Crown, covenanted to remove all buildings from the said land at or before the end of six years and to carry out certain works of restoration on the said land: And whereas by section thirty-six of the Reserves and Other Lands Disposal Act 1950, the Board was authorised and empowered to continue to use for hospital purposes such part of Cornwall Park as it then occupied or required for those purposes for a term of seven years (and under certain circumstances for a term of ten years) commencing on the sixteenth day of December, nineteen hundred and fifty: And whereas the Board has used and continues to use the land and the said hospital buildings, as a hospital known as the National Women's Hospital and the Cornwall Hospital, for the care and treatment of obstetrical and gynaecological patients, the care and treatment of the aged sick, and the accommodation of certain accounting 40

and stores services of the Board: And whereas the Board has been unable to provide other accommodation which will permit of its vacating the said land and the said hospital buildings and, in the public interest, their continued occupation for a further period for the purposes for which they are at present used is desirable: And whereas by an agreement dated the twenty-ninth day of November, nineteen hundred and fifty-seven, and made between the trustees and the Board, it was agreed that the said land should be made available to the Board for a further period of eight years commencing on the sixteenth day of December, nineteen hundred and fifty-seven, at a rental of sixty pounds per month payable in advance: And whereas by that agreement the Board covenanted to remove all buildings from the said land as soon as practicable after the vacation of the hospitals by the Board and to restore as nearly as is practicable the said land to the condition in which it was before the said hospitals were built: And whereas the Board further covenanted that if, from any reason whatsoever, the said land shall not be handed over to the trustees restored as aforesaid at the date agreed upon, the Board shall pay to the trustees, instead of rental, ascertained damages of ten pounds per day as provided in the agreement: And whereas it is expedient that the said agreement should be authorised and validated: Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act the trustees and the Board shall be deemed to have had all powers and authority necessary to enter into and execute the said agreement and the same is hereby confirmed and validated and declared binding in law in all respects and shall have full force and effect according to its tenor.

**3. Authorising the Ashburton County Council to transfer funds from its Reserve Account to its General Account—**

Whereas pursuant to section thirty-one of the Reserves and Domains Act 1953 it is provided that all money received by way of rent, royalty, or otherwise in respect of any dealing with any public reserve (not being a domain) shall, where the reserve is vested in an administering body or an administering body has been appointed to control and manage the reserve, be held by the administering body and applied for the purposes of that Act: And whereas it is desirable to authorise the Ashburton County Council (in this section referred to as the Council) to establish a Reserves Account

as from the first day of April, nineteen hundred and fifty-eight: And whereas it is further desired that the Council be authorised to transfer from the Reserves Account to its General Account such sum or sums as the Council in its sole discretion thinks fit: And whereas there is no provision to enable transfers of money from the Reserves Account to the General Account and it is desirable that such a provision be made: Be it, therefore, enacted as follows: 5

(1) Notwithstanding anything to the contrary in the Reserves and Domains Act 1953, the Counties Act 1956, or any other Act or rule of law, the Council may, as at the first day of April, nineteen hundred and fifty-eight, open a Reserves Account and there shall be payable into that account from that date all money from time to time derived by the Council from the administration of any public reserve (not being a domain) vested in or under the control and management of the Council as provided by section thirty-one of the Reserves and Domains Act 1953. 10 15

(2) Where, in the opinion of the Council, the money in the Reserves Account for the time being is more than is reasonably necessary to enable the Council to carry out its functions in accordance with the provisions of the Reserves and Domains Act 1953, the Council may transfer from the Reserves Account to its General Account such money as the Council in its sole discretion thinks fit. 20 25

**4. Vesting certain land in Her Majesty the Queen as an addition to the Rakaunui Domain**—Whereas the land described in subsection three of this section is the site of a hall used by the residents of the district of Rakaunui: And whereas the certificate of title for the land is in the name of the Rakaunui Hall Company Limited which is now non-existent: And whereas it is desirable that the said land and the hall situated thereon continue to be available for public use, and it is the wish of the people of the district that the land be vested in Her Majesty as an addition to the Rakaunui Domain: Be it therefore enacted as follows: 30 35

(1) The land described in subsection three of this section is hereby declared to be vested in Her Majesty as a public domain subject to the provisions of Part III of the Reserves and Domains Act 1953 and to form part of the Rakaunui Domain under the control of the Rakaunui Domain Board but otherwise freed and discharged from any trusts or restrictions heretofore affecting the said land. 40

(2) The District Land Registrar for the Wellington Land Registration District is hereby authorised and directed to cancel 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.

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

All that area in the Wellington Land District, being sections 13 and 14, Rakaunui Village, situated in Block I, Owahanga Survey District, containing two roods, more or less, and being all the land comprised and described in certificate of title, Volume 97, folio 108, Wellington Registry.

**5. Vesting certain land in Her Majesty as a public utility reserve**—Whereas the land described in subsection three of this section is vested in David Oliver Winter, Maurice Vivian Humphreys, and Clive Winter, of Clifton, near Takaka, Uno Joseph Bartlett, of Motupipi, and Robert William Gardiner Thorpe, of Takaka, all farmers, as joint tenants (in this section referred to as the registered proprietors): And whereas the registered proprietors hold the said land upon the trust for the sole use and benefit of the Clifton Literary and Scientific Institute and the Clifton Horticultural Society as set out in a certain deed of conveyance dated the nineteenth day of December, eighteen hundred and seventy, and registered in the Deeds Register Office at Nelson, under Number 12572: And whereas the Clifton Horticultural Society no longer exists and it is the wish of the Clifton Literary and Scientific Institute to wind up its affairs: And whereas the trusts created by the said deed of conveyance have been carried out and the Clifton Literary and Scientific Institute is going out of existence and is desirous of transferring the said land to the Crown but has no power to do so: And whereas the Crown is prepared to accept the land as a public utility reserve until such time as the Clifton residents request its return for such use as they may wish: Be it therefore enacted as follows:

(1) The land described in subsection three of this section is hereby declared to be no longer under the control of the Clifton Literary and Scientific Institute and to be no longer vested in the said registered proprietors, and the said land is hereby vested in Her Majesty as a public utility reserve subject to the provisions of the Reserves and Domains Act 1953 to be held until such time as a public meeting of the Clifton residents request its return for such use as they may wish.



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

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

All that area in the Nelson Land District, Golden Bay County, containing by admeasurement fourteen perches and seven-tenths of a perch, more or less, being part of Section 63, Town of Clifton, situated in Block VII, Waitapu Survey District, and being all of the land comprised and described in certificate of title, Volume 72, folio 46, Nelson Registry.

**6. Vesting the Porangahau Cemetery Reserve in Her Majesty the Queen as Crown land subject to the Land Act 1948**—Whereas by a Warrant dated the fifteenth day of January, eighteen hundred and seventy-nine, and published in the *Gazette* of the sixteenth day of that month, the land described in subsection three of this section (hereinafter referred to as the said land) was permanently reserved as a cemetery: And whereas by a Warrant dated the twelfth day of October, eighteen hundred and ninety-three, and published in the *Gazette* of the nineteenth day of that month the control and management of the said land was vested in the then Porangahau Road Board, the functions of which are now administered by the Patangata County Council: And whereas, following the loss of land transfer records in the Napier earthquake of nineteen hundred and thirty-one, a reconstructed title to the said land was issued, following application, to the Waiapu Board of Diocesan Trustees, a body duly incorporated under the Charitable Trusts Act 1957, under the Land Transfer (Hawke's Bay) Act 1931: And whereas it was subsequently found that the said land had been gazetted as a cemetery reserve and the control and management thereof was vested in the Patangata County Council: And whereas the Waiapu Board of Diocesan Trustees, for the purpose of rectifying the error, subsequently transferred the said land to the Chairman, Councillors, and Inhabitants of the County of Patangata as trustees for a cemetery reserve: And whereas the Patangata County Council is desirous of having the trust and reservation revoked so that the said land may be used for

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housing purposes and it is desirable that the said land be declared Crown land subject to the Land Act 1948: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in any Act or rule of law, the land described in subsection three of this section is hereby declared to be no longer vested in the Chairman, Councillors, and Inhabitants of the County of Patangata for a cemetery reserve and the said land is hereby vested in Her Majesty the Queen as Crown land subject to the Land Act 1948, freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.

(2) The District Land Registrar for the Land Registration District of Hawke's Bay 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 Hawke's Bay Land District, Patangata County, being Town Sections 63, 64, 65, 66, 67, 68, 69, 70, and 71, Porangahau, situated in Block XII, Porangahau Survey District, containing two acres one rood, more or less, and being all the land comprised and described in certificate of title, Volume 56, folio 45, Hawke's Bay Registry.

7. Vesting certain land held by the Campbell Trust in Her Majesty the Queen as an addition to the Riwaka Memorial Domain—Whereas the land firstly described in subsection four of this section was by deed of conveyance dated the twenty-seventh day of September, eighteen hundred and fifty-two, and registered in the Deeds Register Office at Nelson under Number 4098, vested in trustees of Riwaka School known as the Campbell Trust (in this section referred to as the trustees) for the purpose of erecting a certain building or schoolhouse or for use as a school ground and also as a place of meeting for public worship and for other purposes of the inhabitants of Riwaka: And whereas since that date there has been no formal change of trustees registered and the land is at present controlled by a group of local residents who are recognised as the Campbell Trust: And whereas a dwelling has been erected on the said land and the trusts created by the said deed of conveyance have been carried out and certain funds have accumulated in connection with the said

trust: And whereas certain recreational facilities constructed and erected on an adjoining recreation reserve known as the Riwaka Memorial Domain encroach onto the trust land: And whereas it is desirable that the trust land should be added to the Riwaka Memorial Domain: And whereas the trustees have no power of sale but are desirous of transferring the said land, building, improvements, and accumulated funds to the Crown so that they can be added to, form part of, and be used on the Riwaka Memorial Domain: And whereas it is desirable and expedient to make provision accordingly: Be it therefore enacted as follows:

(1) The land firstly described in subsection four of this section together with the building and other improvements thereon and funds accumulated in respect thereof are hereby declared to be no longer under the control of the Campbell Trust and to be no longer vested in the trustees of Riwaka School, and the said land, building, improvements, and accumulated funds are hereby vested in Her Majesty the Queen freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same but subject to the provisions of subsection three of this section.

(2) The District Land Registrar for the Land Registration District of Nelson 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 firstly and secondly described in subsection four of this section is hereby declared to be a public domain to be known as the Riwaka Memorial Domain, subject to the provisions of Part III of the Reserves and Domains Act 1953 and the buildings, improvements, and accumulated funds are declared to be and to form part of the assets of the Riwaka Memorial Domain Board.

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

Firstly, all that area in the Nelson Land District being Section 281, formerly Part Section 52, District of Riwaka, situated in Block X, Kaiteriteri Survey District, containing three acres and twenty-three perches and eight-tenths of a perch, more or less, and being all of the land comprised and described in deeds index, Volume 5, folio 885, Nelson Registry:

Secondly, all that area in the Nelson Land District being sections 4 and 5, Block X, Kaiteriteri Survey District, containing two roods nine perches and four-tenths of a perch, more or less.

- 5    **8. Validating an agreement entered into between the  
Napier City Council and the Crown in respect of bonds under  
the Land Subdivision in Counties Act 1946**—Whereas under  
an agreement with the Napier Harbour Board (in this section  
referred to as the Board) the Napier City Council (in this  
10 section referred to as the Council) planned the subdivision,  
development, and layout for light industrial purposes of  
part of the Ahuriri Lagoon owned by the Board: And whereas  
the agreement was made pursuant to the Napier Harbour  
Board and Napier Borough Enabling Act 1945: And whereas  
15 the land concerned was then situated in the Hawke's Bay  
County and it was agreed that on completion of certain road-  
ing works the said land would be included within the bound-  
ary of the City of Napier: And whereas the Council proposed  
to set aside from the subdivisions some six acres as a reserve  
20 contribution in terms of the Land Subdivision in Counties  
Act 1946: And whereas the Marewa and Onekawa Parks  
vested in the Council and situated within the city boundaries  
and in close proximity to the subdivided industrial land  
adequately serve the recreational needs of that and surround-  
25 ing localities: And whereas, instead of a reserve contribution,  
the Crown agreed to accept bonds from the Council securing  
payment of money accruing in respect of the subdivisions and  
assessed in terms of the Land Subdivision in Counties Act  
1946: And whereas the bonds provide that, on production of  
30 satisfactory evidence that the Council has either before or  
after the date of the bond expended on the development of  
Onekawa Park, or after the eleventh day of November, nine-  
teen hundred and forty-nine, expended on the development  
of Marewa Park, an agreed sum in respect of both parks,  
35 then the bond shall be void and of no effect but otherwise  
shall remain in full force and effect: And whereas there is  
no statutory authority to give effect to this provision and it  
is desirable and expedient that provision be made accordingly:  
Be it therefore enacted as follows:  
40 Notwithstanding anything to the contrary in the Land  
Subdivision in Counties Act 1946 or in any other Act or rule  
of law, Her Majesty the Queen and the Council shall be

deemed to have and to have had all powers and authority necessary to enter into and execute the said bonds, and the same are hereby confirmed and validated and declared binding in law in all respects and to have full force and effect according to their tenor.

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**9. Declaring certain endowment land vested in the Wairau Harbour Board to be subject to the provisions of the Land Subdivision in Counties Act 1946**—Whereas the land described in subsection three of this section is vested in the Wairau Harbour Board (in this section referred to as the Board) pursuant to section seventy-nine of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1910 as an endowment for harbour purposes without power of sale: And whereas the Board is desirous of subdividing portion of the endowment area to provide sections for leasing as holiday cottage sites: And whereas, in accordance with the Land Subdivision in Counties Act 1946, the Board will be required to provide from each subdivision such reserve areas and lay out such roads as are necessary to comply with the provisions of that Act: And whereas it is doubtful if there is any statutory authority to enable the Board to divest itself of such areas and it is desirable that provision be made accordingly: Be it therefore enacted as follows:

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(1) Notwithstanding anything to the contrary in any Act or rule of law, all the provisions of the Land Subdivision in Counties Act 1946 shall be deemed to apply to the land vested in the Board for harbour purposes without power of sale (being the land described in subsection three of this section) as though that land was held by the Board in fee simple without any restriction as to sale.

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

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

All those areas in the Marlborough Land District, Marlborough County, containing by admeasurement 540 acres, more or less, being that piece of land shown on the public map of Cloudy Bay Survey District as Wairau Harbour Board Endowment in Blocks IV, VIII, and XII, Cloudy Bay Survey

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District, and also Section 1, Block XVII, Cloudy Bay Survey District, being all the land comprised and described in certificate of title, Volume 17, folio 146, Marlborough Registry: as the same is more particularly delineated on the plan marked  
5 L. and S. 25/820, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

**10. Revoking the reservation over certain land in the Waitakere and Titirangi Survey Districts and vesting it in the Auckland Centennial Memorial Park Board**—Whereas  
10 pursuant to subsection five of section sixteen of the Land Act 1924 and section thirteen of the Land Subdivision in Counties Act 1946, the lands firstly, secondly, and thirdly described in subsection three of this section were vested in Her Majesty as foreshore reserves and the lands fourthly and fifthly described  
15 in subsection three of this section were vested in Her Majesty as recreation reserves: And whereas these reserves are adjacent to or in the vicinity of the Auckland Centennial Memorial Park: And whereas it is desirable that these reserves should be vested in the Auckland Centennial Memorial Park Board  
20 established under the provisions of section three of the Auckland Centennial Memorial Park Act 1941: Be it therefore enacted as follows:

(1) The reservations over the lands described in subsection three of this section are hereby revoked and the said lands are  
25 hereby vested in the Auckland Centennial Memorial Park Board and shall be held and administered by that Board for the purposes of a scenic park under and subject to the provisions of the Auckland Centennial Memorial Park Act 1941.

(2) The District Land Registrar for the Land Registration  
30 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 lands to which this section relates are particularly  
35 described as follows:

Firstly, all that area in the North Auckland Land District, being Lot 15, D.P. 21141, being part Allotment 97, Parish of Waitakere, situated in Block III, Waitakere Survey District, containing one acre and six perches, more or less, being  
40 part of the land comprised and described in certificate of title, Volume 516, folio 12, Auckland Registry: as shown on the plan marked L. and S. 4/36A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

Secondly, all that area in the North Auckland Land District, being Lot 4, D.P. 27625, being part Wekatahi Block, situated in Block III, Waitakere Survey District, containing one acre one rood and thirty perches, more or less, being part of the land comprised and described in certificate of title, Volume 642, folio 55, Auckland Registry: as shown on the plan marked L. and S. 4/36b, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red. 5

Thirdly, all that area in the North Auckland Land District, being Lot 7, D.P. 34474, being part Allotment 97, Parish of Waitakere, situated in Block III, Waitakere Survey District, containing two acres and fifteen perches, more or less, being the balance of the land comprised and described in certificate of title, Volume 516, folio 16, Auckland Registry: as shown on the plan marked L. and S. 4/36c, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red. 10 15

Fourthly, all that area in the North Auckland Land District, being Lot 14, D.P. 21141, being part Allotment 97, Parish of Waitakere, situated in Block III, Waitakere Survey District, containing fourteen acres two roods six perches and five-tenths of a perch, more or less, being part of the land comprised and described in certificate of title, Volume 516, folio 12, Auckland Registry: as shown on the plan marked L. and S. 4/36d, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red. 20 25

Fifthly, all that area in the North Auckland Land District, being Lot 272, D.P. 24221, being part Allotment 27, Parish of Waikomiti, situated in Block VI, Titirangi Survey District, containing seventeen acres two roods and twenty-five perches, more or less, being part of the land comprised and described in certificate of title, Volume 490, folio 29, Auckland Registry: as shown on the plan marked L. and S. 4/36e, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red. 30 35

**11. Validating a lease in favour of the Colonial Ammunition Company Limited**—Whereas by section one hundred and four of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1917, the Governor-General was authorised and empowered to cancel the lease issued 40

to the Colonial Ammunition Company Limited (in this section referred to as the Company) under the powers conferred by section five of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1907:

5 And whereas the said section one hundred and four further provided for the issue of a new lease to the Company on the same terms and conditions but over an increased area: And whereas a new lease was duly granted to the Company: And whereas it was subsequently agreed that the Company

10 would exchange part of the land included in the new lease for other land and would also grant to the Crown access and quarrying rights over portion of the leased land: And whereas, in terms of this agreement, the Deed of Lease has been cancelled and a new Deed of Lease dated the twenty-

15 second day of August, nineteen hundred and fifty-eight, issued incorporating the terms and conditions of the cancelled lease and other additional conditions to give effect, where necessary, to the said agreement: And whereas a copy of the said lease has been deposited in the Head Office of

20 the Department of Lands and Survey, at Wellington, as Auckland Deed No. 5439: And whereas it is expedient that the said lease should be authorised and validated: Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act or

25 rule of law, Her Majesty the Queen and the Company shall be deemed to have had all powers and authority necessary to enter into and execute the said Deed of Lease dated the twenty-second day of August, nineteen hundred and fifty-eight, and deposited as aforesaid, and the same is hereby

30 confirmed and validated and declared binding in all respects and shall have full force and effect according to its tenor.

**12. Section 24 of the Reserves and Other Lands Disposal Act 1949 (as to certain abandoned lands in the Coromandel County) amended**—Whereas by section twenty-four of the

35 Reserves and Other Lands Disposal Act 1949 (in this section referred to as the said section) the Governor-General was authorised to proclaim certain lands in the Coromandel County, South Auckland Land District, to be Crown land subject to the provisions of the Land Act 1948: And whereas

40 it was further provided that the Land Settlement Board constituted under the Land Act 1948 shall determine any claims for compensation made by the registered proprietor or licensee or any other person having any estate or interest in any land to which any such Proclamation relates: And whereas it



is desirable that all Proclamations issued pursuant to the said section should be noted against the title to all land affected thereby: And whereas it is desirable that the Land Settlement Board should, in its discretion, be enabled to delegate to an independent person or authority all powers necessary to give full effect to the provisions of the said section: And whereas provision should be made in respect of the payment of rates by owners or bona fide occupiers of land affected by any Proclamation that may be issued as aforesaid: And whereas it is desirable that the provisions of the said section be extended to include other lands: Be it therefore enacted as follows:

(1) The said section is hereby amended by omitting from the preamble the words "and in the area of Crown land adjacent to Coromandel Township known as the Kauri Block", and substituting the words "and in other areas of land in Blocks I, II, V, and VI, Coromandel Survey District".

(2) The said section is hereby further amended by repealing subsection four, and substituting the following subsection:

"(4) This section relates to all land laid off as roads, whether or not the same have been legalised, and to all land in respect of which residence site or business site or special claim licences under the Mining Act 1926, or Crown grants, have heretofore been issued, and which are situated in the townships of Kingstone, Kapanga, Wynyardton, Wynyardton North, Bay View, Belleville, or Buffalo, or in any other areas of land in Blocks I, II, V, and VI of the Coromandel Survey District."

(3) The said section is hereby further amended by adding after subsection four (as substituted by subsection two of this section) the following subsections:

"(5) The District Land Registrar for the Auckland Land Registration District and the appropriate Mining Registrar in the Hauraki Mining District shall, on the issue of any Proclamation pursuant to this section, make such entries in any relevant register or other record book and do all such other things as may be necessary to give effect to any such Proclamation.

"(6) Notwithstanding anything to the contrary in any Act or rule of law, the Land Settlement Board may delegate all necessary powers and functions for the purpose of administering the said section to a person to be known as the Coromandel Land Claims Authority (in this section referred to as

the Authority) whether that person is an officer of the Public Service or otherwise. Any delegation pursuant to this section may, in the sole discretion of the Land Settlement Board, extend to all such acts, things, and matters as are necessary  
5 to confer on the Authority the powers required to carry out the provisions of this section and of the Land Act 1948 as if the delegation had been made pursuant to and in accordance with section fifteen of the Land Act 1948.

“(7) Where any land is proclaimed Crown land under  
10 this section, the Crown shall not become liable for any general or special rates levied against that land pursuant to the Rating Act 1925 or any other Act and nothing herein shall be construed to affect in any way the liability of any occupier of any part or parts of the said land in respect of the payment  
15 of the rates pending disposal of the land or any part of it pursuant to the Land Act 1948.

“(8) Any compensation money awarded by the Authority in respect of lands proclaimed Crown land pursuant to this section shall, on the application of the Coromandel  
20 County Council, and in the discretion of the Authority, have deducted therefrom such amounts as the Authority shall decide as reasonable for rates owing, in any case not exceeding the total of three years' liability for rates based on the valuation roll current at the time of the application by the  
25 said County Council, and any money so deducted may be paid to the said County Council in full satisfaction.

“(9) In addition to the deduction of money as provided in subsection eight of this section, the Authority may, in his  
30 discretion, deduct such further money for the costs of any compensation hearings or for any expenses in connection therewith, and in any disposal of lands proclaimed Crown land may likewise, in addition to the purchase price payable, decide what title fees, survey costs, and other costs or expenses shall be payable by any purchaser, lessee, or licensee.

“(10) Any land proclaimed Crown land subject to the provisions of the Land Act 1948 pursuant to any Proclamation issued under subsection one of this section may, according to the terms of the Proclamation, be vested in Her Majesty either freed and discharged from all leases, licences, encum-  
40 brances, liens, easements or other restrictions, or subject to such leases, licences, encumbrances, liens, easements or other restrictions as may be set out in the Proclamation.”

**13. Provision with respect to [acceptance of] surrender of lease by Public Trustee**—Whereas the Memorandum of Lease, copy of which is contained in the Third Schedule to the Auckland Education Reserves Act 1912, does not expire until the year nineteen hundred and seventy-five: And whereas the lessee has requested the Public Trustee to accept a surrender of the said lease at a consideration to be agreed upon: And whereas the Public Trustee does not possess statutory or other authority enabling him to accept such a surrender: And whereas for the purpose of payment of the consideration to be agreed upon for the surrender of the said lease the Public Trustee desires to resort to the reserve created pursuant to subsection three of section sixteen of the Reserves and Other Lands Disposal Act 1940: And whereas, upon the said lease being surrendered, improvements will require to be carried out to the building erected upon the land comprised in the said lease in order that various tenancies of parts thereof may be granted: And whereas the Public Trustee may require to borrow money for the purpose of defraying the cost of the said improvements or for other improvements which the Public Trustee may from time to time consider expedient in respect of the land described in the First Schedule to the Auckland Education Reserves Act 1912: Be it therefore enacted as follows:

(1) The Public Trustee may accept a surrender of the said lease at such consideration and on such terms and conditions as are approved by the Minister of Education, and for any such purpose may resort, whether by way of realisation, mortgage, charge, or otherwise, to the reserve created pursuant to subsection three of section sixteen of the Reserves and Other Lands Disposal Act 1940 or any part of the said reserve in order to pay the amount of any such consideration or part thereof.

(2) The Public Trustee, may, with the prior approval of the Minister of Education, raise such sum as the Public Trustee considers necessary for payment of any portion of the consideration payable in respect of the surrender of the said lease, and may with the like approval raise and expend such sums as the Public Trustee considers necessary from time to time to enable such improvements and development work to be carried out in connection with the land described in the First Schedule to the Auckland Education Reserves Act 1912 as the Public Trustee thinks fit.

(3) Any sum raised under subsection two of this section may be raised either—

5 (a) By being advanced out of the Common Fund of the Public Trust Office, pursuant to the provisions of section thirty-nine of the Public Trust Office Act 1957; or

10 (b) By being borrowed by the Public Trustee on the security of the said land or any part thereof, and the Public Trustee may execute such mortgage or other document as may be required by the lender and enter into such covenants and agreements as may be agreed upon between the lender and the Public Trustee.

15 (4) Any sum so raised may be repaid by such instalments as the Public Trustee from time to time thinks fit out of the income arising from the said land.

(5) For the purpose of securing payment of any sum so raised, whether pursuant to paragraph (a) or paragraph (b) of subsection three of this section the lender shall be deemed  
20 to possess the power of sale set forth in clause eight of the Fourth Schedule to the Property Law Act 1952:

25 Provided that the notice to be given pursuant to section one hundred and fifty-two of the Property Law Act 1952 referred to in the said clause eight shall not be required where the advance is made pursuant to paragraph (a) of subsection three of this section:

30 Provided also that the terms of the said clause eight relating to the period of default and to the said notice may be modified or extended by agreement between the Public Trustee and the lender where the advance is made pursuant to paragraph (b) of subsection three of this section.

**14. Vesting certain land in the Christchurch City Council**—Whereas the Mayor, Councillors, and Citizens of the City of Christchurch (in this section referred to as the  
35 Council) by memorandum of transfer dated the twenty-sixth day of September, nineteen hundred and fifty-six, and registered in the Land Registry Office, at Christchurch, under Number 446361, acquired title to the land firstly described in subsection four of this section, the said memorandum of transfer  
40 being expressed to be in pursuance of section three hundred

and five of the Municipal Corporations Act 1954: And whereas the certificate of title to the said land shows that it is held by the Council for the purposes of the said section three hundred and five: And whereas the Council actually acquired the said land out of funds from its General Account for the purposes of a site for pensioners' cottages and later reimbursed that account from loan money raised for the Champion Street Pensioners' Cottages: And whereas the certificate of title does not show that the land is held under the proper trusts and it is desirable that this should be done: And whereas the Council is now desirous of disposing of such portion of the said land as is secondly described in subsection four of this section: And whereas it is desirable and expedient that proper effect be given to the aforesaid acquisition and disposition: Be it therefore enacted as follows:

(1) The reservation for the purposes of section three hundred and five of the Municipal Corporations Act 1954 of the land firstly described in subsection four 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 Christchurch in pursuance of the Municipal Corporations Act 1954, for the purpose of the Champion Street Pensioners' Cottages but otherwise freed and discharged from all trusts, restrictions, and reservations heretofore affecting the same.

(2) Notwithstanding anything to the contrary in the Municipal Corporations Act 1954 or any other Act or rule of law, the land secondly described in subsection four of this section may be disposed of by the Council on such terms and conditions as it thinks fit and the purchase money from any such sale shall be applied for the purchase of land for pensioners' cottages or in reduction of the Champion Street Pensioners' Cottages Loan liability.

(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:

Firstly, all that area in the Canterbury Land District, City of Christchurch, being Lot 59, D.P. 1630, and being part Rural Section 287, situated in Block XI, Christchurch Survey

District, containing one rood thirty-six perches and five-tenths of a perch, more or less, and being all the land comprised and described in certificate of title, Volume 209, folio 167, Canterbury Registry.

5 Secondly, all that area in the Canterbury Land District, City of Christchurch, being Lot 1, D.P. 19398, and being part Rural Section 287, situated in Block XI, Christchurch Survey District, containing twenty-four perches, more or less, and being part of the land comprised and described in certificate of title, Volume 209, folio 167, Canterbury Registry.

15 **15. Authorising the Governor-General to proclaim certain lands in the Westland County and Fiord County to be Crown land**—Whereas the lands described in subsection seven of this section (in this section referred to as the said lands) are adjacent to or have been laid off as townships and land either granted in fee simple, reserved, taken up under residence site, or business site, or special claim licences issued under the Mining Act 1926: And whereas many of the owners and licensees of these lands cannot be traced and the lands are unoccupied and have been abandoned; And whereas the said lands adjoin and are surrounded by either permanent State Forest land or National Park land and it is desirable that they should be resumed by Her Majesty and should be set aside for permanent State Forest or National Park purposes, but subject to the rights of the owners and licensees thereof or their beneficiaries or successors in title to claim compensation as hereinafter provided: And whereas when the said lands were subdivided various roads were laid off: And whereas most of these roads have never been used as such and will not be so used in the future: And whereas it is expedient that special provision be made to enable the said lands and roads to be vested in Her Majesty as Crown land to enable them to be added to the adjoining State Forest or National Park, as the case may be: Be it therefore enacted as follows:

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

(2) Any roads or portions of roads (legal or otherwise), the subject of any Proclamation under subsection one of this section shall, on the issue of the Proclamation, be deemed to be closed, freed and discharged from all rights of the public thereover as a public highway, as from the date specified in the Proclamation. 5

(3) Before exercising any of the powers conferred on him by this section, the Governor-General shall cause not less than three months' notice of his intention so to do to be given in the *Gazette* and in such newspaper or newspapers as he thinks fit. 10

(4) If at any time within five years after the date specified in any Proclamation issued under this section the registered proprietor or licensee or any other person having any estate or interest in any land to which the Proclamation relates adduces satisfactory evidence of title to or interest in that land, he shall be entitled to claim compensation for his interest therein. The amount of compensation shall in every case be determined by the Land Settlement Board, and on any such determination shall, without further appropriation than this section, be paid out of the Land Settlement Account established under the provisions of the Land Act 1948: 15 20

Provided that in no case shall the amount of compensation awarded under this section exceed the unimproved value, as determined by the said Board, of the land as at the date specified in the Proclamation affecting the same, together with the value as at that date and as determined by the said Board of any improvements then existing on the land and effected by the claimant or at his expense. 25

(5) This section applies to all land laid off as roads or streets whether or not the same have been legalised, and to all land in respect of which residence site or business site or special claim licences under the Mining Act 1926, or Crown grants, have heretofore been issued. 30

(6) The District Land Registrar for the Land Registration District of Westland and the District Land Registrar for the Land Registration District of Southland and the appropriate Mining Registrars are hereby authorised and directed to make such entries in the register books or other records and to do all such other things as may be necessary to give effect to the provisions of this section. 35 40

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

(a) All those areas in the Westland Land District, Westland County, being—

5           Firstly, Rural Section 2012, Block XV, Waimea Survey District, containing ten acres two roods, more or less, being all the land comprised and described in certificate of title, Volume 6, folio 194, Westland Registry.

10           Secondly, Rural Section 1457, Block XV, Waimea Survey District, containing five acres one rood and thirty-six perches, more or less, being all of the land comprised and described in certificate of title, Volume 3, folio 889, Westland Registry.

15           Thirdly, Rural Section 1579, Block XV, Waimea Survey District, containing eleven acres and six perches, more or less, being all of the land comprised and described in certificate of title, Volume 5, folio 1481, Westland Registry.

20           Fourthly, Rural Section 1456, Block XV, Waimea Survey District, containing five acres one rood and thirty perches, more or less, being all of the land comprised and described in certificate of title, Volume 3, folio 892, Westland Registry.

25           Fifthly, Reserve 243, Block XV, Waimea Survey District, containing two acres, more or less, being all of the land comprised and described in certificate of title, Volume 29, folio 71 (limited), Westland Registry.

30           Sixthly, Reserve 192, Block XV, Waimea Survey District, containing one acre, more or less, being all of the land comprised and described in certificate of title, Volume 29, folio 68 (limited), Westland Registry.

35           Seventhly, Reserve 419, Town of Goldsbrough, Block XV, Waimea Survey District, containing twenty-five acres, more or less.

40           As the same are more particularly shown on the plan marked L. and S. 10/98/90, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.



- (b) All that area in the Southland Land District, Fiord County, containing twenty-one acres, more or less, being all that part of the Town of Cromarty situated in Block VI, Preservation Survey District; as the same is more particularly delineated on the plan marked L. and S. 4/300M, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged blue. 5

**16. Declaring certain land in the Whakatane County to be vested in Her Majesty as Crown land subject to the provisions of the Land Act 1948**—Whereas under the authority of section seventy of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924, and pursuant to an Order in Council dated the twenty-ninth day of June, nineteen hundred and twenty-five, and published in the *Gazette* of the ninth day of July of that year, the land described in subsection two of this section, together with other land, was vested in the Corporation of the Chairman, Councillors, and Inhabitants of the County of Whakatane for tree planting purposes: And whereas the said land is no longer required for tree planting purposes and it is desirable that it should be declared Crown land subject to the Land Act 1948: Be it therefore enacted as follows: 10 15 20

(1) The vesting of the land described in subsection two of this section in the Corporation of the Chairman, Councillors, and Inhabitants of the County of Whakatane for tree planting purposes is hereby revoked and the said land is hereby vested in Her Majesty as Crown land available for disposal under the Land Act 1948, freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same. 25 30

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

All that area in the South Auckland Land District, Whakatane County, being part of Section 3, Block VI, Rangitaiki Upper Survey District, containing two hundred acres and seven perches, more or less: as shown on the plan marked L. and S. 9/1425, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 39316). 35

**17. Vesting certain land in the University of Otago as an addition to an endowment**—Whereas by the Otago University Reserves Vesting Act 1893 an area of one hundred thousand acres of land known as the Benmore Runs was vested in the 40

University of Otago (in this section referred to as the University) as an endowment for the University: And whereas by section eighty-seven of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1915 and section ninety-four of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1917 authority was given to effect certain exchanges in respect of the endowment lands which have been given effect to: And whereas the land described in subsection three of this section (in this section referred to as the said land) was excluded from the endowment lands: And whereas for the better utilisation thereof it is desirable to again include the said land in the said endowment which surrounds it: And whereas the Council of the University has agreed to such inclusion: Be it therefore enacted as follows:

(1) The land described in subsection three of this section is hereby vested in the University as a reserve for an endowment for the University and is hereby declared to be subject to the provisions of the Otago University Reserves Vesting Act 1893 and the Otago University Reserves Act 1904.

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

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

30 All that area in the Otago Land District being Section 1, Block XVI, Benmore Survey District, containing 10 acres, more or less (S.O. Plans 255 and 3341).

**18. Authorising the Otago Hospital Board to transfer certain land in the City of Dunedin to the University of Otago—**

35 Whereas the land described in subsection four of this section is held by the Otago Hospital Board (in this section referred to as the Board) for an estate in fee simple in trust as a site for a hospital for infectious diseases: And whereas there are erected on the land buildings known as the Logan Park Hospital: And whereas the land and buildings have been used  
40 for some years by the University of Otago for the residential

accommodation of certain students of the University: And whereas the Board is desirous of transferring the land and buildings to the University of Otago without consideration but has no power to do this and it is desirable that the transfer be authorised: Be it therefore enacted as follows: 5

(1) Notwithstanding anything to the contrary in the Hospitals Act 1957, or in any other Act or rule of law, the Board is hereby authorised and empowered to transfer the land described in subsection four of this section to the University of Otago without consideration. 10

(2) On the registration of a transfer pursuant to subsection one of this section, the said land shall vest in trust in the University of Otago for the purposes of the University as part of the site of the University but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the said land. 15

(3) The District Land Registrar for the Land Registration District of Otago is hereby authorised and directed to accept such documents for registration, to deposit such plans, 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. 20

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

All that area in the Otago Land District, City of Dunedin, 25 being part of Section 51, Block IX, North Harbour and Blue-skin Survey District, containing by admeasurement three acres and two roods, more or less, and being all the land comprised and described in certificate of title, Volume 236, folio 184, Otago Registry: as shown on the plan marked 30 L. and S. 6/8/102A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 6046).

**19. Declaring lands subject to the Forests Act 1949 to be Crown land subject to the Land Act 1948**—Whereas the 35 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: 40

(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.

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

10 Firstly, all that area in the North Auckland Land District being part Allotment 26, Whakapaku Parish, situated in Block II, Whangaroa Survey District, containing fifty-seven acres one rood, more or less: as shown on the plan marked L. and S. 36/2169, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 40639).

15 Secondly, all that area in the North Auckland Land District being Section 20, Block VII, Hokianga Survey District, containing six hundred and thirty-seven acres, more or less: as shown on the plan marked L. and S. 22/1450/457, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 13933).

20 Thirdly, all that area in the North Auckland Land District being part of the land set apart as permanent State Forest by Proclamation dated the thirty-first day of October, eighteen hundred and ninety-two, and published in the *Gazette* of the tenth day of November of that year at page 1491, and being  
25 also part of the land known as Allotment 317, Waipu Parish, situated in Block V, Waipu Survey District, containing sixty-seven acres, more or less: as shown on the plan marked L. and S. 10/91/69, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged  
30 red.

Fourthly, all that area in the South Auckland Land District being part of the land set apart as permanent State Forest by Proclamations published in the *Gazette* dated the  
35 third day of October, nineteen hundred and thirty-five, at page 2736, and the *Gazette* dated the fourth day of October, nineteen hundred and fifty-one, at page 1457, and being also parts Whangamata No. 6 Block, part Section 10, Block IV, Ohinemuri Survey District, part Section 1, Block VIII, Ohinemuri Survey District, and Section 1, Block I, Waihi  
40 North Survey District, containing two thousand six hundred and sixty-five acres two roods nine perches, more or less: as shown on the plan marked L. and S. 36/2377, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 38898).

Fifthly, all that area in the Nelson Land District, being part of Sections 1 and 3, Block VII, Maruia Survey District, containing eighty-seven acres and three roods, more or less: as shown on the plan marked L. and S. 22/320, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plans 8704 and 10027). 5

Sixthly, all that area in the Southland Land District being part of the land set apart as permanent State Forest by Proclamation dated the twenty-fourth day of February, eighteen hundred and eighty-six, and published in the *Gazette* of the fourth day of March of that year at page 253, and being also the land known as Section 443, Block V, Forest Hill Hundred, containing ninety-five acres two roods and twenty-six perches, more or less: as shown on the plan marked L. and S. 10/113/1, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (S.O. Plan 3921). 10 15

Seventhly, all that area in the Southland Land District, containing by admeasurement sixty-two acres, more or less, situated in Block VI, Gap Survey District, being that part of State Forest Reserve Number 22 as shown on Survey Office Plan 6525: as the same is also shown on the plan marked L. and S. 8/10/62A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red. 20

**20. Vesting the Clevedon public hall site in the Manukau County Council as a public reserve**—Whereas the land described in subsection four of this section, known as the Clevedon public hall site (in this section referred to as the said land), was by deed of conveyance dated the thirteenth day of April, eighteen hundred and seventy-seven, and registered in the Deeds Register Office at Auckland under Number 56501, vested, without power of sale, in certain trustees as a site for a public hall, reading room, and library to be occupied and used by the inhabitants of the then Wairoa Highway District: And whereas the said Clevedon public hall has now outlived its usefulness and is no longer safe and in its present condition cannot be relicensed in accordance with the provisions of the Counties Act 1956: And whereas a new hall and amenities are now required and the Manukau County Council (in this section referred to as the Council) is desirous of erecting a new hall and amenities on condition that the said land is vested in the Council: And whereas doubts have arisen as to whether, in accordance with the 30 35 40

terms of their trust, the trustees have power to dispose of the said land to the Council: And whereas it is desirable that provision be made to enable the said land to be vested in the Council as a public reserve for a public hall and other amenities for the Clevedon residents subject to the Reserves and Domains Act 1953: Be it therefore enacted as follows:

5 (1) Notwithstanding anything to the contrary in any Act or rule of law, the land described in subsection four of this section is hereby declared to be vested in the Corporation of  
10 the Chairman, Councillors, and Inhabitants of the County of Manukau subject to the existing liabilities thereover to be held as a reserve for the purposes of a public hall, reading rooms, library, and Plunket rooms for the Clevedon residents subject to the provisions of the Reserves and Domains Act  
15 1953 but otherwise freed and discharged from the trusts, reservations, and restrictions heretofore affecting the same, and the Council is hereby empowered, out of the County Fund Account or out of money to be borrowed or otherwise available for the purpose, to pay off and discharge the said  
20 liabilities.

(2) All furnishings, chattels, and effects pertaining to the present Clevedon public hall, library, and reading room, and all money held in connection therewith, shall be and are hereby vested in the Council and shall be applied by the  
25 Council towards or used for the new public hall, library, and reading room, and the trustees or any other persons having the present control and management thereof are hereby authorised and directed to deliver up the same to the Council.

(3) The District Land Registrar for the Land Registration  
30 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.

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

All that area in the North Auckland Land District, being Part Allotment 9, Parish of Wairoa, situated in Block VII, Wairoa Survey District, containing three roods, more or less, and being all of the land comprised and described in certificate of title, Volume 523, folio 178, Auckland Registry  
40 (limited as to parcels).

**21. Special provisions enabling the control of the Waihi Drainage Area to be transferred to the Tauranga County Council**—Whereas the lands described in subsection thirteen of this section have been constituted the Waihi Drainage Area under the provisions of the Swamp Drainage Act 1915 (in this section referred to as the principal Act): And whereas the Minister of Lands is authorised to construct and carry on such works as he thinks fit for the drainage, reclamation, and roading of any such drainage area: And whereas the Minister of Lands has carried out certain works in the Waihi Drainage Area and has incurred certain capital expenditure in carrying out those works: And whereas it is considered desirable to vest the control of the said area in the Tauranga County Council (in this section referred to as the Council) in order that the construction and maintenance of the works may be more effectively carried out: And whereas the Council is agreeable to accepting control of the said area and to assuming liability for repayment of such amount of the capital expenditure already incurred by the Minister of Lands as may be agreed upon by the Minister of Finance and the Council and it is desirable for provision to be made accordingly: Be it therefore enacted as follows:

(1) For the purposes of this section, the term “district” means the land described in subsection thirteen of this section.

(2) Notwithstanding anything to the contrary in the principal Act or in any other Act or rule of law, the Governor-General is hereby authorised and empowered, by Order in Council, to transfer and vest the control of the district, as from a date to be specified in the Order, in the Council.

(3) The Council shall, in respect of the district, have all the powers of a Board of Trustees constituted under section four of the Land Drainage Act 1908.

(4) Upon the execution by the Council and delivery to the Minister of Lands of the debenture referred to in subsection seven of this section, all the lands, easements, and other interests in land, drains, pumps, machinery, tools, implements, and drainage works owned by the Crown in respect of the drainage system carried on by the Crown at the date specified in the Order in Council on the land in the district shall vest in and become the property of the Council.

(5) The decision of the Minister of Lands as to what assets have vested in the Council under subsection four of this section shall be final.

5 (6) A notice in the *Gazette* by the Minister of Lands specifying that any land, easement, or other interest in land has vested in the Council under subsection four of this section shall be conclusive evidence of that vesting to the District Land Registrar, and shall be sufficient authority to him to issue a certificate of title to the land in the name of the Council  
10 and to make such memorials in the register book and on any instrument of title as are necessary to record the vesting in the Council of any such easement or other interest.

(7) As soon as practicable after the control of the district has vested in the Council, the Council shall execute in favour  
15 of Her Majesty the Queen a debenture securing to Her Majesty such amount as may be agreed upon by the Minister of Finance and the Council representing the value of the lands and other property to be vested in the Council under subsection four of this section and the amount of any loans  
20 raised by the Minister of Lands for constructing drainage works in the district. The debenture shall be in a form approved by the Minister of Finance and shall provide for repayment of the amount agreed upon at such rate of interest and over such period of years as may be agreed upon by the  
25 Minister of Finance and the Council and shall be secured over, and be a first charge on, all lands and drainage works at any time owned by the Council in the district and all rates on lands in the district payable to the Council: Provided that the debenture shall not be secured over any special  
30 rates made as security for any special loans raised by the Council.

The debenture shall be deemed to be a debenture issued by the Council pursuant to Part III of the Local Authorities Loans Act 1956, and the provisions of that Part  
35 relating to default shall apply, so far as they are applicable and with the necessary modifications.

(8) Notwithstanding anything to the contrary in section four of the Swamp Drainage Amendment Act 1926, or in section twenty-six of the Finance Act 1929, the balance of  
40 the loan money expended and unpaid on the district shall, as from the date of the debenture referred to in subsection seven of this section, be the amount of the said debenture.



(9) For a period of three years from the date specified in the Order in Council or until the Council has reclassified the land in the district in accordance with the provisions referred to in subsection eleven of this section, whichever is the sooner, the Council shall have the same powers to levy rates on lands in the district as are given to the Minister of Lands by sections two and three of the Swamp Drainage Amendment Act 1928 and by section four of the Swamp Drainage Amendment Act 1948, and all existing subdivisions shall be preserved.

(10) The Council shall have the power to collect and retain all rates outstanding at the date control of the district vests in the Council and any rates collected in advance by the Minister of Lands shall be paid to the Council.

(11) The classification for rating purposes of the land in the district made under section three of the Swamp Drainage Amendment Act 1928 and in force at the date control is vested in the Council shall continue in force until a fresh classification of the land in the district is made for rating purposes pursuant to the powers contained in section thirty-three of the Land Drainage Act 1908, as substituted by section five of the Land Drainage Amendment Act 1956:

Provided that the Council shall make the fresh classification not later than three years after the date control of the district is vested in the Council.

(12) The Council shall have all the powers in section four of the Swamp Drainage Amendment Act 1948 to levy additional rates for the repayment of any expenditure incurred after the vesting of the district in the Council for the construction of works in accordance with its powers under the Land Drainage Act 1908, and this provision shall apply to national endowment lands included in the district or in any subdivision included in the district.

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

All that area in the Auckland Land District, County of Tauranga, bounded by a line commencing at the eastern extremity of the entrance of the Waihi Estuary in Block I, Otutara Survey District, and proceeding south-easterly along the shores of the Bay of Plenty to the eastern corner of Pukehina M No. 1 Block; thence southerly generally along the south-eastern boundaries of that block and the south-eastern boundary of Lot 1, D.P. 24824, and a right line across the Tauranga-Whakatane State Highway and the East Coast Main Trunk Railway to and along the south-eastern boundary of Lot 2, D.P. 24824, and its production across the Pukehina

Station Road, along the eastern side of that road, the north-eastern side of Old Coach Road, and the western side of Rotochu Road to the northernmost corner of Lot 1, D.P. 11802, being part of Section 3, Block VI, Waihi South Survey District; thence along the north-western boundary of the said Lot 1, along the north-western boundaries of Lots 1 and 2, D.P. 21329, being other parts of Section 3 aforesaid, and along a right line being the last-mentioned boundary produced to the right bank of the Pongakawa River; thence up the right bank of the said river to a point in line with the northern boundary of Lot 1, D.P. 24656, being part of Sections 9 and 10, Block V, Waihi South Survey District; thence westerly along a right line, to and along the northern boundary of Lot 1 aforesaid to the eastern side of the Pongakawa Bush Road; thence northerly generally along the said eastern side to the south-western corner of Section 10, Block II, Waihi South Survey District; thence westerly across the aforesaid road to and along the southern boundaries of Sections 9 and 8, Block II, Waihi South Survey District, Lots 2 and 1, D.P. 25438, and Section 4, Block VIII, Maketu Survey District, and the production of the last-mentioned boundary to and across the Kaikopukopu Stream; thence up the left bank of that stream to and along the south-western boundary of Section 16, Block VII, Maketu Survey District, to the eastern side of the Te Ngae - Paengaroa Main Highway; thence northerly generally along that eastern side, to and along the southern, eastern, and northern boundaries of the Village of Paengaroa, to and along the eastern side of the Paengaroa-Maketu Main Highway, to and along the northern boundary of Te Rau o te Huia C Block, the north-western boundary of Ngaihumutu A Block, the western, north-western, and north-eastern boundaries of Okarito No. 2 Block, the north-eastern and eastern boundaries of Waiparapara Block, to and along the northern boundary of Urupohatu No. 1 Block and that boundary produced to the shores of the Waihi Estuary, the aforesaid boundary lines passing through Maketu A, Sections 100, 99, 108, 105, and road lines, and the aforementioned blocks now being part of the Maketu Consolidation Scheme; thence in a generally easterly and then northerly direction along the shores of the Waihi Estuary to the point of commencement: as shown on the plan marked L. and S. 15/24A, deposited in the Head office, Department of Lands and Survey, at Wellington, and thereon edged red.

*New*

**22. Validating an agreement between the Lower Hutt City Council and the Hutt Park Committee**—Whereas section sixteen of the Reserves and Other Lands Disposal Act 1957 validated a certain deed made between the Hutt Park 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 deposited in the Head Office of the Department of Lands and Survey, at Wellington, as Wellington Deed Number 1714: And whereas the said deed did not include all the lands intended to be transferred by the Committee to the Council: And whereas a further deed dated the first day of September, nineteen hundred and fifty-eight, has accordingly been executed by the said parties to give full effect to their intentions: 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 1719: And whereas it is expedient that this deed be authorised and validated: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in any Act or in any rule of law the said Wellington Deed Number 1719 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 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:

(2) 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 1719.

**23. Vesting certain lands in the Corporation of the City of Wellington**—Whereas the land firstly described in subsection seven of this section is vested in the Mayor, Councillors, and Citizens of the City of Wellington (in this section referred to as the Corporation) in trust as to one part for an aerodrome

*New*

and general aviation purposes, as to a second part for a pleasure ground, and as to a third part for municipal purposes subject as to certain parts to certain rights reserved to the  
5 Minister of Defence by section nine of the Wellington City Empowering and Amendment Act 1929: And whereas the land secondly described in subsection seven of this section is vested in the Corporation in trust for recreation purposes and for the purposes of a recreation ground: And whereas the land  
10 thirdly described in subsection seven of this section is vested in the Corporation in trust for the purposes of a recreation ground: And whereas the land fourthly described in subsection seven of this section is vested in the Corporation in trust for the purposes of a pleasure ground: And whereas the land  
15 fifthly described in subsection seven of this section is vested in Her Majesty the Queen for defence purposes: And whereas the lands described in subsection eight of this section are vested in the Corporation for an estate in fee simple: And whereas it is desirable that all the lands described in subsection  
20 seven of this section be vested in the Corporation freed and discharged from all trusts, reservations, and restrictions: And whereas it is desirable that the Corporation be authorised to lease, let, or licence all or any part of the said lands or any buildings or parts of buildings or installations or parts thereof  
25 erected thereon or to be erected thereon upon such terms and conditions as the Corporation may think fit: And whereas it is desirable that the Corporation be authorised to lease, let, or licence all or any part of any other lands or any buildings or parts of buildings or installations or parts thereof erected  
30 thereon or to be erected thereon which may become vested in the Corporation as hereinafter provided upon such terms and conditions as the Corporation may think fit: Be it therefore enacted as follows:

35 (1) Section nine of the Wellington City Empowering and Amendment Act 1929 is hereby repealed.

40 (2) The vesting as aforesaid of the lands firstly, secondly, thirdly, and fourthly described in subsection seven of this section is hereby cancelled and the said lands are hereby declared to be vested in the Corporation freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.

*New*

(3) The vesting as aforesaid of the land fifthly described in subsection seven of this section is hereby cancelled and the land is hereby declared to be vested in the Corporation freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same. 5

(4) Notwithstanding any of the provisions of the Municipal Corporations Act 1954 or any other Act or rule of law relating to the leasing, letting, or licensing of land, buildings, and installations, the Corporation may lease, or let, or licence all or any part of the lands described in subsections seven and eight of this section or any buildings or parts of buildings or installations or parts thereof erected thereon or to be erected thereon upon such terms and conditions as the Corporation thinks fit. 10

(5) The provisions of subsection four of this section may at any time be applied by Order in Council, with the consent of the Minister of Lands, to all or any part of any other lands in the vicinity of the Wellington Airport and including any areas reclaimed or to be reclaimed in connection therewith and which may become vested in the Corporation. 15 20

(6) The District Land Registrar for the Land Registration District of Wellington is hereby authorised to deposit such plans, to accept such documents for registration, to make all 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. 25

(7) The lands referred to in subsections two and three of this section are particularly described as follows:

Firstly, all that area of land in the Wellington Land District, City of Wellington, being parts of Section 8, Evans Bay District and parts of Sections 13, 14, and 15 Watts Peninsula District parts of the land being also parts of Lots 2, 3, 4 and parts shown as "proposed road" on Deposited Plan No. 1808 Lots 5 and 6 and parts of Lots 1 and 4 on Deposited Plan No. 2456 Lot 2 and part of Lot 1 on Deposited Plan No. 2481, containing one hundred and fifteen acres, approximately, and being part of the land comprised and described in certificate of title, Volume 428, folio 268, Wellington Registry. 30 35

Secondly, all that area of land in the Wellington Land District, City of Wellington, being parts of Section 8 Evans Bay District, containing two acres one rood and thirty perches, approximately, and being part of the land comprised and described in certificate of title, Volume 484, folio 245, Wellington Registry. 40

*New*

- 5 Thirdly, all that area of land in the Wellington Land District, City of Wellington, being part of Section 8, Evans Bay District, and being all the land shown coloured pink on a plan deposited in the office of the Chief Surveyor at Wellington as No. 19629 containing four acres three roods ten perches and thirty-nine hundredths of a perch, more or less, and being all the land comprised and described in certificate of title, Volume 449, folio 42, Wellington Registry.
- 10 Fourthly, all that area of land in the Wellington Land District, City of Wellington, being part of Section 8 Evans Bay District and being part of the land shown coloured pink on a plan deposited in the office of the Chief Surveyor for the Wellington Land District as No. 19879 containing ten
- 15 perches, approximately, and being part of the land comprised and described in certificate of title, Volume 484, folio 226, Wellington Registry.
- 20 Fifthly, all that area of land in the Wellington Land District, City of Wellington, being the street closed by Proclamation 3133 and being the land coloured red, blue, and yellow on a plan deposited in the office of the Chief Surveyor for the Wellington Land District as No. 19718 containing two acres one rood two perches and six hundredths of a perch more or less.
- 25 (8) The lands vested in the Corporation in fee simple and referred to in subsection four of this section are more particularly described as follows:
- 30 Firstly, all that area of land in the Wellington Land District, City of Wellington, being part of Section 8 Evans Bay District, being Lot 2 on Deposited Plan No. 8866 containing one acre one rood thirty-five perches and forty-six hundredths of a perch, more or less, and being also the whole of the land in certificate of title, Volume 488, folio 60, Wellington Registry.
- 35 Secondly, all that area of land in the Wellington Land District, City of Wellington, being part Section 13 Watts Peninsula District containing two acres three perches and fourteen hundredths of a perch, more or less, being all of the land comprised in certificate of title, Volume 778, folio 26,
- 40 Wellington Registry.

*New*

Thirdly, all that area of land in the Wellington Land District, City of Wellington, being part Section 8, Evans Bay District, containing nine perches and seventy-nine hundredths of a perch, more or less, and being the balance of the land in certificate of title, Volume 272, folio 70, Wellington Registry. 5

(9) All the said pieces of land described in subsections seven and eight of this section are more particularly shown on a plan marked L. and S. 6/11/167, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red. 10