

RESERVES AND OTHER LANDS DISPOSAL BILL

EXPLANATORY NOTE

Clause 1 relates to the Short Title.

Clause 2 further amends section 4 of the Auckland Education Reserves Act 1912 (as substituted by section 19 of the Reserves and Other Lands Disposal Act 1949). The 1912 Act vested an area of land in Queen Street, Auckland in the Public Trustee for education purposes with power to lease it. Each year the Minister of Education determines what portion of the rents and profits of the land shall be held for rebuilding or improvements on the land and the balance is paid to the Council of the University of Auckland. Two-thirds of that balance is paid into a capital fund to be used for the establishment of a student hostel and capital works on any such hostel, or such other purposes of the University of Auckland as may be approved by the Minister of Education. The effect of the amendment is that in future the money paid into the fund may be used for the establishment, building, maintenance, repair, renovation, extension, rebuilding, alteration, management, decorating, and furnishing of student hostels of the University without first obtaining the approval of the Minister.

Clause 3 declares land that is subject to the Forests Act 1949 to be Crown land subject to the Land Act 1948.

The areas dealt with in this clause comprise various parcels of permanent State forest land in the North Auckland, South Auckland, Wellington, Nelson, and Southland Land Districts.

The land firstly described is part of the Puketi State Forest situated in the Bay of Islands about nine miles west of Kerikeri. It is a narrow strip left between the Forest's access road and the Whakanekeneke Stream, and will be retained as Crown land.

The land secondly described is situated approximately 43 miles north of Waihi. This land is suitable for farming purposes, and it is proposed to develop it as a farm.

The land thirdly described is situated about eight miles north of Wairakei. It is not required for forestry purposes, and will be developed by the Lands and Survey Department as part of the Tahorakuri Farm Settlement.

The land fourthly described is situated on Whirokino Island in the Manawatu River near Foxton. The exotic timber on the island has been milled, and, because of its isolation from other forests and its limited area, the land is no longer required for forestry purposes.

No. 118—1

Price 1s. 6d.

The land fifthly described is situated at Puponga, about 100 miles north-west of Nelson. It is no longer required for forestry purposes.

The land sixthly described is situated about eight miles west of Riverton. It is suitable for farming development and will be alienated to two farmers who own adjoining land.

Clause 4 vests three reserves situated in Karewa Maori Township in the Maori Trustee for an estate in fee simple subject to the Maori Reserved Land Act 1955. The land is at present held by the Corporation of the County of Otorohanga as a reserve for municipal purposes, and it is proposed that the Maori Trustee should hold the land free from the reservation and in trust for certain Maoris who are the beneficial owners of other land in the township. The vesting will enable rent, at present received from the leasing of the reserve, to be paid to those beneficial owners.

Clause 5: The land to which this clause relates was vested in the University of Otago as an endowment by the University of Otago Endowment Ordinance 1870, and is at present administered by the Department of Lands and Survey on the University's behalf. The Department has leased the land and pays the income from it to the University. Included in the land administered and leased by the Department is a large parcel of land that is part of the Burwood Station in Southland, and the Department has purchased the leasehold estate in this parcel for development. As the Crown will be spending considerable sums of money on this parcel of land, it is desirable that the Crown should own it. During negotiations with the Council of the University of Otago for the acquisition of the University's interest in the parcel, the Council offered to sell the University's other endowment land in Southland to the Crown, and the Minister of Education has since agreed to this proposal. The clause accordingly vests all the University's endowment land in Southland in the Crown in consideration of the payment to the Council of the sum of £95,000. The clause also provides for the sum to be applied by the Council in accordance with section 26 of the University of Otago Amendment Act 1961.

Clause 6: The Land Settlement Board granted 21 year renewable leases of certain education reserve land in Canterbury Land District to two discharged servicemen, while other discharged servicemen were granted renewable leases with terms of 33 years. The 21 year leases are being extended to a term of 33 years in order to preserve the rentals at existing rates and to place the two lessees in the same position as other discharged servicemen settled by the Board.

Clause 7: The Dunedin City Corporation at present holds several parcels of land in trust for purposes of public utility subject to the Reserves and Domains Act 1953. This clause enables the Minister of Lands, by notice in the *Gazette*, to revoke the trust and reservation in respect of any part of the land, and to declare that part to be vested in the Corporation in trust as an endowment for the general purposes of the City of Dunedin. By virtue of section 150 (4) of the Municipal Corporations Act 1954 the Corporation will then, with the consent of the Minister of Internal Affairs, be able to sell the land described in the notice.

Clause 8: In 1964 the Thames Borough Corporation (which is, by virtue of the Thames Harbour Act 1936, the harbour authority for the Port of Thames) was authorised to reclaim a parcel of land from the sea. A portion of the reclaimed land is Crown land, and is now being vested in the Corporation for an estate in fee simple. The Corporation already owns the rest of the reclaimed land, and holds it in trust for harbour purposes. The clause

provides for the removal of that trust from the portion of reclaimed land already vested in it and also from another parcel of land held by the Corporation in trust for harbour purposes.

Doubts have arisen as to whether some of the last-mentioned parcel of land lies below the ordinary spring tide highwater mark, and the clause accordingly provides for any land below that mark to be reclaimed.

Provision is also made to empower the Corporation to sell, exchange, or lease, or grant rights over any of the land referred to in the clause, and apply the proceeds of any such transaction for any purpose within its powers.

Clause 9 amends the Westland and Nelson Coalfields Administration Amendment Act 1926 by amending section 4. At present the Land Settlement Board (which administers the Westport Colliery Reserve on behalf of the Crown) may grant a lease of any unalienated Crown land in the Reserve only by auction. The amendment will enable the Board to grant a lease of any such unalienated land in the same manner as it can alienate Crown land subject to the Land Act 1948, so that in future the Board will be able to offer leases either for public application at a fixed rental, or without competition or by public auction at an upset rental value, or by public tender at a minimum rental value.

Clause 10: By the Auckland University College Reserves Act 1885 and the Auckland University College Reserves Amendment Act 1928 large tracts of land in (*inter alia*) the Huntly, Raglan, and Helensville areas were vested in the Auckland University College Council in trust for the Auckland University College. Under various authorities, some of the land has been sold, but in some instances the Council reserved to itself the mineral interests. The land and mineral interests are now vested in the Council of the University of Auckland, and the Council has entered into an agreement to sell the land and mineral interests to the Crown for £72,000. This clause provides for the vesting of the land and mineral interests in the Crown subject to all leases, encumbrances, liens, easements, and profits, but free from all trusts, reservations, and restrictions, and the payment of the £72,000 to the University Council. Provision is also made for all outstanding rent and other payments due in respect of any period before the date of the passing of this Bill to be collected by Receivers of Land Revenue and paid over to the University.

The clause also provides that, on the vesting in the Crown of the land to which this clause relates, all leases which carry a right of renewal and which have either expired before, or expire after, the passing of this Bill, shall be renewed as leases under the Land Act 1948. Lessees with perpetually renewable leases or leases in perpetuity will be granted the option either to purchase the fee simple of the land at present comprised in their leases, or to exchange their present leases for renewable leases under the Land Act 1948.

Clause 11: By his will the late James Stellan devised certain land near the Orangi-Kaupapa Road in Wellington to the Wellington City Corporation in trust for the purposes of a park, to be known as the Stellan Memorial Park, and for the erection of a lookout in the Park as a memorial to his son who was killed in World War II.

In order to proceed with the construction of the Wellington foothills motorway it is necessary for the Crown to acquire and clear the site at present occupied by the American Embassy in Fitzherbert Terrace, Wellington. The Corporation has indicated that it is willing to sell a portion of the Stellan Memorial Park, not exceeding three acres, to the American Government, and the American Ambassador and other representatives of the

American Government have approved this site and desire that it be purchased from the Corporation. The clause accordingly authorises the sale of the site to the American Government freed and discharged from all trusts, reservations, and restrictions.

The Corporation will be empowered to use the proceeds of any such sale to the American Government only in acquiring adjoining land for the purposes of adding it to the Park, and in improving, developing, and maintaining any land so acquired together with the unsold portion of the Park. In particular the proceeds of sale will be available to facilitate the erection of the lookout.

The proposals embodied in this clause have been discussed with and agreed to by James Stellan's family and by the Public Trustee, the executor of James Stellan's will.

Hon. Mr Gerard

RESERVES AND OTHER LANDS DISPOSAL

ANALYSIS

Title	
1. Short Title	7. Authorising the Minister of Lands to declare certain land held by the Corporation of the City of Dunedin to be endowment land
2. Amending provisions as to expenditure of income of Auckland Education Reserves	8. Vesting certain land in the Thames Borough Council, authorising the reclamation of certain land, and authorising the Council to dispose of certain land
3. Declaring permanent State forest land to be Crown land subject to the Land Act 1948	9. Special provisions relating to the disposal by lease of unalienated land in the Westport Colliery Reserve
4. Vesting certain land in Karewa Maori Township in the Maori Trustee subject to the Maori Reserved Land Act 1955	10. Vesting certain trust land held by the Council of the University of Auckland in Her Majesty as Crown land subject to the Land Act 1948
5. Vesting certain endowment land held by the University of Otago in Her Majesty as Crown land subject to the Land Act 1948	11. Authorising the Wellington City Corporation to sell certain trust land
6. Extending the terms of two leases of former education reserve land in the Canterbury Land District	

A BILL INTITULED

An Act to provide for the sale, vesting, and other disposition of certain reserves, Crown land, endowments, and other
5 lands, and to make provision in respect of certain other matters

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 1966.

2. Amending provisions as to expenditure of income of Auckland Education Reserves—Whereas under subsection (3) of section 16 of the Reserves and Other Lands Disposal Act 1940 the Minister of Education determines what portion of the rents and profits of certain land vested in the Public Trustee should be disbursed to the Council of the University of Auckland under section 4 of the Auckland Education Reserves Act 1912: And whereas paragraph (b) of the said section 4 provides that two-thirds of the amount disbursed as aforesaid shall be paid into a fund to be used for the establishment of a hostel for students of the University of Auckland and capital works in connection with any such hostel, or such other purpose in connection with the University as shall from time to time be determined by the Council and approved by the Minister of Education: And whereas the Minister of Education has agreed to a request by the Council that the approval of the Minister be no longer required before the amount paid into the said fund may be used for any purposes connected with student hostels of the University: Be it therefore enacted as follows:

Section 4 of the Auckland Education Reserves Act 1912 (as substituted by section 19 of the Reserves and Other Lands Disposal Act 1949) is hereby amended by repealing paragraph (b), and substituting the following paragraph:

“(b) Two-thirds shall be paid into a fund which shall be used for all or any of the following purposes:

“(i) The establishment, building, maintenance, repair, renovation, extension, rebuilding, alteration, management, decorating, and furnishing of hostels for students of the said University; or

“(ii) With the consent of the Minister of Education (given either specifically in relation to any particular matter, or generally) for such other purposes in connection with the said University as shall from time to time be determined by the Council.”

3. Declaring permanent State forest land to be Crown land subject to the Land Act 1948—Whereas the land described in subsection (2) of this section is set apart as permanent State forest land under the Forests Act 1949: And whereas it is desirable that it should be declared Crown land subject to the Land Act 1948: Be it therefore enacted as follows:

(1) The setting apart of the land described in subsection (2) of this section as permanent State forest land is hereby revoked and the said land is hereby declared to be Crown land subject to the Land Act 1948.

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

10 Firstly, all that area in the North Auckland Land District containing one acre and eighteen perches, more or less, being part Whakanekeneke D3B Block, situated in Block I, Omāpere Survey District, and being part of the land comprised and described in certificate of title, Volume 741, folio 40, North Auckland Land Registry; as more particularly shown on the plan marked L. and S. X/91/7B, deposited in the Head Office of the Department of Lands and Survey at Wellington, 15 and thereon edged red (M.L. Plan 13059).

20 Secondly, all that area in the South Auckland Land District containing one hundred and ninety-six acres two roods and twenty perches, more or less, being part Tairua Block situated in Blocks XIII and XIV, Whitianga Survey District; as more particularly shown on S.O. Plan 42371 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

25 Thirdly, all that area in the South Auckland Land District containing two hundred and fifty-two acres, more or less, being Pokuru North Block, situated in Block VI, Tatua Survey District (M.L. Plan 4754).

30 Fourthly, all that area in the Wellington Land District containing seventy-eight acres and thirteen perches, more or less, being Section 2, Block V, Mt. Robinson Survey District (S.O. Plan 20786).

35 Fifthly, all that area in the Nelson Land District containing six hundred and ninety-two acres and one rood, more or less, being part Sections 1, 2, and 4, Block II, Onetaua Survey District, and part Permanent State Forest situated in Block II, Onetaua Survey District; as more particularly shown on S.O. Plan 10588 lodged in the office of the Chief Surveyor at Nelson, and thereon edged red.

40 Sixthly, all that area in the Southland Land District containing seventy-seven acres two roods and thirty-seven perches, more or less, being Sections 22 and 23, Block XII, Longwood Survey District (S.O. Plan 7487).

4. Vesting certain land in Karewa Maori Township in the Maori Trustee subject to the Maori Reserved Land Act 1955—Whereas the Maori Township of Karewa was constituted pursuant to section 3 of the Native Townships Act 1895 by a Proclamation dated the twenty-sixth day of September, nineteen hundred and two, and published in the *Gazette* of the sixteenth day of October in that year at page 2266: And whereas the land described in subsection (5) of this section (in this section referred to as the said land) is situated in the said township and, by virtue of subsection (2) of section 12 of the aforesaid Act, was vested in the Crown as a reserve for municipal purposes subject to the Public Reserves Act 1881: And whereas, by Order in Council made on the first day of September, nineteen hundred and twenty-four, and published in the *Gazette* of the fourth day of that month at page 2110, the said land was vested in the Kawhia Town Board in trust for municipal purposes, and later, on the abolition of the said Town Board, in the Chairman, Councillors, and Inhabitants of the County of Kawhia: And whereas the said land is now vested in the Chairman, Councillors, and Inhabitants of the County of Otorohanga (in this section referred to as the Corporation) since the inclusion of part of the County of Kawhia in the County of Otorohanga: And whereas other land in the said township is vested in the Maori Trustee as township land subject to the Maori Reserved Land Act 1955 in trust for the beneficial owners thereof: And whereas the said land has been leased and is not required for municipal purposes, and it is desirable that it be vested in the Maori Trustee in the same manner as other land in the Karewa Maori Township but subject to subsisting leases and other interests: And whereas the Corporation and the Maori Trustee have agreed to the aforesaid vesting: Be it therefore enacted as follows:

(1) All trusts and reservations affecting the said land at the date of the passing of this Act and the vesting of the said land in the Corporation are hereby cancelled.

(2) The said land is hereby vested in the Maori Trustee for a legal estate in fee simple subject to the provisions of the Maori Reserved Land Act 1955, and shall be township land within the meaning of section 2 of the aforesaid Act.

(3) The Maori Trustee shall stand seised of the said land in trust for the beneficial owners of Kawhia M2P Block and their successors, and the Maori Land Court is hereby authorised to make such adjustments to the title to Kawhia M2P Block as may be necessary for the purpose of including the said land in the title to that Block.

(4) Nothing in this Act shall in any way affect any lease, encumbrance, lien, easement, profit, or other interest affecting the said land at the date of the passing of this Act.

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

All that area in the South Auckland Land District containing two roods and twenty-three perches, more or less, being Section 63, Block I and Sections 75 and 76, Block II, Karewa Maori Township situated in Block IX, Kawhia North
10 Survey District, and being all the land comprised and described in certificates of title, Volume 1092, folio 200 and Volume 905, folio 95, South Auckland Land Registry.

5. Vesting certain endowment land held by the University of Otago in Her Majesty as Crown land subject to the Land Act 1948—Whereas by the University of Otago Ordinance 1870 (Province of Otago) the land described in subsection (4) of this section (in this section referred to as the said land) was vested in the University of Otago as an endowment for the University: And whereas, pursuant to section 2 of the
20 Otago University Reserves Act 1904, the said land became administered under the Land Act 1892, and is now administered under the Land Act 1948 by the Land Settlement Board on behalf of the University: And whereas Her Majesty the Queen has agreed to purchase the said land in
25 consideration of the sum of ninety-five thousand pounds in order to develop it more extensively for farming purposes: And whereas it is proposed to vest the said land in Her Majesty the Queen as Crown land subject to the Land Act 1948: Be it therefore enacted as follows:

30 (1) The said land is hereby declared to be no longer set apart as an endowment for the University of Otago and is hereby vested, together with any easements and profits appurtenant thereto, in Her Majesty the Queen as Crown land subject to the Land Act 1948, subject to any leases,
35 encumbrances, liens, easements, and profits affecting the said land but otherwise freed and discharged from all trusts, reservations, and restrictions affecting it at the date of the passing of this Act.

40 (2) The sum of ninety-five thousand pounds shall be paid to the Council of the University as consideration for the purchase of the said land without further authority than this section, and shall be applied in accordance with section 26 of the University of Otago Amendment Act 1961.

(3) The provisions of section 42 of the Land Act 1948 shall apply to the said land as if it had been purchased by the Land Settlement Board under section 40 of that Act.

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

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 Firstly, all that area in the Southland Land District containing approximately two hundred and forty-five acres two roods and twenty perches, being part Run 565 (formerly part Section 4), Block I, Mararoa Survey District; as more particularly shown on the plan numbered 22/4955/1A, deposited in the Head Office of the Department of Lands and Survey at Wellington, and thereon coloured yellow. 10

Secondly, all that area in the Southland Land District containing approximately seven acres one rood and twenty perches, being Section 3 (formerly part Run 300B) Block I, Mararoa Survey District; as more particularly shown on the plan numbered 22/4955/1A deposited in the Head Office of the Department of Lands and Survey at Wellington, and thereon coloured red. 15

Thirdly, all that area in the Southland Land District containing approximately thirty-two thousand eight hundred and fifty acres, being part Run 300B (Burwood Bush) and part Run 568 (formerly part Run 300B) situated in the Mararoa and Burwood Survey Districts; as more particularly shown on the plan numbered 22/4955/1A deposited in the Head Office of the Department of Lands and Survey at Wellington, and thereon edged blue. 20

The land firstly, secondly, and thirdly described is the balance of the land comprised and described in deeds index C. 1649 and C. 1650, Southland Deeds Register Office. 25

Fourthly, all that area in the Southland Land District containing nine hundred and ninety-nine acres, more or less, being Lot 6 of Section 132, Block III, Forest Hill Hundred, and being the balance of the land comprised and described in certificate of title, Volume 12, folio 82, Southland Land Registry. 30 35

6. Extending the terms of two leases of former education reserve land in the Canterbury Land District—Whereas the land described in subsection (3) of this section (in this section referred to as the said land) was formerly Crown land set apart for educational purposes and was subject to the Education Reserves Act 1928: And whereas the said land was developed for farming settlement under the authority of section 8 of the Small Farms Amendment Act 1935: And whereas the said land was made available for disposal on 40 45

lease to discharged servicemen: And whereas each of the two parcels of the said land was subsequently leased to a discharged serviceman under subsection (3) of section 22 of the Education Reserves Act 1928 for a term of twenty-one
5 years with a right of renewal: And whereas the said land is now Crown land subject to the Land Act 1948 and is no longer set apart as a reserve for educational purposes: And whereas other discharged servicemen were granted leases having terms of thirty-three years with a right of renewal:
10 And whereas it is considered just and equitable that each of the lessees of the said land be treated similarly to those other discharged servicemen: And whereas it is therefore desirable that the leases referred to in subsection (3) of this section be extended for a period of twelve years at the existing
15 rent and at the rental value existing at the commencement of the lease as provided in this section: Be it therefore enacted as follows:

(1) The terms of the leases referred to in subsection (3) of this section are hereby extended for a period of twelve
20 years from the date of their expiration subject to the same covenants, conditions, and restrictions as are contained or implied in the leases, and the estate of each of the lessees shall continue to be subject to all encumbrances, liens, interests, easements, and profits to which it is subject
25 on the date that his lease would have expired but for the enactment of this section:

Provided that, on the expiration of the aforesaid leases (as extended by this subsection), the lessees shall, notwithstanding anything to the contrary in those leases, be entitled
30 to a renewal lease as provided in section 125 of the Land Act 1948.

(2) The District Land Registrar for the Canterbury Land Registration District is hereby authorised and directed, without further authority than this section, to endorse the register
35 copies of the certificates of title and leases referred to in subsection (3) of this section (and, on production to him for the purpose, the duplicate copy of any such lease) with a memorial giving effect to the provisions of subsection (1) of this section.

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

Firstly, all that area of land containing seven hundred and thirty-three acres one rood and four perches, more or less, being Lot 1 on Deposited Plan numbered 12876 and Lot 2
45 on Deposited Plan numbered 5028, being part Education

Reserve 62 situated in Blocks II and V, Pigeon Bay Survey District, and being all the land comprised and described in lease numbered 11602 and also part of the land comprised and described in certificate of title, Volume 314, folio 175, Canterbury Land Registry.

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Secondly, all that area of land containing one hundred and eighty-four acres and twenty-six perches, more or less, being Lots 4 and 11 on Deposited Plan numbered 887, Lot 2 on Deposited Plan numbered 14289, and Lot 2 on Deposited Plan numbered 14290, being parts Education Reserve 1191 situated in Block I, Geraldine Survey District, and being all the land comprised and described in lease numbered 310650, and also part of the land comprised and described in certificate of title, Volume 450, folio 94, Canterbury Land Registry.

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7. Authorising the Minister of Lands to declare certain land held by the Corporation of the City of Dunedin to be endowment land—Whereas some fifty-five parcels of land were granted to the Superintendent of the Province of Otago pursuant to the Local Municipal Estate Ordinance 1857 (Province of Otago) to be held in trust for the purposes of public utility to the Town of Dunedin and its inhabitants: And whereas following the abolition of the provinces the land was vested in the Mayor, Councillors, and Citizens of the City of Dunedin (in this section referred to as the Corporation) subject to the aforesaid trust and subject to the Public Reserves Act 1877: And whereas the trust and reservation affecting portions of the land has been revoked and the land disposed of: And whereas the balance of the land is still vested in the Corporation in trust for purposes of public utility and subject to the Reserves and Domains Act 1953: And whereas it is expedient that provision be made for any of that balance to be held by the Corporation as an endowment for the general purposes of the City of Dunedin. Be it therefore enacted as follows:

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(1) Notwithstanding anything in the Reserves and Domains Act 1953 or in any other Act or in any conveyance or transfer, the Minister of Lands may from time to time by notice in the *Gazette* revoke the aforementioned trust on which any parcel of the land specified in the Schedule to the Local Municipal Estate Ordinance 1857 (Province of Otago) is held by the Corporation, and may declare that any such parcel shall be held by the Corporation as an endowment for the general purposes of the City of Dunedin.

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

(3) A copy of every notice made by the Minister under subsection (1) of this section shall be forwarded by the Commissioner of Crown lands for the Otago Land District to the District Land Registrar for the Otago Land Registration District, or, where the land is not subject to the Land Transfer Act 1952, to the Registrar of Deeds at the Otago Deeds Register Office, who shall thereupon, without fee, record the notice against any certificates of title and instruments affected thereby, or, as the case may be, in any deeds index or register so affected, and, on the completion of such surveys and the deposit of such plans as he may require, he may, in his capacity as District Land Registrar and notwithstanding that the land is not already subject to the Land Transfer Act 1952, issue in the name of the Corporation such new certificates of title under that Act as may be necessary to give effect to the provisions of this section. The land comprised in any certificate of title issued under this subsection shall thereupon be subject to the Land Transfer Act 1952.

8. Vesting certain land in the Thames Borough Council, authorising the reclamation of certain land, and authorising the Council to dispose of certain land—Whereas the land firstly described in subsection (8) of this section (in this section referred to as the first land) is Crown land which has been reclaimed by the Mayor, Councillors, and Citizens of the Borough of Thames (in this section referred to as the Corporation) pursuant to an Order in Council made on the twenty-eighth day of October, nineteen hundred and sixty-four, and published in the *Gazette* of the fifth day of November in that year at page 2015: And whereas the Corporation has requested that the land be vested in it: And whereas the land secondly and thirdly described in subsection (8) of this section (in this section referred to as the second and third land) was originally granted to the Thames Harbour Board pursuant to section 2 of the Thames Harbour Board Act 1907 in fee simple in trust for harbour purposes: And whereas the second and third land is now vested in the Corporation by virtue of section 5 of the Thames Harbour Act 1936: And

whereas doubts have arisen as to whether a portion of the second land is below the ordinary spring tide highwater mark, and it is expedient to empower the Corporation to reclaim any such portion: And whereas the third land was reclaimed pursuant to the aforesaid Order in Council: And whereas the second and third land is no longer required for harbour purposes: And whereas the Corporation desires to sell, exchange, or lease the first, second, and third land for the purposes of encouraging the development of industry in the Borough of Thames but has no power to do so: And whereas it is expedient to empower the Corporation to sell, exchange, or lease the said land: Be it therefore enacted as follows:

(1) The first land is hereby vested in the Corporation for an estate in fee simple.

(2) The Corporation is hereby authorised, notwithstanding anything in subsections (2) and (3) of section 175 of the Harbours Act 1950 but subject to the provisions of sections 176 to 182 of that Act, to reclaim from the bed of the Kauaeranga River and the Thames Harbour any portion of the second land that is for the time being below the ordinary spring tide highwater mark.

(3) The second and third land is hereby declared to be held by the Corporation freed and discharged from all trusts, reservations, and restrictions (excluding the reservation imposed by the operation of section 3 of the Thames Harbour Board Act 1907) affecting it at the date of the passing of this Act.

(4) The Corporation may, without further authority than this section, sell or exchange or, subject to the Public Bodies' Leases Act 1908, lease the whole or any part of the first, second, or third land in such manner and on such terms as it thinks fit notwithstanding any other enactment or rule of law to the contrary, and may, if it so desires, grant easements and other incorporeal hereditaments over the land:

Provided that no part of the land for the time being situated below the ordinary spring tide highwater mark may be sold or exchanged unless the consent of the Minister of Marine has first been obtained.

(5) The District Land Registrar for the South Auckland Land Registration District is hereby authorised and directed, on receipt of a request from the Corporation and on completion of such surveys and deposit of such plans as he may require, to issue such certificates of title, make such entries in his register, and do all such other things as may be necessary under the Land Transfer Act 1952 to implement the provisions of subsections (1), (3), and (4) of this section.

(6) Subject to the provisions of the Municipal Corporations Act 1954, the Corporation is hereby empowered from time to time to use and apply all or any of the proceeds of any sale or lease of any part of the first, second, or third
5 land for any purpose within the Corporation's powers.

(7) This section shall be deemed to be a special Act for the purposes of the Harbours Act 1950.

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

10 Firstly, all those areas in the South Auckland Land District containing, together, one rood seventeen perches and eight-tenths of a perch, more or less, being part Bed of Thames Harbour situated in Block IV, Thames Survey District; part
15 Bed of Thames Harbour situated in Blocks IV and VII, Thames Survey District; and part Kauaeranga Mud Flat Block situated in Blocks IV and VII, Thames Survey District; as more particularly shown on S.O. Plan 43487, lodged in the office of the Chief Surveyor at Hamilton, and thereon edged
red.

20 Secondly, all that area in the South Auckland Land District containing one acre one rood and thirty-six perches, more or less, being part Section 2, Block VII, Thames Survey District, and being part of the land comprised and described in certificate of title, Volume 179, folio 217, South Auckland
25 Land Registry; as more particularly shown on S.O. Plan 43487, lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

30 Thirdly, all that area in the South Auckland Land District containing one acre three roods fifteen perches and seven-tenths of a perch, more or less, being part Section 2, Block VII, Thames Survey District, and being part of the land comprised and described in certificate of title, Volume 179, folio 217, South Auckland Land Registry; as more particularly
35 shown on S.O. Plan 43487, lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

9. Special provisions relating to the disposal by lease of unalienated land in the Westport Colliery Reserve—Whereas by subsection (1) of section 4 of the Westland and Nelson Coalfields Administration Amendment Act 1926 (in this
40 section referred to as the Amendment Act) any unalienated Crown land in the Westport Colliery Reserve may be offered for lease by auction and leased in accordance with paragraph (g) of section 5 of the Public Bodies' Leases Act 1908: And

whereas, pursuant to section 13 of the Land Act 1948, the Land Settlement Board has replaced the Nelson Land Board in the administration of the Reserve: And whereas it is desirable that the Land Settlement Board should have the same powers to offer or allot a lease of any unalienated Crown land in the Reserve as it has in respect of the offering or allotment of Crown land subject to the Land Act 1948: And whereas it is also desirable that some consequential amendments should be made to the Amendment Act: Be it therefore enacted as follow:

(1) Section 4 of the Amendment Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The Land Settlement Board may from time to time offer or allot a lease of any unalienated Crown land in the Westport Colliery Reserve in the same manner as Crown land subject to the Land Act 1948 may be offered or allotted under that Act, and every such lease shall be in accordance with paragraph (g) of section 5 of the Public Bodies’ Leases Act 1908 in the same manner as if the said Board were a leasing authority under that Act.”

(2) The said section 4 is hereby further amended by repealing subsection (3).

(3) The Amendment Act is hereby further amended—

(a) By omitting from section 2 the words “Land Board of the Nelson Land District”, and substituting the words “Land Settlement Board”:

(b) By omitting from section 3 and also from subsection (3) of section 5 the words “Land Board” wherever they occur, and also by omitting from subsection (1) of section 5 the words “Nelson Land Board”, and substituting in each case the words “Land Settlement Board”.

10. Vesting certain trust land held by the Council of the University of Auckland in Her Majesty as Crown land subject to the Land Act 1948—Whereas by the Auckland University College Reserves Act 1885 and the Auckland University College Reserves Amendment Act 1928 the land described in the Schedules to those Acts was vested in the Auckland University College Council upon trust for the Auckland University College, and provision was made in the first-mentioned Act for the land to be leased: And whereas portions of the land have since been sold under the authority of various Acts, but in certain cases the Council reserved to itself the ownership of coal and minerals: And whereas the land

(including the coal and mineral interests) described in sub-section (9) of this section (in this section referred to as the said land) is the balance of the land (including coal and mineral interests) described in the Schedules to the aforementioned Acts: And whereas portions of the said land have been leased for various terms with a right of renewal or a perpetual right of renewal or in perpetuity: And whereas by virtue of the University of Auckland Act 1961 the aforesaid Council is now the Council of the University of Auckland and the Auckland University College is now the University of Auckland: And whereas Her Majesty the Queen has agreed to purchase the said land from the Council of the University together with and subject to all existing leases, encumbrances, liens, easements, and profits in consideration of the payment to the University of the sum of seventy-two thousand pounds: And whereas it is proposed to vest the said land in Her Majesty the Queen as Crown land subject to the Land Act 1948: And whereas it is desirable and expedient that, on the vesting of the said land in Her Majesty, all leases that carry a right of renewal and have expired before the date of the passing of this Act or expire after that date should be renewed as renewable leases under the Land Act 1948: And whereas it is desirable and expedient that the lessees of leases in perpetuity or leases with perpetual rights of renewal should be granted the right to acquire the fee simple of the land comprised in their leases or to exchange their present leases for renewable leases under the Land Act 1948: Be it therefore enacted as follows:

(1) The said land, together with all easements and profits appurtenant thereto, is hereby vested in Her Majesty the Queen as Crown land subject to the Land Act 1948, subject to any leases, encumbrances, liens, easements, and profits affecting the said land but otherwise freed and discharged from all trusts, reservations, and restrictions affecting it at the date of the passing of this Act.

(2) The sum of seventy-two thousand pounds shall be paid to the Council of the University as consideration for the purchase of the said land without further authority than this section, and shall be applied in accordance with section 39 of the University of Auckland Act 1961.

(3) Any rents or profits from the said land that are owing and unpaid in respect of any period preceding the date of the passing of this Act (whether the amount of any such rents or profits have been ascertained at that date or are ascertained subsequently) shall be payable to and recoverable

by the Receivers of Land Revenue at Auckland or Hamilton, as the case may require, as if the rents or profits had been owing and unpaid to Her Majesty the Queen in respect of Crown land subject to the Land Act 1948. Where any rents or profits are paid to or recovered by the said Receivers in respect of a period commencing with a date preceding the passing of this Act but ending with a date after the passing of this Act, the Receivers shall apportion the amount so paid or recovered between the University and the Crown, and the University shall be entitled to the part of the rents or profits relating to the part of the period preceding the date of the passing of this Act, and the balance shall be retained by the Crown. The Receivers shall, as soon as practicable after receiving it, pay to the Council of the University all money due to the University under this subsection. 5 10 15

(4) Where any land that is vested in Her Majesty pursuant to this section is subject to a lease which is current at the commencement of this Act, and the lessee thereunder has a perpetual right of renewal or a lease in perpetuity: 20

- (a) The lease shall be deemed to be a lease within the meaning of subsection (1) of section 122 of the Land Act 1948; and
- (b) Notwithstanding anything in any other Act or in any deed or other instrument, the holder of a lease with a perpetual right of renewal shall be entitled to a renewal lease which shall be a renewable lease under the Land Act 1948, and the renewal rent shall be determined in accordance with the provisions of section 125 and Part VIII of that Act, and not otherwise: 25 30

Provided that the Land Settlement Board shall not be required to determine a value for renewal purposes at any period earlier than six calendar months before the date of the expiration of any such lease; and 35

- (c) A lessee who is the holder of a lease with perpetual right of renewal or a lease in perpetuity shall be entitled under section 126 of the Land Act 1948 to exchange the lease for a renewable lease under that Act. 40

(5) Where—

- (a) Any part of the said land has been subject to a lease that contains a perpetual right of renewal, being a lease which has expired and not been renewed before the date of the passing of this Act; and 45

(b) The lessee under that expired lease is still continuing in occupation at the date of the passing of this Act,— the lessee under the expired lease or his successors shall be entitled to a renewal lease, and where any such lessee exercises his right of renewal under this subsection, his renewal lease (and all the covenants and conditions thereof) shall be deemed to be operative from the date of expiration of the expired lease, and the provisions of paragraph (b) of subsection (4) of this section shall, with the necessary modifications, apply to every such lease:

Provided that the Land Settlement Board shall cause the land comprised in the expired lease to be valued for renewal purposes as at a date six months before the date of the expiration by effluxion of time of the expired lease, and the rent determined as a result of the valuation shall be effective from the date of the aforesaid expiration:

Provided also that, when any lessee pays the rent prescribed by his renewal lease in respect of the period commencing from the date of the expiration of the expired lease and ending with the date of execution of the renewal lease, he shall be credited with any rent he has paid by virtue of continuing in occupation under the expired lease.

(6) For the purposes of subsections (4) and (5) of this section a lease granted in accordance with the provisions of paragraph (f) or paragraph (g) of section 5 of the Public Bodies' Leases Act 1908 shall be deemed to confer on the lessee a perpetual right of renewal.

(7) The provisions of section 42 of the Land Act 1948 shall apply to the said land as if it had been purchased by the Land Settlement Board under section 40 of that Act.

(8) The Auckland University College Reserves Act 1885, the Auckland University College Reserves Amendment Act 1928, and clause 5 of the First Schedule to the Special Powers and Contracts Act 1886 are hereby repealed.

(9) The land and coal and mineral interests to which this section relates are particularly described as follows:

Firstly, all that area of land (including coal and other minerals) in the South Auckland Land District containing nine thousand four hundred and three acres, more or less, being part Allotment 463, Taupiri Parish, situated in Blocks XII and XVI, Rangiriri Survey District, and Blocks IX and XIII, Hapuakohe Survey District; and also all the coal and other minerals contained in all that area of land containing thirty-three acres and twenty-eight and seventh-tenths of a perch, more or less, being Lots 33, 34, 36, 37, 38, 39, 41, 42, 48,

52, 53, 54, 55, 56, 57, 58, 59, 63, 67, 68, 69, 70, 71, 72, and part Lots 46 and 51 on Deposited Plan numbered 23986; parts Lot 1 on Deposited Plan numbered 29728; Lots 1, 2, 3, 4, and 5 on Deposited Plan numbered 31041; parts Lot 1 on Deposited Plan numbered 32784; Lots 1, 2, and 3 on Deposited Plan numbered S. 1608; Lots 1 and 2 on Deposited Plan numbered S. 1766; Lot 1 on Deposited Plan numbered S. 2406; Lots 1 and 2 on Deposited Plan numbered S. 3965; Lots 1 and 2 on Deposited Plan numbered S. 4275; and Lots 1 and 2 on Deposited Plan numbered S. 7757; all being parts of Allotment 463, Taupiri Parish, situated in Block XVI, Rangiriri Survey District; being the balance of the land comprised and described in certificates of title, Volume 377, folio 240 and Volume 158, folio 41, South Auckland Land Registry.

Secondly, all that area of land (including coal and other minerals) in the South Auckland Land District containing nine thousand nine hundred and fifty-three acres two roods and twenty-two perches and six-tenths of a perch, more or less, being Allotments 228, 229, and 230 Karamu Parish, and Lots 1, 1A, 2, 4, 5, 6, 7, 8, and 9, and part of Lot 3 on Deposited Plan numbered 19277, being parts of Allotment 174, Karamu Parish, situated in Blocks I, II, III, V, VI, VII, X, and XI, Alexandra Survey District, and being the balance of the land comprised and described in certificate of title, Volume 1068, folio 164, and all certificates of title, Volume 1068, folios 161, 162, 163, 165, 166, 167, 168, 169, and 170, South Auckland Land Registry.

Thirdly, all that area of land (including coal and other minerals) in the North Auckland Land District containing three hundred and fifty-three acres nine perches and five-tenths of a perch, more or less, being part Allotment 7, Ararimu Parish, situated in Blocks XI and XV, Kaipara Survey District, and the northern portion of Allotment 5, Ararimu Parish, situated in Block XV, Kaipara Survey District, and being the balance of the land comprised and described in certificate of title, Volume 56, folio 285, North Auckland Land Registry.

11. Authorising the Wellington City Corporation to sell certain trust land—Whereas the late James Stellin of Wellington devised the land described in subsection (4) of this section (in this section referred to as the Park) to the Mayor, Councillors, and Citizens of the City of Wellington (in this section referred to as the Corporation) in trust for the purposes of a park, to be known as the Stellin Memorial Park, and for the erection of a lookout thereon: And whereas

the Corporation desires to sell a portion of the Park, not exceeding three acres, to the Government of the United States of America as a site for that Government's embassy in New Zealand: And whereas the Corporation will use the proceeds of any such sale for all or any of the following purposes, namely, the improvement, development, or maintenance of the unsold portion of the Park, the acquisition of any adjoining land as an addition to the Park, the improvement, development, or maintenance of any land so acquired, and the erection and maintenance of the lookout: And whereas the Public Trustee, as executor of the will of the said James Stellin, and the family of the said James Stellin have agreed to the sale and the use of the proceeds thereof by the Corporation as provided aforesaid: And whereas it is desirable that the Corporation be authorised to carry out the desired sale: Be it therefore enacted as follows:

(1) Notwithstanding anything in any enactment or rule of law to the contrary, the Corporation may, without further authority than this section, sell a portion of the Park, not exceeding three acres, to the Government of the United States of America as a site for that Government's embassy in New Zealand.

(2) The portion of the Park sold under the authority of subsection (1) of this section shall, as from the time of the sale, be freed and discharged from all trusts, reservations, and restrictions affecting it immediately before the sale took place.

(3) The Corporation shall, subject to this section, hold the proceeds of sale on the same trusts as those on which the Park was devised to it, and may from time to time use those proceeds for all or any of the following purposes, and for no other purpose:

(a) The acquisition of any land adjoining the unsold portion of the Park as an addition to the Stellin Memorial Park:

(b) The improvement, development, or maintenance of the unsold portion of the Park or any land acquired under paragraph (a) of this subsection:

(c) The erection and maintenance of a lookout.

(4) Every parcel of land acquired under paragraph (a) of subsection (3) of this section shall be held by the Corporation on the same trusts as those on which the Park was devised to the Corporation.

(5) The District Land Registrar for the Land Registration District of Wellington is hereby authorised to accept such plans for deposit, accept such documents for registration, make such entries in the register, and do all such other things as may be necessary to give effect to the provisions of this section. 5

(6) The land comprised in the Park is more particularly described as follows:

All that area in the Wellington Land District situated in the City of Wellington containing fifteen acres two roods 10 twenty-four perches and seventy-five one-hundredths of a perch, more or less, being parts of Orangi-Kaupapa numbers 12, 13, and 14, part being also part Lot 4, Deposited Plan numbered 706, and being all the land comprised and described in certificate of title, number F1/201, Wellington Land 15 Registry.