

[AS REPORTED FROM THE LANDS AND AGRICULTURE  
COMMITTEE]

*House of Representatives, 6 November 1970*

Words struck out by the Committee are shown with black rule at beginning and after last line; words inserted are shown with double rule before first line and after last line.

*Hon. Mr MacIntyre*

**RESERVES AND OTHER LANDS DISPOSAL**

ANALYSIS

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**A BILL INTITULED**

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

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 1970.

**2. Declaring land subject to the Forests Act 1949 to be Crown land subject to the Land Act 1948**—Whereas the land described in subsection (2) of this section is set apart

No. 129—2

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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 of land in the North Auckland Land District, containing 1 acre, 3 roods, and 19 perches, more or less, being part of the land shown on Deposited Plan 13504, and Lot 1 on Deposited Plan 27742, being part Old Land Claim 401 and part Section 1, Block II, Fitzroy Survey District; as shown on the plan marked L. and S. 10/92/106, deposited in the head office of the Department of Lands and Survey at Wellington, and thereon edged red (S.O. plan 46601). 15

Secondly, all that area of land in the North Auckland Land District, containing 319 acres and 1 rood, more or less, being part Section 3, Block VIII, Kumeu Survey District (S.O. Plan 46753). 20

Thirdly, all that area of land in the South Auckland Land District, containing 112 acres, 2 roods, and 22 perches, more or less, being Part Wharekawa East No. 2 Block, situated in Blocks IV and VIII, Tairua Survey District; as more particularly shown on S.O. Plan 43185, lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red; being also part of the land contained in certificate of title, volume 9, folio 17, South Auckland Land Registry. 25 30

Fourthly, all that area of land in the Hawke's Bay Land District, containing 1,940 acres, 3 roods, and 33 perches, more or less being Sections 5 and 6, Block IX, Patoka Survey District (S.O. Plan 6027). 35

Fifthly, all that area of land in the Taranaki Land District, containing 21 acres, 2 roods, and 13.5 perches, more or less, being Lots 98, 100, 102, and part Lots 95, 96, and 97, on Deposited Plan 1786, being part Section 105, Moa District, situated in Block IV, Egmont Survey District; as more particularly shown on S.O. Plan 10128, lodged at the office of the Chief Surveyor at New Plymouth, and thereon edged pink, and being all the land in certificate of title, volume 168, folio 213, the balance of the land in certificate of title, volume 62, folio 246, and all the land in certificate of title, volume 60, 40 45

folio 59, excepting therefrom that portion of Lot 96 on Deposited Plan 1786, containing 1 rood 7.8 perches, more or less, Taranaki Land Registry.

5 Sixthly, all that area of land in the Wellington Land District, containing 152 acres, 1 rood, and 10 perches, more or less, being Section 111, Wharekaka District, situated in Block III, Haurangi Survey District (S.O. Plan 27823).

10 Seventhly, all that area of land in the Wellington Land District, containing 89 acres, 2 roods, and 39.1 perches, more or less, being Sections 38 to 59 inclusive and Section 61, Town of Ninia, situated in Blocks VI, VII, X, and XI, Karioi Survey District (S.O. Plan 15979).

15 Eighthly, all that area of land in the Nelson Land District, containing 11 acres, 1 rood, and 37 perches, more or less, being part Section 36, Block XI, Wangapeka Survey District; as more particularly shown on S.O. Plan 10952, lodged at the office of the Chief Surveyor at Nelson, and thereon coloured red.

20 Ninthly, all that area of land in the Westland Land District, containing 170 acres, more or less, being Rural Section 4777 (formerly part Reserves 1597 and 1694), situated in Block III, Ahaura Survey District (S.O. Plan 5771).

25 Tenthly, all that area of land in the Canterbury Land District containing 527 acres, 2 roods, and 20 perches, more or less, being part Lot 9 on Deposited Plan 3551, being part Sections 58, 59, 60, 129, and 145, Square 103, situated in Blocks XI and XIII, Mandamus Survey District (S.O. Plan 11459).

30 Eleventhly, all that area of land in the Otago Land District, containing 303 acres, 3 roods, and 26 perches, more or less, being Sections 10, 57, 58, and 59, 1 of 11 and 2 of 11, Block VI, Clarendon Survey District (S.O. Plans 321 and 3714).

35 Twelfthly, all that area of land in the Otago Land District, containing 1 acre, 2 roods, and 36.8 perches, more or less, being Section 128, Block I, Naseby Survey District (S.O. Plan 16989).

40 Thirteenthly, all that area of land in the Otago Land District, containing 257 acres, 2 roods, and 20 perches, more or less, being part Sections 6, 7, 16, and closed road, Block XV, Maungatua Survey District; as shown on the plan marked L. and S. 10/100/39, deposited in the head office of the Department of Lands and Survey at Wellington, and thereon edged red.

**3. Certain land to be exempted from section 58 of the Land Act**—Whereas the Land Settlement Board proposes to dispose of the land described in subsection 2 of this section for amalgamation with adjoining land: And whereas the land is a small area adjoining Takapuna Beach: And whereas it is expedient that the disposal of the land be exempted from the provisions of section 58 of the Land Act 1948 as to the reservation from sale or other disposition of a strip of land along the mean high-water mark of the sea: Be it therefore enacted as follows: 5  
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(1) The provisions of section 58 of the Land Act 1948 shall not apply to the sale or other disposition of the land described in subsection (2) of this section.

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

All that area of land in the North Auckland Land District, containing 0.63 of a perch, more or less, being part Allotment 31 of Section 1, Parish of Takapuna, situated in Block VI, Rangitoto Survey District; as more particularly shown on S.O. Plan 35561, lodged in the office of the Chief Surveyor at Auckland, and thereon coloured yellow. 20

**4. Vesting property of the Waitati Library Club in the Corporation of the County of Waikouaiti**—Whereas by section 5 of the Reserves and Other Lands Disposal Act 1960 the land described in subsection (4) of this section (in this section referred to as the land) was vested in the Waitati Library Club in trust as an endowment for library purposes without power of sale: And whereas the club established a library on other land already vested in fee simple: And whereas the club has been inactive for a number of years and the library is no longer used: And whereas the club now desires to transfer its assets to the Chairman, Councillors, and Inhabitants of the County of Waikouaiti (in this section referred to as the Corporation) for the benefit of the inhabitants of the County, but has no power to transfer the endowment area: And whereas the Corporation has agreed to take over the assets and liabilities of the club and administer those assets for the benefit of the library which it maintains in the Township of Waitati: Be it therefore enacted as follows: 25  
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(1) The land is hereby vested in the Corporation for an estate in fee simple absolute as an endowment, without power of sale, for the benefit of the library maintained by the Corporation or for the benefit of any other library which may hereafter be established to replace the existing library, subject to all existing leases (including any rights of renewal therein), but otherwise freed and discharged from all trusts, reservations, and restrictions.

(2) All money and personal property (including all choses in action and the benefit of all contracts and agreements) belonging to the Waitati Library Club is hereby vested in the Corporation freed and discharged from all trusts, reservations, and restrictions.

(3) All debts and other liabilities lawfully incurred by the club and existing on the passing of this Act shall hereafter be debts and liabilities of the Corporation; and the Waikouaiti County Council is hereby authorised to satisfy these debts out of the general funds of the Corporation.

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

All that area of land in the Otago Land District, containing 2 roods and 15.3 perches, more or less, being parts Section 7, 8, and 9, Block X, Town of Blueskin, and being all the land comprised and described in certificate of title, volume B1, folio 286, Otago Land Registry (S.O. Plan 9923).

(5) Section 5 of the Reserves and Other Lands Disposal Act 1960 is hereby consequentially repealed.

**5. Vesting property of the Kaitangata Athenaeum Trustees in the Corporation of the Borough of Kaitangata—**  
Whereas pursuant to section 62 of the Otago Waste Lands Act 1866 the land firstly described in subsection (5) of this section (in this section referred to as the first land) was, by notice dated the 14th day of November 1872 and published in the *Otago Provincial Gazette* on the 20th day of that month at page 486, reserved as an endowment for an athenaeum: And whereas the first land was vested in the Trustees of the Kaitangata Athenaeum (in this section referred to as the trustees) by the Kaitangata and Wangaloa Athenaeum Reserves Act 1879 as an endowment: And whereas the trustees also acquired the land secondly described

in subsection (5) of this section (in this section referred to as the second land) subject to the Kaitangata and Wangaloa Athenaeum Reserves Act 1879: And whereas the trustees have established and maintained a library on part of the second land and have leased the balance of the second land: 5  
 And whereas the Kaitangata Borough Council has also established and maintained a library in the Kaitangata Borough: And whereas it is not considered desirable or necessary to maintain 2 libraries within the Borough: And whereas the trustees have agreed that the library maintained by them be 10  
 amalgamated with the library maintained by the Council: And whereas the Council has agreed to take over the assets and liabilities of the trustees and to administer those assets for the benefit of the library maintained by it: And whereas 15  
 the trustees now desire to transfer the said lands to the Mayor, Councillors, and Citizens of the Borough of Kaitangata (in this section referred to as the Corporation) for the benefit of the citizens of the Borough but have no power to do so: Be it therefore enacted as follows:

(1) The first and second land is hereby vested in the Corporation for an estate in fee simple absolute as an endowment, without power of sale, for the benefit of the existing library maintained by the Kaitangata Borough Council or any library which may hereafter be established to replace the existing library, subject to any existing leases (including any rights 25  
 of renewal) affecting it, but otherwise freed and discharged from all other trusts, reservations, and restrictions.

(2) All money and personal property (including all choses in action and the benefit of all contracts and agreements) belonging to the trustees is hereby vested in the Corporation 30  
 freed and discharged from all other trusts and restrictions.

(3) All debts and other liabilities lawfully incurred by the trustees and existing on the passing of this Act shall hereafter be debts and liabilities of the Corporation; and the Kaitangata Borough Council is hereby authorised to satisfy those debts 35  
 and liabilities out of the general funds of the Corporation.

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(4) The Kaitangata and Wangaloa Athenaeum Reserves Act 1879 is hereby consequentially amended as follows:

(a) By omitting from section (1) the words "Kaitangata and": 40

*New*

- (4) The Kaitangata and Wangaloa Athenaeum Reserves Act 1879 may hereafter be cited as "The Wangaloa Athenaeum Reserves Act 1879", and is hereby consequentially  
5 amended as follows:
- (a) By omitting from the Title the words "Kaitangata and", and the words "at the aforesaid places respectively":
- (aa) By omitting from section 1 the words "Kaitangata  
10 and":
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- (b) By omitting so much of section 2 as relates to the land described in the First Schedule:
- (c) By omitting from the said section 2 the words "said lands respectively", and substituting the word  
15 "land"; and by omitting therefrom the words "they are hereby respectively", and substituting the words "it is hereby":
- (d) By omitting from section 3 the first sentence; and by omitting therefrom the word "secondly" where it appears in the second sentence:
- (e) By omitting from the third sentence of section 3 the word "Each", and substituting the word "The"; by omitting therefrom the word "respectively"; by omitting therefrom the words "their respective", and substituting the word "its"; and by omitting therefrom the words "such Boards of Trustees either as sites for Athenaeums", and substituting the words  
25 "the Board of Trustees as a site for an Athenaeum":
- (f) By omitting from section 4 the words "said Boards of Trustees for the time being respectively", and substituting the words "Board of Trustees"; by omitting therefrom the words "them respectively", and substituting the word "it"; and by omitting therefrom the words "said Athenaeums respectively", and substituting the words "said Athenaeum":
- (g) By omitting from section 5 the words "said Boards of Trustees for the time being respectively are", and substituting the words "Board of Trustees is"; and by omitting therefrom the words "each such" and  
40 "such" respectively and substituting in each case the word "the":
- (h) By omitting from section 6 the words "either of the said Boards of Trustees", and substituting the words "the Board of Trustees":

- (i) By omitting from section 7 the words “said Boards of Trustees for the time being respectively”, and substituting the words “Board of Trustees”; and by omitting therefrom the words “such bodies corporate respectively”, and substituting the words “the body corporate”:
- (j) By repealing the First Schedule.

*New*

(4A) Section 32 of the Local Legislation Act 1946 is hereby consequentially repealed.

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

Firstly, all that area of land in the Otago Land District, containing 304 acres and 38 perches, more or less, being Sections 3 and 6, Block III, Kaitangata Survey District (S.O. Plan 688), and being all the land comprised and described in certificate of title, volume 54, folio 101, Otago Land Registry.

Secondly, all that area of land in the Otago Land District, containing 2 roods and 31.5 perches, more or less, being Sections 1, 2, and 3, Block LXXXIV Town of Kaitangata (Borough of Kaitangata), being all the land comprised and described in certificate of title, volume 184, folio 161, Otago Land Registry.

**6. Gift of Aldermen Islands to the Crown for inclusion in the Hauraki Gulf Maritime Park**—Whereas, by an order of the Waikato-Maniapoto District Maori Land Court dated the 16th day of October 1959, the land described in subsection (2) of this section (in this section referred to as the land) was vested in 12 persons as trustees: And whereas 5 of those trustees have died and have since been replaced by an order of that Court dated the 12th day of August 1969: And whereas pursuant to section 438 of the Maori Affairs Act another order of the Court (in this section referred to as the trust order) was made on that date ordering the land to be held in trust for the benefit of the descendants of Marutuahu, Hako, and Hei, and that the land be transferred to Her Majesty the Queen by way of gift on the conditions in the trust order specified in subsection (2) of this section: And whereas Her Majesty is willing to accept the land on the conditions set out in the trust order, and to administer the land as a reserve for flora and fauna: And whereas the



trustees have purported to transfer the land to Her Majesty, but the provisions of Part XXI of the Maori Affairs Act 1953 prohibit the transaction unless adequate consideration is paid in accordance with those provisions: And whereas it is desirable that the land be vested in Her Majesty as a reserve as aforesaid subject to the conditions specified in the trust order: Be it therefore enacted as follows:

(1) Notwithstanding the provisions of Part XXI of the Maori Affairs Act 1953 or of any other enactment, the land is hereby vested in Her Majesty the Queen for the purposes of a reserve for the preservation of flora and fauna on the land, subject to the Reserves and Domains Act 1953 and subject to the conditions of the trust order that are specified in subsection (2) of this section:

Provided that to the extent that any of those conditions are inconsistent with the said Reserves and Domains Act, the terms of the order shall prevail.

(2) The conditions specified in the trust order are that Her Majesty undertakes—

(a) To protect the land by declaring it to be and administering it as a reserve:

(b) To obtain the consent of the trustees before changing the purpose of the reserve:

(c) To permit those descendants of Marutahu, Hako, and Hei who are holding a current permit issued by the Commissioner of Crown Lands for the North Auckland Land District, and suitably endorsed by the trustees, to take muttonbirds from the land:

(d) To return the land to the trustees without delay should it no longer be required as a reserve.

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

All that group of islands and reefs situated in the North Auckland Land District and in the Bay of Plenty, known as the Aldermen Islands, containing by admeasurement 330 acres, more or less, as shown on plan numbered ML. 13253, lodged in the office of the Chief Surveyor at Auckland.

**7. Kyeburn Public Library endowment**—Whereas, by section 44 of the Reserves, Endowments, and Crown and Native Lands Exchange, Sale, Disposal, and Enabling Act 1898, the Governor of New Zealand was authorised by notice in the *Gazette* to reserve the land described in subsection (2) of this section (in this section referred to as the

endowment land) as an endowment for a public library in the Township of Kyeburn and to grant the land to any corporate body for an estate in fee simple, without power of sale, on trust for that purpose: And whereas, by notice dated the 8th day of September 1904 and published in the *Gazette* on the 15th day of that month at pages 2208 and 2209, the Governor granted the endowment land to the Kyeburn Public Library (Incorporated) (in this section referred to as the incorporation): And whereas the income from the endowment exceeds the amount required for the purposes of the library maintained by the incorporation on other land: And whereas the incorporation desires to use the surplus income for other charitable purposes within the County of Maniototo, but has no power to do so: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in section 44 of the Reserves, Endowments, and Crown and Native Lands Exchange, Sale, Disposal, and Enabling Act 1898 or in any other enactment or rule of law, the incorporation may from time to time make grants to any person domiciled within the County of Maniototo for any purpose that is a charitable purpose within the meaning of section 2 of the Charitable Trusts Act 1957 out of any income derived from the endowment land that is not required for the satisfactory maintenance of the library, or any library which may hereafter replace that library.

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

All that area of land situated in the Otago Land District, containing 165 acres, 2 roods, and 29 perches, more or less, being Section 19, Block VIII, Maniototo Survey District, being all the land comprised in certificate of title, volume 140, folio 55, Otago Land Registry (S.O. Plan 5574).