

RESERVES AND OTHER LANDS DISPOSAL BILL

EXPLANATORY NOTE

THIS Bill deals with various matters relating to Crown and other land.

Clause 1 relates to the Short Title.

Clause 2 authorises the gift of the Simmonds Islands (also known as Motu Puruti) by the Aupouri Trust Board to the Crown as a reserve for the preservation of flora and fauna. The Crown undertakes to protect and administer the land as a reserve, to obtain the consent of the Board before changing its purpose, and to return it without delay to the Board if it is no longer required as a reserve.

Clause 3: The Tauranga City Council (then being the Tauranga Borough Council) was by section 15 of the Reserves and Other Lands Disposal Act 1959 authorised to sell certain parts of the Tauranga Cemetery and to declare other parts to be reserves for plantation purposes. The net proceeds of any sales were to be applied towards the acquisition of other land for cemetery purposes, and the development and improvement of cemetery land.

The purpose of the present clause is to specify further objects for which the proceeds shall be applied. These are—

- (a) The maintenance of land held for cemetery and plantation purposes:
- (b) The acquisition and maintenance of plant and other equipment for such purposes.

Income from the proceeds of sale may also be used for the same purposes.

Clause 4 authorises the Manukau City Council to use for commercial and industrial purposes, as part of its proposed regional centre, land at Wiri at present held by it on trust as a site for a public hall. It is intended to make other provision in the centre for the benefit of the public, although not necessarily a public hall.

Clause 5 increases the membership of the Queen Elizabeth Park Domain Board from 8 to 11 persons.

The new members will be appointed by the Minister of Lands on the recommendation of local authorities who have agreed to make annual contributions to the domain.

One will be appointed on the recommendation of the Lower Hutt City Council; 1 on the joint recommendation of the Porirua City Council and the Tawa Borough Council; and 1 on the joint recommendation of the Upper Hutt City Council and the Petone and Eastbourne Borough Councils.

The rights of the Wellington City Council and the Hutt County Council to recommend persons for appointment as members are not affected.

Clause 6 declares certain land that is subject to the Forests Act to be Crown land subject to the Land Act 1948.

The areas concerned comprise various parcels of permanent State forests in the South Auckland and Wellington Land Districts.

The land first described is part of Pureora State Forest and is situated 10 miles west-north-west of Mangakino. It has been leased for grazing since 1965 and the lessee has applied to purchase it. The land is not required for forestry and is to be disposed of to the lessee.

The land secondly described is part of Pureora State Forest and is situated 12 miles south-west of Mangakino. It is not required for forestry and will be disposed of to the adjoining owner.

The land thirdly described is part of the Maratoto State Forest and is situated 4 miles north-west of Waihi. The area is no longer required for forestry and is to be disposed of to an adjoining owner.

The land fourthly described is part of the Tairua State Forest and is situated 5 miles north of Whangamata on the Whangamata-Whitianga main highway. The area is no longer required for forestry and is to be disposed of to an adjoining owner.

The land fifthly described is part of the Ngaumu State Forest and is situated 16 miles south-east of Masterton on the Masterton-Ngahape road. The area is subject to a boundary adjustment and is to be disposed of to the lessee.

Hon. Mr MacIntyre

RESERVES AND OTHER LANDS DISPOSAL

ANALYSIS

Title	
1. Short Title	4. Authorising the use of Wiri public hall site for commercial and industrial purposes
2. Authorising the gift of Simmonds Islands to the Crown for a flora and fauna reserve	5. Increasing the membership of the Queen Elizabeth Park Domain Board
3. Specifying further objects for proceeds of sale of parts of the Tauranga Cemetery	6. Declaring land subject to the Forests Act 1949 to be Crown land subject to the Land Act 1948

A BILL INTITULED

An Act to vest certain land in the Crown as a reserve and to provide for other matters relating to land held by the Crown and other public authorities

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 1972.

10 **2. Authorising the gift of Simmonds Islands to the Crown for a flora and fauna reserve**—Whereas on the 2nd day of March 1967, pursuant to section 438 of the Maori Affairs

Act 1953, the Maori Land Court of New Zealand made on order vesting the land described in subsection (4) of this section in the Aupouri Trust Board (in this section called the Board) as trustees to be managed and controlled by the Board for the benefit of the Aupouri Tribe in particular and for the enjoyment of the peoples of New Zealand generally: And whereas the Board desires to transfer the land to Her Majesty the Queen by way of gift for a flora and fauna reserve subject to the conditions specified in subsection (1) of this section: And whereas on the 19th day of October 1971, pursuant to the said section 438, the Court made a further order that the Board as trustees transfer the land by way of gift to Her Majesty on the conditions referred to: And whereas Her Majesty is willing to accept the gift on those conditions: And whereas it is desired to vest the land in Her Majesty on those conditions: Be it therefore enacted as follows:

(1) The conditions referred to in this section are that Her Majesty the Queen undertakes—

- (a) To protect the land described in subsection (4) of this section by declaring it to be and administering it as a reserve:
- (b) To obtain the consent of the Board before changing the purpose of the reserve:
- (c) To return the land without delay to the Board should it be no longer required as a reserve.

(2) Notwithstanding Part XXI of the Maori Affairs Act 1953, or any other enactment, the land described in subsection (4) of this section 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 to the conditions specified in subsection (1) of this section.

(3) To the extent that any condition specified in subsection (1) of this section is inconsistent with the Reserves and Domains Act 1953, that condition shall prevail.

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

All that group of islands and rocks known as Simmonds Islands, situated in Block VII, Houhora East Survey District, containing 15 acres, 2 roods, and 30 perches, more or less; as shown on the plan numbered M.L. 14561 lodged in the office of the Chief Surveyor at Auckland.

3. **Specifying further objects for proceeds of sale of parts of the Tauranga Cemetery**—Whereas, by section 15 of the Reserves and Other Lands Disposal Act 1959, the Corporation of the City of Tauranga (in this section called the Corporation) was empowered to sell specified parts of the Tauranga Cemetery: And whereas subsection (3) of that section directs that the proceeds of sale of any such land shall be applied towards the objects specified in that subsection: And whereas it is desired to specify further objects towards which the proceeds of any such sale shall be applied: Be it therefore enacted as follows:

Section 15 of the Reserves and Other Lands Disposal Act 1959 is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) The net proceeds from the sale of the land referred to in subsection (8) of this section, or any part of that land, and the income from those proceeds, shall be applied towards all or any of the following objects:

“(a) The purchase or other acquisition of land situated in the County of Tauranga to be held for cemetery purposes:

“(b) The development, improvement, or maintenance of any land that—

“(i) Is vested, or may become vested, in the Corporation for cemetery purposes; or

“(ii) Has been part of the Tauranga Cemetery, but is now vested in the Corporation in trust for plantation purposes:

“(c) The erection and maintenance, as and when required and to the extent of the funds from time to time available, of a crematorium and other buildings for cemetery purposes:

“(d) The acquisition and maintenance of plant, machinery, and other equipment required for cemetery purposes or plantation purposes on land specified in paragraph (b) of this subsection.”

4. **Authorising the use of Wiri public hall site for commercial and industrial purposes**—Whereas, by a vesting order made by the Supreme Court at Auckland on the 10th day of April 1941, the land described in subsection (3) of this section was ordered to be transferred to the Chairman, Councillors, and Inhabitants of the County of Manukau (in this section called the Manukau County Council) to be held upon trust for the purposes of a public hall for the enjoyment, recreation,

instruction, or convenience of the public: And whereas the Mayor, Councillors, and Citizens of the City of Manukau (in this section called the Corporation) is registered as the proprietor of an estate in fee simple in the land as the successor of the Manukau County Council: And whereas the land forms part of a site owned by the Corporation that it wishes to develop as the regional centre of the City of Manukau: And whereas the Corporation intends to make other provision for the enjoyment, recreation, instruction, or convenience of the public in the regional centre, but not necessarily on the land described in subsection (3) of this section: And whereas it is desired to extinguish the trust in respect of the land and authorise the Corporation to use the land described in subsection (3) of this section for commercial and industrial purposes as part of the proposed development: Be it therefore enacted as follows:

(1) The land described in subsection (3) of this section shall from the commencement of this section be held by the Corporation for an estate in fee simple in accordance with subsection (2) of this section, but otherwise freed and discharged from all trusts, reservations, and restrictions affecting the land immediately before the commencement of this section.

(2) The land shall be deemed to have been purchased by the Corporation under subsection (2) of section 365A of the Municipal Corporations Act 1954 (as inserted by section 31 of the Municipal Corporations Amendment Act 1964 and amended by section 35 of the Municipal Corporations Amendment Act 1968) and the provisions of that section shall apply accordingly.

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

All that parcel of land containing 1 rood, more or less, situated in Block XI, Otahuhu Survey District, being part Clendon's Grant, and being part of the land shown on Deposited Plan No. 4748, and being all the land comprised and described in certificate of title, Volume 351, folio 85, North Auckland Registry.

5. Increasing the membership of the Queen Elizabeth Park Domain Board—Whereas section 10 of the Reserves and Other Lands Disposal Act 1954 made special provision for the appointment of a Domain Board (*inter alia*) to control Queen Elizabeth Park, a domain subject to the Reserves and Domains Act 1953: And whereas the Lower Hutt City

Council, the Porirua City Council, the Upper Hutt City Council, the Petone Borough Council, the Eastbourne Borough Council, and the Tawa Borough Council have each at the request of the Domain Board agreed to contribute annually to the development and maintenance of the domain: And whereas it is desired by the Domain Board and by such councils that members be appointed to the Board on their recommendations: And whereas the Minister of Lands and the Wellington City Council have agreed to the alteration of the membership of the Board in accordance with subsection (1) of this section: Be it therefore enacted as follows:

(1) Section 10 of the Reserves and Other Lands Disposal Act 1954 (as amended by section 17 of the Reserves and Other Lands Disposal Act 1957 and section 10 of the Reserves and Other Lands Disposal Act 1968) is hereby further amended by repealing subsections (2) and (3), and substituting the following subsections:

“(2) Notwithstanding the Reserves and Domains Act 1953, the Board shall consist of—

20 “(a) The Commissioner of Crown Lands for the Wellington Land District:

“(b) Three persons appointed by the Minister on the recommendation of the Council:

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

“(d) One person appointed by the Minister on the recommendation of the Lower Hutt City Council:

30 “(e) One person appointed by the Minister on the joint recommendation of the Porirua City Council and the Tawa Borough Council:

“(f) One person appointed by the Minister on the joint recommendation of the Upper Hutt City Council, the Petone Borough Council, and the Eastbourne Borough Council:

35 “(g) Three other persons appointed by the Minister.

40 “(3) Every member of the Board (other than the Commissioner of Crown Lands for Wellington) shall hold office for such term, not exceeding 3 years, as is specified in his appointment, and may from time to time be reappointed. Every such member shall remain in office, notwithstanding the expiry of his term, until his successor is appointed.”

(2) The following enactments are hereby consequentially repealed:

(a) Section 17 of the Reserves and Other Lands Disposal Act 1957:

(b) Section 10 of the Reserves and Other Lands Disposal Act 1968. 5

6. 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 as permanent State forest land under the Forests Act 1949: And whereas it is desired that it should be declared Crown land subject to the Land Act 1948: Be it therefore enacted as follows: 10

(1) The setting apart of the land described in subsection (2) of this section as permanent State forest land is hereby revoked and the land is hereby declared to be Crown land subject to the Land Act 1948. 15

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

First, all that area of land in the South Auckland Land District, containing 43 acres, 1 rood, and 35 perches, more or less, being part Section 4, Block III, Ranginui Survey District; as more particularly shown on S.O. Plan 46463 lodged in the office of the Chief Surveyor at Hamilton and thereon edged red. 20 25

Secondly, all that area of land in the South Auckland Land District, containing 13 acres and 2 perches, more or less, being Section 11, Block XIV, Ranginui Survey District, and part Rangitoto A31A and A31B Blocks, situated in Block XIV, Ranginui Survey District (S.O. Plan 45805). 30

Thirdly, all that area of land in the South Auckland Land District, containing 82 acres, 2 roods, and 30 perches, more or less, being part Section 21, Block XI, Ohinemuri Survey District (S.O. Plan 45585).

Fourthly, all that area of land in the South Auckland Land District, containing 6 acres, 2 roods, and 14 perches, more or less, being part Section 7, Block XII, Tairua Survey District; and being all the land shown on S.O. Plan 46691 lodged in the office of the Chief Surveyor at Hamilton. 35

Fifthly, all that area of land in the Wellington Land District, containing 200 acres, 2 roods, and 20 perches, more or less, being Section 1013, Whareama District, situated in Blocks IX, XIII, and XIV, Rewa Survey District (S.O. Plan 28401). 40