

[AS REPORTED FROM THE LANDS AND AGRICULTURE
COMMITTEE]

House of Representatives, 30 November 1977

Words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 7 December 1977

Words struck out are shown in italics within double bold round brackets, or with double black rule at beginning and after last line; words inserted are shown in roman underlined with a triple rule, or with triple rule before first line and after last line.

Hon. V. S. Young

RESERVES AND OTHER LANDS DISPOSAL

ANALYSIS

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A BILL INTITULED

An Act to provide for various matters relating to Crown land, reserves, and other land held for public purposes

BE IT ENACTED by the General Assembly of New Zealand
5 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 1977.

10 2. **Opotiki County road reserve**—Whereas in a plan of sub-division deposited on the 10th day of October 1919 and numbered 12689AK, provision was made in accordance with the requirements of section 3 (1) of the Land Laws Amendment Act 1912 for the land to which this section relates to be set aside as a road reserve: And whereas it was then custo-

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mary for the registered proprietor of any area so shown as a road reserve to transfer it to the Crown: And whereas the land has never been so transferred: And whereas the registered proprietor of the land died in 1954: And whereas it is desired to vest the land in the Chairman, Councillors, and Inhabitants of the County of Opotiki (in this section called "the Council") as a road reserve: And whereas the trustees of the estate of the registered proprietor have consented to such vesting: Be it therefore enacted as follows:

(1) The land to which this section relates is hereby vested in the Council as a road reserve, subject to the provisions of the Reserves and Domains Act 1953, but otherwise freed and discharged from all trusts, reservations, and restrictions affecting the land.

(2) This section relates to the following land:

All that parcel of land in the Gisborne Land District, containing 1289 square metres, more or less, being Parts Allotments 384 and 395, Waiotahi Parish, designated as Road Reserve on Deposited Plan 12689 AK, situated in Block III, Opotiki Survey District, and being the balance of the land comprised and described in certificate of title, Volume 70, folio 190 (Gisborne Registry) and certificate of title, Volume 66, folio 247 (Gisborne Registry).

3. Westport Colliery Reserve—Whereas the Westport Colliery Reserve, being the land to which this section relates, was by section 4 of the Westland and Nelson Coal Fields Administration Act 1877 (in this section called "the 1877 Act") declared to be Crown land: And whereas the rents, royalties, fees, money and proceeds derivable from the Reserve were by section 13 (4) of the 1877 Act dedicated to be an endowment for the Harbour Board, for the time being, for the improvement of the Port of Westport: And whereas the functions, powers, duties and authorities of a Harbour Board in respect of the Port of Westport are exercised and performed by the Governor-General in Council pursuant to section 6 of the Harbours Act 1950: And whereas the Governor-General in Council pursuant to section 17 of the 1877 Act has granted leases to various persons of portions of the Reserve: And whereas it is desired to extinguish the endowment and, subject to the existing rights of present lessees, to repeal (*(section 17 of the 1877 Act)*) the 1877 Act so far as it relates to the Reserve and to confer on the lessees options to purchase the portions of the land leased to them: Be it therefore enacted as follows:

(1) The endowment created by section 13 (4) of the 1877 Act is hereby extinguished.

Struck Out

(2) Section 17 of the 1877 Act is hereby repealed, and the Reserve is hereby declared to be subject to the Land Act 1948.

New

(2) The 1877 Act, so far as it relates to the Reserve, is hereby repealed, and the Reserve is hereby declared to be Crown land subject to the Land Act 1948.

(3) Notwithstanding subsection (2) of this section, every lease that—

(a) Has been granted under section 17 of the 1877 Act in respect of any portion of the Reserve; and

(b) Is in force at the commencement of this section— shall continue in force according to its tenor and shall be deemed to be a lease that has been granted under section 67 (2) of the Land Act 1948.

(4) Every lease to which subsection (3) of this section applies shall be deemed to be a lease within the meaning of section 122 (1) of the Land Act 1948 for the purposes of sections 122, 123, and 124 of that Act (which relate to the acquisition by a lessee of the fee simple of the land leased by him), but in determining the price to be paid by the lessee for the purchase of the land, no account shall be taken of the value of the improvements on the land or of the goodwill of the lessee in his lease.

(5) On the expiry by effluxion of time of any term granted by any lease to which subsection (3) of this section applies (whether the term is the original term or a renewed term), the lessee, as an alternative to any right of renewal contained in his lease, shall have the right to obtain instead a renewable lease under section 63 of the Land Act 1948 in respect of the land so leased.

(6) Notwithstanding any provision to the contrary in the Land Act 1948, where a lessee wishes to obtain in accordance with subsection (5) of this section a renewable lease under section 63 of that Act, the following provisions shall apply:

(a) The lessee shall not later than 6 months before the expiry of his lease notify the lessor in writing that he wishes to obtain a renewable lease under section 63 of that Act:

(b) Subject to paragraph (c) of this subsection, the yearly rental payable during the first term of the renewable lease under section 63 of that Act shall be determined in accordance with the formula set out in subsection (3) of that section:

(c) The persons by whom the rental referred to in paragraph (b) of this subsection shall be determined shall be the persons who, under the provisions of the lease granted under section 17 of the 1877 Act, would determine the rental if that lease were renewed in accordance with its provisions, and the provisions of that lease relating to such a determination (including the provisions as to arbitration) shall apply accordingly. 5

(7) Where any lease— 10

(a) Has been granted under section 17 of the 1877 Act in respect of any portion of the Reserve; and

(b) Has expired after the 1st day of January 1974 but before the 30th day of June 1978 and has not been renewed by the lessee— 15

the term of the lease shall, as long as the lessee or his successors or assigns remain in possession, be deemed to be extended until the 30th day of June 1978 and the lease shall be deemed to be a lease to which subsection (3) of this section applies. 20

(8) This section relates to the following land: 20

All that area in the Nelson Land District known as the Westport Colliery Reserve and being all the lands defined in the Fourth Schedule to the 1877 Act, the Schedule to the Westland and Nelson Coalfields Administration Act 1901, and section 7 of the Reserves and Other Lands Disposal Act 1932, together with all other lands that have by operation of the law been subsequently made subject to the 1877 Act, but excepting any lands that by operation of law have ceased to be subject to the 1877 Act. 25

4. Buller Coal Field Reserve—Whereas the Buller Coal Field Reserve, being the land to which this section relates, was by section 4 of the Westland and Nelson Coal Fields Administration Act 1877 (in this section called “the 1877 Act”), declared to be Crown land: And whereas the rents, royalties, fees, *(and other moneys and proceeds derivable from the Reserve were by section 7 of the Westport Harbour Board Act 1884 (in this section called “the 1884 Act”))* moneys, and proceeds derivable from the Reserve were by section 13 (3) of the 1877 Act dedicated to the trusts and 30

purposes referred to in that subsection for the Harbour Board for the Harbour of Westport: And whereas the functions, powers, duties, and authorities of a Harbour Board in respect of the Port of Westport are now exercised and perform- 40

ed by the Governor-General in Council pursuant to section 6 of the Harbours Act 1950: And whereas it is desired to extinguish the **((endowment))** the trusts and purposes referred to, and repeal the 1877 Act so far as it relates to

5 the Reserve: Be it therefore enacted as follows:

Struck Out

(1) The endowment created in relation to the Reserve by section 7 of the 1884 Act is hereby extinguished.

New

10 (1) The trusts and purposes referred to in section 13 (3) of the 1877 Act are hereby extinguished, and that Act is hereby repealed so far as it relates to the Reserve.

(2) This section relates to the following land:

15 All that area in the Nelson Land District being all the lands defined in the Third Schedule to the 1877 Act, as amended by section 5 of the Reserves and Other Lands Disposal Act 1953, together with all other lands that have by operation of the law been subsequently made subject to the 1877 Act, but excepting any lands that by operation of law
20 have ceased to be subject to the 1877 Act.

5. **Maud Island**—Whereas the land to which this section relates (being part of Maud Island) is a Sounds Foreshore Reserve subject to section 17 of the Reserves and Other Lands Disposal Act 1955: And whereas the whole of Maud
25 Island is vested in Her Majesty the Queen: And whereas, for the better protection of the flora and fauna on Maud Island, it is desired to exclude the application of the said section 17 to the land: Be it therefore enacted as follows:

30 (1) Section 17 of the Reserves and Other Lands Disposal Act 1955 shall not apply to the land to which this section relates.

(2) This section relates to the following land:

35 All that parcel of land in the Marlborough Land District containing 31.4000 hectares, more or less, being Sounds Fore-shore Reserve fronting Section 115 and part Sections 111, 114, and 116, Pelorus Sound Registration District, and Lot 3, Deposited Plan 4034, situated in Block XV, Orieri Survey District (S.O. 4449).

6. Cromwell Aerodrome Reserve—Whereas by section 4 of the Reserves and Other Lands Act 1974, provision was made to change the purpose for which part of the Cromwell Racecourse Reserve was set aside to a reserve for aerodrome purposes: And whereas the land to which that section relates was incorrectly described in that section: Be it therefore enacted as follows: 5

(1) The reference in section 4 (2) of the Reserves and Other Lands Disposal Act 1974 to a part of section 91, Block III, Cromwell Survey District, shall be read and shall be deemed at all times since the commencement of the said section 4 (2) to have been, a reference to the whole of Section 91 of that Block. 10

(2) The reference in section 4 (2) of the Reserves and Other Lands Disposal Act 1974 to S.O. Plan 17957 shall be read as, and shall be deemed at all times since the commencement of that section to have been, a reference to S.O. Plan 17959 lodged in the office of the Chief Surveyor at Dunedin and thereon delineated in bold black lines. 15

7. Westland National Park—Whereas the land to which this section relates is included in the Westland National Park, but has in fact been formed and sealed as part of State Highway No. 6: And whereas it is desired to exclude the land from the National Park: And whereas by section 10 (2) of the National Parks Act 1952 no land included in a National Park may be excluded from the National Park except by Act of Parliament: Be it therefore enacted as follows: 20

(1) The land to which this section relates is hereby excluded from the Westland National Park. 30

(2) This section relates to the following land:

All those areas in the Westland Land District, being—

(a) Part Reserve 1017, situated in Block XVI, Okarito Survey District, containing 1.5376 hectares, more or less (shown marked "C" on S.O. Plan 9497); 35
and

(b) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 3757 square metres, more or less (shown marked "E" on S.O. Plan 9497); and 40

(c) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 2121 square metres, more or less (shown marked "B" on S.O. Plan 9757); and

- (d) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 493 square metres, more or less (shown marked "D" on S.O. Plan 9757); and
- 5 (e) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 611 square metres, more or less (shown marked "F" on S.O. Plan 9757); and
- 10 (f) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 3854 square metres, more or less (shown marked "H" on S.O. Plan 9757); and
- 15 (g) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 7794 square metres, more or less (shown marked "J" on S.O. Plan 9757); and
- (h) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 7169 square metres, more or less (shown marked "N" on S.O. Plan 9758); and
- 20 (i) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 1.2000 hectares, more or less (shown marked "Q" on S.O. Plan 9758); and
- 25 (j) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 3 square metres, more or less (shown marked "R" on S.O. Plan 9758); and
- 30 (k) Part Reserve 1224, situated in Block XVI, Okarito Survey District, containing 1754 square metres, more or less (shown marked "K" on S.O. Plan 9758).

8. Mount Aspiring National Park—Whereas the first land to which this section relates is included in the Mount Aspiring National Park: And whereas part of that land has in fact been formed and sealed as part of State Highway No. 6: And whereas the New Zealand Alpine Club has erected the Aspiring Hut on a portion of the second land to which this section relates, and the nature of the second land is such

35 that it is not in any event readily identifiable as a part of the

40 National Park:

And whereas it is desired to exclude all of the land to which this section relates from the National Park: And whereas by section 10 (2) of the National Parks Act 1952 no land included in a National Park may be excluded from the National Park except by Act of Parliament: Be it therefore enacted as follows: 5

(1) The land to which this section relates is hereby excluded from the Mount Aspiring National Park.

(2) This section relates to the following land:

(a) First, all those areas in the Westland Land District, 10
being—

(i) Part Rural Section 4716, situated in Block XII, Governor's Pass Survey District, containing 1.5320 hectares, more or less (shown marked "A" on S.O. Plan 9560); and 15

(ii) Part Rural Section 4716, situated in Block XII, Governor's Pass Survey District, and Block IX, Haast Pass Survey District, containing 1.8500 hectares, more or less (shown marked "B" on S.O. Plan 9560); and 20

(iii) Part Rural Section 4716, situated in Block IX, Haast Pass Survey District, containing 1.8180 hectares, more or less (shown marked "C" on S.O. Plan 9561); and

(iv) Part Rural Section 4716, situated in Block IX, Haast Pass Survey District, containing 1.7570 hectares, more or less (shown marked "D" on S.O. Plan 9561); and 25

(v) Part Rural Section 4716, situated in Block IX, Haast Pass Survey District, containing 1.9640 hectares, more or less (shown marked "E" on S.O. Plan 9561); and 30

(vi) Part Rural Section 4716, situated in Block IX, Haast Pass Survey District, containing 2.8100 hectares, more or less (shown marked "F" on S.O. Plan 9562); and 35

(vii) Part Rural Section 4716, situated in Block IX, Haast Pass Survey District, containing 2.2950 hectares, more or less (shown marked "G" on S.O. Plan 9562); and 40

(viii) Part Rural Section 4716, situated in Block IX, Haast Pass Survey District, containing 2.3580 hectares, more or less (shown marked "H" on S.O. Plan 9563); and

- 5 (ix) Part Rural Section 4716, situated in Block IX, Haast Pass Survey District, containing 3.2300 hectares, more or less (shown marked "I" on S.O. Plan 9563); and
- (x) Part Rural Section 4716, situated in Block IX, Haast Pass Survey District, containing 1.7780 hectares, more or less (shown marked "J" on S.O. Plan 9564); and
- 10 (xi) Part Rural Section 4716, situated in Blocks V and IX, Haast Pass Survey District, containing 6.4200 hectares, more or less (shown marked "K" on S.O. Plan 9564); and
- 15 (xii) Part Rural Section 4716, situated in Block V, Haast Pass Survey District, containing 1.8450 hectares, more or less (shown marked "L" on S.O. Plan 9564); and
- 20 (xiii) Part Rural Section 4716, situated in Block V, Haast Pass Survey District, containing 2.5320 hectares, more or less (shown marked "M" on S.O. Plan 9565); and
- (xiv) Part Rural Section 4716, situated in Block V, Haast Pass Survey District, containing 2.7200 hectares, more or less (shown marked "N" on S.O. Plan 9565); and
- 25 (xv) Part Rural Section 4716, situated in Block V, Haast Pass Survey District, containing 1.8400 hectares, more or less (shown marked "O" on S.O. Plan 9566); and
- 30 (xvi) Part Rural Section 4716, situated in Block V, Haast Pass Survey District, containing 7530 square metres, more or less (shown marked "P" on S.O. Plan 9566); and
- (xvii) Part Rural Section 4714, situated in Block V, Haast Pass Survey District, containing 2525 square metres, more or less (shown marked "U" on S.O. Plan 9568); and
- 35 (xviii) Part Rural Section 4715, situated in Block V, Haast Pass Survey District, containing 1.3990 hectares, more or less (shown marked "X" on S.O. Plan 9569); and
- 40 (xix) Part Rural Section 4715, situated in Block V, Haast Pass Survey District, containing 7685 square metres, more or less (shown marked "Z" on S.O. Plan 9569); and

- (xx) Part Rural Section 4716, situated in Blocks I and V, Haast Pass Survey District, containing 1.8600 hectares, more or less (shown marked "BB" on S.O. Plan 9570); and
- (xxi) Part Rural Section 4716, situated in Block I, Haast Pass Survey District, containing 4.4600 hectares, more or less (shown marked "CC" on S.O. Plan 9570); and 5
- (xxii) Part Rural Section 4716, situated in Block I, Haast Pass Survey District, containing 1761 square metres, more or less (shown marked "DD" on S.O. Plan 9571); and 10
- (xxiii) Part Rural Section 4831, situated in Block I, Haast Pass Survey District, containing 828 square metres, more or less (shown marked "FF" on S.O. Plan 9571); and 15
- (xxiv) Part Rural Section 4828, situated in Block I, Haast Pass Survey District, containing 4250 square metres, more or less (shown marked "II" on S.O. Plan 9571); and 20
- (xxv) Part Rural Section 4828, situated in Block I, Haast Pass Survey District, containing 3165 square metres, more or less (shown marked "MM" on S.O. Plan 9572); and
- (xxvi) Part Rural Section 4830, situated in Block I, Haast Pass Survey District, containing 1092 square metres, more or less (shown marked "RR" on S.O. Plan 9572); and 25
- (xxvii) Part Rural Section 4830, situated in Block I, Haast Pass Survey District, containing 2705 square metres, more or less (shown marked "VV" on S.O. Plan 9573); and 30
- (xxviii) Part Rural Section 4828, situated in Block I, Haast Pass Survey District, containing 3460 square metres, more or less (shown marked "YY" on S.O. Plan 9573); and 35
- (b) Secondly, all that area situated in the Cascade Survey District of the Otago Land District, containing 52 hectares, more or less, bounded by a line commencing at the intersection of the right banks of the Cascade Burn and Matukituki Fiver (West Branch) 40

5 and proceeding south-westerly to and along the north-western boundary of Part Run 715 to the bush edge; thence generally northerly along that bush edge to the right bank of the Cascade Burn; thence generally easterly along that bank to the point of commencement.

9. Revocation of setting apart of State forests—Whereas the land to which this section relates is set apart as State forest land under the Forests Act 1949: And whereas it is
10 desired that it should be declared to be Crown land subject to the Land Act 1948: And whereas by section 19 (1) of the Forests Act 1949 the setting apart of any land as State forest may not be revoked except by Act of Parliament: Be it therefore enacted as follows:

15 (1) The setting apart of the land to which this section relates as State forest is hereby revoked, and the land is hereby declared to be Crown land subject to the Land Act 1948.

(2) This section relates to the following land:

20 First, all that parcel of land situated in the North Auckland Land District containing 1.3127 hectares, more or less, being Maruata 2B1 Block, situated in Blocks I and V, Whangarei Survey District (M.L. Plan 14347):

25 Secondly, all that parcel of land situated in the North Auckland Land District containing 41.5400 hectares, more or less, being part Section 6, Block XIII, Omapere Survey District (S.O. Plan 51424):

30 Thirdly, all that parcel of land situated in the North Auckland Land District containing 23.9017 hectares, more or less, being Section 21, Block XIII, Omapere Survey District (S.O. Plan 48710):

Fourthly, all that parcel of land situated in the North Auckland Land District containing 2.4660 hectares, more or less, being Section 22, Block XIII, Omapere Survey District (S.O. Plan 48710):

35 Fifthly, all that parcel of land situated in the North Auckland Land District containing 84.2600 hectares, more or less, being part Section 3, Block XIV, Omapere Survey District (S.O. Plan 51424):

40 Sixthly, all that parcel of land situated in the North Auckland Land District containing 5.4200 hectares, more or less, being part Section 15, Block XIV, Omapere Survey District (S.O. Plan 51424):

Seventhly, all that parcel of land situated in the South Auckland Land District containing 285 square metres, more or less, being part Section 15, Block VIII, Coromandel Survey District (S.O. Plan 47026) :

Eighthly, all that parcel of land situated in the South Auckland Land District containing 1.7257 hectares, more or less, being part Section 39, Block VII, Wharepapa Survey District (S.O. Plan 48962) :

Ninthly, all that parcel of land situated in the Gisborne Land District containing 9.1118 hectares, more or less, being Sections 32 and 33 (formerly parts Sections 24 and 25), Block XIII, Taramarama Survey District (S.O. Plan 6704) :

Tenthly, all that parcel of land situated in the Hawkes Bay Land District containing 1.2562 hectares, more or less, being Section 3, Block II, Mohaka Survey District (S.O. Plan 7167) :

Eleventhly, all that parcel of land situated in the Hawkes Bay Land District containing 85 square metres, more or less, being Section 5, Block II, Mohaka Survey District (S.O. Plan 7167) :

Twelfthly, all that parcel of land situated in the Hawkes Bay Land District containing 525 square metres, more or less, being Section 7, Block II, Mohaka Survey District (S.O. Plan 7167) :

Thirteenthly, all that parcel of land situated in the Hawkes Bay Land District containing 337 square metres, more or less, being Section 9, Block II, Mohaka Survey District (S.O. Plan 7167) :

Fourteenthly, all that parcel of land situated in the Hawkes Bay Land District containing 388 square metres, more or less, being Section 15, Block VI, Mohaka Survey District (S.O. Plan 7168) :

Fifteenthly, all that parcel of land situated in the Hawkes Bay Land District containing 790 square metres, more or less, being Section 16, Block VI, Mohaka Survey District (S.O. Plan 7168) :

Sixteenthly, all that parcel of land situated in the Hawkes Bay Land District containing 23 square metres, more or less, being Section 17, Block VI, Mohaka Survey District (S.O. Plan 7168) :

Seventeenthly, all that parcel of land situated in the Hawkes Bay Land District containing 75 square metres, more or less, being Section 18, Block VI, Mohaka Survey District (S.O. Plan 7168) :

Eighteenthly, all that parcel of land situated in the Hawkes Bay Land District containing 3.7118 hectares, more or less, being Section 19, Block VI, Mohaka Survey District (S.O. Plan 7168) :

- 5 Nineteenthly, all that parcel of land situated in the Wellington Land District containing 2129 square metres, more or less, being Part Section 5, Block XII, Wainuioru Survey District more particularly shown coloured blue edged blue on S.O. Plan 28590 lodged in the office of the Chief Surveyor at Wellington:

- 10 Twentiethly, all that parcel of land situated in the Wellington Land District containing 1573 square metres, more or less, being Part Section 5, Block XII, Wainuioru Survey District more particularly shown coloured blue on S.O. Plan 15 28590 lodged in the office of the Chief Surveyor at Wellington:

- Twenty-firstly, all that parcel of land situated in the Wellington Land District containing 896.3600 hectares, more or less, being Part Kaimanawa 3A Block, situated in Blocks IX 20 and XIII, Mangamaire Survey District (S.O. Plan 31064) :

- Twenty-secondly, all that parcel of land situated in the Wellington Land District containing 4400 square metres, more or less, being Part Waimarino No. 1 Block, situated in Block IV, Manganui Survey District (as marked "A" on S.O. Plan 25 30977) :

- Twenty-thirdly, all that parcel of land situated in the Wellington Land District containing 1355 square metres, more or less, being Part Section 6, Block IV, Manganui Survey District (as marked "B" on S.O. Plan 30977) :

- 30 Twenty-fourthly, all that parcel of land situated in the Marlborough Land District containing 8.5945 hectares, more or less, being Section 9, Block II, Mount Olympus Survey District (S.O. Plan 4978) :

- 35 Twenty-fifthly, all that parcel of land situated in the Nelson Land District containing 73.2300 hectares, more or less, being part State Forest, situated in Block X, Brighton Survey District (as marked "A" on S.O. Plan 12153) :

- 40 Twenty-sixthly, all that parcel of land situated in the Nelson Land District containing 5665 square metres, more or less, being part State Forest, situated in Block XII, Matiri Survey District and being all of the land coloured blue on S.O. Plan 11744 lodged in the office of the Chief Surveyor at Nelson:

Twenty-seventhly, all that parcel of land situated in the Westland Land District containing 9.1000 hectares, more or less, being part reserve 1712, situated in Block VII, Okuru Survey District (S.O. Plan 9820) :

Twenty-eighthly, all that parcel of land situated in the Westland Land District containing 43.8000 hectares, more or less, being part reserve 1717, situated in Blocks VII and VIII, Okuru Survey District (S.O. Plan 9820) :

Twenty-ninthly, all that area situated in the Westland Land District, containing 2.6504 hectares, more or less, being part reserve 1639, situated in Block XVI, Okarito Survey District (shown marked "D" on S.O. Plan 9497) :

Thirtiethly, all that parcel of land situated in the Canterbury Land District containing 387 square metres, more or less, being part Rural Section 32382, Block XI, Opihi Survey District more particularly shown coloured orange edged orange on S.O. Plan 10646 lodged in the office of the Chief Surveyor at Christchurch.

10. King George V Memorial Hospital—Whereas the land to which this section relates is vested in Her Majesty the Queen, and consists of part of an area of a recreation reserve known as the Pukeroa Domain and part of an area of land set aside as a hospital reserve: And whereas control of the land is vested in the Minister of Tourism pursuant to the Tourist and Health Resorts Control Act 1908: And whereas the land is used by the Waikato Hospital Board for the purposes of the King George V Memorial Hospital: And whereas there is no lawful authority for that use of the land by the Waikato Hospital Board: And whereas it is desired to revoke the vesting of the control of the land in the Minister of Tourism and to provide for all of the land to be a recreation reserve, and to provide for the incorporation of the land in a lease of other land, vested in Her Majesty the Queen and set aside as a recreation reserve, to the Waikato Hospital Board in accordance with section 23 of the Reserves and Other Lands Disposal Act 1940: Be it therefore enacted as follows:

(1) The Order in Council made pursuant to the Tourist and Health Resorts Control Act 1908 and published in the *Gazette* of that year at page 849 is hereby revoked so far as it applies to the land to which this section relates.

(2) The purpose of reservation of the part of the land to which this section relates that is set aside as a hospital reserve

is hereby changed to the purpose of a recreation reserve, subject to the provisions of the Reserves and Domains Act 1953.

(3) Notwithstanding subsection (2) of this section, or the
5 Reserves and Domains Act 1953, or any other enactment or rule of law, the land to which this section relates is hereby declared to be incorporated in and form part of the land leased to the Waikato Hospital Board under lease number
10 539 (South Auckland Registry) dated the 3rd day of September 1941 issued pursuant to section 23 of the Reserves and Other Lands Disposal Act 1940 and the Reserves and Domains Act 1953 and registered in certificate of title, Volume 749, folio 68 (South Auckland Registry); on the same terms and conditions as that other land is held under the
15 lease and under section 23 of the Reserves and Other Lands Disposal Act 1940.

(4) This section relates to the following land:

All that parcel of land in the South Auckland Land District containing 1.0952 hectares, more or less, being Section 16
20 (formerly part Sections 3 and 7) Block LVIII of the Town of Rotorua, situated in Block I of the Tarawera Survey District (S.O. Plan 47621).

11. Waiohine Valley road reserve—Whereas the first land to which this section relates is a road, known as the Waiohine
25 Valley Road: And whereas, following a realignment of the road, portions of that land were included in certificates of title issued in respect of sections in Moroa Block situated in Block VI, Waiohine Survey District: And whereas those
30 portions of the road have never been closed: And whereas, in consequence of the realignment of the road, the second land to which this section relates has been used as a public road without lawful authority: And whereas it is desired to close the portions of the road in respect of which the certificates of title were issued, and to declare the second land to be
35 road, with effect from the 8th day of December 1921 (being the date of the deposit of the plan in respect of which the certificates of title were issued), and to validate the issue of the certificates of title: Be it therefore enacted as follows:

(1) The area of road comprising the first land to which
40 this section relates (being the land described in subsection (4) (a) of this section) is hereby declared to have been closed on the 8th day of December 1921.

(2) Certificate of title, Volume 12C, folio 837 (Wellington Registry), and certificate of title, Volume 336, folio 296 (Wellington Registry) are hereby validated according to their tenor and declared to have been lawfully issued in the respective dates on which they were issued. 5

(3) The second land to which this section relates (being the land described in subsection (4) (b) of this section) is hereby declared to be road with effect from the 8th day of December 1921.

(4) This section relates to the following land: 10

(a) First, the area coloured green on the plan lodged in the office of the Chief Surveyor at Wellington under No. 17014:

(b) Secondly, the area coloured blue and red on the plan referred to in paragraph (a) of this subsection. 15

12. Canterbury Provincial Buildings Board—Whereas the land to which this section relates is vested in the Canterbury Provincial Buildings Board (in this section called “the Board”) established by the Canterbury Provincial Buildings Vesting Act 1928 (in this section called “the Act”) to be held in trust for the purposes specified in the Act: And whereas it is desired to empower the Board to borrow money on the security of the land: Be it therefore enacted as follows: 20

(1) Notwithstanding any provision in the Act, or any other enactment or rule of law, the Board may from time to time, with the consent in writing of the Minister of Finance and subject to such terms and conditions as he may impose, borrow money on the security of a mortgage or charge over all or any part of the land to which this section relates. 25 30

(2) All expenditure incurred in repaying any money so borrowed by the Board shall be paid out of the funds of the Board.

(3) This section relates to the land described in the First and Second Schedules to the Act. 35

13. Pukekura Park—Whereas the land to which this section relates is held in fee simple by the Mayor, Councillors, and Citizens of the City of New Plymouth (in this section called “the Corporation”) in trust for a botanic garden and public recreation grounds pursuant to section 2 of the Taranaki Botanic Garden Act 1876, in this section called (“the 1876 Act”): And whereas the land was intended to be used as part 40

of the area known as Pukekura Park: And whereas the land has never been so used and is unsuitable for such use: And whereas, pursuant to section 12 of the 1876 Act and to the Taranaki Botanic Garden Act Amendment Act 1907, the Corporation has granted leases in respect of portions of the land to various persons: And whereas it is desired to empower the Corporation to sell to the various lessees the portions of the land so leased by them, subject to the condition that the Corporation shall apply all the proceeds of such sales in accordance with section 11 of the 1876 Act: Be it therefore enacted as follows:

(1) Notwithstanding the 1876 Act or the Taranaki Botanic Garden Act Amendment Act 1907, or any other enactment or rule of law, the Corporation may from time to time sell any portion of the land to which this section relates to the lessee of that portion of the land, on such terms and conditions as the Corporation and the lessee may agree, but otherwise freed and discharged from all trusts, reservations, and restrictions affecting that portion of the land.

(2) All money received by the Corporation from the sale of any land to which this section relates shall be applied by it in accordance with section 11 of the 1876 Act.

(3) This section relates to the following land:

All that land in the Taranaki Land District containing 8689 square metres, more or less, being Part Lot 1, Deposited Plan 2582, Lot 1, Deposited Plan 4779, Lots 1, 2, 3, 6, and 7, Deposited Plan 6287, and Lots 1, 2, and 3, Deposited Plan 10785, being Part Section 1256, Town of New Plymouth, Part Section X, New Plymouth Town Belt, and Section 224, Fitzroy District, and being the balance of the land comprised and described in certificate of title, Volume 160, folio 18, and all of the land comprised and described in certificate of title, Volume 160, folio 19, certificate of title, Volume 160, folio 20, certificate of title, Volume D4, folio 587, certificate of title, Volume D4, folio 588, and certificate of title, Volume D4, folio 589 (all in the Taranaki Land Registry), the said Lot 2, Deposited Plan 10785 and Lot 7, Deposited Plan 6287 being subject to a building line restriction contained in Order in Council Number 1670.

14. Farewell Spit reserves—Whereas by section 33 (1) of the Reserves and Other Lands Disposal Act 1938 certain land at Farewell Spit was set aside as a reserve for the pre-

ervation of flora and fauna: And whereas pursuant to an Order in Council made on the 13th day of December 1938 pursuant to section 33 (4) of that Act, and published in the *Gazette* of that year at page 2830, certain other land in that vicinity was set aside as a reserve for a sanctuary for the preservation of wildlife: And whereas Farewell Spit is designated for international purposes as a wetland of international importance: And whereas for the better control of the land, it is desired to repeal the said section 33 in order to enable the land to be dealt with under the Reserves and Domains Act 1953, and not otherwise: Be it therefore enacted as follows:

Section 33 of the Reserves and Other Lands Disposal Act 1938 is hereby repealed.

15. Tokaora road reserve—Whereas the land to which this section relates, pursuant to a notice published in the *Gazette* in 1878 at page 1136, under section 144 of the Land Act, 1877, was reserved for road purposes: And whereas pursuant to the Public Reserves Act 1877 the land was subsequently held in trust for those purposes by the Hawera County Council (in this section called “the Council”): And whereas in consequence of the deviation of the Tokaora road and the exhausting of a metal pit on the land, the purposes of the trust have ceased to be necessary: And whereas the Council, contrary to the terms of the trust, entered into agreements to sell the land to certain persons: And whereas in pursuance of one of the agreements, the Council has transferred to one of the purchasers an estate in fee simple in the first land to which this section relates: And whereas the Council has also become registered as the proprietor of an estate in fee simple in the second land to which this section relates: And whereas it is desired to revoke the purposes of the trust and to validate the actions of the Council and the issue of a certificate of title for an estate in fee simple to the purchaser of the first land to which this section relates: Be it therefore enacted as follows:

(1) Notwithstanding the Public Reserves Act 1877, the Reserves and Domains Act 1953, or any other enactment or rule of law,—

- (a) The reservation for road purposes of the land to which this relates is hereby revoked, and the second land to which this section relates (being the land described in subsection (2) (b) of this section) is hereby

declared to have been validly vested in the Council for an estate in fee simple, free of encumbrances from all trusts, reservations, and restrictions affecting the land; and

- 5 (b) Certificate of title, Volume C3, folio 745 (Taranaki Registry), is hereby validated according to its tenor and declared to have been lawfully issued on the date on which it was issued.
- (2) This section relates to the following land:
- 10 (a) First, all that parcel of land in the Taranaki Land District, containing 4.3175 hectares, more or less, being Section 573, Patea District, situated in Block VIII, Waimate Survey District, and being all of the land comprised and described in certificate of title, Volume C3, folio 745 (Taranaki Registry), (S.O. Plan 10002):
- 15 (b) Secondly, all that parcel of land in the Taranaki Land District, containing 2.8328 hectares, more or less, being section 574, Patea Survey District, situated in Block VIII, Waimate Survey District, and being all of the land comprised and described in certificate of title, Volume C3, folio 746 (Taranaki Registry), (S.O. Plan 10002).
- 20

16. **Otago University endowment lands**—Whereas by the
25 University of Otago Endowment Ordinance 1870 (Province of Otago) the land to which this section relates was vested in the University of Otago as an endowment for the University: And whereas, pursuant to section 2 of the Otago University Reserves Act 1904, the land became administered under the
30 Land Act 1892, and is now administered under the Land Act 1948 by the Land Settlement Board on behalf of the University: And whereas portions of the land are leased under the Land Act 1948 to various persons: And whereas in order to provide for expenditure on capital projects of the
35 University it is desired to empower the University to offer for sale to the various lessees, subject to the conditions set out in this section, the portions of the land so leased by them: Be it therefore enacted as follows:

(1) Subject to the provisions of this section, but notwithstanding the University of Otago Endowment Ordinance
40 1870 (Province of Otago), or the Otago University Reserves Act 1904, or any other enactment or rule of law, the Land Settlement Board may from time to time, on behalf of the University of Otago, sell any portion of the land to which

this section relates to the lessee of that portion, on such terms and conditions as the Land Settlement Board and the lessee may agree, but otherwise freed and discharged from all trusts, reservations, and restrictions affecting that portion of the land. 5

(2) No land may be sold pursuant to this section unless it has been classified by the Land Settlement Board as farm land, being land suitable or adaptable for any type of farming. For the purposes of this subsection, the Land Settlement Board shall have the same powers of classification and reclassification as it has in respect of Crown land under the Land Act 1948. 10

(3) Land available for sale pursuant to this section may be purchased for cash, or on deferred payments.

(4) Where land available for sale pursuant to this section is purchased on deferred payments, the following provisions shall apply: 15

(a) Subject to paragraphs (b) to (c) of this subsection, the provisions of the Land Act 1948 relating to deferred payment licences shall apply in the same manner as they apply to the purchase of Crown land on deferred payments: 20

(b) The deposit payable shall be not less than 25 percent of the purchase price, provided however that with the consent of the Council of the University the deposit may be reduced in any specified case to an amount that is not less than 15 percent of the purchase price: 20

(c) Where the purchaser has agreed to pay more than 25 percent of the purchase price by way of deposit, the purchase price shall thereupon be reduced by 10 percent of the *((proportion of the purchase price that the amount of the deposit that exceeds 25 percent of the purchase price bears to 25 percent of the purchase price))* portion of the deposit that exceeds 25 percent of the purchase price: 30 35

(d) The term of the licence shall be 10 years commencing on the 1st day of January or the 1st day of July next following the date of the licence, provided however, that the Council of the University may consent in any specified case to the extension of the term for any period not exceeding 10 years from the expiry of the first period: 40

- (e) The rate of interest that shall be payable under the licence shall be the same rate as at the date of the licence then applies to Crown land purchased on deferred payments under the Land Act 1948, and shall be reviewable by the Land Settlement Board on the expiration of the period of 3 years following the 1st day of January or the 1st day of July next following the date of the licence, and at 3 yearly intervals thereafter.
- 5
- 10 (5) The purchase price of any land to be sold pursuant to this section shall be the market value of the land, exclusive of all improvements, as determined by a registered valuer appointed for the purpose by the Council of the University and confirmed by the District Field Officer, Dunedin, of the
- 15 Department of Lands and Survey.
- (6) If any applicant to purchase any land pursuant to this section disputes the valuation of the land as determined in accordance with subsection (5) of this section, he may within 1 month after being notified in writing of the valuation
- 20 require the purchase price to be determined by the Administrative Division of the Supreme Court.
- (7) Where any applicant requires any matter to be determined by the Administrative Division of the Supreme Court under subsection (6) of this section, the provisions of section
- 25 123 of the Land Act 1948 shall apply to the determination, with the necessary modifications, in the same manner as they apply to other determinations under that section.
- (8) Section 58 of the Land Act 1948 shall apply to all sales of land pursuant to this section in the same manner as
- 30 it applies to sales of Crown land.
- (9) Every applicant to purchase land pursuant to this section shall pay to the Land Settlement Board on the making of his application a valuation fee of \$100 or of such other amount as the Council of the University, with the prior
- 35 written consent of the Minister of Lands, may for the time being determine.
- (10) Every applicant to purchase land pursuant to this section shall be liable for payment to the Land Settlement Board of all survey costs necessary to give title to him
- 40 pursuant to the sale and, where he is an applicant to purchase on deferred payments, the preparation and registration fees payable under the Land Act 1948 in respect of deferred payment licences.

(11) These shall be payable by the University to the Land Settlement Board by way of reimbursement for the costs of the Land Settlement Board in administering the provisions of this section—

- (a) In the case of land sold on deferred payments, a collection fee of 6 percent of every instalment received (which amount may be deducted by the Land Settlement Board on receipt from the purchaser; and 5
- (b) In all other cases, such fees as may be agreed between the Council of the University and the Land Settlement Board. 10

(12) This section applies to the following land:

All those areas of land in the Otago Land District being:

- (a) Run 79C, situated in Sutton Survey District, containing 235.5270 hectares, more or less, and being all of the land comprised and described in certificate of title, Volume 5A, folio 537 (Otago Registry); and 15
- (b) Run 79E, situated in Sutton and Nenthorn Survey Districts, containing 1928.3271 hectares, more or less, and being all of the land comprised and described in certificate of title, Volume 348, folio 119 (Otago Registry); and 20
- (c) Run 79J, situated in Sutton and Nenthorn Survey Districts containing 485.6228 hectares, more or less, and being all of the land comprised and described in certificate of title, Volume 348, folio 118 (Otago Registry); and 25
- (d) Run 79B, situated in Sutton and Nenthorn Survey Districts containing 809.3713 hectares, more or less, being all of the land comprised and described in certificate of title, Volume 348, folio 117 (Otago Registry); and 30
- (e) Run 79A, situated in Sutton and Nenthorn Survey Districts, containing 1220.5319 hectares, more or less, being all of the land comprised and described in Volume 348, folio 145 (Otago Registry); and 35
- (f) Run 79I, situated in Nenthorn Survey District, and Section 1444R, situated in Block IX, Nenthorn Survey District, containing 773.3505 hectares, more or less, being all of the land comprised and described in certificate of title, Volume 348, folio 140 (Otago Registry); and 40
- (g) Run 79G, situated in Nenthorn Survey District, and Section 18, Block VI, and Section 10, Block VII, Nenthorn Survey District, containing 1738.5295 45

- hectares, more or less, being all of the land comprised and described in certificate of title, Vol. 348, folio 175 (Otago Registry); and
- 5 (h) Run 79F, situated in Nenthorn Survey District, and Section 1, Block IX, Nenthorn Survey District, containing 1923.0662 hectares, more or less, being all of the land comprised and described in certificate of title, Volume 348, folio 172 (Otago Registry); and
- 10 (i) Run 79H, situated in Nenthorn Survey District, and Section 1442R, situated in Block XI, Nenthorn Survey District, containing 1980.7957 hectares, more or less, being all of the land comprised and described in certificate of title, Volume 348, folio 144 (Otago Registry); and
- 15 (j) Run 79D, situated in Sutton and Nenthorn Survey Districts, containing 1180.8727 hectares, more or less, being all of the land comprised and described in certificate of title, Volume 3448, folio 148 (Otago Registry); and
- 20 (k) Part Run 520, situated in Silverpeak and Nenthorn Survey Districts, and Sections 3–12 (inclusive), situated in Block VI, Silverpeak Survey District, containing 2131.7167 hectares, more or less, being all of the land comprised and described in certificate of title, Volume 338, folio 91 (Otago Registry); and
- 25 (l) Part Run 521, situated in Silverpeak and Nenthorn Survey Districts, and Section 2 and Part Sections 1524R and 1525R, situated in Block VI, Silverpeak Survey District, containing 2270.3959 hectares, more or less, being all of the land comprised and described in certificate of title, Volume 338, folio 92 (Otago Registry); and
- 30

New

- 35 (m) Section 17, situated in Block VI, Nenthorn Survey District, containing 8094 square metres, more or less (S.O. Plan 5929); and
- (n) Section 16 and Parts Section 14, situated in Block VI, Nenthorn Survey District, containing 27.3163 hectares, more or less (S.O. Plan 1253).

- 40 **17. Te Puna-Topu-O-Hokianga Trust**—Whereas on the 2nd day of May 1974, pursuant to section 438 of the Maori Affairs Act 1953, the Maori Land Court of New Zealand made an order vesting the land to which this section relates in the Te Puna-Topu-O-Hokianga Trust (in this section
- 45 called “the Trust”): And whereas the Board of the Trust desires to lease the land to Her Majesty the Queen for a term

of 999 years, to be used as a reserve subject to the Reserves and Domains Act 1953, and otherwise subject to such terms and conditions as the Board of the Trust and Her Majesty the Queen may agree: And whereas Her Majesty the Queen is willing to accept the lease on those conditions: And whereas by virtue of Part XX of the Maori Affairs Act 1953, the land may not be leased for a term exceeding 42 years: Be it therefore enacted as follows: 5

(1) Notwithstanding Part XX of the Maori Affairs Act 1953, or any other enactment or rule of law, the Board of the Trust is hereby authorised to lease the land to which this section relates to Her Majesty the Queen for a term of 999 years and, subject to subsections (2) and (3) of this section, on such other terms and conditions as the Board of the Trust and Her Majesty the Queen may agree. 10 15

(2) Her Majesty the Queen hereby undertakes to use the land to which this section relates, during the tenure of the lease, only for the purposes of a reserve under the Reserves and Domains Act 1953, and to surrender the lease without delay if the land should no longer be required as a reserve. 20

(3) The terms and conditions of the lease to be agreed on between the Board of the Trust and Her Majesty the Queen shall be subject to the approval of the Maori Land Court before they take effect.

(4) This section relates to the following land: 25

All those pieces of land in the North Auckland Land District containing together 151.9593 hectares, more or less, being Whanui No. 9 Block, and Kahakaharoa C Block, excluding the spring known as Te Puna Ki Hokianga and its surrounds, situated in Blocks V and IX, Hokianga Survey District (the said Blocks now forming part of the Te Puna-Topu-O-Hokianga Block as created by the partition order of the Maori Land Court at Tokerau dated the 2nd day of May 1974). 30

18. Entries in registers—District Land Registrars are hereby authorised and directed to make such entries in their respective registers, and to do all such other things, as may be necessary to give full effect to the provisions of this Act. 35