

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 2 November 1979.

Words inserted are shown with double 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 1979.

2. State forests—Whereas the land to which this section
10 relates is set apart as State forest land under the Forests Act 1949: And whereas it is desired that it should be declared to be Crown land subject to the Land Act 1948: And whereas section 19 (1) of the Forests Act 1949 prohibits the revocation of the setting apart of land as State forest land
15 except by Act of Parliament: And whereas the land to which subsection (3) (b) of this section relates has been set apart as a State forest park: Be it therefore enacted as follows:

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

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(2) The setting apart of the land to which subsection (3) (b) of this section relates as a State forest park is hereby revoked.

(3) This section relates to the following land:

- (a) All that piece of land situated in the North Auckland Land District, Bay of Islands County, containing 57.3700 hectares, more or less, being Section 20, Block III, Kawakawa Survey District, being part of the land comprised and described in the *Gazette* of 1968 at page 121 (S.O. Plan 53994). 5 10
- (b) All that piece of land situated in the South Auckland Land District, Thames Coromandel District, containing 3010 square metres, more or less, being Part Tairua Block, situated in Block XIII, Whitianga Survey District, being part of the land comprised and described in the *Gazette* of 1935 at page 2735 (S.O. Plan 49264). 15
- (c) All that piece of land situated in the Nelson Land District, Buller County, containing 114.5880 hectares, more or less, being Section 86, Block XIV, Oparara Survey District (S.O. Plan 12478). 20
- (d) All that piece of land situated in the Nelson Land District, Inangahua County, containing 55.1868 hectares, more or less, being part Section 5, parts of Section 248 and part State Forest Block XIV, Reefton Survey District, and being all the land to be known as Section 249, Block XIV, Reefton Survey District bordered by a bold black line on S.O. Plan 12592. 25
- (e) All that piece of land situated in the Nelson Land District, Inangahua County, containing 130.3430 hectares, more or less, being a portion of State forest in Block XV, Mai Mai Survey District, and being all the land bordered by a bold black line on S.O. Plan 12593. 30 35
- (f) All those pieces of land situated in the Nelson Land District, Inangahua County:
- (i) Containing 123.4500 hectares, more or less, being a portion of State forest in Block III, Mawheraiti Survey District and being all the land to be known as Section 27, Block III, Mawheraiti Survey District bordered by a bold black line on S.O. Plan 12591: 40
- (ii) Containing 4.8500 hectares, more or less, being a portion of State forest in Block III, Mawheraiti Survey District bordered by a bold black line on S.O. Plan 12591. 45

- (g) All those pieces of land situated in the Westland Land District, Westland County:
- 5 (i) Containing 4.8000 hectares, more or less, being Part Reserve 1648, situated in Block XI, Bruce Bay Survey District (shown marked "A" on S.O. Plan 9352):
- 10 (ii) Containing 1.9000 hectares, more or less, being Part Reserve 1648, situated in Blocks XI and XII, Bruce Bay Survey District (shown marked "B" on S.O. Plan 9352):
- 15 (iii) Containing 9.0000 hectares, more or less, being Part Reserve 1648, situated in Block XII, Bruce Bay Survey District (shown marked "C" on S.O. Plan 9352):
- (iv) Containing 18.6000 hectares, more or less, being Part Reserve 1648, situated in Blocks XI, XII, and XV, Bruce Bay Survey District (shown marked "D" on S.O. Plan 9352).
- 20 (h) All that piece of land situated in the Westland Land District, Grey County, containing 11.4128 hectares, more or less, being Rural Section 5680, situated in Block XIII, Mawheraiti Survey District (S.O. Plan 9895) being part of the land comprised and described in the *Gazette* of 1947 at page 580.
- 25 (i) All that piece of land situated in the Westland Land District, Westland County, containing 129.9041 hectares, more or less, (130.7033 hectares by the *Gazette* of 1926 at page 2820) being Reserve 1719, situated in Block I, Waiho Survey District being all the land comprised and described in the *Gazette* of 1926 at page 2820 (S.O. Plan 1172).
- 30 (j) All those pieces of land situated in the Otago Land District, Lake County:
- 35 (i) Containing 4208.7307 hectares, more or less, situated in the Upper Wakatipu and Dart Survey Districts as more particularly shown numbered "38" on S.O. Plans 13893 and 13894 (formerly sheets 10 and 11 of Roll Map 450) lodged in the office of the Chief Surveyor at Dunedin and thereon delineated in bold black lines being part of the land comprised and described in the *Gazette* of 1919 at page 1291:
- 40 (ii) Containing 3561.2337 hectares, more or less, adjoining Run 756 (formerly Run 418) and Part Run 417 situated in Upper Wakatipu and Von Survey Districts as more particularly shown num-
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bered "41" and "41A" on S.O. Plans 13894 and 13895 (formerly sheets 11 and 12 of Roll Map 450) lodged in the office of the Chief Surveyor at Dunedin and thereon delineated in bold black lines being part of the land comprised and described in the *Gazette* of 1919 at page 1291: 5

(iii) Containing 1942.4911 hectares, more or less, adjoining Section 14, Dart Survey District, Section 1, Upper Wakatipu Survey District and Run 717 and Part Run 417 (formerly Runs 419 and 417) and more particularly shown numbered "42" on S.O. Plan 13894 (formerly sheet 11 of Roll Map 450) lodged in the office of the Chief Surveyor at Dunedin and thereon delineated in bold black lines being part of the land comprised and described in the *Gazette* of 1919 at page 1291. 10 15

New

2A. Customhouse, Auckland—Whereas the land to which this section relates (in this section called the reserve) is vested in Her Majesty the Queen in trust as a site for public buildings and other purposes of public utility: And whereas the land is a reserve under the Reserves Act 1977: And whereas it is proposed to appoint, under that Act, an administering body to control and manage the reserve: And whereas for the carrying out of the particular purposes for which the reserve is to be administered it is expedient that the powers of such administering body be extended so as to include the power to grant leases and further powers to grant licences: Be it therefore enacted as follows: 20 25

(1) Notwithstanding anything in Part III of the Reserves Act 1977, the administering body of the reserve may, to the extent necessary, in the opinion of the administering body, to give effect to the principles applicable to the purpose for which the reserve is classified, and subject to subsection (2) of this section and any conditions or restrictions that may be specified in the notice of appointment of such administering body, grant leases or licences to occupy the whole or any part of the reserve on such terms and conditions as it thinks fit. 30 35

(2) The term of any lease or licence granted under subsection (1) of this section shall not exceed 5 years. 40

(3) This section relates to all that piece of land situated in the North Auckland Land District containing 1265 square metres, more or less, being Allotment 15 of Section 17 of the City of Auckland, and being the whole of the land comprised and described in certificate of title, Volume 970, folio 151 (limited as to parcels and title), (North Auckland Registry). 45

3. Pukekohe cemetery—Whereas the Roman Catholic Bishop of Auckland holds the land to which this section relates in trust as a site for a cemetery by virtue of a Crown grant made on the 3rd day of September 1887 pursuant to section 3 of the Special Powers and Contracts Act 1886 (in this section referred to as the Crown grant): And whereas the land is no longer required for the purposes of the trust: And whereas it is desired to cancel the trust so that the Bishop may sell the land or use it for other purposes: Be it therefore enacted as follows:

(1) The trust which was imposed by the Crown grant and which requires the Roman Catholic Bishop of Auckland to hold the land to which this section relates as a site for a cemetery is hereby cancelled.

(2) The land to which this section relates is hereby declared to be vested in the Roman Catholic Bishop of Auckland as an estate in fee simple free from the trust imposed by the Crown grant.

(3) The land to which this section relates is hereby declared not to be a cemetery for the purposes of the Burial and Cremation Act 1964.

(4) This section relates to the following land within the North Auckland Land District, Pukekohe Borough, being:

(a) All that piece of land comprising 762 square metres, more or less, being Part Lot 1, Deposited Plan 13781, and Part Allotment 22A, Suburban Section 1, Pukekohe Parish, being part of the land comprised and described in certificate of title No. 343/263, and certificate of title No. 48/70, situated in Block XI Drury Survey District (North Auckland Registry) (shown marked "A" on S.O. Plan 53997 lodged in the office of the Chief Surveyor at Auckland):

(b) All that piece of land comprising 1157 square metres, more or less, being Part Lot 1, Deposited Plan 13781, and Part Allotment 22A, Suburban Section 1, Pukekohe Parish, being part of the land comprised and described in certificate of title No. 343/263, and certificate of title No. 48/70, situated in Block XI, Drury Survey District (North Auckland Registry) (shown marked "B" on S.O. Plan 53997 lodged in the office of the Chief Surveyor at Auckland):

(c) All that piece of land comprising 171 square metres, more or less, being Part Lot 1, Deposited Plan 13781, being part of the land comprised and described in certificate of title No. 343/263, situated in Block XI Drury Survey District (North Auckland Registry) (shown marked "C" on S.O. Plan 53997 lodged in the office of the Chief Surveyor at Auckland):

- (d) All that piece of land comprising 171 square metres, more or less, being Part Lot 1, Deposited Plan 13781, and Part Allotment 22A, Suburban Section 1, Pukekohe Parish, being part of the land comprised and described in certificate of title No. 343/263, and certificate of title No. 48/70, situated in Blocks XI and XV, Drury Survey District (North Auckland Registry) (shown marked "E" on S.O. Plan 53997 lodged in the office of the Chief Surveyor at Auckland): 5
- (e) All that piece of land comprising 78 square metres, more or less, being Part Lot 1, Deposited Plan 13781, being part of the land comprised and described in certificate of title No. 343/263, situated in Blocks XI and XV, Drury Survey District (North Auckland Registry) (shown marked "F" on S.O. Plan 53997 lodged in the office of the Chief Surveyor at Auckland): 10
- (f) All that piece of land comprising 6056 square metres, more or less, being Part Lot 1, Deposited Plan 13781, being part of the land comprised and described in certificate of title No. 343/263, situated in Blocks XI and XV, Drury Survey District (North Auckland Registry) (shown marked "G" on S.O. Plan 53997 lodged in the office of the Chief Surveyor at Auckland): 25
- (g) All that piece of land comprising 4924 square metres, more or less, being Lot 2, Deposited Plan 13781, being part of the land comprised and described in certificate of title No. 343/263, situated in Block XV, Drury Survey District (North Auckland Registry). 30

4. Tauranga airport—Whereas the land to which this section relates is held by the Tauranga City Council (in this section called the Council) as an estate in fee simple for airport purposes pursuant to the Airport Authorities Act 1966: And whereas the land is no longer required for airport purposes: And whereas the Council desires to sell the land: And whereas the Airport Authorities Act 1966 makes no provision for the sale of land held by an airport authority for the purposes of that Act: And whereas it is desired to empower the Council to sell the land and meet the costs and 35 40

expenses of sale: And whereas it is also desired to provide for the application of the proceeds of such sale: Be it therefore enacted as follows:

5 (1) The Council may, with the prior consent in writing of the Minister of Civil Aviation and Meteorological Services, sell the land to which this section relates by such method of sale and on such terms and conditions as the Council thinks fit, with or without any grants or reservations of easements or other rights or privileges in favour of the purchaser or the
10 Council or any other person.

(2) The Council may pay out of its Airport Capital Reserve Account (known as the Reserve for Future Capital Works Fund) all the costs and expenses incurred by it in selling, pursuant to subsection (1) of this section, the land
15 to which this section relates.

(3) The Council shall recoup from the proceeds of the sale of the land all the costs and expenses incurred by it in selling the land to which this section relates and shall pay that amount into the account referred to in subsection (2)
20 of this section.

(4) The Council shall pay the balance of the proceeds of the sale into its Joint Airport Reserve Account.

(5) This section relates to all that piece of land in the South Auckland Land District, Mount Maunganui Borough,
25 containing 8.2760 hectares, more or less, being Lot 1, Land Transfer Plan S. 27537, being parts Omanu No. 1 and 2A1 Blocks, situated in Block XI, Tauranga Survey District, being all the land comprised and described in certificate of title No. 14A/1084, and part of the land comprised and described in
30 certificate of title No. 14 A/1085, (South Auckland Registry): Subject to; first, a drainage easement created by H. 037589; and secondly, a middle-line proclamation S. 450152.

5. Empowering Rotorua High Schools Board to purchase certain land—Whereas the land to which this section relates
35 is a stopped street vested in the Rotorua City Council: And whereas the Rotorua High Schools Board is the owner of certain adjoining land: And whereas it is expedient that the Rotorua High Schools Board should be empowered to purchase the land: And whereas the Rotorua High Schools Board
40 has no power to purchase land: Be it therefore enacted as follows:

(1) The Rotorua High Schools Board is hereby empowered to purchase the land to which this section relates and to hold the land in trust as an endowment for the Rotorua High School.

(2) Notwithstanding anything to the contrary in the Education Act 1964, or in any other Act or rule of law, the net revenue (after payment of all administration charges) received by the Board from the land shall be applied for purposes connected with secondary schools controlled by the Board in accordance with arrangements to be made from time to time in that behalf between the Minister of Education and the Board.

(3) If at any time after the commencement of this section the Rotorua High Schools Board grants a lease of the land to which this section relates to any person, nothing in section 17 of the Public Bodies Leases Act 1969 shall apply with respect to the first such lease.

(4) This section relates to all that piece of land in the South Auckland Land District, Rotorua District, containing 425 square metres, more or less, being Section 16, Block XLVII, Town of Rotorua, situated in Block I, Tarawera Survey District, and being the whole of the land comprised and described in certificate of title No. 13C/21, (South Auckland Registry).

6. Certain land to be exempted from section 58 of Land Act 1948—Whereas the land to which this section relates was transferred to Her Majesty the Queen by Gordon Regis Colman, of Martinborough, sheep farmer, pursuant to an agreement dated the 5th day of July 1965, in furtherance of the Lower Wairarapa Development Scheme: And whereas that agreement gave Gordon Regis Colman an option to repurchase the land and he has exercised that option: And whereas the land is mostly part of the bed of Lake Wairarapa and lies, in part, along or near the margin of that lake: And whereas section 58 (1) of the Land Act 1948 requires the reservation from the sale or other disposition of Crown land of a strip of land along the margin of that lake: And whereas it is desired to transfer to Gordon Regis Colman all the land to which this section relates without reservation of any strip of land as required by section 58 (1) of the Land Act 1948: Be it therefore enacted as follows:

(1) Section 58 of the Land Act 1948 shall not apply to the repurchase, pursuant to an agreement dated the 5th day of July 1965 between Gordon Regis Colman and Her Majesty the Queen, of the land to which this section applies.

5 (2) This section applies to all that piece of land in the Wellington Land District, Featherston County, containing 125.3008 hectares, more or less, being Lots 1 and 2 on Deposited Plan 26875, situated in Block X, Wairarapa Survey District, being all that land comprised in transfer
10 No. 673810.

7. Abel Tasman National Park—Whereas the land to which this section relates is included in the Abel Tasman National Park: And whereas the land has been fenced and used as part of the farm owned by Canaan Downs
15 Limited: And whereas it is expedient that the land should be excluded from the National Park: And whereas section 10 (2) of the National Parks Act 1952 prohibits the exclusion of land from a 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 Abel Tasman National Park.

(2) This section relates to all those pieces of land situated in the Nelson Land District, Golden Bay County, being:

25 (a) Part Section 32, Block IV, Takaka Survey District, containing 621 square metres, more or less, (shown marked "A" on S.O. Plan 12544):

(b) Part Section 32, Block IV, Takaka Survey District, containing 58 square metres, more or less, (shown marked "B" on S.O. Plan 12544):

30 (c) Part Section 32, Block IV, Takaka Survey District, containing 51 square metres, more or less, (shown marked "C" on S.O. Plan 12544).

8. Ross cemetery—Whereas by notice dated the 31st day of March 1875 and published in the *Gazette* of that year at
35 page 219 the land to which this section relates was reserved for a cemetery: And whereas the land was granted to certain persons as trustees on the 20th day of October 1875: And whereas by Order in Council dated the 28th day of July 1885 and published in the *Gazette* of that year at page 918
40 further burials on the land were prohibited: And whereas the land contains graves and headstones of public and historic

interest: And whereas the land is a reserve under the Reserves Act 1977: And whereas the persons in whom the land is vested are deceased and their assigns, if any, are unknown and it is therefore desired to vest the reserve in the Crown: And whereas by virtue of section 27 (1) of the Reserves Act 1977 this cannot be done without the consent of the administering body: Be it therefore enacted as follows: 5

(1) The land to which this section relates is hereby vested in the Crown as a reserve under the Reserves Act 1977.

(2) The land to which this section relates is hereby declared not to be a cemetery for the purposes of the Burial and Cremation Act 1964. 10

(3) This section relates to all that piece of land in the Westland Land District, Westland County, containing 1.0117 hectares, more or less, being Rural Section 5746, Block II, Totara Survey District, and being the whole of the land comprised and described in certificate of title No. 3A/857, (Westland Registry). 15

9. Exclusion of land from Westland National Park—Whereas the land to which this section relates is included in the Westland National Park: And whereas the land has been formed as part of State Highway No. 6: And whereas the land is not required for the purposes of the National Park and it is desired to exclude it from the National Park: And whereas section 10 (2) of the National Parks Act 1952 prohibits the exclusion of land from the National Park except by Act of Parliament: Be it therefore enacted as follows: 20 25

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

(2) This section relates to all that piece of land situated in the Westland Land District, Westland County, containing 6766 square metres, more or less, being Part Reserve 1198 situated in Block IV, Waiho Survey District (shown marked "D" on S.O. Plan 9834). 30

10. Mount Aspiring National Park—Whereas the land to which this section relates is included in the Mount Aspiring National Park: And whereas the land is of poor quality and does not meet the criteria established for National Park status: And whereas the land is not required for the purposes of the National Park and it is desired to exclude it from the National Park: And whereas the exclusion of the land from the National Park will result in a more satisfactory boundary: 35 40

And whereas section 10 (2) of the National Parks Act 1952 prohibits the exclusion of land from a 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:
- 10 (a) All that piece of land in the Otago Land District, Lake County, containing 2096 square metres, more or less, being Part Mount Aspiring National Park, Block I, Dart Survey District (shown marked "A" on S.O. Plan 18941):
- 15 (b) All that piece of land in the Otago Land District, Lake County, containing 2096 square metres, or less, being Part Section 7, Block I, Dart Survey District (shown marked "B" on S.O. Plan 18941).

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