

[AS REPORTED FROM THE LANDS AND AGRICULTURE
COMMITTEE]

House of Representatives, 17 November 1982.

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

Hon. Mr Elworthy

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

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 and commencement—(1) This Act may be cited as the Reserves and Other Lands Disposal Act 1982.

10 (2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

2. State forests—Whereas the land to which this section relates is State forest land subject to 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 except by Act of Parliament: And whereas it is desired to ensure that a lease affecting the land to which subsection (3) (j) of this section relates is not affected by the revocation of the State forest status of that land: Be it therefore enacted as follows:

No. 119—2

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

(2) The revocation of the setting apart as State forest land of the land to which subsection (3) (i) of this section relates shall not affect the validity of the lease entered into on the 28th day of August 1979 on behalf of Her Majesty as lessor, and the Marlborough Forestry Corporation as lessee, nor shall it affect the rights and obligations of the lessor and lessee under that lease.

(3) This section relates to the following land:

(a) All those pieces of land situated in the North Auckland Land District, Hokianga County:

(i) Comprising 4570 square metres, more or less, being Lot 1, D.P. 34365, situated in Block XV, Maungataniwha Survey District, being all the land comprised and described in certificate of title Volume 887, folio 282 (North Auckland Registry):

(ii) Comprising 2858 square metres, more or less, being Section 17, Block XV, Maungataniwha Survey District, being part of the land comprised and described in Proclamation A 150529 published in the *Gazette* of 1953 at page 1533 (S.O. Plan 36811):

(b) All those pieces of land situated in the North Auckland Land District, Bay of Islands County:

(i) Comprising 50.1790 hectares, more or less, being Part Section 9, Block XIV, Omapere Survey District, being part of the land comprised and described in the *Gazette* of 1942 at page 2863 (S.O. Plan 55901):

(ii) Comprising 57.1365 hectares, more or less, being Section 16, Block XIV, Omapere Survey District, being part of the land comprised and described in the *Gazette* of 1975 at page 150 (S.O. Plan 48711):

(c) All that piece of land situated in the North Auckland Land District, Hobson County, comprising 15.1762 hectares, more or less, being Part Section 7, Block VI, Tutamoe Survey District, being part of the land comprised and described in the *Gazettes* of 1923 at page 2793, and 1978 at page 3289 (S.O. Plan 56330):

- 5 (d) All that piece of land situated in the Gisborne Land District, Waikohu County, comprising 62.3140 hectares, more or less, being Section 6, Block XIV, Ngatapa Survey District, being part of the land comprised and described in the *Gazette* of 1905 at page 2765 (S.O. Plan 7283):
- 10 (e) All that piece of land situated in the Wellington Land District, Taupo County, comprising 7.1130 hectares, more or less, being Part Hautu 1B1A, situated in Block III, Omoho Survey District and Block II, Waiotaka Survey District, being part of the land comprised and described in the *Gazette* of 1939 at page 399 (shown marked "A" on S.O. Plan 33327):
- 15 (f) All that piece of land situated in the Wellington Land District, Taupo County, comprising 3211 square metres, more or less, being Part Section 5, Block XI, Puketi Survey District, being part of the land comprised and described in the *Gazette* of 1950 at page 269 (shown marked "A" on S.O. Plan 33336):
- 20 (g) All that piece of land situated in the Wellington Land District, Wanganui County, comprising 3.0351 hectares (7 acres 2 roods), more or less, being Section 2, Block IV, Mangawhero Survey District, being part of the land comprised and described in the *Gazette* of 1900 at page 5 (S.O. Plan 13108):
- 25 (h) All those pieces of land in the Wellington Land District, Wanganui County:
- 30 (i) Comprising 8.0376 hectares, more or less, being Lot 2, D.P. 46128, situated in Block X, Ikitara Survey District, being all of the land comprised and described in certificate of title Volume 21C, folio 294 (Wellington Registry):
- 35 (ii) Comprising 4.4354 hectares, more or less, being Lot 3, D.P. 46128, situated in Block X, Ikitara Survey District, being all of the land comprised and described in certificate of title Volume 21C, folio 295 (Wellington Registry):
- 40 (i) All that piece of land in the Marlborough Land District, Marlborough County, comprising 50.9904 hectares, more or less, being Section 16, Block XII, Arapawa Survey District, being part of the land comprised and described in the *Gazette* of 1903 at page 736 (S.O. Plan 660):

- (j) All those pieces of land situated in the Marlborough Land District, Marlborough County:
- (i) Comprising 138.1500 hectares, more or less (previously gazetted as 137.9978 hectares), being Section 6, Block XVI, Linkwater Survey District, being part of the land comprised and described in the *Gazette* of 1906 at page 1109 (S.O. Plan 5876): 5
 - (ii) Comprising 388.4980 hectares, more or less (previously gazetted as 388.4982 hectares), being Section 9 (formerly described as State forest), Block XVI, Linkwater Survey District, being part of the land comprised and described in the *Gazette* of 1881 at page 959 (S.O. Plan 5876): 10
 - (iii) Comprising 640.7000 hectares, more or less, being Run 65, situated in Block XVI, Linkwater Survey District and Block IV, Cloudy Bay Survey District, being all the land comprised and described in certificate of title Volume 3B, folio 1183 (Marlborough Registry) (S.O. Plan 5663); part of the land being subject to Lease 96110 to the Marlborough Forestry Corporation: 15 20
- (k) All those pieces of land situated in the Nelson Land District, Buller County:
- (i) Comprising 16.6606 hectares, more or less, being Part Section 14, Block I, Otumahana Survey District, being part of the land comprised and described in the *Gazette* of 1970 at page 457 (shown marked "A" on S.O. Plan 13118): 25
 - (ii) Comprising 5.0654 hectares, more or less, being Part Section 28, Block I, Otumahana Survey District, being part of the land comprised and described in the *Gazette* of 1970 at page 457 (shown marked "B" on S.O. Plan 13118): 30
 - (iii) Comprising 3.2558 hectares, more or less, being Part Section 28, Block I, Otumahana Survey District, being part of the land comprised and described in the *Gazette* of 1970 at page 457 (shown marked "C" on S.O. Plan 13118): 35
 - (iv) Comprising 7786 square metres, more or less, being Part Section 28, Block I, Otumahana Survey District, being part of the land comprised and described in the *Gazette* of 1970 at page 457 (shown marked "D" on S.O. Plan 13118): 40

- 5 (v) Comprising 1262 square metres, more or less, being Part Section 28, Block I, Otumahana Survey District, being part of the land comprised and described in the *Gazette* of 1970 at page 457 (shown marked "E" on S.O. Plan 13118):
- 10 (vi) Comprising 401 square metres, more or less, being Part Section 28, Block I, Otumahana Survey District, being part of the land comprised and described in the *Gazette* of 1970 at page 457 (shown marked "F" on S.O. Plan 13118):
- 15 (l) All that piece of land in the Westland Land District, Grey County, comprising 3.9950 hectares, more or less, being Part Reserve 1593, situated in Block XII, Waiwhero Survey District, being part of the land comprised and described in the *Gazette* of 1941 at page 3089 (shown marked "B" on S.O. Plan 10519):
- 20 (m) All that piece of land in the Westland Land District, Grey County, comprising 65.3100 hectares, more or less, being Rural Sections 6255 and 6257 (formerly Part Reserve 1594), situated in Block IX, Mawheraiti Survey District, being part of the land comprised and described in the *Gazettes* of 1919 at page 1290, and 1941 at page 3089 (S.O. Plan 10518):
- 25 (n) All that piece of land in the Westland Land District, Grey County, comprising 32.3100 hectares, more or less, being Rural Sections 6249, 6250, and 6251 (formerly Part Reserve 1807), situated in Block VI, Lewis Survey District, being part of the land comprised and described in the *Gazette* of 1940 at page 2396 (S.O. Plan 10505):
- 30 (o) All that piece of land in the Westland Land District, Grey County, comprising 15.1430 hectares, more or less, being Rural Section 6285 (formerly Part Reserve 1701), situated in Block XIV, Mawheranui Survey District, being part of the land comprised and described in the *Gazette* of 1940 at page 1789 (S.O. Plan 10573):
- 35 (p) All those pieces of land situated in the Westland Land District, Grey County:
- 40 (i) Comprising 4.2377 hectares, more or less, being Rural Section 6179 (formerly Part Reserve 1660), situated in Blocks I and II, Kopara Survey District, being part of the land comprised and described in the *Gazette* of 1919 at page 1289 (S.O. Plan 10425):
- 45

- (ii) Comprising 6.4105 hectares, more or less, being Rural Section 6181 (formerly Part Reserve 1660), situated in Blocks I and II, Kopara Survey District, being part of the land comprised and described in the *Gazette* of 1919 at page 1289 (S.O. Plan 10425): 5
- (q) All that piece of land in the Westland Land District, Grey County, comprising 332.1761 hectares, more or less, being Part Reserve 1758, situated in Blocks V and IX, Kopara Survey District, being all the land comprised and described in the *Gazette* of 1938 at page 895 (S.O. Plan 10406): 10
- (r) All that piece of land in the Westland Land District, Grey County, comprising 5.2360 hectares, more or less, being Part Reserve 1605, situated in Block VII, Hohonu Survey District, being part of the land comprised and described in the *Gazette* of 1962 at page 623 (shown marked "A" on S.O. Plan 10535): 15
- (s) All that piece of land situated in the Southland Land District, Wallace County, comprising 1250 hectares, more or less, being Section 1, Block XI, Te Anau Survey District, being part of the land comprised and described in the *Gazettes* of 1922 at page 1025, and 1975 at page 1299 (S.O. Plan 9450): 20
- (t) All that piece of land situated in the Southland Land District, Southland County, comprising 342 hectares, more or less, situated in Blocks IX, XII, and XXXIV, Eyre Survey District, being part of the land comprised and described in the *Gazettes* of 1886 at page 253, and 1975 at page 1298 (shown marked "A" on S.O. Plan 10269): 25 30
- (u) All those pieces of land situated in the Southland Land District, Wallace County:
- (i) Comprising 30.1944 hectares, more or less, being Lot 1, Land Transfer Plan 10494, situated in Block XIV, Lillburn Survey District, being part of the land comprised and described in the *Gazette* of 1935 at page 3571: 35
- (ii) Comprising 10.9685 hectares, more or less, being Lots 2 and 4, Land Transfer Plan 10495, situated in Block XIV, Lillburn Survey District, being part of the land comprised and described in the *Gazette* of 1935 at page 3571: 40

- 5 (iii) Comprising 6.9671 hectares, more or less, being Lot 6, Land Transfer Plan 10495, situated in Blocks VII and XIV, Lillburn Survey District, being part of the land comprised and described in the *Gazette* of 1935 at page 3571.

3. Kaitaia Drainage Area—Whereas section 14 of the Reserves and Other Lands Disposal Act 1968 makes provision for the transfer of works in the Kaitaia Drainage Area described as “the existing drainage system” and “the new works” from the Crown to the Mangonui County Council, and makes provision for the financial responsibility for such works: And whereas further works (in this section called “the special works”) have been carried out to improve the existing drainage system and the new works and to improve flood protection and drainage in the Area generally: And whereas it is desired to provide for the transfer of control of the special works and the special works themselves to the Mangonui County Council at the same time as control of the new works and the new works themselves are transferred to the Council: And whereas it is desired to provide that the transfer of the special works to the Mangonui County Council is to be preceded by the execution of a debenture in favour of Her Majesty securing part of the cost of the new works, but no such debenture is to be required in respect of the special works: And whereas it is desired to provide that the Council should have power to make and levy rates in respect of the special works and any additions, maintenance, or repairs to those works in the same manner as it may do so for the existing drainage system or the new works: And whereas the Council desires to undertake a fresh classification of the land in the Area for rating purposes before the 31st day of March 1986 irrespective of any requests or lack of requests from the occupiers of that land: And whereas it is desired to provide that the cost of any such classification shall be borne by the Crown: Be it therefore enacted as follows:

(1) Section 14 (1) of the Reserves and Other Lands Disposal Act 1968 is hereby amended by inserting, after the definition of the term “rural subdivision”, the following definition:

“ ‘Special works’ means the works carried out by the Crown in the Area during the years 1972 to 1981 inclusive that were designed to improve the existing drainage system and the new works and to improve flood protection and drainage in the Area generally:” 5

(2) Section 14 (2) of the Reserves and Other Lands Disposal Act 1968 is hereby amended by omitting the words “or both”, and substituting the words “or the special works, or any of them” 10

(3) Section 14 (5) of the Reserves and Other Lands Disposal Act 1968 is hereby amended by inserting, after the words “new works” in each case, the words “and the special works” in each case.

(4) Section 14 of the Reserves and Other Lands Disposal Act 1968 is hereby amended by repealing subsections (16) and (17), and substituting the following subsections: 15

“(16) The council shall, before the 31st day of March 1986, make a fresh classification of all the land in the rural subdivision that is liable to be rated in respect of the existing drainage system, the new works, and the special works. 20

“(17) The cost of carrying out any classification under subsection (16) of this section shall be borne by the Crown.”

(5) Subsections (18), (21), and (22) of section 14 of the Reserves and Other Lands Disposal Act 1968 are hereby amended by omitting the words “and new works” in each case, and substituting the words “, the new works, and the special works” in each case. 25

(6) Section 14 (23) of the Reserves and Other Lands Disposal Act 1968 is hereby amended by omitting the words “or the new work”, and substituting the words “, the new works, or the special works”. 30

4. Northland Harbour Board endowment land—

Whereas the land to which this section relates is held by the Northland Harbour Board in trust, without power of sale, as a harbour endowment: And whereas it is desired to vest the land in the Crown as a recreation reserve: Be it therefore enacted as follows: 35

(1) The land to which this section relates is hereby vested in Her Majesty as a recreation reserve subject to the Reserves Act 1977, and shall form part of the adjoining recreation reserve. 40

(2) This section relates to all that piece of land in the North Auckland Land District, Bay of Islands County, comprising 650 square metres, more or less, being part land in Deposited Plan 18043, situated in Block I, Russell Survey District, being
5 part of the land comprised and described in certificate of title Volume 399, folio 139 (North Auckland Registry) (shown marked "A" on S.O. Plan 53990).

5. Customhouse, Auckland—Whereas the land to which this section relates is Crown land held under the Land Act
10 1948: And whereas the adjoining land (in this section called "the reserve") is vested in Her Majesty in trust as a site for public buildings and other purposes and is a historic reserve under the Reserves Act 1977: And whereas the Customhouse on the reserve encroaches onto the land to which this section
15 relates: And whereas it is desirable that the land to which this section relates should be held on the same terms as the reserve: Be it therefore enacted as follows:

(1) The land to which this section relates is hereby declared to be vested in Her Majesty as a historic reserve subject to the
20 Reserves Act 1977, and to form part of the adjoining historic reserve.

(2) Section 3 of the Reserves and Other Lands Disposal Act 1979 shall apply to the land to which this section relates as if that land were land to which that section relates.

25 (3) This section relates to all that piece of land situated in the North Auckland Land District, Auckland City, comprising 32 square metres, more or less, being Allotment 31 of Section 17, City of Auckland (formerly Part Allotment 16, Section 17, City of Auckland), situated in Block VIII,
30 Rangitoto Survey District (S.O. Plan 56630).

6. Marlborough Sounds foreshore—Whereas section 17 of the Reserves and Other Lands Disposal Act 1955 makes provision for the holding of certain lands in the Marlborough Sounds as reserves subject to special conditions as to access
35 and licences to occupy: And whereas it is desired to extend those provisions to other similar land in that area: And whereas those provisions, if extended, could apply to public roads and reserves that are not vested in the Crown: And whereas it is desired to facilitate the transfer of such reserves
40 to the Crown: And whereas it is desired to provide that the provisions of that section shall not apply to land that is not vested in the Crown: And whereas it is no longer appropriate

to obtain the approval of the Minister of Works before applying the provisions to any land that is a public road: And whereas it is expedient to replace section 17 of the Reserves and Other Lands Disposal Act 1955 with new provisions to give effect to these objectives: Be it therefore enacted as follows: 5

(1) The Minister of Lands may from time to time by notice in the *Gazette* declare any part or parts of the land to which this section relates to be subject to the Reserves Act 1977 as a reserve for such purpose as the Minister thinks fit or, where any such land adjoins an existing reserve, as a reserve for the same purpose as that for which the adjoining land is reserved. 10

(2) The Minister of Lands shall not make any declaration under subsection (1) of this section in respect of any land that is not vested in Her Majesty. 15

(3) Notwithstanding anything in the Local Government Act 1974 or the Reserves Act 1977, any local authority may transfer any reserve vested in it, being land to which this section relates, to Her Majesty so that the Minister of Lands may make a declaration under subsection (1) of this section in respect of that reserve. 20

(4) Notwithstanding any declaration under subsection (1) of this section, the right of the owner of any adjoining land to use any such reserve for access purposes shall enure, except in the case of land held under a licence granted under subsection (7) of this section to some person other than that adjoining owner. 25

(5) Access by, through, or over any land declared to be a reserve under subsection (1) of this section that was formerly Government road or public road is hereby deemed to be access to an existing road for the purposes of section 321 of the Local Government Act 1974. 30

(6) Notwithstanding the declaration of any land as a reserve under subsection (1) of this section, the right is reserved to the public at all times and from time to time to use any such land (other than land subject to a licence under this section) for access purposes. 35

(7) Notwithstanding anything to the contrary in the Reserves Act 1977, licences to occupy any part or parts of any reserve declared under this section as sites for boatsheds, sheds, or other buildings (including portion of a building) may be granted by the Minister of Lands and, in respect of any such licence, the following provisions shall apply: 40

- 5 (a) The term of any such licence shall not exceed 33 years where the land or any part thereof is used as building sites in connection with any *bona fide* farming operations, and those operations are carried on in conjunction with the farming of adjoining or adjacent lands:
- (b) In any other case the term of the licence shall not exceed 10 years:
- 10 (c) Any licence under this subsection may be issued with or without right of renewal, perpetual or otherwise (but with no right of acquiring the fee simple), at such rent and on such terms and conditions as the Minister thinks fit; including the power at any time when the public interest requires it, to cancel the
- 15 licence without payment of compensation, but reserving the right to the lessee to remove within a specified time any improvements existing on the land comprised in the licence:
- 20 (d) Any such licence may give exclusive occupation of the land comprised therein; but in granting any such licence the Minister shall ensure that a sufficient portion of the reserve is excluded from the licence for public access:
- 25 (e) All money received by way of rent from the granting of any such licence shall be paid and applied in accordance with section 78 (1) of the Reserves Act 1977 as if it were money by way of rent in respect of a dealing with a reserve pursuant to a provision specified in that section.
- 30 (8) Notwithstanding anything to the contrary in the Reserves Act 1977, and subject to subsections (9) and (10) of this section, all the provisions of the Land Act 1948 as to the form, execution, and issue of licences, payment of fees, and conditions (other than consent to mortgage) in relation to
- 35 licences of Crown land, shall, with the necessary modifications, apply with respect to licences issued under this section.
- (9) Where the licensee under any licence granted under subsection (7) of this section desires to have a plan prepared
- 40 of the land comprised in the licence for the purposes of removing any limitation as to parcels as provided for in section 82 (1B) of the Land Act 1948, that survey shall be conducted at the expense of the licensee.

(10) Where the licensee under any licence granted under subsection (7) of this section is the owner of any adjoining land, any sale of that adjoining land shall be deemed to include the sale of any licence issued under this section; and the licence shall not be capable of being transferred, sublet, or otherwise disposed of other than with the adjoining land. 5

(11) On any sale, subletting, or other disposition referred to in subsection (10) of this section, the consideration passing thereunder may include the value of all improvements owned by the licensee under the licence. 10

(12) Section 17 of the Reserves and Other Lands Disposal Act 1955, and section 5 of the Reserves and Other Lands Disposal Act 1971 are hereby repealed.

(13) Notwithstanding the repeal of section 17 of the Reserves and Other Lands Disposal Act 1955 by subsection (12) of this section, any licence granted under subsection (5) of this section and the rights and obligations of the licensor and licensee under any such licence shall be of the same effect as if that section had not been repealed. 15

(14) The lands to which this section relates are those in the categories (a) to (d) set out in this subsection adjacent to the foreshore of the sea in Tasman Bay, the Marlborough Sounds, and Cook Strait from a point commencing at the southern corner of Section 16, Block VIII, Whangamo Survey District, in the Nelson Land District, to the northern boundary of the Wairau Harbour Board endowment in Block IV, Cloudy Bay Survey District, Marlborough Land District; and includes all islets and islands adjacent thereto within New Zealand territorial waters, including D'Urville Island. 20
The categories referred to in this subsection are: 30

(a) Public roads:

(b) Government roads:

(c) Land reserved from sale under section 58 of the Land Act 1948, or the corresponding provisions of any former Land Act: 35

(d) Reserves.

7. Cloudy Bay—Whereas the land referred to in subsection (7) (a) of this section was proclaimed to be public road by Proclamation published in the *Gazette* of 1886 at page 835 or was deemed to be legal road by earlier Crown grants: 40
And whereas the land was included in various dispositions of Crown land and certificates of title without the roads being closed: And whereas it is desired to remove the road status from the land with effect from the 1st day of September 1905:

And whereas it is desired to provide that the validity of any disposition of any land in which any of the land referred to in subsection (7) (a) of this section are comprised is not to be affected by the inclusion in that disposition of any land that
5 had road status: And whereas the land referred to in subsection (7) (b) of this section is freehold land that has been treated as road for many years: And whereas it is desired to declare that the land referred to in subsection (7) (b) of this section is legal road and has been such with effect on and from
10 the 1st day of September 1905: (*And whereas the land referred to in subsection (7) (c) of this section is freehold land that was incorrectly included in Crown land in 1905: And whereas it is desired, with the consent of the owners of the land, to provide that the land referred to in subsection (7) (c) of this section is Crown land with effect on and from*
15 *the 12th day of September 1905.*) And whereas it is desired to provide that the land referred to in subsection (7) (c) of this section had the status of Crown land on the 12th day of September 1905, and retained that status until it was disposed of under the Land Act 1892: And whereas the land
20 referred to in subsection (7) (d) of this section is Crown land that was incorrectly included with other land as if it were not Crown land: And whereas it is desired to provide that the land referred to in subsection (7) (d) of this section did not have the status of Crown land on and from the 5th day of June
25 1923: And whereas it is desired to provide that no disposition of any land in which any land referred to in subsection (7) (d) of this section is comprised is to be affected by the inclusion in that disposition of land that had the status of Crown land: Be it therefore enacted as follows:
30 (1) The road status of the land referred to in subsection (7) (a) of this section is hereby deemed to have been cancelled on the 1st day of October 1905, and the land is hereby deemed to have been Crown land on that date.
(2) The validity of any disposition of any land, and the
35 validity of any certificate of title issued in respect of any land is hereby deemed to be unaffected by the inclusion of any land referred to in subsection (7) (a) of this section in that disposition or certificate of title, and the inclusion of any such land is hereby deemed to have been as valid as it would have
40 been if the land had not had road status when it was so included.

(3) The land referred to in subsection (7) (b) of this section is hereby deemed to be legal roads within the meaning of section 121 of the Public Works Act 1981.

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(4) The land referred to in subsection (7) (c) of this section 5 is hereby deemed to be Crown land, and the land is hereby deemed to have had that status at all times on and after the 13th day of September 1905.

New

(4) The land referred to in subsection (7) (c) of this section 10 is hereby deemed to have been Crown land on and after the 12th day of September 1905 until such time as that status was purported to be removed by the disposal of the land under section 117 of the Land Act 1892.

(4A) The validity of any disposition of any land, and the 15 validity of any certificate of title issued in respect of any land is hereby deemed to be unaffected by the inclusion of any land referred to in subsection (7) (c) of this section in that disposition or certificate of title, and the inclusion of that land is hereby deemed to have been as valid as it would have been 20 if that land had the status of Crown land when first disposed of after the 12th day of September 1905, and ceased to have that status as a consequence of that disposition.

(5) The land referred to in subsection (7) (d) of this section is hereby deemed to have ceased to be Crown land on the 5th 25 day of June 1923.

(6) The validity of any disposition of any land and the validity of any certificate of title issued in respect of any land is hereby deemed to be unaffected by the inclusion of any land referred to in subsection (7) (d) of this section in that 30 disposition or certificate of title, and the inclusion of any such land is hereby deemed to have been as valid as it would have been if the land ceased to be Crown land in accordance with subsection (5) of this section.

(7) This section applies to all those areas of land in the Marlborough Land District, Marlborough County, situated in Block XVII, Cloudy Bay Survey District, and—

- 5 (a) Shown marked “A”, “B”, “C”, “D”, “E”, “F”, and “G” on S.O. Plan 6014:
(b) Shown marked “H” and “I” on S.O. Plan 6014:
(c) Shown marked “J” and “K” on S.O. Plan 6014:
(d) Shown marked “L”, “M”, “N”, and “O” on S.O. Plan 6014;—

10 which plan is lodged in the office of the Chief Surveyor at Blenheim.

8. Ward—Whereas the land to which this section relates was laid off as road in 1905 under section 65 (1) of the Lands for Settlements Consolidation Act 1900: And whereas the
15 land was included in various dispositions and reservations of Crown land without the roads being closed: And whereas it is desired to remove the road status from the land with effect from the 1st day of May 1906: And whereas it is desired to provide that the validity of any disposition, or reservation, of
20 or relating to any land in which any land to which this section relates is comprised is not to be affected by the inclusion in that disposition or reservation of any of the land having that road status: Be it therefore enacted as follows:

(1) The laying off as roads of the land to which this section
25 relates is hereby deemed to have been cancelled on the 1st day of May 1906, and the land is hereby deemed to have been Crown land on that date.

(2) The validity of any disposition or reservation of any land, and the validity of any certificate of title issued in
30 respect of any land is hereby deemed to be unaffected by the inclusion of any land to which this section relates in that disposition, reservation, or certificate of title, and the inclusion of any such land is hereby deemed to have been as valid as it would have been if the land had been Crown land
35 without road status when disposed of or reserved by the Crown.

(3) This section relates to all those pieces of land in the Marlborough Land District, Marlborough County, situated in Block IX, Cape Campbell Survey District, and shown
40 marked “A” to “F” on S.O. Plan 6015; which plan is lodged in the office of the Chief Surveyor at Blenheim.

9. Kincaid Run—Whereas the land to which this section relates was taken for public roads by notice under section 87 of the Marlborough Waste Lands Act 1867 published in the *Gazette* of 1892 at page 724: And whereas the land was included in various dispositions and reservations of Crown land without the roads being closed: And whereas it is desired to remove the road status from the land with effect on and from the 1st day of August 1896: And whereas it is desired to provide that no disposition or reservation of any land in which any land to which this section relates is comprised is to be affected by the inclusion in that disposition or reservation of any land that had road status: Be it therefore enacted as follows:

(1) The taking of the land to which this section relates is hereby deemed to have been cancelled on the 1st day of August 1896, and the lands are hereby deemed to have been Crown land on that date.

(2) The validity of any disposition or reservation of any land, and the validity of any certificate of title issued in respect of any land is hereby deemed to be unaffected by the inclusion of any land to which this section relates in that disposition, reservation, or certificate of title, and the inclusion of any such land is hereby deemed to have been as valid as it would have been if the land had been Crown land without road status when disposed of or reserved by the Crown.

(3) This section relates to all those pieces of land in the Marlborough Land District, Kaikoura County, situated in Block V, Mt Fyffe Survey District, and shown marked "A" and "B" on S.O. Plan 6016; which plan is lodged in the office of the Chief Surveyor at Blenheim.

10. Hapuku River—Whereas the land referred to in subsection (7) (a) of this section was taken and laid off as road by notice in the *Gazette* of 1885 at page 917 or deemed to be road by Crown grant: And whereas the land was included in various dispositions and taken or set apart by Proclamation for railway purposes without the roads being closed: And whereas it is desired to remove the road status from that land with effect on and from the 19th day of May 1914: And whereas it is desired to provide that any disposition of any land in which any of the land referred to in subsection (7) (a)

of this section is comprised and any Proclamation relating to any of that land is not to be affected by the inclusion in that disposition or Proclamation of any land that had that road status: And whereas the land referred to in subsection (7) (b) 5 of this section was set apart as a reserve (resting place for stock) by notice in the *Marlborough Provincial Gazette* of 1863 at page 89: And whereas it is desired to revoke the reserve status of that land: And whereas it is desired to provide that the validity of any disposition of any land in which any land 10 referred to in subsection (7) (b) of this section is comprised and any Proclamation relating to any of that land is not to be affected by the inclusion in that disposition or Proclamation of any land that had that reserve status: And whereas it is desired to provide that some of the land referred to in 15 subsection (7) (b) of this section that has reserve status is to be deemed to have road status: Be it therefore enacted as follows:

(1) The taking and laying off as roads of the land to which subsection (7) (a) of this section refers is hereby deemed to 20 have been cancelled on the 19th day of May 1914, and the land is hereby deemed to have been Crown land on that date.

(2) The validity of any disposition of any land, and the validity of any certificate of title issued in respect of any land, is hereby deemed to be unaffected by the inclusion of any land 25 to which subsection (7) (a) of this section relates in that disposition or certificate of title and the inclusion of any such land is hereby deemed to have been as valid as it would have been if the land had been Crown land without road status when first disposed of by the Crown.

(3) The setting apart as a reserve (resting place for stock) of the land to which subsection (7) (b) of this section refers is hereby deemed to have been revoked on the 19th day of May 1914, and the land is hereby deemed to have been Crown land 30 on that date.

(4) The validity of any disposition of any land, and the validity of any certificate of title issued in respect of any land, is hereby deemed to be unaffected by the inclusion of any land 35 to which subsection (7) (b) of this section relates in that disposition or certificate of title and the inclusion of any such 40 land is hereby deemed to have been as valid as it would have been if the land had been Crown land without reserve status when first disposed of by the Crown.

(5) The land referred to in subsection (7) (b) of this section that is shown marked "I", "J", "Q", and "R" on S.O. Plan 6017 is hereby deemed to be road within the meaning of section 121 of the Public Works Act 1981.

(6) The following Proclamations are hereby deemed to be as valid as they would have been if such of the land to which they relate as is referred to in this section had the status conferred upon it by this section:

(a) A Proclamation published in the *Gazette* of 1948 at page 264 (Proclamation 688, Marlborough Registry) (relating to land shown marked "C" on S.O. Plan 6017):

(b) A Proclamation published in the *Gazette* of 1949 at page 1186 (Proclamation 717, Marlborough Registry) (relating to the lands shown marked "G" and "P" on S.O. Plan 6017):

(c) A Proclamation published in the *Gazette* of 1951 at page 485 (Proclamation 793, Marlborough Registry) (relating to the lands shown marked "A", "M", and "O" on S.O. Plan 6017):

(d) A Proclamation published in the *Gazette* of 1951 at page 1341 (Proclamation 814, Marlborough Registry) (relating to the lands shown marked "E" and "N" on S.O. Plan 6017):

(7) This section relates to all those pieces of land in the Marlborough Land District, Kaikoura County, situated in Block V, Mt Fyffe Survey District, and—

(a) Shown marked "A" to "H" on S.O. Plan 6017:

(b) Shown marked "I" to "U" on S.O. Plan 6017;—

which plan is lodged in the office of the Chief Surveyor at Blenheim.

11. Greenburn—Whereas the land referred to in subsection (5) (a) of this section was deemed to be road by Crown grant during the years 1864 to 1869 and are legal road: And whereas that land was included in various subsequent dispositions, reservations, and certificates of title without the roads being closed: And whereas it is desired to remove the road status of that land with effect on and from the 27th day of July 1887: And whereas it is desired to provide that the validity of any disposition, reservation, or certificate of title or relating to any land in which any land referred to in

subsection (5) (a) of this section is comprised is not to be affected by the inclusion in that disposition or reservation of any land that had road status: And whereas the land referred to in subsection (5) (b) of this section is land on which roads
5 have been formed and are in use: And whereas it is desired to declare that that land has the status of legal road and has had that status with effect on and from the 27th day of July 1887: And whereas the land referred to in subsection (5) (c) of this
10 section was, by Proclamation, proclaimed to be closed road and to be vested in Margaret Helen Rickman: And whereas the land was not road at the time when the Proclamation was made: And whereas it is desired to provide that the vesting of the land in Margaret Helen Rickman is valid notwithstanding that the land was not road and could not be proclaimed to be
15 closed road: Be it therefore enacted as follows:

(1) The setting apart as roads of the land to which subsection (5) (a) of this section refers is hereby deemed to have been cancelled on the 27th day of July 1887.

(2) The validity of any disposition or reservation of any
20 land, and the validity of any certificate of title issued in respect of any land, is hereby deemed to be unaffected by the inclusion of any land to which subsection (5) (a) of this section relates in that disposition, reservation, or certificate of title, and the inclusion of any such land is hereby deemed to
25 have been as valid as it would have been if the land had not had road status when it was so included.

(3) The land referred to in subsection (5) (b) of this section is hereby deemed to be road within the meaning of section 121 of the Public Works Act 1981.

30 (4) It is hereby declared that the Proclamation relating to the land referred to in subsection (5) (c) of this section and published in the *Gazette* of 1963 at page 265 is deemed to have been valid in so far as it vests that land in Margaret Helen Rickman, described as the wife of Geoffrey Robert Rickman
35 of Cobham, Surrey, England, solicitor.

(5) This section relates to all those pieces of land in the Marlborough Land District, Kaikoura County, situated in Block VI, Mt Fyffe Survey District, and Blocks I, II, III, IV, XII, and XIII, Greenburn Survey District, and

40 (a) Shown marked "A" to "T" on S.O. Plan 6018:

(b) Shown marked "AA" to "AN" on S.O. Plan 6018:

(c) Shown marked "BG" on S.O. Plan 6018;—

which plan is lodged in the office of the Chief Surveyor at Blenheim.

12. Westland-Grey Coal Reserve—Whereas the Westland-Grey Coal Reserve (in this section called “the Reserve”) was declared to be Crown land by section 4 of the Westland and Nelson Coal Fields Administration Act 1877: And whereas the Greymouth Harbour Board was endowed with all money arising or derivable from the Reserve by section 7 (1) of the Greymouth Harbour Board Act, 1884: And whereas it is now desired to vest in the Greymouth Harbour Board all portions of the Reserve described in subsection (16) of this section, which description excludes any parts of the Reserve that have been acquired, taken, or set aside under the Public Works Act 1981 or any former Public Works Act or any other Act; all rivers and streams over 3 metres in width; a 20 metre wide strip along both banks of such rivers and streams; 3 areas of land between State highway 7 and the Midland Railway; and the land referred to in subsections (17) and (18) of this section: And whereas it is desired to reserve rights to the Crown in respect of minerals and coal as if the portions of the Reserve vested by subsection (16) of this section in the Greymouth Harbour Board had been alienated from the Crown by way of sale: And whereas the land referred to in subsection (17) of this section, being part of the Reserve, was declared to be subject to the Land Act 1948 by Warrant issued under section 169 of that Act and published in the *Gazette* of 1973 at page 512: And whereas that Warrant was issued on the erroneous assumption that the land was vested in the Greymouth Harbour Board: And whereas 2 leases were granted in respect of that land under section 63 of the Land Act 1948, which section confers upon lessees the right to acquire the fee simple interest in the leased land: And whereas the lessee of the land referred to in subsection (17) (a) of this section has exercised that right: And whereas section 169 (3) of the Land Act 1948 provides that land held under that provision may not be leased on terms that entitle the lessee to acquire the fee simple of that land: And whereas doubts have arisen as to the effect of the Greymouth Harbour Board Act 1884 Amendment Act 1902, which Act gives the Greymouth Harbour Board power to lease land in the Reserve, on the power for leases to be granted in respect of that land under the Land Act 1948: And whereas it is desired to confirm that the leases were properly granted under section 63 of the Land Act 1948, and that section 169 of that Act had no proper application to that land: And whereas it is

expedient to revoke the Warrant issued under section 169 of the Land Act 1948 in respect of the land referred to in subsection (17) of this section: And whereas the Land Settlement Board purported to purchase the land referred to in subsection (18) of this section on behalf of Her Majesty under section 40 of the Land Act 1948 from the Greymouth Harbour Board: And whereas the land referred to in subsection (18) of this section is part of the Reserve and at all material times was Crown land, and therefore the Greymouth Harbour Board did not have power to sell the land and the Land Settlement Board was not empowered to purchase the land: And whereas it is desired to confirm that the land referred to in subsection (18) of this section is held by Her Majesty as Crown land: And whereas deferred payment licences were issued by the Land Settlement Board in respect of the land referred to in paragraphs (a) and (b) of subsection (18) of this section: And whereas it is desired to confirm that the validity of those licences is not affected by the purported purchase of the land by the Land Settlement Board from the Greymouth Harbour Board: And whereas it is desired to make amendments to other Acts consequential upon this section and section 4 of the Reserves and Other Lands Disposal Act 1977: And whereas it is desired to repeal the Greymouth Harbour Board Empowering Act, 1894: Be it therefore enacted as follows:

(1) Subject to subsections (2) and (3) of this section, the land referred to in subsection (16) of this section is hereby vested in the Greymouth Harbour Board.

(2) Section 8 of the Mining Act 1971, and section 5 of the Coal Mines Act 1979 shall apply to the land vested by subsection (1) of this section as if it had been alienated from the Crown by way of sale.

(3) The Greymouth Harbour Board may apply the money arising from the sale, or lease, or other occupation or use of any land referred to in subsection (16) of this section towards the development of other such land, harbour works within the Port of Greymouth, or works in relation to any other facility that may for the time being be within the jurisdiction of the Board, but for no other purpose.

(4) The Warrant issued under section 169 of the Land Act 1948 in respect of the land referred to in subsection (17) of this section and published in the *Gazette* of 1973 at page 512 is hereby revoked.

(5) It is hereby confirmed that the Land Settlement Board had the power to grant leases RLU 333 and RLU 335 issued under section 63 of the Land Act 1948 in respect of the land referred to in subsection (17) of this section, and that the rights and obligations of the lessor and lessees under those leases are unaffected by any defect in the Warrant referred to in subsection (4) of this section. 5

(6) All rents payable under lease RLU 335 shall, after deducting the cost of collection, be paid by the Land Settlement Board to the Greymouth Harbour Board; and if the lessee exercises his right to acquire the fee simple interest in the leased land, the net proceeds of the sale shall be paid by the Land Settlement Board to Greymouth Harbour Board. 10

(7) It is hereby confirmed that the land referred to in subsection (18) of this section is Crown land held by Her Majesty subject to the Land Act 1948. 15

(8) It is hereby confirmed that the validity of deferred payment licences DPU 150 and DPU 166 issued in respect of the land referred to in paragraphs (a) and (b) of subsection (18) of this section is unaffected by any defect in the validity of or lack of effect of any transaction between the Land Settlement Board and the Greymouth Harbour Board relating to the purported purchase of that land under section 40 of the Land Act 1948. 20

(9) The Westland and Nelson Coal Fields Administration Act 1877 is hereby repealed so far as it relates to the Reserve. 25

(10) Section 7 (1) of the Greymouth Harbour Board Act, 1884 is hereby amended by omitting the words "Westland-Grey Coal Reserve and the Nelson-Grey Coal Reserve, as the same are respectively described in the First and Second Schedules", and substituting the words "Nelson-Grey Coal Reserve as described in the Second Schedule". 30

(11) The Greymouth Harbour Board Act 1884 Amendment Act, 1902 is hereby amended by omitting from the Preamble the words "Westland-Grey Coal Reserve and the Nelson-Grey Coal Reserve as the same are respectively described in the First and Second Schedules", and substituting the words "Nelson-Grey Coal Reserve as described in the Second Schedule". 35

(12) Notwithstanding the amendment made by subsection (11) of this section, the Greymouth Harbour Board shall continue to have and may exercise the powers conferred by the Greymouth Harbour Board Act 1884 Amendment Act, 40

1902 in respect of the land described in subsection (16) of this section as if that land was part of “the said lands” within the meaning of that Act.

(13) Section 23 (1) of the Mining Act 1971 is hereby
5 amended by omitting the words “First, Second, and Third Schedules”, and substituting the words “Second Schedule”.

(14) Sections 22 (1) and 108 (1) of the Coal Mines Act 1979
are hereby amended by omitting the words “First, Second,
and Third Schedules” in each case, and substituting the
10 words “Second Schedule” in each case.

(15) The Greymouth Harbour Board Empowering Act,
1894 is hereby repealed.

(16) Subsection (1) of this section applies to all those pieces
of land in the Westland Land District, Grey County,—

15 (i) Comprising 1576.2980 hectares, more or less, being
Rural Sections 4585, 5049, 5704, 5705, 6297 to 6300,
and 6314 to 6319, and Part Rural Section 5048,
situated in Blocks IX, X, and XI, Arnold Survey
District, and comprised in Deeds Index Ms/274
20 (shown bordered with a bold black line on Sheet 1 of
S.O. Plan 10570):

(ii) 95.1429 hectares, more or less, being Sections 1 to 8, 11,
and 13 to 66, Dobson Suburban, and Rural Sections
25 5703, and 6292 to 6296, situated in Blocks IX, X,
and XI, Arnold Survey District, and comprised in
Deeds Index Ms/274 (shown bordered with a bold
black line on Sheet 2 of S.O. Plan 10570):

(iii) 22.3260 hectares, more or less, being Sections 1 to 5, 28
30 to 36, 86 to 90, 97 to 101, 140 to 165, 168, 171, 172,
176 to 181, 183, 185 to 201, 204 to 217, 228 to 235,
248 to 266, 273, 274, 282 to 286, 288 to 304, 329 to
353, 404 to 408, 453, and 466 to 475, Town of
Dobson, situated in Blocks IX, X, and XI, Arnold
Survey District, and comprised in Deeds Index
35 Ms/274 (shown bordered with a bold black line on
Sheet 3 of S.O. Plan 10570):

(iv) 24.0041 hectares, more or less, being Sections 6 to 14,
16, 18, 19, 21, 23 to 27, 37 to 43, 45 to 85, 91 to 96,
40 102 to 107, 109 to 138, 354 to 362, 370 to 383, 391 to
403, 409 to 445, and 456 to 465, Town of Dobson,
situated in Blocks IX, X, and XI, Arnold Survey
District, and comprised in Deeds Index Ms/274
(shown bordered with a bold black line on Sheet 4 of
S.O. Plan 10570):

- (v) 45.9319 hectares, more or less, being Rural Sections 631, 632, 736 to 741, 6301 to 6310, 6312, and 6313, situated in Blocks IX, X, and XI, Arnold Survey District, and comprised in Deeds Index Ms/274 (shown bordered with a bold black line on Sheet 5 of S.O. Plan 10570): 5
- (17) Subsection (4) of this section relates to all those pieces of land in the Westland Land District, Grey County:
- (a) Comprising 1011 square metres, more or less, being Section 22, Town of Dobson, situated in Block X, 10 Arnold Survey District, subject to RLU 333, Volume 3C, folio 346 (Westland Registry):
- (b) Comprising 1011 square metres, more or less, being Section 182, Town of Dobson, situated in Block X, Arnold Survey District, subject to RLU 335, 15 Volume 3C, folio 501 (Westland Registry).
- (18) Subsection (7) of this section relates to all those pieces of land in the Westland Land District, Grey County:
- (a) Comprising 1012 square metres, more or less, being Section 17, Town of Dobson, situated in Block X, 20 Arnold Survey District, subject to DPU 150, Volume 3D, folio 1476 (Westland Registry):
- (b) Comprising 1012 square metres, more or less, being Section 20, Town of Dobson, situated in Block X, Arnold Survey District, subject to DPU 166, 25 Volume 3D, folio 1477 (Westland Registry):
- (c) Comprising 1012 square metres, more or less, being Section 108, Town of Dobson, situated in Block X, Arnold Survey District and shown on Sheet 4 of S.O. Plan 10570: 30
- (d) Comprising 1012 square metres, more or less, being Section 184, Town of Dobson, situated in Block X, Arnold Survey District and shown on Sheet 3 of S.O. Plan 10570.

13. Arthur's Pass National Park—Whereas the land to 35 which this section relates is included in the Arthur's Pass National Park: And whereas the land is being farmed and does not meet the criteria established for National Park status: And whereas the exclusion of the land from the National Park will result in a better boundary for the Park: 40 And whereas it is desired to exclude the land from the National Park for those reasons: And whereas section 11 (1) of the National Parks Act 1980 prohibits the exclusion of land from a National Park except by Act of Parliament: Be it therefore enacted as follows: 45

(1) The land to which this section relates is hereby excluded from the Arthur's Pass National Park.

(2) This section relates to all that piece of land in the Westland Land District, Westland County, comprising 6908 5 square metres, more or less, being Rural Section 6114 (formerly Part Rural Section 5578) situated in Block VII, Otira Survey District (S.O. Plan 10415).

14. Westland National Park—Whereas the land to which this section relates is included in the Westland National Park: 10 And whereas the land is being farmed and does not meet the criteria established for National Park status: And whereas it is desired to exclude it from the National Park: And whereas section 11 (1) of the National Parks Act 1980 prohibits the exclusion of land from a National Park except by Act of 15 Parliament: Be it therefore enacted as follows:

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

(2) This section relates to all those pieces of land in the Westland Land District, Westland County, comprising 20 8.5970 hectares, more or less, being Rural Sections 6328 and 6330 (formerly Part Reserve 1461), situated in Blocks X and XI, Waiho Survey District (S.O. Plan 10572).

15. Entries in registers—District Land Registrars are hereby authorised and directed to make such entries in their 25 respective registers, and do all such other things, as may be necessary to give full effect to the provisions of this Act.