

RESERVES AND OTHER LANDS DISPOSAL BILL

EXPLANATORY NOTE

THIS Bill contains miscellaneous provisions relating to Crown land, reserves, and other land held for public or special purposes. The substantive provisions are set out in *clauses 2 to 11* and are unrelated.

Clause 1 relates to the Short Title and commencement.

Clause 2 relates to a piece of land vested in the Ashburton County Council for municipal and road purposes. The land was vested in the Council in trust without power of sale or lease.

A house and some outbuildings, all owned by the Council, are situated on the land. For many years the property was occupied by the Rakaia "townsman" but it is no longer required for Council staff. The Council now desires to sell the property and the clause makes this possible by releasing the land from the trust and vesting it in the Council as an estate in fee simple. The actual power of sale is conferred by section 230 of the Local Government Act 1974.

Clause 3 relates to the land vested in the Public Trustee by the Auckland Education Reserves Act 1912 as a reserve for education purposes. The income from the land and buildings situated on it is disbursed in accordance with section 16 (3) of the Reserves and Other Lands Disposal Act 1940 and section 4 of the Auckland Education Reserves Act 1912.

Section 4 directs the Public Trustee to pay over the income to the Council of the University of Auckland for purposes connected with student hostels. Section 16 (3) empowers the Minister of Education to determine in each year the amount to be so paid over by the Public Trustee and provides for any balance to go into a reserve for purposes connected with the reserve land.

The reserve established under section 16 (3) is no longer required for the purposes of the reserve land and it is desired to authorise the payment of the reserve fund to the Council of the university for hostel purposes.

The effect of the clause is to enable the university to fund the erection of a new O'Rorke Hall complex for student accommodation.

Clause 4 relates to 2123 square metres of land on the corner of Ordsal and Mersey Streets in Gore.

The land is vested in the Gore Borough Council as a reserve for the benefit of a public library and is leased to businesses for commercial purposes.

No. 92—1

Price
incl. GST \$1.90

The effect of this clause is to remove the reservation over the land. The Council will be able to offer the lessees a freehold interest in the land, or otherwise dispose of it subject to the leases.

The net proceeds of the sale or disposal of the land must be applied towards the maintenance or operation of a public library in Gore.

Clause 5 relates to land at Hawera that is vested in the Crown and reserved as a site for post and telegraph purposes.

The land is no longer required for such purposes. Accordingly, it is desired to revoke the reservation imposed by section 101 (1) of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1920, and enable the Crown to dispose of the land under the provisions of the Land Act 1948.

The clause declares the land to be Crown land for the purposes of disposal under the Land Act 1948, and revokes the existing reservation over the land.

Clause 6 relates to the Nelson Lakes National Park and excludes an area of 1209 square metres from the Park.

The land excluded has been developed to effect improvements to State Highway 63, where it crosses the Buller River. The land is situated approximately 4 kilometres west of St. Arnaud at the northern-west boundary of the Park.

Clause 7 relates to an area of land in Rotorua known as the Ngati Whakaue Endowment. Section 12 of the Reserves and Other Lands Disposal Act 1960 vested the land in the Rotorua High Schools Board in trust as an endowment for secondary schools under the control of the Board and the McKillop and Edmund Rice Colleges.

The McKillop and Edmund Rice Colleges were amalgamated to form the John Paul College, and the college was established on 1 October 1986 as an integrated school pursuant to the Private Schools Conditional Integration Act 1975. It is now desired to extend the benefits of the Ngati Whakaue Endowment to the new school.

The effect of the clause is to extend the Endowment to the John Paul College and remove references to the McKillop and Edmund Rice Colleges in the vesting enactment.

Clause 8 relates to a piece of reserve land vested in the Port Chalmers Borough Council.

The land is presently occupied under a licence by a ship repair and boat building business and adjoins land that is vested in the Otago Harbour Board by the Otago Harbour Board Lands Vesting Act 1910. The Board and the Council have agreed that it is appropriate to give the reserve land the same status as the adjoining land.

This clause vests the reserve land in the Board and makes it subject to the provisions of the Otago Harbour Board Lands Vesting Act 1910 which will allow the Board to lease the land.

Clause 9 relates to a piece of land in Waipukurau that is reserved for the purposes of a public pound.

The land was taken in 1907 under the Public Works Act 1905 for the purposes of a public recreation ground and vested in the Waipukurau Town Board. Section 2 of the Waipukurau Reserve Act 1909 vested the land in the Board for the purposes of a public pound.

In 1957 the Minister of Lands, acting under the Reserves and Domains Act 1953, purported to revoke the reservation over part of the land and authorise the Waipukurau Borough Council to dispose of that part of the land. That

revocation action was notified in the *Gazette* on 2 February 1957 and is now considered to be *ultra vires*.

It is now desired to revoke the entire reservation imposed by the Waipukurau Reserve Act 1909 and enable the Council (now the Waipukurau District Council) to dispose of the land, subject to section 40 of the Public Works Act 1981. It is also necessary to remove the land from the ambit of the Reserves Act 1977. The clause will achieve these objectives.

Clause 10 relates to Waitati Library Endowment which is vested in the Waikouaiti County Council (now the Silverpeaks County Council) by section 4 of the Reserves and Other Lands Disposal Act 1970.

The Endowment comprises land which is vested without power of sale and is subject to 3 leases over cottage sites. The lessees now desire to purchase their leased sites and the Council desires to apply the proceeds towards the maintenance and operation of a public library in the Township of Waitati.

The clause vests the endowment land in the Council as an estate in fee simple and thereby enables the Council to dispose of the land under the provisions of Part XIV of the Local Government Act 1974 and to apply the net proceeds towards the maintenance and operation of a public library in the Township of Waitati.

Clause 11 relates to the Westland National Park and excludes pieces of land that have been developed for public works.

The land to which the clause relates is situated in 2 separate areas of the National Park. First, land comprising 7551 square metres, which was developed as a road and includes severance as a result of road realignment near Stoney Creek Bridge on State Highway No. 6. Secondly, land comprising 1906 square metres, which was developed for road realignment purposes on Forks-Okarito Road.

Clause 12 authorises and directs District Land Registrars to make such entries in their respective registers and take such other action as may be necessary to give full effect to the preceding clauses.

Hon. Peter Tapsell

RESERVES AND OTHER LANDS DISPOSAL

ANALYSIS

Title	
1. Short Title and commencement	7. Ngati Whakaue Endowment
2. Ashburton County Council reserve	8. Otago Harbour Board
3. Auckland education reserve	9. Waipukurau Reserve
4. Gore library reserve	10. Waitati Library Endowment
5. Hawera post and telegraph reserve	11. Westland National Park
6. Nelson Lakes National Park	12. Entries in registers

A BILL INTITULED

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

5 BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Reserves and Other Lands Disposal Act 1988.

(2) This Act shall come into force on the 28th day after the date on which it receives the Royal assent.

10 **2. Ashburton County Council reserve**—Whereas the land to which this section relates is vested in the Ashburton County Council in fee simple in trust for municipal and road purposes, without power of sale or lease: And whereas a house and outbuildings were erected on the land many years ago by
15 the Council for staff housing purposes: And whereas the buildings are no longer required for such purposes: And whereas it is desired to enable the Council to sell or lease the land and the buildings: Be it therefore enacted as follows:

(1) The land to which this section relates is hereby released
20 from the trust under which it has been held by the Ashburton County Council.

(2) The land to which this section relates is hereby declared to be vested in the Ashburton County Council for an estate in fee simple.

(3) This section relates to all that piece of land in the Canterbury Land District, Ashburton County, comprising 1377 5 square metres, more or less, being Lot 1, D.P. 52267 (formerly part Reserve 1670), Block XIII, Rakaia Survey District, and being all the land comprised and described in certificate of title No. 30F/89 (Canterbury Registry).

3. Auckland education reserve—Whereas, by section 2 of 10 the Auckland Education Reserves Act 1912, the land described in the First Schedule to that Act was vested in the Public Trustee as a reserve for education purposes: And whereas section 4 of that Act directs the Public Trustee to pay over to the Council of the University of Auckland the rents and profits 15 of the land and provides for that income to be applied for purposes connected with student accommodation: And whereas section 16 (3) of the Reserves and Other Lands Disposal Act 1940 empowers the Minister of Education to determine in each year the amount to be so paid over by the 20 Public Trustee and provides for any balance to go into a reserve for purposes connected with the land itself: And whereas that reserve also includes fines, premiums, and foregifts derived from leases over the land: And whereas that reserve is no longer required for such purposes: And whereas it is desired to 25 enable the Public Trustee to pay over that reserve to the Council for purposes of the re-development of the O'Rorke Hall complex: Be it therefore enacted as follows:

(1) Section 16 (2) (a) of the Reserves and Other Lands Disposal Act 1940 is hereby amended by inserting, after the 30 word "conditions", the words "(including the right to take fines, premiums, and foregifts, or any of them)".

(2) Section 16 of the Reserves and Other Lands Disposal Act 1940 is hereby further amended by inserting, after subsection (3), the following subsections: 35

"(3A) Where the Public Trustee takes any fine, premium, or foregift under a lease entered into under subsection (2) (a) of this section, the amount of any such fine, premium, or foregift shall be deemed to have accrued and become payable on the day on which it is received by the Public Trustee, and no such 40 amount shall be apportioned over the term of the lease.

"(3B) Notwithstanding anything in subsection (3) of this section, the Public Trustee may from time to time, if so authorised by the Minister of Education, pay over all or any

reserve to the Council of the University of Auckland for any purpose specified in section 4 of the Auckland Education Reserves Act 1912; and all money so paid over by the Public Trustee shall be applied by the Council for the purpose so specified.”

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4. Gore library reserve—Whereas by section 2 of the Gore Athenaeum Reserve Vesting and Empowering Act 1903 the land to which this section relates was vested in the Gore Borough Council as a reserve for the benefit of a public library: And whereas the Gore Borough Council wishes to sell the land and apply the proceeds towards the upkeep of the public library which has been built on other land: Be it therefore enacted as follows:

(1) The reservation made in respect of the land to which this section relates by the Gore Athenaeum Reserve Vesting and Empowering Act 1903 is hereby revoked and the land shall cease to be subject to the Reserves Act 1977.

(2) The land to which this section relates is hereby declared to be vested in the Gore Borough Council for an estate in fee simple as an endowment for the benefit of a public library, subject to any existing leases (including any rights of renewal therein) affecting the land.

(3) Where any land to which this section relates is sold or otherwise disposed of, the net proceeds of the sale or other disposal shall, notwithstanding anything in section 230 of the Local Government Act 1974, be applied by the Gore Borough Council towards the maintenance or operation of a public library in the Borough of Gore and for no other purpose.

(4) This section relates to all that land in the Southland Land District, Gore Borough, comprising 2123 square metres, more or less, being Lots 1 and 2, D.P. 10543, and Part Lots 1 and 2, and Lots 3 and 4, D.P. 184, situated in Block I, Town of Gore, and being all the land comprised and described in certificates of title Nos. 7B/652, 7B/653, and 7B/654 (Southland Registry).

5. Hawera post and telegraph reserve—Whereas the land to which this section relates is vested in the Crown: And whereas, by section 101 (1) of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1920 the land was reserved as a site for post and telegraph purposes: And whereas the land is no longer required for those purposes: And whereas it is desired to dispose of the land under the Land Act 1948: Be it therefore enacted as follows:

(1) The reservation imposed in respect of the land by section 101 (1) of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1920 is hereby revoked.

(2) Notwithstanding any other enactment, the land to which this section relates is hereby declared to be Crown land within the meaning of the Land Act 1948 and shall be available for disposal under the provisions of Part IV of that Act.

(3) This section relates to all that piece of land in the Taranaki Land District comprising 1104 square metres, more or less, being Lot 3, D.P. 13021, being part Section 37, Town of Hawera, situated in Block IX, Hawera Survey District, and being all the land comprised and described in certificate of title No. G4/283 (Taranaki Registry).

6. Nelson Lakes National Park—Whereas the land to which this section relates is included in the Nelson Lakes National Park: And whereas the land has been developed to effect improvements to State Highway 63: 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:

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

(2) This section relates to that piece of land in the Nelson Land District, Waimea County, comprising 1209 square metres, more or less, being Part Lot 1, D.P. 3320, situated in Block XVI, Howard Survey District, and being part of the land comprised and described in certificate of title, Volume 92, folio 84, (Nelson Registry) as shown marked "A" on S.O. Plan 13358.

7. Ngati Whakaue Endowment—Whereas section 12 of the Reserves and Other Lands Disposal Act 1960 provided that the Ngati Whakaue Endowment was to be held in trust by the Rotorua High Schools Board as an endowment for secondary schools under the control of the Board, and that the net revenue received by the Board from the endowment shall be applied for purposes connected with those schools in accordance with arrangements made between the Board and the Minister of Education: And whereas section 6 of the Reserves and Other Lands Disposal Act 1982 extended those provisions for the benefit of the McKillop and Edmund Rice Colleges in Rotorua that were not and are not controlled by the Board: And whereas those colleges have been amalgamated to form the John Paul College, a school established on and from the 1st day of October 1986 as an integrated school pursuant to

the Private Schools Conditional Integration Act 1975: And whereas it is desired to extend the provisions relating to the endowment for the benefit of the John Paul College: Be it therefore enacted as follows:

5 (1) Subsections (1) and (3) of section 12 of the Reserves and Other Lands Disposal Act 1960 (as amended by section 6 of the Reserves and Other Lands Disposal Act 1982) are hereby amended by omitting the words “McKillop and Edmund Rice Colleges”, and substituting in each case the words “John Paul
10 College”.

(2) Section 6 of the Reserves and Other Lands Disposal Act 1982 is hereby consequentially repealed.

8. Otago Harbour Board—Whereas the land to which this section relates was part of an area vested in the Port Chalmers
15 Borough Council in trust for the purposes of public recreation and classified as a reserve under the Reserves Act 1977: And whereas the land adjoins land vested in the Otago Harbour Board by the Otago Harbour Board Lands Vesting Act 1910: And whereas the land has long been occupied under a licence
20 granted by the Board: And whereas the Board desires to acquire the land and hold it subject to the Otago Harbour Board Lands Vesting Act 1910: And whereas such acquisition would give the land the same status as the adjoining land and enable the Board to lease it: And whereas the classification of
25 the land under the Reserves Act 1977 has been revoked, but the land can be vested in the Board and be given the same status as the adjoining land only by an Act of Parliament: Be it therefore enacted as follows:

(1) The land to which this section relates is hereby vested in
30 the Otago Harbour Board and shall be held subject to the provisions of the Otago Harbour Board Lands Vesting Act 1910, as if it had been vested in the Board by that Act, but otherwise freed and discharged from all trusts, reservations, and restrictions affecting the land.

35 (2) This section relates to all that piece of land in the Otago Land District, Port Chalmers Borough, comprising 490 square metres, more or less, being Sections 473, 474, and 475, Town of Port Chalmers, and being part of the land comprised and described in certificate of title, Volume 299, folio 210 (Otago
40 Registry) (S.O. Plan 21480).

9. Waipukurau Reserve—Whereas the land to which this section relates was taken in 1907 by a proclamation under the Public Works Act 1905 for the purposes of a public recreation

ground and vested in the Waipukurau Town Board: And whereas section 2 of the Waipukurau Reserve Act 1909 vested the land in the Board for the purposes of a public pound: And whereas by notice in the *Gazette*, on the 2nd day of February 1957, pursuant to the Reserves and Domains Act 1953, the Minister of Lands purported to revoke the reservation over part of the land and authorise the Waipukurau Borough Council to dispose of that part of the land: And whereas there are doubts as to the validity of the Minister's notice: And whereas it is desired to revoke the entire reservation and vest the land in the Waipukurau District Council in fee simple free from reservations, restrictions, and trusts, but subject to section 40 of the Public Works Act 1981: Be it therefore enacted as follows:

(1) Notwithstanding anything in the Reserves Act 1977 but subject to section 40 of the Public Works Act 1981, the land to which this section relates is hereby vested in the Waipukurau District Council in fee simple and free of all restrictions, reservations, and trusts.

(2) The Waipukurau Reserve Act 1909 is hereby repealed.

(3) This section relates to all that piece of land in the Hawke's Bay Land District comprising 1.7487 hectares, more or less, being Lots 1 and 2, D.P. 8652, situated in Block XV, Waipukurau Survey District, being all the land comprised and described in certificate of title No. B2/857 (Hawke's Bay Registry).

10. Waitati Library Endowment—Whereas, by section 4 of the Reserves and Other Lands Disposal Act 1970, the land described in subsection (4) of that section was vested in the corporation of the Waikouaiti County Council for an estate in fee simple absolute as an endowment, without power of sale, for the benefit of the library then maintained by the Corporation or for the benefit of any other library that may thereafter be established to replace the then existing library, subject to all existing leases (including any rights of renewal therein): And whereas pursuant to the Local Government Act 1974 the County of Waikouaiti was united with the County of Taieri to form the County of Silverpeaks and the land was vested in the Silverpeaks County Council: And whereas 3 portions of the land were then and are now subject to leases for residential purposes: And whereas each lessee is desirous of purchasing from the Council the reversionary estate in the appropriate parcel of the land: And whereas the Council is desirous of selling that estate in each such parcel of the land and applying the net proceeds of sale for the benefit of the

library maintained by the Council in the Township of Waitati:
Be it therefore enacted as follows:

5 (1) The land to which this section relates is hereby declared to be vested in the Silverpeaks County Council for an estate in fee simple as an endowment for the benefit of the library maintained by the Council in the Township of Waitati, subject to all existing leases (including any rights of renewal therein) affecting the land.

10 (2) Where any land to which this section relates is sold or otherwise disposed of, the net proceeds of sale or other disposal shall, notwithstanding anything in section 230 of the Local Government Act 1974, be applied by the Council towards the maintenance and operation of a public library in the Township of Waitati and for no other purpose.

15 (3) Section 4 of the Reserves and Other Lands Disposal Act 1970 is hereby consequentially repealed.

(4) This section relates to all that piece of land in the Otago Land District comprising 2410 square metres, more or less, being parts Sections 7, 8, and 9, Block X, Town of Blueskin, and 20 being all the land comprised and described in certificate of title No. 5A/1306 (Otago Registry) (S.O. Plan 9923).

11. Westland National Park—Whereas the land to which this section relates is included in the Westland National Park: And whereas part of the land has been developed as a road and 25 part is severance as a result of road realignment near Stoney Creek Bridge on State Highway No. 6: And whereas the rest of the land has been developed as road for road realignment purposes on Forks-Okarito Road: And whereas it is desired to exclude the land from the National Park: And whereas section 30 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:

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

35 (2) This section relates to all those pieces of land in the Westland Land District, Westland County,—

(a) Comprising 7551 square metres, more or less, being Part Reserve 1214, situated in Block VIII, Waiho Survey District, and being part of the land comprised and 40 described in the *Gazette*, 1969, at page 2155 (shown marked “E” and “F” on S.O. Plan 10787); and

(b) Comprising 1906 square metres, more or less, being Parts Rural Section 6238, situated in Block XVI, Okarito Survey District, and being part of the land

comprised and described in the *Gazette*, 1982, at page 2008 (shown marked "E" and "G" on S.O. Plan 10641).

12. Entries in registers—District Land Registrars are hereby authorised and directed to make such entries in their 5 respective registers, and do all such other things, as may be necessary to give full effect to the provisions of this Act.