

Reserves and Other Lands Disposal Bill

Government Bill

Explanatory note

General policy statement

Acts of this nature are enacted from time to time to change the status of land, typically when—

- an issue affecting land requires correction by special legislation because the issue cannot be dealt with conveniently in other legislation such as a Local Bill; or
- existing legislation requires that a matter affecting land must be addressed by an Act of Parliament (an example is the exclusion of land from a National Park); or
- a change to the impact of an earlier Act of this nature is required.

This Bill removes, revokes, or validates the particular status or classification that affects defined pieces of land. The Bill explains the background problem or issue concerning the piece of land and then corrects the problem or resolves the issue.

Part by Part analysis

Part 1

Commencement and interpretation

Clause 2 provides for the commencement of the Bill on the day after it receives the Royal assent.

Clause 3 defines the pieces of land affected by the Bill.

Part 2

Land dealings

Clauses 4, 6, 8, and 10 explain the background of the issue or problem concerning the various pieces of land.

Clauses 5, 7, 9, 11, and 12 specify the solutions to the issue or problem.

Clause 13 empowers the Registrar-General of Land to make entries in the appropriate registers to reflect the statutory solutions.

Hon Matt Robson

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Reserves and Other Lands Disposal Act **2002**.

Part 1

Commencement and interpretation

2 Commencement

5

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Interpretation

In this Act, unless the context otherwise requires,—

Gore land means the land in the Southland Land District comprising 3 642 square metres being Lots 16, 17, and 18 on Deposited Plan 2971 and part of Town Belt “F” Town of Gore, and being all the land in Certificate of Title B1/473 10

Paparoa land means the land in the Westland Land District comprising 1 682 square metres being part section 4 SO Plan 15

11229, shown as "C" on SO Plan 11264 lodged in the office of the chief surveyor at Hokitika

Picton (sites 5 and 6) land means the following parcels of land in the Marlborough Land District:

- (a) the land comprising 733 square metres, being Lot 1 on Deposited Plan 7913, and being all the land in Certificate of Title 5A/884: 5
- (b) the land comprising 2 489 square metres, being part Lots 1, 2, and 3 on Deposited Plan 1682, Lot 1 on Deposited Plan 1972, and Lot 1 on Deposited Plan 3906, and being all the land in Certificate of Title 5A/887 10

Picton (site 7) land means the land comprising 3 698 square metres, being Lot 4 Deposited Plan 3342, and being all the land in Certificate of Title 2A/248 15

Port Chalmers land means the land in the Otago Land District comprising 1 012 square metres, being section 373 of the Town of Port Chalmers, and being all the land in Certificate of Title 231/185.

Part 2 20

Land dealings

4 Background to Paparoa land

- (1) The Paparoa land was declared to be part of the Paparoa National Park by the Paparoa National Park Order 1987.
- (2) However, since 1985, the Paparoa land has been a bridge and part of State Highway 6. 25

5 Paparoa land declared road

- (1) The Paparoa land is excluded from the Paparoa National Park.
- (2) The Paparoa land is declared to be road.
- (3) The declaration under **subsection (2)** must be treated as if it had been made under section 114 of the Public Works Act 1981 and as if the requirements of that section had been satisfied. 30

- 6 Background to Gore land**
- (1) Section 36(1)(b) of the Reserves and other Lands Disposal Act 1926 vested land, including the Gore land, in the Corporation of the Borough of Gore (a predecessor of the Gore District Council) in trust without power of sale as a municipal endowment. 5
- (2) The Gore District Council seeks to have the ability to dispose of the Gore land.
- 7 Prohibition on sale of Gore land removed**
- The trust without power of sale as a municipal endowment affecting the Gore land is removed. 10
- 8 Background to Port Chalmers land**
- (1) In 1980, the Port Chalmers land was classified as a reserve for local purpose (buildings).
- (2) Even though approval was given in 1983 to revoke the reserve on the Port Chalmers land, that revocation did not occur. 15
- (3) The Port Chalmers land remains subject to the Reserves Act 1977.
- (4) The Port Chalmers land was transferred to private owners by dealings 934896.1 and 967484.1, and was mortgaged by dealing 967484.2, contrary to section 112 of the Reserves Act 1977. 20
- 9 Reserve status of Port Chalmers land revoked**
- (1) The reservation of the Port Chalmers land as a reserve for local purpose (buildings) is revoked. 25
- (2) The revocation under **subsection (1)** must be treated as if it occurs under section 24 of the Reserves Act 1977 and as if the requirements of that section had been satisfied.
- (3) The dealings referred to in **section 8(4)** are valid and have always been valid despite section 112 of the Reserves Act 1977. 30
- 10 Background to Picton land**
- (1) Section 80 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1910 vested the Picton (sites 5 and 6) land in the Corporation of the Borough of Picton (a 35

- predecessor of the Marlborough District Council) in trust as an endowment.
- (2) The Marlborough District Council seeks to have the ability to lease the Picton (sites 5 and 6) land free of the trust referred to in **subsection (1)**. 5
- (3) The Picton (site 7) land is vested in the Marlborough District Council, subject to the restrictions in section 46(2) and (3) of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1925.
- (4) The Marlborough District Council seeks to have the ability to lease the Picton (site 7) land free of the restrictions referred to in **subsection (3)**. 10
- 11 Picton (sites 5 and 6) land freed of trust**
The trust as an endowment affecting the Picton (sites 5 and 6) land is discharged. 15
- 12 Picton (site 7) land freed of restrictions**
The restrictions imposed by section 46(2) and (3) of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1925 are discharged from the Picton (site 7) land. 20
- 13 Entries in registers**
The Registrar-General of Land is authorised and directed to make entries in the appropriate registers and to do any other things necessary to give effect to this Act.