

RESERVES AND OTHER LANDS DISPOSAL BILL (NO. 2)

EXPLANATORY NOTE

Clause 1 relates to the Short Title and commencement.

Clause 2: The purpose of this clause is to revoke the setting apart as State forest of the various areas of land specified in the clause and to declare them to be Crown land subject to the Land Act 1948.

The land described in *subclause (2) (a)*, comprising 1920 square metres, forms part of the Whakarewarewa State Forest at Rotorua which is administered by the Forest Research Institute. The area is interspersed with trees and ferns. It is to be exchanged for an area of the adjoining Whakarewarewa primary school and used for resiting school playground facilities.

The land described in *subclause (2) (b)*, comprising about 4 hectares, is State forest (formerly part of the Ruahine State Forest Park) approximately 18 kilometres north-east of Woodville. The area is predominantly cleared hill country in native pasture with a small amount of scrub reversion. It is to be disposed of to the adjoining owner for farming purposes.

The land described in *subclause (2) (c)*, comprising about 1.5 hectares, forms part of the Tongariro State Forest, approximately 5 kilometres north of Raurimu. The area, which is undulating to easy hill country and part stream bed, has a cover of stumps and rough pasture. It is required by the New Zealand Railways Corporation as part of realignment works on the North Island Main Trunk railway north of the Tepure Stream rail bridge.

The land described in *subclause (2) (d)*, comprising about 1.5 hectares, is State forest (formerly part of the Tararua State Forest Park) approximately 2.5 kilometres north-west of Featherston adjacent to State Highway 2. The area is part of the bed and banks of Abbots Creek, and is to be used to ensure continued public access through land that is to be disposed of to the adjoining owner by way of exchange.

The land described in *subclause (2) (e)*, comprising about 5 hectares, is State forest (formerly part of the North West Nelson State Forest Park) approximately 20 kilometres north-west of Takaka. The area, a triangular shaped terrace of which 4.5 hectares is in new pasture and the balance in scrub, is to be disposed of to the adjoining owner for farming purposes.

The land described in *subclause (2) (f)*, comprising about 9 hectares, forms part of the Mokihinui State Forest approximately 100 kilometres north-east of Westport. The area is river flat severed from the State forest by the Little

Wanganui River and has a cover of pasture and second growth native bush. It is to be disposed of to the adjoining owner for farming purposes. The need (if any) to preserve, by an appropriate covenant, an area of approximately 4 hectares of bush is being investigated.

The land described in *subclause (2) (g)*, comprising about 415 hectares in 2 separate blocks, forms part of the Charleston State Forest, adjacent to State Highway 6, approximately 15 kilometres south of Westport. The areas are a combination of open pakihī terraces, dense scrub, and regrowth native bush with a boundary on the Totara River. It is to be added to the Cape Foulwind Farm Settlement for farming purposes. It is intended that any bush areas that are worthy of preservation will be reserved, or protected by an appropriate covenant.

The land described in *subclause (2) (h)*, comprising about 1.5 hectares, forms part of the Paparoa State Forest, approximately 23 kilometres north-east of Greymouth, and was formerly part of the Roaring Meg Ecological Area. The area is in native pasture with scattered patches of scrub regrowth. The major part of it is held on a residence site licence under the Mining Tenures Registration Act 1962, and its release will enable the licensee to exercise his right to acquire a freehold interest in the land. The balance of the land, together with some Crown land, will be made available to the licensee to provide road frontage.

The land described in *subclause (2) (i)*, comprising 4040 square metres, forms part of the Totara State Forest, approximately 36 kilometres south-west of Hokitika. The area is in rough native pasture with scattered patches of gorse, and is isolated from the balance of the forest by legal road and freehold land. Its release will enable the land to be disposed of to the adjoining owner for farming purposes.

The land described in *subclause (2) (j)*, comprising about 353 hectares in 3 separate blocks, forms part of the Alford State Forest, approximately 45 kilometres north-west of Ashburton. The areas are part of a major adjustment exercise involving Crown land, reserve, and State forest land. The areas are clad in a combination of dense beech forest, bush, tussock, and native grasses, and their future use has yet to be determined. It is intended that any forest or bush areas that are worthy of preservation will be reserved or protected by an appropriate covenant.

The land described in *subclause (2) (k)*, comprising about 5 hectares, forms part of the Wakatipu State Forest, approximately 1 kilometre north of Kinloch at the head of Lake Wakatipu. The area is a combination of native grasses and fern and is to be disposed of to the adjoining lessee for farming purposes.

The land described in *subclause (2) (l)*, comprising 3072 square metres, is State forest land situated in Johnson Street, Milton. The area is a residential site on which there is a house, and will be made available for public disposal.

The land described in *subclause (2) (m)*, comprising about 25 hectares was formerly part of the Catlins State Forest Park, approximately 33 kilometres east of Wyndham. The area is a combination of rough pasture developed out of cutover bush, gorse, and second growth bush in the gullies, and is to be disposed of to the adjoining lessee for farming purposes.

The land described in *subclause (2) (n)*, comprising about 25 hectares was formerly part of the Catlins State Forest Park, approximately 68 kilometres south-east of Invercargill. The area is milled-over podocarp forest with a present cover of second growth bush. It is to be disposed of to the adjoining lessee for farming purposes in exchange for standing forest, thus rationalising the bush boundary.

Clause 3 relates to the status of 2287 square metres of land at French Bay on the western side of the Manukau Harbour in Titirangi, Waitemata City. Two separate pieces of land and a piece of foreshore are involved.

At present, the 3 areas are vested in the Auckland Harbour Board. The adjoining land is recreation reserve and legal road (The Parade, between Valley Road and Ridge Road) vested in the Waitemata City Council.

The land is occupied or used by the French Bay Boating Club Incorporated. The Auckland Harbour Board wishes to transfer the land to the Waitemata City Council without consideration, but cannot do so without the authority of an Act of Parliament. This clause vests the land in the Waitemata City Council as a recreation reserve under the Reserves Act 1977.

Clause 4 relates to an area of about 1605 hectares that is vested in the Crown as an endowment for the Victoria University of Wellington.

The land adjoins the Waitotara River to the north-west of Wanganui and is leased in 2 blocks for farming purposes. It had a total capital value in 1981 of \$317,000, of which all but \$22,000 was land value.

The effect of this clause is to enable the disposal of the land (less any land set apart as reserve) to the lessees. The proceeds of the disposal, less an administration fee and, if the purchase is by deferred payment, a collection fee of 6 percent, will be payable to the Council of the University. At present, the Council of the University receives the net rental derived from the land.

Clause 5 relates to an area of about 588 hectares of foreshore and mudflats at Havelock that were endowed upon the Havelock Harbour Board by section 7 of the Havelock Harbour Board Act 1905. In 1965 the Havelock Harbour was abolished, and its assets and liabilities were transferred to the Marlborough Harbour Board.

The present status of the land is unclear because of doubts as to whether the wording of the 1905 Act, in endowing the Havelock Harbour Board with the land, vested the land in the Board or merely gave the Board the right to use and take the benefits of it. In 1865 some of the land had been reserved for various purposes of public utility in connection with the improvement of the Port of Havelock, but no mention of that reservation is made in the 1905 Act.

Section 5 of the Reserves and Other Lands Disposal Act 1968 vested about 2.4 hectares of the endowment land in the Marlborough County as a reserve for esplanade purposes to provide public access to the Kaituna River.

Also in 1968 a certificate of title was issued to the Marlborough Harbour Board in respect of about 61 hectares of the endowment land, some of which was also part of the land that had been reserved in 1865. The area is to the south of the Havelock-Picton Road and is a grassed reclamation to the west of the Kaituna River. The certificate of title appears to have been issued on the assumption that the fee simple of the land was vested in the Board without restriction by the 1905 Act.

The Board has since granted leases of that land.

In 1969 part of the endowment land was proclaimed as road pursuant to section 29 of the Public Works Amendment Act 1948. That land is now part of the Havelock-Picton Road.

In 1983 various steps were taken to enable the Board to grant to New Zealand Marinefoods Limited a lease that could be registered under the Land Transfer Act 1952. The land involved was within the area reserved in 1865 and was endowed on the Havelock Harbour Board by the 1905 Act. The land is to the north of the Havelock Motor Camp, and is not within the area for which a certificate of title was granted in 1968.

In August 1983 an area of 8599 square metres of land was classified under the Reserves Act 1977 as a reserve for local purpose (harbour) and vested in the Marlborough Harbour Board. That action was based on the reservation of 1865, and relies upon a view that the fee simple of the land was not vested in the Board by the 1905 Act. If the 1865 reservation created a reserve to which the Reserves Act 1977 applies, then the Board became a leasing authority under the Public Bodies Leases Act 1969 by virtue of section 61 (2) of the Reserves Act 1977. An area of 1143 square metres of that land was subsequently leased by the Marlborough Harbour Board to New Zealand Marinefoods Limited, and that lease and 3 mortgages of that lease have been registered.

The effect of this clause is—

- (a) To declare that all the land described in section 7 of the Havelock Harbour Board Act 1905 was vested in the Havelock Harbour Board as an endowment with effect from the commencement of that Act;
- (b) To declare that the land in respect of which a certificate of title was issued in 1968 is held by the Marlborough Harbour Board as the successor to the Havelock Harbour Board on the same terms as the land was held by the Havelock Harbour Board;
- (c) To declare that the land that was classified in 1983 as a local purpose (harbour) reserve and vested in the Marlborough Harbour Board for that purpose is held by the Marlborough Harbour Board as the successor to the Havelock Harbour Board on the same terms as the land was held by the Havelock Harbour Board, subject to the lease to New Zealand Marinefoods Limited. It is also declared that the Marlborough Harbour Board had the power to enter into the lease with New Zealand Marinefoods Limited that has been registered.

Clause 6 relates to an area of nearly 243 hectares situated 42 kilometres south-west of Balclutha near, but south of, Waiwera South and Clinton. The land was vested in the Balclutha Borough Council without power of sale by section 4 of the Reserves and Other Lands Disposal Act 1960. The land is held as an endowment for library purposes and is leased for farming purposes. Before 1960 the land was vested in the Balclutha Athenaeum in trust for the purposes of the Athenaeum.

The effect of this clause is to confer upon the Balclutha Borough Council the power to sell the land. By virtue of section 230 (4) of the Local Government Act 1974 the proceeds of any sale of the land will have to be applied towards the purchase of other land to be held for the same purposes, unless the Minister of Local Government agrees to it being applied towards the purchase of land to be held for other purposes.

Clause 7 changes the status of part of the land that was vested in the Invercargill City Council by section 22 (3) of the Reserves and Other Lands Disposal Act 1955 as an endowment for municipal purposes. Before the passing of that Act the land was vested in the City Council as an endowment for the New River Harbour.

The effect of this clause is to change the status of the land, comprising about 1.2 hectares, to that of a recreation reserve under the Reserves Act 1977.

The land has a frontage on Stead Street to the north of the bridge across the Waihopai River and is on the western bank of that river. Stead Street is the main route between Invercargill City and the airport. It is intended that the area remain an open space and be planted in trees and shrubs.

Clause 8 authorises and directs District Land Registrars to take such action as may be necessary to implement the provisions of the Bill.

Hon. K. T. Wetere

RESERVES AND OTHER LANDS DISPOSAL (NO. 2)

ANALYSIS

Title	4. Victoria University of Wellington endowment
1. Short Title and commencement	5. Marlborough Harbour Board; Havelock endowment land
2. State forests	6. Balclutha library endowment
3. French Bay, Manukau Harbour	7. Invercargill City endowment
	8. 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 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 (No. 2) 10 1984.

(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 15 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: Be it therefore enacted as follows:

No. 40—1

(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 subject to the Land Act 1948.

(2) This section relates to the following land:

- (a) All that piece of land situated in the South Auckland Land District, Rotorua District, comprising 1920 square metres, more or less, being Part Section 4, Block 1, Tarawera Survey District, being part of the land comprised and described in the *Gazette* of 1898 at page 1457 (shown marked "A" on S.O. Plan 52682): 5
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- (b) All that piece of land situated in the Hawke's Bay Land District, Woodville County, comprising 3.7080 hectares, more or less, being Section 6, Block XVII, Woodville Survey District, (formerly Part Maharahara Block) being part of the land comprised and described in the *Gazette* of 1900 at page 429 (S.O. Plan 8609): 15
- (c) All those pieces of land situated in the Wellington Land District, Taumaranui County:
- (i) Comprising 1.2170 hectares, more or less, being Part Waimarino 1, situated in Block XII, Kaitieke Survey District, being part of the land comprised and described in the *Gazette* of 1934 at page 1388 (shown marked "A" on S.O. Plan 33977): 20
- (ii) Comprising 280 square metres, more or less, being Part Bed of the Tepure Stream, situated in Block XII, Kaitieke Survey District, being part of the land comprised and described in the *Gazette* of 1934 at page 1388 (shown marked "B" on S.O. Plan 33977): 25
- (d) All those pieces of land situated in the Wellington Land District, Featherston County: 30
- (i) Comprising 461 square metres, more or less, being Part Section 494, Featherston Suburban, situated in Block III, Wairarapa Survey District, being part of the land comprised and described in the *Gazette* of 1974 at page 1540 (S.O. Plan 33681): 35
- (ii) Comprising 1.4394 hectares, more or less, being Part Sections 494 and 495, Featherston Suburban, situated in Block III, Wairarapa Survey District, being part of the land comprised and described in the *Gazette* of 1974 at page 1540 (S.O. Plan 33681): 40

- 5 (e) All that piece of land situated in the Nelson Land District, Golden Bay County, comprising 5.0599 hectares, more or less, being Part Section 2, Block I, Waitapu Survey District, being part of the land comprised and described in the *Gazette* of 1943 at page 1382 (to be known as Section 13, Block I, Waitapu Survey District) (S.O. Plan 13503):
- 10 (f) All that piece of land situated in the Nelson Land District, Buller County, comprising 8.9900 hectares, more or less, being Part Section 19, Block V, Otumahana Survey District, being part of the land comprised and described in the *Gazette* of 1925 at page 2887 (shown marked "E" on S.O. Plan 13485):
- 15 (g) All those pieces of land situated in the Nelson Land District, Buller County:
- 20 (i) Comprising 60.4000 hectares, more or less, being Section 3, Block IV, Waitakere Survey District, and State forest situated in Block IV, Waitakere Survey District, being part of the land comprised and described in the *Gazette* of 1930 at page 3122 (shown marked "A" on S.O. Plan 13245):
- 25 (ii) Comprising 355.0000 hectares, more or less, being Part State forest situated in Block V, Waitakere Survey District, being part of the land comprised and described in the *Gazette* of 1920 at page 2115 (shown marked "B" on S.O. Plan 13245):
- 30 (h) All that piece of land situated in the Westland Land District, Grey County, comprising 1.4549 hectares, more or less, being Rural Section 5295, (formerly Part Reserve 1592), situated in Block III, Mawheranui Survey District, being all the land comprised and described in certificate of title Volume 1D, folio 379, (Limited as to Parcels) (Westland Registry) and part of the land comprised and described in the *Gazette* of 1920 at page 2837 (S.O. Plan 10610):
- 35 (i) All that piece of land situated in the Westland Land District, Westland County, comprising 4040 square metres, more or less, being Rural Section 6563, (formerly Part Reserve 1668), situated in Block I, Totara Survey District, being part of the land comprised and described in the *Gazette* of 1919 at page 1288 (S.O. Plan 2037):
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- (j) All those pieces of land situated in the Canterbury Land District, Ashburton County:
- (i) Comprising 155.8039 hectares, more or less, being Reserve 3311, situated in Blocks II and VI, Alford Survey District, being part of the land comprised and described in the *Gazette* of 1898 at page 1460 (S.O. Plan 11388): 5
 - (ii) Comprising 141.3100 hectares, more or less, being Rural Section 41443, situated in Block VI, Alford Survey District, being part of the land comprised and described in the *Gazette* of 1984 at page 272 (S.O. Plan 15644): 10
 - (iii) Comprising 47.8500 hectares, more or less, being Rural Section 41444, situated in Block VI, Alford Survey District, being part of the land comprised and described in the *Gazette* of 1984 at page 272 (S.O. Plan 15644): 15
 - (iv) Comprising 8.0937 hectares, more or less, being Rural Section 7637, situated in Block VI, Alford Survey District, being all of the land comprised and described in certificate of title Volume 406, folio 232 (Limited as to Parcels and Title) (Canterbury Registry) (Black Map 50): 20
- (k) All that piece of land situated in the Otago Land District, Lake County, comprising 4.7000 hectares, more or less, being Section 65, Block I, Upper Wakatipu Survey District, being part of the land comprised and described in the *Gazette* of 1981 at page 1431 (S.O. Plan 20730): 25
- (l) All that piece of land situated in the Otago Land District, Milton Borough, comprising 3072 square metres, more or less, being Lots 53, 54, and 55, Block X, Deeds Plan 3, being Part Section 135, Block XVII, Tokomairiro Survey District, being all of the land comprised and described in certificate of title Volume 155, folio 112 (Otago Registry): 30 35
- (m) All that piece of land situated in the Southland Land District, Clutha County, comprising 24.5610 hectares, more or less, being State forest land adjoining Crown land, Block XI, Mokoreta Survey District, being part of the land comprised and described in the *Gazette* of 1937 at page 1521 (shown marked "A" on S.O. Plan 10372): 40

(n) All those pieces of land situated in the Southland Land District, Southland County:

5 (i) Comprising 24.8990 hectares, more or less, being Part Section 27, Block X, Waikawa Survey District, being part of the land comprised and described in the *Gazette* of 1971 at page 1494 (to be known as Section 39, Block X, Waikawa Survey District) (S.O. Plan 10573):

10 (ii) Comprising 779 square metres, more or less, being Part Section 35, Block VI, Otara Survey District, being part of the land comprised and described in the *Gazette* of 1938 at page 2396 (to be known as Section 58, Block VI, Otara Survey District) (S.O. Plan 10573):

15 (iii) Comprising 4250 square metres, more or less, being Part Section 35, Block VI, Otara Survey District, being part of the land comprised and described in the *Gazette* of 1938 at page 2396 (to be known as Section 56, Block VI, Otara Survey District) (S.O. Plan 10573).

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3. French Bay, Manukau Harbour—Whereas the land to which this section relates was vested in the Auckland Harbour Board by section 3 of the Manukau Harbour Control Act 1911: And whereas it is desired to transfer the land to the Waitemata
25 City Council without consideration: And whereas some of the land is foreshore and sections 150 and 151 of the Harbours Act 1950 prohibit the transfer of foreshore without the authority of an Act of Parliament: And whereas the land that
30 is not foreshore cannot be transferred under section 143c of the Harbours Act 1950 without consideration: Be it therefore enacted as follows:

(1) The land to which this section relates is hereby vested in the Waitemata City Council as a recreation reserve subject to the Reserves Act 1977.

35 (2) This section relates to all those pieces of land in the North Auckland Land District, Waitemata City,—

40 (a) Comprising 2063 square metres, more or less, being part Tidal Lands Manukau Harbour, situated in Block VII, Titirangi Survey District, being part of the land comprised and described in certificate of title Volume 9B, folio 1172 (North Auckland Registry) (shown marked “A” on S.O. Plan 51194):

- (b) Comprising 185 square metres, more or less, being part Tidal Lands Manukau Harbour, situated in Block VII, Titirangi Survey District, being part of the land comprised and described in certificate of title Volume 9B, folio 1172 (North Auckland Registry) (shown marked "A" on S.O. Plan 52374): 5
- (c) Comprising 39 square metres, more or less, being part Tidal Lands Manukau Harbour, situated in Block VII, Titirangi Survey District, being part of the land comprised and described in certificate of title Volume 9B, folio 1172 (North Auckland Registry) (shown marked "C" on S.O. Plan 51268). 10

4. Victoria University of Wellington endowment—

Whereas by section 54 of the Victoria University of Wellington Act 1961 certain land continues to be vested in Her Majesty as an endowment for the Victoria University of Wellington and is to be held and administered as Crown land under the leasing provisions of the Land Act 1948 with the net rents and proceeds being payable to the Council of the University for the purposes of the University: And whereas the land is leased under the Land Act 1948 to various persons: And whereas it is desired to enable some of the land to be set apart as a reserve without the payment of compensation to the Council of the University or any lessee: And whereas it is desired to enable the rest of the land to be disposed of to the lessees, subject to the conditions set out in this section, and to provide that the proceeds of the disposal less certain fees are to be paid to the Council of the University for the development of the University: Be it therefore enacted as follows: 15 20 25

(1) The land to which this section relates shall continue to be vested in Her Majesty as an endowment for the Victoria University of Wellington. 30

(2) While the land remains vested in Her Majesty it shall be held and administered by the Crown under such of the leasing provisions of the Land Act 1948 as the Minister of Lands from time to time thinks fit; and the net rents and other proceeds derived from the land remaining after payment of all necessary expenses related to the management and administration of the land shall, without further authority than this subsection, be paid over from time to time by the Commissioner of Crown Lands, Wellington, to the Council of the University for the purposes of the University. 35 40

(3) Section 167 of the Land Act 1948 shall apply to the land to which this section relates as if it were Crown land, and, where any of the land is set apart as a reserve under that section, no compensation shall be payable to the Council of the University or any lessee of the land.

(4) Any part of the land that has not been set apart under **subsection (3)** of this section may be disposed of to the lessee of that part on such terms and conditions as the Land Settlement Board and the lessee may agree, but otherwise free from all trusts, reservations, and restrictions.

(5) Every applicant to purchase land under this section shall pay to the Land Settlement Board on the making of his application a fee of \$175 or such lesser amount as the Commissioner of Crown Lands, Wellington, may determine, having regard to the value of the land set apart or likely to be set apart under **subsection (3)** of this section.

(6) Section 58 of the Land Act 1948 shall apply to any land disposed of under this section as if it were Crown land disposed of under the Land Act 1948.

(7) Land disposed of under this section may be purchased for cash, or on deferred payments.

(8) Where land disposed of under this section is purchased on deferred payments, the following provisions shall apply:

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

(b) The deposit payable shall be not less than 25 percent of the purchase price, or, with the consent of the Council of the University, not less than 15 percent of the purchase price:

(c) The licence shall be for a period of 15 years or such period as may be fixed by the Land Settlement Board with the agreement of the Council of the University, being not less than 10 years and not greater than 20 years, commencing in either case on the 1st day of January or the 1st day of July next following the date of the licence:

(d) The rate of interest that shall be payable under the licence shall be the same rate as at the date of the licence then applies to Crown land purchased on deferred payments under the Land Act 1948, and shall be

reviewable by the Land Settlement Board on the expiration of the period of 3 years following the 1st day of January or the 1st day of July next following the date of the licence, and at 3-yearly intervals thereafter.

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(9) The purchase price of any land disposed of under this section shall be the current market value of the land exclusive of all improvements, as determined, as at the date of the agreement to dispose of the land, by the Land Settlement Board following a valuation undertaken by a registered valuer.

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(10) If any applicant to purchase any land under this section disputes the valuation of the land as determined in accordance with **subsection (9)** of this section, he may within 1 month after being notified in writing of the valuation require the purchase price to be determined by the Land Valuation Tribunal.

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(11) The proceeds of the disposal of any land under this section shall be paid to the Council of the University for the purposes of the University, less—

(a) An administration fee to be determined by the Land Settlement Board after consultation with the Council of the University; and

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(b) Where the land is purchased on deferred payments, a collection fee of 6 percent of all payments other than the deposit,—

both of which shall be retained by the Crown.

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(12) Section 54 of and the Third Schedule to the Victoria University of Wellington Act 1961 are hereby repealed.

(13) This section relates to all those pieces of land in the Wellington Land District, Patea County—

(a) Comprising 884.2381 hectares, more or less, being Section 1, Block I, Nukumarū Survey District, being all the land comprised and described in Crown Lease Volume 641, folio 87 (Wellington Registry) (S.O. Plan 15455):

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(b) Comprising 720.3404 hectares, more or less, being Section 1B, Block I, Nukumarū Survey District, being all the land comprised and described in Crown Lease Volume C3, folio 316 (Wellington Registry) (S.O. Plan 15312).

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5. Marlborough Harbour Board; Havelock endowment land—Whereas the Havelock Harbour Board was, by section 7 of the Havelock Harbour Board Act 1905, endowed with certain foreshore and mudflats within the harbour (in this section called “the endowment land”): And whereas the assets, liabilities,

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rights, powers, functions, duties, and authorities of the Havelock Harbour Board were vested in the Marlborough Harbour Board by clause 3 (1) of the Marlborough Harbour Board Order 1965 (S.R. 1965/138): And whereas it is desired to provide that the

5 endowment land was vested in the Havelock Harbour Board with effect from the commencement of the Havelock Harbour Board Act 1905: And whereas a certificate of title was issued in 1968 to the Marlborough Harbour Board in respect of some of the endowment land on the assumption that the land was

10 vested in the Harbour Board by operation of section 7 of the Havelock Harbour Board Act 1905 and clause 3 (1) of the Marlborough Harbour Board Order 1965, and from time to time leases and mortgages of those leases have been registered against that title: And whereas there are doubts as to the

15 validity of that certificate of title and it is desired to remove those doubts: And whereas, in order to grant in respect of part of the endowed land a lease that was capable of registration under the Land Transfer Act 1952, part of the endowment land was regarded as having the status of a reserve

20 because, by notice in the *Marlborough Provincial Gazette* of 1865 at page 83, that land was reserved for various purposes of public utility in connection with the improvement of the Port of Havelock: And whereas part of the land regarded as being reserve was, by notice in the *Gazette* of 1983 at page 2500,

25 classified as a reserve for local purpose (harbour) and vested in the Marlborough Harbour Board: And whereas the Marlborough Harbour Board granted a lease of that land to New Zealand Marinefoods Limited and that lease and mortgages of that lease have been registered: And whereas it

30 is desired to provide that the land declared to be a reserve for local purpose (harbour) is held by the Marlborough Harbour Board on the same terms as it holds the rest of the endowment land, but subject to the lease granted to New Zealand Marinefoods Limited: And whereas it is desired to remove

35 doubts as to the power of the Marlborough Harbour Board to grant the lease to New Zealand Marinefoods Limited:

Be it therefore enacted as follows: (1) The land (being foreshore of the Harbour of Havelock and mudflats within that harbour) referred to in paragraphs (a) and (b) of section 7 of

40 the Havelock Harbour Board Act 1905 is hereby declared to have been vested in the Havelock Harbour Board on the commencement of that Act as an endowment for general purposes subject to the proviso to section 7 (a) of that Act, but free from all other trusts, reservations, and restrictions.

(2) It is hereby declared that the land comprised and described in certificate of title Volume 1D, folio 416 issued in respect of an area in the Marlborough Land District, Marlborough County, comprising 61.0569 hectares, more or less, being Lot 1, D.P. 3385, being Part Block A and Part Havelock Harbour Board Endowment, situated in Block XII, Wakamarina Survey District, being part of the land to which **subsection (1)** of this section relates, and of which the Marlborough Harbour Board is registered as the proprietor without restriction, is held by the Marlborough Harbour Board as the successor to the Havelock Harbour Board on the terms described in **subsection (1)** of this section, subject to memorandum of lease number 111454; and the certificate of title is hereby declared to be and always to have been as valid as it would have been if the land had been so held at the time when the certificate of title was issued.

(3) It is hereby declared that the land comprised and described in the *Gazette* of 1983 at page 2500 that was classified as a reserve for local purpose (harbour) and was vested in the Marlborough Harbour Board for that purpose, being part of the land to which **subsection (1)** of this section relates, comprising 8599 square metres, more or less, being Section 34, Block XII, Wakamarina Survey District, formerly Part Block A Marlborough County, Marlborough Land District) (shown marked "B" on S.O. Plan 5261), is held by the Marlborough Harbour Board as the successor to the Havelock Harbour Board on the terms described in **subsection (1)** of this section subject, in respect of part of the land, to memorandum of lease number 116885; and the Board is hereby declared to have been empowered to enter into that lease.

6. Balclutha library endowment—Whereas by section 4 of the Reserves and Other Lands Disposal Act 1960 certain land was vested in the Balclutha Borough Council without power of sale: And whereas it is desired to confer upon the Balclutha Borough Council the power to sell the land: Be it therefore enacted as follows:

Section 4 (2) of the Reserves and Other Lands Disposal Act 1960 is hereby amended by omitting the words "without power of sale", and substituting the words "with power of sale".

7. Invercargill City endowment—Whereas the land to which this section relates forms part of land that, by section 22 (3) of the Reserves and Other Lands Disposal Act 1955, was vested in the Invercargill City Council on trust as an

endowment for municipal purposes with a proviso that sections 147 and 148 of the Harbours Act 1950 shall apply in respect of the land: And whereas no revenue is being derived from the land, and the Invercargill City Council wishes to develop
5 the land as a recreational reserve so as to provide an amenity for the enjoyment of the public: Be it therefore enacted as follows:

(1) The land to which this section relates is hereby declared to be a recreation reserve subject to the Reserves Act 1977,
10 but free from all trusts, reservations, and restrictions imposed by section 22 (3) of the Reserves and Other Lands Disposal Act 1955 or otherwise.

(2) The Reserves Act 1977 shall apply in respect of the land to which this section relates as if it had been declared to be
15 a reserve and classified under that Act.

(3) The Schedule to the Reserves and Other Lands Disposal Act 1955 is hereby amended by adding to the first item in the first column the words “(except that piece of land to which
20 **section 7** of the Reserves and Other Lands Disposal Act 1984 relates)”.

(4) This section relates to all that piece of land in the Southland Land District, Invercargill City, comprising 1.2100 hectares, more or less, being Part Section 19, Block XXI, Invercargill Hundred, being part of the land comprised and
25 described in certificate of title Volume 1A, folio 370 (Southland Registry) (shown marked “A” on S.O. Plan 9755).

8. 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
30 to give full effect to the provisions of this Act.