

New Zealand



ANALYSIS

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1945, No. 31

AN ACT to provide for the Sale, Reservation, and other Disposition of certain Reserves, Crown Lands, Endowments, and other Lands, to validate certain Transactions, and to make Provision in respect of certain other Matters. Title.
[7th December, 1945]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Reserves and other Lands Disposal Act, 1945. Short Title.

2. Whereas the land hereinafter described is reserved as an endowment for primary education: And whereas the said land extends into the Herbert State Forest: And whereas for the consolidation and better management of that forest it is desirable that the said land should be brought under the provisions of the Forests Act, 1921–22, and be administered and dealt with in all respects as a permanent State forest: Be it therefore enacted as follows:—

Cancelling the reservation over certain education-endowment land in Otago Land District, and setting it apart as a permanent State forest.
See Reprint of Statutes, Vol. III, p. 425

(1) The reservation as an endowment for primary education over the land hereinafter described is hereby cancelled, and the said land is hereby set apart as a permanent State forest under and subject to the provisions of the Forests Act, 1921–22.

(2) The land to which this section relates is particularly described as follows:—

All that area in the Otago Land District, containing by admeasurement one hundred and seventy-three acres and thirty-six perches, more or less, being Sections 34 and 35, Block VIII, Otepopo Survey District, and being all the land contained in certificate of title, Volume 180, folio 103, Otago Registry: as the same is

more particularly delineated on the plan marked L. and S. X./100/32, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

Cancelling the reservation as an endowment for primary education over certain land in the Town of East Winton, and declaring the land to be subject to Part I of the Housing Act, 1919.

See Reprint of Statutes, Vol. III, p. 798

3. Whereas the land hereinafter described is reserved as an endowment for primary education: And whereas it is desirable that such reservation should be cancelled and that the said land should be set apart for housing purposes subject to the provisions of Part I of the Housing Act, 1919: Be it therefore enacted as follows:—

(1) The reservation as an endowment for primary education over the land hereinafter described is hereby cancelled, and the said land is hereby set apart for housing purposes, subject to the provisions of Part I of the Housing Act, 1919.

(2) The land to which this section relates is particularly described as follows:—

All that area in the Southland Land District, containing by admeasurement three acres two roods and twenty-four perches, more or less, being Section 4, Block IV, Town of East Winton, and being part of the land comprised in certificate of title, Volume 65, folio 34, Southland Registry: as the same is more particularly delineated on the plan marked L. and S. 20/1128, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

Authorizing the Te Awamutu Borough Council to transfer certain land to the Waikato Hospital Board.

4. Whereas the land hereinafter described was purchased by the Te Awamutu Borough Council, as a site for a reservoir, out of the proceeds of a special loan raised for the improvement of the borough water-works and is now vested in the Corporation of the Borough of Te Awamutu: And whereas the said land is no longer required for the purpose of a reservoir: And whereas there is urgent need for the erection of a public hospital to serve the Borough of Te Awamutu and the surrounding district which lies within the Waikato Hospital District: And whereas the Waikato Hospital Board has agreed to erect a public hospital on the said land if the said Council will transfer the

said land to the said Board free of cost: And whereas there is no authority enabling the said Council to make a gift of the said land, and it is desirable to authorize the Council to make such gift: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in any Act, the Te Awamutu Borough Council is hereby empowered to transfer the land hereinafter described to the Waikato Hospital Board without consideration as a site for the erection of a public hospital under the control and management of the said Board, and the said Board is empowered to accept the transfer of the said land accordingly.

(2) The District Land Registrar for the Land Registration District of Auckland is hereby empowered and directed to accept and register a memorandum of transfer of the said land by the Te Awamutu Borough Council to the Waikato Hospital Board and to issue a certificate of title for the said land in the name of the said Board.

(3) The land to which this section relates is particularly described as follows:—

All that area in the Auckland Land District, containing by admeasurement three acres three roods twenty-seven perches and two-tenths of a perch, more or less, being all the land on Deposited Plan 25486, being portion of Allotment 241, Parish of Mangapiko, situated in the Borough of Te Awamutu, and being the whole of the land comprised in certificate of title, Volume 672, folio 101, Auckland Registry.

5. Whereas by subsection three of section twenty-three of the Reserves and other Lands Disposal Act, 1935, as amended by section thirty of the Reserves and other Lands Disposal Act, 1936, the Auckland City Council (hereinafter called the Council) was authorized and empowered to establish on certain land therein mentioned and on any adjacent lands a transport terminus and to equip the same in the manner therein mentioned and by special order and without taking the steps described in sections nine to thirteen of the Local

Authorizing the Auckland City Council to raise a special loan for the purpose of extending the transport terminus on the old railway-station site at Auckland.
1935, No. 30
1936, No. 49
See Reprint of Statutes, Vol. V, p. 360

Bodies' Loans Act, 1926, to raise a special loan not exceeding thirty-nine thousand pounds for the purpose of establishing and equipping the said terminus: And whereas the Council has duly established and equipped the said terminus: And whereas it is desirable that the platform at the said terminus should be extended: Be it therefore enacted as follows:—

The Council may by special order, and without taking the steps described in sections nine to thirteen of the Local Bodies' Loans Act, 1926, raise a special loan not exceeding eight thousand six hundred pounds for the purpose of extending the platform and carrying out all incidental alterations at the said transport terminus.

Authorizing the
Geraldine
County Council
to sell
certain land.
1878, No. 34

6. Whereas by an Order in Council issued pursuant to section seven of the Public Reserves Act Amendment Act, 1878, dated the nineteenth day of April, eighteen hundred and eighty-one, and published in the *Gazette* of the twenty-first day of that month, the land hereinafter described was declared to be dedicated for a site for a Road Board office: And whereas the said land is now vested in the Corporation of the County of Geraldine: And whereas it is expedient that the Geraldine County Council should be empowered to sell the said land and to apply the proceeds towards the cost of erecting new county buildings: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in any Act, the Geraldine County Council is hereby empowered to sell the said land freed and discharged from the trusts, reservations, and restrictions affecting the same.

(2) The net proceeds from the sale shall be applied towards the cost of erecting new county buildings.

(3) The land to which this section relates is particularly described as follows:—

All that area in the Canterbury Land District, containing by admeasurement thirty-nine perches, more or less, being Reserve 1621, Town of Geraldine, situated

in the Borough of Geraldine: as the same is more particularly delineated on the plan marked L. and S. 27533, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

7. Whereas the lands hereinafter described are reserves subject to Part II of the Public Reserves, Domains, and National Parks Act, 1928, and are known as the Pokeno Domain: And whereas the said lands are unsuitable and have never been used for the purpose of public recreation: And whereas it is desirable that the land firstly hereinafter described should be reserved as a scenic reserve subject to the provisions of the Scenery Preservation Act, 1908, and that the land secondly hereinafter described should be declared to be Crown land: Be it therefore enacted as follows:—

Cancelling the reservation over the Pokeno Domain, and declaring portion to be a scenic reserve and portion to be Crown land.

See Reprint of Statutes, Vol. VI, p. 1148
Ibid., Vol. VIII, p. 613

(1) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act, 1928, the reservation for the purposes of a public domain over the lands hereinafter described (being the Pokeno Domain) is hereby cancelled.

(2) The land firstly hereinafter described is hereby declared to be a scenic reserve subject to the provisions of the Scenery Preservation Act, 1908.

(3) The land secondly hereinafter described is hereby declared to be Crown land available for disposal by way of sale for cash under the Land Act, 1924.

Ibid., Vol. IV, p. 622

(4) The provisions of subsection two of section forty-one of the Public Reserves, Domains, and National Parks Act, 1928, are hereby declared to apply to the proceeds of the sale of the land referred to in the last preceding subsection.

Ibid., Vol. VI, p. 1150

(5) The lands to which this section relates are particularly described as follows:—

Firstly, all that area in the North Auckland Land District, containing by admeasurement one hundred and five acres and three roods, more or less, being Allotment 154, Parish of Maungatawhiri.

Secondly, all that area in the North Auckland Land District, containing by admeasurement twenty-six acres one rood and four perches, more or less, being Lot 138, Settlement of Pokeno, Suburban Section 1, Parish of Maungatawhiri.

Cancelling the reservation for a fish market over certain land in the Town of Picton, declaring the said land to be subject to Part I of the Housing Act, 1919, and authorizing a payment by the Crown to the Picton Borough Council.

8. Whereas by Warrant dated the first day of December, eighteen hundred and eighty, a certificate of title to the land described in subsection four hereof was authorized to be issued to the Mayor, Councillors, and Burgesses of the Borough of Picton in trust as a site for a fish market: And whereas the said land is no longer required for the purposes for which it is held, and the Picton Borough Council (hereinafter called the Council) has agreed to the land being used by the Crown for housing purposes, subject to the payment of a certain sum by way of compensation: Be it therefore enacted as follows:—

(1) The land described in subsection four hereof is hereby vested in His Majesty the King and set apart for housing purposes, subject to the provisions of Part I of the Housing Act, 1919.

(2) The payment to the Council of the sum of two hundred and fifty pounds out of the *Housing Account* under the Housing Act, 1919, for the land described in subsection four hereof is hereby authorized.

(3) The said sum of two hundred and fifty pounds shall be applied by the Council in and towards the carrying-out of improvements on land included in the Waitohi Domain.

(4) The land to which subsections one and two of this section relate is particularly described as follows:—

All that area in the Marlborough Land District, containing by admeasurement two roods, more or less, being Sections 353 and 456, Town of Picton, situated in the Borough of Picton, and being all the land comprised in certificate of title, Volume 3, folio 48, Marlborough Registry.

See Reprint of Statutes, Vol. III, p. 798

9. Whereas by section fourteen of the Reserves and other Lands Disposal Act, 1934, the reservations over certain lands in Block X, Christchurch Survey District, were cancelled and such lands were declared to be Crown land available for disposal by way of sale for cash under the Land Act, 1924: And whereas by the said section authority was provided for the payment of the proceeds of the sale of the said lands, less the costs of the sale of such lands, to the Waimairi County Council (hereinafter called the Council), and it was further provided that such moneys should be paid by the Council into the sinking fund of any loan raised by it for the purpose of acquiring land for a public domain or be otherwise applied towards the redemption of such loan: And whereas the Council borrowed by way of special loan a certain sum to enable it to acquire land in the Fendalton Riding as a public domain, and on acquisition transferred the land to the Crown for that purpose: And whereas the Council has been authorized to raise a further loan for the purpose of acquiring additional land in the Fendalton Riding for a public domain: And whereas such land has been duly acquired and is being transferred to the Crown for that purpose: And whereas there are situated within the said riding certain further reserves which have become vested in the Crown upon the subdivision of private properties, and which could be sold without detriment to the district: And whereas it is desirable that such reserves should be sold and the proceeds therefrom paid to the Council to be applied as hereinafter appearing: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act, 1928, or in any other Act, the existing reservation for recreation purposes over the lands hereinafter described is hereby cancelled and such lands are hereby declared to be Crown land available for disposal by way of sale for cash under the Land Act, 1924.

(2) The provisions of subsection two of section fourteen of the Reserves and other Lands Disposal Act, 1934, relating to the proceeds of the sale of the

Authorizing the sale of certain recreation reserves in Block X, Christchurch Survey District, and providing for the application of the proceeds towards the acquisition of land for domain purposes.

1934-35,
No. 32

See Reprint
of Statutes,
Vol. IV, p. 622

Ibid., Vol. VI,
p. 1134

lands disposed of pursuant to subsection one of that section shall apply, with the necessary modifications, to the proceeds of the sale of the lands referred to in the last preceding subsection.

(3) The lands to which subsection one hereof relates are particularly described as follows:—

All those areas in the Canterbury Land District, containing by admeasurement one acre eighteen perches and four-tenths of a perch, more or less, being Reserves numbered 4436, 4400, and 4340, situated in Block X, Christchurch Survey District: As the same are more particularly delineated on the plans marked L. and S. 1/1105 G, H, and J, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

10. Whereas the land hereinafter described was set aside as a public cemetery by section two of the Ordinance of the Superintendent and Provincial Council of the Province of Otago intituled the Cemeteries Ordinance, 1865: And whereas the said land has been administered by the Balclutha Borough Council (hereinafter called the Council): And whereas it is expedient that the said land should be vested in the Corporation of the Borough of Balclutha: And whereas portion of the said land is unsuitable and has never been used for the purpose of a public cemetery: And whereas it is expedient that the Council should be empowered to sell the said portion of the said land and to apply the proceeds in the acquisition of other lands to be held for the purpose of a public cemetery, or in the development or improvement of any lands now vested in or which may hereafter become vested in the said Corporation for the said purpose: Be it therefore enacted as follows:—

(1) The whole of the land described in subsection five hereof is hereby vested in the Corporation of the Borough of Balclutha for the purpose of a public cemetery.

(2) Notwithstanding anything to the contrary in any Act, the Council is hereby empowered to sell that portion of the said land firstly described in subsection five hereof or any part thereof by public auction,

Vesting a
cemetery
reserve in the
Corporation of
the Borough
of Balclutha
and authorizing
the sale of
portion of the
reserve.
Sess. XX,
No. 202

public tender, or private contract, or partly by the one and partly by the other of such modes of sale, and either in one lot or in subdivisions as the Council may in its discretion decide, freed and discharged from the trusts, reservations, and restrictions affecting the same, but subject to such conditions as to title, time, or mode of payment of purchase-money or otherwise as it thinks fit, and with or without a grant or reservation of rights-of-way, rights of water easements, drainage easements, or other rights, privileges, or easements, in favour of the purchaser or the said Corporation, or any other person.

(3) The net proceeds from the sale of the land referred to in the last preceding subsection, or of any part thereof, shall be applied towards all or any of the following objects, namely:—

- (a) The purchase or other acquisition of lands to be held for the purpose of a public cemetery:
- (b) The development or improvement of any lands now vested, or which may hereafter become vested in the said Corporation for the said purpose.

(4) The Council may utilize for roading purposes any portion of the land firstly described in subsection five hereof.

(5) The land to which this section relates is particularly described as follows:—

Firstly, all that area in the Otago Land District, containing by admeasurement two acres five perches and thirty-nine one-hundredths of a perch, more or less, being part of Cemetery Reserve, Block XVII, Town of Balclutha, and bounded as follows: towards the north-west by Section 26, distance 252·92 links; towards the north-east by other part of the said Cemetery Reserve, distance 804·75 links; towards the south-east by a public street, distance 252·91 links; and towards the south-west by Elizabeth Street, distance 803·5 links: be all the aforesaid linkages more or less.

Secondly, all that area in the Otago Land District, containing by admeasurement eight acres eighteen perches and six-tenths of a perch, more or less, being

part of Cemetery Reserve, Block XVII, Town of Balclutha, and bounded as follows: towards the north-east by a public street, distance 809.5 links; towards the south-east by a public street, distance 1012.09 links; towards the south-west by other part of the said Cemetery Reserve, distance 804.75 links; and towards the north-west by part of Section 26, Block XVII, distance 999.08 links: be all the aforesaid linkages more or less.

Authorizing the Cornwall Park trustees to make part of Cornwall Park available for hospital purposes, and validating an agreement between the Minister of Works, the Cornwall Park trustees, and the Auckland Hospital Board.

11. Whereas the lands known as Cornwall Park (hereinafter referred to as Cornwall Park), situated in the suburbs of Auckland, are vested in certain trustees upon the trusts declared under a declaration of trust dated the tenth day of June, nineteen hundred and one, and known as the Cornwall Park Trust Deed: And whereas by the said declaration of trust it is declared that Cornwall Park shall be held by the trustees upon trust as a place of public recreation and enjoyment for the people of the Colony of New Zealand and also for such public purposes for the general benefit of the people of New Zealand in the way of affording them recreation, enjoyment, pleasure, and instruction and other similar benefits and advantages as the trustees shall from time to time consider best: And whereas portion of Cornwall Park (hereinafter referred to as the said land), has been used for military hospital purposes and hospital buildings have been erected thereon: And whereas the said buildings are no longer required by the military authorities and it is desirable that the buildings should be made available temporarily for the use of the Auckland Hospital Board: And whereas by an agreement dated the sixteenth day of December, nineteen hundred and forty-four, and made between the trustees, the Auckland Hospital Board, and the Minister of Works, it was agreed that the said land and the buildings erected thereon should be made available for hospital purposes for a term not exceeding six years: And whereas by such agreement the Minister, on behalf of the Crown, covenanted to remove all buildings from the said land at or before the end of six years and to carry out certain works of restoration on the

area: And whereas the trustees had no authority for the making of the agreement, and it is desired to validate it: Be it therefore enacted as follows:—

The Cornwall Park trustees are hereby authorized and empowered to make available to the Auckland Hospital Board, for hospital purposes, that part of Cornwall Park, comprising approximately sixty-four acres two roods and ten perches, on which are erected the temporary military hospital buildings owned by His Majesty the King; and the agreement dated the sixteenth day of December, nineteen hundred and forty-four, made between the Minister of Works, the Cornwall Park trustees, and the Auckland Hospital Board, providing for the use of the said land and buildings for hospital purposes for a term not exceeding six years from the date of the agreement is hereby validated.

12. Whereas the land known as the Pukeroa Domain at Rotorua was given to the Crown many years ago by the Maoris, and is a public domain set apart for the use and enjoyment of the inhabitants of Rotorua: And whereas the greater portion of the said domain has been leased for hospital purposes to the Waikato Hospital Board for a term of nine hundred and ninety-nine years under the authority of section twenty-three of the Reserves and other Lands Disposal Act, 1940: And whereas the control of the unleased portion of the said domain is vested in the Minister in Charge of Tourist and Health Resorts pursuant to the Tourist and Health Resorts Control Act, 1908: And whereas representatives of the Maori donors of the land have agreed to a proposal that a part of the unleased portion of the domain should be utilized for the purposes of a site for a Maori guest-house: And whereas it is desirable that effect should be given to the proposal aforesaid, and that a lease of a suitable area should be granted to the Women's Health League (Incorporated) on special terms and conditions as a site for a Maori guest-house: Be it therefore enacted as follows:—

Authorizing
leasing of
portion of the
Pukeroa
Reserve,
Rotorua, to the
Women's
Health League
(Incorporated)
for a site for
a Maori guest-
house.
1940, No. 13

See Reprint
of Statutes,
Vol. VIII,
p. 605

(1) Notwithstanding the provisions of any Act, the Governor-General may by Order in Council declare that such part of the unleased portion of the Pukeroa

Domain as is required for the purposes of a site for a Maori guest-house shall no longer be subject to the control of the Minister in Charge of Tourist and Health Resorts, and at any time after the making of such Order the Governor-General may lease the said part of the domain to the Women's Health League (Incorporated), a body incorporated under the Incorporated Societies Act, 1908, and having its registered office at Rotorua, for a term of nine hundred and ninety-nine years, at a peppercorn rental, and upon such terms and conditions as he may think fit:

Provided that should at any time the land so leased be no longer required or used for the purposes of a site for a Maori guest-house, then the lease thereover shall immediately determine and the land revert to the Crown for use as a public domain freed from all rights, title, and interest therein on the part of the Women's Health League (Incorporated).

(2) The District Land Registrar for the Land Registration District of Auckland is hereby empowered and directed, on the production of such plans and other particulars as he may require, to register any lease executed under the provisions of this section and submitted to him for registration.

13. Whereas the land described in subsection four hereof has been purchased by the Crown for the purpose of extending the soldiers' cemetery at Karori: And whereas payment for the said land has been made out of the War Expenses Account: And whereas it is desirable that portion of the said land should be exchanged for certain private land: And whereas there is no authority for the acquisition by the Crown of land for cemetery purposes or for the exchange of land so acquired for private land: And whereas it is desirable that provision should be made as hereinafter appears and that the said payment should be validated: Be it therefore enacted as follows—

(1) The land described in subsection four hereof is hereby vested in His Majesty the King for cemetery purposes, and the District Land Registrar for the Land Registration District of Wellington is hereby authorized and directed to make such entries in the register and generally do all such things as may be necessary to carry out the provisions of this subsection:

See Reprint
of Statutes,
Vol. III, p. 922

Authorizing
the acquisition
by the Crown
of certain land
in Karori
district for
cemetery
purposes,
vesting the
land in the
Crown, and
authorizing
the exchange
of part thereof
for certain
private land.

(2) The payment out of the War Expenses Account of the sum of five thousand pounds for the land referred to in subsection one hereof is hereby validated.

(3) It shall be lawful for the Governor-General to grant in fee-simple freed and discharged from all trusts and reservations affecting the same the land described in subsection five hereof (being portion of the land described in subsection four hereof) in exchange for the fee-simple of the private land described in subsection six hereof, and on completion of such exchange the said private land shall vest in His Majesty for cemetery purposes.

(4) The land vested in His Majesty for cemetery purposes by subsection one hereof is particularly described as follows:—

All that area in the Wellington Land District situated in the City of Wellington, containing by admeasurement three acres three roods and thirteen and one-hundredth perches, more or less, being Lots 2, 3, 4, 5, 7, 9, 10, 12 to 20, 30, 31, 33 to 36, on Deposited Plan 9848, and being parts of Sections 31 and 33, Karori District, situated in Block VI, Port Nicholson Survey District, as the same is more particularly delineated on the plan numbered 21349, deposited in the office of the Chief Surveyor, at Wellington, and thereon coloured orange.

(5) The land (being portion of the land referred to in the last preceding subsection) which may be exchanged for private land in accordance with subsection three hereof is particularly described as follows:—

All that area in the Wellington Land District situated in the City of Wellington, containing by admeasurement twenty-five perches and ninety-seven one-hundredths of a perch, more or less, being parts of Lots 19 and 20 on Deposited Plan 9848, and being parts of Section 33, Karori District, situated in Block VI, Port Nicholson Survey District, as the same is more particularly delineated on the plan numbered 21362, deposited in the office of the Chief Surveyor, at Wellington, and thereon coloured orange.

(6) The private land referred to in subsection three hereof is particularly described as follows:—

All that area in the Wellington Land District situated in the City of Wellington, containing by admeasurement twenty-five perches and ninety-seven one-hundredths of a perch, more or less, being Lot 11 on Deposited Plan 9848, and being part of Section 33, Karori District, situated in Block VI, Port Nicholson Survey District, as the same is more particularly delineated on the plan numbered 21349, deposited in the office of the Chief Surveyor, at Wellington, and thereon coloured blue.
