



ANALYSIS

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| <p>Title</p> <ol style="list-style-type: none"> 1. Short Title 2. Amending Hamilton Domain Endowment Act 1965 3. Declaring land subject to the Forests Act 1949 to be Crown land subject to the Land Act 1948 4. Validating the reclamation of certain land, authorising the reclamation of certain land, and granting certain land to the Auckland Hospital Board | <ol style="list-style-type: none"> 5. Providing for the vesting in the Crown for hospital purposes of a portion of the Auckland Domain in exchange for a certain parcel of land vested in the Crown for hospital purposes 6. Empowering the Minister of Lands to declare portions of the Takapuna foreshore to be no longer subject to the Takapuna Borough Foreshore Vesting Act 1914 and Harbours Act 1950 7. Empowering Picton Borough Corporation to sell, etc., certain land and declaring certain other land in Picton to be a recreation reserve 8. Declaring part of closed cemetery in Auckland to be street |
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1967, No. 142

An Act to provide for the sale, vesting, and other disposition of certain reserves, Crown land, and other land, and to make provision in respect of certain other matters

[24 November 1967]

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—This Act may be cited as the Reserves and Other Lands Disposal Act 1967.

2. Amending Hamilton Domain Endowment Act 1965—Whereas by the Hamilton Domain Endowment Act 1965 (in this section referred to as the principal Act) certain land was vested in the Mayor, Councillors, and Citizens

of the City of Hamilton as an endowment for the Hamilton Domain: And whereas it was intended that certain other land be so vested but that land was inadvertently omitted from the Schedule to the principal Act: And whereas it is desirable that the land should be so vested: Be it therefore enacted as follows:

The Schedule to the principal Act is hereby amended, as from the passing of that Act, by adding the following descriptions of land, areas, and references to certificates of title:
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Description	Area			Register Book, Volume, and Folio (South Auckland Registry in Each Case)
	A.	R.	P.	
“Lot 2, D.P. 35785, being Part Allotments 372A and 373A, Town of Hamilton East	0	1	0	6D/1171
“Lot 4, D.P. 37120, being Part Allotment 96, Town of Hamilton East	0	0	28.7	6D/1172
“Lot 1, D.P. 33085, being Allotment 365, Town of Hamilton East	0	3	39	6B/1105
“Part Allotment 337, Town of Hamilton East, as shown on D.P. 16778	0	1	6.6	6B/1102”

3. Declaring land subject to the Forests Act 1949 to be Crown land subject to the Land Act 1948—Whereas the land described in subsection (2) of this section is set apart as permanent State forest land under the Forests Act 1949: And whereas it is desirable that it should be declared Crown land subject to the Land Act 1948: Be it therefore enacted as follows:

(1) The setting apart of the land described in subsection (2) of this section as permanent State forest land is hereby revoked, and the said land is hereby declared to be Crown land subject to the Land Act 1948.

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

Firstly, all that area of land in the North Auckland Land District, containing one acre fourteen perches and two-tenths

of a perch, more or less, being part Allotment 42, Pukeatua Parish, situated in Block XIII, Waiwera Survey District (S.O. Plan 36597), and being all of the land comprised and described in Proclamation numbered 14043, Auckland Land Registry.

Secondly, all that area of land in the North Auckland Land District, containing one hundred and twelve acres two roods and thirty perches, more or less, being part Puhipuhi 1 situated in Block VIII, Hukerenui Survey District; as more particularly shown on the plan marked L. and S. 10/91/47, deposited in the Head Office of the Department of Lands and Survey at Wellington, and thereon edged red (S.O. Plan 44297).

Thirdly, all that area of land in the North Auckland Land District containing twenty-three acres two roods twenty-four perches and three tenths of a perch, more or less, being part Allotment 317, Waipu Parish situated in Block V, Waipu Survey District; as more particularly shown on the plan marked L. and S. 10/91/69A, deposited in the Head Office of the Department of Lands and Survey at Wellington, and thereon edged red.

Fourthly, all that area of land in the North Auckland Land District, containing ten acres two roods twenty-nine perches and five-tenths of a perch, more or less, being part Section 7s, Puketi Settlement, situated in Block XV, Kaeo Survey District; as more particularly shown on S.O. Plan 45086 lodged in the office of the Chief Surveyor at Auckland, and thereon edged red.

Fifthly, all that area of land in the North Auckland Land District, containing two hundred and sixty-seven acres three roods and twenty perches, more or less, being part Allotment 26, Whakapaku Parish, situated in Blocks II and VI, Whangaroa Survey District; as more particularly shown on the plan marked L. and S. 36/2169A, deposited in the Head Office of the Department of Lands and Survey at Wellington, and thereon edged red.

Sixthly, all that area of land in the North Auckland Land District, containing one hundred and forty-three acres two roods and twenty-five perches, more or less, being parts Section 7 and part Section 19, Block XIV, Russell Survey District; as more particularly shown on the plan marked L. and S. 36/2589, deposited in the Head Office of the Department of Lands and Survey at Wellington, and thereon edged red.

Seventhly, all that area of land in the South Auckland Land District, containing one acre one rood thirty perches and four-tenths of a perch, more or less, being part Section 79, Block XII, Aroha Survey District; as more particularly shown on S.O. Plan 44070 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Eighthly, all that area of land in the Westland Land District, containing ten acres, more or less, being part Reserve 1687, situated in Block V, Abbey Rocks Survey District; as more particularly shown on plan marked L. and S. 22/5222, deposited in the Head Office of the Department of Lands and Survey at Wellington, and thereon edged red.

Ninthly, all that area of land in the South Auckland Land District, containing forty-four acres two roods and twenty perches, more or less, being Section 8, Block XIII, Tairua Survey District (S.O. Plan 22134).

Tenthly, all that area of land in the South Auckland Land District, containing three acres three roods and eleven perches, more or less, being Section 8 (formerly part Lot 1, Deposited Plan numbered S. 848, being part Section 1), Block II, Galatea Survey District (S.O. Plan 38758).

Eleventhly, all that area of land in the South Auckland Land District, containing six acres and two roods, more or less, being part Section 17, Block VI, Pirongia Survey District; as more particularly shown on S.O. Plan 44126 lodged in the Office of the Chief Surveyor at Hamilton, and thereon edged red.

Twelfthly, all that area of land in the Gisborne Land District, containing three hundred and seventy-seven acres twenty-two perches and nine-tenths of a perch, more or less, being part Mangatu 2c 2A Block, part Lot 1 on Deposited Plan numbered 3946, being part Mangatu 2c 2B and 2P 2 Blocks, and Lot 3 on Deposited Plan numbered 3946, being part Mangatu 2P 1 Block, situated in Block IV, Mangatu Survey District, and being part of the land comprised and described in certificate of title, Volume 100, folio 113, Gisborne Land Registry; as more particularly shown on the plan marked L. and S. 22/1185, deposited in the Head Office of the Department of Lands and Survey at Wellington, and thereon edged red (S.O. Plan 5772).

Thirteenthly, all that area of land in the Taranaki Land District, containing one hundred and ninety-six acres and three roods, more or less, being part Section 12, Block V, Aria Survey District; as more particularly shown on S.O. Plan 9897 lodged in the office of the Chief Surveyor at New Plymouth, and thereon edged red.

Fourteenthly, all those areas of land in the Taranaki Land District, being part Section 9, Block VI, Aria Survey District, containing sixty-one acres and ten perches, more or less; and also part Section 5, Block VII, Aria Survey District, containing six hundred and fifty-five acres, more or less; and also part Section 3, Block X, Aria Survey District, containing fifteen acres three roods and thirty-four perches, more or less; as more particularly shown on S.O. Plan 9842 lodged in the office of the Chief Surveyor at New Plymouth, and thereon edged red.

Fifteenthly, all that area of land in the Taranaki Land District, containing one hundred and fourteen acres, more or less, being Section 1, Block II, Ngatimaru Survey District (S.O. Plan 476).

Sixteenthly, all that area of land in the Nelson Land District, containing nine hundred and ten acres, more or less, being part Reserve B, Upper Motueka District, and part Section 3s, Golden Downs Settlement situated in Block X, Gordon Survey District, and part Lots 1 and 111, Deposited Plan numbered 84, being part sections 11, 12, and 13, Upper Motueka District, and part Sections 3, 9, and 16 Square 45 situated in Blocks X and XIV, Gordon Survey District; as more particularly shown on the plan marked L. and S. 10/97/12E, deposited in the Head Office of the Department of Lands and Survey at Wellington, and thereon edged red (S.O. Plan 10963).

Seventeenthly, all that area of land in the Nelson Land District, containing fifty-one acres one rood and nineteen perches, more or less, being part Section 8s, Matakītaki Settlement situated in Blocks III and VI, Matakītaki Survey District; as more particularly shown on the plan marked L. and S. 10/97/36 deposited in the Head Office of the Department of Lands and Survey at Wellington, and thereon edged red (S.O. Plan 10630).

Eighteenthly, all that area of land in the Nelson Land District, containing nine acres and twelve perches, more or less, being part Section 2 and parts Section 29, Block XIII, Reefton Survey District; as more particularly shown on S.O. Plan 10686 lodged in the office of the Chief Surveyor at Nelson, and thereon edged red.

Nineteenthly, all that area of land in the Nelson Land District, containing thirteen acres three roods and thirty-nine perches, more or less, being parts Section 10 and part Section 13, Block XI, Tadmor Survey District; as more particularly shown on S.O. Plan 10684 lodged in the office of the Chief Surveyor at Nelson, and thereon edged red.

Twentiethly, all that area of land in the Westland Land District, containing forty acres and five perches, more or less, being Rural Section 4565 (formerly part Reserve 1614) situated in Block V, Haupiri Survey District (S.O. Plan 5315).

Twenty-firstly, all that area of land in the Otago Land District, containing three thousand six hundred and thirty-six acres and one rood, more or less, being part Blocks X, XI, and XII, Rimu Survey District and part Sections 6 and 7, Block I, Tautuku Survey District; and also all that area in the Southland Land District, containing one thousand four hundred and seventy acres, more or less, being part Block XI, Mokoreta Survey District; as more particularly shown on S.O. Plan 16439 lodged in the office of the Chief Surveyor at Dunedin, and thereon edged red.

Twenty-secondly, all that area of land in the Otago Land District, containing three acres three roods and four perches, more or less, being Section 124 (formerly part Section 114), Block I, Naseby Survey District (S.O. Plan 16471).

Twenty-thirdly, all that area of land in the Otago Land District, containing one hundred acres, more or less, being Section 3D, Block X, Tautuku Survey District (S.O. Plan M.L. 303).

Twenty-fourthly, all that area of land in the Southland Land District, containing nine acres and twenty-four perches, more or less, being Section 10, Block VIII, Lillburn Survey District (S.O. Plan 7555).

4. Validating the reclamation of certain land, authorising the reclamation of certain land, and granting certain land to the Auckland Hospital Board—Whereas the land firstly described in subsection (4) of this section (in this section referred to as the first land) is Crown land which has been reclaimed without authority by the Auckland Hospital Board (in this section referred to as the Board): And whereas the land secondly described in the said subsection (4) (in this section referred to as the second land) is Crown land which the Board wishes to reclaim: And whereas the Board has requested that the reclamation of the first land should be validated and the reclamation of the second land be authorised: And whereas the Board has requested the Crown to grant to it the fee simple of the first and second land: And whereas the request has been agreed to subject to the payment of eight hundred dollars to the Receiver of Land Revenue at Auckland and the completion of surveys

and approval of plans in respect of the first and second land: Be it therefore enacted as follows:

(1) Notwithstanding the provisions of subsections (2) and (3) of section 175 of the Harbours Act 1950 but subject to the provisions of sections 176 to 182 of that Act, the reclamation of the first land by the Board is hereby validated and the Board is hereby authorised to reclaim any portion of the second land which is below ordinary spring tide high-water mark.

(2) This section shall be deemed to be a special Act within the meaning of the Harbours Act 1950.

(3) On completion of the reclamation of the second land and on completion of such surveys of the first and second land as may be necessary and the approval by the Chief Surveyor at Auckland of the plans thereof, and on payment of the said sum of eight hundred dollars to the Receiver of Land Revenue at Auckland, the fee simple of the first and second land shall be granted to the Board.

(4) The land to which this section relates is described as follows:

Firstly, all those areas of land in the North Auckland Land District, containing together, one rood thirty-eight perches and one-tenth of a perch, more or less, being land reclaimed from the bed of the Tamaki Estuary adjoining Lot 6 on Deposited Plan numbered 15832, situated in Block VI, Otahuhu Survey District; as more particularly shown on S.O. Plan 45658 lodged in the Office of the Chief Surveyor at Auckland, and thereon coloured red.

Secondly, all those areas of land in the North Auckland Land District, containing together, one rood eleven perches and four-tenths of a perch, more or less, being land below the ordinary spring tide high-water mark in the Tamaki Estuary adjoining Lot 6 on Deposited Plan numbered 15832, situated in Block VI, Otahuhu Survey District; as more particularly shown on S.O. Plan 45658 lodged in the office of the Chief Surveyor at Auckland, and thereon coloured yellow.

5. Providing for the vesting in the Crown for hospital purposes of a portion of the Auckland Domain in exchange for a certain parcel of land vested in the Crown for hospital purposes—Whereas by section 9 of the Reserves and Other Lands Disposal Act 1947 certain land subject to the provisions of the Auckland Domain Vesting Act 1893 was vested in the Crown as a reserve for hospital purposes: And whereas

a portion of that land, being the land firstly described in subsection (3) of this section (in this section referred to as the first land), is not required for hospital purposes: And whereas the land secondly described in the said subsection (3) (in this section referred to as the second land) is vested in the Mayor, Councillors, and Citizens of the City of Auckland (in this section referred to as the Corporation) subject to the provisions of the Auckland Domain Vesting Act 1893 and is required by the Crown as a reserve for hospital purposes for use in connection with certain building works on the site of the Auckland Public Hospital, which site adjoins the land vested by the said section 9: And whereas the Auckland City Council has agreed to the vesting of the second land in the Crown as a reserve for hospital purposes on condition that the first land is revested in the Corporation as part of the Auckland Domain subject to the provisions of the Auckland Domain Vesting Act 1893: Be it therefore enacted as follows:

(1) Notwithstanding the provisions of section 9 of the Reserves and Other Lands Disposal Act 1947, the first land is hereby revested in the Corporation as part of the Auckland Domain subject to the provisions of the Auckland Domain Vesting Act 1893.

(2) The second land is hereby vested in the Crown as a reserve for hospital purposes.

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

Firstly, all that area of land in the North Auckland Land District, containing two and five-tenths perches, more or less, being part Auckland Domain situated in Block VIII, Rangitoto Survey District (City of Auckland); as more particularly shown on S.O. Plan 45451 lodged in the office of the Chief Surveyor at Auckland, and thereon coloured yellow.

Secondly, all that area of land in the North Auckland Land District, containing two and four-tenths perches, more or less, being part Auckland Domain situated in Block VIII, Rangitoto Survey District (City of Auckland); as more particularly shown on S.O. Plan 45451 lodged in the office of the Chief Surveyor at Auckland, and thereon coloured blue.

6. Empowering the Minister of Lands to declare portions of the Takapuna foreshore to be no longer subject to the Takapuna Borough Foreshore Vesting Act 1914 and Harbours Act 1950—Whereas the Takapuna Borough Foreshore Vesting Act 1914 authorised the land described in the

Schedule to that Act to be vested in the Mayor, Councillors, and Citizens of the Borough (now City) of Takapuna (in this section referred to as the Corporation) subject to such powers, encumbrances, restrictions, and interests as are prescribed by that Act and by the Harbours Act 1908 (now the Harbours Act 1950): And whereas the land was vested in the Corporation pursuant to the first-mentioned Act by warrant signed by the Governor of New Zealand on the twenty-third day of August, nineteen hundred and fifteen: And whereas a portion of the land has been declared by the Corporation to be public reserve and the declaration was published in the *Gazette* pursuant to section 13 of the Reserves and Domains Act 1953 on the fourteenth day of April, nineteen hundred and sixty-five, at page 526: And whereas further portions of the land may, after the passing of this Act, be declared to be public reserve in like manner as aforesaid: And whereas the land so declared is or would be held by the Corporation subject to the provisions of the Takapuna Borough Foreshore Vesting Act 1914, the Harbours Act 1950, and the Reserves and Domains Act 1953: And whereas portions of the land so declared have been or may, after the passing of this Act, be reclaimed pursuant to the Harbours Act 1950: And whereas it is expedient to empower the Minister of Lands (in this section referred to as the Minister), on his being satisfied that any of the land so declared has (whether before or after the passing of this Act) been reclaimed in accordance with the Harbours Act 1950, to declare any part of that land to be held by the Corporation freed and discharged from all trusts, reservations, and restrictions contained in any Act except those imposed by the Reserves and Domains Act 1953: Be it therefore enacted as follows:

(1) Notwithstanding anything in the Takapuna Borough Foreshore Vesting Act 1914, the Harbours Act 1950, or any other Act, the Minister may from time to time, by notice in the *Gazette*, declare any part of the land described in the Schedule to the Takapuna Borough Foreshore Vesting Act 1914 (being land that is, either before or after the passing of this Act, declared to be and gazetted as a public reserve pursuant to section 13 of the Reserves and Domains Act 1953 and reclaimed pursuant to the Harbours Act 1950) to be held by the Corporation freed and discharged from all trusts, reservations, and restrictions contained in any Act except those imposed by the Reserves and Domains Act 1953.

(2) A copy of every notice given by the Minister under subsection (1) of this section shall be forwarded by the Commissioner of Crown Lands for the North Auckland Land District to the District Land Registrar for the North Auckland Land Registration District who shall, on receiving it, record it in the appropriate place in the register kept by him and on any instruments or other documents affected by it. Every such copy shall be accompanied, where necessary, by a plan of the area specified in the notice.

7. Empowering Picton Borough Corporation to sell, etc., certain land and declaring certain other land in Picton to be a recreation reserve—Whereas by section 46 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1925 the land firstly described in subsection (4) of this section (in this section referred to as the first land) and the land secondly described in that subsection (in this section referred to as the second land) was vested in the Mayor, Councillors, and Citizens of the Borough of Picton (in this section referred to as the Corporation) freed and discharged from all reservations, but subject to the provisions of subsections (2) and (3) of the said section 46: And whereas the Marlborough Harbour Board (in this section referred to as the Board) was constituted by the Marlborough Harbour Act 1958 to control the port and harbour of Picton together with other ports and harbours in its district: And whereas the Corporation has agreed to sell to the Board part of the first land, but does not have any power to carry out the sale, and desires from time to time to be empowered to sell to the Board other parts of that land: And whereas the Corporation desires from time to time to declare any part of the first land to be a public reserve subject to the Reserves and Domains Act 1953, to declare, lay out, make, or create pursuant to the appropriate authority any part of the first land as a street, an access way, or a service lane, or to grant to the Board easements in respect of any part of the first land: And whereas it is expedient that the Corporation be empowered to do the foregoing acts: And whereas the second land has not been used for purposes connected with the wharves situated on the first land, but has been laid out by the Corporation as gardens for the benefit of the general public: And whereas the Corporation desires that the second land be declared a public reserve for recreation purposes subject to the Reserves and Domains Act 1953 but has no power so to declare: And whereas it is expedient to declare

the second land to be a public reserve as aforesaid: Be it therefore enacted as follows:

(1) Notwithstanding the provisions of section 46 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1925, the Corporation may, without further authority than this subsection,—

- (a) Sell by way of memorandum of transfer to the Board any of the first land:
- (b) Declare, lay out, make, or create pursuant to the Public Works Act 1928 or the Municipal Corporations Act 1954 any part of the first land as a street, an access way, or a service lane:
- (c) Grant to the Board any easement over any of the first land retained by it:
- (d) Declare pursuant to section 13 of the Reserves and Domains Act 1953 any part of the first land to be a public reserve.

(2) On the execution of any such transfer or the declaration, laying out, making, or creation of any such street, access way, or service lane or the declaration of any such reserve as aforesaid and on the registration by the District Land Registrar for the Marlborough Land Registration District of the appropriate instrument, the land affected shall be freed and discharged from the provisions of the said section 46 and from the provisions of any Order in Council made pursuant to that section.

(3) Notwithstanding the provisions of section 46 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1925, the second land is hereby declared to be held by the Corporation as a public reserve for recreation purposes subject to the provisions of the Reserves and Domains Act 1953, but freed and discharged from the provisions of the said section 46 and from the provisions of any Order in Council made under that section.

(4) The land to which this section relates is described as follows:

Firstly, all that area of land in the Marlborough Land District, containing five acres thirty-three perches and eight-tenths of a perch, more or less, being Lots 1, 2, and 4 on Deposited Plan numbered 3342, being also parts of Section 1193, Town of Picton, situated in Block XII, Linkwater Survey District, and being part of the land comprised and described in certificate of title, Volume 51, folio 88, Marlborough Land Registry.

Secondly, all that area of land in the Marlborough Land District, containing sixteen perches and two-tenths of a perch, more or less, being Lot 3 on Deposited Plan numbered 3342, being also part of Section 1193, Town of Picton, situated in Block XII, Linkwater Survey District, and being part of the land comprised and described in certificate of title, Volume 51, folio 88, Marlborough Land Registry.

8. Declaring part of closed cemetery in Auckland to be street—Whereas the land described in subsection (2) of this section is part of the closed cemetery known as the Symonds Street Cemetery situated in the City of Auckland: And whereas the said land is part of the land vested in the Mayor, Councillors, and Citizens of the City of Auckland (in this section referred to as the Corporation) by the Auckland (Symonds Street) Cemeteries Act 1908 and the Corporation is prohibited from using the land except in accordance with the provisions of that Act: And whereas, in order to facilitate and improve the free flow of the increasing traffic resulting from the construction of the Newton-Newmarket Motorway, the Corporation desires to use the said land to widen the junction of Symonds Street and Karangahape Road in the City of Auckland but is not authorised to do so: And whereas it is desirable and expedient that the said land be declared to be public street: Be it therefore enacted as follows:

(1) Notwithstanding the provisions of the Auckland (Symonds Street) Cemeteries Act 1908 or any other enactment or rule of law, the said land is hereby declared to be street held by the Corporation pursuant to section 170 of the Municipal Corporations Act 1954, freed and discharged from the provisions of the Auckland (Symonds Street) Cemeteries Act 1908.

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

All that area of land in the North Auckland Land District situated in the City of Auckland containing three perches, more or less, being part Lot 1 on Deposited Plan numbered 18958, being part allotment 24, section 7, Suburbs of Auckland, and being part of the land comprised and described in certificate of title, Volume 428, folio 235, North Auckland Land Registry; as more particularly shown on S.O. Plan 45587 lodged in the office of the Chief Surveyor at Auckland, and thereon coloured yellow.