



## ANALYSIS

- | Title  |   |
|--|---|
| 1. Short Title   |   |
| 2. Declaring land subject to the Forests Act 1949 to be Crown land subject to the Land Act 1948                          |   |
| 3. Disposition of Greymouth Race-course Reserve  |   |
| 4. Adding a closed cemetery to the Hillersden Domain   |   |
| 5. Vesting certain land in the Corporation of the County of Marlborough as a reserve for esplanade purposes              |   |
| 6. Application of money received by trustees under the Havelock Commonage Act 1905                                       |   |
| 7. Vesting certain land situated in the County of Cook in the Crown as domain and road                                   |   |
| 8. Vesting property belonging to the Trustees of the Waikouaiti Athenaeum in the Corporation of the County of Waikouaiti |   |
|  | 9. Declaring land to be vested in the Invercargill City Corporation as an endowment for its town hall and municipal offices   |
|  | 10. Membership of the Queen Elizabeth Park Domain Board   |
|  | 11. Authorising the Wellington Ladies' Christian Association to sell the Alexandra Home for Women and placing a reservation on certain other land acquired by the Association |
|  | 12. Authorising the Queenstown Borough Council to lease part of the Queenstown Commonage  |
|  | 13. Sale of endowment land in Foxton Beach Township   |
|  | 14. Providing for the control of the Kaitaia Drainage Area to be transferred to the Mangonui County Council   |

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1968, No. 130

**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**

[17 December 1968]

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 1968.

**2. 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 particularly described as follows:

Firstly, all that area of land in the North Auckland Land District, containing four hundred and ninety-three acres and three roods, more or less, being parts Section 1s and part Sections 4s and 7s, Puketi Settlement, and part Mokau Block, situated in Block XV, Kaeo Survey District; as more particularly shown on S.O. Plan 46003 lodged in the office of the Chief Surveyor at Auckland, and thereon edged red.

Secondly, all that area of land in the North Auckland Land District, containing forty-five acres and eight perches, more or less, being part allotments 63, 70, and W 11, Waioneke Parish, situated in Block X, Okaka Survey District; as more particularly shown on S.O. Plan 45501 lodged in the office of the Chief Surveyor at Auckland, and thereon edged red.

Thirdly, all those areas of land in the North Auckland Land District, being Allotments 153, 154, and 167, Maungatapere Parish, situated in Block XV, Purua Survey District and Block VI, Tangihua Survey District, containing one thousand nine hundred and sixty-six acres, more or less (S.O. Plans 20391 and 26043); and also the State forest described in the *Gazette* published for the year nineteen hundred and six at page 1429 (part of which comprises part Maungakaramea Block), situated in Block XIV, Purua Survey District, and Block V, Tangihua Survey District, containing eight hundred and eighty-three acres, more or less; as more particularly shown on the plan marked L. and S. 10/91/46A, 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 South Auckland Land District, containing five acres two roods twenty-seven perches, more or less, being part Section 10, Block IV, Ohinemuri Survey District, and part Whangamata No. 6 Block, situated

in Block VIII, Ohinemuri Survey District; as more particularly shown on S.O. Plan 43471 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Fifthly, all that area of land in the South Auckland Land District, containing two hundred and sixteen acres, one rood, and twenty-eight perches and one-tenth of a perch, more or less, being parts Rangitoto A 31A and B 3A Blocks, situated in Block XIV, Ranginui Survey District; as more particularly shown on S.O. Plans 43449 and 43450 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Sixthly, all that area of land in the South Auckland Land District, containing one hundred and four acres two roods and thirty-five perches, more or less, being part Allotment 27, Waipa Parish, situated in Blocks VI and VII, Newcastle Survey District; as more particularly shown on S.O. Plan 44609 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Seventhly, all that area of land in the South Auckland Land District, containing twenty-two acres and twenty-eight perches, more or less, being part allotment 676, Taupiri Parish, situated in Block VII, Hapuakohe Survey District; as more particularly shown on S.O. Plan 44518 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Eighthly, all that area of land in the South Auckland Land District containing thirty-nine acres, one rood, and twenty-nine perches, more or less, being parts Sections 79 and 81, Block VIII, Katikati Survey District; as more particularly shown on S.O. Plan 44318 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Ninthly, all that area of land in the South Auckland Land District, containing eight acres, three roods, and thirty-five perches, more or less, being part Section 73, Block VIII, Katikati Survey District; as more particularly shown on S.O. Plan 44600 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Tenthly, all that area of land in the South Auckland Land District containing one hundred acres, more or less, being part Runanga 2A Block, situated in Block VIII, Maruanui Survey District, being part of the land comprised and described in certificate of title, Volume 395, folio 185, South Auckland Land Registry; as more particularly shown on S.O. Plan 44585 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Eleventhly, all that area of land in the South Auckland Land District, containing seven acres, two roods, and twenty-seven perches, more or less, being part section 5, Block XIII, Whitianga Survey District, being part of the land comprised and described in certificate of title, Volume 315, folio 142, South Auckland Land Registry; as more particularly shown on S.O. Plan 20912 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Twelfthly, all those areas of land in the South Auckland Land District, containing forty-five acres, one rood, and thirty perches, more or less, being parts Whangamata No. 3 Block, situated in Block IV, Ohinemuri Survey District; as more particularly shown on the plan marked L. and S. 36/2556 deposited in the Head Office of the Department of Lands and Survey at Wellington, and thereon edged red (S.O. Plan 44193).

Thirteenthly, all those areas of land in the Wellington Land District, containing one hundred and eighty-six acres, one rood, and thirty-two perches, more or less, being Section 4, Block III, Mangawhero Survey District (S.O. Plan 15008) and Section 20, Block XIV, Ngamatea Survey District (S.O. Plan 15095).

Fourteenthly, all that area of land in the Wellington Land District, containing forty-four acres and two roods, more or less, being Section 47, Block XVI, Apiti Survey District (S.O. Plan 13548).

Fifteenthly, all that area of land in the Westland Land District, containing four thousand six hundred and sixty-one acres, more or less, being part Reserve 1683 situated in Blocks X and XI, Karangarua Survey District; as more particularly shown on the plan marked L. and S. 4/26A deposited in the head office of the Department of Lands and Survey at Wellington, and thereon edged red.

**3. Disposition of Greymouth Racecourse Reserve**—Whereas the land firstly described in subsection (5) of this section (in this section referred to as the first land) was reserved for the purposes of a racecourse by an Order in Council dated the eleventh day of December, eighteen hundred and seventy-two, and published in the *Gazette* of that year at pages 901 and 902: And whereas the first land was vested in a board of trustees known as the Trustees of the Greymouth Racecourse Reserve by the Greymouth Racecourse Reserve Act 1878 subject to the provisions of that Act: And whereas the land

secondly described in subsection (5) of this section (in this section referred to as the second land) was added to the Greymouth Racecourse Reserve and vested in the board of trustees by section 7 of the Reserves and Other Lands Disposal Act 1930: And whereas the board of trustees, the Greymouth Jockey Club Incorporated (in this section referred to as the club), and Her Majesty the Queen have agreed that the Greymouth Racecourse Reserve should be declared Crown land subject to the Land Act 1948 and that it be then sold by Her Majesty to the club: And whereas it is desirable that, on the sale to the club, the ownership of the money and other personal property belonging to the board of trustees in respect of the reserve should be vested in the club: Be it therefore enacted as follows:

(1) The first and second land is vested in Her Majesty the Queen as Crown land subject to the Land Act 1948, but otherwise freed from all trusts, reservations, and restrictions, for the purpose of enabling the land to be sold to the club pursuant to the provisions of that Act.

(2) All money received from the sale of the land as aforesaid shall be paid into the Works and Trading Account and shall be applied in accordance with the provisions of section 78 of the Reserves and Domains Act 1953 for the purchase, improvement, or development of recreation reserves as provided in paragraph (c) of subsection (1) of that section.

(3) All the money and other personal property held by the board of trustees for the benefit of the racecourse established and operated on the reserve is hereby vested in Her Majesty the Queen freed and discharged from all trusts and restrictions. On the land being sold as aforesaid, all the money and personal property shall, without further authority than this subsection, vest in the club absolutely.

(4) The following enactments are hereby repealed:

(a) The Greymouth Racecourse Reserve Act 1878:

(b) Section 7 of the Reserves and Other Lands Disposal Act 1930.

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

Firstly, all that area of land in the Westland Land District, containing seventy-nine acres, more or less, being Reserve 34 situated in Block IX, Arnold Survey District, and being part of the land comprised and described in certificate of title, Volume 2B, folio 824, Westland Land Registry, as shown on S.O. Plan 3516 lodged in the office of the Chief Surveyor at Hokitika, and thereon coloured pink.

Secondly, all those areas of land in the Westland Land District, containing ninety-four acres, three roods, and thirty-two perches, more or less, being Reserve 96 situated in Block IX, Arnold Survey District, as shown on S.O. Plan 3527 lodged in the office of the Chief Surveyor at Hokitika, and thereon coloured pink, and Reserve 1004 situated in Block IX, Arnold Survey District, as shown on S.O. Plan 2804 lodged in the office of the Chief Surveyor at Hokitika, and thereon coloured red and edged blue; and being parts of the land comprised and described in certificate of title, Volume 2B, folio 824, Westland Land Registry.

**4. Adding a closed cemetery to the Hillersden Domain—**Whereas the land described in subsection (4) of this section was reserved for the purposes of a public cemetery by a warrant dated the twenty-seventh day of March, nineteen hundred and fifteen, and published in the *Gazette* of that year at page 2197: And whereas there were no burials in the cemetery: And whereas, by the Hillersden Cemetery Closing Order 1966 (published in the *Gazette* on the twenty-first day of December, nineteen hundred and sixty-six, at page 2230) the cemetery was directed to be closed and the control and management of the cemetery was declared to be vested in the Marlborough County Council: And whereas by virtue of subsection (2) of section 53 of the Burial and Cremation Act 1964 the land became vested in the Chairman, Councillors, and Inhabitants of the County of Marlborough: And whereas the council has requested that the land be added to the Hillersden Domain which the council administers in its capacity as the domain board: And whereas subsection (2) of section 43 of the said Burial and Cremation Act prohibits the sale, lease, or other disposition of closed cemeteries: And whereas it is desirable that the land be added to the Hillersden Domain: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in the Burial and Cremation Act 1964 or in any other Act, the vesting of the land in the Chairman, Councillors, and Inhabitants of the County of Marlborough is hereby cancelled; and the land is hereby vested in Her Majesty the Queen as a public domain subject to Part III of the Reserves and Domains Act 1953, but otherwise freed and discharged from all trusts, reservations, and other restrictions.

(2) The land shall form part of the Hillersden Domain and shall be administered by the domain board for the time being appointed to administer the domain.

(3) The Hillersden Cemetery Closing Order 1966 is hereby consequentially revoked.

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

All that area of land in the Marlborough Land District containing four acres, one rood, and nine perches, more or less, being section 13, Block IV, Mount Olympus Survey District (S.O. Plan 1139).

**5. Vesting certain land in the Corporation of the County of Marlborough as a reserve for esplanade purposes**—Whereas the land firstly described in subsection (2) of this section (in this section referred to as the first land) is part of an area of land which was vested by the Havelock Harbour Board Act 1905 in the now defunct Havelock Harbour Board: And whereas the land secondly described in subsection (2) of this section (in this section referred to as the second land) was vested in the said Havelock Harbour Board as an endowment by section 70 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1913: And whereas, by the Marlborough Harbour Board Order 1965, the first and second land became vested in the Marlborough Harbour Board: And whereas the land thirdly described in the said subsection (2) (in this section referred to as the third land) is a scenic reserve administered by Her Majesty the Queen subject to the Reserves and Domains Act 1953: And whereas the first and second land is no longer required by the Marlborough Harbour Board and the third land is no longer required as a reserve for scenic purposes: And whereas it is desirable and expedient to vest the first, second, and third land in the Chairman, Councillors, and Inhabitants of the County of Marlborough (in this section referred to as the corporation) as a reserve for the purposes of an esplanade to provide public access to the Kaituna River: And whereas Her Majesty, the Marlborough Harbour Board, and the corporation have all agreed to the vesting: Be it therefore enacted as follows:

(1) The first, second, and third land is hereby vested in the corporation and shall be held in trust by it as a reserve for the purposes of an esplanade subject to the Reserves and Domains Act 1953, but otherwise freed and discharged from all trusts, reservations, and restrictions.

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

Firstly, all that area of land in the Marlborough Land District containing six acres, more or less, being part Harbour Board Endowment situated in Block XII, Wakamarina Survey District, as shown on S.O. Plan 4862 lodged in the office of the Chief Surveyor at Blenheim, and thereon edged red.

Secondly, all that area of land in the Marlborough Land District containing one acre and one rood, more or less, being part Section 28, Block XII, Wakamarina Survey District, as shown on S.O. Plan 4862, lodged in the office of the Chief Surveyor at Blenheim, and thereon edged red, and being part of the land comprised and described in certificate of title, Volume 20, folio 60, Marlborough Land Registry.

Thirdly, all that area of land in the Marlborough Land District containing five perches, more or less, being part Lot 1 on Deposited Plan numbered 1247, being part section 46, Mahakipawa Registration District, situated in Block XII, Wakamarina Survey District, as shown on S.O. Plan 4862, lodged in the office of the Chief Surveyor at Blenheim, and thereon edged red.

**6. Application of money received by trustees under the Havelock Commonage Act 1905**—Whereas the management of the Havelock Commonage is vested in trustees under the Havelock Commonage Act 1905: And whereas section 6 of that Act provides for the application of money received by the trustees for the improvement and beautifying of the commonage: And whereas section 16 of the Reserves and Other Lands Disposal Act 1933 authorised the trustees, with the consent of the Minister of Lands, to make grants to the Waitahuna Domain Board: And whereas it is no longer considered necessary for the trustees to obtain the approval of the Minister of Lands as aforesaid: And whereas the trustees desire wider powers of expenditure: And whereas it is in the interests of the inhabitants of the Town of Havelock (now known as Waitahuna) that wider powers be granted: Be it therefore enacted as follows:

(1) The Havelock Commonage Act 1905 is hereby amended by repealing section 6, and substituting the following section:

“6. (1) Any money received by the trustees in respect of rents, the issue of licences, licence fees, or profits from the said land may be applied for all or any of the following objects and for no other object:

“(a) For the improvement or beautifying of the said land or any other land held in trust for the inhabitants of the Town of Havelock:

- “(b) For the construction, maintenance, repair, and improvement of stream protection works in or about the town:
- “(c) For the erection, maintenance, and repair of street lighting in or about the town:
- “(d) For the improvement, maintenance, repair, and development of—
  - “(i) The Waitahuna Domain:
  - “(ii) Any cemetery, school, sports ground, or social or sports clubroom, established for the benefit of the inhabitants of the town or a substantial number of them:
- “(e) For the construction, development, improvement, maintenance, and repair of any other communal facility or amenity which is for the benefit of the inhabitants of the town generally.

“(2) The trustees may from time to time make grants to any statutory or other body or person in order to facilitate the attainment of any object specified in subsection (1) of this section.”

(2) Section 16 of the Reserves and Other Lands Disposal Act 1933 is hereby repealed.

**7. Vesting certain land situated in the County of Cook in the Crown as domain and road**—Whereas the land firstly and fourthly described in subsection (3) of this section (in this section referred to as the first and fourth land) is vested in the Gisborne Harbour Board as an endowment subject to the provisions of the Gisborne Harbour Act 1905: And whereas, by section 125 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1913, the land secondly described in the said subsection (3) (in this section referred to as the second land) is held by the Mayor, Councillors, and Citizens of the City of Gisborne (in this section referred to as the corporation) as a reserve for general utility purposes: And whereas the land thirdly described in the said subsection (3) (in this section referred to as the third land) was acquired under section 88 of the Public Works Act 1894 and was vested in the corporation as from the twenty-first day of April, nineteen hundred and two, for the purposes of providing a site for a public abattoir by an Order in Council dated the fourth day of March, nineteen hundred and two, and published in the *Gazette* of that year at page 733: And whereas the aforesaid land is not required by the board or

the corporation for the purposes for which it is at present being held: And whereas it is desirable that the first, second, and third land be vested in Her Majesty the Queen as a public domain, and that the fourth land be vested in Her Majesty as a public road: And whereas the board and the Gisborne City Council have consented to these proposals: Be it therefore enacted as follows:

(1) The first, second, and third land is hereby vested in Her Majesty the Queen as a public domain subject to Part III of the Reserves and Domains Act 1953, but otherwise freed and discharged from all trusts, reservations, and restrictions.

(2) The fourth land is hereby vested in Her Majesty the Queen as a public road, but otherwise freed from all other trusts, reservations, and restrictions.

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

Firstly, all that area of land in the Gisborne Land District containing seven acres, two roods, and fourteen perches, more or less, situated in Block VI, Turanganui Survey District, being part Gisborne Harbour Board foreshore as shown on the plan marked L. and S. 1/1593 deposited in the head office of the Department of Lands and Survey at Wellington, and thereon coloured purple (S.O. Plan 5679), and being part of the land comprised and described in certificate of title, Volume 14, folio 181, Gisborne Land Registry.

Secondly, all those areas of land in the Gisborne Land District containing one rood and four perches and seven-tenths of a perch, more or less, situated in Block VI, Turanganui Survey District, being part Awapuni 1A, 1F, and 2 Blocks, as shown on the plan marked L. and S. 1/1593 deposited in the head office of the Department of Lands and Survey at Wellington, and thereon coloured green (S.O. Plan 5679), and being part of the land comprised and described in certificate of title, Volume 39, folio 160, Gisborne Land Registry.

Thirdly, all that area of land in the Gisborne Land District containing one perch and three-tenths of a perch, more or less, situated in Block VI, Turanganui Survey District, and being part Awapuni 1k Block, as shown on the plan marked L. and S. 1/1593 deposited in the head office of the Department of Lands and Survey at Wellington, and thereon coloured yellow (S.O. Plan 5679), and being part of the land comprised and described in certificate of title, Volume 39, folio 160, Gisborne Land Registry.

All the aforesaid parcels totalling seven acres, three roods, and twenty perches, more or less (to be known hereafter as section 29, Block VI, Turanganui Survey District) are shown on the plan marked L. and S. 1/1593 deposited in the head office of the Department of Lands and Survey at Wellington, and thereon edged red (S.O. Plan 5679).

Fourthly, all that area of land in the Gisborne Land District containing one rood and seven perches, more or less, situated in Block VI, Turanganui Survey District, being part Gisborne Harbour Board foreshore, as shown on the plan marked L. and S. 1/1593 deposited in the head office of the Department of Lands and Survey at Wellington, and thereon coloured burnt sienna (S.O. Plan 5679), and being part of the land comprised and described in certificate of title, Volume 14, folio 181, Gisborne Land Registry.

**8. Vesting property belonging to the Trustees of the Waikouaiti Athenaeum in the Corporation of the County of Waikouaiti**—Whereas the land firstly described in subsection (6) of this section (in this section referred to as the first land) was acquired by Henry Orbell, John Wallace Murdoch, and Robert Oxley, all of Waikouaiti, who subsequently became trustees of the Waikouaiti Athenaeum by section 3 of the Waikouaiti Athenaeum Land Act 1877 (in this section referred to as the Act): And whereas the said section 3 provided that all lands, tenements, and hereditaments that were in any manner vested in the trustees should be vested in them for the purposes of the athenaeum: And whereas the land secondly described in the said subsection (6) (in this section referred to as the second land) was subsequently acquired by the trustees: And whereas the land thirdly described in the said subsection (6) (in this section referred to as the third land) was granted to the trustees by the then Governor of New Zealand pursuant to section 2 of the Act: And whereas a hall and a library are at present situated on the first and second land and the hall and library are administered by the trustees for the time being appointed under the Act: And whereas the trustees desire to transfer the hall and library to the Chairman, Councillors, and Inhabitants of the County of Waikouaiti (in this section referred to as the corporation) for the benefit of the inhabitants of the county but have no power to do so: And whereas the Waikouaiti County Council has agreed to take over the assets and liabilities of the trustees and to administer those assets for the purposes of the hall and library: Be it therefore enacted as follows:

(1) The first and second land is hereby vested in the corporation for an estate in fee simple to be held as a public reserve for the purposes of the existing hall and library, or any hall or library which may hereafter be erected to replace the existing hall or library, subject to the Reserves and Domains Act 1953, but otherwise freed and discharged from all trusts, reservations, caveats, and other restrictions.

(2) The third land is hereby vested in the corporation for an estate in fee simple as an endowment, without power of sale, for the benefit of the existing hall and library, or for the benefit of any public hall or library which may hereafter be erected to replace the existing hall or library. The third land shall be subject to all leases and tenancies presently affecting it, but shall otherwise be freed and discharged from all other trusts, reservations, and restrictions.

(3) All money and personal property (including all choses in action and the benefit of all contracts and agreements) belonging to the trustees is hereby vested in the corporation freed and discharged from all trusts and restrictions.

(4) All debts and other liabilities lawfully incurred by the trustees and existing on the passing of this Act shall hereafter be debts and liabilities of the corporation; and the corporation is hereby authorised to satisfy those debts and liabilities out of its general funds.

(5) The Waikouaiti Athenaeum Land Act 1877 is hereby repealed.

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

Firstly all that area of land in the Otago Land District containing twenty-five perches and twenty-seven one-hundredths of a perch, more or less, being part Allotment 1A, Deeds Plan 91, being part section 16, Block VI, Hawkesbury Survey District, and being all the land comprised and described in certificate of title, Volume 268, folio 211 (limited as to parcels and title), Otago Land Registry.

Secondly, all that area of land in the Otago Land District containing one rood twenty-three perches and three-tenths of a perch, more or less, being part Allotments 1A and 2A, Deeds Plan 91, being part section 16, Block VI, Hawkesbury Survey District, and being all the land comprised and described in certificate of title, Volume 268, folio 210 (limited as to parcels and title), Otago Land Registry.

Thirdly, all that area of land in the Otago Land District containing fifty-three acres, three roods, and ten perches, more or less, being Section 60, Block V, Hawkesbury Survey District,

and being all the land comprised and described in certificate of title, Volume 61, folio 166, Otago Land Registry (S.O. Plan 589).

**9. Declaring land to be vested in the Invercargill City Corporation as an endowment for its town hall and municipal offices**—Whereas the land described in subsection (5) of this section is vested in the Mayor, Councillors, and Citizens of the City of Invercargill (in this section referred to as the corporation) as a reserve for the purposes of a market place subject to the Reserves and Domains Act 1953: And whereas pursuant to the Invercargill Reserves Leasing Act 1884 and the Invercargill Reserves Leasing Act 1884 Amendment Act 1899 the corporation is authorised to lease part of the reserve for terms not exceeding twenty-one years and the remainder of the reserve for terms not exceeding fourteen years, in all cases without a right of renewal: And whereas certain leases of parts of the reserve contain rights of renewal: And whereas it is desirable that those rights be validated: And whereas the Invercargill City Council has requested that the reserve should be declared to be an endowment for the benefit of the existing town hall and municipal offices (including any addition or extension thereto) and for the benefit of any town hall or municipal offices hereafter to be erected in their place: And whereas the council has requested that it be given the same power of sale as it would have if it held the land as an endowment for the general purposes of the city: And whereas it is desirable that, on the enactment of this section, the Invercargill Reserves Leasing Act 1884 and the Invercargill Reserves Leasing Act 1884 Amendment Act 1899 should be repealed: Be it therefore enacted as follows:

(1) The land described in subsection (5) of this section is hereby declared to be vested in the corporation as an endowment for the benefit of the existing town hall and municipal offices (including any addition or extension thereto) and for the benefit of any town hall or municipal offices thereafter to be erected in their place, freed and discharged from all other trusts, reservations, and restrictions, but otherwise subject to all existing leases, easements, liens, encumbrances, and interests.

(2) The provisions of subsection (4) of section 150 of the Municipal Corporations Act 1954, so far as they are applicable and with the necessary modifications, shall apply to the land as if it were an endowment for the general purposes of the city.

(3) Any lease of any part of the land (including any lease which purports to be in renewal of any previous lease) which has not expired or otherwise been terminated before the passing of this Act, and all the provisions of any such lease, shall have effect as if the land described in the lease had been vested in the corporation as an endowment as aforesaid at the time when the lease was executed.

(4) The Invercargill Reserves Leasing Act 1884 and the Invercargill Reserves Leasing Act 1884 Amendment Act 1899 are hereby repealed.

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

All that area of land in the Southland Land District containing one acre, three roods, and twenty-four perches, more or less, being Sections 11 and 12, Block LXXVI, Town of Invercargill (City of Invercargill); part being also Lots 1, 2, 3, 4, 5, 6, and 7 on Deposited Plan numbered 2659, and being all the land comprised and described in certificate of title, Volume 131, folio 258, Southland Land Registry; part being Lots 1 and 2 on Deposited Plan numbered 163, and being all the land comprised and described in certificate of title, Volume 188, folio 104, Southland Land Registry; part being also Lot 3 on Deposited Plan numbered 163, and being all the land comprised and described in certificate of title, Volume 183, folio 21, Southland Land Registry; part being also Lots 4 and 5 on Deposited Plan numbered 163, and being all the land comprised and described in certificate of title, Volume A 2, folio 666; and the remainder being the balance of the said Section 12, and being the balance of the land comprised and described in certificate of title, Volume 75, folio 159, Southland Land Registry.

**10. Membership of the Queen Elizabeth Park Domain Board**—Whereas section 10 of the Reserves and Other Lands Disposal Act 1954 made special provision for the appointment of a domain board to control Queen Elizabeth Park which is a domain subject to the Reserves and Domains Act 1953: And whereas paragraph (d) of subsection (2) of the said section 10 provides for the Minister of Lands to appoint one other person to the domain board in addition to those appointed under paragraphs (a), (b), and (c) of that subsection: And whereas Her Majesty the Queen, the Wellington City Council, the Hutt County Council, and the domain board desire that the number of persons appointed under the said paragraph (d) be increased to three: Be it therefore enacted as follows:

Section 10 of the Reserves and Other Lands Disposal Act 1954 is hereby amended by repealing paragraph (d) of subsection (2), and substituting the following paragraph:

“(d) Three other persons to be appointed by the Minister”.

**11. Authorising the Wellington Ladies' Christian Association to sell the Alexandra Home for Women and placing a reservation on certain other land acquired by the Association**—Whereas the land firstly described in subsection (5) of this section (in this section referred to as the first land) is subject to the Reserves and Domains Act 1953: And whereas, pursuant to the powers conferred on him by the Reserves and Domains Act 1953, the Minister of Lands, by notice dated the third day of May, nineteen hundred and fifty-five, and published in the *Gazette* of that year at page 771, defined and dedicated the first land as a site for a maternity home and a hospital under the name of the Alexandra Home for Women: And whereas the Minister, by that notice, also vested the first land in the Wellington Ladies' Christian Association (a separate institution within the meaning of the Hospitals Act 1957) for the purposes of establishing and maintaining a maternity home and hospital thereon: And whereas there is erected on the first land a maternity home and hospital under the name of the Alexandra Home for Women: And whereas the association desires to sell the first land and apply the proceeds towards the provision on the land secondly described in subsection (5) of this section (in this section referred to as the second land) of a home for unmarried mothers, or of accommodation for women, or of both, but, because of the provisions of the Reserves and Domains Act 1953 and the Hospitals Act 1957, the association has no power to do so: And whereas it is desirable that the second land be declared to be held by the association as a reserve subject to the Reserves and Domains Act 1953 for the purposes of providing on the land a home for unmarried mothers or accommodation for women as aforesaid, and that, on completion of the sale of the first land, that land be no longer subject to the said Reserves and Domains Act: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in the Reserves and Domains Act 1953 or the Hospitals Act 1957 or in any other enactment or rule of law, the association may, without further authority than this section, sell the first land, either by private contract or otherwise, for cash or on such other terms as the association may in its discretion decide.

(2) On completion of any such sale, the first land shall be freed and discharged from all trusts, reservations, and restrictions (except the building line restrictions affecting it on the passing of this Act).

(3) The second land is hereby declared to be held by the association as a reserve subject to the provisions of the Reserves and Domains Act 1953 for the purpose of providing a home for unmarried mothers or of providing accommodation for women generally, or for both those purposes; and the District Land Registrar for the Wellington Land Registration District is hereby directed to enter a memorial of the reservation on the certificate of title for the time being issued for the land.

(4) The proceeds of any sale made pursuant to subsection (1) of this section, after providing for the costs and expenses of or incidental to the sale, may be applied by the association for the following purposes, and for no other purposes:

(a) For the provision on the second land of a home for unmarried mothers or of accommodation for women generally, or of both a home and accommodation:

(b) For the equipping, maintaining, repair, or improvement of any such home or accommodation.

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

Firstly, all that area of land in the Wellington Land District containing three roods and thirty-seven perches and sixty-five one-hundredths of a perch, more or less, situated in Blocks X and XI, Port Nicholson Survey District, being Section 1195, Town of Wellington (City of Wellington), and being all the land comprised and described in certificate of title, Volume 740, folio 48, Wellington Land Registry (S.O. Plan 23307).

Secondly, all that area of land in the Wellington Land District containing one rood and nine perches and seven-tenths of a perch, more or less, situated in Block XI, Port Nicholson Survey District, being part Section 964, Town of Wellington (City of Wellington), and being also Lots 1 and 2 on Deposited Plan numbered 4868, and being all the land comprised and described in certificate of title, Volume 427, folio 18, Wellington Land Registry.

**12. Authorising the Queenstown Borough Council to lease part of the Queenstown Commonage**—Whereas the Superintendent of the Province of Otago, by notice dated the fifth day of January, eighteen hundred and seventy, and published in the *Otago Provincial Gazette* of that year at page 2, made and dedicated certain land in the province of Otago as a

reserve for use of the inhabitants of Queenstown as a commonage: And whereas that commonage is vested in the Mayor, Councillors, and Citizens of the Borough of Queenstown (in this section referred to as the corporation), subject to the Queenstown Commonage Reserve Management Act 1876: And whereas the land firstly and secondly described in subsection (5) of this section (in this section referred to as the first and second land) is part of the aforesaid commonage: And whereas by section 3 of the Queenstown Commonage Reserve Management Act 1876 the corporation has power to grant only yearly licences over the commonage for grazing purposes: And whereas the Queenstown Borough Council desires to lease in the name and on behalf of the corporation the first land as a site for the establishment of a restaurant, guest accommodation, and other buildings, but has no power to do so: And whereas the council also desires to grant to any lessee of the first land in the name and on behalf of the corporation such easements and other incorporeal hereditaments over the second land as may be necessary to facilitate the full use and enjoyment of the first land by the lessee and his invitees and licensees, but has no power to do so: Be it therefore enacted as follows:

(1) Notwithstanding the provisions of the Queenstown Commonage Reserve Management Act 1876 or of any other enactment or rule of law, the council in the name and on behalf of the corporation may from time to time, by private treaty or otherwise, lease all or any part of the first land, subject to the provisions of subsection (2) of this section, but otherwise on such terms and conditions as it thinks fit.

(2) There shall be included or, if not included, implied in any lease entered into under subsection (1) of this section a covenant by the lessee restricting him from using the site comprised in the lease otherwise than for the purposes of establishing and operating a restaurant, guest accommodation, and associated buildings.

(3) Notwithstanding the provisions of the Queenstown Commonage Reserve Management Act 1876 or of any other enactment or rule of law, the council in the name and on behalf of the corporation may from time to time grant to any lessee of the first land as an appurtenance to his lease any easement or other incorporeal hereditament over any part of the second land to facilitate the full use and enjoyment of the first land by the lessee and his invitees and licensees.

(4) For the purposes of this section the term "lessee" includes any executor, administrator, assignee, or underlessee

of the lessee, and any person deriving title through or from any such executor, administrator, assignee, or underlessee.

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

Firstly, all that area of land in the Otago Land District, containing two acres, more or less, being Section 96 (formerly part Section 19), Block XX, Shotover Survey District (S.O. Plan 13443), and being part of the land comprised and described in certificate of title, Volume 109, folio 294, Otago Land Registry.

Secondly, all that area of land in the Otago Land District, containing three hundred and fifty-nine acres, one rood, and fourteen perches and ninety-four one-hundredths of a perch, more or less, being part Section 19, Block XX, Shotover Survey District, and being part of the land comprised and described in certificate of title, Volume 109, folio 294, Otago Land Registry; as more particularly shown on the plan marked L. and S. 1/1103 deposited in the head office of the Department of Lands and Survey at Wellington, and thereon edged red.

**13. Sale of endowment land in Foxton Beach Township—**Whereas by section 21 of the Reserves and Other Lands Disposal Act 1956 and by section 9 of the Reserves and Other Lands Disposal Act 1965 the land firstly described in subsection (18) of this section was vested in the Chairman, Councilors, and Inhabitants of the County of Manawatu (in this section referred to as the corporation), subject to the provisions of the said section 21 and to all leases, liens, encumbrances, easements, and other restrictions affecting the endowment land at the commencement of that section: And whereas, pursuant to subsection (8) of the said section 21, the Minister of Lands, by various notices published in the *Gazette*, vested the land secondly and thirdly described in subsection (18) of this section in the corporation as part of the endowment land, subject to the provisions of the said section 21 and to all leases, liens, encumbrances, easements, and other restrictions affecting the land at the date of the notices: And whereas certain parts of the land described in the said subsection (18) have since been vested in the Crown or otherwise taken for various public purposes by proclamation, special order, or other instrument or by operation of law: And whereas the Manawatu County Council is, by paragraph (d) of subsection (5) of the said section 21, empowered to enter into perpetually renewable leases for terms of twenty-one years of unleased parts of the

endowment land, without the right to acquire the freehold of the land comprised in the leases: And whereas the council is, by paragraph (c) of the said subsection (5), required, on or before the expiration of any lease of any part of the endowment land subsisting at the date of commencement of the said section 21, to grant perpetually renewable leases to the lessees of those subsisting leases, also without the right to acquire the freehold of the land comprised in the leases: And whereas the council is, by paragraph (e) of the said subsection (5), empowered in specific cases, with the approval of the Minister of Lands, to enter into leases of any unleased part of the endowment land without a right of renewal: And whereas many of the lessees of parts of the endowment land desire to acquire the freehold of the land comprised in their lease: And whereas the council desires to sell the land so comprised to those lessees and to sell unleased parts of the endowment land, but has no power to do so: And whereas it is desirable to empower the council to sell the endowment land as aforesaid and to provide for the council to apply the proceeds of sale for the provision of services and public amenities for the benefit of the inhabitants of Foxton Beach Township, and for the improvement, maintenance, and repair of any such services or amenities or any existing services or public amenities: And whereas certain provisions of the said section 21 are now spent and it is desirable that they should be repealed: Be it therefore enacted as follows:

(1) For the purposes of this section, unless the context otherwise requires—

“Council” means the Manawatu County Council:

“Endowment land” means the balance of the land firstly, secondly, and thirdly described in subsection (18) of this section which is vested in the corporation at the passing of this Act:

“Lease” means a lease of any part of the endowment land granted by the corporation pursuant to paragraph (c) or paragraph (d) or paragraph (e) of subsection (5) of section 21 of the Reserves and Other Lands Disposal Act 1956.

(2) This section shall apply in respect of the endowment land notwithstanding the provisions of the said section 21 or of Part XIII of the Counties Act 1956.

(3) This section shall confer on every lessee whose lease is subsisting at the passing of this Act, and on every lessee who is hereafter granted a lease, while his lease remains current, a right to acquire the freehold of the land comprised in the lease on the terms prescribed by this section.

(4) Where under this section a lessee gives notice of his desire to acquire the freehold of the land comprised in his lease, the rights and obligations of the lessee arising from the notice shall enure for the benefit of and be enforceable against him, his executors, administrators, and assigns to the like extent (but no further) as rights and obligations arising under a contract for a sale freely entered into between a lessor and a lessee; and, accordingly, in relation to matters arising out of any such notice, references in this section to the lessee shall, so far as the context permits, include his respective executors, administrators, and assigns.

(5) Notwithstanding anything in subsection (4) of this section, the rights and obligations conferred on any lessee by that subsection shall be assignable with, but not capable of subsisting apart from, the lease of the land comprised in the lease; and if the lease of one part of that land is assigned without the benefit of the notice, or if the lease of one part of the land is assigned to or vests in any person without the lease of another part, the notice shall accordingly cease to have effect. In the event of any default by the council or the lessee in carrying out the obligations arising from any such notice, the other of them shall have the like rights and remedies as in the case of a contract freely entered into.

(6) Where a lessee gives to the council written notice of his desire to purchase the freehold of the land comprised in his lease, then the council, in the name and on behalf of the corporation, shall be bound to make to the lessee, and the lessee to accept (at the price and on the terms prescribed by this section), a transfer of the land for an estate in fee simple absolute.

(7) A lessee's notice under subsection (6) of this section shall specify the name and address of the lessee and shall contain sufficient particulars to identify the property to which the right of acquisition extends.

(8) The price payable for land acquired under subsection (6) of this section shall be the aggregate of the following amounts:

- (a) Firstly, the amount which, at the time of the acquisition, the freehold of the land, if unencumbered by any mortgage or charge, might be expected to realise, had it been sold in the open market by a willing seller, without improvements (being improvements as defined in section 2 of the Valuation of Land Act 1951):

(b) Secondly, the value as determined by the council of the fixtures and other improvements (if any) erected or carried out by the council, or any previous owner of the freehold, and not purchased by the lessee or by any lessee under a previous lease.

(9) Where a lessee notifies the council that he desires to acquire the freehold of the land comprised in his lease, the council shall immediately assess the price to be paid in respect of the land in accordance with subsection (8) of this section, and shall then notify the lessee in writing of the price, including its constituent amounts.

(10) Within fourteen days of being notified of the council's assessment in accordance with subsection (9) of this section, the lessee may file an objection in the office of the Land Valuation Court nearest to the place where the land or any part of the land to which the objection relates is situated. On any such objection being filed, all the provisions of the Land Valuation Court Act 1948, and all the rules for the time being in force under that Act, so far as they are applicable, shall apply in respect of the objection as if it were an objection to which section 21 of that Act relates. If no such objection is filed within the said period, the assessment of the council shall be deemed to have been assented to by the lessee.

(11) Not later than two months from the date of notification of the determination of the purchase price or from the date on which any objection to the determination is finally disposed of or is withdrawn, whichever is the later, the lessee shall pay to the council the purchase price, whereupon the council shall cause to be prepared and executed by the corporation a transfer of the land comprised in the lease to the lessee.

(12) At any time before the execution of the transfer the lessee may give written notice to the council that he is unable or unwilling to acquire the freehold of the land comprised in his lease, and thereupon the notice given under subsection (6) of this section shall cease to have effect; and he shall be liable to make such compensation as may be just to the council in respect of any work performed by it in assessing the purchase price and preparing the transfer or conveyance (if any).

(13) Any transfer by the corporation transferring to any lessee the freehold of the land comprised in his lease shall provide for—

(a) Unless the lessee agrees to the contrary, the land to have the benefit of such easements and other incorporeal hereditaments, and of such restrictive

covenants, over other parts of land vested in the corporation, so far as the corporation is capable of granting or creating them, as are necessary to secure to the lessee as nearly as practicable the same rights as, immediately before the execution of the transfer, were available to him under his lease; and

- (b) Unless the council or other person agrees to the contrary, the land to be subject to such easements and other incorporeal hereditaments, and to such restrictive covenants, for the benefit of other land as are necessary to secure to the corporation or other person interested in the other land as nearly as practicable the same rights as, immediately before the execution of the transfer, were available against the lessee under the lease.

(14) The council shall from time to time spend the net proceeds from the sale or lease of any of the endowment land on the provision of services and public amenities for the benefit of the inhabitants of Foxton Beach Township, or on the improvement, maintenance, or repair of any such services and amenities, or on the improvement, maintenance, or repair of any existing services or public amenities. For the purposes of this subsection, the term "services" includes roads, road lighting, water supply, drainage, sewerage, and other public works.

(15) Subject to the provisions of this section, the council may from time to time, in the name and on behalf of the corporation, sell for cash, by way of transfer, any of the endowment land which is for the time being vested in it and which is not for the time being subject to any lease.

(16) Where any lessee or other person acquires the freehold of any part of the endowment land under this section, he shall, in addition to meeting the costs and expenses normally incurred by a purchaser in acquiring land, bear the reasonable costs of or incidental to any valuation, survey, and other expenses incurred by the council in respect of the transaction.

(17) Section 21 of the *Reserves and Other Lands Disposal Act 1956* is hereby amended—

- (a) By repealing paragraph (b) of subsection (5):
- (b) By repealing the first proviso to paragraph (c) of subsection (5):
- (c) By repealing the first proviso to paragraph (d) of subsection (5):
- (d) By repealing paragraph (f) of subsection (5).

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

Firstly, all those areas of land in the Wellington Land District being Sections 5, 6, and 7, Block I, Moutere Survey District, Lot 1 on Deposited Plan numbered 17622, and part Sections 268 and 270, Town of Foxton; as shown on the plan marked L. and S. 22/2843, deposited in the head office of the Department of Lands and Survey at Wellington, and thereon coloured blue (S.O. Plan 23692).

Secondly, all those areas of land in the Wellington Land District being Sections 600 and 610, Town of Foxton, situated in Blocks I and II, Moutere Survey District (S.O. Plans 24143 and 24546).

Thirdly, all that area of land in the Wellington Land District being Section 3, Block II, Moutere Survey District (S.O. Plan 26064).

**14. Providing for the control of the Kaitaia Drainage Area to be transferred to the Mangonui County Council**—Whereas the land described in subsection (26) of this section has been constituted the Kaitaia Drainage Area under the provisions of the Swamp Drainage Act 1915: And whereas the Minister of Lands is authorised to construct and carry on such works as he thinks fit for the drainage, reclamation, and roading of the area: And whereas there are certain existing works which were carried out in the drainage area pursuant to that authority: And whereas certain new works and improvements to existing works are currently being carried out pursuant to that authority in the drainage area: And whereas the Minister has incurred capital expenditure in carrying out those works: And whereas the Minister desires to transfer the control of the drainage area to the Mangonui County Council: And whereas the council has agreed to accept control of the drainage area and to assume liability for repayment for such amount of the capital expenditure already incurred by the Minister in respect of the existing drainage system, and to be incurred by him in respect of the new works, as may be agreed upon by the Minister of Finance and the council: Be it therefore enacted as follows:

- (1) In this section, unless the context otherwise requires,—
  - “Area” means the land described in subsection (26) of this section:
  - “Corporation” means the Chairman, Councillors, and Inhabitants of the County of Mangonui:
  - “Council” means the Mangonui County Council:
  - “Current valuation roll” means the valuation roll for the time being in force in respect of the area:

“Land” has the same meaning as in section 2 of the Land Transfer Act 1952:

“Minister” means the Minister of Lands:

“New works” means the works currently being constructed in the Kaitaia Drainage Area, and improvements to existing works:

“Principal Act” means the Swamp Drainage Act 1915:

“Rural subdivision” means the subdivision constituted under section 5 of the Swamp Drainage Amendment Act 1926 of the Kaitaia Drainage Area outside the Kaitaia Town District:

“Town subdivision” means the subdivision constituted under section 5 of the Swamp Drainage Amendment Act 1926 of the Kaitaia Drainage Area comprising the Kaitaia Town District:

“Unimproved value” has the same meaning as in the Valuation of Land Act 1951.

(2) Notwithstanding anything to the contrary in any other Act or rule of law, the Governor-General, by Order in Council, may from time to time transfer to the council the control of the existing drainage system in the area or the new works, or both. Any such order may provide for control to be transferred from the date of the order or from any other date specified in the order, whether before or after the date of the order.

(3) Subject to the provisions of this section, the council shall, on the transfer of control of the existing drainage system to it, be deemed to be and have all the powers of a board of trustees constituted under section 4 of the Land Drainage Act 1908, except the powers of making and levying rates and classifying land for rating purposes.

(4) Subject to the provisions of subsection (5) of this section, on the execution by the corporation and delivery to the Minister of the debenture referred to in subsection (8) of this section, all the land (together with all drains and drainage works) and other assets owned by the Crown in respect of the existing drainage system (other than the part improved or to be improved as part of the new works) carried on by the Crown on the land in the area at the date of the transfer of the control of the existing drainage system shall, subject to the provisions of subsections (6) and (7) of this section, vest in the corporation absolutely.

(5) Nothing in subsection (4) of this section shall affect or prevent the completion of the construction of the new works in the area by the Minister; and on the execution by the

corporation and delivery to the Minister of the debenture referred to in subsection (9) of this section, all the land (together with all drains and drainage works) and other assets owned by the Crown in respect of the new works established by the Minister on the land in the area at the date of the transfer of the control of those works shall, subject to the provisions of subsections (6) and (7) of this section, vest in the corporation absolutely.

(6) If at any time any dispute arises relating to the vesting of land or other assets in the corporation under this section, that dispute shall be settled by the Minister.

(7) A notice signed by the Minister and published in the *Gazette* declaring that any land (being land described in the notice) has vested in the corporation under subsection (4) or subsection (5) of this section for an estate in fee simple absolute shall be conclusive evidence of that vesting to the District Land Registrar for the North Auckland Land Registration District and to all other persons whatsoever. The notice shall be sufficient authority for the District Land Registrar to issue a certificate of title for the land in the name of the corporation and to enter such memorials in the land register and on any instrument of title as he considers necessary to carry out the intent of this section.

(8) As soon as practicable after the date on which control of the existing drainage system has been transferred to the council in accordance with subsection (2) of this section, the corporation shall execute in favour of Her Majesty the Queen a debenture securing to Her Majesty the amount owed by the ratepayers of the area at the aforesaid date in respect of the capital cost of the Kaitaia Borough flood protection works and the Ahipara Beach Township Special Subdivision works. In calculating the amount to be secured under the debenture, such sum as stands to the credit of the ratepayers of the area at the aforesaid date in the appropriate reserve accounts, special rate accounts, and maintenance rate accounts shall be deducted from the amount so secured, after the Minister has deducted such sum as he may determine as being the estimated contribution of the ratepayers towards the cost of the new works.

(9) As soon as practicable after the date on which the control of the new works has been transferred to the council in accordance with subsection (2) of this section, the corporation shall execute in favour of Her Majesty the Queen a debenture securing to Her Majesty the cost of construction of the new works. For the purposes of this subsection, the cost of the new works shall be such amount as may be agreed on

by the Minister of Finance and the council after deducting the sum withheld as the estimated contribution of the rate-payers towards the cost of the new works as provided in subsection (8) of this section.

(10) The debentures referred to in subsections (8) and (9) of this section shall be in a form approved by the Minister of Finance, and shall provide for the payment to Her Majesty of the amounts secured by the debentures, together with such rate of interest in respect of those amounts as may be agreed by the Minister of Finance and the council. The amount so secured, together with the interest thereon, shall be paid over such term of years and by such instalments as may be agreed by the Minister of Finance and the council.

(11) The debentures shall be secured over and be a first charge on all land and other assets from time to time owned by the corporation in the area and all rates from time to time payable to the council in respect of any land in the area:

Provided that the debentures shall not be secured over any special rates levied as security for any special loan raised by the council.

(12) The debentures shall be deemed to be debentures issued by the council pursuant to Part III of the Local Authorities Loans Act 1956; and the provisions of that Part relating to local authorities that default in payment of principal and interest, so far as they are applicable and with the necessary modifications, shall apply to the council as if the money secured by the debentures were a special loan within the meaning of section 2 of the Local Authorities Loans Act 1956.

(13) Notwithstanding anything to the contrary in section 5 of the Swamp Drainage Amendment Act 1926, or in section 44 or section 45 of the Finance Act 1930 (No. 2), the amount of the debenture referred to in subsection (8) of this section shall be deemed to be the amount of capital expended on the existing drainage system, for the purposes of the making and levying of any special rate under the provisions of the principal Act on rateable property in the area.

(14) The amount of the debenture referred to in subsection (9) of this section shall be deemed to be the amount of capital expended on the new works, for the purposes of the making of any special rate under the provisions of the principal Act on rateable property in the area.

(15) The classification for rating purposes of the land in the rural subdivision made under section 3 of the Swamp Drainage Amendment Act 1928 and in force at the date on

which control is transferred to the council as provided in subsection (2) of this section shall continue in force until a fresh classification of the land in the subdivision is made for rating purposes pursuant to the provisions of subsection (16) of this section.

(16) On a request being made to the council by not less than one-half of the occupiers of the land in the rural subdivision, or by the occupiers of not less in the aggregate than one-half of the land in the subdivision, the council shall make a fresh classification of all land in the subdivision which is liable to be rated in respect of the existing drainage system and the new works.

(17) If any classification is carried out pursuant to subsection (16) of this section within five years from the date on which the control of the existing drainage system is transferred to the council, the expense of carrying out the classification shall be borne by the Crown.

(18) The council shall have the same powers to make and levy special and general rates on land in the town subdivision in respect of the existing drainage system and new works established in the subdivision as are conferred on the Minister by subsections (1) to (3) of section 2 of the Swamp Drainage Amendment Act 1928 and by section 4 of the Swamp Drainage Amendment Act 1948; and all the provisions of those sections, so far as they are applicable and with the necessary modifications, shall apply to the subdivision as if it were a drainage area and to the council as if it were the Minister.

(19) Notwithstanding the provisions of subsection (3) of section 2 of the Swamp Drainage Amendment Act 1928 or of subsection (1) of section 4 of that Act or of section 10 of the Finance Act (No. 2) 1943, the general and special drainage rates payable in respect of the rural subdivision (excluding the special rates levied solely on the Ahipara Beach Township Special Subdivision) shall be apportioned between farming land and land other than farming land in the proportion that the aggregate of the unimproved values, as appearing in the current valuation roll, of the farming land bears to the aggregate of the unimproved values, as appearing in the current valuation roll, of the land other than farming land.

(20) Where the unimproved value of any farming land in the rural subdivision, as appearing in the valuation roll in force on the sixth day of July, nineteen hundred and forty-three, exceeds an amount calculated at the rate of six dollars per acre, all general and special rates levied by

the council in respect of that land shall be levied on an unimproved value as if that value were assessed at the rate of six dollars per acre. Where any farming land in the subdivision is subdivided after the passing of this Act, the Valuer-General shall determine, for the purposes of this subsection, the values of the parcels into which the land has been subdivided in conformity with roll values in force on the aforesaid date in respect of such parcels as are farming land; and the rateable value of land in the subdivision other than farming land shall for the purpose of this subsection, and for the purposes of levying rates solely on the Ahipara Beach Township Special Subdivision, be the unimproved value appearing in the current valuation roll. If any question arises as to whether or not any land is farming land, that question shall be determined by the council.

(21) Subject to subsections (19) and (20) of this section, the council shall have the same powers to make and levy special and general rates on land in the rural subdivision in respect of the existing drainage system and new works established in the subdivision, and the same powers to classify land in the subdivision, as are conferred on the Minister by sections 2 and 3 of the Swamp Drainage Amendment Act 1928 and by section 4 of the Swamp Drainage Amendment Act 1948; and all the provisions of those sections, so far as they are applicable and with the necessary modifications, shall apply to the subdivision as if it were a drainage area and to the council as if it were the Minister.

(22) The council shall have the power to collect and retain for the purposes of the drainage system and new works all rates outstanding at the date on which control is transferred to the council pursuant to subsection (2) of this section; and, if the Minister pursuant to the powers conferred on him by the principal Act collects any rates which relate to any period after the transfer of control, he shall pay those rates to the council.

(23) If in accordance with the powers conferred on it by this section and the Land Drainage Act 1908, after control is transferred to it under subsection (2) of this section, the council incurs expenditure in respect of any additional work or the maintenance or repair of the existing drainage system or the new work, the council shall have all the powers of the Minister under section 4 of the Swamp Drainage Amendment Act 1948 to levy additional rates to meet that expenditure.

(24) Notwithstanding the provisions of subsection (3) of section 5 of the Swamp Drainage Amendment Act 1926, for the purpose of any general rate to be made and levied over the

area for administration and maintenance purposes under subsection (2) of section 2 of the Swamp Drainage Amendment Act 1928, the council shall estimate what amount of the total cost of administration and maintenance is properly chargeable to the rural subdivision and the town subdivision, and separate general rates shall then be made and levied for each subdivision as if it were a separate drainage area constituted under the principal Act.

(25) Section 7 of the Finance Act 1951 and section 16 of the Finance Act (No. 2) 1955 are hereby repealed.

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

All that area of land in the North Auckland Land District, the Mangonui County, bounded by a line commencing in Block VII, Opoe Survey District at the westernmost corner of Lot 1 on Deposited Plan numbered 27209 and proceeding easterly along the northern boundary of that lot, the northern boundary of the said Lot 1, along a right line across Paparore Road to and along the northern boundary of Lot 3, both lots being part Maxwells Grant shown on M.L. Plan 14546, to and easterly generally along the line of mean high water of Rangaunu Bay, to and southerly generally along the left banks of the Mangatete and Pairatahi Rivers, to the intersection in Block XI, Rangaunu Survey District with the north-western boundary of Maimaru D 3c 2B Block; thence north-easterly along that north-western boundary to and along the north-western boundary of Kareponia 1A 3 Block to and south-easterly along the south-western boundaries of Allotments 129, SW 111, along the south-western end of a public road, the south-western boundaries of Allotment 99, crossing the intervening State Highway No. 10, and Allotment 94 to the north-western side of a public road; thence southerly generally along the generally western side of that road crossing Kareponia 2B 2c 2, No. 3, 2A 3, 2B 2c 1, 2B 2A, and 2B 1A Blocks to the northern bank of the Oinu Stream in Block II, Takahue Survey District; thence easterly generally along that northern bank to and along the north-western boundary of Allotment 44, Mangatete Parish, to and southerly generally along the western side of the public road forming the generally western boundaries of Allotments NW 43, 168, and SW 38 to a point in line with the south-eastern boundary of the last-named allotment; thence easterly generally along a right line across the aforesaid road to and along the north-western and north-eastern boundaries of Allotment 35, the north-eastern boundaries of Allotments NW 26 and SE 26 all the said allotments

being of Mangatete Parish, and the last-mentioned boundary produced across a public road to its south-eastern side; thence easterly generally along the southern side of that road forming the generally northern boundaries of part Allotment 23, Mangatete Parish to a point in line with the northern boundary of Allotment 163 of that Parish; thence along a right line crossing that road to and along the aforesaid boundary and along the southern side of the road forming the northern boundary of the land shown on Deposited Plan numbered 10130 and part Allotment NW 22 of that Parish to the north-western corner of Allotment NE 22, Mangatete Parish; thence westerly along a right line across a public road to the westernmost corner of Section 1s, Upokonui Settlement; thence easterly generally along the southern sides of Church Road, Puriri Block Road, Fishers Road, and Metcalfes Road to and southerly generally along the eastern boundary of Section 3, Block III, Takahue Survey District, the generally north-eastern boundaries of Allotment 77, Kaiaka Parish, the northern boundary of part Allotment 76, Kaiaka Parish, to and southerly along the western side of Duncans Road to and easterly along the southern bank of the Te Puhi Stream to a point in line with the western boundary of Allotment 115, Kaiaka Parish, in Block VIII, Takahue Survey District; thence southerly along a right line, crossing the Pamapurua-Taipa Road to and along the western boundaries of Allotments 115 and 113, Kaiaka Parish, and the last-mentioned boundary produced across the Mangatoetoe Road to and south-easterly generally along the south-western side of that road, to and southerly along the eastern boundary of Allotment 101, Kaiaka Parish, to and along the generally south-western bank of the Mangatoetoe Stream, to and northerly along the western boundary of Lot 1 on Deposited Plan numbered 35169 to the south-western side of Mangatoetoe Road; thence again southerly generally along that roadside to and along the north-western boundary of Allotment 212, Kaiaka Parish, to a point in line with the western boundary of Lot 1 on Deposited Plan numbered 35760; thence along a right line to and along that boundary, along a right line across the Peria Valley Road to and along the eastern boundary of Lot 2 on Deposited Plan numbered 35760, the eastern side of the said road and the eastern and southern boundaries of Lot 3 on Deposited Plan numbered 35760, in Block XII, Takahue Survey District, to the southernmost corner of that lot; thence along a right line across the intersection of that road and the Kaitaia-Whangarei Road to the

northernmost corner of Allotment 226, Maungataniwha Parish; thence south-westerly generally along the western boundaries of that allotment to and along the generally north-western boundaries of Allotment 144, Maungataniwha Parish, the northern boundary of Lot 1 on Deposited Plan numbered 6769, the generally north-western boundaries of Allotments 146, 199, and 201 of that Parish, and the last-mentioned boundary produced to and along the western and northern sides of Te Rore Road, to and northerly along the eastern side of Takahue Road to a point in line with the north-western side of Diggers Valley Road; thence along a right line across Takahue Road and the Takahue River to and south-westerly generally along that roadside and the northern side of Diggers Valley Road and continuing along the southern boundary of part Section 22, Block X, Takahue Survey District to and northerly generally along the eastern side of the public road crossing the said Section 22, and forming the north-western boundaries of Sections 47 and 23 of that block and crossing Section 10 of the said Block X to the intersection of that roadside with the southern side of the road forming the generally southern boundaries of Sections 9, 8, 7, 6, 5A, 5, and 4 all of Block X, Takahue Survey District, and Lots 2 and 3 on Deposited Plan numbered 36666; thence due north to and westerly generally along the northern side of the last-described road and the last-mentioned roadside produced across Larmers Road to and south-westerly along the north-western side of that road to the southern boundary of Okahu 4c 2 Block in Block IX, Takahue Survey District; thence westerly along the southern boundaries of Okahu 4c 2, 4d, and 4e Blocks to and south-westerly along the south-eastern boundary of the land shown on Deposited Plan numbered 11493 and along the south-eastern boundary of Allotment 53, Ahipara Parish for a distance of 2325.7 links and along a right line to the southernmost corner of Allotment 45, Ahipara Parish; thence westerly generally along the southern boundaries of that allotment and southerly along the eastern boundary of part Allotment 9, Ahipara Parish, in Block V, Ahipara Survey District, to and along the northern side of the public road forming the southern boundaries of that part Allotment 9, part Allotment 8 of that Parish, Lot 1 on Deposited Plan numbered 28726, part Allotment 4 of that Parish, Lot 1 on Deposited Plan numbered 29417 and the south-western boundary of the last-said lot, and along the production of that roadside across the Kaitaia-Motukaraka Road to and along the northern side of that road, the northern boundaries of Allotments 88, 87, 86,

85, and 76, Ahipara Parish, and the last-mentioned boundary produced across the Ahipara-Sweetwater Road to the north-western side of that road; thence south-westerly generally along that roadside and the northern side of the Wainui-Ahipara Road, and continuing along the northern side of Foreshore Road to and northerly generally along the right bank of the Wairoa River, as shown on S.O. Plan 794, to the sea coast in Block II, Ahipara Survey District of the Tasman Sea; thence northerly along that sea coast to and easterly along the northern boundary of Allotment 31, Ahipara Parish, crossing the intervening Ahipara-Sweetwater Road to the easternmost corner of that allotment; thence along a right line across a public road to the southernmost corner of Allotment 114, Ahipara Parish, and northerly generally along the eastern boundary of that allotment, along the eastern end of a public road, along the eastern boundary of Allotment 113 of that parish, to and along the eastern side of Ahipara-Sweetwater Road to the northernmost corner of part Allotment 43, Ahipara Parish, in Block I, Ahipara Survey District; thence along a right line crossing and recrossing the said road, to and along the eastern boundaries of Section 26, Block I, Ahipara Survey District, Allotment 22, Awanui Parish, the public road on the eastern shores of Lake Rotoroa, and Allotments 20 and 19, Awanui Parish to the easternmost corner of that Allotment 19; thence north-easterly along a right line to the southernmost corner of Section 6, Block VIII, Opoe Survey District; thence along the eastern boundary of that section, along a right line across West Coast Road to and along the eastern boundary of part Section 7 (Cemetery Reserve), Block VIII, Opoe Survey District, the eastern boundaries of part Section 64, Sections 44 and 53, Block VIII, Opoe Survey District, along a right line across Te Kao-Waipapakauri Road to and along the eastern boundaries of Sections 91, 26, and 47, Block VII, Opoe Survey District to the point of commencement.

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This Act is administered in the Department of Lands and Survey.

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