



ANALYSIS

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1974, No. 139

An Act to provide for various matters relating to Crown land, reserves, and other land held for public purposes

[8 November 1974]

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 1974.

2. Vesting of certain land in Crown subject to enjoyment of certain rights by New Zealand Broadcasting Corporation—Whereas by section 19 of the Broadcasting Corporation Act 1961 all land vested in or held on behalf of the Crown and used or administered for the purposes of or in connection with any broadcasting service carried on immediately

before the commencement of that Act under the Broadcasting Act 1936 was vested in the New Zealand Broadcasting Corporation (in this section referred to as the Corporation): And whereas the land to which this section relates was part of the land so vested in the Corporation: And whereas it is expedient that the land should be deemed always to have remained in the ownership of Her Majesty the Queen to be held by Her Majesty under the Public Works Act 1928, subject to the enjoyment by the Corporation of the rights specified in subsection (2) of this section: And whereas Her Majesty is willing to accord to the Corporation each of those rights: Be it therefore enacted as follows:

(1) Notwithstanding section 19 of the Broadcasting Corporation Act 1961, the land to which this section relates shall be deemed to be and to have always been vested in the ownership of Her Majesty the Queen and held by Her Majesty under the Public Works Act 1928.

(2) Notwithstanding anything in subsection (1) of this section or in the Public Works Act 1928, the Corporation shall have and be deemed to have had the following rights in and in respect of the land:

(a) As from the 1st day of April 1962 until the determination date, the right to the full and exclusive use of the land for such period, at such rental, and otherwise upon and subject to such terms and conditions as may have been or may hereafter be agreed upon between Her Majesty and the Corporation:

(b) Upon the determination date, the right to demand and to receive from Her Majesty compensation for all buildings standing on the land at that date of an amount equal to that part of the then market value of the land and the buildings that is attributable to the buildings as determined by agreement between Her Majesty and the Corporation or, failing agreement, then by the Valuer-General whose decision in the matter shall be final.

(c) At any time before the determination date, the right to demand from and be granted by Her Majesty a registrable lease of the land, conferring on the Corporation the rights specified in paragraphs (a) and (b) of this subsection.

(3) Notwithstanding subsection (2) of this section, or any stipulation to the contrary in any lease granted under that subsection, upon the determination date the Corporation shall cease to have any right or interest in the land or any building on the land, other than the right to receive compensation under paragraph (b) of that subsection.

(4) The rights conferred on the Corporation by this section shall be personal to the Corporation, and shall not be transferable to or vest in any other person otherwise than pursuant to or in accordance with subsection (3) of section 69 of the Broadcasting Act 1973 or any other enactment.

(5) For the purposes of this section, the determination date shall be the date on which the Corporation notifies the Minister of Works and Development in writing that the land is no longer required by the Corporation for broadcasting purposes.

(6) This section relates to the following land:

All that parcel of land situated in the Wellington Land District, City of Wellington, containing 2081 square metres, more or less, being Block VI, Port Nicholson Survey District, and being section 1290, Town of Wellington (S.O. 28137).

3. Vesting certain land in the Crown as a reserve for cemetery purposes—Whereas by Proclamation dated the 18th day of December 1872 and published in the *Canterbury Provincial Gazette* on the 13th day of January 1873 at page 11 the Superintendent of the Province of Canterbury proclaimed certain lands (in this section together referred to as the cemetery lands) to be set aside as a reserve for cemetery purposes: And whereas by notice dated the 7th day of November 1950 and published in the *Gazette* of that year at page 1981 made pursuant to section 55 of the Cemeteries Act 1908 the Ellesmere County Council (in this section referred to as "the Council") was appointed the trustee of the cemetery established on the cemetery lands: And whereas by notice dated the 8th day of February 1957 and published in the *Gazette* of that year at page 218 the Minister of Lands, acting pursuant to the Reserves and Domains Act 1953, changed the purpose for which part of the cemetery lands was reserved from a reserve for cemetery purposes to a reserve for gravel purposes: And whereas by the Ellesmere Cemetery Order 1957 made pursuant to the Cemeteries Act 1908 the cemetery was declared to consist of the land described in the Schedule to that order, and it was further

declared that the Council shall continue to be the trustee of the cemetery: And whereas by deed of conveyance dated the 12th day of December 1882 the land to which this section relates was vested in certain persons as the trustees of the said cemetery: And whereas all those persons are deceased: And whereas for many years the Council has administered and used the land in connection with the cemetery: And whereas the Council is desirous that the land be formally incorporated into the cemetery: And whereas to this end it is expedient to vest the land in Her Majesty the Queen as a reserve for cemetery purposes: And whereas Her Majesty is willing to accept the land for these purposes: Be it therefore enacted as follows:

(1) The land to which this section relates is hereby vested in Her Majesty the Queen as a reserve for cemetery purposes, subject to the Reserves and Domains Act 1953, but free from all other trusts, reservations, and restrictions.

(2) This section relates to the following land:

All that parcel of land situated in the Canterbury Land District, containing 617 square metres, more or less, being situated in Block I, Southbridge Survey District, and being part of Rural Section 7966 and being the whole of the land comprised and described in certificate of title, Volume 406, folio 99 (Canterbury Registry).

4. Changing the purpose for which part of the Cromwell Racecourse Reserve is held from the purposes of a racecourse to the purposes of an aerodrome—Whereas pursuant to the Public Reserves Act 1854 a certain piece of land (in this section referred to as the racecourse land) was vested in the Superintendent of the Province of Otago for the purposes of a racecourse: And whereas by section 2 of the Cromwell Racecourse Reserve Act 1876 the racecourse land was vested in a Board of Trustees constituted under that Act to be held for the purposes of a racecourse: And whereas by Order in Council dated the 27th day of August 1941 and published in the *Gazette* of that year at page 2690 the racecourse land was vested in the Mayor, Councillors, and Burgesses of the Borough of Cromwell (in this section together referred to as the Corporation) in trust for a racecourse or for any other purpose in connection therewith, subject to the provisions of the Cromwell Racecourse Reserve Act 1876: And whereas the land to which this section relates comprises part of the racecourse land: And whereas by notice dated the 19th day

of August 1953 and published in the *Gazette* of that year at page 1378 the Governor-General, pursuant to the Local Authorities Empowering (Aviation Encouragement) Act 1929, consented to the use by the Corporation of the land for the purposes of an aerodrome: And whereas the land was used for that purpose until that consent was revoked by notice dated the 28th day of July 1965 and published in the *Gazette* of that year at page 1252: And whereas the Corporation is desirous that it be empowered again to use the land for the purposes of an aerodrome: And whereas to that end it is desirable to change the purpose for which the land to which this section relates is set aside from a reserve for racecourse purposes to a reserve for aerodrome purposes: Be it therefore enacted as follows:

(1) Notwithstanding anything in the Cromwell Racecourse Reserve Act 1876, the purpose for which the land to which this section relates is set aside is hereby changed from a reserve for racecourse purposes to a reserve for aerodrome purposes, subject to the Reserves and Domains Act 1953.

(2) This section relates to the following land:

All that parcel of land situated in the Otago Land District, Vincent County, containing 41.116 hectares, more or less, being part of Section 91 (formerly Part Section 17) Block III, Cromwell Survey District, as more particularly shown on S.O. Plan 17957 lodged in the office of the Chief Surveyor at Dunedin and thereon delineated in bold black lines, and being part of the land comprised and described in certificate of title, Volume 57, folio 79 (Otago Registry).

5. Vesting the site of the Kohuwhera Pa and its fortifications in the Crown—Whereas by an order of the Maori Land Court made pursuant to section 438 of the Maori Affairs Act 1953 on the 24th day of August 1973 certain land was vested in certain persons (in this section together referred to as the trustees) as trustees upon trust to partition the land by defining that portion that is the site of the Kohuwhera Pa and its fortifications (being the land to which this section relates) from the balance of the land, and to transfer by way of gift the land to which this section relates to Her Majesty the Queen, and, subject thereto, to obtain the approval of the Court to the termination of the trust in respect of the balance of the land: And whereas in pursuance of the terms of the trust the trustees have partitioned the land in the required manner and have obtained the approval

of the Maori Land Court to the partition as is evidenced by the order of the Court made in that behalf on the 22nd day of November 1973: And whereas in further pursuance of the terms of the trust the trustees are desirous of transferring to Her Majesty the land to which this section relates for the purposes of an historic reserve, subject to the condition specified in subsection (2) of this section: And whereas Her Majesty is willing to accept the land for that purpose and subject to that condition: And whereas the provisions of Part XXI of the Maori Affairs Act 1953 prohibit the alienation of Maori land to the Crown otherwise than for adequate consideration and in accordance with those provisions: And whereas it is expedient to make provision for the gift to be effected accordingly: Be it therefore enacted as follows:

(1) Notwithstanding the provisions of Part XXI of the Maori Affairs Act 1953 or of any other enactment, the land to which this section relates is hereby vested in Her Majesty the Queen for the purposes of an historic reserve, subject to the Reserves and Domains Act 1953 and to the condition specified in subsection (2) of this section, but free from all other trusts, reservations, and restrictions:

Provided that to the extent that the condition is inconsistent with any of the provisions of that Act the terms of the condition shall prevail.

(2) The condition referred to in subsection (1) of this section is that Her Majesty undertakes to return the land to the trustees without delay should it no longer be required as an historic reserve.

(3) This section relates to the following land:

All that parcel of land situated in the North Auckland Land District, Bay of Islands County, containing 2.3016 hectares, more or less, being situated in Block II, Russell Survey District, and being the whole of Paroa 1 Block.

6. Empowering the Corporation of the City of Auckland to lease certain lands in the Auckland Domain to the Auckland Bowling Club (Incorporated), the Auckland Lawn Tennis Association (Incorporated), and the Auckland Rugby League (Incorporated) respectively—Whereas the parcels of land firstly, secondly, and thirdly described in subsection (4) of this section are portions of the Auckland Domain and as such are vested in the Corporation of the City of Auckland (in this section called the Corporation) upon the trusts declared by the

Auckland Domain Vesting Act 1893: And whereas pursuant to section 27 of the Reserves and Other Lands Disposal Act 1939 the Corporation leased the land first described in subsection (4) of this section to the Auckland Bowling Club (Incorporated) for a term that expired on the 31st day of March 1970: And whereas it is desirable to empower the Corporation to grant a lease of the land to the said Club for a further term not exceeding 21 years, the term (if the Corporation so decides) to be deemed to have commenced on the 1st day of April 1970: And whereas pursuant to section 8 of the Reserves and Other Lands Disposal Act 1950 the Corporation leased the land secondly described in subsection (4) of this section to the Auckland Lawn Tennis Association (Incorporated) for a term that expired on the 30th day of November 1972: And whereas it is desirable to empower the Corporation to grant a lease of the land to the said Association for a further term not exceeding 21 years, the term (if the Corporation so decides) to be deemed to have commenced on the 1st day of December 1972: And whereas pursuant to section 27 of the Reserves and Other Lands Disposal Act 1952 the Corporation leased the land thirdly described in subsection (4) of this section to the Auckland Rugby League (Incorporated) for a term that expired on the 4th day of February 1974: And whereas it is desirable to empower the Corporation to grant a lease of the land to the said League for a further term not exceeding 21 years, the term (if the Corporation so decides) to be deemed to have commenced on the 5th day of February 1974: And whereas it is expedient to make provision accordingly: Be it therefore enacted as follows:

(1) Notwithstanding anything in the Auckland Domain Vesting Act 1893 or in any other enactment, the Corporation is hereby empowered to grant—

- (a) To the Auckland Bowling Club (Incorporated) a lease of the land first described in subsection (4) of this section, and may provide in the lease that the term shall be deemed to have commenced on the 1st day of April 1970;
- (b) To the Auckland Lawn Tennis Association (Incorporated) a lease of the land secondly described in subsection (4) of this section, and may provide in the lease that the term shall be deemed to have commenced on the 1st day of December 1972;

(c) To the Auckland Rugby League (Incorporated) a lease of the land thirdly described in subsection (4) of this section, and may provide in the lease that the term shall be deemed to have commenced on the 5th day of February 1974.

(2) Any lease granted under subsection (1) of this section may be for such term, not exceeding 21 years, at such rental, and otherwise upon and subject to such terms and conditions as the Corporation thinks fit.

(3) This section relates to the following land:

First, all that parcel of land situated in the North Auckland Land District, containing 5043 square metres, more or less, being situated in Block VIII, Rangitoto Survey District, and being part of the Auckland Domain; as the same is more particularly delineated on the plan marked L. and S. 1/550, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon marked "A" and edged red (S.O. 49380).

Secondly, all those parcels of land situated in the North Auckland Land District, containing 5615 square metres, more or less, and 6753 square metres, more or less, being situated in Block VIII, Rangitoto Survey District, and being parts of the Auckland Domain, parts Section 98 and parts Allotment 1 of Section 98, Suburbs of Auckland, and being the land more particularly delineated on the plan marked L. and S. 1/550 deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon edged red (S.O. 36189).

Thirdly, all that parcel of land situated in the North Auckland Land District, containing 3948 square metres, more or less, being situated in Block VIII, Rangitoto Survey District, and being part of the Auckland Domain and parts Section 98, Suburbs of Auckland; as the same is more particularly delineated on the plan marked L. and S. 1/550, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon edged red (S.O. 37421).

7. Vesting certain land in the Chatham Islands County Corporation for the purposes of a recreation reserve—
Whereas on or before the 3rd day of March 1899 the fee simple estate in the land to which this section relates was vested in The Chatham Islands Institute (in this section referred to as the Institute), a body duly incorporated

under the Public Libraries Powers Act 1875, for the purposes of a public library and a mechanics' institute: And whereas no such library or institute has been erected on the land: And whereas the Institute has been defunct for many years: And whereas the land is situated within the territorial boundaries of the County of the Chatham Islands, and the Chatham Islands County Council is desirous that the land be vested in the Chairman, Councillors, and Inhabitants of the said County (in this section collectively referred to as the Corporation) for the purposes of a recreation reserve: And whereas it is expedient to make provision accordingly: Be it therefore enacted as follows:

(1) The land to which this section relates is hereby vested in the Corporation for the purposes of a recreation reserve, subject to the Reserves and Domains Act 1953, but free from all other trusts, reservations, and restrictions.

(2) This section relates to the following land:

All that parcel of land situated in the Wellington Land District, Chatham Islands County, containing 618 square metres, more or less, being section 3, Block III, Oropuke Survey District, and being the whole of the land comprised and described in certificate of title, Volume 99, folio 55 (Wellington Registry).

8. 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 State forest land under the Forests Act 1949: And whereas it is desired that it should be declared to be 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 State forest land is hereby revoked and the land is hereby declared to be Crown land subject to the Land Act 1948.

(2) This section relates to the following land:

First, all that parcel of land situated in the North Auckland Land District, containing 5046 square metres, more or less, being Section 23, Block VI, Kumeu Survey District, subject to right of way over part created by transfer 48232 (S.O. 29159).

Secondly, all that parcel of land situated in the North Auckland Land District, containing 86.1474 hectares, more or less, being part Sections 6 and 9, Block XIV, Omapere Survey District (S.O. 48711).

Thirdly, all that parcel of land situated in the North Auckland Land District, containing 4046 square metres, more or less, being Lot 1, D.P. 38843, being part Allotment S.E. 39, Whangarei Parish, situated in Block VIII, Purua Survey District, and being the whole of the land comprised and described in certificate of title, Volume 1037, folio 197 (North Auckland Registry).

Fourthly, all those parcels of land situated in the South Auckland Land District, containing 23.8000 hectares and 2.4400 hectares, more or less, being parts Tairua Block situated in Block III, Tairua Survey District (S.O. 47412).

Fifthly, all that parcel of land situated in the South Auckland Land District, containing 5.3620 hectares, more or less, being part Tairua Block situated in Block II, Tairua Survey District; as shown coloured red on S.O. 47358.

Sixthly, all that parcel of land situated in the South Auckland Land District, containing 45.2000 hectares, more or less, being Section 27, Block XVI, Kawhia South Survey District (formerly part Section 11, Block XVI, Kawhia South Survey District) (S.O. 47408).

Seventhly, all that parcel of land situated in the Taranaki Land District, containing 27.1139 hectares, more or less, being Section 30, Block IX, Mimi Survey District (S.O. 957).

Eighthly, all that parcel of land situated in the Nelson Land District, containing 16.0862 hectares, more or less, being part Section 1, Block XVI, Mawheraiti Survey District; as shown coloured red on S.O. 11676 lodged in the office of the Chief Surveyor at Nelson.

Ninthly, all that parcel of land situated in the Nelson Land District, containing 200.0158 hectares, more or less, being State forest land situated in Block XVI, Mawheraiti Survey District, and Block IV, Ahaura Survey District; as shown coloured red on S.O. 11677 lodged in the office of the Chief Surveyor at Nelson.

Tenthly, all that parcel of land situated in the Nelson Land District, containing 67.9264 hectares, more or less, being Sections 23 and 24, Block VI, Aorere Survey District (S.O. 4362).

Eleventhly, all that parcel of land situated in the Nelson Land District, containing 2.6380 hectares, more or less, being Lot 8, D.P. 7605L, being part Section 161, Square 6, situated in Block VII, Wangapeka Survey District.

Twelfthly, all that parcel of land situated in the Nelson Land District, containing 4046 square metres, more or less, being residence site licence No. 5187 situated in Block IV, Inangahua Survey District (S.O. 11820) and being the whole of the land comprised and described in certificate of title, Volume 10, folio 374 (Nelson Registry).

Thirteenthly, all that parcel of land situated in the Westland Land District, containing 109.5000 hectares, more or less, being part Reserve 1800 situated in Blocks VII and XI, Waiho Survey District (S.O. 9274).

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