



ANALYSIS

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1978, No. 77

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

[20 October 1978]

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 1978.

2. Foxton Target Reserve—Whereas the land to which this section relates (in this section called “the Reserve”) was formerly Crown land but is now held in fee simple by the Foxton Borough Council in trust for a public park and recreation ground and rifle range for the inhabitants of Foxton and its vicinity, subject to the Reserves Act 1977 and to the Foxton Reserves Act 1878: And whereas section 2 of the Foxton Reserves Act 1878 provides that no part of the land may be leased for a period exceeding 5 years, and that such leasing shall be by public auction, and that the rents and profits derived from the land shall be expended in the improvement of the land and for no other purpose: And whereas section 23 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1906 authorises the Foxton

Borough Council to apply and administer the rents derived from the land in the improvement of Victoria Park and other public gardens and public reserves in the Borough of Foxton: And whereas it is desired to repeal the Foxton Reserves Act 1878 and section 23 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1906, and to declare the land to be a recreation reserve subject to the Reserves Act 1977, and to provide for the rents and profits from the land to continue to be expended, applied, and administered as before: And whereas without having the power to do so the Foxton Borough Council has purported under the Reserves and Domains Act 1953 to grant leases over parts of the Reserve to various persons and it is desired to validate the granting of those leases: And whereas without having the power to do so the Minister of Lands has purported, pursuant to the Reserves and Domains Act 1953, by a notice (in this section called "the first notice") dated the 4th day of August 1964 and published in the *Gazette* of that year at page 1258, to cancel the vesting of part of the Reserve in the Foxton Borough Council and to revoke the reservation of that part of the Reserve for a public park and recreation ground and rifle range: And whereas without having the power to do so the Minister of Lands has also purported under the Land Act 1948, by a notice (in this section called "the second notice") dated the 4th day of August 1964 and published in the *Gazette* of that year at page 1258, to set that part of the Reserve apart as a reserve for scenic purposes: And whereas it is desired to validate the first and second notices according to their tenor: Be it therefore enacted as follows:

(1) The following enactments are hereby repealed:

(a) The Foxton Reserves Act 1878:

(b) Section 23 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1906.

(2) The land to which this section relates is hereby declared to be a recreation reserve, subject to the Reserves Act 1977 and to this section, but otherwise freed and discharged from all trusts, reservations, and restrictions affecting the land immediately before the commencement of this section.

(3) All rents and profits derived from the land shall be expended, applied, and administered by the Foxton Borough Council—

- (a) In the improvement of the land; or
- (b) In the improvement of Victoria Park and other public gardens and public reserves within the Borough of Foxton—

and for no other purpose.

(4) Notwithstanding any provision in any other enactment, every lease that has been granted by the Foxton Borough Council in respect of any part of the Reserve on or before the 15th day of December 1977 (being the date on which the last lease of any part of the Reserve was so granted) is hereby declared to have been lawfully granted by the Foxton Borough Council according to the tenor of the lease.

(5) The first notice and the second notice are hereby declared to have been lawfully and effectively given by the Minister of Lands, on the date on which they were so given, according to their tenor.

(6) This section relates to all that parcel of land situated in the Wellington Land District, Manawatu County, estimated to contain 132.3145 hectares, more or less, being Part Sections 410 and 477, Town of Foxton, Block I, Mount Robinson Survey District (being the balance of the land comprised in certificate of title, Volume 564, folio 24, Wellington Land Registry).

3. Marine Parade, Christchurch—Whereas the first land to which this section relates was formerly Crown land, and is partly formed as a public highway at Marine Parade in Christchurch: And whereas there is doubt as to whether that land is a street: And whereas it is desired to declare that land to be a street: And whereas the second land to which this section relates was formerly Crown land comprising beach and sandhills to the seaward side of the first land: And whereas there is doubt as to whether the second land is a street: And whereas it is desired to declare that the second land is not a street, but is Crown land subject to the Land Act 1948: Be it therefore enacted as follows:

(1) It is hereby declared that the first land to which this section relates is a street within the meaning of that term in section 169 (1) of the Municipal Corporations Act 1954.

(2) It is hereby declared that the second land to which this section relates is not a street, but is Crown land subject to the Land Act 1948.

(3) This section relates to the following land:

- (a) First, all that land situated in the Canterbury Land District, City of Christchurch, containing 10.6025 hectares, more or less, being those parcels of Crown land situated in Blocks I and II, Sumner Survey District (as marked "A", "B", "C", "D", "E", and "H" on S.O. Plan 14377 lodged in the office of the Chief Surveyor at Christchurch):
- (b) Secondly, all that land situated in the Canterbury Land District, City of Christchurch, containing 24.0907 hectares, more or less, being Rural Sections 40855 and 40856, Blocks I and II, Sumner Survey District (as more particularly shown on S.O. Plan 14377 lodged in the office of the Chief Surveyor at Christchurch).

4. Mount Aspiring National Park—Whereas the land to which this section relates is included in the Mount Aspiring National Park: And whereas the land has in fact been formed and sealed as part of State Highway No. 6: And whereas the land is not required for the purposes of the National Park and it is desired to exclude it from the National Park: And whereas by section 10 (2) of the National Parks Act 1952 no land included in a National Park may be excluded from the National Park except by Act of Parliament: Be it therefore enacted as follows:

(1) The land to which this section relates is hereby excluded from the Mount Aspiring National Park.

(2) This section relates to all that area of land situated in the Westland Land District, Westland County, containing 2845 square metres, more or less, being Part Rural Section 4828, Block I, Haast Pass Survey District (shown as Parcel CCC on S.O. Plan 9573).

5. Nelson Lakes National Park—Whereas the land to which this section relates, comprising 4856 square metres, more or less, is included in the Nelson Lakes National Park: And whereas the land is not suitable for the purposes of the National Park and it is therefore desired to exchange it for an adjoining parcel of land containing 6921 square metres, more or less, which is suitable for the purposes of the National Park: And whereas in order to exchange the land to which this section relates, it is first necessary to exclude it from the National Park: And whereas by section 10 (2) of the National

Parks Act 1952 no land included in a National Park may be excluded from the National Park except by Act of Parliament: Be it therefore enacted as follows:

(1) The land to which this section relates is hereby excluded from the Nelson Lakes National Park.

(2) This section relates to the following land:

(a) All that area of land situated in the Nelson Land District, Waimea County, containing 3646 square metres, more or less, being Part Section 2 (now known as Section 130, Square 46), Block XIII, Motupiko Survey District (as marked "B" on S.O. Plan 12401):

(b) All that area of land situated in the Nelson Land District, Waimea County, containing 1210 square metres, more or less, being Part Section 1 (now known as Section 29), Block XIII, Motupiko Survey District (as marked "C" on S.O. Plan 12401).

6. Omaha Hall—Whereas by a notice dated the 14th day of July 1880 and published in the *Gazette* of that year at page 1048, the Governor of the Colony of New Zealand, acting pursuant to section 144 of the Land Act 1877 permanently reserved the land to which this section relates (then being Crown land) for the purpose of a site for a public hall: And whereas by a notice dated the 8th day of February 1899 and published in the *Gazette* of that year at page 388 the Governor, acting pursuant to section 6 of the Reserves, Endowments, and Crown and Maori Lands Exchange, Sale, Disposal, and Enabling Act 1898, vested the land in trustees in trust for a public hall and library: And whereas at a public meeting, held in August 1977 in the district in which the land is situated, it was resolved that the Rodney County Council should be requested to assume responsibility for the administration of the land for the purpose of a public hall and library: And whereas the trustees consider that the land should be administered accordingly: And whereas the Rodney County Council is willing to do so: And whereas it is therefore desired to vest the land in the Rodney County Council as a local purpose reserve, subject to the Reserves Act 1977, in trust for the purpose of a public library and hall: Be it therefore enacted as follows:

(1) The land to which this section relates is hereby vested in the Rodney County Council, in trust as a local purpose

reserve for the purpose of a public hall and library, subject to the Reserves Act 1977 and to this section, but otherwise freed and discharged from all trusts, reservations, and restrictions affecting the land immediately before the commencement of this section.

(2) Section 6 of the Reserves, Endowments, and Crown and Maori Lands Exchange, Sale, Disposal, and Enabling Act 1898 is hereby consequentially repealed.

(3) This section relates to all that parcel of land in the North Auckland Land District, Rodney County, containing 2023 square metres, more or less, being Allotment 92, Village of Leigh, situated in Block II, Rodney Survey District (S.O. Plan 1100).

7. State forests—Whereas the land to which this section relates 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: And whereas by section 19 (1) of the Forests Act 1949 the setting apart of any land as State forest may not be revoked except by Act of Parliament: And whereas the land specified in subsection (2) (a) of this section was set apart as State forest in error, by a notice published in the *Gazette* on the 8th day of February 1973 at page 213, and it is desired to revoke the setting apart of that land with effect from that date: Be it therefore enacted as follows:

(1) The setting apart of the land to which this section relates as State forest is hereby revoked, and the land is hereby declared to be Crown land subject to the Land Act 1948.

(2) This section relates to the following land:

(a) All that parcel of land situated in the South Auckland Land District, Ohinemuri County, containing 43.1369 hectares, more or less, being Section 28, Block I, Aroha Survey District (S.O. Plan 29504):

(b) All that parcel of land situated in the South Auckland Land District, Tauranga County, containing 9.1170 hectares, more or less, being Section 18 (formerly Part Section 3), Block XVI, Otanewainuku Survey District (S.O. Plan 49519):

(c) All that parcel of land situated in the South Auckland Land District, Tauranga County, containing 62.8650 hectares, more or less, being Section 19 (formerly Part Sections 3 and 4), Block XVI, Otanewainuku Survey District (S.O. Plan 49519):

- (d) All that parcel of land situated in the South Auckland Land District, Tauranga County, containing 7.6660 hectares, more or less, being Section 20 (formerly Part Section 7), Block XVI, Otanewainuku Survey District (S.O. Plan 49335):
 - (e) All those parcels of land situated in the Marlborough Land District, Marlborough County, containing 4.4882 hectares, more or less, being Parts Section 1, Block III, Mt. Olympus Survey District (S.O. Plan 5583):
 - (f) All that parcel of land situated in the Nelson Land District, Waimea County, containing 13.3572 hectares, more or less, being Part Section 10 (now known as Section 173), Block I, Wai-iti Survey District (as marked "A" on S.O. Plan 12346):
 - (g) All that parcel of land situated in the Nelson Land District, Inangahua County, containing 1.2970 hectares, more or less, being a portion of State forest in Blocks II and VI, Reefton Survey District (as marked "A" on S.O. Plan 12397):
 - (h) All that parcel of land situated in the Westland Land District, Westland County, containing 41.2500 hectares, more or less, being Part Reserve 1622, Blocks VI and X, Kaniere Survey District (S.O. Plan 9916):
 - (i) All that parcel of land situated in the Southland Land District, Wallace County, containing 115.0000 hectares, more or less, being Part State Forest, Block XXXVI, Takitimu Survey District (as marked "A" on S.O. Plan 9569):
 - (j) All that parcel of land situated in the Southland Land District, Wallace County, containing 116.0000 hectares, more or less, being Part State Forest, Block XXXVI, Takitimu Survey District (as marked "B" on S.O. Plan 9569).
- (3) This section, so far as it relates to the land described in subsection (2) (a) of this section, shall be deemed to have come into force on the 8th day of February 1973.

8. Waiau Survey District—Whereas section 25 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1925 and section 23 of the Finance Act 1927 (No. 2) contain provisions affecting the land to which this section relates: And whereas for convenience of reference it is desired to repeal the Finance Act 1927 (No. 2)

and to make provision in this Act for the matters to which those sections of those Acts relate: Be it therefore enacted as follows:

(1) It is hereby declared that the land to which this section relates is available for disposal under the Land Act 1948.

(2) The proceeds from the disposal of the land shall be paid into the Consolidated Account.

(3) The following enactments are hereby consequentially repealed:

(a) Section 25 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1925:

(b) The Finance Act 1927 (No. 2).

(4) This section relates to that area of land in the Gisborne Land District, Wairoa County, containing 255.5898 hectares, more or less, being formerly those parts of Section 5, Block III, Waiiau Survey District, that immediately before the commencement of this section had not be disposed of under the Land Act 1948 or under any former Land Act (as defined in section 2 of the Land Act 1948): the land to which this section relates now being known as Sections 6, 12 to 25, 28 to 36, and 44 to 51, and Part Sections 8, 37 to 40, 42, and 43, Block III, Waiiau Survey District (S.O. Plans 5216, 5456, 5574, and 6288).

9. Wangaloa Athenaeum—Whereas certain land is vested in the Board of Trustees known as “The Trustees of the Wangaloa Athenaeum”, pursuant to section 2 of the Wangaloa Athenaeum Reserves Act 1879: And whereas by virtue of section 5 of that Act the trustees may lease or let the land or any part of it or any buildings on it, and also any other real or personal property that they may from time to time acquire, for any term not exceeding 21 years: And whereas the trustees desire that the maximum term be extended to a term not exceeding 99 years: Be it therefore enacted as follows:

Section 5 of the Wangaloa Athenaeum Reserves Act 1879 is hereby amended by omitting the words “twenty-one”, and substituting the expression “99”.

10. Westland National Park—Whereas the land to which this section relates, comprising 72.0300 hectares, more or less, is included in the Westland National Park: And whereas in order to improve the western boundary of the National Park, by an Order in Council made on the 20th day of March 1978 pursuant to section 10 of the National Parks Act 1952,

and published in the *Gazette* in that year at page 1032, 126.7500 hectares of land, more or less, formerly being State forest land were added to the National Park: And whereas in consequence of the addition of that land to the National Park, the land to which this section relates is no longer required for the purposes of a National Park and it is therefore desired to exclude it from the National Park with effect from the date of the Order in Council: And whereas section 10 (2) of the National Parks Act 1952 provides that no land included in a National Park may be excluded from the National Park except by Act of Parliament: Be it therefore enacted as follows:

(1) The land to which this section relates is hereby excluded from the Westland National Park.

(2) This section relates to the following land:

(a) All that area of land situated in the Westland Land District, Westland County, containing 43.5400 hectares, more or less, being Rural Section 5093, formerly Reserve 1018, Block VIII, Karangarua Survey District (S.O. 5968):

(b) All that area of land situated in the Westland Land District, Westland County, containing 18.5400 hectares, more or less, being Rural Section 5095, formerly Reserve 1018, Block IV, Karangarua Survey District (S.O. 5968):

(c) All that area of land situated in the Westland Land District, Westland County, containing 9.9500 hectares, more or less, being Rural Section 5096, formerly Reserve 1018, Blocks IV and VIII, Karangarua Survey District (S.O. 5968).

(3) This section shall be deemed to have come into force on the 20th day of March 1978.

11. Entries in registers—District Land Registrars are hereby authorised and directed to make such entries in their respective registers, and do all such other things, as may be necessary to give full effect to the provisions of this Act.