

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 23 September 1971.

Words struck out by the Committee are shown in italics within bold round brackets; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

[AS REPORTED FROM THE LANDS AND AGRICULTURE COMMITTEE]

House of Representatives, 11 November 1971.

Words struck out by the Committee are shown in italics within double bold round brackets.

Sir Leslie Munro

HAMILTON DOMAIN ENDOWMENT

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to vest certain land in the Corporation of the City of Hamilton as endowment for the Hamilton Domain

New

5 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 Hamilton Domain Endowment Act 1971.

10 2. Interpretation—In this Act, unless the context otherwise requires,—

“Board” means the Hamilton Domain Board charged with the administration of the Hamilton Domain under the Reserves and Domains Act 1953:

15 “Corporation” means the Mayor, Councillors, and Citizens of the City of Hamilton:

“Council” means the Hamilton City Council:

“Hamilton Domain” means the Hamilton Domain constituted under the Reserves and Domains Act 1953.

No. 83—3

Price 5c

3. Land vested in Corporation—The land described in the Schedule to this Act is hereby vested in the Corporation for the purposes of this Act subject to all leases, encumbrances, liens, or easements to which it is subject at the commencement of this Act, but otherwise freed and discharged from all trusts and reservations affecting the same. The said land shall no longer be subject to the provisions of the Hamilton Domains Act 1911, but nothing in this Act shall affect the leases or the rights of lessees in leases issued under that Act.

4. Land to be held for endowment for Hamilton Domain—The land vested in the Corporation by section 3 of this Act shall be held in trust by the Corporation as an endowment for the Hamilton Domain and may be leased by the Corporation (acting through the Council) under the Public Bodies Leases Act 1969. (*The Corporation and the Council is declared a leasing authority under such Act.*) Extensions, variations, and renewals of existing leases of the said land may be entered into and executed by the Corporation (acting through the Council) in accordance with the provisions of such existing leases. The rents and revenues from the said land shall be transferred by the Council to the Board and shall form part of the funds of the Board.

5. Land may be sold to lessees—(1) Where any portion of the land vested in the Corporation by section 3 of this Act has, whether before or after the commencement of this Act, been leased (pursuant to the Hamilton Domains Act 1911 and its amendments or this Act or any other Act) under paragraphs (e), (f), or (g) of section 5 of the Public Bodies Leases Act 1908, or paragraphs (e), (f), or (g) of subsection 1 of section 7 of the Public Bodies Leases Act 1969, the Corporation (acting through the Council) may sell and transfer for cash to the lessee thereof the fee simple of the land comprised in the lease:

Provided that at the time of both such sale and such transfer a detached residential building which in the opinion of the Council (whose decision shall be final) is designed for and occupied exclusively as a self-contained home or residence for the purposes of a single house-keeping unit is erected on the said land:

Provided also that simultaneously such lessee at his own cost and to the satisfaction of the Council arranges for the registration of the effective merger of his leasehold interest in such fee simple or otherwise for the effective
5 extinguishment of his leasehold interest.

(2) Any such sale shall be on the basis of the current **((market value of the))** unimproved value **((as defined by the Valuation of Land Act 1951))** of the land, either as determined by the Council or as fixed by arbitration in manner
10 provided by the Arbitration Act 1908, together with—

(a) The value as determined by the Council of any improvements on the said land effected by the Corporation or any previous proprietor of the fee simple and not previously purchased by the lessee
15 or any previous lessee; and

(b) All valuation, survey, and other expenses of the Corporation relating to the fixation of the sale price and the sale and transfer of the fee simple to the lessee:

20 Provided that, where the lessee elects to have the value fixed by arbitration, notwithstanding any of the provisions of the Arbitration Act 1908 (including the Second Schedule thereto), all costs of the reference and award including arbitrators' and umpires' fees and charges shall be paid by
25 the lessee.

(3) On completion of any cash sale and transfer the land affected thereby shall be freed from the trusts imposed by sections 3 and 4 of this Act.

New

30 (4) In subsection (2) of this section, the terms "unimproved value" and "improvements" shall have the same meanings as they had in the Valuation of Land Act 1951 immediately before the commencement of the Valuation of Land Amendment Act (No. 2) 1970.

35 **6. Application of purchase money**—Where the fee simple of land is sold to the lessee under section 5 of this Act, the purchase money shall be paid by the Council to **(a special account to be known as the Hamilton Domain Sales Account)** the Hamilton Domain Sales Account established
40 under section 6 of the Hamilton Domain Endowment Act 1965, and the money, together with interest accruing

thereon from the investment thereof, or any part thereof, may be applied by the Council as it may from time to time think fit, as follows:

- (a) By transfer to the Board to meet the cost of improvement or development of the Hamilton Domain: 5
- (b) In or towards the purchase of land to be acquired in the name of Her Majesty the Queen as a public reserve for recreation purposes for addition to the Hamilton Domain:
- (c) In the purchase of land to be acquired in the name 10 of the Corporation for the purposes of this Act.

7. Administration of land purchased—Where any land is acquired pursuant to paragraph (c) of section 6 of this Act, the land shall be held by the Corporation as if the land had been vested in the Corporation by section 3 of this Act, 15 but the provisions of section 5 of this Act shall not apply to land so acquired.

8. Land may be transferred to Crown—Any land subject to this Act which is not for the time being leased may at any time be transferred to Her Majesty the Queen for 20 recreation purposes pursuant to section 44 of the Reserves and Domains Act 1953.

9. Certificates of title—On application by or on behalf of the Corporation, the District Land Registrar for the South Auckland Land Registration District shall, without fee, 25 register the Corporation as the proprietor of the land vested in the Corporation by this Act or, where no certificate of title for the land is in existence or where there is no duplicate of an existing certificate of title, on payment of the prescribed fee and on the deposit with him of such plans as 30 he may require, issue a certificate of title for the land in the name of the Corporation. The said District Land Registrar is hereby empowered to do all such other things as may be necessary to give effect to this Act.

SCHEDULE

Description	Area			Register Book, Volume, and folio in South Auckland Registry
	A.	R.	P.	
Lots 1 and 2, Deposited Plan 30427, being part Allotment 195, Town of Hamilton West	0	2	31.8	408/11
Lots 1, 2, and 3, Deposited Plan S. 1269,, being Allotment 149, Town of Hamilton West	1	0	01.4	421/22
Lots 1 and 2, Deposited Plan 30856, being Allotment 399A, Town of Hamilton West	0	1	28.64	430/255
Part Allotment 225, Town of Hamilton West (Deposited Plan 16780); Lots 1, 2, and 3, Deposited Plan S. 5627; Lots 1, 2, 3, 4, 7, 8, 9, and 12, Deposited Plan 19982; Lots 1, 2, and 3, Deposited Plan 23168; and Lots 1 and 2, Deposited Plan 23329, being part Allotments 225, 226, 227, and 228, Town of Hamilton West, and Allotment 6, Hamilton West Town Belt	3	3	32.04	445/101
Lots 1 and 2, Deposited Plan 23945, being part Allotment 146, Town of Hamilton West	0	1	13.3	630/20
Part Allotments 335 and 337, Town of Hamilton West (Deposited Plan 26065)	0	1	00	670/297
Lot 1, Deposited Plan 27332, being part Allotment 369, Town of Hamilton West	0	2	23.46	692/359
Lot 2, Deposited Plan 27332, being part Allotment 369, Town of Hamilton West, and Allotment 376A, Town of Hamilton West (Deposited Plan S. 1912)	0	2	20.52	692/359 1068/33
Part Allotment 335, Town of Hamilton West (Deposited Plan 28864)	0	0	36.12	715/102

Hamilton Domain Endowment

SCHEDULE—continued

Description	Area			Register Book, Volume, and folio in South Auckland Registry
	A.	R.	P.	
Lot 7, Deposited Plan 9051, being part Allotment 1, Parish of Te Rapa	0	0	18.42	723/268
Lot 3, Deposited Plan 30856, being part Allotment 140, Town of Hamilton West	0	0	16.6	788/236
Lots 1, 2, 3, and 4, Deposited Plan 33061, being Allotment 142, Town of Hamilton West	1	0	00.74	844/126
Part Allotments 335 and 337, Town of Hamilton West (Deposited Plan 33756)	0	1	03.9	858/84
Lot 1, Deposited Plan 36658, being part Allotment 147, Town of Hamilton West	0	0	25.1	929/62
Lot 1, Deposited Plan S. 485, being part Allotment 147, Town of Hamilton West	0	0	34.3	986/185
Lots 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11, Deposited Plan 16856, being part Allotment 21, Hamilton West Town Belt	2	2	00	1021/148
Lots 2, 3, 4, 6, 7, and 8, Deposited Plan S. 1225, and Lot 1, Deposited Plan S. 15139, being parts Allotments 21 and 53, Hamilton West Town Belt	3	0	05.9	1026/29
Lot 2, Deposited Plan S. 15139, being parts Allotments 21 and 53, Hamilton West Town Belt	0	1	18.3	1026/29 2A/1281
Lots 1, 2, and 3, Deposited Plan S. 3371, being Allotment 194, Town of Hamilton West	1	0	01.2	1210/227
Lot 1, Deposited Plan S. 3546, being part Allotment 195, Town of Hamilton West	0	1	12	1214/48
Lots 1 and 2, Deposited Plan S. 4050, being part Allotment 147, Town of Hamilton West	0	1	33.9	1253/29
Lot 1, Deposited Plan S. 4212, being part Allotment 335, Town of Hamilton West	0	1	00	1257/94
Lot 1, Deposited Plan S. 4249, being part Allotment 335, Town of Hamilton West	0	0	36	1261/32
Lot 1, Deposited Plan S. 5486, being part Allotment 337, Town of Hamilton West	0	1	07	1451/75

SCHEDULE—*continued*

Description	Area			Register, Book, Volume, and folio in South Auckland Registry
	A.	R.	P.	
Lots 1 and 2, Deposited Plan S. 5767, being part Allotment 146, Town of Hamilton West	0	1	12.9	1478/34
Lot 3, Deposited Plan S. 15139, being part Allotment 21, Hamilton West Town Belt	0	0	32.6	2A/1281
Lot 2, Deposited Plan S. 7943, being part Allotments 21 and 53, Hamilton West Town Belt	0	0	31.1	2A/1309
Lot 3, Deposited Plan S. 7943, being part Allotments 21 and 53, Hamilton West Town Belt	0	1	14.7	2A/1310
Lot 1, Deposited Plan S. 12212, being part Allotment 170, Town of Hamilton West	0	2	00.9	8B/949
Part Allotment 147, Town of Hamilton West	0	0	26.7	No registration
Part Allotment 337, Town of Hamilton West			Survey required	No registration