

Mr Barclay

PARITUTU CENTENNIAL PARK

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to consolidate and amend the Paritutu Centennial Park Act 1938 and its amendments

5 WHEREAS by the Paritutu Centennial Park Act 1938 (hereinafter referred to as "the principal Act") the lands described in the First Schedule to the principal Act were vested in the Mayor, Councillors, and Burgesses of the Borough of New Plymouth for the purposes of a recreation ground to be known as "the Paritutu Centennial Park", as a memorial of the celebration in the year nineteen hundred and forty-one of the

10 first one hundred years of organised settlement of the Provincial District of Taranaki: And whereas prior to such vesting the said lands described in the First Schedule to the principal Act were held in trust by the New Plymouth Harbour Board for the construction and maintenance of such docks, piers, and

15 other works as might be deemed advisable by the Board for facilitating the trade and commerce of the Town of New Plymouth: And whereas by the principal Act the lands described in the First Schedule to this Act which, together with

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other lands, were previously held in trust by the said New Plymouth Harbour Board for the same purposes as those for which the lands described in the First Schedule to the principal Act were held by the said Board as aforesaid, were vested by the principal Act in His Majesty the King for the purposes of a public road: And whereas the lands described in the First Schedule to this Act are now vested in the Mayor, Councillors, and Citizens of the City of New Plymouth (hereinafter referred to as "the Council") as public streets but are no longer required as such: And whereas by the principal Act certain rights affecting Paritutu Centennial Park and also the lands described in the Third Schedule to this Act (excepting however that piece of land included in the said Third Schedule having an area of twenty-five perches and four-tenths of a perch) including rights of ingress, egress, and way over and upon such lands were reserved to and vested in the said New Plymouth Harbour Board and are now vested in the Taranaki Harbours Board constituted by the Taranaki Harbours Act 1965 (the said Taranaki Harbours Board being hereinafter referred to as "the Board"), but such rights are no longer required by the Board which has agreed to their being cancelled: And whereas the Council, the Board, and Her Majesty the Queen acting by and through the Minister of Housing (hereinafter referred to as "the Minister") have entered into an Agreement dated the first day of July, nineteen hundred and sixty-eight, a copy whereof is contained in the Second Schedule to this Act whereby, subject to the necessary statutory validation being obtained, the lands described in the First Schedule to the principal Act (excluding however the lands described in the Third Schedule to this Act which are now included in the said Park but which are vested by this Act in the Board) together with the land described in the Fourth Schedule to this Act (which is now vested in the Board) are to be included in the said Park: And whereas it is further provided by the said Agreement that subject to such statutory validation as aforesaid the Board should pay to the Council in accordance with the provisions of the said Agreement the sum of fifty thousand dollars which shall be applied by the Council as hereinafter provided and that the Council should pay to the Minister in accordance with the said Agreement the sum of two thousand two hundred and ten dollars as compensation for loss of access:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

5 **1. Short Title**—This Act may be cited as the Paritutu Centennial Park Act 1968.

10 **2. Validation of agreement**—Notwithstanding anything contained in any statute the said Agreement dated the first day of July, nineteen hundred and sixty-eight is hereby declared to be and to have always been effective, valid, and binding in all respects according to its tenor, and the Council, the Board, and the Minister are hereby authorised and empowered to carry out the terms and conditions of the said Agreement and to do all things necessary to give full effect to it.

15 **3. Stopping of streets**—Eden Street aforesaid and those parts of Paritutu Crescent aforesaid which are described in the First Schedule to this Act respectively are hereby declared to be stopped as streets.

20 **4. Vesting of lands**—(1) The lands secondly described in the First Schedule to this Act and the lands described in the Third Schedule to this Act are hereby vested in the Board in fee simple and shall be held by the Board for the general purposes of the Board which is also expressly empowered to exercise in respect of such lands the powers of leasing conferred by section 144 of the Harbours Act 1950.

25 (2) The lands described in the Fifth Schedule to this Act (including the land described in the Fourth Schedule to this Act and the land firstly described in the First Schedule to this Act) are hereby vested in the Mayor, Councillors, and Citizens of the City of New Plymouth in fee simple and shall be held as a public reserve under the Reserves and Domains Act 1953 with the name of Paritutu Centennial Park and as a memorial of the celebration in the year nineteen hundred and forty-one of the first one hundred years of organised settle-
30 ment of the provincial district of Taranaki.

5. Application of moneys—The Council shall apply the moneys to be paid by the Board as provided in the said Agreement as follows—

- (a) On receipt of the first instalment of ten thousand dollars payable by the Board under clause two of the said Agreement, the Council shall pay thereout to the Minister the sum of two thousand two hundred and ten dollars payable pursuant to the said Agreement: 5
- (b) The Council shall apply the balance of such first instalment and also all subsequent instalments including any interest received thereon as hereinafter mentioned for or towards the construction of a scenic roadway in and through Paritutu Centennial Park and the development and improvement of Paritutu Centennial Park generally including the acquisition of additional lands therefor: 10
- (c) The Council may from time to time pending the application of any such moneys received from the Board for the purposes mentioned in paragraph (b) of this section place such moneys together with any interest thereon on deposit at interest in accordance with the provisions of section 89 of the Municipal Corporations Act 1954. 15 20

6. Registrar to make entries in register—The District Land Registrar of the Taranaki Land Registration District is hereby authorised to make such entries in the register for the District as shall be required to give effect to the provisions of this Act. 25

7. Repeals—(1) The enactments specified in the Sixth Schedule to this Act are hereby repealed.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provisions by this Act shall not affect any document made or anything whatsoever done under the provision so repealed or under any corresponding former provision, and such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done. 30 35 40

SCHEDULES

FIRST SCHEDULE Preamble, sections 3, 4

FIRSTLY, all that area in the Taranaki Land District and situated in the City of New Plymouth, containing twenty-five perches and nine-tenths of a perch, more or less, being part Paritutu Crescent, City of New Plymouth, adjoining part section 137 (Deposited Plan 3830), Omata District; as more particularly shown on Survey Office Plan 9934, lodged in the Office of the Chief Surveyor at New Plymouth and thereon coloured green.

Secondly, all that area in the Taranaki Land District and situated in the City of New Plymouth, containing four acres and twelve perches, and one-tenth of a perch, more or less, being Eden Street and part of Paritutu Crescent, City of New Plymouth, adjoining or passing through Lot 3, Deposited Plan 8465, being part Section 137 (Deposited Plan 3830), Lot 1, Deposited Plan 9022, being part Section 137 (Deposited Plan 3830,) and part Section 137 (Deposited Plan 4087,) Lots 1 and 2, Deposited Plan 9829, being parts Section 137, and Lot 30 and part Lot 32, Deposited Plan 6983, being parts Section 58, parts Section 137 (Deposited Plan 4087), and parts Section 137 (Deposited Plan 3830.) Omata District; as more particularly shown on Survey Office Plan 9934, lodged in the office of the Chief Surveyor at New Plymouth and thereon coloured green.

SECOND SCHEDULE Preamble, section 2

THIS Agreement is made the first day of July, one thousand nine hundred and sixty-eight (1968) between the Mayor, Councillors, and Citizens of the City of New Plymouth (hereinafter referred to as "the Council") of the first part the Taranaki Harbours Board (hereinafter referred to as "the Board") of the second part and Her Majesty the Queen acting by and through the Minister of Housing (hereinafter referred to as "the Minister") of the third part. Whereas the Council with the consent and agreement of the Board and the Minister proposes to introduce in the House of Representatives a Local Bill having as its object the consolidation and amendment of the Paritutu Centennial Park Act 1938 and the validation of this Agreement which provides for: firstly, the stopping as streets of Eden Street and parts of Paritutu Crescent being streets in the City of New Plymouth (the lands comprising Eden Street and parts of Paritutu Crescent to be stopped as aforesaid being described in the First Schedule hereto); secondly, the vesting in the Council for the purposes of Paritutu Centennial Park in the City of New Plymouth of that part of the lands firstly described in the said First Schedule; thirdly, the vesting in the Board of that part of the land secondly described in the said First Schedule; fourthly, the vesting in the Board of those parts of the said Paritutu Centennial Park which are described in the Second Schedule hereto; and, fifthly, the vesting in the Council for the purposes of Paritutu Centennial Park aforesaid of the land now belonging to the Board which is described in the Third Schedule hereto. And whereas the proposed stopping as aforesaid of part of Paritutu Crescent will cause loss to the Minister by reason of such stopping depriving land which adjoins such part of Paritutu Crescent and is vested in Her Majesty the Queen for State housing purposes, of access to Paritutu Crescent, and the Minister has agreed to such stopping on the condition that the Council will compensate the Minister for such loss in the manner hereinafter mentioned. Now this Agreement witnesseth as follows:

1. As soon as is practicable after these presents shall have been executed by the parties hereto the Council will at its own sole cost and expense take such action as may be necessary to obtain statutory validation of this Agreement so as to ensure that notwithstanding anything contained in any Act the parties hereto shall be respectively deemed to have been at all times authorised and empowered to enter into and execute and complete the terms and provisions of this Agreement and also to ensure that this Agreement shall be binding on the respective parties hereto and shall be for all purposes effective according to its tenor, and the Board agrees to give all such assistance as is required or necessary to enable such statutory validation to be obtained.

2. The Board hereby agrees with the Council that on the lands secondly described in the said First Schedule and the lands described in the said Second Schedule hereto being vested in the Board by such statutory validation as aforesaid the Board shall pay to the Council the sum of fifty thousand dollars by five annual payments of ten thousand dollars each, the first of such payments to be made on a date twelve calendar months after the coming into force of the validating statute.

3. The Council hereby agrees with the Minister that on the lands described in the said First Schedule being stopped as aforesaid as streets the Council shall pay to the Minister on receiving payment from the Board of the first payment of ten thousand dollars as provided in clause 2 hereof the sum of two thousand two hundred and ten dollars which shall be accepted by the Minister as full compensation for all loss caused by the stopping as a street of the part of Paritutu Crescent included in the lands described in the said Second Schedule.

4. The Board hereby agrees to the revocation of the rights reserved to the Board by subsections (2) and (3) of section three of the Paritutu Centennial Park Act 1938 which affect the lands described in the Second Schedule to such Act and to the repeal of the said subsections and of the said Second Schedule.

FIRST SCHEDULE

FIRSTLY all that area in the Taranaki Land District and situated in the City of New Plymouth containing 25.9 perches, more or less, being part Paritutu Crescent, City of New Plymouth, adjoining part Section 137 (Deposited Plan 3830) Omata District; as more particularly shown on Survey Office Plan 9934, lodged in the Office of the Chief Surveyor at New Plymouth and thereon coloured green.

Secondly all that area in the Taranaki Land District and situated in the City of New Plymouth containing 4 acres 0 roods 12.1 perches, more or less, being Eden Street and part of Paritutu Crescent, City of New Plymouth, adjoining or passing through Lot 3, Deposited Plan 8465, being part Section 137 (Deposited Plan 3830), Lot 1, Deposited Plan 9022, being part Section 137 (Deposited Plan 3830), and part Section 137 (Deposited Plan 4087), Lots 1 and 2, Deposited Plan 9829, being parts Section 137 and Lot 30 and part Lot 32, Deposited Plan 6983, being parts Section 58, parts Section 137 (Deposited Plan 4087), and parts Section 137 (Deposited Plan 3830), Omata District, as more particularly shown on Survey Office Plan 9934, lodged in the office of the Chief Surveyor at New Plymouth and thereon coloured green.

SECOND SCHEDULE

ALL those areas in the Taranaki Land District situated in the City of New Plymouth containing firstly 25.4 perches, more or less, being part Section 137 (Deposited Plan 3830), Omata District, and secondly, 24.2 perches, more or less, and 24.8 perches, more or less, being parts Section 137 (Deposited Plan 4087), Omata District; being parts of the land comprised and described in certificate of title, Volume 144, folio 97, Taranaki Registry; as more particularly shown on Survey Office Plan 9934, lodged in the office of the Chief Surveyor at New Plymouth and thereon coloured blue.

THIRD SCHEDULE

ALL that area in the Taranaki Land District and situated in the City of New Plymouth containing 15.6 perches, more or less, being part Section 137 (Deposited Plan 3830), Omata District; and being part of the land comprised and described in certificate of title, Volume 144, folio 101, Taranaki Registry; as more particularly shown on Survey Office Plan 9934, lodged in the Office of the Chief Surveyor at New Plymouth and thereon coloured sepia.

In witness whereof these presents have been executed the day and year first hereinbefore written.

Sealed with the common seal of the Mayor, Councillors, and Citizens of the City of New Plymouth and signed by two members of the New Plymouth City Council on behalf of and by direction of the said Council in the presence of:

[L.S.]

A. G. HONNOR, Councillor.
D. J. LITTLE, Councillor.

Sealed with the common seal of the Taranaki Harbours Board duly affixed by order of the Board and signed by two members of the Board for and on behalf of the Board pursuant to a resolution of the Board in the presence of:

[L.S.]

J. G. BODDY, Secretary, New Plymouth.
J. H. BOON, Member.
H. E. BLYDE, Member.

Signed by the Minister of Housing in the presence of:

JOHN RAE, Minister of Housing.

Name: J. R. STEVENSON,
Address: 86 Bell Street, Linden,
Occupation: public servant.

THIRD SCHEDULE Preamble, section 4 (1)

ALL those areas in the Taranaki Land District situated in the City of New Plymouth containing firstly, twenty-five perches and four-tenths of a perch, more or less, being part Section 137 (Deposited Plan 3830), Omata District, and secondly, twenty-four perches and two-tenths of a perch, more or less, and twenty-four perches and eight-tenths of a perch, more or less, being parts Section 137 (Deposited Plan 4087), Omata District; being parts of the land comprised and described in certificate of title, Volume 144, folio 97, Taranaki Registry; as more particularly shown on Survey Office Plan 9934, lodged in the Office of the Chief Surveyor at New Plymouth and thereon coloured blue.

FOURTH SCHEDULE Preamble, section 4 (2)

ALL that area in the Taranaki Land District and situated in the City of New Plymouth containing fifteen perches and six-tenths of a perch, more or less, being part Section 137 (Deposited Plan 3830), Omata District; and being part of the land comprised and described in certificate of title, Volume 144, folio 101, Taranaki Registry; as more particularly shown on Survey Office Plan 9934, lodged in the Office of the Chief Surveyor at New Plymouth and thereon coloured sepia.

FIFTH SCHEDULE Section 4 (2)

ALL that area in the Taranaki Land District and situated in the City of New Plymouth containing eighty-eight acres three roods twenty-five perches and one-tenth of a perch, more or less, being part Section 811, Grey District, and parts of Section 137 and L (Deposited Plan 3830), and those islands known as Motu-O-Tamatea, Pararaki, and Mataora (Deposited Plan 3830), and parts of Section 137 and A (Deposited Plan 4087), and stopped street, Omata District, part of the said lands being comprised and described in certificate of title, Volume 144, folio 97, and Volume 144, folio 101, Taranaki Registry; as more particularly shown on Survey Office Plan 9978, lodged in the Office of the Chief Surveyor at New Plymouth and thereon edged red; all of which area is to be known hereafter as Section 181, Omata District.

SIXTH SCHEDULE Section 7 (1)

ENACTMENTS REPEALED

- 1938, No. 2 (Local)—The Paritutu Centennial Park Act 1938.
 1956, No. 53—The Reserves and Other Lands Disposal Act 1956:
 Section 20.
 1963, No. 128—The Reserves and Other Lands Disposal Act 1963:
 Section 20.