



ANALYSIS

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1985, No. 70

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

[2 April 1985]

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 and commencement—(1) This Act may be cited as the Reserves and Other Lands Disposal Act 1985.

(2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

2. State forests—Whereas the land to which this section relates is State forest land subject to 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 section 19 (1) of the Forests Act 1949 prohibits the revocation of the setting apart of land as State forest land except by Act of Parliament: Be it therefore enacted as follows:

(1) The setting apart of the land to which this section relates 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:
- (a) All that piece of land situated in the South Auckland Land District, Rotorua District, comprising 1920 square metres, more or less, being Part Section 4, Block 1, Tarawera Survey District, being part of the land comprised and described in the *Gazette* of 1898 at page 1457 (shown marked "A" on S.O. Plan 52682):
 - (b) All that piece of land situated in the Hawke's Bay Land District, Woodville County, comprising 3.7080 hectares, more or less, being Section 6, Block XVII, Woodville Survey District, (formerly Part Maharashtra Block) being part of the land comprised and described in the *Gazette* of 1900 at page 429 (S.O. Plan 8609):
 - (c) All those pieces of land situated in the Wellington Land District, Taumaranui County:
 - (i) Comprising 1.2170 hectares, more or less, being Part Waimarino 1, situated in Block XII, Kaitieke Survey District, being part of the land comprised and described in the *Gazette* of 1934 at page 1388 (shown marked "A" on S.O. Plan 33977):
 - (ii) Comprising 280 square metres, more or less, being Part Bed of the Tepure Stream, situated in Block XII, Kaitieke Survey District, being part of the land comprised and described in the *Gazette* of 1934 at page 1388 (shown marked "B" on S.O. Plan 33977):
 - (d) All those pieces of land situated in the Wellington Land District, Featherston County:
 - (i) Comprising 461 square metres, more or less, being Part Section 494, Featherston Suburban, situated in Block III, Wairarapa Survey District, being part of the land comprised and described in the *Gazette* of 1974 at page 1540 (S.O. Plan 33681):
 - (ii) Comprising 1.4394 hectares, more or less, being Part Sections 494 and 495, Featherston Suburban, situated in Block III, Wairarapa Survey District, being part of the land comprised and described in the *Gazette* of 1974 at page 1540 (S.O. Plan 33681):
 - (e) All that piece of land situated in the Nelson Land District, Golden Bay County, comprising 5.0599 hectares, more or less, being Part Section 2, Block I, Waitapu Survey District, being part of the land comprised and described in the *Gazette* of 1943 at page 1382 (to be known as Section 13, Block I, Waitapu Survey District) (S.O. Plan 13503):

- (f) All that piece of land situated in the Nelson Land District, Buller County, comprising 8.9900 hectares, more or less, being Part Section 19, Block V, Otumahana Survey District, being part of the land comprised and described in the *Gazette* of 1925 at page 2887 (shown marked "E" on S.O. Plan 13485):
- (g) All those pieces of land situated in the Nelson Land District, Buller County:
- (i) Comprising 60.4000 hectares, more or less, being Section 3, Block IV, Waitakere Survey District, and State forest situated in Block IV, Waitakere Survey District, being part of the land comprised and described in the *Gazette* of 1930 at page 3122 (shown marked "A" on S.O. Plan 13245):
 - (ii) Comprising 355.0000 hectares, more or less, being Part State forest situated in Block V, Waitakere Survey District, being part of the land comprised and described in the *Gazette* of 1920 at page 2115 (shown marked "B" on S.O. Plan 13245):
- (h) All that piece of land situated in the Westland Land District, Grey County, comprising 1.4549 hectares, more or less, being Rural Section 5295, (formerly Part Reserve 1592), situated in Block III, Mawheranui Survey District, being all the land comprised and described in certificate of title Volume 1D, folio 379, (Limited as to Parcels) (Westland Registry) and part of the land comprised and described in the *Gazette* of 1920 at page 2837 (S.O. Plan 10610):
- (i) All that piece of land situated in the Westland Land District, Westland County, comprising 4040 square metres, more or less, being Rural Section 6563, (formerly Part Reserve 1668), situated in Block I, Totara Survey District, being part of the land comprised and described in the *Gazette* of 1919 at page 1288 (S.O. Plan 2037):
- (j) All those pieces of land situated in the Canterbury Land District, Ashburton County:
- (i) Comprising 155.8039 hectares, more or less, being Reserve 3311, situated in Blocks II and VI, Alford Survey District, being part of the land comprised and described in the *Gazette* of 1898 at page 1460 (S.O. Plan 11388):
 - (ii) Comprising 141.3100 hectares, more or less, being Rural Section 41443, situated in Block VI,

Alford Survey District, being part of the land comprised and described in the *Gazette* of 1984 at page 272 (S.O. Plan 15644):

(iii) Comprising 47.8500 hectares, more or less, being Rural Section 41444, situated in Block VI, Alford Survey District, being part of the land comprised and described in the *Gazette* of 1984 at page 272 (S.O. Plan 15644):

(iv) Comprising 8.0937 hectares, more or less, being Rural Section 7637, situated in Block VI, Alford Survey District, being all of the land comprised and described in certificate of title Volume 406, folio 232 (Limited as to Parcels and Title) (Canterbury Registry) (Black Map 50):

- (k) All that piece of land situated in the Otago Land District, Lake County, comprising 4.7000 hectares, more or less, being Section 65, Block I, Upper Wakatipu Survey District, being part of the land comprised and described in the *Gazette* of 1981 at page 1431 (S.O. Plan 20730):
- (l) All that piece of land situated in the Otago Land District, Milton Borough, comprising 3072 square metres, more or less, being Lots 53, 54, and 55, Block X, Deeds Plan 3, being Part Section 135, Block XVII, Tokomairiro Survey District, being all of the land comprised and described in certificate of title Volume 155, folio 112 (Otago Registry):
- (m) All that piece of land situated in the Southland Land District, Clutha County, comprising 24.5610 hectares, more or less, being State forest land adjoining Crown land, Block XI, Mokoreta Survey District, being part of the land comprised and described in the *Gazette* of 1937 at page 1521 (shown marked "A" on S.O. Plan 10372):
- (n) All those pieces of land situated in the Southland Land District, Southland County:
- (i) Comprising 24.8990 hectares, more or less, being Part Section 27, Block X, Waikawa Survey District, being part of the land comprised and described in the *Gazette* of 1971 at page 1494 (to be known as Section 39, Block X, Waikawa Survey District) (S.O. Plan 10573):
- (ii) Comprising 779 square metres, more or less, being Part Section 35, Block VI, Otara Survey District, being part of the land comprised and described in

the *Gazette* of 1938 at page 2396 (to be known as Section 58, Block VI, Otara Survey District) (S.O. Plan 10573):

(iii) Comprising 4250 square metres, more or less, being Part Section 35, Block VI, Otara Survey District, being part of the land comprised and described in the *Gazette* of 1938 at page 2396 (to be known as Section 56, Block VI, Otara Survey District) (S.O. Plan 10573).

3. French Bay, Manukau Harbour—Whereas the land to which this section relates was vested in the Auckland Harbour Board by section 3 of the Manukau Harbour Control Act 1911: And whereas it is desired to transfer the land to the Waitemata City Council without consideration: And whereas some of the land is foreshore and sections 150 and 151 of the Harbours Act 1950 prohibit the transfer of foreshore without the authority of an Act of Parliament: And whereas the land that is not foreshore cannot be transferred under section 143c of the Harbours Act 1950 without consideration: Be it therefore enacted as follows:

(1) The land to which this section relates is hereby vested in the Waitemata City Council as a recreation reserve subject to the Reserves Act 1977.

(2) This section relates to all those pieces of land in the North Auckland Land District, Waitemata City,—

- (a) Comprising 2063 square metres, more or less, being part Tidal Lands Manukau Harbour, situated in Block VII, Titirangi Survey District, being part of the land comprised and described in certificate of title, Volume 9B, folio 1172 (North Auckland Registry) (shown marked “A” on S.O. Plan 51194):
- (b) Comprising 185 square metres, more or less, being part Tidal Lands Manukau Harbour, situated in Block VII, Titirangi Survey District, being part of the land comprised and described in certificate of title, Volume 9B, folio 1172 (North Auckland Registry) (shown marked “A” on S.O. Plan 52374):
- (c) Comprising 39 square metres, more or less, being part Tidal Lands Manukau Harbour, situated in Block VII, Titirangi Survey District, being part of the land comprised and described in certificate of title, Volume 9B, folio 1172 (North Auckland Registry) (shown marked “C” on S.O. Plan 51268).

4. Victoria University of Wellington endowment—

Whereas by section 54 of the Victoria University of Wellington Act 1961 certain land continues to be vested in Her Majesty as an endowment for the Victoria University of Wellington and is to be held and administered as Crown land under the leasing provisions of the Land Act 1948 with the net rents and proceeds being payable to the Council of the University for the purposes of the University: And whereas the land is leased under the Land Act 1948 to various persons: And whereas it is desired to enable some of the land to be set apart as a reserve without the payment of compensation to the Council of the University or any lessee: And whereas it is desired to enable the rest of the land to be disposed of to the lessees, subject to the conditions set out in this section, and to provide that the proceeds of the disposal less certain fees are to be paid to the Council of the University for the development of the University: Be it therefore enacted as follows:

(1) The land to which this section relates shall continue to be vested in Her Majesty as an endowment for the Victoria University of Wellington.

(2) While the land remains vested in Her Majesty it shall be held and administered by the Crown under such of the leasing provisions of the Land Act 1948 as the Minister of Lands from time to time thinks fit; and the net rents and other proceeds derived from the land remaining after payment of all necessary expenses related to the management and administration of the land shall, without further authority than this subsection, be paid over from time to time by the Commissioner of Crown Lands, Wellington, to the Council of the University for the purposes of the University.

(3) Section 167 of the Land Act 1948 shall apply to the land to which this section relates as if it were Crown land, and, where any of the land is set apart as a reserve under that section, no compensation shall be payable to the Council of the University or any lessee of the land.

(4) Any part of the land that has not been set apart under subsection (3) of this section may be disposed of to the lessee of that part on such terms and conditions as the Land Settlement Board and the lessee may agree, but otherwise free from all trusts, reservations, and restrictions.

(5) Every applicant to purchase land under this section shall pay to the Land Settlement Board on the making of his application a fee of \$175 or such lesser amount as the Commissioner of Crown Lands, Wellington, may determine, having regard to the value of the land set apart or likely to be set apart under subsection (3) of this section.

(6) Section 58 of the Land Act 1948 shall apply to any land disposed of under this section as if it were Crown land disposed of under the Land Act 1948.

(7) Land disposed of under this section may be purchased for cash, or on deferred payments.

(8) Where land disposed of under this section is purchased on deferred payments, the following provisions shall apply:

(a) Subject to paragraphs (b) to (d) of this subsection, the provisions of the Land Act 1948 relating to deferred payment licences shall apply in the same manner as they apply to the purchase of Crown land on deferred payments:

(b) The deposit payable shall be not less than 25 percent of the purchase price, or, with the consent of the Council of the University, not less than 15 percent of the purchase price:

(c) The licence shall be for a period of 15 years or such period as may be fixed by the Land Settlement Board with the agreement of the Council of the University, being not less than 10 years and not greater than 20 years, commencing in either case on the 1st day of January or the 1st day of July next following the date of the licence:

(d) The rate of interest that shall be payable under the licence shall be the same rate as at the date of the licence then applies to Crown land purchased on deferred payments under the Land Act 1948, and shall be reviewable by the Land Settlement Board on the expiration of the period of 3 years following the 1st day of January or the 1st day of July next following the date of the licence, and at 3-yearly intervals thereafter.

(9) The purchase price of any land disposed of under this section shall be the current market value of the land exclusive of all improvements, as determined, as at the date of the agreement to dispose of the land, by the Land Settlement Board following a valuation undertaken by a registered valuer.

(10) If any applicant to purchase any land under this section disputes the valuation of the land as determined in accordance with subsection (9) of this section, he may within 1 month after being notified in writing of the valuation require the purchase price to be determined by the Land Valuation Tribunal.

(11) The proceeds of the disposal of any land under this section shall be paid to the Council of the University to be applied, with the consent of the Minister of Education, for the purposes of the University, less—

- (a) An administration fee to be determined by the Land Settlement Board after consultation with the Council of the University; and
 - (b) Where the land is purchased on deferred payments, a collection fee of 6 percent of all payments other than the deposit,—
- both of which shall be retained by the Crown.

(12) Section 54 of and the Third Schedule to the Victoria University of Wellington Act 1961 are hereby repealed.

(13) This section relates to all those pieces of land in the Wellington Land District, Patea County—

- (a) Comprising 884.2381 hectares, more or less, being Section 1, Block I, Nukumarū Survey District, being all the land comprised and described in Crown Lease Volume 641, folio 87 (Wellington Registry) (S.O. Plan 15455);
- (b) Comprising 720.3404 hectares, more or less, being Section 1B, Block I, Nukumarū Survey District, being all the land comprised and described in Crown Lease Volume C3, folio 316 (Wellington Registry) (S.O. Plan 15312).

5. Balclutha library endowment—Whereas by section 4 of the Reserves and Other Lands Disposal Act 1960 certain land was vested in the Balclutha Borough Council without power of sale: And whereas it is desired to confer upon the Balclutha Borough Council the power to sell the land: Be it therefore enacted as follows:

Section 4 (2) of the Reserves and Other Lands Disposal Act 1960 is hereby amended by omitting the words “without power of sale”, and substituting the words “with power of sale”.

6. Invercargill City endowment—Whereas the land to which this section relates forms part of land that, by section 22 (3) of the Reserves and Other Lands Disposal Act 1955, was vested in the Invercargill City Council on trust as an endowment for municipal purposes with a proviso that sections 147 and 148 of the Harbours Act 1950 shall apply in respect of the land: And whereas no revenue is being derived from the land, and the Invercargill City Council wishes to develop the land as a recreational reserve so as to provide an amenity for the enjoyment of the public: Be it therefore enacted as follows:

(1) The land to which this section relates is hereby declared to be a recreation reserve subject to the Reserves Act 1977,

but free from all trusts, reservations, and restrictions imposed by section 22 (3) of the Reserves and Other Lands Disposal Act 1955 or otherwise.

(2) The Reserves Act 1977 shall apply in respect of the land to which this section relates as if it had been declared to be a reserve and classified under that Act.

(3) The Schedule to the Reserves and Other Lands Disposal Act 1955 is hereby amended by adding to the first item in the first column the words “(except that piece of land to which section 6 of the Reserves and Other Lands Disposal Act 1985 relates)”.

(4) This section relates to all that piece of land in the Southland Land District, Invercargill City, comprising 1.2100 hectares, more or less, being Part Section 19, Block XXI, Invercargill Hundred, being part of the land comprised and described in certificate of title, Volume 1A, folio 370 (Southland Registry) (shown marked “A” on S.O. Plan 9755).

7. 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.

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