

**Reprint  
as at 28 November 1964**



**Reserves and Other Lands Disposal  
Act 1964**

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This Act is administered by Land Information New Zealand.**

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**An Act to provide for the sale, reservation, and other disposition of certain reserves, Crown lands, endowments, and other lands, to validate certain transactions, and to make provision in respect of certain other matters**

**1 Short Title**

This Act may be cited as the Reserves and Other Lands Disposal Act 1964.

## **2 Vesting certain land in the University of Otago as an addition to an endowment**

Whereas, by the Otago University Reserves Vesting Act 1893, an area of 100 000 acres of land known as the Benmore Runs was vested in the University of Otago (in this section referred to as the **University**) as an endowment for the University: And whereas by a Proclamation taking effect on and after 12 August 1957, dated 1 August 1957, and published in the *Gazette* of the eighth day of that month, that portion of the endowment firstly described in subsection (3) (in this section referred to as the **said land**) was taken for employees' houses and vested in the Benmore Rabbit Board: And whereas by the said Proclamation an easement vesting in the Board a right of way appurtenant to the said land was taken over that portion of the endowment secondly described in subsection (3): And whereas the Board no longer requires the said land and right of way and by a Proclamation dated 21 April 1964, and published in the *Gazette* of the 23rd day of that month, both areas were declared to be Crown land subject to the Land Act 1948: And whereas for the better utilisation thereof it is desirable that both areas should be again included in the surrounding endowment: And whereas the Council of the University has agreed to such inclusion: Be it therefore enacted as follows:

- (1) The land described in subsection (3) is hereby vested in the University as a reserve for an endowment for the University and is hereby declared to be subject to the provisions of the Otago University Reserves Vesting Act 1893 and the Otago University Reserves Act 1904.
- (2) The District Land Registrar for the Otago Land Registration District shall deposit such plans, accept such documents for registration, and do all such other things as may be necessary to give effect to the provisions of this section and shall, on the application of the University, issue a certificate of title for the said land.
- (3) The land to which this section relates is more particularly described as follows:

Firstly, all that area in the Otago Land District being part Section 1, Block XI, Ohau River Survey District, containing 1 rood, more or less, as shown on the plan marked L and

S 22/2882/38, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (Otago SO Plan 11947).

Secondly, all that area in the Otago Land District being part Section 1, Block XI, Ohau River Survey District, containing 1 acre 2 roods 18.9 perches, more or less, as shown on plan marked L and S 22/2882/38A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured yellow and edged red (Otago SO Plan 11947).

### **3 Vesting certain land in the Corporation of the County of Manukau for recreation purposes**

Whereas the land described in subsection (3) was conveyed to John Harold Embling and John Edward Plant, both of Brookby, farmers (in this section referred to as the **trustees**) pursuant to a deed of conveyance dated 19 May 1926, to hold the same as and for a recreation reserve forever: And whereas the trustees hold the said land under the terms of a declaration of trust dated 15 July 1926, which provides that they shall have power to sell the land and to invest the proceeds in the purchase of other land to be held upon the same trusts: And whereas the trustees are desirous that the said land be vested without payment in the Corporation of the County of Manukau for recreation purposes, subject to the provisions of the Reserves and Domains Act 1953: Be it therefore enacted as follows:

- (1) The land described in subsection (3) is hereby vested in the Corporation of the County of Manukau as a reserve for recreation purposes subject to the Reserves and Domains Act 1953 but otherwise freed and discharged from all trusts, reservations, and restrictions affecting the same at the date of the passing of this Act.
- (2) The District Land Registrar for the North Auckland Land Registration District is hereby authorised and directed to make such entries in the register and to do all such other things as may be necessary to give effect to the provisions of this section.
- (3) The land to which this section relates is particularly described as follows:

All that area in the North Auckland Land District containing 1 acre, more or less, being part Allotment 19, Papakura Parish, situated in Block XII, Otahuhu Survey District, and being all the land comprised and described in certificate of title, Volume 587, folio 44 (limited as to parcels and title), North Auckland Registry.

**4 Authorising the Corporation of the Borough of Devonport to spend certain money for the improvement or development of the Devonport Domain**

Whereas on 7 November 1911, the Auckland Harbour Board transferred an area of 16 acres 3 roods 20 perches, more or less, situated in Shoal Bay below high-water mark in the Harbour of Auckland to the Mayor, Councillors, and Burgesses of the Borough of Devonport (in this section referred to as the **Corporation**) for the purposes of a public domain, park, and recreational ground within the meaning of the Public Reserves and Domains Act 1908: And whereas by a Proclamation dated 7 August 1951, and published in the *Gazette* of the ninth day of that month, an area of 14 acres 3 roods 4 perches of the aforesaid land was taken for defence purposes: And whereas on 19 November 1952, it was ordered by consent in the Supreme Court at Auckland under the provisions of section 92(1)(a)(iv) of the Public Works Act 1928 that after the deduction of certain costs the compensation money in respect of the said taking should be paid to the Corporation upon trust to invest and to be applied in or towards the purchase by the Corporation of other land within the Borough for a park and recreation reserve pursuant to the Public Reserves, Domains, and National Parks Act 1928 and in the laying out, improvement, and development of such land and any other land vested in the Corporation for such purposes: And whereas there is at present over £4,200 in the trust fund: And whereas the Corporation desires to expend portion of the money in the trust fund in or towards the development and improvement of the Devonport Domain, a public domain vested in the Crown and controlled by the Devonport Borough Council acting as a Domain Board under the provisions of Part 3 of the Reserves and Domains Act 1953: And whereas it is desirable that provision be made

to enable the Corporation to expend money from the trust fund on the said domain: Be it therefore enacted as follows:

The Corporation is hereby authorised and empowered from time to time to expend such portion of the money in the trust fund as it thinks fit in or towards the improvement and development of the Devonport Domain.

**5 Validating the taking under the Public Works Act 1928 of certain land in the City of Auckland**

Whereas by a declaration dated 17 March 1964, and published in the *Gazette* of the 19th day of that month, 9 pieces of land in Princes Street, Waterloo Quadrant, and Eden Crescent, in the City of Auckland, containing together an area of 2 acres 1 rood and 23 perches, more or less, were by agreement with the owners taken pursuant to section 32 of the Public Works Act 1928 for purposes of better utilisation: And whereas by a notice issued under the provisions of section 35 of the said Act dated 17 March 1964, and published in the *Gazette* of the 19th day of that month, the said land was declared to be Crown land subject to the Land Act 1948: And whereas it is proposed to lease the said land under the provisions of the Land Act 1948 as a site for an hotel to be constructed thereon by the lessee: And whereas doubts have arisen as to the power of the Minister of Works to take the said land as aforesaid, and it is desirable that such doubts should be resolved: Be it therefore enacted as follows:

The declaration dated 17 March 1964, hereinbefore referred to, is hereby validated, and shall for all purposes and in all respects be deemed to have been lawfully issued.

**6 Declaring that certain land be held by the Corporation of the Borough of Thames for harbour purposes**

Whereas pursuant to the Thames Harbour Board Act 1878, 620 acres and 5 perches was granted to the Thames Harbour Board upon trust for the improvement and maintenance of the harbour of the Port of Thames and the construction and maintenance of such harbour works at the said port as might be deemed advisable by the said Board: And whereas by a Proclamation dated 18 October 1882, and published in the *Gazette*

of the 26th day of that month, at page 1525, an area of 55 acres 1 rood 28 perches of the aforesaid land was taken in connection with the Waikato-Thames Railway: And whereas the land described in subsection (3), being part of the land so taken, was vested in the Corporation of the Borough of Thames (in this section referred to as the **Corporation**) in trust for a public recreation ground by section 17 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1921–22: And whereas by the Thames Harbour Act 1936 the Thames Harbour Board was dissolved and all its property, real and personal, was vested in the Corporation, which was granted all the powers, functions, duties, and authorities of a Harbour Board: And whereas the land described in subsection (3) is not likely to be required for recreation purposes, and it is desirable that the said land should be held by the Corporation for harbour purposes: Be it therefore enacted as follows:

- (1) All trusts and reservations affecting the land described in subsection (3) at the date of the passing of this Act are hereby cancelled, and the said land is hereby declared to be held by the Corporation upon trust for the improvement and maintenance of the harbour of the Port of Thames and the construction and maintenance of such harbour works at the said port as may be deemed advisable, subject to the provisions of the Thames Harbour Act 1936:

provided that the Minister of Railways, acting in the name and on behalf of Her Majesty, may at any time hereafter resume for railway purposes the whole or any portion of such land upon payment to the Corporation of the sum (if any) actually expended by the Corporation in reclaiming the land so resumed, and no compensation shall be payable by the Crown in respect of the resumption of such land or any portion thereof except as provided in this section:

provided also that no portion of the said land situated below high-water mark at ordinary spring tide shall be sold or transferred except with the prior consent of the Minister of Marine.

- (2) The District Land Registrar for the South Auckland Land Registration District is hereby authorised and directed to make such entries in the register and to do all such things as may be necessary to give effect to the provisions of this section.

- (3) The land to which this section relates is more particularly described as follows:

All that area in the South Auckland Land District containing 35 acres 2 roods 16.2 perches, more or less, being part of Thames Foreshore, situated in Block IV, Thames Survey District; as shown on the plan marked L and S 1/988, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (South Auckland SO Plan 21536); subject to the operation of the Mining Act 1926 as declared by a notice dated 9 August 1935, and published in the *Gazette* of the 15th day of that month, at page 2244.

**7 Vesting certain land in the Corporation of the County of Waitemata and authorising the reclamation of that land**

Whereas the land described in subsection (5) (in this section referred to as the **said land**) is a tidal inlet of the Waiwera River: And whereas the Corporation of the County of Waitemata and the Auckland Acclimatisation Society plan to construct a weir across the said land and thereby create a pond for the purposes of a wildlife habitat: And whereas it is desirable that the said land be vested in the Corporation of the County of Waitemata (in this section referred to as the **Corporation**) for the purposes of a wildlife habitat and that the Corporation be authorised to create a ponding area: Be it therefore enacted as follows:

- (1) The said land is hereby vested in the Corporation in trust as a reserve for a wildlife habitat subject to the Reserves and Domains Act 1953.
- (2) The District Land Registrar for the North Auckland Land Registration District is hereby authorised and directed on completion of such surveys as he may require to deposit such plans, to accept such documents for registration, to make such entries in the register books, and to do all such other things as may be necessary to give effect to the provisions of this section.
- (3) Notwithstanding the provisions of section 175 of the Harbours Act 1950 or of any other Act but subject to the provisions of sections 176 to 182 of the Harbours Act 1950, the Corporation

is hereby empowered and authorised to create a pond on the said land.

- (4) This section shall be deemed to be a special Act within the meaning of the Harbours Act 1950.
- (5) The land to which this section relates is more particularly described as follows:

All that area in the North Auckland Land District containing approximately 9 acres and 2 roods, bounded by a line commencing at the intersection of the south-western side of the Upper Waiwera Road and the line of mean high water of an inlet of the Waiwera River on the north-western boundary of that part of Allotment 106, Waiwera Parish, shown on Deposited Plan No 4681, in Block III, Waiwera Survey District, and proceeding south-westerly generally along the said line of mean high water to and northerly along the line of mean high water on the eastern boundary of Allotment 11, Waiwera Parish, to the south-western side of the aforesaid road; thence south-easterly along that roadside to the point of commencement; as shown on plan marked L and S 4/426/1/1, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

#### **8 Declaring endowment land administered by the Oamaru Harbour Board to be Crown land subject to the Land Act 1948 and validating a payment made to the Board**

Whereas under the Oamaru Harbour Board Act 1876 and the Oamaru Harbour Board Act 1881 the land known as Run 160 in the Province of Otago (in this section referred to as the **said land**) was set apart as an endowment for the Oamaru Harbour Board (in this section referred to as the **Board**) and provision made for the leasing of the said land by the Board: And whereas by Proclamations dated 28 August and 24 September 1959, and published in the *Gazette* of 3 September and 1 October 1959, respectively, parts of the said land were taken for the development of water power (Benmore scheme): And whereas it has been agreed between the Board and Her Majesty that the balance of the said land be resumed by the Crown as from and after 30 April 1964: And whereas the sum of £80,000 has been paid by the Crown to the Board as compensation for

the balance of the said land and the land taken aforesaid for the development of water power: And whereas it is desirable that payment of the money above-mentioned be validated and to declare the balance of the said land to be Crown land subject to the Land Act 1948: Be it therefore enacted as follows:

- (1) The payment by the Crown of the sum of £80,000 to the Oamaru Harbour Board as compensation for the land firstly described in subsection (5), taken for the development of water power, and for the land secondly described in subsection (5), hereinafter declared to be Crown land subject to the Land Act 1948, is hereby validated and declared to have been lawfully made.
- (2) The land secondly described in subsection (5) is hereby declared to be no longer set apart as an endowment for the Oamaru Harbour Board and is hereby declared as from and after 30 April 1964, to be Crown land subject to the Land Act 1948, subject to any leases, liens, encumbrances, and easements affecting the said land but otherwise freed and discharged from all trusts, reservations, and restrictions affecting the same as at that date.
- (3) The said sum of £80,000 shall be held by the Oamaru Harbour Board as an endowment in perpetuity and may be invested by the Board in the manner provided by section 53 of the Harbours Act 1950 and the income therefrom may be expended by the Board for the general purposes of the Oamaru Harbour.
- (4) The Oamaru Harbour Board Act 1876 and the Oamaru Harbour Board Act 1881 are hereby repealed.
- (5) The land to which this section relates is more particularly described as follows:

Firstly, all that area in the Otago Land District being part Run 160B, Benmore and Gala Survey Districts, and parts Run 160D, Gala Survey District (Otago SO Plans 12754, 12718, and 12711).

Secondly, all that area in the Otago Land District being Run 160A and balance Run 160B, Benmore and Gala Survey Districts, Runs 160C, Run 160E, and balance Run 160D, Gala Survey District, and Run 160F, Gala and Turnagain Survey Districts (Otago SO Plan 13492).

**9 Bringing certain land under the provisions of section 19 of the Reserves and Other Lands Disposal Act 1962**

Whereas by section 19 of the Reserves and Other Lands Disposal Act 1962, the Governor-General was authorised to proclaim certain land in the Towns of Collingwood and Milnthorpe and in the Pakawau and Waitapu Survey Districts in Golden Bay County to be Crown land: And whereas it is desirable that further land be brought under the provisions of the said section: Be it therefore enacted as follows:

- (1) The land described in subsection (2) is hereby declared to be subject to the provisions of section 19 of the Reserves and Other Lands Disposal Act 1962, in the same manner for all purposes as if the said land had been included in the land described in subsection (1) of the said section 19.
- (2) The land to which this section relates is particularly described as follows:

All that area in the Nelson Land Registration District being part Sections 218 and 220, District of Collingwood Suburban, situated in Block IV, Aorere Survey District, being part of land comprised and described in certificate of title, Volume 169, folio 23, Nelson Registry, also public road adjoining part Sections 218 and 220, District of Collingwood Suburban, situated in Block IV, Aorere Survey District, as shown on the plan marked L and S 22/5163, deposited in the Head Office, Department of Lands and Survey, Wellington, and thereon edged red.

**10 Authorising the Corporation of the City of Invercargill to sell certain land**

Whereas the land firstly described in subsection (5) was vested in the Corporation of the City of Invercargill (in this section referred to as the **Corporation**) by the Invercargill Athenaeum Act 1916 in trust as an endowment for the Athenaeum: And whereas the land secondly described in subsection (5) was acquired by the Corporation in the year 1885 as a site for a town hall for the benefit of the city and for no other purpose: And whereas the land described firstly and secondly in subsection (5) is no longer required for the original purposes: And whereas the Corporation desires to sell the said land but has

no authority to do so: And whereas it is expedient to make provision accordingly and for the proceeds of such sales to be applied in the manner hereinafter provided: Be it therefore enacted as follows:

- (1) The land described in subsection (5) is hereby declared to be vested in the Corporation for an estate in fee simple freed and discharged from all trusts and reservations affecting the same immediately before the passing of this Act, but subject to all leases, easements, liens, encumbrances, and other restrictions then affecting the same.
- (2) Notwithstanding anything to the contrary in any Act or rule of law, the Corporation may, without other authority than this section, sell the land described in subsection (5) or any part or parts thereof in such manner on such terms and subject to such conditions as it thinks fit.
- (3) The net proceeds from the sale of the said land shall be paid into separate accounts and shall be applied as follows:
  - (a) in the case of the land firstly described in subsection (5) for library purposes; and
  - (b) in the case of the land secondly described in subsection (5) in or towards the cost of a new administrative centre for the City of Invercargill—and any money accruing by way of interest on sums so held in trust by the Corporation shall be used and expended by it for the said purposes respectively.
- (4) The District Land Registrar for the Southland Land Registration District is hereby authorised to accept such plans for deposit to accept such documents for registration to make such entries in the register books and to do all such other things as may be necessary to give effect to the provisions of this section.
- (5) The land to which this section relates is particularly described as follows:

Firstly, all that area in the Southland Land District containing 446 acres 3 roods and 27 perches, more or less, being Sections 1–11 inclusive, Block VI, Campbelltown Hundred, and being all of the land comprised and described in certificate of title, Volume 157, folio 199, Southland Registry.

Secondly, all that area in the Southland Land District containing 25.6 perches, more or less, being Lot 1, Block V, Deposited Plan Number 108, being part Section 26, Block I, Invercargill Hundred, and being all the land comprised and described in certificate of title, Volume 48, folio 31, Southland Registry.

(6) *Amendment(s) incorporated in the Act(s).*

**11 Authorising Waiotemarama Hall Committee to expend certain money**

Whereas by a notice dated 17 October 1958, and published in the *Gazette* on the 23rd day of the same month at page 1420, the body known as the Waiotemarama Hall Committee (in this section referred to as the **Committee**) was appointed to control and manage the reserve described as Section 34, Block IX, Waoku Survey District, as a site for a public hall: And whereas by a notice dated 6 March 1961, and published in the *Gazette* on the ninth day of that month, the appointment of the Committee aforesaid was revoked: And whereas after such revocation the Committee had assets totalling some £561 received from the administration of the said land and from the sale and administration of the hall building formerly sited on the said land: And whereas the Committee now desires to expend its funds on erecting a public shelter shed incorporating a plaque in memory of the pioneers of the Waiotemarama District Settlement in Waiotemarama Township but has no authority to do so: Be it therefore enacted as follows:

The said Committee is hereby authorised and empowered to expend its funds on the erection of a public shelter shed incorporating a plaque in memory of the pioneers of the Waiotemarama District Settlement or for such other project for the benefit and enjoyment of the local residents as may be approved by the Minister of Lands.

**12 Vesting certain land in the Corporation of the County of Waipawa for cemetery purposes**

Whereas the land described in subsection (3) (in this section referred to as the **said land**) is known as the Ashley Clinton Public Cemetery: And whereas there is no title to the said land all records relating thereto having been destroyed in the

Hawke's Bay earthquake: And whereas it is believed that prior to the year 1907, the said land was conveyed to certain private persons to be held as a public cemetery: And whereas the said land has been administered for many years by the Forest Gate Cemetery Trustees as a cemetery: And whereas at the request of the Forest Gate Cemetery Trustees the Corporation of the County of Waipawa (in this section referred to as the **Corporation**) has applied to be appointed as the cemetery trustees but there is no authority to appoint the Corporation cemetery trustees of land not vested in it: And whereas it is desirable that the said land be vested in the Corporation for cemetery purposes: Be it therefore enacted as follows:

- (1) The land described in subsection (3) is hereby vested in the Corporation for cemetery purposes.
- (2) The District Land Registrar for the Hawke's Bay Land Registration District is hereby authorised and directed, on application being made to him in that behalf, and on payment of the appropriate fees, to issue a certificate of title in respect of the said land in the name of the Chairman, Councillors, and Inhabitants of the County of Waipawa for cemetery purposes and to do such other things as may be necessary to give effect to the provisions of this section.
- (3) The land to which this section relates is more particularly described as follows:

All that area in the Hawke's Bay Land District containing 1 acre and 4 perches, more or less, being Lot 1, Deposited Plan Number 6308, being part of Block 109, Ruataniwha Crown Grant District, situated in Block X, Ruataniwha Survey District.

- 13 Providing for the utilisation for industrial and other purposes of certain aerodrome land in the City of Timaru**  
Whereas the land described in subsections (12) to (16) (hereinafter in this section referred to as the **special area**) comprises the old Timaru aerodrome controlled by the Timaru City Council (in this section referred to as the **City Council**): And whereas the special area consists of public reserve land subject to the Reserves and Domains Act 1953, land acquired by the City Council under the Public Works Act 1928 for aerodrome

purposes, land held by the City Council in fee simple for aerodrome purposes, land held by the City Council in fee simple without trust, and Crown land: And whereas the aerodrome is no longer required for aerodrome purposes: And whereas the City Council desires to develop and dispose of part of the special area for industrial purposes, and to hold the balance for municipal purposes: And whereas it is desirable and expedient to make special provision as hereinafter appearing in that behalf: Be it therefore enacted as follows:

- (1) The vesting in the Mayor, Councillors, and Citizens of the City of Timaru of that portion of the special area described in subsection (12) and the reservation for aerodrome purposes over that portion are hereby cancelled, and the land comprised therein is hereby declared to be Crown land subject to the Land Act 1948.
- (2) The reservation for aerodrome purposes over that portion of the special area described in subsection (13) is hereby revoked, and the land comprised therein is hereby declared to be Crown land subject to the Land Act 1948.
- (3) All trusts, reservations, and restrictions affecting those portions of the special area described in subsection (14) at the date of the passing of this Act are hereby cancelled and the land comprised in those portions is hereby declared to be held for an estate in fee simple by the City Council.
- (4) The City Council is hereby empowered to acquire under the provisions of the Land Act 1948 on deferred payment (subject to the approval of the Minister of Internal Affairs) or otherwise those portions of the special area described in subsections (12), (13), and (15) or any part or parts thereof.
- (5) Subject to the provisions of subsection (8), the City Council is hereby empowered to subdivide or re-subdivide the land comprised in the special area into lots, and to sell or lease for industrial purposes such part or parts thereof as shall at the discretion of the City Council be deemed to be suitable for such purposes.
- (6) Subject to the provisions of subsection (8) the City Council shall hold the remainder of the special area (being those portions not required for industrial purposes) as land subject to the

Municipal Corporations Act 1954, and shall administer and deal with the same accordingly.

- (7) All sales or leases of land for industrial purposes under the provisions of this section shall be made by the City Council in such manner and on such terms and on such conditions as it shall think fit by public auction, public tender, or private contract, or partly by one and partly by the other of such modes of sale or lease, subject to such conditions as to title, time or mode of payment of purchase money or otherwise as it thinks fit, and with or without a grant or reservation of rights of way, rights of water easements, drainage easements, or other rights, privileges, or easements in favour of the purchaser or purchasers or the City Council or any other person. The City Council in subdividing any portion of the land comprised in the special area may construct or provide public streets, service lanes, access ways, sanitary or water drains, water supplies, electric power lines, and such other services or public works as may be deemed necessary for the use, convenience, and enjoyment of the subdivision, including, with the approval of the Minister of Railways, railway sidings.
- (8) Before offering for sale or lease any portion of the land comprised in the special area the City Council shall consult with the Minister of Works, the South Canterbury Catchment Board, and the Minister of Railways as to the provision to be made for any proposed motorway or arterial highway or loop railway line or drainage works, and the City Council shall make available to Her Majesty the Queen without charge any land that may be required for such purposes.
- (9) The net proceeds from the subdivision and sale of any portion of the land comprised in the special area may be applied by the City Council as they become available, firstly in payment to Her Majesty the Queen for the acquisition of those portions described in subsections (12), (13), and (15), and thereafter in the development of the same and the remainder of the special area and in the acquisition and development as aforesaid of other land within the City of Timaru for industry or for such other municipal purposes as the Council shall determine.
- (10) For the purposes of Part 3 of the Local Authorities Loans Act 1956, the acquisition by the City Council of those portions of

the special area described in subsections (12), (13), and (15) and the subdivision and development of any part of the special area shall be deemed to be a public work.

- (11) The District Land Registrar for the Canterbury Land Registration District is hereby authorised and directed, on completion of such surveys as he may require, to deposit such plans, to accept such documents for registration, to make such entries in the register books, and to do all such other things as may be necessary to give effect to the provisions of this section.
- (12) The land declared to be Crown land by subsection (1), and which the City Council is to acquire as part of the special area, is more particularly described as follows:

All that area in the Canterbury Land District containing 168 acres 2 roods 34.5 perches, more or less, being parts Reserve 1858, and being all the land comprised and described in certificate of title, Volume 450, folio 260, and the balance of the land comprised and described in certificate of title, Volume 188, folio 218, Canterbury Registry; as more particularly shown on SO Plan 10375, lodged in the office of the Chief Surveyor at Christchurch, and thereon edged green.
- (13) The land declared to be Crown land by subsection (2), and which the City Council is to acquire as part of the special area, is more particularly described as follows:

All that area in the Canterbury Land District containing 2 acres 1 rood 14 perches, more or less, being part Reserve 1858; as more particularly shown on SO Plan 10375, lodged in the office of the Chief Surveyor at Christchurch, and thereon edged red.
- (14) The land vested in the City Council in fee simple by subsection (3), and which is to be dealt with by the City Council as part of the special area is more particularly described as follows:

Firstly, all that area in the Canterbury Land District containing 37 acres 3 roods 22.7 perches, more or less, being Rural Section 5931, Lots 77 and 107 on Deposited Plan Number 3490, and Lots 62, 67, 76 and part Lot 108 on Deposited Plan Number 4075, all being parts Rural Section 1998, being all the land comprised and described in certificates of title, Volume 166, folio 132, and Volume 435, folio 278, and the balance of

the land in certificates of title, Volume 291, folio 41, and Volume 431, folio 112, Canterbury Registry; as more particularly shown on SO Plan 10375, lodged in the office of the Chief Surveyor at Christchurch, and thereon edged blue.

Secondly, all that area in the Canterbury Land District containing 5 acres 3 roods 39.8 perches, more or less, being Lot 59 on Deposited Plan Number 4075, being part Rural Section 1998, Lots 1 to 7, inclusive on Deposited Plan Number 11579, being parts Rural Sections 1911 and 1998, Lot 1 on Deposited Plan Number 11123, being part Rural Section 3753, and being all the land comprised and described in certificate of title, Volume 314, folio 110, Volume 461, folio 264, and Volume 452, folio 275, Canterbury Registry; as more particularly shown on SO Plan 10375, lodged in the office of the Chief Surveyor at Christchurch, and thereon edged brown.

- (15) The Crown land which formed part of the old Timaru Aerodrome and which may be acquired by the City Council as part of the special area is more particularly described as follows:

All that area in the Canterbury Land District containing 3 acres 2 roods 20 perches, more or less, being the former bed of creek and lagoon; as more particularly shown on SO Plan 10375, lodged in the office of the Chief Surveyor at Christchurch, and thereon edged red.

- (16) The land which is owned by the City Council and which is to be dealt with as part of the special area is more particularly described as follows:

All that area in the Canterbury Land District containing 20 acres 3 roods 35 perches, more or less, being part Reserve 1856, and being all the land comprised and described in certificate of title, Volume 439, folio 149, Canterbury Registry; as more particularly shown on SO Plan 10375, lodged in the office of the Chief Surveyor at Christchurch, and thereon edged yellow.

#### **14 Authorising the Wellington City Council to lease certain land**

Whereas the land described in subsection (3) is part of the land vested in the Mayor, Councillors, and Citizens of the City of

Wellington (in this section referred to as the **Corporation**) by the Wellington Botanic Garden Vesting Act 1891, as a place of public recreation and enjoyment for the Inhabitants of the City of Wellington: And whereas it is desirable that the Corporation be authorised to lease, let, or licence all or any part of the land described in the said subsection (3) or any buildings or parts of buildings or installations or parts thereof erected thereon or to be erected upon such terms as the Corporation may think fit: Be it therefore enacted as follows:

- (1) Notwithstanding any of the provisions of the Wellington Botanic Garden Vesting Act 1891, or of the Municipal Corporations Act 1954, or any other Act or rule of law relating to the leasing, letting, or licensing of land, buildings, and installations, the Corporation may by private treaty or otherwise lease, or let, or licence all or any part of the land described in subsection (3) or any buildings or parts of buildings or installations or parts thereof erected thereon or to be erected upon such terms and conditions as the Corporation thinks fit.
- (2) The District Land Registrar for the Land Registration District of Wellington is hereby authorised to deposit such plans, to accept such documents for registration, to make all such entries in the register books, and to do all such other things as may be necessary to give effect to the provisions of this section.
- (3) The land to which this section relates is particularly described as follows:

Those portions of land in Wellington Land District, situated in the City of Wellington, containing together 1 acre and 23.66 perches, more or less, being firstly, Section 1225, Town of Wellington, (SO 25200) being part of the land in certificate of title Number C2/1321, and secondly, part Wesleyan College Reserve (part being also part of the land in DP 8530), being the portion of land in certificate of title, Volume 491, folio 240, lying to the south of Upland Road and the Kelburn and Karori Tramway.

**15 Removing a trust from certain land vested in the Auckland Harbour Board and authorising the Board to subdivide and lease that land**

Whereas by Crown grant dated 6 August 1881, issued under the authority of section 3 of the Special Powers and Contracts Act 1880, the land described in subsection (4) was vested in the Auckland Harbour Board (in this section referred to as the **Board**) in trust for the purposes of a residence site for the pilot and boatmen of Auckland Harbour: And whereas the said land is no longer required as a residence site for the pilot and boatmen of Auckland Harbour, and the Board wishes to subdivide and lease the land: Be it therefore enacted as follows:

- (1) The land described in subsection (4) is hereby declared to be vested in the Board for an estate in fee simple freed and discharged from all trusts, reservations, and restrictions affecting the said land at the date of the passing of this Act.
- (2) The Board is hereby authorised to subdivide the said land in such manner as it shall in its discretion think fit, subject however to the provisions of the Municipal Corporations Act 1954, and to do all acts necessary for that purpose and thereafter to lease the said land or any part thereof in accordance with the provisions of the Public Bodies' Leases Act 1908.
- (3) The District Land Registrar for the North Auckland Land Registration District is hereby authorised to accept such plans for deposit, to accept such documents for registration, to make such entries in the register, and to do all such other things as may be necessary to give effect to the provisions of this section.
- (4) The land to which this section relates is more particularly described as follows:

All that area in the North Auckland Land District containing 1 acre 2 roods 18 perches, more or less, being the southern portion of Allotment 12A of Section 2, Parish of Takapuna, situated in Block VI, Rangitoto Survey District, and being all the land comprised and described in certificate of title, Volume 24, folio 153, Auckland Registry.

**16 Vesting the assets and liabilities of the former Opotiki Aerodrome Board in the Corporation of the County of Opotiki**

Whereas by notice dated 24 June 1964, and published in the *Gazette* of 2 July of the same year, at page 1078, the appointment of the Opotiki Aerodrome Board (in this section referred to as the **Board**) to control the land described in subsection (9) (in this section referred to as the **said land**) as a reserve for a site for an aerodrome was revoked: And whereas by notice dated 24 June 1964, and published in the *Gazette* of 2 July of the same year, at page 1082, the said land was vested in the Chairman, Councillors, and Inhabitants of the County of Opotiki (in this section referred to as the **Corporation**) in trust for a site for an aerodrome: And whereas by Order in Council dated 24 June 1964, and published in the *Gazette* of 2 July of the same year, at page 1076, consent was given to the establishment and maintenance of an aerodrome by the Council of the Corporation on the said land: And whereas the Reserves and Domains Act 1953 under which the Board was appointed makes no provision for the disposition of the assets and the discharge of the liabilities of the Board on the revocation of its appointment: And whereas it is desirable that the assets and liabilities of the Board should become assets and liabilities of the Corporation: Be it therefore enacted as follows:

- (1) All real and personal property (other than the said land) held by the Board immediately before the revocation of its appointment shall vest without conveyance or assignment in the Corporation.
- (2) All money which, but for the revocation of its appointment, would be payable to the Board shall be paid to the Corporation which shall be entitled to take in its own name all proceedings necessary for the recovery thereof.
- (3) Subject to subsections (7) and (8), all debts, liabilities, and engagements of the Board shall be debts, liabilities, and engagements of the Corporation, and shall be paid and discharged by the Corporation.
- (4) All proceedings pending by or against the Board may be prosecuted by or against the Corporation.

- (5) Subject to subsection (7), all money received by the Corporation pursuant to the provisions of this section shall be applied in the management, administration, and improvement of the said land.
- (6) All other property vested in the Board pursuant to the provisions of this section shall be used for the purposes of the aerodrome established on the said land.
- (7) It is hereby declared that the person holding office as the Secretary of the Board immediately before the revocation of the Board's appointment shall be entitled to receive from the Corporation the sum of £70 as an honorarium for all work done by him since 31 March 1964, in the administration and winding up of the Board's affairs, and the Corporation shall pay the said sum out of the money received by it pursuant to the provisions of this section.
- (8) The appointment of the person holding office as the Secretary of the Board immediately before the revocation of the Board's appointment shall be deemed to have terminated with 23 June 1964.
- (9) The land to which this section relates is particularly described as follows:

All that area in the Gisborne Land District containing 109 acres 1 rood 9 perches, more or less, being Allotment 333, Waioeka Parish, situated in Block III, Opotiki Survey District (Gisborne SO Plan 3989).

**17 Vesting certain land in Her Majesty as an addition to the Waihi Beach Domain**

Whereas by section 18 of the Reserves and other Lands Disposal Act 1938, the land described in subsection (3) (in this section referred to as the **said land**) being land vested in the Corporation of the Borough of Waihi was declared to be set apart for the purposes of public recreation and pleasure grounds to be held, administered, and controlled by the Waihi Borough Council for such purposes in accordance with the provisions of the Municipal Corporations Act 1933: And whereas as a result of boundary changes between the Borough of Waihi and the County of Ohinemuri the said land

is now vested in the Ohinemuri County Council for the same purposes in accordance with the provisions of the Counties Act 1956: And whereas it is desirable and expedient that the said land should be administered and developed with the Waihi Beach Domain, a public domain vested in the Crown and controlled by the Ohinemuri County Council acting as a Domain Board under the provisions of Part 3 of the Reserves and Domains Act 1953: And whereas the Ohinemuri County Council has agreed to transfer the said land to Her Majesty as an addition to the Waihi Beach Domain but has no authority to do so: Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law, the vesting in the Ohinemuri County Council of the said land is hereby cancelled and the said land is hereby vested in Her Majesty as a public domain subject to the provisions of Part 3 of the Reserves and Domains Act 1953, as part of the Waihi Beach Domain under the control of the Ohinemuri County Council as the Waihi Beach Domain Board, but otherwise freed and discharged from all trusts and reservations heretofore affecting the said land at the date of the passing of this Act.
- (2) The District Land Registrar for the South Auckland Land Registration District is hereby authorised and directed to make such entries in the register and to do all such other things as may be necessary to give effect to the provisions of this section.
- (3) The land to which this section relates is particularly described as follows:

All that area in the South Auckland Land District containing 3 acres 3 roods 25.4 perches, more or less, being Lot 60 on Deposited Plan Number 26781, being part Waihi Number 5 Block, situated in Block III, Waihi North Survey District, and being part of the land comprised and described in certificate of title, Volume 1277, folio 84, South Auckland Registry; subject to a building-line restriction contained in Order in Council Number 10264, South Auckland Registry.

**18 Dealing with exceptions and reservations relating to certain land held by the Whangarei Harbour Board**

Whereas pursuant to section 19 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1924 certain land was, by Memorandum of Transfer No 192816 (North Auckland Registry), transferred to the Whangarei Harbour Board by the Whangarei High School Board subject to the exception to the said High School Board of all minerals, mineral oils, gases, metal, coal, and valuable stones on and under the land and reserving the right of ingress, egress, and regress to the said High School Board and to all persons authorised by that Board to work any such minerals, mineral oils, gases, metal, coal, and valuable stones and reserving also the right to the said High School Board to take and lay off a line of road 1 chain wide to connect Otaika Road with Simpson's Road crossing Limeburners Creek: And whereas the exceptions and reservations aforementioned became vested in Her Majesty the Queen by section 13 of the Education Lands Act 1949: And whereas the residue of the said land so transferred by the said High School Board and remaining vested in the said Harbour Board is more particularly described in subsection (5) and the said Harbour Board has subdivided and leased parts of the land and desires that the land be freed from the exceptions and reservations aforementioned: And whereas it is expedient to cancel the aforesaid exceptions and reservations: Be it therefore enacted as follows:

- (1) The land described in subsection (5) is hereby declared as from the passing of this Act to be vested in the Whangarei Harbour Board for an estate in fee simple as if the exceptions and reservations excepted and reserved by Memorandum of Transfer 192816 had never been made.
- (2) Nothing in this section shall be deemed to vest any petroleum within the meaning of the Petroleum Act 1937 in the Whangarei Harbour Board.
- (3) *Amendment(s) incorporated in the Act(s).*
- (4) The District Land Registrar for the North Auckland Land Registration District is hereby authorised and directed to make such entries in the register, and to do all such other

things as shall be necessary to give effect to the provisions of this section.

- (5) The land referred to in subsection (1) is particularly described as follows:

All that area in the North Auckland Land District containing 227 acres 1 rood 13.6 perches, more or less, being part Lot 12 on Deposited Plan Number 13347, being part Kioreroa Block, situated in Blocks IX and XIII, Whangarei Survey District, and being the balance of the land comprised and described in certificate of title, Volume 418, folio 91, North Auckland Registry.

**19 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) is set apart as permanent State forest land under the Forests Act 1949: And whereas it is desirable that it should be declared 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) as permanent State forest land is hereby revoked and the said land is hereby declared to be Crown land subject to the Land Act 1948.
- (2) The land to which this section relates is particularly described as follows:

Firstly, all that area in the North Auckland Land District containing 14 acres, more or less, being all the land on Deposited Plan Number 24010, being part Old Land Claim 401, situated in Block II, Fitzroy Survey District, and being all the land comprised and described in certificate of title, Volume 637, folio 288, North Auckland Registry.

Secondly, all those areas in the South Auckland Land District, being part Run 59, situated in Blocks IV and VIII, Takapau Survey District, and Block V, Wheao Survey District, containing 44 acres 1 rood 2.2 perches, more or less; and also part Section 1, Block I, Wheao Survey District, containing 18 acres 2 roods 3.2 perches, more or less; and also part Section 1, Block XIII, Kaingaroa Survey District, containing 12 acres

and 23.2 perches, more or less; and also part Lot 1, Deposited Plan Number 20886, situated in Block XIII, Kaingaroa Survey District, containing 5 acres 1 rood 29 perches, more or less, and being part of the land comprised and described in certificate of title, Volume 651, folio 274, South Auckland Registry; and also part Lot 2, Deposited Plan Number 20886, situated in Block XIII, Kaingaroa Survey District, and Block I, Wheao Survey District, containing 4 acres 3 roods 14.7 perches, more or less, and being part of the land comprised and described in certificate of title, Volume 651, folio 275, South Auckland Registry; and also part of the land on Deposited Plan Number 24867, being part Kaingaroa No 1A, North Block situated in Block I, Wheao Survey District, containing 3 acres 3 roods 22.3 perches, more or less, and being part of the land comprised and described in certificate of title, Volume 651, folio 276, South Auckland Registry; and also part of the land on Deposited Plan Number 27374, being part Kaingaroa No 1A, North Block, situated in Block I, Wheao Survey District, containing 3 acres 2 roods 2 perches, more or less, and being part of the land comprised and described in certificate of title, Volume 698, folio 184, South Auckland Registry; and also part Lot 3, Deposited Plan Number 20886, situated in Block I, Wheao Survey District, containing 8 acres, more or less, and being part of the land comprised and described in certificate of title, Volume 702, folio 18, South Auckland Registry; as more particularly shown on SO Plan 42655 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Thirdly, all that area in the South Auckland Land District containing 26 acres 2 roods 10 perches, more or less, being parts Maraeroa Numbers B2, and A3A, Blocks situated in Block II, Hurakia Survey District; as more particularly shown on SO Plan 42731 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Fourthly, all that area in the South Auckland Land District containing 3 roods 19.2 perches, more or less, being part Wharekawa East Number 1 Block, situated in Block VIII, Tairua Survey District; as more particularly shown on SO Plan 42713 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Fifthly, all that area in the South Auckland Land District containing 56 acres 2 roods 35 perches, more or less, being parts Allotments 506 and 676, Taupiri Parish, situated in Block VII, Hapuakohe Survey District; as more particularly shown on SO Plan 42738 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Sixthly, all that area in the South Auckland Land District containing 11 acres 1 rood 30 perches, more or less, being part Sections 9 and 10, Block XIII, Pirongia Survey District; as more particularly shown on SO Plan 42743 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Seventhly, all that area in the South Auckland Land District containing 447 acres 2 roods 10 perches, more or less, being part Section 19, Block XIII, Pirongia Survey District; as more particularly shown on SO Plan 42623 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Eighthly, all those areas in the Gisborne Land District being Section 3, Block II, Ngatapa Survey District, containing 2 424 acres, more or less, and also Section 7, Block VI, Ngatapa Survey District, containing 667 acres, more or less (Gisborne SO Plans 2421 and 3990).

Ninthly, all that area in the Hawke's Bay Land District containing 44 acres 1 rood 35 perches, more or less, being Sections 11 and 12, Block XIII, Maungaharuru Survey District (Hawke's Bay SO Plans 5432 and 5433).

Tenthly, all that area in the Nelson Land District containing 13 acres and 20 perches, more or less, being Section 26, Block X, Tadmor Survey District (Nelson SO Plan 7214).

Eleventhly, all that area in the Westland District containing 4 acres 1 rood 11.4 perches, more or less, being Reserve 1877, situated in Block XV, Mawheraiti Survey District (Westland SO Plan 4425).

## Contents

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## Notes

### 1 *General*

This is a reprint of the Reserves and Other Lands Disposal Act 1964. The reprint incorporates all the amendments to the Act as at 28 November 1964, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

### 2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### 3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

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