



New Zealand Legislation

Reserves and Other Lands Disposal Act 1956

18 Special provisions relating to Lake Horowhenua

Whereas under the authority of the Horowhenua Block Act 1896, the Maori Appellate Court on 12 September 1898 made an Order determining the owners and relative shares to an area of 13 140 acres and 1 rood, being part of the Horowhenua XI Block:

And whereas the said area includes the Horowhenua Lake (as shown on the plan lodged in the office of the Chief Surveyor at Wellington under Number 15699), a 1 chain strip around the lake, the Hokio Stream from the outlet of the lake to the sea, and surrounding land:

And whereas certificate of title, Volume 121, folio 121, Wellington Registry, was issued in pursuance of the said Order:

And whereas by Maori Land Court Partition Order dated 19 October 1898 the lake was vested in trustees for the purposes of a fishing easement for all members of the Muaupoko Tribe who might then or thereafter own any part of the Horowhenua XI Block (in this section referred to as the **Maori owners**):

And whereas the minutes of the Maori Land Court relating to the said Partition Order recorded that it was also intended to similarly vest the 1 chain strip around the lake, the Hokio Stream from the outlet of the lake to the sea, and a 1 chain strip along a portion of the north bank of the said stream, but this was not formally done:

And whereas the Horowhenua Lake Act 1905 declared the lake to be a public recreation reserve under the control of a Domain Board (in this section referred to as the **Board**) but preserved fishing and other rights of the Maori owners over the lake and the Hokio Stream:

And whereas by section 97 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1916 the said 1 chain strip around the lake was made subject to the Horowhenua Lake Act 1905, and control was vested in the Board:

And whereas subsequent legislation declared certain land adjoining the said 1 chain strip, and more particularly firstly described in subsection (13), to form part of the recreation reserve and to be under the control of the Board:

And whereas as a result of drainage operations undertaken some years ago on the said Hokio Stream the level of the lake was lowered, and a dewatered area was left between the margin of the lake after lowering and the original 1 chain strip around the original margin of the lake:

And whereas this lowering of the lake level created certain difficulties in respect of the Board's administration and control of the lake, and in view of the previous legislation enacted relating to the lake, doubts were raised as to the actual ownership and rights over the lake and the 1 chain strip and the dewatered area:

And whereas a Committee of Inquiry was appointed in 1934 to investigate these problems:

And whereas the Committee recommended that the title to the land covered by the waters of the lake together with the 1 chain strip and the said dewatered area be confirmed by legislation in ownership of the trustees appointed in trust for the Maori owners:

And whereas certain other recommendations made were unacceptable to the Maori owners, and confirmation of ownership and further appointment of a Domain Board lapsed pending final settlement of the problems affecting the lake:

And whereas by Maori Land Court Order dated 8 August 1951 new trustees were appointed for the part of Horowhenua XI Block in the place of the original trustees, then all deceased, appointed under the said Maori Land Court Order dated 19 October 1898:

And whereas agreement has now been reached between the Maori owners and other interested bodies in respect of the ownership and control of the existing lake, the said 1 chain strip, the said dewatered area, the said Hokio Stream and the chain strip on a portion of the north bank of that stream, and certain ancillary matters, and it is desirable and expedient that provision be made to give effect to the various matters agreed upon:

Be it therefore enacted as follows:

(1) For the purposes of the following subsections:

lake means that area of water known as Lake Horowhenua enclosed within a margin fixed by a surface level of 30 feet above mean low water spring tides at Foxton Heads

dewatered area means that area of land between the original margin of the lake shown on the plan numbered SO 15699 (lodged in the office of the Chief Surveyor, at Wellington) and the margin of the lake as defined aforesaid

Hokio Stream means that stream flowing from the outlet of the lake adjacent to a point marked as Waikiekie on plan numbered SO 23584 (lodged in the office of the Chief Surveyor, at Wellington) to the sea.

(2) Notwithstanding anything to the contrary in any Act or rule of law, the bed of the lake, the islands therein, the dewatered area, and the strip of land 1 chain in width around the original margin of the lake (as more particularly secondly described in subsection (13)) are hereby declared to be and to have always been owned by the Maori owners, and the said lake, islands, dewatered area, and strip of land are hereby vested in the trustees appointed by Order of the Maori Land Court dated 8 August 1951 in trust for the said Maori owners.

- (3) Notwithstanding anything to the contrary in any Act or rule of law, the bed of the Hokio Stream and the strip of land 1 chain in width along a portion of the north bank of the said stream (being the land more particularly thirdly described in subsection (13)), excepting thereout such parts of the said bed of the stream as may have at any time been legally alienated or disposed of by the Maori owners or any of them, are hereby declared to be and to have always been owned by the Maori owners, and the said bed of the stream and the said strip of land are hereby vested in the trustees appointed by Order of the Maori Land Court dated 8 August 1951 in trust for the said Maori owners.
- (4) Notwithstanding the declaration of any land as being in Maori ownership under this section, there is hereby reserved to the public at all times and from time to time the free right of access over and the use and enjoyment of the land fourthly described in subsection (13).
- (5) Notwithstanding anything to the contrary in any Act or rule of law, the surface waters of the lake together with the land firstly and fourthly described in subsection (13), are hereby declared to be a public domain subject to the provisions of Part 3 of the Reserves and Domains Act 1953:
provided that such declaration shall not affect the Maori title to the bed of the lake or the land fourthly described in subsection (13):
provided further that the Maori owners shall at all times and from time to time have the free and unrestricted use of the lake and the land fourthly described in subsection (13) and of their fishing rights over the lake and the Hokio Stream, but so as not to interfere with the reasonable rights of the public, as may be determined by the Domain Board constituted under this section, to use as a public domain the lake and the said land fourthly described.
- (6) Nothing herein contained shall in any way affect the fishing rights granted pursuant to section 9 of the Horowhenua Block Act 1896.
- (7) Subject to the provisions of this section, the Minister of Conservation shall appoint in accordance with the Reserves and Domains Act 1953 a Domain Board to control the said domain.
- (8) Notwithstanding anything to the contrary in the Reserves and Domains Act 1953, the Board shall consist of—
 - (a) 4 persons appointed by the Minister on the recommendation of the Muaupoko Maori Tribe:
 - (b) 1 person appointed by the Minister on the recommendation of the Horowhenua County Council:
 - (c) 2 persons appointed by the Minister on the recommendation of the Levin Borough Council:
 - (d) the Director-General of Conservation, *ex officio*, who shall be Chairman.
- (9) Notwithstanding anything in the Land Drainage Act 1908, the Soil Conservation and Rivers Control Act 1941, or in any other Act or rule of law, the Hokio Drainage Board constituted pursuant to the said Land Drainage Act 1908 is hereby abolished, and all assets and liabilities of the said Board and all other rights and obligations of the said Board existing at the commencement of this Act shall vest in and be assumed by the Manawatu Catchment Board, and until the said Catchment Board shall have completed pursuant to the Soil Conservation and Rivers Control Act 1941 a classification of the lands previously rated by the said Drainage Board, the said Catchment Board may continue to levy and collect rates in the same manner as they have hitherto been levied and collected by the said Drainage Board.
- (10) The Manawatu Catchment Board shall control and improve the Hokio Stream and maintain the lake level under normal conditions at 30 feet above mean low water spring tides at Foxton Heads:
provided that before any works affecting the lake or the Hokio Stream are undertaken by the said Catchment Board, the prior consent of the Domain Board constituted under this section shall be obtained:
provided further that the said Catchment Board shall at all times and from time to time have the right of access along the banks of the Hokio Stream and to the lake for the purpose of undertaking any improvement or maintenance work on the said stream and lake.
- (11) The District Land Registrar for the Land Registration District of Wellington is hereby authorised and directed 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 following enactments are hereby repealed:
 - (a) the Horowhenua Lake Act 1905:
 - (b) section 97 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1916:
 - (c) section 64 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1917:
 - (d) section 53 of the Local Legislation Act 1926.
- (13) The land to which this section relates is particularly described as follows:
Firstly, all that area in the Wellington Land District, being Subdivision 38 and part of Subdivision 39 of Horowhenua 11B Block, situated in Block I, Waiopahu Survey District, containing 13 acres 3 roods and 37 perches, more or less, and being all the land comprised and described in certificate of title, Volume 165, folio 241, Wellington Registry: as shown on the plan marked L and S 1/220, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plan 15589).
Secondly, all that area in the Wellington Land District situated in Block XIII, Mount Robinson Survey District, Block II, Waitohu Survey District, and Block I, Waiopahu Survey District, containing 951 acres, more or less, being part of the land comprised and described in certificate of title, Volume 121, folio 121, Wellington Registry, and being more particularly the bed of the lake, the islands therein, the dewatered area, and the strip of land 1 chain wide around the original margin of the lake: as shown on the plan marked L and S 1/220A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged blue, and coloured orange and red respectively (SO Plan 23584).
Thirdly, all that area in the Wellington Land District situated in Block IV, Moutere Survey District, and Block II, Waitohu Survey District, containing 40 acres, more or less, being part of the land comprised and described in certificate of title, Volume 121, folio 121, Wellington Registry, and being more particularly the bed of the Hokio Stream together with a strip of land 1 chain wide along a portion of the north bank of the said stream: as shown on the plan marked L and S 1/220A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured blue and sepia respectively (SO Plan 23584).

Fourthly, all that area in the Wellington Land District situated in Block I, Waiopēhu Survey District, being that portion of the dewatered area together with so much of the 1 chain strip of land herein secondly described as in each case fronts Subdivision 38, Horowhenua 11B Block, herein firstly described, and being parts of the land coloured orange and red respectively on the plan marked L and S 1/220A, deposited in the Head Office, Department of Lands and Survey, at Wellington (SO Plan 23584).

Section 18(7): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 18(8)(d): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).