

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 4 November 1971.

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

Mr Rose

QUEENSTOWN RESERVES VESTING AND EMPOWERING

[LOCAL]

ANALYSIS

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A BILL INTITULED

**An Act to vest in the Corporation of the Borough of Queens-
town certain land held under the Queenstown Commonage
Reserve Management Act 1876, and to authorise the
5 Queenstown Borough Council to deal with the land**

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

1. Short Title—This Act may be cited as the Queenstown
10 Reserves Vesting and Empowering Act 1971.

No. 97—2

Price 5c

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

“The Act” means the Queenstown Commonage Reserve Management Act 1876:

“Corporation” means the Mayor, Councillors, and Citizens of the Borough of Queenstown: 5

“Council” means the Queenstown Borough Council:

“Minister” means the Minister of Lands.

3. Vesting of land—(1) The Minister may from time to time, by notice in the *Gazette*, vest in the Corporation as an estate in fee simple such portion or portions of the land described in the First Schedule to this Act as he thinks fit, subject to all leases, licences, easements, and liens to which the land is subject, but otherwise freed and discharged from all trusts and reservations affecting the land: 15

Provided that the total area of land to be vested in the Corporation under this section shall not exceed 100 acres.

(2) On the vesting of any land under subsection (1) of this section the provisions of the Act shall no longer apply in respect of the land. 20

(3) Nothing in this section shall affect any lease subsisting in respect of any such land or the rights of any lessee under any such lease.

4. Vesting of further land—(1) The land described in the Second Schedule to this Act is hereby vested in the Corporation as an estate in fee simple, subject to all leases, licences, easements, and liens to which it is subject, but otherwise freed and discharged from all trusts and reservations affecting it. 25

(2) The provisions of the Act shall no longer apply in respect of the land described in the said Second Schedule. 30

(3) Nothing in this section shall affect any lease subsisting in respect of the said land or the rights of any lessee under any such lease.

5. Vesting of land for recreation reserve—(1) The land described in the Third Schedule to this Act is hereby vested in the Corporation as (an estate in fee simple, and shall be held by the Corporation, and administered by the Council, for the purposes of) a recreation reserve (under) subject to the Reserves and Domains Act 1953. 35

(2) Such portions of the land described in the First Schedule to this Act as are not vested in the Corporation under section 3 of this Act may from time to time be vested by the Minister, by notice in the *Gazette*, in the Corporation as *(an estate in fee simple; and when so vested the land shall be held by the Corporation, and administered by the Council, for the purposes of recreation reserve under)* recreation reserves subject to the Reserves and Domains Act 1953.

(3) The provisions of the Act shall no longer apply in respect of the land described in the said Third Schedule and, on the vesting of any land under subsection (2) of this section, shall no longer apply in respect of that land.

(4) Nothing in this section or in the Reserves and Domains Act 1953 shall affect any lease subsisting in respect of the said land or the rights of any lessee under any such lease:

Struck Out

Provided that nothing in this subsection shall apply to the land fourthly described in the said Third Schedule.

New

Provided that the lease, subsisting immediately before the commencement of this Act, of the land fourthly described in the said Third Schedule shall, notwithstanding the provisions of section 12 of the Reserves and Other Lands Disposal Act 1968, be deemed to have been granted under section 27 of the Reserves and Domains Act 1953; and any renewal of that lease shall be granted in accordance with the provisions of the Reserves and Domains Act 1953.

6. Cancellation of certificates of title—(1) Notwithstanding anything in any other Act, every certificate of title for the land vested in the Corporation under section 4 and subsection (1) of section 5 of this Act is hereby cancelled so far as it relates to that land.

(2) On the vesting of any land in the Corporation under section 3 or subsection (2) of section 5 of this Act, every certificate of title for the land so vested shall be deemed to be cancelled so far as it relates to that land.

7. Issue of certificates of title—The District Land Registrar for the Land Registration District of Otago is hereby authorised, on the deposit with him of such plans as he may require and on request by the Council, to issue in the name of the Corporation a certificate or certificates of title for any land vested in the Corporation by or under this Act. 5

8. Powers of Council in respect of land vested under sections 3 and 4—(1) Subject to section 9 of this Act, the provisions of Part XXIV (other than section 330) and of section 365A of the Municipal Corporations Act 1954 shall, so far as they are applicable and with the necessary modifications, apply in respect of the land vested in the Corporation under sections 3 and 4 of this Act as if the land had been acquired under the said Part XXIV or the said section 365A, as the case may require, and as if references in the said Part XXIV to section 330 of the Municipal Corporations Act 1954 were references to subsection (2) of this section. 10 15

(2) In respect of the land so vested in the Corporation the Council may, in addition to the powers conferred by subsection (1) of this section,— 20

- (a) Sell any building allotment upon such terms as in its absolute discretion it thinks proper to any person desirous of building a dwelling thereon:
- (b) Sell to any person any **(house) dwelling** with or without the allotment upon which it is erected upon such terms as in its absolute discretion it thinks proper: 25
- (c) Lease, subject to the provisions of Part XXIV of the Municipal Corporations Act 1954, any building allotment to any person: 30
- (d) Either itself erect and sell to the lessee a **(house) dwelling** on any building allotment so leased, or lend money to the lessee to enable him to erect a **(house) dwelling** thereon, and provide for the repayment of any such loan, with interest, by instalments as provided in Part XXIV of the Municipal Corporations Act 1954: 35

(e) Advance money to any person to enable him to erect a **(house) dwelling** on any land of which he is the owner, or to acquire land and erect a **(house) dwelling** thereon, or to acquire land with a suitable **(house) dwelling** already erected thereon, and provide for the repayment of the advance, with interest, by instalments:

(3) For the purposes of section 20 of the Public Works Amendment Act 1952, the land vested in the Corporation under sections 3 and 4 of this Act shall be deemed to have been acquired by the Corporation under the Public Works Act 1928.

9. Application of proceeds—All money received by the Council on the sale or lease of any land vested in the Corporation under sections 3 and 4 of this Act shall be paid by the Council into a separate account to be known as the Queenstown Reserves Sales Account. Money in that account may be applied solely for such purposes as may from time to time be approved by the Minister.

10. Utilisation plans for recreation reserve—(1) The Council shall from time to time prepare utilisation plans in respect of the land vested in the Corporation by or under section 5 of this Act.

(2) The plans shall provide for and ensure the full use of the land as a recreation reserve.

(3) Every such plan shall be submitted to the Minister for his approval, and the Minister may approve the plan, or decline to approve it, or approve it subject to such modification thereof as he thinks fit.

(4) In the exercise of its functions and powers under this or any other Act, the Council shall comply with such plans as have been approved by the Minister under this section.

(5) The approval of any plan by the Minister under this section shall not operate as an approval or a consent for any purpose under the Reserves and Domains Act 1953.

11. Provision for repeal of the Act—(1) When the Minister determines that all of the land intended to be vested in the Corporation by or under this Act has been so vested he may, by notice in the *Gazette*, repeal the Act.

(2) On the gazetting of a notice under subsection (1) of this section the Act shall for all purposes be deemed to have been repealed by this Act.

SCHEDULES

FIRST SCHEDULE

FIRSTLY, all that area in the Otago Land District, Borough of Queenstown, containing 86 acres 2 roods 20 perches, more or less, being Section 103 (formerly Part Section 75) Block XX Shotover Survey District; as more particularly shown on S.O. Plan 17253 lodged in the Office of the Chief Surveyor at Dunedin, and thereon edged red, and being part of the land comprised and described in certificate of title, Volume 96 folio 202, Otago Land Registry.

Secondly, all that area in the Otago Land District, Borough of Queenstown, containing 19 acres 3 roods 20 perches, more or less, being Section 105 Block XX Shotover Survey District (formerly Part Section 20 Block I Mid Wakatipu Survey District and Part Section 19 Block XX Shotover Survey District); as more particularly shown on S.O. Plan 17256 lodged in the Office of the Chief Surveyor at Dunedin, and thereon edged red, and being part of the land comprised and described in certificate of title, Volume 109 folio 294, Otago Land Registry.

Thirdly, all that are in the Otago Land District, Borough of Queenstown, containing 29 acres 1 rood, more or less, being Section 106 (formerly Part Section 19) Block XX Shotover Survey District; as more particularly shown on S.O. Plan 17256 lodged in the Office of the Chief Surveyor at Dunedin, and thereon edged red, and being part of the land comprised and described in certificate of title, Volume 109 folio 294, Otago Land Registry.

Fourthly, all that area in the Otago Land District, Borough of Queenstown, containing 10 acres 10 perches, more or less, being Section 107 (formerly Part Section 19) Block XX Shotover Survey District; as more particularly shown on S.O. Plan 17256 lodged in the Office of the Chief Surveyor at Dunedin, and thereon edged red, and being part of the land comprised and described in certificate of title, Volume 109 folio 294, Otago Land Registry.

SECOND SCHEDULE

ALL that area in the Otago Land District, Borough of Queenstown, containing 17.6 perches, more or less, being Section 108 (formerly Part Section 19) Block XX Shotover Survey District; as more particularly shown on S.O. Plan 17256 lodged in the Office of the Chief Surveyor at Dunedin, and thereon edged red, and being part of the land comprised and described in certificate of title, Volume 109 folio 294, Otago Land Registry.

THIRD SCHEDULE

FIRSTLY, all that area in the Otago Land District, Borough of Queenstown, containing 174 acres 1 rood, more or less, being Section 104 (formerly Part Section 75) Block XX Shotover Survey District; as more particularly shown on S.O. Plan 17253 lodged in the Office of the Chief Surveyor at Dunedin, and thereon edged red, and being part of the land comprised and described in certificate of title, Volume 96 folio 202, Otago Land Registry.

Secondly, all that area in the Otago Land District, Borough of Queenstown, containing 4 acres 1 rood 26 perches, more or less, being Section 109 (formerly Part Section 19) Block XX Shotover Survey District; as more particularly shown on S.O. Plan 17256 lodged in the Office of the Chief Surveyor at Dunedin, and thereon edged red, and being part of the land comprised and described in certificate of title, Volume 109 folio 294, Otago Land Registry.

Thirdly, all that area in the Otago Land District, Borough of Queenstown, containing 330 acres 1 rood 20 perches, more or less, being Section 110 Block XX Shotover Survey District (formerly Part Section 20 Block I Mid Wakatipu Survey District and Part Section 19 Block XX Shotover Survey District); as more particularly shown on S.O. Plan 17256 lodged in the Office of the Chief Surveyor at Dunedin, and thereon edged red, and being part of the land comprised and described in certificate of title, Volume 109 folio 294, Otago Land Registry.

Fourthly, all that area in the Otago Land District, Borough of Queenstown, containing 2 acres, more or less, being Section 96 (formerly Part Section 19) Block XX Shotover Survey District; as more particularly shown on S.O. Plan 13443 lodged in the Office of the Chief Surveyor at Dunedin, and thereon edged red, and being part of the land comprised and described in certificate of title, Volume 109 folio 294, Otago Land Registry.