

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]
House of Representatives, 17th September, 1936.

Mr. McCombs.

SUMNER BOROUGH EMPOWERING.

[LOCAL BILL.]

ANALYSIS.

Title.	3. Vesting certain land in Corporation as a reserve without power of sale.
Preamble.	4. Power for Corporation to lease the said lands.
1. Short Title.	5. Repeal of section 161 of the Municipal Corporations Act, 1933, with respect to the said lands.
2. Cancelling reservation that certain land be held as a reserve without power of lease, and cancelling Harbour Board rights and vesting land in Corporation as a reserve without power of sale.	6. Power to erect certain buildings on the said land. Schedules.

A BILL INTITULED

Struck out.

5 AN ACT to provide Bathing Facilities for the People of
Canterbury and to make Sumner an Attractive
Watering Resort, and for those Purposes to grant
to the Mayor, Councillors, and Burgesses of the
Borough of Sumner Power to lease certain Lands
now vested in the Corporation and to remove certain
Rights which the Lyttelton Harbour Board has in
10 respect of Part of the said Lands. Title.

New.

15 AN ACT to remove certain Restrictions and Harbour
Board Rights in respect of a Recreation Reserve in
the Borough of Sumner, to make Provision for the
Stopping of a certain Unformed Street along the
Seashore in order to provide a further Recreation
Reserve, and to confer certain Powers on the Sumner
Borough Council in respect of the said Reserves.

Preamble.

WHEREAS ~~the Mayor, Councillors, and Burgesses of the Borough of Sumner is seised of an estate in fee simple~~ under section thirty-four of the Reserves and other Lands Sale Disposal and Enabling and Public Bodies Empowering Act, 1901, *the Corporation of the Borough of Sumner (hereinafter referred to as the Corporation)* is seised of an estate in fee-simple in all that parcel of land ~~set out~~ described in the *First* Schedule hereto as a reserve for recreation purposes without power of sale or lease and subject to the condition that should the Lyttelton Harbour Board or any other Harbour Board at any time require the land for harbour or harbour-works purposes they shall have the right to enter upon, occupy, and use the same without having to pay compensation for so doing: And whereas the land will not be required by the Lyttelton Harbour Board or any other Harbour Board for harbour or harbour-works purposes: And whereas it is desirable to grant to ~~the Mayor, Councillors, and Burgesses of the Borough of Sumner~~ *the Sumner Borough Council (hereinafter referred to as the Council)* power to lease the said land: And whereas all that parcel of land ~~set out~~ described in the *Second* Schedule hereto is vested in ~~the Mayor, Councillors, and Burgesses of the Borough of Sumner~~ *the Corporation being* and is part of an unformed ~~public road~~ *street along the margin of the sea* and is not required for use as a ~~public road~~ *street*: And whereas it is desirable to vest the said land described in the *Second* Schedule hereto in ~~the Mayor, Councillors, and Burgesses of the Borough of Sumner~~ *the Corporation* as a reserve for recreation purposes without power of sale but with power to lease the said land:

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

1. This Act may be cited as the Sumner Borough Empowering Act, 1936.

Struck out.

2. The Governor-General may cancel the existing reservation that the land described in the *First* Schedule hereto be held as a reserve for recreation purposes without power of lease, and cancel the rights of the Lyttelton Harbour Board or any other Harbour Board in respect thereof and vest the same in the Mayor, Councillors, and Burgesses of the Borough of Sumner as a reserve for recreation purposes without power of sale.

Short Title.

Cancelling reservation that certain land be held as a reserve without power of lease, and cancelling Harbour Board rights and vesting land in Corporation as a reserve without power of sale.

New.

5 2A. The Governor-General may by Order in Council cancel the existing reservation over the land described in the *First* Schedule hereto, and also cancel the hereinbefore recited condition in favour of the Lyttelton Harbour Board or any other Harbour Board, and declare the said land to be vested in the Corporation as a reserve for recreation purposes.

Changing reservation of recreation reserve, and cancelling Harbour Board rights.

Struck out.

10 3. The Governor-General may vest all that parcel of land described in the *Second* Schedule hereto in the Mayor, Councillors, and Burgesses of the Borough of Sumner to be held as a reserve for recreation purposes without power of sale.

Vesting certain land in Corporation as a reserve without power of sale.

15 *New.*

20 3A. Notwithstanding anything to the contrary in the Municipal Corporations Act, 1933, the Council may, in the manner and upon the conditions set out in the Fifth Schedule to that Act, stop the portion of a street described in the *Second* Schedule hereto. Upon the said portion of a street being stopped the land described in the *Second* Schedule hereto shall be deemed to be vested in the Corporation as a reserve for recreation purposes.

Power to stop unformed street along seashore for recreation reserve.

25 *Struck out.*

30 4. The Mayor, Councillors, and Burgesses of the Borough of Sumner are hereby empowered to lease the said lands described in the *First* Schedule and *Second* Schedule hereto, or any part thereof, together with any buildings thereon, as hereinafter provided for such term or terms, at such rental or rentals, and with such rights of renewal and upon and subject to such terms and conditions as the Mayor, Councillors, and Burgesses of the Borough of Sumner may deem necessary, without the necessity of complying with the requirements of the Municipal Corporations Act, 1933, or the Public Bodies' Leases Act, 1908, or any other Act.

Power for Corporation to lease the said lands.

New.

40 4A. (1) The Council may lease any land that is vested in the Corporation as a reserve pursuant to the foregoing provisions of this Act, or any part thereof, together with any buildings thereon, either by public auction or by public tender, for any period not exceeding
45 twenty-one years, with a right of renewal for a period

Power to lease recreation reserve vested in Corporation pursuant to this Act.

New.

not exceeding twenty-one years, but not exceeding a total period of forty-two years, upon such terms and conditions as may be approved by the Council.

(2) The powers conferred by this section may be validly exercised notwithstanding any restriction or limitation imposed by any other Act. 5

Struck out.

Repeal of section 161 of the Municipal Corporations Act, 1933, with respect to the said lands.

Power to erect certain buildings on the said land.

5. Section one hundred and sixty-one of the Municipal Corporations Act, 1933, is hereby repealed with respect to the said lands. 10

6. The Mayor, Councillors, and Burgesses of the Borough of Sumner are hereby empowered to Council may place, erect, construct, and maintain on the said lands any land that is vested in the Corporation as a reserve pursuant to section two A or section three A of this Act, or any part or parts thereof such buildings as they the Council may deem advisable for the establishment and development of tea-rooms, bathing-sheds, social hall, caretaker's residence, sun-bathing and life-saving facilities, swimming-baths, children's playgrounds, and other beach amenities. 15 20

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that parcel of land in the Land District of Canterbury situated in the Borough of Sumner, containing eleven acres or thereabouts, being Reserve 3549, and being all the land comprised in certificate of title, Volume 234, folio 121, the said parcel of land being more particularly delineated in the plan attached hereto and thereon coloured pink *Canterbury Land Registry.*

SECOND SCHEDULE.

ALL that parcel of land in the Land District of Canterbury, being part of the Esplanade situated in the Borough of Sumner, and containing by admeasurement 2 roods 27.6 25.4 perches, or

Struck out.

thereabouts, and bounded as follows: Commencing at a point 100 links north-east of the south-west side of the Esplanade, being 10317.52 links north and 14331.58 links east of the Trig. Station on Mount Pleasant; thence north-easterly by a line bearing $46^{\circ} 21'$ for a distance of 46.7 links to the north-east side of the Esplanade; thence south-easterly along the north-east side of the Esplanade by lines bearing $133^{\circ} 31'$ for a distance of 783.3 links and $127^{\circ} 30'$ for a distance of 277.8 links; thence south-westerly by a line bearing $226^{\circ} 21'$ for a distance of 69.65 links to a point 100 links from the south-west side of the Esplanade; thence north-west by lines bearing $309^{\circ} 14'$ for a distance of 472.25 links and $316^{\circ} 21'$ for a distance of 588.25 links (such lines being parallel to and distant 100 links from the south-west side of the Esplanade) back to the commencing point: the said parcel of land being more particularly delineated on the plan hereto attached and thereon coloured green.

New.

more or less, and being the land more particularly delineated on plan numbered 2425 deposited in the office of the Chief Surveyor at Christchurch, and thereon marked Lot 1 and coloured green.