

Mr. McCombs

LYTTELTON BOROUGH COUNCIL EMPOWERING

[LOCAL BILL]

ANALYSIS

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A BILL INTITULED

AN ACT to extinguish the Trust for Abattoir Purposes affecting certain Land at Cass Bay vested in the Corporation of the Borough of Lyttelton and to declare other Trusts in lieu thereof.

WHEREAS the Mayor, Councillors, and Burgesses of the Borough of Lyttelton (hereinafter referred to as the Corporation) are registered as proprietors of certain freehold land at Cass Bay, in the Borough of Lyttelton, containing fifty-three acres two roods twenty-one perches, being Rural Section 1857 and part Rural Sections 268, 2738, 2807, 2824, and 37409, comprised in balance certificate of title, Volume 485, folio 89, subject to the easement of right-of-way for defence purposes in favour of His Majesty the King conferred by Proclamation registered Number 2027:

And whereas such land comprises the balance of an area of fifty-five acres originally acquired by the Corporation in or about the month of May, one thousand nine hundred and one, for the purposes of an abattoir for the Borough of Lyttelton: And whereas the area now held by the Corporation exceeds what is required for the purposes of an abattoir: And whereas the Lyttelton Borough Council (hereinafter referred to as the Council) is desirous of extinguishing the trust for abattoir purposes affecting the areas of ~~such~~ land described in the *First* and *Second* Schedules hereto and of declaring other trusts in lieu thereof and of making the same available for the municipal purposes hereinafter set forth: And whereas the consent of all persons for whose benefit ~~such~~ the trust exists has been obtained to the extinction thereof:

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

Short Title.

1. This Act may be cited as the Lyttelton Borough Council Empowering Act, 1946.

Extinction of trusts for abattoir purposes.

2. The trust for abattoir purposes affecting the lands described in the *First* and *Second* Schedules hereto is hereby extinguished.

Certain land to be held for purposes of municipal reserve.

3. The land described in the *First* Schedule hereto shall henceforth be held by the Council as a reserve for municipal purposes.

Struck out

Powers as to other land, including subdivision and sale or lease, advancement of moneys, declaration of land to be residential, application of rents, purchase and other moneys.

4. The land described in the *Second* Schedule hereto shall henceforth be held by the Council subject to the following provisions:—

(a) ~~All~~ (1) *The Council shall have with reference to the land described in the Second Schedule hereto all powers with reference to land vested in the Council by virtue of the Municipal Corporations Act, 1933, or any other Act which is now or may hereafter be in force with regard to boroughs generally,— shall apply with reference to the land described in the said Second Schedule.*

(b) (2) Without in any way restricting the generality of the powers conferred upon the Council by the last preceding paragraph, it shall be lawful for the Council to subdivide the land described in the said *Second* Schedule and construct roads and streets thereon, and to ~~lease or~~ sell the whole or any portion of the land

in such manner and upon such terms and conditions as it may think fit, *or to lease the whole or any portion of the land on the terms set out in section one hundred and fifty-eight of the Municipal Corporations Act, 1933*, and to advance money for the purpose of building upon or otherwise improving the said land for such period, at such rate of interest, and generally upon such terms and conditions as it may think fit:

New

10 | Provided that the provisions of section one hundred
and fifty-nine of the Municipal Corporations Act, 1933,
shall not apply to any lease if there is a covenant
therein that the lessee will erect one or more dwelling-
houses on the land not more than two years after the
15 | commencement of the lease:

Provided *also* that it shall not be lawful for any person to hold either by way of leasehold or by way of freehold any of the said land in excess of the following limitations—that is to say, if the land is declared
20 | to be residential land, then two allotments, and in any other case, one allotment:

Provided further that the Council may, in its discretion, refuse to sell or lease to any person without giving reasons for its refusal.

25 | ~~(e) (3) It shall be lawful for the Council from time to time to set apart~~ *by special order, at any time before it is disposed of by way of sale or lease, to declare any portion of the land described in the said Second Schedule and declare the same* to be residential land.

Struck out

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<p>(d) The provisions contained in the Second Schedule to the Lyttelton Borough Extension Amendment Act, 1915, with the substitution of the words “ Cass Bay ” for the words “ Diamond Harbour ” in clause 8 thereof, shall apply to any portions of the said land declared by the Council to be residential land in accordance with the <i>last preceding</i> paragraph hereof:</p>
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New

(4) The following provisions shall apply with reference to any land which pursuant to the *last preceding* subsection is declared to be residential land:—

(a) The Council may at any time lay down and construct sewers, drains, and water-pipes on any allotment thereof for the general convenience of Cass Bay, and may from time to time keep in repair and maintain the same: 5

(b) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding *twenty* pounds who uses or permits to be used any such land as aforesaid, or any building thereon, otherwise than as a private dwellinghouse or for the reception of lodgers or boarders or for the carrying-on of a learned or artistic profession without any other outward indication thereof than a plate or inscription covering the space of not more than two feet by one foot or, with the prior consent in writing of the Council, as a school, hospital, or place of worship. 10 15 20

(e) (5) The certificates of title for the land described in the said *Second* Schedule shall contain a memorial that the same is subject to the provisions of this Act, and in the event of any portion of the said land being declared residential by the Council in accordance with ~~paragraph~~ (e) *subsection three* hereof the certificate of title for ~~such~~ that portion shall also contain a memorial that the same is residential land. 25 30

(f) (6) All moneys received by the Council ~~whether from the lease or the sale or leasing of the land described in the said *Second* Schedule, or any part thereof, or otherwise~~ shall be held by the Council for the purpose of providing further amenities and improvements at Cass Bay, and if at any time any ~~such of the~~ moneys shall not be required for ~~such that~~ purpose the Council may by special order resolve that ~~such the whole or any part of the~~ moneys shall be paid in to the District Fund of the Council for the general purposes of the Borough of Lyttelton. 35 40

SCHEDULES

Schedules.

~~THE FIRST SCHEDULE HEREINBEFORE
REFERRED TO~~

ALL that piece of land situated in the Borough of Lyttelton, containing 3 acres 1 rood ~~44~~ 32 perches, more or less, being part of Rural Section 1857 and being part of the land comprised and described in certificate of title, Volume 485, folio 89, as the same is more particularly delineated on the plan numbered 7782, deposited in the office of the Chief Surveyor at Christchurch, and thereon edged red.

~~THE SECOND SCHEDULE HEREINBEFORE
REFERRED TO~~

ALL that piece of land situated in the Borough of Lyttelton, containing ~~39 acres 3 roods 38 perches~~ 40 acres 1 rood, more or less, being part of Rural Sections 268, 2738, 2807, 2824, and 37409, and being part of the land comprised and described in certificate of title, Volume 485, folio 89, as the same is more particularly delineated on the plan numbered 7782, deposited in the office of the Chief Surveyor at Christchurch, and thereon edged yellow.