

Version
as at 28 October 2021



Queenstown Reserves Vesting and Empowering Act 1971

Local Act 1971 No 14
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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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

1 Short Title

This Act may be cited as the Queenstown Reserves Vesting and Empowering Act 1971.

2 Interpretation

In this Act, unless the context otherwise requires,—

Act means the Queenstown Commonage Reserve Management Act 1876

Corporation means the Mayor, Councillors, and Citizens of the Borough of Queenstown

Council means the Queenstown Borough Council

Minister means the Minister of Conservation.

Section 2 **Minister**: amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

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 Schedule 1 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:

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) the provisions of the Act shall no longer apply in respect of the land.
- (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 Schedule 2 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.
- (2) The provisions of the Act shall no longer apply in respect of the land described in the said Schedule 2.
- (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 Schedule 3 is hereby vested in the Corporation as a recreation reserve subject to the Reserves and Domains Act 1953.
- (2) Such portions of the land described in Schedule 1 as are not vested in the Corporation under section 3 may from time to time be vested by the Minister, by notice in the *Gazette*, in the Corporation as 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 Schedule 3 and, on the vesting of any land under subsection (2), 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:

provided that the lease, subsisting immediately before the commencement of this Act, of the land fourthly described in the said Schedule 3 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 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, 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.

8 Powers of Council in respect of land vested under sections 3 and 4

- (1) Subject to section 9, the provisions of Part 24 (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 24 or the said section 365A, as the case may require, and as if references in the said Part 24 to section 330 of the Municipal Corporations Act 1954 were references to subsection (2) of this section.

- (2) In respect of the land so vested in the Corporation the Council may, in addition to the powers conferred by subsection (1),—
- (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 dwelling with or without the allotment upon which it is erected upon such terms as in its absolute discretion it thinks proper:
 - (c) lease, subject to the provisions of Part 24 of the Municipal Corporations Act 1954, any building allotment to any person:
 - (d) either itself erect and sell to the lessee a dwelling on any building allotment so leased, or lend money to the lessee to enable him to erect a dwelling thereon, and provide for the repayment of any such loan, with interest, by instalments as provided in Part 24 of the Municipal Corporations Act 1954:
 - (e) advance money to any person to enable him to erect a dwelling on any land of which he is the owner, or to acquire land and erect a dwelling thereon, or to acquire land with a suitable 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 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 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.
- (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, repeal the Act.
- (2) On the publication of a notice under subsection (1) the Act shall for all purposes be deemed to have been repealed by this Act.
- (3) A notice under subsection (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 11(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 11(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 11(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Schedule 1

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 SO 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 SO 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 29 acres 1 rood, more or less, being Section 106 (formerly Part Section 19) Block XX Shotover Survey District; as more particularly shown on SO 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 SO 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.

Schedule 2

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 Shot-over Survey District; as more particularly shown on SO 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.

Schedule 3

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 SO 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 SO 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 SO 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 SO 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.

Notes

1 *General*

This is a consolidation of the Queenstown Reserves Vesting and Empowering Act 1971 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Conservation Act 1987 (1987 No 65): section 65(1)