



## ANALYSIS

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1950, No. 12—*Local*

Title.	AN ACT to Vest Certain Lands in the Balclutha Borough and to empower the Council to Deal with Such Lands. [17th November, 1950]
Preamble.	WHEREAS by a notice published in the <i>Gazette</i> of the twenty-eighth day of January, eighteen hundred and ninety-seven, Reserve No. 5, Town of Balclutha, containing an area of one acre, was permanently reserved as a public recreation ground: And whereas by Orders in Council published in the <i>Gazette</i> of the twentieth day of May, eighteen hundred and ninety-seven, the said reserve was declared to be subject to the provisions of the Public Domains Act, 1881, and the control thereof was vested in

the Balclutha Borough Council (in this Act referred to as the Council) as the Balclutha Domain Board: And whereas by section sixty-one of the Reserves and Other Lands Disposal and Public Bodies Empowering Act, 1922, an area of five perches of the said reserve was declared to be an endowment for municipal purposes and to be vested in the Council in trust for those purposes, and another area of fifteen perches of the said reserve was declared to be dedicated as a public street: And whereas the remainder (in this Act referred to as the Domain) of the said reserve has continued to be controlled as a public domain by the Council acting as a Domain Board: And whereas a portion of the area of five perches hereinbefore referred to is used and required for street purposes and it is desirable that the said portion should be dedicated as a public street, and that the remainder should be declared to be a reserve for municipal purposes: And whereas the area of fifteen perches hereinbefore referred to is now found on survey to contain an area of fifteen perches and thirty-two hundredths of a perch: And whereas only a small portion of that area is required for street purposes, and it is desirable that the remaining portion should be closed as a street and declared to be a reserve for municipal purposes: And whereas the Balclutha Municipal Offices and Chambers are situated on the domain: And whereas a portion of the domain is used for street purposes, and it is desirable that the said portion should be dedicated as a public street: And whereas the remainder of the domain could be more conveniently managed, administered and dealt with as a municipal reserve than as a public domain, and it is desirable that the said remainder should be declared to be a reserve for municipal purposes accordingly: And whereas portion of a bowling green used and occupied by the Balclutha Bowling Club is situated on the domain and the remaining portion is situated on a public street known as River Terrace: And whereas portion of the tennis courts used and occupied by the Balclutha Tennis Club is situated on the domain, and the remaining portion is situated on the said River Terrace: And whereas there has been constructed on the said River Terrace a pavilion which is used by the bowling club and the tennis club hereinbefore referred to: And whereas, because of certain flood protection

works proposed to be executed, it will be necessary to move the said pavilion and it may be necessary to alter the situation of the bowling green and tennis courts: And whereas the said clubs are desirous of obtaining a lease of the respective areas proposed to be used and occupied by each of them when the situation of the bowling green and tennis courts is altered: And whereas it is desirable that portion of River Terrace should be closed and declared to be a reserve for municipal purposes: And whereas it is desirable that all the areas proposed to be declared reserves for municipal purposes as aforesaid should be vested in the Corporation of the Borough of Balclutha without power of sale but with certain powers of leasing as hereinafter appears:

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 Balclutha Borough Vesting and Empowering Act, 1950.

Cancellation of reservation over Balclutha Domain.

2. The reservation for the purposes of a public recreation ground and domain over the lands described in the First and Second Schedules hereto and the vesting in the Balclutha Domain Board of the control of the said lands are hereby cancelled.

Land dedicated as street.

3. The land described in the First Schedule hereto is hereby dedicated as a public street.

Land declared municipal reserve.

4. The land described in the Second Schedule hereto is hereby declared to be a reserve for municipal purposes.

Street closed and declared municipal reserve.

5. The dedication as a public street of the land described in the Third Schedule hereto is hereby cancelled, and the said land is hereby declared to be a reserve for municipal purposes.

Municipal endowment declared municipal reserve.

6. The reservation as an endowment for municipal purposes over the land described in the Fourth Schedule hereto and the vesting of that land in the Council in trust for those purposes are hereby cancelled, and the said land is hereby declared to be a reserve for municipal purposes.

Municipal endowment dedicated as street.

7. The reservation as an endowment for municipal purposes over the land described in the Fifth Schedule hereto and the vesting of that land in the Council in trust for those purposes are hereby cancelled, and the said land is hereby dedicated as a public street.

8. Notwithstanding anything contained in the Public Works Act, 1928, or in any other Act, that portion of River Terrace described in the Sixth Schedule hereto is hereby closed as a public road or street, and the said portion is hereby declared to be a reserve for municipal purposes.

Portion of street closed and declared municipal reserve.

9. The lands described in the Second, Third, Fourth, and Sixth Schedules hereto are hereby declared to be vested in the Corporation of the Borough of Balclutha in trust for municipal purposes without power of sale.

Vesting of lands.

10. Subject to the provisions of any agreement for the time being in force between the Council and any local authority or public body for the time being responsible for river protection works in the Lower Clutha River, the Council may from time to time lease any part or parts of the lands referred to in the last preceding section for any period not exceeding twenty-one years to any voluntary organization within the meaning of the Physical Welfare and Recreation Act, 1937, at such rent, nominal or otherwise, and upon such terms and conditions, as it thinks fit, and may accept a surrender of any such lease.

Leasing powers of Borough Council.

11. Notwithstanding anything contained in this Act or in the Public Works Act, 1928, or in any other Act, if at any time any of the land referred to in this Act is required by any local authority or public body for the time being responsible for river protection works in the Lower Clutha River, no compensation shall be payable for the taking of the land or injurious affection or damage thereto, except for improvements that existed on the first day of August, nineteen hundred and fifty.

Provisions as to compensation if land required for river protection works.

12. The District Land Registrar for the Land Registration District of Otago shall, on application being made to him in that behalf and on the deposit of such plan or plans as he may require, issue a certificate or certificates of title under the Land Transfer Act, 1915, in the name of the Corporation of the Borough of Balclutha over the whole or any part or parts of the lands described in the Second, Third, Fourth, and Sixth Schedules.

Issue of titles.

13. Section sixty-one of the Reserves and Other Lands Disposal and Public Bodies Empowering Act, 1922, is hereby repealed.

Repeal.

Schedules.

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**SCHEDULES**


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**FIRST SCHEDULE****DOMAIN LAND DEDICATED AS STREET**

ALL that area containing 5·17 perches, more or less, being part of Reserve No. 5, Town of Balclutha: as the same is more particularly delineated on a plan lodged in the Office of the Chief Surveyor at Dunedin under Number 11393, and thereon coloured blue.

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**SECOND SCHEDULE****DOMAIN LAND DECLARED RESERVE FOR MUNICIPAL PURPOSES**

ALL that area containing 3 roods 14·25 perches, more or less, being part of Reserve No. 5, Town of Balclutha: as the same is more particularly delineated on the plan lodged and numbered as aforesaid, and thereon coloured red.

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**THIRD SCHEDULE****PUBLIC STREET DECLARED RESERVE FOR MUNICIPAL PURPOSES**

ALL that area containing 15·22 perches, more or less, being part of a street through Reserve No. 5, Town of Balclutha: as the same is more particularly delineated on the plan lodged and numbered as aforesaid, and thereon coloured green and bordered dark green.

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**FOURTH SCHEDULE****MUNICIPAL ENDOWMENT DECLARED RESERVE FOR MUNICIPAL PURPOSES**

ALL that area containing 4·25 perches, more or less, being part of Reserve No. 5, Town of Balclutha: as the same is more particularly delineated on the plan lodged and numbered as aforesaid, and thereon coloured red and bordered dark red.

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**FIFTH SCHEDULE****MUNICIPAL ENDOWMENT DEDICATED AS STREET**

ALL that area containing 0·75 perch, more or less, being part of Reserve No. 5, Town of Balclutha: as the same is more particularly delineated on the plan lodged and numbered as aforesaid, and thereon coloured blue.

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**SIXTH SCHEDULE****STREET CLOSED AND DECLARED RESERVE FOR MUNICIPAL PURPOSES**

ALL that area containing 1 acre 25·65 perches, more or less, being portion of a street called River Terrace adjoining Reserve No. 5, Town of Balclutha: as the same is more particularly delineated on the plan lodged and numbered as aforesaid, and thereon coloured green.