

**Reprint
as at 1 July 2013**



Auckland Domain Act 1987

Local Act 1987 No 7
Date of assent 16 December 1987
Commencement 16 December 1987

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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An Act to consolidate and amend the law relating to the control, management, and use of the Auckland Domain in the district of the Auckland Council

Title: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

1 Short Title

This Act may be cited as the Auckland Domain Act 1987.

2 Interpretation

In this Act, unless the context otherwise requires,—

Council means the Auckland Council

cricket ground means that part of the Domain described in Schedule 2 of the Auckland City Loans Consolidation and Empowering Act 1921

Domain means the land first described in Schedule 1

publicly notified has the same meaning as in section 2 of the Local Government Act 1974.

Section 2 **Council**: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

3 Land to which this Act applies

This Act applies to the whole of the Domain:
provided that nothing in this Act shall in any way derogate from the provisions of the Auckland War Memorial Museum Site Empowering Act 2003 nor from the provisions of the Auckland War Memorial Museum Maintenance Act 1979.

Section 3 proviso: amended, on 9 September 2003, by section 8 of the Auckland War Memorial Museum Site Empowering Act 2003 (2003 No 3 (L)).

4 Status of Domain

- (1) The Domain shall continue to be held by the Council upon trust as a place of public recreation and enjoyment, including at all times free access to and egress from the Domain in favour of all persons, subject to the provisions of this Act.
- (2) None of the provisions of this Act shall be applied in a way that would interfere with the public's right of free access to and egress from the Auckland War Memorial Museum.

5 Roadways within Domain

- (1) All existing roadways within the Domain are hereby declared to be roads for the purposes of the Transport Act 1962 and of the Local Government Act 1974.
- (2) The Council may by resolution publicly notified prohibit the entry into any part of the Domain of goods service vehicles (subject to such exceptions as it may specify in the resolution), and, if it does so, shall erect appropriate signs to that effect as required by regulations in force under the Transport Act 1962.

6 General powers of Council with respect to Domain

In furtherance of the Council's obligation to make the Domain available as a place of public recreation and enjoyment, the Council may—

- (a) prescribe the games, sports, or other activities for public recreation or enjoyment which may take place in the Domain or in any specified part of it, and regulate the use of the Domain for those games, sports, and other activities, and prohibit altogether the playing of any particular game, sport, or other activity in the domain or any specified part of it:
- (b) at any time and from time to time to set apart any part of the Domain for gardens, open spaces, footpaths, roadways, or picnic grounds, and for the provision of any other like facilities for public recreation or enjoyment or for facilities and amenities necessary for the public using the Domain; and construct or develop those gardens, open spaces, footpaths, roadways, picnic grounds and other facilities for public recreation or enjoyment

or facilities and amenities necessary for the public using the Domain:

- (c) in the case of the cricket ground, from time to time, for any period or periods, whether or not including Sundays, but not exceeding 7 consecutive days on any occasion or 20 days in any year, upon application by any person, body, or society (whether incorporated or not) and payment of any sum the Council thinks fit, either unconditionally or subject to any conditions which the Council thinks fit to impose,—
- (i) grant to the applicant the exclusive use and control of the cricket ground for the purpose of holding there any particular sport, game, or other recreational function or any community, cultural, or religious function, or any function falling into 2 or more of those categories:
 - (ii) permit the applicant to place any buildings or structures on the cricket ground;—
and in that case, notwithstanding anything in this Act or any other enactment, but subject to any conditions the Council has imposed, for the period or periods concerned, the applicant—
 - (iii) shall (for the purpose only of preparing for, holding, and dealing with the consequences of the function or functions concerned) have exclusive use and control of the cricket ground; and
 - (iv) may place and maintain on the cricket ground any buildings or structures permitted by the Council; and
 - (v) shall be deemed to be in lawful occupation of the cricket ground, and to be the only person in lawful occupation of the cricket ground:
provided that any person authorised in that behalf by the Council may at any time enter the cricket ground for the purpose of ascertaining whether or not any conditions imposed by the Council have been or are being complied with by the applicant.

7 Special provisions as to leasing certain parts of the Domain

- (1) Notwithstanding anything in any other enactment, the Council is hereby empowered to grant—
- (a) to the Auckland Bowling Club (Incorporated) a further lease of the land occupied by it of the land first described in section 6(3) of the Reserves and Other Lands Disposal Act 1974, the term of such lease to commence on the expiry of the current lease, and to be for a term or terms not exceeding in the aggregate 21 years:
 - (b) to Auckland Tennis Incorporated a further lease of the land described in Schedule 1A, the term of the lease to commence on the expiry or earlier termination of the current lease, and to be for a term or terms not exceeding in the aggregate 21 years:
 - (c) to the Auckland Rugby League (Incorporated) a further lease of the land occupied by it of the land thirdly described in section 6(3) of the Reserves and Other Lands Disposal Act 1974, the term of such lease to commence on the expiry of the current lease, and to be for a term or terms not exceeding in the aggregate 21 years:
 - (d) to the Parnell Lawn Tennis Club (Incorporated) a lease of the land thirdly described in Schedule 1 for a term or terms not exceeding in the aggregate 21 years from the date of the commencement of this Act, and upon such terms and conditions as the Council thinks fit, but excluding payment of compensation for improvements on the expiration of any such lease:
 - (e) a lease of the land secondly described in Schedule 1 for a term or terms not exceeding in the aggregate 21 years from the date of commencement of this Act, and upon such terms and conditions as the Council thinks fit.
- (2) Each of the leases referred to in subsection (1)(a), (c), (d), and (e) may at the discretion of the Council, and at the request of the lessee, be renewed for a further period not exceeding in the aggregate 21 years, upon such terms and conditions as the Council thinks fit.
- (2A) Despite any other enactment, on the expiry or earlier termination of the lease referred to in subsection (1)(b) the Council

may, at its discretion and at the request of Auckland Tennis Incorporated, enter into a further lease of the land described in Schedule 1A with Auckland Tennis Incorporated for a term or terms not exceeding in the aggregate 50 years, on any terms and conditions that the Council thinks fit, including without limitation the right to permit Auckland Tennis Incorporated to grant a sublease on terms acceptable to the Council.

- (3) Except as provided in this section, the Council shall not have power to grant a lease or leases of any other part or parts of the Domain.

Section 7(1)(b): substituted, on 24 June 2008, by section 5(1) of the Auckland Domain (Auckland Tennis) Amendment Act 2008 (2008 No 3 (L)).

Section 7(2): amended, on 24 June 2008, by section 5(2) of the Auckland Domain (Auckland Tennis) Amendment Act 2008 (2008 No 3 (L)).

Section 7(2A): inserted, on 24 June 2008, by section 5(3) of the Auckland Domain (Auckland Tennis) Amendment Act 2008 (2008 No 3 (L)).

8 Grant of easements

The Council may grant easements across the Domain, on such conditions as it thinks fit, for the purpose of accommodating underground public facilities.

9 Charges for certain functions

- (1) The Council may, in its absolute discretion and subject to such conditions as it thinks fit, permit any person holding a function on the cricket ground pursuant to an authorisation under section 6(c), or in the buildings known as the Winter Gardens, to make a charge for admission to that function.
- (2) The Council may, pursuant to clause 11B of Schedule 10 of the Local Government Act 1974, impose charges for the entry of persons or vehicles to the area of any roadway within the Domain that has been temporarily closed under clause 11(e) of that schedule, and the promoter of the function concerned shall account to the Council for the charges due to it.

10 Minor commercial enterprises within Domain

The Council may permit any specified part of the Domain to be used temporarily as a stall for the sale of refreshments, or as a place for the hiring out of bicycles, and for the provision

of other services or amenities for the public upon such terms and conditions as the Council thinks fit.

11 Bylaws

- (1) The Council may, for the purposes of this Act, make bylaws for all or any of the following purposes:
 - (a) the management, safety, preservation, and use of the Domain or any part of it, the preservation of the flora and fauna in the Domain, and the preservation of the natural environment of the Domain:
 - (b) the exclusion of dogs or other animals from the Domain, and their impounding if intruding in the Domain:
 - (c) regulating the times of admission to the buildings known as the Winter Gardens and to the adjacent fernery; and the terms and conditions under which the Winter Gardens may be reserved for the holding of any particular function:
 - (d) prohibiting the bringing into the Domain, or the possession or consumption therein, of intoxicating liquor, either generally or on specified occasions or during specified periods:
 - (e) generally regulating the use of the Domain and providing for the preservation of order therein, the prevention of any nuisance therein, and for the safety of people using the Domain.
- (2) The powers conferred by this section are in addition to the powers conferred on the Council by any other Act.

12 Offences and penalties

Every person who—

- (a) without the authority of the Council, lights or causes to be lighted on any part of the Domain a fire which damages the Domain or any thing (including plant life) in the Domain; or
- (b) acts in contravention of or fails to comply with any provision of this Act or of any bylaw in force under this Act—

commits an offence and is liable on conviction to a fine not exceeding \$500 and, if the offence is a continuing one, to a

further fine not exceeding \$50 for every day or part of a day during which the offence has continued.

Section 12: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

13 Reserves Act 1977 not to apply

- (1) The provisions of the Reserves Act 1977 shall not apply to the Domain.
- (2) The classification of the Domain as a reserve for recreation purposes by notice in *Gazette*, 1980, Volume I, page 220 is hereby revoked.

14 Amending Reserves and Other Lands Disposal Act 1974

Amendment(s) incorporated in the Act(s).

15 Repeals

The enactments specified in Schedule 2 are hereby repealed.

Schedule 1
North Auckland Land
District—Auckland City

ss 2, 7

- 1 All that piece of land containing 75.0424 hectares, more or less, being parts Auckland Domain shown on Deposited Plan 21515, Lot 1, Deposited Plan 29608, Lots 2 and 4, Deposited Plan 51818, part Section 96, parts Section 98 and parts Allotments 1, Section 99, Suburbs of Auckland, and parts Auckland Domain situated in Block VIII, Rangitoto Survey District. All certificates of title 479/229, 730/30, 6C/1343, and 37A/190 (North Auckland Registry). (Shown marked “A” on SO Plan 61333).
 - 2 All that piece of land containing 382 square metres, more or less, being part Auckland Domain, situated in Block VIII, Rangitoto Survey District. Part certificate of title 37A/190 (North Auckland Registry). (Shown marked “B” on SO Plan 61334).
 - 3 All that piece of land containing 6 078 square metres, more or less, being part Auckland Domain, situated in Block VIII, Rangitoto Survey District. Part Certificate of title 37A/190 (North Auckland Registry). (Shown marked “C” on SO Plan 61334).
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Schedule 1A

s 7

**Land leased to Auckland Tennis
Incorporated**

Schedule 1A: inserted, on 24 June 2008, by section 7 of the Auckland Domain (Auckland Tennis) Amendment Act 2008 (2008 No 3 (L)).

Description	Area	Computer freehold register
Section 1 SO 393472, being Part Auckland Domain	1.3801 hectares	Part NA 75C/138

Schedule 2

s 15

Enactments repealed

Auckland City and Auckland Harbour Board Empowering Act 1914 (1914 No 7 (L))

Amendment(s) incorporated in the Act(s).

Auckland City Loans Consolidation and Empowering Act 1921 (1921 No 1 (L))

Amendment(s) incorporated in the Act(s).

Auckland City Markets and Empowering Act 1915 (1915 No 4 (L))

Amendment(s) incorporated in the Act(s).

Auckland Domain Vesting Act 1893 (1893 No 25 (L))

Auckland Domain Vesting Amendment Act 1986 (1986 No 6 (L))

Local Legislation Act 1927 (1927 No 58)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal Act 1939 (1939 No 23)

Amendment(s) incorporated in the Act(s).

Reserves and Other Lands Disposal Act 1950 (1950 No 89)

Amendment(s) incorporated in the Act(s).

Reserves and Other Lands Disposal Act 1952 (1952 No 69)

Amendment(s) incorporated in the Act(s).

Reserves and Other Lands Disposal Act 1969 (1969 No 131)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal and Public Bodies Empowering Act 1920 (1920 No 75)

Amendment(s) incorporated in the Act(s).

Statutes Repeal Act 1907 (1907 No 40)

Amendment(s) incorporated in the Act(s).

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Notes

1 *General*

This is a reprint of the Auckland Domain Act 1987. The reprint incorporates all the amendments to the Act as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Criminal Procedure Act 2011 (2011 No 81): section 413

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37):
section 113(1)

Auckland Domain (Auckland Tennis) Amendment Act 2008 (2008 No 3 (L))

Auckland War Memorial Museum Site Empowering Act 2003 (2003 No 3 (L)):
section 8