

Reprint
as at 24 June 2008

Auckland Domain Act 1987

Local Act 1987 No 7
Date of assent 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 eprint.

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

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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 City Council

BE IT ENACTED by the Parliament of New Zealand as follows:

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 City Council

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

Domain means the land first described in Schedule 1 to this Act

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

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 was amended, as from 9 September 2003, by section 8 Auckland War Memorial Museum Site Empowering Act 2003 (2003 No 3(L)) by substituting the words “the Auckland War Memorial Museum Site Empowering Act 2003” for the words “section 6 of the Auckland Institute and Museum Site Empowering Act 1918”.

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 to this Act 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 to this Act 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) of this section 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) of this Act, 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 to 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 summary 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.

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

Section 6 of the Reserves and Other Lands Disposal Act 1974 is hereby amended by omitting from the preamble and subsection (1) the expression “subsection (4)” wherever it occurs, and substituting in each case the expression “subsection (3)”.

15 Repeals

The enactments specified in Schedule 2 to this Act are hereby repealed.

Schedule 1

Sections 2, 7

**North Auckland land district—Auckland
city**

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 6078 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).

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

Section 15

Enactments repealed

- 1893, No 25 (Local)—The Auckland Domain Vesting Act 1893.
- 1907, No 40—The Statutes Repeal Act 1907: So much of the Schedule as relates to the Auckland Domain Vesting Act 1893.

- 1914, No 7 (Local)—The Auckland City and Auckland Harbour Board Empowering Act 1914: Section 14.
 - 1915, No 4 (Local)—The Auckland City Markets and Empowering Act 1915: Section 11.
 - 1920, No 75—The Reserves and other Lands Disposal and Public Bodies Empowering Act 1920: Section 10.
 - 1921, No 1 (Local)—The Auckland City Loans Consolidation and Empowering Act 1921: Section 8 and Schedule 2.
 - 1927, No 58—The Local Legislation Act 1927: Section 33.
 - 1939, No 23—The Reserves and other Lands Disposal Act 1939: Sections 11 and 27.
 - 1950, No 89—The Reserves and Other Lands Disposal Act 1950: Section 8.
 - 1952, No 69—The Reserves and Other Lands Disposal Act 1952: Section 27.
 - 1969, No 131—The Reserves and Other Lands Disposal Act 1969: Section 9.
 - 1986, No 6 (Local)—The Auckland Domain Vesting Amendment Act 1986.
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Notes

1 *General*

This is an eprint of the Auckland Domain Act 1987. It incorporates all the amendments to the Auckland Domain Act 1987 as at 24 June 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 *About this eprint*

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

3 *List of amendments incorporated in this eprint (most recent first)*

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