Reprint
as at 1 November 2010

Auckland City Council (St Heliers Bay Reserve) Act 1995

Local Act	1995 No 4
Date of assent	25 July 1995
Commencement	25 July 1995

Contents

An Act to validate the occupancy of parts of the reserve, known as the St Heliers Bay Reserve or Vellenoweth Green, by certain sporting clubs whilst regulating the ability of those clubs to intensify their use of the reserve in acknowledgement of the fact that the reserve was transferred to the Council's predecessor, the West Tamaki Road Board, subject to special obligations contained in a memorandum of agreement dated 23 September 1904

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.

1 Short Title

This Act may be cited as the Auckland City Council (St Heliers Bay Reserve) Act 1995.

2 Interpretation

In this Act, unless the context otherwise requires,—

clubs means the St Heliers Bowling Club (Incorporated), the St Heliers Tennis Club (Incorporated), and the St Heliers Bay Croquet Club (Incorporated)

Council means the Auckland City Council

reserve means the land known as the St Heliers Bay Reserve or Vellenoweth Green which is vested in the Council and described in the Schedule.

3 Land deemed to be reserve

Subject to sections 4 and 6, the reserve is hereby vested in the Council as a reserve within the meaning of the Reserves Act 1977 and shall be held as a recreation reserve under section 17 of that Act; and the provisions of that Act (other than sections 15, 24, 25, 45, 47, 48, 48A, 50, 52, 59A, 71 to 73, and 75) shall apply in respect of the reserve in the same manner as if the Council had, pursuant to section 14 of that Act, declared the reserve to be a reserve to be held for recreation purposes.

4 Memorandum of agreement to continue to apply

Subject to sections 3, 5, and 6, the said memorandum of agreement dated 23 September 1904 shall continue to apply to the reserve, and to all other land subject to that memorandum.

5 Validation of previous occupancies

Any licence or right to occupy or use any part or parts of the reserve granted to or exercised by any of the clubs before the coming into force of this Act is hereby validated and declared to have been lawfully granted and exercised.

6 Occupancy of reserve

(1) Notwithstanding anything to the contrary in this Act—

(a) the Council may grant leases under section 54(1)(c) of the Reserves Act 1977 (but not under any other provision of that Act or any other Act) to any of the clubs of those parts of the reserve as are identified on SO Plan 66921 as being occupied by the clubs at the date of coming into force of this Act, but any such lease shall not be transferable:

(b) if any lease granted pursuant to paragraph (a) is forfeited, surrendered, or otherwise terminated, the Council shall have no power to lease or grant any other right of occupancy of the land concerned to any other person or body; and, upon any such forfeiture, surrender, or termination, the Council shall as soon as practicable restore, at its cost, the section of

the reserve concerned as recreation grounds (public open space) in accordance with the said memorandum of agreement dated 23 September 1904:

(c) except as is provided in paragraph (a), the Council shall not grant any lease or tenancy in respect of any part of the reserve to any of the clubs or to any other person:

(d) the Council, in its capacity as owner of the reserve, shall not consent to any proposal by any of the clubs for any change, alteration, or expansion in the use by such clubs of the areas occupied by them which, in the reasonable opinion of the Council, after public consultation in accordance with the Reserves Act 1977, would either—

(i) result in a material increase in the intensity or scale of that use or a change to its character; or

(ii) not be in pursuance of or ancillary to the activities of the clubs as stipulated in the lease:

(e) it shall be a condition of any lease granted by the Council under this section that—

(i) the lessee shall not grant any sub-lease or licence in respect of the premises to any other person; and

(ii) the premises shall at all times be used only for purposes related to, or ancillary to, the principal sporting activity of the lessee—

but the lessee may make its premises available for the lawful activities of any voluntary organisation (as defined in section 2(1) of the Reserves Act 1977) so long as those activities do not result in the emission of excessive noise (as defined in section 326 of the Resource Management Act 1991):

(f) any management plan which is prepared by the Council in relation to the reserve shall reflect and provide for the provisions contained in this section.

(2) In this section, **Council** means the Auckland Council established by section 6(1) of the Local Government (Auckland Council) Act 2009.

Section 6(2): added, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule

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All that piece of land containing 3.3750 hectares, more or less, being part of Allotments 24, 25, and 26 in the District of Tamaki, being part of the land shown on Deposited Plan 3206, and being the land comprised and described in part certificate of title 123/8 (North Auckland Registry).

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Notes

1 General

This is a reprint of the Auckland City Council (St Heliers Bay Reserve) Act 1995. The reprint incorporates all the amendments to the Act as at 1 November 2010, 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)

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

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