

**Reprint  
as at 1 November 2010**



**Mount Smart Regional Recreation  
Centre Act 1985**

Local Act    1985 No 10  
Date of assent    17 December 1985  
Commencement    17 December 1985

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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 make special provision relating to the Mount Smart (Rarotonga) Domain Recreation Reserve**

### **1 Short Title**

This Act may be cited as the Mount Smart Regional Recreation Centre Act 1985.

### **2 Interpretation**

In this Act, unless the context otherwise requires,—

**centre** means the regional sports, recreation, entertainment, and convention centre referred to in section 5

**Council** means local authority established by section 6(1) of the Local Government (Auckland Council) Act 2009

**reserve** means the Mount Smart (Rarotonga) Domain Recreation Reserve described in the Schedule and includes the centre

**voluntary organisation** means any body or person (whether incorporated or not) not formed for private profit.

Section 2 **Authority**: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

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

### **3 Exercise of powers of Council under this Act**

The powers conferred upon the Council by this Act may be exercised in respect of all or any part or parts of the reserve, and to different effect in respect of different parts of the reserve and different activities in the reserve.

Section 3 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 3: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

#### **4 Application of Reserves Act 1977**

Notwithstanding anything in any other Act, sections 17, 40, 53, 54, 78, 79, and 108 of the Reserves Act 1977 and Schedule 1 of that Act shall not apply in respect of the reserve or the Council's functions, duties, and powers in respect of the reserve, but all the other provisions of that Act, so far as they are applicable and with the necessary modifications, shall apply in respect of the reserve as if—

- (a) every reference to section 17 or section 40 of that Act were a reference to section 5 of this Act:
- (b) every reference to section 53 or section 54 of that Act were a reference to the appropriate analagous provision of this Act.

Section 4: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

#### **5 Council may establish regional recreation centre**

(1) The Council may develop, administer, maintain, and control the reserve for the purpose of a regional sports, recreation, entertainment, and convention centre, including areas and facilities for the purposes of—

- (a) outdoor and indoor recreation and sport, the physical welfare, enjoyment, education, and entertainment of the public, and the holding of conventions and public or private assemblies:
- (b) such short-term residential accommodation as is necessary or expedient to further the purposes of the reserve:
- (c) such commercial activities as the Council considers desirable or appropriate in association with any of those purposes.

(2) Notwithstanding anything in this or any other Act, the Council may—

- (a) make grants of money, or make advances on such terms and conditions as it thinks fit (including, if the Council thinks fit, a condition that the advance is to be free of

- interest), to any body or person to which or to whom a licence has been granted under section 10(a):
- (b) by deed or other instrument and subject to such terms and conditions as it thinks fit, guarantee the repayment of any money (including any interest payable on that money) advanced to any such body or person.
- (3) If the Council becomes liable to make any payment under any such guarantee, it may make the payment out of its regional parks account or out of any money borrowed by way of a special loan for the purpose.
  - (4) The Council, with the consent of any person referred to in subsection (2) or the consent of the trustees or other governing authority of any body so referred to, as the case may require, may assume control of any institution conducted by, and acquire the property of, that person or body.
  - (5) Every such person or trustee or governing authority is hereby authorised to give that consent and to transfer that property to the Council.
  - (6) In addition to the powers conferred upon it by this or any other Act, the Council may do such other things as it considers desirable or necessary for the proper and beneficial management, administration, and control of the reserve.

Section 5 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5(1)(c): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5(2)(a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5(3): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5(4): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5(5): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5(6): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

## **6 Rights of public access**

- (1) The public shall have freedom of entry and access to those parts of the reserve not for the time being in use for, or set apart for the purposes of, the centre, subject to—
- (a) any bylaws made by the Council in relation to the reserve under the Reserves Act 1977 or any other Act; and
  - (b) the provisions of any decision of the Council under this Act; and
  - (c) the provisions of any licence or agreement under this Act.
- (2) The public shall not be entitled to enter or to have access to the centre or any part of it except—
- (a) at times when the centre, or part, is open to the public; and
  - (b) upon payment of the prescribed charges (if any); and
  - (c) subject to all conditions of entry or access prescribed under or by virtue of this Act.

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

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

## **7 Council may provide facilities**

The Council may provide stands, arenas, gymnasiums, swimming and diving pools, galleries, theatres, convention facilities, sporting equipment and facilities (including sports grounds and tracks), accommodation, commercial facilities, animal compounds, gardens, open spaces, paths, driveways, vehicle parks, and camping and picnic grounds on the reserve and may set apart any part of the reserve for any purpose set out in section 5(1).

Section 7 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 7: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

## **8 Council may prescribe or prohibit activities**

The Council may by resolution—

- (a) prescribe the activities (whether recreational, social, educational, commercial, or otherwise) that may take place in the reserve, or in any specified part of it:
- (b) regulate the use of the reserve for the prescribed activities:
- (c) prohibit any particular activity in the reserve, or in any specified part of it:
- (d) prohibit all activities, other than the prescribed activities, in the reserve or in any specified part of it.

Section 8 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 8: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

## **9 Council may prescribe times, conditions, and charges, for entry**

Subject to any licence or rights granted under section 10 or section 14, the Council may by resolution prescribe the times at which, and the conditions subject to which (including payment of admission charges), persons may be permitted to enter or use the reserve, or any part of it, and the circumstances in which the admission charges or other conditions may be waived.

Section 9 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 9: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

## **10 Council may grant licences**

The Council may, by licence, grant, either generally or at times specified in or determined pursuant to the licence, and upon terms and conditions and at charges (if any) so specified or determined—

- (a) to any body or person (whether a voluntary organisation or not) the right to exclusive use of the reserve or any part of it for any purpose set out in section 5(1):
- (b) to any voluntary organisation, the right to exclusive use, as administrative headquarters or offices, of any part of any building on the reserve:

- (c) to any body or person (whether a voluntary organisation or not) the right to use display spaces on buildings or other structures in the reserve for the display of advertising and similar signs.

Section 10 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 10: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

## **11 Licences may confer right to prescribe conditions and charges**

Any licence under section 10(a) may confer upon the licensee the right to prescribe the times at which, and the conditions, including admission charges, upon which persons may be permitted to enter the premises subject to the licence or any part of them, and the circumstances in which the admission charges or other conditions may be waived.

## **12 Licences may confer powers of Council**

Any licence under section 10(a) may confer on the licensee any of the other powers of the Council under this Act in relation to the premises subject to the licence, including the power to grant, for terms not exceeding the term of the licence, rights under section 14 and licences under section 10.

Section 12 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 12: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

## **13 Proposed licences to be publicly notified**

- (1) Before granting any licence under section 10(a) or (b), the Council shall give public notice in accordance with section 119 of the Reserves Act 1977 specifying the licence proposed to be granted, and shall give full consideration in accordance with section 120 of that Act to all objections and submissions in relation to the proposal received pursuant to the said section 120.
- (2) Nothing in subsection (1) shall apply in any case where the proposal—

- (a) is in conformity with or contemplated by an approved management plan for the reserve; or
- (b) is in accordance with the terms of any consent granted under the provisions of the Town and Country Planning Act 1977.

Section 13(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

#### **14 Council may grant special seat and other rights**

- (1) The Council shall have the power, and be deemed always to have had the power, by written agreement, to grant, at times specified in or determined pursuant to the agreement—
  - (a) exclusive rights or preferential booking rights to seats in the centre:
  - (b) exclusive rights to the use of news media facilities, viewing rooms or boxes, and other rooms or offices in the centre.
- (2) Every grant under subsection (1) shall be subject to such terms and conditions as may be specified in the agreement, and shall expire on such date as may be so specified, being a date not later than 31 March 2015, or such later date or dates as the Minister of Lands may from time to time approve at the request of the Council.
- (3) Any licence granted under this Act in respect of any facility, any part of which is subject to any agreement under subsection (1), shall clearly state the rights conferred by that agreement in respect of activities conducted by or under the authority of the licensee.

Section 14 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 14(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 14(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

#### **15 Council may erect staff residences and other buildings**

The Council may provide residential accommodation and other facilities for the use of staff whose employment at the centre requires them to reside there, and other buildings considered desirable or necessary for the proper and bene-

official management, administration, control, protection, and maintenance of the reserve.

Section 15 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 15: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

**16 Leasing of reserve not to be deemed a subdivision**

Notwithstanding the provisions of Part 20 of the Local Government Act 1974, the grant of a lease or licence in respect of the reserve or any part of it shall not be deemed to be a subdivision of land under section 271 of that Act.

**17 Provision of public water supply, etc**

Sections 283, 293, 299, 300, 301, and 302 of the Local Government Act 1974, with the necessary modifications, shall apply in respect of the development of the reserve.

**18 Excluding restrictions on entertainments on Sunday, etc**

Section 603 of the Local Government Act 1974 shall not apply in respect of the reserve.

**19 Town and Country Planning Act 1977 not affected**

Nothing in this Act shall limit or affect the application of the Town and Country Planning Act 1977.

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**Schedule**

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All that piece of land containing 22.3260 hectares, more or less, being Allotment 59, Section 17, Suburbs of Auckland situated in Block I, Otahuhu Survey District (SO Plan 57628), together with such other pieces of land as may at any time be incorporated into the reserve.

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## **Notes**

### **1 *General***

This is a reprint of the Mount Smart Regional Recreation Centre Act 1985. 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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