

**Reprint
as at 18 December 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 subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

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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