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1985, No. 10—*Local*

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

[17 December 1985]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

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,—

“Authority” means the Auckland Regional Authority constituted under the Auckland Regional Authority Act 1963:

“Centre” means the regional sports, recreation, entertainment, and convention centre referred to in section 5 of this Act:

“Reserve” means the Mount Smart (Rarotonga) Domain Recreation Reserve described in the Schedule to this Act and includes the centre:

“Voluntary organisation” means any body or person (whether incorporated or not) not formed for private profit.

3. Exercise of powers of Authority under this Act—The powers conferred upon the Authority 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.

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 the First Schedule to that Act shall not apply in respect of the reserve or the Authority’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.

5. Authority may establish regional recreation centre—

(1) The Authority 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 Authority considers desirable or appropriate in association with any of those purposes.

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

- (a) Make grants of money, or make advances on such terms and conditions as it thinks fit (including, if the Authority 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) of this Act:
- (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 Authority 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 Authority, with the consent of any person referred to in subsection (2) of this section 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 Authority.
- (6) In addition to the powers conferred upon it by this or any other Act, the Authority may do such other things as it considers desirable or necessary for the proper and beneficial management, administration, and control of the reserve.

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 Authority in relation to the reserve under the Reserves Act 1977 or any other Act; and
 - (b) The provisions of any decision of the Authority 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.

7. Authority may provide facilities—The Authority 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) of this Act.

8. Authority may prescribe or prohibit activities—The Authority 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.

9. Authority may prescribe times, conditions, and charges, for entry—Subject to any licence or rights granted under section 10 or section 14 of this Act, the Authority 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.

10. Authority may grant licences—The Authority 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) of this Act;
- (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.

11. Licences may confer right to prescribe conditions and charges—Any licence under section 10 (a) of this Act 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 Authority—Any licence under section 10 (a) of this Act may confer on the licensee any of the other powers of the Authority 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 of this Act and licences under section 10 of this Act.

13. Proposed licences to be publicly notified—(1) Before granting any licence under section 10 (a) or (b) of this Act, the Authority 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) of this section 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.

14. Authority may grant special seat and other rights—(1) The Authority 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) of this section 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 the 31st day of March 2015, or such later date or dates as the Minister of Lands may from time to time approve at the request of the Authority.

(3) Any licence granted under this Act in respect of any facility, any part of which is subject to any agreement under subsection (1) of this section, shall clearly state the rights conferred by that agreement in respect of activities conducted by or under the authority of the licensee.

15. Authority may erect staff residences and other buildings—The Authority 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 beneficial management, administration, control, protection, and maintenance of the reserve.

16. Leasing of reserve not to be deemed a subdivision—Notwithstanding the provisions of Part XX 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.

SCHEDULE

Section 2

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 (S.O. Plan 57628), together with such other pieces of land as may at any time be incorporated into the reserve.
