

Mr N. V. Douglas

**AUCKLAND CITY COUNCIL (REMUERA SHOPPING
DEVELOPMENT) EMPOWERING**

[LOCAL]

ANALYSIS

Title
Preamble
1. Short Title

2. Leasing of air space above the
Corporation's parking place fac-
ing onto Clonbern Road
3. Act subject to Town and Country
Planning Act 1953
Schedule

A BILL INTITULED

**An Act to empower the Auckland City Council to grant
permission for part of the air space above its parking place
facing onto Clonbern Road, Remuera, to be used for shops
5 and offices**

WHEREAS the body corporate of the Mayor, Councillors
and Citizens of the City of Auckland (hereinafter called the
Corporation) is the owner of the several pieces of land
described in the Schedule hereto with frontage to Clonbern
10 Road in its district: And whereas the said land was acquired
by the Corporation for the purpose of a parking place in
terms of section 177 of the Municipal Corporations Act 1954
(hereinafter called the Act): And whereas the said land is
15 now, and for some years past has been, used by members of
the public for that purpose: And whereas the Corporation is
the owner of other pieces of land in the immediate vicinity

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of the parking place: And whereas in the year 1970 the Corporation decided to sell by public tender the right to lease the air space above the land comprising the parking space and to lease parts of its other properties to form part of an intended comprehensive redevelopment of the shopping area on the south side of Remuera Road immediately opposite its intersection with Victoria Avenue and lying between Clonbern Road and St. Vincents Avenue, or of such portion of that shopping area as the successful tenderer might be able to place under his own control for that purpose: And whereas it was provided in the Corporation's invitation to tender that the Corporation would seek such legislative authority as might be needed before the successful tenderer could make use of the air space above the parking place, the nature of the legislation to be governed by the form and design of his development plan: And whereas a tender has been accepted by the Corporation: And whereas the successful tenderer proposes at its own expense to erect a building in the air space above the parking place that will be used principally for the additional public parking facilities rendered necessary by its own redevelopment proposals but it also intends that a part of this building shall as well be available for letting for commercial purposes: And whereas the adjusted ground level of the parking place after the erection of the building will continue to be available as a public parking place under the control of the Corporation to the same extent and in the same manner as now apply with due allowance for columns to support the building: And whereas the combined effect of subsection (8) of the said section 177 and of section 360 of the Act is to prohibit the Corporation from leasing to the successful tenderer any portion of the air space above the parking place if the successful tenderer wishes to erect a building therein, and if a portion thereof is to be used for a purpose other than a parking place: And whereas it is desirable that the Corporation's powers of leasing under subsection (8) of the said section 177 should, in the circumstances as so described, be extended to enable the Corporation to grant permission to the successful tenderer, as lessee, to use or to make available parts of the building for shops and offices to an extent that would not infringe the limitations imposed by the proviso to the said section 360:

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

5 **1. Short Title**—This Act may be cited as the Auckland City Council (Remuera Shopping Development) Empowering Act 1975.

10 **2. Leasing of air space above the Corporation's parking place facing onto Clonbern Road**—Notwithstanding anything to the contrary in the Act the Corporation may, as a term of any lease lawfully granted of the air space above the land described in the Schedule hereto, require or permit the lessee to erect at the lessee's expense a building therein to be used principally as a parking place available for use by members of the public, and any such lease may contain a clause
15 enabling the lessee, with the consent of the Corporation, to make provision therein for shops or offices:

20 Provided that it shall only be lawful for the Corporation to grant such consent if the provision to be made for shops or offices will not be to an extent that would render the building less suitable for its principal purpose of a parking place, or would otherwise make its principal purpose the provision of shops or offices.

25 **3. Act subject to Town and Country Planning Act 1953**—Nothing in this Act shall in any way prejudice, alter, or restrict the powers, rights, or obligations of any person under the Town and Country Planning Act 1953, and the provisions of this Act shall be read subject to that Act.

SCHEDULE

NORTH AUCKLAND LAND DISTRICT

ALL that piece of land containing 2896 square metres more or less situated in Block I Otahuhu Survey District being Parts Lots 4, 5, 7, 84 and 85 D.P. 3576, Part Lots 1 and 2 D.P. 48318 and Part Lot 1 D.P. 20189. All certificates of title 320/154, 143/246 and 19D/1099. As the same is more particularly delineated on plan numbered S.O. 49841 deposited in the office of the Chief Surveyor Auckland, and thereon marked A.