

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

*House of Representatives, 8 November 1973.*

Words struck out by the Committee are shown with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule.

*Mr N. V. Douglas*

## AUCKLAND IMPROVEMENT TRUST AMENDMENT

[LOCAL]

### ANALYSIS

Title	relating to	3. Special provisions in respect of
1. Short Title		leasing buildings
2. Amending provisions relating to	Albert Park	4. General powers
		5. Borrowing powers

### A BILL INTITULED

**An Act to amend the Auckland Improvement Trust Act 1971**

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

1. **Short Title**—This Act may be cited as the Auckland Improvement Trust Amendment Act 1973, and shall be read together with and deemed part of the Auckland Improvement Trust Act 1971 (hereinafter referred to as the  
10 principal Act).

2. **Amending provisions relating to Albert Park**—  
(1) Section 4 of the principal Act is hereby amended by adding to subsection (3) the following proviso:  
“Provided that the Corporation may postpone, for so long  
15 as it in its absolute discretion shall think fit, the removal or demolition of any such building and may permit the same to remain on Albert Park if such building, in the opinion of

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the Corporation, is capable of being used, and is used, as an amenity for the public in accordance with the provisions of paragraph (j) of subsection (1) of section 32 of the Reserves and Domains Act 1953 and with the provisions of subsection (2) of this section; and any money required to be expended on such building may be provided by the Council out of the funds, capital or income, that are subject to the provisions of this Act, or out of funds available to the Council by virtue of the provisions of the Reserves and Domains Act 1953.” 5

(2) The said section 4 is hereby further amended by repealing subsection (4), and substituting the following subsection: 10

“(4) Notwithstanding the provisions of subsections (2) and (3) of this section, the Corporation may from time to time, in its absolute discretion, postpone the removal or demolition of any other such building or part thereof to which the proviso to subsection (3) of this section has not been applied, and the same and the curtilages thereof shall not become part of Albert Park until the Corporation later so resolves in the same manner as is provided in subsection (5) of this section, and in the meantime the Corporation may use that building or buildings or any part thereof for any one or more of the following purposes: 15 20

“(a) As an example of Victorian architecture and as a repository of Victorian decor and furnishings; and the Corporation may pay the cost of such furnishings out of the capital of its Improvement Trust Account; or 25

“(b) For the holding of civic functions by the Corporation; and the Corporation is hereby empowered to provide suitable furnishings and fittings for that purpose, and to spend money out of its general account on the provision and maintenance of such furnishings and fittings; or 30

“(c) To use or permit the same to be used as a public tearoom or refreshment room or similar amenity upon such terms and conditions as the Corporation thinks fit; and the Corporation is hereby empowered to pay the cost of establishing and maintaining any such amenity out of the capital or income of its Improvement Trust Account; or 35 40

5 “(d) To let or lease the same and the curtilages thereof,  
subject to the conditions set out in section 4A of  
this Act, for such professional, commercial,  
cultural, or community purposes as the Council  
shall consider most in keeping with the character  
of the particular building or part thereof:

“Provided that the Corporation shall so far as is  
practicable ensure that, in the case of a building or part  
thereof used for any of the foregoing purposes, its original  
10 design and decoration, both exterior and interior as existing  
on the commencement of this Act will be preserved; and  
the Corporation may pay any cost incurred by it in the  
repair or maintenance of any such building or part thereof  
out of the capital or income of its Improvement Trust  
15 Account.”

(3) The said section 4 is hereby further amended by  
inserting in subsection (6), before the word “tenancies”, the  
words “leases or”.

20 **3. Special provisions in respect of leasing buildings**—The  
principal Act is hereby further amended by inserting, after  
section 4, the following section:

“4A. (1) Where under this Act any building or part of a  
building and its curtilage may be let or leased, the following  
provisions shall apply:

25 “(a) The letting may be made for short periods by private  
contract as provided for by section 155 of the  
Municipal Corporations Act 1954:

30 “(b) The lease may be for a term not exceeding 21 years,  
without a right of renewal, or for a shorter term  
with a right of renewal for one or more terms but  
so that the aggregate duration of the original and  
of the renewed term or terms shall not exceed  
21 years, and every such lease may be sold by  
private contract:

35 “(c) The Corporation may fix for any tenancy or for the  
original or renewed term of any lease such rent  
as it thinks fair and reasonable, having regard  
to the purpose for which the premises are to be  
used, the extent of the benefit that may be con-  
ferred upon the community by the activities of  
40 the tenant or lessee thereof, the financial standing  
of the tenant or lessee, and any other relevant  
matters:

- “(d) The Corporation may at any time during the currency of a lease reduce the rent to be paid thereunder during the remainder or any part of the remainder of the term, and the Corporation may at any time or times during the currency or after the determination of a lease, compromise with the lessee for any rent due to the Corporation: 5
- “(e) The net proceeds of any such lease or of any letting shall be applied in the manner described in section 8 of this Act: 10
- “(f) The fee simple shall be inalienable by the Corporation:
- “(g) The lease shall prohibit the erection by the lessee of any further building or buildings on the demised land or the making of any extensions to an existing building: 15
- “(h) The lease may, with the approval of the Corporation, be surrendered on such terms as may be agreed upon between the lessee and the Corporation: 20
- “(i) The Corporation may impose such further or other conditions in any letting or lease not inconsistent with the provisions of this section which it considers to be appropriate to the circumstances. 25
- “(2) Nothing in the Public Bodies Leases Act 1969 shall apply to a lease granted under this Act.
- “(3) The Corporation is hereby empowered to acquire by private treaty or to take in the manner provided by the Public Works Act 1928 any leasehold interest previously created pursuant to the provisions of this section for the purpose of adding the property to Albert Park; and such addition shall be effected by means of an ordinary resolution whereupon the provisions of subsection (2) of section 4 of this Act shall apply to that property, and the lessee thereof shall be entitled to compensation in respect of such acquisition or taking in accordance with the provisions of the Public Works Act 1928.” 30 35

**4. General powers**—Section 6 of the principal Act is hereby amended by inserting in subsection (1), after the words “Alten Road Reserve”, the words “and the buildings and curtilages thereof and the old Synagogue building referred to in subsection (6) of section 4 of this Act”. 40

*Struck Out*

**5. Borrowing powers**—The principal Act is hereby further amended by inserting, after section 7, the following section:

“7A. The Council may from time to time borrow by way  
5 of special loan raised under the Local Authorities Loans  
Act 1956 such sums as may be necessary for carrying out  
any of the purposes of this Act, and, notwithstanding any-  
thing in section 34 of that Act, any special loan may be  
10 raised without the consent of ratepayers, and, in addition to  
the objects to which the income of the capital account may  
be applied pursuant to section 8 of this Act, such income  
may also be applied in or towards meeting in whole or in  
part the loan charges payable in respect of any special loan  
raised under the authority of this section.”