

Mr. Fisher.

## WELLINGTON (CITY) TOWN BELT RESERVES LEASING.

[LOCAL BILL.]

### ANALYSIS.

| Title.   |   |
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| 1. Short Title.  | 6. Lessee's power to charge.  |
| 2. Interpretation.   | 7. Power of Council to make by-laws.  |
| 3. Corporation may lease part of the Town Belt reserves for <i>bona fide</i> purposes of amateur field sports. | 8. Area to be included in any lease ; and term of lease.                                  |
| 4. Rent to include all rates, exclusive of water rates and sanitation-loan rates.                              | 9. Lessee to have power to erect buildings.   |
| 5. Right of access of public to land leased.   | 10. Lease to be subject to certain conditions.  |
|  | 11. Council to have power to insert clause in lease as to resumption for street purposes. |
|  | 12. Certain provisions to apply after resumption by Corporation.                          |

### A BILL INTITULED

AN ACT to empower the Mayor, Councillors, and Citizens of the City of Wellington to lease Portions of the Town Belt Reserves to Associations and Clubs formed for the *bona fide* Purposes of Amateur Field Sports. Title.

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

1. This Act may be cited as the Wellington (City) Town Belt Reserves Leasing Act, 1908. Short Title.

2. In this Act, if not inconsistent with the context,—

“City” means the City of Wellington :

“Corporation” means the Mayor, Councillors, and Citizens of the City of Wellington :

Interpretation.

“Council” means the Council of the City of Wellington.

3. The Corporation may let, if it thinks fit, by private contract any parts of the reserves known as the Town Belt to any club, association, or union formed for the *bona fide* purposes of amateur field sports, and registered under the provisions of the Unclassified Societies Registration Act, 1895, and having rules and regulations as to admission of members approved in writing by the Council, subject to the provisions of this Act, and subject to such other covenants, conditions, and restrictions as the Council shall think fit ; and any rental so reserved may in the discretion of the Council be a peppercorn rental, or a rental less than the full improved rental, or a rental based on the amount received by such association for gate-

Corporation may lease part of the Town Belt reserves for *bona fide* purposes of amateur field sports.

money and rents less the cost of maintenance of the said ground and the cost of advertising matches, and expenses incidental to matches other than players' or officials' expenses incurred by such association, and less interest charges on any loan incurred for the purpose of improving the land leased; or may be a rental partly based on acreage or value and partly based on the net receipts by the lessee as herein-before prescribed and defined; or a rental to be fixed in any similar or dissimilar method that the Council shall by resolution order. 5

Rent to include all rates, exclusive of water rates and sanitation-loan rates.

4. The rent payable under any lease granted pursuant to this Act shall be deemed to include all rates, exclusive of water rates and sanitation-loan rates. 10

Right of access of public to land leased.

5. Where the area of land leased does not exceed two and a half acres the lease may be a lease for exclusive use of the land; but if the area leased exceed two and a half acres the public shall, subject to the provisions of any by-laws from time to time made by the Council, have access between sunrise and sunset on Sundays, Christmas Day, and Good Friday, and on any other day on which no charge is made for admission pursuant to this Act, to all parts of such land, except buildings and land actually laid out as playing-ground. 15 20

Lessee's power to charge.

6. The lessee of any land leased under this Act shall, on giving seven days' notice of its intention so to do by advertisement in some newspaper circulating in the City of Wellington, be entitled to charge for admission to the land leased, subject as follows:—

(1.) Such charges shall not exceed one shilling for adults and sixpence for children under fifteen years of age for admission to enter such ground and any part thereof other than a stand. 25

(2.) The lessee and his sublessees or subtenants shall not charge for admission on more than one hundred and twenty days in any one year. 30

Power of Council to make by-laws.

7. The Council is hereby authorised to make by-laws for the following purposes:—

(a.) Regulating the conduct of the public on any land leased pursuant to this Act.

(b.) Preventing the public from at any time entering upon any land set apart as a playing-ground on any piece of land leased pursuant to this Act. 35 40

Every by-law so made shall be deemed to be a by-law made under the provisions of the Municipal Corporations Act, 1900, and shall be passed and be enforceable under the provisions of that Act. 40

Area to be included in any lease; and term of lease.

8. (1.) No lease granted under the provisions of this Act shall comprise an area exceeding thirty acres, and no lessee shall hold more than thirty acres under leases granted pursuant to the provisions of this Act.

(2.) No lease shall be granted under this Act for any original term exceeding twenty-one years, but any such lease may be granted with provisions for renewal for successive periods not exceeding fourteen years upon such terms and subject to such conditions as the Council shall think fit. 45

Lessee to have power to erect buildings.

9. The Council may grant to the lessee of any land leased under the provisions of this Act, by his lease or otherwise, the right to erect caretakers' cottages, grandstands, and dressing-sheds, and all other buildings, fences, and conveniences usual or necessary in connection with field-sports grounds. 50

10. Every lease granted pursuant to this Act shall be granted subject to the following conditions in addition to such conditions as the Council shall prescribe, and shall contain all covenants, conditions, provisions, and agreements necessary or suitable for the purpose of giving effect to such conditions:—

Lease to be subject to certain conditions.

- 5 (a.) That the lessee shall not assign such lease without the consent in writing of the Council, and that such consent may be refused by the Council without any reason therefor being given.
- 10 (b.) That the lessee shall not sublet for any period exceeding six months, and that such subletting shall be made only to a club, association, or union formed for the *bona fide* purposes of amateur field sports, or trustees for such club, association, or union having rules and regulations as to admission of members approved in writing by the Council.
- 15 (c.) That any such subletting shall be made only at a rental approved in writing by the Council; and, if the terms of such subletting shall exceed one month, only to a tenant approved in writing by the Council.
- 20 (d.) That not more than four-fifths of the land comprised in such lease shall be set apart exclusively for playing purposes.
- (e.) That plans of all buildings and structures to be erected shall be approved in writing by the Council, and that duplicates of such plans so approved shall be furnished to the Council.
- 25 (f.) That the lessee shall not carry out any excavation works, or make any alterations in the level of the land leased, except according to plans approved in writing by the Council.
- 30 (g.) That no contract shall be entered into by the lessee for any excavation-works or alteration in levels without the consent in writing of the Council to such contract first had and obtained.
- 35 (h.) That the land so leased shall revert to the Corporation, and the lease thereof be determined, in the event of the land not being *bona fide* used by the lessee for the purpose of fields sports, or upon breach of any of the lessee's covenants in the lease thereof.
- 40 (i.) That the Corporation may at any time after the expiry of ten years from the granting of any lease under this Act resume possession of the land leased under such lease upon giving twelve months' notice in writing of its intention so to do, and upon paying the then estimated value of the buildings thereon and the value of excavation and levelling works executed with its consent; such value, if
- 45 necessary, to be fixed by arbitration in the ordinary way.

11. The Council may in any lease granted under this Act insert a provision giving the Corporation power to resume any part of such lands for street purposes without paying any compensation in respect of such taking other than that which shall be provided for by such lease.

Council to have power to insert clause in lease as to resumption for street purposes.

Certain provisions  
to apply after  
resumption by  
Corporation.

12. If at any time the Corporation should re-enter, resume possession of, or otherwise acquire the whole ownership of any lands leased pursuant to this Act, it may relet such land pursuant to the provisions of this Act. Until such reletting, such lands shall be deemed to be lands subject to the provisions of section three hundred and fifty-five of the Municipal Corporations Act, 1900, and the Council may in addition to the powers vested in it by that section exercise all the rights and powers vested in the lessee by virtue of this Act, or any lease granted under this Act. 5

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By Authority : JOHN MACKAY, Government Printer, Wellington.—1908.