

# **Auckland Domain (Auckland Tennis) Amendment Bill**

Local Bill

As reported from the Local Government and  
Environment Committee

## **Commentary**

### **Recommendation**

The Local Government and Environment Committee has examined the Auckland Domain (Auckland Tennis) Amendment Bill and recommends that it be passed with the amendments shown.

### **Introduction**

Under the Auckland Domain Act 1987, Auckland Tennis Incorporated leases part of the Auckland Domain from Auckland City Council. The bill would amend the Act to allow the council to extend the lease it can give Auckland Tennis Incorporated from 21 years to a maximum of 50 years. The bill would allow the association to sub-lease part of the leased land with the consent of the council. The bill also amends references to the Auckland Lawn Tennis Association Incorporated to read “Auckland Tennis Incorporated”, and inserts into the Act a schedule describing the land, thereby repealing a slightly inaccurate description of the land in the Reserves and Other Lands Disposal Act 1974. The new description of the land will reflect more

accurately the land area historically used by Auckland Tennis Incorporated, allowing building consents to be issued.

We understand that these amendments will allow Auckland Tennis Incorporated, which has occupied land in the Domain since 1922, to lease part of the site to a third party, who will be involved in redeveloping the tennis facilities and creating recreation facilities including a gymnasium, a pool, and a health facility. We note that the tennis facilities in the Auckland Domain are used in January each year to host New Zealand's only international tennis tournament. Re-developing this site is expected to ensure that New Zealand retains this event. The developer will operate the recreation facilities except during the international tournaments when Auckland Tennis will manage the entire facility. The extended lease term will make the redevelopment financially viable for the third party. No central or local government money is sought for this project.

We were informed that affected parties including local iwi were consulted before this bill was introduced. If the bill is successful, further public consultation will take place when Auckland Tennis applies for an extended lease and the right to sublease part of the site.

We recommend only minor and technical amendments to the bill as introduced. We unanimously support the bill and believe that it will enable Auckland Tennis to retain the prestigious international tournament that it stages each year.

## **Appendix**

### **Committee process**

The Auckland Domain (Auckland Tennis) Amendment Bill was referred to the committee on 21 November 2007. The closing date for submissions was 31 January 2008. We received and considered five submissions from interested groups and individuals, and we heard two submissions.

### **Committee membership**

Moana Mackey (Chairperson)

John Carter (Deputy Chairperson)

Hon David Benson-Pope

Mark Blumsky

Hon Mark Burton (until 2 April 2008)

Jacqui Dean

Hon Marian Hobbs

Su'a William Sio (from 2 April 2008)

Hon Dr Nick Smith

Mētīria Turei

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Auckland Domain (Auckland Tennis)  
Amendment Bill

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**Key to symbols used in reprinted bill**

**As reported from a select committee**

text inserted unanimously

~~text deleted unanimously~~

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*Hon Judith Tizard*

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Local Bill

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<b>Schedule</b>	<b>4</b>
<b>New Schedule 1A inserted in principal Act</b>	

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Auckland Domain (Auckland Tennis) Amendment Act **2007**.
- 2 Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent. 5

**3 Principal Act amended**

This Act amends the Auckland Domain Act 1987.

**4 Purpose of this Act**

The purpose of this Act is—

- (a) to update the reference to Auckland Lawn Tennis Association (Incorporated) to Auckland Tennis Incorporated; and 5
- (b) to extend the term of lease Auckland City Council is empowered to grant to Auckland Tennis Incorporated from 21 years up to 50 years and to provide Auckland City Council with the ability to permit Auckland Tennis Incorporated to grant a sublease over the land it leases from Auckland City Council; and 10
- (c) to amend the legal description of the land that may be leased to Auckland Tennis Incorporated described in section 6 of the Reserves and Other Lands Disposal Act 1974. 15

**5 Special provisions as to leasing certain parts of Domain**

- (1) Section 7(1) is amended by omitting paragraph (b) and substituting the following paragraph: 20
  - “(b) to Auckland Tennis Incorporated a further lease of the land ~~occupied by it of the land~~ described in **Schedule 1A of this Act**, 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:” 25
- (2) Section 7(2) is amended by omitting “subsection (1)” and substituting “subsection (1)(a), (c), (d), and (e)”. 30
- (3) Section 7 is amended by inserting the following subsection after subsection (2): 30
  - “(2A) Despite any other enactment, on the expiry or earlier termination of the lease referred to in subsection (1)(b) the Council may, at its discretion and at the request of Auckland Tennis Incorporated, enter into a further lease of the land described in **Schedule 1A** with Auckland Tennis Incorporated for a term or terms not exceeding in the aggregate 50 years, on any terms and conditions that the Council thinks fit, including without 35



limitation the right to permit Auckland Tennis Incorporated to grant a sublease on terms acceptable to the Council.”

**6 Consequential amendments**

Section 6 of the Reserves and Other Lands Disposal Act 1974 is amended by—

(a) omitting “firstly, secondly, and thirdly” from the Preamble; and

(b) omitting “And whereas pursuant to section 8 of the Reserves and Other Lands Disposal Act 1950 the Corporation leased the land secondly described in subsection (3) of this section to the Auckland Lawn Tennis Association (Incorporated) for a term that expired on the 30th day of November 1972: And whereas it is desirable to empower the Corporation to grant a lease of the land to the said Association for a further term not exceeding 21 years, the term (if the Corporation so decides) to be deemed to have commenced on the first day of December 1972:” from the Preamble; and

(c) repealing subsection (1)(b); and

(d) omitting the words “Secondly, all those parcels of land situated in the North Auckland Land District, containing 5615 square metres, more or less, and 6753 square metres, more or less, being situated in Block VIII, Rangitoto Survey District, and being parts of the Auckland Domain, parts Section 98 and parts Allotment 1 of Section 98, Suburbs of Auckland, and being the land more particularly delineated on the plan marked L and S 1/550 deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon edged red (SO 36189).” from subsection (3).

**7 New Schedule 1A inserted**

The principal Act is amended by inserting the Schedule 1A set out in the Schedule of this Act.

**Schedule** **s 5 7**  
**New Schedule 1A added to inserted in  
principal Act**

**Schedule 1A** **s 7 5**  
**Land leased to Auckland Tennis  
Incorporated**

<b>Description</b>	<b>Area</b>	<b>Computer freehold register</b>
Section 1 SO 393472, being Part Auckland Do- main	1.3801 hectares	Part NA 75C/138

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**Legislative history**

31 October 2007	Introduction (Bill 168–1)
21 November 2007	First reading and referral to Local Government and Environment Committee

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