

CITY AREA LEASES

No. 3 of 1968

An Ordinance to amend the *City Area Leases Ordinance* 1936-1967.

1.—(1.) This Ordinance may be cited as the *City Area Leases Ordinance* 1968.* Short title and citation.

(2.) The *City Area Leases Ordinance* 1936-1967,† as amended by this Ordinance, may be cited as the *City Area Leases Ordinance* 1936-1968.

2. After section 8 of the *City Area Leases Ordinance* 1936-1967 the following section is inserted:—

“ 8A.—(1.) This section applies to land comprised in a lease, whether granted before or after the commencement of this section, if provision is made in the lease for the land to be used— Use of land for industrial purposes

- (a) for the purpose of ‘an industry’;
- (b) for the purpose of ‘an industry or industries’;
- (c) for the purpose of ‘light industrial and commercial businesses’; or
- (d) for the purpose of conducting ‘industries’ in buildings erected on the land,

and so applies whether or not the lease provides that the use of the land for that purpose is limited or qualified in any manner or that the land may be used for any other purpose and whether or not the lease restricts the kind of industry, industries or businesses for which the land may be used.

“ (2.) Subject to this section, land to which this section applies shall not be used, and the lease of the land shall not be taken to authorize the land to be used—

- (a) for the sale of new clothing by retail; or
- (b) for the sale of food-stuffs or non-alcoholic beverages by retail.

“ (3.) Subject to this section, a building erected on land to which this section applies shall not be used, and the lease of the land shall not be taken to authorize such a building to be used—

- (a) for the sale of new clothing by retail;
- (b) for the sale of food-stuffs or non-alcoholic beverages by retail;
- (c) as a boarding-house, guest-house, hostel or hotel or as a building of the kind commonly known as a motel; or
- (d) as flats or as a building for the provision of residential accommodation of the kind commonly known as a flat, an apartment or a home unit.

* Made on 8 March 1968; notified in the *Commonwealth Gazette* and commenced on 14 March 1968.
† Ordinance No. 31, 1936, as amended by Nos. 38 and 40, 1936; No. 21, 1938; No. 14, 1947; No. 18, 1950; No. 8, 1951; No. 18, 1957; No. 21, 1959; No. 12, 1961; No. 18, 1963; No. 7, 1964; No. 19, 1966; and No. 13, 1967.

“ (4.) Where—

(a) food-stuffs or non-alcoholic beverages that have been manufactured or processed on land to which this section applies are sold by retail in a building erected on the land; or
 (b) confectionery, or food-stuffs or non-alcoholic beverages of a kind commonly known as refreshments, are sold by retail in a building erected on land to which this section applies, the use of the building for the retail sale of those goods does not contravene either of the last two preceding sub-sections, or the lease of the land, if—

- (c) the floor area of the building does not exceed five hundred square feet; or
 (d) in the case of a building having a floor area exceeding five hundred square feet—the goods are sold, are displayed with a view to being sold, or are sold and so displayed, in a part of the building, being a part having a floor area that does not exceed five hundred square feet, set aside for the selling of all or any of those goods, for the displaying of all or any of those goods as so mentioned or for the selling and displaying of all or any of those goods as so mentioned, as the case may be.

“ (5.) Sub-section (2.) or (3.) of this section, as the case may be, does not apply to land that is used for a purpose specified in sub-section (2.) of this section, or to a building that is used for a purpose specified in sub-section (3.) of this section, if the use of the land or the building for that purpose, is either expressly or by necessary implication, authorized by the lease otherwise than by reason of the fact that the lease authorizes the use of the land for a purpose specified in sub-section (1.) of this section.

“ (6.) This section does not prevent land to which this section applies, or a building erected on any such land, from being used for a purpose for which it was being used immediately before the commencement of this section provided that the land or the building is continuously used for that purpose after the commencement of this section.

“ (7.) This section shall not be taken to extend the purposes for which land to which this section applies, or a building erected on any such land, may be used.

“ (8.) In this section—

‘floor’ includes a basement;
 ‘floor area’ means—

- (a) in relation to a building—the total area of the floors covered by roofs of the building, and in the case of a building with more than one floor, the sum of the areas of the several floors; and
 (b) in relation to a part of a building—the total area of the floors of that part of the building, and in the case of a part of a building with more than one floor, the sum of the areas of the several floors, or the parts of the several floors, included in that part of the building.”.