

Christchurch City Council (Lancaster Park) Land Vesting Bill

Local Bill

As reported from the Local Government and
Environment Committee

Commentary

Recommendation

The Local Government and Environment Committee has examined the Christchurch City Council (Lancaster Park) Land Vesting Bill and recommends that it be passed with the amendments shown, subject to confirmation of approval from the Office of Treaty Settlements.

Introduction

This bill aims to facilitate the redevelopment of Lancaster Park as a modern sports stadium for the future by giving effect to an agreement between the park's board and Christchurch City Council. The Victory Park Act 1919 established the Victory Park Board to control and manage the land and facilities at Lancaster Park (the park's original name). The redevelopment required for Lancaster Park is beyond the board's financial resources. Therefore, in return for the council agreeing to fund the redevelopment, the board has agreed to hand its assets over to the council. The bill provides that land vested in the Crown and the board will be transferred to the local authority.

Submissions received

We received only one submission on the bill, from Christchurch City Council. It explained that extensive consultation on the matters contained in the bill has taken place over a number of years. The council submitted that there is strong local support for the redevelopment of land and facilities to be completed in time for the 2011 Rugby World Cup. Based on the council's submission we recommend a small number of minor amendments to the bill.

The council also noted that one of the purposes of the Victory Park Act was to vest land in the Crown in commemoration of the Canterbury soldiers who lost their lives in the First World War. The board was given the power to construct a permanent memorial recording the names of the soldiers, which became the war memorial entrance gates on Stevens Street. The council explained that a number of interested parties believe the bill should include recognition of this purpose. We agree and, accordingly, recommend the insertion of new clause 7A.

Administering Crown agency

It was brought to our attention on the day of deliberation that confirmation from the relevant administering Crown agency had not been received.

In order for the bill to pass in this Parliamentary term, we decided to continue with deliberation, subject to the condition that confirmation of the approval from the Office of Treaty Settlements be received before the bill progresses any further in the House.

Appendix

Committee process

The Christchurch City Council (Lancaster Park) Land Vesting Bill was referred to the committee on 16 April 2008. The closing date for submissions was 6 June 2008. We received, considered, and heard one submission. We received advice from the Department of Internal Affairs and the Parliamentary Counsel Office.

Committee membership

Moana Mackey (Chairperson)

John Carter (Deputy Chairperson)

Hon David Benson-Pope

Mark Blumsky (until 30 July 2008)

Jacqui Dean

Hon Marian Hobbs

Dr Russel Norman (from 1 July 2008)

Su'a William Sio

Hon Dr Nick Smith

Mētīria Turei (until 1 July 2008)

Nicky Wagner (from 30 July 2008)

**Christchurch City Council (Lancaster
Park) Land Vesting Bill**

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Tim Barnett

Christchurch City Council (Lancaster Park) Land Vesting Bill

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Christchurch City Council (Lancaster Park) Land Vesting Act **2008**.
- 2 Commencement** 5
This Act comes into force on the day after the date on which it receives the Royal assent.
- Preliminary Provisions*
- 3 Purpose** 10
The purpose of this Act is to—
- (a) vest Lancaster Park land in the Christchurch City Council to be held in trust for certain purposes:
 - (b) dissolve the Victory Park Board:
 - (c) repeal the Victory Park Act 1919:
 - (d) provide for related matters. 15
- 4 Interpretation**
In this Act, unless the context otherwise requires,—
- Board** means the Victory Park Board established by the Victory Park Act 1919
- Council** means the Christchurch City Council 20
- Property** means
- (a) every type of property; and
 - (b) includes:
 - (i) every type of estate and interest in property; and
 - (ii) money; but 25
 - (c) excludes the land described in **Schedules 1 and 2**.

Vesting of Lancaster Park Land in Council

5 Land vested in Council

- (1) The fee simple and registered leasehold estates in the land described in **Schedules 1 and 2** are vested in the Council.
- (2) The land continues to be subject to all leases, licences, reservations, restrictions, encumbrances, and interests in existence at the commencement of this Act. 5
- (3) However, the land in **Schedule 1** is no longer—
- (a) subject to the trusts, reservations, and restrictions imposed by the Victory Park Act 1919; or 10
 - (b) under the management, control, or direction of the Board.

6 Council to hold land on certain trusts

- (1) The Council must hold the land described in **Schedules 1 and 2** in trust for the following purposes: 15
- (a) rugby union;
 - (b) cricket;
 - (c) all other sports;
 - (d) recreation;
 - (e) entertainment; 20
 - (f) public assembly;
 - (g) ancillary purposes.
- (2) In subsection (1)(g), ancillary purposes—
- (a) means purposes ancillary to the purposes specified in **subsection (1)(a) to (f)**; and 25
 - (b) includes any commercial development and use on the land described in **Schedules 1 and 2** that generate income for the benefit of, and does not detract from, the purposes specified in **subsection (1)(a) to (f)**.

7 Council's powers in relation to land 30

- (1) The Council may grant a lease, tenancy or licence of any part of the land described in **Schedules 1 and 2** on such terms and conditions as it thinks fit.
- (2) The Council may exercise its power under **subsection (1)** only for one or more of the purposes set out in **section 6**. 35

- (3) No lease, tenancy or licence granted under **subsection (1)** (including rights of renewal or extensions, whether in the lease, tenancy or licence or granted separately) may be for a term of 50 years or longer.

7A War memorial gates

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In exercising its powers for the purposes of this Act, the Council must have regard to the significance of the war memorial gates at the Stevens Street boundary of the land described in Schedules 1 and 2 as a permanent memorial to the Canterbury soldiers who lost their lives in the First World War.

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8 Application of Ngai Tahu Claims Settlement Act 1998

- (1) On and from the commencement of this Act, Part 9 of the Ngai Tahu Claims Settlement Act 1998 applies to the land described in **Schedule 1** as if the Council were the Crown and the land were relevant land, and Part 9 of that Act applies accordingly with all necessary modifications. 15
- (2) For the purposes of **subsection (1)**, the Council is to be treated as if it had disposed of the land if—
- (a) it is using the land for a purpose not specified in section 6; and 20
- (b) it has not ceased to use the land for a purpose not specified in **section 6** within 20 working days after receiving a notice in writing from Te Rūnanga O Ngāi Tahu requiring it to cease using the land for a purpose not specified in **section 6**. 25
- (3) **Subsection (2)** does not limit **subsection (1)**.

Dissolution of Board

9 Dissolution of Board

- (1) The Board is dissolved.
- (2) The property, rights, contracts, engagements, authorities, duties, and liabilities of the Board vest in the Council. 30
- (3) All actions, arbitrations, and proceedings and all causes of actions, arbitrations, and proceedings by or against the Board may be continued by or against the Council.

- (4) Unless the context otherwise requires, a reference to the Board in an enactment, deed, instrument, application, notice, or any other document is to be read as a reference to the Council.

10 Final Accounts of the Board

- (1) Despite **sections 9 and 13**, the Board continues in existence to complete its obligations under **subsection (2)**. 5
- (2) The Board must, within three months after the commencement of this Act—
- (a) complete its accounts; and
 - (b) prepare a balance sheet showing the Board's receipts and disbursements and its actual financial position as at the commencement of this Act; and 10
 - (c) publish its balance sheet in a daily newspaper circulating in Christchurch.
- (3) The costs and expenses of the Board completing its obligations under **subsection (2)** must be paid by the Council. 15

Miscellaneous Provisions

11 Vesting of land not a gift, supply of services, or disposition, for certain purposes

To avoid doubt, the vesting of land and property by this Act is not— 20

- (a) a dutiable gift for the purposes of the Estate and Gift Duties Act 1968:
- (b) a supply of goods and services for the purposes of the Goods and Services Act 1985: 25
- (c) a sale, distribution, or transfer of property or liability for the purposes of the Income Tax Act ~~2004~~ 2007.

12 Powers of Registrar-General of Land

- (1) The Registrar-General of Land is authorised and directed to make such entries in the registers under the Land Transfer Act 1952 and to do all such other things as may be necessary to give effect to the provisions of this Act. 30
- (2) The Registrar must, ~~without fee~~—

- (a) cancel on the certificate of title for the land described in **Schedule 1** the words entered under section ~~99~~ 98 of the Ngai Tahu Claims Settlement Act 1998; and
- (b) enter on that certificate of title the following words:
“Subject to Part 9 of the Ngai Tahu Claims Settlement Act 1998, as applied by **section 8** of the Christchurch City Council (Lancaster Park) Land Vesting Act **2008**.” 5
- (3) **Subsection (2)** does not limit **subsection (1)**.

13 Repeal

The Victory Park Act 1919 is repealed.

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Schedule 1 ss 4, 5, 6, 7, 8, 12(2)
**Crown land Land of the Crown (Subject
to the Victory Park Act 1919) vested in
Council** 5

Area	Description	Certificate of Title
6.3251 ha	Lots 1 and 2 DP 18992 Lots 20–30 and Lot 50 DP 1384 Part Lots 57-60 and Part Lots 62-63 DP 631 Part Rural Section 62	CB27K/1155

Schedule 2

Board land vested in Council

ss 4, 5, 6, 7

Area	Description	Certificate of Title
1. 933m ²	Part Lot 53 DP 631	CB420/156
2. 908m ²	Part Lot 54 DP 631	CB23B/374
3. 908m ²	Part Lot 55 DP 631	CB378/27
4. 908m ²	Part Lot 56 DP 631	CB25B/1087
5. 908m ²	Part Lot 65 DP 631	CB33B/1210
6. 908m ²	Part Rural Section 62	CB21A/118
7. 513m ²	Part Rural Section 62	CB350/166
8. 513m ²	Part Rural Section 62	CB357/275
9. 483m ²	Part Lot 31 DP 1384	CB15K/760
10. 483m ²	Part Lot 31 DP 1384	CB15K/761
11. 417m ²	Part Lot 31 DP 1384	CB333/32
12. 753m ²	Lot 1 DP 301352	CB5892

Legislative history

13 February 2008
16 April 2008

Introduction (Bill 196-1)
First reading and referral to Local Government and
Environment Committee

