

Reprint
as at 19 April 2016



Canterbury Earthquake (Canterbury DHB Land Exchange) Order 2014

(LI 2014/107)

Canterbury Earthquake (Canterbury DHB Land Exchange) Order 2014: revoked, on 19 April 2016, by section 146(2) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 24th day of March 2014

Present:

His Excellency the Governor-General in Council

Pursuant to section 71 of the Canterbury Earthquake Recovery Act 2011, His Excellency the Governor-General makes the following order, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the relevant Minister made after the Canterbury Earthquake Recovery Review Panel's review of a draft of the order.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry of Health.

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Order

1 Title

This order is the Canterbury Earthquake (Canterbury DHB Land Exchange) Order 2014.

2 Commencement

This order comes into force on 31 March 2014.

3 Revocation of this order

This order is revoked on the expiry of the Canterbury Earthquake Recovery Act 2011.

4 Interpretation

In this order, unless the context otherwise requires,—

adjacent land means the part of Section 3 on Survey Office plan SO 467852 held, or formerly held, in computer freehold register CB20K/1038

chapel site means 0.1016 hectares, more or less, being Section 5 on Survey Office plan SO 467852

new Council land means 0.7025 hectares, more or less, being Section 2 on Survey Office plan SO 467852

new DHB land means 0.7025 hectares, more or less, being Section 1 on Survey Office plan SO 467852.

5 Vesting and status of new DHB land

- (1) The reservation of the new DHB land as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the new DHB land then vests in Canterbury DHB.

- (3) The new DHB land is then to be treated as if it were relevant land for the purposes of Part 9 of the Ngāi Tahu Claims Settlement Act 1998.
- (4) The new DHB land ceases to be subject to sections 5(2) to (4) and 12 of the Christchurch City (Reserves) Empowering Act 1971, in accordance with clause 10.

6 Vesting and status of new Council land and status of adjacent land

- (1) The fee simple estate in the new Council land vests in Christchurch City Council.
- (2) The new Council land is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (3) The Council is the administering body of the reserve for the purposes of the Reserves Act 1977.
- (4) The new Council land and the adjacent land cease to be subject to the Christchurch Hospital Act 1887 and to be held for any purpose imposed by that Act.
- (5) The new Council land becomes subject to sections 5(2) to (4) and 12 of the Christchurch City (Reserves) Empowering Act 1971, in accordance with clause 10.
- (6) Section 97 of the Ngāi Tahu Claims Settlement Act 1998 does not apply to the new Council land because of the vesting under this clause (meaning that the restriction in section 49 of that Act will apply to the land if a Crown body becomes its owner).

7 Vesting and status of chapel site

- (1) The fee simple estate in the chapel site vests in Christchurch City Council.
- (2) The chapel site is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (3) The Council is the administering body of the reserve for the purposes of the Reserves Act 1977.
- (4) The chapel site ceases to be subject to the Christchurch Hospital Act 1887 and to be held for any purpose imposed by that Act.
- (5) Section 97 of the Ngāi Tahu Claims Settlement Act 1998 does not apply to the chapel site because of the vesting under this clause (meaning that the restriction in section 49 of that Act will apply to the site if a Crown body becomes its owner).

8 Vesting of land with existing interests

Land vested by this order vests subject to, or with the benefit of, any interests that affected it immediately before the vesting, unless another clause provides otherwise.

9 Application of Resource Management Act 1991 to vesting

Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—

- (a) any vesting of land by this order; or
- (b) any matter incidental to, or required for the purpose of, the vesting.

10 Modification of Christchurch City (Reserves) Empowering Act 1971

- (1) This clause relates to the Christchurch City (Reserves) Empowering Act 1971.
- (2) Section 5(2) to (4) of that Act must be read as if Hagley Park—
 - (a) includes the new Council land; but
 - (b) does not include the new DHB land.
- (3) Section 12 of that Act must be read as if—
 - (a) it also applies to the new Council land; but
 - (b) it does not apply to the new DHB land.

11 Changes to computer registers after commencement

- (1) Canterbury DHB and Christchurch City Council must, as soon as is reasonably practicable after the commencement of this order, jointly apply to the Registrar-General of Land citing this clause.
- (2) The Registrar-General must do the following after receiving the application:
 - (a) make any changes to computer registers created under the Land Transfer Act 1952 that are required to give effect to this order:
 - (b) note the words quoted in section 98(3) of the Ngāi Tahu Claims Settlement Act 1998 on the computer register in respect of the new DHB land:
 - (c) remove the notation of those words from the computer registers in respect of the new Council land and the chapel site.
- (3) This clause replaces any requirements of sections 98 and 99 of the Ngāi Tahu Claims Settlement Act 1998 that would otherwise have applied.

12 Change to computer register on subsequent transfer

- (1) If Christchurch City Council is to transfer the new Council land or the chapel site to a Crown body after the commencement of this order, the Council must apply to the Registrar-General of Land citing this clause.
- (2) The Registrar-General must, after receipt of the application and registration of the transfer, note the words quoted in section 98(3) of the Ngāi Tahu Claims Settlement Act 1998 on the computer register in respect of the land transferred.
- (3) In this clause, **Crown body** has the meaning given by section 48(1) of the Ngāi Tahu Claims Settlement Act 1998.

13 Amendments to district plan

- (1) Despite anything in the Resource Management Act 1991, Christchurch City Council must amend its district plan so that—
 - (a) the new DHB land is zoned as Special Purpose (Hospital); and
 - (b) the new Council land is zoned as Conservation 2.
- (2) The Council must amend the plan as soon as practicable without using the process in Schedule 1 of the Resource Management Act 1991 or any other formal public process.
- (3) Until the Council amends the plan, it is deemed to have been amended as required by this clause.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order provides for the following:

- 0.7025 hectares of land in Hagley Park, owned by Christchurch City Council, vests in Canterbury DHB (the **new DHB land**):
- 0.7025 hectares of land adjacent to Hagley Park (the **new Council land**) and another 0.1016 hectares of land (the **chapel site**), all owned by Canterbury DHB, vest in Christchurch City Council:
- the new DHB land ceases to be part of Hagley Park, and the new Council land becomes part of Hagley Park, under the Christchurch City (Reserves) Empowering Act 1971:
- the chapel site becomes a historic reserve administered by the Council:
- the new Council land, an area of land adjacent to it, and the chapel site cease to be subject to the Christchurch Hospital Act 1887 and to be held for any purpose imposed by that Act (which, for the new Council land and adjacent land, means that restrictions on the use of the land and on building on the land are removed):
- the new DHB land becomes subject to the right of first refusal under the Ngāi Tahu Claims Settlement Act 1998, and the new Council land and the chapel site cease to be subject to the right of first refusal (while not owned by a Crown body):
- the Council must amend its district plan to re-zone the new DHB land for hospital use and the new Council land for conservation use.

This order comes into force on 31 March 2014. It is revoked on the expiry of the Canterbury Earthquake Recovery Act 2011.

This order is made under the Canterbury Earthquake Recovery Act 2011 and its effect is temporary.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 27 March 2014.

Reprints notes

1 *General*

This is a reprint of the Canterbury Earthquake (Canterbury DHB Land Exchange) Order 2014 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Greater Christchurch Regeneration Act 2016 (2016 No 14): section 146(2)