

# **America's Cup Road Stopping Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

The purpose of this Bill is to support construction relating to, and the operation of, the 36th America's Cup (the **America's Cup**) in Auckland by permanently stopping a portion of Brigham Street on Wynyard Point. Hosting the America's Cup has the potential to bring economic, social, and cultural benefits to New Zealand, including the opportunity to leverage the event for short- and longer-term legacy benefits to New Zealand.

On 13 April 2018, a resource consent application was lodged with Auckland Council for the construction of bases on Wynyard Point for the America's Cup. The Wynyard Hobson base option allows for minimum incursion into the harbour and a lower cost than other options explored, but it does require the stopping of a portion of Brigham Street in a timely manner.

The portion of Brigham Street is required to be stopped by 1 November 2018, to allow construction to start. The road stopping is also required to allow the America's Cup events to take place, as syndicate bases are intended to sit across the existing road to gain direct access to the water for launching racing yachts.

The portion of Brigham Street to be stopped is 0.322 ha and directly abuts the water. It is owned by Auckland Council and managed by Auckland Transport. The Bill will remove the road status of that portion of Brigham Street, and allow for Auckland Council, as owner, to apply for title for the former portion of road.

As Brigham Street runs along the water's edge, stopping the road under existing processes of the Public Works Act 1981 would trigger the requirement to provide an esplanade reserve (as set out in section 345(3) of the Local Government Act 1974). The Bill clarifies that no esplanade reserve is to be created where the portion of Brigham Street is stopped under the Bill, as an esplanade reserve would be incompatible with the construction relating to, and the operation of, the America's Cup.

This Bill is intended to fulfil the specific purpose of stopping a portion of Brigham Street in a timely manner to enable construction for the America's Cup. The Bill has no wider application.

### **Departmental disclosure statement**

The Ministry of Business, Innovation, and Employment is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2018&no=73>

### **Clause by clause analysis**

*Clause 1* states the Title of the Bill.

*Clause 2* states that the Bill commences on **1 November 2018**.

*Clause 3* states the purpose of the Bill.

*Clause 4* defines 2 terms used in the Bill.

*Clause 5* gives effect to the transitional, savings, and related provisions set out in *Schedule 1*.

*Clause 6* states that the Bill binds the Crown.

*Clause 7* stops an area of road in Brigham Street, in Wynyard Point in Auckland. The clause excludes section 345 of the Local Government Act 1974 from applying, so that an esplanade reserve is not created when the road is stopped. The clause refers to *Schedule 2*, which has an indicative map of the stopped road.

*Clause 8* provides for the Registrar-General of Land to create a record of title for the stopped road, after Auckland Council applies for it.

*Clause 9* self-repeals the Bill 12 months after it commences.

*Hon David Parker*

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

**1 Title**

This Act is the America's Cup Road Stopping Act **2018**.

**2 Commencement**

This Act comes into force on **1 November 2018**.

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- 3 Purpose**  
The purpose of this Act is to remove the road status from part of Brigham Street, in Wynyard Point in Auckland, so that the land can be used for construction relating to, and the operation of, the 36th America's Cup.
- 4 Interpretation** 5  
In this Act,—  
**Registrar-General** means the Registrar defined by section 5(1) of the Land Transfer Act 2017  
**stopped road** means the area of land that has ceased to be road under **section 7(1)**. 10
- 5 Transitional, savings, and related provisions**  
The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms.
- 6 Act binds the Crown** 15  
This Act binds the Crown.
- 7 Road stopped**  
(1) The road shown as Section 1 on SO 524347 is stopped.  
(2) Section 345 of the Local Government Act 1974 does not apply to the stopping of the road or to the stopped road.  
(3) To avoid doubt, the stopped road remains owned by Auckland Council. 20  
(4) *See* **Schedule 2** for a map showing the area of the stopped road, but the map is merely indicative and has no legal effect.
- 8 Record of title for stopped road**  
(1) Auckland Council, as the owner, may apply in writing to the Registrar-General for a record of title for the stopped road. 25  
(2) The Registrar-General must, as soon as is reasonably practicable after receiving the application and in accordance with the application,—  
(a) create a record of title for the fee simple estate in the stopped road in the name of Auckland Council; and  
(b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application. 30
- 9 Repeal of this Act**  
This Act is repealed 12 months after its commencement.

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**Schedule 1**  
**Transitional, savings, and related provisions**

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**Part 1**  
**Provisions relating to this Act as enacted**

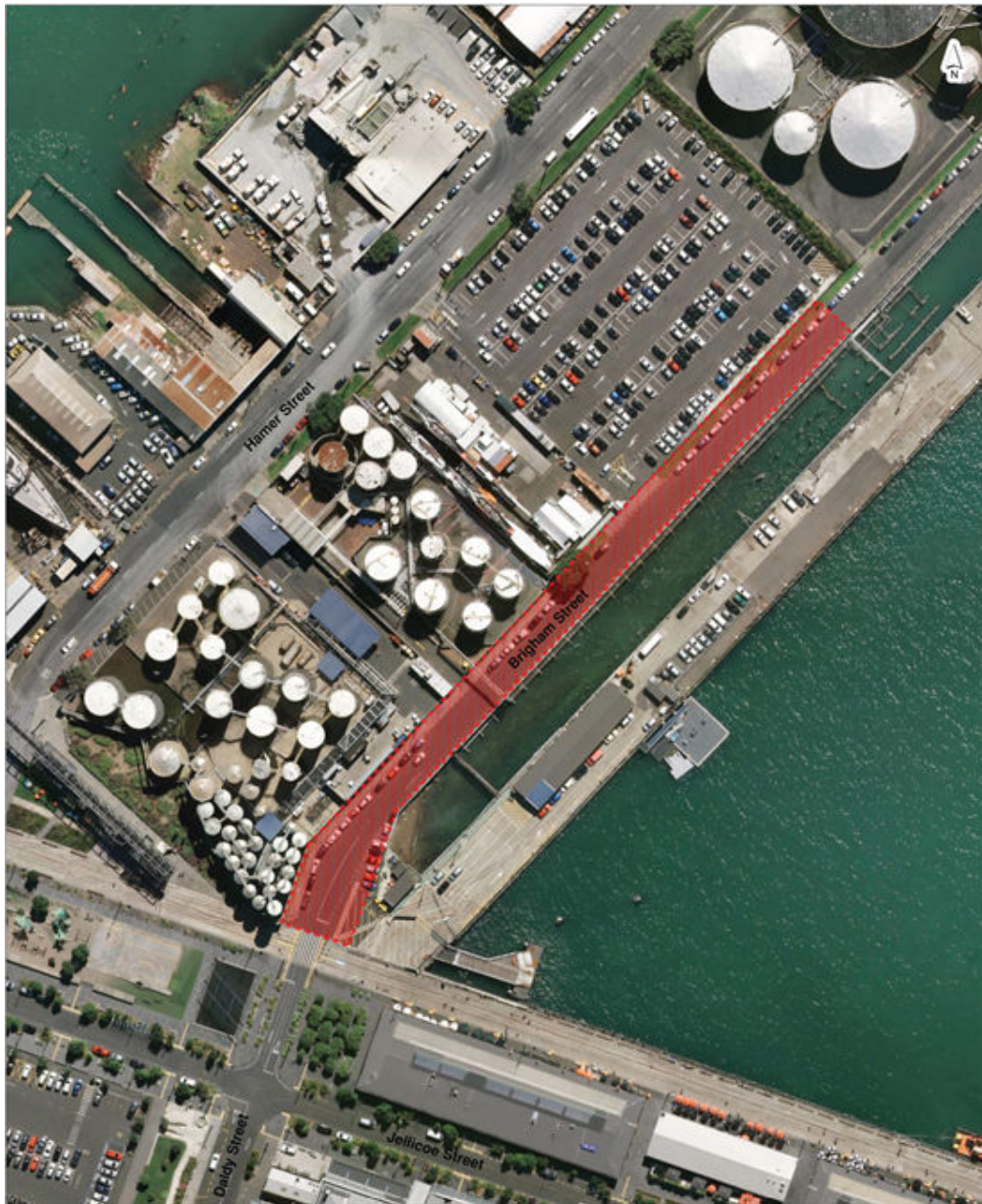
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In this Act, until the Land Transfer Act 1952 is repealed by the Land Transfer Act 2017,—

- (a) a reference to a record of title is a reference to a computer freehold register under the Land Transfer Act 1952:
- (b) a reference to an owner is a reference to a proprietor under the Land Transfer Act 1952: 10
- (c) a reference to a provision in the Land Transfer Act 2017 is a reference to the provision in the Land Transfer Act 1952 that is replaced by, or corresponds to, that provision in the Land Transfer Act 2017.

**Schedule 2**  
**Indicative map of stopped road**

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