

8. MOUNT MAGDALA CEMETERY - PROPOSED LAND DONATION



General Manager responsible:	General Manager City Environment Group DDI 941-8608
Officer responsible:	Unit Manager Transport and Greenspace
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PURPOSE OF REPORT

1. The purpose of this report is to seek the Riccarton/Wigram Community Board's recommendation to the Council to accept the property known as the Mount Magdala Cemetery as a gift to the City from the owner, The Good Shepherd Convent Trust Board.

EXECUTIVE SUMMARY

2. The Good Shepherd Convent Trust Board has approached the Council offering to transfer ownership of the old Mount Magdala Cemetery to the Council as a gift.
3. Care, control and management of the Mount Magdala Cemetery have already been vested in the Council under the Burial and Cremation Act by New Zealand Government Gazette 2008 p2700.
4. The land identified for donation, totalling approximately 2,958 square metres, is described as Lot 323 DP 423266 contained within Certificate of Title 490510 (**Attachment 1**).
5. As care, control and management of the Mount Magdala Cemetery have been vested with the Council on a permanent basis it make sense for the ownership of the land to also be transferred to the Council.

FINANCIAL IMPLICATIONS

6. There are no financial implications associated with the transfer of the Mount Magdala Cemetery to the Council as the transfer will be on a nominal value basis and the cost associated with the ownership transfer process will be covered by The Good Shepherd Convent Trust Board. In addition the property is non rateable.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

7. Yes. Page 128 of the LTCCP provides cemeteries which:
 - (a) Meet current, future and diverse cultural burial and remembrance needs;
 - (b) Preserve cultural heritage and green space;
 - (c) Meet health and safety requirements;
 - (d) Are accessible, attractive and well-maintained.

LEGAL CONSIDERATIONS

8. An agreement for sale and purchase of the land at a nominal purchase price of \$1.00 plus GST (if any) will be entered into with The Good Shepherd Convent Trust Board. The introduction of the nominal value of \$1 is required as you cannot legally have a contract without a consideration of some form or value.
9. The nominal purchase price reflects the proposed gift. The agreement is conditional upon various matters, including a condition that the gift is acceptable to the Council.
10. A decision to accept land as a gift does not fall within the delegated authority of the Community Board. The Board does however have recommendatory powers to the Council.

Have you considered the legal implications of the issue under consideration?

11. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. Draft Open space Strategy page 56. Existing and historic cemeteries integrated into open space system with enhanced street, waterway and park links.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

13. As above.

ALIGNMENT WITH STRATEGIES

14. Draft Open Space Strategy page 56. Existing and historic cemeteries integrated into open space system with enhanced street, waterway and park links.

Do the recommendations align with the Council's strategies?

15. As above.

CONSULTATION FULFILMENT

16. Not required.

STAFF RECOMMENDATION

It is recommended that the Board recommend to the Council to accept from The Good Shepherd Convent Trust Board the transfer of ownership of the Mount Magdala Cemetery (Lot 323 DP 423266) as a gift to the Council at a nominal value of \$1 plus GST if any.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted.

BACKGROUND (THE ISSUES)

17. By notice in the New Zealand Government Gazette on 19 June 2008 and under the provisions of the Burial and Cremation Act 1964, the Mount Magdala Burial Ground (known as Mount Magdala Cemetery) was declared closed. Burials in Mount Magdala Cemetery were discontinued from and including 19 December 2008.
18. Also by notice in the Government Gazette of 19 June 2008, the control and management of the closed burial ground known as the Mount Magdala Cemetery comprising 2,958 square metres was transferred to the Christchurch City Council. Council's control and management responsibility over the Mount Magdala Cemetery became effective from the date of the official closure of the cemetery, 19 December 2008.
19. As control and management of the Mount Magdala Cemetery was transferred to the Council on a permanent basis, the cemetery current owners, The Good Shepherd Convent Trust Board, and Council officers have agreed that the ownership of the land should preferably vest with the Council for convenience and practicality.
20. Following discussions between the parties it was agreed that, subject to the Council's approval, the ownership of the Mount Magdala Cemetery identified as Lot 332 DP 423266 contained within Certificate of Title 490510 be transferred to the Council at a nominal value of \$1 plus GST if any.

THE OPTIONS

21. The options are:
 - (a) To accept the gift of land as proposed;
 - (b) To decline to accept the gift as proposed.

THE PREFERRED OPTION

22. Option (a) is the preferred option as to decline to accept the gift would do nothing to rectify and tidy up a situation where control and maintenance responsibilities have been transferred to the Council whilst the land was still under another party's ownership.