7. HAGLEY NURSES HOSTEL - LOCAL BILL

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The purpose of this report, which has been requested by the Chair of the Strategy and Finance Committee, is to update Councillors as to progress regarding the promotion of a local Bill to require that, if the Hagley Nurses Hostel land ceases to be used for public health care purposes, it revert back to Hagley Park.

At its 23 November 2000 meeting, the Council considered a report from the writer on this issue and resolved that the Bill be proceeded with. A copy of the report to that meeting is attached. I note that with regard to reason number 3 in that report, the Council has subsequently resolved not to promote any local Bill in relation to the Nurses Chapel land, although the issue of the Council's relationship with the District Health Board would remain a relevant issue.

In late 2001 a draft Bill to give effect to the Council's resolution was circulated to government departments and interested groups and persons within Christchurch. A copy of the draft Bill, as circulated, is attached.

Comments on the draft Bill were requested by 1 March 2002 and to date comments received have been generally supportive. However the Canterbury District Health Board has advised that it will oppose this Bill when it comes before Parliament.

Both the Department of Conservation and the New Zealand Historic Places Trust have separately sought protection within the Bill of the existing nurses hostel as a building, so that if the building itself ceased to be used for public health care purposes, the land would become part of Hagley Park. I have not interpreted the Council's resolution to have that meaning, and my recommendation no 2 is intended to address this.

My interpretation, and the way the Bill is drafted, is that so long as the land is used for public health care purposes, even if the present building was to be replaced by a new building, then the Council agrees to the use of the land for that purpose. It would only be if the land itself (as distinct from any particular building on the land) ceased to be used for public health care purposes, that the Bill would come into effect and the land become part of Hagley Park. The existing hostel building would have no specific protection in the Bill other than being listed as a heritage building in the City Plan.

Having now completed the consultation locally, the next step with this draft Bill would be to give formal public notice in Christchurch for a period of three weeks, to circulate copies of the Bill to local Members of Parliament and after that three-week period has been concluded, to forward the Bill to Parliament for the commencement of the formal parliamentary procedures in relation to the Bill. Mr Tim Barnett MP has agreed to take charge of the Bill on behalf of the Council in the House. Given there is a general election this year, it is likely that the Bill would come into force in 2003.

Recommendation:

1. That the information regarding progress on the Bill (addressing the land issue) be received.

2. That the Hagley Nurses Hostel be protected through the City Plan, and not through the Bill.

The Chair comments:

I acknowledge that there is community and elected member support for the statutory protection of the Nurses Hostel site, so that it would revert to Hagley Park if the land ceases to be utilised for health care purposes. Having regard to Canterbury District Health Board plans for the redevelopment of the Christchurch Hospital site, the possibility of the land ceasing to be utilised for healthcare purposes is most unlikely, if not remote.

Previous advice from the Legal Services Manager was that the Council should not proceed with a local bill. As the hostel site was acquired from Te Runanga O Ngai Tahu by the Canterbury District Health Board and the Board are opposed to and would lodge an objection to any local bill introduced by this Council, it is my view that the Christchurch City Council should not proceed further with the local bill. It is unlikely to be passed and it would be unwise to promote such a bill when the support of Parliament will otherwise be sought during the current year for other local bills relating to Victory Park and the Robert McDougall Art Gallery site.

Chair's Recommendation: That the Council not proceed further with the introduction of a local Bill.