

## 1. HAGLEY NURSES' HOME LOCAL BILL

<b>Officer responsible</b> General Manager Regulation & Democracy Services	<b>Author</b> Peter Mitchell, DDI 941-8549
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The purpose of this report is to seek instructions from the Council for the drafting of the Local Bill as to the event which triggers the return of the land on which is situated the Hagley Nurses' Home back to the Council.

At its meeting on 25 March 2004, the Council resolved to promote a Local Bill regarding the Hagley Nurses' Home.

In the course of reviewing the file regarding this issue, it became apparent that there is a need to seek instructions from the Council as to the event which would trigger the operation of the Bill and require the return of the land on which the Hagley Nurses' Home is situated back to the Council.

At its 25 November 1999 meeting, the Council had resolved "... to promote legislation to amend section 5 of the Christchurch City (Reserves) Empowering Act 1971 to require that if the Nurses' Hostel site ceases to be used for public health care purposes, then it would revert back to Hagley Park."

Subsequently a Local Bill was drafted to give effect to that resolution. A copy of this draft Bill is attached. Consultation with government departments and relevant local community groups was then carried out in regard to the wording in that Bill.

It should be noted that the new s.5A(1) in that draft Bill provides that if the land ceases to be used for public health care purposes, then it is to vest in the Council as a reserve for recreation purposes. The important point here is that the trigger is the land ceasing to be used for public health care purposes. That drafting would permit the demolition of the Hagley Nurses' Home and its replacement with a new building so long as that building was used for public health care purposes.

At its meeting on 28 March 2002, the Council considered a further update report at which the Bill was before the Council. The March 2002 report from the Strategy and Finance Committee contained a recommendation which stated:

*"That the Council proceed further with the introduction of a Local Bill which would require that if the present Nurses' Home building ceases for a period of 12 months or more to be used for public health care purposes the land in C/T 464/210 (Canterbury Registry) shall vest absolutely in the Christchurch City Council as a reserve as part of Hagley Park for recreational purposes."*

That recommendation was passed by the Committee but not by the Council as the Council decided to enter into discussions with the District Health Board. Those discussions led to the proposed Deed of Covenant which was before the Council at its meeting in March of this year.

It will be appreciated that the March 2002 recommendation from the Strategy and Finance Committee effectively provided that the trigger for the Nurses' Home land to be returned to the Council was the replacement of the present Nurses' Home building. That event is different from the event that is referred to in the draft Bill attached.

The former Nurses' Home is included in the Proposed City Plan as a Group 3 listed building. Under the City Plan rules demolition would be a discretionary activity. Alteration or removal would be a restricted discretionary activity.

Before the Bill can be publicly notified to give effect to the Council's March 2004 resolution, the Council will need to clearly state whether it believes that the trigger for the land returning to the Council is:

- (a) the demolition of the current Nurses' Home; or
- (b) the land ceasing to be used for public health care purposes, which contemplates replacement of the current Nurses' Home.

The General Manager Regulation and Democracy Services recommended that the Council choose between (a) or (b) above.

**Committee**

- Recommendation:**
1. That the Council promote legislation to require that if the land known as Hagley Nurses' Home ceases to be used for public health care purposes, it revert to being part of Hagley Park.
  2. That the attached local bill be publicly notified.

(Note: Councillor James requested that his vote against the above recommendation be recorded.)