

3. HAGLEY NURSES' HOME - DEED OF COVENANT

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The purpose of this report is to update the Council regarding the ongoing negotiations with the Canterbury District Health Board concerning the terms of the Deed of Covenant for the use of the Hagley Nurses' Hostel land, and to recommend the adoption of a Deed of Covenant.

BACKGROUND

At its meeting in April 2003 the Council considered a report regarding the proposed Deed of Covenant between the Council and the District Health Board regarding the use of the land. The Council expressed concern at that meeting regarding paragraph 1(d) of the proposed Deed regarding the use of car parking on the Nurses' Home land. In particular the Council's concern was that the Nurses' Home land not be used for general hospital car parking, and that car parking be limited to activities generated on the Nurses' Home land itself.

At that meeting, the Council resolved that the draft Deed be amended to reflect this concern and that paragraph 1 of the Deed be amended to state:

"The Board covenants with the Council that Hagley Nurses' Home will not be used for any purpose other than:

- (a) The provision of personal health services, disability support services and public health services, with or without pecuniary reward;*
- (b) The education of health service providers;*
- (c) The accommodation of patients and/or the immediate families of those patients;*
- (d) Such other uses reasonably ancillary to the uses described in clauses 1(a) and (b) such as, without limitation, the provision of recreational facilities for patients and employees of the Board;*
- (e) Car parking arising out of the use of the Hagley Nurses' Home for the purposes referred to in subparagraphs (a) to (d) above."*

ONGOING NEGOTIATIONS

In discussions with the District Health Board since that meeting, it is clear that the District Health Board is not prepared to limit its future use of the Nurses' Home land to car parking generated solely by activities on that land, but is prepared to accept the limitation that the car parking be limited to activities predominantly generated by the Nurses' Home land, with an ability to have some car parking generated by activities on the main hospital site itself.

The Board sets out its position as:

- (a) It does not wish to use the Nurses' Home land predominantly for car parking and is willing to have this incorporated in the Deed;
- (b) In addition to the Nurses' Home, there are a number of other buildings on the land, particularly the Professional Development Unit (incorporating the Clinical Skills Unit) and the Whanau Building, a newly built facility. Staff, patients and visitors utilising these buildings or the Nurses' Home itself will often do so itself as part of their wider involvement in the main hospital site. There are currently 48 car parks on the Nurses' Home land and many of those who use those car parks have activities on the Nurses' Home land or on the main hospital site.

The Board proposes that rather than a statement that car parking on the Nurses' Home land must relate to activities solely conducted on that land, that it would be more appropriate to place some parameters on the number of car parks to be placed on the Nurses' Home land, together with provision that the Nurses Home Land not be used predominantly for car parking. In that regard, the Hospital Board wishes to preserve its options in relation to redevelopment of the Nurses' Home land and proposes that the Deed incorporate a clause to the effect that the Board, in the event of any redevelopment, would be able to construct a maximum of 200 car parks distributed over three floors on the land and it would be able to construct a new building with car parking to be included in that building.

This reference to potential redevelopment on the Nurses Home land clearly contemplates the demolition of the existing Nurses' Home. This will require the Council to decide that the Council's concern in these negotiations is the one of car parking in relation to use of the Nurses' Home land itself, rather than the future of the Nurses' Home building.

It has been my understanding that the Council's concern in these negotiations is with the use of the land as a whole, rather than the future use of the Nurses' Home building. The building is not currently listed as an historic building in the Operative Transitional District Plan but is listed as a Group 3 historic building in the Proposed City Plan. That Group 3 listing would require a resource consent to be obtained from the Council if there were to be any alteration or demolition of the Nurses' Home building itself. The other buildings on the Nurses' Home land are not listed in any way and future demolition would be a matter for decision by the District Health Board.

The draft Deed (attached) has been incorporated to reflect the position requested by the District Health Board if the Council is willing to agree to the Nurses' Home land being used principally for activities relating to that land, and to the possible prospect of some 200 car parks being established on that land at some point in the future with the same limitation that the car parking must relate principally to activities on the Nurses' Home land.

Staff

Recommendation: That the Council agree to sign the draft Deed of Covenant attached to this report.

Chair's

Recommendation: That the above recommendation be adopted.