

17. **SUBMISSION ON HISTORIC PLACES TRUST REGISTRATION PROPOSAL (FORMER SUNNYSIDE ADMINISTRATION BUILDING AND SETTING)**

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**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Council approval for a submission on the New Zealand Historic Places Trust (NZHPT) Registration Proposal for Sunnyside Administration Building (former) and setting as a Category I Historic Place. Attachments include a copy of the NZHPT registration proposal (attachment 2) and the proposed Council submission on the proposal (attachment 1).

**EXECUTIVE SUMMARY**

2. **Background of the Site**

In 1982 the Sunnyside Hospital complex was classified "C" by the NZHPT, and under the provisions of the 1993 Historic Places Act this became a Category II (Two) historic place. An audit of the register in 2004 revealed that there was no confirmation of the original classification in the NZHPT Board Minutes of 1982 and therefore that the registration had to be re-done. During preparations to re-confirm the registration, it was discovered that the reference to the complex as the Mountfort Buildings was incorrect. Also during this time the bulk of the complex was demolished. These circumstances led to a report being prepared in 2005 to remove the listing from the register. This was approved by the NZHPT Board in June/July 2005, with the recommendation that a new registration be prepared for the former Administration Building (being the only building remaining of the complex). On 6<sup>th</sup> October 2006 the Council received notification by the Trust of their proposed registration of the remaining Administration Building (former) and Setting as a Category I Historic Place.

3. The purpose of the Historic Places Act is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. The purposes of the Register are:

- (a) To inform members of the public about historic places, historic areas, wahi tapu, and wahi tapu areas:
- (b) To notify owners of historic places, historic areas, wahi tapu, and wahi tapu areas where necessary for the purposes of this Act:
- (c) To assist historic places, historic areas, wahi tapu, and wahi tapu areas to be protected under the Resource Management Act 1991 (through District Plans).

4. Under the Historic Places Act (HPA) Category I places have "*special or outstanding historical or cultural heritage significance or value*" while those in Category II are of "*historical or cultural heritage significance or value.*"

5. **City Plan Status**

The former Sunnyside Administration Building is presently listed as a Group 2 Protected Heritage Item in the City Plan. The Council assessed the significance of the whole of the Sunnyside Hospital complex prior to the notification of the City Plan in 1995. The complex was complete at that time, apart from the east wing which had been demolished. The heritage significance of the complex was recognised and listed in the City Plan as a Group 2 heritage place. As a consequence of a submission by the Canterbury District Health Board (CDHB) to have the whole listing removed from the city plan a decision was made by Council to retain only the Administration Building as a Group 2 heritage place within the City Plan listing. Three heritage assessments have been prepared for the Administration Building by the Council since this time (see paragraphs 7-9 following).

6. The Hillmorton Hospital site (as Sunnyside is now referred to as) has been purchased by Ngai Tahu Property Limited (NTPL) from the Canterbury District Health Board (CDHB). Under a Consent Order issued by the Environment Court dated 5 June 2003 the Christchurch City Council can, within three months of subdivision consent being granted, purchase the administration building. If this purchase does not occur then the City Plan heritage listing is automatically removed, and demolition can occur without further planning consents. The subdivision consent was granted on 7 September 2006 and accordingly Council must exercise its right to purchase by 7 December 2006. Consideration of this offer is canvassed in a report also before Council today. There is no onus on the Council to purchase a building once it is registered by the Historic Places Trust or listed as a Protected Heritage Item in the City Plan.
7. Following the sale of the Hillmorton site to Ngai Tahu the prospect of the redevelopment of the site, including the possible future of the administration building, has been raised. As a consequence of the Council report to the Spreydon/ Heathcote Community Board on 18 April 2006, the Board requested further information including a re-assessment of the heritage significance of the Administration Building. This re-assessment was prepared by the Council with input from a consultant - Heritage Management Services (who also authored the heritage conservation plan) - and provided to the Board at the meeting on 2 May 2006. This was a brief numerical value assessment based on City Plan heritage assessment criteria, comparing the Group 2 listing for the whole complex with an evaluation of the Administration Building alone, as it now stands following the demolition of the bulk of the complex. This reassessment concluded that the demolition of the whole complex apart from the remnant of the Administration block resulted in a significantly reduced heritage value and consequently that the building was likely to be re-evaluated as a Group 4 listing (this listing group includes buildings, places and objects which are of metropolitan significance and/or involve a contribution to the heritage of the city, the protection of which will be encouraged by the Council), notwithstanding the current City Plan Group 2 listed status of the building.
8. A second assessment was prepared by the Council with input from consultant Heritage Management Services for inclusion in a report to the Spreydon/Heathcote Community Board 'Future of the Administration Building of the former Hillmorton Hospital Site' on 31 October 2006. This assessment is a full statement of the significance of the Administration building alone, based on City Plan heritage assessment criteria and concludes that the Administration Building alone is of metropolitan significance.
9. **NZHPT Proposed Registration of the Administration Building**  
The attached Council assessment of the building has been completed as a submission to the NZHPT registration proposal, and contains an assessment of the heritage significance of the building based on the criteria and methodology for registration as set out in the Historic Places Act 1993 (HPA).
10. The advice to Council is that the Former Sunnyside Administration Building and Setting is worthy of registration, however it is not appropriate for Category I registration. Category II status would more appropriately reflect the building's significance, and would be in line with the Council's revised assessments of 2 May and 31 October 2006. The Council submission on the NZHPT registration proposal has been prepared with reference to the HPA criteria and methodology for registration, and the Historic Places Trust publication 'Assessing Places and Areas for Inclusion on the Historic Places Trust's Register. Guidelines for Interpreting Registration Criteria for Historic Places and Historic Areas' (Greg Vossler, March 2001).
11. If the whole Sunnyside complex was still standing today, it would be likely to meet the requirements for Category I registration. The Historic Places Trust Category I Registration proposal for the Former Sunnyside Administration Building and setting is largely based on an assessment of the historical significance of the site and the Sunnyside complex as a whole. However this complex has been largely demolished, resulting in a significant loss of heritage fabric and associated values and leaving the Administration Building to stand alone. The Council's submission on the NZHPT registration proposal uses the HPA criteria and recognises that the complex no longer exists and the significance is associated largely with the Administration building alone. An assessment focussed on the intrinsic values of the Administration Building and Setting would provide a more accurate analysis of heritage significance, in line with Category II registration.

12. Although the Administration Building serves as a visible reminder of the complex that once was, it has limited scope for representing the history of the Hospital as a whole and past mental health care practices. The building's principal purpose, design and use over time has been exclusively for administration and is not directly related to the philosophy and attitudes regarding Victorian era mental health treatment and accommodation. The building is not an important example of the work of Public Works Department draftsman John Campbell or of the Gothic style of architecture. For these reasons it is considered that the Category I registration is not justified. The Administration Building is not of comparable significance to other early mental health facilities registered as Category I Historic Places such as the largely intact Victorian era Carrington Hospital complex in Auckland or the Former F Ward of Porirua Hospital.
13. It is considered that Category II registration is justified because the building is historically significant on account of its history of the continued use as the entrance and administration centre for the Sunnyside complex and is of some architectural significance as a typical example of a 19<sup>th</sup> century institutional building with a limited degree of Victorian Gothic Revival style architectural references.
14. **How Should the Council approach the Registration and Possible Submission?**

The questions that invariably arise in such a complicated web of overlapping jurisdictions and circumstances are: why should the Council lodge a submission, and should it support any form of registration (be it Category I or II), if the building is to be removed from the Council's City Plan should the Council determine not to purchase it at its on 9 November meeting (see report by the Chairperson of the Spreydon/Heathcote Community Board); and most importantly would registration create any legal or financial difficulties or obligations for Council. The first test is whether **any** building submitted for registration justifies such recognition. The fact that the complex had been previously registered is relevant, and staff in applying the appropriate guidelines do consider that a Category II registration is appropriate. Such registration would be consistent with its current inclusion in the City Plan. If by some circumstance the administration building is retained after 7 December 2006 a Category II registration would be appropriate.
15. Under the Consent Order from the Environment Court the building will be removed from the City Plan heritage listing if the Council does not purchase it by 7 December. In the report of the Chairperson of the Spreydon/Heathcote Community board this action is not recommended, and if resolved by Council in this manner the Environment Court's direction will take effect. Registration of the building in any form will not prevent this, and it certainly will not be the first case of a registered building being demolished. However the imminent possibility of demolition of the building is a matter that the Historic Places Trust Board should consider before it moves to register the building in any shape or form.
16. Registration by the Historic Places Trust, whether as a Category I or Category II Historic Place, does not create any legal obligations on the Council apart from a requirement under S74 of the Resource Management Act 'to have regard to' the Historic Places register when considering the inclusion of heritage buildings and places in the City Plan. There are no consequential financial obligations for the Council nor for the landowner as a result of registration as a Historic Place, whether Category I or Category II. Consideration of Historic Places Trust registration when assessing resource consents relating to listed heritage buildings is provided for in Part 10 of the City Plan (1.4.1, assessment matter (b)), however this is not relevant in these current circumstances because of the consent order that is in place. The assessment matters for subdivision consents in Part 14, 4.4 of the City Plan relating to heritage buildings have no requirement to recognise HPT registration of Historic Places. The subdivision consent has been approved. Nor should registration influence how Council views the building regarding its possible acquisition from Ngai Tahu Properties Limited (NTPL). The heritage significance of the Former Administration Building (or any other building) will need to be weighed against its potential use, and monies needed to protect and refurbish the building. Notwithstanding the heritage significance recognised by the current City Plan listing and/or the possible registration by NZHPT it is considered that purchase by the Council could be difficult to justify in light of the unlikelihood of it meeting appropriate council needs or uses and the very significant costs required to protect and refurbish it (estimated to be approximately \$500,000 excluding land acquisition costs).

17. Finally there is a wider obligation on the Council to make a submission on the NZHPT registration proposal for the Former Sunnyside Building and Setting because of the requirement under S74 of the Resource Management Act (RMA) for Territorial Authorities to have regard to any relevant entry in the Historic Places Register (the Register) when preparing or changing a District Plan. The content of the City Plan and the consent order from the Court in relation to the Sunnyside Administration Building does not prevent the Council making submissions on matters that are part of a separate statutory process, such as a proposal for registration under the Historic Places Act, and which are part of the decision making of a separate statutory authority such as the NZHPT.
18. It is therefore considered appropriate that council should lodge a submission on the proposed registration, and that the Council can support a level of registration notwithstanding the other processes in hand. However, it is the professional opinion of staff that any registration can only be justified to the category II level, and a submission to this effect is appended to this report.
19. It should be noted that at the Extraordinary meeting of the Spreydon/ Heathcote Community board on 31 October 2006 the Board recommendations included that the Council support the proposed registration by the New Zealand Historic Places Trust of the Administration Building and setting as a Category I Historic Place.

#### **FINANCIAL AND LEGAL CONSIDERATIONS**

20. The submission has been considered in terms of the Historic Places Act, the Resource Management Act and the City Plan. There are no immediate financial implications as a result of this report and its staff recommendation. Listing of a Protected Heritage Item in the City Plan and/or proposed registration or registration by the NZHPT does not of itself create an obligation to purchase at the threat of demolition. In that respect the direction of the 2003 Environment Court Order is the principal determination that will affect the building's City Plan listed status, notwithstanding anything that the Historic Places Trust may resolve.

#### **STAFF RECOMMENDATION**

It is recommended that the Council approve the submission on the Historic Places Trust Registration Proposal for Sunnyside Administration Building (former) and setting as set out in attachment 1.

**BACKGROUND ON SUBMISSION ON HISTORIC PLACES TRUST REGISTRATION PROPOSAL (FORMER SUNNYSIDE ADMINISTRATION BUILDING AND SETTING)**

21. This submission on the Historic Places Trust Registration Proposal is in response to the letter and registration proposal dated 4 October 2006 and received on the 6<sup>th</sup> October 2006, informing Council of the proposed Category I registration of the former Sunnyside Administration Building and Setting, and seeking comment about the proposal. The registration was publicly notified in The Press on 6 October 2006.
22. To assist in this review consideration has been given to the Historic Places Act, the Historic Places Trust publication *'Assessing Places and Areas for Inclusion on the Historic Places Trust's Register. Guidelines for Interpreting Registration Criteria for Historic Places and Historic Areas'* (Greg Vossler, March 2001), and the heritage assessments carried out by the Council for the building this year.
23. The test for establishing whether a place qualifies for registration is set out in S 23 (1) of the Historic Places Act : *The Trust may enter any historic place or historic area in the Register if the place or area possesses aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, technological, or traditional significance or value.* The former Administration Building has been recommended for registration under historical, architectural, aesthetic, social and cultural criteria.
24. The test for whether the place qualifies as a Category I or II place is set out in S23(2) of the Historic Places Act. The Trust may assign Category I status or Category II status to any historic place, having regard to a number of criteria. The Sunnyside Administration building has been recommended for Category I registration on account of the following criteria:
  - (a) The extent to which the place reflects important or representative aspects of New Zealand history;
  - (b) The association of the place with events, persons, or ideas of importance in New Zealand history;
  - (e) The community association with, or public esteem for, the place;
  - (f) The potential of the place for public education;
  - (g) The technical accomplishment or value, or design of the place;
  - (h) The symbolic or commemorative value of the place;
  - (j) The importance of identifying rare types of historic places.
25. The building is a remnant of a much larger complex that was listed in the City Plan as a Group 2 Protected Heritage Item (which includes buildings, places and objects which are of national or regional importance, the protection of which is seen as important where this can reasonably be achieved). The proposed listing was for the whole Sunnyside complex as a Group 2 building, and was incorrect in attributing the listed portions of the complex to the architect BJ Mountfort (Cane and Campbell/Public Works Department also designed buildings within the complex).
26. The CDHB submission on the City Plan was to remove the whole of the Sunnyside complex from the heritage listings. The reporting officer (Dr Peter Richardson) and the NZHPT recommended that the whole of the complex remain a Group 2 listed heritage item. Dr Richardson identified the west wing and the central block as particularly significant and "...accepted that the administration building was arguably the best known feature and public face of the asylum." The CDHB engineer identified the west wing as the most significant component of the complex and the most feasible to retain and market, followed by the Administration building. The CDHB valuer however, considered the Administration building to be the most feasible to retain and market. Although Dr Richardson stated "...it would be unwise to limit consideration of listing or conservation to a specific part of the complex", and there is no indication in the decision that he or the NZHPT considered that the administration building alone be listed as a Group 2 heritage item, this was the decision made by the Council. In effect the compromise reached by Council created an inconsistency because it attached a Group 2 listing to a limited part of the site which alone did not warrant such a high value as assessed and advised by Council heritage officers at the City Plan hearing. The subsequent reports prepared by Council heritage officers and Heritage Management Services confirmed this by identifying that the Administration building on its own only warranted a Group 4 listing.

27. As a result of a City Plan reference to the Environment Court appealing the heritage listing of the Sunnyside Administration building, Healthlink South and the Christchurch City Council confirmed through a Consent Order by the Environment Court on 5 June 2003 the following:
28. *“The proposal put to the Court is one which involves two key elements. Firstly, that a subdivision consent is granted for the development of the Health Board land (Sunnyside); and secondly, that the administrative block land is not acquired by the Council within three months. If those two pre-conditions are met then the listing in the appendix, and consequently its protection as a historic building, would lapse.”*
29. NTPL has now completed the purchase of the Hillmorton Hospital site. The subdivision consent has been granted and NTPL have written to ascertain the Council's intentions for the site.
30. The City Council has a three month period (ends 7 December 2006) in which to negotiate with NTPL over the acquisition of the building if the heritage listing is to remain. NTPL are not required to sell the property to the Council and the Council is under no obligation to purchase it. If the negotiations are unsuccessful NTPL will be permitted as of right to deal with the building as they see fit. Registration by the Trust will not limit these rights regardless of whether it is registered as Category I or Category II Historic Place.