



Health Sector Transfers (Wellington City Council) Order 2002

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 9th day of December 2002

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to sections 2(6) and 5 of the Health Sector (Transfers) Act 1993, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

Contents

1	Title	
2	Commencement	
3	Wellington City Council to be transferee	
4	Approval of proposal	
5	Provisions facilitating transfer of assets	
		Schedule
		Proposal for transfer of assets

Order

1 Title

This order is the Health Sector Transfers (Wellington City Council) Order 2002.

2 Commencement

This order comes into force on 19 December 2002.

3 Wellington City Council to be transferee

The Wellington City Council is declared to be a transferee for the purposes of the Health Sector (Transfers) Act 1993.

4 Approval of proposal

The proposal set out in the Schedule is approved.

5 Provisions facilitating transfer of assets

It is declared that, on and from 19 December 2002,—

- (a) every reference to Capital and Coast DHB (a district health board established by the New Zealand Public Health and Disability Act 2000) in any notice or document (other than an enactment) that relates to the assets transferred by this order is deemed to be a reference to the Wellington City Council; and
- (b) Wellington City Council assumes any rights and obligations of Capital and Coast DHB under applications, objections, or proceedings that—
 - (i) relate to the assets transferred by this order; and
 - (ii) are pending on 19 December 2002 before any court, authority, or other person; and
- (c) this order is deemed to be notice to all persons, and specific notice need not be given to any authority or other person.

Schedule

cl 4

Proposal for transfer of assets**1 Background**

This proposal, which has been agreed to by the Wellington City Council, has been prepared in accordance with section 5 of the Health Sector (Transfers) Act 1993 to transfer from Capital and Coast DHB to the Wellington City Council 2 areas of land in Wellington that were formerly part of the land known as the Chest Hospital land. As soon as practicable after the transfer date, the Wellington City Council will be required to preserve the open space character of the larger area of land

and give the public access to the land. Although the land will not legally form part of the Wellington Town Belt, the intention is that members of the public will be able to enjoy the land together with the surrounding Town Belt.

Because buildings are located on the smaller area of land, it must, for the time being, be treated separately from the larger area. However, the intention is that, in the longer term, the smaller area of land will be treated in substantially the same way as the larger area.

2 Interpretation

In this proposal, unless the context otherwise requires,—

Council means the Wellington City Council

DHB means Capital and Coast DHB, a district health board established by the New Zealand Public Health and Disability Act 2000

larger area of land means all that parcel of land containing an area of approximately 2.3028 hectares, being lot 3 on land transfer plan 316137, and being part of the land comprised and described in certificate of title 45C/357 (Wellington Registry)

reserve lands means the larger area of land and the smaller area of land

smaller area of land means all that parcel of land containing an area of approximately 8973 square metres, being lot 4 on land transfer plan 316137, and being part of the land comprised and described in certificate of title 45C/357 (Wellington Registry).

3 Transferor

The transferor is the DHB.

4 Transferee

The transferee is the Council.

5 Description of assets to be transferred

The assets to be transferred are the DHB's estates and interests in the reserve lands.

6 Value attributed to assets for purposes of transfer

For the purposes of the transfer, the value attributed to the assets referred to in clause 5 is nil as at the transfer date.

7 Transfer of assets without consideration

The assets referred to in clause 5 are transferred without the DHB receiving any asset in return.

8 Transfer date

The transfer date is 19 December 2002.

9 Council's obligations in relation to larger area of land

- (1) The provisions of this clause constitute obligations of the Council in relation to the larger area of land.
- (2) The Council must preserve the open space character of the land.
- (3) As soon as practicable after the transfer date, the Council must promote a new classification or purpose of the land under the Reserves Act 1977—
 - (a) that is consistent with its obligation under subclause (2); and
 - (b) that, subject to any restrictions that may be imposed under that Act, gives the public access to the land.

10 Council's obligations in relation to smaller area of land

- (1) The provisions of this clause constitute obligations of the Council in relation to the smaller area of land.
- (2) As soon as practicable after the transfer date, the Council must promote a new classification or purpose of the land under the Reserves Act 1977 that is consistent with any lawful restriction on the use of the land.
- (3) In the event that the land becomes vacant land, the Council must—
 - (a) carry out any work required to give the land the character of open space land; and
 - (b) then preserve the open space character of the land.
- (4) As soon as practicable after the occurrence of the event referred to in subclause (3), the Council must promote a new

classification or purpose of the land under the Reserves Act 1977—

- (a) that is consistent with its obligation under subclause (3)(b); and
 - (b) that, subject to any restrictions that may be imposed under that Act, gives the public access to the land.
- (5) Subclause (4) prevails over subclause (2).

11 Council's obligations in relation to reserve lands

- (1) The provisions of this clause constitute obligations of the Council in relation to the reserve lands.
- (2) The Council must not seek, and must object to any other person seeking, the revocation of the status of the reserve lands or any portion of those lands as reserves under the Reserves Act 1977.
- (3) The Council must not transfer, or agree to transfer, its estates in fee simple in the reserve lands.

12 Execution of proposal

This proposal is dated 3 December 2002 and is signed by the transferring Ministers, Annette Faye King, Minister of Health, and Michael John Cullen, Minister of Finance.

ANNETTE FAYE KING, Minister of Health

MICHAEL JOHN CULLEN, Minister of Finance

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 19 December 2002, enables assets or liabilities within the health sector to be transferred to the Wellington City Council by giving the Council the status of a transferee under the Health Sector (Transfers) Act 1993.

The order transfers to the Wellington City Council 2 areas of land that were hospital grounds in the past. Although no longer used for hospital purposes, the areas are included in land classified under the Reserves Act 1977 as a reserve for the health and disability sector.

After the commencement of this order, Wellington City Council will be required to seek reclassifications under the Reserves Act 1977 of the areas of land transferred by this order. For the larger area, which is open land, the Council must seek a classification that preserves the open space character of the land and gives the public access to the land. For the smaller area, the Council may seek a more flexible classification under the Reserves Act 1977. However, in the event that the smaller area becomes vacant land, that area will have to be treated in the same way as the larger area.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 12 December 2002.

This order is administered in the Ministry of Health.
