



CAMPBELL TOWN HALL REVIEW

ABSTRACT

A review into future usage of the Campbell Town Hall reflecting input from community members regarding potential opportunities if the facility was retained and repurposed as a community asset

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1. Campbell Town Hall Context

Built in 1939, the Campbell Town Hall is located in Campbell Town's main street in close proximity to Valentine Park and the main business centre. Current usage of the facility includes Services Tasmania, a volunteer visitor information centre, museum and a monthly community market.

The Hall is a public asset owned and maintained by the Northern Midlands Council (NMC). Amenities in the facility (toilet and kitchens) are no longer to an acceptable standard to compete with other facilities in Campbell Town for public usage.

In 2019 construction of the Campbell Town Multi Purpose Complex was completed. The construction of the Multi-Purpose facility at the recreation grounds was intended to provide dual purpose facilities to meet the needs of the sporting community, as well as provide public venue facilities in line with 21st century user expectations. During the community consultation phase to progress the Multi-Purpose facility concept the impact on the future of the Town Hall was identified.

Usage of the Multi-Purpose facility has progressively increased over the last 18 months since the appointment of an onsite facilities manager to promote and market the facility. This increased in usage has had an impact on the usage of the Town Hall over this time.

NMC now have the difficult decision of determining what the best options are available for the future of the Town Hall. For the facility to be retained as a community asset NMC do not wish to deficit fund the operations of the building into the future. Any future operations need to provide long term sustainability.



Image 1: Hall facing onto main street

The Campbell Town community members consider the Town Hall as an important part of their community, having a long-term social investment in the building. It is evident from community engagement that there is a strong feeling from community members that they wish to see the Town Hall retained as a community asset and repurposed to create value not only for the community directly, but also to create and promote services and events/opportunities that community members and visitors would see as valuable.

2. Current Use and Use Issues

Current use of the facility has not been of high enough significance and dynamism to enable the site to become a driver of visitation and community connection into the future. More specifically the nature of the museum and gallery spaces are poorly aligned to the needs of visitors and despite the efforts of a committed volunteer group, the space available is inadequate to create an engaging and changing experience. It was noted that the current format of display and interaction with visitors would not encourage repeat visitation.



Image 2: Entry to Visitor Information Centre

Although the Town Hall currently offers a volunteer manned Tourism Information Centre, the primary purpose of visitation to this service is to connect with locals on what to do and see in the area.

As part of the 'Heritage Highway', Campbell Town is ideally placed as a stopping point to gather provisions, directions and to organise experiences in both the North and South of the state. As such, there is considerable scope to expand the Tourism Information Centre's presence to capitalise on this strategic geographical positioning.

Except for Services Tasmania, locals and residents are not currently encouraged to visit the Town Hall, as it does not provide any services or experiences that they would be greatly

interested in. Informal conversations with community members indicated that they have a strong sense of ownership and attachment to the building but no real motivation to be regularly involved.

For all intents and purposes as a tourism, social and community asset, the site is almost dormant.

3. Assessment of the Town Hall Building

The Town Hall as a facility is ideally positioned to play a significant role in the marketing and rejuvenation of Campbell Town and surrounding areas.

Some observations include:

- The Town Hall has always been a central point of visitation to the township, but in its current format, fails to encourage visitors to stay and enjoy the place
- The building lacks 'street appeal' and is perceived as a "closed" building that has little linkage to the streetscape and is difficult for visitors to access and to appreciate the surrounding offering of main street Campbell Town
- The central main street location in the Campbell Town township is ideal, but the building façade and external presence is tired and in need of an upgrade to attract contemporary commercial and community use

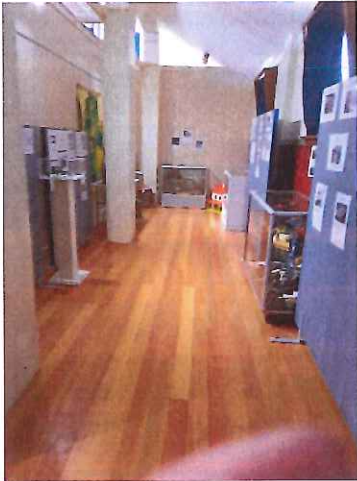


Image 4: Static displays in museum

- There is ample parking adjacent to the building that already services commercial and private road users
- The building has a significant floor space that is grossly underutilised from a utility and a productivity perspective
- The current museum space attempts to display the rich and diverse history of Campbell Town and surrounds and holds a number of important artefacts. However, the limited space is restrictive and of a very low quality gallery when compared to other sites of this type
- The mezzanine floor has been closed off due to structural issues
- The "Hall" design of the building lends itself to modernisation and repurposing without significant structural works
- The building will require an engineering review prior to any development but has considerable potential for refitting for multipurpose use.

4. SWOT Analysis

4.1 Strengths

- Ideal location in centre of township and on the main street
- Ample parking adjacent to the building
- Close proximity to Valentine Park
- Significant and flexible floor space
- The 'hall' design of the building lends itself to modernisation and resetting without significant structural works
- Significant emotional investment in the building by local residents and business community
- Capacity for commercial ventures operating out of the building
- Existing Services Tasmania tenant is stable and critical to the function of the town
- The building has a long history of supporting tourism, history, culture and heritage



Image 5: Hall area facing stage



Image 3: Side view of Hall

4.2 Weaknesses

- In its current format, the building does not encourage visitors to stay and enjoy Campbell Town and the surrounds
- The building lacks 'street appeal' and is perceived as a 'closed' building
- The building has little linkage to the streetscape and is therefore difficult for visitors to access and to



Image 6: Hall looking out from stage

appreciate the surrounding offering of main street Campbell Town

- The floor space is currently grossly underutilized
- The current museum space is of a very low quality when compared to other sites of this type
- The mezzanine floor has been closed off due to structural issues
- A singular tenant model focused on its own operations, may result in a reduction in general benefit to the broader community and businesses in the area
- A very low level of local community engagement and use, even though there is a high emotional connection to the building

4.3 Opportunities

- Refocus the buildings purpose on engaging visitors and representing the region
- Integration of industries through a multi-purpose occupancy model
- To reinvigorate the asset as a dynamic and contemporary building that the community can be proud of and that is, in itself, an attraction
- A significant opportunity to redesign the floor space to accommodate multiple uses whilst at the same time providing for flexibility into the future
- To position Campbell Town, via the Town Hall, as the gateway between the north and the south of the state
- To encourage an orientation of the building toward the key surrounding public infrastructure e.g. Valentine Park, main street
- To encourage connections to other surrounding townships and attractions
- To encourage commercial operators to consider proposals to locate their businesses and integrate with others for mutual benefit, through communication of clear intent and design



Image 7: Downstairs Kitchen Facilities 1 of 2

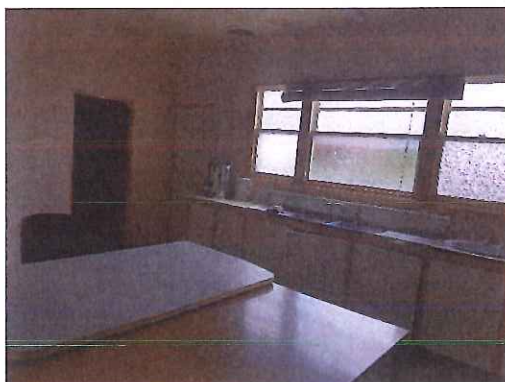


Image 8: Downstairs Kitchen Facilities 2 of 2

- To support community building and engagement within the building by creating flexible spaces that can be utilised by the community (community groups, volunteer groups)
- Establishment of a commercial basis of investment and operation within the building that is not wholly government funded and subsidised
- To encourage investment and employment through the attraction of new business players and industry spending
- Access to tourism grant funding to develop tourism related initiatives in Campbell Town

4.4 Threats

- Diversity of community conflicts may cause a fragmentation of the concept for the building and negatively affect the outcome for all
- Competition from other community assets that are currently available
- Availability of capital funding to redesign the building's purpose
- Inaction causing a continual degradation of the tourism economy for the region
- Threat to physical Visitor Information Centres from online platforms
- A lack of confidence in the region constraining further economic development
- The Campbell Town township may become a more difficult place to live thus forcing families and workers to locate elsewhere
- If Campbell Town doesn't reinvigorate itself, in part through more effective use of the Town Hall, other townships will outperform it and become more important economically.

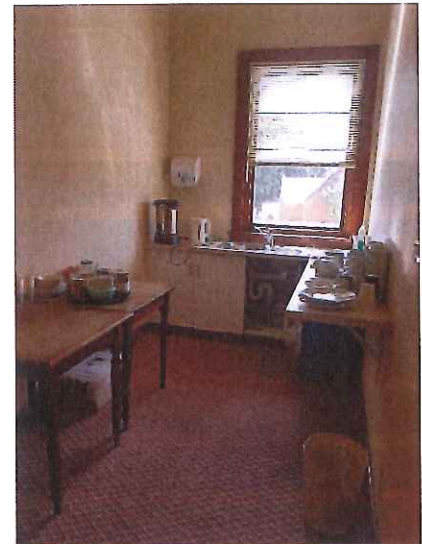


Image 9: Upstairs Kitchenette

5. Situational Summary & Opportunities

It is apparent that as a public asset, Campbell Town Hall is a valued community asset, however with the construction of the Multi-Purpose complex in recent times, its usage has been inconsistent and under-utilised.

The asset is clearly one of great worth and holds great potential for the future. In its current form the building does not provide adequate community and economic benefit, and in fact, without development, will not aid progress for Campbell Town and the surrounding region.



Image 7: Upstairs Meeting Room

There is significant support for the Town Hall to play a key role as a driver of the regional economy into the future, however, there are many competing priorities and ideas.

There are a small number of primary uses that have been identified, that have great merit, and a great many other minor uses that have far less utility and sustainability. It is evident that the community see a role for both commercial and community enterprise involvement at the site into the future, however it is unclear as to the feasibility of the proportions of these until further planning is completed.

The primary driver for the local region now and into the near future, is the agricultural and tourism industries that has potential to be aligned with other industries within the region to maximize tourism experiences and promote the 'Heritage Highway' brand. Tasmania has an ever-increasing reputation for quality and unique food. It also has an increasing number of agritourism businesses offering visitors food and beverage and interpretive experiences. The Campbell Town Hall is in the ideal location to link in with this significant trend.

The township of Campbell Town has not been capturing its natural share of economic value through multiple avenues including commerce and tourism in the past due to the performance of the township itself, lack of community empowerment, an undersupply of diversity of attractions and a lack of support services.



Image 8: Downstairs Meeting Room

The Hall has enormous potential as a public asset for adaptive reuse. Being centrally located the facility has the potential to be a critical asset for the local economy, however it will not be the panacea for industry underperformance or a lack of business vigour. It is possible that Campbell Town may well be a driver of confidence and greater integration of service providers and industry players, but it will not in itself achieve that outcome i.e. there is other work to be done outside of the Town Hall to encourage economic progress.

6. Feedback from Community Engagement

Ideas for facility repurposing included:

- A Visitor Information Centre that provides clear interpretation of the region's agricultural industry; focuses on selling and promoting accommodation, experiences and attractions;
- Expand on the 'Heritage Highway; tourism marketing campaign to establish Campbell Town as a gateway to 'Central Tasmania and a link between North & South' to maximise the regions tourism economy; and also sell local unique goods, with strong linkages to the creative industries of the region.
- A high quality, flexible Gallery / Exhibition Space to house exhibitions from local and Tasmanian artists and craft designers, with potentially significant curated exhibitions into the future.
- A fully modernised Museum for cultural and heritage presentation and interpretation of the region.
- A flexible Events Space that will satisfy community events for local and tourism purposes and encourage development of community enterprise, creativity and connection.
- A commercial kitchen that can be used for multiple purposes including:
 - Catering for community events and functions.
 - Hiring out to cottage industries to prepare their product in a facility compliant with food handling regulations
 - Commercial café / restaurant
 - Facility to underpin the delivery of TAFE courses locally in hospitality and catering
- Collaboration with Tourism Experiences involving tour operators and guides, adventure tourism and agritourism suppliers.
- An Agricultural Experience Centre to showcase the history and current agricultural industry of the region.
- Business hub for visiting commercial services for example, lawyer, financial planner, accountant, counselling services, yoga class, remedial massage, beautician, hair dresser.

7. Repurposing of the Facility

Whether the building is retained by NMC or sold, community aspirations and objectives for the future repurposing of the building included:

- Maintaining the integrity of the existing building;
- Retain the interior spaces and heritage of the building;
- Improving the appeal of the building within the streetscape;
- Providing greater interaction with the building through extended works (on the carpark side); and
- Ensuring any upgrading / redevelopment was subtle and in line with the buildings architecture, yet iconic, with reference to the past through materials used.
- If sold the facility not be used for back packer / seasonal worker accommodation

8. Operating Costs

Included at Attachment B is a breakdown of income and expenditure for the hall for the past 10 years.

9. Options for NMC

9.1 Sale of Asset

In a commercial sense, the value of an asset can only be determined by what the 'market' is prepared to pay. What can't be measured from a return on capital is the longer-term opportunity costs to the community if the facility was sold now for whatever the 'market' was prepared to pay. The comparisons made in the market appraisal below provides a good insight into the **realised** commercial value of these types of assets.

Three market appraisals were sought, however only one appraisal was received by the due date as follows:

HARCOURTS CAMPBELL TOWN MARKET APPRAISAL

TARGET MARKET: I feel the target market would be a private enterprise seeking a youth centre and/or family day care in the area and/or commercial investor seeking to establish a business in the township.

ASSESSMENT OF MARKET VALUE/LOCAL AREA TRENDS: This property was valued in 2019 for \$600,000 (capital) and \$77,500 (land) and zoned community purpose by Northern Midlands Council Planning Scheme. Similar commercial properties have sold in the past four years ranging from \$74,000 for 110 High Street (Fox's Garage) to 111 High Street (Harcourts Building) for \$290,000. The Court House at 103 High Street was marked under an auction campaign by sold privately for \$220,000 which shares the same zoning as 75-77 High Street as community purpose. An estimate income commercial tenants' revenue of \$40,700 for the building and estimated value for the property of \$380,000 to \$425,000. I would propose marketing the property with a 'Expression of Interest' campaign for the property. With the best marketing available and our comprehensive database of buyers, we are in a strong position to obtain the highest possible price.

SALES COMMISSION: For commission, I usually work off the REIT Scale of Fees but for this property I will offer 3.75 % upon sale price (excluding GST)

COSTS ASSOCIATED WITH MARKETING CAMPAIGN: \$1970

9.2 Retention of Facility as a Community Asset

Should the facility be retained by NMC as a community asset, the decision that will be required is to determine the best operating structure so that future usage is determined and driven by the Campbell Town community.

Legislative requirements will depend upon the management model adopted and this Report considers 3 options:

1. Establish a Community Association incorporated whether as an association under the Associations Incorporation Act 1934.
2. Establish a Council appointed Special Committee established under section 24 of the Local Government Act 1993
3. Establish a Council Authority under section 29 of the Act for the purposes of managing or administering property or facilities on behalf of the Council and to provide facilities or services on behalf of the Council.

If established by Council as a Committee or Authority then that would come under the legal authority of the Council reducing the need for lease and insurance costs except as required for specific activities. Included at Attachment A is an overview of the various structures and their implications for NMC.

10. Risk Implications

As a community meeting place the town hall faces the competition from local clubs, multi-purpose buildings and connected communities, the inventiveness of local libraries in engaging with community or the impressively diverse activities offered, for all ages by regional art galleries and museums.

For it to be retained as a community asset, the Campbell Town community needs to identify the hall's contemporary community role and define its purpose, with a view to filling any gaps and maintaining its importance, particularly in this user-pays era.

Ultimately, changing the norms of the town hall is not something that will happen overnight. But rural communities don't have the time or space to sit back and wait. When citizens feel involved in their community, they take better care of their surroundings and engage more; we know that community time and space build emotional wellbeing and physical health and we know that supporting local business strengthens the local economy.

10.1 Short Term Risk

10.1.1 Community Management Body

Any group operating the Town Hall should be community driven, being a Board made up of skilled members of the community with no Council appointed members. This would ensure that the community is able to progress their vision for the Town Hall but does rely on skilled community members to take on the role, as it is more than a voluntary role.

When projects like this have a single use, there is a real possibility that the project could fail, taking all investment with it. This is especially destructive in a small town. However, by developing multiple usages, the risk of failure of one project is more likely to be buffered by the others. In the event of a failure, the governing body can quickly "pivot," replacing the failing activity with another activity that may not have been as apparent prior to the launch of the project.

The challenges for local leaders are equally daunting:

- the small pool of leaders who continue to be pressed to be involved with multiple groups, and hence suffer dissipation of effort;
- demands of full-time work and time commitments;
- changes in attitude for young people and others regarding community service;
- apathy and a lack of interest in becoming involved;
- the aging of leaders; and
- the lack of diversity in leaders.

For a community organisation to operate the Hall, the organisation would be required to enter into a lease of the Town Hall and meet the requirements of the lease. In addition to lease costs, as an independent association, the organisation would also incur overheads associated with public liability insurance and workers compensation insurance. These costs can dramatically impact the viability of the venture as well as create barriers to participation as responsibility falls to the respective Board Members potentially resulting in community minded and skilled community members not wishing to participate in the management of the Town Hall. These costs and risks need to be considered when considering an appropriate structure. Attachment A contains an overview of the different community organisational structures available.

If established by Council as a Committee or Authority then that would come under the legal authority of the Council reducing the need for lease and insurance costs except as required for specific activities

10.1.2 Lack of Community Engagement in Repurposed Facility

Should the facility be retained by NMC and repurposed it will require funding to refurbish. The potential risk to NMC is that once this investment is made the community of Campbell Town fail to fully engage and utilise the repurposed facility. To mitigate this risk, funding to employ someone part time for the first two years to promote and market the repurposed facility would be required as without this it's unlikely the repurposed facility will achieve its full potential.

One possible way to assess the potential benefit of having someone facilitate & market the facility's usage would be to evaluate the usage of the multipurpose complex prior to the appointment of the facility officer against usage over the past 12 months since her appointment.

10.2 Longer Term Risk

The longer-term risk, which is unquantifiable is the forgone opportunities to Campbell Town in the future once the facility is privately owned, and the progressive decline of the social capital if an investment is not made to building localised social capital and economic resilience.

If the facility was sold, community members were very clear about proceeds from the sale of the building being set aside as seed funding to reinvest in the community of Campbell Town on initiatives that were agreed to and supported by the local community with an emphasis on building the social capital of the community, so that over time they are better placed to build on this investment to achieve greater financial independence. Doing so would help to mitigate some of the adverse reaction to the facility being sold and may help to mitigate the longer term risk of the progressive decline of Campbell Town, which in turn will also have an adverse impact on NMC in the future.

11. Business Strategy if Facility Retained by NMC

Given the economic and social situation of Campbell Town and its surrounding region, it is critical that drivers of economic demand and progress are in place for the future. The review process and outlining a possible strategy for the repurposing and refurbishing of Town Hall and the business concept behind that needs to drive the economy of not just the township but also the broader region.

This strategy focuses on the strategic development of this key public asset to create a building and experience of significance to drive social collaboration, tourism development and industry development. The strategy of focusing the building on tourism is compelling, particularly for the purposes of:

- tourism information for the region (incorporating product and experience sales);
- creative industries (exhibiting and selling regional art, and designed goods);
- agritourism (hospitality, food experiences); and
- history and heritage museum (stories of the past, display and exhibition of key artefacts, experiences and interpretation)

It is also clear that this building should be managed by an independent organisation to that of NMC. This has the benefit of ensuring that commercial principles underpin the development, management and sustainability of the enterprise and its strategic partnerships. In doing this, NMC as “asset owner” can have a relationship with a single “operator”. This “operator” can either run internally or outsource the running of the various services that the building will offer.

12. Summing Up

Local Government’s capacity to maintain and retain ageing community infrastructure in rural communities will continue to be an ongoing issue well into the future. A lack of funding and managing community expectations will also be an ongoing challenge unless alternative approaches can be found.

No longer can it be ‘business as usual’ for LGAs in rural areas. A change in mindset will be required if rural communities are to be sustained in the future. What the landscape looks like in the future will be determined by the extent that rural communities and the LGAs can work in partnership to achieve a more viable and sustainable future. The viability of these towns will continue to diminish as community assets are lost over time unless a different approach is taken.

The NMC will inevitably face similar difficult decisions in the future about the ongoing maintenance and retention of other ‘community sensitive’ assets.

13. Attachment A: Community Management Structures

Community Association: This option closely aligns with the outcomes of the engagement in that management of the Town Hall would be vested in the community. This option does however have risk and relies upon having sufficient members available and willing to participate, does not necessarily ensure that the membership has a broad range of skills to manage or operate the Town Hall and can be subject to potential for disharmony and disagreement.

A Community Association would also be required to lease the Town Hall and have associated costs for lease rental, insurance costs and the like. There is no "safety net" if something were to go wrong and the arrangement with the Council to secure the long term tenure may not provide sufficient protection.

These costs can dramatically impact the viability of the venture as well as create barriers to participation as responsibility falls to the respective Board Members potentially resulting in community minded and skilled community members not wishing to participate in the management of the Town Hall. These costs and risks need to be considered when adopting an appropriate structure.

Special Committee of Council: Traditionally Council manages its Halls by way of Special Committees of Council established under section 24 of the Act. These Committees are made up of members of the community with office bearers selected by the community at Annual General Meetings.

As a Committee of the Council, the Committee is covered under Council's insurances however there are restrictions in the ability of the Committees to enter into contracts and agreements relating to managing the Town Hall, including the employment of staff.

The Town Hall is an enterprise operating substantially differently than the traditional community hall where these are generally limited to hall bookings and maintenance.

Council Authority: Under the Act the Council may establish a number of Authorities. In addition to a Controlling Authority as described in the Legislative Requirements section above, Council may also establish a Single Authority which is an authority established to: carry out any scheme, work or undertaking; to provide facilities or services; or to perform any function or exercise any power of a Council under the Act or any other Act.

There is an extensive process associated with establishment of a single authority and would not be preferred given the specific ability to establish a Controlling Authority which can be for the specific purpose of managing property.

A Controlling Authority has the following benefits:

- A Controlling Authority can be established to provide for membership that does not require Council representatives on the Authority. The only Council involvement in that respect would be to formally appoint Authority Members however the manner of selection of those Members can be community driven.
- A Controlling Authority operates under the umbrella of the Council and therefore does not require any Lease over the Town Hall as its functions is clear on behalf of the Council. The Authority would also rely on the Council's insurances thus reducing cost and risk in operation and management of the Town Hall.

14. Attachment B: Town Hall Income & Expenditure

Campbell Town, Town Hall Income & Expenditure

	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21 (1/3/21)
Account 512650/651/700 Rental											
Rentals/Leases/Reimbursements	(13,841)	(15,396)	(9,445)	(10,520)	(9,871)	(11,365)	(8,668)	(8,670)	(7,905)	(5,309)	(4,013)
Total Income	(13,841)	(15,396)	(9,445)	(10,520)	(9,871)	(11,365)	(8,668)	(8,670)	(7,905)	(5,309)	(4,013)
Account 512750 Operating & Maintenance (Excluding Depreciation)											
Consumables/Materials	1,077	1,606	1,044	3,384	1,628	1,328	242	491	1,880	389	698
Contractor Payments	16,676	17,712	17,403	15,252	16,817	16,081	401	925	1,469	2,840	293
Energy Costs	3,640	5,523	3,841	4,025	3,046	2,438	2,850	4,127	4,082	3,480	1,080
Land Tax	654	652	650	484	489	486	487	532	536	507	357
Insurance	1,122	1,256	1,204	1,373	1,315	1,152	1,430	1,469	1,683	1,905	1,763
Water & Sewer Charges	529	0	140	669	773	893	1,012	1,088	2,052	1,659	1,246
Refunds/Reimbursements	0	0	0	0	0	29	22	0	412	0	0
Wages / Oncost / Plant Hire - Council Employees	753	90	320	108	2,021	1,800	11,271	13,579	17,509	15,699	12,816
	24,451	26,839	24,603	25,296	26,090	24,207	17,716	22,211	29,623	26,480	18,253
Account 512760 Operating and Maintenance Expenditure - Ctown Museum at Town Hall											
Consumables/Materials	0	0	0	0	155	333	0	132	134	0	32
Contractor Payments	0	0	0	0	138	0	0	0	289	59	767
Council Employees Wages/Oncosts/Plant hire	0	0	0	0	79	529	311	587	698	0	0
	0	0	0	0	372	862	311	719	1,121	59	799
Account 512800 Minor Improvements											
Consumables/Materials	191	0	0	0	0	0	0	181	0	0	0
Contractor Payments	7,735	0	0	0	0	1,572	5,874	736	319	0	0
Council Employees Wages/Oncosts/Plant hire	0	0	0	0	0	404	225	1,068	114	0	0
	7,927	0	0	0	0	1,976	6,099	1,985	433	0	0
Total Expenditure	32,377	26,839	24,603	25,296	26,462	27,044	24,125	24,915	31,177	26,538	19,052
Deficit (Surplus)	18,537	11,443	15,158	14,775	16,591	15,679	15,457	16,245	23,272	21,230	15,039
Depreciation	10,485	10,696	10,333	10,164	10,498	17,667	18,342	16,509	16,986	14,394	9,885

Results: Document Types="Acts, Amending Acts, SRs, Amending SRs", Search In="Title", All Words="local government (meeting procedures)", Point In Time="13/07/2021" match 53 of 53 provisions

Local Government (Meeting Procedures) Regulations 2015

Version current from 29 June 2015 to date (accessed 13 July 2021 at 14:11)

15. Closed meetings

- (1) At a meeting, a council by absolute majority, or a council committee by simple majority, may close a part of the meeting to the public for a reason specified in subregulation (2).
- (2) A part of a meeting may be closed to the public when any one or more of the following matters are being, or are to be, discussed at the meeting:
 - (a) personnel matters, including complaints against an employee of the council and industrial relations matters;
 - (b) information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business;
 - (c) commercial information of a confidential nature that, if disclosed, is likely to –
 - (i) prejudice the commercial position of the person who supplied it; or
 - (ii) confer a commercial advantage on a competitor of the council; or
 - (iii) reveal a trade secret;
 - (d) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal;
 - (e) the security of –
 - (i) the council, councillors and council staff; or
 - (ii) the property of the council;
 - (f) proposals for the council to acquire land or an interest in land or for the disposal of land;
 - (g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;
 - (h) applications by councillors for a leave of absence;
 - (i) matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council;
 - (j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.
- (3) Unless subregulation (4) applies, a council or council committee must not close a part of a meeting when it is –
 - (a) acting as a planning authority under the Land Use Planning and Approvals Act 1993 ; or
 - (b) considering whether or not to grant a permit under that Act; or
 - (c) considering proposals for the council to deal with public land under section 178 of the Act.
- (4) A council or council committee may close a part of a meeting when it is acting or considering as referred to in subregulation (3) if it is to consider any matter relating to –
 - (a) legal action taken by, or involving, the council; or
 - (b) possible future legal action that may be taken, or may involve, the council.
- (5) If at a meeting a council or council committee closes a part of the meeting, the grounds for the closure are to be recorded in the minutes relating to the part of the meeting that is open to the public.

(6) The chairperson –

- (a) is to exclude members of the public from a closed meeting; and
- (b) may exclude the general manager from a closed meeting if the matter to be discussed relates to the contract of employment, or the performance, of the general manager; and
- (c) may invite any person to remain at the meeting to provide advice or information.

(7) A council, or council committee, by simple majority may re-open a closed meeting to the public.

(8) While in a closed meeting, the council, or council committee, is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.

(9) Subject to the Right to Information Act 2009 , any discussions, decisions, reports or documents relating to a closed meeting are to be kept confidential unless the council or council committee, after considering privacy and confidentiality issues, authorises their release to the public.

Results: Document Types="Acts, Amending Acts, SRs, Amending SRs", Search In="Title", All Words="local government act", Point In Time="13/07/2021" match 673 of 673 provisions

Local Government Act 1993

Version current from 1 July 2020 to date (accessed 13 July 2021 at 14:08)

Division 1 - Purchase, acquisition, sale and lease of property

175. Purchase or lease of land

A council may purchase or lease land for any purpose which it considers to be of benefit to the council or the community.

176. Acquisition of land

A council may acquire land for prescribed purposes in accordance with the Land Acquisition Act 1993 .

177. Sale and disposal of land

(1) A council may sell, lease, donate, exchange or otherwise dispose of land owned by it, other than public land, in accordance with this section.

(2) Before a council sells, leases, donates, exchanges or otherwise disposes of any land, it is to obtain a valuation of the land from the Valuer-General or a person who is qualified to practise as a land valuer under section 4 of the Land Valuers Act 2001 .

(3) A council may sell –

- (a) any land by auction or tender; or
- (b) any specific land by any other method it approves.

(4) A council may exchange land for other land –

- (a) if the valuations of each land are comparable in value; or
- (b) in any other case, as it considers appropriate.

(5) A contract pursuant to this section for the sale, lease, donation, exchange or other disposal of land which is public land is of no effect.

(6) A decision by a council under this section must be made by absolute majority.

177A. Public land

(1) The following land owned by a council is public land:

- (a) a public pier or public jetty;
- (b) any land that provides health, recreation, amusement or sporting facilities for public use;
- (c) any public park or garden;
- (d) any land acquired under section 176 for the purpose of establishing or extending public land;
- (e) any land shown on a subdivision plan as public open space that is acquired by a council under the Local Government (Building and Miscellaneous Provisions) Act 1993 ;
- (f) any other land that the council determines is public land;
- (g) any other prescribed land or class of land.

(2) The general manager is to –

- (a) keep lists or maps of all public land within the municipal area; and
- (b) make the lists and maps available for public inspection at any time during normal business hours.

178. Sale, exchange and disposal of public land

- (1) A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.
- (2) Public land that is leased for any period by a council remains public land during that period.
- (3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.
- (4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to—
 - (a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and
 - (ab) display a copy of the notice on any boundary of the public land that abuts a highway; and
 - (b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.
- (5) If the general manager does not receive any objection under subsection (4) and an appeal is not made under section 178A, the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under subsection (4).
- (6) The council must —
 - (a) consider any objection lodged; and
 - (b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of —
 - (i) that decision; and
 - (ii) the right to appeal against that decision under section 178A.
- (7) The council must not decide to take any action under this section if —
 - (a) any objection lodged under this section is being considered; or
 - (b) an appeal made under section 178A has not yet been determined; or
 - (c) the Appeal Tribunal has made a determination under section 178B(b) or (c).
- (8)

178A. Appeal

- (1) Any person who lodged an objection under section 178 may appeal to the Appeal Tribunal against the decision of a council under section 178(6) within 14 days after receipt of notice of that decision under section 178(6)(b).
- (2) An appeal must be made in accordance with the Resource Management and Planning Appeal Tribunal Act 1993.
- (3) An appeal may only be made on the ground that the decision of the council is not in the public interest in that —
 - (a) the community may suffer undue hardship due to the loss of access to, and the use of, the public land; or
 - (b) there is no similar facility available to the users of that facility.
- (4) The Appeal Tribunal is to hear and determine an appeal in accordance with the Resource Management and Planning Appeal Tribunal Act 1993.
- (5) The decision of the Appeal Tribunal on hearing an appeal is final and section 25 of the Resource Management and Planning Appeal Tribunal Act 1993 does not apply.

178B. Determination of appeal

In hearing an appeal against a decision of a council, the Appeal Tribunal may —

- (a) confirm that decision; or
- (b) set aside that decision; or
- (c) set aside that decision and –
 - (i) substitute another decision; or
 - (ii) remit the matter to the council for reconsideration.

179. Lease of public land for less than 5 years

A council may lease public land for a period not exceeding 5 years without complying with section 178 .

180.

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181. Land held on trust

A council may hold land on trust subject to any conditions on which it is to be so held.