

20. UNIVERSITY FUNDING PROPOSAL – SPECIAL CONSULTATIVE PROCEDURE



General Manager responsible:	General Manager Corporate Services, DDI 941-8528
Officer responsible:	Acting Legal Services Unit Manager
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PURPOSE OF REPORT

1. The purpose of this report is to seek approval for distribution and consultation, the statement of proposal and summary of information **attached**.

EXECUTIVE SUMMARY

2. At its meeting on 29 July 2009 the Council authorised the adoption of a special consultative procedure for the purpose of seeking the views and preferences of the community with regard to the following proposal:
 - (a) Council involvement, through a Council controlled trading organisation, in the funding, development and subsequent lease of a national conservatorium of music facility for the University of Canterbury on the Arts Centre site.
3. **Attached** to this report is a statement of proposal containing the proposal and a summary of information, both documents containing the information required to conduct the special consultative procedure.
4. It is recommended that the Council approves the statement of proposal and summary of information together with the process for consulting with the community.

FINANCIAL IMPLICATIONS

5. The cost of carrying out the special consultative procedure is likely to be less than \$20,000.00.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

6. N/A.

LEGAL CONSIDERATIONS

7. The Council has, by resolution, authorised using the special consultative procedure for the purpose of consulting with the community on the proposal referred to in paragraph 2 above.
8. Whilst there is no mandatory requirement for the special consultative procedure to be used, the Council has chosen to do so in this instance.
9. Section 87 of the Local Government Act 2002 requires the Council to include in its statement of proposal the following information:
 - (a) a detailed statement of the proposal;
 - (b) a statement of the reasons for the proposal;
 - (c) an analysis of the reasonably practicable options, including the proposal;
 - (d) any other information that the Council deems to be relevant.
10. It is the view of the Legal Services Unit that the statement of proposal attached to this report meets the requirement of the Act.

CONSULTATION FULFILMENT

11. The Council has resolved to use a special consultative procedure for the purpose of consulting with the community on the proposal referred to in paragraph 2 above.

STAFF RECOMMENDATION

It is recommended that the Council resolve to:

- (a) approve the statement of proposal and summary of information attached to the staff report;
- (b) authorise the Chief Executive and the General Manager Corporate Services to amend the statement of proposal and summary of information where necessary, provided such amendments are not material;
- (c) authorise the Chief Executive and General Manager Corporate Services to take such steps as are appropriate to complete the consultation process as required for the special consultative procedure and to make any adjustments to that process that may be required;
- (d) appoint a hearings panel to consider any oral submissions that may be made in respect of the statement of proposal and to report on the outcome of the consultation process.

BACKGROUND (THE ISSUES)

12. The Council has resolved to use the special consultative procedure for the purpose of consulting with the community on the proposal referred to in paragraph 2 above.
13. Two reasonably practicable options have been identified and are contained in the statement of proposal attached to this report.
14. The purpose of the consultation process will be to consider the views and preferences of all persons likely to be affected by or to have an interest in the matter and this may result in other issues and options being identified. If that is the case, these will be assessed before any decision is made by the Council.
15. The intended process for carrying out the special consultative procedure is as follows:
 - (a) the Council approves for distribution and consultation the statement of proposal and summary of information attached to this report;
 - (b) public notices published on 22 August 2009;
 - (c) the consultation period expires on 23 September 2009;
 - (d) oral submissions are heard by a hearings panel on 9, 12, 13 October 2009;
 - (e) the hearings panel considers the submissions and makes its recommendations by 19 October 2009;
 - (f) The hearings panel report is considered by the Council and a decision made at its meeting on 22 October 2009.