

**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE COUNCIL CHAMBER
AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON WEDNESDAY, 20 MAY 2009,
COMMENCING AT 9.30 AM**

TABLE OF CONTENTS

<u>ITEM</u>		<u>PAGE NO.</u>
1	APOLOGIES	1
2	URGENT BUSINESS	1
3	CONFLICTS OF INTEREST	1
4	CORBAN ESTATE ARTS MANAGEMENT	2

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1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Council by resolution so decides; and
- (ii) the Chairman has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Council may make a decision on a matter determined to be urgent.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



3 CONFLICTS OF INTEREST

The Council has acknowledged in its Code of Conduct that Elected Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have. This note is provided as a reminder to members to check that no such conflicts arise in relation to any items on this agenda.



4 CORBAN ESTATE ARTS MANAGEMENT

GLOSSARY

Waitakere Arts and Cultural Development Trust	(WACDT)
Corban Estate Arts Centre	(CEAC)
Pacific Mamas Arts and Cultural Trust	(PMACT)
Long Term Council Community Plan	(LTCCP)

EXECUTIVE SUMMARY

The Waitakere Arts and Cultural Development Trust (WACDT) wishes to engage with Council for the future planning for the Corban Estate Creative Quarter. The attached initial overview proposal requests that:

- a) Council makes a clear statement of intent in regard to the future community and cultural use of the Corban Estate and communicates that commitment to the new regional governance authority.
- b) Council engages with WACDT with a view to establishing a secure tenure arrangement with Council. WACDT will undertake to ensure that representation is founded on the core group from the current trust but with an expanded stakeholder membership. WACDT wishes to be given the responsibility of ensuring the future role of the Corban Estate as an arts and cultural quarter and the authority to undertake an holistic management and planning process for the future.

A1-A4 The proposal is attached at pages A1 to A4.

WACDT understands that this is not, in the first instance, a capital expenditure process. However, it asserts that if it was to have an expanded and formal role in managing the Corban Estate it would have the capacity to substantially increase community cultural activity while developing longer-term plans in partnership with the appropriate governance authority for integrated development in a more stable economic climate.

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Corban Estate Arts Management report.
2. **Agree** in principle to the proposal that the Waitakere Arts and Cultural Development Trust is granted long-term security of tenure of the Corban Estate to enable it to undertake long-term management and development of a Corban Estate Creative Quarter.
3. **Direct** the Chief Executive Officer to report back to Council with a detailed tenure proposal and any associated partnering agreement necessary or desirable to facilitate the proposal to place tenure in the hands of the Waitakere Arts and Cultural Development Trust.
4. **Direct** the Chief Executive Officer to report back to the Long Term Council Community Plan And Annual Plan Committee with detailed information relating to the ongoing funding of the Corban Estate.

BACKGROUND

1. The current situation in regard to Council's development and management of the Corban Estate is as follows:

- A5
- The Corban Estate is owned by Council and is held in two titles: Lot 1 and Lot 2. See Site Plan attached at page A5.
 - The rateable capital value (as 1 September 2007) of the 6.6699 hectares that makes up the Corban Estate was \$6.78 million, made up of a Land Value of \$5.080 million and an Improved Value of \$1.7 million.
 - Council's District Plan identifies Corban Estate as a Special Area. Permitted 'Corban Estate Activities' include conference, convention, exhibition and festival centres, places of assembly, performance and audio-visual theatres, catering facilities required for *on-site* activities, outdoor performance and display areas, indoor sports facilities and indoor and outdoor recreation and entertainment facilities, storage facilities, manufacturing activity related to arts and crafts shops for the *retail sale* of crafts and souvenirs, shops for the *retail sales* of items serving the *on-site* needs of visitors, *restaurants*; tourist accommodation, manufacture, storage, distribution and sale of wine and other beverages, office and related facilities, and *Residential Activities* which are *subsidiary* to any of the foregoing.
 - A comprehensive development planning project was undertaken in 2007 and 2008 in partnership with Unitec. This was leading towards the siting of key creative faculties on the Corban Estate and a partnership to build a shared performance venue. The project was put on hold early in 2008 as Unitec was undertaking a comprehensive restructuring process and access to predicted levels of funding was uncertain.
 - WACDT currently holds a lease on four heritage buildings [Homestead, Garage, Studio complex, Still building] within the Corban Estate Quarter. The Corban Estate Arts Centre (CEAC) is based in these buildings and operates under a Funding and Service Agreement with Council.
 - The Pacifica Arts Centre occupies temporary buildings provided by Council. There are attendant and ongoing health and safety issues which, although currently addressed, are endemic to the temporary nature of the facilities. There is no current lease. The centre is being managed by staff employed by the Pacific Mamas Arts and Cultural Trust (PMACT) and the Council's Pacific Arts Advocate. Council approved an operating budget of \$130,000 for 2008/2009 but withheld the Funding and Service Agreement. An independent, council-contracted, interim manager is overseeing activities and financial provision from Council's allocated operating budget for the centre until the end of this financial year.
 - Sheds One and Two (ex basketball courts) house two independent artists' studios, storage for heritage trams and the MAU Company, which currently has a lease of Shed One and an interim lease on Shed Two. Shed Two also contains Council storage units occupying approximately one third of the area. The remaining space, when not in use by MAU, has been targeted towards short-term commercial use. However, there is a strong demand for this space by the cultural sector and the situation is currently on hold.
 - The open space areas are defined as public space not park land. Although several attempts have been made to have a coherent booking system for this space, it continues to be a confused situation for CEAC and MAU as open-air events have major impacts on both organisations and are perceived by the public to be under their auspices. The Project Twin Streams Cycleway runs through the Corban Estate open area.

- Whilst the Unitec partnership proposals went on hold in 2008, there remain informal indications that a smaller scale partnership to bring the School of Screen and Performing Arts to the Corban Estate is still under consideration. This intersects with a desire by some councillors and members of the community to see a performance venue on the estate.
 - A Museum Feasibility Report, completed in 2008, identified Corban Estate as the appropriate site for a museum should that occur in the future. The concept of a museum has been supported by the Waitakere Arts Laureates.
 - The positioning of Corban Estate as a cultural quarter is part of the wider Henderson Town Centre development.
2. It is in this climate of multiple management responsibilities that WACDT observes that the streams of activity currently being undertaken by Council are creating uncertainty for the cultural delivery institutions on the Corban Estate and for the future protection of the cultural identity of the property. The changes in regional governance also require that some certainty is created around the long held understandings that this site was purchased, and is to be preserved, for community, cultural development.
3. The WACDT proposition is, in essence, summed up in the following extract from the attached proposal:

“The Corban Estate Creative Quarter will be an iconic centre for the creative arts which is locally valued, nationally significant and which has an international reputation for excellence.

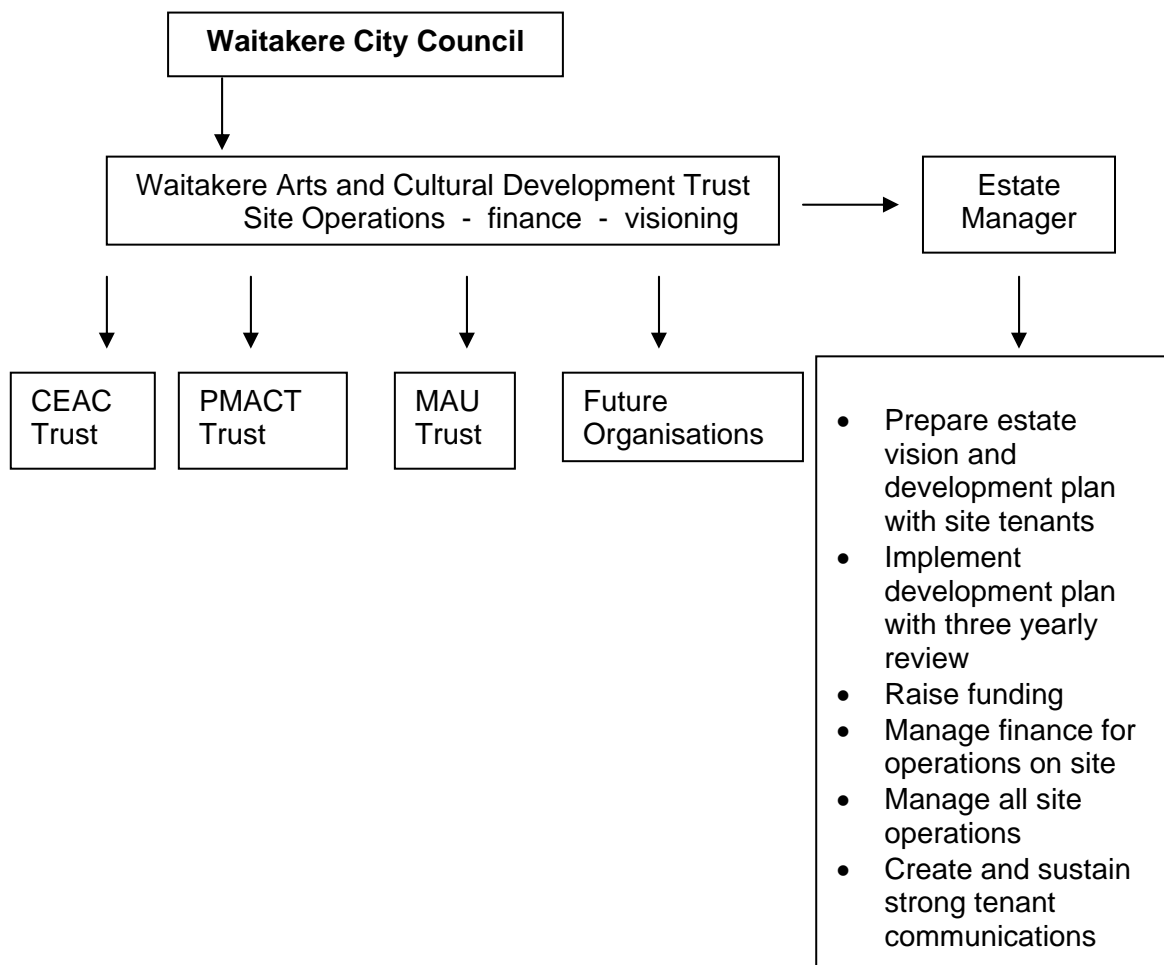
This vision has the capacity to be scaled to accommodate any of the proposals that have been considered to date, including a museum, sculpture park, farmers’ markets, cafes and a smaller proposal from Unitec for the performing arts. The trust considers that the greatest barriers to achieving an enhanced level of activity and development at the Corban Estate are:

- *The lack of a Council ratified vision for the entire estate*
- *The absence of a formal single management structure to govern the site and implement the vision*
- *Lack of security for the entire site to remain in community ownership*

Council can remove both these barriers by confirming the vision and creating a single management structure transferred to a trust.

The Waitakere Arts and Cultural Development Trust would like to propose that they become the single management trust for the Corban Estate. This could be established based on the existing Trust structure with small amendments to the Trust Deed taking place after the lease has been established to accommodate any changes identified through the process. The creation of a single management trust working in partnership with the council would benefit from the existing expertise on the current trust and would ease the transition to a new structure.”

4. From an operational point of view the new Corban Estate structure would be as follows:



DECISION MAKING

Issues

5. The WACDT is operating in an environment where it is unable to influence or control activity on the wider Corban Estate to develop a holistic cultural quarter. It is frustrated by this and wishes to contribute positively to a solution.
6. WACDT also wish to protect and preserve the estate as a cultural quarter through the imminent governance changes underway in the Auckland Region.
7. An Arts Infrastructure Plan, now in development, will be part of a suite of plans under the Cultural Wellbeing Strategy to go forward to the new Auckland governance body to create a resource for future decision making.
8. Currently site and external building maintenance is managed by Property Assets. Budget for this is taken from general maintenance budgets on an as needs basis. Capital expenditure, such as major repairs now needed to the heritage Still Building, is not budgeted for and would come to Council for approval.
9. There is now no capital expenditure budget identified in the Long Term Council Community Plan (LTCCP) for any development work on the Corban Estate. WACDT believes that the budget previously identified for the development of a road and bridge connection to Henderson Valley Road is essential for any long-term development of the estate and should be reinstated, along with other specific site development budgets, in the Council's LTCCP.

A6

10. An Asset Maintenance Plan was completed in 2007 but this has not been fully implemented.
11. The MAU Company is wishing to consolidate its home base on the Corban Estate and is approaching Council through the Annual Plan process with a separate proposal for assistance to secure and maintain tenure. The presence of the MAU Company on Corban Estate is supported by WACDT. The WACDT trustees believe that any consideration given by Council to secure MAU's position as a vital part of the complex of cultural activity on site is compatible with the current proposition. The MAU submission is attached at page A6.

Options Identified

12. Options for the ongoing future of the Corban Estate are as follows:
- **Option 1:** To transfer management of the Corban Estate to WACDT under an arrangement which confers long term security of tenure, if necessary supported by a partnering agreement ensuring that the property is maintained for the purposes of community cultural provision.
 - **Option 2:** To sell the Corban Estate to the WACDT for a nominal sum. A sale would be supported by a buy back arrangement at the same price if the land ever ceases to be used for the agreed purposes of community cultural provision through the establishment of a Memorandum of Encumbrance.

Assessment of Options

13. The following table identifies the risks and advantages of the three options:

		Social	Environment	Economic	Cultural
	Advantages	Nil	Nil	Nil	Nil
Option 1	Risks	Requires a highly competent community governance structure to succeed	Minimal risk	Minimal risk but would require sound management for future development	Minimal risk
	Advantages	Would secure local community management of the estate under a partnership agreement	Would secure protection of the open space and stream	Allows for both public sector and external funding for future development	Would secure the estate for long-term cultural use
Option 2	Risks	Requires a highly competent governance structure to succeed	Minimal risk	Minimal risk but would require sound management for future development	Minimal risk

	Advantages	Social	Environment	Economic	Cultural
	Advantages	Nil	Nil	Nil	Nil
		Would secure local community ownership and management of the estate with the protection of a Memorandum of Encumbrance	Would enhance protection of the open space and stream through the Memorandum of Encumbrance	Allows for both public sector and external funding for future development	Would secure the estate for long-term cultural use

Consideration of Community Views

- A7-A10
14. The initiation of this proposal has come from the core users of the Corban Estate who experience first hand the frustrations of managing activity under the present fragmented system. The development of the proposal is the result of a series of workshops undertaken by WACDT since July 2008, see record attached at pages A7 to A10.

Option Preferred

15. It is recommended that Option 2 is approved for implementation.

STRATEGIC CONTEXT

16. The Corban Estate is identified in the Arts and Cultural Strategy (2002) as one of two major arts precincts for the City.
17. The consolidation of the Corban Estate as a cultural precinct/quarter is consistent with the Local Government Act 2002 directive that local authorities are responsible for the cultural wellbeing of their communities.
18. The wider development of Henderson as a regional sub-centre has consistently identified the Corban Estate as a cultural precinct providing both recreational open space and cultural provision.

CONSULTATION

19. Internal consultation has been undertaken with Legal Services to establish a recommended governance structure and partnership protocol and with Property Assets in order to establish current expenditure on maintenance and income from estate activity.

RESOURCES

20. As this is an initial proposal for Council consideration it is unclear what resources would be required. However, there would be a small loss of revenue from existing tenancies of approximately \$30,000 and approximately \$10,000 from one-off hire ages of Shed Two.
21. If WACDT is to take over the management of the Corban Estate, a budget to employ an estate manager and associated site expenditure will be required.

22. Current operating grants for organisations on site total \$495,000. These grants do not include a rent component. An annual grant through the LTCCP to WACDT of the current commercial rental value of the buildings (as occurs with Lopdell House) is one option for establishing a site management budget. Current commercial rental valuations for the entire site total \$369,000.
23. The substantial Council storage on site in Shed Two would need to be protected in any change of lease.

IMPLEMENTATION ISSUES

24. The implementation of the recommendations in this report will require that further work is done to prepare tenure documents and to propose a viable funding model for inclusion in the LTCCP.

Report prepared by: Naomi McCleary, Manager Arts.

