

3. TEMPLETON/OLD TAI TAPU ROAD BOUNDARY CHANGES



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PURPOSE OF REPORT

1. The purpose of this report is to obtain approval from the Council to submit two boundary alteration proposals to the Selwyn District Council for the areas of Templeton and Old Tai Tapu Road in accordance with Part 1, Schedule 3 of the Local Government Act 2002.
2. This report (the Templeton (**Attachment 1a**) (separately circulated) / Old Tai Tapu Road Boundary changes (**Attachment 2a**) (separately circulated) and any decisions associated with this report do not initiate a boundary change. Rather, the filing of the proposals with Selwyn District Council enacts the statutory process for beginning boundary alteration via the Local Government Act 2002.

EXECUTIVE SUMMARY

3. In February, 2002, the Council adopted a report recommending a boundary alteration in the vicinity of Templeton and authorised staff to consult with affected land owners to ascertain their views on a proposed boundary adjustment.
4. Staff have recently been asked to review existing work and advance the boundary alteration proposal to provide more certainty to land owners in the area and to create a more logical and coherent boundary in these areas.
5. Furthermore, since 2002, a new area has come to the attention of both the Christchurch City Council and Selwyn District Council (SDC). This is the property situated at 280 Old Tai Tapu Road and has been identified as a high priority (see **Appendix 2b**) (separately circulated). Staff have considered this option in the second boundary alteration proposal. An area immediately to the east of Templeton has also been recently suggested as a potential location for a boundary alteration (see **Appendix 1b**, letter F) (separately circulated). This area includes approximately 3.6 hectares of residential land and up to nine households. Discussions with SDC staff and affected landowners are ongoing. These discussions are for the purpose of information gathering and are non statutory. There will be further opportunities for affected land owners to participate in a later statutory consultation process once a draft reorganisation scheme has been prepared.
6. The main reason for undertaking a boundary change is because the present location of the Council's territorial boundary bisects a number of properties, creating difficulties and uncertainties in relation to bylaw administration, rates collection, service provision and electoral and census activities. Furthermore, the existing boundary also bisects the Templeton community into western and eastern sections, creating problems for neighbourhood identity and electoral and census activities.
7. In order to begin the boundary alteration process, a proposal must be initiated by the Council under section 1(1) of Schedule 3 of the Local Government Act 2002, as an affected local authority. The Council prepares the proposal and then files the proposal with any other affected local authorities. In this case, the Council would file the proposal with Selwyn District Council.
8. The proposals to alter the boundary between Christchurch and Selwyn has been formulated generally on the following basis:
 - (a) Meeting the requirements of Schedule 3 of the Local Government Act 2002.
 - (b) Creating greater coherence and rationality of the boundary in the areas of Templeton and Old Tai Tapu Road and improving local governance through the consolidation of distinct communities of interest.
 - (c) Aligning the boundary with existing cadastral boundaries and avoiding buildings and other major structures.
 - (d) Transferring the land in Templeton, which is currently in Selwyn and primarily developed for urban purposes into Christchurch.

- (e) Transferring the land in Templeton and Old Tai Tapu Road that is currently in Christchurch and primarily developed for rural purposes to Selwyn.
- 9. This report promotes a rational boundary for administrative purposes. It does not investigate the possible advantages or disadvantages to the property owners involved. While some land owners may benefit as a result of any subsequent rezoning, rezoning is not a criterion for the consideration of the boundary alteration. However, should a boundary alteration proceed in the areas specified in this report, a reasonable zoning would need to be applied to the affected properties within two years of any decision.
- 10. Should the proposals be implemented, then it is likely that land being transferred into Christchurch City would attract an urban zoning, with land transferring into Selwyn attracting an appropriate rural zoning.

FINANCIAL IMPLICATIONS

- 11. There are costs associated with staff time in preparation of the reorganisation proposals and reorganisation schemes. Staff time is funded via the 2009/10 District Plan work programme and in part from legal services.

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

- 12. Yes. Covered by existing unit budget.

LEGAL CONSIDERATIONS

- 13. Legal advice has been sought, and the Legal Services Unit is reviewing all documents associated with the proposed boundary change.

Have you considered the legal implications of the issue under consideration?

- 14. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

- 15. Aligns with the District Plan Activity Management Plan.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

- 16. Yes.

ALIGNMENT WITH STRATEGIES

- 17. The boundary alteration aligns with the objectives of the South-West Area Plan; notably, the objective to visibly define and reinforce the urban limit. The boundary proposal also aligns with the Greater Christchurch Urban Development Strategy, which seeks a well-defined district boundary, which creates a demarcation between urban and rural areas.

Do the recommendations align with the Council's strategies?

- 18. Yes.

CONSULTATION FULFILMENT

- 19. This proposal has been discussed with the Riccarton/Wigram Community Board. Meetings with all directly affected land owners have been coordinated for the purposes of information gathering and obtaining feedback on the proposal. The proposed boundary change has also been discussed with staff from the SDC, and representatives from Statistics New Zealand and the Local Government Commission, who have indicated their support for the proposed alteration.
- 20. Land owners were generally supportive of a boundary realignment; although some concerns were raised regarding possible rezoning (which is a secondary process following the boundary change), changes to rating arrangements and possible changes to service provision resulting from a boundary alteration.

21. Cookie Time Ltd. representatives indicated their desire to see all of their properties included within the Christchurch City boundary to facilitate future business expansion. One of the properties associated with Cookie Time Ltd. (19 Trents Road, Lot 1 DP 13960), however, has not been included within the proposed Christchurch City boundary because it has a separate title and has currently not been developed beyond a rural land use, which is inconsistent with the surrounding land uses.
22. The residents of 845 Main South Road would like their property, particularly the area surrounding the house, included within Christchurch due to existing water connections. Further discussions would need to be undertaken with SDC to determine whether all services would be transferred to Selwyn or whether the Council would continue to provide access to water reticulation. The property in question is currently on tank supply; however, the owners have indicated their desire to retain the option of moving to Council supply in the future.
23. Discussions with affected land owners to the east of Templeton are ongoing. These discussions are for the purpose of informing and are non statutory. There will be further opportunities for affected land owners to participate in a later statutory consultation process once a draft reorganisation scheme has been prepared.

STAFF RECOMMENDATION

That the Council:

- (a) Approve the two boundary alteration proposals for filing with the Selwyn District Council in accordance with Part 1, Schedule 3 of the Local Government Act 2002, to start the formal boundary alteration process.
- (b) Approve staff to prepare a draft reorganisation scheme in the likely event that the Christchurch City Council become the appointed local authority for the boundary alteration process (as indicated in early discussions with the Selwyn District Council).

COMMUNITY BOARD RECOMMENDATION

The Riccarton/Wigram Community Board supported the staff recommendation on the Templeton/Tai Tapu Boundary Alteration.

COMMITTEE RECOMMENDATION

That the Council:

- (a) Adopt the staff recommendation.
- (b) Ask the Chief Executive Officer to enter negotiations with Selwyn District Council regarding cost sharing associated with the boundary changes.
- (c) Note that in the event of the reorganisation taking place there will be a need for as yet unbudgeted plan changes to adjust the zone boundaries and undertake any necessary rezonings.

BACKGROUND (THE ISSUES)

24. The main driver for the proposed boundary alteration is to create a more rational and coherent boundary between Christchurch and Selwyn in the vicinity of Templeton and Old Tai Tapu Road. At present, the current boundary bisects a number of properties. Specific issues include the following:
 - (a) The existing boundary bisects the bar area of the Golden Mile Tavern (10 Trents Road).
 - (b) The shop at the Cookie Time Factory is in Christchurch City while the factory is primarily within Selwyn District (789 Main South Road).
 - (c) Cookie Time Factory access, car parks and other facilities associated with the existing operation are also located outside the current Christchurch territorial boundary at 7 Trents Road, while some of the factory and shop are located within the boundary.
 - (d) The current, Christchurch territorial boundary bisects a property and buildings at 785 Main South Road.
 - (e) The boundary bisects a rural property and associated farm buildings at 845 Main South Road on the edge of Templeton.
 - (f) The boundary bisects a rural property at 280 Old Tai Tapu Road.
 - (g) A small grouping of residential properties immediately to the east of Templeton and north of Main South Road are currently within Selwyn District despite being inconsistent with Selwyn District Council zoning in the surrounding area and having a close association with Templeton.
25. Two proposals have been developed, one for Templeton and one for Old Tai Tapu Road. The alteration of the boundary at 280 Old Tai Tapu Road is relatively straight forward and involves only one property owner. The alteration of the boundary at Templeton involves more properties and is likely to be the subject of more discussion throughout the process. The two proposals will require the development of two separate reorganisation schemes. However, it is anticipated that the first steps in the boundary alteration process for both proposals can be undertaken at the same time.
26. Both proposals will promote good local government in both Christchurch City and Selwyn District. They relate to very small boundary adjustments and both Christchurch City Council and Selwyn District Council will continue to:
 - (a) Have the resources necessary to enable them to carry out their responsibilities, duties and powers
 - (b) Have districts that are appropriate for the efficient and effective performance of their roles as specified in section 11 of the Local Government Act 2002
 - (c) Contain within their districts sufficiently distinct communities of interest, and
 - (d) Be able to meet the requirements of section 76 of the Local Government Act 2002.
27. Under the Local Government Act 2002, decision making criteria for determining the position of a boundary include statistical meshblock boundaries (important for electoral purposes), regional boundaries and catchment boundaries. Also of importance is the need to promote good local government as a consequence of a boundary change, which entails ensuring that each local government has sufficient resources to carry out its duties, responsibilities and powers, and contain a sufficiently distinct community of interest.
28. Should the Council approve the lodging of the boundary alteration proposals with the Selwyn District Council the following next steps would occur:
 - (a) SDC has 60 days to review the proposals and decide whether the boundary change will be led by an appointed local authority, a joint committee (comprising equal numbers of persons from each affected territorial authority), or whether the Local Government Commission will oversee the boundary change.
 - (b) The appointed local authority or the joint committee prepare the draft reorganisation schemes for public consultation. Copies of the schemes are sent to relevant parties including the Local Government Commission and affected local authorities as specified in clause 12 of Schedule 3 of the Local Government Act 2002.
 - (c) A territorial authority has two years within which to make changes to its district plan to accommodate any new land areas included within its boundary once the reorganisation scheme has been formally adopted.

THE OBJECTIVES

29. To create a rational and coherent territorial boundary in the vicinity of Templeton and Old Tai Tapu Road that meets Local Government Act conditions for the alterations of boundaries.

THE OPTIONS

30. The Council may:

- (a) Confirm the boundary change proposals for lodgement with the Selwyn District Council for the initiation of the formal boundary change process.

OR

- (b) Maintain the status quo (i.e. no change to the existing boundary).

OR

- (c) Direct Council staff to consider a different boundary alteration option.

THE PREFERRED OPTION

31. The Council confirms the current proposals for lodgement with the Selwyn District Council.

ASSESSMENT OF OPTIONS

The Preferred Option

32. Option 1: Approve the boundary change proposals for lodgement with the Selwyn District Council for the initiation of the formal boundary change process.

	Benefits (current and future)	Costs (current and future)
Social	Improves local governance and creates a coherent community of interest.	Nil
Cultural	NA	NA
Environmental	Creates a more rational, western boundary for Christchurch.	Nil
Economic	Creates certainty for land owners regarding bylaws, rates collection and land zoning.	Small increase in costs associated with increased levels of service provision. In many cases; however, the Council already provides water and waste services to properties along the boundary.

Extent to which community outcomes are achieved:

Primary alignment with the LTCCP community outcome *a well governed city*.

Impact on the Council's capacity and responsibilities:

Small increase in service provision is likely in the vicinity of Templeton.

Effects on Maori:

Nil.

Consistency with existing Council policies:

Supports the Council's 2009-2019 LTCCP.

Views and preferences of persons affected or likely to have an interest:

Consultation has been undertaken with affected property owners, the Riccarton/Wigram Community Board and officers from the Selwyn District Council to inform the proposed boundary change.

Land owners were supportive of boundary realignment; although some concerns were raised regarding possible rezoning, changes to rating arrangements and possible changes to service provision.

Cookie Time Ltd. representatives indicated their desire that all properties owned by Cookie Time Ltd and its associates be included within the Christchurch City boundary to facilitate future business expansion. One of the properties associated with Cookie Time (19 Trents Road); however, has not been included within the proposed Christchurch City boundary because it has a separate title and has currently not been developed beyond a rural land use. That is, it is more consistent with land uses in Selwyn than land uses in Christchurch.

The residents of 845 Main South Road would like their property, specifically the area surrounding the house, included within Christchurch due to existing water connections. Further discussions would need to be undertaken with the Selwyn District Council to determine whether all services would be transferred to Selwyn or whether the Christchurch City Council would continue to provide access to water services. The property in question is currently on tank supply; however, the owners have indicated their desire to retain the option of moving to Council supply in the future.

Other relevant matters:

Nil

- 33. Option 2: Maintain the status quo (no change to the existing boundary).
- 34. Option 3: Direct Council staff to consider a different boundary alteration option.