



CHRISTCHURCH CITY COUNCIL/ BANKS PENINSULA DISTRICT COUNCIL TRANSITIONAL JOINT COMMITTEE

FRIDAY 8 JULY 2005

9.00AM TO 11.00AM

**IN THE CHRISTCHURCH CITY COUNCIL MAYOR'S LOUNGE
CIVIC OFFICES, 163-173 TUAM STREET, CHRISTCHURCH**

**Transitional Joint
Committee:**

Christchurch City Council:

Mayor Garry Moore and Councillors Barry Corbett, Bob Shearing and Gail Sheriff

Banks Peninsula District Council:

Mayor Bob Parker and Councillors Stuart Bould, Stephen Lowndes and Stewart Miller

Committee Secretary

Emma Davison

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INDEX

1. WELCOME AND INTRODUCTION OF ELECTED MEMBERS AND STAFF
2. APOLOGIES
3. ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON
4. 2005 COMMITTEE MEETING DATES
5. TERMS OF REFERENCE
6. MEMORANDUM OF UNDERSTANDING BETWEEN BANKS PENINSULA DISTRICT COUNCIL AND CHRISTCHURCH CITY COUNCIL
7. FUTURE PLANNING – STATUTORY PROJECTS
8. SUBMISSIONS ON BEHALF OF THE BANKS PENINSULA DISTRICT COUNCIL AND THE CHRISTCHURCH CITY COUNCIL TO THE LOCAL GOVERNMENT COMMISSION
9. GOVERNORS BAY RATES VALIDATION, EMPOWERING & TRUST REMOVAL ACT 1994
10. COMMUNICATION WITH PENINSULA RESIDENTS

1. **WELCOME AND INTRODUCTION OF ELECTED MEMBERS AND STAFF**
2. **APOLOGIES**
3. **ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON**
4. **2005 COMMITTEE MEETING DATES**

General Manager responsible:	General Manager Regulation & Democracy Services
Officer responsible:	Secretariat Manager
Author:	Emma Davison, DDI 941-6615

PURPOSE OF REPORT

1. The purpose of this report is to submit a schedule of ordinary meeting dates for the Committee's approval for the 2005 year.

EXECUTIVE SUMMARY

2. It is suggested that the next ordinary meeting of the Committee be held at 2.00 pm on Monday 1 August in the Mayor's Lounge.
3. Meetings will take place at the Christchurch City Council's Civic Offices.
4. Any extraordinary meetings or seminars will be set throughout the year as required.
5. It is proposed that Committee meetings will occur on Monday afternoons with a start time of 2.00 pm as detailed below.

Monday 1 August	Monday 17 October
Monday 15 August	Monday 31 October
Monday 29 August	Monday 21 November
Monday 19 September	Monday 5 December
Monday 3 October	

FINANCIAL AND LEGAL CONSIDERATIONS

6. There are no financial considerations.

STAFF RECOMMENDATION

That the schedule of meeting dates for 2005 be adopted.

5. **TERMS OF REFERENCE**

Attached.

6. MEMORANDUM OF UNDERSTANDING BETWEEN CHRISTCHURCH CITY COUNCIL AND BANKS PENINSULA DISTRICT COUNCIL

Officer responsible:	Chief Executive Officer, Banks Peninsula District Council
Author:	Sue Davidson, Chief Executive Officer

PURPOSE OF REPORT

1. The purpose of this report is to suggest the development of a Memorandum of Understanding to capture the intentions of the Christchurch City Council in terms of undertakings it agrees to make in respect of service commitments to the residents of the current Banks Peninsula District which are not covered by the jurisdiction of the scheme put forward in terms of the Local Government Commission.

EXECUTIVE SUMMARY

2. The timeframe set by the Local Government Commission proposes the abolition of the Banks Peninsula District Council within four months of the poll taking place. The timeframe is also part way through a financial year and some legal obligations may not be able to be undertaken or completed by current Banks Peninsula District Council staff in the required timeframe. There may also be items where the residents of BPDC require some clarity of the CCC's intentions for the future. Three items have initially been identified as falling within these categories:
 - (i) Long Term Council Community Plan 2006-2016, planning for joint LTCCP and revision.
 - (ii) Application of accreditation under the Building Act 2004 to be filed by 31 May 2006.
 - (iii) Adoption of an earthquake-prone, insanitary and dangerous buildings policy under the Building Act 2004 by 31 May 2006 (through the special consultative procedure).

PROPOSAL

3. It is proposed that the process by which these are captured is a Memorandum of Understanding, which is not a legally binding document but does record the intentions of the CCC and will provide assurances to the Banks Peninsula residents.
4. Reports on each issue to be covered in the Memorandum of Understanding will be put to the joint committee for approval.

STAFF RECOMMENDATION

it is proposed that the joint committee at this point in time agree that a Memorandum of Understanding be established.

7. FUTURE PLANNING STATUTORY PROJECTS

General Manager responsible:	General Manager Regulation and Democracy Services
Officer responsible:	General Manager Regulation and Democracy Services
Author:	Peter Mitchell, DDI 941-8549

PURPOSE OF REPORT

1. This report is provided as information to the Committee regarding three projects currently being undertaken by the City Council and where in discussion with the management of Banks Peninsula District Council, it has been agreed that the City Council in such planning will need to include Banks Peninsula District at this stage.

BACKGROUND

2. The three projects are:
 - The 2006/16 Long Term Council Community Plan;
 - Application for accreditation as a building consent authority under the Building Act 2002;
 - The adoption of a policy for earthquake-prone, insanitary and dangerous buildings under the Building Act 2002.

7 Cont'd

3. The issues of the 2006/16 Long Term Council Community Plan are the subject of a separate agenda item to this joint committee.
4. Regarding the application for accreditation as a building consent authority and the adoption of the Policy, both of these must be completed by 31 May 2006.
5. Regarding accreditation as a building consent authority under the Building Act 2004, the Council is in discussion with adjoining territorial authorities.
6. The accreditation system is run by an independent accreditation organisation yet to be set up and the building consent function of a territorial authority must be registered as a building consent authority and will have to gain accreditation within three years and maintain that accreditation through regular audits. Applications for accreditation close by 31 March 2006. It is proposed that there be two or three levels of accreditation ranging from standard single-storied structures to complex buildings such as a sports stadium.
7. The adoption of the earthquake-prone Policy is to be done by special consultative procedure whereas the application for accreditation does not have that requirement.
8. City Council staff are planning for the application for accreditation and the adoption of the Policy on the basis that Banks Peninsula District Council will be included in Christchurch City in February or March 2006. Should the poll results in late November/early December 2005 not support the reorganisation proposal, then the planning work carried out by Christchurch City for these two projects to that time, can be handed over to Banks Peninsula District Council for completion of the statutory processes to enable the Banks Peninsula District Council to comply with the statutory dates referred to above for these projects.
9. Regarding the requirement for a policy on earthquake-prone, insanitary and dangerous buildings, the Building Act provides that the policy must include:
 - The approaches that the territorial authority would take in performing its functions under the Building Act.
 - The territorial authority's functions, priorities and performing those functions.
 - How the policy will apply to heritage buildings.
10. The Government's policy objective in regard to earthquake-prone buildings seeks to reduce the earthquake risk to the public over time and targets the most vulnerable buildings.
11. The City Council has commenced informal consultation with key stakeholders which is intended to inform Council officers in development of the policy and options for the Council when making decisions on the policy. This informal consultation will include Peninsula stakeholders.
12. The proposed timetable is to complete that informal consultation by August 2005, with analysis of the feedback and the development of options by September 2005. The Council would then commence the special consultative procedure in late October 2005 with submissions closing in December 2005. Hearings would be held in February 2006 with adoption of the Policy by April 2006.

STAFF RECOMMENDATION

That the information be received.

8. SUBMISSIONS ON BEHALF OF THE BANKS PENINSULA DISTRICT COUNCIL AND THE CHRISTCHURCH CITY COUNCIL TO THE LOCAL GOVERNMENT COMMISSION

The Local Government Commission has received 70 submissions on the draft reorganisation scheme. Thirty-eight submitters have advised that they wish to be heard. The most convenient location for the submitters would be: Akaroa (6), Lyttelton (13), Christchurch (19). The Commission proposes to proceed with the hearing as follows:

Thursday 21 July - Akaroa: Morning - Lyttelton: Afternoon
Friday 22 July - Christchurch: All day

Attached are the submissions on behalf of the Banks Peninsula District Council and the Christchurch City Council.

9. GOVERNORS BAY RATES VALIDATION, EMPOWERING & TRUST REMOVAL ACT 1994

Officer responsible:	Chief Executive Officer, Banks Peninsula District Council
Author:	Sue Davidson, Chief Executive Officer

PURPOSE OF REPORT

1. The purpose of this report is to provide background to the issue of the Governors Bay Rates Validation, Empowering & Trust Removal Act 1994 as referred to in the Local Government Commission's issues for transition.

EXECUTIVE SUMMARY

2. In 1989 a water and sewerage scheme was provided to Governors Bay residents. The sewerage scheme is stand-alone encompassing both treatment plant and infrastructural pipes. An extension of the infrastructural pipes to the Lyttelton Water Scheme was made, at that time for Governors Bay residents.
3. Residents at that time had the option of making a lump sum capital contribution or to fund these works by a uniform annual charge over time.
4. In 1994 the Governors Bay Rates Validation, Empowering & Trust Removal Act was passed. The Act validated the then Council's actions in raising the loan for and at the cost of local users of the scheme. The Act was prescriptive and also defined the loan servicing area.
5. In 1999 the Banks Peninsula District Council proposed and implemented a uniform water charge for all the water users in the Lyttelton Harbour Basin and in 2002 proposed a uniform sewerage charge for all schemes on the Banks Peninsula. The rationale for this policy change is that a similar service is being provided to each user.
6. Under these proposals all operating and loan costs are shared equally by the users.
7. In 1999 when this charge was proposed the Governors Bay community raised concerns that their specific loans were not able to be combined over the district due to the legislation.
8. To this day a separate uniform charge has been levied for Governors Bay residents for both water and sewer and a separate loan uniform charge for those residents (143 water, 138 sewer) who chose to take up the uniform charge.
9. The Local Government Commission has asked that this be addressed as a transition issue. Staff from Banks Peninsula District Council are currently updating Christchurch City Council staff on the issues and legislation. No recommendation is put forward at this stage.

10. COMMUNICATION WITH PENINSULA RESIDENTS