

## 2. PROPOSED TERRITORIAL AUTHORITY REORGANISATION SCHEME IN THE VICINITY OF TEMPLETON AND OLD TAI TAPU ROAD

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941 8281
<b>Officer responsible:</b>	Programme Manager District Plan
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### PURPOSE OF REPORT

1. The purpose of this report is to seek Council approval to release draft reorganisation schemes for public notification and invite submissions as required by clause 12(3), Schedule 3 of the Local Government Act 2002 and to recommend to the Council that it appoint a hearings panel to consider submissions on the draft reorganisation schemes and make recommendations on the submissions to the Council.

### EXECUTIVE SUMMARY

2. On 10 December 2009 the Council resolved to confirm two separate draft reorganisation proposals to:
  - (i) File with the Selwyn District Council (SDC) to start the formal Local Government Act reorganisation process (refer paragraph 4 below);
  - (ii) Instruct officers to draft a reorganisation scheme in the likely event SDC would appoint the Christchurch City Council (the Council) to manage the process; and
  - (iii) Ask the Chief Executive Officer (CEO) of the Council to enter into negotiations with the CEO of the SDC regarding cost sharing associated with the reorganisation process.
3. The main reason for initiating the reorganisation process is because the present location of the territorial authority boundary bisects a number of properties, creating avoidable and potentially confusing situations in relation to rates collection, service provision, bylaw administration and electoral and census activities as well as dual zonings.
4. Officers have now prepared two draft reorganisation schemes in accordance with Schedule 3 of the Local Government Act 2002 (refer **Appendices A and B**). Two separate reorganisation proposals were drafted because the Tai Tapu reorganisation scheme involves a single landowner thereby avoiding potential appeal delays associated with the Templeton scheme that involves multiple land owners.
5. Following the Council meeting of 10 December 2009 the Council Chief Executive Officer, Mr Marryatt sent a letter to Mr. Davey CEO of SDC requesting that the Council give notice of the two proposals to the Secretary of Local Government and the Local Government Commission pursuant to clause 10, Schedule 3 of the Local Government Act 2002 thereby confirming the draft alteration proposal. SDC was also asked to determine whether SDC or the Council or a joint committee will be responsible for preparing the draft reorganisation scheme and finally to confirm cost sharing negotiations between the CEOs.
6. The reorganisation proposals and the associated requests were submitted to the full SDC Council on 10 February 2010 where it resolved to give effect to those matters contained in Mr Marryatt's letter (SDC Minutes: Friday 10 February 2010, page 8).
7. Once approved the draft reorganisation schemes shall be released for a two-month public notification period. In addition to public notification the draft schemes must be also be sent directly to the Local Government Commission, SDC and other named parties in clause 12(3) of Schedule 3.
8. An additional report will be forthcoming (post submission close date) requesting the Council to appoint a committee to consider submissions and if necessary convene a hearing.

### FINANCIAL IMPLICATIONS

9. This boundary alteration program forms part of the agreed and current financial year district plan work programme in which internal officers cost have been budgeted. The associated Council

legal input costs are to be absorbed by Legal services. Both the Council and SDC have resolved that cost sharing is appropriate. The proposed 2010/11 district plan budget has anticipated additional hours of internal officers and legal services time to manage the preparation of submissions and hearings.

**Do the Recommendations of this Report Align with 2006-19 LTCCP budgets?**

10. Yes. Covered by existing unit budget.

**LEGAL CONSIDERATIONS**

11. The process for undertaking a boundary alteration is set out in Schedule 3 of the Local Government Act 2002. In preparing the draft reorganisation schemes, the Council must comply with clause 59 of Schedule 3. The draft schemes comply with these requirements.
12. Once the draft reorganisation schemes have been approved, the Council must notify the schemes and conduct a submission process. Clause 16 of Schedule 3 authorises the Council to appoint a committee consisting of two or more of its members to consider the submissions on the draft schemes and make recommendations to the Council in respect of the submissions. Clause 17 of Schedule 3 sets out how the appointed local authority or the joint committee must conduct the submission process. It must consider all submissions as soon as practicable. It may convene hearings and hold discussions. A person who has made a written submission must be given the opportunity to be heard in support of his or her submission.
13. If there are no submissions, the draft reorganisation schemes will become the final reorganisation schemes. A scheme is then referred to the Minister of Local Government for the preparation of an Order in Council to give effect to it.
14. Legal services have provided continued advice throughout the process and in helping to draft the reorganisation schemes. It is anticipated continued support and advice will be needed during any hearings, appeals to the Local Government Commission and the final lodgement of documentation with the Minister for Local Government.

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

15. See above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

16. Aligns with LTCCP 2009-2019, p156: Council, and community board decisions to achieve 100 percent compliance with statutory requirements.

**Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

17. Yes, see above.

**ALIGNMENT WITH STRATEGIES**

18. The draft reorganisation scheme aligns with the objectives of the South West Area Plan, notably the objective to visibly define and reinforce the urban limit. The draft reorganisation scheme also aligns with the Greater Christchurch Urban Development Strategy which seeks a well defined district boundary demarcating the boundary between urban and rural areas.

**Do the recommendations align with the Council's strategies?**

19. Yes, in particular with the South West Area Plan and the Urban Development Strategy.

**CONSULTATION FULFILMENT**

20. The boundary alteration proposal that has lead to this draft reorganisation scheme went through a consultation process with affected parties such as SDC, Riccarton/Wigram Community Board, Statistics New Zealand and the Local Government Commission as reported in the December 2009 report to the Regulatory and Planning Committee.

21. No additional consultation has been undertaken since this time. However, once these draft reorganisation schemes have been approved by the Council, a formal statutory process will start as required by clause 12 of Schedule 3 of the Local Government Act 2002. The Council must also give notice of the draft reorganisation schemes to the Local Government Commission, SDC, the Auditor-General, the Parliamentary Commissioner for the Environment, the Secretary of Local Government, the Secretary for the Environment, the Chief Executive of Te Puni Kokiri, any affected Maori organisations identified by Te Puni Kokiri and any other organisations that the Council considers appropriate.
22. The submission period will be open for two months and any interested person or body has the right to make a written submission on the draft reorganisation schemes. Clause 17 of Schedule 3 sets out how the hearings panel may consider and hear submissions.

#### **STAFF RECOMMENDATION**

That the Council:

- (a) Approve for public notification the two draft reorganisation schemes pursuant to clause 12(3), Schedule 3 of the Local Government Act 2002.
- (b) Appoint a hearings panel (a committee under clause 16 of Schedule 3 of the Local Government Act 2002) to consider submissions on the draft reorganisation schemes and make recommendations on any submissions to the Council.

#### **COMMITTEE RECOMMENDATION**

That the staff recommendation be adopted.

#### **BACKGROUND**

23. The draft reorganisation schemes are driven by the need 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 such as the Golden Mile Tavern (10 Trents Road); the shop at the Cookie Time Factory (7 Trents Road); 17 properties and/or buildings located between 785 and 784 Main South Road and 3 Barbers Road; and a single property at 280 Old Tai Tapu Road.
24. Two draft reorganisation schemes have been developed, one for Templeton and one for Old Tai Tapu Road. The reorganisation scheme for 280 Old Tai Tapu Road involves only one property owner who is in support of the reorganisation. The alteration of the boundary at Templeton involves seventeen properties and is more likely to be the subject to submissions and appeals. Two separate schemes will allow 280 Old Tapu Road to continue should the Templeton scheme be appealed.
25. 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.
26. On 10 December 2009 Council resolved to confirm two separate draft reorganisation proposals to:
  - (i) File with the Selwyn District Council (SDC) to start the formal Local Government Act reorganisation process (refer paragraph 4 below);
  - (ii) Instruct officers to draft a reorganisation scheme in the likely event SDC would appoint the Christchurch City Council (the Council) to manage the process; and
  - (iii) Ask the CEO of the Council to enter into negotiations with the CEO of the SDC regarding cost sharing associated with the reorganisation process.

27. Following the Council meeting, Mr Marryatt (CEO, the Council) sent a letter to Mr. Davey CEO of SDC requesting that Council give notice of the two proposals to the Secretary of Local Government and the Local Government Commission pursuant to clause 10, Schedule 3 of the Local Government Act 2002 thereby confirming the draft alteration proposal. SDC was also asked to determine whether SDC or the Council or a joint committee will be responsible for preparing the draft reorganisation scheme and finally to confirm cost sharing negotiations between the CEO's.
28. The reorganisation proposals and the associated requests were submitted to the full SDC Council on 10 February 2010 where that Council resolved to:
  - i. Approve the proposed alteration of the district boundary between Christchurch City Council and the Selwyn District Council in Templeton and Old Tai Tapu Road;*
  - ii. Appoint the Christchurch City Council as the appointed local authority to manage the boundary alteration process;*
  - iii. Authorise the Chief Executive to enter into negotiations with Christchurch City Council over cost sharing arrangement for this process.*
29. Christchurch City Council has now prepared the two draft reorganisation schemes in accordance with clause 3(1) Schedule 3 of the Local Government Act 2002 (refer **Appendices A and B**). The schemes cover the following matters:
  - (a) the new boundary for Selwyn District and Christchurch City;
  - (b) the wards that each area will move out of and into as the case may be (either the Springs Ward of Selwyn District or the Riccarton/Wigram Ward of Christchurch City);
  - (c) provide for transitional matters relating to the Resource Management Act 1991, LTCCPs and the Annual Plans, functions and responsibilities, rates, levies and other money payable, bylaws;
  - (d) subject to the Schemes, apply the provisions of clause 67 of Schedule 3 of the Local Government Act 2002.
30. Once approved by the Council, the draft reorganisation schemes will be open for submissions for a two-month public notification period. In addition to public notification the draft schemes must be also be sent directly to those parties listed at paragraph 22 above.

#### **THE OBJECTIVES**

31. 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 reorganisation of territorial boundaries.
32. This can be achieved should Council:
  - (a) Approve for public notification the two draft reorganisation schemes pursuant to clause 12(3), Schedule 3 of the Local Government Act 2002.
  - (b) Appoint a hearings panel to consider submissions on the draft reorganisation schemes and make recommendations on the submissions to the Council.