



# **LOCAL GOVERNMENT COMMISSION**

## **THE BANKS PENINSULA DISTRICT-CHRISTCHURCH CITY REORGANISATION SCHEME**

Pursuant to Part IIBB of the Local Government Act 1974, the Local Government Commission has prepared a draft reorganisation scheme as follows:

### **CONSTITUTION**

#### **1. Commencement**

- (1) Except as provided in subclause (2), this scheme shall come into force on the day after the day on which the Returning Officer, pursuant to the Local Elections and Polls Act 1976, declares the results of the first election of the members of the Council.
- (2) Those provisions of this scheme necessary:
  - (a) To provide for the first election of the members of the Council and the members of the community boards constituted or continued by this scheme; and
  - (b) For the purposes of clauses 11 to 16,

shall come into force on the date fixed by the Order in Council giving effect to this scheme.

#### **2. Constitution**

- (1) The districts of Banks Peninsula District and Christchurch City are united into one district to be known as Christchurch City (referred to in this scheme as “the united district”).
- (2) There shall be a council for the united district to be known as the Christchurch City Council (referred to in the scheme as “the Council”).
- (3) The Banks Peninsula District Council and the Christchurch City Council (referred to in this scheme as the former Councils) are dissolved.

### **3. First election of Council**

- (1) The first election of the Council shall be held on 13 October 2001.
- (2) For the purposes of the first election of the Council, the returning officer and the principal administrative officer for the united district shall be, respectively, the returning officer and the principal administrative officer of the former Christchurch City Council.
- (3) The first election of the Council shall be conducted by postal voting.

### **4. Wards and membership**

- (1) Subject to subclause (2) of this clause, and to clause 5, the membership and basis of election for the Council to apply at the first triennial election of the Council shall be as may be determined pursuant to the Local Government Act 1974.
- (2) The area of the Lyttelton-Mt Herbert Ward of Banks Peninsula District (as delineated on S.O. Plan 18085 deposited with the Chief Surveyor of the Canterbury Land District) shall be included in the ward of the united district containing the northern entrance to the Lyttelton Road Tunnel.
- (3) Notwithstanding section 101H of the Act, the former Councils shall not determine their membership and basis of election of their members prior to the triennial election to be held on 13 October 2001.

### **5. Banks Peninsula Ward**

- (1) For the first election of the Council there shall be a Banks Peninsula Ward comprising the areas of the Akaroa Ward (as delineated on S.O. Plan 18087 deposited with the Chief Surveyor of the Canterbury Land District) and the Wairewa Ward (as delineated on S.O. Plan 18086 deposited with the Chief Surveyor of the Canterbury Land District) of the Banks Peninsula District.
- (2) The electors of the Banks Peninsula Ward shall elect one member to the Council.

### **6. Banks Peninsula Community**

- (1) There shall be constituted a community for the area of the Banks Peninsula Ward to be known as “the Banks Peninsula Community.

- (2) The community board for the Banks Peninsula Community shall comprise -
  - (a) Four members elected by the electors of the community; and
  - (b) The person elected from time to time, as a member of the Council, representing the Banks Peninsula Ward.

## **7. Lyttelton-Mount Herbert Community**

- (1) Subject to section 101ZO of the Local Government Act 1974, the Lyttelton-Mount Herbert Community shall continue in existence.
- (2) The community board for the Lyttelton-Mount Herbert Community shall consist of -
  - (a) Four members elected by the electors of the community; and
  - (b) Two persons elected, from time to time, as members of the Council representing the ward including the area of that community and appointed by the Council to the community board.

## **8. Other Communities**

Subject to section 101ZO of the Local Government Act 1974, the communities existing in the area of the former Christchurch City shall continue in existence.

## **9. Functions of Community Boards**

The community board for any community constituted or continued in existence by this scheme shall have such functions, powers and duties as are delegated to it from time by the Council.

## **10. Service centres**

- (1) The Council shall, at least until 1 November 2004, maintain service centres in -
  - (a) Akaroa;
  - (b) Little River; and
  - (c) Lyttelton.
- (2) Those service centres shall provide services to the public not less than those provided at those locations by the Banks Peninsula District Council on 19 February 1999.

## **TRANSITIONAL COMMITTEE**

### **11. Transitional Committee**

- (1) The Banks Peninsula District Council and the Christchurch City Council shall unite in appointing a transitional committee for the united District.
- (2) The transitional committee shall be deemed to be a joint committee appointed under section 114S of the Act.

### **12. Membership of Transitional Committee**

The transitional committee shall consist of:

- (a) Two members appointed by the Banks Peninsula District Council;
- (b) Four members appointed by the Christchurch City Council;
- (c) The Chief Executives of the Banks Peninsula District Council and the Christchurch City Council, who shall be non-voting members of the transitional committee; and
- (d) The Chief Executive designate, when appointed in accordance with clause 15(a), who shall be a non-voting member of the transitional committee

### **13. No casting vote**

The chairperson of the transitional committee or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

### **14. Exclusion of non-voting members**

The transitional committee may resolve to exclude any non-voting member of the committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### **15. Functions**

The functions of the transitional committee shall be to -

- (a) appoint a person to be the Chief Executive of the Council for the united district;
- (b) make recommendations on the administrative structure of the Council for the united district;
- (c) make recommendations on funding and rating policies for the united district; and
- (d) make recommendations on such other matters as are required to ensure that the Council is able to function effectively from the day on which it comes into existence.

## **16. Costs of Transitional Committee**

The costs of the transitional committee shall be borne and paid for by the Banks Peninsula District Council and the Christchurch City Council either:

- (a) In accordance with a formula agreed to by those Councils; or
- (b) If there is no such agreement, in accordance with the following formula

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The proportion of those costs to be borne by and paid for by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on 5 March 1996) of the Banks Peninsula District and the Christchurch City bears to the total population of both of those districts.

## **MISCELLANEOUS PROVISIONS**

### **17. Canterbury Museum Trust Board**

The functions exercised by local authorities under paragraph (c) of section 5(2) of the Canterbury Museum Trust Board Act 1993 shall be exercised as if, for that paragraph were substituted the following paragraph:

“(c) One member appointed by the Selwyn District Council:”.

### **18. Summit Road Protection Authority**

The functions exercised by local authorities under paragraph (a) to (c) of section 2A(1) of the Summit Road (Canterbury) Protection Act 1963 shall be exercised as if, for those paragraphs were substituted the following paragraphs:

“(a) Two members appointed by the Christchurch City Council:

“(b) One member appointed by the Selwyn District Council.”

## **19. TRANSITIONAL MATTERS**

Parts II and III of Schedule 3B of the Act shall apply in respect of this scheme.

## **FOR THE LOCAL GOVERNMENT COMMISSION**

Barbara Durbin, Commissioner  
Bruce Anderson, Commissioner

19 February 1999

## **EXPLANATORY STATEMENT**

### **STATEMENT OF ADVANTAGES AND DISADVANTAGES OF THE UNION OF BANKS PENINSULA DISTRICT AND CHRISTCHURCH CITY**

This statement is prepared pursuant to section 37ZZW of the Local Government Act 1974. It is statement of the advantages and disadvantages of the union of Banks Peninsula District and Christchurch. The advantages and disadvantages are those which in the opinion of the Commission should be taken into account by persons entitled to vote in any polls held in respect of the proposal. It should be noted that the proposal is a draft at this stage and could be subject to change following consideration of submissions.

#### **ADVANTAGES**

##### **Meets the Statutory Criteria**

The proposal will promote good local government. In particular the Commission is satisfied that -

- it would result in a district containing distinct communities of interest:
- the new district will have the resources necessary to enable its local authority to carry out its functions, duties and powers. A report agreed to by a joint working party of the Banks Peninsula District Council and Christchurch City Council indicates that service levels could be significantly raised in the Banks Peninsula area. Those levels are not being met within existing resources but could be achieved by combining the resources of the two existing Councils:
- the new City will be appropriate for the effective and efficient exercise of local government functions, duties and powers:
- the new Council will have the ability to deliver appropriate services to the various parts of the new City in a more effective and efficient manner:
- it is conceivable that if the new Council were to approach its funding in a liberal, total-district manner, Peninsula ratepayers could find their rates reduced. However, any possible reduction would be dependent upon the funding policies adopted by the new Council:
- the proposal meets the statutory criteria that the Commission is required to take into account when considering such proposals.

## **Level and Quality of Services**

The Commission is of the view that the proposal will result in a significant increase, to a value in excess of \$650,000 per annum, in the levels of local services provided in the existing Banks Peninsula District. Significant administrative and capital savings have been forecast as follows -

\$438,000 in year 1  
\$578,000 in year 2  
\$609,000 in subsequent years

The increased levels of service have been identified as being achievable with a 0.34% increase in rates across the whole of the new City by a study of the possible financial impacts of amalgamation prepared by joint working party of the Banks Peninsula District Council and Christchurch City Council.

## **Participation in Decision-making**

The rural community of interest in the Banks Peninsula District outside the Lyttelton Harbour Basin will be a new ward with political representation on the new Council. Service centres will be required to be maintained in Akaroa, Little River and Lyttelton at least until November 2004. Two community boards will enable locally elected representatives to participate in decision-making.

Residents of the existing Christchurch City will have a greater opportunity to participate in the planning and development of the existing Banks Peninsula District, in particular recreational facilities and parks and reserves already used by them.

Residents of the existing Banks Peninsula District will have a greater opportunity to participate in the planning and development of the existing Christchurch City, in particular infrastructure and recreational and cultural facilities already used by them. Recent participation in a joint working party of elected members has led to suggestions of significant increases of levels of services in Banks Peninsula.

The Commission is satisfied that a range of administrative arrangements can be made to ensure that local views are heard and taken into account throughout the City.

## **Administrative Costs**

The Commission is of the opinion that in appropriate circumstances it will be more economic to provide the same services at the same standard through one local authority than through two. This would be achieved through avoiding duplication, through economies in scale, ensuring responsiveness to local concerns and having good financial resources and professional administration. The Commission considers that this will apply to the union of Banks Peninsula District and Christchurch City.

Examples of this include not requiring -

- separate Mayors and elected member structures
- separate Chief Executives and administrative structures
- separate computer systems
- separate annual planning, annual reporting and financial management systems
- separate roading management structures and reporting arrangements to Transfund New Zealand
- separate district plans under the Resource Management Act, and separate administration of the requirements of that Act.

## **DISADVANTAGES**

As noted under “Advantages” rates might be increased by 0.34% by the new City Council if it wished to improve service levels in the area of the existing Banks Peninsula District to the level identified by the joint working party.

There may also be a perceived loss of local democracy in the Banks Peninsula and Lyttelton-Mt Herbert communities, for instance by the Council of a larger district not necessarily being able to attend in detail to as many matters as the Council of a smaller district. A wider range of responsibilities may, therefore, need to be delegated to community boards or Council staff.

## **CONCLUSION**

The Commission believes that the perceived disadvantages will be outweighed by the advantages listed above and the benefits that will result from the proposed union.



## **EXPLANATORY NOTES TO THE SCHEME**

These notes are intended as a guide to the contents of the scheme.

The purpose of the scheme is to provide for -

- the union of Banks Peninsula District and Christchurch City to form a new Christchurch City; and
- a new Council for the combined area to be called the Christchurch City Council.

It is proposed that the members of the new City Council be elected at the 2001 local elections, and that the new Council come into existence when the results of that election have been declared.

Some provisions of the scheme will come into effect as soon as the final scheme is implemented by Order in Council - those provisions necessary to arrange the first election of the new Council, and those relating to the establishment of transitional committee to recommend administrative arrangements for the new Council.

The existing Akaroa and Wairewa wards of the Banks Peninsula District will become the Banks Peninsula Ward of the new City. It will be represented by one councillor. The Commission considers that the existing Lyttelton-Mt Herbert Ward should be included in an adjacent urban ward. This issue and the ward structure for the remainder of the new City will be determined in the final scheme, after consideration of submissions received.

The Akaroa-Wairewa Community and community board will be reconstituted under the name "Banks Peninsula Community". The scheme provides for the Lyttelton-Mt Herbert Community and the existing communities in Christchurch City to remain in existence. The functions of the community boards are not specified in the scheme. They will be left for the new Council to determine.

Service centres will be required to be maintained, at least until November 2004, in Akaroa, Little River and Lyttelton. They will also be required to provide at least the same levels of service currently provided at those locations by the Banks Peninsula District Council.

The scheme provides for a transitional committee to be formed by the Banks Peninsula District Council and the Christchurch City Council. The purpose of the committee is to appoint a Chief Executive for the new Council and to make recommendations for new administrative arrangements and funding and rating policies.

The scheme specifies new membership arrangements for the Canterbury Museum Trust Board and the Summit Road Protection Authority to fit the new configuration of territorial authority districts.

The provisions of Parts II and III of Schedule 3B of the Local Government Act apply to the scheme. Part II, which applies to all reorganisation schemes except those specifically excluded, deals with the passing of property to the new local authority, continuation of bylaws, and other matters that carry over from one local authority to another. Part III deals with the apportionment of assets and liabilities, loan liabilities and local authorities' petroleum tax, and applies to all reorganisation schemes.

## **WHAT HAPPENS NEXT?**

The procedure from now on is as follows -

- The draft scheme is open to submissions until 20 May 1999.
- The Commission meets with those who have made submissions:
- The Commission considers the submissions and make any other investigations or inquiries it considers necessary:
- The Commission decides whether to -
  - \* issue a final scheme:
  - \* issue a final scheme but with modifications to the draft; or
  - \* if it considers the proposal does not meet the Local Government Act criteria, not issue any final scheme at all.
- If the Commission issues a final scheme, separate polls are held in Banks Peninsula District and Christchurch City. For the scheme to be successful over 50% of votes cast in each poll must be in favour of the proposal:
- If the polls vote in favour of the proposal the scheme is implemented by Order in Council.

## **SUBMISSIONS**

The scheme is open for public submissions until 20 May 1999. Submissions should be sent to -

Chief Executive Officer  
Local Government Commission  
PO Box 5362  
Wellington

Fax: 04-495-7287