

MEMORANDUM OF UNDERSTANDING

BETWEEN

BANKS PENINSULA DISTRICT COUNCIL

AND

THE CHRISTCHURCH CITY COUNCIL

Dated

October 2005

BANKS PENINSULA



CHRISTCHURCH
CITY COUNCIL • YOUR PEOPLE • YOUR CITY

THE PARTIES

BANKS PENINSULA DISTRICT COUNCIL

AND

CHRISTCHURCH CITY COUNCIL, its officers and staff, of Christchurch ("CCC")

BACKGROUND

- A. The Local Government Commission has received a Reorganisation Proposal from a group of residents in Banks Peninsula District. The proposal is that the Banks Peninsula District be abolished and included with Christchurch City.
- B. The Commission has prepared a Final Reorganisation Scheme under the Local Government Act 2002 as part of the process for consideration of this Reorganisation Proposal.
- C. The Commission has indicated in its Final Reorganisation Scheme that a binding poll of Banks Peninsula residents is to be held on 19 November 2005.
- D. In the Commission's Findings and Decisions on the Reorganisation Proposal, the Commission, while noting that the Local Government Act does not empower it to specify that a transitional committee be constituted under the Draft Reorganisation Scheme, the Commission stated that it considered that the two Councils should carefully consider the benefits of forming a joint committee to deal with transitional issues.
- E. At meetings held on Thursday, 26 May 2005, and Friday, 24 June 2005 respectively, the Banks Peninsula District Council and the Christchurch City Council resolved to appoint the Banks Peninsula District Council/Christchurch City Council Transitional Joint Committee as a Committee of both Councils.
- F. The Joint Committee had its first meeting on Friday, 8 July 2005, and considered a report on developing a Memorandum of Understanding between the two Councils. The Joint Committee decided to develop this Memorandum of Understanding to capture the general principles and intentions of the Christchurch City Council in terms of undertakings it makes in respect of service commitments to the residents of the current Banks Peninsula District which are not covered by the Scheme put forward by the Local Government Commission.

THE COUNCILS AGREE:

1. While not intended to create any legal relationship this Memorandum of Understanding is intended to set out the key issues and provide guidance on how the two Councils wish to work together on this merger as a result of the abolition and inclusion process.

This document assumes the poll result may be in favour of the Reorganisation Scheme. It is entirely a matter for the residents of the Banks Peninsula District as to whether or not they support the Reorganisation Proposal.

OVERVIEW

The Abolition of Banks Peninsula District Council and its inclusion into an enlarged Christchurch City Council is in effect a merger of two similar, if different in scale, organisations.

The merger will be guided by the "Business as Usual" principle. All possible steps to minimise disruption to services and the community will be a priority. The two organisations will be integrated in such a way as to bring the best elements of both together.

The enlarged Christchurch City Council recognises that Banks Peninsula District Council services a predominantly 'rural' area and that the skills, knowledge and capability required to service this area are unique and not necessarily contained within the Christchurch City Council's current workforce.

The enlarged Christchurch City Council believes that the principle of delivering services in a manner appropriate to each community, and which recognises that "one size does not fit all", is very important in developing and building understanding with the (relatively) small communities that make up the Peninsula.

The enlarged Christchurch City Council will work with, and communicate to, Banks Peninsula Community Boards and residents to ensure that they clearly understand how their new administration works and how they can best interact with it.

PROTECTING THE NATURE AND CHARACTER OF COMMUNITIES

The enlarged Christchurch City Council intends to develop and promote policies that sustain the unique character and vision of Peninsula communities. The new Council is committed to working with Peninsula communities to enable appropriate actions, built around community outcomes as part of the LTCCP process, which reflects localised values.

The Banks Peninsula District Council District Plan will be completed, and will remain the paramount resource management document for the Peninsula until reviewed under the Resource Management Act. This will not preclude undertaking further variations to the BPDC District Plan or changes to the Plan when it becomes operative where such variations or changes are necessary to sustain the unique character of Banks Peninsula (**see Appendix 1 – Variations Status**).

Current Banks Peninsula Bylaws will remain in place, subject to normal review processes required by the Local Government Act 2002 or alterations that may be made by the City Council (**see Appendix 2 – List of Bylaws**).

The two Banks Peninsula Community Boards, with the support of the Banks Peninsula Ward Councillor will play a key role in ensuring the "voice" and needs of the smaller scale Peninsula communities, and those of the rural areas, are presented effectively to the enlarged Christchurch City Council. The Christchurch City Council seeks to empower and respect the role of the Banks Peninsula Community Boards to the full extent of their delegations in this important work by conferring on the Peninsula Community Boards the same delegations as conferred on the City Community Boards (**see Appendix 3 – Current Delegations of City Community Boards**).

The Banks Peninsula District Council has a number of Committees. Christchurch City Council will work with Banks Peninsula District Council to fit them into the enlarged organisation. There are also a number of appointments to external Committees. The appointments to the bodies listed in paragraph 3 of Appendix 4 will be made from the relevant Banks Peninsula Community Board. **These Committees are detailed in Appendix 4).**

The Christchurch City Council recognises the Banks Peninsula volunteer groups and their value and wishes to continue these valuable relationships after abolition and inclusion (**see list of volunteers attached in Appendix 5**).

COMMITMENT TO SERVICE LEVELS AND PROVISION**(a) Customer Service at Peninsula Service Centres**

The City Council has agreed to retain three service centres – at Akaroa, Little River and Lyttelton – for a minimum of five years. They will provide the same services as those available from the District Council at the time of reorganisation.

(b) Delivery of Other Services

For services apart from those delivered from service centres, the City Council has agreed to them being ring-fenced for five years from the date of reorganisation. In the interests of consistency and efficiency, the City Council's intention is over time to align services with those it provides for city residents. The City Council appreciates that situations will arise where exact mirroring of existing city services may be impractical or inefficient and in such cases it intends to work with Peninsula communities to develop mutually acceptable and practical outcomes.

Christchurch City Council will support the Banks Peninsula District Council in terms of its obligations under the Building Act and the requirements to have an earthquake policy.

LONG TERM COUNCIL COMMUNITY PLAN DIRECTION

A key strategic document in recording community aspirations is the 2004 Banks Peninsula Community Plan and 2005 Community Outcomes document produced as a result of community consultation

BPDC will prepare for the joint 2006-16 – LTCCP a 10-year plan based on the commitments made in the Banks Peninsula Community Plan 2004-2014 and the Banks Peninsula District Annual Plan 2005/06.

In addition the enlarged CCC via its LTCCP will make provision for funding the infrastructural issues highlighted by the Capital Strategies Report by the provision of an additional sum of \$27.3m for capital projects over the next 10 years, and \$400,000 in operation expenditure annually from 2006/07.

Any additional funding required for the development of the public good facilities at the Naval Point Marina is outside of the \$27.3 million.

During 2004 and early 2005 Banks Peninsula District Council undertook a large community consultation process that resulted in additional capital requests and further community priorities for operational expenditure being identified. A schedule of these items will be prepared and be considered for inclusion in the CCC 2006-16 LTCCP along with other items presented on behalf of the City residents.

A schedule of these items that has been considered by the Banks Peninsula District Council will be attached as an Appendix 6.

Documents that are important to the Banks Peninsula District Community Planning and should be referred to but are not attached to this Memorandum of Understanding are:-

- Banks Peninsula Community Plan 2004-2014.
- Banks Peninsula Annual Plan 2005/06.
- Banks Peninsula People – Our Community Outcomes.
- Akaroa Streetscapes Report.
- Lyttelton Town Centre Development Plans.
- Banks Peninsula District Council Urban Transportation, and parking Studies for Akaroa, Diamond Harbour, Lyttelton and Little River.

SALE OF INVESTMENTS, AND PROTECTION OF RESERVE LANDS FROM DISPOSAL

Banks Peninsula District Council investments (including the Orion shares) will be sold as part of the funding of the additional capital expenditure of \$27.3 million unless the City Council decides that some of those investments are good substitutes for existing City Council investments. It is intended that the sale of the Orion shares will be to CCHL in line with the current Christchurch City Council policy on investments in Orion held on behalf of the community.

The sale of investments does not include the sale of Banks Peninsula District Council landholdings on the Peninsula. Land already designated as recreational, and historic reserves, will continue to be held in public ownership.

Should at some future time, any significant freehold land be deemed as not strategic and considered for disposal, such sales would be subject to the normal significance and consultation process as per current Christchurch City Council policy. Any such proposed land sales would automatically require consultation with, and input from the relevant Banks Peninsula Community Board.

Current land for sale is identified in the Banks Peninsula District Council 2005-06 Annual Plan.

HERITAGE, HISTORY, ENVIRONMENT AND CULTURE

The Christchurch City Council recognises the unique environmental, cultural and heritage values of the Banks Peninsula, both pre and post colonial, natural and man-made, as part of the value the Peninsula brings to all ratepayers and residents of the enlarged City. The Christchurch City Council undertakes to manage such values sensitively and with special regard to Peninsula community aspirations as expressed in the Banks Peninsula District Council 2004-2014 Community Plan (LTCCP).

Staff processing Notified Resource Consents for areas within the Banks Peninsula Ward of the Christchurch City Council will use their best endeavours to ensure at least two suitably qualified Banks Peninsula Ward Elected Representatives of Peninsula Community Board members or councillor will sit on Resource Consent Hearing Panels. The intention of this is to reflect local knowledge and values within the hearing panel process bearing in mind the more remote nature of Peninsula communities. It is the intention of the enlarged Council to hold such hearings within the Banks Peninsula ward wherever practically possible.

The enlarged Christchurch City Council will continue to build on the special relationships with the Onuku (Akaroa), Koukourarata (Port Levy), Te Wairewa (Little River), Te Taumutu (Ellesmere), and Te Hapu O Ngai Wheke (Rapaki) Runanga.

The enlarged Council also recognises the special role carried out by the Banks Peninsula Conservation Trust in achieving the aims of the Banks Peninsula District Plan.

Chief Executive

_____ Authorised Officer

APPENDICES

Appendix 1	List of Variations – Status and Future Possibilities
Appendix 2	List of Bylaws
Appendix 3	Christchurch City Council Community Board Delegations to Community Boards
Appendix 4	Sub Committees of the Banks Peninsula Appointments to External Committees/Boards
Appendix 5	List of Volunteer Organisations aiding in performing Council services
Appendix 6	LTCCP Plans to date Future identified projects

APPENDIX 1**DISTRICT PLAN VARIATIONS CURRENTLY IN PROGRESS BY COUNCIL****Variation 1 Non complying activities**

- Adopted by Council 31 August 2005 – retention of non-complying catch-all rule.

Variation 2 Rural

- 30 Appeals predominantly opposing the rules relating to dwelling density, forestry and landscape and coastal protection areas.

Variation 3 Industrial Zones at Lyttelton and Church Bay

- Industrial Zones left out of Proposed District Plan were adopted by Council on 31 August 2005

Variation 4 Access Parking & Loading

- Inclusion of new objectives adopted by Council 31 August 2005 regarding safety and effects on environment of transport network.

Variation 5 Design Guidelines for Akaroa and Lyttelton

- More detailed guidelines adopted by Council 31 August 2005.

Lyttelton Port Noise (Variation may be required)

- Mediator Peter Skelton appointed and seven meetings held. LPC currently collecting data on noise. May still require a variation.

Helicopter Variation –

Variation has been notified. Submissions received (65 approximately). Awaiting a hearing date.

Future Variations to be considered:

- Objectives and Policies (omitted from District Plan)
- Rezoning (re small blocks in odd places)
- Character of Akaroa
- Minor amendments
- Lyttelton Port Noise if required
- Papakainga
- Cash in Lieu Parking
- Wind Turbines
- Notable Trees
- Temporary Activities
- Archaeological sites/silent files

APPENDIX 2**LIST OF BYLAWS**

With the introduction on **1 July 2003** of the Local Government Act 2002 (LGA 2002) all bylaws of a local authority are required to be periodically reviewed.

Section **293** of the Act allows the existing bylaws of a local authority made under the previous Local Government Act (1974) to continue in force for a period of 5 years from 1 July 2003 in which time a review must take place, unless the bylaw has ceased to have effect during that period.

Section **158** of the Act requires bylaws made after the commencement of the LGA 2002 to be reviewed within a 5-year period from the date of their commencement.

Council currently enforces the following bylaws. Review dates deadlines for each are recorded.

<u>Year Adopted</u>	<u>Commencement Date</u>	<u>Title</u>	<u>To be Reviewed by Date</u>
1991	11 March 1991	Gin Trap Bylaw 1991 No.1	30 June 2008
1994	24 Jan 1994	Fire Prevention Bylaw involving Vegetation	30 June 2008
1994	1 August 1994	Stock Control Bylaw 1994 No.1	30 June 2008
1996	1 July 1996	Cemetery Bylaw 1996	30 June 2008
1996	1 July 1996	Amusement Devices and Shooting Galleries (<u>Model General Bylaws</u>)	30 June 2008
1996	1 July 1996	Introductory (<u>Model General Bylaws</u>)	30 June 2008
1996	1 July 1996	Licences for Vehicle Stands on Streets (<u>Model General Bylaws</u>)	30 June 2008
1996	1 July 1996	Mobile or Travelling Shops, and Hawkers and Itinerant Traders (<u>Model General Bylaws</u>)	30 June 2008
1996	1 July 1996	Nuisances (<u>Model General Bylaws</u>)	30 June 2008
1996	1 July 1996	Parks and Reserves (<u>Model General Bylaws</u>)	30 June 2008
1996	1 July 1996	Public Places (<u>Model General Bylaws</u>)	30 June 2008
1996	1 July 1996	Public Swimming Pools (<u>Model General Bylaws</u>)	30 June 2008
1996	1 July 1996	The Keeping of Animals, Poultry and Bees (<u>Model General Bylaws</u>)	30 June 2008
1998	2 Sept 1998	Traffic and Parking Bylaw 1998	30 June 2008
1998	2 Sept 1998	Water Supply Bylaw 1998	30 June 2008
2000	20 Sept 2000	Wastewater Drainage Bylaw 2000	30 June 2008
2002	1 Feb 2002	District Refuse Bylaw 2002	30 June 2008
2002	1 Feb 2002	Marine Facilities Control Bylaw 2002	30 June 2008
2004	15 Dec 2004	Dog Control Bylaw 2004	14 Dec 2009
2004	15 Dec 2004	Public Places & Signs Bylaw 2004	14 Dec 2009

New Bylaw awaiting finalisation

2005		Speed Limits Bylaw 2005	14 Dec 2009
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Bylaw not finalised. Decision never made.

2000		Trade Waste Bylaw 2000	
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APPENDIX 3**CURRENT DELEGATIONS OF CITY COMMUNITY BOARDS****INTRODUCTION**

Pursuant to clause 32 of Schedule 7 of the Local Government Act 2002 the following powers have been delegated to Community Boards to exercise within their communities (as defined in the Local Government Act 2002.).

Any decision by a Community Board shall be consistent with any policies or standards adopted by the Council.

It is the Council's intention that Community Boards exercise the delegations set out below in respect of local projects as defined above. Technical and metropolitan projects would be the responsibility of the Council.

Definition of Terms:

- Local - any project that has only a local impact
- Technical - a project with no public priority or design input required, or an internally focused project
- Metropolitan – projects which impact on users across the city or are on recognised metropolitan assets (*also have to report Capital Works in the categories "Increase in Capacity ... to meet growth", "Increase in Levels of Service" and the balance*)

The decision as to whether on any particular occasion the exercise of a delegated power is for a local project then it is one to be made by the General Manager, City Environment and the General Manager, Regulation and Democracy Services on behalf of the Chief Executive. The General Managers may consult with the chairperson of the relevant Community Board.

The Community Board delegations under the heading of "Roads" do not apply to that part of the Hagley/Ferrymead Community Board situated within the "Central City Area" marked on the plan (Plan A dated 18 March 2002) attached. Roads delegations in that "Central City Area" are to be exercised by the Council.

DELEGATIONS**Financial**

Absolute discretion over the implementation of the discretionary funding allocation of \$60,000 (subject to being consistent with any policies or standards adopted by the Council).

Roads

1. In these delegations the word "road" is as defined in s.315 of the Local Government Act 1974.
2. The power of the Council to approve the erection of garages, parking platforms and structures related to vehicular access wholly or partly on road.
3. The power of the Council provided in s.335(3) of the Local Government Act 1974 to enquire into and make a decision regarding objections relating to notices issued pursuant to s.335(1) (relates to vehicle crossings).
4. The power of the Council to commence road stopping procedures for an accessway (as defined in s.315(1) of the Local Government Act) under the Tenth Schedule of the Local Government Act 1974.
 - (c) The placement of broken yellow "No Stopping at any time" lines restricting the parking, standing or stopping of vehicles on any road within car parks or other areas controlled by the Council and used by vehicles.

- (d) The creation of temporary controls on any road for traffic and parking at roadworks and building sites including Construction Site Loading Zones.
 - (e) The installation of traffic islands, roundabouts and traffic restraints on roads.
 - (f) The installation of pedestrian crossings on roads.
- 5. The power contained in s.319(j) of the Local Government Act to name any road.
 - 6. To exercise the powers of the Council in s.339 of the Local Government Act relating to bus shelters other than to hear and determine objections.
 - 7. To make any changes to road markings after consultation with stakeholders.
 - 8. The power of the Council in respect of any road or upon any areas under its control (including car parks), subject to Council policy, pursuant to the Transport Act 1962, the Land Transport Act 1998, the Traffic Regulations 1976 and, with the appropriate areas of control, the Christchurch City Traffic and Parking Bylaw 1991:
 - (a) The placement of the following regulatory signs to control traffic movement at intersections on any roads, within car parks or in other areas controlled by the Council and used by vehicles:
 - Stop
 - Give Way
 - No Entry
 - No Right Turn
 - No Left Turn
 - No U Turn
 - No Cycling
 - No Pedestrians
 - (b) The placement of the following parking signs to control the parking, standing or stopping of vehicles on any road or within car parks or in other areas controlled by the Council and used by vehicles:
 - Parking Time Limit
 - No Stopping
 - Area Parking Sign
 - Combination Sign
 - Bus Stop
 - Taxi Stand
 - Cycle Stand
 - Motorcycle Stand
 - Loading Zone
 - Goods Vehicle Loading Zone
 - Clearway
 - Mobility Parking Areas

Sale of Liquor

- 1. The power to give consent of the Council as landowner (including reserves) for the purpose of the Sale of Liquor Act 1989.
- 2. The power to appoint one or more members of each Community Board to appear and be heard under s.108(e) of the Sale of Liquor Act 1989, for the purpose of providing community input.

Resource Management

The power to make submissions on behalf of the Council, on applications for resource consents, to other territorial authorities or the Canterbury Regional Council, where the application is of particular concern to the local community.

Parks

1. The powers of the Council (except the hearing of submissions/objections) in relation to:
 - (a) Declaration of land as a reserve (s.14 Reserves Act 1977).
 - (b) Exchange of reserves for other land (s.15 Reserves Act).
 - (c) Change of classification or purpose or revocation of a reserve (s.24 and 24A Reserves Act).
 - (d) Preparation, review and change of management plans for reserves (s.41 Reserves Act).
 - (e) Granting of rights-of-way and other easements over reserves (s.48 Reserves Act).
 - (f) The granting of licences on reserves pursuant to s.48A of the Reserves Act 1977.
 - (g) Granting of leases or licences on reserves pursuant to ss.54, 56, 58A, 61, 73 and 74 of the Reserves Act.
 - (h) Afforestation of reserves by the Council (s.75 Reserves Act).
 - (i) The power to approve an assignment, sublease or mortgage of the lease of land under the Reserves Act where the lease provides such consent will not be unreasonably withheld (ss.114 and 115 of the Reserves Act 1977).
 - (j) Preparation review and change for management plans for parks held under s. 138 of the Local Government Act 2002.
2. The power to grant leases for a maximum term of 20 years (less 1 day) to voluntary organisations over land held under s.138 of the Local Government Act 2002 for the erection of pavilions and other buildings and structures associated with and necessary for the use of the land for outdoor sports games and other recreational activities.
3. The power to issue leases or licences for the carrying on of any trade, business or occupation on land (excluding public road) held under s.138 of the Local Government Act 2002 for terms not exceeding five years and at rentals not exceeding \$20,000.
4. Power to make decisions as to alterations and/or additions to any building, fence or structure or construction of the same on any reserve land leased by the Council (administered by the Greenspace Unit) where the lease specifies the requirement of Council consent.
5. The acceptance of tenders for stall licences on reserve sites.
6. To plant, maintain and remove trees on reserves, parks and roads under the control of the Council within the policy set by the Council.
7. To approve the design of landscape plans on reserves, parks and roads provided the design is within the policy authorised by the relevant community board.

Miscellaneous

The granting of Community Awards, and all awards initiated by Community Boards.

Leases

To authorise any variations to a lease (other than term and rental) where the variation does not involve any extension to a leased area.

APPENDIX 4**COMMITTEES****1. Sub Committees**

AKAROA DESIGN & APPEARANCE ADVISORY	To comment on proposals for resource consents within the Akaroa Historic Area which involve the construction of a new building or the external modification of an existing building which are forwarded by Planner or Historic Places Trust
AKAROA MUSEUM LIAISON GROUP	To provide feedback to the Council on the strategic issues facing the Museum and the matters arising from them
TOURISM & ECONOMIC DEVELOPMENT BOARD	To establish a development strategy to enhance the social, economic and environmental values of Banks Peninsula. In addition to provide advice on implementation and propose budgets to Council.
TAKAPUNEKE RESERVE COMMITTEE	To develop and manage historical land at Takapuneke "Rahui" current on land.
ROAD SAFETY	To provide safer roads, working with Selwyn District Council on Road Safety Issues. One member from Community Boards and one Councillor along with SDC representatives who share one employee.

2. Reserve Management Committees

Allandale Reserve Management Committee
 Ataahuia Reserve Management Committee
 Awa Iti Reserve Management Committee
 Duvauchelle Reserve Management Committee
 Le Bons Bay Reserve Management Committee
 Little Akaloa Reserve Management Committee
 Lyttelton Recreation Ground Reserve Management Committee
 Okains Bay Reserve Management Committee
 Pigeon Bay Reserve Management Committee
 Robinsons Bay Reserve Management Committee

3. Committees Council currently has representatives on

Akaroa Library Committee
 Diamond Harbour & Districts Health Support Group
 Halswell River District Rating
 Harvey Page Trust/Corsair Bay Advisory Committee
 Lyttelton Museum
 Okains Bay Maori & Colonial Museum Trust
 Orton Bradley Park Board
 Rural Canterbury Primary Health Organisation
 Safer Banks Peninsula – Akaroa and Lyttelton
 Wairewa Community Development Trust
 Akaroa Arts Council
 Lyttelton/Mt Herbert Arts Council

4. Committees/Boards that currently have a BPDC appointment but also have a CCC appointment

Creative New Zealand
CDEM
Canterbury Museum Trust Board
Canterbury Waste Sub Committee
LPC
Orion
Regional Land Transport
Summit Road Authority
UDS
LGNZ – Zone 5
Transwaste
Police Liaison
Age Concern

APPENDIX 5**USE OF VOLUNTEERS AND SERVICES PROVIDED**

The Banks Peninsula communities have shown they are prepared to help their local council with delivery services. This currently occurs in the following areas:-

Libraries	-	Volunteers help with issuing and filing of library books.
Harbours	-	Regular testing of the harbour waters through Harbour Issues Working Parties Lyttelton and Akaroa where volunteers, along with Council staff and ECan discuss issues to final solutions to common problems.
Harbour Structures	-	Volunteers collect money from honesty boxes around the Peninsula for use of boat slips and pass monies to Council offices.
	-	Community Groups undertake wharf maintenance in conjunction with Council staff and Contractors.
Reserves	-	Reserve Management Committees plan and manage certain reserves in various areas, collecting funds from leases, camping grounds etc. and utilising monies for the development of the reserve.
Museum	-	Friends of the Museum provide support through fundraising and voluntary work.
Dogs	-	Honorary dog rangers have been appointed.
Rural Fire	-	Over 100 volunteers utilise Council vehicles and equipment to help fight fires in our rural areas.
Civil Defence	-	There are over 120 volunteers throughout both harbour basins actively involved in civil defence and welfare.

This list may not be complete.