

27 March 2020

Committee Secretariat  
Governance and Administration Committee  
Parliament Buildings  
Wellington

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## **CHRISTCHURCH CITY COUNCIL SUBMISSION ON THE GREATER CHRISTCHURCH REGENERATION AMENDMENT BILL**

### **1. Introduction**

- 1.1 The Christchurch City Council (the Council) thanks the Governance and Administration Committee for the opportunity to provide comment on the Greater Christchurch Regeneration Amendment Bill (the Bill).
- 1.2 The Council wishes to appear in support of this submission, either in person or via audio or videoconference link. The Council will be represented by the Mayor, supported by a staff member.

### **2. Background**

- 2.1 The Bill amends the Greater Christchurch Regeneration Act 2016 (the Act), which replaced the Canterbury Earthquake Recovery Act 2011 (the CER Act).
- 2.2 The primary focus of the CER Act was on ensuring the recovery of the affected areas following the 22 February 2011 earthquake, through the Canterbury Earthquake Recovery Authority (CERA).
- 2.3 While many of the powers in the Act are similar to those in the CER Act, the evolution from recovery to regeneration changed the focus of the purposes for which they are exercised. Recovery had a wider reach, while regeneration is focused on renewal and development. There is a much stronger identification of the need for community engagement.
- 2.4 Restoration and enhancement are included in the definition of regeneration, but with a lesser focus.
- 2.5 There is also provision for the contribution of local leadership in decision-making under the Act. This created the opportunity for a new agency (Regenerate Christchurch), the Department of Prime Minister & Cabinet and the Council to propose and develop Regeneration Plans and, as strategic partners (along with Ngai Tahu), to work with each other in seeking Ministerial approval of the Plans. Unfortunately, this process did not deliver as many Regeneration Plans as many of us thought it would, possibly as a result of the dual functions of agencies.

- 2.6 In fact the Council and the other local authorities making up the Greater Christchurch district, including the Canterbury Regional Council (Ecan), have been working together for many years. In 2007 they collaborated on the development of the Greater Christchurch Development Strategy (UDS) which was updated in 2018.
- 2.7 The principles underpinning the UDS now include ensuring greater Christchurch is a liveable, safe, sustainable, and healthy place through leadership, partnership, resilience, innovation, integration, regeneration and equity. These shape and guide the decision-making and implementation of the UDS.
- 2.8 This pre-existing model of collaboration has been strengthened by the addition of Te Runanga o Ngai Tahu as a partner. In addition, the Council has had restored to it the ability to manage and administer changes to its District Plan which, with recent changes to the RMA, has removed the need for the exercise of the Minister's powers under section 71.
- 2.9 It is on this basis that the Council makes its submission, in support of the changes proposed to be made to the Act.

### **3. Section 71 decisions of the Minister**

- 3.1 Section 71 of the Act enables the Minister to suspend, amend, or revoke an RMA document, a plan or policy under the Local Government Act 2002, a regional transport plan, management plans under the Conservation Act 1987 and the Reserves Act 1987, or a bylaw made under any Act.
- 3.2 The only way that this power can be exercised is if there has been an approved proposal initiated by a proponent, which must be one of the strategic partners, Regenerate Christchurch, or the chief executive of a Government department.
- 3.3 The strategic partners for the purposes of the Act are Ecan, Christchurch City Council, Selwyn District Council, Te Runanga o Ngai Tahu, and Waimakariri District Council.
- 3.4 The addition of public notification and the opportunity for the community to submit on an application have been welcome additions to the earlier provisions in the CER Act, which simply allowed for the intervention to occur without any community engagement.
- 3.5 The Council's authority to effect changes to its District Plan has been restored. The time has therefore passed for the use of powers such as that available to the Minister in section 71. Their removal will enable all planning processes to be returned to standard local government processes with the required level of public consultation.

### **4. Regenerate Christchurch**

- 4.1 The Bill also brings forward the disestablishment of Regenerate Christchurch (RC), from 30 June 2021 to 30 June 2020.
- 4.2 RC was established in April 2016 to play a significant leadership role in the regeneration of the city with a strong emphasis on the then named Residential Red Zone. It was

always to be a temporary role, jointly funded by the Council and the Crown and with joint decision making on governance appointments.

- 4.3 The Council supports the proposal to bring the disestablishment of RC forward, and to transfer its roles to the locally based agencies which will have long-term responsibility for regeneration.
- 4.4 The Council has been working with the Department of Prime Minister and Cabinet (DPMC) and RC on proposed arrangements for the transfer of RC's assets and liabilities and the transition of regeneration responsibilities to existing Council entities.

## **5. Successor organisation**

- 5.1 Section 134 of the Act provides for an Order in Council to be made, on the recommendation of the Minister, approving a successor organisation to which assets and liabilities of RC can be transferred.
- 5.2 The section also states that the successor organisation must be a Council-controlled organisation of, or nominated by, the Council.
- 5.3 The disestablishment of RC will require the preparation of final accounts, an annual report and compliance with any remaining obligations under Act. The Council is considering, but has not yet confirmed, the appointment of a 'host' agency, likely to be one of the Council's existing Council-controlled organisations.
- 5.4 The intention is that the 'host' agency would provide a vehicle for the decommissioning of RC that will be available beyond the 30 June 2020 disestablishment date.
- 5.5 It needs to be made clear that if appointed, the 'host' agency will not be a 'successor organisation' for the purposes of section 134. Nor is it the 'successor organisation' referred to in section 140 of the Act, which provides that any asset or liability that belongs to RC on 30 July 2020 (as amended by the Bill), and is not subject to a prior agreement, becomes an asset or liability of the 'successor organisation'.

## **6. Regeneration Plans**

- 6.1 The sections of the Act relating to the preparation of Regeneration Plans and the process for obtaining Ministerial approval will continue, but from 1 July 2020 the role of RC will be removed.
- 6.2 The opportunity to propose a new Regeneration Plan or the amendment or revocation of an existing Regeneration Plan or Recovery Plan will therefore remain until at least 30 June 2021. If initiated at any time before then, the process for obtaining Ministerial approval will continue until such time as the Minister's decision is made, whenever that is.
- 6.3 Experience to date has shown it can be a lengthy process. If a proposal is received shortly before repeal of the sections, it is possible the Minister may not be in a position to make his or her decision until some considerable time afterwards. This is a natural consequence of the transition.

## **7. Dealing with land and other property**

- 7.1 The Bill repeals schedule 3 of the Act with effect from 30 June 2021. This contains a description of the Christchurch residential red zone for the purposes of dealing with land and other property in accordance with the provisions set out in sub-part 2 of Part 2.
- 7.2 A limited extension of some of the powers contained in those provisions is proposed, from 30 June 2021 to the earlier of 30 June 2023 or a date set by Order in Council. This extension will apply only to the land within and adjacent to the Otakaro-Avon river corridor, more specifically detailed in the Regeneration Plan for that area.
- 7.3 The Council acknowledges the reason for this extension. As the explanatory note in the Bill states, it is required because of the large-scale and ambitious nature of the reconfiguration of titles to land in the Otakaro-Avon river corridor. The Global Settlement Agreement between the Council and the Crown requires LINZ to complete this work before the Crown owned portion of the land is transferred to the Council.
- 7.4 However, it means that red zoned land in areas such as Brooklands, South New Brighton, and the Port Hills will no longer be subject to the Act. The Council expects that any issue involving the Crown and the Council with regard to this land will be completed before June 2021 but notes there may be situations where a right, obligation or duty under the Act has been exercised, but not dealt with by that date.
- 7.5 The Council therefore believes that the sections of the Act to remain in respect of dealing with land and other property, should include all land described in schedule 3.
- 7.6 Finally, as noted above the work to be undertaken by LINZ is ambitious. Nothing of this scale has been undertaken in New Zealand before and the possibility remains that 5,000 land titles simply cannot be reconfigured by 30 June 2023, depending on the resources available to LINZ.
- 7.7 The proposed new section 151 sub-section (3) of the Act (clause 28 of the Bill) makes provision for an earlier completion date, set by an Order in Council made on the recommendation of the Minister. The Council is concerned that this may be optimistic and suggests the Committee seeks advice from officials on whether or not the Order in Council process can be used to extend as well as reduce the time required to complete the reconfiguration work.

## **8. Conclusion**

- 8.1 The Council recognises the importance of bringing forward the disestablishment of RC, in order to give certainty in what has been an increasingly uncertain environment. The Crown's current role was never going to be an ongoing one and after nine years the time is right for the Crown to reduce its powers of intervention.
- 8.2 The Council therefore agrees it is appropriate to bring forward the repeal of the Act's enabling provisions in respect of RC to 30 June 2020.

- 8.3 The Council recognises, however, that RC's achievements have been due in no small way to the calibre and expertise of the people leading RC and working directly with the community, particularly on the development of the Otakaro-Avon River Corridor Regeneration Plan. This will be RC's enduring legacy, and one of the most significant legacies for the city.
- 8.4 Finally, the Council acknowledges the extent of the work required by LINZ to reconfigure land titles for residential red zoned land in the Otakaro-Avon river corridor, a commitment made in the Global Settlement Agreement. It remains an issue that the proposed extension of time may not be sufficient and that flexibility should be provided for.



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**Mayor of Christchurch**