

Attachment 1:

Terms of Reference

Appointment of investigator under section 24A of the Resource Management Act 1991 to look into Christchurch City Council's non-notification of an intensification planning instrument

Purpose of investigation

1. The purpose of this investigation is to consider the performance by Christchurch City Council (the Council) of its functions, powers or duties in relation to notifying an intensification planning instrument (IPI), as required by section 80F of the Resource Management Act 1991 (RMA).
2. The investigation will seek to understand the Council's perspectives in relation to the notification of an IPI, and the process for the Council making decisions on notifying an IPI.
3. If potential next steps to make progress emerge, these will be deemed in scope.

Background context

4. All specified territorial authorities were required by the Resource Management Act 1991 (RMA) to notify an IPI on or before 20 August 2022 to:
 - a. give effect to the National Policy Statement on Urban Development 2020 (NPS-UD)
 - b. implement the medium density residential standards (MDRS).
5. IPIs must be made operative using the Intensification Streamlined Planning Process.
6. Council staff developed a draft IPI and consulted the public from 11 April to 13 May 2022. The Ministry for the Environment (MfE) and the Ministry of Housing and Urban Development (MHUD) consider that the draft IPI recommended for notification by Council staff on 8 September 2022 broadly complied with the requirements of the RMA.
7. On 13 September 2022, the previous Council voted not to notify an IPI.
8. On 20 September 2022, former Mayor, Hon Lianne Dalziel wrote to the Minister for the Environment (the Minister), Hon David Parker, to advise the Minister that the Council is aware it is in breach of its statutory obligations and to request that the Minister work alongside the Council to find a bespoke solution for housing intensification in Christchurch.
9. A new Council was elected following local government elections on 8 October 2022.
10. On 27 October 2022, the Minister decided to initiate an investigation under section 24A of the RMA.
11. The Associate Minister for the Environment, Hon Phil Twyford with responsibilities for urban policy has appointed John Hardie to lead the investigation.

Scope and focus of the investigation

12. The investigation will be focused on identifying and understanding the issues, the Council's perspectives in relation to housing intensification in Christchurch, and the notification of an IPI. Noting the previous Council's decision on the matter and that a new Council has been elected, the investigation will consider the following:
 - a. the process for the Council to make decisions on notifying an IPI

- b. the views, issues and concerns the Council has about the draft IPI and the changes proposed to the operative Christchurch District Plan
- c. the perspective of Ngāi Tahu as Treaty partner and mana whenua
- d. the views of any stakeholders if relevant.

13. If potential next steps to make progress emerge, these will be deemed in scope.

Methodology

14. The investigator will:

- a. in the first five days of the investigation, work with the Council, MfE and MHUD to confirm a project plan
- b. hold interviews/workshops with staff and councillors about the draft IPI
- c. seek the views of Ngāi Tahu as Treaty partner and mana whenua
- d. seek to understand any barriers to notification of an IPI
- e. complete a draft independent report, including recommendations for the Minister on the options for addressing any issues identified in the investigation
- f. finalise and present the report to the Minister.

15. MfE officials will:

- a. prepare a template for findings and background material
- b. support the preparation of the report
- c. provide legal and communications assistance.

Term of investigation

16. The investigation must begin no later than 21 November 2022.

17. The date the investigation is to be completed and the final report presented to the Minister is to be agreed by the Ministry for the Environment, the Council and the investigator.

Remuneration and costs

18. The remuneration and costs of the investigator, and of those assisting him, will be covered by MfE. Any costs incurred by the Council will lie where they fall.