

Hurunui / Kaikōura Earthquakes Recovery Review Panel

16 December 2016

Hon Simon Bridges
Minister of Transport
Executive Wing
Parliament Buildings
WELLINGTON 6011

Hon Gerry Brownlee
Acting Minister of Civil Defence
Executive Wing
Parliament Buildings
WELLINGTON 6011

via email

Dear Ministers

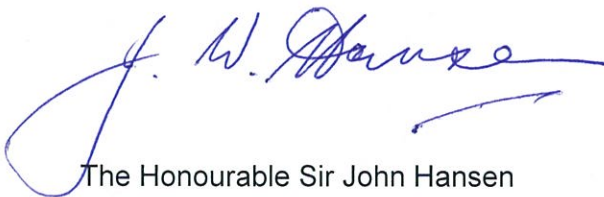
HURUNUI / KAIKŌURA EARTHQUAKES RECOVERY (RESTORATION OF COASTAL ROUTE) ORDER 2016

On 15 December 2016 the Hurunui / Kaikōura Earthquakes Recovery Review Panel (the Review Panel) considered the above draft Order.

As required under section 14 of the Hurunui / Kaikōura Earthquakes Recovery Act 2016, please find attached the Review Panel's report on this draft Order, including our recommendations and brief comments.

I understand it is highly unlikely there will be any draft Orders for consideration over the Christmas period. However, I am available to convene the Panel should the need arise.

Yours sincerely



The Honourable Sir John Hansen

Convenor, Hurunui / Kaikōura Earthquakes Recovery Review Panel

cc Chief Executive, Ministry of Transport
Director, Ministry of Civil Defence and Emergency Management

Hurunui / Kaikōura Earthquakes Recovery Review Panel

IN THE MATTER

of the Hurunui / Kaikōura Earthquakes Recovery Act 2016

AND

IN THE MATTER

of the Hurunui / Kaikōura Earthquakes Recovery Review Panel appointed under section 12 of the Hurunui / Kaikōura Earthquakes Recovery Act 2016 to provide advice for Orders in Council that may be required for the purpose of the Act

THE REVIEW PANEL

The Honourable Sir John Hansen (Convenor)

Mr James Gardner-Hopkins

Ms Yvette Couch-Lewis

Mr Basil Morrison

Mr Kelvin Coe

REPORT AND RECOMMENDATION OF THE REVIEW PANEL

HURUNUI / KAIKŌURA EARTHQUAKES RECOVERY (RESTORATION OF COASTAL ROUTE) ORDER 2016

1. On 15 December, the Hurunui / Kaikōura Earthquakes Recovery Review Panel (Review Panel) considered the above draft Order.
2. Having considered the reasons advanced by the relevant Minister, which we accept, we are well satisfied that the Order in Council and its Schedules are necessary for the restoration of the coastal route. There is one caveat to that. The minister advised that Parliamentary Counsel Office were still working on the draft Order. The minister did not expect any substantive changes. Reading the draft reveals some details to be added that

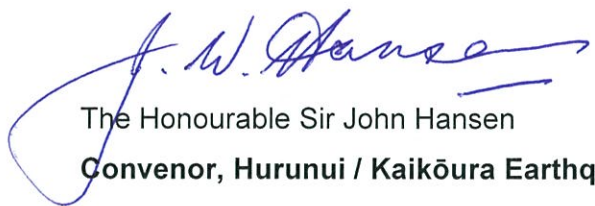
do not appear to be substantive. Our decision is predicated that any such changes are not substantive. If the changes are we will have to review this decision.

3. The Review Panel is of the view that the draft Order is necessary, expedient and meets the purpose of the Hurunui / Kaikōura Earthquakes Recovery Act 2016 (the Act). However, the Panel has made one recommendation and sets out some comments below in our reasons that we consider may be helpful.

Reasons Recommendations and Brief Comments

4. The Act, and the Orders in Council under it, recognises the catastrophic consequences of the Hurunui / Kaikōura earthquake sequences. The Panel also recognises the magnitude of the damage to infrastructure and in particular the coastal road and rail route.
5. Clearly it is of the utmost importance at a local, regional and national level that this coastal route be reinstated as urgently as possible. The Ministers give compelling reasons for this need in their reasons for recommending the Order and the Order provides for the expediting of the necessary work.
6. We are also satisfied that the Order and Schedules have properly balanced the interests of the community, iwi, and the environment and heritage matters. We are satisfied the matters set out in Schedule 1 provide adequate protection while at the same time allowing for work to be carried out urgently.
7. We recommend that consideration should be given to amending clause 6(4)(a) by adding:
 - (viii) that wherever practicable significant adverse effects on adjoining landowners should be avoided, remedied or mitigated.
8. We note that there is an existing partnership between the Department of Conservation and Ngāi Tahu under the Ngāi Tahu Claims Settlement Act 1998 and no doubt such partnership will contribute to the matters set out in the Order and Schedule 1.
9. In the provisions 'day' is defined and excludes 24, 25, 26 and 31 Dec, and 1 and 2 Jan. However, we note that in clause 28 a right of appeal pursuant to section 64(2)(b) of the Heritage New Zealand Pouhere Taonga Act 2014 is preserved, but that any such appeal must be lodged no later than 5 days after the grant of an emergency authority. We think it should be made clear whether it is 5 days in terms of these provisions or the Heritage

New Zealand Pouhere Taonga Act 2014. There may be other examples of such potential confusion.



The Honourable Sir John Hansen

Date 16 December 2016

Convenor, Hurunui / Kaikōura Earthquakes Recovery Review Panel