

REPORT ON DECISIONS MADE IN APPROVING THE WAIMAKARIRI RESIDENTIAL RED ZONE RECOVERY PLAN

1. INTRODUCTION AND PROCESS

On 3 September 2015, I directed the Waimakariri District Council (the Council) under sections 16 and 19 of the Canterbury Earthquake Recovery Act 2011 (CER Act)¹ to develop a draft Waimakariri Residential Red Zone Recovery Plan (Draft Plan). My direction was published in the *New Zealand Gazette*.

The scope of this Recovery Plan is all land within the Waimakariri residential red zones (RRZ), which include about 100 hectares in five areas in Kaiapoi (East, South and West), The Pines Beach and Kairaki; 991 Crown-owned properties; and 33 privately-owned properties.

In accordance with my direction, and after I agreed to the Council's request to extend the deadline for delivering the Draft Plan, on 1 August 2016 the Council provided me with the Draft Plan, relevant technical information, a summary of consultation, an impact assessment and a planning assessment. The Council also provided me with a high-level cost benefit analysis about the land use proposals contained in the Draft Plan.

The Draft Plan set out a range of long-term uses for the five RRZ areas, broadly grouped into four types – greenspace, rural, mixed use business and private lease.

In accordance with section 20 of the CER Act, I publicly notified the Draft Plan on 3 August 2016 and invited written comments from the public until 5pm on 1 September 2016. A total of 60 comments were received. This included 23 comments via the comment forms, email or post and 37 comments via the Greater Christchurch Regeneration Facebook page. My officials provided me with a full summary of these written comments as well as copies of all individual comments received.

In making my decisions about the Draft Plan I have considered: the written comments; the statutory requirements set out in the CER Act; the *Recovery Strategy for Greater Christchurch: Mahere Haumanutanga o Waitaha*; the scope and intent of my direction; technical information; and advice from my officials.

I have decided to approve the Recovery Plan, with some amendments. This report records the decisions I have made and the reasons for the amendments, as required under section 21(3) of the CER Act.

¹ Relevant sections of the Canterbury Earthquake Recovery Act 2011 referred to in this document continue to have legal effect, through Schedule 1, Subpart 2, clause 4 of the Greater Christchurch Regeneration Act 2016.

2. LEGAL REQUIREMENTS

In approving a Recovery Plan, the CER Act requires me to:

- Ensure that I exercise my power in accordance with the purposes of the CER Act (10(1));
- Exercise that power when I reasonably consider it necessary (10(2));
- Ensure the Recovery Plan is not inconsistent with the *Recovery Strategy for Greater Christchurch Mahere Haumanutanga o Waitaha* (18(1));
- Following the development and consideration of a draft Recovery Plan, (a) make any changes or no changes, as I see fit; or (b) withdraw all or part of the draft Recovery Plan (21(1));
- Have regard to the impact, effect and funding implications of the Recovery Plan (21(2));
- Give reasons for any action taken under subsections 21(1) and 21(2) above (21(3)); and
- After deciding to approve a Recovery Plan (a) give notice in the *Gazette* and (b) publicly notify the Recovery Plan in whatever form I think appropriate (21(4)).

3. CONSIDERATIONS

Over six years on from the beginning of the Canterbury earthquake sequence, this Recovery Plan provides certainty about the long-term land uses for the Waimakariri RRZ areas. Deciding the future use of this land presents a unique opportunity to make a difference for current and future generations.

Written comments

I have considered all the written comments received on the Draft Plan. Overall, there was broad support from the majority of commenters for the land use proposals in the Draft Plan. Many commenters were generally supportive of the proposals for Kaiapoi West, East and South. The most commonly-raised themes in the written comments were those supporting a range of greenspace land uses. A smaller number of commenters expressed support for commercial and residential development and rural uses, with some seeking more land for commercial and/or residential development. There was a mixed response for the proposals for The Pines Beach and Kairaki.

Impact, effect and funding implications

As required by section 21(2) of the CER Act, I have had regard to the impact, effect and funding implications of the Recovery Plan.

I have considered the impact assessment prepared by the Council on the Draft Plan, which summarises the social, economic, cultural and environmental impacts of the proposed land uses. While this assessment does not focus specifically on the final Recovery Plan or impact on the Crown, I consider it provides useful information about the impact of the proposed land uses on the community, the RRZ and surrounding areas and the Council.

The Council assessed that:

- The land uses would provide a range of positive impacts and benefits to the Waimakariri community. This includes: increased recreation facilities and opportunities, which will enhance social wellbeing and health; the enhancement of cultural values; the promotion of economic development and prosperity; and enhanced biodiversity and ecosystems.
- There will be some social and environmental costs associated with the development and implementation of some of the land uses, including interim disruption associated with land remediation and a negative impact on some bird life due to the removal of trees (albeit offset by the planting of native trees in the heritage and mahinga kai area; the new recreation and ecological linkages; and the expansion of the Coastal Park), and some uncertainty about implementation timeframes.
- Overall, the benefits associated with the land uses significantly exceed the costs.

The primary effect of this Recovery Plan is to identify the long-term uses and inform the Crown's decisions about the divestment of Crown-owned RRZ land in Waimakariri. I have considered the two key impacts of this – being the fiscal impact on the Crown, and assisting the recovery and regeneration of greater Christchurch.

Cabinet has provided in principle approval for the divestment of Crown-owned Waimakariri RRZ land. Details of this divestment are included in the Recovery Plan.

The Crown expended significant funds, approximately \$164 million, to purchase 991 RRZ properties in Waimakariri as an emergency social policy response to the Canterbury earthquakes. This was done through the Crown offer process, with properties purchased at the pre-earthquake 2008 rating valuation.

The Crown is unlikely to fully recover this expenditure, given the post-earthquake value of the land, the extent of the land damage and the natural hazards and risks that need to be managed. Divesting this land will therefore have a fiscal impact/cost for the Crown. However, divesting this land now means that any risks associated with ongoing ownership as well as the annual maintenance costs and rates payments will no longer be the responsibility of the Crown. There are also compelling reasons for divesting the land to ensure the land uses in the Recovery Plan are implemented, and to support locally-led regeneration. Overall, divestment of the land (with conditions attached) is consistent with the Crown's principles of responsible fiscal management.

In addition, approving the Recovery Plan will have an impact on the Government department responsible for interim management and divestment of Crown-owned RRZ land, Land Information New Zealand – specifically it will have an impact on resourcing. The Chief Executive of Land Information New Zealand, if he sees fit, is responsible for disposing of Crown-owned land purchased under the CER Act. If these properties are divested, Land Information New Zealand will no longer need to carry out interim management and maintenance, responsibilities which will be transferred to the new owner.

The immediate wellbeing impacts, as identified in the Council's impact assessment, will be achieved by providing certainty to the Waimakariri community about the future use of the RRZ land. This certainty allows people, including those living in or adjacent to the RRZ or who own businesses in the area, to move forwards with their lives with greater confidence. This is likely to benefit their health and wellbeing.

It is also anticipated that the provision of additional greenspace and recreation opportunities over time will have a positive impact on social connectedness by providing public space and physical links in the community. By assisting the social and economic wellbeing of the Waimakariri community and enhancing the business sector in Kaiapoi, the Recovery Plan will also have a beneficial impact on the collective psychosocial and economic recovery of greater Christchurch.

In my assessment, the land uses in the Recovery Plan, with my amendments as set out in the section below, will provide significant beneficial impacts that outweigh the fiscal impacts/costs to the Crown associated with divesting Crown-owned RRZ land in Waimakariri.

Purposes of the Canterbury Earthquake Recovery Act 2011

In testing the Recovery Plan against the requirements of the CER Act, I consider it is in accordance with the Act's purposes under section 3. The Recovery Plan, in my view:

- **Provides appropriate measures to ensure that greater Christchurch and the councils and their communities respond to, and recover from, the impacts of the Canterbury earthquakes.** Predominantly this will be achieved by providing certainty about the long-term uses of the Waimakariri RRZ land, which will immediately benefit the Council and the local community and also the greater Christchurch community more broadly.
- **Reflects community feedback and enables community involvement in determining the long-term use of the Waimakariri RRZ land.** The Recovery Plan process has enabled community input into decisions through extensive and comprehensive public engagement.
 - The Council demonstrated a genuine commitment to engaging with the community by using a range of methods – including school visits, a three dimensional map and a public hearing. The Council took care to ensure that the community's views were reflected in the Preliminary Draft and Draft Plans. The views of Te Rūnanga o Ngāi Tūāhuriri, the mandated representative of Ngāi Tūāhuriri, have also been reflected in the Plans.
 - I have also considered the written comments received on the Draft Plan, the majority of which were broadly supportive of the land use proposals.
 - I am confident that, on balance, the land uses identified in the Recovery Plan reflect the needs and aspirations of the community.
 - By divesting the majority of Waimakariri RRZ land to the Council the Crown is supporting the Council to drive the implementation of the Recovery Plan and support locally-led regeneration. As part of this implementation process, further

community involvement is anticipated (e.g. consultation for master and concept planning of reserve areas.)

- **Enables a more focused, timely and expedited recovery.** Although some of the land use proposals will not be completed immediately, providing certainty about the long-term land use of the Waimakariri RRZ will provide confidence to local residents and business owners, and will assist with their immediate and ongoing recovery and regeneration in Waimakariri and more widely across greater Christchurch.
 - This is supported by the Recovery Plan's requirement that an implementation plan be developed and regular monitoring undertaken.
 - In addition, the Recovery Plan's use of provisions in the Greater Christchurch Regeneration Act 2016 for some of the required district planning amendments will expedite the land use zone change components of the Recovery Plan's implementation.
- **Facilitates, coordinates and directs the planning, rebuilding and recovery of affected communities, including the repair and rebuilding of land, infrastructure, and other property.** The Recovery Plan enables the Council to make decisions about permanent infrastructure solutions for the area. The Recovery Plan does not preclude the Council from undertaking land repair or further investigation about land repair options for RRZ areas.
- **Helps restore the social, economic, cultural and environmental wellbeing of greater Christchurch communities.** The Recovery Plan supports social wellbeing by providing certainty about long-term land uses and helping the community move forward with their lives with confidence. The agreed land uses are consistent with and support the Kaiapoi Town Centre Plan 2011 and promote economic development. The land uses provide for a range of positive cultural and environmental opportunities, including the reflection of mana whenua values, the provision of cultural facilities and enhanced biodiversity and ecosystems.

I consider this Recovery Plan, including my amendments which I set out in the next section, is necessary to ensure that greater Christchurch, the Council and its community responds to, and recovers from, the impacts of the Canterbury earthquakes given that:

- The Council, Waimakariri and greater Christchurch communities, and the Crown (given its regeneration obligations and responsibilities as the land owner of 991 properties), need certainty about the long-term use of the Waimakariri RRZ land;
- Public participation has been a fundamental part of the development of this Recovery Plan and the majority of the public feedback has been supportive of the land uses identified in the Recovery Plan; and
- The Recovery Plan emphasises the need to consider a wide range of factors when determining appropriate uses for Waimakariri RRZ land, including geotechnical and natural hazard constraints; cultural values; community aspirations; and current and future

resourcing. Overall, the land uses identified in this Recovery Plan effectively balance these considerations.

Recovery Strategy for Greater Christchurch

I also consider that the Recovery Plan is consistent with the *Recovery Strategy for Greater Christchurch: Mahere Haumanutanga o Waitaha*. This Recovery Plan, through the agreed land uses, focuses primarily on the Recovery Strategy's goals for social recovery, which include enhancing quality of life for residents and strengthening community resilience, safety and wellbeing. The land uses are also consistent with cultural recovery goals which include renewing greater Christchurch's unique identity through sport, recreation and heritage and natural environment recovery goals which include supporting biodiversity. The Recovery Plan also supports the economic recovery goal which includes revitalising greater Christchurch as a prosperous region for business and work. In addition, the Recovery Plan focuses on leadership and integration goals which include the Crown and communities coordinating with each other to contribute to the recovery and growth of greater Christchurch.

Treaty of Waitangi

In making my decision on the Recovery Plan, consideration has also been given to the Crown's existing Treaty of Waitangi obligations, including as required under the Ngāi Tahu Claims Settlement Act 1998. This will be a continued consideration in the Recovery Plan's implementation.

4. MY DECISION: LONG-TERM USE OF WAIMAKARIRI RRZ LAND

I consider that as a whole the Draft Plan is in accordance with the scope and intent of my direction, and is consistent with CER Act requirements and the Recovery Strategy. Therefore, I do not consider that the exercise of my power to withdraw all of the Recovery Plan is necessary. I do, however, consider that some amendments are required, before I can approve the Recovery Plan under section 20 of the CER Act.

Summary of amendments

I have decided that the majority of the Council's proposed land uses/activities set out in the Draft Plan will remain unchanged in the final Recovery Plan. I am comfortable that the Draft Plan overall provides a balanced package of land uses which will help to meet the Crown's and Council's recovery and regeneration objectives. The key exceptions are:

- For the mixed use business area in Kaiapoi East, I have removed the specific locations for the motor caravan park and car parking (the specific locations can instead be determined by the Council as part of the Recovery Plan's implementation, to ensure consistency with Kaiapoi Town Centre planning);
- For the mixed use business and rural areas in Kaiapoi East, West and South, I have removed references to residential use and/or potential residential development. It is not clear for these areas that such uses are economically or technically viable, or desirable at this time; and

- For the area proposed for private lease and Crown ownership in Kairaki, this land will instead be divested to Te Kōhaka o Tūhaitara Trust, to be managed in accordance with the Tūhaitara Coastal Park Reserve Management Plan.

Another substantive amendment I have made to the Draft Plan is reflecting the Crown's in principle agreement to divest the majority of Crown-owned RRZ land in Waimakariri to the Council and making the Crown's divestment intentions clear.

Other amendments to the Draft Plan have been made to ensure the Recovery Plan – in both content and style – is clear and accessible to the public. The final Recovery Plan sets out: the process involved in developing the Recovery Plan, the decisions I have made on the Recovery Plan, and the next steps – including who will implement the agreed land uses. Specific amendments and my reasoning are outlined in the following section.

5. MY SPECIFIC AMENDMENTS

Divestment

As above, the substantive change I have made to the Draft Plan is reflecting the Crown's in principle decision that the majority of Crown-owned RRZ land in Waimakariri will be divested to the Council and that a small portion of the RRZ land will be divested to Te Kōhaka o Tūhaitara Trust (the Trust). This divestment is subject to the Crown's obligations under the Ngāi Tahu Claims Settlement Act 1998.

Properties were classified as RRZ and purchased (where offered for sale by the property owner) as part of the Crown's emergency policy response to the Canterbury earthquakes. There was no intended future use for this land. In my view there is no compelling reason for the Crown to continue to own all RRZ land in Waimakariri. I consider the Council and the Trust are best placed to manage the land (including hazards and risks) and implement the land uses (including on-selling and/or leasing the land to third parties where applicable) in a coordinated and cost-effective way. This decision emphasises the Crown's commitment to locally led recovery and regeneration, and will enable the Recovery Plan's implementation to respond to the evolving wants and needs of the community over the long term.

The Crown's in principle agreement to divest this land is subject to the following overarching conditions:

1. Land will be divested on the explicit understanding that the agreed land uses set out in the Recovery Plan will be implemented. This could be formalised by way of an encumbrance on the property title, making it clear the land can only be used for the identified purpose(s); and
2. Land will be divested with conditions ensuring the Crown receives a share of any future net financial returns (where applicable) and that financial return is maximised wherever possible.
3. If any of the agreed land uses are not implemented, the specified parties would agree to review and identify an alternative approach.

The Crown intends to divest the land as follows:

Land use and RRZ area:	Divest to:
Mixed use business – Kaiapoi West, Kaiapoi South and Kaiapoi East	Council
Greenspace (sport and recreation) – Kaiapoi West and Kaiapoi East	Council
Greenspace (heritage and mahinga kai) – Kaiapoi South	Council
Greenspace (recreation and ecological linkage) – Kaiapoi South, Kaiapoi East, The Pines Beach and Kairaki	Council
Greenspace (memorial garden) – Kaiapoi East	Council
Greenspace (Coastal Park) – The Pines Beach and Kairaki	Te Kōhaka o Tūhaitara Trust
Rural – Kaiapoi South and Kaiapoi East	Council
Private lease – The Pines Beach	Council

Specific details on terms and conditions of the land divestment are not included in the Recovery Plan. These will be considered as part of the implementation process for the Recovery Plan, and will be discussed with the Council, Trust and third parties (where applicable), and decided by the Crown.

Accessibility

Overall, I have made significant amendments to rework the content and structure of the Draft Plan to ensure the information in the final Recovery Plan is clear and concisely sets out the Recovery Plan process, my decisions, and the next steps.

These amendments include removing background material that is no longer necessary and several figures and tables from the Draft Plan. This material provided useful context in the Preliminary Draft and Draft Plans for people considering whether to make written comments. However, I consider that the information does not need to be retained in the final Recovery Plan. This information can be obtained from the published Draft Plan and/or from other sources.

Specific editorial changes include the removal of references to ‘Draft’ Recovery Plan and ‘proposed’ land uses. This is because I have now approved the Recovery Plan and the land uses are agreed.

Specific amendments

The below table sets out specific amendments to the Draft Plan.

Draft Plan section:	Amendment in Recovery Plan:
Forewords	As this is the final Recovery Plan, a ‘Ministerial Foreword’ has been added. The Mayoral and Te Rūnanga o Ngāi Tahu forewords have been updated accordingly.
Executive Summary	The executive summary has been updated to reflect the latest stage of the Recovery Plan process and the final decisions made.

<p>1. Vision and Goals</p>	<p>To reflect that these were the Council’s Vision and Goals and this is the final Recovery Plan – this information has been summarised and incorporated into the <i>How was the Recovery Plan developed?</i> section of the new <i>Chapter 1: Background</i>. The information that has been removed remains available in the Council’s published Preliminary Draft and Draft Recovery Plans.</p>
<p>2. Background</p>	<p>The information in this section forms the basis of the new <i>Chapter 1: Background</i>. Background information that is no longer necessary has been removed; information about the written comments received on the Draft Plan added; some graphics have been amended; and concise summaries of the overall issues and considerations for the RRZ land have been included. This section now also confirms that in preparing the Recovery Plan consideration was given to Treaty of Waitangi obligations, which is a requirement of the Recovery Strategy.</p>
<p>3. Overall Issues and Considerations</p>	<p>As this information is available in the Preliminary Draft and Draft Recovery Plans, this information has been condensed and a summary included in the new <i>Chapter 1: Background</i>.</p>
<p>4. The Regeneration Area Spatial Plans</p>	<p>Information from this section forms the basis of five new chapters – one for each regeneration area (<i>Chapters 2 to 6</i>). Background information that is no longer necessary has been removed. Each of these new chapters is concise and sets out the issues for each area, the agreed long-term land uses and how these land uses will be implemented (including the Crown’s divestment intentions). The annotated maps have also been updated and area numbers removed.</p> <p>I consider setting out the information in this way is clearer and helps make the document easier to read and meet the purposes of the CER Act. I have also removed references to ‘residential’ for rural and mixed use business land and specific locations for the motor caravan park and parking in Kaiapoi East. Specific details and locations for activities will instead be determined by the Council as part the Recovery Plan’s implementation. It is not clear for these areas that residential uses are economically or technically viable, or desirable. I have also made it clear that for Coastal Park the land will be divested with conditions that preclude permanent structures being built and that the land cannot be transferred for 100 years.</p>
<p>5. Preliminary Funding Options</p>	<p>Information from this section is included in the new <i>Chapter 7: Next Steps</i>. Information from this section (including the funding tables) has been removed, as specific funding details will be worked out as part of the implementation of the Recovery Plan.</p>
<p>6. Implementation and Monitoring</p>	<p>This section’s information forms the basis of the new <i>Chapter 7: Next Steps</i>. Information about implementation is also now included in <i>Chapters 2 to 6</i> of the Recovery Plan. The new <i>Chapter 7</i> sets out how and by whom the agreed land uses will be implemented and what the community and stakeholders can expect in the future. This section emphasises the significant role the new land owner will play in the implementation of the</p>

	agreed land uses.
Appendices	While these appendices provided useful information and context for the Draft Plan, they are not necessary in the final Recovery Plan.
New chapter: 8. Links to Further Information	This section has been added to ensure the community has access to information and documents that informed the development of the Recovery Plan and the final decisions, while also ensuring that the Recovery Plan is concise. This includes the Preliminary Draft and Draft Plans and other Council documents.

After considering the statutory requirements, I am satisfied that the Recovery Plan balances the need to provide certainty about the future use of the Waimakariri RRZ with the flexibility required for implementation. The long term implementation timeframe, over the next 30 years, means the Recovery Plan will not be too prescriptive, and will balance current and future needs and resources.

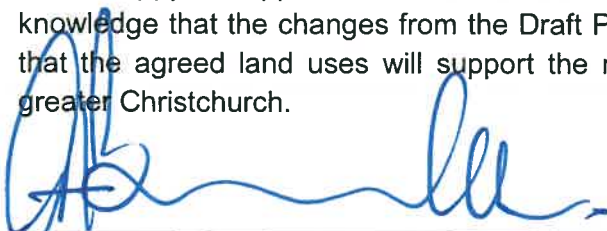
I am comfortable that all of the parts of the Recovery Plan that remain unchanged, and that the amendments and deletions I have made ensure the Recovery Plan meets the purposes and requirements of the CER Act, the Recovery Strategy and the intent and scope of my direction. I therefore consider that these changes and deletions are necessary.

6. CONCLUSION

I wish to thank the people of Waimakariri and greater Christchurch and everyone who participated throughout the Recovery Plan process and also those who participated in CANVAS in 2014. I also wish to thank the strategic partners who provided input on the development of the Preliminary Draft and Draft Plans, and also Te Ngāi Tūāhuriri Rūnanga for their continued commitment.

I would like to acknowledge the Waimakariri District Council for its significant involvement in the Recovery Plan process and for ensuring comprehensive public participation throughout. This public participation and the Council's ongoing commitment to the regeneration of the RRZ and surrounding areas will help to ensure the long-term success of the agreed land uses for the Waimakariri RRZ.

I am happy to approve the Waimakariri Residential Red Zone Recovery Plan in the knowledge that the changes from the Draft Plan have resulted in a stronger document, and that the agreed land uses will support the recovery and regeneration of Waimakariri and greater Christchurch.



Hon Gerry Brownlee
Minister supporting Greater Christchurch Regeneration

Date: 13 December 2016