

Annual Review of the
Greater Christchurch Regeneration Act
2016

Reviewer: Geoff Dangerfield
August 2017

Background

1.1 Section 150 of the Greater Christchurch Regeneration Act 2016 specifies that the Minister must commission an annual review of the operation and effectiveness of the Act within 12 months of the commencement of the Act and every 12 months after that, and a report must be prepared for the Minister on that review.

Terms of reference

2.1 The purpose of this Review, as set out in the Terms of Reference provided by the Department of the Prime Minister and Cabinet, is to provide advice that:

- a) Gives the Minister, the House of Representatives and the public assurance regarding the operation and effectiveness of the Act; and
- b) Identifies opportunities for improving the legislation.

2.2 The purpose of the Review is not just to focus on where the legislation or its operation are defective, but also to identify where the legislation has achieved its policy objectives.

2.3 The specific objectives for this review are to:

- a) Identify and recommend any changes to the Act that will improve the Act's overall operation and effectiveness;
- b) Undertake a review of the objectives, functions and powers related to Regenerate Christchurch and identify and recommend any changes to improve its operation and effectiveness in achieving its purpose; and
- c) Undertake a review of the checks and balances on the various powers provided to the Minister and the chief executives of the Department of the Prime Minister and Cabinet and Land Information New Zealand.

2.4 The terms of reference record that it is not the purpose of the Review to reconsider earthquake recovery or regeneration policy nor generic earthquake or emergency legislation.

2.5 This is the first annual review of the Act. It covers the first year of the operation of the Act for the period from April 2016 to 30 June 2017. The review was conducted during June and July 2017.

Approach

3.1 The underlying aim of the Review was to develop and provide an informed perspective on whether the Act was working as intended. This Greater Christchurch Regeneration Act 2016 was designed to follow the period of the Canterbury Earthquake Recovery Act 2011, to move from "recovery to regeneration" and to provide for a transition to local leadership and decision-making under the Act.

3.2 It is also clear that Parliament was looking for the regeneration process to be focused and expeditious, to enable community input into decisions and to enable the efficient and effective management of land acquired by the Crown (section 3 Purposes of the Act).

Methodology

4.1 To enable an assessment of the progress in this first year of the Act, the following methodology was adopted.

4.2 The principal bodies and actors empowered by the Greater Christchurch Regeneration Act 2016 with executive decision making rights to bring about, and progress, regeneration in greater Christchurch are:

- The Minister supporting Greater Christchurch Regeneration
- The Strategic Partners - Canterbury Regional Council, Christchurch City Council, Selwyn District Council, Te Rūnanga o Ngāi Tahu, and Waimakariri District Council
- Regenerate Christchurch
- Ōtākaro Limited
- The Chief Executive of the Department of the Prime Minister and Cabinet (and his delegates)
- The Chief Executive of Land Information New Zealand (and his delegates)

4.3 I sought to interview these bodies and actors about their experiences in carrying out the Act's functions. I also engaged with the senior executives and officials who have "hands-on" responsibility for the development of Regeneration Plans and dealings with land and other property.

4.4 Specific comment was sought regarding Regenerate Christchurch to identify and recommend any changes to improve its operation and effectiveness in achieving its purpose.

4.5 At the same time as this review was being undertaken, Regenerate Christchurch commissioned a "Year One Health Check" on how the organisation is building its capability and how it was placed for the future. This work was undertaken by a separate reviewer working closely with the Chief Executive and Board, and the health check was modelled on the Performance Improvement Review approach employed by the State Services Commission across the state sector. I was able to access this Health Check and have drawn on its conclusions when considering the functions, activities and capability of Regenerate Christchurch.

4.6 The provisions of the Act in respect of accountability and transparency have been examined. The use made to date of the various powers available under the Act have been tabulated and are outlined in Annex 1.

4.7 A full list of those approached as part of the review is outlined at Annex 2. The interviews and discussion with the contributors were structured where appropriate around the questions as outlined in Annex 3.

The Review

The context of the Act

5.1 The Greater Christchurch Recovery Act 2016 (GCR Act) replaced the Canterbury Earthquake Recovery Act 2011 (CER Act) which expired on 18 April 2016. The GCR Act is intended to support the shift in focus from recovery to broader regeneration, through specific planning provisions for regeneration while also providing mechanisms to manage land. It creates a new legal framework to support regeneration of greater Christchurch over a 5-year period until June 2021, a new institution called Regenerate Christchurch to lead this work, and enables an increased role for local leadership and governance.

5.2 The purposes outlined in the GCR Act are significantly wider than the previous CER Act.

Powers exercised to date

6.1 In terms of the development and implementation of planning instruments (subpart 1 of Part 2 of the Act), there have been two outlines for regeneration plans developed to date and a draft regeneration plan is now in the final stages of the process. While there are a number of expressions of interest no use has yet been proposed for the use of the powers to amend existing RMA documents and plans by the Minister through the use of section 71.

6.2 A number of powers have been exercised in relation to the acquisition and disposal of land.

6.3 The list of powers exercised under the GCR Act are outlined in Annex 1.

Roles and relationships

7.1 In this new regeneration context the relationships between the parties have become more complex than before. The Act enables regeneration initiatives and plans to be promoted and owned across a range of parties, and there are more players than before.

7.2 The Greater Christchurch Partnership brings the local players together in a forum that enables them to share information and intentions to use various aspects of the Act (this “partnership” is the renamed former Urban Development Strategy Implementation Committee). The membership consists of nine entities and includes Regenerate Christchurch and the Department of the Prime Minister and Cabinet. Their internal protocol is that any proposals for the use of the powers under the Act are tabled at this forum, and this enables testing of the level of comfort amongst the partners for using specific provisions of the Act.

Regenerate Christchurch has a key role

7.3 The players are looking to Regenerate Christchurch to be the lead and champion for the plans that will enable regeneration; to have the over-arching view of activity and to act as the custodian of relevant regeneration and recovery plans. Regenerate Christchurch has a key role and expectations are high, yet is the one player that has had to start almost entirely from scratch. Regenerate Christchurch would acknowledge that it has taken longer than anticipated to get established and get new planning initiatives underway but they are

increasingly well positioned for the future. These issues are discussed further in paragraphs 11.1 to 11.18.

7.4 While there are a number of *potential* players, only Christchurch City Council and Regenerate Christchurch have acted as proponents to initiate plans under the Act to date. In my interviews there were no firm proposals as to whether other parties would use the Act in the forthcoming year – although there are a number of possibilities and expressions of interest that may come forward in the coming months. Selwyn District Council and Waimakariri District Council, and Te Rūnanga O Ngāi Tahu do not see themselves as potential proponents in the year ahead or possibly during the life of the Act.

Regeneration Plan provisions

8.1 Regeneration plans are statutory planning instruments that allow the parties named in s14 of the Act to seek special processes for planning, resource management, and land use in greater Christchurch.

8.2 The GCR Act also provides for the continuation of some CER Act recovery plans, the development of new regeneration plans and the amendment of both recovery plans and regeneration plans.

An Outline for a Regeneration Plan

8.3 The Act requires the development of a regeneration plan to be a two-step process. First a draft outline of the regeneration plan is developed by the proponent and then consulted on with the other parties. The parties the proponent is obliged to consult with depends on whether the proposal is wholly within the Christchurch district or the greater Christchurch area. Once the draft outline is finalised, it is recommended for approval by the Minister. If approved, the second stage is the development of a Regeneration Plan.

8.4 To date outlines have been prepared and approved for the Cranford regeneration plan and for the Ōtākaro Avon River Corridor regeneration plan.

8.5 The Act requires a “concise” outline to be developed (s19(1)). It must contain an explanation of what the Plan (or amendment to a Recovery Plan or a Regeneration Plan) is intended to achieve, a description of the proposed scope of the Plan, and an explanation of the how the Plan will meet 1 or more purposes of the Act (s19(2)). The other requirements of the outline plan relate to the processes of how the Regeneration Plan will be developed, including public engagement and consultation.

8.6 A number of views were expressed on this process, most with the intention of exploring whether the process can be streamlined in order to expedite the development of a regeneration plan. Those using the process to date indicated that at a minimum it was expected that the outline stage of a regeneration plan would take around 12 weeks to prepare and consult, depending on the complexity of the issues and the degree of engagement that the proponent considered to be appropriate. It should be noted that public engagement is not a statutory requirement at this stage.

8.7 Having examined the two outlines prepared to date, they are best described as of a broad nature. They are “concise” in the sense that they contain the essential information on

the scope of the regeneration plan and the proposed process to develop it (although they can be repetitive in places). The proposed scope of the Ōtākaro Avon River Corridor is “all the residential land in the red zone within the Area together with the road reserve, and the river waterbody and the margins...”. That would seem appropriate for this outline stage of the process. The proposed scope and the nature of the engagement processes are also described at a broad level.

Once approved, the outline cannot be amended

8.8 One concern was that once an outline of the plan is developed and approved there is no procedure under the Act for it to be altered or amended. Section 23(1) states that “*if the Minister approves an outline under section 21, the proponent must develop a draft Plan in accordance with the outline*” and in 33(1) “*The Minister must approve or decline an outline that has been submitted in accordance with section 29(2) or 30*”.

8.9 I do not consider this to be a significant problem or that it impedes the development of regeneration plans. The Act requires the outline to include the “proposed process” for the development of the plan and the “expected timeframes”, so there is flexibility in how this is recorded that should reduce the need for amendments to an outline.

But the outline stage adds little value

8.10 A more fundamental issue was whether the outline process “as a whole” added sufficient value to the overall development of the regeneration plan for the time taken to develop it. The development of an outline was considered by the parties that have developed them to be an unnecessary step. The issue is exacerbated by the fact that so far the parties are generally risk averse regarding the prescribed process, and the lack of a route for amendment means that they want to ensure that the outline plan is not too constraining for the development of the regeneration plan itself. In discussions on how the Act’s processes could fulfill its purpose to enable a focused and expedited regeneration process then it was suggested that the outline stage could be deleted as a separate statutory step.

8.11 The outline stage does enable a formal process for consultation with other parties, and requires approval by the Minister. In that sense it ensures a deliberate and careful assessment of the need for a regeneration plan and what it is intended to achieve, and provides the parties and the public with a timeframe and process for its development. The Ministerial approval requirement means the outline plan acts as a gateway to the development of the full regeneration plan.

8.12 On the other hand, as the outline plans that have been developed to date demonstrate, they are expressed at a high level and are broad in scope. The Otakaro/Avon River Corridor outline took 5 months to prepare and be approved, albeit that timeframe includes the New Year holiday period. Even without that, it would have been at least a four month period.

8.13 The balance to be achieved here is that for the outline stage to be meaningful and act as a gateway and ultimately the use of statutory powers, it needs to contain sufficient detail to allow an assessment to be made as to the suitability and likely efficacy of the proposed regeneration plan. Yet it is to be a concise and prepared in a timely way.

8.14 Now that two outline plans have been developed and the process is better understood, it may be that future outlines can be developed more expeditiously. The considerations in the Ōtākaro/Avon River Corridor outline are likely to be as complex as faced anywhere else in the regeneration process.

8.15 My assessment is that the outline plan stage is adding little value for the time taken. This can be remedied in two ways: first, the parties adhere closely to the minimum consultation requirements of the Act and second, pare back the content further.

8.16 When the next annual review is undertaken, if the parties still consider that the outline stage is adding little value and delays the development of a regeneration plan then it would be appropriate to consider whether this stage in the process should be deleted. The issues to be weighed up are whether there are risks in removing the Ministerial engagement and approval until the final regeneration plan is submitted for approval, and how the other statutory regeneration partners would be consulted on the early thinking on the scope and process for the development of a regeneration plan and have the opportunity to comment and influence that work. These steps can be taken informally, but a statute based process as laid out in the GCR Act makes them a requirement.

Development of Regeneration plans

8.17 The Act is not prescriptive about the content of a Regeneration Plan, other than it must be prepared in accordance with the outline that has been approved. The content of the Plan is driven by the requirements of how it will be applied (if approved), given that Councils may not act inconsistently with the Plan (s60) and that Councils are required to amend RMA documents if required (s61). The Minister, when considering whether to approve or decline a draft Plan, must consider the fiscal and financial implications of the plan and whether the Plan is in the public interest. So for the plan to be fit for purpose it will need to ensure it is specific enough as to its application and enable the Minister to make their assessment.

8.18 To date no Regeneration Plan has been approved. Christchurch City Council is in the final stages of the development of the Regeneration Plan to enable residential development at the edges of Cranford Basin, which is integrated with the surrounding urban environment and proposed transport and infrastructure works. Over the next 12 months Regenerate Christchurch expects to have three Regeneration Plans in progress and another three in the pipeline. Development of the Ōtākaro Avon River Corridor Regeneration Plan has commenced following the approval of the outline on 30 May 2017 and will be completed over the next 12 months or so.

8.19 In the discussion with other parties no other regeneration plans are proposed at this stage.

8.20 The main issues raised concerning regeneration plans were around how they would be translated into action. The common issues that were raised in the interviews were:

- Who will be the owner of a regeneration plan once it is approved?
- Who will be responsible for delivering the plan?

- Where will funding and investment come from?

8.21 Not all of these are not issues are explicitly covered by the Act, especially the issues of future funding and investment. They are however issues to be worked through by the parties to the specific regeneration plan and its implementation and should be addressed in the Regeneration Plan itself. Many of the areas for regeneration are likely to require a mix of private investment and some publicly led projects, and may take a number of years to be fulfilled. To be successful, a regeneration plan will need to be “owned” by its proponent and the parties that can most closely influence its implementation, and consistent with the intent of the Act, this will become the responsibility of local leadership.

RMA streamlined planning process changes may have an impact

8.22 Since the GCR Act was developed, Parliament has passed amendments to the Resource Management Act 1991 (RMA) to provide for an optional streamlined planning process for changes to RMA plans. This enables councils to make a request to the Minister for the Environment to use a streamlined planning process proportional to the issues being addressed, instead of the standard planning process, for a proposed planning policy statement, plan, plan change or variation. These changes came into effect on 19 April 2017.

8.23 This process is new and as yet untested. Some parties noted that this planning route now exists and are looking to see whether this route provides an alternative to the GCR Act in specific circumstances. In terms of developing the “equivalent” of a regeneration plan for example, it would not seem to require the formal outline plan step, yet does provide Ministerial “gateway” process in terms of developing important information to be prepared relating to a request to use a streamlined process.

8.24 There is insufficient information at this stage that would allow an assessment of the two planning routes. The new streamlined RMA process is to be “proportional to the issues being addressed”, meaning that the route may be simpler or more complex depending on the plan or project or area. The GCR Act has one process for developing a regeneration plan, and must meet the “reasonably considered necessary” test outlined in s11.

Ōtākaro’s consent to specific regeneration plans

9.1 Issues were raised about the role of Ōtākaro Limited is required to play in relation to its consent to any outline and any Regeneration Plan prepared by Regenerate Christchurch that includes residential red zone land, as set out in ss29(3) and (4). The concern was often expressed in terms of how Ōtākaro’s consent power would be exercised in light of their perceived primary role as the manager of the Crown’s investment in anchor projects.

9.2 It was accepted by those interviewed that the Crown has an interest to ensure the best use of the land it has acquired in the residential red zones. Ōtākaro saw their role as assisting with the development of Regeneration Plans to ensure opportunities for return for the Crown are maximised. Ōtākaro has engaged well with Regenerate Christchurch to provide support on the development of feasible plans, while ensuring that it does not compromise its ability to consider the exercise of its consenting powers.

9.3 The Act states that the Ōtākaro consent may not be withheld except for reasons that are consistent with one or more purposes of the Act. Those purposes are broad and therefore Ōtākaro's reasons for withholding consent role could also be broad. The concern expressed was that Ōtākaro lacks sufficient context and resource to evaluate the broad suite of issues that are contained in a regeneration plan yet the consent power is only constrained to the extent that it is couched within the purposes of the Act. No other party or strategic partner has such a consent power under the Act.

9.4 My view is that Ōtākaro is the appropriate Crown agent in Christchurch for this role. Ōtākaro Limited has dual purposes that are aligned with its role in the regeneration plan process, as expressed in its constitution:

"The purpose of the Company is to add value to Anchor Projects and Crown Land in a manner that balances a desire to achieve good commercial outcomes against the Crown's regeneration objectives, and support the Crown's exit over time on favourable terms".

9.5 Nevertheless Ōtākaro needs to be cognisant of the wider set of interests in the regeneration plan and to ensure that the Crown's interests in the land are appropriately realised but are not dominant. Given that Ōtākaro's powers are broad, in the interests of transparency it may help Regenerate Christchurch (and other stakeholders) if there is a clear statement of how Ōtākaro will address the assessment of consent to regeneration plans, so that other parties are fully aware of its approach.

Engagement arrangements

10.1 One of the purposes of the Act is the enabling of community input the development of Regeneration Plans and into the decisions on the exercise of powers under section 71 (changes to existing RMA plans amongst other things). Furthermore, one of Regenerate Christchurch's objectives as outlined in section 122(2) is *"to engage and advocate effectively with communities, stakeholders, and decision makers to achieve its purpose"*.

Act provides flexibility on public engagement

10.2 The GCR Act provides flexibility on the level of public engagement required for the development of a regeneration plan and the parties have considerable discretion about how they formulate and undertake its public engagement. There is only one minimum requirement - to seek public written comment on a draft regeneration plan.

10.3 One of the key concerns raised in this review was around the balance between public engagement and making progress on regeneration plans and their implementation. Some interviewees considered that the engagement being undertaken is too broad and potentially slowing down progress with developing plans that would enable a focused and expedited regeneration process. To some the public consultation appears wide and untempered, and that there is a risk of being "overly consultative" which is coming at cost.

10.4 Others see public engagement as a necessary precondition to the development of plans and in building public confidence in those plans. They see that the higher levels of public engagement on the development of plans than are strictly required in the Act is part of the balancing out the truncated appeal provisions when those plans are adopted and incorporated in formal RMA planning documents.

Consultation between the parties

10.5 The other element of engagement is the between the parties to the Act – namely the proponent of a plan and the other strategic partners, DPMC and Ōtākaro. Under the Act there are provisions for the parties to provide written comment within 30 (working) days. In the processes to date, most of the parties have required the full 30 working days afforded to them. However, this is a longer period than is required by the Resource Management Act (20 working days for a plan change). It was suggested that the timeframes could be amended to ensure consistency with other legislation and to ensure the statutory processes under this Act are prioritised by agencies in the same way as the relevant provisions of the Resource Management Act.

10.6 In the interviews for this review it was noted that the full time period was required in order to meet the preparation time and monthly meeting cycles of the territorial local authorities and for Environment Canterbury. Comments and submissions under the GCR Act are likely to require consideration by the governing bodies themselves rather than delegated to officers.

10.7 In my view the engagement provisions of the Act are appropriate. A number of the parties are going beyond what the Act requires. The degree of public engagement is a matter of judgement for the proponents to make. However, engagement should be tailored to the size and risk profile of the plan under consideration, and engagement should be balanced against the need to enable an expedited regeneration process.

Regenerate Christchurch

11.1 The terms of reference for this review requested a review of the objectives, functions and powers related to Regenerate Christchurch and identify and recommend any changes to improve its operation and effectiveness in achieving its purpose.

11.2 At the same time as this review was being undertaken the Board of Regenerate Christchurch commissioned an independent “health check” on the year-one performance of the entity and how it can develop its capability for the future. Regenerate Christchurch is to be commended for taking this step. I have had the opportunity to read and consider that review. Its key message is that the first year has been a careful start, and with the key people now in place, the organisation is well placed to lift its performance. It concludes that Regenerate Christchurch needs to demonstrate to stakeholders its capability to make effective progress, in order to build confidence in its leadership. The next few months are crucial.

Getting established

11.3 It was widely acknowledged that Regenerate Christchurch took longer to get established than was ideal – although the speed of establishment was not a matter for the GCR Act. There appeared to be a long gap between the closure of CERA in April 2016 and Regenerate Christchurch being more active and visible with the public. There could have been more specific direction at the early stages, and the recruitment of key staff took quite some time to be achieved. Nevertheless, it was reported during the interviews that there has been a noticeable step up in pace and progress over the last few months and that Regenerate is gaining momentum.

Understanding the role

11.4 As with any major change and restructuring of organisations, it takes time for the new entity itself and the other “players” to understand their respective roles and to build the working relationships that will enable them to perform effectively. Regenerate Christchurch is a regeneration *planning* organisation, which has a role to lead regeneration in the Christchurch district (section 122(2)(a)). My assessment is that it understands and articulates its own role well, and the other players in the Act understand its role. It was reported that it is taking some time to build a broader public understanding of its role – and the distinction between a planning agency and a delivery one.

11.5 But not all elements of its role can be developed and delivered right at the outset. It has focused on building its capability and initiating the process for the development of the Ōtākaro Avon River Corridor Regeneration Plan. It equally needs to develop its leadership role on strategic direction and the broader coordination of regeneration activity.

Regenerate Christchurch is a planning agency

11.6 As outlined above, Regenerate Christchurch’s role is perceived by some in the community as encompassing a delivery agency capability as well. This will be drawing on comparisons with the role played by the former CERA. Regenerate Christchurch has worked to outline its core role to address this point, and will need to ensure that the delivery agencies are clearly identified when the regeneration plans are developed and completed.

Relationship to Development Christchurch Limited

11.7 Regenerate Christchurch and DCL work closely together. The Chair of DCL is on the Board of Regenerate Christchurch and they are co-located in the same building. This sort of close working relationship is very important. While Regenerate’s functions include facilitating increased investment (s123(c)), to date it has not focused on this aspect directly or outside of the regeneration plan context. It sees this role being primarily delivered by Development Christchurch Limited.

11.8 Other regeneration parties asked how the work of Regenerate Christchurch and the future implementation of plans might transition to others, given the 5-year life of the GCR Act. Several parties saw the future integration of Regenerate Christchurch and Development Christchurch Limited (the Christchurch City Council’s development company) as a way of melding the planning and implementation requirements that would enable a focus on on-going implementation. Having a capacity to implement specific elements of a future regeneration plan can be a very powerful shaper of success.

11.9 With the intention that the future development of Christchurch will see an increased role for local leadership and institutions, then over the next few years it might be expected that DCL will grow to take on more of this implementation role. The role for DCL could be to execute capital investment projects and land divestment projects on behalf of the Council, in the same way that Ōtākaro undertakes capital projects for the Crown. DCL is not an entity under the Act, as it has been established as a Council Controlled Organisation within the Christchurch City Council’s suite of agencies under Christchurch Holdings Limited.

11.10 As the balance shifts from planning for regeneration areas to the implementation of those plans then the Minister and the Christchurch City Council should consider whether combining these bodies is appropriate. Right now the emphasis needs to remain on getting the regeneration plans developed, but there is also an opportunity to make the present role of DCL clearer to the other parties and to the public.

11.11 It is noted that s134 provides for a successor organisation to Regenerate Christchurch to be created after June 2021. It must be a council controlled organisation owned and controlled by CCC and nominated by CCC for the purpose.

Shareholder engagement

11.12 This is one of the few joint ventures between a local authority and the Crown. The Shareholders – the Minister and the Mayor of Christchurch - are aligned on the expected outcomes and priorities for Regenerate Christchurch, as expressed through the letter of expectations. Recently the direct engagement between the shareholders and the Board of Regenerate Christchurch has increased.

Resourcing

11.13 Regenerate Christchurch has a breadth of responsibilities but a small number of staff (around 25). It must work successfully with other agencies to achieve its objectives. It has initiated good working relationships with the other regeneration partners, and has been able to leverage on the resources of the other partners to an extent. The other partners have been supportive and seconded staff to Regenerate Christchurch over the past year – although this level of staff support may not be sustained into the future.

11.14 I have not made an assessment of whether Regenerate Christchurch has all the resources it requires to fulfill its role. They are best placed to do so and at this stage have not requested shareholders for an increase in resources. Any organisation must make it clear what can be achieved with the resources it has been allocated, and equally what cannot be delivered.

Conclusion

11.15 The terms of reference for this review request an assessment of whether Regenerate Christchurch is achieving its purpose and carrying out its functions under the Act. The terms of reference also ask what improvements can be made.

11.16 These questions cannot be answered comprehensively on the basis of one year of operation – and a demanding start-up year at that. In reality it has had around 6-8 months of operation and it is too early to make any assessment of underlying performance. The slow start has probably compounded a view that the entity needs to act with more urgency and to be stronger in its role to lead regeneration in Christchurch.

11.17 In my view Regenerate Christchurch *should* be able to achieve its purpose, and the construct of the Act enables it to do so. Its biggest challenge is to demonstrate progress on plans that will give real momentum to the regeneration of the City. These are challenging tasks. It needs to increase the visibility of its leadership role, and the other regeneration parties need to acknowledge and support this role.

11.18 In terms of carrying out its functions, my assessment is that the Act is very enabling of what Regenerate Christchurch has been established to do. As outlined earlier in this report I consider that some processes (such as outline for regeneration plans) could be amended to make faster progress without reducing the efficacy of the planning process. Such a change would benefit all proponents under the Act.

Transparency and Accountability

12.1 The Act has been designed to ensure that any powers exercised under the Act are made transparent. Transparency enables accountability. A principal mechanism is this annual review of the Act which must include a description of the powers exercised by or on behalf of a Minister or a chief executive during the period reported on. These are outlined in Annex 1.

12.2 The important transparency measures throughout the Act are built around requirements for public notification whenever a power is exercised. Such notification must also include the reasons for any such decision.

12.3 Regenerate Christchurch is established by the Act. Schedule 5 of the Act outlines the provisions applying to Regenerate Christchurch, including the development of its statement of intent, statement of service performance and annual report. In each case, these accountability documents must be published once completed. If the Christchurch City Council and the Minister agree to direct Regenerate Christchurch to amend its statement of intent or statement of performance expectations, the Minister must present a copy of that direction to the House of Representatives, as required by section 132(6).

Christchurch Replacement District Plan

13.1 Christchurch City interviewees raised concerns about the appropriate expiry date for the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014.

13.2 The Order was made under the now expired Canterbury Earthquake Recovery Act and is continued and amended in Schedule 7 of the GCR Act. The Order provides for an expedited process for Christchurch City Council's District Plan review and establishes a hearings panel. The purpose of the Order is to enable a fully operative District Plan to be achieved in a timely manner in order to provide certainty for recovery and the future development of the City.

13.3 When the Order first came into force, the hearings panel was to make all decisions in relation to the Christchurch Replacement District Plan by 9 March 2016 (clause 12(2)). Those decisions may, however, be appealed on points of law to the High Court, and a number of matters were still under consideration when the CER Act expired on 18 April 2016. The Order was therefore amended and extended so that any decisions were required to be issued by 16 December 2016 (clause 12(2)) and so appeals could be resolved with the Order still in place.

13.4 There is no expiry date specified in the Order, so therefore it will be revoked when the GCR Act is repealed on 30 June 2021. The practical effect of this is that the Christchurch City Council cannot make changes to its District Plan during this period, other than by using the regeneration plan or s71 processes in the GCR Act.

13.5 The original intention of the Order was to allow the hearings panel process to remain in force until the Christchurch Replacement District Plan became operative. The fact that there is no expiry date for the Order under the GCR Act is no doubt related to the fact that it is not possible to set a date when the legal appeals and any subsequent hearings panel process are not yet completed.

13.6 This issue can be readily resolved by the Christchurch City Council advising the Minister when the Christchurch Replacement District Plan is fully operative, and requesting that the Minister take steps to revoke the Order. The Minister would then need to assess and consider that action in terms of s11 of the Act, as to whether such action was in accordance with 1 or more purposes of the Act and reasonably considered necessary.

Actions in relation to land

14.1 Land Information New Zealand has powers under the Act in relation to matters dealing with land disposal and acquisition, easements, road stopping and title amalgamations. It is the manager of the Crown land and hence has an important role to play in relation to the Residential Red Zone properties as interim manager and in relation to the implementation of an approved regeneration plan that covers these areas. It inherited residual work from CERA.

14.2 LINZ has exercised a number of powers in relation to the transfer or disposal of land, demolition of buildings, and road stopping. These are outlined in Annex 1.

14.3 The Greater Christchurch Regeneration Act provides for a more expedited process than the normal statutory processes – for example under the Public Works Act. There were no specific concerns issues in relation to how the Act enables LINZ to undertake its functions. However, there are some concerns regarding future work – especially in relation to future plans for the residential red zone areas. With the Ōtākaro Avon River Corridor Regeneration Plan being at least 12 months away, then time period for exercising the powers under the GCR Act in relation to this land will be relatively short (i.e. half of the five year period of the Act will have passed by that stage).

Technical issues

15.1 A number of issues were raised regarding technical drafting issues and how the Act might apply or be interpreted in specific circumstances – mainly in relation to issues that have not been exercised to date. I discussed these issues with DPMC officials. None of the issues raised are considered hurdles to the development of plans or the use of key powers.

Conclusion

16.1 After its initial year of operation, the prevailing view amongst the regeneration parties is that it was too early to tell if the GCR Act – taken as a whole - was enabling the regeneration of greater Christchurch in the way that was envisaged by Parliament, because there are insufficient examples of substantive steps being taken under the Act. In this first year there has been a careful but relatively slow rate of development of the plans and initiatives that can help drive and support regeneration.

16.2 My view is that the legislation itself is not likely to be the cause of the pace of progress to date. The issues are more around the interpretation of the legislation and the

clarity of the roles of each party during an inevitable “first year settling in period”. Nevertheless, as outlined in this review, there are a number of ways the practices within the GCR Act can be improved to enable the parties to function more effectively to expedite the regeneration of greater Christchurch.

16.3 The timeframe for this Act is relatively short – it has a five-year life and expires on 30 June 2021. Therefore, the next two years or so are very important for using the provisions relating to the development and implementation of planning instruments – and the parties should be focused on those aspects as much as they can. While some of the Act’s provisions and processes for use of regeneration plans or the s71 powers to amend existing RMA plans are not necessarily quick or easy, the pace can be improved by looking for the most practical ways to apply the Act to meet its purpose.

2017 Review of the Greater Christchurch Regeneration Act 2016 Powers Exercised

1. List of Powers exercised

Part 2 - Functions, powers, and processes relating to regeneration of greater Christchurch				
Subpart 1 - Subpart 1—Development and implementation of planning instruments <i>Development and amendment of Plans relating to Christchurch district</i>				
Section	Power exercised by	Operation / Action	Detail	Other comment
28 & 29	Christchurch City Council (proponent)	<ul style="list-style-type: none"> - may propose a draft outline for a Regeneration Plan - must provide the outline to the parties in s29(1) for comment, finalise the outline and submit it to Regenerate Christchurch for review 	<ul style="list-style-type: none"> - Outline for Cranford Regeneration Plan 	
28 & 29	Regenerate Christchurch (proponent)	<ul style="list-style-type: none"> - may propose a draft outline for a Regeneration Plan - must provide the outline to the parties in s29(1) for comment , finalise the outline and submit it to the Minister 	<ul style="list-style-type: none"> - Outline for Ōtākaro/Avon River Corridor Regeneration Plan 	
29(1)	Chief Executive, DPMC	may provide views on draft outline	<ul style="list-style-type: none"> - Outline for Cranford Regeneration Plan - Outline for Ōtākaro/Avon River Corridor Regeneration Plan 	

	Christchurch City Council	may provide views on draft outline	- Outline for Ōtākaro/Avon River Corridor Regeneration Plan	
	Canterbury Regional Council	may provide views on draft outline	- Outline for Cranford Regeneration Plan - Outline for Ōtākaro/Avon River Corridor Regeneration Plan	
	Te Rūnanga o Ngāi Tahu	may provide views on draft outline	- Outline for Cranford Regeneration Plan - Outline for Ōtākaro/Avon River Corridor Regeneration Plan	
	Regenerate Christchurch	may provide views on draft outline	- Outline for Cranford Regeneration Plan	
	Ōtākaro Limited	may provide views on draft outline	- Outline for Cranford Regeneration Plan - Outline for Ōtākaro/Avon River Corridor Regeneration Plan	
29(3) & (4)	Ōtākaro Limited	may provide consent to a draft outline (if section 14(4) applies)	- Outline for Ōtākaro/Avon River Corridor Regeneration Plan	
30	Regenerate Christchurch	- must recommend or decline to recommend an outline to the Minister for approval - may amend the outline before recommending the outline to the Minister for approval	- Outline for Cranford Regeneration Plan	
31(1)	Minister	must approve or decline an outline submitted	- Outline for Cranford Regeneration Plan - Outline for Ōtākaro/Avon River Corridor Regeneration Plan	Minister approved both outlines.
33(1)	Proponent - Christchurch City Council - Regenerate Christchurch	- must develop draft plan in accordance with the outline	- Cranford Regeneration Plan - Ōtākaro/Avon River Corridor Regeneration Plan	
33(2)	Proponent - Christchurch City Council	- must seek the views of parties in s29(1)	- Cranford Regeneration Plan	
33(2)	Chief Executive, DPMC	may provide views on draft Regeneration Plan	- Cranford Regeneration Plan	

	Canterbury Regional Council	may provide views on draft Regeneration Plan	- Cranford Regeneration Plan	
	Te Rūnanga o Ngāi Tahu	may provide views on draft Regeneration Plan	- Cranford Regeneration Plan	
	Regenerate Christchurch	may provide views on draft Regeneration Plan	- Cranford Regeneration Plan	
	Ōtākaro Limited	may provide views on draft Regeneration Plan	- Cranford Regeneration Plan	
34(1)	Regenerate Christchurch	must publicly notify a draft Regeneration Plan for written comment	- Cranford Regeneration Plan	
34(3)	Proponent - Christchurch City Council	Must ensure concise statement recording s33(2) views is publicly available	- Cranford Regeneration Plan	

Subpart 2—Dealing with land and other property				
Section	Power exercised by	Operation / Action	Detail	Other comment
<i>Building works etc,</i>				
77	Chief Executive, LINZ	May carry out or commission works	- Demolition of various buildings in the Central City	
80	Chief Executive, LINZ	Second notice requirement for work carried out on private land	- Notice given to various owners	
82	Chief Executive, LINZ	Authorised persons may enter private land to carry out work under section 77	- Contractor access for various demolitions	
<i>Access and roads</i>				
87	Chief Executive, LINZ	Prohibiting and restricting public access, closing and stopping roads, etc	- Road stopping: Avon River, East Frame, Metro, Convention, and various other roads in central city	
<i>Acquisition and other dealings with property</i>				
91	Chief Executive, LINZ	may hold, mortgage, and lease land acquired by the Crown	- Acquisition of land - Entering into leases - Access authorities - Encumbrance to record building restrictions - Providing resource consent affected party approvals in regard to development on adjacent land;	
<i>Other dealings with land</i>				

92	Minister	may, by notice in the Gazette, declare land acquired by the Crown under this Act or under the Canterbury Earthquake Recovery Act 2011 to be set apart for a public work in terms of the Public Works Act 1981.	- Declaration for land to be set aside for a Public Work	
93	Chief Executive, LINZ	May subdivide, resubdivide, improve, and develop land	- Subdivide land	
<i>Disposal of land</i>				
107	Chief Executive, LINZ	may dispose of land held by the Crown	- Granting of various easements over RRZ land - Disposal of RRZ properties (Port Hills)	
114	Minister	Must determine whether compensation is payable and the amount of compensation payable	- Various compensation claims for land compulsorily acquired	Claims commenced under Canterbury Earthquake Recovery Act 2011 continued and determined under that Act (see Schedule 1, clause 9, GCR Act)
<i>Board of Regenerate Christchurch</i>				
127	Christchurch City Council and Minister	Christchurch City Council must appoint 3 members to board of Regenerate Christchurch. Minister must appoint 4 members to the board. Minister must ensure that 1 member of the board appointed by the Minister is a person nominated for appointment by Te Rūnanga o Ngāi Tahu.	- Appointment of current Board	
128	Minister	Must appoint a member as the	- Appointment of current Chair	

		chairperson of the board for the period ending on the close of 30 June 2019.		
<i>Further provisions relating to Regenerate Christchurch</i>				
131	Christchurch City Council and Minister	may provide Regenerate Christchurch a letter of expectations	- Letter provided	
Subpart 6—Transfer of assets, liabilities, and land				
142(1)	Chief Executive, DPMC	may transfer to Ōtākaro any of the Crown's assets and liabilities or any land.	- Transfer of various Anchor Project land, assets and liabilities	
142(1)	Minister	may transfer to Ōtākaro any of the Crown's assets and liabilities or any land.	- Transfer of various Anchor Project land, assets and liabilities	
<i>Transfer of designations to Ōtākaro Limited</i>				
143	Minister	Transfer of financial responsibility for project (including designations) to Ōtākaro	- Transfer of financial responsibility for various Anchor Projects (and designations) to Ōtākaro	
Schedule 1 - Transitional, savings, and related provisions				
Section 20(2) CER Act (continued under Schedule 1, Clause 4 GCR Act)	Minister	Public notification of draft Recovery Plans	- Draft Waimakariri RRZ Recovery Plan	
Section 21(4) CER Act (continued under Schedule 1, Clause 4 GCR Act)	Minister	May approve a Recovery Plan	- Waimakariri RRZ Recovery Plan	
Schedule 5 – Provisions applying in relation to Regenerate Christchurch				
Clause 36, Schedule 5	Regenerate Christchurch	Employment of Chief Executive	- Employment of Ivan Iafeta	
Clauses 51 & 52, Schedule 5	Regenerate Christchurch, CCC & Minister	Provision, publication and presentation of	- Statement of Intent 2016-2020	

		Statement of Intent		
Clauses 55 – 60, Schedule 5	Regenerate Christchurch	Provision, publication and presentation of Statement of Performance Expectations	- Statement of Performance Expectations 8 April 2016 to 30 June 2017	

Annex 2

Persons interviewed for this review

Minister supporting Christchurch Regeneration

Hon Nicky Wagner

Christchurch City Council

Hon Lianne Dalziel, Mayor of Christchurch

Karleen Edwards, Chief Executive

Brendan Anstiss, General Manager of Strategy and Transformation

Richard Osborne, Planning Manager

Rob Goldsbury, Head of Legal Services

Ariana Smith, Mayor's Office

Waimakariri District Council

David Ayers, Mayor of Waimakariri

Selwyn District Council

Jesse Burgess, Planning Manager

Te Rūnanga o Ngāi Tahu

Arihia Bennett, Chief Executive

Ronnie Cooper, Principal Manager, Policy Strategy and Influence

Environment Canterbury

Councillor Peter Skelton

Bill Bayfield, Chief Executive

Chrissie Williams, Principal Strategy Advisor

Sam Elder, Programme Manager

Regenerate Christchurch

André Lovatt, Chair

Jen Crawford, Board member

Bill Dwyer, Board member

Richard Holden, Board member

Manaia Cunningham, Board member

Ivan Iafeta, Chief Executive

Deb Te Kawa, Consultant

Ōtākaro Limited

Ross Butler, Chair (also member of Regenerate Christchurch)

Albert Brantley, Chief Executive

Robert Fisk, General Manager Development

Lizzy Pearson, Manager, Planning, Placemaking and Urban Design

Keith Beal, General Manager, Strategy and Property Opportunities

Department of the Prime Minister and Cabinet

Andrew Kibblewhite, Chief Executive

Kelvan Smith, Director, Christchurch Group

David Griffiths, Manager, Policy Planning and Monitoring

Pratima Namasivayam

Carolina Lukkien

Francis Hook

Andrew Hammond

Claire Callard

Land Information New Zealand

Andrew Crisp, Chief Executive

Annex 3: Structured questions for interviews

Question 1

When considering how effective the Act has been during the past year in achieving its overall purpose:

- (a) what do you consider to be the biggest gaps, if any?
- (b) where and/or how do you think the legislation could be strengthened to close these gaps, if needed?

Question 2

Are the principal bodies/actors empowered by the Act with decision making rights to bring about regeneration in greater Christchurch:

- (c) able to carry out their functions?
- (d) carrying out those functions effectively/efficiently?
- (e) carrying out the functions as required by the Act?

Question 3

Regenerate Christchurch:

- (a) Is it achieving its purpose?
- (b) Is it carrying out its functions as required by the Act?
- (c) If not, what, from your experiences, do you consider have been the main factors inhibiting progress?
- (d) What amendments could be made to the objectives, functions and powers available to Regenerate Christchurch to improve its operation and effectiveness and support it in achieving its purpose?

Question 4

Are the engagement arrangements¹ established by the Act:

- (a) able to be conducted between specific parties?
- (b) being conducted effectively / efficiently?

¹ Engagement arrangements are in respect of: the development of Regeneration Plans; and dealings with land – including works, transfer, acquisition and disposal of land. “Engagement arrangements” has a broad meaning and includes: being generally informed, being able to proffer (informed) comment generally, having specific views/comment sought, having specific views taken into account, contributing (informed) views to specific decisions and participating in specific decision processes.

(c) being conducted as required by the Act?

Question 5

Are the provisions made in the Act for accountability and transparency:

- (a) able to be operationalised?
- (b) operating effectively/efficiently?

Question 6

If there are impediments to any of the above:

- (a) what is the nature of the impediment;
- (b) what is its significance (impact);
- (c) what action, including legislative amendment, would best remedy or mitigate?