

REPORT ON DECISIONS MADE IN APPROVING THE REDCLIFFS SCHOOL AND REDCLIFFS PARK PROPOSAL TO EXERCISE POWER UNDER SECTION 71 OF THE GREATER CHRISTCHURCH REGENERATION ACT 2016

1. INTRODUCTION

On 31 January 2018, in my capacity as Minister for Greater Christchurch Regeneration, I received Regenerate Christchurch's Proposal to exercise my power under section 71 of the Greater Christchurch Regeneration Act 2016 (GCR Act) to, in summary:

- **designate Redcliffs Park for education purposes;**
- **remove the existing education purposes designation from the existing Redcliffs School site;**
- **rezone the Redcliffs Park site as Specific Purpose (School) with an alternative zoning of Open Space Community Parks; and**
- **rezone the existing Redcliffs School site as Open Space Community Parks and Open Space Natural.**

Pursuant to section 67(1) (all references are to the GCR Act unless stated otherwise), on 5 March 2018, I agreed to exercise my powers to proceed with the Redcliffs School and Redcliffs Park Proposal (Proposal) and to invite public comment for 15 working days under section 68.

The Proposal outlines what it is intended to achieve, the process Regenerate Christchurch, as proponent, undertook to develop the Proposal, and how the Proposal was expected to support the regeneration of greater Christchurch (**Appendix A**).

As per the Proposal, the objective is *to support the regeneration of greater Christchurch through:*

- *retaining both the primary school and a park within the Redcliffs community;*
- *ensuring the Redcliffs community is once again served by a local school together with providing for the recreation needs of the community;*
- *expediting the change of use on these two sites through the exercise of power to enable the regeneration of the Redcliffs community.*

I would like to particularly acknowledge Regenerate Christchurch for its role as proponent and also the members of the public who participated during the public comment period.

I have considered the Proposal, the public written comments received, and the requirements of the GCR Act, and have decided to approve the Proposal. This report records the decision I have made under sections 69 and 71.

2. PROCESS AND LEGAL REQUIREMENTS

On 1 November 2016, the then Minister of Education made the decision that Redcliffs School would relocate to the nearby Redcliffs Park. In 2017, and in accordance with section 65, Regenerate Christchurch drafted a Proposal to make the required amendments to the Christchurch District Plan (designation and land use zone changes) to enable the relocation of the Redcliffs School to Redcliffs Park and to enable the current Redcliffs School site to become a park, both in a timely manner.

On 6 October 2017 Regenerate Christchurch sought the views of the strategic partners as well as the Chief Executive of the Department of the Prime Minister and Cabinet (DPMC).

On 31 January 2018, following consideration of the feedback from the strategic partners, Regenerate Christchurch finalised the Proposal and provided it to me, as the Minister for Greater Christchurch Regeneration, to decide whether to proceed.

On 5 March 2018, pursuant to section 67, I decided to exercise my powers to proceed with the Proposal. In accordance with section 68(c), the Proposal and an invitation to submit written comment was published on the Department of the Prime Minister and Cabinet's website, in the Gazette on 9 March 2018, and in The Press on 10 March 2018. Written comments had to be received by 5pm 3 April 2018. I note that a small number (six) of written comments were received after this deadline. I have decided to accept these comments in the principle of inclusiveness. A total of 353 written comments were received during the public comment process.

The GCR Act requires that, in making a decision on whether to approve or decline the Proposal, I must:

- ensure that I exercise my power in accordance with one or more purposes of the GCR Act – section 11(1);
- exercise that power only where I reasonably consider it necessary – section 11(2);
- consider whether to exercise the powers in sections 69 and 71 – section 69 by:
 - a) taking into account the public written comments provided under section 68(c); and
 - b) having particular regard to any views of the strategic partners and Regenerate Christchurch that are provided under section 68(c); and
 - c) making a decision no later than 30 working days after the date specified in the notice published under section 68.

3. CONSIDERATIONS

This section outlines my considerations in making my decision to approve the Proposal. For clarity, I note that it is not within the purview of my decision making to consider whether Redcliffs School should relocate to the nearby Redcliffs Park.

Purposes of the GCR Act (section 11(1))

The GCR Act supports the regeneration of greater Christchurch through five purposes as set out in section 3(1). Section 11(1) requires me to ensure that I exercise my power to approve the Proposal (and thus agree to exercise my section 71 power) in accordance with one or more purposes of the GCR Act. In order to assess this, I have considered how the Proposal will support regeneration as defined by section 3(2) of the GCR Act.

Regeneration means rebuilding, in response to the Canterbury earthquakes or otherwise, including improving, subdividing or converting land - (s3(2)(a)(i))

The Proposal would convert land uses to enable the permanent relocation of Redcliffs School to Redcliffs Park and the development of a new park at the former school site. The Proposal is therefore not about rebuilding at the existing Redcliffs School site but rebuilding at an alternate location. Rebuilding under the GCR Act includes improving, subdividing, and converting land, which is at the heart of this proposal:

- **Current Redcliffs Park:** Designating the land for educational purposes and amending the zoning from Open Space Community Park and Residential Suburban to Specific Purpose (School) Zone with an alternative zoning of Open Space Community Parks Zone. This would allow a school to be built in a safe location, which will improve the social wellbeing of the local community and allows for the timely rebuilding of the Redcliffs School. The exercise of power allows for the discrete set of amendments to the Christchurch District Plan to facilitate the relocation of the school.
- **Current Redcliffs School Site:** Amending the zoning from Specific Purpose (School) Zone to Open Space Community Parks Zone and Open Space Natural Zone, and uplifting the designation, will enable this area to be developed as a new fit-for-purpose community park in Redcliffs and will provide public open space. The exercise of power allows for the discrete set of amendments to the Christchurch District Plan to facilitate the relocation of the community park.

Regeneration means improving the environmental, economic, social, and cultural wellbeing and the resilience of local communities through urban renewal and development (s3(2)(b)(i))

There is a strong link between the built environment and the social, cultural, and economic health of a community. The Proposal would relocate the Redcliffs School from the Van Asch Deaf Education Centre in Sumner back to Redcliffs. The ways in which the zoning and designation amendments are anticipated to improve community wellbeing include:

- **environmental benefits:** The zoning decision would continue to preserve open space for current and future generations. The proposed designations ensure the effects on the surrounding area are appropriately managed. This includes conditions on the designation that seek to manage noise and glare impacts. Other conditions impose restrictions on the location of buildings and impose minimum floor levels in order to avoid the impacts of flooding on the school site, while restrictions on earthworks will avoid increasing flood risks on properties in the surrounding area. Other conditions seek to avoid traffic impacts.
- **economic benefits:** The designation and zoning decision could be a catalyst for economic development for the community.
- **social benefits:** The designation and zoning decision would provide opportunities for passive recreation and community connections and education. The proposed designation conditions specifically make allowances for formal and informal recreational, sporting, and outdoor activities and competitions, whether carried out during or outside school hours. The Proposal also provides for the development of a new park on the former school site. The zoning would allow for it to be used for informal and formal recreation and sporting and outdoor activities.
- **cultural benefits:** The designation and zoning decision would provide for both the school and park to serve as social and cultural centres for the community. The proposed

designation's conditions specifically make allowance for formal and informal cultural activities and competitions whether carried out during or outside school hours. In addition, it specifies that the Heritage New Zealand Regional Archaeologist and the appropriate iwi groups or kaitiaki representative would be notified of a relevant discovery and be ensured site access to enable appropriate cultural procedures and tikanga to be undertaken.

Taking the above into account, and for the below reasons, I consider that approving the Proposal is in accordance with the GCR Act's purposes under section 3.

Approving the Proposal, in my view:

Enables a focused and expedited regeneration process (section 3(1)(a))

The Proposal will amend the Christchurch District Plan in relation to the designations and land use zone changes on both sites concurrently at a time when the Christchurch District Plan could not otherwise be amended. It allows these amendments to be focused, coordinated, and discrete, without undertaking a review of the District Plan as a whole. It also allows the process to be expedited, particularly in comparison to:

- **the Regeneration Plan process:** while this power could be used to rezone and designate the relevant land, I do not consider it appropriate for the nature of this proposal. The development of a Regeneration Plan is better suited where investigation of complex issues and amendments to multiple planning documents is required. The matters addressed in the Proposal do not require a regeneration plan process. I also note that a Regeneration Plan process would take significantly longer than a section 71 process.
- **Standard Resource Management Act 1991 (RMA) process:** The Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (Order) means that no zoning changes can be made to the District Plan using normal RMA plan change processes until after the expiry of the Order on 30 June 2021. Even if they were available earlier, the normal timeframes for a RMA plan change would not enable regeneration outcomes in a timely or expedited manner. However, because of the Order they are not available.
- **RMA Streamlined planning process:** I note there is uncertainty whether this new process would apply to the Redcliffs School relocation and also around the timeframe that such a streamlined process would take to complete. I do not consider such a process would provide the certainty, or the timeframe, that the Redcliffs community needs.
- **Revoking the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014:** it is possible that the Order may be revoked before it expires on 30 June 2021 and, should this occur, the standard RMA plan change process for rezoning would become available earlier. However, no decision has been taken whether to revoke the Order early. Even if the Order was revoked, a section 71 process would still carry significant advantages over the standard RMA process, including that the section 71 process enables the rezoning of both sites and the designation to occur in a single and significantly swifter decision making process.

Facilitates the ongoing planning and regeneration of greater Christchurch (section 3(1)(b))

The Proposal will provide for the establishment of a new school in an area that has been without a permanent school in the community since the 2011 earthquakes. It will also ensure the

recreation needs of the community are provided for. It facilitates the regeneration of the Redcliffs area by enabling the technical elements of the land swap to occur in a timely manner and through one single process, which will support the social wellbeing of the community. Development of a permanent school will provide regeneration benefits beyond the immediate timeframe.

Enabled community input into the exercise of powers under section 71 (section 3(1)(c))

The public had 15 working days to provide written comments on the Proposal. In total, 353 written comments were received, and I have considered these in more detail below.

For clarity, I note that Regenerate Christchurch had sought views on the draft Proposal from the strategic partners and the Chief Executive of DPMC before finalising and submitting the Proposal to me.

Recognises the local leadership of Canterbury Regional Council, Christchurch City Council, Regenerate Christchurch, and Te Rūnanga o Ngāi Tahu and provides them with a role in decision making under the Act (section 3(1)(d))

The above local entities were involved in the development of the Proposal, with Regenerate Christchurch leading its development and the other parties involved in their statutory roles. The Waimakariri and Selwyn District Councils are not directly affected by the Proposal, but were invited to provide feedback on the draft Proposal as it was being drafted. Both confirmed they had no views on the Proposal.

Public written comment

I have read the summary prepared by DPMC and the individual written comments.

I note that under the GCR Act I am not able to amend the Proposal to give effect to alternatives and options suggested in the public comment. My decision is limited to whether to approve the Proposal pursuant to section 69 (and thus agree to exercise my section 71 power) or to decline the Proposal.

With the exception of the views of the strategic partners (which I had particular regard to), I have taken into account the public written comments received (353 written comments, with 236 supporting the Proposal and 114 opposing the Proposal).

In summary, the majority of submitters supported the Proposal because of a stated desire to return a school to the Redcliffs community as soon as possible and a few commented on the suitability of the Redcliffs Park site for a school.

Those that did not support the Proposal generally provided reasons concerning natural hazards and other safety concerns with the proposed Redcliffs Park site, loss of recreational space, or a preference for alternative legislative process.

Some submissions requested a reconsideration of the then Minister of Education's decision to relocate the School. I noted these submitters were recorded as being against or in support of the Proposal (as applicable) and I took into account other parts of their submissions that were in scope (e.g., any reasons as to why the intended changes to the Christchurch District Plan were inappropriate). However, I gave little weight to any comments simply seeking to change the relocation decision as these were out of scope.

I have had particular regard to the views of the Canterbury Regional Council and the Christchurch City Council received as part of the public comment process.

In summary, the main concerns raised by the Christchurch City Council and Canterbury Regional Council were in relation to natural hazards. As noted above, other submitters also made reference to natural hazards. I confirm I had particular regard to any general issue raised by a strategic partner (e.g., flooding) and I did not attempt to give different weight to different flooding points depending on whether they were made by a strategic partner.

I recognise the significance of flooding, coastal hazards, and climate change in making my decision, and note that:

- As part of my 5 March 2018 decision to proceed with the Proposal, I considered a Ministry of Education briefing dated 1 March 2018, which addressed the steps the Ministry of Education and Regenerate Christchurch had taken in response to the views received from the strategic partners on the draft proposal (in regards to inundation, flooding and coastal hazards). This briefing summarised the results of various expert reports that were commissioned, and advised that there is an extremely low risk to both life and building assets in the timeframe to 2070. I considered the information regarding inundation, flooding and coastal hazards to be equally relevant to whether I should now approve the Proposal and I had particular regard to it.
- The Proposal outlines that the proposed development of the site as a school will result in an extremely low risk to life in the timeframe to 2070. It was relevant to me that the Ministry of Education has advised the buildings have an intended design life of 50 years, as this is within the 2070 timeframe.
- The Proposal also identifies that there is unlikely to be significant damage or loss to the proposed buildings as a result of any inundation. Furthermore, the conditions for designation that form part of the Proposal also seek to avoid, remedy or mitigate potential impacts on the surrounding residential properties, the road network and surrounding community. The conditions of the designation also restrict the location of buildings on site and require a minimum floor level, both of which will avoid the impacts of natural hazards.
- Both the Ministry of Education and Regenerate Christchurch have commissioned extensive expert views and technical reports before the Proposal came to me for my decision making. Relocating the school meets an immediate need of the Redcliffs community and does not signal a lock-in of further development in a coastal hazard zone. The presence of the school does not define the long-term future of the area.
- It is done with full awareness of the increasing hazard risk at the site due to sea-level rise and the need for the council and community to consider the long-term future of both the site and the surrounding community and prepare a long-term adaptive plan.

In coming to my decision, I note that the Christchurch City Council, the Ministry of Education, and the Redcliffs community will need to address some of the wider concerns raised when designing the new school and, in the case of the Christchurch City Council and the community, consider those concerns when developing a long term strategy for the Redcliffs area. I therefore will request that the relevant agencies and local authorities be cognisant of these concerns and give them due consideration in the implementation phase.

Necessity Test (section 11(2))

I consider that exercising my power to approve the Proposal is necessary to enable a focused and expedited regeneration process and facilitate the ongoing planning and regeneration of greater Christchurch given that:

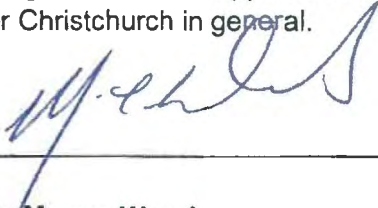
- no other tools currently available enable a certain, focused, and expedited regeneration process for the Redcliffs community;
- it facilitates the necessary and discrete planning changes to the Christchurch District Plan in an integrated process;
- it will expedite the simultaneous change of use on the two sites to enable the regeneration of the Redcliffs community.

In coming to my decision, I have considered the significance of the decision, its consequences, and alternatives to approving the Proposal.

4. CONCLUSION

I have made the decisions to approve the Proposal and to exercise my section 71 power for the reasons set out in this report.

I am happy to be able to approve the Redcliffs School and Redcliffs Park Proposal in the knowledge that it will support the regeneration of the Redcliffs community in particular and greater Christchurch in general.



Hon Dr Megan Woods
Minister for Greater Christchurch Regeneration

Date: 8 May 2018