

Annual Review of the Greater Christchurch Regeneration Act 2016

Reviewer: Liz Sinclair
October 2018

Background

1. Section 150 of the Greater Christchurch Regeneration Act 2016 (the Act) specifies that the Minister responsible for administration of provisions of the Act¹ must commission an annual review (the Review) of the operation and effectiveness of the Act within 12 months of the commencement of the Act, and every 12 months after that. A report must be prepared for the Minister on that review, and the Minister must present the report to the House of Representatives as soon as practicable after the Review has been completed.

Terms of Reference

2. This is the second annual review of the Act, covering the period from 1 July 2017 to 30 June 2018.
3. The Terms of Reference provided by the Department of the Prime Minister and Cabinet (DPMC) sets out the underlying aim of this Review as being: “to develop and provide an informed view on whether the Act has been working as intended, taking into account the findings from the 2017 Review of the Act, and any notable changes that have occurred over the period.”
4. The Review is to provide advice that:
 - gives assurance to the Minister, House of Representatives, and the public regarding the operation and effectiveness of the Act; and
 - builds a useful evidence base to track progress towards a return to normal regulatory processes.
5. The specific objectives for this Review are:
 - to identify and recommend any changes to the Act that will improve the Act’s overall operation and effectiveness,
 - to undertake a review of the objectives, functions and all powers related to Regenerate Christchurch (created under the Act) and identify and recommend any changes to improve its operation and effectiveness in achieving its purpose,
 - to undertake a review of the checks and balances on the various powers provided under the Act to the Minister and the Chief Executives of DPMC and Land Information New Zealand (LINZ), and
 - to prepare a report for tabling by the Minister in the House of Representatives outlining the conclusions of the Review and recommendations (if any) for changes to the Act.
6. 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.

Approach and Methodology

7. In view of the limited use of the powers under the Act during this period, my approach has been to look at the instances where the Act was used, review publicly available information about regeneration planning progress, and conduct interviews with the key

¹ in this case the Minister for Greater Christchurch Regeneration

executives and officials who have been working closely with the Act. This report reflects themes from the feedback I heard. It does not record the views of particular individuals.

8. I had particular regard to the conclusions of the first Review carried out last year by Geoff Dangerfield, and in relevant areas, I have set out my observations on what has happened since then with respect to the issues highlighted in the 2016-17 report.
9. Annex 1 of this report sets out the full schedule of the powers used during the 2017-2018 financial year. The people I spoke to are listed in Annex 2, and Annex 3 provides the list of questions used to structure these discussions.

The Review

10. The body of this report firstly sets out the summary conclusions of this Review. More detailed sections then deal with the context of this review period, and each significant aspect of the legislation in turn:

- Use of the planning instruments available under the Act,
- Use of the land management powers of the Act,
- Regenerate Christchurch,
- Partnerships and engagement, and,
- Accountability and transparency.

Summary Conclusions

11. **As part of reporting progress in returning to normal regulatory processes, this Review records the important milestone passed when the Christchurch District Plan became operative in December 2017.**

12. **This Review does not recommend any changes to the Act:**

With respect to the instruments it provides for planning and land management, the legislation does not create any difficulties for the regeneration process that require legislative amendment at this point in the life of the Act. While some problems were described to the Review, the regeneration parties are not demanding or expecting any change, and are working within the framework, acknowledging they experience some constraints in its practical application. Any change now would be a potential distraction from regeneration planning processes underway, especially the critical Ōtākaro Avon River Corridor (OARC) Regeneration Plan completion.

13. **The speed of regeneration planning is an issue. The legislative requirements around the planning instruments are not the problem.** There is recognition from the agencies involved that the timeframes required for community engagement, and consultation with partners are a necessary feature of a complex planning situation such as this, and a key to long term success. **It is up to the collective leadership of the partners to enable each other's progress in advancing plans and supporting their delivery to achieve the pace that all desire. If engagement at the practical working level is happening effectively, formal consultation can be more straightforward and statutory timeframes will not be a problem.**

14. Since the last Review, Regenerate Christchurch is acknowledged for stepping up to lead and engage communities around regeneration planning. They have advised the Review they are intending to accelerate how the high-level strategy and visioning work gets translated into solid regeneration plans in the 2018-2019 financial year. This intent to increase the pace of delivery of regeneration plans is vital to overall progress and so that complex areas such as the OARC can be worked through using the instruments available under this legislation.

15. **Regenerate Christchurch and their planning partners need to collaborate actively:**

- **to integrate and run work programmes in parallel, and agree what needs to get done using the powers available under the Act before it expires in 2021. This includes having particular regard to use of the powers related to land management,**
- **share resources and scarce capability,**

- be able to provide communities and stakeholders with line of sight from the recent engagement processes through to how decisions will be made on the actual regeneration plans, and,
- co-ordinate engagement with the public and key groups e.g. potential developers.

16. **The OARC Regeneration Plan is the opportunity to demonstrate this way of working.**
17. **The Act is time-limited legislation.** Under the current statutory settings, Regenerate Christchurch is to transition into a Council Controlled Organisation (CCO) at the expiry of the Act. At the same time Ōtākaro Limited's powers in the Act expire, and in accordance with its Constitution, it will continue to operate to deliver Crown projects. People are starting to think about how this transition will occur in practice and linking this to concerns about current arrangements. I understand the Crown and the Council may be entering into some form of global settlement negotiations in the future, and this may form part of those discussions. **Clear communication about how transition will occur can mitigate the risks of disruption to the work that needs to be done for regeneration now.**
18. **As part of completing regeneration planning processes, implementation, and delivery issues, including future funding and governance, will need to be worked through. Building on the collaborative approaches described above, this can be done in parallel to completing the regeneration plans.**
19. **LINZ will play an increasingly important role in implementing regeneration planning decisions.** In line with paragraph 15 above, LINZ and Regenerate Christchurch should intensify their recent efforts to closely align their work programmes.
20. **Ōtākaro Limited will benefit from clear expectations about how they may approach their role in providing consent to any regeneration plans that include residential red zone land.** This was indicated in the 2017 Review. I understand DPMC is currently working with Ōtākaro Limited to provide this.
21. **The suggestions made in paragraphs 15-17 above should provide a clearer picture of the actions required ahead of the expiry of the legislation in 2021. This should be a focus of the 2018-19 financial year Review of the Act.**

The Context for this Review Period – the Act and how it has been applied in the 2017-18 financial year

What the Act put in place

22. The Act followed the period governed by the Canterbury Earthquake Recovery Act 2011. This was an important transition in several ways:
- signalling the shift from recovery to regeneration,
 - understanding that regeneration encompassed a combination of tangible rebuilding and restoration with urban renewal and development, and,
 - recognising the need for greater local leadership and a pathway to standard regulatory and delivery arrangements.
23. The Act is clear in its intent to enable a focussed and expedited regeneration process, community input to decisions, recognition of local leadership, and the need for the Crown to efficiently and effectively manage the land acquired under the previous Canterbury Earthquake Recovery Act 2011.
24. The Act came into effect in April 2016 and expires on 30 June 2021. The broad purposes of the legislation, to support and enable regeneration, were given effect through:
- specific planning mechanisms for regeneration planning,
 - mechanisms for managing land,
 - the establishment of Regenerate Christchurch, a body corporate jointly funded by the Crown and Council whose purpose is supporting a vibrant, thriving Christchurch that has economic, social and lifestyle opportunities for residents, businesses, visitors, investors and developers,
 - broad statutory powers granted to the Minister and the chief executives of DPMC and LINZ,
 - a legal framework that provides opportunities for public input to planning decisions and recognises the importance of local leadership, and,
 - recognition of the importance of local leadership through providing them with an increased role in decision-making processes under the Act and explicit requirements to seek and consider their views.

How the powers under the Act have been exercised in the 2017-18 financial year

25. There has been relatively limited use of the Act's powers during this period. A full list is attached as Annex 1, and the main instances are noted below.
26. With respect to the development and implementation of planning instruments (subpart 1 of Part 2 of the Act):
- The Cranford Regeneration Plan proposed by the CCC completed the final stages of approval and was approved by the Minister in August 2017. This was the first regeneration plan approved under the Act.
 - Regenerate Christchurch proposed Outline Plans (Outlines), under section 19 of the Act, for the partial revocation of the Land Use Recovery Plan for Greater Christchurch, and for the partial revocation of the Christchurch Central Recovery Plan.
 - The Minister approved the Redcliffs School and Redcliffs Park section 71 Proposal, which fast-tracked the necessary changes to the Christchurch District Plan to enable the relocation of Redcliffs School to Redcliffs Park and the existing Redcliffs School site to become a park.
 - The CCC has initiated a s71 proposal for Yaldhurst Recreation Sports Facility.

27. As with the previous year, of the potential proponents, CCC and Regenerate Christchurch are the only ones to have initiated plans to use the Act. That is not expected to change during the life of the Act.
28. Powers related to acquisition and disposal of land have been used in a small number of instances.

Other notable changes relevant to this Review

29. All decisions on the Christchurch District Plan (the District Plan) have been issued and it became operative in December 2017. The CCC intended the District Plan to play “an important role by providing certainty about where and how development will occur, and making integrated provision for the community’s immediate and longer term needs....(the plan) actively supports the rebuilding of Christchurch and its social, economic, cultural and environmental recovery, at the same time as providing for the long-term sustainability of the city and the wellbeing of its residents”².
30. Last year’s Review noted concerns about the expiry date for the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (the Order). While the Order is in force the Council cannot notify any proposed changes to its District Plan under Schedule 1 of the Resource Management Act 1991 (RMA). The Review suggested this could be resolved by the CCC advising the Minister when the District Plan is fully operative, and request the Minister take steps to revoke the Order. The Council made this request in January 2018 and the Minister is presently seeking the Strategic Partner’s views.
31. Regenerate Christchurch conducted a significant public engagement for the future of the OARC Regeneration Area (May 2018) and has released a long-term vision for Cathedral Square (June 2018).
32. Te Rūnanga o Ngāi Tahu (TRoNT) have been moving to an increasingly devolved model of operation, meaning that the first point of engagement is with relevant rūnunga, for example, Te Ngāi Tūāhuriri Rūnanga.

Regeneration planning and the use of the mechanisms in the Act

33. The Act provides for planning instruments and powers to enable regeneration. There are two notable levers. **Regeneration plans** are able to direct and integrate changes to multiple RMA planning documents to support major regeneration projects. Regenerate Christchurch, the Chief Executive of DPMC, or one of the Strategic Partners (CCC, TRoNT, Environment Canterbury (ECan), Waimakariri, and Selwyn District Councils) may be proponents of a regeneration plan. **Section 71** of the Act gives the Minister power to suspend, amend or revoke RMA and other plans etc and is expected to be used where amendments are required to a discrete set of planning documents.
34. As noted in paragraph 26 above, both instruments have been used in this period, but in limited numbers. Looking forward, Regenerate Christchurch has advised the Review that it expects 2018-2019 to be a peak of regeneration planning activity. They aim to deliver the OARC Regeneration Plan within the next six months. Regenerate Christchurch is also expecting to advance a number of other regeneration plans potentially related to Southshore/South New Brighton, and aspects of their work on the Central City.

² Christchurch District Plan 3.2.5

35. Two years into the five year life of the Act, there are mixed views around the experience of using the planning instruments. There are concerns that the enabling intent of the legislation has been constrained by:
- narrow interpretations of how, and when, the Act can be applied e.g. whether a proposal meets the definition of regeneration or whether the reasonably considered necessary test would be met,
 - conservative approaches influenced by greater familiarity and comfort with doing things under the RMA provisions, and,
 - processes and timeframes that are still relatively laborious.
36. Some changes were suggested, including:
- creating a hierarchy amongst the Strategic Partners so that the process of consultation could be fast tracked, and proponents not be required to wait until all Partners had responded,
 - narrowing the purposes of the legislation to make potential use of the instruments more focused, and,
 - providing greater clarity around the term 'regeneration' to assist in making the distinction between when this is occurring, triggering the potential to employ the Act, versus when a change is part of the natural process of urban development.
37. However, no-one was advancing these suggestions as essential amendments to the legislation to overcome fundamental barriers to the regeneration planning process. The general flavour of feedback was that parties are accepting the framework, trying to make it work, and not anticipating change.
38. My observations from the Review process confirm that there is nothing significant in the legislation itself that needs to be changed. Given the elapsed time in the life of the Act, there would be little point in adjusting the legislation now, unless there were major and urgent problems.
39. Several parties observed that it takes a number of years for agencies to build both capability and comfort with using new legislation in the normal course of events. This is particularly the case if there is associated change in institutional arrangements. With time-limited legislation such as this and in the context of a desire for urgency in the regeneration process, there is genuine frustration that more use has not been made of the enabling powers of the Act sooner, and a concern for some that time is running out.
40. Again this is not a fault in the legislation, but a product of a combination of legacy issues, new arrangements taking a while to fully get into gear, and the scale of the challenges all partners face. The planning environment in greater Christchurch was frequently described to the Review as difficult or complex, not just because of the practical issues involved but also because of the understandable level of emotion that will be attached to the work for many of the participants.
41. I concur with the general view that the legislation is enabling. However, it was clear to me the urgent need now is for agencies to find ways of really stepping up the pace of their work together at a practical level. This will enable them to land solid implementable plans, and maximise the potential utility of the current statutory environment. I comment on this further below.

42. There are five issues related to planning instruments, which warrant specific comment.

a. Outlines

43. Outlines are the first required stage in regeneration planning. A proponent develops an Outline of what the Plan (or amendment to a Recovery or Regeneration Plan) is intended to achieve, its proposed scope, and how it will meet the purposes of the Act, and how the Plan itself will be developed, including public engagement and consultation. The Outline must be consulted with relevant parties and then recommended for approval by the Minister.

44. Concerns about this stage of the planning process were canvassed in last year's Review. The Reviewer noted "the Outline Plan stage is adding little value for the time taken," and suggested ways this could be remedied, but considered if this was still an issue at the time of this Review it would be appropriate to consider deleting this stage.

45. The concerns of the parties do remain essentially the same. In particular that it creates a repetitive step and because there have been few Outlines proposed to this point, it has been unnecessary as a gateway stage to assist with filtering or sequencing competing regeneration plans. There is also a perspective that once the Outline has been developed and approved, the fact that it cannot be altered is a constraint, when planning processes of this nature can be expected to uncover new opportunities and problems as they progress.

46. I agree with the comments made in last year's Review that it is up to the proponents to use the Outline phase to clearly signal the high-level scope of what is intended as part of transparency and early engagement. Outlines to date have been broad, signalling proposed processes and expected timeframes. There does not in practice seem to have been a real constraint on the content and development of the second stage of developing the regeneration plan resulting from the scope of the Outlines.

47. Given the extent of regeneration planning activity that is signalled for the 2018-19 year, I do not consider it would be helpful to create process uncertainty by embarking on legislative change to remove the requirement for Outlines. My recommendation would be that proponents apply their learnings and experience to date to use this planning stage expeditiously. Further, given how important early engagement and actively working together is to moving these planning processes forward at pace, proponents should use the Outline process as an initiating platform for this to happen. Subsequent work is then likely to be fast tracked.

b. Consultation timeframes

48. Some agencies expressed concern about the timeframes required for formal consultation. However, this is balanced by an appreciation that the partner and community engagement that primarily influences this is crucial to the long term success of the plans. It is acknowledged that while some partner organisations can move quickly to respond to proposals, others cannot, because of their scale, relative capacity, and governance decision-making arrangements.

49. The parties have tried to agree and work to shorter timeframes amongst themselves for example in completing the Cranford Regeneration Plan, but this proved impracticable.

50. TRoNT, for example, has limited dedicated resource at the corporate level. They are also increasingly expecting engagement to occur through their devolved decision-making at the rūnanga level as part of responding to consultation.
51. My view, consistent with the findings of the 2017 Review of the Act, is that the legislative timeframes are reasonable in the context, and the collective partners need to continue to work to support each other in expediting progress.

c. Elapsed time for regeneration planning

52. During the Review all parties expressed concern about how long regeneration planning is taking. Again, there is recognition of the reasons that have contributed to this. However, frustration is clear both on behalf of the parties and the constituencies the parties represent.
53. I heard some concerns that collaboration needs to increase in speed and substance at the practical level. Also that this may be inhibited when agencies step back from collaboration at certain stages in order to protect their ability to provide independent advice. The latter may arise from a misapprehension about how officials' processes can work so that collaboration can continue unabated, alongside the recognition that officials may have various roles to play at different stages. Open dialogue to clarify expectations around this aspect should be able to resolve this.
54. I was also informed that more recently there is good engagement happening around the process for completing the draft OARC Regeneration Plan. The parties are actively working through how to make this effective to pick up the pace of their joint and individual work programmes.
55. I would like to reinforce the importance of this in the strongest possible terms. There should be no doubt that a sustained and committed approach to working collaboratively, aligning and running work programmes in parallel for development and consultation on the draft Plan, and on implementation, is both the urgent and essential thing to do. Strong leadership and practical governance mechanisms should be in place to support this and unblock barriers. This supports a number of good things - which are already reported practices but more of this will only help - such as sharing scarce resource and capability, and coordinating community or private sector engagement. This may in turn enable the parties to expedite aspects of the process, for example by providing their views earlier than prescribed statutory timeframes.
56. The same collective approach should be applied to any other regeneration plans or proposals under section 71 being advanced, and should also include joint planning of what needs to get done using the powers available under the Act before it expires in 2021. This includes having particular regard to use of the powers related to land management under part 2, subpart 2 of the Act.

d. Implementation and delivery issues in regeneration planning

57. There are divergent views around whether regeneration plans should be producing what is essentially a spatial plan, or whether implementation issues such as governance, funding, and responsibilities for outcomes should be covered at some level in the regeneration plan itself.
58. The Act does not specify or exclude these aspects. Discussions between agencies in relation to the draft OARC Regeneration Plan are bringing these considerations to the

fore. The Outline for the OARC Regeneration Plan indicates that the Regeneration Plan will seek to provide “reasonable confidence that the identified land uses are feasible, deliverable and able to be funded”³.

59. Some have a strong view that inclusion of these aspects are necessary to provide sufficient certainty of outcome from the Plan. They consider, for example, that development investment will be influenced by how much certainty is available.
60. The alternative view is that where regeneration plans may have complex funding requirements involving potentially Crown, Council, and the private sector, and multigenerational implementation phases, then the approach to these should be worked through by the relevant agencies in parallel to completion of the spatial plan. Attempting to deal with this fully in the draft Regeneration Plan is not only not required under the Act, but may also have the undesirable effect of delaying the whole process of completion and approval of the Regeneration Plan. In particular, it may create the risk of pre-determining the final statutory decision-maker’s decision.
61. Having gained some insight into these issues through the Review process, my view is that the right answer will be dependent on the nature of the particular regeneration plan, and in all cases will be a matter of degree. It is likely that all regeneration plans will make some level of comment on next steps for implementation and delivery. How far they go in elaborating the detail should depend on what makes sense in the circumstances. In the case of the OARC Regeneration Plan, given what is within scope, the implementation issues will require resolution outside the context of the plan and beyond the scale of commitments Regenerate Christchurch can make.
62. In general, this reinforces my strong recommendation about the criticality of the agencies embedding practical and agile ways of working together through these issues. The intent should be to land agreements about implementation and delivery arrangements that complement the regeneration plan, can communicate to stakeholders and communities how execution will occur, and set the platform for this to happen with the minimum of hiatus. Careful judgements and effective information sharing and discussion between the agencies involved will help everyone navigate these risks in the interest of sound regeneration outcomes.

e. Ōtākaro Limited – their role in consenting to specific regeneration plans

63. As with last year’s Review, issues have been raised including by Ōtākaro Limited itself, about the role they are required to play under the Act. Under sections 29(3) and (4), Ōtākaro Limited must consider its consent to any Outline and any regeneration plan prepared by Regenerate Christchurch that includes residential red zone land. It is accepted that the Crown has an interest to ensure the best use of the land acquired in the residential red zones, and that Ōtākaro Limited’s Constitution positions it specifically to balance commercial outcomes and regeneration objectives, and to support the Crown’s exit over time on favourable terms.
64. Ōtākaro Limited has the relevant Christchurch-oriented commercial expertise to carry out this role. However, they are also deliberately focussed on delivery of the anchor projects and not immersed in the wider context of regeneration. The view expressed last year was that, given Ōtākaro Limited’s broad powers, in the interests of transparency it may help all players if there was “a clear statement of how Ōtākaro Limited will address the assessment of consent to regeneration plans”⁴. That need still clearly exists. I am

³ Outline for the Ōtākaro/Avon River Corridor Regeneration Plan pg 11, Regenerate Christchurch March 2017

⁴ Paragraph 9.5 of the Report of the 2017 Review of the Act

advised that DPMC's Greater Christchurch Group is undertaking this work in conjunction with Ōtākaro Limited and in anticipation of the draft OARC Regeneration Plan being delivered.

The role of LINZ and the use of the land management powers of the Act

65. There has not been extensive use of the land management powers of the Act in this Review period; however, this will change significantly as the next stages of regeneration planning advance for the OARC in particular.
66. There are generally positive working relationships in place or developing between LINZ and other agencies involved in regeneration in respect of their various interactions around land management changes necessary to support regeneration planning or delivery.
67. LINZ acknowledges that in the context of its overall role, it needs to raise the visibility and proactivity of its approach to 'interim use' proposals for red zone land and is taking steps to do this.
68. Given the nature of its role, it is crucial that LINZ's involvement is not overlooked but that they are centrally involved and well integrated with Regenerate Christchurch in particular so that work programmes are aligned and capacity can be prioritised on an informed basis. All agencies should have clear expectations that this must occur. Given the time-limited nature of the powers under the Act, forming a robust forward view about what needs to be achieved in the timeframe is of the utmost importance.

Regenerate Christchurch

69. Last year's Review outlined the progress made by Regenerate Christchurch in a demanding start-up year and noted its biggest challenge was to "demonstrate progress on plans that will give real momentum to the Regeneration of the City...(and)...to increase the visibility of its leadership role, and other regeneration parties need to acknowledge and support this role"⁵. Further, the Reviewer noted that "the Act is very enabling of what Regenerate Christchurch has been established to do."
70. I agree that the legislation enables the role Regenerate Christchurch has under the Act. I discuss some concerns around this role in the context of wider issues about institutional arrangements highlighted during this Review later in this report.
71. That aside, there are two themes to report in relation to Regenerate Christchurch's work in the last year. The first is a widespread recognition that they have stepped up and done a very good job with the public engagement around key regeneration projects, notably the OARC Regeneration Plan. This is significant for the credibility of regeneration planning and the platform this builds for the future. Importantly it has demonstrated a different approach to that which people felt was the case in earlier stages of the recovery process. Those who acknowledged they had previously expressed concerns about the effort and time required by this, now confirm that it has been sensible, necessary, and well done.
72. Impactful engagement at the visioning stage naturally sets up expectations for future planning stages. This is positive, but also challenging for Regenerate Christchurch and all agencies. It was raised, and I agree, that the decision-making path for regeneration plans is necessarily complex and potentially hard for the public to follow, given the range

⁵ Ibid paragraph 11.17

of agencies involved and the respective roles of the Crown and local leadership. Regenerate Christchurch should work with partners to ensure there can be clear communication about this to communities and stakeholders as the draft OARC Regeneration Plan is completed.

73. The other issue has been covered already, which is the leadership role Regenerate Christchurch has the opportunity to show more fully now around collaborative working to bring critical regeneration plans to conclusion. The OARC Regeneration Plan is the most immediate, and without doubt the most complex, project within Regenerate Christchurch's work programme. My understanding is the right conversations are being had now. This should continue.
74. I note that the composition of Regenerate Christchurch's Board has been designed with this collaborative approach in mind. Feedback to this Review acknowledged that renewed focus and energy from Regenerate Christchurch's Board has contributed to the momentum demonstrated, especially in the latter part of the 2017-18 financial year, and increased clarity about Regenerate Christchurch's lead role as a planning agency.
75. Regenerate Christchurch has used the development of strategies and visions, an approach signalled in their shareholder expectations, as a useful way of shaping the conversations and engagement in specific areas. There is a strong desire now to see this high-level thinking translating into concrete plans. Regenerate Christchurch is clearly ambitious about what can be brought to the table in the 2018-19 financial year, while cognisant of its capability constraints. The key to its success will be collaboration. There is no doubt this can be achieved without prejudicing its ability, or that of colleague agencies, to provide independent advice, subject to the quality of open dialogue, and commitment all agencies bring to the table. The nature of these interactions is moving well past the information sharing stage towards active collaboration, and Regenerate Christchurch and the other agencies I spoke to all seemed clear on the importance of that.

Partnerships and Engagement

76. I have commented on this already. Concerns raised last year about public engagement not being tailored sufficiently to circumstances of particular regeneration projects seem to have receded in light of the perceived success of recent experiences.

Institutional Arrangements and the Time Limited Nature of the Legislation.

77. Two related issues were raised during the Review. The first is that in a situation where parties want to get back to standard planning arrangements and local leadership, and a time limited legislative vehicle exists to support 'extra-ordinary' arrangements in the interim, participants will look at a very early stage towards what happens at the expiry of the legislation.
78. Under the current statutory settings, Regenerate Christchurch is to transition into a CCO at the expiry of the Act. At the same time, Ōtākaro Limited's powers in the Act expire, and in accordance with its Constitution, it will continue to operate to delivery Crown projects.
79. Looking towards 2021 creates the risk that people start considering, or making assumptions about how and when the transition to these arrangements might begin to occur. This should be expected, and is healthy where it reflects that the ways of doing things in greater Christchurch are returning to standard arrangements. The problem is that it may also undermine the work existing agencies need to get done now.

80. The second issue is a strong view from CCC and others that there are too many agencies operating in the regeneration planning and delivery space, which in turn is perceived to create several risks, including:
- the lack of an overall strategic view of what is, and what should be, happening across design and delivery of regeneration plans and projects,
 - correspondingly, the lack of a single point of accountability, and in this context heightened uncertainty about the durability of decisions, and,
 - the potential for confusion in key areas such as investor relationships, with several parties engaging with the private sector.
81. The conjunction of these two issues creates the potential for major distraction of both attention and capacity from the fundamentally important work of regeneration planning. Working through a transition pathway should also be informed by greater understanding of what major pieces of the future regeneration landscape such as the OARC will look like.
82. My understanding is that the Crown and the Council may be entering into some form of global settlement negotiations in the future, and this may form part of those discussions. Clear communication around these points will act to mitigate the risks noted here.

Accountability and Transparency

83. The legislation includes requirements, of which this annual Review is a part, that promote openness and transparency about the use of the powers in the Act. This in turn enables accountability to both Parliament and the public. No concerns have been raised in this Review related to this aspect of the legislation. Parties exhibited a consciousness of the requirements and consider them helpful and appropriate.
84. As required, this Review includes a description of the powers exercised by, or on behalf of, a Minister or a chief executive during the reporting period 1 July 2017 to 30 June 2018. These are set out in Annex 1.

Other matters

85. The 2017 Review of the Act noted the availability of streamlined planning processes under changes to the RMA which came into effect on 19 April 2017, and which were being looked at by some parties as an alternative to the Act in specific circumstances may have some impact on the use of the tools in the Act⁶. Discussions in this Review did not suggest that this was a strong feature of planning decision-making.

⁶ Ibid paragraphs 8.22-24

Acknowledgement from the Reviewer

In carrying out this Review, I have been very appreciative of the open and thoughtful engagement from everyone I spoke to, and equally the strong and genuine commitment and effort – even where there are differences of view – from all contributors to regeneration in Christchurch.

I have received excellent secretariat support from staff in the Department of the Prime Minister and Cabinet in both Wellington and Christchurch, and would like to thank everyone involved.

Annexes

Annex 1 – Schedule of Powers Exercised

Annex 2 – Persons interviewed for this Review

Annex 3 – Structured questions for Interviews

Annex 1: 2018 Review of the Greater Christchurch Regeneration Act 2016

Schedule of Powers Exercised

1. List of Powers exercised

Section	Power exercised by	Operation / Action	Detail
<i>Development and amendment of Plans relating to Christchurch district</i>			
35(1)(c)	Proponent - Christchurch City Council	Submit the draft Regeneration Plan to Regenerate Christchurch for review	- Cranford Regeneration Plan
36(1)	Regenerate Christchurch	Must review a draft Plan that has been submitted	- Cranford Regeneration Plan
37	Regenerate Christchurch	Must submit a draft Plan it has reviewed to the Minister	- Cranford Regeneration Plan
38(1)	The Minister	The Minister must approve or decline a draft Plan submitted to the Minister in accordance with section 37	- Cranford Regeneration Plan
38(3)	The Minister	If the Minister approves the Plan, the Minister must publish a notice. <i>Other comment:</i> Minister Brownlee acting under delegation approved the Cranford Regeneration Plan.	- Cranford Regeneration Plan
<i>Revocation of Plans relating to greater Christchurch</i>			
41(1)	Regenerate Christchurch	may propose a draft outline for the revocation of all or part of a Plan relating to greater Christchurch	- Outline for partial revocation of the Land Use Recovery Plan
42(1)	Regenerate Christchurch	must provide the outline to the parties in s42(1) for comment	- Outline for partial revocation of the Land Use Recovery Plan
<i>Revocation of Plans relating to Christchurch district</i>			
49(1)	Regenerate Christchurch	may propose a draft outline for the revocation of all or part of a Plan	- Outline for partial revocation of the Christchurch Central Recovery Plan

		relating to the Christchurch district	
50(1)	Regenerate Christchurch	must provide the outline to the parties in s50(1) for comment	- Outline for partial revocation of the Christchurch Central Recovery Plan
<i>Effect of Plans</i>			
64		The Plan must be presented to the House of Representatives under section 41 of the Legislation Act 2012	- Cranford Regeneration Plan
<i>Suspension, amendment, or revocation of RMA document, council plan, etc</i>			
65	Proponent - Regenerate Christchurch Proponent - Christchurch City Council	A proponent must prepare a concise draft proposal for exercise of power to suspend, amend or revoke an RMA document, council plan or other document in section 71 (<i>section 71 power</i>)	- Redcliffs School and Redcliffs Park section 71 Proposal - Yaldhurst Recreation and Sports Facility section 71 Proposal
66(1)	Proponent - Regenerate Christchurch Proponent - Christchurch City Council	The proponent must seek the views of the strategic partners and the chief executive of DPMC on the draft proposal	- Redcliffs School and Redcliffs Park section 71 Proposal - Yaldhurst Recreation and Sports Facility section 71 Proposal
66(1)	Chief Executive, DPMC	may provide views on draft section 71 proposal no later than 30 working days	- Redcliffs School and Redcliffs Park section 71 Proposal - Yaldhurst Recreation and Sports Facility section 71 Proposal
	Canterbury Regional Council	may provide views on draft section 71 proposal no later than 30 working days	- Redcliffs School and Redcliffs Park section 71 Proposal - Yaldhurst Recreation and Sports Facility section 71 Proposal
	Te Rūnanga o Ngāi Tahu	may provide views on draft section 71 proposal no later than 30 working days	- Redcliffs School and Redcliffs Park section 71 Proposal
	Christchurch City Council	may provide views on draft section 71 proposal no later than 30 working days	- Redcliffs School and Redcliffs Park section 71 Proposal

	Selwyn District Council	may provide views on draft section 71 proposal no later than 30 working days	<ul style="list-style-type: none"> - Redcliffs School and Redcliffs Park section 71 Proposal - Yaldhurst Recreation and Sports Facility section 71 Proposal
	Regenerate Christchurch	may provide views on draft section 71 proposal no later than 30 working days	<ul style="list-style-type: none"> - Yaldhurst Recreation and Sports Facility section 71 Proposal
	Waimakariri District Council	may provide views on draft section 71 proposal no later than 30 working days	<ul style="list-style-type: none"> - Redcliffs School and Redcliffs Park section 71 Proposal
66(2)	Proponent - Regenerate Christchurch	The proponent must finalise the section 71 proposal and submit the proposal to the Minister for approval together with a concise statement recording the views provided by the parties under section 66(1)	<ul style="list-style-type: none"> - Redcliffs School and Redcliffs Park section 71 Proposal
67	The Minister	The Minister must decide within 30 working days whether to proceed with the proposal that has finalised under section 66	<ul style="list-style-type: none"> - Redcliffs School and Redcliffs Park section 71 Proposal
68	The Minister	If Minister decides to proceed, Minister to publish a notice that includes a summary of matters in the proposal, advises where the full proposal can be expected, and invites written comments	<ul style="list-style-type: none"> - Redcliffs School and Redcliffs Park section 71 Proposal
69	The Minister	The Minister must make a decision on whether to exercise the section 71 power no later than 30 working days after the date specified in the public notice	<ul style="list-style-type: none"> - Redcliffs School and Redcliffs Park section 71 Proposal
71(2)	The Minister	The Minister by notice in the <i>Gazette</i> , suspend, amend, revoke all or part of the documents listed in section 71(2)(a) and when the changes take effect	<ul style="list-style-type: none"> - Redcliffs School and Redcliffs Park section 71 Proposal
72(2)	The Minister	As soon as practicable after publishing a <i>Gazette</i> notice under section 71, the Minister must publish	<ul style="list-style-type: none"> - Redcliffs School and Redcliffs Park section 71 Proposal

		a notice in 1 or more newspapers circulating in greater Christchurch and on an internet site which summarises matters in section 72(1) and specifies where the <i>Gazette</i> notice can be inspected	
73		The <i>Gazette</i> notice must be presented to the House of Representatives under section 41 of the Legislation Act 2012	- Redcliffs School and Redcliffs Park section 71 Proposal
65	Proponent - Christchurch City Council	A proponent must prepare a concise draft proposal for exercise of power to suspend, amend or revoke an RMA document, council plan or other document in section 71 (<i>section 71 power</i>)	- Yaldhurst Recreation and Sports Facility section 71 Proposal

Subpart 2—Dealing with land and other property			
Section	Power exercised by	Operation / Action	Detail
<i>Acquisition and other dealings with property</i>			
91	Chief Executive, LINZ	may purchase or otherwise acquire land and hold, mortgage, and lease land acquired by the Crown	<ul style="list-style-type: none"> • Acquisition or Disposal: 15 <i>Including transfers to Ōtākaro Ltd</i> - Leases/Licences: 34
<i>Other dealings with land</i>			
92	Minister	may, by notice in the <i>Gazette</i> , 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: 1
<i>Disposal of land</i>			
107	Chief Executive, LINZ	may dispose of land held by the	- 7

		Crown	
114	Minister	Must determine whether compensation is payable and the amount of compensation payable	- 5
Subpart 5—Regenerate Christchurch			
123	Regenerate Christchurch	The functions of Regenerate Christchurch	<ul style="list-style-type: none"> - Cathedral Square vision - Southshore and South New Brighton regeneration strategy development - Advice on what is required to increase momentum in the central city - Peterborough Quarter advice to DCL - Advice to private developers - Submission to resource consent application for hotel development in central city
<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 chairperson of the board for the period ending on the close of 30 June 2019.	- Appointment of current Chair
Subpart 6—Transfer of assets, liabilities, and land			
142(1)	Chief Executive, DPMC	may transfer to Ōtākaro Ltd 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 Ltd 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. <i>Other comment:</i> Metro Sports Facility	- Transfer of financial responsibility for various Anchor Projects (and designations) to Ōtākaro Ltd
Schedule 5 – Provisions applying in relation to Regenerate Christchurch			
Clauses 51 & 52, Schedule 5	Regenerate Christchurch, CCC & Minister	Provision, publication and presentation of Statement of Intent	- Statement of Intent 2017-2021
Clauses 55 – 60, Schedule 5	Regenerate Christchurch	Provision, publication and presentation of Statement of Performance Expectations	- Statement of Performance Expectations 1 July 2017 to 30 June 2018 - Statement of Performance Expectations 1 July 2018 to 30 June 2019
Clause 62	Regenerate Christchurch	Obligation to prepare, present, and publish annual report	- Annual Report 2017/18
Clause 66	Regenerate Christchurch	Annual Financial Statement	- Financial Statement for 2017/18
Clause 67	Regenerate Christchurch	Statement of Responsibility	- Statement of signatories
Clause 68	Regenerate Christchurch	Provision of information to Auditor-General	- To allow preparation of Audit Report

Annex 2 – Persons interviewed for this Review

Christchurch City Council

Hon Lianne Dalziel, Mayor of Christchurch
Ariana Smith, Chief of Staff, Mayor's Office
Brendan Anstiss, General Manager, Strategy and Transformation
David Griffiths, Head of Planning and Strategic Policy

Waimakariri District Council

Jim Palmer, Chief Executive

Selwyn District Council

David Ward, Chief Executive
Jesse Burgess, Planning Manager

Te Rūnanga o Ngāi Tahu

Arihia Bennett, Chief Executive

Environment Canterbury

Bill Bayfield, Chief Executive

Regenerate Christchurch

Ivan Iafeta, Chief Executive
Katherine Snook, Chief Operating Officer
Rob Kerr, General Manager, Residential Red Zone

Ōtākaro Limited

Albert Brantley, Chief Executive
Ruth Keating, General Manager, Legal and Risk
John O'Hagan, General Manager, Development

Department of the Prime Minister and Cabinet

Andrew Kibblewhite, Chief Executive
Anne Shaw, Executive Director, Greater Christchurch Group
Pratima Namasivayam, Manager, Strategic Policy
Annabel Ritchie, Senior Solicitor, Office of Chief Executive

Land Information New Zealand

Jerome Sheppard, Deputy Chief Executive, Crown Property NZ

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:

- (a) able to carry out their functions?
- (b) carrying out those functions effectively/efficiently?
- (c) 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?

Question 4

Are the engagement arrangements established by the Act:

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