

Greater Christchurch Regeneration Amendment Bill

Government Bill

As reported from the Governance and Administration Committee

Commentary

Recommendation

The Governance and Administration Committee has examined the Greater Christchurch Regeneration Amendment Bill and recommends that it be passed with the amendments shown.

Introduction

The Greater Christchurch Regeneration Act 2016 was enacted to continue the post-earthquake regeneration of greater Christchurch. It signalled a shift from post-earthquake recovery (enabled by the Canterbury Earthquake Recovery Act 2011), to regeneration.

The bill as introduced seeks to amend the Greater Christchurch Regeneration Act to take the next step in the regeneration process, and continue the transition of decision-making on regeneration back to local leadership.

To do this, the bill proposes three main amendments. The first is to revoke the powers given by section 71 of the principal Act, which allow the Minister to bypass requirements under the Resource Management Act 1991 (the RMA) regarding council plans and documents. The second main amendment would be to disestablish Regenerate Christchurch from 30 June 2020, a year earlier than the repeal date provided for in the Act. The third proposed amendment is to extend a limited set of powers for land title reconfiguration work in the Ōtākaro Avon River Corridor. The bill would also repeal the requirement to undertake an annual review of the Greater Christchurch Regeneration Act, and would make other small consequential amendments required by the three main areas of amendment.

Proposed amendments

This commentary covers the two main amendments we recommend to the bill as introduced.

Clarification of the area covered by the bill

Clause 21 of the bill as introduced would amend section 8 of the Act, which specifies the Act's geographical application. It would insert new subsection (2) to describe the land that the Act would apply to during the extended period before it is repealed. We felt the proposed geographical description was not sufficiently clear.

We recommend amending proposed section 8(2) to describe the Ōtākaro Avon River Corridor area as being all land held by the Crown under the Canterbury Earthquake Recovery Act 2011 or the Greater Christchurch Regeneration Act 2016. It would also include land owned by the Council adjoining or adjacent to that land. An indicative map, and description of the area, would be attached to the bill to help with interpretation. This amendment relates just to how the land is described, not the land the Act would apply to.

Inclusion of transitional provisions for section 71 powers and Plan processes

Section 71 of the principal Act provides a ministerial power to approve proposals to amend certain planning documents and council plans. This power is used to make changes to planning and other documents through a streamlined process with limited public engagement.

The principal Act also includes provisions for the development of regeneration plans, and for the amendment or revocation of regeneration or recovery plans once in place. These provisions also provide a Ministerial power to approve applications to make amendments to certain planning documents through a bespoke process.

The bill as introduced does not contain any transitional provisions following the repeal of the section 71 power, or Plan processes (which would be repealed at 30 June 2021). We think they are needed to allow the completion of any section 71 proposal or Plan processes that would be under way at the time of the repeal of relevant provisions in the Act. We recommend inserting clauses 10A, 10B, and 10C to Part 2 of the bill, to set out the conditions of these transitional powers.

Appendix

Committee process

The Greater Christchurch Regeneration Amendment Bill was referred to the committee on 5 March 2020. The closing date for submissions was 27 March 2020. We received and considered 9 submissions from interested groups and individuals. We heard oral evidence from 3 submitters by videoconference.

We received advice from the Department of the Prime Minister and Cabinet, and Land Information New Zealand.

Committee membership

Dr Jian Yang (Chairperson)

Ginny Andersen

Kanwaljit Singh Bakshi

Sarah Dowie (until 27 May 2020)

Paul Eagle

Hon Peeni Henare

Denise Lee (from 27 May 2020)

Willow-Jean Prime

Lawrence Yule

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Dr Megan Woods

Greater Christchurch Regeneration Amendment Bill

Government Bill

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal Act	2

Part 1

Early disestablishment of Regenerate Christchurch and termination of powers

4 Section 3 amended (Purposes)	3
5 Section 12 amended (Overview)	3
6 Section 13 amended (Interpretation in this subpart)	3
7 Section 14 amended (Who may be proponent)	3
8 Sections 65 to 73 and cross-heading repealed	3
9 Subpart 5 of Part 2 repealed	3
10 Section 121 amended (Establishment and status of Regenerate Christchurch)	3
11 Section 123 amended (Functions of Regenerate Christchurch)	3
12 Section 127 amended (Membership of board)	3
13 Section 128 amended (Chairperson of board)	4
14 Section 138 amended (Regenerate Christchurch may transfer assets and liabilities)	4
15 Section 140 amended (Residual assets and liabilities transferred to successor organisation)	4
16 Section 150 and cross-heading repealed	4
17 Schedule 5 amended	4
18 Consequential amendments	4

Part 2		
Limited extension of powers for dealing with land		
19	Section 3 amended (Purposes)	4
20	Section 4 amended (Interpretation)	4
21	Section 8 amended (Geographical application of Act)	5
22	Section 11 amended (Conditions applying to exercise of powers by Minister or chief executive)	5
23	Section 75 amended (New surveys)	5
24	Section 107 amended (Disposal of land)	5
25	Section 118 amended (Appeal)	5
26	Section 119 amended (Exceptions to exclusion of appeals)	5
27	Section 120 amended (Appeal from High Court and in some cases from Court of Appeal)	6
28	Section 151 replaced (Repeal of this Act and revocations)	6
	151 Repeal of this Act and revocations	6
29	Schedule 1 amended	6
30	New Schedule 3A inserted	6
	Schedule 1	7
	New Part 2 inserted into Schedule 1	
	Schedule 1A	9
	New Schedule 3A inserted	
	Schedule 3A	9
	Description of Ōtākaro Avon River Corridor	
	Schedule 2	10
	Consequential amendments	

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Greater Christchurch Regeneration Amendment Act **2020**.
- 2 Commencement**
 - (1) **Sections 9 and 18 and Schedule 2** come into force on the close of **30 June 2020**. 5
 - (2) **Sections 19, 20, 22 to 27, and 29, and Schedule 1** come into force on the close of **30 June 2021**.
 - (3) The rest of this Act comes into force on the day after Royal assent.
- 3 Principal Act** 10
This Act amends the Greater Christchurch Regeneration Act 2016 (the **principal Act**).

Part 1

Early disestablishment of Regenerate Christchurch and termination of powers

- 4 Section 3 amended (Purposes)**
In section 3(1)(c), delete “decisions on the exercise of powers under section 71 and”.
- 5 Section 12 amended (Overview)**
Repeal section 12(1)(i).
- 6 Section 13 amended (Interpretation in this subpart)**
In section 13, definition of **proponent**, repeal paragraph (d).
- 7 Section 14 amended (Who may be proponent)**
 - (1) In section 14(3), replace “or the exercise of the power in section 71 unless the Plan or the exercise of the power” with “unless the Plan”.
 - (2) In section 14(4), delete “or the exercise of the power in section 71”.
 - (3) Replace section 14(5) with:
 - (5) A territorial authority may not be a proponent in relation to a Plan that relates to more than 1 district unless the territorial authority does so jointly with every other territorial authority to whose district the Plan relates.
- 8 Sections 65 to 73 and cross-heading repealed**
Repeal sections 65 to 73 and the cross-heading above section 65.
- 9 Subpart 5 of Part 2 repealed**
Repeal subpart 5 of Part 2.
- 10 Section 121 amended (Establishment and status of Regenerate Christchurch)**
In section 121(2)(c), replace “30 June 2021” with “30 June 2020”.
- 11 Section 123 amended (Functions of Regenerate Christchurch)**
In section 123(b), delete “and the exercise of powers under section 71”.
- 12 Section 127 amended (Membership of board)**
 - (1) In section 127(4), replace “30 June 2021” with “30 June 2020”.
 - (2) After section 127(4), insert:
 - (4A) A board member ceases to hold office at the earlier of the following dates (despite anything to the contrary in the member’s letter of appointment):
 - (a) the close of 30 June 2020:

(b)	the end date of the member's appointment specified in the member's letter of appointment.	
13	Section 128 amended (Chairperson of board)	
(1)	In section 128(2), replace "30 June 2021" with "30 June 2020".	
(2)	After section 128(2), insert:	5
(3)	The chairperson of the board ceases to hold office at the close of 30 June 2020 (despite anything to the contrary in the chairperson's letter of appointment).	
14	Section 138 amended (Regenerate Christchurch may transfer assets and liabilities)	
	In section 138(3)(b), replace "30 June 2021" with "30 June 2020".	10
15	Section 140 amended (Residual assets and liabilities transferred to successor organisation)	
	In section 140, replace "1 July 2021" with "1 July 2020" in each place.	
16	Section 150 and cross-heading repealed	
	Repeal section 150 and the cross-heading above section 150.	15
17	Schedule 5 amended	
(1)	In Schedule 5, clause 5(8), after "for any reason", insert "(including because of section 127(4A) or 128(3) ".	
(2)	In Schedule 5, clause 69(2), replace "30 June 2021" with "30 June 2020".	
18	Consequential amendments	20
(1)	Amend the principal Act as set out in Part 1 of Schedule 2 .	
(2)	Amend the enactments specified in Part 2 of Schedule 2 as set out in that Part.	
	Part 2	
	Limited extension of powers for dealing with land	25
19	Section 3 amended (Purposes)	
	Repeal section 3(1)(c) and (d).	
20	Section 4 amended (Interpretation)	
	In section 4, repeal the definitions of Christchurch district, dangerous building, Hagley Park Management Plan, heritage protection authority, Lyttelton Port Recovery Plan, Plan, Recovery Plan, Regeneration Plan, RMA document, and strategic partners .	30

21 Section 8 amended (Geographical application of Act)

In section 8, insert as ~~subsection (2)~~ subsections (2) and (3):

- (2) ~~Between 1 July 2021 and the repeal date determined under **section 151(3)**, the sections listed in that subsection apply only in respect of land that is—~~

(a) ~~within the Specific Purpose (Ōtākaro Avon River Corridor) Zone described in Appendix 1 of the Ōtākaro Avon River Corridor Regeneration Plan, approved by the Minister on 15 August 2019, which came into effect on 30 August 2019; or~~

(b) ~~owned by a council, and adjoining or adjacent to land described in **paragraph (a)**.~~

- (2) Between 1 July 2021 and the repeal date determined under **section 151(3)**, the provisions listed in that subsection apply only in respect of land in the Ōtākaro Avon River Corridor.

- (3) In this section, **Ōtākaro Avon River Corridor** means the area described in **Schedule 3A**.

22 Section 11 amended (Conditions applying to exercise of powers by Minister or chief executive)

In section 11(3),—

(a) delete “77, 85,”; and

(b) replace “107, 141, 142, and 143” with “and 107”.

23 Section 75 amended (New surveys)

- (1) Replace section 75(1) with:

- (1) This section applies if there is a legal requirement to notify any adjoining owners that a cadastral survey dataset is to be deposited under the Land Transfer Act 2017.

- (2) In section 75(3) and (4), delete “or survey plan”.

24 Section 107 amended (Disposal of land)

Repeal section 107(2).

25 Section 118 amended (Appeal)

In section 118(3), replace “21, 26, 31, 38, 43, 47, 52, 58, 93,” with “93”.

26 Section 119 amended (Exceptions to exclusion of appeals)

- (1) Repeal section 119(1)(a), (b), (d), and (e).

- (2) Repeal section 119(2)(a), (b), (d), and (e).

27 Section 120 amended (Appeal from High Court and in some cases from Court of Appeal)

- (1) In section 120(2), delete “in the case of any appeal referred to in section 119(1)(a) to (d)”.
- (2) Repeal section 120(3).

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28 Section 151 replaced (Repeal of this Act and revocations)

Replace section 151 with:

151 Repeal of this Act and revocations

- (1) This Act, except for the provisions listed in **subsections (2) and (3)**, is repealed on the close of 30 June 2021.
- (2) Subpart 6 of Part 2 is repealed ~~at-on~~ the close of 30 June 2022.
- (3) This section and sections 1, 3 to 7, **8(2)**, 10, 11, 75, 76, 87(3), (4), (5), and (6), 91 to 101, 107 to 109, 118, 119, 120, and 145 and the cross-headings above sections 91, 92, and 107 are repealed at the earlier of—
 - (a) the close of 30 June 2023; and
 - (b) a date set by Order in Council, made by the Governor-General on the recommendation of the Minister.
- (4) At the close of 30 June 2021, every Order in Council continued by section 147 that is in force is revoked.

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29 Schedule 1 amended

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In Schedule 1, after Part 1, insert the **Part 2** set out in **Schedule 1** of this Act.

30 New Schedule 3A inserted

After Schedule 3, insert the **Schedule 3A** set out in **Schedule 1A** of this Act.

Schedule 1

New Part 2 inserted into Schedule 1

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Part 2

Provisions relating to Greater Christchurch Regeneration Amendment Act 2020

10A Plans relating to greater Christchurch or Christchurch district

- (1) This clause applies to the following submissions to the Minister:
- (a) a draft Plan or amendment submitted to the Minister,—
 - (i) in relation to greater Christchurch, under section 25(1)(c); or
 - (ii) in relation to Christchurch district, under section 35(1)(c)(i):
 - (b) a modified draft Plan or amendment submitted to the Minister,—
 - (i) in relation to greater Christchurch, under sections 25(1)(c) and 27(3); or
 - (ii) in relation to Christchurch district, under sections 35(1)(c)(i) and 39(3):
 - (c) a proposed revocation submitted to the Minister,—
 - (i) in relation to greater Christchurch, under section 46(1)(c); or
 - (ii) in relation to Christchurch district, under section 55(1)(c)(i).
- (2) If the Minister receives a submission listed in **subclause (1)** but does not make a final decision on the submission before the close of 30 June 2021, the Minister must approve or decline the submission—
- (a) in accordance with this Act as it read immediately before the repeal of certain provisions by section 151(1), as replaced by **section 28** of the **Greater Christchurch Regeneration Amendment Bill 2020**; but
 - (b) with all necessary modifications.

10B Council amending RMA document

- (1) This clause applies if—
- (a) a council is directed to amend an RMA document in accordance with section 61; and
 - (b) the council has not made the amendments by the close of 30 June 2021.
- (2) The council must make the amendments in accordance with section 61, as if that section were still in force.

10C Minister exercising power under section 71

- (1) This clause applies if—
- (a) a proponent has submitted a proposal to the Minister under section 66(2)(b) before the day after the date on which the **Greater Christchurch Regeneration Amendment Act 2020** receives the Royal assent; but
 - (b) the Minister, before that date,—
 - (i) has not decided whether to proceed with the proposal; or
 - (ii) has not decided whether to exercise the power in section 71.
- (2) The Minister must decide whether to proceed with the proposal and whether to exercise the power in section 71—
- (a) in accordance with this Act, as if it had not been amended by the **Greater Christchurch Regeneration Amendment Act 2020**; but
 - (b) with all necessary modifications.
- (3) However, if Regenerate Christchurch was the proponent, the Minister—
- (a) must provide the reasons for his or her decision under section 67(3) or 70 to the strategic partners and the chief executive; and
 - (b) need not provide the reasons to Regenerate Christchurch.

11 Prohibiting and restricting public access, closing and stopping roads

A prohibition or restriction of public access under section 87(1), or a closure, diversion, or control of traffic under section 87(2), that commenced before the close of 30 June 2021—

- (a) continues to apply until the repeal date determined under **section 151(3)**, despite the repeal of section 87(1) and (2) by **section 151**, as inserted by **section 28** of the **Greater Christchurch Regeneration Amendment Act 2020**; and
- (b) may be revoked before the repeal date determined under **section 151(3)**, despite the repeal of section 87(1) and (2).

12 Offences under section 88

Despite its repeal by **section 151**, as inserted by **section 28** of the **Greater Christchurch Regeneration Amendment Act 2020**, section 88 continues to apply in respect of a restriction or prohibition imposed under section 87(1) or (2) that continues to apply under **clause 11**.

Schedule 1A
New Schedule 3A inserted

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Schedule 3A
Description of Ōtākaro Avon River Corridor

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s 8

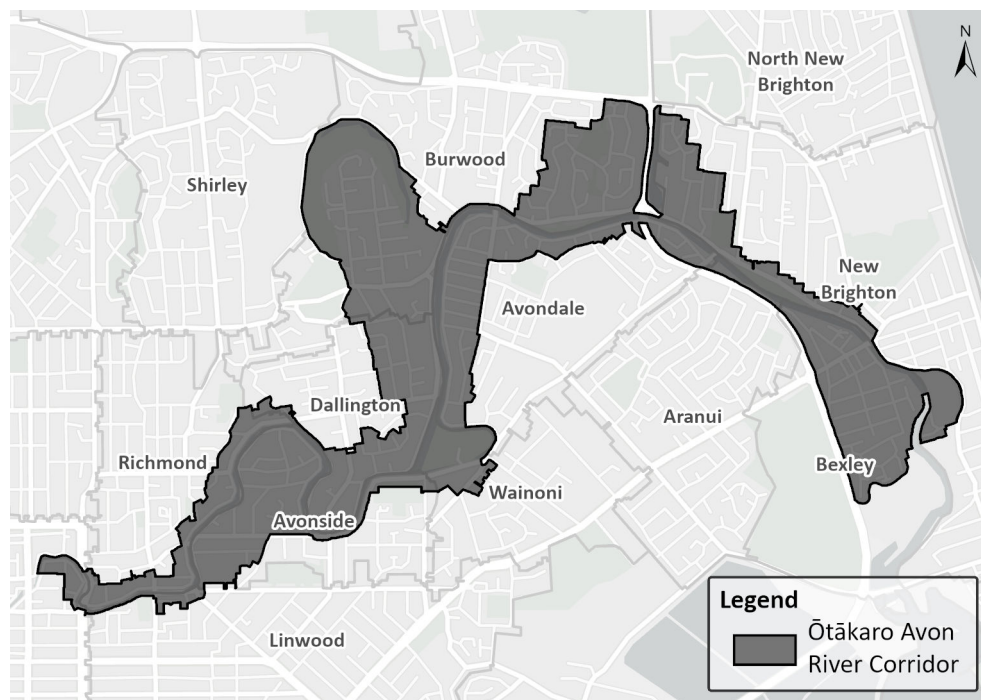
1 Description of Ōtākaro Avon River Corridor

For the purposes of section 8, the Ōtākaro Avon River Corridor comprises all land that, on 1 July 2021,—

- (a) is held by the Crown under this Act or under the Canterbury Earthquake Recovery Act 2011; or 10
- (b) is owned by a council, and adjoins or is adjacent to land described in paragraph (a).

2 Map of Ōtākaro Avon River Corridor

- (1) The map in **subclause (2)** is indicative only, and if there is any inconsistency between the map, **subclause (2)**, and the description in **clause 1**, the description in **clause 1** prevails. 15
- (2) The area of the Ōtākaro Avon River Corridor is the area shaded dark grey in the following map.



Schedule 2

Consequential amendments

s 18

Part 1

Consequential amendments to principal Act 5

Section 3

In section 3(1)(d), delete “Regenerate Christchurch.”.

Section 4

In section 4, repeal the definitions of **Regenerate Christchurch** and **successor organisation**. 10

Section 13

In section 13, repeal the definition of **Christchurch residential red zone**.

Section 14

Repeal section 14(1)(b), (3), and (4).

In section 14(2), replace “subsections (3) to” with “subsections (5) and”. 15

Section 20

Repeal section 20(1)(b).

Section 21

In section 21(2)(a), delete “and Regenerate Christchurch”.

Section 23 20

Repeal section 23(2)(b).

Section 26

In section 26(2)(a), delete “and Regenerate Christchurch”.

Section 28 25

Repeal section 28(2)(d)(iii).

Section 29

Repeal section 29(1)(d).

In section 29(2)(b)(i), delete “if the proponent is Regenerate Christchurch”.

Repeal section 29(2)(b)(ii).

Repeal section 29(3) and (4). 30

Section 30

Repeal section 30.

Section 31

In section 31(1), delete “or 30”.

In section 31(3) and (4), replace “Regenerate Christchurch” with “the proponent”. 5

Section 32

Repeal section 32(1)(a).

Section 34

In the heading to section 34, replace “**Regenerate Christchurch**” with “**Proponent**”.

In section 34(1) and (3), replace “Regenerate Christchurch” with “the proponent”. 10

Section 35

In section 35(1)(c)(i), delete “if the proponent is Regenerate Christchurch”.

Repeal section 35(1)(c)(ii).

In section 35(2)(c), replace “if the proponent is Regenerate Christchurch,” with “the proponent’s advice on”. 15

In section 35(2)(c)(i) and (ii), delete “advice on”.

Repeal section 35(4) and (5).

Sections 36 and 37

Repeal sections 36 and 37.

Section 38 20

In section 38(1), delete “or 37”.

Replace section 38(2)(a) and (b) with:

- (a) have particular regard to the views of each of the following parties that is not the proponent:
 - (i) Christchurch City Council:
 - (ii) Canterbury Regional Council:
 - (iii) Te Rūnanga o Ngāi Tahu:
- (b) consider the material specified in section 35(2):

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Section 39

In section 39(1), replace “Regenerate Christchurch” with “the proponent”. 30

Section 42

Repeal section 42(1)(b).

Section 43

In section 43(2)(a), delete “and Regenerate Christchurch”.

Section 47

In section 47(2)(a), delete “and Regenerate Christchurch”.

Section 49

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Repeal section 49(2)(e).

Section 50

Repeal section 50(1)(d).

In section 50(2)(b)(i), delete “if the proponent is Regenerate Christchurch”.

Repeal section 50(2)(b)(ii). 10

Section 51

Repeal section 51.

Section 52

In section 52(1), delete “or 51”.

In section 52(3), replace “Regenerate Christchurch” with “the proponent”. 15

Section 53

Repeal section 53(1)(a).

Section 55

In section 55(1)(c)(i), delete “if the proponent is Regenerate Christchurch”.

Repeal section 55(1)(c)(ii). 20

In section 55(2)(b), replace “if the proponent is Regenerate Christchurch,” with “the proponent’s advice on”.

In section 55(2)(b)(i) and (ii), delete “advice on”.

Sections 56 and 57

Repeal sections 56 and 57. 25

Section 58

In section 58(1), delete “or 57”.

Replace section 58(2)(a) and (b) with:

- (a) have particular regard to the views of each of the following parties that is not the proponent:
 - (i) Christchurch City Council:
 - (ii) Canterbury Regional Council:

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Section 58—*continued*

- (iii) Te Rūnanga o Ngāi Tahu:
- (b) consider the material specified in section 55(2):

Section 59

In section 59, replace “Regenerate Christchurch” with “the proponent”.

Section 118

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In section 118(3), delete “30,”, “37,”, “51,”, “57,” and “67, 69,”.

Sections 138 to 140

Repeal sections 138 to 140.

Section 141

Repeal section 141(2)(c).

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Schedule 3

Repeal Schedule 3.

Schedule 5

Repeal Schedule 5.

Part 2

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Consequential amendments to other enactments**Ombudsmen Act 1975 (1975 No 9)**

In Schedule 1, Part 2, repeal the item relating to Regenerate Christchurch.

Public Audit Act 2001 (2001 No 10)

In Schedule 2, repeal the item relating to Regenerate Christchurch.

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Legislative history

19 February 2020
5 March 2020

Introduction (Bill 220–1)
First reading and referral to Governance and Administration
Committee