

Greater Christchurch Regeneration Bill

Government Bill

As reported from the Local Government and Environment Committee

Commentary

Recommendation

The Local Government and Environment Committee has examined the Greater Christchurch Regeneration Bill and recommends by majority that it be passed with the amendments shown.

Introduction

The Greater Christchurch Regeneration Bill would replace the Canterbury Earthquake Recovery Act 2011, which is due to expire at the close of 19 April 2016. The bill's intention is to provide a new legal framework to support the regeneration of greater Christchurch during the next five years as well as the transition towards local leadership.

The bill provides for central and local government to collaborate on the regeneration of greater Christchurch. It gives the following local strategic partners input into ministerial decision-making processes: Canterbury Regional Council, Christchurch City Council, Selwyn District Council, Te Rūnanga o Ngāi Tahu, and Waimakariri District Council.

A new organisation called Regenerate Christchurch would be established. The organisation would be governed by a board made up of members appointed by the relevant Minister and the Christchurch City Council. On 30 June 2021 this organisation would be disestablished and succeeded by a new council-controlled organisation.

The bill contains several special powers necessary to expedite the regeneration of greater Christchurch until 30 June 2021. Aside from a few exceptions, these powers could be used only when the person exercising the power reasonably considers it necessary.

This commentary covers the main amendments that we recommend to the bill. It does not cover minor or technical amendments.

Purposes of the bill

We recommend some changes to clause 3, which outlines the bill's purposes.

Input into the exercise of clause 42 powers and the development of Regeneration Plans

We recommend amending clause 3(1)(c) to make it clearer that the community would have input into decisions on the exercise of clause 42 powers and the development of Regeneration Plans.

Efficiently managing, holding, and disposing of land

The majority of us recommend amending clause 3(1)(e) to require the Crown to also efficiently manage, hold, and dispose of land acquired by the Crown under the 2011 Act.

Defining regeneration

We recommend inserting new clause 3(2). This new clause would provide an amended definition of "regeneration" that includes the content of the definition of "rebuilding" from clause 4 of the bill as introduced.

As a result of this amendment, we recommend deleting the definitions of "regeneration" and "rebuilding" in clause 4 of the bill as introduced. We also recommend deleting some of the wording in clause 3(1)(b) of the bill as introduced. This wording is now included in the new definition of regeneration.

We recommend that new clause 3(2) include a definition of "urban renewal", which is a term used in the definition of regeneration. We consider that including a standalone definition may mitigate the risk of any litigation or delays caused by confusion over the meaning of this term.

The suggested amendments to clause 3(2) respond to concerns raised by submitters that the overall goal of improving communities' environmental, social, and cultural wellbeing should have prominence in the "Purposes" clause.

Our amendments to this clause would also provide greater clarity about the definition of regeneration because all of the main elements of regeneration would be in one place.

Definitions

We recommend several amendments to the interpretation clause of the bill (clause 4).

To avoid potential uncertainty, we recommend inserting a new definition of "agreement".

We recommend that the definition of “CrownCo” be deleted from the bill as it would no longer be necessary as a result of our amendments. The bill now refers to Ōtākaro Limited instead.

We recommend deleting the definition of “Development Christchurch Limited” because it is not necessary.

We recommend inserting a definition of “heritage protection authority” so that it is clear that this term has the same meaning as in section 187 of the Resource Management Act 1991.

We recommend adding new subparagraph (a)(iv) to the definition of “Recovery Plan”. This would add the Lyttelton Port Recovery Plan, notified in the 19 November 2015 *Gazette*, as a Recovery Plan. Consequently, we recommend including a definition of the “Lyttelton Port Recovery Plan” in clause 4 of the bill.

We recommend deleting the definition of “responsible entity”, which would be redundant as a result of our recommendations below about the proponents of Recovery Plans and Regeneration Plans.

We recommend amending the definition of “working day” to include the day that the anniversary of Canterbury is observed in greater Christchurch.

Establishment of Regenerate Christchurch

The bill would establish a new transitional organisation called Regenerate Christchurch. After 30 June 2021, an organisation that the Christchurch City Council would own or control would succeed Regenerate Christchurch.

Purpose and objectives of Regenerate Christchurch

Widening the scope of Regenerate Christchurch

We recommend amending clause 90(2)(a) to widen Regenerate Christchurch’s geographic scope. This would help facilitate a more coordinated and consistent approach to the regeneration of greater Christchurch. This amendment would state that one of Regenerate Christchurch’s objectives is to lead regeneration across the Christchurch district that falls within greater Christchurch.

This amendment would avoid any geographic boundary issues caused by the term “defined areas” in the bill as introduced. We recommend deleting clause 13(3) and replacing clause 93 with new clause 93 as a consequence of our suggested amendment.

Schedule 4, which defines certain areas in which Regenerate Christchurch would perform its functions, would now also be redundant as a result of our suggested amendment. Therefore, we recommend it be deleted.

Role in facilitating investment

The majority of us recommend amending clause 91(b) to clarify that Regenerate Christchurch would have a role in facilitating investment, rather than providing investment facilitation services.

Performing its functions appropriately

To be more specific, and to be consistent with legislation establishing other statutory entities, we recommend amending clause 92(2) to require Regenerate Christchurch to not act inconsistently with this legislation, any Recovery Plan or Regeneration Plan, or any other lawful requirement.

Certain provisions of the Crown Entities Act 2004 to apply to Regenerate Christchurch

We recommend inserting new clause 1AA in Schedule 5 of the bill to clarify that sections 19–24 of the Crown Entities Act 2004 apply to Regenerate Christchurch. This would provide protection for third parties transacting with Regenerate Christchurch.

We also recommend inserting new clause 10(2) into Schedule 5. This would require Regenerate Christchurch to follow appropriate banking procedures, consistent with section 158 of the Crown Entities Act 2004.

Certain provisions of the Public Finance Act 1989 to apply to Regenerate Christchurch

We recommend inserting new clauses 66 and 68 into Schedule 5 of the bill to clarify that sections 45J and 49 of the Public Finance Act 1989 would apply to Regenerate Christchurch.

Board membership

We recommend inserting new clause 95(2A) to require that Te Rūnanga o Ngāi Tahu must nominate one of the Regenerate Christchurch board members that would be appointed by the Minister.

We also recommend amending clause 95(3) to clarify that board members may be appointed for any length of time between their appointment and 30 June 2021.

Statement of performance expectations and statement of intent

We recommend amending clause 97(1)(b)(iii) to allow the Minister and the Christchurch City Council to jointly make a change to Regenerate Christchurch's final statement of performance expectations, in addition to its final statement of intent.

Statement of intent

We recommend amending clause 48 of Schedule 5. Amended clause 48 lists the two statements of intent that Regenerate Christchurch would be required to provide to the Minister and the Christchurch City Council.

Recommended new clause 48(2) of Schedule 5 clarifies that Regenerate Christchurch may provide additional statements of intent.

We also recommend inserting new clause 50A in Schedule 5. This new clause outlines the process that must be followed for providing a draft or final statement of intent. It enables the Minister and the Christchurch City Council to provide comments

to Regenerate Christchurch. It also requires Regenerate Christchurch to consider these comments.

We recommend inserting new clause 52(3A) into Schedule 5. This new clause states the process that would apply to an amendment made to a final statement of intent (other than from a direction made by the Minister and the Christchurch City Council).

Statement of performance expectations

We recommend new clause 54A in Schedule 5. This would require Regenerate Christchurch to prepare a statement of performance expectations as soon as practicable that would cover the period from the commencement of the schedule until 30 June 2017.

We also recommend inserting new clause 56A into Schedule 5. This would outline the process to be followed for providing a draft or final statement of performance expectations. It enables the Minister and the Christchurch City Council to provide comments to Regenerate Christchurch. It also requires Regenerate Christchurch to consider these comments.

We recommend inserting new clause 58(3A) into Schedule 5. This clause states the process that would apply to an amendment made to a final statement of performance expectations (other than from a direction made by the Minister and the Christchurch City Council).

Annual report

We recommend amending clause 59 of Schedule 5 to require Regenerate Christchurch to deliver an annual report to the Minister and the Christchurch City Council within 3 months of the end of the relevant financial year.

Transfer of assets, liabilities, and employees

We recommend deleting clause 103. We consider that the assets, liabilities, and contracts of the Canterbury Earthquake Recovery Authority can be appropriately transferred without this clause. The assets and liabilities are not significant and exclude land.

We recommend amending clause 104(1), and deleting clause 108 of the bill as introduced, so that the bill does not cover the transfer of Regenerate Christchurch's employees. We consider it preferable for standard contract arrangements to apply.

We also recommend inserting new clause 104(1A), which would require the Minister and the Christchurch City Council to jointly agree to any transfer of assets and liabilities from Regenerate Christchurch.

Employment of chief executive

We recommend amending clause 36(1) of Schedule 5. Our amendment would prevent Regenerate Christchurch from agreeing to the terms and conditions of employment for a chief executive, or to an amendment of those terms and conditions, without consulting the chief executive of the Christchurch City Council (in addition to the State Services Commissioner).

We consider this amendment appropriate given that Regenerate Christchurch would be succeeded by a council-controlled organisation after 30 June 2021.

Crimes Act 1961

We recommend inserting new clause 43A into Schedule 5. This would clarify that board members, office holders, and employees of Regenerate Christchurch are subject to the relevant sections of the Crimes Act 1961.

Reporting and financial obligations

We recommend amending clause 46(b) of Schedule 5 to include classes of output that the Christchurch City Council funds in whole or in part.

Successor organisation's purpose and objectives

We recommend deleting clause 89(3). As drafted in the bill as introduced, Regenerate Christchurch's successor organisation would be required to have the same purposes and objectives as Regenerate Christchurch.

We do not consider it necessary for the successor organisation to replicate the purposes and objectives of Regenerate Christchurch.

Proponents

Removing responsible entities as proponents

We recommend deleting "a responsible entity" as one of the proponents listed in clause 12 of the bill. Responsible entities include a wide range of Crown organisations and instruments, as well as council-controlled organisations.

This amendment would help to illustrate the Crown's intention of transferring control of Christchurch's regeneration from central government leadership to local government leadership.

Replacing the Minister with the chief executive

We recommend replacing "the Minister" with "the chief executive" in clause 12(2)(c) of the bill as introduced (now new clause 12A(2)(c)).

This would reflect that, although the Crown needs some power to ensure that planning documents are consulted on during their development, the role of a proponent is more operational in nature and should be separated from ministerial decision-making.

We consequentially recommend amending clauses 17(1)(c), 20(2)(c), 25(1)(c), and 37(1)(c) to reflect this change.

Regeneration Plans

Use of the term "proposal"

We recommend amending clauses 16 and 24 to replace the term "proposal" with "outline". The term proposal may be confusing as it is not intended to contain any content

about what would be in a draft Recovery Plan or Regeneration Plan. Its main purpose is to outline the proposed scope of a Regeneration Plan, amendment, or revocation.

We recommend some changes to clause 16(2) to clarify that the outline must include the proposed process for developing a Regeneration Plan or amendment. Among other things, we recommend that this include the opportunities for public engagement and an explanation of how the cost of developing the plan or amendment would be met.

Lyttelton Port Company Limited

We consider it appropriate that the Lyttelton Port Company Limited should have the opportunity to express its views if an amendment or revocation of the Lyttelton Port Recovery Plan is proposed. We also recommend that the proponent and the Minister be required to consider these views. Therefore, we recommend amending clauses 17(1)(d), 20(2)(d), and 25(1)(d).

We also recommend amending clause 31(4) so that the Lyttelton Port Company Limited may request that the Minister consider whether a decision or recommendation on a matter listed under clause 31(2) relating to the Lyttelton Port Recovery Plan is inconsistent with a Recovery Plan or Regeneration Plan.

Ministerial power to approve Regeneration Plans, amendments, and revocations

The majority of us recommend amending clauses 21 and 29 so that the matters the Minister would consider when deciding whether to approve or decline a Regeneration Plan, an amendment to a plan, or the revocation of a plan are clearer and more prescriptive.

These amendments would provide additional clarity to the Minister's role. In making a decision, the Minister would be required to take into account the provisions listed in clauses 21(2) and 29(2) respectively.

The provisions in clause 11 of the bill would also require the Minister to consider whether the Regeneration Plan, amendment, or revocation is in accordance with one or more of the purposes of the bill and is reasonably necessary.

Minor amendments made by the Minister

The majority of us recommend adding new clause 23(2) to clause 23. This new clause would require the Minister to notify the public of any minor amendments made to Recovery Plans or Regeneration Plans and when these would take effect.

Proposals to exercise clause 42 powers

Justifying proposals to suspend, amend, or revoke

Clause 42 allows the Minister to suspend, amend, or revoke certain documents, plans, strategies, policies, and bylaws. We recommend amending clause 36(2)(ca) to require a proponent to justify any proposal to exercise the powers set out in clause 42. A pro-

ponent would also need to specify why the exercise of clause 42 powers is necessary and preferable to alternative options.

In addition, we recommend new clause 36(2)(e), which would require a proponent's draft proposal for exercising the powers in clause 42 to include a draft of the *Gazette* notice that would be published if these powers were exercised.

Clarification around cadastral survey non-compliance

To avoid doubt, we recommend amending clause 44(8) to reinstate some wording from the 2011 Act about the scope of non-compliance in relation to cadastral surveys. This would clarify that a surveyor is not liable for non-compliance to the extent that it is necessary for the purposes of this legislation.

Work carried out on private land

We recommend amending clause 48(2) to require a written notice about additional requirements for work carried out on private land to be given to both the owner and occupier of private land if these are not the same person.

We also recommend adding new clause 49A, which would require the chief executive to give written notice to the owner and occupier of private land at least 24 hours before any works begin. This notice would outline the nature of the work that would be carried out, the date this work would begin, and if applicable, the information described in clause 48(3).

In addition, we recommend adding new clause 50A. This new clause specifies the persons authorised to enter private land to carry out work. A person authorised to enter any private premises or place would need to produce evidence of this authorisation if requested to do so.

Erecting temporary buildings

The majority of us recommend amending clause 53(4) to allow the chief executive to erect temporary buildings on private land with or without the consent of the property owner. The chief executive could do this only if he or she considers it necessary, in accordance with clause 11(2).

Restricting public access to roads, and diverting and controlling traffic

We recommend amending clause 55(2) to include the most likely examples of reasons why a chief executive may choose to close a road, or divert or control traffic.

We consider this a useful addition because this legislation widens the powers of the chief executive in this area.

Dealing with property

Power to direct owner to act for the benefit of adjoining or adjacent owners

We recommend amending clause 57(3). This clause focuses on the power of the chief executive to direct a property owner to act for the benefit of adjoining or adjacent owners. Our amendment would require the chief executive to give the property owner and each affected property owner a reasonable opportunity to be heard.

Removing requirement for ministerial approval

We recommend amending clause 59 to remove the need for ministerial approval for the chief executive to hold, mortgage, or lease land if a lease is for less than two years.

Ministerial approval would still be required to purchase or acquire land, and to grant a lease of land that, including rights of renewal, is for a period of 2 years or more.

We consider that our amendment would avoid the constraining effect on day-to-day decisions about land management that may be caused by the wording in the bill as introduced.

Preconditions to exercise the power to acquire land

We recommend amending clause 70(b)(i) so that, if there is an applicable plan, the Minister must be satisfied that acquiring land under clauses 71–74 is not inconsistent with that plan. This recognises that a plan may not provide the level of specific detail on land use to test whether acquiring the land is needed to give effect to a plan.

Disposal of land

We recommend adding new clause 75(6), which clarifies that granting a lease of land that, including rights of renewal, is or could be for a term of more than 35 years is a disposal of the land.

We also recommend amending clause 77(1) to clarify that land acquired under clause 75 that was not used for the purpose for which it was acquired, or for any other purpose, must be offered back. Land acquired that was not used for the purpose of disposal would also need to be offered back.

We also recommend new clause 77(3)(c), which notes that the provisions in clause 77(2) would not apply to land where there has been a significant change in its character in connection with the purpose for which it was acquired.

Compensation

We recommend deleting clauses 79(b)(v) and (vi) from the bill as introduced. These provisions were carried over from the 2011 Act and are no longer required. They relate to a power under the 2011 Act for the Minister to cancel resource consents and other activities regulated under the Resource Management Act 1991. This bill does not include this power.

We recommend amending clause 82(3) by deleting “and may determine whatever amount the Minister thinks fit”. Some of us believe that deleting this phrase may allay concerns from submitters about the perceived arbitrariness of the Minister’s power. The clause would still allow the Minister to consider the effect that the Canterbury earthquakes may have had on the value of land when determining compensation.

We recommend amending clause 83 to state that a decision about a compensation claim must be made within “a reasonable time”. We consider that the six-month time frame included in the bill as introduced may not be enough to determine more complex claims, which can take more than a year to resolve.

Right of appeal

Exceptions to exclusion of appeals

We recommend that clause 87(1)(b) and related clauses 86(3)–5 be deleted. These provisions were carried over from the 2011 Act and have never been used. They allow the Environment Court to be substituted for the High Court for certain resource management decisions. We no longer consider these provisions to be necessary.

Appeals to the Court of Appeal

We recommend removing the term “substantive” in clause 88 and amalgamating this provision so that all appeals from the High Court would need to be made with leave of the Court of Appeal.

The phrase “substantive” was carried over from the 2011 Act, but the use of this term in this context is otherwise unique. We believe that the use of this term in the context may create uncertainty in the courts because it would effectively create a new type of appeal right.

We consider our amendment to be appropriate because the requirement for appeals to be made with the leave of the court is commonly found in other legislation.

Minister for Canterbury Earthquake Recovery may transfer designations to Ōtākaro Limited

We recommend inserting new clause 110. This new clause would enable the Minister for Canterbury Earthquake Recovery to transfer responsibility for certain projects to Ōtākaro Limited, with the effect that any relevant designation described in Christchurch City Council’s district plan would be transferred.

This would ensure that Ōtākaro Limited has enough powers to develop and deliver the projects in the same way that the Minister for Canterbury Earthquake Recovery does currently.

In assuming responsibility for these designations, Ōtākaro Limited would be subject to the relevant “requiring authority” provisions in the Resource Management Act 1991. It would not be able to designate new sites.

Transition Recovery Plan

We recommend amending clause 111 so that the Transition Recovery Plan notified in the *Gazette* on 22 October 2015 is revoked. This document will be redundant when the 2011 Act expires.

Canterbury Earthquake (Historic Places Act) Order 2011

We recommend inserting new clause 1AA into Schedule 1. This would extend authorities granted under the Canterbury Earthquake (Historic Places Act) Order 2011 until the close of 30 June 2021. These would otherwise expire under the 2011 Act.

Our amendment would also clarify that any authority that relates to a site outside greater Christchurch would continue to apply until the authority expires in accordance with this clause.

Treaty clause

We note the suggestion for a specific Treaty of Waitangi clause to be added to the bill that focuses on the Treaty's application to local government organisations, given the move towards local leadership under this legislation.

We consider that the provisions in the bill adequately reflect the Crown's Treaty obligations. The bill recognises the strong partnership between the Crown and Te Rūnanga o Ngāi Tahu. For example, Te Rūnanga o Ngāi Tahu is one of the named strategic partners.

Additionally, we note that the legislation would be binding on the Crown and not on local authorities.

On balance, we do not believe that a specific Treaty clause would achieve the objectives desired by submitters, so we do not consider that this would be a beneficial addition to the bill.

Regulations Review Committee advice

We received advice from the Regulations Review Committee on clauses 93, 112, and 114.

Our suggested amendment to clause 93 and the deletion of Schedule 4 of the bill would address the Regulations Review Committee's first issue.

We also consider that our amendments to clauses 112 and 114 would adequately address the Regulations Review Committee's suggestion to clarify the relationship between these clauses.

New Zealand Labour Party minority view

It is with regret that the New Zealand Labour Party does not support this bill. We do not consider that it delivers measures to support the stated intent of the bill—to provide a step-change in local leadership and to progressively pass governance and management of the rebuild to the local community. We believe that five years on from the passage of the Canterbury Earthquake Recovery Act 2011 (CER Act) it is time to

transition leadership back to Cantabrians. We saw this bill as an opportunity to properly transition from the extraordinary emergency measures of the CER Act to a locally-led recovery with real local decision making. This is an opportunity that has been missed.

The bill does not represent a sufficient change from the emergency measures powers that the Government assumed over greater Christchurch under the CER Act. Under this bill, it is the responsible Minister who is the ultimate arbiter over the regeneration of the city; rather than a transition back to local decision making around regeneration. When read in concert with the Government's continued imposition of non-elected commissioners at Environment Canterbury, there is an extra-ordinary amount of power that in all other parts of the country is vested in local hands, instead vested in the central government in Canterbury.

We do, however, recognise that the level of Crown investment in the rebuild and regeneration of Greater Christchurch requires careful Crown oversight and that a return to pre-2011 business as usual is not the appropriate structure at this time.

For this reason, Labour supports the Christchurch City Council's proposal as stated in their primary and supplementary submission that Regeneration Plans from the strategic partners go to Regenerate Christchurch in the first instance rather than the Minister. Regenerate Christchurch, a body of respected local people with proven track records of getting things done in Christchurch, would then consider the Plan and then make a recommendation to the Minister on its desirability or otherwise. In making its recommendation, Regenerate Christchurch would need to consider:

- whether the proposed Plan is consistent with broader regeneration objectives and priorities
- whether the proposed Plan is consistent with existing Regeneration Plans
- whether the public engagement that is proposed during the development of a Plan is sufficient.

The Minister, on receiving the Plan, would consider whether or not the proponent had adequately consulted and considered the preferences of people affected by, or with an interest in the matter. There would also be a "catch-all" exception that would allow the Minister to decline to gazette a Plan if it were counter to public policy. This would mean no loss of central government oversight or control on Crown contributions.

We consider that in giving these greater powers to the locally-led Regenerate Christchurch, a balance can be struck between the clear desire of Cantabrians to enter the next five years with a locally-led recovery and less control from Wellington, and the need for the Crown to retain strong oversight of its investment.

We support the suggestion that Regenerate Christchurch cover all of Christchurch city (as this alleviates the need to define in statute geographic areas). However, we only support this measure if it is concomitant with the CCC proposal as outlined above. We are also strongly of the view that if this occurs then the work specified in Schedule 4, the residential red zone, New Brighton and the central city need to be prioritised in joint letters of expectations and that this will be supported by funding.

The New Zealand Labour Party regrets that the submission and select committee phase of this bill has not been used as an opportunity to use the creative and innovative solutions suggested by local people and the Christchurch City Council. We are disappointed in this lost opportunity. Instead the Government has been intent on pushing through a bill that looks to our past and not the exciting future that we could be enhanced by a genuine transition to a local leadership. We are strongly of the view that the more progress will be made in regenerating Christchurch by transitioning more power back to locals who have expressed an overwhelming desire to have more control of their future. It is with regret that we cannot continue our support offered at the first reading of this bill. Simply put, it falls short of our vision of the future of Canterbury.

Green Party of Aotearoa/New Zealand minority view

The Green Party opposes the Greater Christchurch Regeneration Bill as reported back because it does not provide for a genuine partnership between central government and local authorities, particularly the Christchurch City Council, in planning and guiding the next stage of Christchurch's post-earthquake future. It constrains and undermines local democracy by concentrating power in the Executive. Central government Ministers are given broad powers to cut across and override other legislation, and government agencies too much power in planning the city's future.

The expiry in April 2016 of the Canterbury Earthquake Recovery Act (CER Act), and with it the extraordinary powers it provides to the Minister for Canterbury Earthquake Recovery and the Canterbury Earthquake Recovery Authority (CERA), is the chance for a "step-change" in who makes, and how decisions are made about Christchurch's future.

The bill is a major lost opportunity to return the management and control of the next stage of the recovery to local leadership, something that many in Christchurch have called for, and which the Green Party believes is central to its success.

Five years after the devastating February 2011 earthquakes, the emergency and immediate recovery phase is long past. The Green Party believes there is no need for extraordinary Ministerial and central government powers which override normal law. While Ministers may perceive such powers as "useful" to achieving an outcome, that as the New Zealand Law Society noted, "does not justify emergency powers of this breadth."

CERA was heavily involved in drafting the bill and the Green Party believes it is modelled too closely on the extraordinary powers available to the Minister in the CER Act.

The bill and the legal framework it establishes for the regeneration of Christchurch need to show that Government trusts the new agency, Regenerate Christchurch, as a competent and capable organisation. Central government appoints four members of the Regenerate Christchurch Board (one on the nomination of Te Rūnanga o Ngāi Tahu) and the initial external chair, while the City Council appoints three members.

More than 80 submitters highlighted the loss of democracy in greater Christchurch after the earthquakes. They made strong and eloquent calls for changes to the bill which reduced the role and powers of Ministers and central government chief executives and strengthened local decision making and the role of local leadership.

The Green Party's major objections to the bill include:

- The excessive power given to central government in the development of regeneration plans. CEOs of any relevant government agency can initiate a regeneration plan, the relevant Minister makes the decision whether a regeneration plan should proceed, the government agency can develop it and the Minister has the final decision making role in whether to approve, decline, or require changes to the plan. If Regenerate Christchurch is to fulfil its potential, it rather than central government should have the primary responsibility for initiating and deciding whether regeneration plans should proceed and then developing them, especially within Christchurch City.
- The limited role for public comment and consideration of public views by decision makers. Public comments on regeneration plans are restricted to written comments with no provision for a hearing. The Minister only has to "consider" public submissions rather than have "particular regard to" them as the Minister is required to do in relation to the views of Regenerate Christchurch, and the councils. Access to the courts and an independent judiciary is an important check on the power of the government yet provisions in regeneration plans cannot be appealed to the Environment Court or the High Court.
- The extraordinary powers available to relevant Government Ministers in clause 42 to override plans and policies prepared through due processes under other legislation. In the greater Christchurch area Ministers can suspend, amend, or revoke all or part of district and regional plans prepared under the Resource Management Act 1991; any council policy, annual plans, and Long Term Plans developed under the Local Government Act 2002 (except funding impact statements); a regional land transport plan, general policies, conservation management plans and strategies and reserve management plans developed under the Conservation, Reserves, or Wildlife Acts; and bylaws made under any Act.
- The broad criteria in the bill for Ministers to determine whether to use the clause 42 powers, and the absence of appeal rights against the decision to use these powers and their actual exercise. There are inadequate checks and balances on the exercise of power by Ministers and this undermines our democracy.
- Central government chief executives being able to dispose of any land acquired under the bill or under the CER Act (including residential red zone land in Christchurch) without having to consult the public, councils, or Regenerate Christchurch. Billions of dollars of public money have been spent on land acquisition, and public views should strongly influence its future use. The emphasis on "efficiency" in decisions about land disposal risks overriding considerations of social, cultural and environmental wellbeing and public views.

- The bill overrides the Public Works Act and allows the Minister to compulsorily acquire land where voluntary efforts to do this have been unsuccessful.

The Green Party believes that Regenerate Christchurch and Ngāi Tahu should have the primary responsibility for deciding whether a regeneration plan is needed (in consultation with affected local councils), how to engage the community, then developing the plan and hearing and considering submissions, before making recommendations to the appropriate Minister. The Green Party believes the alternative process suggested by the Christchurch City Council where the relevant Minister retained the discretion of whether or not to approve the plan would provide Ministers with an adequate safeguard to protect the Crown's interest and investment in the city.

Sharing power through such a process would help kickstart a new phase in the future of greater Christchurch. By retaining too many powers with central government Minister and agencies, the bill fails to do this.

Appendix

Committee process

The Greater Christchurch Regeneration Bill was referred to the committee on 22 October 2015. The closing date for submissions was 4 December 2015. We received and considered 123 submissions from interested groups and individuals. We heard from 56 submitters in Christchurch.

We received advice from the Canterbury Earthquake Recovery Authority and the Parliamentary Counsel Office. The Regulations Review Committee reported to the committee on clauses 93, 112, and 114.

Committee membership

Scott Simpson (Chairperson)

Matt Doocey

Paul Foster-Bell

Joanne Hayes

Tutehounuku Korako

Ron Mark

Todd Muller

Hon David Parker

Eugenie Sage

James Shaw

Meka Whaitiri

Dr Megan Woods and Hon Clayton Cosgrove participated in the consideration of this item of business.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

text inserted unanimously

~~text deleted by a majority~~

~~text deleted unanimously~~

Hon Gerry Brownlee

Greater Christchurch Regeneration Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Greater Christchurch Regeneration Act **2015**.

2 Commencement

- (1) This Act comes into force on ~~18 April 2016~~ **19 April 2016**. 5
- (2) However, **Part 1** and **subparts 5 and 6 of Part 2, and Schedule 5** come into force on the day after the date on which this Act receives the Royal assent.

Part 1

Preliminary provisions

3 Purposes 10

- (1) This Act supports the regeneration of greater Christchurch through the following purposes:
- (a) enabling a focused and expedited regeneration process:
 - (b) facilitating the ongoing planning, ~~rebuilding~~, and regeneration of greater Christchurch, ~~including the removal, repair, and development of land, infrastructure, and other property:~~ 15
 - (c) ~~enabling community participation in the planning of the regeneration of greater Christchurch:~~
 - (c) enabling community input into decisions on the exercise of powers under **section 42** and the development of Regeneration Plans: 20
 - (d) recognising the local leadership of Canterbury Regional Council, Christchurch City Council, Selwyn District Council, Te Rūnanga o Ngāi Tahu, and Waimakariri District Council and providing them with a role in decision making under this Act:
 - (e) enabling the Crown to efficiently and effectively manage, deal with hold, and dispose of land acquired by the Crown under the Canterbury Earthquake Recovery Act 2011 or this Act. 25
- (2) In this Act,—
- regeneration means—**
- (a) rebuilding, in response to the Canterbury earthquakes or otherwise, including— 30
 - (i) extending, repairing, improving, subdividing, or converting land:
 - (ii) extending, repairing, improving, converting, or removing infrastructure, buildings, and other property:
 - (b) improving the environmental, economic, social, and cultural well-being, and the resilience, of communities through— 35

- (i) urban renewal and development:
- (ii) restoration and enhancement (including residual recovery activity)

urban renewal means the revitalisation or improvement of an urban area, and includes—

- (a) rebuilding:
- (b) the provision and enhancement of community facilities and public open space.

Compare: 2011 No 12 s 3

4 Interpretation

In this Act, unless the context otherwise requires,—

agreement includes any contract, arrangement, or understanding

chief executive, in relation to a provision of this Act, means the chief executive of the department of State that, with the authority of the Prime Minister, is responsible for the administration of that provision

Christchurch central city means the area bounded by Bealey Avenue, Fitzgerald Avenue, Moorhouse Avenue, Deans Avenue, and Harper Avenue

Christchurch district means the district of Christchurch City Council

council means Canterbury Regional Council, Christchurch City Council, Selwyn District Council, or Waimakariri District Council

council organisation has the same meaning as in section 6 of the Local Government Act 2002

~~**CrownCo** means a company incorporated on behalf of the Crown to deliver Crown projects in Christchurch~~

dangerous building means a building that is a dangerous building within the meaning of section 121 of the Building Act 2004 or an earthquake-prone building within the meaning of section 122 of that Act

~~**Development Christchurch Limited** means the company of that name that is owned by Christchurch City Council~~

enactment has the same meaning as in section 29 of the Interpretation Act 1999 and includes any plan, programme, bylaw, or rule made under any Act

greater Christchurch means the area described in **clause 1** of **Schedule 2**

heritage protection authority has the same meaning as in section 187 of the Resource Management Act 1991

land includes an interest in land

Lyttelton Port Recovery Plan means the Lyttelton Port Recovery Plan notified in the *Gazette* on 19 November 2015, 2015-go6780

Minister means, in relation to any provision of this Act, the Minister of the Crown who, with the authority of the Prime Minister, is for the time being responsible for the administration of that provision

Plan means a Regeneration Plan or a Recovery Plan, as relevant

rebuilding includes—

5

- (a) ~~extending, repairing, improving, subdividing, or converting any land, infrastructure, or other property, including (but not limited to) in response to the Canterbury earthquakes; and~~
- (b) ~~rebuilding communities~~

Recovery Plan—

10

- (a) means the following Recovery Plans approved under section 21(2) of the Canterbury Earthquake Recovery Act 2011:

- (i) Christchurch Central Recovery Plan notified in the *Gazette* on 31 July 2012, at p 2511:

- (ii) Land Use Recovery Plan notified in the *Gazette* on 6 December 2013, at p 4517:

15

- (iii) Residential Red Zone Offer Recovery Plan notified in the *Gazette* on 23 April 2015, 2015-go4483:

- (iv) Lyttelton Port Recovery Plan:

- (b) includes, on and from its notification in the *Gazette* in accordance with **clause 2 of Schedule 1**, the Waimakariri Residential Red Zone Recovery Plan

20

Regenerate Christchurch means the entity established under ~~subpart 5 of Part 2~~ **by section 89**

regeneration means—

25

- (a) ~~restoration and enhancement:~~
- (b) ~~urban renewal and development to improve the medium- and long-term cultural, economic, environmental, and social condition, and the resilience, of communities~~

regeneration has the meaning given to it in **section 3(2)**

30

Regeneration Plan means a Regeneration Plan approved under **section 21**

requiring authority has the same meaning as in section 2(1) of the Resource Management Act 1991

responsible entity means ~~a council organisation, a chief executive of a department of the Public Service, an instrument of the Crown, or a Crown entity~~

35

RMA document—

- (a) means any of the following under the Resource Management Act 1991:
 - (i) a regional policy statement:

- (ii) a proposed regional policy statement:
 - (iii) a proposed plan:
 - (iv) a plan; and
- (b) includes a change or variation to any document listed in **paragraph (a)**
- strategic partners** means Canterbury Regional Council, Christchurch City Council, Selwyn District Council, Te Rūnanga o Ngāi Tahu, and Waimakariri District Council 5
- successor organisation** means the council-controlled organisation approved in accordance with **section 99**
- urban renewal** has the meaning given to it in **section 3(2)** 10
- working day** means a day of the week other than—
- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day; and
- (aa) the day the anniversary of Canterbury is observed in greater Christchurch; and 15
- (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (c) a day in the period commencing on 20 December in any year and ending with 10 January in the following year.
- 5 Transitional, savings, and related provisions** 20
- The transitional, savings, and related provisions (if any) set out in **Schedule 1** have effect according to their terms.
- 6 Act binds the Crown**
- This Act binds the Crown.
- 7 Application of Ngāi Tahu Claims Settlement Act 1998** 25
- (1) Nothing in this Act affects the operation of the Ngāi Tahu Claims Settlement Act 1998.
- (2) To avoid doubt, if a Minister or, as the case may be, a chief executive wishes to exercise his or her power under this Act to dispose of land or to amalgamate land to which the Ngāi Tahu Claims Settlement Act 1998 applies, he or she must do so in accordance with the Ngāi Tahu Claims Settlement Act 1998. 30
- (3) For the purpose of the Ngāi Tahu Claims Settlement Act 1998, an amalgamation of land under this Act is a disposition of land.
- Compare: 2011 No 12 s 59
- 8 Geographical application of Act** 35
- The powers and functions conferred by or under this Act are conferred in respect of greater Christchurch and do not apply outside of that area.

9 Effect of Plans on exercise of powers under Act

- (1) Unless expressly required in this Act, when exercising a particular power under this Act, the person exercising it need not consider any Recovery Plan or Regeneration Plan relating to the matter.
- (2) If a Minister or chief executive proposes to exercise a power under this Act and there is no Recovery Plan or Regeneration Plan relating to that matter, it is not necessary, in order for the power to be exercised, for any person to propose, promote, or approve a Regeneration Plan relating to that matter. 5

10 Effect of Act on other powers

If powers are available under this Act to a Minister or a chief executive,— 10

- (a) the Minister or chief executive, as the case may be, may, in his or her complete discretion, elect to use any other power available to the Minister or chief executive, whether under any other enactment or otherwise; and
- (b) nothing in this Act applies to the exercise of that other power. 15

11 ~~Powers to be exercised for purposes of this Act~~ Conditions applying to exercise of powers by Minister or chief executive

- (1) A Minister or a chief executive must ensure that, when he or she exercises or claims his or her powers, rights, and privileges under this Act, he or she does so in accordance with one or more of the purposes of the Act. 20
- (2) A Minister or a chief executive may exercise or claim a power, right, or privilege under this Act where he or she reasonably considers it necessary.
- (3) This section is subject to **sections 47, 53, 59, 60, 61, 62, and 75**.

Compare: 2011 No 12 s 10

Part 2 25**Functions, powers, and processes relating to regeneration of greater Christchurch****Subpart 1—Development and implementation of planning instruments***Preliminary provisions***~~12~~ ~~Meaning of proponent~~ 30**

- (1) ~~In this subpart, **proponent** means a party specified in **subsection (2)** that proposes, as relevant, —~~
- (a) ~~the development of a Regeneration Plan;~~
- (b) ~~the amendment of a Recovery Plan or Regeneration Plan;~~
- (c) ~~the revocation of all or part of a Recovery Plan or Regeneration Plan;~~ 35

- (d) ~~the exercise of the power in **section 42**.~~
- (2) ~~Any of the following parties may be a proponent:~~
- (a) ~~a strategic partner;~~
- (b) ~~Regenerate Christchurch;~~
- (c) ~~the Minister;~~ 5
- (d) ~~a responsible entity.~~

12 Overview

- (1) This subpart provides for—
- (a) preliminary matters, including the interpretation of certain terms (see **sections 12A to 15**): 10
- (b) the development and approval of Regeneration Plans and amendments to Plans and the revocation of Plans (see **sections 16 to 30**):
- (c) the effect of Plans, which includes—
- (i) requiring persons exercising powers or performing functions under the Resource Management Act 1991 not to act inconsistently with a Plan in relation to certain matters under that Act (see **section 31**); and 15
- (ii) requiring councils to amend RMA documents if a Plan requires it (see **section 32**):
- (d) further provisions concerning Plans, their effect, and their status (see **sections 33 to 35**): 20
- (e) the Minister's power to suspend, amend, or revoke all or part of an RMA document or other plan, strategy, or policy (see **sections 36 to 43**).
- (2) This section is only a guide to the general scheme and effect of this subpart.

12A Interpretation 25

- (1) In this subpart,—
- proponent** means a party specified in **subsection (2)** that proposes—
- (a) the development of a Regeneration Plan;
- (b) the amendment of a Recovery Plan or Regeneration Plan;
- (c) the revocation of all or part of a Recovery Plan or Regeneration Plan; 30
- (d) the exercise of the power in **section 42**
- publish**, in relation to a notice or any other document, means to publish the notice or document—
- (a) in the *Gazette*; and
- (b) in 1 or more newspapers circulating in greater Christchurch; and 35
- (c) on an Internet site to which the public has free access.

- (2) Any of the following parties may be a proponent:
- (a) a strategic partner;
 - (b) Regenerate Christchurch;
 - (c) the chief executive.
- 13 Parties must respond promptly** 5
- (1) If a proponent or the Minister seeks the view of another party in accordance with this subpart, the party must provide its view within 30 working days after receiving a request to do so.
- (2) If a party fails to provide its view in that time, the proponent or the Minister may proceed on the basis that the party has no view on the matter. 10
- ~~(3) Regenerate Christchurch must only respond to a request if, and to the extent that, the matter relates to the regeneration of an area specified in **Schedule 4**.~~
- 14 Section 32 and Schedule 1 of Resource Management Act 1991 not to apply**
- Nothing in section 32 or Schedule 1 of the Resource Management Act 1991 applies to an action taken under this subpart. 15
- 15 Additional ground for rejecting request for change to RMA document**
- (1) This section applies if a local authority receives a request under clause 21 of Schedule 1 of the Resource Management Act 1991 to change the RMA document.
- (2) The local authority may reject the request in whole or in part on the ground that, within the last 2 years, the substance of the request or part of the request has been considered and given effect to, or rejected, under this subpart, under subpart 3 of Part 2 of the Canterbury Earthquake Recovery Act 2011, or under the replacement district plan process provided for by the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014. 20
- (3) The ground specified in **subsection (2)** is in addition to the grounds specified in clause 25(4) of Schedule 1 of the Resource Management Act 1991. 25

Development and amendment of Plans

- 16 ~~Proposal~~ Outline for Plan or amendment**
- (1) A proponent that proposes the development of a Regeneration Plan or the amendment of a Recovery Plan or Regeneration Plan must prepare a concise draft ~~proposal~~ outline that complies with **subsection (2)**. 30
- (2) The draft ~~proposal must include~~ outline must contain the following:
- (a) an explanation of what the Plan or amendment ~~will~~ is intended to achieve; and 35

- (b) a description of the proposed scope of the Plan or amendment (that is, the places, things, and time periods to which the Plan or amendment will apply); and
- ~~(e) an explanation of how the Plan or amendment will be implemented; and~~
- (d) an explanation of how the proponent expects the Plan or amendment to meet 1 or more of the purposes of this Act; and 5
- ~~(e) the proponent's proposal for the development of the Plan or amendment (including expected time frames, the intended process for developing the Plan or amendment, and the proposed opportunities for members of the public to provide input on the development of the Plan or amendment); and~~ 10
- (e) the proposed process for the development of the Plan or amendment, including—
- (i) the expected time frames;
- (ii) the opportunities for public engagement in relation to the draft Plan or amendment; 15
- (iii) who will draft the Plan or amendment and carry out public engagement;
- (iv) how the cost of developing the Plan or amendment will be met; 20
- and
- (f) a draft of the notice that would be published under **section 18(3)** if the ~~proposal outline~~ were approved ~~that includes the matters specified in paragraphs (a) to (e).~~
- (3) The proposed opportunities for ~~members of the public to provide input on the development of the Plan or amendment~~ public engagement must include, as a minimum, the requirements set out in ~~section 20(3)~~**section 20A(1).** 25
- 17 Proponent must seek views and finalise ~~proposal for Plan or amendment~~ outline**
- (1) The proponent must provide the draft ~~proposal outline~~ to, and seek the views of, each of the following parties that is not the proponent: 30
- (a) the strategic partners:
- (b) Regenerate Christchurch:
- ~~(e) the Minister:~~
- ~~(d) in the case of a proposal to amend a Plan developed by a responsible entity, the responsible entity that developed the Plan.~~ 35
- (c) the chief executive;
- (d) in the case of a proposal to amend the Lyttelton Port Recovery Plan, Lyttelton Port Company Limited.
- (2) The proponent must—

- (a) finalise the ~~proposal~~ draft outline, making any modifications that the proponent thinks appropriate; and
- (b) ~~if the proponent is not the Minister, submit the proposal outline to the Minister for approval, together with a concise statement accurately recording the views provided under~~ subsection (1).

5

~~18 Minister may approve proposal for Plan or amendment~~

- ~~(1) The Minister must approve or decline a proposal that has been finalised in accordance with **section 17** no later than 30 working days after receiving the proposal (or, if the proponent is the Minister, no later than 30 working days after finalising the proposal).~~
- ~~(2) In considering whether to approve the proposal, the Minister must have particular regard to the views of the strategic partners and Regenerate Christchurch.~~
- ~~(3) If the Minister approves the proposal, the proponent must publish a notice of the proposal in the *Gazette* and in a newspaper circulating in greater Christchurch.~~
- ~~(4) The notice must—~~
 - ~~(a) include a summary of the matters contained in the proposal; and~~
 - ~~(b) advise where the full proposal can be inspected.~~

10

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18 Minister may approve outline for Plan or amendment

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- (1) The Minister must approve or decline an outline that has been finalised in accordance with **section 17** no later than 30 working days after receiving the outline.
- (2) In making a decision, the Minister must—
 - (a) have particular regard to the views of the strategic partners and Regenerate Christchurch recorded in the statement provided under **section 17(2)**; and
 - (b) consider the views of the chief executive and, if **section 17(1)(d)** applies, Lyttelton Port Company Limited recorded in that statement.
- (3) If the Minister approves the outline, the proponent must publish a notice that specifies—
 - (a) a summary of the matters contained in the outline; and
 - (b) where the full outline can be inspected.

25

30

19 Proponent may revise ~~proposal~~ outline for Plan or amendment if ~~proposal~~ outline declined

35

- (1) If the Minister declines ~~a proposal~~ an outline, the Minister must provide reasons for his or her decision to the proponent.

- (2) The proponent may make any modifications to the declined ~~proposal~~ outline that the proponent thinks fit.
- (3) If the proponent modifies the ~~proposal~~ outline in accordance with **subsection (2), sections 17 and 18** and this section apply accordingly.
- (4) However, **subsections (2) and (3)** do not apply if the Minister, having declined a modified ~~proposal~~ outline, indicates that he or she will not consider further modifications of that ~~proposal~~ outline. 5

20 Development of draft Plan or amendment

- (1) If the Minister approves ~~a proposal~~ an outline, the proponent must develop a draft Plan or amendment in accordance with the ~~proposal~~ outline. 10
- (2) The proponent must, in developing the draft Plan or amendment, seek the views of each of the following that is not the proponent:
 - (a) the strategic partners:
 - (b) Regenerate Christchurch:
 - ~~(e) the Minister.~~ 15
 - (c) the chief executive:
 - (d) in the case of a proposal to amend the Lyttelton Port Recovery Plan, Lyttelton Port Company Limited.
- ~~(3) When the proponent has developed the draft Plan or amendment, the proponent must publish a notice in the *Gazette* and in a newspaper circulating in greater Christchurch that —~~ 20
 - ~~(a) advises where the draft Plan or amendment can be inspected; and~~
 - ~~(b) invites members of the public to make written comments on the draft Plan or amendment in the manner and by the date specified in the notice.~~
- ~~(4) The notice must also advise of any other opportunity for members of the public to provide input in relation to the draft Plan or amendment (including any opportunity identified in the proposal approved under **section 18**).~~ 25
- ~~(5) The proponent must —~~
 - ~~(a) consider any comments and other input provided in accordance with **subsections (3)(b) and (4)**; and~~ 30
 - ~~(b) finalise the draft Plan or amendment, making any changes that the proponent thinks appropriate; and~~
 - ~~(c) if the proponent is not the Minister, submit the draft Plan or amendment to the Minister for approval, together with —~~
 - ~~(i) a copy of any comments and other input provided in accordance with **subsection (3)(b) and (4)**; and~~ 35
 - ~~(ii) a concise statement accurately summarising the comments and other input.~~

20A Proponent must notify draft Plan or amendment and seek comment

(1) When the proponent has developed the draft Plan or amendment, the proponent must publish a notice that—

- (a) advises where the draft Plan or amendment can be inspected; and
- (b) invites written comments on the draft Plan or amendment in the manner and by the date specified in the notice.

(2) The notice must also advise of any other opportunity for public engagement in relation to the draft Plan or amendment (including any opportunity identified in the outline approved under **section 18**).

20B Proponent must finalise and submit draft Plan or amendment

The proponent must—

- (a) consider any comments and other input provided under **section 20A**; and
- (b) finalise the draft Plan or amendment, making any changes that the proponent thinks appropriate; and
- (c) submit the draft Plan or amendment to the Minister for approval, together with—
 - (i) a copy of any comments and any other input provided under **section 20A**; and
 - (ii) a concise statement summarising the comments and other input.

21 Approval of Plan or amendment

(1) ~~The Minister must approve or decline a draft Plan or amendment that has been finalised in accordance with **section 20(5)** no later than 80 working days after receiving the draft Plan or amendment (or, if the proponent is the Minister, no later than 80 working days after finalising the draft Plan or amendment).~~

(2) ~~In considering whether to approve a draft Plan or amendment, the Minister must—~~

- (a) ~~consider the summary of comments and other input provided in accordance with **section 20(5)(c)**; and~~
- (b) ~~seek, and have particular regard to, the views of the strategic partners and Regenerate Christchurch.~~

(3) ~~As soon as practicable after the Minister has approved a Plan or an amendment, the Minister must give notice, in the *Gazette* and in a newspaper circulating in greater Christchurch, of—~~

- (a) ~~the approval;~~
- (b) ~~the date on which the Plan or amendment takes effect;~~
- (c) ~~where the Plan or amended Plan can be inspected.~~

21 Approval of Plan or amendment

- (1) The Minister must approve or decline a draft Plan or amendment that has been finalised in accordance with **section 20B** no later than 80 working days after receiving the draft Plan or amendment.
- (2) In making a decision, the Minister must— 5
- (a) seek and have particular regard to the views of the strategic partners and Regenerate Christchurch:
 - (b) seek and consider the views of the chief executive and, if **section 20(2)(d)** applies, Lyttelton Port Company Limited:
 - (c) consider whether the draft Plan or amendment has been developed in accordance with the outline approved under **section 18**: 10
 - (d) consider the statement provided under **section 20B(c)(ii)**:
 - (e) consider the fiscal and financial implications of the draft Plan or amendment:
 - (f) consider whether the draft Plan or amendment is in the public interest. 15
- (3) If the Minister approves the Plan or amendment, the Minister must publish a notice that specifies—
- (a) the approval:
 - (b) the date on which the Plan or amendment takes effect:
 - (c) where the Plan or amended Plan can be inspected. 20

22 Proponent may revise draft Plan or amendment

- (1) If the Minister declines to approve a draft Plan or amendment, the Minister must provide reasons for his or her decision to the proponent.
- (2) The proponent may make any modifications to the draft Plan or amendment that the proponent thinks appropriate. 25
- (3) If the proponent modifies the draft Plan or amendment in accordance with **subsection (2), sections 20(2) to (4), 20A, 20B, and 21** and this section apply accordingly.
- (3A) However, if the proponent modifies a discrete part or discrete parts of the draft Plan or amendment, the proponent is not required, in relation to any unmodified part of the draft Plan or amendment, to— 30
- (a) seek views on the unmodified part under **section 20(2)**:
 - (b) notify the unmodified part or seek written comment or undertake public engagement on it under **section 20A**.
- (4) ~~However, **subsections (2) and (3)**~~ **Subsections (2) and (3)** do not apply if the Minister, having declined a modified draft Plan or amendment, indicates that he or she will not consider further modifications of that draft Plan or amendment. 35

23 Minor amendments

- (1) The Minister may amend a Plan to correct any minor errors, and need not use any formal process when doing so.
- (2) If the Minister makes an amendment under **subsection (1)**, the Minister must publish a notice specifying the amendment and the date on which the amendment takes effect. 5
- (3) However, despite **section 12A(1)**, the Minister is not required to publish the notice in a newspaper.

Compare: 2011 No 12 s 22(3)

Revocation of Plans

10

24 ~~Proposal~~ Outline for revocation

- (1) A proponent that proposes the revocation of all or part of a Plan must prepare a concise draft ~~proposal~~ outline that complies with **subsection (2)**.
- (2) The ~~proposal~~ draft outline must contain the following:
- (a) a description of the Plan or the parts of a Plan that the proponent proposes be revoked; and 15
 - ~~(b) a description of the anticipated effect of the revocation;~~
 - (b) an explanation of what the revocation is intended to achieve; and
 - (c) an explanation of how the proponent expects the revocation to meet 1 or more of the purposes of this Act. 20

25 Proponent must seek views and finalise ~~proposal for revocation~~ outline

- (1) The proponent must provide the draft ~~proposal~~ outline to, and seek the views of, each of the following parties that is not the proponent:
- (a) the strategic partners:
 - (b) Regenerate Christchurch: 25
 - ~~(c) the Minister;~~
 - ~~(d) in the case of a proposal to revoke a Regeneration Plan developed by a responsible entity, the responsible entity that developed the Regeneration Plan.~~
 - (c) the chief executive: 30
 - (d) in the case of a proposal to revoke all or part of the Lyttelton Port Recovery Plan, Lyttelton Port Company Limited.
- (2) The proponent must—
- (a) finalise the ~~proposal~~ draft outline, making any modifications that the proponent thinks appropriate; and 35

- (b) ~~if the proponent is not the Minister, submit the proposal outline to the Minister for approval, together with a concise statement ~~accurately~~ recording the views provided under subsection (1).~~

26 Minister may approve proposal for revocation

- (1) ~~The Minister must approve or decline a proposal that has been finalised in accordance with **section 25** no later than 30 working days after receiving the proposal (or, if the proponent is the Minister, no later than 30 working days after finalising the proposal).~~ 5
- (2) ~~In considering whether to approve the proposal, the Minister must have particular regard to the views of the strategic partners and Regenerate Christchurch.~~ 10

26 Minister may approve outline for revocation

- (1) The Minister must approve or decline an outline that has been finalised in accordance with **section 25** no later than 30 working days after receiving the outline. 15
- (2) In making a decision, the Minister must—
- (a) have particular regard to the views of the strategic partners and Regenerate Christchurch recorded in the statement provided under **section 25(2)**; and
- (b) consider the views of the chief executive and, if **section 25(1)(d)** applies, Lyttelton Port Company Limited recorded in that statement. 20

27 Proponent may revise proposal outline for revocation if proposal outline declined

- (1) ~~If the Minister declines a proposal an outline, the Minister must provide reasons for his or her decision to the proponent.~~ 25
- (2) ~~The proponent may make any modifications to the declined proposal outline that the proponent thinks fit.~~
- (3) ~~If the proponent modifies the proposal outline in accordance with **subsection (2)**, **sections 25 and 26** and this section apply accordingly.~~
- (4) ~~However, **subsections (2) and (3)** do not apply if the Minister, having declined a modified proposal outline, indicates that he or she will not consider further modifications of that proposal outline.~~ 30

28 Development of proposed revocation

~~If the Minister approves the proposal outline, the proponent must publish a notice in the *Gazette* and in a newspaper circulating in greater Christchurch that—~~ 35

- (a) describes the Plan or the parts of a Plan that the proponent proposes be revoked; and

- (b) invites ~~members of the public to make~~ written comments on the proposed revocation in the manner and by the date specified in the notice.
- (2) ~~The proponent must—~~
- (a) ~~consider any comments provided in accordance with **subsection (1)(b)**; and~~ 5
- (b) ~~finalise the proposed revocation, making any modifications to the proposed revocation that the proponent thinks appropriate; and~~
- (c) ~~if the proponent is not the Minister, submit the proposed revocation to the Minister for approval, together with—~~
- (i) ~~a copy of any comments provided in accordance with **subsection (1)(b)**; and~~ 10
- (ii) ~~a concise statement accurately summarising the comments.~~

28A Proponent must finalise and submit proposed revocation

The proponent must—

- (a) consider any comments provided under **section 28**; and 15
- (b) finalise the proposed revocation, making any modifications to the proposed revocation that the proponent thinks appropriate; and
- (c) submit the proposed revocation to the Minister for approval, together with—
- (i) a copy of any comments provided under **section 28**; and 20
- (ii) a concise statement summarising the comments.

29 Approval of revocation

- (1) ~~The Minister must approve or decline a proposed revocation no later than 30 working days after receiving the proposed revocation (or, if the proponent is the Minister, no later than 30 working days after finalising the proposed revocation).~~ 25
- (2) ~~In considering whether to approve the revocation, the Minister must—~~
- (a) ~~consider the summary of comments provided in accordance with **section 28(2)(c)**; and~~
- (b) ~~have particular regard to the views of the strategic partners and Regenerate Christchurch.~~ 30
- (3) ~~As soon as practicable after the Minister has approved a revocation, the Minister must give notice, in the *Gazette* and in a newspaper circulating in greater Christchurch, of—~~
- (a) ~~the revocation;~~ 35
- (b) ~~the date on which the revocation takes effect.~~

- (e) ~~in the case of the revocation of part of a Plan, where the amended Plan can be inspected.~~

29 Approval of revocation

- (1) The Minister must approve or decline a proposed revocation that has been finalised in accordance with **section 28A** no later than 30 working days after receiving the proposed revocation. 5
- (2) In making a decision, the Minister must—
- (a) seek and have particular regard to the views of the strategic partners and Regenerate Christchurch:
 - (b) seek and consider the views of the chief executive and, if **section 25(1)(d)** applies, Lyttelton Port Company Limited: 10
 - (c) consider whether the proposed revocation has been developed in accordance with the outline approved under **section 26**:
 - (d) consider the statement provided under **section 28A(c)(ii)**:
 - (e) consider the fiscal and financial implications of the proposed revocation: 15
 - (f) consider whether the proposed revocation is in the public interest.
- (3) If the Minister approves a revocation, the Minister must publish a notice that specifies—
- (a) the revocation:
 - (b) the date on which the revocation takes effect: 20
 - (c) in the case of the revocation of part of a Plan, where the amended Plan can be inspected.

30 Minister must provide reasons for declining proposed revocation

If the Minister declines to approve a proposed revocation, the Minister must provide reasons for his or her decision to the proponent. 25

Effect of Plans

31 Councils, etc, not to act inconsistently with Plan

- (1) **Subsection (2)** applies,—
- (a) in relation to a Plan or an amendment to a Plan notified in the *Gazette* after the commencement of this Part, on and from the date specified in the *Gazette* notice; and 30
 - (b) in relation to a Recovery Plan notified in the *Gazette* before the commencement of this Part, on and from the commencement of this Part.
- (2) Any person exercising powers or performing functions under the Resource Management Act 1991 must not make a decision or recommendation relating to all or part of greater Christchurch that is inconsistent with the Plan on any of the following matters under the Resource Management Act 1991: 35

- (a) an application for a resource consent for a restricted discretionary, discretionary, or non-complying activity (whether or not the application was first lodged after the Plan was gazetted):
- (b) a notice of requirement (whether or not notice was given after the Plan was gazetted): 5
- (c) an application to transfer a resource consent under section 135, 136, or 137:
- (d) an application to change or cancel the conditions of a resource consent under section 127:
- (e) a review of a resource consent under section 128: 10
- (f) the preparation, change, variation, or review of an RMA document under Schedule 1.
- ~~(3) A council, requiring authority, or heritage protection authority may request the Minister to consider and decide whether a decision or recommendation referred to in **subsection (2)** would be inconsistent with a Plan.~~ 15
- ~~(4) A council, requiring authority, or heritage protection authority may appeal in accordance with **section 87** against a decision under **subsection (3)**.~~
- (3) A council, requiring authority, or heritage protection authority may—
- (a) request the Minister to consider and decide whether a decision or recommendation referred to in **subsection (2)** would be inconsistent with a Plan: 20
- (b) appeal in accordance with **section 87** against a decision under **paragraph (a)**.
- (4) Lyttelton Port Company Limited may—
- (a) request the Minister to consider and decide whether a decision or recommendation referred to in **subsection (2)** that relates to the Lyttelton Port Recovery Plan would be inconsistent with that Plan: 25
- (b) appeal in accordance with **section 87** against a decision under **paragraph (a)**.
- (5) For the purposes of an application for a resource consent for a restricted discretionary activity, the Plan is a matter over which discretion is restricted and section 87A(3) of the Resource Management Act 1991 applies accordingly. 30

Compare: 2011 No 12 s 23

32 Councils to amend documents if required

- (1) Despite anything to the contrary in Part 5 of the Resource Management Act 1991, a council must amend an RMA document (to the extent that it relates to greater Christchurch), if a Plan directs so,— 35
- (a) to include any matter that the Plan identifies for inclusion; or

- (b) to remove any matter in the document that the Plan identifies for deletion; or
 - (c) to change or vary any matter in the document to give effect to provisions of the Plan.
- (2) A council must make the amendments referred to in **subsection (1)(a) or (b)** as soon as practicable after the Plan comes into effect without using the process in Schedule 1 of the Resource Management Act 1991 or any other formal public process. 5
- (3) A council must make the amendments referred to in **subsection (1)(c)** within the time specified in the Plan or (if not specified) as soon as practicable after the Plan comes into effect, in accordance with a public process determined by the Minister. 10
- (4) Despite clause 21 of Schedule 1 of the Resource Management Act 1991, only the Minister may request a change or variation to any amendment made under **subsection (1)**. 15
- (5) Nothing in ~~section 85~~ section 85(2) to (7) of the Resource Management Act 1991 applies in respect of any amendment to an RMA document under this section.
- Compare: 2011 No 12 s 24
- 33 Section 88A(1A) of Resource Management Act 1991 not to apply** 20
- (1) Nothing in section 88A(1A) of the Resource Management Act 1991 applies in respect of any application for a resource consent for any activity altered as a consequence of a Plan.
- (2) For the purposes of **subsection (1)**, an activity is **altered as a consequence of a Plan** if the type of the activity (being controlled, restricted, discretionary, or non-complying) is altered as a consequence of an amendment made under **section 32(1)**. 25
- (3) To avoid doubt, this section applies in relation to any matter before the Environment Court and any further appeals while this Act is in force. 30
- Compare: 2011 No 12 s 25
- 34 Relationship to other instruments**
- (1) The following instruments, so far as they relate to greater Christchurch, must not be inconsistent with a Plan:
 - (a) annual plans, long-term plans, and triennial agreements under the Local Government Act 2002, except a funding impact statement in an annual plan or a long-term plan: 35
 - (b) regional land transport plans under the Land Transport Management Act 2003:

- (c) the New Zealand Transport Agency's recommendations under section 18I of the Land Transport Management Act 2003:
 - (d) regional public transport plans adopted under section 119 of the Land Transport Management Act 2003:
 - (e) all or any of the following: 5
 - (i) general policies approved under section 17C of the Conservation Act 1987 and general policies approved under section 15A of the Reserves Act 1977:
 - (ii) conservation management strategies approved under section 17F of the Conservation Act 1987: 10
 - (iii) conservation management plans approved under section 17G of the Conservation Act 1987, or under section 40B of the Reserves Act 1977, or under section 14E of the Wildlife Act 1953:
 - (iv) management plans approved under section 41 of the Reserves Act 1977: 15
 - (v) any other management plan for a reserve under any other enactment.
 - (2) A Plan—
 - (a) is to be read together with and forms part of the instruments specified in **subsection (1)**; and 20
 - (b) prevails where there is any inconsistency between it and an instrument.
 - (3) If required by a Plan, an entity that is responsible for an instrument must amend the instrument to give effect to the provisions of the Plan.
 - (4) An entity must make the amendments referred to in **subsection (3)** in accordance with a process (if any) determined by the Minister. 25
- Compare: 2011 No 12 s 26

35 Status of Plans under Legislation Act 2012

- (1) ~~A Plan is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012.~~
- (2) ~~A Plan that is approved, amended, or partially revoked under this subpart must be presented to the House of Representatives under section 41 of the Legislation Act 2012.~~ 30

35 Status of Plans under Legislation Act 2012

A Plan is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act. 35

*Suspension, amendment, or revocation of RMA document, council plan, etc***36 Proposal for exercise of power in section 42**

- (1) A proponent who proposes the exercise of the power to suspend, amend, or revoke an RMA document, council plan, or other document in **section 42** must prepare a concise draft proposal that complies with **subsection (2)**. 5
- (2) The draft proposal must ~~include~~ contain the following:
- (a) an explanation of what the exercise of the power ~~will~~ is intended to achieve; and
 - (b) a description of which instrument the exercise of the power will apply to, and for how long; and 10
 - (c) an explanation of how the proponent expects the exercise of the power to meet 1 or more of the purposes of this Act; and
 - (ca) an explanation of why the proponent considers the exercise of the power is necessary and preferable to any alternatives to the exercise of the power; and 15
 - (d) a draft of the notice that would be published under **section 39** if the proposal were approved ~~that includes the matters specified in paragraphs (a) to (c); and~~
 - (e) a draft of the notice that would be published under **section 42** if the power were exercised. 20

37 Proponent must seek views and finalise proposal

- (1) The proponent must seek the views of each of the following parties that is not the proponent:
- (a) the strategic partners:
 - (b) Regenerate Christchurch: 25
 - ~~(c) the Minister.~~
 - (c) the chief executive.
- (2) The proponent must—
- (a) finalise the proposal, making any modifications that the proponent thinks appropriate; and 30
 - (b) ~~if the proponent is not the Minister,~~ submit the proposal to the Minister for approval, together with a concise statement ~~accurately~~ recording the views provided under **subsection (1)**.

38 Minister may decide to proceed with proposal

- (1) The Minister must decide whether to proceed with a proposal that has been finalised in accordance with **section 37** no later than 30 working days after re- 35

ceiving the proposal ~~(or, if the proponent is the Minister, no later than 30 working days after finalising the proposal).~~

- (2) ~~In considering whether to proceed with the proposal, the Minister must have particular regard to the views of the strategic partners and Regenerate Christchurch.~~

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- (2) In making a decision, the Minister must—

(a) have particular regard to the views of the strategic partners and Regenerate Christchurch recorded in the statement provided under **section 37(2)**; and

(b) consider the views of the chief executive recorded in that statement.

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- (3) If the Minister declines the proposal, the Minister must provide reasons for his or her decision to the proponent.

39 Minister must seek ~~public~~ comment

If the Minister decides to proceed with the proposal, the Minister must publish a notice ~~in the *Gazette* and in a newspaper circulating in greater Christchurch~~ that—

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- (a) includes a summary of the matters contained in the proposal;
- (b) advises where the full proposal can be inspected;
- (c) invites ~~members of the public to make~~ written comments on the proposal in the manner and by the date specified in the notice.

20

40 Approval of proposal for exercise of power

In considering whether to exercise the power in **section 42**, the Minister must—

(a) consider any comments provided ~~in accordance with~~ under **section 39(c)**; and

25

(b) have particular regard to ~~the any~~ views of the strategic partners and Regenerate Christchurch that are expressed in comments provided under **section 39(c)**; and

(c) make a decision no later than 30 working days after the date specified in the notice published under **section 39**.

30

41 Minister must provide reasons for declining proposal to exercise power

If the Minister declines to exercise the power in **section 42**, the Minister must provide reasons for his or her decision to the proponent.

42 Minister may suspend, amend, or revoke RMA document, council plan, etc

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- (1) This section applies if the Minister has decided to exercise the power under this section in accordance with **section 40**.

- (2) The Minister may, by notice in the *Gazette* ~~and in a newspaper circulating in greater Christchurch~~, suspend, amend, or revoke all or part of any of the following, so far as they relate to any area within greater Christchurch:
- (a) an RMA document:
 - (b) a plan or policy of a council under the Local Government Act 2002, except a funding impact statement in an annual plan or a long-term plan: 5
 - (c) a regional land transport plan under the Land Transport Management Act 2003:
 - (d) all or any of the following:
 - (i) general policies approved under section 17C of the Conservation Act 1987 and general policies approved under section 15A of the Reserves Act 1977: 10
 - (ii) conservation management strategies approved under section 17F of the Conservation Act 1987:
 - (iii) conservation management plans approved under section 17G of the Conservation Act 1987, or under section 40B of the Reserves Act 1977, or under section 14E of the Wildlife Act 1953: 15
 - (iv) management plans approved under section 41 of the Reserves Act 1977:
 - (v) any other management plan for a reserve under any other enactment: 20
 - (e) a bylaw made under any Act.
- (3) The Minister may, by notice in the *Gazette* ~~and in a newspaper circulating in greater Christchurch~~,—
- (a) revoke any changes or variations approved to a plan under the Conservation Act 1987, the Land Transport Management Act 2003, the Local Government Act 2002, the Reserves Act 1977, or the Wildlife Act 1953; 25
or
 - (b) impose a moratorium on further changes or variations for a specified period. 30
- (4) The Minister may, by notice in the *Gazette* ~~and in a newspaper circulating in greater Christchurch~~, vary or revoke a notice given under **subsection (2) or (3)**.
- (5) No compensation is payable under this Act in respect of any action taken under this section. 35

Compare: 2011 No 12 s 27

42A Contents of notice under section 42

- (1) A *Gazette* notice given under **section 42** must specify, in respect of an exercise of the power in that section,—

- (a) the RMA document, council plan, or other document affected by the exercise of the power:
- (b) how the exercise of the power affects the RMA document, council plan, or other document:
- (c) the date on which the exercise of the power takes effect. 5
- (2) As soon as practicable after giving a *Gazette* notice under **section 42**, the Minister must publish, in 1 or more newspapers circulating in greater Christchurch and on an Internet site to which the public has free access, a notice that—
 - (a) summarises the matters in **subsection (1)**: 10
 - (b) specifies where the *Gazette* notice can be inspected.
- (3) This section applies despite **section 12A(1)**.

43 Status of notice under Legislation Act 2012

A *Gazette* notice given under **section 42** is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act. 15

Subpart 2—Dealing with land and other property

Surveys

44 Approval of cadastral survey datasets

- (1) The chief executive ~~of Land Information New Zealand~~ may— 20
 - (a) approve a cadastral survey dataset under section 9(a) of the Cadastral Survey Act 2002; or
 - (b) direct the Surveyor-General to approve any survey plan referred to in section 69(3) of the Cadastral Survey Act 2002.
- (2) **Subsection (1)** applies even if a cadastral survey dataset does not comply with standards set under section 49 of the Cadastral Survey Act 2002. 25
- (3) **Subsection (1)(b)** applies even if the survey plan does not comply with standards for survey that the Surveyor-General would otherwise apply under the enactment that refers to the survey plan.
- (4) ~~Before approving a cadastral survey dataset under **subsection (1)(a)**, the chief executive of Land Information New Zealand must consult the Surveyor-General.~~ 30
- (5) Before acting under **subsection (1)(b)**, the chief executive ~~of Land Information New Zealand~~ must consult the Surveyor-General.
- (6) If the chief executive has approved a cadastral survey dataset under **subsection (1)(a)**, the cadastral survey dataset is to be regarded for all purposes as if 35

the chief executive had determined under section 9(a) of the Cadastral Survey Act 2002 that it complied with standards set under section 49 of that Act.

- (7) If the chief executive has given a direction under **subsection (1)(b)**, the survey plan is to be regarded for all purposes as having been approved under any enactment that requires it to be approved by the Surveyor-General. 5
- (8) A cadastral surveyor carrying out work for a cadastral survey dataset or survey plan to which **subsection (1)** applies is not liable for any non-compliance with standards referred to in **subsection (2) or (3)** to the extent that the non-compliance was necessary for the purposes of this Act. 10

Compare: 2011 No 12 s 35

45 New surveys

- (1) This section applies if—
- (a) the chief executive ~~of Land Information New Zealand~~ approves a cadastral survey dataset or directs the Surveyor-General to approve a survey plan under **section 44(1)**; or 15
 - (b) in any other case, there is a legal requirement to notify any adjoining owners that a cadastral survey dataset is to be deposited under section 167 of the Land Transfer Act 1952.
- (2) The chief executive ~~of Land Information New Zealand~~ may direct the Registrar-General of Land to seek the consent of the adjoining ~~landowners~~ owners to the new survey definition. 20
- (3) If the adjoining owners give their consent, the Registrar-General of Land may deposit the cadastral survey dataset or survey plan and issue new computer registers accordingly.
- (4) If an adjoining owner fails to respond within 10 working days (or any further period allowed by the chief executive ~~of Land Information New Zealand~~) after the date of service of the request for consent or refuses to consent, the chief executive ~~of Land Information New Zealand~~ may direct the Registrar-General of Land to issue a new computer register limited as to parcels upon deposit of the cadastral survey dataset or survey plan. 25 30
- (5) Section 167(3) of the Land Transfer Act 1952 (application of the provisions of Part 12 of that Act relating to computer registers that are limited as to parcels) applies to any computer register issued and limited as to parcels in accordance with a direction under **subsection (4)**.
- (6) The chief executive ~~of Land Information New Zealand~~ may direct the Registrar-General of Land to disapply the application of section 205(4) of the Land Transfer Act 1952 in respect of any computer register issued and limited as to parcels in accordance with **subsection (4)**, and the Registrar-General of Land must remove the limitation as to parcels from the relevant computer register. 35

- (7) **Subsection (6)** is subject to any relevant determination by a court under **sub-part 4**.

Compare: 2011 No 12 s 36

46 Disputes

- (1) If an adjoining owner wishes to dispute a survey definition determined under **section 45**, the dispute must be heard and determined in accordance with **section 87** and treated as an appeal against a direction under **section 45(6)**. 5
- (2) Any dispute against the lodgement of a caveat under section 205(4) of the Land Transfer Act 1952 against a computer register that is issued limited as to parcels in accordance with a direction under **section 45(4)** must be heard and determined in accordance with **section 87** and treated as an appeal. 10

Compare: 2011 No 12 s 37

Building works, etc

47 Works

- (1) The chief executive may carry out or commission works. 15
- (2) The works include (without limitation)—
- (a) the erection, reconstruction, placement, alteration, or extension of all or any part of any building on or under land:
 - (b) the demolition of all or any part of any building on or under land (**demolition work**): 20
 - (c) the removal and disposal of any building on or under land, or material.
- (3) The chief executive may remove fixtures and fittings from any building.
- (4) Works under this section may be undertaken on or under public or private land and with or without the consent of the owner ~~or occupier~~.
- (5) To avoid doubt, this section does not override any requirements for resource consents or building consents that may apply to works under this section. 25
- (6) Nothing in **section 11(2)** applies to the carrying out or commissioning of works under this section on land or buildings owned by the Crown.
- (7) In this section, **building** includes any structure or other erection.

Compare: 2011 No 12 s 38(1)–(3), (5), (6)

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48 ~~Additional requirements~~ First notice requirement for work carried out on private land

- (1) This section ~~applies and~~ **section 49A** apply if the chief executive proposes to carry out or commission works under **section 47** on or under private land.
- (2) The chief executive must give written notice to the owner ~~or and, if the owner is not the occupier, the~~ occupier of the private land specifying— 35
- (a) the nature of the work that will be carried out; and

- (b) the date when the work will begin, or is expected to begin if it is not possible to specify a definite date.
- (3) If it is necessary for the land or buildings, or both, to be vacated either wholly or partly to enable the works to be carried out, the notice under this section must also direct the owner or occupier to leave the land or buildings, as the case may be, for a specified period, or from a specified date until further notice. 5
- (4) If practicable, a copy of the notice must be given to—
 - (a) every person who has an interest in the land on which the works are situated that is registered under the Land Transfer Act 1952; and 10
 - (b) every person claiming an interest in the land that is protected by a caveat lodged and in force under section 137 of the Land Transfer Act 1952.
- (5) A notice under this section is sufficiently served if it is delivered personally to the person or sent to the person at the person's usual or last known place of residence or business. 15
- (6) If a notice or other document is to be served on a body (whether incorporated or not), service on an officer of the body in accordance with **subsection (5)** is taken to be service on the body.
- (7) A notice or other document sent by post to a person in accordance with **subsection (5) or (6)** must be treated as having been received by that person on the fourth day after it was posted. 20
- (8) A notice under this section must be given at least 1 month in advance, but there is no right of appeal or objection against the notice.

49 Additional requirements for demolition work carried out under section 47

- (1) This section applies if the chief executive gives notice under **section 48** to an owner of a building on or under land that demolition work under **section 47** is to be carried out there. 25
- (2) The owner must give notice to the chief executive within 10 working days after the chief executive's notice is given stating whether or not the owner intends to carry out the works and, if the owner intends to do so, specifying the method by which, and the time within which, the works will be carried out. 30
- (3) If the owner fails to give notice under **subsection (2)**, or the chief executive is not satisfied with the time or method specified, or the works are not carried out in the time or by the method specified or otherwise agreed, then—
 - (a) the chief executive may commission the carrying out of the works and must give the notice required by **section 49A**; and 35
 - (b) in the case of the demolition of a building to which **section 51(1) or (3)** refers, the chief executive may recover the costs of carrying out the work from the owner of the dangerous building in question; and

- (c) the amount recoverable becomes a charge on the land on which the work was carried out.

Compare: 2011 No 12 s 38(4)

49A Second notice requirement for work carried out on private land

- (1) Not less than 24 hours before the beginning of the works under **section 47** on or under private land, the chief executive must give written notice to the owner and, if the owner is not the occupier, the occupier of the private land specifying— 5
- (a) the nature of the work that will be carried out; and
- (b) the date on which the work will begin; and 10
- (c) if applicable, the information described in **section 48(3)**.
- (2) A notice under this section is sufficiently served if it is delivered personally to the person or sent to the person at the person's usual or last known place of residence or business.
- (3) If a notice or other document is to be served on a body (whether incorporated or not), service on an officer of the body in accordance with **subsection (2)** is taken to be service on the body. 15
- (4) A notice or other document sent by post to a person in accordance with **subsection (2) or (3)** must be treated as having been received by that person on the fourth day after it was posted. 20
- (5) There is no right of appeal or objection against the notice.

50 Chief executive may apply to High Court for order that owner or occupier vacate land or building

If the owner or occupier fails to comply with a notice given under **section 48 or 49A**, the chief executive may seek an order from the High Court directing the owner or occupier to comply with the notice. 25

50A Authorised persons may enter private land to carry out work under section 47

- (1) To permit or facilitate the carrying out of work under **section 47** on or under private land in respect of which notice has been given under **sections 48 and 49A**, the chief executive or any person acting under the authority of the chief executive may enter on the land or any building on or under the land. 30
- (2) A person authorised to enter on land or any building under **subsection (1)** must produce evidence of the authorisation if requested to do so.
- (3) An error in any notice given under **section 48 or 49A** does not of itself affect the ability to exercise power, or the validity of an exercise of power, under this section. 35

51 Compensation for demolition of buildings

- (1) If the chief executive demolishes a dangerous building,—
 - (a) the Crown is not liable to compensate the owner or other occupier of the building; and
 - (b) the chief executive may recover the cost of demolition works from the owner. 5
- (2) If the amount of the costs recoverable from the owner has been established by agreement between the chief executive and the owner in advance of the demolition, that amount may be treated as the cost of demolition works for the purpose of **subsection (1)(b)**. 10
- (3) If the chief executive demolishes a non-dangerous building in order to demolish a dangerous building or for any other reason, and the Crown has not acquired the land on which the non-dangerous building is situated, the Crown is liable to compensate the owner of the non-dangerous building for a loss resulting from the demolition of the non-dangerous building whether or not the loss is insured in whole or in part. 15
- (4) Claims under this section must be made and determined in accordance with this section and **subpart 3**.

Compare: 2011 No 12 s 40

52 Compensation for damage to other property caused by demolition of building 20

- (1) The Crown is liable to pay compensation for negligent physical loss or damage caused to other property that results directly from the demolition of a building by the chief executive, except for damage to property that is in or on or under or part of a dangerous building. 25
- (2) Claims under this section must be made and determined in accordance with this section and **subpart 3**.

Compare: 2011 No 12 s 41

53 Temporary buildings

- (1) Despite any other enactment, the chief executive may erect or authorise the erection and use of temporary buildings on any land including any public reserve, private land, road, or street and provide for their removal. 30
- (2) No building consent or resource consent is required for the erection or use of any temporary building under **subsection (1)**.
- (3) If practicable, the chief executive must consult the relevant road controlling authority before exercising a power under this section in relation to a road. 35
- (4) Temporary buildings may be erected under this section on private land ~~only~~ with or without the consent of the owner ~~or occupier~~.

- (5) Nothing in **section 11(2)** applies to the erection of a temporary building under this section on land owned by the Crown.

Compare: 2011 No 12 s 44

Access and roads

- 54 Access to areas or buildings** 5
- The chief executive may restrict or prohibit access by any person or specified class of persons to any specified area, or to any specified building, within greater Christchurch.
- Compare: 2011 No 12 s 45
- 55 Prohibiting and restricting public access, closing and stopping roads, etc** 10
- (1) The chief executive may, for such period as he or she considers necessary, totally or partially prohibit or restrict public access, with or without vehicles, to any road or public place within greater Christchurch.
- (2) The chief executive may close a road or divert or control the traffic on any road: for any reason, including (without limitation)— 15
- (a) to facilitate any work or investigation affecting the road or land near the road:
- (b) for the protection of public safety.
- (3) The chief executive may, by giving notice in the *Gazette* and in a newspaper circulating in greater Christchurch, stop any road or part of a road in greater Christchurch. 20
- (4) The stopping of a road under **subsection (3)** has effect as if the road had been stopped in accordance with section 342 and Schedule 10 of the Local Government Act 1974 and as if the chief executive were a council within the meaning of that section. 25
- (5) The chief executive must consult the relevant road controlling authority—
- (a) before stopping a road or part of a road under this section:
- (b) if practicable, before exercising any other power under this section in relation to a road.
- (6) To avoid doubt,— 30
- (a) there is no right of appeal or objection against a decision made under **subsection (3)**:
- (b) nothing in section 345 of the Local Government Act 1974 applies to the disposal of land resulting from a stopping of a road under this section. 35
- Compare: 2011 No 12 s 46

56 Offences relating to access and roads

- (1) A person commits an offence if the person intentionally contravenes a restriction or prohibition imposed under **section 54 or 55**.
- (2) A person who commits an offence under this section is liable on conviction,—
 - (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$5,000, or both;
 - (b) in the case of a body corporate, to a fine not exceeding \$50,000.

Compare: 2011 No 12 s 47

*Power to direct owner to act***57 Power to direct owner to act for benefit of adjoining or adjacent owners** 10

- (1) This section applies if the chief executive considers that it is desirable that the owner of a property (the **property owner**) act for the benefit of 1 or more owners of properties that are adjoining or adjacent to the property owner's property in relation to rebuilding because—
 - (a) it would assist the implementation of a Plan; or 15
 - (b) the owners have sufficiently linked interests in relation to those properties.
- (2) The chief executive may direct the property owner to act for the benefit of the owners of the adjoining or adjacent properties in the manner specified by the chief executive, which may include conditions on any or all of those owners. 20
- (3) Before giving the direction under **subsection (2)**, the chief executive must give the property owner and each other affected owner of adjoining or adjacent property a reasonable opportunity to be heard, either personally or through a representative. 25

Compare: 2011 No 12 s 52

58 Offence to fail to comply with direction

- (1) A person commits an offence if the person, without reasonable excuse, intentionally fails to comply with a direction given under **section 57**.
- (2) A person who commits an offence under this section is liable on conviction,—
 - (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$5,000, or both; 30
 - (b) in the case of a body corporate, to a fine not exceeding \$50,000.

*Acquisition and other dealing with property***59 Acquisition and other dealing with property**

- (1) ~~Subject to the Minister's approval, the chief executive may, in the name of the Crown,—~~ 35

- ~~(a) purchase or otherwise acquire, hold, mortgage, and lease land and personal property; and~~
- ~~(b) sell and exchange personal property.~~
- (1) The chief executive may, in the name of the Crown,—
 - (a) purchase or otherwise acquire land: 5
 - (b) hold, mortgage, and lease land acquired by the Crown under this Act or under the Canterbury Earthquake Recovery Act 2011.
- (1A) The Minister's approval is required for the following actions of the chief executive under **subsection (1)**:
 - (a) the purchase or other acquisition of land: 10
 - (b) the granting of a lease of land that, including rights of renewal, is or could be for a term of 2 years or more.
- (2) Nothing in **section 11** applies to the exercise of a power under this section.
Compare: 2011 No 12 s 53(1)

Other dealing with land 15

60 Declarations by Minister concerning land

- (1) The Minister may, by notice in the *Gazette*, declare land acquired by the Crown under this Act or under the Canterbury Earthquake Recovery Act 2011 to be set apart for a public work in terms of the Public Works Act 1981.
- (2) The Minister may, by notice in the *Gazette*, declare land acquired by the Crown under this Act or under the Canterbury Earthquake Recovery Act 2011 to be land subject to the Land Act 1948 and not this Act, but only if—
 - (a) the land is not subject to any requirements under this Act to offer the land back; or
 - (b) if the land is subject to any requirements referred to in **paragraph (a)**,—
 - (i) the land has been offered back but the offer to sell the land has not been accepted; or
 - (ii) the chief executive has decided under **section 77(3)(a)** not to offer the land back. 30
- (3) The Minister may, by notice in the *Gazette*, declare land held for a public work in terms of the Public Works Act 1981 (whether held by the Crown or otherwise) to be held under this Act.
- (4) Nothing in **section 11** applies to the exercise of powers under this section.
Compare: 2011 No 12 s 53(4)–(6) 35

61 Subdividing land, etc

- (1) The chief executive may subdivide, resubdivide, improve, and develop all or any land acquired by the Crown under this Act (including land amalgamated under **section 62**) or under the Canterbury Earthquake Recovery Act 2011.
- (2) Nothing in section 11 or Part 10 of the Resource Management Act 1991 applies to any subdivision under this section. 5
- (3) Nothing in **section 11(2)** applies to the exercise of powers under this section.

Compare: 2011 No 12 s 43

62 Amalgamation of land

- (1) The Minister may, in accordance with **sections 63 to 69**, amalgamate all or any land acquired by the Crown under this Act or the Canterbury Earthquake Recovery Act 2011 with all or any land described in **subsection (2)**. 10
- (2) The land referred to in **subsection (1)** is—
 - (a) land owned by the Crown:
 - ~~(b) land owned by a territorial authority, if— 15~~
 - ~~(i) the territorial authority has consented to the transfer to Crown ownership and the amalgamation; and~~
 - ~~(ii) the amalgamation is to give effect to a decision by the Crown and the territorial authority about the future use of the land.~~
 - (b) land owned by a council, if the council has consented to the vesting of the land in the Crown. 20
- (3) Nothing in **section 11(2)** applies to the amalgamation of land under this section.
- (4) Nothing in ~~section 11 or Part 10 of~~ the Resource Management Act 1991 applies to any amalgamation under this section. 25

63 Minister must consult Minister of Conservation if land to be amalgamated is conservation area in certain cases

The Minister must, before publishing a notice under **section 64**, consult the Minister of Conservation if any piece of land that the Minister intends to be amalgamated is subject to the Reserves Act 1977 or is a conservation area (as defined in section 2(1) of the Conservation Act 1987) and the Minister intends that the reserve or conservation status of that land will be extinguished by the amalgamation. 30

64 Notice of intention to vest land in the Crown

If the Minister intends to amalgamate land as described in **section 62** and 1 or more pieces of land to be amalgamated are owned by a ~~territorial authority~~ council, the Minister must publish a notice in the *Gazette* containing the following: 35

- (a) a description of each piece of land to be vested in the Crown; and
- (b) either,—
 - (i) in relation to each piece of land, details of any estate or interest in the land, or any status, restriction, charge, or any other encumbrance that applies to the land, that is intended to be extinguished by the amalgamation; or 5
 - (ii) a statement that any estate or interest in, or any status, restriction, charge, or any other encumbrance that applies to, any piece of land to be vested will be extinguished when the land vests in the Crown; and 10
- (c) the name of the current owner of each piece of land; and
- (d) the date on which the vesting will take effect.

65 Effect of notice of intention to vest land in the Crown

On the date specified in the *Gazette* notice under **section 64**,—

- (a) the land specified in the notice is vested in fee simple in the Crown; and 15
- (b) each estate, interest, status, restriction, charge, or any other encumbrance referred to in the notice in accordance with **section 64(b)(i) or (ii)** is extinguished.

66 Notice of intention to amalgamate land

If the Minister intends to amalgamate land as described in **section 62**, the Minister must publish a notice in the *Gazette* containing the following: 20

- (a) a description of each piece of land to be amalgamated; and
- (b) either,—
 - (i) in relation to each piece of land, details of any estate or interest in the land, or any status, restriction, charge, or any other encumbrance that applies to the land, that is intended to be extinguished by the amalgamation; or 25
 - (ii) a statement that any estate or interest in, or any status, restriction, charge, or any other encumbrance that applies to, any piece of land to be vested will be extinguished when the land vests in the Crown; and 30
- (c) the date on which the amalgamation will take effect.

67 Effect of notice of intention to amalgamate land

On the date specified in the *Gazette* notice under **section 66**,—

- (a) the land specified in the notice is amalgamated; and 35

- (b) each estate, interest, status, restriction, charge, or any other encumbrance referred to in the notice in accordance with **section 66(b)(i) or (ii)** is extinguished.

68 Minister may publish vesting notice and amalgamation notice together

The Minister may publish the information required by **sections 64 and 66** 5 relating to the same piece of land in a single *Gazette* notice.

69 Notice to be registered

- (1) The Minister may lodge a *Gazette* notice under **section 64 or 66** with the Registrar-General of Land, who must register it without fee against the appropriate computer register or computer registers. 10
- (2) The Registrar-General of Land may require the deposit of a survey plan of any piece of land being amalgamated.
- (3) The Registrar-General of Land may do all things that may be necessary to give effect to the notice, including—
 - (a) cancelling any computer register: 15
 - (b) issuing 1 or more computer registers:
 - (c) removing any estate, interest, status, restriction, charge, or other encumbrance.

Compare: 2011 No 12 s 56

Compulsory acquisition of land 20

70 Preconditions to exercise of power in sections 71 to 74

The Minister may exercise the power under **sections 71 to 74** only if, in addition to meeting the requirements of **section 11**,—

- (a) the chief executive has made reasonable endeavours to acquire the land by agreement with the owner of the land but has been unsuccessful, and the chief executive has advised the Minister accordingly; and 25
- (b) either—
 - ~~(i) the Minister is satisfied that the acquisition of the land is necessary to give effect to a Plan; or~~
 - (i) there is an applicable Plan and the Minister is satisfied that the acquisition is not inconsistent with the Plan; or 30
 - (ii) if there is no applicable Plan, the territorial authority in whose district the land is situated has agreed in writing that the land be compulsorily acquired by the Crown.

71 Notice of intention to take land

- (1) The Minister may acquire land compulsorily by publishing a notice of intention to take land in the name of the Crown in the *Gazette* and in a newspaper circulating in the area to which the notice relates, which notice must give—
 - (a) a general description of the land required to be taken (including the name of and number in the road or some other readily identifiable description of the place where the land is situated); and 5
 - (b) a description of the purpose for which the land is to be used.
- (2) The Minister must serve on the owner of, and persons with a registered interest in, the land a notice of intention to take the land in the form set out in **Schedule 3**, unless it is impracticable to do so. 10
- (3) The Minister must lodge a copy of the *Gazette* notice published under **subsection (1)** with the Registrar-General of Land, who must register it without fee against the computer register affected.
- (4) Any notice under this section may be withdrawn by the Minister, and, if it is withdrawn, a notice to that effect must be lodged with the Registrar-General of Land, who must register it without fee against the computer register to the land. 15
- (5) To avoid doubt, there is no right of objection to a notice of intention to take land.
- (6) A notice of intention to take land under this section ceases to have effect ~~on the expiration of~~ 3 years after the date of the publication of that notice in the *Gazette* unless, on or before the expiration of that period,— 20
 - (a) a Proclamation taking the land has been published in the *Gazette*; or
 - (b) the Minister has, by further notice in writing served on the owner of the land intended to be taken, and persons with a registered interest in the land, confirmed the intention of taking the land. 25
- (7) If the Minister has confirmed the intention of taking the land, the notice of intention so confirmed ceases to have effect unless, on or before the expiration of 2 years after the date of that confirmation, a Proclamation taking the land has been published in the *Gazette*. 30

Compare: 2011 No 12 s 54

72 Proclamation

- (1) If the Minister considers that land should be taken in the name of the Crown, the land intended to be taken may be taken in accordance with this section.
- (2) If necessary, a cadastral survey dataset showing accurately the position and extent of the land to be taken must be prepared and be lodged with the chief executive of Land Information New Zealand for the purposes of the Cadastral Survey Act 2002 of the department of State that, with the authority of the Prime Minister, is responsible for the administration of the Cadastral Survey Act 2002 for the purposes of that Act. 35 40

- (3) So long as the *Gazette* notice has been registered in accordance with **section 71(3)**, the Minister may recommend that the Governor-General issue a Proclamation taking the land.
- (4) The Governor-General may, on the recommendation of the Minister, by Proclamation declare that the land described in it is taken in the name of the Crown. 5
- (5) Every Proclamation under this section must be published in the *Gazette* and in a newspaper circulating in the area to which the notice relates within 1 month after the date of its making, together with some readily identifiable description of the land taken, but a Proclamation is not invalidated by any error, defect, or delay in its publication under this section. 10
- (6) Unless otherwise provided in the Proclamation or in this Act or in any other Act, the land specified in a Proclamation under this section becomes absolutely vested in fee simple in the Crown and freed and discharged from all mortgages, charges, claims, estates, or interests of whatever kind, on the 14th day after the day on which the Proclamation is published in the *Gazette*. 15
- (7) If land is compulsorily acquired under this section, the Crown succeeds to all rights, entitlements, and benefits that the owner has or may have against—
 - (a) the insurer of the land; or
 - (b) the insurer of any building or other property on the land.
 Compare: 2011 No 12 s 55 20

73 Proclamation to be registered

- (1) The Minister must lodge every Proclamation with the Registrar-General of Land, who must register it without fee against the computer register to the land.
 - (2) If the land is not subject to the Land Transfer Act 1952, the Registrar-General of Land must enter the Proclamation in the index book of the Deeds Register Office and upon such registration the land becomes subject to the Land Transfer Act 1952. 25
 - (3) An error in any Proclamation does not of itself prevent registration in respect of titles to land validly affected.
 - (4) If land is not subject to the Land Transfer Act 1952 and dealings with it are not registrable under the Deeds Registration Act 1908, the Proclamation must be lodged with the Surveyor-General to be recorded in the cadastre. 30
 - (5) To avoid doubt, the registration of a Proclamation does not result in the cancellation of the title affected. 35
- Compare: 2011 No 12 s 56

74 Vacant possession

If the owner or occupier fails to give vacant possession of the land specified in a Proclamation under **section 72** within 1 month following the publication of

the Proclamation in the *Gazette*, the Minister may seek an order from the High Court directing the owner or occupier to give vacant possession.

Compare: 2011 No 12 s 57

Disposal of land

- 75 Disposal of land** 5
- (1) Subject to the Minister's approval, the chief executive may, if he or she thinks fit, in accordance with **sections 76 and 77** if applicable, dispose of land held by the Crown under this Act or under the Canterbury Earthquake Recovery Act 2011.
- (2) When making a decision on the disposal of land under this section, the chief executive must have regard to any applicable Plan or the fact that a Regeneration Plan that may be applicable has been proposed. 10
- (3) To avoid doubt, except as provided in **sections 76 and 77**, nothing in sections 40 to 42 of the Public Works Act 1981 applies to the disposal of the land.
- (4) Nothing in **section 11** applies to the disposal of land to which this section applies. 15
- (5) This section and **sections 76 and 77** are subject to **section 7(2)**.
- (6) In this section and **sections 76 and 77**, the granting of a lease of land that, including rights of renewal, is or could be for a term of more than 35 years is a disposal of the land. 20
- 76 Certain land to be disposed of under section 75 subject to offer back provisions in Public Works Act 1981**
- Any requirements to offer land back under the Public Works Act 1981 continue to apply to land to which ~~section 60(3)~~ **75** applies if the land—
- (a) was declared in accordance with **section 60(3)** to be land held under this Act; or 25
- (b) was declared under section 53(5) of the Canterbury Earthquake Recovery Act 2011 to be land held under that Act.
- 77 Certain compulsorily acquired land to be disposed of under section 75 must be offered back** 30
- ~~(1) This section applies if land to which **section 75** applies is—~~
- ~~(a) residential land in the Christchurch central city compulsorily acquired under **section 72** of this Act or section 55 of the Canterbury Earthquake Recovery Act 2011; or~~
- ~~(b) land in greater Christchurch outside the Christchurch central city compulsorily acquired under **section 72** of this Act.~~ 35
- (1) This section applies if land to which **section 75** applies—

- (a) is land in greater Christchurch outside the Christchurch central city, or residential land in the Christchurch central city, that was compulsorily acquired under **section 72**; and
 - (b) has not been used for the purpose for which it was acquired or for any other purpose under this Act; and 5
 - (c) was not compulsorily acquired for the purpose of disposal or for purposes that included disposal.
- (2) Before disposing of the land, the chief executive must offer to sell the land by private contract to the person from whom it was acquired or that person's successor— 10
 - (a) at the current market value of the land as determined by a valuation carried out by a registered valuer; or
 - (b) if the chief executive considers it reasonable to do so, at any lesser price.
- (3) **Subsection (2)** does not apply if— 15
 - (a) the chief executive considers that to offer the land back would be impracticable, unreasonable, or unfair; or
 - (b) the land is to be set apart for a public work under **section 60(1)**; or
 - (c) there has been a significant change in the character of the land in connection with the purpose for which it was acquired.
- (4) Section 40(2A), (4), and (5) of the Public Works Act 1981 applies with all necessary modifications to an offer back under this section. 20
- (5) If any offer to sell land under **subsection (2)** has not been accepted within 20 working days of the receipt of the offer, this section ceases to apply and the land may be disposed of under **section 75**.
- (6) To avoid doubt, the disposal of land in the Christchurch central city other than residential land is not subject to this section or sections 40 to 42 of the Public Works Act 1981. 25

Compare: 2011 No 12 s 58

Subpart 3—Compensation under this Act

- 78 When this subpart applies** 30
- This subpart applies in respect of—
- (a) land compulsorily acquired under this Act or the Canterbury Earthquake Recovery Act 2011; and
 - (b) compensation payable under **section 51 or 52** of this Act or section 40 or 41 of the Canterbury Earthquake Recovery Act 2011. 35

Compare: 2011 No 12 s 60

79 Meaning of compensation

In this subpart, **compensation**—

- (a) means compensation for actual loss; but
- (b) except as provided by this Act, does not include compensation for—
 - (i) a loss by an insurer arising from a liability to indemnify: 5
 - (ii) any part of a loss that is insured:
 - (iii) any part of a loss that ought reasonably to have been insured:
 - (iv) a consequence of regulatory change arising from the operation of this Act causing loss:
 - ~~(v) cancellation of an existing resource consent that has already been exercised: 10~~
 - ~~(vi) cancellation of an existing use right:~~
 - (vii) economic or consequential loss:
 - (viii) loss of personal property exceeding \$20,000 in value:
 - (ix) business interruption: 15
 - (x) any other loss that the Minister reasonably considers is unwarranted and unjustified.

Compare: 2011 No 12 s 61

80 Entitlement to compensation

A person who suffers loss resulting from a matter referred to in **section 78** is entitled to compensation from the Crown. 20

Compare: 2011 No 12 s 62

81 Procedure for claiming compensation

- (1) A claim for compensation under this subpart must be lodged by sending or delivering to the chief executive a properly completed claim in a form provided by the chief executive. 25
- (2) The claim must be lodged within 2 years after the exercise of the power in question.

Compare: 2011 No 12 s 63

82 Minister determines compensation 30

- (1) The Minister must determine—
 - (a) whether compensation is payable; and
 - (b) the amount of compensation to be paid.
- (2) Compensation is determined,—
 - (a) in the case of the compulsory acquisition of land, as at the date of the compulsory acquisition; and 35

- (b) in any other case, as at the date of the notice of demolition or the date of the loss or damage, as the case may be.
- (3) When determining the amount of compensation for the compulsory acquisition of land, the Minister must have regard to the matters in **subsection (4)**, but is not limited to determining the amount of compensation on that basis alone—~~and may determine whatever amount the Minister thinks fit.~~ 5
- (4) The matters referred to in **subsection (3)** are—
 - (a) the current market value of the land as determined by a valuation carried out by a registered valuer; and
 - (b) the relevant provisions of Part 5 of the Public Works Act 1981. 10
- (5) Before making a final determination under **subsection (1)**, the Minister must give a claimant a reasonable opportunity to appear before the Minister to make representations as to the nature of the claim and the amount of compensation payable.
- (6) A claimant may make representations under **subsection (5)** personally or through a representative (including a lawyer, accountant, or other expert). 15

Compare: 2011 No 12 s 64

83 Time for making determination

The Minister must ensure that any claim for compensation is determined within ~~6 months~~ a reasonable time after the date on which the claim is lodged under **section 81**. 20

Compare: 2011 No 12 s 65

84 Exercise of power unaffected by claim for compensation

The exercise of the power giving rise to a claim for compensation under this subpart is unaffected by the making and determination of the claim and, in particular, must not be subject to any delay or other impediment dependent on resolution of the claim. 25

Compare: 2011 No 12 s 66

85 No compensation except as provided by this Act

Nothing in this Act, apart from this subpart or **section 51 or 52**, confers any right to compensation or is to be relied on in any proceedings as a basis for any claim to compensation. 30

- ~~(2) Nothing in section 185 of the Resource Management Act 1991 applies in relation to any matter to which this subpart applies.~~ 35

Compare: 2011 No 12 s 67

Subpart 4—Appeal rights

86 Appeal

- (1) There is no right of appeal against a decision of the Minister or the chief executive acting, or purporting to act, under this Act, except as provided in **sections 87 and 88.** 5
- (2) A proceeding must not be brought, and a court must not hear any proceeding, that is in breach of this section.
- (3) ~~Despite anything to the contrary in the Resource Management Act 1991, while this Act is in force nothing in section 16 or 17 or Part 12 of the Resource Management Act 1991 applies to an activity or use that has been the subject of a decision of a type described in **section 87(1)(b)** in relation to that matter.~~ 10
- (4) ~~Despite anything to the contrary in the Resource Management Act 1991, while this Act is in force there is no right of appeal under the Resource Management Act 1991 against a decision of a type described in **section 87(1)(b)**, except as provided in **sections 87 and 88.**~~ 15
- (5) ~~To avoid doubt, **subsection (4)** does not apply to or affect appeals or objections commenced under that Act before the commencement of the Canterbury Earthquake Recovery Act 2011.~~
- (6) To avoid doubt, there is no right of appeal, whether under this Act or the Resource Management Act 1991, against any decision under **section 18, 21, 29, 38, or 40, or 61.** 20

Compare: 2011 No 12 s 68

87 Exceptions to exclusion of appeals

- (1) Any person referred to in **subsection (2)** may appeal to the High Court—
- (a) against a decision of a Minister under **section 31(3)**; or 25
- (b) ~~against a decision on an application for a resource consent or a notice of requirement for an activity or use that is specified in a Plan as being subject to this section, and in respect of which a person would otherwise have a right of appeal or objection under the Resource Management Act 1991; or~~ 30
- (b) against a decision of a Minister under **section 31(4)**; or
- (c) in respect of any dispute referred to in **section 46**; or
- (d) against a direction, or conditions given in relation to a direction, given under **section 57(2)**; or
- (e) against a determination of compensation under **section 82.** 35
- (2) The persons who may appeal under **subsection (1)** are,—
- (a) in the case of an appeal under **subsection (1)(a)**, the council, requiring authority, or heritage protection authority concerned:

- (b) ~~in the case of an appeal under **subsection (1)(b)**, the person who would otherwise have had a right of appeal or objection under the Resource Management Act 1991:~~
- (b) in the case of an appeal under **subsection (1)(b)**, the Lyttelton Port Company Limited: 5
- (c) in the case of an appeal under **subsection (1)(c)**, any adjoining owner who disputes the survey concerned or the lodgement of the caveat:
- (d) in the case of an appeal under **subsection (1)(d)**, the property owner directed to act or the owner of an adjoining or adjacent property:
- (e) in the case of an appeal under **subsection (1)(e)**, the claimant. 10
- (3) For the purposes of hearing an appeal under **subsection (1)**, the court may appoint 1 or more suitably qualified persons (including an Environment Commissioner or other expert) to assist it by giving advice if the court considers that it is desirable to have expert assistance.
- (4) The advisers must give their advice in the manner that the court may direct during the proceeding on any question referred to them. 15
- (5) The advice is information provided to the court, and may be given the weight that the court thinks fit.
- (6) Any decision to which an appeal relates has full effect unless and until set aside by a court. 20

Compare: 2011 No 12 s 69

88 Appeal from High Court and in some cases from Court of Appeal

- (1) ~~An appeal to the Court of Appeal may be brought against a decision of the High Court in a case referred to in **section 87**,~~
- (a) ~~as of right, on a substantive question of law:~~ 25
- (b) ~~on any other question, only with the leave of the Court of Appeal, to be given if that court considers the appeal necessary in the interests of justice.~~
- (1) An appeal to the Court of Appeal may, with the leave of that court, be brought against a decision of the High Court in a case referred to in **section 87** on a question of law or on any other question. 30
- (2) The decision of the Court of Appeal is final in the case of any appeal referred to in **section 87(1)(a) to (d)**.
- (3) In the case of an appeal referred to in **section 87(1)(e)**, an appeal from the Court of Appeal to the Supreme Court may be brought against a decision of the Court of Appeal on a question of law with the leave of the Supreme Court given under the Supreme Court Act 2003. 35

Compare: 2011 No 12 s 70

Subpart 5—~~Establishment of~~ Regenerate Christchurch**89 Establishment and status of Regenerate Christchurch**

- (1) This section establishes Regenerate Christchurch.
- (2) Regenerate Christchurch—
 - (a) is a body corporate; and 5
 - (b) is accordingly a legal entity separate from its members, office holders, employees, ~~and the Crown~~ the Crown, and Christchurch City Council; and
 - (c) continues in existence until it is disestablished on the close of 30 June 2021. 10
- ~~(3) On and from the close of 30 June 2021, the purpose and objectives of Regenerate Christchurch are to be continued by the successor organisation approved in accordance with **section 99**.~~

Compare: 2004 No 115 s 15

90 Purpose and objectives of Regenerate Christchurch 15

- (1) Regenerate Christchurch's purpose is to support a vibrant, thriving Christchurch that has economic, social, and lifestyle opportunities for residents, businesses, visitors, investors, and developers.
- (2) Regenerate Christchurch's objectives are—
 - (a) to lead regeneration in ~~defined areas of Christchurch~~ the area of Christchurch district that falls within greater Christchurch; 20
 - (b) to engage and advocate effectively with communities, stakeholders, and decision makers to achieve its purpose;
 - (c) to collaboratively work with others in achieving regeneration.

91 Functions of Regenerate Christchurch 25

The functions of Regenerate Christchurch are—

- (a) to develop visions, strategies, and Regeneration Plans to assist in achieving regeneration;
- ~~(b) to provide investment facilitation services to the market;~~
- (b) to facilitate increased investment; 30
- (c) to provide advice to ~~CrownCo~~ Ōtākaro Limited, Development Christchurch Limited, and others on the regeneration outcomes being sought;
- (d) to comment on regeneration outcomes and interventions, and the contribution of ~~CrownCo~~ Ōtākaro Limited and Development Christchurch Limited; 35
- (e) to provide independent advice on ~~recommended~~ regeneration activities to Christchurch City Council and to the Minister.

92 Powers of Regenerate Christchurch

- (1) Regenerate Christchurch has full capacity and all the powers reasonably necessary to achieve its purpose and objectives and to perform its functions.
- (2) In performing its functions, Regenerate Christchurch ~~must act consistently with~~ must not act inconsistently with
 - (a) this Act; and
 - (b) any Plan; and
 - (c) any other lawful requirement.

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93 ~~Regenerate Christchurch area~~

- (1) ~~Regenerate Christchurch may perform and exercise its functions and powers in relation to the areas specified in **Schedule 4**.~~
- (2) ~~The Governor General may, by Order in Council made on the recommendation of the Minister, amend **Part 2 of Schedule 4** to add areas to or remove areas from that Part of that schedule.~~
- (3) ~~An Order in Council under **subsection (2)** may only add an area to **Part 2 of Schedule 4** if the area is within the Christchurch district.~~
- (4) ~~The Minister may only make a recommendation under **subsection (2)** if, having consulted Christchurch City Council, the Minister is satisfied that the area has a relatively greater need for regeneration, including enhanced services and opportunities.~~

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93 Area of Regenerate Christchurch

Regenerate Christchurch may perform and exercise its functions and powers in relation to the area of Christchurch district that falls within greater Christchurch.

Board of Regenerate Christchurch

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94 Board's role

- (1) The board is the governing body of Regenerate Christchurch, with the authority, in Regenerate Christchurch's name, to exercise the powers and perform the functions of Regenerate Christchurch.
- (2) All decisions relating to the operation of Regenerate Christchurch must be made by, or under the authority of, the board in accordance with ~~this Part, **Schedule 5**, and any agreement under **section 97**~~ this subpart and **Schedule 5**.
- (3) Except as provided in ~~this Part, **Schedule 5**, or an agreement under **section 97**~~ this subpart or **Schedule 5**, the board may determine its own procedure.

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Compare: 2004 No 115 s 25

95 Membership of board

- (1) The board comprises 7 members, as follows:
- (a) 3 members appointed by Christchurch City Council; and
 - (b) ~~3 members~~ 4 members appointed by the Minister; ~~and~~.
 - (c) ~~1 member appointed by the Minister after consultation with Te Rūnanga o Ngāi Tahu.~~ 5
- (2) In making an appointment, an appointer must consider whether the proposed member has the skills, knowledge, or experience to—
- (a) participate effectively in the board; and
 - (b) contribute to achieving the purpose and objectives of Regenerate Christchurch. 10
- (2A) The Minister must ensure that, at any time, 1 member of the board appointed by the Minister under **subsection (1)(b)** is a person nominated for appointment by Te Rūnanga o Ngāi Tahu.
- ~~(3) The members are appointed for a single term ending on the close of 30 June 2021.~~ 15
- (3) An appointer may appoint a member to the board for any period of time (provided that the period ends on or before 30 June 2021).
- (4) This section is subject to **Part 1 of Schedule 5**.
- ~~(5) To avoid doubt, Regenerate Christchurch is not a council controlled organisation within the meaning of section 6(1) of the Local Government Act 2002.~~ 20

95A Chairperson of board

- (1) The Minister must appoint a member as the chairperson of the board for the period ending with the close of 30 June 2019.
- (2) Christchurch City Council must appoint a member as the chairperson of the board for the period beginning on 1 July 2019 and ending with the close of 30 June 2021. 25

*Further provisions relating to Regenerate Christchurch***96 Further provisions relating to Regenerate Christchurch**

The provisions in **Schedule 5** have effect in relation to Regenerate Christchurch. 30

97 Role of Christchurch City Council and Minister

- (1) The role of Christchurch City Council and the Minister is to—
- (a) ~~jointly~~ oversee and manage Christchurch City Council's and the Crown's interests in, and relationship with, Regenerate Christchurch; and 35

- (b) perform the functions and exercise the powers set out in this subpart and in **Schedule 5**, including those functions and powers relating to—
- (i) appointing and removing members under **section 95** and **Part 1 of Schedule 5**:
 - ~~(ii) setting Regenerate Christchurch's strategic direction and performance expectations under **Part 2 of Schedule 5**:~~ 5
 - ~~(iii) giving directions to amend any provision that is included in Regenerate Christchurch's final statement of intent under **subsection (7)**:~~
 - (iii) setting Regenerate Christchurch's strategic direction and performance expectations, including by— 10
 - (A) engaging with Regenerate Christchurch on the preparation of its statement of intent and statement of performance expectations:
 - (B) producing a letter of expectations under **section 97A**: 15
 - (C) commenting on Regenerate Christchurch's draft statement of intent and draft statement of performance expectations under **Part 2 of Schedule 5**:
 - (D) directing Regenerate Christchurch to amend its final statement of intent or final statement of performance expectations under **section 97B**: 20
 - (iv) reviewing the ~~operations and~~ performance of Regenerate Christchurch under **Part 2 of Schedule 5**.
- (2) Christchurch City Council and the Minister may agree on how they will exercise their respective roles and responsibilities in relation to Regenerate Christchurch. 25
- ~~(3) In connection with their functions and powers, Christchurch City Council and the Minister may—~~
- ~~(a) produce a letter of expectations that sets out their expectations of Regenerate Christchurch's strategic direction and their specific priorities for the planning period:~~ 30
 - ~~(b) engage with Regenerate Christchurch in relation to its statement of performance of expectations:~~
 - ~~(c) review Regenerate Christchurch's statement of intent.~~
- ~~(4) If Christchurch City Council and the Minister produce a letter of expectations under **subsection (3)(a)**, they must do so jointly.~~ 35
- ~~(5) If Christchurch City Council and the Minister are unable to agree on a joint letter of expectations, either of those parties may give notice to the other that there is lack of agreement.~~

- (6) ~~If, 30 working days after notice has been given under **subsection (5)**, Christchurch City Council and the Minister remain unable to agree on a joint letter of expectations, the Minister may, if the Minister considers that it is unlikely that an agreement will be reached within a reasonable period of time, provide a letter of expectations to Regenerate Christchurch on behalf of both parties.~~ 5
- (7) ~~Christchurch City Council and the Minister may agree to direct Regenerate Christchurch to amend any provision that is included in Regenerate Christchurch's final statement of intent under **clause 50(1) or (2)(a), (b), (d), or (e)** of **Schedule 5**.~~
- (8) ~~The provisions of an agreement under **subsection (2) or (7)** or a letter of expectations produced under **subsection (3)(a)** apply subject to the provisions of this subpart and **Schedule 5**.~~ 10

97A Letter of expectations

- (1) Christchurch City Council and the Minister may provide a letter of expectations that sets out their expectations of Regenerate Christchurch's strategic direction and their specific priorities. 15
- (2) Christchurch City Council and the Minister must endeavour to produce any letter of expectations jointly.
- (3) However, the Minister may provide a letter of expectations to Regenerate Christchurch on behalf of both parties if— 20
- (a) Christchurch City Council or the Minister has given notice to the other party that they are unable to agree on a joint letter of expectations; and
- (b) 30 working days after notice has been given under **paragraph (a)**,—
- (i) Christchurch City Council and the Minister remain unable to agree on a joint letter of expectations; and 25
- (ii) the Minister considers that it is unlikely that agreement will be reached within a reasonable period of time.
- (4) If a letter of expectations is provided under this section, Regenerate Christchurch must consider the letter of expectations when preparing its statement of intent and statement of performance expectations. 30

97B Direction to amend statement of intent or statement of performance expectations

- (1) Christchurch City Council and the Minister may agree to direct Regenerate Christchurch to amend—
- (a) any provision that is included in Regenerate Christchurch's final statement of intent under **clause 50(1) or (2)(a), (b), (d), or (e)** of **Schedule 5**. 35

- (b) any provision of Regenerate Christchurch's final statement of performance expectations, excluding the forecast financial statements included under **clause 56** of **Schedule 5**.
- (2) Christchurch City Council and the Minister must consult Regenerate Christchurch before giving a direction. 5
- (3) The direction must be given in writing.
- (4) Regenerate Christchurch must comply with the direction.
- (5) The amendment to the statement of intent or statement of performance expectations, as specified in the direction, is in force from the effective date of the direction. 10
- (6) As soon as practicable after a direction has been given under this section, the Minister must present a copy of it to the House of Representatives.
- (7) **Clauses 50(3) and 51 of Schedule 5** apply to a statement of intent amended under this section.
- (8) **Clauses 55(3)(b) and (c) and 57 of Schedule 5** apply to a statement of performance expectations amended under this section. 15
- 98 Acts done before commencement**
- (1) This section applies to acts done before the commencement of this subpart (including acts done before the enactment of this subpart).
- (2) The act is valid if it is done— 20
- (a) in accordance with the provisions of this subpart, ~~subpart 6~~, or **Schedule 5**; and
- (b) ~~for one of the following purposes:~~
- (i) ~~facilitating the establishment of Regenerate Christchurch;~~
- (ii) ~~transferring Canterbury Earthquake Recovery Authority's assets and liabilities.~~ 25
- (b) to facilitate the establishment of Regenerate Christchurch.
- (3) This section does not limit section 11 of the Interpretation Act 1999.
- 99 Successor organisation**
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, approve a successor organisation to which assets and liabilities of Regenerate Christchurch may be transferred in accordance with **section 106**. 30
- (2) The successor organisation must—
- (a) be a council-controlled organisation that is owned or controlled by Christchurch City Council; and 35
- (b) be nominated for the purpose by Christchurch City Council.

- (3) ~~Before making a recommendation under **subsection (1)**, the Minister must consult Christchurch City Council.~~
- (4) Section 56 of the Local Government Act 2002 does not apply to the establishment of the successor organisation.
- 100 Regenerate Christchurch exempt from income tax** 5
- (1) ~~Regenerate Christchurch is to be treated as a public authority for the purpose of section CW 38 of the Income Tax Act 2007.~~
- (2) ~~However, the Governor General may, by Order in Council made on the recommendation of the Minister, declare that Regenerate Christchurch is no longer to be treated as a public authority for the purpose of section CW 38 of the Income Tax Act 2007.~~ 10
- (3) ~~The Minister must recommend the making of an order described in **subsection (2)** only if Christchurch City Council and the Minister are satisfied that Regenerate Christchurch has the purpose of making a profit.~~
- 100 Regenerate Christchurch's income exempt from income tax** 15
- Income derived by Regenerate Christchurch is exempt income for the purposes of the Income Tax Act 2007.
- 101 Application of certain Acts**
- The following Acts apply to Regenerate Christchurch:
- (a) the Official Information Act 1982: 20
- (b) the Ombudsmen Act 1975:
- (c) the Public Audit Act 2001.
- Subpart 6—Transfer of assets, liabilities, ~~and employees~~ and Crown agreements
- 102 Interpretation** 25
- In this subpart,—
- assets** means property of any kind, but excludes land
- liabilities** includes—
- (a) liabilities and obligations under any Act or agreement; and
- (b) contingent liabilities. 30
- 103 ~~Transfer of Canterbury Earthquake Recovery Authority's assets and liabilities~~**
- (1) ~~Subject to the Minister's approval, the chief executive may, pursuant to an agreement with a transferee, transfer to the transferee any assets and liabilities~~

- ~~of the Crown (being assets and liabilities relating to the Canterbury Earthquake Recovery Authority).~~
- (2) ~~An agreement under this section must provide that any transfer provided for in the agreement takes place—~~
- (a) ~~no earlier than the date on which the agreement is presented to the House of Representatives in accordance with **section 105**; and~~ 5
- (b) ~~no later than the close of 17 April 2016.~~
- (3) ~~Any of the following may be a transferee for the purposes of **subsection (1)**:~~
- (a) ~~Regenerate Christchurch;~~
- (b) ~~Christchurch City Council;~~ 10
- (c) ~~a council organisation;~~
- (d) ~~CrownCo.~~
- 104 Regenerate Christchurch may transfer ~~assets, liabilities, and employees~~ assets and liabilities**
- (1) ~~Subject to the Minister's approval, Regenerate Christchurch may, pursuant to an agreement with a transferee, transfer to the transferee—~~ 15
- (a) ~~any assets and liabilities of Regenerate Christchurch;~~
- (b) ~~any employees of Regenerate Christchurch.~~
- (1) Regenerate Christchurch may, under an agreement with a transferee, transfer any assets and liabilities of Regenerate Christchurch to the transferee under this section. 20
- (1A) An agreement under this section has no effect until it is approved by Christchurch City Council and the Minister.
- (2) An agreement under this section must provide that any transfer provided for in the agreement takes place— 25
- (a) no earlier than the date on which the agreement is presented to the House of Representatives in accordance with **section 105**; and
- (b) no later than the close of 30 June 2021.
- (3) Any of the following may be a transferee for the purposes of **subsection (1)**:
- (a) Christchurch City Council: 30
- (b) a council organisation:
- (c) ~~CrownCo~~Ōtākaro Limited:
- (d) a department specified in Schedule 1 of the State Sector Act 1988.
- 105 Notice of transfer**
- (1) The Minister must present an agreement referred to in ~~**section 403 or 104**~~ to the House of Representatives within 12 sitting days after the date on which the agreement is entered. 35

- (2) Regenerate Christchurch must provide any agreement it enters into under **section 104** to the Minister as soon as practicable after the agreement is entered into, in order that the Minister can comply with **subsection (1)**.
- (3) The presentation of an agreement in accordance with **subsection (1)** is to be treated as notice of the transfer and any third party must, after the date specified in the agreement for the transfer, deal with the transferee in place of the transferor. 5

106 Residual assets and liabilities transferred to successor organisation

- (1) Any asset or liability that, immediately before 1 July 2021, belongs to Regenerate Christchurch (and that is not subject to an agreement under **section 104**) is, on and from 1 July 2021, an asset or a liability of the successor organisation. 10
- (2) If an asset or a liability is transferred to the successor organisation under **subsection (1)**, the successor organisation must, as soon as practicable after 1 July 2021, notify any party that has an interest, right, or obligation in relation to the asset or liability of the transfer under this section. 15
- (3) A party that has an interest, right, or obligation in relation to an asset or a liability that is transferred to the successor organisation under **subsection (1)** must, ~~after~~ on and from 1 July 2021, deal with the successor organisation in place of Regenerate Christchurch.

106A Transfer of Crown agreements, etc 20

- (1) The Minister or the chief executive may transfer to a party specified in **subsection (2)** any of the Crown's benefits and liabilities under any agreement or undertaking entered into by the Crown for any purpose of the Canterbury Earthquake Recovery Act 2011 or this Act.
- (2) The parties are— 25
- (a) a council;
 - (b) a council organisation;
 - (c) Regenerate Christchurch;
 - (d) Ōtākaro Limited.
- (3) The Minister or the chief executive may only transfer benefits and liabilities under **subsection (1)** if the transferee has agreed to accept the benefits and liabilities. 30
- (4) A transfer under **subsection (1)** is made by notice in writing delivered to the transferee and every other party to the agreement or undertaking.
- (5) A transfer under **subsection (1)** is binding on every party to the agreement or undertaking. 35

Compare: 2011 No 12 s 87

107 Transfer does not affect rights, etc

Nothing effected or authorised by a transfer under this subpart—

- (a) may be regarded as placing any person in breach of ~~contract or confidence~~ an agreement or a confidence or as otherwise making ~~them~~ any person liable for a civil wrong; or 5
- (b) may be regarded as giving rise to a right for any person to terminate or cancel ~~a contract or arrangement~~ an agreement, or to accelerate the performance of any obligation; or
- (c) may be regarded as placing any person in breach of an enactment, a rule of law, or ~~contractual~~ a provision of an agreement prohibiting, restricting, or regulating the assignment or transfer of property or the disclosure of information; or 10
- (d) releases a surety wholly or in part from any obligation; or
- (e) invalidates or discharges any ~~contract~~ agreement.

108 ~~Transfer of employees~~

- (1) ~~Any employee of Regenerate Christchurch who is transferred pursuant to an agreement referred to in **section 104** is, immediately after the date of transfer, an employee of the transferee on the same terms and conditions of employment as applied to that employee immediately before the date of transfer.~~ 15
- (2) ~~Any person who, immediately before 1 July 2021, is an employee of Regenerate Christchurch is, on and from 1 July 2021, an employee of the successor organisation on the same terms and conditions of employment as applied to that employee immediately before 1 July 2021.~~ 20
- (3) ~~An employee referred to in **subsection (1) or (2)** is not entitled to receive any payment or other benefit on the ground that his or her position at Regenerate Christchurch has ceased to exist.~~ 25
- (4) ~~For the purposes of every enactment, law, determination, contract, and agreement relating to the employment of an employee who becomes an employee of the transferee under **subsection (1) or (2)**,~~ 30
 - (a) ~~the employment agreement of that employee is to be treated as unbroken; and~~
 - (b) ~~the employee's period of service with Regenerate Christchurch, and every other period of service of that employee that is recognised by Regenerate Christchurch as continuous service, is to be treated as a period of service with the transferee.~~ 35
- (5) ~~In **subsection (4)**, transferee includes the successor organisation.~~

Subpart 7—Miscellaneous provisions

109 Protection from liability

- (1) Except as otherwise provided in this Act, no action lies against the Crown, or an officer or employee or a Minister of the Crown, or against any other person,— 5
- (a) to recover any damages or other amount for any loss, damage, or adverse effect that is due directly or indirectly to any action taken under this Act; or
- (b) to require any work to be carried out or other action to be taken in order to remedy or mitigate any loss, damage, or adverse effect that results directly or indirectly from any action taken under this Act. 10
- (2) No person who takes any action under this Act is liable under the Resource Management Act 1991 for any fine, costs, or expenses in respect of that action, except as otherwise provided in this Act.
- (3) **Subsection (1)** applies whether the loss, damage, or adverse effect is caused by any person taking any action or failing to take any action, so long as the act or omission occurred in the exercise or performance, or intended exercise or intended performance, of his or her functions, duties, or powers under this Act. 15
- (4) No person is exempted from liability under **subsection (1)** for any act or omission to act that constitutes bad faith or gross negligence on the part of that person. 20
- (5) If, under this Act, the Minister or the chief executive becomes a party to any agreement ~~or arrangement~~ entered into by a council for the purposes of carrying out demolition or other works, the Minister or chief executive is entitled to the full benefit of any provision in the agreement ~~or arrangement~~ that limits or excludes any liability of the council (such as liability for damage caused by, or for the costs of, demolition work) under the agreement ~~or arrangement~~. 25
- (6) If a council assumes any liability of the Minister or chief executive in relation to demolition or other works under this Act, the council is entitled to the full benefit of any provision in an agreement ~~or arrangement~~ that limits or excludes any liability of the Minister or the chief executive (such as liability for damage caused by, or for the costs of, demolition work) under the agreement ~~or arrangement~~. 30
- (7) In this section, references to this Act include Orders in Council made under or continued by this Act. 35

Compare: 2011 No 12 s 83

~~110 Transfer of Crown contracts, etc~~

- (1) ~~A Minister or a chief executive may transfer to a party specified in **subsection (2)** any of the Crown's benefits and liabilities under any contract, agreement, conveyance, deed, lease, licence, or other instrument or undertaking on~~ 40

~~tered into by the Crown for any purpose of the Canterbury Earthquake Recovery Act 2011 or this Act.~~

- (2) ~~The parties are—~~
- (a) ~~a council;~~
 - (b) ~~a council organisation;~~ 5
 - (c) ~~Regenerate Christchurch;~~
 - (d) ~~CrownCo.~~
- (3) ~~A Minister or the chief executive may only transfer benefits and liabilities under **subsection (1)** if the transferee has agreed to accept the benefits and liabilities.~~ 10
- (4) ~~A transfer under **subsection (1)** is made by notice in writing delivered to the transferee and every other party to the instrument or undertaking.~~
- (5) ~~A transfer under **subsection (1)** is binding on every party to the instrument or undertaking.~~
- (6) ~~Nothing effected or authorised by a transfer under **subsection (1)**—~~ 15
- (a) ~~may be regarded as placing any person in breach of contract or confidence or as otherwise making any of them liable for a civil wrong; or~~
 - (b) ~~may be regarded as giving rise to a right for any person to terminate or cancel a contract or an arrangement, or to accelerate the performance of any obligation; or~~ 20
 - (c) ~~may be regarded as placing any person in breach of an enactment, rule of law, or contractual provision prohibiting, restricting, or regulating the assignment or transfer of property or the disclosure of information; or~~
 - (d) ~~releases a surety wholly or in part from any obligation; or~~
 - (e) ~~invalidates or discharges any contract.~~ 25

~~Compare: 2011 No 12 s 87~~

Minister for Canterbury Earthquake Recovery may transfer designations

110A Minister for Canterbury Earthquake Recovery may transfer designations to Ōtākaro Limited

- (1) In this section,— 30
- designation** means any of designations H1 to H10 described at Chapter 10 of the district plan
- district plan** means the replacement district plan prepared under the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014
- Minister** means the Minister for Canterbury Earthquake Recovery 35
- RMA** means the Resource Management Act 1991.

- (2) If the Minister transfers financial responsibility for a project to Ōtākaro Limited, responsibility for any designation that is relevant to the project is transferred to Ōtākaro Limited.
- (3) The Minister must advise the Minister for the Environment and Christchurch City Council that the designation is transferred to Ōtākaro Limited and, for the purposes of section 175(2)(b) of the RMA, the Christchurch City Council must, without using the process in Schedule 1 of the RMA, note the transfer in the district plan. 5
- (4) Sections 176, 176A, 177, 179, 180, 181, 182, and 184 of the RMA apply, with any necessary modifications, to Ōtākaro Limited in relation to a designation transferred under this section as if Ōtākaro Limited were a requiring authority within the meaning of section 166 of the RMA. 10

Repeal of Canterbury Earthquake Recovery Act 2011 and related matters

111 Repeal, revocations, and validation

- (1) The Canterbury Earthquake Recovery Act 2011 (2011 No 12) is repealed. 15
- (2) Each Order in Council specified in **Schedule 6** and made under section 71 of that Act or continued by section 89(2) of that Act is revoked.
- ~~(3) The Recovery Strategy for Greater Christchurch, Mahere Haumanutanga o Waitaha (Gazette 2012, p 1746) is revoked.~~
- (3) The following are revoked: 20
- (a) Recovery Strategy for Greater Christchurch, Mahere Haumanutanga o Waitaha (published in the Gazette 2012 at p 1746):
- (b) Transition Recovery Plan (notified in the Gazette on 22 October 2015, 2015-go6191).
- ~~(4) The repeal of that Act does not affect any act, decision, or thing done under that Act or done under any Order in Council made under that Act, and those acts, decisions, or things are validated.~~ 25
- ~~(5) Despite the repeal of that Act, section 83 of that Act is deemed to continue to apply to any act, decision, or thing referred to in **subsection (4)**.~~
- Compare: 2011 No 12 s 89 30

112 Continuation, amendment, and validation of certain Orders in Council

- (1) Each Order in Council specified in **Schedule 7** and made under section 71 of the Canterbury Earthquake Recovery Act 2011 or continued by section 89(2) of that Act—
- (a) continues in force: 35
- (b) is amended in the manner specified in **Schedule 7**:
- (c) may be revoked in accordance with **section 113**.
- (2) Despite **section 8**,—

- (a) the Canterbury Earthquake (Social Security Act) Order (No 2) 2010 continues to apply to the specified area (within the meaning of clause 4(1) of that order);
- (b) the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 continues to apply to the Christchurch district (within the meaning of clause 3 of that order). 5
- (3) An order continued by **subsection (1)**—
- (a) is declared to have been lawfully made and to be and always have been valid; and
- (b) ~~may~~must not be held invalid ~~just~~ because— 10
- (i) it is, or authorises any act or omission that is, inconsistent with any other Act; or
- (ii) it confers any discretion on, or allows any matter to be determined or approved by, any person.
- ~~(4) So far as it is authorised by the Canterbury Earthquake Recovery Act 2011 and continued by this Act, an order has the force of law as if it were enacted as a provision of this Act.~~ 15
- (4) An order continued by **subsection (1)** has the force of law as if it were enacted as a provision of this Act.
- ~~*Power to revoke continued Orders in Council*~~ 20
- 113 Power to revoke Orders in Council continued by section 112**
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, revoke an Order in Council continued by **section 112**.
- ~~(2) Before making a recommendation under **subsection (1)**, the Minister must—~~
- ~~(a) take into account the purposes of this Act; and~~ 25
- ~~(b) have regard to the views of the strategic partners.~~
- (2) Before making a recommendation under **subsection (1)**, the Minister must, in addition to meeting the requirements of **section 11**, have regard to the views of the strategic partners.
- 114 Application of Legislation Act 2012** 30
- (1) ~~An~~Despite **section 112(4)**, an Order in Council continued by **section 112** or made under **section 113** is a disallowable instrument for the purposes of the Legislation Act 2012.
- (2) An Order in Council made under **section 113** must be presented to the House of Representatives under section 41 of that Act. 35

*Annual review***115 Annual review of Act**

- (1) The Minister must, within 12 months after the commencement of this subpart and once in every 12-month period after that, commission an annual review of the operation and effectiveness of this Act. 5
- (2) The person or persons conducting the review must prepare for the Minister a report on the review.
- (3) The report must include—
 - (a) a description of powers exercised by or on behalf of a Minister or a chief executive under this Act during the period reported on: 10
 - (b) any recommendations for amendments to this Act.
- (4) The Minister must present the report to the House of Representatives as soon as practicable after it has been completed.

Compare: 2011 No 12 ss 88, 92

Repeal, amendments, and revocations

15

~~116 Repeal of this Act and revocations~~

- (1) ~~This Act, except for **subparts 5 and 6 of Part 2** and **Schedule 5**, is repealed on 30 June 2021.~~
- (2) ~~On 30 June 2021, every Order in Council continued by **section 112**, and in force immediately before that repeal, is revoked.~~ 20

Compare: 2011 No 12 s 93

116 Repeal of this Act and revocations

- (1) This Act, except for **section 1 and subpart 6 of Part 2**, is repealed on the close of 30 June 2021.
- (2) **Section 1 and subpart 6 of Part 2** are repealed at the close of 30 June 2022. 25
- (3) At the close of 30 June 2021, every Order in Council continued by **section 112** that is in force is revoked.

Compare: 2011 No 12 s 93

117 Consequential amendments and revocation

30

- (1) Amend the enactments specified in **Part 1** of **Schedule 8** as set out in that schedule.
- (2) The order specified in **Part 2** of **Schedule 8** is revoked.

Schedule 1

Transitional, savings, and related provisions

s 5

Part 1

Provisions relating to Act as enacted

5

Subpart 1—Provisions having effect on and from day after Royal assent

1AA Authorities granted under Canterbury Earthquake (Historic Places Act) Order 2011

- (1) In this clause,—
- authority** means an emergency authority or a general emergency authority granted under the HPA Order 10
- HPA Order** means the Canterbury Earthquake (Historic Places Act) Order 2011.
- (2) An authority that is granted before the commencement of this clause, and that has not expired on the commencement of this clause, expires on the close of 30 June 2021. 15
- (3) An authority that is granted after the commencement of this clause expires on the close of 30 June 2021, unless an earlier date is specified by the authority.
- (4) **Subclauses (2) and (3)** apply—
- (a) despite clause 12(2)(b) of the HPA Order; and 20
- (b) subject to the outcome of any appeal lodged in accordance with clause 15 of the HPA Order.
- (5) An authority to which **subclause (2) or (3)** applies that is granted in respect of a site that is outside greater Christchurch (as that term is defined in **section 4** of this Act) continues to apply to that site until the authority expires in accordance with this clause. 25
- (6) **Subclause (5)** applies despite **section 8** of this Act.

Subpart 2—Provisions having effect on and from 19 April 2016

1AB Provisions in this subpart have effect on and from 19 April 2016

The provisions of this subpart have effect on and from 19 April 2016. 30

1 Recovery Strategy

- (1) Despite the revocation of the Canterbury Earthquake (Recovery Strategy Approval) Order 2012 (*Gazette* 2012, p 1745) and the Recovery Strategy for Greater Christchurch, Mahere Haumanutanga o Waitaha (*Gazette* 2012,

- p 1746) (the **recovery strategy**), the recovery strategy is to be treated as remaining in force for the purposes of—
- (a) the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014:
 - (b) the Waimakariri Residential Red Zone Recovery Plan. 5
- (2) The following must not be inconsistent with the recovery strategy:
- (a) the replacement district plan prepared under the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014:
 - (b) the Waimakariri Residential Red Zone Recovery Plan.
- 2 Recovery Plan** 10
- Despite the repeal of the Canterbury Earthquake Recovery Act 2011, sections 16, 18, 19, 20, and 21 of that Act are to be treated as remaining in force for the purposes of the development of the Waimakariri Residential Red Zone Recovery Plan.
- 3 ~~Applications made under Canterbury Earthquake (Resource Management Act—Burwood Resource Recovery Park) Order 2011~~** 15
- ~~An application to which the Canterbury Earthquake (Resource Management Act—Burwood Resource Recovery Park) Order 2011 applies that is made before the revocation of that order by **section 111** must be processed and determined in accordance with that order despite its revocation.~~ 20
- 4 Recovery of costs of, and claims in respect of, demolition of buildings**
- The repeal of the Canterbury Earthquake Recovery Act 2011 does not limit or affect the recovery of costs under section 40(1)(b) of that Act or the bringing or completion of any claim under section 40(2) or (3) of that Act.
- 5 Temporary buildings** 25
- Any temporary building erected under section 44 of the Canterbury Earthquake Recovery Act 2011 (including any temporary building treated under section 44(1)(b) as authorised by that section) must be treated as if it had been erected under **section 53** of this Act.
- 6 Restrictions and prohibitions on access** 30
- Any restrictions or prohibitions on access imposed under section 45 of the Canterbury Earthquake Recovery Act 2011 are treated as having been imposed under **section 54 or 55** of this Act.
- 7 Compulsory acquisition of land**
- (1) Any notice of intention published under section 54 of the Canterbury Earthquake Recovery Act 2011 that, as at the commencement of **subpart 2 of Part**

2, has not expired or been withdrawn is to be treated for the purpose of this Act as having been published under **section 71** of this Act.

- (2) Any proclamation made under section 55 of the Canterbury Earthquake Recovery Act 2011 is, for the purpose of **section 73** (if it is not yet registered) and **sections 74 and 77** and all other provisions of this Act, to be treated as if it had been made under **section 72** of this Act. 5
- (3) A notice or proclamation to which this clause applies is treated as if it had been published in the *Gazette* on the date on which it was in fact published under the Canterbury Earthquake Recovery Act 2011.

8 Compensation claims to be continued under Canterbury Earthquake Recovery Act 2011 10

Any claim for compensation made under section 63 of the Canterbury Earthquake Recovery Act 2011 that, as at the commencement of **subpart 3 of Part 2**, has been made but not completed must be completed as if this Act had not been enacted. 15

Subpart 3—Application of Interpretation Act 1999

9 Application of Interpretation Act 1999

Nothing in this Part affects or limits the application of the Interpretation Act 1999.

Schedule 2

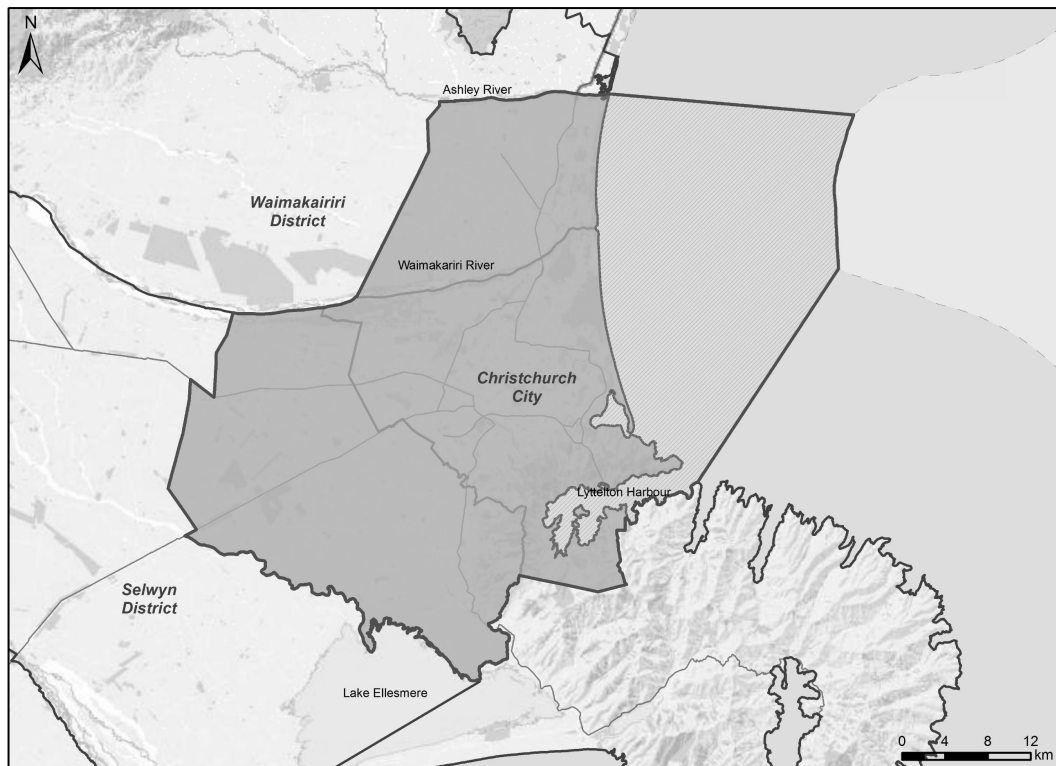
Description of greater Christchurch

s 4

1 Description of greater Christchurch

The area of greater Christchurch comprises—	5
(a) the following wards:	
(i) Rangiora Ward (5903):	
(ii) Kaiapoi Ward (5904):	
(iii) Shirley–Papanui Ward (6001):	
(iv) Fendalton–Waimairi Ward (6002):	10
(v) Burwood–Pegasus Ward (6003):	
(vi) Riccarton–Wigram Ward (6004):	
(vii) Hagley–Ferryroad Ward (6005):	
(viii) Spreydon–Heathcote Ward (6006):	
(ix) Selwyn Central Ward (6202):	15
(x) Springs Ward (Excludes all of Lake Ellesmere) (6204):	
(b) the following area units:	
(i) Mandeville (586603):	
(ii) Ohaka (586604):	
(iii) Waikuku (586112):	20
(iv) Woodend (586120):	
(v) Pegasus (586124):	
(vi) Woodend Beach (586126):	
(vii) Coldstream (586127):	
(viii) Ravenswood (586128):	25
(ix) Tuahiwi (586129):	
(x) Woodend West (586130):	
(xi) Lyttelton (596400):	
(xii) Governors Bay (596503):	
(xiii) Quail Island (596504):	30
(c) the following meshblocks:	
(i) 2711101:	
(ii) 2711102:	
(iii) 2711200:	

(iv) 2711301:	
(v) 2711302:	
(vi) 2711900:	
(vii) 2712001:	
(viii) 2712002:	5
(ix) 2712003:	
(x) 2712004:	
(xi) 2712005:	
(xii) 2712410:	
(xiii) 2712415:	10
(xiv) 2712419:	
(xv) 2712420:	
(xvi) 2712421:	
(xvii) 2712422:	
(xviii) 2712425:	15
(d) that part of meshblock 2712426 that is north of a line—	
(i) commencing at a point on the boundary of that meshblock at Adderley Head (at –43.604, 172.826); then	
(ii) proceeding in a straight line in a north-easterly direction to a point on the outer limit of the territorial sea (at –43.424, 172.989).	20
2 Meaning of ward, area unit, and meshblock	
In clause 1 , a reference to a ward, area unit, or meshblock is a reference to a ward, area unit, or meshblock determined by Statistics New Zealand and described in the 2013 Census meshblock dataset.	
3 Map of greater Christchurch	25
(1) The following map 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.	
(2) The area of greater Christchurch is the area of the map that is shaded dark grey and bordered by a thick black line, and includes the adjacent coastal marine area within that line.	30



Schedule 3

Form

s 71

Form

Notice of intention to take land for [*description of purpose*] in [*name of district*] 5

To [*full name, address*]

Take notice that—

- 1 The Minister [*describe portfolio*] proposes to take under the Greater Christchurch Regeneration Act **2015** your interest in the land described in the Schedule of this notice. 10
- 2 The land is required for [*describe purpose*] and it is intended to use the land for [*describe purposes for which the land is to be used*].
- 3 A plan of the land intended to be taken is attached.

Reasons for taking land 15

- 4 The reasons why the Minister [*describe portfolio*] considers it necessary to take your interest in the land are as follows: [*state reasons*].

Your right to compensation

- 5 This notice relates to the taking of your interest in the land and not to your right to compensation. Under the Greater Christchurch Regeneration Act **2015**, you are entitled to compensation if your interest in the land is taken. You have the opportunity to make representations as to the nature of the claim for compensation and the amount of compensation payable. 20

Warning

This notice concerns your rights over the land referred to. If you are in any doubt about its effect, you should obtain legal advice immediately. 25

Do not delay.

Schedule

[*Name*] Land district

[*Describe the land required to be taken, including the postal address or some other readily identifiable description of the place where the land is situated. Add legal description of land.*] 30

Date:

[*Signature*]

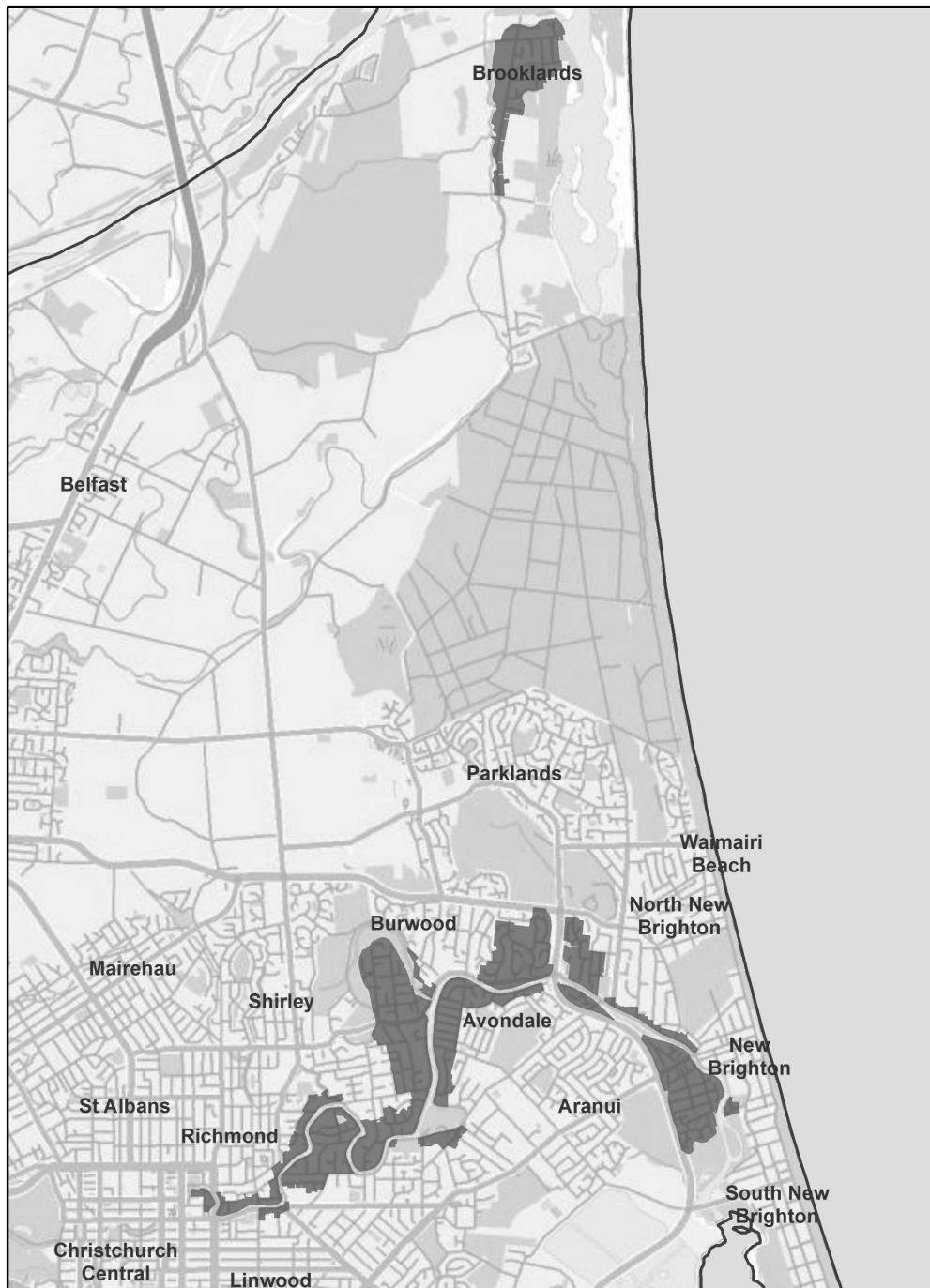
(for Minister [*specify portfolio*])

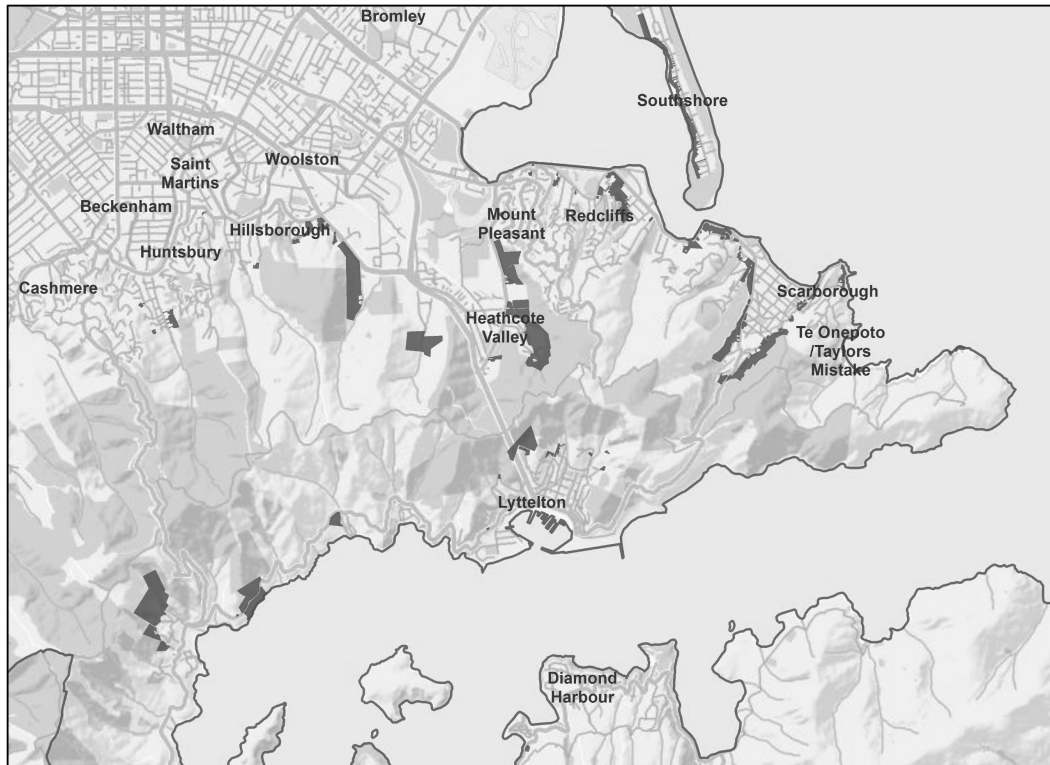
Schedule 4
Regenerate Christchurch area

ss 13(3), 93

Part 1

- | | | |
|---|---|----|
| 1 | The Christchurch central city. | 5 |
| 2 | The Christchurch Residential Red Zone areas, depicted in dark grey shading in the following 2 maps, being— | |
| | (a) the residential land within Christchurch in respect of which the Crown has made an offer to purchase because the land suffered severe land damage or was affected by rock-roll or cliff collapse due to the Canterbury earthquakes; and | 10 |
| | (b) all land that is not residential land, regardless of its ownership or status, that is surrounded by residential land described in paragraph (a) . | |

Map 1—Christchurch Residential Red Zone areas

Map 2—Christchurch Residential Red Zone areas

Part 2

New Brighton, being the area bounded by a line—

- (a) commencing at the point on the eastern bank of the Avon River where the Avon River passes under Pages Road; then 5
- (b) proceeding in a generally easterly direction along Pages Road to the roundabout; then
- (c) proceeding in a generally north-easterly direction along Hawke Street to the intersection of Hawke Street and Keyes Road; then
- (d) proceeding in a generally northerly direction along Keyes Road to the point where Keyes Road meets the south-western corner of Rawhiti Domain; then 10
- (e) proceeding in a generally north-easterly direction along the boundary of Rawhiti Domain to the point where the boundary of Rawhiti Domain meets Rawhiti Avenue; then 15
- (f) proceeding in a generally easterly direction along Rawhiti Avenue to the intersection of Rawhiti Avenue and Marine Parade; then
- (g) proceeding due east to the mean high-water mark; then

-
- (h) ~~proceeding in a generally southerly direction along the mean high-water mark to the point on the mean high-water mark that is due east of the intersection of Marine Parade and Mountbatten Street; then~~
- (i) ~~proceeding due west to the intersection of Marine Parade and Mountbatten Street; then~~ 5
- (j) ~~proceeding in a generally westerly direction along Mountbatten Street to the intersection of Mountbatten Street and Union Street; then~~
- (k) ~~proceeding due west to the eastern bank of the Avon River; then~~
- (l) ~~proceeding in a generally northerly direction along the eastern bank of the Avon River to the point of commencement.~~ 10

Schedule 5

Provisions applying in relation to Regenerate Christchurch

s 96

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Part 1 General provisions

Validity of acts

1AA Validity of acts

Sections 19 to 24 of the Crown Entities Act 2004 apply to Regenerate Christchurch (as if Regenerate Christchurch were a Crown entity) subject to the following modifications: 5

- (a) the reference in section 21(a) of that Act to section 60 of that Act must be read as a reference to **clause 19** of this Schedule:
- (b) the reference in section 21(e) of that Act to section 69 of that Act must be read as a reference to **clause 28** of this Schedule. 10

Compare: 2004 No 115 ss 19–24

Board of Regenerate Christchurch

1 Qualification of members

- (1) A natural person who is not disqualified by this clause may be a member. 15
- (2) Each of the following persons is disqualified from being a member:
 - (a) a person who is an undischarged bankrupt:
 - (b) a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, ~~or the Securities Act 1978, or the Securities Markets Act 1988, or the Financial Markets Conduct Act 2013,~~ or the Takeovers Act 1993: 20
 - (c) a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988:
 - (d) a person in respect of whom a personal order has been made under the Protection of Personal and Property Rights Act 1988 that reflects adversely on the person's— 25
 - (i) competence to manage his or her own affairs in relation to his or her property; or
 - (ii) capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare: 30
 - (e) a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person: 35
 - (f) a member of Parliament:

- (g) a member of Christchurch City Council.
- (3) A member ceases to hold office if he or she becomes disqualified from being a member under any of **paragraphs (a) to (g) of subclause (2)**.
Compare: 2004 No 115 s 30
- 2 Chairperson of board** 5
- (1) ~~The Minister must appoint a member as the chairperson of the board for the period ending with the close of 30 June 2019.~~
- (2) ~~Christchurch City Council must appoint a member as the chairperson of the board for the period beginning on 1 July 2019 and ending with the close of 30 June 2021.~~ 10
- 3 Quorum**
- The quorum for a meeting of the board is ~~a majority of the 4~~ members of the board.
- 4 Validity of members' acts**
- The acts of a person as a member or as the chairperson of the board are valid 15 even though—
- (a) a defect existed in the appointment of the person; or
- (b) the person is or was disqualified from being a member under **clause 1**.
- Compare: 2004 No 115 s 34
- 5 Removal of members** 20
- (1) An appointer may, at any time and for any reason that in the appointer's opinion justifies the removal, remove a member appointed by the appointer from office.
- (2) However, before removing the member from office, the appointer must consult the other appointer. 25
- (3) If Christchurch City Council and the Minister agree, they may, at any time and for any reason that in their opinion justifies the removal, remove the chairperson from that role.
- (4) The removal of a member from office or of the chairperson from that role must be made by written notice to the member or the chairperson (with a copy to Regenerate Christchurch). 30
- (5) The notice must—
- (a) state the date on which the removal takes effect, which must not be earlier than the date on which the notice is received; and
- (b) state the reasons for the removal. 35
- (6) The appointer must notify the removal of a member from office in the *Gazette* as soon as practicable after giving the notice.

- (7) The Minister must notify the removal of the chairperson from that role in the *Gazette* as soon as practicable after giving the notice.
- (8) A member is not entitled to any compensation or other payment or benefit relating to his or her ceasing, for any reason, to hold office as a member.
- Compare: 2004 No 115 s 37

5

6 Vacancies

- (1) If a member is removed, or resigns, or is disqualified under **clause 1**, or if the office of a member otherwise becomes vacant, there is a vacancy on the board.
- (2) A vacancy must be filled in the same manner as the appointment giving rise to the vacancy was made.
- (3) The ability of the board to perform its functions is not affected by—
- a vacancy; or
 - a failure by an appointer to make an appointment or a replacement appointment.

10

Members' remuneration and expenses

15

7 Members' remuneration and expenses

- (1) Each member of the board is entitled, in accordance with the fees framework,—
- to receive, from the funds of Regenerate Christchurch, remuneration for services as a member at a rate and of a kind determined by the Minister and Christchurch City Council; and
 - to be reimbursed, from the funds of Regenerate Christchurch, for actual and reasonable travelling and other expenses incurred in carrying out his or her office as a member.
- (2) For the purposes of **subclause (1)**, **fees framework** has the same meaning as in section 10 of the Crown Entities Act 2004.
- Compare: 2004 No 115 ss 47, 48

20

25

Collective duties of board

8 Regenerate Christchurch must act consistently with purpose, objectives, functions, statement of intent, and statement of performance expectations

30

The board must ensure that Regenerate Christchurch acts in a manner consistent with its purpose, objectives, and functions, and its current statement of intent and current statement of performance expectations under **Part 2**.

Compare: 2004 No 115 s 49

9 Manner in which functions must be performed

35

The board must ensure that Regenerate Christchurch performs its functions—

-
- (a) efficiently and effectively; and
- (b) in a manner consistent with the spirit of service to the public; and
- (c) in collaboration with other public entities (within the meaning of that term in the Public Audit Act 2001) where practicable.
- Compare: 2004 No 115 s 50 5
- 10 Regenerate Christchurch must operate in financially responsible manner**
- (1) The board must ensure that Regenerate Christchurch operates in a financially responsible manner and, for this purpose, that it—
- (a) prudently manages its assets and liabilities; and
- (b) endeavours to ensure— 10
- (i) its long-term financial viability; and
- (ii) that it acts as a successful going concern.
- (2) Section 158 of the Crown Entities Act 2004 (relating to bank accounts of Crown entities) applies to Regenerate Christchurch as if Regenerate Christchurch were a Crown entity. 15
- Compare: 2004 No 115 s 51
- 11 Subsidiaries and other interests**
- The board must ensure that Regenerate Christchurch acquires or forms a subsidiary only after it has given notice of its intention to do so to Christchurch City Council and the Minister. 20
- Compare: 2004 No 115 s ~~52~~ 96
- Individual duties of members*
- 12 Duty to comply with this Act**
- A member of the board must not contravene, or cause the contravention of, or agree to Regenerate Christchurch contravening, this Act. 25
- Compare: 2004 No 115 s 53
- 13 Duty to act with honesty and integrity**
- A member of the board must, when acting as a member, act with honesty and integrity. 30
- Compare: 2004 No 115 s 54
- 14 Duty to act in good faith and not at expense of Regenerate Christchurch's interests**
- A member of the board must, when acting as a member, act in good faith and not pursue his or her own interests at the expense of Regenerate Christchurch's interests. 35
- Compare: 2004 No 115 s 55

15 Duty to act with reasonable care, diligence, and skill

A member of the board must, when acting as a member, exercise the care, diligence, and skill that a reasonable person would exercise in the same circumstances, taking into account (without limitation)—

- (a) the nature of Regenerate Christchurch; and 5
- (b) the nature of the action; and
- (c) the position of the member and the nature of the responsibilities undertaken by him or her.

Compare: 2004 No 115 s 56

16 Duty not to disclose information 10

- (1) A member of the board who has information in his or her capacity as a member that would not otherwise be available to him or her must not disclose that information to any person, or make use of, or act on, that information, except—

- (a) in the performance of Regenerate Christchurch's functions; or
- (b) as required or permitted by law; or 15
- (c) in accordance with **subclause (2)**; or
- (d) in complying with the requirements for members to disclose interests.

- (2) A member may disclose, make use of, or act on the information if—

- (a) the member is first authorised to do so by the board; and
- (b) the disclosure, use, or act in question will not, or will be unlikely to, 20
prejudice Regenerate Christchurch.

Compare: 2004 No 115 s 57

*Effect of non-compliance with duties***17 Accountability for collective board duties**

- (1) The duties of the board and members of the board under **clauses 8 to 11** 25
(**collective duties**) are duties owed to the Minister and to Christchurch City Council.

- (2) If a board does not comply with any of its collective duties, all or any of the members may be removed from office (subject to any requirements in **clause 5** that are applicable to the member). 30

- (3) However, **subclause (2)** does not apply to a member if—

- (a) he or she did not know and could not reasonably be expected to know that the duty was to be or was being breached; or
- (b) he or she took all reasonable steps in the circumstances to prevent the duty being breached. 35

- (4) The taking of reasonable steps does not require a member to apply to a court for an order under **clause 19**.

- (5) A member is not liable for a breach of a collective duty under this Act.
- (6) However, **subclause (5)** does not limit **subclause (2)**.
- (7) This clause does not affect any other ground for removing a member from office.
- (8) **Subclause (5)** does not affect— 5
- (a) anything else for which the member may be liable under any other Act or rule of law arising from the act or omission that constitutes the breach; or
- (b) the right to apply for a court order under **clause 19**.
- Compare: 2004 No 115 s 58 10
- 18 Accountability for individual duties**
- (1) The duties of the members of the board under **clauses 12 to 16 (individual duties)** are duties owed to the Minister, Christchurch City Council, and Regenerate Christchurch.
- (2) If a member does not comply with his or her individual duties, that member may be removed from office (subject to any requirements in **clause 5** that are applicable to the member). 15
- (3) Regenerate Christchurch may bring an action against a member for breach of any individual duty.
- (4) Except as provided in **subclauses (2) and (3)**, a member is not liable for a breach of an individual duty under this Act. 20
- (5) This clause does not affect any other ground for removing a member from office.
- (6) **Subclause (4)** does not affect—
- (a) anything else for which the member may be liable under any other Act or rule of law arising from the act or omission that constitutes the breach; or 25
- (b) the right to apply for a court order under **clause 19**.
- Compare: 2004 No 115 s 59
- 19 Court actions requiring or restraining board or members** 30
- (1) The Minister, Christchurch City Council, or a member of the board may apply to a court for an order—
- (a) restraining the board or a member of the board from engaging in conduct that would contravene any requirement under this Act; and
- (b) granting any consequential relief. 35
- (2) The Minister or Christchurch City Council may apply to a court for an order—
- (a) requiring the board or a member of the board to take any action that is required to be taken under this Act:

- (b) granting any consequential relief.
- (3) The court may make an order on the application subject to the following rules:
 - (a) an order may be made only if it is just and equitable to do so:
 - (b) no order may be made in respect of conduct that has been completed.
- (4) The court may, at any time before the final determination of an application under this clause, make as an interim order any order that it is empowered to make as a final order. 5

Compare: 2004 No 115 s 60

Reliance on information and advice

- 20 When members may rely on certain information and advice** 10
- (1) A member of the board, when acting as a member, may rely on reports, statements, financial data, and other information prepared or supplied, and on professional or expert advice given, by any of the following persons:
 - (a) an employee of Regenerate Christchurch whom the member believes on reasonable grounds to be reliable and competent in relation to the matters concerned: 15
 - (b) a professional adviser or an expert in relation to matters that the member believes on reasonable grounds to be within the person's professional or expert competence:
 - (c) any other member or a committee on which the member did not serve in relation to matters within the member's or committee's designated authority. 20
 - (2) A member, when acting as a member, may rely on reports, statements, financial data, and other information supplied by the Crown or by Christchurch City Council. 25
 - (3) This clause applies to a member only if the member—
 - (a) acts in good faith; and
 - (b) makes proper inquiry if the need for inquiry is indicated by the circumstances; and
 - (c) has no knowledge that the reliance is unwarranted. 30

Compare: 2004 No 115 s 61

Conflict of interest disclosure rules

- 21 When interests must be disclosed**
- (1) In this clause, **matter** means—
 - (a) the board's performance of its functions or exercise of its powers; or 35
 - (b) an ~~arrangement, agreement, or contract~~ made or entered into, or proposed to be entered into, by Regenerate Christchurch.

- (2) A person is **interested** in a matter if he or she—
- (a) may derive a financial benefit from the matter; or
 - (b) is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or
 - (c) may have a financial interest in a person to whom the matter relates; or 5
 - (d) is a partner, director, officer, board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or
 - (e) is otherwise directly or indirectly interested in the matter.
- (3) However, a person is **not interested** in a matter—
- (a) if his or her interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence him or her in carrying out his or her responsibilities under this Act or another Act; or 10
 - (b) only because he or she has past or current involvement in the relevant sector, industry, or practice.

Compare: 2004 No 115 s 62

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22 Obligation to disclose interest

- (1) A member who is interested in a matter relating to Regenerate Christchurch must disclose details of the interest in accordance with **clause 23** as soon as practicable after the member becomes aware that he or she is interested.
- (2) A general notice of an interest in a matter relating to Regenerate Christchurch, or in a matter that may in future relate to Regenerate Christchurch, that is disclosed in accordance with **clause 23** is a standing disclosure of that interest for the purposes of this clause. 20
- (3) A standing disclosure ceases to have effect if the nature of the interest materially alters or the extent of the interest materially increases. 25

Compare: 2004 No 115 s 63

23 Who disclosure of interests must be made to

The member must disclose details of the interest in an interests register kept by Regenerate Christchurch and to—

- (a) the chairperson; or 30
- (b) if the chairperson is unavailable or interested,—
 - (i) Christchurch City Council, if the member was appointed by Christchurch City Council; or
 - (ii) the Minister, if the member was appointed by the Minister. 35

Compare: 2004 No 115 s 64

24 What must be disclosed

The details that must be disclosed under **clause 23** are—

- (a) the nature of the interest and the monetary value of the interest (if the monetary value can be quantified); or
- (b) the nature and extent of the interest (if the monetary value cannot be quantified).

Compare: 2004 No 115 s 65

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25 Consequences of being interested in matter

A member who is interested in a matter relating to Regenerate Christchurch—

- (a) must not vote or take part in any discussion or decision of the board or any committee relating to the matter, or otherwise participate in any activity of Regenerate Christchurch that relates to the matter; and
- (b) must not sign any document relating to the entry into a transaction or the initiation of the matter; and
- (c) is to be disregarded for the purpose of forming a quorum for that part of a meeting of the board or committee during which a discussion or decision relating to the matter occurs or is made.

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Compare: 2004 No 115 s 66

26 Consequences of failing to disclose interest

- (1) The board must notify Christchurch City Council and the Minister of a failure to comply with **clause 22** or **25**, and of the acts affected, as soon as practicable after becoming aware of the failure.
- (2) A failure to comply with **clause 22** or **25** does not affect the validity of an act or matter.
- (3) However, **subclause (2)** does not limit the right of any person to apply, in accordance with law, for judicial review.

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Compare: 2004 No 115 s 67

27 Permission to act despite being interested in matter

- (1) The chairperson of Regenerate Christchurch may, by prior written notice to the board, permit 1 or more members, or members with a specified class of interest, to do anything otherwise prohibited by **clause 25**, if the chairperson is satisfied that it is in the public interest to do so.
- (2) The permission may state conditions that the member must comply with.
- (3) Christchurch City Council and the Minister may give the permission if the chairperson is unavailable or interested.
- (4) The permission may be amended or revoked in the same way as it may be given.

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- (5) The board must disclose an interest to which a permission relates in its annual report, together with a statement of who gave the permission and any conditions or amendments to, or revocation of, the permission.
Compare: 2004 No 115 s 68
- 28 Regenerate Christchurch may avoid certain acts done in breach of conflict of interest rules** 5
- (1) The board may avoid a natural person act done by Regenerate Christchurch in respect of which a member was in breach of **clause 25**.
- (2) However, the act—
- (a) may be avoided only within 3 months of the affected act being disclosed to Christchurch City Council and the Minister under **clause 26**; and 10
- (b) cannot be avoided if Regenerate Christchurch receives fair value in respect of the act.
- (3) An act in which a member is interested can be avoided on the ground of the member's interest only in accordance with this clause. 15
Compare: 2004 No 115 s 69
- 29 What is fair value**
- (1) Regenerate Christchurch is presumed to receive fair value in respect of an act that is done by Regenerate Christchurch in the ordinary course of its business and on usual terms and conditions. 20
- (2) Whether Regenerate Christchurch receives fair value in respect of an act must be determined on the basis of the information known to Regenerate Christchurch and to the interested member at the time the act is done.
Compare: 2004 No 115 s 70
- 30 Onus of proving fair value** 25
- (1) A person seeking to prevent an act being avoided, and who knew, or ought reasonably to have known, of the member's interest at the time the act was done, has the onus of establishing fair value.
- (2) In any other case, the board has the onus of establishing that Regenerate Christchurch did not receive fair value. 30
Compare: 2004 No 115 s 71
- 31 Effect of avoidance on third parties**
- The avoidance of an act under **clause 28** does not affect the title or interest of a person to or in property that that person has acquired if the property was acquired— 35
- (a) from a person other than Regenerate Christchurch; and
- (b) for valuable consideration; and

- (c) without knowledge of the circumstances of the act under which the person referred to in **paragraph (a)** acquired the property from Regenerate Christchurch.

Compare: 2004 No 115 s 72

Delegation

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32 Ability to delegate

- (1) The board may delegate any of the functions or powers of the board, either generally or specifically, to any of the following persons by resolution and written notice to the person or persons:

- (a) a member or members: 10
- (b) the chief executive or any other employee or employees, or office holder or holders, of Regenerate Christchurch:
- (c) a committee:
- (d) any other person or persons approved by Christchurch City Council and the Minister: 15
- (e) any class of persons comprised of any of the persons listed in **paragraphs (a) to (d)**.

- (2) The board must not delegate the general power of delegation.

Compare: 2004 No 115 s 73

33 Powers of delegate

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- (1) A delegate to whom any functions or powers of the board are delegated—

- (a) may, unless the delegation provides otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the delegate were the board; and
- (b) may delegate the function or power only— 25
 - (i) with the prior written consent of the board; and
 - (ii) subject to the same restrictions, and with the same effect, as if the subdelegate were the delegate.

- (2) A delegate who purports to perform a function or exercise a power under a delegation— 30

- (a) is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation; and
- (b) must produce evidence of his or her authority to do so, if reasonably requested to do so.

Compare: 2004 No 115 s 74

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34 Effect of delegation

No delegation in accordance with this Act—

- (a) affects or prevents the performance of any function or the exercise of any power by the board; or
- (b) affects the responsibility of the board for the actions of any delegate acting under the delegation; or
- (c) is affected by any change in the membership of the board or of any committee or class of persons or by any change in an office holder, chief executive, or employee. 5

Compare: 2004 No 115 s 75

35 Revocations of delegations

- (1) A delegation under **clause 32** may be revoked at will by— 10
 - (a) resolution of the board and written notice to the delegate; or
 - (b) any other method provided for in the delegation.
- (2) A delegation under **clause 33(1)(b)** may be revoked at will by written notice of the delegate to the subdelegate.

Compare: 2004 No 115 s 76

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Employees

36 Employment of chief executive

- (1) Regenerate Christchurch must not agree to the terms and conditions of employment for a chief executive, or to an amendment of those terms and conditions, without consulting the State Services Commissioner and the chief executive of Christchurch City Council. 20
- (2) Regenerate Christchurch must have particular regard to any recommendations that the Commissioner makes to it within a reasonable time of being consulted.
- (3) A failure to comply with this clause does not invalidate the acts of a chief executive. 25

Compare: 2004 No 115 s 117

37 Regenerate Christchurch to be good employer

- (1) Regenerate Christchurch must—
 - (a) operate a personnel policy that complies with the principle of being a good employer; and 30
 - (b) make that policy (including the equal employment opportunities programme) available to its employees; and
 - (c) ensure its compliance with that policy (including its equal employment opportunities programme) and report in its annual report on the extent of its compliance. 35

- (2) For the purposes of this clause, **good employer** and **equal employment opportunities programme** have the same meanings as in section 118(2) and (3) of the Crown Entities Act 2004.

Compare: 2004 No 115 s 118

Protections from liability of members, office holders, and employees 5

38 Definitions for protections from liability

In **clauses 39 to 43A**,—

effect insurance includes pay, whether directly or indirectly, the costs of the insurance

employee includes a person who was an employee at any time after the commencement of this Part but who is no longer an employee 10

excluded act or omission means an act or omission by the member, office holder, or employee in good faith and in performance or intended performance of Regenerate Christchurch's functions

indemnify includes relieve or excuse from liability, whether before or after the liability arises, and **indemnity** has a corresponding meaning 15

member includes a person who was a member at any time after the commencement of this Part but who is no longer a member

office holder includes a person who was an office holder at any time after the commencement of this Part but who is no longer an office holder. 20

Compare: 2004 No 115 s 126

39 Protections from liabilities of Regenerate Christchurch

A member of the board or an office holder or employee of Regenerate Christchurch is not liable for any liability of Regenerate Christchurch by reason only of being a member, office holder, or employee. 25

Compare: 2004 No 115 s 120

40 Immunity from civil liability

- (1) A member of the board is not liable, in respect of an excluded act or omission,—

(a) to Regenerate Christchurch, unless it is also a breach of an individual duty under any of **clauses 12 to 16**: 30

(b) to any other person.

- (2) An office holder or employee is not liable to any person in respect of an excluded act or omission.

- (3) Nothing in this clause affects— 35

(a) the making of an order under **clause 19**:

(b) the liability of any person that is not a civil liability:

- (c) the right of any person to apply, in accordance with the law, for judicial review.

Compare: 2004 No 115 s 121

41 Indemnities in relation to excluded act or omission

Regenerate Christchurch may only indemnify a member, an office holder, or an employee in respect of an excluded act or omission (including costs incurred in defending or settling any claim or proceeding relating to that excluded act or omission). 5

Compare: 2004 No 115 s 122

42 Insurance for liability of member, office holder, or employee 10

Regenerate Christchurch may effect insurance cover for a member, office holder, or employee in relation to his or her acts or omissions, except an act or omission that is—

- (a) in bad faith:
- (b) not in the performance or intended performance of Regenerate Christchurch's functions. 15

Compare: 2004 No 115 s 123

43 Breach of indemnity and insurance limits

- (1) A member, office holder, or employee who is indemnified or insured by Regenerate Christchurch in breach of this Act must repay to Regenerate Christchurch the cost of providing or effecting that indemnity or insurance cover, to the extent that the indemnity or insurance cover exceeds that which could have been provided or effected under this Act. 20
- (2) Regenerate Christchurch may recover the amount as a debt due in a court of competent jurisdiction. 25

Compare: 2004 No 115 s 125

43A Members, office holders, and employees are officials

- (1) A member, an office holder, or an employee of Regenerate Christchurch is an official for the purposes of sections 105 and 105A of the Crimes Act 1961.
- (2) For the purposes of this section, an individual working for Regenerate Christchurch as a contractor or secondee in relation to a function, duty, or power of Regenerate Christchurch is to be treated as if he or she were an employee. 30

Compare: 2004 No 115 s 135

Dealings with third parties

44 Method of contracting, attorneys, and address for service 35

The following provisions of the Crown Entities Act 2004 apply to Regenerate Christchurch as if it were a statutory entity (that is not a corporation sole):

- (a) section 127 (method of contracting):
- (b) section 129 (attorneys):
- (c) section 130 (address for service).

45 Power to request information

The board must supply to the Minister or to Christchurch City Council any information relating to the operations and performance of Regenerate Christchurch that the Minister or Christchurch City Council requests. 5

Compare: 2004 No 115 s 133(1)

Part 2 Reporting and financial obligations

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46 Interpretation for this Part

- (1) In this Part, unless the context otherwise requires,—

financial year means the 12 months ending on the close of 30 June

outputs means the goods or services that are supplied by Regenerate Christchurch 15

reportable class of outputs, in respect of a financial year, means a class of outputs—

- (a) that Regenerate Christchurch proposes to supply in the financial year; and

- (b) ~~that is directly funded (in whole or in part) by the Crown in accordance with an appropriation for the purpose, or by grants distributed under any Act, or by levies, fees, or charges prescribed by or under any Act.~~ 20

- (b) that is directly funded (in whole or in part) by—

- (i) the Crown in accordance with an appropriation for the purpose; or

- (ii) Christchurch City Council; or

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- (iii) grants distributed under any Act; or

- (iv) levies, fees, or charges prescribed by or under any Act.

- (2) Unless the context otherwise requires,—

- (a) any word or expression used in this Part but not defined in this clause has the same meaning as it has in **section 4(1)** of this Act; and 30

- (b) any word or expression used in this Part but not defined in this clause or in **section 4(1)** of this Act has the same meaning as in the Public Finance Act 1989.

Compare: 2004 No 115 s 136

*Planning: statement of intent***47 Purpose of statement of intent**

The purpose of a statement of intent is to promote the public accountability of Regenerate Christchurch by—

- (a) enabling Christchurch City Council and the Minister to participate in the process of setting Regenerate Christchurch's strategic intentions and medium-term undertakings: 5
- (b) setting out for the House of Representatives, Christchurch City Council, and the public those intentions and undertakings:
- (c) providing a base against which Regenerate Christchurch's actual performance can later be assessed. 10

Compare: 2004 No 115 s 138

48 ~~Obligation to prepare statement of intent~~

- (1) ~~Regenerate Christchurch must provide to Christchurch City Council and the Minister a statement of intent for Regenerate Christchurch that complies with this clause and **clause 50**.~~ 15
- (2) ~~A statement of intent must relate to the forthcoming financial year and at least the following 3 financial years.~~
- (3) ~~Regenerate Christchurch must provide a statement of intent at least once in every 3-year period.~~ 20

Compare: 2004 No 115 s 139

49 Initial statement of intent

~~As soon as practicable after 18 April 2016, Regenerate Christchurch must comply with **clause 48** as if it were the start of the financial year.~~

Compare: 2004 No 115 s 140

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48 Obligation to prepare statement of intent

- (1) Regenerate Christchurch must prepare statements of intent that comply with **clause 50** as follows:
 - (a) a statement of intent that relates to the 2016/17 financial year and at least the following 3 financial years: 30
 - (b) a statement of intent that relates to the 2019/20 financial year and at least the period beginning on 1 July 2020 and ending on the close of 30 June 2021.

- (2) Regenerate Christchurch may prepare additional statements of intent.

Compare: 2004 No 115 s 139

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50 Content of statement of intent

- (1) A statement of intent must, for the period to which it relates, set out the strategic objectives that Regenerate Christchurch intends to achieve or contribute to (**strategic intentions**).
- (2) A statement of intent must also, for the period to which it relates,— 5
 - (a) explain the nature and scope of Regenerate Christchurch's functions and intended operations:
 - (b) explain how Regenerate Christchurch intends to manage its functions and operations to meet its strategic intentions:
 - (c) explain how Regenerate Christchurch proposes to manage its organisational health and capability: 10
 - (d) explain how Regenerate Christchurch proposes to assess its performance:
 - (e) set out and explain any other matters that are reasonably necessary to achieve an understanding of Regenerate Christchurch's strategic intentions and capability. 15
- (3) A statement of intent—
 - (a) must be in writing, be dated, and be signed on behalf of the board by 2 members; and
 - (b) is a final statement of intent when it has been signed in accordance with **paragraph (a)**. 20

Compare: 2004 No 115 s 141

50A Process for providing statement of intent to Christchurch City Council and Minister

- (1) Regenerate Christchurch must provide a statement of intent to Christchurch City Council and the Minister. 25
- (2) The process that must be followed in providing a statement of intent is as follows:
 - (a) Regenerate Christchurch must provide a draft statement of intent to Christchurch City Council and the Minister,— 30
 - (i) in the case of the statement of intent prepared under **clause 48(1)(a)**, as soon as practicable after the commencement of this schedule; or
 - (ii) no later than 2 months before the start of the first financial year to which the statement of intent relates; and 35
 - (b) Christchurch City Council and the Minister must each provide to Regenerate Christchurch any comments that they may have on the draft no later than 20 working days after receiving it; and

- (c) Regenerate Christchurch must consider the comments (if any) on the draft; and
- (d) Regenerate Christchurch must provide the final statement of intent to Christchurch City Council and the Minister,—
 - (i) in the case of the statement of intent prepared under **clause 48(1)(a)**, as soon as practicable after receiving the comments (if any); or 5
 - (ii) as soon as practicable after receiving the comments (if any), but in any event before the start of the first financial year to which the statement of intent relates. 10

Compare: 2004 No 115 s 146

51 Obligation to publish and present statement of intent

- (1) Regenerate Christchurch must, as soon as practicable after providing a final statement of intent to Christchurch City Council and the Minister, publish the statement of intent on its Internet site. 15
- (2) Despite **subclause (1)**, if a final statement of intent relates to a period commencing on or after the next Budget day, the Minister may require Regenerate Christchurch not to publish the statement in the pre-Budget period.
- (3) The Minister must present a copy of the final statement of intent to the House of Representatives. 20
- (4) The statement of intent may be presented or published in a document that includes any other statement or information, but only if each statement or set of information is separately identifiable within that document.

Compare: 2004 No 115 s 149

52 Amendments to final statement of intent 25

- (1) Regenerate Christchurch may amend its final statement of intent.
- (2) Regenerate Christchurch must amend its final statement of intent if—
 - (a) the information contained in the statement of intent is false or misleading in a material particular; or
 - (b) the intentions and undertakings in the statement of intent are significantly altered or affected by—
 - (i) any change in the law; 30
 - (ii) any other change in the entity's Regenerate Christchurch's operating environment.
- (3) Regenerate Christchurch must make the amendment required under **subclause (2)** as soon as practicable after it becomes aware of the facts that give rise to the obligation to amend under this clause. 35
- (3A) The following process applies to an amendment under **subclause (1) or (2)**:

- (a) Regenerate Christchurch must provide a draft amendment to Christchurch City Council and the Minister; and
 - (b) Christchurch City Council and the Minister must each provide to Regenerate Christchurch any comments on the draft that they may have no later than 20 working days after receiving it; and 5
 - (c) Regenerate Christchurch must consider the comments (if any) and must provide the final amendment to Christchurch City Council and the Minister as soon as practicable.
- (4) **Clauses 50(3) and 51** apply to the amended statement of intent. 10
Compare: 2004 No 115 s 148

Planning: statement of performance expectations

53 Purpose of statement of performance expectations

The purpose of a statement of performance expectations for Regenerate Christchurch is to—

- (a) enable Christchurch City Council and the Minister to participate in the process of setting annual performance expectations; and 15
- (b) enable the House of Representatives, Christchurch City Council, and the public to be informed of those expectations; and
- (c) provide a base against which actual performance can be assessed.

Compare: 2004 No 115 s 149B

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54 Obligation to prepare statement of performance expectations

- (1) Before the start of each financial year, Regenerate Christchurch must prepare a statement of performance expectations for that financial year that complies with **clause 55**.
- (2) However, if Regenerate Christchurch does not propose to supply any reportable classes of outputs in that financial year, the statement of performance expectations— 25
 - (a) must comply with **clause 55(1)(b) and (3)**; but
 - (b) need not comply with **clause 55(1)(a) or (2)**.

Compare: 2004 No 115 s 149C

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54A Initial statement of performance expectations

- (1) As soon as practicable after the commencement of this schedule, Regenerate Christchurch must prepare a statement of performance expectations that covers the period from the commencement of this schedule to the close of 30 June 2017. 35

- (2) **Clauses 54(2) and 55 to 58** apply, with any necessary modifications, to the statement of performance expectations prepared under this clause.

Compare: 2004 No 115 s 149D

55 Content of statement of performance expectations

- (1) Each statement of performance expectations must, in relation to a financial year,— 5
- (a) identify each reportable class of outputs for the financial year; and
 - (b) state whether Regenerate Christchurch proposes to supply any class of outputs in the financial year that is not a reportable class of outputs.
- (2) For each reportable class of outputs, the statement of performance expectations must— 10
- (a) include a concise explanation of what the class of outputs is intended to achieve; and
 - (b) identify the expected revenue and proposed expenses for the class of outputs; and 15
 - (c) include a concise explanation of how the performance of the class of outputs will be assessed.
- (3) A statement of performance expectations—
- (a) must comply with generally accepted accounting practice; and
 - (b) must be in writing, be dated, and be signed on behalf of the board by 2 20 members; and
 - (c) is a final statement of performance expectations when it has been signed in accordance with **paragraph (b)**.

Compare: 2004 No 115 s 149E

56 Forecast financial statements 25

- (1) Each statement of performance expectations, in relation to a financial year, must contain forecast financial statements for the financial year, prepared in accordance with generally accepted accounting practice.
- (2) The forecast financial statements must include—
- (a) a statement of all significant assumptions underlying the forecast financial statements; and 30
 - (b) any additional information and explanations needed to fairly reflect the forecast financial operations and financial position of Regenerate Christchurch.

Compare: 2004 No 115 s 149G

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56A Process for providing statement of performance expectations to Christchurch City Council and Minister

- (1) Regenerate Christchurch must provide a statement of performance expectations to Christchurch City Council and the Minister.
- (2) The process that must be followed in providing a statement of performance expectations is as follows: 5
 - (a) Regenerate Christchurch must provide a draft statement of performance expectations to Christchurch City Council and the Minister,—
 - (i) in the case of the statement of performance expectations prepared under **clause 54A**, as soon as practicable after the commencement of this schedule; or 10
 - (ii) no later than 2 months before the start of the financial year to which the statement of performance expectations relates; and
 - (b) Christchurch City Council and the Minister must each provide to Regenerate Christchurch any comments that they may have on the draft no later than 20 working days after receiving it; and 15
 - (c) Regenerate Christchurch must consider the comments (if any) on the draft; and
 - (d) Regenerate Christchurch must provide the final statement of performance expectations to Christchurch City Council and the Minister,— 20
 - (i) in the case of the statement of performance expectations prepared under **clause 54A**, as soon as practicable after receiving the comments (if any); or
 - (ii) as soon as practicable after receiving the comments (if any), but in any event before the start of the financial year to which the statement of performance expectations relates. 25

Compare: 2004 No 115 s 149I

57 Obligation to publish and present statement of performance expectations

- (1) Regenerate Christchurch must, as soon as practicable after providing a final statement of performance expectations to Christchurch City Council and the Minister, publish the statement on its Internet site. 30
- (2) However, if the final statement of performance expectations relates to a period commencing on or after the next Budget day, the Minister may require Regenerate Christchurch not to publish the statement in the pre-Budget period.
- (3) The Minister must present a copy of the final statement of performance expectations to the House of Representatives. 35
- (4) The statement of performance expectations may be presented or published in a document that includes any other statement or information, but only if each statement or set of information is separately identifiable within that document.

Compare: 2004 No 115 s 149L

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58 Amendments to statement of performance expectations

- (1) Regenerate Christchurch may amend its final statement of performance expectations.
 - (2) Regenerate Christchurch must amend its final statement of performance expectations if— 5
 - (a) the information contained in the statement of performance expectations is false or misleading in a material particular; or
 - (b) the intentions and undertakings in the statement of performance expectations are significantly altered or affected by— 10
 - (i) any change in the law;
 - (ii) any other change in the entity's Regenerate Christchurch's operating environment.
 - (3) Regenerate Christchurch must make the amendment required under **subclause (2)** as soon as practicable after it becomes aware of the facts that give rise to the obligation to amend under this clause. 15
 - (3A) The following process applies to an amendment under **subclause (1) or (2)**:
 - (a) Regenerate Christchurch must provide a draft amendment to Christchurch City Council and the Minister; and
 - (b) Christchurch City Council and the Minister must each provide to Regenerate Christchurch any comments on the draft that they may have no later than 20 working days after receiving it; and 20
 - (c) Regenerate Christchurch must consider the comments (if any) and must provide the final amendment to Christchurch City Council and the Minister as soon as practicable.
 - (4) **Clauses 55(3)(a) and (b)(b) and (c) and 57** apply to the amended statement of performance expectations. 25
- Compare: 2004 No 115 s 149K

*Reporting: annual report***59 Obligation to prepare, present, and publish annual report**

- (1) Regenerate Christchurch must,— 30
 - (a) as soon as practicable after the end of each financial year (not including the financial year ending 30 June 2016), prepare a report on the affairs of Regenerate Christchurch (an **annual report**); and
 - (b) provide the report to Christchurch City Council and the Minister no later than 15 working days after receiving the audit report provided under **clause 65**. 35

- (b) within 3 months after the end of the financial year and no later than 15 working days after receiving the audit report provided under **clause 65**, provide the annual report to Christchurch City Council and the Minister.
- (2) The Minister must present the annual report to the House of Representatives within 5 working days after the Minister receives the annual report or, if Parliament is not in session, as soon as possible after the commencement of the next session of Parliament. 5
- (3) Regenerate Christchurch must publish the annual report as soon as practicable after it has been presented to the House of Representatives, but in any case not later than 10 working days after the annual report is received by the Minister. 10
- (4) The annual report may be presented or published in a document that includes any other report or information but only if each report or set of information is separately identifiable within that document.
- Compare: 2004 No 115 s 150
- 60 Form and content of annual report** 15
- (1) An annual report must contain the following information and reports in respect of the financial year to which it relates:
- (a) information on operations that complies with **subclause (4)**; and
- (b) a statement of performance in accordance with **clause 62**; and
- (c) the annual financial statements for Regenerate Christchurch in accordance with **clause 63**; and 20
- (d) a statement of responsibility in accordance with **clause 64**; and
- (e) the audit report in accordance with **clause 65**; and
- (f) information on compliance with its obligation to be a good employer (including its equal employment opportunities programme); and 25
- (g) information required by **clause 61** (which relates to payments in respect of members, committee members, and employees during that financial year); and
- (h) information required by **clause 27(5)** (which relates to permission to act despite being interested in a matter); and 30
- (i) any matters that relate to or affect Regenerate Christchurch's operations that Regenerate Christchurch is otherwise required, or has undertaken, or wishes to report on in its annual report.
- (2) The annual report prepared in respect of the financial year ending with the close of 30 June 2017 must also include the information and reports specified in **subclause (1)** in respect of the period beginning on 18 April 2016 and ending with the close of 30 June 2016. 35

- (3) For the purpose of **subclause (2)**, each reference to a financial year in this clause and **clauses 59 to 65** must be read as a reference to the period beginning on 18 April 2016 and ending with the close of 30 June 2017.
- (4) The annual report must provide the information that is necessary to enable an informed assessment to be made of Regenerate Christchurch's operations and performance for that financial year, including an assessment of Regenerate Christchurch's progress in relation to its strategic intentions as set out in the most recent statement of intent. 5
- (5) An annual report must be in writing, be dated, and be signed on behalf of the board by 2 members. 10

Compare: 2004 No 115 s 151

61 Disclosure of payments in respect of members, committee members, and employees

- (1) The annual report must include,—
- (a) for each board member, the total value of the remuneration (other than compensation or other benefits referred to in **paragraph (d)**) paid or payable to the member in his or her capacity as a member from Regenerate Christchurch during that financial year; and 15
 - (b) for each committee member who is not a board member or an employee, the total value of the remuneration (other than compensation or other benefits referred to in **paragraph (d)**) paid or payable to the member in his or her capacity as a committee member from Regenerate Christchurch during that financial year; and 20
 - (c) the number of employees to whom, during the financial year, remuneration (other than compensation or other benefits referred to in **paragraph (d)**) was paid or payable in their capacity as employees, the total value of which is or exceeds \$100,000 per annum, and the number of those employees in brackets of \$10,000; and 25
 - (d) the total value of any compensation or other benefits paid or payable to persons who ceased to be members, committee members, or employees during the financial year in relation to that cessation and the number of persons to whom all or part of that total was paid or payable; and 30
 - (e) details of any indemnity provided by Regenerate Christchurch during the financial year to any member, office holder, or employee; and
 - (f) details of any insurance cover effected by Regenerate Christchurch during the financial year in respect of the liability or costs of any member, office holder, or employee. 35
- (2) In **subclause (1)**, **member**, **office holder**, and **employee** include a person who was a member or office holder or employee at any time after the com-

mencement of this Part but who is no longer a member, office holder, or employee.

Compare: 2004 No 115 s 152

62 Form and content of statement of performance

- A statement of performance must, in relation to a financial year,— 5
- (a) be prepared in accordance with generally accepted accounting practice; and
 - (b) describe each reportable class of outputs for the financial year; and
 - (c) include, for each reportable class of outputs identified in the statement of performance expectations for the financial year,— 10
 - (i) the standards of delivery performance achieved by Regenerate Christchurch, as compared with the forecast standards included in the statement of performance expectations for the financial year; and
 - (ii) the actual revenue earned and output expenses incurred, as compared with the expected revenues and proposed output expenses included in the statement of performance expectations for the financial year. 15

Compare: 2004 No 115 s 153

63 Annual financial statements 20

- (1) As soon as practicable after the end of each financial year, Regenerate Christchurch must prepare financial statements in relation to that financial year.
- (2) The financial statements must—
 - (a) comply with generally accepted accounting practice; and
 - (b) include any other information or explanations needed to fairly reflect the financial operations and financial position; and 25
 - (c) include the forecast financial statements prepared at the start of the financial year, for comparison with the actual financial statements.

Compare: 2004 No 115 s 154

64 Statement of responsibility 30

- The statement of responsibility must—
- (a) contain a statement of the signatories' responsibility for the preparation of the financial statements and statement of performance and for the judgements in them; and
 - (b) contain a statement of the signatories' responsibility for establishing and maintaining a system of internal control designed to provide reasonable assurance as to the integrity and reliability of financial reporting; and 35

- (c) contain a statement that, in the opinion of the signatories, the financial statements and statement of performance for the financial year fairly reflect the financial position and operations of Regenerate Christchurch; and
- (d) be dated and signed on behalf of the board by 2 members.

5

Compare: 2004 No 115 s 155

65 Audit report

- (1) ~~Regenerate Christchurch must forward to the Auditor-General,—~~
 - (a) ~~within 3 months after the end of each financial year,—~~
 - (i) ~~the annual financial statements and statement of performance; and~~ 10
 - (ii) ~~any end-of-year performance information that Regenerate Christchurch is required to provide under section 19A of the Public Finance Act 1989; and~~
 - (iii) ~~any other information that the Auditor-General has agreed, or is required, to audit; and~~ 15
 - (b) ~~the annual report in a timely manner to enable the Auditor-General to review that report before providing the audit report required under **subclause (2)(b)**.~~
- (2) The Auditor-General must—
 - (a) ~~audit the statements and information referred to in **subclause (1)(a)**; and~~ 20
 - (b) ~~provide an audit report to Regenerate Christchurch within 4 months after the end of each financial year.~~

Compare: 2004 No 115 s 156

65 Audit report 25

- (1) Regenerate Christchurch must, as soon as practicable after the end of each financial year (not including the financial year ending 30 June 2016), forward to the Auditor-General—
 - (a) the annual financial statements and statement of performance; and
 - (b) the draft annual report; and 30
 - (c) any other information that the Auditor-General has agreed, or is required, to audit.
- (2) The Auditor-General must—
 - (a) audit the statements and information referred to in **subclause (1)(a) and (c)**; and 35
 - (b) provide an audit report to Regenerate Christchurch.

Compare: 2004 No 115 s 156

66 Final annual report of Regenerate Christchurch

- (1) Section 45J of the Public Finance Act 1989 (which relates to final annual reports of disestablished entities) applies to the final annual report of Regenerate Christchurch.
- (2) Despite section 45J(3) of that Act, the Minister must, by the close of 30 June 2021, approve the transfer of the responsibility for preparing and providing the final annual report under that section to another party.

5

*Other financial provisions***67 Restrictions on acquisition of financial products, borrowing, guarantees, indemnities, and derivatives**

10

- (1) Sections 160 to 164 of the Crown Entities Act 2004 apply to Regenerate Christchurch as if Regenerate Christchurch were a Crown entity.
- (2) For the purposes of **subsection (1)**, an approval under section 160(1)(b) of that Act must be given jointly by the responsible Minister, the Minister of Finance, and Christchurch City Council.

15

Compare: 2004 No 115 ss 160–164**68 Liability for debts**

Section 49 of the Public Finance Act 1989 applies to Regenerate Christchurch as if Regenerate Christchurch were a Crown entity.

Compare: 2004 No 115 s 176

20

Schedule 6

Legislative instruments revoked

s 111

Canterbury Earthquake (Accident Compensation Act 2001) Order 2011 (SR 2011/37)	5
Canterbury Earthquake (Building Act) Order 2010 (SR 2010/315)	
Canterbury Earthquake (Building Act) Order 2011 (SR 2011/311)	
<u>Canterbury Earthquake (Canterbury DHB Land Exchange) Order 2014 (LI 2014/107)</u>	
Canterbury Earthquake (Civil Defence Emergency Management Act) Order 2010 (SR 2010/316)	10
Canterbury Earthquake (Civil Defence Emergency Management Act) Order (No 2) 2010 (SR 2010/482)	
Canterbury Earthquake (Education Act) Order 2011 (SR 2011/38)	
Canterbury Earthquake (Energy Companies Act) Order 2011 (SR 2011/215)	15
Canterbury Earthquake (Financial Advisers Legislation) Order 2011 (SR 2011/74)	
Canterbury Earthquake (Inland Revenue Acts) Order 2011 (SR 2011/80)	
Canterbury Earthquake (Land Transport Rule: Operator Licensing) Order 2011 (SR 2011/153)	20
Canterbury Earthquake (Local Government Act 2002) Order 2010 (SR 2010/317)	
Canterbury Earthquake (Local Government Act 2002) Order 2011 (SR 2011/219)	
Canterbury Earthquake (Local Government Act 2002) Order (No 2) 2011 (SR 2011/402)	25
Canterbury Earthquake (Local Government Official Information and Meetings Act) Order 2010 (SR 2010/350)	
Canterbury Earthquake (Local Government Official Information and Meetings Act) Order 2011 (SR 2011/43)	30

**Canterbury Earthquake (Rating Valuations Act—Christchurch City Council)
Order 2013 (SR 2013/396)**

**Canterbury Earthquake (Rating Valuations Act—Selwyn District Council)
Order 2011 (SR 2011/217)**

**Canterbury Earthquake (Rating Valuations Act—Waimakariri District Council) 5
Order 2011 (SR 2011/218)**

**Canterbury Earthquake (Recovery Strategy Approval) Order 2012 (*Gazette*
2012, p 1745)**

**Canterbury Earthquake (Reserves Act—Electricity Network Recovery) Order
2011 (SR 2011/308) 10**

**~~Canterbury Earthquake (Resource Management Act—Burwood Resource
Recovery Park) Order 2011 (SR 2011/254)~~**

**Canterbury Earthquake (Resource Management Act—Electricity Network
Recovery) Order 2011 (SR 2011/309)**

**Canterbury Earthquake (Resource Management Act Port of Lyttelton Recovery) 15
Order 2011 (SR 2011/148)**

Canterbury Earthquake (Resource Management Act) Order 2010 (SR 2010/318)

Canterbury Earthquake (Resource Management Act) Order 2011 (SR 2011/34)

Canterbury Earthquake (Road User Charges Act) Order 2010 (SR 2010/427)

Canterbury Earthquake (Social Security Act) Order 2010 (SR 2010/331) 20

Canterbury Earthquake (Social Security Act) Order (No 3) 2010 (SR 2010/484)

Canterbury Earthquake (Social Security Act) Order 2011 (SR 2011/40)

**Canterbury Earthquake (Tax Administration Act) Order (No 2) 2011
(SR 2011/375)**

**Canterbury Earthquake (Transport Legislation—Canterbury Regional
Transport Planning) Order 2011 (SR 2011/345) 25**

Canterbury Earthquake (Transport Legislation) Order 2010 (SR 2010/319)

Canterbury Earthquake (Transport Legislation) Order 2011 (SR 2011/39)

Schedule 7

Legislative instruments continued and amended

s 112

Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (LI 2014/228) 5

After clause 2, insert:

2A Revocation of this order

This order is revoked on the repeal of **subpart 7** of **Part 2** of the Greater Christchurch Regeneration Act **2015** the close of 30 June 2021.

In clause 6(4)(b), replace “9 March 2016” with “16 December 2016”. 10

In clause 12(2), replace “9 March 2016” with “16 December 2016”.

In clause 12(2), after “clause 9”, insert “and in any case not later than 16 December 2016”.

In clause 21(5)(a)(i), replace “9 March 2016” with “16 December 2016”.

Replace clause 21(5)(a)(i) with: 15

- (i) it would be unable to make a decision on the proposal by 16 December 2016; or

Canterbury Earthquake (Earthquake Commission Act) Order 2012 (SR 2012/63) 20

Replace clause 3 with:

3 Revocation of this order

This order is revoked on the repeal of **subpart 7** of **Part 2** of the Greater Christchurch Regeneration Act **2015** the close of 30 June 2021.

Revoke clause 6.

Canterbury Earthquake (Historic Places Act) Order 2011 (SR 2011/231) 25

Replace clause 3 with:

3 Revocation of this order

This order is revoked on the repeal of **subpart 7** of **Part 2** of the Greater Christchurch Regeneration Act **2015** the close of 30 June 2021.

In clause 5(1), insert in its appropriate alphabetical order: 30

building has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014

In clause 5(1), replace the definition of **emergency authority** with:

emergency authority means an authority that may be granted under clause 10 to do anything in relation to an archaeological site that— 35

Canterbury Earthquake (Historic Places Act) Order 2011 (SR 2011/231)—*continued*

- (a) would, but for this order, require an authority under section 42 of the Heritage New Zealand Pouhere Taonga Act 2014; and
- (b) is, directly or indirectly, necessary or desirable to promote any of the purposes of the Canterbury Earthquake Recovery Act 2011

In clause 5(1), replace the definition of **general emergency authority** with: 5

general emergency authority means an authority that may be granted under clause 10 to do anything in relation to archaeological sites within a specified area that—

- (a) would, but for this order, require an authority under section 42 of the Heritage New Zealand Pouhere Taonga Act 2014; and 10
- (b) is directly or indirectly, necessary or desirable to promote any of the purposes of the Canterbury Earthquakes Recovery Act 2011

In clause 5(1), definition of **greater Christchurch**, replace “section 4(1) of the Canterbury Earthquake Recovery Act 2011” with “**section 4** of the Greater Christchurch Regeneration Act **2015**”. 15

After clause 5(3), insert:

- (4) To avoid doubt, a reference to the purposes of the Canterbury Earthquake Recovery Act 2011 applies, despite the repeal of that Act.

Replace clause 6(1) with:

- (1) Without limiting the powers of Heritage New Zealand Pouhere Taonga under section 14 of the Heritage New Zealand Pouhere Taonga Act 2014, Heritage New Zealand Pouhere Taonga may appoint 1 or more of its employees to be an archaeological officer. 20

Revoke clause 6(3)(b).

Replace clause 6(4)(b)(ii) with: 25

- (ii) any functions that Heritage New Zealand Pouhere Taonga delegates to the officer under the Heritage New Zealand Pouhere Taonga Act 2014.

Revoke clause 6(5).

Replace clause 7 with: 30

7 Archaeological sites not to be modified or destroyed

- (1) This clause applies instead of section 42(1) of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to archaeological sites within greater Christchurch.
- (2) No person may modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site if that person knows, or ought reasonably to have suspected, that the site is an archaeological site, unless— 35

Canterbury Earthquake (Historic Places Act) Order 2011 (SR 2011/231)—*continued*

- (a) an authority has been granted under section 48, 56(1)(b) or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in respect of that site; or
- (b) an emergency authority or general emergency authority has been granted under this order.

5

After clause 7, insert:

7A Application of Historic Places Act 1993

The Historic Places Act 1993 applies to archaeological sites within greater Christchurch only to the extent necessary for the purposes of—

- (a) emergency authorities and general emergency authorities granted under this order; and
- (b) clauses 8 to 16 of this order.

10

After clause 8(3), insert:

- (4) Despite subclause (1), an emergency authority is not required to permit work on a building that is an archaeological site unless the work will result in the demolition of the whole of the building.

15

After clause 9(4), insert:

- (5) Despite subclause (1), a general emergency authority is not required to permit work on a building that is an archaeological site unless the work will result in the demolition of the whole of the building.

20

In clause 12(2)(b), replace “the expiry of the Canterbury Earthquake Recovery Act 2011” with “the repeal of **subpart 7 of Part 2** of the Greater Christchurch Regeneration Act **2015** the close of 30 June 2021”.

Canterbury Earthquake (Local Government Act 2002—Retaining Walls) Order 2013 (SR 2013/33)

25

Replace clause 3 with:

3 Revocation of this order

This order is revoked on the repeal of **subpart 7 of Part 2** of the Greater Christchurch Regeneration Act **2015** the close of 30 June 2021.

In clause 6(1), replace the modification of section 181(1B) with:

30

- (1B) In this subsection and in subsections (1A) and (4A),—

greater Christchurch has the same meaning as in **section 4** of the Greater Christchurch Regeneration Act **2015**

private land means private land situated within the Christchurch area greater Christchurch

35

Canterbury Earthquake (Local Government Act 2002—Retaining Walls) Order 2013 (SR 2013/33)—*continued*

public infrastructure means community infrastructure or network infrastructure

public land means land owned or controlled by the Crown (within the meaning of section 2(1) of the Public Finance Act 1989) or by a local authority.

Canterbury Earthquake (Rating) Order 2012 (SR 2012/147) 5

Replace clause 3 with:

3 Revocation of this order

This order is revoked on 1 July 2018.

Canterbury Earthquake (Reserves Legislation) Order (No 2) 2011 (SR 2011/368)

Replace clause 3 with: 10

3 Revocation of this order

This order is revoked on the repeal of **subpart 7** of **Part 2** of the Greater Christchurch Regeneration Act **2015** the close of 30 June 2021.

In clause 4, definition of **reserve**, paragraph (a), after “any land”, insert “situated in greater Christchurch (within the meaning of **section 4** of the Greater Christchurch Regeneration Act **2015**) that is”. 15

Canterbury Earthquake (Resource Management Act—Burwood Resource Recovery Park) Order 2011 (SR 2011/254)

Replace clause 3 with:

3 Revocation of this order

This order is revoked on the close of 30 June 2021.

Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011 (SR 2011/36)

Replace clause 3 with:

3 Revocation of this order

This order is revoked on the repeal of **subpart 7** of **Part 2** of the Greater Christchurch Regeneration Act **2015** the close of 30 June 2021.

In clause 7(1), definition of **specified location**, after “area of land”, insert “situated in greater Christchurch (within the meaning of **section 4** of the Greater Christchurch Regeneration Act **2015**)”. 30

In clause 8(1), definition of **specified location**, after “area of land”, insert “situated in greater Christchurch (within the meaning of **section 4** of the Greater Christchurch Regeneration Act **2015**)”.

Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011 (SR 2011/36)—*continued*

In clause 8(1), definition of **temporary depots and storage facilities**, paragraph (a), replace “Canterbury Earthquake Response and Recovery Act 2010” with “Greater Christchurch Regeneration Act **2015**”.

Canterbury Earthquake (Social Security Act) Order (No 2) 2010 (SR 2010/483)

In clause 3, replace “the close of 19 April 2016” with “~~the repeal of **subpart 7** of **Part 2** of the Greater Christchurch Regeneration Act **2015**~~the close of 30 June 2021”. 5

In clause 4(2), replace “Canterbury Earthquake Response and Recovery Act 2010” with “Greater Christchurch Regeneration Act **2015**”.

In clause 5, replace “Canterbury Earthquake Response and Recovery Act 2010” with “Greater Christchurch Regeneration Act **2015**”. 10

Schedule 8

Consequential amendments and revocation

s 117

Part 1

Consequential amendments

5

Christchurch City (Reserves) Empowering Act 1971 (1971 No 8 (L))

In Schedule 2, item 1, after “comprised in K 772554”, insert “, but excluding that piece of land being 7 025 square metres more or less, being Section 1 Survey Office plan 467852, comprised in computer freehold register 657422”.

In Schedule 2, after item 3, insert:

10

4 7 025 square metres, more or less, being Section 2 Survey Office plan 467852, comprised in computer freehold register 658884.

Christchurch Hospital Act 1887 (1887 No 10)

In Schedule 1, after “District Survey Office, Christchurch”, insert “(but excluding all that land being 1 016 square metres, more or less, being Section 5 on Survey Office plan 467852, comprised in computer freehold register 657424)”.

15

In Schedule 4, after “Survey Office, Christchurch”, insert “(but excluding all that land being 7 025 square metres, more or less, being Section 2 on Survey Office plan 467852, comprised in computer freehold register 658884; and all that land being 9 190 square metres, more or less, being Section 3 Survey Office Plan 467852, comprised in computer freehold register 658885)”.

20

Ombudsmen Act 1975 (1975 No 9)

In Schedule 1, Part 2, insert in its appropriate alphabetical order:

Regenerate Christchurch

Public Audit Act 2001 (2001 No 10)

25

In Schedule 2, insert in its appropriate alphabetical order:

Regenerate Christchurch

State Sector Act 1988 (1988 No 20)

In Schedule 1A, delete “Canterbury Earthquake Recovery Authority” and “Department of the Prime Minister and Cabinet”.

30

Part 2

Consequential revocation

State Sector (Establishment of Canterbury Earthquake Recovery Authority as Departmental Agency) Order 2014 (LI 2014/372)

Legislative history

19 October 2015

22 October 2015

Introduction (Bill 79–1)

First reading and referral to Local Government and Environment Committee