

Direction to Develop a Draft Waimakariri Residential Red Zone Recovery Plan

Pursuant to sections 16 and 19 of the Canterbury Earthquake Recovery Act 2011, the Minister for Canterbury Earthquake Recovery gives the following notice.

Notice

1. Title

1.1. This notice is a direction to the Waimakariri District Council to develop a draft Waimakariri Residential Red Zone Recovery Plan (“Recovery Plan”).

2. Direction

2.1. Pursuant to section 16(1) of the Canterbury Earthquake Recovery Act, I direct the Waimakariri District Council to develop a draft Recovery Plan in accordance with the process set out in this direction.

3. Purpose

3.1. The Recovery Plan will identify the intended long-term uses of the residential red zone in Waimakariri to facilitate recovery from the impacts of the Canterbury earthquakes.

3.2. Where necessary, the Recovery Plan will provide for necessary amendments to the statutory framework to enable the proposed uses of the residential red zone land.

3.3. The Recovery Plan will identify the practical next steps for the implementation of the Recovery Plan, including how ownership, funding, and management of different areas will be determined in future.

4. Objectives

4.1. The Waimakariri District Council must have particular regard to the objectives for the Recovery Plan. The totality of decisions about the residential red zone should reflect the following objectives:

4.1.1. *Decisions about the residential red zone should promote the well-being of greater Christchurch communities.*

- In particular, decisions should:
 - reflect the needs and aspirations of the communities, provided these preferences represent acceptable financial costs to New Zealand taxpayers or Waimakariri District ratepayers;
 - integrate with the built and natural environments, particularly the areas surrounding the Waimakariri residential red zone;
 - recognise the heritage values of the local communities; and
 - recognise and provide for the relationship of Te Ngāi Tūāhuriri Rūnanga and Te Rūnanga o Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.

4.1.2. *Decisions about the residential red zone should result in outcomes that are resilient and enduring.*

- In particular, the decisions should provide for the restoration and enhancement of social, economic, cultural and environmental well-being. This includes:
 - contributing to the restoration and enhancement of ecosystems, and avoidance and mitigation of natural hazards; and
 - financial and environmental sustainability across generations.

4.1.3. *Decisions about the residential red zone should support economic development and growth.*

- In particular, decisions should, where relevant, facilitate innovation and economic development.
- Further, land ownership and management options, including divestment if and where appropriate, will be considered for all future uses of the residential red zone.

4.1.4. *Decisions about the residential red zone should be affordable and consistent with the government’s commitment to principles of responsible fiscal management.*

- In particular, decisions should not expose the Crown to financial risk or costs that are outside the parameters used to assess business cases for Crown investment, as set out in the Better Business Case

Guidance published by the New Zealand Treasury¹.

- Further, the decisions do not result in increased expenditure by the Waimakariri District Council over and above that provided for in the 2015–25 Long Term Plan, or otherwise through amendment to that Plan in accordance with ordinary statutory processes.

5. Responsible Entity

5.1. The Waimakariri District Council is appointed as the responsible entity and must develop a draft Waimakariri Residential Red Zone Recovery Plan.

5.2. The Waimakariri District Council must develop the draft Recovery Plan through a collaborative multi-agency approach with the Canterbury Regional Council, Te Rūnanga o Ngāi Tahu, and the Canterbury Earthquake Recovery Authority, and in relation to transport infrastructure, the NZ Transport Agency.

6. Geographic Extent

6.1. The Recovery Plan will focus on the area identified by the Crown as residential red zone in Waimakariri.

6.2. For the avoidance of doubt, the Recovery Plan will include land within the residential red zone that is not held under section 53 of the Canterbury Earthquake Recovery Act 2011 (for example, land that is privately owned, reserves, Council-owned land or land owned by the Crown under legislation other than the Canterbury Earthquake Recovery Act 2011).

6.3. The Waimakariri District Council may include other land or areas near the residential red zone (ie, in the green zone), if it considers the inclusion of such land will facilitate the recovery of greater Christchurch communities from the effects of the Canterbury earthquakes, provided that the land owner agrees to the inclusion of their land.

6.4. In developing the draft Recovery Plan, the Waimakariri District Council must consider issues and effects that may occur outside of the geographic extent of the residential red zone, including matters relating to land uses, transport, and the social, economic, cultural and environmental well-being of surrounding communities.

6.5. Except as provided for above, the Recovery Plan will not apply to any other land in the Waimakariri District.

7. Matters to be Dealt With

7.1. The Recovery Plan will identify the intended long-term uses to support the recovery of greater Christchurch communities from the effects of the Canterbury earthquakes. In developing the draft Recovery Plan, the Waimakariri District Council must consider (but is not limited to):

7.1.1. The infrastructure requirements of the Waimakariri District, including the infrastructure requirements of owners and users adjacent to, neighbouring and within the residential red zone, with regard to those that are reliant on infrastructure (including roads) that is, or may be located within the residential red zone;

7.1.2. The impacts that the location and types of uses identified are likely to have on the surrounding communities;

7.1.3. The feasibility of remediation of land within the residential red zone;

7.1.4. The views of the public as provided as part of the *CANVAS: your thinking for the red zones* engagement process, and any subsequent engagement processes;

7.1.5. The risk of natural hazards to people, property, infrastructure, and the natural environment, and any mitigation needed to ensure risks are reduced to acceptable levels;

7.1.6. The natural resources and biophysical processes, including ecosystem processes and the practice of customary gathering of food and natural resources and the places where this occurs, in and around the residential red zone;

7.1.7. The work undertaken to date by the Waimakariri District Council on the future use of the residential red zone, and how the red zone interacts with the surrounding area, including the recovery of the Kaiapoi Key Activity Centre, the recovery of the Kaiapoi River and river banks and essential infrastructure; and

7.1.8. The interests of Te Ngāi Tūāhuriri Rūnanga and Te Rūnanga o Ngāi Tahu, including the work undertaken to date on future use.

7.2. The draft Recovery Plan must identify the practical next steps for the implementation of the Recovery Plan, including indicative timeframes for implementation and how ownership, funding, and management of different areas will be determined.

7.3. The Waimakariri District Council must have regard to any other Recovery Plans that are in force or being developed. It must consult the Canterbury Earthquake Recovery Authority to ensure that the draft Recovery Plan is not inconsistent with existing or developing Recovery Plans. The Recovery Plan must be consistent with the Recovery Strategy for Greater Christchurch Mahere Haumanutanga o Waitaha.

7.4. If the Waimakariri District Council considers that amendments to documents and instruments prepared under

other legislation, including the Resource Management Act 1991, Local Government Act 2002, the Reserves Act 1977, and the Land Transport Management Act 2003 may be necessary to implement the Recovery Plan, it must state this in the draft Recovery Plan and describe the nature of those amendments. The Recovery Plan may identify further programmes of work to be undertaken to enable these amendments to be made.

7.5. The Recovery Plan must take into account, but shall not make changes to:

7.5.1. the Crown's zoning decisions (that is, the basis on which properties were zoned as red or green by the Crown and the decision to make an offer to purchase properties only in the residential red zone);

7.5.2. any voluntary Crown offers to purchase properties in the residential red zone (including those covered by the Residential Red Zone Offer Recovery Plan); and

7.5.3. the review of the Land Use Recovery Plan.

8. Development of the Draft Waimakariri Residential Red Zone Recovery Plan

8.1. The Waimakariri District Council must develop a draft Waimakariri Residential Red Zone Recovery Plan for delivery to the Minister for Canterbury Earthquake Recovery by 18 April 2016, or such other date as agreed between the Minister for Canterbury Earthquake Recovery and the Waimakariri District Council.

8.2. The Waimakariri District Council must enable community participation during the preparation of the draft Recovery Plan. This includes providing an opportunity for the greater Christchurch community, and people throughout New Zealand, to comment on the preparation of the draft Recovery Plan.

8.3. The Waimakariri District Council may prepare a discussion document to inform the public of relevant information relating to the residential red zone, and provide the public with an opportunity to comment on that discussion document. It may prepare a preliminary draft Recovery Plan for public comment prior to, and as an input to, the draft Recovery Plan. The Waimakariri District Council may hold public hearings, but is not required to. The Waimakariri District Council must consider the Christmas / New Year period when determining when it will consult with the public.

8.4. The Waimakariri District Council must ensure that the draft Recovery Plan clearly illustrates the intended long-term uses of the residential red zone, and is supported by:

8.4.1. an appropriate level of technical information, suitable to the scale and effect of proposals, to support recommended uses and any proposed amendments to statutory instruments;

8.4.2. a summary of consultation undertaken and analysis/explanation of how the consultation and engagement process(es) have informed the preparation of the draft Recovery Plan;

8.4.3. an impact assessment, including an analysis of recommendations using an appropriate impact assessment methodology and explanation of how that informed the preparation of the draft Recovery Plan; and

8.4.4. an assessment of the proposals with regard to relevant statutory and non-statutory instruments, including the New Zealand Coastal Policy Statement 2010, the Canterbury Regional Policy Statement, the Mahaanui Iwi Management Plan, the Ngāi Tahu Claims Settlement Act 1998, the Canterbury Earthquake Recovery Act 2011, the Resource Management Act 1991, and relevant Waimakariri District Council strategies and plans.

9. Making Information Available

9.1. At all stages during the development of the draft Waimakariri Residential Red Zone Recovery Plan, the Waimakariri District Council must ensure public information relevant to the preparation of these documents is freely and easily available.

10. Other Recovery Plans

10.1. The Christchurch Central Recovery Plan, the Residential Red Zone Offer Recovery Plan, and the Land Use Recovery Plan have been approved and are in force. The Lyttelton Port Recovery Plan and the Transition Recovery Plan are currently being developed.

11. Minister for Canterbury Earthquake Recovery

11.1. Upon receipt of the draft Waimakariri Residential Red Zone Recovery Plan, the Minister for Canterbury Earthquake Recovery will publicly notify it and invite written comments from the public in accordance with section 20 of the Canterbury Earthquake Recovery Act 2011.

Dated at Wellington this 31st day of August 2015.

Hon GERRY BROWNLEE, Minister for Canterbury Earthquake Recovery.

¹www.treasury.govt.nz/statesector/investmentmanagement/plan/bbc