

REPORT ON DECISIONS MADE IN APPROVING THE PARTIAL REVOCATION OF THE CHRISTCHURCH CENTRAL RECOVERY PLAN

1. SUMMARY

On 8 November 2018, as Minister for Greater Christchurch Regeneration, I approved Regenerate Christchurch's outline for the partial revocation of the Christchurch Central Recovery Plan (Partial Revocation) under the Greater Christchurch Regeneration Act 2016 (GCR Act).

That outline set out that, during the development of the draft Ōtākaro Avon River Corridor Regeneration Plan (Regeneration Plan), Regenerate Christchurch identified a need to avoid the potential for inconsistencies and confusion that may arise from having multiple Regeneration or Recovery Plans applying to the same area at the same time (specifically, the Avon Loop). Because of this, Regenerate Christchurch proposed to partially revoke the Christchurch Central Recovery Plan (CCRP) to the extent that it applies to the same area as the Regeneration Plan (if approved).

Following approval to progress the outline, there followed an opportunity for public comment on the proposed revocation (detailed below under process and legal requirements). Regenerate Christchurch then finalised and submitted to me the Partial Revocation.

I have considered the Partial Revocation and requirements of the GCR Act, and have decided to approve the Partial Revocation. This decision paper records the decision I have made under section 58 of the GCR Act.

2. PROCESS AND LEGAL REQUIREMENTS

Following approval of the outline for the Partial Revocation on 8 November 2018, Regenerate Christchurch invited written comment on its proposal from 14 November to 19 December 2018 in accordance with section 54(b) of the GCR Act. Regenerate Christchurch received seven written comments: one in support, two partly in support, and four neither in support nor in opposition.

On 12 March 2019, in accordance with section 55 of the GCR Act, Regenerate Christchurch submitted the Partial Revocation and the requisite accompanying material to me.

I note that the Regeneration Plan was submitted to me on 7 March 2019 and I have now approved the Regeneration Plan. To avoid confusion, I approved the Regeneration Plan before making my decision on the Partial Revocation, which is consequential to the Regeneration Plan

In considering the Partial Revocation, the GCR Act requires me to:

- ensure that I exercise my power in accordance with one or more purposes of the Act – s11(1);
- exercise that power where I reasonably consider it necessary – s11(2);
- have particular regard to the views of Regenerate Christchurch – s58(2)(a)(i);
- consider the material referred to in section 55(2) – s58(2)(a)(ii);
- consider whether the Partial Revocation has been developed in accordance with the Outline approved under section 52 – s58(2)(c);
- consider the fiscal and financial implications of the Partial Revocation – s58(2)(d); and
- consider whether the Partial Revocation is in the public interest – s58(2)(e).

This decision paper outlines these considerations.

3. THE PARTIAL REVOCATION AND ITS EFFECT

The CCRP was developed in 2012 to set out a future form for the central city, and a vision for its recovery after significant damage to the central business district. The CCRP generally applies to the area within the Four Avenues. The Liveable City Chapter of the CCRP sought to provide for a range of housing opportunities in the Residential Central City Zone including opportunities for high-density housing.

The Avon Loop, which is approximately 8.8ha, is located within the geographic scope of both the CCRP and the Ōtākaro Avon River Corridor that is covered by the Regeneration Plan (although it falls outside the core central business district). The Partial Revocation area covers the part of the central city within the four avenues that overlaps with the Regeneration Plan area.

The primary purpose of the Partial Revocation is to avoid potential inconsistencies, confusion, and contradictions associated with having both the CCRP and the Regeneration Plan applying to the same area at the same time.

The Avon Loop is currently zoned Residential Central City, Avon River Precinct (Te Papa Ōtākaro), and Transport in the Christchurch District Plan. The Avon Loop does not have the same Specific Purpose (Flat Land Recovery) Zone that applies to the rest of the OARC. The current zoning for the Avon Loop is a result of decisions on the Christchurch Replacement District Plan because under the Canterbury Earthquake Recovery Act 2011 it could not be inconsistent with the CCRP. Although the overlapping area is zoned residential, no residential development is currently occurring.

The current Residential Central City Zone (in the Christchurch District Plan) enables a range of housing opportunities including high density housing to be built, while the Specific Purpose OARC Zone (in the Regeneration Plan) seeks to limit housing due to the constraints on the land (due to susceptibility for liquefaction for example).

I considered that, if approved, the Partial Revocation would result in the CCRP no longer applying to the Avon Loop. In approving the Regeneration Plan, the result is that the Christchurch City Council and ECan are now directed to amend the Christchurch District Plan and the Canterbury Land and Water Regional Plan.

These amendments to the Christchurch District Plan replace the existing Residential Central City, Avon River Precinct (Te Papa Ōtākaro), and Transport zones in the Avon Loop with a new Specific Purpose (Ōtākaro Avon River Corridor) Zone. This will avoid confusion over prioritising outcomes for the area and ensure a consistent approach to future development across the Regeneration Plan area. This will also enable the Christchurch City Council to exercise functions under the Resource Management Act 1991 without contravening section 60 of the GCR Act, which requires it to not act inconsistently with a recovery or regeneration plan.

4. SECTION 58 CONSIDERATIONS

Material provided in section 55(2)

In making my decision, I have considered all the matters specified in section 58. As part of the s58 considerations, I have given particular regard to the views and advice of Regenerate Christchurch, as required under s58(2)(a)(i). I have considered the views of Regenerate Christchurch when they relate to my s11 considerations.

I have considered the material provided to me by Regenerate Christchurch i.e. the concise statement summarising the comments received and Regenerate Christchurch's advice on how the comments have been considered and, if relevant, addressed.

Regenerate Christchurch has advised that it received seven comments on the proposed Partial Revocation. One comment supported the proposal, two supported it in part, and the remaining four comments were neither in support nor in opposition.

Regenerate Christchurch considers that only three comments specifically related to the Partial Revocation – with the remaining comments relating to the Regeneration Plan that was notified at the same time. One the three relevant comments sought greater clarity on the nature and extent of the inconsistencies between the CCRP and the Regeneration Plan. Regenerate Christchurch made amendments to the Partial Revocation to address this concern.

Following the written comment period, Regenerate Christchurch considered the comments received and finalised the Partial Revocation, making modifications as appropriate.

Development in accordance with the outline (s58(2)(c) and s55(2)(b)(i))

As required by section 58(2)(c) of the GCR Act, I am satisfied that the Partial Revocation has been developed in accordance with the outline I approved under section 52.

In particular, I note that Regenerate Christchurch has complied with the public engagement requirements of the outline and that the Partial Revocation aligns with the purpose of the outline.

Fiscal and financial implications

As required by section 58(2)(d) of the GCR Act, I have considered the fiscal and financial implications of the Partial Revocation. On balance, I do not consider there are any undue fiscal or financial implications associated with approving the Partial Revocation.

Public interest

As required by section 58(2)(e) of the GCR Act, I have considered whether the Partial Revocation is in the public interest.

Regenerate Christchurch advises that it is in the public interest to ensure the most appropriate land use zoning for the Partial Revocation area is directed and no ambiguity or uncertainty ensues.

I consider that it is in the public interest to support a single planning framework for the entirety of the OARC area including the Overlapping Area. This will provide certainty and ensure consistent regeneration outcomes for the entirety of the area. It will also support decision makers (particularly the Council) to interpret the planning framework clearly and apply it.

5. Section 11 considerations

Before exercising my powers under section 58 of the GCR Act to approve the Partial Revocation, I must ensure that I do so in accordance with one or more purposes of the GCR Act, and that I reasonably consider it necessary to exercise that power.

Purposes of the GCR Act

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

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

- With the Regeneration Plan being approved, the Partial Revocation will enable the conversion of the Overlapping Area from its current residential zoning required by the CCRP to the Specific Purpose (Ōtākaro Avon River Corridor) Zone (the OARC Zone) in the Regeneration Plan.
- The OARC Zone establishes a planning framework designed to achieve the vision and objectives for the area covered by the Regeneration Plan.
- Due to the unique circumstances and constraints on the underlying land, the OARC Zone is considered to be the most appropriate zoning and this will enable the improvement and conversion of land including the development of the Green Spine, public amenities and development of one of the identified landings within the Overlapping Area. The landings (specifically defined areas adjacent to the river) provides opportunities for some limited retail, food and beverages outlets.

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

- The Partial Revocation will ensure that only one regeneration document applies to the Overlapping Area. This will remove the risk of potential for inconsistencies and confusion if the CCRP was to also remain in place for the Overlapping Area.
- The Regeneration Plan will also improve the wellbeing and resilience of communities through urban renewal and development and the restoration and enhancement of the area in a holistic and consistent approach.
- To obtain these outcomes across the whole area covered by the Regeneration Plan (including the Overlapping Area), the partial revocation of the CCRP is required, and consequently approving the Partial Revocation is a “regeneration” action that supports greater Christchurch.

Taking the above into account, I consider that approving the Partial Revocation is in accordance with one or more purposes of the GCR Act, particularly (but not limited to):

- **enables a focused and expedited regeneration process.** The Partial Revocation removes the conflict between the CCRP and the Regeneration Plan by ensuring that just the Regeneration Plan applies to the Overlapping Area. The Partial Revocation and the Regeneration Plan will enable the immediate inclusion of the OARC Zone into the Christchurch District Plan. This will ensure a focused regeneration process for the area, which will in turn expedite regeneration of the area.
- **facilitates the ongoing planning and regeneration of greater Christchurch.** The Partial Revocation also facilitates the ongoing planning and regeneration of the Overlapping Area, the Ōtākaro Avon River Corridor, and greater Christchurch. This is done through:
 - updating the underlying Christchurch District Plan framework to recognise the provision of a consistent and holistic approach across the entire OARC area that was zoned red following the earthquakes, through the Regeneration Plan; and

- o ensuring only one Regeneration or Recovery Plan applies to the Overlapping Area.

Necessity

I consider that exercising my power to approve the Partial Revocation can be reasonably considered necessary to enable a focused and expedited regeneration process and facilitate the ongoing planning and regeneration of greater Christchurch, given that:

- It facilitates the necessary planning changes to the Christchurch District Plan to ensure that there are no conflicts within the planning framework for the Overlapping Area for any period of time, and that there is no risk that the Council will be in a position where it cannot meet the requirements of section 60 of the GCR Act;
- Utilising the provisions of the GCR Act is the only mechanism by which regeneration and recovery plans may be amended or revoked;
- The only alternative means of resolving the inconsistency would be to amend the CCRP, which would direct the re-zoning of the overlapping Area as OARC Zone. Assuming this can be achieved, it would still not provide for the same efficiency and certainty, as it would require more time to complete and in the interim period conflicting planning frameworks would continue to apply to the Overlapping Area.

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

6. DECISION

I have decided to approve the Partial Revocation.

I have done so in the knowledge that it will support the regeneration of greater Christchurch by ensuring the Regeneration Plan applies to the Overlapping Area, as well as to the rest of the area covered by the Regeneration Plan.

I would like to acknowledge Regenerate Christchurch for its lead role in the Partial Revocation, and all those who provided input, including key partners and the people of greater Christchurch.



Hon Dr Megan Woods

Minister for Greater Christchurch Regeneration

Date: 15 August 2019