

### **Proactive Release**

The following Cabinet papers and related Cabinet minutes have been proactively released by the Department of the Prime Minister and Cabinet, on behalf of Hon Dr Megan Woods, Minister for Greater Christchurch Regeneration, regarding the following Bill:

### Greater Christchurch Regeneration Amendment Bill: Approval for Introduction

The following documents have been included in this release:

Paper:	Bill to Amend the Greater Christchurch Regeneration Act 2016: Accelerating Transition to Local Leadership (DEV-19-SUB-0302)
Minute:	Greater Christchurch Regeneration Act 2016: Proposed Amendments to Accelerate the Transition to Local Leadership (DEV-19-MIN-0302)
Minute:	Report of the Cabinet Economic Development Committee: Period Ended 15 November 2019 (CAB-19-MIN-0593)
Paper:	Greater Christchurch Regeneration Amendment Bill: Approval for Introduction (LEG-20-SUB-0004)
Minute:	Greater Christchurch Regeneration Amendment Bill: Approval for Introduction (LEG-20-MIN-0004)
Minute:	Report of the Cabinet Legislation Committee: Period Ended 14 February 2020 (CAB-20-MIN-0025)

Some parts of these documents would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant section of the Act that would apply has been identified. Where information has been withheld in accordance with section 9 of the Act, no public interest has been identified that would outweigh the reasons for withholding it. In addition, some material has been redacted as not relevant to the release of this Cabinet paper.

### Key to redaction codes:

- section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials,
- section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion,
- section 9(2)(h), to maintain legal professional privilege, and
- section 9(2)(i), to protect the Crown's commercial activity.

### Attachments already publicly available:

The Regulatory Impact Assessment appended to *Greater Christchurch Regeneration Amendment Bill: Approval for Introduction* (LEG-20-SUB-0004) can be found at: <u>https://dpmc.govt.nz/our-programmes/greater-christchurch-recovery-and-</u> <u>regeneration/greater-christchurch-regeneration-act</u>. [In Confidence]

Office of the Minister for Greater Christchurch Regeneration

Chair, Cabinet Economic Development Committee

### BILL TO AMEND THE GREATER CHRISTCHURCH REGENERATION ACT 2016: ACCELERATING TRANSITION TO LOCAL LEADERSHIP

### Proposal

- Regeneration This paper seeks agreement to a narrowly focused bill to amend the Greater 1. Christchurch Regeneration Act 2016 (the Act) with the objective of accelerating the transition to local leadership. Specifically I propose:
  - revoking some parts early (prior to the 30 June 2021 expiry), specifically 1.1. sections providing for extraordinary planning powers and the existence of Regenerate Christchurch; and
  - a limited extension of powers associated with maintaining momentum on the 1.2. Ōtākaro Avon River Corridor land title reconfiguration, which involves approximately 5,500 titles.

### **Executive Summary**

- There has been strong progress on regeneration since the passing of the Act in 2016. 2. The extraordinary provisions in the Act have in part enabled this progress. Given the significant milestones that have now been reached including the approval of the Ōtākaro Avon River Corridor Regeneration Plan in August and the signing of the Global Settlement Agreement between the Crown and the Christchurch City Council in September [CAB-19-MIN-0491 refers], some of the significant provisions in the Act are no longer considered necessary.
- 3. The majority of the Act will expire on 30 June 2021. However, repealing specific extraordinary provisions early would assist with the transition back to local leadership and provide another public signal of the Crown's active withdrawal from its extraordinary role in Christchurch.
- 4. Lefleve that a bill at this time is important to support transition to local leadership and provide clarity and certainty to Christchurch entities and communities. The bill needs to be simple, short and with clear parameters as all stages need to be completed by May/June 2020. I plan to seek category 2 for this bill in next year's legislative programme, if it is supported by Cabinet.
- 5. The premise of the proposed bill is supported by the findings of the recent annual independent review undertaken by Liz Sinclair (tabled in parliament on 24 October 2019), and the decisions in the Global Settlement Agreement completed on 23 September 2019.

- 6. The proposed changes to the Act are an important step towards local leadership and normalised relationships in greater Christchurch. The proposals have been discussed at a general level with officials in Regenerate Christchurch and the Christchurch City Council, who have indicated their support.
- 7. Separately from the early revocation of Act sections, the Global Settlement Agreement requires the Crown to reconfigure approximately 5,500 residential red zone titles in the Ōtākaro Avon River Corridor. The intention is to complete this work using the relevant powers in the Act. If the required reconfiguration of the land titles is not completed by 30 June 2021, having ongoing access to the relevant, non-controversial powers in the Act as a backstop is desirable, particularly for regeneration momentum.
- 8. The proposed scope of the bill is:
  - 8.1. early revocation of section 71 powers, which currently provide an expedited way to change RMA plans. Early repeal would send a clear signal that such an extraordinary power is no longer necessary;
  - 8.2. bringing forward the disestablishment of Regenerate Christchurch by nine to 12 months reflecting its Statement of Intent and Global Settlement Agreement commentary about reducing its activities by June 2020; and
  - 8.3. extending, for a limited time, land powers to support land title reconfiguration, providing a backstop for completion of amalgamation, road stopping etc. of land in the Ōtākaro Avon River Corridor.

### Background

- 9. The majority of the Act's provisions expire on 30 June 2021. This includes its associated powers and the establishment and operation of the jointly owned and funded Crown and Council organisation Regenerate Christchurch. Only the transfer of assets to local entities from Regenerate Christchurch is provided for post that date.
- 10. s9(2)(g)(i), s9(2)(i)
- 11. The Global Settlement Agreement with the Christchurch City Council was signed on 23 September 2019 [CAB-19-MIN-0491 refers]. The agreement does not require legislative change to give it effect, but legislative amendments would complement it. Changes to the legislation to disestablish Regenerate Christchurch will also provide it with certainty on the future of its role.
- 12. It is also recognised that decisions, especially on planning documents, should be made at the right level and that the current extraordinary powers are inhibiting this full return to local leadership.
- 13. Because any bill needs to be small and straightforward, given the timeframes requiring it to be passed before the next election, this paper does not provide a comprehensive

assessment of all the provisions in the Act, nor does it propose a lot of amendments. I have identified the most significant matters requiring amendment.

### Rationale for changes to the Act

- 14. It is coming up to nine years since the 2011 earthquake in Canterbury and the transition back to local leadership is well underway. The early revocation (February 2019) of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014, which limited the Christchurch City Council's ability to amend its own District Plan, was a key step in the process.
- 15. Accordingly, there are now provisions in the Act that appear unnecessary, particularly those requiring Ministerial decision-making on matters more appropriately dealt with at the local level. My view is that retaining some of the legislative tools, such as the role of a Minister in making amendments to certain planning documents through the use of powers under section 71, would be inconsistent with my desired transition pathway to local leadership.
- 16. I believe this bill is important and timely because it will:
  - 16.1. accelerate the transition to local leadership;
  - 16.2. provide clarity and certainty to Christchurch entities and community;
  - 16.3. remove extraordinary powers, that are no longer required and demonstrably return regeneration matters to local leadership; and
  - 16.4. identify a limited set of extensions that are not controversial, align with the Crown's existing obligations (i.e. Global Settlement obligations regarding residential red zone land), and will support regeneration.
- 17. This focus is consistent with my stated intention to be the last Minister for Greater Christchurch Regeneration and my own principles for the Greater Christchurch Regeneration portfolio of people, momentum, value and future, and in particular:
  - 17.1. **Momentum** transition decisions ensure regeneration momentum is maintained and accelerated where possible; and
  - 17.2. Future leaving a strong foundation for locally led success on regeneration, through advancing the transition to a new-normal relationship between the Crown and Council.
  - which recommended early revocation of some powers and extension of the land powers Land Information New Zealand (LINZ) uses.

<sup>&</sup>lt;sup>1</sup> Greater Christchurch Regeneration Act 2016, Annual Review from 1 July 2018 to 30 June 2019 pursuant to section 150 of the said Act (Liz Sinclair September 2019)

- 19. Specific rationale for the proposed amendments follow, covering:
  - 19.1. the extraordinary planning power known as the section 71 power;
  - 19.2. Regenerate Christchurch- established by the Act in 2016 for five years;
  - 19.3. land powers used for title reconfiguration; and
  - 19.4. other matters.

### Section 71 power

- generation 20. The section 71 power is used to make changes to planning documents through a streamlined process. Since enactment, the provision has been used to alter Christchurch City and Environment Canterbury planning documents to enable changes including for the relocation of Redcliffs School and the development of a sport and recreation facility in Yaldhurst. Strategic partners<sup>2</sup> and Regenerate Christchurch can initiate proposals for use of the section 71 power, with final approval sought from the Minister for Greater Christchurch Regeneration for the required changes.<sup>3</sup> Under the Act there is no ability to appeal the decisions (although they are subject to judicial review) and the only public engagement required is receipt of written comment on the final proposal on a limited number of grounds.
- To date, three section 71 processes have been completed under the Act, with an 21. additional two currently in progress. One involves Lyttelton commercial zone parking provisions and the second Hagley Oval. We expect both these processes to be concluded by December 2019, so they would not be affected by a bill process in the first half of 2020. It is acknowledged that it has been a useful tool, but given the time since the enactment in 2016, it is considered more appropriate that these decisions are made at the local level.
- 22. Advantages of revoking the section 71 powers early are:
  - 22.1. s9(2)(g)(i)
  - 22.2. it emphasises that discrete decisions on new/amended land uses should be determined by, and influenced by, local elected representatives, with the Minister no longer being 'the decision maker';
  - 22.3. an earlier return to standard Resource Management Act (RMA) processes, with associated public consultation processes and appeal rights; and
  - 22.4. it sends a message that, consistent with standard RMA processes, costs should fall on the interested parties (whereas currently the Crown, through DPMC directly and indirectly through its funding of Regenerate Christchurch, bears a number of the process costs of section 71 processes).
- 23. An issue that would need to be worked through is the unlikely scenario that a section 71 proposal is initiated prior to the relevant clauses being revoked. s9(2)(h)

<sup>&</sup>lt;sup>2</sup> Selwyn and Waimakariri District Councils, Te Rūnanga o Ngāi Tahu, Christchurch City Council and Environment Canterbury

<sup>&</sup>lt;sup>3</sup> Note that this decision making is currently delegated to the Associate Minister for Greater Christchurch Regeneration.

s9(2)(h)	
	s9(2)(f)(iv)
s9(2)(f)(iv)	

- 24. As set out in the associated Regulatory Impact Assessment, the alternative nonlegislative means would utilise agreements with the strategic partners and Regenerate Christchurch to emphasise the position that future section 71 proposals would not be developed or supported. Such agreements would complement the proposed legislative change, but by themselves they would require DPMC to retain the capability to respond to any proposals (and also Regenerate Christchurch if it still existed).
- 25. In conclusion, I believe that it is unnecessary s9(2)(g)(i) to retain the section 71 power beyond this stage of regeneration. Standard planning processes, with local decision-making and community consultation, s9(2)(g)(i) . I recommend that section 71 powers (sections 65 to 73 of the Act) and associated references are revoked early. Maximum benefit would be achieved through revocation by 30 June 2020, giving a full year of benefit from the current expiry of 30 June 2021.

### Regenerate Christchurch

- 26. Regenerate Christchurch was established by the Act in 2016 and it, and its Board, exists until it is disestablished by the Act on the close of 30 June 2021.
- 27. Early transition and the intention for the majority of Regenerate Christchurch's activities to conclude by 30 June 2020 is, however, recorded in the Global Settlement Agreement and is also reflected in Regenerate Christchurch's 2019/20 Statement of Intent.
- 28. The Board of Regenerate Christchurch is actively working on a transition programme using existing means. However, there are some functions it cannot delegate prior to the legislation expiring. In addition, if delegations were made, the Board must remain as it retains accountability for those functions.
- 29. Changing the legislation, to provide for early disestablishment of this entity, would provide financial savings to the Crown and the Christchurch City Council (as it won't need support for the longer time) as well as giving more certainty and clarity on ongoing arrangements for regeneration. Currently there is duplication of effort on regeneration matters. Also, with Regenerate Christchurch having reduced staff numbers,s9(2)(g)(i)

There is no difference in the actual cost of disestablishment (through legislation)transfer of assets, last annual report etc. – be it in 2020 or 2021.

Early legislative disestablishment of Regenerate Christchurch would involve:

- 30.1. firstly, an enactment bringing forward some prescribed timeframes in the Act, such as the following (subject to confirmation from Parliamentary Counsel Office):
  - the current disestablishment date of 30 June 2021 (section 121(2)(c));

- transfer of assets and liabilities to a successor organisation on 1 July 2021 (section 140);
- appointment of Chair period to close 30 June 2021 (section 128(2));
- responsibility for preparing final annual report, identified by 30 June 2021 (Schedule 5 clause 69); and
- transfer of assets allowed to June 2022 (section 151).
- 30.2. secondly, identifying a date of disestablishment (eg. 30 June or 30 September 2020) and on that date revoking all references to Regenerate Christchurch in the Act (ie sections 126-136 in sub part 5, Schedule 5 and other references).
- 31. I am advised that, as Regenerate Christchurch is not a complex entity, there would be minimal administrative issues if it was disestablished on a date other than the end of a financial year. For example, the end of July or August 2020 may be appropriate if a bill was not able to be passed in time for 30 June 2020.
- 32. As to alternatives to legislative change, the Regulatory Impact Assessment notes that most of Regenerate Christchurch's activities can transition early with the Christchurch City Council picking up relevant responsibilities. However, as noted above, some functions cannot be delegated. This means there would still be costs, and some management required, to support Regenerate Christchurch maintaining its required presence after June 2020, until it was disestablished in June 2021. There would also be the associated costs for the Crown in continuing to undertake required monitoring of Regenerate Christchurch.
- 33. I recommend disestablishing the legal entity of Regenerate Christchurch early, through a bill. The exact date of disestablishment can be confirmed when the timing of a bill is clearer, however for maximum benefit disestablishment nine months to a full year prior to its current expiry date in the Act, would be best. This would also align with the early transition process Regenerate Christchurch is already committed to.

### Completing Land Title Reconfiguration

- 34. The Act makes it relatively easy (compared to other legislative alternatives) for the Crown, through LINZ, to deal with land including amalgamation, road stopping, subdivision and land transfer. The powers include exemptions from some standard subdivision requirements under the RMA and road stopping processes in the Public Works Act 1981 and Local Government Act 1974.
- 35. The relevant Act sections are primarily those for conducting surveys (section 75), road stopping (section 87), holding land (section 91), title reconfigurations (section 92-101), and land disposal (sections 107-109).
  - These sections were carried over, with little change, from the former Canterbury Earthquake Recovery Act 2011. In 2016, it was assumed that the regeneration activities in greater Christchurch requiring use of these powers would have been completed within five years. However, there is a possibility that the necessary title reconfiguration and land transfer to the Christchurch City Council will not be completed by 30 June 2021, particularly in the Ōtākaro Avon River Corridor (the Corridor).

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- 37. As part of the Global Settlement Agreement the Crown has agreed to undertake significant title reconfiguration in the Corridor. The agreed work is of a large scale, complex and ambitious, involving around 5,500 individual titles that need to be reconfigured as large 'super lots'. This work was only able to commence recently, following the approval of the associated Regeneration Plan (developed under the Act) in August 2019 and the Global Settlement Agreement in September 2019. It is worth noting that even with high certainty around reconfiguration of 1,000 properties in the Waimakariri District, divestment of those properties still took 24 months.
- 38. Factors that may affect the likelihood of the work being completed by June 2021 are:
  - 38.1. obtaining a reduced survey standard from the Surveyor-General (which has already been applied for);
  - 38.2. the availability of surveyors;
  - 38.3. Christchurch City Council's ability to deliver the information and resources required within the tight time constraints; and
  - 38.4. potential issues (currently unknown) relating to land status that may come up during the reconfiguration work (e.g. if there are parcels of deeds land where there is no owner).
- 39. The Global Settlement Agreement provides alternatives to extending the relevant provisions through a bill. From LINZ's perspective the alternative mechanisms available after June 2021 (using standard legislation) are workable. These options are set out in the Regulatory Impact Assessment. There is also the option of waiting until late 2020 to look at changes, as by then the Government will have a clearer understanding of the likelihood of not completing the task under the Act. However, this would leave only a few months to make any legislative changes needed before the Act's expiry.
- 40. My view is that we should not wait and we should also avoid the risk of reconfiguration work not being completed by the Crown under the Act (and associated reputational risk of being seen to burden the Council). Extending the powers may also help keep momentum post June 2021, if they are needed, as the alternatives are likely to be slower.
- 41. Therefore, I recommend that, if there is a bill being proposed for other outcomes (covered above), the land powers for reconfiguration should be extended at the same time. These would be constrained geographically, but available as a backstop.
  - W want to emphasise that regardless of whether there is an extension of provisions, my assumption is that all parties will aim to complete the work by 30 June 2021. The programme governance group being jointly set up by the Crown and Christchurch City Council will play an important role in managing expectations, monitoring progress and keeping the work a priority.

- 43. There are some technical drafting matters associated with this recommendation.
  - 43.1. List of relevant Act sections the list above (paragraph 35) may not be an exclusive list. Officials would work with Parliamentary Counsel Office to confirm the exact scope of sections, or sub sections, and how best to describe them.
  - 43.2. Limiting the geographic scope for the extended powers I am advised that only the land around the Ōtākaro Avon River Corridor might require use of the specific Act powers post June 2021. The area is likely to be easily defined in a bill as it is a Special Purpose Zone in the Christchurch District Plan, although some adjacent titles will need to be included to assist in the title amalgamation process.
  - 43.3. The need for a new expiry date for the extended powers (for example, 30 June 2022) and/or a mechanism to choose a future date the date needs to be one that ensures the necessary work will be completed, but is not too open ended. I have asked for advice on a mechanism by which any extension could be ended once the provisions were no longer needed. For example, this could take the form of an Order in Council.
- 44. There would need to continue to be a Minister responsible for the extended land powers, but that does not need to be determined at this stage. Note, I have signalled my intention to be the last Minister for Greater Christchurch Regeneration.

### Other Matters

- 45. This section covers my views on the compulsory acquisition powers, the independent annual review and other parts of the Act, like regeneration plans, not referred to in this paper.
- 46. It remains very important to me that the compulsory acquisition powers are not extended. These powers have not been used under the Act, with any use of compulsory acquisition powers being undertaken under the previous Canterbury Earthquake Recovery Act 2011. I have explored whether these powers could be repealed early.
- 47. s9(2)(g)(i)

It is also a useful mechanism for amalgamating any deeds land – where the owner is deceased– and, given the number of properties in the Corridor, such land is likely to be present. These powers will continue to be treated as a last resort only, with every effort being made by the Crown to negotiate mutually agreed outcomes.

48. Secondly, there is a requirement in the Act that I commission a review every 12 months. Particularly if this proposed bill is supported, and with most of the Act winding down, the expense of an independent review in 2020 outweighs the likely benefit.

Officials will be able to report generally on the Act. I have therefore included a recommendation that the relevant requirement (section 150) could be revoked as part of a wider bill.

- 49. As to other matters not covered in this paper, I did consider revoking other powers, such as the power to make regeneration plans. I determined that there would be marginal benefit in that. Although it is unlikely that the powers will be used between now and 2021, leaving such provisions in the Act does not adversely affect the transition pathway. There would need to be some consequential amendment to the Act sections dealing with regeneration plans with the disestablishment of Regenerate Christchurch.
- 50. Additionally, there was not a strong argument for removing the protected status of existing recovery and regeneration plans prior to June 2021. Doing so could send the wrong message about the Crown's support of existing plans and local leadership, and have an impact on the regeneration of areas such as Waimakariri and the Ōtākaro Avon River Corridor.
- 51. It is possible that some specific issues may arise in the coming weeks, and/or as drafting is worked through, that require further changes to the bill. I will advise the Cabinet Legislation Committee if additions have been made.

### Timeframes

- 52. The timeframes for progressing this bill are tight because meeting the objective of accelerating transition to local leadership, and providing certainty for all parties, requires completing all stages of the bill by May/June 2020.
- 53. I hope a bill can be introduced at the first opportunity in 2020. To assist in the drafting occurring in a timely fashion have sought the ability to further clarify and develop policy relating to the proposals as long as this is not inconsistent with the policy recommendations.
- 54. I also intend to seek parliament's agreement to a shortened select committee period of less than four months. I consider this is justified due to the narrowly focused nature of the bill, the fact that it is largely proposing removing extraordinary powers, and the importance of meeting these timeframes in order to meet our objectives.

### Consultation

- 55. The following government agencies have been consulted: LINZ, Ministry for the Environment, Ministry of Housing and Urban Development, The Treasury, State Services Commission, Department of Internal Affairs, Ministry of Transport, and Ministry of Business, Innovation and Employment.
- **7**56. Parliamentary Counsel Office and the Leader of the House have been consulted on the bill elements.
  - 57. As part of the process of developing this paper, officials have also specifically consulted officials in Regenerate Christchurch and Christchurch City Council officers on matters relevant to them, as well as with strategic partners at a high level. This followed the wide engagement that occurred as part of the annual independent review

of the Act, which is detailed in the Regulatory Impact Assessment. Now, following local body elections, I intend to further discuss the matters in this paper with relevant parties in coming weeks.

### **Financial Implications**

- 58. The proposals have limited financial implications. On revocations, there are potentially some cost savings:
- ration 58.1. saving the costs of keeping Regenerate Christchurch running as a shell organisation with minimal tasks post June 2020; and
  - 58.2. the Department of the Prime Minister and Cabinet (which supports the administration of this Act) would no longer have to administer the extraordinary planning powers of section 71 (e.g. undertake analysis of any proposals, conduct written comment processes etc) nor undertake monitoring of Regenerate Christchurch. The Department has capacity and funding to support these functions in the current financial year, but funding for the Canterbury Earthquake Recovery departmental appropriation reduces significantly from next year limiting its ability to continue to undertake these functions in 2020 and 2021 financial years. While there would be costs associated with supporting the legislative process, these would occur in the current financial year when the Department has both the capacity and funding.
- The financial cost and benefit of extending the land title reconfiguration powers is not 59. easily assessed, because it is hoped that the extended powers will not be required. My reasoning for extending them and providing a backstop is underpinned by the benefits associated with the other Act amendments, and also the assumed benefits of completing the task under the current Act's powers.
- If LINZ still holds land after June 2021, because reconfiguration of titles has not been 60. completed, there would likely be costs associated with land management and maintenance that it might not have had otherwise. LINZ manages land in limited circumstance, for example where it is intended for transfer to the Council or where it is kept due to potential legal claims over any property. The alternative costs, of not extending the powers, is that the Crown could be liable for covering the third party costs of the Christchurch City Council, to complete the title reconfiguration task that remained (potentially out to 2025). Extending the powers, as proposed, would provide the Crown with more control over the process and may have financial advantages, although this would depend on a number of variables.

### Legislative Implications

The paper proposes a bill to amend the Greater Christchurch Regeneration Act 2016.

### s9(2)(g)(i), s9(2)(i)

63. The bill outlined in this paper adds additional amendments, primarily extending some of the land powers. Parliamentary Counsel Office consider it to be a small-medium bill of medium complexity.

62.

- 64. Because of the timeframes I will seek category 2 in my bid for a bill in the 2020 legislative programme (must be passed in the year) and that it be introduced early in 2020.
- 65. The 2016 Act binds the Crown, and the proposed amendments do not change that.

### **Impact Analysis**

66. A Regulatory Impact Assessment has been prepared and is attached to this Cabinet paper. The Regulatory Impact Assessment has been reviewed by the Department of the Prime Minister and Cabinet's Regulatory Impact Analysis Panel and the Panel considers that the information and analysis partially meets the quality assurance criteria.

### Impact of Treaty of Waitangi principles

67. There are no matters identified with the proposals that require specific consideration of the principles of the Treaty of Waitangi.

### Human Rights

- 68. The proposals in this paper are not inconsistent with the New Zealand Bill of Rights Act 1990 nor the Human Rights Act 1993.
- 69. The early revocation of section 71 powers restores standard RMA processes, including rights of appeal. The extension of the title reconfiguration powers is limited in time and geographically bound and does not include compulsory acquisition powers.

### **Gender Implications and Disability Perspective**

70. This paper does not have implications for gender or people with disabilities.

### Publicity

71. I do not intend to make a public statement at this stage, but I will advise Cabinet of any intended publicity at the point approval to introduce is sought. Any such announcement would need to consider any current proposals to use the section 71 powers, so as not to imply any interference with legislative processes.

### **Proactive Release**

72. I do not propose to make this Cabinet paper publicly available until the drafting process is completed and Cabinet approval to introduce has been sought.

# Recommendations

The Minister for Greater Christchurch Regeneration recommends that the Committee:

- 1. **note** that the majority of the Greater Christchurch Regeneration Act 2016 expires on 30 June 2021 (with only transfer of assets provided for post that date);
- 2. **note** that the Minister for Greater Christchurch Regeneration proposes a narrowlyfocused bill to amend the Greater Christchurch Regeneration Act 2016 with its

objective being to accelerate the transition to local leadership and provide clarity and certainty to Christchurch entities and community;

Revoking the power to suspend, amend or Revoke RMA document, council plan etc.

- 3. note that the Greater Christchurch Regeneration Act 2016 provides for an extraordinary power (known as the section 71 power) by which the Minister is able to approve or amend planning documents, overriding standard processes with no appeal. rights (although they can be judicially reviewed);
- 4.
- agree to repeal sections 65 to 73 of the Greater Christchurch Regeneration Act 2016, and associated references to the section 71 power in the Act; s9(2)(h) disestablishment of Regenerate Christchurch 5.

Early disestablishment of Regenerate Christchurch

- **note** that the Greater Christchurch Regeneration Act 2016 establishes Regenerate 6. Christchurch as a body corporate, with the Crown and the Christchurch City Council as joint funders and appointees of the Board;
- 7. note that Regenerate Christchurch is committed to an early transition process, ceasing the majority of its activities by 30 June 2020, but that under the Greater Christchurch Regeneration Act 2016 the entity is not disestablished until 30 June 2021;
- agree to amend the Greater Christchurch Regeneration Act 2016 to provide for the 8. disestablishment of Regenerate Christchurch on 30 June 2020, or appropriate date soon after, with associated amendments to related provisions (i.e. Board Chair appointment, successor organisation, last annual report, reference to regeneration plans, as required) and any necessary repeal of provisions;
- authorise the Minster for Greater Christchurch Regeneration, following advice from 9. officials on the timing and progress of the bill, to determine the actual date for early disestablishment of Regenerate Christchurch;

Limited extension of land powers for reconfiguration of titles

- **note** that the Greater Christchurch Regeneration Act 2016 makes it relatively easy 10. (compared to other legislative alternatives) for the Crown, through Land Information New Zealand to deal with land - including tile amalgamation, road stopping, subdivision and land transfer;
  - **note** that, despite best endeavours, there is a possibility that title reconfiguration and disposal of land will not be completed by 30 June 2021, when the land provisions in the Greater Christchurch Regeneration Act 2016 expire, particularly for the area known as the Ōtākaro Avon River Corridor:
- 12. **note** that a limited extension of powers could assist the timely completion of the reconfiguration of titles through the use of the tools in the Greater Christchurch

100%

Regeneration Act 2016 and provide Land Information New Zealand with provisions it may require, if the Crown continues to own residential land post June 2021;

- 13. **note** that if Land Information New Zealand is still undertaking title reconfiguration work after June 2021 there is the potential for some additional costs, but if this occurred, on the basis of current knowledge about the title reconfiguration task, any additional costs would be met within existing baselines;
- 14. **agree** to amend the Greater Christchurch Regeneration Act 2016 to provide for the limited extension of the land powers in the Act related to reconfiguration of titles, specifically:
  - 14.1. amend the expiry date of sections required, including: for surveys, road stopping, reconfigurations, and land disposal;
  - 14.2. provide for a later expiry date, potentially 30 June 2022 and/or provide a mechanism by which the provisions can be repealed through an Order in Council when they are no longer required with further advice to be provided on this matter;
  - 14.3. geographically limit the use of these powers, post 30 June 2021, to the area defined as the Specific Purpose (Ōtākaro Avon River Corridor) Zone in the Christchurch District Plan and provide for inclusion of adjacent titles where required;
- 15. **note** that there will need to be a Minister responsible for the extended land powers, but that the bill does not need to identify who;

### Other policy decisions

- 16. **agree** to amend the Greater Christchurch Regeneration Act 2016 to remove the requirement of section 150 for the Minister to commission an annual review of the Act;
- 17. **note** that the Minister for Greater Christchurch Regeneration will advise the Cabinet Legislation Committee of any further specific changes;

### Procedural matters

- 18. **note** that the Department of the Prime Minister and Cabinet's review panel has considered the Regulatory Impact Assessment and considers that it partially meets the quality assessment criteria;
- 19. agree that the Minister for Greater Christchurch Regeneration has the ability to further clarify and develop policy matters relating to the proposal in this Cabinet paper in a manner not inconsistent with the policy recommendations contained in this paper;
- 20. **note** that the bill is estimated to be of small-medium size and of medium complexity;
- 21. **note** that the Minister for Greater Christchurch Regeneration will seek category 2 for this bill in the 2020 Legislative Programme (must be passed in the year) and that it be introduced early in 2020;

- 22. authorise the Minister for Greater Christchurch Regeneration to issue drafting instructions to the Parliamentary Counsel Office to implement the decisions set out above through a bill to amend the Greater Christchurch Regeneration Act 2016;
- 23. note that officials will continue to discuss the proposed bill with Regenerate Christchurch, Christchurch City Council senior staff and other strategic partners and I will also raise relevant matters with the Mayor and Board of Regenerate Christchurch;
- 24. note that the potential timeframes for progressing this bill are tight because meeting the objectives of the bill requires completing all stages of the bill by May/June 2020; and
- Proactively Released by the Minister for Greater Christophere note that the Minister for Greater Christchurch Regeneration intends to seek 25. Parliament's agreement to a shortened select committee period of less than four



# **Cabinet Economic Development Committee**

### Minute of Decision

 

 Greater Christchurch Regeneration Act 2016: Proposed Amendments

 Kerter Christchurch Regeneration Act 2016: Proposed Amendments

 Vertifie

 Greater Christchurch Regeneration to Local Leadership

 Portfolio

 Greater Christchurch Regeneration

 On 13 November 2019, the Cabinet Economic Development Committee:

 Background

 1
 noted that the majority of the Greater Christel

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- on 30 June 2021, with only the transfer of assets provided for post that date;
- noted that the Minister for Greater Christchurch Regeneration proposes a narrowly-focused 2 Bill to amend the Act, with its objective being to accelerate the transition to local leadership and provide clarity and certainty to Christehurch entities and community;

### Revoking the power to suspend, amend or revoke RMA document, council plan etc.

- 3 noted that the Act provides for an extraordinary power (known as the section 71 power) by which the Minister is able to approve or amend planning documents, overriding standard processes with no appeal rights (although they can be judicially reviewed);
- agreed to repeal sections 65 to 73 of the Act, and associated references to the section 71 4 power in the Act,

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### Early disestablishment of Regenerate Christchurch

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noted that the Act establishes Regenerate Christchurch as a body corporate, with the Crown and the Christchurch City Council as joint funders and appointees of the Board;

**noted** that Regenerate Christchurch is committed to an early transition process, ceasing the majority of its activities by 30 June 2020, but that under the Act the entity is not disestablished until 30 June 2021:

### IN CONFIDENCE

- 8 agreed to amend the Act to provide for the disestablishment of Regenerate Christchurch on 30 June 2020, or appropriate date soon after, with associated amendments to related provisions (i.e. Board Chair appointment, successor organisation, last annual report, reference to regeneration plans, as required) and any necessary repeal of provisions;
- 9 authorised the Minster for Greater Christchurch Regeneration, following advice from officials on the timing and progress of the Bill, to determine the actual date for early disestablishment of Regenerate Christchurch;

### Limited extension of land powers for reconfiguration of titles

- noted that the Act makes it relatively easy (compared to other legislative alternatives) for the Crown, through Land Information New Zealand (LINZ), to deal with land inclusion title amalgamation, road stopping, subdivision and land to a final to a fina 10
- 11 noted that, despite best endeavours, there is a possibility that title reconfiguration and disposal of land will not be completed by 30 June 2021, when the land provisions in the Act expire, particularly for the area known as the Otākaro Avon River Corridor;
- noted that a limited extension of powers could assist the timely completion of the 12 reconfiguration of titles through the use of the tools in the Act and provide LINZ with provisions it may require, if the Crown continues to own residential land post-June 2021;
- noted that if LINZ is still undertaking title reconfiguration work after June 2021, there is the 13 potential for some additional costs, but if this occurred, on the basis of current knowledge about the title reconfiguration task, any additional costs would be met within existing baselines;
- agreed to amend the Act to provide for the limited extension of the land powers in the Act 14 related to reconfiguration of titles, specifically to:
  - amend the expiry date of sections required, including for surveys, road stopping, 14.1 reconfigurations, and land disposal;
  - provide for a later expiry date, potentially 30 June 2022, and/or provide a mechanism 14.2 by which the provisions can be repealed through an Order in Council when they are no longer required, with further advice to be provided on this matter;
  - geographically limit the use of these powers, post-30 June 2021, to the area defined 14.3 as the Specific Purpose (Ōtākaro Avon River Corridor) Zone in the Christchurch District Plan and provide for inclusion of adjacent titles where required;
- noted that there will need to be a Minister responsible for the extended land powers, but that 15 the Bill does not need to identify who;

### Other policy decisions

- agreed to amend the Act to remove the requirement of section 150 for the Minister to commission an annual review of the Act;
- 17 noted that the Minister for Greater Christchurch Regeneration will advise the Cabinet Legislation Committee of any further specific changes;

### CONFIDENCE

### Procedural matters

- authorised the Minister for Greater Christchurch Regeneration to further clarify and 18 develop policy matters relating to the above proposals in a manner not inconsistent with the policy recommendations contained in the paper under DEV-19-SUB-0302;
- authorised the Minister for Greater Christchurch Regeneration to issue drafting instructions 19 to the Parliamentary Counsel Office to implement the decisions set out above through a Bill to amend the Act:
- 20 noted that:
  - 20.1
- the Greater Christchurch Regeneration Amendment Bill (the Bill) has a category 3 priority on the 2019 Legislation Programme (to be passed if possible in 2010). The Minister for Greater Christchurch P priority for the Diff. 20.2 priority for the Bill on the 2020 Legislation Programme (must be passed in 2020), and that it be introduced early in 2020;
- noted that the Bill is estimated to be of small-medium size and of medium complexity; 21
- noted that officials will continue to discuss the proposed Bill with Regenerate Christchurch, 22 Christchurch City Council senior staff and other strategic partners, and that the Minister for Greater Christchurch Regeneration will also raise relevant matters with the Mayor and Board of Regenerate Christchurch;
- noted that the potential timeframes for progressing the Bill are tight because meeting the 23 objectives of the Bill requires completing all stages of the Bill by May/June 2020;
- 24 noted that the Minister for Greater Christchurch Regeneration intends to seek Parliament's agreement to a shortened select committee period of less than four months in order to completed all stages of the Bill by June 2020. by the M

Janine Harvey **Committee Secretary** 

### Present:

Rt Hon Winston Peter Hon Kelvin Davis Hon Grant Robertson (Chair) Hon Phil Twyford Hon Dr Megan Woods Hon Chris Hipkins Hon David Parker Hon Nanaia Mahuta Hon Stuart Nash Hon Iain Lees-Galloway Hon Jenny Salesa Hon Shane Jones Hon Kris Faafoi Hon Willie Jackson Hon James Shaw Hon Eugenie Sage

Hard-copy distribution:

Minister for Greater Christchurch Regeneration

Officials present from: Officials Committee for DEV

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# Cabinet

### Minute of Decision

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### Report of the Cabinet Economic Development Committee: Period Ended 15 November 2019

On 18 November 2019, Cabinet made the following decisions on the work of the Cabinet Economic Development Committee for the period ended 15 November 2019:

Not relevant to this release

Greater Christchurch Regeneration Act 2016: **DEV-19-MIN-0302** Proposed Amendments to Accelerate the Transition to proactively released by the Minister Proactively Released by the Minister Proactively Product of the Proactively Product of the Proactive Product of the Pro Local Leadership

CONFIRMED

Portfolio: Greater Christchurch Regeneration

### Not relevant to this release

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### In Confidence

Office of the Minister for Greater Christchurch Regeneration

Chair, Cabinet Legislation Committee

### Greater Christchurch Regeneration Amendment Bill: Approval for Introduction

### Proposal

1.

### Policy

- This paper seeks Cabinet agreement to introduce the Greater Christchurch Regeneration Amendment Bill (the Bill). 2. objective being to accelerate the transition to local leadership [DEV-19-MIN-0302] and CAB-19-MIN-0593].
- As noted by Cabinet previously, it is coming up to nine years since the February 3. 2011 earthquake in Canterbury and the transition to local leadership is well underway. There are provisions in the principal Act that are now unnecessary, particularly those requiring Ministerial decision-making on matters more appropriately dealt with at the local level.
- The Bill amends the Act to: 4.
  - 4.1. remove extraordinary powers that are no longer required (the section 71 power for the Minister to amend certain planning documents and council plans) to demonstrably show the transition of regeneration matters to local leadership;
  - 4.2. disestablish Regenerate Christchurch early (a body corporate, which the Crown and Council jointly fund and appoint the board for), reducing duplication of effort on regeneration; and
  - 4.3. extend a limited set of powers relating to dealings with land in the Otākaro Avon River Corridor. The extension of these provisions, aligns with the Crown's existing obligations (i.e. Global Settlement obligations regarding residential red zone land), and will support regeneration.

5211Ve The Bill also presented an opportunity to remove the requirement for an annual review of the Act to be undertaken, and includes consequential amendments to remove provisions no longer required as a result of the policy objectives noted in paragraph 4.

6. These changes are supported by the 2019 annual review of the Act (tabled in the House on 24 October 2019), which recommended early revocation of some powers and extension of the land powers used by Land Information New Zealand ("LINZ").

- 7. The timeframes for progressing the Bill are tight because meeting the objective of accelerating the transition to local leadership, and providing certainty for all parties, requires all stages of the Bill to be completed by late June 2020 (particularly to provide for the disestablishment of Regenerate Christchurch on 30 June). It also remains important to make changes as soon as possible, as the majority of the Act is currently scheduled for repeal on the close of 30 June 2021.
- The changes are not expected to be contentious, as they are consistent with the 8. existing direction of travel on transition through the regeneration phase (for example, complementing the approaches agreed in the Global Settlement Agreement between the Crown and Council signed in September 2019 [CAB-19-MIN-0491 refers]).

### Detailed policy matters for noting

- Since Cabinet's agreement in November 2019 further work on some of the 9. outstanding issues has been undertaken and the drafting process with the Parliamentary Counsel Office has identified some other matters for further consideration. None of these require further Cabinet decisions due to the minor nature of the issues and the delegation to me to resolve such issues. However, these are noted below for completeness.
- the Minister for creating the Minister for c s9(2)(h) 10.
- With regard to the extension of the powers dealing with land, I previously noted that 11. for the Bill some further advice was required to:
  - 11.1. ensure the list of powers to be extended was correct;

11.2 Prisure the geographical limits of the Bill are correctly scoped; and

1.3. provide the date for the expiry of the powers and/or a mechanism to set the date.

210212 11ve All of these have been addressed through the drafting process. Officials from LINZ and DPMC worked together to confirm the list of sections that require extending, and the geographic limit is described in clause 21 of the Bill. The Bill includes a proposed date for expiry of the powers of 30 June 2023, unless repealed earlier by an Order in Council (see new sections inserted by clause 28). The extension of these powers also requires the extension and amendment of other sections, including the Act purpose and interpretation sections.

13. Other Bill clauses make consequential amendments to the sections of the Act dealing with regeneration plans to alter the processes for these following the disestablishment of Regenerate Christchurch. These ensure the regeneration plan processes can still be followed until June 2021. The opportunity was also taken to remove Ōtākaro Limited's power of consent, which is currently required before a regeneration plan relating to Christchurch District can be submitted to the Minister.

### Impact analysis

A Regulatory Impact Analysis (RIA) was prepared in accordance with Cabinet 14. requirements and submitted to Cabinet alongside the paper seeking policy approval in November 2019 [DEV-19-MIN-0302 and CAB-19-MIN-0593]. The Department of the Prime Minister and Cabinet considers that the RIA partially meets the quality christchurch assurance criteria.

### Compliance

- 15. The Bill complies with each of the following:
  - 15.1. the principles of the Treaty of Waitangi;
  - 15.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
  - 15.3. the disclosure statement requirements a disclosure statement is attached to this paper;
  - 15.4. the principles and guidelines set out in the Privacy Act 1993;
  - 15.5. relevant international standards and obligations; and
  - 15.6. the Legislation Guidelines 2018, which are maintained by the Legislation Design and Advisory Committee.

### Consultation

- The following government agencies were consulted on the policy for the Bill and this 16. paper: LINZ the Ministry for the Environment, The Treasury, the State Services Commission, the Department of Internal Affairs, the Ministry of Transport, the Ministry of Housing and Urban Development, and the Ministry of Business, Innovation and Employment.
  - The Parliamentary Counsel Office and the Leader of the House have also been consulted.
    - Officials have also specifically consulted officials in Regenerate Christchurch, Christchurch City Council and Ōtākaro Limited, on policy matters relevant to them, as well as engaging at a high level with other strategic partners (including Te Rūnanga o Ngāi Tahu). The Mayor and Councillors of Christchurch City Council have been informed at a high level of the matters to be included in the Bill. This followed the wide engagement that occurred as part of the annual independent review of the Act. A copy of the draft Bill has been provided to specific officials at

Christchurch City Council and Regenerate Christchurch (in-confidence and subject to legal privilege) for their information prior to introduction.

19. Consultation with the Government caucus, coalition and confidence and supply partners has occurred.

### Binding on the Crown

- The Bill is making amendments to the principal Act. Section 6 of the Act binds the Crown, and this will continue to apply following the amendments made by the Dill. 20.
- As the Bill will disestablish Regenerate Christchurch on 30 June 2020, it includes 21. provisions to repeal the items in the Ombudsmen Act 1975 and the Public Audit Act 2001, listing it as an organisation to which those Acts apply.

### Other instruments

- The Bill includes a provision for the making of an Order in Council by the Governor-22. General, on the recommendation of the Minister. This provision is included to allow for the early repeal of sections that provide for the land title reconfiguration work in the Ōtākaro Avon River Corridor, should the work on the reconfiguration of the land titles have been completed prior to the expiry of those provisions on 30 June 2023. (If the Order in Council mechanism is not utilised, the set of land powers extended beyond June 2021 by the Bill, are also revoked by the Bill on 30 June 2023).
- The Bill provides information in the explanatory note on the rationale for the 23. extension of the land powers. The early repeal of these powers is to allow for their removal should they no longer be required.

### Definition of Minister/department

The Bill will continue to be administered by the Department of the Prime Minister and 24. Cabinet and LINZ. The Bill does not contain a definition of either the Department of the Prime Minister and Cabinet or any Ministers. A definition of the Chief Executive is included in the Act currently and that definition will remain following the amendments made through the Bill.

# Commencement of legislation

The Bill proposes three dates for commencement of provisions as follows:

- Prodictive 25.1.1. provision 25.1.1. provisions take effect that remove extraordinary powers that are no longer required (the section 71 power to amend certain planning documents and council plans), to demonstrably show the transition of regeneration matters to local leadership (clause 8);
  - 25.1.2. repeal of requirement to undertake an annual review of the Act (clause 16);

- 25.1.3. provisions take effect that set the earlier date for disestablishment of Regenerate Christchurch (primarily clause 10); and
- 25.1.4. provide for limited extension of the land related powers (clause 28);
- 25.2. close of 30 June 2020 -
  - 25.2.1. clauses take effect which disestablish Regenerate Christchurch (clause 9); and
  - 25.2.2. make consequential amendments (for example clause 18 and Schedule 2 amendments). 20' Schedule 2 amendments);
- 25.3. close of 30 June 2021 -
  - 25.3.1. amendments to sections related to extended land powers (most of part 2 of the Bill); and
  - 25.3.2. as per the status quo, most of the principal Act powers are repealed on 30 June 2021 (eg regeneration plan process provisions, compulsory acquisition power).

### Parliamentary stages

- Cabinet previously noted the timeframes for progressing the Bill are tight because 26. meeting the objectives of the Bill requires completion of all stages by May/June 2020 [DEV-19-MIN-0302 refers]. The Bill has a category 2 priority (must be passed in 2020).
- I request introduction of the Bill on 18 February 2020, with it to be reported back from 27. Select Committee by 2 June 2020 and passed in June. This is to allow for the timely disestablishment of Regenerate Christchurch by 30 June 2020 and conclusion of the extraordinary section 74 power. A later date of enactment by up to three months, can be accommodated, however enactment in June 2020 will ensure the most benefit is achieved from the amendments which bring forward the dates for expiry of certain provisions.
- I propose the Bill be referred to the Governance and Administration Committee. To 28. support the enactment of the Bill in June 2020, I propose that the Select Committee be required to report back to the House of Representatives by 2 June 2020. As this is a shortened report back period for the Committee of less than four months, it will be subject to debate at the first reading of the Bill. I will consult with the Leader of the House on process matters to progress the Bill.

### Publicity and Proactive Release

29. I will make an announcement prior to the introduction of the Bill in the House, and I intend to proactively release this and the previous policy Cabinet paper within 30 business days, subject to any required redactions as appropriate under the Official Information Act 1982.

### Recommendations

The Minister for Greater Christchurch Regeneration recommends that the Committee:

- note that the Greater Christchurch Regeneration Act Amendment Bill holds a category 2 priority – to be passed within the year, on the 2020 Legislation Programme;
- note that the Bill will amend the Act to help accelerate the transition to local leadership, specifically through amendments including:
  - 2.1. removal of extraordinary powers that are no longer required (the section 71 power to amend certain planning documents and council plans);
  - 2.2. disestablishment of Regenerate Christchurch early (a body corporate, which the Crown and Council jointly fund and appoint the board for); and
  - 2.3. extension of a limited set of powers relating to dealings with land in the Ōtākaro Avon River Corridor;
- note the Bill also presented an opportunity to remove the requirement for an annual review of the Act to be undertaken, and also includes consequential amendments to remove provisions no longer required as a result of the policy objectives noted in recommendation 2;
- note that a draft copy of the Bill has been provided to specified officials at Christchurch City Council and Regenerate Christchurch (in-confidence and subject to legal professional privilege) for their information;
- 5. **approve** the Greater Christchurch Regeneration Act Amendment Bill for introduction;
- 6. agree that the Bill be introduced on 18 February 2020;
- 7. agree that the government propose that the Bill be:
  - 7.1. referred to the Governance and Administration Committee for consideration and report back by 2 June 2020; and
  - 7.2. enacted in June 2020, or a date within three months of that, to ensure the most benefit is achieved from the amendments included.

Authorised for lodgement

Hon Dr Megan Woods

Minister for Greater Christchurch Regeneration



# **Cabinet Legislation** Committee

### Minute of Decision

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- Greater Christchurch Regeneration Amendment Bill: Approval for http:///persons.ite/persons/ite/persons leadership, specifically through amendments including:
  - removal of extraordinary powers that are not onger required (the section 71 power to 1.1 amend certain planning documents and council plans);
  - disestablishment of Regenerate Christchurch early (a body corporate, which the 1.2 Crown and Council jointly fund and appoint the board for);
  - extension of a limited set of powers relating to dealings with land in the Otākaro 1.3 Avon River Corridor;
- 2 noted that the Bill also presented an opportunity to remove the requirement for an annual review of the Act to be undertaken, and also includes consequential amendments to remove provisions no longer required as a result of the policy objectives set out above;
- 3 **noted** that a draft copy of the Bill has been provided to specified officials at Christchurch City Council and Regenerate Christchurch (in-confidence and subject to legal professional privilege) for their information;
- Prozetti agreen approved for introduction the Greater Christchurch Regeneration Amendment Bill [PCO 21850/3.0], subject to the approval of the government caucuses and sufficient support

agreed that the Bill be introduced on 18 February 2020;

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# Cabinet

## Minute of Decision

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### IN CONFIDENCE

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