

# Greater Christchurch Regeneration Amendment Bill

Government Bill

## Explanatory note

### General policy statement

#### *Purpose*

The Greater Christchurch Regeneration Act (the **Act**) was enacted in 2016 in order to support the regeneration of greater Christchurch by enabling a focused and expedited regeneration process, facilitating ongoing planning and regeneration, enabling community input into decisions, recognising local leadership, and enabling the Crown to efficiently and effectively manage, hold, and dispose of certain land. The majority of the Act expires on 30 June 2021.

There has been significant progress in regeneration since 2016, in part enabled by the provisions in the Act. In recognition of this progress, and to support the transition to local leadership, the Greater Christchurch Regeneration Amendment Bill (the **Bill**) would—

- repeal specific provisions early, removing some extraordinary powers that are no longer required and disestablishing Regenerate Christchurch set up by the Act; and
- provide for limited extension of some land powers, eg, to amalgamate titles, aligning with the Crown's obligations under the Global Settlement Agreement with the Christchurch City Council.

#### *Early revocation of section 71 powers*

The Bill brings forward the revocation of section 71 powers, which currently expire on 30 June 2021, to the day after Royal assent. The section 71 powers currently provide an expedited way to make changes to Resource Management Act 1991 plans and other documents, with very limited public engagement. Early repeal demonstrably accelerates the transition back to local leadership of regeneration, where decisions sit more appropriately at this stage of regeneration.

Processes to develop, amend, or revoke regeneration plans (provided for by the Act) will remain in place as these are unlikely to adversely affect the transition pathway. This plan process remains available until 30 June 2021, should any significant regeneration issues arise that require action.

#### *Early disestablishment of Regenerate Christchurch*

The Bill brings forward the disestablishment of Regenerate Christchurch to 30 June 2020, and provides for some consequential amendments to remaining statutory processes, such as removing Regenerate Christchurch's role in regeneration plan processes. This approach is consistent with the wider transition towards full local leadership, reflecting the Crown and Christchurch City Council's joint Letter of Expectations 2019/20 to Regenerate Christchurch, Regenerate Christchurch's Statement of Intent, and the Global Settlement Agreement.

#### *Limited extension of some land powers*

The Bill would extend the land powers for title reconfiguration (primarily conducting surveys, road stopping, title amalgamation and land disposal) as they relate to land within and adjacent to the Ōtākaro Avon River Corridor. These land powers would have a maximum extension out to 30 June 2023, but a new Order in Council mechanism would allow earlier revocation once they are no longer needed.

This approach is required due to the large-scale and ambitious nature of the title reconfiguration in the Ōtākaro Avon River Corridor agreed as part of the Global Settlement Agreement before the Crown-owned land is transferred to the Christchurch City Council. This work was only able to commence in late 2019, after approval of the associated Regeneration Plan developed under the Act and the Global Settlement Agreement.

Extending the powers supports regeneration by preparing the land for future activities, and ensures that the Crown has sufficient time to complete the work.

#### *Other matters*

The Bill also removes—

- the requirement of section 150 for the Minister to commission an annual review of the Act;
- the requirement for Ōtākaro Limited to provide its consent on any regeneration plans that include residential red zone land (Ōtākaro Limited would still be consulted on draft plans along with the other parties listed in section 29(1));
- the definition of the Christchurch residential red zone, which would no longer be required with the disestablishment of Regenerate Christchurch and the removal of Ōtākaro Limited's consent role.

### Departmental disclosure statement

The Department of the Prime Minister and Cabinet is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2020&no=220>

### Regulatory impact assessment

The Department of the Prime Minister and Cabinet produced a regulatory impact assessment on 1 November 2019 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact assessment can be found at—

- <https://dpmc.govt.nz/gcr-amendment-2020>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

### Clause by clause analysis

*Clause 1* is the Title clause.

*Clause 2* deals with commencement. Most of the Bill is to come into force on the day after the date on which it receives the Royal assent. However, some provisions that provide for bringing forward the date on which Regenerate Christchurch is disestablished come into force on the close of 30 June 2020. Other provisions come into force on the close of 30 June 2021, mostly relating to the limited extension of the powers relating to dealing with land. The analysis of each clause that comes into force later than Royal assent includes a reference to the date on which the clause comes into force.

*Clause 3* provides that the Bill amends the Greater Christchurch Regeneration Act 2016 (the **principal Act**).

## Part 1

### Early disestablishment of Regenerate Christchurch and termination of powers

*Part 1 (clauses 4 to 18)* amends the principal Act by—

- terminating the Minister's power under section 71 to suspend, amend, or revoke various documents, including statements and plans under the Resource Management Act 1991 and plans and policies under the Local Government Act 2002 (*see clause 8*);
- bringing forward the disestablishment of Regenerate Christchurch by 1 year, to the close of 30 June 2020 (*see clause 10*):

- removing the requirement for the Minister to commission an annual review of the principal Act (*see clause 16*).

*Clauses 4 to 7* amend sections 3, 12, 13, and 14, which set out the purposes of the principal Act, an overview of subpart 1 of Part 2 of the principal Act, and definitions of terms used in the principal Act. The amendments remove references to the Minister's power under section 71 of the principal Act, which is being repealed (*see clause 8*).

*Clause 8* repeals sections 65 to 73. The repealed sections include section 71, which gives the Minister the power to suspend, amend, or revoke various documents, including statements and plans under the Resource Management Act 1991, and plans and policies under the Local Government Act 2002. The repealed sections also set out the process that proponents must follow before recommending that the Minister use the section 71 power, the process the Minister must follow before deciding whether to exercise the section 71 power, and, if the Minister decides to exercise the section 71 power, the requirement for the Minister to publicly notify that decision.

*Clause 9* repeals subpart 5 of Part 2 on the close of 30 June 2020. This subpart establishes Regenerate Christchurch as a body corporate, sets out its purpose, objectives, functions, powers, etc, and provides for the board of Regenerate Christchurch and other related governance matters.

*Clause 10* amends section 121. Section 121 establishes Regenerate Christchurch, and provides that it continues until it is disestablished on the close of 30 June 2021. The amendment changes that date to 30 June 2020.

*Clause 11* amends section 123, which sets out Regenerate Christchurch's functions. The amendment removes a reference to the Minister's power under section 71 of the principal Act.

*Clause 12* amends section 127, which provides for the membership of the board of Regenerate Christchurch. The amendment brings forward the latest permitted end date for any board member appointments to 30 June 2020. It also inserts a *new subsection (4A)* to specify that all board members will cease to hold office on that date, when Regenerate Christchurch is disestablished, or the date specified in the board member's letter of appointment, whichever date is earlier.

*Clause 13* amends section 128, which relates to the appointment of the chairperson of the board of Regenerate Christchurch. Similar to the amendment to section 127, the amendment brings forward the end date of the chairperson's appointment from 30 June 2021 to 30 June 2020. It also inserts a *new subsection (3)* to specify that the chairperson will cease to hold office no later than that date, when Regenerate Christchurch is disestablished.

*Clause 14* amends section 138, which gives Regenerate Christchurch the power to transfer any of its assets and liabilities to another entity. The amendment changes the latest date by which such a transfer may take place from 30 June 2021 to 30 June 2020.

*Clause 15* amends section 140, which relates to Regenerate Christchurch being able to transfer any residual assets and liabilities to a successor organisation. The amendment changes the date of such a transfer from 1 July 2021 to 1 July 2020.

*Clause 16* repeals section 150 and the cross-heading above section 150. This section requires the Minister to commission an annual review of the operation and effectiveness of the principal Act. This amendment removes that obligation.

*Clause 17* amends two clauses in Schedule 5. The amendment to clause 5 is consequential to the changes made to sections 127 and 128. The amendment to clause 69 changes the date by which the Minister must approve transferring the responsibility for Regenerate Christchurch's final annual report, from 30 June 2021 to 30 June 2020.

*Clause 18* provides for the consequential amendments listed in *Schedule 2*. The amendments to the principal Act are listed in *Part 1* of the schedule, and amendments to other enactments are listed in *Part 2* of the schedule. These amendments come into force on the close of 30 June 2020, when Regenerate Christchurch is disestablished.

## Part 2

### Limited extension of powers for dealing with land

*Part 2 (clauses 19 to 29)* amends the principal Act by providing a limited extension of land title configuration powers. The extension only relates to land in the Specific Purpose (Ōtākaro Avon River Corridor) Zone described in the Ōtākaro Avon River Corridor Regeneration Plan (as at 30 August 2019), and council-owned land adjoining or adjacent to land in that zone. The principal Act currently provides that the powers are repealed on 30 June 2021, but under the extension they will be repealed on 30 June 2023 or an earlier date specified by Order in Council.

*Clause 19* amends section 3, which sets out the purposes of the principal Act, on the close of 30 June 2021. The amendments are to remove the purposes that will no longer apply from that date.

*Clause 20* amends section 4, which defines terms used in the principal Act. The amendment, which comes into force on the close of 30 June 2021, repeals definitions that are no longer required from that date.

*Clause 21* amends section 8, which sets out the geographical application of the principal Act. The amendment inserts a new subsection that specifies the more limited area in which the extended land title configuration powers will apply from 1 July 2021.

*Clause 22* amends section 11, which imposes conditions on the Minister or chief executive when exercising powers. The amendments, which come into force on the close of 30 June 2021, remove cross-references to sections that will no longer be in force from that date.

*Clauses 23 and 24* amend sections 75 and 107 on the close of 30 June 2021. The amendments are to remove references to functions that will no longer be performed from that date.

*Clauses 25, 26, and 27* amend sections 118, 119, and 120 on the close of 30 June 2021. These sections relate to appeal rights from decisions made under various sections in the principal Act. The amendments remove references to those sections that will no longer be in force from that date.

*Clause 28* replaces section 151, which provides for the repeal of the principal Act. *New section 151(3)* provides for the listed sections to continue in force until the close of 30 June 2023 or an earlier date set by Order in Council.

*Clause 29* inserts a *new Part 2* into Schedule 1 of the principal Act. The *new Part 2* sets out transitional provisions in respect of prohibitions or restrictions of public access under section 87(1) or (2) of the principal Act. The amendments provide that such prohibitions and restrictions continue in force, or may be revoked, despite the repeal of the section under which they are made, until the close of 30 June 2023 or an earlier date set by Order in Council. *Clause 29* comes into force on the close of 30 June 2021.

*Hon Dr Megan Woods*

# **Greater Christchurch Regeneration Amendment Bill**

Government Bill

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**The Parliament of New Zealand enacts as follows:**

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



## Part 1

### Early disestablishment of Regenerate Christchurch and termination of powers

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

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

**21 Section 8 amended (Geographical application of Act)**

In section 8, insert as subsection (2):

- (2) Between 1 July 2021 and the repeal date determined under **section 151(3)**, the sections listed in that subsection apply only in respect of land that is—
- (a) within the Specific Purpose (Ōtākaro Avon River Corridor) Zone described in Appendix 1 of the Ōtākaro Avon River Corridor Regeneration Plan, approved by the Minister on 15 August 2019, which came into effect on 30 August 2019; or 5
- (b) owned by a council, and adjoining or adjacent to land described in **paragraph (a)**. 10

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

In section 11(3),—

- (a) delete “77, 85,”; and
- (b) replace “107, 141, 142, and 143” with “and 107”. 15

**23 Section 75 amended (New surveys)**

(1) Replace section 75(1) with:

- (1) This section applies if there is a legal requirement to notify any adjoining owners that a cadastral survey dataset is to be deposited under the Land Transfer Act 2017. 20
- (2) In section 75(3) and (4), delete “or survey plan”.

**24 Section 107 amended (Disposal of land)**

Repeal section 107(2).

**25 Section 118 amended (Appeal)**

In section 118(3), replace “21, 26, 31, 38, 43, 47, 52, 58, 93,” with “93”. 25

**26 Section 119 amended (Exceptions to exclusion of appeals)**

- (1) Repeal section 119(1)(a), (b), (d), and (e).
- (2) Repeal section 119(2)(a), (b), (d), and (e).

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

- (1) In section 120(2), delete “in the case of any appeal referred to in section 119(1)(a) to (d)”. 30
- (2) Repeal section 120(3).

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

Replace section 151 with:

**151 Repeal of this Act and revocations**

- (1) This Act, except for the provisions listed in **subsections (2) and (3)**, is repealed on the close of 30 June 2021. 5
- (2) Subpart 6 of Part 2 is repealed at the close of 30 June 2022.
- (3) This section and sections 1, 3 to 7, **8(2)**, 10, 11, 75, 76, 87(3), (4), (5), and (6), 91 to 101, 107 to 109, 118, 119, 120, and 145 and the cross-headings above sections 91, 92, and 107 are repealed on the earlier of—
  - (a) the close of 30 June 2023; and 10
  - (b) a date set by Order in Council, made by the Governor-General on the recommendation of the Minister.
- (4) At the close of 30 June 2021, every Order in Council continued by section 147 that is in force is revoked. 15

**29 Schedule 1 amended**

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

**Schedule 1**  
**New Part 2 inserted into Schedule 1**

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<b>Part 2</b>		
<b>Provisions relating to Greater Christchurch Regeneration Amendment Act 2020</b>		5
<b>11</b>	<b>Prohibiting and restricting public access, closing and stopping roads</b>	
	A prohibition or restriction of public access under section 87(1), or a closure, diversion, or control of traffic under section 87(2), that commenced before the close of 30 June 2021—	10
	(a) continues to apply until the repeal date determined under <b>section 151(3)</b> , despite the repeal of section 87(1) and (2) by <b>section 151</b> , as inserted by <b>section 28</b> of the <b>Greater Christchurch Regeneration Amendment Act 2020</b> ; and	
	(b) may be revoked before the repeal date determined under <b>section 151(3)</b> , despite the repeal of section 87(1) and (2).	15
<b>12</b>	<b>Offences under section 88</b>	
	Despite its repeal by <b>section 151</b> , as inserted by <b>section 28</b> of the <b>Greater Christchurch Regeneration Amendment Act 2020</b> , section 88 continues to apply in respect of a restriction or prohibition imposed under section 87(1) or (2) that continues to apply under <b>clause 11</b> .	20

## Schedule 2

### Consequential amendments

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#### Part 1

#### Consequential amendments to principal Act 5

**Section 3**

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

**Section 4**

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

**Section 13**

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

**Section 14**

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

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

**Section 20**

Repeal section 20(1)(b).

**Section 21**

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

**Section 23** 20

Repeal section 23(2)(b).

**Section 26**

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

**Section 28**

Repeal section 28(2)(d)(iii). 25

**Section 29**

Repeal section 29(1)(d).

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

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

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

**Section 30**

Repeal section 30.

**Section 31**

In section 31(1), delete “or 30”.

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

**Section 32**

Repeal section 32(1)(a).

**Section 34**

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

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

**Section 35**

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

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

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

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

Repeal section 35(4) and (5).

**Sections 36 and 37**

Repeal sections 36 and 37.

**Section 38**

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In section 38(1), delete “or 37”.

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

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

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**Section 39**

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

**Section 42**

Repeal section 42(1)(b).

**Section 43**

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

**Section 47**

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

**Section 49**

Repeal section 49(2)(e).

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**Section 50**

Repeal section 50(1)(d).

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

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

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**Section 51**

Repeal section 51.

**Section 52**

In section 52(1), delete “or 51”.

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

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**Section 53**

Repeal section 53(1)(a).

**Section 55**

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

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

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

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

**Sections 56 and 57**

Repeal sections 56 and 57.

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**Section 58**

In section 58(1), delete “or 57”.

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

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

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**Section 58**—*continued*

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

**Section 59**

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

**Section 118**

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

**Sections 138 to 140**

Repeal sections 138 to 140.

**Section 141**

Repeal section 141(2)(c).

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**Schedule 3**

Repeal Schedule 3.

**Schedule 5**

Repeal Schedule 5.

**Part 2**

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

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

**Public Audit Act 2001 (2001 No 10)**

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

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