

Greater Christchurch Regeneration Bill

Government Bill

Explanatory note

General policy statement

Purpose

The purpose of the Greater Christchurch Regeneration Bill (the **Bill**) is to provide a new legal framework to support the regeneration of greater Christchurch over the next 5 years. New legislation is needed to recognise the shift in focus from recovering from the Canterbury earthquakes in the Canterbury Earthquake Recovery Act 2011 (the **CER Act**) to regeneration. This includes providing for the timely, future development of greater Christchurch and enabling an increased role for local leadership.

Local leadership

The Bill recognises the importance of local leadership of Canterbury Regional Council, Christchurch City Council, Selwyn District Council, Te Rūnanga o Ngāi Tahu, and Waimakariri District Council by providing them with a role in significant ministerial decision-making processes under the Bill.

The Bill also recognises that an atypical and transitional role of central government in the regeneration of greater Christchurch is expected to continue for the next 5 years, but will progressively move towards the Crown and local government establishing roles and responsibilities.

Regenerate Christchurch

The Bill establishes Regenerate Christchurch, an entity jointly controlled by the Crown and Christchurch City Council with the purpose of supporting a vibrant, thriving Christchurch that has economic, social, and lifestyle opportunities for residents, businesses, visitors, investors, and developers.

The objectives of Regenerate Christchurch set out in the Bill are—

- to lead regeneration in defined areas of Christchurch:

- to engage and advocate effectively with communities, stakeholders, and decision makers to achieve its purpose:
- to collaboratively work with others in achieving regeneration.

The Bill provides Regenerate Christchurch with all powers reasonably necessary to achieve its purpose and objectives and to perform its functions. The Bill sets out the board's role and membership, duties on members, requirements to disclose conflicts of interests, accountability requirements, and other matters pertaining to the operation of Regenerate Christchurch.

The Bill provides that Regenerate Christchurch ceases to be a statutory entity from 30 June 2021 and provides for a council-controlled organisation to be its successor.

Regeneration plans

The Bill provides for the ability of the Minister to approve the development, amendment, or revocation of Regeneration Plans (and for the continuation of existing Recovery Plans). These are plans that set out the direction and detailed matters that need to be addressed for regeneration in a particular area in a timely and collaborative way. Regeneration Plans can be proposed and developed by central government, councils, Te Rūnanga o Ngāi Tahu, or Regenerate Christchurch.

The Bill provides that the Minister, in making decisions relating to Regeneration Plans must seek the views of strategic partners (Canterbury Regional Council, Christchurch City Council, Selwyn District Council, Te Rūnanga o Ngāi Tahu, and Waimakariri District Council) and Regenerate Christchurch and have particular regard to their views. The Bill also provides requirements for public input into the development of Regeneration Plans.

Powers

The Bill contains a number of powers that are needed to support the regeneration of greater Christchurch. The powers provided to the responsible Ministers and chief executives will generally need to be used in accordance with the purposes of the Bill and generally must be reasonably considered necessary. These powers include the following:

- the Minister can suspend, amend, or revoke RMA documents, council plans, or other documents:
- the Minister can amalgamate any land acquired under this Bill or the CER Act. The objective of this is to facilitate future uses of such land:
- the chief executive can carry out or commission works, such as the demolition of buildings, and can restrict access, and close or stop roads, in order to undertake works:
- the chief executive can dispose of land acquired under the CER Act or the Bill subject to the Minister's approval and any offer back obligations:
- the Minister can compulsorily acquire land where attempts to voluntarily acquire it have been unsuccessful. The Bill provides that the owner is entitled to

compensation, but the Crown is not bound by the current market value, if not appropriate.

Other matters

The Bill repeals the CER Act and establishes powers necessary to support the regeneration of greater Christchurch until 30 June 2021.

The Bill covers a smaller geographic area than the CER Act. The area specified in the Bill has been chosen to align with existing local government planning documents for greater Christchurch.

Departmental disclosure statement

The Canterbury Earthquake Recovery Authority 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=2015&no=79>.

Regulatory impact statement

The Canterbury Earthquake Recovery Authority produced a regulatory impact statement on 12 October 2015 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

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

- <http://cera.govt.nz/cabinet-papers>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that, apart from the exceptions in *subclause (2)*, the Act comes into force on 18 April 2016. *Subclause (2)* provides that *subparts 5 and 6 of Part 2* and *Schedule 5* (relating to Regenerate Christchurch) come into force on the day after the date on which the Bill receives the Royal assent.

Part 1

Preliminary provisions

Clause 3 is the purpose clause.

Clause 4 defines terms used in the Bill.

Clause 5 provides for the transitional, savings, and related provisions set out in *Schedule 1*.

Clause 6 provides that the Bill binds the Crown.

Clause 7 provides that nothing in the Bill affects the operation of the Ngāi Tahu Claims Settlement Act 1998.

Clause 8 provides that the powers and functions conferred by or under the Bill are conferred in respect of greater Christchurch and do not apply outside of that area.

Clause 9 sets out the relationship between Plans (Recovery Plans and Regeneration Plans) and the exercise of powers under the Bill.

Clause 10 sets out the relationship between powers available under the Bill and powers available to a chief executive under another enactment or otherwise.

Clauses 9 and 10 are intended to clarify these relationships in light of the decision in *Quake Outcasts v The Minister for Canterbury Earthquake Recovery* [2015] NZSC 27.

Clause 11 provides that powers under the Bill may be exercised only for one or more purposes of the Bill (*subclause (1)*) and that the exercise of powers must be necessary (*subclause (2)*). There are some specific exceptions to 1 or both of these provisions as provided in individual clauses of the Bill. These clauses are listed in *subclause (3)*.

Part 2

Functions, powers, and processes relating to regeneration of Christchurch

Subpart 1—Development and implementation of planning instruments

This subpart corresponds with subpart 3 of Part 2 of the CER Act, which sets out provisions relating to a Recovery Strategy, Recovery Plans, and the power of the Minister to suspend, amend, or revoke certain RMA documents, plans, strategies, and policies.

The main differences between those provisions of the CER Act and this subpart are that, in this subpart,—

- there is no provision for a Recovery Strategy:
- Regeneration Plans replace Recovery Plans:
- a strategic partner, Regenerate Christchurch, the Minister, or a responsible entity may propose the development, amendment, or revocation of a Plan or the exercise of the Minister's power in *clause 42*.

Three Recovery Plans continued by the Bill are specified in the definition of Recovery Plan. It is intended that 2 more Recovery Plans, currently being developed under the CER Act, will also be added to the definition of Recovery Plan at a later stage if they are approved under that Act. Those 2 Recovery Plans are the Lyttleton Port Recovery Plan and the Transition Recovery Plan. The Bill also provides for relevant provisions of the CER Act to be treated as remaining in force for the purposes of the Waimakariri Residential Red Zone Recovery Plan (see *clause 2 of Schedule 1*). The

development of that Plan is not expected to be completed when the Bill comes into force.

Preliminary provisions

Clause 12 specifies who may propose the development, amendment, or revocation of a Plan or the exercise of the Minister's power in *clause 42*, and defines that party as the proponent.

Clause 13 requires the parties specified in *clause 12* to respond promptly when their view is sought.

Clause 14 provides that nothing in section 32 or Schedule 1 of the Resource Management Act 1991 (the **RMA**) applies to an action taken under *subpart 1*. Section 32 and Schedule 1 of the RMA set out provisions relating to changes to RMA documents. The effect of *clause 14* is to ensure that the provisions set out in section 32 and Schedule 1 of the RMA do not apply in addition to the provisions of *subpart 1*.

Clause 15 provides that a local authority may reject a request for a change to a policy statement or plan of a local authority or a request for a regional plan if, within the last 2 years, the substance of the request has been considered and given effect to, or rejected, under this subpart, under subpart 3 of Part 2 of the CER Act, or under the replacement district plan process provided for by the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014.

Development and amendment of Plans

Clauses 16 to 23 relate to proposals for the development of a Regeneration Plan or the amendment of a Regeneration Plan or a Recovery Plan, the Minister's approval of such proposals, the development of draft Plans and amendments, and the Minister's approval of Plans and amendments. In summary, *clauses 16 to 20 and clause 22*—

- require a proponent to prepare a draft proposal for the Plan or amendment that includes an explanation of how the Plan or amendment will meet 1 or more of the purposes of the Bill (*clause 16*):
- require the proponent to seek the views of the strategic partners, Regenerate Christchurch, and the Minister on the draft proposal (*clause 17*):
- require the Minister to have particular regard to the views of the strategic partners and Regenerate Christchurch in deciding whether to approve the proposal (*clause 18*):
- enable a proponent to modify a proposal that is not approved by the Minister and to submit the modified proposal to the Minister for approval (*clause 19*):
- require the proponent to develop a draft Plan or amendment in accordance with an approved proposal and to provide opportunities for public comment on the draft Plan or amendment (*clause 20*).

Clause 21 requires the Minister, in deciding whether to approve a draft Plan or amendment, to consider the proponent's summary of any public comments or other input and to have particular regard to the views of the strategic partners and Regener-

ate Christchurch. If the Minister approves the Plan or amendment, the Minister must publicly notify the approval.

Clause 22 enables a proponent to modify a draft Plan or amendment that is not approved by the Minister and to submit the modified draft Plan or amendment to the Minister for approval.

Clause 23 provides that the Minister may amend a Plan to correct any minor errors and does not need to use any formal process to do so.

Revocation of Plans

Clauses 24 to 30 relate to proposals for the revocation of all or part of a Regeneration Plan or a Recovery Plan, the Minister's approval of such proposals, the development of proposed revocations, and the Minister's approval of revocations. In summary, *clauses 24 to 28*—

- require the proponent to prepare a draft proposal for revocation that includes an explanation of how the revocation will meet 1 or more of the purposes of the Bill (*clause 24*):
- require the proponent to seek the views of the strategic partners, Regenerate Christchurch, and the Minister on the draft proposal (*clause 25*):
- require the Minister to have particular regard to the views of the strategic partners and Regenerate Christchurch in deciding whether to approve the proposal (*clause 26*):
- enable a proponent to modify a proposal for revocation that is not approved by the Minister and to submit the modified proposal to the Minister for approval (*clause 27*):
- require the proponent, if the proposal is approved, to publicly notify the proposed revocation and to invite public comment on the proposed revocation (*clause 28*).

Clause 29 requires the Minister, in deciding whether to approve a proposed revocation, to consider the proponent's summary of any public comments and to have particular regard to the views of the strategic partners and Regenerate Christchurch. If the Minister approves the revocation, the Minister must publicly notify it.

Clause 30 requires the Minister to give reasons for his or her decision to the proponent if the Minister declines to approve a proposed revocation.

Effect of Plans

Clause 31 provides that any person exercising powers or performing functions under the RMA must not act inconsistently with a Regeneration Plan or Recovery Plan once it has taken effect. *Clause 31* enables councils and some other bodies to request the Minister to decide whether a particular decision or recommendation would be inconsistent with a Plan.

Clause 32 requires councils to amend their RMA documents if required by a Plan.

Clause 33 provides that section 88A(1A) of the RMA does not apply to an application for a resource consent for an activity, where the type of activity under the RMA (whether controlled, restricted, discretionary, or non-complying) is altered as a consequence of a Plan.

Clause 34 provides for the amendment of other planning documents if required by a Regeneration Plan or a Recovery Plan. This clause also requires that where there is any inconsistency between those other planning documents and a Plan, the Plan prevails. This clause relates to—

- annual plans, long-term plans, and triennial agreements under the Local Government Act 2002;
- various documents under the Land Transport Management Act 2003;
- various policies, strategies, and plans approved under the Conservation Act 1987, the Reserves Act 1977, and the Wildlife Act 1953 (and any other management plan for a reserve under any other enactment).

Clause 35 provides that Plans are disallowable instruments, but not legislative instruments, for the purposes of the Legislation Act 2012. Every Plan approved, amended, or partially revoked under the Bill must be presented to the House of Representatives.

Suspension, amendment, or revocation of RMA document, council plan, etc

Clauses 36 to 41 relate to proposals for the exercise of the Minister's power to suspend, amend, or revoke a planning document, the approval of such proposals, and the exercise of the power. In summary, *clauses 36 to 39*—

- require the proponent to prepare a draft proposal for the exercise of the power that includes an explanation of how the exercise of the power will meet 1 or more of the purposes of the Bill (*clause 36*);
- require the proponent to seek the views of the strategic partners, Regenerate Christchurch, and the Minister on the draft proposal (*clause 37*);
- require the Minister, in deciding whether to proceed with a proposal, to have particular regard to the views of the strategic partners and Regenerate Christchurch (*clause 38*);
- require the Minister to publicly notify the proposal and to invite the public to comment on it (*clause 39*).

Clause 40 requires the Minister, in deciding whether to exercise the power, to consider any public comments and to have particular regard to the views of the strategic partners and Regenerate Christchurch.

Clause 41 requires the Minister to give reasons for his or her decision to the proponent if the Minister declines to exercise the power.

Clause 42 enables the Minister to suspend, amend, or revoke all or part of any of the following:

- RMA documents:

- plans and policies under the Local Government Act 2002;
- regional land transport plans under the Land Transport Management Act 2003;
- various policies, strategies, and plans approved under the Conservation Act 1987, the Reserves Act 1977, and the Wildlife Act 1953 (and any other management plan for a reserve under any other enactment);
- bylaws made under any Act.

Clause 42 also enables the Minister—

- to revoke changes or variations to plans approved under the Conservation Act 1987, the Land Transport Management Act 2003, the Local Government Act 2002, the Reserves Act 1977, or the Wildlife Act 1953; and
- to impose a moratorium on further changes or variations to such plans.

The Minister exercises the power in *clause 42* by giving notice in the *Gazette* and in a newspaper circulating in greater Christchurch.

Clause 43 provides that a *Gazette* notice given under *clause 42* is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012.

Subpart 2—Dealing with land and other property

Surveys

Clause 44 replaces section 35 of the CER Act and provides that the chief executive of Land Information New Zealand may—

- approve a cadastral survey dataset under section 9(a) of the Cadastral Survey Act 2002; or
- direct the Surveyor-General to approve any survey plan referred to in section 69(3) of the Cadastral Survey Act 2002.

The survey or survey plan may be approved even though it does not meet the usual standards under the Cadastral Survey Act 2002 or any other applicable enactment.

Clause 45 replaces section 36 of the CER Act. It sets out a process for the chief executive of Land Information New Zealand to direct the Registrar-General of Land to seek the consent of adjoining landowners where—

- the chief executive of Land Information New Zealand approves a cadastral survey dataset or directs the Surveyor-General to approve a survey plan under *clause 44(1)*; or
- in any other case, there is a legal requirement to notify any adjoining owners that a cadastral survey dataset is to be deposited under section 167 of the Land Transfer Act 1952.

If the adjoining owners give their consent, the Registrar-General of Land may deposit the cadastral survey dataset or survey plan and issue new computer registers accord-

ingly. If consent is not obtained, the chief executive of Land Information New Zealand may make a determination on the survey definition.

Clause 46 replaces section 37 of the CER Act and sets out a process for an adjoining landowner to dispute a survey definition determined under *clause 45*.

Building works, etc

Clause 47 provides that the chief executive may carry out or commission works including—

- the erection, reconstruction, placement, alteration, or extension of all or any part of any building on or under land:
- the demolition of all or any part of any building on or under land:
- the removal and disposal of any building on or under land, or material.

Nothing in *clause 11(2)* applies to the carrying out or commissioning of works under this clause on land or buildings owned by the Crown.

This clause replaces section 38 of the CER Act except for particular requirements that apply to demolition work on private land, which are now set out separately (*see clause 49*).

Clause 48 sets out additional requirements in relation to the carrying out or commissioning of works on private land. Notice must be given to the owner or occupier of the private land, if necessary directing the owner or occupier to vacate the land or buildings for a period of time. If practicable, notice must also be given to any person who has a registered interest in the land or a caveat over the land.

Clause 49 sets out additional requirements in relation to demolition work on private land. When given notice under *clause 48* of the proposed works, the owner is given an opportunity to notify the chief executive that the owner will carry out the works.

Clause 50 provides that if an owner or occupier fails to comply with a notice under *clause 48* to vacate land or buildings, the chief executive may seek an order of the High Court to require compliance.

Clause 51 provides that if the chief executive demolishes a dangerous building, the Crown is not liable to compensate the owner or other occupier and may recover the cost of demolition from the owner. It replaces section 40 of the CER Act and is in similar terms, with 1 exception. This is that *subclause (2)* provides that if the amount of the costs recoverable from the owner has been established by agreement between the chief executive and the owner in advance of the demolition, that amount may be treated as the cost of demolition.

Clause 52 provides that the Crown is liable to pay compensation for negligent physical loss or damage caused to other property that results directly from the demolition of a building by the chief executive, except for damage to property that is in or on or under or part of a dangerous building. It replaces section 41 of the CER Act.

Clause 53 provides that the chief executive may erect or authorise the erection and use of temporary buildings on any land including any public reserve, private land,

road, or street and provide for their removal. *Subclause (4)* provides that temporary buildings may be erected under this section on private land only with the consent of the owner or occupier. *Subclause (5)* provides that nothing in *clause 11(2)* applies to the erection of a temporary building under this section on land owned by the Crown.

Access and roads

Clause 54 provides that the chief executive may restrict or prohibit access by any person or specified class of persons to any specified area, or to any specified building, within greater Christchurch. It replaces section 45 of the CER Act.

Clause 55 replaces section 46 of the CER Act and provides that the chief executive may,—

- for such period as he or she considers necessary, totally or partially prohibit or restrict public access, with or without vehicles, to any road or public place within greater Christchurch;
- close a road or divert or control the traffic on any road;
- stop any road or part of a road in greater Christchurch.

Clause 56 provides that it is an offence to contravene a restriction or prohibition imposed under *clause 54 or 55*.

Power to direct owner to act

Clause 57 provides that the chief executive may direct a property owner to act for the benefit of the owners of adjoining or adjacent properties in certain circumstances. It replaces section 52 of the CER Act but is broader in scope than that section, which provided only for adjacent or adjoining owners to act for the benefit of each other.

Clause 58 provides that it is an offence to fail to comply with a direction given under *clause 57*.

Acquisition and other dealing with property

Clause 59 replaces section 53(1) of the CER Act and is a general clause dealing with the acquisition of and other dealing with property. It provides that, subject to the Minister's approval, the chief executive may, in the name of the Crown,—

- purchase or otherwise acquire, hold, mortgage, and lease land and personal property; and
- sell and exchange personal property.

Nothing in *clause 11* applies to the exercise of a power under this clause.

Disposal of land is dealt with in *clauses 75 to 77*.

Other dealing with land

Clause 60 provides for the Minister to make certain declarations concerning the status of land. The Minister may—

- declare land acquired by the Crown under the Bill or under the CER Act to be set apart for a public work in terms of the Public Works Act 1981;
- declare land acquired by the Crown under the Bill or under the CER Act to be land subject to the Land Act 1948 (if the conditions in *subclause (2)* are met);
- declare land held for a public work in terms of the Public Works Act 1981 (whether held by the Crown or otherwise) to be held under the Bill.

Nothing in *clause 11* applies to the exercise of a power under this clause.

Clause 61 provides a power for the chief executive to subdivide, resubdivide, improve, and develop land acquired by the Crown under the Bill. Nothing in *clause 11(2)* applies to the exercise of powers under this section. This clause replaces section 43 of the CER Act but does not deal with amalgamation. Amalgamation is dealt with in *clause 62*.

Clause 62 provides that the Minister may, in accordance with *clauses 63 to 69*, amalgamate all or any land acquired by the Crown under the Bill or the CER Act with other land owned by the Crown or (subject to certain pre-conditions) land owned by a territorial authority. Nothing in *clause 11(2)* applies to the amalgamation of land under this clause.

Clause 63 provides that the Minister must consult the Minister of Conservation if any piece of land that the Minister intends to be amalgamated is a conservation area.

Clause 64 provides that if the Minister intends to amalgamate land and 1 or more pieces of land to be amalgamated are owned by a territorial authority, the Minister must publish a notice of intention to vest that land in the Crown. The notice must specify the details of any estate or interest in the land, or any status, restriction, charge, or any other encumbrance that applies to the land that is intended to be extinguished in the amalgamation.

Clause 65 provides that on the date specified in the notice published under *clause 64* the land vests in the Crown and each estate, interest, status, restriction, charge, or any other encumbrance referred to in the notice is extinguished.

Clause 66 provides that if the Minister intends to amalgamate land, the Minister must publish a notice of intention to amalgamate the land. The notice must specify the details of any estate or interest in the land, or any status, restriction, charge, or other encumbrance that applies to the land that is intended to be extinguished in the amalgamation.

Clause 67 provides that on the date specified in the notice published under *clause 66* the land is amalgamated and each estate, interest, status, restriction, charge, or other encumbrance referred to in the notice is extinguished.

Clause 68 provides that both an intention to vest land owned by a territorial authority in the Crown and an intention to amalgamate land may be published in the same notice.

Clause 69 provides for the registration under the Land Transfer Act 1952 of the notices published by the Minister under *clauses 64 and 66*.

Compulsory acquisition of land

Clause 70 sets out preconditions to the exercise of the power to compulsorily acquire land in *clauses 71 to 74*. It has no counterpart in the CER Act.

Clause 71 replaces section 54 of the CER Act. It provides that the Minister may acquire land compulsorily by publishing a notice of intention to take land in the name of the Crown. A notice must also be served on the owner of, and persons with a registered interest in, the land.

Clause 72 replaces section 55 of the CER Act. It provides that if the Minister considers that land should be taken in the name of the Crown, the land may be taken by Proclamation. This clause sets out the process for, and the effect of, the Proclamation.

Clause 73 replaces section 56 of the CER Act. It provides for the registration or, as the case may be, lodgement of the Proclamation.

Clause 74 replaces section 57 of the CER Act. It provides that if the owner or occupier fails to give vacant possession of the land specified in a Proclamation, the Minister may seek an order from the High Court directing the owner or occupier to give vacant possession.

Disposal of land

Clause 75 provides that, subject to the Minister's approval, the chief executive may, if he or she thinks fit, in accordance with *clauses 76 and 77* if applicable, dispose of land held by the Crown under the Bill or under the Canterbury Earthquake Recovery Act 2011 *Subclause (2)* provides that when making a decision on the disposal of land under this clause, the chief executive must have regard to any applicable Plan or the fact that a Regeneration Plan that may be applicable has been proposed.

Nothing in *clause 11* applies to the disposal of land under this clause.

Clause 76 preserves certain offer back requirements in relation to land declared under *clause 60(3)* to be land held under the Bill or declared under section 53(5) of the CER Act to be land held under that Act.

Clause 77 replaces section 58 of the CER Act. It provides for an offer back process in relation to the following land before it can be disposed of:

- residential land in the Christchurch central city compulsorily acquired under *clause 72* of the Bill or section 55 of the CER Act;
- land in greater Christchurch outside the Christchurch central city compulsorily acquired under *clause 72* of the Bill.

Subpart 3—Compensation under this Act

Clause 78 sets out the application of this subpart. It applies in respect of—

- land compulsorily acquired under the Bill or the CER Act; and
- compensation payable under *clause 51 or 52* of the Bill or section 40 or 41 of the CER Act.

Clauses 79 to 85 replace sections 60 to 67 of the CER Act, which deal with compensation from the Crown. With 1 exception (*see clause 82*) the clauses in the Bill are in substantially similar terms to the CER Act provisions.

Clause 79 defines compensation for the purpose of this subpart.

Clause 80 provides that a person who suffers loss resulting from a matter referred to in *clause 78* is entitled to compensation from the Crown.

Clause 81 sets out the procedure for claiming compensation.

Clause 82 sets out how the Minister may determine the amount of compensation. It differs from section 64 of the CER Act in that it provides a greater discretion for the Minister in determining the amount of compensation. The Minister must have regard to certain factors (including the current market value of the land, *see clause 82(4)*) but may determine whatever amount the Minister thinks fit.

Clause 83 provides that the Minister must ensure that any claim for compensation is determined within 6 months after the date on which the claim is lodged under *clause 81*.

Clause 84 provides that the exercise of the power giving rise to a claim for compensation under this subpart is unaffected by the making and determination of the claim and, in particular, must not be subject to any delay or other impediment dependent on resolution of the claim.

Clause 85 provides that nothing in the Bill, apart from this subpart or *clause 51 or 52*, confers any right to compensation or is to be relied on in any proceedings as a basis for any claim to compensation.

Subpart 4—Appeal rights

Clause 86 provides that there is no appeal against a decision of the Minister or the chief executive under the Bill, except as provided for in *clauses 87 and 88*. These clauses replace (in substantially similar terms) sections 68 to 70 of the CER Act.

Clause 87 provides for an appeal to the High Court—

- against a decision of a Minister under *clause 31(3)*;
- against a decision on an application for a resource consent or a notice of requirement for an activity or use that is specified in a Plan as being subject to this clause, and in respect of which a person would otherwise have a right of appeal or objection under the Resource Management Act 1991;
- in respect of a dispute referred to in *clause 46*;
- against a direction, or conditions given in relation to a direction, given under *clause 57(2)*;
- against a determination of compensation under *clause 82*.

Clause 88 provides a right of appeal to the Court of Appeal against a decision of the High Court under *clause 87*. An appeal lies as of right if the appeal is on a point of

law, otherwise the appeal will be heard only with leave granted by the Court of Appeal.

In the case of an appeal referred to in *clause 87(1)(e)* (which relates to determinations about compensation), there is a further right of appeal to the Supreme Court on a question of law, but only with leave granted by the Supreme Court.

Subpart 5—Establishment of Regenerate Christchurch

Clause 89 establishes Regenerate Christchurch and provides that it continues in existence until the close of 30 June 2021, after which date its purpose and objectives are to be continued by a successor organisation (a company owned or controlled by Christchurch City Council and approved under *clause 99*).

Clauses 90 and 91 set out Regenerate Christchurch's purpose, objectives, and functions.

Clause 92 provides that Regenerate Christchurch has the powers reasonably necessary to achieve its purpose and objectives and to perform its functions.

Clause 93 provides that Regenerate Christchurch may perform and exercise its functions and powers in relation to the areas specified in *Schedule 4*.

Clause 94 provides that Regenerate Christchurch's board is its governing body.

Clause 95 provides that the board comprises 7 members. Christchurch City Council and the Minister will appoint 3 members each. The Minister will appoint the seventh member after consultation with Te Rūnanga o Ngāi Tahu.

Clause 96 provides that the provisions in *Schedule 5* have effect in relation to Regenerate Christchurch as follows:

- *Part 1 of Schedule 5* relates to—
 - the board of Regenerate Christchurch:
 - the collective duties of the board and the individual duties of its members:
 - the effect of non-compliance with those duties:
 - the circumstances in which members can rely on information and advice provided by others:
 - disclosure of conflicts of interest:
 - delegations by the board:
 - employees of Regenerate Christchurch:
 - protections from liability of members, office holders, and employees:
 - Regenerate Christchurch's dealings with third parties.
- *Part 2 of Schedule 5* sets out Regenerate Christchurch's reporting and financial obligations.

Clause 97 provides—

- for Christchurch City Council and the Minister to agree on how they will exercise their respective roles and responsibilities in relation to Regenerate Christchurch; and
- that the role of Christchurch City Council and the Minister is to jointly oversee and manage the council's and the Crown's interests in, and relationship with, Regenerate Christchurch and to perform the functions and exercise the powers provided for in the Bill; and
- that Christchurch City Council and the Minister may produce a letter of expectation as a means of overseeing and managing the council's and the Crown's interests in Regenerate Christchurch.

Clause 98 validates acts that are done before the commencement of the Bill for the purposes of facilitating the establishment of Regenerate Christchurch or transferring the Canterbury Earthquake Recovery Authority's assets and liabilities.

Clause 99 provides for the approval of a successor organisation to continue Regenerate Christchurch's purposes and objectives after 30 June 2021.

Clause 100 provides that Regenerate Christchurch is to be treated as a public authority for the purpose of section CW 28 of the Income Tax Act 2007. This means that it is exempt from income tax.

Clause 101 provides that the Official Information Act 1982, the Ombudsmen Act 1975, and the Public Audit Act 2001 each apply to Regenerate Christchurch.

Subpart 6—Transfer of assets, liabilities, and employees

This subpart relates to—

- the transfer of assets and liabilities from the Canterbury Earthquake Recovery Authority to various transferees before the close of 17 April 2016;
- the transfer of assets, liabilities, and employees from Regenerate Christchurch to various transferees before the close of 30 June 2021;
- the transfer of any assets, liabilities, and employees that Regenerate Christchurch has not already transferred to the successor organisation on 1 July 2021.

Clause 102 is an interpretation clause. The definition of assets excludes land. This subpart does not provide for the transfer of any interest or estate in land.

Clause 103 provides for the Canterbury Earthquake Recovery Authority to transfer its assets and liabilities to any of Regenerate Christchurch, Christchurch City Council, a council organisation, and CrownCo. (CrownCo is a company incorporated on behalf of the Crown to deliver Crown projects in Christchurch.)

Clause 104 provides for Regenerate Christchurch to transfer its assets, liabilities, and employees to any of Christchurch City Council, a council organisation, CrownCo, and a government department.

Clause 105 provides that an agreement between the transferor and the transferee under *clause 103 or 104* providing for the transfer of assets, liabilities, or employees

must be presented to the House of Representatives, and that the presentation of the agreement is to be treated as notice to third parties of the transfer.

Clause 106 provides that any asset or liability of Regenerate Christchurch that is not transferred to another party under *clause 104* is, on and from 1 July 2021, an asset or a liability of the successor organisation. *Clause 106* also provides that the successor organisation must notify any party that has an interest in an asset or a liability transferred to the successor organisation.

Clause 107 provides that a transfer under *subpart 6* does not trigger any of the consequences that may potentially arise when an asset or a liability is transferred.

Clause 108 relates to the transfer of employees of Regenerate Christchurch at the end of Regenerate Christchurch's lifespan.

Subpart 7—Miscellaneous provisions

Clause 109 protects persons who carry out functions or exercise powers under the Bill from liability in certain cases.

Clause 110 enables Crown contracts and other undertakings to be transferred to a council, a council organisation, Regenerate Christchurch, or CrownCo.

Clause 111 repeals the CER Act, revokes related instruments, and validates things done under that Act or done under an Order in Council made under that Act.

Clause 112 continues 8 Orders in Council made or continued by the CER Act and amends each of the orders in the manner specified in *Schedule 7*. *Clause 112* provides for 2 of the orders to apply outside of greater Christchurch (despite the Bill generally applying only to greater Christchurch). This clause also declares the continued orders to have been lawfully made and provides that the continued orders have the force of law as if enacted as a provision of the Bill.

Clause 113 provides for the revocation of the continued orders by Order in Council. (Any order that is not revoked in accordance with this clause will be revoked on 30 June 2021 in accordance with *clause 116*.)

Clause 114 provides that an Order in Council continued by *clause 112* or made under *clause 113* is a disallowable instrument for the purposes of the Legislation Act and that an order made under *clause 113* must be presented to the House of Representatives.

Clause 115 requires annual reviews of the operation and effectiveness of the Bill, once enacted.

Clause 116 provides for the repeal of the Bill, and the revocation of any Orders in Council continued by *clause 112*, on 30 June 2021. *Subparts 5 and 6 of Part 2* and *Schedule 5* will remain in force to allow for the transfer of Regenerate Christchurch's assets, liabilities, and employees and to retain reporting obligations relating to Regenerate Christchurch's final financial year.

Clause 117 makes consequential amendments and revokes an order as set out in *Schedule 6*.

Schedule 1 contains transitional, savings, and related provisions arising from the Bill.

Schedule 2 contains a description and a map of greater Christchurch.

Schedule 3 prescribes the form of the notice of intention to take land referred to in *clause 71*.

Schedule 4 contains a description and maps of the Regenerate Christchurch area.

Schedule 5 contains provisions relating to Regenerate Christchurch as described in relation to *clause 96*.

Schedule 6 lists the legislative instruments revoked by *clause 111*.

Schedule 7 specifies the 8 orders made or continued by the CER Act that are continued by *clause 112* and sets out amendments to those orders.

Schedule 8 sets out consequential amendments and a consequential revocation.

Hon Gerry Brownlee

Greater Christchurch Regeneration Bill

Government Bill

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The Parliament of New Zealand enacts as follows:**1 Title**

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

2 Commencement

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

Part 1**Preliminary provisions****3 Purposes** 10

This Act supports the regeneration of greater Christchurch through the following purposes:

- (a) enabling a focused and expedited regeneration process:
- (b) facilitating the ongoing planning, rebuilding, and regeneration of greater Christchurch, including the removal, repair, and development of land, infrastructure, and other property: 15
- (c) enabling community participation in the planning of the regeneration of greater Christchurch:
- (d) recognising the local leadership of Canterbury Regional Council, Christchurch City Council, Selwyn District Council, Te Rūnanga o Ngāi Tahu, and Waimakariri District Council and providing them with a role in decision making under this Act: 20
- (e) enabling the Crown to effectively manage, deal with, and dispose of land acquired by the Crown under the Canterbury Earthquake Recovery Act 2011 or this Act. 25

Compare: 2011 No 12 s 3

4 Interpretation

In this Act, unless the context otherwise requires,—

chief executive, in relation to a provision of this Act, means the chief executive of the department of State that, with the authority of the Prime Minister, is responsible for the administration of that provision 30

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

Christchurch district means the district of Christchurch City Council

council means Canterbury Regional Council, Christchurch City Council, Selwyn District Council, or Waimakariri District Council 35

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

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

dangerous building means a building that is a dangerous building within the meaning of section 121 of the Building Act 2004 or an earthquake-prone building within the meaning of section 122 of that Act 5

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

enactment has the same meaning as in section 29 of the Interpretation Act 1999 and includes any plan, programme, bylaw, or rule made under any Act 10

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

land includes an interest in land

Minister means, in relation to any provision of this Act, the Minister of the Crown who, with the authority of the Prime Minister, is for the time being responsible for the administration of that provision 15

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

rebuilding includes—

- (a) extending, repairing, improving, subdividing, or converting any land, infrastructure, or other property, including (but not limited to) in response to the Canterbury earthquakes; and 20
- (b) rebuilding communities

Recovery Plan—

- (a) means the following Recovery Plans approved under section 21(2) of the Canterbury Earthquake Recovery Act 2011: 25

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

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

- (iii) Residential Red Zone Offer Recovery Plan notified in the *Gazette* on 23 April 2015, 2015–go4483: 30

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

Regenerate Christchurch means the entity established under **subpart 5 of Part 2** 35

regeneration means—

- (a) restoration and enhancement:

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

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

requiring authority has the same meaning as in section 2(1) of the Resource Management Act 1991 5

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

RMA document—

- (a) means any of the following under the Resource Management Act 1991: 10
- (i) a regional policy statement:
 - (ii) a proposed regional policy statement:
 - (iii) a proposed plan:
 - (iv) a plan; and

- (b) includes a change or variation to any document listed in **paragraph (a)** 15

strategic partners means Canterbury Regional Council, Christchurch City Council, Selwyn District Council, Te Rūnanga o Ngāi Tahu, and Waimakariri District Council

successor organisation means the council-controlled organisation approved in accordance with **section 99** 20

working day means a day of the week other than—

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day; and
- (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and 25
- (c) a day in the period commencing on 20 December in any year and ending with 10 January in the following year.

5 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in **Schedule 1** have effect according to their terms. 30

6 Act binds the Crown

This Act binds the Crown.

7 Application of Ngāi Tahu Claims Settlement Act 1998

- (1) Nothing in this Act affects the operation of the Ngāi Tahu Claims Settlement Act 1998. 35
- (2) To avoid doubt, if a Minister or, as the case may be, a chief executive wishes to exercise his or her power under this Act to dispose of land or to amalgamate

land to which the Ngāi Tahu Claims Settlement Act 1998 applies, he or she must do so in accordance with the Ngāi Tahu Claims Settlement Act 1998.

- (3) For the purpose of the Ngāi Tahu Claims Settlement Act 1998, an amalgamation of land under this Act is a disposition of land.

Compare: 2011 No 12 s 59

5

8 Geographical application of Act

The powers and functions conferred by or under this Act are conferred in respect of greater Christchurch and do not apply outside of that area.

9 Effect of Plans on exercise of powers under Act

- (1) Unless expressly required in this Act, when exercising a particular power under this Act, the person exercising it need not consider any Recovery Plan or Regeneration Plan relating to the matter. 10

- (2) If a Minister or chief executive proposes to exercise a power under this Act and there is no Recovery Plan or Regeneration Plan relating to that matter, it is not necessary, in order for the power to be exercised, for any person to propose, promote, or approve a Regeneration Plan relating to that matter. 15

10 Effect of Act on other powers

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

- (a) the Minister or chief executive, as the case may be, may, in his or her complete discretion, elect to use any other power available to the Minister or chief executive, whether under any other enactment or otherwise; and 20

- (b) nothing in this Act applies to the exercise of that other power.

11 Powers to be exercised for purposes of this Act

- (1) A Minister or a chief executive must ensure that when he or she exercises or claims his or her powers, rights, and privileges under this Act, he or she does so in accordance with one or more of the purposes of the Act. 25

- (2) A Minister or a chief executive may exercise or claim a power, right, or privilege under this Act where he or she reasonably considers it necessary.

- (3) This section is subject to **sections 47, 53, 59, 60, 61, 62, and 75.** 30

Compare: 2011 No 12 s 10

Part 2

Functions, powers, and processes relating to regeneration of Christchurch

Subpart 1—Development and implementation of planning instruments

Preliminary provisions 5

12 Meaning of proponent

- (1) In this subpart, **proponent** means a party specified in **subsection (2)** that proposes, as relevant,——
- (a) the development of a Regeneration Plan:
 - (b) the amendment of a Recovery Plan or Regeneration Plan: 10
 - (c) the revocation of all or part of a Recovery Plan or Regeneration Plan:
 - (d) the exercise of the power in **section 42**.
- (2) Any of the following parties may be a proponent:
- (a) a strategic partner:
 - (b) Regenerate Christchurch: 15
 - (c) the Minister:
 - (d) a responsible entity.

13 Parties must respond promptly

- (1) If a proponent or the Minister seeks the view of another party in accordance with this subpart, the party must provide its view within 30 working days after receiving a request to do so. 20
- (2) If a party fails to provide its view in that time, the proponent or the Minister may proceed on the basis that the party has no view on the matter.
- (3) Regenerate Christchurch must only respond to a request if, and to the extent that, the matter relates to the regeneration of an area specified in **Schedule 4**. 25

14 Section 32 and Schedule 1 of Resource Management Act 1991 not to apply

Nothing in section 32 or Schedule 1 of the Resource Management Act 1991 applies to an action taken under this subpart.

15 Additional ground for rejecting request for change to RMA document

- (1) This section applies if a local authority receives a request under clause 21 of Schedule 1 of the Resource Management Act 1991 to change the RMA document. 30
- (2) The local authority may reject the request in whole or in part on the ground that, within the last 2 years, the substance of the request or part of the request has been considered and given effect to, or rejected, under this subpart, under 35

subpart 3 of Part 2 of the Canterbury Earthquake Recovery Act 2011, or under the replacement district plan process provided for by the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014.

- (3) The ground specified in **subsection (2)** is in addition to the grounds specified in clause 25(4) of Schedule 1 of the Resource Management Act 1991. 5

Development and amendment of Plans

16 Proposal for Plan or amendment

- (1) A proponent that proposes the development of a Regeneration Plan or the amendment of a Recovery Plan or Regeneration Plan must prepare a concise draft proposal that complies with **subsection (2)**. 10
- (2) The draft proposal must include the following:
- (a) an explanation of what the Plan or amendment will achieve; and
 - (b) a description of the places, things, and time periods to which the Plan or amendment will apply; and
 - (c) an explanation of how the Plan or amendment will be implemented; and 15
 - (d) an explanation of how the proponent expects the Plan or amendment to meet 1 or more of the purposes of this Act; and
 - (e) the proponent's proposal for the development of the Plan or amendment (including expected time frames, the intended process for developing the Plan or amendment, and the proposed opportunities for members of the public to provide input on the development of the Plan or amendment); and 20
 - (f) a draft of the notice that would be published under **section 18(3)** if the proposal were approved that includes the matters specified in **paragraphs (a) to (e)**. 25
- (3) The proposed opportunities for members of the public to provide input on the development of the Plan or amendment must include, as a minimum, the requirements set out in **section 20(3)**.

17 Proponent must seek views and finalise proposal for Plan or amendment

- (1) The proponent must provide the draft proposal to, and seek the views of, each of the following parties that is not the proponent: 30
- (a) the strategic partners;
 - (b) Regenerate Christchurch;
 - (c) the Minister;
 - (d) in the case of a proposal to amend a Plan developed by a responsible entity, the responsible entity that developed the Plan. 35
- (2) The proponent must—

- (a) finalise the proposal, making any modifications that the proponent thinks appropriate; and
- (b) if the proponent is not the Minister, submit the proposal to the Minister for approval, together with a concise statement accurately recording the views provided. 5
- 18 Minister may approve proposal for Plan or amendment**
- (1) The Minister must approve or decline a proposal that has been finalised in accordance with **section 17** no later than 30 working days after receiving the proposal (or, if the proponent is the Minister, no later than 30 working days after finalising the proposal). 10
- (2) In considering whether to approve the proposal, the Minister must have particular regard to the views of the strategic partners and Regenerate Christchurch.
- (3) If the Minister approves the proposal, the proponent must publish a notice of the proposal in the *Gazette* and in a newspaper circulating in greater Christchurch. 15
- (4) The notice must—
- (a) include a summary of the matters contained in the proposal; and
- (b) advise where the full proposal can be inspected.
- 19 Proponent may revise proposal for Plan or amendment if proposal declined** 20
- (1) If the Minister declines a proposal, the Minister must provide reasons for his or her decision to the proponent.
- (2) The proponent may make any modifications to the declined proposal that the proponent thinks fit. 25
- (3) If the proponent modifies the proposal in accordance with **subsection (2)**, **sections 17 and 18** and this section apply accordingly.
- (4) However, **subsections (2) and (3)** do not apply if the Minister, having declined a modified proposal, indicates that he or she will not consider further modifications of that proposal. 30
- 20 Development of draft Plan or amendment**
- (1) If the Minister approves a proposal, the proponent must develop a draft Plan or amendment in accordance with the proposal.
- (2) The proponent must, in developing the draft Plan or amendment, seek the views of each of the following that is not the proponent: 35
- (a) the strategic partners:
- (b) Regenerate Christchurch:
- (c) the Minister.

- (3) When the proponent has developed the draft Plan or amendment, the proponent must publish a notice in the *Gazette* and in a newspaper circulating in greater Christchurch that—
- (a) advises where the draft Plan or amendment can be inspected; and
 - (b) invites members of the public to make written comments on the draft Plan or amendment in the manner and by the date specified in the notice. 5
- (4) The notice must also advise of any other opportunity for members of the public to provide input in relation to the draft Plan or amendment (including any opportunity identified in the proposal approved under **section 18**).
- (5) The proponent must— 10
- (a) consider any comments and other input provided in accordance with **subsections (3)(b) and (4)**; and
 - (b) finalise the draft Plan or amendment, making any changes that the proponent thinks appropriate; and
 - (c) if the proponent is not the Minister, submit the draft Plan or amendment 15
 - (i) a copy of any comments and other input provided in accordance with **subsection (3)(b) and (4)**; and
 - (ii) a concise statement accurately summarising the comments and other input. 20

21 Approval of Plan or amendment

- (1) The Minister must approve or decline a draft Plan or amendment that has been finalised in accordance with **section 20(5)** no later than 80 working days after receiving the draft Plan or amendment (or, if the proponent is the Minister, no later than 80 working days after finalising the draft Plan or amendment). 25
- (2) In considering whether to approve a draft Plan or amendment, the Minister must—
- (a) consider the summary of comments and other input provided in accordance with **section 20(5)(c)**; and
 - (b) seek, and have particular regard to, the views of the strategic partners and Regenerate Christchurch. 30
- (3) As soon as practicable after the Minister has approved a Plan or an amendment, the Minister must give notice, in the *Gazette* and in a newspaper circulating in greater Christchurch, of— 35
- (a) the approval:
 - (b) the date on which the Plan or amendment takes effect:
 - (c) where the Plan or amended Plan can be inspected.

22 Proponent may revise draft Plan or amendment

- (1) If the Minister declines to approve a draft Plan or amendment, the Minister must provide reasons for his or her decision to the proponent.
- (2) The proponent may make any modifications to the draft Plan or amendment that the proponent thinks appropriate. 5
- (3) If the proponent modifies the draft Plan or amendment in accordance with **subsection (2), sections 20(2) to (4) and 21** and this section apply accordingly.
- (4) However, **subsections (2) and (3)** do not apply if the Minister, having declined a modified draft Plan or amendment, indicates that he or she will not consider further modifications of that draft Plan or amendment. 10

23 Minor amendments

The Minister may amend a Plan to correct any minor errors, and need not use any formal process when doing so.

Compare: 2011 No 12 s 22(3) 15

*Revocation of Plans***24 Proposal for revocation**

- (1) A proponent that proposes the revocation of all or part of a Plan must prepare a concise draft proposal that complies with **subsection (2)**.
- (2) The proposal must contain the following: 20
 - (a) a description of the Plan or the parts of a Plan that the proponent proposes be revoked:
 - (b) a description of the anticipated effect of the revocation:
 - (c) an explanation of how the proponent expects the revocation to meet 1 or more of the purposes of this Act. 25

25 Proponent must seek views and finalise proposal for revocation

- (1) The proponent must provide the draft proposal to, and seek the views of, each of the following parties that is not the proponent:
 - (a) the strategic partners:
 - (b) Regenerate Christchurch: 30
 - (c) the Minister:
 - (d) in the case of a proposal to revoke a Regeneration Plan developed by a responsible entity, the responsible entity that developed the Regeneration Plan.
- (2) The proponent must— 35

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

5

26 Minister may approve proposal for revocation

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

10

27 Proponent may revise proposal for revocation if proposal declined

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

15

20

28 Development of proposed revocation

- (1) If the Minister approves the proposal, the proponent must publish a notice in the *Gazette* and in a newspaper circulating in greater Christchurch that—
 - (a) describes the Plan or the parts of a Plan that the proponent proposes be revoked; and
 - (b) invites members of the public to make written comments on the proposed revocation in the manner and by the date specified in the notice.
- (2) The proponent must—
 - (a) consider any comments provided in accordance with **subsection (1)(b)**; and
 - (b) finalise the proposed revocation, making any modifications to the proposed revocation that the proponent thinks appropriate; and
 - (c) if the proponent is not the Minister, submit the proposed revocation to the Minister for approval, together with—

25

30

35

- (i) a copy of any comments provided in accordance with **subsection (1)(b)**; and
- (ii) a concise statement accurately summarising the comments.

29 Approval of revocation

- (1) The Minister must approve or decline a proposed revocation no later than 30 working days after receiving the proposed revocation (or, if the proponent is the Minister, no later than 30 working days after finalising the proposed revocation). 5
- (2) In considering whether to approve the revocation, the Minister must—
 - (a) consider the summary of comments provided in accordance with **section 28(2)(c)**; and 10
 - (b) have particular regard to the views of the strategic partners and Regenerate Christchurch.
- (3) As soon as practicable after the Minister has approved a revocation, the Minister must give notice, in the *Gazette* and in a newspaper circulating in greater Christchurch, of— 15
 - (a) the revocation:
 - (b) the date on which the revocation takes effect:
 - (c) in the case of the revocation of part of a Plan, where the amended Plan can be inspected. 20

30 Minister must provide reasons for declining revocation

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

Effect of Plans

31 Councils not to act inconsistently with Plan 25

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

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

Compare: 2011 No 12 s 23

32 Councils to amend documents if required

- (1) Despite anything to the contrary in Part 5 of the Resource Management Act 1991, a council must amend an RMA document (to the extent that it relates to greater Christchurch), if a Plan directs so,— 25
- (a) to include any matter that the Plan identifies for inclusion; or
- (b) to remove any matter in the document that the Plan identifies for deletion; or
- (c) to change or vary any matter in the document to give effect to provisions of the Plan. 30
- (2) A council must make the amendments referred to in **subsection (1)(a) or (b)** as soon as practicable after the Plan comes into effect without using the process in Schedule 1 of the Resource Management Act 1991 or any other formal public process.
- (3) A council must make the amendments referred to in **subsection (1)(c)** within 35 the time specified in the Plan or (if not specified) as soon as practicable after the Plan comes into effect, in accordance with a public process determined by the Minister.

- (4) Despite clause 21 of Schedule 1 of the Resource Management Act 1991, only the Minister may request a change or variation to any amendment made under **subsection (1)**.
- (5) Nothing in section 85 of the Resource Management Act 1991 applies in respect of any amendment to an RMA document under this section. 5
Compare: 2011 No 12 s 24
- 33 Section 88A(1A) of Resource Management Act 1991 not to apply**
- (1) Nothing in section 88A(1A) of the Resource Management Act 1991 applies in respect of any application for a resource consent for any activity altered as a consequence of a Plan. 10
- (2) For the purposes of **subsection (1)**, an activity is **altered as a consequence of a Plan** if the type of the activity (being controlled, restricted, discretionary, or non-complying) is altered as a consequence of an amendment made under **section 32(1)**.
- (3) To avoid doubt, this section applies in relation to any matter before the Environment Court and any further appeals while this Act is in force. 15
Compare: 2011 No 12 s 25
- 34 Relationship to other instruments**
- (1) The following instruments, so far as they relate to greater Christchurch, must not be inconsistent with a Plan: 20
- (a) annual plans, long-term plans, and triennial agreements under the Local Government Act 2002, except a funding impact statement in an annual plan or a long-term plan:
- (b) regional land transport plans under the Land Transport Management Act 2003: 25
- (c) the New Zealand Transport Agency's recommendations under section 18I of the Land Transport Management Act 2003:
- (d) regional public transport plans adopted under section 119 of the Land Transport Management Act 2003:
- (e) all or any of the following: 30
- (i) general policies approved under section 17C of the Conservation Act 1987 and general policies approved under section 15A of the Reserves Act 1977:
- (ii) conservation management strategies approved under section 17F of the Conservation Act 1987: 35
- (iii) conservation management plans approved under section 17G of the Conservation Act 1987, or under section 40B of the Reserves Act 1977, or under section 14E of the Wildlife Act 1953:

- (iv) management plans approved under section 41 of the Reserves Act 1977:
- (v) any other management plan for a reserve under any other enactment.
- (2) A Plan— 5
- (a) is to be read together with and forms part of the instruments specified in **subsection (1)**; and
- (b) prevails where there is any inconsistency between it and an instrument.
- (3) If required by a Plan, an entity that is responsible for an instrument must amend the instrument to give effect to the provisions of the Plan. 10
- (4) An entity must make the amendments referred to in **subsection (3)** in accordance with a process (if any) determined by the Minister.
- Compare: 2011 No 12 s 26
- 35 Status of Plans under Legislation Act 2012**
- (1) A Plan is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012. 15
- (2) A Plan that is approved, amended, or partially revoked under this subpart must be presented to the House of Representatives under section 41 of the Legislation Act 2012.
- Suspension, amendment, or revocation of RMA document, council plan, etc* 20
- 36 Proposal for exercise of power in section 42**
- (1) A proponent who proposes the exercise of the power to suspend, amend, or revoke an RMA document, council plan, or other document in **section 42** must prepare a concise draft proposal that complies with **subsection (2)**.
- (2) The draft proposal must include the following: 25
- (a) an explanation of what the exercise of the power will achieve; and
- (b) a description of which instrument the exercise of the power will apply to, and for how long; and
- (c) an explanation of how the proponent expects the exercise of the power to meet 1 or more of the purposes of this Act; and 30
- (d) a draft of the notice that would be published under **section 39** if the proposal were approved that includes the matters specified in **paragraphs (a) to (c)**.
- 37 Proponent must seek views and finalise proposal**
- (1) The proponent must seek the views of each of the following parties that is not the proponent: 35
- (a) the strategic partners:

- (b) Regenerate Christchurch:
- (c) the Minister.
- (2) The proponent must—
- (a) finalise the proposal, making any modifications that the proponent thinks appropriate; and 5
- (b) if the proponent is not the Minister, submit the proposal to the Minister for approval, together with a concise statement accurately recording the views provided.
- 38 Minister may decide to proceed with proposal**
- (1) The Minister must decide whether to proceed with a proposal that has been finalised in accordance with **section 37** no later than 30 working days after receiving the proposal (or, if the proponent is the Minister, no later than 30 working days after finalising the proposal). 10
- (2) In considering whether to proceed with the proposal, the Minister must have particular regard to the views of the strategic partners and Regenerate Christchurch. 15
- (3) If the Minister declines the proposal, the Minister must provide reasons for his or her decision to the proponent.
- 39 Minister must seek public comment**
- If the Minister decides to proceed with the proposal, the Minister must publish a notice in the *Gazette* and in a newspaper circulating in greater Christchurch that— 20
- (a) includes a summary of the matters contained in the proposal:
- (b) advises where the full proposal can be inspected:
- (c) invites members of the public to make written comments on the proposal in the manner and by the date specified in the notice. 25
- 40 Approval of proposal for exercise of power**
- In considering whether to exercise the power in **section 42**, the Minister must—
- (a) consider any comments provided in accordance with **section 39(c)**; and 30
- (b) have particular regard to the views of the strategic partners and Regenerate Christchurch; and
- (c) make a decision no later than 30 working days after the date specified in the notice published under **section 39**. 35

- 41 Minister must provide reasons for declining proposal to exercise power**
If the Minister declines to exercise the power in **section 42**, the Minister must provide reasons for his or her decision to the proponent.
- 42 Minister may suspend, amend, or revoke RMA document, council plan, etc** 5
- (1) This section applies if the Minister has decided to exercise the power under this section in accordance with **section 40**.
- (2) The Minister may, by notice in the *Gazette* and in a newspaper circulating in greater Christchurch, suspend, amend, or revoke all or part of any of the following, so far as they relate to any area within greater Christchurch: 10
- (a) an RMA document:
 - (b) a plan or policy of a council under the Local Government Act 2002, except a funding impact statement in an annual plan or a long-term plan:
 - (c) a regional land transport plan under the Land Transport Management Act 2003: 15
 - (d) all or any of the following:
 - (i) general policies approved under section 17C of the Conservation Act 1987 and general policies approved under section 15A of the Reserves Act 1977:
 - (ii) conservation management strategies approved under section 17F 20 of the Conservation Act 1987:
 - (iii) conservation management plans approved under section 17G of the Conservation Act 1987, or under section 40B of the Reserves Act 1977, or under section 14E of the Wildlife Act 1953:
 - (iv) management plans approved under section 41 of the Reserves Act 25 1977:
 - (v) any other management plan for a reserve under any other enactment:
 - (e) a bylaw made under any Act.
- (3) The Minister may, by notice in the *Gazette* and in a newspaper circulating in greater Christchurch,— 30
- (a) revoke any changes or variations approved to a plan under the Conservation Act 1987, the Land Transport Management Act 2003, the Local Government Act 2002, the Reserves Act 1977, or the Wildlife Act 1953; 35 or
 - (b) impose a moratorium on further changes or variations for a specified period.

- (4) The Minister may, by notice in the *Gazette* and in a newspaper circulating in greater Christchurch, vary or revoke a notice given under **subsection (2) or (3)**.
- (5) No compensation is payable under this Act in respect of any action taken under this section. 5
- Compare: 2011 No 12 s 27

43 Status of notice under Legislation Act 2012

A *Gazette* notice given under **section 42** is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act. 10

Subpart 2—Dealing with land and other property

Surveys

44 Approval of cadastral survey datasets

- (1) The chief executive of Land Information New Zealand may—
- (a) approve a cadastral survey dataset under section 9(a) of the Cadastral Survey Act 2002; or 15
- (b) direct the Surveyor-General to approve any survey plan referred to in section 69(3) of the Cadastral Survey Act 2002.
- (2) **Subsection (1)** applies even if a cadastral survey dataset does not comply with standards set under section 49 of the Cadastral Survey Act 2002. 20
- (3) **Subsection (1)(b)** applies even if the survey plan does not comply with standards for survey that the Surveyor-General would otherwise apply under the enactment that refers to the survey plan.
- (4) Before approving a cadastral survey dataset under **subsection (1)(a)**, the chief executive of Land Information New Zealand must consult the Surveyor-General. 25
- (5) Before acting under **subsection (1)(b)**, the chief executive of Land Information New Zealand must consult the Surveyor-General.
- (6) If the chief executive has approved a cadastral survey dataset under **subsection (1)(a)**, the cadastral survey dataset is to be regarded for all purposes as if the chief executive had determined under section 9(a) of the Cadastral Survey Act 2002 that it complied with standards set under section 49 of that Act. 30
- (7) If the chief executive has given a direction under **subsection (1)(b)**, the survey plan is to be regarded for all purposes as having been approved under any enactment that requires it to be approved by the Surveyor-General. 35

- (8) A cadastral surveyor carrying out work for a cadastral survey dataset or survey plan to which **subsection (1)** applies is not liable for any non-compliance with standards referred to in **subsection (2) or (3)**.

Compare: 2011 No 12 s 35

45 New surveys 5

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

Compare: 2011 No 12 s 36

46 Disputes

- (1) If an adjoining owner wishes to dispute a survey definition determined under **section 45**, the dispute must be heard and determined in accordance with **section 87** and treated as an appeal against a direction under **section 45(6)**. 40

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

Compare: 2011 No 12 s 37

5

Building works, etc

47 Works

- (1) The chief executive may carry out or commission works.
- (2) The works include (without limitation)—
- (a) the erection, reconstruction, placement, alteration, or extension of all or any part of any building on or under land: 10
 - (b) the demolition of all or any part of any building on or under land (**demolition work**):
 - (c) the removal and disposal of any building on or under land, or material.
- (3) The chief executive may remove fixtures and fittings from any building. 15
- (4) Works under this section may be undertaken on public or private land and with or without the consent of the owner or occupier.
- (5) To avoid doubt, this section does not override any requirements for resource consents or building consents that may apply to works under this section.
- (6) Nothing in **section 11(2)** applies to the carrying out or commissioning of works under this section on land or buildings owned by the Crown. 20
- (7) In this section, **building** includes any structure or other erection.

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

48 Additional requirements for work carried out on private land

- (1) This section applies if the chief executive proposes to carry out or commission works under **section 47** on or under private land. 25
- (2) The chief executive must give written notice to the owner or occupier of the private land specifying—
- (a) the nature of the work that will be carried out; and
 - (b) the date when the work will begin, or is expected to begin if it is not possible to specify a definite date. 30
- (3) If it is necessary for the land or buildings, or both, to be vacated either wholly or partly to enable the works to be carried out, the notice under this section must also direct the owner or occupier to leave the land or buildings, as the case may be, for a specified period, or from a specified date until further notice. 35
- (4) If practicable, a copy of the notice must be given to—

- (a) every person who has an interest in the land on which the works are situated that is registered under the Land Transfer Act 1952; and
 - (b) every person claiming an interest in the land that is protected by a caveat lodged and in force under section 137 of the Land Transfer Act 1952.
- (5) A notice under this section is sufficiently served if it is delivered personally to the person or sent to the person at the person's usual or last known place of residence or business. 5
- (6) If a notice or other document is to be served on a body (whether incorporated or not), service on an officer of the body in accordance with **subsection (5)** is taken to be service on the body. 10
- (7) A notice or other document sent by post to a person in accordance with **subsection (5) or (6)** must be treated as having been received by that person on the fourth day after it was posted.
- (8) A notice under this section must be given at least 1 month in advance, but there is no right of appeal or objection against the notice. 15

49 Additional requirements for demolition work carried out under section 47

- (1) This section applies if the chief executive gives notice under **section 48** to an owner of a building on or under land that demolition work under **section 47** is to be carried out there.
- (2) The owner must give notice to the chief executive within 10 working days after the chief executive's notice is given stating whether or not the owner intends to carry out the works and, if the owner intends to do so, specifying the method by which, and the time within which, the works will be carried out. 20
- (3) If the owner fails to give notice under **subsection (2)**, or the chief executive is not satisfied with the time or method specified, or the works are not carried out in the time or by the method specified or otherwise agreed, then— 25
- (a) the chief executive may commission the carrying out of the works; and
 - (b) in the case of the demolition of a building to which **section 51(1) or (3)** refers, the chief executive may recover the costs of carrying out the work from the owner of the dangerous building in question; and 30
 - (c) the amount recoverable becomes a charge on the land on which the work was carried out.

Compare: 2011 No 12 s 38(4)

50 Chief executive may apply to High Court for order that owner or occupier vacate land or building 35

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

51 Compensation for demolition of buildings

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

Compare: 2011 No 12 s 40

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

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

Compare: 2011 No 12 s 41

53 Temporary buildings

- (1) Despite any other enactment, the chief executive may erect or authorise the erection and use of temporary buildings on any land including any public reserve, private land, road, or street and provide for their removal. 30
- (2) No building consent or resource consent is required for the erection or use of any temporary building under **subsection (1)**.
- (3) If practicable, the chief executive must consult the relevant road controlling authority before exercising a power under this section in relation to a road. 35
- (4) Temporary buildings may be erected under this section on private land only with the consent of the owner or occupier.

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

Compare: 2011 No 12 s 44

Access and roads

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

- (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$5,000, or both:
- (b) in the case of a body corporate, to a fine not exceeding \$50,000.

Compare: 2011 No 12 s 47

Power to direct owner to act 5

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

- (1) This section applies if the chief executive considers that it is desirable that the owner of a property (the **property owner**) act for the benefit of 1 or more owners of properties that are adjoining or adjacent to the property owner's property in relation to rebuilding because— 10
 - (a) it would assist the implementation of a Plan; or
 - (b) the owners have sufficiently linked interests in relation to those properties.
- (2) The chief executive may direct the property owner to act for the benefit of the owners of the adjoining or adjacent properties in the manner specified by the chief executive, which may include conditions on any or all of those owners. 15

Compare: 2011 No 12 s 52

58 Offence to fail to comply with direction

- (1) A person commits an offence if the person, without reasonable excuse, intentionally fails to comply with a direction given under **section 57**. 20
- (2) A person who commits an offence under this section is liable on conviction,—
 - (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$5,000, or both:
 - (b) in the case of a body corporate, to a fine not exceeding \$50,000.

Acquisition and other dealing with property 25

59 Acquisition and other dealing with property

- (1) Subject to the Minister's approval, the chief executive may, in the name of the Crown,—
 - (a) purchase or otherwise acquire, hold, mortgage, and lease land and personal property; and 30
 - (b) sell and exchange personal property.
- (2) Nothing in **section 11** applies to the exercise of a power under this section.

Compare: 2011 No 12 s 53(1)

*Other dealing with land***60 Declarations by Minister concerning land**

- (1) The Minister may, by notice in the *Gazette*, declare land acquired by the Crown under this Act or under the Canterbury Earthquake Recovery Act 2011 to be set apart for a public work in terms of the Public Works Act 1981. 5
- (2) The Minister may, by notice in the *Gazette*, declare land acquired by the Crown under this Act or under the Canterbury Earthquake Recovery Act 2011 to be land subject to the Land Act 1948 and not this Act, but only if—
- (a) the land is not subject to any requirements under this Act to offer the land back; or 10
- (b) if the land is subject to any requirements referred to in **paragraph (a)**,—
- (i) the land has been offered back but the offer to sell the land has not been accepted; or
- (ii) the chief executive has decided under **section 77(3)(a)** not to offer the land back. 15
- (3) The Minister may, by notice in the *Gazette*, declare land held for a public work in terms of the Public Works Act 1981 (whether held by the Crown or otherwise) to be held under this Act.
- (4) Nothing in **section 11** applies to the exercise of powers under this section. 20
Compare: 2011 No 12 s 53(4)–(6)

61 Subdividing land, etc

- (1) The chief executive may subdivide, resubdivide, improve, and develop all or any land acquired by the Crown under this Act (including land amalgamated under **section 62**) or under the Canterbury Earthquake Recovery Act 2011. 25
- (2) Nothing in section 11 or Part 10 of the Resource Management Act 1991 applies to any subdivision under this section.
- (3) Nothing in **section 11(2)** applies to the exercise of powers under this section.
Compare: 2011 No 12 s 43

62 Amalgamation of land 30

- (1) The Minister may, in accordance with **sections 63 to 69**, amalgamate all or any land acquired by the Crown under this Act or the Canterbury Earthquake Recovery Act 2011 with all or any land described in **subsection (2)**.
- (2) The land referred to in **subsection (1)** is—
- (a) land owned by the Crown: 35
- (b) land owned by a territorial authority, if—

- (i) the territorial authority has consented to the transfer to Crown ownership and the amalgamation; and
- (ii) the amalgamation is to give effect to a decision by the Crown and the territorial authority about the future use of the land.
- (3) Nothing in **section 11(2)** applies to the amalgamation of land under this section. 5
- (4) Nothing in section 11 or Part 10 of the Resource Management Act 1991 applies to any amalgamation under this section.
- 63 Minister must consult Minister of Conservation if land to be amalgamated is conservation area** 10
- The Minister must, before publishing a notice under **section 64**, consult the Minister of Conservation if any piece of land that the Minister intends to be amalgamated is a conservation area and the Minister intends that the conservation status of that land will be extinguished by the amalgamation.
- 64 Notice of intention to vest land in the Crown** 15
- If the Minister intends to amalgamate land as described in **section 62** and 1 or more pieces of land to be amalgamated are owned by a territorial authority, the Minister must publish a notice in the *Gazette* containing the following:
- (a) a description of each piece of land to be vested in the Crown; and
- (b) either,— 20
- (i) in relation to each piece of land, details of any estate or interest in the land, or any status, restriction, charge, or any other encumbrance that applies to the land, that is intended to be extinguished by the amalgamation; or
- (ii) a statement that any estate or interest in, or any status, restriction, charge, or any other encumbrance that applies to, any piece of land to be vested will be extinguished when the land vests in the Crown; and 25
- (c) the name of the current owner of each piece of land; and
- (d) the date on which the vesting will take effect. 30
- 65 Effect of notice of intention to vest land in the Crown**
- On the date specified in the *Gazette* notice under **section 64**,—
- (a) the land specified in the notice is vested in fee simple in the Crown; and
- (b) each estate, interest, status, restriction, charge, or any other encumbrance referred to in the notice in accordance with **section 64(b)(i) or (ii)** is extinguished. 35

66 Notice of intention to amalgamate land

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

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

67 Effect of notice of intention to amalgamate land 15

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

- (a) the land specified in the notice is amalgamated; and
- (b) each estate, interest, status, restriction, charge, or any other encumbrance referred to in the notice in accordance with **section 66(b)(i) or (ii)** is extinguished. 20

68 Minister may publish vesting notice and amalgamation notice together

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

69 Notice to be registered

- (1) The Minister may lodge a *Gazette* notice under **section 64 or 66** with the Registrar-General of Land, who must register it without fee against the appropriate computer register or computer registers. 25
- (2) The Registrar-General of Land may require the deposit of a survey plan of any piece of land being amalgamated.
- (3) The Registrar-General of Land may do all things that may be necessary to give effect to the notice, including— 30
 - (a) cancelling any computer register:
 - (b) issuing 1 or more computer registers:
 - (c) removing any estate, interest, status, restriction, charge, or other encumbrance. 35

Compare: 2011 No 12 s 56

*Compulsory acquisition of land***70 Preconditions to exercise of power in sections 71 to 74**

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

- (a) the chief executive has made reasonable endeavours to acquire the land by agreement with the owner of the land but has been unsuccessful, and the chief executive has advised the Minister accordingly; and 5
- (b) either—
 - (i) the Minister is satisfied that the acquisition of the land is necessary to give effect to a Plan; or 10
 - (ii) if there is no applicable Plan, the territorial authority in whose district the land is situated has agreed in writing that the land be compulsorily acquired by the Crown.

71 Notice of intention to take land

- (1) The Minister may acquire land compulsorily by publishing a notice of intention to take land in the name of the Crown in the *Gazette* and in a newspaper circulating in the area to which the notice relates, which notice must give— 15
 - (a) a general description of the land required to be taken (including the name of and number in the road or some other readily identifiable description of the place where the land is situated); and 20
 - (b) a description of the purpose for which the land is to be used.
- (2) The Minister must serve on the owner of, and persons with a registered interest in, the land a notice of intention to take the land in the form set out in **Schedule 3**, unless it is impracticable to do so.
- (3) The Minister must lodge a copy of the *Gazette* notice published under **subsection (1)** with the Registrar-General of Land, who must register it without fee against the computer register affected. 25
- (4) Any notice under this section may be withdrawn by the Minister, and, if it is withdrawn, a notice to that effect must be lodged with the Registrar-General of Land, who must register it without fee against the computer register to the land. 30
- (5) To avoid doubt, there is no right of objection to a notice of intention to take land.
- (6) A notice of intention to take land under this section ceases to have effect on the expiration of 3 years after the date of the publication of that notice in the *Gazette* unless, on or before the expiration of that period,— 35
 - (a) a Proclamation taking the land has been published in the *Gazette*; or
 - (b) the Minister has, by further notice in writing served on the owner of the land intended to be taken, and persons with a registered interest in the land, confirmed the intention of taking the land.

- (7) If the Minister has confirmed the intention of taking the land, the notice of intention so confirmed ceases to have effect unless, on or before the expiration of 2 years after the date of that confirmation, a Proclamation taking the land has been published in the *Gazette*.
Compare: 2011 No 12 s 54 5
- 72 Proclamation**
- (1) If the Minister considers that land should be taken in the name of the Crown, the land intended to be taken may be taken in accordance with this section.
- (2) If necessary, a cadastral survey dataset showing accurately the position and extent of the land to be taken must be prepared and be lodged with the chief executive of Land Information New Zealand for the purposes of the Cadastral Survey Act 2002. 10
- (3) So long as the *Gazette* notice has been registered in accordance with **section 71(3)**, the Minister may recommend that the Governor-General issue a Proclamation taking the land. 15
- (4) The Governor-General may, on the recommendation of the Minister, by Proclamation declare that the land described in it is taken in the name of the Crown.
- (5) Every Proclamation under this section must be published in the *Gazette* and in a newspaper circulating in the area to which the notice relates within 1 month after the date of its making, together with some readily identifiable description of the land taken, but a Proclamation is not invalidated by any error, defect, or delay in its publication under this section. 20
- (6) Unless otherwise provided in the Proclamation or in this Act or in any other Act, the land specified in a Proclamation under this section becomes absolutely vested in fee simple in the Crown and freed and discharged from all mortgages, charges, claims, estates, or interests of whatever kind, on the 14th day after the day on which the Proclamation is published in the *Gazette*. 25
- (7) If land is compulsorily acquired under this section, the Crown succeeds to all rights, entitlements, and benefits that the owner has or may have against— 30
- (a) the insurer of the land; or
- (b) the insurer of any building or other property on the land.
- Compare: 2011 No 12 s 55
- 73 Proclamation to be registered**
- (1) The Minister must lodge every Proclamation with the Registrar-General of Land, who must register it without fee against the computer register to the land. 35
- (2) If the land is not subject to the Land Transfer Act 1952, the Registrar-General of Land must enter the Proclamation in the index book of the Deeds Register Office and upon such registration the land becomes subject to the Land Transfer Act 1952.

- (3) An error in any Proclamation does not of itself prevent registration in respect of titles to land validly affected.
- (4) If land is not subject to the Land Transfer Act 1952 and dealings with it are not registrable under the Deeds Registration Act 1908, the Proclamation must be lodged with the Surveyor-General to be recorded in the cadastre. 5
- (5) To avoid doubt, the registration of a Proclamation does not result in the cancellation of the title affected.
Compare: 2011 No 12 s 56
- 74 Vacant possession** 10
- If the owner or occupier fails to give vacant possession of the land specified in a Proclamation under **section 72** within 1 month following the publication of the Proclamation in the *Gazette*, the Minister may seek an order from the High Court directing the owner or occupier to give vacant possession.
Compare: 2011 No 12 s 57
- Disposal of land* 15
- 75 Disposal of land**
- (1) Subject to the Minister's approval, the chief executive may, if he or she thinks fit, in accordance with **sections 76 and 77** if applicable, dispose of land held by the Crown under this Act or under the Canterbury Earthquake Recovery Act 2011. 20
- (2) When making a decision on the disposal of land under this section, the chief executive must have regard to any applicable Plan or the fact that a Regeneration Plan that may be applicable has been proposed.
- (3) To avoid doubt, except as provided in **sections 76 and 77**, nothing in sections 40 to 42 of the Public Works Act 1981 applies to the disposal of the land. 25
- (4) Nothing in **section 11** applies to the disposal of land to which this section applies.
- (5) This section and **sections 76 and 77** are subject to **section 7(2)**.
- 76 Certain land to be disposed of under section 75 subject to offer back provisions in Public Works Act 1981** 30
- Any requirements to offer land back under the Public Works Act 1981 continue to apply to land to which **section 60(3)** applies if the land—
- (a) was declared in accordance with **section 60(3)** to be land held under this Act; or
- (b) was declared under section 53(5) of the Canterbury Earthquake Recovery Act 2011 to be land held under that Act. 35

- 77 Certain compulsorily acquired land to be disposed of under section 75 must be offered back**
- (1) This section applies if land to which **section 75** applies is—
- (a) residential land in the Christchurch central city compulsorily acquired under **section 72** of this Act or section 55 of the Canterbury Earthquake Recovery Act 2011; or
- (b) land in greater Christchurch outside the Christchurch central city compulsorily acquired under **section 72** of this Act.
- (2) Before disposing of the land, the chief executive must offer to sell the land by private contract to the person from whom it was acquired or that person’s successor—
- (a) at the current market value of the land as determined by a valuation carried out by a registered valuer; or
- (b) if the chief executive considers it reasonable to do so, at any lesser price.
- (3) **Subsection (2)** does not apply if—
- (a) the chief executive considers that to offer the land back would be impracticable, unreasonable, or unfair; or
- (b) the land is to be set apart for a public work under **section 60(1)**.
- (4) Section 40(2A), (4), and (5) of the Public Works Act 1981 applies with all necessary modifications to an offer back under this section.
- (5) If any offer to sell land under **subsection (2)** has not been accepted within 20 working days of the receipt of the offer, this section ceases to apply and the land may be disposed of under **section 75**.
- (6) To avoid doubt, the disposal of land in the Christchurch central city other than residential land is not subject to this section or sections 40 to 42 of the Public Works Act 1981.

Compare: 2011 No 12 s 58

Subpart 3—Compensation under this Act

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

Compare: 2011 No 12 s 60

- 79 Meaning of compensation**
- In this subpart, **compensation**—

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

Compare: 2011 No 12 s 61

80 Entitlement to compensation

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

Compare: 2011 No 12 s 62 20

81 Procedure for claiming compensation

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

Compare: 2011 No 12 s 63

82 Minister determines compensation

- (1) The Minister must determine—
 - (a) whether compensation is payable; and 30
 - (b) the amount of compensation to be paid.
- (2) Compensation is determined,—
 - (a) in the case of the compulsory acquisition of land, as at the date of the compulsory acquisition; and
 - (b) in any other case, as at the date of the notice of demolition or the date of the loss or damage, as the case may be. 35

- (3) When determining the amount of compensation for the compulsory acquisition of land, the Minister must have regard to the matters in **subsection (4)**, but is not limited to determining the amount of compensation on that basis alone and may determine whatever amount the Minister thinks fit.
- (4) The matters referred to in **subsection (3)** are— 5
- (a) the current market value of the land as determined by a valuation carried out by a registered valuer; and
- (b) the relevant provisions of Part 5 of the Public Works Act 1981.
- (5) Before making a final determination under **subsection (1)**, the Minister must give a claimant a reasonable opportunity to appear before the Minister to make representations as to the nature of the claim and the amount of compensation payable. 10
- (6) A claimant may make representations under **subsection (5)** personally or through a representative (including a lawyer, accountant, or other expert). 15
- Compare: 2011 No 12 s 64

83 Time for making determination

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

Compare: 2011 No 12 s 65

84 Exercise of power unaffected by claim for compensation

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

Compare: 2011 No 12 s 66

85 No compensation except as provided by this Act

- (1) Nothing in this Act, apart from this subpart or **section 51 or 52**, confers any right to compensation or is to be relied on in any proceedings as a basis for any claim to compensation.
- (2) Nothing in section 185 of the Resource Management Act 1991 applies in relation to any matter to which this subpart applies. 30

Compare: 2011 No 12 s 67

Subpart 4—Appeal rights

86 Appeal

- (1) There is no right of appeal against a decision of the Minister or the chief executive acting, or purporting to act, under this Act, except as provided in **sections 87 and 88**. 35

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

Compare: 2011 No 12 s 68

87 Exceptions to exclusion of appeals

- (1) Any person referred to in **subsection (2)** may appeal to the High Court—
- (a) against a decision of a Minister under **section 31(3)**; or 20
- (b) against a decision on an application for a resource consent or a notice of requirement for an activity or use that is specified in a Plan as being subject to this section, and in respect of which a person would otherwise have a right of appeal or objection under the Resource Management Act 1991; or 25
- (c) in respect of any dispute referred to in **section 46**; or
- (d) against a direction, or conditions given in relation to a direction, given under **section 57(2)**; or
- (e) against a determination of compensation under **section 82**.
- (2) The persons who may appeal under **subsection (1)** are,— 30
- (a) in the case of an appeal under **subsection (1)(a)**, the council, requiring authority, or heritage protection authority concerned:
- (b) in the case of an appeal under **subsection (1)(b)**, the person who would otherwise have had a right of appeal or objection under the Resource Management Act 1991: 35
- (c) in the case of an appeal under **subsection (1)(c)**, any adjoining owner who disputes the survey concerned:
- (d) in the case of an appeal under **subsection (1)(d)**, the property owner directed to act or the owner of an adjoining or adjacent property:

- (e) in the case of an appeal under **subsection (1)(e)**, the claimant.
- (3) For the purposes of hearing an appeal under **subsection (1)**, the court may appoint 1 or more suitably qualified persons (including an Environment Commissioner or other expert) to assist it by giving advice if the court considers that it is desirable to have expert assistance. 5
- (4) The advisers must give their advice in the manner that the court may direct during the proceeding on any question referred to them.
- (5) The advice is information provided to the court, and may be given the weight that the court thinks fit.
- (6) Any decision to which an appeal relates has full effect unless and until set aside by a court. 10

Compare: 2011 No 12 s 69

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

- (1) An appeal to the Court of Appeal may be brought against a decision of the High Court in a case referred to in **section 87**,— 15
- (a) as of right, on a substantive question of law;
- (b) on any other question, only with the leave of the Court of Appeal, to be given if that court considers the appeal necessary in the interests of justice.
- (2) The decision of the Court of Appeal is final in the case of any appeal referred to in **section 87(1)(a) to (d)**. 20
- (3) In the case of an appeal referred to in **section 87(1)(e)**, an appeal from the Court of Appeal to the Supreme Court may be brought against a decision of the Court of Appeal on a question of law with the leave of the Supreme Court given under the Supreme Court Act 2003. 25

Compare: 2011 No 12 s 70

Subpart 5—Establishment of Regenerate Christchurch

89 Establishment and status of Regenerate Christchurch

- (1) This section establishes Regenerate Christchurch.
- (2) Regenerate Christchurch— 30
- (a) is a body corporate; and
- (b) is accordingly a legal entity separate from its members, office holders, employees, and the Crown; and
- (c) continues in existence until the close of 30 June 2021.
- (3) On and from the close of 30 June 2021, the purpose and objectives of Regenerate Christchurch are to be continued by the successor organisation approved in accordance with **section 99**. 35

Compare: 2004 No 115 s 15

- 90 Purpose and objectives of Regenerate Christchurch**
- (1) Regenerate Christchurch’s purpose is to support a vibrant, thriving Christchurch that has economic, social, and lifestyle opportunities for residents, businesses, visitors, investors, and developers.
- (2) Regenerate Christchurch’s objectives are— 5
- (a) to lead regeneration in defined areas of Christchurch:
 - (b) to engage and advocate effectively with communities, stakeholders, and decision makers to achieve its purpose:
 - (c) to collaboratively work with others in achieving regeneration.
- 91 Functions of Regenerate Christchurch** 10
- The functions of Regenerate Christchurch are—
- (a) to develop visions, strategies, and Regeneration Plans to assist in achieving regeneration:
 - (b) to provide investment facilitation services to the market:
 - (c) to provide advice to CrownCo, Development Christchurch Limited, and others on the regeneration outcomes being sought: 15
 - (d) to comment on regeneration outcomes and interventions, and the contribution of CrownCo and Development Christchurch Limited:
 - (e) to provide independent advice on recommended regeneration activities to Christchurch City Council and to the Minister. 20
- 92 Powers of Regenerate Christchurch**
- (1) Regenerate Christchurch has full capacity and all the powers reasonably necessary to achieve its purpose and objectives and to perform its functions.
- (2) In performing its functions, Regenerate Christchurch must act consistently with— 25
- (a) this Act; and
 - (b) any Plan; and
 - (c) any other lawful requirement.
- 93 Regenerate Christchurch area**
- (1) Regenerate Christchurch may perform and exercise its functions and powers in relation to the areas specified in **Schedule 4**. 30
- (2) The Governor-General may, by Order in Council made on the recommendation of the Minister, amend **Part 2 of Schedule 4** to add areas to or remove areas from that Part of that schedule.
- (3) An Order in Council under **subsection (2)** may only add an area to **Part 2 of Schedule 4** if the area is within the Christchurch district. 35

- (4) The Minister may only make a recommendation under **subsection (2)** if, having consulted Christchurch City Council, the Minister is satisfied that the area has a relatively greater need for regeneration, including enhanced services and opportunities.

Board of Regenerate Christchurch 5

94 Board's role

- (1) The board is the governing body of Regenerate Christchurch, with the authority, in Regenerate Christchurch's name, to exercise the powers and perform the functions of Regenerate Christchurch.
- (2) All decisions relating to the operation of Regenerate Christchurch must be made by, or under the authority of, the board in accordance with this Part, **Schedule 5**, and any agreement under **section 97**. 10
- (3) Except as provided in this Part, **Schedule 5**, or an agreement under **section 97**, the board may determine its own procedure. 15
- Compare: 2004 No 115 s 25

95 Membership of board

- (1) The board comprises 7 members, as follows:
- (a) 3 members appointed by Christchurch City Council; and
 - (b) 3 members appointed by the Minister; and
 - (c) 1 member appointed by the Minister after consultation with Te Rūnanga o Ngāi Tahu. 20
- (2) In making an appointment, an appointer must consider whether the proposed member has the skills, knowledge, or experience to—
- (a) participate effectively in the board; and
 - (b) contribute to achieving the purpose and objectives of Regenerate Christchurch. 25
- (3) The members are appointed for a single term ending on the close of 30 June 2021.
- (4) This section is subject to **Part 1 of Schedule 5**.
- (5) To avoid doubt, Regenerate Christchurch is not a council-controlled organisation within the meaning of section 6(1) of the Local Government Act 2002. 30

Further provisions relating to Regenerate Christchurch

96 Further provisions relating to Regenerate Christchurch

The provisions in **Schedule 5** have effect in relation to Regenerate Christchurch. 35

97 Role of Christchurch City Council and Minister

- (1) The role of Christchurch City Council and the Minister is to—
- (a) jointly oversee and manage Christchurch City Council’s and the Crown’s interests in, and relationship with, Regenerate Christchurch; and
 - (b) perform the functions and exercise the powers set out in this subpart and in **Schedule 5**, including those functions and powers relating to—
 - (i) appointing and removing members under **section 95** and **Part 1 of Schedule 5**;
 - (ii) setting Regenerate Christchurch’s strategic direction and performance expectations under **Part 2 of Schedule 5**;
 - (iii) giving directions to amend any provision that is included in Regenerate Christchurch’s final statement of intent under **subsection (7)**;
 - (iv) reviewing the operations and performance of Regenerate Christchurch under **Part 2 of Schedule 5**.
- (2) Christchurch City Council and the Minister may agree on how they will exercise their respective roles and responsibilities in relation to Regenerate Christchurch.
- (3) In connection with their functions and powers, Christchurch City Council and the Minister may—
- (a) produce a letter of expectations that sets out their expectations of Regenerate Christchurch’s strategic direction and their specific priorities for the planning period;
 - (b) engage with Regenerate Christchurch in relation to its statement of performance of expectations;
 - (c) review Regenerate Christchurch’s statement of intent.
- (4) If Christchurch City Council and the Minister produce a letter of expectations under **subsection (3)(a)**, they must do so jointly.
- (5) If Christchurch City Council and the Minister are unable to agree on a joint letter of expectations, either of those parties may give notice to the other that there is lack of agreement.
- (6) If, 30 working days after notice has been given under **subsection (5)**, Christchurch City Council and the Minister remain unable to agree on a joint letter of expectations, the Minister may, if the Minister considers that it is unlikely that an agreement will be reached within a reasonable period of time, provide a letter of expectations to Regenerate Christchurch on behalf of both parties.
- (7) Christchurch City Council and the Minister may agree to direct Regenerate Christchurch to amend any provision that is included in Regenerate Christchurch’s final statement of intent under **clause 50(1) or (2)(a), (b), (d), or (e) of Schedule 5**.

- (8) The provisions of an agreement under **subsection (2) or (7)** or a letter of expectations produced under **subsection (3)(a)** apply subject to the provisions of this subpart and **Schedule 5**.

98 Acts done before commencement

- (1) This section applies to acts done before the commencement of this subpart (including acts done before the enactment of this subpart). 5
- (2) The act is valid if it is done—
- (a) in accordance with the provisions of this subpart, **subpart 6**, or **Schedule 5**; and
- (b) for one of the following purposes: 10
- (i) facilitating the establishment of Regenerate Christchurch:
- (ii) transferring Canterbury Earthquake Recovery Authority's assets and liabilities.
- (3) This section does not limit section 11 of the Interpretation Act 1999.

99 Successor organisation 15

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, approve a successor organisation.
- (2) The successor organisation must—
- (a) be a council-controlled organisation that is owned or controlled by Christchurch City Council; and 20
- (b) be nominated for the purpose by Christchurch City Council.
- (3) Before making a recommendation under **subsection (1)**, the Minister must consult Christchurch City Council.
- (4) Section 56 of the Local Government Act 2002 does not apply to the establishment of the successor organisation. 25

100 Regenerate Christchurch exempt from income tax

- (1) Regenerate Christchurch is to be treated as a public authority for the purpose of section CW 38 of the Income Tax Act 2007.
- (2) However, the Governor-General may, by Order in Council made on the recommendation of the Minister, declare that Regenerate Christchurch is no longer to be treated as a public authority for the purpose of section CW 38 of the Income Tax Act 2007. 30
- (3) The Minister must recommend the making of an order described in **subsection (2)** only if Christchurch City Council and the Minister are satisfied that Regenerate Christchurch has the purpose of making a profit. 35

101 Application of certain Acts

The following Acts apply to Regenerate Christchurch:

- (a) the Official Information Act 1982:
- (b) the Ombudsmen Act 1975:
- (c) the Public Audit Act 2001.

Subpart 6—Transfer of assets, liabilities, and employees

- 102 Interpretation** 5
- In this subpart,—
- assets** means property of any kind, but excludes land
- liabilities** includes—
- (a) liabilities and obligations under any Act or agreement; and
 - (b) contingent liabilities. 10
- 103 Transfer of Canterbury Earthquake Recovery Authority’s assets and liabilities**
- (1) Subject to the Minister’s approval, the chief executive may, pursuant to an agreement with a transferee, transfer to the transferee any assets and liabilities of the Crown (being assets and liabilities relating to the Canterbury Earthquake Recovery Authority). 15
 - (2) An agreement under this section must provide that any transfer provided for in the agreement takes place—
 - (a) no earlier than the date on which the agreement is presented to the House of Representatives in accordance with **section 105**; and 20
 - (b) no later than the close of 17 April 2016.
 - (3) Any of the following may be a transferee for the purposes of **subsection (1)**:
 - (a) Regenerate Christchurch:
 - (b) Christchurch City Council:
 - (c) a council organisation: 25
 - (d) CrownCo.
- 104 Regenerate Christchurch may transfer assets, liabilities, and employees**
- (1) Subject to the Minister’s approval, Regenerate Christchurch may, pursuant to an agreement with a transferee, transfer to the transferee—
 - (a) any assets and liabilities of Regenerate Christchurch: 30
 - (b) any employees of Regenerate Christchurch.
 - (2) An agreement under this section must provide that any transfer provided for in the agreement takes place—
 - (a) no earlier than the date on which the agreement is presented to the House of Representatives in accordance with **section 105**; and 35

- (b) no later than the close of 30 June 2021.
- (3) Any of the following may be a transferee for the purposes of **subsection (1)**:
- (a) Christchurch City Council:
 - (b) a council organisation:
 - (c) CrownCo: 5
 - (d) a department specified in Schedule 1 of the State Sector Act 1988.
- 105 Notice of transfer**
- (1) The Minister must present an agreement referred to in **section 103 or 104** to the House of Representatives within 12 sitting days after the date on which the agreement is entered. 10
 - (2) Regenerate Christchurch must provide any agreement it enters into under **section 104** to the Minister as soon as practicable after the agreement is entered into, in order that the Minister can comply with **subsection (1)**.
 - (3) The presentation of an agreement in accordance with **subsection (1)** is to be treated as notice of the transfer and any third party must, after the date specified in the agreement for the transfer, deal with the transferee in place of the transferor. 15
- 106 Residual assets and liabilities transferred to successor organisation**
- (1) Any asset or liability that, immediately before 1 July 2021, belongs to Regenerate Christchurch (and that is not subject to an agreement under **section 104**) is, on and from 1 July 2021, an asset or a liability of the successor organisation. 20
 - (2) If an asset or a liability is transferred to the successor organisation under **subsection (1)**, the successor organisation must, as soon as practicable after 1 July 2021, notify any party that has an interest, right, or obligation in relation to the asset or liability of the transfer under this section. 25
 - (3) A party that has an interest, right, or obligation in relation to an asset or a liability that is transferred to the successor organisation under **subsection (1)** must, after 1 July 2021, deal with the successor organisation in place of Regenerate Christchurch.
- 107 Transfer does not affect rights, etc** 30
- Nothing effected or authorised by a transfer under this subpart—
- (a) may be regarded as placing any person in breach of contract or confidence or as otherwise making them liable for a civil wrong; or
 - (b) may be regarded as giving rise to a right for any person to terminate or cancel a contract or arrangement, or to accelerate the performance of any obligation; or 35

- (c) may be regarded as placing any person in breach of an enactment, rule of law, or contractual provision prohibiting, restricting, or regulating the assignment or transfer of property or the disclosure of information; or
- (d) releases a surety wholly or in part from any obligation; or
- (e) invalidates or discharges any contract. 5

108 Transfer of employees

- (1) Any employee of Regenerate Christchurch who is transferred pursuant to an agreement referred to in **section 104** is, immediately after the date of transfer, an employee of the transferee on the same terms and conditions of employment as applied to that employee immediately before the date of transfer. 10
- (2) Any person who, immediately before 1 July 2021, is an employee of Regenerate Christchurch is, on and from 1 July 2021, an employee of the successor organisation on the same terms and conditions of employment as applied to that employee immediately before 1 July 2021.
- (3) An employee referred to in **subsection (1) or (2)** is not entitled to receive any payment or other benefit on the ground that his or her position at Regenerate Christchurch has ceased to exist. 15
- (4) For the purposes of every enactment, law, determination, contract, and agreement relating to the employment of an employee who becomes an employee of the transferee under **subsection (1) or (2)**,— 20
 - (a) the employment agreement of that employee is to be treated as unbroken; and
 - (b) the employee's period of service with Regenerate Christchurch, and every other period of service of that employee that is recognised by Regenerate Christchurch as continuous service, is to be treated as a period of service with the transferee. 25
- (5) In **subsection (4)**, **transferee** includes the successor organisation.

Subpart 7—Miscellaneous provisions

109 Protection from liability

- (1) Except as otherwise provided in this Act, no action lies against the Crown, or an officer or employee or a Minister of the Crown, or against any other person,— 30
 - (a) to recover any damages or other amount for any loss, damage, or adverse effect that is due directly or indirectly to any action taken under this Act; or 35
 - (b) to require any work to be carried out or other action to be taken in order to remedy or mitigate any loss, damage, or adverse effect that results directly or indirectly from any action taken under this Act.

- (2) No person who takes any action under this Act is liable under the Resource Management Act 1991 for any fine, costs, or expenses in respect of that action, except as otherwise provided in this Act.
- (3) **Subsection (1)** applies whether the loss, damage, or adverse effect is caused by any person taking any action or failing to take any action, so long as the act or omission occurred in the exercise or performance, or intended exercise or intended performance, of his or her functions, duties, or powers under this Act. 5
- (4) No person is exempted from liability under **subsection (1)** for any act or omission to act that constitutes bad faith or gross negligence on the part of that person. 10
- (5) If, under this Act, the Minister or the chief executive becomes a party to any agreement or arrangement entered into by a council for the purposes of carrying out demolition or other works, the Minister or chief executive is entitled to the full benefit of any provision in the agreement or arrangement that limits or excludes any liability of the council (such as liability for damage caused by, or for the costs of, demolition work) under the agreement or arrangement. 15
- (6) If a council assumes any liability of the Minister or chief executive in relation to demolition or other works under this Act, the council is entitled to the full benefit of any provision in an agreement or arrangement that limits or excludes any liability of the Minister or the chief executive (such as liability for damage caused by, or for the costs of, demolition work) under the agreement or arrangement. 20
- (7) In this section, references to this Act include Orders in Council made under or continued by this Act. 25
Compare: 2011 No 12 s 83

110 Transfer of Crown contracts, etc

- (1) A Minister or a chief executive may transfer to a party specified in **subsection (2)** any of the Crown's benefits and liabilities under any contract, agreement, conveyance, deed, lease, licence, or other instrument or undertaking entered into by the Crown for any purpose of the Canterbury Earthquake Recovery Act 2011 or this Act. 30
- (2) The parties are—
- (a) a council:
 - (b) a council organisation:
 - (c) Regenerate Christchurch: 35
 - (d) CrownCo.
- (3) A Minister or the chief executive may only transfer benefits and liabilities under **subsection (1)** if the transferee has agreed to accept the benefits and liabilities.

- (4) A transfer under **subsection (1)** is made by notice in writing delivered to the transferee and every other party to the instrument or undertaking.
- (5) A transfer under **subsection (1)** is binding on every party to the instrument or undertaking.
- (6) Nothing effected or authorised by a transfer under **subsection (1)**— 5
- (a) may be regarded as placing any person in breach of contract or confidence or as otherwise making any of them liable for a civil wrong; or
- (b) may be regarded as giving rise to a right for any person to terminate or cancel a contract or an arrangement, or to accelerate the performance of any obligation; or 10
- (c) may be regarded as placing any person in breach of an enactment, rule of law, or contractual provision prohibiting, restricting, or regulating the assignment or transfer of property or the disclosure of information; or
- (d) releases a surety wholly or in part from any obligation; or
- (e) invalidates or discharges any contract. 15
- Compare: 2011 No 12 s 87

Repeal of Canterbury Earthquake Recovery Act 2011 and related matters

111 Repeal, revocations, and validation

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

112 Continuation, amendment, and validation of certain Orders in Council 30

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

- (a) the Canterbury Earthquake (Social Security Act) Order (No 2) 2010 continues to apply to the specified area (within the meaning of clause 4(1) of that order);
- (b) the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 continues to apply to the Christchurch district (within the meaning of clause 3 of that order). 5
- (3) An order continued by **subsection (1)**—
- (a) is declared to have been lawfully made and to be and always have been valid; and
- (b) may not be held invalid just because— 10
- (i) it is, or authorises any act or omission that is, inconsistent with any other Act; or
- (ii) it confers any discretion on, or allows any matter to be determined or approved by, any person.
- (4) So far as it is authorised by the Canterbury Earthquake Recovery Act 2011 and continued by this Act, an order has the force of law as if it were enacted as a provision of this Act. 15

Power to revoke continued Orders in Council

113 Power to revoke Orders in Council continued by section 112

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, revoke an Order in Council continued by **section 112**. 20
- (2) Before making a recommendation under **subsection (1)**, the Minister must—
- (a) take into account the purposes of this Act; and
- (b) have regard to the views of the strategic partners.

114 Application of Legislation Act 2012 25

- (1) An Order in Council continued by **section 112** or made under **section 113** is a disallowable instrument for the purposes of the Legislation Act 2012.
- (2) An Order in Council made under **section 113** must be presented to the House of Representatives under section 41 of that Act.

Annual review 30

115 Annual review of Act

- (1) The Minister must, within 12 months after the commencement of this subpart and once in every 12-month period after that, commission an annual review of the operation and effectiveness of this Act.
- (2) The person or persons conducting the review must prepare for the Minister a report on the review. 35

- (3) The report must include—
- (a) a description of powers exercised by or on behalf of a Minister or a chief executive under this Act during the period reported on:
 - (b) any recommendations for amendments to this Act.
- (4) The Minister must present the report to the House of Representatives as soon as practicable after it has been completed. 5
- Compare: 2011 No 12 ss 88, 92

Repeal, amendments, and revocations

116 Repeal of this Act and revocations

- (1) This Act, except for **subparts 5 and 6 of Part 2** and **Schedule 5**, is repealed on 30 June 2021. 10
- (2) On 30 June 2021, every Order in Council continued by **section 112**, and in force immediately before that repeal, is revoked.
- Compare: 2011 No 12 s 93

117 Consequential amendments and revocation

15

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

Schedule 1

Transitional, savings, and related provisions

s 5

Part 1

Provisions relating to Act as enacted

5

1 Recovery Strategy

- (1) Despite the revocation of the Canterbury Earthquake (Recovery Strategy Approval) Order 2012 (*Gazette* 2012, p 1745) and the Recovery Strategy for Greater Christchurch, Mahere Haumanutanga o Waitaha (*Gazette* 2012, p 1746) (the **recovery strategy**), the recovery strategy is to be treated as remaining in force for the purposes of— 10
- (a) the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014:
 - (b) the Waimakariri Residential Red Zone Recovery Plan.
- (2) The following must not be inconsistent with the recovery strategy: 15
- (a) the replacement district plan prepared under the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014:
 - (b) the Waimakariri Residential Red Zone Recovery Plan.

2 Recovery Plan

Despite the repeal of the Canterbury Earthquake Recovery Act 2011, sections 16, 18, 19, 20, and 21 of that Act are to be treated as remaining in force for the purposes of the development of the Waimakariri Residential Red Zone Recovery Plan. 20

3 Applications made under Canterbury Earthquake (Resource Management Act—Burwood Resource Recovery Park) Order 2011 25

An application to which the Canterbury Earthquake (Resource Management Act—Burwood Resource Recovery Park) Order 2011 applies that is made before the revocation of that order by **section 111** must be processed and determined in accordance with that order despite its revocation.

4 Recovery of costs of, and claims in respect of, demolition of buildings 30

The repeal of the Canterbury Earthquake Recovery Act 2011 does not limit or affect the recovery of costs under section 40(1)(b) of that Act or the bringing or completion of any claim under section 40(2) or (3) of that Act.

5 Temporary buildings

Any temporary building erected under section 44 of the Canterbury Earthquake Recovery Act 2011 (including any temporary building treated under section 35

44(1)(b) as authorised by that section) must be treated as if it had been erected under **section 53** of this Act.

6 Restrictions and prohibitions on access

Any restrictions or prohibitions on access imposed under section 45 of the Canterbury Earthquake Recovery Act 2011 are treated as having been imposed under **section 54 or 55** of this Act. 5

7 Compulsory acquisition of land

(1) Any notice of intention published under section 54 of the Canterbury Earthquake Recovery Act 2011 that, as at the commencement of **subpart 2 of Part 2**, has not expired or been withdrawn is to be treated for the purpose of this Act as having been published under **section 71** of this Act. 10

(2) Any proclamation made under section 55 of the Canterbury Earthquake Recovery Act 2011 is, for the purpose of **section 73** (if it is not yet registered) and **sections 74 and 77** and all other provisions of this Act, to be treated as if it had been made under **section 72** of this Act. 15

(3) A notice or proclamation to which this clause applies is treated as if it had been published in the *Gazette* on the date on which it was in fact published under the Canterbury Earthquake Recovery Act 2011.

8 Compensation claims to be continued under Canterbury Earthquake Recovery Act 2011 20

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

Schedule 2

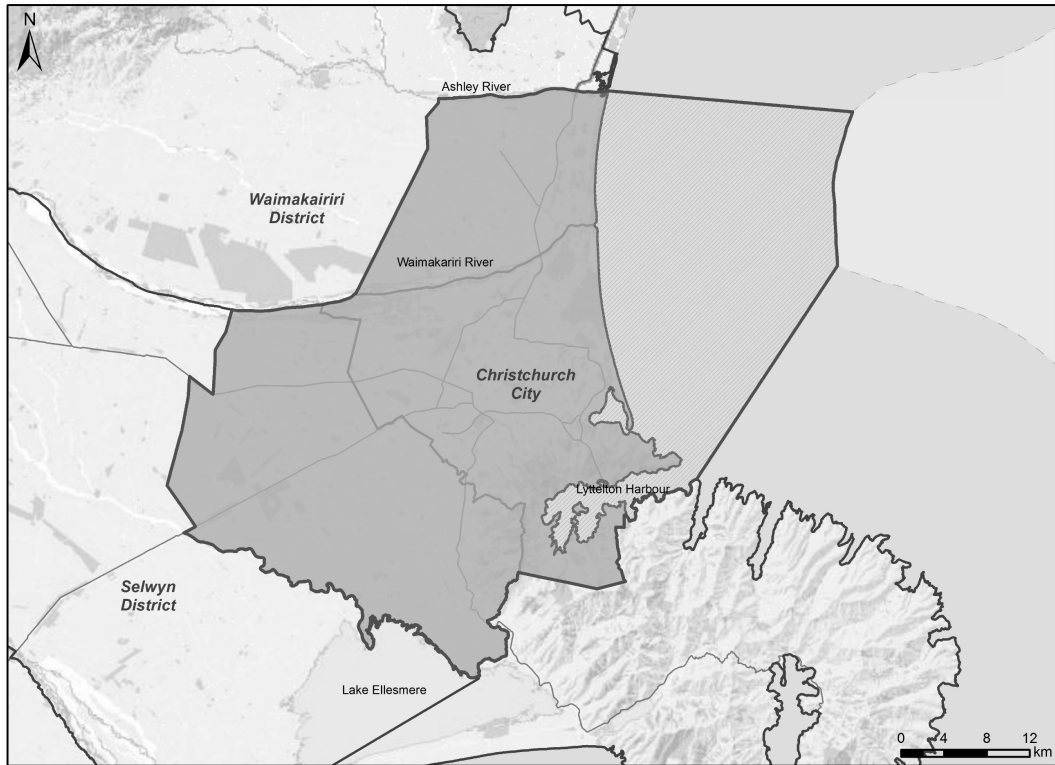
Description of greater Christchurch

s 4

1 Description of greater Christchurch

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

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



Schedule 3**Form****s 71**

Form

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

To [*full name, address*]

Take notice that—

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

Reasons for taking land 15

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

Your right to compensation

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

Warning

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

Do not delay.

Schedule**[Name] Land district**

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

Date:

[*Signature*]

(for Minister [*specify portfolio*])

Schedule 4

Regenerate Christchurch area

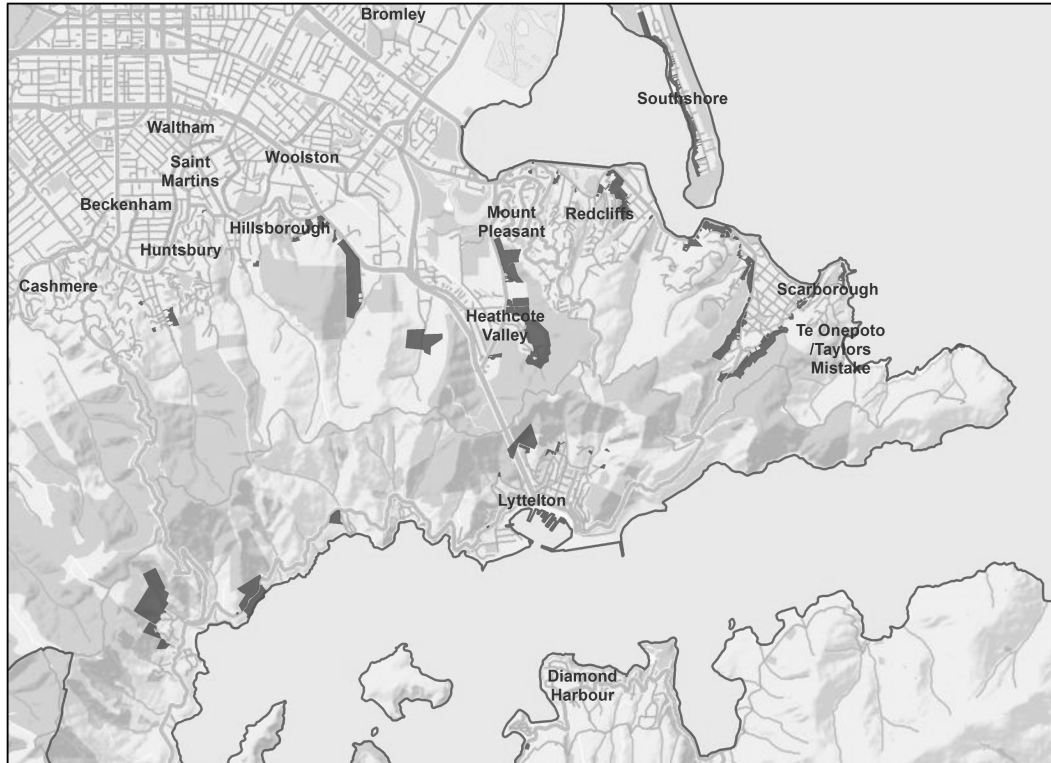
ss 13(3), 93

Part 1

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

Map 1—Christchurch Residential Red Zone areas



Map 2—Christchurch Residential Red Zone areas

Part 2

New Brighton, being the area bounded by a line—

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

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

Schedule 5

Provisions applying in relation to Regenerate Christchurch

s 96

Part 1

General provisions

5

Board of Regenerate Christchurch

1 Qualification of members

- (1) A natural person who is not disqualified by this clause may be a member.
- (2) Each of the following persons is disqualified from being a member:
- (a) a person who is an undischarged bankrupt: 10
 - (b) a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, or the Securities Act 1978, or the Securities Markets Act 1988, or the Takeovers Act 1993:
 - (c) a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988: 15
 - (d) a person in respect of whom a personal order has been made under the Protection of Personal and Property Rights Act 1988 that reflects adversely on the person's—
 - (i) competence to manage his or her own affairs in relation to his or her property; or 20
 - (ii) capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare:
 - (e) a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person: 25
 - (f) a member of Parliament:
 - (g) a member of Christchurch City Council. 30
- (3) A member ceases to hold office if he or she becomes disqualified from being a member under any of **paragraphs (a) to (g)** of **subclause (2)**.

Compare: 2004 No 115 s 30

2 Chairperson of board

- (1) The Minister must appoint a member as the chairperson of the board for the period ending with the close of 30 June 2019. 35

- (2) Christchurch City Council must appoint a member as the chairperson of the board for the period beginning on 1 July 2019 and ending with the close of 30 June 2021.
- 3 Quorum**
The quorum for a meeting of the board is a majority of the members of the board. 5
- 4 Validity of members' acts**
The acts of a person as a member or as the chairperson of the board are valid even though—
- (a) a defect existed in the appointment of the person; or 10
(b) the person is or was disqualified from being a member.
- Compare: 2004 No 115 s 34
- 5 Removal of members**
- (1) An appointer may, at any time and for any reason that in the appointer's opinion justifies the removal, remove a member appointed by the appointer from office. 15
- (2) However, before removing the member from office, the appointer must consult the other appointer.
- (3) If Christchurch City Council and the Minister agree, they may, at any time and for any reason that in their opinion justifies the removal, remove the chairperson from that role. 20
- (4) The removal of a member from office or of the chairperson from that role must be made by written notice to the member or the chairperson (with a copy to Regenerate Christchurch).
- (5) The notice must— 25
- (a) state the date on which the removal takes effect, which must not be earlier than the date on which the notice is received; and
- (b) state the reasons for the removal.
- (6) The appointer must notify the removal of a member from office in the *Gazette* as soon as practicable after giving the notice. 30
- (7) The Minister must notify the removal of the chairperson from that role in the *Gazette* as soon as practicable after giving the notice.
- (8) A member is not entitled to any compensation or other payment or benefit relating to his or her ceasing, for any reason, to hold office as a member. 35
- Compare: 2004 No 115 s 37

- 6 Vacancies**
- (1) If a member is removed, or resigns, or is disqualified under **clause 1**, or if the office of a member otherwise becomes vacant, there is a vacancy on the board.
- (2) A vacancy must be filled in the same manner as the appointment giving rise to the vacancy was made. 5
- (3) The ability of the board to perform its functions is not affected by—
- (a) a vacancy; or
- (b) a failure by an appointer to make an appointment or a replacement appointment.
- Members' remuneration and expenses* 10
- 7 Members' remuneration and expenses**
- (1) Each member of the board is entitled, in accordance with the fees framework,—
- (a) to receive remuneration for services as a member at a rate and of a kind determined by the Minister and Christchurch City Council; and 15
- (b) to be reimbursed for actual and reasonable travelling and other expenses incurred in carrying out his or her office as a member.
- (2) For the purposes of **subclause (1)**, **fees framework** has the same meaning as in section 10 of the Crown Entities Act 2004.
- Compare: 2004 No 115 ss 47, 48 20
- Collective duties of board*
- 8 Regenerate Christchurch must act consistently with purpose, objectives, functions, statement of intent, and statement of performance expectations**
- The board must ensure that Regenerate Christchurch acts in a manner consistent with its purpose, objectives, and functions, and its current statement of intent and current statement of performance expectations under **Part 2**. 25
- Compare: 2004 No 115 s 49
- 9 Manner in which functions must be performed**
- The board must ensure that Regenerate Christchurch performs its functions—
- (a) efficiently and effectively; and 30
- (b) in a manner consistent with the spirit of service to the public; and
- (c) in collaboration with other public entities (within the meaning of that term in the Public Audit Act 2001) where practicable.
- Compare: 2004 No 115 s 50

- 10 Regenerate Christchurch must operate in financially responsible manner**
- The board must ensure that Regenerate Christchurch operates in a financially responsible manner and, for this purpose, that it—
- (a) prudently manages its assets and liabilities; and
 - (b) endeavours to ensure—
 - (i) its long-term financial viability; and
 - (ii) that it acts as a successful going concern.
- Compare: 2004 No 115 s 51
- 11 Subsidiaries and other interests**
- The board must ensure that Regenerate Christchurch acquires or forms a subsidiary only after it has given notice of its intention to do so to Christchurch City Council and the Minister.
- Compare: 2004 No 115 s 52
- Individual duties of members*
- 12 Duty to comply with this Act**
- A member of the board must not contravene, or cause the contravention of, or agree to Regenerate Christchurch contravening, this Act.
- Compare: 2004 No 115 s 53
- 13 Duty to act with honesty and integrity**
- A member of the board must, when acting as a member, act with honesty and integrity.
- Compare: 2004 No 115 s 54
- 14 Duty to act in good faith and not at expense of Regenerate Christchurch's interests**
- A member of the board must, when acting as a member, act in good faith and not pursue his or her own interests at the expense of Regenerate Christchurch's interests.
- Compare: 2004 No 115 s 55
- 15 Duty to act with reasonable care, diligence, and skill**
- A member of the board must, when acting as a member, exercise the care, diligence, and skill that a reasonable person would exercise in the same circumstances, taking into account (without limitation)—
- (a) the nature of Regenerate Christchurch; and
 - (b) the nature of the action; and

- (c) the position of the member and the nature of the responsibilities undertaken by him or her.

Compare: 2004 No 115 s 56

16 Duty not to disclose information

- (1) A member of the board who has information in his or her capacity as a member that would not otherwise be available to him or her must not disclose that information to any person, or make use of, or act on, that information, except— 5
- (a) in the performance of Regenerate Christchurch’s functions; or
- (b) as required or permitted by law; or
- (c) in accordance with **subclause (2)**; or 10
- (d) in complying with the requirements for members to disclose interests.
- (2) A member may disclose, make use of, or act on the information if—
- (a) the member is first authorised to do so by the board; and
- (b) the disclosure, use, or act in question will not, or will be unlikely to, prejudice Regenerate Christchurch. 15

Compare: 2004 No 115 s 57

Effect of non-compliance with duties

17 Accountability for collective board duties

- (1) The duties of the board and members of the board under **clauses 8 to 11 (collective duties)** are duties owed to the Minister and to Christchurch City Council. 20
- (2) If a board does not comply with any of its collective duties, all or any of the members may be removed from office (subject to any requirements in **clause 5** that are applicable to the member).
- (3) However, **subclause (2)** does not apply to a member if— 25
- (a) he or she did not know and could not reasonably be expected to know that the duty was to be or was being breached; or
- (b) he or she took all reasonable steps in the circumstances to prevent the duty being breached.
- (4) The taking of reasonable steps does not require a member to apply to a court for an order under **clause 19**. 30
- (5) A member is not liable for a breach of a collective duty under this Act.
- (6) However, **subclause (5)** does not limit **subclause (2)**.
- (7) This clause does not affect any other ground for removing a member from office. 35
- (8) **Subclause (5)** does not affect—

- (a) anything else for which the member may be liable under any other Act or rule of law arising from the act or omission that constitutes the breach; or
- (b) the right to apply for a court order under **clause 19**.

Compare: 2004 No 115 s 58

5

18 Accountability for individual duties

- (1) The duties of the members of the board under **clauses 12 to 16 (individual duties)** are duties owed to the Minister, Christchurch City Council, and Regenerate Christchurch.
- (2) If a member does not comply with his or her individual duties, that member may be removed from office (subject to any requirements in **clause 5** that are applicable to the member). 10
- (3) Regenerate Christchurch may bring an action against a member for breach of any individual duty.
- (4) Except as provided in **subclauses (2) and (3)**, a member is not liable for a breach of an individual duty under this Act. 15
- (5) This clause does not affect any other ground for removing a member from office.
- (6) **Subclause (4)** does not affect—
 - (a) anything else for which the member may be liable under any other Act or rule of law arising from the act or omission that constitutes the breach; or 20
 - (b) the right to apply for a court order under **clause 19**.

Compare: 2004 No 115 s 59

19 Court actions requiring or restraining board or members 25

- (1) The Minister, Christchurch City Council, or a member of the board may apply to a court for an order—
 - (a) restraining the board or a member of the board from engaging in conduct that would contravene any requirement under this Act; and
 - (b) granting any consequential relief. 30
- (2) The Minister or Christchurch City Council may apply to a court for an order—
 - (a) requiring the board or a member of the board to take any action that is required to be taken under this Act;
 - (b) granting any consequential relief.
- (3) The court may make an order on the application subject to the following rules: 35
 - (a) an order may be made only if it is just and equitable to do so;
 - (b) no order may be made in respect of conduct that has been completed.

- (4) The court may, at any time before the final determination of an application under this clause, make as an interim order any order that it is empowered to make as a final order.

Compare: 2004 No 115 s 60

Reliance on information and advice 5

20 When members may rely on certain information and advice

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

Compare: 2004 No 115 s 61

Conflict of interest disclosure rules

21 When interests must be disclosed

- (1) In this clause, **matter** means— 30
- (a) the board's performance of its functions or exercise of its powers; or
 - (b) an arrangement, agreement, or contract made or entered into, or proposed to be entered into, by Regenerate Christchurch.
- (2) A person is **interested** in a matter if he or she—
- (a) may derive a financial benefit from the matter; or 35
 - (b) is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or

- (c) may have a financial interest in a person to whom the matter relates; or
- (d) is a partner, director, officer, board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or
- (e) is otherwise directly or indirectly interested in the matter.
- (3) However, a person is **not interested** in a matter— 5
- (a) if his or her interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence him or her in carrying out his or her responsibilities under this Act or another Act; or
- (b) only because he or she has past or current involvement in the relevant sector, industry, or practice. 10
- Compare: 2004 No 115 s 62
- 22 Obligation to disclose interest**
- (1) A member who is interested in a matter relating to Regenerate Christchurch must disclose details of the interest in accordance with **clause 23** as soon as practicable after the member becomes aware that he or she is interested. 15
- (2) A general notice of an interest in a matter relating to Regenerate Christchurch, or in a matter that may in future relate to Regenerate Christchurch, that is disclosed in accordance with **clause 23** is a standing disclosure of that interest for the purposes of this clause.
- (3) A standing disclosure ceases to have effect if the nature of the interest materially alters or the extent of the interest materially increases. 20
- Compare: 2004 No 115 s 63
- 23 Who disclosure of interests must be made to**
- The member must disclose details of the interest in an interests register kept by Regenerate Christchurch and to— 25
- (a) the chairperson; or
- (b) if the chairperson is unavailable or interested,—
- (i) Christchurch City Council, if the member was appointed by Christchurch City Council; or
- (ii) the Minister, if the member was appointed by the Minister. 30
- Compare: 2004 No 115 s 64
- 24 What must be disclosed**
- The details that must be disclosed under **clause 23** are—
- (a) the nature of the interest and the monetary value of the interest (if the monetary value can be quantified); or 35

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

Compare: 2004 No 115 s 65

25 Consequences of being interested in matter

A member who is interested in a matter relating to Regenerate Christchurch— 5

- (a) must not vote or take part in any discussion or decision of the board or any committee relating to the matter, or otherwise participate in any activity of Regenerate Christchurch that relates to the matter; and
- (b) must not sign any document relating to the entry into a transaction or the initiation of the matter; and 10
- (c) is to be disregarded for the purpose of forming a quorum for that part of a meeting of the board or committee during which a discussion or decision relating to the matter occurs or is made.

Compare: 2004 No 115 s 66

26 Consequences of failing to disclose interest 15

- (1) The board must notify Christchurch City Council and the Minister of a failure to comply with **clause 22** or **25**, and of the acts affected, as soon as practicable after becoming aware of the failure.
- (2) A failure to comply with **clause 22** or **25** does not affect the validity of an act or matter. 20
- (3) However, **subclause (2)** does not limit the right of any person to apply, in accordance with law, for judicial review.

Compare: 2004 No 115 s 67

27 Permission to act despite being interested in matter

- (1) The chairperson of Regenerate Christchurch may, by prior written notice to the board, permit 1 or more members, or members with a specified class of interest, to do anything otherwise prohibited by **clause 25**, if the chairperson is satisfied that it is in the public interest to do so. 25
- (2) The permission may state conditions that the member must comply with.
- (3) Christchurch City Council and the Minister may give the permission if the chairperson is unavailable or interested. 30
- (4) The permission may be amended or revoked in the same way as it may be given.
- (5) The board must disclose an interest to which a permission relates in its annual report, together with a statement of who gave the permission and any conditions or amendments to, or revocation of, the permission. 35

Compare: 2004 No 115 s 68

28 Regenerate Christchurch may avoid certain acts done in breach of conflict of interest rules

- (1) The board may avoid a natural person act done by Regenerate Christchurch in respect of which a member was in breach of **clause 25**.
- (2) However, the act— 5
 - (a) may be avoided only within 3 months of the affected act being disclosed to Christchurch City Council and the Minister under **clause 26**; and
 - (b) cannot be avoided if Regenerate Christchurch receives fair value in respect of the act.
- (3) An act in which a member is interested can be avoided on the ground of the member's interest only in accordance with this clause. 10
Compare: 2004 No 115 s 69

29 What is fair value

- (1) Regenerate Christchurch is presumed to receive fair value in respect of an act that is done by Regenerate Christchurch in the ordinary course of its business and on usual terms and conditions. 15
- (2) Whether Regenerate Christchurch receives fair value in respect of an act must be determined on the basis of the information known to Regenerate Christchurch and to the interested member at the time the act is done. 20
Compare: 2004 No 115 s 70

30 Onus of proving fair value

- (1) A person seeking to prevent an act being avoided, and who knew, or ought reasonably to have known, of the member's interest at the time the act was done, has the onus of establishing fair value.
- (2) In any other case, the board has the onus of establishing that Regenerate Christchurch did not receive fair value. 25
Compare: 2004 No 115 s 71

31 Effect of avoidance on third parties

- The avoidance of an act under **clause 28** does not affect the title or interest of a person to or in property that that person has acquired if the property was acquired— 30
- (a) from a person other than Regenerate Christchurch; and
 - (b) for valuable consideration; and
 - (c) without knowledge of the circumstances of the act under which the person referred to in **paragraph (a)** acquired the property from Regenerate Christchurch. 35

Compare: 2004 No 115 s 72

Delegation

32 Ability to delegate

- (1) The board may delegate any of the functions or powers of the board, either generally or specifically, to any of the following persons by resolution and written notice to the person or persons: 5
- (a) a member or members:
 - (b) the chief executive or any other employee or employees, or office holder or holders, of Regenerate Christchurch:
 - (c) a committee:
 - (d) any other person or persons approved by Christchurch City Council and the Minister: 10
 - (e) any class of persons comprised of any of the persons listed in **paragraphs (a) to (d)**.
- (2) The board must not delegate the general power of delegation. 15
Compare: 2004 No 115 s 73

33 Powers of delegate

- (1) A delegate to whom any functions or powers of the board are delegated—
- (a) may, unless the delegation provides otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the delegate were the board; and 20
 - (b) may delegate the function or power only—
 - (i) with the prior written consent of the board; and
 - (ii) subject to the same restrictions, and with the same effect, as if the subdelegate were the delegate.
- (2) A delegate who purports to perform a function or exercise a power under a delegation— 25
- (a) is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation; and
 - (b) must produce evidence of his or her authority to do so, if reasonably requested to do so. 30
- Compare: 2004 No 115 s 74

34 Effect of delegation

No delegation in accordance with this Act—

- (a) affects or prevents the performance of any function or the exercise of any power by the board; or 35
- (b) affects the responsibility of the board for the actions of any delegate acting under the delegation; or

- (c) is affected by any change in the membership of the board or of any committee or class of persons or by any change in an office holder, chief executive, or employee.

Compare: 2004 No 115 s 75

- 35 Revocations of delegations** 5
- (1) A delegation under **clause 32** may be revoked at will by—
- (a) resolution of the board and written notice to the delegate; or
- (b) any other method provided for in the delegation.
- (2) A delegation under **clause 33(1)(b)** may be revoked at will by written notice of the delegate to the subdelegate. 10
- Compare: 2004 No 115 s 76

Employees

- 36 Employment of chief executive**
- (1) Regenerate Christchurch must not agree to the terms and conditions of employment for a chief executive, or to an amendment of those terms and conditions, without consulting the State Services Commissioner. 15
- (2) Regenerate Christchurch must have particular regard to any recommendations that the Commissioner makes to it within a reasonable time of being consulted.
- (3) A failure to comply with this clause does not invalidate the acts of a chief executive. 20
- Compare: 2004 No 115 s 117
- 37 Regenerate Christchurch to be good employer**
- (1) Regenerate Christchurch must—
- (a) operate a personnel policy that complies with the principle of being a good employer; and 25
- (b) make that policy (including the equal employment opportunities programme) available to its employees; and
- (c) ensure its compliance with that policy (including its equal employment opportunities programme) and report in its annual report on the extent of its compliance. 30
- (2) For the purposes of this clause, **good employer** and **equal employment opportunities programme** have the same meanings as in section 118(2) and (3) of the Crown Entities Act 2004.
- Compare: 2004 No 115 s 118

*Protections from liability of members, office holders, and employees***38 Definitions for protections from liability**

In **clauses 39 to 43**,—

effect insurance includes pay, whether directly or indirectly, the costs of the insurance 5

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

excluded act or omission means an act or omission by the member, office holder, or employee in good faith and in performance or intended performance of Regenerate Christchurch's functions 10

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

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

office holder includes a person who was an office holder at any time after the commencement of this Part but who is no longer an office holder. 15

Compare: 2004 No 115 s 126

39 Protections from liabilities of Regenerate Christchurch

A member of the board or an office holder or employee of Regenerate Christchurch is not liable for any liability of Regenerate Christchurch by reason only of being a member, office holder, or employee. 20

Compare: 2004 No 115 s 120

40 Immunity from civil liability

(1) A member of the board is not liable, in respect of an excluded act or omission,— 25

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

(b) to any other person.

(2) An office holder or employee is not liable to any person in respect of an excluded act or omission. 30

(3) Nothing in this clause affects—

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

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

(c) the right of any person to apply, in accordance with the law, for judicial review. 35

Compare: 2004 No 115 s 121

- 41 Indemnities in relation to excluded act or omission**
- Regenerate Christchurch may only indemnify a member, an office holder, or an employee in respect of an excluded act or omission (including costs incurred in defending or settling any claim or proceeding relating to that excluded act or omission). 5
- Compare: 2004 No 115 s 122
- 42 Insurance for liability of member, office holder, or employee**
- Regenerate Christchurch may effect insurance cover for a member, office holder, or employee in relation to his or her acts or omissions, except an act or omission that is— 10
- (a) in bad faith:
- (b) not in the performance or intended performance of Regenerate Christchurch’s functions.
- Compare: 2004 No 115 s 123
- 43 Breach of indemnity and insurance limits** 15
- (1) A member, office holder, or employee who is indemnified or insured by Regenerate Christchurch in breach of this Act must repay to Regenerate Christchurch the cost of providing or effecting that indemnity or insurance cover, to the extent that the indemnity or insurance cover exceeds that which could have been provided or effected under this Act. 20
- (2) Regenerate Christchurch may recover the amount as a debt due in a court of competent jurisdiction.
- Compare: 2004 No 115 s 125
- Dealings with third parties*
- 44 Method of contracting, attorneys, and address for service** 25
- The following provisions of the Crown Entities Act 2004 apply to Regenerate Christchurch as if it were a statutory entity (that is not a corporation sole):
- (a) section 127 (method of contracting):
- (b) section 129 (attorneys):
- (c) section 130 (address for service). 30
- 45 Power to request information**
- The board must supply to the Minister or to Christchurch City Council any information relating to the operations and performance of Regenerate Christchurch that the Minister or Christchurch City Council requests.
- Compare: 2004 No 115 s 133(1) 35

Part 2

Reporting and financial obligations

46 Interpretation for this Part

- (1) In this Part, unless the context otherwise requires,—
- financial year** means the 12 months ending on the close of 30 June 5
- outputs** means the goods or services that are supplied by Regenerate Christchurch
- reportable class of outputs**, in respect of a financial year, means a class of outputs—
- (a) that Regenerate Christchurch proposes to supply in the financial year; and 10
- (b) that is directly funded (in whole or in part) by the Crown in accordance with an appropriation for the purpose, or by grants distributed under any Act, or by levies, fees, or charges prescribed by or under any Act.
- (2) Unless the context otherwise requires,— 15
- (a) any word or expression used in this Part but not defined in this clause has the same meaning as it has in **section 4(1)** of this Act; and
- (b) any word or expression used in this Part but not defined in this clause or in **section 4(1)** of this Act has the same meaning as in the Public Finance Act 1989. 20

Compare: 2004 No 115 s 136

Planning: statement of intent

47 Purpose of statement of intent

- The purpose of a statement of intent is to promote the public accountability of Regenerate Christchurch by— 25
- (a) enabling Christchurch City Council and the Minister to participate in the process of setting Regenerate Christchurch's strategic intentions and medium-term undertakings:
- (b) setting out for the House of Representatives, Christchurch City Council, and the public those intentions and undertakings: 30
- (c) providing a base against which Regenerate Christchurch's actual performance can later be assessed.

Compare: 2004 No 115 s 138

48 Obligation to prepare statement of intent

- (1) Regenerate Christchurch must provide to Christchurch City Council and the Minister a statement of intent for Regenerate Christchurch that complies with this clause and **clause 50**. 35

- (2) A statement of intent must relate to the forthcoming financial year and at least the following 3 financial years.
- (3) Regenerate Christchurch must provide a statement of intent at least once in every 3-year period.
Compare: 2004 No 115 s 139 5
- 49 Initial statement of intent**
- As soon as practicable after 18 April 2016, Regenerate Christchurch must comply with **clause 48** as if it were the start of the financial year.
Compare: 2004 No 115 s 140
- 50 Content of statement of intent** 10
- (1) A statement of intent must, for the period to which it relates, set out the strategic objectives that Regenerate Christchurch intends to achieve or contribute to (**strategic intentions**).
- (2) A statement of intent must also, for the period to which it relates,—
- (a) explain the nature and scope of Regenerate Christchurch’s functions and intended operations: 15
- (b) explain how Regenerate Christchurch intends to manage its functions and operations to meet its strategic intentions:
- (c) explain how Regenerate Christchurch proposes to manage its organisational health and capability: 20
- (d) explain how Regenerate Christchurch proposes to assess its performance:
- (e) set out and explain any other matters that are reasonably necessary to achieve an understanding of Regenerate Christchurch’s strategic intentions and capability. 25
- (3) A statement of intent—
- (a) must be in writing, be dated, and be signed on behalf of the board by 2 members; and
- (b) is a final statement of intent when it has been signed in accordance with **paragraph (a)**. 30
- Compare: 2004 No 115 s 141
- 51 Obligation to publish and present statement of intent**
- (1) Regenerate Christchurch must, as soon as practicable after providing a final statement of intent to Christchurch City Council and the Minister, publish the statement of intent on its Internet site. 35
- (2) Despite **subclause (1)**, if a final statement of intent relates to a period commencing on or after the next Budget day, the Minister may require Regenerate Christchurch not to publish the statement in the pre-Budget period.

- (3) The Minister must present a copy of the final statement of intent to the House of Representatives.
- (4) The statement of intent may be presented or published in a document that includes any other statement or information, but only if each statement or set of information is separately identifiable within that document. 5
- Compare: 2004 No 115 s 149
- 52 Amendments to final statement of intent**
- (1) Regenerate Christchurch may amend its final statement of intent.
- (2) Regenerate Christchurch must amend its final statement of intent if—
- (a) the information contained in the statement of intent is false or misleading in a material particular; or 10
- (b) the intentions and undertakings in the statement of intent are significantly altered or affected by—
- (i) any change in the law;
- (ii) any other change in the entity's operating environment. 15
- (3) Regenerate Christchurch must make the amendment required under **sub-clause (2)** as soon as practicable after it becomes aware of the facts that give rise to the obligation to amend under this clause.
- (4) **Clauses 50(3) and 51** apply to the amended statement of intent.
- Planning: statement of performance expectations* 20
- 53 Purpose of statement of performance expectations**
- The purpose of a statement of performance expectations for Regenerate Christchurch is to—
- (a) enable Christchurch City Council and the Minister to participate in the process of setting annual performance expectations; and 25
- (b) enable the House of Representatives, Christchurch City Council, and the public to be informed of those expectations; and
- (c) provide a base against which actual performance can be assessed.
- Compare: 2004 No 115 s 149B
- 54 Obligation to prepare statement of performance expectations** 30
- (1) Before the start of each financial year, Regenerate Christchurch must prepare a statement of performance expectations for that financial year that complies with **clause 55**.
- (2) However, if Regenerate Christchurch does not propose to supply any reportable classes of outputs in that financial year, the statement of performance expectations— 35
- (a) must comply with **clause 55(1)(b) and (3)**; but

(b) need not comply with **clause 55(1)(a) or (2)**.

Compare: 2004 No 115 s 149C

55 Content of statement of performance expectations

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

Compare: 2004 No 115 s 149E

56 Forecast financial statements

- (1) Each statement of performance expectations, in relation to a financial year, must contain forecast financial statements for the financial year, prepared in accordance with generally accepted accounting practice. 25
- (2) The forecast financial statements must include—
- (a) a statement of all significant assumptions underlying the forecast financial statements; and 30
 - (b) any additional information and explanations needed to fairly reflect the forecast financial operations and financial position of Regenerate Christchurch.

Compare: 2004 No 115 s 149G

- 57 Obligation to publish and present statement of performance expectations**
- (1) Regenerate Christchurch must, as soon as practicable after providing a final statement of performance expectations to Christchurch City Council and the Minister, publish the statement on its Internet site.
- (2) However, if the final statement of performance expectations relates to a period commencing on or after the next Budget day, the Minister may require Regenerate Christchurch not to publish the statement in the pre-Budget period. 5
- (3) The Minister must present a copy of the final statement of performance expectations to the House of Representatives.
- (4) The statement of performance expectations may be presented or published in a document that includes any other statement or information, but only if each statement or set of information is separately identifiable within that document. 10
- Compare: 2004 No 115 s 149L
- 58 Amendments to statement of performance expectations**
- (1) Regenerate Christchurch may amend its final statement of performance expectations. 15
- (2) Regenerate Christchurch must amend its final statement of performance expectations if—
- (a) the information contained in the statement of performance expectations is false or misleading in a material particular; or 20
- (b) the intentions and undertakings in the statement of performance expectations are significantly altered or affected by—
- (i) any change in the law;
- (ii) any other change in the entity’s operating environment.
- (3) Regenerate Christchurch must make the amendment required under **sub-clause (2)** as soon as practicable after it becomes aware of the facts that give rise to the obligation to amend under this clause. 25
- (4) **Clauses 55(3)(a) and (b) and 57** apply to the amended statement of performance expectations.
- Reporting: annual report* 30
- 59 Obligation to prepare, present, and publish annual report**
- (1) Regenerate Christchurch must,—
- (a) as soon as practicable after the end of each financial year (not including the financial year ending 30 June 2016), prepare a report on the affairs of Regenerate Christchurch; and 35
- (b) provide the report to Christchurch City Council and the Minister no later than 15 working days after receiving the audit report provided under **clause 65**.

- (2) The Minister must present the annual report to the House of Representatives within 5 working days after the Minister receives the annual report or, if Parliament is not in session, as soon as possible after the commencement of the next session of Parliament.
- (3) Regenerate Christchurch must publish the annual report as soon as practicable after it has been presented to the House of Representatives, but in any case not later than 10 working days after the annual report is received by the Minister. 5
- (4) The annual report may be presented or published in a document that includes any other report or information but only if each report or set of information is separately identifiable within that document. 10

Compare: 2004 No 115 s 150

60 Form and content of annual report

- (1) An annual report must contain the following information and reports in respect of the financial year to which it relates:
- (a) information on operations that complies with **subclause (4)**; and 15
 - (b) a statement of performance in accordance with **clause 62**; and
 - (c) the annual financial statements for Regenerate Christchurch in accordance with **clause 63**; and
 - (d) a statement of responsibility in accordance with **clause 64**; and
 - (e) the audit report in accordance with **clause 65**; and 20
 - (f) information on compliance with its obligation to be a good employer (including its equal employment opportunities programme); and
 - (g) information required by **clause 61** (which relates to payments in respect of members, committee members, and employees during that financial year); and 25
 - (h) information required by **clause 27(5)** (which relates to permission to act despite being interested in a matter); and
 - (i) any matters that relate to or affect Regenerate Christchurch's operations that Regenerate Christchurch is otherwise required, or has undertaken, or wishes to report on in its annual report. 30
- (2) The annual report prepared in respect of the financial year ending with the close of 30 June 2017 must also include the information and reports specified in **subclause (1)** in respect of the period beginning on 18 April 2016 and ending with the close of 30 June 2016.
- (3) For the purpose of **subclause (2)**, each reference to a financial year in this clause and **clauses 59 to 65** must be read as a reference to the period beginning on 18 April 2016 and ending with the close of 30 June 2017. 35
- (4) The annual report must provide the information that is necessary to enable an informed assessment to be made of Regenerate Christchurch's operations and

performance for that financial year, including an assessment of Regenerate Christchurch's progress in relation to its strategic intentions as set out in the most recent statement of intent.

- (5) An annual report must be in writing, be dated, and be signed on behalf of the board by 2 members. 5

Compare: 2004 No 115 s 151

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

- (1) The annual report must include,—
- (a) for each board member, the total value of the remuneration (other than compensation or other benefits referred to in **paragraph (d)**) paid or payable to the member in his or her capacity as a member from Regenerate Christchurch during that financial year; and 10
 - (b) for each committee member who is not a board member or an employee, the total value of the remuneration (other than compensation or other benefits referred to in **paragraph (d)**) paid or payable to the member in his or her capacity as a committee member from Regenerate Christchurch during that financial year; and 15
 - (c) the number of employees to whom, during the financial year, remuneration (other than compensation or other benefits referred to in **paragraph (d)**) was paid or payable in their capacity as employees, the total value of which is or exceeds \$100,000 per annum, and the number of those employees in brackets of \$10,000; and 20
 - (d) the total value of any compensation or other benefits paid or payable to persons who ceased to be members, committee members, or employees during the financial year in relation to that cessation and the number of persons to whom all or part of that total was paid or payable; and 25
 - (e) details of any indemnity provided by Regenerate Christchurch during the financial year to any member, office holder, or employee; and
 - (f) details of any insurance cover effected by Regenerate Christchurch during the financial year in respect of the liability or costs of any member, office holder, or employee. 30
- (2) In **subclause (1)**, **member**, **office holder**, and **employee** include a person who was a member or office holder or employee at any time after the commencement of this Part but who is no longer a member, office holder, or employee. 35

Compare: 2004 No 115 s 152

62 Form and content of statement of performance

A statement of performance must, in relation to a financial year,—

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

Compare: 2004 No 115 s 153

63 Annual financial statements 15

- (1) As soon as practicable after the end of each financial year, Regenerate Christchurch must prepare financial statements in relation to that financial year.
- (2) The financial statements must—
 - (a) comply with generally accepted accounting practice; and
 - (b) include any other information or explanations needed to fairly reflect the financial operations and financial position; and 20
 - (c) include the forecast financial statements prepared at the start of the financial year, for comparison with the actual financial statements.

Compare: 2004 No 115 s 154

64 Statement of responsibility 25

The statement of responsibility must—

- (a) contain a statement of the signatories' responsibility for the preparation of the financial statements and statement of performance and for the judgements in them; and
- (b) contain a statement of the signatories' responsibility for establishing and maintaining a system of internal control designed to provide reasonable assurance as to the integrity and reliability of financial reporting; and 30
- (c) contain a statement that, in the opinion of the signatories, the financial statements and statement of performance for the financial year fairly reflect the financial position and operations of Regenerate Christchurch; and 35
- (d) be dated and signed on behalf of the board by 2 members.

Compare: 2004 No 115 s 155

65 Audit report

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

Compare: 2004 No 115 s 156

Schedule 6

Legislative instruments revoked

s 111

Canterbury Earthquake (Accident Compensation Act 2001) Order 2011 (SR 2011/37)	5
Canterbury Earthquake (Building Act) Order 2010 (SR 2010/315)	
Canterbury Earthquake (Building Act) Order 2011 (SR 2011/311)	
Canterbury Earthquake (Civil Defence Emergency Management Act) Order 2010 (SR 2010/316)	
Canterbury Earthquake (Civil Defence Emergency Management Act) Order (No 2) 2010 (SR 2010/482)	10
Canterbury Earthquake (Education Act) Order 2011 (SR 2011/38)	
Canterbury Earthquake (Energy Companies Act) Order 2011 (SR 2011/215)	
Canterbury Earthquake (Financial Advisers Legislation) Order 2011 (SR 2011/74)	15
Canterbury Earthquake (Inland Revenue Acts) Order 2011 (SR 2011/80)	
Canterbury Earthquake (Land Transport Rule: Operator Licensing) Order 2011 (SR 2011/153)	
Canterbury Earthquake (Local Government Act 2002) Order 2010 (SR 2010/317)	20
Canterbury Earthquake (Local Government Act 2002) Order 2011 (SR 2011/219)	
Canterbury Earthquake (Local Government Act 2002) Order (No 2) 2011 (SR 2011/402)	
Canterbury Earthquake (Local Government Official Information and Meetings Act) Order 2010 (SR 2010/350)	25
Canterbury Earthquake (Local Government Official Information and Meetings Act) Order 2011 (SR 2011/43)	
Canterbury Earthquake (Rating Valuations Act—Selwyn District Council) Order 2011 (SR 2011/217)	30
Canterbury Earthquake (Rating Valuations Act—Waimakariri District Council) Order 2011 (SR 2011/218)	

Canterbury Earthquake (Recovery Strategy Approval) Order 2012 (<i>Gazette</i> 2012, p 1745)	
Canterbury Earthquake (Reserves Act—Electricity Network Recovery) Order 2011 (SR 2011/308)	
Canterbury Earthquake (Resource Management Act—Burwood Resource Recovery Park) Order 2011 (SR 2011/254)	5
Canterbury Earthquake (Resource Management Act—Electricity Network Recovery) Order 2011 (SR 2011/309)	
Canterbury Earthquake (Resource Management Act Port of Lyttelton Recovery) Order 2011 (SR 2011/148)	10
Canterbury Earthquake (Resource Management Act) Order 2010 (SR 2010/318)	
Canterbury Earthquake (Resource Management Act) Order 2011 (SR 2011/34)	
Canterbury Earthquake (Road User Charges Act) Order 2010 (SR 2010/427)	
Canterbury Earthquake (Social Security Act) Order 2010 (SR 2010/331)	
Canterbury Earthquake (Social Security Act) Order (No 3) 2010 (SR 2010/484)	15
Canterbury Earthquake (Social Security Act) Order 2011 (SR 2011/40)	
Canterbury Earthquake (Tax Administration Act) Order (No 2) 2011 (SR 2011/375)	
Canterbury Earthquake (Transport Legislation—Canterbury Regional Transport Planning) Order 2011 (SR 2011/345)	20
Canterbury Earthquake (Transport Legislation) Order 2010 (SR 2010/319)	
Canterbury Earthquake (Transport Legislation) Order 2011 (SR 2011/39)	

Schedule 7

Legislative instruments continued and amended

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Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (LI 2014/228)	5
After clause 2, insert:	
2A Revocation of this order	
This order is revoked on the repeal of subpart 7 of Part 2 of the Greater Christchurch Regeneration Act 2015 .	
In clause 6(4)(b), replace “9 March 2016” with “16 December 2016”.	10
In clause 12(2), replace “9 March 2016” with “16 December 2016”.	
In clause 21(5)(a)(i), replace “9 March 2016” with “16 December 2016”.	
Canterbury Earthquake (Earthquake Commission Act) Order 2012 (SR 2012/63)	
Replace clause 3 with:	15
3 Revocation of this order	
This order is revoked on the repeal of subpart 7 of Part 2 of the Greater Christchurch Regeneration Act 2015 .	
Revoke clause 6.	
Canterbury Earthquake (Historic Places Act) Order 2011 (SR 2011/231)	20
Replace clause 3 with:	
3 Revocation of this order	
This order is revoked on the repeal of subpart 7 of Part 2 of the Greater Christchurch Regeneration Act 2015 .	
In clause 5(1), insert in its appropriate alphabetical order:	25
building has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014	
In clause 5(1), replace the definition of emergency authority with:	
emergency authority means an authority that may be granted under clause 10 to do anything in relation to an archaeological site that—	30
(a) would, but for this order, require an authority under section 42 of the Heritage New Zealand Pouhere Taonga Act 2014; and	
(b) is, directly or indirectly, necessary or desirable to promote any of the purposes of the Canterbury Earthquake Recovery Act 2011	
In clause 5(1), replace the definition of general emergency authority with:	35

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

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

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

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

After clause 5(3), insert:

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

Replace clause 6(1) with:

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

Revoke clause 6(3)(b).

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

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

Revoke clause 6(5).

Replace clause 7 with:

7 Archaeological sites not to be modified or destroyed

- (1) This clause applies instead of section 42(1) of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to archaeological sites within greater Christchurch.
- (2) No person may modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site if that person knows, or ought reasonably to have suspected, that the site is an archaeological site, unless—
 - (a) an authority has been granted under section 48, 56(1)(b) or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in respect of that site; or
 - (b) an emergency authority or general emergency authority has been granted under this order.

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

After clause 7, insert:

7A Application of Historic Places Act 1993

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

- (a) emergency authorities and general emergency authorities granted under this order; and 5
- (b) clauses 8 to 16 of this order.

After clause 8(3), insert:

- (4) Despite subclause (1), an emergency authority is not required to permit work on a building that is an archaeological site unless the work will result in the demolition of the whole of the building. 10

After clause 9(4), insert:

- (5) Despite subclause (1), a general emergency authority is not required to permit work on a building that is an archaeological site unless the work will result in the demolition of the whole of the building. 15

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

Canterbury Earthquake (Local Government Act 2002—Retaining Walls) Order 2013 (SR 2013/33) 20

Replace clause 3 with:

3 Revocation of this order

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

In clause 6(1), replace the modification of section 181(1B) with: 25

- (1B) In this subsection and in subsections (1A) and (4A),—
 - greater Christchurch** has the same meaning as **section 4** of the Greater Christchurch Regeneration Act **2015**
 - private land** means private land situated within the Christchurch area
 - public infrastructure** means community infrastructure or network infrastructure 30
 - public land** means land owned or controlled by the Crown (within the meaning of section 2(1) of the Public Finance Act 1989) or by a local authority.

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

Replace clause 3 with:

3 Revocation of this order

This order is revoked on 1 July 2018.

Canterbury Earthquake (Reserves Legislation) Order (No 2) 2011 (SR 2011/368) 5

Replace clause 3 with:

3 Revocation of this order

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

In clause 4, definition of **reserve**, paragraph (a), after “any land”, insert “situated in greater Christchurch that is”. 10

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

Replace clause 3 with:

3 Revocation

This order is revoked on the repeal of **subpart 7** of **Part 2** of the Greater Christchurch Regeneration Act **2015**. 15

In clause 7(1), definition of **specified location**, after “area of land”, insert “situated in greater Christchurch (within the meaning of **section 4** of the Greater Christchurch Regeneration Act **2015**)”. 20

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

In clause 8(1), definition of **temporary depots and storage facilities**, paragraph (a), replace “Canterbury Earthquake Response and Recovery Act 2010” with “Greater Christchurch Regeneration Act **2015**”. 25

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

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

In clause 4(2), replace “Canterbury Earthquake Response and Recovery Act 2010” with “Greater Christchurch Regeneration Act **2015**”. 30

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

Schedule 8

Consequential amendments and revocation

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Part 1

Consequential amendments

5

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

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

In Schedule 2, after item 3, insert:

10

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

Christchurch Hospital Act 1887 (1887 No 10)

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

15

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

20

Ombudsmen Act 1975 (1975 No 9)

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

Regenerate Christchurch

Public Audit Act 2001 (2001 No 10)

25

In Schedule 2, insert in its appropriate alphabetical order:

Regenerate Christchurch

State Sector Act 1988 (1988 No 20)

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

30

Part 2
Consequential revocation

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