

# Departmental Disclosure Statement

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Greater Christchurch Regeneration Act Amendment Bill
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Department of the Prime Minister and Cabinet.

The Department of the Prime Minister and Cabinet certify that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

Tuesday 4 February 2020.

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## Part One: General Policy Statement

### *Purpose*

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

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

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

### *Early revocation of section 71 powers*

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

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

### *Early disestablishment of Regenerate Christchurch*

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

### *Limited extension of some land powers*

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

This approach is required due to the large-scale and ambitious nature of the title reconfiguration in the Ōtākaro Avon River Corridor agreed as part of the Global Settlement Agreement before the Crown-owned land is transferred to the Christchurch City Council. This work was only able to commence in late 2019, after approval of the associated Regeneration Plan developed under the primary Act and the Global Settlement Agreement. Extending the powers supports regeneration by preparing the land for future activities, and ensure the Crown has sufficient time to complete the work.

*Other matters*

The Bill also removes:

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

## Part Two: Background Material and Policy Information

### Published reviews or evaluations

<b>2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?</b>	<b>YES</b>
Annual Review of the Greater Christchurch Regeneration Act 2016 – October 2019 <a href="https://dpmc.govt.nz/publications/annual-review-greater-christchurch-regeneration-act-2016-october-2019">https://dpmc.govt.nz/publications/annual-review-greater-christchurch-regeneration-act-2016-october-2019</a>	

### Relevant international treaties

<b>2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?</b>	<b>NO</b>
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### Regulatory impact analysis

<b>2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?</b>	<b>YES</b>
Impact Statement: Greater Christchurch Regeneration Amendment Bill (Department of the Prime Minister and Cabinet, 5 December 2019) It will be accessible from DPMC and the Treasury's website once publicity on the Bill is released (see <a href="https://dpmc.govt.nz/gcr-amendment-2020">https://dpmc.govt.nz/gcr-amendment-2020</a> ). Some minimal redactions will be made on the grounds of commercial sensitivity and to maintain the effective conduct of public affairs through the free and frank expression of opinion to Ministers of the Crown.	

<b>2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?</b>	<b>NO</b>
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<b>2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?</b>	<b>NO</b>
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### Extent of impact analysis available

<b>2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?</b>	<b>NO</b>
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<b>2.5. For the policy to be given effect by this Bill, is there analysis available on:</b>	
<b>(a) the size of the potential costs and benefits?</b>	<b>NO</b>
<b>(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?</b>	<b>NO</b>

<b>2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:</b>	
<b>(a) the level of effective compliance or non-compliance with applicable obligations or standards?</b>	<b>NO</b>
<b>(b) the nature and level of regulator effort put into encouraging or securing compliance?</b>	<b>NO</b>

## Part Three: Testing of Legislative Content

### Consistency with New Zealand's international obligations

<b>3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?</b>
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Provisions in the Bill generally extend or repeal powers in the existing Greater Christchurch Regeneration Act 2016, which had followed from the powers in the Canterbury Earthquake Recovery Act 2011 with refinements and adjustments to support the regeneration of Christchurch. The Bill has therefore proceeded on the basis that the Greater Christchurch Regeneration Act 2016 is consistent with New Zealand's international obligations.
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### Consistency with the government's Treaty of Waitangi obligations

<b>3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?</b>
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There are no matters identified with the proposals that require specific consideration of the principles of the Treaty of Waitangi. The Bill would support a return to normalised planning processes and the role of iwi-local authority relationships in those processes. It is noted that the Bill would make no changes to the GCR Act's existing recognition of Te Rūnanga o Ngāi Tahu (Ngāi Tahu) as a strategic partner, or to the Crown's responsibility to consult with Māori, consistent with the principles of the Treaty of Waitangi. The proposed changes have been discussed with Ngāi Tahu staff at a high level, and there are further opportunities for consultation through the Bill process.
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### Consistency with the New Zealand Bill of Rights Act 1990

<b>3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act (BoRA) 1990?</b>
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<b>YES</b>
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The advice will be released on the Ministry of Justice's website upon the Bill's introduction.
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## Offences, penalties and court jurisdictions

<b>3.4. Does this Bill create, amend, or remove:</b>	
<b>(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?</b>	<b>NO</b>
<b>(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?</b>	<b>NO</b>

## Privacy issues

<b>3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?</b>	<b>YES</b>
<p>Due to the early repeal of section 71 powers, the Bill would repeal provisions in sections 68 and 69 relating to public comment on section 71 proposals (which generally includes personal information) and how this comment (including potentially personal information) is to be used.</p> <p>The repeal of these provisions does not constitute a departure from the Privacy Act requirements or standards.</p> <p>There is no change to other existing aspects of the GCR Act relating to the collection and storage of personal information, such as provisions relating to the development or amendment of regeneration plans.</p>	

<b>3.5.1. Was the Privacy Commissioner consulted about these provisions?</b>	<b>NO</b>
<p>The Privacy Commissioner was not consulted as the early repeal of the provisions does not create any privacy issue, and the Privacy Commissioner's examination is not required by section 13(1)(f) of the Privacy Act.</p>	

## External consultation

<b>3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?</b>	<b>YES</b>
<p>There has been no public consultation on the proposal.</p> <p>There has been some initial consultation on the policy proposals with officials from Christchurch City Council and Regenerate Christchurch (RC), as the stakeholders most likely to be affected by the changes (particularly with RC being disestablished and with the Council being affected in some way by all of the proposals). Both parties have had opportunities to provide comment on the high-level proposals.</p> <p>The Greater Christchurch Partnership comprises councils in the greater Christchurch area, Te Rūnanga o Ngāi Tahu, RC, and certain government organisations with local interests. Within this partnership, the Chief Executives Advisory Group was briefed on the changes at a high level, with more detailed briefings to be provided to any who requested it. Officials have also briefed staff of Te Rūnanga o Ngāi Tahu. This followed the wider engagement that occurred as part of the annual independent review of the GCR Act.</p>	

### Other testing of proposals

<b>3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?</b>	<b>NO</b>
<p>Where powers are being extended, the GCR Act has now been in operation for almost four years and there have been opportunities to test and assess their effect. This has enabled the policy details to be proposed with certainty that they are workable and complete.</p> <p>Where powers or functions are being removed, the changes are considered workable. The proposals are consistent with the independent review of the GCR Act for 2019.</p>	

## Part Four: Significant Legislative Features

### Compulsory acquisition of private property

<b>4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?</b>	<b>NO</b>
It is noted the Act being amended does contain such provisions, but this Bill does not make changes to the provisions or extend them beyond their existing expiry date.	

### Charges in the nature of a tax

<b>4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?</b>	<b>NO</b>
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### Retrospective effect

<b>4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?</b>	<b>NO</b>
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### Strict liability or reversal of the usual burden of proof for offences

<b>4.4. Does this Bill:</b>	
<b>(a) create or amend a strict or absolute liability offence?</b>	<b>NO</b>
<b>(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?</b>	<b>NO</b>

### Civil or criminal immunity

<b>4.5. Does this Bill create or amend a civil or criminal immunity for any person?</b>	<b>NO</b>
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### Significant decision-making powers

<b>4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?</b>	<b>NO</b>
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### Powers to make delegated legislation

<b>4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?</b>	<b>YES</b>
The Bill would amend the principal Act by providing a limited extension of land title configuration powers, relating only to land within the Specific Purpose (Ōtākaro Avon River Corridor) Zone, until the close of 30 June 2023. However, after 30 June 2021, clauses 28-29 of the Bill would provide for the powers to be repealed at an earlier date set by Order in Council. This power is necessary to meet the policy intent for the Bill, in limiting the extension of extraordinary powers by allowing for their earlier revocation if this is considered appropriate prior to 30 June 2023.	

<b>4.8. Does this Bill create or amend any other powers to make delegated legislation?</b>	<b>NO</b>
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**Any other unusual provisions or features**

<b>4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?</b>	<b>NO</b>
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