



OIAD-491

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Dear s 9(2)(a)

Thank you for your email of 3 December 2022 to Christchurch City Council requesting the following under the Official Information Act 1982 (the Act):

This is a request for information under the Local Government Official Information and Meetings Act or the Official Information Act (whichever applies) related to the current investigation seeking information related to the Christchurch City Council's vote against a plan change that would have enabled medium density residential development across the city. The Terms of Reference for the investigation required the investigator to work with the Council, MfE and MHUD to confirm a project plan not later than 25 November. Please send us a copy of that project plan as soon as practicable, as required under the Acts. Given the plan has already been agreed and the investigation has commenced, we trust a quick response will be possible.

On the 6 December 2022, the Ministry for the Environment (the Ministry) accepted transfer of your request. The Ministry also accepted transfer of a duplicate request under the Act from the Associate Minister for the Environment, Hon Phil Twyford.

The Ministry has identified the project plan for the Investigation of Christchurch City Council's non-notification of Intensification Planning Instrument, version 1 as in scope of your request.

Some information in an attachment to the project plan has been withheld under section 9(2)(g)(i) of the Act to maintain the effective conduct of public affairs through the free and frank expression of opinions by officers of any public services agency in the course of their duty.

The Ministry notes that the information in the two other attachments is already publicly available. The two other attachments are listed below with links to where the documents can be found on Christchurch City Council's website:

- Letter from Hon Phil Twyford to Phil Mauger, 17 November 2022
<https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2022/PC14/2022-11-17-CCC-Letter.pdf>
- Terms of Reference <https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2022/PC14/2022-11-17-CCC-S24A-Investigation-TOR.PDF>

We are releasing the version of the project plan that was provided to the Ministry for the Environment in December 2022. This version doesn't include updates to reflect changes to meeting dates. The Ministry for the Environment has not received an updated version of the project plan.

The changes to meeting dates were made outside of Mr Hardie's control and were due to a Council meeting being moved and determining an appropriate time to meet with Te Rūnanga o Ngāi Tahu.

Mr Hardie presented at two webinars, hosted by the Council on Wednesday 14 December 2022. Timeframes for the investigation and Plan Change 14 were discussed during the webinars. The webinar recordings and PowerPoint presentation are available on the Council's website here: <https://www.ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/plans/christchurch-district-plan/changes-to-the-district-plan/planchange/pc14/>

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: www.ombudsman.parliament.nz.

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Ministerial Services team: ministerials@mfe.govt.nz.

Yours sincerely

Electronically approved.

Lesley Baddon,
Director - Urban and Infrastructure Policy

Document schedule

Document no.	Document date	Content	Decisions	OIA sections applied
1	28 November 2022	Project plan for the Investigation of Christchurch City Council's non-notification of Intensification Planning Instrument, version 1	Released in part	9(2)(g)(i)

Released under the Official Information Act 1982

Title:	Investigation of Christchurch City Council's non-notification of Intensification Planning Instrument		
Version / Date edited	V1 28 November 2022		
Project description and Scope:	To consider the performance by Christchurch City Council of its functions, powers or duties in relation to notifying an intensification planning instrument (IPI), as required by section 80F of the Resource Management Act 1991 (RMA).		
Start Date:	21 November 2022	End Date:	March 2023
Investigator:	John Hardie, Barrister and Mediator		

1 Context

1.1 Background

All specified territorial authorities were required by the Resource Management Act 1991 (RMA) to notify an IPI on or before 20 August 2022 to:

- give effect to the National Policy Statement on Urban Development 2020 (NPS-UD)
- implement the medium density residential standards (MDRS).

IPIs are required to be made operative using the Intensification Streamlined Planning Process. Christchurch City Council staff developed a draft IPI and consulted the public from 11 April to 13 May 2022. A final draft IPI was recommended to the Council for its approval to publicly notify. The previously elected Council made a decision at its 8 September 2022 meeting not to notify the draft IPI and to write to the Minister for the Environment.

On 20 September 2022, former Mayor, Hon Lianne Dalziel wrote to the Minister for the Environment (the Minister), Hon David Parker, to advise the Minister that the Council is aware it is in breach of its statutory obligations and to request that the Minister work alongside the Council to find a bespoke solution for housing intensification in Christchurch.

A new Council was elected following local government elections on 8 October 2022. On 27 October 2022, the Minister decided to initiate an investigation under section 24A of the RMA.

1.2 Investigation

The Associate Minister for the Environment, Hon Phil Twyford with responsibilities for urban policy appointed John Hardie to lead the investigation.

The purpose of this investigation is to consider the performance by Christchurch City Council (the Council) of its functions, powers or duties in relation to notifying an intensification planning instrument (IPI), as required by section 80F of the Resource Management Act 1991 (RMA).

The investigation will seek to understand the Council's perspectives in relation to the notification of an IPI, and the process for the Council making decisions on notifying an IPI. If potential next steps to make progress emerge, these will be deemed in scope.

2 Project Objectives

2.1 Project scope

The investigation will be focused on identifying and understanding the issues, the Council's perspectives in relation to housing intensification in Christchurch, and the notification of an IPI. Noting the previous Council's decision on the matter and that a new Council has been elected, the investigation will consider the following:

- the process for the Council to make decisions on notifying an IPI
- the views, issues and concerns the Council has about the draft IPI and the changes proposed to the operative Christchurch District Plan
- the perspective of Ngāi Tahu as Treaty partner and mana whenua
- the views of any key stakeholders if the investigator thinks that is necessary for him to carry out his functions.

If potential next steps to make progress emerge, these will be deemed in scope.

2.2 Project specific goals

The investigator will:

- in the first five days of the investigation, prepare this project plan
- hold interviews/workshops as he deems necessary with staff and the Council about the draft IPI
- seek the views of Ngāi Tahu as Treaty partner and mana whenua
- seek to understand any barriers to notification of an IPI
- complete a draft independent report, reporting on issues referred to in the appointment, and including recommendations for the Minister on the options for addressing any issues identified in the investigation (if needed).
- finalise and present the report to the Minister.

Ministry for the Environment officials will:

- prepare a template for findings and background material
- support the preparation of the report
- provide legal and communications assistance.

Christchurch City Council Officers will:

- Engage with the Investigator on the draft IPI, the process for the Council's decision on notification, and otherwise assist in enabling his consultation with Councillors and Mana whenua.

3 Programme timeline

3.1 Schedule – November 2022 to January 2023

Key Deliverables and Milestones				
Date of start	Date of completion	Time allocated	Task	Person responsible
Phase 1: Planning				

21/ 11/ 2022			Investigator, John Hardie, appointed under s24A of RMA starts work (TOR attached)	John Hardie
02/12/2022			Project Plan for Investigation under s24A of RMA established	John Hardie
02/ 12 / 2022			Initial Introduction at Councillor Briefing	John Hardie, CCC Staff, Mayor and Councillors
Phase 2: Consultation				
21/11/ 2022	Approx. 16/12/ 2022	App 4 weeks	Investigator meetings with Council staff, possibly Council, and mana whenua/ Ngāi Tahu	John Hardie, CCC staff, Mayor and Councillors
1/12/2022	23/12/2022	3 weeks	Investigator audit of PC 14 material	Planning staff and John Hardie
Phase 3: Reporting				
16/ 12/ 2022	23/12/2022	1 week	Investigator first (likely verbal) update to Minister/MfE	John Hardie
	Approx. 27/01/2023		Investigator second verbal update to Minister/MfE	John Hardie
	28/02/2023		Draft report if required	John Hardie
	31/03/2023		Final report if required	John Hardie
*Council staff decisions and milestones for Engagement with Mayor and Councillors attached				

3.2 Stakeholder engagement

Date	Stakeholder
Christchurch City Council	
	Mayor and Councillors
	CCC Staff
External	
	Ngai Tahu
	Possibly others but still to be determined by the investigator at the time of preparing this document

4 Attachments

A	Letter from Hon Phil Twyford to Phil Mauger, 17 November 2022
B	Attachment 1 to letter 17 November 2022: Terms of Reference
C	CCC internal document: Decisions and Milestones on Plan Change 14 including engagement with Mayor and Councillors

Attachments A and B refused under section 18(d) of the Act, as the attachments are publicly available on the Christchurch City Council website.

Attachment A: Letter from Hon Phil Twyford to Phil Mauger, 17 November 2022; <https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2022/PC14/2022-11-17-CCC-Letter.pdf>

Attachment B: Terms of Reference; <https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2022/PC14/2022-11-17-CCC-S24A-Investigation-TOR.PDF>

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Decisions and Milestones on Plan Change 14 including engagement with Mayor and Councillors

Timing	Decision/Milestone	Involving
21 November 2022	Investigator, John Hardie, appointed under s24A of RMA starts work Terms of reference directed by Government	John Hardie
By 28 November 2022	Project Plan for Investigation under s24A of RMA established	John Hardie
Late November 2022	Revised proposal on PC 14 prepared	Council staff
2 December 2022	Briefing #1 – PC14 (and PC 13) Overview of context/ background	Staff, Mayor and Councillors
2 December 2022 (TBC)	Initial introduction at Councillor Briefing to Investigator John Hardie	Investigator, staff, Mayor and Councillors
December 2022	Investigator's audit of PC 14 material	Investigator in consultation with staff
8 December 2022	Report to ELT on Revised Proposal	Planning Staff/ELT
Mid December 2022	Investigator begins meetings with stakeholders and mana whenua/ Ngāi Tahu	CCC staff/ MfE/ Investigator and identified stakeholders
13 December 2022	Briefing #2 – Presentation of Revised proposal	Staff, Mayor and Councillors
14 December 2022	Webinars (x2) – Council Officer pre-engagement with the public on PC14 alternative – Investigator presentation and engagement (30 mins)	Staff, John Hardie
December 22/January 23	Technical work continues on PC 14 revised proposal - 10 reports to support the QM on transport accessibility	Planning Staff
24 January 2023	Briefing #3 Final briefing on Revised Proposal	Staff, Mayor and Councillors
1 February 2023	Final draft of Revised Proposal completed for reporting - Draft provisions - Mapping	Planning Staff (in consultation with Investigator)

2 February 2021	Report to ELT meeting before Council Decision on approval	Staff/ELT
7 February 2023	Council Report Agenda cut-off - deadline for sign-off	Staff/OCE
1 March 2023 (TBC)	Council meeting –Seeking approval to notify	Decision by Mayor and Councillors
1 March – 17 March 2023 (10 + working days before notification)	Preparation for notification - mail out to residents/property owners	Comms and Engagement
Friday 17 March 2023 (TBC)	Notification	
Closes 28 April (6 wks)	Notification and submissions period (30 working days)	
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Notes:

- Timeline for preparation of revised proposal including mapping still to be fully tested

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