

# ANNUAL REVIEW OF THE CANTERBURY EARTHQUAKE RECOVERY ACT 2011

August 2013

Reviewer: Simon Murdoch

## BACKGROUND

1. Section 92 of the Canterbury Earthquake Recovery Act 2011 specifies that the Minister must carry out a review of the 'operation and effectiveness' of the Act within 12 months after the commencement of the Act, and every 12 months after that; and prepare a report on that review.

### *Terms of Reference*

2. The specific objectives of this review, as set out in the Terms of Reference provided by the Canterbury Earthquake Recovery Authority (CERA) are to:

- undertake a review of the legislation from a drafting and/or technical perspective, informed by the experiences of the CERA Legal Team;
- identify and recommend any changes to the legislation that will improve the Act's overall operation and effectiveness; and
- undertake a review of the checks and balances on the various powers provided to the Minister and the CERA Chief Executive.

3. CERA specified that the review was not to engage in a "reconsideration" of earthquake recovery policy matters which it might come across in meeting the Terms of Reference.

4. The annual review of the CER Act for 2013 was to focus on whether the purposes of the Act, as set out in section 3, are being achieved through the development and implementation of planning instruments set out in Part 2, Subpart 3 of the Act.

5. This, the second of five such reviews, covers a full year of normal activity under the Act. The 2012 review was transmitted to the Minister on 21 June 2012 and tabled in Parliament on 26 July. This review therefore covers the year to June 2013. It was conducted during June and July 2013.

### *Conflict of Interest*

6. I advised CERA that I had immediate family living in earthquake-affected parts of Christchurch; one relative by marriage who had been a City Councillor and currently worked for Environment Canterbury, and another who is a member of the Community Forum established under the Act. I undertook to manage any risks arising from these relationships in respect of the review.

7. In order to carry out this review, recognising both the nature of the activities which had occurred under the Act during this reviewing period, and my own lack of legal qualifications, I asked CERA for expert support. Ms Marilyn Bramley, Barrister, who has extensive practical and academic familiarity with resource planning and environmental law was engaged for that purpose. She accompanied me on all Christchurch interviews and some in Wellington, providing valuable guidance and advice.

## Approach

8. The underlying aim of the reviewer was, as it had been in 2012, to provide an informed perspective on whether the Act was working properly. It was clear from the repetition in the Purposes section of the Act itself that Parliament had firm intentions for the quality of the earthquakes recovery process for greater Christchurch<sup>1</sup>; it was to be to be “focused, timely and expedited”. For the year of activity under review this gave rise to the following methodology and interview questions;

### *(i) Methodology*

9. The principal bodies and actors empowered by the Act with executive decision-making rights to bring about, and progress, recovery in greater Christchurch are

- The Minister for Canterbury Earthquake Recovery
- The Chief Executive of the Canterbury Earthquake Recovery Authority (and his delegates)
- The Councils – Christchurch City Council; Waimakariri and Selwyn District Councils; Environment Canterbury
- The Review Panel appointed under section 72 of the Act.

10. They would be asked about their experiences in carrying out their functions, in terms of effectiveness and efficiency. Specific comment would be sought on whether Recovery planning and the implementation of planned activities, appropriately authorised, consistent with the Recovery Strategy, was being inhibited in ways that posed serious risk to the purposes of the Act. I considered it also necessary, for this review, to engage with those senior executives and officials who had “hands-on” responsibility for developing Recovery Plans, and recovery programmes linked to the overarching *Recovery Strategy for Greater Christchurch Mahere Haumanutanga o Waitaha*<sup>2</sup>, in force for just over a year (operative from 1 June 2012).

11. The use made of the various “expediting” instruments available under the mandatory and discretionary provisions of the Act would be tabulated again<sup>3</sup>, and discussed with relevant decision-makers and stakeholders. Any views concerning the need for amendments to the Act would be noted. The review would need to take account of any recent case-law concerning recourse to the special powers of the Act and any consequent impact on the recovery modus operandi of CERA, its Strategic Partners, or other recovery partners.

12. The various parties to the consultation provisions specified in the Act for input into decision-making would be approached, in similar terms to last year’s review, for their evaluations. Those mandatory consultation arrangements are in respect of

- The overarching Recovery Strategy (the Strategic Partners are the territorial Councils; Environment Canterbury; Te Runanga o Ngai Tahu)
- The specific Recovery Plans / “programmes” (the parties will vary according to the subject matter)
- The Community Forum

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<sup>1</sup> “greater Christchurch” means the districts of the Christchurch City Council, the Selwyn District Council, and the Waimakariri District Council, and includes the coastal marine area adjacent to these districts (s.4 CER Act).

<sup>2</sup> Canterbury Earthquake Recovery Authority (2012). Recovery Strategy for Greater Christchurch Mahere Haumanutanga o Waitaha. Christchurch: Canterbury Earthquake Recovery Authority.

<sup>3</sup> See Annex 1. This table consolidates the quarterly reports of the Minister to Parliament on the powers and functions exercised under the Act by himself and the CERA Chief Executive.

- The Cross-Party Parliamentary Forum.

13. The efficacy of the provisions of the Act in respect of accountability and transparency would again be examined, in terms similar to the 2012 review<sup>4</sup> when it was important to give context by commenting more generally on the evolution of CERA organisational capabilities and its administrative systems.

14. In 2013, however, not only had these wider questions been covered in CERA's Parliamentary accountability documents, but concurrently with this Review, a State Services Commission evaluation of CERA under the generic "Performance Improvement Framework"(PIF) regime had commenced. It seemed therefore sensible to avoid duplication; to take account of PIF-generated information, and to concentrate more narrowly, especially on the CERA legal capability, internal processes and other practices to ensure compliance with the Act.

*(ii) Questions*

15. Is the Act enabling a Recovery in greater Christchurch to be planned and "focused"?

- facilitating optimal executive decision-making for the implementation of planned Recovery operations?
- permitting the normal regulatory processes of territorial and regional government to be accelerated or adapted for recovery implementation purposes?
- allowing progress to be monitored, and reviewed transparently?
- facilitating input into decision-making by CF and CPPF or otherwise allowing for community participation and involvement?

*(iii) Review Contributors*

16. A full list of those approached as part of the review is at Annex 3. Their availability, given other pressures is much appreciated; and their willingness to discuss matters frankly, intensely, and at times self-critically, said a lot about how deeply those responsible feel about the rate and quality of progress in the recovery across greater Christchurch. It ended up not being possible to meet the Chief Executives of ECan (overseas), CCC (on leave) and Te Runanga o Ngai Tahu, but other suitably qualified staff were available.

17. Acronyms used throughout:

CCC	Christchurch City Council
CCDU	Christchurch Central Development Unit
CCRP	Christchurch Central Recovery Plan
CER Act	Canterbury Earthquake Recovery Act 2011
CERA	Canterbury Earthquake Recovery Authority
CERA CEO	Canterbury Earthquake Recovery Authority, Chief Executive Officer
CF	Community Forum, established under s.6 of the Act
CPPF	Cross-Party Parliamentary Forum, established under s.7 of the Act
ECan	Environment Canterbury
LGA	Local Government Act 2002
LURP	Land Use Recovery Plan
LTMA	Land Transport Management Act 2003

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<sup>4</sup> Paras 13,14,18

RMA	Resource Management Act 1991
RSGC	<i>Recovery Strategy for Greater Christchurch Mahere Haumanutanga o Waitaha</i> (the overarching Recovery Strategy)
TLA	Territorial local authorities

## THE REVIEW

### Executive decision-making

#### *Chronology*

18. The following are the dates of recovery decisions and relevant milestones during the review period, several of which are referred to in the report.

30 July 2012	Release of Christchurch Central Recovery Plan (CCRP)
23 August 2012	Part One (Volumes 1, 2 and 3) of the final report of Canterbury Earthquakes Royal Commission released
7 September 2012	Release of 5-Year Infrastructure Rebuild programme
26 September 2012	Public Notice: pursuant to s.27 of CER Act District Plans amended to provide new rules for temporary worker accommodation
9 October 2012	Review of Port Hills land zoning announced
15 November 2012	ECan directed to develop Land Use Recovery Plan, pursuant to s.16 of CER Act
15 November 2012	Draft Transport chapter of the CCRP released for consultation
6 December 2012	Economic Recovery programme launched
7 December 2012	Part Two (Volume 4) of the final report of Canterbury Earthquakes Royal Commission released
10 December 2012	Part Three (Volumes 5, 6 and 7) of the final report of Canterbury Earthquakes Royal Commission released
17 December 2012	Extension of final settlement date for residential red zone announced
20 December 2012	Court of Appeal decision in Independent Fisheries case <sup>5</sup>
18 February 2013	Interim decisions for Greater Christchurch Education Renewal programme released
22 March 2013	Orders in Council to suspend CCC requirement to prepare Long-term Plan, and requirement to prepare a 3-Year Plan
15 May 2013	Public Notice: pursuant to s.27 Canterbury Natural Resources Regional Plan amended to set emission standards for wood burners and to extend clean air zones
15 May 2013	Residential Advisory Service for property owners launched
27 June 2013	Crown/CCC cost sharing agreement for anchor/other CBD rebuild projects
28 June 2013	Final Central City cordon removed
8 July 2013	Crown Manager appointed for CCC building consents accreditation
6 July 2013	Public Notice: pursuant to s.20 of CER Act Draft Land Use Recovery Plan (LURP) released for consultation

#### ***A Planned Recovery***

19. The Recovery Strategy for Greater Christchurch (RSGC) has been in force since 1 June 2012, and has not been changed or reviewed. It is the primary tool - the overarching framework and reference point - for all Recovery Plans, programmes and actions - they and many pre-existing goal-setting, planning and rule-making documents must be aligned to it

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<sup>5</sup> Independent Fisheries case: Canterbury Regional Council v Independent Fisheries Limited and others, CA 438/2012.

and consistent with its goals and principles. The RSGC describes in broad terms the pace and phasing of recovery, and identifies priorities for recovery efforts in six foundational “component” or theme areas. The Strategy foreshadowed three typical phases of recovery<sup>6</sup> in which immediate priorities would be succeeded by the beginnings of rebuilding, replacement and reconstruction. This, the second (middle) phase was to occur between 2012 and 2014.

20. Recovery Plans are described in the RSGC as “statutory documents with the power to overwrite a range of planning instruments” which “may be appropriate when usual methods of work cannot achieve the required intervention because of the type of work or timeframe involved”. They are critical distillations of the RSGC. One such Plan, the CCRP, has been in force since 31 July 2012. Another, the LURP, was released, in preliminary draft form for public consultation in April 2013; submitted to the Minister on 5 July 2013, and subsequently released for consultation.

21. Recovery programmes (of work) are identified in the RSGC as necessary subsidiary, sectoral articulations of the six themes of the overarching RSGC, and “ more appropriate and effective” vehicles to provide direction and coherence for recovery activity in areas and sectors where it was unclear whether the creation of a Recovery Plan might be needed”. The programmes have no explicit statutory status, but derive their authority under the RSGC and from Ministerial approval. Programmes are implemented through a series of projects that may use the statutory tools of the CER Act or other legislation. However not all such projects have legal implications. There are 25 such programmes, some well-established, and others still in developmental stages (e.g. the NERP). Under the RSGC each programme has its own governance - designated deliverers, enablers and supporters - from the entities which form the corpus of recovery partners.

22. This overall architecture, which is depicted in Annex 2, was well understood by those directly involved in implementation, but less so by other stakeholders.

23. The Review was frequently reminded that although CERA and its Minister have unequivocal statutory responsibility for bringing about recovery, some individual recovery programmes, or project activities within them, are not under CERA policy direction or operational command and control. In many of them CERA and its local Strategic Partners must interact with other “recovery partners” both public and private sector, notably insurance, banking and construction. In this respect the task identified first in the RSGC itself under its “Leadership and Integration” theme and also in the “milestones” for the middle phase of recovery (“to direct and coordinate recovery activities and agencies involved in recovery”<sup>7</sup>) takes on a certain complexity.

24. There is no question that the shift from the response phase to recovery has continued and advanced in the period since the last review, when the overall conclusion was that the “planning prelude” to recovery, envisaged in and mandated by the Act, was being accomplished. It is now unfolding operationally. In terms of planned goals being met, it was acknowledged in particular to the Review that the planned restoration of the urban/municipal services infrastructure; the safety of the urban and suburban built environment; and its reconstruction and improvement have been and are progressing. In other strategic sectors things are less advanced as stakeholders come to terms with the nature of recovery as a distinct dynamic process with its own evolutionary phases, complexities and particular financial, administrative and managerial requirements. In some cases the sectoral frameworks - the recovery programmes - are still iterating. In others the distillation of actionable and appropriately authorised workplans from the programmes is in progress.

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<sup>6</sup> RSGC p15; it sets out 14 “indicative milestones” of recovery for this phase.

<sup>7</sup> RSGC p15 Reviewer’s underlining.

Where the stage of developing actionable operational workplans has been reached, the commercial end of the cycle - financing, contracting and “gearing up” processes - is not complete.

25. This has been documented in the Minister’s quarterly reports to Parliament; CERA accountability documents; reports of Select Committees and other Parliamentary scrutiny, as well as in other public information, e.g. Ministerial Press releases; CERA publications, and in media reporting. It has been the subject of independent examination by non-government organisations, such as the NZ Council for Infrastructure Development<sup>8</sup>. In very few instances has the response to this public material been a casting of fundamental doubt on the overall viability of the legislation: nor was the Review alerted to any specific shortcomings which might require parts of the legislation to be amended substantively or even technically.

### ***Recovery Impetus***

26. The CER Act by its references to Recovery that is “focussed, timely and expedited” clearly intends a process which, in practice, is able to achieve and sustain a certain impetus. At the time of this Review, the recovery, especially as it pertains to the central City and suburban area under CCC jurisdiction, was gathering impetus, but was not by any means in full swing across the full breadth of all 25 programmes which articulate the scope of the restoration and enhancement aspirations and intentions of the RSGC.

27. There were many and differing views expressed to this Review about the general state of recovery implementation. Amongst the statutory Strategic Partners<sup>9</sup> emphasis was given to the magnitude of the losses caused by the prolonged earthquake sequence, and the scale therefore of the recovery enterprise as a whole. There are some sectors in which the achievement of Recovery impetus appears further advanced than others. This Review asked whether such inhibitions as have been encountered in achieving impetus in the programmes or across them could be traced to shortcomings in the CER Act or were the result of other factors. The consensus amongst interviewees was to identify other factors. Some were described as intrinsic, attributable to well-recognised process risks, such as compliance clutter or inertial forces (drags, lags, supply or procurement bottlenecks, personnel churn or fatigue), which, when encountered, must be mitigated through governance, management and coordination machinery. And some were extrinsic, arising from the choices, and behaviours of other actors (especially private sector and commercial interests), able to be influenced but not fully within the powers of Plan and programme owners to control. The need to base decisions about new civic amenities and new residential developments on sound scientific advice and geotechnical consensus about risk was also mentioned as a reason for “hastening slowly” on some recovery programmes.

28. The views of most of those interviewed for this Review, especially CERA and the other statutory strategic partners, differ about how to characterise the state the recovery has reached presently. They said rates of progress vary among the districts of greater Christchurch, and within the City boundaries even more so. They held apprehensions, some in common, about recovery momentum and the tempo of implementation overall, and inter-sectorally. Other interviewees expressed concern about specific sectoral programmes in terms of the clearance rates for case-management for individual citizens or groups in worst-affected communities. But they were broadly supportive of the Act as it stands.

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<sup>8</sup> NZCID; Insights into Canterbury: Findings of Research on the Canterbury Earthquake Recovery; June 2013.

<sup>9</sup> Strategic Partners are the parties consulted in the development of the Recovery Strategy: Christchurch City Council, Environment Canterbury, Selwyn District Council, Waimakariri District Council and Te Runanga o Ngai Tahu (refer s.11(4) CER Act).

29. The main qualifier of that support arose from interviewees contemplating the evolutionary dynamics of both recovery and transition. Questions are being put about how long, and how far into recovery, the present allocation of powers and functions between CERA and its territorial local authority partners, and between CERA and the rest of central government should continue, and how to ensure a robust succession which does not put recovery itself at risk. It is assumed that proposals to commence transition (incrementally) might possibly entail amendments to the CERA Act before its projected expiry.

30. Another caveat arose in relation to the limitations which may be placed on the use of powers in the Act as a result of litigation. The confidence of some stakeholders that the CER Act was fit-for-purpose was qualified by a generalised concern about whether, at the same time as recovery implementation tempo accelerates, the Courts may go further and limit or constrain the ability of the Executive to utilise the powers in the Act.

31. A few interviewees considered that the foundational decisions of Parliament to create, in CERA, an institutional vehicle for recovery which was a department of central government under a dedicated portfolio Minister, was mistaken. Some of them favoured a Crown entity; others a special purpose vehicle under local, not central, governance. Having said that, most now accepted that CERA had become a going concern. In regard to the plans for Central City recovery (the Frame; the Core; the 16 Anchor projects of the CCRP) another set of interviewees, concerned about investment intentions, bankability or capital flight, expressed a preference for a more commercial operation, possibly at arms-length from CERA and CCDU, but accountable through different governance arrangements, to the Minister.

### ***Focusing; Statutory Instruments and Other Vehicles / Mechanisms***

32. To achieve the focusing of the Recovery, the Act allows the historic planning frameworks and development architecture to be changed to reflect the Recovery agenda (as expressed in the RSGC) and provides the means to accomplish it. These are both the aforementioned statutory Recovery Plans, and the strategic recovery programmes. Drawing upon the overarching Recovery Strategy (RSGC), they amend an accumulated body of relevant plans, policy statements and development strategies for land and resource use in greater Christchurch or the Canterbury region. These predated the earthquakes and some derive their authority from other legislation (e.g. the RMA; the LGA; the LTMA; the Conservation Act). They are required to be reviewed to ensure consistency with the CER Act; they may be replaced or the Minister may intervene to amend them and create new provisions to respond to recovery needs. The plan provisions, whether or not they are amended, continue provide the basis for consenting and other regulatory activity.

33. Similar focusing is required for the relevant national plans and programmes not in the portfolio responsibility of the Minister for Canterbury Earthquake Recovery, administered under separate appropriations by agencies other than CERA with their own legislation and statutory powers (e.g. educational / social welfare / health / EQC). They are aligned to the Recovery agenda by cross-portfolio consultation and the procedures of the Cabinet system. The Reviewer understands that the quality of inter-agency coordination, and the mechanisms which customarily support it (which are largely Wellington-centric), is one of the matters being addressed through the SSC (PIF) assessment of CERA.

34. Beneath the policy level, focusing is also required for implementation. Approved projects and planned recovery activities must go through stages (a “staircase”) of refinement before they can be commissioned, tasked or contracted out to delivery agents, and managed according to normal standards. The translation of high level policy (a Plan or programme) into fully determined and specified project management workplans is iterative and deliberative. It was observed to the Review that, depending on risk, some aspects of some



recovery programmes will travel this technical focusing sequence more slowly, and therefore progress towards implementation more gradually. In the case of the CCRP there is an indicative project delivery schedule for each of 16 “Anchor Projects” and the CCDU has further analytical, design, feasibility and risk parameters within each of them. Any other Recovery Plans, such as LURP, must be similarly refined and so too the individual recovery programmes. The Review was told that this is an inescapable dimension of process, but one with many steps which, even with fast-tracking, can take considerable time to properly complete.

35. CERA’s own management structure was altered late in 2012 to create better internal alignment with the RSGC and the strategic programmes. There has been a build-up of capability in selected areas of CERA’s outputs and activities for similar reasons related to the anticipated demands of the recovery policy agenda and the tempo of recovery implementation activities. A second restructuring, commenced as this review was in progress, has taken the organisational alignment of CERA a stage further to focus on the operational implementation of recovery strategy.

36. During the Review the question of governance and decision-making for implementation of the unfolding Recovery, and for its overall impetus, arose frequently. As had been the case in the previous year the local Strategic Partners could point to instances where they felt they had lost touch with issues of importance to them as they moved towards the point of decision. This occurred most frequently when the decisions were subject to central government consultation and authorisation processes. They commented that this was a risk inherent in the CERA model itself and they understood that under it the Minister acts in accordance with the norms and conventions of Cabinet and its Committees, in consultation with other portfolio Ministers. In this context it is worth noting a rising tempo; during the review period Cabinet received 31 submissions from the portfolio Minister and 8 on CERA-related issues from other portfolios. The CER Committee of Cabinet met 13 times and considered 36 departmental papers (of which CERA initiated 25).

37. Interviewees also commented on the impacts of a change in the financial authorising environment for the Recovery. There was a policy concern about contraction of the TLA ratings / revenue-base (against a rising expenditure track due to recovery-related activities, e.g. from LURP implementation) but also a perceived risk of misalignments between an optimally-sequenced activity stream and the funding flows into it. During the post-earthquake emergency response phase government departments, including CERA, and TLAs had operated with Crown indemnities. These are being withdrawn progressively as the Crown seeks cost sharing agreements with all TLAs for recovery works. The cost sharing agreement with CCC has outlined responsibilities for delivery on, and the share of contribution towards, anchor projects and CCC horizontal infrastructure. This has supported CCC in funding its 3-Year Plan and striking rates for the current year.

38. The funding of the anchor projects brings another layer of complexity. Although the CCRP provided locations and broad concepts for the major anchor projects, the approval of the Recovery Plan did not commit government funding at that time. Specific funding was provided for design and contractual costs for some projects, and subsequent appropriations established through Vote Canterbury Earthquake Recovery with the requirement that (single stage) business cases were to be developed. Anchor projects lead by other departments (e.g. Innovation Precinct led by MBIE; Justice and Emergency Management Precinct led by Ministry of Justice) are also required to go through the normal business cases processes.

39. The most common concern of interviewees by far lay with the criticality to the recovery, as its operational tempo accelerates, of well-adapted and robust regulatory structures and administrative procedures. Interviewees accepted that the CER Act had established a basis for such adaptation. They commented in particular on the authorising

environment for regulatory oversight, consenting and other determinations in Christchurch City and specifically about decision rights not expressly assumed by CERA or otherwise assigned by the Minister under the Act which remain with the Council alone or, in some programmes, with it and other relevant central government agencies and entities. Because they provide the determining conditions without which commissioning and authorisation of schedules of work cannot proceed, consents and operative plans are essential at a systemic level. In light of developments following CCC's loss of building consent accreditation, which occurred in the latter stages of the Review, and the intended remedial enhancements of capability and practice, both sides of the systemic risk argument put to the Review about the appropriate regulatory posture for recovery (too much precaution as against not enough quality control) now seem exposed and capable of resolution.

### ***Uses of the Act and Recourse to Special Powers***

40. The CER Act confers an extensive range of powers and obligations on the Minister for Canterbury Earthquake Recovery and the CE of CERA. The powers are in addition to those conferred under other legislation. There are obligations to arrange for a CPPF and a CF. These matters are dealt with elsewhere in the report. There are a small number of powers dealing with issues such as delegations, dissemination of information, the power to investigate and report, order compliance with the Act and transfer liability to the Crown.

41. The remaining powers and obligations can be broadly grouped into 3 categories:

- powers which allow the amendment of other Acts by Order in Council and without any recourse to the courts (s. 71 to 73)
- Powers to alter actions taken under other Acts through the use of the Recovery Strategy and recovery plans or by actions under sections 27 and 28 subject to judicial review
- Powers to carry out actions in relation to land and buildings without the consent of the owner or the usual authority (road stopping) subject to judicial review.

42. As indicated in Annex 1 the powers of the Act were used for these purposes throughout the review period.

43. The Review encountered a mixture of views about whether CERA's approach to use of the more coercive special powers had been appropriate. Some interviewees held that compression of standard RMA processes was inherently risky, especially for developments with long-term effects on the natural environment and resource endowments such as the aquifer. Others considered that CERA's philosophy of selective or restrained use (as had been described to last year's Review) may have run its course and may have to be amended in order to sustain impetus, keeping recovery programmes on their own planned critical paths, and recognising strategic interdependencies between them.

44. There are currently 18 Orders in Council under the CER Act in force, with 6 Orders made in this review period. Some of these new Orders were renewals or extensions of earlier Orders. There are a number of Orders in Council or Regulations made in respect of the Canterbury earthquakes under other Acts<sup>10</sup>. Those made under the CER Act by the CER Minister or other relevant Minister<sup>11</sup> were referred, as the Act requires, to the Canterbury Earthquake Review Panel and actively scrutinised as a draft by the Panel which, in turn, provided advice formally to the Minister. The Panel was able to engage the initiating agencies effectively and found them responsive about matters of substance and largely so on process as agencies other than CERA became more familiar with the process pipeline,

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<sup>10</sup> A listing of the Orders in Council and other Regulations can be found at [www.cera.govt.nz/legislation](http://www.cera.govt.nz/legislation) or [www.legislation.govt.nz](http://www.legislation.govt.nz).

<sup>11</sup> "relevant Minister" is defined in s.4 of the CER Act.

involving the Panel and the CPPF. I spoke with the Panel members and the Chair, Sir John Hansen. All commented that their expectation of a similar or even greater volume of referrals than in the first year had not been realised. No concerns were voiced about CERA's secretarial support for the Panel.

### **Case law and litigation**

45. There have been the following challenges to decisions about recovery-related activities under the CER Act or other Acts since the last report:

**Christ Church Cathedral:** There are two matters currently before the Court in relation to the Christ Church Cathedral.

The first is the issue of deconstruction of the Christ Church Cathedral<sup>12</sup>. CERA started off as a party to proceedings, but withdrew as the case changed focus into whether the Church Property Trust could demolish the cathedral and build something different. CERA has agreed to abide by the decision.

The second matter is a proceeding brought before the High Court as a result of the observation made by Chisholm J in the High Court regarding a replica cathedral.

**Hagley Cricket Oval:** a case under the Resource Management Act; Canterbury Cricket Association applied to the Christchurch City Council for a land use resource consent for the establishment of an international cricket venue on the site of the 'Hagley Oval' in South Hagley Park. The application was referred to the Environment Court under the direct referral provisions of the Resource Management Act 1993. CERA took a neutral position on the resource consent application but made submissions on the legal issues concerning the inclusion of Hagley Oval as an anchor project in the Christchurch Central Recovery Plan. The hearing was completed in early July 2013. The Court has not released its decision but indicated that a decision would be made in August 2013.

46. The most significant decision interpreting the powers in the Act is the Court of Appeal Judgement in the Independent Fisheries case<sup>13</sup>, a judicial review of the Minister's decision to use the powers in s.27 of the CER Act to amend the Canterbury RPS by adding a new chapter putting an airport noise contour in place, to revoke a proposed change to the Canterbury RPS and to insert a new chapter setting an urban limit for greater Christchurch. The decision established that the Minister had two constraints in relation to the exercise of his powers. He must ensure that he exercises his powers under the Act "in accordance with its purposes". The purpose of the Act is recovery. The Court went on to say that it was clear from the Act that Parliament intended planning certainty in the long term to be addressed, at least principally, in the recovery strategy (RSGC). The Court also noted the recovery strategy was reinforced by the requirements which reflect the community participation purpose of the Act.

47. The second constraint arising from the judgement is that the Minister may exercise his powers where he "reasonably considers it necessary". This requires the Minister to consider that the exercise of the powers is "necessary", that is "needed or required in the circumstances". It also requires an objective consideration of "reasonably". The Minister had

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<sup>12</sup> Cases related to the deconstruction of the Christ Church Cathedral: *The Great Christchurch Buildings Trust v Church Property Trustees* [2012] NZHC 3045, [2013] 2 NZLR 230; and *The Great Christchurch Buildings Trust v Church Property Trustees and others* CA5/2013.

<sup>13</sup> Independent Fisheries case: *Canterbury Regional Council v Independent Fisheries Limited and others*, CA 438/2012.

to ensure that it was necessary to use the specific power he intended to use and this required a consideration of alternative ways to achieve the same result including the use of another power under the Act.

48. The Court then concluded that the Minister's two decisions were invalid because the Minister failed to consider whether it was necessary to proceed by way of section 27 rather than by way of the recovery strategy and/ or a Recovery Plan.

49. This Review concluded from the comments made to it about this judgement that executive decision-makers had taken or were taking cognisance of its implications for recovery planning and implementation. An example given was the processes for development of the draft Land Use Recovery Plan.

### ***Parliament***

50. A complaint to the Regulations Review Committee was made in February 2013 about the Canterbury Earthquake (Building Act) Order 2011. The Order amends provisions of the Building Act 2004. The complaint relates to the effect of the Order on some residents of the Port Hills. This complaint is currently before the Committee.

### ***CERA Organisational development***

51. In last year's review general comments were made about the state of maturity of some of CERA's systems and practices. This year CERA has been the subject of a more comprehensive and methodical review by the State Services Commission under the Performance Improvement Framework process. PIF results are reported to Ministers and made public by the Commission. This review therefore did not need to traverse the same ground as last year, except (as in paragraph 35 above) in regard to how CERA itself has acted to adapt organisationally to shift its focus from recovery strategic planning to oversight, coordination and management of implementation.

52. In that respect the development of its capability to measure the progress of the recovery, and assess risks to progress, is also important to the purposes of the Act and the RSGC is explicit about both the monitoring requirements themselves and about meeting rising expectations of information access and transparency in the community. Monitoring has an obvious quantitative dimension, but it is also qualitative. The Review was told of extensive research work undertaken by CERA to build a template for monitoring which would capture both elements. There is no guiding body of domestic practice or institutional experience for disaster recovery on the scale of the greater Christchurch requirements. Recovery is different from the Response (emergency) phase. In the former the goals and priorities - the evident needs (for relief) of suffering / deprived communities – to some extent self-select, and there are best-practice models, precedents, and even benchmarks, available from the CDEM system. To some extent also the results are palpable and speak for themselves. In the latter, because the Act expressly speaks of Recovery as a “restoration and enhancement” of wellbeing, multidimensional (“social, economic, cultural and environmental”) in scope, there are more choices to be made, and more policy considerations to be weighed by those responsible for recovery activities. This, in turn, affects the way that measurement and evaluation of progress is undertaken, and comprehensively achieved.

53. Recovery as a mission for CERA was understood as requiring internal management information at several levels. CERA's new Monitoring and Reporting Framework consolidates a variety of its existing measuring techniques and integrates them with wider assessment frameworks/machinery employed by other stakeholders. It aims to capture macro-assessments (across the range of Plans and programmes) and micro (at the

programme level, and by projects or project clusters). It has therefore been some time in design and has taken some time to emerge. But its initial quarterly public report, which explains the methodology, was to be released during this Review.

54. CERA's legal compliance systems and practices for legal risk management are also relevant to this Review and were the subject of comment last year. The Review received largely favourable comments from those who rely on CERA's Legal team which, until recently comprised a Chief Legal Adviser and a team of 5 lawyers. They are responsible for providing all legal advice whether it is provided internally or obtained from external lawyers through the legal procurement panel or from the Crown Law Office. They check the legal aspects of all documentation, including all contracts, and a "cover sheet" (mandatory consultation) process implemented since the last report assists in this process. The Chief Legal Advisor is responsible for the maintenance of CERA's delegations register which has both consolidated and changed since last year. As a part of the November 2012 restructuring, the Chief Executive extended the scope of delegation of his powers so that Deputy Chief Executives and some managers became holders of delegations relevant to their portfolios.

55. Legal advice is both written and oral. Induction briefings and refresher seminars for wider CERA staff, or other stakeholders, have been limited so far but the expected arrival of two additional staff will increase capability and allow additional education to be provided. The CERA Legal team contributes to CERA's internal risk management regime. The Chief Legal Advisor is not a member of the Senior Leadership Team.

56. Demand appears likely to increase for legal help to solve complex recovery issues, many of which cut across the recovery sectors. The creative thinking / solutions that the Legal team has already provided will continue to be necessary in the future. Legal knowledge about the powers in other Acts in particular the RMA and the situations in which they can be used may reduce reliance upon the powers in the CER Act. These demands to gather together all the strands of issue-specific legal advice and maintain an overview, combined with the day to day monitoring required by the legal compliance system will further stretch the skills, experience, personal contacts and authority (both within CERA and outside) of the Chief Legal Advisor and the Legal team. The governance arrangements for the new Monitoring and Reporting Framework may present the opportunity for the Chief Legal Advisor to contribute to risk management in a wider context.

### ***Public Participation and Community Engagement***

57. The Community Forum is one of the two consultative entities recognised in the CER Act. Its Chair, Darren Wright, gave the Review an account of its activity. During the past year it met 21 times, a frequency above what was possible in the first year, and well in excess of what the Act requires. Given its members are volunteers, sustaining a fortnightly schedule (and inter-sessional activity in subgroups and ad hoc working parties) is a considerable effort, requiring sympathetic facilitation by CERA. The Court of Appeal in the Independent Fisheries case commented upon the importance of the CF to the purposes of the Act, and that seems reflected in CERA's support for it.

58. In 2011/12 the CF had been concerned to set itself up carefully and define its independence, its role and its "value-add". By the Chair's own account, and that of others, it is seen as having matured. Its agendas indicate seriousness of purpose to engage at a particular level on crosscutting policy matters. It is necessarily selective about what topics it can take on and substantively address, and it aims not to duplicate the input, nor substitute, in terms of access, for other grassroots community bodies. There is evidence of Ministers seeking its views on issue management and its input to decision-making and to the content of some of the strategic recovery programmes during their iterative stages. Communication

with CERA and CERA Ministers appear fully operational in both directions. The CF is timely and professional about delivering its views, both by its written opinions and through its meeting minutes which are made public.

59. For all this, the Review was told, there is still a sense that the CF “voice” is heard and influence felt more inside CERA than outside. Whilst to some extent this is what the Act intends, some interviewees felt that it needs the ability to engage with the full range of recovery partners and stakeholders; others that its profile in communities needs raising, and its interfaces with other community bodies and networks should deepen. For any such expansion of CF’s role not to be at cost to its core role, resourcing and support questions would arise.

60. These comments also need to be seen in the wider context of a “rising curve” of public expectations about transparency in recovery information and engagement. CERA itself has recognised the “curve”, and, as recovery accelerates, intends to keep intensifying its multilayered communications programme, working with the local strategic partners, all of which have well-established systems for outreach to their communities through formal and informal structures. CERA’s community engagement strategy is similarly likely to intensify as the consultation elements for other and newer strategic programmes, such as the NERP, are identified. During the period under review CERA expanded the “toolkit” for its community engagement mission. Favourable comments were made to the Review about the Rebuild and Recovery Expo in April 2013, and the launch of the Residential Advisory Service which provides independent assistance to residential property owners facing challenges with their repair and rebuild process.

61. The CF is due for rotational change in its membership and composition during 2013. Its required statutory membership is at least 20, and whilst it has had much higher nominal membership, in practice its meetings are attended by an average 16-18 members. Its optimal size is a matter of some debate, if it is to remain representative of the geographic communities of greater Christchurch and, by its composition and competency-mix, to be well aligned with sectoral recovery policy goals and issues.

### ***Parliamentary Participation***

62. The CPPF, which the Minister must convene “from time to time” – a different requirement to that of CF – met formally 6 times in the past year. Some Members were critical of there having been only two meetings so far during 2013, one to tour the Christchurch CBD cordon.

63. Notwithstanding the many other avenues of parliamentary information-gathering, nor that in other less formal ways, as individuals, they had been afforded access to briefings on recovery issues of concern to them at constituency level, several Members felt that the role of CCPF simply as an information clearinghouse (about recovery) had been undervalued. There is perceived to have been a certain loss of interparty confidence and trust. Both in regard to CCPF and the locally-established (non-statutory) “Elected Members Forum”<sup>14</sup> interviewees commented that if the Recovery, in all of its unfolding dimensions and complexities, is to be understood as an ongoing administrative and commercial enterprise, with a life beyond local or national political cycles, a way to restore viability to these mechanisms for information, knowledge and policy continuity amongst the political leaders of greater Christchurch should be found. In order for officials to be able to provide a richer content about the recovery in such fora, which are not intended to have the adversarial

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<sup>14</sup> The Elected Members Forum comprises Mayors and Councillors from the three TLAs; all Community Board members and the ECan Commissioners. It meets monthly.

elements of a Parliamentary Select Committee<sup>15</sup>, there may need to be clearer ground rules and some political restraint.

64. The additional process created by the CER Minister(described in last year`s review) for the CPPF members to express views on Orders in Council during their iterative stages remained operative, and on the whole, workable for the Members even though the turnaround time for their input sometimes caused difficulties.

## **Transition**

65. The Canterbury Earthquake Recovery Act has a lifespan of 5 years from 19 April 2011. CERA is a special purpose Public Service department created on 29 March 2011 to implement the Act. As indicated elsewhere, the Review encountered many shades of opinion about the nature and trajectory of recovery as a total and dynamic process, and this extended to the legal, policy and other institutional settings for recovery activities beyond April 2016. The RSGC foreshadows this (“the time when CERA ceases to exist”), and calls for a transition plan to be developed, in collaboration with strategic partners, no later than April 2015. The Review was advised that CERA has begun scoping work for that plan.

## **Conclusions**

66. The Act is presently meeting its purpose of enabling Recovery in that:

- the Recovery Strategy (RSGC) is in force; its stated second Phase milestones for rebuilding replacement and reconstruction are being realised
- Recovery programmes linked with RSGC goals are either being developed or have begun rollout; the governance and management of programmes, and projects within them, is spread amongst the strategic partners and other interests
- two Recovery Plans consistent with RSGC have been developed. One is fully authorised; the other has been the subject of consultation and is in draft with the Minister for consideration.

67. Strategic plans and recovery programmes generally require further focusing through technical iteration and deliberation before they become fully authorised workplans able to be commissioned and managed as discrete projects. This is a necessary, but gradual, process.

68. The rate of recovery progress across the breadth of the RSGC is dictated by various intrinsic and extrinsic constraints. To achieve and sustain impetus, these are to be addressed managerially at Recovery Plan and programme level, and through the governance architecture with its goals for leadership and integration as mandated by the RSGC.

69. CERA itself has been making organisational and managerial adaptations so that it better faces not only its allocated recovery implementation functions but also its evolving strategic coordination and leadership role. Risk management across the recovery is central to this role; it should be better enabled by CERA now having introduced an enhanced monitoring and reporting framework. By making it public, CERA will meet rising expectations for transparency.

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<sup>15</sup> The CER Act (s.7(1)) states the purpose of the CCPF is to “provide the Minister with information or advice”.

70. The recovery has achieved impetus and focus in certain strategic sectors and components; in others where progress is presently being inhibited, it is in a variety of ways not attributable, in any direct sense, to the Act or requiring either technical or substantive amendments to it.

71. Support for the Act as it stands is widespread. But it is not unqualified, particularly amongst stakeholders who considered that pressures might yet emerge for structural adaptation of the CERA model for aspects of recovery programme implementation or as part of transitional arrangements related to the expiry of the CER Act.

72. The use of the powers of the Act to focus recovery planning or to expedite implementation was recognised as having been restrained.

73. Orders in Council under the Act were properly considered by the Review Panel which was well serviced by CERA.

74. An important decision by the Court of Appeal has given executive decision-makers a clear steer about use of powers and good process. This seemed to have been well absorbed, in part because CERA's systems for legal compliance and legal risk management are strengthening.

75. The Community Forum has consolidated and, in its core advisory role, been able to sustain a commendably high level of activity. It has regularly provided inputs to executive decision-making about recovery policy and issue-management. Its future composition, and its overall representivity, are likely to be raised when rotation of membership is due. Any expansion of its role needs to be considered in relation to the other plans CERA has for intensified public communications and engagement.

76. The Cross-Party Parliamentary Forum has met the requirements of the Act in form, but in substance there are mixed views amongst its members about its benefits in terms of access to recovery-related information and knowledge-sharing on a bipartisan basis. The discretionary arrangement which enables members to make views known to the Minister on draft Orders in Council continued to operate.

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## Annex 1: Exercise of Mandatory and Discretionary Provisions of the Canterbury Earthquake Recovery Act 2011, as at June 2013

### Mandatory provisions

Section	Operation / Action for review	2012	2013
s. 6	Minister must arrange for a community forum to be held	Exercised	Exercised
s. 7	Minister must arrange for a cross-party parliamentary forum to be held	Exercised	Exercised
s. 11 (1)	Chief Executive must develop a Recovery Strategy and submit the document to the Minister	Exercised	
s. 12 (1)	Process for development of a draft Recovery Strategy must include 1 or more public hearings	Exercised	
s. 12 (2)	Draft Recovery Strategy must be developed within 9 months	Exercised	
s. 13 (1)	Public notification of the draft Recovery Strategy	Exercised	
s. 17 (1) & (4)	A draft Recovery Plan for the CBD must be developed within 9 months (CCC)	Exercised	
s. 20 (2)	Minister must ensure that all other draft Recovery Plans are publicly notified		
s. 21 (3) & (4)	Minister must give reasons for any action taken [in relation to approval of Recovery Plans], and give notice in the <i>Gazette</i>		Exercised
s. 27 (3)	Minister must, if applicable, notify persons directly affected by action taken [to suspend or cancel any resource consent; any use protected under the RMA; any certificate of compliance]		
s. 50 (5)	Minister must present a copy of any call-in to the House		
s.54 (2) & (3)	Minister must serve and lodge notices of intention to take land		Exercised
s. 55 (5)	Proclamations to take land must be published in the <i>Gazette</i>		
s. 56 (1)	Proclamations must be lodged with the Registrar-General of Land		
s. 64 (1)	Minister must determine if compensation is payable and the amount	Exercised	
s. 65	Minister must ensure that claims for compensation are determined within a reasonable period	Exercised	
s. 72 (1) & (3)	Minister must appoint Review Panel and convener of Panel	Exercised	ongoing
s. 72	Chief Executive must provide administrative support for Review Panel	Exercised	ongoing
s. 73 (2)	All draft Orders in Council must be reviewed by the Review Panel	Exercised	Exercised
s. 73 (6)	Minister must publicly notify Review Panel recommendations	Exercised	Exercised

s. 73 (7)	Minister must present a copy of the Review Panel's recommendations on a draft OIC to the House	Exercised	Exercised
s. 88 (1)	Minister must prepare and present to the House quarterly reports on the operation of the Act.	Exercised	Exercised
s. 92 (1) & (3)	Minister must carry out a review of the operation and effectiveness of the Act, and present the report to the House	Exercised	This report

### Discretionary provisions

Section	Operation / Action for review	Exercised 2012	Exercised 2013
s. 10 (3)	Chief Executive may delegate functions and powers under this Act or any other Act	Exercised	Exercised
s. 14 (1)	Minister or Chief Executive may review Recovery Strategy and propose amendments or replace it		
s. 16 (1)	Minister may direct 1 or more entities to develop a Recovery Plan		Exercised
s. 17 (3)	Minister may require the CCC to enable other specified persons to provide input into the Recovery Plan for the CBD		
s. 18 (4)	Minister may direct a further review and amendment of a Recovery Plan		
s. 19 (1)	Minister may determine how Recovery Plans are to be developed		
s. 21 (1)	Following the development of a draft recovery Plan the Minister may make changes or withdraw all or part of the draft Plan	Exercised	Exercised
s. 21 (2)	Minister may approve a Recovery Plan		Exercised
s. 22 (1)	Minister may review a Recovery Plan and amend or replace it		Exercised
s. 27 (1)	Minister may suspend, amend, revoke whole or any part [of a number of instruments under the RMA, Local Government Act, Land Transport Management Act and other Acts]	Exercised	Exercised
s. 27 (2)	Minister may suspend or cancel any resource consent; and use protected under the RMA; any certificate of compliance		
s. 27 (4)	Minister may revoke any changes or variations approved to a plan under [various Acts] or impose a moratorium on further changes or variations		
s. 28 (1)	Chief Executive may, by notice to a council, specify the types of contracts for which the consent of the CE of CERA must be obtained		
s. 29 (1)	Chief Executive may require any person to give any information required	Exercised	Exercised
s. 30 (1)	Chief Executive may disseminate information and advice	Exercised	Exercised

s. 31	Chief Executive may commission any reports as he or she considers appropriate	Exercised	Exercised
s. 32	Chief Executive may investigate any matter	Exercised	Exercised
s. 33 (1)	Chief Executive or any person acting under may enter on, or break into, any premises or place	Exercised	Exercised
s. 35 (1)	Chief Executive may direct the CE of LINZ to approve a cadastral survey dataset		
s. 36 (2) & (6)	Chief Executive may direct the Registrar-General of Land to seek the consent of the adjoining landowners to the new survey definition, and to disallow the application of s205(4) of Land Transfer Act		
s. 38 (1) & (3)	Chief Executive may carry out or commission works [including erection, reconstruction, demolition removal and disposal of any building] or fixtures and fittings	Exercised	Exercised
s. 39 (2)	Chief Executive may put up a hoarding or fence to prevent people from approaching works, and warning notices	Exercised	Exercised
s. 43 (1)	Chief Executive may subdivide, amalgamate, improve and develop all or any land acquired by the Crown		
s. 44 (1)	Chief Executive may erect or authorise the erection and use of temporary buildings on any public reserve, private land, road or street	Exercised	
s. 45	Chief Executive may restrict or prohibit access by any person to any specified area or building	Exercised	Exercised
s. 46	Chief Executive may prohibit or restrict access to any road or public place	Exercised	Exercised
s. 48 (1)	Minister may direct any council to take or stop any action, or make or not make a decision		
s.49 (1)	Minister may require any council to perform or exercise specific responsibilities, duties, or powers		
s. 50 (1)	Minister may assume the responsibilities, duties or powers by notice of a call-in [if council has failed to comply with notice under s. 49]		
s. 51	Chief Executive may require any owner, insurer or mortgagee of a building to carry out a full structural survey of the building	Exercised	Exercised
s. 52 (3)	Chief Executive may direct any [owners of adjoining properties] to act for the benefit of adjoining owners		
s. 53 (1)	Chief Executive may purchase or otherwise acquire, hold, sell, exchange, mortgage, lease and dispose of land and personal property	Exercised	
s. 53 (4)	Minister may declare land held under this Act to be set apart for a Government work		
s. 54	Minister may acquire land compulsorily by notice in <i>Gazette</i>		Exercised

s. 55 (1)	Minister may take land in the name of the Crown		
s. 55 (4)	Governor-General may, on recommendation of the Minister, by Proclamation declare land is taken in the name of the Crown		
s. 57	Minister may seek an order from the High Court directing vacant possession of land taken by Proclamation		
s. 71 (1)	Governor-General, on recommendation of the Minister, may make Orders in Council [to grant exemptions from, modify or extend provisions of certain Acts]	Exercised	Exercised
s. 77	Chief Executive may make a compliance order if any person has not complied with a lawful direction under the Act		
s. 87	Minister or Chief Executive may transfer to a council any of the Crown's benefits and liabilities under any contract, agreement ... or other instrument		

## Annex 2: Recovery Programmes and Anchor Projects

### Recovery Programmes

Recovery Programmes	Lead Agency	CERA role
Land and Land Use Programme	CERA	Delivering
Demolition and Operations Programme	CERA	Delivering
Residential Rebuild and Housing Programme	CERA / MBIE	Enabling
Horizontal Infrastructure Programme	CERA (with NZTA & CCC)	Delivering
Christchurch Central Delivery Programme (includes Anchor Projects, see below)	CCDU	Delivering
Christchurch Central Development Support Programme	CCDU	Delivering
Arts, Culture, and Heritage Collections Programme	MCH	Supporting
Heritage Buildings and Cultural Heritage Places Programme	MCH	Supporting
Sport and Recreation Programme	Sport NZ	Supporting
Greater Christchurch Business and Investment Attraction and Retention Programme	CCDU	Enabling
Business Environment Programme	CERA	Enabling
Insurance Programme	CERA	Enabling
Labour Market Programme	CERA	Enabling
Recovery Governance Coordination Programme	CERA	Delivering
Monitoring and Reporting Programme	CERA	Delivering
Communications and Engagement Programme	CERA	Enabling
Transition Plan	CERA	Delivering
Community Resilience Programme	CERA	Enabling
Residential Red Zone Programme	CERA	Delivering
Effective Government Services Programme	SSC	Supporting
Education Renewal Recovery Programme	MOE	Supporting
Canterbury District Health Board Recovery Programme	CDHB	Supporting
Iwi Maori Recovery Programme	Te Runanga o Ngai Tahu	Supporting
Natural Environment Recovery Programme	ECan	Supporting

## Anchor Projects in Christchurch Central Recovery Plan

Anchor Project	Lead Agency
Te Papa Otakaro / Avon River Precinct	CCDU
The Frame	CCDU
Convention Centre Precinct	CCDU
Bus Interchange	CCDU
Metro Sports Facility	CCDU
The Square (Landscaping)	Joint CCDU and CCC
Stadium	CCDU
Justice and Emergency Precinct	Ministry of Justice
'Breathe' Residential Demonstrator	CCC / private sector
Health Precinct	Private sector facilitated by CCDU
Innovation Precinct	MBIE / private sector
Central Library	CCC
Earthquake Memorial	MCH
Retail Precinct	Private sector facilitated by CCDU
Performing Arts Precinct	CCC
Cricket Oval	CCC
Te Puna Ahurea Cultural Centre	Te Runanga o Ngai Tahu

### **Annex 3: People Interviewed for the second annual review of CER Act**

#### **Minister and Minister's office**

Hon Gerry Brownlee, Minister for Canterbury Earthquake Recovery  
Tim Hurdle, Senior Advisor

#### **Canterbury Earthquake Recovery Authority**

Roger Sutton, Chief Executive  
Benesia Smith, Deputy Chief Executive, Corporate and Governance  
Warwick Isaacs, Deputy Chief Executive Implementation / Director, Christchurch Central Development Unit  
Diane Turner, Deputy Chief Executive, Recovery Strategy, Planning and Policy  
Mike Shatford, Deputy Chief Executive, Communications  
Michelle Mitchell, Deputy Chief Executive, Social and Cultural Recovery  
Bronwyn Arthur, Chief Legal Advisor  
Patricia Noble, Senior Advisor, Legal  
Susan Newell, Senior Advisor, Legal  
Jill Thomson, Advisor, Legal  
Caroline Holden, General Manager, Policy  
Caroline Hart, General Manager, Recovery Strategy and Planning  
Viv Smith, Manager Planning  
David Ryan, Acting Manager Integration and Monitoring  
David Corlett, Advisor Policy  
Dave Mills, Chief Financial Officer  
Jacinda Lean, General Manager, Office of the Chief Executive

#### **Christchurch City Council**

Michael Theelen, General Manager Strategy and Planning  
Chris Gilbert, Manager Legal Services  
Ian Thomson, Senior Solicitor  
Brent Pizzey, Solicitor

#### **Selwyn District Council**

John Christensen, Acting Chief Executive  
Douglas Marshall, Manager Corporate Services  
Tim Harris, Planning Manager

#### **Waimakariri District Council**

Jim Palmer, Chief Executive  
Simon Markham, Manager, Policy and Customer Service

#### **Environment Canterbury**

Dame Margaret Bazley DNZM ONZ, Chair  
Honorary Professor Peter Skelton CNZM, Commissioner  
Jill Atkinson, Director, Strategy and Programmes

#### **Te Runanga o Ngai Tahu**

Te Marino Lenihan, Senior Environmental Advisor Kaitohutohu Take Whenua

#### **Canterbury Development Corporation**

Tom Hooper, Chief Executive

#### **Department of the Prime Minister and Cabinet**

Richard Braae, Policy Advisor

**The Treasury**

Tom Hall, Manager Earthquake Recovery  
William More, Manager and Treasury Solicitor

**State Services Commission**

Peter Martin, Assistant Deputy State Services Commissioner

**Ministry of Business, Innovation and Employment**

Dave Kelly, Director Canterbury Recovery Programme

**Community Forum members under section 6 of CER Act**

Darren Wright

**Members of Parliament / members of Cross-party Forum under section 7 of CER Act**

Hon Amy Adams  
Hon Lianne Dalziel  
Hon Ruth Dyson  
Denis O'Rourke  
Eugenie Sage  
Nicky Wagner

**Review Panel appointed under section 72 of CER Act**

Sir John Hansen KNZM, Chair  
Dame Jenny Shipley DNZM  
Murray Sherwin  
Anake Goodall

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