

Reprint
as at 1 July 2015



**Canterbury Earthquake (Local Government Act 2002—
Christchurch City 3-Year Plan) Order 2013**
(SR 2013/39)

Canterbury Earthquake (Local Government Act 2002—Christchurch City 3-Year Plan) Order 2013:
revoked, on 1 July 2015, by clause 13.

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 18th day of March 2013

Present:

His Excellency the Governor-General in Council

Pursuant to section 71 of the Canterbury Earthquake Recovery Act 2011, His Excellency the Governor-General makes the following order, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the relevant Minister following the Canterbury Earthquake Recovery Review Panel's review of the draft order.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Department of Internal Affairs.

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Order

1 Title

This order is the Canterbury Earthquake (Local Government Act 2002—Christchurch City 3-Year Plan) Order 2013.

2 Commencement

This order comes into force on 22 March 2013.

3 Interpretation

(1) In this order, unless the context otherwise requires,—

3-Year Plan means the Christchurch City 3-Year Plan prepared and adopted under clause 5

Act means the Local Government Act 2002

Amendment Act means the Local Government Act 2002 Amendment Act 2010

council means the Christchurch City Council

long-term plan means a long-term plan adopted under section 93 of the Act

special consultative procedure has the same meaning as in section 83 of the Act.

- (2) The modifications to the Act and the Amendment Act made by this order do not affect the text of the Act or the Amendment Act, but require them to be read as if they had been amended in the manner indicated in this order.

3-Year Plan instead of long-term plan

4 Council not required to have long-term plan for 2013/14 and 2014/15

- (1) Section 93(1) of the Act does not apply to the council on and from 22 March 2013 until the close of 30 June 2015.
- (2) Section 93(3) of the Act does not require the council to adopt a long-term plan in 2013, but applies to the council's long-term plan to be adopted in 2015 and later years.

5 Christchurch City 3-Year Plan

- (1) Instead of complying with section 93(3) of the Act in 2013, the council must, before 1 July 2013, prepare and adopt a plan (to be called the Christchurch City 3-Year Plan) covering the period 1 July 2013 to 30 June 2016.
- (2) The 3-Year Plan continues in force until the close of 30 June 2015.
- (3) The council must use the special consultative procedure in adopting the 3-Year Plan.
- (4) The council may amend the 3-Year Plan at any time.
- (5) The council—
 - (a) must use the special consultative procedure in making any amendment to the 3-Year Plan; but
 - (b) is not required to use the special consultative procedure in making an amendment for the purpose of clause 7(2).
- (6) The council must, within 1 month after adopting the 3-Year Plan and any amendment to it,—
 - (a) make the plan or the amendment to it publicly available; and
 - (b) send copies of the plan or the amendment to it to—
 - (i) the Secretary for Local Government; and
 - (ii) the chief executive of the Canterbury Earthquake Recovery Authority; and
 - (iii) the Auditor-General; and
 - (iv) the Parliamentary Library.
- (7) Anything done by the council, before the commencement of this order, in relation to the 3-Year Plan is to be treated as having been done in accordance with

this order if, had it been done after the commencement of this order, it would have been done in accordance with this order.

- (8) To avoid doubt, the 3-Year Plan is not a long-term plan for the purposes of the Act.

6 Effect of resolution adopting 3-Year Plan

Section 96 of the Act applies in relation to the 3-Year Plan as if references in that section to a long-term plan were references to the 3-Year Plan.

7 Purpose and content of 3-Year Plan

- (1) The purpose of the 3-Year Plan is to—
- (a) describe the activities of the council; and
 - (b) provide integrated decision-making and co-ordination of the council's resources; and
 - (c) describe—
 - (i) major capital projects being undertaken to facilitate the recovery from the Canterbury earthquakes; and
 - (ii) other major capital projects being planned; and
 - (iii) the source and use of funding for the purposes of the projects referred to in subparagraphs (i) and (ii); and
 - (d) specify the council's contribution to—
 - (i) the rebuilding of infrastructure in the council's district; and
 - (ii) significant projects as identified in the Christchurch Central Recovery Plan developed under section 17 of the Canterbury Earthquake Recovery Act 2011; and
 - (e) include significant aspects of any agreement between the Government and the council that is made while this order is in force and that relates to the projects and rebuilding referred to in paragraphs (c) and (d); and
 - (f) provide a basis for accountability of the council to the community; and
 - (g) provide an opportunity for participation by the public in decision-making processes on activities to be undertaken by the council.
- (2) To avoid doubt, if any agreement referred to subclause (1)(e) is not concluded before the adoption of the 3-Year Plan, the significant aspects of the agreement must be included in the 3-Year Plan by way of amendment made as soon as practicable after the agreement is concluded.
- (3) In addition, the 3-Year Plan—
- (a) must include the following (as if the plan were a long-term plan):
 - (i) a financial strategy;
 - (ii) forecast financial statements and a funding impact statement;

- (iii) the information required by clauses 2 to 5, 7, 8, and 10 of Schedule 10 of the Act; and
 - (b) may include the council's policies on rates remission, liability management, and development contributions; and
 - (c) may include any other matter or information that the council considers relevant.
- (4) However, subclause (3) does not require the council to include information or matters in the 3-Year Plan that relate to any period or time after 30 June 2016.

2009/19 long-term plan

8 Requirements for 2009/19 long-term plan

- (1) The provisions of the council's 2009/19 long-term plan specified in subclause (2) continue in force until the close of 30 June 2013.
- (2) The provisions are those that address the requirements of clauses 4, 5, and 6 of Schedule 10 of the Act as it was before it was amended by the Amendment Act.

Decisions about levels of service and transfer of strategic assets

9 Modification of section 97 of Act

- (1) Section 97(2) of the Act does not apply to a decision described in section 97(1) of the Act made by the council.
- (2) The council may make a decision described in section 97(1) of the Act only if the circumstances in subclause (3), (4), or (5) apply.
- (3) The council may make a decision if the decision—
 - (a) is expressly provided for in the 3-Year Plan; and
 - (b) was included in the statement of proposal prepared under section 83 of the Act in relation to the 3-Year Plan.
- (4) The council may make a decision if the decision—
 - (a) is expressly provided for in the relevant annual plan; and
 - (b) was included in the statement of proposal prepared under section 85 of the Act in relation to the relevant annual plan.
- (5) The council may make a decision if it has used the special consultative procedure in considering whether to make the decision.

2013/14 annual plan

10 Separate 2013/14 annual plan not required

Despite section 95(1) of the Act, for the first year to which the 3-Year Plan relates, the financial statement and funding impact statement included in that

plan in relation to that year must be regarded as the annual plan adopted by the council for that year.

2013/14 and 2014/15 annual reports

11 2013/14 and 2014/15 annual reports

Part 3 of Schedule 10 of the Act applies to the council's 2013/14 and 2014/15 annual reports as if references in that Part to the long-term plan were references to the 3-Year Plan.

2013 pre-election report

12 2013 pre-election report

- (1) This clause modifies the requirements relating to the pre-election report to be prepared by the council's chief executive under section 99A(1) of the Act in relation to the general election of local authority members to be held in 2013.
- (2) Clause 36 of Schedule 10 of the Act applies to the pre-election report as follows:
 - (a) subclause (1)(a) applies as modified by section 54 of the Amendment Act; and
 - (b) the references in subclause (1)(b) and (c) to 3 financial years apply as if they were references to 2 financial years.
- (3) However, section 54(1)(a) of the Amendment Act (which requires a funding impact statement) does not apply to the pre-election report.

Revocation

13 Revocation

This order is revoked on the close of 30 June 2015.

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 22 March 2013 and is revoked on the close of 30 June 2015, applies to the Christchurch City Council.

This order should be read together with the Canterbury Earthquake (Local Government Act 2002) Order (No 2) 2011 Amendment Order 2013 which amends the Canterbury Earthquake (Local Government Act 2002) Order (No 2) 2011 (the **2011 order**) to remove the Christchurch City Council from the local authorities that that

order applies to. That order deals with long-term plans, annual plans, and annual reports of the Christchurch City Council, the Canterbury Regional Council, the Selwyn District Council, and the Waimakariri District Council.

This order applies only to the Christchurch City Council (the **council**) and provides as follows:

Clause 1 states the title of the order.

Clause 2 provides that the order comes into force on 22 March 2013.

Clause 3 defines terms used in the order.

Clause 4, in effect, exempts the council from the obligation to have a long-term plan under the Local Government Act 2002 while the order is in force. However, before the end of June 2015, the council must adopt a long-term plan for 2015/25.

Clause 5 requires the council to prepare and adopt a plan (to be called the Christchurch City 3-Year Plan) covering the period 1 July 2013 to 30 June 2016. However, the 3-Year Plan remains in force until the close of 30 June 2015. The council must use the special consultative procedure in adopting the 3-Year Plan. It must also use the special consultative procedure in amending the 3-Year Plan, but not for an amendment made to include significant aspects of any agreement between the council and the Government referred to in *clause 7(1)(e)*.

This clause provides, to avoid doubt, that the 3-Year Plan is not a long-term plan for the purposes of the Local Government Act 2002.

Clause 6 provides that the 3-Year Plan is to be treated as if were a long-term plan for the purposes of section 96 of the Local Government Act 2002, which clarifies that matters in a long-term plan do not constitute decisions and do not bind a local authority.

Clause 7 sets out the purpose and content of the 3-Year Plan. *Subclause (1)(a), (b), (f), and (g)* are the same as required by section 93 of the Local Government Act 2002 for a long-term plan. *Subclause (1)(c), (d), and (e)* are new and require the 3-Year Plan to—

- describe—
 - major capital projects being undertaken to facilitate the recovery from the Canterbury earthquakes; and
 - other major capital projects being planned; and
 - the source and use of funding for the purposes of those projects; and
- specify the council's contribution to—
 - the rebuilding of infrastructure in the council's district; and
 - significant projects for the re-establishment of the central city business zone as defined in the Recovery Plan developed under section 17 of the Canterbury Earthquake Recovery Act 2011; and

- include the significant aspects of any agreement between the Government and the council that is made while the order is in force and that relates to the re-building and projects referred to in the previous bullet points.

This clause provides that if any agreement referred to in *subclause (1)(e)* is not concluded before the 3-Year Plan is adopted, the significant aspects of it must be included by way of amendment as soon as practicable after being concluded.

Subclause (3) also requires the 3-Year Plan to include other information, some of which would otherwise be included in a long-term plan and some of which would otherwise be included in an annual plan.

Clause 8, in effect, continues clause 8 of the 2011 order in relation to the council's 2012/13 annual plan. That clause continues certain provisions of the council's 2009/19 long-term plan until the close of 30 June 2013.

Clause 9 disapplies section 97 of the Local Government Act 2002, which requires decisions about levels of service and the transfer of strategic assets not to be taken unless explicitly provided for in the long-term plan and the proposal to provide for the decision was included in the statement of proposal prepared under section 84 of the Local Government Act 2002.

This clause, which is similar to clause 10 of the 2011 order, provides instead for these decisions to be mandated by the 3-Year Plan (if the decision concerned is in the statement of proposal prepared under section 83 of the Local Government Act 2002), the annual plan (if the decision concerned is in the statement of proposal prepared under section 85 of the Local Government Act 2002), or by use of the special consultative procedure.

Clause 10 provides that, for the first year to which the annual plan relates, the financial statement and funding impact statement included in the 3-Year Plan for that year must be regarded as the council's annual plan for that year. This clause parallels the general position of the first year of a long-term plan being regarded as an annual plan.

Clause 11 provides that Part 3 of Schedule 10 of the Local Government Act 2002 (which contains requirements relating to annual reports) applies to the council's 2013/14 and 2014/15 annual reports as if references to the long-term plan were references to the 3-Year Plan.

Clause 12 relates to the pre-election report to be prepared by the council's chief executive for the 2013 general election of local authority members. The modifications reduce the number of financial years that certain information in the report relates to and exempt the chief executive from the requirement to include a funding impact statement.

Clause 13 provides that the order is revoked on the close of 30 June 2015.

This Order in Council is made under the Canterbury Earthquake Recovery Act 2011 and its effect is temporary.

Reprints notes

1 *General*

This is a reprint of the Canterbury Earthquake (Local Government Act 2002—Christchurch City 3-Year Plan) Order 2013 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Canterbury Earthquake (Local Government Act 2002—Christchurch City 3-Year Plan) Order 2013 (SR 2013/39): clause 13