

# Transitional Land Use in the Residential Red Zones

Guide for Applicants and Te Tira Kāhikuhiku - The Red Zones  
Transformative Land Use Group



Source: Land Information New Zealand (LINZ)

## Introduction

Transitional land uses, or TLUs, have proven an important regeneration tool in Christchurch. They have helped to increase activation of and interest in the residential red zones (RRZ), while planning on long-term uses for this land progresses.

More than 2,800 TLUs have already taken place or are happening across the RRZ, ranging from cultural events, to sporting competitions, urban horticulture, native planting and a wide range of other initiatives.

In 2019, the Crown and Christchurch City Council agreed to establish a new community-based consultative group, to aid decision-making on transitional land uses, and increase the community's activation of the RRZ. Te Tira Kāhikuhiku - the Red Zones Transformative Land Use Group - began its work in mid-2020.

This booklet is intended to provide a helpful and informative toolkit about the TLU process for Te Tira Kāhikuhiku members and applicants.

# The Global Settlement Agreement

In September 2019 the Crown and Christchurch City Council signed the Global Settlement Agreement. This Agreement provides certainty about the future ownership and management of the RRZ, and paves the way for a transition back to local leadership.

As part of the Global Settlement Agreement, the Crown (LINZ) agreed to progressively transfer Crown-owned residential red zone land to the Council from 1 July 2020.

As part of this transition, the Crown and Council agreed to a phased approach to increasing community involvement in land use governance. Phase one involved the establishment of a new community-based consultative group to make recommendations and provide feedback, advice and suggestions about TLU applications to LINZ and the Council. This phase is now underway, with the formal establishment of Te Tira Kāhikuhiku - the Red Zones Transformative Land Use Group.

Once RRZ land is transferred to the Council, LINZ will no longer have a role in the TLU process for that land. The first milestone was the transfer of Crown-owned RRZ land in Brooklands, Southshore and South New Brighton to the Council in September 2020. The Port Hills RRZ land will transfer around May 2021, and the biggest area - approximately 5,500 properties in the Ōtākaro Avon River Corridor - will transfer progressively in tranches once title reconfiguration work is complete.

## LINZ's role in the red zones

Since the Canterbury Earthquake Recovery Authority was disestablished, LINZ has been responsible for managing nearly 6,700 Crown-owned RRZ properties in the Port Hills, Ōtākaro Avon River Corridor, Brooklands and Southshore/South New Brighton on behalf of the Crown.

Keeping this land safe and secure has been a high priority for LINZ – with a focus on maintenance, pest management and security. We have also facilitated more than 2800 transitional land uses during this time.

Following the approval of the Global Settlement Agreement and the Ōtākaro Avon River Corridor Regeneration Plan in 2019, we now have increased certainty about the future ownership and use of most of the Crown-owned RRZ land in Christchurch.

This means we are now in a transitional period where LINZ is the current landowner, but the Council has been confirmed as the ultimate landowner.

Until the RRZ land is formally transferred, LINZ must continue to meet a range of obligations, such as health and safety and the requirements of the Greater Christchurch Regeneration Act 2016 (GCR Act) – including to grant TLU leases and licences. Continuing to follow a robust TLU application process during this period is important.

LINZ works closely with the Council on all TLU applications. Te Tira Kāhikuhiku also plays an important role in the decision-making process, providing a community perspective on proposals and making decisions about requests for Council funding.

# What are transitional land uses (TLUs)?

TLUs are temporary projects and one-off events that help support the regeneration of the RRZ areas while long-term uses are being planned, designed and/or approved.

## Current TLUs include:

- Community gardens
- Native plant restoration
- Eco-sourcing
- Walking trails
- Beehives
- Polyfest, Children's Day
- Biking and fun-run events



Source: Polyfest Christchurch 2020

## Types of TLUs

As part of the TLU process, applicants can seek an access authority, licence or lease for one-off or short-term initiatives for up to six months – or until the land transfers to Christchurch City Council.

### Access authorities

- Provide access only, e.g. to cross Crown-owned RRZ land to carry out works on a neighbouring property.

### Licences

- Provide a right of occupation, but not exclusive possession (sole use of the land). Used for one-off events or to allow testing or investigations to be undertaken.

### Leases

- Provide the lessee with exclusive possession of the Crown-owned land e.g. for temporary community gardens. The lessee is responsible for all maintenance/management of the land.



Source: Christchurch City Council Newsline

## What about permanent land uses?

Applications to use the land on a permanent basis are subject to a different process, led by the Council. Any enquiries or requests about permanent use should be referred to the Council.

Decisions about TLUs do not signal any permanent intentions or decisions about permanent land use. Managing expectations is a key part of some TLU application processes; LINZ can only approve temporary land uses.

# What are the key TLU considerations?

LINZ assesses all TLU applications on a case-by-case basis, taking into account a range of considerations.

## Criteria

These considerations are set out in the criteria approved by the Minister for Greater Christchurch Regeneration in 2018 (summarised below).

### Recovery and regeneration

- The TLU will support and be consistent with recovery and regeneration objectives, including as defined in the purposes of the GCR Act and as set out in the Ōtākaro Avon River Corridor Regeneration Plan.

### Long-term future use

- The TLU will not limit options for the long-term future use of the area (e.g. it won't damage the land, environment or any Crown-owned or privately-owned assets).

### Practicality

- The TLU is practical and implementable (e.g. it is not cost-prohibitive, and infrastructure, consent and insurance requirements are workable).

### Risk management and responsibility

- The applicant is fully aware of, and capable of managing, its responsibilities – including taking into account infrastructure constraints and any hazards (e.g. flooding and geotechnical).

### Interim land management

- The TLU would not negatively impact the land manager's ability to carry out its land maintenance and management duties in the RRZ.

Assessing each application against these agreed criteria ensures they can be reviewed consistently and fairly.

## What about licence / lease conditions?

TLU applicants need to meet a number of criteria when preparing for their initiative.

### TLU applicants also need to:

- Advise other users of the RRZ about their TLU (including neighbours and the public – taking into account the RRZ is still home to some private property owners).
- Keep LINZ (as landowner) updated about the TLU.
- Have \$1 million in public liability insurance cover and an appropriate health and safety plan.
- Prepare environmental management, traffic management and/or hazard management plans if required (depending on the event or project).
- Return the land to its pre-use state.

## Termination clause

As part of ensuring TLUs meet the above criteria, all licences and leases contain conditions, including a termination clause of 30 days. Licences and leases expire when the RRZ land is transferred to the Council.

Termination clauses reflect the temporary nature of TLUs and are essential to ensure that the long-term regeneration of the RRZ areas is not impeded (including construction of required infrastructure and permanent uses).



## What happens when the land is transferred to the Council?

When the land is transferred to Council ownership, which started to occur in September 2020, the Council will be responsible for determining whether existing leases or licences expire, or whether any transitional land use agreements will be carried over. If public works or any other regeneration priorities require a return of the land at the point ownership is transferred, the Council will advise TLU partners of this.



Source: LINZ

# The TLU application process

There are four main stages in the TLU application process for Crown-owned RRZ land.

## (1) Expression of Interest (EOI)

Applicants first submit an enquiry or EOI to LINZ (as land owner) via [www.linz.govt.nz](http://www.linz.govt.nz). The applicant outlines the proposal and indicates whether funding will also be sought.

LINZ may call or meet with the applicant to clarify what the proposal involves.

LINZ and Council technical experts provide initial feedback on the proposal. If appropriate, LINZ provides the applicant with the application form, and can provide support with the application process.

## (2) Application

Once the application is complete, the applicant submits it formally to LINZ via email: [redzoneinfo@linz.govt.nz](mailto:redzoneinfo@linz.govt.nz). LINZ and Council technical teams review the application. A meeting may be arranged if further details are required. LINZ assesses the application against the agreed TLU criteria. This assessment and any relevant technical information are provided to Te Tira Kāhikuhiku's Chairperson and Secretariat for the group's consideration.

## (3) Consultation

Te Tira Kāhikuhiku Secretariat prepares a summary of the TLU applications and circulates the relevant assessments and technical information to all members. Te Tira Kāhikuhiku Chairperson convenes a meeting to discuss the applications and determine its recommendation and feedback to LINZ. The Chairperson provides a report to LINZ about Te Tira Kāhikuhiku's views on the applications.

As land owner LINZ retains ultimate responsibility for assessing and approving TLU applications for Crown-owned RRZ land, in accordance with the GCR Act.

## (4) Decision

All relevant information – including technical and consultation – is considered by the LINZ decision-maker. LINZ advises the applicant of the outcome. If relevant, LINZ also works with the applicant to prepare a lease or licence agreement. The final decision will be provided to the Council and Te Tira Kāhikuhiku for their information.



Source: Christchurch City Council Newline

## Advice and support

LINZ is happy to discuss TLUs with applicants at any stage of the process.

Contact details for LINZ advisors, who can assist with applications, are listed on the "express your interest" section of the LINZ website dedicated to the RRZ <https://www.linz.govt.nz/crown-property/types-crown-property/christchurch-residential-red-zone/projects-and-events-red-zone/express-your-interest>.

The Council and Environment Canterbury can provide guidance, for example on consenting requirements. The New Zealand Transport Agency can provide support about traffic management, and Worksafe has health and safety plan templates on its website.

LINZ can also connect applicants with like-minded community groups, and we anticipate Te Tira Kāhikuhiku members will also be a helpful source of advice for the community.



Sources from top right, clockwise: Christchurch City Council Newline, Polyfest Christchurch 2020, LINZ, LINZ