



10 May 2019

[REDACTED]  
[REDACTED]

Reference: OIA-2018/19-0540

Dear [REDACTED]

### Official Information Act request for communications regarding the South Frame

Thank you for your Official Information Act 1982 (the Act) request received on 9 April 2019. You requested:

- 1. The letter/correspondence referred to in the attached article, from Mr Warwick Isaacs, to a Christchurch central city land owner; and*
- 2. Communications (letters, emails, meeting minutes etc) between CERA / CCDU and land owners in the South Frame of Christchurch City, particularly concerning acquisition or potential acquisition."*

### Information being released

We have identified a document that we believe to be the letter requested in part 1 above. Although a comparison against the NBR article you provided to support your request revealed some differences in quoted text, this is the only letter that we could locate in searches the Department of the Prime Minister and Cabinet's document record system.

I have decided to release the letter subject to information being withheld under section 9(2)(a), to protect the privacy of individuals. In making my decision, I have taken the public interest considerations in section 9(1) of the Act into account.

### Information being refused

Your request for information relating to interactions with land owners in the South Frame about potential or actual acquisition is refused under section 18(f) of the Act because it cannot be provided without substantial collation and research. In making this decision, I have taken the requirements of section 18A(1) into account and do not consider that either extending the time limit, or imposing a charge would enable the Department to fulfil your request.

It may help if I explain that previous requests under the Act, for information affecting a specific South Frame property, resulted in record searches locating in excess of 9,999 records. We are happy to consider a further request, made with due particularity, as is required by section 12(2) of the Act.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Anne Shaw  
**Executive Director, Greater Christchurch Group**

18 March 2013

St Asaph Investments 2011 Ltd

c/- s9(2)(a)

s9(2)(a)

s9(2)(a)

Dear s9(2)(a)

Re: 245 St Asaph Street

I write to you as an owner of a unit or units within the building at 245 St Asaph Street, Christchurch. I appreciate that there has been a great deal of uncertainty about the use of this building and the effect of the designation for The Frame – South with the specific identification of the Innovation Precinct. I wish to apologise for what, to some people, have been very confusing messages. The intention of this letter is to set out the position so that all owners can move forward and make decisions about their units.

I also acknowledge that some of you have been seeking clarification for what may seem to be a very long time. In reality it has been less than eight months since the Christchurch Central Recovery Plan was approved and a great deal has since been done to give effect to the Anchor Projects identified. The priorities for those Anchor Projects have, however, varied and some decisions have taken longer than others to make. The Innovation Precinct has proven to be complicated, partly because of the need to be clearer about what was anticipated to be included within the Innovation Precinct.

The Ministry of Business, Innovation and Employment is now responsible to assess what is needed and is looking to produce a Master Plan for the Precinct. This work will help to identify what will go where, including access and public spaces. CERA will, however, retain the responsibility for acquiring the land needed for the Frame – South, including the Innovation Precinct.

In relation to this particular property, however, there has been increasing concern about delays and I have therefore looked at 245 St Asaph Street in isolation from the rest of the Innovation Precinct. This building is nearly unique within this area being a multi-use building which is very modern and with little earthquake damage. It is above the Council's acceptable earthquake prone level of 67% NBS, although less than 100%. There seems little point, therefore, in acquiring this building and demolishing it to replace it with a new multi-purpose structure.

It is, of course, open to the Crown to acquire the property and then make use of the building, including as landlord. This is not, however, a preferred mode of action. It also does not fit well with the purposes of

---

recovery and it does not appear to be necessary. As a result I have decided that the Crown does not need to acquire the building at 245 St Asaph Street. Although the Crown in August 2012 did invite you to sell your property to the Crown, for the record that invitation is now withdrawn.

In the meantime, however, the designation for the Frame South is still in place. There appears to be some misunderstandings about the effect of a designation and so I would like to set out the position for you. A designation is a planning tool and advises people what an area is intended to be used for and provides the requiring authority (in this case the Minister for Canterbury Earthquake Recovery) with the ability to use the land in accordance with the designation without requiring a land use resource consent from the district council.

A designation also has the effect of providing the requiring authority with some control over the use of the land even though the requiring authority does not own the land. Any person who wishes to do anything on the designated land has to apply to the requiring authority for written consent. Doing anything on the land covers a wide range of activities including subdivision. The requiring authority's test to deciding whether to grant consent or not is whether the activity would prevent or hinder the public work.

As far as the activities at 245 St Asaph Street are concerned, I (as the requiring authority's delegate) will need to give written consent for any new activities. This will include repairs and fit outs as well as any external changes. It does not, however, include a landlord granting a lease (unless that lease amounts to a subdivision in terms of the Resource Management Act 1991). Given the types of activities that you as an owner of a unit are likely to undertake at this site I anticipate that in most cases written consent will be granted. If you wish to sell your unit to another person then that does not require my written consent although the potential purchaser may want the assurance of a written consent to be satisfied they can undertake a new venture on the site.

To comply with the legislation, therefore, you do need my written consent to do anything on the site and therefore I need to ask you to apply. You can do so my writing to me at CERA setting out what you intend doing. Although I do not need full details of what you propose to do I do need sufficient information to be able to make an informed decision. Please note that this consent is just the approval of the requiring authority. Depending on what you are doing, you will still need to comply with the district plan rules for the Central City Mixed Use Zone or seek resource consent and you will still need to obtain building consent.

Please note that although I do not intend to acquire any interest in the building I have not yet made a final decision about the land and whether a lesser interest such as an easement or right of way will be required. This will depend on the final form of the Innovation Precinct master plan and whether there needs to be some form of public access over the site. Part of the aim was to allow people to walk or bike through the block. At this stage it is not known where such routes will go and so I wish to preserve the possibility of seeking to acquire such an interest at a later date.

---

I trust that this letter sets out the position in relation to your unit or units. If, however, you require any further clarification please contact Greg Wilson on [greg.wilson@cera.govt.nz](mailto:greg.wilson@cera.govt.nz) or (03) 354 2745 or s9(2)(a) s9(2)(a) .

Yours sincerely



Warwick Isaacs  
**Director**  
**Christchurch Central Development Unit**

Released under the Official Information Act 1982