**Ruth**

**Port Hills red zone**

**Area 8: Port Hills**

**Red zoned due to risk of cliff collapse**

**White zoned, green zoned, then red zoned in December 2013**

(Note: Ian and Ruth are married but were interviewed separately. Although their accounts are similar, their different perspectives offer further insight into the red zoning experience.)

**Ruth’s story**

I’m actually retired now. I’m not 65 but I’m very lucky to have retired. At the time of the quakes I was working as a voluntary teacher with English Language Partners, which I’d been doing for a number of years. I was teaching four mornings a week a group of deaf refugees who are also preliterate. That involved me learning a new language: Sign Language. By the time I left I’d been a volunteer for something like nine years. I’ve worked in schools and IHC, and I was a social worker, so I’ve always had that leaning. And politically I am quite strong on human rights. So I’ve come from quite a strong background of caring about people and their situations.

**Ruth’s property**

Initially in June 2012 we [Ian and Ruth] were green zoned, and that was after having waited quite some time. We felt that was the correct zoning. Mark Yetton, who was part of the Port Hills group, had been on our property several times and always assured us that we were OK. He was a very good communicator very early on after the earthquakes and I felt he knew the property really well. When we had that June earthquake [2011] he said to me about more rocks that had come down, and it was almost like he knew exactly which rocks.

So we had no cause to feel other than that we should have been green zoned, but it was a huge relief when we were. As far as we were concerned that was the end of the matter. And then, 18 months later, in December 2013, we got a call out of the blue at night to say that we’d been red zoned. We’d had no inkling. We hadn’t appealed our zoning − our neighbour had, but we hadn’t − so there had been no communication, nothing to indicate that our land was still under investigation. So it just came as a huge shock.

We were red zoned because we were “10 to the minus 4” in terms of life:risk − which is, I gather, a risk of 1 in 10,000 in a year − because of possible cliff collapse. Their definition of cliff collapse is when uncountable rocks come out, but you could count the rocks that have come out of our cliff. The height of the cliff comes into it too, and again our cliff is below this height, and in fact their model specifically excludes anything under 10 metres. So we seem to be excluded on all of these factors, but they’ve calculated that life:risk factor.

One of the other things is the occupancy - they take the occupancy of a house as being 100 percent which is a fair enough thing as there would be some people, I guess, who were home all the time. So they’ve put this hazard line which is out in the garden - but no-one is ever in the garden 100 percent of the time. ... I mean, our house is quite a long way actually from where they’ve put the hazard line. We still don’t believe it’s the right decision. But that was a terrible process to go through. ...

On the Port Hills it was only 70 properties or something that were in the situation that we’re in, so it’s not many. They knew. They could easily have sent us a letter, and then we would have actually had the ability to have some input into the process. Other people who had appealed their zonings could put in their reasons for appealing, but we were red zoned with no right of appeal. So it’s not democracy. I still feel pretty angry about it.

**Reasons for staying**

We chose to stay for a whole mixture of things. We did go off looking at other properties at first. Our property is not perfect, but we have got a very nice home and a very nice setting, so we like living here − that’s a big thing. Because our house was a repair rather than a rebuild we weren’t going to get a full payout, so the choice between taking insurance or the government offer − whichever we took − meant that we actually wouldn’t be receiving the money to replace our home to a similar size or standard.

We’re not going to be pushed around. To me, it just absolutely was trampling on our rights as property owners, and being bullied. We have written to the Minister and we just simply got a reply saying that we have been told that our property is at immediate risk of death or something and there is no right of appeal. So we haven’t been able to write to anyone.

Of course people have − and we have, too − stood to lose a huge amount of money. We’ve lost in our property value, but we’re still going to have a very nice place and we’ve decided we can live there, but sometimes I think, “Actually what if something happens?” Things happen in people’s lives and we haven’t got an asset that we could sell and use that to buy another property. We’ve obviously decided it’s worth the risk, but it is a risk.

**Reasons for agreeing to interview**

I was very pleased to get the [Human Rights Commission] survey and see how comprehensive it was. I guess in that survey I let off a bit of a steam! We just feel since we were red zoned that no-one has listened to us. We’ve had no avenue of appeal. We’ve had acknowledgement from close friends and families that we’re in a difficult situation − even from neighbours. So I felt this was a real acknowledgement that actually the process hasn’t been a good one, and that for those of us who have made that choice to stay in the red zone it still isn’t an easy situation to be in. I would just like to think this wouldn’t happen to other people in a natural disaster in New Zealand. That there would be a far more consultative process.

I know that telling our story can’t change anything that’s happened, but if we can do something so that other people don’t have to go through it. With any disaster, with anything like this, there will be learnings, but I would just like to think that no-one would be bullied in the way that we’ve been.

We’re not talking about stirrers or troublemakers. We’re talking about very ordinary New Zealanders. I continually see that. They’re people that probably have just sat back and taken life as it came and not complained. So it is very ordinary. They’re not all stirrers like I’ve been. My determination comes from the injustice of it. I just feel very strongly that there’s been a huge injustice done, and it’s really interesting to talk to people about the fact that we’re staying and they say, “Oh if only we’d known” or, “Oh I’ll tell my friend because they didn’t know they could have stayed”, and that’s a shocker. A lot of those people still may have made the decision to go, because sometimes you just look at the amount of work. And of course it was different on the flat. There was a very clear implication that people were going to lose their services. But now it’s come out that legally the Council is obliged to keep those services going. So that’s what people say to me, “What about your services?” And I just say there’s no question of that, and in fact the City Council has given us a new sewer line since the earthquakes.

Some people’s homes weren’t actually terribly badly damaged, or their land, but they happened to be red zoned. I’m not against the red zoning *per se*, because something needed to be done to help some people out of very difficult situations. For instance, we’ve got neighbours − their land simply cannot be built on. I mean it is dangerous, there’s no doubt about that. But on the Port Hills there are properties that have been caught up in the red zoning that I don’t believe are dangerous.

We were also assured by [the government] right at the beginning of that red zoning process that no-one would lose equity in their properties. Well, it’s simply not true.

**Support for and from Ian**

I don’t think I could have gone through this process without Ian, and I don’t think he, to be fair, could have done it without me either. In meetings we are quite interesting: I was able to be the more emotional one and say things that Ian couldn’t. Ian, because of his professional standing and dealing with other engineers, had to be a bit more careful, whereas I felt I could say more how I felt. He’s used to dealing with difficult people so he doesn’t get nearly as upset as I do by the conflict of the situation.

Ian hadn’t been in Christchurch for the 22 February 2011 earthquake and he arrived back reasonably early the next morning. I could see right through our house and it was just an absolute mess. I just thought it was gone. We went home together and we had a talk before we went home about how we were going to have to be gentle with each other, and it was quite a shocking − almost brings me to tears, actually − a shocking situation to arrive home to find our house in the state it was. Ian walked around the place and he said to me, “Oh I think it’s repairable,” and I said, “I don’t believe you,” and he said to me, “But people pay me to make decisions like this,” and I said, “I still don’t believe you.” I did tell Ian later in the day, when he was telling someone that story, “You came home and you were an engineer and I needed a husband.”

So from that point of view we’ve been extremely lucky, just in general with dealing with the earthquakes, but also once the red zoning came, having that technical knowledge.

I’ve certainly suffered stress − a huge amount − but I also realise that there are two of us in our early 60s who have enough energy to cope with all of this, who have the knowledge. So in terms of when you look at so many people who haven’t got the education to be able to cope with this sort of thing, or the support. But no, the stress has been immense. I still feel it. I can feel it in my face. I can feel it when I talk about it. Often when things come up about it or about earthquake stuff in general, with people who I don’t think will understand, I simply don’t get involved because it is too stressful. That feeling of being misunderstood and the feeling of “You’re a complainer”.

**Insurance**

The insurance company already had a builder, and we were talking with the builder and we were well down that process. But once we were red zoned they wouldn’t repair our property, so that was a real blow. Actually, after we were forced to cash settle − which wasn’t our first choice − it’s turned out to mean we’ve got control of the repairs, we’re in control of the process.

**First meeting with CERA [Canterbury Earthquake Recovery Authority]**

There was an article in the newspaper about Roger Sutton telling the insurance companies to get the houses in order, more or less, and I wrote a letter to *The Press* saying that even dealing with the insurance company − which hadn’t been easy − paled in significance to having to deal with CERA. I’ve never, ever been spoken to and bullied in the way that I was. I can still feel it! Mostly I’m fine, but every now and then it’ll keep me awake at night, this resentment that I have never ever been able to … I think that being red zoned with no right of appeal is actually a very big bully. That’s a shocking thing to have done to anyone.

The first meeting we had with CERA was the day the red zoning became public. We’d been rung the night before so I was feeling pretty angry, and I just simply got on the phone in the morning and said that we deserved an explanation and that I expected someone to come to us that day. I wasn’t going to hang around and wait. We’d just been referred to a website. It took quite a number of phone calls and I was insistent. [...]

As the thing progressed I realised they had the legislation on their side. They didn’t have to justify anything to us. They were insistent that it was a voluntary offer, but we said, “Well it’s voluntary, in that you say we don’t have to accept it, but immediately it’s taking away the value of our land, it’s taking away our ability to get insurance.” We have never been under threat of having our services removed, because they all just come to our property from the main road. I’ve known people who are red zoned on the flat, but this was all new to us. We just felt absolutely gobsmacked in that we were having to leave our land. That was bullying.

[...]I can’t believe that in New Zealand − and I mean, I so much believe in democracy − that we’ve been treated in this way.

**Second meeting with CERA**

It would have been the next week we arranged to go into CERA. This was something they were arranging for everyone. I’d sort of jumped the gun and got them around. Because of the way the first meeting had been for us we realised we needed a third person there, so we took my sister. Our place is owned by a family trust and she’s one of the trustees, but she’s also a very good person to have, a good listener. We felt we needed that extra protection. I had prepared something that I knew I wouldn’t read but to try and clear the air

It was held in an old brick building they had on Worcester Street. Our meeting was getting on for 5 pm or 4 pm. It would have been the last one of the day. Even the notice on the door was unwelcoming, the way it was worded. I can’t remember exactly what it said. There was no-one at reception and [a CERA staff member] who had been at our house previously, came walking down the hallway so that meant we didn’t have to find reception and it was alright. We went through three locked doors before we got to the meeting room, and these doors just sort of slammed behind us. Already seated at the table were [two other CERA staff members].

They didn’t rise to meet us and [one of the staff members] was sitting there with his diagrams and model thing already up on the wall. So that whole thing was most uncomfortable going in. It was just terrible. The building had absolutely nothing in it, and we went into a room that literally had just a table, a projector and a white wall. And [the staff member] was just going to leap into this model, so I stopped him and I said that at our house there had been misunderstandings about people’s roles so could we please go around and introduce ourselves? So I started and I introduced all of our side, and then they did. But they wouldn’t have. It’s just simply not the way we operate.

[The CERA staff member] was not prepared to hear anything from us. This was supposed to be about our property and he kept saying back to the model, back to the model. It was all *back to the model* because there was no data about our property. So that was bullying. I started to feel really upset in that meeting and I thought I just need to get out because I can’t afford to be really upset. I wanted a drink and there was no water on the table, nothing. I wanted a drink of water but I realised I couldn’t go out through those doors because I couldn’t get back in, there was no-one at reception, there was no way for me to actually go outside and come back in.

There were several things said that were really interesting. We had written asking for a review, even though we knew there was no possibility, but right at the end of the meeting it came out that the message had come from someone higher up that there might be a possibility of review. And I just looked at him and I said, “Well, [...] if you’d said that right at the beginning of the meeting the whole tenor of this meeting could have been very different.” Why? It was all this control of information.

We were referred to the CERA website, and in particular to a video on the Port Hills zoning review. I know I’m emotionally involved in it, but I just found the whole thing patronising. There was no information given about our property on it. [The presenter] started off saying something along the lines that he could understand the difficulties that home owners had because he had built his own house. Well, that’s absolutely irrelevant. Another comment he made was about how thorough the process had been and how they had collected information that was almost a foot high. It was very patronising.

When it came to actually talking about our area − and it’s the same in the minutes − it talks about the risk. For our neighbours’ place, at number 6, they said that they had underestimated the risk to life ratio so that was changing from green to red. For number 10, they had *over*estimated the risk to life so it was staying green. And he simply just waved his hand over number 8 [our property]: red zoned. Nothing more than that. There was no information. Even the multipliers when it comes to life risk: they talk about “10 to the minus 4”… Well, sorry! I wouldn’t know whether “10 to the minus 4” was bigger or smaller than “10 to the minus 3”. So even when it gets down to those sorts of basic things there was no information for a lay person.

**Further engagement with CERA**

We had a meeting with CERA at our home, which they had organised at very late notice − like 1 pm and they were at our place by 4 pm, so we were really surprised. They rang up Ian and wanted this meeting. Given what we’d had in writing − we’d written letters − it was a bit of a surprising response. [...] And at this meeting again they came so ill prepared. We had written several pages of questions and things that we wanted answered, and they didn’t even have that with them!

Towards the end of the meeting we suggested we should walk around the property because we’ve got no cliff-top recession, which is one of the big things in all their formulas. My understanding of maths is that as soon as you’ve got a zero and you multiply it, it doesn’t matter what other numbers you multiply it by, you come back with a zero. How could they come up with our life: risk thing when one of the things was cliff top recession and we don’t have any? There’s a zero in your formula!

They didn’t actually say no, we won’t do it, but we didn’t do it. [They] couldn’t afford to do it because there was no cliff-top recession. There is no damage to show. And [they were] arguing that our north cliff − which is actually a manmade cutting, which is another thing that disqualifies you from this model − wasn’t a manmade cliff. Ian said, well no, actually it was cut through in 18-hundred whatever, but they simply would not abide by their own rules of the model. So that night I got on the internet and found the ordnance survey maps from the 1860s and we sent them a copy of that so it was patently obvious. I mean, you can go down, you can see where it’s cut, you can see the blasting holes, and everyone knows that the cutting went through for the trams.

Another thing: at that meeting we were insistent that we needed information in writing, and [they were] really reluctant. I said, “We’re trying to make a big decision here. We need to marshal all the facts. We are having to look at the insurance, we’re having to look at our property value, we’re having to assure ourselves whether we’re safe or not, we need all the geotechnical information. You’ve red zoned us, and if we’re going to decide whether to stay or not we simply need all this information.” He was offering a meeting with [GNS], and we agreed to that, but I said that we still needed this information in writing.

It took us several months to get anything in writing from CERA about our property, but we finally got a written reply from [GNS], [...] and it absolutely had untruths in it. [It] said it was a matter of opinion whether that cliff was manmade or not. I mean, we had sent them the ordnance survey map! Ian had written a very comprehensive letter. They even had the height of our cliff wrong. They were talking about the height of the cliff in this area being 15 metres. None of our cliff is that high. It’s all done in this sort of general modelling thing. [GNS] admitted at the hearings that [it hadn’t] been on our property but, oh he’d looked up from the bottom. Well, I’m sorry! You can stand at the bottom of the cliff, that’s one way of looking at it, but when you’ve got all these different factors … In the end we’ve said we didn’t want a meeting with [GNS] because, as Ian said, you people aren’t going to change your minds so there’s no point.

**Independent Hearings Panel**

Earlier this year we went to the Independent Hearings Panel, and we had to sit and listen to all of this wrong information again. The adversarial nature of it. It was a shocker. They had a pre-hearing meeting for people particularly about rock roll and cliff collapse on the Port Hills. When I walked into the Independent Hearings Panel building I felt a wee bit intimidated, and then the panel came in and we all had to stand because the chairperson on the panel is a retired High Court Judge, John Hanson. I muttered something to Ian and he said, “Now just calm down”.

By the end of that meeting the panel had made several offers to those of us landowners who had attended, because most of us had had no direct contact from the City Council about the hazard line that was put on our property. We decided we would take up one of the offers, which was for the panel to come and visit our property. Well, I had to change my tune and think, “Oh! I think we’re in for a fair hearing”. I actually said that to one of the panel members when they were at our house.

[...]

Then we had those people visit our land, but when they came out I just wanted to stand up and yell at them, “You’re talking about the wrong thing because we’ve got two cliffs, and the north-face cliff is a manmade one!” They talked about “ground truthing” using LiDAR [Light Detection and Ranging], which is a radar survey of the land. And of course it will pick up a crack, but it can’t tell that this crack is because there’s a retaining wall here. We said to the panel people we’d already told CERA − and the officials who came to our place agreed − that it’s nothing to do with land movement. They acknowledged they’d made a mistake that day they came to our house.

So I marched them up with Ian, and they agreed that the crack was nothing to do with any land movement. It was because our retaining wall had moved, but that was left on the LiDAR map and that’s where the City Council have now put this big hazard line. They’ve still left the red zoning! Even though they’ve been on our property. Ian’s firm belief − and I guess I’ve come around to it − is that they have been told that they have to be very careful about changing anything that would affect the red zoning. What else can you start to believe?

**Mitigating risk**

EQC [Earthquake Commission] sent Tonkin and Taylor. When their report came back it identified the one rock the City Council had already identified, and they had sent people to scale off our cliff. The Council had identified just this one rock and suggested it may need either removing or bolting back. Then Tonkin and Taylor, quite independently, said the same thing. There’s four reports that have all looked at our property, and none of them have identified that there’s anything needed doing on that cliff. On this front one there’s one rock bolt, which is going to be done shortly.

They spent many, many hours saying they would like us to think over all of this, but it would have taken them five minutes to come up.

**Central versus local government involvement**

I’ve had a lot of time for Lianne Dalziel, and I think she’s doing a very good job as mayor. Now she is coming out very much in support of the structure [the Regeneration Plan]. But when you read the structure there is still far more government representation than there is Council. Does it run for five years? The first three years the government-appointed chairperson is in control, then for two years the Council gets a go. So I feel that central government, for whatever reason, is still holding onto powers that rightly belong with local government.

They’ve done the same thing with ECan [Environment Canterbury], so that in Canterbury we have this erosion of democracy. They’ve got the same sort of attitude towards our District Health Board, where they’re wanting to change the model so that there are more government-appointed than elected members. Of course we need central government funding, but I just feel that everything is set up with this. [...]

**Helpful people**

I was very impressed with Ruth Dyson [Labour Party Member of Parliament representing Port Hills] and her knowledge about all sorts of things to do with the earthquake. She knew all the people I was talking about, but of course she couldn’t do anything. [...] I just felt she was stand-out with her knowledge.

**Stigma**

I don’t feel a sense of stigma among my close friends, and we’ve had very good support from my family. Recently, it’s obvious our house is being fixed and people assume that we’ve sorted all this, but we haven’t. What we’ve managed to sort is insurance and getting a building consent. But we have got no recourse. We can never sort this.

We know that the zoning has no legal status, but we’ve only found that out because we’ve done good research. No-one ever told us that. There was no legal status: it is simply a geotechnical or geological area with a government offer to buy your property attached. There’s no expiry date for it, and so most people, including friends who were in the red zone on the flat, they’re just absolutely staggered to find that we can stay there. Most people in Christchurch, their impression would be if you are red zoned, you’re out. And from a few comments from neighbours and things, from some quarters there’s a feeling that we’ve made a foolish choice and why would you want to, why don’t you just pack up and go? Some people have gone and some people have stayed, and there is no right or wrong answer to that.

**Stress**

I feel I’m probably less engaged right now than I’ve ever been. What do I feel? It hasn’t made me want to get more involved. I’ve always been one for standing up for my beliefs. I would demonstrate if necessary. I write letters to the paper. We’ve always been involved. With this current government I just feel there’s no point. This is why we’ve given up on going to the High Court. We’ve got to protect ourselves. You can’t go on. That was very bruising, the Independent Hearings Panel. I would never − unless I really had to − put myself through something like that again. And so going to court would be a very similar experience.

At the very first meeting they [CERA] handed over a pamphlet or something and said, “If you need some help or something then these people…” And I just looked at him and I said, “If we need help we won’t be asking you.” I mean, why would you? When you’ve been treated in that way. I have absolutely no faith. I know that other people have used these services, or felt the need to, but we haven’t felt the need for that because we’re pretty good at advocating for ourselves.

One of the things I felt very resentful about with the red zoning is that because I couldn’t do anything to the house I’d really got stuck into our garden. We’d had most of our vegetable garden all held up with brick, which had found its way to the bottom of the hill. So we rebuilt that. I paved an area, just because it made me feel better. I put in a new lawn, I worked very hard and suddenly we were being told ….

**Media**

I think there have been a lot of good things in the media. John Campbell, I don’t like his manner, but he certainly − not just over the earthquake but over quite a number of good issues − he was the only part of the media that was really prepared to keep on about the situation that people were in. We’ve had some good stuff in *The Press*, too. I did try to contact [a reporter from the Press] at one stage and didn’t get any reply from him, but of course they’re inundated with people’s stories. I suppose there’s been a side of me that has wanted to expose what I’ve seen.

**Learnings**

I think the communication thing − I come back to that − was just absolutely appalling. Nothing excuses that our property was green zoned for 18 months but was still included in further investigations and we were never informed. That is one of the things I said pretty strongly to CERA, that actually, if we’d had pre-warning … I mean, people cope with far worse things than losing their property in their lives, so it’s the communication. I think it’s absolutely inexcusable.

I just feel the red zoning’s been too far-reaching. In our own case, if there was a belief that the cliffs were too dangerous to be that close to, it would have been cheaper for the government to say we will pay for you to build further back. It would have been a much cheaper option than trying to buy our land as well. So I don’t know what the answers are.

People *did* need some help to get out of the situation. I was just appalled at what had happened to a lot of that flat land and people’s homes, and they couldn’t stay there. If your house is contaminated with liquefaction and sewerage and stuff − those people did need help because your insurance only pays for your building, it doesn’t pay for your land. But I still believe they’ve over-reached with the legislation.

**Unanswered questions**

I’d like an answer as to how the whole thing was allowed to happen. I see this late zoning, this late *change* of zoning, as a misuse of the Earthquake Recovery Act. The fact that we were green zoned and then 18 months later … We’re not in an emergency situation so I feel there has been a misuse of the Act. With the Independent Hearings Panel, if the City Council have their Plans and people are affected in different ways, the normal process is if you go to a hearing, you’ve got the right of appeal to the Environment Court. That right has been removed from this under Order in Council. Our only right of appeal was to the High Court on legal grounds, and that’s why we felt we needed to go with the lawyer who we had got involved with through a group heading towards the High Court to try and appeal our red zoning. But we’re not doing that now either. There is no point wasting our emotional energy, money and time, so again we haven’t got our full democratic rights.

I’m very pleased to see that they have said with the coastal one − they’ve still got it on people’s LIMs [Land Information Memoranda], it goes on your LIM straight away − they are reinstating that right of appeal to the Environment Court.

It’s just the whole process, really, and the thinking behind it, and the bullying nature of it. And it’s not just us. I see it in other ways. I feel like CERA as an organisation … they just have disregard, really, because they’ve got the legislation behind them. No-one can question it, and the Minister has the power to say yes or no in the end.

Our house and land are valued at $44,000 now. That’s our RV [rateable value]. So how many years is it going to take? I know we’ve made the decision to stay − it still keeps me awake at night sometimes − but what right have they to make a decision like that without absolute proper on-site investigation?