**Phil**

**Port Hills red zone**

**Area 8: Port Hills**

**Red zoned in October or November 2012 due to rock fall risk**

**Section 124 notice**

**Phil’s story**

I’m a civil engineer, but civil engineering is quite a diverse profession so I’ve been a bit of a generalist most of my career. I always worked for small consultancies and they get varied work, but lately I’ve been specialising in structures. I’m Christchurch-born and -bred and went to Canterbury University for my engineering degree.

I guess I’ve always been interested in building houses. This is my fourth house. I like being able to build the whole house and only get the trades for things that I really can’t do, like electricians and things like that, even though I might run the wires.

I left engineering when I started building our house in Redcliffs in about 2003. Then I started building this place, and we had it nearly finished when the quakes happened. I went back to work then because there were just so many people going, “Hey! Help!” We spent a few days inside the CBD red zone rushing around after Roger Sutton trying to get Orion Network’s buildings back up and running, and things like that. And then there were friends and family who were going, “Oh no, my chimney is really looking quite … Can you come around and have a look at it?”

It was just chaos for a long time, so much so that I eventually got a fulltime job with Eliot Sinclair,[[1]](#footnote-1) who in theory I’m still on the books with, but I just made the decision to finish this place now because we’ve been living in it unfinished too long.

Clare and I have been together for eight or nine years now. She inherited my children, and they are all living either here permanently or part-time: Zoe, who is now 10 years old, Alex is 21, and Zac is 18. Zac’s girlfriend Morgana is also living with us. One of Clare and my ambitions is to live on our own!

**Phil’s property**

The house was partly finished when the earthquakes hit. We had builders’ power, which meant we had extension leads running throughout the house to various places, including the hot-water cylinder, which a very kind electrician organised, and that went on for two years. They wouldn’t give us a permanent connection because we were red zoned. We had a section 124[[2]](#footnote-2) notice. Everyone just went, “Red zoned… Ohhhh… We’re not going there.” They wouldn’t send workers up to do it even though we were here.

Eventually that was relaxed and we were able to get permanent power, and then we could move on with actually finishing the house. But we’ve never known for certain until the last Quake Outcast[[3]](#footnote-3) outcome whether we were definitely going to stay. The outcome of that case sort of says that the Government really couldn’t touch us without using the Public Works Act. I think we’re reasonably certain now that we’ll be staying, but we have many issues to settle before we’ll be happy, that’s for sure.

We got some insurance through a broker in the UK, who said, “Yes, we do have some underwriters that will insure in the red zone.” The only thing we’re not covered for is rock fall, because there is a stated risk which has not been fully mitigated to everyone’s agreement. We certainly have EQC [Earthquake Commission] cover because we’ve got fire cover. I don’t know how that works. It’s good, because we lived for three-odd years without insurance, which was pretty scary at times, especially in the summer when it was so dry. And boy! I’ve seen some fires on this hillside that have just got way out of control. So we were worried.

**Reasons for staying**

There are a few factors, but the primary one is that I designed and built this house in a place that we had wanted to live for a long time and it would take a lot to give that up. Sure, if the house had been damaged in the earthquakes, but in this case it wasn’t, and there’s no reason for us to leave it. Unfortunately a lot of the neighbourhood has been removed, so that’s a really sad thing to see. People you get to know and share the environment with are gone and dispersed. But we still have some good neighbours further along the lane. It’s a nice spot. I grew up in Avonside, but since my school days I gravitated towards Sumner − surfing and things like that − and pretty much since then I’ve tried to stay down here. It hasn’t been easy financially sometimes, that’s for sure.

What keeps me going is we haven’t actually had any choice with regard to this house. We’ve never been presented with a choice other than to keep on saying, “How are we going to sort this out?” The advocacy side of it was simply because I had the knowledge and I knew I was being bullshitted, which I really hate. I guess I’m fairly stubborn in that regard. So there it is, and it hasn’t been easy, and I certainly would never, ever consider politics as a … oh God, no.

**Impacts of the ‘red zone’ label**

The ‘red zone’ was a huge aspersion cast on the property, and that’s one of the issues I’m still trying to deal with: effectively that aspersion has been transferred into the new District Plan because of our non-complying status in Rockfall Hazard Area One, which is exactly the same as the red zone was. We have this non-complying status, and apparently it’s almost impossible to get a resource consent to do anything on that type of land. It’s not completely prohibited, but it’s a really high bar. I’m not accepting that. There’s no technical backup for such a restriction. So that’ll be the next fight in terms of getting our property rights normalised. Because, yes, it’s an aspersion. Everyone thinks: “Red zone, oh no … you can’t live there!” And if you have a non-complying status on your LIM [Land Information Memorandum], the buyer’s solicitor is immediately going to go, “Well you could buy it, but I wouldn’t!”

The revaluation of your property is an independent process. It’s a Council process where they employ QV [Quotable Value] to do their valuations. The criteria they used to do the red zone land and houses were completely spurious: they assumed that services were not available, they assumed that you couldn’t get a building consent for anything, they assumed all of these things that are not actually the case. So our current valuation is $45,000, land and house.

Our red zone offer was $680,000, which was the 2007 rateable valuation. One of the issues we had after the earthquake was getting CERA [Canterbury Earthquake Recovery Authority] to tell us what their offer was to us, because we didn’t have a valuation as we’d just built. I understand now they can give it a 2007 valuation retrospectively, but at the time neither CERA nor us knew what the process was. It took me a good year from the time we were told we had a red zone offer to finding out what that red zone offer actually was! And in that time the Christchurch property market had skyrocketed about 20 percent.

We weren’t tempted to take the offer because there were always these avenues to avoiding taking the offer and staying here. So we never thought we weren’t staying here. It’s been a slow process. We were investigating the area-wide mitigation with the Council again and we really thought that that would become an option. We went part way down the process of trying to contest the revaluation. You could argue, but at the end of the day, from what I can tell of these processes, it’s not going to get us anywhere. We just have to wait until there’s a political will to change all of these things.

They’re being given instructions: fight this all the way, just resist, resist, deny, deny. I don’t understand what the ultimate objective is. Up until the red zone offer closed I assumed it was simply just coercion to nudge us to take a red zone offer, but now that that’s not an option I don’t know why they’re still trying to make it hard for us to stay here. I don’t get that. At the point where it’s obvious that we’re staying, why would they continue to make it hard?

**Rock-fall protection**

The Council’s system for getting this rock-fall protection upgraded behind us is just convoluted. It’s like they say, “Oh we’ve got a deadline here and it’s coming up on 30th of November [2015]”. By then we have to have designed, had approved and got costed the upgrades to the rock-fall protection. Everything needs to be signed up. And it’s not going to happen. The consultants are slow, and people are still arguing about what size the design rocks should be and things like that, so it’s all so subjective. After four years of analysing the hillside to death I know exactly what the design parameters should be, and the Council staff would completely agree with me about it. I know. I talked to them about it. But we have to go through this process of one consultant to design it, another consultant to peer review it, and you’ve got to put it out and make sure all are legal.

**The section 124 issue: the MBIE determination process**

The first notice we got [after the February earthquake] was a Civil Defence-type red placard, I think they called it, and then that morphed into a CCC [Christchurch City Council] Building Act section 124 notice, which is a prohibition to use under particular clauses of the Building Act. It’s usually to do with sanitary conditions or structural integrity. In this case it was danger from rocks. The changes to the Building Act made it possible to address remote hazards to a building. The Building Act doesn’t address remote hazards to a building. Like, if there was a skyscraper next door to a house, you can’t tell the people in the house to get out. You tell the people in the skyscraper to fix it which is natural justice. ... But remote hazards? Suddenly you’re applying laws to things that are outside of the control of the people that they’re being applied to.

After the earthquakes, when the geotechnical engineers started roaming all over the hills, I started talking to them about the particular hazards in this area. So even before the Council people started coming to us and saying you’ve got to get out, I already had a pretty firm view on what I was going to do and when. So I said to them, “What I’m going to do is: we’re going to stay away until I’ve got this temporary rock-fall fence in place, and then we’re going to move in, so you can like it or lump it.” So we did that − and that was four years ago, and here we are.

The Building Act changed the bar on what was determined to be a dangerous building. The wording of the Act used to be “a likely risk”, and in the changes to the Act it is “a risk”. So, suddenly, if there’s any risk at all that a rock could reach your house, then Council have the right to kick you out. The Building Act changed, but just for Canterbury. That led to a few of us saying, “What’s the process here for this being tested?” And it turns out that you can test it with a *determination*.

MBIE [Ministry of Building, Innovation and Employment] do a determination on a particular Council or Building Act issue. [MBIE] decided that my house would be a good one to start with because it had all the features: it had some existing rock fall protection [which Phil put in himself], it had quite strong topographical valleys and ridges. ... Council were pretty adamant that they felt we had a strong risk in this place and we were kind of going, “Well yeah we know we do, but what we want you to do is tell us what we need to do about it and then we’ll get on with our lives.” But that wasn’t Council’s approach. I understand now that the whole issue was tied up with the red zone.

We sought the determination for the place and there was a long conversation about what the technical input should be and whether there was a risk in all of that. At the end of the day, everyone agrees there is ‘a risk’ and so how minute that might be is irrelevant because of the wording in the Act. So they [MBIE] couldn’t take the s.124 off although they made some strong recommendations to the Council. They said, “You need to give Phil and Clare explicit guidelines how they’re going to get their s.124 notice off.” They also said that the Council criteria they were giving to the engineers were inadequate and weren’t a valid means of achieving the Building Code. The MBIE determination people were as helpful as they could be.

I always said to the Council staff that ultimately I wanted our rock fall protection upgraded to be designed under the MBIE guidance document… The MBIE guidelines offer much more objective parameters, like, for instance, to select the correct rock size for the site, select the right slope properties for input to the analysis programmes and model the rocks rolling down the hill and then quite good guidance on what type of structures are necessary for that particular site. I thought that they weren’t ideal and they weren’t complete enough and all of that, but they’re a heck of a lot better than the CCC guidance at the moment.

As it stands at the moment, the Council completely rely on the certification of engineers in order to satisfy themselves that the Building Code has been met, because as one of their statutory requirements, the Council have to ensure that any structure in their territorial region complies with the Building Code. And that’s their method for doing that…The engineers need to have upgraded professional indemnity insurance and all that…

With the MBIE Guidance document engineers can - It’s almost like an approved method of complying with the Building Code. So if you go through the steps of the MBIE Guidance, or you demonstrate that you’ve gone through the steps of the MBIE Guidance, that demonstrates that you’ve complied with the Building Code. So that is the common way that engineers work in New Zealand. You don’t pick up a document that says the Annual Individual Fatality risk should be at this level and then you’re sent off into the wilds to work out how that might work… That’s not the way engineering works in New Zealand. … It’s just a bit nuts; it’s not the way to do it.

**The section 124 issue: the Regulations Review Committee**

So then we went to the Regulations Review Committee. They noted that the wording of the Act makes it impossible for a section 124 notice to come off, but they decided they weren’t going to change the Act. All they would do is make recommendations to the Council that they sort out the problem for those of us who wanted to stay in our homes.

It was soul destroying, the outcome from the Regulations Review Committee. It wasn’t immediately, but over time it became so because we could see that no-one was going to take any notice of what they said anyway, even if they did make noises like you need to help these people out. And you think, where do we go from here? What’s the next process? I wrote a long letter to the panel that were looking into the CERA legislation[[4]](#footnote-4) telling them this is what we should do next time. I never even received an acknowledgement. I’ve written so many long letters. At least CERA used to reply. Council have been variable at replying to letters.

When we had a new Council we thought it was going to be a very friendly Council to us. Immediately after they got into office we instigated a review of the area-wide mitigation. It was supposed to have happened immediately. Eventually − I think it was about eight or nine months later − we got a result. CERA had completely removed all of their land from any analysis of the economics. So you had individual houses here and there and all over the hillside, and that was all the Council were able to include in an area-wide. It turned into a farce.

And then I became involved in the District Plan stuff, and we made a joint submission with a group of bare land owners. I muscled my way into the technical experts − they have a caucus that agree on what the panel should consider. They just didn’t consider anything contentious at all, despite the fact that I kept on going hey what about this and what about that and what about points other consultants have brought up in their submissions? They didn’t want to talk about it. They just wanted to get a written statement to the panel which endorsed what was being done. It was a box that needed to be ticked so that things could continue on nicely. I’m really, really annoyed about that, and that process is not dead yet. If I ever get some spare time I’ll put some into that. I’ve got to readdress this because they really didn’t do a very good job.

**Putting rock-fall protection in place**

The Council will pay for all of the rock-fall protection structure if it’s less than half of the red zone offer on your house. The money is to be used for rock-fall protection. What’s actually been happening is that the consultants have come up with such convoluted solutions that it’s costing all of that − and in some cases, more − and the residents are having to contribute. And partly, I’m sure, that’s a political move so they can show that gee, it’s not easy to stop rocks.

CERA did recommend to the Minister that they put in area-wide mitigation. And even though the economics were stacked in the favour of saving the houses, the Minister said no. The more houses you get involved in a protection scheme, the more cost effective it becomes, but what we’re left with is houses dotted here, there and everywhere with just single rock-fall protection structures.

**Media and sensationalist comments**

I think in general the major outlets are supporting government policy and so not asking questions. In the early days, particularly, Mark Greenhill in *The Press* did some good articles, and that other guy, John McCrone, followed it up a little bit. But they both got moved on and so you’re dealing with people who have no background. They ring you up about something that’s happened − like the Quake Outcasts case being resolved − and they’re just completely green. “Are you going to take the offer?” And so it’s wearying to start the story again. Mark was animated about many things − he thought it was entirely unjust what was happening and he knew enough about the technical side of it and the political agendas and things like that to know that there was a really good story.

[...] A couple of years after the quakes, a rock − one of the only rocks that actually hit a house since the quakes − came down and landed on the deck of that house. It was a big rock. I watched it come down. It was amazing. It was snapping trees and all sorts. It was a very silent evening and I heard this crack, crack and looked over and saw the only rock I’ve ever seen falling down. And that rock was about a cubic metre in volume, but it was [reported inaccurately by CERA].

They used to talk about rocks being fired out of cliff faces like cannonballs and things like that. It was just scaremongering. Sure, there were some scary things that happened, but for people that were living on the hillsides at that time it was entirely inappropriate for them to be saying those sorts of things. There were lots of green zone houses that could have had rocks through them. So that got calmed down. We really protested about that a lot, and in the end CERA stopped making silly comments in the media.

The other things in the media are just the kind of comments about the area-wide risk being such that it was unwise for these people to be living in these houses. These words mean nothing: there’s no such thing as an area-wide risk on a hillside.

There are risks out there that we don’t even know about; you don’t know about risks until they actually happen. In the time period that they evaluated the life risk to this house, several tsunamis are going to wash in and out of this valley and some of them are going to be 10m high. The same outfit that did their original rock fall analysis - GNS - has said that about the tsunami risk. So go figure

**Costs, stress and suffering**

It’s taken too much, way too much energy. In hindsight, who knows? Walk away? I don’t know. Life’s short. But you’ve always got hindsight, haven’t you? I’ve put hours and hours and hours and lots and lots of stressful, unpleasant times into it, but what doesn’t kill you makes you stronger, I guess.

Financially there’s a huge cost to all of this. I simply haven’t been able to work anywhere near as much as I could have. The other side of it is that we’ve had no certainty about this place and so we’ve been lingering in this half-finished house, and it’s the uncertainty through the whole thing that has been the real killer. It’s the uncertainty of not being able to make firm decisions about the most fundamental things, like where you’re living and what you’re going to do with your money, whether you need to continue a mortgage or buy a new car. It’s a really, really corrosive psychological thing, uncertainty. I certainly don’t envy refugees who don’t even know where they’re going to be living the next day, and to have that year after year after year it’s just … It’s hard.

In some ways the suffering was very much unnecessary. I mean, the earthquakes happened and lots of stuff got damaged. That’s hard, but it’s life, and you’ve just got to accept that stuff and move on. But the other stuff − the unnecessary politically or financially motivated agendas that have come into play since then − that was unnecessary, and I’m pretty bitter and twisted about that. Or rather, I’m extremely cynical about government at the moment. I think Geoffrey Palmer is right: there’s a real need for reform.

When we had FPP [First Past the Post voting] system we did have a dictatorship between elections, but it’s still like that. You’ve got a dictatorship between elections. There’s no government processes to prevent things like this happening. The OIA [Official Information Act], they’re well meaning. They’re good parts of Government if they’re used properly. If the Regulations Review Committees are structured in such a way that they get a politically neutral outcome, that’s good. But they’re not. They never are. If a Minister decides that we’re red zoned, it appears that we have to get out unless you want to keep fighting and fighting and fighting. That’s what the attrition strategy relies on, isn’t it? People basically getting tired.

**Stages of recovery**

I get the emergency period, and I get the recovery period, but I think the other terms are … I don’t know, just words, really. We are definitely still in the recovery period. The emergency period went very quick for us. Once we’d got our rock-fall protection in place we were living in a house that we knew was strong enough to withstand the earthquakes, and so we were sweet. When we got up here we felt safe.

We would have recovered really quickly, I think. There were no impediments to us getting on with our lives until the Council, and then CERA. And now the Council and CERA are just making our lives hell because they don’t want us here. Our services are fine, our house is undamaged, we have got the rock risk taken care of. We’d like to spend our time planting native trees rather than writing letters to councillors. Just let us get on with our lives!

Clare and I have gone through various phases of healing because we’ve had to. That session I had with the technical caucus was really bruising, because you’re in a room with a group of your peers and they’ve all got a pretty hostile attitude towards you because you’re not making things easy for them, and to them it’s just a job. And Clare … Clare wore it from me. I came home from some of those sessions just absolutely beside myself, and so after that we seriously had to take a couple of months to just heal. That’s happened a few times. The section 124 determination process was a bit like that too. We all got very, very het up and angry, and then had to just go, “Step back, take a breath, it’s not a bad place to live, let’s just pretend we’re living here normally.” So I think that’s happened a few times. I wonder when the big heal is going to happen.

This whole thing has had a huge impact on the kids. They all had to cope with the stresses of the earthquakes, as everyone else did, but the whole bureaucratic malaise that we found ourselves in has been quite distressing for them, partly because you’re never free of those outside inputs from friends’ parents and teachers at school, going, “Are you sure you’re safe?” Then there’s the other side of it, which is that I’ve been extremely stressed out a lot of the time and so has Clare. It just doesn’t kind of feed into great times, all that stuff.

The kids’ve been really supportive. I mean, God, tolerating me when I have my rants, and sometimes they look at me confused because they don’t know what the heck it is I’m talking about. But other times they sort of just agree and say, “Yeah it’s shit, isn’t it?” But it’s been hard on them, particularly with the friends and neighbours they saw come and go. I mean, it’s been four years now, and for someone like Zoe, aged 10, all she can remember is this weird situation.

She goes to Sumner School, which is great, and to be honest community support for us has been there. I think the people who think we’re nuts just don’t say anything, and the people who don’t think we’re nuts are quite supportive, so that’s all good. Because there’s both opinions in the community. Sometimes people don’t realise your situation and they say stuff about people who are staying in their red zone houses, and it’s quite interesting. These days we don’t get involved in those conversations. You’ve got too much emotional involvement. If it’s someone who is actually engaged and wants to know, then I’ll say, well actually the red zone is not illegal and never has been. It’s never had any legal status at all.

**People and systems**

There have been individual people where you’ve felt, “Yeah, they get it,” and they’ve made a difference in terms of how they’ve engaged with you. Within CERA there are two or three people who on a personal level are really quite supportive. Certainly at Council from time to time we’ve met people who have really wanted to help. And MBIE, although they were remote, I could tell from stuff they’ve been done since that they still really care about the situation and see it as being a big problem in terms of ongoing situations that might occur. Unfortunately those people are individuals and they don’t seem to have been influential enough to have made a difference.

Ruth Dyson [Labour Party MP representing Port Hills] has been fantastic. From time to time she has said to us, “Look, who around the place is really not in a very good state?” And we know who is struggling, and she just goes and sorts them out. She’s just amazing at people stuff. And Yani Johansen [Christchurch City Councillor] and Paul Lonsdale [Christchurch City Councillor] to some degree have both been pretty supportive on the individual level. It has felt like the Human Rights Commission has been the only agency that has been on our side or hearing our voice right through the whole thing. It’s fantastic. There are times when that alone makes the difference to wanting to keep going.

Systems and processes are always an impediment to things happening quickly, but I don’t think that the systems and processes are the core problem. The core problem is that there’s an agenda that doesn’t suit us and effectively takes away our property rights, and anyone who speaks up against that is generally moved on within the organisation or told to shut up.

The issues are complicated. It’s not like there’s no danger. There is danger, and there are houses around that were red zoned that I wouldn’t have lived in through this. And so the authorities have got a difficult job negotiating that whole thing, especially when they’ve not really been given the tools by Wellington to do it. So it’s hard. And there’s lot of money involved too. Do you demolish a house? Do you rebuild a house where it is or don’t you? Stuff like that. But I know there’s definitely been a bad ministerial decision that has led to this.

**Learnings**

I’ve learned enough to know the complexities of law around the Building Code and authorities’ responsibilities for health and safety, and it’s quite a difficult area to cover all circumstances. But the one thing that has been lacking in all of this, and the one thing that would make a difference in the future, is collaboration with the residents. That’s where it’s all gone wrong for us. Rather than a dictatorial approach to things, we would have been sorted a long time ago had there been a will to involve us in the decision-making. For instance, I always said to the Council engineers that there’s lots of ways around this thing where some people want to go and some people want to stay, some people are too scared to live in their homes. There were ways of doing it.

Bureaucracies say, “We have provided a path.” The problem for residents and people who are affected by the whole thing is that the path is convoluted and not necessarily, in fact, even walkable. And that’s where the collaboration thing comes in, that’s what was needed from the start and is still needed.

And I’ve always said to them, “Look, we don’t want anything from you. We just want to protect our house and get on with our lives, so just tell us what you want us to do to protect our house, what’s going to meet your criteria and we’ll move on.” And that should apply to anyone. Help them rather than coerce them out of their house.

I always assumed that we had pretty good laws in New Zealand. Clare always says, “If this had happened to my mother and father they would have just walked out the door and said OK, the authorities have said we have to go, so we have to go.” And I think to some degree it’s because they had every reason to expect that the authorities were doing the right thing. And the post-war generation and all that, the Government has been pretty good. So I’m fairly cynical about the way the world is going at the moment – politically, the media. You just see it time and time again, lies being told by either omission or by choosing words in a way that insinuates that something other than the truth is the case. And it’s just the daily fodder of politicians, isn’t it? It really shouldn’t be like that. I’m cynical, terribly cynical.

I just hope the situation is never repeated. There are way better ways of sorting this out than what has happened here. But for whatever reason it did happen, and it’s just been a travesty in terms of property rights and helping a community get back on its feet after a natural disaster. Sure, some people won out of the situation. They got a payout quickly for a house that was damaged beyond repair or whatever and they moved on. And a lot of those people were people who were renting. So many people on the hillsides wanted to stay, and they would have jumped through hoops and stuff to be able to do so, but they simply haven’t been given the chance to do it and none of it’s been lawful. Every time a judgment’s been made on whether something was done in the correct legal way or as a policy that a good government would follow, it’s been found wanting. And yet it’s succeeded, and here we are with no-one really giving a toss.

I do think the property rights issues here are pretty fundamental. The Building Act should never be used in the way it was used. The CERA legislation was abused. Community collaboration?! Where did that happen?! I missed that. I must have been away that day! No. It’s bad, bad, bad. And yet you have people like Ruth and other bureaucrats who really want to help and do their best, and that makes a difference. And there are still some of us here, so it didn’t completely work, did it? Isn’t it something like 10 percent of the Port Hills red zone is still here?

**Unanswered questions**

Why are they making it so hard, given that it’s obvious that we’re staying? What’s the point? A second one is, What’s going to happen to this land that’s being stripped around us? What’s CERA going to do with it? If it’s just transferred over to Council, I can imagine a lot of it is just going to be an absolute nightmare for land stability. You can’t take houses away on the Port Hills and expect it to stay uneroded. So that’s a big question in my mind.

Another bugbear of mine is the fact that when they stripped the houses, they’re actually making the houses downslope more vulnerable to rock fall. I’ve written letters to [CERA and the City Council] that the Building Act says that you can’t do that, you can’t increase the hazard to an adjacent block of land. [CERA] wrote back a standard response that [it is] taking all precautions to ensure that adjacent property owners are not affected. That was it. No direct note of what they’re doing to reduce the rock fall. And [the Council] didn’t reply yet again. [It] never has. It’s not sensible to be removing the house when there are people with family further down the slope. If they’re going to take the house away, they need to put something else that’s at least as protective as the house was for it to be fair to downslope residents. Apparently they can do just about anything under the CERA legislation.

Another question is how ultimately they’re going to treat the land under the District Plan. I mean, they’ve indicated they’re going to change the red zone into a non-complying status area, but I don’t think a lot of people actually know what’s going on yet. When they do find out about that, they’re going to be very unhappy. So I’m not letting that one die. I’ve registered a protest wherever I could, and that’s a process that kind of gets reviewed from time to time, so hopefully in the next review … And also with the valuation too. Those are things we need to get sorted just to retain the value of our property, just to get back to square one, get back to where we were before the earthquake.

They had an expiration date on the red zone offer as a means of coercion, I guess, so what happens when that expires? Well they say the offer is still there? But why’d they have a date then?

1. Eliot Sinclair is surveying, engineering and planning consultancy based in Christchurch. [↑](#footnote-ref-1)
2. ‘Section 124’ refers to section 124 of the Building Act 2004 where properties were considered by the Christchurch City Council to be structurally unsafe as a result of earthquake damage or where the Council believed there was an increased risk to life because of potential rock roll, land slippage or cliff collapse. [↑](#footnote-ref-2)
3. Owners of properties in the red zone formed a group called the Quake Outcasts and initiated legal proceedings challenging the Government’s purchase offers. [↑](#footnote-ref-3)
4. The CERA Transition Advisory Board, chaired by Dame Jenny Shipley, was established in December 2014 to advise the Minister for Earthquake Recovery on the implications of the expiry of the CER Act in April 2016 and the transfer of functions within CERA to other government agencies. [↑](#footnote-ref-4)