

Community Forum  
Private Bag 4999  
Christchurch 8140

Meeting notes for the meeting of the CERA Community Forum  
Thursday 5 September 2013, 6.00pm  
Canterbury Club, Cambridge Terrace

**Present:**

Community Forum members:

Weng Kei Chen, Gill Cox, Leanne Curtis, Martin Evans, Maria Godinet-Watts, Ruth Jones, Trevor McIntyre, Lesley Murdoch, Jocelyn Pappill, Faye Parfitt, John Peet, Emma Twaddell, Brian Vieceli

**Apologies**

Richard Ballantyne, Leah Carr, Rachael Fonotia, Tom McBrearty, Deborah McCormick, Patricia Siataga, Rachel Vogan, Siong Sah (John) Wong

Wendy Gilchrist, Paul Lonsdale and Bruce Russell (on leave while standing in the local government elections)

Hon Amy Adams, Associate Minister for Canterbury Earthquake Recovery

**Chair**

Darren Wright

**In Attendance**

Roger Sutton, Chief Executive, CERA  
Caroline Hart, General Manager Recovery Strategy and Planning, CERA  
Margot Christeller, Acting General Manager, Ministerial and Executive Services, CERA  
Paul Thomas, Project Leader, Land Use Recovery Plan, CERA  
Amanda Shaw, Senior Advisor, Ministerial and Executive Services, CERA

**Agenda**

**1. Notes of the previous meeting**

a. Moved

*That the meeting notes from 15 August 2013 meeting be confirmed as an accurate record.*

Carried

b. Matters arising

None

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2. Draft Land Use Recovery Plan – Caroline Hart and Paul Thomas, CERA

Caroline Hart (General Manager Recovery Strategy and Planning, CERA) and Paul Thomas (Project Leader, Land Use Recovery Plan, CERA) presented an update on proposed amendments to the draft Land Use Recovery Plan (LURP) following public consultation:

Withheld under section 9(2)(f)(iv)

The Forum provided the following feedback on the draft LURP and the proposed amendments:

Withheld under section 9(2)(f)(iv)

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Withheld under section 9(2)(f)(iv)

The Forum agreed that this summary of the LURP discussion in the meeting notes will, once approved by the members, be forwarded to the Minister for Canterbury Earthquake Recovery as a record of the Forum's feedback on the proposed amendments to the LURP.

### 3. **Quake Outcasts judgment and the Port Hills Zoning Review – Roger Sutton, CERA**

Roger Sutton provided a summary of the conclusions in the recent High Court judgment in *Fowler Developments Limited v The Chief Executive of the Canterbury Recovery Authority* (generally referred to as the *Quake Outcasts* case) and the implications of the judgment. Roger noted:

- The judicial review proceedings were brought by the owners of 45 uninsured or vacant properties in the residential red zone. They sought review of the decisions to declare the residential red zone and the terms of the Crown offer.
- Justice Panckhurst accepted the argument of Fowler Developments Limited and the Quake Outcasts (the applicants) and:
  - declared that the decision to offer to purchase the applicants' properties was not made according to law and is set aside, as are the Crown offers made to the applicants
  - directed the Minister for Canterbury Earthquake Recovery and CERA's Chief Executive to reconsider the terms of the Crown purchase offers to the applicants.
- Although Justice Panckhurst sought to confine his decision to just the applicants, the impact is much broader. The implication is that all zoning announcements are unlawful.
- The Minister and CERA's Chief Executive have appealed the High Court decision and sought an urgent hearing. This is scheduled to take place in late October.
- In the meantime the announcement of the outcome of the Port Hills Zoning Review has had to be suspended because of the finding that the zoning is unlawful.
- The High Court judgment did not set aside red zoning decisions that have already been announced. Current Crown purchase offers and sale and purchase agreements will be honoured.

#### Discussion

- The Forum recommended that CERA connects with Port Hills community leaders as soon as possible to ensure the leaders are informed about the implications of the judgment and appeal, and to seek community leaders' advice on how to best support the Port Hills community while the appeal is underway.

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- The Forum queried whether this outcome leads to the conclusion that, going forward, property owners should be able to take out EQC cover on bare land. Roger Sutton noted that there is a review of the Earthquake Commission Act 1993 underway at the moment which will include a public submission phase.

**4. Frequency of meetings**

The Forum discussed the frequency of meetings going forward and agreed that meetings will continue to be scheduled for the first and third Thursday of every month but if the Chair considers that an upcoming agenda is looking light he will cancel the meeting.

**Next Meeting – Thursday 19 September 2013, Canterbury Club, Cambridge Terrace**  
Meeting closed 7:45pm

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