

Community Forum

Private Bag 4999

Christchurch 8140

Meeting notes for the meeting of the Community Forum

10 April 2015, 11am

Rakaia Room, HSBC Building, Christchurch

Present:	Community Forum members: Leah Carr, Weng Kei Chen, Martin Evans, Wendy Gilchrist, Maria Godinet-Watts, Ruth Jones, Tom McBrearty, Lesley Murdoch, Jocelyn Papprell, Faye Parfitt, John Peet, Patricia Siataga, Brian Vieceli, Siong Sah (John) Wong, Darren Wright
Apologies:	Community Forum members:
Chair:	Darren Wright
In Attendance:	Hon Nicky Wagner, Associate Minister for Canterbury Earthquake Recovery Benesia Smith, Deputy Chief Executive, Strategy and Governance, CERA s9(2)(a), Advisor, Ministerial and Executive Services, CERA
Agenda	
Residential Red Zone offer to vacant commercial and uninsured property owners Benesia Smith – CERA	
Discussion:	
Conflict of Interest	Darren Wright noted his conflict of interest with Benesia Smith prior to the meeting. It was also acknowledged in the meeting that the discussion was about process (not context) and therefore any members with a perception, or a conflict, of interest could remain in the meeting
1. The presenter explained her intention was to seek the Forum's advice in regard to developing CERA's advice about the proposed next steps following the <i>Quake Outcasts</i> judgment by the Supreme Court. The Supreme Court found, in summary, that the Crown offer had not been lawfully made and directed the Minister and Chief Executive to reconsider the decision in light of the requirements of the CER Act and the factors outlined in the judgment. The factors outlined by the Supreme Court were that: <ul style="list-style-type: none">• important decisions require community input• the insurance status of the residential red zone properties was a relevant consideration but not the determinative factor• the context of the residential red zone at the time of the offer needed to be taken into account. Officials should consider such factors like the current living conditions including infrastructure, and the effect of those factors (including whether they are deteriorating) on residents' health and well-being.	
2. The presenter noted that CERA officials are giving particular thought to the	

advice to be provided to the Minister on the next steps. One possible option is to advise the CE to make an offer based on the current information held. One option is to recommend the preparation of a Recovery Plan to enable engagement with the community on how the offer might be constructed.

3. The Forum asked how many property owners are affected by the Crown offer and it was explained that although there are approximately 60 in the *Quake Outcasts* group, there are more than 400 affected property owners altogether.
4. The Forum commented it would be hard to make an informed decision without understanding the current living conditions of property owners, nor the current residents' health and wellbeing.
5. The Forum asked what there is to gain from engagement and it was outlined by the presenter that:
 - CERA did not hold sufficient additional information on the issues affecting residents, at this time. CERA would need to engage with the community to collate such information before a new offer could be made to ensure such views were taken into account in any decision making process
 - the engagement process might provide opportunities for the community to provide information on how such an offer might be constructed, including whether such factors as whether parity with those who have already accepted offers could be a factor to take into account.
6. The Forum emphasised that certainty is important and that giving affected property owners the chance to ask questions is vital.
7. The Forum asked questions about how long a Recovery Plan process might take. The presenter noted that the direction setting out that a Recovery Plan is to be developed could provide an outline of the proposed process and timeline. For example, an option could be to develop a preliminary draft Recovery Plan, engage with the community, develop a draft Recovery Plan taking on board the comments received on the preliminary draft – which sets out the factors to be given regard to and how an offer might be constructed, consult on that draft and then its approved (in whole or part) by the Minister. Such a process could take over 6-8 months or the timeframe could be truncated. The current preliminary view is that a Recovery Plan process could be complete around September / October 2015.
8. The Forum noted that expediency was important and asked if this could be shortened.
9. The Forum asked if there is a middle ground and posed the idea that an opportunity could be given for the property owners to accept an offer now (for example, the current offer of 50 per cent of the rateable value for land) with the possibility of receiving a “top up” after engagement has occurred.
10. The Forum discussed this proposal. It was thought it would help some property owners move on, especially if they have pressing financial concerns. The members gave thought to the impact on property owners who are insured and agreed it could raise issues for people who have already accepted offers but were unhappy with them. The members considered that it was important the process was as fair as possible. This included taking into account the elements of certainty, fairness, expediency and engagement. It would be difficult to please

every individual because the situation is very complex but the Forum's proposal was agreed upon as the best way forward.	
Decisions taken:	
<p>11. The Forum agreed to advise the Minister and Chief Executive that:</p> <ul style="list-style-type: none"> • Making a new offer at this time, based on CERA advising that it did not have sufficient additional information on current living conditions, was not the preferred approach to resolving this complex mater. • While a Recovery Plan process might take longer (estimated to be six to seven months), such a process would ensure that all relevant views could be considered as part of the decision making process. This would result in a more robust and fair process. • If a Recovery Plan process might take up to six to seven months to be prepared and finalised and that people may be in unsatisfactory accommodation over another winter, the Chief Executive could consider offering making an offer now of 50 per cent of the 2007/08 rateable value for land only, to be topped up if the Recovery Plan proposed a higher offer. This could assist those property owners who did not accept, or did not receive (e.g. Port Hills) the Crown's previous offer, without prejudice to the Recovery Plan process. 	
Meeting closed:	11.45am
Next meeting:	16 April 2015

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