



# Cabinet

CAB Min (11) 44/14

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## Minute of Decision

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### Additional Item: Port Hills White Zone: Some Further Green Zoning

**Portfolio: Canterbury Earthquake Recovery**

On 19 December 2011, Cabinet:

#### Background

- 1 **noted** that on 23 June 2011, the Prime Minister and the Minister for Canterbury Earthquake Recovery announced four land damage zones for greater Christchurch;
- 2 **noted** that Port Hills properties were zoned White on the basis that further land mapping and assessment was required, particularly following significant damage from the 13 June 2011 aftershocks;
- 3 **noted** that there are currently an estimated 3,700 residential properties in the remaining Port Hills White Zones;

#### Proposed New Green Zones

- 4 **noted** that a key principle underpinning previous Green zone decisions is that land damage can be repaired on an individual basis as part of the normal insurance process;
- 5 **noted** that further scientific and geotechnical investigations and assessments by GNS Science and the Port Hills Geotechnical Group have revealed that approximately 1,600 White Zone properties are outside areas affected by rock fall and rock roll, cliff collapse, debris inundation or significant land movement;
- 6 **agreed** that the White Zone areas referred to in paragraph 5 be rezoned Green, as indicated on the map in Appendix A attached to the paper tabled at Cabinet, so that repair/rebuild can proceed via the usual EQC/insurance process;
- 7 **noted** that the normal EQC/insurance processes are in most cases expected to address or compensate for damage on insured property (and any imminent risk as identified by the Earthquake Commission Act);

### Remaining White Zones

- 8 **noted** that in the remaining White zones, consisting of approximately 2,100 properties identified on the map in Appendix A attached to the paper tabled at Cabinet, further work is still required to determine appropriate zoning;
- 9 **authorised** the Minister of Finance and the Minister for Canterbury Earthquake Recovery to have Power to Act to make any further Green zoning decisions on the Canterbury White Zones until 30 June 2012;
- 10 **invited** the Minister for Canterbury Earthquake Recovery to report back to Cabinet on decisions made under the Power to Act referred to in paragraph 10;

### Announcements/communications

- 11 **noted** that the Minister for Canterbury Earthquake Recovery plans to release a media statement on the White to Green rezoning decisions on the afternoon of Tuesday, 20 December, and a letter of advice will be sent to White Zone property owners to inform them of their land status;
- 12 **authorised** the Chief Executive of the Canterbury Earthquake Recovery Authority to make minor and technical adjustments to the boundary line of Green/White Zones in the Port Hills area prior to public release of these decisions.

Secretary of the Cabinet

Reference: Paper tabled by the Minister for Canterbury Earthquake Recovery,  
*Port Hills White Zone: Some Further Green Zoning*

## Office of the Minister for Canterbury Earthquake Recovery

Memorandum for Cabinet

**PORT HILLS WHITE ZONE: SOME FURTHER GREEN ZONING****Purpose**

- 1 This paper seeks decisions on rezoning some of the remaining Canterbury Earthquake White Zones to Green and sets out a process for communication of these decisions.

**Executive summary**

- 2 On 23 June 2011, the Prime Minister and I announced four land damage zones for greater Christchurch, including two permanent zones (Red & Green) and two temporary zones (Orange & White). There are currently an estimated 3,700 residential properties in the White zones.
- 3 The Port Hills were zoned White on the basis that mapping and assessment was required, especially following the 13 June earthquakes which caused substantial further land damage and destabilisation of cliffs and rocks.
- 4 Further geotechnical and scientific investigation has revealed that many properties in the White zones are at negligible risk from falling and rolling rocks, cliff collapse, debris inundation and land movement, and repair and rebuild can proceed via the usual EQC/insurance process. I propose that, consistent with previous decisions, these areas be rezoned as Green Zones. This decision will provide the owners of approximately 1,600 residential properties with certainty about the future of their land and enable them to move forward with the repair and rebuild of their properties.
- 5 I propose to release a media statement on the rezoning of the approximately 1,600<sup>1</sup> White zones properties to Green Zone on Tuesday 20 December 2011. I propose that the Chief Executive of the Canterbury Earthquake Recovery Authority be authorised to make any minor or technical amendments to the Green/White zone boundary prior to these decisions being announced.
- 6 The proposal leaves around 2,100 properties in the White zones, where further work is still required to determine appropriate zoning. This paper proposes that the Minister of Finance and Minister for Canterbury Earthquake Recovery be given Power to Act to make decisions on any further White Zone areas that are suitable for Green Zoning.

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<sup>1</sup> Figures are an estimate based on the number of land parcels provided by Tonkin & Taylor, adjusted to match the total of ~3,700 residential properties for the White Zone previously estimated using valuation roll data.



## Background

### *Previous Zoning Decisions*

- 7 In the initial Canterbury Earthquake zoning announcements on 23 June 2011, White Zones were established for areas which required further mapping and assessment. Further significant damage occurred in the Port Hills as a result of the 13 June 2011 aftershocks, and a number of areas required reassessment by the Christchurch City Council led Port Hills Geotechnical Group (PHGG)<sup>1</sup> and EQC consultants Tonkin & Taylor (T&T).
- 8 Around 3,700 residential properties remain in the Port Hills White Zone. This follows previous Green zoning of approximately 9,700 residential properties announced on 5 September 2011, and the general Green zoning of most non-residential properties across greater Christchurch on 17 November 2011. Green Zones have been declared in areas where properties can generally be repaired on an individual basis as part of the normal insurance process.
- 9 A conservative approach has previously been taken in identifying the areas to remain in the White Zone. This meant that any area or property with an identified potential life-safety risk from any significant geotechnical hazard remained White, along with any areas of significant or extensive land damage.

### *Geotechnical issues*

- 10 Geotechnical issues in the Port Hills are characterised by the following:
  - 10.1 Rock fall/roll and the risk of further rock fall/roll;
  - 10.2 Cliff collapse & debris inundation; and
  - 10.3 Land movement (slipping and cracking).
- 11 On 27 June 2011, Cabinet noted the issues on the Port Hills are of a different nature to the low-lying areas [CAB Min (11) 24/15 refers]. On the flat land, land damage is largely a result of thin crust, liquefaction and lateral spreading. In the Port Hills, in addition to physical land damage in some areas, the increased instability of cliffs and rocks mean that there is an increased risk to life on some properties. The Christchurch City Council (CCC) has applied notices to restrict access to properties under s.124 of the Building Act which it considers there is a potential danger from falling rocks, cliff collapse and debris inundation and land movement.

### **Proposed New Green Zones**

- 12 I consider that normal insurance processes for repairs/rebuilding should be supported where possible. A conservative approach to potential life-risk should continue to be made in identifying areas for Green Zoning at this time. Nonetheless, areas which have been identified with negligible life risk should be released from the White Zone as soon as possible to provide certainty to property owners.

<sup>1</sup> The Port Hills Geotechnical Group comprises six geotechnical engineering companies and is led by the Christchurch City Council to collect and review data from geotechnical land damage arising from the earthquakes of 22 February and 13 June 2011 (and associated aftershocks).



- 13 Further scientific and geotechnical investigations and assessments by GNS Science and the PHGG have revealed that around 1,600 White Zone properties are outside areas affected by rock fall and rock roll, cliff collapse, debris inundation or significant land movement (refer map attached at Appendix A). I recommend that these properties be rezoned Green so that the process of repair and rebuilding can begin in these areas.
- 14 In the Green zones, a key factor is that even though land damage may be present on some properties, most properties can be repaired on an individual basis as part of the normal insurance process, noting the following:

14.1 Normal Earthquake Commission (EQC) and insurance processes are in most cases expected to address or compensate for damage on insured property (and any imminent risk as identified by the Earthquake Commission Act).

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14.2 In areas with more significant localised land damage (such as those affected by land movement), EQC and their specialists may consider a managed-repair option with affected property owners as part of the usual insurance process.

- 15 Green Zoning for the areas identified in Appendix A will be consistent with the rebuild objectives previously agreed by Cabinet:

15.1 Certainty of outcome for home-owners as soon as practicable;

15.2 Create confidence for people to be able to move forward with their lives;

15.3 Creating confidence in decision making processes (for home-owners, business-owners, insurers and investors);

15.4 Using the best available information to inform decisions;

15.5 Having a simple process in order to provide clarity and support for land-owners, residents, and businesses in those areas.

*Technical Categorisation of proposed Green Zones*

16 Technical Categories developed by the Department of Building and Housing for flat land in Greater Christchurch aim to provide guidance for repairs and rebuilding of foundations. Technical Categories do not apply in much of the Port Hills and Banks Peninsula because they are not subject to liquefaction hazard. In these areas, a site-specific geotechnical investigation is required as part of the normal council consenting procedures.

17 I will advise on Monday at Cabinet about how many of the ~1,600 properties to be rezoned Green are in Technical Category 2 and for how many a technical category classification is not applicable.

### *Section 124 notices under the Building Act (red-placards)*

- 18 The majority of s. 124 properties in the Port Hills are in the areas proposed to remain White at this time. CERA and DBH are working with CCC to support appropriate processes for the application and removal of such notices.

### **Remaining White Zones**

- 19 The above proposal leaves around 2,100 properties in the White Zones, where further work by CERA in conjunction with CCC is required to determine the appropriate zoning.
- 20 Because a conservative approach is being taken, I expect that further Green zoning in some areas of the Port Hills will be made as more information comes to light. I propose that the Minister of Finance and I are authorised to make decisions on further Green zoning of the White Zones until 30 June 2012.
- 21 Some of the areas to remain White Zone for now may require significant land stabilisation or rock-fall protection works to reduce the elevated life risk to acceptable levels. I have asked CERA to provide advice on an appropriate policy response to such areas as they are identified.

### **Consultation**

- 22 Treasury, the Department of Building and Housing and the Earthquake Commission were consulted on a draft of this paper.
- 23 The Department of the Prime Minister and Cabinet was informed of this paper.

### **Financial implications**

- 24 There are no financial implications arising from the recommendations in this paper.

### **Human rights implications**

- 25 The proposals in this paper are not inconsistent with the New Zealand Bill of Rights Act 1990, or the Human Rights Act 1993.

### **Legislative implications**

- 26 There are no legislative implications arising from this paper.

### **Regulatory impact and compliance cost statement**

- 27 A regulatory impact statement is not required at this time as there are no regulatory changes.

### **Gender implications**

- 28 There are no gender implications associated with the proposals in this paper.



## Disability perspective

- 29 There are no disability implications associated with the proposals in this paper.

## Publicity

- 30 I propose to release a media statement on the re-zoning of these White Zone properties to Green on Tuesday 20 December.
- 31 A letter of advice will be sent to all White Zone property owners to inform them of their land status.
- 32 Letters of notification, general information and updating of LandCheck and CERA websites are being prepared in anticipation of the decisions in this paper.
- 33 A pre-Christmas announcement may mean not all property owners receive the notification as they may be away for the Christmas period. However, I consider that to provide certainty to property owners, releasing the information that properties can be rezoned Green is better communicated as soon as possible.

## Recommendations

It is recommended that Cabinet:

### Background

- 1 **Note** that on 23 June 2011, the Prime Minister and I announced four land damage zones for greater Christchurch;
- 2 **Note** that Port Hills properties were zoned White on the basis that further land mapping and assessment was required, particularly following significant damage from the 13 June 2011 aftershocks;
- 3 **Note** that there are currently an estimated 3,700 residential properties in the remaining Port Hills White Zones;

### Proposed New Green Zones

- 4 **Note** that a key principle underpinning previous Green zone decisions is that land damage can be repaired on an individual basis as part of the normal insurance process;
- 5 **Note** that further scientific and geotechnical investigations and assessments by GNS Science and the Port Hills Geotechnical Group have revealed that approximately 1,600 White Zone properties are outside areas affected by rock fall and rock roll, cliff collapse, debris inundation or significant land movement;
- 6 **Agree** that the White Zone areas referred to in Recommendation 5 be rezoned Green, sections 9(2)(f)(iv) and 9(2)(g)(i), so that repair/rebuild can proceed via the usual EQC/insurance process;
- 7 **Note** that I will advise on Monday at Cabinet about how many of the ~1,600 properties to be rezoned Green are in Technical Category 2 and for how many a technical category classification is not applicable;

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Information  
Act

- 8 **Note** that the normal EQC/insurance processes are in most cases expected to address or compensate for damage on insured property (and any imminent risk as identified by the Earthquake Commission Act);

*Remaining White Zones*

- 9 **Note** that in the remaining White zones, consisting of approximately 2,100 properties identified on the attached map in Appendix A, further work is still required to determine appropriate zoning;
- 10 **Authorise** the Minister of Finance and Minister for Canterbury Earthquake Recovery to have Power to Act to make any further Green Zoning decisions on the Canterbury White Zones until 30 June 2012;
- 11 **Invite** the Minister for Canterbury Earthquake Recovery to report back to Cabinet on decisions made under the Power to Act referred to in Recommendation 10;

*Announcements/communications*

- 12 **Note** that I plan to release a media statement on the White to Green rezoning decisions on the afternoon of Tuesday 20 December, and a letter of advice will be sent to White Zone property owners to inform them of their land status;
- 13 **Authorise** the Chief Executive of the Canterbury Earthquake Recovery Authority to make minor and technical adjustments to the boundary line of Green/White Zones in the Port Hills area prior to public release of these decisions.



Hon Gerry Brownlee  
Minister for Canterbury Earthquake Recovery

17, 12 2011