

## Terms of Reference for Port Hills Zoning Review Advisory Group

### **Terms of Establishment**

The Port Hills Zoning Review Advisory Group (PHZRAG) has been established on direction from Cabinet and will report to the Minister for Canterbury Earthquake Recovery. This Panel will come into effect on 26 November 2012.

### **Introduction**

These terms of reference outline the role, membership, purpose, scope of advice, principles, and code of conduct of for the PHZRAG. Guidelines for processes and administration are also described.

### **Role of the Group**

The PHZRAG is established to check that the red/green land zoning criteria have been consistently applied and that boundary lines have been drawn appropriately.

### **Membership**

PHZRAG members have been selected by Cabinet for their relevant expertise and experience.

Membership of the PHZRAG will include:

- Dr Keith Turner – Independent member and Chair
- David Jennings- Independent Geotechnical Expert
- Diane Turner, General Manager – Strategy, Planning and Policy, CERA
- Kevin Locke, General Manager- Capital Programme, CCC
- Patricia Noble – Senior Legal Advisor CERA

### **Meetings**

Meetings will be held in person on site at CERA offices, Christchurch.

The chair of the PHZRAG will agree the agenda and format of the meetings with members. The PHZRAG will provide independent advice to the Minister within the scope detailed below.

### **Scope of Advice**

The Panel is advisory only and not decision-making in its capacity.

The scope of advice provided by the PHZRAG will be guided by the criteria agreed by Cabinet.

The PHZRAG may recommend zoning changes for any properties where it is found that:

1. The zoning of a property is inconsistent with the criteria agreed to by Cabinet as outlined in annex 1; and/or
2. The boundary lines have not been drawn sensibly; and/or

3. The green zoning of an individual property, or a small number of properties, would result in clearly not viable infrastructure servicing costs (this would typically be because such properties are serviced by infrastructure wholly or partly in a red zone, or the main purpose of the infrastructure is to service properties in a red zone).

The Group should make decisions by consensus. Where decisions by consensus are not possible the Chair will have authority to exercise a casting vote.

The PHZRAG will report back to the Minister for Canterbury Earthquake Recovery of the findings of the review, including any recommendations for zoning changes.

#### ***Code of Conduct***

Group members must adhere to all stipulated confidentiality and conflict of interest requirements.

Group members must ensure any information provided in confidence is respected as such and neither copied nor discussed outside the group meetings without the permission of the Minister. The presumption is that all material presented to the group is confidential unless otherwise indicated.

This confidentiality requirement endures even after the member has left the Group.

#### ***Guidelines for Group Processes***

All written advice will be approved by the chair before its distribution, and all meetings will be minuted for subsequent approval by the chair.

The Canterbury Earthquake Recovery Act 2011, the Official Information Act 1982, the Privacy Act 1993 and the Ombudsmen Act 1975 apply.

#### ***Administrative Support***

The CERA Chief Executive (or nominated individual) will provide administrative support to the Group. This role will include:

- Scheduling and coordinating group meetings;
- Minuting key decisions;
- Coordinating the development and provision of the final report to the Minister on behalf of the PHZRAG; and
- Ensuring material is provided to members in a timely fashion.

**Annex 1 – Land Zoning Criteria agreed by Cabinet [CAB Min (11) 24/15 and CAB Min (12) 35/2A refers]**

1. In the initial Canterbury Earthquake zoning announcements on 23 June 2011, zones were established based on the severity and extent of land damage and the cost-effectiveness and social impacts of land remediation. Criteria were previously agreed by Cabinet to classify areas as either red zones or green zones [CAB Min (11) 24/15 refers].
2. Outside of the areas identified by GNS as high risk, properties have been zoned green where [CAB Min (12) 35/2A refers]:
  - 2.1. Land damage and any life risk could be addressed on an individual basis.
3. In the areas identified by GNS as high risk, green zones have been declared where [CAB Min (12) 35/2A refers]:
  - 3.1. Land damage and any life risk could be addressed on an individual basis and any life risk from rock roll was less than 1 in 10,000 at 2016 risk levels as per the GNS modelling.
4. A key factor for green zoned properties is that, even though land on some properties may be damaged, in most cases damage can be addressed on an individual basis as part of the normal insurance process. In some green zone cases, land may be assessed by EQC as uneconomic to repair and such properties will receive the EQC land cap payment in lieu of repair. EQC may also refuse natural hazard cover to these same properties in the future.
5. In the areas identified by GNS as high risk, red zones have been declared where [CAB Min (12) 35/2A refers]:
  - 5.1 Annual individual fatality risk associated with residential dwellings in the area is higher than 1 in 10,000 at 2016 risk levels as per the GNS modelling, subject to expert advice in very particular circumstances<sup>1</sup>; or
  - 5.2 There is potential for immediate cliff collapse or land slip, as assessed by GNS, caused or accentuated by the Canterbury earthquakes with associated risk to life; and
  - 5.3 An engineering solution to mitigate the life risk is judged not to be desirable, as it would (amongst other factors);
    - 5.3.1 be uncertain in terms of detailed design, its success and its possible commencement; and/or
    - 5.3.2 be disruptive for landowners as the commencement date is uncertain and the length of time they would need to be out of their homes to allow mitigation to occur; and/or
    - 5.3.3 not be timely: for example the work required would probably lead to social dislocation for those communities in the short-to-medium term; and/or

<sup>1</sup> This is an exceptional circumstances clause and needs the agreement of both CERA and CCC.

5.3.4 not be cost effective, especially where the cost of mitigation is greater than the value of the properties; and

5.4 The health and wellbeing of residents is at risk from remaining in the area for prolonged periods.