

Media Release

Extension for Port Hills property owners

Release Date: 25 October 2013

Canterbury Earthquake Recovery Minister Gerry Brownlee says the outcome of this week's Quake Outcasts hearing in the Court of Appeal will determine how CERA should address issues identified in the Port Hills zoning review, but that may take some time.

Given the delay, the final expiry date for all Crown offers in the Port Hills will be extended to 31 March 2014, instead of the current 31 January date.

The Crown has appealed the findings of the High Court on the judicial review of the Quake Outcasts case and Mr Brownlee says until there is a final outcome it is not possible to progress the Port Hills zoning review announcement as originally planned on 28 August.

"It is not just the appeal hearing time frame we are being mindful of, it is the time it may take for that decision to be announced by the court, and the decision itself."

Mr Brownlee says that for the people waiting on the zoning review outcomes it is only fair to outline what realistically may occur. The zoning review took into account all Port Hills properties, and not just the ones identified by properties owners unhappy with the original zoning decision.

The initial decision in regard to the Quake Outcasts was delivered in August, and in it Justice Panckhurst accepted the argument of the applicants. In his ruling the judge confined his decision to the case itself. However the potential to use the case as a legal precedent has led the Crown to take a view that its impact may be much broader.

However the Crown respects His Honour's explanation of the legislation because it does not want to be in contempt of court while proceedings continue.

Justice Panckhurst's ruling affected the timing of the Port Hills zoning review announcements decision, as any new red zones would have been created using exactly the same approach that His Honour determined was inappropriate. The ruling said the Minister for Canterbury Earthquake Recovery should have used his powers under section 27 of the CER Act 2011, denying the right of Cabinet to make decisions in favour of adversely affected property owners.

"We know a previous court ruling had questioned my decision to use section 27 of the CER Act for amending the Regional Policy Statement to enable more subdivisions to be created through the RMA process. So this recent judgement did not offer consistency in that regard," Mr Brownlee says.

"And the decision Cabinet made to ensure property owners had the option of a voluntary offer has so far seen 6897 families move off their badly affected land and re-establish their lives. The Government did the very best it could to help those most in need, in the wake of a devastating natural disaster."

Mr Brownlee says he acknowledges the blow the delay means for the Port Hills property owners who are waiting for a decision about the future of their land.

“In the interim there are support services in place and we will do whatever we can to ensure those property owners who are affected are accessing the information and assistance they need. The extension to the final settlement date will give Port Hills property owners extra time to ensure they can make the appropriate decision in regard to their future.”

Mr Brownlee says CERA staff will shortly meet with community leaders to discuss the extension and how it will apply.