

Our Ref DOIA 23-069

18 November 2022

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Dear ██████████

Response to your official information request

Thank you for your official information request received on 18 October 2022 for 'Please provide copies of all records held by LINZ relating to:

- (a) the red zoning of the Porthaven storage units;
- (b) the acquisition of the units by CERA and transfer to LINZ, and
- (c) subsequent transfer to the current registered proprietor (which I understand is a company called Affordable Storage Limited).'

which you clarified on 3 November 2022 confirming that you would like all the information on all the units please and the global sale etc.

In response we advise:

ZONING

The 142 units at Porthaven (classified as a 'Commercial complex) were initially zoned 'Green'. As such the owners of the units were not eligible for the voluntary Crown offers due to (a) being Commercial and (b) being green-zoned.

As a result of the Port Hills Zoning Review (05/12/2013), the 142 units at Porthaven were re-zoned 'Red' due to the life risk from rock roll, making them eligible for the voluntary Crown Offer.

CROWN OFFER

During January and February 2016, 134 unit owners at Porthaven accepted the voluntary Crown-offer, facilitated by the Canterbury Earthquake Recovery Authority (CERA), of 100% of the 2007/08 rateable value and settled the sale of their units to the Crown. Insurance for all of the units was held by the Body Corporate. On behalf of the unit holders, the Body Corporate settled with their Insurer and as such, the 134 unit owners that accepted the voluntary Crown offer took option 2 (Land value only). 8 units remained privately owned.

A standard Sale and Purchase Agreement was used for all units with the only variance in the Agreement being the name of the unit holder. All units received \$20,400 for the land value only, regardless of unit size.

MANAGEMENT OF PORTHAVEN

As the Crown's acquisition of the 134 units at Porthaven occurred in 2016, CERA initially managed the 134 Crown-owned units. At the disestablishment of CERA in April 2016, the management of Porthaven transferred to LINZ.

SALE OF PORTHAVEN

Although the majority of Port Hills Crown-owned properties were included in the Global Settlement Agreement, Porthaven was specifically excluded at Christchurch City Council's (Council) request.

Due to legal requirements of the Body Corporate the privately-owned units prevented the demolition of the Crown-owned units, and the Crown incurred substantial costs to maintain the site. The clearing of any of the 134 units would have required the cancellation of the existing unit plan and potentially a redevelopment. This could not have occurred without the agreement of all privately owned unit owners, without which the Crown would have been in breach of the Unit Titles Act 2010. The privately owned units were scattered and adjoined Crown-owned units, complicating demolitions.

In October 2019, after they were excluded from the properties to be transferred to the Council under the Global Settlement Agreement, the Minister for Greater Christchurch Regeneration agreed that the Crown-owned units at Porthaven should be sold on the open market. The disposal of the Crown-owned Porthaven storage units was consistent with the purposes of the GCR Act, as, amongst other reasons, better facilitated regeneration of the area than the Crown retaining ownership.

LINZ consulted with the private unit owners, obtained a valuation and geotechnical report, and engaged Bayleys Realty Group as realtor. Porthaven was publicly advertised by deadline sale by Bayleys on an 'as-is-where-is' basis. The Crown accepted an unconditional offer to purchase the 134 Crown-owned Porthaven units from Anthony Peter McLaughlin and Michelle Christine Wingfield (the current owners) with a settlement date of 30 November 2020.

Once you have had the opportunity to review this response you are welcome to contact redzoneinfo@linz.govt.nz should you have any questions or wish to seek any further clarification.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note, this response letter outlining our decision on your request, **with your personal details withheld**, and any attached documentation will be published on the Toitū Te Whenua Land Information New Zealand's website. This is likely to be published in January 2023.

Yours sincerely



Sonya Wikitera

Head of Crown Property