

Report Summary

Staying in the red zones

Monitoring human rights in the
Canterbury earthquake recovery

Te manawaroa ki te pae whero

Whakaora rū whenua Waitaha
he aroturuki tika tangata

Dr Margaret MacDonald
Senior Human Rights Specialist

Dr Sally Carlton
Human Rights Specialist

New Zealand Human Rights Commission

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He aha te mea nui o te ao?
He tangata, he tangata, he tangata

*What is the most important thing in the world?
It is the people, it is the people, it is the people*

Part 1

Introduction

Kōrero whakataki

The Canterbury earthquakes resulted in serious human rights challenges which the Human Rights Commission (the Commission) has been acting on and monitoring since September 2010.

As a follow up to the Commission's 2013 publication *Monitoring Human Rights in the Canterbury Earthquake Recovery*, this 2016 report focuses on the human rights impacts of the decision to classify certain land in Canterbury as red zoned—specifically for members of the small group of people who did not accept the Crown offer to purchase their red zoned property or vacant section, and who have continued to live on or own land in the now largely abandoned red zone areas.

The report is based on results from surveys and interviews completed by people either living in or owning vacant land in Canterbury's residential red zones (RRZs). Of the 103 people who responded to the Commission's survey, 62 continued to live in the red zone, and 41 owned vacant land in the residential red zone in mid-2015. The report reflects the views of individuals within this cohort. Despite the relatively small sample size, the 62 residents who completed the survey constitute 18 percent of the estimated 340 residents living in the red zones in mid-2015.

Part 2

What are the residential red zones?

He aha ngā pae whero?

Land zoning in Greater Christchurch

In 2011 the New Zealand Government announced the division of Greater Christchurch into green, orange, white and red zones. Land testing was progressively completed until all properties were zoned either green or red. Red zoning was applied to flat areas in Christchurch and neighbouring Waimakariri District where repair and rebuild work was deemed uncertain, disruptive, lengthy and uneconomically viable in the short to medium term. Properties in the Port Hills were red zoned if repair or rebuild was considered too uncertain, disruptive, lengthy or costly to negate the risk to life from rock fall or land slip. As of March 2016 a total of 8060 properties across Greater Christchurch had been zoned red.

The Crown offer

The Crown offered to purchase red zoned properties from owners to help them avoid the complexities of the insurance process and allow them to move away from areas with widespread damage. The Crown offers differed depending on the property type. From mid-2011 owners

of insured red zoned residential properties were offered 100 percent of the 2007/08 rateable value. A comparable purchase offer was only extended to owners of vacant land, insured commercial properties and uninsured residential properties in late 2015 after the decision had been contested by property owners in the High Court, the Court of Appeal and the Supreme Court.

Almost 99 percent of owners of red zoned residential properties accepted the Crown purchase offer. As of March 2016 owners of 121 properties had not accepted the offer. From this it can be estimated that in March 2016, 300 people remained living in the residential red zones of Greater Christchurch. The deadline for accepting the offer has passed, so it is likely the people remaining in the red zones intend to do so long term.

Part 3

The Commission's survey of people affected by the red zoning who did not accept the Government offer

Te tatauranga a Te Kāhui Tika Tangata o ngā tāngata e noho ana i te pae whero

The Commission commenced its research in June and July 2015 with the distribution of a survey. The survey respondents were a fairly even mix of males and females, with a very high proportion of survey respondents (96 percent) identifying as New Zealand European. Of the 62 respondents who indicated an interest in an interview, 14 were invited for interview based on the geographic areas in which they lived and the issues they faced. The full edited [interviews](#) can be accessed on the Commission's website: <https://www.hrc.co.nz/red-zones-report/interviews>.



Brooklands Community farewell event 9 September, 2012. Over 400 properties in the small community were zoned red and have been demolished.

Part 4

What financial issues have people faced because of the red zoning?

He aha ngā kaupapa ahumoni e pā ana ki ngā tangata e noho ana i te pae whero?

For some mortgage holders affected by the red zoning, remaining in their red zoned property was not an option. However, the survey results reveal that residential red zone residents included both borrowers with their property mortgaged to banks and people who had paid off their mortgage.

Red zone residents have faced difficulties securing insurance for their red zoned properties. At the time of the research almost half the red zone resident survey respondents had full insurance for their property, while the remainder had partial insurance. Insurance is one of the most significant issues facing red zone residents and it has affected their levels of stress and wellbeing.

Part 5

Why have some people remained living in the RRZs?

He aha ai ka noho ētahi tangata ki te pae whero?

Contrary to a common perception that people in the RRZs remained living there in order to ‘hold out’ for better financial offers, the report’s findings demonstrate that a variety of reasons—many emotionally driven—contributed to people’s decision to stay.

The majority of survey respondents indicated that they remained living in the RRZs by choice. The reasons put forward for this decision varied, but attachment to home and neighbourhood constituted the most frequently cited reason. Financial reasons also played a large part in the decision, particularly in terms of a perceived drop in quality of life if the Crown offer had been accepted. A Canterbury property owner told the Commission,

“I wondered what all this had to do with human rights. Now I realise that most New Zealanders own their own home so that no one can tell them what to do in it. Now everyone is telling me what to do with my own home.”

This comment succinctly sums up the issue of property rights which the earthquakes have brought to the fore.

Part 6

What issues do affected people face, and what are the impacts of these issues?

He aha ngā kaupapa e aro ana ki te hunga pāpā, ā he aha ngā whakaaweawe?

Communication

The research provides insight into how affected people viewed the communication of agencies responsible for the red zoning decisions and the practical implementation of the decisions by those agencies. Generally, people expressed dissatisfaction in relation to many elements of communication. The implications of this issue are significant, because the stress resulting from ineffective communication has affected people's ability to recover.

Access to information

For people affected by the red zoning the issue of access to information was critical, because it was both difficult and stressful for them to make decisions about their properties without feeling properly informed. Several themes have emerged in terms of access to information: the provision of information from agencies involved in the red zoning, people's levels of access to support services, and people's views on the role of the media shaping the public's views on the red zone experience.

Participation, engagement and collaboration in decision making

“Bureaucracies say, ‘We have provided a path.’ The problem for residents and people who are affected by the whole thing is that the path is convoluted and not necessarily, in fact, even walkable. And that’s where the collaboration thing comes in, that’s what was needed from the start and is still needed.”
(Phil, Port Hills)

Survey respondents were largely dissatisfied with the ways in which agencies engaged with them—and with the most vulnerable affected people—regarding red zoning decisions. This (perceived) low level of engagement influenced the formation of community groups.

Part 7

What issues do specific groups of people face, and what are the impacts of these issues?

He aha ngā kaupapa e aro ana ki ia tau tāngata, ā he aha ngā whakaaweawe?

Section 124 of the Building Act notices in the Port Hills

Prohibited access notices (section 124 notices, also known as 'red stickers') were issued in the aftermath of the September 2010 earthquake when the Christchurch City Council considered that properties were structurally unsafe as a result of earthquake damage, or that they presented an increased risk to life because of potential rock roll, land slippage or cliff collapse. The application of the section 124 notices has had a profound impact. Property owners whose homes had section 124 notices were unable to remain legally in their homes, progress repairs or access insurance payouts to allow them to purchase a new property and move on with their lives.

The Government purchase offers: owners of vacant land, commercial properties and uninsured residential properties

In August 2015, following the decision of the Supreme Court that the red zoning and the offers had not been lawfully made, these groups were made an offer comparable with the one made to owners of insured residential properties in mid-2011. Both the difference between the initial and later offers and the delay have been a source of considerable stress for affected people.

The revaluation of red zone properties

Following the earthquakes, the land revaluation process in Canterbury scheduled for 2010 was delayed until 2014. The new valuations significantly affected owners of red zoned land, with the rateable value of red zoned properties falling dramatically, for many by up to 80 to 90 percent. The loss of equity in what for most people was their biggest asset has been a source of stress, and was perceived by some residents as an added pressure to accept the Government offer to purchase properties at 100 percent of the 2007/08 rateable value. Owners of uninsured properties, who were not eligible for the Government offer, were particularly affected by the drop in the value of their properties.

The provision and maintenance of services to the RRZs

The issue of providing and maintaining services to red zoned properties is a source of concern and uncertainty for red zone residents. The Government has stressed that no decision has been made about the future of the RRZs, including the provision and maintenance of services. In other words, councils continue to provide services—albeit at reduced capacity in some areas—but have not clearly committed to what will occur in the long term.

Although local government is responsible for services under the Local Government Act 2002, the Christchurch City Council has suggested that central government should meet the costs for red zone services, the rationale being that the Canterbury Earthquake Recovery Authority (CERA) did not use its powers of compulsory acquisition to purchase red zoned properties, allowing people the right to choose to remain.

Residents feel that media reporting about the cost of maintaining services to the red zones has contributed to negative public perceptions of their decision to remain.

Part 8

What other impacts did the red zoning have?

He aha ētahi atu whakaaweawe e pā ana ki te pae whero?

Survey respondents' wellbeing

One of the most striking findings is the discrepancy between respondents' perceptions of their pre- and post-earthquake quality of life, with a very marked decrease between the two periods. Another important finding was respondents' levels of satisfaction with life in the RRZs. In terms of the international WHO-5 wellbeing measure, just over half of the survey respondents recorded a score below 13, which is taken to indicate risk of poor mental health.

Respondents also recorded high stress results. It is concerning that the stress levels of many people affected by red zoning were higher in the 12 months preceding the time of research than in the previous four-and-a-half years (since the September 2010 earthquake). This result both supports, and is supported by, the fact that most respondents felt their stress was due more to the aftermath of the earthquakes than to the earthquakes themselves.

“We had all the difficulties to do with the earthquake but in retrospect, the earthquake itself was minuscule compared with the trauma that happened after that.” (Ralph, Port Hills)

The extent to which specific earthquake issues are affecting survey respondents' lives

Twenty-eight issues were listed in the survey and respondents were asked to indicate the extent to which these issues continued to affect their lives. The issue that respondents deemed to have the most negative impact was living in a home that had lost equity. The majority of the 10 most-cited issues, however, related to feeling a lack of control. These issues included difficulty being heard, difficulty getting information about reasons for decisions and difficulty dealing with individual agencies. Stress and financial issues also featured among the top 10 issues.

Part 9

What is needed to improve life in the RRZs?

Pēhea nei te whakapai ake i te nōhanga ki te pae whero?

When asked to reflect on changes needed to improve their lives in the RRZs, residents identified the removal of the red zone label; knowing what the future holds; honest and transparent communication; and infrastructure and amenities repair. Financial issues also featured, and included suggestions such as the settlement of property claims, the reappraisal of rateable values and the ability to obtain insurance.

In terms of changes on an emotional level, residents wanted: to be treated with respect, timely decisions, to feel safe, to have fair assessments of damage, and for agencies to take responsibility.

Part 10

Looking forward

Tirohanga whakamua

Affected people's learnings, suggestions and recommendations

By virtue of their experiences affected people are able to make important and constructive suggestions to guide future post-disaster practice.

Suggestions included allowing more flexibility in post-disaster policies, undertaking more community engagement, less government involvement (private business can generally react faster and more efficiently) and a re-evaluation of the EQC under cap / over cap limit.

Affected people's unanswered questions and unresolved issues

Interviewees identified a number of questions and issues which they continued to grapple with at the time of research. The issues that remained of concern were largely related to future use of red zoned land, ongoing access to services, communication and engagement.

Key messages

This report has six key messages.

First, human rights need to be front and centre in disaster recovery, prevention and preparedness. The guiding principles of the Sendai Framework adopted by the United Nations (including New Zealand) in 2015 place human rights at the centre of disaster risk reduction.

Second, the right to property is fragile in New Zealand. Property rights need to be better enshrined in the New Zealand Bill of Rights Act by Parliament.

Third, post-disaster it is particularly important for the Crown to exercise its powers carefully and in accordance with the relevant legislation.

Fourth, the communication needs of people affected by disasters are not confined to the immediate post-disaster period. Affected people need information to make decisions, need to participate in decisions that affect them, and need co-ordinated service delivery. They also want to be treated with respect.

Fifth, community engagement matters. The way in which government and non-government agencies pursue initiatives will determine how successful these are. The requirement to act swiftly must be weighed against the need to actively engage community in the design and implementation of solutions. A 'nothing about us without us' approach requires time, resources, and public and political will, but is essential to ensure that people are not passive recipients of disaster recovery response and risk reduction, but are actively involved in shaping it.

Finally, there is no one-size-fits-all for disasters: flexibility to consider individual circumstances needs to be incorporated into the design of disaster planning, policies and services. Recognising flexibility as an intrinsic goal in disaster preparedness results in better outcomes for people and organisations.

Challenging the myths

“Some people say, ‘How come you're living in the red zone?’ I just say, ‘Well you don't have to go, the thing was voluntary; you could all still have been here if you wanted.’”
(Les, Brooklands)

Acceptance of the Crown offer

- This report emphasises the fact that the Crown purchase offers to owners of red zoned properties were voluntary: people were not obliged to accept the offer and leave the area.

Insurance

- The vast majority of red zoned residents had insurance for their properties at the time of the earthquakes. This finding challenges the public perception that people remaining in the residential red zones generally did not have insurance.



Contact

Human Rights Commission InfoLine

0800 496 877 (toll free)

Fax 09 377 3593 (attn: InfoLine)

Email infoline@hrc.co.nz

TXT 0210 236 4253

www.hrc.co.nz

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www.nzrelay.co.nz

Tāmaki Makaurau – Auckland

Level 7, AIG Building

41 Shortland Street, Auckland 1010

PO Box 6751, Wellesley Street

Tāmaki Makaurau Auckland 1141

Waea Telephone 09 309 0874

Te Whanganui ā Tara – Wellington

Level 8, Vector Building

44-52 The Terrace

PO Box 12411, Thorndon

Te Whanganui ā Tara Wellington 6144

Waea Telephone 04 473 9981

Ōtautahi – Christchurch

Level 1, BNZ Centre

120 Hereford Street

Christchurch 8011

Waea Telephone 03 379 2015

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Te Tari Whakatau Take Tika Tangata

Email ohrp@ohrp.org.nz

PO Box 6751, Wellesley Street,

Auckland 1141