



SUBMISSION

Building (Earthquake-prone Buildings) Amendment Bill 2013

Ashburton District Council submission to the Local Government and Environment Select Committee

Thank you for the opportunity to submit on the Building (Earthquake-prone Buildings) Amendment Bill.

Background

Although Ashburton District did not sustain the level of destruction experienced by the Greater Christchurch area in the 2010 and 2011 earthquakes, there has been considerable damage to buildings, especially in the Ashburton Central Business District. As a consequence, this Council has taken a proactive approach in implementing its Earthquake-prone Building Policy under the Building Act 2004 and engaged with building owners to undertake building assessments where the building owner has borne the costs of the assessments. Council has kept a register of the results and subsequent follow-up actions, whether it has been to strengthen the building or to demolish. A considerable amount of staff time has gone into this exercise, firstly in developing and populating a register and incorporating it into our computer system so that it links to building consents and land information memoranda, and secondly in meeting with individual building owners and their engineers to provide advice and to work through available options. Overall there has been good buy in to the process from building owners, most of whom have chosen to strengthen their buildings to at least 67% because of perceived market demand and for insurance reasons.

Our EQP register identified 318 buildings as being potentially earthquake prone. Engineering assessments have been received for 240 buildings (132 are not EQP and 108 are), 44 have not responded, 34 are awaiting an engineer, 21 buildings have been demolished and 23 strengthened.

Comments/Requested Changes

The cost implications of this Bill need to address the fact that the 2013 discussion document and the regulatory impact statement that accompanied it did not include the expanded scope of post 1976 to 2005 buildings requiring to be assessed. Even in a district of this size, this equates to thousands of additional buildings requiring assessment under the current scope. We have not (and never would have) the resources to achieve this. Further, we believe consideration should be given to exempting certain non-residential buildings such as rural non-habitable buildings from assessment due to their low risk and importance level under the Building Act 2004.

We support the setting of a standard timeframe for building owners to strengthen their buildings, with the provision to engage with the community to accelerate strengthening of certain buildings. However we believe the timeframes proposed are too long, especially for unreinforced masonry buildings. Our current policy has timeframes of 5, 10 and 15 years for strengthening (depending upon the building's use and type of construction) and this has been widely accepted by building owners and the community. It is

accepted that different Councils have different views on timeframes because of their communities particular circumstances. It is therefore important that Councils are given flexibility to determine timeframes in consultation with their communities. We would also note that without regulations it is not possible to determine the scope of priority buildings for accelerated strengthening.

We support the ability to issue building consents for earthquake strengthening without having to upgrade for disability access and means of escape from fire (if the building becoming not earthquake prone outweighs the detriment of not doing the upgrade). The addition to the definition to include parts of a building that are earthquake-prone is also supported because it allows for targeted seismic strengthening (or removal of parapets etc to reduce the hazard) while allowing the rest of the building to be used.

In its current format, there is too much uncertainty as to how some aspects of the Bill and the regulations proposed will work in practice, especially with regard to the cost and logistical consequences for local authorities and communities. We believe that the methodology for seismic assessments, the definition of priority building and the scope of exemptions must be clarified before the Select Committee finalises its report and recommendations. Rural and provincial New Zealand will carry the disproportionate burden of social and economic impacts of the Bill unless the Bill explicitly provides that Councils can impose fees to recover reasonable costs of seismic assessments from building owners and that the costs of the national register will be borne by Central Government.

We support the provision of a national public register of earthquake prone buildings along with greater Central Government support for local authorities and building owners.

We would like to seek clarification on Section 133AW (1) "This section applies if seismic work on an earthquake-prone building is not completed by the deadline or is not proceeding with reasonable speed in the light of that deadline". Who determines 'reasonable speed'? Lack of clarity may lead to additional or unnecessary work for the local authority and the district courts.

As with many of our neighbouring Councils, we are concerned that the Bill does not address the recommendation from the Canterbury Earthquakes Royal Commission that local authorities should be given the option of requiring strengthening to a higher level than that set by central government. The Commission's recommendation that all unreinforced masonry buildings or buildings with hazardous features such as verandahs and parapets should have their seismic capacity assessed within two years and any subsequent strengthening work done within seven years has also been disregarded. We believe the Bill should be amended to include the Commission's recommendation.

Overall, we support the major principles of the Bill in improving the system of managing earthquake-prone buildings, but with the regulations yet to be drafted it is impossible to determine the scope and costs that the Bill will impose on our District. We request that the Select Committee not report back until key provisions determining scope and cost are available.

Jane Donaldson
Group Manager Environmental Services

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