

**Chairperson and Committee Members**  
REGULATORY MANAGEMENT COMMITTEE

23 JULY 2015

Meeting Status: **Public**

Purpose of Report: For Decision

**KAPITI COAST DISTRICT COUNCIL SUBMISSION ON THE  
BUILDING ACT EMERGENCY MANAGEMENT PROPOSAL**

**PURPOSE OF REPORT**

- 1 This report outlines a draft Kapiti Coast District Council submission on the Building Act Emergency Management Proposal. A copy of the draft submission is attached as Appendix One to this report.

**DELEGATION**

- 2 The Regulatory Management Committee has the delegated authority to consider this paper.

*“7.37 Authority to review and approve any Kapiti Coast District Council submission on any issue that is being made on behalf of Council, where such review and approval is requested by officers.”*

**BACKGROUND**

- 3 The Ministry of Business Innovation and Employment (MBIE) has recently put out a consultation proposal on changes to the Building Act 2004 regarding how buildings are managed after a civil defence event such as a earthquake or flooding.
- 4 Feedback on the proposed changes to the Building Act 2004 has been requested and is due by 24 July 2015. Officers have forwarded a copy of the draft submission which will be confirmed today with any changes made by this Committee.
- 5 The proposed changes to the Building Act 2004 have come about as a consequence of the Canterbury Earthquake Royal Commission recommendations.
- 6 The recommended changes to the Building Act 2004 include:
  - The ability of a civil defence Controller to decide whether to use Building Act emergency management powers.
  - Powers for Territorial authorities (Councils) to assess buildings and restrict access, remove immediate danger, remove dangers causing significant disruption and remove danger in other situations.

It is proposed that these powers will apply up to three years after the state of emergency has ended.

## **ISSUES**

- 7 The proposed changes to the Building Act 2004 are generally supported as they will provide a better transition from the State of Emergency powers of the Civil Defence Controller than is currently in place.
- 8 In the Council's draft submission we have highlighted the concern that Councillors mentioned at the Regulatory Management Committee meeting on 11 June 2015 regarding the three year limit for some of the powers applying after the state of emergency is uplifted. Officers have suggested that there should be the ability to extend this timeframe if necessary as it is evident in the learning from the Christchurch Earthquakes that three years may not be sufficient time to resolve matters.

## **CONSIDERATIONS**

### Policy considerations

- 9 There are no Policy considerations with respect to this report.

### Legal considerations

- 10 There are no legal considerations with respect to this report.

### Financial considerations

- 11 There are no financial considerations with respect to this report.

### Tāngata whenua considerations

- 12 There are no Tāngata whenua considerations with respect to this report.

## **SIGNIFICANCE AND ENGAGEMENT**

### Degree of significance

- 13 There are no significant issues with respect to this report.

### Publicity

- 14 There are no publicity issues with respect to this report.

## RECOMMENDATIONS

- 15 That the Regulatory Management Committee approves the submission to the Ministry of Business Innovation and Employment on the Building Act Emergency management Proposals as detailed in Appendix One of RS-15-1637 subject to any changes made by the meeting.

**Report prepared by    Approved for submission    Approved for submission**

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## ATTACHMENTS

Appendix One-Submission to Ministry of Business Innovation and Employment on the Building Act Emergency Management Proposals

Appendix Two-Building Act Emergency Management Proposal Presentation at Regulatory Management Committee 11 June 2015