

Chairperson and Committee Members
REGULATORY MANAGEMENT COMMITTEE

23 JULY 2015

Meeting Status: **Public**

Purpose of Report: For Information

SUBMISSION ON THE BUILDING (EARTHQUAKE PRONE BUILDINGS) AMENDMENT BILL

PURPOSE OF REPORT

1. This report outlines the Kāpiti Coast District Council submission on the Building (Earthquake Prone Buildings) Amendment Bill that has been submitted. The submission is attached in Appendix One.

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 Building (Earthquake Prone Buildings) Amendment Bill was referred and has been with the Local Government and Environment Select Committee for consideration in 2014. The Committee has recently published its interim report and sought feedback from those parties that submitted originally on the Bill. Kāpiti Coast District Council did submit in April 2014 on this bill and therefore has been asked to provide feedback. The timeframe to respond to the Select Committee was by 16 July 2015 and therefore Council Officers have prepared and submitted a submission on behalf of Council. This report is to advise the Regulatory Management Committee of the submission content.
4. The Council has previously made submissions on both this Bill and to the Ministry of Business Innovation and Employment (MBIE) on the development of this Bill.
5. The Select Committee have proposed several changes as a result of the submission process which include the following:
 - Changes to the timeframes for parts of New Zealand where the seismic risk is less. This does not impact the Wellington Region as it is still considered high risk.
 - Reducing the scope of buildings that are to be covered by the earthquake prone building regime. This is something that our original submission to the bill identified as an issue and the current changes have addressed this.
 - The prioritisation of buildings which have a post disaster function in high risk areas such as Kāpiti. This includes schools, emergency response

facilities and buildings on priority routes. The applicable timeframes are halved for the identification and remediation of these buildings.

- A requirement which would require the addressing of the earthquake prone issues when substantial alterations are being undertaken in the building. The details of this would be set out in regulations.

ISSUES

6. This section highlights some of the key concerns Council Officers have included in the feedback to the Select Committee. The more detailed commentary is provided in the attached submission.
7. The timeframes for Councils in high risk areas, such as the Kāpiti Coast to assess priority buildings are tight with this work including undertaking a special consultative process to be completed in two and a half years.
8. The proposed changes to the Bill also include a requirement for a substantial alteration to a building to include the addressing the matters that make a building earthquake prone. The detail will be in the regulations and how a substantial alteration is defined will be critical. This should include building work over a period of time in the definition of substantial alteration. This would deal with avoidance by building consent applicants in making the building consent value under the threshold.
9. Staff did see value in giving property owners who have addressed building elements such as parapets some benefit in the timeframes to resolve the building issues. This was because securing elements such as parapets would improve the safety of people in and around the building

CONSIDERATIONS

Policy considerations

10. While Council currently has an earthquake prone building policy, these changes to the Building Act 2004 will remove the necessity for this policy.

Legal considerations

11. There are no legal considerations with respect to this report.

Financial considerations

12. The seismic assessment that the Council will be undertaking are funded in the 2015/35 Long Term Plan.

Tāngata whenua considerations

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

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

14. There are no significant issues with respect to this report.

Publicity

15. There are no publicity issues with respect to this report.

RECOMMENDATIONS

16. That the Regulatory Management Committee notes the submission on the Building (Earthquake Prone Buildings) Amendment Bill attached as Appendix One to Report-15-1639.

Report prepared by Approved for submission Approved for submission

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ATTACHMENT

Appendix 1 Kapiti Coast District Council submission on the Building
(Earthquake Prone Buildings) Amendment bill