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Secretariat
Local Government and Environment Committee
Select Committee Services
Parliament Buildings
WELLINGTON 6160

The Kāpiti Coast District Council submission on the Interim Report of the Local Government and Environment Committee on the Building (Earthquake-prone Buildings) Amendment Bill

Thank you for the opportunity to make further submissions on your report regarding this Bill.

We consider that your report outlines significant changes to the original Bill which will improve the implementation of this legislation and allow communities to work towards making New Zealand's building stock more resilient. However there are a few areas where we believe improvements could still be made.

Timeframes for Priority Buildings

The timeframes in high risk areas such as Kāpiti Coast District for priority buildings will be tight considering that these buildings need to be assessed within two and a half years of the enactment of the legislation. Included in this timeframe is consultation using the Special Consultative process with our community that can take some time. We agree that providing an opportunity for the community to input into this process is important and there may be the need for additional time to be given to complete this process.

Offences

The only offences that are currently in the revised Bill would require a Territorial Authority to take the offender to court for the fines to be applied. Currently there are infringements available for not complying with an earthquake prone building notice under section 124 of the Building Act 2004 which can be a useful enforcement tool. We recommend inclusion of the option for infringement notices in the offences under this part of the Building Act 2004.

There is also little detail regarding whether notices can be reissued to require building owners to resolve the earthquake issues concerning their buildings if these have not been resolved at the time the first notice expired. The timeframes for priority buildings in places such as Kāpiti are relatively short. Once a notice has expired it would be useful to be able to issue a new notice so that there was still a requirement for the building to be either strengthened or otherwise resolved.

Substantial alterations

It will be critical to carefully formulate the regulations regarding what is a substantial alteration to a building to prevent avoidance of this measure. One way to do this is to define substantial work as "the building work in all building consents applied for or granted over a set period of time". Work can otherwise be divided up in to a series of consents that all are under the criteria for substantial work but collectively would meet these criteria. This would prevent the desired outcome of improving the seismic performance of buildings.

Earthquake prone building notices

There is significant detail that is now proposed to be part of the formal notices for earthquake prone buildings. This may stop critical information being easily identified or readable on the notice. It may be appropriate to provide less information on the formal notice but a reference made to the register of earthquake prone buildings where additional information could be held and accessed.

Strengthening or Parapets and other parts of buildings

We note that these provisions seem to have been lost in the redrafting of the Bill. This is disappointing as this could allowed some benefits for strengthening parts of buildings such as parapets which can harm those people around the building when an earthquake occurs.

We note that the changes to the proposed Bill do not address providing a pro-active financial environment for building owners to take action with either as incentives or the removal of financial barriers. Our view remains that there is a public benefit from ensuring New Zealand can quickly recover from an earthquake. This could include tax deductibility or tax benefits from strengthening work or financial products to assist building owners while their buildings are being strengthened.

Yours sincerely

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