



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

Submission of Civic Trust Auckland on the Building (Earthquake-prone Buildings) Amendment Bill

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I have authority to submit on behalf of Civic Trust Auckland.

Civic Trust Auckland

Civic Trust Auckland is a non-profit public interest group, incorporated in 1968, with membership, activities and interests throughout the greater Auckland region. Members of the Trust Board have consulted with each other in the preparation of this submission.

The aims of the Trust include:

- Protection of natural landforms
- Preservation of heritage, in all its aspects
- Encouragement of good planning for the city and region.

Executive Summary

- CTA supports a national earthquake-prone building policy with the provision that it takes into account the different risk in different geographical regions.
- CTA supports the requirement for territorial authorities to carry out seismic capacity assessments using the MBIE methodologies.
- CTA supports the parts of the Bill that provide for better information and disclosure, using the same guidelines and methodology.
- CTA is opposed to clause 133AX and wishes to see it removed.
- CTA submits that incentives are imperative to support the owners of heritage buildings that need to be seismically upgraded.

Different levels of risk

1.1 Civic Trust Auckland supports the intent of this Bill because some parts of New Zealand are at high risk of an earthquake and measures need to be put in place to protect people from harm when such events occur. However, other parts of the country (such as Auckland) are at a lower risk and such requirements are more logically tailored to the conditions in the local environment.

1.2 CTA is of the view that the requirements of the Bill should be amended to take account of regional variances in geological risk.

1.3 Many New Zealanders currently live and work in buildings that, if the Bill is enacted, would be either upgraded or demolished within 15 years. However, we seem to be prepared on a daily basis to take the risk of being inside or near a building which may injure or kill us during an earthquake.

1.4 Even if all buildings in New Zealand were upgraded to the standards proposed, this would not necessarily save a significant number of lives in an earthquake.

1.5 CTA is of the view that educating citizens about emergency drills and supplies, as per Civil Defence recommendations, would also contribute greatly to saving lives in addition to strengthening buildings.

1.6 Seismic strengthening of existing buildings in areas of low seismic risk should only be required where a change of use/activity has triggered the requirement for strengthening or where steps have not yet been taken to remedy high probability earthquake risks (e.g. veranda and/or parapet collapse).

Financial burden

2.1 CTA shares the concerns expressed by many others that seismic upgrades proposed for non-complying buildings could impose severe regulatory and financial burdens on thousands of companies and individuals throughout the country. We note that communities in New Zealand vary greatly in size and have varying levels of economic resilience. We believe that cost implications could outweigh the benefits, and could result in buildings being abandoned or demolished, businesses shut down and jobs lost.

2.2 The review of the Building Act needs to be based on a comprehensive and robust analysis of costs and benefits. It is important that the opportunity cost of demolishing much of the country's remaining heritage needs to be taken account of.

Clause 133AX

3.1 CTA is strongly opposed to clause 133AX, which allows local authorities to grant a building consent for earthquake strengthening alterations without requiring section 112 access or fire upgrades. The removal of the current access provisions is a breach of the obligation to eliminate barriers to accessibility under article 9 of the United Nations Convention on the Rights of Persons with Disabilities.

3.2 Addressing fire egress and access issues for persons with disabilities at the same time as upgrading is seen to be efficient and can save building owners money, and, in the case of fire egress, is in line with the intention of the Bill to protect people from harm, in this case, in the event of the relatively commonly occurring incident of fire.

3.3 Failing to upgrade disability access is a missed opportunity and could potentially see thousands of buildings remain inaccessible, shutting people with limited mobility out of a wide variety of public buildings. People need good access in order to work, shop and effectively live in the community.

3.4 Building owners have already been given plenty of time to plan for when they will upgrade disability access, as a result of four decades of slow progress to make buildings accessible for everyone.

3.5 Where it is impractical to make certain buildings accessible, this has already been covered in the existing bill by the exemption ground of reasonable practicality. This ensures a balance between the benefits of improving access and the cost to building owners.

3.6 Upgrades to improve access and fire egress might well be able to be made with minor cost to the building owner.

3.7 Improved access benefits a large section of society, not just persons with disabilities. Handrails, wide doorways, lifts and clear footpaths make our journey more safe and convenient. Good access future proofs buildings and brings considerable economic and social benefits.

Assessments for seismic capacity

4.1 We support the requirement for local authorities to assess the seismic capacity of all buildings covered by the earthquake prone building system in their areas, using MBIE methodologies, to issue seismic capacity ratings to owners and to enter this information into a publicly accessible central register to be managed by the MBIE. Such information potentially affects property values and therefore other relevant information e.g. eligibility for incentives, should be determined prior to entering information on the central register.

4.2 CTA is of the view that five years may not be a reasonable and practicable time to require local authorities to carry out such assessments, due to a shortage of qualified engineers. We are concerned that assessments be done properly

4.3 CTA supports policies to upgrade specific parts only of a building where the necessity for earthquake strengthening was limited to specific or identified parts of the building and not the whole.

New Building Standards

5. There needs to be clarity around variations to the building standards for different parts of the country and a clear setting out of the new building standards which would be understandable by building professionals.

Historic heritage

6.1 In the case of heritage buildings, strengthening to 67% of code rather than 34% as proposed would be more appropriate since that would protect not only life but the fabric of a qualifying heritage building. This is, in some cases, already an insurance or bank mortgage requirement.

6.2 It is important to consider costs in a comprehensive manner. Since the cost to individual building owners is ultimately a cost to the nation, it is important that any

collective economic value that may also be derived from buildings on account of their heritage value be taken into full account. For reasons of efficiency, as a national resource, the assessment of heritage values across the nation should have a consistent system of heritage assessment. There are individual buildings which by themselves may not have recognized values but taken collectively may have character value constituting a valuable heritage resource, e.g. provincial town as well as urban village streetscapes.

6.3 When weighing up heritage values along with safety concerns, local authorities should consider any inherent heritage significance of the area or place, its contribution to the broader context, and whether the effects of district plan listing are “reasonable”. The “*reasonableness*” of any district plan listing will in turn require Councils to consider, and implement, a combination of rules and incentives that equitably apportion the costs (arising as a consequence of heritage listing) between heritage building owners and the public on whose behalf any heritage amenity is being protected. This will only be effective if the incentives are meaningful.

6.4 CTA supports the provision in the Bill for owners of Category I buildings to apply to the relevant territorial authority for an extension of up to ten years to complete upgrade work. Further consideration needs to be given to the eligibility of other than those registered as Category I under the Historic Places Act 1993. The obvious candidates would be significant heritage buildings in distinct plan schedules but which for a variety of reasons may not be included on the Register. For the purposes of this review, ideally a definition should be included for “heritage” and this should come most appropriately from the Resource Management Act.

Parapets and verandas

7.1 Architectural features such as parapets and verandas on heritage buildings provide heritage streetscape value and consequently economic value. Whilst replacement in alternative materials may be an option, caution should therefore be exercised in the decision to remove such features in their entirety. Furthermore, in the context of increasingly intensified urban environments, where heritage roofscapes are increasingly visible from above, methods of strengthening such features should seek to avoid simplistic and unsightly solutions such as supporting rods bracing the back of parapets, if a valid engineering alternative is practical.

7.2 We submit that assessing and strengthening of verandas and parapets should be a priority and that within the CBD designing verandas to take the impact of falling glass facades should be investigated. Investigation should also be undertaken into the potential of verandas to be redesigned as a means of providing zones of safety from falling masonry. This would likely necessitate the reinstatement of curbside posts whilst at the same time allowing the removal of metal tie-rods which contributed to the collapse of heritage facades in the Christchurch earthquakes. (In exploring this measure, the placement of any supporting posts will need to be undertaken in consultation with providers of transport infrastructure.) Such an approach might achieve government’s primary health and safety objectives on a significantly more affordable basis than currently proposed.

Demolition

8.1 Before owners make decisions about whether to demolish or strengthen their buildings, it is necessarily reasonable for both owners and Council, on behalf of the public, to have all relevant information available.

8.2 If an owner proposes to demolish a heritage building or one which contributes to a streetscape of historic character, the public should be properly informed and eligible to make submissions on such a proposal.

8.3 Strengthening or demolition should not be the only two options. If human safety is the primary concern, there should be a third option of temporary closure, preventing access until safety issues have been addressed.

Exemptions

9.1 The exemption criteria needs to be extended beyond buildings registered Category I by Heritage New Zealand Pouhere Taonga to include buildings of significant value on the heritage schedules of territorial authorities. In addition to guidance as to which buildings may qualify for exemptions, the reasons for any such exemptions should be included.

9.2 Buildings of significance to Māori are underrepresented in the heritage schedules of territorial authorities. CTA notes the problem faced by marae across the country, not dissimilar to that faced by churches of many denominations, much of it unassessed and requiring significant funding.

Incentives

10. 1 Ten years to strengthen or demolish is reasonable provided central and local government proceed together to provide effective incentives for the earthquake upgrading of heritage / character buildings. Otherwise, a much longer time should be allowed.

10. 2 It is imperative that incentive mechanisms be devised so as to equitably share the cost of upgrading amongst those who benefit from it, i.e. the building owner and the public, on whose behalf the building's heritage amenity is being retained. A prerequisite for any such incentive mechanism is the identification of qualifying heritage. In many cases this has not been done and provision for such assessment should be made at the time as a detailed engineering assessment is undertaken.

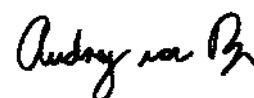
10. 3 Central government should provide support and encouragement for necessary strengthening works, through reducing fees, providing tax incentives, grants and loans. Earthquake upgrade costs should be tax deductible as expenses rather than capital items.

10. 4 In addition to the provisions of financial incentives, owners could benefit from assistance from territorial authorities in terms of planning, flexibility.

10. 5 Any incentive mechanism that might be devised to share the cost of earthquake strengthening between the building owner and the public should provide for a covenant to be placed on the property, thereby protecting the public's investment in any privately owned heritage buildings. Many such buildings provide not only heritage amenity but also constitute the premises for many small New Zealand businesses, a dominant part of the New Zealand economy. Any incentive mechanisms protected by covenant could be justified and facilitated through a review of the eligibility of development contributions under the Local Government Act.

Date of submission: 17 April 2014

Signature:



Secretary, Civic Trust Auckland