

**QLDC Council
31 January 2019**

Report for Agenda Item: 6

Department: Planning & Development

Proposal to approve a special consultative procedure for the identification of priority transport and pedestrian thoroughfares to assist in the subsequent identification of earthquake prone priority buildings as required by the Building (Earthquake-prone Buildings) Amendment Act 2016qqw

Purpose

To recommend that Council identifies priority thoroughfares within the district **and** uses the special consultative procedure to consult with the community on priority thoroughfares as required by the Building (Earthquake-prone buildings) Amendment Act 2016.

The identification of these priority transport and pedestrian thoroughfares will assist Council identify priority buildings in the district.

Recommendation

That Council:

1. **Note** the contents of this report and in particular the Statement of Proposal and requirement to consult with the community in regard to identifying priority transport and pedestrian thoroughfares to assist in the subsequent identification of earthquake prone priority buildings as required by the Building (Earthquake-prone Buildings) Amendment Act 2016.
2. **Adopt** the Statement of Proposal [appended as **Attachment A**] as part of a Special Consultative Procedure.
3. **Appoint** the Planning and Strategy Committee to consider submissions received and report back to full Council.

Prepared by:



Chris English
Building Services Manager

16/01/2019

Reviewed and Authorised by:



Tony Avery,
GM, Planning and Development

17/01/2019

Background

- 1 Following the Christchurch earthquakes, the Ministry of Business Innovation and Employment (MBIE) drafted new legislation to make buildings safer and reduce the likelihood of harm or death to people during a moderate or severe earthquake.
- 2 This new legislation, Building (Earthquake-prone Buildings) Amendment Act 2016, was enacted on 1 July 2017 and placed an additional requirement on Councils (including the Queenstown Lakes District Council) which were located in high and medium risk earthquake zones. The requirement is that Councils must identify buildings which pose a life safety risk due to falling unreinforced masonry during an earthquake and prioritise those buildings for remediation. These buildings are termed Priority Buildings and have to be identified and assessed within two and a half years and remediated within seven and a half years for those in high seismic zone and five years and twelve and a half years for those in medium seismic zones. This is half the time of non-priority earthquake-prone buildings.
- 3 The new legislation, Building (Earthquake-prone Buildings) Amendment Act 2016 replaced Queenstown Lakes District Council's Earthquake-prone buildings policy on 1 July 2017.
- 4 Before a Council can confirm a building as being a Priority Building, it must first identify the Priority Thoroughfares upon which those buildings are located, and it must consult with the community through the Special Consultative Procedure as outlined in section 83 of the Local Government Act 2002. This consultation is required under Section 133AF(2)(a) of the Building (Earthquake-prone Building) Amendment Act 2016.

Comment

- 5 The new legislation is intended to provide guidance and uniformity for Councils in how they deal with earthquake-prone buildings in their districts. The legislation also set down timeframes for the identification and remediation or demolition of earthquake-prone buildings. Timeframes for identifying, assessing, strengthening or demolition of buildings were dependent on what seismic risk area each Council was located in: low, medium or high.
- 6 Within high and medium risk seismic zones, such as the Queenstown Lakes District, potential earthquake-prone buildings in the high seismic zone are required to be identified and assessed within five years and remediated or demolished within fifteen years. For those in the medium seismic zone the timeframes are ten years and twenty five years respectively. For owners of buildings which Council confirms as priority the timeframe for remediation is halved to seven and a half years for high seismic zone and twelve and half years for those buildings in a medium seismic zone. Due to the implications to building owners and the community of these shortened timeframes, Councils in high and medium risk zones have the added responsibility of having to consult with their communities before confirming that a building is a Priority Building. The method for consulting is through the special consultative procedure in section 83 of the Local Government Act 2002.

- 7 Queenstown Lakes District Council has undertaken an earthquake-prone assessment of the district's building stock using a suitably qualified engineer who has used the Ministry of Business, Innovation and Business earthquake prone building methodology ('EPB methodology') to identify potentially earthquake-prone buildings and thoroughfares which have unreinforced masonry buildings located on them. The EPB methodology is a regulatory tool that sets out the types of buildings Queenstown Lakes District Council must identify as potentially earthquake-prone.
- 8 Forty-six buildings were initially profiled across the district as being potentially earthquake-prone. Of those forty-six buildings, owners of three of the profiled buildings have provided Council with evidence that the buildings have been strengthened to 34% of NBS or above so have been removed from the list. A fourth building has also been removed from the list as it did not meet the consequence test (if the building did fail during an earthquake it would pose little or no risk to the public). A number of the remaining forty two buildings identified as potentially earthquake-prone are constructed all or in part of unreinforced masonry (URM) that do not contain steel, timber or fibre reinforcement. URM buildings are older buildings that often have parapets as well as verandas, balconies, decorative ornaments, chimneys and signs attached to their façade, which have a high risk of falling during an earthquake and causing life safety to be at risk. In addition, a number of these profiled URM buildings are on thoroughfares with significant motor and/or pedestrian traffic. These have been identified as priority thoroughfares. The two criteria for being deemed a priority thoroughfare are:
- a. Must have one or more unreinforced masonry earthquake prone building(s) that during a moderate earthquake could fall on the pedestrian or transport thoroughfare(s) and cause a life safety risk; and
 - b. Must have sufficient pedestrian and/or vehicular traffic.
- 9 Based on there being sufficient pedestrian and or vehicle traffic and the potential for part of an unreinforced masonry building to fall and pose a risk to life safety Queenstown Lakes District Council proposes the following thoroughfares be prioritised.

Proposed priority thoroughfares: Queenstown

- 10 The following locations have been identified as priority thoroughfares (due to their sufficient pedestrian and/or vehicle traffic **and** unreinforced masonry buildings):
- 1 – 38 Ballarat Street
 - 4 – 26 Rees Street
 - Pedestrian Lane between 13 and 17 Ballarat Street and Searle Lane
- 11 The properties at these locations, which have been identified as potentially priority buildings (due to unreinforced masonry), are:
- 3 – 5 Rees Street
 - 5 Ballarat Street
 - 7 – 9 Ballarat Street

- 15 – 17 Ballarat Street

Proposed Priority Thoroughfares: Arrowsmith

12 The following thoroughfare has been identified as a priority (due to having sufficient pedestrian and/or vehicle traffic **and** unreinforced masonry buildings):

- 12 – 54 Buckingham Street

13 The properties at this location, which have been identified as potentially priority buildings (due to unreinforced masonry), are:

- 16 Buckingham Street
- 18 – 20 Buckingham Street
- 25 Buckingham Street
- 45 – 49 Buckingham Street

Options

14 Option 1

In the Statement of Proposal Council identifies priority thoroughfares, which have profiled earthquake prone unreinforced masonry buildings. Those buildings pose a significant risk that during an earthquake they could fail and result in life safety risk to pedestrians and/or vehicle passengers.

Advantages:

- Ensures Council complies with legislation requiring Council to identify priority buildings and consult with the community on priority buildings.

Disadvantages:

- None

15 Option 2

Council does not proceed with the special Consultative Procedure to identify priority thoroughfares and subsequently priority buildings

Advantages:

- There are no advantages

Disadvantages:

- Council would be in breach of S133 (AF) of the Building (Earthquake prone buildings) Amendment Act 2016 which requires Council to consult with the community prior to confirming priority buildings

16 This report recommends **Option 1** for addressing the matter because it will ensure compliance with sections 133AE(1)(e) and 133AF(2)(a) of the Building

(Earthquake-prone Buildings) amendment Act 2016 and targets those thoroughfares that pose the greatest risk to the community.

Significance and Engagement

17 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because it has a significant effect on owners of buildings deemed potentially earthquake prone Priority Buildings

Risk

18 This matter relates to the strategic risk SR3: Management Practice – working with legislation, as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because the district building stock has been assessed for potential earthquake prone-buildings with unreinforced masonry, reducing the risk of timeframe non-compliance.

19 Undertaking the Special Consultative Procedure mitigates the risk to Council of not meeting legislative timeframes for identifying and having owners remediate Priority Buildings. Terminating the risk - there may be opportunities to terminate the risk altogether.

Financial Implications

20 There are no financial implications for Council other than the cost of the Special Consultative Procedure.

Council Policies, Strategies and Bylaws

21 No Council Policies, Strategies or Bylaws need to be considered due to option 1 and option 2 being legislative requirements. As noted above, all Council policies on earthquake-prone buildings have been superseded by the new legislation.

Local Government Act 2002 Purpose Provisions

22 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by performing Council's regulatory function as required by the legislation;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

23 The proposed Special Consultative Procedure in section 83 of the Local Government Act 2002 will ensure Council complies with its obligations to consult with the community.

Legal Considerations and Statutory Responsibilities

24 Section 133AE(1)(e) of the Building (Earthquake-prone buildings) Amendment Act 2016 requires Council to identify priority buildings by first identifying priority thoroughfares within its district. Section 133AF(2)(a) of the Building (Earthquake-prone Buildings) Amendment Act 2016 requires Council to use the special consultative procedure in section 83 of the Local Government Act 2002 to consult with the community to identify priority thoroughfares and subsequently priority buildings.

25 Identification and confirmation of priority buildings must be completed by 1 January 2020.

Attachments

A Statement of Proposal