

**Planning & Strategy Committee  
13 May 2019**

**Report for Agenda Item 3**

**Department: Planning & Development**

**Consideration of Submissions on Priority Thoroughfare Special Consultation Procedure to assist in identifying Priority Buildings**

**Purpose**

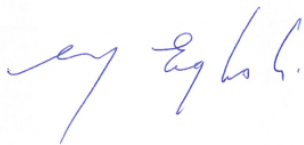
The purpose of this report is for the Planning & Strategy Committee to consider submissions on the Priority Thoroughfare Special Consultative Procedure and to make recommendations to Council.

**Recommendation**

That the Planning & Strategy Committee:

1. **Note** the contents of this report;
2. **Recommends** that Council confirm of the following Priority Thoroughfares, following the Special Consultative Procedure:
  - 1 – 38 Ballarat Street, Queenstown
  - 4 – 26 Rees Street, Queenstown
  - Pedestrian lane between 13 and 17 Ballarat Street and Searle Lane
  - 12 – 54 Buckingham Street, Arrowtown

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16/04/2019

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17/04/2019

## Background

- 1 New Earthquake-Prone Building Legislation enacted in 1 July 2017 requires Councils in high-risk seismic zones to identify and confirm Priority Buildings before 1 January 2020. Queenstown Lakes District is in a predominately high-risk zone with small areas, which are zoned medium risk. Priority Buildings are those that have components of unreinforced masonry construction which during a moderate earthquake could fail and fall onto a pedestrian or vehicle way and create a life safety risk.
- 2 Council engaged a suitably qualified engineer to identify potentially earthquake-prone buildings in the district using Ministry of Building Innovation and Employment methodology. During the district wide assessment the engineer also identified potentially priority thoroughfares and buildings. It is these buildings, which were identified in the Statement of Proposal.

## Comment

- 3 Following identification of potentially priority thoroughfares, on the 31<sup>st</sup> January 2019 Council approved a Special Consultative Procedure to consult with the community to get feedback about whether or not they agreed with Council's Proposed Priority Thoroughfares and whether there were other thoroughfares that should be deemed Priority Thoroughfares. Submissions on the Proposed Priority Thoroughfares opened on 15<sup>th</sup> March 2019 and closed on the 15<sup>th</sup> April 2019 The Special Consultative Procedure is a requirement of the Earthquake-Prone Legislation.
- 4 Three submissions were received at the close of the Special Consultative Procedure, all of which agreed with Council's Proposed Thoroughfares.
- 5 This is a report to the Planning & Strategy Committee that having considered the submissions they now confirm the Priority Thoroughfares and Priority Buildings for recommendation to Council.

## Next Steps

- 6 If Council confirms the proposed Priority Thoroughfares, the buildings on those thoroughfares, which have been identified as having unreinforced masonry components, which could fall and pose a risk to life safety during a moderate earthquake, will be deemed Priority Buildings.
- 7 Owners of Priority Buildings will be written to and advised that should their buildings be confirmed as earthquake-prone following a seismic assessment the building will be a Priority Building and have half the time of a Non-priority Building to remediate or demolish. This is 7.5 years. The fact that the building is a Priority Building will also be included in the earthquake-prone notice that will be required to be displayed in a prominent position on the building.

## Options

### 8 Option 1

That the Planning & Strategy Committee recommend to the Council the confirmation of the Priority Thoroughfares following the Special Consultative Procedure.

Advantages:

9 Ensures Council complies with legislation requiring Council to identify and confirm Priority Buildings before 1 January 2020

Disadvantages:

10 None

### 11 Option 2

Status Quo – the Planning & Strategy Committee does not recommend the confirmation of the Priority Thoroughfares following the Special Consultative Procedure.

Advantages:

12 There are no advantages

Disadvantages:

13 Council would be in breach of S133AG(4)(c) of the Building (Earthquake-Prone Buildings) Amendment Act 2016 which requires Council to identify Priority Thoroughfares and subsequently buildings before 1 January 2020

14 This report recommends Option 1 for addressing the matter because it will ensure compliance with section 133AG (4) (c) of the Building (Earthquake-Prone Buildings) Amendment Act 2016 and targets those thoroughfares that pose the greatest risk.

## Significance and Engagement

15 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

16 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.

17 Confirming the Priority Thoroughfares 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**

18 There are no financial implications for Council.

### **Council Policies, Strategies and Bylaws**

19 No Council Policies, Strategies or Bylaws need to be considered due to option 1 and option 2 being legislative requirements. Council's policy on Earthquake – Prone Buildings have been superseded by new legislation.

### **Local Government Act 2002 Purpose Provisions**

20 The recommendation:

- 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**

21 The persons who are affected by or interested in this matter are the owners of the buildings identified in the proposal as Priority Buildings and the wider community and visitors to the district.

22 The Council has undertaken a Special Consultative Procedure to consult with the community on the proposed Priority Thoroughfares. This was a legislative requirement.

23 Three submissions were received. All three submitters agreed with the proposed Priority Thoroughfares and none wished to appear at a Hearing.

24 The submitters raised a number of issues, which were not relevant to the Building (Earthquake-Prone Building) Amendment act 2016 and were therefore not considered.

### **Legal Considerations and Statutory Responsibilities**

25 Identification and confirmation by Council of Priority Buildings must be completed by 1 January 2020.

## Appendix

The Priority Thoroughfares the Planning & Strategy Committee considered following the Special Consultative Procedure and recommends that Council confirm are:

- 1 – 38 Ballarat Street, Queenstown
- 4 – 26 Rees Street, Queenstown
- Pedestrian lane between 13 and 17 Ballarat Street and Searle Lane, Queenstown
- 12 – 54 Buckingham Street, Arrowtown