

23 November 2018

Priority Buildings 259/1001
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Wellington City Council
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Re: Earthquake-Prone Priority Buildings

This submission is from the Architectural Centre. We are an incorporated society dating from 1946, which represents both professionals and non-professionals interested in the promotion of good design.

This consultation responds to the new requirements of the Building (Earthquake-prone Buildings) Amendment Act 2016 (s133AF(2)(a)), which requires councils to:

"identify any part of a public road, footpath, or other thoroughfare in an area of medium or high seismic risk

- (i) onto which parts of an unreinforced masonry building could fall in an earthquake; and*
- (ii) that has sufficient vehicle or pedestrian traffic to warrant prioritising the identification and remediation of those parts of unreinforced masonry buildings"*

Additionally, the definition of an earthquake-prone building (EPB) (s133AB(1)(b)) includes that:

"if the building or part were to collapse, the collapse would be likely to cause -

- (i) injury or death to persons in or near the building or on any other property; or*
- (ii) damage to any other property"*

We have the following comments to make regarding the proposed Earthquake-Prone Priority Buildings policy:

The need for a proportionate response

1. The Architectural Centre considers this policy to be an over reaction to the legislative requirements. We note that:
 - (a) 398 people died from car accidents in NZ in 2017
 - (b) 350 deaths per year are estimated to be from past exposure to second-hand smoke in NZ.¹
 - (c) In 1931 256 were killed in the Napier earthquake. Eighty years later, in 2011 185 people were killed in the Canterbury earthquake. If both of these events are included over this 80 year time period, this would equate to an average of 5.5 deaths per year.
 - (d) The NZ Society for Earthquake Engineering have estimated that "the risks of occupying a building performing at 33% NBS equates with the risk of flying in a commercial aircraft, or travelling 10,000 km or more by road per annum."²

Consequently we recommend a proportionate response to earthquake risk

¹ Ministry of Health "Smoking" <https://www.health.govt.nz/your-health/healthy-living/addictions/smoking>

² Hamilton East Community Trust v Hamilton City Council [2014] NZEnvC 220 at [10]



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which acknowledges this context. The council's response needs to be measured and proportionate to the actual risk, not react to uninformed perception.

Council externalising risk (and cost)

2. We consider that the increased costs likely to be imposed on private building owners to be inappropriate. The policy means that WCC is externalising the costs of its responsibility to provide a safe public realm onto building owners who should not be burdened with the responsibility of ensuring safe roads and pedestrian thoroughfares and emergency vehicle thoroughfares. The legislation states that: "*The owner of a building or a part of a building that is subject to an EPB notice must complete seismic work on the building or part on or before the deadline.*" (s133AM(1)). It does not however exclude a territorial authority from funding any additional cost that a shorter time frame will cause (e.g. bringing forward the cost of loan finance). Council should fund this, not private owners. Externalising these costs also removes the consequences of the "wide net" approach that this policy currently takes, and which we believe needs a more careful and focussed revision.

Inadequate Consultation

3. Additionally, we consider this important consultation to be both inadequate - largely due to insufficient information being supplied - and poorly timed for the following reasons:
 - (a) The policy aims to identify high traffic routes and emergency transport routes. We consider that it is pre-mature to identify these until after the LGWM strategies have been confirmed, as these are likely to affect traffic and transport routes.
 - (b) Nowhere in the document are quantifiable measures used to indicate the threshold above which traffic qualifies as high traffic. There is no measured justification for the proposed list of roads. The MBIE criteria refer to "a concentration of workers," "heavy use bus routes," and "busy intersections" (p. 10). All of these are quantifiable, and they should be quantified in order to enable public scrutiny of the threshold.
 - (c) Similarly p. 11 refers to "cordon counts," yet none of this data is provided to enable the public to give informed feedback on the proposal.
 - (d) In order to be a viable process of public consultation we need to know the threshold levels that the WCC is using for these definitions of "High Pedestrian Areas" and "High Vehicular Traffic Areas." For example:
 - i. is this an absolute level or the top percentage, or has a gut feeling determined this selection? How would we know? Where is the evidence?
 - ii. Are both traffic and pedestrian counts used in all decisions, or for some thresholds is only one of these quantities used to justify the inclusion of the street?
 - iii. We also need to know the cordon counts for all of the streets and footpaths listed on pp. 12-14.
 - iv. Additionally we need to know whether the whole of the road is affected or only part of it. How is this indicated?
 - (e) In a similar vein will the identified street (and so priority buildings) change as traffic volumes change due to city developments? What is the mechanism to facilitate this?
 - (f) There are some streets which appear to be anomalies. For example is the dead end Garrett St really a high traffic street?
 - (g) It would be helpful if streets were listed in alphabetical order.
 - (h) What non-NBS criteria will determine the qualifying "*part[s] of a public road, footpath, or other thoroughfare in an area of medium or high seismic risk onto which parts of an unreinforced masonry building could fall in an earthquake*" (s133AF(2)(a)(i)). For example will building form, set back,

low pedestrian numbers inform the identification of a priority building on a high traffic route?

Financial support

4. As indicated above, the Architectural Centre asks that Council fund the consequences of shortened timelines because the function of this legislation is ensuring a safe public realm. Additional to this we note:
 - (i) In the section titled "Support for building owners" the level of support is not explicitly indicated for rates remission when a building is empty or when a building is removed from the EPB list. What is the amount of rates remission? or is this to be negotiated on a case-by-case basis? The lack of information regarding this contrasts the 10% (to a maximum of \$5,000) stated in relation to building consent subsidies.
 - (j) Similarly what are the processes for a building owner who disagrees with council identification of their building as a priority building?

New round of consultation is needed

5. Consequently we ask for these omissions and inadequacies to be addressed and for another round of consultation to be organised. This is an important issue that will have significant financial consequences for many ratepayers. It must be done properly.

Other

6. We have the following additional comments to make:
 - (a) We support the references to infrastructure investment to support the ability of our city's buildings to facilitate city resilience. Additionally, it is important to ensure that a culture of good building maintenance is supported. This will ensure longer-life and more resilient buildings, and is as important as the physical rebuilding and renewal of infrastructure.
 - (b) We also note the increasing size of our mobile infrastructure for commerce (e.g. coffee carts and food trucks), and the potential for this infrastructure to grow as part of a more comprehensive approach to post-disaster resilience. In this regard we note that this mobile commerce has built-in base isolation. A council strategy regarding this infrastructure is also important for post-disaster resilience.
 - (c) We support the acknowledged need to protect heritage EPBs. We also encourage the council to proactively identify heritage buildings especially mid-twentieth-century and later buildings and public spaces. We note the Bucket Fountain is yet to make it onto the heritage list - but should be there.
 - (d) In addition we ask that the WCC lobby government for a tax rebate on the cost of strengthening buildings, with higher rebates for heritage buildings. We understand that the economic benefits of strengthening of heritage buildings in particular largely accrue to local and central government, due to job creation and heritage tourism, rather than the building owner, justifying such tax rebates.

Thank you for this opportunity to comment on the proposed Earthquake-Prone Priority Building policy. If you have any questions please do not hesitate to contact us.

Nāku iti noa nā


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