

16/02/2026

Committee Secretariat
Transport and Infrastructure Committee
Parliament Buildings
Wellington

Dear Members of the Transport and Infrastructure Committee

The Manawatū District Council (MDC) thanks the members of the Transport and Infrastructure Committee (the Committee) for the opportunity to submit on the Building (Earthquake-prone Buildings) Amendment Bill (the Bill).

Background

The Manawatū District is located within the Manawatū-Whanganui Region. The total population of the District was estimated at 34,345 residents at 1 July 2023. Approximately 53.4% of the population resides in the township of Feilding, and the remainder of the population reside in rural and village areas within the District.

The entire district is located within a high-risk earthquake zone.

This Bill is important to the Manawatū District Council as many of the earthquake-prone buildings (EPBs) in our District have significant heritage value and add to the character and aesthetic quality of our towns and villages.

Under the current legislation a total of 66 EPBs in the Manawatū District still require remediation. Of these 66 EPBs, 28 are Priority Buildings within the Feilding CBD. As a result of the Building (Earthquake-prone Buildings and Other Matters) Amendment Act, owners of priority EPBs have until 24 March 2032 to demolish or strengthen their buildings, and owners of non-priority EPBs have until 12 August 2040.

General Comments

MDC notes and generally supports the submission made by Local Government New Zealand (LGNZ) on the Bill. MDC considers that LGNZ's submission appropriately reflects a range of sector-wide concerns regarding the operation, feasibility, and impacts of the earthquake-prone buildings regime. MDC's submission focuses on the practical implications of the Bill for a provincial, high-seismic-risk district, and provides additional context and recommendations based on MDC's local experience.

In particular, MDC has concerns about the application of materially shorter statutory remediation timeframes to priority buildings in Feilding compared with buildings in functionally similar town centres, and the extent to which this outcome reflects differences in risk rather than framework design.

MDC notes elected members' concern regarding the proportionality of the current regulatory response to earthquake-related building risks. Elected members consider that the response is disproportionate to the level of risk presented, particularly when assessed alongside other life-safety risks faced by communities, including road accidents, drownings, skin cancer, violent crime, substance abuse, extremism, fire, heart disease, cancer, diabetes, air pollution, respiratory illnesses, mental health, flooding, tsunami, volcanic activity, extreme climate/weather events, biosecurity, infrastructure failure, foreign interference, organised crime, epidemics, pandemics, and societal polarisation.

MDC recognises that the Building Act does not seek to address all risks to life and wellbeing, but instead focuses on risks arising from the built environment that are amenable to regulatory intervention. Within that statutory scope, MDC considers it essential that compliance obligations remain proportionate to the life-safety risk being addressed, and that materially different regulatory requirements are not imposed on functionally similar town centres in the absence of demonstrable differences in risk profile or exposure.

The risk-based approach to EPBs in the Bill strikes a better balance between life safety and affordability for building owners

MDC recognises that the overarching aim of New Zealand's regulatory system for managing EPBs is to reduce the risk of death and serious injury from building failure in earthquakes. The system must balance public safety outcomes with affordability for building owners, communities and local authorities, while recognising New Zealand's seismic risk profile and the long lifespan of the building stock. MDC supports the intent of the Bill to establish a regulatory system for managing EPBs that is more risk-based and proportionate.

MDC has long advocated for changes to the regulatory system for managing EPBs under the Building Act 2004, due to concerns that the current statutory timeframes and the significant cost of remediation work have, in some cases, discouraged building owners from undertaking any remedial action. This is particularly true in rural/provincial towns and villages with low commercial rents and low commercial property values.

By allowing for extensions of time, greater flexibility in the remediation measures required for different building types, and less onerous requirements outside of urban centres, MDC considers that the Bill will improve the overall feasibility of strengthening activity. While the Bill may result in an extended timeframe for achieving full compliance, MDC considers that the proposed changes will nevertheless support incremental risk reduction and lead to improved life-safety outcomes over time.

Designation of Earthquake-prone Buildings

MDC understands that this bill narrows the definition of EPBs to those that are either:

- Designed before 1976 and at least 3 storeys high and built of concrete or other heavy materials; or
- Built of unreinforced masonry.

MDC anticipates that the effect of these changes will be to reduce the number of priority EPBs to 28, comprising one building that is three storeys high and of concrete block construction, and 27 buildings constructed of unreinforced masonry. Eleven of these buildings are classified by Heritage New Zealand as Category 2 heritage buildings. The number of non-priority EPBs buildings is expected to reduce to 11.

The changes to the definition will also mean that nine buildings located outside of the Feilding urban area will no longer be considered EPBs (3 in Ohakea, 2 in Rongotea, 1 in Himatangi, 2 in Halcombe and 1 in Sanson). A further six buildings in Feilding that are located outside of the CBD will no longer meet the definition of an EPB.

MDC recognises that the Bill introduces a wide range of new transitional and administrative responsibilities for territorial authorities. Given the relatively small number of earthquake-prone buildings in the Manawatū District, MDC anticipates that the cost of reassessing buildings against the new criteria and issuing new certificates is likely to be manageable. Similarly, the requirement in section 133H to report to the Chief Executive of MBIE on progress towards identifying potentially earthquake-prone buildings is not expected to be overly onerous and is broadly consistent with existing reporting requirements.

MDC acknowledges that transitional and ongoing costs of implementing this Bill will not be evenly distributed across the sector. MDC therefore supports the recommendation in the submission by Taituarā that the Committee consider introducing transitional funding or cost recovery mechanisms to avoid unfunded mandates and recognise the significant transition workload for Councils.

Ongoing ability to identify earthquake-prone buildings over time

Retaining a limited but essential ability for councils to identify additional earthquake-prone buildings beyond the initial statutory identification period

MDC agrees with the concern raised in the submission by Taituarā (Local Government Professionals Aotearoa) that the Bill does not adequately preserve territorial authorities' ability to identify new earthquake-prone buildings once the initial statutory identification timeframes have closed. In particular, MDC notes that after the identification period, the Bill appears to significantly narrow the pathway for councils to designate additional buildings as earthquake-prone, limiting this to a very small subset of high-risk post-1976 buildings of heavy construction completed prior to commencement of the legislation.

This approach does not allow sufficient margin for error and risks locking in incorrect or incomplete outcomes. In practice, earlier identification exercises were undertaken using varying levels of information, engineering methodologies, and assessment tools. Some buildings may have been screened out based on limited visual inspections, incorrect assumptions about construction type, or engineering practice that is no longer consistent with current knowledge.

MDC shares Taituarā's concern that preventing councils from revisiting earlier screening decisions where new or materially different information becomes available could undermine public safety and confidence in the regulatory framework. This may include situations where new structural information emerges, engineering understanding evolves, or errors in earlier classification are identified.

MDC emphasises that retaining an ongoing identification ability need not create an open-ended reassessment regime. Rather, MDC considers that the legislation and supporting EPB methodology should provide for a clearly defined and high-threshold mechanism that allows territorial authorities to identify additional earthquake-prone buildings in limited circumstances, where new evidence justifies doing so. Such a mechanism would operate as a safeguard to correct genuine errors or omissions, while maintaining certainty for building owners and avoiding unnecessary reassessment.

Decision sought:

1. That the Select Committee recommend amendments to ensure territorial authorities retain a limited but explicit ability to identify additional earthquake-prone buildings where new or materially different information becomes available, even after statutory identification periods have closed, consistent with concerns raised by the local government sector.

Standard engineering solutions for façade strengthening

Nationally endorsed standard engineering solutions for façade strengthening and securing are needed to reduce costs, address liability concerns and achieve greater consistency

MDC considers that engineering design costs are a significant contributing factor to the overall cost of securing or strengthening street-facing elements of unreinforced masonry buildings. MDC understands that following the 2016 Hurunui/Kaikōura earthquake, territorial authorities in affected areas (including Hutt City Council, Wellington City Council, Marlborough District Council, and Hurunui District Council) were provided with tools to assist building owners to secure street-facing parts of buildings in a timely manner. In addition to financial assistance, MDC understands that standard engineering solutions were developed to support this work.

MDC considers that the development and national availability of standard, endorsed engineering solutions would help reduce engineering design costs and improve consistency in remediation outcomes. Such solutions could also assist in addressing concerns about professional liability by providing engineers and Building Consent Authorities (BCAs) with an accepted baseline approach for common building types. Standard designs could be developed for one- and two-storey unreinforced masonry buildings and adapted as required to reflect the specific characteristics of individual buildings and sites. MDC considers that this approach would support the Bill's risk-based intent and improve the overall feasibility of strengthening activity.

Decision sought:

2. That the Select Committee recommend the development of nationally endorsed standard engineering solutions for façade strengthening and securing, to support proportionate, risk-based remediation and provide greater certainty for building owners, engineers, and Building Consent Authorities.

Removal of earthquake ratings and introduction of tiered mitigation requirements

Due to removal of the percentage-based ratings, clarity is needed on what constitutes acceptable remediation and compliance for BCAs and building owners

MDC supports the Bill's shift to a more explicitly risk-based approach to the management of earthquake-prone buildings. MDC generally supports a risk-based approach in recognition that there are significant financial advantages for the owners of EPBs in requiring treatment of façades only, rather than having to strengthen entire buildings. As outlined above, less onerous strengthening requirements increase the feasibility of strengthening work and are therefore more likely to result in activity progressing. MDC notes that overly onerous or unaffordable requirements can result in inaction. However, for a risk-based approach to operate effectively and consistently in practice, MDC considers that greater clarity is required around what constitutes acceptable remediation and compliance.

MDC notes that the Bill proposes to remove the use of percentage-based earthquake ratings as part of the regulatory framework for managing earthquake-prone buildings. While MDC does not oppose the removal of ratings in principle, MDC is concerned that, without clear and nationally consistent standards and methodologies, building owners and BCAs will lack certainty as to what constitutes an acceptable level of remediation. In particular, BCAs will require sufficient detail to assess whether proposed works meet the required risk-based outcomes and to ensure consistency in consenting and enforcement decisions across the country.

However, MDC notes that in the absence of clear and nationally consistent criteria and methodology, there is a risk that BCAs may adopt more conservative consenting and enforcement approaches in order to manage uncertainty and liability, which could result in unnecessary compliance costs for building owners.

MDC also notes that the Bill introduces a more flexible, risk-based approach that will require councils to exercise greater professional judgement in identifying specific structural risks and determining appropriate remediation responses. MDC considers that such discretion can only be exercised appropriately and consistently if it is supported by a robust, up-to-date EPB methodology grounded in current engineering science, with clear national criteria and practical guidance on how judgement should be applied, including the use of nationally consistent templates and standardised solutions where appropriate. Without this foundation, increased flexibility risks uneven application across districts and greater exposure to challenge for both councils and building owners.

MDC's concern regarding lack of certainty around performance requirements is echoed in the submission by Taituarā who note that the Bill "*does not provide an alternative mechanism for communicating seismic performance.*" Taituarā's submission calls for the development of a nationally consistent seismic rating system to replace %NBS. MDC generally supports Taituarā's recommendation but rather than calling for a replacement rating system, our request is for clear technical guidance and an approved methodology for demonstrating compliance. This guidance and methodology will be essential to support the effective implementation of the Bill.

MDC notes that percentage-based earthquake ratings are reasonably well understood by building owners, prospective purchasers, and the wider public, and have provided a clear way of communicating seismic risk. MDC is concerned that, without clear guidance on how the new risk-based framework will be reflected on the public register, the removal of these ratings may cause confusion and reduce confidence in the system.

Based on Statistics New Zealand's *Functional Urban Areas – Methodology and Classification (2021)*, Feilding is the only urban centre (a medium regional centre) in the Manawātū District. This means that unreinforced masonry buildings outside of Feilding are only required to be recorded in the EPB register if they are one or two storeys high, and require façade securing if they are three or more storeys high. This approach pragmatically recognises both the comparatively lower risk to life in smaller towns and villages with lower pedestrian and traffic counts, and the lower commercial rents and property values that affect the feasibility of strengthening work. This differentiated approach for buildings located outside of urban centres is therefore generally supported by MDC.

MDC notes that uncertainty during the transition to the new regulatory framework is already influencing building owner behaviour, with some owners pausing or deferring strengthening work while awaiting clarity on future requirements. MDC considers that clear transitional arrangements and early guidance will be important to minimise delays and support continued strengthening activity.

Decisions sought:

3. That the Select Committee recommend amendments and/or supporting regulatory settings to ensure the risk-based approach proposed in the Bill is underpinned by clear, detailed, and nationally consistent standards and methodologies, to ensure the framework can be implemented effectively and consistently in practice.
4. That the Select Committee support the Bill's differentiated, risk-based approach to remediation requirements for buildings located outside of urban centres, recognising the lower risk to life safety and the economic realities of provincial and rural communities.

Heritage Buildings – Need for coordinated implementation across legislation

The earthquake-prone buildings regime should be aligned with the heritage planning framework to support coherent, workable outcomes for heritage-listed buildings

MDC notes that heritage-listed buildings are disproportionately affected by earthquake-prone building requirements, due to the additional complexity, cost, and design constraints associated with strengthening heritage fabric. These impacts are particularly acute in provincial and rural centres, where lower commercial rents and property values often make remediation significantly more challenging to fund.

MDC acknowledges the important contribution that heritage buildings can make to the character, identity, and amenity of towns and communities. MDC therefore supports a tiered approach to heritage outcomes, including the retention (at minimum) of the

facades of those earthquake-prone heritage buildings that communities most value for their contribution to streetscape character.

However, MDC recognises that even with national support mechanisms in place, the cost of remediating some heritage-listed earthquake-prone buildings may still be disproportionate to their heritage contribution, or exceed the cost of demolition and rebuild. MDC considers that where a heritage-listed building is not essential to streetscape outcomes and remediation is demonstrably unaffordable or not reasonably feasible, there should be a clear and workable pathway within the planning system to enable demolition. Without coherent alignment between the two frameworks, there is a risk of unintended outcomes including prolonged vacancy, deterioration, or de facto demolition through neglect.

MDC understands that decisions about heritage protection are primarily matters for the planning framework, and that heritage retention is not the core purpose of the Building Act 2004 or the focus of the Building (Earthquake-prone Buildings) Amendment Bill. However, MDC notes the clear and direct relationship between the earthquake-prone buildings regime and the operation of heritage provisions under the Planning Act, as EPB requirements can significantly affect the viability of retaining heritage buildings.

MDC considers that the effectiveness of the EPB reforms will depend in part on whether the planning system provides workable pathways for heritage decision-making, particularly in provincial town centres.

MDC agrees with the sector view that there is value in exploring national support mechanisms to assist owners of heritage-listed earthquake-prone buildings, including targeted grants, low-interest financing, tax-based incentives, and technical advisory support. MDC considers that national-level support is particularly important for smaller councils and communities that lack the financial capacity to sustain heritage outcomes through local mechanisms alone.

Decision sought:

5. That the Select Committee note the interaction between the earthquake-prone buildings regime and heritage provisions under the Planning Act.

And

6. That the Select Committee recommend that the Government ensure alignment between the earthquake-prone buildings provisions and the planning framework to support workable heritage outcomes, including:
 - (a) A tiered approach to heritage-listed earthquake-prone buildings, providing for retention of the facades of buildings that make a significant contribution to streetscape character; and
 - (b) Clear and practicable planning pathways to enable demolition of other heritage-listed earthquake-prone buildings where remediation is demonstrably unaffordable or not reasonably feasible.

Other Building Code provisions and liability

Limiting upgrades to other building code provisions is supported, providing councils are protected from unintended liability

MDC understands that the Bill proposes changes that will limit the ability BCAs to require upgrades to other Building Code provisions (such as means of escape from fire or accessibility) when granting building consent for earthquake-strengthening work, provided the building continues to comply with the Building Code to at least the same extent as it did prior to the commencement of the work.

MDC generally supports this approach, as it will reduce the overall cost of strengthening work for building owners and remove a significant barrier to remediation. While MDC acknowledges that this may result in slower progress towards compliance with other aspects of the Building Code, this outcome is consistent with the Bill's primary objective of improving life-safety outcomes by facilitating feasible seismic risk reduction.

However, MDC also notes potential concerns regarding liability exposure for councils and BCAs in circumstances where a building is known to have existing non-compliances with other Building Code requirements. In the event of an incident resulting in loss of life or serious injury (for example, related to means of escape from fire), there is a risk that councils may be exposed to legal challenge despite having acted in accordance with the legislative framework. MDC considers that additional clarity and safeguards are required to ensure BCAs can implement the Bill's intent without creating unintended liability risks.

MDC's position reflects the need for proportionality within the earthquake-prone buildings framework and is not intended to weaken the broader progressive improvement objectives of the Building Act outside of seismic remediation contexts.

Decision sought:

6. That the Select Committee recommend the inclusion of clear statutory protections or guidance for Building Consent Authorities when consenting earthquake-strengthening work that does not trigger upgrades to other Building Code provisions, to reduce the risk of unintended liability where councils are acting in accordance with the Act.

Seismic work deadline extensions

Extensions to deadlines are supported but national guidance to support this would be helpful

MDC supports new section 133X, which provides territorial authorities with the ability to grant extensions of time of up to 15 years for the remediation of earthquake-prone buildings. MDC considers that this discretion is critical to enabling councils to work constructively with building owners on a case-by-case basis, particularly where remediation is complex, staged, or subject to funding and design constraints. MDC also supports an approach that allows for extensions to be granted on more than one occasion where building owners can demonstrate genuine progress towards remediation.

MDC considers that this flexible, case-by-case approach will reduce the risk of building owners taking no action where the cost of completing works within legislatively imposed timeframes is economically unachievable. By enabling staged progress and recognising demonstrable effort, the extension provisions are more likely to result in incremental risk reduction and improved life-safety outcomes over time, consistent with the overall objectives of the Bill.

MDC further considers that guidance would be beneficial to clarify how factors such as remediation complexity, heritage value, and feasibility may be appropriately taken into account when determining extension requests under section 133X, to support consistent and defensible decision-making by territorial authorities.

MDC acknowledges the importance of retaining backstop enforcement measures within the earthquake-prone buildings regime, including offence provisions and the ability for councils to take action where building owners fail to meet their obligations. MDC notes that these powers are not new and are intended to operate as measures of last resort. In MDC's experience, such measures are most effective where compliance requirements are proportionate and achievable, and where the framework supports cooperation and progress rather than inaction.

Decision sought:

7. That new sections 133X and 133Y be retained as drafted in the Bill.

Definition of Priority Buildings

The meaning of a priority building should be reinstated to include those buildings that are critical in the event of an emergency

MDC does not support the narrowing of the categories of buildings specified as priority buildings in section 133F to remove hospital buildings, buildings that are likely to be needed in an emergency for use as an emergency shelter or an emergency centre, buildings that are used to provide emergency response services, and buildings that are regularly used by at least 20 people for a variety of specified educational purposes are priority buildings.

Insufficient rationale has been provided for the removal of these buildings from consideration. MDC is of the opinion that such buildings are critical in the event of an emergency, and therefore should be strengthened as a priority.

MDC notes that its concerns regarding the narrowing of the priority building category are shared by Taituarā, which strongly opposes the removal of hospitals, emergency services, and emergency shelters from the priority building definition. MDC agrees that these buildings play a critical role in emergency response and recovery, and that deprioritising them within the earthquake-prone buildings framework risks undermining community resilience and life-safety outcomes.

Decision sought:

8. That the Committee amend new section 133F to reinstate those buildings that are currently listed as priority buildings, if located in an area of medium or high seismic risk, in section 133AE(a) – (d) of the Building Act 2004. However, we note that the reference to the Civil Defence and Emergency Management Act 2002

may need to be updated given that replacement legislation (the Emergency Management Bill (No 2)) is currently being consulted on.

Identification of Priority Buildings

National guidance is needed to help councils determine what is “sufficient vehicle or pedestrian traffic” for the purpose of determining priority thoroughfares

MDC generally supports section 133G of the Building Act 2004, which sets out the role of territorial authorities in identifying certain priority buildings. However, MDC notes that section 133G(3)(a)(ii) requires territorial authorities to determine whether a public road, footpath, or other thoroughfare has “sufficient vehicle or pedestrian traffic” to warrant prioritisation, without providing quantitative thresholds or nationally consistent guidance. In practice, this requires each territorial authority to make its own judgement as to what constitutes “sufficient” traffic, based on local data and community context. MDC considers that this approach has the potential to undermine national consistency and result in materially different outcomes between districts with similar risk profiles.

MDC acknowledges that allowing territorial authorities discretion in assessing pedestrian and vehicle traffic enables local context and community risk tolerance to be reflected in decision-making. However, MDC considers that this discretion would be better supported through non-prescriptive national guidance or indicative benchmarks, rather than the absence of guidance altogether, to improve consistency while retaining local flexibility.

MDC notes that the Bill introduces transitional review provisions requiring territorial authorities to review and reconfirm the earthquake-prone or priority status of buildings recorded on the EPB register as soon as reasonably practicable after 1 July 2027 (new section 133S). MDC is concerned that, without an explicit mechanism to update priority building status where priority thoroughfare determinations are lawfully reconsidered or revised (including as a result of clearer national guidance on what constitutes “sufficient” pedestrian or vehicle traffic for the purposes of section 133G), councils may be required to reconfirm priority status before they have had an opportunity to reassess whether particular thoroughfares continue to warrant prioritisation.

MDC is concerned that, as drafted, the Bill does not clearly provide for priority building status to be amended in circumstances where a building ceases to meet the criteria for priority status due to revised priority thoroughfare determinations. In particular, while section 133R provides that certain buildings cease to be priority buildings, MDC considers the Bill should make explicit that territorial authorities may reissue earthquake-prone building notices and update associated remediation timeframes where a building ceases to be a priority building as a result of revised determinations or new evidence.

MDC considers that without this clarity, building owners may be unnecessarily subject to shorter statutory remediation timeframes for priority buildings, despite there being no material difference in risk or exposure. MDC therefore recommends that the Bill be amended to clarify that territorial authorities may update priority building status and reissue EPB notices where a building ceases to be a priority building following reconsideration of priority thoroughfare determinations.

MDC notes that its concern about the lack of clarity around what constitutes “sufficient” vehicle or pedestrian traffic reflects a broader issue with drafting precision in the Bill. MDC agrees with concerns raised by Taituarā that several key terms and thresholds in the revised earthquake-prone buildings framework are undefined or insufficiently specified, including definitions relating to unreinforced masonry buildings, the meaning of a “storey”, and the use of subjective statutory thresholds. MDC considers that clearer definitions, supported by updated methodology and guidance, are necessary to support consistent national application and defensible decision-making by councils.

Decisions sought:

9. That the Select Committee consider whether additional national guidance or parameters are required to support consistent interpretation and application of section 133G(3)(a)(ii) by territorial authorities.
10. That the Select Committee recommend amendments to the Bill to clarify that territorial authorities may reissue earthquake-prone building notices and update remediation timeframes where a building ceases to be a priority building under section 133R, including where priority thoroughfare determinations are reconsidered or revised following updated guidance or new evidence.

Remediation timeframes for priority buildings

Priority status should not automatically result in shorter statutory remediation timeframes

MDC supports the Bill’s intent to apply a more risk-based and proportionate approach to the management of earthquake-prone buildings. However, MDC is concerned that the Bill retains materially shorter statutory remediation timeframes for priority buildings, regardless of whether those timeframes reflect meaningful differences in life-safety risk or feasibility.

MDC notes that Feilding is classified as an urban centre for the purposes of the Bill and that priority buildings within Feilding are primarily identified by reference to priority thoroughfares. As a result, a significant proportion of earthquake-prone buildings in Feilding are subject to shorter statutory remediation timeframes than non-priority buildings.

MDC is concerned that this outcome is inconsistent with other elements of the Bill that deliberately differentiate requirements based on relative risk and feasibility. In particular, towns with populations under 10,000 are largely excluded from earthquake-prone building strengthening requirements unless buildings are three storeys or more. MDC notes that a number of nearby towns have town centres of comparable scale and pedestrian exposure to Feilding, yet building owners in those centres are subject to significantly lower compliance obligations and longer timeframes.

MDC accepts Feilding’s classification as an urban centre but considers that priority building status should not automatically result in shorter statutory remediation timeframes where this produces materially different obligations for building owners in functionally similar town centres. MDC considers that this outcome is not driven by

differences in life-safety risk, but by the interaction between urban classification and the priority building framework.

MDC therefore considers that the Bill should be amended to enable territorial authorities to apply the same statutory remediation timeframes to priority and non-priority buildings, where this would better reflect relative risk, town centre scale, and feasibility, and support equitable and proportionate outcomes for building owners.

Decision sought:

11. That the Select Committee recommend amendments to the Building (Earthquake-prone Buildings) Amendment Bill to enable territorial authorities to apply the same statutory remediation timeframes to priority and non-priority buildings, where this would support equitable, risk-based, and proportionate outcomes.

Role of the Chief Executive in EPB designation

MDC seeks clarification on the role of the Chief Executive in the designation of EPBs, including the implications for decision-making responsibilities, process, timeliness, resourcing, and liability for territorial authorities

MDC agrees with the position articulated by Taituarā that territorial authorities should remain the primary decision-makers in relation to the identification and designation of earthquake-prone buildings, with MBIE's role focused on providing national tools, guidance, and strengthened methodology rather than making determinations on individual buildings. MDC considers that this approach best reflects the Building Act's established regulatory framework, supports timely and proportionate decision-making, and recognises the operational role of councils as BCAs.

While MDC supports greater national consistency through improved criteria and methodology, MDC questions the need for the Chief Executive of MBIE to be directly involved in determinations about whether individual buildings are earthquake-prone. MDC considers that such determinations are inherently technical and site-specific, and are most appropriately made by territorial authorities applying statutory criteria and relying on independent, suitably qualified CPEng engineers.

MDC is concerned that requirements to notify or consult with the Chief Executive in relation to EPB designation risk blurring decision-making responsibility, introducing delays, and creating uncertainty around accountability and liability. This includes uncertainty about how disagreements would be resolved, whether determinations under the Building Act 2004 would be available, and where ultimate responsibility for designation decisions would lie.

MDC is also concerned that expanding the Chief Executive's role may increase administrative workload and create resourcing pressures, particularly if MBIE capacity constraints result in delays that councils must manage. MDC considers that any additional functions placed on MBIE should be clearly defined, appropriately resourced by central government, and not result in unfunded cost pressures on territorial authorities.

Decisions sought:

12. That the Select Committee clarify the intended role of the Chief Executive in the designation of earthquake-prone buildings, including confirmation that territorial authorities remain the primary decision-makers, and address decision-making responsibilities, expected response timeframes, challenge and determination pathways, and the allocation of resourcing and liability.

MDC wishes to be heard by the Committee in respect of this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Ford', with a long, sweeping flourish extending upwards and to the right.

Michael Ford

Mayor