



Submission to

Ministry of Business, Innovation and Employment (MBIE)

on

**Buildings (Earthquake Prone Buildings) Amendment Act 2016 –
Consultation on Regulations and Methodology**

9 February 2017

SUBMITTED BY

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INTRODUCTION

This submission is provided by ACENZ who welcome the opportunity to comment on the Buildings (Earthquake Prone Buildings) Amendment Act 2016 – Consultation on Regulations and Methodology.

ACENZ wishes to be heard in support of this submission.

ABOUT THE SUBMITTER

ACENZ

ACENZ is the Association that represents business services and advocacy for consulting professionals in the built and natural environment. ACENZ is a corporate based membership organisation with 185 member firms, representing over 10,500 individual staff. Our members span the entire country and range in size from sole practitioners to mega-firms employing more than 2,000 personnel.

ACENZ members represent about two billion dollars plus turnover per annum (total member firms) which translates to over 20 billion dollars of capital plant and infrastructure. We are the trusted advisor to the public sector, member firms, and clients. We are committed to achieving 'public good' outcomes in association with its representation of member and industry interests. ACENZ is an active proponent of consistent and robust processes, documentation, and terms of engagement in the engineering and related consultancy industry.

In general terms we are supportive of the proposed regulations and methodology. There are some specific issues that we believe require comment and we have done that directly on a subject basis rather than by responding to the questions raised by MBIE.

1) Assessment Issues

We agree that all assessments should be carried out by appropriately experienced CPEng (Structural) and that all assessments should be carried out in accordance with NZSEE Guidelines.

As well as the proposed summary statement (to be supplied by the assessing engineer) we would suggest that in order to record an “assessed” %NBS, BCAs should require a producer statement. This would not be the current PS1 but a new, specific form stating that assessment has been carried out in accordance with NZSEE Guidelines. ACENZ would be happy to assist in drafting an appropriate Producer Statement template.

We also suggest that all DSAs should be subject to a peer review before an assessed %NBS is listed on a national EPB register. The reason for this is to give greater surety to BCAs and building owners, and also to moderate matters subject to engineering judgement. The scope of the Peer Review would depend on the complexity of the building and the extent to which engineering judgement was required.

2) Substantial Alteration Issues

We believe further clarification is required for buildings in multiple ownership i.e. Unit Titled, in relation to permitted alterations to earthquake prone buildings. How would the cumulative value of alterations be assessed/managed. We also think that clarification is required in relation to additions to an earthquake prone or earthquake risk building i.e. does any vertical or horizontal addition trigger strengthening.

3) Connected and Overbearing Buildings Issues

We believe that there are a number of issues to be addressed in relation to these issues, e.g.:

- What is the procedure for an owner of an inter-connected building (e.g. via party wall) to achieve strengthening of their building to the satisfaction of the CBA
- What is the procedure for an owner of an closely adjoining building (e.g. with zero or minimal seismic gaps) achieve strengthening of their building to the satisfaction of the CBA
- If a building’s neighbour is taller and earthquake prone (or earthquake risk) and its collapse would compromise the stability of the shorter building, what is the effect on the rating of shorter building
- It would be useful to be able to compel the owner of part of a building to carry out strengthening if a majority of the owners were in agreement to strengthen.
- ACENZ knows that these are very complex issues and would be happy to work with MBIE on them.

4) Definition of Moderate Earthquake

We believe that some clarification is required in relation to this issue. Specifically that it’s not necessarily that it is the earthquake that is moderate but rather the response acceleration of the building being considered. This was relevant to the effects of the Kaikoura earthquake in

Wellington. For most buildings the effect was less than moderate but for some it was significantly greater than moderate.

We would also suggest that maintaining unchanging Z-values into the future would appear to be problematic particularly considering the Christchurch experience.

5) Exemption issues

We suggest that to give guidance relating to exemption on the grounds of low occupation levels the following occupation limits (or something similar) could apply:

- Less than 25 times/year
- Less than 300 at any one time
- Less than 5000 person/day occupations per year?

6) Parts issues

We suggest that a more comprehensive schedule of parts that affect earthquake prone status is provided in the Regulations. For example, glazed façade systems will not typically affect a building's earthquake prone status.

7) Other issues

- We suggest that TA's should be obliged to hold back-up copies of city building records outside of the Authorities area to assist with post-earthquake recovery.
- It would be helpful, we believe, for the Regulations to note that Engineers are ethically obliged to notify the BCA if they uncover adverse consequences in the course of carrying out a DSA .
- We suggest that the national EPB register should list the reason for the building being designated as earthquake prone, particularly if the reason relates to the performance of a part.

Sincerely,



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