

13. BUILDING BILL - HERITAGE IMPLICATIONS

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The purpose of this report is to provide initial comments on the heritage conservation implications of the Building Bill.

BACKGROUND

Changes to the Building Act 1991 are currently being considered by Parliament. Submissions on the Bill are due by 31 October 2003. The Regulatory and Consents Committee at its meeting on 17 October 2003 will be considering submissions on the Bill and has asked for the Chairperson of the Arts, Culture and Heritage Committee to attend on behalf of that Committee.

OVERVIEW OF KEY PROVISIONS IN THE BILL

Seismic Strengthening

Council would need to formulate a policy on dangerous, earthquake prone and insanitary buildings, (Clause 216). To what level of seismic resistance existing buildings would need to be upgraded to, will be set out in regulations yet to be drafted. It is probable these will be higher than exists now.

This would add cost to heritage conservation, but would increase the probability of survival of seismic events. However, for those buildings that warrant the highest level of protection and conservation now, seismic strengthening is significantly above the likely statutory minimum as it is.

Until the regulations are drafted it is difficult to be specific about the overall implications. The proposed policy will need to be formulated in light of it and after community consultation. The opportunity is afforded by this to have wide discussion about the standards to which the community wishes to see building strengthened to, in accordance with the level of risk and cost it is willing to bear.

Change of Use

Code compliance requirements for change of building use to residential appear more stringent under the Bill than at present, (Clause 197). Once again the impact of this is indeterminate until the regulations are drafted which further define change of use. It is possible that this will make it more difficult to secure adaptive reuse of heritage buildings, although it appears likely that these provisions would more severely impact other Council objectives, such as that for promoting central city residential growth through building conversion.

Dispensations

Provisions to dispense with code requirements according to circumstances in the existing Act are carried over in the Bill, (Clause 119). However, the minimum criteria against which this discretion may be exercised appear likely to be more stringent.

Conclusion

It is possible that provisions of the Bill in combination with regulations yet to be drafted will make heritage conservation more costly and difficult to achieve. However, a lot will rest on the detail of the regulations and the content of the policy required to be formulated under the proposed legislation. The Bill sets the scene for a discussion with the community about appropriate standards and the costs it is willing to bear.

Chairman's

Recommendation: That the information be received.