

## 5. PROPOSED CHANGES TO THE BUILDING ACT

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The purpose of this report is to advise the Committee of possible changes to the Building Act.

In 1998 the Building Industry Authority recommended to the Minister of Internal Affairs a number of changes to the Building Act, as part of a review of the requirements for safe and sanitary buildings. The recommendations did not progress into the legislative process, but we understand the Government have decided to progress the matter and it is likely to enter the process in mid-2001. The proposals will then be subject to the select committee process, at which time submissions can be made.

The proposed amendments arise from reviews of a number of major disasters such as the Cave Creek platform failure, the New Empire Hotel fire in Hamilton, the Kobe and Northridge earthquakes, and concerns about deaths and injuries occurring from causes such as excessive hot water temperatures and the use of non-safety glass in unsuitable locations. An outline of the proposed amendments is as follows:

### GENERAL CHANGES

A proposed amendment will introduce a positive duty on an owner to ensure a building remains safe and sanitary at all times.

The Act currently has a provision which provides that existing buildings do not have to be upgraded until a building consent for alterations or a change of use is required. The proposed amendment would make it possible to require work to be done on buildings which fall too far short of the current Building Code.

### FIRE CHANGES

In the review resulting from the New Empire Hotel fire and in legal cases regarding dangerous buildings, comment has been made about the need for better wording of section 64 of the Building Act dealing with dangerous buildings. The amendment seeks to clarify the wording.

### ADMINISTRATIVE CHANGES

Under the current legislation it is not mandatory for a Code Compliance Certificate to be issued before occupation of a building. There is a proposal to make it an offence to use or permit to be used any structure which is for public use before the issue of a Code Compliance Certificate.

### EARTHQUAKE STRENGTHENING CHANGES

The current provisions of the Building Code with respect to earthquake prone buildings apply only to unreinforced masonry or unreinforced concrete, and the provisions in the Act are expressed in terms of a 1964 New Zealand Standard which was superseded more than 20 years ago.

The proposed new Earthquake Prone Provisions would apply to all types of construction and raise the threshold from approximately one-tenth of current code to one-third of current code. It would also clarify the requirement that a building be strengthened to "as nearly as is reasonably practicable to that of a new building" when undergoing a change of use. The recommendation is two-thirds of current code where achievable.

The proposed process provided by the legislation is that all stages would be at the discretion of the territorial authority to implement.

The stages are as follows:

Territorial authorities carry out an assessment to identify the building stock in their district that may be unsafe in an earthquake.

For those buildings so identified the territorial authority may require the owner has a detailed engineering assessment carried out.

For buildings confirmed as being unsafe in earthquakes, the territorial authority may require structural improvement.

It is understood that the Department of Internal Affairs is expected to issue a discussion document on additional recommended changes to the Building Act soon. A Building Amendment Bill would go before Parliament mid-2001. The Bill would be subject to the select committee process and be enacted late 2001 or early 2002 and come into force April 2002.

**Chairman's**

**Recommendation:** That the information be received.