

Appendix Two: Submissions

Appendix Three: Summary of submissions and officer comments

Sub ref number	Submission theme	Officer Comment	Amend Policy
Incentives			
2, 13, 14, 15, 18, 20, 22, 23, 24, 26, 28	<p>A strong theme that came through the submissions was the request for additional funding or other incentives for owners (particularly heritage buildings). Examples included:</p> <ul style="list-style-type: none"> • Increasing the value of the Council's Built Heritage Incentive Fund. • Rates relief for all EQPB owners who comply. Penalties for those who don't. • Rates deferment. • Accelerated Depreciation Rates. • Substantial earthquake strengthening fund to provide interest free loans for high priority buildings. 	<p>The EQPB Policy is not the vehicle to decide Council's heritage funding support.</p> <p>Council's current financial support for heritage is through the \$250,000 Built Heritage Incentive Fund which provides for all heritage related matters and not just earthquake-prone buildings.</p>	No change
14, 15, 18, 20, 22	<p>Transferable air rights – if the Council is going to designate a heritage area or building with restrictive district plan covenants, the owner should be compensated for the derogation of their air space rights value. They could be provided transferable air rights, the sale of which could assist in providing funds for the preservation of their property.</p>	<p>The District Plan provides Council's policy on the treatment of the loss or transfer of air space rights. The EQPB Policy is not the appropriate vehicle to modify this policy.</p>	No change
Assessment of Buildings			
4, 14, 15, 18, 20, 22	<p>Buildings should be considered on an individual 'case by case' assessment not a standard blanket assessment. This is particularly relevant for historic buildings.</p>	<p>The IEP process is a cost effective filter that avoids comparatively high costs of detailed engineering investigations on all potential buildings when only one third are expected to actually be earthquake-prone. While the</p>	No change.

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		IEP is not detailed, it is completed on a case-by-case basis and is not a blanket assessment across building types.	
30	It has been suggested that the last six words of clause 3.9 be removed (<i>but providing an overall public safety gain</i>) as unnecessary and could be interpreted by an over cautious official as excluding equivalent plans that lead to better long term results.	The “Portfolio Approach” section in the attached EQPB Policy 2009, intends to allow alternative plans that lead to better long term or overall safety results. Viable alternatives should result in a net improvement of safety compared with a standard approach.	No change.
16	Requests WCC revisit assessment requirements as the current demand on WCC resources and private practice are struggling under the current workload. Relaxation of the assessment programme and time available for owner review is suggested.	Council has acknowledged this issue and has provided funding to facilitate expanding the time allowed to complete the IEP process from three to six years. The six months provided for owner review of IEP results is considered a reasonable time to demonstrate engagement with the process. Initiation of works is not required to be completed by this stage in the process.	No change
1	<p>It has been requested that the Council revisit the Initial Evaluation Procedure (IEP) as it is at odds with requirements under the Building Act 2004. The process outlined in the IEP is not accurate and this stems from the frequent need for engineering knowledge and judgement from superficial inspections when the Act is specific.</p> <p>Concern was also expressed that the IEP does not answer the second of two questions required by the Act – first that the ultimate capacity is reached and second, that it is likely to collapse with loss of life.</p>	<p>The IEP process has been accepted by the Department of Building and Housing and other councils. The step in Council’s process allowing for provision of further information from the building owner allows any uncertainties in the IEP to be addressed and all Council decisions can be appealed to DBH.</p> <p>The IEP process, while a high level assessment, does provide a reasoned view on whether a building is earthquake-prone. Questions of both ultimate capacity and collapse with loss of life are addressed.</p>	No change
11	Council is asked to take the steps required as a matter of urgency to safe guard its own priority buildings.	Council has provided for the strengthening work required for our own buildings, where the IEP process has been completed, and funding is included in the draft 2009 - 19 LTCCP.	No change.

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29, 31	<p>Detail obligations for 'owner occupied' buildings constructed post 1931 and which are expected to meet current standards.</p> <p>WCC should ensure sellers and purchasers of owner occupied buildings are aware of obligations.</p>	<p>While buildings of certain vintage and construction type may be more likely than others to meet current standards, Council can make no general provisions or ruling for a building or ownership type.</p> <p>Each building must proceed through a specific IEP.</p> <p>The existing LIM process provides that stakeholders in owner occupied, or any building types, are informed of obligations.</p>	No change
1	<p><u>Potentially</u> earthquake-prone building notices not allowed for under the Building Act 2004.</p> <p>Concern was also expressed that valuation impacts are felt by owners even at the point the building is identified as potentially earthquake-prone.</p>	<p>When an IEP assessment results in a building being identified as having a seismic performance of less than 33%, the draft EQPB Policy 2009 continues to provide that Council will write to the owners advising them of this. Owners are given 6 months to provide Council with additional information before Council decides whether the building is earthquake-prone and formally issues a notice under section 124 of the Building Act 2004. Only at this point is the building identified as potentially earthquake-prone until the earthquake-prone status is resolved either by WCC issuing a Section 124 notice or agreeing that the building is unlikely to be earthquake-prone.</p> <p>Council's step to first notify owners of potentially earthquake-prone building status is a financially prudent step. The cost to the city economy of completing fully detailed assessments for all buildings would be unreasonable.</p> <p>The valuation loss of Council conducting an IEP would be little different from the results of a thorough due diligence investigation of the building by a prudent buyer.</p>	No Change

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Timeframes			
3	<p>It has been suggested that the IEP score be used to determine the period for upgrading and that this risk management mechanism is more robust than the historical codes used in Table 1 of the EQPB Policy 2006.</p> <p>It is also suggested that as most of the EQPBs in Wellington are category 2 it may be beneficial to move the time period for better category 2 buildings to 30 years. This approach would result in the higher risk buildings being upgraded within a 20-year period while better buildings, as identified by the IEP assessment granted a further 10 years for upgrading.</p>	<p>While this alternative proposal has some merit, both approaches are somewhat coarse timeline boundary definitions. The proposed approach of Table 1 is preferred as it is based on known and definable criteria, whereas definitions based on IEP results are currently untested, would require more judgement and provide greater scope for disagreement.</p> <p>Further subdivision of categories is likely to add further technical complexity in defining finer boundaries – for example the definition of “a better category 2 building”. Creation of a 30 year timeframe is considered an unreasonably long period, relative to the average life of a building.</p>	No change.
16, 23	<p>Proposed timeframe is too long:</p> <ul style="list-style-type: none"> • Most building owners would expect to spend significant funds on refurbishment on a 15-25 year cycle. • The extension may well assist in the short term from a monetary perspective but could have public safety issues. 	<p>Council is attempting to balance public safety concerns with the ability of the Wellington economy and property owners to manage the costs. A period of up to 20 years is considered a reasonable balance considering the average lifespan of a building.</p>	No change
26, 30	<p>Timeframes are not long enough and should be at least doubled – one specific mention. Victoria University would support further extension of timeframes.</p>	<p>A period of up to 20 years is considered a reasonable balance considering the average lifespan of a building. The draft EQPB Policy 2009 continues to enable timeframes to be negotiated for a portfolio of properties.</p>	No change
Strengthening work			
2	<p>How are costs shared where a building shares a party wall with an adjoining property(s) with 2 or more owners? How are the costs shared?</p>	<p>The IEPs will need to continue to consider buildings in this situation.</p> <p>The EQPB Policy cannot prescribe cost sharing</p>	No change

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	The oral presentations further noted the technical difficulties of assessing party wall situations.	arrangements, but officers are available to facilitate solutions if requested.	
24	WCC should encourage building owners to strengthen heritage buildings up to 67% of current building code rather than the required 33%.	The draft EQPB Policy 2009 encourages further strengthening, but Council does not have legal authority to require building owners to go beyond the one third of current code requirement. The EQPB Policy 2006, in section '3.2 <i>Standard of Strengthening Required</i> ', outlines the benefits of building owners strengthening to higher levels and not just to legal compliance.	No change
1	<p>Strengthening required where there is change of use should be to 1/3 of new building standard as the reasonable practical level.</p> <p>That special consideration should be given where strengthening may compromise heritage values.</p>	<p>Council is required by the Building Act 2004 to require strengthening "to as nearly as is reasonably practical". Council therefore approaches each building on a case-by-case basis rather than setting a blanket standard for what is reasonably practical.</p> <p>Heritage considerations would be taken into account in determining what is reasonably practical.</p>	No change
Other			
5,	Officers' discretion – 2 submitters felt officers had too much discretion with the inclusion of the new 3.5 in the EQPB Policy 2008.	One of the key learnings from the Gisborne earthquake was the inability for the Council to issue notices to owners of damaged buildings after the quake. Officers' final determinations ending in a Building Act 2004 Section 124 notice are in all cases potentially subject to review by DBH.	No change
3, 16	The benefit of removing the one third capital trigger was questioned. It was felt that removal of this trigger was not in the public's best interest and neither the building owner's interest because of the level of expenditure incurred by building owners without the building being	Since the EQPB Policy 2006 was adopted there have been a number of building owners identifying the one third of capital value trigger being an excessive burden. It potentially prevents improvements in the short term so that funds could be built up to meet strengthening costs at the	No change

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	strengthened.	otherwise required deadline. It was concluded that a possible outcome of this trigger is a halt to investment in upkeep of the building with possible loss of heritage value and/or an increase in the number of run down or derelict structures. It is therefore recommended that the amended policy remove the one third capital trigger.	
14, 15, 18, 20, 22, 31	Rateable values – currently Quotable Value does not take into account earthquake strengthening (even when a building has been issued an IEP notice) when issuing rateable values. For example, owners of an earthquake-prone building are rated identically to a new building, which does not require large capital expenditure.	Rateable values are based on market values, which allow for the condition and constraints on a building. Council provides information on earthquake-prone building issues and building consent work to Quotable Value to inform their next assessment. If a ratepayer does not want to wait for the next revaluation of the city, they can employ Quotable Value to revalue their properties in accordance with Section 16 of the Rating Valuations Act 1998.	No change
23	Heritage Buildings should be included in Table 1 as a category 3 building i.e. buildings that <i>'contain crowds or have high value to the community'</i> . This would put heritage buildings into the high priority category for action within 10 years.	Heritage building owners already face greater cost hurdles than other owners. District Plan change 48 for example creates further potential financial pressures. The proposed approach is to treat such buildings on equal terms with other buildings. While the heritage protection benefits of the submitters' suggestion are accepted, this could be at the cost of further financial pressure on heritage building owners.	No change
26	Concern was raised about the level of protection for heritage buildings from demolition.	The EQPB is not the vehicle to modify demolition rules, which are part of the District Plan.	No change
30	Victoria University suggests that WCC encourage, through the EQPB policy, property owners to consider what should be done from a business continuity perspective when getting design work done on earthquake-prone buildings. It is desirable that following a major disaster that	The purpose of this policy is firstly to ensure buildings do not collapse in an earthquake. Secondly, category 4 buildings that are required to be operational after an earthquake are already subject to more rigorous strengthening requirements.	No change

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	not only do people survive but that they have their work place habitable.	It is agreed that business continuity planning is to be encouraged but this is best achieved through council's civil defence and economic development initiatives.	
31	Question around the linkage between the EQPB Policy and District Plan Change 48. Concern that cost impacts have not been addressed.	Plan change 48 increases the number of buildings that may be covered by heritage requirements. This plan change included a Resource Management Act Section 32 analysis of costs and benefits of heritage requirements. This process provides the forum to address cost impacts.	No change