

Hurunui / Kaikōura Earthquakes Recovery Review Panel

2 February 2017

Hon Nick Smith
Minister for Building and Construction
Executive Wing
Parliament Buildings
WELLINGTON 6011

Hon Gerry Brownlee
Minister of Civil Defence
Executive Wing
Parliament Buildings
WELLINGTON 6011

via email

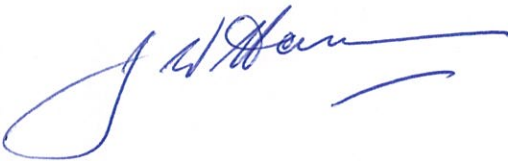
Dear Ministers

HURUNUI / KAIKŌURA EARTHQUAKES RECOVERY (UNREINFORCED MASONRY BUILDINGS) ORDER 2017

On 2 February 2017 the Hurunui / Kaikōura Earthquakes Recovery Review Panel (the Review Panel) considered the above draft Order.

As required under section 14 of the Hurunui / Kaikōura Earthquakes Recovery Act 2016, please find attached the Review Panel's report on this draft Order, including our recommendations and brief comments.

Yours sincerely



The Honourable Sir John Hansen

Convenor, Hurunui / Kaikōura Earthquakes Recovery Review Panel

cc Chief Executive, Ministry for Building and Construction
Director, Ministry of Civil Defence and Emergency Management

Hurunui / Kaikōura Earthquakes Recovery Review Panel

IN THE MATTER

of the Hurunui / Kaikōura Earthquakes Recovery Act 2016

AND

IN THE MATTER

of the Hurunui / Kaikōura Earthquakes Recovery Review Panel appointed under section 12 of the Hurunui / Kaikōura Earthquakes Recovery Act 2016 to provide advice for Orders in Council that may be required for the purpose of the Act

THE REVIEW PANEL

The Honourable Sir John Hansen (Convenor)

Mr James Gardner-Hopkins

Ms Yvette Couch-Lewis

Mr Basil Morrison

Mr Kelvin Coe

REPORT AND RECOMMENDATION OF THE REVIEW PANEL

HURUNUI / KAIKŌURA EARTHQUAKES RECOVERY (UNREINFORCED MASONRY BUILDINGS) ORDER 2017


1. On 2 February 2017, the Hurunui / Kaikōura Earthquakes Recovery Review Panel (Review Panel) considered the above draft Order.
2. Having considered the reasons advanced by the relevant Minister and supporting documents from the Ministry of Business, Innovation and Employment, which we accept, we are well satisfied that the Order in Council and its Schedule are necessary to ensure safety enhancements and improvements to the resilience of unreinforced masonry buildings in areas where they present an increased risk to life safety due to the significantly heightened probability of a damaging earthquake. There is one caveat to that. The Minister advised that Parliamentary Counsel Office were still working on the draft Order. The

Minister did not expect any substantive changes. Reading the draft reveals some details to be confirmed. Our decision is predicated that any such changes are not substantive. If the changes are substantive we will have to review this decision. (Since reaching our decision the Minister has confirmed that s13 (3) (b) will remain as per the draft).

3. The Review Panel is of the view that the draft Order is necessary, expedient and meets the purpose of the Hurunui / Kaikōura Earthquakes Recovery Act 2016 (the Act). However, the Panel has made one recommendation and sets out some comments below in our reasons that we consider may be helpful.

Reasons Recommendations and Brief Comments

4. Following the Hurunui / Kaikōura earthquake sequences, there is a heightened risk of earthquakes in some areas. Falling unreinforced masonry parapets and facades (including, for example, attached components such as verandas, balconies, decorative features, chimneys and signs) present significantly heightened risks to life safety and injury due to the higher probability of a damaging earthquake.
5. The draft Order enables the securing and strengthening of unreinforced masonry buildings to reduce the risk to life safety and increase public confidence in the event of further aftershocks or events. There is clearly a demonstrated need to secure or remove hazardous elements of unreinforced masonry buildings in the interest of public safety. The Minister has provided compelling reasons for this need in his reasons for recommending the Order and the Order provides for the expediting of the necessary work.
6. We are satisfied that the Order and Schedule have properly balanced the interests of the community, iwi, environmental and heritage matters, whilst enabling the work to be carried out in a timely manner.
7. We recommend that consideration should be given to amending clause 9(2)(c) to including occupier to the list of persons which must be given notice. The Panel does not consider it would be onerous requirement.
8. The Panel also understands although no building consent is required for certain works under clause 13, that the relevant territorial authority will undertake a building inspection upon completion of the works, and that the territorial authority will update its records to document that the work was completed to the required standards.


The Honourable Sir John Hansen
Convenor, Hurunui / Kaikōura Earthquakes Recovery Review Panel

Date: 2 February 2017