

// **SUBMISSION**



Building (Earthquake-prone Buildings) Amendment Bill

// Local Government New Zealand's submission

// 13 February 2026





About LGNZ

LGNZ champions, connects and supports local government. We represent the national interests of councils.

Key points

LGNZ strongly supports this legislation, though there are some amendments and additional steps which could be taken to help better meet its goals.

- Councils closely interact with the seismic strengthening regime, and have long expressed concerns about its flaws with the system.
- We expect more remediation work will take place under the new settings.
- Removal of low-risk areas from regime is a sensible step.
- Narrowing the definition of a 'priority building' may reduce resilience.
- Certainty for property owners is important but the pathway to identify new earthquake-prone buildings may be too narrow.
- This will be a good step towards revitalising CBDs across the country and other reforms could complement this legislation.

Submission

Councils closely interact with the seismic strengthening regime, and have long expressed concerns about its flaws

The seismic strengthening regime has long been of concern to our members. A remit put forward by Manawatū District Council in 2023 asked LGNZ to advocate for councils struggling to meet the timeframes for remediation outlined in legislation, while another from Gisborne District Council in 2024 focussed on addressing the issue of abandoned CBD buildings, which are often left untenanted if owners are unable to meet seismic standards.

Councils have three key interfaces with the seismic strengthening regime:

- Statutory requirements to administer the system, which include identifying and assessing potentially earthquake buildings, and ensuring remediation work is completed within statutory timeframes;
- Through the property they own, which they are responsible for ensuring it meets seismic standards; and
- Indirectly, through their interest in ensuring their towns and cities remain safe, vibrant, and have sufficient commercial and residential property to prosper.

The 2016 legislation was an understandable reaction to the Christchurch and Kaikoura earthquakes, and consequently a rare example of major legislation receiving near unanimous support from Parliament. But over time councils have become increasingly concerned that the system imposes unreasonable deadlines on some councils and building owners, which in turn makes strengthening uneconomic, resulting in negative social and economic impacts on communities.

Some areas, particularly those with low commercial rents and property values and high numbers of historic buildings, were struggling to afford to meet their requirements under the legislation. For these places, the only practical option was to leave the buildings untenanted.

LGNZ supported the Government's 2024 announcement that it would be extending the deadline for remediation of earthquake prone buildings. Following the subsequent announcement of a full review into the seismic strengthening regime, LGNZ engaged with both the Minister for Building and Construction and MBIE officials to ensure that the local government voice was well represented in this process, including through putting forward members for MBIE's steering group. We would like to thank both the Minister and officials for their willingness to engage throughout the review.

We expect more remediation work will take place under the new settings

The proposed new system will mean the New Building Standard percentage (%NBS) approach will no longer be used to identify earthquake-prone buildings. Instead, the following approach will be taken:

- Unreinforced masonry buildings with unsecured façades and walls facing public areas or above neighbouring properties will automatically be deemed EPBs because of their risk profile, with no further assessment required.
- Concrete buildings of three storeys or more will be assessed for EPB status using a new targeted retrofit methodology focused on the critical vulnerabilities that can lead to collapse.

While substantially fewer buildings will be captured by the seismic strengthening regime, and requirements for strengthening will be less onerous on those that are, LGNZ does not foresee a significant increase in the risk to public safety. Indeed, we believe there could be a net gain, given that under the previous system many buildings simply sat unoccupied with no remedial work being done, due to the excessive costs associated with undertaking it.

Removing additional requirements, like the need to address fire safety and disability access at the same time as seismic work, should make strengthening a far more viable proposition than under the current regime. We also note that the current wider programme of reform in the building and construction sector should reduce construction costs and complement the changes in this legislation.

Removal of low-risk areas from regime is a sensible step

LGNZ supports the move to remove low-risk seismic zones from the seismic strengthening regime entirely. Feedback from councils in low-risk areas is that their inclusion in the current regime introduced considerable costs and administrative burden for both councils and property owners, for little benefit. At a time where councils are under considerable financial strain due to increased costs, multiple reforms underway, and the potential introduction of rates capping, it is important that avoidable costs are minimised.

Further work should be done on what is and isn't a 'priority building'

LGNZ notes that the Government has decided to remove buildings that have a particular use during an emergency, such as hospitals, fire stations or emergency shelters, from the definition of a 'priority building' in this legislation. The associated Cabinet paper justifies this by claiming "Government agencies should prioritise, fund and implement their own seismic risk mitigation as good stewards of their buildings... it is not necessary to have an additional requirement in the Building Act".

This may reduce community resilience, both in the aftermath of earthquakes and, indirectly, other adverse events that may require these facilities to be called upon. We note the Government itself has acknowledged the quality of asset maintenance varies significantly across the public sector.¹

We also note that, despite the claims in the Cabinet paper, some buildings that will no longer be considered priority buildings are not actually the responsibility of central government, including some emergency shelters.

The Government has issued new Asset Management and Investment Planning guidance, which we hope will have a positive effect on asset management across the public sector, including of buildings particularly important during disasters. However, at this time we believe it would be prudent to retain hospitals and other buildings needed for emergencies as priority buildings under this legislation.

The legislation as it stands may not concentrate strengthening work in the busiest areas

Some councils pointed out to us that the use of a population of 10,000 as a threshold for requiring strengthening work, and the need to still prioritise strengthening unreinforced masonry buildings that could fall onto a 'thoroughfare with high vehicle or pedestrian traffic in an earthquake', may result in poor seismic strengthening outcomes. Population is not always a good indicator of the 'busyness' of a town centre, particularly those which are popular with tourists or located on major state highways, and 'high vehicle or pedestrian traffic' is not defined at the national level.

We recommend that the Government consider providing further guidance here to assist council decision making.

Certainty for property owners is important but the pathway to identify new earthquake-prone buildings may be too narrow

Under the current regime, the 'identify at any time' pathway was used far more than originally intended, with buildings of marginal risk being identified as earthquake prone. LGNZ supports tightening this to ensure only buildings that pose a genuine risk to the public are able to be identified. However, we have concerns that the approach in the legislation, which allows only for post-1976 buildings of heavy construction to be classed as earthquake-prone (following the initial identification period outlined in legislation), is an overcorrection and could lead to some genuinely earthquake-prone buildings unable to be identified as such by councils.

While we appreciate the need to provide certainty for owners of buildings that would have been assessed under the current regime, the approach in the legislation assumes that no buildings have been inadvertently missed, or other mistakes made, during the administration of the current regime. We recommend that some allowance be made in the legislation for other buildings to be identified

¹ New Zealand Government (2025), Improving how we care for New Zealand's infrastructure

as earthquake-prone buildings, though with a high threshold to ensure this only happens when strictly necessary.

This will be a good step towards revitalising CBDs across the country and other reforms could complement this legislation

Reform of the seismic strengthening regime is an important step towards for more vibrant CBDs, which we see as a key benefit of undertaking this reform. However, there is more that could be done to help councils attract more businesses and foot traffic to CBDs and reduce the amount of unsightly, disused buildings.

Even though this legislation will significantly reduce the number of earthquake-prone buildings, some will remain in need of remedial works. These works can come at a huge cost, and there may be some public benefit to providing additional support and incentives to get this work done. On the other side of the coin, councils should also have greater powers to address unsightly, deteriorating buildings in instances where their owners are clearly guilty of neglect.

Currently, councils have limited ability to require private owners of buildings to remediate vacant, deteriorating buildings. Some councils, such as Upper Hutt and Clutha, have passed bylaws to address this issue. However, enforcing these bylaws requires costly prosecutions that are difficult to justify given tight fiscal constraints on councils. In their 2024 remit mentioned earlier in this submission, Gisborne District Council sought the following to address this issue:

- a new legislative lever that will enable earlier intervention and action to remediate deteriorating building assets; and
- collaboration between local and central government and regional providers to develop region-specific incentives encouraging the use of unproductive assets, e.g., repurposing buildings for accommodation.

There are a number of international examples that New Zealand could draw upon, and LGNZ would welcome the opportunity to work with the Government to progress work in this area. Both Ireland and the United Kingdom have specific legislative provisions that grant local authorities a range of powers to address the issue of derelict buildings, including requiring owners of private buildings to undertake remedial works.

Finally, we've also heard about the importance of an enduring solution for addressing heritage buildings, which can be financially unsustainable to remediate yet also ineligible for demolition. We acknowledge that the Government made it easier to delist some heritage buildings through amendments to the Resource Management Act in 2025, and hope that a similarly practical approach will be carried through to the new Planning Bill when this topic is addressed during the drafting of the relevant national direction.

Conclusion

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LGNZ thanks the committee for the opportunity to submit on this legislation. For further information or if we can be of any assistance, please contact William Blackler, Senior Policy Advisor, at William.blackler@lgnz.co.nz