

Canterbury Earthquake – Where to from here?

A range of steps have been taken by local and central government in recent days in response to the Canterbury Earthquake.

At central government level, the Canterbury Earthquake Response and Recovery Act ("the Canterbury Earthquake Act") was passed into law under urgency on 14 September 2010. It is a temporary piece of legislation and will expire on 1 April 2012.

The Canterbury Earthquake Act enables the Governor-General (on advice from the relevant Minister) to modify or grant an exemption from a range of existing legislation - including the Building Act 2004, the Historic Places Act 1993, the Local Government Acts, the Public Works Act 1981 and the Resource Management Act 1991.

The Government has indicated that it intends to use the provisions to fast-track rebuilding in the Canterbury region, noting that "business as usual" will not be effective in the current environment. It is anticipated that amendments will alter the emergency provisions that currently apply to demolition work under the RMA, resource consents required for rebuilding work where existing use rights cannot be claimed, as well as the management of heritage sites. It will be important to monitor changes to existing law and we will be providing updates as these occur.

The Canterbury Earthquake Act establishes a Canterbury Earthquake Recovery Commission to advise the relevant Ministers on changes to legislation, the prioritising of resources and the allocation of funds. The Commission will act as a contact point between central and local government. It will comprise 7 Commissioners including the mayors of Christchurch, Selwyn and Waimakariri, as well as 4 appointed persons with relevant expertise, one of whom must be an Environment Canterbury Commissioner. We consider that it would be appropriate for one of the Commissioners to be a representative of the development community as the group which will ultimately be tasked with delivering the rebuild of Canterbury.

The Christchurch City Council has also taken immediate steps to address building safety issues. At an extraordinary meeting on 10 September, the Council amended its existing policy on earthquake prone, dangerous and unsanitary buildings. A higher target for structural strengthening has been imposed, although it will be assessed on a case-by-case basis. This may have implications for some building owners who are in the process of repairing damaged buildings and it will be important to work closely with the Council on such matters.

The Government has also announced that is going to introduce a plan that aims to divide insurance claims into four main areas with a timeframe for payouts for each. These categories are:

- Claims for property and contents damage or loss where there has been no structural damage to the building will begin to be paid out from early next week.
- Claims below \$100,000 but where there is structural damage to the building will be subject to a fast-track process, the details of which will be announced early this week.
- Claims of damage over \$100,000 will be managed by a single point of contact for the homeowner.
- Claims that only involve damage to chimneys, the Earthquake Commission will join Energy Efficiency and Conservation Authority to offer the installation of a clean heat appliance as part of the restoration.

This is a challenging time for everyone affected by the Canterbury Earthquake. The effects are wide ranging and will of course last for some time. We will continue to provide updates on new policy and legislative initiatives as they occur.

If you would like further information or have specific questions that you wish to discuss please contact:

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