

Common questions

asked by property owners

Does this mean a 'tag' will go on my property title?

No. However Council is obliged to note its records of the property and is obliged to make this information available on any LIM (Land Information Memorandum) requests concerning the property.

Can I buy or sell an earthquake prone building?

Yes. However, the new owner will become responsible for the seismic strengthening, so it is advisable to be honest about the situation. Purchasers should undertake independent investigations prior to purchasing a property that is deemed to be earthquake prone. The information will be contained in LIMs.

I am doing renovations to an earthquake prone building. Do I have to strengthen my building at this time?

Generally the answer is "yes" except for very minor maintenance type work. Council's policy states the Council may refuse a consent unless the owner(s) undertakes the structural design for strengthening and includes in the building consent the complete strengthening work, or the strengthening work to the area affected by the building work (with an agreement to complete the full strengthening work within the maximum allowable time frame). Much of the cost of strengthening a building is interior decor, so it makes sense to do the strengthening work at the same time as planned building work.

I'm changing the use of my building. Does the Earthquake Prone Buildings Policy affect me?

The Building Act 2004 provisions regarding change of use are separate from those relating to earthquake prone buildings. When a change of use occurs, an upgrade of the structure of the building for its new use is required "as nearly as is reasonably practicable" with the current Building Code.

This is a more stringent requirement than that for seismic strengthening.

A building was earthquake prone under the old policy. How does the new policy affect this property?

The building remains listed as earthquake prone.

Buildings with earthquake prone building notices issued under Section 66 of the Building Act 1991 have been issued with a new notice under Section 124 of the Building Act 2004 requiring strengthening. Building work must begin within two years of the notice being issued.

What is a household unit?

Occupied or intended to be occupied, exclusively as the home or residence of not more than one household. See Section 7 of the Building Act 2004 for further clarification.

Can I dispute the classification of my building as earthquake prone?

You are entitled to produce your own engineer's report in order to challenge the result of an IEP. Your engineer's report should then be submitted to Council for vetting and review. Council will then confirm or withdraw the earthquake prone status of the building. If you are unhappy with the Council's decision, you can ask the Department of Building and Housing to make a final binding determination on whether your building is earthquake prone.

Can I challenge the time limit given for completion of strengthening work?

Yes. The Council has a hearings process to consider appeals against time limits.

Contact

For further information or to get a copy of the policy, please contact:

Colin Clench, Environmental Consents Division
Hutt City Council
30 Laings Road
Lower Hutt
Tel: 570 6907

OR

Visit our website: www.huttcity.govt.nz



June 2007



Earthquake prone buildings



Environmental Consents Division

Background to policy

Design standards for earthquake loadings on buildings were first introduced in New Zealand in 1935 following the 1931 Napier earthquake. Since then, significant advances in the required design standards have been made with major changes incorporated in 1965 and 1976. A number of existing buildings now fall short of the standard required for new buildings.

Previously, buildings classified as *earthquake risk buildings* related only to unreinforced masonry (or concrete) buildings. The Government, through the Building Act 2004, has now extended the definition to cover all buildings except single household units.

The law change means that the requirements for strengthening buildings to prevent them collapsing during an earthquake have been significantly expanded. The Building Act 2004 has increased the scope of buildings that may be deemed earthquake prone. Hence the majority of non-residential buildings now have to be checked and, where necessary, strengthened.

The Building Act requires councils to adopt a policy regarding earthquake prone buildings. Following public consultation, Hutt City Council adopted its Earthquake Prone Buildings Policy on 16 May 2006 (amended 12 December 2006). Copies may be downloaded from www.huttcity.govt.nz/publications-forms/Policies/Earthquake-Prone-Dangerous-and-Insanitary-Buildings-Policy/

Which buildings are affected?

Hutt City Council's Earthquake Prone Buildings Policy affects all types of buildings except those used wholly or mainly for residential purposes, unless they are two or more storeys high **and** contain three or more household units. This means it won't apply to the majority of the city's houses but might affect people who own apartments or flats in older buildings.

An earthquake prone building is defined in the regulations as a building whose strength is 33% or less of the current seismic loading standard (NZS 4203:1992 or NZS 1170.5:2004).

The Council's assessment process has identified that buildings constructed after 1976 are highly unlikely to be earthquake prone unless aspects of their construction have subsequently been shown to contain a critical structural weakness (defined as an individual building element with an identified detailing deficiency, thus rendering it earthquake prone).

"Buildings with less than one-third of the strength of a new building have about 10 to 20 times the risk of serious damage or collapse when compared to a new building."

www.building.govt.nz

How has Hutt City Council identified earthquake prone buildings?

Stage 1

A preliminary review of Council's building files was undertaken. From the information gathered, the Council identified those buildings it deemed to be earthquake prone.

The Council used the Initial Evaluation Process (IEP) set out by the New Zealand Society for Earthquake Engineering to determine the structural performance score of these buildings. The IEP is a relatively quick and coarse screening process aimed at identifying, with an acceptable confidence level, all those buildings likely to be potentially earthquake prone.

Buildings scoring less than 34 are considered to be potentially earthquake prone. The Council has paid for

initial evaluations which were undertaken by an appropriately qualified engineer.

Stage 2

The Council is now writing to owners of buildings with an IEP score of less than 34 advising that their building is potentially earthquake prone. Owners have six months to consider this assessment and provide any additional information about factors that might affect the strength of the building, or a more detailed assessment of the structure. Any additional information should be submitted to Council for review.

Stage 3

If, after consideration of any further information provided in Stage 2, the Council is satisfied that the building is earthquake prone, it will advise the owner of the classification and issue a written notice under Section 124 of the Building Act 2004 to the owner. This information will be held in a Council database of earthquake prone buildings, which will be available to the public.

Stage 4

As building consents for structural strengthening are received and the strengthening work completed, the database will be updated to reflect the status of buildings as having been strengthened, and are now no longer earthquake prone.

Timeframe for strengthening

The maximum timeframes for undertaking strengthening work on buildings that have been assessed as earthquake prone are:

Existing earthquake prone buildings:	1 year (ie by (ie, by 30 June 2008)
Newly classified earthquake prone buildings:	10 years (by 31 Dec 2018)

Are any consents required?

Check with Resource Consent staff to find out if your building is protected under the District Plan. If so, resource consent may be required for strengthening or demolition.

Building consent will be required to strengthen or demolish.