

Wanganui District Council

Earthquake-Prone Buildings Policy 2009



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1. BACKGROUND

Section 131 of the Building Act 2004 required territorial authorities (TAs) to adopt a policy on earthquake-prone buildings. Wanganui District Council first adopted its policy on earthquake-prone buildings on 6 June 2006. Wanganui District Council is now reviewing its earthquake-prone buildings policy following the special consultative procedure set out in Section 83 of the Local Government Act 2002.

Since first adopting an earthquake-prone buildings policy in 2006 Council has identified buildings that are potentially earthquake-prone according to definition.

These potential earthquake-prone buildings now form a register associated to this policy.

Work is still to be completed in notifying effected owners that their buildings are listed and the consequences associated with such a listing.

The draft 2009 Earthquake-prone Buildings Policy attempts to clarify these requirements including setting definite timeframes when work is to be completed by.

This policy is required to state:

1. The approach that the Wanganui District Council will take in performing its functions under the Building Act 2004
2. Wanganui District Council's priorities in performing those functions
3. How the policy will apply to heritage buildings

The definition of an earthquake-prone building is set out in section 122 of the Building Act 2004 and in the related regulations that define 'moderate earthquake'. The government has, in regulations, defined a moderate earthquake as:

'in relation to a building, an earthquake that would generate shaking at the site of the building that is of the same duration as, but that is one-third as strong as, the earthquake shaking (determined by normal measures of acceleration, velocity and displacement) that would be used to design a new building at the site.'

This definition covers more buildings and requires a higher level of structural performance of buildings than required by the Building Act 1991.

NZS3604:1999 states that Wanganui is located in a high risk earthquake area. Consequently building standards in Wanganui are more stringent than in some other, less earthquake-prone areas of New Zealand.

2. POLICY APPROACH

2.1. Policy principles

Provisions of the Building Act 2004 in regard to earthquake-prone buildings reflect the government's broader concern with the safety of the public in buildings and, more particularly, the need to address life safety in the event of a moderate earthquake.

Council is committed to ensuring that its district is a safe place to live and work in, while balancing the four well-beings of the Local Government Act 2002: social, economic, environmental and cultural.

This policy attempts to give owners of earthquake-prone buildings a clear understanding of their responsibilities including timeframes by which they are to have had their buildings assessed and also fully compliant.

Council has noted that the development of earthquake-prone policies is up to each Territorial Authority and has responded accordingly. This policy has been developed after due consultation with Wanganui District Council ratepayers and stakeholders in accordance with section 83 of the Local Government Act 2002, and with particular regard to the submissions received.

Council is also noting the opportunity to and its intention to lobby Central Government to relax requirements in relation to retrospective compliance of Earthquake Prone Buildings or seek Government funding assistance for communities like Wanganui with old building stock and heritage buildings.

2.2. Economic impact of this policy

The economic impact of the Earthquake-Prone Buildings Policy can only be fully assessed after the initial building evaluation phase has been completed and the scale and extent of the required strengthening work identified. For this reason Council has first set timeframes for initial evaluation of performance assessments (IEP) to be completed and then set timeframes by which compliance is required. Councillors have discussed the economic impact, based on preliminary information, to balance the timing of the compliance programme, and to ensure that a balance is struck between the need to address earthquake risks whilst taking into account the social and economic implications of implementing the policy.

2.3. Access to earthquake-prone buildings information

Council information concerning the earthquake status of buildings will be available to the public via informal counter enquiries or formally via a Land Information Memorandum (LIM) or Project Information Memorandum (PIM).

This public information will reflect the earthquake-prone building policy register together with policy compliance requirements.

2.4. Building Standards

The Act requires buildings identified as earthquake-prone to be strengthened to the minimum level of 34%. However, the NZ Society of Earthquake Engineers

recommends strengthening to 67%, and Council will actively encourage owners to upgrade to greater than 34%.

3. INTENT

Council has assessed the risks associated with earthquake-prone buildings and has adopted a scaled category for buildings based on importance levels as defined under AS/NZS 1170.0:2002.

The main emphasis of this policy is to reduce the risk posed to human life in buildings by earthquakes.

However graduated policy provision has been made for the continuation of essential services, protection of contents of high value, protection of heritage buildings and avoiding serious environmental effects.

Therefore, the policy will initially address buildings that have special post-disaster functions as follows:

- Category A (Post Disaster Functions) Buildings with special post-disaster functions as defined in AS/NZS 1170.0:2002, Importance Level 4:

Policy: Building owners are expected to have completed an IEP (initial evaluation of performance assessment) at their own expense and notified Council of the result by December 2010, have started compliance work to meet the required standard by 2020 and achieved compliance by 2030.

- Category B (High Risk Buildings): Buildings that contain people in crowds or contents of high value to the community as defined in AS/NZS 1170.0:2002, Importance Level 3.

Policy: Building owners are expected to have completed an IEP (initial evaluation of performance assessment) at their own expense and notified Council of the result by December 2011, have started compliance work to meet the required standard by 2020 and achieved compliance by 2030.

- Category C: Buildings with Importance Level less than 3 as defined in AS/NZS 1170.0:2002.

Policy: Building owners are expected to have completed an IEP (initial evaluation of performance assessments) at their own expense and notified Council of the result by December 2012, have started compliance work to meet the required standard by 2030 and achieved compliance by 2040.

4. EARTHQUAKE-PRONE BUILDING REGISTER:

Council will maintain an earthquake-prone buildings register identifying which buildings fall into which categories after initial Council assessments. The owners of these buildings will be notified that they are on the register and their associated requirements in accordance with this policy.

Council reserves the right to add particular buildings to the register based on information it may receive or be aware of. In cases of additions to the register, the owners of the properties concerned will be notified of the listing and asked to undertake an IEP (initial evaluation of performance assessment) to clearly determine whether the building is in fact earthquake prone in relation to this policy.

Owners of listed earthquake-prone buildings will also have the ability to challenge in writing any listing that Council makes and to have the matter formally heard and determined by Council.

5. HERITAGE BUILDINGS

Definition: Heritage buildings include, but are not limited to:

- Any building within any proposal to register, or registered place, historic area, wahi tapu or wahi tapu area under the Historic Places Act 1993.
- Any building or structure contained in the heritage register, Appendix A, Wanganui District Plan.
- Any heritage building or Actively Managed Historic Place listed in an Historic Resources Strategy or Conservation Management Strategy and Conservation Management Plan prepared under the Conservation Act 1987.
- Any heritage building listed in a reserve management plan prepared under the Reserves Act 1977.
- Any building established by the Maori Land Court under Te Turi Whenua Maori Land Act 1993 for historic and cultural purposes.
- Any building of importance to tangata whenua listed in an Iwi Management Plan
- Any structures or buildings associated with an historic cemetery or memorial.
- Any building managed for heritage purposes by agencies such as New Zealand Historic Places Trust, Ministry of Culture and Heritage, Department of Conservation or Local Authorities.
- Any building that is subject to a heritage order, heritage covenant or other protective covenant.

Wanganui District Council considers it important that its heritage buildings have a good chance of surviving a moderate earthquake. However, Council does not wish to see the intrinsic heritage values of these buildings adversely affected by structural improvement measures.

Heritage buildings will be assessed in the same way as other potentially earthquake-prone buildings and discussions held with the owner(s) and the Historic Places Trust to identify a mutually acceptable solution to mitigate any potential earthquake risk. Special efforts will be made to meet heritage objectives which may, on a case by case basis, require the acceptance of a lower standard and its attendant risk.

6. BUILDING FACADES

The 2007 Gisborne earthquake highlighted the risk façade's in built up areas pose during earthquake events. Parapets and façade's are often poorly constructed or tied back causing them to fall over busy accessways or against neighbouring buildings during an earthquake event.

The risk is deemed significant enough for Council to consider developing suitable policy and methods to address the issue.

Council signals within this Policy that it will attempt to identify buildings within high risk areas with parapets that are potentially dangerous during a moderate earthquake. Council will then develop draft policy to ensure these parapets are suitably tied back, or stabilized, or as a last resort, removed..

Council will consult with any potentially effected building owners during development of any façade policies.

7. REVIEW OF THIS POLICY

Wanganui District Council has the ability to review this policy at any time provided it formally resolves to do so and adopts the Special Consultative Procedure as detailed within the Local Government Act 2002.

At very least Council will undertake a formal review of this policy within 5 years of the adoption of the last review.

Council will also maintain the earthquake-prone buildings register associated to this policy and will endeavour to further determine which buildings are Category C earthquake-prone buildings. Emphasis to date has been on identifying Category A and B buildings, as a matter of priority.

8. DISTRICT PLAN

In the event of conflict between this policy and the Wanganui District Plan, Council will review provisions of the District Plan to ensure earthquake-prone buildings can be modified or removed where no practical alternative exists.