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# **EARTHQUAKE-PRONE, DANGEROUS & INSANITARY BUILDINGS POLICY**

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**October 2006**

ADOPTED by COUNCIL at a meeting held on 31 October 2006

# TIMARU DISTRICT COUNCIL



## Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006

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## **TIMARU DISTRICT COUNCIL**

### **EARTHQUAKE-PRONE, DANGEROUS AND INSANITARY BUILDINGS POLICY 2006**

#### **Introduction**

Timaru District Council (the Council) is required under section 131 of the Building Act 2004 (the Act) to adopt a policy on earthquake-prone, dangerous and insanitary buildings.

This document sets out the policy adopted by the Council in accordance with the requirements of the Act.

The policy is required to state:

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

In developing and adopting its Earthquake-Prone, Dangerous and Insanitary Buildings Policy, the Council has followed the consultative procedure set out in section 83 of the Local Government Act 2002.

The policy document is divided into two parts:

Part A - Earthquake-Prone Buildings; and  
Part B - Dangerous and Insanitary Buildings.

#### **Review**

Pursuant to Section 132 of the Building Act 2004 this policy is required to be reviewed by the Council every five years. Any amendment or replacement of the policy must be in accordance with the Local Government Act 2004 Special Consultative Procedure.

## TIMARU DISTRICT COUNCIL

### PART A - EARTHQUAKE-PRONE BUILDINGS

#### Background

Section 131 of the Building Act 2004 (the Act) requires all territorial authorities (TAs) to adopt a policy on earthquake-prone buildings (EPBs) by 31 May 2006.

The definition of an earthquake-prone building is set out in section 122 of the Act as:

- “(1) A building is earthquake-prone for the purposes of this Act if, having regard to its condition and to the ground on which it is built, and because of its construction, the building—*
- (a) will have its ultimate capacity exceeded in a moderate earthquake (as defined in the regulations); and*
  - (b) would be likely to collapse causing—*
    - (i) injury or death to persons in the building or to persons on any other property; or*
    - (ii) damage to any other property.*
- (2) Subsection (1) does not apply to a building that is used wholly or mainly for residential purposes unless the building—*
- (a) comprises 2 or more storeys; and*
  - (b) contains 3 or more household units.”*

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”*.

These definitions cover more buildings and require a higher level of structural performance of buildings than required by the Building Act 1991.

This document sets out the policy adopted by the Timaru District Council (the Council) in accordance with the new requirements of the Building Act 2004.

The Council has made extensive use of the Department of Building and Housing's (DBH) guidance document and, for ease of reference, the policy has been set out in the same format as the DBH policy template.

#### 1.0 Policy Approach

##### 1.1 Policy Principles

The Council has noted that provisions of the Building Act in regard to earthquake-prone buildings reflect the government's broader concern with the life safety of the public in buildings and, more particularly, the need to address life safety in earthquake.

The Council has also noted that the development of EPB policies is up to each TA and has responded accordingly.

This policy will be developed after due consultation with Timaru District Council ratepayers and stake-holders in accordance with section 83 of the Local Government Act 2002.

## 1.2 Overall Approach

The Council is in a zone of low seismicity and its buildings comprise a range of types and ages reflecting steady development over the last 100 years from unreinforced masonry buildings to modern steel and concrete buildings. Refurbishment and redevelopment for new uses has meant some of the unreinforced masonry and brick buildings have undergone some levels of strengthening.

In the past the Council has not actively pursued a policy of identifying and strengthening every earthquake-prone building. During the 1980s Timaru City Council undertook surveys of buildings in the central business district. This identified those buildings that fell within the earthquake-prone classification applicable at that time.

Strengthening work undertaken to date has either been as a result of:

- Property owners acting on their own accord; or
- Major upgrades of Council owned heritage classified buildings. Examples are the Council Offices and the Theatre Royal; or
- Where property owners have applied for a building consent for a change of use of their buildings or part of their building and strengthening has been required (see 46, Building Act 1991) and now section 115, Building Act 2004.

This policy reflects the Council's role to reduce earthquake risk over time in a way that is acceptable in social and economic terms to its ratepayers.

In developing its approach to this policy the Council has to consider key issues of:

- Economic impacts of progressively strengthening building stock in anticipation of an earthquake that could damage the building stock.
- Economic impacts of **not** strengthening building stock and incurring the cost of repair/replacement all at the time and at the same time that infrastructure may be damaged and require repair as the result of an earthquake.
- The level of risk to human life and safety which can be tolerated over both the short and long term if building strengthening is delayed.

In considering the key issues, the Council needs to achieve a balance between a number of conflicting issues and concerns:

- The safety of the public when an earthquake event occurs.
- The likelihood, severity and potential timing of a major earthquake and effects on different locations within the district.
- The economic impact on the district of a major earthquake.
- The relative age and condition of non-residential buildings within the district.

- The costs of undertaking a comprehensive review of potentially earthquake-prone buildings and the availability of funding for this work.
- The costs of planned and progressive strengthening of buildings versus the economic impact of catastrophic failures caused by an earthquake.
- The costs to building owners of undertaking various levels of strengthening work and the potential economic impact (including loss of businesses) to the district.
- The risk that buildings which are uneconomic to strengthen will be removed and that the character of the built environment in Timaru District will alter as a result.
- The potential loss of heritage buildings as the result of this process.
- The need for statutory compliance by building owners and the Council.

Timaru District Council's Earthquake-prone Building Policy needs to reflect Council's approach to reduce earthquake risk over time, but in a way that is acceptable to its ratepayers in terms of the key well-beings; economic, social, environmental and cultural.

### **1.3 Identifying Earthquake-Prone Buildings**

The Council does not intend to conduct a preliminary "desk top" assessment of the district's building stock. Alternatively the following criteria will drive when the Council become involved:

- 1 When application for building consent is received; or
- 2 When a change of use occurs; or
- 3 When an application for Certificate of Acceptance is received (subject to the building work having been carried out after the introduction of this policy); or
- 4 When complaints or concern is received about the state of a building and the Council considers there are grounds for further investigation and assessment.

#### **1.3.1 Building Consent and Certificate of Acceptance Applications**

On receipt of an application for building consent or certificate of acceptance the Council may:

- 1 Require an assessment of structural strength of the entire building or parts of the building. Such an assessment will address whether or not the building could be earthquake-prone;
- 2 Subsection 1 above will only apply when the estimated value<sup>1</sup> of building work to which the application relates exceeds<sup>2</sup> 25% (or 30% for heritage building) of the Value of Improvements appearing on the district valuation role at the time of the application. The following also applies:
  - i) Upgrading will be required if the total estimated value of building work for applications approved for and over a five year

<sup>1</sup> See definition, Section 7, Building Act 2004.

<sup>2</sup> See definition, Section 2, Rating Valuations Act 1998.

period exceed 25% (or 30% for heritage buildings) of the value of improvements.

- ii) Where the subject building is one of a number of buildings on the site the valuation service provider for the Council will be consulted to ascertain the individual building value of improvement breakdown from the property database.
- iii) Notwithstanding subsection 2 building work that relates to specified systems<sup>3</sup> and access and facilities for people with disabilities<sup>4</sup> shall not be considered when assessing the estimated value of building work as a % of the value of improvements.

#### **1.4 Assessment and Strengthening Criteria**

For practical purposes, the Council will define earthquake-prone buildings as those that, when subject to moderate earthquake shaking, do not meet or exceed the criteria for ultimate limit state as defined in the loadings and materials standards for new buildings.

The ultimate limit state condition is reached when the structure loses structural integrity, becomes unstable or loses equilibrium under design seismic action but does still retain a small residual load bearing capacity that prevents local or global collapse.

The Council will use the NZSEE recommendations as its preferred basis for defining technical requirements and criteria. These recommendations are designed to be used in conjunction with AS/NZS 1170 Loadings Standard, NZS 3101 Concrete Structures Standard, NZS 3404 Steel Structures Standard and other materials Standards.

The Council will require prior assessment and reporting to be undertaken by an appropriately qualified person e.g. a Chartered Professional Engineer with expertise in Earthquake Engineering.

The Council anticipates that in the majority of occasions, that the building owner will commission structural strength assessment reports on affected buildings. However, the Council recognises that at times to fulfil its statutory obligations that some investigations and assessment may have to be commissioned by the Council and recovered from the building owner.

Notwithstanding the above, the Council acknowledges that NZSEE guidelines do not specifically include other structures, (eg bridges, retaining walls etc) and in this instance Council will come to an agreement with the building owner in respect to the procedure and methodology for assessment and strengthening.

#### **1.5 Taking Action on Earthquake-Prone Buildings**

Where the buildings potential earthquake-prone status is verified the Council will require the building owner to undertake, within fifteen years of the date of the application, the strengthening work required to remove the earthquake-prone status of the building.

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<sup>3</sup> See definition, Section 7, Building Act 2004 and Building (specified systems, change the use, and earthquake-prone buildings) Regulations 2005.

<sup>4</sup> See Section 118, Building Act 2004.

The Council will:

- Advise and liaise with owners of buildings identified as earthquake-prone.
- Encourage owners to carry out an independent assessment of the structural performance of those buildings identified as earthquake-prone.
- Serve formal notices on owners of earthquake-prone buildings in accordance with the Building Act 2004, requiring them to remove the risk.

## **1.6 Interaction between EPB Policy and Related Sections of Building Act 2004**

### **1.6.1 Section 97: Certificates of Acceptance**

Whenever an application for certificate of acceptance is received for building work carried out after the introduction of this policy, then the identification of earthquake-prone buildings, assessment criteria and strengthening criteria procedures will be activated.

### **1.6.2 Section 112: Alterations to Existing Buildings**

Whenever an application for building consent is received for an alteration to an existing building, then the (subject to 1.13.1) identification of earthquake-prone buildings assessment criteria and strengthening criteria procedures will be activated.

### **1.6.2 Section 115: Change of Use**

Whenever a building consent application is received for change of use of a building that is or could be earthquake-prone, then, irrespective of the general priorities set by the Council for dealing with earthquake-prone buildings, it will be a requirement of the building consent that the owner make a detailed assessment of the earthquake performance of the building to determine whether or not it is an earthquake-prone building in its existing condition.

If the building is shown to be earthquake-prone then the Council will require that the building be strengthened to comply as nearly as is reasonably practicable with every provision of the Building Code that relates to structural performance as is required by section 115(b)(i)(A). (In this instance the requirement for earthquake-prone buildings would be the same as that for non-earthquake-prone buildings.)

## **1.7 Dealing with Building Owners**

The steps in the process are outlined in 1.6 above.

- 1 Before exercising its powers under section 124, the Council will seek, within a defined time-frame, to discuss options for action with owners with a view to obtaining from the owner a mutually acceptable approach for dealing with the risk, leading to receipt of a formal proposal from owners for strengthening or removal of the risk.
- 2 In the event the discussions do not yield a mutually acceptable approach and proposal, the Council will serve a formal notice on the owner to strengthen or remove the earthquake-prone risk of the building.

## **1.8 Recording a Building's EPB Status**

The Council will keep a register of all earthquake-prone buildings noting the status of requirements for improvement or the results of improvement as applicable.

In addition, the following information will be placed on the LIM for each earthquake-prone building:

- Address and legal description of land and building;
- Statement that the building is on the Council's register of earthquake-prone buildings;
- Date by which strengthening and/or removing the risk is required (if known);
- Statement that further details are available from the Council to those who can demonstrate a genuine interest in the property.

### **1.9 Economic Impact of Policy**

The policy has the economic impacts of;

- A cost met by the building consent owner for verifying or contesting Council's evaluation.
- Costs met by the building owner for strengthening work required by Council.
- Benefits to occupiers and users of buildings where risk from earthquakes are reduced.

These costs and benefits are difficult to quantify and the exercise is of limited value as in implementing this legislation parliament implicitly decided that the imposition of these costs is justified by the benefits.

### **1.10 Access to EPB Information**

Information concerning the earthquake status of a building will be contained on the relevant LIM.

In addition, the Council will keep a record of the NZSEE grade of all buildings assessed, and will encourage all owners of significant buildings to have them assessed and graded. The Council recognises the long term benefits of increased public awareness.

The Council will not require earthquake-prone buildings to have an identifying plaque. We believe that having the information available at the Council offices is sufficient notice at present.

In granting access to information concerning earthquake-prone buildings, the Council will conform to the requirements of the relevant legislation.

## **2.0 Heritage Buildings**

The Council, in the implementation of procedures under the Building Act 2004 with regard to earthquake-prone buildings, will take into account any special traditional and cultural aspects of the intended use of a building and the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value. This will be achieved by:

- Recognising the range of heritage buildings that may exist in the district, including the NZHPT Register, and any statutory protection, including any listing in the District Plan.

- Ensuring consultation with owners of heritage buildings.
- Informing and involving relevant statutory organisations, including NZHPT with regard to any heritage buildings identified as at risk.
- Considering heritage values when managing any building identified as at risk.
- Considering heritage values when developing upgrading proposals.
- Considering the heritage significance, integrity and condition of the historic heritage including any significant components or fabric and features of heritage values.

Following this consultation period, notices will be served requiring improvement or removal of earthquake-prone heritage buildings within a stated time-frame.

## **PART B - DANGEROUS AND INSANITARY BUILDINGS**

### **Background**

Section 131 of the Building Act 2004 (the Act) requires territorial authorities (TAs) to adopt a policy on dangerous buildings by 31 May 2006. The definitions of dangerous or insanitary buildings are set out in section 121(1) and 123 of the Act (and refer to 4.4 of this policy)

This document sets out the policy adopted by Timaru District Council (Council) in accordance with the requirements of the Building Act 2004.

### **3.0 Policy Approach**

#### **3.1 Policy Principles**

The Council has noted that provisions of the Act in regard to dangerous or insanitary buildings reflect the government's broader concern with public safety.

Early detection and rectification of dangerous or insanitary buildings has a strong relationship with Council's strategy for a safe district. This policy is being developed after due consultation with the district's ratepayers and stakeholders in accordance with section 83 of the Local Government Act 2002.

#### **3.2 Overall Approach**

The Timaru District is experiencing strong growth, which is placing considerable pressure on Council to ensure that all buildings are safe. Conversions of existing buildings, lack of maintenance, overcrowding and un-consented alterations can cause serious safety problems. The Council is frequently dealing with un-consented alterations and lack of maintenance which can cause serious safety problems.

The failure to obtain a building consent or the use of buildings for unauthorised purposes can pose a danger to the occupants as well as users. Dangers may include inadequate fire protection, means of escape or danger of collapse.

The Council is actively involved in educating the public on Building Act matters with a view to encourage owners to obtain building consent. The Council will follow the NZ Society of Local Government Managers Legal Guidance Documents in initiating enforcement action under the Building Act when dealing with dangerous or insanitary buildings. This is expected to provide a strong message to the public that Council is taking building safety matters seriously. Such corrective action is likely to have a deterrent effect on those building owners who fail to maintain their buildings in a safe or sanitary condition.

#### **3.3 Identifying Dangerous or Insanitary Buildings**

The Council will:

- 1 Respond when complaints or concern is received about the state of a building and the Council considers there are grounds for further investigation and assessment;
- 2 Identify from these investigations any buildings that are dangerous or insanitary;

- 3 Inform the owner and occupier of the building to take action to reduce or remove the danger or insanitary condition, as is required by s123, s124 and s125 of the Act;
- 4 Liaise with the New Zealand Fire Service when Council deems it appropriate, in accordance with s121(2) of the Act:

### 3.4 Assessment Criteria

The Council will assess dangerous or insanitary buildings in accordance with s121 or s123 of the Act:

- “(1) A building is dangerous for the purposes of this Act if,—*
- (a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause—*
    - (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or*
    - (ii) damage to other property; or*
  - (b) in the event of fire, injury or death to any persons in the building or to persons on other property is likely because of fire hazard or the occupancy of the building.*
- (2) For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority—*
- (a) may seek advice from members of the New Zealand Fire Service who have been notified to the territorial authority by the Fire Service National Commander as being competent to give advice; and*
  - (b) if the advice is sought, must have due regard to the advice.”*

*“A building is insanitary for the purposes of this Act if the building—*

- (a) is offensive or likely to be injurious to health because—*
  - (i) of how it is situated or constructed; or*
  - (ii) it is in a state of disrepair; or*
- (b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or*
- (c) does not have a supply of potable water that is adequate for its intended use; or*
- (d) does not have sanitary facilities that are adequate for its intended use.”*

### 3.5 Liaison with Building Owners and Taking Action on Dangerous or Insanitary Buildings

In accordance with s123, s124 and s125 of the Act the Council will:

- 1 Advise and liaise with the owner(s) of buildings (where the building is a heritage building listed in Council’s District Plan or building listed in the New Zealand Historic Places Register, the New Zealand Historic Places Trust shall also be advised and consulted);
- 2 May request a written report on the building from the New Zealand Fire Service;

If found to be dangerous or insanitary the Council may:

- 1 Attach written notice to the building requiring work to be carried out on the building, within a time stated in the notice being not less than 10 days, to reduce or remove the danger;

- 2 Give copies of that notice to the building owner, occupier, and every person who has an interest in the land, or is claiming an interest in the land, as well as the New Zealand Historic Places Trust, if the building is a registered heritage building;
- 3 Contact the owner at the expiry of the time period set down in the notice in order to gain access to the building to ascertain whether the notice has been complied with;
- 4 Where the danger is the result of non-consented building work the owner will formally be requested to provide an explanation as to how the work occurred and who carried it out and under whose instructions;
- 5 Pursue enforcement action under the Act if the requirements of the notice are not met within a reasonable period of time as well as any other non-compliance matters.

If the building is considered to be Immediately Dangerous the Council will:

- 1 Undertake any action to remove that danger (this may include prohibiting persons from using or occupying the building and demolition of all or part of the building); and
- 2 Undertake action to recover costs from the owner(s) when the Council carries out works to remove the danger;
- 3 The owner(s) will also be informed that the amount recoverable by the Council will become a charge on the land on which the building is situated.

All owners have a right of appeal as defined in the Act, which can include applying to the Department of Building and Housing for a determination under s177(e) of the Act.

### **3.6 Interaction Between Dangerous Building Policy and Related Sections of the Act**

#### **3.6.1 Section 41: Building Consent not required in certain cases**

In cases where a building is assessed as being immediately dangerous the Council may not require a building consent to be obtained for any building work considered to be immediately necessary to remove the danger. However, prior to any action being taken it is essential that building owners provide a written proposal of any proposed works to the Council.

### **3.7 Record Keeping**

Any buildings identified as being dangerous or insanitary will have a requisition placed on the Council's property database for the property on which the building is situated until the danger or insanitary condition is remedied.

In addition, the following information may be placed on any Land Information Memorandum (LIM):

- 1 Copies of any notices issued where a building is dangerous or insanitary and requires evacuation of the building;
- 2 Copies of any letters sent to the owner, occupier and any other person where a building is dangerous or insanitary;

- 3 Copies of any notices given under s124(1) which identifies the work to be carried out on a building and the timeframe given to reduce or remove the danger or insanitary condition.

### **3.8 Economic Impact of Policy**

Due to the low number of dangerous or insanitary buildings encountered annually by the Council the economic impact of this policy is considered to be minor.

### **3.9 Access to dangerous or Insanitary Building Information**

Information concerning dangerous or insanitary buildings will be contained on the relevant Land Information Memorandum (LIM).

In granting access to information concerning dangerous or insanitary buildings, the Council will act in accordance with the requirements of the Local Government Official Information and Meeting Act 1987 and the Local Government Act 2002.

### **4.0 Priorities**

The Council will give priority to buildings that have been determined to be immediately dangerous. Immediate action will be required in these situations to remove the danger, such as prohibiting any person from occupying or using the building. If necessary the building will be secured to prevent entry.

Buildings that are determined to be dangerous, but not immediately dangerous, will be subject to the minimum timeframes for reduction or removal of the danger (being not less than 10 days) as set out in s124(1)(c) of the Act.

### **5.0 Heritage Buildings**

The Council, in the implementation of procedures under the Building Act 2004 with regard to dangerous or insanitary buildings, will take into account any special traditional and cultural aspects of the intended use of a building and the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value. This will be achieved by:

- Recognising the range of heritage buildings that may exist in the district, including the NZHPT Register and any statutory protection including any listing in the District Plan.
- Consultation with owners and NZHPT in relation to any proposed written notice requiring work.
- Informing and involving relevant statutory organisations, including NZHPT with regard to any heritage building identified as at risk.
- Considering heritage values when developing and managing upgrading proposals.
- Consideration in respect to alternative methods to avoid unnecessary demolition for heritage buildings including:
  - Restricting public access and erecting public warning notices.
  - Providing extended timeframes for heritage buildings in relation to any written notice requiring work.
  - Ensuring that any written notice requiring work provides options to repair the building as appropriate.

The Council will serve notices requiring upgrading or removal within specified timeframes, in consultation with building owners.

# EARTHQUAKE-PRONE, DANGEROUS & INSANITARY BUILDINGS POLICY

## SUMMARY

### BACKGROUND

Timaru District Council (the Council) is required under Section 131 of the Building Act 2004 (the Act) to adopt a policy on earthquake-prone, dangerous and insanitary buildings. The following document represents a summary of the policy.

### PURPOSE OF POLICY

The purpose of the policy is to reduce the level of risk to people from buildings considered to be earthquake-prone, dangerous or insanitary.

In preparing this policy the Council has had regard to the legislative requirements and in particular the need to preserve the health and safety of the people of the district.

At the same time, the Council has also been conscious of the potential social and economic impacts of a vigorous and pro-active approach to this issue.

Therefore a passive approach has been adopted that meets the requirements of the legislation while emphasising a balance between community safety and economic welfare.

The policy must state:

- a) the enforcement approach Council will take in relation to 'at risk' buildings
- b) Council's priorities for this approach
- c) How the policy will apply to heritage buildings

### POLICY APPROACH

The key areas the policy covers are:

- How earthquake-prone, dangerous or insanitary buildings are identified and criteria for when Council will become involved
- Assessment and strengthening criteria
- How Council will take action to deal with earthquake-prone, dangerous or insanitary buildings
- Councils approach to dealing with building owners
- How earthquake-prone, dangerous or insanitary buildings will be recorded within Council systems and access to information
- Priorities for Council action
- Treatment of Heritage buildings

### Earthquake-Prone Buildings Policy - Key Points

This policy reflects the Council's role to reduce earthquake risk over time in a way that is acceptable in social and economic terms to its ratepayers. The definition of an earthquake-prone building is more extensive under the Act but does not apply to buildings used for residential purposes, unless they have 2 or more storeys and 3 or more household units.

The Council will become involved:

- i) When an application for building consent is received; or
- ii) When a change of use occurs; or

- iii) When an application for Certificate of Acceptance is received (subject to the building work having been carried out after the introduction of this policy); or
- iv) When complaints or concern is received about the state of a building and the Council considers there are grounds for further investigation and assessment.

*Taking Action:* Where the buildings potential earthquake-prone status is verified the Council will require the building owner to undertake, within fifteen years of the date of the application, the strengthening work required to remove the earthquake-prone status of the building. The Council will:

- Advise and liaise with owners of buildings identified as earthquake-prone.
- Encourage owners to carry out an independent assessment of the structural performance of those buildings identified as earthquake-prone.
- Serve formal notices on owners of earthquake-prone buildings in accordance with the Building Act 2004, requiring them to remove the risk.

*Heritage Buildings* - Heritage buildings will be assessed in the same way as other potentially earthquake-prone buildings and discussions held with owners and the Historic Places Trust to identify a mutually acceptable way forward. Special efforts will be made to meet heritage objectives.

Following this consultation period, notices will be served requiring improvement or removal of earthquake-prone heritage buildings within a stated (and preferably agreed) time-frame.

### **Dangerous and Insanitary Buildings Policy - Key Points**

The Council will:

- 1 Respond when complaints or concern is received about the state of a building and the Council considers there are grounds for further investigation and assessment;
- 2 Identify from these investigations any buildings that are dangerous or insanitary;
- 3 Inform the owner and occupier of the building to take action to reduce or remove the danger or insanitary condition
- 4 Liaise with the New Zealand Fire Service when Council deems it appropriate

*Taking Action:*

If found to be dangerous or insanitary the Council may:

- 1 Attach written notice to the building requiring work to be carried out on the building, within a time stated in the notice being not less than 10 days, to reduce or remove the danger;
- 2 Give copies of that notice to the building owner, occupier, and every person who has an interest in the land, or is claiming an interest in the land, as well as the New Zealand Historic Places Trust, if the building is a registered heritage building;
- 3 Contact the owner at the expiry of the time period set down in the notice in order to gain access to the building to ascertain whether the notice has been complied with;
- 4 Where the danger is the result of non-consented building work the owner will formally be requested to provide an explanation as to how the work occurred and who carried it out and under whose instructions;
- 5 Pursue enforcement action under the Act if the requirements of the notice are not met within a reasonable period of time as well as any other non-compliance matters.

If the building is considered to be Immediately Dangerous the Council will:

- 1 Undertake any action to remove that danger (this may include prohibiting persons from using or occupying the building and demolition of all or part of the building); and
- 2 Undertake action to recover costs from the owner(s) when the Council carries out works to remove the danger;
- 3 The owner(s) will also be informed that the amount recoverable by the Council will become a charge on the land on which the building is situated.

The Council will give priority to buildings that have been determined to be immediately dangerous.

*Heritage Buildings* - Heritage buildings will be assessed in the same manner as other potentially dangerous or insanitary buildings

## **CONSULTATION PROCESS - HOW TO HAVE YOUR SAY**

### **Copies**

The full policy can be downloaded from the TDC website ([www.timaru.govt.nz](http://www.timaru.govt.nz)) or obtained through the Council offices and service centres or by phoning Council (03 687 7200) for a copy.

### **Having Your Say**

Submissions on the policy are welcome and can be made by:

- writing a letter
- using the submission forms provided
- e-mail to [submission@timdc.govt.nz](mailto:submission@timdc.govt.nz)
- by submitting your comments through the Council's website at [www.timaru.govt.nz](http://www.timaru.govt.nz).

**Submissions open: Saturday, 12 August 2006**  
**Submissions close: Tuesday, 12 September 2006, 5pm**

You are welcome to speak in support of your submission if you wish. The submissions will be considered at a meeting during September/October, if required. **Please indicate when making your submission whether you wish to speak to it and provide contact details.**

### **Queries**

If you have questions on the policy, please contact Robert Wright, Building Advisory Services Manager. If you have any queries about the consultation process associated with the policy, please contact Mark Low.