

# Earthquake Prone Buildings

## Frequently Asked Questions

### South Taranaki District Council



**South Taranaki**  
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# Contents

<b>About the Building (Earthquake prone Buildings) Amendment Act 2016.....</b>	<b>3</b>
<b>Frequently Asked Questions .....</b>	<b>4</b>
When did the revised Earthquake Prone Buildings (EPB) legislation come into effect? .....	4
Why is the law changing? .....	4
What does earthquake prone really mean?.....	4
What seismic zone are we in? .....	5
What are the timeframes for identifying and strengthening in the medium seismic hazard zone? .....	5
What are the new EPB categories that affect us? .....	5
What is the difference between a priority building, a priority thoroughfare and a priority route? .....	6
What priority thoroughfares has the Council identified? .....	7
How do I make a submission about the proposed priority thoroughfares? .....	7
When will the Council start profiling potential EPBs? .....	7
What happens if my building is identified as a potential EPB? .....	8
What qualifications does the engineer require? .....	8
What if I've already supplied an Initial Evaluation Procedure (IEP) report under the old legislation to Council? .....	8
What if I have an IEP report but I didn't submit it to Council? .....	8
What is an ISA and a DSA? .....	9
What is NBS%? .....	9
Once I've supplied my assessment report what happens then?.....	9
Can I apply for an exemption to carry out seismic work?.....	10
How does the new law affect Heritage buildings? .....	10
If my building has been identified as an EPB do I have to display a notice?.....	10
Can I do renovations/alterations to an EPB?.....	11
Can I do the seismic work only without having to upgrade the rest of my building? .....	11
What happens if the seismic work in the EPB Notice isn't carried out within the specified timeframes? .....	11
What assistance is available to help me?.....	12
Who can I contact for more information? .....	14

# About the Building (Earthquake prone Buildings) Amendment Act 2016

*This legislation, which took effect on 1 July 2017, will ensure the way our buildings are managed for future earthquakes is consistent across the country. It will also provide more information for people using buildings, such as notices on Earthquake prone buildings and a national public register.*

The new system for managing earthquake prone buildings aims to strike a balance between protecting people from harm in an earthquake, managing the costs of strengthening or removing buildings, and any impact on heritage.

Key features of the Act include:

- Clarifying the definition of an earthquake prone building
- Establishing a national register of earthquake prone buildings
- Categorising New Zealand into three areas of high, medium and low seismic risk
- Defining a new category of 'priority buildings' in high and medium seismic areas and include accelerated identification and remediation timeframes
- Providing for an opt-in extension of time to remediate our most important heritage buildings
- Providing for an opt-in exemption from the requirement to remediate for some buildings.

# Frequently Asked Questions

## **When did the revised Earthquake Prone Buildings (EPB) legislation come into effect?**

The new law came into effect on 1 July 2017 with an amendment to the Building Act 2004.

## **Why is the law changing?**

It will ensure the way our buildings are managed for future earthquakes, is consistent across the country, and provides more information for people using buildings, such as notices on earthquake prone buildings and a public register.

The new law focuses on the most vulnerable buildings and their risk to public safety. The changes are designed to manage and reduce the risk to people: either building occupants or passers-by.

Read more information about managing earthquake-prone buildings on the Ministry for Business, Innovation and Employment (MBIE) website.

<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/>

## **What does earthquake prone really mean?**

A building, or part of a building, is earthquake prone if it will have its ultimate capacity exceeded in a moderate earthquake and if it were to collapse, would do so in a way that is likely to cause injury or death to persons in or near the building or on any other property, or damage to any other property.

Territorial authorities determine if a building or part of a building is earthquake prone using the EPB methodology, a document which sets out how territorial authorities identify potentially earthquake prone buildings, how engineers undertake engineering assessments, and how territorial authorities determine whether a building or part is earthquake prone, and if it is, its earthquake rating.

The methodology to identify earthquake prone buildings has more information and is available on the MBIE website.

## What seismic zone are we in?

New Zealand is divided into three seismic areas based on seismic hazard factors. The South Taranaki District is within the Medium seismic hazard zone.



Seismic hazard area	Z factor	Examples
High	$Z \geq 0.3$	Christchurch, Gisborne, Napier, Wellington
Medium	$0.15 \leq Z < 0.3$	Hamilton, Invercargill, Tauranga, Whanganui
Low	$Z < 0.15$	Auckland, Oamaru, Dunedin

## What are the timeframes for identifying and strengthening in the medium seismic hazard zone?

Seismic hazard area	TAs to identify potentially EQP within:		Owners to strengthen/ demolish EQP within:	
	Priority	Other	Priority	Other
High	2 ½ years	5 years	7 ½ years	15 years
Medium	5 years	10 years	12 ½ years	25 years
Low	n/a	15 years	n/a	35 years

## What are the new EPB categories that affect us?

The following profile categories apply to the South Taranaki District:

High seismic risk areas and medium seismic risk areas

Category A	Unreinforced masonry buildings (URM)
Category B	Pre-1976 buildings that are either three or more storeys or 12 metres or greater in height above the lowest ground level (other than unreinforced masonry buildings in Category A)
Category C	Pre-1935 buildings that are one or two storeys (other than unreinforced masonry buildings in Category A)

## **What is the difference between a priority building, a priority thoroughfare and a priority route?**

Priority buildings are certain types of buildings in high and medium seismic risk areas that are located within priority thoroughfares that are considered to present a higher risk because of their construction, type, use or location.

Schools, hospitals and emergency response buildings are already identified in the legislation as 'priority buildings'. The Council is not required to consult on these buildings.

Other buildings or parts of buildings that could be considered priority buildings include;

- Unreinforced masonry (URM) buildings<sup>1</sup>, or parts of a URM, that could fall in an earthquake onto thoroughfares with sufficient vehicular or pedestrian traffic. This can include parapets, verandas, balconies and decorative ornaments attached to the façade.
- Buildings that could impede transport routes of strategic importance (in terms of emergency response) if they were to collapse in an earthquake.

A priority thoroughfare is deemed to be an area with high pedestrian and vehicle movements.

Priority buildings need to be identified and remediated within half the time allowed for other buildings in the same seismic risk areas.

A Priority route is one that is deemed to be one of strategic importance which if impeded may lead to an inability to provide an emergency response. The Council has not identified any routes of strategic importance, as there are alternative routes for emergency services. The Council is also consulting about these routes.

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<sup>1</sup> A URM building is constructed of masonry (brick, block or stone) that does not contain steel, timber or fibre reinforcement.

## **What priority thoroughfares has the Council identified?**

The Council has identified the Hāwera Town Centre and the Eltham and Ōpūnake Mixed Use Zones, as identified in the District Planning Maps, as priority thoroughfares. The Council considers these areas have sufficiently high pedestrian and high vehicular traffic than other areas of the District because this is where the highest numbers of people go to shop and do business and therefore they warrant prioritisation.

## **How do I make a submission about the proposed priority thoroughfares?**

The public submission process for priority thoroughfares and priority routes runs from **23 August** to **24 September 2018**. Submissions can be made online

<https://www.southtaranaki.com/Council/Consultation/Earthquake-prone-Buildings-Policy/>

or the forms are available in hardcopy from any LibraryPlus or the Hāwera Administration Building.

The Council will hear those submitters who wish to speak to their submission on Monday, 8 October 2018 at the Council Chamber in Albion Street, Hāwera and will deliberate on the submissions on Monday, 29 October 2018.

## **When will the Council start profiling potential EPBs?**

The Council's Building Control Officers will begin using the EPB Methodology to identify URM buildings, or parts of a URM such as parapets or verandas, in priority areas, once the Council has identified these areas. While the Council must do this within five years, i.e. by 1 July 2022, it is expecting to identify priority buildings by mid 2019.

The Council's Building Control Officers can identify a potential EPB at any time but must identify all EPBs by 1 July 2027, and will be expecting to identify all EPBs in the District well within this timeframe.

The Council must report to the Chief Executive of MBIE every two years to supply updates on progress for both identifying and the remediation of EPBs. The Council's first report is due by 1 July 2019.

## **What happens if my building is identified as a potential EPB?**

If the Council has identified the building, or part of the building, as a potential EPB we will advise you of the decision. You'll then need to contact your engineer and organise either an Initial Seismic Assessment (ISA) or Detailed Seismic Assessment (DSA) to meet the new EPB Methodology.

You'll have 12 months from when Council contacted you to supply this report. You can apply to the Council for an extension of this 12-month timeframe but you must do this no later than two months before the original timeframe due date.

## **What qualifications does the engineer require?**

An engineering assessment must be overseen and signed off by an engineer with relevant skills and experience in structural and earthquake engineering, and assessments of existing buildings. At a minimum, the engineer that oversees and signs off an engineering assessment must be a structural engineer who is chartered under the Chartered Professional Engineers of New Zealand Act 2002. Engineers undertaking an engineering assessment will need to be able to interpret and apply the requirements and technical methods set out in the Engineering Assessment Guidelines

## **What if I've already supplied an Initial Evaluation Procedure (IEP) report under the old legislation to Council?**

The Council will review the existing IEP reports it has on file and make a decision on their status as per the new EPB methodology.

## **What if I have an IEP report but I didn't submit it to Council?**

You'll need to contact the Council to ascertain if your building meets any of the new categories for EPBs. If the building meets the EPB category criteria you can supply the Council with your IEP report. The Council will moderate this report against the EPB Methodology and make a decision around suitability.

The Council will advise you of the decision and will accept the report or you'll need to contact your engineer and organise either an ISA or DSA to meet the new EPB Methodology.



## **What is an ISA and a DSA?**

An ISA is an Initial Seismic Assessment which is the first step of a Detailed Seismic Assessment and is produced by an engineer. This can be submitted to the Council as evidence of a building's new building standard (NBS)%.

A DSA is a Detailed Seismic Assessment and is a comprehensive seismic report supplied by an engineer. This can be submitted to Council as evidence of a building's NBS%.

## **What is NBS%?**

A rating given to a building expressed as a percent of New Building Standard achieved. This is based on an assessment of the expected seismic performance of an existing building relative to the minimum required under the Building Code to a new building on the same site with respect to life safety.

## **Once I've supplied my assessment report what happens then?**

The Council will assess the report and either request further information or accept the findings and document its decision.

The Council must "promptly" issue an EPB Notice when a building or part of a building has been identified as earthquake-prone. The EPB Notice must be in the prescribed form, dated, identified if whole or part of building is an EPB, specify if it is a priority building, and specify the NBS% and the timeframes for remediation.

Once the appropriate decisions have been made and recorded of a building or part of a building's status then the Council will update the property file and this information will be included in any Land Information Memorandum (LIM). The National Register will be updated with this information.

A priority building must be strengthened or demolished within 12.5 years and other EPB buildings within 25 years.

If the report confirms that the building or parts of the building are not considered earthquake-prone then the building owner will be advised accordingly and this information will be stored on the property file.

## **Can I apply for an exemption to carry out seismic work?**

Yes you can, however you can only apply for an exemption once the Council has issued the EPB Notice.

The Council must consider all the building characteristics required by regulation before granting an exemption. This includes the likely consequences of building failure for life safety and damage to other property, and current and expected use. Priority buildings are unlikely to be granted an exemption.

The Council can prescribe a fee for this service.

## **How does the new law affect Heritage buildings?**

A building owner of a Category 1 Heritage New Zealand listed building may apply for an extension of time to carry out seismic work.

An application can only be made once a building has been identified as an EPB and an EPB Notice has been issued. The application for an extension must be in writing.

There is the potential for the Council to grant a 10-year extension if the Heritage New Zealand criteria are met.

The Council can prescribe a fee for this service.

## **If my building has been identified as an EPB do I have to display a notice?**

There are two categories of ratings for earthquake prone buildings prescribed in the regulations. These categories determine which form of EPB notice is issued by Council:

0% to less than 20%

20% to less than 34%

Once the Council issues and attaches the appropriate EPB Notice, it must be displayed in a prominent place on or adjacent to the building.

If an EPB Notice ceases to be attached to the building or an EPB Notice becomes illegible, the building owner must contact the Council and advise of the circumstance.

The Council will then issue a new EPB Notice.

The Council can issue a \$1,000 infringement fee or on conviction, a fine of \$20,000, if a building owner fails to comply with the requirement to attach an EPB notice or exemption notice, or failing to notify the territorial authority when a notice becomes illegible.

### **Can I do renovations/alterations to an EPB?**

Yes you can however once an EPB Notice has been issued to a building any substantial alterations will trigger the requirement to carry out seismic work before the EPB Notice deadline.

When the Council receives a building consent for work on a building which has been identified as earthquake prone, it must consider the substantial alteration criteria of the EPB Methodology (25% of the capital value of the building measured against the estimated value of the building work over a 2- year period).

A building consent is processed as per standard s112 requirements and must address;

Means of escape from fire;

Access and facilities for people with disabilities.

If the building work triggers a Change of Use then there is a requirement that the building will be upgraded to meet all parts of the current building code as near as reasonably practicable.

### **Can I do the seismic work only without having to upgrade the rest of my building?**

A building owner can undertake seismic work only on a building or part of a building which has an EPB Notice without having to address:

Means of escape from fire;

Access and facilities for people with disabilities.

A building consent is required and must clearly outline the scope of work.

### **What happens if the seismic work in the EPB Notice isn't carried out within the specified timeframes?**

Building owners who fail to complete seismic work within the specified time frame on an EPB Notice can be either issued an

infringement notice for \$1,000 or a fine up to \$200,000, if convicted.

The Council may carry out any seismic work if the requirements of an EPB Notice are not completed by the deadline applied to that particular building or part of building.

The Council can apply to the District Court authorising the Council to carry out seismic work. Costs can be passed to the building owner.

The seismic work can also include the demolition of the building or parts of the building.

### **What assistance is available to help me?**

#### **South Taranaki District Council – Assistance Package**

The Council can provide assistance up to a maximum of \$6,000 towards the costs of strengthening or redeveloping commercial property sites that are identified as earthquake-prone:

Resource consents	up to \$500
Building consents	up to \$500
Consultants	up to \$500
Heritage Assessments	up to \$500
Rates Relief	\$3,000 over 3 years
Demolition material disposal costs	\$1,000

Eligibility criteria applies:

- Must be within one of town centres
- Must be commercial and/or have a heritage value (listed in Schedule 1A of District Plan).

If located in Hāwera CBD must be compatible with the Hāwera Town Centre Strategy and Development Plan.

#### **Heritage New Zealand – Pouhere Taonga**

Heritage Equip – Earthquake upgrade incentive programme for Category 1 and 2 buildings on NZ Heritage List.

Two types of grants for retrofit and major works up to 50% of

seismic strengthening costs. No limit to grants for major works. Retrofit has limit of \$25,000.

The Chief Executive of the Ministry for Culture and Heritage makes grant decisions based on expert advisory panel recommendations.

<https://heritageequip.govt.nz/funding-your-project/heritage-equip-funding/criteria-for-funding>

Eligibility criteria applies:

- Must be privately owned building
- Must be defined as earthquake prone under Building Act 2004
- Must have heritage value
- Must strengthen building to at least 34% new building standard
- Must have Council consents and permissions in place including resource and building consent
- Not fund work already started
- Must start work within 12 months of accepting a grant and be completed within two years.

### **Heritage New Zealand – National Heritage Preservation Incentive Fund**

This fund provides funding to encourage the conservation of nationally significant heritage places. Will fund up to 50% of cost of conservation however, grants are not normally greater than \$100,000.

<http://www.heritage.org.nz/protecting-heritage/national-heritage-preservation-incentive-fund>

Eligibility criteria applies:

- Must be privately owned building
- Must be on the New Zealand Heritage List

# Who can I contact for more information?

South Taranaki District Council

Building Manager - Lindsey MacPhail

Policy and Governance Manager – Coral Hair

Phone: (06) 278 0555 or 0800 111 323

Managing earthquake prone buildings -

[www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings](http://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings)

Register of earthquake prone buildings

[www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/epb-register](http://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/epb-register)

Heritage NZ

[www.heritage.org.nz](http://www.heritage.org.nz)