

Earthquake Prone Buildings

Frequently Asked Questions



WHANGANUI
DISTRICT COUNCIL
Te Kaunihera a Rohe o Whanganui

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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 provide more information for people using buildings, such as notices on earthquake-prone buildings and a public register.

Read more information about managing earthquake-prone buildings on MBIE's Building Performance website.

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.

What seismic zone are we in?

The Whanganui District is within the Medium seismic zone.

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

The timeframes for the medium seismic zone are;

		Territorial authorities must identify potentially earthquake-prone buildings by;	Owners of earthquake-prone buildings must carry out seismic work within (timeframes are from issue of an EPB Notice)	
SEISMIC AREA	PRIORITY	OTHER	PRIORITY	OTHER
MEDIUM	1 July 2022	1 July 2027	12.5 years	25 years

What are the new EPB categories that affect us?

The following profile categories apply to the Whanganui District:

High seismic risk areas and medium seismic risk areas	
Category A	Unreinforced masonry buildings
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 considered to present a higher risk because of their construction, type, use or location. They need to be identified and remediated within half the time allowed for other buildings in the same seismic risk areas. The Building Act s133AE also prescribes specific buildings as a priority building and they include;

- Hospital buildings that are likely to be needed to provide emergency medical and ancillary services in an emergency
- Buildings that are likely to be needed as an emergency shelter or an emergency centre in an emergency; or that enable

emergency response services to carry out their jobs in an emergency;

- Buildings that are used for education purposes that are regularly occupied by at least 20 people.

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

- Parts of unreinforced masonry (URM) buildings 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. The community will be consulted to identify these thoroughfares. Once the thoroughfares have been identified Council will then identify the priority buildings affected.

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 may choose not to identify routes of strategic importance if there are alternative routes for emergency services.

When will the Council start profiling potential EPB's?

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

Once the new record keeping systems (national and local) are in place Council officers will begin the process of profiling potential EPB's in 2018. The public submission process for priority thoroughfares and priority routes may impact upon timeframes.

Council will advise the public accordingly when officers begin the EPB profiling project

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

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

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 Council as evidence of a buildings 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 buildings 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.

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

If the Council has identified 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 ISA or 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 2 months before the original timeframe due date.

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

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 must also update the National Register.

If the reports confirm 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 Council has issued the EPB Notice.

The Council can prescribe a fee for this service.

How does the new law affect Heritage buildings?

A building owner of a Category 1 or 2 Heritage NZ 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 Council to grant a 10-year extension if the Heritage NZ criteria is 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 be 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.

Who can I contact for more information?

Managing earthquake prone buildings

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

Heritage NZ

www.heritage.org.nz



**WHANGANUI
DISTRICT COUNCIL**
Te Kaunihera a Rohe o Whanganui

Whanganui District Council
101 Guyton Street
PO Box 637
Whanganui 4500

☎ 06 349 0001
🖨 06 349 0000
✉ wdc@whanganui.govt.nz
🌐 www.whanganui.govt.nz

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