

WAITAKERE CITY COUNCIL

SUMMARY OF INFORMATION

DRAFT EARTHQUAKE-PRONE, DANGEROUS AND INSANITARY BUILDINGS POLICY 2006-2011

INTRODUCTION

1. Section 131 of the Building Act 2004 ("the Act") requires all territorial authorities ("TAs") to adopt a policy on earthquake-prone, dangerous, and insanitary buildings by 31 May 2006. This policy must be adopted in accordance with section 83 and 89 of the Local Government Act 2002. Section 83 sets out the special consultative procedure, particularly the requirement as to the preparation of a Statement of Proposal, and section 89 sets out the requirements for a Summary of Information, both of which are prepared for the purposes of public consultation.
2. For a Statement of Proposal, which includes a copy of the draft policy, together with a submission form, please visit Waitakere City Council's Counter Services at the Civic Centre, 6 Waipareira Avenue, Henderson, phone the Call Centre on 839-0400, visit the website: <http://www.waitakere.govt.nz/HavSay/index.asp> or e-mail info@waitakere.govt.nz. This information will be available on the website after 11 October 2005.
3. Submissions on the draft policy should be made by sending a completed submission form (attached to the Statement of Proposal) before the deadline of 4.00pm on 14 November 2005 to Waitakere City Council, Private Bag 93109, Henderson (or fax: 836-8001) or email info@waitakere.govt.nz. If requested in writing, oral submissions can be made at hearings scheduled for Council's Planning & Regulatory Committee from 1pm on 22 November and from 9.30am on 23 November 2005. Recommendations will be presented to a subsequent Council meeting and a public notice placed in the newspaper.

DRAFT POLICY

4. There is no existing Earthquake-prone, Dangerous and Insanitary Buildings Policy ("the policy"). It is a requirement of section 131 of the Act. In accordance with section 132 of the act, this policy must be adopted and the reviewed within five years so as to ensure that it remains relevant and appropriate for Waitakere City.
5. The policy states the Council's approach in performing its functions in relation to those buildings; the priorities to be observed in performing those functions; and how the policy applies to heritage buildings.
6. Waitakere City is committed to ensuring that the city is a safe place to live and work. Managing earthquake-prone, dangerous and insanitary building issues have a strong relationship with the council's strategic priorities of a safe city and first call for children.

7. Pursuant to section 124(4) of the Act, every person who is given a written notice under section 124(1)(c) of the Act and fails to comply with it commits an offence and is liable on summary conviction to a fine not exceeding \$200,000.

WAITAKERE CITY COUNCIL
STATEMENT OF PROPOSAL
DRAFT EARTHQUAKE-PRONE, DANGEROUS AND INSANITARY BUILDINGS
POLICY 2006-2011

INTRODUCTION

1. Section 131 of the Building Act 2004 ("the Act") requires all territorial authorities ("TAs") to adopt a policy on earthquake-prone, dangerous, and insanitary buildings by 31 May 2006. This policy must be adopted in accordance with section 83 and 89 of the Local Government Act 2002. Section 83 sets out the special consultative procedure, particularly the requirement as to the preparation of a Statement of Proposal, and section 89 sets out the requirements for a Summary of Information, both of which are prepared for the purposes of public consultation.
2. For a Statement of Proposal, which includes a copy of the draft policy, together with a submission form, please visit Waitakere City Council's Counter Services at the Civic Centre, 6 Waipareira Avenue, Henderson, phone the Call Centre on 839-0400, visit the website: <http://www.waitakere.govt.nz/HavSay/index.asp> or e-mail info@waitakere.govt.nz . This information will be available on the website after 11 October 2005.
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BACKGROUND INFORMATION

4. There is no existing Earthquake-prone, Dangerous and Insanitary Buildings Policy ("the policy"). It is a requirement of section 131 of the Act. In accordance with section 132 of the act, this policy must be adopted and reviewed within five years so as to ensure that it remains relevant and appropriate for Waitakere City.
5. The policy states the Council's approach in performing its functions in relation to those buildings; the priorities to be observed in performing those functions; and how the policy applies to heritage buildings.
6. To meet Waitakere City's commitment to ensuring that the city is a safe place to live and work, three separate policies have been formulated to incorporate the requirements above. Managing earthquake-prone, dangerous and insanitary building issues have a strong relationship with the council's strategic priorities of a safe city and first call for children.

THE ISSUES

7. While Council may adopt a policy on earthquake-prone buildings that is either active or passive it is considered that a mixture of both active and passive will provide a responsible approach to dealing with earthquake-prone buildings in Waitakere City.
8. In relation to dangerous and insanitary building policy the similarities between the Building Act 1991 and the Building Act 2004 enable Council to adopt a policy that formalises the current approach taken in dealing with dangerous and insanitary buildings in Waitakere City.
9. This policy will ensure the City's strong growth, which is placing considerable pressure on the availability of both privately owned and rental accommodation, can be managed in a manner that protects the health and safety of the City's residents. This is an important issue as the growing demand for housing in the City has resulted in an identifiable trend of garages, basements and sleep outs being illegally converted into minor household units that are then rented out. Lacking any consent, these conversions are often not undertaken in accordance with the building code. This may cause problems in terms of the danger posed for people living in these spaces by inappropriate construction methods or materials.
10. The Council's is actively involved in educating the public on the need to discuss their development plans with Council and to obtain building consent where Council deems that is necessary prior to any works commencing. This is particularly important in order to avoid creating insanitary conditions that could be injurious to the health of occupants, particularly children and the elderly. The Council must send a strong message to the public that Council places paramount importance on the safety of residents in the community. This policy aims to communicate this message.
11. The measures in the legislation recognise the need for a consistent, transparent and accountable approach to the implementation of the provisions in order to protect both building owners and users. Accordingly Council is required to follow the consultative procedure set out in section 83 of the Local Government Act 2002.

THE DRAFT POLICY

12. The draft policy sets out Waitakere City Council's approach to performing its functions in relation to earthquake-prone, dangerous and insanitary buildings in accordance with section 131 of the Act. A summary of the policy in respect of each of these types of buildings is set out as follows:

(a) **Earthquake-prone Buildings**

A building is considered to be *earthquake-prone* where 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*; and
- (b) Would be likely to collapse causing:
 - i. Injury or death to persons in the building or to persons in adjacent buildings; or
 - ii. Damage to property

A *moderate earthquake* is considered to be 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.

Generally this policy will not extend to one storey buildings that are mainly used for residential purposes that are comprised of one floor.

In accordance with the Act, Council will:

- Determine and compile a list of buildings that are earthquake-prone in terms of the Act;
- Advise owners of these buildings of the results of Council's broad assessment and invite them, within a limited time-frame, to contact Council to obtain further details on future requirements;
- Give written notices to all owners of buildings assessed as earthquake-prone once the deadline for contacting Council has passed and, subject to the results of discussions, to carry out work to reduce or remove the danger or demolish the building within a specified time-frame;
- Allow owners a right of appeal as defined in the Act, which can include applying for a determination under s177

When taking action on earthquake-prone buildings Council will:

- Advise and liaise with owners of buildings identified as earthquake-prone;
- Encourage owners to carry out 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 Act, requiring them to remove the danger;
- Give copies of the notice to the 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 heritage building
- Allow owners to appeal against the classification within 12 months of receipt of notice.

All owners have a right of appeal against a decision of Council in relation to earthquake-prone buildings, which can include applying to the Department of Building and Housing for a determination under s 177(e) of the Act.

(b) **Dangerous Buildings**

The definition of a *dangerous building* is set out in section 121 (1) of the Act:

"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 person in the building or to persons on other property is likely because of fire hazard or the occupancy of the building."

In identifying dangerous buildings the Council will:

- Respond to and investigate all building complaints received;
- Identify from these investigations any buildings that are dangerous;
- Inform the owner and occupier of the building to take action to reduce or remove the danger, as is required by sections 124 and 125 of the Act;
- Liaise with the New Zealand Fire Service when Council deems it is appropriate, in accordance with s121 (2) of the Act.

When taking action on dangerous buildings Council will:

- Advise and liaise with the owner(s) of buildings;
- May request a written report on the building from the New Zealand Fire Service;
- If found to be dangerous:
 - 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;
 - Give copies of the 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 heritage building;
- 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;
- 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;
- Determine if enforcement action under the Act is appropriate 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:

- Cause any action to be taken to remove that danger (this may include prohibiting persons using or occupying the building and demolition of all or part of the building); and
- Take action to recover costs from the owner if the Council must undertake works to remove the danger.
- Inform the owner(s) that the amount recoverable by Waitakere City Council will become a charge on the land on which the building is situated.

All owners have a right of appeal against a Council decision in relation to dangerous buildings, which can include applying to the Department of Building and Housing for a determination under s 177(e) of the Act.

(c) **Insanitary Buildings**

Council will assess insanitary buildings in accordance with s 123 of the Act and established case-law as well as the building code. Considerations as to insanitary assessment where a building is occupied may include:

- Adequate sanitary facilities for the use;
- Adequate drinking water;
- Separation of use for kitchen and other sanitary facilities;
- Likelihood of moisture penetration;
- Construction materials;
- Defects in roof and walls;
- The degree to which the building is offensive to adjacent and nearby properties.

When taking action on insanitary buildings the Council will:

- Advise and liaise with the owner(s) of the buildings identified as being insanitary;
- Where the building is found to be insanitary:
 - Attach written notice to the building requiring work to be carried out on the building, with a time stated on the notice that is not less than 10 working days, to prevent the building from remaining insanitary;
 - Give copies of the 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 heritage building.
- Where the insanitary conditions are the result of non consented work the owner will be formally requested to provide an explanation as to how the work occurred and who carried it out.
- Contact the owner at the end of 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.
- Determine if enforcement action should be pursued under the Act if the requirements of the notice are not met within a reasonable period of time

If it is considered that immediate action is required to fix insanitary conditions the Council will:

- Cause any action to be taken to fix those insanitary conditions; and
- Take action to recover costs from the owner if the Council must undertake works to remove the insanitary conditions;
- Inform the owner(s) 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 against a Council decision relation to insanitary buildings, which can include applying to the Department of Building and Housing for a determination under s 177(e) of the Act.

13. Pursuant to section 124(4) of the Act, every person who is given a written notice under section 124(1)(c) of the Act and fails to comply with it commits an offence and is liable on summary conviction to a fine not exceeding \$200,000.



SUBMISSION FORM

DRAFT EARTHQUAKE-PRONE, DANGEROUS AND INSANITARY BUILDINGS POLICY 2006-2011

Office Use Only

Submission No:

Date Received:

File No:

To: Waitakere City Council, Private Bag 93-109 Henderson, Waitakere City
Fax : (09) 836-8001 Email : info@waitakere.govt.nz

Any Submissions must be received by the deadline of 4pm Monday 14 November 2005

SUBMITTER DETAILS

Name:	_____
Address:	_____
Address For Notices: (if different from above)	_____
Phone:	Business _____ Home _____ Fax _____

SUBMISSION DETAILS

1. I / We support or oppose (tick one box only)

the DRAFT Earthquake-prone, Dangerous and Insanitary buildings Policy 2006-2011

2. The particular part(s) of the policy which I support or oppose are:
(clearly indicate part(s) of the policy you support or oppose, or which you desire to have amendments made)

AR

(continue on a separate sheet if necessary)

3. The reasons for making my submission in support or opposition are:
(state in summary the nature of your submission giving clear reasons)

(continue on a separate sheet if necessary)

4. I / We seek the following decision from Council:
(give details, including the nature of any amendments sought to the policy)

(continue on a separate sheet if necessary)

5. I wish to be heard by Council's Planning & Regulatory Committee who will consider any oral submissions at hearings scheduled for 9.30am 22 November, and 1pm 23 November 2005.

(After the Planning and Regulatory Committee has adopted the Earthquake-prone, Dangerous and Insanitary buildings Policy 2006-2011 a public notice will be placed in the local newspapers.)

(Approximately 10 minutes will be allowed for any oral submission, any extension to this time will be at the discretion of the Chairperson)

Yes No

6. If others made a similar submission, I would be prepared to consider being heard jointly with them

Yes No

7. I have attached separate sheets / additional information

Yes No

Signed _____ Date _____
(Your name)

AA

Completion Instructions

Submissions must be received by the deadline of 4pm Monday 14 November 2005

By Post : Waitakere City Council, Private Bag 93-109 Henderson By Fax : (09) 836-8001

By Email : info@waitakere.govt.nz

DRAFT

EARTHQUAKE-PRONE, DANGEROUS AND INSANITARY

BUILDINGS POLICY 2006-2011

All

WAITAKERE CITY COUNCIL – EARTHQUAKE-PRONE BUILDINGS

1 Policy approach

1.1 Policy principles

1.2 Overall approach

1.3 Identifying EPBs

1.4 Assessment criteria

1.5 Taking action on earthquake-prone buildings

1.6 Interaction between EPB policy and related sections of the Building Act 2004

1.7 Recording a building's EPB status

1.8 Economic impact of policy

1.9 Access to EPB information

2 Priorities

3 Heritage buildings

3.1 Special considerations and constraints

EARTHQUAKE- PRONE BUILDINGS 2006

Introduction and background

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

“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 that required by the Building Act 1991.

This document sets out the policy adopted by Waitakere City Council in accordance with the requirements of the Building Act 2004.

The policy is required to state:

- The approach that the Waitakere City Council will take in performing its functions under the Building Act 2004.
- Waitakere City Council's priorities in performing those functions.
- How the policy will apply to heritage buildings.

In developing and adopting its earthquake-prone buildings policy, Waitakere City Council has followed the consultative procedure set out in section 83 of the Local Government Act 2002.

POLICY IN REGARDS TO EARTHQUAKE- PRONE BUILDINGS 2006

1 Policy approach

1.1 Policy principles

Waitakere City 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 the event of an earthquake. Waitakere City Council is committed to ensuring that Waitakere City is a safe place to live and work in. The earthquake-prone building issues have a strong relationship with Council's strategic priority for a safe city. Waitakere City Council has also noted that the development of earthquake-prone building policies is up to each Territorial Authority and has responded accordingly. This policy has been developed after due consultation with Waitakere City Council ratepayers and stakeholders in accordance with section 83 of the Local Government Act 2002.

1.2 Overall approach

Waitakere City is in a zone of relatively low seismic activity (appendix A1) and its buildings comprise a range of types and ages reflecting steady development over the last 100 years from wood, unreinforced masonry and brick buildings to modern multi-storey steel and concrete buildings. Waitakere City Council has not actively pursued a policy of identifying and strengthening earthquake-prone buildings in the past. In isolated cases property owners have acted on their own accord and have carried out strengthening work e.g. The Playhouse Theatre.

Waitakere City Council's earthquake-prone building policy under the Building Act 2004 embodies both an active and passive approach that reflects Council's determination to reduce earthquake risk over time but in a way that is acceptable in social and economic terms to its ratepayers.

Waitakere City Council will both actively and passively review its building stock, based on priorities, to identify buildings that fall within the scope of potential earthquake-prone buildings under the Building Act 2004 and assess broadly the performance of those buildings in relation to the new building Standard, in particular, to the standard defined for earthquake-prone buildings. This broad assessment will be done at the Council's cost. Council will:

- Determine and compile from this broad assessment a list of buildings that are earthquake-prone in terms of the Building Act 2004.
- Advise owners of these buildings of the results of Council's broad assessment and invite them, within a limited time-frame, to contact Council to obtain further details on future requirements.
- Give written notices to all owners of buildings assessed as earthquake-prone once the deadline for contacting Council has passed and, subject to the results of discussions, to carry out work to reduce or remove the danger or demolish the building within a specified time-frame.
- Allow owners a right of appeal as defined in the Building Act 2004, which can include applying to the Department of Building and Housing for a determination under section 177.

1.3 Identifying earthquake-prone buildings

Waitakere City Council will:

- Undertake an initial desktop review of Council's files and information to access which buildings could be earthquake-prone.
- Follow this with a brief visual inspection of each building, where necessary.

- Carry out initial evaluation of performance in earthquake based on information obtained by using the New Zealand Society of Earthquake Engineering (NZSEE) Initial Evaluation Method process.
- Require building owners to do a detailed assessment on buildings identified as earthquake-prone in the initial evaluation, unless otherwise agreed in discussion following the initial evaluation.
- Assemble a list of earthquake-prone buildings according to the results of the assessments.
- Categorise the earthquake-prone buildings according to the following.
 - A. Buildings with special post-disaster functions as defined in AS/NZS 1170.0: 2002, Importance Level 4. (Appendix A3)
 - B. 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. (Appendix A3)
 - C. Heritage buildings identified on Council's register.
 - D. Buildings with an Importance Level less than 3 as defined in AS/NZS 1170.0:2002. (Appendix A3)
- Continuously evaluate and assess the structural performance of buildings in all categories that were not identified in the initial review in a reactive manner. Such evaluations being triggered by an application under the Building Act for building alterations, change of use, extension of life, subdivision or requests by concerned citizens.

1.4 Assessment criteria

For practical purposes, Waitakere City 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. Waitakere City Council will use the New Zealand Society for Earthquake Engineering (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.

1.5 Taking action on earthquake-prone buildings

Before exercising its powers under section 124 and 125 (below), 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 danger, leading to receipt of a formal proposal from owners for strengthening or removal.

In the event that discussions do not yield a mutually acceptable approach and proposal, the Council will serve a formal notice on the owner to strengthen or demolish the building. In accordance with s124 and s125 of the Act the Council will:

- Advise and liaise with the owner(s) of buildings;
- If found to be earthquake-prone:
 - May 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;
 - Give copies of the 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 heritage building;
- 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;
- 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.

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 s 177(e) of the Act.

1.5.1 Required level of structural improvement

Waitakere City Council will require buildings identified as earthquake prone to be strengthened to at least 67 percent of the new building standard. In accordance with the recommendations of the New Zealand Society for Earthquake Engineers Waitakere City Council considers this to be an appropriate level for the requirement to reduce or remove the danger.

1.6 Interaction between earthquake-prone building policy and related sections of the Building Act 2004

1.6.1 Section 112: Alterations to existing building.

Whenever a building consent application is received for significant upgrading or alteration of a building that is or could be earthquake-prone, then, irrespective of the general priorities set by Waitakere City Council for dealing with earthquake-prone buildings, the Council will not issue a building consent unless it is satisfied that the building is not earthquake-prone and that the building work will not detrimentally affect the building's compliance with the Building Code.

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 the provisions of the Building Code.

1.6.2 Section 115: Change of use

Whenever a building consent application or formal notification is received for change of use of a building that is or could be earthquake-prone, then, irrespective of the general priorities set by Waitakere City Council for dealing with earthquake-prone buildings, it will be a requirement of the owner to 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 Recording a building's earthquake-prone status

Waitakere City Council will keep a record of all earthquake-prone buildings on its hazard register 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 or demolition required, (if known).
- Statement that further details are available from the Council to those who can demonstrate a genuine interest in the property.

1.8 Economic impact of policy

The economic impact of the earthquake prone building policy can only be assessed after the initial building evaluation phase has been completed and the scale and extent of the required strengthening work identified. A separate report on the economic impact of the policy will be made to the Planning and Regulatory Committee who will review the timing of the draft implementation programme (Appendix A4) to ensure that a balance is struck between the need to address earthquake risk while taking into account the social and economic implications of implementing the policy.

1.9 Access to earthquake-prone building information

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

In addition, 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. Council recognises the long-term benefits of increased public awareness.

Waitakere City 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, Council will conform to the requirements of the relevant legislation.

2 Priorities

Waitakere City Council has prioritised both the identification and the requirement to strengthen or demolish buildings as follows.

Figures in brackets indicate the latest date for identification and notification and the maximum time for strengthening or demolition respectively. Times required for strengthening or demolition commence on the date of issue of formal notice. Specific times will be assigned for action according to the assessment of structural performance and the nature of the concerns. The order will be as indicated below.

- A. Buildings with special post-disaster functions as defined in AS/NZS 1170.0: 2002, Importance Level 4 (December 2008, 1 year).
- B. 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 (December 2009, 2 years).
- C. Heritage buildings recorded in Council's District Plan (December 2010, 2 years).
- D. Buildings with an Importance Level of less than 3 as defined in AS/NZS 1170.0: 2002 and identified as being earthquake-prone (December 2011, 3 years).

Once each category has been reviewed and the earthquake-prone buildings within it identified, the process of liaising with owners and serving notice on them will commence. Identification of buildings in each category will proceed according to the priorities identified above. The overall approach and timetable is summarised in the accompanying Draft Implementation Programme. (Appendix A4)

3 Heritage buildings

3.1 Special considerations and constraints

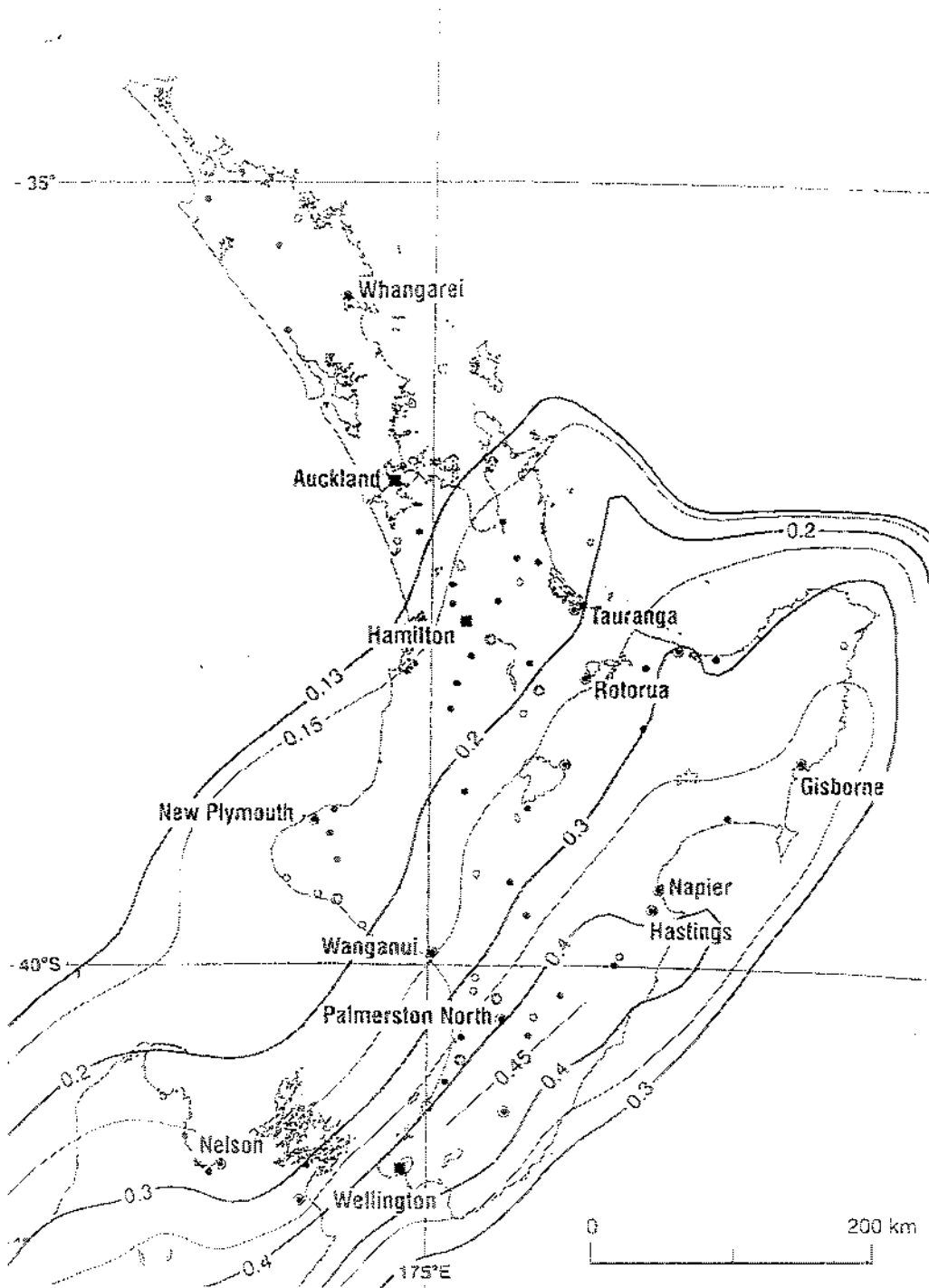
Waitakere City Council believes it is important that its heritage buildings have a good chance of surviving a major earthquake.

However, Waitakere City 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 owners and the Historic Places Trust to identify a mutually acceptable way forward. Special efforts will be made to meet heritage objectives. Additions of buildings to the Heritage items recorded in Council's District Plan would be subject to an earthquake-prone building assessment as part of the process.

Following the consultation period with the owners, notices will be served requiring improvement or demolition within a stated (and preferably agreed) time-frame.

In particularly important cases, public consultations will be included in the process.

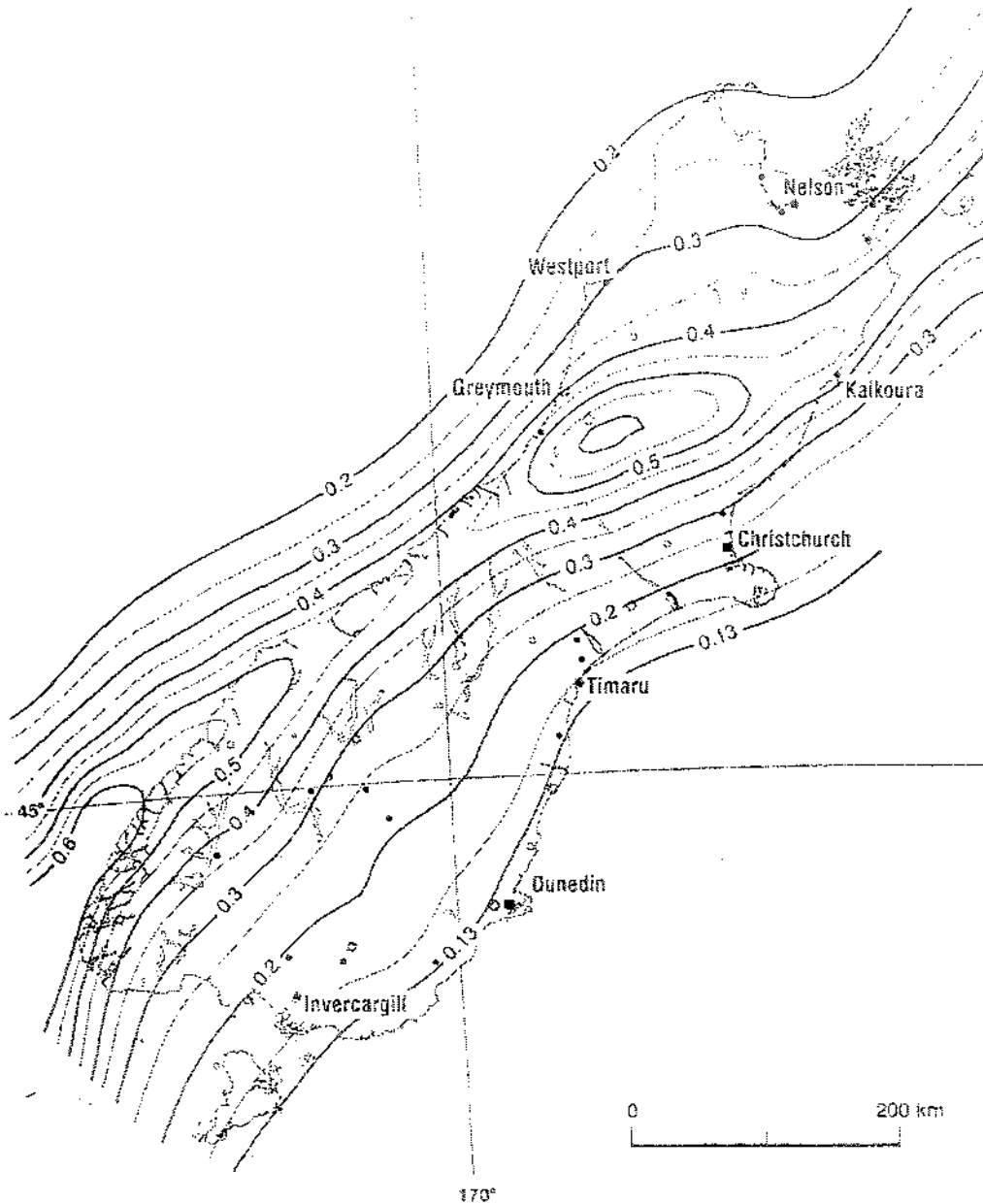


NOTE: Circles and squares correspond to towns and cities.

FIGURE 3.3 HAZARD FACTOR, Z, FOR THE NORTH ISLAND

Appendix 1

AM



NOTE: Circles and squares correspond to towns and cities.

FIGURE 3.4 HAZARD FACTOR, Z , FOR THE SOUTH ISLAND

3.1.5 Return period factor

The return period factor, R_s , for the serviceability limit state or R_u , for the ultimate limit state, shall be obtained from Table 3.5 for the return period or probability of occurrence appropriate for the limit state under consideration as prescribed in Table 3.3 of AS/NZS 1170.0.

Appendix 2

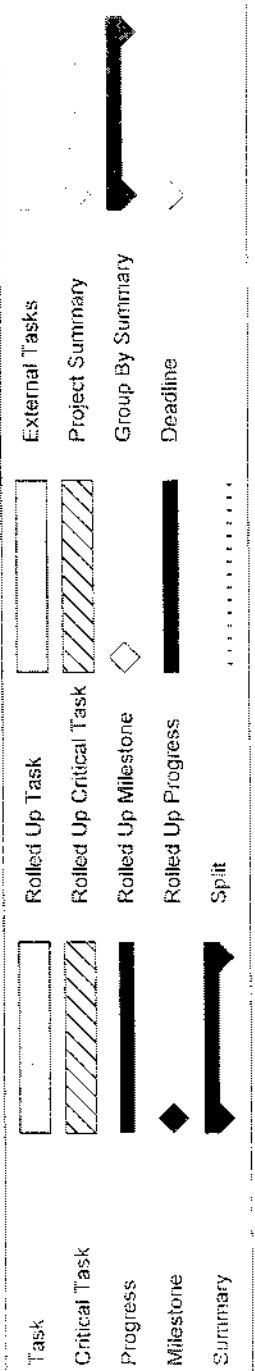
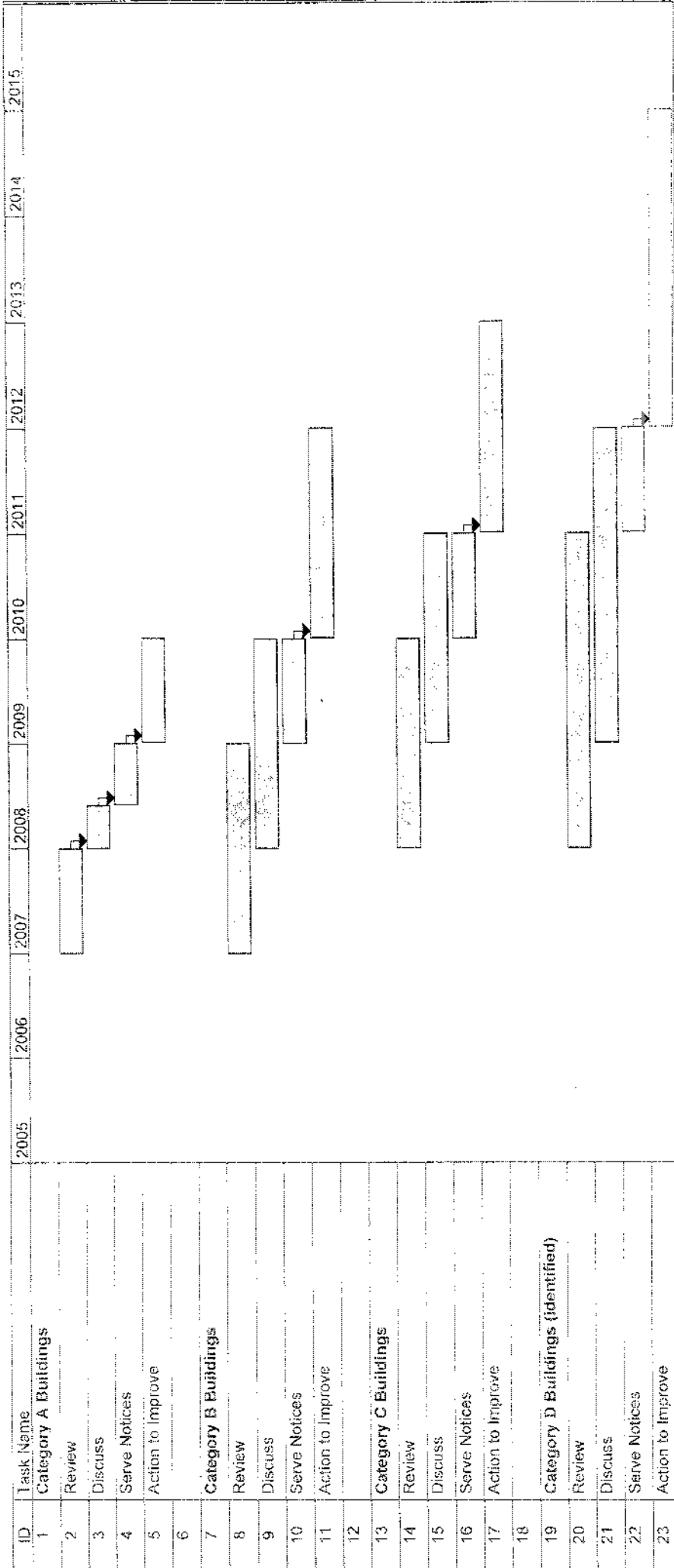
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TABLE 3.2
IMPORTANCE LEVELS FOR BUILDING TYPES—NEW ZEALAND STRUCTURES

Importance level	Comment	Examples
1	Structures presenting a low degree of hazard to life and other property	Structures with a total floor area of <math><30\text{ m}^2</math> Farm buildings, isolated structures, towers in rural situations Fences, masts, walls, in-ground swimming pools
2	Normal structures and structures not in other importance levels	Buildings not included in Importance Levels 1, 3 or 4 Single family dwellings Car parking buildings
3	Structures that as a whole may contain people in crowds or contents of high value to the community or pose risks to people in crowds	Buildings and facilities as follows: (a) Where more than 300 people can congregate in one area (b) Day care facilities with a capacity greater than 150 (c) Primary school or secondary school facilities with a capacity greater than 250 (d) Colleges or adult education facilities with a capacity greater than 500 (e) Health care facilities with a capacity of 50 or more resident patients but not having surgery or emergency treatment facilities (f) Airport terminals, principal railway stations with a capacity greater than 250 (g) Correctional institutions (h) Multi-occupancy residential, commercial (including shops), industrial, office and retailing buildings designed to accommodate more than 5000 people and with a gross area greater than $10\,000\text{ m}^2$ (i) Public assembly buildings, theatres and cinemas of greater than 1000 m^2 Emergency medical and other emergency facilities not designated as post-disaster Power-generating facilities, water treatment and waste water treatment facilities and other public utilities not designated as post-disaster Buildings and facilities not designated as post-disaster containing hazardous materials capable of causing hazardous conditions that do not extend beyond the property boundaries
4	Structures with special post-disaster functions	Buildings and facilities designated as essential facilities Buildings and facilities with special post-disaster function Medical emergency or surgical facilities Emergency service facilities such as fire, police stations and emergency vehicle garages Utilities or emergency supplies or installations required as backup for buildings and facilities of Importance Level 4 Designated emergency shelters, designated emergency centres and ancillary facilities Buildings and facilities containing hazardous materials capable of causing hazardous conditions that extend beyond the property boundaries
5	Special structures (outside the scope of this Standard—acceptable probability of failure to be determined by special study)	Structures that have special functions or whose failure poses catastrophic risk to a large area (e.g. 100 km^2) or a large number of people (e.g., 100 000) Major dams, extreme hazard facilities

Appendix 3
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WAITAKERE CITY COUNCIL – DANGEROUS BUILDINGS

1 Policy Approach

1.1 Policy principles

1.2 Overall approach

1.3 Identifying dangerous buildings

1.4 Assessment criteria

1.5 Taking action on dangerous buildings

1.6 Interaction between dangerous buildings policy and related sections of the Building Act 2004

1.7 Recording of dangerous buildings

1.8 Economic impact of policy

1.9 Access to dangerous building policy

2 Priorities

3 Heritage Buildings

DANGEROUS BUILDINGS

Introduction and 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 definition of a dangerous building is set out in section 121 (1) of the Act:

"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 person in the building or to persons on other property is likely because of fire hazard or the occupancy of the building."*

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

The policy is required to state:

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

In developing and adopting its dangerous buildings policy Council has followed the special consultative procedure set out in section 83 of the Local Government 2002.

1 Policy approach

1.1 Policy Principles

Council has noted that provisions of the Act in regard to dangerous buildings reflect the government's broader concern with the life safety of the public in buildings. Waitakere City Council is committed to ensuring that Waitakere City is a safe place to live and work in. The dangerous building issues have a strong relationship with Council's strategic priority for a safe city. Waitakere City Council has also noted that the development of dangerous building policies is up to each Territorial Authority and has responded accordingly. This policy has been developed after due consultation with Waitakere City Council ratepayers and stakeholders in accordance with section 83 of the Local Government Act 2002.

1.2 Overall Approach

Waitakere City is experiencing strong growth which is placing considerable pressure on the availability of both privately owned and rental accommodation. This has resulted in an identifiable trend of garages, basements and sleep outs being illegally converted into minor household units that are then rented out. Lacking any consent, these conversions are often not undertaken in accordance with the building code. This may cause problems in terms of the danger posed for people living in these spaces by inappropriate construction methods or materials. Such dangers may include inadequate fire protection, or danger of collapse.

The Council is actively involved in educating the public on the need to discuss their development plans with Council and to obtain building consent where Council deems that is necessary. For instance this is exemplified by conversions of buildings into minor household units or other such smaller dwellings where safety risks are likely to arise from a change in use. Council has policy of initiating enforcement action under the relevant statutes, in this case the Act when dealing with dangerous buildings. This provides a strong message to the public that Council places paramount importance on safety of residents in the community. This stance also creates a strong message of deterrence for those property owners who do not seek Council's advice prior to undertaking building works.

1.3 Identifying Dangerous Buildings

The Council will:

1. Respond to and investigate all building complaints received;
2. Identify from these investigations any buildings that are dangerous;
3. Inform the owner and occupier of the building to take action to reduce or remove the danger, as is required by s124 and s125 of the Act;
4. Liaise with the New Zealand Fire Service when Council deems it is appropriate, in accordance with s121 (2) of the Act:

"For the purpose of determining whether a building is dangerous in terms of s121 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."*

1.4 Assessment Criteria

The Council will assess dangerous buildings in accordance with s121 (1) of the Act:

"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 person in the building or to persons on other property is likely because of fire hazard or the occupancy of the building."*

1.5 Taking Action

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

- Advise and liaise with the owner(s) of buildings;
- May request a written report on the building from the New Zealand Fire Service;
- If found to be dangerous:
 - 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;