

**Marlborough District Council**

**Local Government Official Meetings and Information Act**

**And**

**Building Act**

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**Buildings Potentially Earthquake Prone**

**Office Practice Note for LIM's and PIM's**

**and**

**Forms of Statement**

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## Document Control

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## **Earthquake Prone Buildings – Office Practice Note**

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The new Act's provisions now encompass a wider range of buildings through the threshold definition introduced in the Regulations. Essentially, any building other than residential (and this is qualified) will be subject if it has a lateral load capacity less than one third of the current load code provisions. It should be noted that the specified level is in terms of the **current code** and the actual threshold will increase when the new load code is formally adopted.

The Act requires Council to introduce policy addressing how it will manage the stock of buildings that are earthquake prone. Draft policy was prepared and circulated for public comment, submissions were received and addressed and the policy was adopted by Council at its meeting on 10 August 2006.

### **Policy**

The full policy is posted on Council's web site under [Regulatory\Building Act Policy](#)

The effect of the policy is to create three classes of building –

- A: Building constructed post 1976 and designed in accordance with NZS 4203:1976
- B: Buildings constructed pre-1976, one storey and not a place of assembly (Passive Program).
- C: Buildings, pre-1976, two or more stories or a place of assembly (Active Program)

*Note* particularly that there are exemption provisions for dwellings and the Building Act should be consulted for those provisions.

### **Office Practice**

The first step is to determine if the subject building is pre-1976 or not, if the building post 1976 there is no issue in terms of the policy.

If the building is pre1976 and if a proposal does not involve any structural alteration or the structural alteration is unlikely to impact the load capacity then it can be deemed minor and no issues arise in terms of the policy. The latter aspect will be a judgement call in many instances.

If the proposal is for works more than minor then a report and opinion is required. The requirements for reporting are to be found on the web page at [Regulatory\Building Act Policy](#).

In the event a building that is potentially earthquake prone presents for a building consent then this needs to be immediately flagged. The initial assessment would comprise establishing whether the building is pre-1976 or not. Two different approaches are required for LIM's versus PIM's.

	<p><b>Interpretation</b> – An Earthquake Prone building is, potentially, one that is pre 1977 but excluding residential buildings <b>unless</b> the residential building is two or more storeys high <b>and</b> contains 3 or more residences.</p>
LIM	<p>1977 or later there would be no comment.</p> <p><u>Pre 1976 - two or more stories</u>, or place of assembly such as churches, halls, theatres.</p> <p>The construction of the building was to a loading standard pre-dating NZS4203:1976 <i>Code of Practice for General Structure Design and Design Loadings for Buildings</i>.</p> <p>Council has an active program that will, in due course, evaluate the building for its capacity to exceed the test that is set in the Building Act 2004 for earthquake-prone buildings. No specific information is held as to whether the building is earthquake-prone (in terms the test in the Act) or not. Any person taking an interest in the building is advised to retain specialist technical advice to assist in the making of decisions about the building.</p> <p><u>Pre 1976 - One Storey</u></p> <p>The construction of the building was to a loading standard pre-dating NZS4203:1976 <i>Code of Practice for General Structure Design and Design Loadings for Buildings</i>.</p> <p>Any change of use or alteration which is considered to be <b>more than minor</b> will require the Owner to provide a report that evaluates the structural capacity of the building. If works proceed that include upgrading of the structural capacity an opinion and report on the structural design will be required. Details of the report format and opinion can be found on Council's web site <a href="http://www.marlbough.govt.nz">www.marlbough.govt.nz</a> under <u>Regulatory\Building Act Policy</u></p>
PIM	<p>1977 or later there would be no comment.</p> <p><b>Case 1</b> – Works of a minor character involving no alteration to the structure.</p> <p>There should be file documentation that shows there has been due consideration of the nature of the proposed work and why it is deemed minor. It will not be sufficient to have a tick box approach. There will be no other reference in the documentation issued.</p> <p><b>Case 2</b> – Works involving alteration to the structure.</p> <p>The construction of the building was to a loading standard pre-dating NZS4203:1976 <i>Code of Practice for General Structure Design and Design Loadings for Buildings</i>.</p> <p>A building consent application is required to include an evaluation of the seismic capacity and the effect of the proposed works on that capacity. If the building has a structural capacity less than threshold specified in the Act then strengthening work is required. If works proceed that include upgrading of the structural capacity an opinion and report on the structural design will be required. Details of the report format and opinion can be found on Council's web site <a href="http://www.marlbough.govt.nz">www.marlbough.govt.nz</a> under <u>Regulatory\Building Act Policy</u></p>

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