

No more one size fits all

A change to the Building Act means earthquake-prone buildings will be categorised for seismic risk according to their geographic location and the type of building instead of the present blanket approach.



Heritage building in Whanganui. Changes to the Act will see heritage buildings assessed according to their location.

ON 13 MAY 2016, the Building (Earthquake-prone Buildings) Amendment Act 2016 received royal assent. The Act, which will come into force on 13 May 2018, has been developed to avoid a one-size-fits-all approach to addressing earthquake-prone buildings. It targets those geographic areas and parts of buildings that pose the greatest risk.

The definition at present

An earthquake-prone building is a building whose ultimate capacity is likely to be exceeded in a moderate earthquake and the resulting building collapse is likely to cause injury or damage to property.

The current benchmark of an earthquake-prone building is a building whose seismic capacity is less than 34% of new building

standards. The definition 'earthquake-prone' can apply to a whole building or just to part of a building.

Changes identify area's seismic risk

The new Act categorises New Zealand into high, medium and low seismic risk areas. The timeframes for identifying earthquake-prone buildings will be 5, 10 and 15 years in conjunction with these seismic risk levels. Timeframes for strengthening earthquake-prone buildings will similarly follow their area risk profile, with strengthening to occur over 15, 25 and 35 years.

The Act seeks to balance the need for remediation of earthquake-prone buildings with preserving New Zealand's building heritage and adjusting the burden for building owners in low-risk

areas. It responds to concerns that owners would seek to demolish heritage buildings rather than incur the cost of fixing them.

Certain types of buildings prioritised

As well as geographic prioritisation, the Act also prioritises certain types of building. Priority buildings will require urgent strengthening. These buildings include hospitals, schools and buildings whose collapse may cause masonry to fall onto footpaths. Priority buildings will be identified and remediated within half the time of other earthquake-prone buildings.

Extensions possible

For heritage buildings, the Act allows owners to apply for extensions of up to 10 years. The Heritage New Zealand Pouhere Taonga Act 2014 is developing a National Historic Landmarks List.

Owners of buildings that already have category 1 listing will also be able to apply for the extension. Other building owners may also be able to apply for an exemption. Forthcoming regulations will subsequently outline the criteria for this after a further consultation process.

Publicly available register

A publicly available register of earthquake-prone buildings will be another feature of the Act. Building owners will be required to attach notices to their building if it is earthquake-prone. One objective of this is to further encourage building owners to take steps to remediate their buildings.

Changes with transition to new Act

During the transition between the current legislation and the new Act, building owners may be able to apply for extensions if the timeframe under the new Act is later.

Conversely, a building owner may have to carry out work sooner if the timeframe under the Act has been brought forward. Their building may be in a high-risk location or be a priority building.

A more realistic approach

The problem of upgrading New Zealand's building stock to avoid damage to persons and property has not gone away. However, the new legislation appears to be approaching the problem more realistically, and this will come as a relief to many commercial property owners.

On a practical level, the current approach will also assist in ensuring that there is a sufficient workforce available to perform this work over the next 35 years. ◀

