

Territorial authorities and earthquake-prone buildings

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Territorial authorities (local councils) play a key role in the new system for managing earthquake-prone buildings.

Under the system for managing earthquake-prone buildings territorial authorities must:

- identify potentially earthquake-prone buildings and notify the building owners
- consider engineering assessments provided by building owners
- determine if a building is earthquake prone, and if it is, assign an earthquake rating
- issue EPB notices to owners of earthquake-prone buildings
- publish information about earthquake-prone buildings on the EPB register.

The methodology to identify earthquake-prone buildings (<https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/methodology-identify-earthquake-prone-buildings/>) sets out how to identify potentially earthquake-prone buildings and how to determine if the building is earthquake prone.

The Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 (<http://www.legislation.govt.nz/regulation/public/2005/0032/latest/DLM313966.html>) on the Legislation website have detailed information including key definitions and categories of earthquake ratings.

Seismic risk areas and time frames (<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/how-the-system-works/#jumpto-seismic-risk-areas-and-time-frames>) has a map of the seismic risk areas and time frames.

Strategic engineering advice to assist territorial authorities

[PDF 239 KB]

(<https://www.building.govt.nz/assets/Uploads/managing-buildings/earthquake-prone-buildings/epb-engineering-advice-territorial-authorities.pdf>)

Strategic engineering advice may assist territorial authorities to identify and make decisions on potentially earthquake-prone buildings. This document provides information on when strategic engineering advice may be useful.

Identifying potentially earthquake-prone buildings

Territorial authorities need to consider which seismic risk areas apply to their district, what work they have done to date to identify potentially earthquake-prone buildings, and what information they already have on buildings in their district.

They must identify potentially earthquake-prone buildings within the profile categories described in the EPB methodology within the relevant time frames. If the territorial authority is in a high or medium seismic risk area they should consider priority buildings first as the timeframes for identifying those buildings are shorter.

Some priority buildings are considered a higher risk because of their location. Councils will need to consult their community to help identify routes with priority buildings.

How to start: Advice on using existing information to identify potentially earthquake-prone

Territorial authorities may also identify earthquake-prone buildings through business as usual activities at any time. For example, this can be if a building consent application or proposed change of use triggers concern about a building's earthquake performance.

Priority Buildings: a guide to the earthquake-prone building provisions of the Building Act (<https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/priority-buildings-earthquake-prone/>) provides guidance on identifying priority buildings.

buildings

[PDF 196 KB]

(<https://www.building.govt.nz/assets/Uploads/managing-buildings/earthquake-prone-buildings/ta-use-existing-info-identify-epb.pdf>)

Territorial authorities may already have some building assessment information on file. Advice on how to use existing information on file to identify potentially earthquake-prone buildings is provided in this information sheet.

Reporting on progress to identify potentially earthquake-prone buildings

Territorial authorities must report regularly to MBIE on their progress towards identifying potentially earthquake-prone buildings. Time frames for this vary by seismic risk area:

- High – annually
- Medium – every two years
- Low – every three years.

Territorial authorities with multiple seismic risk areas are required to report on progress across their whole district at the frequency required according to the highest seismic risk area in their region.

Territorial authorities can find out how often they are required to report by checking their seismic risk area.

Z-values to determine seismic risk (<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/how-the-system-works/z-values-seismic-risk/>) has further information.

MBIE has set up an online reporting platform for territorial authorities to meet their reporting requirements. You will require a RealMe login and need to request an invite from EPB@mbie.govt.nz (<https://www.building.govt.nzmailto:EPB@mbie.govt.nz>) to access the online reporting platform.

[What it is](https://www.realme.govt.nz/what-it-is) (<https://www.realme.govt.nz/what-it-is>) on the RealMe website has more information about creating a RealMe login.

Existing earthquake-prone building notices need to be reissued

If territorial authorities have issued owners of buildings with an earthquake-prone building notice under the previous system (known as a section 124 notice) they will need to replace this with a new earthquake-prone building notice (an EPB notice). This is unless the building is no longer within the scope of the amended legislation, such as a farm building. The following is the guidance referred to in Schedule 1AA to the Building Act.

Territorial authorities who have previously issued section 124 notices should:

- check the scope of the new legislation and revoke any current section 124 notices on buildings this no longer applies to and notify the owners
- identify whether any of these buildings are now priority buildings (medium and high seismic risk areas only)
- reissue each section 124 notice as an EPB notice, noting whether the building is a priority building, and apply the relevant deadlines for seismic work. Note that earthquake ratings are not required for these notices if that information is not known, and
- update the EPB register with details of the new EPB notices.

The existing deadline from the original section 124 notice remains, unless either:

applying the relevant deadline under the new system, taken from the date the EPB notice is issued, would result in a shorter deadline. In this case, the shorter deadline applies, or

the owner is given a shorter period within which to complete seismic work under the section 124 notice than the period relevant to the building under the new system and the owner asks the territorial authority to have the longer period applied retrospectively to the date of the old notice. The territorial authority must have regard to the particular circumstances of the building before agreeing to that request.

Schedule 1AA of the Building Act 2004 (<http://www.legislation.govt.nz/act/public/2004/0072/latest/whole.html>) on the Legislation website specifically deals with transitional arrangements for existing earthquake-prone building policies and section 124 notices.

Considering engineering assessments

Territorial authorities must consider whether engineering assessments for buildings meet the requirements of the EPB methodology.

Assessments completed before the new system came into effect can be accepted by territorial authorities if they meet the criteria specified in the EPB methodology for previous assessments.

The methodology to identify earthquake-prone buildings (<https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/methodology-identify-earthquake-prone-buildings/>) has more information.

Determining if a building is earthquake prone and assigning an earthquake rating

Territorial authorities use the information in the engineering assessment to help determine whether a building is earthquake prone and then assign an earthquake rating if it is. The EPB methodology sets out how to do this.

Earthquake ratings mean the degree to which the building, or part, meets the seismic performance requirements of the Building Code that relate to how a building is likely to perform in an earthquake and that would be used to design a new building on the same site as at 1 July 2017 – the date the new system came into force.

For example, if a territorial authority determines that a building meets 25% of the requirements of the building code described above (ie equivalent to 25% of the New Building Standard or NBS) the earthquake rating of the building would be 25%.

The categories of earthquake rating prescribed in regulations are:

- 0% to less than 20%
- 20% to less than 34%

These categories determine which EPB notice will be issued.

Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 (<http://www.legislation.govt.nz/regulation/public/2005/0032/latest/DLM313966.html>) on the Legislation website has detailed information.

Issuing EPB notices to building owners

The form of EPB notices that territorial authorities issue to building owners is set in regulations.

EPB notices and register of earthquake-prone buildings (https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/what-earthquake-prone-buildings-system-means-for-you/users-earthquake-prone-buildings/#jumpto-epb-notices-and-register-of-earthquake-prone-buildings_00a0) has examples of the notices and more information.

Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005

Territorial authorities issue EPB notices for earthquake-prone buildings

[PDF 186 KB]

<https://www.building.govt.nz/assets/Uploads/managing-buildings/earthquake-prone-buildings/ta-issue-epb-notices.pdf>

Advice on the process for issuing and attaching EPB notices is provided in this

information sheet. This includes the recommended approach in different circumstances, eg for interconnected buildings and multiple titles.

<http://www.legislation.govt.nz/regulation/public/2005/0032/latest/DLM313966.html>) on the Legislation website has detailed information.

Publishing information in the EPB register

Publicly available information about earthquake-prone buildings is an important aspect of the new system. Territorial authorities are required to enter information about buildings that have been determined earthquake prone in the EPB register, which is maintained by the Ministry of Business, Information and Employment.

[Register of earthquake-prone buildings \(EPB register\)](https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/epb-register/) (<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/epb-register/>)

Considering and granting exemptions

Territorial authorities make decisions on applications for exemptions from the remediation requirements for certain buildings.

The characteristics of buildings that may be eligible for an exemption from the requirement to carry out seismic work are outlined in regulations.

The focus is on buildings or parts of buildings with low occupation, where there is low foot and vehicle traffic around the building, and where the impact of collapse in a moderate earthquake is likely to be low (in terms of life safety and damage to other property).

Priority buildings will generally not be considered to have the characteristics necessary to be granted an exemption from remediation requirements due to their use, location or occupation characteristics.

[Exemptions from carrying out seismic work](https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/exemptions-carrying-out-seismic-work/) (<https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/exemptions-carrying-out-seismic-work/>) has more information about the process for granting and revoking exemptions, and explains the required building characteristics.

[Building \(Specified Systems, Change the Use, and Earthquake-prone Buildings\) Regulations 2005](http://www.legislation.govt.nz/regulation/public/2005/0032/latest/DLM313966.html) (<http://www.legislation.govt.nz/regulation/public/2005/0032/latest/DLM313966.html>) on the Legislation website has detailed information.

Extensions of time for heritage buildings

Territorial authorities may receive applications from owners of earthquake-prone heritage buildings for an extension of up to 10 years to strengthen their buildings. The building will need to be a Category 1 historic place on the New Zealand Heritage List/Rārangi Kōrero, or included on the National Historic Landmarks list/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu.

Managing non-compliance

If building owners do not display an EPB notice, provide an engineering assessment or undertake seismic work within the time frames required, territorial authorities have powers to take action.

[Territorial powers where no action is taken](https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/how-the-system-works/applying-outcome-of-decision/#jumpto-territorial-powers-where-no-action-is-taken) (<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/how-the-system-works/applying-outcome-of-decision/#jumpto-territorial-powers-where-no-action-is-taken>) has more details.

[Owners of potentially earthquake-prone buildings](https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/what-earthquake-prone-buildings-system-means-for-you/owners-of-earthquake-prone-buildings/) (<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/what-earthquake-prone-buildings-system-means-for-you/owners-of-earthquake-prone-buildings/>) has further information.

[The Building Act 2004](http://www.legislation.govt.nz/act/public/2004/0072/latest/DLM306036.html) (<http://www.legislation.govt.nz/act/public/2004/0072/latest/DLM306036.html>) on the Legislation website has detailed information on territorial authorities' powers.

Building (Infringement Offences, Fees, and Forms) Regulations 2007

(<http://www.legislation.govt.nz/regulation/public/2007/0403/latest/whole.html>) on the Legislation website has information about fees and offences.



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