



**HOROWHENUA  
DISTRICT  
COUNCIL**

**POLICY ON INSANITARY,  
DANGEROUS, AND  
EARTHQUAKE-PRONE BUILDINGS  
2006**

***Adopted : 31 May 2006***

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**HOROWHENUA DISTRICT COUNCIL**  
**INSANITARY, DANGEROUS AND EARTHQUAKE-PRONE BUILDINGS**  
**POLICY 2006**

**PREAMBLE**

Council holds historic records from a 1994-95 survey to identify earthquake-prone buildings within the Horowhenua District. This survey was undertaken by the firm Connell Wagner Limited on behalf of Council in accordance with the requirements of Section IX, Clause 66, of the Building Act 1991.

An agreed 11 step procedure was used, as follows:

1. Hold initial discussions with Council to establish timetables and priorities.
2. Conduct a "walk-over" survey to list potential earthquake prone buildings in each location of Levin/Shannon/Foxton.
3. Report results of "walk-over" survey to Council.
4. Liaise with Building Inspectors to obtain existing plans and records of identified buildings.
5. Prepare a letter of introduction, for use by the Council, to be sent to building occupiers/owners seeking permission to enter and assess buildings (prepare an information pack to cover relevance to Building Act, Council planning, earthquake assessment procedures).
6. Follow up with phone contact.
7. Assess those buildings given permission to enter and review options with Council of other buildings not able to be inspected.
8. Prepare individual building reports with recommendations based on standard earthquake assessment procedures.
9. Hold review meetings with Council delegated Committee to confirm strategy and finalise assessments.
10. Assist Council with liaison with property owners and tenants, i.e. explain reports and negotiate timetable for upgrades.
11. Prepare and present final report to Council recommending terms of notices to be served on building owners.

The primary aim of the assessment was to:

- Identify buildings that are a risk when subject to a moderate or larger earthquake; and
- Where possible, to secure and then strengthen such buildings so that the risk of loss of life and injury is greatly reduced.

At that time, Earthquake Risk Buildings were categorised under s66 of the Building Act 1991 as having a strength less than 50% of that specified in NZS 1900 Chapter 8 : 1965. Those buildings were generally un-reinforced masonry structures.

Initially there was perceived to be 196 "at risk" buildings:

- 135 in Levin
- 48 in Foxton
- 13 in Shannon.

At the conclusion of the assessment process, the actual numbers of buildings requiring some form of strengthening based on the 1991 Building Act and NZS 1900, Chapter 8 : 1965 thresholds were:

- 26 in Levin
- 15 in Foxton
- 9 in Shannon

with these buildings being given a condition rating between 1 and 5.

Complete records on these buildings, together with condition ratings used and assigned, are held by Council and attached as Appendix 3.

## 1. Background and Introduction

The Horowhenua District Council recognises the principles of Section 4 of the Building Act 2004 as the basis for this Policy in the adoption of and any subsequent reviews. S4 is attached as Appendix 4.

Section 131 of the Building Act 2004 requires territorial local authorities to adopt a policy on dangerous, earthquake-prone and insanitary buildings by 31 May 2006. Such a policy must state:

- the Council's approach to performing its functions under the Act;
- Council's priorities in performing those functions; and
- how the policy will apply to heritage buildings.

It should be noted that the provisions of this policy pertaining to earthquake-prone buildings does not apply to buildings used primarily for residential purposes unless they have two or more storeys containing at least three house hold units.

This Policy is adopted in accordance with the special consultative procedure in s83 of the Local Government Act 2002.

## 2. Definitions

The following definitions, contained in the Building Act 2004, will be used to determine whether a building is insanitary, dangerous or earthquake-prone:

- **Insanitary:** (s123) offensive or likely to be injurious to health because of how a building is situated or constructed; or is a state of disrepair; or has insufficient or defective provisions against moisture penetration so as to caused dampness in the building or in any adjoining building; or does not have a supply of potable water or sanitary facilities that are adequate for its intended use.
- **Dangerous:** (s121) if in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or damage to other property; or in the event of fire, injury or death to any persons in the building or to persons on other property is likely because of fire hazard or the occupancy of the building.
- **Earthquake-prone:** (s122) if, having regard to its condition, the ground, and its construction, a building will have its ultimate capacity exceeded in a moderate earthquake (as defined in the regulations); and would be likely to collapse causing injury or death to persons in the building or on any other property; or damage to any other property.
- **Moderate Earthquake:** the new building regulations define 'moderate earthquake' as "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 that site."

## 3. Purpose of the Policy

The purpose of this policy is primarily to ensure that Council appropriately discharges its statutory obligations under the Building Act 2004 in relation to buildings in the Horowhenua District that are suspected or confirmed as dangerous, earthquake-prone or insanitary. The policy also assists in ensuring public safety and assisting Council to achieve the Community Outcomes of

- Health - avoidable death, disease and injuries are avoided.
- Environment - the natural and built environment in which people live is clean and healthy;
- Safety - all people enjoy personal safety and security and are free from victimisation, abuse, violence and avoidable injury.
- Employment - people have access to employment in a safe environment.

#### 4. **Assessment Criteria**

Council will assess whether a building is dangerous, earthquake-prone or insanitary according to the criteria specified in the Building Act 2004 in s121, s122 and s123. For the purposes of this Policy, Council defines earthquake-prone buildings as those that are of unreinforced masonry constructions, this being consistent with the definition used previously. It may be subject to review in the future.

#### 5. **Interaction between this Policy and related sections of the Building Act 2004**

##### **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 dangerous, earthquake prone, or insanitary, then irrespective of the general priorities set by Council for dealing with dangerous, earthquake-prone or insanitary buildings, Council will not issue a building consent unless it is satisfied that the building is not dangerous, earthquake-prone or insanitary and that the building work will not detrimentally affect the building's compliance with the Building Code.

If the building is shown to be dangerous, earthquake-prone or insanitary, then the Council will require that the building be strengthened or fixed as necessary to comply as nearly as is reasonably practicable with the provisions of the Building Code.

##### **Section 115: Change of Use**

Whenever a building consent application is received for change of use of a building that is or could be earthquake-prone, then irrespective of the general priorities set by Council for dealing with earthquake-prone buildings, it will be a requirement of the building consent that the owner 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 dangerous or 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).

#### 6. **Impact of Policy**

The Council does not have a priority for the identification of the differing types of buildings in the district. However, reports pertaining to possible insanitary or dangerous buildings will be treated equally on the basis of occupant's wellbeing and safety, and investigations of all instances will be commenced within 48 hours of notification or being identified, to ascertain whether or not those buildings represent a danger to the buildings occupants or members of the public.

##### 6.1 Economic

Council does not have the resources to carry out a review of its possible stock of earthquake-prone buildings in terms of the cost benefit of strengthening earthquake-prone buildings. Council believes the number of potential earthquake-prone buildings is limited but the cost of structural improvements may be significant for building owners.

6.2 Social

Taking action on dangerous, earthquake-prone or insanitary buildings is one way in which Council acts to ensure the safety and health of persons. Council believes the safety of people is of paramount importance and this policy reflects this duty.

6.3 Cultural

While this policy seeks to make special provision for heritage buildings and maintaining of character of townships, the primary consideration at all times will be for the safety and health of people and property.

6.4 Environmental

No environmental issues are considered to impact on this policy, timeframes and priorities.

7. **HERITAGE BUILDINGS**

Council believes it is important that heritage buildings within the District do not pose a risk to the safety of occupants or other buildings and have a good chance of surviving a major earthquake. However, Council does not wish to see the intrinsic heritage value of such buildings adversely affected by structural improvement measures.

Heritage buildings (that is those buildings identified in the Horowhenua District Council Operative District Plan or by the Historic Places Trust) will be assessed in the same way as other dangerous or insanitary buildings. Where heritage buildings have been identified as earthquake-prone, discussions will be held with owners and the Historic Places Trust to identify a mutually acceptable way forward. Special efforts will be made to meet heritage objectives specified in the District Plan. The requirements of the Historic Places Act and the provision of incentives for owners to upgrade may be considered by Council. In particularly important cases, public consultation will be included.

Following this, notice will be served requiring specific action within a stated and preferably agreed timeframe.

8. **INSANITARY BUILDINGS**

8.1 In the event a building comes to Council's notice as being possibly 'Insanitary', the building will be inspected within 48 hours using the Inspection Record, Appendix 2. Council's priority in these situations is for the 'wellness' and safety of people.

8.2 Overall Approach

Buildings may become insanitary due to a number of reasons, such as following a natural disaster, after flooding or as a result of poor maintenance, or misuse by the occupant. Once buildings that contain insanitary conditions come to the attention of the Council, either via notification of other parties such as building tenants or following the receipt of a building consent application or during any other process such as an audit of an Independent Qualified Person's inspection, the Council does not have much discretion but to act to

ensure the health and wellbeing of the occupants. Council will follow the process laid down in the Building Act 2004 in dealing with insanitary conditions.

### 8.3 Identification

Council will take a necessarily passive approach to the identification of insanitary buildings in the District unless it is made aware of good reason to act otherwise. Actively inspecting every building on a regular basis is prohibitively expensive. Insanitary conditions are most often caused through their use by building's occupants. In such cases, the Council will identify insanitary buildings when advised of suspected cases or following a natural disaster such as flooding that Council will be aware of. Council relies on the notification of other parties such as building tenants, following the receipt of a building consent application or during any other process such as an audit of an Independent Qualified Person's inspection in order to identify insanitary buildings.

### 8.4 Action and Response to Complaints/Notifications

- (i) Due to the urgent nature of the risk that insanitary buildings pose to users, Council will in the first instance promptly assess the building by way of inspection (see Appendix 2 for format) and if found to be an insanitary, act to ensure no person uses or occupies the building or permits another person to use or occupy the building until such work is undertaken to 'fix the insanitary conditions', and where immediate action is required to prevent the building remaining insanitary, Council will undertake the measures outlined in s129 of the Building Act 2004.
- (ii) Council will assess all available options in considering its action in any particular case. In some cases the cost of short-term disruption arising from the evacuation of a building may be greater than the long-term danger. Consideration will be given to the relative risks arising from continuing occupation and emptying of the buildings, and immediate, but possibly temporary action to reduce the danger of the insanitary conditions over a longer period of time. In any case, any decision and actions will be based on the findings from the initial inspection of the building.
- (iii) The Council will fully consult with building owners and occupants, but only if appropriate in the time available. In all events, Council will endeavour to keep building owners and occupants informed of actions proposed or taken, which may include, in accordance with s124 of the Building Act 2004:
  - put up a hoarding or fence to prevent people from approaching the building nearer than is safe;
  - attach in a prominent place on, or adjacent to, the building a notice that warns people not to approach the building;
  - give written notice requiring work to be carried out on the building, within a time stated in the notice (no less than ten (10) days after the notice is given under section 125), to prevent the building from remaining insanitary.
- (iv) In the event a Notice to fix insanitary conditions is issued, building owners will have ten (10) days to fix insanitary conditions following the date notice is given, unless the insanitary conditions are assessed as requiring immediate action. On expiry of the notice period, Council will undertake an immediate inspection of the building to ascertain compliance with the notice requirements. Any person who fails to comply with a notice given is committing an offence and is liable to a fine not exceeding \$200,000.00.
- (v) If an owner fails to undertake the work required by the notice and within the time frame stated, Council may seek the approval of the Courts to enter the building and

undertake the necessary work itself, which may include demolition of the building, at the owner's expense.

9. **DANGEROUS BUILDINGS**

9.1 In the event a building comes to Council's notice as being possibly 'dangerous', the building will be inspected within 48 hours using the Inspection Record, Appendix 2. Council's priority in these situations is for the 'wellness' and safety of people.

9.2 Overall Approach

Dangerous buildings may come about due to a change of use (for example a commercial building used for residential purposes), or unauthorised alterations being made, or as a result of its use by an occupant. Once buildings that are dangerous come to the attention of the Council, either via notification of other parties such as building tenants or following the receipt of a building consent application or during any other process such as an audit of an Independent Qualified Person's inspection, the Council does not have much discretion other than to act to ensure the safety of persons and property. Council will follow the process laid down in the Building Act 2004 in dealing with dangerous buildings.

9.3 Identification

Council will take a necessarily passive approach to the identification of dangerous buildings in the District. Actively inspecting every building on a regular basis is prohibitively expensive. Council relies on the notification of other parties such as building tenants, following the receipt of a building consent application or during any other process such as an audit of an Independent Qualified Person's inspection in order to identify dangerous buildings.

Council will seek advice from the New Zealand Fire Service on making an assessment of dangerous buildings where appropriate, for example on a complex building or on a building that has suffered damage after an earthquake.

9.4 Action and Response to Complaints/Notification

(i) Due to the urgent nature of the risk that dangerous buildings pose to users, Council will in the first instance assess the building by way of an inspection (see Appendix 2 for format) and if found to be dangerous, act to ensure no person uses or occupies the building or permits another person to use or occupy the building until such work is undertaken to reduce or remove the danger, and where immediate action is required to remove the danger, Council will undertake the measures outlined in s129 of the Building Act 2004..

(ii) Under s124 of the Building Act 2004, where the Council is satisfied that a building is dangerous, the Council may:

- put up a hoarding or fence to prevent people from approaching the building nearer than is safe;
- attach in a prominent place on, or adjacent to, the building a notice that warns people not to approach the building;  
give written notice requiring work to be carried out on the building, within a time stated in the notice (no less than ten (10) days after the notice is given under section 125), to reduce or remove the danger.

(iii) All building owners will have ten (10) days to remove or reduce the danger following the date notice is given under section 125 of the Building Act 2004 unless the



danger is assessed as requiring immediate action. Any person who fails to comply with a notice given is committing an offence and is liable to a fine not exceeding \$200,000.00.

- (iv) On expiry of the notice period, Council will undertake an immediate inspection of the building to ascertain compliance with the notice requirements.
- (v) If an owner fails to undertake the work required by the notice and within the time frame stated, Council may seek the approval of the Courts to enter the building and undertake the necessary work itself, which may include demolition of the building, at the owner's expense.

## 10. **EARTHQUAKE-PRONE BUILDINGS**

### Overall Approach

- (i) Horowhenua District is in a zone of moderate to high seismicity and its buildings comprise a range of types and ages reflecting steady development from unreinforced masonry buildings to modern steel and concrete buildings. The Horizons Regional Council Earthquake Hazard Manual and the 2005 Lifelines Report shows that the Horowhenua District will be subject to "MM8" shaking and areas of the District are subject to liquefaction.
- (ii) The Horowhenua District Council's policy is to reduce the earthquake risk over time in a way that is acceptable in social and economic terms to its ratepayers and citizens and recognises the resources presently available to the Council.
- (iii) Accordingly, the Council will:
  - (a) Review its current listing of possible earthquake-prone buildings identified initially during 1994-96 that fall within the scope of potential earthquake-prone buildings under the Building Act 2004;
  - (b) Identify other likely earthquake-prone buildings and then advise the owners of these buildings of the results of the Council's broad assessment and invite them, within a limited timeframe, to meet with and/or obtain further details from Council on future requirements.
  - (c) Once the deadline for meeting with Council has passed and, subject to the results of discussions, given written notice to all owners of earthquake-prone buildings to be aware that when a Building Consent application is received for significant upgrading or alteration of the building, then Council will require that the building be strengthened or fixed as necessary to comply as nearly as practicable with the provisions of the Building Code.
  - (d) Allow owners a right of appeal as defined in the Building Act 2004 which can include applying for a determination under section 177.

### 10.2 Identification

Council will:

- (i) undertake an initial desktop review of the Council rating database, review of building records, and review those buildings identified in 1994-95 which contain construction information to assess which buildings could be earthquake-prone, based on the new legislation of the Building Act 2004.
- (ii) Follow this with a primarily visual inspection of the buildings in the commercial centres of the District to assess which buildings could be earthquake-prone.

- (iii) Assemble a list of earthquake-prone buildings according to the results of the assessments.
- (iv) When there has been a moderate earthquake in the District and damage to buildings has been reported, Council will:
  - (a) Undertake a primarily visual inspection of the buildings in the District to assess whether any damage has been caused to buildings;
  - (b) Require building owners to carry out a detailed assessment of buildings identified as earthquake damaged in the initial evaluation in (a) above;
  - (c) Require any damaged buildings to be strengthened to comply as nearly as practicable with the provisions of the Building Code.

### 10.3 Action

- (i) Before exercising its powers under section 124 of the Building Act 2004, Council will, at its discretion, seek, within a defined timeframe, 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 first instance, written notice will be given to buildings owners, tenants and occupiers. This notice will contain an offer from Council to advise and liaise with owners regarding work to be carried out. This notice will also contain provision for owners to carry out an independent assessment within 12 months. Council will not share the cost of undertaking a detailed assessment of the building.

- (ii) Following this initial notice, Council will provide a formal notification of action required, which will contain a timetable of action required to remove the danger. There are no appeal rights under the Building Act 2004 on this matter, and if building owners wish to challenge any decision made by Council, they will need to apply to the Department of Building and Housing for a determination.
- (iii) Under s124 of the Building Act 2004, where the Council is satisfied that a building is earthquake-prone, the Council may:
  - put up a hoarding or fence to prevent people from approaching the building nearer than is safe;
  - attach in a prominent place on, or adjacent to, the building a notice that warns people not to approach the building;
  - give written notice requiring work to be carried out on the building, within a time stated in the notice (no less than ten (10) days after the notice is given under section 125).

Any person who fails to comply with a notice given is committing an offence and is liable to a fine not exceeding \$200,000.00.

- (iv) Buildings identified as being earthquake-prone will be required to be strengthened when a Building Consent application is received for significant upgrading or alteration of the building. Whilst the required level of structural improvement is defined as 67% of the New Building Standard in compliance with NZS 1900 Chapter 8 1965, **the actual strengthening required will only be that which takes the building outside the ambit of this policy or s124 of the Building Act 2004.**

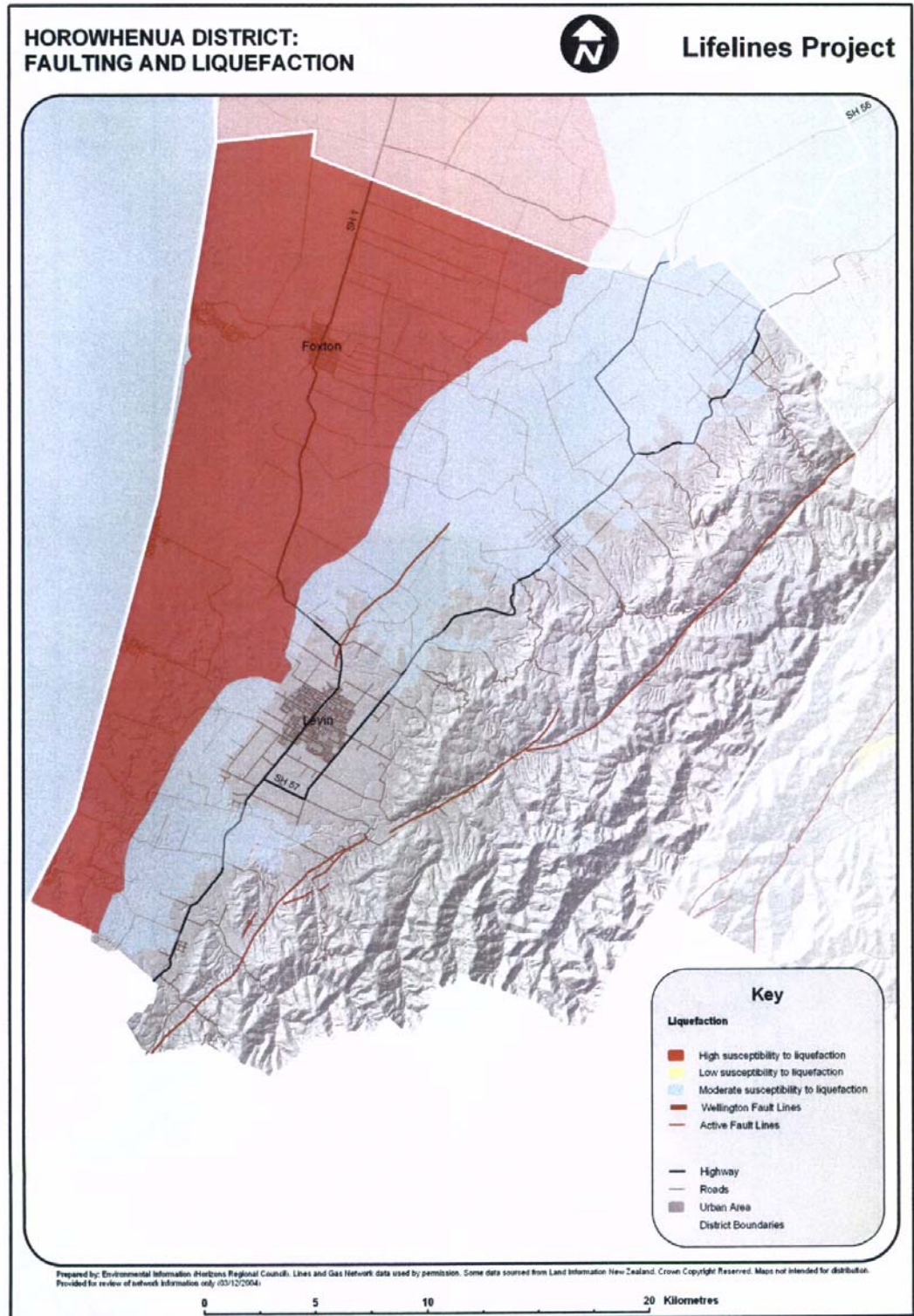
11. **Recording the Status of Dangerous, Earthquake-Prone and Insanitary Buildings and Access to this Information**

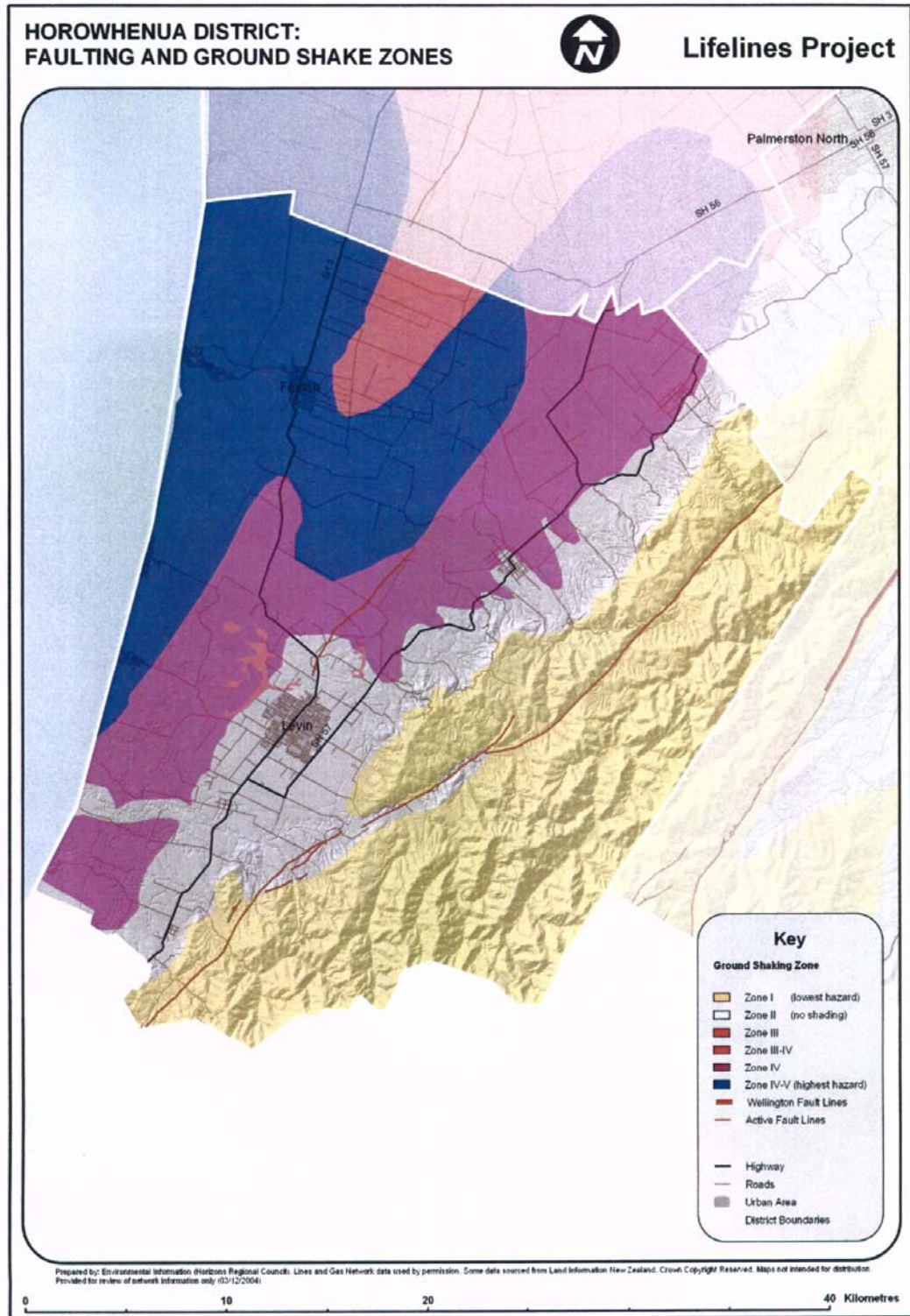
- (i) If a building has been assessed as being insanitary, dangerous or earthquake-prone, its status as such will be recorded in the following manner:
  - on Council's property files;
  - in Land Information Memoranda;
  - disclosed in a Project Information Memorandum (where it affects any proposed building work).
- (ii) The information will include the address and legal description of the land and building, the status of the building, the date when strengthening or demolition of the building is required (if known), or the results of improvement where appropriate.
- (iii) Further information will be made available from the Council to those who can demonstrate a genuine interest in the property. In granting access to information concerning earthquake-prone buildings, Council will conform to the requirements of the relevant legislation.
- (iv) Council will not require earthquake-prone buildings to have any identifying signage or similar unless the building represents an immediate danger to persons and property. Council believes that having information available at the Council offices is sufficient notice at present.

12. **Policy Review**

This policy will be reviewed on a five-yearly basis, from the date of adoption, as required by s132(4) of the Building Act 2004.

# **MAP**







Describe **means of escape**:


Describe **purpose groups** within the building:


Describe **water supply and sanitary facilities**:


Describe **why building is 'offensive' and/or 'likely to be injurious to health'**:


High hazard backflow prevention:

Required?	Yes/No
Installed?	Yes/No

**Dangerous/hazardous goods:**

Stored/used in building?		Yes/No	
What	Where	Class	Quantity

ACTION	Complete
On attached blank pages <b>sketch</b> floor plans and <b>record</b> locations of items 5-14 in <b>Building features</b> above	
<b>Obtain</b> copy of the current Certificate of Title	
<b>Obtain</b> copies of lease agreements	
<b>Obtain</b> tenants' contact details	
<b>Obtain</b> name of person tenants deal with	
<b>Obtain</b> expert reports	
<b>Research</b> building warrant of fitness	
<b>Research</b> authorised use/s	



What is your opinion of the building overall


<b>Do you believe that the building is dangerous or insanitary?</b>		Yes/No
Has this been confirmed by another party?		Yes/No
Name	Agency	Address

Reasons for YOUR decision



**Obtain** copies, in writing, from any attending experts, e.g. fire service, fire engineers, IQP's

Signed	
Date	

**EARTHQUAKE-PRONE BUILDING LISTING**  
**1994/95 SURVEY**


This listing will be compiled using records held by Council from the 1994/95 survey carried out as required by the Building Act 1991.

It is probable that some buildings identified in the 1994/95 survey no longer exist; therefore this listing will only be used for the initial desktop review of possible affected buildings as now required by the Building Act 2004.



# EARTHQUAKE PRONE BUILDING SURVEY

## HOROWHENUA DISTRICT COUNCIL



**Horowhenua District**  
**List of Earthquake Prone Buildings**  
**of Unreinforced Concrete or**  
**Masonry Construction**  
**February 1999**

File No	Rating	Locality	Street	Prop No	File No	Rating	Locality	Street	Prop No
7 & 7a	1	Levin	Oxford Street	130 & 132	108	2	Foxton	Main Street	24
13 & 13a	1	Levin	Oxford Street	137 & 139	109	4	Foxton	Main Street	26
19	4	Levin	Oxford Street	216-218	110	3	Foxton	Main Street	28
22	4	Levin	Oxford Street	206	111	3	Foxton	Main Street	Rear Section
23	3	Levin	Oxford Street	204	111a	4	Foxton	Main Street	30
24	3	Levin	Oxford Street	196	112 & 113	3	Foxton	Main Street	80
27	1	Levin	Oxford Street	190	117	4	Foxton	Main Street	72
28	2	Levin	Oxford Street	188	121	3	Foxton	Main Street	Foxton Service Centre
29	4	Levin	Oxford Street	184	125a	4	Foxton	Main Street	17
30	3	Levin	Oxford Street	182	128 & 128a	4	Foxton	Main Street	33&35
31, 31a	3	Levin	Oxford Street	178-180	129	4	Foxton	Main Street	37
36	4	Levin	Oxford Street	189	130	5	Foxton	Main Street	39
38	2	Levin	Oxford Street	197	132	4	Foxton	Clyde Street	Lee Mason Motors
40	6	Levin	Oxford Street	199	135	2	Foxton	Avenue Road	Coronation Hall
41	4	Levin	Oxford Street	203	201	4	Shannon	Pilmer Terrace	
42	3	Levin	Oxford Street	205	202	5	Shannon	Pilmer Terrace	42
44 & 44a	4	Levin	Oxford Street	209-211	203	5	Shannon	Pilmer Terrace	44
45 & 45a	1	Levin	Oxford Street	217-219	204	5	Shannon	Pilmer Terrace	46
48, 48a, & 48b	3	Levin	Oxford Street	261-265	205	4	Shannon	Pilmer Terrace	54
52	1	Levin	Oxford Street	145	206	4	Shannon	Pilmer Terrace	48-50
68	3	Levin	Bristol Street	Masonic Lodge	207	4	Shannon	Pilmer Terrace	52
101	3	Foxton	Main Street	2	211	5	Shannon	Ballance Street	6
102	4	Foxton	Main Street	8	213	3	Shannon	Ballance Street	10
106	2	Foxton	Main Street	20	214	5	Shannon	Ballance Street	12
107	4	Foxton	Main Street	22	215	1	Shannon	Stout Street	2 to 4

NB The information is based upon an initial survey conducted in 1994. Rating of 1 is some but least earthquake risk, rating of 5 highest risk. The information is indicative and is not definite proof of degree of risk which would require a detailed engineering assessment to determine.

The Horowhenua District Council has decided to publicly release information on a 1994 survey of possible earthquake prone buildings. The survey, conducted by engineering consultants, was of all unreinforced concrete or unreinforced masonry buildings to determine whether any could be prone to collapse in a serious earthquake. The survey covered a total of 186 buildings located in the town centres of Levin, Foxton and Shannon. Buildings were ranked on a scale of one to five, five being at most risk and one at some risk but relatively minor.

Since 1994 the results of the survey have been communicated to the building owners in various ways, including discussions, and recently by letter to ensure that the information is correct and up-to-date as a number of buildings were strengthened after the initial survey. In July 1998 all owners of buildings covered by the survey were given the opportunity to challenge the survey results before these were made public. Twenty-one challenges were made to the accuracy of the information. As a result of these challenges the consultant firm reviewed the information, under challenge for each building. The current situation is that of the 186 buildings surveyed 21 are ranked as being at some level of risk in Levin, 19 in Foxton and 11 in Shannon. The information on ranked buildings will be included in land information and project information memorandum (LIMS and PIMS) for affected properties. LIMS and PIMS are information documents about what Council knows about the features of the particular sites and buildings on them. They are available from Council on request at a small charge.

The Chair of the Environment Committee, Cr Olga Scott, said "Council has given very careful consideration to formally serving on affected owners notices to strengthen the buildings but decided not to do this for a number of reasons. These include the costly statutory processes involved, uncertainty in the interpretation of legislation, and the likelihood of changes to legislation which might require the process to be abandoned or repeated." Cr Scott explained too that the survey was not a detailed engineering assessment. This means that a particular ranking whilst a strong indication is not definitive proof. The latter would require a detailed engineering assessment which Mrs Scott indicated was an expense which Council felt should be met by the building owners rather than at ratepayer expense. Cr Scott emphasised that all owners of affected buildings had been written to and advised to seek expert engineering advice to ensure the safety of their buildings.

The list of ranked buildings is given below as also are maps showing the location of the buildings in question.

**For further details contact Mike Weir or Roger Wiffin at the Council Office (Phone 368-7189).**

**S4 BUILDING ACT 2004**  
**PRINCIPLES TO BE APPLIED IN PERFORMING FUNCTIONS OR DUTIES,**  
**OR EXERCISING POWERS UNDER THIS ACT**

**4. Principles to be applied in performing functions or duties, or exercising powers, under this Act**

- (1) This section applies to -
- (a) the Minister; and
  - (b) the chief executive; and
  - (c) the territorial authority or regional authority (but only to the extent that the territorial authority or regional authority is performing functions or duties, or exercising powers, in relation to the grant of waivers or modifications of the building code and the adoption and review of policy on dangerous, earthquake-prone, and insanitary buildings or, as the case may be, dangerous dams).
- (2) In achieving the purpose of this Act, a person to whom this section applies must take into account the following principles that are relevant to the performance of functions or duties imposed, or the exercise of powers conferred, on that person by this Act:
- (a) when dealing with any matter relating to 1 or more household units, -
    - (i) the role that household units play in the lives of the people who use them, and the importance of -
      - (A) the building code as it relates to household units; and
      - (B) the need to ensure that household units comply with the building code:
    - (ii) the need to ensure that maintenance requirements of household units are reasonable:
    - (iii) the desirability of ensuring that owners of household units are aware of the maintenance requirements of their household units:
  - (b) the need to ensure that any harmful effect on human health resulting from the use of particular building methods or products or of a particular building design, or from building work, is prevented or minimised:
  - (c) the importance of ensuring that each building is durable for its intended use:
  - (d) the importance of recognising any special traditional and cultural aspects of the intended use of a building:
  - (e) the costs of a building (including maintenance) over the whole of its life:
  - (f) the importance of standards of building design and construction in achieving compliance with the building code:
  - (g) the importance of allowing for continuing innovation in methods of building design and construction:
  - (h) the reasonable expectations of a person who is authorised by law to enter a building to undertake rescue operations or firefighting to be protected from injury or illness when doing so:
  - (i) the need to provide protection to limit the extent and effects of the spread of fire, particularly with regard to -
    - (i) household units (whether on the same land or on other property): and
    - (ii) other property:
  - (j) the need to provide for the protection of other property from physical damage resulting from the construction, use, and demolition of a building:
  - (k) the need to provide, both to and within buildings to which section 118 applies, facilities that ensure that reasonable and adequate provision is made for people with disabilities to enter and carry out normal activities and processes in a building:

- (l) the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value:
- (m) the need to facilitate the efficient use of energy and energy conservation and the use of renewable sources of energy in buildings:
- (n) the need to facilitate the efficient and sustainable use in buildings of -
  - (i) materials (including materials that promote or support human health): and
  - (ii) material conservation:
- (o) the need to facilitate the efficient use of water and water conservation in buildings:
- (p) the need to facilitate the reduction in the generation of waste during the construction process.