



## Questions & Answers

### **Why are you targeting unreinforced masonry buildings in the specific areas?**

Following the Hurunui/Kaikōura earthquakes in November 2016, GNS Science advised there was an increased risk of further earthquakes in the next 12 months in areas that include Wellington, Lower Hutt City, and the Marlborough and Hurunui Districts. Although the November 2016 earthquakes had the most significant impact on flexible, tall buildings, any future earthquakes may affect buildings differently. It is important to take action now to reduce the life safety risk that unreinforced masonry (URM) buildings are known to pose in an earthquake.

In November 2017, updated forecasting by GNS Science showed the heightened risk period was expected to extend for at least another six months beyond the period initially identified.

URM buildings are not usually considered dangerous in the ordinary course of events; however, they generally perform poorly in earthquakes and falling URM parapets and facades present significant risks to life safety. Thirty-nine people were killed by falling URM in the 2011 Christchurch earthquake.

Securing URM facades and parapets is a cost-effective way to reduce risks to life safety, and to increase public confidence and enhance resilience in these communities in the event of further earthquakes.

### **What does this mean for building owners?**

If you own a street-facing unreinforced masonry (URM) building in one of these areas you may be subject to the new requirements.

The requirements, made under the Hurunui/Kaikōura Earthquakes Recovery Act 2016, were introduced on 28 February 2017. Owners will receive a notice if their council requires them to secure certain parts of their URM buildings.

Councils are required to issue their notices by 29 March 2017 so owners of affected buildings will have certainty about the status of their building fairly quickly.

### **Who should I talk to about this?**

Your council will be your first point of contact if you are a building owner. The council will provide notice to relevant building owners. MBIE recommends building owners discuss practical issues, eg closing off part of the street or pavement, with their local council.

- Hurunui | (03) 314 8816
- Marlborough | (03) 520 7400
- Hutt City | (04) 570 6666
- Wellington | [Bree.Graczyk@wcc.govt.nz](mailto:Bree.Graczyk@wcc.govt.nz) | (04) 803 8810 | 027 803 0010

### **Do building owners need a building consent to carry out unreinforced masonry securing work?**

If you have received a section 124 notice you may be able to carry out the necessary building work without a building consent. In order to be able to rely on the exemption from the requirement to obtain a building consent the securing work must be work required by the notice and must:

- be designed or reviewed by a chartered engineer
- have regard to any applicable heritage values of the building or the area in which it is located to the extent that is reasonably practicable in the circumstances
- be carried out in accordance with that design

- be notified to the relevant territorial authority at least 3 working days before any work starts.

If the work involves demolition of the whole building then the exemption will not apply.

[Securing unreinforced masonry building parapets and facades](#) on the Building Performance website has further information, including the technical guidance.

#### **Where can I find technical guidance?**

[Securing unreinforced masonry building parapets and facades](#) on the Building Performance website has further information, including the technical guidance.

#### **Who will pay for the securing work?**

There are benefits for both building owners and the general public from securing street-facing unreinforced masonry building features. The joint government and council Unreinforced Masonry Buildings Securing Fund (approximately \$4.5 million) will provide some of the cost of securing these features, up to a maximum of \$25,000 for buildings up to two storeys and up to a maximum of \$65,000 for building three storeys and taller. MBIE recommends building owners discuss practical issues, eg closing off part of the street or pavement, with their local council.

When the securing work is done building owners can then apply to MBIE, the government agency responsible for administering the fund.

#### **When can I apply for support?**

You can apply for support towards the cost of the engineering assessment as soon as it has been completed.

- If your building is proven secure, and the section 124 notice has been lifted with no remediation work required, you can apply for 50 per cent of the engineering assessment costs up to a maximum of \$1,500 (excluding GST).
- If your building is shown to require remediation work, you can apply for 50 per cent of the engineering assessment costs before the securing work is complete, and this will be deducted from the maximum funding cap for your building.

Note: This will impact the funds available for reimbursement at completion of remediation work.

You can apply for support towards the actual work involved in securing the parapet and/or facade when the securing work is done, and the section 124 notice is lifted. Applications are sent to MBIE, the government agency responsible for administering the fund.

#### **How long do I have to apply for funding?**

To access funding, you must have completed securing work within the stated time period:

- If you meet the requirements for the 'reasonable steps' extension you must complete securing work within 18 months of the date that your section 124 notice was issued.
- If you do not meet the requirements for the 'reasonable steps' extension you must complete securing work within 12 months of the date that your section 124 notice was issued.

Note: If you incur costs for securing work past the specified 12- or 18- month timeframe you will be unable to receive support for these costs.

#### **What is the definition of a large and complex building?**

For the purposes of allocating funding from the Unreinforced Masonry (URM) Buildings Securing Fund, large and complex buildings have been defined as those that are three storeys or taller.

Owners of three, or more, storied URM buildings are eligible to claim 50 per cent of costs to secure parapets and or facades to a maximum of \$65,000.

#### **Why three storeys?**

For buildings that are one and two storeys only the roof-level connection of the facade and parapet needs to be secured.

For buildings three storeys and over, both the top storey floor-level, and the roof-level connection of the facade and parapet connection need to be secured.

### **Is the time frame of completing securing work changing?**

Changes were made in response to practical constraints and the continued heightened seismic risk. This means the original 12-month deadline for securing work remains in place for all building owners, but those who have taken reasonable steps within that period, and complete the securing work within a further six months, have a defence against prosecution.

### **How do I know if I have the extra time?**

If you believe you have taken reasonable steps and you have a programme of work showing how your building will be made safe within 18 months of the date of your section 124 notice, you will be eligible for the additional time. It is a good idea to contact your council and discuss how things are progressing with your building.

### **What is meant by ‘reasonable steps’?**

You are considered to have taken reasonable steps if within the original 12-month period of your section 124 notice:

- the design of the building work required to secure your parapet and/or facade has been, or is being, carried out or reviewed by a chartered professional engineer; and
- a programme of work is available to the territorial authority for inspection, showing how the building work will be completed within 18 months of the date on which your notice was issued.

What is meant by ‘a programme of work’?

The programme of work could be a document that provides an indication of when you intend to contract a builder to do the work, and when you expect the work to be done.

### **What penalties are there if building owners fail to comply with the notice?**

Councils will be able to use their normal powers under the Building Act 2004 in relation to street-facing unreinforced masonry (URM) buildings that have had notices served. That could include undertaking the work themselves and seeking to recover the costs from an owner – if the owner does not complete the work within the required 12-month timeframe.

Existing penalties for dangerous buildings under the Building Act 2004 will apply. These currently provide for a fine of up to \$200,000 for failing to comply with the notice issued by the council.

### **Why can't these unreinforced masonry buildings be covered under the new framework for managing earthquake-prone buildings?**

Work to secure unreinforced masonry parapets and facades on buildings in high risk areas is a shorter term need. This will not replace the regime for managing earthquake-prone buildings.

The existing regime under the Building Act 2004 still applies to these buildings. The requirements for assessment and upgrading earthquake-prone buildings are phased in over many years, depending on risk levels.

Some securing work may form part of the earthquake strengthening required for buildings that are deemed to be earthquake prone.

### **What streets in the specific areas are affected?**

The following streets in Wellington, Lower Hutt City, Marlborough and Hurunui areas are affected by this requirement:

#### **Hurunui District**

Markham Street, Amberley

Mountainview Road, Culverden

**Lower Hutt City**

Cuba Street, Lower Hutt

High Street, Lower Hutt

Hillary Court (being the area formed within Hillary Court, Vogel Street, and Treadwell Street),  
Naenae, Lower Hutt

That part of Jackson Street between Cuba Street and Petone Avenue, Petone, Lower Hutt

Waiwhetu Road, Waterloo, Lower Hutt

**Marlborough District**

Alfred Street, Blenheim

High Street, Blenheim

**Wellington City**

Adelaide Road, Berhampore/Mt Cook/Newtown, Wellington

Bond Street, Wellington Central, Wellington

Courtenay Place, Te Aro, Wellington

Coutts Street, Kilbirnie, Wellington

Cuba Street, Te Aro, Wellington

Dixon Street, Te Aro, Wellington

Dundas Street, Seatoun, Wellington

Egmont Street, Te Aro, Wellington

Eva Street, Te Aro, Wellington

Ganges Road, Khandallah, Wellington

Ghuznee Street, Te Aro, Wellington

Hobart Street, Miramar, Wellington

Holland Street, Te Aro, Wellington

Hutt Road, Pipitea, Wellington

Kilbirnie Crescent, Kilbirnie, Wellington

Lambton Quay, Wellington Central, Wellington

Manners Street, Te Aro, Wellington

Miramar Avenue, Miramar, Wellington

Riddiford Street, Newtown, Wellington

Rintoul Street, Newtown, Wellington

Taranaki Street, Te Aro, Wellington

The Parade, Island Bay, Wellington

Tinakori Road, Thorndon, Wellington

Tory Street, Te Aro, Wellington

Victoria Street, Te Aro, Wellington

Vivian Street, Te Aro, Wellington

Wakefield Street, Wellington Central, Wellington

Willis Street, Wellington Central, Wellington

Woodward Street, Wellington Central, Wellington

### **What will I have to do if I own a heritage building and receive a notice?**

The securing requirement may apply to heritage buildings. If you own a heritage building and receive a notice, you will be issued with technical guidance that includes some design solutions and principles owners should consider for their design work. The technical guidance includes designs that give consideration to heritage requirements. When securing your building you should have regard to the applicable heritage values to the extent that is reasonably practicable in the circumstances. You will not need a resource consent as long as the work done to your building is work done under a section 124 notice requiring you to secure a street-facing parapet or facade, and does not involve demolishing part or all of your building.

### **Where can I get further advice on how to secure my heritage building?**

The notice you received will be accompanied by technical guidance, including some design solutions and principles you should consider when doing heritage securing work.

[Securing unreinforced masonry building parapets and facades](#) on the Building Performance website has further information, including the technical guidance.

If you need further advice, contact government heritage advisors [Heritage New Zealand](#).

[Your local council](#) may also have a heritage advisor.

### **As the owner of a heritage building, can I receive assistance from both the Unreinforced Masonry Buildings Securing Fund and the Heritage EQUIP fund?**

If you own a heritage building you can apply for funding from the Unreinforced Masonry Buildings Securing Fund to secure your building's unreinforced masonry parapets and facades in accordance with the statutory requirement. In some circumstances you may also be eligible for assistance from Heritage EQUIP if you are doing other work on your heritage building, for example, seismic strengthening work. However, you are not able to receive money for the same work from both funds.

Further information is available on the [Heritage EQUIP website](#).

### **Will the fast-tracked securing work affect the heritage values and character of the affected streets?**

The Order in Council provides for heritage protection to the degree possible for securing work that must be done quickly. Although the securing work will not need a resource consent, in order to be undertaken without a building consent the work needs to have regard to any applicable heritage values to the extent that is reasonably practicable in the circumstances. The technical guidance includes designs that give consideration to heritage requirements. If a building owner wishes to demolish all or part of a facade or parapet, then a resource consent will be needed.