

7. REPORT ON EARTHQUAKE PRONE BUILDING – 74 LICHFIELD STREET

Officer responsible Environmental Services Manager	Author John Buchan, Building Control Manager, DDI 371-1687
Corporate Plan Output: Consents & Applications - Enforcement	

The purpose of this report is to advise the Council of negotiations to voluntarily achieve earthquake strengthening of the property at 74 Lichfield Street.

INTRODUCTION

The land at 74 Lichfield Street is a tee shaped section with a narrow lane entrance onto Lichfield Street, with the majority of the section fronting onto Struthers Lane next to the Tillman's building. The building is a three storied building built of brick some time before 1920.

During the October 2000 storm, the gable end of the brick wall on the eastern side of the building blew over and damaged the roof structure of the building next door at 78 Lichfield Street. Repairs to these buildings have not yet been completed and we understand negotiations between the insurance companies are not yet completed. We wrote to the owner of 74 Lichfield Street in October pointing out that the building appeared to be earthquake prone and asked that the owner provide a structural report on the degree to which the building would meet the requirements of Section 66 of the Building Act. We also advised that if the report showed the building was below standard we would require discussion and agreement on proposals to strengthen the building and a time-frame for the work to be done. We have not had a formal response to that letter but have been advised by the owner that he has commissioned an engineer's report and he is discussing the matter with his insurance company.

CURRENT COUNCIL POLICY

Section 66 of the Building Act defines an earthquake prone building as a building which having regard to its condition and to the ground on which it is built, and to its construction being either wholly or substantially of un-reinforced masonry or un-reinforced concrete, will have its ultimate load capacity exceeded in a moderate earthquake and thereby would be likely to suffer catastrophic collapse causing bodily injury or death to persons in the building, or to persons on any other property, or damage to any other property. The level of strength defined is approximately one tenth of current code design strength. The Act also says the Council may take action by fencing off the property or serving notice requiring work to be done to a specified time frame.

The Council's policy is when a potential earthquake prone building is the subject of a building consent, or comes to our attention for safety reasons, we ask that the strength requirements of Section 66 be addressed and seek to negotiate a programme of strengthening to an agreed time frame if the building is shown to be below earthquake prone standard.

If negotiations are not successful, the Council has the option of formally serving notice under Section 66 of the Building Act. Within 10 days of receipt of the notice the owner can object in writing and the Council then has to enquire into the objection and hear submissions. If the Council re-affirms its requirements, the Council applies to the District Court for an order confirming the notice. The decisions of the District Court can be appealed to the High Court on points of law.

Staff will continue negotiations to secure an upgrade to the minimum Section 66 standard. If such negotiations are unsuccessful it is recommended that a notice under Section 66 of the Building Act be served on the owner.

Recommendation: That negotiations to achieve earthquake strengthening continue and if such negotiations are unsuccessful, a notice under Section 66 of the Building Act then be served on the owner.