

27th April 2017

The Roman Catholic Bishop of the Diocese of Christchurch  
PO Box 4544  
Christchurch 8140

## **s124 Notice**

### **Notification of earthquake-prone building**

**Building Name:** Catholic Basilica

**Site Address:** 136 Barbadoes Street, Christchurch

**Legal Description:** Lot 3 DP 50663

Christchurch City Council records show that you are either an owner of, or a party with an interest in the building described above. Owners are receiving this letter to inform them of their legal obligations as an owner of an earthquake prone building, and to enclose a notice under section 124 of the Building Act 2004. The Building Act also requires that interested parties are given a copy of the section 124 notice. If you are not the owner of the building described above, please let us know.

The Council has previously notified owners in writing that the building is considered to be earthquake-prone based on the detailed engineering evaluation (DEE) information held on file. The building is listed on the Council's earthquake-prone building register. As you will be aware, this building has been assessed at 33 per cent or less of the New Building Standard (NBS), therefore elements of the building are considered likely to collapse causing injury or death to people or damage to other property in a moderate earthquake.

Your building is described as a Category C earthquake-prone building (refer Appendix A for definition) and you have 30 years to complete either the strengthening or demolition of your building upon receipt of the enclosed earthquake-prone building notice (Appendix B).

This notice requires you to strengthen the building so that it is no longer earthquake-prone (as defined in the Building Act 2004). Please refer to Appendix C for your obligations and responsibilities. Alternatively you can demolish some or all of the building so that the remaining structure is no longer earthquake-prone.

Please display this notice in a prominent place on the building (or as close to the building as possible, if there is fencing/hoarding around the building), as required by section 125 of the Building Act 2004.

It is important that you read the attached notice to ensure that you understand it, and seek further advice if required.

You can dispute the decision by the Council to classify your building as earthquake-prone and apply for a determination from the Chief Executive of the Ministry of Business, Innovation and Employment. Such a decision will be binding on the Council. If, for any reason, you do not agree with the status of the building, please contact us: email [dees@ccc.govt.nz](mailto:dees@ccc.govt.nz) or phone 941 8999.


Any earthquake work, either strengthening or demolition, is still subject to the normal resource and building consenting requirements of the Council. A suitably qualified person, such as a chartered structural engineer, may be able to advise you of your options.

You should notify the Council once the strengthening works have been completed. If a building consent is required for your work the section 124 notice will not be withdrawn until a code compliance certificate has been issued. The building will also be removed from the Council's earthquake-prone building register.

For more information, or to get a copy of the earthquake-prone, dangerous and insanitary buildings policy, visit [ccc.govt.nz](http://ccc.govt.nz). For information about the legislative changes regarding earthquake prone buildings see Appendix D.

Earthquake Prone Building Team  
Christchurch City Council  
Civic Offices  
Phone: 941 8999

Yours sincerely



**Robert Wright**  
**Head of Building Consents**  
**CHRISTCHURCH CITY COUNCIL**

## **Appendix A – Building categories**

The following building categories are defined in the Earthquake-prone, dangerous and insanitary buildings policy 2010:

### **Category A**

- Buildings with special post-disaster functions as defined in AS/NZS 1170.0:2002— Importance Level 4.
- Must be strengthened within 15 years from the date the owner is notified that their building is potentially earthquake-prone.

### **Category B**

- Buildings that contain people in crowds or contents of high value to the community as defined in AS/NZS 1170.0:2002—Importance Level 3. Note that “contents of high value to the community” does not include the fabric of the building itself.
- Buildings constructed of unreinforced masonry or unreinforced concrete.
- Must be strengthened within 20 years from the date the owner is notified that their building is potentially earthquake-prone.

### **Category C**

- Buildings with an importance level less than 3 as defined in AS/NZS 1170.0:2002.
- Must be strengthened within 30 years from the date the owner is notified that their building is potentially earthquake-prone.

Any building that falls within more than one category will be assigned to the highest category level.

## **Appendix B – Earthquake Prone Building Notice**

See attached document.

## **Appendix C – Obligations and responsibilities**

### **Council requirement to display sign**

In the interests of public safety and information, and notwithstanding a pending law change, the Council has decided to instruct you to display the enclosed warning sign (Appendix D). The Council require that you do this under the terms of the Building Act.

The earthquake-prone building notice (Appendix D) must be displayed in a prominent place. If the building is unable to be occupied you need to fix the notice to the external structure, hoarding or fence. Enforcement action may be necessary where this request is not complied with.

Additionally, any people who have an interest in this building will also receive a copy of the notice. This is required under the Building Act 2004.

## **Owner responsibilities**

Under the Health and Safety at Work Act 2015, a commercial property owner/landlord must ensure all tenants are advised of this action as soon as possible. The notice will need to remain in place until the seismic issues have been resolved to the Council's satisfaction.

## **Heritage buildings**

Heritage buildings will be assessed and categorised in the same way as other buildings and are subject to the same timeframes for strengthening if found to be earthquake-prone.

To support the retention of heritage buildings, structures and objects where this can be achieved, the Council intends to continue to support the upgrading of heritage buildings through its Heritage Incentive Grants and the provision of rates-funded advice. For information on assistance and support, contact the Council's heritage advisors by telephone on 941 8999 or by email on [heritage@ccc.govt.nz](mailto:heritage@ccc.govt.nz).

## **Appendix D – Changes to the Building Act 2014**

Changes to the Building Act are expected to come into effect between July 2017 and May 2018. These changes are described in the Building (Earthquake-Prone Buildings) Amendment Act 2016.

Under the new legislation, all earthquake-prone buildings nationwide will be listed on a publicly accessible register. All buildings on the register will be required to display earthquake-prone building notices in a prominent place. The nationwide register and the building notice to be displayed will disclose the assessed earthquake rating for the building.

The Council will write to you again when the new act takes effect about your responsibilities and the new timeframes for any work under a new earthquake-prone building notice.

# EARTHQUAKE PRONE BUILDING

Notice pursuant to S124(2)(c) of the Building Act 2004

**To:**  
**the owners of the building;**  
**the occupiers of the building; and**  
**every person who has an interest in the land on which the building is situated (see s125 Building Act 2004).**

**This notice is for the building situated at 136 Barbadoes Street, Christchurch more particularly being described as Lot 3 DP 50663, and being all the land comprised in Certificate of Title 29B/1137.**

The Christchurch City Council is satisfied the above building is earthquake prone under the Building Act 2004.

The meaning of earthquake prone is defined by section 122 of the Building Act 2004 in conjunction with clause 7 of the Building (Specified Systems, Change for Use, and Earthquake Prone Buildings) Regulations 2005.

For further information please refer to the Christchurch City Council's Earthquake Prone Buildings Policy 2010 (Policy). You can view the policy at [www.ccc.govt.nz](http://www.ccc.govt.nz).

As the building is earthquake prone, and in accordance with the Policy, the owners of the building are required by April 2047 to either:

- a) Strengthen the building to a sufficient degree so that it is not earthquake prone; or
- b) Demolish all or part of the building, so that the remainder of the building (if any) is not earthquake prone.

A building consent must be obtained prior to strengthening or demolition work being undertaken. The building consent must be obtained and the work must be completed before the date noted above. A resource consent may also be required.

If you fail to comply with this notice the Christchurch City Council will consider exercising further enforcement powers under the Building Act 2004 which includes restricting access to the building and/or putting up a hoarding or fence to prevent people from approaching the building nearer than is safe, or initiating a prosecution under the Building Act 2004.

Anyone defacing or removing this notice commits an offence under section 368 of the Building Act 2004 and may be liable to a fine of up to \$5,000, or you can be issued with an infringement notice and an instant fine of \$500.

*Under section 368 of the Building Act 2004, it is an offence to remove or deface this notice:*

- (1) *A person commits an offence if the person:*
  - a) *wilfully removes or defaces any notice published under this Act; or*
  - b) *incites another person to do so*
- (2) *A person who commits an offence under this section is liable on conviction to a fine not exceeding \$5,000.*

**Robert Wright**  
**Head of Building Consenting**  
PO Box 73013, Christchurch, 8140, Phone: 03 941 8999

**Christchurch**  
**City Council** 