
REPORT 2
(1215/53/IM)

EARTHQUAKE PRONE BUILDING POLICY: REQUEST FOR EXTENSION OF TIME – PAPUA NEW GUINEA HIGH COMMISSION AT 279 WILLIS STREET

1. Purpose of Report

The purpose of this paper is for the Committee to consider a request for an extension of time to comply with the Earthquake Prone Building Policy.

The building is located at 279 Willis Street being described as Part Section 118 City of Wellington.

2. Executive Summary

The applicant is the Papua New Guinea High Commission representing the government of Papua New Guinea who owns the building. The High Commission is not legally required to comply with New Zealand legislation, but has shown a willingness to do so in the interests of public safety and to preserve the heritage fabric of this building.

The potential for collapse in an earthquake, resulting in injury, death or damage to other property is high.

The applicant was issued with notices to upgrade the building in February 2003 under the former Building Act 1991, and on 30 June 2006 under the current Building Act 2004.

The current earthquake prone building notice requires that work to mitigate the danger begin by 30 June 2008. The applicants have requested a two year time extension.

Because this is a heritage listed building, resource consent will be required for the work and needs to be factored into the timeframe. The Papua New Guinea High Commission intends to strengthen the building and has engaged a firm of engineers experienced in the seismic upgrade of heritage buildings.

3. Recommendation

It is recommended that the Committee:

1. *Receive the information.*
2. *Grant the request for an extension of time to 30 June 2010 to reduce or remove the danger, without conditions.*

4. Background

The Council's Earthquake Prone Building Policy was adopted in May 2006. It provides for buildings to meet minimum performance standards, set under the Building Act 2004, in the event of a moderate earthquake. The objective of the policy is to advance public safety and minimise potential injury, loss of life and damage to other property. The policy provides for the Council to consider applications for extensions of time to comply with the Act and the Regulatory Committee holds delegated authority to decide on applications that are lodged with the Council.

The application for an extension of time from the Papua New Guinea High Commission is for a two year extension to the timeframe set in the policy, and embodied in the notice subsequently issued under s124 of the Building Act 2004.

The building, built in 1909, is two stories comprising cavity brick perimeter construction with load bearing brick internal walls. It has a pitched clay tile roof and stucco exterior.

The building is listed as a heritage building in the Council's District Plan and has a NZ Historic Places Trust classification C (11). Originally built as a house for a prominent Wellington physician, Dr Ewart, it is described as a 'delightfully detailed Arts and crafts building from around the turn of the century which demonstrates the skills of the architects Hoggard and Prouse.'¹

The applicants were issued with a notice to upgrade the building in February 2003 under the former Building Act 1991. A seismic strengthening report was provided in 1998 but the work was not undertaken.

The current earthquake prone building notice was issued on 30 June 2006 in line with policy² requiring the property owners to start work to reduce or remove the danger by 30 June 2008.

¹ Wellington City Council Heritage Inventory 1995

²[Wellington City Council Earthquake Prone Building Policy](#)

5. Discussion

Attachment 2 of the Earthquake Prone Building Policy lists fourteen points to consider after receiving an application for an extension in time to complete strengthening work.

Extension Consideration (per Council Policy)		Analysis and Comment
1	Whether people who use the building can do so safely.	When used as an office the building has an assessed occupancy of 45 – 50 people. The current occupancy as a High Commission may have a significantly lower actual occupancy. The building has a high risk of collapse in a seismic event due to the unreinforced masonry walls with significant fenestrations (windows) and heavy roof. There is also a chimney extending approximately 1.5m above the roof.
2	Importance of ensuring that each building is durable for its intended use.	There are no particular durability concerns.
3	Importance of recognising any special traditional and cultural aspects of the intended use of the building.	There are no identified special traditional or cultural aspects of this building
4	Cost of the building (including maintenance) over its whole life.	The applicant has provided no information related to costings. The seismic strengthening report obtained in 1998 estimated the cost of upgrading to one third of the then current structural design standard, NZS 4203:1992, to be \$75,000. It is noted that this level of strengthening is no longer sufficient to meet current legislated standards and construction costs have increased in the interim.
5	Importance of standards of building design and construction in compliance with the building code.	An initial evaluation (IEP) has been obtained to assess the current level of strength comparative to a new building built to NZS 1170. This is the methodology included in the Earthquake Prone Building Policy. The building has been assessed at 21 % of new building strength. The main concerns are: <ul style="list-style-type: none"> • Significant window areas in the unreinforced masonry walls • Heavy roof with brick chimneys extending approximately 1.5m above roof.

Extension Consideration (per Council Policy)		Analysis and Comment
6	Need to provide for the protection of other property from the risk of physical damage.	The building is proximate to the street boundary on a major thoroughfare. However, it is generally well separated from the adjoining properties and therefore pounding is not an issue.
7	Need to facilitate the preservation of building of significant historical, or heritage value.	<p>The building is listed as a heritage building in the Council's District Plan and has a NZ Historic Places Trust classification C (11). Originally built as a house for a prominent Wellington physician, Dr Ewart, it is described as a 'delightfully detailed Arts and Crafts building from around the turn of the century which demonstrates the skills of the architects Hoggard and Prouse.'</p> <p>Because this is a heritage listed building, resource consent will be required for the work and needs to be factored into the timeframe. The Papua New Guinea High Commission intends to strengthen the building and have engaged a firm of engineers experienced in the seismic upgrade of heritage buildings.</p>
8	Importance level of building.	The building is importance level 2 which is the level for most buildings other than those with crowd activities or post disaster functions. As such it has a moderate priority under the policy.
9	Building structure and strength ie the code that was used to design and construct the building	This building was built at a time before there were any structural design codes in New Zealand. The building is significantly weak in comparison to a new building and the type of construction and materials used means that it may be subject to sudden brittle failure.
10	Special characteristics of the building e.g. heritage or historic.	The building is part of a wider Willis Street precinct which includes a number of doctor's residences/practices which were built around the turn of the century.
11	Whether the building has already been strengthened along with the level it was strengthened to and when the work was done.	The building has not been strengthened since it was built.
12	Financial Implications.	No information has been supplied by the applicant.
13	Ramifications if the building was to be demolished rather than strengthened e.g. loss of	The heritage listing has identified the building fabric as being worthy of preservation. Demolition of the building is not proposed by the applicant. The engineering firm engaged is

Extension Consideration (per Council Policy)		Analysis and Comment
	heritage for future generations.	experienced in the seismic strengthening of heritage buildings.
14	Availability of the appropriate people to do all the work.	The Engineering firm has accepted the engagement and proposed a feasible time frame.

5.1 Summary of analysis against the Council's Policy considerations

Key matters for Councillor consideration of this application for extension in timeframe to complete strengthening work, are as follows:

- This building was built at a time before there were any structural design codes in New Zealand. The building is significantly weak in comparison to a new building and the type of construction and materials used means that it may be subject to sudden brittle failure. The building has not been strengthened since it was built.
- The building has a high risk of collapse in a seismic event due to the unreinforced masonry walls with significant fenestrations (windows) and heavy roof. There is also a chimney extending approximately 1.5m above the roof. The building has been assessed at 21 % of new building strength.
- The building is importance level 2 which is the level for most buildings other than those with crowd activities or post disaster functions. As such it has a moderate priority under the policy.
- The Papua New Guinea High Commission intends to strengthen the building and has engaged a firm of engineers experienced in the seismic upgrade of heritage buildings.
- The heritage listing has identified the building fabric as being worthy of preservation. Demolition of the building is not proposed by the applicant. The engineering firm engaged is experienced in the seismic strengthening of heritage buildings.

Based on the above, officers believe that an extension of two years should be granted without conditions.

5.2 Options

There are three options available to the Committee in regards to this application for extension of time, which are to:

- Approve the extension, without conditions (recommended):
- Approve the extension, with conditions; and
- Decline the extension and enforce the notice.

Officers believe that the given the commitment shown by the Papua New Guinea High Commission to date, applying conditions to the approval is not necessary.

If the Committee declines to grant the extension, it should note that the Council is not in a position to enforce the notice as the building is owned by a foreign Government.

6. Conclusion

The applicant is the Papua New Guinea High Commission representing the government of Papua New Guinea who owns the building. The High Commission is not legally required to comply with New Zealand legislation, but has shown a willingness to do so in the interests of public safety and to preserve the heritage fabric of this building. Officers recommend that an extension of two years should be granted without conditions.

Contact officer: Claire Stevens, Team Leader Bylaws, BCLS

Supporting Information

1) Strategic Fit / Strategic Outcome

This activity primarily contributes to the outcome that “Wellingtonians will feel safe in all parts of the city”. It also contributes in part to the outcome that “Wellington will protect its heritage buildings and ensure that new developments are sympathetic to them.”

2) LTCCP/Annual Plan reference and long term financial impact

The project is contained in the LTCCP 1.4.1 “*Earthquake risk Mitigation*”. There are no financial impacts for Council as a result of this decision.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

4) Decision-Making

This is not a significant decision.

5) Consultation

a) General Consultation

Not required. However, the submission received from the owner is attached as Appendix A.

b) Consultation with Maori

Not required.

6) Legal Implications

Legal advice was received during the development of the policy. In relation to this particular application, no legal advice was considered necessary.

7) Consistency with existing policy

The recommendations in this paper are in accordance with the Earthquake Prone Building Policy adopted by Council on 31 May 2006.

Owners Submission

Dunning Thornton Consultants Ltd
Consulting Structural Engineers
Project & Construction Consultants
94 Dixon Street, PO Box 27-153, Wellington, NZ
Telephone (644) 385-0019, Fax (644) 385-0312
E-Mail: dtcwgtn@dunningthornton.co.nz
Ref: 6139

12th May 2008

Wellington City Council Building Group
P.O. Box 2199
WELLINGTON

Attention: Katharine Wheeler

Dear Katharine

Appraisal House 279 Willis Street: SR 148639 Extension of Time Request in Relation to Section 124 Notice

We are writing to you on behalf of the building owner requesting that an extension of time be granted on the Section 124 notice issued on the above building. We confirm we have received confirmation of our engagement to carry out a seismic appraisal for the PNG High Commission of the above property as per the attached letter. We understand that the current situation is that the PNG HC were issued with the Notice in 2006 after adoption of WCC's EPB policy: the notice resulting from a previous Section 66 notice under the 1991 Act. This Section 124 notice is about to expire.

The building is two stories high and we have deduced from drawings of alterations we have sourced from the WCC archives, comprises cavity brick perimeter construction with load bearing brick internal walls. It has a pitched roof with clay tiles, and a stucco exterior. In effect, the structure has been constructed as a typical large house from the late Victorian era.

As per our attached proposal we agree that the building is Earthquake Prone, and given it's heritage nature we believe the building should be preserved and be carefully strengthened. We have stated in our proposal that agreement of the structural form and target %NBS for the strengthening should be obtained with yourselves, HPT and WCC heritage officers before any Building or Resource Consent is applied for. Properly done, this process can take time and hence we are requesting an extension of time on the current notice.

We therefore request that an extension of two years be granted on the following basis:

- That we have been engaged to carry out the design and documentation of the seismic strengthening as per the attached proposal, though no significant progress has been made to date
- The requirement to obtain a Resource Consent for the strengthening work

- The heritage nature of the building and hence additional consideration/complexity in the design of the strengthening
- Its relatively small size and occupancy loading
- Its cellular nature and hence having some level of seismic strength in each direction.

Although we are likely to be in contact with you during the process we would be happy to report progress at six monthly intervals during this two years so that you may be satisfied that work is progressing.

We appreciate your support in this matter and hope we can work together to achieve the best result for this heritage building. Please don't hesitate to contact me if you require any further information.

Yours faithfully

Alistair Cattanach
DIRECTOR

Copy:
PNG High Commission - Malcolm Langbein

APPENDIX B

Copy of Notice

Notice pursuant to s124 of the Building Act 2004 in respect of a building deemed to be earthquake prone

To:

Owner;
Government of Papua
New Guinea
279 Willis Street
Wellington

Occupier;
Rider Hunt
279 Willis Street
Wellington

Occupier;
New Zealand Historic
Places Trust,
PO Box 2629
Wellington

Protocol Division
Ministry of Foreign
Affairs and Trade
P O Box 18-901
Wellington

Address: The building situated 279 Willis Street and more particularly being described as [Part Section 118 City of Wellington](#) and being all the land comprised in Certificate of Title [WN20A/862](#).

You are the owners of the building at the above address that has been classified by the Wellington City Council as earthquake prone in terms of s124 of the Building Act 2004. You are accordingly required by [30 June 2008](#) to either:

- (a) begin strengthening work to strengthen the building to a sufficient degree so that it is not earthquake prone; or
- (b) demolish the building.

A building consent must be obtained prior to strengthening or demolition work being undertaken. The building consent must be obtained and the work must begin before the expiry of the timeframe noted above.

Under s122 of the Building Act 2004, the meaning of earthquake-prone building is

- (1) A building is earthquake prone for the purpose of this Act if, having regard to its condition and the ground on which it is built, and because of its construction, the building-
 - (a) will have its ultimate capacity exceeded in a moderate earthquake (as defined in the regulations/below); and
 - (b) would be likely to collapse causing-
 - (i) injury or death to persons in the building or to persons on any other property; or
 - (ii) damage to any other property.

Moderate earthquake has the same meaning as section 7 in the Building Regulations 2005 where-

‘...moderate earthquake means, in relation to a building, 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.’

The above mentioned building was issued with a notice under s66 of the Building Act 1991 classifying this building as earthquake prone. This s124 notice supersedes the former s66 notice. For further clarification see the ‘Maximum Timeframe to Strengthen a Building’ section of the Wellington City Council’s Earthquake-Prone Buildings Policy.

If you disagree with the classification of this building as earthquake prone you may apply for a determination from the Department of Building and Housing under s177(e) of the Building Act 2004.

If you do not comply with the terms of this notice the Council can (but is not limited to) initiate a prosecution under the Building Act 2004 or put up a hoarding or fence to prevent access into the building pursuant to s124(1)(a) of the Building Act 2004.

Dated: 18 July 2006

**Katharine Wheeler
Building Permissions Manager
Building Consents and Licensing Services
Wellington City Council**

Appendix C - Photos

Aerial photo of site at 279 Willis Street



279 Willis St from street

