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**REPORT 2**  
*(1215/53/IM)*

## **EARTHQUAKE PRONE BUILDING POLICY REQUEST FOR EXTENSION OF TIME – 21 MANCHESTER TERRACE**

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### **1. Purpose of Report**

To consider a request for an extension of time to comply with the Council's Earthquake Prone Building Policy.

The building is located at 21 Manchester Tce, Lot 2 deposited plan 8506.

### **2. Executive Summary**

The owners of 21 Manchester Terrace, through their engineers acting as agents, have requested a two year extension to commence work to strengthen the building. The building owner has owned the building since 1998.

The potential for collapse of the building in an earthquake has been assessed as high. The building is located on private property and therefore does not pose a risk to other property. However the building is used as a short term accommodation and conference facility and poses a risk to people around the building.

While the building is not listed as a heritage building in the District Plan nor is the building listed particularly on the NZ Historic Places Register, it is part of the Truby King Historic Area listing.

Officers believe if a time extension is to be given under the Earthquake prone building policy, there needs to be some clear milestones set so that the work is completed.

### **3. Recommendation**

Officers recommend that the Committee:

- 1. Receive the information.*
- 2. Approve an extension of time related to 21 Manchester Terrace to 31 December 2009 to reduce or remove the danger with the following conditions:*

- (a) *Building Consent, NZ Historic Places Trust Approval and Resource Consent applications for the strengthening work will be applied for by 31 December 2008 and*
- (b) *Substantive progress on the building work for seismic strengthening of the building will have been undertaken by 31 December 2009.*

#### **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 (the Act), 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.

This two storey, un-reinforced masonry building currently operates as short term accommodation and conference facilities. The building was originally built as a Karitane Hospital in the mid 1920s is a U shaped courtyard building. It has subsequently had an addition in the 1960s to the south of the building originally to provide hostel accommodation for staff. It was owned by the Plunket Society until 1982 when it was bought by the World Government of the Age of Enlightenment (Incorporated). The current owners, Melrose Conference Centre Ltd bought the property in 1998. At some point of time the use of the building was changed to the current use of short term accommodation and conference facility. It is not clear when this change occurred.

The building is part of the Truby King Historic Area listed with the NZ Historic Places Trust but is not particularly listed as a heritage building in the Council's District Plan. While the owners would have to consult with the NZ Historic Places regarding any proposed works, the Local Area Planning team advise that it is likely that a Resource Consent will not be required for this work.

The building consists of a ground floor constructed in unreinforced masonry with a pitched lightweight roof with a partial wooden second floor. The ground floor consists of the conference facilities, some communal spaces for dining and some bedrooms. The second floor has additional bedrooms.

The building was first identified as an earthquake risk in 1973; this was challenged by the owner at that time. Council then agreed that the building was a "class B" building in terms of earthquake risk and if extensive alterations were proposed, strengthening may be required as part of the alteration work. The building was surveyed again in 1999 by ISP Consulting Engineers (ISP) on behalf of Council. It was identified as earthquake prone in terms of the Building Act 1991. There was extensive correspondence between ISP (working on behalf of Council) and the current owners between that time and 2004. The owner advised ISP that they had engaged an engineer to undertake this work but no Building Consent application was received by Council. In June 2004, a section

66 notice under the Building Act 1991 was issued to the current owners. There was subsequently some correspondence between Council and the owners regarding the options available to them due to proposed changes in the Building legislation.

In June 2006 the owners were then issued with a section 124 notice under the Building Act 2004 requiring them to strengthen or demolish the building by 30 June 2008 in accordance with the Council's earthquake prone building policy. We received a request for a time extension for a further two years on behalf of the current property owners on 30 June 2008.

The current request by the applicants for a time extension refers to the following:

- That structural engineers have been engaged to undertake this project
- Requirement to obtain a Resource Consent for this work
- Heritage nature of the building and resulting complexity of project
- Building is predominantly single storey.

## 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.	The building is on private property and not adjacent to public through fares. The building is currently used as a conference facility for 20 -80 and accommodation for 120 on short term basis.
2	Importance of ensuring that each building is durable for its intended use.	There are no particular durability issues identified with the building.
3	Importance of recognising any special traditional and cultural aspects of the intended use of the building.	The building is noted as one of the Karitane Hospitals established by Truby King and the Plunket Society.
4	Cost of the building (including maintenance) over its whole life.	No costings have been provided of possible strengthening works.
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 new buildings built to NZS 1170. This is the methodology included in the Earthquake Prone Building Policy.  The building has been evaluated at 25% of new

Extension Consideration (per Council Policy)		Analysis and Comment
		building strength.
6	Need to provide for the protection of other property from the risk of physical damage.	The building is remote from other areas and sites within private property.
7	Need to facilitate the preservation of building of significant historical, or heritage value.	The building is not particularly listed in the District Plan or NZ Historic Places Register but is part of the Truby King Historic Area
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. While the current Earthquake Prone Building Policy primary mechanism is to require buildings to be upgraded when other significant building work is undertaken, there is a maximum 10 year time frame established for this priority building at this time.
9	Building structure and strength ie the code that was used to design and construct the building	<p>The building was built in the 1920s before there were any structural design codes in New Zealand. The original building was built as a Karitane Hospital and is a U shaped courtyard building. It has subsequently had an addition in the 1960s to the south of the building originally to provide hostel accommodation for staff. This alteration took place before 1976 which was the date when the structural design codes made significant advances in seismic design. Buildings designed earlier than this date are likely to be earthquake prone.</p> <p>No strengthening of the original structure has taken place. The structure is very significantly weak in comparison to a new building. Being of un-reinforced masonry construction the building may be subject to sudden brittle failure.</p>
10	Special characteristics of the building e.g. heritage or historic.	The building is in the Truby King Historic Area
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.

Extension Consideration (per Council Policy)		Analysis and Comment
12	Financial Implications.	The building owner has not supplied any evidence regarding financial implications.
13	Ramifications if the building was to be demolished rather than strengthened e.g. loss of heritage for future generations.	The building is part of an area that has historic significance.
14	Availability of the appropriate people to do all the work.	The Council has recently been approached by structural engineers who have capacity to undertake the design work currently. The building pressure appears to be easing in the city and contractors are likely to be available within reasonable time frame.

### 5.1 Summary of Analysis against the Council's Policy considerations

Key matters for Councillor consideration of these applications for extension in timeframes to complete strengthening work are as follows:

- The original 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 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 building can have a relatively high occupancy of people who may be unfamiliar with the building. There are conference facilities available for groups of 20 to 80 people and 120 beds available for accommodation.
- The building has a high risk of collapse in a seismic event. The building has been assessed at 25% of new building strength.
- The current owner has owned the building for 10 years.
- While the applicant has stated that one of the reasons for a time extension would be the requirements for resource consent for this project, discussions with the Local Area Planning team suggest that this may not be necessary.

Based on the above, officers believe that the un-strengthened building poses a significant risk to building occupiers and a two year time extension is not appropriate. The building owner has taken no action to remedy this issue during the ten years that they have owned the building and officers believe that progress may be made if an extended time frame granted with milestones.

A shorter time extension of six months to apply for Building Consent and get approval of NZ Historic Places Trust and apply for Resource Consent if required with a further twelve months to make substantive progress with the building

work may allow strengthening to progress with this building to a satisfactory conclusion.

Under the Building Act, it is the owner of the building that commits an offence if a notice is not complied with. Giving a time extension with milestones will allow officers to allow officers the option of using the enforcement tools provided by the Building Act 2004 to affect a resolution if the milestones are not achieved.

## **6. Conclusion**

Melrose Conference Centre Ltd has owned the building since 1998 and to date has not progressed the seismic strengthening of the building at 21 Manchester Terrace. If a time extension was to be approved, officers believe that there needs to be some milestones to ensure the work is completed.

Contact Officer: *Claire Stevens, Team Leader Earthquake Prone Buildings and Structural Engineering Building Consents and Licensing Services*

## 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.

# Appendix A-Owners Submissions

## **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: 5113

30<sup>th</sup> June 2008

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

**Attention: Katharine Wheeler**

Dear Katharine

### **21 Manchester Tce (Karitane Hospital): Seismic Assessment 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 preliminary seismic appraisal for the Paisley Family Trust of the above property as per the attached letter. We understand that the current situation is that the owners 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 predominantly single storied and, comprises cavity brick perimeter construction with load bearing brick internal walls. It has a pitched lightweight roof. We have some original 1926 drawings we have sourced from the WCC archives that identify it as the original Karitane Hospital. Because of its predominant cellular nature the structure will act adequately in an elastic manner provided sufficient tying and face load strengthening is provided to the external and internal brick walls.

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:

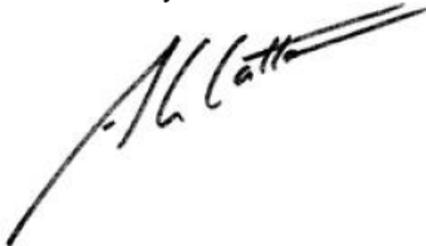


- That we have been engaged to begin investigation of the seismic strengthening as per the attached proposal, though no significant progress has been made to date
- The requirement to obtain a Resource Consent for the strengthening work
- The heritage nature of the building and hence additional consideration/complexity in the design of the strengthening
- Its cellular and predominantly single-storey 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

A handwritten signature in black ink, appearing to read 'Alistair Cattanach', written in a cursive style.

Alistair Cattanach  
DIRECTOR  
080630PDB

Copy:

Paisley Family Trust - Kosta Koroniadis

## 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;  
Melrose Conference Centre  
Ltd  
c/- Homwarth Wellington  
Limited  
Level 3  
32 Waring Taylor Street  
Wellington

Director;  
Stavrinos, Eleni  
Melrose Conference  
Centre Ltd  
22 Inglis Street  
Wellington

Director;  
Stavrinos, George  
Melrose Conference  
Centre Ltd  
22 Inglis Street  
Wellington

Occupier;  
Capital House Conference  
and Accommodation Centre  
21 Manchester Terrace  
Melrose  
Wellington

New Zealand Historic  
Places Trust,  
PO Box 2629  
Wellington

**Address:** The building situated at [21 Manchester Terrace](#), and more particularly being described as [Lot 2 Deposited Plan 8506](#), and being all the land comprised in Certificate of Title [WN383/74](#).

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: 30 June 2006**

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

# Appendix C-photos

Aerial photo of 21 Manchester Tce



Photos of building

