

APPENDIX I:

Section 133 AE of the Building Act 2004 - Meaning of priority building

(1) In this subpart, priority building means any of the following that are located in an area of medium or high seismic risk:

(a) a hospital building that is likely to be needed in an emergency (within the meaning of the Civil Defence Emergency Management Act 2002) to provide—

- (i) emergency medical services; or
- (ii) ancillary services that are essential for the provision of emergency medical services:

(b) a building that is likely to be needed in an emergency for use as an emergency shelter or emergency centre:

(c) a building that is used to provide emergency response services (for example, policing, fire, ambulance, or rescue services):

(d) a building that is regularly occupied by at least 20 people and that is used as any of the following:

- (i) an early childhood education and care centre licensed under Part 26 of the Education Act 1989:
- (ii) a registered school or an integrated school (within the meaning of the Education Act 1989):
- (iii) a private training establishment registered under Part 18 of the Education Act 1989:
- (iv) a tertiary institution established under section 162 of the Education Act 1989:

(e) any part of an unreinforced masonry building that could—

- (i) fall from the building in an earthquake (for example, a parapet, an external wall, or a veranda); and
- (ii) fall onto any part of a public road, footpath, or other thoroughfare that a territorial authority has identified under section 133AF(2)(a):

(f) a building that a territorial authority has identified under section 133AF(2)(b) as having the potential to impede a transport route of strategic importance (in terms of an emergency response) if the building were to collapse in an earthquake.

(2) For the purposes of subsection (1)(a) and (b), the likelihood of a building being needed in an emergency for a particular purpose must be assessed having regard to—

(a) any national civil defence emergency management plan made under section 39 of the Civil Defence Emergency Management Act 2002; and

(b) the civil defence emergency management group plan approved under section 48 of the Civil Defence Emergency Management Act 2002 that covers the district in which the building is situated.

(3) If only part of a building meets the criteria set out in subsection (1), only that part of the building is a priority building.

(4) Whether a building is a priority building affects—

(a) the deadline by which a territorial authority must identify whether the building or a part of the building is potentially earthquake prone (see section 133AG); and

(b) the deadline for completing seismic work on the building or a part of the building, if it is subject to an EPB notice (see section 133AM).

Section 133AE: inserted, on 1 July 2017, by section 24 of the Building (Earthquake-prone Buildings) Amendment Act 2016 (2016 No 22).

Section 133 AF of the Building Act 2004 - Role of territorial authority in identifying certain priority buildings

(1) This section applies to a territorial authority whose district includes any area of medium or high seismic risk.

(2) The territorial authority,—

(a) for the purpose of section 133AE(1)(e) (prioritising parts of unreinforced masonry buildings), must use the special consultative procedure in section 83 of the Local Government Act 2002 to identify any part of a public road, footpath, or other thoroughfare in an area of medium or high seismic risk—

(i) onto which parts of an unreinforced masonry building could fall in an earthquake; and

(ii) that has sufficient vehicle or pedestrian traffic to warrant prioritising the identification and remediation of those parts of unreinforced masonry buildings; and

(b) for the purpose of section 133AE(1)(f) (prioritising buildings that could impede a strategic transport route),—

(i) may, in its discretion, initiate the special consultative procedure in section 83 of the Local Government Act 2002 to identify buildings for that purpose; but

(ii) must not identify buildings for that purpose other than in accordance with the special consultative procedure.

(3) However, a territorial authority is not required to act under subsection (2)(a) if there is no reasonable prospect of any thoroughfare in its district satisfying the criteria set out in subsection (2)(a)(i) and (ii).

(4) If a territorial authority is required by subsection (2)(a) or decides under subsection (2)(b) to use the special consultative procedure in section 83 of the Local Government Act 2002, it must use the procedure within a time frame that enables the territorial authority to meet the applicable time frame under section 133AG(4) for identifying potentially earthquake-prone priority buildings in its district.

Section 133AF: inserted, on 1 July 2017, by section 24 of the Building (Earthquake-prone Buildings) Amendment Act 2016 (2016 No 22).