

20 December 2024

s7(2)(a)

File Ref: IRC-7516

Tēnā koe **s7(2)(a)**

Thank you for your email of 27 November 2024 to Te Kaunihera o Pōneke | Wellington City Council (the Council) requesting the following information:

- Is the council aware of Wellington buildings that have been converted for residential use in the 1980s and 1990s that were issued with building consent at that time despite some work (like fire cells for example) remaining outstanding?
 - It seems some owners of earthquake-prone heritage apartment buildings have discovered this issue when they have been preparing to strengthen their buildings.
 - I am trying to understand if it is a widespread problem.
- Can the council please provide details of each instance when they have been made aware of this problem over the past five years? I am happy to reduce the scope of this to earthquake-prone apartment buildings if that's helpful.

Your request has been considered under the Local Government Official Information and Meetings Act 1987 (LGOIMA).

The 1991 Building Act took effect in 1992. Any building constructed before this Act would not have a building consent. Under the Building Act, building owners cannot obtain a Code Compliance Certificate (CCC) for these building.

For building work undertaken after the 1991 Building Act took effect, a Building Consent is required. Building owners must apply for CCC as soon as reasonably practicable after the consented work is complete. However, it is not an offence to not obtain CCC.

There are many circumstances where building work has not been completed for various, often legitimate, reasons at the time and then forgotten about. Additionally, there are cases where the owner has not obtained CCC again for many reasons. This work often comes to light when a Land Information Memorandum (LIM) or new building consent is applied for.

The Council does not record information in a way that will make it easy for the Council to identify which properties from the 1980-1990 were converted into residential buildings. For example, your scope mentions earthquake-prone buildings. There are currently 532 earthquake prone buildings in Wellington City and each one would need to be searched and analysed to determine when and if consent had been granted.

Even with your further refinement to only apartment buildings, there are still 47 buildings that officers would need to search through. We would need to review every document and email

associated with each building, considering that an apartment is a multi-dwelling unit, to identify any mention of the building owners experience with unresolved previous consents. Undertaking this work would unnecessarily take officers away from their daily duties.

I can advise however, Building Consent officers were asked if they recollect any buildings that could fit your description over the five-year period, no one has been able to recollect any buildings that fit your description.

We have refused your request under sections:

- 17(f) that the information requested cannot be made available without substantial collation or research.

Our online archive system - [Property / Rawa | Archives Online](#) contains a list of properties that may help you narrow down the scope of information. I am happy to discuss further, to help you find the information you need.

You have the right, by way of complaint under section 28(1) of the LGOIMA, to request an investigation and review of the Council's decision to withhold and/or refuse information by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you require further information, please contact official.information@wcc.govt.nz.

Nāku noa, nā

Asha Harry
Official Information & Privacy
Wellington City Council