

15. Building management

Summary Buildings provide for safety, economic and social well-being, and lifeline utilities services. Building management in an emergency requires having coordinated readiness, response, and recovery arrangements in place that involve building owners, territorial authorities, CDEM Groups, agencies, and building professionals.

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15.1 Introduction

Part 5
Role and Responsibilities
Building management

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- (1) Buildings provide for safety, economic and social well-being, and lifeline utilities services.
- (2) The Building Act 2004 and subordinate instruments aim to ensure the effective structural and functional performance of buildings and structures, and the safety of people in and around them (which includes ensuring that buildings are not constructed on land known to pose a hazard).
- (3) Building management requires having co-ordinated readiness, response, and recovery arrangements in place that involve building owners, territorial authorities, CDEM Groups, agencies, and building professionals.

15.2 Objective

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The objective of building management in an emergency is to—

- (a) protect life and promote safety within and in the vicinity of each building; and
- (b) minimise damage to and loss of property; and
- (c) restore building functions as soon as possible to minimise social and economic consequences of the emergency; and
- (d) minimise losses or disruption of lifeline utility services that are in or near any building.

15.3 Principles

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The principles underlying building management are to—

- (a) adhere to the relevant statutory requirements (including the provisions of the Building Act 2004, because it provides the primary means of reducing the risk to people in and near buildings that may arise during an emergency, enabling people to use buildings without unduly endangering their well-being); and
- (b) understand that managing buildings in an emergency is best achieved through efficient and effective management of each building and stocks of buildings on an ongoing basis; and
- (c) encourage all agencies and individuals involved in building management to plan for readiness and to maintain arrangements that enable collaborative responses in an emergency; and
- (d) ensure that building professionals have demonstrable levels of competence, capability, and understanding of their responsibilities in undertaking readiness and response roles to manage buildings in an emergency; and
- (e) use common methods and standards for collecting and communicating information on the safety and functional status of buildings to assist building management in an emergency at national, CDEM Group, and local levels; and
- (f) ensure that agencies, CDEM Groups, and territorial authorities that lead aspects of building management in an emergency provide timely information to affected communities, building owners, and occupiers; and
- (g) encourage, as part of readiness, each territorial authority to collect information for each building, including information on—
 - (i) its precise location, form and materials of construction, age, use, occupancy, heritage value, and earthquake-proneness; and
 - (ii) any known critical structural weaknesses; and
 - (iii) any critical lifeline utility services located in or near it; and
 - (iv) its ownership and management arrangements.

Emergency management of buildings

The *Building Act 2004* provides powers to manage buildings which are deemed dangerous or insanitary. The *Building Act 2004* is adequate for most situations resulting in building risk. However, in some circumstances, it would be appropriate to use the powers in the *CDEM Act 2002*, noting that placards and cordons placed under that Act expire at the end of any state of emergency.

The Ministry for Business, Innovation, and Employment (MBIE) is responsible for issuing guidance to territorial authorities on planning for emergency management of buildings. This guidance is available at www.building.govt.nz (search for 'post disaster building management').

15.4 Management of buildings during reduction and readiness

Building developers, owners

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(1) *Building developers and owners are responsible for ensuring that buildings are designed, constructed, managed, and maintained in accordance with applicable statutory requirements to reduce risks.*

Employers

(2) *Each employer has a general duty under the Health and Safety in Employment Act 1992 to take all practicable steps to ensure the safety of employees while at work, including developing procedures for dealing with emergencies that may affect the workplace (persons controlling a workplace have duties to manage hazards that extend to non-employees while those non-employees are legitimately at or in the vicinity of the workplace).*

Territorial authority

(3) *Under the Building Act 2004, a territorial authority, within its district, is to—*
(a) *maintain the means to ensure compliance with building regulations for reducing risk; and*
(b) *develop and implement a policy on earthquake-prone buildings in accordance with section 131 of the Building Act 2004; and*
(c) *develop and maintain arrangements, in accordance with national guidelines and procedures, for assessments, evaluations, and steps to be undertaken for managing risks to and uncertainties as to the safety of buildings in response to and recovery from an emergency.*

The Building Act 2004

The *Building Act 2004* is the legislation that governs the building industry in New Zealand, providing the framework for New Zealand's building control system. All building work being undertaken in New Zealand must comply with the Building Code. It is a performance-based code, which means it states how a building must perform in its intended use rather than describing how the building must be designed and constructed.

Information on the Building Code and how to comply with it can be found at www.building.govt.nz (search for 'about the building code').

The Ministry of Business, Innovation and Employment

(4) *The Ministry of Business, Innovation, and Employment is to—*
(a) *manage the setting of national building standards, codes, and assurance processes that address the risks of hazards; and*
(b) *plan for the national co-ordination of building management in an emergency in consultation with the agencies, professional bodies, and members of the private sector that have roles, responsibilities, and interests in this regard; and*
(c) *co-ordinate the following building management functions:*
(i) *the training and qualification of building professionals who are able to assess buildings during and after an emergency; and*
(ii) *the maintenance of rapid building-assessment processes; and*
(iii) *the maintenance of arrangements for mobilising and demobilising trained rapid building assessors and detailed-engineering evaluators; and*
(iv) *the maintenance of arrangements for mobilising and demobilising volunteer rapid building assessors; and*
(v) *the maintenance of sufficient capability of assessors nationally to enable timely support to 1 or more CDEM Groups when local capabilities are exceeded.*

MBIE guidance	MBIE is responsible for issuing guidance to territorial authorities on planning for emergency management of buildings. The guidance is available at www.building.govt.nz (search for 'post disaster building management').
Training and field guides	Along with the above guidance, training is being carried out to develop a pool of assessors that can be deployed to assist territorial authorities in building management operations. Field guides for those assessors (including procedures on how to call upon those assessors) and related forms are available at www.building.govt.nz (search for 'post disaster building management').
The Ministry for Cultural and Heritage	<i>(5) The Ministry for Culture and Heritage, in consultation with the Ministry of Business, Innovation, and Employment, is to provide cultural and heritage policy advice to the Government as requested</i>
EQC	<i>(6) The Earthquake Commission may facilitate research and education about— (a) natural hazards and risks, and methods to avoid and reduce them; and (b) the insurance arrangements that it provides for residential buildings.</i>
Heritage New Zealand Pouhere Taonga	<i>(7) Heritage New Zealand Pouhere Taonga may advise territorial authorities and owners of buildings about risks to, and the conservation of, heritage features and values.</i>
Legislative requirements for Heritage New Zealand	<p>Section 5(2)(f) of the <i>Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act 2014)</i> provides for:</p> <p>(f) an appropriate response about heritage matters in the event of a national or local emergency being declared.</p> <p>One of the functions of Heritage New Zealand under Section 13(1)(g) is:</p> <p>(g) in the event of a national or local emergency, to provide advice on heritage matters.</p> <p>Heritage New Zealand must establish and maintain a list of places of outstanding national heritage value (National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu). The purpose of the Landmarks list includes Section 81(2)(b):</p> <p>(b) the conservation of such places, including their protection from natural disasters, to the greatest extent practicable.</p> <p>Section 82(4)(c) requires that the Heritage New Zealand must not propose that a place be included on the Landmarks list unless it is satisfied that:</p> <p>(c) the owner has prepared an appropriate risk management plan approved for the purpose by Heritage New Zealand Pouhere Taonga.</p>
Guidance to owners of heritage buildings	<p>Heritage New Zealand recognises the risks to heritage buildings posed by hazards, and the potential risks to public safety from heritage buildings in an emergency such as a major earthquake. As part of its role in conserving historic heritage, Heritage New Zealand encourages the owners of heritage buildings to assess hazards and determine how the risks posed by those hazards will be managed. This is a statutory requirement for heritage places proposed as National Historic Landmarks.</p> <p>Heritage New Zealand strongly encourages owners to consider risk management:</p> <ul style="list-style-type: none"> ◆ when preparing conservation plans ◆ when undertaking any work on a place, and/or ◆ when applying for funding from the Heritage New Zealand National Heritage Preservation Incentive Fund or other sources of funding. <p>Heritage New Zealand publishes guidance on matters such as fire protection and earthquake strengthening and provides expert advice on hazard identification and risk treatment, sources of funding, and supports appropriate funding bids.</p> <p>Financial incentives are available from the Heritage New Zealand National Heritage Preservation Incentive Fund for work to reduce the risk to heritage places, such as earthquake strengthening, fire protection, and for the preparation of conservation plans.</p>

15.5 Management of buildings during response and recovery

Territorial authority	<p>80 Management of buildings during response and recovery</p> <p>(1) <i>As the building consenting authority for the affected area in its district, each territorial authority is, as necessary,—</i></p> <ul style="list-style-type: none">(a) <i>to lead rapid building assessments (further information is contained in The Guide); and</i>(b) <i>to take steps to manage the safety of people in and near a building, either in accordance with directions of the National Controller, Group Controller, or Local Controller during a state of emergency or in line with its functions under the Building Act 2004 in any other emergency, including, as applicable,—</i><ul style="list-style-type: none">(i) <i>cordoning; and</i>(ii) <i>carrying out stabilisation work and barricading; and</i>(iii) <i>carrying out demolitions and setting up partial demolition cordoning; and</i>(iv) <i>requiring the mandatory evacuation of a building or the area around a building when necessary under section 86 of the Act; and</i>(c) <i>to fulfil its responsibilities under the Act and the Building Act 2004, including facilitating the efficient and effective recovery of building functions; and</i>(d) <i>to have, in carrying out the actions specified in paragraphs (a) to (c), regard to priorities for the preservation and restoration of lifeline utility services in the affected area.</i>
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Territorial authority building control teams may undertake operations, as well as prioritise and coordinate its activities across districts in line with the overall response. The determination of needs and request for additional capacity however, will take place via the Emergency Operations Centre (EOC), Emergency Coordination Centre (ECC), or Local or CDEM Group Controllers.

MBIE guidance	MBIE is responsible for issuing guidance to territorial authorities on planning for emergency management of buildings (including demolition guidance). The guidance is available at www.building.govt.nz (search for 'post disaster building management').
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CDEM Group	<p>(2) <i>A CDEM Group, during an emergency affecting its area,—</i></p> <ul style="list-style-type: none">(a) <i>is to co-ordinate building management activities within the area; and</i>(b) <i>may request national-level support from the National Controller when local capability is exceeded.</i>
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The Ministry of Business, Innovation and Employment	<p>(3) <i>The Ministry of Business, Innovation, and Employment is to—</i></p> <ul style="list-style-type: none">(a) <i>provide national co-ordination of building management support to a CDEM Group when requested by the Director or the National Controller; and</i>(b) <i>lead rapid building assessment functions in a state of national emergency; and</i>(c) <i>advise and report on operational building management needs and options to the Director or the National Controller; and</i>(d) <i>provide building management policy advice to the Government as requested; and</i>(e) <i>lead the securing and management of compromised building sites for forensic investigations; and</i>(f) <i>advise the Government, during recovery after an emergency, on the requirements for facilitating the efficient and effective recovery of building stock and functions.</i>
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In the event of a declared national emergency, MBIE will “lead the rapid building assessment function” per item 3(b) by supporting and reporting to the Local Authority Building Assessment Manager in setting up and coordinating rapid assessment teams, reporting and analysis of damage, providing stabilisation/demolition advice, and any other applicable building safety related matter. MBIE will also provide the support necessary to the National Controller and the National Management Crisis Centre (NMC) on building safety matters.

Heritage New Zealand Pouhere Taonga

- (4) *Heritage New Zealand Pouhere Taonga may—*
- (a) *assist CDEM Groups and territorial authorities in identifying and managing risks to heritage buildings and sites from hazards that may arise during an emergency; and*
 - (b) *provide advice and support to the National Controller, the Group Controller, or the Local Controller (as the case may be) and the appropriate territorial authority on matters relating to heritage during response and recovery operations.*

In the event that a state of emergency is declared, Heritage New Zealand expert advisors are available to assist with:

- ◆ rapid assessment of the risk to and from heritage buildings
- ◆ identifying heritage buildings sites and areas
- ◆ assessing heritage values of buildings, sites and areas, and/or
- ◆ securing of heritage places.

The Heritage New Zealand website contains details of all places on the New Zealand Heritage List (and can be accessed from mobile devices). Heritage New Zealand provides hard copies of the List to local authorities annually, and an update quarterly. Heritage New Zealand also maintains building files and copies of many conservation plans.

If a state of emergency has been declared, section 60(1) of the *HNZPT Act 2014* provides an accelerated process for granting emergency authority to modify or destroy an archaeological site (including demolition of pre-1900 buildings). The *HNZPT Act 2014* reads:

- (1) This subpart provides a process for obtaining an emergency authority to undertake an activity that will or may modify or destroy an archaeological site or sites located in an area or a district over which a national or local emergency is declared under the *Civil Defence Emergency Management Act 2002*.

In determining whether to grant an authority, Heritage New Zealand takes account of factors including the:

- ◆ need to protect public health and safety
- ◆ historical and cultural values of the site
- ◆ effect on Māori cultural values, and
- ◆ views of the owner (if they can be ascertained).

An application must be determined within three days, or within five days if the application relates to sites of interest to Māori.

Recovery

In the recovery phase, heritage advisors provide advice on planning requirements, securing, repair, and restoration of heritage buildings, sites, and areas. Heritage New Zealand works with owners to facilitate recovery including adaption of heritage buildings to accommodate new economic uses. Heritage New Zealand can advise territorial authorities on planning issues and building resilient communities through the retention of heritage. Heritage New Zealand can also advise owners on funding available for repair, restoration and strengthening of heritage buildings whilst preserving heritage values.

The Ministry for Culture and Heritage

- (5) *The Ministry for Culture and Heritage, in consultation with the Ministry of Business, Innovation, and Employment, is to provide cultural and heritage policy advice to the Government as requested.*

EQC

- (6) *The Earthquake Commission—*
- (a) *is to assist, as first loss insurer, with the repair or replacement of residential buildings; and*
 - (b) *may provide information and support to assist other agencies and CDEM Groups in assessing damage to residential buildings, and the consequential welfare and temporary accommodation needs of the resident populations; and*
 - (c) *is to provide advice to Government on matters relevant to its functions.*

15.6 References and links

Other sections of the Guide

- ◆ Section 5, Ministry of Civil Defence & Emergency Management (MCDEM)
- ◆ Section 6, Civil Defence Emergency Management Groups (CDEM Groups)
- ◆ Section 17, Reduction
- ◆ Section 18, Readiness
- ◆ Section 24, Response
- ◆ Section 32, Recovery

Other documents

- ◆ MBIE (building) website (www.building.govt.nz):
 - information about the Building Code
 - information, forms, and field guides related to post disaster building management
- ◆ Heritage New Zealand website (www.heritage.org.nz)
- ◆ *Building Act 2004*

