



*The Voice of Heritage
for New Zealand*

Patron: Dame Anne Salmond, DBR, FRSNZ, FBA
2013 New Zealander of the Year

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Ministry of Building, Innovation and the Employment
PO Box 1473
Wellington 6140

Submitted by email:- buildingactemergencymanagement@mbie.govt.nz

**Submission on
BUILDING ACT EMERGENCY MANAGEMENT PROPOSALS**

Introduction

This submission is made by Historic Places Aotearoa Inc. (HPA) which welcomes the opportunity to comment on the Building Act Emergency Management Power Proposals.

The reasons for making this submission are that HPA promotes the preservation of historic places in Aotearoa New Zealand. HPA also has an interest to promote the education of the public in the appreciation of heritage values. HPA is a key stakeholder in the consultation process and answerable to its affiliated regional societies and associated membership.

HPA has considered the proposals and considered the impact that these will have on heritage buildings within communities affected by emergencies such as those triggered by earthquake.

HPA has a particular interest in the subject of these proposals, for the merits of the sustainable urban quality and distinctive character of New Zealand cities and towns. Making these proposals workable requires

appropriate resourcing, especially with people with the right quantity and level of engineering and related professional skills. There are public-good benefits which justify public investment side-by-side with the costs and benefits for private and corporate owners of heritage buildings and communities post disaster.

HPA is generally supportive of the proposals in the consultation document as they try to strike a balance between the risk to life, the built historical environment and public / private rights during the difficult periods associated with dealing with events post disaster and associated civil defence emergencies.

General comments:

For the purposes of these proposals, consideration needs to be given to acknowledging the significance of heritage listed buildings in the heritage lists of district plans, as required under the RMA, as well as those on the Heritage NZ Pohere Taonga (HNZ) National Historic Landmarks list and the HNZ category one list.

In most cities there are examples of significant heritage buildings scheduled in the local territorial authority (TA) plans that are not listed by HNZ.

These proposal do not take into account buildings which have building protection orders imposed by the Environment Court. Some of these buildings are not listed as Category 1 buildings by HNZPT. The demolition of these buildings have in the past been challenged through the courts and their protection has been enforced through the courts. .

The top tier of heritage buildings scheduled in district plans (recognising that there is no consistent terminology employed across the range of plans) should, therefore, be included along with those listed by HNZ. On its own admission, HNZ does not have the resources to list all places that might reasonably be included on its lists and it relies on scheduling in district plans to supplement its own.

It should be noted listing by HNZ does not provide any protection to the building listed under the RMA, but does require a TA to advise HNZ of any proposed building consented work. Section 39 of Building Act.

Since it is the heritage schedules maintained by TA's that have standing under the RMA process, and since these proposals are designed to set aside the RMA processes in emergency situations, it is essential that these schedules and any heritage orders are included in the proposals.

Furthermore, for small communities there may be very few, or no buildings listed as Category One on the HNZ list, but a significant number of Category Two buildings or buildings listed as significant in the TA's heritage schedules. The current proposals would provide little or no protection for scheduled heritage buildings in small cities and towns such as Wairoa, Temuka etc. However heritage buildings are a significant resource for the town and are an important part of their identity.

In the case of larger towns like Napier, Oamaru, Whanganui and Gisborne the context provided by heritage buildings of lower status is critical in supporting the unique heritage identity of the place. It is essential that the proposals recognise the importance of unified heritage areas such as these and the importance of heritage that is not of national importance but is of critical significance in the context of a smaller community. The proposals have been shaped largely in terms of the impact of a natural disaster on a major centre.

The proposals need to give consideration as to how they will impact on smaller cities and towns that are just as much at risk from the impacts of natural disasters as larger centres.

HPA would recommend that TA's and local councils should be required to prepare Civil Defence building management plans in advance. These should detail the key buildings in terms of:-

- the most important heritage buildings
- The key facilities and amenities
- Key emergency access corridors

These plans should be consulted and agreed to by the affected communities.

Response to Specific Proposals

Proposal 1 Response

Q1 The list needs to be re-ordered to be consistent in its order. By placing all the structural matters together would make list easier to read. As an example - “need for shelter in residential buildings” sits between matters relating to ground conditions and structural damage. Group the considerations by type.

Q2 & 3

We support the 1 and 3 year time frames as they would appear appropriate for both large and small cities, towns and disasters.

Comment

We would suggest that the 28 day time frame be adjusted to be monthly on the anniversary date of the disaster or from when the Civil Defence Emergency was declared. By using a 28 day timeframe, the date will continually slip each month, which could be confusing to all involved, when they are already stressed. Keeping to a consistent date each month will make it easier to manage for all concerned.

Proposal 2, 3 & 4 Response

Q7 HPA supports the use of placards as it provides a quick and simple way to manage buildings and their use post disaster.

Comment

The use of green placards may not be sensible as it may convey the wrong message to owners and users of buildings post an earthquake. This is particularly important in unreinforced masonry buildings where the direction and the frequency of the earthquake pulse can dramatically affect the damage sustained by a building. An aftershock can therefore easily bring the building down, as happened after the first Christchurch earthquake.

Proposal 5 & 6 Response

Q10 HPA does not support the wording of these proposals. The use of the word “remove” suggests only 1 option when dealing with significant and immediate dangers.

When dealing with significant and immediate dangers all options should be considered, especially when dealing with heritage buildings. This requires experience on the part of the teams assessing buildings post disaster but is possible and prudent.

In Gisborne many parts of buildings being removed, and dumped, when they could have been either secured, or instead of being dumped they could have been placed near the building to allow for them to be either reinstated at a later date or properly documented so that the replacement parts were accurate

As an example the Italians tend to look to mitigate the danger and this can include putting strapping around the building and tying the structure together, effectively putting the building into compression. This means:-

- minimal damage to the building,
- mitigation of the danger
- time for the owner to make an informed decision about the repair or removal of the building.

HPA would recommend that multi-disciplined teams of people be trained to understand, construct and manage this process.

We understand that this is again something that Italy does.

If the decision making was undertaken by trained and approved experts in this field then HPA would support a TA not being requiring to obtain a resource or building consent.

Q11 HPA would support the requirement for Ministerial approval and for HNZPT to be advised when removing significant or immediate dangers, but believes that the scope of this provision should be expanded to include all heritage listed and scheduled buildings and those buildings with heritage covenants.

Again this should be seen as a last resort when mitigation is not considered an option by trained experts.

Proposal 7 & 8 Response

Q13 HPA does not support these proposals.

The recent Environment Court case relating to the historic Harcourts Building in Wellington highlighted how economic issues can be misrepresented.

Economic disruption will always happen following a disaster and due to the Civil Defence Emergency. Any economic losses due to dangers from buildings or parts thereof should be managed in a more considered manner compared to those relating to life safety or emergency vehicle access etc. The trigger with respect to this proposal should be **unreasonable** economic disruption and not just economic disruption as this is a given in the circumstances.

If the provisions as drafted were to remain then all heritage buildings, both listed and scheduled, should be included and HNZPT should be advised accordingly and their advice taken into consideration.

It would be uncommon for TA's to have any expertise in matters relating to economic disruption as it pertains to buildings and the Resource Management Act.

Proposal 9 Response

Comment

HPA does not support the language used in this proposal.

As per previous comments the use of the word "remove" is too prescriptive and limits alternative ideas around mitigating dangers.

HPA also believes that unless there is an urgent need to mitigate a danger due to change in circumstances, then the resource and building consent processes should not be circumvented at least not in their entirety. It may be that a modified system of the RMA and

Building Act processes could be utilised to expedite a decision, but still allowing for public and private interests to be taken into consideration, for example reducing the timeframes for consents, appeals etc.

Q19 The three year timeframe in most situations should be adequate under this provision, but TA's should have the ability in certain circumstances to be able to apply for an extension. As an example it took almost 5 years for all of the earthquake damaged buildings in Gisborne to be repaired following the 2007 earthquake.

Proposal 10 Response

HPA supports this proposal.

Proposal 11 Response

HPA supports this proposal.

Proposal 12 Response

Q22 HPA generally supports this proposal, but believes TA's should be encouraged in certain circumstances to consider compensation for costs incurred, where heritage values are being conserved and where a public good is involved.

Proposal 13 Response

HPA supports this proposal.

Contact:

A handwritten signature in black ink, appearing to read 'James Blackburne', with a stylized flourish at the end.

James Blackburne

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