



Sustainable Management of Historic Heritage Guidance Series

Information Sheet: Earthquake-Prone Buildings Policy and Heritage Buildings – Building Act 2004 (draft for consultation)

Background

Earthquakes can destroy places of value to individuals and communities. The Gisborne earthquake (20 December 2007) and the Canterbury earthquake (4 September 2010) have caused major disruption to communities, including damage to heritage buildings. For territorial authorities, there will be greater need of robust earthquake-prone policy, effective post-disaster strategies and recovery plans.

To address issues between managing earthquake risk and heritage buildings, Parliament introduced a requirement, under section 131 of the Building Act 2004, for territorial authorities to prepare a policy earthquake-prone buildings. The policy must state:

- (a) The approach that the territorial authority will take in performing its functions under this Part.
- (b) The territorial authority's priorities in performing those functions.
- (c) How the policy will apply to heritage buildings.

Since 2004, territorial authorities have taken varying approaches with regard to earthquake-prone policies and heritage buildings. In some areas, where territorial authorities have taken an active approach to identifying earthquake-prone heritage buildings, there has been substantial public opposition to policies which were perceived to adversely impact upon the interests of owners of heritage buildings.

The NZHPT promotes an active approach to ensure heritage buildings at risk are identified. It is important that a long-term risk management approach is adopted to ensure buildings are safeguarded from earthquakes for future generations.

This active approach, however, should not unnecessarily adversely impact upon owners of heritage buildings. For this reason, it is important for territorial authorities to be active in consulting owners, facilitating the engagement of appropriate engineering advice and providing incentives and support.

In the first instance, evidence-based research (as part of initial evaluation processes) is required to identify the number, distribution and type of earthquake-prone heritage buildings in each district, and the associated costs and benefits. This information should inform territorial authorities about the implications of various policy options.

The issuing of section 124 notices under the Building Act 2004 requires a well considered communication plan. Building owners may be confused that the local authority is requiring demolition under the Building Act 2004 while at same time restricting demolition under the district plan with respect to scheduled buildings.

This information sheet provides a summary of key information as provided in the NZHPT draft guide, *Heritage Provisions for Earthquake-Prone buildings policies under the Building Act 2004* [\[link to be added\]](#)



Towards Improving National and Local Action on Earthquake-Prone Heritage Buildings, NZHPT, March 2009 (CTRL + click on image to link to report on NZHPT website)

The following check list is provided to assist territorial authorities in the development of policies that will apply to heritage buildings.

Checklist – Earthquake-Prone Buildings Policy for Heritage Buildings

- Has the Council’s draft policy on earthquake-prone buildings provided for heritage buildings?
- Has the Council’s draft (or existing, to be revised) policy on earthquake-prone buildings provided for heritage buildings?
- Does the policy have a robust framework, foster an active approach for heritage buildings and does it integrate well with other Council policies for heritage management and related issues (e.g. urban renewal), particularly in fostering the retrofit and adaptive reuse of heritage buildings?
- Have heritage buildings been identified early in the process as part of the building stock appraisal?
- As part of the policy framework, is there an understanding of the primary issues involved, the risks to heritage buildings, including the number and type of potentially earthquake-prone heritage buildings and an assessment of the costs and benefits, policy options and implications of regulatory intervention?
- To what level of the New Building Standard (NBS) does the policy recommend that heritage buildings be strengthened to? (67%NBS is promoted for heritage buildings)

Evaluation process

- If a heritage building has been identified as ‘potentially earthquake-prone prone’ as a result of an initial evaluation procedure (IEP), territorial authorities should contact the owners and the NZHPT to discuss the implications and outline a pathway forward, including the preparation of a detailed engineering assessment.
- Sufficient time should be provided for consultation between the identification of ‘potentially earthquake-prone’ and the issuing of a section 124 notice.
- The IEP should be followed by a detailed engineering assessment. Ideally, heritage funding assistance should be available to assist with the preparation of a detailed engineering assessment.



School of Engineering,
Canterbury College, 1910
(now part of the Arts
Centre),
Source, Stefano
Webb Collection,
Alexander Turnbull
Library,
Ref No. 1/1-005448-G



Earthquake
Strengthening -
Improving the Structural
Performance of Heritage
Buildings,
NZHPT, August 2010
(CTRL + click on image
to link to report on
NZHPT website)

- Is the building listed within a regional or district Plan under the RMA? If yes, it is likely resource consent will be required to alter, remove or demolish the building.
- Is the building an archaeological site under the Historic Places Act 1993? If the site has evidence relating to pre-1900 human activity, an archaeological authority may be required from NZHPT to remove or demolish the building.

Section 124 notices

- The use of section 124 notices under the Building Act should be informed by detailed analysis as part of the policy framework.
- Territorial authorities need to assess the costs and benefits of this type of regulatory intervention and the consequences in terms of impact on building owners, potential impact on the condition and maintenance of the building and the ability for strengthening work to be undertaken.
- Section 124 notices should be informed by a detailed engineering assessment. Such an assessment should provide a more detailed examination of alternative structural performance options, appropriate strengthening methods, and their costs and benefits.
- Section 124 notices should not be a trigger for building vacancy and long term 'demolition by neglect'. Other issues such as impact on economic viability and disruption to existing tenants need to be considered.
- Building owners may be confused that the territorial authority is requiring demolition under the Building Act while at same time restricting demolition under the district plan with respect to scheduled buildings. Generally demolition should not be a suggested option in section 124 notices as a method to reduce or remove the danger for heritage buildings. Instead, the focus should be on facilitating the strengthening of the heritage building.

Heritage incentives

- The provision of adequate incentives for owners of heritage buildings is critical to facilitate earthquake strengthening. Incentives recognise the social benefits of improving the structural performance of heritage building and also the private costs. Grants, loans and rates relief are some of the incentives that should be offered by territorial authorities. These funds can assist with the preparation of detailed engineering assessments and the actual strengthening works.

The NZHPT welcomes any feedback and comments on this information sheet.

Comments can be provided to information@historic.org.nz.

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Places Trust
Pouhere
Taonga
November
2010