

REQUESTING APPROVAL FOR THE WHOLE/PARTIAL DEMOLITION OF A SPECIFIED HERITAGE BUILDING

The Building Act (Act) provides special powers for managing buildings in an emergency to:

- keep people safe and informed of the risks,
- reduce or remove the risk of injury, death, or damage and
- minimise economic and social consequences.

Under 133BV of the Act, a “responsible person” has the power to carry out urgent works in relation to a building in a designated area, if the responsible person believes those works are reasonably necessary to remove or reduce risks of injury or death to people, or of damage or disruption to critical infrastructure. The responsible person must also believe the works must be carried out without delay, to remove or reduce those risks. This includes the power to demolish heritage buildings fully or partially.

Who is a responsible person?

Who the responsible person is for the purposes of carrying out urgent works will change depending on the circumstances. A responsible person may be:

- the Territorial Authority responsible for the designated area
- the Minister for Building and Construction
- CDEM Group (Civil Defence Emergency Management Group).

Considerations when carrying out urgent works

A responsible person, when carrying out urgent works under the Act must have regard to the following principles, to the extent that is practicable in the circumstances:

- The paramount consideration is the protection of human life and safety.
- Actions should be proportionate to the risks.
- Actions should result in minimal restriction of an owner or occupier’s ability to continue to use and occupy the property, and any restriction should be for no longer than reasonably necessary.
- Decisions should be based on up-to-date information, including about the possible occurrence of further emergencies or other relevant events and other changes in the type and severity of risks arising from an emergency.

When is approval required?

The responsible person must obtain the approval of the Minister for Building and Construction before carrying out works that involve the demolition of the whole or a part of a specified heritage building that is:

- any building listed as Category 1 (places of special or outstanding historical or cultural heritage significance or value) or wāhi tūpuna (ancestral place) on the New Zealand Heritage List/Rārangi Kōrero
- any building that is included on the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list.

For other works related to heritage buildings, including demolition of heritage buildings that do not fit within the categories listed above, the responsible person must consult Heritage New Zealand Pouhere Taonga at least 24 hours before carrying out those works. These requirements apply to:

- all buildings on the New Zealand Heritage List/Rārangi Kōrero except those listed above
- buildings that are subject to a registered heritage covenant (under the Heritage New Zealand Pouhere Taonga Act 2014)
- buildings that are subject to a heritage order
- buildings that are included in a schedule of a district plan because of their heritage value.

[See definition of ‘heritage building’ in sec 7 of the Building Act 2004.](#)

Submitting a request for whole or partial demolition of specified heritage buildings

- i. The responsible person must obtain the approval of the Minister for Building and Construction before carrying out works that involve the demolition of the whole or a part of a heritage building. MBIE facilitates the process to obtain approval on the responsible person's behalf.
- ii. At the same time, the responsible person notifies Heritage New Zealand Pouhere Taonga of the request.
- iii. MBIE receives the application and assesses the request for whole or partial demolition and provides a briefing paper with recommendations to the Minister for Building and Construction.
- iv. The Minister for Building and Construction will consult the Minister for Arts, Culture and Heritage at least 24 hours before giving approval to carry out urgent works on the proposed heritage building.
- v. MBIE receives the consultation feedback from all parties and provides another briefing paper to the Minister for Building and Construction with the consultation feedback and seeking a decision.
- vi. The Minister for Building and Construction approves or declines the request for approval to carry out the works.
- vii. MBIE informs the responsible person of the decision.
- viii. If approved, the responsible person will advise the building control staff within the territorial authority to commence works.

Process Flowchart

