

# BUILDING PERFORMANCE

## Request for approval for the whole/partial demolition of a specified heritage building

Under subpart 6B Building Act 2004

### READ THROUGH THIS FORM CAREFULLY AND ENSURE YOU COMPLETE ALL OF THE SECTIONS

This form may be used to facilitate urgent works to **heritage buildings** to reduce or remove risks.

Email the completed form to [buildingactemergencymanagement@mbie.govt.nz](mailto:buildingactemergencymanagement@mbie.govt.nz) with the subject line: URGENT WORKS TO REDUCE OR REMOVE RISKS – HERITAGE BUILDINGS

The Ministry for Business Innovation and Employment (MBIE) will provide relevant information and requests for approvals to perform urgent works to the Minister for Building and Construction.

The Minister for Building and Construction must consult the Minister for Arts, Culture and Heritage who is responsible for the administration of the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) at least 24 hours before giving approval to carry out urgent works on specified Heritage Buildings.

### Prior to completing this form, confirm that the following pre-conditions are met (please tick):

- a designation is currently in place for the area the building is located in; and
- the building is a heritage building of the type described in s133BV(3)(a) or (b) of the Building Act, and
- that the proposed works are reasonably necessary to remove or reduce risks posed by the building; and
- that the proposed works must be carried out without delay to remove or reduce those risks.

### PART A: AUTHORITY TO EXERCISE POWERS UNDER SUBPART 6B OF THE BUILDING ACT 2004:

- I am completing this form as a **responsible person** who is authorised under section 133BJ/133BK of the Building Act 2004 to exercise the powers within section 133BV of the Building Act.

### PART B: DETAILS OF HERITAGE BUILDING

Short name of designated area:

Heritage building status:

Category number (if known):

Is the building an archaeological site?

- Yes  No

Location address:

Location (GPS coordinates - if available):

Territorial authority responsible for the designated area:

**PART C: DETAIL OF REQUIREMENT FOR URGENT WORKS (BUILDING ACT 2004, SECTION 133BV):**

Provide details of the risk(s) posed by the building to people and/or to critical infrastructure:

*(Briefly describe these risks and include details of why must work be completed 'without delay')*

Provide details of the proposed work: *(Briefly describe these and include actions to mitigate loss/reduce harm. Include why alternative actions are inappropriate e.g. why demolition rather than temporary shoring and details as to how the proposed works will remove or reduce the risk identified above..)*

Proposed date:

**PART D: INDIVIDUALS AND/OR AGENCIES CONSULTED DURING THE DECISION-MAKING PROCESS (WHERE RELEVANT)**

The **responsible person** must apply for approval from the Minister for Building and Construction (by submitting this application) prior to performing urgent works involving full or partial demolition of specified heritage buildings. The Minister must consult at least 24 hours before giving an approval, so allow time for this process when applying. When submitting this application, the responsible person must also notify Heritage NZ Pouhere Taonga.

I have notified Heritage NZ Pouhere Taonga

I will notify Heritage NZ Pouhere Taonga

The decision to carry out urgent works may be assisted by consultation with one or more partner agencies or groups. However, consultation with all or any of these parties is not required. Tick party(ies) consulted:

Controller

Building Consent Authority (BCA)

Structural Engineer

Tangata Whenua/Iwi

National Emergency Management Agency (NEMA)

Civil Defence Emergency Management Group Members

Geotechnical Engineer

Others: *(specify)*

## Checklist for responsible person

- I have checked that the criteria for carrying out urgent works on a specified heritage building, as set out in section 133BV of the Building Act are met.
- I have sent this form to the MBIE email [buildingactemergencymanagement@mbie.govt.nz](mailto:buildingactemergencymanagement@mbie.govt.nz) and understand MBIE will provide the relevant information to the Minister for Building and Construction to seek approval of the proposed urgent works.
- I understand the Minister for Building and Construction will consult with the Minister for Arts, Culture and Heritage prior to granting or declining approval for the proposed urgent works.

**PART E: CONTACT DETAILS**

	Name and position	Email address	Phone number/s
Responsible Person			


**PART F: ADDITIONAL EVIDENCE TO SUPPORT THE APPLICATION, INCLUDING A MAP OF THE DESIGNATED AREA, LOCATION OF HERITAGE BUILDING(S) AND PHOTOS OF THE DAMAGES. (LIST AND SHORT DESCRIPTION OF ATTACHMENTS):****NOTES****1. Liability for works carried out under Section 133BV**

If works are carried out under section 133BV,—

- (a) the owner of the building is liable for the costs of the works; and
- (b) the responsible person may recover those costs from the owner; and
- (c) the amount recoverable becomes a charge on the land on which the building is situated.

**2. The Minister's approval to carry out urgent works is only required when the proposed works involve demolition of the whole or part of a heritage building that is:**

- (a) 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 maintained under section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or
- (b) included on the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under section 81 of the Heritage New Zealand Pouhere Taonga Act 2014.

## DEFINITIONS

### For the purposes of this form:

#### **Heritage building** means:

- (i) a building that is included on the New Zealand Heritage List/Rārangi Kōrero maintained under **section 65** of the Heritage New Zealand Pouhere Taonga Act 2014; or
- (ii) a building that is included on the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under **section 81** of the Heritage New Zealand Pouhere Taonga Act 2014; or
- (iii) a place, or part of a place, that is subject to a heritage covenant under **section 39** of the Heritage New Zealand Pouhere Taonga Act 2014 and is registered under **section 41** of that Act; or
- (iv) a place, or part of a place, that is subject to a heritage order within the meaning of **section 187** of the Resource Management Act 1991; or
- (v) a place, or part of a place, that is included in a schedule of a district plan because of its heritage value

**responsible person** means a person who is authorised by **section 133B** or **133BK [of the Building Act]** to exercise powers under Subpart 6B.

**risk** means a risk to:

- (a) persons, of injury or death; or
- (b) critical infrastructure, of damage or disruption to its operation or use.

**critical infrastructure** means:

- (a) a priority building; or
- (b) a building or other infrastructure operated or used by a lifeline utility

**works**, in relation to a building, includes:

- (a) demolition of the whole or a part of the building; and
- (b) works on the land on which the building is situated

**For other relevant definitions, see sections 7 and 133BB of the Building Act 2004.**