

# ISSUE 702 BULLETIN



## CONSTRUCTION WORK AFTER AN EMERGENCY

July 2025

- Flooding, landslides, earthquakes and other hazards can have a severe impact on the safety and stability of housing and other buildings.
- Building practitioners may be called on to carry out construction or demolition work during or immediately after an emergency.
- This bulletin summarises the laws and processes in place around work on damaged buildings in these circumstances.

# 1 INTRODUCTION

**1.0.1** Aotearoa New Zealand is prone to a large number of hazards, including flooding and landslides, earthquakes, volcanic events and tsunamis. These events can sometimes render houses and other buildings unsafe. Building practitioners may be called on to carry out construction or demolition work during or immediately after an emergency.

**1.0.2** In some cases, standard laws may be set aside due to the urgency of the situation, allowing designated organisations and individuals to exercise temporary emergency powers. There are two main mechanisms for this to happen:

- A state of emergency can be declared under the Civil Defence Emergency Management Act 2002 (CDEM Act). This is done where the safety of the public or property is endangered and a significant and coordinated response is required that is beyond the capabilities and responsibilities of regular emergency services. The area covered by the state of emergency can be relatively small or can cover a whole region or can apply to the whole country.
- A territorial authority or Minister may designate an area for the emergency management of buildings under the Building Act 2004 Part 2 Subpart 6B *Special provisions for buildings affected by emergency*. This designation can be made whether or not a state of emergency has been declared.

**1.0.3** In a designated area under Part 2 Subpart 6B of the Building Act, the building emergency management functions of that law take precedence over the CDEM Act powers. There are limited exceptions such as when a CDEM Act power is used to remove or reduce risks posed by a building that cannot be dealt with under the Building Act.

**1.0.4** Anyone exercising powers under Part 2 Subpart 6B must, as far as practicable, follow certain principles (which would be good to follow in any work during or after an emergency):

- The main consideration is the protection of human life and safety in relation to a building.
- Actions should be proportionate to the risks being managed.
- Actions should minimally restrict the ability of an owner or occupier to continue to use and occupy property, and restriction on that should be for no longer than reasonably necessary.
- Decisions should be based on up-to-date information, including the possible occurrence of further emergencies.

**1.0.5** Work during and immediately after emergencies may involve organisations that building practitioners typically don't have contact with during ordinary times:

- National Emergency Management Agency (NEMA) – the government's lead organisation for emergency management. It leads/supports the response to and recovery from emergencies and supports the operation of the emergency management system.
- The 16 CDEM Groups around the country. These groups are consortiums of the local authorities in a region, working in partnership with emergency

services, to undertake CDEM functions. Each group has prepared a CDEM Plan.

**1.0.6** The [Coordinated Incident Management System](#) is an official national framework set up for coordination between different organisations.

**1.0.7** Many local councils will set up a special team to deal with issues in relation to an emergency and can be a centralised local source of information and guidance.

**1.0.8** In the unusual and stressful circumstances of an emergency such as a serious earthquake or extreme flooding, keeping a careful record of your actions and decisions may seem like a very low priority but is very important. Records could prove invaluable in subsequent property owner insurance claims or applications for a certificate of acceptance for work done without a building consent. Records may include:

- text messages, emails and other digital communications with council staff, emergency management teams or other building practitioners – keep messages safe against accidental deletion
- written notes of any verbal discussions or instructions given or received, especially with council or emergency management staff
- written explanations for decisions made on the fly [written as soon as you get a chance]
- photographs and videos of the damage to buildings before any repairs begin and of the repairs as they are being carried out, including images that show the materials and installation methods being used. Photographs or other records that property owners hold of the building condition before the emergency may also be very useful.

## 2 CIVIL DEFENCE EMERGENCY MANAGEMENT ACT

**2.0.1** The CDEM Act gives the Minister for Emergency Management and Recovery the power to declare a state of national emergency. It also allows local authority delegated representatives, mayors or the Minister to declare a state of local emergency. Declared emergencies have a maximum duration of 7 days, which can be extended for up to another 7 days or terminated at any time.

**2.0.2** Since 2000, over 100 states of local emergency have been declared – the vast majority for severe weather events and flooding but some for earthquakes and wildfires. Only three national states of emergency have been declared – for the Christchurch earthquakes, the COVID-19 pandemic and Cyclone Gabrielle in 2023.

**2.0.3** Declaring a state of emergency gives CDEM Groups powers that include:

- closing or restricting access to roads or public places
- regulating traffic
- removing vehicles
- removing or securing dangerous structures and materials
- requisitioning equipment, materials and assistance
- entering into premises to rescue people or save lives
- evacuating premises/places.

**2.0.4** To expand on the right to remove or secure dangerous structures, authorised officials may carry out urgent works to buildings that present a risk of injury or death or a risk to critical infrastructure to remove or reduce risks. They may also direct the building owner to carry out works to make the building safe, sanitary and otherwise suitable to be used or occupied by people long term.

### 3 BUILDING ACT PROVISIONS

**3.0.1** If a state of emergency is in force for an area under the CDEM Act, a relevant CDEM decision maker can designate that Part 2 Subpart 6B will apply to the whole or a part of that area.

**3.0.2** Part 2 Subpart 6B gives powers to:

- carry out rapid building assessments and issue red, yellow or white placards
- carry out urgent works to remove or reduce risks
- require works for long-term use or occupation.

#### 3.1 RED, YELLOW AND WHITE PLACARDS

**3.1.1** After a natural disaster, the usability and safety of a property may be determined by a rapid building assessment. A red, yellow or white placard may be issued for the property:

- Red placard – entry is prohibited. Category R1 indicates that the building structure is seriously damaged and/or unsafe to occupy. R2 specifies that the building is at risk of being affected by an external hazard and is unsafe to occupy.
- Yellow placard – access is restricted and the building cannot be used, or entry is only under supervision for a limited time or on essential business. Category Y1 specifies restricted access to parts of the building

only. Y2 specifies that access to the building is allowed on a short-term basis only, with or without supervision.

- White placard – the building can be occupied. This does not mean that the building is undamaged.

**3.1.2** MBIE says that work repairing a building that has a red or yellow placard should be done in liaison with the building insurer and the local territorial authority and in conjunction with appropriate experts and professionals. No one should enter the building unless authorised to do so.

**3.1.3** For buildings with red placards, a detailed evaluation will typically be required, usually by a structural or geotechnical engineer. This will include advice on building usability and recommendations for repair options or demolition. Where remedial actions are possible, the evaluation should describe what is necessary for a change in placard status.

**3.1.4** The council will remove red or yellow placards once it sees evidence that damage to the property has been fixed or the property has been made safe. White placards may only be removed when the territorial authority advises. Some white placards may be issued with an expiry date, after which the placard can be removed.

#### 3.2 EXEMPTIONS TO REQUIRING BUILDING CONSENT

**3.2.1** City, district and regional authorities have discretion under Schedule 1 of the Building Act to allow proposed building work to be carried out without obtaining a building consent. This is still an application process. Councils have their own policies in this area that should be followed as there may be local requirements in relation to the exemption. The requirements in the Act are that:



A red-stickered property after a severe weather event resulted in landslides.

- the work is likely to comply with the Building Code, or if the completed building doesn't comply, it is unlikely to endanger people or any building on the same land or other property
- building work must not reduce the level of the building's performance compared to its pre-disaster condition
- work must still comply with other laws such as the Resource Management Act 1991 [RMA].

**3.2.2** Section 41 of the Building Act also sets out certain cases where building consent is not required. These include:

- building work where consent cannot practicably be obtained in advance because the building work has to be carried out urgently to save or protect life or health or preventing serious damage to property or to ensure that a specified system is maintained in a safe condition or is made safe
- any building work that is carried out under section 133 clauses relating to buildings located in areas designated under Part 2 Subpart 6B.

**3.2.3** Building work carried out under section 41 must still comply with the Building Code, and restricted building work must still be carried out or supervised by a licensed building practitioner.

**3.2.4** If a council believes that work on a building in a designated area is necessary to remove or reduce risks but is not considered urgent work, it can direct a building owner to carry out that work.

**3.2.5** For certain work that is carried out under section 41 urgency without a building consent, as soon as practicable after completion of the building work, the owner must apply for a certificate of acceptance under section 96. This includes:

- work covered in 3.2.4 above
- under Part 2 Subpart 6A *Special provisions for earthquake-prone buildings*, urgent works to remove or reduce risks [section 133BV] or works to remove other risks [section 133BW].

**3.2.6** There are special requirements around urgent work on heritage buildings.

## 4 RESOURCE MANAGEMENT ACT

**4.0.1** Under the RMA, resource consent is required for a number of activities, noting that some districts and regions provide for limited emergency works within their plans if specific criteria and/or standards are met such as alteration or removal of trees. The RMA requirements may be temporarily removed or modified by legislation following an emergency. For example, the Severe Weather Emergency Recovery Legislation Act 2023 made changes to existing laws, including the RMA, and allowed certain emergency or remedial actions to be carried out without a resource consent by owners or occupiers of affected rural land, giving them 60 working days to tell councils what actions they took. This part of the Act expired on 1 April 2024.

**4.0.2** At the time this bulletin is published, the government is amending the RMA, introducing new regulation-making powers to support emergency responses and recovery efforts.

**4.0.3** The government says it will replace the RMA with two new laws – the Planning Act and the Natural Environment Act. The Planning Act will cover natural hazards.

## 5 INSURANCE AND INSURANCE COMPANIES

**5.0.1** Insurers typically ask homeowners to contact them as quickly as practicable after a major event, but this may not always be possible. When Cyclone Gabrielle struck, many people in Hawke's Bay were left without mobile phone or internet connections as there were disruptions to electricity distribution and fibre-optic cables were damaged by landslides or flooding.

**5.0.2** Insurance companies generally allow homeowners to carry out immediate 'make safe' repairs to make homes secure and weathertight such as boarding up broken windows. [The government inquiry into the response to Cyclone Gabrielle heard reports of looting of empty homes and businesses. "We were advised that the Police were not anticipating people to take advantage of the situation as quickly as they did."]

**5.0.3** Do not enter a damaged home unless you have been advised it is safe to do so [in terms of electrical and gas hazards and so on] and wear protective clothing if there is any risk of contamination.

**5.0.4** Insurers typically require that they be contacted before homeowners engage building practitioners to carry out repairs and before work begins on non-urgent repairs. Substantial repairs should not begin until the owner has confirmed that the insurance assessor has visited and/or the insurance company has authorised the work to go ahead.

**5.0.5** Make a photographic/video record of all the damage incurred in an event before any repairs are carried out. For example, with flooding, this should include any flood line on the walls of a building to indicate how high floodwaters rose. Where electricity has been lost, photograph/video anything that may be impacted by this such as food in a freezer.

**5.0.6** Some insurance company websites have dedicated pages around claims for natural disasters.

## 6 REMEDIATION WORK

**6.0.1** Building practitioners may be called on to do work during and after an emergency that is different to their normal daily work and where they may have limited experience. Where necessary, ask for advice from a chartered professional engineer or a well-experienced LBP as appropriate.

**6.0.2** With flood damage, work to allow a home to dry out should generally be carried out without delay to avoid problems such as mould growth. Gypsum plasterboard generally has a low tolerance to water and will almost always have to be replaced if it has been immersed.

**6.0.3** Where possible, before removing plasterboard linings, determine which are being used to provide bracing in a house. [Making this assessment may not be possible until you have at least partly exposed the structure.] Removing these bracing elements means temporary bracing is required, particularly when the building requires an extended period for drying. Always consult a registered engineer, building consultant or well-experienced LBP. Where plasterboard provides bracing, building consent may be required unless the local council advises otherwise – for example, when the exemptions detailed in 3.2 above are used. MBIE advises: “If you are in doubt about the risk associated with the repair work, we recommend preparing a scope of work ... and consulting with your local council to check if a building consent is required.”

**6.0.4** In some cases, plasterboard can also be part of party wall requirements in relation to fire protection and this may need to be considered, especially if homes are reoccupied before complete remediation works have taken place.

**6.0.5** As a general rule, repair work should aim to avoid causing further damage to a property. For example, if you have to remove silt or debris from a building, try to avoid damage to surfaces such as membranes, coatings and so on, which may not always need to be removed.

**6.0.6** Removal of silt and debris from in and around a building should aim to achieve the requirements in NZS 3604:2011 *Timber-framed buildings* and Acceptable

Solution E2/AS1, in particular, ensuring that:

- after clearance, the ground surface slopes away from the building
- the ground is well clear of the base of wall claddings
- the ground meets minimum clearance requirements to floor level
- drainage and ventilation cavities are clear and the space under a suspended ground floor is clear.

**6.0.7** It is important to remediate the site immediately around the house – for example, by ensuring that drains are cleared.

**6.0.8** Repair work after a flood should not be rushed – the building must be allowed to dry out, which can take several months in winter. Rushing repairs can result in finishes blistering, lifting of floor coverings and degradation of structural materials.

## 7 PERSONAL SAFETY

**7.0.1** Emergency events can result in hazardous working conditions for anyone in the affected area. Risks include:

- contaminated water – floodwater may contain sewage, silt, farm run-off or chemicals, which may be left behind on the ground or deposited in buildings as floodwater recedes
- silt or debris inside or around a building, which may be contaminated
- broken electricity and/or gas services – supply should be isolated until checked by a registered electrician or gasfitter



Silt around a house after flooding at Eskdale, Hawke's Bay, February 2023.

- a building that is structurally unsafe – this is generally after an earthquake or landslide but also possible after severe floods
- ground instability – in the extreme flooding in the Auckland region in early 2023, two volunteer firefighters died in a landslide at Muriwai.

#### **7.0.2** Take actions to protect yourself:

- Where possible, avoid walking, swimming or driving through floodwater.
- When entering a damaged building, wear long trousers, a top with long sleeves, sturdy footwear, gloves and a hard hat if required and have a mask at hand.
- Determine the structural condition of the building and what risks may be present to anyone working in the building. This may be done by a chartered professional engineer or a well-experienced LBP.
- If electricity is required and mains power is not available, get a licensed electrical worker to set up a temporary electrical supply.
- If there is an on-site sewage system, get it checked by a licensed plumber or drainlayer.
- Only drink purified or bottled water on site.
- Wash your hands thoroughly after work and clean and treat any scratches or wounds.
- Let someone know where you are going.
- Leave the dog at home.

**7.0.3** In some instances, silt or landslide debris may need to be removed before work on a structure can begin. Because of the potential health risks, this work requires particular care:

- Identify potential sources of contamination that may have been brought to the site by floodwater such as chicken or pig farms nearby, sewerage facilities, landfills or industrial plants.
- Check for sources of contamination from the site itself such as a very old fibre-cement roof or wall claddings possibly containing asbestos that have been damaged.
- Use mechanical devices to remove silt or debris as much as possible, keeping any cab doors or windows closed.
- If hand digging is required, cover up as much as possible and wear a P2 mask.
- Avoid use of waterblasters that can drive potential contaminants into the air.

**7.0.4** As well as issues around physical health, consider that many people involved in a major natural hazard will have found the event traumatic. People often have a large emotional investment in their homes and find damage to or loss of their home extremely stressful. Be thoughtful and patient.

## **8 EMERGENCY MOBILE ALERTS**

**8.0.1** When an emergency occurs and there may be a serious threat to life, health or property, an Emergency Mobile Alert giving advice on what to do may be sent out to all mobile phones in the affected area. Messages can be sent by NEMA, CDEM Groups (including local groups giving local information), NZ Police, Fire and Emergency New Zealand, Ministry of Health and Ministry for Primary Industries.

## **9 MORE RESOURCES**

### **BRANZ BULLETINS**

- BU701 [\*Building on land subject to flooding and/or landslides\*](#)
- BU700 [\*Natural hazard information for building sites\*](#)
- BU666 [\*Restoring a home after flood damage\*](#)

### **MBIE**

- [\*Managing buildings in an emergency\*](#)
- [\*Remediation, repair and urgent works\*](#)
- [\*Slope stability\*](#)
- [\*Removal of silt deposited during flooding\*](#)
- [\*Repair and replacement of plasterboard due to flooding\*](#)
- [\*Repairing flood damaged buildings\*](#)
- [\*Applying discretionary exemptions for flood-damaged buildings\*](#)
- [\*Territorial and regional authority discretionary exemptions\*](#)

### **NEMA**

- [\*Declaring states of local emergency\*](#)

### **WORKSAFE**

- [\*Safety with electricity and gas after a natural event or emergency\*](#)
- [\*Working with silt or contaminated soil after a natural event or emergency\*](#)
- [\*Connecting a generator to the wiring of a house or building following an emergency\*](#)

### **CENTRAL HAWKE'S BAY DISTRICT COUNCIL**

- [\*Cyclone Gabrielle building recovery information pack\*](#)



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