

Governance Policy



Seismic Risk Management Policy

This policy sets the governance expectations for managing seismic risk across Te Aho o Te Kura Pounamu's leased property portfolio. It supports implementation of the Seismic Strategy and promotes risk-based decision-making to ensure safety, legal compliance, and business continuity.

This policy applies to:

- All employees of Te Aho o Te Kura Pounamu (Te Kura), including fixed-term staff, secondees, ākonga and contractors providing services to Te Kura (collectively referred to as kaimahi in this policy); and
- Where relevant, those operating at a governance level, including Board members and members of the Board's advisory committees.

Approval details

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Owner	Chief Financial Officer
Who does this policy apply to	Kaimahi and all persons who work in or visit our workplaces

Amendment History

Version Number	Effective Date	Created by/Reviewed by	Reason for review /comment
0	25/06/2025	SME	Initial draft. Updated legislative changes, issued for executive team review.
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Purpose, Scope, and Seismic Risk Framework Overview

1. Purpose

- 1.1. **Policy Intent:** This policy establishes a consistent and effective approach to seismic risk management across all buildings Te Aho o Te Kura Pounamu (Te Kura) leases or occupies. It aims to ensure the safety of occupants, support business continuity, and protect the operational integrity of Te Kura's leased property network.
- 1.2. **Board Accountability:** The Board is accountable for ensuring the safety and wellbeing of all occupants across Te Kura's leased properties. This includes meeting seismic obligations in accordance with legal requirements, ethical responsibilities, and Te Kura's commitment to culturally responsive practices that honour the aspirations of iwi Māori.
- 1.3. **Policy Functions:** The policy supports compliance with relevant legislation and outlines clear responsibilities across five key areas.
 - a. **Building Risk Classification:** by geographic location, structural risk, and known vulnerabilities.
 - b. **Seismic Assessment Requirements:** aligned with building use and risk levels.
 - c. **Occupancy of Earthquake-Prone Buildings:** defines when the building's seismic rating is below 34% NBS may be occupied and under what conditions.
 - d. **Seismic Risk Management:** guidance for managing risks in buildings rated below 67% NBS.
 - e. **Future Leasing Requirements:** expectations for seismic due diligence and lease approvals.
- 1.4. **Policy Continuity:** This policy formalises Te Kura's 2014 standard of targeting 67% NBS (Grade B) for leased offices and Huinga Ako sites. While this threshold remains a useful benchmark during lease planning and due diligence, Te Kura now applies a risk-informed decision-making approach. This aligns with the **Earthquake-Prone Buildings Regulations 2016, MBIE's 2022 Seismic Risk Guidance, and JC-25-01**. Rather than relying solely on NBS percentages, Te Kura considers the presence of Significant Life Safety Hazards (SLSH), qualified engineering advice, and operational context when making occupancy decisions.
- 1.5. **Relationship to Other Documents:** This policy does not assess the current seismic performance of the property portfolio. That function is covered under Te Kura's **Seismic Strategy**, which sets out short-, medium-, and long-term priorities for risk management.
- 1.6. This policy establishes **the principles and requirements for seismic risk management**, while the detailed strategic seismic framework and its implementation are managed separately under Te Kura's Seismic Strategy and associated action plans.

2. Principles and Background

- 2.1. **Organisational Context:** As of 17 July 2025, Te Kura is responsible for leased buildings at 17 locations across Aotearoa. Te Kura does not own property but is responsible for the health, safety, and wellbeing of all occupants across its leased estate.
- 2.2. **Policy Rationale:** To ensure consistency in managing seismic risks across its network, Te Kura has adopted this policy as a guiding framework for all relevant decision-making, assessment, and engagement with landlords.

3. Scope

- 3.1. **Coverage:** This policy applies to all buildings and facilities leased, occupied, or managed by Te Kura across Aotearoa New Zealand.

This includes permanent and semi-permanent structures, such as Huinga Ako sites, where staff, ākonga, or visitors may be present.

- 3.2. **Audience:** The policy applies to all Te Kura staff, kaimahi, ākonga, contractors and visitors.
- 3.3. **Focus:** The policy exclusively covers seismic risk management and compliance with the Building Act 2004, Earthquake-Prone Buildings Regulations 2016, and associated frameworks. It informs and aligns the Seismic Strategy and Emergency Management Plans
- 3.4. **Exclusions:** This policy does **not** apply to:
 - Occupation of third-party or employer-controlled premises.
 - One off short-term venue, accommodation (e.g., community halls not leased by Te Kura).

4. Legislative Context

- 4.1. **Relevant Legislation:** This policy is developed in accordance with the following New Zealand laws and regulations:
 - a. **The Building Act 2004**, the primary legislation passed by Parliament. including 2016 amendments related to earthquake-prone buildings.
 - **Earthquake-Prone Buildings (EPB) Regulations 2016**, which set out requirements for identifying and managing earthquake-prone buildings.
 - The **Ministry of Business, Innovation and Employment's (MBIE) EPB methodology**, which became mandatory in July 2017 and provides the technical process for seismic assessments.
 - b. **Health and Safety at Work Act (HSWA) 2015**, and outlines PCBU duties to manage building risks under the HSWA.
 - c. **Local Council / Territorial Authority**, local government earthquake-prone building enforcement frameworks
- 4.2. **Seismic Threshold Definition:** For the purposes of this policy, a building rated below **34% NBS** is considered a proxy for being earthquake-prone, noting this is subject to confirmation by the local territorial authority.

5. Te Aho o Te Kura Pounamu Seismic Risk Classification

- 5.1. Te Kura uses a risk-based classification system to assess the seismic vulnerability of all buildings in its leased property network. This approach incorporates known structural risks based on building type, age, and materials.
- 5.2. The first three Te Kura classes align with the Ministry of Business, Innovation and Employment (MBIE)'s Earthquake-Prone Buildings (EPB) profile categories, which are based on patterns of seismic failure observed in historic events.
- 5.3. These combined classifications support Te Kura's approach to seismic assessment, prioritisation, and engagement with landlords for risk mitigation.
- 5.4. The table below summarises MBIE's structural categories alongside Te Kura's internal risk classes, highlighting typical examples and associated seismic risks.
- 5.5. In addition to Initial Seismic Assessments (ISAs) and Detailed Seismic Assessments (DSAs), Targeted Seismic Assessments (TSAs) may be used where specific structural vulnerabilities are suspected or known. TSAs provide focused analysis without requiring a full-building DSA, and support proportionate, risk-informed decisions in line with Te Kura's classification system.

5.6. Seismic Risk Classification Table: MBIE and Te Aho o Te Kura Pounamu Categories

MBIE Classification	Category/ Class	Description	Examples	Key Seismic Risks
	A – URM Buildings (Unreinforced Masonry)	Pre-1935 brick/stone buildings not designed for seismic loads.	Heritage shops, main street buildings with parapets or chimneys.	- High collapse risk due to brittle, non-ductile behaviour - Inadequate or no reinforcement - Poor anchorage of walls, parapets, chimneys - Risk to life safety even in moderate earthquakes
	B – Pre-1976, ≥3 Storeys or ≥12m	≥3-storey concrete/steel buildings built before modern seismic codes.	Older office buildings, apartment blocks, public facilities.	- May contain non-ductile frames and weak connections - Prone to soft-storey failure or pounding - Risk of floor diaphragm failure (e.g. hollowcore slabs) - Inadequate seismic detailing common in pre-code designs
	C – Pre-1935, 1–2 Storeys (non-URM)	Low-rise timber, concrete, or steel buildings built before 1935, excluding URM.	Early schools, light commercial buildings, standalone shops.	- Constructed without seismic design provisions - Inconsistent foundation systems - Weak bracing or poor lateral load transfer - Age-related deterioration may worsen seismic performance
Te Kura Classification	Class 1 – Critical / High-Risk	Buildings essential to life safety, high occupancy, or emergency functions. Includes buildings with known or suspected seismic vulnerabilities still in use.	Te Kura, emergency hubs, or multi-storey campuses—especially those with URM walls, hollowcore floors, or non-ductile structural systems.	- Prioritised for early seismic assessment and mitigation. - Includes URM and pre-1976 RC/steel if occupied. - Occupancy continues only with active risk management. - Includes identification of brittle systems and falling hazards
	Class 2 – Operational / Administrative	Regularly used buildings critical to operations but not considered life-critical. Often low-rise and of varied structural types.	Regional offices, learning support centres, small learning hubs or early low-rise buildings.	- Seismic assessment based on structural vulnerability and operational role. - Strengthening advocated with landlords. Ensure structural type is recorded (e.g., timber, concrete).
	Class 3 – Low-Use Buildings	Infrequently accessed buildings used for storage or utility.	Garages, storage sheds, resource rooms.	- Lower priority unless vulnerable - May require restricted access or occupancy controls - May be reclassified if usage increases
	Class 4 – Heritage / Complex	Architecturally significant or structurally complex buildings, often bespoke or older. Seismic strengthening may be constrained.	Heritage school blocks, marae buildings, specialised learning facilities.	- Requires seismic engineering assessment (DSA, TSA) - May overlap with Class 1 if regularly occupied - Cultural and historical value considered in mitigation
	Class 5	Buildings designed and built to the latest New Zealand Building Code (NZBC) and seismic standards.	Recently built compliant facilities with CCC.	- No assessment required unless new risk identified - Monitor compliance and structural documentation (e.g. PS4, Code of Compliance Certificate - CCC)

6. Identification and Management of Significant Life Safety Hazards

- 6.1. Te Kura adopts the definition of Significant Life Safety Hazards (SLSH) as described in the **MBIE Engineering Assessment Guidelines** and associated professional guidance.
- 6.2. SLSH are defined as structural vulnerabilities or features that pose a **disproportionate risk to life safety**, even if a building's overall New Building Standard (NBS) rating exceeds 34%. These may include, but are not limited to:
 - a. Precast concrete floor systems (e.g., hollowcore with minimal topping or poor seating)
 - b. Unrestrained parapets, facades, or heavy cladding systems
 - c. Discontinuities in load path or soft-storey configurations
 - d. Brittle structural elements likely to fail abruptly under seismic loading
- 6.3. All seismic assessments reviewed by Te Kura must explicitly **identify the presence or absence of SLSH** as defined in the Engineering Assessment Guidelines. This identification is a mandatory component of Te Kura's seismic review process.
- 6.4. All existing and new leases must undergo assessment against SLSH criteria to identify structural vulnerabilities and establish a clear occupancy benchmark. This ensures that any building intended for occupation meets Te Kura's minimum life safety standards prior to lease commencement or renewal.
- 6.5. Where a Significant Life Safety Hazard (SLSH) is identified, Te Kura will:
 - Immediately escalate the matter to the property risk governance group for review and direction;
 - Commission a seismic risk evaluation led by a Structural CPEng with relevant expertise; and
 - Implement temporary occupancy restrictions, targeted engineering mitigation, or initiate decant planning, regardless of the building's overall %NBS rating.
- 6.6. Annual seismic risk reviews and SLSH assessments for Te Kura's building portfolio shall be conducted only by professionals holding both Structural Chartered Professional Engineer (CPEng) status and Practice Area Description (PAD). This qualification ensures comprehensive evaluation of structural integrity and supports adherence to high engineering and cultural standards.
- 6.7. Landlords or third-party engineers must be formally requested to include **SLSH analysis** in all newly commissioned or updated seismic assessments.

Seismic Assessment, SLSH Identification, and Occupancy Decision-Making

7. Seismic Assessment

- 7.1. Te Kura applies a **risk-informed approach** to seismic assessment, prioritising life safety, structural vulnerabilities, and the presence of Significant Life Safety Hazards (SLSH) over reliance on New Building Standard (NBS) percentages alone.
- 7.2. The purpose of seismic assessment is to support:
 - The safety and wellbeing of occupants;
 - Operational resilience and continuity of learning; and
 - Legal compliance with the Health and Safety at Work Act 2015 (HSWA) and the Building Act 2004.

- 7.3. Te Kura follows the current MBIE Engineering Assessment Guidelines and Earthquake-Prone Building (EPB) Methodology, applying seismic information to guide:
- Occupancy decisions;
 - Emergency planning and controls;
 - Lease renewals, relocations, or early exits;
 - Business continuity planning; and
 - Prioritisation of seismic upgrades or mitigation.
- 7.4. Seismic assessments must:
- Clearly identify structural typology, known vulnerabilities, and any SLSH;
 - Be reviewed in context with the building's use, **classification, and occupancy** density;
 - Be evaluated by **Structural CPEng (Chartered Professional Engineer)** professionals with **Practice Area Description (PAD)** where required, especially for buildings with known vulnerabilities; and
 - Include a clear statement on SLSH presence or absence.
- 7.5. For **new leases, lease renewals, or significant changes in use**, a current seismic assessment is required that:
- Aligns with MBIE's latest guidance (post-2017 methodology);
 - Is less than 5 years old, or more recent if structural concerns exist;
 - Includes SLSH analysis and relevant supporting documentation; and
 - Will not be approved unless independently reviewed and endorsed by a qualified seismic reviewer with delegated authority under Te Kura's property governance framework.
- 7.6. Where any building is identified as below **34% NBS AND a Significant Life Safety Hazard (SLSH) is confirmed to compromise gravity load support** (e.g. precast floor systems with inadequate seating, risk of progressive collapse), the matter must be **immediately escalated** for risk governance review. This includes:
- Formal engineering input by a Structural CPEng with PAD;
 - Assessment of short-term risk mitigation or decanting options; and
 - Engagement with the landlord or asset owner to address structural safety.
- 7.7. Delegated decision-making on occupancy, use, or exit from buildings with seismic vulnerabilities is restricted to:
- Be made by Te Kura's designated senior property lead and Deputy Chief Executive (DCE), Systems and Support;
 - Be supported by advice from qualified engineering professionals; and
 - Be based on evidence considering both %NBS and any identified Significant Life Safety Hazards (SLSH).
- 7.8. All seismic assessments and decisions must be:
- **Documented and** retained for audit and assurance.
 - **Reviewed** annually or when new structural information becomes available.
 - **Re-evaluated** in the event of a significant earthquake or after any change to the Engineering Assessment Guidelines.

8. Significant Life Safety Hazard

- 8.1. A Significant Life Safety Hazard (SLSH) is any structural or non-structural condition that poses a high likelihood of serious harm or death during a moderate to strong earthquake.
- 8.2. A building may contain one or more SLSH regardless of its overall NBS rating, including buildings rated above 67% NBS.
- 8.3. SLSH indicators include, but are not limited to:
 - a. Brittle or collapse-prone structural systems (e.g., URM, poorly detailed concrete, soft-storeys);
 - b. Critical load path vulnerabilities or risk of disproportionate collapse;
 - c. Unrestrained or poorly anchored non-structural elements (e.g., parapets, ceilings, services); and
 - d. Elements associated with catastrophic failure in prior NZ or global seismic events.
- 8.4. Identification of SLSH requires a formal engineering review, risk assessment, assessment, and development of a mitigation plan.
- 8.5. Mitigation may include occupancy restrictions, urgent structural interventions, or prioritized strengthening.

9. Assessment Triggers

- 9.1. Te Kura will request or review a seismic assessment when:
 - a. A new lease is proposed or a relocation is planned
 - b. An existing lease is renewed, extended, or significantly altered
 - c. The use or function of the space changes
 - d. The building fits a known high-risk typology (e.g., URM, pre-1976 concrete)
 - e. A formal regulatory change or updated engineering advice becomes available (e.g., EPB notice, new DSA)
- 9.2. Earthquake Magnitude Thresholds. To support effective emergency response and risk management, Te Kura recognises the importance of defining significant seismic events. While there is no formal national definition of a 'significant earthquake', common practice in critical sectors such as banking and healthcare is to use a magnitude of 5.0 or greater, or a peak ground acceleration (PGA) of 0.2g or greater, as a practical threshold for activating emergency procedures and post-event assessments.
- 9.3. Te Kura will adopt this magnitude threshold to guide:
 - Triggering building inspections and safety checks following an earthquake.
 - Initiating occupant notifications and any necessary evacuations.
 - Reviewing building occupancy and structural safety in response to seismic activity.

This threshold complements ongoing seismic risk management and ensures timely, risk-informed responses to earthquakes with potential impact on safety and operations.

10. Assessment Requirements

- 10.1. Seismic assessment requirements are aligned with Te Kura's **Building Risk Classifications** and the **MBIE EPB Methodology**.

10.2. The depth and type of assessment depend on both the building's structure and operational role.

10.3. Buildings are grouped and classified as follows:

Te Kura Building Risk Class	Assessment Requirements
Class 1 – Critical / High-Risk	Require a current DSA , especially if the building falls within MBIE Category A, B, or C. Assessments completed before July 2017, or where known vulnerabilities exist, must be reviewed by a structural engineer. A new DSA may be required unless an existing assessment aligns with the latest MBIE Engineering Assessment Guidelines.
Class 2 – Operational / Admin	An ISA or DSA required depending on typology. Prioritise updates pre-1976 or heavy construction buildings for updates.
Class 3 – Low-Use	Assessment is only required if occupancy changes or known risks are identified. Any existing ISA/DSA must be reviewed if the use or occupancy is altered.
Class 4 – Heritage / Complex	Require DSA by a competent CPEng with heritage expertise. Assessments must be tailored to the building's complexity.
Class 5 – Compliant / New Builds	No assessment needed unless new concerns arise. Monitor compliance through CCC or structural statements.

Note: Te Kura Building Risk Classes are based on building function and occupancy importance and are intended to align with MBIE EPB Categories A–C where applicable. For example, Class 1 buildings often align with Category A (high public risk).

10.4. In addition to structural performance indicators (such as %NBS, Vulnerabilities and Seismic Risk Grades), Te Kura considers the seismic risk location of each property. This refers to the geographic seismic hazard level, classified as low, medium, or high, based on national seismic hazard models and regional ground shaking potential.

Properties located in medium and high seismic risk zones may be prioritised for assessment, review, or mitigation actions. Location-based seismic risk forms a critical part of Te Kura's overall risk framework and supports proactive, risk-informed decision-making.

This approach aligns with Section 133AD of the Building Act 2004 (EPB Regulations) and the MBIE Engineering Assessment Guidelines, which emphasise the importance of seismic hazard zones in assessing earthquake-prone status and determining required actions."

10.5. **Seismic Risk Grades**, ranging from A+ to E as defined in the MBIE Engineering Assessment Guidelines (2017), provide a relative measure of life safety risk based on %NBS values where A+ (greater than 100% NBS) indicates very low risk and E (less than 20% NBS) indicates very high risk. These grades help prioritise assessment, occupancy decisions, and mitigation planning and other risk informed decision requirements.

10.6. Te Kura will align with future updates to the **Engineering Assessment Guidelines**, including guidance on SLSH.

10.7. Assessments pre-dating **July 2017**, or not aligned with current methodology, should be reviewed and potentially updated.

- 10.8. Clarify that Category B & C buildings include hollowcore and precast panel structures, per MBIE list.
- 10.9. Low-risk structures (e.g., single-storey timber) are not routinely assessed unless:
- Occupancy changes
 - Co-location with high-risk buildings occurs
 - New risk information emerges
- 10.10. Te Kura adopts a **risk-based and proportionate approach** to assessments, recognising its obligations under **HSWA** and its limited authority as a tenant.

11. Engineering Judgment for SLISH Determination

- 11.1. All decisions must be informed by engineering judgment regarding the presence of SLISH.
- 11.2. Key considerations include:

- Structural failure risks (e.g., soft-storeys, URM, brittle connections)
- Non-structural hazards (e.g., suspended ceilings, cladding)
- Occupancy characteristics (density, use)
- Risk mitigation options and their effectiveness
- Post-quake risks (e.g., egress obstruction, falling debris)
- Assessment limitations or uncertainties

- 11.3. **Determinations** must be made by qualified seismic professionals (typically CPEng Structural and CPEng Geotechnical), supported by a current engineering practice area.

- 11.4. Where SLISH are confirmed, **mitigation actions** may include:

Mitigation adequacy must be confirmed in writing by a competent CPEng structural engineer, especially when using exclusion zones, propping, or partial occupancy.

Interim solutions must demonstrably reduce life safety risks to a tolerable level based on current engineering practice.

- Restricted or ceased occupancy
- Short-term engineering interventions
- Prioritised structural strengthening
- Communication and regular review of risk controls

Tolerable life safety risk levels should be informed by MBIE's Seismic Risk Guidance (2022) and aligned with the 'as low as reasonably practicable' (ALARP) principle where applicable.

- 11.5. All SLISH assessments and occupancy decisions must be **documented and reviewed annually**, or sooner if new information arises.

- 11.6. In line with MBIE's Seismic Risk Guidance, Te Kura will:

- Prioritise risk reduction in <34% NBS buildings
- Use **risk-informed** rather than **threshold-driven** approaches
- Engage independent experts where uncertainty exists
- Consider interim occupancy controls or staged relocation
- Keep clear records of all decisions and associated mitigations

Legal Framework, Occupancy Governance, and Responsibilities

12. Legal and Technical Framework

- 12.1. Seismic assessments are governed by the **MBIE Engineering Assessment Guidelines**, which provide the national standard for assessment of existing buildings.
- 12.2. Assessment types:
 - a. **Initial Seismic Assessment (ISA)** A high-level, qualitative assessment indicating potential vulnerabilities
 - b. **Detailed Seismic Assessment (DSA)** A detailed, quantitative evaluation of building strength and seismic behaviour
 - c. **Targeted Seismic Assessment (TSA)** A focused evaluation of specific structural vulnerabilities, used where full DSAs are unnecessary or not yet feasible
- 12.3. For concrete structures, DSAs must align with **Section C5 (2017 and 2025 versions, 2018 is superseded)** of the Guidelines
- 12.4. Buildings with SLSH are **not eligible** for continued occupancy unless:
 - Effective mitigation is implemented, and
 - Continued use is supported by a structural engineering recommendation, and
 - Te Kura's Chief Executive, with advice from a competent structural seismic advisor, determines the risk to be acceptable based on available evidence.
- 12.5. NBS percentage alone is insufficient. **Formal engineering advice** is required for occupancy if hazards such as unrestrained precast floors or unanchored masonry are present.

13. Occupancy Decision-Making

- 13.1. This section applies to all **Te Kura-leased buildings rated below 34% NBS**, whether or not they have been formally designated as **Earthquake-Prone Buildings (EPBs)** by a Territorial Authority.

Occupancy of such buildings requires escalation to governance under Section 14.3. While Te Kura aims for ≥67% NBS for long-term suitability and new leases (see Sections 24 to 27), this section outlines the framework for managing immediate occupancy risks.
- 13.2. Its purpose is to guide decisions around continued occupancy, drawing on **MBIE Seismic Risk Guidance** and **Te Kura's internal risk management frameworks**.
- 13.3. The framework promotes consistency and risk-informed decision-making where seismic hazards may affect **ākonga, kaimahi, or manuhiri**.
- 13.4. **Principles for Occupancy Decisions**
- 13.5. Occupancy decisions must consider more than just % NBS Key factors include:
 - The type and severity of known or potential seismic vulnerabilities
 - The criticality of building's use (e.g., learning spaces, emergency functions)
 - The expected occupancy duration
 - The availability and effectiveness of risk mitigation measures (e.g., engineered restraints, exclusion zones)
 - The legal status (e.g., whether an EPB notice has been issued)
 - Te Kura's role as tenant, not building owner

14. Responsibilities and Governance

The following section outlines key regulatory frameworks and internal processes relevant to seismic risk and occupancy decisions.

- 14.1. Te Kura, holds a primary duty of care under the Health and Safety at Work Act 2015 to ensure, so far as is reasonably practicable, that all buildings used for its purposes are safe for occupancy.
- 14.2. This duty includes proactively seeking and reviewing seismic information, monitoring changes in building status, and working collaboratively with landlords and building owners to manage and mitigate seismic risks.
- 14.3. Occupancy decisions for **buildings rated below 34% NBS**, or where other significant structural or non-structural vulnerabilities exist (e.g., SLSH), must be escalated to senior leadership team.

This escalation is mandatory to ensure prompt oversight of life safety risks, in line with the legal framework for Earthquake -Prone Buildings and Te Kura's internal risk protocols.

While Te Kura's long-term goal is $\geq 67\%$ NBS for all occupied spaces, **the <34% NBS threshold** and the presence of SLSH each represent **critical triggers for governance engagement** and risk management actions and vulnerabilities.
- 14.4. Te Kura's seismic specialists are responsible for reviewing seismic assessments, advising on **Significant Life Safety Hazards (SLSH)**, and recommending risk management actions.
- 14.5. Landlords/building owners must provide timely and accurate seismic information, notify tenants of any EPB notices or hazards, and undertake required strengthening or mitigation works within prescribed timeframes.
- 14.6. Regular communication and coordination between Te Kura, landlords, and relevant authorities are essential to ensure ongoing safety, compliance, and effective management of seismic risks.
- 14.7. Occupancy decisions, mitigation measures, and any restrictions must be documented and reviewed regularly, at least annually, or in response to new information or changes in building condition or use.

15. Responsibilities

Role	Responsibilities
Chief Executive	Policy Owner. Upholds Te Kura's commitment to occupant safety, compliance with legislative obligations, and long-term asset resilience. Provides overall accountability for implementation.
Deputy Chief Executive	Policy Sponsor, Provides strategic oversight and ensures the policy aligns with Te Kura's organisational goals, risk appetite, and operational planning. Champions policy adoption at senior levels.
Chief Financial Officer	Ensures financial planning and decision-making support seismic safety and long-term achievement of $\geq 67\%$ NBS where feasible. Oversees investment prioritisation for compliance and risk mitigation.
Facilities Management	Support and action policy processes as appropriate. Ensure planned works and leasing align with minimum seismic rating standards ($\geq 67\%$ NBS) and minimise operational disruption.
Landlord / Building	- Ensure structural safety and complete seismic upgrades.

Owner	- Comply with EPB notices. - Commission seismic assessments as required. - Complete strengthening within required timeframes. - Provide seismic information to tenants and notify of EPB notices or hazards. - Work collaboratively with tenants to reduce disruption during seismic remediation and maintain target NBS ratings.
Te Kura (Tenant)	- Request seismic information. - Review and understand risk. - Make informed occupancy decisions. - Communicate risks internally. - Manage non-structural hazards. - Advocate for mitigation where required. - Prioritise buildings that meet or exceed 67% NBS for long-term use. - Manage disruption impacts on learning and operations during remediation.
Territorial Authority (Council)	- Identify Earthquake-Prone Buildings (EPBs). - Issue EPB notices and set remediation timeframes. - Maintain EPB registers.

Regulatory and legal context

16. Building Act 2004

- 16.1. The Building Act 2004 requires Territorial Authorities (TAs) to identify earthquake-prone buildings (EPBs) within their districts and issue notices specifying timeframes for remediation. An EPB notice does not prohibit ongoing occupancy if the remediation timeframe specified in the notice has not yet expired.

Te Kura acknowledges its obligations under the Building Act 2004 and will ensure compliance with any EPB notices issued for buildings it occupies or manages.

- 16.2. A building may continue to be legally occupied, including by staff, students, and visitors, unless the TA has determined the building to be dangerous or insanitary under the Building Act's separate provisions. These determinations are rare and apply independently of the EPB provisions.

17. Health and Safety at Work Act 2015

- 17.1. Under HSWA, Te Kura as a Person Conducting a Business or Undertaking (PCBU) has a primary duty of care to ensure, so far as is reasonably practicable, that the buildings it uses are safe for occupants.
- 17.2. While WorkSafe NZ does not enforce seismic performance standards beyond those required under the Building Act, it expects PCBUs to actively manage known risks. The 2018 WorkSafe Position Statement outlines expectations that apply to both building owners and occupiers, including:
- Complying with the Building Act 2004

- Monitoring new or emerging seismic risk information
- Actively managing health and safety risks related to known seismic vulnerabilities

18. WorkSafe Guidance for Occupiers and Owners

- 18.1. WorkSafe expects that both landlords and tenants will take reasonably practicable steps to manage parts of buildings that could cause harm in an earthquake. This includes:
- Identifying structural hazards (e.g., falling elements, URM walls, unrestrained parapets),
 - Eliminating the hazard if practicable,
 - Isolating people from the hazard if elimination is not possible, and
 - Minimising the hazard if neither elimination nor isolation is practicable.
- 18.2. WorkSafe states that practicable steps must consider factors such as:
- The likelihood and severity of harm
 - The availability and cost of safeguards
 - The degree of control the PCBU has (e.g., tenants vs. landlords)

19. MBIE Seismic Risk Guidance 2022

- 19.1. MBIE's July 2022 Seismic Risk Guidance for managing buildings below 34% NBS reinforces that:
- A low NBS rating does not automatically render a building unoccupiable.
 - Decisions should reflect the probability and consequence of a seismic event in a given location.
 - Structural risk must be understood in context, and decisions about occupancy should balance risk, criticality of use, and the ability to implement mitigation.

Te Kura's Role and Responsibilities as Tenant

20. Context and Legal Duty

While seismic remediation responsibility primarily lies with landlords or building owners, as tenants, Te Kura retains a critical duty to ensure occupant safety by taking the following actions:

- 20.1. As a tenant, Te Kura has limited control over seismic remediation but retains a duty to:
- Seek and review relevant seismic information from landlords;
 - Make informed occupancy decisions based on available data;
 - Escalate life safety concerns promptly; and
 - Advocate for appropriate mitigation or strengthening measures.
- 20.2. Te Kura aligns its policies with current MBIE guidance, local council Earthquake-Prone Building (EPB) policies, and WorkSafe expectations to ensure the safety of all occupants.

21. Process

- 21.1. Seismic assessment data will be maintained locally by the Business Division on a short-term basis, ensuring accessibility for relevant decision-makers. Governance oversight will be exercised by the Finance and Asset Management Committee.

- 21.2. Upon receipt of seismic assessment data indicating a rating below 34% NBS, Te Kura's designated Competent CPEng Structural Seismic Engineer will promptly review the data and building to verify key vulnerabilities and assess occupant impact. This review should occur within 10 working days of receipt wherever practicable.
- 21.3. This review will produce a risk assessment report including recommended short-term mitigation measures, occupancy recommendations, and communication guidance for relevant stakeholders.

22. Occupancy Evaluation Framework

- 22.1. Following the seismic specialist's recommendation, the **CE, DCE Systems & Support will decide on occupancy continuation** in consultation with all affected PCBUs.
- 22.2. Key considerations will include the anticipated timeframe for strengthening works or relocation plans.
- 22.3. A mandatory annual **reassessment of SLSH status** is required regardless of changes in NBS rating, to capture evolving risks.
- 22.4. **SLSH status must be integrated** into emergency planning, signage, and evacuation protocols.

23. Annual Monitoring and Review

- 23.1. An annual review, led by the designated Competent CPEng Structural Seismic Engineer or relevant team, will assess changes in occupancy, remediation timelines, decanting plans, or updated vulnerability information to inform risk management decisions.

24. Future Property Requirements

- 24.1. Prior to lease execution, a comprehensive seismic assessment must be completed in accordance with current MBIE Engineering Assessment Guidelines by a competent CPEng Structural Engineer and provided to ensure compliance with Te Kura's seismic risk policy.
- The assessment must be no older than five years and must align with the most current MBIE Engineering Assessment Guidelines available at the time of review.
- 24.2. This assessment is required to confirm that the building meets safety standards appropriate for intended use and occupancy duration.
- 24.3. Due diligence requirements include:
- A review by a designated Competent Chartered Professional Engineer (CPEng) with expertise in seismic engineering to assess the building's seismic risk profile.
 - Additional assessments (e.g., Detailed Seismic Assessment (DSA) or Targeted Seismic Assessment (TSA)) may be necessary depending on building age, type, and known vulnerabilities.
- 24.4. Vendor or lessor reports must be reviewed to confirm:
- The engineer's qualifications and competence in seismic assessments consistent with their Structural CPEng Practice Area Description;
 - Alignment with the latest MBIE Engineering Assessment Guidelines (2017 and subsequent updates);
 - Adequacy of detail and confidence level in the reported NBS ratings.
- 24.5. Buildings classified as 'Low Risk' (e.g., single-storey, lightweight timber-framed structures with no known vulnerabilities) may be exempt from further seismic review but still require written confirmation of low-risk status by a competent structural seismic engineer.

Minimum Seismic Rating for Acquisitions and Leases

25. Minimum Requirement

- 25.1. This 67% NBS threshold applies to future leases or acquisitions. For existing leased buildings, occupancy may continue below this level subject to structural risk evaluation and governance oversight where the building is rated <34% NBS or SLSH are identified.
- 25.2. This rating must be independently assessed and reviewed by a Competent Chartered Professional Engineer (CPEng) with relevant seismic expertise, as demonstrated in their Practice Area Description.

26. Approval Requirements for Exceptions <67% NBS

- 26.1. Buildings rated below 67% NBS may only be acquired or leased (including lease renewals) with prior approval from both the Executive Team and the Board, and only if:
- A formal seismic strengthening plan is in place; -or
 - A competent structural CPEng has confirmed that no Significant Life Safety Hazards (SLSH) or critical vulnerabilities are present; and
 - Continued occupancy, if proposed, is supported by a documented engineering risk assessment and clearly defined interim risk controls; and
 - Strengthening works are scheduled, where reasonably practicable, to achieve ≥67% NBS upon completion.
- 26.2. Investment proposals, including those for leased buildings, must include:
- Cost estimates and timeframes for required seismic strengthening;
 - Planned occupancy status before and after strengthening;
 - Risk management measures for periods of non-occupancy.

Building Leases – Contract Provisions

27. New leases and hire agreements

- 27.1. New leases and hire agreements should seek to include:
- A defined process for actions if seismic ratings fall below **67% NBS**, in line with Te Kura's long-term minimum standard for property acquisitions and renewals (see Sections 24 to 27);
 - Clear escalation procedures if a building is reassessed to be below 34% NBS, requiring governance oversight per Section 14.3 and consideration of life safety risks;
 - Lessee rights to terminate the lease under specified seismic risk conditions;
 - Timeframes and responsibilities for costs associated with required strengthening and any necessary temporary relocation; and
 - A requirement for the lessor to commission a risk profile review following any changes in seismic assessment guidelines.

28. Table of Acts, Regulations, and Guidance Documents

Title	Description	Link
Building Act 2004	Primary legislation governing the construction and safety of buildings in New Zealand, including provisions for earthquake-prone buildings.	Building Act 2004 (NZ Legislation)
Building Amendment Act 2016	Amended the Building Act to strengthen earthquake-prone building management, introducing national timeframes and EPB categories.	Building Amendment Act 2016 (NZ Legislation)
Earthquake-Prone Building (EPB) Regulations 2016	Regulations outlining how TAs identify and manage EPBs and the format of EPB notices.	EPB Regulations 2016 (Special Provisions NZ Legislation)
Health and Safety at Work Act 2015 (HSWA)	Establishes duties for PCBUs to ensure health and safety, including managing known seismic risks.	HSWA 2015 (NZ Legislation)
MBIE EPB Methodology	Official methodology for seismic assessments under the Building Act.	MBIE EPB Methodology
MBIE Engineering Assessment Guidelines (2017, updated 2018, 2023/2025)	Technical guidance for seismic assessment of existing buildings, used for both ISA and DSA.	MBIE Engineering Assessment Guidelines 2017 C5 2025
MBIE Seismic Risk Guidance (2022)	Provides risk-based guidance for occupancy decisions in buildings <34% NBS.	MBIE Seismic Risk Guidance 2022 (PDF)
WorkSafe Position Statement – Seismic Risk (2018)	Describes WorkSafe’s expectations for how PCBUs should manage seismic risk.	WorkSafe Seismic Risk Position
Local Territorial Authority (TA) Policies	Local councils enforce the EPB system. Each TA maintains an EPB register and issues notices.	Directory of Local Councils
Joint Committee (JC), MBIE NHC NZSEE NZGS JC-25-01	Applying Engineering Judgement in Evaluating Significant Life Safety Hazard, design resilience NZ	Version 1, April 2025

During the creation of this policy, a review of Seismic Risk Management for Existing Buildings under the Earthquake-Prone Building System was in progress. Results may affect future policy updates.

29. Glossary

Term	Definition
% New Building Standard (NBS)	A rating determined from a seismic assessment to indicate the expected performance of the building compared to an equivalent new building. The rating relates to the minimum life safety performance requirements of Clause B1 of the Building Code. MBIE is explicit that a %NBS rating is a useful indicator of relative seismic performance but does not, by itself, determine whether a building is earthquake-prone. Refer to the EPB Regulations section 133AB.
Competent Chartered Professional Engineer (CPEng)	A professional engineer registered with Engineering New Zealand and recognized as competent in seismic assessment and design for the relevant practice area description.
Detailed Seismic Assessment (DSA)	A comprehensive, quantitative assessment of a building's seismic strength and deformation capacity, typically conducted in accordance with the MBIE Red Book (Part C).
Earthquake Prone Building (EPB)	For the purposes of this document, buildings rated below 34%NBS are considered EPBs, regardless of whether they have been formally determined as such by a territorial authority.
Earthquake Risk Building (ERB)	For the purposes of this document, buildings with seismic ratings between 34%NBS and 67%NBS are considered ERBs, reflecting increased seismic risk though not necessarily earthquake-prone.
Initial Seismic Assessment (ISA)	A qualitative assessment of the potential seismic vulnerabilities of a building. Often used as a screening tool under the EPB methodology.
Kaimahi	Staff member, including permanent, fixed-term, temporary, and seconded employees, as well as volunteers and contractors engaged by Te Kura, regardless of whether they work full-time, part-time, or casually. Where relevant, those operating at a governance level, including Board members and members of the Board's advisory committees.
Joint Committee	A national group led by MBIE, Engineering New Zealand, and NZSEE that develops seismic assessment guidance, including the Engineering Assessment Guidelines.
Leased Buildings / including Huinga Ako	A leased building is a property rented by a business division (tenant) for a defined term (usually 12 months or more). The lease agreement outlines the rent, term length, and conditions of use for business or educational operations.
MBIE	Ministry of Business, Innovation and Employment, the government agency responsible for seismic policy, engineering guidelines, and the EPB regulatory framework.
PCBU (Person Conducting a Business or Undertaking)	A legal entity under the Health and Safety at Work Act 2015 (HSWA) responsible for managing risks to workers and others. Te Kura is considered a PCBU for all leased properties it occupies.
Risk-Informed Decision-Making	A decision-making process that considers both the likelihood and consequences of seismic failure, rather than relying solely on fixed

	thresholds such as %NBS ratings.
Seismic Strengthening Plan	An engineering-led plan that outlines the scope, methods, and timeframe for strengthening a building to improve its %NBS and life safety performance.
SLSH (Significant Life Safety Hazard)	A condition, structural or non-structural, that poses a serious life safety risk in a seismic event, regardless of the overall %NBS. Examples include brittle failure modes, unrestrained parapets, or hollowcore floor systems.
Targeted Seismic Assessment (TSA)	A focused seismic evaluation examining specific structural elements or vulnerabilities within a building. It typically involves detailed calculations and engineering judgment on targeted areas, without requiring a full building assessment. The scope varies depending on the identified risks.
Territorial Authority (TA)	A local council that enforces the Building Act 2004, including identifying EPBs and issuing seismic notices.
Visitors	Any person who is present in a building or facility managed by Te Kura as defined in the Scope but not included in the definitions of Kaimahi or Te Kura Community.

Frequently used terms, including Te Reo Māori, can be found here.

30. Recommendations for Implementation and Future Enhancements

30.1. The following recommendations are provided to support effective implementation, continuous improvement, and clarity in operational decision-making:

- Include detailed guidance on when to use Targeted Seismic Assessments (TSAs), with examples.
- Develop criteria for temporary relocation triggers due to emerging SLSH.
- Create a formal internal risk communication protocol for seismic-related updates.
- Clarify escalation steps when landlord non-compliance affects seismic safety.
- Expand guidance on interim mitigation adequacy (e.g., propping, exclusion zones).
- Develop an occupancy decision checklist and example flowchart for operational use.
- Develop a visual occupancy decision flowchart to guide regional staff and governance through risk evaluation, escalation, and mitigation steps.

30.2. Te Kura will develop and maintain a standard operating procedure for internal communication of seismic risks. This will include:

- Notification templates for kaimahi and ākonga,
- Triggers for communication (e.g., new EPB notice, change in NBS, SLSH confirmation),
- Roles responsible for delivering updates,
- Integration with emergency planning and signage updates.
- Maintain standardised internal communication templates for seismic rating updates, EPB notices, and mitigation works to support timely and consistent stakeholder engagement.