

# REVIEW AND EXTENSION OF A DESIGNATION

\*For territorial authorities

Any designation of an area for building emergency management must be reviewed at least every 90-days and will expire after three years unless terminated sooner or extended. The designation is reviewed to decide whether the designation is still required.

Following the review, the designation may continue to be in force, be extended, or be terminated prior to the scheduled expiry date if the designation is no longer in the public interest.

## Process for 90-day review of a designation

**Any designation of an area for building emergency management must be reviewed at least every 90 days.**

If the designation was made during a state of emergency or transition period that continues to be in force, the review is carried out by the CDEM decision-maker who made the designation.

If no state of emergency or transition period is in force, the review is carried out by the relevant territorial authority, or by the Minister for Building and Construction if the designation was initiated by the Minister.

**State of emergency:** means a state of national emergency (declared under section 66 of the Civil Defence Emergency Management Act 2002 (CDEM Act)) or a state of local emergency (declared under section 68 or 69 of the CDEM Act).

**Transition period:** means a national transition period (notified under section 94A of the CDEM Act) or a local transition period (notified under section 94B of the CDEM Act)

**Step 1:** Consider if the designation is still in the public interest and is necessary or desirable to protect people from injury or death, buildings from damage or disruption to their use, public thoroughfares from disruption, critical infrastructure from damage or disruption to their use or persons or buildings, from the effects of the insanitary condition (if applicable) of a building in the relevant area. Take into account:

- the scale and degree of the emergency and its effects on buildings in the relevant area
- the likelihood of a further emergency or other relevant event occurring that could cause buildings in the relevant area to pose increased or additional risks, or that could cause land in the relevant area to pose a risk to a building
- the principle that it is preferable for risks to be managed without the use of the powers provided by a designation
- whether the entire area under designation needs to remain or, if the designation for some of the area can be terminated.

A person must not terminate a designation unless the person is satisfied that the designation is no longer in the public interest. If after reviewing the designation of an area, it is decided that a designation is no longer required for all or part of the area under designation, complete the [process to terminate a designation](#).

**Step 2:** If the designation remains in force, this must be immediately publicly notified by publishing the information on a publicly accessible and free-to-access website or, if this is not possible, through other appropriate means. The notice must include details of the designated area, the emergency and the date/time the decision made about the designation during the review of the designation was made, and details of any exercise of a power under the CDEM Act in accordance with [section 133BL\(2\) of the Building Act](#).

**Step 3:** Notify the Ministry of Business Innovation and Employment (MBIE) that the 90-day review has been completed and that the designation remains in force by emailing [buildingemergencymanagement@mbie.govt.nz](mailto:buildingemergencymanagement@mbie.govt.nz).

Note: Step 3 is not mandatory; however it will help enable MBIE to provide support when required.

## Process for the extension of a designation

**An extension may relate to all or part of the designated area but must be for no more than 3 years and can be made only once.**

**Step 1:** Before the designation is due to expire, review the designation and consider if the designation is still in the public interest and is necessary or desirable to protect people from injury or death, buildings from damage or disruption to their use, public thoroughfares from disruption, critical infrastructure from damage or disruption to their use or persons or buildings, from the effects of the insanitary condition (if applicable) of a building in the relevant area. Take into account:

- the scale and degree of the emergency and its effects on buildings in the relevant area
- the likelihood of a further emergency or other relevant event that could increase the risks posed by buildings or land in the area
- the principle that it is preferable for risks to be managed without the use of the powers provided by a designation
- whether the entire area under designation needs to be extended or, if the designation for some of the area can be terminated.

A person must not terminate a designation unless the person is satisfied that the designation is no longer in the public interest. If, after reviewing the designation of an area, it is decided that a designation is no longer required for all or part of the area under designation, complete the [process to terminate a designation](#).

**Step 2:** If, after reviewing the designation of an area, it is decided that a designation for the entire area is still required complete the [Request to extend the designation of an area for emergency management \(PDF 351KB\)](#) form

**Step 3:** Who can extend a designation will depend on a number of factors such as who initially designated the area and whether there is or has been a State of Emergency or Transition period in place. Section 133BH of the Building Act 2004 sets out who can extend a designation. Email the completed form, with supporting documentation to [buildingemergencymanagement@mbie.govt.nz](mailto:buildingemergencymanagement@mbie.govt.nz)

**Step 4:** The Ministry of Business Innovation and Employment (MBIE) will review the designation extension request and recommend to the Minister for Building and Construction to approve or decline the request. MBIE will notify the requestor of the outcome to (a) terminate the designation or (b) approve the extension of the designation.

**Step 5:** If the designation is extended, this must be immediately publicly notified by publishing the information on a publicly accessible and free-to-access website or, if this is not possible, through other appropriate means. The notice must include details of the designated area, the emergency and the date/time the designation was made.