

QUICK GUIDE

Designating an area for building management

What is a designated area?

A designated area is an area affected by an emergency where it has been determined the emergency management powers set out in the Building Act 2004 are required to manage buildings during and following the emergency.

What is the purpose of designating an area?

It may be necessary to take extra-ordinary measures, following an emergency, to ensure that risks to life and property from damaged buildings and/or land are managed adequately.

Protective measures undertaken during a state of emergency or transition period, such as notices (placards) that prohibit access, lose legal force when the state of emergency ends.

Sometimes longer term management of buildings is required. Designating an area under the Building Act provides for this longer-term management.

Designating an area for building management provides 'responsible persons access to extra-ordinary powers to manage the end-to-end process for managing buildings.

Within a designated area provides a responsible person can exercise powers to (among other things):

- › Enter buildings and land
- › Complete post-event assessments
- › Direct the evacuation of buildings
- › Put in place measures for protecting buildings and keeping people at a safe distance
- › Place notices and signs on buildings
- › Direct the owners of building or land to provide information
- › Direct works (urgent and non-urgent) to remove or reduce risks; and
- › Direct works for long term use or occupation of a building.

Many of the powers are equivalent to those available under a state of emergency, however they are ring-fenced to building management activity within a designated area.

What are the key tests to consider?

A designation can only be made if all the tests in the Building Act 2004 are met. You must consider the following:

1. Does it appear to you that an emergency has occurred or may occur within the area?
2. Is the situation an emergency as defined in the Civil Defence Emergency Management (CDEM) Act 2002?
3. Is designating an area in the public interest and necessary or desirable to protect:
 - a. Persons from death or injury
 - b. Buildings damage or disruption to use
 - c. Public thoroughfares from disruption
 - d. Critical infrastructure from damage or disruption; or
 - e. People and buildings from insanitary conditions.

You should talk to the Controller about the tests above and whether the powers are needed.

Who makes decisions on designated areas?

A designation can be made by:

- › a CDEM decision maker during a state of emergency or transition period; or
- › by a Territorial Authority, with the approval of the Minister for Building and Construction, outside a state of emergency or transition period; or
- › by the Minister for Building and Construction, outside a state of emergency or transition period.

If a state of emergency or transition period is in place, and the authorised person does not designate the area under the Building Act – then CDEM Act powers can be used to manage buildings.



Key contacts

You should discuss the use of powers under either the CDEM Act or the Building Act with your Regional Emergency Management Advisor from the National Emergency Management Authority (NEMA).

You should contact MBIE if you have questions on the powers in the Building Act.

Depending on the circumstances, other people you may want to talk to, include:

- › Other members of the CDEM group e.g. neighbouring mayors
- › Building Consent Authority managers
- › Local Controller and Emergency Management Officers
- › Fire and Emergency New Zealand
- › Heritage New Zealand - Pouhere Taonga
- › Local Authority Utility Managers; or
- › New Zealand Police