Popular searches

1. Why contracts are valuable
   Consumer protection measures
2. Use licensed people for restricted building work
   Choosing the right people for your type of building work
3. Work that doesn’t require a building consent
   Schedule 1 guidance
4. Post-emergency building assessment
5. Determinations
   Rulings on building work disputes
6. E2 External moisture
   Acceptable Solutions and Verification Methods

Menu Search

- Home
- Getting started
  - Priority work programmes
  - Building law reform programme
  - Your rights and obligations
  - Stages of the building process
  - How the building system protects you
  - Building for climate change

Rights and obligations in the building process

If you are involved in a building project, it’s important you know who is responsible for each aspect.

- Homeowner rights and obligations
- Builder and designer rights and obligations
- Building owner rights and obligations
- How the building system protects you
- Roles of councils and MBIE

Stages of the building process

Understand project stages, from scoping and design to consents, construction and completion.

- DIY, but build it right
- Renovations differ to new builds
- Understand your land so you design well
- Top tips for a successful build

Priority work programmes

An overview of the priority work programmes within the MBIE Building System Performance branch.

- Maintaining the Building Code
- Building for climate change
- Building law reform programme

See everything in ‘Getting started’

- Projects & consents
  - Planning a successful build
  - Why contracts are valuable
  - Apply for building consent
  - Build to the consent
  - Sign-off and maintenance
  - Health and safety on site
Understanding the building consent process

For safe, healthy and durable buildings, all building work in New Zealand must meet certain standards. Find out how to build within the rules.

Health and safety on site

Avoid accidents and make site safety a priority.

1. Planning a successful build
   - Check if you need consents
   - Choosing the right people for your type of building work
   - Why contracts are valuable

2. Getting a consent
   - Apply for building consent
   - How to support your building consent application
   - Understanding the building consent process

3. Building to the consent
   - Making changes to your plans
   - Typical council inspections of a building project
   - Completing your project

4. Sign-off and maintenance
   - Get the build signed off
   - How to identify defects
   - Protecting your investment

See everything in ‘Projects & consents’

- Building Code compliance
  - A General provisions
  - B Stability
  - C Protection from fire
  - D Access
  - E Moisture
  - F Safety of users
  - G Services and facilities
  - H Energy efficiency
  - Specific buildings
  - Canterbury rebuild
  - Product assurance & MultiProof
  - Warnings and bans on building products
  - Building Code and handbooks
  - How the Building Code works
  - Geotechnical education
  - Building Performance Resource Centre
  - Introduction to medium-density housing
  - Maintaining the Building Code
  - Digitising the Building Code

In this section

- How the Building Code works
- Maintaining the Building Code
- Different ways to comply with the Building Code
- Specific buildings
- Product assurance & MultiProof
- Introduction to medium-density housing
- Building Performance Resource Centre

Find Acceptable Solutions, Verification Methods, updates and technical guidance by Building Code clause.
Access

- Moisture
- Safety of users
- Services and facilities
- Energy efficiency

See everything in ‘Building Code compliance’

- Managing buildings
  - Managing your BWoF
  - General information on building safety in earthquakes
  - Securing unreinforced masonry building parapets and facades
  - Managing earthquake-prone buildings
  - Managing buildings in an emergency
  - Change of use and alterations

About managing buildings

- Managing your BWoF (for buildings with specified systems)
- General information on building safety in earthquakes
- Securing unreinforced masonry building parapets and facades
- Change of use, alterations and extension of life
- Managing buildings in an emergency

Specified systems and compliance schedules

If you own a building that contains a specified system such as a cable car, you must ensure they are effectively operated for the life of the building and in keeping with the council-issued compliance schedule.

- Inspections and maintenance of specified systems as a building owner
- Fines and penalties for offences relating to compliance schedules
- Compliance schedules

See everything in ‘Managing buildings’

- Resolving problems
  - Resolution options
    - Building consent and sign-off
    - Contracts
    - Builds
    - Designs
    - Councils
    - Clients

Resolving problems

- Resolution options
  - Building consent and sign-off
  - Contracts
  - Builds
  - Designs
  - Councils
  - Clients

Determinations

A determination is a binding decision made by MBIE providing a way of solving disputes or questions about the rules that apply to buildings, how buildings are used, building accessibility, and health and safety.

- Understanding determinations
- Applying for a determination
- Steps in the determination process
- Previous determinations

Weathertight Services

- Signs of a leaky home
- How to make a Weathertight Claim
- Resolving a Weathertight Claim

See everything in ‘Resolving problems’
Designating an area for building emergency 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.

The decision to designate must be made in the public interest, as well as being necessary or desirable for the protection of:

- people, from injury or death
- buildings, from damage or disruption to their use
- public thoroughfares, from disruption
- critical infrastructure, from damage or disruption to its operation or use
- people or buildings, from the effects of insanitary conditions in the relevant area.

Purpose of designating an area

The Building Act 2004 was amended in 2019 to provide a new system and powers for managing buildings after an emergency. Subpart 6B of the Building Act 2004 provides an end-to-end process for managing buildings following an emergency event.

It may be necessary to take protective measures, during and following an emergency, to ensure that risks to life and property from damaged buildings and/or land are managed adequately. These protective measures, such as notices (placards) that prohibit access, lose their legal force when the state of emergency ends.

Therefore when longer-term management of buildings is required, designating an area under the Building Act provides powers for this longer-term management.

Who can make decisions on designating an area?

Within an area that is subject to a state of emergency or transition period under the Civil Defence Emergency Management (CDEM) Act 2002, a designation can be made by:

- the Minister for Emergency Management; or
- a person appointed or otherwise authorised under s25 of the CDEM Act to declare a state of local emergency or give notice of a local transition period (as the case may be) for the area.

The person making the designation must advise the Minister for Building and Construction of the designation.

If a state of emergency or transition period is not in place, responsible persons who can designate an area include:

- the Minister for Building and Construction; or
- a Territorial Authority, with prior approval of the Minister for Building and Construction.

Designations automatically last for three years from the day of the designation unless they are terminated earlier or extended and the Designation must be reviewed every 90 days to confirm it is still needed.

Power to act in a designated area
Following a significant event, authorised officials will work to quickly assess the damage to buildings within the designated area. When an area is designated, building assessors are given the power to:

- 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
- direct works for long term use or occupation of a building.
- Many of the powers are similar to those available under a state of emergency, however they are confined to building management activity within the designated area.

More information on designating an area for building

Designating an area for building management - fact sheet
Designating an area for building management - quick guide
Guidance for decision makers and territorial authorities

More information for building owners in a designated area

Information for building owners

Areas currently under building management designation

The following parts of New Zealand are currently under a building management designation.

- Papatoetoe, Auckland Council
  - Review date: Friday 18 March 2022
- Westport Township, Buller District
  - Review date: Saturday 15 April 2022
- Mahakipawa, Marlborough District
  - Review date: Monday 25 April 2022
- West Auckland, Auckland Council
  - Review date: Monday 30 May 2022

Managing buildings in an emergency

Guidance for decision-makers and territorial authorities
Rapid building assessment resources
Information for building owners
Related information
Designating an area for building emergency management

Print

Navigation

Getting started
Projects & consents
Building Code compliance
Managing buildings
Resolving problems

What are you looking for?

General

About Building Performance
Canterbury rebuild
Practice Advisories
Building CodeHub

Building Officials

BCA competencies
BCA register
News Updates

- Updating Aotearoa’s dam regulations
- LBP scheme submissions ask for changes to better recognise experience and abilities
- The latest Biennial BCA Accreditation Report has been released
- See all All news and updates

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- with compliance with the Building Act, it is published under section 175 of the Building Act
- with a Weathertight Services claim, it is published under section 12 of the Weathertight Homes Resolution Services Act 2006.