

Designation of an area for emergency management

Subpart 6b, Building Act 2004

This form may be used to facilitate the designation of an area affected by emergency under section 133BC of the Building Act 2004.

Email the completed form to buildingactemergencymanagement@mbie.govt.nz with the subject line: *Designation of Area – (INSERT LOCATION)*

The Ministry of Business Innovation and Employment (MBIE) will provide relevant information and requests for approval to designate an area to the Minister for Building and Construction.

READ THROUGH THIS FORM CAREFULLY AND ENSURE YOU COMPLETE ALL OF THE SECTIONS

Prior to completing this form, confirm the following (please tick):

- that Subpart 6B powers are required to manage risk (to people, buildings, public thoroughfares and/or critical infrastructure) within the [proposed] designated area, and
- I have considered whether it is possible to manage these risks without using the Subpart 6b powers (section 133BD(2)(c)).

PART A: WHO IS MAKING THIS DESIGNATION DECISION?

- I am able to designate the whole or part of an area for building management, without approval from the Minister for Building and Construction *[refer to the notes]*, **or**
- I am able to designate the whole or part of an area for building management, with approval from the Minister for Building and Construction *[refer to the notes]*.

PART B: AREA DETAILS

Designated area short-name *[provide a short name that the designation can quickly be referred to as]:*

Emergency event description: *[describe the emergency event i.e. region/town/location, type of event, impact of event]:*

Date of designation:

Scheduled end date:

Who is making designation decision? (Name and position):

Is a state of emergency or transition period status in force?

- State of emergency, or
- Transition Period, or
- No State of emergency or Transition Period

Territorial authority responsible for the designated area [if a joint application, include all territorial authorities]:



PART C: DECISION FOR EXTENDING THE DESIGNATION OF AN AREA (BUILDING ACT 2004, SECTION 133BD)

Confirm the designation of area satisfies the following criteria (section 133BD(1) – tick all that apply):

- The designation is in the public interest (REQUIRED), and
is necessary or desirable for the protection of:
- Persons, from injury or death, or
- Buildings, from damage or disruption to their use, or
- Public thoroughfares, from disruption, or
- Critical infrastructure, from damage or disruption to its operation or use, or
- Persons or buildings, from the effects of insanitary condition (if relevant) of a building in the affected area.

Provide details [briefly describe]:

Please describe the scale and degree of the impact of the emergency and its effects on buildings in the relevant area (section 133BD(2)(a)):

Please describe the potential for future events (e.g. aftershocks, severe weather) occurring that could cause (section 133BD(2)(b)):

- buildings in the relevant area to pose increased or additional risks, and/or
- land in the relevant area to pose a risk to a building.

PART D: INDIVIDUALS AND/OR AGENCIES CONSULTED DURING THE DECISION-MAKING PROCESS

The decision to extend the designation of an area for building management may be assisted by consultation with one or more partner agencies. However, consultation with all or any of these agencies is not required.

Tick agency(ies) consulted:

- | | |
|---|--|
| <input type="checkbox"/> Controller | <input type="checkbox"/> Fire and Emergency New Zealand (FENZ) |
| <input type="checkbox"/> Building Consent Authority (BCA) | <input type="checkbox"/> CDEM Group Members |
| <input type="checkbox"/> Heritage NZ Pouhere Taonga | <input type="checkbox"/> Geological and Nuclear Sciences (GNS) |
| <input type="checkbox"/> New Zealand Police | <input type="checkbox"/> Ministry of Building Innovation & Employment (MBIE) |
| <input type="checkbox"/> Earthquake Commission (EQC) | <input type="checkbox"/> National Emergency Management Agency (NEMA) |
| <input type="checkbox"/> Utility Managers | |

PART E: PUBLIC NOTIFICATION OF DESIGNATION (SECTION 133BE)

Once the designation is approved, you will need to notify the public. Please advise how you intend to do this:

- Publicly accessible internet site (*provide website/s or URL, if known*)

- Alternative means of notification (*if notification on internet site is not practicable*):

Designation recommendation (CDEM Decision-Maker/Territorial Authority):*Checklist for CDEM decision-maker*

- I have checked that the criteria for designating an area as set out in section 133BD of the Building Act are met.
- I have agreed to designate the area as proposed in this form and in accordance with section 133BC(1).
- I am sending this form to the MBIE email buildingactemergencymanagement@mbie.govt.nz and understand MBIE will notify the Minister for Building and Construction.

Checklist for a Territorial Authority

- I have checked that the criteria for designating an area as set out in section 133BD of the Building Act are met.
- I am sending this form to the MBIE email buildingactemergencymanagement@mbie.govt.nz and understand MBIE will provide the relevant information to the Minister for Building and Construction to seek approval of the proposed designation.


PART F: CONTACT DETAILS

	Name and position	Email address	Phone number/s
CDEM Decision-Maker Or Territorial Authority <i>(if a joint application, include all territorial authorities)</i>			
Emergency Coordination Centre/ Emergency Operations Centre Contact			
Lead Person <i>(contact for building management activity within designated area)</i>			


PART G: ADDITIONAL EVIDENCE TO SUPPORT THE APPLICATION, INCLUDING A BOUNDARY MAP OF THE DESIGNATED AREA. (LIST AND SHORT DESCRIPTION OF ATTACHMENTS):

NOTES

1. Describing an area for designation

It is important that the information can be clearly conveyed to all interested parties. Usually this is by using words that identify the names of roads or landmarks or geographical features (such as a river) and preferably using commonly known terms or names that can be subsequently located on an official map. The area description needs to identify where the designated area begins and ends, ensuring any possible ambiguity or confusion is avoided.

A clearly marked-up map should be attached to this application.

2. Powers for managing buildings in an emergency

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. The designation of an area lasts for a longer period than a state of emergency. For more information refer to **Fact Sheet: Designating an area for building management**.

3. Alternative legislation for managing buildings impacted by an emergency

Alternative regulatory options to manage building damage after an emergency, include the following:

Legislation	Powers
Civil Defence Emergency Management Act 2002 sections 86-88, 91-92	Provides powers to manage buildings including powers of evacuation, inspection, giving direction.
Building Act 2004 sections 121- 130 sections 220 - 221 section 222(1)(b)	Special provisions to manage dangerous, affected, or insanitary buildings; General provisions for carrying out building work on default; Entering buildings to undertake inspections with the consent of the occupier or an order of the District Court.
Local Government Act 2002 section 173	Provides powers of entry to land and buildings and inspection if there is a sudden emergency

DEFINITIONS

For the purposes of this form:

CDEM Act means the Civil Defence Emergency Management Act 2002.

CDEM Decision-Maker means –

- (a) (i) the Minister responsible for administration of the CDEM Act; or
(ii) a person who is appointed or otherwise authorised under **section 25** of that Act to declare a state of local emergency or give notice of a local transition period (as the case may be) for the area; and
- (b) in **sections 133BG** and **133BH [of the Building Act]**, also includes a person who, at the relevant time, is the successor in office of a person referred to in paragraph (a) (ii).

Emergency means a situation that—

- (a) is the result of any happening, whether natural or otherwise, including, without limitation, any explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, cyclone, serious fire, leakage or spillage of any dangerous gas or substance, technological failure, infestation, plague, epidemic, failure of or disruption to an emergency service or a lifeline utility, or actual or imminent attack or warlike act; and
- (b) causes or may cause loss of life or injury or illness or distress or in any way endangers the safety of the public or property in New Zealand or any part of New Zealand.

responsible person means a person who is authorised by **section 133B** or **133BK [of the Building Act]** to exercise powers under Subpart 6B.

For other relevant definitions, see sections 7 and 133BB of the Building Act 2004.