

90-day Review of a Designation: Template for Territorial Authorities

This template is for Territorial Authorities to use when they are completing the 90-day review of a designation.

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 relevant Territorial Authority is required to review the designation for their area every 90-days to decide whether the designation is still needed. Each time they review, they must consider the matters in section 133BD(1) and (2) of the Building Act 2004.

The designation is reviewed to decide whether the designation is still required. A designation of an area should remain in place until the designation is no longer in the public interest and can be terminated for a specific part of the designated area, or the whole area.

When undertaking a review of a designated area, Territorial Authorities must take into account:

- whether the designation of the area is in the public interest
- whether the designation is necessary or desirable for the protection of persons 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, or persons or buildings from the effects of the insanitary condition (if applicable) of a building in the relevant area.
- the scale and degree of the impact 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 or continued 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.

Date of review:

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CONSIDER THE FOLLOWING MATTERS IN SECTION 133BD(1) OF THE BUILDING ACT

Is the designation still in the public interest?

Is the designation still necessary or desirable for the protection of:

persons, 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:

persons or buildings, from the effects of the insanitary condition (if applicable) of a building in the relevant area:

CONSIDER, TO THE EXTENT PRACTICABLE IN THE CIRCUMSTANCES, THE MATTERS IN SECTION 133BD(2) OF THE BUILDING ACT

What is the scale and degree of the impact of the emergency and of its effects on buildings in the relevant area?

What is the likelihood of a further emergency or any other relevant event occurring that could cause the following:

buildings in the relevant area to pose increased or additional risks:

land in the relevant area to pose a risk to a building:

Could the risks be managed without the exercise or continued exercise of the designation powers?

OUTCOME

- Continue designation without alteration
- Terminate designation
- Terminate a part of the designation
- Apply for extension of designation (can only be extended once after 3 years, for a maximum of 3 years)

Next review required no later than:

Completed By:

Signed:

To notify the Ministry of Business Innovation and Employment (MBIE) that you have completed a 90-day review of the designated area, please email this completed form to buildingemergencymanagement@mbie.govt.nz with the subject line: 90-Day Review of Designated Area – (INSERT LOCATION)

If you are terminating part of a designated area, you will also need to complete the Terminate the designation of an area for emergency management (building.govt.nz) [form](#).

The outcome of this review 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 of the outcome of the review.