



HURUNUI
District Council

**Statement of Proposal on the
Dangerous, Insanitary and Affected
Buildings Policy**

**Consultation between 21 October and
25 November 2024**

Summary

The Building Act 2004 ('the Act') provides territorial authorities with a number of powers to act when a building is identified as dangerous, insanitary or affected.

The Act requires territorial authorities to have a policy on their approach to using these powers and their priorities for action. The Act also requires the policy to cover how these apply to Heritage buildings.

The draft Policy will replace the existing 2018 Policy which is required to be reviewed under section 132(4) of the Act.

What are dangerous, insanitary and affected buildings?

The Act provides definitions of what dangerous, insanitary and affected mean for the purposes of the Act.

Dangerous Section 121	<i>(a) In the ordinary course of events (excluding the occurrence of an earthquake) the building is likely to cause:</i> <i>i. Injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or</i> <i>ii. Damage to other property</i> <i>(b) In the event of a fire, injury or death to any persons in the building or to persons on other property is likely.</i>
Affected Section 121A	<i>Where the building is adjacent to, adjoining, or nearby:</i> <i>(a) A dangerous building as defined by section 121</i> <i>(b) A dangerous dam within the meaning of section 153.</i>
Insanitary Section 123	<i>(a) the building is offensive or likely to be injurious to health because:</i> <i>i. of how it is situated or constructed; or</i> <i>ii. It is in a state of disrepair; or</i> <i>(b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or</i> <i>(c) does not have a supply of potable water that is adequate for its intended use; or</i> <i>(d) does not have sanitary facilities that are adequate for its intended use.</i>

What powers does the act give to councils?

The provisions of the Act provide territorial authorities with powers to act in respect of dangerous, insanitary and affected buildings. The key provisions are outlined below:

Section 124: ability to put up hoardings and issue notices restricting access and/or require remediation work.

Section 125: prescribes the content of notices issued under s124 and who the notice must be distributed to.

Section 126: ability to apply to the District Court for an order to authorise the council to carry out building works where they are not completed or do not occur with reasonable speed and to enable cost recovery.

Section 129: ability to take immediate action where the building poses an immediate danger.

What does the act require the policy to cover?

Section 131 of the Act directs territorial authorities to have a policy on dangerous, insanitary and affected buildings policy. The Act sets out the policy must state:

- (a) The territorial authority's approach that the territorial authority will take in performing its functions under this Part; and
- (b) The territorial authority's priorities in performing those functions; and
- (c) How the policy will apply to heritage buildings.

Section 132A directs that the policy must take into account 'affected buildings'.

Why is the Policy being reviewed?

Section 132(4) of the Act stipulates that territorial authorities must review their Policy every five years and the special consultative procedure in section 83 of the Local Government Act 2002 used when doing so.

The Policy

The policy is written to be read together with the relevant sections of the Act. The policy references the relevant sections of the Act, but does not repeat or paraphrase the content. The intention of this is to keep the policy simple and to avoid misinterpretation of the Act. Hyperlinks in the policy take the user directly to the relevant Act sections.

The Council does not actively inspect buildings within the district. The Council responds to reports or information received about potentially dangerous or insanitary buildings. When this information is received the council make it a priority to investigate and take action as appropriate in a quick and efficient manner.

The Council has discretion on how it uses its powers under this Act. The Council will endeavour to respond in a manner that is proportional to the risk posed by the building to safety and to affected buildings and structures. Any action taken under this Policy will be in accordance with Council's Complaints, Compliance & Enforcement Policy.

Key changes proposed

The proposed changes in the draft Policy do not change the intent or direction of the Policy but provide clarification of Council's approach and principles in the application of the policy. Key changes include:

- Clarifying Council's approach to identifying potentially dangerous, insanitary or affected buildings by stating it in the policy. The Council takes a passive approach to identification.
- Specifying the principles of the Council's Complaints, Compliance and Enforcement Policy will be used when applying this policy.
- Inclusion of a new section specifying review of the policy.
- Minor changes to reference current relevant job titles which have changed since the last review of the policy.

Where can I find more information?

Council's current Policy is on our website:

https://www.hurunui.govt.nz/repository/libraries/id:23wyoavbi17q9ssstcjd/hierarchy/Support_Services/Policies/Dangerous%20and%20insanitary%20buildings/Dangerous%20Insanitary%20and%20Affected%20Buildings%20policy%20-%20Updated%2021%20August%202019.pdf .

A report was discussed at Council's Strategy and Community Committee on 15 October 2024. These reports and a recording of the meeting can be found on our website:

<https://www.hurunui.govt.nz/council/meetings-and-committees/meetings>

Council officer Scott Rose is leading the Policy review process and can be contacted at scott.rose@hurunui.govt.nz or phone 03 314 8816.

How can I have my say?

The community is encouraged to contribute to the review of the Policy and it is easy to have your say.

- ✚ Simply make a submission and return it to us by 25 November 2024. The Submission Form can be found on our website.

How you can make a submission:

- ✚ Email - submission@hurunui.govt.nz
- ✚ Drop in to - you can simply write your submission as a letter and drop it off at 66 Carters Road, Amberley
- ✚ Post it to – Submissions, Hurunui District Council, PO Box 13, Amberley 7410

Note: Please be aware that submissions made to Council are public information. Your submission will be used and reproduced for purposes such as reports to Councillors, which are made available to the public and media.

You must have your submission back to Council by Monday 25 November 2024.