



Draft Dangerous, Affected and Insanitary Buildings Policy Statement of Proposal

Introduction

Tararua District Council seeks your views on its draft Dangerous, Affected and Insanitary Buildings Policy 2024.

This statement of proposal is prepared under sections 83 and 87 of the Local Government Act 2002 (LGA) and contains:

- a copy of the draft Dangerous, Affected and Insanitary Buildings Policy 2024 (the 'draft policy');
- information about the proposed amendments;
- the reasons for the proposed amendments;
- how you can have your say; and
- timetable for consultation.

Background to the review

Section 131 of the Building Act 2004 (Act) requires territorial authorities to adopt a policy on dangerous and insanitary buildings. It must be reviewed at least every five years. The existing policy was adopted in 2017 and is therefore due for review.

Policies on dangerous and insanitary buildings are required to state:

- the approach that the Council will take in performing its functions under the Act;
- Council's priorities in performing those functions;
- How the policy will apply to heritage buildings.

Section 132A requires the policy to take into account affected buildings.

Section 132(2) of the Act states that "a policy may be amended or replaced only in accordance with the special consultative procedure..." (section 83 of the LGA). This statement of proposal has been prepared as a basis for consultation on the proposed changes to the policy, and to fulfil Council's statutory obligations.

Explanation of Changes

The changes Council proposes to make to the 2017 Dangerous and Insanitary Buildings Policy 2017 are minor in nature and do not significantly alter the operation or effect of the policy. In summary, Council has proposed changes to the policy which, for the most part, reflect changes in legislation (including the requirement in section 132A of the Act for the policy to include references to affected buildings) and to improve clarity.

The proposed changes are:

- Adding the definition of affected building, as defined in the Act (and adding reference to affected buildings throughout the policy)

- Removing reference to “part 3(3) of Schedule 1AA of the Building (Earthquake-prone Buildings) Amendment Act 2016” as no longer required
- Adding, at part 3, that Council will “Respond to and investigate any notification from Horizons Regional Council of a dangerous dam located within the Tararua District that may trigger affected buildings under the Act”
- Clarifying that when Council is assessing a potential insanitary building, Council may also consider:
 - Any information available from the Medical Officer of Health within the local office of the National Public Health Service to assess whether the occupants may be neglected or infirm
 - the use to which the building is put and whether the insanitary conditions are offensive or likely to be injurious to the health of any occupants
- Adding the following statement to reflect standard practice:
 - If Council is satisfied that a building is either dangerous, affected or insanitary Council will endeavour to consult with the owners and occupiers of the building to determine the circumstances and decide the appropriate course of action. Such consultation may not always be possible, particularly in situations involving immediate danger.
- Making clear that owners of buildings will receive not less than 10 days’ written notice of an application to the District Court under s 126 of the Act
- Adding that immediate action to remediate immediate danger or insanitary conditions could include the demolition of all or part of a building
- Amending the name of ‘Heritage New Zealand’ to ‘Heritage New Zealand – Puhere Taonga’
- Adding a list of related legislation and providing an explanatory note regarding powers available to the Council under the Health Act 1956.

Consultation

In making, amending or revoking this policy, Council must use the Special Consultative Procedure set out in section 83 of the LGA. Council has prepared and adopted the draft policy for public consultation. Any person can make a submission on the draft policy and we invite you to have your say.

The following dates are relevant to the consultation process:

- (a) Council resolved to undertake public consultation regarding the Proposal at its meeting on 24 April 2024
- (b) Submissions open on 1 May 2024
- (c) Submissions close on 3 June 2024

Submissions will be heard before Council or a sub-Committee at a time following the close of submissions, with Council considering the outcome of the consultation process and its decision at a Council meeting some time following the hearing date, and likely to be in June 2024.

The key point to note is that consultation opens on 1 May 2024 and closes on 3 June 2024

You are encouraged to participate in this important consultation process.

There are several ways you can have your say. A submission form is provided with this document, or you can fill in your submission online.

How to get your submission to us:

Mail to: Draft Dangerous, Affected and Insanitary Buildings Policy
Tararua District Council
PO Box 115
Dannevirke 4942

Fax to: 06 374 4137

Email to: submissions@tararua.govt.nz

Deliver to: Council offices in Eketāhuna Pahiataua, Woodville or Dannevirke

Online: <https://www.tararua.govt.nz/publications/consultation/current-consultation>

Attachments:

1. Draft Dangerous, Affected and Insanitary Buildings Policy 2024
2. Report to Council on adopting the draft Dangerous, Affected and Insanitary Buildings Policy 2024 for consideration
3. Submission form