



# Statement of Proposal – Dangerous, Affected and Insanitary Buildings Policy 2022

Public feedback invited 11 Aug – 12 Sept 2022

[www.mdc.govt.nz](http://www.mdc.govt.nz)

## Purpose of the policy

Manawatu District council has a responsibility under the Building Act 2004 (the “Act”) to manage dangerous, affected and insanitary buildings. Management of these buildings includes identification and enforcement action. The purpose for this is to ensure the safety of the public.

## Background to the review

Section 131 of the 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 Local Government Act 2002). This statement of proposal has been prepared as a basis for consultation on the new policy, and to fulfil Council’s statutory obligations.

## Explanation of Changes

The changes Council proposes to make to the 2017 Dangerous, Affected and Insanitary Buildings Policy through this review are minor in nature and do not significantly affect the operation or effect of the policy. As outlined in the table below, Council’s proposed changes to the policy are to reflect changes in legislation, new community outcomes, to remove reference to heritage funding that is no longer available, and to improve clarity.

Reference	Description of Change
<b>Clause 1.1.1</b>	Removed reference to adopting a policy on earthquake-prone buildings as the Building Act no longer requires this.
<b>Clause 3.1.1</b>	Replaced community outcomes from 2015-2025 Long Term Plan with Council Priorities as set out in the 2021-31 10 Year Plan.
<b>Clause 3.2.4</b>	Insertion of a new clause that refers to clause 123B of the Building Act 2004 with respect to buildings designated under subpart 6B (special provisions for buildings affected by emergency). This addition is required due to changes to the Building Act.

<b>Clauses 3.3.1(3) and 3.4.2</b>	Changed all references to “New Zealand Fire service” with “Fire and Emergency New Zealand.” This change is required as a consequence of Fire and Emergency New Zealand replacing the New Zealand Fire Service from 1 July 2017.
<b>3.4.4</b>	A list of specific clauses of the Building Code has been replaced with Generic reference to “relevant clauses of the New Zealand Building Code” to provide for all potential situations.
<b>4.2.1</b>	Addition of ‘affected’ building to enable Council to issue notices to owners of affected buildings, as well as owners of dangerous or insanitary buildings, under this clause.
<b>4.2.1 (4<sup>th</sup> bullet point)</b>	The maximum fines for enforcement under the Building Act 2004 have increased. Changes to clause 4.2.1 are to ensure consistency with the fines specified in the Act.
<b>4.4</b>	Amended to reflect new requirements under the Building Act for buildings affected by emergency.
<b>4.6.5</b>	Clause 4.6.5 has been removed as funding under the Council Heritage Funding Policy is no longer available.
<b>4.7.2</b>	Reference to s125 has been replaced with reference to s124(2)(c). This change is to correct a referencing error.
<b>4.7.3 &amp; 4.7.4</b>	Insertion of new clauses that outline the Building Act process that Council will follow in the event that works are not carried out within the timeframes required by a notice issued under the Policy.

## Making a Submission

Submissions close at **8am on Monday 12 September 2022**.

Council encourages anyone with an interest in the issues raised in this proposal to make a submission. Submissions can be made through Council’s “Have Your Say” webpage ([www.mdc.govt.nz/DAI-building-submission](http://www.mdc.govt.nz/DAI-building-submission)), emailed to [submissions@mdc.govt.nz](mailto:submissions@mdc.govt.nz) (subject heading “Dangerous, Affected and Insanitary Buildings Policy”) hand delivered to Council’s reception at 135 Manchester Street, Feilding, or posted to:

Manawatū District Council  
Private Bag 10 001  
Feilding 4743

Please state in your submission whether or not you wish to speak to your submission in person. A hearing will be scheduled after the close of submissions for those that wish to be heard.