

Kaupapahere mō ngā Whare Mōrearea me ngā Whare Kahuakore 2025 | Dangerous, and Insanitary Buildings Policy 2025

Tauākī Tūtohu | Statement of Proposal



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Kupu Whakataki | Introduction

This Policy is a requirement of section 131 of the Building Act 2004, which states that a territorial authority must adopt a Dangerous and Insanitary Buildings Policy within its district.

Council adopted its first Earthquake-prone, Dangerous and Insanitary Policy at its meeting on 12 July 2006. The Policy was reviewed in 2011 and 2016. In 2019, the Policy was amended as per the Building (Earthquake-prone Buildings) Amendment Act 2016. Council were required to amend the Policy to remove references to earthquake-prone buildings. Additionally, the Policy was amended to include reference to “affected buildings”. Council is required to review this Policy every 5 years. It was last reviewed recently in 2024 and was approved by Council and effective from 1 July 2024. Following this, MBIE conducted a performance monitoring assessment report of the Policy and recommended minor amendments to align with updated legislation and include priorities when performing building functions on dangerous, affected and insanitary buildings.

The Act requires Council to use the special consultative procedure of the Local Government Act 2002 (LGA) when reviewing this Policy.

Ngā Take mō te Tūtohutanga | Reasons for the proposal

This is a proposal by the Matamata-Piako District Council (Council) to make amendments to its Dangerous, Affected and Insanitary Buildings Policy (Policy) under sections 131 and 132 of the Building Act 2004. This Statement of Proposal is a requirement of the Special Consultative Procedure for the review of the Policy under the Local Government Act 2002 (LGA).

The changes to the Policy are being proposed to ensure wording aligns with current legislation and to align with best practice.

Consultation is being undertaken with the community so Council can assess public support for the proposed amendments and can consider alterations to the draft Policy as a result of the feedback received. This document includes a summary of the proposed Policy and how you can have your say.

Te kaupapahere o nāianei mō ngā Whare Mōrearea, Kahuakore hoki | The Current Dangerous and Insanitary Buildings Policy

The Policy ensures that buildings in the district do not compromise people’s health and safety through dangerous or insanitary conditions. The Policy aims to balance potential health and safety benefits with any economic costs.

This policy sets out:

- The approach that Council will take in performing its functions under the Building Act 2004 in relation to Dangerous, Affected and Insanitary Buildings;

- Council’s priorities in performing these functions; and
- How the policy will apply to Heritage buildings.

The Policy helps to reduce the potential risk posed to residents by Dangerous, Affected or Insanitary Buildings and sets out a clear framework about how Council will manage unsatisfactory building conditions. We are also required to have this Policy under the Act.

Te mānuka e kawea ake ana | What we’re proposing

Ngā panonitanga e tūtohua ana | What we’re proposing to change:

- Wording adjustments to reflect the Building Act 2004.
- Inclusion of additional legislation considerations to address non-compliances.
- Inclusion of the priority for action for a Dangerous, Affected or Insanitary Building, urgent and non-urgent priorities (see clause 8.1).
- Inclusion of clause referencing Council’s Enforcement Policy as applicable to undertake monitoring and enforcement actions (see clause 8.3g).
- Inclusion of Council’s passive approach to Dangerous, Affected or Insanitary Buildings, meaning Council will not actively inspect all buildings in the district but will act promptly and prioritise any buildings that come to the attention of Council as potentially dangerous, affected or insanitary (see clause 5.1).
- Inclusion of clause outlining that all information relating to dangerous, affected or insanitary buildings will be recorded on property files and land information memorandums (LIM’s) (see clause 13.1).
- Introduction of Te Reo Translation in Policy headings.

Ētahi atu kōwhiringa me whakaaro ake | Other options we could considered

Option 1: Adopt the draft Dangerous and Insanitary Buildings Policy

This is Council’s preferred option.

This option is for Council to adopt the draft Policy containing minor amendments to assist with clarity and legislative requirements.

Advantages +	Disadvantages -
Council’s Dangerous and Insanitary Buildings Policy would reflect legislative requirements and assist in clarity and understanding.	No disadvantages identified.

Option 2: Keep the status quo

Council could not adopt the amended Policy.

Advantages +	Disadvantages -
No advantages identified	Council's Dangerous and Insanitary Buildings Policy would not contain the recommended updates identified in the Policy's audit.
	The Policy would not include the correct wording to align with current legislation.

Ngā Whakaarotanga ā-Ture | Legal considerations

Relevant Legislation

Local Government Act 2002

Building Act 2004

The Building Act 2004 (The Act) aims to improve control of, and encourage better practices in, building design and construction. The Act is the primary legislation which governs the building industry.

Pursuant to section 131 of the Act, all Councils are required to adopt a Dangerous and Insanitary Buildings Policy to reduce the danger risk posed to the population by these buildings. The legislation also recognises that the circumstances of individual councils will vary, and that the local economic, social and other factors have an impact on the implementation of these provisions of the Act.

The measures in the legislation also recognise the need for a consistent, transparent and accountable approach to the implementation of the provisions in order to protect the health and safety of building users. The Policy ensures that buildings in the district do not compromise people's health and safety through dangerous or insanitary conditions.

Local Government Act 2002 (LGA) Decision-making requirements

Having regard to the decision making provisions in the LGA and Council's Significance and Engagement Policy, the decision is assessed as having a low level of significance.

All Council decisions, whether made by the Council itself or under delegated authority, are subject to the decision-making requirements in sections 76 to 82 of the LGA. This includes any decision not to take any action.

Council are consulting using the Special Consultative Procedure as required under the Act.

Ētahi atu mōhiohio | More information

For more information about this proposal, and to see what else we are seeking feedback on go to mpdc.nz/letstalk


He kōrero whakahoki | Feedback

Whether you agree, disagree or you have suggestions we want to hear from you!

Please be aware that feedback made to Council is public information. Your feedback will be used and reproduced for purposes such as reports to Elected Members, which are made available to the public.

You can drop your feedback form into any of our Council offices or libraries.

Me pēhea te tuku urupare | How to give your feedback

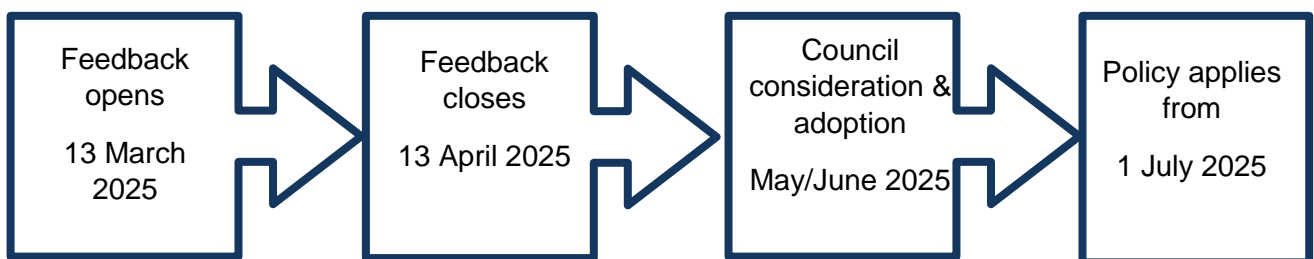
 **Online:** To fill out the online form click [here](#).

 **Mail to:** Matamata-Piako District Council, PO Box 266, Te Aroha 3342

 **Email:** info@mpdc.govt.nz

 **In person:** You can drop your feedback form into any of our Council offices or libraries.

Key dates



Puka whakahoki kōrero | Feedback form – Draft Dangerous and Insanitary Buildings Policy

Please provide your feedback by 13 April 2025

Name/Organisation: _____

For individuals please simply write name/names, for organisations please write the full organisation name

Email: _____ **Phone:** _____

Address: _____

Town: Matamata Morrinsville Te Aroha Other: _____

Age: Under 18 18–24 25–34 35–44 45–64 65–74 75+

Would you like to speak to the Mayor and Councillors about your feedback?

Feedback can be provided in person or via video on Wednesday 7 May 2025 (and Thursday 8 May if required).

Yes No

Privacy statement: Please be aware that feedback made to Council is public information. Your feedback will be used and reproduced for purposes such as reports to Elected Members, which are made available to the public.

Dangerous, Affected and Insanitary Buildings Policy:

1) Which of these options do you support?

Proposed option: Adopt the draft Dangerous, Affected and Insanitary Buildings Policy

- We are proposing to make minor amendments to the Policy to assist in clarity and align with legislative requirements.

Option 2: Status Quo

- Keeping the status quo would mean that Council's Dangerous, Affected and Insanitary Buildings Policy would not contain the recommended updates identified to align with legislation.

Option 3: Other

Additional Comments to support the option chosen above:

- 2) Is there anything else you would like us to consider in regards to Dangerous and Insanitary Buildings in the district?

Please provide any further comments below

Please provide your feedback by 13 April 2025