

# *Statement of Proposal*

## *Dangerous, Affected and Insanitary Buildings Policy*

Draft 2020

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## Overview

Council is calling for submissions on a policy that aims to make sure people aren't harmed by dangerous buildings, buildings near dangerous buildings, and buildings that are insanitary.

We are calling for submissions from as wide a range of people involved in buildings as is possible while we review our Dangerous, Affected and Insanitary Buildings Policy.

Consultation on the policy will open on 20 July and close on 20 August.

Anyone who is interested can find all the information about it on our website, or they can call or come in to see us, however actual submissions should be in writing.

## What is the policy about?

The policy lays out the reasons, objectives, policies and processes used to identify whether or not a building is dangerous or is affected by a dangerous building, or is insanitary, and what should happen once they are identified.

## Why is it being reviewed?

The policy is being reviewed because legislation in the area has changed. In the past Earthquake Prone Buildings were also covered in this policy, but they are now covered in a separate Act.

We are removing the reference to earthquake prone buildings from our Dangerous, Affected and Insanitary Buildings Policy and reviewing what was in the joint policy.

## Identifying Dangerous, Affected and Insanitary Buildings

Information that a building might be dangerous, affected or insanitary could come into Council from many sources.

Our staff or contractors might notice something about a building, a complaint could come in from members of the public or from members of professional bodies such as Engineering New Zealand. It could be that a building is identified after an event like a slip, flood, fire or other natural or human caused disaster. The Ministry of Business Innovation and Employment (MBIE) or Fire and Emergency New Zealand FENZ could also let us know.

Once the report comes in and we need to investigate, many different agencies could be involved. FENZ for fire hazards, health inspectors for drinking water, waste disposal, building inspectors for weathertightness, and a range of technical building specialists, testing laboratories, geotechnical, fire or structural engineers.

## Factors we consider

Many factors would be considered when deciding how to approach the building, but people's safety is paramount.

We will consider the:

- scale and immediacy of risk to occupants and the public
- likelihood of harm to adjoining properties
- environmental impacts including contamination of water bodies
- availability and viability of alternative options," he said.

## Solutions

A range of solutions could be required, from issuing formal notices, requiring the owner to carry out remedial work, or council undertaking the remedial work, through to demolition.

An important thing to note is that wherever possible, Council would seek the co-operation of the owner and occupant to achieve compliance. We would aim to get the matter resolved correctly without having to resort to the formal notice provisions of the Act; however, this may not always be possible.

The situations that cause a building to be dangerous, affected or insanitary can be very diverse and dynamic, so flexibility in our approach is important.

### ***Issues to consider***

One of the matters we want to highlight through this process is that lack of maintenance, overcrowding and unauthorized building alterations and converting aged buildings can cause serious building problems for occupants and those who use buildings.

Failing to obtain a building consent or deciding to use a building for a purpose it is not suited for can result in a building posing a danger to occupants, the general public or other properties and no longer complying with the Building Code.

This has the potential to affect a wide range of people from building occupants, to owners, to those carrying out work - even to those living next door, so we'd like people to read about it and let us know what they think we need to take into consideration in this policy.

### ***Having Your Say***

We are seeking community feedback in accordance with the Local Government Act 2002 (Section 83) Special Consultative Procedure.

As part of this procedure, we provide you with the opportunity to present your views to Council on the Draft Dangerous, Affected and Insanitary Buildings Policy.

### ***Key dates for providing your views are:***

#### **20 July**

Submissions on the Draft Dangerous, Affected and Insanitary Buildings Policy and this Statement of Proposal open

Information is available on the website at [www.wdc.govt.nz/DAlpolicy](http://www.wdc.govt.nz/DAlpolicy)

#### **20 August**

Submissions close at 5pm.

#### **Date to be advised**

Proposed dates for hearing submissions by Council Hearings Committee

#### **Date to be advised**

Dangerous, Affected and Insanitary Buildings Policy is adopted by Council

Submitters wishing to be heard will be contacted and advised of proposed hearing dates and the location of any hearing.

### ***Making a Submission***

Any person or organisation can make a submission on the Draft Dangerous, Affected and Insanitary Buildings Policy.

Submissions can be made, either electronically online, by email or on paper.

Submissions should:

- Where possible, clearly state the part of the Draft Policy that the submission point relates to.
- What your views are and the reasons for them
- Any amendments to the Strategy that you are seeking
- Whether you wish to be heard in support of your submission.

All submissions must be received by 5:00pm on 20 August 2018.

- You can make a submission online at: [www.wdc.govt.nz/DApolicy](http://www.wdc.govt.nz/DApolicy) or
- Email your submission to: [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz), or
- Post your submission to:

Dangerous, Affected and Insanitary Buildings Policy  
Whangarei District Council  
Private Bag 9023  
Whangarei 0148

Submissions can also be hand delivered to any Whangarei District Council Office or Service Centre listed below.

- Whangarei Forum North – Rust Avenue
- Ruakaka Service Centre, Takutai Place, Ruakaka

### ***Being heard***

Any person who makes a submission will have the opportunity to be heard by Council; but must make that request in their written submission. No anonymous submissions will be accepted.

The Council is legally required to make all written or electronic submissions available to the public and to Councillors, including the name and address of the submitter.

The submissions, including all contact details provided, will be available to the public.

Information will be available to the public subject to the provisions of the Local Government Official Information and Meetings Act 1987.

Submitters who have asked to be heard will be advised of the hearing dates available.

### ***Where can I get more information?***

Copies of this Statement of Proposal and Dangerous, Affected and Insanitary Buildings Policy can be viewed on Whangarei District Councils website at: [www.wdc.govt.nz/DApolicy](http://www.wdc.govt.nz/DApolicy)

Alternatively, copies of the Statement of Proposal can be viewed at Whangarei District Council Offices at:

- Whangarei Forum North – Rust Avenue
- Ruakaka Service Centre, Takutai Place, Ruakaka

Alternatively, call Whangarei District Council free phone on 0800 932 462 or 09 430 4200 or email: [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz).