

Statement of Proposal

to amend the

Dangerous, Affected and Insanitary Buildings Policy

Council would like to hear your views on a proposal to amend the **Dangerous, Affected and Insanitary Buildings Policy**.

Key dates:

Submission period:	Friday 27 February 2026 – Monday 30 March 2026
Hearing /Chat with a Councillor:	Thursday 16 April 2026
Deliberations:	Thursday 16 April 2026
Decision of Council:	Wednesday 27 May 2026

Proposal

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Introduction

Kaipara District Council's Dangerous, Affected and Insanitary Buildings Policy (DAIB Policy) purpose is 'to ensure that people who use buildings can do so safely and without endangering their health'.

We have recently reviewed the policy and have identified that some improvements can be made.

We are proposing changes that:

- Provide linkages between the policy and the appropriate sections of the Act be added to the clauses of the policy;
- Provide linkages to the Heritage New Zealand Pouhere Taonga Act 2014 be included in the Heritage Buildings section of the policy; and
- Migrate the policy to Council's new format for policies.

Before finalising the proposed amendments, Council wants to hear your views. This Statement of Proposal provides you with the background and reasons for the proposed amendments as well as the statutory issues Council must consider when reviewing a policy. A copy of the proposed amended policy is also included. If you want to compare it to the current policy, this is available online at [www.kaipara.govt.nz/ Dangerous, Affected and Insanitary Buildings Policy](http://www.kaipara.govt.nz/Dangerous,AffectedandInsanitaryBuildingsPolicy) or call us on or 0800 727 059 if you would like to be sent a copy.

The Act's sections applicable to dangerous, affected, and insanitary buildings are found in Part 2, subpart 6 of the Act. Section 131 is the provision in the Act that directs Council to adopt a DAIB Policy.

Reasons for the Proposal

The [Building Act 2004](#) (Act) requires Council to carry out a five-year statutory review of the policy. This review was completed in February 2021, and Council found that while the policy is functioning well, it could be improved to make it easier to use and understand.

Proposed Changes

Council is not proposing substantial changes to the policy. The table below provides a summary overview of the proposed changes.

Proposed amendments to the Policy	
Current Policy	Proposed amendments
Introduction	Clauses 1 added to provide linkages to Building Act 2004.
Introduction	Clause 1 added to reference the use of the special consultative procedure for reviews.
Introduction	Clause 1 added to reference a 5 yearly review.
Clause 6	Clause 7 added to reference the Heritage New Zealand Pouhere Taonga Act 2014 .
Clause 10	Clause 11 added to reference the appropriate enforcement sections 124 – 129 of the Building Act 2004.
New clause	Clause 13 – added to provide relevant legislation to the policy.

Legislative Framework

The legislative framework for the policy review process was presented at the [5 March 2025 Council briefing](#) to inform Council and ensure that the policy is effective, efficient and still necessary.

At [the meeting on 26 March 2025](#) Council considered the research and analysis undertaken by staff and decided that a policy is still required to meet statutory requirements and help to ensure the safety of Kaipara's community. At that same meeting Council also determined to propose amendments to the policy to improve its usability and comprehension.

Following on from this, Council decided at the [26 February 2026 Council Meeting](#) to consult with the community on this proposal to gain feedback.

For further details on the above determinations and reports, follow the links provided, view the agenda reports at www.kaipara.govt.nz/meetings or visit Council offices and libraries.

SUBMISSION FORM – Dangerous Affected and Insanitary Buildings Policy

Thank you for taking this opportunity to comment, we welcome your feedback.

Please enter your details below

First name(s): _____ Last name: _____.

Postal address: _____

Mobile: _____ Other phone: _____

Email: _____

I am writing this submission: as an individual on behalf of an organisation.

Organisation name: _____

Tell us in writing

Be sure to get your written comments to us by **Monday 30 March 2026**. You can provide your comments on the next page and follow the instructions below on how to get them to us or choose one of the ways listed below to make your submission.

How to get your feedback to us

Online Complete this form online: www.kaipara.govt.nz/haveyoursay

In person Drop your submission form to either Council office - 32 Hokianga Road, Dargaville or The Hub, 6 Molesworth Drive, Mangawhai

By mail Submission for the Dangerous Affected and Insanitary Buildings Policy
Kaipara District Council, Private Bag 1001, Dargaville 0340

Email Email us at: haveyoursay@kaipara.govt.nz

Would you like to speak to your feedback at a hearing?
A hearing will be held on Thursday 16 April 2026. Yes No

Would you like to schedule a chat with a Councillor?
Chats with a Councillor will be held on Thursday 16 April 2026. Yes No

Points to remember when making a submission.

Please tick the box of your preferred option and print clearly. The form should be easy to read and be understood and may need to be photocopied.

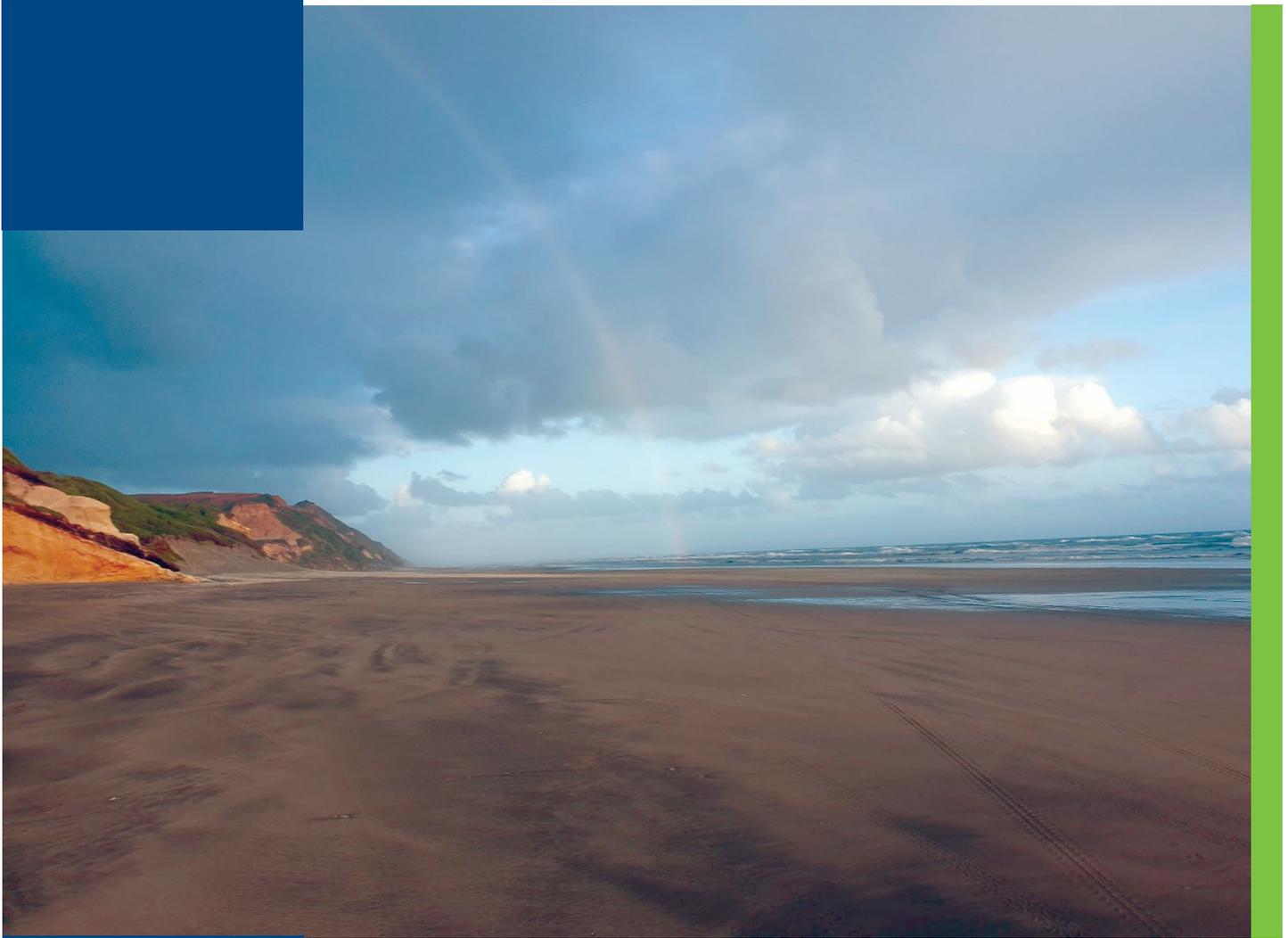
We will acknowledge every submission received. Please ensure that you provide appropriate contact details for this. Emails are our preferred form of communication.

All submissions are considered public under the Local Government Official Information and Meetings Act. Your name and feedback will be available to Elected Members and the public via our reports and website. All other personal details you provide will remain private. Your submission will not be returned to you once it is lodged with Council. Please keep a copy for your reference.

Please tell us what you think about the proposed Dangerous Affected and Insanitary Buildings Policy. Please provide any clause numbers where relevant.

Proposed Policy

The Dangerous, Affected, and Insanitary Building Policy



Kaipara te Orangahiri • Two Oceans Two Harbours

Dangerous, Affected and Insanitary Buildings Policy			
Category	Council	Business Unit	Planning and Policy
Author	Michael Webster, Policy Analyst	Act(s)	Building Act 2004
Type	Statutory	Date first adopted	12 February 2021
Authorised	Council	Review cycle	5 yrs
Last review date	XX Month 2026	Next review due	XX Month 2031
Published	KDC Website/Te Kura		

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1.0 Introduction

- 1.1 Conversions of existing aged buildings, lack of maintenance, overcrowding, and unauthorised building alterations can cause serious risks and building problems for occupants and those who use them. The failure to obtain a building consent or using a building for a purpose that is not suitable can result in a building no longer complying with the building code and posing a danger to occupants, the general public, and/or other properties.
- 1.2 In accordance with section 131 of the Building Act 2004 (the Act), Kaipara District Council (Council) is required to adopt a policy that covers the identification, assessment, and management of any dangerous, affected, and insanitary buildings within its district, including historical buildings.
- 1.3 Council must follow the special consultative procedure when amending or replacing the Dangerous, Affected and Insanitary Buildings Policy (DAIB Policy) in accordance with section 83 of the Local Government Act 2002. A copy of the amended policy will be forwarded to MBIE as required under section 132(3) of the Act.
- 1.4 The DAIB Policy is reviewed at intervals of not more than five (5) years, as required by section 132(4) and that, if amended, a copy is provided to MBIE as specified by section 132(3). A version history is held detailing dates when originally created, reviewed or amended.
- 1.5 This DAIB Policy details how Council will manage these buildings to ensure that any risks that these buildings pose to public health and safety or any other buildings within proximity are either mitigated or eliminated.
- 1.6 If Council is satisfied that a building or part of a building is dangerous, affected or insanitary, Council may exercise any of its powers or perform any of its functions applicable to that building or part of the building under the DAIB Policy or the Act's provisions.
- 1.7 When exercising its power under the DAIB Policy, Council must be satisfied that the thresholds of dangerous, affected or insanitary have been met under the provisions set out in the Act. In some instances, dependent on the complexity of a case, Council will seek professional advice as required and must give due regard to that advice as part of their investigation.
- 1.8 The DAIB Policy is supported by risk and assessment frameworks, that are contained in the additional information document. This document will be used by Council staff when investigating a possible dangerous, affected and/or insanitary building.
- 1.9 The additional information document does not form part of the policy but is included at the end of this document for completeness and to support understanding.

2. Definitions

- 2.1 Where a term is used in this Policy that has a meaning defined in the Building Act 2004 (Act), that term will have the same meaning as provided in subpart 2 of the Act.

3. Legislative requirements

- 3.1 Part 61 of the Act requires TA to determine whether buildings in their district are dangerous, affected and/or insanitary. In doing so, a TA may seek advice from employees, volunteers and contractors of Fire Emergency New Zealand (FENZ) as being competent to give advice. If advice is sought, the TA must give due regard to that advice. Under s.131 a TA must adopt a policy on dangerous and insanitary buildings, which states:
- a. It's approach to performing functions under the Act;
 - b. It's priorities in performing these function;
 - c. How it applies to Heritage Buildings; and
 - d. How it applies to affected buildings
- 3.2 The policy is required to be adopted, amended or replaced at least every 5 years, in accordance with the special consultative procedure set out in Section 83 of the Local Government Act 2002. When this has occurred, Council is required to provide a copy to the Chief Executive of the Ministry of Business Innovation and Employment (MBIE).

4. Purpose

- 4.1 The purpose of this Policy is to:
- a. Protect public health and safety from potentially dangerous, affected and/or insanitary buildings; and
 - b. Recognise that historic buildings may require a variation to the general approach if their particular heritage values could be compromised.
- 4.2 The objective of the Policy is to achieve compliance with the Act and protect public health and safety.

5. General Approach

- 5.1 Wherever possible, Council will seek the co-operation of the owner and occupant to achieve compliance without resorting to the Act's formal notice provisions (s124); however, this may not always be possible.
- 5.2 Council will adopt a flexible approach to achieve the overall co-operation objective, as it is aware of the diversity and dynamics which result in dangerous, affected, or insanitary buildings. Factors in determining the approach to be taken are included in this policy, as well as in the

Additional Information (AI) supporting documents. The AI documents are used to support Policy implementation, and do not form part of this Policy.

- 5.3 Some of the important factors in determining the approach that Council will take:
- a. An assessment of the scale and immediacy of risk to occupants and the public;
 - b. An evaluation of the likelihood of harm to adjoining properties;
 - c. An assessment of environmental impacts including contamination of water bodies, and
 - d. The availability and viability of alternative options.

6. Identifying dangerous, affected and/or insanitary buildings

- 6.1 Council does not have the resources to carry out a systematic survey of the standard of buildings across the district, nor does it need to. Rather, an investigation into whether a building is dangerous, affected or insanitary will be triggered by one or more of the following:
- a. The observations of its staff or contractors;
 - b. Information or complaints received from members of the public or members of professional bodies such as Engineering New Zealand etc.;
 - c. Events arising following natural or human-made disasters;
 - d. Notification from the Ministry of Business Innovation and Employment; and
 - e. Notification from FENZ.
- 6.2 Building issues may also be identified by Council staff incidentally in the process of dealing with alterations to existing buildings, change of use enquiries and code compliance processes (Refer to sections 112 to 116A of the Act)
- 6.3 In determining whether a building is dangerous or affected with respect to a fire hazard, Council may seek the advice of FENZ. Similarly, in determining whether a building is insanitary concerning drinking water, waste disposal or weather tightness, Council may seek advice from appropriate experts, such as Council's Environmental Health staff, technical building specialists, testing laboratories, geo-technical, fire, or structural engineers.
- 6.4 Council may also be guided by relevant legislation, codes, or bylaws, and may choose to seek legal advice. The Act itself provides several statutory tools for managing identified dangerous, affected and/or insanitary buildings. These include, but are not limited to:
- a. Issuing formal notices under section 124;
 - b. Owner carrying out remedial work;
 - c. Council undertaking the necessary remedial action/work; and
 - d. Demolition.

7. Heritage Buildings

- 7.1 Heritage buildings that are entered on the Heritage New Zealand/Pouhere Taonga List (in accordance with **the Heritage New Zealand Pouhere Taonga Act 2014**) will be evaluated in a manner consistent with assessments for other potentially dangerous, affected and/or insanitary buildings. Council is aware of the protection mechanisms and heritage values that these buildings hold, which is why special efforts will be made to meet heritage objectives.
- 7.2 Discussions will be held with owners and Heritage New Zealand/Pouhere Taonga to identify a mutually acceptable way forward.
- 7.3 If a dangerous, affected, or insanitary building notice is issued for a heritage building, a copy of the notice will be sent to the Heritage New Zealand/Pouhere Taonga as required by the Act.

8. Affected Buildings

- 8.1 Affected buildings are those that are within close proximity to either a dangerous building or a dangerous dam. It allows Council to assess and determine a management plan with the owner and/or occupant.

9. Investigation

- 9.1 Council will respond to and investigate all notifications received about any dangerous and/or insanitary building. The investigation will utilise the RFAC document, and will include as part of the inquiry the following points:
- a. Review Council records before a site visit;
 - b. Understand what consents have been approved for this site; whether a Compliance Schedule exists;
 - c. The status of the Building Warrant of Fitness/ IQP reports; Notices to Fix etc;
 - d. Review GIS/aerials prior to site visit;
 - e. Understand whether there are any natural or human-made hazards or other issues to be aware of how Council was made aware of the situation;
 - f. Location of the building;
 - g. Actual site conditions;
 - h. Previous and current use of the building;
 - i. Occupancy numbers;
 - j. Ownership/occupancy details;
 - k. Whether the public has access to the building, e.g. via the building or adjacent land and waterways;
 - l. What aspects of the building are dangerous (all, or only parts of the building);

- m. Whether any neighbouring properties are affected by the potentially dangerous, and/or insanitary building or dam;
- n. What aspects of the building are considered insanitary, e.g. lack of potable drinking water, sanitary fixtures and waste disposal, light, and ventilation or vermin;
- o. How and to what extent these aspects are non-compliant with the Building Code;
- p. Who is or was responsible for creating this hazard (e.g. whether authorised or unauthorised work is in progress/completed);
- q. Whether the land or building has heritage status;
- r. Priorities (the immediacy) of the issue.

10. Criteria for determining priority of an issue

- 10.1 A building (or part of a building) will be classified as dangerous or affected if it is likely to cause injury, or death to the occupants, public or other property. A building (or part of a building) will be classified as insanitary if it is likely to be harmful to the health of occupants, public, or people on other property. Another factor will depend on whether the building is occupied and the level of immediate danger it poses to the public health and safety, or other property. For example:
- a. The land is unstable;
 - b. The building is structurally unsound and considered dangerous to occupants, the public and/or other property;
 - c. The building has a high fire risk;
 - d. The building lacks sufficient protection to occupants, public or other property (i.e. unfenced pool or large-scale excavations);
 - e. The building which has poor sanitation and poses an immediate impact on the health of the occupants or the public; and
 - f. The building is inadequately protected against moisture penetration, (i.e. not weather- tight).
- 10.2 A building is less likely to be classified as dangerous, affected, or insanitary if it is unoccupied; however, the risk to the public and other properties must still be considered. Council will need to carefully evaluate these issues and determine whether they warrant immediate action to prevent injury or death. Each case must be assessed based on its own merits.
- 10.3 Examples of different approaches include:
- a. If the risk is significant and cannot be managed or mitigated to ensure public health and safety, immediate action may be warranted; and
 - b. If the risk is substantial but can be managed to minimise the risk to the point that provides public health and safety, then the Council may seek a different approach.
- 10.4 There are always risks associated with an event of a fire where death or injury can occur. However, there must be 'particular features' for this risk to be deemed 'likely to occur.'

- 10.5 Therefore, Council must first focus on whether the building complies with the Building Code. If the answer to that question is NO, the next consideration must focus on what feature/s do not comply with the Building Code which make the building dangerous under the dangerous building definition, contained in the Building Act 2004. A building may be non-compliant with the Building Code; however, this does not make a building dangerous.
- 10.6 Following the site visit and preliminary investigations, Council will determine whether the building is dangerous, affected, and/or insanitary, and if so, whether to issue a notice and/ or take other actions.
- 10.7 Council will consider the cost of effecting remedial work when assessing the various means of reducing the hazard to human life presented by a building that has been identified as dangerous, affected, and/or insanitary. Council will explore the availability of alternatives to continued use and occupation of the building, both in the short and long term with the owner/occupants.
- 10.8 Below is an example of how Council would apply this Policy and the Risk Framework and Assessment Criteria (RFAC) to investigate and assess a possible risk and produce possible management options for the owner to consider.
- 10.9 Example scenario:
This scenario involves multiple people living in transient accommodation (e.g. a ‘backpackers’ accommodation), which does not have a fire alarm system. The risk is the loss of life or severe injury occurring due to people being unable to escape in the event of a fire (i.e. not aware of fire or smoke in the building).

Risk Factor	Extreme	
Risk Type	Fire Hazard	
Building Occupied	Yes	
Death or Injury likely	Yes	
Can risk be eliminated immediately	No	
Can risk be eliminated eventually	Yes - by installing compliant alarms	
Can risk be minimised immediately with options	Yes: Interim measures: Have evacuation plans in place Provide a security guard 24/7 who could raise the alarm in the event of an emergency	No: Evacuate the building Apply for building consent or complete work under urgency Obtain CCC/CoA and compliance schedule

10.10 In each assessment situation, timing may also impact on the outcome of the site visit. In the above scenario, the risk is extreme because there is sleeping accommodation in the building. If the site assessment is conducted early in the day, a mitigation management plan could be agreed upon between the proprietor and Council by the end of the day, and occupancy may be allowed to continue in the short term.

10.11 If conducted late in the day, then this option may not be available, and immediate evacuation and closure of the building may be necessary until a plan has been developed and implemented.

11. Enforcement Actions

11.1 If Council is satisfied that a building is dangerous, affected, and/or insanitary, it may exercise any or all of its powers contained between sections 123B to 130 of the Act, including issuing notices under section 124 and any follow up monitoring required.

11.2 Council has, in accordance with section 129 of the Act, the ability to use its powers to take swift action to remove immediate danger or fix insanitary conditions without first serving notice on owners.

11.3 In accordance with section 126 of the Act, Council may apply to the District Court for an Order authorising Council to carry out building work, if the owner has failed to undertake work within the specified timeframe as required under the notice served by Council under section 124(2)(c). Building work may include demolition of all or part of a building.

11.4 Council may take enforcement action in accordance with section 128A to a person who fails to comply with the notice issued under section 124(2)(c) that has been given to that person under section 125(2).

12. Records

12.1 Where a building is identified as dangerous, Council will have a building note (requisition) placed on the property file where the building is situated. This building note will remain until the danger is remedied. In granting access to information concerning dangerous buildings, Council will conform to the requirements of the Local Government Official Information and Meeting Act 1987 and the provisions of the Local Government Act 2002.

12.2 In addition, the following information will be placed on the Land Information Memorandum (LIM):

- a. The notice issued informing the owner that the building is dangerous and the necessary notice of the requirement to evacuate;
- b. A copy of the letter issued to the owner, occupier and any other person to inform them that the building is dangerous; and

- c. A copy of the notice given under section 124(1) that identifies the work to be carried out on the building and the timeframe given to reduce or remove the danger.

13. Relevant Legislation

13.1 The Building Act 2004

13.2 The Heritage New Zealand Pouhere Taonga Act 2014