



**I, Kitea Tipuna, Tumu Whakarae Chief Executive, hereby give notice that
an Ordinary Meeting of Council will be held on:**

Date: Tuesday, 19 November 2024
Time: 1:30pm
Location: Council Chamber, Wairoa District Council,
Coronation Square, Wairoa

AGENDA

Ordinary Council Meeting

19 November 2024

MEMBERSHIP: His Worship the Mayor Craig Little, Cr Denise Eaglesome-Karekare, Cr Jeremy Harker, Cr Melissa Kaimoana, Cr Chaans Tumataroa-Clarke, Cr Benita Cairns, Cr Roslyn Thomas

The agenda and associated papers are also available on our website: www.wairoadc.govt.nz

For further information please contact us 06 838 7309 or by email info@wairoadc.govt.nz

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- 1 KARAKIA**
- 2 APOLOGIES FOR ABSENCE**
- 3 DECLARATIONS OF CONFLICT OF INTEREST**
- 4 CHAIRPERSON'S ANNOUNCEMENTS**
- 5 LATE ITEMS OF URGENT BUSINESS**
- 6 PUBLIC PARTICIPATION**

A maximum of 30 minutes has been set aside for members of the public to speak on any item on the agenda. Up to 5 minutes per person is allowed. As per Standing Order 15.1 requests to speak must be made to the Chief Executive Officer at least one clear day before the meeting; however this requirement may be waived by the Chairperson.

7 MINUTES OF THE PREVIOUS MEETING

Ordinary Meeting - 22 October 2024

Extraordinary Meeting - 31 October 2024

**MINUTES OF WAIROA DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, WAIROA DISTRICT COUNCIL, CORONATION SQUARE, WAIROA
ON TUESDAY, 22 OCTOBER 2024 AT 1:30PM**

PRESENT: His Worship the Mayor Craig Little, Cr Denise Eaglesome-Karekare, Cr Jeremy Harker, Cr Melissa Kaimoana, Cr Benita Cairns

IN ATTENDANCE: **Kitea Tipuna** (Tumu Whakarae | Chief Executive), **Gary Borg** (Pouwhakarae – Pūtea/Tautāwhi Rangapū | Group Manager Finance and Corporate Support), **Kate Standring** (Executive Principal | Office of the Mayor/Office of the Chief Executive), **Hinetaakoha Viriaere** (Pouwhakarae Whakamahere me te Waeture | Group Manager Planning & Regulatory), **Michael Hardie** (Pouwhakarae – Hua Pūmau | Group Manager Assets and Infrastructure), **Juanita Savage** (Pouwhakarae Rātonga Hapori me te Whakawhanake | Group Manager Community Services and Development), **Luke Knight** (Kaiwhakahaere Rawa me te Para Totoka | Property & Solid Waste Manager), **Te Aroha Cook** (Kaiarataki Whakaoranga | Recovery Manager), **Hinemoa Hubbard** (Kaiurungi Mana Ārahi | Governance Officer), **Frances Manase** (Kaiurungi Mana Ārahi | Governance Officer), **Henare Mita** (Māori Standing Committee Member), **Marino** (Wairoa Star Chief Editor), **Guy Gaddum** (QRS Chairman), **Tony Gray** (QRS Director), **Lauren Jones** (QRS Director), **Fenton Wilson** (QRS Director), **Siobhan Storey** (QRS Chief Financial Officer),

1 KARAKIA

The Opening Karakia was given by the Tumu Whakarae, Kitea Tipuna.

His Worship welcomed the Wairoa Star as the returning press presence, noting the positive impact of its return, and extended a welcome to the QRS Board joining the Council meeting.

2 APOLOGIES FOR ABSENCE

APOLOGY

RESOLUTION 2024/87

Moved: His Worship the Mayor Craig Little

Seconded: Cr Denise Eaglesome-Karekare

That the apology received from Cr Harker (for lateness), Cr Chaans Tumataaroa-Clarke and Cr Roslyn Thomas be accepted and leave of absence granted.

CARRIED

3 DECLARATIONS OF CONFLICT OF INTEREST

To be declared as the agenda progresses.

4 CHAIRPERSON'S ANNOUNCEMENTS

Acknowledgment of prominent Wairoa community members who had recently passed away, with a note that all their funerals will be taking place concurrently.

5 LATE ITEMS OF URGENT BUSINESS**LATE ITEM-2023/24 ANNUAL REPORT PROGRESS UPDATE****RESOLUTION 2024/88**

Moved: His Worship the Mayor Craig Little

Seconded: Cr Melissa Kaimoana

That the 2023/24 Annual Report Progress Update be received as a late item.

CARRIED

6 PUBLIC PARTICIPATION

Nil.

7 MINUTES OF THE PREVIOUS MEETING**RESOLUTION 2024/89**

Moved: His Worship the Mayor Craig Little

Seconded: Cr Jeremy Harker

That the minutes and confidential minutes of the Ordinary Meeting held on 24 September 2024 be confirmed.

CARRIED

8 GENERAL ITEMS**8.1 QRS ANNUAL REPORT YEAR ENDED 30 JUNE 2024****RESOLUTION 2024/90**

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Benita Cairns

That Council receives the QRS Annual Report 2023/24

CARRIED

The Group Manager of Finance and Corporate Support introduced the report and acknowledged another exceptional annual report by QRS. Control was then handed over to the board of QRS to speak to their presentation.

QRS Chairman spoke first and noted:

- He acknowledged that their successful year was achieved despite challenging times for the local district, particularly due to recent flood events. He expressed appreciation for the support from shareholders, including the Wairoa District Council (WDC). He also recognised His Worship's advocacy and commitment to Wairoa.
- A distribution of \$1.05 million, matching last year's amount, was made with a focus on equitable support across all community sectors.
- QRS's strategic direction extends beyond typical business operations, such as securing contracts or purchasing equipment, to include preparation for potential future weather events.
- The SCI targets were set collaboratively with the WDC as the shareholder, allowing input on desired outcomes for the CCTO of QRS. It was noted that actual results significantly exceeded the target, marking a positive increase.

QRS Chief Financial Officer presented QRS's financial highlights, highlighting the following key points:

- The QRS Board received their audit report, which was unqualified; several directors noted it was among the best audit reports they had encountered in their careers.
- Achieved their highest-ever revenue, totalling \$47 million.
- Distributed \$10.5 million in wages and salaries reflecting an increase in staff rather than just salary growth.
- Provided sponsorship of \$205,000, with \$135,000 allocated to supporting WDC initiatives and the remainder distributed to local sports teams, marae, and tertiary scholarships for college and Kura Kaupapa students.
- Invested \$335,000 in training to ensure that every QRS employee holds a qualification, significantly enhancing revenue, staff capabilities, and the services offered to clients.

QRS CEO, Jeremy Harker and noted the following points:

- He described QRS as a "self-licking ice cream", emphasising the benefits of their concrete plant and quarry, which support the concrete business. This investment enables QRS to grow and diversify its income streams.
- New staff at QRS are only required to pass a drug and alcohol test, after which the company provides educational opportunities for their development.
- He highlighted the operations hub as a valuable strategic asset owned by the WDC, facilitating collaboration among staff and among various companies by bringing everyone under one roof.
- The "Switched On" campaign initiative was introduced to encourage staff to hold each other accountable in a comfortable manner, promoting a culture where addressing inappropriate behaviour is more acceptable.
- QRS has entered the Hawkes Bay Chamber of Commerce Business Awards and is planning

to celebrate its 30th birthday on December 20th.

Elected Members expressed their appreciation to QRS for its achievements and support of the Wairoa community, highlighting their commitment to a circular economy by reinvesting profits back into the community.

The final part of the presentation was moved to public excluded to discuss. This was moved by His Worship the Mayor, Craig Little and seconded by Cr Eaglesome-Karekare at 2:05pm.

8.2 INTERN DIRECTOR

RESOLUTION 2024/91

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Melissa Kaimoana

That Council receive the report, provide feedback on the scope and delegate to the Mayor and CEO to finalise the scope and to go to market to advertise for suitable candidates.

CARRIED

The Tumu Whakarae spoke briefly to the report.

8.3 UPDATES TO THE WAIROA DISTRICT COUNCIL DELEGATIONS MANUAL (OCTOBER 2024)

RESOLUTION 2024/92

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Benita Cairns

That Council approves the updates to the Wairoa District Council Delegations Manual attached as appendix 1.

These updates include;

- Increase the financial delegation of the Recovery Manager from \$20,000 to \$50,000
- Updates to the Delegations Manual to reflect title changes and legislative delegations as recommended through the recent IANZ accreditation process for Building Control Authorities

CARRIED

The Tumu Whakarae introduced this report. The Recovery Manager then explained that the purpose of increasing her delegation is to improve efficiency. She noted that for invoices exceeding her current delegation, she relies on other managers' availability to complete the process.

8.4 NEW I-SITE BUILDING - UPDATE**RESOLUTION 2024/93**

Moved: Cr Melissa Kaimoana

Seconded: Cr Jeremy Harker

That Council receive the report.

CARRIED

The Property & Solid Waste Manager spoke briefly to this report.

8.5 FRASERTOWN HALL**RESOLUTION 2024/94**

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Jeremy Harker

That Council receive the report and Council will resolve to go back out into the community to engage regarding the future of the Frasertown Hall and that will happen this side of Christmas.

CARRIED

The Property & Solid Waste Manager spoke briefly to this report, noting:

- A budget of \$450,000 is allocated for the first year of the Long Term Plan, representing remaining funds from the insurance payout.
- The community has yet to reach a clear consensus on how these funds should be utilised, with suggestions including an ablution block, hall, sports field, or playground.

Cr Cairns noted that if all available funds must be allocated to constructing a building, additional funding would be required to prepare the land, which is currently overrun with thistles, in order to make it suitable for a hall.

8.6 WAIROA COMMUNITY CENTRE - FACILITY MANAGEMENT**RESOLUTION 2024/95**

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Benita Cairns

That Council provides direction as it relates to the future management of the Wairoa Community Centre with a possible workshop on the 12th of November, with a paper to be delivered on the 19th

of November.

CARRIED

The Group Manager of Community Services & Development introduced the report.

Elected Members noted:

- Concerns that the Council’s Procurement Policy might delay the process of securing a suitably qualified provider.
- The urgency of the task, recommending that a specific individual be assigned to prioritise it and ensure timelines are met.
- The importance of clarifying their desired level of involvement.

LATE ITEM-2023/24 ANNUAL REPORT PROGRESS UPDATE

RESOLUTION 2024/96

Moved: His Worship the Mayor Craig Little

Seconded: Cr Melissa Kaimoana

That Council receive the report.

CARRIED

The Group Manager of Finance & Corporate Support spoke briefly to the report.

9 RECEIPT OF MINUTES FROM COMMITTEES/ACTION SHEETS

Nil

10 PUBLIC EXCLUDED ITEMS

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2024/97

Moved: His Worship the Mayor Craig Little

Seconded: Cr Jeremy Harker

That the public be excluded from the following parts of the proceedings of this meeting at 2:56pm.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution

10.1 - Airport Leases - Information update	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
10.2 - Wairoa Playground Updates	s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
10.3 - Nuhaka-Opoutama Road (Blowhole) Repair & Better-Off Funding expenditure	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED

RESOLUTION 2024/98
Moved: Cr Denise Eaglesome-Karekare
Seconded: Cr Melissa Kaimoana
That Council moves out of Closed Council into Open Council at 3:17pm.
CARRIED

The Meeting closed at 3:17pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 November 2024.

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CHAIRPERSON

**MINUTES OF WAIROA DISTRICT COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, WAIROA DISTRICT COUNCIL, CORONATION SQUARE, WAIROA
ON THURSDAY, 31 OCTOBER 2024 AT 10:10 AM**

PRESENT: His Worship the Mayor Craig Little, Cr Denise Eaglesome-Karekare, Cr Jeremy Harker, Cr Melissa Kaimoana, Mr Philip Jones (via phone),

IN ATTENDANCE: **Kitea Tipuna** (Tumu Whakarae | Chief Executive), **Gary Borg** (Pouwhakarae – Pūtea/Tautāwhi Rangapū | Group Manager Finance and Corporate Support), **Hinetaakoha Viriaere** (Pouwhakarae Whakamahere me te Waeture | Group Manager Planning & Regulatory), **Michael Hardie** (Pouwhakarae – Hua Pūmau | Group Manager Assets and Infrastructure), **Juanita Savage** (Pouwhakarae Rātonga Hapori me te Whakawhanake | Group Manager Community Services and Development), **Te Aroha Cook** (Kaiarataki Whakaoranga | Recovery Manager), **Frances Manase** (Kaiurungi Mana Ārahi | Governance Officer), **Mike West** (Business Analyst| Kaitātari Pakihi), **Madhan Nageswararao** (Finance Manager), **Kate Standring** (Executive Principal | Office of the Mayor/Office of the Chief Executive)

1 KARAKIA

The opening karakia was given by His Worship the Mayor, Craig Little.

2 APOLOGIES FOR ABSENCE

APOLOGIES

There were two apologies received, and Cr Thomas was unable to join the meeting due to networking issues.

RESOLUTION 2024/95

Moved: His Worship the Mayor Craig Little

Seconded: Cr Denise Eaglesome-Karekare

That the apology received from Cr Benita Cairns and Cr Chaans Tumataroa-Clarke be accepted and leave of absence granted.

CARRIED

3 DECLARATIONS OF CONFLICT OF INTEREST

To be declared as the agenda progresses.

4 PUBLIC PARTICIPATION

A maximum of 30 minutes has been set aside for members of the public to speak on any item on the agenda. Up to 5 minutes per person is allowed. As per Standing Order 14.14

requests to speak must be made to the meeting secretary at least one clear day before the meeting; however this requirement may be waived by the Chairperson.

5 GENERAL ITEMS

L.1 ADOPTION OF THE 2023/24 ANNUAL REPORT

RESOLUTION 2024/96

Moved: Cr Melissa Kaimoana

Seconded: Cr Denise Eaglesome-Karekare

The Business Analyst RECOMMENDS the adoption of the 2023-24 Annual Report, attached as **Appendix 1**, subject to minor editorial changes.

CARRIED

The Group Manager of Finance and Corporate Support presented the Annual Report for adoption, the report outlined how previous suggested changes were implemented into the new version of the Annual Report.

The report received audit clearance, with the audit report submitted to the Finance Assurance Commission on Tuesday 29/10/24. Minor editorial changes and updates were highlighted for transparency.

Key Financial and Disclosure Highlights:

- Disclosure reconciles cash flow statements with operating revenue and expense, maintaining transparency without altering final figures.
- Discussion on recent adjustments and valuation consistency, with clarification on the financial impact on the cash flow statement.
- Explanation of variances to the annual plan, notably influenced by the Decide Plan recovery and related events, affirming that material changes do not impact overall financial position.

Council discussed the asset impairment and the need for approximately \$32 million to restore assets, primarily road-related, including bridge repairs and specific high-priority sections.

Final audit updates to be completed within the next week, with a clean version distributed for Council members’ final review.

Members agreed on a 10-day review period for additional feedback before formal publication.

The closing karakia was given by His Worship the Mayor, Craig Little, closing the meeting at 10:24am.

The minutes of this meeting were confirmed at the Council Meeting held on 19 November 2024.

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CHAIRPERSON

Council (Ordinary and Extraordinary) - Actions Sheet

<u>ACTION</u>	<u>MEETING THE ACTION WAS RAISED IN</u>	<u>DUE DATE</u>	<u>OFFICER RESPONSIBLE</u>	<u>COMMENTS</u>	<u>STATUS</u>	<u>PUBLIC EXCLUDED</u>
Update on the QRS internship advertising/applications	12/03/2024	22/10/2024	Kitea Tipuna	Job Descriptions have been completed. Currently waiting on advertisement	In progress	No
Mike Hardie to go over Procurement documents in detail with Craig, Kitea, Chris and Chaans (Tender Evaluation Panel)	02/07/2024		Mike Hardie	Workshop scheduled. We have held recent workshops with Te Reinga Bridge that has covered of a direction moving forward. The next steps are looking to put out contracts and get governance approval at the front end, which will guide the weightings for tenders. This will lead towards getting a policy/template finalised which Officers can then implement.	In progress	
Bylaw review: Provide a review projection highlighting tracked changes Update (24/09/2024) To have a policy review tabled at every Ordinary Council	30/07/2024	22/10/2024	Hine Viriaere and Michael West	Verbal Update will be provided	In progress	No
To provide more information on Insurance for Underground Infrastructure at the next Ordinary Council Meeting	24/09/2024	22/10/2024	Gary Borg	Workshop completed on 22/10/2024.	Completed	No
To provide an update/report on how WDC could repurpose the fund with an extension date	24/09/2024	22/10/2024	Steve Baker		Not Started	No

Political lobbying to extend the timeline and repurpose the silt and debris fund	24/09/2024	22/10/2024	Kitea Tipuna and His Worship	Silt and Debris Item going to Finance, Assurance and Risk Committee next Tuesday, so that detail will be in that report (22/10/24 update).	Completed	No
Meet with Te Whare Maire and report to council in regard to E-Pods	24/09/2024	22/10/2024	Juanita Savage	Met with Rangi Manuel 31/10/24 – TWMOT supplied containers to the community for their use and community resilience plans put in place into how and when access to containers happened. Community responsibility with replenishment needs if funding was available there, or CDEM assist with any items that fit the criteria of s33 welfare claims.	Completed	No
To provide data on: How many dogs go through the WDC Pound are registered in reflection to the number of dogs are registered in Wairoa	24/09/2024	22/10/2024	Hine Viriaere	The data will be provided next month. (22/10/24 update)	Not started	No
Disqualified Owners – confirmation needed on whether ownership of dogs is monitored and if the disqualification is indefinite	24/09/2024	22/10/2024	Hine Viriaere	Disqualification can't be indefinite, the Act limits it to a max period of 5 years, this can also be appealed at any time and require a hearing of the Council Dog Control Hearings Panel. Which can then also end up in the District Court. Disqualified owners are monitored and are issued infringements for breaching, we do have specific powers under the Act for removing dogs from disqualified owners. Compliance does annual property checks of disqualified owners; disqualified owners also receive an annual letter reminding them of their disqualification period and it indicates that there will be property checks annually.	Completed	No
Failure to have dogs registered – penalties to be included into future reports	24/09/2024	22/10/2024	Hine Viriaere	Infringements are issued to non-registered dog owners, and when staffing levels and other priorities allow, days are planned with Police to bulk collect unregistered dogs. Beyond legislative penalties, Council also sets penalties as part of the annual plan process, Council being able to set up to 50% on top of fees if not paid by the set registration date. Annually before registration, owners who have not registered their dog for the current year	Completed	No

				<p>will be infringed. 188 non-registrations for the period of 23-24 – this does not include the dogs impounded during the year who received also S:42 Non-Registration Infringements.</p> <p>Registering your dog is the law, required under the Dog Control Act. The Dog Control Act 1996 was passed to make dog owners aware of their legal responsibilities as stipulated in the requirements of the Act. Dog registration itself dates back as far as the late 1800s where a dog tax was implemented by the Crown.</p> <p>Incentives to register your dog are that you are following the law and won't get infringed for non-registration, that the dog is registered and microchipped as per the Act, which means that if it ends up in the Pound in any Council it can be traced back to the owner and returned. Responsible dog owners may be recognised with lower registration fees, this status is earned but can also be lost if good ownership is not maintained. It requires an owner to obey the law and understand their dog and the reasons for its behaviour, Responsible dog ownership includes responsibility for the behaviour of dogs.</p>		
Body Cam Policy to be developed – needing to be a priority	24/09/2024	22/10/2024	Hine Viriaere	The Compliance team do not have body cams and have already done a few court cases and statements from Officers has been enough for successful prosecutions. If body cams are going to be required there is going to be a lot of things to set up, storage and access to the evidence, when to use? as well as a budget to purchase them. They can cost between 1-2k per device that is compliant with evidence requirements.	Completed	No
Follow up with the response to the Joint Committee in regard to Wairoa's Contribution to Climate Change Joint Committee	24/09/2024	22/10/2024	His Worship the Mayor	Written to the Chairman, there is a discussion to be had between the CE, His Worship, and The Chair and CE of HBRC. Waiting on a response to make further progress.	In Progress	No

Report back to Council on the Milestones of the Climate Change Joint Committee	24/09/2024	22/10/2024	Cr Ros Thomas		Not Started	No
Financial Position from SHB to be tabled at the Community Centre workshop	24/09/2024	22/10/2024	Juanita Savage		Completed	No
Have a workshop on the 12 th of November, relating to the future management of the Wairoa Community Centre with a paper to be delivered to Council on the 19 th of November.	22/10/2024	19/11/2024	Juanita Savage	Workshop completed and there will be a late paper to Council on the 19 th of November.	Completed	No
Develop detailed scenarios outlining what the allocated \$450,000 (or current available funds) could achieve regarding the Frasertown Hall report delivered to Council on 22 nd of October.	22/10/2024		Luke Knight		Not Started	No

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CHAIRPERSON

8 GENERAL ITEMS

8.1 DANGEROUS, INSANITARY AND AFFECTED BUILDINGS POLICY 2024

Author: Hinetaakoha Viriaere, Pouwhakarae - Whakamahere me te Waeture | Group Manager Planning and Regulatory

Authoriser: Kitea Tipuna, Tumu Whakarae Chief Executive

Appendices:

1. **Appendix A - Draft WDC Dangerous Insanitary and Affected Buildings Policy** [↓](#)
2. **Appendix B - Statement of Proposal (Review of Dangerous, Insanitary and Affected Buildings Policy)** [↓](#)
3. **Appendix C - Submission** [↓](#)
4. **Appendix D - Dangerous Insanitary and Affected Buildings Policy 2024** [↓](#)

PURPOSE

1.1 For Council to adopt the Dangerous, Insanitary and Affected Buildings Policy 2024 following its review.

RECOMMENDATION

The Pouwhakarae - Whakamahere me te Waeture | Group Manager Planning and Regulatory RECOMMENDS that Council adopt the amended Dangerous, Insanitary and Affected Buildings Policy 2024, following its review in 2024.

BACKGROUND

2.1 All territorial authorities are required to have a policy on dangerous and insanitary buildings within its district pursuant to sections 131 of the *Building Act (Act) 2004*. Policies must be reviewed at no more than 5 yearly intervals. Council's Dangerous and Insanitary Buildings Policy was adopted on 25 May 2006 and reviewed on 8 November 2011 and 30th April 2019. In accordance with section 132 (4) of the Act, as soon as practicable after a Territorial Authority adopts or amends a policy, it must provide a copy of the policy to the Chief Executive of the Ministry of Business, Innovation and Employment. A policy under section 131 of the Act must also take into account affected buildings in accordance with section 132A of the *Building Act 2004*. Our Dangerous, Insanitary and Affected Buildings Policy outlines the process for identifying buildings that pose a public safety or Health risk and what actions are required to mitigate the risk they pose to public Health and safety.

2.2 Following Council receiving the report on 9th of April that outlined the mandatory requirement to review the Dangerous, Insanitary and Affected Buildings Policy in 2024 (report included the addendum 'Draft WDC Dangerous, Insanitary and Affected Buildings Policy (Tracked Changes Version)' shown in Appendix A public consultation on this policy was undertaken. The consultation was undertaken in accordance with the Special Consultative Procedure pursuant to section 83 of the Local Government Act 2002; Accordingly, a Statement of Proposal (shown in Appendix B) was prepared and provided

to the public alongside the draft amended policy. Public consultation was extended to the following period 29th April to 26th July 2024.

2.3 During the consultation, one submission (shown in Appendix C) was received. The submitter did not request to be heard. While the submission does not necessitate changes to the policy content, it raised a matter regarding the execution of remedial work when a building owner is uncooperative, suggesting that costs should be charged against the land on which the building is located. Pursuant to the provisions of s126 of the *Building Act 2004* a Territorial Authority (TA) may apply to the District Court for an order authorising the TA to carry out work under a notice issued under section 124 (2)(c) if work is not completed or not proceeding within reasonable speed. If the TA carries out building work under the authority of an order made under this section, the owner of the building is liable for the costs of the work, the TA may recover those costs from the owner and the amount recoverable by the TA becomes a charge on the land on which the work was carried out. Therefore, this matter raised in the submission is relevant when deciding on actions that relate to the implementation of the Dangerous, Insanitary, and Affected Buildings Policy.

2.4 As part of the policy's 2024 review, minimal changes have been proposed to the existing policy i.e., some minor editorial improvements as there have been no changes to legislation since the policy was first adopted, in 2019, that influence what requirements the policy needs to address. However, the Ministry of Business, Innovation and Employment (MBIE) has published updated online guidance for territorial authorities developing and adopting policies on dangerous, affected and insanitary buildings. Therefore, the Wairoa District Council Dangerous, Insanitary, and Affected Buildings Policy 2024 (shown in Appendix D) has been updated to reflect this guidance i.e. the addition of provisions for affected buildings a flow chart that outlines the steps that councils will take when performing functions for managing a dangerous, affected or insanitary building from initial identification through to resolution.

3. OPTIONS

The options identified are:

3.1 The options identified are:

- a. Status quo – retain current policy without changes
- b. Adopt proposed policy (shown in Appendix D)
- c. Adopt an alternate policy

3.2 Option A – Council cannot keep the current wording of the policy as parts of the policy require minor editorial improvements.

3.3 Option B – the proposed policy has been reviewed and drafted taking into account the updates required i.e. MBIE guidance flow chart.

3.4 Option C – if Council wished to change other matters in the policy this would require officers to review these changes in order to ensure they are legislatively compliant and decide if another round of public consultation was then required. If Council wished to

change their policy approach it would require the policy to be redrafted to reflect this, and officers would need to calculate the budgetary implications.

- 3.5 The preferred option is option b, this meets the purpose of local government as it will help meet the current and future needs of communities for performance of regulatory functions in a way that is most cost-effective for households and businesses.

4 CORPORATE CONSIDERATIONS

What is the change?

- 4.1 Council will adopt the updated policy.

Compliance with legislation and Council Policy

- 4.2 Complies with relevant legislation – *Building Act 2004, Local Government Act 2002*.

What are the key benefits?

- 4.3 Council will have adopted a refreshed policy and fulfilled its statutory obligations in accordance with the *Building Act 2004*.

What is the cost?

- 4.4 Costs associated with consultation have been inhouse resources i.e. staff time.

Who has been consulted?

- 4.5 There was one submission received in response to the consultation (that followed the special consultative procedure in accordance with s83 of the LGA 2002) undertaken as part of the policy review. The submitter did not wish to be heard.

Māori Standing Committee

- 4.6 This matter has not been referred to the committee.

5 SIGNIFICANCE

- 5.1 Low impact.

6 RISK MANAGEMENT

- 6.1 There are no strategic risks identified in the implementation of the recommendation.

FURTHER INFORMATION

<https://www.building.govt.nz/building-officials/guides-for-building-officials/dangerous-and-insanitary-buildings-policies/steps-for-identifying-and-managing-dangerous-affected-and-insanitary-buildings>

References (to or from other Committees)

- ORDINARY COUNCIL 9TH APRIL 2024 - *REVIEW OF DANGEROUS, INSANITARY AND AFFECTED BUILDINGS POLICY.*
- ORDINARY COUNCIL 30TH APRIL 2024, *DANGEROUS, INSANITARY AND AFFECTED BUILDINGS POLICY.*
- ORDINARY COUNCIL 5TH FEBRUARY 2019, *DANGEROUS, INSANITARY AND AFFECTED BUILDINGS POLICY.*

Confirmation of statutory compliance

In accordance with section 76 of the *Local Government Act 2002*, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

TE KAUPAPA HERE MŌ NGĀ WHARE MŌREAREA, NGĀ POKE ME NGĀ WHAKAAWENGA

DANGEROUS, INSANITARY, AND AFFECTED BUILDINGS POLICY

CATEGORY:	<u>Office of the Chief Executive Planning & Regulatory Group</u>	STATUS:	FINAL
DATE POLICY ADOPTED	30 April 2019	APPROVAL BY:	Council
REVIEW PERIOD:	5 years	NEXT REVIEW DUE BY:	2024
DATE PREVIOUSLY ADOPTED:	8 November 2011	REVISION NUMBER:	2

PURPOSE

One of the key purposes of the [Building Act 2004](#), as set out in Part 1, subpart 1 (3)(a)(i), is to ensure “people who use buildings can do so safely and without endangering their health” (Refer Appendix B).

Council believes the safety of people is of paramount importance and this policy reflects this. The objectives of this policy are:

- To reduce the risks of ill health and danger caused to the community by dangerous, insanitary and affected buildings, by identifying and taking appropriate action to remediate those risks.
- To ensure that Council appropriately discharges its statutory obligations under the Building Act 2004 in relation to buildings in the Wairoa District that are suspected or confirmed as dangerous, insanitary or affected.

ADOPTION AND REVIEW OF POLICY

In developing and adopting this dangerous, insanitary and affected buildings policy, Council has followed consultative procedure set out in Section 83 of the Local Government Act 2002.

As per section 132 of the Building Act, this policy may be amended or replaced only in accordance with the special consultative procedure.

As soon as practicable after this policy is adopted Council must provide a copy to the Chief Executive of the Ministry of Business, Innovation and Employment (MBIE). When reviewed or amended Council may be required to provide a copy to MBIE and this is to be ascertained at the time.

Section 132 of the Act requires the policy to be reviewed within five years of being adopted and then at five yearly intervals with any replacement or amendment being subject to the consultative procedures in the Local Government Act 2002.

This policy does not cease to have effect because it is due for review or being reviewed.

BACKGROUND

Section 131 of the Building Act 2004 requires that Wairoa District Council adopt a policy on dangerous, insanitary and affected buildings.

Section 132 of the Act requires the policy to be reviewed within five years of being adopted and then at five yearly intervals with any replacement or amendment being subject to the consultative procedures in the Local Government Act 2002.

This document sets out the policy adopted by Wairoa District Council (herein after referred to as the “Council”) in accordance with the requirements of the Building Act 2004 (herein after referred to as the “Act”). The policy is required to state:

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

Earthquake-prone buildings are addressed under the ~~Act~~ itself, and are therefore excluded from this policy.

DANGEROUS BUILDINGS

Buildings may become dangerous for a number of reasons ~~e.g.~~; e.g., due to a change of use (for example commercial building used for residential purposes), or unauthorised alterations being made, or as a result of its use by an occupant. Or this could be the result of using a property for the manufacturing process of illicit substances such as methamphetamine. Clandestine Laboratories (Clan Lab) operators often have limited knowledge of the chemical hazards and little concern for public safety or the environment. In these ~~instances~~; instances, Council will follow processes as advised by our Environmental Health Department.

INSANITARY BUILDINGS

Buildings may become insanitary due to a number of reasons, such as following a natural disaster e.g.e.g., flooding or as a result of poor maintenance, or misuse by the occupant.

AFFECTED BUILDINGS

Affected buildings are those buildings close to a dangerous building.

DEFINITIONS

The meanings of dangerous, insanitary and affected buildings are set out in Section 121, ~~121(A)(1)~~ and Section 123 respectively of the Act. These are:

TERM	DEFINITION
Dangerous Building	<p>Section 121</p> <p>1. “A building is dangerous for the purpose of the Act if -</p> <p style="padding-left: 40px;">a. in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause-</p> <p style="padding-left: 80px;">i. injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or</p> <p style="padding-left: 80px;">ii. damage to other property; or</p> <p style="padding-left: 40px;">b. in the event of fire, injury or death to any persons in the building or to persons another property is likely.”</p>
Affected building	<p>Section 121A</p> <p>A building is an affected building for the purposes of the Act if it is adjacent to, adjoining, or nearby-</p> <p style="padding-left: 40px;">a. dangerous building as defined in section 121</p> <p style="padding-left: 40px;">b. a dangerous dam within the meaning of section 153.</p>
Insanitary Building	<p>Section 123</p> <p>1. A building is insanitary for the purpose of the Act if the building-</p> <p style="padding-left: 40px;">a. is offensive or likely to be injurious to health because -</p> <p style="padding-left: 80px;">i. of how it is situated or constructed; or</p> <p style="padding-left: 80px;">ii. it is in a state of disrepair; or</p> <p style="padding-left: 40px;">b. has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or</p> <p style="padding-left: 40px;">c. does not have a supply of potable water that is adequate for its intended use; or</p> <p style="padding-left: 40px;">d. does not have sanitary facilities that are adequate for its intended use.</p>

PRINCIPLES

All decisions and activity relating to dangerous, insanitary and affected buildings should be guided by the provisions and principles contained in the Building Act, The Building Code, the Health Act and any relevant standards.

This Policy shall be consistent with the Community Outcomes set out in the ~~2018-2028~~ 2021-2031 Long Term Plan and contribute to ~~establishing A Community that Values and Promotes its Culture and Heritage; A Safe and Secure community; A Lifetime of Good Health and Wellbeing; and An Environment that is Appreciated, Protected and Sustained for Future Generations. Cultural Wellbeing - Valued and cherished community Economic Wellbeing Strong and prosperous economy; Social Wellbeing - Safe, supported and well-led community; Environmental Wellbeing - Protected and healthy environment.~~

This policy contributes by ensuring homes and other structures are safe to live in or visit and are not injurious to occupant's health and has a positive influence on reducing the incidence of neglected, inadequately maintained, fire damaged or non-compliant buildings impacting on the community.

Council will consult with its communities in developing and reviewing this policy and endeavour to strike a balance between the threats that dangerous, insanitary and affected buildings may present, and the broader social and economic issues associated with implementing the policy.

Owners of properties deemed to be unsafe or insanitary, shall bear all costs related to restoring the building to a condition that complies with the requirements of the Building Act and the current Building Code. Costs shall include costs incurred by Council to assess and enforce compliance. As per Section 126, the Council may carry out work if work required under a notice issued, is not completed within the prescribed ~~time, and~~ time and recover the costs from the owner.

POLICY APPROACH

It is very likely that in many, but not all, cases a building's dangerous, insanitary or affected status will not be readily apparent. For this reason, any attempt to identify these buildings proactively is unlikely to be successful as this would require considerable resources to undertake inspections and evaluations of buildings.

As it is impractical to inspect every building in the District on a regular basis Wairoa District Council's Dangerous, Insanitary and Affected Buildings Policy embodies a passive approach to the identification of dangerous, insanitary or affected buildings in the District relying on complainants to provide information and activation by building consent applications.

Council is reactive in responding to situations when notified of a potentially dangerous, insanitary or affected building when:

- the state of a building has been brought to its attention via complaints; and where
- the building has been subject to a change of use, an alteration or an addition.

PROCESS

IDENTIFYING DANGEROUS, INSANITARY AND AFFECTED BUILDINGS

Most potentially dangerous, insanitary and affected buildings will be notified to Council through reports or complaints from building occupants, or neighbours, members of the public, or inspections by the Police, Fire and Emergency New Zealand or other government agencies authorised to inspect buildings. Others may become evident to Council Officers in the course of their duties and through building consent application for works on buildings.

The Council may exercise any of its powers under ~~the Subpart 6A Section 123~~ of the Act if it believes a part of a building is dangerous or insanitary ~~within as defined in~~ Section ~~121 and~~ 123A of the Act.

ASSESSMENT CRITERIA

For practical purposes, dangerous and/or insanitary buildings are defined as those that fall within the provisions of Sections 121 and 123 of the Act.

Council will use the Building Code and the Ministry of Business, Innovation and Employment acceptable solutions or verification methods issued under Section 22 of the Act as its preferred basis for defining technical requirements and criteria.

TAKING ACTION

Once Council has received information regarding a potentially dangerous, insanitary or affected building Council will set the following procedures in motion:

- Respond and investigate all building complaints or notification from internal sources or third parties. ~~However~~ However, Council may not respond to anonymous complaints.
- In the office:
 - Check the details of the property against Council records.
 - Attempt to determine the potential risk or harm to people and property by identifying buildings that fall within the scope of a dangerous, insanitary and/or affected building under the Act.
- Undertake a full and extensive inspection by Council's Building Compliance staff ~~and/or Environmental Health Officer~~ to assess the performance of those buildings in relation to Section 121 and 123 of the Act and the Building Code. Available resources and potential for risk or harm will determine the time frame for this inspection. Where the potential for risk or harm is immediate and/or severe, priority will be given to these buildings and these will be investigated as soon as possible with the aim to be within 24 hours. A check sheet (Appendix A) will be used to assess whether a building is dangerous, insanitary or affected.
- On reporting back, the Team Leader with direction from the Chief Executive Officer or delegated officer will reach a decision as to whether the building is deemed to be dangerous, insanitary or affected. Where necessary, expert opinion (written report) will be sought on whether the situation is dangerous, insanitary or affected. This could include

Environmental Health Officer, [Environmental Risk Management Authority \(ERMA\)](#), [Environmental Protection Authority \(EPA\)](#), chartered professional engineer, Fire and Emergency New Zealand, Occupational Safety and Health, or other sources of expert advice.

- Each case is to be assessed at the time and Council will exercise their judgment as to the most appropriate action under the Act ~~e.g.e.g.~~ if a derelict building has a history of squatters who place themselves at risk, a notice will be served on the owner to remove or reduce the danger, possibly through demolition.
- Where Council has determined that a building is dangerous insanitary or affected, it will liaise and work with the owner to achieve an acceptable outcome. Where possible a course of action and timeframe that is mutually agreed will be sought.
- Council will advise owners of the results of the Council's assessment and invite them, within a limited timeframe, to meet with Council officers to discuss requirements to remedy a dangerous, insanitary and/or affected building situation. Where the necessary work required on a building is complex, it is appropriate for Council to determine the nature of any remedial work in consultation with building owners. Where it is obvious that the expense of remedial work will place an unreasonable cost burden on the owner, this will be discussed with the owner and other alternatives, such as demolition or temporary hoardings may be considered.
- Where an acceptable outcome cannot be reached or where an immediate hazard exists, Council may, at its sole discretion, invoke its powers under Sections 124-129 of the Act. The situation in each case will be different and Council will weigh up these elements when deciding what approach should be taken to remove or minimise the danger a building may present.

SERVING NOTICE

- Once the deadline for meeting Council has passed, it is fitting to serve notice, under Section 124 of the Act, on owners of all buildings requiring remedial work to be carried out.
- ~~The notice should clearly set out the time in which the required action is to be completed, being not less than 10 days, to reduce or remove the danger or conditions contributing to the insanitary state. Each case is to be assessed at the time and Council will exercise their judgement as to the most appropriate timeframe to suit the situation.~~
- Copies of the notice will be provided to the building owner, the occupier and every person who has an interest in the land, or is claiming interest in the land, as well as Heritage New Zealand Pouhere Taonga if the building is a heritage building, and the owner of any affected buildings.
- The process for serving notices on owners will be transparent. Notices must:
 - be in writing;
 - be fixed to the building concerned;
 - ~~Clearly set out the time in which the required action is to be completed, being not less than 10 days after the notice is given or a period reasonably sufficient to obtain a building consent if one is required, whichever period is longer state the timeframe within which the building work must be carried out; and~~
 - state whether the owner of the building must obtain a building consent in order to

The timeframe which the building work must be carried out must not be less than 10 days after the notice is given, or a period reasonably sufficient to obtain a building consent if required, whichever period is longer.

- Council will contact the owner at the expiry of the time period set down in the notice in order to gain access to the building to ascertain whether the notice has been complied with.
- When there is non-compliance with a ~~notice~~notice, or an immediate danger is apparent Council will consider enforcement action and use the powers available under sections 126 and 129 of the Act and apply to the district court for an order authorising Council to carry out the work. Council will advise the building owner of its intention to apply to the court at least ten (10) days prior to making the application.

WHERE THE DANGER IS ASSESSED AS IMMEDIATE

Due to the urgent nature of the risk that dangerous and insanitary buildings pose to users, Council will in the first instance act to ensure no person uses or occupies the building or permits another person to use or occupy the building until such work is undertaken to reduce or remove the danger or to fix the insanitary conditions. Council may undertake any of those measures outlined in Section 129 of the Act (Refer Appendix B) to mitigate or remove the danger or fix insanitary conditions.

Where it is deemed immediate action is necessary to mitigate a dangerous or insanitary situation, Council reserves the right to appoint any contractor it deems competent to undertake the work.

Where a dangerous or insanitary building poses an immediate risk, Council may take remedial action first and then consult with the owner as soon as practicable thereafter by warrant issued under the chief executive of the Council's signature.

COUNCIL MAY CARRY OUT WORK

Where owners may not be cooperative or cannot be located Council may apply to the District Court, under Section 126, (refer Appendix B) for an order authorising the Council to carry out building work if any work required under a notice is not completed within the time stated or any further time that the Council may allow.

Council must give the owner of the building not less than ten (10) days' written notice of its intention to apply to the District Court. If the Council carries out work under the authority of a Court order the owner of the building is liable for the costs of the work and the Council may recover those costs from the owner and the amount recoverable becomes a charge on the land on which the work was carried out (Refer s126 Appendix B.)

Any work required or authorised may include the demolition of all or part of a building.

In every case where Council conducts any of the remedial work required of a building owner, or where Council is forced to take action to mitigate a dangerous or insanitary situation, all costs incurred will be recoverable from the owner and the amount will become a charge against the land on which the building is situated.

POWERS OF COUNCIL

Powers of Council are outlined under Section 124 (Refer to Appendix B).

Council will attempt to consult with building owners prior to taking action on a dangerous or insanitary building but this will not delay taking necessary action within the provisions of the Act, especially when the danger posed by the building is significant.

OFFENCES

Section 116B of the Act states it is an offence to use a building for use for which it is not safe or not sanitary, or it has inadequate means of escape from fire. Council ~~is able to~~ can take action, when appropriate, against owners and occupiers of buildings when the Council has not taken or has not been able to take, any of the actions provided ~~for~~ under Section 124.

A person who failed to comply with a notice issued under Section 124(2)(c) that requires work to be carried out on the building to reduce or remove the danger or prevent the building from remaining insanitary under Section 125(2) commits an offence and is liable to a fine not exceeding \$~~3~~200,000.

A person who failed to comply with Section 128(2) by using or occupying a building, or permitting another person to use or occupy the building, commits an offence and is liable on conviction to a fine not exceeding \$200,000. In the case of a continuing offence, the person is liable on conviction to a further fine not exceeding \$20,000 for every day or part of a day during which the offence has continued.

INTERACTION BETWEEN THIS POLICY AND OTHER PROVISIONS OF THE BUILDING ACT 2004

The following sections of the Act could initiate action under Council policy relating to dangerous, insanitary and affected buildings:

- S96 Territorial authority may issue certificate of acceptance in certain circumstances
- S108 Annual building warrant of fitness
- S112 Alteration to existing buildings
- S115 Code compliance requirements: change of use
- S121 Meaning of dangerous building
- S121A Meaning of affected building
- S123 Meaning of insanitary building
- S123A Application of this subpart to parts of buildings
- S124-130 Powers of territorial authorities in respect to dangerous, affected, or insanitary buildings

- S131-132A Policy on dangerous and insanitary buildings
- S164 Issue of notice to fix
- S216 Territorial authority must keep information about buildings.

When the owner of a dangerous or insanitary building on whom notice has been served, but who has not yet undertaken the required remedial work, applies for building consent for action covered by Sections 112 to 116A (Appendix B), Council is to require that the action necessary to reduce or remove danger be undertaken at the same time (or before if appropriate) of the building work as set out in the consent application.

SECTION 112: ALTERATIONS TO EXISTING BUILDINGS

Whenever a building consent application is received for significant upgrading or alteration of a building that is dangerous or insanitary then, irrespective of the general priorities set by Council for dealing with dangerous or insanitary buildings, Council will not issue a building consent unless it is satisfied that the building is not dangerous or insanitary and that the building work will not detrimentally affect the buildings' compliance with the Building Code.

If the building is shown to be dangerous or insanitary, then the Council will require that the situation be rectified as necessary to comply as nearly as is reasonably practicable with the provisions of the Building Code and that the building is made safe.

SECTION 115: CODE COMPLIANCE REQUIREMENTS: CHANGE OF USE

Whenever a building consent application is received for change of use of a building that is dangerous or insanitary then the Council will require as part of that building consent that the scope of the work so authorised, include further building work to such an extent that the building will not continue to be dangerous and/or insanitary after the change of use.

RECORDING THE STATUS OF A DANGEROUS, INSANITARY OR AFFECTED BUILDING AND ACCESS TO THIS INFORMATION

Any buildings identified as being dangerous, insanitary and/or affected will be recorded on Council's register of dangerous, insanitary and affected buildings until the danger is remedied. This is also noted electronically on the property file.

All information, including correspondence and notices relating to current dangerous, insanitary and affected buildings will be held on the dangerous, insanitary and affected buildings folder and when rectified will be filed on the relevant property file.

This information will be included on any Land Information Memorandum (LIM) issued in respect of that property. This information is to be also placed on a Project Information Memorandum (PIM) where it affects any proposed building work.

HERITAGE BUILDINGS

A heritage building is any building that is included on the New Zealand Heritage List/Rārangi Kōrero maintained under the Heritage New Zealand Pouhere Taonga Act 2014. Heritage buildings play an important role in the social and cultural fabric of New Zealand society, but their nature and age mean that even simple rectification requirements may present design and cost challenges for owners.

While Council will follow the process described in relation to dangerous, insanitary and affected buildings that have or may have significant heritage value (defined here as buildings in the District Plan register, New Zealand Heritage List/Rārangi Kōrero (formerly the Historic Places Register)) Council will support owners of such buildings to find solutions to health and safety issues in a manner that sustainably manages the important heritage values of such buildings.

In relation to buildings with significant heritage values, Council may provide relatively longer timeframes for the identified danger to be reduced or removed or insanitary conditions to be prevented. In particular, when deciding on an appropriate timeframe for building work to be complete and certified, principles in Section 4(2)(d) and 4(2)(l) of the Act will be emphasised.

Where a heritage building is dangerous, insanitary or affected Council will consult with the building owner and consider seeking advice from the Heritage New Zealand Pouhere Taonga. Council will exercise their judgement concerning the nature and importance of the building and the level of risk it poses to the community. However, the fact that a building has a heritage status does not mean it can be left in a dangerous, insanitary or affected condition. The provisions of the Act will continue to apply.

Following the above consultation process, notice will be served requiring improvement or demolition within a stated and preferably agreed timeframe. Should a notice be served on a heritage building, a copy of the notice is to be sent to Heritage New Zealand Pouhere Taonga as set out in Section 125(2)(f).

APPENDIX A: DANGEROUS, INSANITARY AND/OR AFFECTED BUILDING INSPECTION RECORD



DANGEROUS, INSANITARY AND AFFECTED BUILDING INSPECTION RECORD WAIROA DISTRICT COUNCIL

Address of building		
Building name		
Name of person allowing access		
Relationship to building		
Time and date of inspection		
Contact details of at least two tenants		
Name		
Relationship		
Address (Other than the address of the building)		
Phone (Home)		
Phone (Work)		
Phone (Mobile)		

Building warrant of fitness – current: Yes / No	Displayed: Yes / No
Current use described as?	
Is current use and described use the same?: Yes / No	Number:
List fire protection/detection system(s) present	Operational?
	Yes / No
	Yes / No
	Yes / No
*Note on rear of page if system has obvious defects in relation to relevant New Zealand Standards.	

Building features	
Number of floors	
How many flats?	
How many beds (total)?	
How many means of escape?	
Can you identify safe paths?	Yes / No
Have you walked the escape routes?	Yes / No
Any uncontrolled sources of ignition?	Yes / No
Adequate potable water supply?	Yes / No
Adequate sanitary facilities for intended use?	Yes / No
Has the cladding failed?	Yes / No
Is the nature of the building likely to be offensive or injurious to health	Yes / No
Do safe paths lead to exterior ground?	Yes / No
Are any escape doors fitted with locks?	Yes / No
Is any other building affected/likely to be affected by these building defects?	Yes / No

Describe the building's construction	
Describe means of escape:	
Describe purpose groups within the building:	
Describe water supply and sanitary facilities	
Describe why building (or part) is "offensive" and/or "likely to be injurious to health"	
High hazard backflow prevention:	
Required?: Yes / No	Installed:

RISK ASSESSMENT OF DANGEROUS, INSANITARY AND AFFECTED BUILDINGS

Address

Lot No.

DPS No.

Building Consent No.

Risk Factor	Rating (H/L) Score	Score
<i>Users</i>		
1. What is the maximum number of users at any one time	100 + people (H) = 10 Less than 100 people (L) = 7	
2. What is the predominant age group of the building users?	Children or Infants (H) = 10 Adults (L) = 3	
3. What is the general capability of the building?	Normal (L) = 3 Mentally handicapped/immobile (H) =	

	10 Physically handicapped but mobile (H) = 6	
<i>Usage of the building</i>		
4. What is the sleeping activity rating for the building in terms of the building code?	SD, SA, SC, (H) = 10 SR (L) = 3	
5. Is the building used for any of the following activities?		
<ul style="list-style-type: none"> a. Education b. Old people's home c. Hospital (private or public) d. Residential institution e. Place of Assembly f. Hotels and motels g. Backpackers and Home stays h. Attached multi-unit buildings 	Children (H) = 10 Adults (L) = 5 Geriatric (H) = 10 Mobile (L) = 5 Bedridden (H) = 10 Mobile (L) = 8 Bedridden (H) = 10 Mobile (L) = 5 >100 people (H) = 10 <100 (L) = 3 >20 people (H) = 7 <5 (L) = 3 >20 people (H) = 9 <5 (L) = 5 >5 apartments (H) = 7 3-5 (L) = 5	
6. What is the crowd, working, business or storage activity for the building in terms of the building code?	WD, WM, CL, CM (H) = 10 WL, CS (L) = 3	
<i>Building Characteristics</i>		
7. Does the building have common walls with others?	>1 (H) = 5 <1 (L) = 3	
8. How many storey's does the building have? 1 2 3 4 5 6 7 8 9 (includes basements)	2 = 5 add 5 for every subsequent storey	
9. Any historic clarification or significance?	Yes = 2	
10. Is the building in the inner city, in a known geothermal area or previous seismic activity?	Yes (H) = 10	
11. What is the age and condition of the building?	Assign score 1-10 accordingly e.g. Pre 1940 = 10 Pre 1965 = 8	
12. Are there any other factors to be considered? e.g. Parapets, verandahs, attachments or adornments	Assign score 1-10 accordingly	
TOTAL SCORE (out of approx 100) Note: < 40 Low Risk 40-60 = Moderate Risk >60 = High Risk		

APPENDIX B: RELEVANT SECTIONS OF THE BUILDING ACT 2004

Part 1, Subpart 1, 3 Purposes

This Act has the following purposes:

(a) to provide for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings to ensure that—

(i) people who use buildings can do so safely and without endangering their health; and

(ii) buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and

(iii) people who use a building can escape from the building if it is on fire; and

(iv) buildings are designed, constructed, and able to be used in ways that promote sustainable development:

(b) to promote the accountability of owners, designers, builders, and building consent authorities who have responsibilities for ensuring that building work complies with the building code.

Part 1, Subpart 1, 4 Principles to be applied in performing functions or duties, or exercising powers, under this Act

(2) In achieving the purpose of this Act, a person to whom this section applies must take into account the following principles that are relevant to the performance of functions or duties imposed, or the exercise of powers conferred, on that person by this Act:

(d) the importance of recognising any special traditional and cultural aspects of the intended use of a building:

(l) the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value.

Section 12 Role of building consent authority and territorial authority

(2) Under this Act, a territorial authority—

(j) performs functions relating to dangerous, earthquake-prone, or insanitary buildings.

Section 116B Offence to use building for use for which it is not safe or not sanitary, or if it has inadequate means of escape from fire

(1) No person may—

(a) use a building, or knowingly permit another person to use a building, for a use for which the building is not safe or not sanitary; or

(b) use a building, or knowingly permit another person to use a building, that has inadequate means of escape from fire.

(2) A person who fails to comply with subsection (1) commits an offence.

(3) A person who commits an offence under this section is liable to a fine not exceeding \$100,000 and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for every day or part of a day during which the offence has continued.

Section 121 Meaning of dangerous building

(1) A building is **dangerous** for the purposes of this Act if,—

(a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause—

(i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or

(ii) damage to other property; or

(b) in the event of fire, injury or death to any persons in the building or to persons on other property is likely.

(2) For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority—

(a) may seek advice from employees, volunteers, and contractors of Fire and Emergency New Zealand who have been notified to the territorial authority by the board of Fire and Emergency New Zealand as being competent to give advice; and

(b) if the advice is sought, must have due regard to the advice.

Section 121A Meaning of affected building

A building is an affected building for the purposes of this Act if it is adjacent to, adjoining, or nearby—

(a) a dangerous building as defined in [section 121](#); or

(b) a dangerous dam within the meaning of [section 153](#).

Section 123 Meaning of Insanitary Building

A building is insanitary for the purposes of this Act if the building—

(a) is offensive or likely to be injurious to health because—

(i) of how it is situated or constructed; or

(ii) it is in a state of disrepair; or

(b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or

(c) does not have a supply of potable water that is adequate for its intended use; or

(d) does not have sanitary facilities that are adequate for its intended use.

Section 123A Application of this subpart to parts of buildings

(1) If a territorial authority is satisfied that only part of a building is dangerous (within the meaning of section 121) or insanitary (within the meaning of section 123),—

(a) the territorial authority may exercise any of its powers or perform any of its functions under this subpart in respect of that part of the building rather than the whole building; and

(b) for the purpose of paragraph (a), this subpart applies with any necessary modifications.

(2) To the extent that a power or function of a territorial authority under this subpart relates to affected buildings,—

- (a) the territorial authority may exercise the power or perform the function in respect of all or part of an affected building; and*
- (b) for the purpose of paragraph (a), this subpart applies with any necessary modifications.*

Section 124 Dangerous, affected, or insanitary buildings: powers of territorial authority

- (1) This section applies if a territorial authority is satisfied that a building in its district is a dangerous, affected, or insanitary building.*
- (2) In a case to which this section applies, the territorial authority may do any or all of the following:*
 - (a) put up a hoarding or fence to prevent people from approaching the building nearer than is safe:*
 - (b) attach in a prominent place on, or adjacent to, the building a notice that warns people not to approach the building:*
 - (c) except in the case of an affected building, issue a notice that complies with section 125(1) requiring work to be carried out on the building to—*
 - (i) reduce or remove the danger; or*
 - (ii) prevent the building from remaining insanitary:*
 - (d) issue a notice that complies with section 125(1A) restricting entry to the building for particular purposes or restricting entry to particular persons or groups of persons.*
- (3) [Repealed]*

Section 125 Requirements for notice requiring building work or restricting entry

- (1) A notice issued under section 124(2)(c) must—*
 - (a) be in writing; and*
 - (b) be fixed to the building in question; and*
 - (c) be given in the form of a copy to the persons listed in subsection (2); and*
 - (d) state the time within which the building work must be carried out, which must not be less than a period of 10 days after the notice is given or a period reasonably sufficient to obtain a building consent if one is required, whichever period is longer; and*
 - (e) state whether the owner of the building must obtain a building consent in order to carry out the work required by the notice.*
- (1A) A notice issued under section 124(2)(d)—*
 - (a) must be in writing; and*
 - (b) must be fixed to the building in question; and*
 - (c) must be given in the form of a copy to the persons listed in subsection (2); and*
 - (d) may be issued for a maximum period of 30 days; and*
 - (e) may be reissued once only for a further maximum period of 30 days.*
- (2) A copy of the notice must be given to—*
 - (a) the owner of the building; and*
 - (b) an occupier of the building; and*

- (c) every person who has an interest in the land on which the building is situated under a mortgage or other encumbrance registered under the Land Transfer Act 1952; and*
 - (d) every person claiming an interest in the land that is protected by a caveat lodged and in force under section 137 of the Land Transfer Act 1952; and*
 - (e) every statutory authority that has exercised a statutory power to classify or register, for any purpose, the building or the land on which the building is situated; and*
 - (f) Heritage New Zealand Pouhere Taonga, if the building is a heritage building.*
- (3) However, the notice, if fixed on the building, is not invalid because a copy of it has not been given to any or all of the persons referred to in subsection (2).*

Section 126 Territorial authority may carry out work

- (1) A territorial authority may apply to the District Court for an order authorising the territorial authority to carry out building work if any work required under a notice issued by the territorial authority under section 124(2)(c) is not completed, or not proceeding with reasonable speed, within—*
- (a) the time stated in the notice; or*
 - (b) any further time that the territorial authority may allow.*
- (2) Before the territorial authority applies to the District Court under subsection (1), the territorial authority must give the owner of the building not less than 10 days' written notice of its intention to do so.*
- (3) If a territorial authority carries out building work under the authority of an order made under subsection (1),—*
- (a) the owner of the building is liable for the costs of the work; and*
 - (b) the territorial authority may recover those costs from the owner; and*
 - (c) the amount recoverable by the territorial authority becomes a charge on the land on which the work was carried out.*

Section 127 Building work includes demolition of building

Any work required or authorised to be done under section 124(2)(c) or section 126 may include the demolition of all or part of a building.

Section 128 Prohibition on using dangerous, affected, or insanitary building

- (1) This section applies if a territorial authority has done any of the following:*
- (a) put up a hoarding or fence in relation to a building under section 124(2)(a);*
 - (b) attached a notice warning people not to approach a building under section 124(2)(b);*
 - (c) issued a notice restricting entry to a building under section 124(2)(d).*
- (2) In any case to which this section applies, and except as permitted by section 124(2)(d), no person may—*
- (a) use or occupy the building; or*
 - (b) permit another person to use or occupy the building.*

Section 128A Offences in relation to dangerous, affected, or insanitary buildings

(1) A person who fails to comply with a notice issued under section 124(2)(c) that is given to that person under section 125(2)—

- (a) commits an offence; and
- (b) is liable to a fine not exceeding \$200,000.

(2) A person who fails to comply with section 128(2)—

- (a) commits an offence; and
- (b) is liable on conviction to a fine not exceeding \$200,000 and, in the case of a continuing offence, to a further fine not exceeding \$20,000 for every day or part of a day during which the offence has continued.

Section 129 Measures to avoid immediate danger or to fix insanitary conditions

(1) This section applies if, because of the state of a building,—

- (a) immediate danger to the safety of people is likely in terms of section 121 or 123; or
- (b) immediate action is necessary to fix insanitary conditions.

(2) The chief executive of a territorial authority may, by warrant issued under his or her signature, cause any action to be taken that is necessary in his or her judgment to—

- (a) remove that danger; or
- (b) fix those insanitary conditions.

(3) If the territorial authority takes action under subsection (2),—

- (a) the owner of the building is liable for the costs of the action; and
- (b) the territorial authority may recover those costs from the owner; and
- (c) the amount recoverable by the territorial authority becomes a charge on the land on which the building is situated.

(4) The chief executive of the territorial authority and the territorial authority are not under any liability arising from the issue, in good faith, of a warrant under subsection (2).

Section 130 Territorial authority must apply to District Court for confirmation of warrant

(1) If the chief executive of a territorial authority issues a warrant under section 129(2), the territorial authority, on completion of the action stated in the warrant, must apply to the District Court for confirmation of the warrant.

(2) On hearing the application, the District Court may—

- (a) confirm the warrant without modification; or
- (b) confirm the warrant subject to modification; or
- (c) set the warrant aside.

(3) Subsection (1) does not apply if—

- (a) the owner of the building concerned notifies the territorial authority that—
 - (i) the owner does not dispute the entry into the owner's land; and
 - (ii) confirmation of the warrant by the District Court is not required; and
- (b) the owner pays the costs referred to in section 129(3)(a).

Section 131 Territorial authority must adopt policy on dangerous and insanitary buildings

- (1) A territorial authority must, within 18 months after the commencement of this section, adopt a policy on dangerous and insanitary buildings within its district.
- (2) The policy must state—
- (a) the approach that the territorial authority will take in performing its functions under this Part; and
 - (b) the territorial authority's priorities in performing those functions; and
 - (c) how the policy will apply to heritage buildings.

Section 132 Adoption and review of policy

- (1) A policy under section 131 must be adopted in accordance with the special consultative procedure in section 83 of the Local Government Act 2002.
- (2) A policy may be amended or replaced only in accordance with the special consultative procedure, and this section applies to that amendment or replacement.
- (3) A territorial authority must, as soon as practicable after adopting or amending a policy, provide a copy of the policy to the chief executive.
- (4) A territorial authority must complete a review of a policy within 5 years after the policy is adopted and then at intervals of not more than 5 years.
- (5) A policy does not cease to have effect because it is due for review or being reviewed.

Section 132A Policy must take into account affected buildings

- (1) A policy under section 131 must take into account affected buildings.
- (2) A territorial authority must amend an existing policy to take into account affected buildings at the latest within a reasonable period following the next review of its policy required under section 132(4).
- (3) In subsection (2), existing policy means a policy existing at the date of this section coming into force.

STATEMENT OF PROPOSAL – (REVIEW OF DANGEROUS, INSANITARY AND AFFECTED BUILDINGS POLICY)

Public Consultation Period
29/04 – 26/07/24



WAIROA
DISTRICT COUNCIL

PROPOSED - Review of Dangerous, Affected and Insanitary Buildings Policy

Proposal: Wairoa District Council proposes to review our Dangerous, Affected and Insanitary Buildings Policy.

This statement of proposal is prepared in line with section 83, 83AA and 87 of the Local Government Act 2002 (LGA 2002). This document contains:

- A summary of information
- Background information
- Legislative requirements
- A description of the problem and the options to address these problems
- A draft of the proposed policy

SUMMARY OF INFORMATION

Wairoa District Council is undertaking the special consultative procedure (s83) to seek feedback on our existing Dangerous, Affected and Insanitary Buildings Policy.

The Building Act 2004 requires every Territorial Authority to have a policy to manage dangerous, affected and insanitary buildings. The Policy outlines the process for identifying buildings that pose a public safety or Health risk and what actions are required to mitigate the risk they pose to public Health and safety.

We are required to review our policy at least every five years and consult on any changes. We've proposed a minor change to our policy which we need to gather feedback on. The proposed changes are minor editorial improvements that have been made in the draft policy.

Have your say: Before making any final decisions, Council would like to have your input. This is your opportunity to let the Mayor and Councillors understand what your views are about what is being proposed. You can make a submission:

- Online: www.wairoadc.govt.nz search Draft WDC Dangerous, Affected and Insanitary Buildings Policy and fill out the online submission form
- By mail/post: WDC Dangerous, Affected and Insanitary Buildings Policy Review Submission c/o Hinetaakoha Viriaere, 97 Queen Street WAIROA.
- By emailing: feedback@wairoadc.govt.nz
- Or deliver your submission in person to the Wairoa District Council Office, Coronation Square, 97 Queen Street Wairoa.

CONSULTATION TIMELINE

Anyone can make a submission about the proposals described in this proposal document. This document is intended to be a summary of the key changes involved in the proposal. Hard copies of this Statement of Proposal, including the proposed plans and copies of the submission forms will be available for the duration of the consultation period from:

- Wairoa District Council Office, Coronation Square, 97 Queen Street.
- Wairoa Centennial Library, 212 Marine Parade Wairoa.
- Wairoa i-SITE, 9 Paul Street Wairoa.
- Council's website www.wairoadc.govt.nz search WDC Dangerous, Affected and Insanitary Buildings Policy Review Submission
- Electronic copies may also be obtained by emailing feedback@wairoadc.govt.nz

Consultation period begins: 29/04/24, Consultation period ends: 26/07/24.

Public hearings and deliberations: TBC

Once the public consultation period has concluded, Council will determine a schedule for hearing of submissions. Submitters will be advised of the hearing dates and those who have indicated that they wish to speak to their written submissions, advised of their allocated speaking time. Council will consider all submissions received.

Submitters will also be advised of the outcome of their submission following conclusion of the hearings process.

Submitters should note that their submission will be copied and made available to the public in a public Council Agenda after the submission period closes. Any personal information will be removed.

BACKGROUND INFORMATION

All territorial authorities are required to have a policy to deal with dangerous and insanitary buildings within its district in accordance with sections 131 and 132A of the Building Act.

The WDC Dangerous and Insanitary Buildings Policy is focused on making sure people can live and work in buildings without compromising their health and safety.

CURRENT SITUATION

In accordance with the requirements of the Building Act 2004, Dangerous and Insanitary Buildings Policy must be reviewed at no more than 5 yearly intervals. The last review was undertaken in 2019.

SUMMARY OF WHAT IS PROPOSED

The full proposed Draft WDC Dangerous, Affected and Insanitary Buildings Policy is attached.

Minimal changes to the policy are recommended i.e., some minor editorial improvements as there have been no changes to legislation since the policy was first adopted, in 2019, that influence what requirements the policy needs to address.

However, as changes are proposed to the existing policy Council will provide an opportunity for public feedback in accordance with the Building Act 2004 section 132 and the Special Consultative Procedure in section 83 of the Local Government Act 2002.

OPTIONS

Below are some options identified to address the problem:

Option 1: Status quo: retain current policy wording.	
<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> • Nil. 	<ul style="list-style-type: none"> • This option is not appropriate as the current policy does not reflect updates to the Long Term Plan and editorial improvements as required.

Option 2: Update the Policy as drafted to include any updates or editorial improvements as required.	
<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> • Policy is up to date and includes editorial improvements as required. 	<ul style="list-style-type: none"> • Nil.

LEGISLATIVE FRAMEWORK

The following describes our legislative requirements under this proposal.

Local Government Act 2002

Under the Local Government Act 2002, if a plan or policy or similar document is proposed to be adopted, it must follow a special consultative process as per sections 83, 83AA and 87 of the Local Government Act 2002. The Council must be able to show that this plan is the most appropriate and proportionate way of dealing with the perceived problem, and that it is not inconsistent with the New Zealand Bill of Rights Act 1990.

All territorial authorities are required to have a policy to deal with dangerous and insanitary buildings within its district in accordance with sections 131 and 132A of the Building Act. Dangerous, Affected and Insanitary Buildings Policies must be reviewed at no more than 5 yearly intervals.

Submission on Review of Dangerous, Affected and Insanitary Buildings Policy

First name: _____ Last name: _____

Organisation (if applicable): _____

Address: _____

Postcode: _____

Email address: _____ Phone number: _____

Would you like to speak to the hearing panel in person?
(If you do not tick a box, it is assumed that you do not wish to be heard.)

Yes No

If you wish to speak, you will be contacted with a speaking time as soon as possible after the closure of the submission period.

You may answer as many or as few questions as you wish.

1. Overall, do you agree with the general direction of the WDC Draft Dangerous, Affected and Insanitary Buildings Policy?

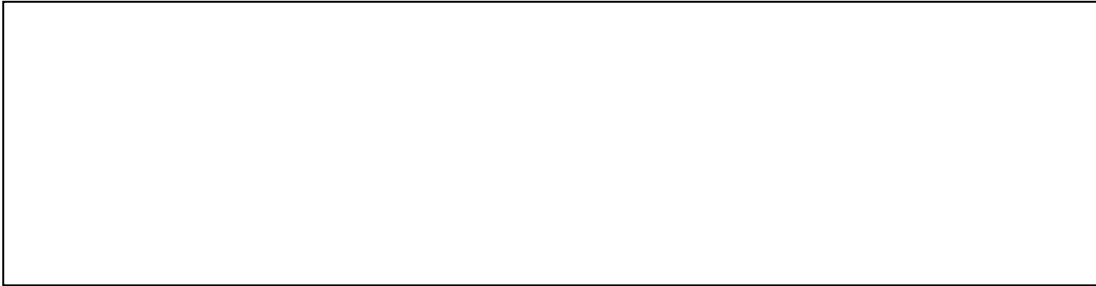
Yes No

2. Do you support WDC Draft Dangerous, Affected and Insanitary Buildings Policy?

Yes No

Please tell us your preference and why.

Any other comments regarding the Policy Review



Important: Submissions must reach the Council by 5pm, Friday July 26th. Submissions received after this date will not be considered by Council.

Thank you for your submission.

APPENDIX C: SUBMISSION

Date submitted: July 17, 2024.

Would you like to speak to the hearing panel in person?

No.

Overall, do you agree with the general direction of the WDC Draft Dangerous, Affected and Insanitary Buildings Policy?

Yes.

Do you support WDC Draft Dangerous, Affected and Insanitary Buildings Policy?

Yes.

Please tell us your preference and why.

Please do more to have the Council conduct remedial work (where the owner is uncooperative) and have the amount become a charge against the land on which the building is situated.

Any other comments related to the WDC Draft Dangerous, Affected and Insanitary Buildings Policy?

No.

DANGEROUS, INSANITARY & AFFECTED BUILDINGS POLICY

19 NOVEMBER 2024



WAIROA
DISTRICT COUNCIL

Stored: Hyperlink
Approved by: Ordinary Council
Department: Building Control (Planning and Regulatory Group)
Date Approved: To be confirmed
Next Review Date: 2029
Reviewed: 2024
Revision No: 4

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PURPOSE

One of the key purposes of the *Building Act 2004*, as set out in Part 1, subpart 1 (3)(a)(i), is to ensure “people who use buildings can do so safely and without endangering their health”. Council believes the safety of people is of paramount importance and this policy reflects this. The objectives of this policy are:

- To reduce the risks of ill health and danger caused to the community by dangerous, insanitary and affected buildings, by identifying and taking appropriate action to remediate those risks.
- To ensure that Council appropriately discharges its statutory obligations under the *Building Act 2004* in relation to buildings in the Wairoa District that are suspected or confirmed as dangerous, insanitary or affected.

ADOPTION AND REVIEW OF POLICY

In developing and adopting this dangerous, insanitary and affected buildings policy, Council has followed the consultative procedure set out in Section 83 of the *Local Government Act 2002*.

As per section 132 of the *Building Act*, this policy may be amended or replaced only in accordance with the special consultative procedure.

Section 132 of the Act requires the policy to be reviewed within five years of being adopted and then at five yearly intervals with any replacement or amendment being subject to the consultative procedures in the Local Government Act 2002. This policy does not cease to have effect because it is due for review or being reviewed. As soon as practicable after this policy is adopted Council must provide a copy to the Chief Executive of the Ministry of Business, Innovation and Employment (MBIE).

BACKGROUND

All territorial authorities are required to have a policy on dangerous and insanitary buildings within its district pursuant to sections 131 of the *Building Act (Act) 2004*. A policy under section 131 of the Act must also take into account affected buildings in accordance with section 132A of the *Building Act 2004*. This document sets out the policy adopted by Wairoa District Council (herein after referred to as the “Council”) in accordance with the requirements of the Building Act 2004 (herein after referred to as the “Act”). The policy is required to state:

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

Earthquake-prone buildings are addressed under the Act itself and are therefore excluded from this policy. The relevant *Building Act 2004* provisions (aside from definitions which are provided on p.5 below) relating to this policy are shown in Appendix A.

DANGEROUS BUILDINGS

Buildings may become dangerous for a number of reasons e.g., due to a change of use (for example commercial building used for residential purposes), or unauthorised alterations being made, or as a result of its use by an occupant. Or this could be the result of using a property for the manufacturing process of illicit substances such as methamphetamine. Clandestine Laboratories

(Clan Lab) operators often have limited knowledge of the chemical hazards and little concern for public safety or the environment. In these instances, Council will follow processes as advised by our Environmental Health Department.

INSANITARY BUILDINGS

Buildings may become insanitary due to a number of reasons, such as following a natural disaster e.g. flooding or as a result of poor maintenance, or misuse by the occupant.

AFFECTED BUILDINGS

Affected buildings are those buildings close to a dangerous building.

DEFINITIONS

The meanings of dangerous, insanitary and affected buildings are set out in Section 121, 121(A)(1) and Section 123 respectively of the Act. These are:

Dangerous Building	<p>Section 121</p> <p>1. <i>“A building is dangerous for the purpose of the Act if - a. in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause-</i></p> <ul style="list-style-type: none"> <i>i. injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or</i> <i>ii. damage to other property; or</i> <p><i>b. in the event of fire, injury or death to any persons in the building or to persons another property is likely.”</i></p>
Affected Building	<p>Section 121A</p> <p><i>A building is an affected building for the purposes of the Act if it is adjacent to, adjoining, or nearby-</i></p> <ul style="list-style-type: none"> <i>a. dangerous building as defined in section 121</i> <i>b. a dangerous dam within the meaning of section 153.</i>
Insanitary Building	<p>Section 123</p> <p>1. <i>A building is insanitary for the purpose of the Act if the building-</i></p> <ul style="list-style-type: none"> <i>a. is offensive or likely to be injurious to health because - i. of how it is situated or constructed; or</i> <i>ii. it is in a state of disrepair; or</i> <i>b. has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or</i> <i>c. does not have a supply of potable water that is adequate for its intended use; or</i> <i>d. does not have sanitary facilities that are adequate for its intended use.</i>

PRINCIPLES

All decisions and activity relating to dangerous, insanitary and affected buildings should be guided by the provisions and principles contained in the *Building Act 2004*, The Building Code, the *Health Act 1956* and any relevant standards.

This Policy shall be consistent with our ngā pou e whā/community outcomes set out in the 2024-2027 Long Term Plan and contribute to Social, Economic, Cultural and Environmental Wellbeing. This policy contributes by ensuring homes and other structures are safe to live in or visit and are not injurious to occupant's health and has a positive influence on reducing the incidence of

neglected, inadequately maintained, fire damaged or non-compliant buildings impacting on the community.

Council will consult with its communities in developing and reviewing this policy and endeavour to strike a balance between the threats that dangerous, insanitary and affected buildings may present, and the broader social and economic issues associated with implementing the policy.

Owners of properties deemed to be unsafe or insanitary, shall bear all costs related to restoring the building to a condition that complies with the requirements of the *Building Act* and the current Building Code. Costs shall include costs incurred by Council to assess and enforce compliance. As per Section 126 of the *Building Act*, the Council may carry out work if work is required under a notice issued, is not completed within the prescribed time and recover the costs from the owner.

POLICY APPROACH

It is very likely that in many, but not all, cases a building's dangerous, insanitary or affected status will not be readily apparent. For this reason, any attempt to identify these buildings proactively is unlikely to be successful as this would require considerable resources to undertake inspections and evaluations of buildings.

As it is impractical to inspect every building in the district on a regular basis Wairoa District Council's Dangerous, Insanitary and Affected Buildings Policy embodies a passive approach to the identification of dangerous, insanitary or affected buildings in the District relying on complainants to provide information and activation by building consent applications.

Council is reactive in responding to situations when notified of a potentially dangerous, insanitary or affected building when:

- the state of a building has been brought to its attention via complaints; and where
- the building has been subject to a change of use, an alteration or an addition.

PROCESS

IDENTIFYING DANGEROUS, INSANITARY AND AFFECTED BUILDINGS

Most potentially dangerous, insanitary and affected buildings will be notified to Council through reports or complaints from building occupants, or neighbours, members of the public, or inspections by the Police, Fire and Emergency New Zealand or other government agencies authorised to inspect buildings. Others may become evident to Council Officers in the course of their duties and through building consent application for works on buildings.

The Council may exercise any of its powers under Section 124 of the Act if it believes a part of a building is dangerous or insanitary as defined in Section 121 and 123 of the Act.

ASSESSMENT CRITERIA

For practical purposes, dangerous and/or insanitary buildings are defined as those that fall within the provisions of Sections 121 and 123 of the Act. Council will use the Building Code and the Ministry of Business, Innovation and Employment acceptable solutions or verification methods issued under Section 22 of the Act as its preferred basis for defining technical requirements and criteria.

TAKING ACTION AND SERVING NOTICE

Once Council has received information regarding a potentially dangerous, insanitary or affected building Council will follow the process set out in Appendix B: *Steps for Identifying and Managing Dangerous, Affected and Insanitary Buildings* that demonstrates the steps that Council will take when performing functions for managing a dangerous, affected or insanitary building from initial identification, serving notice, through to resolution. A check sheet (Appendix C) will be used to assess whether a building is dangerous, insanitary or affected.

POWERS OF COUNCIL

Powers of Council are outlined under Section 124 of the Building Act. Council will attempt to consult with building owners prior to taking action on a dangerous or insanitary building but this will not delay taking necessary action within the provisions of the Act, especially when the danger posed by the building is significant.

OFFENCES

Section 116B of the Act states it is an offence to use a building for use for which it is not safe or not sanitary, or it has inadequate means of escape from fire. Council can take action, when appropriate, against owners and occupiers of buildings when the Council has not taken or has not been able to take, any of the actions provided for under Section 124.

A person who failed to comply with a notice issued under Section 124(2)(c) that requires work to be carried out on the building to reduce or remove the danger or prevent the building from remaining insanitary under Section 125(2) commits an offence and is liable to a fine not exceeding \$300,000.

A person who failed to comply with Section 128(2) by using or occupying a building or permitting another person to use or occupy the building, commits an offence and is liable on conviction to a fine not exceeding \$200,000. In the case of a continuing offence, the person is liable on conviction to a further fine not exceeding \$20,000 for every day or part of a day during which the offence has continued.

INTERACTION BETWEEN THIS POLICY AND OTHER PROVISIONS OF THE BUILDING ACT 2004

The following sections of the Act could initiate action under Council policy relating to dangerous, insanitary and affected buildings:

- S96 Territorial authority may issue certificate of acceptance in certain circumstances
- S108 Annual building warrant of fitness
- S112 Alteration to existing buildings
- S115 Code compliance requirements: change of use
- S121 Meaning of dangerous building
- S121A Meaning of affected building
- S123 Meaning of insanitary building
- S123A Application of this subpart to parts of buildings
- S124-130 Powers of territorial authorities in respect to dangerous, affected, or insanitary buildings
- S131-132A Policy on dangerous and insanitary buildings
- S164 Issue of notice to fix
- S216 Territorial authority must keep information about buildings.

When the owner of a dangerous or insanitary building on whom notice has been served, but who has not yet undertaken the required remedial work, applies for building consent for action covered by Sections 112 to 116A of the Building Act, Council is to require that the action necessary to reduce

or remove danger be undertaken at the same time (or before if appropriate) of the building work as set out in the consent application.

SECTION 112: ALTERATIONS TO EXISTING BUILDINGS

Whenever a building consent application is received for significant upgrading or alteration of a building that is dangerous or insanitary then, irrespective of the general priorities set by Council for dealing with dangerous or insanitary buildings, Council will not issue a building consent unless it is satisfied that the building is not dangerous or insanitary and that the building work will not detrimentally affect the buildings' compliance with the Building Code.

If the building is shown to be dangerous or insanitary, then the Council will require that the situation be rectified as necessary to comply as nearly as is reasonably practicable with the provisions of the Building Code and that the building is made safe.

SECTION 115: CODE OF COMPLIANCE REQUIREMENTS: CHANGE OF USE

Whenever a building consent application is received for change of use of a building that is dangerous or insanitary then the Council will require as part of that building consent that the scope of the work so authorised, include further building work to such an extent that the building will not continue to be dangerous and/or insanitary after the change of use.

RECORDING THE STATUS OF A DANGEROUS, INSANITARY OR AFFECTED BUILDING AND ACCESS TO THIS INFORMATION

Any buildings identified as being dangerous, insanitary and/or affected will be recorded on Council's register of dangerous, insanitary and affected buildings until the danger is remedied. This is also noted electronically on the property file.

All information, including correspondence and notices relating to current dangerous, insanitary and affected buildings will be held on the dangerous, insanitary and affected buildings folder and when rectified will be filed on the relevant property file.

This information will be included on any Land Information Memorandum (LIM) issued in respect of that property. This information is to be also placed on a Project Information Memorandum (PIM) where it affects any proposed building work.

HERITAGE BUILDINGS

A heritage building is any building that is included on the New Zealand Heritage List/Rārangī Kōrero maintained under the Heritage New Zealand Pouhere Taonga Act 2014. Heritage buildings play an important role in the social and cultural fabric of New Zealand society, but their nature and age mean that even simple rectification requirements may present design and cost challenges for owners.

While Council will follow the process described in relation to dangerous, insanitary and affected buildings that have or may have significant heritage value (defined here as buildings in the District Plan register, New Zealand Heritage List/Rārangī Kōrero (formerly the Historic Places Register) Council will support owners of such buildings to find solutions to health and safety issues in a manner that sustainably manages the important heritage values of such buildings.

In relation to buildings with significant heritage values, Council may provide relatively longer timeframes for the identified danger to be reduced or removed or insanitary conditions to be prevented. In particular, when deciding on an appropriate timeframe for building work to be complete and certified, principles in Section 4(2)(d) and 4(2)(l) of the Act will be emphasised.

Where a heritage building is dangerous, insanitary or affected Council will consult with the building owner and consider seeking advice from the Heritage New Zealand Pouhere Taonga. Council will exercise their judgement concerning the nature and importance of the building and the level of risk it poses to the community. However, the fact that a building has a heritage status does not mean it can be left in a dangerous, insanitary or affected condition. The provisions of the Act will continue to apply.

Following the above consultation process, notice will be served requiring improvement or demolition within a stated and preferably agreed timeframe. Should a notice be served on a heritage building, a copy of the notice is to be sent to Heritage New Zealand Pouhere Taonga as set out in Section 125(2)(f).

APPENDIX A: RELEVANT SECTIONS OF THE BUILDING ACT 2004

Part 1, Subpart 1, 3 Purposes

This Act has the following purposes: (a) to provide for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings to ensure that— (i) people who use buildings can do so safely and without endangering their health; and (ii) buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and (iii) people who use a building can escape from the building if it is on fire; and (iv) buildings are designed, constructed, and able to be used in ways that promote sustainable development: (b) to promote the accountability of owners, designers, builders, and building consent authorities who have responsibilities for ensuring that building work complies with the building code.

Part 1, Subpart 1, 4 Principles to be applied in performing functions or duties, or exercising powers, under this Act (2) In achieving the purpose of this Act, a person to whom this section applies must take into account the following principles that are relevant to the performance of functions or duties imposed, or the exercise of powers conferred, on that person by this Act: (d) the importance of recognising any special traditional and cultural aspects of the intended use of a building: (l) the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value.

Section 12 Role of building consent authority and territorial authority (2) Under this Act, a territorial authority— (j) performs functions relating to dangerous, insanitary, or earthquake-prone buildings or buildings located in areas designated under Subpart 6B (Special provisions for buildings affected by emergency) of Part 2.

Section 116B Offence to use building for use for which it is not safe or not sanitary, or if it has inadequate means of escape from fire (1) No person may— (a) use a building, or knowingly permit another person to use a building, for a use for which the building is not safe or not sanitary; or (b) use a building, or knowingly permit another person to use a building, that has inadequate means of escape from fire. (2) A person who fails to comply with subsection (1) commits an offence. (3) A person who commits an offence under this section is liable to a fine not exceeding \$100,000 and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for every day or part of a day during which the offence has continued.

Section 123A Application of this subpart to parts of buildings (1) If a territorial authority is satisfied that only part of a building is dangerous (within the meaning of section 121) or insanitary (within the meaning of section 123),— (a) the territorial authority may exercise any of its powers or perform any of its functions under this subpart in respect of that part of the building rather than the whole building; and (b) for the purpose of paragraph (a), this subpart applies with any necessary modifications. (2) To the extent that a power or function of a territorial authority under this subpart relates to affected buildings,—a) the territorial authority may exercise the power or perform the function in respect of all or part of an affected building; and (b) for the purpose of paragraph (a), this subpart applies with any necessary modifications.

Section 124 Dangerous, affected, or insanitary buildings: powers of territorial authority

(1) This section applies if a territorial authority is satisfied that a building in its district is a dangerous, affected, or insanitary building. (2) In a case to which this section applies, the territorial authority may do any or all of the following: (a) put up a hoarding or fence to prevent people from approaching the building nearer than is safe: (b) attach in a prominent place on, or adjacent to, the building a notice that warns people not to approach the building: (c) except in the case of an affected building, issue a notice that complies with section 125(1) requiring work to be carried out on the building to— (i) reduce or remove the danger; or (ii) prevent the building from remaining

insanitary: (d) issue a notice that complies with section 125(1A) restricting entry to the building for particular purposes or restricting entry to particular persons or groups of persons.

Section 125 Requirements for notice requiring building work or restricting entry 1) A notice issued under section 124(2)(c) must— (a) be in writing; and (b) be fixed to the building in question; and (c) be given in the form of a copy to the persons listed in subsection (2); and (d) state the time within which the building work must be carried out, which must not be less than a period of 10 days after the notice is given or a period reasonably sufficient to obtain a building consent if one is required, whichever period is longer; and (e) state whether the owner of the building must obtain a building consent in order to carry out the work required by the notice. (1A) A notice issued under section 124(2)(d)— (a) must be in writing; and (b) must be fixed to the building in question; and (c) must be given in the form of a copy to the persons listed in subsection (2); and (d) may be issued for a maximum period of 30 days; and (e) may be reissued once only for a further maximum period of 30 days. (2) A copy of the notice must be given to— (a) the owner of the building; and (b) an occupier of the building; and (c) every person who has an interest in the land on which the building is situated under a mortgage or other encumbrance registered under the Land Transfer Act 1952; and (d) every person claiming an interest in the land that is protected by a caveat lodged and in force under section 137 of the Land Transfer Act 1952; and (e) every statutory authority that has exercised a statutory power to classify or register, for any purpose, the building or the land on which the building is situated; and (f) Heritage New Zealand Pouhere Taonga, if the building is a heritage building. (3) However, the notice, if fixed on the building, is not invalid because a copy of it has not been given to any or all of the persons referred to in subsection (2).

Section 126 Territorial authority may carry out work (1) A territorial authority may apply to the District Court for an order authorising the territorial authority to carry out building work if any work required under a notice issued by the territorial authority under section 124(2)(c) is not completed, or not proceeding with reasonable speed, within— (a) the time stated in the notice; or (b) any further time that the territorial authority may allow. (2) Before the territorial authority applies to the District Court under subsection (1), the territorial authority must give the owner of the building not less than 10 days' written notice of its intention to do so. (3) If a territorial authority carries out building work under the authority of an order made under subsection (1),— (a) the owner of the building is liable for the costs of the work; and (b) the territorial authority may recover those costs from the owner; and (c) the amount recoverable by the territorial authority becomes a charge on the land on which the work was carried out.

Section 127 Building work includes demolition of building Any work required or authorised to be done under section 124(2)(c) or section 126 may include the demolition of all or part of a building.

Section 128 Prohibition on using dangerous, affected, or insanitary building (1) This section applies if a territorial authority has done any of the following: (a) put up a hoarding or fence in relation to a building under section 124(2)(a); (b) attached a notice warning people not to approach a building under section 124(2)(b); (c) issued a notice restricting entry to a building under section 124(2)(d). (2) In any case to which this section applies, and except as permitted by section 124(2)(d), no person may— (a) use or occupy the building; or (b) permit another person to use or occupy the building.

Section 128A Offences in relation to dangerous, affected, or insanitary buildings (1) A person who fails to comply with a notice issued under section 124(2)(c) that is given to that person under section 125(2)— (a) commits an offence; and (b) is liable to a fine i) in the case of an individual, a fine not exceeding \$300,000. (2) A person who fails to comply with section 128(2)— (a) commits an offence; and (b) is liable on conviction to a fine not exceeding \$200,000 and, in the case of a continuing offence, to a further fine not exceeding \$20,000 for every day or part of a day during which the offence has continued.

Section 129 Measures to avoid immediate danger or to fix insanitary conditions (1) This section applies if, because of the state of a building,— (a) immediate danger to the safety of people is likely in terms of section 121 or 123; or (b) immediate action is necessary to fix insanitary conditions. (2) The chief executive of a territorial authority may, by warrant issued under his or her signature, cause any action to be taken that is necessary in his or her judgment to— (a) remove that danger; or (b) fix those insanitary conditions. (3) If the territorial authority takes action under subsection (2),— (a) the owner of the building is liable for the costs of the action; and (b) the territorial authority may recover those costs from the owner; and (c) the amount recoverable by the territorial authority becomes a charge on the land on which the building is situated. (4) The chief executive of the territorial authority and the territorial authority are not under any liability arising from the issue, in good faith, of a warrant under subsection (2).

Section 130 Territorial authority must apply to District Court for confirmation of warrant (1) If the chief executive of a territorial authority issues a warrant under section 129(2), the territorial authority, on completion of the action stated in the warrant, must apply to the District Court for confirmation of the warrant. (2) On hearing the application, the District Court may— (a) confirm the warrant without modification; or (b) confirm the warrant subject to modification; or (c) set the warrant aside. (3) Subsection (1) does not apply if— (a) the owner of the building concerned notifies the territorial authority that— (i) the owner does not dispute the entry into the owner's land; and (ii) confirmation of the warrant by the District Court is not required; and (b) the owner pays the costs referred to in section 129(3)(a).

Section 131 Territorial authority must adopt policy on dangerous and insanitary buildings

1) A territorial authority must, within 18 months after the commencement of this section, adopt a policy on dangerous and insanitary buildings within its district. (2) The policy must state— (a) the approach that the territorial authority will take in performing its functions under this Part; and (b) the territorial authority's priorities in performing those functions; and (c) how the policy will apply to heritage buildings.

Section 132 Adoption and review of policy (1) A policy under section 131 must be adopted in accordance with the special consultative procedure in section 83 of the Local Government Act 2002. (2) A policy may be amended or replaced only in accordance with the special consultative procedure, and this section applies to that amendment or replacement. (3) A territorial authority must, as soon as practicable after adopting or amending a policy, provide a copy of the policy to the chief executive. (4) A territorial authority must complete a review of a policy within 5 years after the policy is adopted and then at intervals of not more than 5 years. (5) A policy does not cease to have effect because it is due for review or being reviewed.

Section 132A Policy must take into account affected buildings (1) A policy under section 131 must take into account affected buildings. (2) A territorial authority must amend an existing policy to take into account affected buildings at the latest within a reasonable period following the next review of its policy required under section 132(4). (3) In subsection (2), existing policy means a policy existing at the date of this section coming into force.

APPENDIX B: STEPS FOR IDENTIFYING AND MANAGING DANGEROUS, AFFECTED AND INSANITARY BUILDINGS

Below outlines the steps that councils will take when performing functions for managing a dangerous, affected or insanitary building from initial identification through to resolution.

Step 1: Identifying dangerous, affected and insanitary buildings

On the receipt of the initial notification, confirm the building details. This includes the:

- Address
- Legal owner(s)
- Building use

Question: Does the territorial authority have the authority to act?

No - Pass the information on to the relevant authority. For example, if the building is located in a different district, or if the building is a dangerous dam.

Yes - Move to step 2.

Step 2: Assessing and recording dangerous, affected and insanitary buildings

As soon as possible, ideally within 24-48 hours of receipt of the initial notification, assess and record the dangerous, affected or insanitary building(s).

- Assess the building:
- Inspect the building.
- Record the inspection findings; use the dangerous, affected and insanitary building inspection report, take photographs etc.
- Record the building assessment in the territorial authority's internal register of dangerous, affected and insanitary buildings.
- Seek advice from relevant professionals, for example, fire, structural or geotechnical engineers.
- Seek legal advice if required.
- Seek advice from Fire and Emergency New Zealand (FENZ) for dangerous buildings s121(2).

Question: Is the building in an area currently designated for building management in emergencies?

Yes

Use the powers set out in s133BQ-133BX.

<https://www.building.govt.nz/managing-buildings/managing-buildings-in-an-emergency>

No – Question: Is the building dangerous, affected or insanitary?

No

Resolve any issues identified using other provisions of the Building Act 2004, for example, a notice or fix, or an abatement notice, and update the informant.

Yes

Complete a risk assessment:

- Identify risks posed by the building(s) to people and property.
- Assess the urgency and severity of the situation.
- Pay due regard to the advice provided by FENZ.
- Consider local factors and priorities.

Step 3: Take action

An appropriate timeframe for these steps is to be decided based on the amount of risk a building poses and the action that is required to mitigate that risk.

Question: Is immediate danger likely?

Yes.

The chief executive of a territorial authority may issue a warrant under s129 causing action to:

- Avoid immediate danger under s121
- Fix insanitary conditions under s123.
- Inform building owner(s) and occupants of the assessment.
- Notify Heritage New Zealand Pouhere Taonga if a heritage building is affected.
- On completion of the warranted action a territorial authority needs to apply to the District Court for confirmation of a warrant under s130.
- Determine what follow up action is required.

No.

- Notify the owner.

At this point a territorial authority may:

- Inform the building owner(s) and occupants of an assessment.
- Discuss the building's status with the owner where appropriate.
- Following the notifications, a territorial authority can take several actions depending on whether the building is dangerous, affected or insanitary.

Actions for dangerous, affected and insanitary buildings

- Put up a hoarding or a fence to prevent people approaching the building nearer than is safe under s124(2)(a).
- Attach in a prominent place, either on or adjacent to the buildings, a notice that warns people not to approach the building under s124(2)(b).
- Issue a written notice restricting entry to the building, either for particular purposes or to a specific person or groups of people under s124(2)(d).

Actions for dangerous buildings

Give written notice requiring work to be carried out on the building to reduce or remove the danger under s124(2)(c)(i).

Actions for insanitary buildings

Give written notice requiring work to be carried out on the building to prevent the building from remaining insanitary under s124(2)(c)(ii).

Form of s124(2)(c)(i) and (ii) notices specified by s125(1) for dangerous and insanitary buildings

- The notice must be in writing and fixed to the building in question.
- Copies of notices must be sent to both the owner of the building and those who occupy it, and also to a range of other people as listed in s125(2).
- The notice must state if the owner of the building must obtain a building consent for the work required by the notice.
- The notice must state the time that the building work must be carried out in.
- This timeframe must not be less than ten days from the date the notice is given, or a reasonable time for a building consent to be obtained, whichever is longer.

Form of s124(2)(d) notices specified by s125(1A) for affected buildings

- The notice must be in writing and fixed to the building in question.

- Copies of notices must be sent to both the owner of the building and those who occupy it, and also to a range of other people as listed in s125(2).
- The notice must be issued for a maximum period of thirty days and may be re-issued once for a further maximum period of thirty days.

Using dangerous, affected or insanitary buildings

- Under s128 it is prohibited for anyone to use or occupy a building, or permit another person to use or occupy it, once a territorial authority has done any of the following:
- Put up a hoarding or fence in relation to a building under s124(2)(a).
- Attached a notice warning people not to approach a building under s124(2)(b).
- Issued a notice restricting entry to a building under s124(2)(d).

Re-assessing dangerous or insanitary buildings

- At the end of the time period stated in a notice issued under s124(2)(c)(i) & (ii) (or any extension allowed by the territorial authority) the territorial authority may reassess the building to confirm if the work required by the notice has been completed or is proceeding with reasonable speed.
- If work required under s124(2)(c) is not completed or proceeding with reasonable speed, under s126 the territorial authority can:
 - Give the owner 10 days' notice that it intends to seek court approval to enter the building and undertake the work itself.
 - Apply to the District Court for approval.
 - Carry out the work itself.
 - Recover costs for this from the owner.
 - This work may include full or partial demolition of the building under s127.

Re-assessing affected buildings

At the end of the time period stated in a notice issued under s124(2)(d) (either the initial period of max 30 days or additional period of max 30 days) the territorial authority may reassess the building to confirm what further action is required.

Resolution

- Uplift s124 notice when any required remedial building work has been completed to the satisfaction of the territorial authority, or when the dangerous, affected or insanitary conditions have been removed.
- Update territorial authority records to confirm issue has been resolved and the building is no longer dangerous, affected or insanitary.

**APPENDIX C: DANGEROUS, INSANITARY AND/OR
AFFECTED BUILDING INSPECTION RECORD**

BUILDING INSPECTION REPORT ON A DANGEROUS, AFFECTED AND/OR INSANITARY BUILDING

Dangerous, affected and/or insanitary building
inspection record



Name of owner: _____

Contact person: _____

Mailing address: _____

Telephone number: _____

Street address/registered office: _____

Mobile number: _____

Email address: _____

Website: _____

Physical address of building:

Street Name _____ Suburb _____

City _____ Postcode _____

Building name: _____

Number of levels: _____

Current building warrant of fitness: _____ Yes/No *(delete as appropriate)*

Displayed: _____ Yes/No *(delete as appropriate)*

Current lawfully established use: _____

Number of occupants *(include number of occupants per level & per use if more than one):* _____

Type and status of any specified system(s) installed in the building:

Specified system:	Operational (Y/N):

Description of the building's construction:

Description of the use(s) of the building

(refer to Schedule 2 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005):

Description of risk groups within the building

(refer to the classifications of a building or firecell described in C/AS1 table 1.1.1.1):

Escape routes are easily identifiable by occupants and have suitable signage

Yes/No *(delete as appropriate)*

Escape routes are clear and unobstructed

Yes/No *(delete as appropriate)*

Escape routes lead to a place of safety outside the building

Yes/No *(delete as appropriate)*

Exit doors are unobstructed and any locks are simple to open and clearly visible

Yes/No *(delete as appropriate)*

Description of means of escape from fire:

Adequate potable water supply

Yes/No *(delete as appropriate)*

Adequate sanitary facilities

Yes/No *(delete as appropriate)*

Description of water supply and sanitary features:

Description of whether building is offensive and/or likely to be injurious to health:

List of dangerous/hazardous goods:

What	Where	Class	Quantity

Uncontrolled sources of ignition

Yes/No (delete as appropriate)

The building is affected/likely to be affected by any building defects

Yes/No (delete as appropriate)

This building has been determined as:

Dangerous

Yes/No (delete as appropriate)

Affected

Yes/No (delete as appropriate)

Insanitary

Yes/No (delete as appropriate)

This assessment has been confirmed by another party

Yes/No (delete as appropriate)

Reasons for this decision

Time of inspection:

Date of inspection:

(DD / MM / YYYY)

Name:

Position:

Signature:

Date:

(DD / MM / YYYY)

The following documents are attached to this report:

Copy of the current record of title

Yes/No (delete as appropriate)

Copy of lease agreements

Yes/No (delete as appropriate)

Expert reports

Yes/No (delete as appropriate)

Other (please specify)

Yes/No (delete as appropriate)

9 RECEIPT OF MINUTES FROM COMMITTEES/ACTION SHEETS

Nil

10 PUBLIC EXCLUDED ITEMS**RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
10.1 - Wairoa Wastewater Discharge Consent Implementation	s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7