
REVIEW OF DANGEROUS AND INSANITARY BUILDINGS POLICY AND ADOPTION OF STATEMENT OF PROPOSAL FOR PUBLIC CONSULTATION

MATTER / TE WHĀINGA

1. The matter for consideration by the Council is the review of the Dangerous and Insanitary Buildings Policy (the Current Policy) and the adoption of a Statement of Proposal (SOP) for public consultation, as required, on a new Draft Dangerous, Affected and Insanitary Buildings Policy (the Draft Policy).

RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU

That having considered all matters raised in the report, Council:

- a) **Adopts the Statement of Proposal (ECM 9744308), including the Draft Dangerous, Affected and Insanitary Buildings Policy (ECM 9745140) for public consultation.**
- b) **Notes that public consultation will be undertaken using the special consultative procedure and will occur from 9 May to 10 June 2026.**
- c) **Notes that interested and affected parties will be informed of the public consultation.**

COMPLIANCE / TŪTOHU	
Significance	This matter is assessed as being of some importance.
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Adopt the Statement of Proposal, including the Draft Policy, for public consultation. 2. Adopt the Statement of Proposal, including the Draft Policy with amendments, for public consultation.
Affected persons	The persons who are affected by or interested in this matter are building owners, occupiers, the general public, agencies involved in building inspections (including Fire and Emergency NZ and NZ Police), and Heritage New Zealand Pouhere Taonga in relation to heritage buildings.
Recommendation	This report recommends option one adopt the SOP, including the Draft Policy, for public consultation for addressing the matter.

COMPLIANCE / TŪTOHU	
Long-Term Plan / Annual Plan Implications	No.
Significant Policy and Plan Inconsistencies	No.

EXECUTIVE SUMMARY / WHAKARĀPOPOTOTANGA MATUA

2. Council is required, under the Building Act 2004, to have a Dangerous and Insanitary Buildings Policy.
 3. Officers recommend that Council adopt the Statement of Proposal (SOP) on the Draft Dangerous, Affected and Insanitary Buildings Policy in order to undertake public consultation. Taking this approach will ensure that public consultation on the Draft Policy is undertaken using a special consultative procedure as required by the Building Act 2004 (the Act).
 4. The Draft Policy maintains the Current Policy's focus on public safety and prompt action to address dangerous or insanitary conditions, while modernising the policy framework to reflect current legislative and operational practice. Key changes include incorporating the Act's requirements for affected-buildings, applying a clear Identification–Assessment–Action process for managing dangerous, affected or insanitary buildings, and using a risk-based approach to prioritising building issues. The Draft Policy also clarifies owner engagement expectations, strengthens guidance on statutory powers, and improves information management and heritage protection.
 5. There are considered to be no risks in adopting the SOP and undertaking public consultation on the Draft Policy.
 6. Next steps will be to carry out public consultation from 9 May to 10 June 2026. Interested and affected parties will be informed of the consultation. Hearings will be scheduled for any submitters wanting to speak to their submission and a further report will be presented to Council analysing the submissions received and recommending a final policy for adoption.
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BACKGROUND / WHAKAPAPA

Overview of legislation and approach to policy review

7. The Building Act 2004 requires the Council to have a policy on Dangerous, Affected and Insanitary Buildings (sections 131 and 132A). The Act requires a review of the policy at intervals of not more than five years, though the policy does not cease to have effect because it is due for review or being reviewed (section 132).
8. The Current Policy was last reviewed in 2011 (the Current Policy is attached in Appendix 1). Given that the policy has not had a thorough review for some time, officers considered that a fresh rewrite of the policy was appropriate to reflect legislative updates to include affected buildings, incorporate current processes and procedures, consider good practice for managing Dangerous, Affected and Insanitary Buildings (DAIBs) and to improve the structure and readability of the policy.

Dangerous, affected and insanitary building activity in the district

9. Over the past two decades, seven DAIBs have been identified in the New Plymouth District, all seven were confirmed as dangerous buildings:
 - a) Four cases resulted from non-compliance with New Zealand fire regulations.
 - b) One case was due to a structural deficiency.
 - c) Two cases involved a coastal hazard.
10. Five of the dangerous buildings were effectively resolved using the provisions in the Act for managing DAIBs, including issuing a section 124 notice requiring work to be carried out to address the dangerous aspects of the buildings. The two dwellings that were subject to coastal hazard were voluntarily demolished part-way through the process prior to section 124 notice being issued.

Overview of proposed changes

11. The new Draft Dangerous, Affected and Insanitary Buildings Policy (the Draft Policy) retains much of the core intent of the Current Policy. Both policies place the protection of public safety at the forefront, ensuring dangerous or insanitary conditions are addressed promptly and that heritage values are preserved where practicable. These foundational objectives remain central to the updated policy framework.
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12. While the overall intent of the Current Policy remains unchanged, the Draft Policy has been modernised to reflect legislative, operational, and best practice developments since the last review. Key updates include incorporating the affected buildings requirements of the Act (as detailed below), introducing a more structured and transparent three step process of Identification-Assessment-Action, and implementing a risk-based approach to prioritising building issues. The Draft Policy also sets clearer expectations for engagement with building owners (as per policy statements 8, 10, 14, 20, 21, 26, 30 and 33), provides expanded guidance on the use of statutory powers, and strengthens provisions for information management and heritage protection. Together, these updates ensure the Council's approach aligns with statutory obligations and reflects current regulatory practice, providing a more robust and effective framework for managing building related risks.

Key proposed change – take into account affected buildings

13. Section 132A of the Building Act 2004 requires the Draft Policy to consider buildings that may be affected. In some cases, a building may be affected simply because it is located next to a building that has been identified as dangerous. These are referred to as affected buildings under the Act.
14. Under the Draft Policy, when the Council identifies a dangerous building, it will also check nearby buildings to see whether they are affected. If a building is confirmed as affected, the Council may put temporary safety measures in place (such as restricting access) until the danger from the neighbouring building is resolved.
15. To reduce disruption for affected building owners, the Draft Policy requires the owner of the dangerous building to address the danger within a shorter timeframe, so the affected building status can be lifted as soon as possible. The Council uses a risk based approach when deciding what actions are needed and how quickly they must occur, and will engage with building owners before making decisions.
16. The Draft Policy also states that information about affected buildings will be recorded on Council property files and LIMs.

Draft Policy for public consultation

17. The Act requires that public consultation of the Draft Policy is undertaken in accordance with the special consultative procedure which requires the adoption of a SOP. This report recommends that Council adopts the SOP (Appendix 2) including the Draft Policy (Appendix 3).
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CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI

18. The Draft Policy and the management of DAIBs have no immediate climate change implications. Natural hazards can be a contributing factor in a building becoming dangerous (e.g. coastal erosion or tornado damage to a building). The impacts of natural hazards and the forecast variations of climate change may increase the potential for buildings to be subject to natural hazards in the future. The Draft Policy does not manage the cause of a building becoming dangerous, rather it provides a framework to manage such buildings irrespective of how they became dangerous.

NEXT STEPS / HĪKOI I MURI MAI

19. If adopted by Council, the SOP (including the Draft Policy) will be released for public consultation using a special consultative procedure. Public consultation will run from 9 May to 10 June 2026. Interested and affected parties will be informed of the consultation. Hearings will be scheduled for any submitters wanting to speak to their submission and a further report will be presented to Council analysing the submissions received and recommending a final policy for adoption.

SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA

20. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because though it covers a statutory function of the Council, it does not impact on this function, nor does it impact on other significance considerations including council's levels of service. The matter covered in the Draft Policy is considered to not significantly impact people, and though the public may be interested in the matter it is not considered to be of significant interest.
21. Key stakeholders including iwi and hapū, Fire and Emergency NZ, NZ Police, Heritage New Zealand Pouhere Taonga, and the Taranaki Branch of SESOC (Structural Engineering Society of NZ) were informed of the review of the Current Policy and provided opportunity to input into the review. No feedback was received. These key stakeholders will be informed of the public consultation on the SOP and Draft Policy.
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OPTIONS / KŌWHIRINGA

General options assessment

Financial and Resourcing Implications / Ngā Hīraunga ā-pūtea, ā-rauemi

22. The review of the policy was undertaken within existing budgets. As noted in the Draft Policy, the Council's Schedule of Fees and Charges sets fees for the inspection of buildings and for the costs for engineering review or other professional services not available in-house which are applicable to the DAIB process.

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

23. The community will have an opportunity to provide their views and preferences on the matter during the public consultation. Key stakeholders were informed about the review of the Current Policy and provided opportunity to input into the review.

Statutory Responsibilities / Ngā Haepapa ā-ture

24. The Building Act sets the statutory requirements for Council to have a policy on dangerous, affected and insanitary buildings and the review requirements for the policy.

Participation by Māori / Te Urunga o Ngāi Māori

25. Iwi and hapū were informed about the review of the Current Policy and provided opportunity to input into the review.

Option 1 Adopt the SOP, including the Draft Policy for consultation

Risk Analysis / Tātaritanga o Ngā Mōrearea

26. There are considered to be no risks associated with adopting the SOP for community engagement. The Draft Policy received a legal peer review to ensure it is consistent with legislation.

Promotion or Achievement of Community Outcomes / Hāpaitia / Te Tutuki o Ngā Whāinga ā-hāpori

27. Having a policy on managing DAIBs helps promote the thriving communities and culture community outcome through enabling safe communities.
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Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

28. There are no known inconsistencies with Council policies or plans.

Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.

29. This option proposes a Draft Policy which is consistent with legislation, reflects operational practice and procedure, and is based on good practice guidance. There are considered to be no disadvantages with this option.

Option 2 Adopt the SOP, including the Draft Policy with amendments, for consultation

Risk Analysis / Tātaritanga o Ngā Mōrearea

30. Any amendments to the Draft Policy will require further analysis to identify any risks.

Promotion or Achievement of Community Outcomes / Hāpaitia / Te Tutuki o Ngā Whāinga ā-hāpori

31. Any amendments to the Draft Policy will require further assessment to determine their promotion or achievement of community outcomes.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

32. Any amendments to the Draft Policy will require further assessment to determine their consistency with Council policies and plans.

Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.

33. Any amendments to the Draft Policy will require further assessment to determine any advantages or disadvantages.

Recommended Option

This report recommends option one - adopt the Statement of Proposal, including the Draft Policy for public consultation - for addressing the matter.

APPENDICES / NGĀ ĀPITI HANGA

Appendix 1 Current Dangerous and Insanitary Buildings Policy (ECM 1260864)

Appendix 2 Statement of Proposal (ECM 9744308)

Appendix 3 Draft Dangerous and Insanitary Buildings Policy (ECM 9745140)

Report Details

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Ward/Community:	District wide
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