

Full Council

31 July 2025

Report for Agenda Item | Rīpoata moto e Rāraki take [12]

Department: Planning & Development

Title | Taitara: Dangerous and Insanitary Buildings Policy 2025

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to seek Council endorsement of the proposed updates to the current Dangerous and Insanitary Buildings Policy 2021 and adopt the statement of proposal for public consultation.

Recommendation | Kā Tūtohu

That the Council:

1. **Note** the contents of this report;
2. **Adopt** the draft Dangerous and Insanitary Buildings Policy 2025 for consultation;
3. **Adopt** the Statement of Proposal in Attachment D for consultation in accordance with the Special Consultative Procedure outlined in Sections 83 of the Local Government Act 2002, from Monday 4 August 2025 to Sunday 7 September 2025; and
4. **Appoint** four Councillors (to be named) of whom three are required to form a hearings panel to hear and consider the submissions on the proposal and make recommendations to Council on adoption of the draft Policy.

Prepared by:



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30 June 2025

Reviewed and Authorised by:



Name: David Wallace
Title: Planning & Development General
Manager
8 July 2025

Context | Horopaki

1. The Dangerous and Insanitary Buildings Policy (the Policy) is required to be reviewed every five years under Section 132 of the Building Act 2004 (the Act). The Policy was first adopted by Council in 2007, then reviewed in 2021. The 2021 review resulted in the addition into the Policy of a statement regarding buildings affected by neighbouring dangerous buildings.
2. In February 2025, a Ministry of Business, Innovation and Employment (MBIE) audit found that the Policy lacked a statement regarding how Queenstown Lakes District Council (QLDC) prioritises potentially dangerous or insanitary buildings for assessment, a statement that is required under the Section 132 of the Act. The audit also found some minor updates to references and some wording corrections were needed.
3. Following the audit the Building Services leadership team decided to bring forward the five-year review by one year and combine any changes as an outcome of the review with the updates required by the MBIE audit. The review found that clarification regarding the management of dangerous or insanitary buildings during a declared state of emergency was also needed.
4. The Act requires Council to undertake a special consultative procedure as outlined in Section 83 of the Local Government Act 2002 when making changes to the Policy.
5. Once the new Dangerous and Insanitary Policy 2025 is adopted, the Council must provide a copy to MBIE.

Analysis and Advice | Tatāritaka me kā Tohutohu

Options Analysis

6. This report identifies and assesses the following reasonably practicable options as required by Section 77 of the Local Government Act 2002.
7. Option 1: the Council endorses the draft Dangerous and Insanitary Building Policy for consultation and nominates panel members.

Advantages:

- The development of the draft Dangerous and Insanitary Building Policy ensures matters raised by the MBIE audit are addressed, and the Policy reflects statutory requirements under the Act.
- The public will be able to submit on the draft Policy.
- Additional changes made by the draft Policy ensure it is fit for purpose in the event of a state of emergency.

Disadvantages:

- The public consultation and development process of a Policy require internal resources to run the submission processes, hold public hearings and prepare reports.
8. Option 2: the Council endorses the draft Dangerous and Insanitary Building Policy with amendments for consultation and nominates panel members.

Advantages:

- The development of the draft Dangerous and Insanitary Building Policy ensures matters raised by the MBIE audit are addressed and the Policy reflects statutory requirements under the Act.
- The public will be able to submit on the draft Policy.
- Additional changes made by the draft Policy ensure it is fit for purpose in the event of a state of emergency.
- The Council has the opportunity to make amendments prior to notification if deemed necessary.

Disadvantages:

- The public consultation and development process of a Policy require internal resources to run the submission processes, hold public hearings, and prepare reports.
9. Option 3: the Council does not endorse the draft Dangerous and Insanitary Building Policy and defers the consultation period to a later date.

Advantages:

- Fewer resources required to run submissions, hearings and prepare deliberations and adoption reports in the short term.

Disadvantages:

- This is a legal risk as Council will continue to have a Policy which does not comply with legislation.
- There is a health and safety risk for residents in the district in general, as well as during a state of emergency.

- There is a risk that future MBIE audits will not look favourably at QLDC for not taking advice from the National Auditing body.
9. This report recommends **Option 1**. This will enable council to adopt a fit for purpose Dangerous and Insanitary Building Policy that aligns with legislation and the needs of the district well into the future.
10. How QLDC chooses to manage buildings that become dangerous, affected or insanitary as the result of a civil emergency, for which a state of emergency designation has been declared, has been clarified during this review to state that the act's usual requirements for dangerous, affected and insanitary buildings do not apply within an area for which a state of emergency designation has been declared and instead the powers granted under the act's subpart 6B - *Special provisions for buildings affected by emergency* will be used.
11. The remaining proposed updates and corrections do not change the intent of the current Policy.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

12. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy 2024 because:
- The matter has minimal impact on the community as these buildings are rare within the district, although parts of the community may have an interest in this issue;
 - The proposal is consistent with intent of Council's 2021 Dangerous and Insanitary Buildings Policy;
 - The proposal will not change Council's capability or capacity to address dangerous or insanitary buildings,
 - There are no economic or environmental considerations.
13. The persons who are potentially affected by or interested in this matter are building owners and residents of the district.
14. If Council endorses the draft Policy and adopts the statement of proposal for public consultation, the public will be formally consulted using the special consultative procedure. This will enable Council to better understand community views on the draft Policy.

Māori Consultation | Iwi Rūnaka

15. The Council has not undertaken direct consultation with iwi, but the opportunity to make a submission during the consultation period will be available to iwi and Rūnaka.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

16. This matter relates to the Community & Wellbeing risk category. It is associated with RISK10020 Ineffective communication within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating.
17. The approval of the recommended option will allow Council to avoid the risk. This will be achieved by development an accurate, up to date and definitive dangerous and insanitary buildings Policy.

Financial Implications | Kā Riteka ā-Pūtea

18. There are no operational or capital expenditure requirements additional to existing approved budgets resulting from the proposed changes and updates

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

19. The following Council policies, strategies and bylaws were considered:
- Community outcomes as defined in Vision Beyond 2050
 - Enforcement Strategy and Prosecution Policy
 - Heritage Strategy
20. The recommended option is consistent with the principles set out in the Vision Beyond 2050's wellbeing outcomes, Enforcement Strategy and Prosecution Policy's intent and heritage buildings are assessed with consideration to the Heritage Strategy.
21. Timely review of policies is provided for in the 2024-34 Long Term Plan

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

22. QLDC as the Territorial Authority must comply with sections 131 and 132 of the Building Act 2004. The Council must have a dangerous and insanitary buildings Policy which must include a statement of priority. Adoption of the Policy must be in accordance with the special consultative procedure in section 83 of the Local Government Act 2002.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

23. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. The proposed Policy aids social well-being by helping ensure residents and visitors can safely use buildings and adjacent spaces. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

24. The recommended option:

- Has no effect on and can be implemented through current budgets;
- Is consistent with the Council's plans and policies; and
- Would not alter the intended level of service provision for any activity undertaken by or on behalf of the Council.

Attachments | Kā Tāpirihaka

A	Dangerous and Insanitary Buildings Policy 2025 (proposed)
B	Highlighted changes and updates to the current Policy.
C	Dangerous and Insanitary Buildings Policy 2021 (current)
D	Statement of Proposal – Dangerous and Insanitary Buildings Policy 2025

All Attachments circulated separately