Statement of Proposal

Proposed Dangerous, Affected and Insanitary Buildings Policy 2026

This document is divided into five parts -

Part 1: Introduction

Part 2: Reasons for the Proposed Policy

Part 3: Building Act 2004 - Proposed Dangerous, Affected and Insanitary Buildings Policy 2026

Part 4: Options

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Purpose of this Statement of Proposal

This Statement of Proposal has been prepared as part of consultation on the proposed Dangerous, Affected and Insanitary Buildings Policy 2026.

Sections 131, 132 and 132A of the Building Act 2004 require every territorial authority to adopt and maintain a policy on dangerous, affected and insanitary buildings and to review that policy at intervals of not more than five years.

Marlborough District Council's current Dangerous and Insanitary Buildings Policy was adopted in March 2021 and is now due for review.

Council is seeking public feedback on the proposed Dangerous, Affected and Insanitary Buildings Policy 2026 before making a final decision.

This Statement of Proposal has been prepared in accordance with section 83 of the Local Government Act 2002 and includes:

- The proposed policy and reasons for the proposal;
- A summary of the proposed changes;
- Other reasonably practicable options considered; and
- Information on how to make a submission.

The proposed Dangerous, Affected and Insanitary Buildings Policy 2026 and this Statement of Proposal are available for public inspection and feedback during the consultation period.

Part 1: Introduction

The Building Control Group of Council has a variety of functions and services under the Building Act. The Act requires territorial authorities to adopt and maintain a policy.

The Building Act 2004 requires territorial authorities to have policies that address dangerous, affected and insanitary buildings. These policies help ensure councils have a clear and transparent framework for identifying, assessing and managing buildings that may pose risks to occupants, neighbouring properties or the wider public.

The proposed policy applies to all buildings within the Marlborough District, excluding dams and appurtenant structures associated with dams, which are addressed through Council's separate Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams Policy.

The proposed policy sets out:

- Council's priorities when performing its functions under the Building Act 2004;
- How Council identifies and assesses dangerous, affected and insanitary buildings;
- The approach Council takes when working with building owners;
- How Council will use the powers available under the Building Act 2004;
- How Council will manage heritage buildings;
- How Council will work with other agencies; and
- How Council will provide information to the public regarding dangerous, affected and insanitary buildings

The proposed policy does not create any new regulatory powers. Council's powers and responsibilities continue to be prescribed by the Building Act 2004. The review primarily updates Council's policy framework and clarifies Council's approach in performing its function under the Building Act 2004.

Part 2: Reasons for the Proposed Policy

Council has reviewed the existing policy to ensure it remains the most appropriate way to achieve the purpose of the Building Act 2004.

The review identified a number of opportunities to improve the current policy, including:

- Updating the policy to reflect current legislative requirements under the Building Act 2004;
- Incorporating affected buildings into the policy framework;
- Reflecting MBIE's Guidance for Developing Policies on Dangerous, Affected and Insanitary Buildings (2024);
- Addressing recommendations from Ministry of Business, Innovation and Employment (MBIE)'s Compliance and Assurance (C&A) team performance monitoring assessment carried out in 2024.
- Reflecting Council's experience responding to significant weather events, flooding, landslides, land instability and emergency management situations since adoption of the 2021 policy;
- Providing greater transparency regarding Council's decision-making, compliance and enforcement approach; and

- Better explaining Council's approach to heritage buildings and designated emergency management areas.

Council considers that adopting the proposed policy will provide a clearer, more comprehensive and practical framework for the management of dangerous, affected and insanitary buildings across the district while reflecting current legislative requirements and best practice.

Part 3: Building Act 2004 – Proposed Dangerous, Affected and Insanitary Buildings Policy 2026

Council is proposing to replace the existing Dangerous and Insanitary Buildings Policy 2021 with a new Dangerous, Affected and Insanitary Buildings Policy 2026.

The major changes proposed include:

Inclusion of Affected Buildings
The proposal incorporates affected buildings and explains how Council may respond where a building is adjacent to, adjoining, or nearby a dangerous building or dam and may itself be exposed to risk.

Risk-Based Decision Making
The proposed policy adopts a clearer risk-based approach to assessment, prioritisation and intervention, recognising that not all dangerous, affected or insanitary buildings present the same level of risk.

Natural Hazard and Emergency Event Responses
The policy includes greater recognition of buildings affected by flooding, landslides, severe weather events, land instability and emergency management situations. It also explains the interaction between Building Emergency Management Area provisions and dangerous, affected and insanitary building powers, including how buildings may transition from emergency management arrangements back to normal Building Act processes.

Heritage Buildings
Additional guidance has been included regarding heritage buildings and Council's interaction with Heritage New Zealand Pouhere Taonga when managing dangerous, affected or insanitary buildings.

Compliance and Enforcement Framework
The policy formalises Council's approach of engaging, educating, enabling and enforcing compliance and provides greater clarity regarding the use of notices, inspections and enforcement powers under the Building Act 2004.

Information Management
New provisions explain how Council manages information relating to dangerous, affected and insanitary buildings, including information recorded on property files, LIMs and PIMs.

Working with Other Agencies
The policy provides greater guidance on Council's coordination with agencies such as Fire and Emergency New Zealand, New Zealand Police, Medical Officers of Health, Heritage New Zealand Pouhere Taonga and Civil Defence Emergency Management organisations.

Economic and Community Considerations
The proposed policy recognises that decisions relating to dangerous, affected and insanitary buildings may have social, cultural and economic impacts on owners, occupants, businesses and the wider community, while confirming that protection of human life and safety remains Council's primary consideration.

Policy Principles
The proposed policy introduces specific policy principles confirming that protection of human life and safety remains Council's primary consideration when exercising its functions under the Building Act 2004.

Part 4: Options

Other Options considered

Status Quo – Retain Existing Policy

Advantages

- No consultation costs.
- No staff resources required to complete the review.

Disadvantages

- Council would not meet its statutory obligation to review the policy at intervals of not more than five years.
- The existing policy would not address the recommendations made by MBIE audit, and there is a risk that future MBIE assessments may identify that Council has not adequately responded to published guidance and previous recommendations arising from the Territorial Authority Performance Monitoring Programme.
- The policy would not adequately reflect Council's experience responding to significant weather events, flooding, landslides and emergency management situations since adoption of the 2021 policy.
- The existing policy would not reflect recent legislative changes and MBIE's best practice guidance for developing policies on Dangerous, Affected and Insanitary Buildings.

Council considers that replacing the existing policy with the proposed Dangerous, Affected and Insanitary Buildings Policy 2026 is the preferred option. The proposed policy better reflects current legislation, MBIE best practice guidance, addresses MBIE assessment recommendations and incorporate Council's operational experience while providing a clearer framework for assessing and managing dangerous, affected and insanitary buildings.

Part 5: Have Your Say

Let us know what you think about our proposed Dangerous, Affected and Insanitary Buildings Policy 2026.

Anyone can make a submission. Your submission can support or oppose the proposals.

- You can make a submission through Council's consultation portal:
  http://www.marlborough.govt.nz/your-council/have-your-say-consultations
- Completed forms can be emailed to: buildingconsents@marlborough.govt.nz, submitted by hand or posted to the Picton or Blenheim Council offices.

Post to:

Building Control
Marlborough District Council
PO Box 443
Blenheim 7240

Deliver to:

Marlborough District Council
15 Seymour Street
Blenheim

Marlborough District Council
67 High Street
Picton

Council will acknowledge each submission received during the submission period.

Submitters should note that their submission will be copied and made available to the public after the submission period closes. Any submitter wishing to have their contact details withheld from the public documentation will need to state so in their submission.

Hearing of Submissions

Submissions on matters outside the scope of the proposed Dangerous, Affected and Insanitary Buildings Policy 2026 cannot be considered by the Hearings Panel.

A hearing will be scheduled after the submission period to hear any submissions made. Please clearly state in your submission whether or not you wish to be heard.

The Council will contact all submitters in writing to advise the confirmed time, date and venue of the meeting to hear submissions. An analysis of all submissions, together with recommendations arising from the hearing process, will be presented to Council for consideration prior to making a final decision on adoption of the proposed policy.

Want more information?

If you have any questions about the proposed policy or need further information you can email; buildingconsents@marlborough.govt.nz, or phone Council on: **03 520 7400**

Submissions close 3 December 2026

Timeline for considering the proposed policy	
3 November 2026 – 3 December 2026	Consultation period
	Submissions close
TBC	Hearing for submitters who wish to speak to their submission
TBC	Environment and Policy Committee consider hearing committee recommendations
TBC	Council decision on Dangerous, Affected and Insanitary Buildings Policy 2026.
TBC	New Dangerous, Affected and Insanitary Buildings Policy 2026 comes into effect