

QLDC Council  
3 June 2021

## Report for Agenda Item | Rīpoata moto e Rāraki take : 2

Department: Planning &amp; Development

Title | Taitara: Dangerous and Insanitary Building Policy Review

**PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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The purpose of this report as follows:

Council is required to review its Dangerous and Insanitary Buildings Policy every 5 years. The last time Council's policy was reviewed and adopted by Council was 2007. Where changes are proposed to the current policy, section 132 of the Building Act 2004 requires Council to follow the public consultative procedure set out in section 83 of the Local Government Act 2002.

The purpose of this report is to recommend that Council approves the undertaking of the required public consultation.

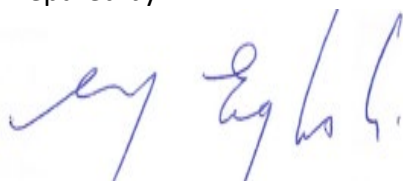
**RECOMMENDATION | NGĀ TŪTOHUNGA**

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**That Council:**

1. **Note** the contents of this report and in particular the Statement of Proposal and proposed Dangerous and Insanitary Building Policy;
2. **Adopt** the Statement of Proposal including proposed amendments to the Dangerous and Insanitary Building Policy as contained in Attachment B as part of a special consultative procedure;
3. **Authorise** the public notification of the Statement of Proposal as part of a special consultative procedure;
4. **Appoint** a hearings panel of three Councillors [to be named] to consider submissions and to make recommendations to Council on the final form of the Dangerous and Insanitary Building Policy.

Prepared by:

Name: Chris English  
Title: Building Services Manager

12/04/2021

Reviewed and Authorised by:

Name: Tony Avery  
Title: GM Planning and Development

21/05/2021

## CONTEXT | HOROPAKI

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- 1 Section 131 of the Building Act 2004 requires councils to adopt a policy on Dangerous and Insanitary Buildings. Section 132 of the Building Act 2004 requires councils to review those policies every five years. Council last adopted its Dangerous and Insanitary Buildings Policy in 2007 and it has not been reviewed since. If changes are proposed to the policy, Council is required to undertake a public consultation process as outlined in section 82 of the Local Government Act 2002. The proposed policy contains changes and so consultation with the community is a requirement.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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- 2 The proposed changes to the policy have been through a robust review process to ensure the proposed Dangerous and Insanitary Building policy is fit for purpose and effective, 14 years after the current policy was adopted.

This review process included:

- Council's Principal Building Advisor (PBA) reviewing the current policy
  - The PBA identifying changes after reviewing current legislation
  - Then PBA viewing and analysing Auckland City Council's, Christchurch City Council's and Dunedin City Councils policies to identify best practice
  - PBA seeking input to the proposed policy from Council's Environmental Health department
  - The proposed policy being peer reviewed by the Building Services leadership team to ensure the proposed policy will be effective
- 3 The proposed changes to the current Dangerous and Insanitary Building policy are outlined below.
  - 4 The changes in the proposed policy are necessary for a number of reasons. These include:
    - the inclusion of Māori wording for the proposed policy;
      - the Māori wording for Dangerous and Insanitary Buildings Policy 2021 is He Kaupapa Here: Ka Whare Morearea me Matemate 2021.
    - changes in government department names;
      - the New Zealand Fire Service has now changed its name to Fire and Emergency New Zealand (FENZ),
      - the Historic Places Trust is now Heritage New Zealand - Puhere Taonga, and
      - the Department of Building and Housing is now Ministry of Building Innovation and Employment.
  - 5 In addition to the above naming changes, there are a number of other proposed changes to the current policy, which are outlined here:

- the Procedure section includes more detail, so that staff changes will not affect the ability of the policy to be implemented;
- an Information Disclosure section has been added;
- a Disputes section has been added;
- a Definitions section has been added;
- the Immediate Danger section includes reference to Council's ability to demolish buildings;
- the policy has been aligned with Council's Heritage Strategy;
- all related legislation has been listed; and
- affected building status has been introduced for buildings adjacent to dangerous and insanitary buildings that may be affected.

6 Option 1 Undertake consultation on the changes to the Dangerous and Insanitary Buildings Policy as required by section 132 of the Building Act 2004.

*Advantages:*

7 Ensures Council is compliant with section 132 of the Building Act 2004.

*Disadvantages:*

8 There are no disadvantages.

9 Option 2 Adopt the current Dangerous and Insanitary Building policy with no changes.

*Advantages:*

10 There are no advantages identified.

*Disadvantages:*

11 Council will have a policy that is outdated and not fit for purpose.

12 This report recommends **Option 1** for addressing the matter as this ensures Council is compliant with section 132 of the Building Act 2002.

13 Advice Council resolves to undertake a public consultation process on the changes to Council's Dangerous and Insanitary Buildings Policy as required by section 132 of the Building Act 2004. The consultation process is to comply with section 83 of the Local Government Act 2002.

## CONSULTATION PROCESS | HĀTEPE MATAPAKI:

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### > SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 14 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because the frequency of a building being deemed dangerous or insanitary is very low.
- 15 Section 132 of the Building Act 2004 requires a public consultation process be undertaken as outlined in section 83 of the Local Government Act 2002. This must take place before Council can approve any changes to the current Dangerous and Insanitary Buildings Policy.
- 16 The persons who are affected by, or interested in this matter are Queenstown Lakes District community, in particular, dangerous or insanitary building owners and tenants, visitors to and owners of affected buildings.
- 17 This report seeks the Council's approval to undertake a public consultation process as required by section 132 of the Building Act 2004 on the changes proposed to the Dangerous and Insanitary Buildings Policy. This consultation process will comply with the requirements of section 83 of the Local Government Act 2002.

## RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

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- 18 This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK00038 Lack of Alignment – Strategies and Policies within the QLDC Risk Register. This risk has been assessed as having a moderate inherent risk rating.
- 19 The approval of the recommended option will support the Council by allowing us to avoid the risk. This shall be achieved by ensuring the proposed policy complies with legislative requirements, in particular, section 132 of the Building Act 2004.

## FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

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- 20 There are no financial implication arising of this review.

## COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

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- 21 The following Council policies, strategies and bylaws were considered:
  - Queenstown Lakes District Council's Dangerous and Insanitary Building Policy (2007). The recommended option is consistent with the principles set out in the named policy/policies.
- 22 This matter is not included in the Ten Year Plan/Annual Plan.

## LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHAKA WAETURE

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23 Section 132 of the Building Act 2004 states that Councils' Dangerous and Insanitary Building policies must be reviewed every five years. If there are changes to the current policy then a public consultation process as outlined in section 83 of the Local Government Act must be followed.

## LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

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24 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by ensuring that dangerous and insanitary buildings within the district are identified, and actions taken to remedy the identified issues;
- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

## ATTACHMENTS | NGĀ TĀPIRIHANGA

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A	Queenstown Lakes District Council's current Dangerous and Insanitary Buildings Policy (2007)
B	Queenstown Lakes District Council's proposed Dangerous and Insanitary Buildings Policy (2021)
C	Statement of Proposal: Making our Communities Safer: Review of Dangerous and Insanitary Buildings Policy