

**QLDC Council**  
**29 July 2021****Report for Agenda Item | Rīpoata moto e Rāraki take 6****Department: Planning & Development****Title | Taitara: Dangerous and Insanitary Buildings Policy 2021****PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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1 The purpose of this report is as follows:

Council is required to review its Dangerous and Insanitary Buildings Policy every five years. The current policy, which was adopted by Council in 2007, has been reviewed and as changes were proposed, section 132 of the Building Act 2004 requires community consultation to occur. Council approved this consultation, which has now taken place. One submission was received from the Southern District Health Board (SDHB). The Hearings Panel members have considered the submission and recommend that no changes to the proposed policy is required.

The purpose of this report is to recommend to Council that it adopts the proposed Dangerous and Insanitary Buildings policy 2021.

**RECOMMENDATION | NGĀ TŪTOHUNGA**

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That Council:

1. **Note** the contents of this report and in particular that the proposed Dangerous and Insanitary Buildings Policy 2021 was consulted through a Special Consultative Procedure; and
2. **Adopt** the Dangerous and Insanitary Buildings Policy 2021.

Prepared by:



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12/07/2021

Reviewed and Authorised by:



Tony Avery  
GM Planning and Development  
14/07/2021

## 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. If changes are proposed to the current 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 was required. Council approved the proposed policy going out to the community for consultation at its 3 June 2021 meeting.
- 2 This community consultation, via a Statement of Proposal, has now occurred and one submission from SDHB was received on the proposed Dangerous and Insanitary Buildings Policy 2021 within the consultation period. The submission requested that the policy include a section detailing what the procedure would be carried out if there are infirm or neglected persons living in the affected building(s). The submission requests that where council staff has concerns for the health of the occupants of a dangerous or insanitary building council staff should refer to the processes outlined in the Southern Good Living Conditions Guide.
- 3 The appointed hearings panel has considered the SDHB submission and recommend that no changes be made to the proposed Dangerous and Insanitary Buildings Policy 2021 but that a new section be included in the existing CS31 Building Act Assessment document. This is the guidance and assessment document that council staff refer to when considering the issue of a Notice to Fix or a dangerous and insanitary building notice. An additional note will outline the agencies that should be notified if there is concern for the wellbeing of occupants of a dangerous or insanitary building and also include a link to SDHB's Good Living Conditions Guide.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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- 4 The proposed changes to the policy have been through a robust review process to ensure the proposed Dangerous and Insanitary Buildings Policy is fit for purpose and effective, 14 years after the current policy was adopted.
- 5 This review process included the Council's Principal Building Advisor undertaking the following actions:
  - A review of the current policy,
  - Identification of proposed changes after reviewing the current legislation,
  - Analysis of Auckland City Council's, Christchurch City Council's and Dunedin City Council's policies to identify best practice,
  - Input sought to the proposed policy from Council's Environmental Health department,
- 6 The proposed policy was peer reviewed by the Building Services leadership team to ensure the policy will be effective and was subject to community consultation through a

Statement of Proposal process, which complied with section 83 of the Local Government Act 2002.

- 7 Option 1 Council to adopt the proposed Dangerous and Insanitary Buildings Policy 2021 as consulted on through the Special Consultative Procedure.

*Advantages:*

- 8 Council is compliant with section 132 of the Building Act 2004 and will have an up to date, fit for purpose Dangerous and Insanitary Buildings Policy.

*Disadvantages:*

- 9 There are no disadvantages for this option.

- 10 Option 2 Council adopts the current 2007 Dangerous and Insanitary Buildings Policy with no changes.

*Advantages:*

- 11 There are no advantages identified.

*Disadvantages:*

- 12 Council will have an outdated policy that is not fit for purpose.

- 13 This report recommends **Option 1** for addressing this matter as this ensures Council is compliant with section 132 of the Building Act 2004 and recommends adoption of the proposed Dangerous and Insanitary Buildings Policy 2021.

## 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 deemed dangerous or insanitary is very low.
- 15 The persons who are affected by or interested in this matter are members of the Queenstown Lakes District community, in particular, dangerous or insanitary building owners and tenants, visitors to and owners of affected buildings.
- 16 The Council has undertaken a public consultation process required by section 132 of the Building Act 2004 on the changes proposed to the Dangerous and Insanitary Buildings Policy. This consultation process complied with section 83 of the Local Government Act 2002.

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

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- 17 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.
- 18 The approval of the recommended option will support the Council by retaining the risk at its current level. 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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- 19 There are no financial implications arising of this review.

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

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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.

- 20 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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- 21 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 proposed to the current policy then a public consultation process as outlined in section 83 of the local Government Act must be followed. This consultation has occurred.

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

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- 22 The recommended option:

- 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. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act because it will ensure that dangerous and insanitary buildings within the district are identified, and actions are taken to remedy the identified issues;
- 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	Proposed Dangerous and Insanitary Buildings Policy - 2021
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