

Proposed Dangerous and Insanitary Buildings Policy 2018

TO	Thames-Coromandel District Council
FROM	Kirsten Williamson - Principal Planner
DATE	18 July 2018
SUBJECT	Proposed Dangerous and Insanitary Buildings Policy 2018

1 Purpose of Report

The purpose of this report is to seek Council approval to consult on the proposed Dangerous and Insanitary Buildings Policy.

2 Background

Legislative requirements

Subpart 6 of Part 2 of the Building Act 2004 (the Act) refers to dangerous and insanitary buildings. Section 131 of the Act requires each territorial authority to establish a policy on dangerous and insanitary buildings.

A policy on dangerous and insanitary buildings must state:

- a) the approach that the territorial authority will take in performing its functions under this Part; and
- b) the territorial authority's priorities in performing those functions; and
- c) how the policy will apply to heritage buildings.

In establishing and amending this policy Section 132 of the Act requires the Council to follow the special consultative procedure set out in Section 83 of the Local Government Act 2002.

132 Adoption and review of policy

- (1) *A policy under section 131 must be adopted in accordance with the special consultative procedure in section 83 of the Local Government Act 2002.*
- (2) *A policy may be amended or replaced only in accordance with the special consultative procedure, and this section applies to that amendment or replacement.*
- (3) *A territorial authority must, as soon as practicable after adopting or amending a policy, provide a copy of the policy to the chief executive.*
- (4) *A territorial authority must complete a review of a policy within 5 years after the policy is adopted and then at intervals of not more than 5 years.*
- (5) *A policy does not cease to have effect because it is due for review or being reviewed.*

Current policy

Council's current policy is called the "Earthquake-prone, Dangerous and Insanitary Buildings Policy 2006" Following the Building (Earth-quake prone Buildings) Amendment Act from 1 July 2017 this policy ceased to have relevant effect. The Council is no longer required to maintain a policy on earth-quake prone buildings but is still required to have a policy on dangerous and insanitary buildings.

The Council's "Earthquake-prone, Dangerous and Insanitary Buildings Policy 2006" policy took effect from 30 May 2006 and was reviewed in 2011. The 2016 review was delayed pending imminent changes to the legislation. Subsequent changes to the Building Act require the Council to have a policy on just dangerous and insanitary buildings by 1 January

2019.

3 Issue

The current policy needs to be amended to reflect changes to the Building Act. Council is asked to adopt a new policy, a statement of proposal and communication plan for consultation.

4 Discussion

Prior to 2016 the Council was required to have a policy on dangerous, earthquake-prone and insanitary buildings. With the recent changes to the legislation and the Building (Earthquake-prone Buildings) Amendment Act 2016 the Council needs to amend the current policy to meet its statutory obligations.

Proposed Policy

The proposed new policy, statement of proposal and communication plan for public consultation is contained in **Attachments A-C**.

The policy no longer has any reference to earthquake-prone buildings and sets out Council's approach in performing its functions under the Building Act 2004 in relation to dangerous and insanitary buildings, including its priorities and how the policy will apply to heritage buildings. Other amendments include combining dangerous and insanitary sections that were previously separated and transferring the existing policy text to the new Council template.

Consultation

Should Council endorse changing the existing policy it is required to undertake the special consultative procedure in accordance with the Local Government Act 2002. Public consultation would be undertaken for a period of one month from 10 August 2018 to 10 September 2018. Hearings would take place on 8-9 October 2018.

A communication plan (**Attachment C**) outlines the proposed approach to prompt a conversation about the policy between Council and the residents and ratepayers in the district.

5 Suggested Resolution(s)

That the Thames-Coromandel District Council:

1. Receives the 'Proposed Dangerous and Insanitary Buildings Policy 2018' report, dated 18 July 2018.
2. Approves the Proposed Dangerous and Insanitary Buildings Policy 2018 - **Attachment A** in the agenda, Statement of Proposal - **Attachment B** in the agenda and Communication Plan - **Attachment C** in the agenda for public consultation from 10 August 2018 to 10 September 2018.

References-Tabled/Agenda Attachments

Attachment A *Proposed Dangerous and Insanitary Building Policy 2018*

Attachment B *Statement of Proposal - Proposed Dangerous and Insanitary Building Policy 2018*

Attachment C *Communication Plan - Proposed Dangerous and Insanitary Building Policy*

Attachment A - DRAFT Dangerous and Insanitary Policy

Attachment B

Attachment B - Dangerous and Insanitary - Statement of Proposal

To come