



MAKING OUR COMMUNITIES SAFER: REVIEW OF DANGEROUS AND INSANITARY BUILDINGS POLICY

STATEMENT OF PROPOSAL

Submissions close: 4 June at 5pm



INTRODUCTION

This Statement of Proposal is seeking public feedback on the proposed Council’s Dangerous and Insanitary Buildings policy (2021).

The consultation uses the Special Consultative Procedure under section 83 and 87 of the *Local Government Act 2002*. The Special Consultative Procedure gives the public an opportunity to make submissions and provide feedback on the proposal.

Once the submission period closes, Queenstown Lakes District Council (**Council**) will conduct hearings for anyone who wishes to speak in support of their submissions.

The Statement of Proposal includes making publicly available the:

- > proposal and rationale behind it;
- > other reasonably practical options; and
- > description of the consultation and submission process, including the period within which views on the proposal may be provided.



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BACKGROUND

The Building Act 2004 requires every Territorial Authority to have a Dangerous and Insanitary Buildings policy. This is to ensure that Council has a mechanism to identify dangerous and insanitary buildings and clearly states what action will be taken to ensure they do not pose a public safety or health risk.

Section 132 of the Buildings Act 2004 requires Councils to review their Dangerous and Insanitary Buildings policy every 5 years. If changes to the policy are proposed then Council is required to consult with the community using a Special Consultative Procedure.

As changes are being proposed to Councils current (2007) policy, public consultation is required to be undertaken as outlined in Section 83 of the Local Government Act 2002.

REASON FOR PROPOSAL

To make our communities safer, legislation requires councils across New Zealand to have a Dangerous and Insanitary Building policy. Council last reviewed its current Dangerous and Insanitary policy in 2007 so it is required to be reviewed and adopted.

OUR PROPOSAL

The proposed Dangerous and Insanitary Building policy seeks to modernise the current policy, make it fit for purpose for the next 5 years and easy to understand by council officers and the community. Since the current policy was adopted in 2007 there have been a number of government department changes that need to be reflected in the proposed policy. These are:

- the New Zealand Fire service is now Fire and Emergency New Zealand (FENZ)
- the Department of Building and Housing is now Ministry of Business, Innovation and Employment
- Historic Places trust is now Heritage New Zealand - Puhere Taonga

The proposed Dangerous and Insanitary Building policy includes Te Reo Māori wording for the policy:

- Ka Whare Morearea me Matemate 2021

In addition the proposed policy also includes:

- A detailed Procedures section which will allow staff not familiar with the policy to be able to take action and implement the policy. This includes a section on buildings that pose an Immediate Danger and references Council's ability to demolish buildings that do pose an immediate danger
- A new Information Disclosure section
- A new Disputes section
- A new Definitions

The proposed policy also references and aligns with Council's strategic objectives which have changed significantly since 2007. In particular, the policy supports the following:

- Maximising opportunities to develop a vibrant, prosperous and sustainable 21st century district

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- Informed and proactive approaches to natural hazard risks in the Queenstown Lakes District Plan
- Heritage strategy

The proposed policy also outlines Council's approach to identifying dangerous, affected or insanitary buildings, what powers it can exercise when such buildings are identified and how it will work with building owners to prevent buildings from remaining dangerous or insanitary.

The proposed policy also addresses the matter of costs associated with Council remediating dangerous and insanitary buildings where the owner fails to take action.

Council is seeking community feedback on the proposed Dangerous and Insanitary Building policy (2021)

CONSULTATION

We encourage anyone with an interest in the proposal to make a submission.

Copies of this statement of proposal and the proposed Dangerous and Insanitary Buildings Policy 2021 can be inspected at the following locations:

- [Letstalk.qldc.govt.nz](http://letstalk.qldc.govt.nz)
- At any Council office in the district: 10 Gorge Road, Queenstown, 74 Shotover Street, Queenstown or 47 Ardmore Street, Wānaka
- Any library within the Queenstown Lakes District

Submissions will open on Monday 7 June and close on Friday 9 July 2021.

Submissions can be made in the following ways:

- Online at letstalk.qldc.govt.nz,
- via email to letstalk@qldc.govt.nz (subject line 'Dangerous and Insanitary Buildings Policy'),
- by post to Building Services Department, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.

Please indicate on your submission whether you would like to speak at a hearing.

TIMETABLE FOR CONSULTATION

The following dates represent the key times in the consultation programme:

Action	Date
Council resolves to undertake public consultation regarding the Proposal	Thursday 3 June 2021
Advertisement in Otago Daily Times, Mountain Scene and Wanaka Sun	Between Monday 7 June 2021 and Saturday 12 June 2021
Submissions open	Monday 7 June 2021, 9.00am
Submissions close	Friday 9 July 2021, 5.00pm
Submissions heard by a subcommittee of Councillors	Date to be confirmed after submissions period ends
Council considers outcome of consultation process and whether to make decisions in the Proposal	Date to be confirmed after hearing
Public notice of final decision	Date to be confirmed after hearing

NEXT STEPS

Following this consultation, Council will determine whether or not to adopt the Dangerous and Insanitary Buildings policy (2021). If the policy is adopted Council will review the policy again in 2026

TERMINOLOGY

A few terms are regularly used in this Statement of Proposal and also in the legislation:

Term	Definition
Affected building (s121A Building Act 2004)	Means a building that is at risk of damage or other impact from a dangerous building or dam that is adjacent to, adjoining or nearby.
Building (s8 Building Act 2004)	Means a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery or chattels).
Dangerous building (s121 Building Act 2004)	<p>Means a building that in the ordinary course of events (excluding the occurrence of an earthquake) is likely to cause:</p> <ul style="list-style-type: none"> • Injury or death (whether by collapse or otherwise) to any person in it or to persons on other property or damage to other property; or • In the event of fire, injury or death to any persons in the building or to persons on other property is likely.
Heritage building (s7 Building Act 2004)	<p>Means a building that is included on:</p> <ul style="list-style-type: none"> • The District Plan • The New Zealand Heritage List maintained under s65 of the heritage New Zealand Pouhere Taonga Act 2014 • The National Historic Landmarks list maintained under section 81 of the Heritage New Zealand Pouhere Taonga Act 2014
Insanitary buildings (s123 Building Act 2004)	<p>Means a building that:</p> <p>Is offensive or likely to be injurious to health because;</p> <ul style="list-style-type: none"> • Of how it is situated or constructed, or • It is in a state of disrepair • Has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building • It does not have a supply of potable water that is adequate for the intended use

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	<ul style="list-style-type: none">• It does not have sanitary facilities that are adequate for its intended use
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FURTHER INFORMATION

If you have any questions about the proposed Dangerous and Insanitary Buildings policy (2021), please contact Chris English, QLDC Building Services Manager, via email: chris.english@qldc.govt.nz.