



# Waitaki

DISTRICT COUNCIL

TE KAUNIHERA Ā ROHE O WAITAKI

## Notice of Meeting

and

## AGENDA

of the

### *Heritage, Environment and Regulatory Committee*

in the

**Council Chamber, Third Floor,  
Waitaki District Council Headquarters,  
20 Thames Street, Oamaru**

## **Tuesday 28 August 2018**

#### **COMMITTEE MEMBERSHIP:**

Cr Hugh Perkins (Chair)  
Cr Jim Hopkins (Deputy Chair)  
Cr Craig Dawson

Mayor Gary Kircher (ex Officio)  
Cr Peter Garvan  
Cr Bill Kingan

# *Heritage, Environment and Regulatory Committee Meeting*

**Tuesday 28 August 2018**

**Council Chamber, Third Floor  
Waitaki District Council Headquarters  
20 Thames Street, Oamaru**

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"That the public be excluded from the following parts of the proceedings of this meeting, namely item 7.

The general subject of each matter to be considered while the public is excluded; the reasons for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter – Section 48(1)
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**Public Excluded:**

7. Confirmation of Public Excluded Minutes of the Previous Meeting – 18 July 2018 PE

To protect the privacy of natural persons.

Section 48(1) (a).

(The disclosure of the information would cause unnecessary personal embarrassment to the persons concerned.)

To enable the Council to carry out commercial negotiations without prejudice or disadvantage.

Section 48(1)(a)

(Premature disclosure of the information would detrimentally affect the Council's position in the negotiations.)

These resolutions are made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of the Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item."

**7. Confirmation of Public Excluded Minutes of the Previous Meeting – 18 July 2018 PE**

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**Resolution to Return to Public Session**

"That the Heritage, Environment and Regulatory Committee resumes in open meeting and decisions made in public excluded session are confirmed and made public as and when required and considered."

**8. Release of Public Excluded Information**

Any Public Excluded information that is approved for release during the Public Excluded session of this meeting will be included in the public minutes of this meeting, under Agenda Item 8.

**Heritage, Environment and Regulatory Committee:**

Cr Hugh Perkins (Chair)

Cr Jim Hopkins (Deputy Chair)

Cr Craig Dawson

Mayor Gary Kircher (ex Officio)

Cr Peter Garvan

Cr Bill Kingan

## Waitaki District Council

### Heritage, Environment and Regulatory Committee

**UNCONFIRMED MINUTES of a meeting of the  
Heritage, Environment and Regulatory Committee of Waitaki District Council  
held in the Council Chamber, Waitaki District Council Headquarters,  
20 Thames Street, Oamaru  
on Wednesday 18 July 2018 at 10.52am.**

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<b>Present</b>	Cr Hugh Perkins (Chair), Cr Jim Hopkins (Deputy Chair), Cr Craig Dawson, Cr Bill Kingan; and Mayor Gary Kircher (ex officio)
<b>Apology</b>	Cr Peter Garvan
<b>In Attendance</b>	Deputy Mayor Melanie Tavendale Cr Jeremy Holding Cr Guy Percival Cr Jan Wheeler Fergus Power (Chief Executive) Neil Jorgensen (Assets Group Manager / Deputy Chief Executive) Lichelle Guyan (Heritage, Environment and Regulatory Group Manager) Jason Evered (Environmental Services Manager) Roger Cook (Building Services Manager) Helen Algar (Community Development Coordinator) (part of meeting) Joshua Dooley (Building Control Officer) (part of meeting) Ainslee Hooper (Governance Advisor)

The Chair declared the meeting open at 10.52am, and welcomed everyone present.

#### 1. Apologies

RESOLVED

HERC 2018/019

Cr Jim Hopkins / Mayor Gary Kircher  
That the Heritage, Environment and Regulatory Committee  
accepts an apology for absence from Cr Peter Garvan.

CARRIED

#### 2. Declarations of Interest

There were no declarations of interest.

#### 3. Confirmation of Meeting Minutes

RESOLVED

HERC 2018/020

Cr Jim Hopkins / Cr Bill Kingan  
That the Heritage, Environment and Regulatory Committee confirms  
minutes of the public meeting of the Committee held on 5 June 2018,  
as circulated, as a true and correct record.

CARRIED

#### 4. Building Consent Exemption – Pole Sheds

The report, as circulated, sought to provide a choice to applicants for pole sheds.

Councillors discussed issues associated with change of use; reputational risk; legal status of sheds that have not been gazetted; and the size of sheds and related resource consent matters.

Building Control Manager Roger Cook advised that, at this time, the general feeling from builders was that any reduction in the process steps will be seen as “good” and heading in the right direction.

It was also confirmed that, once exemptions had been approved, the owner of the structure was responsible for building it.

One Councillor highlighted that the proposed process gave customers a “choice”, and that was a sensible move.

RESOLVED

HERC 2018/021

Cr Jim Hopkins / Cr Craig Dawson

That the Heritage, Environment and Regulatory Committee recommends:

That Council approves a general discretionary exemption for pole sheds, to commence from 1 September 2018.

CARRIED

## 5. District Licensing Committee Activity Report (January – June 2018)

The memorandum, as circulated, sought to inform the Committee about the activities of the District Licensing Committee (DLC) for the period 1 January to 30 June 2018. The report will be provided six monthly.

RESOLVED

HERC 2018/022

Cr Jim Hopkins / Cr Craig Dawson

That the Heritage, Environment and Regulatory Committee receives and notes the information.

CARRIED

## 6. Heritage, Environment and Regulatory Group Activity Report for the period 29 May to 2 July 2018

The memorandum, as circulated, sought to inform the Committee about the activities of the Heritage, Environment and Regulatory Group during the reporting period.

Group Manager Lichelle Guyan spoke to the report, and the following points were highlighted / clarified during discussion on its contents:

Council had moved to a 15 working day timeframe for processing within the Regulatory Unit. Officers were doing all they could to manage service levels to the **statutory timeframes**, because to do otherwise could affect Council's accreditation.

With regard to the **Mental Health meeting** in May, Community Development Coordinator Helen Algar advised, when asked, that the meeting had identified gaps with resourcing (noting that mental health providers are under-resourced across the country), early intervention, the funding model, and having somewhere for people to get respite. The highlights had been the presentations; and the team's efforts to send a clear message to the panel and in response feel that the panel had a high regard for what is being done in Waitaki. Mrs Guyan acknowledged that Safer Waitaki Health had been identified as a unique model not seen elsewhere in the country, and was 'working well'. She added her congratulations to Mrs Algar and her team for all that they were doing in the community.

A request was made to provide more information about the outcomes of meetings, or future directions that were agreed by participants.

**ACTION POINT: Community Development Coordinator**

Driving fatigue was being addressed by the **Waitaki Road Safe** programme. This was undertaken four times a year, with around 200 vehicles stopped each time. The team included members of the Police, Students Against Dangerous Driving, St John, AA, community organisations, as well as the Safer Waitaki team.

Mrs Algar confirmed that she was a member of the **Alliance South Mental Health** regional network as Chair of the local one.

With regard to the **CCC project**, Mrs Guyan confirmed that Council's statutory requirement was to make a decision – either to issue the consent or make a decision to refuse it. From Council's perspective, the case was closed once the decision was taken. It is up to the applicants to reinitiate or re-engage with Council to obtain a consent if it was refused a first time. Senior staff have been looking into the CCC project list, and letters would be sent to each person soon giving them 30 days to respond. If there was no respond, the Council would need to make a decision to refuse the CCC. Such an approach offered an opportunity for people to understand exactly what a CCC is and what is required of them, with the expectation that it would provide a better customer experience.

Representatives from local building control authorities (including Council) met quarterly in Timaru to go through applications with specialists and to review complaints. It was noted that Council has a regular set of people in the district who can complete specified testing; and there is also a national register of independently qualified practitioners (IQPs) which people can search to obtain any specialist assistance they might require.

Officers provided a brief update on illegal dumping of rubbish, and on progress with the dog pound upgrade.

There were requests for more information on the following matters:

- Consents in Duntroon and Kurow for non-compliant vehicles. It was suggested that the Hearings Committee should be informed of these in case advice was required.
- Outcomes from the Oceana Gold meeting and any future process / directions that were agreed.

**ACTION POINT: Group Manager Lichelle Guyan / Planning Manager Hamish Barrell**

RESOLVED

HERC 2018/023

Cr Jim Hopkins / Cr Craig Dawson

That the Heritage, Environment and Regulatory Committee receives and notes the information.

CARRIED

The Chair advised his intention to move the meeting into public excluded.  
The media representative and members of the public left the meeting.

## 7. Resolution to Exclude the Public

RESOLVED

HERC 2018/024

Cr Jim Hopkins / Mayor Gary Kircher

That the public be excluded from the following part of the proceedings of this meeting, namely Agenda Items 8 and 9, as follows:

8. Confirmation of Public Excluded Minutes of the Previous Meeting – 5 June 2018 PE
9. Heritage, Environment and Regulatory Group Activity Report PE

The general subject of each matter to be considered while the public is excluded; the reasons for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter – Section 48(1)
Public Excluded:	
8. Confirmation of the Public Excluded Minutes of the Previous Meeting – 5 June 2018 PE	To protect the privacy of natural persons. Section 48(1)(a) (The disclosure of the information would cause unnecessary personal embarrassment to the persons concerned.)
9. Heritage, Environment and Regulatory Group Activity Report PE	To enable the Council to carry out commercial negotiations without prejudice or disadvantage.

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter – Section 48(1)
	Section 48(1)(a) (Premature disclosure of the information would detrimentally affect the Council's position in the negotiations.)

These resolutions are made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of the Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

CARRIED

Refer to Public Excluded Minutes

### Resolution to Return to Public Meeting

RESOLVED  
HERC 2018/028

Cr Jim Hopkins / Mayor Gary Kircher  
That the Heritage, Environment and Regulatory Committee resumes in open meeting and decisions made in the public excluded session are confirmed and made public as and when required and considered.

CARRIED

### 10. Release of Public Excluded Information

In accordance with Waitaki District Council Standing Orders 2016 to 2019, Clause 17.5, and pursuant to Resolutions HERC 2018/026 and HERC 2018/028 of this meeting, the Committee APPROVED the release of previously public excluded information as set out below because there was no need for its ongoing protection under section 48(1) of the Local Government Official Information and Meetings Act 1987.

#### Agenda Item 8 – Confirmation of Public Excluded Minutes of the Previous Meeting – 5 June 2018 PE

RESOLVED  
HERC 2018/025

Cr Jim Hopkins / Cr Craig Dawson  
That the Heritage, Environment and Regulatory Committee confirms Public Excluded Minutes of the Committee held on 5 June 2018, as circulated, as a true and correct record.

CARRIED

**Agenda Item 9 – Heritage, Environment and Regulatory Group Activity Report PE**

RESOLVED  
HERC 2018/027

Mayor Gary Kircher / Cr Craig Dawson  
That the Heritage, Environment and Regulatory Committee receives and notes the information in the Public Excluded Heritage, Environment and Regulatory Group Activity Report to this meeting.

CARRIED

There being no further business, the Chairman declared the meeting closed at 11.50am.

TO BE CONFIRMED at the Heritage, Environment and Regulatory Committee Meeting to be held on the 28<sup>th</sup> day of August 2018 in the Council Chamber, Office of the Waitaki District Council, 20 Thames Street, Oamaru.

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Chairman

# Heritage, Environment and Regulatory Committee Report

**From** Roger Cook, Building Services Manager

**Date** 28 August 2018

## 2018 Dangerous and Insanitary Buildings Policy

### Recommendations

The Heritage, Environment and Regulatory Committee recommends:

That Council:

1. Receives this information
2. Approves the draft Dangerous and Insanitary Buildings Policy
3. Approves the draft Statement of Proposal, with a consultation period of 13 September to 15 October 2018
4. Approves the draft Consultation Document
5. Approves the draft Engagement Plan
6. Notes that submissions will be heard the week beginning 25 September
7. Confirms if submissions will be heard by the Heritage, Environment and Regulatory Committee or Council.

### Objective of the Decision

To update the Dangerous and Insanitary Buildings Policy to reflect new regulations and the removal of the Earthquake-prone buildings (EPBs) Section as per the Building (Earthquake-prone Buildings) Amendment Act 2016 (the EPB Act).

### Summary

It is proposed that the Committee recommend to Council that the updated version of the Dangerous and Insanitary Buildings Policy be approved for public consultation, in order to ensure that Council meets its statutory requirements under the Building (Earthquake-Prone buildings) Amendment Act. As a result of the introduction of the Building (Earthquake-Prone buildings) Amendment Act, EQP Buildings must be removed from existing Dangerous and Insanitary Building Policies. Officers have reviewed our policies against a number across the country and minor changes have been recommended for consultation.

### Summary of Decision Making Criteria

	No/Moderate/Key		No/Moderate/Key
Policy/Plan	High	Environmental Considerations	Key
Legal	High	Cultural Considerations	Moderate
Significance	No	Social Considerations	No
Financial Criteria	No	Economic Considerations	High
Community Views	No	Community Board Views	Moderate
Consultation	No	Publicity and Communication	No

### Background

#### Previous Dangerous and Insanitary Buildings Policies

The previous policy, adopted in 2006, covered earthquake-prone buildings (EPB), seismicity, and identification and assessment methods for EPB. The 2006 policy also outlined Council's priorities and methods of taking action on these EPB. However, pursuant to the Act, territorial authorities are no longer authorised to have individual EPB policies. Instead, a centralised framework has been introduced to ensure the way buildings are managed in earthquake events is consistent across the country and that adequate information is readily available for people using buildings, such as notices placed on an EPB and a public register.

Additionally, territorial authorities are now required to take into account affected buildings, which have the definition given in Section 121A of the Building Act 2004 (The BA Act).

### **Dangerous and Insanitary Buildings Policy 2018**

The draft policy removes mention of an EPB and includes affected buildings. The policy also includes definitions for Heritage Buildings and Land Information Memorandum (LIM), as well as relevant provisions from the Act and the Building Act 2004 that are referred to in the draft Policy. There are new sections on Dealing with Building Owners, Options for Immediate Action on Dangerous and/or Insanitary Buildings, and a Risk Calculator to aid in the decision-making process on importance level of assessment timeframes.

### **Summary of Options Considered**

**Option 1** – Approve the updated Dangerous and Insanitary Buildings Policy (Appendix 1) with references to EPB removed as per the Building (Earthquake-prone Buildings) Amendment Act 2016.

**Option 2** – Approve the updated draft Dangerous and Insanitary Buildings Policy that removes mention of EPB and includes affected buildings and additional information regarding Offensive Buildings, Heritage Buildings, LIMs, and relevant sections of the Building Act defined in greater detail, as well as procedures for Affected Buildings, Dealing with Building Owners, Options for Immediate Action, and setting timeframes for assessment of dangerous or insanitary buildings. Changes are detailed in appendix 2.

**Option 3** – Reject the updated version of the Dangerous and Insanitary Buildings policy. This is not recommended, as Council would then be in breach of the EPB Act, which requires that territorial authorities no longer have a local EPB policy. It would also be in breach of the Building Act 2004, which requires that territorial authorities have a Dangerous and Insanitary Buildings Policy on record.

### **Assessment of Preferred Option**

Option 2 – approve the updated Dangerous and Insanitary Buildings Policy with additional information.

Having considered the options summarised above, the following conclusions have been reached:

1. An update of the Dangerous and Insanitary Buildings Policy is required on a five-yearly basis and must update the amendments outlined in the EPB Act 2016
2. New Dangerous and Insanitary Buildings Policies are now required to take into account Affected Buildings
3. Expanding the definitions and procedures outlined in the policy gives Council more power to take action on Dangerous, Insanitary, and Affected buildings.
4. Option 2 is the most comprehensive update of the Dangerous and Insanitary Buildings Policy.

### **Conclusion**

After assessing the options outlined above, it is recommended that the Council adopt the updated Dangerous and Insanitary Buildings Policy in its entirety, so as to reflect updated legislation and requirements as well as expand and define the powers given to Council in terms of dealing with buildings that meet the criteria for dangerous or insanitary in a clearer manner.

Although certain updates are required, such as the removal of an EPB policy and the additional considerations for affected buildings, some of the updated sections in the draft Policy are not mandatory, and could be edited pursuant to Option 1 outlined above.



Roger Cook  
**Building Services Manager**



Lichelle Guyan  
**Heritage, Environment and Regulatory Group Manager**

## **Appendices**

- Appendix 1 – Draft Dangerous and Insanitary Buildings Policy
- Appendix 2 – Summary of Changes
- Appendix 3 – Draft Statement of Proposal
- Appendix 4 – Draft Consultation Document
- Appendix 5 – Draft Engagement Plan

## **Additional Decision Making Considerations**

The following matters have been considered in making the decisions.

- Costs versus benefits associated with retrofitting buildings

## **Outcomes**

We keep our community safe – A current bylaw enable staff to take action when a building meets the criteria.

Updating the policy to reflect new legislation ensures that we are not in breach of the Building (Earthquake-prone Buildings) Amendment Act 2016 or the Building Act 2004.

## **Policy and Plan Considerations**

In drafting this policy, special attention was paid to updated legislation requiring the removal of local EPB policies as well as the requirement for TA's to take into account affected buildings. In the provision of additional definitions and procedures, care was taken to ensure that powers of Council were not limited by inadequate wording. Additionally, Council's Significance and Engagement Policy as well as Section 83 of the Local Government Act 2002 were utilized in determining the public consultation strategy for this review.

## **Community Views**

By encouraging and in some cases mandating that dangerous and insanitary homes be repaired, we are improving the value of our communities both from health and safety perspectives as well as an aesthetic perspective. Additionally, care is being taken to ensure that Heritage Buildings are being preserved in a safe and effective manner.

## **Financial Considerations**

Understanding that retrofitting or repairing homes can be costly to the homeowner, the policy allows for cooperation between the homeowner and Council, so that an equitable solution may be reached.

## **Legal Considerations**

We are legally mandated by the Building Act to have a Dangerous and Insanitary Building Policy and the Building (Earthquake-prone Buildings) Amendment Act 2016 to remove any EPB policy that we may have, in favour of a nationally-centred earthquake-prone building policy and register.

## **Environmental Considerations**

Dangerous, Insanitary, and Offensive Buildings can be detrimental to the natural environmental quality of our region and can, in the case of insanitary waste removal or storm water runoff, have negative impacts on environmental wellbeing.

## **Publicity and Communication Considerations.**

As per the Local Government act 2002, the Council must follow the Special Consultative Procedure set out in Section 83. Additionally, this policy meets the requirements set out in Schedule 1 relating to strategic assets of the Council's Significance and Engagement Policy, which requires that information on the review be made available for public consultation.

The draft Statement of Proposal, Consultation Document and Engagement Plan are detailed in Appendices 3-5.

**Appendices****Appendix 1 – Draft Dangerous and Insanitary Buildings Policy****Waitaki District Council****POLICY ON DANGEROUS AND  
INSANITARY BUILDINGS  
2018**

**(proposed) Adopted:  
4 December 2018**

**(proposed) Effective:  
10 December 2018**

**Next review date:  
December 2023**

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# WAITAKI DISTRICT COUNCIL DANGEROUS AND INSANITARY BUILDINGS POLICY 2017

## 1. Introduction and Background

- 1.1 Section 131 of the Building Act 2004 ("the Act") requires territorial authorities ("TAs") to have a policy on dangerous and insanitary buildings. Additionally, Council is now also required to take into account affected buildings<sup>1</sup>.
- 1.2 One of the key purposes of the Act, as set out in Section 3, is to ensure 'people who use buildings can do so safely and without endangering their health'. Section 4 details the principles to be applied in performing functions under the Act and specifically states that TAs must take these principles into account in the adoption and review of their dangerous and insanitary building policies.
- 1.3 This policy was originally adopted by the Waitaki District Council ("Council") in 2006 in accordance with the requirements of the Building Act 2004.
- 1.4 The policy is required to state<sup>2</sup>: The approach that the Council will take in performing its functions under the Act; Council's priorities in performing those functions; and how the policy will apply to heritage buildings.
- 1.5 In reviewing, amending and adopting this policy, Council has followed the special consultative procedure set out in Section 83 of the Local Government Act 2002.
- 1.6 In many, but not all, cases whether a building is dangerous, affected or insanitary status will not be readily apparent. For that reason, any attempt to identify these buildings proactively is unlikely to be successful unless Council has considerable resources to undertake inspections and evaluations of buildings.
- 1.7 As a consequence, the most likely sources of information concerning dangerous, affected or insanitary buildings continues to be from building occupants, neighbours, or as the result of an inspection by the Police, the Fire Service or other agencies authorised to inspect buildings. Other sources of information will be known directly by Council, possibly following a significant weather event.
- 1.8 Relying on complaints to provide information concerning potentially dangerous or insanitary buildings continues to be the most practical way in which Council can identify both these buildings and affected buildings within the district and undertake its statutory responsibilities.
- 1.9 The Dangerous and Insanitary Buildings Policy will no longer cover earthquake-prone buildings. Earthquake-prone buildings are now covered under Section 133 of the Act.

## 2. Definitions

The following definitions, contained in the Building Act 2004, will be used to determine whether a building is insanitary, dangerous or earthquake-prone:

- **Dangerous:** (s121(1)) – "A building is dangerous for the purposes of this Act if –
  - a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause –
    - (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property, or
    - (ii) damage to other property; or
  - b) In the event of fire, injury or death to any person in the building or to persons on other property is likely."
- **Insanitary:** (s123) "A building is insanitary for the purposes of this Act if the building

- a) is **offensive** or likely to be injurious to health because –
  - (i) of how it is situated or constructed; or
  - (ii) it is in a state of disrepair; or
- b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or
- c) does not have a supply of potable water that is adequate for its intended use; does not have sanitary facilities that are adequate for its intended use.”
- **Affected building:** (s121A) “The building is an affected building for the purposes of this Act if it is adjacent to, adjoining, or nearby –
  - a) a dangerous building as defined in Section 121; or
  - b) a dangerous dam within the meaning of Section 153.”
- **Heritage building:** “a building that is included on -
  - a) The New Zealand Heritage List/ Rārangī Kōrero maintained under Section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or
  - b) The National Historic Landmarks/ Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under Section 81 of the Heritage New Zealand Pouhere Taonga Act 2014”
  - c) The Waitaki District Plan Heritage Values Section 2
- **Land Information Memorandum:** document drawn from council records containing -
  - a) Any special features or natural hazards of the land
    - a. Ex. Potential erosion, falling debris, subsidence, inundation, likely presence of hazardous substances
  - b) Information on private and public storm water and sewerage drains
  - c) Valuation and rating information, including any rates owing
  - d) Any consents, certificates, notices, orders, or requisitions affecting land or buildings
- **Other Provisions contained in the Act**
  - a) Section 123A defines “parts of a building”
  - b) Section 124 describes powers of territorial authorities in respect of dangerous, affected buildings
  - c) Sections 125-130 describe procedures to be applied in the exercise of those powers
  - d) Section 131 provides that a territorial authority must adopt a policy on dangerous buildings

### 3. Policy Approach

#### 3.1 Policy Principles

Provisions of the Act with regard to dangerous, affected or insanitary buildings reflect the government's broader concern with the safety of the public in buildings, and with the health and safety of people occupying buildings that may be considered to be dangerous, affected or insanitary. However, Council recognises that public safety must be balanced against the other broader economic issues and in relation to other Council Policy. This policy replaces any previous iterations of this or similar acts or policies.

#### 3.2 Overall Approach

- (i) Sections 124 to 130 of the Act provide the authority necessary for TAs to take action on dangerous, affected or insanitary buildings and set out how this action is to be taken.
- (ii) Council will continue to encourage the public to discuss their development plans with Council and to obtain building consent for work Council deems is necessary prior to any work commencing. This is particularly important in order to avoid creating dangerous or insanitary conditions that could be injurious to the health of occupants, particularly children and the elderly, or where safety risks are likely to arise from a change in use.
- (iii) Council has in the past relied upon complaints from various sources to identify dangerous or insanitary buildings and will continue with this passive approach.
- (iv) All new buildings must meet guidelines

### 3.3 Identifying Dangerous, Affected or Insanitary Buildings

- (i) Council will:
  - Take a passive approach to identification of buildings.
  - Actively respond to and investigate all buildings complaints received.
  - Identify from these investigations any buildings that are dangerous, affected or insanitary.
  - For dangerous buildings, inform the owner(s) and occupier of the building to take action to reduce or remove the danger; as is required by Sections 124 and 125 of the Act; (and liaise with the New Zealand Fire Service when Council deems it is appropriate, in accordance with Section 121(2) of the Act).
  - For insanitary buildings, inform the owner(s) of the building to take action to prevent the building from remaining insanitary as is required by Sections 124 and 125 of the Act (and liaise with the Medical Officer of Health when required).
- (ii) For affected buildings, inform the owner(s) of the building only when restricting entry to the building.

### 3.4 Assessment Criteria

- (i) Council will assess dangerous, affected or insanitary buildings in accordance with the Act and established case law, as well as the building code.
- (ii) Council will:
  - Investigate as to whether the building is occupied.
  - Assess the use to which the building is put.
  - Assess whether the dangerous or insanitary conditions pose a reasonable probability of danger to occupants or visitors, or to the health of any occupants of the building. Upon the determination that a building is dangerous assess whether the dangerous building poses a reasonable probability of danger to occupants or visitors of any adjacent, adjoining or nearby buildings.
- (iii) Considerations as to dangerous assessment where a building is either occupied or not may include:
  - Structural collapse.
  - Loose materials/connections.
  - Overcrowding.
  - Use which is not fit for purpose.
  - Seeking advice from the New Zealand Fire Service<sup>3</sup>.
- (iv) Considerations as to insanitary assessment where a building is occupied may include:
  - Adequate sanitary facilities for the use.
  - Adequate drinking water.
  - Separation of use for kitchen and other sanitary facilities.
  - Likelihood of moisture penetration.
  - Natural disaster.
  - Defects in roof and walls/poor maintenance/occupant misuse.
  - The degree to which the building is offensive to adjacent and nearby properties.
- (v) A building will be deemed to be an affected building if it is adjacent, adjoining or nearby a building which Council has assessed as being a dangerous building.
- (vi) If, following a seismic event or other disaster a building had previously been assessed as not dangerous or insanitary, the Council will reassess the building under the conditions laid out in this policy.

### 3.5 Taking Action

(i) In accordance with Sections 124 and 125 of the Act the Council will:

- Advise and liaise with the owner(s) of the buildings identified as being dangerous, affected or insanitary.
- As a consequence of a building being identified as dangerous consider whether any buildings should be regarded as being an affected building for the purposes of the Act.
- May request a written report on the dangerous building from the New Zealand Fire Service.

(ii) If found to be dangerous or insanitary:

- Attach written notice to the building requiring work to be carried out on the building, within a time stated in the notice being not less than ten (10) days, to reduce or remove the danger.
- Give copies of the notice to the building owner, occupier, and every person who has an interest in the land, or is claiming an interest in the land, as well as the Heritage New Zealand Pouhere Taonga, if the building is a heritage building.
- Contact the owner at the expiry of the time period set down in the notice in order to gain access to the building to ascertain whether the notice has been complied with.
- Where the danger is the result of non-consented building work, Council will formally request the owner(s) to provide an explanation as to how the work occurred and who carried it out and under whose instructions; (and apply for a Certificate of Acceptance if applicable).
- Pursue enforcement action under Section 328 of the Act if the requirements of the notice are not met within a reasonable period of time as well as any other non-compliance matters.

(iii) Where Council has determined under Section 121A of the Act that a building is an "affected building" Council may do any or all of the following:

- Erect a hoarding or put up a fence around the building;
- Attach a notice warning people not to approach the building;
- Issue a written notice restricting entry to the affected building for particular purposes or to particular groups of people for a maximum period of thirty (30) days. Such notice may be reissued once for a further thirty (30) days.
- Liaise with the New Zealand Fire Service when Council deems it appropriate, in accordance with Section 121 (2) of the act.

(iv) If the building is considered to be immediately dangerous or insanitary Council may:

- Cause any action to be taken to remove that danger or insanitary condition (this may include prohibiting persons using or occupying the building and demolition of all or part of the building); and
- Take action to recover costs from the owner(s) if Council must undertake works to remove the danger or insanitary condition.
- The owner(s) will also be informed that the amount recoverable by Council will become a charge on the land on which the building is situated.
- Building Act Section 375 allows council to prosecute building owners.

(v) Options for immediate action include:

- Prohibiting any person from occupying or using the building;
- If necessary, erecting barriers and warning signs, plus securing the building to prevent entry until such time that remedial action can be taken;
- Undertaking remedial action under Section 129 of the Act. Note that in the case of insanitary buildings, Council reserves the right to use powers available under Section 34 of the Health Act 1956.

(vi) All owners have a right of appeal as defined in the Act, which can include applying to the Department of Building and Housing for a determination under Section 177 of the Act.

### 3.6 Interaction between the Dangerous and Insanitary Buildings policy and related sections of the Act:

- (i) Section 41: Building consent not required in certain cases under Section 41(1) of the Act.
- (ii) In cases where a building is assessed as being immediately dangerous or insanitary Council may not require prior building consent to be obtained for any building work required so as to remove the dangerous or insanitary condition immediately. However, where Council has issued a notice under Section 125(1) of the Act it must advise the owner of the building if a building consent will be required prior to the owner commencing any remedial works to the building.
- (iii) Prior to the lodging of a building consent application for the work required under the notice it is imperative that building owners discuss any works with Council. In those circumstances where Council has not required a building consent to be issued prior to the commencement of the remedial works required by the notice, the building owner will still be required to apply for a certificate of compliance as required by the Act.

### 3.7 Record Keeping

- (i) Any buildings identified as being dangerous or insanitary will have a notation placed on the property file for the property on which the building is situated until the danger or insanitary condition is remedied.
- (ii) A notation will be placed on the property file of an affected building until such time as the dangerous condition of the adjacent, adjoining or nearby building has been rectified.
- (iii) In addition, the following information will be placed on the Land Information Memorandum (LIM):
  - Notice issued that the building is dangerous, insanitary or is an affected building.
  - Copy of letter to owner(s), occupier and any other person that the building is dangerous, insanitary or is an affected building.
  - Copy of the notice given under Section 124(1) that identifies the work to be carried out on the building and the timeframe given to reduce or remove the danger or insanitary condition.

### 3.8 Economic Impact of Policy

Due to the lower number of dangerous, affected or insanitary building encountered annually by Council, the economic impact of this policy is, at this date, considered to be low. However, Council will be conscious of the costs of any work required to remove dangerous or insanitary conditions in the broader social and economic context of the community.

### 3.9 Access to Information

- (i) Information concerning dangerous, affected or insanitary buildings will be contained on the relevant LIM and Council records.
- (ii) In granting access to information concerning dangerous, affected or insanitary buildings, Council will confirm to the requirements of the Local Government Official Information and Meetings Act 1987 and Local Government Act 2002.

### 3.10 Dealing with Building Owners

- (i) Before exercising its powers under Section 124 of the Act, Council will seek, within a defined time-frame, to discuss options for action with owners on a mutually acceptable approach leading to receipt of formal proposal from the owners for dealing with the dangerous, affected, or insanitary situation under Section 124 of the Act, or action being taken under the Health Act 1956.

- (ii) In the event that discussion do not yield a mutually acceptable approach and proposal, Council may commence with proceedings in accordance with Section 124 of the Act.
- (iii) Where parties other than the building owner have access to the building, Council will exercise its powers without delay in the interests of protecting the public. The owner will be kept fully informed of the process.

#### 4. Heritage Buildings

4.1 Council believes it is important that heritage buildings within the District do not pose a risk to the safety of occupants or other buildings. However, Council does not wish to see the intrinsic heritage value of such buildings adversely affected by structural improvement measures.

4.2 Heritage buildings (that is those buildings identified in the Waitaki District Council Operative District Plan or by Heritage New Zealand Pouhere Taonga) will be assessed in the same way as other dangerous or insanitary buildings.

4.3 Where a heritage building has been identified as dangerous or insanitary, discussions will be held with owners of the building, Heritage New Zealand Pouhere Taonga and other stakeholders to identify a mutually acceptable way forward. Special efforts will be made to meet heritage objectives specified in the Operative District Plan.

4.4 The fact that a building has heritage status does not mean that it can be left in a dangerous or insanitary condition. As per Section 125(2) (f) of the Act, a copy of any notice issued under Section 124 of the Act will be sent to Heritage New Zealand Pouhere Taonga where a heritage building has been identified as a dangerous, affected or insanitary building. Council will support heritage buildings whenever possible but ultimately, safety will take priority over heritage.

#### 5. Priorities

5.1 The Council will give priority to buildings where it has been determined that immediate action is necessary to fix dangerous or insanitary conditions. Immediate action will be required in those situations to fix those dangerous or insanitary conditions such as prohibiting occupation of the property, putting up a hoarding or fence or taking prosecution action where necessary.

5.2 Buildings that are determined to be dangerous or insanitary, but not requiring immediate action to fix those dangerous or insanitary conditions, will be subject to the minimum timeframes to prevent the building from remaining dangerous or insanitary (not less than ten (10) days) as set in Section 124(1)(c) of the Act.

5.3 Council will use the following matrix to determine the timeframe in which the initial assessment will commence.

Assessment priority matrix

Risk calculator (Level of risk x Consequence of Failure)

Level of Risk	CONSEQUENCE OF FAILURE				
	Negligible (1)	Minor (2)	Moderate (3)	Major (4)	Extreme (5)
Very High (5)	5	10	15	20	25
High (4)	4	8	12	16	20
Medium (3)	3	6	9	12	15
Low (2)	2	4	6	8	10
Very Low (1)	1	2	3	4	5

Priority	Score	Working Days
Immediate	≥ 15	2
High	10-14	3
Medium	6-9	10
Low	≤ 5	20

## Definitions

### Level of Risk:

- **Very high:** accessed daily by large groups of people (e.g. hospital, education facilities, police/fire stations, prisons, community centres, supermarkets).
- **High:** accessed regularly by small groups of people (e.g. offices, shops, apartments).
- **Medium:** accessed daily (e.g. personal dwellings).
- **Low:** infrequent access, or exposure to hazard (e.g. detached garages, workshops, and sleepouts).
- **Very low:** unlikely to be occupied, space typically used for storage only (e.g. sheds, barns, storage units).

### Consequence of failure:

- **Negligible:** no injuries, no inconvenience to building users, no impact on adjacent buildings/property.
- **Minor:** no injuries, some inconvenience to building users, unlikely to impact adjacent buildings/property.
- **Moderate:** No injuries, inconvenience to building owners, likely to impact adjacent buildings/property.
- **Major:** serious injury or death, evacuation or short term sheltering may be required.
- **Extreme:** multiple deaths/ serious injuries, failure of building likely to impact on adjacent buildings/property, evacuation or short term sheltering is required.

## 6. Policy Review

This policy will be reviewed on a 5 yearly basis from the date of adoption as required by Section 132(4) of the Building Act 2004. Policy can be amended when required, subject to provision of building code.

## Notes

- 1 Section 132(a) Building Act 2004 which came into force on 27 November 2013
- 2 Section 131(2) of the Building Act 2004
- 3 Section 121(2)(a) of the Building Act 2004

## Appendix 2 – Summary of Changes

### Table of Changes Draft Dangerous and Insanitary Buildings Policy

- 1. Dates**
  - a. Updated adoptions and effective dates
- 2. Background**
  - a. Included section regarding relevant legislation that mandates removal of earthquake-prone building references
- 3. Definitions**
  - a. Added definitions for
    - i. Offensive buildings
    - ii. Heritage buildings
    - iii. Land Information Memorandum
  - b. Added sections for other provisions contained in the Building Act 2004
- 4. Taking Action**
  - a. Added section for options for immediate action
  - b. Added section for dealing with building owners
- 5. Priorities**
  - a. Added risk calculator matrix to aid in timeframe decision-making
  - b. Added definitions for levels of risk and consequences of failure



# **Dangerous and Insanitary Buildings Draft Policies 2018**

## **STATEMENT OF PROPOSAL**

### **Summary of Information**

Waitaki District Council ('the Council') is seeking feedback on the proposed review of the Dangerous and Insanitary Buildings Policy. This policy seeks to address dangerous, insanitary, and affected buildings within the confines of the Building Act 2004 ('the Act') and the Building (Earthquake-prone Buildings) Amendment Act 2016 ('the Amendment').

### **Introduction**

Waitaki District Council is proposing to adopt the draft Dangerous and Insanitary Buildings Policy 2018.

The purpose of this policy is, in accordance with the act, so that "people who use buildings can do so safely and without endangering their health". The Act provides the means to ensure that dangerous, insanitary, or affected buildings are improved to meet Building Code standards, and the Council will administer the Act in a fair and reasonable way.

The policy is applicable to the Waitaki District in its entirety.

The Local Government Act 2002 (LGA2002) requires Waitaki District Council to follow the Special Consultative Procedure when reviewing its Dangerous and Insanitary Buildings Policy. Likewise, this policy meets the requirements set out in Schedule 1 of the Council's Significance and Engagement Policy, which determines which matters must be made available for public consultation.

Following public consultation of the proposed Dangerous and Insanitary Buildings Policy and in consideration of any submissions received, Council will be required to adopt and publicly notify the resulting Dangerous and Insanitary Buildings Policy 2018.

This Statement of Proposal has been prepared in accordance with the requirements set out in Section 83 of the LGA 2002 for the adoption of the Special Consultative Procedure. It includes:

- a. A proposed Dangerous and Insanitary Buildings Policy;
- b. The reasons for the proposal;
- c. The statement of proposal;
- d. A description of how the local authority will provide persons interested in the proposal with an opportunity to present their views to the local authority;
- e. Provide an opportunity for persons to present their views; and
- f. A statement of the period within which views on the proposal may be provided to the local authority.

## Reasons for the Proposal

The Act requires Territorial Authorities (TAs) to adopt a policy on dangerous and insanitary buildings. Council is required under Section 132A of the act to review its policy and now take into account affected buildings. Additionally, the policy now excludes reference to earthquake-prone buildings, which are now covered under a centrally-governed policy that aims to increase consistency across the country.

Provisions in the Act in regard to dangerous, insanitary and affected buildings reflect the Government's broader concern for life, health and safety of the public in buildings, and with people occupying buildings that may be considered to be dangerous, insanitary or affected. However, council also recognises that this policy needs to balance public safety and overall community good against the costs and broader economic restraints that impact building owners and the community as a whole.

The policy, pursuant to Section 131 of the Act, states the following:

- a. The approach that Council will take in performing its functions under the building Act 2004;
- b. The council's priorities in performing those functions; and
- c. How the policy will apply to heritage buildings.

This policy aligns with the Council's Long Term Plan goals to keep the district affordable while maintaining the safest possible community and valuing and protecting the district's distinctive environment and heritage.

## Options

Option 1: Adopt the Proposed Dangerous and Insanitary Buildings Policy 2018 with all mention of earthquake-prone buildings removed.

This options involves Council adopting the proposed policy in accordance with the Building (Earthquake-prone Buildings) Amendment Act 2016, which requires that TAs no longer have local earthquake-prone building policies.

Option 2: Adopt the Proposed Dangerous and Insanitary Buildings Policy 2018 with revisions

This option involves Council adoption of the proposed policy, with all mention of earthquake-prone buildings removed, affected buildings added, and numerous sections edited or added for clarity.

Option 3: Do not adopt the Proposed Dangerous and Insanitary Buildings Policy 2018

This option involves Council not adopting the proposed policy, which would leave council in violation of the legal obligations of TAs set out in the Act.

## Proposed Dangerous and Insanitary Buildings Policy 2018 at a Glance

Council proposes to amend its existing Dangerous and Insanitary Buildings Policy to reflect the legislative changes to the Act since the policy was last reviewed in 2011. Specifically, the changes target the provisions requiring Council to take into account affected buildings and to remove reference to earthquake-prone buildings pursuant to the Amendment.

In order to achieve the purpose of the Act, Council must:

- Ensure that any harmful effect on human health resulting from the use of particular building methods or products or from a particular building design, or from building work, is prevented or minimised;
- Recognise the importance of ensuring that each building is durable for its intended life and use;
- Recognise the importance of standards of building design and construction in achieving compliance with the building code;
- Acknowledge the reasonable expectations of a person who is authorised by law to enter a building to undertake rescue operations or firefighting to be protected from injury or illness when doing so;
- Acknowledge the need to provide protection to limit the extent and effects of the spread of fire, particularly in regard to household units (whether on the same land or on other property) and other property; and
- Recognise the need to provide protection of other property from damage resulting from the construction, use and demolition of a building.
- Recognize the importance of maintaining and protecting to the greatest extent possible the safety and accessibility of heritage buildings in the district.

## Form of Policy

The Proposed Dangerous and Insanitary Building Policy 2018 is considered the most appropriate means to deal with buildings that are either dangerous, insanitary or affected.

## Consultation and Submission

In making, amending, or reviewing a Dangerous and Insanitary Buildings Policy, Council must use the Special Consultative Procedure set out in Section 83 of the LGA 2002. Council has prepared and adopted the Proposed Dangerous and Insanitary Buildings Policy 2018 for public consultation. Any person can make a submission on the proposed policy.

A copy of the Statement of Proposal, including the Proposed Dangerous and Insanitary Buildings Policy 2018 and information about making a submission can be obtained from the Council website [www.waitaki.govt.nz](http://www.waitaki.govt.nz).

You can also make a submission by emailing [consult@waitaki.govt.nz](mailto:consult@waitaki.govt.nz) or by posting the submission to:

Waitaki District Council,  
Dangerous and Insanitary Buildings Policy review,  
Private Bag 50058, Oamaru 9400.

Please indicate whether you would like to speak to Council regarding your submission and include contact details. People who wish to be heard by Council will be given the opportunity to do so. The time and venue for hearing of submissions is yet to be confirmed.

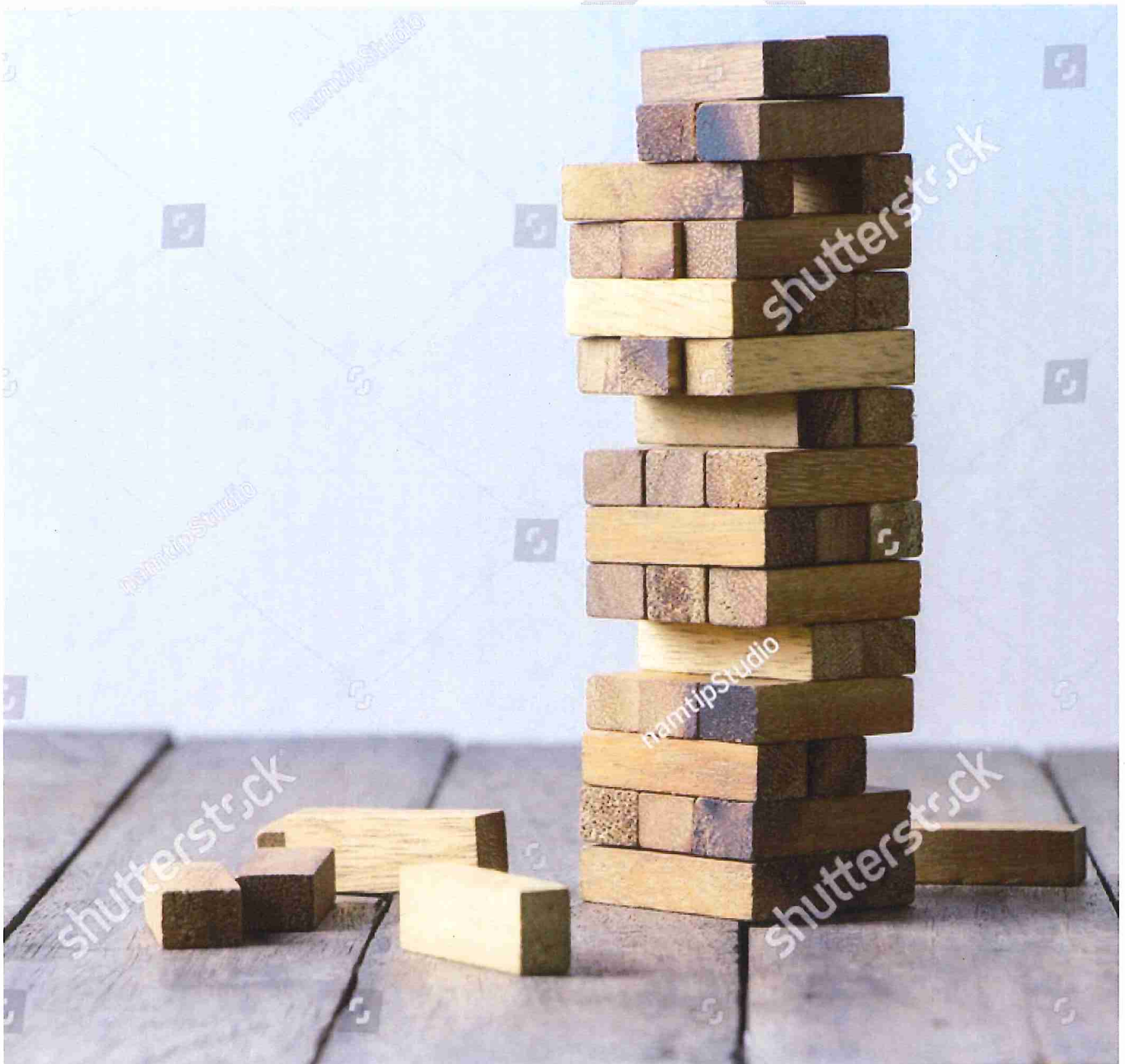
For any queries please contact: Eden Maher

The period for making submissions will be from 13 September to 15 October 2018



# **Dangerous and Insanitary Buildings Draft Policy**

**PUBLIC CONSULTATION DOCUMENT**



## Introduction and Background

According to the Building Act 2004<sup>1</sup> (the Act), Territorial Authorities (TAs) must adopt a policy on dangerous and insanitary buildings, which must state Council's stance on the following sections:

1. The approach that the TA will take in dealing with perceived dangerous and insanitary buildings;
2. The TA's priority schedule in dealing with these buildings; and,
3. How this policy will apply to any heritage buildings within the district.

In 2016, the Building (Earthquake-prone Buildings) Amendment Act<sup>2</sup> was passed, which required that TA's no longer have an earthquake-prone building policy, in favour of a centralised policy that allows for a more consistent approach to earthquake-prone buildings (EPBs). In addition to the removal of EPBs from our policy, the amendment requires that TAs now take into account affected buildings<sup>3</sup>, which are buildings located adjacent to or nearby dangerous and insanitary buildings which may become an issue if the dangerous or insanitary building is not dealt with.

The policy sets out Council's approach to dangerous and insanitary buildings, including identifying these buildings, assessing their viability, and taking action on the buildings when necessary. The policy also includes steps for record-keeping of dangerous and insanitary buildings, access to this information, and how the policy will interact with heritage buildings. Finally, the policy contains a section regarding the priority schedule for dangerous and insanitary buildings as far as how and when Council will take action. The purpose of this policy is to 'ensure that people who use buildings can do so safely and without endangering their health' and is reviewed at least every 5 years.

## Changes to the Policy

**In this draft policy, the following changes have been enacted:**

1. All references to earthquake-prone buildings and how Council will deal with these buildings have been removed;
2. Affected buildings are now included in the policy;
3. New definitions have been added for 'heritage buildings', 'land information memorandum', and 'other provisions contained in the Act';
4. A new section is included regarding the Council's options for immediate action to remedy dangerous and insanitary buildings when deemed necessary;
5. A new section is included regarding how Council will work with owners of dangerous, insanitary, or affected buildings to ensure the issue is remedied.
6. A risk calculator has been included that outlines the priority schedule for dealing with dangerous and insanitary buildings including risk levels and timeframes.

## Have Your Say

We'd like to hear from you.

Do you agree with the proposed changes to Council's Dangerous and Insanitary Buildings Policy? Answer the questions below and submit your responses by 15 October 2018 so that we will have time to consider your feedback before making a final decision.

## Submitting your Feedback

To have your say, visit [www.waitaki.govt.nz](http://www.waitaki.govt.nz), email [consult@waitaki.govt.nz](mailto:consult@waitaki.govt.nz), or post it to Waitaki District Council, Dangerous and Insanitary Buildings Policy Review, Private Bag 50058, Oamaru 9400

## Key Dates

Consultation opens:	Friday 13 September
Consultation closes:	Monday 15 October
Public hearings:	.....
Deliberations:	.....
Adoption of final policy:	.....

## Relevant Links

### 1. Building Act 2004 Section 131 – TAs must adopt policy on dangerous and insanitary buildings

[http://www.legislation.govt.nz/act/public/2004/0072/latest/DLM307308.html?search=sw\\_096be8ed816c6943\\_131\\_25\\_se&p=1&sr=2](http://www.legislation.govt.nz/act/public/2004/0072/latest/DLM307308.html?search=sw_096be8ed816c6943_131_25_se&p=1&sr=2)

### 2. Building Act 2004 – whole

<http://www.legislation.govt.nz/act/public/2016/0022/latest/DLM5616102>

### 3. Building Act 2004 Section 121A – meaning of affected building

[http://www.legislation.govt.nz/act/public/2004/0072/latest/DLM5767794.htm?search=sw\\_096be8ed816c6943\\_affected\\_25\\_se&p=1](http://www.legislation.govt.nz/act/public/2004/0072/latest/DLM5767794.htm?search=sw_096be8ed816c6943_affected_25_se&p=1)

## Dangerous and Insanitary Buildings Draft Policy Submission Form

**Name:**

**Phone Number:**

**Organisation:**

**Address:**

**Email:**

**Signature:**

1. To what extent do you support or oppose Council's Dangerous and Insanitary Buildings draft policy?

1	2	3	4	5
<b>Strongly Oppose</b>		<b>Neutral</b>		<b>Strongly Support</b>

2. Please list any comments you may have on Council's Dangerous and Insanitary Buildings draft policy below:

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3. To what extent do you agree with Council's priority structure and timeline?

1	2	3	4	5
<b>Strongly Oppose</b>		<b>Neutral</b>		<b>Strongly Support</b>

4. Please list any comments you may have regarding Council's priority structure and timeline below:

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5. To what extent do you support Council's approach to Heritage buildings in the draft policy?

1	2	3	4	5
<b>Strongly Oppose</b>		<b>Neutral</b>		<b>Strongly Support</b>

6. Please list any comments you may have regarding Council's approach to Heritage Buildings below:

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7. Please list any other comments you have regarding the policy below::

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**Do you wish to present your comments to Council?**

☐ No

☐ Yes

(We will contact you to arrange a suitable time)

**When you have completed your submission**

**Mail to:** Eden Maher  
Waitaki District Council  
2018 Dangerous and Insanitary Buildings Policy  
Private Bag 50058  
Oamaru 9444

**Email to:** [consult@waitaki.govt.nz](mailto:consult@waitaki.govt.nz)

**Hand deliver to:** Council offices in either Oamaru or Palmerston

## Appendix 5 – Draft Engagement Plan

### Dangerous and Insanitary Buildings Policy Community Engagement Plan 2018

#### Project Description and Background

The Building Act 2004 requires Council to review its Dangerous and Insanitary Buildings Policy every 5 years. Additionally, the Building (Earthquake-prone Buildings) Amendment Act 2016 requires several changes to existing policy. An initial review by Council has recommended few material changes, but is required to consult with the community in regards to the following points:

- Removal of earthquake-prone buildings from the Dangerous and Insanitary Buildings Policy, as this area is now covered by a central government procedure;
- The addition of affected buildings, which are required under new legislation to be covered in Dangerous and Insanitary Buildings Policies.
- Updated definitions list, including new entries for offensive building, heritage building, Land Information Memorandum, and other provisions contained in the Building Act 2004;
- Information on options for immediate action and dealing with building owners; and
- An Assessment Priority Matrix, which aids in the determination of timeframes for assessment of dangerous and insanitary buildings.

#### Engagement Purpose and Objectives

Consultation with the public will help Council clarify current provisions relating to dangerous and insanitary buildings as well as allow Council to determine whether the sections added and amended are necessary. The final policy will take into account submissions made by the public and stakeholders so that community views and values are accurately reflected.

- Objective of the Proposal/decision
- Reasons for Engagement
- Outputs
- Outcomes

To present the updated draft Dangerous and Insanitary Buildings Policy in order to clarify the updates regarding the removal of earthquake-prone buildings and other amendments.

To understand public expectations and attitudes towards dangerous and insanitary buildings as well as earthquake-prone buildings

- Statement of proposal
- Public Consultation Document
- Public Notification
- Supporting Information on Council's Website.
- Adopted policy which clearly reflects Council's intent regarding dangerous and insanitary buildings.

## Timeframe and Completion Date

Key Project Stages	Start Date	Completion Date
Consultation Opens:	13 September 2018	
Consultation Closes:	15 October 2018	
Public Hearings	29 October 2018	
Adoption of Policy:	4 December 2018	
Statement of Proposal Made Publicly Available	13 September 2018	15 October 2018
Public Notification	13 September 2018	15 October 2018
Submissions Received	13 September 2018	15 October 2018
Public Hearings	Week Commencing 29 October	
Analysis of Submissions	Week Commencing 29 October	
Acknowledgement of Submissions	Week Commencing 29 October	
Deliberations	Week Commencing 6 November 2018	
Adoption of Policy		4 December 2018
Final letters to Submitters	Week Commencing 10 December	

Communities and Stakeholders to be engaged with the community of the Waitaki District

## Level of Engagement

The community and relevant stakeholders will be notified via media coverage and social media such as Facebook of the review process. The statement of proposal will be made available, as will a copy of the draft policy. Internal stakeholders such as health and building officers will be notified via email or in a meeting to ensure their thoughts are considered. Stakeholders and community members will then be invited to make a submission regarding their thoughts on the policy.

## Engagement Tools and Techniques

- Draft Media Release
- Waitaki Link
- Social Media

## Communication Planning

Key Messages Include:

- New legislation requires that we remove earthquake-prone buildings from our Dangerous and Insanitary Buildings Policy
- Affected buildings are now required to be considered in dangerous and insanitary building policies
- The policy has been updated to reflect expanded definitions
- Improving and updating this policy will allow Waitaki to remain beautiful and safe for everyone to enjoy.

## Basis of Assessment and Feedback to the Communities and Stakeholder Representatives Involved

Submissions received will be collated into two separate books (verbal and non-verbal). Any submitters wishing to present their submissions will be contacted with suitable time organised. Following the decisions made by Council and the adoption of the policy all submitters will be written to advise them of the final outcomes.

## Project Team Roles and Responsibilities

### Role and Responsibilities

Oversight of Consultation  
 Acknowledging Hand-written Submissions  
 Writing to stakeholders including statement of proposal and policies  
 Summarising submissions  
 Final Letter to Submitters  
 Uploading of Hand-written Submissions on Database  
 Creation and Distribution of Submission Books to elected Members  
 Statement of Proposal  
 Advertising and Media Release  
 Distribution of Statement of Proposal and Policies  
 Online Submissions Facility  
 Uploading Consultation Information onto Webpage  
 Uploading of Electronic Submissions onto Database  
 Acknowledgement of Emailed Submissions  
 Creation of Webpage  
 Updating Policy Database

### Team Member

Roger Cook  
 Eden Maher  
 Dominic Williams  
 Dominic Williams  
 Roger Cook  
 Eden Maher  
 Dominic Williams  
 Dominic Williams  
 Lisa Scott  
 Dominic Williams  
 Jenny Song  
 Sonia Martinez  
 Jenny Song  
 Eden Maher  
 Sonia Martinez  
 Mike Searle

# Heritage, Environment and Regulatory Committee Memorandum

**From** Heritage, Environment and Regulatory Group Manager

**Date** 28 August 2018

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## Heritage, Environment and Regulatory Group Activity Report for the period 3 July to 13 August 2018

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### Recommendation

That the Heritage, Environment and Regulatory Committee receives and notes the information.

### Purpose

The purpose of this memorandum is to inform the Committee about the activities of the Heritage, Environment and Regulatory Group during the reporting period.

## 1. Heritage, Environment and Regulatory Group General

### 1.1. General

It is an exciting time with continuing activity in Building and Planning. Officers continue to prioritise work, use contractors, and manage resources to meet timeframes. More work is required to confirm resourcing needs and team managers are focused on finalising their recommendations. Officers are committed to meeting statutory timeframes but it is anticipated that service levels will be impacted over the coming months.

Community Development Coordinator Helen Algar has been made an ambassador for the White Ribbon Campaign. She is the second ambassador from Oamaru, joining Senior Sergeant Jason McCoy from New Zealand Police. Mrs Algar becomes only the fourth woman in New Zealand to receive this honour.

### 1.2. Vacancies

- Building Control Officer – two offers of employment were made and one was accepted. Matt Haywood commenced work on 6 August.
- Senior Planner – Anna McKenzie has accepted the role and starts on 27 August.
- Heritage Advisor – Nine applications were received and interviews have been completed.

## 2. Community Safety and Development

### Safer Waitaki Project

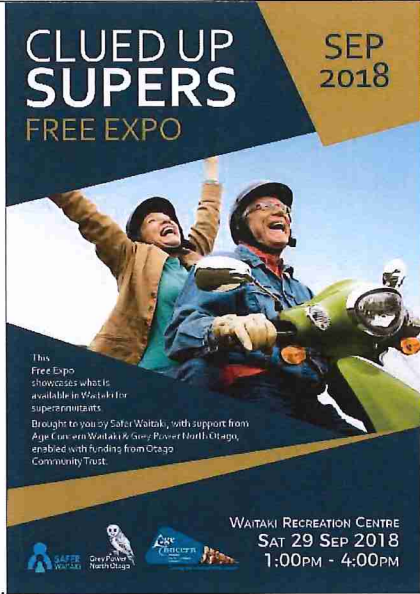
All activity is reported against the project's three strategic outcomes.

24 – 25 July: Community Development Coordinator Helen Algar and Community Safety and Development Administrator Shirley Bee attended the Safer Communities Foundation Annual Forum in Wellington. The Safer Waitaki team gave a presentation focused on Safer Waitaki activities. This was one of a number of community presentations.

A Safer Waitaki Management meeting was held at St Kevin's College Redcastle Building, Oamaru on Thursday 26 July 2018.

### Upcoming events

Date	Event
10 September 10am – 12pm	Brainwave Trust presentation – The effect of alcohol on the developing brain 'The Early Years' (this date may change due to funding availability)
10 September 7pm – 9pm	Brainwave Trust presentation – The effect of alcohol on the developing brain 'Adolescents'

Date	Event
29 September	
10 – 16 October	Mental Health Awareness Week
3 November	Skate Park Event Oamaru. Postponement date 10 November
4 November	Skate Park Event Palmerston. Postponement date 11 November
22 November	White Ribbon Ride (includes all four high schools)

## 2.1. Strategic Outcome 01 – Reduction of harm-related to alcohol, drugs and violence

### 2.1.1. Alcohol and Drugs

#### Mental Health Awareness Week

Planning for this is well underway. The theme for this week is 'Let nature in – strengthen your wellbeing'.

A working group meeting was held at Waitaki Community Mental Health on Wednesday 8 August 2018. Business included:

Supporting Parents Healthy Children: Lisa Gear

Lisa gave an overview of her role and work as Supporting Parents Healthy Children (SPHC)

Key message: The wellbeing of children is everyone's responsibility.

Supporting Families ABLE Trust – ABLE provides education and information for families with Mental Health and Addiction issues.

Elevate – An independent conflict resolution service, which offers advice on matters such as the ACC system, government agencies, conflict resolution, workplace culture and team building.

Presentation of a new Health, Disability and Social Service Directory which has been compiled by Christiana Skinner of Waitaki District Health Services. Directory is very comprehensive and is available on Safer Waitaki and Council websites. [www.saferwaitaki.govt.nz](http://www.saferwaitaki.govt.nz)  
<https://www.waitaki.govt.nz/>

#### Family Harm

The Ripple Effect Family Harm mini conference was held in the Opera House on 12 July 2018. This conference was a Safer Waitaki initiative run in collaboration with the Waitaki Safer Community Restorative Justice Provider with funding from the Ministry of Social Development. 106 people from Oamaru, Timaru, Ashburton, Dunedin, Central Otago and South Otago attended the day. The evaluation of the day exceeded expectations. Feedback was received, with 100% of respondents reporting the programme was of value and they would attend a similar programme again. 87% of respondents also reported that they would change their practices as a result of attending this conference.

## **2.2. Strategic Outcome 02 – Increased social engagement of the under 25 and over 65s Under 25**

8 – 9 August Clued-up Kids Safety event was a collaboration of a number of organisations and enabled with funding from Otago Community Trust, Waitaki Irrigators Collective, supported by Waitaki District Council Civil Defence Emergency Management, who enabled the catering. The event ran over a day and a half and included 10 stations where small groups of children were given key messages and strategies to assist them to stay safe. The event was very successful with approximately 300 year 6 students from 15 schools attending.

### **2.2.1. Over 65s**

Positive Aging Working Group

Meeting held on Tuesday 17 July 2018 in the Search and Rescue room. Business included:

Falls and Fracture Prevention Service presentation, Laura Hogue, WellSouth.

Live Stronger for Longer resources available online: [www.livestronger.org.nz](http://www.livestronger.org.nz)

## **2.3. Strategic Outcome 03 – Environmental change that makes the safe way the easy way**

### **2.3.1. Industry Link**

Meeting held Thursday 5 July 2018 at 1.30pm Search and Rescue

Business included:

Asbestos presentation by a local business about how they are planning for and managing asbestos on their site.

Asbestos can cause respiratory related issues although it can take 15 – 20 years for it to cause problems. Frequent exposure over a long period of time is most likely to cause issues.

Buildings constructed prior to 1 January 2000 are likely to have asbestos; those constructed after 1 January 2000 are unlikely to contain asbestos.

If you have been exposed to asbestos you can register with Asbestos Exposure Database (registration form available on the Worksafe website)

Worksafe website has lots of information. Businesses can sign up to receive notifications.

Businesses shared training opportunities.

### **Useful Website**

A new website has been launched to support businesses around family violence.

[www.businessworkingtoendfamilyviolence.co.nz](http://www.businessworkingtoendfamilyviolence.co.nz)

## **2.4. Engagement**

- 4 July facilitated alcohol and drug working group meeting
- 19 July attended Age Concern Committee meeting
- 11 July met with MBIE and Pasifika rep
- 16 July met with Niall Shephard RSA Welfare
- 17 July Funding meeting Stopping Violence Dunedin and Waitaki Safer Community Trust
- 17 July attended Waitaki Roadsafes AGM
- 18 July participated in Pasifika Education Summit.
- 23 July met with Age Concern Otago CEO and Age Concern Waitaki Coordinator
- 31 July met with Jordana Whyte Cosy Homes
- 2 August attended Privacy Commission workshop
- 2 August attended Waitaki Multi Cultural Council Committee meeting
- 3 August attended White Ribbon Ambassador meeting
- 7 August met with Lindsay Purvis Otago Rural Support Trust
- 8 August Met with Area Manager Central North Otago Fire and Emergency NZ
- 13 August was visited by Edwina James Team Leader | Family Violence Services and Lofi Caddick MSD Wellington
- 13 August attended Oamaru Pasifika Meeting

### 3. Building Services

#### 3.1. Activity and Service Performance

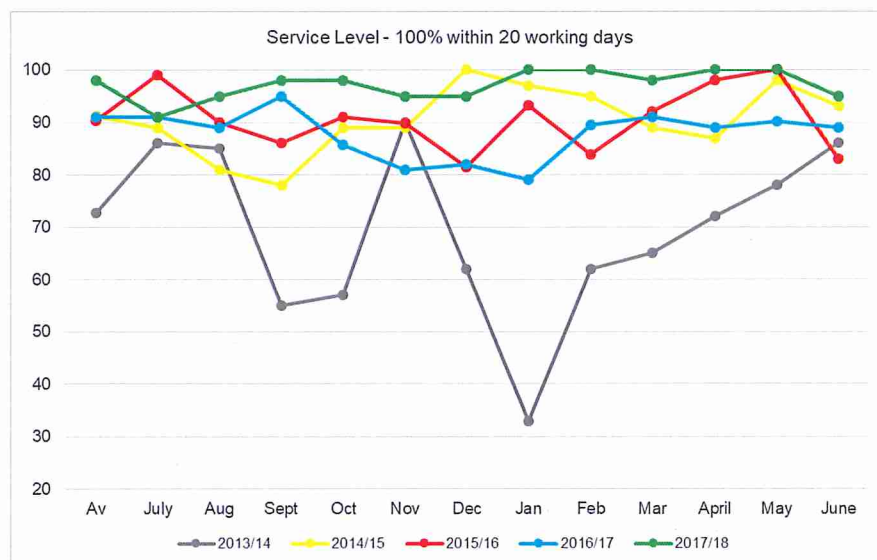
##### 3.1.1. Building Consent Activity

The new financial year has got off to a strong start. In July the Building Consent Authority received a total of 86 applications with a total value of \$9.42 million. Officers processed, approved and issued 90 consents. This is significantly higher than the average for the last 24 months of 55 and is the highest number processed in a month for the previous five years of records.

Officers also undertook 343 inspections during July achieving another record. The previous highest was 338 in November 2018 and the average per month for last year was 264.

##### 3.1.2. Service Level

The average processing days was 11. However, the statutory requirement to process 100% within 20 days was not achieved – a total of 11 consents exceeded the timeframe, which equates to 93%. Figure 1 shows how this compares to the previous five years.



**Figure 1: Service Level Comparison 2013/14 to 2017/18**

##### 3.1.3. Customer Request Management (CRM)

July has also been a busy month for CRMs and Officers are pleased to report there are no overdue CRMs. However, there has been some that have taken time to investigate and resolve to the satisfaction of all parties.

#### 3.2. Engagement

- Officers attended the Southern Area Building Officials Institute of New Zealand meeting in Invercargill. The resident Legal Counsel for Invercargill City provided a thought provoking presentation regarding Southland Stadium roof collapse, Building Code and its implications for the Sale and Supply of Alcohol Act and the level of Liability insurance required of Engineers and Contractors by Council.
- Officers continue to provide excellent availability to meet or talk to consumers regarding future developments whilst achieving the current workload.

### **3.3. Policy and Projects**

#### **3.3.1. Outstanding Code of Compliance Certificate (CCC) Project**

At the end of July 169 outstanding CCCs remained. This represents a reduction of 16 from the previous month. Officers remain optimistic regarding the closure of the project at the end of September as we are now reaching the end of the period provided to owners to take appropriate action and as a result the refused/lapsed and withdrawn category will increase.

#### **3.3.2. Exemptions under the Building Act**

Officers are finalising the process and forms after the approval of discretionary exemption for Pole Sheds. This is available from 1 September 2018, although any applications received during August will be offered an opportunity to pilot the new process.

#### **3.3.3. Building Fee Review**

Following a Council Workshop on 12 June 2018, Officers are preparing documentation for Public Consultation this has been delayed while Officers validate ongoing resourcing requirements.

#### **3.3.4. Digital Consents**

Vendor presentations have been completed during July and early August. Officers are in the process of evaluating the proposals in order to make a recommendation on the preferred system in the next few weeks.

## **4. Environmental Health Services**

### **4.1. Activity and Service Performance**

#### **4.1.1. Food Act 2014**

Officers are completing the Ministry of Primary Industry (MPI) "Titiro" reporting system for verification visits for the first time. Currently the new system does not integrate with council existing system and our officer will enter the result manually. Officers are working with Information Services to consider automated integration options.

#### **4.1.2. Dog Registration**

As of 9 August 2018, 87.9% of known dogs have been registered. Currently 662 dogs are outstanding and follow up letters have been sent. This is in line with registrations at this point in previous years.

#### **4.1.3. Dog Pound**

Following the seizure of a Menacing dog, the pound was broken into that night and the dog was taken. Within 48 hours police located the dog and it has been taken back into Council custody. Officers are in the process of increasing onsite security at the pound.

### **4.2. Engagement**

#### **4.2.1. Liquor Ban Bylaw and Alcohol Strategy**

A workshop occurred on 24 July 2018, a number of industry and related professionals attended. Feedback was positive. This work will form the background information to support ongoing discussions in relation to alcohol and the value of a Local Alcohol Policy.

#### **4.2.2. Government Regulation qualification.**

This New Zealand certificate in Regulatory Compliance has just released the next level package, Level 4 Operational Knowledge. The Heritage, Environment and Regulatory Team (and others across council) are being encouraged to complete the qualification. Several staff have already achieved Level 3.

### 4.3. Policy and Projects

#### 4.3.1. Class 4 Gambling Venues and TAB Venues Policies

Public consultations for both policies closes 5 September 2018. As of 22 August there had been no submissions received from the public.

#### 4.3.2. Dog Control Act 1996 – changes before parliament

Currently at the first reading stage of the process, draft changes to the Act to reduce the length of time it takes for charges under the Dog Control Act 1996 to be heard by allowing category 1 offences to be heard by a Justice of the Peace or a Community Magistrate.

#### 4.3.3. Sale and Supply of Alcohol (Renewal of Licences) amendment Bill (No2)

Currently at the select committee stage, this bill provides that where a local alcohol policy is in place under the provisions of the Act, any license renewal must not be inconsistent with the provisions of the local alcohol policy.

## 5. Heritage and Planning

### 5.1. Activity and Service Performance

Within July – 10 August, there were 15 non-notified consents, certificates and designations processed. 13 of these consents were processed within statutory timeframes – 93% achieved.

This included the decision for the notified resource consent for Ngai Tahu Forestry Estates for afforestation planting which independent Commissioner Colin Weatherall granted. We are currently in the period for appeals to be lodged with the Environment Court.

Also, the consent for the Natural Chicken Company, on Horse Range Road, was granted non-notified following the recommendation by the consultant planner.

A hearing was also held for a combined subdivision and land-use application in Weston Road / District Road, Weston. The decision by the Hearing Panel is pending.

#### 5.1.1. Resource Consent Decisions Made Under Delegated Authority 1 July to 10 August 2018

Date Closed	Type	Description	Location	Target Days	Process Days
03/07/18	Land Use	Locate new dwelling on site less than 3000M <sup>2</sup> in Township Zone	63-67 Nottingham Street Hampden	20	18
09/07/18	Land Use <b>WITHDRAWN</b>	Section 125 (2 <sup>nd</sup> ) build dwelling in Rural Scenic and Significant Natural Feature zone	Fortification Road, Cormacks – Kakanui	20	68
10/07/18	Designation	Outline Plan, demolish toilet block and construct new block residential	Waitaki Drive, Otematata	20	5
10/07/18	Designation	Outline Plan, decommission existing toilet block and build new block	13A Charles Street, Weston	20	5
12/07/18	Miscellaneous Certificate	Section 348 over Lots 1 and 2 District Plan 11840	22A Till Street, Oamaru	10	9
13/07/18	Land Use	Residential dwelling in Rural Scenic Zone	1 1631 Birchwood Road, Omarama	20	28

Date Closed	Type	Description	Location	Target Days	Process Days
		breaches density rule.			
13/07/18	Land Use	Section 127 amendment regarding location of dwelling.	19A Pembroke Street, Moeraki	20	11
23/07/18	Subdivision	Subdivide Lot 1 District Plan 357549 into two lots in Rural Residential and Residential Zone	20 Reservoir Road, Oamaru	20	15
23/07/18	Land Use	Install Pipeline convey water irrigation, pump sheds in Rural General, Rural Scenic and Rural Residential Zone.	143 Otiake Road, Otiake	40	47
26/07/18	Land Use	Subdivision of Lot 2 District Plan 19309 into five lots in residential Zone.	43 Reservoir Road, Oamaru	20	18
26/07/18	Subdivision	Subdivision of Lot 2 District Plan 19309 into five lots and Land Use Consent in residential Zone.	43 Reservoir Road, Oamaru	20	18
31/07/18	Land Use	Intensive Chicken Farming activity in Rural General Zone	Horse Range Road, Palmerston – Hillgrove	20	16
01/08/18	Subdivision	Subdivision of existing four titles to create 10 lots in Rural General Zone.	Horse Range Road, Palmerston – Hillgrove	20	8
02/08/18	Land Use <b>WITHDRAWN</b>	Establish contractors yard in Rural Residential Zone	101 Ardgowan Road Ardgowan – Rosebery	20	10
07/08/18	Land Use	Plant out 890 hectares in pinus radiata in Rural General Zone	Grange Hill Road, Dunback	130	127
09/08/18	Subdivision	Boundary adjustment to create four different titles in Residential Zone	14 Whitestone Crescent, Weston	20	19

### 5.1.2. Engagement

- Staff attended Mackenzie Basin Agency Alignment discussions including the Steering Group and Inter-Agency Officers' Forum.
- Planning Officers undertook Waitaki Whitestone Geopark Site Assessments with the Project Team.
- Staff attended Ministry for the Environment National Standard Roadshows.

### 5.1.3. Projects and Policy

District Plan – The district plan will not be progressed further until the Senior Planner begins. In the absence of a dedicated resource, work over this period has focused on the contract management of consultants especially related to updating outstanding natural landscape layers, significant natural areas and wahi tupuna. Land Information New Zealand has also been approached to enquire about the possibility of releasing a block of land around Otematata township for urban expansion.



Lichelle Guyan  
**Heritage, Environment and Regulatory Group Manager**