

Dangerous, Affected, and Insanitary Buildings Policy

Meeting: Kaipara District Council
Date of meeting: 28 October 2020
Reporting officer: Virginia Smith, Policy Analyst

Purpose/Ngā whāinga

To adopt the Statement of Proposal for consultation on Council's proposed Dangerous, Affected, and Insanitary Buildings Policy and to delegate the associated consultation activities to a Panel of Elected Members, to report back to Council on a recommended final Policy.

Recommendation/Ngā tūtohunga

That Kaipara District Council

- a) Approves the legislative process, analysis and consultation approach outlined in Attachment A.
- b) Adopts the Statement of Proposal provided in Attachment B for the draft Dangerous, Affected, and Insanitary Buildings Policy for community consultation (Option 1).
- c) Delegates [Insert three elected members names here] to form the Dangerous, Affected and Insanitary Buildings Panel to hear and consider community views, consider written submissions and make recommendations to Council on a final replacement Dangerous, Affected and Insanitary Buildings Policy.
- d) Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the Statement of Proposal prior to consultation.

Context/Horopaki

Council's statutory review of the Dangerous, Affected and Insanitary Buildings Policy (the Policy) has now progressed to the point where a decision of Council to consult with the community on the proposed changes is required.

Discussion/Ngā kōrerorero

Council must review the Policy every five years, and should it wish to make any amendments, or replace the Policy, it must consult with the community in accordance with section 83 of the Local Government Act 2002 (LGA).

Due to amendments to the Building Act 2004 since the last review of the Policy, Council cannot retain it in the current format and therefore must consult. Given the broad range of legislative changes required and a complete re-write of the Policy to make it more user friendly and accessible, staff are recommending replacing it with a new Policy in accordance with S132(2) of the Building Act 2004.

Staff have now developed a Statement of Proposal after presenting a draft Policy to Council at the August Council Briefing meeting for initial feedback and comments.

Council must consider a range of matters and follow a prescribed process under the LGA when considering an amendment to, or replacement of, the current Policy. These matters are summarised in **Attachment A**.

Options

In making decisions regarding proposed policies, Council is often specifically required to identify the reasonably practicable options in accordance with section 77(1) of the LGA. While this is not the case for the Policy, the reasonably practicable options are provided here for completeness and to inform decision-making on the recommendations contained in this report.

The table below outlines two reasonably practicable options for Council's consideration as contained in Attachment A. The options provided do not include keeping the Policy in its current format because this means the Policy would not be meeting the current statutory requirements, nor do they include the option of proposing amendments to the Policy.

Section 132(2) provides that Council may *amend* or *replace* a Policy. The changes required to meet the legislative requirements alone means substantial changes to the text of the existing Policy, which would be difficult to consult on as an amendment through a track changed version. Further, there are no technical differences in the process or outcome when replacing the Policy as opposed to amending it, and as such there is no value in choosing this approach.

Option	Advantages	Disadvantages
Option 1 Replace the Policy by adopting the SOP in Attachment B for consultation.	Policy meets legislative requirements and has been revised for readability and clarity.	None identified
Option 2 Request further changes to the proposed Policy prior to consultation.	None identified	Delays the finalisation of the Policy to meet statutory requirements.

Staff recommend **Option 1**.

The recommendations in this report include the establishment of a Dangerous, Affected and Insanitary Buildings Panel of up to three elected members that is delegated the authority to hear and consider community views, before making recommendations to Council on a final proposed Policy.

Subject to the decisions made at this meeting, the consultation on the proposal is scheduled to start on Monday 2 November 2020, with a final draft Policy to be presented to the March 2021 Council meeting for consideration.

Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy. The report addresses a statutory consultation matter and therefore consultation will be undertaken in accordance with legislative requirements and following the process outlined in this report and its attachments.

Next steps/E whaiake nei

Staff will undertake the necessary actions to implement the consultation and Panel activities as outlined in this report.

Attachments/Ngā tapiritanga

	Title
A	Legislative process, analysis and consultation requirements
B	Statement of Proposal – Dangerous, Affected and Insanitary Buildings Policy