



# Thames-Coromandel District Council

## Earthquake prone, Dangerous and Insanitary Buildings Policy 2006

### Statement of Proposal

#### Introduction

Thames-Coromandel District Council (the “Council”) proposes to amend the current “Earthquake-prone, Dangerous and Insanitary Buildings Policy 2006”.

#### Background

Previously the Building Act 2004 required the Council to have a policy on dangerous, earthquake-prone and insanitary buildings.

The Council's “Earthquake-prone, Dangerous and Insanitary Buildings Policy 2006” policy took effect from 30 May 2006 and was reviewed in 2011. The 2016 review was delayed pending imminent changes to the legislation. Subsequent changes to the Building Act require the Council to have a policy on just dangerous and insanitary buildings by 1 January 2019.

This Statement of Proposal (SOP) has been prepared in accordance with the Council's legal requirements to adopt a policy plan or policy or similar document under the Special Consultative Procedure. This SOP is available to you as part of the consultation process. It explains the proposed policy and tells you how you can get involved and provide us with your feedback.

#### Reasons for the Proposal

Following the 2010/11 earthquake events in Canterbury the policy review had been put on hold pending the outcomes of the Royal Commission and the Ministry of Business, Innovation and Employment (MBIE).

Subsequently government proposed changes to the legislation and the Building (Earthquake-prone Buildings) Amendment Act 2016 (the “Act”) received Royal assent 13 May 2016.

At the commencement date of the Building (Earthquake-prone Buildings) Amendment Act 1 July 2017, Council's existing policy as it applies to earthquake-prone buildings ceased to apply and the Council is no longer required to maintain a policy on earthquake-prone buildings. The Act provides a national earthquake-prone building policy that will be managed by MBIE. However Council is still required to have a policy on dangerous and insanitary buildings.

Council's current Policy has been amended removing all reference to earthquake-prone buildings. (Note: the Act provides provisions for removal of all reference to earthquake-prone buildings without requiring further public consultation).

#### The Proposal

The Council proposes to amend the current Policy by removing all reference to earthquake-prone buildings, by combining dangerous and insanitary sections that were previously separated and by transferring the policy into the new Council format.

The new policy will be:

- Dangerous and Insanitary Buildings Policy 2018.

Copies of the proposed amended policy are attached to this proposal.

The current Dangerous, Earthquake-prone and Insanitary Policy 2006 can be viewed at Thames-Coromandel District Council website or a copy requested by telephoning (07) 868 0200.

### **Assessment of Options**

The proposed amendments reflect recent legislative amendments and the Building (Earthquake-prone Buildings) Amendment Act 2016 (the Act). The Act requires a national earthquake-prone building policy that will be managed by Ministry of Business, Innovation and Employment. Council is still required to have a policy on Dangerous and Insanitary Buildings.

### **Options**

The current Policy cannot remain in its current state and needs to reflect recent legislative changes.

The matters which we would draw your attention to are:

- (a) Inclusion of *affected* buildings within the Dangerous and Insanitary Buildings Policy. This is a legislative requirement after been inserted within the Building Act 2004 (s121A) under the Building Amendment Act 2013.

The concept of an affected building arises in the context of a dangerous building (or dam) that is physically close enough to potentially dangerous buildings to pose a danger to people within the affected building.

Council has statutory powers under the Act to restrict access to affected buildings (for a limited period of time), or to prevent people from approaching the building closer than is safe to do so.

- (b) Timeframes for any assessment/remediation under the Earthquake-prone Buildings Policy will be in-line with proposed timeframes under the Building (Earthquake-prone Buildings) Amendment Act 2016.

**Option One:** After removal of all references and sections relating to Earthquake-prone buildings and including affected buildings (affected buildings must be included as this is a legislative requirement under the Building Amendment Act 2013) and combining dangerous and insanitary procedures the amended policy is largely unchanged and may be approved as such.

**Option Two:** The amended policy may be modified to reflect any changes considered necessary as a result of issues arising from submissions received during the Special Consultative Procedure.

### **Consultation**

As part of the Special Consultative Procedure required by the Local Government Act 2002 Council wishes to hear from any person, group or business that would like to make a submission on the proposed Policy.

## Have your say

**The consultation period for the bylaw will begin on 10 August 2018 and conclude at 4pm on 10 September 2018.**

Before making any final decisions, we'd like to have your input. There are a number of ways you can give your feedback:

You can:

- submit using our online consultation portal at [www.haveyoursay-tcdc.objective.com](http://www.haveyoursay-tcdc.objective.com) ;
- email us at [consultation@tcdc.govt.nz](mailto:consultation@tcdc.govt.nz) ;
- fax us on (07) 868 0234;
- complete a submission form and post it to us at Thames-Coromandel District Council, Private Bag, Thames 3540; or
- drop it into the area offices in Thames, Coromandel, Whitianga or Whangamata.

Submission forms are available at all our area offices and libraries.

If you have any questions about this proposal or about how to make a submission, please contact us on 07 868 0200 or email [customer.services@tcdc.govt.nz](mailto:customer.services@tcdc.govt.nz) .