
REPORT 3
(1215/52/IM)

DRAFT DANGEROUS AND INSANITARY BUILDINGS POLICY – REPORT BACK ON CONSULTATION

1. Purpose of Report

To report on the special consultative procedure carried out for the draft Dangerous and Insanitary Buildings Policy and to seek approval for the amended Policy to be referred to Council for adoption.

2. Executive Summary

The draft Policy is a requirement of the Building Act 2004 (BA04). The purpose and principles of this Act provide for Council to set performance standards for buildings to ensure that people who use buildings can do so safely and can escape if it is on fire.

The special consultative procedure has been undertaken for the draft Dangerous and Insanitary Buildings Policy. One written submission has been received from the Architectural Centre. Issues raised in the submission include: consideration of longer compliance times depending on the nature of risks and consequences, a wider definition of heritage buildings and limitation of inspection checklists to matters of danger or insanitary conditions, therefore excluding potential identification of other illegal works.

Following consideration of matters raised in the submission some minor technical amendments and clarifications have been made.

In most respects, the powers and responsibilities of territorial authorities in regard to dangerous and insanitary buildings, as defined by the BA04 are substantially equivalent to those in the Building Act 1991 (BA91) and the procedures used to respond to complaints will remain largely unchanged.

3. Recommendations

It is recommended that the Committee:

- 1. Receive the information.*
- 2. Note that one written submission was received during the special consultative procedure undertaken in accordance with the Local Government Act 2002 and Building Act 2004.*
- 3. Agree that issues raised by the written submission on the draft Dangerous and Insanitary Buildings Policy have been considered.*

4. *Recommend to Council that it adopt the draft Dangerous and Insanitary Buildings Policy attached as Appendix 1, subject to any amendments, pursuant to the Local Government Act 2002 and Building Act 2004.*

4. Background

The draft Policy is a requirement of the Building Act 2004 (BA04). The purpose and principles of this Act provide for Council to set performance standards for buildings to ensure that people who use buildings can do so safely and can escape if it is on fire. The policy must state Council's approach, priorities and application to heritage buildings.

Council agreed to consult on the draft Dangerous and Insanitary Buildings Policy on 8 December 2005 and the special consultative procedure was carried out between 1 February and 3 March 2006 according to the consultation plan in Appendix 5. Appendices 2 and 3 provide the Summary of Information and the Statement of Proposal respectively, used in the special consultative procedure.

The consultation material was:

- publicly notified in The Dominion Post on 26 January, 16 February and 23 February
- provided directly to all of the identified stakeholders
- posted on Council's "Have Your Say" section of the website
- available at Council's libraries and service centres
- included in Building Consents and Licensing Services publication "On the Level" sent out to architects and builders.

The consultation also included a feature article in The Dominion Post "Our Wellington" page and a summary of the draft Policy was sent to owners of all heritage buildings in the city.

5. Discussion

5.1 Policy summary

This policy is to:

- Discharge the Council's obligations under the BA04.
- Enforce the requirements of the BA04. Council will ensure that building owners reduce or remove the danger or fix insanitary conditions in a timely manner, so that conditions are mitigated before they impact on building users.
- Reaffirm current reactive practices. Officers will be prompt in responding to complaint service requests to minimise the impact of dangerous or insanitary conditions by reducing the interval between detection and remedy.
- Protect the health and safety of building users. The current reactive approach will continue to serve this outcome. Council, however, can give no assurance or guarantee that all buildings will be safe and sanitary at all times.
- Protect heritage buildings. Remedial work on heritage buildings must be completed in a way sympathetic to their heritage values. No further special measures will apply to heritage buildings however, and if assessed as dangerous or insanitary then the danger must be removed and the insanitary conditions fixed.

Council considers health and safety as a high priority. Council's priorities under this policy are to respond promptly to all complaints and to consider the need for either immediate or urgent action as appropriate based on Council's assessment.

5.2 Consultation results

One written submission was received. This submission from the Architectural Centre expresses general support for the policy and notes further material issues as follows:

| | Submission summary | Council's response |
|---|---|--|
| a | Consideration should be given to lengthening the minimum notice period for a danger to be removed where the building is unoccupied. | The 10-day notice period is a minimum and Council officers have discretion to lengthen this time depending upon the risks and consequences of the danger or insanitary conditions. |
| b | Wider definition of heritage buildings sought, extending the current policy definition being those already listed or registered, to include buildings meeting Council's district plan listing criteria. | It is proposed the heritage provisions of the policy remain limited to those buildings with confirmed heritage status. It is noted that as Council's Built Heritage Policy is implemented the number of buildings that achieve formal heritage status will change. |
| c | Limitation of any inspection checklist to matters of danger and insanitary conditions, and excluding whether the building work is legal or illegal. | While inspections under this policy will be focused on matters relating to dangerous and insanitary conditions, Council may be obliged to consider action under other parts of the Building Act if non-compliance is noted. |

6. Adoption of the Dangerous and Insanitary Buildings Policy

The Building Act 2004 sets out that Council must adopt a policy on Dangerous and Insanitary Buildings by the end of May 2006.

The Policy will need to be reviewed at least every five years.

7. Conclusion

In most respects, the powers and responsibilities of territorial authorities in regard to dangerous and insanitary buildings, as defined by the BA04 are substantially equivalent to those in the Building Act 1991 (BA91) and the procedures used to respond to complaints will remain largely unchanged.

Contact Officer: *John McGrath, Director, Policy*

Supporting Information

1) Fit with Strategic Objectives/Strategic Outcomes

This policy proposal aligns with the following Strategic Outcomes:

- (1) *More liveable*
- (9) *Safer*

2) LTCCP/Annual Plan reference and long term financial impact

The Policy relates to Annual Plan reference 1.4.2: Building Control and Facilitation. A neutral cost impact is expected given the policy's continuation of current practice.

3) Treaty of Waitangi considerations

No specific Treaty of Waitangi considerations have been identified.

4) Decision-Making

This is not a significant decision as defined by the Wellington City Council Significance Policy.

5) Consultation

a) General Consultation

This report sets out the results of the consultation

b) Consultation with Maori

Specific consultation with Maori was not undertaken.

6) Legal Implications

Legal advice was provided in the development of the draft Policy.

7) Consistency with existing policy

This report recommends new policy to replace the Building Safety Policy 1998.

DRAFT POLICY FOR DANGEROUS AND INSANITARY BUILDINGS

1. INTRODUCTION

This policy has been developed in response to requirements set out in the Building Act 2004 (BA04). Although Council already manages dangerous and insanitary buildings when they are detected or reported, the requirement to have a formal policy is entirely new.

This policy has a tenure of five years from the time it is adopted to when it must be reviewed.

This policy has been developed using the special consultative procedure under the Local Government Act 2002 including discussion with principal Council stakeholders, principal external stakeholders, adjacent territorial authorities, the Greater Wellington Regional Council, and the public.

2. POLICY OBJECTIVES

The objective of this policy is to discharge BA04 responsibilities with respect to the dangerous and insanitary buildings. The policy also includes Council's general approach, priorities and application to heritage buildings.

It is the responsibility of building owners to ensure that buildings comply with the requirements of the BA04. Council can give no assurance or guarantee that any building is safe or sanitary at any time. Council's responsibility is to ensure that when dangerous or insanitary conditions are found, that the danger is reduced or removed and that the building is prevented from remaining insanitary.

This policy applies to all buildings, even though a code compliance certificate may have been issued previously, as the current use and/or maintenance of the building can impact on the health and safety of occupants.

3. POLICY PRINCIPLES

This policy has been developed considering the purpose and principles of the BA04 which seek to ensure that:

- People who use buildings can do so safely and without endangering their health
- People who use a building can escape from the building if it is on fire.

4. PRIORITIES

Council will respond promptly to complaints and will inspect to assess the dangerous or insanitary status of a building. The assessment will determine if immediate or urgent action is necessary, if the building is confirmed as being dangerous or insanitary. If an immediate response is required, section 129 of the BA04 gives Council options to take action.

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In general, 10 days is considered a minimum notice period for the danger to be removed or the insanitary conditions to be fixed, unless the situation requires immediate rectification.

5. HERITAGE BUILDINGS

Council's Built Heritage Policy 2005 and section 6(f) of the Resource Management Act 1991 (RMA) note that building work on a heritage building must be done in a way appropriate to its heritage values. No further special measures will apply. Except in emergencies, a heritage building cannot be demolished without resource consent and demolition is not an option to remove a danger or fix insanitary conditions. The BA04 requires that any notice regarding a building listed under the Historic Places Act 1993 be copied to the Historic Places Trust.

Sections 330 and 330A of the RMA do allow for the demolition of a heritage building. This is in the case that any sudden event (for example the collapse of a building) is likely to cause loss of life, injury or serious damage to property.

6. GENERAL APPLICATION

Council's general approach is outlined in the process below:

1. Detect

When a complaint is received or a Council officer observes a potential dangerous or insanitary condition:

- the event is recorded on Council's databases
- records related to the building are searched if the urgency of the situation allows
- an inspection is arranged.

2. Assess

An assessment of the building is undertaken using the checklist and the work instruction which is an agreed process common to Hutt City Council, Upper Hutt City Council, Porirua City Council, Kapiti Coast District Council, and Wellington City Council.

Among other things, the building is inspected to determine:

- illegal building work (possibly unauthorised change of use)
- maintenance of specified systems (for fire safety and water supply protection)
- the state of repair (structure, services, passive fire protection)
- the level of safety offered by the building compared to the "acceptable solution"¹

Credible scenarios are then considered and expert advice may be taken where appropriate. A decision as to whether the building is dangerous and/or insanitary is made by an authorised Council officer and options to reduce or remove the danger or fix the insanitary conditions are explored.

¹ An acceptable solution is a document issued by the Dept. of Building and Housing as one means of compliance with the Building Code.

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3. Act

When a building is determined to be dangerous and/or insanitary, the building owner or their agent is contacted to discuss remedial options and actions when the urgency of the situation allows. The building owner can agree to complete the work within a specified time or otherwise the Council can issue a notice to require that work be done to reduce or remove the danger or fix the insanitary conditions.

If there is immediate danger to building users, Council can undertake work to remove the danger or fix the insanitary conditions and recover costs from the owner.

4. Monitor

The building will be re-inspected to confirm that the required actions have been completed or a written notice has been complied with.

5. Enforce

Where danger or insanitary conditions continue, further notices to do the remedial work will be issued. Continued failure to comply with a notice can lead to prosecution. Another option is for Council to undertake the work and recover the costs from the building owner.

7. RECORD KEEPING

Information is included on Land Information Memoranda where dangerous and insanitary conditions are confirmed but not resolved. A copy of any outstanding written notice is also included along with explanatory information of the requirements of the BA04. Information is not included when dangerous or insanitary conditions have been resolved.

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SUMMARY OF INFORMATION

FOR THE

PROPOSED POLICY FOR THE MANAGEMENT OF

DANGEROUS AND INSANITARY BUILDINGS

DECEMBER 2005

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SUMMARY OF INFORMATION IN THE STATEMENT OF PROPOSAL

The proposed policy will regulate the management of buildings determined to be dangerous and/or insanitary. Although Council already intervenes in cases where buildings are unsafe, the new policy will formalise the Council's approach where a building is considered potentially dangerous or insanitary. Council's current practices largely achieve their primary objective of removing buildings from a dangerous and/or insanitary condition.

The new proposed policy has been developed in response to a requirement in the Building Act 2004 (BA04) that territorial authorities adopt a policy for dangerous and insanitary buildings and consult widely during its development. The principal changes (from the Building Act 1991) are that the definition of dangerous has been widened with respect to fire hazard and occupancy, and notification requirements for heritage buildings are introduced.

The BA04 (S131 (2)) outlines some matters that the proposed policy must address. These are:

- the approach Council will take in dealing with these buildings
- Council's priorities in dealing with these buildings
- how the policy will apply to heritage buildings.

The Council is keen to know what ratepayers and stakeholders think about the proposed policy. The full Statement of Proposal to adopt this policy is available from John Town, Senior Policy Advisor, (04) 801 3869 or online at www.wellington.govt.nz

Submissions open Wednesday 1 February 2006 and close at 4pm Friday 3 March 2006.

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STATEMENT OF PROPOSAL FOR DRAFT POLICY FOR DANGEROUS AND INSANITARY BUILDINGS

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1. INTRODUCTION

The Building Act 2004 (BA04) obligates territorial authorities to develop a policy on the assessment and management of earthquake-prone and dangerous and insanitary buildings and to review it every five years.

This policy outlines the approach Wellington City Council ('the Council') will take to require the owners of dangerous and insanitary buildings to reduce or remove the danger or fix the insanitary conditions. A separate policy deals with earthquake-prone buildings.

In terms of this policy, *Dangerous Building* has the same meaning as Section 121 of the BA04 and *Insanitary Building* has the same meaning as Section 123 of the BA04.

2. CURRENT SITUATION

2.1 Legislation

A number of other statutes effect the assessment and management of dangerous and insanitary buildings. Relevant agencies can therefore take action under their own legislation but this does not effect the assessment of a building in terms of the BA04.

2.2 Scope of the dangerous and insanitary problem

Between August 2000 and October 2005, Council received a total of 5767 complaint service requests. About 104 (1.8% of the total) were complaints regarding potentially dangerous and insanitary buildings:

- Dangerous Building – 41
- Water ingress – 5
- Hazardous substance storage – 7
- Fire safety breaches – 51

3. KEY POLICY COMPONENTS

This policy formalises the way in which Council responds to cases in which buildings are deemed dangerous or insanitary.

3.1 Priorities

Hazards posed by dangerous and insanitary buildings must be mitigated before they impact on building users. The Council will take prompt action when reacting to complaints or when dangerous and insanitary buildings are otherwise discovered.

3.2 Heritage Building Issues

The BA04 recognises the “need to facilitate the preservation of buildings of significant cultural, historical, or heritage value”². Heritage buildings are not exempt from the requirements of the BA04 but the need to “facilitate the preservation” may influence the way remedial work is undertaken. Except in emergency circumstances heritage buildings cannot be demolished without resource consent and Council is unlikely to

² Building Act 2004 Section 4 (2) (1)

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authorise the demolition of a heritage building as a means of achieving compliance with this policy.

3.3 General approach

The policy aims to empower Council officers to continue current practices in dealing with dangerous and insanitary buildings rather than being a prescriptive guide. Council will achieve its safe building objectives by responding to complaints and by auditing buildings with compliance schedules³. Owners of buildings with specified systems⁴ are required by section 105 of the BA04 to supply a building warrant of fitness each year and this assists in meeting Council's safe building objectives.

4. DISCUSSION

4.1 General policy approach

The attached draft policy will regulate the management of dangerous and insanitary buildings in accordance with provisions in the BA04. Council's current practice is largely a reactive approach. Council BCLS officers report that this enables them to achieve the objective to remove dangers and prevent buildings from remaining insanitary. Council also takes a proactive approach in the sense that building warrant of fitness audits and inspections for building code compliance certificates may detect dangerous or insanitary conditions.

5. IMPLEMENTATION OF THE POLICY

5.1 Powers available to Council

Sections 124, 126, 128 and 129 of the BA04 give the Council recourse to a number of remedies if a building is classified as dangerous or insanitary.

5.2 Procedural steps

Council's general approach is outlined in the process below:

1. Detect

When a complaint is received or a Council officer observes a potential dangerous or insanitary condition:

- the event is recorded on Council's databases
- records related to the building are searched if the urgency of the situation allows
- an inspection is arranged.

2. Assess

An assessment of the building is undertaken using the checklist and work instruction, which is an agreed process common to Hutt City Council, Upper Hutt City Council, Porirua City Council, Kapiti Coast District Council, and Wellington City Council.

³ Building owners have a responsibility to manage a building in a manner that protects the health and safety of building users at all times. This will be achieved by the owner inspecting the building, complying with the Act and regulations and responding to complaints.

⁴ Detailed in Schedule 1 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005.

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Among other things, the building is inspected to determine:

- illegal building work (possibly unauthorised change of use)
- maintenance of specified systems (for fire safety and water supply protection)
- the state of repair (structure, services, passive fire protection)
- the level of safety offered by the building compared to the “acceptable solution”⁵

Credible scenarios are then considered and expert advice may be taken where appropriate. A decision as to whether the building is dangerous and/or insanitary is made by an authorised Council officer and options to reduce or remove the danger or fix the insanitary conditions are explored.

3. Act

When a building is determined to be dangerous and/or insanitary, the building owner or his agent is contacted to discuss remedial options and actions when the urgency of the situation allows. The building owner can agree to complete the work within a specified time or otherwise the Council can issue a notice to require that work be done to reduce or remove the danger or fix the insanitary conditions.

If there is immediate danger to building users, Council can undertake work to remove the danger or fix the insanitary conditions and recover costs from the owner.

4. Monitor

The building will be re-inspected to confirm that the agreed actions have been completed or a written notice has been complied with.

5. Enforce

Where danger or insanitary conditions continue, further notices to do the remedial work will be issued. Failure to comply with a notice is an offence and can lead to prosecution.

Another option is for Council to undertake the work and recover the costs from the building owner.

5.3 Cost

The cost of administering and enforcing the proposed policy will be met from existing budgets which is justified by the associated public health and safety benefits. This is a continuation of current practice and means that adoption of the proposed policy will be fiscally neutral for the Council.

⁵ An “acceptable solution” is a document issued by the Dept. of Building and Housing as one means of compliance with the Building Code.

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THE BUILDING ACT 2004 SECTIONS 121, 123-132

Subpart 6 – Special provisions for certain categories of buildings

Definitions of dangerous, earthquake-prone and insanitary buildings

121 Meaning of dangerous building

- (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 persons in the building or to persons on other property is likely because of fire hazard or the occupancy of the building.
- (2) For the purpose of determining whether a building is dangerous in terms of subsection (1) (b), a territorial authority –
- (a) may seek advice from members of the New Zealand Fire Service who have been notified to the territorial authority by the Fire Service National Commander as being competent to give advice; and
 - (b) if the advice is sought, must have due regard to the advice.

123 Meaning of insanitary building

- 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; or
 - (d) does not have sanitary facilities that are adequate for its intended use.

Powers of territorial authorities in respect of dangerous, earthquake-prone, or insanitary buildings

124 Powers of territorial authorities in respect of dangerous, earthquake-prone or insanitary buildings

- (1) If a territorial authority is satisfied that a building is dangerous, earthquake-prone or insanitary, the territorial authority may –
- (a) put up a hoarding or fence to prevent people from approaching the building nearer than is safe;
 - (b) attach in a prominent place on, or adjacent to, the building a notice that warns people not to approach the building;
 - (c) give written notice requiring work to be carried out on the building, within a time stated in the notice (which must not be less than 10 days after the notice is given under section 125), to-
 - (i) reduce or remove the danger; or
 - (ii) prevent the building from remaining insanitary

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- (2) This section does not limit the powers of a territorial authority under this part.
- (3) A person commits an offence if the person fails to comply with a notice given under subsection (1) (c).
- (4) A person who commits an offence under this section is liable to a fine not exceeding \$200,000.

125 Requirements for notice given under section 124

- (1) A notice given under section 124 (1)(c) must –
 - (a) be affixed to the building concerned; and
 - (b) state whether the owner of the building must obtain a building consent in order to carry out the work required by the notice.
- (2) A copy of the notice must be given to –
 - (a) the owner of the building; and
 - (b) an occupier of the building; and
 - (c) every person who has an interest in the land on which the building is situated under a mortgage or other encumbrance registered under the Land Transfer Act 1952; and
 - (d) every person claiming an interest in the land that is protected by a caveat lodged and in force under section 137 of the Land Transfer Act 1952; and
 - (e) any statutory authority, if the land or building has been classified; and
 - (f) the New Zealand Historic Places Trust, if the building is a heritage building.
- (3) However, the notice, if affixed on the building, is not invalid because a copy has not been given to any or all of the persons referred to in subsection (2).

126 Territorial authority may carry out work

- (1) A territorial authority may apply to a District Court for an order authorising the territorial authority to carry out building work if any work required under a notice given by the territorial authority under section 124 (1)(c) is not completed, or not proceeding with reasonable speed, within-
 - (a) the time stated in the notice; or
 - (b) any further time that the territorial authority may allow
- (2) Before the territorial authority applies to a District Court under subsection (1), the territorial authority must give the owner of the building not less than 10 days' written notice of its intention to do so.
- (3) If a territorial authority carries out building work under the authority of an order made under subsection (1), -
 - (a) the owner of the building is liable for the costs of the work; and
 - (b) the territorial authority may recover these costs from the owner; and
 - (c) the amount recoverable by the territorial authority becomes a charge on the land on which the work was carried out.

127 Building work includes demolition of building

Any work required or authorised to be done under section 124(1) (c) or section 126 may include the demolition of all or part of the building.

128 Prohibition on using dangerous, earthquake-prone, or insanitary building

- (1) If a territorial authority has put up a hoarding or fence in relation to a building or attached a notice warning people not to approach a building under section 124(1)(c), no person may-

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- (a) use or occupy the building; or
 - (b) permit another person to use or occupy the building.
- (2) A person commits an offence if the person fails to comply with this section.
- (3) A person who commits an offence under this section is liable to a fine not exceeding \$200,000 and, in the case of a continuing offence, to a further fine not exceeding \$20,000 for every day or part of a day during which the offence has continued.

129 Measures to avoid immediate danger or to fix insanitary conditions.

- (1) This section applies if , because of the state of the building, -
- (a) immediate danger to the safety of people is likely in terms of section 121 or section 122 or section 123; or
 - (b) immediate action is necessary to fix the insanitary conditions.
- (2) The chief executive of a territorial authority may, by warrant issued under his or her signature, cause any action to be taken that is necessary in his or her judgement to –
- (a) remove that danger; or
 - (b) fix those insanitary conditions
- (3) If the territorial authority takes action under subsection (2), -
- (a) the owner of the building is liable for the costs of the action; and
 - (b) the territorial authority may recover these costs from the owner; and
 - (c) the amount recoverable by the territorial authority becomes a charge on the land on which the building is situated
- (4) The chief executive of the territorial authority and the territorial authority are not under any liability arising from the issue, in good faith, of a warrant under subsection (2).

130 Territorial authority must apply to District Court for confirmation of warrant

- (1) If the chief executive of a territorial authority issues a warrant under section 129(2), the territorial authority, on completion of the action stated in the warrant, must apply to a District Court for confirmation of the warrant.
- (2) On hearing the application, the District Court may –
- (a) confirm the warrant without modification; or
 - (b) confirm the warrant subject to modification; or
 - (c) set the warrant aside
- (3) Subsection (1) does not apply if –
- (a) the owner of the building concerned notifies the territorial authority that –
 - (i) the owner does not dispute the entry into the owner’s land; and
 - (ii) confirmation of the warrant by a District Court is not required; and
 - (b) the owner pays the costs referred to in section 129(3)(a).

Policy on dangerous, earthquake-prone, and insanitary buildings

131 Territorial authority must adopt policy on dangerous, earthquake-prone and insanitary buildings

- (1) A territorial authority must, within 18 months after the commencement of this section, adopt a policy on dangerous, earthquake-prone, and insanitary buildings within its district.
- (2) The policy must state-
- (a) the approach that the territorial authority will take in performing its

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- functions under this part; and
- (b) the territorial authority's priorities in performing those functions; and
- (c) how the policy will apply to heritage buildings.

132 Adoption and review of policy

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

CONSULTATION PLAN

1. Consultation Focus

The consultation is focusing on obtaining views on the Council's draft policy for the management of dangerous and insanitary buildings.

2. Objectives

The objectives of the consultation are to:

- obtain feedback from residents and ratepayers, from community groups and organisations and major building stakeholder groups
- start raising the profile of how Council will continue to respond promptly to incidents where buildings are reported to be dangerous and/or insanitary.

3. Key Issues And Messages

Before the Council makes any decisions on adopting the policy, it wants to know what the public thinks.

Key Messages are:

- Current practices are providing the city with buildings that are safe and sanitary.
- Building users can use buildings safely and without endangering their health.

4. Target Audience

The consultation process is intended to encourage responses from both the general community and stakeholders identified as having a particular interest in this issue. The identified stakeholders are:

- Federation of Residents and Progressive Associations
- Residents' and Progressive Associations
- Wellington Housing Association of Tenants (WHAT)
- Council housing tenants
- Property Council of New Zealand
- Insurance Council of New Zealand
- New Zealand Fire Service

5. Consultation Techniques

Formal public consultation on the draft policy for the management of dangerous and insanitary buildings will be based around documents prepared for the consultation, which include:

- the proposed aims and objectives of the policy and how they meet legislative requirements

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- details of the procedures Council will use when buildings are found to be dangerous and insanitary
- a freepost submission form that sets out questions about people's views of the aims and objectives of the policy, and how they would like to see the policy implemented.

The consultation document (including submission form) will be:

- publicly notified in the Dominion Post
- provided directly to all of the identified stakeholders
- posted on the Council's "Have Your Say" section of the website, which will include the ability for people to submit their views online
- available at Council's libraries and service centres.

The consultation will be publicised via:

- media releases
- an article in "Our Wellington"
- advertisements in the community newspapers

Written comments on the proposal will be invited and submitters will also be given the opportunity to make an oral submission. Submitters will receive advice that their written submission has been received.

6. Consultation Evaluation

Written and oral submissions will be summarised and analysed. The result of the consultation will be reported back to the Strategy and Policy Committee in March/April 2006.

All submission writers will be notified of the results of consultation.

7. Consultation Programme

| DATE | TASK/TIME/PEOPLE |
|------------------------|--|
| 8 December 2005 | Strategy and Policy Committee considers the consultation document. |
| 1 February 2006 | Special Consultative Procedure begins |
| 1 February 2006 | - Consultation document and submission form on the Council's website - Information on the consultation published in the "Our Wellington" page - Document sent to stakeholders, libraries, and service centres. |
| 3 March 2006 | Special Consultative Procedure ends |
| March 2006 | Strategy and Policy Committee hears oral submissions |
| April 2006 | Submissions analysed and summarised into a report for the Strategy and Policy Committee to consider. |

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| April 2006 | Draft policy is amended if necessary. |
| 30 May 2006 | If the draft policy is adopted, the policy can be supplied to the Chief Executive, Department of Building and Housing. |