

Analysis of Submissions Report

Dangerous and Insanitary Buildings Policy

December 2024

1 Background

On 13 June 2024, following a review of the Dangerous, Insanitary, and Earthquake Prone Buildings Policy, the Council approved a Statement of Proposal for an amended Dangerous and Insanitary Buildings Policy be released for public consultation (Resolution 2024/82 refers).

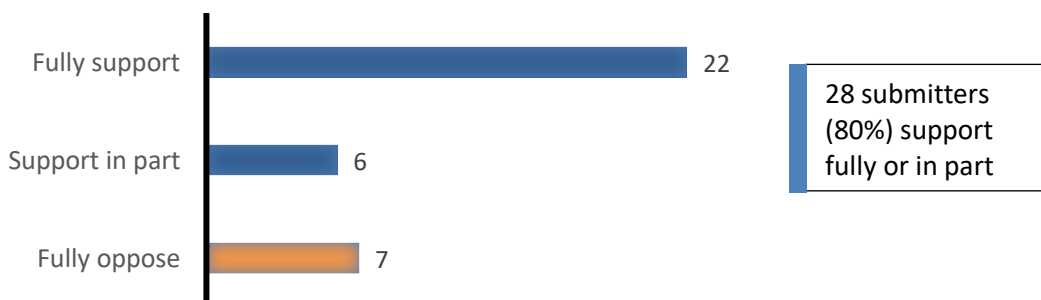
The period during which people could make submissions was 17 June to 17 July 2024. Thirty-five submissions were received.

This report analyses the submissions and makes recommendations for amendments to the draft amended Policy. A numbered list of people who made submissions is in Appendix One and these numbers are used to refer to the individual submissions in the body of this report.

2 Summary of submissions

Thirty-five written submissions were received, with 31 received online and 4 via email. Of the 31 people who made online submissions, 79% supported the proposal to amend the policy to meet statutory requirements and 88% supported maintaining a reactive approach. Figure 1 shows support for the proposed policy.

Figure 1: Support for the proposed amended policy



Base: 35 responses

Twenty-two responses were in support of the proposed amended policy and the proposal to retain the current reactive approach, 6 supported the amended policy in part and 7 were not supportive of the proposed amended policy.

One submitter who made a written submission also made a verbal submission to the Council. The verbal submission was heard by the Council on 3 December 2024

Where submitters did not fully support the proposed policy and made suggestions for changes, these suggestions are included in section four of this report.

3 General feedback

3.1 Support for the policy in general

Twenty-four submitters answered 'yes' to the question - Do you agree with the proposal to amend the policy to meet statutory requirements? Five of the submissions made comments in support of the proposed policy.

General comments

Public health and safety is a priority

Two submitters acknowledged that maintaining public health and safety is a priority and that the proposed policy helps Council fulfil its legal obligations under the Building Act 2004. These submissions emphasise the importance of the policy in safeguarding the community (21,33).

Important for the wellbeing of the community

One submitter (33) praises the council's proactive approach to ensuring the well-being of the community, particularly regarding dangerous and insanitary buildings.

Prevents sub-standard housing

Another submitter (21) noted that Far North residents should not be permitted to create and live in unsanitary and unprofessionally established housing, highlighting a concern about substandard housing in the district.

Staff analysis

These submissions indicate strong support for the policy's focus on public health and safety, as well as the Council's role in managing dangerous and insanitary buildings. No significant opposition to the policy was raised in these supportive submissions.

Staff recommendation

No changes are recommended to the proposed Dangerous and Insanitary Buildings Policy based on these submissions that are supportive of the policy.

3.2 Opposed to the policy

Seven submitters answered 'no' to the question - Do you agree with the proposal to amend the policy to meet statutory requirements?

The following comments are general in nature and are not related to specific clauses in the proposed amended Policy. Their feedback touched on the following themes:

Legislative requirements

One submitter (5) expressed frustration with additional regulations, viewing them as unnecessary and burdensome. They stated:

"Yet another layer of red tape for a situation that will not happen in our lifetime, and we ratepayers have to pay for it all. No way!!"

This highlights broader concerns about regulatory overreach and scepticism about the necessity of policy amendments.

Cost

The financial implications of implementing the policy were a concern for one submitter (14) who noted the potential burden on property owners, particularly for buildings constructed decades ago, stating: *"To retrospect current building standards on existing buildings built decades ago will be too costly for owners to bear... Please take that into consideration... many buildings in Northland will be designated, I fear, under this type of ruling. "*

Public Buildings

A targeted approach focusing exclusively on public buildings was suggested by one submitter (26), who argued: *"The proposed policy should be limited to public buildings only."*

This indicates a preference for prioritising resources and regulations toward spaces that serve the broader community, rather than extending requirements to private properties.

Council resources

Concerns were raised about the feasibility of meeting new standards without Council adding additional resources. One submitter (25) asked:

"With the severe shortage of houses and low incomes, how is council going to be able to support people in the wider region who are unable to bring properties up to proposed standards?"

This submission reflects the socio-economic challenges faced by many residents in the region.

Staff analysis

The opposing submissions highlight key concerns about the financial and practical implications of the proposed policy amendments. While the frustrations regarding increased regulations and costs are valid, it is important to note that the Building Act 2004 mandates councils to manage dangerous, insanitary, and earthquake-prone buildings. The submitters' feedback suggests a need for clear communication about why these statutory requirements are necessary and how they benefit public safety.

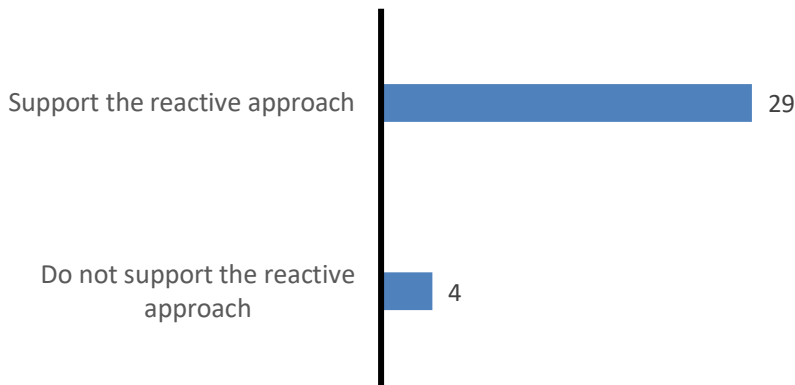
Staff recommendation

While these concerns are noted, the statutory requirements of the Building Act 2004 necessitate the inclusion of provisions for managing dangerous and insanitary buildings. As such, no changes to the scope of the policy are recommended.

3.3 Support for the reactive approach

Twenty-nine submitters (88%) answered 'yes' to the question – "Do you agree with the proposal to retain the current reactive approach to identifying dangerous or insanitary buildings?", while 4 submitters answered no and 2 submitters did not answer this question. Figure 2 outlines the support for the reactive approach compared to a proactive approach.

Figure 2: Support for the reactive approach



Base: 33 responses

A reactive approach is more fiscally responsible

Six submitters specifically commented on the fiscal responsibility of maintaining a reactive approach.

For example, submission 8 said *“To inspect ALL buildings would be time consuming, unnecessary, and cost prohibitive! Deal with issues as and when (if!) they arrive.”*

Submission 10 said *“There are times to be proactive and in our current financial, and economic climate, this is NOT one of those times. The FNDC approach is fair and reasonable. It needs to stay that way.”*

Staff Analysis

The submissions indicate a clear preference for the reactive approach, with submitters recognising its alignment with fiscal prudence and the practical management of resources. The support for addressing safety issues as they arise rather than conducting blanket inspections underscores a desire for the Council to prioritise urgent matters and allocate resources effectively given the prevailing economic conditions.

Staff Recommendation

No changes are recommended to the current reactive approach based on these submissions.

3.4 Opposed to the reactive approach

Four submitters answered ‘no’ to the question - Do you agree with the proposal to retain the current reactive approach to identifying dangerous or insanitary buildings?

Concerns About Monitoring School and Government-Owned Buildings

One submitter (17) questioned whether the reactive approach was effective citing experiences where reports of unsafe school buildings were either not followed up or poorly handled. The submitter suggested that such buildings should have been proactively monitored as part of Council policy. The submitter argued that government-owned infrastructure, such as schools, libraries, and council buildings, should be proactively monitored as part of council policy. They further noted that entities like WorkSafe were difficult to engage with and did not effectively resolve such issues, suggesting better collaboration between council and other agencies was needed.

Concerns About Unsanitary and Unsafe Residential Housing

Another submitter (19) questioned if the standards in the policy would be applied to unsanitary and unsafe residential housing, specifically highlighting concerns for a high percentage of Māori housing in

the Far North District. This submitter questioned whether the reactive approach would address these significant housing issues.

Preference for Focusing on Public Buildings

Another submitter (26) suggested that the reactive approach should be adjusted to focus primarily on public buildings, arguing that interference with private properties should be limited.

Staff analysis

The concerns raised reflect a desire for greater effectiveness in the implementation of the reactive approach. However, expanding to a proactive approach or limiting the policy to specific building types would have significant implications for resourcing and equity. The reactive approach allows the Council to address safety concerns as they are reported, directing resources to urgent and substantiated cases while minimising costs.

The need for timely responses and effective follow-up processes in the reactive approach was a recurring theme.

Staff Recommendation:

No changes are recommended to the policy's reactive approach. The reactive approach remains the most financially sustainable and pragmatic option for the council, enabling it to address urgent and substantiated cases effectively while complying with statutory requirements. During implementation of the policy staff will strengthen operational guidelines to ensure prompt and thorough responses to complaints.

3.5 Misinterpretation of the Question

It appears that one submitter (23) may have misunderstood the intent of the question. Rather than opposing the reactive approach, the submitter seemed to be expressing opposition to blanket inspections. The submitter did not want a repeat of the leaky homes situation and preferred a targeted, case-by-case inspection approach where buildings are assessed as needed.

Staff Analysis

This submission highlights concerns about balancing efficiency and thoroughness in implementing building inspections. While the submitter supports case-by-case assessments, their comments do not directly oppose the reactive approach. Instead, they reinforce the importance of ensuring the process is appropriately targeted to address specific issues without imposing unnecessary burdens on property owners.

Staff Recommendation

No changes to the reactive approach are recommended, as it aligns with the Council's resources and statutory obligations under the Building Act 2004.

4 Analysis and recommendations regarding the policy wording

The following section analyses submissions made about specific sections in the draft policy and recommends how to address these submissions in the policy. Most of the submissions were focused on the general approach and fiscal impacts of the policy, rather than specific wording of the proposed Policy. However, the following analysis outlines where submissions have been linked to sections of the Policy and provides recommendations based on the submissions.

4.1 Sections not referred to in submissions

No submissions were made about the following sections in the draft policy:

- Legislative Context
- Definitions
- Purpose

- General Approach
- Heritage Buildings Section
- Determining Risk Section

Staff Recommendation

No changes to these sections are recommended.

4.2 Prioritisation Criteria Section

Submissions received

One submitter (19) questioned whether the prioritisation criteria would address unsanitary and unsafe residential housing, specifically in Maori communities, where housing conditions are often substandard. Another submitter (35) suggested a more active approach for specific high-risk buildings such as those in landslip-prone areas, flood zones, or buildings critical for emergency functions. They recommended using natural hazard maps, risk databases, and other tools to identify and manage such buildings proactively.

Staff analysis

The current prioritisation criteria focus on public safety, fire risks, structural unsoundness, and other immediate threats. These criteria align with the policy's reactive approach but could be enhanced by incorporating additional tools, such as hazard maps or databases, to identify and prioritize high-risk buildings.

While the policy emphasises resource efficiency, targeted proactive assessments for specific high-risk scenarios could improve public safety without requiring a complete shift to proactive inspections.

Staff Recommendation

No changes to the prioritisation criteria are recommended in the policy wording.

4.3 Inspection and Investigation Section

One submission (32) expressed concerns about the timeliness of Council's responses to complaints and notifications regarding dangerous buildings. The submitter emphasized the importance of prompt action when safety concerns are reported, irrespective of the existing policy framework. They shared personal experiences, such as reporting damaged road guards in Whangaroa and observing delays in their repair, despite being informed of an inspection. This led to concerns that building-related issues might face similar delays, undermining public confidence in Council's processes.

While recognizing the challenges, the submitter highlighted that a robust response mechanism should not be contingent on the existence or update of a specific policy. Instead, they argued that Council should always act swiftly on professional advice once a danger is reported, regardless of policy considerations.

Staff analysis

The submitter's concerns align with the intent of the policy, which already specifies that "inspections will be done promptly on the receipt of a complaint or notification." The policy includes prioritization criteria to ensure efficient allocation of resources to high-risk issues. While the submitter's experiences highlight potential operational delays, these appear to be issues of implementation rather than policy inadequacy. The submission underscores the need for clear communication and follow-through during the inspection and resolution process to maintain public trust.

Staff recommendation

No changes to the "Inspection and Investigation" section of the policy are recommended. The current policy adequately addresses the need for prompt inspections upon receiving complaints or notifications. Operational improvements may be considered to ensure that these policy commitments are met consistently in practice.

4.4 Taking Action Section

Two submissions expressed concerns about the fairness of enforcement, particularly regarding financial burdens on property owners. One submission (25) highlighted challenges for low-income residents in bringing properties up to standard. One submission (27) stressed the need for humane approaches when issuing notices to families living in substandard buildings. These concerns reflect a desire for enforcement practices to balance public safety with sensitivity to the financial and social realities of affected property owners.

Staff analysis

The "Taking Action" section of the policy provides a framework for considering enforcement in a way that acknowledges broader social and economic factors. The policy states: *"Council will consider the costs of any work required to be carried out to reduce or remove the danger, or prevent the building from remaining insanitary, in the broader social and economic context of the community."*

This provision ensures that enforcement is not applied in a punitive or inflexible manner. Instead, it allows for case-by-case consideration of the financial and personal circumstances of property owners while maintaining the primary focus on public safety and building standards.

Staff recommendation

No changes to the taking action section are recommended as the existing wording already emphasizes a balanced approach to enforcement.

4.5 Register Section

Submission 17 emphasized the importance of maintaining accurate records and ensuring information is accessible to stakeholders.

Staff analysis

The policy specifies maintaining a register of dangerous and insanitary buildings, including details about notices issued and actions taken.

Staff recommendation

No changes to the Register Section are recommended.

4.6 Monitoring and Implementation

Submission 33 highlighted the importance of regular reviews and follow-up to ensure the policy remains effective.

Staff analysis

The policy already provides for a review every five years, as required by the Building Act 2004. Regular interim monitoring, such as annual reporting, could enhance responsiveness to emerging issues.

Staff recommendation

No changes to the Monitoring and Implementation Section are recommended. Staff may consider supplementing the five-year review cycle with an annual performance report on policy implementation outcomes.

4.7 Out of Scope

One submission (34) provided detailed commentary and recommendations related to the management of earthquake-prone buildings. The submitter highlighted the statutory requirements under Part 2, Subpart 6A of the Building Act 2004, including steps for identifying, assessing, and managing earthquake-prone buildings. The submission also included a SWOT analysis and referenced Northland's relatively low seismic risk as a justification for deprioritising resources for earthquake-prone building management within the district.

Staff Analysis

While the feedback is noted, the management of earthquake-prone buildings is outside the scope of the Dangerous and Insanitary Buildings Policy. Amendments to the policy specifically removed references to earthquake-prone buildings to ensure compliance with section 132A of the Building Act 2004.

The management of earthquake-prone buildings is governed separately under Part 2, Subpart 6A of the Building Act, which provides a clear framework and statutory mandates for territorial authorities. This policy focuses on dangerous and insanitary buildings and does not overlap with the provisions for earthquake-prone buildings.

Staff Recommendation

No changes to the policy are required based on this submission. The Council will continue to address earthquake-prone buildings under the relevant legislative provisions separately from the Dangerous and Insanitary Buildings Policy.

APPENDIX 1 – LIST OF SUBMISSIONS RECEIVED

Number	Organisation	Oral Submission
1	Key Conveyancing Limited	
2	Individual submission	
3	Individual submission	
4	Individual submission	
5	Individual submission	
6	Individual submission	
7	Individual submission	
8	Individual submission	
9	Individual submission	
10	Individual submission	
11	Individual submission	
12	Individual submission	
13	Individual submission	
14	Individual submission	
15	Waimamaku Service Station	
16	Individual submission	
17	Individual submission	X
18	Individual submission	
19	Vision Kohukohu (2008) & Tirohanga/Vision Kohukohu (2018)	
20	Individual submission	
21	Individual submission	
22	Individual submission	
23	Individual submission	
24	Individual submission	
25	Individual submission	
26	Individual submission	
27	Individual submission	
28	Individual submission	
29	Individual submission	
30	Individual submission	
31	Individual submission	
32	Individual submission	
33	Individual submission	

34	Individual submission	
35	Cook Costello	