



Te Kaunihera o  
**Te Awa Kairangi ki Uta**  
Upper Hutt City Council

## Policy Committee | Te Kōmiti Kaupapa Here

### Agenda

4.30 pm, Wednesday 4 September 2024

Council Chambers, Level 2, Civic Building, 838 - 842 Fergusson Drive, Upper Hutt

**Chair:** Councillor H Newell

**Deputy Chair:** Councillor J B Griffiths

**Members:** His Worship the Mayor W N Guppy

Deputy Mayor H Swales

Councillor D M Bentley

Councillor M G Carey

Councillor C B G Carson

Councillor A W Hammond

Councillor E Holderness

Councillor T M Ultra

Councillor D Wheeler

### Have your say

Members of the public can speak to any issue, idea or matter that falls within the meeting's [terms of reference](#). If you do wish to speak, it is preferable to let us know by midday of the day before the meeting. This can be done by either emailing [askus@uhcc.govt.nz](mailto:askus@uhcc.govt.nz) or by phoning 04 527 2169. All Council and principal standing committee meetings are livestreamed through our YouTube channel.

The agenda and associated reports are available for inspection within two working days before a meeting at the following offices during business hours:

- Civic Building, 838 - 842 Fergusson Drive, Upper Hutt
- Upper Hutt Central Library, 844 Fergusson Drive, Upper Hutt
- Pinehaven Library, Corner Jocelyn Crescent and Pinehaven Road, Upper Hutt

## Policy Committee | Te Kōmiti Kaupapa Here

Wednesday 4 September 2024

Public Business

Page

<b>1.</b>	<b>Apologies</b>							
<b>2.</b>	<b>Declarations of Interest</b> Elected members must declare any interests with items on the agenda that may arise between their roles as members and any private or other external interests they may have. If this should happen, members should stand aside from decision-making related to any such interests. The current register of interests is on the Council website: <a href="https://www.upperhuttcity.com/files/assets/public/yourcouncil/meetings/register-of-interest/register-of-interest-elected-members-publicly-listed.pdf">https://www.upperhuttcity.com/files/assets/public/yourcouncil/meetings/register-of-interest/register-of-interest-elected-members-publicly-listed.pdf</a>							
<b>3.</b>	<b>Public Forum</b> Public forums are a defined period of time, which, at the discretion of a meeting is put aside for the purpose of public input. In the case of a committee or subcommittee, any issue, idea or matter raised in a public forum must fall within the terms of reference of that body. There is more information about attending and speaking at Council and Committee meetings on our website <a href="http://upperhuttcity.com/your-Council/Council-Meetings/Attending-and-speaking-at-Council-and-committee-meetings">upperhuttcity.com/your-Council/Council-Meetings/Attending-and-speaking-at-Council-and-committee-meetings</a> .							
<b>4.</b>	<b><a href="#">Appointment of District Licensing Committee (DLC) Commissioners</a></b> Report from Legal Counsel through the Director of Planning and Regulatory Services dated 20 August 2024.	<b>3</b>						
<b>5.</b>	<b><a href="#">Dangerous, Affected and Insanitary Buildings Policy</a></b> Report from the Director of Planning and Regulatory Services dated 9 August 2024.	<b>17</b>						
<b>6.</b>	<b><a href="#">Director's Report: Planning and Regulatory Services</a></b> Report from the Director of Planning and Regulatory Services dated 12 August 2024.	<b>48</b>						
<b>7.</b>	<b><a href="#">Director's Report: Strategy, Partnerships and Growth</a></b> Report from the Acting Director of Strategy, Partnership and Growth dated 26 August 2024.	<b>59</b>						
<b>8.</b>	<b>Public exclusion</b> Pursuant to the provisions of <a href="#">section 48 of the Local Government Official Information and Meetings Act 1987 (LGOIMA)</a> , the public is excluded from the following part of the proceedings of this meeting. The particular interest(s) protected by <a href="#">section 6</a> or <a href="#">section 7</a> of LGOIMA which would be prejudiced by the holding of the whole or the relevant part of the meeting in public meetings are specified below:							
	<table border="1"> <thead> <tr> <th>General subject of each matter to be considered:</th> <th>Reason(s) for passing this resolution in relation to each matter:</th> <th>Ground(s) under section 48(1) for passing this resolution:</th> </tr> </thead> <tbody> <tr> <td>9. Chief Executive's Public Excluded Report</td> <td>LGOIMA Section 7(2)(a) The withholding of information is necessary to protect the privacy of natural persons, and LGOIMA Section 7(2)(g) to maintain legal professional privilege.</td> <td>That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist, where the local authority is specified in schedule 1, under section 7 [except section 7(2)(f)(i)].</td> </tr> </tbody> </table>	General subject of each matter to be considered:	Reason(s) for passing this resolution in relation to each matter:	Ground(s) under section 48(1) for passing this resolution:	9. Chief Executive's Public Excluded Report	LGOIMA Section 7(2)(a) The withholding of information is necessary to protect the privacy of natural persons, and LGOIMA Section 7(2)(g) to maintain legal professional privilege.	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist, where the local authority is specified in schedule 1, under section 7 [except section 7(2)(f)(i)].	
General subject of each matter to be considered:	Reason(s) for passing this resolution in relation to each matter:	Ground(s) under section 48(1) for passing this resolution:						
9. Chief Executive's Public Excluded Report	LGOIMA Section 7(2)(a) The withholding of information is necessary to protect the privacy of natural persons, and LGOIMA Section 7(2)(g) to maintain legal professional privilege.	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist, where the local authority is specified in schedule 1, under section 7 [except section 7(2)(f)(i)].						

Geoff Swainson

Chief Executive | Te Tumu Whakarae



Te Kaunihera o  
**Te Awa Kairangi ki Uta**  
Upper Hutt City Council

**Policy Committee | Te Kōmiti Kaupapa Here**  
**4 September 2024**

# **Appointment of District Licensing Committee (DLC) Commissioners**

## **Purpose of report | Te pūtake**

1. The purpose of this report is to recommend Council appoint two commissioners to the list of District Licensing Committee (DLC) members to form a committee to hear an opposed application for a new off-licence.

## **Recommendations | He tūhunga**

2. It is recommended that the Policy Committee:
  - a. notes that under Standing Order 6.6 Forthwith Decisions, Council has delegated authority to a majority of its members the power to make a forthwith decision, and that such decisions:
    - i. may be exercised during a meeting of a Council committee,
    - ii. if the Mayor agrees that the matter must be acted upon as a matter of urgency, and
    - iii. the decision must be unanimous.
3. It is recommended that Council resolve as a forthwith decision to,
  - a. receive and note the report titled Appointment of District Licensing Committee Commissioners,
  - b. approve Kate Thomson and William Acton for inclusion on the list of District Licensing Committee members maintained by the Council under section 192 of the Sale and Supply of Alcohol Act 2012 until 12 December 2025, or until a newly appointed list of District Licensing Committee members is determined by Council following the 12 October 2025 election, whichever is sooner,
  - c. recommend that the Chief Executive appoints Kate Thomson and William Acton as commissioners of the District Licensing Committee until 12 December 2025, or until a newly appointed list of District Licensing Committee members is determined by Council following the 12 October 2025 election, whichever is sooner,
  - d. subject to the appointment of commissioners being made by the Chief Executive as above, appoint a District Licensing Committee to determine the off-licence application made by Plenty Foods Corp NZ Limited made up of Kate Thomson to act as chair and William Acton and Councillor Matt Carey as members, and
  - e. authorise officers to make any consequential amendments to the District Licensing Committee Terms of Reference following the appointment of new members to the list of District Licensing Committee members and/or appointment of commissioners.

## Background | Papamuri

4. The DLC is established under the Sale and Supply of Alcohol Act 2012 (the Act) to deal with alcohol licensing matters for Council.
5. Council maintains a list of members who are appointed to the DLC under section 192 of the Act (the DLC list). This list acts as a pool of members who may make up the DLC from time to time as required. The number of members required for a quorum varies depending on the application being considered by the DLC.
6. The DLC list is currently made up of His Worship the Mayor (Chairperson), Deputy Mayor Hellen Swales (Deputy Chairperson) and Councillors Dylan Bentley, Matt Carey, Emma Holderness and Dave Wheeler. The Council has delegated the power to appoint members to consider an application to His Worship the Mayor, provided that he may only appoint members from the DLC list.
7. An application has been received from Plenty Foods Corp NZ Limited (Plenty Foods) for a new off-licence to sell alcohol at a new supermarket to be situated at Brewtown. The application is opposed.
8. All but one of the current members of the DLC have previously considered matters relating to Plenty Foods or consider they may have another conflict of interest. His Worship the Mayor, as the chair of the DLC, has advised that these members do not wish to consider this off-license application.
9. A committee of three members must therefore be appointed to consider the Plenty Foods application.
10. Recent changes to the Act affect the way DLC must run a public hearing to deal with opposed applications for licences. Because of this, officers recommend that two further appointments are made to the DLC list for a fixed term so that the hearing can be chaired by a non-elected member having previous alcohol licensing and legal expertise.

## Discussion | Te matapaki

### Considering an application

11. A person who wishes to sell alcohol or to manage premises selling alcohol must make an application to the DLC for a licence or manager's certificate. The application is made to the secretary of the DLC, who is the Chief Executive.
12. The Act requires the Secretary to provide the Police and Medical Officer of Health with new applications so that they may make inquiries and file reports opposing the application if they wish to do so. An independent licensing inspector employed by Council also receives the application and is required to provide a report to the DLC addressing their inquiries. These three agencies (Police, Health and the licensing inspector) are referred to as "reporting agencies". An application is also publicly notified so that members of the public may also object to the application.
13. Once the statutory timeframes for objections have passed and the licensing inspector has filed their report with the Secretary, the application is provided to the chairperson of the DLC to consider the DLC's next steps. The makeup of the DLC and number of members required to deal with an application varies depending on the nature of the application being considered.
14. A quorum of one person is required for an application that is not opposed by a member of the public, the Police, Medical Officer of Health or licensing inspector. The person making up the DLC in that case is the chairperson.

15. Council's usual practice is for His Worship the Mayor to consider and determine unopposed applications, provided he does not have a conflict of interest. If he is unable to consider an application, the Deputy Mayor acts as chairperson in his place.
16. The quorum for an opposed application is three members. One of the members is the chairperson and may either be an elected member or a commissioner appointed to the DLC. The other two members must be appointed from the DLC list. It appears that the DLC has never dealt with an opposed application before, as any concerns about applications have been resolved in discussions with the reporting agencies before referral to the DLC chairperson.
17. If a licence application is opposed by the Police, Medical Officer of Health or licensing inspector, the three members making up the DLC considering the application may either grant it on the papers or convene a public hearing to consider it. The Act prescribes the criteria a DLC must consider when determining an application. They are different for each application and may include matters such as the suitability of the applicant, when alcohol will be sold and the design of premises. When considering a license, the DLC must have regard to the object of the Act, which is to undertake the sale, supply and consumption of alcohol safely and responsibly and to minimize the harm caused by excessive or inappropriate consumption of alcohol.
18. While a DLC is a committee of its council, it is different to other committees. A DLC has a quasi-judicial role and its decision on an application is not approved or otherwise considered by Council. A DLC has powers as a commission of inquiry under the Commissions of Inquiries Act 1908 and is obliged to objectively make findings of facts and draw conclusions from them, following similar powers and procedures as a court of law or judge. A decision may be appealed to the Alcohol Regulatory and Licensing Authority (ARLA) by any of the parties.
19. The Act recently changed the way licensing hearings are to be heard. Previously the parties were able to question and cross-examine each other and their witnesses to test evidence. The DLC itself is now required to do so and may not permit the parties to question each other. This puts the onus on the DLC itself to ask adequate questions of witnesses to ensure the evidence is fully tested. This may require specialist skills from the DLC chairperson and members considering an opposed application or other application requiring a public hearing.

### **Plenty Foods application**

20. Plenty Foods applied for a new off-licence to sell alcohol at a supermarket to be established at Brewtown in February 2024.
21. The licensing inspector's report was completed in May 2024 following discussions with the applicant. The application is opposed by all the reporting agencies. There are no objections from members of the public.
22. Because the application is opposed by the three reporting agencies, the quorum for the DLC is three members.
23. Ordinarily His Worship the Mayor would exercise his delegated authority to appoint himself and two further members from the DLC list to consider the application. However, four of the six members on the DLC list, including His Worship the Mayor, were also members of the Economic Development Stimulus Panel which considered an earlier application by Plenty Foods. One further member considers they may have another conflict of interest. Because of this the members do not wish to be appointed to consider the Plenty Foods application and, as His Worship the Mayor has chosen not to exercise his delegated authority to appoint the DLC for this matter, Council is required to appoint a DLC.

24. With only one member remaining on the DLC list who is able to be appointed to consider the Plenty Foods application, in order for the DLC to determine the application, two additional members must first be appointed to the DLC list by Council. Unless an elected member is available to chair the DLC, at least one commissioner must also be appointed to ensure that there is someone able to act as chairperson for the Plenty Foods application.

### Appointments to the DLC

25. DLCs may be made up of elected members and/or other people with relevant experience. If there is no elected member able to chair a DLC, the DLC must be chaired by someone who has been appointed as a commissioner. A commissioner is appointed by the Chief Executive, on recommendation of Council.
26. The Act sets out minimum criteria for who may be included on the DLC list or appointed as a commissioner. A person may be approved for inclusion on the DLC list or appointed as a commissioner for a period of up to 5 years. Officers are recommending an initial appointment period until the 2025 Local Body Elections, with a maximum two month transition period afterwards. This will ensure continuity and allow applications to be dealt with during the period between the 12 October 2025 election and the date that Council approves membership of its committees.
27. Section 192 of the Act provides that a person approved to be included on the DLC list as a member by Council must:
- a. have experience relevant to alcohol licensing matters,
  - b. not, directly or by virtue of his or her relationship with another person, have such an involvement or appearance of involvement with the alcohol industry that he or she could not perform his or her duties without actual bias or the appearance of bias, and
  - c. not be a Police officer, a Medical Officer of Health, a licensing inspector or an employee of the Council.
28. Section 193 of the Act provides that a commissioner may be appointed by the Chief Executive, on recommendation of Council. A commissioner must:
- a. be of good standing in the community and have the necessary knowledge, skill, and experience relating to matters that are likely to come before the DLC,
  - b. not, directly or by virtue of his or her relationship with another person, have such an involvement or appearance of involvement with the alcohol industry that he or she could not perform his or her duties without actual bias or the appearance of bias, and
  - c. not be a Police officer, a Medical Officer of Health, a licensing inspector or an employee of the Council.
29. The Act does not prescribe any specific process to be followed when considering who should be appointed to a DLC. It does not define what “necessary knowledge skill and experience relating to matters that are likely to come before the committee”, “good standing in the community” or “experience relevant to alcohol licensing matters” means. An open expression of interest process, although possibly best practice, is not required and Council is entitled to identify suitable members and appoint them to the DLC list using any process, provided it is confident that the minimum criteria in section 192 have been met. The same applies for commissioners appointed by the Chief Executive under section 193.
30. As the Plenty Foods application was first received by the Secretary in February 2024, the applicant is understandably keen to see the application progressed. Because of the time taken to address the

application and matters which have since arisen, the chairperson has asked officers to identify suitable independent candidates to consider for appointment to the DLC list.

31. Officers have not sought open expressions of interest and instead have approached commissioners already appointed by Wellington City Council to seek their interest in appointment.

### **Proposed appointments to the DLC**

32. Because of the volume of applications it receives, Wellington City Council maintains three DLCs, each of which are chaired by a commissioner who is or has been a practising lawyer. UHCC only requires two additional members and those referenced in this report have been approached and have advised they are available for appointment to Upper Hutt's DLC. They have also advised they would be available to consider the Plenty Foods application.
33. A CV or profile for each candidate is attached as [Attachment 1](#).
34. [Kate Thomson](#) has been a list member for Wellington DLC since 2013 and was appointed as a commissioner in 2018. While she was previously a litigation barrister and solicitor, she now focuses solely on DLC work and is the most experienced DLC member for Wellington. She has dealt with a number of contentious, opposed applications including for supermarket off-licences.
35. [William Acton \(Bill\)](#) is a barrister and sits on a number of other regulatory bodies. He has been a list member and commissioner for Wellington since 2018. He has sat on approximately 16 opposed applications as either list member or commissioner and acted as commissioner on around half of those. He has a connection to Upper Hutt, having started his career at a local law firm.
36. Each has confirmed they are qualified to be appointed as a list member or commissioner and has provided the attached information to satisfy officers that they are of good standing in the community and have the necessary alcohol licensing experience, knowledge and skill through their current DLC roles.
37. Officers therefore recommend that they are both appointed to the DLC list for a period of one year. This would allow them to be appointed to consider any future applications that may require specialist expertise, if called upon to do so. Appointment to the list does not require any of them to be appointed to hear particular matters, unless His Worship the Mayor exercises his delegation as chairperson to do so.
38. Officers also recommend that they are appointed as commissioners under section 193 of the Act, to allow them to consider applications as chairperson if required. However, Commissioners are appointed by the Chief Executive on recommendation by the Council. This complicates the appointment process for the Plenty Foods application for the reasons set out below.

### **Proposed appointments to the DLC to consider the Plenty Foods application**

39. Ordinarily His Worship the Mayor exercises his delegated authority to appoint the DLC members to consider an application from the list maintained under section 192 of the Act. However, as he is one of the members of the DLC who considers they may have a conflict of interest he will not exercise his delegated authority accordingly.
40. There are a number of options available to Council to appoint a DLC to consider the Plenty Foods application.
41. If there are any elected members who wish to be appointed to the DLC for this application, Council could appoint them to the DLC list. Those elected members could then be appointed to act as either

DLC member or chair for the Plenty Foods application. In this case Councillor Matt Carey has indicated that he is available to be appointed as an existing DLC member.

## Options | Ngā kōwhiringa

42. There are three separate matters to be considered by Council:
  - a. Whether to appoint new members to the DLC list under section 192 of the Act
  - b. Whether to recommend that the Chief Executive appoint commissioners to the DLC under section 193 of the Act
  - c. Who to appoint to the DLC to consider and determine the Plenty Foods application.
43. If Council does not appoint new members to the DLC list, it is unable to appoint the DLC to consider and determine the Plenty Foods application.

## Appointment of New Members

### Option One – Appoint the recommended candidates (recommended option)

44. Given the remaining Councillor on the DLC list is available to be part of hearing the Plenty Foods application, Council can choose to appoint the two recommended candidates to the DLC list.

### Option Two – Appoint other elected members

45. There are a number of other elected members who are not currently appointed to the DLC list. Officers have not made any formal enquiries about whether those elected members would meet the criteria for appointment or have any wish to be appointed. It may be possible to appoint some or all of them to the DLC list therefore reducing the need for the appointment of non-elected members.
46. Given that the first item of business for these newly appointed council members would be hearing an appeal this would come with some risk and is not recommended by officers.

### Option Three – Alternative process for appointment

47. Council could also choose to instruct officers to seek other expressions of interest from qualified candidates either in a targeted way or through an open expression of interest process. If Council were to do so, the Plenty Foods application could not proceed until appointments were made.

## Recommend Appointment of Commissioners

### Option One – Recommend appointment of the named candidates (recommended option)

48. Council can choose to recommend the Chief Executive appoint the two recommended candidates, Kate Thomson and Willam Acton as commissioners if he is satisfied that they have meet the criteria for appointment.

### Option Two – Alternative process to identify candidates

49. Council could also choose to ask the Chief Executive to seek additional expressions of interest from qualified candidates either in a targeted way or through an open expression of interest process. If Council were to do so, it is unlikely the Plenty Foods application could proceed until appointments were made as there may not be a quorum.



## **Appointment of DLC to consider and determine Plenty Foods application**

### **Option One – Appoint independent members (recommended option)**

50. Subject to the Chief Executive agreeing to appoint at least one commissioner, Council could choose to
- a. appoint that person to act as chairperson of the DLC to consider and determine the Plenty Foods application, and
  - b. appoint the other two members (potentially at least one being an independent) on the DLC list to be members of the DLC for this application.

### **Option Two – Appoint elected members and independent members**

51. If an elected member was available to act as chairperson of the DLC, Council could choose to appoint that person as chairperson of the DLC and appoint two further members from the DLC list (which could include one or two of the independent members proposed to be appointed).
52. Officers do not recommend this option due to nature of the hearing that would be conducted by the DLC and propose that the chairperson be someone having familiarity with the Act and who has previously heard and determined a similar matter.

### **Option Three – Appoint elected members**

53. If three elected members were appointed and available to form the DLC to consider and determine the Plenty Foods application, Council could choose to appoint one of those members as chairperson and the two others as members from the DLC list.
54. Officers do not recommend this option due to nature of any hearing that would be conducted by the DLC and propose that the chairperson be someone having familiarity with the Act and who has previously heard and determined a similar matter.

## **Considerations for decision-making | Ngā whai whakaarotanga**

55. As the majority of the DLC list members have already indicated to the Chairperson that they are not available to consider the Plenty Foods matter, there are not enough remaining members to make a quorum to consider the Plenty Foods application. Until further members are appointed to the DLC list and Council resolves to appoint a DLC to consider the application, it is therefore stalled.
56. Officers understand that the proposed supermarket to be operated by Plenty Foods cannot proceed further until a decision on this application has been made.
57. If Council was to appoint the proposed candidates to the DLC list now, if it wished to do so, it could still pursue a wider expression of interest process to potentially broaden the experience and expertise of DLC members in the future.

## **Previous relevant Council decisions | Ngā whakataunga o mua**

58. Council considered a report on Updating the Terms of Reference for the District Licensing Committee on 28 July 2021 (refer to page 69 of the [agenda](#)). Officers recommended that Council adopt new Terms of Reference and also asked Council to consider whether to appoint a commissioner or elected member to act as chairperson.

59. The [minutes](#) of the 28 July 2021 Council meeting recorded that Council resolved to:
- (i) receives the report entitled Updating the Terms of Reference for the District Licensing Committee;
  - (ii) notes that the Council, in considering any appointment to the DLC membership list, must consider (s192 of the Act) whether each appointee has experience relevant to alcohol licensing matters. The guidance from Taituarā (SOLGM), as outlined in attachment 3 ([page 77 of the 2021 Council report](#)), provides good practice guidance on essential and desirable knowledge, skills and experience for DLC chairs, commissioners, and members:
    - a. Te tiriti o Waitangi/ the Treaty of Waitangi,
    - b. Law and legal processes,
    - c. Sale and Supply of Alcohol Act 2012
    - d. Hearings
    - e. The community
  - (iii) adopts the new Terms of Reference for the District Licensing Committee (DLC) as contained in attachment 1 ([page 73 of the 2021 Council report](#)), which includes information on the DLC's membership, meeting cycles, quorum, delegated authority, and functions.
60. A commissioner was not appointed, and His Worship the Mayor continued as chairperson of the DLC.
61. This decision was made during the last term and appointments to DLCs are generally considered at the beginning of each term and then as needed. It is appropriate that the makeup of the DLC is reviewed given the potential conflicts of interest that have arisen in the Plenty Foods application, the need to progress that application efficiently, and the changes to the Act which may necessitate broader expertise and experience.

## Identification of inconsistent decisions | Te tautuhi o ngā whakataunga hārakiraki

62. There are no inconsistent decisions relating to this proposal.

## Significance and engagement assessment | Te tino aromatawai

63. The decisions required are assessed as having low significance under the Significance and Engagement Policy however Council is required to formally resolve to appoint members to the DLC list and appoint the DLC for the Plenty Foods application because of the requirements of the Act.

## Sustainability | Rautaki whakauka

64. There are no sustainability considerations.

## Financial and resourcing | Mahere pūtea

65. All DLC members must be paid as determined by the Minister of Justice in accordance with the Cabinet fees framework. The following rates apply regardless of whether a person is an elected member or other person appointed by Council:
- a. Chair - \$624.00 per day or \$78.00 per hour for part days

- b. List member - \$408.00 per day or \$51 per hour for part days
  - c. Reimbursement for reasonable expenses incurred in the discharge of duties associated with the position.
66. In addition to time spent reviewing the application and reports provided, the DLC is likely to need to address pre-hearing matters, conduct the public hearing and issue a decision. It is common practice for the chairperson to write the decision on behalf of the DLC. For an opposed application which is subject to rights of appeal to a tribunal, this decision is likely to be lengthy and set out extensive legal reasoning drawing on the evidence heard and the DLC's deliberations. The above rates apply to all of this work of the DLC.

## Legal | Ture

67. External legal advice as well as support from Council's in-house legal team has been sought in relation to the appointment process and management of the Plenty Foods application. The proposed processes set out in this paper are consistent with the Act.
68. There are no specific statutory timeframes for applications for a new alcohol licence, although as with any administrative decision, undue delay should be avoided.

## Risk | Tūraru

69. The amendments to the Act put the onus on the DLC itself to ask adequate questions of witnesses to ensure the evidence is fully tested. The criteria to be considered when determining an application have not changed but given the DLC has not considered an opposed application for a licence its current members are likely to have limited experience testing evidence in this way.
70. There is a risk that if the DLC does not have members with previous experience and expertise in alcohol licensing involved in the decision-making for the Plenty Foods application the decision will be more vulnerable if appealed to the Alcohol Regulatory and Licensing Authority.

## Included attachment | Ngā āpitihanga

71. [Attachment 1: Profile and CVs for candidates for appointment to the District Licence Committee list](#) page 12

Date of report: 20 August 2024

Report writer:

Siobhan Simpson  
**Legal Counsel**

Approved by:

Helen Hamilton  
**Director Planning and Regulatory Services | Kaihautū Ratonga Whakamahere Me Te Whakariterite**

Geoff Swainson  
**Chief Executive | Te Tumu Whakarae**

## Attachment 1 - Profile and CVs for candidates for appointment to the District Licencing Committee list

1. [William \(Bill\) Acton \(below\)](#)
2. [Kate Thomson \(see page 16\)](#)

### William (Bill) Acton

---

Contact details – Upon request.

---

#### Personal Summary

I am an experienced lawyer and leader who enjoys motivating others to deliver their best. I see relationships at the heart of every interaction and the people factor always needs to be taken into account. I get on well with people at all levels but at the same time am known for dealing with difficult situations and challenging and complex legal matters. I enjoy working in a regulatory environment and believe sound processes and rules are an important part of our society.

---

#### Key Strengths

- **Collegiality** – Am able to have difficult conversations with others, including my peers, ensuring that where there are differences the focus is on the issues and not the personalities.
  - **New Skills** – I have quickly learnt about new subject matters where I previously had little or no knowledge, particularly in relation to the three Statutory Bodies that I sit on.
  - **Leadership** – Have led staff for over 10 years; as direct reports (including a matrix management approach), through direct reports and in a project management environment.
  - **Litigation** – Have been involved in litigation matters (civil and criminal) both directly and in an oversight role for over 20 years, from a Tribunal level, High Court and on to Appeal, and now sit on three Statutory Bodies.
  - **Building strategic relationships** – Enjoy building key relationships with key stakeholders, internal, external, legal and operational. Enjoy talking to colleagues to get to know them to ensure that we work together in a synchronised way.
  - **Decision-making** – Am able, if necessary, to make balanced decisions both technical and people related quickly even where I do not necessarily have all the information at hand.
  - **Managing for results** – Recognise the importance of meeting key measures (in a principled way) and working with other areas to help them meet their measures.
  - **Managing risks** – Take an 80/20 approach on the basis most matters do not need to be traversed to the nth degree. Am comfortable with, and prefer working in, an environment where there are unknowns rather than just progressing matters in a status quo way.
  - **Analytical** – Skilled in dealing with potentially complicated issues, i.e., complex financial, tax and legally related matters in a confident way.
  - **Problem solving** – Seek to resolve differences through a win win approach.
  - **Trust and Confidence** – Am able to quickly build rapport and the confidence of others.
- 

<b>Education</b>	1997, LLB, University of Otago
	2008 - Master of Taxation Studies (Hons), University of Auckland

---

**Voluntary Work** Have previously volunteered at; the Dunedin Community Law Centre, the Upper Hutt, Hutt City, and Newtown Citizens Advice Bureaus, and the lawyers' roster to visit inmates at Rimutaka prison.

---

### Work Experience

- Barrister (with approval to take direct instructions as appropriate)

**Gambling Commission  
Commissioner**

**February 2022 – present**

- The Commission is a statutory body that deals primarily with matters concerning casinos, and appeals made by electronic gaming machine (colloquially known as “pokies”) operators against decisions made by the Department of Internal Affairs. The overall aim of the Commission is to ensure that the relevant gambling is undertaken in a responsible way. The decisions are largely made on the papers though public hearings can be held if there is a sufficient element of public interest. The Commission is acutely aware of possible health harms from excessive gambling, particularly for vulnerable communities.

**Real Estate Authority, Wellington**

**December 2019 - present**

**Member – Complaints Assessment Committee (“CAC”)**

- The aim of this role is to ensure that any complaints about Real Estate Agents that are referred to the Committee are dealt with professionally and promptly, with a 20-working day turnaround time for written decisions. These decisions are largely made on the papers, with Committee hearings held by way of on-line Teams meetings. The Authority emphasises the need for quality decisions which should rarely be able to be successfully appealed.

**Wellington City Council**

**November 2018 - present**

**Commissioner and Member - District Licensing Committee (“DLC”)**

- The overall aim of this role is to ensure that alcohol is sold and supplied responsibly. I am responsible for managing and progressing a range of alcohol related applications, and in person public hearings, with written decisions where necessary, on relevant un-opposed, opposed, and preliminary matters. I give feedback to the Council on applications and workflow issues as appropriate, both at a specific level and at a general wider operational level. All work is delivered via a digital portal with work turnaround times for un-opposed matters of 5 working days, and 60 working days for complex opposed matters.

**Te Pūkenga/Open Polytechnic, New Zealand wide  
Adjunct Marker**

**August 2018 – present**

- I mark the, Introduction to the Legal System, Introduction to Commercial Law, and Taxation, assessments and exams, as part of the Legal Executive Diploma, and Business and Accounting related qualifications. A key aim is to mark all papers in a consistent way to ensure that all students are treated equitably. The majority of this work is delivered via a digital portal with work turnaround times of 10 working days.

**College of Law, Wellington  
Adjunct Instructor**

**February 2018 - present**

- This is both class-based and on-line teaching to help prepare students to practice the law in a practical way. I teach and assess the following professional courses, Negotiation and Mediation, and Interviewing.

## **Inland Revenue Department**

<b>Taxation Specialist</b>	<b>September 2018 – March 2019</b>
<b>Group Lead – Legal Services (prosecution project)</b>	<b>February 2018 – August 2018</b>
<b>Acting Manager – Legal and Technical Services</b>	<b>February 2016 – February 2018</b>
<b>Manager – Litigation</b>	<b>October 2005 – February 2016</b>
<b>Investigations Manager (secondment)</b>	<b>November 2013 – October 2014</b>
<b>Solicitor</b>	<b>March 2001 – October 2005</b>

### **Achievements**

- Managed a team who had undergone a potentially disruptive management change at short notice, ensuring that BAU work continued to be undertaken.
- Managed an IRD overall prosecution project to ensure that a more consistent approach was taken in respect of the IRD’s prosecution activities.
- Am a trained facilitator and an Associate Member of the Arbitrators’ and Mediators’ Institute of New Zealand and have facilitated disputes between IRD staff and external disputants. I was a member of the MBIE “Government Centre for Dispute Resolution Officials Advisory Group”, which has an aim of promoting the use of Alternative Dispute Resolution.
- Successfully managed a large and high-profile litigation project, known as “structured finance”, which involved a challenging and large-scale discovery exercise. At times this project involved direct briefings of both the Commissioner of Inland Revenue and the Solicitor-General.
- Instrumental in introducing “coaching and mentoring” training for all solicitors.
- Embraced the use of e-tools, particularly in relation to discovery, and was instrumental in the promotion and use of e-discovery tools.

### **Responsibilities**

- Led a team of solicitors and technical advisors, and a team of investigators during an internal secondment period. Dealt with numerous performance issues over the course of my management tenure.
- Member of the litigation management unit’s legal management team, which provides leadership for the unit’s litigation and alternative dispute activities.
- Had my own litigation caseload, which included, Criminal Prosecutions, Child Support matters, Insolvency matters, Judicial Review applications, Civil District Court matters particularly in relation to the use of “Powers”.
- Gave advice on a range of commercial transactions involving, Property Law (real and personal), Company Law, Trust Law.
- Had sign off authority for the commencement of criminal prosecutions in the Lower North Island.
- Responded to OIA and Privacy Act requests as necessary, liaising with the departmental privacy officer, and ensuring relevant internal staff were made aware of potentially sensitive releases.
- Dealt with other government agencies as required, i.e., was a key liaison person with the SFO.
- Reviewed and gave advice on policy work including departmental policies, and as required on proposed legislation.
- Have a good understanding of how the Crown and the Crown Law Office operates in respect of litigated and legal matters. Ensuring that all litigation was being progressed within a Crown “model litigant” context and that the Solicitor-General’s Prosecution Guidelines and any Cabinet directions were being followed.
- Worked hard to maintain good relationships with key operational areas.
- Was alert to the need to keep senior management, including at times the Commissioner directly, apprised of high level or sensitive issues.

<b>Strachan O’Connor, Barristers and Solicitors, Upper Hutt</b>	<b>January 1999 - February 2001</b>
<b>Staff Solicitor</b>	

- Prepared and filed documents with regards to District Court, High Court and Family Court matters.
- Appeared in the Civil, Family, Criminal, Employment and Environment Courts in respect of various matters.
- Was an assigned solicitor on the duty solicitor roster and obtained criminal legal aid level one.
- Involved with commercial matters as follows: trusts, wills, estate administration, deeds, conveyancing, commercial leases, tax matters, company matters.

---

Prior to studying for a law degree, I worked in the banking industry.

## **Kate Thomson**

### **PROFILE**

I was appointed as a List Member of the Wellington District Licensing Committee in 2013, before being appointed as a Chairperson/Commissioner in 2018.

Prior to my work with the Licensing Committee, I worked as a Senior Advisor at the Ministry of Justice for many years. During my time at the Ministry I worked in a leadership role on the development of the Sale of Liquor Act 1989 from the initial policy analysis and development stage through to the enactment of the Act by Parliament. Through this work I developed an extensive knowledge of the issues surrounding the consumption of alcohol and alcohol-related harm.

In my early career I worked as a litigation barrister and solicitor, acting mainly as junior counsel in criminal and commercial matters and hence I have a solid understanding of the procedural requirements of tribunal work.

For the Wellington District Licensing Committee I deal with a substantial number of the unopposed applications. As such, I have developed an in-depth knowledge and expertise in this area. I have made a conscious decision to focus solely on Licensing Committee work as I recognise that my role requires the flexibility to be able to adapt to changing work flows and have available capacity to deal with urgent applications on the day, if needed. It also means that I have significant flexibility in setting fixture dates for hearings, and being able to work around the parties' availability.

My role as Chairperson has involved chairing many hearings for opposed applications. I have been involved in a wide range of hearings for premises operating as supermarkets, bottle stores, taverns, restaurants and clubs. Several of these matters have been high profile cases, and are now considered leading decisions in the licensing jurisdiction.

The introduction of the Sale and Supply of Alcohol (Community Participation) Amendment Bill will require our hearing processes to further evolve to ensure that hearings avoid unnecessary formality and cross examination and are user friendly. My considerable experience will assist in ensuring applications are dealt with effectively and efficiently whilst ensuring the community can participate in the decision-making process. Many of my hearings have involved objectors, so I have developed the ability to make all parties feel comfortable and welcome during the hearing process to ensure that all voices are heard. My experiences living in Samoa, Taiwan and Dubai have been invaluable in understanding the need to recognise and engage with the different cultural expectations and perspectives.





## Policy Committee | Te Kōmiti Kaupapa Here 4 September 2024

# Dangerous, Affected and Insanitary Buildings Policy

### Purpose of report | Te pūtake

1. The purpose of this report is to present to Council the information necessary to seek Council approval to consult on the Dangerous, Affected and Insanitary Buildings Policy.

### Recommendations | He tūhonga

2. It is recommended that the Policy Committee:
  - a. notes that under Standing Order 6.6 Forthwith Decisions, Council has delegated authority to a majority of its members the power to make a forthwith decision, and that such decisions:
    3. may be exercised during a meeting of a Council committee,
    4. if the Mayor agrees that the matter must be acted upon as a matter of urgency, and
    5. the decision must be unanimous.
6. It is recommended that Council resolves to, as a forthwith decision:
  - (i) receives and notes the report and Statement of Proposal for the Dangerous, Affected and Insanitary Buildings Policy appended as **Attachment 1** to this report, and associated Summary of Information (appended as **Attachment 2** to this report).
    - a. approves the Statement of Proposal and Summary of Information for consultation, and
    - b. authorises officers to make any consequential amendments to this document based on the direction provided at this meeting / to correct any minor editorial, typographical, arithmetical, or formatting errors that are identified.

### Background | Papamuri

7. All buildings, when constructed, are required to meet the building standards applicable at that time. However, over time, a building may become dangerous and/or insanitary. This may be due to a major event such as a fire, or because of neglect, unauthorised building alterations, or an unauthorised change of use.
8. One of the key purposes of the Building Act 2004 (the Act) is to ensure that 'people who use buildings can do so safely and without endangering their health and people who use a building can escape from the building if it is on fire'. The Act sets out a range of obligations and responsibilities for councils to ensure that people are safe from the potential for harm posed by buildings that are dangerous or insanitary. Section 131 of the Act requires all councils to adopt a dangerous, affected and insanitary building policy.

9. Council first adopted a 'Earthquake-prone, Dangerous and Insanitary Buildings Policy' in 2006 and the Policy was subsequently reviewed and revised in August 2017 and renamed the 'Dangerous and Insanitary Buildings Policy'. The 2017 review was primarily focused on changes required by the introduction of the Building (Earthquake-prone Buildings) Amendment Act 2016 - which necessitated the removal of 'earthquake-prone buildings' from the 2006 Policy.
10. The Act requires that Council's dangerous and insanitary building policy also include affected buildings (any building that is adjacent to, adjoining, or nearby a dangerous building or dam), and must be reviewed every five years using the special consultative provisions of s83 of the Local Government Act 2002 to ensure it is still relevant, required, and fit-for-purpose.
11. The initial review of the 2017 Dangerous and Insanitary Buildings Policy indicated that, while the current adopted policy largely meets the requirements of the Act, it lacks sufficient detail and direction, does not incorporate 'affected buildings' as required, and is not robust enough to reliably meet the Council's ongoing obligations under the Act.
12. In August 2022, Council staff began the required five yearly review of the 2017 policy with a series of internal stakeholder discussions prior to moving to a more formal [consultation](#) phase in September 2023 on a 'Proposed Dangerous and Insanitary Buildings Policy'.
13. The September 2023 'Proposed Dangerous and Insanitary Buildings Policy' was subsequently placed on hold at draft stage and this has enabled the opportunity to ensure that a future policy aligns with the Long-Term Plan adopted by Council on 27 June 2024.
14. The September 2024 review proposes renaming the policy to the 'Dangerous, Affected and Insanitary Buildings Policy' to recognise that it incorporates affected buildings. It is also aligned with the guidance published by the Ministry of Business, Innovation and Employment on 29 July 2024, and addresses recommendations from:
  - The International Accreditation New Zealand (IANZ) Building Consent Authority Audit undertaken between late 2023-early 2024; and
  - The Performance Monitoring Assessment Report undertaken by the Ministry of Business, Innovation and Employment (MBIE) (which was completed in June 2024).
15. The objectives of this policy review process are to:
  - meet our obligations under the Building Act 2004 and the Local Government Act 2002
  - ensure our policy is fit for purpose
  - ensure our policy and internal processes are effective and aligned
16. Council staff have recently undertaken internal stakeholder discussions with the Building Consents and Planning and Compliance services to seek their thoughts and experiences around the current 2017 Policy and operational needs as part of this 2024 review.
17. Staff have also reviewed a range of Dangerous and Insanitary Buildings policies from councils around New Zealand for comparison purposes.
18. At the time of writing, it is intended that a summary of the above issues will be discussed with Councillors at a workshop on 29 August 2024.

## Discussion | Te matapaki

19. Noting the outcome of the initial internal review of the 2017 Dangerous and Insanitary Buildings Policy (and discussions and consideration of the existing policy wording), Council officers remain of the view that the adopted 2017 policy should be replaced entirely. Such an approach will ensure Council can effectively and transparently meet its obligations under the Act.
20. The proposed 2024 Dangerous, Affected and Insanitary Buildings Policy, appended as [Attachment 1](#) focusses on requirements of Council under the Act to identify, assess and take action on a dangerous, affected or insanitary building. It also specifies specify how information on a dangerous, affected or insanitary building will be gathered and managed by Council.
21. The Proposed 2024 Dangerous, Affected and Insanitary Buildings Policy. Appended as [Attachment 1](#) is limited being a review of the adopted 2017 Dangerous and Insanitary Buildings Policy only. As noted above, the 2023 Proposed Dangerous and Insanitary Buildings Policy was only a draft and was not adopted by Council. There are some key differences between the 2023 and 2024 proposed policies for the reasons identified in [paragraphs 9, 10 and 12](#) of this report.

## Options | Ngā kōwhiringa

22. There are three reasonably practicable options for the Dangerous, Affected and Insanitary Buildings Policy. These are set out below, along with reasoning for the preferred option.

### Option One – Rewrite the existing policy (preferred)

23. A complete rewrite of the existing policy would ensure compliance with the Building Act, address deficiencies identified in the existing report during a Performance Monitoring Assessment Report undertaken by the Ministry of Business, Innovation and Employment, and is align the policy with best practice.

### Option Two – Revision of the existing policy

24. Revision of the current policy 2017 wording could address some of the deficiencies identified in the Performance Monitoring Assessment, however, this may not meet best practice guidance and provide clarity for policy users.

### Option Three – Status Quo

25. This would involve retaining the existing 2017 policy, however, this would not meet the requirements of the Building Act and does not address the shortcomings of the existing policy.

## Considerations for decision-making | Ngā whai whakaarotanga

26. The proposed Dangerous, Affected and Insanitary Building Policy is aligned with the social and cultural, and economic outcomes in the Upper Hutt City Council Long Term Plan, including that we are a safe, and health community, attract new investment and have an alive, attractive and vibrant city centre.

## Previous relevant Council decisions | Ngā whakataunga o mua

27. As identified above, Council began a review of the policy in August 2022 which determined that the existing policy lacked detail and was not fit for purpose, and a new replacement policy is required to ensure Council is meeting the requirements under the Act.
28. Following a [Policy Committee meeting on 6 September 2023](#), Council approved a draft Statement of Proposal for the Dangerous and Insanitary Building Policy for consultation and [consultation](#) took place in October 2023.
29. The Statement of Proposal presented with that report was drafted to address recommendations in the then current International Accreditation New Zealand Building Consent Authority Audit and the Ministry of Business, Innovation and Employment Performance Monitoring Assessment Report, and incorporate best practice guidance. However, as explained in [paragraph 17](#) that draft policy was reviewed and replaced by the 2024 draft attached to this report at [Attachment 1](#).

## Significance and engagement assessment | Te tino aromatawai

30. Council is required to consult with the community as part of the review of the policy, regardless of which option it chooses between - amend, revoke, or continue using the existing policy without amendment. Consultation must be undertaken using the special consultation process under section 83 of the Local Government Act 2002.
31. Additionally, applying the Council's Significance and Engagement Policy, consultation is to be carried out if it is a legislative requirement, irrespective of significance thresholds within the Significance and Engagement Policy.
32. The 'Statement of Proposal – Dangerous, Affected and Insanitary Buildings Policy', (included in this report as [Attachment 1](#)), has been drafted in accordance with these requirements.
33. The Statement of Proposal includes a copy of the draft amended Policy, along with reasons as to why officers are recommending these changes. It also provides instructions for people wanting to provide feedback as part of the public consultation.
34. Notification of the consultation will be made as widely as practicably possible, via the Council's website and Facebook page, drop-boxes at all Council buildings and newspaper advertisements.

## Sustainability | Rautaki whakauka

35. There are no sustainability impacts anticipated from adopting the proposed Policy.

## Financial and resourcing | Mahere pūtea

36. There are no financial or reporting impacts anticipated from adopting the proposed Policy.

## Legal | Ture

37. Council officers are of the opinion that the proposed changes to the Policy are an appropriate way to address the issues identified, and that the Policy is in an appropriate form.
38. Council officers do not consider there are any legal risks associated with the recommendation.

## Risk | Tūraru

39. The Performance Monitoring Assessment Review from Ministry of Business Innovation and Employment necessitates corrective actions to be taken to amend the current Dangerous and Insanitary Buildings Policy to include 'affected buildings' and to state it must be reviewed at least every five years as required by s132(4). Not updating the policy will mean that this corrective action will not be taken.

## Included attachments | Ngā āpitihanga

40. Attachment 1: [Statement of Proposal Dangerous, Affected and Insanitary Buildings Policy](#) page 22
41. Attachment 2: [Summary of information](#) page 41

Date of report: 9 August 2024

Report writer(s):

Leyla Paine  
Building Control Services Manager

Suzanne Rushmere  
Acting Policy Planning Manager

Gabriela Nes  
Senior Policy Planner

Approved by:

Helen Hamilton  
Director Planning and Regulatory Services | Kaihautū Ratonga Whakamahere Me Te Whakariterite

Geoff Swainson  
Chief Executive | Te Tumu Whakarae



# Statement of Proposal

DRAFT

## Dangerous, Affected and Insanitary Buildings Policy

SEPTEMBER 2024 - 2029

# Contents

Statement of proposal – Dangerous, Affected and Insanitary Buildings Policy 2024 .....	4
Introduction.....	4
Background.....	4
How is the policy being reviewed?.....	4
Options considered.....	5
What is included in the policy .....	5
What changes are being proposed .....	5
Have your say.....	6
Proposed Dangerous, Affected and Insanitary Buildings Policy 2024.....	7
1.1 Policy Purpose.....	7
1.2 Scope of policy.....	7
1.3 Relationship to legislation and other Council policies.....	8
1.4 Review .....	8
1.5 Definitions.....	8
1.6 Policy development approach .....	9
1.7 Economic impact of policy .....	10
2.0 Dangerous and affected buildings.....	12
2.1 Step One - Identifying dangerous and affected buildings and responding to complaints.....	12
2.2 Step Two – Assessing and Recording Dangerous and Affected Buildings .....	12
Assessment criteria .....	12
Recording inspection findings and buildings deemed to be dangerous, affected or insanitary.....	12
Involving the owners of dangerous, or affected buildings.....	13
2.3 Step Three - Taking action on dangerous or affected buildings.....	13
2.4 Urgent works .....	14
2.5 Heritage buildings .....	14

3.0 Insanitary buildings ..... 15

    3.1 Step One - Identifying dangerous and affected buildings and responding to complaints ..... 15

    3.2 Step Two - Assessing and recording insanitary buildings ..... 15

        Assessment..... 15

        Recording inspection findings and buildings deemed to be dangerous, affected or insanitary ..... 16

        Involving the owners of dangerous, or affected buildings..... 16

    3.3 Step Three - Taking action on insanitary buildings ..... ~~17~~<sup>16</sup>

    3.4 Urgent works ..... 17

    3.5 Heritage buildings ..... 18

Appendix One – Steps for identifying and managing dangerous, affected and insanitary buildings ..... 19

DRAFT



# Statement of proposal – Dangerous, Affected and Insanitary Buildings Policy 2024

## Introduction

One of the key purposes of the Building Act 2004 (the Act) is to ensure that *‘people who use buildings can do so safely and without endangering their health and can escape from a building if it is on fire’*.

All buildings, when constructed, are required to meet the building standards applicable at that time. However, over time, a building may become dangerous and/or insanitary. This may be due to a major event such as a fire, or because of neglect, unauthorised building alterations, or an unauthorised change of use.

The Act sets out a range of obligations and responsibilities for councils to ensure that people are safe from the potential for harm posed by buildings that are dangerous or insanitary. One of these obligations is the requirement to adopt a Dangerous, Affected and Insanitary Buildings Policy.

## Background

The Act requires that our policy must be reviewed every five years to ensure it is still relevant, required, and fit-for-purpose. Upper Hutt City Council first adopted an ‘Earthquake-prone, Dangerous and Insanitary Buildings Policy’ (the policy) in 2006.

The policy was last reviewed and revised in August 2017. The 2017 review made changes required by the introduction of the Building (Earthquake-prone Buildings) Amendment Act 2016 – which resulted in ‘earthquake-prone buildings’ being removed from the policy. Earthquake prone buildings are now managed using a national system, managed by the Ministry of Business, Innovation and Employment (MBIE).

The Upper Hutt policy is now due for review and Council began a review of the policy in August 2022.

## How is the policy being reviewed?

The objective of the policy review process is to:

1. ensure Council has the tools and processes to keep people safe from the potential harm posed by buildings that are dangerous, affected or insanitary;
2. meet our obligations under the Building Act 2004 and the Local Government Act 2002; and
3. ensure our policy is aligned with best practice.

## Options considered

Council considered reasonably practicable options during the initial review of the policy in 2022/23<sup>1</sup>. These options included:

- Option 1 – Complete replacement of the policy
- Option 2 – Revision of the current policy wording
- Option 3 – Retention of the current policy with no changes

In 2022, it was considered that a complete replacement of the current policy would ensure the policy reflects best practice and incorporates operational improvements based on Council experience and provides an opportunity to clarify Council roles and responsibilities under the process.

These options remain valid for the September 2024 review.

## What is included in the policy

In accordance with requirements of section 131 of the Act, this policy includes:

- The approach that Council will take in performing its functions under the Act in relation to Dangerous, Affected and Insanitary Buildings;
- Council's priorities in performing these functions; and
- How the policy will apply to Heritage buildings.

The policy addresses dangerous and affected, and insanitary buildings separately in sections 2 and 3 of the policy, except where there are areas of commonality which are shown in section 1 of the policy.

## What changes are being proposed

The proposed policy includes amendments to the existing policy to:

- include affected buildings;
- determine how dangerous, affected and insanitary buildings will be identified;
- provide detail on the recording and keeping of information on such buildings;
- identify a three step process for managing dangerous, affected and insanitary buildings;
- provide more information on priorities; and
- update how Council will apply the policy to heritage buildings.

<sup>1</sup> [https://www.upperhuttcity.com/files/assets/public/v/1/yourcouncil/consultations/soi\\_dangerousinsanitary-buildings-policy-review\\_2023.pdf](https://www.upperhuttcity.com/files/assets/public/v/1/yourcouncil/consultations/soi_dangerousinsanitary-buildings-policy-review_2023.pdf)

## Have your say

Council invites your views on Upper Hutt City Council Dangerous, Affected and Insanitary Buildings Policy.

The formal consultation period will last for four weeks, from 26 September 2024 to 25 October 2024.

To make a submission:

### **STEP 1: READ THE PROPOSAL**

Please read this document carefully, along with our Statement of Proposal document which includes the full amended policy.

This is also available online at [letskorero.upperhuttcity.com](https://letskorero.upperhuttcity.com). Printed copies are also available at Council reception and Upper Hutt Libraries.

### **STEP 2: MAKE A SUBMISSION**

- Complete an online submission form on our website [www.letskorero.upperhuttcity.com](https://www.letskorero.upperhuttcity.com)
- Complete a pre-printed submission form which is available at Council reception and Upper Hutt Libraries. You can also download the form from our website (above) and print it at home. Completed forms can be free-posted, dropped off at the above locations or scanned and emailed to [letskorero@uhcc.govt.nz](mailto:letskorero@uhcc.govt.nz)

***NOTE:** If you would like your name to be withheld from the public documents, please indicate this in your submission.*

### **STEP 3: SPEAK WITH US (OPTIONAL)**

You can also share your feedback with Councillors in-person, at a dedicated Dangerous, Affected and Insanitary Policy hearing meeting. If you would like to do this, please let us know in your submission and we will send you details of the meeting closer to the time.

# Proposed Dangerous, Affected and Insanitary Buildings Policy 2024

## 1 Introduction

### 1.1 Policy Purpose

The purpose of this policy is to identify how dangerous, affected and insanitary buildings in the Upper Hutt district will be managed and regulated, in order to reduce the risk of injury, death, ill health or damage that may occur as a result of dangerous and/or insanitary buildings.

Under sections 131 and 132A of the Building Act 2004 (the Act), all territorial authorities are required to adopt a policy on dangerous, affected and insanitary buildings. Upper Hutt City Council adopted such a policy in 2006 and subsequently amended the policy in 2017. The 2017 amendment removed Earthquake Prone Buildings following changes required by the Building (Earthquake-prone Buildings) Amendment Act 2016. In 2013, the Building Act was amended to require Councils to also consider 'affected buildings' in their policies.

The Building Act also specifically recognises that heritage buildings may require a variation to such an approach if their particular heritage values are to be maintained and not compromised. For instance, Council can consider dispensations and waivers for issues of safety and sanitary conditions for heritage buildings and consider lateral or innovative approaches to achieving the desired level of compliance.

The policy document is divided into two parts:

- Dangerous and affected buildings, and
- Insanitary buildings

It also makes reference to Heritage Buildings throughout the document.

### 1.2 Scope of policy

This policy applies to all buildings within Upper Hutt City, excluding dams and buildings affected by an emergency event.

This policy sets out:

- the approach that Upper Hutt City Council will take in performing its functions under the Act in relation to dangerous, affected and insanitary buildings; and
- its priorities in performing those functions; and
- how the policy will apply to heritage buildings.

## 1.3 Relationship to legislation and other Council policies

This Policy should be read in conjunction with relevant sections of the following legislation:

- Building Act 2004
- Health Act 1956
- Local Government Act 2002
- Resource Management Act 1991
- Civil Defence Emergency Management Act 2002
- Heritage New Zealand Pouhere Taonga Act 2014

This Policy should also be considered alongside other relevant Upper Hutt City Council policies which may also deal with buildings and the health and safety of residents.

## 1.4 Review

This policy replaces the Upper Hutt City Council – Dangerous and Insanitary Building Policy 2017 and must be reviewed at least every five years. Any amendments or replacement of the policy must be undertaken in accordance with the Special Consultative procedure in s83 of the Local Government Act 2002 as required by s132(2) of the Act.

The policy does not cease to have effect because it is due for review or is being reviewed.

## 1.5 Definitions

For the purposes of this policy the following definitions apply:

- **The Act** means the Building Act 2004.
- **Affected building** has the same meaning as section 121A of the Act and is as follows:
  - “any building that is adjacent to, adjoining, or nearby –
    - (a) a dangerous building as defined in section 121 of the Act; or
    - (b) a dangerous dam within the meaning of section 153 of the Act.”
- **Authorised officer** has the same meaning as in section 222 of the Act and is as follows:
  - “an officer of a territorial authority to whom either or both of the following applies:
    - (a) he or she is authorised to carry out inspections; or
    - (a) he or she is authorised to enter the land –
      - (i) by this Act; or
      - (ii) by an order of the District Court made under section 227.”
- **Council** means the Upper Hutt City Council.

- **Dangerous building** has the same meaning as Section 121 of the Building Act and is as follows:
  - (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.
  - (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.”
- **Heritage building** has the same meaning as section 7 of the Building Act and is as follows:
 “means a building that is included on –
  - (a) the New Zealand Heritage List/Rārangi 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, or
  - (c) the District Plan - Historic Heritage Schedule.”
- **Insanitary building** has the same meaning as Section 123 of the Act and is as follows:
 “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.”

## 1.6 Policy development approach

This policy has been developed with the intent of a pragmatic approach to implementation. The approach addresses the following considerations:

- intent and provisions of the Act,
- the life safety of the public in buildings.

The Council is committed to ensuring that the Upper Hutt City Council district is a safe place to live, visit and work in. The Dangerous, Affected and Insanitary Buildings Policy is consistent with the social and cultural, and economic outcomes in the Upper Hutt City Council Long Term Plan.

Upper Hutt City Council is expecting strong growth over the next 30 years with an expected increase in population from 47,500 people to 65,000, placing additional pressure on existing building stock, and resulting in a reduction in the availability of affordable housing. Conversions of existing aged buildings, lack of maintenance, overcrowding and illegal building alterations can cause serious problems for occupants and insanitary conditions can occur in these circumstances. This is particularly so in the older building stock in Upper Hutt

The Council is actively involved in encouraging people to discuss their development plans with the Council and, where necessary, to obtain building consent prior to the work beginning. This is particularly important to avoid creating dangerous or insanitary conditions. The failure to obtain a building consent or the negligent use of a building for a purpose for which it is not suitable can result in a building that no longer complies with the building code and poses a danger to the occupants. Dangers could include inadequate fire protection or means of escape, or danger of collapse. The Council has and will initiate enforcement action under the Building Act 2004 when appropriate.

In accordance with Section 123A of the Act, if a territorial authority is satisfied that part of a building is dangerous it may only take enforcement action in respect of that part of a building rather than the whole building.

## 1.7 Economic impact of policy

The Council receives several complaints of building non-compliance every year, however these generally do not result in the buildings meeting the threshold to be deemed dangerous or insanitary.

Consequently, Council has concluded that the economic impact of the policy is negligible since, at the time of writing the operational policy, very few instances of dangerous buildings have been encountered.

## 1.8 Approach taken by Council

Council will identify and manage Dangerous, Affected and Insanitary Buildings in accordance with the flow chart shown at Appendix 1 of this policy. Further details on how Council will perform the functions identified in the flow chart are identified in sections 2 and 3 below.

## 1.9 Priorities

The Council will respond to buildings deemed to be dangerous, affected or insanitary which pose immediate risk to occupants and surrounding environments.

In such circumstances as immediate action is required to remove the danger and could include prohibiting any person occupying or using the building and where needed, boarding up the building to prevent entry.

Buildings that are determined to be dangerous, but not immediately dangerous, will be subject to the minimum timeframes for reduction or removal of the danger (i.e. not less than 10 days) as set out in s125(1)(c) of the Act.

DRAFT



## 2.0 Dangerous and affected buildings

### 2.1 Step One - Identifying dangerous and affected buildings and responding to complaints

The Council will:

- respond to and investigate all building complaints received.
- undertake inspections by an authorised officer.
- identify from these investigations any buildings considered to be dangerous.
- liaise with FENZ when the Council deems it appropriate, in accordance with s121(2) of the Act<sup>2</sup>

### 2.2 Step Two – Assessing and Recording Dangerous and Affected Buildings

#### Assessment criteria

The Council will assess dangerous buildings in accordance with s121(1) and s121A of the Act.

#### Recording inspection findings and buildings deemed to be dangerous, affected or insanitary

Where a building is identified as dangerous, Upper Hutt City Council will:

- Record the building, its location, issues raised, and relevant advice received and the outcome of the inspection in a Dangerous, Affected and Insanitary Buildings register.
- place the following information on Council records related to the property:
  - any notice issued informing the owner that the building is dangerous and where necessary notice of the requirement to evacuate.
  - a copy of the letter to owner, occupier and any other affected parties that the building is dangerous.
  - a copy of the notice given under section 124(1) of the Act that identifies the work to be carried out on the building and the timeframe given to reduce or remove the danger.

<sup>2</sup> s121 of the Building Act 2004 says

*"For the purpose of determining whether a building is dangerous in terms of s121 subsection (1)(b), a territorial authority-*  
*(a) may seek advice from employees, volunteers, and contractors of Fire and Emergency New Zealand who have been notified to the territorial authority by the board of Fire and Emergency New Zealand as being competent to give advice; and*  
*(b) if the advice is sought, must have due regard to the advice."*

In granting access to information concerning dangerous buildings, the Council will conform to the requirements of the Local Government Official Information and Meeting Act 1987 and the Local Government Act 2002.

## Involving the owners of dangerous, or affected buildings

If council determined that a building is dangerous or affected or insanitary, it will advise and liaise with the owner(s) of buildings.

## 2.3 Step Three - Taking action on dangerous or affected buildings

In accordance with s124 and 125 of the Act, the Council:

- will advise and liaise with the owner(s) of buildings, and
- may request a written report on the building from FENZ.

If it is found that the building is dangerous or affected, the Council will:

- attach a written notice to the building requiring work to be carried out on the building, within the time stated in the notice, not being less than 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, and Heritage New Zealand Pouhere Taonga (if the building is listed or pre-1900).
  - 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, a Notice to Fix will be issued under s124 of the Act.
  - if the Dangerous Building notice requirements are not met, the Council may pursue enforcement action under the Act.

If the building is considered immediately dangerous, the Council will in accordance with section 129 and 130 of the Act:

- take any action necessary to remove the danger (this may include prohibiting persons using or occupying the building, or demolition of all or part of the building); and
- take action to recover costs from the owner(s) if the Council must undertake works to remove the danger; and
- inform the owner(s) the amount recoverable by Upper Hutt City Council will become a charge on the land on which the building is situated.

Building owners may appeal the Council's decision by lodging an application for a determination with the Chief Executive Officer of the Ministry of Business, Innovation and Employment in accordance with section 177(3)(f) of the Act.

At the end of the time period stated in a notice issued under s124(2)(c)(i)&(ii) of the Act (or any extension) Upper Hutt will confirm if the work required by the notice has been completed, or is proceeding with reasonable speed, and record compliance on the Dangerous, Affected and Insanitary Building register and Council records related to the property.

If a person fails to comply with a notice issued under section 124(2)(c) of the Act, requiring work to remove or reduce danger or remove insanitary conditions, then they will commit an offence, and are liable to be fined on conviction. Council may also apply to the District Court seeking a court order to allow them to carry out building work in accordance with section 126 of the Act.

## 2.4 Urgent works

Where a building is assessed as being immediately dangerous, under Section 41 of the Act the Council may decide that a building consent is not required for any of the immediately necessary building work. However, prior to any action being taken, Council will require from owners and discuss with them, a written scope of the work.

## 2.5 Heritage buildings

Heritage buildings will not be given automatic dispensation under this policy. However, innovative non-damaging approaches are encouraged and will be accepted at heritage buildings in situations where the building meets the definition of a dangerous building, but the risk is minor, no accidents are known to have occurred in the past, and where mitigation or full compliance would result in significantly negative impacts to the heritage value. Any proposed alternative approaches would still need to demonstrate mitigation of the identified risks.

In cases where compliance with any aspect of the Act would so damage the attributes of a place to the extent that its very role as a valued heritage building is compromised then case-by-case consideration of a dispensation or waiver may be negotiated by the appropriate Council officer acting under delegated authority. This procedure is in accordance with established practices.

## 3.0 Insanitary buildings

### 3.1 Step One - Identifying Insanitary buildings and responding to complaints

The Council will:

- respond to and investigate all building complaints received.
- undertake inspections by an authorised officer.
- identify from these investigations any buildings considered to be insanitary.
- liaise with the Wellington Regional Public Health Service (Medical Officer of Health) where occupants may be neglected or infirm<sup>3</sup>.
- work with other agencies where required to assist occupants (i.e. for relocation).

### 3.2 Step Two - Assessing and recording insanitary buildings

#### Assessment

The Council will assess insanitary buildings in accordance with s123 of the Act, established case law, the Building Code and if deemed necessary advice from the Medical Officer of Health.

The Council will determine:

- if the building is occupied.
- what the building is being used for; and
- whether the insanitary conditions are offensive or likely to be injurious to the health of any occupants or surrounding environments.

Where a building is occupied, considerations may include, but are not limited to:

- adequacy of available sanitary facilities.
- adequacy and availability of drinking water.
- ventilation.
- the separation of kitchen and other sanitary facilities.

<sup>3</sup> This terminology comes from section 126 of the Health Act – *Neglected and Infirm Persons* – that addresses the issue of: “...any aged, infirm, incurable, or destitute person is found to be living in insanitary conditions...”

- potential for moisture penetration taking into account construction materials and any defects in roof and walls; and
- the extent to which the building is offensive to adjacent and nearby properties.

In accordance with the Building Code, the following clauses are relevant:

- E1 (Surface Water)
- E2 (External Moisture)
- E3 (Internal Moisture)
- G1 (Personal Hygiene)
- G3 (Food Preparation)
- G4 (Ventilation)
- G12 (Water Supplies)
- G13 (Foul Water)

## Recording inspection findings and buildings deemed to be insanitary

Where a building is identified as insanitary, Upper Hutt City Council will:

- Record the building, its location, issues raised, and relevant advice received and the outcome of the inspection in a Dangerous, Affected and Insanitary Buildings register.
- place the following information on the Council records related to the property:
  - The notice issued informing the owner(s) the building is insanitary and, if issued, notice of the requirement to evacuate.
  - A copy of the letter to owner(s), occupier(s) and any other relevant person(s) advising the building is insanitary.
  - A copy of the notice given under section 124(1) of the Act that identifies the work to be carried out on the building and the timeframe given to reduce or remove the insanitary conditions.
  - Any report that describes work that has been undertaken to remedy the insanitary conditions.

## Involving the owners of insanitary buildings

If council determined that a building is dangerous or affected or insanitary, it will advise and liaise with the owner(s) of buildings.

### 3.3 Step Three - Taking action on insanitary buildings

The Council will:

- advise and work with the owner(s) of the buildings identified as being potentially insanitary.

Where the building is found to be insanitary, the Council will:

- attach a written notice to the building requiring work to be carried out on the building to prevent the building from remaining insanitary, with a time stated on the notice that is not less than 10 working days.
- give copies of the notice to the building owner(s), occupier(s), and every person who has an interest in the land or is claiming an interest in the land, and Heritage New Zealand Pouhere Taonga (if the building is listed or pre-1900).
- where the insanitary conditions are the result of non-consented work, issue a Notice to Fix.
- contact the owner(s) at the end of the period set down in the notice to gain access to the building and determine whether the notice has been complied with.
- determine if enforcement action should be pursued under the Act if the requirements of the notice have not been met.

Where the Council considers immediate action is required to fix insanitary conditions the Council will (in accordance with section 129 and 130 of the Act):

- take action necessary to fix those insanitary conditions; and
- take action to recover costs from the owner(s) if the Council has had to undertake works to address the insanitary conditions.
- inform the owner(s) the amount recoverable by the Council will become a charge on the land on which the building is situated.

Building owners may appeal the Council's decision by lodging an application for a determination with the Chief Executive Officer of Ministry of Business Innovation and Employment (MBIE) in accordance with Section 177(3)(f) of the Act.

At the end of the time period stated in a notice issued under s124(2)(c)(i)&(ii) of the Act (or any extension) Upper Hutt will confirm if the work required by the notice has been completed, or is proceeding with reasonable speed, and record compliance on the Dangerous, Affected and Insanitary Building register and the Council records related to the property.

If a person fails to comply with a notice issued under section 124(2)(c) of the Act, requiring work to remove or reduce danger or remove insanitary conditions, then they will commit an offence, and are liable to be fined on conviction. Council may also apply to the District Court seeking a court order to allow them to carry out building work in accordance with section 126 of the Act.

### 3.4 Urgent works

Where a building is assessed as requiring immediate work to address the insanitary conditions, under Section 41 of the Act the Council may decide that a building consent is not required for any of the

immediately necessary building work. However, prior to any action being taken, Council will require from owners and discuss with them, a written scope of the work.

**Note:** The Council may decide to use powers under the Health Act 1956, instead of or in addition to, the Building Act. Provisions exist in the Health Act to deal with nuisance conditions associated with housing, including overcrowding and insanitary conditions likely to cause injury to the health of persons, or a dwelling that is otherwise unfit for human habitation.

### 3.5 Heritage buildings

Heritage buildings will not be given automatic dispensation under this policy. However, where the non-compliance is minor, and where to correct the situation would involve destruction or visual compromise of high-value items, the appropriate Council officer acting under delegated authority may negotiate a dispensation or waiver. Lower-impact methods such as repairing leaks or clearing rubbish will be encouraged to help remedy insanitary conditions without compromising heritage values. This procedure is in accordance with established practice and has been used on a number of occasions.

DRAFT

## Appendix One – Steps for identifying and managing dangerous, affected and insanitary buildings

[Appendix One – Steps for identifying and managing dangerous, affected and insanitary buildings.pdf](#)

DRAFT



# Summary of information

## Dangerous, Affected and Insanitary Buildings Policy

SEPTEMBER 2024

# Contents

Summary of information .....3

    Why do we have a Dangerous, Affected and Insanitary Buildings Policy? .....3

    What does this policy apply to? .....3

    Why are we now reviewing our policy? .....3

        How do we plan to review the policy?.....4

Options considered.....5

Council’s proposal .....6

    Key changes proposed .....6

How can I share my views on this proposal? .....7

DRAFT

# Summary of information

## Why do we have a Dangerous, Affected and Insanitary Buildings Policy?

One of the key purposes of the Building Act 2004 (the Act) is to ensure that *'people who use buildings can do so safely and without endangering their health and can escape from a building if it is on fire'*.

All buildings, when constructed, are required to meet the building standards applicable at that time. However, over time, a building may become dangerous and/or insanitary. This may be due to a major event such as a fire, or because of neglect, unauthorised building alterations, or an unauthorised change of use.

The Act sets out a range of obligations and responsibilities for councils to ensure that people are safe from the potential for harm posed by buildings that are dangerous or insanitary. Section 131 of the Act requires that all councils must have a policy defining:

- how the council will meet its obligations to manage dangerous and insanitary buildings,
- how council will prioritise its actions, and
- how the policy will apply to heritage buildings.

Upper Hutt City Council first adopted an 'Earthquake-prone, Dangerous and Insanitary Buildings Policy' (the policy) in 2006.

## What does this policy apply to?

The Policy applies to all buildings within Upper Hutt City excluding dams and buildings affected by an emergency event.

## Why are we now reviewing our policy?

The Act requires that our policy must be reviewed every five years to ensure it is still relevant, required, and fit-for-purpose.

The policy was last reviewed and revised in August 2017. The 2017 review made changes required by the introduction of the Building (Earthquake-prone Buildings) Amendment Act 2016 – which resulted in 'earthquake-prone buildings' being removed from the policy. Earthquake prone buildings are now managed using a national system, managed by the Ministry of Business, Innovation and Employment (MBIE).

The Upper Hutt policy is now due for review.

Council began a review of the policy in August 2022 which determined that the existing policy lacked detail and was not fit for purpose, and required a new replacement policy to ensure Council is meeting its requirements under the Act. However, following the initial phase of consultation, the review was placed on hold. The pause presents the opportunity to review to the policy and align it with the Long Term Plan 2024-2034, International Accreditation New Zealand (IANZ) Building Consent Authority Audit which occurred

between late 2023-early 2024 and the Performance Monitoring Assessment Report undertaken by the Ministry of Business, Innovation and Employment (MBIE) which was completed in June 2024.

The policy has been redrafted to include these reviews and best practice guidance, and the Statement of Proposal sets out the proposed policy.

## How do we plan to review the policy?

The objective of the policy review process is to:

1. ensure Council has the tools and processes to keep people safe from the potential harm posed by buildings that are dangerous, affected or insanitary;
2. meet our obligations under the Act and the Local Government Act 2002; and
3. ensure our policy is aligned with best practice.

DRAFT

# Options considered

We considered various options during the initial review of the policy in 2022/23<sup>1</sup>. These options included:

- Option 1 – Complete replacement of the policy
- Option 2 – Revision of the current policy wording
- Option 3 – Retention of the current policy with no changes

Ultimately it was considered that a complete replacement of the current policy would ensure the policy reflects best practice and incorporates operational improvements based on Council experience and provides an opportunity to clarify Council roles and responsibilities under the process.

These options remain valid for the September 2024 review.

---

<sup>1</sup> [https://www.upperhuttcity.com/files/assets/public/v/1/yourcouncil/consultations/soi\\_dangerousinsanitary-buildings-policy-review\\_2023.pdf](https://www.upperhuttcity.com/files/assets/public/v/1/yourcouncil/consultations/soi_dangerousinsanitary-buildings-policy-review_2023.pdf)

# Council's proposal

## Key changes proposed

The replacement policy is proposed to better reflect the Guidance For Developing Policies On Dangerous, Affected And Insanitary Buildings developed by MBIE<sup>2</sup>, particularly as it relates to the inclusion of affected buildings, the identification of dangerous, affected and insanitary buildings and the recording and keeping of information on such buildings. As a result, the replacement policy outlines Council's responsibilities at each stage of the process, which is missing from the current version. The proposed policy includes amendments to the existing policy to:

- include affected buildings;
- determine how dangerous, affected and insanitary buildings will be identified;
- provide detail on the recording and keeping of information on such buildings;
- identify a three step process for managing dangerous, affected and insanitary buildings;
- provide more information on priorities; and
- update how Council will apply the policy to heritage buildings.

---

<sup>2</sup> <https://www.building.govt.nz/assets/Uploads/building-officials/guides/dang-insan-guidance.pdf>

# How can I share my views on this proposal?

We want your feedback on the proposal to adopt a replacement Dangerous, Affected and Insanitary Policy. To make a submission:

## **STEP 1: READ THE PROPOSAL**

Please read this document carefully, along with our Statement of Proposal document which includes the full amended policy.

This is also available online at [letskorero.upperhuttcity.com](https://letskorero.upperhuttcity.com). Printed copies are also available at Council reception and Upper Hutt Libraries.

## **STEP 2: MAKE A SUBMISSION**

- Complete an online submission form on our website [www.letskorero.upperhuttcity.com](https://www.letskorero.upperhuttcity.com)
- Complete a pre-printed submission form which is available at Council reception and Upper Hutt Libraries. You can also download the form from our website (above) and print it at home. Completed forms can be free-posted, dropped off at the above locations or scanned and emailed to [letskorero@uhcc.govt.nz](mailto:letskorero@uhcc.govt.nz)

**NOTE:** *If you would like your name to be withheld from the public documents, please indicate this in your submission.*

## **STEP 3: SPEAK WITH US (OPTIONAL)**

You can also share your feedback with Councillors in-person, at a dedicated Dangerous, Affected and Insanitary Policy hearing meeting. If you would like to do this, please let us know in your submission and we will send you details of the meeting closer to the time.



Te Kaunihera o  
**Te Awa Kairangi ki Uta**  
Upper Hutt City Council

## Policy Committee | Te Kōmiti Kaupapa Here 4 September 2024

# Director's Report: Planning and Regulatory Services

### Purpose of report | Te pūtake

1. The purpose of this report is to provide an update on regulatory activity across the planning policy functions.

### Recommendation | He tūhunga

2. The Committee recommends that Council receives and notes the report titled Director's Report: Planning and Regulatory Services.

### Background | Papamuri

#### Current District Plan Changes

3. Work continues on several plan changes (at various stages) as part of the rolling review of the District Plan.
4. [Attachment 1](#) to this report outlines the status of District Plan change proposals, including current, recent, and upcoming community engagement on plan change workstreams.

#### Workshops with Council on District Plan work programme

5. The next District Plan work programme update is scheduled for 29 August 2024.

#### Regional Policy Statement for the Wellington region Plan Change 1

6. There are no further updates from that presented at the 17 July Policy Committee meeting, the panel is still deliberating post hearings, following which Greater Wellington Regional Council will consider their recommendations and make a decision on the plan change. At the time of writing, there is no date for when Greater Wellington Regional Council will receive the hearings panel's recommendation report and adopt Plan Change 1, however, officers hope to provide an update at the meeting.

#### Greater Wellington Natural Resources Plan Change 1

7. Further submissions closed in March 2024 and hearings were due to start mid-2024. However, the expected start date for hearings has been delayed and officers will report back with further information when this is available.



## Wellington Regional Growth Framework Projects

8. The Wellington Regional Growth Framework includes a range of regional and local projects, which Council Policy Planning staff are involved in. There is no further update to the previously reported 17 July 2024 Policy Committee meeting for the following projects:
  - a. Regional Housing Action Plan
  - b. Regional Climate Change Risk Assessment
  - c. Regional Housing and Business Capacity Assessment
  - d. Regional Future Development Strategy
  
9. All these projects are focused on identifying issues and opportunities to improve the functioning of the region's urban environments and connections. The Council will be updated on each project as it develops.
  
10. The next part of this report provides an update on the following Wellington Regional Growth Framework Projects:
  - A. Wellington Regional Industrial Land Supply Study
  - B. Aggregate supply security in the Wellington Region
  - C. Wellington Future Development Strategy Implementation Plan

### A. Wellington Regional Industrial Land Supply Study

11. The Wellington Regional Industrial Land Supply Study commenced in January 2024 in response to a shortage of industrial land being identified in the Housing and Business Assessment for the Wellington Region. The Industrial Land Supply Study is structured in five phases:
  - Industry research – including a review of the Housing and Business Assessment.
  - Industry engagement – A summary of the discussions with industrial land developers can be found at: [Industrial-Land-Study-Stakeholder-Engagement-Report\\_LR.pdf \(wrlc.org.nz\)](https://wrlc.org.nz/Industrial-Land-Study-Stakeholder-Engagement-Report_LR.pdf)
  - Sensitivity analysis – identification of industrial land within areas affected by climate change and areas where development needs to be carefully managed.
  - Spatial analysis and identifying investigation areas.
  - Reporting and recommendations.
  
12. A summary of the key findings from the industry engagement is below:
  - Confirmation of a shortfall of large accessible industrial sites across the region
  - Flat land with good access to the state highway network is seen as important by most industries
  - The affordability of land and increasing development costs are challenging for the sector
  - There are increasing cost associated with resilience risk
  - Relocation is considered as an option by those business when expanding their operation
  - Safeguarding land from encroachment and reverse sensitivity

- Access to affordable quality housing and public transport was seen as essential
  - Current building stock is of poor quality and there is a need to look for opportunities for innovation in land use
  - A diversity of sites and locations are required across the region
13. At this stage there have been no investigation areas identified in Upper Hutt beyond those already zoned for industrial development.
  14. The industrial land supply study project has currently been put on hold to ensure alignment with aggregate supply security project.

## **B. Aggregate supply security in the Wellington Region**

15. The availability of aggregate sources in the Wellington region has been raised as an issue for some time, and in 2022 the Wairarapa Councils approached Greater Wellington Regional Council to assist with considering this matter.
16. At the same time, this issue was also being considered by the Te Waihangā (the New Zealand Infrastructure Commission), who had engaged GNS Science to undertake a high-level mapping exercise to identify suitable aggregate resources throughout New Zealand in 2021. Subsequently GNS Science undertook more detailed opportunity modelling (looking at potential extraction opportunities) for the four high-growth areas of Auckland, Tauranga, Queenstown and Wellington.
17. Greater Wellington Regional Council has worked with GNS Science in providing base information available for the Wellington region. Te Waihangā has reviewed all the work undertaken by GNS Science to date and this information has informed the Regional Model.
18. At a meeting on 21 November 2023 with Te Waihangā, officers from the eight territorial authorities in the Wellington Regional and Greater Wellington Regional Council were presented with the model. Subsequently, on 19 March 2024 the Wellington Regional Leadership Committee members considered how to work together to use the information and support access to the aggregate resources identified in the region.
19. A copy of the GNS Science report for the Wellington Region published in May 2024 is available at <https://media.umbraco.io/te-waihangā-30-year-strategy/13vnynce/wellington-aggregate-modelling.pdf>
20. The GNS Science report has shown the following opportunities for the Wellington Region:
  - hard rock aggregate opportunities from Pukerua Bay to Otaki, in southern Wellington City, around the Pautahanui area, and along the western side of the Wairarapa districts.
  - gravel aggregate opportunities are mainly in the central Wairarapa area and parts of the Kāpiti Coast.
  - sand opportunities on the Kāpiti Coast.
21. However, accessibility is an issue that Councils have a role to play in addressing through factors such as guiding land use in Regional and District plans.
22. The outcome of the 24 March 2024 Wellington Regional Leadership Committee meeting was to ask officers to consider including mapping of aggregate sites into the Wellington Regional Leadership Committee regional work on availability of potential industrial land. This work is underway.

### C. Wellington Future Development Strategy Implementation Plan

23. This Implementation Plan sets out specific actions for how the Wellington Region is going to realise the vision set out in the Future Development Strategy and deliver well-functioning urban environments. The vision of the Future Development Strategy sets out the desire to be responsible ancestors and provide sustainable growth for future generations.
24. As with the Future Development Strategy, the Implementation Plan is informed by Te Tirohanga Whakamua statement of iwi and hapū values and aspirations and includes six kōkiri (design principles) including supporting Treaty partnership, circular economy models, sustainable growth, removing barriers iwi face, investment that reduces inequality and promotes economic growth and equipping future generations to face challenges, such as climate change.
25. Part 2 of the Implementation Plan identifies priority implementation actions including:
- Ensuring there is ongoing energy security and capacity
  - Improving location specific understanding of how infrastructure capacity constraints may affect housing and business land
  - Promoting transit-orientated development
  - Assessing incentives and/or disincentives to support development of housing and business development of the right type/in the right place
  - Developing a regional level climate change adaptation framework
  - Understanding where and how to provide industrial land required in the next 30 years
26. Part 3 of the Implementation Plan identifies the review process for the Future Development Strategy and monitoring of the Implementation Plan to align with Long Term Plan processes. A high-level review of the Future Development Strategy will be undertaken for the 2027 to 2030 time period to update anything that may have changed. Public consultation is required if there are significant changes. Updates are required every six years with the next update identified for 2030.
27. Monitoring targets include but are not limited to decreasing the use of private vehicles, the percentage of stressed (income) households, emissions, the use of public transport, trips by active modes, and māori housing opportunities. The data relating to these targets is already being collected either six monthly, annually or biannually and the Implementation Plan includes monitoring criteria for each of the six directions identified in table one below.
28. Actions include those set out in the documents of other partners including Waka Kotahi, the Ministry of Education, and territorial authorities. These actions relate to the six directions and are summarised in table one below, however not all actions are included. A full copy of the implementation plan can be found at: [Te Rautaki Whanaketanga ki tua a Wairarapa- Wellington- Horowhenua | Future Development Strategy: Implementation Plan \(wrlc.org.nz\)](https://wrlc.org.nz/te-rautaki-whanaketanga-ki-tua-a-wairarapa-wellington-horowhenua-future-development-strategy-implementation-plan)
29. It is noted that further transport investigation work has confirmed that the ‘Waka Kotahi / KiwiRail grade separation project at Messines/Sutherland/Railway Intersection’ in table one is longer needed. Officers will be engaging with Programme Director for the Wellington Regional Growth Framework to determine the process for updating the Wairarapa-Wellington-Horowhenua Future Development Strategy and the Implementation Plan to reflect this.

Table One – Six directions in the Implementation Plan

Direction	Actions
Infrastructure	Includes projects identified in partners infrastructure plans.  For Upper Hutt this includes Waka Kotahi / KiwiRail grade separation project at Messine/Sutherland/Railway Intersection, major projects in the Long Term Plan Capex Programme, the Trentham Racecourse Priority Development Area, and development at St Patricks
Housing	Each Council to undertake review and make changes to the region's policy and management plans and strategies as required to reflect and implement the direction in the Future Development Strategy.  Wellington Regional Leadership Committee to develop guidance documentation for implementing placemaking principles.
Iwi and hapū values and aspirations	All Councils to update plans as part of next review phase of Future Development Strategy to ensure iwi values are realised, such as avoiding development on certain sites of cultural and environmental significance and observing statutory acknowledgements.  Wellington Regional Leadership Committee and iwi members will work to identify, restore and maintain sites of cultural significance to iwi
Emissions and climate change	Wellington Regional Leadership Committee to advocate for re-instating intraregional long distance rail services to improve alternatives to flying.  A territorial authority to develop and undertake a pilot project that reduces transport emissions at a neighbourhood level  All Councils to advocate for a move to zero waste future
Prioritising nature, climate and culture	Greater Wellington Regional Council with territorial authority partners to progress implementation of National Policy Statement for Highly Productive Land to ensure effective integration into next Future Development Strategy.  Greater Wellington Regional Council with territorial authority partners to progress Implementation of National Policy Statement for Indigenous Biodiversity to ensure effective integration into next Future Development Strategy.  Greater Wellington Regional Council to develop a Blue green networks strategy,
Business and Employment.	All Councils to work with the trade industries and educational institutions to identify and start to close the existing and anticipated future building and related skills gap shortage.

## Resource Management Reform

30. Progress on Resource Management reform is identified below.

### Phase One

#### Repeal of the Natural and Built Environment Act and Spatial Planning Act

31. This is complete [December 2023].

## Phase Two

### Fast-Track Approvals Bill

32. The bill proposes to establish a fast-track approvals process for projects of national and regional significance, and includes provisions for the joint ministers to approve projects including Ministers for:
- Infrastructure
  - Transport
  - Regional Development
  - Conservation and,
  - Minister Responsible for the Crown Minerals Act.
33. The joint Ministers decide if projects will be referred to an Expert Panel.
34. The Bill sets out that the panel must consider comment from relevant local authorities and identify how they will apply conditions to manage a project's adverse effects.
35. Council made a submission on this bill, and we await reporting from the Select Committee which is due later this year. Our submission included:
- Concern over timeframes contained in the legislation relating to participants providing feedback on an application.
  - Feedback on panel membership and adequate weighting of Council/local input;
  - The need for a cost recovery mechanism for territorial authority involvement in the process, and the ability for Councils to implement fast-track decisions (including monitoring and compliance);
  - The need for a sufficiently broad enablement of the funding, delivery, operation, and maintenance of public infrastructure in Schedule 2 (which lists projects of regional and national significance in the bill); and
  - Seeking adequate effects management.

### Targeted amendments

36. It is still expected that this will take the form of two bills to amend the Resource Management Act.

### First Bill

37. The first bill – the Resource Management (Freshwater and Other Matters) Amendment Bill was introduced in May 2024 and includes:
- A. **Delaying the requirement for councils to identify and map new Significant Natural Areas.**  
This suspends requirements to identify Significant Natural Areas for 3 years to give time for a review of how they operate. Currently the National Policy Statement for Indigenous Biodiversity 2023 requires territorial authorities to identify Significant Natural Areas and notify plan changes to give effect to this by August 2028. The bill now proposed delaying this until December 2030. Council will still need to ensure that their plan making and consenting decisions protect areas of significant indigenous vegetation and significant habitats of indigenous fauna as this is a requirement of the Resource Management Act and the Regional Policy Statement for the Wellington Region.

- B. **Stock exclusion and intensive winter grazing relaxations.** Currently, stock are required to be excluded from waterways on low slope land (below ten degrees in slope) under the Resource Management (Stock Exclusion) Regulations 2020, and the National Environmental Standards for Freshwater requires resource consent for intensive winter grazing that does not comply with conditions. The amendment bill means that stock exclusion and intensive winter grazing will be regulated through regional plans and freshwater farm plans only. This may mean that amendments are needed to regional plans, but the bill does not provide for this currently. Plan Change 1 on the Natural Resources Plan currently includes proposed provisions on stock exclusion on waterways, freshwater farm plans and pasture on high-risk erosion land.
- C. **Speeding up the process to prepare or amend national direction.** Amendments to support a faster more streamlined and straightforward process for preparing and amending national direction, including national environmental standards, national planning standards and national policy statements including:
- Creating a single process for preparing national environmental standards and national policy statements
  - Enabling the Minister to amend existing national direction without using the standard process if the amendment is for specified purposes including implementing an international obligation, giving effect to an emissions reduction plan or national adaptation plan, changing timeframes, or making minor amendments.
  - Creating a more flexible evaluation process for national direction instead of complying with section 32.
38. Council made a submission on the first RMA amendment bill which was due on 30 June 2024. The submission included:
- Raising concerns about the inefficiencies arising from the sequencing of Resource Management Act reform, suggesting that it would be advantageous for further consideration to be given to the practical implementation and implications of the proposed phasing, in particular the sequencing of the current fast track consenting and freshwater management proposals.
  - Seeking clarity on how the government will deal with tensions and inconsistencies between the Resource Management (Freshwater and Other Matters) Amendment Bill, and other parts of the Resource Management Act and Regional Policy.
  - Raising concerns with Greater Wellington Regional Council advancing regional policy that is misaligned with the emerging RM reform programme, which can create an inefficient use of Council policy resources.
  - Noting the misalignment of, and seeking clarity on timeframes for, delaying the requirement to identify Significant Natural Areas. The amendment bill proposes delaying this until December 2030 but requires Council to identify Significant Natural Areas and notify plan changes to give effect to this by August 2028.
  - Supporting in principle a simplified process for preparing or amending a national direction. Council submits that this should ensure that the sequencing of amendments to national direction should be undertaken in an integrated way, such that it does not place undue burden or require unnecessary plan changes to give effect to policy changes.

### **Second Bill**

39. The second bill is expected to be introduced to Parliament later in 2024 and is likely to address the following matters:

- Doubling the amount of renewable energy available.
  - Enabling the delivery of high-quality infrastructure.
  - Unlocking development capacity for housing.
  - Enabling primary sector growth and development (including aquaculture, forestry, pastoral, horticulture).
  - Mining.
40. For housing this relates to commitments in the Going for Housing Growth agenda and will include making the Medium Density Residential Standards optional rather than being mandatory for councils. It has been signalled that Councils will be required to ratify the use of Medium Density Residential Standards and “live zone” 30 years of growth.
41. The government also intends to strengthen the National Policy Statement on Urban Development, particularly around mixed-use zoning.
42. To help finalise the scope of the second amendment bill, it is expected that in July/August the initial policy proposals will be tested with Treaty partners and stakeholders. The bill should be introduced to Parliament in late 2024 and be finalised by Mid-2025.

### **National direction**

43. The government proposes to develop seven new National Direction instruments, and 14 existing instruments will be amended in three packages of work. These three packages are anticipated to be:
- Primary sector - including proposals relating to freshwater, indigenous biodiversity, commercial forestry and marine aquaculture.
  - Housing and urban development – including proposals relating to urban development, heritage, highly-productive land and natural hazards.
  - Infrastructure and energy - including proposals aimed at better enabling infrastructure and delivering national direction aspects of the ‘Electrify NZ’ initiative.
44. Consultation is expected to take place on the National Direction in early 2025 with decisions in mid-2025.
45. The Ministry for the Environment is also developing a Climate Change Adaptation Framework that is intended to build on the national adaptation plan which sets out the actions the Government is taking to build resilience. In particular, it will:
- set out the Government’s approach to sharing the costs of adapting to climate change;
  - help communities and businesses know what investment will happen in their area e.g. if the council will build flood protection infrastructure; and
  - cover choices to protect from foreseeable risks, and long-term recovery after a severe weather event happens.

### **Phase Three**

#### **Replacing the RMA**

46. Work on a bill is expected to start by mid-2024, be introduced into Parliament in mid-2025, and passed into law by the end of 2025. It will address issues such as:
- a. Purpose
  - b. Scope
  - c. Private property rights
  - d. Enabling access to housing, food, energy, transport, and public services
  - e. Water take and nutrient loads
  - f. Solutions to identifies issues and catchment-based approaches
  - g. Human welfare

### **National Policy Statement on Highly Productive Land**

47. The Ministry for the Environment is currently looking at options relating to the definition of 'Highly Productive Land' to enable more flexibility and reviewing the National Policy Statement on Highly Productive Land to consider how it could enable more 'greenfield' housing development.
48. No further information has been provided at this stage, expect what has been provided above in the "Rest of Phase 2' section.

### **Included attachment | Ngā āpitihanga**

49. [Attachment 1: Status of current changes to the District Plan](#) page 57

Date of report: 12 August 2024

Report writer:

Suzanne Rushmere

**Acting Planning Policy Manager**

Reviewed by:

Helen Hamilton

**Director Planning and Regulatory Services | Kaihautū Ratonga Whakamahere Me Te Whakariterite**

Approved by:

Geoff Swainson

**Chief Executive | Te Tumu Whakara**



## Attachment 1: Status of Changes to the District Plan

Council Plan Change No.	Status	Comments
46. Subdivision Engineering & Esplanades	Ongoing collaboration with Roading and Assets teams related to the Engineering Code of Practice review.	Requirements for infrastructure as part of subdivision will include three waters management, roading and esplanades.  Collaboration with roading and assets team is ongoing and plan change is progressing.
47. Natural Hazards	Proposed Plan Change 47 was notified on 5 October 2022 and 103 submissions were received. A summary of decisions requested was notified on 8 February 2023. 25 further submissions were received.  The hearing has closed, and the next step is for a decision paper to Council.	Significant amendments were made to the slope mapping to address issues raised in submissions.
48A Landscapes	Draft plan change provisions (objectives, policies, and rules) were shared with affected landowners in early July 2021 for their feedback.  Work has been progressing and further landowner engagement will take place before notification.	Council resolved to progress the Landscapes plan change towards notification separately from the biodiversity work in accordance with the Landscape Community Reference Group's recommendation.  The Landscapes plan change is progressing towards notification and the next steps are to undertake landowner engagement.
48B Biodiversity	Draft plan change provisions (objectives, policies, and rules) were shared with affected landowners in early July 2021 for their feedback.  This is currently on hold pending a review of the National Policy Statement for Indigenous Biodiversity.	A Biodiversity Community Reference Group was established and has held several meetings.
49. Open Spaces	The plan change was notified on 11 August 2021 with submissions closing on 16 September 2021. Further submissions and closed on 17 November 2021.  A variation to the plan change to address zoning and provisions for the Silverstream Spur was notified on 5 October 2022 (Variation 1 to Plan	Ministerial approval has been obtained for an extension to the timeframe to make a decision on Plan Change 49 to enable a decision by October 2024 (this aligns the statutory timeframe to make decisions on Variation 1 to Plan Change 49 to enable an integrated decision).

Council Plan Change No.	Status	Comments
49. Open Spaces (continued)	<p>Change 49) and 93 submissions were received. A summary of decisions requested was notified on 8 February 2023.</p> <p>The hearing has now closed, and hearing panel deliberations are taking place.</p> <p>Ministerial extension has been approved.</p>	
50A Rural Zones	<p>The Rural Zones plan change has been separated from the residential.</p> <p>Further submissions have closed, officers will now analyse all submissions and develop the Council Evidence (Section 42) report with recommendations for a future hearings panel. Decisions must be made by 25 October 2025.</p>	<p>The plan change was notified on 4 October 2023. Submissions closed on 17 November 2023. The final number of submissions received was 257. At the time of writing, the summary of submissions has been notified for further submissions.</p>
51. Riverside Farm	<p>Accepted as a private plan change. Currently on hold at the request of the applicant.</p>	<p>Seeking to rezone rural hill land to rural valley floor and create up to 30 new lots ranging from 1ha to 4ha in size.</p>
53. Heritage and Sites of Significance to Māori	<p>Initial research underway.</p>	<p>Initial research continuing.</p>
54. Industrial, Noise, Special Activity and Urban Issues	<p>Initial research underway this plan change will address all remaining urban issues including designations, transport and infrastructure provision and noise.</p>	<p>The plan change will include urban issues that are not addressed by the IPI. Initial research is ongoing.</p>



## Policy Committee | Te Kōmiti Kaupapa Here 4 September 2024

# Director's Report: Strategy, Partnerships and Growth

### Purpose of report | Te pūtake

1. The purpose of this report is to provide an update on various policy and strategic workstreams.

### Recommendation | Tūtohunga

2. That the Committee recommends that Council receives and notes the report titled Director's Report: Strategy, Partnerships and Growth.

### Corporate Planning

3. Development of the Annual Report for 2023 - 2024 is underway. All four public surveys (Economic Development, Building Consents, Community Groups and overall Community Survey) have been completed (closing on 27 June 2024) to inform the annual performance report.
4. Preparation of the financials required for the Annual Report has also commenced, and some key work underway in relation to the three waters assets valuation has a significant bearing on the programming and completion of this.
5. High-level consideration of the planning and potential process required for the Annual Plan 2025 - 2026 has commenced.

### Policy

6. Work on a review of the Gambling Policy 2020 has commenced with initial scoping and research. Council is required under legislation to adopt a policy for class 4 gaming machine ("Pokies") venues and TAB New Zealand venues. This policy covers the requirements for both. A social and economic impact assessment is likely to be required for this review.
7. Officers are reviewing the Manual of Policies, the approach to this, and the implementation of a decentralised policy programme resulting from the organisational review. Further updates will be reported back in due course.

### Bylaws

8. The Liquor Control and Silverstream Liquor Control Bylaws are due for review, otherwise would be revoked in February 2026 and August 2026, respectively. The reviews are underway and expected to be completed by July 2025.

9. Officers have undertaken a stock take of bylaws and an update will be presented to Council at a future Committee meeting or workshop. Some future bylaw work is also being reallocated in line with a decentralised model resulting from the organisational review.

## Included attachments | Ngā āpitihanga

10. [Attachment 1: Taituarā Open for Submissions \(as of 23 August 2024\)](#)

[page 61](#)

Date of report: 26 August 2024

Report writer:

Emily Thomson

**Acting Strategic Policy Manager**

Approved by:

Liezel Jahnke

**Acting Director Strategy, Partnerships and Growth | Kaihautū Rautaki, Kōtuitui Tangata, Whakawhanake ā-Iwi**

## Taituarā Open for Submissions as at 23 August 2024

(Note – in the Taituarā Action column a green cell indicates the Taituarā draft response is open for sector comment). Everything beneath the buff-coloured line is upcoming and the information is speculative.

Any initiative highlighted in yellow has been added or updated this week.

<b>Current</b>				
<b>Name of Initiative</b>	<b>Agency engaging</b>	<b>Due date</b>	<b>Taituarā Action</b>	<b>Description</b>
<b>Building (Earthquake-prone Building Deadlines and Other Matters) Amendment Bill</b> <a href="https://bills.parliament.nz/bills/2024/0044/latest/096be8ed81e43de9.pdf">Building (Earthquake-prone Building Deadlines and Other Matters) Amendment Bill (bills.parliament.nz)</a>	Select Committee	26 August	Submit Janine Kerr	The Bill proposes extending timeframes for earthquake-prone buildings by four years with a limited power to extend deadlines by a further period of up to 2 years by Order in Council
<b>Customer and Product Data Bill</b> <a href="https://www.legislation.govt.nz/bill/government/2024/0044/latest/096be8ed81e43de9.pdf">https://www.legislation.govt.nz/bill/government/2024/0044/latest/096be8ed81e43de9.pdf</a>	Economic Development and Science Committee	5 September	No action	The bill seeks to establish a framework to enable greater access to, and sharing of, customer and product data between businesses (including local authorities). The bill would require businesses that hold customer data to provide that data to the customer and, with the customer's authorisation, to accredited third parties.
<b>Regulation of Valuers</b> <a href="https://pco.govt.nz/valuers-bill-exposure-draft-consultation/">Valuers Bill Exposure Draft Consultation   Parliamentary Counsel Office (pco.govt.nz)</a>	Parliamentary Counsel Office	10 September	No action	Seeking views on tidy-ups to this Act that do not change the headline policy settings
<b>Consultation on MOT Long Term Insights Briefing Topic</b> <a href="https://consult.transport.govt.nz/policy/long-term-insights-briefing-">https://consult.transport.govt.nz/policy/long-term-insights-briefing-</a>	Ministry of Transport	10 September	No action	<p>The Ministry of Transport is consulting on a topic for its next Long-term Insights Briefing (LTIB). The proposed topic is 'travel demand in 2050' and the LTIB will respond to the following question:</p> <p><i>What are the drivers and trends that will most directly influence demand for land-based transport in</i></p>

<b>Current</b>				
<b>Name of Initiative</b>	<b>Agency engaging</b>	<b>Due date</b>	<b>Taituarā Action</b>	<b>Description</b>
<a href="#">consultation/user_uploads/final-ltib-consultation-on-topic-august-2024.pdf</a>				<i>New Zealand over the next 25 years, and what are the range of feasible options for responding to this demand?</i>
<b>Health and Safety</b>  <a href="#">Seeking your feedback on the work health and safety regulatory system   Ministry of Business, Innovation &amp; Employment (mbie.govt.nz)</a>	MBIE	30 October	No action	Seeking advice on your experiences with New Zealand's work health and safety regulatory system – how you think it's working now, what you think works well, and what you think should change. Your feedback will inform MBIE's advice to Ministers on improvements we could make to the work health and safety system.

<b>Upcoming</b>				
<b>Name of initiative</b>	<b>Agency engaging</b>	<b>Likely timing</b>	<b>Taituarā Action</b>	<b>Description</b>
<p><b>Repeal of Good Friday and Easter Sunday as Restricted Trading Days (Shop Trading and Sale of Alcohol) Amendment Bill</b></p> <p><a href="#">Repeal of Good Friday and Easter Sunday as Restricted Trading Days (Shop Trading and Sale of Alcohol) Amendment Bill 38-1 (2024), Members Bill Contents – New Zealand Legislation</a></p>	Private Member's Bill	TBC	TBC	<p>The Bill allows more or less unfettered shop trading and sale of alcohol on Good Friday and Easter Sunday. Among other things, the provisions empowering you to set a local policy on shop trading would be removed. The default restriction on the sale and supply of alcohol on these days would be repealed.</p> <p>This Bill awaits first reading. (Latest intelligence suggest first reading and referral to a Committee is likely)</p>
<p><b>Public Works (Prohibition on the Compulsory Acquisition of Māori Land) Amendment Bill</b></p> <p><a href="https://www.legislation.govt.nz/bill/member/2024/0042/latest/LMS958235.html?search=y_bill%40bill_2024_bc%40bcur_an%40bn%40rn_25_a&amp;p=1">https://www.legislation.govt.nz/bill/member/2024/0042/latest/LMS958235.html?search=y_bill%40bill_2024_bc%40bcur_an%40bn%40rn_25_a&amp;p=1</a></p>	Private Member's Bill	TBC	TBC	<p>This bill amends the Public Works Act 1981 to protect Māori freehold and Māori customary land from being acquired for public works under that Act.</p> <p>This Bill awaits first reading. (Given recent PWA announcements this Bill appears unlikely to proceed).</p>
<p><b>Resource Management Act Amendment Bill #2</b></p>	MfE	September	Submit	<p>This amendment Bill will (indicative list):</p> <ul style="list-style-type: none"> <li>• enable housing growth, including making the Medium Density Residential Standards optional for councils and secondary units – ie granny flats</li> <li>• speed up consenting timeframes for renewable energy and wood processing</li> <li>• support the government's "Infrastructure for the Future" plan</li> </ul>

<b>Upcoming</b>				
<b>Name of initiative</b>	<b>Agency engaging</b>	<b>Likely timing</b>	<b>Taituarā Action</b>	<b>Description</b>
				<ul style="list-style-type: none"> <li>• speed up the process for making national direction under the RMA</li> <li>• amend national direction on highly productive land to allow more productive activities including housing - exclude LUC-3</li> <li>• introduce emergency response regulations to enable effective responses to emergencies and contribute to long-term recovery.</li> </ul> <p>Plus potentially other targeted amendments suggested by Councils and other key stakeholders.</p>
Consultation on proposals for inclusion in the next implementation plan for <b>Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy</b> and <b>Aotearoa New Zealand's response to the Global Biodiversity Framework (GBF)</b>	DOC	Late 2024	(TBC)	Consultation on proposals for inclusion in the next implementation plan.
<b>Building Act Amendment (and regulations)</b> (maybe more than one)	MBIE	2024/25	Submit	Plans to reform the building consent system to make it more affordable to build a home. It intends to review the Building Code to bring in a streamlined risk-based consenting regime, as well as increase the availability of construction materials.  A suite of changes are possible, including “clarifying the definition of a ‘minor variation’ and introducing ‘minor customisations’ to the Building Act”.



<b>Upcoming</b>				
<b>Name of initiative</b>	<b>Agency engaging</b>	<b>Likely timing</b>	<b>Taituarā Action</b>	<b>Description</b>
				5 May announcement re new Regulations will be introduced to define minor customisation for Multiproof Certificates.  <a href="#">Streamlining Building Consent Changes   Beehive.govt.nz</a>
<b>Remote Building Inspections</b>	MBIE	Late 2024	TBC	Proposals to make virtual building inspections the 'default' option.
<b>Local Government Amendment Bill</b>	TBC	Late 2024	TBC	Bill to amend the Local Government Act 2002 (amd possibly other legislation) to give effect to commitments made in the Prime Minister's 'back to basics' speech on 21 August.
<b>Treaty Principles Bill</b>	Select Committee	Late 2024	TBC	Bill to amend or remove references to te Tiriti principles from legislation  NB – National committed to support the Bill to Select Committee, support beyond this stage (and therefore future progress of this Bill) is uncertain.
<b>Local Water Done Well Bill #2</b>	TBC	December 2024	Submit	Framework for economic regulation and the more detailed powers and duties of the water CCOs (possibly including additional charging powers)
<b>Integrated National Direction Package - RMA</b>	MfE	Jan-March 2025	Submit	Single process for integrated direction – with some exceptions  Priority content for this package would include replacing and rebalancing NPS-Freshwater Management, new

<b>Upcoming</b>				
<b>Name of initiative</b>	<b>Agency engaging</b>	<b>Likely timing</b>	<b>Taituarā Action</b>	<b>Description</b>
<ul style="list-style-type: none"> <li>• <b>Amend/replace National Policy Statement on Indigenous Biodiversity</b></li> <li>• <b>New Infrastructure National Direction</b></li> <li>• <b>New National Policy Statement for Freshwater Management</b></li> </ul>				<p>infrastructure national direction – national direction on energy infrastructure could be on its own track, a series of changes to make it easier for farmers, reviewing the existing NPS-indigenous biodiversity, and other national direction priorities</p> <p><a href="#">Work-Programme-for-Reforming-the-Resource-Management-System.pdf (environment.govt.nz)</a></p>
<b>New National Direction on Energy Infrastructure</b>	MfE	TBC	TBC	Potential for New National Policy Statement on Renewable Energy Generation
<b>Land Transport Management Act Amendment Bill</b>	Ministry of Transport	TBC	TBC	Amending the Land Transport Management Act
<b>Vaping regulation</b>	Ministry of Health	TBC	TBC	