



# **Dangerous and Insanitary Buildings Policy 2017**

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# 1 Introduction

Section 131 of the Building Act 2004 required the Council to adopt a policy on dangerous and insanitary buildings by 31 May 2006.

The policy is required to state:

- The approach that the Council will take in performing its functions under the Act.
- The Council's priorities in performing those functions.
- How the policy will apply to heritage buildings.

The definition of a dangerous building is set out in section 121(1) of the Act:

*"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".*

The definition of an insanitary building is set out in section 123 of the Act:

*"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." (Section 123 of the Building Act 2004).*

This document sets out the policy adopted by the Tararua District Council as required by the Building Act 2004.

In developing and adopting this dangerous and insanitary buildings policy, the Council has followed the procedure set out in Part 3(3) of Schedule 1AA of the Building (Earthquake-prone Buildings) Amendment Act 2016.

The Council must complete a review of the policy within 5 years after it is adopted and then at intervals of not more than 5 years.

## 2 Policy Approach

### 2.1 Policy Principals

The provisions of the Building Act 2004 (Act) in respect to dangerous and insanitary buildings reflect the government's broader concern with the safety of the public in buildings. The Council is committed to ensuring that the Tararua District is a safe place in which to live and work. This is one of the outcomes sought by the Tararua community.

### 2.2 Overall Approach

Sections 124 to 130 of the Act provide the necessary authority for Council to take action on dangerous and insanitary buildings.

### 2.3 Identifying Dangerous or Insanitary Buildings

From time to time Council becomes aware, through various sources, of buildings that under certain circumstances could pose a danger to occupants or members of the community. These buildings may have been damaged by fire, a natural disaster, not been maintained or may have been illegally converted for residential use.

The Council will:

- Respond to and investigate all building complaints received;
- Identify from these inquiries any buildings that are dangerous or insanitary;
- Inform the owners or occupiers of dangerous or insanitary buildings that action is required to reduce, remove or repair the danger;
- Liaise with the Fire and Emergency New Zealand when deemed appropriate.

### 2.4 Assessment Criteria

The Council will assess dangerous buildings according to section 121(1) of the Act and insanitary building in terms of section 123.

### 2.5 Taking Action

If the Council is satisfied that the building is either dangerous or insanitary the following matters will be taken into account when determining what remedial action is necessary:

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- The size and complexity of the building;
- The location of the building in relation to other buildings and public places;
- The expected life of the building;
- The use of the building, including the number of people likely to be present at any one time;
- The reasonable practicality of any work concerned;
- Any special cultural or historic values associated with the building; and
- Any other matters considered relevant.

Following inspection of the building, after receiving advice from Fire and Emergency New Zealand and taking into account the matters listed above, Council will then decide whether immediate action should be taken to avoid the danger or fix the insanitary conditions pursuant to section 129 of the Act.

If Council decides that immediate action is not required, a notice will be issued under section 124 of the Act requiring the owner to carry out the necessary work within an appropriate timeframe, generally not exceeding six months.

If the work is not carried out within the agreed time frame and after having consulted with the owner, the Council may apply to the District Court for an order to carry out the work pursuant to Section 126 of the Act. The property owner will be liable for the full cost of carrying out the work.

## 2.6 Recording of Dangerous and Insanitary Buildings

The Council will keep a record of all dangerous and insanitary buildings on the property database, noting the repairs required or the results of work carried out, whichever is appropriate.

This information will be available for recording on land information memorandums.

## 2.7 Economic Impact of Policy

The intent of this policy is to protect the health and safety of people who use buildings. However, Council needs to be conscious of the costs of any work required to remove dangerous or insanitary conditions in the broader social and economic context of the community.

## 3 Priorities

Priority will be allocated to buildings that have been deemed to require immediate action. Immediate action may include the erection of hoardings and prohibiting people from using the buildings.

## 4 Heritage Buildings

In cases where heritage buildings are dangerous or insanitary, in addition to consulting with the building owner, Council will seek advice from Heritage New Zealand in developing an appropriate remedy. However, the fact that a building has heritage status does not mean that it can be left in a dangerous or insanitary condition.

## 5 Commencement, Review and Repeal

This policy comes into force on 30 August 2017 and will be reviewed within five years.

The next review of this policy must take into account “affected buildings” under s132A and s121A of the Building Act 2004.

The Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006, as updated in January 2012, is revoked.

