~~WAIMATE DISTRICT COUNCIL~~

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Dangerous Buildings Policy

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1. Introduction

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This policy is a result of changes to the Building (Earthquake-prone Buildings) Amendment Act 2016, taking effect from 1 July 2017, which removed earthquake prone buildings from the previously titled "Dangerous, Insanitary and Earthquake Prone Buildings Policy".

2. Purpose

This Policy meets the requirements of sections 131, ~~and~~ 132, and 132A of the Building Act 2004 (the Act) for territorial authorities to adopt a policy on dangerous and affected buildings. This is a review of existing policy under section 132 of the Act.

3. Scope

Council has adopted a reactive approach regarding this policy so that:

- When it comes to Council's attention that a building may be dangerous, or is an affected building, Council's role is to undertake an assessment of the building within 5 working days to establish whether it is dangerous or affected building within the terms of the Act, and the likelihood of immediate or any danger.
- Where a building has been deemed to be dangerous or affected building, Council will work with the owner of the building to make it safe.
- It is the building owner's responsibility to undertake works to remove or reduce the danger. This includes full financial responsibility.

4. Definitions

These and other provisions relating to dangerous buildings are contained in the following sections of the Act.

- Section 121 defines the meaning of dangerous building
- Section 121A defines the meaning of affected building
- Section 123A defines the meaning of "parts of a building"
- Section 124 describes powers of territorial authorities in respect of dangerous, affected buildings
- Sections 125-130 describe procedures to be applied in the exercise of those powers
- Section 131 provides that a territorial authority must adopt a policy on dangerous buildings
- Section 132 describes procedures in relation to the adoption and review of Council's policy on dangerous buildings

- Section 132A provides that the policy must take into account affected buildings
- For the purposes of this policy: **Heritage building** is defined as "A building which is registered under the Heritage New Zealand Pouhere Taonga Act 2014."

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5. General

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When a building is brought to Council's attention, it will be inspected, assessed and addressed according to this policy and the relevant procedures.

Council will determine whether it is in fact a dangerous building. In so doing, Council may request advice from Fire and Emergency New Zealand.

Council will be proactive in addressing identified dangerous or affected buildings.

Where a building is deemed to be either a dangerous or an affected building, immediate action will be taken to contact the owner/s and work towards remediation.

Where Council is satisfied a building is dangerous it will also assess the level or risk to public health and/or safety that is presented.

Options for immediate action include:

- Prohibiting any person from occupying or using the building;
- If necessary, erecting barriers and warning signs, or requiring barriers to be erected, plus securing the building to prevent entry until such time as remedial action can be taken;
- Undertaking remedial action where there is immediate danger under section 129 of the Act.

Council will hold the owner of any dangerous or affected building liable for the cost of any remedial action undertaken to reduce or eliminate the danger posed by that building to its occupants or to the general public. (The work may include the demolition of the building and clearance of the site at the owner's cost.)

Heritage buildings will be assessed in the same way as other dangerous buildings and discussions held with the owners and the Historic Places Trust to identify a mutually acceptable way forward. In the event the discussions with these two parties do not yield a mutually acceptable approach and proposal, notice will be served requiring improvement or demolition within a time stated in the notice.

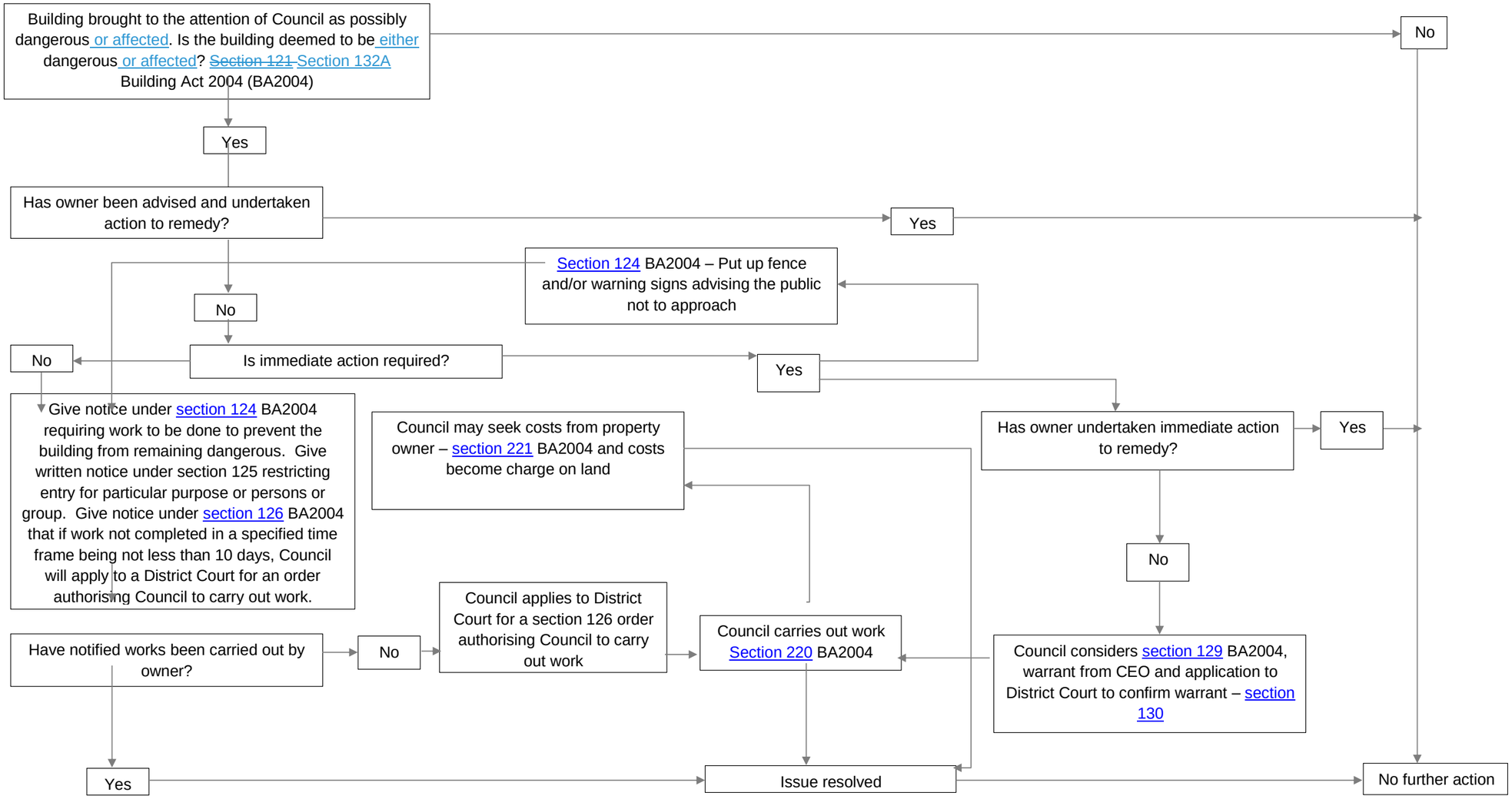
6. Recording Dangerous Buildings

Whenever Council has information on a building that it is satisfied is dangerous or an affected building, the information will be included when a Land Information Memorandum (LIM) is issued by the Waimate District Council. The LIM will note any action taken under section 124 and the status of any requirement by the Council for improvements to the building, or the results of any improvements carried out, as applicable.

7. Taking Action on Dangerous Buildings

When taking action on a potentially dangerous building, Council will follow its "Procedure for Remediation of Dangerous Buildings".

8. Procedure for Remediation of Dangerous or Affected Buildings



9. Publication Details

All inquiries or suggestions regarding this document should be referred to:	Regulatory & Compliance Group Manager
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