



Approved:	XXXX
Replaces:	Dangerous, Insanitary & Affected Buildings Policy 2018
Review date:	XX Month 2029

Policy Statement Hurunui District Council is committed to ensuring the Hurunui district is a thriving, dynamic and resilient district.

Unauthorised alterations, use of a building by occupants, events such as fires or natural disasters can result in a building becoming dangerous or insanitary. Buildings in such conditions can pose a threat to safety and to other buildings and structures.

The Building Act 2004 provides powers to territorial authorities with respect to dangerous, insanitary and affected buildings. These powers allow Council to take action to ensure buildings that become dangerous or insanitary are improved to meet Building Code standards.

Context [Section 131](#) of the Act requires territorial authorities to have a dangerous and insanitary buildings policy which covers:

1. The approach that the Hurunui District Council will take in performing its functions under the Building Act 2004;
2. Hurunui District Council's priorities in performing these functions; and
3. How the policy will apply to heritage buildings.

[Section 132A](#) requires the policy to take into account affected buildings.

Intent and Scope The intent of this policy is to meet the Council's statutory requirements by providing guidance on the Council's approach and priorities for dangerous and insanitary buildings.

The Council does not actively inspect buildings within the district. However, where Council receives a report or information indicating a building may be dangerous or insanitary, Council will respond quickly and efficiently using the approach set out in this policy. The response of Council will be in proportion to the risk posed by the building to safety and to other buildings and structures.

This policy is to be read in conjunction with the relevant sections of the Building Act 2004 ('the Act') and the definitions of *dangerous*, *insanitary* and *affected* are used when applying this Policy. This Policy does not seek to duplicate the provisions of the Act.

Guiding Principals The principles of Council's *Complaints, Compliance & Enforcement Policy*, and any subsequent replacement policy, will be used when applying this policy. Specifically, the principles of administrative efficiency, objectivity, fairness, certainty and simplicity.

Approach
Identification and assessment Council will take a passive approach to identifying dangerous, insanitary and affected buildings. Council Officers will actively respond to any reports or information received regarding potentially dangerous and/or insanitary buildings:

- Property details will be checked against Council records.
- A Council Officer will visit the building and assess the condition against sections [121](#), [123](#) and/or [123A](#) as appropriate.
- Advice may be sought from other Council Officers or from other external operators such as Fire and Emergency New Zealand as appropriate. Section 121 provides specific provisions with regards to advice on dangerous buildings.
- An inspection and photographic record will be prepared and added to the property file.

If the building is deemed dangerous and/or insanitary, any adjacent, adjoining or nearby buildings could be considered affected as per [section 121A](#). The Council Officer will assess the condition of all affected buildings when inspecting the identified dangerous and insanitary building.

Action Not dangerous and/or insanitary

No further action will be taken. The details of the inspection and any photographic record will remain on the property file. Council Officers will notify the property owners and complainant of the outcome of the assessment.

Deemed dangerous and/or insanitary

Where the cause of the problem can be rectified immediately, the Council Officer may choose not to take any formal steps under the Act. The details of the inspection and any photographic record will remain on the property file. Council Officers will notify the property owners and complainant of the outcome of the assessment.

In all other cases where the Council is satisfied that a building is dangerous, insanitary or affected, in accordance with Council's Delegations Manual and Sub-delegations Manual, the Building and Property Manager* will:

- Make a final decision on the issues affecting the building and the rectification required.
 - Determine a reasonable timeframe for compliance in accordance with [section 125](#). When considering a reasonable timeframe the Building and
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* or their equivalent in the event of a change in job title.

Property Manager* will take into account the risk posed to human life and the environment. Building and Property Manager* will also consider these factors when making decisions on any applications for time extensions.

- Serve these details on the property owner(s) in the form of a [section 124](#) notice, with an accompanying covering letter.
- Send a copy of the section 124 notice to all interested parties in accordance with section 125.

If the condition of the building is such that Building and Property Manager* has immediate concerns about the safety of the building, access will be restricted as per [section 128](#). This will be stated on the section 124 notice.

Where the Building and Property Manager* has concerns about the health of the occupant(s) they will direct the Environmental Health Officer to undertake a welfare assessment of the occupants who will refer the occupant(s) to the appropriate social services with the consent of the occupants(s). The Environmental Health Officer may decide action under the Health Act 1956 is also appropriate.

Deemed affected

Building and Property Manager* will make the final determination on whether further action is required in respect of affected buildings. Suitably qualified and experienced persons will be consulted as required.

Where in the opinion of the Building and Property Manager* further action is required, a section 124 notice will be prepared in the same manner as for a dangerous and/or insanitary building.

Compliance

Where a situation arises that the works prescribed on the section 124 notice are not completed, or not carried out with reasonable speed, in accordance with Council's Delegations Manual and Sub-delegations Manual, the Chief Operations Officer* may invoke the powers available under the Act and in particular [section 126](#). Council Officers may seek external legal advice as required.

Where the requirements of the section 124 notice have not been complied with and a building consent under [sections 112-116A](#) is submitted, there will be a requirement to reduce or remove the danger either before or at the same time as the consented building work.

Enforcement

Any enforcement required for dangerous, insanitary and affected buildings will be undertaken in accordance with the Act and all related amendments and in accordance with Council's *Complaints, Compliance & Enforcement Policy*.

Objections

Building owners or other directly affected parties (as defined by [section 176](#)) have the right to apply to the Chief Executive Officer, Ministry for Business,

* or their equivalent in the event of a change in job title.

Innovation and Employment for a determination. [Sections 176-190](#) of the Act set out the determination process.

Record of dangerous, insanitary or affected status

All inspection and photographic records, relevant correspondence and formal notices will be saved to the property file. The section 124 notice will be included on any land information memorandum prepared for the property.

Priorities

Council Officers will respond in a quick and efficient manner to any reports or information regarding potentially dangerous and/or insanitary buildings. Priority will be given to any buildings that present an immediate danger to human life or to other buildings.

Where necessary the Chief Executive Officer may apply to the District court for a warrant under [section 130](#) to enable the powers available under [section 129](#) of the Act.

Heritage buildings

In addition to the above process, where the building is identified as a historic building or structure in Schedule 14.1 of the Hurunui District Plan, Council Officers will discuss possible solutions with the property owner to ensure a mutually acceptable solution that meets both heritage objectives and Building Act requirements. As far as reasonably possible any remediation works should protect the heritage values of the building.

Heritage New Zealand Pouhere Taonga will be consulted on all remediation works to buildings listed on the New Zealand Heritage List/Rārangi Kōrero.

Owners of historic buildings or structures identified in Schedule 14.1 of the Hurunui District Plan should be aware any improvement works might require resource consent.

Policy review

The policy must be reviewed at least every five years. The Council may decide to review the Policy at any time within the five year review requirement. If, following the review, or at any other time, the Council decides to amend or replace the policy it must do so by using the special consultative procedure in section 83 of the Local Government Act 2002. The policy does not cease to have effect because it is due for review or is being reviewed.

END OF POLICY

* or their equivalent in the event of a change in job title.