

Waimate
District Council



15 August 2023

Dangerous Buildings Policy 313

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POLICY OVERVIEW

1. Introduction

- 1.1 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

- 2.1 This Policy meets the requirements of sections [131](#) and [132](#) of the [Building Act 2004](#) (the Act) for territorial authorities to adopt a policy on dangerous buildings. This is a review of existing policy under section 132 of the Act.

3. Scope

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

4. Definitions

- 4.1 These and other provisions relating to dangerous buildings are contained in the following sections of the Act:
- a. [Section 121](#) defines the meaning of dangerous building
 - b. [Section 121A](#) defines the meaning of affected building
 - c. [Section 123A](#) defines the meaning of “parts of a building”
 - d. [Section 123B](#) describes buildings in areas designated under subpart 6B
 - e. [Section 124](#) describes powers of territorial authorities in respect of dangerous, affected buildings
 - f. Sections [125 to 130](#) describe procedures to be applied in the exercise of those powers
 - g. [Section 131](#) provides that a territorial authority must adopt a policy on dangerous buildings

- h. [Section 132](#) describes procedures in relation to the adoption and review of Council's policy on dangerous buildings
- i. [Section 132A](#) provides that the policy must take into account affected buildings
- j. 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](#)."
- k. For the purposes of this policy: **Heritage buildings** are also listed in the Waimate District Plan.

5. General

- 5.1 When a building is brought to Council's attention, it will be inspected, assessed and addressed according to this policy and the relevant procedures.
- 5.2 Council will determine whether it is in fact a dangerous building. In so doing, Council may request advice from Fire and Emergency New Zealand.
- 5.3 Council will be proactive in addressing identified dangerous buildings.
- 5.4 Where a building is deemed dangerous, immediate action will be taken to contact the owner/s and work towards remediation.
- 5.5 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.
- 5.6 Options for immediate action include:
 - a. Prohibiting any person from occupying or using the building;
 - b. 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;
 - c. Undertaking remedial action where there is immediate danger under [section 129](#) of the Act.
- 5.7 Council will hold the owner of any dangerous 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.)
- 5.8 Heritage buildings will be assessed in the same way as other dangerous buildings and discussions held with the owners and the Heritage New Zealand 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.

PROCEDURES

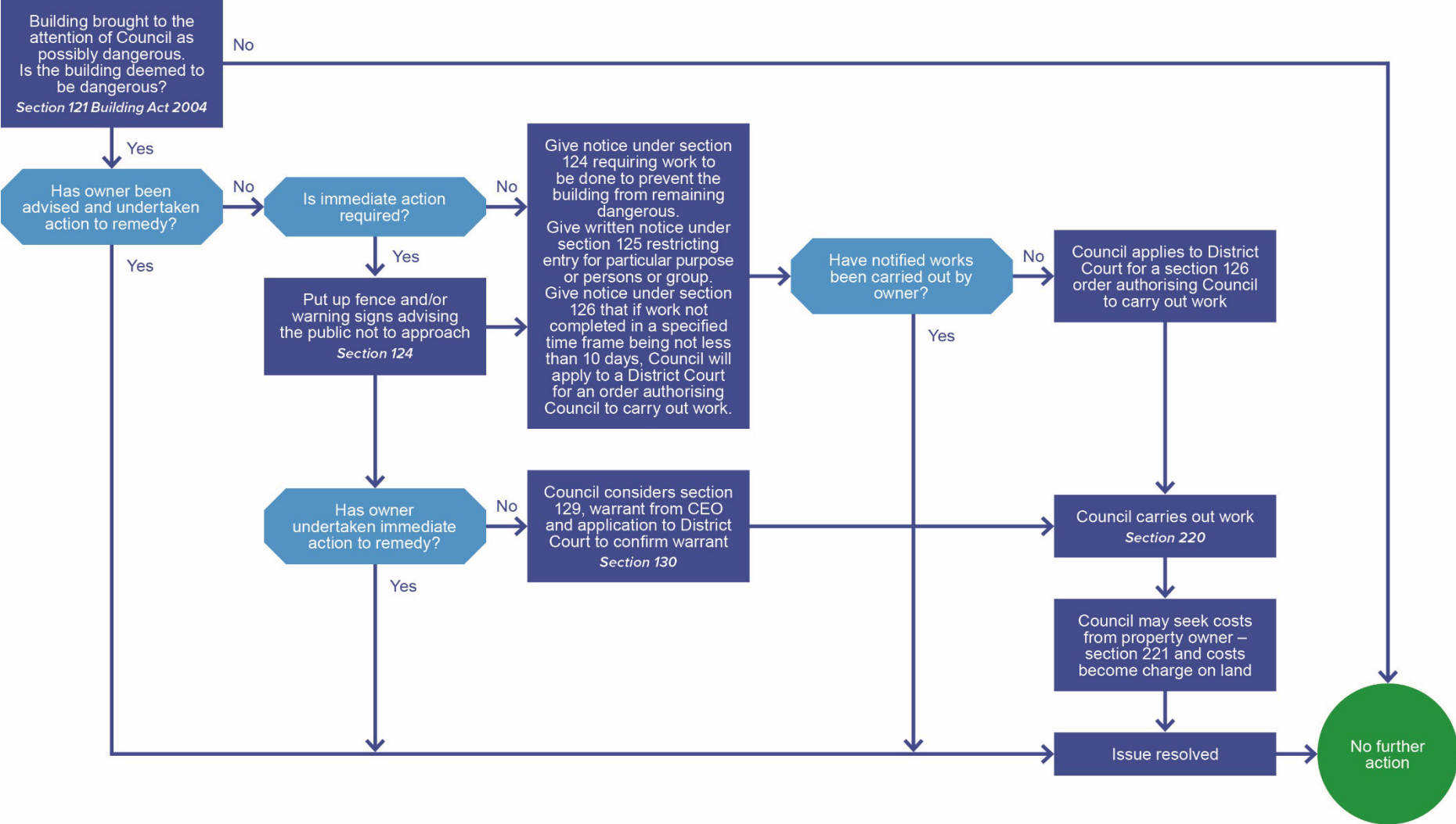
6. Recording Dangerous Buildings

- 6.1 Whenever Council has information on a building that it is satisfied is dangerous, 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

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

8. Procedure for Remediation of Dangerous Buildings



9. Associated Documents

LEGISLATION

- a. [Building Act 2004](#)
- b. [Building \(Earthquake-prone Buildings\) Amendment Act 2016](#)
- c. [Heritage New Zealand Pouhere Taonga Act 2014](#)

10. Document Control

Document owner:	Regulatory and Compliance Group Manager
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Policy can only be amended by:	Resolution of Council
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