

DANGEROUS, INSANITARY & AFFECTED BUILDINGS POLICY

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WAIROA
DISTRICT COUNCIL

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PURPOSE

One of the key purposes of the Building Act 2004, as set out in Part 1, subpart 1 (3)(a)(i), is to ensure “people who use buildings can do so safely and without endangering their health”. Council believes the safety of people is of paramount importance and this policy reflects this. The objectives of this policy are:

- To reduce the risks of ill health and danger caused to the community by dangerous, insanitary and affected buildings, by identifying and taking appropriate action to remediate those risks.
- To ensure that Council appropriately discharges its statutory obligations under the Building Act 2004 in relation to buildings in the Wairoa District that are suspected or confirmed as dangerous, insanitary or affected.

ADOPTION AND REVIEW OF POLICY

In developing and adopting this dangerous, insanitary and affected buildings policy, Council has followed consultative procedure set out in Section 83 of the Local Government Act 2002.

As per section 132 of the Building Act, this policy may be amended or replaced only in accordance with the special consultative procedure.

Section 132 of the Act requires the policy to be reviewed within five years of being adopted and then at five yearly intervals with any replacement or amendment being subject to the consultative procedures in the Local Government Act 2002. This policy does not cease to have effect because it is due for review or being reviewed. As soon as practicable after this policy is adopted Council must provide a copy to the Chief Executive of the Ministry of Business, Innovation and Employment (MBIE). When reviewed or amended Council may be required to provide a copy to MBIE and this is to be ascertained at the time.

BACKGROUND

All territorial authorities are required to have a policy on dangerous and insanitary buildings within the district pursuant to Section 131 of the Building Act (Act) 2004. A policy under section 131 of the Building Act must also take into account affected buildings in accordance with section 132A of the Building Act. This document sets out the policy adopted by Wairoa District Council (herein after referred to as the “Council”) in accordance with the requirements of the Building Act 2004 (herein after referred to as the “Act”). The policy is required to state:

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

Earthquake-prone buildings are addressed under the Act itself and are therefore excluded from this policy. The relevant Building Act 2004 provisions (aside from definitions which are provided on p.5 below) relating to this policy are shown in Appendix A.

DANGEROUS BUILDINGS

Buildings may become dangerous for a number of reasons e.g., due to a change of use (for example commercial building used for residential purposes), or unauthorised alterations being made, or as a result of its use by an occupant. Or this could be the result of using a property for the

manufacturing process of illicit substances such as methamphetamine. Clandestine Laboratories (Clan Lab) operators often have limited knowledge of the chemical hazards and little concern for public safety or the environment. In these instances, Council will follow processes as advised by our Environmental Health Department.

INSANITARY BUILDINGS

Buildings may become insanitary due to a number of reasons, such as following a natural disaster e.g. flooding or as a result of poor maintenance, or misuse by the occupant.

AFFECTED BUILDINGS

Affected buildings are those buildings close to a dangerous building.

DEFINITIONS

The meanings of dangerous, insanitary and affected buildings are set out in Section 121, 121(A)(1) and Section 123 respectively of the Act. These are:

Dangerous Building	<p>Section 121</p> <p>1. “A building is dangerous for the purpose of the 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</p> <p>b. in the event of fire, injury or death to any persons in the building or to persons another property is likely.”</p>
Affected Building	<p>Section 121A</p> <p>A building is an affected building for the purposes of the Act if it is adjacent to, adjoining, or nearby-</p> <p>a. dangerous building as defined in section 121 b. a dangerous dam within the meaning of section 153.</p>
Insanitary Building	<p>Section 123</p> <p>1. A building is insanitary for the purpose of the 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.</p>

PRINCIPLES

All decisions and activity relating to dangerous, insanitary and affected buildings should be guided by the provisions and principles contained in the Building Act, The Building Code, the Health Act and any relevant standards.

This Policy shall be consistent with our ngā pou e whā/community outcomes set out in the 2024-2027 Long Term Plan and contribute to Social, Economic, Cultural and Environmental Wellbeing.

This Policy contributes by ensuring homes and other structures are safe to live in or visit and are not injurious to occupant's health and has a positive influence on reducing the incidence of neglected, inadequately maintained, fire damaged or non-compliant buildings impacting on the community.

Council will consult with its communities in developing and reviewing this policy and endeavour to strike a balance between the threats that dangerous, insanitary and affected buildings may present, and the broader social and economic issues associated with implementing the policy.

Owners of properties deemed to be unsafe or insanitary, shall bear all costs related to restoring the building to a condition that complies with the requirements of the Building Act and the current Building Code. Costs shall include costs incurred by Council to assess and enforce compliance. As per Section 126 of the Building Act, the Council may carry out work if work required under a notice issued, is not completed within the prescribed time and recover the costs from the owner.

POLICY APPROACH

It is very likely that in many, but not all, cases a building's dangerous, insanitary or affected status will not be readily apparent. For this reason, any attempt to identify these buildings proactively is unlikely to be successful as this would require considerable resources to undertake inspections and evaluations of buildings.

As it is impractical to inspect every building in the district on a regular basis Wairoa District Council's Dangerous, Insanitary and Affected Buildings Policy embodies a passive approach to the identification of dangerous, insanitary or affected buildings in the District relying on complainants to provide information and activation by building consent applications.

Council is reactive in responding to situations when notified of a potentially dangerous, insanitary or affected building when:

- the state of a building has been brought to its attention via complaints; and where
- the building has been subject to a change of use, an alteration or an addition.

PROCESS

IDENTIFYING DANGEROUS, INSANITARY AND AFFECTED BUILDINGS

Most potentially dangerous, insanitary and affected buildings will be notified to Council through reports or complaints from building occupants, or neighbours, members of the public, or inspections by the Police, Fire and Emergency New Zealand or other government agencies authorised to inspect buildings. Others may become evident to Council Officers in the course of their duties and through building consent application for works on buildings.

The Council may exercise any of its powers under Section 123 of the Act if it believes a part of a building is dangerous or insanitary as defined in Section 121 and 123 of the Act.

ASSESSMENT CRITERIA

For practical purposes, dangerous and/or insanitary buildings are defined as those that fall within the provisions of Sections 121 and 123 of the Act. Council will use the Building Code and the Ministry of Business, Innovation and Employment acceptable solutions or verification methods issued under Section 22 of the Act as its preferred basis for defining technical requirements and criteria.

TAKING ACTION AND SERVING NOTICE

Once Council has received information regarding a potentially dangerous, insanitary or affected building Council will follow the process set out in *Appendix B: Steps for Identifying and Managing Dangerous, Affected and Insanitary Buildings* that demonstrates the steps that Council will take when performing functions for managing a dangerous, affected or insanitary building from initial identification, serving notice, through to resolution. A check sheet (Appendix C) will be used to assess whether a building is dangerous, insanitary or affected.

POWERS OF COUNCIL

Powers of Council are outlined under Section 124 of the Building Act. Council will attempt to consult with building owners prior to taking action on a dangerous or insanitary building but this will not delay taking necessary action within the provisions of the Act, especially when the danger posed by the building is significant.

OFFENCES

Section 116B of the Act states it is an offence to use a building for use for which it is not safe or not sanitary, or it has inadequate means of escape from fire. Council can take action, when appropriate, against owners and occupiers of buildings when the Council has not taken or has not been able to take, any of the actions provided for under Section 124.

A person who failed to comply with a notice issued under Section 124(2)(c) that requires work to be carried out on the building to reduce or remove the danger or prevent the building from remaining insanitary under Section 125(2) commits an offence and is liable to a fine not exceeding \$300,000.

A person who failed to comply with Section 128(2) by using or occupying a building or permitting another person to use or occupy the building, commits an offence and is liable on conviction to a fine not exceeding \$200,000. In the case of a continuing offence, the person is liable on conviction to a further fine not exceeding \$20,000 for every day or part of a day during which the offence has continued.

INTERACTION BETWEEN THIS POLICY AND OTHER PROVISIONS OF THE BUILDING ACT 2004

The following sections of the Act could initiate action under Council policy relating to dangerous, insanitary and affected buildings:

- S96 Territorial authority may issue certificate of acceptance in certain circumstances
- S108 Annual building warrant of fitness
- S112 Alteration to existing buildings
- S115 Code compliance requirements: change of use
- S121 Meaning of dangerous building
- S121A Meaning of affected building
- S123 Meaning of insanitary building
- S123A Application of this subpart to parts of buildings
- S124-130 Powers of territorial authorities in respect to dangerous, affected, or insanitary buildings
- S131-132A Policy on dangerous and insanitary buildings
- S164 Issue of notice to fix
- S216 Territorial authority must keep information about buildings.

When the owner of a dangerous or insanitary building on whom notice has been served, but who has not yet undertaken the required remedial work, applies for building consent for action covered by Sections 112 to 116A of the Building Act, Council is to require that the action necessary to reduce

or remove danger be undertaken at the same time (or before if appropriate) of the building work as set out in the consent application.

SECTION 112: ALTERATIONS TO EXISTING BUILDINGS

Whenever a building consent application is received for significant upgrading or alteration of a building that is dangerous or insanitary then, irrespective of the general priorities set by Council for dealing with dangerous or insanitary buildings, Council will not issue a building consent unless it is satisfied that the building is not dangerous or insanitary and that the building work will not detrimentally affect the buildings' compliance with the Building Code.

If the building is shown to be dangerous or insanitary, then the Council will require that the situation be rectified as necessary to comply as nearly as is reasonably practicable with the provisions of the Building Code and that the building is made safe.

SECTION 115: CODE OF COMPLIANCE REQUIREMENTS: CHANGE OF USE

Whenever a building consent application is received for change of use of a building that is dangerous or insanitary then the Council will require as part of that building consent that the scope of the work so authorised, include further building work to such an extent that the building will not continue to be dangerous and/or insanitary after the change of use.

RECORDING THE STATUS OF A DANGEROUS, INSANITARY OR AFFECTED BUILDING AND ACCESS TO THIS INFORMATION

Any buildings identified as being dangerous, insanitary and/or affected will be recorded on Council's register of dangerous, insanitary and affected buildings until the danger is remedied. This is also noted electronically on the property file.

All information, including correspondence and notices relating to current dangerous, insanitary and affected buildings will be held on the dangerous, insanitary and affected buildings folder and when rectified will be filed on the relevant property file.

This information will be included on any Land Information Memorandum (LIM) issued in respect of that property. This information is to be also placed on a Project Information Memorandum (PIM) where it affects any proposed building work.

HERITAGE BUILDINGS

A heritage building is any building that is included on the New Zealand Heritage List/Rārangī Kōrero maintained under the Heritage New Zealand Pouhere Taonga Act 2014. Heritage buildings play an important role in the social and cultural fabric of New Zealand society, but their nature and age mean that even simple rectification requirements may present design and cost challenges for owners.

While Council will follow the process described in relation to dangerous, insanitary and affected buildings that have or may have significant heritage value (defined here as buildings in the District Plan register, New Zealand Heritage List/Rārangī Kōrero (formerly the Historic Places Register) Council will support owners of such buildings to find solutions to health and safety issues in a manner that sustainably manages the important heritage values of such buildings.

In relation to buildings with significant heritage values, Council may provide relatively longer timeframes for the identified danger to be reduced or removed or insanitary conditions to be prevented. In particular, when deciding on an appropriate timeframe for building work to be complete and certified, principles in Section 4(2)(d) and 4(2)(l) of the Act will be emphasised.

Where a heritage building is dangerous, insanitary or affected Council will consult with the building owner and consider seeking advice from the Heritage New Zealand Pouhere Taonga. Council will exercise their judgement concerning the nature and importance of the building and the level of risk it poses to the community. However, the fact that a building has a heritage status does not mean it can be left in a dangerous, insanitary or affected condition. The provisions of the Act will continue to apply.

Following the above consultation process, notice will be served requiring improvement or demolition within a stated and preferably agreed timeframe. Should a notice be served on a heritage building, a copy of the notice is to be sent to Heritage New Zealand Pouhere Taonga as set out in Section 125(2)(f).

APPENDIX A: RELEVANT SECTIONS OF THE BUILDING ACT 2004

Part 1, Subpart 1, 3 Purposes

This Act has the following purposes: (a) to provide for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings to ensure that— (i) people who use buildings can do so safely and without endangering their health; and (ii) buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and (iii) people who use a building can escape from the building if it is on fire; and (iv) buildings are designed, constructed, and able to be used in ways that promote sustainable development: (b) to promote the accountability of owners, designers, builders, and building consent authorities who have responsibilities for ensuring that building work complies with the building code.

Part 1, Subpart 1, 4 Principles to be applied in performing functions or duties, or exercising powers, under this Act (2) In achieving the purpose of this Act, a person to whom this section applies must take into account the following principles that are relevant to the performance of functions or duties imposed, or the exercise of powers conferred, on that person by this Act: (d) the importance of recognising any special traditional and cultural aspects of the intended use of a building: (l) the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value.

Section 12 Role of building consent authority and territorial authority (2) Under this Act, a territorial authority— (j) performs functions relating to dangerous, insanitary, or earthquake-prone buildings or buildings located in areas designated under Subpart 6B (Special provisions for buildings affected by emergency) of Part 2.

Section 116B Offence to use building for use for which it is not safe or not sanitary, or if it has inadequate means of escape from fire (1) No person may— (a) use a building, or knowingly permit another person to use a building, for a use for which the building is not safe or not sanitary; or (b) use a building, or knowingly permit another person to use a building, that has inadequate means of escape from fire. (2) A person who fails to comply with subsection (1) commits an offence. (3) A person who commits an offence under this section is liable to a fine not exceeding \$100,000 and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for every day or part of a day during which the offence has continued.

Section 123A Application of this subpart to parts of buildings (1) If a territorial authority is satisfied that only part of a building is dangerous (within the meaning of section 121) or insanitary (within the meaning of section 123),— (a) the territorial authority may exercise any of its powers or perform any of its functions under this subpart in respect of that part of the building rather than the whole building; and (b) for the purpose of paragraph (a), this subpart applies with any necessary modifications. (2) To the extent that a power or function of a territorial authority under this subpart relates to affected buildings,—a) the territorial authority may exercise the power or perform the function in respect of all or part of an affected building; and (b) for the purpose of paragraph (a), this subpart applies with any necessary modifications.

Section 124 Dangerous, affected, or insanitary buildings: powers of territorial authority

(1) This section applies if a territorial authority is satisfied that a building in its district is a dangerous, affected, or insanitary building. (2) In a case to which this section applies, the territorial authority may do any or all of the following: (a) put up a hoarding or fence to prevent people from approaching the building nearer than is safe: (b) attach in a prominent place on, or adjacent to, the building a notice that warns people not to approach the building: (c) except in the case of an affected building, issue a notice that complies with section 125(1) requiring work to be carried out on the building to— (i) reduce or remove the danger; or (ii) prevent the building from remaining

insanitary: (d) issue a notice that complies with section 125(1A) restricting entry to the building for particular purposes or restricting entry to particular persons or groups of persons.

Section 125 Requirements for notice requiring building work or restricting entry 1)A notice issued under section 124(2)(c) must— (a) be in writing; and (b) be fixed to the building in question; and (c) be given in the form of a copy to the persons listed in subsection (2); and (d) state the time within which the building work must be carried out, which must not be less than a period of 10 days after the notice is given or a period reasonably sufficient to obtain a building consent if one is required, whichever period is longer; and (e) state whether the owner of the building must obtain a building consent in order to carry out the work required by the notice. (1A) A notice issued under section 124(2)(d)— (a) must be in writing; and (b) must be fixed to the building in question; and (c) must be given in the form of a copy to the persons listed in subsection (2); and (d) may be issued for a maximum period of 30 days; and (e) may be reissued once only for a further maximum period of 30 days. (2) A copy of the notice must be given to— (a) the owner of the building; and (b) an occupier of the building; and c)every person who has an interest in the land on which the building is situated under a mortgage or other encumbrance registered under the Land Transfer Act 1952; and (d) every person claiming an interest in the land that is protected by a caveat lodged and in force under section 137 of the Land Transfer Act 1952; and (e) every statutory authority that has exercised a statutory power to classify or register, for any purpose, the building or the land on which the building is situated; and (f) Heritage New Zealand Pouhere Taonga, if the building is a heritage building. (3) However, the notice, if fixed on the building, is not invalid because a copy of it has not been given to any or all of the persons referred to in subsection (2).

Section 126 Territorial authority may carry out work (1) A territorial authority may apply to the District Court for an order authorising the territorial authority to carry out building work if any work required under a notice issued by the territorial authority under section 124(2)(c) is not completed, or not proceeding with reasonable speed, within— (a) the time stated in the notice; or (b) any further time that the territorial authority may allow. (2) Before the territorial authority applies to the District Court under subsection (1), the territorial authority must give the owner of the building not less than 10 days' written notice of its intention to do so. (3) If a territorial authority carries out building work under the authority of an order made under subsection (1),— (a) the owner of the building is liable for the costs of the work; and (b) the territorial authority may recover those costs from the owner; and (c) the amount recoverable by the territorial authority becomes a charge on the land on which the work was carried out.

Section 127 Building work includes demolition of building Any work required or authorised to be done under section 124(2)(c) or section 126 may include the demolition of all or part of a building.

Section 128 Prohibition on using dangerous, affected, or insanitary building(1) This section applies if a territorial authority has done any of the following: (a) put up a hoarding or fence in relation to a building under section 124(2)(a): (b) attached a notice warning people not to approach a building under section 124(2)(b): (c) issued a notice restricting entry to a building under section 124(2)(d). (2) In any case to which this section applies, and except as permitted by section 124(2)(d), no person may— (a) use or occupy the building; or (b) permit another person to use or occupy the building.

Section 128A Offences in relation to dangerous, affected, or insanitary buildings (1) A person who fails to comply with a notice issued under section 124(2)(c) that is given to that person under section 125(2)— (a) commits an offence; and (b) is liable to a fine i) in the case of an individual, a fine not exceeding \$300,000. (2) A person who fails to comply with section 128(2)— (a) commits an offence; and (b) is liable on conviction to a fine not exceeding \$200,000 and, in the case of a continuing offence, to a further fine not exceeding \$20,000 for every day or part of a day during which the offence has continued.

Section 129 Measures to avoid immediate danger or to fix insanitary conditions (1) This section applies if, because of the state of a building, (a) immediate danger to the safety of people is likely in terms of section 121 or 123; or (b) immediate action is necessary to fix insanitary conditions. (2) The chief executive of a territorial authority may, by warrant issued under his or her signature, cause any action to be taken that is necessary in his or her judgment to— (a) remove that danger; or (b) fix those insanitary conditions. (3) If the territorial authority takes action under subsection (2),— (a) the owner of the building is liable for the costs of the action; and (b) the territorial authority may recover those costs from the owner; and (c) the amount recoverable by the territorial authority becomes a charge on the land on which the building is situated. (4) The chief executive of the territorial authority and the territorial authority are not under any liability arising from the issue, in good faith, of a warrant under subsection (2).

Section 130 Territorial authority must apply to District Court for confirmation of warrant (1) If the chief executive of a territorial authority issues a warrant under section 129(2), the territorial authority, on completion of the action stated in the warrant, must apply to the District Court for confirmation of the warrant. (2) On hearing the application, the District Court may— (a) confirm the warrant without modification; or (b) confirm the warrant subject to modification; or (c) set the warrant aside. (3) Subsection (1) does not apply if— (a) the owner of the building concerned notifies the territorial authority that— (i) the owner does not dispute the entry into the owner’s land; and (ii) confirmation of the warrant by the District Court is not required; and (b) the owner pays the costs referred to in section 129(3)(a).

Section 131 Territorial authority must adopt policy on dangerous and insanitary buildings

1) A territorial authority must, within 18 months after the commencement of this section, adopt a policy on dangerous and insanitary buildings within its district. (2) The policy must state— (a) the approach that the territorial authority will take in performing its functions under this Part; and (b) the territorial authority’s priorities in performing those functions; and (c) how the policy will apply to heritage buildings.

Section 132 Adoption and review of policy (1) A policy under section 131 must be adopted in accordance with the special consultative procedure in section 83 of the Local Government Act 2002. (2) A policy may be amended or replaced only in accordance with the special consultative procedure, and this section applies to that amendment or replacement. (3) A territorial authority must, as soon as practicable after adopting or amending a policy, provide a copy of the policy to the chief executive. (4) A territorial authority must complete a review of a policy within 5 years after the policy is adopted and then at intervals of not more than 5 years. (5) A policy does not cease to have effect because it is due for review or being reviewed.

Section 132A Policy must take into account affected buildings (1) A policy under section 131 must take into account affected buildings. (2) A territorial authority must amend an existing policy to take into account affected buildings at the latest within a reasonable period following the next review of its policy required under section 132(4). (3) In subsection (2), existing policy means a policy existing at the date of this section coming into force.

APPENDIX B: STEPS FOR IDENTIFYING AND MANAGING DANGEROUS, AFFECTED AND INSANITARY BUILDINGS

Below outlines the steps that councils will take when performing functions for managing a dangerous, affected or insanitary building from initial identification through to resolution.

Step 1: Identifying dangerous, affected and insanitary buildings

On the receipt of the initial notification, confirm the building details. This includes the:

- Address
- Legal owner(s)
- Building use

Question: Does the territorial authority have the authority to act?

No - Pass the information on to the relevant authority. For example, if the building is located in a different district, or if the building is a dangerous dam.

Yes - Move to step 2.

Step 2: Assessing and recording dangerous, affected and insanitary buildings

As soon as possible, ideally within 24-48 hours of receipt of the initial notification, assess and record the dangerous, affected or insanitary building(s).

- Assess the building:
- Inspect the building.
- Record the inspection findings; use the dangerous, affected and insanitary building inspection report, take photographs etc.
- Record the building assessment in the territorial authority's internal register of dangerous, affected and insanitary buildings.
- Seek advice from relevant professionals, for example, fire, structural or geotechnical engineers.
- Seek legal advice if required.
- Seek advice from Fire and Emergency New Zealand (FENZ) for dangerous buildings s121(2).

Question: Is the building in an area currently designated for building management in emergencies?

Yes

Use the powers set out in s133BQ-133BX.

<https://www.building.govt.nz/managing-buildings/managing-buildings-in-an-emergency>

No - Question: Is the building dangerous, affected or insanitary?

No

Resolve any issues identified using other provisions of the Building Act 2004, for example, a notice or fix, or an abatement notice, and update the informant.

Yes

Complete a risk assessment:

- Identify risks posed by the building(s) to people and property.
- Assess the urgency and severity of the situation.
- Pay due regard to the advice provided by FENZ.
- Consider local factors and priorities.

Step 3: Take action

An appropriate timeframe for these steps is to be decided based on the amount of risk a building poses and the action that is required to mitigate that risk.

Question: Is immediate danger likely?

Yes.

The chief executive of a territorial authority may issue a warrant under s129 causing action to:

- Avoid immediate danger under s121
- Fix insanitary conditions under s123.
- Inform building owner(s) and occupants of the assessment.
- Notify Heritage New Zealand Pouhere Taonga if a heritage building is affected.
- On completion of the warranted action a territorial authority needs to apply to the District Court for confirmation of a warrant under s130.
- Determine what follow up action is required.

No.

- Notify the owner.

At this point a territorial authority may:

- Inform the building owner(s) and occupants of an assessment.
- Discuss the building's status with the owner where appropriate.
- Following the notifications, a territorial authority can take several actions depending on whether the building is dangerous, affected or insanitary.

Actions for dangerous, affected and insanitary buildings

- Put up a hoarding or a fence to prevent people approaching the building nearer than is safe under s124(2)(a).
- Attach in a prominent place, either on or adjacent to the buildings, a notice that warns people not to approach the building under s124(2)(b).
- Issue a written notice restricting entry to the building, either for particular purposes or to a specific person or groups of people under s124(2)(d).

Actions for dangerous buildings

Give written notice requiring work to be carried out on the building to reduce or remove the danger under s124(2)(c)(i).

Actions for insanitary buildings

Give written notice requiring work to be carried out on the building to prevent the building from remaining insanitary under s124(2)(c)(ii).

Form of s124(2)(c)(i) and (ii) notices specified by s125(1) for dangerous and insanitary buildings

- The notice must be in writing and fixed to the building in question.
- Copies of notices must be sent to both the owner of the building and those who occupy it, and also to a range of other people as listed in s125(2).
- The notice must state if the owner of the building must obtain a building consent for the work required by the notice.
- The notice must state the time that the building work must be carried out in.
- This timeframe must not be less than ten days from the date the notice is given, or a reasonable time for a building consent to be obtained, whichever is longer.

Form of s124(2)(d) notices specified by s125(1A) for affected buildings

- The notice must be in writing and fixed to the building in question.
- Copies of notices must be sent to both the owner of the building and those who occupy it, and also to a range of other people as listed in s125(2).
- The notice must be issued for a maximum period of thirty days and may be re-issued once for a further maximum period of thirty days.

Using dangerous, affected or insanitary buildings

- Under s128 it is prohibited for anyone to use or occupy a building, or permit another person to use or occupy it, once a territorial authority has done any of the following:
- Put up a hoarding or fence in relation to a building under s124(2)(a).
- Attached a notice warning people not to approach a building under s124(2)(b).
- Issued a notice restricting entry to a building under s124(2)(d).

Re-assessing dangerous or insanitary buildings

- At the end of the time period stated in a notice issued under s124(2)(c)(i) & (ii) (or any extension allowed by the territorial authority) the territorial authority may reassess the building to confirm if the work required by the notice has been completed or is proceeding with reasonable speed.
- If work required under s124(2)(c) is not completed or proceeding with reasonable speed, under s126 the territorial authority can:
 - Give the owner 10 days' notice that it intends to seek court approval to enter the building and undertake the work itself.
 - Apply to the District Court for approval.
 - Carry out the work itself.
 - Recover costs for this from the owner.
 - This work may include full or partial demolition of the building under s127.

Re-assessing affected buildings

At the end of the time period stated in a notice issued under s124(2)(d) (either the initial period of max 30 days or additional period of max 30 days) the territorial authority may reassess the building to confirm what further action is required.

Resolution

- Uplift s124 notice when any required remedial building work has been completed to the satisfaction of the territorial authority, or when the dangerous, affected or insanitary conditions have been removed.
- Update territorial authority records to confirm issue has been resolved and the building is no longer dangerous, affected or insanitary.

**APPENDIX C: DANGEROUS, INSANITARY AND/OR
AFFECTED BUILDING INSPECTION RECORD**

BUILDING INSPECTION REPORT ON A DANGEROUS, AFFECTED AND/OR INSANITARY BUILDING

Dangerous, affected and/or insanitary building
inspection record



Name of owner:

Mailing address:

Street address/registered office:

Contact person:

Telephone number:

Mobile number:

Email address:

Website:

Physical address of building:

Street Name

Suburb

City

Postcode

Building name:

Number of levels:

Current building warrant of fitness:

Yes/No *(delete as appropriate)*

Displayed:

Yes/No *(delete as appropriate)*

Current lawfully established use:

Number of occupants *(include number of occupants per level & per use if more than one):*

Type and status of any specified system(s) installed in the building:

Specified system:

Operational (Y/N):

Specified system:	Operational (Y/N):

Description of the building's construction:

Description of the use(s) of the building

(refer to Schedule 2 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005):

Description of risk groups within the building

(refer to the classifications of a building or firecell described in C/AS1 table 1.1.1.1):

Escape routes are easily identifiable by occupants and have suitable signage Yes/No (delete as appropriate)

Escape routes are clear and unobstructed Yes/No (delete as appropriate)

Escape routes lead to a place of safety outside the building Yes/No (delete as appropriate)

Exit doors are unobstructed and any locks are simple to open and clearly visible Yes/No (delete as appropriate)

Description of means of escape from fire:

Adequate potable water supply Yes/No (delete as appropriate)

Adequate sanitary facilities Yes/No (delete as appropriate)

Description of water supply and sanitary features:

Description of whether building is offensive and/or likely to be injurious to health:

List of dangerous/hazardous goods:

What	Where	Class	Quantity

Uncontrolled sources of ignition

Yes/No *(delete as appropriate)*

The building is affected/likely to be affected by any building defects

Yes/No *(delete as appropriate)*

This building has been determined as:

Dangerous

Yes/No *(delete as appropriate)*

Affected

Yes/No *(delete as appropriate)*

Insanitary

Yes/No *(delete as appropriate)*

This assessment has been confirmed by another party

Yes/No *(delete as appropriate)*

Reasons for this decision

Time of inspection:

Date of inspection:

(DD / MM / YYYY)

Name:

Position:

Signature:

Date:

(DD / MM / YYYY)

The following documents are attached to this report:

Copy of the current record of title

Yes/No *(delete as appropriate)*

Copy of lease agreements

Yes/No *(delete as appropriate)*

Expert reports

Yes/No *(delete as appropriate)*

Other (please specify)

Yes/No *(delete as appropriate)*
