



Policy on

Dangerous and

Insanitary Buildings

2016

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Last Review	2011
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Responsibility	Customer Services Group

1.0 Purpose and Scope

- 1.1 The provisions of the Building Act 2004 reflect the governments concern with the safety of the public in buildings and in terms of dangerous and insanitary buildings, the need to reduce the danger to the public posed by such buildings.
- 1.2 The Building Act 2004 leaves it up to each territorial authority to determine the approach to be taken to the management of dangerous and insanitary buildings. The approach can either be active or passive.
- 1.3 This document sets out WDC's policies in relation to dangerous and insanitary buildings, in particular this policy contains:
 - The approach WDC takes in performing its functions under the Building Act 2004;
 - WDC priorities in performing those functions; and
 - How the policy applies to heritage buildings.

2.0 Definitions

- 2.1 Act means the Building Act 2004.
- 2.2 Dangerous Building is defined by section 121 of the Act. In summary it is a building that, for reasons other than earthquakes, is likely to cause injury or death, by collapse or otherwise; or is likely to cause damage to other property.
- 2.3 Insanitary Building is defined by section 123 of the Act. In summary it is a building:
 - that is offensive or injurious to the health of people because of the situation, construction or disrepair; or
 - where moisture penetration makes the building damp or causes dampness in an adjoining building; or
 - which does not have adequate drinking water or sanitary facilities for its intended use.
- 2.4 Heritage Building means a building which is a historic place in the Heritage New Zealand Pouhere Taonga Act 2014 or is identified in the District Plan as being a heritage site.
- 2.5 WDC means Waitomo District Council.

3.0 Policy

- 3.1 WDC will not actively inspect all buildings within the District but will make it a priority to quickly and efficiently respond to information received regarding potentially dangerous and insanitary buildings.
- 3.2 When WDC receives information from any person that indicates that a building is potentially dangerous or insanitary it will assess the building in order to determine whether or not it is a dangerous building or an insanitary building. This will involve (but not be limited to):
 - Checking the details of the property against WDC records;
 - An authorised officer undertaking a full and extensive inspection of the building;
 - Where necessary, seeking advice from the NZ Fire Service; and
 - Preparing an inspection record.

- 3.3 Where a building is determined to be a dangerous building or an insanitary building, WDC will work with the building owners to find a mutually acceptable plan of action before exercising its powers under the Act. WDC will however, exercise its statutory powers under the Act where action is required to avoid immediate danger or in circumstances where an acceptable solution cannot be negotiated with the building owner.
- 3.4 In forming its view as to the work or action that is required to be carried out on the building to prevent it from remaining an insanitary building or a dangerous building, or where WDC needs to prioritise work on buildings, the following issues will be taken into account:
- The size of the building;
 - The complexity of the building;
 - The location of the building in relation to other buildings, public places and natural hazards;
 - The life of the building;
 - How often people visit the building;
 - How many people spend time in the building;
 - How many people spend time in the vicinity of the building;
 - The current or likely future use of the building;
 - The reasonable practicality of any work concerned; and
 - Any other matters WDC considers may be relevant, taking into account the particular set of circumstances.
- 3.5 The owner of a building which is determined to be a dangerous building or an insanitary building will bear all costs incurred in meeting the requirements of the Act. These costs include assessment and enforcement costs incurred by WDC.
- 3.6 This policy applies to heritage buildings in the same way it applies to all other buildings.
- 3.7 Where a heritage building is potentially a dangerous building or an insanitary building, WDC may seek advice from Heritage New Zealand Pouhere Taonga.
- 3.8 WDC will retain all information relating to dangerous buildings and insanitary buildings on the relevant property file. This includes a copy of the inspection record and any action taken.