

# DANGEROUS AND/ OR INSANITARY BUILDINGS POLICY

Document Type	Operational Policy
Adopted By	Full Council
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Date Effective	3 December 2024
Responsible Department	Building Control
Responsible Officer	Building Control Manager
To be reviewed	At intervals of not more than 5 years - January 2029

## Introduction

Section 131 of the Building Act 2004 (the Act) requires that the Gore District Council must adopt a policy on how it intends to discharge its powers, duties and functions under sub-part 6 of the Act. The policy must consider:

- i. The overall approach to be taken in respect of dangerous and/or insanitary buildings;
- ii. The priorities of the Council in performing its functions concerning such buildings; and
- iii. How it will approach heritage buildings.

## Purpose of the Policy

The purpose of the policy is to describe the manner in which buildings deemed to be potentially dangerous and/or insanitary will be identified, categorised and what action shall be taken.

The Council will respond to complaints and determine the appropriate course of action based on the circumstances of each individual case.

## 1. Dangerous and/or Insanitary Buildings Policy statement

- 1.1. On receipt of a complaint or as a result of other information being made available to the Council that a building may be dangerous or insanitary, the Council must first be satisfied that the building is dangerous and/or insanitary. Any assessment shall be on the basis:

- i. Building and site inspection by a Building Control Officer
  - ii. If required by a Building Control Officer, the advice of the NZ Fire Service, registered engineer, Environmental Health Officer or Health Protection Officer.
- 1.2. A notice pursuant to Section 124(1)(c) of the Act (amended by section 30 Building Amendment Act 2013) shall be issued in respect of any building deemed to be either dangerous and/or insanitary.
- 1.3. The time for a building consent to be applied for and the extent of required work or other action required of the Council shall be determined by the Council taking the following matters into consideration:
- i. Potential risk to human life.
  - ii. The location of the building in relation to other buildings and public places.
  - iii. The level of use of the building and its immediate environs.
  - iv. The size of the building.
  - v. The complexity of the building.
  - vi. The current or likely future use of the building, including any specific cultural or traditional or historic values.
  - vii. The reasonable practicality of any work.
  - viii. Any matters that the Council considers to be relevant, taking into account the specific circumstances of the case.

## **2. Implications of the Dangerous and/or Insanitary Buildings Policy on Heritage Buildings**

If a listed heritage building is deemed to be dangerous and/or insanitary through the process(es) detailed in section 1.1, then:

- Council staff will undertake appropriate action towards ensuring that timely action is undertaken on the maintenance of the building in question, with the safety of the public being the core focus of any action undertaken.
- Council staff will discuss possible solutions with the property owner to ensure a mutually acceptable solution that meets both heritage objectives and Building Act requirements. Any remediation works should protect the heritage values of the building.

### 3. Policy Review

3.1. To comply with section 132(4) of the Act, this policy must be reviewed by January 2029.

#### 3.2. Previous Policy Reviews

June 2017 – The current policy review was as a result of the introduction of the Building (Earthquake-prone Buildings) Amendment Act 2016 regulations on 1 July 2017 which eliminates the need for each Council to have their own Earthquake Prone buildings policy. All reference to Earthquake prone buildings was removed from the previous combined policy.

June 2023 – During the course of this review, it was deemed that the Policy did not meet the stipulations established by s131(2)(c) ('the policy must state how it will apply to heritage buildings') of the Building Act 2004. Section 2 has been added after consultation.

This policy has been adopted by Full Council on Wednesday 7 February 2024 and will be reviewed at intervals of not more than five years.



Debbie Lascelles  
Chief Executive  
Monday 2 December 2024

Document History and Version Control Table

Version	Action/ Reason for Review	Date
1.0	Creation of original document.	June 2017
2.0	Reviewed and updated.	June 2023
3.0	Reviewed to comply with section 131(2)(c) and section 132(4) of the Building Act	January 2024