

DANGEROUS BUILDINGS POLICY

Effective from 27 November 2018

Purpose

This Policy is to meet the requirements of Sections 131 and 132 of the *Building Act 2004* (the Act) for territorial authorities to adopt a policy on dangerous buildings.

Scope

When it becomes apparent that a building may be dangerous, Council's role is to undertake an assessment of the building to establish whether it is dangerous within the terms of the Act, and the likelihood of immediate or any danger.

Where a building has been deemed to be dangerous, Council will work with the owner of the building to make it safe.

The building owner's responsibility is to undertake works to remove or reduce the danger. This includes full financial responsibility.

Definitions

These and other provisions relating to dangerous buildings are contained in the following sections of the Act.

- Section 121 defines the meaning of dangerous building.
- Section 121A defines an affected building.
- Section 124 describes powers of territorial authorities in respect of dangerous buildings.
- Sections 125-130 describe procedures to be applied in the exercise of those powers.
- Section 131 provides that a territorial authority must adopt a policy on dangerous buildings.
- Section 132 describes procedures in relation to the adoption and review of Council's policy on dangerous buildings.

"heritage building" is defined in the Act. Cf Heritage in District Plan and part 3.8 of that plan



Appendix 1

Overall Approach and Taking Action on Dangerous Buildings

Overall Approach

1. The Invercargill City Council will be proactive in addressing problems of dangerous buildings.
2. When a building is brought to the Council's attention, it will be inspected and assessed prior to this policy and the relevant procedures of the Act.
3. The Council will determine whether it is in fact dangerous. In so doing, Council may request the advice of the New Zealand Fire Service.
4. Where a building is deemed dangerous, immediate action will be taken.
5. In addressing problems of dangerous buildings, the Council will follow the procedure set out in the Act.
6. Where, pursuant to the Building Act 2004, the Council undertakes work to address problems relating to a dangerous building, pursuant to either a Court Order or Chief Executive Warrant, the Council reserves the right to appoint an independent contractor to carry out the required work.
7. The Council will hold the owner of any dangerous building liable for the cost of any work required to reduce or eliminate the danger posed by that building to its occupants or to the public. (The work may include the demolition of the building and clearance of the site at the owner's cost.)
8. This policy will apply regardless of whether or not the building is a heritage building. However, in assessing a building which is classified by the New Zealand Historic Places Trust, Council will consult the Trust provided that the time required for consultation will not materially increase the physical danger to the public.

Taking Action on Dangerous Buildings

When taking action on a potentially dangerous building, the Council will follow its “*Procedure for Remedying Dangerous Buildings*”.

Revision History:	8 November 2005
Reference Number:	A844062
Effective Date:	27 November 2018
Review Period:	This Policy will be reviewed every five (5) years, unless earlier review is required due to legislative changes, or is warranted by another reason requested by Council.
Supersedes:	
New Review Date:	November 2023
Associated Documents/References:	Procedure for Remedying Dangerous Buildings Appendix 1
Policy Owner:	Director of Environmental and Planning Services

Procedure for Remedying Dangerous Buildings

