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Dangerous and Insanitary Buildings Policy 2016

Policy type (**governance**)

Policy Owner	Corinne Hamlin, Building Unit Manager		
Adopted by	Council (to be confirmed)		
Description of policy	This policy sets out Council's approach in performing its functions under the Building Act 2004 in relation to dangerous and insanitary buildings, including its priorities and how it will apply to heritage buildings.		
Keywords	Dangerous and Insanitary Buildings		
ECM doc set number	To be confirmed		
Date policy first adopted	31 May 2006	Date this version adopted:	To be confirmed
This version effective from:	To be confirmed	Date of next review:	Five years after last review

Policy Amendments

Amendment(s)	Date	Updated by & Authority
Adopted	31 May 2006	Council
Amended	To be confirmed	Council The previous Earthquake-prone, Dangerous and Insanitary Buildings Policy has been amended to remove the Earthquake-prone section. As from 1 July 2017 the "Building (Earthquake-prone Building) Amendment Act 2016 took effects and created a national policy framework for managing earthquake-prone buildings. Other amendments include combining dangerous and insanitary sections that were previously separated and the proposed Dangerous and Insanitary Buildings Policy has been transferred into the new Council template.

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Background

Sections 131 and 132 of the Building Act 2004 require all territorial authorities to adopt a policy on Dangerous and Insanitary Buildings. Section 132A requires the policy to also take into account affected buildings.

The policy must state:

1. The approach that Council will take in performing its functions under this part of the Building Act 2004 in relation to dangerous and insanitary buildings; and
2. Council's priorities in performing those functions and
3. How the policy will apply to heritage buildings.

This policy responds to changes as a result of the Building (Earthquake-prone Buildings) Amendment Act 2016 and replaces the previous Earthquake-prone, Dangerous and Insanitary Buildings Policy 2006.

Objectives

1. To establish a policy for identifying, assessing and taking action on identified dangerous and insanitary buildings.
2. To ensure that people who use buildings can do so safely and without endangering their health.
3. In the ordinary course of events prevent damage to other property.

Policy

Context

The Dangerous and Insanitary Buildings Policy contributes to the following Council outcome:

A liveable district – The Coromandel Peninsula is a preferred area of New Zealand in which to live, work and raise a family and have a safe and satisfying life.

Policy

Identifying dangerous, affected or insanitary buildings

1. The Council will promptly respond to information received regarding potentially dangerous or insanitary buildings. It will not actively search buildings within the District unless it is prompted by information it receives regarding a building or it is discovered by officers whilst undertaking their duties.
2. The Council will undertake an inspection of identified buildings to determine whether the building or part of the building is dangerous or insanitary.
3. Inspections will be undertaken in accordance with Section 222 of the Act. The 'Inspection Record' (Council reference TA456) in Appendix A will be used to document

the inspection and will identify whether a building is considered to be dangerous or insanitary and what the risk is to health, human life, or other property.

4. If a dangerous building or part of a building has other buildings adjoining or nearby, these buildings will also be inspected to consider if they are affected buildings.

Actions

5. The Council's priority is to ensure that people who use buildings can do so safely and without endangering their health. This will guide the action to be taken in individual cases.
6. Advice may be sought from suitably qualified persons and other agencies as necessary. This may include the opinion of a registered structural or geotechnical engineer or of a member of Fire and Emergency New Zealand with delegation from the Chief Commander to carry out assessments in relation to Section 121 of the Act.
7. Upon confirmation of a building being dangerous, affected or insanitary the Council will assess its' priority. In the first instance it will consult with the owners and occupiers of the building to determine the circumstances and decide the appropriate course of action. Action may be undertaken in accordance with Sections 124 to 130 of the Act which may include one or all of the following:
 - a) attaching a notice warning people not to approach the building;
 - b) fencing off access to the building;
 - c) issuing a notice restricting entry to a building and for any building other than an affected building;
 - d) giving notice requiring work to be done to reduce or remove the danger or to make the building sanitary.
7. In relation to c) and d) above formal notice will be served on specified interested parties in accordance with Section 125 of the Act. The formal notice will state the time within which the building work must be carried out, being not less than 10 days and no more than 30. The notice may be re-issued once only for a maximum of 30 additional days.
8. If an owner does not comply with a formal notice in relation to 6.d) above (Section 124(2)(c) of the Act), the Council, after giving notice of its intention to do so, may apply to a District Court for an order authorising the territorial authority to do the work itself and recover its costs from the owner.
9. Where a case is urgent the Council may choose not to consult with the building owner and use its powers under Section 129 of the Act. In such circumstances the Chief Executive may authorise work that is necessary to avert immediate danger or rectify insanitary conditions arising from the state of a building. This may include:
 - a) prohibiting persons from using or occupying the building until such time that work is undertaken to reduce or remove the danger or to fix the insanitary conditions;
and
 - b) Demolition of all or part of the building.

Where the Council takes action under Section 129 the owner of the building is liable for the costs of the action. The Council may recover the costs from the owners and the amount recoverable becomes a charge on the land on which the building is situated.

Heritage Buildings

10. For the purpose of this policy 'heritage buildings' include:
 - a) Items scheduled in Appendix 1.3 Historic Heritage Items and Area Schedule of the Proposed District Plan - Appeals Version; or
 - b) Buildings on the New Zealand Heritage List/Rārangi Kōrero maintained under section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or
 - c) Buildings on the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under section 81 of the Heritage New Zealand Pouhere Taonga Act 2014.
11. Heritage Buildings will be assessed in the same manner as any other dangerous or insanitary building in the District.
12. Where the building is a heritage building the Council will notify the relevant agency and seek their advice.

Recording the status of dangerous or insanitary buildings

13. The Council will keep a record of all dangerous and insanitary buildings on the property file. The record will be updated once the required actions having been undertaken and the building is no longer considered to be dangerous or insanitary.
14. Access to this information will be available through a LIM application or formal request for information through the Local Government Official Information and Meetings Act 1987.

Implementation

This policy will be implemented and monitored by Council's Regulatory Services.

The policy may be reviewed at any time in response to an issue that may arise; at the request of Council; or in response to changed legislation and statutory requirements. Alternatively, it will be reviewed every five years as required under Section 132 of the Act.

APPENDIX A - 'Inspection Record' (Council reference TA456)

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Building Risk Assessment Dangerous and Insanitary Buildings

The following template is a guide to how a building inspection report on a dangerous or insanitary building could appear. It is presented for illustrative purposes only and is not an exhaustive list of what a TA should review.

Address of building:		
Lot:	DPS:	
Building Consent Number:		
Building name:		
Name of person allowing access:		
Relationship to building:		
Time and date of inspection:		
Contact details of at least two tenants (continue on reverse if necessary)		
Name:		
Relationship:		
Address (other than the address of the building):		
Phone (home):		
Phone (Work):		
Phone (Mobile):		
Building Warrant of Fitness - current	yes/no	Displayed yes/no
Current use described as?		
Is current use and described use the same?	yes/no	Number:
List fire protection/detection system(s) present		Operational?
		yes/no
		yes/no
		yes/no
*Note on rear of the page if system has obvious defects in relation to relevant New Zealand Standards		
Building features		
1. Number of floors	8. Adequate potable water supply?	yes/no
2. How many flats?	9. Adequate sanitary facilities for intended use?	yes/no
3. How many beds (total)?	10. Has the cladding failed?	yes/no
4. How many means of escape?	11. Is the nature of the building likely to be offensive or injurious to health?	yes/no
5. Can you identify safe paths? yes/no	12. Do safe paths lead to exterior ground?	yes/no
6. Have you walked the escape routes? yes/no	13. Are any escape doors fitted with locks?	yes/no
7. Any uncontrolled sources of ignition? yes/no	14. Is any other building affected/likely to be affected by these building defects?	yes/no

Risk Factor		Rating(H/L)	Score
1.	What is the maximum number of users at any one time?	100+ people (H)=10	
2.	What is the predominant age group of the building users?	Children or infants (H)=10 Adults (L)=3	
3.	What is the general capability of the building users?	Mentally handicapped/immobile (H)=10 Physically handicapped but mobile (H)=6 Normal (L)=3	
Usage of the building			
4.	What is the sleeping activity rating for the building in terms of the building code?	SD, SA, SC, (H)=10 SR (L)=3	
5.	Is the building used for any of the following activities? a. Education b. Old People's home c. Hospital (private or public) d. Residential institution e. Place of Assembly f. Hotels and motels g. Backpackers and Home Stays h. Attached multi-unit buildings	Children (H)=10 Adults (L)=5 Geriatric (H)=10 Mobile (L)=5 Bedridden (H)=10 Mobile (L)=8 Bedridden (H)=10 Mobile (L)=5 >100 people (H)=10 <100 (L)=3 >20 people (H)=7 <5 (L)=3 >20 people (H)=9 <5 (L)=5 >5 apartments (H)=7 3-5 (L)=5	
6.	What is the crowd, working, business or storage activity for the building in terms of the building code?	WD, WM, CL, CM (H)=10 WL, CS (L)=3	
Building Characteristics			
7.	Does the building have common walls with others?	>1 (H)=5 <1 (L)=3	
8.	How many storeys does the building have? 1 2 3 4 5 6 7 8 9 includes basements	2=5 add 5 for every subsequent storey	
9.	Any historic clarification or significance?	Yes = 2	
10.	What is the age and condition of the building? e.g. Pre 1940=10 Pre 1965=8	Assign score 1-10 accordingly	
11.	Are there any other factors to be considered? e.g. Parapets, verandas, attachments or adornments	Assign score 1-10 accordingly	
	Total score (out of approx. 100).	Note: <40 Low risk 40-60 = Moderate Risk >60 = High Risk	

Dangerous and/or insanitary building inspection record (Continued)

Describe the **building's construction**

Describe **means of escape**

Describe **use of building or parts of** within the building

Describe **water supply and sanitary facilities**

Describe **why building is offensive and/or likely to be injurious to health**

High hazard backflow prevention:			
Required?	yes/no	Installed?	yes/no

Dangerous and/or insanitary building inspection record (Continued)			
Dangerous/hazardous goods:			
Stored/Used in building?		yes/no	
What	Where	Class	Quantity
Action			Complete
Obtain copy of the current certificate of title			
Obtain copy of lease agreements			
Obtain tenants contact details			
Obtain name of person tenants deal with			
Obtain expert reports			
Research building warrant of fitness			
Research authorised use/s			
What is your opinion of the building overall?			
Do you believe that the building is dangerous or insanitary?			yes/no
Has this been confirmed by another party?			yes/no
Name	Agency	Address	
Reasons for your decision			
Obtain copies, in writing, from any attending experts e.g.: fire service, fire engineers, IQPs			
Signed			
Date			