

INVERCARGILL CITY COUNCIL

POLICY ON DANGEROUS BUILDINGS

ADOPTED: 8 NOVEMBER 2005

INTRODUCTION

The Invercargill City Council is required under Section 131 of the Building Act 2004 to adopt a policy on dangerous buildings.

Under subsection 1 the Council is required to have completed this process within 18 months of the commencement of this Section i.e. by the end of October 2006.

Subsection 2 requires that the policy must state:

- The approach to be taken by Council.
- The Council's priorities.
- How the policy will apply to heritage buildings.

DEFINITIONS

Section 121 of the Building Act 2004 defines a dangerous building as follows:

121. *Meaning of dangerous building—*

- (1) *A building is dangerous for the purposes of this 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*
 - (b) *in the event of fire, injury or death to any persons in the building or to persons on other property is likely because of fire hazard or the occupancy of the building.*
- (2) *For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority—*
 - (a) *may seek advice from members of the New Zealand Fire Service who have been notified to the territorial authority by the Fire Service National Commander as being competent to give advice; and*
 - (b) *if the advice is sought, must have due regard to the advice.*

OVERALL APPROACH

1. The Invercargill City Council will be proactive in addressing problems of dangerous buildings.

2. A building will be deemed to be potentially dangerous when its existence is brought to the Council's attention and when, after inspection, a Council officer with an appropriate warrant deems it to be potentially dangerous.
3. The Council will then determine whether a potentially dangerous building is in fact dangerous. In so doing, Council will seek the advice of the New Zealand Fire Service and any other professional at the sole discretion of the Council.
4. Where a building is classified as dangerous, immediate action will be taken.
5. In addressing problems of dangerous buildings, the Council will follow the procedure set out in the Building Act 2004.
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 any competent contractor.
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.
8. This policy will apply regardless of whether or not the building is a heritage building. However, in assessing whether a potentially dangerous building which is also classified by the New Zealand Historic Places Trust (NZHPT) is in fact dangerous, Council will consult NZHPT provided that the time required for consultation will not materially increase the physical danger to the public.

TAKING ACTION ON DANGEROUS BUILDINGS

Where a building is drawn to Council's attention as potentially dangerous, the Council will follow its "Procedure for Remedying Dangerous and Insanitary Buildings" (attached).

INTERACTION WITH OTHER SECTIONS OF THE BUILDING ACT

The Council will be guided by the principles set out in Section 4 of the Act.

Sections 124, 125, 126, 127, 128, 129 and 130 of the Act apply.

The Council intends to act as permitted under these sections whenever a building is classified as dangerous.

SOCIAL, ENVIRONMENTAL, ECONOMIC AND CULTURAL IMPACT OF POLICY

By adopting a proactive approach to its powers with respect to dangerous buildings, the Council hopes to address issues that arise when, for example, a house fire occurs, and the fire is extinguished leaving a burnt out shell that in most cases would be "dangerous" in terms of the Building Act 2004 and this policy.

In so doing, the principles of the Local Government Act are addressed in that:

- Cultural well-being issues are considered in consultation with the New Zealand Historic Places Trust for heritage buildings.
- Negative environmental effects can be addressed promptly.
- Effects on property values of neighbouring properties are minimised.
- Social issues are addressed by removing the potential for illegal occupation and rodent harbourage.

PROCEDURE FOR REMEDYING DANGEROUS AND INSANITARY BUILDINGS

