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DANGEROUS AND INSANITARY BUILDINGS POLICY

~~Purpose and Scope~~

Revocations

The Taupō District Council Earthquake-prone, Dangerous & Insanitary Building Policy is revoked when this policy comes into force on 1 December 2014.

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~~TAUPO-DISTRICT COUNCIL – EARTHQUAKE-PRONE BUILDINGS~~

~~1 Policy approach~~

~~1.1 Policy principles~~

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~~2 Priorities~~

~~3 Heritage buildings~~

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~~EARTHQUAKE-PRONE BUILDINGS 2006~~

~~Introduction and background~~

~~Section 131 of the Building Act 2004 requires territorial authorities (TAs) to adopt a policy on earthquake-prone buildings by 31 May 2006. The definition of an earthquake-prone building is set out in section 122 of the Building Act 2004 and in the related regulations that define moderate earthquake:~~

~~“In relation to a building, an earthquake that would generate shaking at the site of the building that is of the same duration as, but that is one-third as strong as, the earthquake shaking (determined by normal measures of acceleration, velocity and displacement) that would be used to design a new building at the site.”~~

~~This definition covers more buildings and requires a higher level of structural performance of buildings than that required by the Building Act 1991.~~

This document sets out the policy adopted by Taupo District Council in accordance with the requirements of the Building Act 2004.

The policy is required to state:

□ The approach that the Taupo District Council will take in performing its functions under the Building Act 2004.

□ Taupo District Council's priorities in performing those functions.

□ How the policy will apply to heritage buildings.

In developing and adopting its earthquake-prone buildings policy, Taupo District Council has followed the consultative procedure set out in section 83 of the Local Government Act 2002.

POLICY IN REGARDS TO EARTHQUAKE-PRONE BUILDINGS 2006

1 Policy approach

1.1 Policy principles

Taupo District Council has noted that provisions of the Building Act in regard to earthquake-prone buildings reflect the government's broader concern with the life safety of the public in buildings and, more particularly, the need to address life safety in the event of an earthquake. Taupo District Council is committed to ensuring that Taupo District is a safe place to live and work in. The earthquake-prone building issues have a strong relationship with Council's strategic priority for a safe environment. Taupo District Council has also noted that the development of earthquake-prone building policies is up to each Territorial Authority and has responded accordingly. This policy has been developed after due consultation with

Taupo District Council ratepayers and stakeholders in accordance with section 83 of the Local Government Act 2002.

1.2 Overall approach

Taupo District is in a zone of relatively high seismic activity. Its buildings comprise a range of types and ages reflecting steady development over the last 50 years from wood, reinforced masonry buildings to modern low level steel and concrete buildings. Taupo District Council has not actively pursued a policy of identifying and strengthening earthquake-prone buildings in the past. In isolated cases property owners have acted on their own accord and have carried out strengthening work.

Taupo District Council's earthquake-prone building policy under the Building Act 2004 embodies both an active and passive approach that reflects Council's determination to reduce earthquake risk over time but in a way that is acceptable in social and economic terms to its ratepayers.

Taupo District Council will both actively and passively review its building stock, based on priorities, to identify buildings that fall within the scope of potential earthquake-prone buildings under the Building Act 2004 and assess broadly the performance of those buildings in relation to the new building Standard, in particular, to the standard defined for earthquake-prone buildings.

This broad assessment will be done and will:

□ Determine and compile from this broad assessment a list of buildings that are earthquake-prone in terms of the Building Act 2004.

□ Advise owners of these buildings of the results of Council's broad assessment and invite them, within a limited time frame, to contact Council to obtain further details on future requirements.

□ Give written notices to all owners of buildings assessed as earthquake-prone once the deadline for contacting Council has passed and, subject to the results of discussions, to carry out work to reduce or remove the danger or demolish the building within a specified time frame.

□ Allow owners a right of appeal as defined in the Building Act 2004, which can include applying to the Department of Building and Housing for a determination under section 177.

1.3 Identifying earthquake-prone buildings

Taupo District Council will:

- Undertake an initial desktop review of Council's files and information to access which buildings could be earthquake-prone.
- Follow this with a brief visual inspection of each building, where necessary.
- Carry out initial evaluation of performance in earthquake based on information obtained by using the New Zealand Society of Earthquake Engineering (NZSEE)

Initial Evaluation

Method process:

- Require building owners to do a detailed assessment on buildings identified as earthquake-prone in the initial evaluation, unless otherwise agreed in discussion following the initial evaluation.
- Assemble a list of earthquake-prone buildings according to the results of the assessments.
- Categorise the earthquake-prone buildings according to the following:

A Buildings with special post-disaster functions as defined in AS/NZS 1170.0: 2002, Importance Level 4.

B Buildings that contain people in crowds or contents of high value to the community as defined in AS/NZS 1170.0: 2002, Importance Level 3.

C Heritage buildings identified in the Proposed District Plan

D Buildings with an Importance Level less than 3 as defined in AS/NZS 1170.0:2002.

- Continuously evaluate and assess the structural performance of buildings in all categories that were not identified in the initial review in a reactive manner. Such evaluations being triggered by an application under the Building Act for building alterations, change of use, extension of life or subdivision.

1.4 Assessment criteria

For practical purposes, Taupo District Council will define earthquake-prone buildings as those that, when subject to moderate earthquake shaking, do not meet or exceed the criteria for ultimate limit state as defined in the loadings and materials standards for new buildings. Taupo District Council will use the New Zealand Society for Earthquake Engineering (NZSEE) recommendations as its preferred basis for defining technical requirements and criteria. These recommendations are designed to be used in conjunction with AS/NZS 1170 Loadings Standard, NZS 3101 Concrete Structures Standard, NZS 3404 Steel Structures Standard and other materials Standards.

1.5 Taking action on earthquake-prone buildings

Before exercising its powers under section 124 and 125 (below), the Council will seek, within a defined time frame, to discuss options for action with owners with a view to obtaining from the owner a mutually acceptable approach for dealing with the danger, leading to receipt of a formal proposal from owners for strengthening or removal.

The Taupo District Council also acknowledges that some buildings will enjoy protection under other legislation e.g. Resource Management Act 1991, Conservation Act 1987 or the Historic Places Act 1993. When taking action the Council will give due consideration to any other legislation that may affect the building.

In the event that discussions do not yield a mutually acceptable approach and proposal, the Council will serve a formal notice on the owner to strengthen or demolish the building. In accordance with s124 and s125 of the Act the Council will:

- Advise and liaise with the owner(s) of buildings;
- If found to be earthquake-prone:

-May attach written notice to the building requiring work to be carried out on the building, within a time stated in the notice being not less than 10 days, to reduce or remove the danger;

-Give copies of the notice to the building owner, occupier, and every person who has an interest in the land, or is claiming an interest in the land, as well as the Historic Places Trust, if the building is a heritage building. In the case of a heritage building, in addition to providing a copy of the notice, the Council will ensure that discussions will also take place with the Historic Places Trust.;

☐ Contact the owner at the expiry of the time period set down in the notice in order to gain access to the building to ascertain whether the notice has been complied with;

☐ Pursue enforcement action under the Act if the requirements of the notice are not met within a reasonable period of time as well as any other non-compliance matters.

All owners have a right of appeal as defined in the Act, which can include applying to the Department of Building and Housing for a determination under s 177(e) of the Act.

1.5.1 Required level of structural improvement

Taupo District Council will require buildings identified as earthquake prone to be strengthened to at least 67 percent of the new building standard. In accordance with the recommendations of the New Zealand Society for Earthquake Engineers. The Taupo District Council considers this to be an appropriate level for the requirement to reduce or remove the danger.

1.6 Interaction between earthquake prone building policy and related sections of the Building Act 2004

1.6.1 Section 112: Alterations to existing building.

Whenever a building consent application is received for significant upgrading or alteration of a building that is or could be earthquake prone, then, irrespective of the general priorities set by Taupo District Council for dealing with earthquake prone buildings, the Council will not issue a building consent unless it is satisfied that the building is not earthquake prone and that the building work will not detrimentally affect the building's compliance with the Building Code.

If the building is shown to be earthquake prone, then the Council will require that the building be strengthened to comply as nearly as is reasonably practicable with the provisions of the Building Code.

1.6.2 Section 115: Change of use

Whenever a building consent application or formal notification is received for change of use of a building that is or could be earthquake prone, then, irrespective of the general priorities set by Taupo District Council for dealing with earthquake prone buildings, it will be a requirement of the owner to make a detailed assessment of the earthquake performance of the building to determine whether or not it is an earthquake prone building in its existing condition.

If the building is shown to be earthquake prone then the Council will require that the building be strengthened to comply as nearly as is reasonably practicable with every provision of the Building Code that relates to structural performance as is required by section 115(b) (i) (A). (In this instance the requirement for earthquake prone buildings would be the same as that for non-earthquake prone buildings.)

1.7 Recording a building's earthquake prone status

Taupo District Council will keep a record of all earthquake prone buildings in an earthquake prone building register and on individual property files noting the status of requirements for improvement or the results of improvement as applicable. In addition, the following information will be placed on the LIM for each earthquake prone building:

☐ Address and legal description of land and building

☐ Statement that the building is on the Council's register of earthquake prone buildings.

☐ Date by which strengthening or demolition required, (if known).

☐ Statement that further details are available from the Council to those who can demonstrate a genuine interest in the property.

1.8 Economic impact of policy

The economic impact of the earthquake-prone building policy can only be assessed after the initial building evaluation phase has been completed and the scale and extent of the required strengthening work identified. However due to the young age of the district's building stock and the lack of large unreinforced masonry structures, it is anticipated that the impact will be no more than minor.

1.9 Access to earthquake-prone building information

Information concerning the earthquake status of a building will be contained on the relevant property file. In addition, Council will keep a record of the NZSEE grade of all buildings assessed, and will encourage all owners of significant buildings to have them assessed and graded. Council recognises the long-term benefits of increased public awareness.

In granting access to information concerning earthquake-prone buildings, Council will conform to the requirements of the relevant legislation.

2 Priorities

Taupo District Council has prioritised both the identification and the requirement to strengthen or demolish buildings as follows. Figures in brackets indicate the latest date for identification and notification and the maximum time for strengthening or demolition respectively. Times required for strengthening or demolition commence on the date of issue of formal notice. Specific times will be assigned for action according to the assessment of structural performance and the nature of the concerns. The order will be as indicated below.

A Buildings with special post-disaster functions as defined in AS/NZS 1170.0: 2002, Importance Level 4 (December 2008, 1 year).

B Buildings that contain people in crowds or contents of high value to the community as defined in AS/NZS 1170.0: 2002, Importance Level 3 (December 2009, 2 years).

C Heritage buildings recorded in Council's District Plan (December 2010, 2 years).

D Buildings with an Importance Level of less than 3 as defined in AS/NZS 1170.0: 2002 and identified as being earthquake-prone (December 2011, 3 years).

Once each category has been reviewed and the earthquake-prone buildings within it identified, the process of liaising with owners and serving notice on them will commence.

Identification of buildings in each category will proceed according to the priorities identified above.

3 Heritage buildings

3.1 Special considerations and constraints

The Taupo District Council believes it is important that its heritage buildings have a good chance of surviving a major earthquake. However, Taupo District Council does not wish to see the intrinsic heritage values of these buildings adversely affected by structural improvement measures.

Heritage buildings will be assessed in the same way as other potentially earthquake-prone buildings and discussions held with owners and the Historic Places Trust to identify a mutually acceptable way forward. Special efforts will be made to meet heritage objectives.

Additions of buildings to the Heritage items recorded in Council's District Plan would be subject to an earthquake-prone building assessment as part of the process. Following the consultation period with the owners, notices will be served requiring improvement or demolition within a stated (and preferably agreed) time frame. In particularly important cases, public consultations will be included in the process.

DANGEROUS BUILDINGS

Policy Approach

Introduction and Background

Section 131 of the Building Act 2004 ("the Act") requires territorial authorities ("TAs") to adopt a policy on dangerous buildings by ~~31 December 2018, 31 May 2006~~. The definition of a dangerous building is set out in ~~section 121 (1) of the Act~~:

"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 person in the building or to persons on other property is likely because of fire hazard or the occupancy of the building."

~~This document sets out the policy adopted by Taupo District Council ("Council") in accordance with the requirements of the Building Act 2004.~~

The policy ~~is required to state~~:

- The approach that the Council will take in performing its functions under the Act;
- Council's priorities in performing those functions;
- How the policy will apply to heritage buildings;

~~In developing and adopting its dangerous buildings policy Council has followed the special consultative procedure set out in section 83 of the Local Government 2002.~~

Policy

Policy Principles

~~That the community can expect to be safe when in a building in the Taupo District.~~

~~Council has noted that provisions of the Act in regard to dangerous buildings reflect the government's broader concern with the life safety of the public in buildings. Taupo District Council is committed to ensuring that the Taupo District is a safe place to live and work in. The dangerous building issues have a strong relationship with Council's strategic priority for a safe district. Taupo District Council has also noted that the development of dangerous building policies is up to each Territorial Authority and has responded accordingly. This policy has been developed after due consultation with Taupo District Council ratepayers and stakeholders in accordance with section 83 of the Local Government Act 2002.~~

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Overall Approach

~~The~~ Taupo District is ~~experiencing an area of strong~~ growth which ~~is~~ places considerable pressure on the availability of affordable privately owned and rental accommodation. This has resulted in instances of garages, basements and sleep outs being illegally converted into minor household units or sheds and garages being constructed without consents for use as residential accommodation. Lacking any consent, these are often not undertaken in accordance with the building code. This may cause problems in terms of the danger posed for people living in these spaces by inappropriate construction methods or materials. Such dangers may include inadequate fire protection or danger of collapse.

The ~~help deter people from undertaking inappropriate building works~~, Council ~~does~~ provides information to the public to educate them on the need to discuss their development plans with Council and to obtain building consent where ~~Council deems that is~~ necessary.

Identifying Dangerous Buildings

The Council ~~will~~may:

1. Respond to and investigate all building complaints received from building users, members of the public or a government agency with a right to inspect a building.
2. Identify from these investigations any buildings that are dangerous;
3. Inform the owner and occupier of the building to take action to reduce or remove the danger, as is required by s124 and s125 of the Act;
4. Liaise with the New Zealand Fire Service when Council deems it is appropriate, in accordance with s121 (2) of the Act:

~~“For the purpose of determining whether a building is dangerous in terms of s121 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.”~~

Assessment Criteria

The Council will assess dangerous buildings in accordance with s121 (1) of the Act:

“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 person in the building or to persons on other property is likely because of fire hazard or the occupancy of the building.”

In accordance with the Building Code the following will be assessed:

- B1 - Structure
- F1 - Hazardous Agents on Site
- F2 - Hazardous Building Materials
- F7 – Warning Systems

Taking Action

Should action be considered necessary, in accordance with s124 and s125 of the Act the

Council ~~will~~may:

- Advise and liaise with the owner(s) of buildings;
- May request a written report on the building from ~~the New Zealand Fire Service; Fire and Emergency New Zealand~~
- If found to be dangerous:
 - Attach written notice to the building requiring work to be carried out on the building, within a time stated in the notice being not less than 10 days, to reduce or remove the danger;
 - Give copies of the notice to the building owner, occupier, and every person who has an interest in the land, or is claiming an interest in the land, as well as the New Zealand Historic Places Trust, if the building is a heritage building;
- Contact the owner at the expiry of the time period set down in the notice in order to gain access to the building to ascertain whether the notice has been complied with;

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- If urgent building work is required to make the building safe and a building consent cannot be practicably be obtained in advance because the building work has to be carried out urgently,
 - For the purpose of saving or protecting life or health or preventing serious damage to property,

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— Then the owner must apply for a certificate of acceptance if building work has been carried

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- Where the danger is the result of non-consented building work the owner will formally be requested to provide an explanation as to how the work occurred and who carried it out and under whose instructions, and may need to apply for a Certificate of Acceptance in accordance with s97 of the Act 2004;
- Pursue enforcement action under the Act if the requirements of the notice are not met within a reasonable period of time as well as any other non-compliance matters.

If the building is considered to be immediately dangerous the Council ~~will~~may:

- Cause any action to be taken to remove that danger (this may include prohibiting persons using or occupying the building ~~and or by making an application to the District Court for an order authorising the territorial authority to carry out building work if any building work required under a notice issued by the territorial authority under s124(2)(c) of the Act including to reduce or remove the danger. NOTE: Before the territorial authority applies to the District Court the territorial authority must give the owner of the building not less than 10 days' written notice of its intention to do so. ~~demolition of all or part of the building~~); and~~
- Take action to recover costs from the owner(s) if the Council must undertake works to remove the danger.
- The owner(s) will also be informed that the amount recoverable by Taupo District Council will become a charge on the land on which the building is situated.

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All owners have a right of appeal as defined in the Act, which can include applying to the Ministry of Business, Innovation and Employment the Department of Building and Housing for a determination under s 177(e) of the Act.

Interaction between dangerous building policy and related sections of the Act

Section 41: Building consent not required in certain cases

In cases where a building is assessed as being immediately dangerous the Council may not require building consent to be obtained for any building work required so as to remove the danger immediately. However, prior to any action being taken it is imperative that building owners discuss any works with the Council.

Record keeping

Any buildings identified as being dangerous will have a requisition placed on the property file for the property on which the building is situated until the danger is remedied. In addition, the following information will be placed on the Land Information Memorandum (LIM):

- Notice issued that building is dangerous
- Copy of letter to owner, occupier and any other person that the that the building is dangerous;
- Copy of the notice given under section 124(1) that identifies the work to be carried out on the building and the timeframe given to reduce or remove the danger.

Economic impact of policy

Due to the low number of dangerous buildings encountered annually by the Council (<5), and the similarity between the obligations of territorial authorities as to with dangerous buildings under the Building Act 2004 and the Building Act 1991, the economic impact of this policy is considered to be negligible.

Access to information

Information concerning dangerous buildings will be contained on the relevant LIM. In granting access to information concerning dangerous buildings, the Council will conform to the requirements of the Local Government Official Information and Meeting Act 1987 and the Local Government Act 2002.

Priorities

The Council will allocate priority to buildings that have been determined to be immediately dangerous. Immediate action will be required in these situations to remove the danger, such as prohibiting any person occupying or using the building. Buildings that are determined to be dangerous, but not immediately dangerous, will be subject to the minimum timeframes for reduction or removal of the danger (not less than 10 days) as set out in s124(1) (c) of the Act.

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Heritage Buildings

No special dispensation will be afforded to heritage buildings under this policy. As per s125 (2) (f) of the Act a copy of any notice issued under s124 of the Act will be sent to the New Zealand Historic Places Trust where a heritage building has been identified as a dangerous building.

INSANITARY BUILDINGS

Introduction and Background

Section 131 of the Building Act 2004 ("the Act") requires territorial local authorities ("TA's") to adopt a policy on insanitary buildings by 31 May 2006. The definition of an insanitary building is set out in s123 of the Act:

"A building is insanitary for the purposes of this Act if the building-

(a) is offensive or likely to be injurious to health because-

(i) of how it is situated or constructed; or

(ii) it is in a state of disrepair; or

(b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or

(c) does not have a supply of potable water that is adequate for its intended use; or

(d) does not have sanitary facilities that are adequate for its intended use."

This document sets out the policy adopted by Taupo District Council ("Council") in accordance with the requirements of the Act.

The policy is required to state:

- The approach that the Taupo District Council will take in performing its functions under the Act;
- The Council's priorities in performing those functions;
- How the policy will apply to heritage buildings.

In developing and adopting its insanitary buildings policy, the Council has followed the Consultative procedure set out in section 83 of the Local Government Act 2002.

Policy

Policy principles

That the community can expect to not have to occupy buildings that are insanitary.

The Council has noted that provisions of the Act in regard to insanitary buildings reflect the Government's broader concern with the health and safety of people occupying buildings that may be considered to be insanitary. This is particularly so in the older stock of buildings in the Taupo District. The Council is committed to ensuring that Taupo District is a safe place to live and work. The insanitary building issues have a strong relationship with Council's strategic priorities for a safe district and first call for children. The Council has noted that the development of an insanitary building policy is to be undertaken by TAs independently and has responded accordingly. This policy has been developed after due consultation with Taupo District Council ratepayers and stakeholders in accordance with section 83 of the Local Government Act 2002.

Overall approach

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Taupo District is experiencing strong growth which is placing considerable pressure on the availability of both privately owned and rental accommodation. The un-consented conversion of This has resulted in an identifiable trend of garages, basements and sleep outs being illegally converted into minor household units that are then rented out. Lacking any consent, these conversions are often not undertaken in accordance with the building code. This inappropriate building methods and materials may result in cause problems in terms of the danger posed for people living in these spaces by inappropriate construction methods or materials. Such dangers may include dampness or inadequate sanitary facilities which may lead to insanitary conditions where there is a reasonable likelihood of a person becoming ill as a result of the condition of the building.

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The Council is actively involved in educating the public on the need to discuss their development plans with Council and to obtain building consent where Council deems that is necessary prior to any works commencing. This is particularly important in order to avoid creating insanitary conditions that could be injurious to the health of occupants, particularly children and the elderly. For instance this is exemplified by conversions of buildings into minor household units or other such smaller dwellings where safety risks are likely to arise from a change in use. Council has a policy of initiating enforcement action under the relevant statutes, in this case the Act when dealing with insanitary buildings - a strong message to the public that Council places paramount importance on safety of residents in the community. This stance also creates a strong message of deterrence for those property owners who do not seek Council's advice prior to undertaking building works.

Identifying insanitary buildings

The Council will:

- Respond to and investigate all building complaints received from building users, members of the public or a government agency with a right to inspect a building.
- Identify from these investigations any buildings that may be considered to be insanitary and where considered necessary inspect the building;
- Inform the owner(s) of the building to take action to prevent the building from remaining insanitary;
- Liaise with the Medical Officer of Health when required to assess whether the occupants may be neglected or infirm.

Assessment criteria

The Council will assess insanitary buildings in accordance with s123 of the Act and established caselaw as well as the building code:

The Council will:

- Investigate as to whether the building is occupied;
- The use to which the building is put;
- Whether the insanitary conditions pose a reasonable probability of danger to the health of any occupants;

Considerations as to insanitary assessment where a building is occupied may include:

- Adequate sanitary facilities for the use;
- Disposal of foulwater and wastewater;
- Adequate drinking water;
- Separation of use for kitchen and other sanitary facilities;
- Likelihood of moisture penetration;
- Construction materials;
- Defects in roof and walls;
- Records of any notifiable or infectious diseases occurring.
- Room sizes, overcrowding and laundering facilities.

In accordance with the Building Code the following will be assessed:

- E2 External Moisture
- G1 – Personal Hygiene

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- [G12 Water Supplies; or](#)
- [AS/NZS:3500](#)
- [G13 Foulwater; or](#)
- [AS/NZS:3500](#)
- [G1 Personal Hygiene](#)

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Taking action

The Council will:

- Advise and liaise with the owner(s) of the buildings identified as being insanitary;
- Where the building is found to be insanitary:
 - Attach written notice to the building requiring work to be carried out on the building, with a time stated on the notice that is not less than 10 working days, to prevent the building from remaining insanitary;
 - Give copies of the notice to the building owner(s), occupier, and every person who has an interest in the land, or is claiming an interest in the land, as well as the New Zealand Historic Places Trust, if the building is a heritage building.

Where the insanitary conditions are the result of non-consented work the owner(s) will be formally requested to provide an explanation as to how the work occurred and who carried it out, and may need to apply for a Certificate of Acceptance in accordance with s97 of the Act 2004

- Contact the owner(s) at the end of the expiry of the time period set down in the notice in order to gain access to the building to ascertain whether the notice has been complied with.
- If urgent building work is required to make the building safe and a building consent cannot be practicably be obtained in advance because the building work has to be carried out urgently
 - For the purpose of saving or protecting life or health or preventing serious damage to property

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Then the owner must apply for a certificate of acceptance if building work has been carried out urgently,

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- Determine if enforcement action should be pursued under the Act if the requirements of the notice are not met within a reasonable period of time. If it is considered that immediate action is required to fix insanitary conditions the Council will:
- Cause any action to be taken to fix those insanitary conditions; and or by making an application to the District Court for an order authorising the territorial authority to carry out building work if any building work required under a notice issued by the territorial authority under s124(2)(c) of the Act including to reduce or remove the danger. NOTE: Before the territorial authority applies to the District Court the territorial authority must give the owner of the building not less than 10 days' written notice of its intention to do so and,
- Take action to recover costs from the owner(s) if the Council must undertake works to remove the insanitary conditions;
- The owner(s) will also be informed that the amount recoverable by the Council will become a charge on the land on which the building is situated.

All owners have a right of appeal as defined in the Act, which can include applying to the [Ministry of Business, Innovation and Employment Department of Building and Housing](#) for a determination under s 177(e) of the Act.

Interaction between insanitary building policy and related sections of the Building Act 2004

Section 41: Building consent not required in certain cases.

In cases where a building is assessed as being immediately insanitary the Council may not require building consent to be obtained for any building work required to fix the insanitary conditions

immediately. However, prior to any action being undertaken it is imperative that building owners discuss any works with the Council.

Recording of insanitary buildings

Any buildings identified as being insanitary will have its details recorded on the property file for the property on which the building is situated until the insanitary condition has been confirmed as being removed. In addition, the following information will be placed in the property file:

- -Notice that the building is insanitary;
- Copy of letter to owner, occupier, and any other person that the building is insanitary;
- Copy of the notice given under s124(1) of the Act that identifies the work to be carried out on the building and the timeframe given to fix those insanitary conditions; Any report as to the completed works and how the situation was rectified.

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-Economic impact of the policy

Due to the low number (< 5) of insanitary buildings encountered annually by the Council, and the similarity between the obligations of TAs as to insanitary buildings under the Building Act 2004 and the Building Act 1991, the economic impact of this policy is considered to be negligible.

Access to information

Information concerning insanitary buildings will be contained on the relevant property file.

In granting access to information concerning insanitary buildings Taupo District Council will conform to the requirements of the Local Government Official Information and Meetings Act 1987 and the Local Government Act 2002.

Priorities

The Council will allocate priority to buildings where it has been determined that immediate action is necessary to fix insanitary conditions. Immediate action will be required in those situations to fix those insanitary conditions such as prohibiting occupation of the property, put up a hoarding or fence and taking prosecution action where necessary.

Buildings that are determined to be insanitary, but not requiring immediate action to fix those insanitary conditions, will be subject to the minimum timeframes to prevent the building from remaining insanitary (not less than 10 days) as set out in s124(1)(c) of the Act.

Heritage Buildings

No special dispensation will be afforded to heritage buildings under this policy. As per s125(2) (f) of the Act a copy of any notice issued under s124 of the Act will be sent to the New Zealand Historic Places Trust where a heritage building has been identified as an insanitary building.

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