

Dangerous and Insanitary Buildings Policy 2026

This policy is made under section 131 of the Building Act 2004.

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1. Introduction

- 1.1 This Dangerous and Insanitary Buildings Policy (“**the Policy**”) has been prepared to comply with s131 of the Building Act 2004 (“**the Act**”), which requires the Christchurch City Council (“**the Council**”) to have a policy on Dangerous and Insanitary Buildings.
- 1.2 The Policy replaces the Council’s Dangerous and Insanitary Buildings Policy 2018.
- 1.3 The Act requires the Policy to state the Council’s policy approaches regarding affected buildings, which are buildings adjacent to, adjoining or nearby to a dangerous building or dam.

2. Purpose

- 2.1 A building may become dangerous, affected or insanitary due to a number of reasons. This Policy aims to address how Council will manage buildings that meet the threshold of a dangerous, affected or insanitary building.

3. Policy principles

- 3.1 The relevant principles of s4 of the Act have been taken into account in preparing the Policy.
- 3.2 In considering these principles the Policy seeks to ensure that people who use buildings can do so safely without endangering their health.
- 3.3 It is important that the Council protects public health through a balanced risk-based approach to ensuring buildings are structurally sound, do not pose a risk of damage to other property, or pose health risks and perform their function without putting the health of building users, residents and visitors at risk.
- 3.4 The Council will take a pragmatic approach to administering the Act and the Policy in a fair and reasonable way.

4. Policy scope and compliance with other Acts

- 4.1 The Policy applies to all buildings within the Christchurch City Council territorial authority district.
- 4.2 The Policy sets out:
 - the approach that the Council will take in performing its functions under Part 2 of the Act;
 - the Council’s priorities in performing those functions; and
 - the Council’s approach to dangerous, affected and insanitary heritage buildings.
- 4.3 Specific requirements for earthquake-prone buildings are outside the scope of this Policy as earthquake-prone buildings are covered by s133AG – 133AY of the Act.
- 4.4 Nothing in this policy derogates from any of the provisions of the Building Act 2004, the Resource Management Act 1991, or any other relevant statutory or regulatory requirements.

***Explanatory note:** The government is progressing reform of legislation related to resource management. References to legislation in this policy include any successive legislation to those specified, including any successive legislation for heritage protection purposes.*

5. Policy objectives

- 5.1 To discharge the Council's responsibilities under the Act that relate to dangerous, affected and insanitary buildings.
- 5.2 To clearly state the Council's approach to identifying dangerous, affected or insanitary buildings, what powers it can exercise when such buildings are found, and how it will work with building owners to prevent buildings from remaining dangerous or insanitary, particularly where a dangerous building is affecting or potentially affecting another building or other property.
- 5.3 To explain its approach where the building concerned is scheduled in the Christchurch District Plan or entered on the New Zealand Heritage List / Rārangi Kōrero.
- 5.4 To ensure building owners understand that the Council may exercise its powers to take steps on the owner's behalf and may recover any resulting costs from the owner.

6. Strategic alignment

- 6.1 The Policy has been prepared with the Council's strategic framework in mind and to support achievement of relevant objectives. In particular the Policy supports the following:

Community Outcomes:

- A collaborative confident city
- Thriving prosperous city
- A cultural powerhouse city

Strategic Priorities:

- Be an inclusive and equitable city which puts people at the centre of developing our city and district, prioritising wellbeing, accessibility and connection
- Build trust and confidence in the Council through meaningful partnerships and communication, listening to and working with residents.
- Manage ratepayers' money wisely, delivering quality core services to the whole community and addressing the issues that are important to our residents.

Christchurch District Plan:

- Historic heritage objectives

Our Heritage, Our Taonga – Heritage Strategy 2019-2029

- Kaitiakitanga – Protecting and caring for our Heritage, our Taonga
- Our Heritage, our Taonga is protected through collaboration and partnership

7. Council's role

- 7.1 A building may become dangerous, affected or insanitary due to a number of reasons, such as unauthorised alterations being made, fire, natural disaster or other external factors, or as a result of its use by an occupant.
- 7.2 When the Council becomes aware that a building may be dangerous, affected or insanitary, it will investigate and determine whether the building is dangerous, affected or insanitary.
- 7.3 If a building is deemed to be dangerous, affected or insanitary, the Council will work with the building owner(s), and if necessary use powers it has available under the Act, to ensure appropriate action is taken to make the building, its occupants and the public safe.

8. Working with other agencies

- 8.1 The Council will work with Heritage New Zealand Pouhere Taonga, Fire and Emergency New Zealand, the New Zealand Police, Health New Zealand Te Whatu Ora (National Public Health Service) and other relevant agencies to achieve the purpose of the Act.

POLICY STATEMENTS

9. Approach to identifying dangerous, affected or insanitary buildings

- 9.1 The Council will not actively inspect all buildings within the District but may from time to time undertake proactive information collection on possible dangerous, affected or insanitary buildings.
- 9.2 On receiving information or a complaint regarding a possible dangerous, affected or insanitary building, the Council will quickly and efficiently respond to information received and to ascertain the extent of any issues.
- 9.3 The procedures taken by the Council to resolve any issues found are detailed in section 12 of this Policy.

10. Application of the Policy to heritage buildings

- 10.1 The Policy applies to heritage buildings in the same way it applies to all other buildings. Where the Council is assessing a building that is listed on the New Zealand Heritage List/ Rārangī Kōrero the Council will seek early advice from Heritage New Zealand Pouhere Taonga where practicable.
- 10.2 When considering whether a heritage building should be deemed as dangerous, affected and/or insanitary under this Policy, account will be taken of:
 - 10.2.1 Any relevant requirements under the Resource Management Act 1991;
 - 10.2.2 The importance of recognising any special traditional or cultural aspects of the intended use of the building;

- 10.2.3 The need to facilitate the preservation and ongoing use of buildings and areas of significant cultural, historical, or heritage value;
 - 10.2.4 Any covenants placed on the heritage building (whether placed by the Council or Heritage New Zealand Pouhere Taonga); and
 - 10.2.5 The circumstances of each owner and each building, including whether the building has undergone any recent building work.
- 10.3 When considering what action to take with a listed or scheduled heritage building that is deemed dangerous, affected or insanitary, the Council will take into account the heritage values of the building in determining possible courses of action and seek to avoid demolition wherever possible. Suitably qualified professionals with heritage expertise will be engaged where necessary to advise and recommend on possible actions.

***Explanatory note:** Under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA), the permission of Heritage New Zealand Pouhere Taonga must be sought prior to the modification or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the HNZPTA as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. These may include buildings prior to 1900. It is advised to seek further information from Heritage New Zealand Pouhere Taonga if this is anticipated.*

11. Costs

- 11.1 The Council may issue a notice under s124(2)(c) of the Act requiring work to be carried out on a dangerous or insanitary building to reduce or remove the danger, or to prevent the building from remaining insanitary. If work required under such a notice issued is not completed or proceeding with reasonable speed, the Council may use its powers under s126 of the Act and apply to the District Court to gain authorisation to carry out the building work required in the notice.
- 11.2 If the Council carries out building work, under s126 of the Act or under a warrant issued under s129, it is entitled to recover costs associated with that work from the building owner.

12. Procedures

- 12.1 When the Council receives information regarding a potentially dangerous, affected or insanitary building, it will:
 - 12.1.1 Check the details on the property held in Council records;
 - 12.1.2 Where considered necessary, have an authorised officer undertake an inspection of the building. In doing this, the Council may seek advice from qualified in house specialists, and/or from Fire and Emergency New Zealand, the Medical Officer of Health or other public health specialist or any other professional organisation deemed appropriate by Council; and
 - 12.1.3 Prepare a report that includes the inspection record.

- 12.2 All inspections of potentially dangerous, affected or insanitary buildings will involve assessment of the condition of the building in terms of the definitions in s121, 121A and 123 of the Act. A report will be prepared in all cases.
- 12.3 Authorised officers are entitled at all times during normal working hours to inspect any building to identify any dangerous or insanitary buildings, and may enter any premises for that purpose, unless the building is a household unit. If the building is a household unit which is being used as a household unit, the Council must either obtain consent from the occupier or an order from the District Court before it can enter to carry out an inspection.
- 12.4 Once the Council is satisfied that a building is dangerous, affected or insanitary it will:
- 12.4.1 Consult with the building owner(s) to further determine the circumstances and decide on an appropriate course of action, which may include not taking any action, particularly where the owner is aware of and dealing with the issues.
 - 12.4.2 Inform the complainant(s) of the inspection results and the Council's intended course of action to deal with the situation.
 - 12.4.3 Assess whether there are any potentially affected buildings or other property and consult with the owner(s) of any affected building or other property regarding appropriate risk management approaches before taking enforcement action under s124 of the Act.
 - 12.4.4 Liaise with Fire and Emergency New Zealand, if required, in accordance with 13.3 of this Policy.
 - 12.4.5 If the building is a scheduled or listed heritage building, the Council will take into account its heritage values in determining a course of action. Where practicable this will follow the provisions in section 10 of the Policy.
- 12.5 In undertaking its monitoring and enforcement functions under the Act and the Policy, the Council will utilise a strategic compliance framework in accordance with the Council's Compliance Strategy.
- 12.6 If the Council is satisfied that a building is a dangerous, affected, or insanitary building it may use its powers under s124, or s126 of the Act. This may include:
- 12.6.1 erecting a hoarding or fence to prevent people from approaching the building nearer than is safe
 - 12.6.2 placing a notice that warns people not to approach the building
 - 12.6.3 except in the case of an affected building, issuing a notice that complies with section 125(1) requiring work to be carried out on the building to—
 - reduce or remove the danger; or
 - prevent the building from remaining insanitary
 - 12.6.4 issuing a notice that complies with s125(1A) restricting entry to the building for particular purposes or restricting entry to particular persons or groups of persons.

- 12.7 Where a state of emergency has been declared (or following a state of emergency, when a transition period has been declared) the Council may choose to exercise powers under the Civil Defence Emergency Management Act 2002 instead of or in addition to powers under the Act.

13. Immediate danger

- 13.1 If a building presents an immediate danger or health hazard to people within and/or around it, to surrounding buildings, or an immediate risk of damage to other property, the Chief Executive of the Council may decide it is necessary to use the powers under s129 of the Act to remove the danger or fix insanitary conditions. This may include demolition of the building.
- 13.2 Immediate danger may apply to a building that is likely to be used in a dangerous manner. A particular example is an assessment of immediate danger from fire and, in the event of a fire, injury or death to persons in or around the building is likely when trying to evacuate.
- 13.3 If notification is received from Fire and Emergency New Zealand that a building is dangerous, (whether by request of the Council under s121(2), or at the initiation of Fire and Emergency New Zealand) the Council will liaise with Fire and Emergency New Zealand to discuss any proposed action.
- 13.4 If the building is a scheduled or listed heritage building, the Council will take into account its heritage values in determining a course of action. Where practicable this will follow the provisions in section 10 of the Policy.

14. Disputes

- 14.1 If a building owner disputes a Council decision, or proposed action, relating to the exercise of the Council's powers under s124 or s129 of the Act, the owner may apply for a determination from the Chief Executive of the Ministry of Building, Innovation and Employment, as set out in the Act. Such a determination is binding on the Council.

15. Information disclosure

- 15.1 The Local Government Official Information and Meetings Act 1987 (s44A) requires the Council to include information concerning any consent, certificate, notice, order, or requisition affecting the land or any building on the land previously issued by the territorial authority on the Land Information Memorandum (LIM) for a property.
- 15.2 In particular, the Council will include information relating to notices that have been issued by Council regarding dangerous and insanitary conditions or affected building status that are not resolved.
- 15.3 The Council is required (under s216 of the Act) to hold a summary of any written complaint concerning alleged breaches of the Act, and the Council's response. This information will be provided upon request, subject to the requirements of s217.

16. Definitions

TERM	DEFINITION
Act	means the Building Act 2004
Affected building	has the same meaning as in the Building Act 2004 (s.121A), and means: A building is an affected building for the purposes of this Act if it is adjacent to, adjoining, or nearby— (a) a dangerous building as defined in section 121; or (b) a dangerous dam within the meaning of section 153.
Authorised officer	(s222(4) Building Act 2004) means an officer of a territorial authority to whom either or both of the following applies: (a) he or she is authorised to carry out inspections; or, (b) he or she is authorised to enter the land – i. by this Act; or ii. by an order of the District Court made under section 227.
Building	(s8 Building Act 2004) means - (a) a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels); and (b) includes- (i) a mechanical, electrical, or other system; and (ii) a fence as defined in section 2 of the Fencing of Swimming Pools Act 1987; and (iii) a vehicle or motor vehicle (including a vehicle or motor vehicle as defined in section 2(1) of the Land Transport Act 1998) that is immovable and is occupied by people on a permanent or long-term basis; and (iv) a mast pole or a telecommunication aerial that is on, or forms part of, a building and that is more than 7 m in height above the point of its attachment or base support (except a dish aerial that is less than 2 metres wide); and (c) includes any 2 or more buildings that, on completion of building work, are intended to be managed as one building with a common use and a common set of ownership arrangements; and (d) includes the non-moving parts of a cable car attached to or servicing a building; and (e) after 30 March 2008, includes the moving parts of a cable car attached to or servicing a building.
Council	means the Christchurch City Council.
Dangerous building	(s121 Building Act 2004) means a building that: (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.

Heritage building	means a building that is included within Appendix 9.3.7.2, 'The Schedule of Significant Historic Heritage', Chapter 9 of the Christchurch District Plan; and also has the same meaning as in section 7 of the Building Act 2004: (i) a building that is included on the New Zealand Heritage List/Rārangi Kōrero maintained under section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or (ii) a building that is included 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; or (iii) a place, or part of a place, that is subject to a heritage covenant under section 39 of the Heritage New Zealand Pouhere Taonga Act 2014 and is registered under section 41 of that Act; or (iv) a place, or part of a place, that is subject to a heritage order within the meaning of section 187 of the Resource Management Act 1991; or (v) a place, or part of a place, that is included in a schedule of a district plan because of its heritage value:
Insanitary building	(s123 Building Act 2004) means a building that: (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.
Inspection	(s222 Building Act 2004) means the taking of all reasonable steps - (a) to determine whether - (i) building work is being carried out without a building consent; or (ii) building work is being carried out in accordance with a building consent; or (iii) a notice to fix has been complied with: (b) to ensure that - (i) in relation to buildings for which a compliance schedule is issued, the inspection, maintenance, and reporting procedures stated in the compliance schedule are being complied with; or (ii) in relation to buildings that have specified systems, the requirement for a compliance schedule is being complied with: (c) to enable a territorial authority to — (i) identify dangerous, earthquake-prone, or insanitary buildings within its district; and (ii) carry out its functions or duties in relation to those buildings: (d) to satisfy a territorial authority as to whether a certificate of acceptance for building work should be issued under section 96.
Other property	(s7 Building Act 2004) (a) means any land or buildings, or part of any land or buildings, that are— (i) not held under the same allotment; or (ii) not held under the same ownership; and (b) includes a road.

Owner	(s7 Building Act 2004) means, in relation to land and any buildings on the land – (a) means the person who – (i) is entitled to the rack rent from the land; or (ii) would be so entitled if the land were let to a tenant at a rack rent; and (b) includes – (i) the owner of the fee simple of the land; and (ii) for the purposes of sections 32, 44, 92, 96, 97, and 176(c) any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, and who is bound by the agreement because the agreement is still in force.
Territorial authority	(s7 Act Building Act 2004) means (a) a city council or district council named in Part 2 of Schedule 2 of the Local Government Act 2002; and – (i) in relation to land within the district of a territorial authority, or a building on or proposed to be built on any such land, means that territorial authority; and (ii) in relation to any part of a coastal marine area (within the meaning of the Resource Management Act 1991) that is not within the district of a territorial authority, or a building on or proposed to be built on any such part, means the territorial authority whose district is adjacent to that part; and (b) includes the Minister of Conservation or the Minister of Local Government, as the case may be, in any case in which the Minister of Local Government is the territorial authority under section 22 of the Local Government Act 2002.

17. References and related documents

17.1 In considering how to address non-compliance it is likely the Council must be mindful of any matters that require consideration under other legislation or compliance mechanisms. In particular, in addition to the Building Act 2004 the Council needs to consider the following:

- [Our Heritage, Our Taonga, Heritage Strategy 2019-2029](#)
- [Regulatory Compliance Unit – Compliance Strategy 2021](#)
- [Building Act 2004](#)
- [Local Government Act 2002](#)
- [Resource Management Act 1991](#)
- [Christchurch District Plan](#)
- [Civil Defence Emergency Management Act 2002](#)
- [Heritage New Zealand Pouhere Taonga Act 2014](#)
- [Protection of Personal and Property Rights Act 1988](#)
- [Health Act 1956](#)
- [Mental Health \(Compulsory Assessment and Treatment\) Act 1992](#)
- [Greater Christchurch Regeneration Act 2016](#)

Explanatory note: The government is progressing reform of legislation related to resource management. References to legislation in this policy include any successive legislation to those specified, including any successive legislation for heritage protection purposes.

Explanatory note: The Council may decide to use powers under the Health Act 1956 instead of, or in addition to, the Building Act 2004. Provisions exist in the Health Act to deal with nuisance conditions associated with housing, including overcrowding and insanitary conditions likely to cause injury to the health of persons, or a dwelling that is otherwise unfit for human habitation. In particular, see sections 23, 29, 41 and 42 of the Health Act 1956.

18. Policy reviews

- 18.1 The Policy must be reviewed at least every five years.
- 18.2 The Council may decide to review the Policy at any time within the five-year review requirement.
- 18.3 If, following the review, or at any other time, the Council decides to amend or replace the Policy it must do so by using the special consultative procedure in s83 of the Local Government Act 2002.
- 18.4 The Policy does not cease to have effect because it is due for review or is being reviewed.

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