



**Approved:** 17 December 2024

**Replaces:** Dangerous, Insanitary & Affected Buildings Policy 2018

**Review date:** 17 December 2029

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**Policy Statement** Hurunui District Council is committed to ensuring the Hurunui district is a thriving, dynamic and resilient district.

Unauthorised alterations, use of a building by occupants, events such as fires or natural disasters can result in a building becoming dangerous or insanitary. Buildings in such conditions can pose a threat to safety and to other buildings and structures.

The Building Act 2004 provides powers to territorial authorities with respect to dangerous, insanitary and affected buildings. These powers allow Council to take action to ensure buildings that become dangerous or insanitary are improved to meet Building Code standards.

The Health Act 1956 provides powers to territorial authorities which will be used in conjunction with the requirements of the Building Act 2004 as appropriate.

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**Context** [Section 131](#) of the Act requires territorial authorities to have a dangerous and insanitary buildings policy which covers:

1. The approach that the Hurunui District Council will take in performing its functions under the Building Act 2004;
2. Hurunui District Council's priorities in performing these functions; and
3. How the policy will apply to heritage buildings.

[Section 132A](#) requires the policy to take into account affected buildings.

This policy is in conjunction with the general powers and duties of the territorial authority to improve, promote and protect public health within the district, as required under section 23 of the Health Act 1956.

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**Intent and Scope** The intent of this policy is to meet the Council's statutory requirements by providing guidance on the Council's approach and priorities for dangerous and insanitary buildings.

The Council does not actively inspect buildings within the district. However, where Council receives a report or information indicating a building may be dangerous or insanitary, Council will respond quickly and efficiently using the approach set out in this policy. The response of Council will be in proportion to the risk posed by the building to safety and to other buildings and structures.

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This policy is to be read in conjunction with the relevant sections of the Building Act 2004 ('the Act') and Health Act 1956 and the definitions of *dangerous*, *insanitary* and *affected* from the Act are used when applying this Policy. This Policy does not seek to duplicate the provisions of these Acts.

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**Guiding Principals** The principles of Council's *Complaints, Compliance & Enforcement Policy*, and any subsequent replacement policy, will be used when applying this policy. Specifically, the principles of administrative efficiency, objectivity, fairness, certainty and simplicity.

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**Approach**  
*Identification and assessment* Council will take a passive approach to identifying dangerous, insanitary and affected buildings. Council Officers will actively respond to any reports or information received regarding potentially dangerous and/or insanitary buildings:

- Property details will be checked against Council records.
- A Council Officer will visit the building and assess the condition against sections [121](#), [123](#) and/or [123A](#) as appropriate.
- Advice may be sought from other Council Officers or from other external operators such as Fire and Emergency New Zealand as appropriate. Section 121 provides specific provisions with regards to advice on dangerous buildings.
- An inspection and photographic record will be prepared and added to the property file.

If the building is deemed dangerous and/or insanitary, any adjacent, adjoining or nearby buildings could be considered affected as per [section 121A](#). The Council Officer will assess the condition of all affected buildings when inspecting the identified dangerous and insanitary building.

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*Action*

Not dangerous and/or insanitary

No further action will be taken. The details of the inspection and any photographic record will remain on the property file. Council Officers will notify the property owners and complainant of the outcome of the assessment.

Deemed dangerous and/or insanitary

Where the cause of the problem can be rectified immediately, the Council Officer may choose not to take any formal steps under the Act. The details of the inspection and any photographic record will remain on the property file. Council Officers will notify the property owners and complainant of the outcome of the assessment.

In all other cases where the Council is satisfied that a building is dangerous, insanitary or affected, in accordance with Council's Delegations Manual and Sub-delegations Manual, the Building and Property Manager\* will:

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\* or their equivalent in the event of a change in job title.

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- Make a final decision on the issues affecting the building and the rectification required.
  - Determine a reasonable timeframe for compliance in accordance with [section 125](#). When considering a reasonable timeframe the Building and Property Manager\* will take into account the risk posed to human life and the environment. Building and Property Manager\* will also consider these factors when making decisions on any applications for time extensions.
  - Serve these details on the property owner(s) in the form of a [section 124](#) notice, with an accompanying covering letter.
  - Send a copy of the section 124 notice to all interested parties in accordance with section 125.

If the condition of the building is such that Building and Property Manager\* has immediate concerns about the safety of the building, access will be restricted as per [section 128](#). This will be stated on the section 124 notice.

Where the Building and Property Manager\* has concerns about the health of the occupant(s) they will direct the Environmental Health Officer to undertake an assessment of the occupant(s) and their living conditions. The Environmental Health Officer may liaise with appropriate public health and social services with the consent of the occupant(s). The aim is to provide services to occupant(s) to enable them to remain living as independently as possible without significantly compromising their personal health or the health of the public.

The Environmental Health Officer may decide action under the Health Act 1956 is also appropriate. The Council's duties and obligations under Part 2 of the Health Act 1956 are to be applied in coordination with the Policy as appropriate. Specifically, section 29 concerning nuisances, section 41 concerning cleansing of premises and section 42 concerning repair and closure of premises. If there is risk to the occupant(s) health and wellbeing from the conditions they are living and there are no other feasible options to address the risk, the Environmental Health Officer will refer to the Medical Officer of Health where they consider further action is necessary to protect public health.

#### Deemed affected

Building and Property Manager\* will make the final determination on whether further action is required in respect of affected buildings. Suitably qualified and experienced persons will be consulted as required.

Where in the opinion of the Building and Property Manager\* further action is required, a section 124 notice will be prepared in the same manner as for a dangerous and/or insanitary building.

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#### *Compliance*

Where a situation arises that the works prescribed on the section 124 notice are not completed, or not carried out with reasonable speed, in accordance with

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\* or their equivalent in the event of a change in job title.

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Council's Delegations Manual and Sub-delegations Manual, the Chief Operations Officer\* may invoke the powers available under the Act and in particular [section 126](#). Council Officers may seek external legal advice as required.

Where the requirements of the section 124 notice have not been complied with and a building consent under [sections 112-116A](#) is submitted, there will be a requirement to reduce or remove the danger either before or at the same time as the consented building work.

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*Enforcement*

Any enforcement required for dangerous, insanitary and affected buildings will be undertaken in accordance with the Act and all related amendments and in accordance with Council's *Complaints, Compliance & Enforcement Policy*.

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*Objections*

Building owners or other directly affected parties (as defined by [section 176](#)) have the right to apply to the Chief Executive Officer, Ministry for Business, Innovation and Employment for a determination. [Sections 176-190](#) of the Act set out the determination process.

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*Record of dangerous, insanitary or affected status*

All inspection and photographic records, relevant correspondence and formal notices will be saved to the property file. The section 124 notice will be included on any land information memorandum prepared for the property.

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**Priorities**

Council Officers will respond in a quick and efficient manner to any reports or information regarding potentially dangerous and/or insanitary buildings. Priority will be given to any buildings that present an immediate danger to human life or to other buildings.

Where necessary the Chief Executive Officer may apply to the District court for a warrant under [section 130](#) to enable the powers available under [section 129](#) of the Act.

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**Heritage buildings**

In addition to the above process, where the building is identified as a historic building or structure in Schedule 14.1 of the Hurunui District Plan, Council Officers will discuss possible solutions with Heritage New Zealand Pouhere Taonga and the property owner to ensure a mutually acceptable solution that meets both heritage objectives and Building Act requirements. As far as reasonably possible any remediation works should protect the heritage values of the building.

Heritage New Zealand Pouhere Taonga will be consulted on all remediation works to any heritage item included on the New Zealand Heritage List/Rārangī Kōrero (including historic places, historic areas wāhi tapu or wāhu tupuna areas, or is otherwise identified by iwi as a place of cultural significance).

Owners of historic buildings or structures identified in Schedule 14.1 of the Hurunui District Plan should be aware any improvement works might require

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resource consent. In addition, work affecting buildings or areas subject to heritage orders, covenants and encumbrances may require additional consents.

Owners of any site associated with pre-1900 human activity (whether recorded or not) should be aware that under the Heritage New Zealand Pouhere Taonga Act 2014 works may require an archaeological authority from Heritage New Zealand Pouhere Taonga prior to any modification or destruction.

Further information can be obtained directly from Heritage New Zealand Pouhere Taonga. <https://www.heritage.org.nz/>

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**Policy review**

The policy must be reviewed at least every five years. The Council may decide to review the Policy at any time within the five year review requirement. 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 section 83 of the Local Government Act 2002. The policy does not cease to have effect because it is due for review or is being reviewed.

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END OF POLICY