



**Workshop - Council
NOTES ATTACHMENTS**

Date: Tuesday 21 April 2026
Time: 11 am
Venue: Camellia Chambers, Civic Offices,
53 Hereford Street, Christchurch

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Dangerous & Insanitary Buildings Policy Review

Council Workshop 21st April 2026

Dangerous and Insanitary Building Policy review

- The purpose of this workshop is to set out the review of the Council's Dangerous and Insanitary Buildings Policy, ahead of seeking a decision from the Policy and Planning Committee to adopt the draft amended policy for public consultation.
- The policy is legislatively due for review.
- Today's workshop is intended as an information session, particularly regarding the scope of the policy.

Review Of The Current Policy

- Council's current Dangerous and Insanitary Buildings Policy was adopted in 2018.
- The policy is legislatively required to be reviewed every 5 years and is now overdue for review.
- The policy aims to protect people against the risks unsafe buildings can pose and outlines how the Council will undertake its responsibilities under the Building Act in relation to dangerous, affected and insanitary buildings.

Review Of The Current Policy Cont.

- Staff have reviewed the current policy and have found it is largely still fit for purpose.
- Staff have recommended minor amendments to the current policy to keep up with changes to legislation, the Council's strategic direction and current best practice; as well as to provide clarity and update any outdated terminology and references.
- The Act determines the policy may only be amended in accordance with the special consultative procedure.

Legislative background

- The Building Act 2004 requires Council adopt a policy on dangerous and insanitary buildings.
- Section 131 of the Building Act covers what a Council must include in a dangerous and insanitary building policy – the policy must;
 - state the approach that the territorial authority will take in performing its functions in relation to dangerous buildings under the Act,
 - its priorities in performing those functions and,
 - how the policy will apply to heritage buildings.

Legislative Background Cont.

- While this may not be considered an exhaustive list, the other thing that needs to be considered in relation to the policy is that the purpose and principles of the Building Act and this must be taken into account.
- These are;
 - to ensure people who use buildings can do so safely without endangering their health and,
 - that people who use a building can escape from the building if there is a fire.

Legislative Background Cont.

- The scope of the policy is narrowly defined by the Act and case law. There is a high legal threshold to determine a building as 'dangerous' or 'insanitary'

Dangerous Building - Sections 121

- If a building is likely to cause injury or death to any persons in it or to persons on other property, or damage to other property due to its structural condition.
- In the event of a fire, injury or death to any persons in the building or to other property is likely.
- Where a building is not lawfully occupied, or intended to be occupied, the threshold for action (likely to cause injury, death or damage) is unlikely to be met.

Legislative Background Cont.

Insanitary Building – Sections 123-124

- A building can be declared insanitary if it is likely to be injurious to health due to its poor structure, state of repair, lack of moisture resistance or lack of water and sanitary facilities.
- This section of the Building Act would not normally apply to a building which is abandoned and the owner is not wanting occupation of it.
- The threshold for action in both of these cases is high (*likely* to cause injury, death or damage and *likely* to be injurious to health).

Section 124 of the Building Act

- The Council's functions are outlined in s124 of the Act and only applies in situations where the Council has satisfied itself that a building is dangerous, affected or insanitary.
- The policy supports this by outlining the Council process of identifying and managing those buildings that are dangerous, affected or insanitary.

Derelict/Abandoned Properties

- There is no legislative definition of derelict building and therefore including it in a policy relating to dangerous and insanitary buildings does not align with the principles and purpose of the legislation under which the policy is required.
- It can be particularly difficult to meet this threshold where a property is derelict or abandoned because no one is lawfully residing at the property and there is no immediate intention on the part of the owner to use the property for residential purposes.
- If the state of the building is likely to cause injury or death to people on other property, or likely to damage other property, these powers can be used.

Proposed Next steps

- The review of the Dangerous and Insanitary Buildings Policy will be considered by the Policy and Planning Committee on 13th May 2026. The staff report will seek the Committee's approval of the draft policy for public consultation on the proposed amendments.
- If approved by the Committee, a special consultative procedure will commence in May (exact date TBC).

Questions