

DANGEROUS, AFFECTED AND / OR INSANITARY BUILDINGS POLICY

Document Type	Operational Policy
Adopted By	Full Council
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Responsible Department	Building Control
Responsible Officer	Building Services Manager
To be reviewed	At intervals of not more than 5 years - January 2030

Introduction

Section 131 of the Building Act 2004 (the Act) requires that the Gore District Council must adopt a policy on how it intends to discharge its powers, duties and functions under sub-part 6 of the Act. The policy must consider:

- i. The overall approach to be taken in respect of dangerous and/or insanitary buildings;
- ii. The priorities of the Council in performing its functions concerning such buildings; and
- iii. How it will approach heritage buildings.

Purpose of the Policy

To ensure public safety and health by identifying and managing buildings that are dangerous, affected, or insanitary in accordance with the Building Act 2004.

The policy describes the manner in which buildings deemed to be potentially dangerous and/or insanitary will be identified, categorised and what action shall be taken.

The Council will respond to complaints and determine the appropriate course of action based on the circumstances of each individual case.

Scope of the Policy

Applies to all buildings in the Gore District, excluding dams and appurtenant structures.

Definitions

- Dangerous Building: As per s121.
- Affected Building: As per s121A.
- Insanitary Building: As per s123.
- DAI Building: Any building that is dangerous, affected, or insanitary.

1. Council's Approach to Dangerous and / or Insanitary Buildings

- 1.1. Gore District Council's approach to Dangerous and / or Insanitary Buildings is Proactive and Passive. This means Gore District Council will respond to complaints and proactively investigate buildings during inspections or following emergencies.
- 1.2. Gore District Council will also consider sections 112–116A when assessing building upgrades, alterations, and changes of use.
- 1.3. Gore District Council will strive for;
 - i. A risk-based and proportionate response.
 - ii. Engagement with owners to determine appropriate remedial actions.
 - iii. Transparency in enforcement and decision-making.
- 1.4. On receipt of a complaint or as a result of other information being made available to the Council that a building may be dangerous or insanitary, the Council must first be satisfied that the building is dangerous and/or insanitary. Any assessment shall be on the basis that:
 - i. The building and site has been inspected by a Building Control Officer
 - ii. If required by a Building Control Officer, the advice of FENZ, a registered engineer, an Environmental Health Officer or Health Protection Officer has also been sought.
- 1.5. A notice pursuant to Section 124(1)(c) of the Act (amended by section 30 Building Amendment Act 2013) shall be issued in respect of any building deemed to be either dangerous and/or insanitary.
- 1.6. Section 129 Powers may be used for immediate danger or insanitary conditions.
- 1.7. Following a notice pursuant to Section 124(1)(c) of the Act (amended by section 30 Building Amendment Act 2013) being issued in respect of any building deemed to be either dangerous and/or insanitary, regular monitoring checks will be carried out, and if non-compliance continues, Court Action may be pursued for serious or unresolved cases.
- 1.8. Gore District Council will consider the social and economic implications of enforcement, including costs to owners and community impact.
- 1.9. A Dangerous and/or Insanitary Building Register will be maintained, including affected buildings, and status will be disclosed on LIMs and PIMs where relevant.
- 1.10. Affected buildings will be assessed in relation to their proximity to dangerous buildings and potential risk. Affected buildings will then be re-evaluated if the status of adjacent dangerous buildings changes.

1.11. The time for a building consent to be applied for and the extent of required work or other action required of the Council shall be determined by the Council taking the following matters into consideration:

- i. Potential risk to human life.
- ii. The location of the building in relation to other buildings and public places.
- iii. The level of use of the building and its immediate environs.
- iv. The size of the building.
- v. The complexity of the building.
- vi. The current or likely future use of the building, including any specific cultural or traditional or historic values.
- vii. The reasonable practicality of any work.
- viii. Any matters that the Council considers to be relevant, taking into account the specific circumstances of the case.

2. Implications of the Dangerous and/or Insanitary Buildings Policy on Heritage Buildings

If a listed heritage building is deemed to be dangerous and/or insanitary through the process(es) detailed in section 1, then:

- Council staff will undertake appropriate action towards ensuring that timely action is undertaken on the maintenance of the building in question, with the safety of the public being the core focus of any action undertaken.
- Council staff will discuss possible solutions with the property owner to ensure a mutually acceptable solution that meets both heritage objectives and Building Act requirements. Any remediation works should protect the heritage values of the building.

3. Policy Review

3.1. To comply with section 132(4) of the Act, this policy must be reviewed by January 2030.

3.2. Previous Policy Reviews

June 2017 – The current policy review was as a result of the introduction of the Building (Earthquake-prone Buildings) Amendment Act 2016 regulations on 1 July 2017 which eliminates the need for each Council to have their own Earthquake Prone buildings policy. All reference to Earthquake prone buildings was removed from the previous combined policy.

June 2023 – During the course of this review, it was deemed that the Policy did not meet the stipulations established by s131(2)(c) ('the policy must state how it will apply to heritage buildings') of the Building Act 2004. Section 2 has been added after consultation.

August 2025 – MBIE review indicated the Policy needed to be updated to include affected buildings, and other minor wording changes.

This policy has been adopted by Full Council on [DATE] and will be reviewed at intervals of not more than five years.

Debbie Lascelles
Chief Executive

Document History and Version Control Table

Version	Action/ Reason for Review	Date
1.0	Creation of original document.	June 2017
2.0	Reviewed and updated.	June 2023
3.0	Reviewed to comply with section 131(2)(c) and section 132(4) of the Building Act	January 2024
4.0	Reviewed by MBIE, and updated to include reference to affected buildings as defined by s121A	August 2025