

P26-001 Dangerous, Affected and Insanitary Buildings Policy 2026

Adopted by the Council 27 August 2026

PURPOSE

1. The purpose of this policy is to provide a clear framework for how the Council will identify and manage dangerous, affected or insanitary buildings (DAIBs) in New Plymouth District (the District) in order to reduce the danger to the public posed by such buildings.
2. The policy sets out:
 - The approach that the Council will take in performing its functions under the Act.
 - The Councils priorities in performing those functions.
 - How the policy will apply to heritage buildings.
3. This policy has been prepared in accordance with sections 131, 132 and 132A of the Building Act 2004 (the Act).

SCOPE AND EXCLUSIONS

4. This policy applies to all buildings in the District.
5. This policy may also be applied to parts of buildings rather than whole buildings, where the Council is satisfied that only part of a building is a DAIB.
6. This policy does not apply to:
 - Any building or part of a building that is located in an area that has been designated under subpart 6B of the Act relating to the management of buildings located in an area that has been affected by an emergency.
 - Any building or part of a building that is a dam.
 - Any building or part of a building that is defined as earthquake-prone, unless that building is also a DAIB.

[Note: Section 121(1)(a) of the Act excludes the occurrence of an earthquake when determining whether a building is dangerous if it is likely to cause injury or death (whether by collapse or otherwise) to persons in the building or on other property, or damage to other property. Earthquake-prone buildings can still be classified as dangerous in terms of fire safety (s121(1)(b)) and whether it is insanitary (s123).]

DEFINITIONS

7. The following definitions apply to this policy. Where a definition is taken from the Act, it includes any subsequent amendment to the definition in the Act:
 - **Act** – means the Building Act 2004.
 - **Affected buildings** (defined in s121A of the Act) – 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.
 - **Building** – has the same meaning as section 8 of the Act.

- **Dangerous Building** (defined in s121 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 persons in the building or to persons on other property is likely because of fire hazard or the occupancy of the building.
- **Heritage Building** (defined in s7 of the Act) –
 - a) 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
 - b) 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.

[Note: Schedule 1 of the New Plymouth Part Operative District Plan lists buildings, which are not included in the definition above, as heritage buildings for the purposes of the District Plan. The Council will give special consideration to those buildings and resource consent may be required for any work on one of these buildings. Refer to statement 16 of this policy.]

- **Insanitary Building** (defined 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 on 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.

POLICY OBJECTIVES

8. Through this policy the Council seeks to ensure that:
 - People who use buildings can do so safely without being subjected to dangerous or insanitary conditions.
 - A collaborative approach working together with the building owner(s) is taken to finding solutions to manage DAIBs.
 - There is a balance between the threats posed by DAIBs and the broader social and economic issues affecting building owners, building users and the community.
 - Heritage values of DAIBs are preserved where possible.

PRIORITIES FOR MANAGING DAIBs

9. The Council will ensure a prompt response is taken to information received on a potential dangerous or insanitary building. Council will prioritise the assessment of such buildings to determine whether or not they are dangerous or insanitary.
10. The Council will take a risk-based approach to determining the timeframes for implementing requirements to restrict entry to a DAIB or to require work to be carried out to reduce or remove the danger or prevent a building from remaining insanitary. Priority through shorter timeframes will be required where DAIBs pose a greater risk to the safety of people and property. Council will engage with the building owner prior to determining timeframes and issuing any notice under s124 of the Act.
11. When an affected building is also identified following another building being classified as dangerous, the Council will treat this as a high priority matter by giving the owner of the dangerous building a shorter timeframe to reduce or remove the danger to their building to allow the affected building classification to be lifted.
12. If the chief executive determines that a building presents an immediate danger to the safety of people or that immediate action is necessary to fix insanitary conditions, the chief executive will also decide at the same time whether to take action under section 129 of the Act to remove the immediate danger or fix the insanitary conditions and recover the costs from the building owner(s).

APPLICATION OF POLICY TO HERITAGE BUILDINGS

13. Heritage buildings are not exempt from the provisions in this policy. When the Council issues a notice requiring work on a heritage building that is confirmed to be dangerous or insanitary, it will give specific consideration to preserving the building's heritage values. This will be done as far as is reasonably practicable, recognising that the protection of human life and safety remains the most important consideration.
14. Heritage buildings may therefore require a different approach to other dangerous and insanitary buildings. For example, preventing access or propping up a structure may remove any immediate danger while still protecting the heritage values of the building, and allowing an owner further time to assess their building. The Council may also consider dispensations and waivers related to issues of safety and sanitary conditions for heritage buildings and consider innovative approaches to achieving the desired level of compliance. The Council will work closely with owners of heritage buildings that are confirmed to be dangerous or insanitary and may seek advice from Heritage New Zealand Pouhere Taonga.

[Note: In accordance with s125(2)(f) of the Act, a copy of a notice issued under s124 of the Act must be given to Heritage New Zealand Pouhere Taonga, if the building is a heritage building.]

15. Building owners should take all reasonably practicable steps to ensure the heritage values of their buildings are preserved. Building owners should also consider any relevant legislative requirements of the Heritage New Zealand Pouhere Taonga Act 2014, including any need for an archaeological authority before carrying out any work.

16. For a heritage building listed in Schedule 1 of the New Plymouth District Plan, which is not defined as a heritage building under this Policy, the Council will also give specific consideration to preserving the building's heritage values when issuing a dangerous or insanitary notice requiring work on the building. Building owners should note that resource consent may be required for work carried out on any heritage buildings listed in Schedule 1 of the New Plymouth District Plan.

[Note: The Council also recognises that buildings that are not scheduled may also have important cultural and spiritual significance to Iwi/hapū and, where appropriate, Council will take this into account in managing DAIBs under this policy.]

COUNCILS APPROACH FOR MANAGING DAIBs

17. The Council will not actively review and inspect all buildings in the District to determine their status in relation to this policy.
18. The Council's approach to managing DAIBs involves a three step process of identification, assessment, and taking action. This process is outlined below.

STEP 1: IDENTIFICATION

19. The Council may receive a notification or complaint about a building that is a potential dangerous or insanitary building from various sources including but not limited to:
 - Building owners, occupiers, neighbours, or members of the public.
 - Inspections undertaken by other agencies who are authorised to enter or inspect buildings such as the Fire and Emergency New Zealand (FENZ).
 - Other professional bodies including Health New Zealand Te Whatu Ora.
20. When the Council receives a notification or complaint about a building that is a potential dangerous or insanitary building, it will:
 - Record and process the notification or complaint as a service request.
 - Inform the building owner(s) and occupiers of the notification or complaint and the intent to assess the property.
 - Prioritise the scheduling of an assessment of the building.
 - Prepare an inspection record.

[Note: if the Council identifies that any issues raised about a building are the result of unconsented building work, the Council will consider whether it should issue a notice to fix under section 164 of the Act.]

STEP 2: ASSESSMENT

21. The Council will undertake an initial assessment to triage the situation. This will include a site visit and engagement with the building owner. If the initial assessment does not lead to a resolution, then the Council will undertake a formal inspection of the building to determine whether it is a dangerous or insanitary building, in accordance with sections 121 and 123 of the Act. For assessments of potentially dangerous buildings, an assessment will also be undertaken to identify any affected buildings (see section 121A of the Act).
22. Assessments carried out by the Council will generally be undertaken using a standard inspection template provided by MBIE.

23. The Council may also seek advice from FENZ to inform the assessment of a building. If this advice is sought then Council is required to give due regard to it as part of its assessment of a building (see section 121(2) of the Act).

[Note: Insanitary buildings may also be managed under the Health Act 1956 (or any subsequent legislation). Council recognises that insanitary building matters can involve complex social, health, cultural and housing issues, particularly where people are experiencing homelessness, living with mental health or age-related support needs, or affected by severe domestic squalor. The Council will engage with the Medical Officer of Health, Health Protection Officers or Environmental Health Officers as appropriate in relation to insanitary buildings. In particular, engagement with these persons is important when occupants of a building are considered infirm or neglected in accordance with section 126 of the Health Act 1956.]

24. Where an assessment that a building is dangerous or insanitary is undertaken by another agency (that is authorised to enter or inspect buildings/ the building in question) the Council may use this information to confirm the status of the building instead of undertaking its own building inspection.

[Note: The Council's Schedule of Fees and Charges sets fees for the inspection of buildings and for the costs for engineering review or other professional services not available in-house.]

STEP 3: TAKING ACTION

25. If a building is confirmed to be DAIB the Council will take appropriate steps to manage the risks posed by the DAIB, in accordance with the priorities identified above.

Working collaboratively with building owners

26. The Council will notify DAIB owner(s) and occupiers of the outcome of the assessment and will engage with them to determine an approach to address the DAIB aspect of their building. It is helpful for the Council to understand the building owners circumstances and future plans for a building/site in determining whether and what action to take.

Formalising work to be carried out including restricting entry

27. For DAIBs, the Council will consider whether any of the following actions need to be taken:
- Fencing, hoarding or building notice requirements warning persons not to enter (actions under s124(2)(a) and/or (b) of the Act).
 - Entry restrictions for particular purposes or restricting entry to particular persons or groups of persons (a notice issued under s124(2)(d) of the Act).
 - Requirements for any work to be carried out on the building to reduce or remove the danger or prevent the building from remaining insanitary (a notice issued under s124(2)(c) of the Act).
28. The timeframes for requiring work to be carried out will be determined on a risk based approach to the safety of people and property. This will be undertaken as part of the building assessment, considering any timeframes it may take to obtain any consents (or for a heritage building, an authority) required to carry out the work. The minimum timeframe for work to be carried out will be the longer timeframe of 10 days from the date the s124 notice is given or a period reasonably sufficient to obtain a building consent, if one is required.

29. The Council will waive the requirement for a building consent where the building work is required to be carried out urgently and a building consent cannot practicably be obtained in advance of the works. An application for a Certificate of Acceptance under s97 of the Act will need to be made following the completion of the work.
30. The Council may also put up a hoarding or fence to prevent people from approaching the building nearer than is safe. Council will also attach a notice in a prominent place on or adjacent to the building, that warns people not to approach the building. The Council may work with building owners to erect any hoardings or fences and place notices, but where the Council does this work it may recover its costs from building owners.

[Note: The Health Act 1956 also provides Council with various powers to address insanitary buildings, including;

- *the power to require owners or occupiers of an insanitary building to cleanse the premise, and;*
- *the power to require repairs and issue a closing order of a building.]*

Council may carry out work

31. If work required in a notice issued under s124(2)(c) is not completed or proceeding with reasonable speed, the Council can apply to the District Court under s126 of the Act for authorisation to carry out the work required in the notice. The costs of the work will then be recovered from the building owner. The Council may also issue an infringement notice with a fine of \$1000, for any failure to comply with a notice (see the [Building \(Infringement Offences, Fees, and Forms\) Regulations 2007](#)).

Taking urgent action

32. The Chief Executive of the Council may take measures under s129 of the Act where the Chief Executive considers that the dangerous or insanitary building poses immediate danger to the safety of people, or immediate action is necessary to fix insanitary conditions. The costs of the work will then be recovered from the building owner.
33. The Chief Executive will take all reasonable steps to work with building owner(s) when considering taking measures under s129 of the Act.

RECORDING OF INFORMATION ON DAIBs

34. The Council will record all information relating to potential or confirmed DAIBs in the relevant property file.
35. The following information will be placed on any LIM or PIM for a potential or confirmed DAIB:
 - A copy of the original DAIB inspection.
 - A copy of the notification letter confirming a DAIB.
 - A copy of any notices issued.
36. To support the management of DAIBs, the Council will maintain a register of potential DAIBs that are investigated. The register will provide a centralised location where all records relating to DAIBs can be readily accessed and current DAIBs can be monitored.

37. The Council will consider the requirements of the Local Government Official Information and Meetings Act 1987 and any other relevant legislation when deciding on the information on DAIBs to be disclosed on any Council documentation or public information site.

POLICY REVIEW

38. This policy will be reviewed every five years as required by section 132(4) of the Act.

POLICY CONTACT

39. The policy holder is the Consents and Regulatory Team within the Delivery and Enablement Group.