

Waimate
District Council



15 August 2023

Insanitary Buildings Policy 315

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POLICY OVERVIEW

1. Introduction

- 1.1 This policy is a result of changes to the Building (Earthquake-prone Buildings) Amendment Act 2016, taking effect from 1 July 2017, which removed earthquake prone buildings from the previously titled “Dangerous, Insanitary and Earthquake Prone Buildings Policy”.

2. Purpose

- 2.1 This Policy meets the requirements of sections [131](#) and [132](#) of the [Building Act 2004](#) (the Act) for territorial authorities to adopt a policy on insanitary buildings. This is a review of existing policy under section 132 of the Act.

3. Scope

- 3.1 Council has adopted a reactive approach regarding this policy so that:
- a. When it comes to Council’s attention that a building may be insanitary, Council’s role is to undertake an assessment of the building within 5 working days to establish whether it is insanitary within the terms of the Act, and the likelihood of immediate or any danger.
 - b. Where a building has been deemed to be insanitary, Council will work with the owner of the building to make it safe.
 - c. It is the building owner’s responsibility to undertake works to remove or reduce the danger. This includes full financial responsibility.

4. Definitions

- 4.1 These and other provisions relating to insanitary buildings are contained in the following sections of the Act.
- a. [Section 123](#) defines the meaning of insanitary building
 - b. [Section 123A](#) defines the meaning of “parts of building”
 - c. [Section 123B](#) describes buildings in areas designated under subpart 6B
 - d. [Section 124](#) describes powers of territorial authorities in respect of insanitary building
 - e. Sections [125 to 130](#) describe procedures to be applied in the exercise of those powers
 - f. [Section 131](#) provides that a territorial authority must adopt a policy on insanitary buildings
 - g. [Section 132](#) describes procedures in relation to the adoption and review of Council’s policy on insanitary buildings

- h. For the purposes of this policy: **Heritage building** is defined as “A building which is registered under the [Heritage New Zealand Pouhere Taonga Act 2014](#).”

5. General

- 5.1 When a building is brought to Council’s attention, it will be inspected, assessed and addressed according to this policy and the relevant procedures.
- 5.2 A building will be deemed to be insanitary by Council when the circumstances of sections [123](#) or [123A](#) apply, and in particular when the building:
 - a. has no potable water supply;
 - b. is occupied and has insufficient or defective provisions against moisture penetration through exterior joinery and exterior claddings or roof claddings;
 - c. has inadequate sanitary facilities for its intended use;
 - d. is in a state of disrepair due to, but not limited to, lack of maintenance, neglect, fire damage, flood damage, earthquake damage or other form of damage. Note: The building does not need to be occupied to fall into this category but consideration is to be taken of neighbouring properties.
- 5.3 In determining what is an insanitary building Council staff may consult with other agencies and other Council staff to determine if any or all of the above defects exist.
- 5.4 When a building is deemed to be insanitary, immediate action will be taken to contact the owner/s and work towards remediation.
- 5.5 In addressing insanitary buildings, Council will discuss with the property owner options to minimise harm to other people/property and if necessary require work to be done to reduce or remove the danger or prevent the building from remaining insanitary.
- 5.6 Council will hold the owner of any insanitary building liable for the cost of any work required to be undertaken to eliminate the risk posed by the building to its occupants or to the general public because it is in an insanitary condition.
- 5.7 Heritage buildings will be assessed in the same way as other insanitary buildings and discussions held with the owners and the Historic Places Trust to identify a mutually acceptable way forward. In the event the discussions with these two parties do not yield a mutually acceptable approach and proposal, notice will be served requiring improvement or demolition within a time stated in the notice.

PROCEDURES

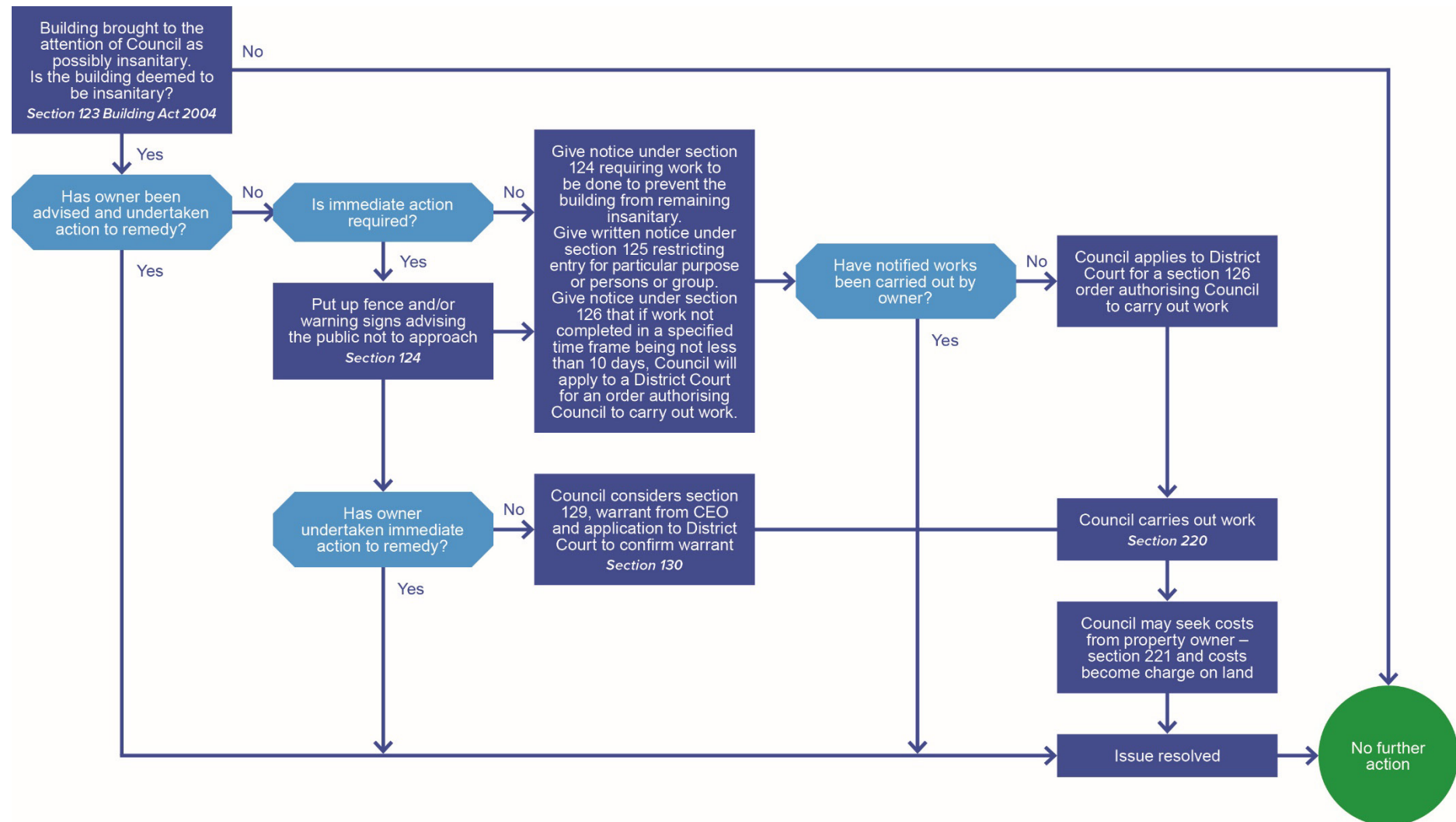
6. Recording Insanitary Buildings

- 6.1 Whenever Council has information on a building that it is satisfied is insanitary, the information will be included when a Land Information Memorandum (LIM) is issued by the Waimate District Council. The LIM will note any action taken under section 124 and the status of any requirement by the Council for improvements to the building, or the results of any improvements carried out, as applicable.

7. Taking Action on Insanitary Buildings

- 7.1 When taking action on a potentially insanitary building, Council will follow its “Procedure for Remediation of Insanitary Buildings”.

8. Procedure for Remediation of Insanitary Buildings



9. Associated Documents

LEGISLATION

- a. [Building Act 2004](#)
- b. [Building \(Earthquake-prone Buildings\) Amendment Act 2016](#)
- c. [Heritage New Zealand Pouhere Taonga Act 2014](#)

10. Document Control

Document owner:	Regulatory and Compliance Group Manager
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Next review date:	April 2028
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