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Wellington City Council
Me Heke Ki Pōneke

Statement of Proposal

Review of Dangerous and Insanitary Buildings Policy 2020

March 2026

Summary of information

Proposal of the review of the Dangerous and Insanitary Buildings Policy 2020 (the Policy)

Wellington City Council (the Council) proposes to review and update the policy to align with best practice as provided for in the guidance by the Ministry of Business, Innovation and Employment (MBIE) as the central regulator of the building system.

The process and timeframe for the review are outlined in the following table:

Activity	Timeframe
Approval of the Statement of Proposal for consultation	19 March 2026
Public consultation	30 March – 1 May 2026
City Strategy and Delivery Committee hears oral submissions and decides whether to adopt the proposed policy	18 June 2026
Dangerous, Affected and Insanitary Buildings Policy 2026 comes into force	1 July 2026

Have your say

Please let us know what you think about the review and proposed changes to the Dangerous and Insanitary Buildings Policy 2020.

To have your say about the proposed Dangerous, Affected and Insanitary Buildings Policy 2026 you can:

- make a submission online at https://www.letstalk.wellington.govt.nz
- download a submission form from the website and email it to policy.submission@wcc.govt.nz
- fill in the submission form and send it to:

  Freepost 2199

  Policy Team 259

  PO Box 2199

  Wellington 6140
- drop off a completed submission form to the Council service desk at Te Matapihi ki te Ao Nui Library

Printed copies of this Statement of Proposal are available from:

- Te Matapihi ki te Ao Nui Library
- emailing policy.submission@wcc.govt.nz

- phoning 04 499 4444 to request a copy.

If you wish to make an oral submission to councillors, please indicate this on the submission form and ensure that you have included your contact details. We will contact you to arrange a time for you to speak.

Written submissions open on 30 March 2026 and close at **5pm on Friday, 1 May 2026**.

Background

1. This policy (Dangerous and Insanitary Buildings Policy - Plans, policies and bylaws - Wellington City Council) was adopted in September 2020 as required by the Building Act 2004 (BA04).

2. The policy aims to discharge BA04 responsibilities for dangerous, insanitary and affected buildings. The policy indicates the Council's general approach and its priorities in performing its functions in relation to dangerous, insanitary and affected buildings. The policy also expressly deals with the performance of those functions in relation to buildings that are also heritage buildings.

3. According to section132 of BA04, the Council should review the policy within 5 years of adoption. However, the policy does not cease to have effect because it is due for review or being reviewed. Initial review of the policy in March 2025 indicates that the policy is generally working and there is an opportunity to address MBIE's recommendations in its report on the performance monitoring assessment of the Council (dated February 2025).

4. The MBIE report looked at powers and obligations under BA04 in relation to dangerous, affected, or insanitary buildings. It recommends that the Council amends the policy document to include 'affected' buildings in the policy title. It also recommends that the Council reviews the policy to align with best practice as provided in MBIE's guidance.

5. Officers consider, along with addressing MBIE's recommendations, there is an opportunity to review the policy to improve the readability, including structure and wording, of the policy, particularly around the policy objectives and priorities. Consequently, officers have redrafted the policy as attached as Appendix 1.

6. Special consultative procedure must be followed if the Council intends to amend or replace the policy under section 132 of BA04.

Proposed changes and rationale

Change the policy title

7. MBIE recommends that the title of the policy should include affected buildings. The majority of other councils, such as Auckland, Waikato, Upper Hutt, Porirua, South Wairarapa, have 'affected' in the policy title.

8. Officers propose to change the title of the updated policy to Dangerous, Affected and Insanitary Buildings Policy 2026. This is to address MBIE's recommendation, as well as aligning with the current practice of many other councils.

Clarify the policy objectives

9. The Policy Objectives section covers a range of issues such as the Council's general responsibility, the application of the policy and consultation requirements.

10. The current policy includes the following provision "Note that consultation will be undertaken with mana whenua if demolition is being considered for the future of a

dangerous or insanitary building." It states that "This may take place through existing Resource Consent processes or Archaeological Authorities (managed by Heritage New Zealand) or a Council initiated process that reflects timeframe and legislative requirements." Officers consider that this requirement should be included as part of the guiding principles of the policy. Further comment on this can be found at paragraph 15d below.

11. Officers consider that objectives should be specific, measurable outcomes or goals set to guide and direct actions towards achieving desired results.

12. Officers propose that, according to section 131(2) of the BA04, the objectives of the policy should be to:

    a. discharge the Council's responsibilities under the BA04 that relate to dangerous, affected and insanitary buildings

    b. outline the Council's approach to identifying dangerous, affected or insanitary buildings, the powers it can exercise when such buildings are found, and how it will work with owners to prevent buildings from remaining dangerous or insanitary, particularly where a dangerous building is impacting or potentially impacting another affected building

    c. outline the Council's approach to dealing with heritage buildings that are identified as being dangerous, affected and/or insanitary.

Clarify the principles

13. The Policy Principles section provides that the policy has been developed considering the purpose and principles of the BA04 which, amongst other things, seek to ensure that:

    - people who use buildings can do so safely without endangering their health
    - people who use a building can escape from the building if it is on fire.

14. While the general purpose of the BA04 can be relevant to the policy in terms of guidance, policy principles should focus on the key rules that guide behaviour and decision-making.

15. Officers propose that the policy principles include:

    a. It is the building owner's responsibility to ensure that buildings comply with the BA04 requirements. The Council will maintain a reactive approach to the management of dangerous, affected and insanitary buildings. The Council will continue to be reliant upon external sources such as building occupants, neighbours, police, fire service and other agencies for information of dangerous, affected and insanitary buildings.

    b. The Council will actively engage in inspection and assessment of the building's condition once a building has been brought to its attention. Upon confirmation of a building's status as being dangerous, affected or insanitary, the Council will actively work with building owners to find a mutually acceptable solution before exercising its powers under the BA04.

c. The Council will exercise its statutory powers under section 124 of the BA04 where action is required to avoid immediate danger or in circumstances where an acceptable solution cannot be reached with the building owner.

d. Mana whenua should be engaged if the relevant building or site is of historical or current significance to them. Engagement may take place through relevant resource consent processes, or Archaeological Authorities (managed by Heritage New Zealand) or a Council initiated process that reflects timeframe and legislative requirements.

Clarify the priorities

16. The Priorities section provides the Council's general approach to assessing and removing the danger or insanitary conditions. It does not really specify how the Council will prioritise its management of dangerous, affected and insanitary buildings.

17. The BA04 does not specify how a territorial authority should prioritise performing its functions. Officers consider that the policy intent of the section might be based on the presumption that territorial authorities all have large number of these kinds of buildings to deal with and each territorial authority has their own specific situations that warrants prioritising performing its functions – whether a building require more urgent action than others. Officers also consider that prioritisation may come into play when our resources are short and need to be prioritised.

18. Officers propose that priority should be based on the urgency of the situation. Where buildings are deemed to be dangerous, affected or insanitary and pose immediate risk to occupants and surrounding environments, the Council will take immediate actions to remove the danger or fix the insanitary conditions. Such actions could include prohibiting any person occupying or using the building, and where needed, put up hoarding or fencing to prevent people from approaching the building nearer than is safe.

19. Where buildings are determined to be dangerous, affected or insanitary but not posing immediate danger or harm to the occupiers and the public, the Council will take appropriate actions to require a building owner to remove the danger or fix the insanitary conditions, subject to the minimum timeframes (not less than 10 days) as set out in section 125(1)(d) of the BA04.

Add economic impact of the policy

20. MBIE recommends that the Council should include the economic impact of the policy, such as the costs of any action required to reduce or remove dangerous or insanitary conditions in affected buildings in the broader social and economic context of the community.

21. Officers note that the Council is dealing with about a dozen of buildings identified as dangerous, affected or insanitary in the city each year. There is no recorded data about the costs of any action required to reduce or remove dangerous or insanitary conditions in these buildings.

22. The economic impact of enforcing remedial actions for dangerous, affected, and insanitary buildings will be considered, particularly in cases involving small businesses or heritage buildings. Where feasible, the Council will work with building

owners to develop phased compliance plans that align with financial feasibility while ensuring statutory obligations are met.

23. Officers consider that the low volume of dangerous, affected and insanitary buildings means that the economic impact of the policy may be minimal, and the Council can take a case-by-case approach to assessing the economic impact in practice.

Add interaction with the other sections of the BA04

24. MBIE recommends that the policy should state the interaction between dangerous, affected and insanitary buildings and other provisions of the BA04.

25. While statutory provisions on the dangerous, affected and insanitary buildings are specified from section 121 to section 130 of the BA04. The provisions are interacted with other sections of the BA04. For example, to avoid buildings becoming dangerous or insanitary, the Council, as a building consent authority, should exercise particular care in dealing with application for alterations to existing buildings, and for change of use, extension of life and subdivision of buildings, provided under sections 112 to 116B of the BA04.

26. Another perceived interaction would be between the dangerous, affected and insanitary buildings, and earthquake-prone buildings, and buildings affected by emergency. The three different categories of buildings are regulated in separate subparts (Subpart 6, Subpart 6A and Subpart 6B) of the BA04. This means that they are subject to different rules. A dangerous and insanitary buildings policy should not cover other kinds of buildings. It should also be noted that the definition of 'affected building' does not include buildings adjoining, adjacent to, or nearby an earthquake-prone building or a building affected by emergency.

27. Given the BA04 may evolve over time, officers propose to take a flexible approach in outlining the interaction so we can add on the newly made or newly identified interactions to the policy, when it comes to the Council's attention.

Add policy implications for other Council policies

28. MBIE recommends that the policy include the implication for the Council's other policies.

29. The Council acknowledges that enforcement actions, including issuing section 124 notices and requiring evacuations, may have short-term social and economic impacts, particularly where residential displacement occurs. In cases where emergency housing is needed, the Council will liaise with social service agencies to minimize hardship while ensuring public safety.

Clarify the policy's interaction with healthy homes standards

30. The Residential Tenancies Act 1986 provides healthy homes standards, covering heating, insulation, moisture, ventilation and moisture ingress and drainage.

31. Officers have observed public confusion between dangerous or insanitary buildings and the healthy homes standards. Some concerns of the moisture and drainage may be perceived as insanitary conditions. However, they are unlikely to meet the threshold of immediate and significant risk to health (or property), reserved for dangerous and insanitary provisions of the BA04. Tenancy Services as lead regulator

is best placed to enforce the healthy homes regulations. While the Council may provide certain advice in this regard, it should generally direct people with landlord difficulties to Tenancy Services in the first instance as they have the information and services to support better tenancy relationships.

Other tidying-up to the policy

Record keeping

32. MBIE recommends that a recording of the status of dangerous, affected and insanitary buildings should be included via a register, covering whether this information will be disclosed in any land information memorandum (LIM) or, where it affects any proposed building work, whether the information should be disclosed in a project information memorandum (PIM).

33. The policy has a specific section providing record keeping on the LIM but does not provide recording on PIM. This will be addressed in the updated policy.

Review cycle and notification

34. MBIE recommends that the Council specify the review cycle of the policy and notify MBIE of any update of the policy.

35. The current policy states that the policy has a tenure of five years from the adoption date before it must be reviewed. However, it does not mention the notification of any update to the policy to MBIE. This will be addressed in the updated policy with necessary modifications of wording.

Version history

36. MBIE also recommends that a version history should be included in the policy.

37. The recommendation will be addressed in the updated policy.

Appendix 1:

Dangerous, Affected and Insanitary Buildings Policy 2026 (proposed draft)

Introduction

1. This policy was adopted by the Council on xx 2026, and it takes effect on the same day. It replaces the Dangerous and Insanitary Buildings Policy 2020.

2. The policy has been developed in accordance with the Building Act 2004 (BA04), using the special consultative procedure under the Local Government Act 2002.

3. For the policy, the following definitions are taken from sections 121, 121A and 123 of the BA04 respectively.

4. A building is defined as being dangerous if in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause:

    a. injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or

    b. damage to other property; or

    c. in the event of fire, injury or death to any persons in the building or to persons on other property is likely.

5. A building is defined as affected if it is adjacent to, adjoining or nearby:

    a. a dangerous building; or

    b. a dangerous dam.

6. A building is defined as insanitary if it:

    a. is offensive or likely to be injurious to health because:

        I) of how it is situated or constructed; or

        ii) it is in 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

7. The policy, as a statutory requirement, should support the achievement of the purposes of the BA04. Therefore, its objectives are to:

    a. discharge the Council's responsibilities under the BA04 that relate to dangerous, affected and insanitary buildings

    b. outline the Council's approach to identifying dangerous, affected or insanitary buildings, the powers it can exercise when such buildings are found, and how it will work with owners to prevent buildings from remaining dangerous or insanitary, particularly where a dangerous building is impacting or potentially impacting another affected building

    c. outline the Council's approach to dealing with heritage buildings that are identified as being dangerous, affected and/or insanitary.

Policy principles

8. The following policy principles provide guidance to the Council in managing dangerous, affected and insanitary buildings in the city, taking account of the purposes and the principles of the BA04.

9. It is the building owner's responsibility to ensure that buildings comply with the BA04 requirements. The Council will maintain a reactive approach to managing dangerous, affected and insanitary buildings. The Council will continue to be reliant upon external sources such as building occupants, neighbours, police, fire service and other agencies to inform them of potentially dangerous, affected and insanitary buildings.

10. The Council will actively engage in inspection and assessment of the building's condition once a building has been brought to its attention. Upon confirmation of a building's status as being dangerous, affected or insanitary, the Council will consider how to best exercise its powers under the BA04.

11. Where action is required to avoid immediate danger, the Council will exercise its statutory powers under section 124 of the BA04, and consider action under sections 126 and 129 in more extreme and urgent cases.

12. The Council will engage mana whenua in dealing with dangerous, affected or insanitary buildings if the relevant buildings or sites are of historical or current significance to them. Engagement may take place through relevant resource consent processes, or Archaeological Authorities (managed by Heritage New Zealand) or a Council initiated process that reflects timeframe and legislative requirements.

Priorities

13. The Council will respond promptly to complaints or notifications about a building being dangerous or insanitary and will inspect the building to assess its status. Priority of response should be based on the urgency of the situation. For this purpose, the following factors will be taken into account:

    a. Potential risk to human life and adjoining property

b. The importance of the building to the community e.g. hospital, school, building of cultural significance or heritage value

c. The frequency and level of use, and number of people using the building

d. The location of the building in relation to key infrastructure components

e. The size of the building

f. The age of the building and its expected life.

14. Where buildings are deemed to be dangerous, affected or insanitary and pose immediate risk to occupants and surrounding environments, the Council will take immediate actions to remove the danger or remedy the insanitary conditions. Such actions could include prohibiting any person occupying or using the building, and where needed, installing fencing or hoarding to prevent people approaching the building nearer than is safe.

15. Where buildings are determined to be dangerous, affected or insanitary but not posing immediate danger or harm to the occupiers and the public, the Council will take appropriate actions to require the building owner to remove the danger or fix the insanitary conditions subject to the minimum timeframes of 10 days as set out in section 125(1)(c) of the BA04.

Heritage buildings

16. This policy applies to heritage buildings in the city.

17. The Council's Heritage Policy 2010, the Wellington City 2024 District Plan (2024 DP) and section 6(f) of the Resource Management Act 1991 (RMA) reflect that historic heritage is a matter of national importance that must be protected from inappropriate subdivision, use and development. Those documents collectively anticipate that work on a scheduled heritage building will be done in a manner that protects its heritage values.

18. Except in emergencies where demolition constitutes emergency works under sections 330 and 330A of the RMA, heritage buildings (outlined in District Plan Schedules) in Wellington City cannot be demolished without Resource Consent. Restrictions are also applying on earthworks on the site of scheduled buildings (or structure, or archaeological sites, or site or area of significance to Māori) listed in the District Plan. These emergency works can be done where any sudden event means that a building is likely to cause loss of life or injury. Suitably qualified professionals with heritage expertise will be engaged where necessary to advise and recommend on possible actions to minimise the loss of heritage fabric or values wherever possible.

19. The BA04 requires that, if a building is listed under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA 2014), the Council sends a copy of any notice issued under section 124 of the BA04 to Heritage New Zealand Pouhere Taonga (HNZPT). The Council will work closely and consult with HNZPT for buildings that are listed in the New Zealand Heritage List/Rārangi Kōrero.

20. If demolition is proposed to a building that was constructed before 1900 or built on a site that was associated with human activity that occurred before 1900, the

archaeological provisions of the HNZPTA 2014 apply. Advice must be sought from the HNZPT on any other permission required under the HNZPTA 2014.

21. Additional consents may be required for work affecting buildings subject to Heritage Orders, and buildings that are subject to heritage covenants and encumbrances.

22. The owner(s) of a heritage building that is identified as dangerous or insanitary should consult with suitably qualified professionals with heritage expertise when developing a scheme of works to address the building's dangerous or insanitary aspects, or seek advice to the Council's heritage team - heritage@wcc.govt.nz.

Policy implications and interactions

23. The Council recognises the policy's broad implications for economy, housing supply, public health and urban planning.

Policy implications for other Council policies

24. The Council is committed to integrated decision-making via taking into account of the policy's interactions with Council's other policies, such as housing, public health, emergency management, and sustainability.

25. In cases where emergency housing is needed, the Council will liaise with social service agencies to minimize hardship while ensuring public safety.

26. The Council is enabled under sections 29,41 and 42 of the Health Act 1956 to deal with nuisance conditions related to certain matters that are likely to cause injury to the health of people in relation to insanitary buildings. The Council will work with appropriate parties and use the most effective mechanism to address potential public health issues.

Interaction with the Residential Tenancies Act 1986

27. The Residential Tenancies Act 1986 (including the new Healthy Homes Standards) is the primary piece of overarching legislation for tenancy relationships. The healthy homes standards cover heating, insulation, moisture, ventilation and moisture ingress and drainage. It is overseen by Ministry of Housing and Urban Development with MBIE Tenancy Services as the regulatory arm.

28. The Council may inspect rental properties upon request and provide a written report for tenants or the Tenancy Tribunal on the observations of the state of the property. However, the Council does not have any enforcement powers in relation to healthy homes standards or other tenancy relationships.

Interaction with other related sections of the Building Act

29. Section 41 of the BA04 provides for situations where, because of the urgency of the work to be done, it is not practical to apply for a building consent before the work is undertaken. In cases where a building is assessed as being immediately dangerous, the Council may not require a building consent to be obtained for any building work considered to be immediately necessary to remove the danger.

Economic impact

30. The Council recognises the potential economic impact of the policy, such as the costs to building owners, effects on property values and other economic implications. The Council will assess the economic implication in decision-making on a case-by-case basis given the relatively low volume of potential dangerous, affected and insanitary buildings.

General approach and procedure

31. The Council follows a general approach and procedure to the response and management of dangerous, affected and insanitary buildings, as outlined below.

Detect

32. The Council relies on information from the public to detect a potentially dangerous or insanitary building. When a complaint or notification is received or a Council officer observes such conditions:

    a. the event is recorded on the Council's databases

    b. the building records are searched if time allows

    c. an inspection is arranged.

Assess

33. The Council will assess the building to determine:

    a. if there is any structural aspect of the building that could result in it being considered dangerous or affected.

    b. if there are inadequate means of escape from fire that may result in the building being considered dangerous.

    c. if the building meets any of the criteria to be considered insanitary as per section 123 of BA04.

    d. if there has been any illegal building work and/or an unauthorised change of use

    e. the standard of maintenance of specified systems for fire safety, water supply and other systems

    f. the state of repair of the building structure, services and passive fire protection

    g. the safety level offered by the building compared to any relevant "acceptable solution" of the building code.

    h. If it is situated on or directly near a site of significance to mana whenua

34. When making a decision as to whether the building is dangerous or insanitary, consideration is also given to whether any other buildings should be regarded as affected buildings. An authorised Council officer may obtain expert advice to help determine whether dangerous and/or insanitary conditions exist.

Act

35. When a building is determined to be dangerous and/or insanitary, the Council will contact the building owner or their agent to discuss remedial options. In some cases, the urgency of the situation may not allow the Council to contact the building owner.

36. The Council may issue a notice requiring work to be carried out to reduce or remove the danger, or to fix the insanitary conditions.

37. When a building (Building A) is determined to be dangerous, the Council will contact the owner/s of any adjacent, adjoining or nearby building (Building B) i.e. an 'affected building' as defined in section 121A of the BA04. The Council will provide the owner of Building B with a copy of any notice issued for Building A under section 124(2)(c) or (d) of the BA04. The Council will also provide the owner of Building B with information relating to the Council's monitoring and enforcement actions in relation to Building A. The Council may, at its discretion, exercise any of its powers under section 124(2)(a), (b) or (d) in relation to Building B.

38. Appropriate engagement should be conducted with mana whenua based on the assessment of the relevant buildings.

Monitor

39. The Council will monitor whether the required actions have been completed, or a written notice has been complied with. The Council will re-inspect the relevant building for this purpose.

Enforce

40. If dangerous or insanitary conditions continue, the Council will continue to monitor the state of the building. Any worsening of the conditions may result in the Council considering action under section126 or section 129 of the BA04.

41. If a building owner or their agent continues to fail to comply with a notice, the Council may also issue an infringement notice on them or prosecute them in severe circumstances.

42. The Council may arrange the necessary work to remove danger or fix the insanitary conditions, and recovers the costs from the building owner, in accordance with the process set out in section 126 of the BA04.

43. Where immediate danger to the safety of people is likely, or immediate action is necessary to fix insanitary conditions, the Council's Chief Executive Officer may exercise their discretion to issue a warrant under section 129 of the BA04.

Record keeping

44. The following information will be recorded on the Land Information Memorandum (LIM) for a property, and a Project Information Memorandum (PIM) in the building consent processes:

    a. where dangerous and insanitary conditions, or affected building status, are confirmed but not resolved

b. any outstanding written notice under section 124(2) of the BA04, along with explanatory information of the BA04's requirements.

45. Information will not be included on a LIM or a PIM when dangerous or insanitary conditions, and affected building status, have been resolved. Information about those matters may still be made available to a request for information in accordance with the Local Government Official Information and Meetings Act 1987.

Review and version history

46. This Policy will be reviewed at least every 5 years, as required by section 132(4) of the BA04. After adopting and amending a policy, a copy will be provided to MBIE as specified by section 132(3) of the BA04.

47. The above does not preclude this policy from being reviewed within the time frame to meet the needs of the Council and to reflect best practice. If the Council decides to amend or replace the policy following the review or at any other time, it must do so by using the special consultative procedure in accordance with section 83 of the LGA.

48. Version history of this policy is provided in the following table.

Version	Time to be effective	Time to review
Dangerous, Affected and Insanitary Buildings Policy 2026	July 2026	July 2031
Dangerous and Insanitary Buildings Policy 2020	September 2020	August 2025
Dangerous and Insanitary Buildings Policy 2014	2014	2019