



**AGENDA FOR THE
DANGEROUS, AFFECTED AND
INSANITARY BUILDINGS
POLICY REVIEW DELIBERATION**

**TO BE HELD IN THE COUNCIL CHAMBERS
SELWYN DISTRICT COUNCIL OFFICES,
ROLLESTON**

**ON FRIDAY 6 JUNE 2025
COMMENCING AT 9:00AM**

Dangerous, Affected and Insanitary Buildings Policy Review Deliberation Agenda

6 June 2025, 9:00AM

Attendees:

Councillor Elizabeth Mundt

Councillor Bob Mugford

Vanessa Mitchell - Head of Building

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Opening Karakia

Whakataka te hau ki
te uru

Cease the winds from
the west

Whakataka te hau ki
te tonga

Cease the winds from
the west

Kia mākinakina ki uta

Let the breeze blow
over the land

Kia mātaratara ki tai

Let the breeze blow
over the sea

E hī ake ana te
atakura

Let the red-tipped
dawn come with a
sharpened air

He tio, he huka, he
hau hū

A touch of frost, a
promise of a glorious
day

Tīhei mauri ora!

**MINUTES OF THE DANGEROUS, AFFECTED AND INSANITARY BUILDINGS
POLICY REVIEW HEARING
HELD IN THE COUNCIL CHAMBERS ON
THURSDAY 5 JUNE 2025 COMMENCING AT 9.00AM**

PRESENT

Councillor Elizabeth Mundt (Chair)

Councillor Bob Mugford

Vanessa Mitchell - Head of Building

IN ATTENDANCE

Nathan Evans – Building Operations Manager

Neisha Livermore – Senior Communications Advisor

Therese Davel – Governance Lead (minutes)

The meeting was livestreamed.

APOLOGIES

None.

OPENING COMMENTS

The Chairperson welcomed her panel member, Councillor Mugford and staff, Mrs Mitchell and Mr Evans, to the hearing. She also welcomed those in attendance wishing to speak.

RECEIPT OF SPEAKING SUBMITTERS

Samuel Wilshire

Mr Wilshire said the policy needed a table to show what was deemed as unsuitable potable water and said many homes had rainwater tanks and the rainwater was used for drinking water as well.

He said any failed sewerage system would have huge health effects on the population and that portable toilets should be made available when people's homes were affected.

Mr Wilshire also questioned why earthquakes were excluded from the Act in terms of the definition of a dangerous building noting that some of the older homes were actually better constructed and withstood earthquakes better.

Mr Wilshire had a slide pack showing photos of several buildings and said that it showed how poorly remediation and maintenance was done. He said it seemed it was a result of deferred maintenance and showed photos of buildings which appeared to have been resealed and repainted rather than undergoing proper maintenance. He questioned what happened to the books and furniture in the Leeston Library for example, when it was not able to be approached or accessed over a 30-day period.

Relating to photos of Lincoln Library, Lincoln Event Centre and West Melton Community Centre, Mr Wilshire questioned how long council staff have known about water damage for example, before anything was done to rectify the situation.

Overall Mr Wilshire noted the policy was much clearer and while the flow chart was an improvement the terminology could do with some tweaking.

Councillor Mundt thanked Mr Wilshire for his presentation. Councillor Mugford thanked him as well noting he had obviously put in a lot of time and effort. He asked Mr Wilshire what he thought a suitable process could be for informing council of buildings so affected to which Mr Wilshire commented that it could be by people complaining about it. he said a range of perspectives would be necessary for each building as one opinion wasn't always clear cut.

Staff commented that the threshold was extremely high with e.g. insanitary buildings and that in situations where septic tanks were overflowing in the back yard, the homes are still liveable and portaloos would be considered. It was always better to leave people in their homes where appropriate and safe to do so.

John Verry

Mr Verry submitted on behalf of the Malvern Community Board. He said the Board also asked the Malvern Ward Residents' Associations for their feedback and incorporated that into the final submission where appropriate.

Mr Verry said the Board felt that staff should be proactive as well and acknowledged that in some cases complaints can be quite vexatious.

He added that the policy should enhance transparency and that this would foster trust and ensure community support for what is happening. He said staff could consider a community register on the website and clarity of timelines. He said the MBIE diagram was quite helpful.

Mr Verry also addressed the submissions referring to heritage buildings and he said there should be clear enforcement protocols.

Councillor Mugford asked him about whether there should be a different threshold for heritage buildings, but Mr Verry said he didn't think so, rather a different process as detailed in the Heritage New Zealand submission.

Councillor Mundt asked for clarification around his suggestions to use different wording to which Mr Verry said having the policy say 'compliance driven response' would show an honest and transparent approach. He said the implications of non-compliance are quite significant.

The Chairperson and staff thanked the submitters for their time.

The Chairperson led the meeting in a closing karakia and thanked everyone for attending. She reminded the attendees of the deliberations which will take place on Friday 6 June 2025.

The hearings closed at 9.32am

COUNCIL PUBLIC REPORT

TO: The Dangerous, Affected and Insanitary Buildings Policy Review Deliberation Panel

FOR: Dangerous, Affected and Insanitary Buildings Policy Review Deliberation

FROM: Head of Building – Vanessa Mitchell

DATE: 6 June 2025

SUBJECT: **Dangerous, Affected and Insanitary Buildings Policy Review Deliberation**

RECOMMENDATION

That the Dangerous, Affected and Insanitary Buildings Policy Review Deliberation Panel:

- (a) Receives the report “Dangerous, Affected and Insanitary Buildings Policy Review Deliberation”*
- (b) Receives 11 submissions to the Dangerous, Affected and Insanitary Buildings Policy Review consultation*
- (c) Deliberate and confirm decisions on staff recommendations regarding how submissions feedback is to be included in the policy.*

1. PURPOSE

The purpose of this report is to support deliberation discussions on draft changes to the Dangerous, Affected and Insanitary Buildings policy, and to outline the next steps for the Council decision on the final policy.

2. HISTORY/BACKGROUND

The existing DAI Policy 2018 was due to be reviewed in 2023 pursuant to section 132 of the Building Act, which requires that the policy be reviewed at intervals of no more than 5 years, however; also notes that a policy does not cease to have effect because it is due for review or being reviewed.

Accordingly, the Council received and approved for consultation the draft Selwyn Dangerous, Affected, and Insanitary Buildings Policy 2025 and statement of proposal at the Council meeting on 19 February 2025.

Public consultation on the draft DAI Policy was undertaken between 23 April – 23 May 2025. Eleven submissions were received, with four submitters wanting to be heard. Hearings were held on 5 June 2025 with two submitters in attendance to speak to their submission.

3. ALIGNMENT WITH COUNCIL PLANS, STRATEGY, POLICY AND REGULATORY/COMPLIANCE OBLIGATIONS

Waikirikiri Ki Tua/Future Selwyn

The following aspects of Waikirikiri Ki Tua/Future Selwyn have been identified as relevant to this issue, proposal/decision/activity/project, and inform both the outcomes of the project as well as the way the project develops:

Outcome and/or Direction	Relevance
Pāpori – He honoda - Connected community	Access to good health, social, and community facilities and services accessible to all residents to support well-being
Ahurea – a district that values its culture and heritage	Local and cultural history and heritage are preserved, our wāhi tapu are protected

Other Council Plans, strategy policy and regulatory/compliance obligations

The following have been identified as relevant to this issue:

Regulatory/Compliance requirements or obligations
<i>Building Act 2004, sections 131-132A</i>

4. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

The intention to review the Selwyn District Council Dangerous, Affected, and Insanitary Buildings Policy 2025 (DAI Policy) has been assessed as of low significance in accordance with the Council's Significance and Engagement Policy.

Notwithstanding this, the Building Act 2004 ("the Act"), requires that the SCP under the Local Government Act 2002 be used when amending, reviewing, or replacing a territorial authorities DAI Policy.

5. CONSULTATION OVERVIEW

To meet the requirements of the special consultative procedure, public consultation on the draft policy was carried out over a four-week period from 23 April to 23 May 2025. A mix of digital and traditional channels were used to ensure broad community engagement. Promotion included a media release, targeted email, posts on social media, coverage in Council Call, and advertisements in the Selwyn Times, Ellesmere Echo, and Malvern News.

Residents were invited to provide feedback through an online submission form and in writing by post or via email.

Submission analysis

During the consultation period, the consultation page was visited 263 times. This number reflects total visits to the page, rather than individual people – some users may have visited

more than once. Of these visits, 116 came from the targeted email campaign, 30 from Facebook, and 1 from Council Call. Submissions were managed using the Consult24 platform.

A total of 11 submissions were received from across the district, submitted either via the online form or by email. Three submissions were made on behalf of organisations. Four submitters indicated they wished to speak to their submission at the hearing. One later withdrew, and another could not be contacted.

Submitters were asked an open-ended question inviting feedback on the draft policy, with a free text box provided for their responses. They also had the option to upload supporting documentation.

Key themes

Some of the feedback provided thoughtful and constructive insights, with a strong emphasis on fairness, transparency, and meaningful public engagement.

Key themes included:

- A preference for a proactive, preventative approach over a reactive, complaint-driven model.
- Calls for public reporting on enforcement activity and investment in community education.
- Support for assistance measures such as financial relief, extended compliance timeframes, and safeguards against malicious complaints - particularly for vulnerable individuals and owners of heritage properties.
- An emphasis on the need for consultation with iwi and heritage agencies, and stronger protection for buildings of cultural and historical significance, especially pre-1900 structures.
- Requests for clearer policy language, definitions, and risk assessment criteria.
- Recommendations to reference the Health Act 1956 and to formalise a multi-agency response model involving public health professionals and Environmental Health Officers.
- Citations of specific buildings as examples of maintenance issues or perceived enforcement inconsistencies.
- Concerns that consultation processes may be tokenistic, with perceptions of predetermined decisions.

Details of the submission responses and staff recommendations are included in Appendix 1.

6. FUNDING IMPLICATION

There are not expected to be any operational or capital costs to the Council as a result of adopting the DAI Policy.

The Building Compliance Team currently respond to and investigate potential dangerous, affected and insanitary buildings and manage compliance outcome. A small amount of additional work will be required to report on notices moving forward, however this work will be beneficial in ensuring the appropriate ongoing application of the policy.

7. LEGAL/POLICY IMPLICATIONS

There are no inconsistencies with other relevant Council policy and plans.



Vanessa Mitchell
HEAD OF BUILDING

Appendix 1: SUBMISSIONS AND STAFF RECOMMENDATIONS



DANGEROUS, AFFECTED AND INSANITARY BUILDINGS

DELIBERATION BOOKLET

SUBMISSIONS NUMBERED: 1 – 11

Booklet prepared: 5 June 2025


Note: The following written submissions are unedited and unchanged. They may include errors or offensive information. They are the opinion of the submitter and the Council takes no responsibility for them. Where a submission or part of a submission constitutes hate speech, or otherwise is in breach of law, the submission has been omitted or redacted in this public version. All contact details have been removed.

Sub #	Name	Organisation
1	Louise Stalker	
2	Michael Green	
3	Colin Eady	
4	Bradley Mannering	
5	Margaret Morrison	
6	Gary Martini	
7	Samuel Wilshire	
8	Mike Davies	
9	John Verry	Malvern Community Board
10	Mitzie Bisnar	Heritage New Zealand Pouhere Taonga
11	Vince Barry	National Public Health Service, Te Waipounamu Region, Health New Zealand – Te Whatu Ora

Submitter Number: 1
Submitter: Louise Stalker
Documents: Submission #1 - Louise Stalker

Point Number 1.1
Category 1-Questionnaire > 1.1-Your Feedback

Comments:

 Outlook

Affected parties to unsafe unsanitary living conditions

From Louise Stephen - [REDACTED]
Date Wed 23/04/2025 12:06 PM
To yoursay <yoursay@selwyn.govt.nz>

[REDACTED] [learn why this is important](#)

To:
The Head of Building
Selwyn District Council
PO Box 90
Rolleston 7643
Email: yoursay@selwyn.govt.nz

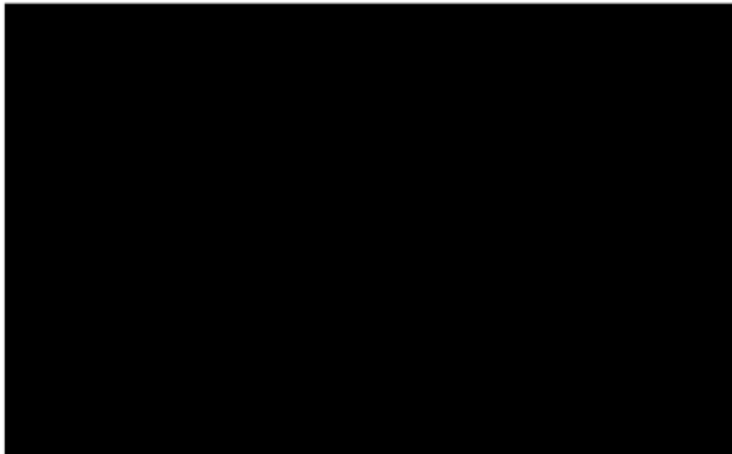
From: affected parties

Date: 25 April 2025

[REDACTED]

Dear Head of Building,

[REDACTED]



Additionally, I would like to submit feedback on the current policy under review. The reactive, complaint-based approach is clearly ineffective in this case, and I urge the Council to consider implementing a more proactive and accountable enforcement strategy, especially in situations where ongoing issues have been allowed to go on unchecked. [REDACTED]

Kind regards

Louise Stalker
Property owner and rate payer

**Staff
Recommendation**

Complaint regarding a specific property detailed in the submission has been redacted and is being investigated by the Building Compliance team. Acknowledge the submitters view that Council should consider implementing a more proactive strategy, however we must ensure that a balanced approach is taken to ensure that the policy is not misused.

Submitter Number:	2	Submitter:	Michael Green
Documents:	DAIB Consultation - 2025		
Point Number	2.1	Category	1-Questionnaire > 1.1-Your Feedback
Comments:	on second thoughts I won't waste my time as Selwyn Council never listen to these feedback sheets. Carry on and do what you want as any amount of feedback is pointless.		
Staff Recommendation	Comment is acknowledged. There are no specific comments relating to the policy review being consulted on.		

Submitter Number:	3	Submitter:	Colin Eady
Documents:	DAIB Consultation - 2025		
Point Number	3.1	Category	1-Questionnaire > 1.1-Your Feedback
Comments:	Whats the point you do what you want anyway. Look at the water debacle		
Staff Recommendation	Comment is acknowledged. There are no specific comments relating to the policy review being consulted on.		

Submitter Number:	4	Submitter:	Bradley Mannering
Documents:	DAIB Consultation - 2025		
Point Number	4.1	Category	1-Questionnaire > 1.1-Your Feedback
Comments:	<p>Suggested Amendment Proposal to the Dangerous, Affected, and Insanitary Buildings Policy</p> <p>Date: 23 April 2025</p> <p>Introduction</p> <p>I support the Council's efforts to maintain a safe built environment and acknowledge the importance of acting on dangerous, affected, and insanitary buildings. However, I propose several amendments to ensure that the policy reflects a balance between public safety and the rights and wellbeing of building owners, tenants, and communities.</p> <p>Amendment 1: Add Protections Against Policy Misuse or Weaponisation</p> <p>Suggested Clause:</p> <p><i>"Council will take all reasonable steps to ensure that this policy is not used inappropriately or maliciously. Investigations initiated through complaints must be assessed for credibility and substance prior to enforcement action, particularly where complaints may be strategic, vexatious, or made in bad faith."</i></p> <p>Reason:</p> <p>To prevent the policy from being weaponised against owners due to personal disputes, political motives, or unrelated conflicts.</p> <p>Amendment 2: Clarify Jurisdiction and Limits of Council Powers</p> <p>Suggested Clause:</p>		

“This policy shall not be used to exert de facto control over buildings or land where Council has no clear statutory authority, including land under Treaty settlement, Crown ownership, or disputed title, unless jurisdiction is legally confirmed.”

Reason:

To prevent overreach and protect private property and iwi land rights from undue enforcement pressure.

Amendment 3: Establish an Owner Support and Engagement Framework

Suggested Clauses:

- *“Council will provide guidance, support, and where applicable, access to funding mechanisms (e.g., rates relief, heritage grants) to assist owners in remedying issues.”*
- *“In cases of hardship, Council will consider extended compliance timeframes or support services to avoid disproportionate impact on vulnerable individuals or small property owners.”*

Reason:

A punitive-only approach may cause harm, especially to owners who lack financial capacity to comply quickly.

Amendment 4: Transparency and Public Reporting

Suggested Clause:

“An annual public report will be issued summarising the number of buildings assessed, notices issued, appeals lodged, and resolutions achieved under this policy. Any concerns of disproportionate use or patterns of potential misuse will be addressed.”

Reason:

To ensure public accountability and guard against systemic overreach or targeting.

Amendment 5: Improved Community Awareness and Education

Suggested Clause:

“Council will promote public awareness of building safety and maintenance best practices, including education campaigns aimed at early prevention of dangerous or insanitary conditions.”

Reason:

Shifting from a purely reactive model to a proactive and preventative approach reduces risk and builds trust.

Conclusion

The intent behind this policy is important, but its power must be balanced with transparency, fairness, and community empowerment. The suggested amendments help ensure this policy works for the community, not just the Council.

I welcome the opportunity to discuss these recommendations further.

Staff Recommendation	<p>Well detailed submission outlining recommended additional clauses to be added to the policy to add protections to ensure it is not misused. Provides transparency and improved guidance and support for building owners. We agree in principle that the policy should include the submitters suggested clauses to ensure the policy works well for the community.</p> <p>Suggested amendment 2: agree that we must confirm we have statutory authority before acting, however recommend removing the word 'legally' which implies we would need to go to court to confirm which would not always be necessary.</p>
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Submitter Number:	5	Submitter:	Margaret Morrison
Documents:	DAIB Consultation - 2025		
Point Number	5.1	Category	1-Questionnaire > 1.1-Your Feedback
Comments:	Don't understand this format. Also I am wondering why you ask for Rate Payers Submissions when SDC does not listen to Ratepayers and just continue to do what they think is best while having total disregard for RatePayers views. The recent Water Submission process is an example.		
Staff Recommendation	Comment is acknowledged. There are no specific comments relating to the policy review being consulted on.		

Submitter Number:	6	Submitter:	Gary Martini
Documents:	DAIB Consultation - 2025		
Point Number	6.1	Category	1-Questionnaire > 1.1-Your Feedback
Comments:	As previously demonstrated, I have no doubt council staff have already made their minds up on policy and this exercise is only going through the motions of pretending to take any notice of what rate payers want or say..		
Staff Recommendation	Comment is acknowledged. There are no specific comments relating to the policy review being consulted on.		

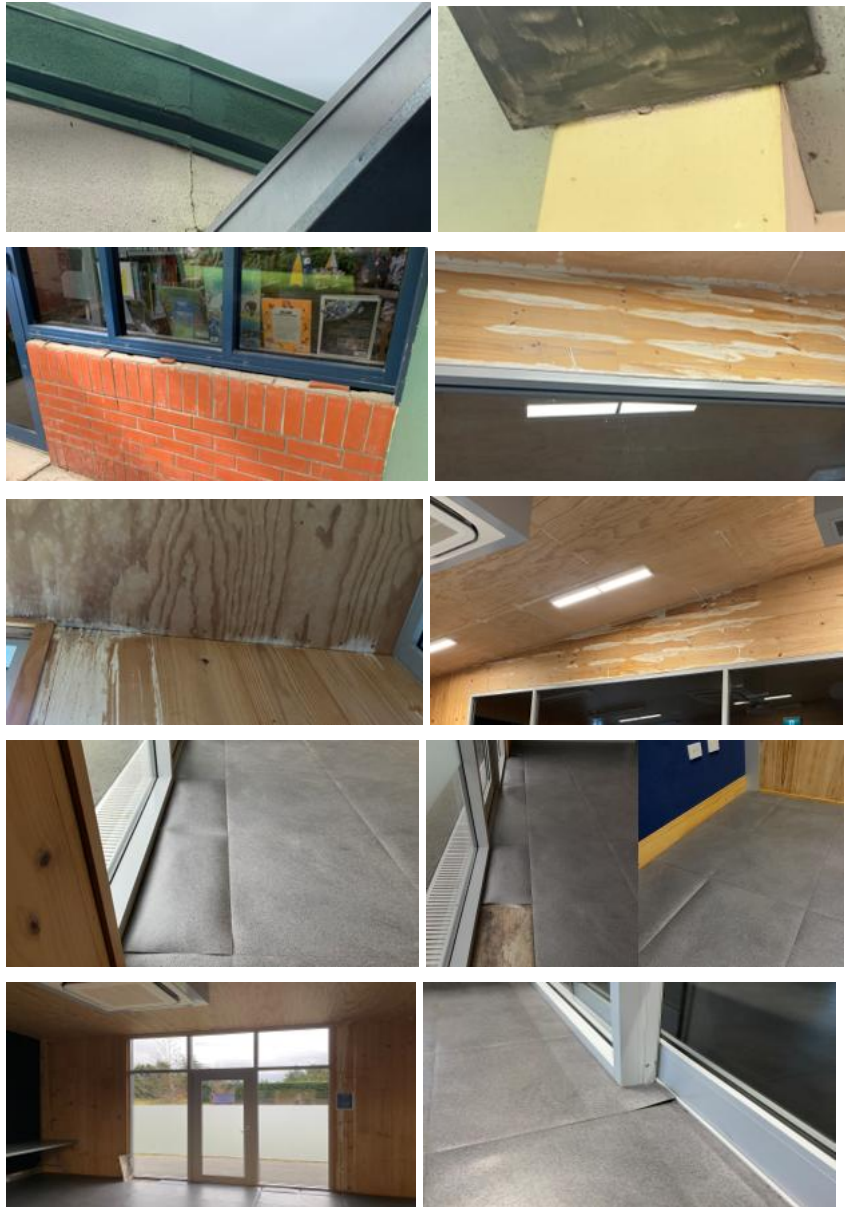
Submitter Number:	7	Submitter:	Samuel Wilshire
Documents:	DAIB Consultation - 2025		
Point Number	7.1	Category	1-Questionnaire > 1.1-Your Feedback
Comments:	<p>Thank you for the opportunity to make a submission on draft proposal</p> <p>I would however have liked to see more detail regarding this. many of our buildings in New Zealand are in poor condition in preparation for earthquake or other major events, but the stock we have, is what we have.</p> <p>many of our buildings could be written off due to earthquake strengthening requirements, but we do need to focus on what their intended use is, are they full occupancy? Or are they used as meeting halls once a week or once a month? Theres huge difference in, dwelling and community use buildings.</p> <p>In regards to insanitary buildings, this has concerned me of recent, Leeston Library and medical centre is a great example, the roof and cladding have failed leading to water ingress through both of these elements of envelope. Cladding appears to have failed in the monolithic aspects either side of the eave step outs. This cracking would be indicative of earthquake damage, if the earthquake repair failed then why hasnt this been properly repaired ahead of the decision to deem the building insanitary and unsafe. And now onto the roof, \$312,000 was allocated to replace the roofing on the leeston library in the long term plan and now this has been canceled, instead minir patches to a already end of life roof have been applied to this dwelling. Either these patches or the roofing around them has failed leading to water ingress and excessive mould growth. This is what we call in the building industry deferred maintenance, but given this isnt due to the main causes of deffered maintenance (lack of funds) and moneys were already allocated to complete this work, one could come to the conclusion this is either gross negligence of maintenance scheduling or possibly willingness to let the building deteriorate to enable the construction of a new library very few seem to be happy with. LTP results conclude the community wished to pay for a new library but given that the repair cost of current was at 2.5 million and the new buikding is north of 8 million how does that breakdown to one option only being double the rate increase of the other when DC contributions only equate to 15.6%?</p> <p>I would greatly appreciate a explanation to how and where exactly this significant mould growth is, taking a small walk around the outside of the building i found damages that would be more than likely noted in the original EQC/NHC scope of works to exterior envelope, missing sill blocks, cracks to lintel either side of awnings, with what appears to be in the texture only paint and gaps used to seal these (life expectancy of maximum 5 years)</p> <p>no chasing to exterior clading sealing with lime-lock re meshing then re-plastering, lime-locking again the top coat of paint applied.</p> <p>a simple solution to this that could have removed these issues would have</p>		

been expansion joints cut either side of awnings and the mastic (11-FC) or similar product used to seal. Then paint.

A unfortunate outcome of air born viable mould spores isnt just the health of the community but the soft furnishing and books in this building. What a absolute waste of resources.

In conclusion i dont see this degredation as a random act of god or a series of unfortunate events but the shortcomings of council.

P.S please excuse the layout and spelling mistakes, as writing in a tiny text box is extremely hard, and theres no way to enlarge the submission box will attach photo also had to select oral submission as next page wont allow me to upload photos of damages or examples!





Staff Recommendation

Acknowledge the submitters comments in regard to occupancy levels and earthquake strengthening which is managed via Subpart 6A of the Building Act and not this policy. Insanitary commentary from the submitter focuses on concerns relating to Leeston Library and not the DAI policy itself. We look forward to hearing Samuel speak to his submission and understand his views specifically in relation to the policy.

Submitter Number:

8

Submitter:

Mike Davies

Documents:

Submission #8 - Mike Davies

Point Number

8.1

Category

1-Questionnaire > 1.1-Your Feedback

Comments:

 Outlook

FW: Consultation opens on Selwyn's Dangerous, Affected and Insanitary Buildings Policy



Sent: Wednesday, April 23, 2025 9:26 PM
To: Communications <communications@selwyn.govt.nz>
Subject: Re: Consultation opens on Selwyn's Dangerous, Affected and Insanitary Buildings Policy

You don't often get email from sumiked@gmail.com. [Learn why this is important](#)

Hi, tried to put a submission in on the dangerous affected and insanitary buildings policy.

1 your submission online form goes in a never ending circle.

2 From previous experience 1 the council does not/will not listen to submitters.

2 The council already has the answers they want so there is no point.

cheers Mike Davies

On Wed, Apr 23, 2025 at 9:01 AM Selwyn District Council
<communications@selwyn.govt.nz> wrote:

Staff Recommendation

Comment is acknowledged. No specific comments relating to the policy review being consulted on.

Submitter Number: 9 **Submitter:** John Verry for Malvern Community Board

Organisation: Malvern Community Board

Documents: DAIB Consultation - 2025; 20250519 MCB Submission (Dange

Point Number 9.1 **Category** 1-Questionnaire > 1.1-Your Feedback

Comments:



Introduction

The Malvern Community Board (MCB) appreciates the opportunity to review and provide feedback on the Selwyn District Council's Draft Dangerous, Affected, and Insanitary Buildings Policy 2025. The Board acknowledges the Council's efforts to update the policy to enhance clarity and ensure better alignment with the *Building Act* 2004.

A draft was prepared and circulated to the Residents / Community Associations in the Malvern Ward and other interested parties for their review and comment. The Board supports the overarching goal of the draft policy to ensure public safety by identifying and managing dangerous, affected, and insanitary buildings within the Selwyn district. The inclusion of a flow diagram to articulate the process steps is a positive addition that aids in understanding the procedures involved.

Council may like to consider whether the following leading words for each of the three bullet-points **2. Overall Approach** may convey a clearer signal regarding the approach to be taken:

- Preventive Engagement...
- Complaint-Driven Response...
- Proactive Monitoring...

4.

The final paragraph and bullet points read:

In forming its views as to the work or action required to prevent the building from remaining dangerous, affected, or insanitary, Council will consider some, or all, of the following:

- the type, size and complexity of the building and location of the building in relation to

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- other buildings, public places and hazards;
- age and condition of the building;
- how many people spend time in or near the building
cf. maybe: "The number of people who occupy or visit the building or its surrounds";
- current and likely future use of the building;
- the expected useful life of the building and any prolongation of that life; cf. maybe:
"The expected remaining useful life of the building, including whether proposed work will extend its life"
- reasonable practicality of any work required; say: The practicality and proportionality of undertaking the required work
- any special historical or culture value of the building;
- any other matters, including other Council policies, that Council considers may be relevant considering the particular set of circumstances.

8. Interactions with Building Owners and Relevant Legislation

For your consideration the following wording is suggested:

Interactions with Building Owners and Relevant Legislation

Before exercising its statutory powers, Selwyn District Council will engage with building owners to discuss the situation seeking agreement on a mutually acceptable course of action. The aim is to support owners to take appropriate action to address any dangerous, affected, or insanitary building conditions—where appropriate, actions may also be taken under the *Health Act* 1956.

If these discussions do not result in a satisfactory proposal, Council may proceed to take formal action under **section 124 of the *Building Act* 2004**.

Where individuals other than the building owner have access to the premises (e.g. tenants, workers, or the general public), Council will act without delay to protect public safety. In such cases, the building owner will be kept fully informed throughout the process.

Council recognises that exercising these powers requires careful judgment to ensure the right balance is struck between ensuring public safety and acknowledging other relevant considerations, including, but not limited to:

- The practicality of continued occupation versus the need for immediate evacuation;
- The potential for short-term disruption to outweigh the long-term risk if not addressed;
- The feasibility of addressing issues progressively over time, depending on the specific circumstances;
- The potential economic impacts on the owner and wider community resulting from required actions;
- The cultural, historical, or heritage significance of the building and how this influences decision-making.

Themes

1. Assessment Criteria

The policy outlines assessment criteria based on the Building Act 2004. The considers that the policy provide more detailed guidance on how the risk levels are determined and the specific criteria to be used in the matrix to ensure transparency and consistency. This would enhance public understanding.

2. Heritage Buildings

The Board supports stricter protections for heritage buildings and recognises their irreplaceable contribution to our district's cultural and historical identity. We suggest that the policy:

- **Clearly state** that heritage buildings, especially those registered with **Heritage New Zealand Pouhere Taonga**, will be subject to a more cautious and consultative process before any enforcement action is taken.
- **Require formal consultation** with **Heritage New Zealand** and, where appropriate, **local iwi**, prior to issuing notices or initiating works on heritage-listed buildings.
- **Allow for case-by-case flexibility** to balance structural safety requirements with preservation of historic features.

Given the number of historically significant buildings in the Selwyn District – including early stone churches, public halls, and settler homes – the Board considers this approach reflects community values and promotes long-term heritage stewardship alongside public safety.

3. Communication and Engagement

The Board is of the view that effective communication with the community is crucial when addressing dangerous, affected, or insanitary buildings. The Board recommends that the policy include provisions for timely and clear communication with affected residents and the broader community, including updates on actions taken and expected timelines for resolution.

4. Risk Assessment Matrix

The Board considers providing an explanation or guide on how to interpret and use the matrix, which would be beneficial for both staff, building owners and the public.

5. Support for Building Owners

The Board considers that the policy also detail the support mechanisms available to building owners, such as guidance on compliance requirements, access to financial assistance programs, or referrals to relevant services, would be helpful and may increase compliance and reduce the need for enforcement action to be taken.

Conclusion

The Board, having engaged with the Residents Associations in the Ward, and duly considered the feedback, is of the view that the suggested comments / changes would provide greater clarity and consistency in how Selwyn District Council approaches dangerous, affected, and insanitary buildings. By clearly outlining the investigation process, decision-making criteria, and expectations for engagement with building owners, the revised policy would ensure that all parties understand their roles and the steps involved. This transparency helps reduce uncertainty, supports early collaboration, and encourages building owners to take timely, informed action—potentially avoiding costly or urgent interventions later and providing increased public safety.

It is important that, the revised policy recognises the need to strike a balance between public safety and the practical and economic impacts of enforcement action which should be reduced if a collaborative and collegial approach, where the communication is two-way, is adopted. It is important that the policy highlights Council's commitment to working with owners where possible, while also being prepared to act decisively when public access or health risks demand urgency. This approach ensures that responses are proportionate, legally sound, and sensitive to factors such as heritage value, building use, and financial implications, providing reassurance to the community that safety is prioritised without unacceptable risk.

The Malvern Community Board supports the intent of the Draft Dangerous, Affected, and Insanitary Buildings Policy 2025 and offers the above suggestions to enhance its effectiveness and ensure clarity. We encourage the Council to consider these recommendations. MCB wishes to be heard and reserves its right to call witnesses at any hearing. MCB looks forward to continued collaboration to ensure the safety and well-being of our communities.

Prepared by:

on behalf of the Malvern
Community Board.

John F. Verry

Community Board Member
Deputy Chair | Malvern Community Board



THIS 19th Day of May 2025



Would a clearer message would be sent?

- By changing the leading words
(# 2. Overall Approach) to (suggestions only 🍌)
- ☐ Preventative engagement....
- ☐ Complaint-Driven response...
- ☐ Proactive monitoring...

✓ Strengthen Proactive Identification Measures

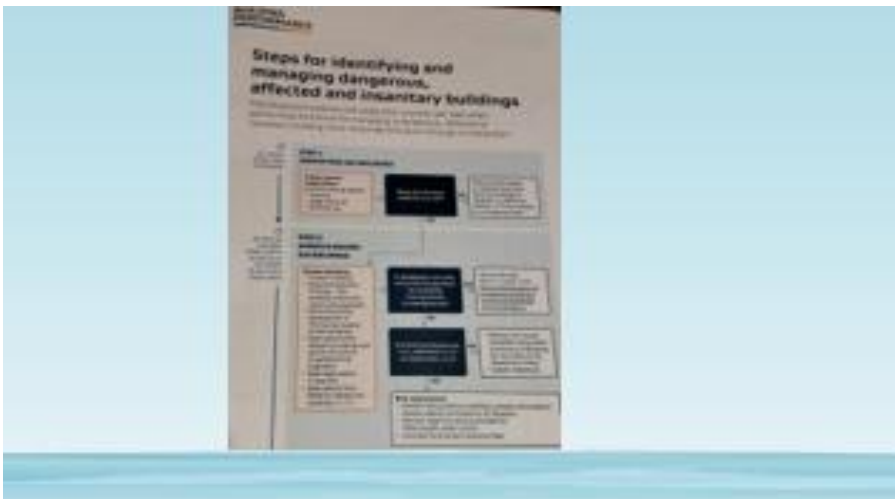
Enhance Transparency and Communication (supporting submitter # 4)

Enhance Transparency and Clarify Policy Application to Heritage Buildings

✓ Clarify Policy Application to *Health Act* 1956. (supporting submitter # 11)

Define Clear Enforcement Protocols

Improve Community Engagement in Policy Development



Kia ora rawa atu | Much appreciated

By duly considering the submissions, Selwyn District Council has the opportunity to enhance the robustness and clarity of its Dangerous, Affected and Insanitary Buildings Policy, ensuring it effectively protects public safety while respecting property rights and heritage values in an open + honest + transparent manner.

Staff Recommendation

The themes set out in the submission mirror those of other submissions, in particular clause 2 heritage buildings aligns well with that of Heritage NZ, and 5. Support for building owners aligns to recommended clauses proposed by Bradley Mannering.

Other recommendations are related to rewording of some sections to provide clarity. Final wording of some clauses will require careful deliberation to ensure the intent remains unchanged but provides the level of clear understanding to all.

Submitter Number:	10	Submitter:	Mitzie Bisnar for Heritage New Zealand Pouhere Taonga
Organisation:	Heritage New Zealand Pouhere Taonga		
Documents:	DAIB Consultation - 2025; HNZPT submission on Selwyn Dan		

Point Number

10.1

Category

1-Questionnaire > 1.1-Your
Feedback

Comments:



HERITAGE NEW ZEALAND
POUHERE TAONGA

22 May 2025

The Head of Building
Selwyn District Council
Policy on Dangerous, Affected and Insanitary Buildings
PO Box 90
Rolleston 7643

By email: yoursay@selwyn.govt.nz

Tēnā koe,

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA ON SELWYN DISTRICT COUNCIL'S
PROPOSED DANGEROUS, AFFECTED AND INSANITARY BUILDINGS POLICY**

To: Selwyn District Council (the Council)
Name of submitter: Heritage New Zealand Pouhere Taonga (HNZPT)

1. HNZPT is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. This also includes wāhi tūpuna, wāhi tapu and wāhi tapu areas.

This is a submission on the Proposed Policy on Dangerous, Affected and Insanitary Policy

2. The specific parts of the Policy that HNZPT's submission relates to are the application of the policy to historic heritage and archaeology.
3. HNZPT recognises the requirement under the Building Act 2004 (the Act) for the Council to prepare a policy regarding their approach on dealing with dangerous, affected and insanitary buildings. HNZPT also acknowledges the requirement of the Policy to cover how their powers and priorities for action apply to heritage buildings.
4. HNZPT has reviewed the Policy and is generally supportive of the Council's commitment to consider whether there are "any special traditional or cultural aspects of the intended use of a building, and the need to facilitate the preservation of buildings of significant cultural, historical or heritage value"¹ and the methods outlined to achieve this.
5. Notwithstanding this support, HNZPT recommends some minor amendments and inclusion of advisory notes to ensure the reader is aware of obligations and requirements pursuant to the HNZPTA with respect to heritage places.

¹ B201 – Dangerous, Affected and Insanitary Buildings Policy, section 10. 'Heritage buildings (Pouhere Taonga)'



Importance of Historic Heritage in Selwyn

6. Selwyn District contains many heritage items spanning from historic places, historic areas, wāhi tapu, wāhi tūpuna, wahi tapu areas and archaeological sites. Historic places are defined in the HNZPTA and may include buildings included on the New Zealand Heritage List / Rārangi Kōrero individually or in a group, buildings which form a part of an archaeological site and archaeological sites themselves. Historic places may have architectural, social, historical and contextual significance among many others, and contribute to a wider historic area or archaeological landscape. They provide an insight into Selwyn district's early establishment.

Importance of Cultural Heritage and Honouring Te Tiriti o Waitangi

7. Heritage items, and the environment they sit within and relate to, may have associated cultural values. For example, buildings may be situated on or near wāhi tapu, wāhi tūpuna, or wāhi tapu areas (including sites not registered on the List), or may have been where significant and pivotal events took place. In addition, these sites may relate to natural heritage and taonga species, as well as cultural practices such as mahinga kai. HNZPT therefore supports the Council's pledge to seek advice from HNZPT prior to works commencing. We also strongly advocate for proactive consultation and collaboration with iwi to understand their relationship with identified dangerous, insanitary or affected buildings and their surrounding environment, as well as any potential cultural implications of works on buildings.
8. HNZPT reminds the Council that there are specific provisions in the HNZPTA relating to historic places, historic areas, wāhi tūpuna, wāhi tapu and wāhi tapu areas. Section 74(2) of the HNZPTA provides for the Māori Heritage Council to "*make recommendations to the local authorities that have jurisdiction in the relevant area as to the appropriate measures that those local authorities should take to assist in the conservation and protection of wāhi tapu areas*"².
9. HNZPT highlights the importance of any commitments the Crown has made in Treaty settlements, such as Statutory Acknowledgements over specified areas.

Archaeological Provisions and Obligations in the HNZPTA

10. Under the HNZPTA an Archaeological Authority must be obtained from HNZPT prior to any works that may modify or destroy any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is defined in Section 6 of the HNZPTA as:
 - (a) *Any place in New Zealand, including any building or structure (or part of a building or structure), that:*
 - i. *Was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
 - ii. *Provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and*

² Section 74(2) of the HNZPTA.



(b) Includes a site for which a declaration is made under section 43(1).³

11. There is also potential to encounter subsurface archaeological features associated with the historic occupation, regardless of whether any part of these structures remain above ground. The potential for encountering archaeology increases where there has been human occupation pre1900 nearby.
12. It is an offence to modify or destroy an archaeological site without an authority from HNZPT under the HNZPTA. Therefore, it is important to make owners aware of this obligation.

Comments on the Policy

13. HNZPT is generally supportive of the Council's approach to heritage buildings as detailed on page 4 of the draft policy, particularly the commitment to consider the need to facilitate the preservation of buildings of significant cultural, historical or heritage value.
14. HNZPT understands the balance and consideration that the Council must undertake when there is a risk arising from dangerous, affected and insanitary buildings, and is encouraged by the recognition that it has given to historic heritage in this process.
15. However, HNZPT does consider this could be reworded in order to make its intention clearer. HNZPT's suggested wording is set out in the relief sought below.
16. In addition, we consider it would be beneficial to incorporate information addressing the archaeological provisions under the HNZPTA within the heritage buildings section of the draft policy. This may be relevant in the event that demolition is proposed to a building constructed prior to 1900. The suggested wording is included in point 23.

Relief sought:

17. Address error in the title of section 10 to state:

Heritage buildings (Pouhere Taonga)

18. Reword consideration of values within the first paragraph of Section 10 to state:

*In the implementation of procedures under the Act with regards to dangerous, affected or insanitary buildings, Council will consider any ~~special-traditional~~ **historical** or cultural aspects of the ~~intended-use-of-a~~ building, and the need to facilitate the preservation of buildings of significant cultural, historical or heritage value.*

19. Reword item 10(a) to state:

*(a) recognising the range of heritage buildings that exist in the District, including **those listed in the New Zealand Historic Places Heritage List / Rārangī Kōrero (which also comprises historic places, historic areas, wāhi tapu, wāhi tūpuna and wāhi tapu areas, and other places identified by iwi as a place of cultural significance), and statutory protection through listing scheduled** in the District Plan;*

³ Section 6 of the HNZPTA.



HERITAGE NEW ZEALAND
POUHERE TAONGA

20. Reword item 10(b) to state:

(b) *consultation with owners and Heritage New Zealand Pouhere Taonga in relation to any proposed written notice requiring work;*

21. Reword item 10(c) to state:

(c) *informing and involving relevant statutory organisations, including Heritage New Zealand Pouhere Taonga with regard to any heritage building identified as at risk;*

22. Reword item 10(d) to state:

(d) *considering heritage values and conservation best practice measures when developing and managing upgrading proposals;*

23. Include the following wording as an advisory note in regard to archaeology:

Under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA), the permission of Heritage New Zealand Pouhere Taonga must be sought prior to the modification or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the HNZPTA as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. These may include buildings built prior to 1900. It is advised to seek further information from Heritage New Zealand if this is anticipated.

24. HNZPT does not wish to be heard in support of this submission but is available to be contacted directly should any matter require clarification.

Kā mihi,

Arlene Baird
Area Manager Canterbury / West Coast
Heritage New Zealand Pouhere Taonga


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Staff Recommendation

The submission details recommended wording changes specifically to section 10 of the policy to ensure it appropriately details the full range of historical and cultural aspects, and suggests a further advisory notes in respect of archaeology permissions that must be sought for pre-1900 activity. We agree that the proposed changes will enhance the policy.

Submitter Number:	11	Submitter:	Vince Barry for National Public Health Service, Te Waipounamu Region, Health New Zealand – Te Whatu Ora
Organisation:	National Public Health Service, Te Waipounamu Region, Health New Zealand – Te Whatu Ora		
Documents:	Submission #11 - Vince Barry		
Point Number	11.1	Category	1-Questionnaire > 1.1-Your Feedback
Comments:	<div>  <p>20 May 2025</p> <p>Selwyn District Council 2 Norman Kirk Drive, Rolleston</p> <p>Tēnā koutou</p> <p>Selwyn District Council's Dangerous, Affected and Insanitary Buildings Policy</p> <ol style="list-style-type: none"> 1. This technical advice on the Selwyn District Council's Dangerous, Affected and Insanitary Buildings Policy (the Policy) has been compiled by the National Public Health Service (NPHS) Te Waipounamu region, Health New Zealand – Te Whatu Ora. NPHS Te Waipounamu provides public health services in the South Island, including the Selwyn District. 2. NPHS Te Waipounamu recognises its responsibilities to improve, promote and protect the health of people and communities of Aotearoa New Zealand under the Pae Ora (Healthy Futures) Act 2022 and the Health Act 1956. 3. Pae Ora requires the health sector to protect and promote healthy communities and health equity across different population groups by working together with multiple sectors to address the determinants of health. 4. NPHS Te Waipounamu is focused on the achievement of equitable health outcomes. We use the Ministry of Health's definition of equity: <p><i>In Aotearoa New Zealand people have differences in health that are not only avoidable, but unfair and unjust. Equity recognises different people with different levels of advantage require different approaches and resources to get equitable health outcomes.¹</i></p> 5. This technical advice responds to some of the questions provided in the Selwyn District Council's Dangerous, Affected and Insanitary Buildings Policy submission template. 6. This technical advice sets out matters of interest and concern to NPHS Te Waipounamu, and our recommendations are based on evidence about public health and equity, as well as the experience of public health officers. <p><small>¹ Ministry of Health – Manatū Hauora (2024, July 2). Achieving equity https://www.health.govt.nz/about-ministry/what-we-do/achieving-equity</small></p> <div> Te Kāwanatanga o Aotearoa New Zealand Government 1 </div> </div>		

13. Sections 41 and 42 of the Health Act 1956 detail the circumstances in which Council may issue a cleansing order or require repairs and/or issue closing orders due in part to insanitary conditions likely to cause injury to the health of any persons living there.
14. Section 126 of the Health Act 1956 refers to infirm and neglected persons. These persons are often affected by dangerous and/or insanitary buildings and living conditions. A committal order can be sought by the Medical Officer of Health if they believe the person's health and well-being are at risk from the conditions in which they are living.
15. Although a Medical Officer of Health may invoke section 126 to deal with situations where infirm and neglected persons or domestic squalor are involved, this power must be exercised with restraint. The decision is made by the District Court and the threshold to deny someone their normal freedoms is very high. Application for a committal order should not be considered unless the Medical Officer of Health believes the person's health and well-being are at risk from the conditions in which they are living, and there are no other feasible options to address that risk.
16. The aim is to ensure there is appropriate support in place so that the person can remain living as independently as possible without significantly compromising their personal health or the health of the public. It is only when this is not possible, and all other courses of action have been explored and exhausted, that the powers of committal under section 126 the Health Act 1956 should be considered.
17. Nuisance conditions or substandard housing should be dealt with using the other appropriate legislative and regulatory tools available, rather than through invoking section 126.
18. NPHS Te Waipounamu recommends that the Policy includes details regarding responses and actions in relation to environmental interventions by the Council, for example cleansing orders, and the abatement of nuisance conditions under the Health Act 1956.
19. NPHS Te Waipounamu recommends that the Policy recognises the complex nature of people living in insanitary conditions and that it identifies how Council intends to liaise with agencies from a health perspective. A multi-agency response has been identified as a model of best practice. This will usually include Council (environmental health and building compliance staff), NPHS (Health Protection Officers and Medical Officers of Health), and Fire and Emergency NZ, as well as appropriate health care providers (such as general practitioners, health of older persons services and/or mental health services) and relevant community support organisations.

20. When referring to assessing buildings, the Policy does encourage staff to seek advice from external operators such as Fire and Emergency NZ. However, this reference to seeking advice could be widened to specifically include other potential stakeholders, such as public health services, that may need to be involved in helping to manage complex situations.
21. Interagency groups have been set up in some regions to provide pathways for referral, as well as guidelines and information to ensure that the people living in severe domestic squalor are assisted in a consistent, sustainable and efficient way.
22. NPHS Te Waipounamu recommends that the role of key Council staff such as Environmental Health Officers is expanded on in the policy. These responsibilities may include ensuring the building meets the Building Act 2004 and Health Act 1956, that they act to remedy insanitary or nuisance conditions, and that they refer to the Medical Officer of Health where they consider further action is necessary.

Conclusion

23. NPHS Te Waipounamu does not wish to be heard with respect to this advice.

Ngā mihi,



Vince Barry
Regional Director
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Te Waipounamu Region

Contact details

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Staff Recommendation

We agree with the submitters statement that the policy does not sufficiently detail how we co-ordinate a multi-agency approach that is often required when we are responding to these situations, and while we have steps that we take they should be documented in the policy. The recommendations provided by the submitter will be useful to ensure we capture the wider health implications in the policy which also aligns with other submitters who have commented on support services. Recommend further section to be added to the policy to address the recommendations.

Closing Karakia

Unuhia, unuhia	Remove, uplift
Te pou, te pou	The posts
Kia wātea, kia wātea	In order to be free
Āe, kua wātea	Yes, it has been cleared