

Notice of Meeting:

I hereby give notice that an ordinary meeting of the Consultation Hearings will be held on:

Date: Monday 30 March 2026
Time: 9.00 am
Venue: Council Chambers, Dunedin Public Art Gallery, The Octagon,
Dunedin

Sandy Graham
Chief Executive Officer

Hearings Committee - Bylaws and Policies
Dangerous, Insanitary and Affected Buildings Policy
PUBLIC AGENDA

MEMBERSHIP

Chairperson	Cr Lee Vandervis	
Members	Cr Russell Lund	Cr Mandy Mayhem
Senior Officer	Paul Henderson (General Manager Corporate and Regulatory Services)	
Governance Support Officer	Lynne Adamson	

Lynne Adamson
Governance Support Officer

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governance.support@dcc.govt.nz
www.dunedin.govt.nz

Note: Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

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1 APOLOGIES

At the close of the agenda no apologies had been received.

2 CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

DECLARATION OF INTEREST

EXECUTIVE SUMMARY

1. Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative or independent member and any private or other external interest they might have.
2. Elected and Independent members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.

RECOMMENDATIONS

That the Committee:

- a) **Notes/Amends** if necessary the Elected or Independent Members' Interest Register attached as Attachment A; and
- b) **Confirms/Amends** the proposed management plan for Elected or Independent Members' Interests.

Attachments

	Title	Page
↓A	Dangerous, Insanitary and Affected Buildings Policy Elected Member Interest Register	6

Dangerous, Insanitary and Affected Buildings Policy Elected Member Interest Register 3 March 2026				
Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Cr Lee Vandervis (Chair)	Director	Lee Vandervis, Antonie Alm-Lequeux and Cook Allan Gibson Trustee Company Ltd - Residential Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Bunchy Properties Ltd - Residential and Lifestyle Farm Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Various publicly Audio and Lighting - Hire, Sales and Service Business	May contract and provide service to DCC	Withdraw from discussion and leave the table. If the meeting is in public excluded leave the room. Seek advice prior to the meeting.
	Member	District Licensing Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Heritage Fund (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Okia Reserve Management Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Russell Lund	Shareholder	Loan & Mercantile Trust includes:	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Produce Place Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Dunedin Grain Store Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Loan & Mercantile 2000 Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Lund South Trust includes:	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Lund South Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Lund Dunedin Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Resource Values Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Sherwood Manor Properties Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Lund Central Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Lund South Administration Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Construction Operatives Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Lund South Properties Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	RV Lund Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	BDCRS Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Lund Frankton Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
President	Ariki Amateur Athletic & Harrier Club	Ariki is a member of Athletics Otago which receives grant funding from DCC.	Withdraw from discussion and leave the table. If in public excluded leave the room. Seek advice prior to the meeting.	

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Cr Russell Lund (Cont)	Member	Heritage Advisory Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Theatre Trust (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Mandy Mayhem	Chairperson	Waitati Hall Society Inc	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Keep Ōtepoti Dunedin Beautiful	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Co-ordinator	Emergency Response Group, Blueskin area	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Blueskin Bay Amenities Society	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Blueskin A & P Society	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Zone Representative and Board Member	Keep New Zealand Beautiful	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Coastal Community Cycleway Network	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Waitati Music Festival Committee	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Property Owner	Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Disability Issues Advisory Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Gasworks Museum Trust (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Keep Dunedin Beautiful (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Performing Arts Advisory Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Member	Social Wellbeing Advisory Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.	

PART A REPORTS

SPEAKING SCHEDULE

Department: Civic

EXECUTIVE SUMMARY

- 1 The purpose of this report is to provide the Hearings Committee with a schedule for the submitter wishing to present their views, in person, on the Dangerous and Insanitary Buildings Hearing.
- 2 The speaking schedule is attached (Attachment A). Please note as there may be changes to the schedule, an updated one will be supplied at the meeting.
- 3 As this is an administrative report the Summary of Considerations is not required.

RECOMMENDATIONS

That the Committee:

- a) **Notes** the speaking schedule.

Signatories

Author:	Lauren Riddle - Governance Support Officer
Authoriser:	Paul Henderson - General Manager Corporate and Regulatory Services

Attachments

	Title	Page
↓A	Speaking schedule as at 25 March 2026	9

Dangerous, Insanitary and Affected Buildings Policy Hearing Speaking Schedule as 25 March 2026		
DATE	TIME	NAME
Monday, 25 March 2026		
25-Mar-26	9:10 am	Michael Gibson

RESULTS OF CONSULTATION ON REVIEW OF DANGEROUS, INSANITARY AND AFFECTED BUILDINGS POLICY

Department: Corporate and Regulatory

EXECUTIVE SUMMARY

- 1 This informs the Hearings Committee (the Committee) that there were four submissions on the review of the Dangerous, Insanitary and Affected Building Policy (the Policy).
- 2 Two submitters agreed overall with the proposed Policy, one did not agree, and one did not answer this question. All submitters provided comments and suggestions. One submitter asked to be heard by the Committee.

RECOMMENDATIONS

That the Committee:

- a) **Considers** the submissions on the review of the Dangerous, Insanitary and Affected Building Policy
- b) **Makes** recommendations to the Council on the Dangerous, Insanitary and Affected Building Policy.

BACKGROUND

Building Act 2004

- 3 The Council is required under section 131 of the Building Act 2004 (the Act) to adopt a policy on dangerous, insanitary buildings. The policy must take into account affected buildings and it must state:
 - The approach that Dunedin City Council will take in performing its functions under the Act
 - Its priorities in performing these functions and
 - How the policy will apply to heritage buildings.
- 4 Policies must be reviewed within five years of the policy being adopted and then at intervals of not more than five years. A policy does not cease to have effect because it is under review or being reviewed.
- 5 The special consultative procedure must be used if the policy is amended or replaced.

Policy history

- 6 The Council adopted its first Dangerous and Insanitary Buildings Policy in 2007. It was reviewed in 2011 in light of lessons learned from the 2010-2011 Canterbury earthquakes.
- 7 It was reviewed again in 2017/2018 following the Building (Earthquake-prone Buildings) Amendment Act 2016 which introduced major changes to the way earthquake-prone buildings were identified and managed by territorial authorities. The Amendment Act 2016 removed the requirement for territorial authorities to have earthquake-prone building policies and instead created a national policy framework. Because of this the earthquake-prone buildings section became redundant and was removed.
- 8 The policy was reviewed in 2021 to include affected buildings when it became the Dangerous, Insanitary and Affected Buildings Policy.

DISCUSSION

Policy review

- 9 The Policy is working well to address dangerous, insanitary and affected buildings in Dunedin. Minor changes are proposed to make the Policy easier to understand and to update language.
- 10 Greater clarity has been provided around dealing with protected heritage buildings deemed dangerous or insanitary or when protected buildings are affected by neighbouring buildings.
- 11 Details of proposed changes are:

Section	Proposed change	Reason
<i>Policy history</i>		
Policy history	Adding the history of the policy including dates of adoption and review.	Greater clarity and in response to audit.
<i>Definitions</i>		
Heritage definition	Updating this definition	To align with updated terminology.
<i>Section 1: Taking action on dangerous, insanitary and affected buildings</i>		
Section 1.3	Additional section on how Council may respond to a dangerous, insanitary or affected building including examples.	To provide greater clarity.
<i>Sections 2 and 3: Heritage buildings</i>		
Sections 2 & 3	Providing additional explanatory information for buildings that are also heritage buildings.	To provide greater clarity and information for owners of these buildings.
Section 2.6	Adding that the Council will notify New Zealand Heritage Pouhere Taonga (NZHPT) of any notice requiring building work or restricting	To be clear about this requirement of the Building Act 2004.

Section	Proposed change	Reason
	entry to a building that is included on the NZHPT list.	
<i>Section 6: Review</i>		
Review	Adding reference to the special consultative procedure that is required when this policy is amended or replaced.	To be clear about this requirement of the Building Act 2004.

12 See Attachment A for tracked changes to the proposed Policy and Attachment B for the statement of proposal.

13 Following consultation, it is also proposed to:

- add the word “ordinary” to the definition of *Dangerous buildings* to accurately reflect this definition in the Act.
- add the words to 2.4 “Any proposed work affecting buildings or areas subject to heritage orders, covenants and encumbrances may require additional consents.” for greater clarification.

Community engagement

14 The special consultative procedure was used to review the Policy, as required by the Act. Consultation was open from Wednesday 18 February until Tuesday 24 March via the Dunedin City Council website. It was advertised in the Otago Daily Times.

Results of consultation

15 There were four submissions on this review, with one submitter wishing to be heard.

Overall agreement with proposed Policy

16 Two submitters agreed overall, with the proposed Policy, one did not agree, and one did not answer this question. All submitters made comments or suggestions on the proposed Policy.

Specific feedback

17 One submitter would like greater Council scrutiny over residential premises, citing the Health Act 1956 as well as other legislation. This submitter wishes to be heard. See Attachment C for Michael Gibson’s submission.

18 A submission from Fire and Emergency New Zealand (FENZ) commented that the Policy is simple and clear but noted that the word “ordinary” is missing from the definition of *Dangerous buildings*. As the word “ordinary” was inadvertently omitted from this definition, staff agree it should be included to accurately reflect the Building Act definition. See Attachment D for the FENZ submission.

19 Another submitter asked for penalties for owners of derelict and insanitary buildings. See Attachment E for Murray Lawrence’s submission.

- 20 Heritage New Zealand Pouhere Taonga (HNZPT) commented that it is generally supportive of the Council’s commitment in the proposed Policy to take into account the heritage values of the building in determining possible courses of action. It recommended including additional information and clarification on certain points relating to heritage buildings and archaeological sites. See Attachment F for the HNZPT submission.

OPTIONS

- 21 There are no options to this report as its purpose is to present the results of consultation to the Committee.

NEXT STEPS

- 22 Next steps are for the Committee to make recommendations to the Council on the Policy review.

Signatories

Author:	Anne Gray - Policy Analyst Grant Sutton - Principal Advisor Building Services
Authoriser:	Mike Hart - Acting Manager, Building Services Paul Henderson - General Manager Corporate and Regulatory Services

Attachments

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↴A	Tracked changes to Dangerous, Insanitary and Affected Buildings Policy	16
↴B	Statement of proposal for review of Dangerous, Insanitary and Affected Buildings Policy	21
↴C	Michael Gibson submission	26
↴D	Fire and Emergency New Zealand submission	28
↴E	Murray Lawrence submission	29
↴F	Heritage New Zealand Pouhere Taonga submission	31

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This decision enables democratic local decision making and action by, and on behalf of communities. This decision promotes the social and economic well-being of communities in the present and for the future.

Fit with strategic framework

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Economic Development Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Environment Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Arts and Culture Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
3 Waters Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Future Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Integrated Transport Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Parks and Recreation Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Other strategic projects/policies/plans	<input type="checkbox"/>	<input type="checkbox"/>	✓

This policy review contributes to the priorities of healthy and safe people within the Social Wellbeing Strategy, and compelling destination within the Economic Development Strategy.

Māori Impact Statement

No specific impacts for mana whenua were identified. However, in recognition of the Autūroa and Autakata pou in Te Taki Haruru, the two rūnaka were advised of the review and the opportunity to provide feedback.

Sustainability

There are no specific implications for sustainability.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

There are no implications for these documents.

Financial considerations

There are no financial implications.

Significance

This review is considered low in terms of the Council’s Significance and Engagement Policy.

Engagement – external

The special consultative procedure was used to review the Policy, as required by the Act.

Engagement - internal

There has been internal engagement during this review with In-House Legal Counsel, Council Communications and Marketing, and the Heritage Team.

Risks: Legal / Health and Safety etc.

There are no identified risks.


SUMMARY OF CONSIDERATIONS

Conflict of Interest

There is no conflict of interest.

Community Boards

There are no specific implications for Community Boards.

DANGEROUS, INSANITARY AND AFFECTED BUILDINGS POLICY		 DUNEDIN kaunihera CITY COUNCIL a-rohe o ōtepoti	
Approved by:	Council		
Sponsor:	General Manager Community Services <u>Corporate and Regulatory</u>		
Department responsible:	Building Services		
Date approved adopted: TBC	25 May 2024 <u>1 January 2007</u>	Reviewed:	<u>17 April 2018</u> 25 May 2021 <u>xx 2026</u>
Next review date: TBC	By 25 May <u>xx 2026</u> <u>31</u>	DOC ID:	

BACKGROUND

The Building Act 2004 requires territorial authorities to have a policy on dangerous, insanitary and affected buildings. -The Dunedin City Council (“the Council”) recognises that provisions of the Building Act in regard to dangerous, insanitary and affected buildings reflect the Government’s broader concern with the health and safety of the public in buildings. -The Council understands that the development of these policies is the responsibility of each territorial authority and has responded accordingly. ~~This policy replaces the 2018 version of Dunedin City Council Dangerous and Insanitary Buildings Policy and now includes affected buildings in the policy.~~

The policy has been developed in accordance with the purpose and principles of the Building Act 2004 which seeks to ensure that:

- people who use buildings can do so safely and without endangering their health;
- buildings have attributes that contribute appropriately to the health, physical independence and well-being of people who use them; and
- buildings are designed, constructed, and able to be used in ways that promote sustainable development.

The Council is committed to ensuring that Dunedin is a safe and healthy place to live. -The Building Act provides the means to ensure buildings that become dangerous, insanitary or affected are managed in a timely manner to remove the danger and fix the insanitary conditions. The Council will administer the Building Act in a fair and reasonable way.

DEFINITIONS

Dangerous Buildings

Under section 121 of the Building Act 2004, a building is dangerous if:

- a) in the course of events (excluding the occurrence of an earthquake), if the building is likely to cause—
 - (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons

- (ii) on other property; or
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.

Affected Buildings

Under section 121A 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.

Insanitary Buildings

Under section 123 of the Building Act 2004, a building is insanitary if it is:

- a) 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.

Heritage Buildings

Heritage buildings are considered to be buildings or structures that are—

- a) identified on the New Zealand Heritage [Pouhere Taonga](#) List;
- b) [‘scheduled heritage buildings’](#) or [‘scheduled heritage structures’](#) in the Dunedin City District Plan; or
- c) are [‘character contributing buildings’](#) located within [Townscape Precincts](#) or [Heritage Precincts](#) in the Dunedin City District Plan.

POLICY

Dangerous, insanitary and affected buildings will be dealt with by responding to complaints received from the public, advice received from Fire and Emergency New Zealand, New Zealand Police, social service agencies, a building tenant or other agency/department, and working with building owners to address the problem without delay.

When a building has been assessed as being either dangerous, insanitary or affected in terms of

sections 121, 121A and 123 of the Building Act appropriate action will be taken.

1 Taking action on dangerous, insanitary and affected buildings

1.1. On being satisfied that a building is dangerous, insanitary or affected, the Council will advise and liaise with the owner, where possible, to discuss action to be taken. If notification was received from Fire and Emergency New Zealand that the building was dangerous, it will liaise with Fire and Emergency New Zealand and the owner, where possible, to discuss the proposed action. If the building is a heritage building the Council will take into account its heritage values in determining a course of action, as set out in Section 24-4 of this policy.

1.2. If the Council is satisfied that a building is dangerous, insanitary or affected and the building owner does not meet the requirements imposed on them as the owner, the Council may exercise any or all of its powers under sections 124-130 of the Building Act which include:

- a) Installing hoardings or fences to prevent people from approaching the building nearer than is safe
- b) Attaching notices warning people not to approach the building
- c) Giving written notice requiring work to be carried out so that the building will not be dangerous, insanitary or affected within a stated time period
- d) Initiating prosecution if buildings are used after notices or hoardings are in place
- e) Initiating prosecution where there is failure to comply with the notice
- f) Applying to a District Court to carry out the work to remove the danger or so that the building is no longer insanitary, or demolish, where the work is not completed or is not proceeding with reasonable speed
- g) If immediate action is necessary to strengthen or fix dangerous, insanitary or affected conditions the Council may take that immediate action and in some cases may need to apply to a District Court to confirm the action
- h) Recovering all costs involved from owner
- i) Placing a charge on the land until the Council recovers the costs.

1.3. Before exercising these powers, the Council will seek to meet with owners to discuss proposals to address the issue. The Council will also seek to meet with owners to discuss proposals to comply with a notice following issue of a formal notice. Notwithstanding this, the Council, as a responsible authority, will issue notices or take other actions which are reasonably required to protect the building occupants or members of the public from injury or death, or to protect damage to other property.

1.4. Building consent or certificate of acceptance may be required for certain alterations or demolition of a building.

1.4.2 When a dangerous, insanitary or affected building is also a heritage building

2.1 When considering what action to take on heritage buildings that have become dangerous, insanitary or affected, the Council will take into account the heritage values of the building in determining possible courses of action.

2.2 ~~For heritage buildings, Council's position is and seek to avoid demolition, or removal of significant architectural features,~~ wherever possible.

2.3 ~~However, it may be that the dangerous or insanitary part of the building can be removed without affecting the overall heritage value of the place. Council's heritage advisors can provide advice about the heritage values of the place. An owner may engage a suitably qualified professionals with heritage expertise may be engaged where necessary to advise and recommend actions.~~

2.4 ~~In addition to building consent or certificate of acceptance, a Resource consent and/or building consent may also be required for certain alterations or alterations, partial demolition, or demolition of heritage buildings.~~

1.5.2.5 ~~On any matters concerning demolition, sufficient information to support this course of action will need to be supplied to the Council on any matters concerning demolition to. Council may choose to engage a suitably qualified professional to undertake a enable-peer review of information provided to Council.~~

2.6 ~~If the building is included on the New Zealand Heritage Pouhere Taonga List, the Council will notify New Zealand Heritage Pouhere Taonga of any notice requiring building work or restricting entry to that building.~~

2.7 Demolition of buildings constructed prior to 1900 is likely to trigger the archaeological provisions of the Heritage New Zealand Pouhere Taonga Act 2014. Early consultation with Heritage New Zealand is advised.

~~1.6.1.1 Provisions also exist in the Health Act 1956 to deal with nuisance conditions related to certain matters associated with housing [under section 29(f)], overcrowding likely to be injurious to health, and under section 42, insanitary conditions likely to cause injury to the health of persons, or a dwelling that is otherwise unfit for human habitation.~~

2.3 3 — Financial Assistance assistance for heritage buildings

2.13.1 ~~Dunedin City Council offers administers the Dunedin Heritage Fund to support building owners with the conservation and retention of heritage buildings across the city. a range of funding opportunities for the restoration and reuse of heritage buildings and buildings that could qualify in future as heritage buildings. These include the Work on a dangerous or insanitary heritage building may be eligible for an out of round emergency application if the work is urgent. Dunedin Heritage Fund. Owners are advised to consult with the Council's heritage planner advisor over accessing these funds about the Dunedin Heritage Fund.~~

4 Health Act 1956

4.1 Provisions also exist in the Health Act 1956 to deal with nuisance conditions related to certain matters associated with housing [under section 29(f)], overcrowding likely to be injurious to health, and under section 42, insanitary conditions likely to cause injury to the health of persons, or a dwelling that is otherwise unfit for human habitation.

35 Disputes

3.15.1 If a building owner disputes the Council’s decision, or proposed decision, or any other matter relating to the exercise of the Council’s powers under sections 124 to 130 of the Building Act relating to dangerous, insanitary or affected buildings, they may apply for a determination from the Chief Executive of the Ministry of Business, Innovation and Employment, as set out in the Building Act. Such a determination is binding on both parties.

46 Review

4.16.1 Any review, amendment or replacement of this policy must be in accordance with the provisions of the Local Government Act 2002, including the special consultative procedure outlined in section 83. This policy will not cease to have effect if it is due for review or is undergoing a review.

Relevant Legislation:	Building Act 2004 Local Government Act 2002 Heritage New Zealand Pouhere Taonga Act 2014 Resource Management Act 1991 Health Act 1956
Associated Documents:	The New Zealand Building Code Dunedin City District Plan



Dangerous, Insanitary and Affected Buildings Policy Review
2026
Statement of Proposal

This statement of proposal is prepared under section 132 of the Building Act 2004 and section 83 of the Local Government Act 2002.

1 of 5

INTRODUCTION

We are reviewing the Dangerous, Insanitary and Affected Buildings Policy and would like to know what you think.

BACKGROUND

The Building Act 2004 requires territorial authorities to have a policy on how it will perform its functions under this Act in relation to dangerous, insanitary and affected buildings.

The Dunedin Dangerous, Insanitary and Affected Buildings Policy was adopted in 2007 in accordance with the purpose and principles of the Building Act 2004 which seeks to ensure that:

- People who use buildings can do so safely and without endangering their health
- Buildings have attributes that contribute appropriately to the health, physical independence and wellbeing of people who use them and
- Buildings are designed, constructed and able to be used in ways that promote sustainable development.

The Council is committed to ensuring that Dunedin is a safe and healthy place to live. The Building Act provides the means to ensure buildings that become dangerous, insanitary or affected are managed in a timely manner to remove the danger and fix the insanitary conditions. The policy aims to administer the Building Act in a fair and reasonable way.

PROPOSAL

Overall, the policy (alongside the Building Act 2004) is working well to manage dangerous, insanitary and affected buildings in Dunedin. Minor clarification in wording is proposed to make the policy easier to understand and to update language. Details of proposed changes are:

Section	Proposed change	Reason
<i>Policy history</i>		
Policy history	Adding the history of the policy including dates of adoption and review.	Greater clarity and in response to audit.
<i>Definitions</i>		
Heritage definition	Updating this definition	To align with updated terminology.
<i>Section 1: Taking action on dangerous, insanitary and affected buildings</i>		
Section 1.3	Adding this section to explain how Council may respond to a dangerous, insanitary or affected building including examples.	To provide greater clarity.
<i>Sections 2 and 3: Heritage buildings</i>		
Sections 2 & 3	Providing additional explanatory information for buildings that are also heritage buildings.	To provide greater clarity and information for owners of these buildings.

Section	Proposed change	Reason
Section 2.6	Adding that the Council will notify New Zealand Heritage Pouhere Taonga (NZHPT) of any notice requiring building work or restricting entry to a building that is included on the NZHPT list.	To be clear about this requirement of the Building Act 2004.
<i>Section 6: Review</i>		
Review	Adding reference to the special consultative procedure that is required when this policy is amended or replaced.	To be clear about this requirement of the Building Act 2004.

DOCUMENTS

The proposed Dangerous, Insanitary and Affected Building Policy is attached.

HAVE YOUR SAY

What do you think about the proposed Dangerous, Insanitary and Affected Buildings Policy?

Please fill out the feedback form so we can take your views into account.

1. Where to from here?

- The public submission period closes **5 pm Tuesday 24 March**.
- Hearings are likely to be held in late March 2026. During hearings, you can verbally present your position to the Councillors.
- The Council considers submissions and decides on any changes to the policy.
- The Council adopts the reviewed policy.

Dangerous, Insanitary and Affected Buildings Policy 2026 submission form

Submissions are due by 5 pm Tuesday 24 March 2026

Late submissions may not be accepted.

The provision of your personal information is optional, however, should you provide this information please note your name and organisation may be included in papers for the public and media. Information you have provided will only be used for the purpose of the consultation on the Dangerous, Insanitary and Affected Buildings Policy review. The Council will collect, use and store your information in accordance with the Privacy Policy which can be found on the Council website www.dunedin.govt.nz/privacy-policy . If you would like a copy of the personal information we hold about you, or to have the information corrected, please contact us at dcc@dcc.govt.nz or 03 477 4000.

Send to: Dangerous, Insanitary and Affected Buildings Policy review
Dunedin City Council
PO Box 5045
Dunedin 9054

Deliver: Dangerous, Insanitary and Affected Buildings Policy review
DCC Customer Services Centre
Civic Centre
50 The Octagon
Dunedin

Online: www.dunedin.govt.nz/consultation

Email: BuildingsPolicy@dcc.govt.nz

First Name: _____ Last Name: _____

Organisation (if applicable): _____

Postal address: _____

Postcode: _____

Email Address: _____ Phone: _____

Would you like to speak to the hearing panel in person?

(If you do not tick a box, we will assume you do not wish to be heard.)

Yes No

If you wish to speak, you will be contacted with a speaking time as soon as possible after submissions close. *(Note: You may also be able to present your views by audio or audio-visual link.)*

4

General Support

Overall, do you agree with the proposed Dangerous, Insanitary and Affected Building Policy?

Yes No

Why/why not?

General comments

Do you have any other comments to make about the proposed Dangerous, Insanitary and Affected Buildings Policy?

Remember your submission needs to reach the Council by 5 pm Tuesday 24 March 2026.

Thank you for your feedback.

Dangerous, Insanitary and Affected Buildings Policy review
Dunedin City Council
BuildingsPolicy@dcc.govt.nz

Submission on Dangerous, Insanitary and Affected Buildings Policy 2026

Introduction

This submission is from Michael Gibson. My address is [REDACTED] My email is: [REDACTED] and my phone number is: [REDACTED]

I would like to speak to the hearing panel.

General Support

Overall, I agree with the proposed Dangerous, Insanitary and Affected Building Policy. However I believe it is too benign towards landlords and property managers of residential premises, to the detriment of tenants' wellbeing.

I believe the Council must exercise greater scrutiny over residential premises in order to comply with its obligations under the Health Act 1956. As the Panel is well aware, section 29(f) of the Act imposes a duty on the Council to deal with "*nuisance conditions*" likely to be injurious to health, while section 42 imposes a similar duty regarding insanitary conditions likely to cause injury to the health of persons, or a dwelling that is otherwise unfit for human habitation.

I am aware that Council staff hardly ever inspect buildings and dwellings under the Act's provisions; even more rarely do they take remedial action against property owners¹.

The Act is now 70 years old and showing its age. The Panel should recommend to the Council that it asks central government to repeal and replace the Act with a statute that is fit for purpose.

General comments

I have further comments to make about the proposed Dangerous, Insanitary and Affected Buildings Policy.

The Policy forms part of a fragmented regulatory system covering buildings and dwellings. The Local Government Act 2002, the Building Act 1994, the Health Act 1956, the Residential Tenancies Act 1983, the Resource Management Act 1990, together with a host of other secondary legislation and policies all combine to make regulation and enforcement of law affecting the fundamental wellbeing of the people who live within the Council's jurisdiction difficult, or even impossible, to understand and comply with.

¹ See: letter from Dunedin City Council, dated 15 September 2020, in response to request for information under LGOIMA Accessed: <https://fyi.org.nz/request/13810-how-is-the-council-using-its-rights-under-the-public-health-act-to-inspect-rental-housing-properties> on March 11, 2026 23:15. See too: Healthy Homes Act Topline Report, Kantar Public, Colmar Brunton, Ministry of Housing and Urban Development, <https://bit.ly/HH-Topline-Report>; Housing Warrant of Fitness Assessment Manual, Version 3.0, New Zealand Green Council, University of Otago, <https://bit.ly/WOF-Manual-v3>; Towards an agreed quality standard for rental housing: field test of a New Zealand housing WOF tool, Julie Bennet et al., <https://bit.ly/WOF-Field-Test>; What can we learn from Healthy Housing Initiatives? New Evidence from the Wellington Well Homes scheme, Elinor Chisholm, Nevil Pierse, Cheryl Davies, Philippa Howden-Chapman, <https://bit.ly/HHI-Evidence>.

This fragmentation allows unscrupulous interests to avoid or evade responsibility for providing decent habitation to occupiers of dwellings. The relative failure of recent efforts by the Ministry of Business, Innovation and Employment to inspect residential dwellings tenanted by students, or to obtain compliance by landlords, illustrates the problem².

I would like to see far better coordination and collaboration between Council staff and central government agencies, including enforcement action in the Courts and Tribunals.

Michael Gibson

Michael Gibson
11 March 2026

² See: Bella Craig, "Damp houses, high rent, no jobs - Otago students are doing it rough", *Radio New Zealand News* (27 August 2025); Craig, "Plea for Rental Warrant of Fitness for student flats in Dunedin", *Radio New Zealand News* (26 August 2025); Ben Tomsett, "Dunedin university student rental flat inspections uncover widespread failings", *NZ Herald* (12 December 2025); Hamish McNeilly, "Student flat crackdown: Rodents, mould and broken toilets", *Stuff* (13 January 2026).

James Knapp, FENZ submission

Reference number 1284957

Name

James KNAPP

Organisation

Fire and Emergency New Zealand

Postal address

9016

Email address

james.knapp@fireandemergency.nz

Phone number

[REDACTED]

Would you like to speak to the hearing panel in person?

No

Overall, do you agree with the proposed Dangerous, Insanitary and Affected Building Policy?

Yes

Why/why not?

Simple and clear

General comments

Your definition of dangerous building on page 1 of the policy seems to be missing a key word: "ordinary". I believe it should read "a building is dangerous if... in the ordinary course of events..."

Supporting information (file name/s)

No file uploaded

Murray Lawrence submission

Reference number 1287951

Name

Murray George Lawrence

Organisation

Postal address

[REDACTED]

Email address

[REDACTED]

Phone number

[REDACTED]

Would you like to speak to the hearing panel in person?

No

Overall, do you agree with the proposed Dangerous, Insanitary and Affected Building Policy?

No

Why/why not?

I have read the current policy. I do not think this policy works as far too many of our city's aged building are being left vacant derelict and heading for demolition for that reason. The policy is very loose in that it does not give any time frames for rectification of an insanitary building to be fixed. There should be penalties added in the policy for doing nothing when clearly a building is derelict and insanitary. Monetary amounts as fines need to be added when property owners fail to rectify insanitary buildings. If the policy was effective we would not have such poor quality buildings in our main streets. In particular Princes St from Moray Place to as far south as Carroll St is littered with old vacant and deteriorating buildings. Many are vacant and the property owners are plainly land banking with no respect for heritage values. The policy needs to discourage land banking in order to refurbish or replace buildings. In respect of dangerous buildings in Princes St one only needs to walk from Moray Place to Rattray St on the west side and see how many of the verandahs are leaking. These buildings are likely over 100 years old, who has checked verandahs are water logged heavy and may collapse on hapless pedestrians? In essence the current policy seems quite useless. One only needs to look at the disgusting building on the corner of Manse and High St to understand that the DCC current policy is useless and of no value to encourage property owners to do anything for decades except put scaffold up for safety reasons on a public footpath that seems to be permanent. I asked Benson - Pope to get this fixed in about 2012. Nothing was done! Why do we allow scaffold on footpaths for in excess of 10 years with out any change? If we had a real effective policy that had some teeth this problem could have been rectified?

General comments

I would like to see penalties placed on owners by way of rating for holding derelict land and buildings in the city. Other cities around the world including NZ have Dangerous and Insanitary policies that can

encourage owners to sell or develop property. Wellington: On 1 July 2024 a policy to have a "general rate "of 500% more on each identified Vacant or derelict property came into force. Christchurch City Council implemented a 100% rating increase for vacant or no active consents on a property. In summary I would like to see a policy that forced some change through the rating process and proper time frames and penalties for rectification. The current policy is weak to useless in my view and has done nothing to improve our city. A good policy will also give council staff the tools to take positive and confident action against owners to improve the look of our heritage city and /or where necessary replace those buildings that are past their best. FYI. I live close to the inner city, have been a property developer of new , a restorer of heritage (rental) properties. I believe there are "good investors" out there (not just in DN) who if given the chance would invest in the city to remove derelict or refurbish existing to former glory. The current policy does nothing to create a climate for change.

Supporting information (file name/s)

No file uploaded



HERITAGE NEW ZEALAND
POUHERE TAONGA

24 March 2026

File ref: 33002-103

Dunedin City Council
PO Box 5045,
Dunedin, 9054

Email: BuildingsPolicy@dcc.govt.nz

Tēnā koe,

SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA: PROPOSED POLICY ON DANGEROUS, INSANITARY AND AFFECTED BUILDINGS POLICY 2026

To: Dunedin City Council (the Council)

Name of submitter: Heritage New Zealand Pouhere Taonga (HNZPT)

1. Heritage New Zealand Pouhere Taonga 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 historic heritage.

This is a submission on the Dangerous, Insanitary and Affected Buildings Policy (the Policy)

2. The specific parts of the application that HNZPT's submission relates to are the application of the policy to historic heritage, including archaeology.

Executive Summary

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, insanitary and affected 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 that "the Council will take into account the heritage values of the building in determining possible courses of action" and to notify HNZPT "If the building is included on the New Zealand Heritage Pouhere Taonga List, the Council will notify New Zealand Heritage Pouhere Taonga of any notice requiring work or restricting entry to that building"¹
5. Notwithstanding this support, HNZPT recommends some minor amendments and the inclusion of advisory notes to ensure the reader is aware of obligations and requirements pursuant to the HNZPTA with respect to heritage items.

¹ Draft Dangerous, Insanitary and Affected Buildings Policy 2026, When a dangerous, insanitary or affected building is also a heritage building at page 4.

