
From: TMT-NPHS Planning Policy Performance <TMT-NPHSPlanningPolicyPerformance@TeWhatuOra.govt.nz>
Sent: Monday, 30 March 2026 1:46 pm
To: Alex Bell
Cc: Charmaine Ellery; TMT-NPHS Planning Policy Performance; Rajeshwari Mahadevappa; haveyoursay
Subject: RE: Dangerous and Insanitary Buildings - email contribution from the Medical Officer of Health question
Attachments: Waitomo Dangerous Affected and Insanitary Buildings Policy Technical Advice.pdf

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Kia ora Alex,

Thank-you for getting back to me so quickly with such a helpful reply.

Please find attached a piece of technical advice from Dr Richard Wall, Medical Officer of Health, in relation to **Review of Dangerous, Affected and Insanitary Buildings Policy**.

Please note: Dr Wall does not wish to speak at the 14 April hearing.

Nāku iti noa, nā
Amber Hammill

Amber Hammill (PhD) (she/her/ia)
Public Health Planning, Policy & Performance Senior Advisor
Te Manawa Taki | National Public Health Service (Monday to Thursday)

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He taura au e ako ana i te reo Māori. Nō reira, kōrero mai, tuhituhi mai ki te reo Māori mēnā e hiahia ana. Me whakatika aku hapa hoki. Kia ora.



Health New Zealand
Te Whatu Ora

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From: Alex Bell <Alex.Bell@waitomo.govt.nz>
Sent: Monday, 30 March 2026 11:31 am
To: TMT-NPHS Planning Policy Performance <TMT-NPHSPlanningPolicyPerformance@TeWhatuOra.govt.nz>
Cc: Charmaine Ellery <Charmaine.Ellery@waitomo.govt.nz>; Rajeshwari Mahadevappa <Rajeshwari.Mahadevappa@waitomo.govt.nz>
Subject: FW: Dangerous and Insanitary Buildings - email contribution question
Importance: High

You don't often get email from alex.bell@waitomo.govt.nz. [Learn why this is important](#)

Kia ora Amber,

You can email me your response if you like.

Nga mihi,

Alex Bell | General Manager - Strategy & Environment

Waitomo District Council | Kaunihera ā-rohe

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Te hanga tahi o tātou Takíwa

Shaping our District together

From: TMT-NPHS Planning Policy Performance <TMT-NPHSPlanningPolicyPerformance@TeWhatuOra.govt.nz>

Sent: Monday, 30 March 2026 11:21 am

To: WaitomoDC Info <info@waitomo.govt.nz>

Subject: Dangerous and Insanitary Buildings - email contribution question

Kia ora,

The Medical Officer of Health would like to provide a response to the consultation on dangerous and insanitary buildings via email, rather than using the online form. Could you please advise which email address would be best for them to send their contribution to?

Ngaa mihi nui,

Amber

Amber Hammill (PhD) (she/her/ia)

Public Health Planning, Policy & Performance Senior Advisor

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He tauira au e ako ana i te reo Māori. Nō reira, kōrero mai, tuhituhi mai ki te reo Māori mēnā e hiahia ana. Me whakatika aku hapa hoki. Kia ora.



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24 March 2026

Waitomo District Council
haveyoursay@waitomo.govt.nz

Tēnā koutou,

Technical Advice: Review of Dangerous, Affected and Insanitary Buildings Policy

We **DO NOT** wish to speak in support of this advice.

This technical advice on the Waitomo District Council review of the Dangerous, Affected and Insanitary Buildings Policy has been compiled by the National Public Health Service (NPHS) Te Manawa Taki region, Health New Zealand Te Whatu Ora (Health NZ). NPHS Te Manawa Taki services the Waikato, Taranaki, Bay of Plenty, Lakes and Tairāwhiti areas.

NPHS recognises its responsibilities to improve, promote and protect the health and wellbeing of people and communities of Aotearoa New Zealand under the Pae Ora (Healthy Futures) Act 2022 and the Health Act 1956. To achieve healthy communities and health equity across population groups, we work together across Health NZ and with other sectors to address the determinants of health.

Medical Officers of Health¹ have a responsibility to reduce conditions within their local community that are likely to cause injury and disease. Many of the crucial underlying factors that contribute to improving, promoting and protecting the health of people and communities are directly influenced by the decisions and activities of Councils.

We welcome the opportunity to share public health advice and evidence for planning and decision making with the Waitomo District Council. This technical advice sets out matters of interest and concern to NPHS Te Manawa Taki, and our recommendations are based on evidence about public health and equity, as well as the experience of local public health officers.

Councils have an important role to play when responding to issues related to insanitary and dangerous buildings and there are a range of legislative and regulatory tools that can minimise the potential risks that these building conditions can pose to human health including, as noted in the proposed policy, the Health Act 1956. This role contributes significantly to improving health and wellbeing outcomes.

Vulnerable people are more likely to be exposed to poorer quality housing and suffer potentially avoidable housing-related physical and mental health problems and

¹ Health Act 1956, s 7a. [Health Act 1956 No 65 \(as at 27 August 2025\), Public Act Contents – New Zealand Legislation](#)

hospitalisations². It is also possible that people who are experiencing homelessness may seek shelter in empty/abandoned buildings that may be deemed dangerous or insanitary.

The proposed policy includes provisions for scheduled heritage buildings, noting the importance of recognising any special traditional or cultural aspects of the building. There could also be an opportunity to recognise the land and buildings, that are not scheduled but that have important cultural and spiritual significance to Iwi/hapū in Waitomo. Ensuring active involvement of Te Tiriti partners in the implementation of this policy is a way for council to further meet its Te Tiriti obligations, which has the potential to contribute to improved health and wellbeing outcomes for Maori.

Legislative context

NPBS Te Manawa Taki notes that in the proposed policy Council recognises its legislative obligations under the Building Act 2004 in relation to dangerous and insanitary buildings, but that the policy only briefly mentions the Health Act 1956. There are several sections of the Health Act 1956 that are applicable when considering and assessing buildings that might be deemed insanitary, particularly in respect of Councils powers and duties under Part 2 of that Act³, including:

- Section 23b: outlines the duty of local authorities to regularly inspect their districts for conditions likely to be injurious to health or offensive.
- Section 29: defines the term Nuisance which may relate to overcrowding and insanitary conditions that are likely to cause injury to the health of people, and dwellings that are unfit for human habitation
- Sections 41 and 42: 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

Section 126 of the Health Act 1956 refers to infirm and neglected persons and these persons are often affected by dangerous and /or insanitary buildings. A committal order may be sought by the Medical Officer of Health if they believe that the person's health and wellbeing are at risk. However, this power must be exercised with restraint and only used in the most extreme circumstances after other courses of action have been explored and exhausted. The decision is made by the District Court and the threshold to deny freedom of life is extremely high. Nuisance conditions or substandard housing should first be addressed using other appropriate legislative regulatory tools, rather than through invoking section 126.

Recommendations

To strengthen the policy and promote effective public health outcomes, NPBS suggests that Council consider incorporating the following recommendations into the policy wording:

² Howden-Chapman, P., Bennett, J., Edwards, R., Jacobs, D., Nathan, K., & Ormandy, D. (2023). Review of the impact of housing quality on inequalities in health and well-being. *Annual review of public health*, 44(1), 233-254.

³ Health Act 1956. [Health Act 1956 No 65 \(as at 27 August 2025\)](#), [Public Act Contents – New Zealand Legislation](#)

- Include specific reference to relevant sections of the Health Act 1956 relating to Council's role and responsibilities under this Act.
- Recognise the challenges of supporting people living in insanitary conditions, including those experiencing homelessness.
- Consider approaching social housing service agencies if the displacement of residents of a dwelling is likely to occur.
- Work alongside Iwi/Hapū to recognise and appropriately manage buildings of cultural and spiritual significance, in line with Te Tiriti obligations.
- Include reference to the complexities when supporting people who may be living in insanitary conditions including details of how Council intends to liaise with agencies from a health perspective. A multi-agency response is considered best practice in these circumstances and could include:
 - Health providers (primary care, health of older people/mental health care providers, Māori health providers)
 - Fire and Emergency NZ
 - Community and cultural support organisations
 - Medical Officer of Health/Health Protection Officers
 - Te Tiriti partners

We commend Waitomo District Council for undertaking this review. We believe the proposed policy provides a strong foundation and that incorporating the above suggestions will further strengthen it, ensuring public health risks are minimised and communities are better supported.

We would be happy to work directly with the Council on specific wording and provide further information if required.

Should the Council require any further information to support the decision making regarding the review of this policy please do not hesitate to contact me.

Ngā mihi



Dr Richard Wall

Medical Officer of Health
Waikato