

- (d) *In the case of a building used for the storage or processing of hazardous substances, the fire hazard is sufficient to endanger—*
 - (i) *Persons who work in the building or on land adjoining the building; or*
 - (ii) *Persons who are on property adjoining that land or building; or*
 - (e) *In the case of a building in which the safety of people is directly dependent on the ongoing functioning of specified life safety features or systems, there is a failure of those features or systems being properly maintained.*
- (3) *For the purpose of determining whether any building is of any of the categories described in subsection (2) of this section, the territorial authority may seek advice from such members of the New Zealand Fire Service as the Fire Service National Commander deems competent to give such advice, and, where such advice is sought, the territorial authority shall have due regard to that advice.*
- (4) *A building shall be deemed to be insanitary if—*
 - (a) *It is so situated or of such construction or in such a state of disrepair as to be offensive or likely to be injurious to health; or*
 - (b) *Its provisions against moisture penetration are so insufficient or in such a defective condition as to cause dampness in the building or in any adjoining building; or*
 - (c) *It is without a supply of potable water adequate for its intended use; or*
 - (d) *It has inadequate sanitary facilities for its intended use.*

SECTION 66 – seismic performance

- (1) *Subject to subsection (2) of this section, a building shall be deemed to be earthquake prone for the purposes of this Part of the Act if, having regard to its condition and to the ground on which it is built and because of its construction being either wholly or substantially of unreinforced concrete or unreinforced masonry, the building will have its ultimate load capacity exceeded in a moderate earthquake and thereby would be likely to suffer catastrophic collapse causing bodily injury or death to persons in the building or to persons on any other property or damage to any other property.*
- (2) *Subsection (1) of this section shall not apply to any building which is used wholly or principally for residential purposes, unless the building is of 2 or more storeys and contains 3 or more household units.*
- (3) *Without limiting its powers under [Part V] of this Act, a territorial authority, on being satisfied that any building is a building deemed to be earthquake prone, may—*
 - (a) *Put up a hoarding or fence so as to prevent persons approaching nearer than is safe; and*
 - (b) *Except as provided in section 74(1)(b) of this Act, give notice in accordance with section 71 of this Act requiring work to be done on the building to reduce or remove any danger within a time specified in the notice, being not less than 10 days.*
- (4) *For the purposes of this section, in relation to any building that is deemed to be earthquake prone,—*

"Masonry" means any building work in units of burnt clay, concrete, or stone laid to a bond in and joined together with mortar:

"Moderate earthquake" means an earthquake that would subject a building to seismic forces one-half as great as those specified in New Zealand Standard Model Building Bylaw NZS 1900, Chapter 8: 1965 (notwithstanding its revocation) for the zone (as described in that New Zealand Standard) in which the building is situated:

"Unreinforced masonry" means masonry classified as unreinforced by New Zealand Standard Model Building Bylaw NZS 1900, Chapter 9.2: 1964 (notwithstanding its revocation).

8.2 resource management act 1991

SECTION 5 Purpose

- 1) *The purpose of this Act is to promote the sustainable management of natural and physical resources. "Natural and physical resources" includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.*

SECTION 6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- ...
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development.]*

SECTION 7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) *Kaitiakitanga ("Kaitiakitanga" means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship)....*
- (b) *The efficient use and development of natural and physical resources*
- (ba) *the efficiency of the end use of energy*(c) *The maintenance and enhancement of amenity values ("Amenity values" means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes).*(f) *Maintenance and enhancement of the quality of the environment*
- (g) *Any finite characteristics of natural and physical resources*

8.3 earthquake prone, dangerous and unsanitary building policy

Sections of this policy that are particularly relevant to the Old New Lynn Hotel, its current condition and its conservation are outlined below:

EARTHQUAKE PRONE BUILDINGS

1.1 Policy principles

Waitakere City Council has noted that provisions of the Building Act in regard to earthquake-prone buildings reflect the government's broader concern with the life safety of the public in buildings and, more particularly, the need to address life safety in the event of an earthquake. Waitakere City Council is committed to ensuring that Waitakere City is a safe place to live and work in. The earthquake-prone building issues have a strong relationship with Council's strategic priority for a safe city. Waitakere City Council has also noted that the development of earthquake-prone building policies is up to each Territorial Authority and has responded accordingly. This policy has been developed after due consultation with Waitakere City Council ratepayers and stakeholders in accordance with section 83 of the Local Government Act 2002.

1.2 Overall approach

Waitakere City is in a zone of relatively low seismic activity (appendix A1) and its buildings comprise a range of types and ages reflecting steady development over the last 100 years from wood, unreinforced masonry and brick buildings to modern multi-storey steel and concrete buildings.

1.4 Assessment criteria

For practical purposes, Waitakere City Council will define earthquake-prone buildings as those that, when subject to moderate earthquake shaking, do not meet or exceed the criteria for ultimate limit state as defined in the loadings and materials standards for new buildings. Waitakere City Council will use the New Zealand Society for Earthquake Engineering (NZSEE) recommendations as its preferred basis for defining technical requirements and criteria. These recommendations are designed to be used in conjunction with AS/NZS 1170 Loadings Standard, NZS 3101 Concrete Structures Standard, NZS 3404 Steel Structures Standard and other materials Standards.

1.5.1 Required level of structural improvement

Waitakere City Council will require buildings identified as earthquake prone to be strengthened to at least 67 percent of the new building standard. In accordance with the recommendations of the New Zealand Society for Earthquake Engineers Waitakere City Council considers this to be an appropriate level for the requirement to reduce or remove the danger.

1.6.1 Section 112: Alterations to existing building.

Whenever a building consent application is received for significant upgrading or alteration of a building that is or could be earthquake-prone, then, irrespective of the general priorities set by Waitakere City Council for dealing with earthquake-prone buildings, the Council will not issue a building consent unless it is satisfied that the building is not earthquake-prone and that the building work will not detrimentally affect the building's compliance with the Building Code. If the building is shown to be earthquake-prone, then the Council will require that the building be strengthened to comply as nearly as is reasonably practicable with the provisions of the Building Code.

1.6.2 Section 115: Change of use

Whenever a building consent application or formal notification is received for change of use of a building that is or could be earthquake-prone, then, irrespective of the general priorities set by Waitakere City Council for dealing with earthquake-prone buildings, it will be a requirement of the owner to make a detailed assessment of the earthquake performance of the building to determine whether or not it is an earthquake-prone building in its existing condition. If the building is shown to be earthquake-prone then the Council will require that the building be strengthened to comply as nearly as is reasonably practicable with every provision of the Building Code that relates to structural performance as is required by section 115(b) (i) (A). (In this instance the requirement for earthquake-prone buildings would be the same as that for non-earthquake-prone buildings.)

1.8 Economic impact of policy

The economic impact of the earthquake prone building policy can only be assessed after the initial building evaluation phase has been completed and the scale and extent of the required strengthening work identified. A separate report on the economic impact of the policy will be made to the Planning and Regulatory Committee who will review the timing of the draft implementation programme (Appendix A4) to ensure that a balance is struck between the need to address earthquake risk while taking into account the social and economic implications of implementing the policy.

2 Priorities

Waitakere City Council has prioritised both the identification and the requirement to strengthen or demolish buildings as follows.

Figures in brackets indicate the latest date for identification and notification and the maximum time for strengthening or demolition respectively. Times required for strengthening or demolition commence on the date of issue of formal notice. Specific times will be assigned for action according to the assessment of structural performance and the nature of the concerns. The order will be as indicated below...

- C. Heritage buildings recorded in Council's District Plan (December 2010, 2 years).*

3 Heritage buildings

3.1 Special considerations and constraints

Waitakere City Council believes it is important that its heritage buildings have a good chance of surviving a major earthquake. However, Waitakere City Council does not wish to see the intrinsic heritage values of these buildings adversely affected by structural improvement measures.

Heritage buildings will be assessed in the same way as other potentially earthquake-prone buildings and discussions held with owners and the Historic Places Trust to identify a mutually acceptable way forward. Special efforts will be made to meet heritage objectives. Additions of buildings to the Heritage items recorded in Council's District Plan would be subject to an earthquake-prone building assessment as part of the process. Following the consultation period with the owners, notices will be served requiring improvement or

demolition within a stated (and preferably agreed) time-frame. In particularly important cases, public consultations will be included in the process.

DANGEROUS BUILDINGS

Introduction and Background

Section 131 of the Building Act 2004 ("the Act") requires territorial authorities ("TAs") to adopt a policy on dangerous buildings by 31 May 2006. The definition of a dangerous building is set out in section 121 (1) of the Act:

"A building is dangerous for the purposes of this Act if,-

(a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause-

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

(ii) damage to other property; or

(b) in the event of fire, injury or death to any person in the building or to persons on other property is likely because of fire hazard or the occupancy of the building."

1.4 Assessment Criteria

The Council will assess dangerous buildings in accordance with s121 (1) of the Act:

"A building is dangerous for the purposes of this Act if,-

(a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause-

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

(ii) damage to other property; or

(b) in the event of fire, injury or death to any person in the building or to persons on other property is likely because of fire hazard or the occupancy of the building."

2 Priorities

The Council will allocate priority to buildings that have been determined to be immediately dangerous. Immediate action will be required in these situations to remove the danger, such as prohibiting any person occupying or using the building. Buildings that are determined to be dangerous, but not immediately dangerous, will be subject to the minimum timeframes for reduction or removal of the danger (not less than 10 days) as set out in s124(1) (c) of the Act.

3 Heritage Buildings

No special dispensation will be afforded to heritage buildings under this policy. As per s125 (2) (f) of the Act a copy of any notice issued under s124 of the Act will be sent to the New Zealand Historic Places Trust where a heritage building has been identified as a dangerous building.

INSANITARY BUILDINGS

Introduction and Background

Section 131 of the Building Act 2004 ("the Act") requires territorial local authorities ("TA's") to adopt a policy on insanitary buildings by 31 May 2006.

The definition of an insanitary building is set out in s123 of the Act:

"A building is insanitary for the purposes of this Act if the building-

- (a) is offensive or likely to be injurious to health because-
 - (i) of how it is situated or constructed; or
 - (ii) it is in a state of disrepair; or
- (b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or
- (c) does not have a supply of potable water that is adequate for its intended use; or
- (d) does not have sanitary facilities that are adequate for its intended use.”

1.4 Assessment criteria

The Council will assess insanitary buildings in accordance with s123 of the Act and established caselaw as well as the building code:

The Council will:

- Investigate as to whether the building is occupied;
- The use to which the building is put;
- Whether the insanitary conditions pose a reasonable probability of danger to the health of any occupants;

Considerations as to insanitary assessment where a building is occupied may include:

- Adequate sanitary facilities for the use;
- Adequate drinking water;
- Separation of use for kitchen and other sanitary facilities;
- Likelihood of moisture penetration;
- Construction materials;
- Defects in roof and walls;
- The degree to which the building is offensive to adjacent and nearby properties.

In accordance with the Building Code the following will be assessed:

- E2 External Moisture
- G1 Water Supplies
- G1 Personal Hygiene

3 Heritage Buildings

No special dispensation will be afforded to heritage buildings under this policy. As per s125 (2) (f) of the Act a copy of any notice issued under s124 of the Act will be sent to the New Zealand Historic Places Trust where a heritage building has been identified as an insanitary building.

9. heritage viability and options

9.1 effects on heritage values

The effects on the heritage values of the place are threefold. There are conservation philosophical issues to consider as well as technical possibilities and their economical viability.

Technically it is possible to undertake the work identified as necessary for the structural upgrade of the building. Although some of the described processes pose risks to the building and require extreme health and safety measures, their implementation is not impossible.

Due to the extent of the structural upgrade, the difficult processes required and the very poor condition of the building the implementation of these works is expected to be relatively expensive. Yet, the economic viability should not determine the conservation of a place of cultural heritage value.

In our experience the work required at this point in time, not allowing for any further deterioration will require a large budget. Our rough order of costs would suggest between \$1,500,000 and \$2,000,000. It is therefore suggested that a cost estimate from a qualified quantity surveyor is sought to establish costs that reflect the current condition and work required.

Nevertheless, it is in light of the very limited results in respect of safeguarding the cultural heritage values of this place questionable if such highly demanding and expensive technical procedures are justifiable.

The achievement of best conservation practice while adhering to nationally and internationally recognised conservation standards for this project seems to be impossible.

Notwithstanding the future use of this building, the conservation must include a large number of changes that are detrimental to most of the identified elements of cultural heritage value to the building. The very poor condition of the building and its materials, as well as the drastic structural improvements required will result in the loss of a significant portion of the original fabric.

A number of bricks that have been rated as of considerable value along the west and south walls can theoretically be retained. However, this retention is arguably not advisable from a technical point of view, due to the very poor quality of the original materials; although, from a conservation point of view this would be the preferred option. The brickwork remaining will be obscured by new materials that should be identifiable as such, according to conservation best practice.

In addition, possibly nine timber window frames having exceptional value can be salvaged. While the window frames need some repair, they can be appreciated in the future as original and significant fabric.

In essence, the remainder of visible elements of heritage significance is limited to nine windows. The interior will be completely rebuilt. None of the original and significant internal fabric will be left.

This process describes a replication of the building, not the conservation and this process is not in accordance with the ICOMOS NZ Charter and best conservation practice.

In general, there might have been a window of opportunity to conserve the building at the time around 1995 when the first structural problems were apparent. Unfortunately, and notwithstanding the cultural heritage value the building holds the conservation of the building is now unattainable.

9.2 Options

Considerations of the options for the conservation of the cultural heritage values of this place needs to take into account the following:

- The building requires urgent attention to avoid further deterioration, loss of fabric and to avoid any harm to people.
- The building has moderate overall significance.
- A large amount of significant fabric has been damaged or has deteriorated.
- Implementation of necessary works is difficult but technically possible.
- The implementation of necessary works is expensive and most likely exceeding the current budget.

The two options that need to be considered and are confirmed in Waitakere City Council's earthquake prone, dangerous and insanitary buildings policy, are the retention of remaining fabric and rebuilding of the building or demolition of the building.

Should the decision be to retain the significant elements that remain and to rebuild the building, this will be possible but expensive. The building will also have to be adapted. There is no real possibility to keep the building as a hotel and pub.

The adaptive reuse of the Old New Lynn Hotel building would usually be the preferred option and should aim to ensure a viable life for the building and to conserve identified heritage values.

However, the extent of demolition and excavation proposed will compromise surviving heritage elements and the building as a whole. The building would be reduced to mainly two facades. Facadism is generally not accepted as suitable conservation practice and is not in accordance with the principles of ICOMOS.

As described above, the retention of significant fabric is limited to nine visible window frames and to two external brick walls that will be obscured. Although the windows to the south and west can be reused, their significance is considerably lesser than the windows of the north and east facades.

Should the building be retained and upgraded this process could not be considered as conservation.

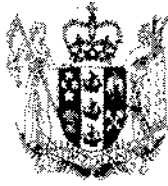
Should the decision be made to demolish the building it is important to ensure that the cultural heritage significance which the building held is interpreted in an appropriate way. Any new development on site should aim to be sympathetic to the area and provide opportunity for interpretation of the lost cultural heritage values.

The building should be recorded before demolition and these records should be stored for future reference.

There are a number of different design approaches possible to reflect the significance of a former building with social, cultural and townscape values and acknowledge and interpret those lost values for future generations.

It is suggested that if further design development is undertaken the skills of a qualified conservation architect should be engaged to ensure appropriate interpretation is achieved.

Appendix 1 – Certificate of Title



COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952



Historical Search Copy

R. W. Muir
Registrar-General
of Land

Identifier **NA22A/199**
Land Registration District **North Auckland**
Date Issued **07 February 1972**

Prior References

NA1041/153

Estate Fee Simple
Area 553 square metres more or less
Legal Description Lot 13 Deposited Plan 22829

Original Proprietors

Nikola Roy Bartulovich and Ivan Paul Matich as Executors

Interests

6513556 J Gazette Notice 21.7.2005 No. 110 page 2652 pursuant to an order of the Environment Court acquiring the within land for a heritage property and vested in The Waitakere City Council - 28.7.2005 at 9:00 am

Transaction ID 11315395
Client reference 100000004

Historical Search Copy Issued 1975/02/07 1:23 pm, Page 1 of 1

Identifier

NA22A/199

Reference
Date O/S 10/4/1955
Plan No. 2547260
P.M. Order No.

1955 FEB 22

1955
22
FEB



REGISTER

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 22nd day of February one thousand nine hundred and fifty-two under the seal of the District Land Registrar of the Land Registration District of NORTH AUCKLAND WITNESSETH as: NICOLA GREG BARTULOVICH of AUCKLAND, Company Director

is a parcel of an estate in fee simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, by the several subdivisions a little more or less, that is to say: All that parcel of land containing 33.72 perches more or less being Lot 13 Deposited Plan 22829 and being part Allotment 256 Parish of Waitakere.



W. J. ...
District Land Registrar

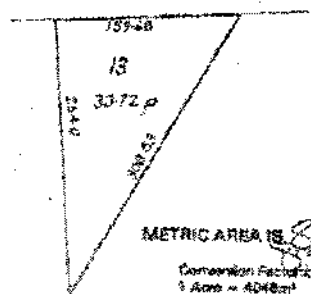
284925.1 Mortgaged to Joseph Radich - 25.00.00 10.26 o/c.

327618.1 ... A.L.R.
284926.1 ...

D.575083.3 Transmission to Nicholas Roy Bartulovich Service engineer and Ivan Paul Matich both of Auckland as executor - 1.9.1986 at 10.05 o/c

New Lynn Borough

Great North Rd



METRIC AREA IS 259 ...
Conversion Factors:
1 Acre = 4046.86 m²
1 Perch = 25.29 m²
1 Link = 201.2 metres

Scale: 1 inch = 1 chain

No. 22/199

REGISTERED

Transaction No. 1155285
(Plan Reference: 2547260)

Electrical Search Copy issued 19/10/88 1:23 pm, Page 2 of 3



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



Historical Search Copy

Identifier NA22A/198
Land Registration District North Auckland
Date Issued 07 February 1972

Prior References
 NA1041/153

Estate Fee Simple
Area 978 square metres more or less
Legal Description Lot 12 Deposited Plan 22829

Original Proprietors
 Nickola Roy Bartulowich and Ivan Paul Matich as Executors

Interests

C855009.2 Mortgage to ASB Bank Limited - 16.6.1995 at 3.12 pm
 6513556.1 Gazette Notice 21.7.2005 No. 110 page 2652 pursuant to an order of the Environment Court acquiring the
 within land for a heritage property and vested in The Waitakere City Council - 28.7.2005 at 9:00 am

Transaction Id: 11354195
 Client Reference: 200101001

Historical Search Copy DocId: 34735561 1/23 pgs Page 1 of 3

Identifier

NA22A/198

Reference
Plan No. 500-1/153
Transfer No. A517260
M/L Order No.

Date and time of



REGISTER

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

Where Certificate dated the 7th day of February 1958 was issued and recorded and seventy-two (72) copies of the District Land Register of the Land Registrar District of NORTH AUCKLAND were made and the said Certificate was issued to NICHOLA GRGO BARTOLOVIC of AUCKLAND, Company Director

As stated in the title in fee simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by marginal endorsements or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, for the several subdivisions a title more or less, that is to say: All that parcel of land containing 38.65 perches more or less being Lot 12 Deposited Plan 22829 and being part Allotment 256 Parish of Waikowhai.



METRIC AREA is *3.21*
Conversion Factors:
1 Acre = 4046.86 m²
1 Perch = 25.2928 m²
1 Link = .2012 metres

McManus
District Land Registrar

254926.1 Mortgage to Joseph Redich - 25.05.58 at 10.50 o/c.

New Lynn Borough

377619.1 Variation of Allotment 256
284926.1 - **DISCHARGED**
for A.L.R.
2.7.5083.1 Transmission to Nichola Soy Bartolovic survive engineer and Ivan Paul Matich both of Auckland as executor
1.9.1958 at 10.05 o/c
A.L.R.

Great North Rd.

0.550039.2 Mortgage to AGR Bank Limited - 16.6.1958 at 1.12 o/c
A.L.R.



Scale: 1 inch = 1 chain
1:250

Transmission to 1155385
Class Reference 100000000

Water and Sewerage Board 1958/59, Page 2 of 3

Appendix 2 – ICOMOS NZ Charter



ICOMOS NEW ZEALAND CHARTER FOR THE CONSERVATION OF PLACES OF CULTURAL HERITAGE VALUE

PREAMBLE

New Zealand retains a unique assemblage of places of cultural heritage value relating to its indigenous and its more recent peoples. These areas, landscapes and features, buildings, structures and gardens, archaeological and traditional sites, and sacred places and monuments are treasures of distinctive value. New Zealand shares a general responsibility with the rest of humanity to safeguard its cultural heritage for present and future generations. More specifically, New Zealand peoples have particular ways of perceiving, conserving and relating to their cultural heritage.

Following the spirit of the International Charter for the Conservation and Restoration of Monuments and Sites (the Venice Charter 1966), this charter sets out principles to guide the conservation of places of cultural heritage value in New Zealand. It is intended as a frame of reference for all those who, as owners, territorial authorities, tradespeople or professionals, are involved in the different aspects of such work. It aims to provide guidelines for community leaders, organisations and individuals concerned with conservation issues. It is a statement of professional practice for members of ICOMOS New Zealand.

Each section of the charter should be read in the light of all the others. Definitions of terms used are provided in section 22.

Accordingly this charter has been adopted by the New Zealand National Committee of the International Council on Monuments and Sites at its meeting on 7 March 1993.

1. THE PURPOSE OF CONSERVATION

The purpose of conservation is to care for places of cultural heritage value, their structures, materials and cultural meaning. In general, such places:

- (i) have lasting values and can be appreciated in their own right;
- (ii) teach us about the past and the culture of those who came before us;

(iii) provide the context for community identity whereby people relate to the land and to those who have gone before;

(iv) provide variety and contrast in the modern world and a treasure against which we can compare the achievements of today and

(v) provide visible evidence of the continuity between past, present and future.

2. INDIGENOUS CULTURAL HERITAGE

The indigenous heritage of Maori and Moriori relates to family, hapu and tribal groups and associations. It is inseparable from identity and well-being and has particular cultural meanings.

The Treaty of Waitangi is the founding document of our nation and is the basis for indigenous guardianship. It recognises the indigenous people as exercising responsibility for their treasures, monuments and sacred places. This interest extends beyond current legal ownership wherever such heritage exists. Particular knowledge of heritage values is entrusted to chosen guardians. The conservation of places of indigenous cultural heritage value therefore is conditional on decisions made in the indigenous community, and should proceed only in this context. Indigenous conservation precepts are fluid and take account of the continuity of life and the needs of the present as well as the responsibilities of guardianship and association with those who have gone before. In particular, protocols of access, authority and ritual are handled at a local level. General principles of ethics and social respect affirm that such protocols should be observed.

3. CONSERVATION PRACTICE

Appropriate conservation professionals should be involved in all aspects of conservation work. Indigenous methodologies should be applied as appropriate and may vary from place to place. Conservation results should be in keeping with their cultural content. All necessary consents and permits should be obtained.

Conservation projects should include the following:

- (i) definition of the cultural heritage value of the place, which requires prior researching of any documentary and oral history, a detailed examination of the place, and the recording of its physical condition;
- (ii) community consultation, continuing throughout a project as appropriate;
- (iii) preparation of a plan which meets the conservation principles of this charter;
- (iv) the implementation of any planned work, and
- (v) the documentation of any research, recording and conservation work, as it proceeds.

GENERAL PRINCIPLES

4. CONSERVATION METHOD

Conservation should:

- (i) make use of all relevant conservation values, knowledge, disciplines, arts and crafts;
- (ii) show the greatest respect for, and involve the least possible loss of, material of cultural heritage value;
- (iii) involve the least degree of intervention consistent with long term care and the principles of this charter;
- (iv) take into account the needs, abilities and resources of the particular communities; and
- (v) be fully documented and recorded.

5. RESPECT FOR EXISTING EVIDENCE

The evidence of time and the contributions of all periods should be respected in conservation. The material of a particular period may be obscured or removed if assessment shows that this would not diminish the cultural heritage value of the place. In

these circumstances such material should be documented before it is obscured or removed.

6. SETTING

The historical setting of a place should be conserved with the place itself. If the historical setting no longer exists, construction of a setting based on physical and documentary evidence should be the aim. The extent of the appropriate setting may be affected by constraints other than heritage value.

7. RISK MITIGATION

All places of cultural heritage value should be assessed as to their potential risk from any natural process or event. Where a significant risk is determined, appropriate action to minimise the risk should be undertaken. Where appropriate, a risk mitigation plan should be prepared.

8. RELOCATION

The site of an historic structure is usually an integral part of its cultural heritage value. Relocation, however, can be a legitimate part of the conservation process where assessment shows that:

- (i) the site is not of associated value (an exceptional circumstance); or
- (ii) relocation is the only means of saving the structure; or
- (iii) relocation provides continuity of cultural heritage value.

A new site should provide a setting compatible with cultural heritage value.

9. INVASIVE INVESTIGATION

Invasive investigation of a place can provide knowledge that is not likely to be gained from any other source. Archaeological or structural investigation can be justified where such evidence is about to be lost, or where knowledge may be significantly extended, or where it is necessary to establish the existence of material of cultural heritage value, or where it is necessary for conservation work. The examination should be carried out according to accepted scientific standards. Such investigation should leave the maximum amount of material undisturbed for study by future generations.

10. CONTENTS

Where the contents of a place contribute to its cultural heritage value, they should be regarded as an integral part of the place and be conserved with it.

11. WORKS OF ART AND SPECIAL FABRIC

Carving, painting, weaving, stained glass and other arts associated with a place should be considered integral with a place. Where it is necessary to carry out maintenance and repair of any such material, specialist conservation advice appropriate to the material should be sought.

12. RECORDS

Records of the research and conservation of places of cultural heritage value should be placed in an appropriate archive and made available to all affected people. Some knowledge of places of indigenous heritage value is not a matter of public record, but is entrusted to guardians within the indigenous community.

CONSERVATION PROCESSES

13. DEGREES OF INTERVENTION

Conservation may involve, in increasing extent of intervention: non-intervention, maintenance, stabilisation, repair, restoration, reconstruction or adaptation. Where appropriate, conservation processes may be applied to parts or components of a structure or site.

Re-creation, meaning the conjectural reconstruction of a place, and replication, meaning to make a copy of an existing place, are outside the scope of this charter.

14. NON-INTERVENTION

In some circumstances, assessment may show that any intervention is undesirable. In particular, undisturbed constancy of spiritual association may

be more important than the physical aspects of some places of indigenous heritage value.

15. MAINTENANCE

A place of cultural heritage value should be maintained regularly and according to a plan, except in circumstances where it is appropriate for places to remain without intervention.

16. STABILISATION

Places of cultural heritage value should be protected from processes of decay, except where decay is appropriate to their value. Although deterioration cannot be totally prevented, it should be slowed by providing stabilisation or support.

17. REPAIR

Repair of material or of a site should be with original or similar materials. Repair of a technically higher standard than the original workmanship or materials may be justified where the life expectancy of the site or material is increased, the new material is compatible with the old and the cultural heritage value is not diminished. New material should be identifiable.

18. RESTORATION

Restoration should be based on respect for existing material and on the logical interpretation of all available evidence, so that the place is consistent with its earlier form and meaning. It should only be carried out if the cultural heritage value of the place is recovered or revealed by the process.

The restoration process typically involves reassembly and reinstatement and may involve the removal of accretions.

19. RECONSTRUCTION

Reconstruction is distinguished from restoration by the introduction of additional materials where loss has occurred. Reconstruction may be appropriate if it is essential to the function or understanding of a place, if sufficient physical and documentary evidence exists to minimise conjecture, and if surviving heritage values are preserved.

Reconstruction should not normally constitute the majority of a place. Generalised representations of typical features or structures should be avoided.

20. ADAPTATION

The conservation of a place of cultural heritage value is usually facilitated by it serving a socially, culturally or economically useful purpose. In some cases, alterations and additions may be acceptable where they are essential to continued use, or where they are culturally desirable, or where the conservation of the place cannot otherwise be achieved. Any change, however, should be the minimum necessary and should not detract from the cultural heritage value of the place. Any additions and alterations should be compatible with original fabric but should be sufficiently distinct that they can be read as new work.

21. INTERPRETATION

Interpretation of a place may be appropriate if enhancement of public understanding is required. Relevant protocol should be complied with. Any interpretation should not compromise the values, appearance, structure or materials of a place, or intrude upon the experience of the place.

22. DEFINITIONS

For the purposes of this charter:

adaptation means modifying a place to suit it to a compatible use, involving the least possible loss of cultural heritage value

conservation means the processes of caring for a place so as to safeguard its cultural heritage value

cultural heritage value means possessing historical, archaeological, architectural, technological, aesthetic, scientific, spiritual, social, traditional or other special cultural significance, associated with human activity

maintenance means the protective care of a place

material means physical matter which is the product of human activity or has been modified by human activity

place means any land, including land covered by water, and the airspace forming the spatial context to such land, including any landscape, traditional

site or sacred place, and anything fixed to the land including any archaeological site, garden, building or structure, and any body of water, whether fresh or seawater, that forms part of the historical and cultural heritage of New Zealand
preservation means maintaining a place with as little change as possible

reassembly (anastylosis) means putting existing but dismembered parts back together

reconstruction means to build again in the original form using old or new material

reinstatement means putting components of earlier material back in position

repair means making good decayed or damaged material

restoration means returning a place as nearly as possible to a known earlier state by reassembly, reinstatement and/or the removal of extraneous additions

stabilisation means the arrest of the processes of decay

structure means any building, equipment, device or other facility made by people and which is fixed to the land

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ICOMOS NEW ZEALAND

TE MĀHARAU NEA PŌWHIRI AOTEAROA • THE NEW ZEALAND
NATIONAL COMMISSION FOR THE INTERNATIONAL COUNCIL ON
MONUMENTS AND SITES

NOIHOI KEI TE WHARE WAIKĀKĀRI KEI TE PŌWHIRI AOTEAROA • WŪHĀKA
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WŪHĀKA WAIKĀKĀRI KEI TE PŌWHIRI AOTEAROA

ICOMOS NEW ZEALAND P.O. BOX 101351 AUCKLAND 1142,
NEW ZEALAND.

Appendix 3 – Structural engineering report

25th March 2008

Archifact Ltd
PO Box 105 898
Auckland, New Zealand

Attention: Heike Lutz-Strulik

Dear Heike

3176 Great North Road Report on Structural Condition of Building and Comment on previous reports

Introduction

MSC have been engaged by Archifact to undertake a structural inspection, study previous reports by Opus in 2002, Chester Consultants and Soil and Rock Consultants in 2006 and report on the current condition of the building. The report is to be submitted to Waikare City Council.

The report is to assess the structural condition at present, whether deterioration has occurred since the previous reports and advise whether the proposed methods of strengthening the building are still relevant or feasible.

The building is at present boarded up and unoccupied. Steel braces are in place along the north wall road frontage. In the past brick buttresses have been constructed on the east, east and south side walls. These have been done at different stages and are of different quality. A fire previous to the 2002 report by Opus has damaged the upper level.

Background

The building was built in 1872 and is two storeys high with a single storey lean to porch at a later date. It is principally constructed with hand made bricks which form the exterior and interior load bearing walls. The exterior walls are double thickness bricks and the internal large layer. All exterior walls are lined on the inside with timber framing and interior walls are lined both sides.

The roof and upper floor are timber framed. The ground floor is timber, except for the porch which has a concrete slab sitting on the ground with a masonry footing under it.

Structural Condition

As previously reported the structural condition of the building is extremely poor. This is due to a combination of substandard materials (bricks etc), poorly connected structural elements, fire affects of dampness on timber at brick/timber connections, lack of roofig and inadequate founding depth, poor stormwater control and lack of maintenance. The fire has had little affect on overall stability of the building.

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Director

Archifact Ltd



The lack of appreciation of good building practice in the original construction has contributed to many of the problems. The local ground conditions should have been investigated and the building considered as Class H (highly reactive) and the foundations should be 500mm deep.

The ground floor, first floor and roof structure are likely to require to be adequately strengthened to the exterior and interior walls to improve resistance to lateral loading. The timbers are poorly connected to the brick by sitting in pockets with little or nothing in the way of a positive connection. There is no damp proofing to protect the timbers from moisture through the walls or rising damp in the ground floor.

The ground floor joists in places are virtually on the ground and one area of flooring near the main entry has collapsed. Some joists have rotted at their ends and provide little support.

The perimeter walls have all suffered movement, both settlement and rotation, as a result of the combination of poor foundations and lack of support at roof and floors.

Deterioration of the structure since the last report will have continued due to water entry into the building and lack of maintenance. This will have continued the deterioration of the masonry and mortar. Internal foundations will be affected by the change in ground moisture.

Seismic Requirements

Unreinforced brick walls are not acceptable as a structural system in recent seismic zones and legislation requires that the building be upgraded to meet 2/3 of current seismic requirements. This has not been done at this stage.

Brickwork

The bricks used were handmade and are of extremely poor quality. They are brittle and have very little strength. Pieces can be broken off by hand. They have no resistance to abrasion and the surface can be removed by hand rubbing. The compressive strength is likely to be very low. The mortar is extremely weak and has negligible adhesion to the brick. The mortar can be easily removed and crushed by hand.

The building has three chimneys which are poorly attached to the external walls.

Cracks and movement have occurred vertically and laterally. The upper floor has a gap of up to 100mm to the wall on part of the north and east sides.

Many areas of brick are loose and can be pulled out by hand. It is noted that the bricks under the plates on the inside of the building at the steel rods to the steel props have become loose reducing the effectiveness of the props. Many areas of the walls have lost mortar to a significant depth where the plaster has fallen off.

Proposed Strengthening - As per Opus and Chester Reports and Plans

The method proposed of essentially providing new reinforced concrete walls on new footings and new ground slab with a new timber roof and upper floor wall tied to the new walls is a recognized procedure for strengthening this type of building.

XXXXXXXXXXXX

However these are significant technical difficulties and it is expected that the approach to the building which need to be considered

These are:

1. The extent of cracking and movement on the north and east walls makes static equilibrium impossible and these walls will need to be taken down and rebuilt
2. Walls that have moved cannot be straightened or realigned. Due to the poor bonding quality of the mortar any jacking is likely to displace bricks. Since the north & east walls need to be rebuilt, they can be constructed vertical. The movement on the south & west walls is lateral and the out of alignment would not be critical from a structural aspect when tied to a new inner wall.
3. The exterior plaster which is badly cracked needs to be removed and the masonry joints taken out and repointed. All the plaster will need to be removed due to the widespread cracking.
4. Damaged or missing bricks need to be replaced. On the south & west walls this could amount to 10% of the walls.
5. The principal problem is the quality of the bricks. With the proposed construction (Gresham Consultants) the new concrete is dowelled to the bricks. However, the bricks are so poor that it is unlikely that an adequate or long term bond between the bricks and dowels can be maintained especially under seismic loads. This will be especially likely on the thick perimeter walls where the outer brick layer is likely to peel off. It would be advisable to obtain testing from a recognised laboratory on the brick strength, bond and dowel connections under proceeding.
6. The construction sequences and safety aspects during construction will be important and while generally well defined in Chester's report it is essential that all brick removal work is completed before the upgrade is commenced to give the maximum possible strength from the existing walls.
7. With the proposed construction method it is likely that shoring in lifts of 2m in height will not be safe. It is likely that additional temporary strengthening of the brick which acts as formwork will be necessary while this is underway.
8. The concreting of the internal of the chimneys will need to be done in small lifts as the bricks are in poor condition and blow out when pouring is likely.
9. Consideration will need to be given to the exterior ground levels in relation to the new concrete floor and the perimeter may need to be paved to reduce water penetration. This paving should lead water to access pit for collection. To further control stormwater the downpipes need to be connected properly to a satisfactory stormwater drain. A perimeter trench drain to keep the water table down needs to be installed.
10. No details of damp proofing around the new slabs and footings are provided.
11. A detailed cost assessment needs to be obtained from a Quantity Surveyor to establish a construction budget. The nature of the work is very piecemeal and hence time consuming.
12. The use of high tensile steel in the footings for the proposed system should be avoided and replaced with mild steel. In this sort of work the reinforcing is inevitably going to be bent and high tensile steel is not able to be rebent in these situations.

BOUGRAFF 11/11/2000

Conclusion

The works proposed are theoretically feasible. However, the deterioration due to the intrinsic quality of the bricks, the total lack of maintenance and the extensive weathering and cracking, mean that a satisfactory long term restoration will be difficult and expensive.

Yours faithfully

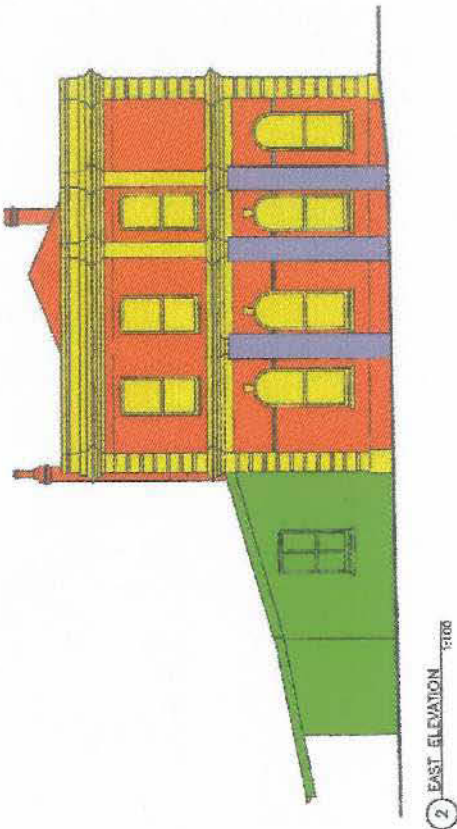
MSC CONSULTING GROUP LTD



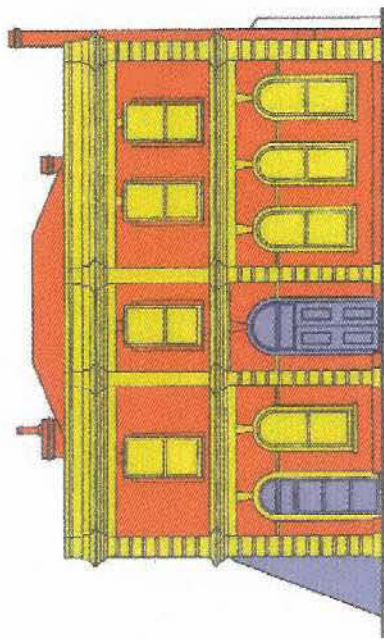
John Syme

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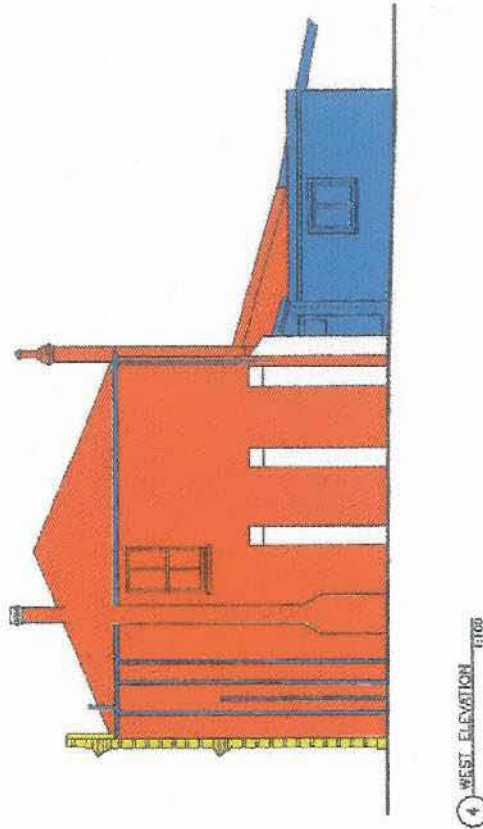
appendix 4 – Schedule of significant elements according to draft Conservation Plan, by Dave Pearson , January 2006



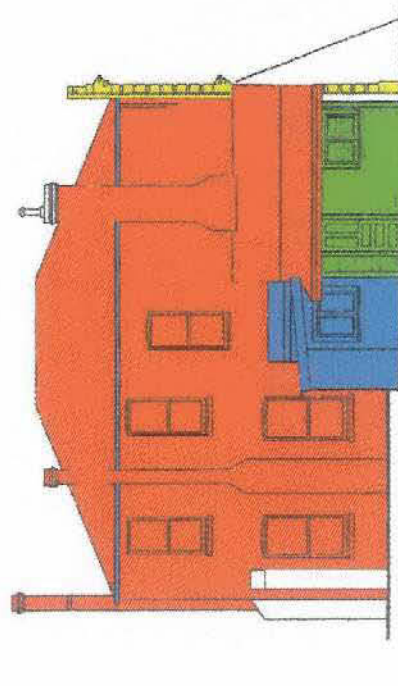
① NORTH ELEVATION 1706









② EAST ELEVATION 1706

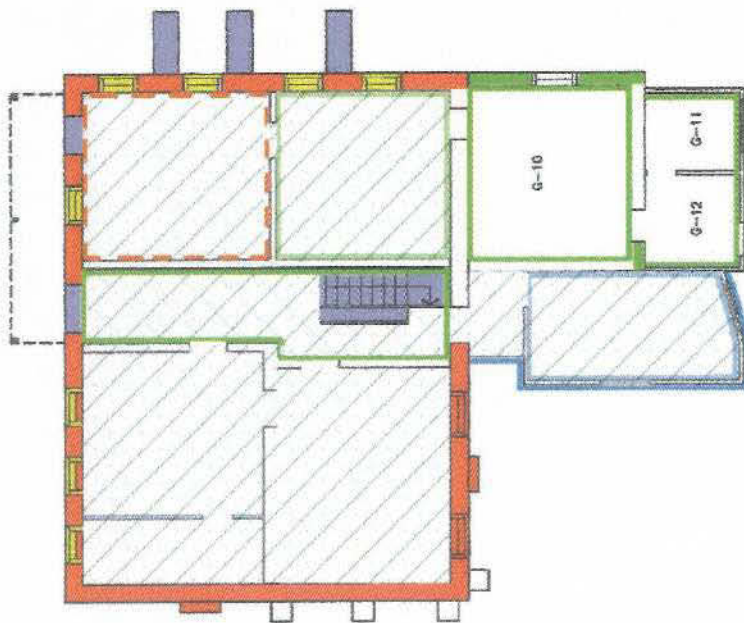


④ WEST ELEVATION 1706

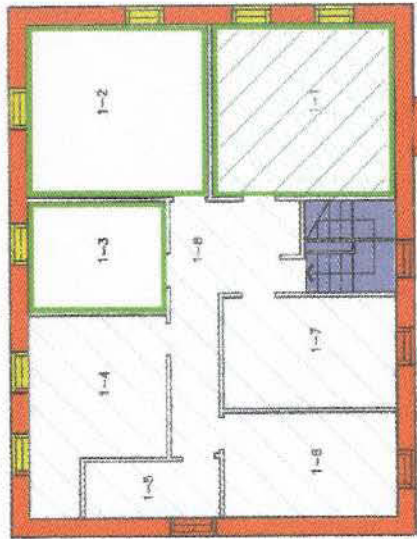


③ SOUTH ELEVATION 1706

- | | | | |
|---|--------------|---|--------------|
|  | Exceptional |  | Intrusive |
|  | Considerable |  | Not relevant |
|  | Some | | |
|  | Slight | | |



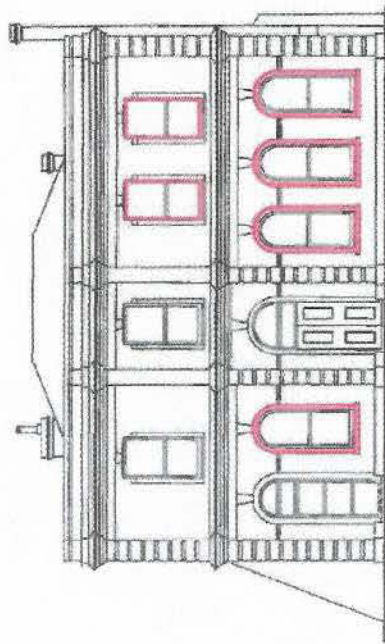
① LEVEL 1 FLOOR PLAN
1:1000000



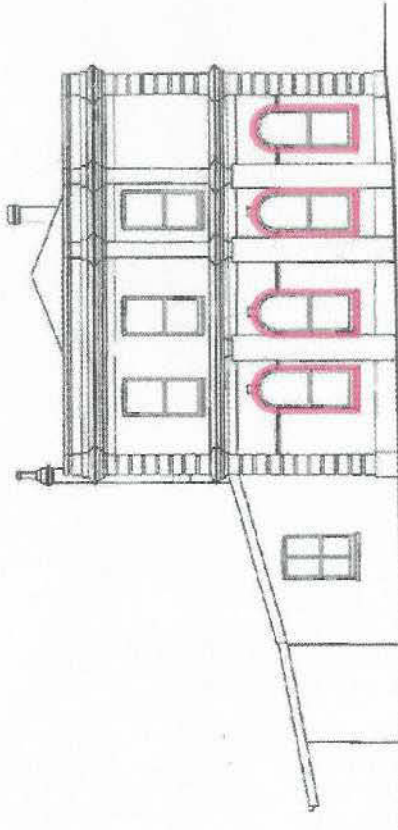
Exceptional	Intrusive
Considerable	Not relevant
Some	Ceiling
Slight	Floor
	Cornice

② LEVEL 2 FLOOR PLAN
1:1000000

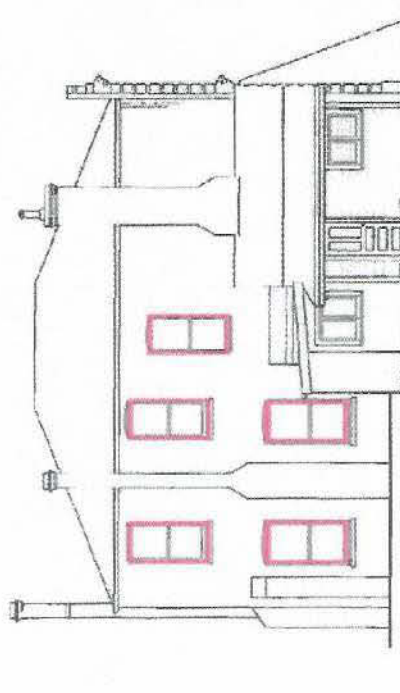
Appendix 5 – Schedule of remaining significant fabric after implementation of structural upgrade



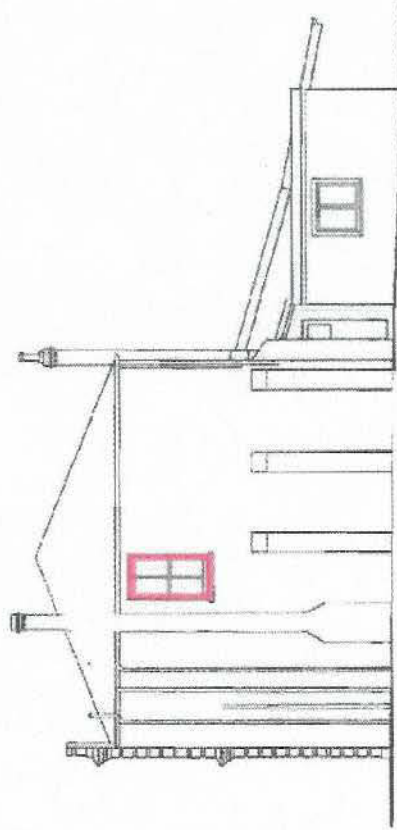
1 NORTH ELEVATION 1:100



2 EAST ELEVATION 1:100



3 SOUTH ELEVATION 1:100



4 WEST ELEVATION 1:100

■ Retained fabric

archifact



architecture & conservation

PROPOSED AMENDMENT TO THE REVENUE AND FINANCING POLICY TO INTRODUCE A TARGETED RATE TO FUND BUSINESS IMPROVEMENT DISTRICTS

STATEMENT OF PROPOSAL

It is proposed to amend the Revenue and Financing Policy to permit the introduction of a targeted rate to fund the budget requirements of Business Improvement Districts within the City.

The following amendment is proposed:

The insertion of a new section 3.1.1 in Volume 4 Council Policies, Revenue and Financing Policy page 17.

3.1.1 Town Centre Strategic Partnership Programmes

Business Improvement District (BID)

Town Centre Strategic Partnership Programmes are designed to establish mutually beneficial partnership structures in Waitakere between the Council and stakeholders in each town centre. The area that this structure applies to is known as a Business Improvement District (BID). The stakeholders form an Incorporated Society, known as a Business Improvement District Association (BIDA).

The activities intended to be undertaken by a BID are unlikely to be undertaken by the businesses individually or collectively without Council intervention in funding. Council intervention is therefore considered necessary to promote the activities in Business Improvement Districts.

How this group of activities contribute to community outcomes

The activities of a BIDA are intended to promote and maintain vibrant and thriving town centres through a strong business association and active business stakeholder participation in local town centres and community matters. The Council and stakeholders work together to improve and enhance business retention and performance.

A BIDA provides an institutional framework and resources for the business community to work together for their benefit. The activities of a BIDA could contribute to community outcomes identified in the Long Term Council Community Plan under: Strong Communities; Strong Economy; Urban and Rural Villages; Vibrant Arts and Culture; and Working Together.

The distribution of benefits to an identified part of the community

The primary benefit will accrue to the businesses located within a BID – their business turnover and property values will increase. Thus, individual businesses in a BID will be the major beneficiaries. In addition, there will be indirect benefits accruing to the wider community in the form of more desirable town centre environment and employment growth, but it is not practicable to quantify such diffused benefits.

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