

NOTICE OF SPECIAL MEETING

PROJECTS SPECIAL COMMITTEE

I hereby give notice that pursuant to Standing Order 14.1(b)(i) a Special Meeting of the Projects Special Committee will be held on:-

DATE: **Friday, 13 December 2002** **TIME:** **2.30 pm**

VENUE: **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider:

1. Waitakere Sports Complex progress update;
2. Aquatic Centre Upgrade progress update;
3. Old New Lynn Hotel status update;

and to take any necessary action connected therewith.



5 December 2002

Audrey Chan
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8603

MEMBERSHIP:

Councillors	RP	Dallow, QPM, JP (Chairperson)
	JP	Lawley (Deputy Chairperson)
	DQ	Battersby, JP
	BA	Brady, JP
	JM	Clews, QSO, JP
	AC	Fenton
	GW	Russell

Mayor, Bob Harvey, QSO, JP (ex officio)
Deputy Mayor, CA Stone (ex officio)

(Quorum 4 members)

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted).

**AGENDA FOR A SPECIAL MEETING OF THE PROJECTS SPECIAL COMMITTEE
TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN,
WAITAKERE CITY, ON FRIDAY, 13 DECEMBER 2002
COMMENCING AT 2.00 PM.**

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WAITAKERE CITY, ON FRIDAY, 13 DECEMBER 2002
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1 APOLOGIES



2 PRESENTATIONS

(A) WAITAKERE SPORTS COMPLEX

A presentation to update the Projects Special Committee on the progress thus far on the Waitakere Sports Complex will be made by Suresh Nagaiya in his capacity as the Waitakere Sports Complex Development Board Projects Manager.

(B) AQUATIC CENTRE UPGRADE

A presentation to update the Projects Special Committee on the Aquatic Centre Upgrade will be made by Simon Guillemin, Business Manager, Consultancy Services.



3 OLD NEW LYNN HOTEL: STATUS UPDATE

PURPOSE OF THE REPORT

At its meeting on 2 October 2002 the Projects Special Committee resolved:

“That a report be brought back to the November 2002 meeting of the Projects Special Committee regarding:

- the status of the current legal negotiations to purchase the Old New Lynn Hotel and surrounding properties;*
- an update on the deteriorating physical condition; and*
- how these issues are managed with reference to heritage issues and the Council and owners responsibilities under the appropriate Act.”*

2949/2002

This report has been prepared to provide the information requested by the Projects Special Committee.

BACKGROUND

The former New Lynn Hotel was erected in 1882 and is located at 3176 Great North Road (Lot 13 DP 22829). It is listed as a Category 1 Heritage item under the Waitakere City Proposed District Plan. Council has provided further protection by placing a Heritage Order on the building under Section 191 of the Resource Management Act 1991.

The building has been vacant for a number of years. In December 2000 Council resolved to acquire the property and the adjoining vacant land (Lot 12 DP 22829) under the Public Works Act 1981. A fire caused extensive internal damage to the property in January 2002. Following the fire heritage and structural reports were commissioned to determine the impact of the fire on heritage values and structural integrity with both indicating that the impact was of minor significance, particularly in regards to preservation of heritage aspects.

STRATEGIC CONTEXT

Waitakere City is well known for the quality of its natural heritage but it also has a built heritage that reflects the history of the people who have lived in the City. Maintaining and making this built heritage accessible is important for the sense of identity for those who live in the City today as well as for future generations.

A heritage strategy is being developed in the current financial year. It is expected that this will set the strategic framework for the management of heritage properties, the goals that Council hopes to achieve and a framework for acquisition, divestment, leasing and ongoing usage.

ISSUES

Status of negotiations

Council has valued Lot 12 and Lot 13 at \$90,000 for each lot. The owner made an offer of sale for the former Hotel site (Lot 13 only) of \$180,000 and this was declined by Council in December 2000. (Resolution 4265/2000).

The owner has now issued proceedings in the Environment Court seeking an order that Council acquire the land using the procedures under the Public Works Act.

Council is preparing the defence for the case but continues to advance negotiations for the purchase. Council's legal representative has recently met the owner's solicitor. The outcome of this meeting was not available at the time of preparation of this report.

The Committee will be provided with an update of these negotiations and any further developments at the meeting.

Physical Condition

A fire caused extensive internal damage to the property in January 2002. Following the fire heritage and structural reports were commissioned to determine the impact of the fire on heritage values and structural integrity.

The structural report concludes that the effects of the fire were structurally insignificant apart from localised reduction in strength in the roof and internal timber wall framing. The report also concludes that there is no immediate need to undertake remedial work prior to the substantial structural upgrade anticipated to be carried out in conjunction with building conservation work.

The report on heritage values concludes that fire damage is essentially confined to aesthetic and architectural aspects of the building. The fire has not affected the building's historic, social, cultural and technological significance or its landmark qualities. Exterior fire damage is relatively minor and readily recoverable. Internal damage is more extensive and includes charring and scorching of fabric such as joinery, linings and trim. The interior had been substantially modified before the fire and mouldings and fittings are common to many other buildings. Furthermore, structural upgrading would require the removal of the internal fabric of the building including the intermediate floor, joinery and trim. For these reasons the result of damage to the building interior is considered to be of relatively minor significance.

The building continues, however, to remain vacant and vandalism and damage (including graffiti) has continued to occur.

Earlier indications that the upgrade of the building would be undertaken by a Trust have not progressed. There have been enquiries from interested parties regarding potential uses but in the current situation these have not been explored in detail.

Work has been carried out by Council, both prior to the fire and more recently, to reduce the risk of further damage from weather exposure and vandalism. This has included:

- boarding up windows;
- sealing off access points as far as is possible;
- sealing off rooms within the building.

Council and Owner Responsibilities for Heritage Protection

Under the Resource Management Act 1991, Council is required to produce a District Plan which sets out how the effects of activities on the environment will be managed. The Act sets out key matters that must be addressed including, under Section 7 (e), the recognition and protection of the heritage value of sites, buildings, places or areas.

As an overlay on this duty, the Historic Places Act 1993 provides, in Section 10, that except for an authority granted by the Historic Places Trust, it shall not be lawful for any person to destroy, damage, or modify, or cause to be destroyed, damaged, or modified, the whole or any part of an archaeological site, knowing or having reasonable cause to suspect that it is an archaeological site.

An archaeological site is defined in the act as “any place in New Zealand that

- a) Either:
 - was associated with human activity that occurred before 1900; or
 - is the site of a wreck of any vessel where that wreck occurred before 1900; and
- b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.”

This obligation exists regardless of whether a site has been so designated by the Historic Places Trust. This puts an obligation on Council to consider the importance of any site, including the old New Lynn Hotel site, before embarking on work in an area.

The next level of protection arises from the Resource Management Act 1991. The Act appoints certain bodies as heritage protection authorities (any Minister of the Crown, any local authority and the Historic Places Trust) and allows them to give notice to a territorial authority of their requirement for a heritage order to be placed on any site within the local authority boundary, protecting any place or area of land which is of special interest or character. Such an order must:

- specify any restrictive conditions applying to the place or area; and
- provide a statement of how the heritage order will affect the present use of the place and surrounding area, and the extent to which that and other uses may be continued or commenced without nullifying the effect of the heritage order.

The effect of the order is to prevent any person from changing the designated building or place without the prior written consent of the relevant heritage protection authority.

As indicated earlier in this report Council placed a heritage order on this building in March 2000.

The Proposed District Plan also lists Heritage Items, Archaeological Sites, and Heritage Vegetation sites, and applies District Plan Rules to activities that may adversely affect those listed items. The majority of these items are not listed under the Historic Places Act. Any activities that may adversely affect these listed items generally require a resource consent before the activity may occur. These resource consent applications are often publicly notified.

As a general indication the Proposed District Plan provides that activities on a heritage site:

- must be carried out in a way that avoids demolition or partial demolition of the listed heritage site
- alterations and additions to the exterior must be carried out in a way that is consistent with the heritage values for which the site has been listed
- should be of a scale, form and appearance which do not detract from the appearance and integrity of the heritage item
- should not cause adverse effects on the physical structure and integrity of any listed archaeological site.

Section 65 of the Building Act 1991 provides that if a building is deemed to be dangerous under Section 64 of that Act (that is, the building is likely to cause injury or death or damage to any other property) Council may serve notice on the owner to reduce or remove the danger. If this work is not done by the owner within a specified time, Council may apply to the District Court for an order authorising it to do the work and recover the costs from the owner or if there is immediate danger, Council may cause action to be taken to ensure the safety of the public.

The structural assessment report carried out in February 2002 following the fire concluded that there is no immediate need for strengthening/stabilisation of the building. It also reaffirmed that the building does not possess normally accepted reserves of structural strength and stability, and that the risk of partial collapse of the east wall (in particular) even in "normal" conditions cannot be reasonably discounted.

Given the above it may be possible for Council to take action under Section 65 of the Building Act 1991 if and when the building is considered to be dangerous in terms of that Act. Further consideration would be required to establish whether such action is warranted.

RESOURCES

There are no specific allowances within the current Annual Plan for professional services that may be required to carry out further monitoring or structural assessments of the building in terms of Section 65 of the Building Act 1991.

CONCLUSION

Negotiations are continuing for purchase by Council of the Old New Lynn Hotel.

There is an on-going possibility of further damage occurring to the building as a result of vandalism and weather exposure; however, Council has taken measures to minimise the risk of such damage.

Council has provided protection for the building over and above that provided by the Proposed District Plan in terms of the heritage order that has been in place since March 2000.

Council may consider taking action under Section 65 of the Building Act 1991 if the building is considered dangerous in terms of that Act.

RECOMMENDATIONS

1. That the information be received.
2. That negotiation for the purchase of the Old New Lynn Hotel by Council with the current owner continue and that any change in the position of the parties with respect to those negotiations be reported back to the Projects Special Committee.
3. That Council continue to monitor and assess the condition of the building with reference to Section 65 of the Building Act 1991 and report back to the Projects Special Committee on any recommendation to take action under this legislation.

Report prepared by: Barry Carter, Business Manager, Consultancy Services.

