



**AGENDA FOR A MEETING OF THE COUNCIL (VARIOUS) TO BE HELD AT WAITAKERE  
CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,  
ON WEDNESDAY, 16 AUGUST 2006  
COMMENCING AT 9.30 AM**

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**TABLE OF CONTENTS**

<b><u>ITEM</u></b>		<b><u>PAGE NO.</u></b>
1	<b>APOLOGIES</b>	1
2	<b>URGENT BUSINESS</b>	1
3	<b>EARTHQUAKE-PRONE, DANGEROUS AND INSANITARY BUILDINGS POLICY 2006-2011</b>	1
4	<b>CIVIL DEFENCE EMERGENCY MANAGEMENT - WAITAKERE CITY HAZARDSCAPE AND EMERGENCY PLANNING (to be considered after the Public Excluded Matter)</b>	5
	<b><u>PUBLIC EXCLUDED MATTER</u></b>	7
5	<b>CENTRAL AUCKLAND AIRPORT LIMITED</b>	7

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**1 APOLOGIES**



**2 URGENT BUSINESS**

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Council by resolution so decides; and
- (ii) the Chairman has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Council may make a decision on a matter determined to be urgent.

**NOTE:** Urgent Business need not be dealt with now and may be delayed until later in the meeting.



**3 EARTHQUAKE-PRONE, DANGEROUS AND INSANITARY BUILDINGS POLICY 2006-2011**

**PURPOSE OF THE REPORT**

The purpose of this report is to refer the Earthquake-prone, Dangerous and Insanitary Buildings Policy ("the Policy") to Council for approval as per the recommendation of the Planning and Regulatory Committee.

**BACKGROUND**

Section 131 of the Building Act 2004 ("the Act") requires territorial authorities to adopt a policy on earthquake-prone, dangerous and insanitary buildings within their district. This is a new requirement on local authorities. The Building Act 1991 operated on a voluntary basis and only extended to earth-quake prone buildings.

Any policy under Section 131 of the Act is required to state:

- The approach that the territorial authority will take in performing its functions in relation to those buildings;
- The priorities to be observed in performing those functions;
- How the policy will apply to heritage buildings.

At the Planning and Regulatory Committee meeting held on 11 October 2005, the draft policy was adopted and the Committee resolved as follows:

- “1. That the Draft Policy on Earthquake Prone, Dangerous and Insanitary Buildings report be received.
2. That the draft Earthquake Prone, Dangerous and Insanitary Buildings Policy 2006-2011, Summary of Information and Statement of Proposal attached to the Agenda at pages A1 to A32 be approved for consultation and that Council officers be authorised to implement the Special Consultative Procedure as set out in Section 83 of the Local Government Act 2002.
3. That the Planning and Regulatory Committee hear any submissions ... with a final report in relation to the draft Earthquake Prone, Dangerous and Insanitary Building Policy 2006/2011 to be brought back to Council for a final decision.”

1945/2005

## STRATEGIC CONTEXT

The Act reflects Parliament's policy objective for New Zealand buildings. The provisions relating to earthquake-prone buildings seek to reduce the level of earthquake risk to the public over time and targets the most vulnerable buildings. Strengthening buildings to improve their ability to withstand earthquake shaking will involve costs to territorial authorities, building owners and the community generally.

Waitakere City Council is committed to ensuring that Waitakere is a safe place to live and work. Earthquake-prone, dangerous and insanitary building issues have a strong relationship with Council's strategic priorities for a safe city and first call for children.

With respect to heritage buildings the Council recognises that the preservation of these building is a matter of national importance as recognised by section 6(f) of the Resource Management Act 1991. Hence, the Policy has taken this into account in striking a balance between human and property safety and the value of heritage.

A1-A23

The Policy as adopted by the Planning and Regulatory Committee has the full support of the New Zealand Historic Places Trust (attached at pages A1 to A23), the Council's Principal Heritage Advisor and other submitters to the Policy.

## ISSUES

### Consultation

Notice of the draft policy was published in the New Zealand Herald and Western Leader on 14 October 2005 and the Aucklander on 19 October 2005. In accordance with the Special Consultative Procedure, section 83 of the Local Government Act 2002, and section 132 of the Building Act 2004. The notice advised how to obtain a copy of the consultation documents and confirmed that submissions could be made up to and including 14 November 2005. The consultation documents were also available at the Civic Centre counter and on Council's website for the four week period of consultation.

The consultation documents were posted to organisations that may have a special interest in the policy. The organisations were the Historic Places Trust, the Ministry of Education and the New Lynn Business Association. After investigation, it was revealed that there were no contact details for the Henderson Business Association and that it may no longer exist.

An article on the draft policy was also published in the front page of the Western Leader following the adoption of the draft policy for consultation.

On 11 July 2006 the Planning and Regulatory Committee considered the three submissions received and heard from two of the submitters. After careful consideration the Committee resolved as follows:

- “1. *That the Planning and Regulatory Committee recommends to the Council the adoption of the Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006-2011 [“the Policy”].*
2. *That the Council Officers develop a practice note on the implementation of the Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006-2011 to:*
  - (a) *Recognise flexibility in assessing change of use requirements pertaining to heritage buildings;*
  - (b) *Address the specific issues raised by heritage buildings with post-disaster functions and buildings/places of assembly with are affected by the Policy;*
  - (c) *Ensure consistent implementation of the Policy.*
3. *That the buildings in historic areas or subject to Heritage Orders or Heritage Covenants be covered by the final Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006-2011.*
4. *That the changes discussed at the meeting regarding the definition on Page A14 and change of use provision on page A15 be incorporated into the final Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006-2011. ”*

1343/2006

## **Final Policy**

### **(a) Earthquake Prone Buildings**

The approach that the Policy has taken in respect of most buildings is the City is a passive one. In respect of buildings that are considered to be are structures that as a whole may contain people in crowds, contents of high value to the community, pose risks to people in crowds, or are structures with special post disaster functions, (defined as Level 3 and 4 building by the New Zealand Standards) the Policy takes a mixed approach of passive and active. This means that where the Council identifies such buildings it will work with the owners to assist them to earthquake proof the building to the recommended standard.

The Policy gives building owners up to five years to upgrade their buildings. In respect of heritage buildings, the Policy recognises that they are to be given special treatment to retain their heritage value. Where such buildings are classified as Level 3 or 4, the building are required to be upgraded within 15 years.

Parliament has not imposed a “one size fits all” approach to the management of problems associated with earthquake prone buildings. The measures in the legislation recognise that local economic, social and environmental factors have an impact on the implementation of these provisions of the Act. The measures in the legislation also recognise the need for a consistent, transparent and accountable approach to the implementation of the provisions in order to protect both building owners and users. The proposed Policy is consistent with others in the Auckland region where the risk of earthquakes is considered to be minimal.

## (b) Dangerous and Insanitary Buildings

The Council will work with owners of all buildings and consider waivers and dispensations to assist them to meet the Building Code as near as is reasonably practicable, this is particularly so in respect of heritage buildings. Where necessary, Council will assess heritage buildings on a case by case basis to avoid loss of heritage or demolition.

The Policy requires any upgrading work to take into account the principles of the International Council on Monuments and Sites New Zealand Charter and to seek advice from the Council's Heritage Adviser.

A1-A23 Attached at pages A1 to A23 is a copy of the final Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006-2011 as amended by the Planning and Regulatory Committee's resolution. These amendments are underlined in the attached Policy.

Particular amendments are those relating to:

- Extending the definition of Heritage Buildings throughout the policy to incorporate those buildings which have historic orders or covenants;
- Clarifying the application of change of use provisions to Heritage Buildings covered by the Policy. As a result of the amendments to the change of use provision a new appendix attached at pages A24 to A27 has been included to assist those affected by the Policy. That appendix sets out the statutory definition of change of use and defines uses which the Building Act 2004 extends to.

## RESOURCES

In order to assess the number of buildings that are to be classified as earthquake-prone in the City a desk top examination was undertaken. It identified approximately 640 buildings that warrant a visual assessment by a suitably qualified person to determine whether or not they are likely to be earthquake-prone buildings. Initially Council did not possess the resources required to carry out this work and consequently approval was sought and received through the Long Term Council Community Plan process for \$125,000 to assist in finalising the number of earthquake building in the City. This ought to adequately address the necessary investigation in respect of earthquake-prone buildings. No such proactive assessment is feasible for dangerous and insanitary buildings as it would require sufficient additional resources to enable inspection of every building in the City.

Separately \$100,000 per annum has been made available in the Council budget through the Long Term Council Community Plan process to be directed towards assisting owners of heritage buildings to meet the requirements of the Policy. A report will be presented by the Council's Heritage Advisor to the Arts and Events Committee in September 2006 to set up a Heritage Assistance Fund to direct this money into.

The Policy has sought to formalise the existing approach used to manages dangerous and insanitary buildings. The current resource and level of funding is considered to be adequate to deal with dangerous and insanitary buildings given the relatively low number of confirmed dangerous and insanitary buildings encountered annually (approximately 50 dangerous and 30 insanitary buildings per year).

## CONCLUSION

All local authorities are required by the Act to adopt a policy on earthquake-prone, dangerous and insanitary buildings. These policies are then to be submitted to the Department for Building and Housing. The proposed Policy as approved by the Planning and Regulatory Committee on 11 July 2006 is in line with those of other local authorities in the region.

The measures in the legislation recognise the need for a consistent, transparent and accountable approach to the implementation of the provisions in order to protect both building owners and users.

## RECOMMENDATIONS

1. That the Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006-2011 report be received.
2. That Council adopt the attached Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006-2011 as amended by resolutions 3 and 4 of Planning and Regulatory Committee minute 1343/2006 pursuant to the Planning and Regulatory Committee's recommendation to Council.
3. That Council authorise officers to develop a practice note on the implementation of the Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006-2011 to:
  - a) Recognise flexibility in assessing change of use requirements pertaining to heritage buildings;
  - b) Address the specific issues raised by heritage buildings with post-disaster functions and buildings/places of assembly with are affected by the Policy;
  - c) Ensure consistency of implementation of the Policy.
4. That officers be authorised to publicly notify the above decisions in accordance with Section 157 of the Local Government Act 2002.

Report prepared by: Max Wilde, Manager Field Services and Setareh Masoud-Ansari, Contract Solicitor.



## 4 CIVIL DEFENCE EMERGENCY MANAGEMENT - WAITAKERE CITY HAZARDSCAPE AND EMERGENCY PLANNING - (to be considered after the Public Excluded Matter)

### PURPOSE OF THE REPORT

The purpose of this report is to enable Council to discuss and workshop issues relating to the hazardscape for Waitakere City and related emergency planning. The report is submitted at the request of the Emergency Services Special Committee.

### BACKGROUND

A28-A101

During the first part of 2006, Council completed an initial piece of work on the hazards facing Waitakere City. A copy of the report, prepared by the Kestrel Group, and the associated agenda report, are attached at pages A28 to A101.

At its meeting held on 13 June 2006, the Emergency Services Special Committee resolved:

*“That at a future meeting of the Council a workshop session be held to focus on flooding/tropical cyclone and tsunami probabilities and emergency management threats and hazards.”*

1011/2006

Accordingly, staff have prepared material to enable Council to discuss and workshop these issues as part of the meeting.

## STRATEGIC CONTEXT

Civil Defence Emergency Management is a responsibility of Council under the Civil Defence Emergency Management Act 2002 (the Act). Civil Defence Emergency Management forms part of Council's strategic framework in that it contributes to community well being and building strong communities by increasing community readiness for and resilience to emergency events, reducing exposure to such events, and providing for emergency response in the case of such events. The requirement for local planning and co-ordination is essential to meeting these requirements.

The Act introduced a new framework for Civil Defence Emergency Management in New Zealand. The legislation has established a regional basis for the leadership of emergency management with the establishment of Civil Defence Emergency Management Groups and Co-ordinating Executive Groups to support them. Alongside this regional framework there is still a strong responsibility for local emergency management that lies with district/city councils. The basis for this management is summarised within the “4R's” of emergency management namely Reduction, Readiness, Response and Recovery.

**Reduction** - Identifying and analysing long terms risks to human life and property from natural or man made hazards: taking steps to eliminate these risks where practicable, and where not, reducing the likelihood and the magnitude of their impact.

**Readiness** - Developing operational systems and capabilities before an emergency happens. These include self help and response programmes for the general public, as well as specific programmes for emergency services, utilities and other agencies.

**Response** - Actions taken immediately before, during or directly after an emergency, to save lives and property, as well as help communities to recover.

**Recovery** - Activities beginning after initial impact has been stabilised and extending until the community's capacity for self help has been restored.

Identifying and managing hazards and community exposure to hazards falls squarely within the reduction part of civil defence emergency management. Planning for emergency events falls within the readiness and response areas.

## ISSUES

There are a range of hazards to which the City and its residents are exposed. The aim of today's session is to discuss some of these with Council, and then get Councillors to work through some of the considerations involved in managing these, and responding to an emergency event caused by one of the hazards.

The session will involve an overview of the Waitakere hazardscape, an examination of the exposure of the city to a tropical cyclone/flooding event, and consideration of response and recovery issues associated with such an event. It is intended that the session will be interactive and enable Councillor participation. The session will involve staff from Planning, Ecowater and Emergency Management.

At the end of the session, Council will be able to give staff direction as to any further planning or action they would like to see built into the emergency management work programme.

## **RESOURCES**

The only resource requirement for this workshop session is staff and Councillor time. Council already has a range of resources in terms of both staff and equipment deployed to deal with emergency management issues.

## **CONCLUSION**

This report is presented, at the request of the Emergency Services Special Committee, to enable Council to discuss and workshop issues relating to hazards and emergency management in Waitakere City.

## **RECOMMENDATION**

That the Civil Defence Emergency Management - Waitakere City Hazardscape and Emergency Planning report be received.

Report prepared by: Ross McLeod, Director: Corporate & Civic Services.



## **PUBLIC EXCLUDED MATTER**

### **5 CENTRAL AUCKLAND AIRPORT LIMITED**

This item will be considered in the Confidential Supplement of the agenda, and has been circulated to members separately with this agenda.

### **PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

That the public be excluded from the following parts of the proceedings of this meeting, namely, Central Auckland Airport Limited.

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation of the matters, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of the matter to be considered.	Reason for passing this resolution in relation to the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
Central Auckland Airport Limited.	The withholding of information is necessary in order to: <ul style="list-style-type: none"> <li>• enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 7(2)(i) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- *The report contains information which if released could affect the Council's negotiations.*

