MEETING
– AGENDA –
Ngā Take

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Western Bay of Plenty
District Council

POLICY COMMITTEE

Komiti Kaupapa Here

PP6
Thursday, 7 September 2017
Council Chambers
Barkes Corner, Tauranga
9.30am

Te Kaunihera a rohe mai i nga Kuri-a-Wharei ki Otamarakau ki te Uru

Notice of Meeting No PP6
Te Karere

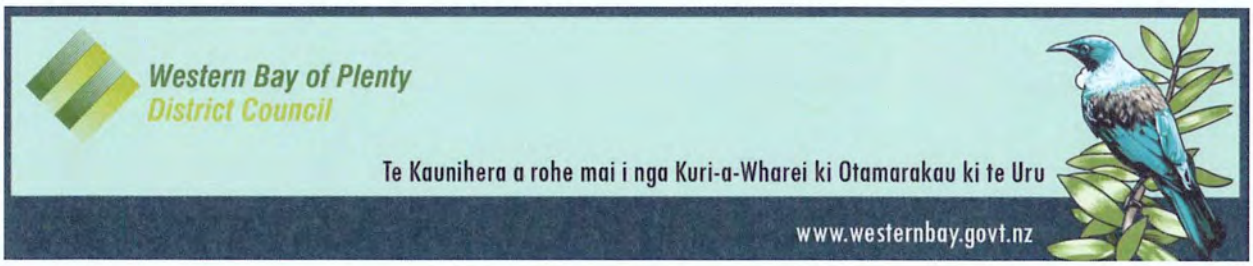
Policy Committee
Komiti Kaupapa Here

Thursday, 7 September 2017
Council Chambers
Barkes Corner
9.30am

His Worship the Mayor	G J Webber
Councillors:	M Williams (Chairperson) D Marshall (Deputy Chairperson) G Dally M Dean M Lally P Mackay K Marsh M Murray-Benge J Palmer J Scrimgeour D Thwaites

Media
Staff

Miriam Taris
Chief Executive Officer
Western Bay of Plenty District Council



Policy Committee Delegations
Mangai o Te Kaunihera

Quorum:

The quorum for this meeting is six members.

Role

Subject to compliance with legislation to develop plans and policies for the future direction of Council and its communities.

General Delegations

- To exercise all decision-making powers of Council within the Committee's scope of delegated functions and in accordance with its role, and to do anything precedent to the exercise by Council of its powers and duties as specified in Schedule 7 of the Local Government Act 2002 Clause 32 subclause 1 items b and h being specifically the following:
- To undertake on behalf of Council all processes and actions (including consultation) for the development of bylaws, remuneration and employment policy, and policies required to be adopted and consulted on under the Local Government Act 2002 developed for the purpose of the local governance statement precedent to adoption by Council.

Subject to compliance with legislation and the Long Term Plan to resolve all matters of policy and planning which do not require, under the Local Government Act 2002, a resolution of Council. Policy is defined as any matter relating but not limited to, the following:

- Policy Development
- Comprehensive Development Planning
- Environmental policy
- Matters of policy referred by Council, Community Boards or other committees
- Reserve Management Planning
- To conduct policy review and monitor policy variation frameworks
- To undertake on behalf of Council all processes and actions (including consultation) to develop bylaws precedent to the recommendation to Council for adoption of the bylaws

Subject to compliance with legislation and the Long Term Plan to resolve all matters of strategic policy outside of the Long Term Plan process, which does not require, under the Local Government Act 2002, a resolution of Council. Strategic policy is defined as any matter relating but not limited to, the following:

- Overall Infrastructure Strategies and financial Planning/Action Plans
- Policy direction for asset management planning
- To set service standards including levels of service.
- Utilities services/ infrastructure policy and planning
- Road / Transport policy and planning

- To receive and resolve on or recommend to Council or its Committees as appropriate the reports, recommendations and minutes of the following:
  - Regional Land Transport Committee
  - SmartGrowth Implementation Committee
  - And any other Joint Committee, working group or forum as directed by Council.
- To receive resolve on or refer to Council and its Committees as appropriate the recommendations from the Rural Forum.

Resource Management Act 1991 - District Plan Policy Development

- Pursuant to the Resource Management Act 1991 to establish and review objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district by:
- Developing to the point of notification all District Plan and Development Code Changes, variations, designations and reviews and built environment strategies.

Financial Delegations

Pursuant to Section 4(1) of the Public Bodies Contracts Act 1959, the Committee shall have the power to enter into contracts in respect of the Committee's functions to a maximum value of $5,000,000 for any one contract, provided that the exercise of this power shall be subject to, and within the allocation of funds set aside for that purpose in the Long Term Plan, the Annual Plan and Budget or as otherwise specifically approved by Council.

To report to Council financial outcomes and recommend any changes or variations to allocated budgets.

Other

Pursuant to clause 32(1) of Schedule 7 of the Local Government Act 2002, each of the Mayor and Councillors, whether individually or collectively, the power to listen to and receive the presentation of views by people and to engage in spoken interaction with people pursuant to section 83(1)(d) of the Local Government Act 2002 in relation to any processes Council undertakes to consult on under the Special Consultative Procedure as required by the Local Government Act 2002 or any other Act.

The Committee may without confirmation by Council exercise or perform any function, power or duty relating to those matters delegated by Council in like manner, and with the same effect, as the Council could itself have exercised or performed them.

The Committee may delegate any of its functions, duties or powers to a subcommittee subject to the restrictions on its delegations and provided that any sub-delegation to subcommittees includes a statement of purpose and specification of task.

The Committee may make recommendations to Council or its Committees on any matters to achieve the outcomes required in the role of the Committee but outside its delegated authorities.

Agenda for Meeting No. PP6

Pages

Present
In Attendance
Apologies

Public Excluded Items

The Council may by resolution require any item of business contained in the public excluded section of the agenda to be dealt with while the public are present.

Public Forum

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the Committee for up to three minutes on items that fall within the delegations of the Committee provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer contact centre request system, while those requiring further investigation will be referred to the Chief Executive.

PP6.1 **Review of the Dangerous, Earthquake Prone and Insanitary Buildings Policy** 8-24

Attached is a report from the Policy Analyst dated 25 August 2017.

PP6.2 **Draft Kaimai Ward Reserve Concept Plans for Community Consultation** 25-31

Attached is a report from the Recreation Planner dated 15 August 2017.

PP6.3 **Coastal Erosion Responses Policy 2017 Decision Story** 32-54

Attached is a report from the Policy and Planning Manager dated 24 August 2017.

PP6.4 **Adoption of the draft Significance and Engagement Policy** 55-69

Attached is a report from the Senior Policy Analyst dated 22 August 2017.

PP6.5 **Adoption of the draft Waste Management and Minimisation Plan 2017** 70-134

Attached is a report from the Senior Policy Analyst (Contractor) dated 25 August 2017.

PP6.6 **Draft Memorandum of Understanding with Tauranga City Council [Tauriko West Boundary Alteration Proposal]** 135-149

Attached is a report from the Strategic Consultant dated 28 August 2017.

PP6.7 **Receipt of Policy Committee Information Pack No. PP6**

The Policy Committee Information Pack No. PP6 dated 7 September 2017 has been circulated separately with the agenda.

Recommendation

THAT the open section of the Policy Committee Information Pack No. PP6 dated 7 September 2017 be received and the information noted.

Local Government Official Information and Meetings Act

Exclusion of the Public

Schedule 2A

Recommendation

THAT the public be excluded from the following part of this meeting namely:

- *Policy Committee Information Pack No. PP6 - In Confidence*

The general subject to each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, 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 each matter to be considered	***Reason for passing this resolution in relation to each matter***	***Ground(s) under Section 48(1) for the passing of this resolution***
Policy Committee Information Pack No. PP6 – In Confidence	*THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.*	*For reasons previously stated on the relevant minutes.*

Western Bay of Plenty District Council

Policy Committee

Review of the Dangerous, Earthquake Prone and Insanitary Buildings Policy

Purpose

The purpose of this report is to consider the adoption of the proposed changes to the Dangerous, Earthquake Prone and Insanitary Buildings Policy.

Recommendation

1. ***THAT the Policy Analyst's report dated 25 August 2017 and titled Review of the Dangerous, Earthquake Prone and Insanitary Buildings Policy be received.***

2. ***THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.***

3. ***THAT the draft policy on Dangerous and Insanitary Buildings is adopted and becomes effective on 12 September 2017.***

PP Simon Stewart
Policy Analyst

1. Background

Council's Dangerous, Earthquake-prone and Insanitary Buildings Policy needs to be amended, due to the Building (Earthquake Prone Buildings) Amendment Act 2016 nationalising the methodology for identifying and regulating earthquake-prone buildings. The earthquake-prone buildings component of the existing policy was rendered obsolete when the Amendment Act came into effect on 1 July 2017, and must be removed under the Amendment Act. The Building Act 2004 now directly sets out the approach Councils must take to earthquake-prone buildings.

Additionally, section 132 of the Building Act 2004 requires this policy to be reviewed every five years. The last review of this policy was in 2011; as such this policy is now overdue to be reviewed. The review of this policy has previously been deferred in anticipation of the recently passed Amendment Act, which received Royal Assent on 13 May 2016, and took effect on 1 July 2017. This Amendment Act has been in development since it was introduced as a Bill in December 2013.

Any amendments to the policy itself must be consulted on under the Local Government Act 2002 Special Consultative Procedure (SCP), unless the only amendment is to extract the earthquake-prone building sections, or if the changes are immaterial, pursuant to Section 3(4) of Schedule 1AA of the Building Act 2004.

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of **low** significance, as the changes only involve removing the earthquake-prone buildings section of the policy, which is now obsolete to national legislation. The addition of a Dangerous and Insanitary Buildings Risk Assessment Tool does not change the policy itself, and is included for the benefit of guiding officers' assessment of dangerous and insanitary buildings.

3. Engagement, Consultation and Communication

As the management of earthquake prone buildings is now controlled by the Building Act 2004 (as amended), Council is no longer required to have a policy on this matter. Consultation is not required under Schedule 1AA(3)(3) of the Building (Earthquake

Prone Buildings) Amendment Act 2016 for the removal of earthquake prone buildings from this policy.

Any other amendments to the Dangerous and Insanitary Buildings Policy requires consultation under the Special Consultative Procedure, unless the changes are deemed immaterial. Given there are no other amendments proposed for this policy, public consultation is not required.

4. Proposed Risk Assessment Tool

It is proposed to include a Risk Assessment Tool as an appendix to the Dangerous and Insanitary Buildings Policy. The tool does not change the policy itself, and will be an aid to building assessors to quantify risk factors, in order to determine if a building is a "low", "medium" or "high" risk in terms of being dangerous and/or insanitary.

The assessed risk is only a guide for the building assessors as to what the next steps in the process could be, and does not directly impose process obligations dependent on the outcome. The tool is proposed to be a living document, so it may be improved over time as more cases apply the tool.

The inclusion of the tool itself is not a material change to the policy, which would otherwise warrant public consultation using the SCP. As such, public consultation is not required for the inclusion of this tool in accordance with Section 3(4) of Schedule 1AA of the Building Act 2004.

5. Issues and Options Assessment

Option A: Adopt the policy without consulting on amendments	
Assessment of option for advantages and disadvantages taking a sustainable approach	Advantages • The policy would give effect to legislation by removing now obsolete policies on earthquake prone buildings (which are managed under the Building Act); • Council would meet its legislative obligation to review the Dangerous and Insanitary Buildings Policy. Disadvantages • The dangerous and insanitary buildings component of the policy would not be substantively review for another 5 years.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	The dangerous and insanitary buildings part of this policy does not change as a result of this proposal, and as such will have no impact on the Building Services operational costs.

Option B: Status Quo – Do not adopt the policy	
Assessment of option for advantages and disadvantages taking a sustainable approach	Advantages • There are no conceivable advantages to not adopting the policy as proposed. Disadvantages • The earthquake-prone buildings section will be rendered obsolete by national legislation but remain in the policy; • Keeping obsolete policies may be confusing, and would be incorrect to implement instead of national legislation; • Council will not be meeting legislative requirements to review the Dangerous and Insanitary Building policy every 5 years.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	The dangerous and insanitary buildings part of this policy does not change as a result of this proposal, and as such will have no impact on the Building Services operational costs.

6. Statutory Compliance

The policy is not inconsistent with Council's other policies, strategies and plans, and sets out Council's obligations and intended procedures for the implementation of this policy.

Changes to the policy comply with amended legislation and decision to adopt immaterial changes without consultation is enabled by Section 3(4) of Schedule 1AA of the Building Act 2004.

7. Funding/Budget Implications

Budget Funding Information	Relevant Detail
Dangerous/Insanitary Building Monitoring	The policy does not change as a result of this proposal, and as such will have no impact on the Building Services operational budget.

Dangerous and Insanitary Buildings Risk Assessment

This tool has been designed to aid Council staff in assessing complaints relating to dangerous/insanitary building. The level of risk assessed informs the decision process, to be agreed with the building team leader/manager. This is a living document which may be reviewed from time to time to reflect best practice.

Address:

DPS no. | Lot no. | Building Consent no.

	Risk Factor	Rating (H/L)	Score
Users			
1	What is the maximum number of users at any one time?	100 + people (H) = 10 <100 people (L) = 7	
2	What is the predominant age group of the building user?	Children/Infants (H) = 10 Adults (L) = 3	
3	What is the general capability of the building users?	Mentally Handicapped/immobile (H) = 10 Physically handicapped but mobile (H) = 6 No handicap (L) = 3	
Usage of the building			
4	What is the sleeping activity rating for the building in terms of the building code?	SD, SA, SC (H) = 10 SR, SH (L) = 3 None = 0	
5	Is the building used for any of the following activities? - Education - Retirement home - Hospital (private/public) - Residential institution - Place of Assembly - Hotels and motels - Backpackers and homestays - Attached multi-unit buildings	 Children (H)=10, Adults (L)=3 Geriatric (H)=10, Mobile (L)=3 Immobile(H)=10, Mobile(L)=3 Bedridden(H)=10, Mobile(L)=3 >100 people (H)=10, <100 (L)=3 >20 people (H)=7, 5-20(L)=3 >20 people (H)=7, 5-20(L)=3 >5 apartments (H)=7, 3-5 (L)=3	
6	What is the crowd, working, business or storage activity for the building in terms of the Building Code?	WF,WH,WM,CL,CM (H)=10 WL,CS (L)=3	
State of Building			
7	Is there adequate potable water supply?	Yes = 0 Partially = 5 None = 10	
8	Are there adequate sanitary facilities	Yes = 0 Connected, poor state of facilities = 6 Nno facilities or not connected = 10	
9	Is the building likely to be offensive or injurious to health (such as fungi contamination, chemical hazards etc)	No = 0 Some fungal contamination (locally contained) = 5 Severe fungal contamination (e.g. black mould or toxic black mould wide spread) = 20 Some chemical contamination (contained)= 5 Severe chemical contamination (uncontained) (e.g. methamphetamine) = up to 20	
Building Characteristics			
10	Does the building have common walls with others?	>1 (H)=5, <1 (L)=3	
11	How many storeys does the building have (incl basements)	1=0, 2=5: Add 5 for every subsequent storey	
12	Any historic clarification or significance?	No = 0 Yes = 2	
13	Is the building in the inner city, in a large development area or high density?	No = 0 Yes (H) = 10	
14	What is the age and condition of the building, including structural integrity?	Assign Score 1-15 accordingly	
15	Are there any other factors to be considered? E.g. parapets, verandahs, attachments, ornaments or decorations	Assign Score 1-10 accordingly	

Total Score (out of approx 100) 0

0-40 = Low Risk; 40-60 = Medium Risk; >60 = High Risk **Low Risk**

Rating Codes on Page 2

Low Risk action: Consider whether to issue a notice to fix
Medium Risk action: Consider whether further investigation is required, potential enforcement action or issue a notice to fix
High Risk Action: Further investigation may be required under urgency, which may involve external consultants for specialist advice.

Rating Codes

SD - Sleeping Detention	SD: Care institutions for the aged or children and with physical restraint or detention, hospitals with physical restraint or with detention quarters, detention quarters in Police stations, prisons
SA - Sleeping Accommodation	SA: Motels, hotels, hostels, boarding houses, clubs (residential), boarding schools, dormitories, halls, wharenui
SC - Sleeping Care	SC: Hospitals, or care institutions for the aged, children, or people with disabilities
SR - Sleeping Residential	SR: Multi-unit dwellings, flats, or apartments
SH - Sleeping Single Home	SH: dwellings or houses separated from each other by distance
WF - Working Fast Spaces used for working, business, or storage—medium or high fire load and ultra fast fire growth rates	WF: Areas involving significant quantities of highly combustible and flammable or explosive materials which because of their inherent characteristics constitute a special fire hazard, including bulk plants for flammable liquids or gases, bulk storage warehouses for flammable substances, and places for bulk storage of foamed plastics
WH - Working High Spaces used for working, business, or storage—high fire load1 and slow, medium, or fast fire growth rates	WH: Chemical manufacturing or processing plants, distilleries, feed mills, flour mills, lacquer factories, mattress factories, rubber processing plants, spray painting operations, places for plastics manufacturing, or bulk storage of combustible materials over 3 m high (excluding foamed plastics)
WM - Working Medium Spaces used for working, business, or storage—medium fire load and slow, medium, or fast fire growth rates	WM: Places for manufacturing and processing of combustible materials not listed in the rows relating to WL, WH, or WF, including bulk storage up to 3 m high (excluding foamed plastics)
CL - Crowd Large enclosed spaces (with or without kitchens or cooking facilities) where more than 100 people, but also enclosed spaces with kitchens or cooking facilities and where 100 or fewer people	CL: Cinemas (with qualifying spaces), schools, colleges, and tertiary institutions, libraries, night-clubs, restaurants and eating places with cooking facilities, theatre stages, opera houses, television studios (with audience)
CO - Crowd Open	CO: Open grandstands, roofed but unenclosed grandstands, or uncovered
CM -Crowd Medium	CM: Exhibition halls, retail shops, supermarkets, or other stores with bulk
CS - Crowd Small	CS: Cinemas (with qualifying spaces), art galleries, auditoria, bowling

Council Policy

Western Bay of Plenty District Council

Dangerous~~, Earthquake-prone~~ and Insanitary Buildings Policy

1. Relevant legislation

Building Act (2004) as amended by the Building (Earthquake-~~-~~Prone Buildings) Amendment Act 2016.

2. Policy objective

To reduce the risk of injury, death, ill health or damage that may occur as a result of dangerous and/or insanitary buildings ~~or as a result of an earthquake~~.

The objective of the policy is to describe the manner in which buildings deemed to be potentially dangerous and/or insanitary ~~or earthquake-prone~~ will be identified, categorised and what action shall be taken. The policy will set out Council's priorities in performing its functions and how the policy will apply to heritage buildings.

3. General approach

3.1 Section 131 of the Building Act (2004) requires territorial authorities (TA's) to adopt a policy on Dangerous~~, Earthquake-prone~~ and Insanitary Buildings by 2006 and review every five years. Western Bay of Plenty District Council developed a policy in 2006 and reviewed it in 2011 and 2017. The policy must state:

1. The approach Council will take in relation to at risk buildings.
2. Council's priorities for this approach.
3. How the policy will apply to heritage buildings.

3.2 Policy context

3.2.1 Dangerous and insanitary buildings policy

3.2.1.1 To identify dangerous and insanitary buildings across the District would require investing considerable resources to undertake inspections and evaluations of buildings. Consequently, many councils take the approach of responding to complaints when they comes to their attention in relation to dangerous and/or insanitary buildings.

~~3.2.2 Earthquake-prone buildings policy~~

~~3.2.2.1 The Western Bay of Plenty District experiences both high and moderate levels of seismic activity. The eastern part of the District (from eastern Papamoa to Otamarakau) is in Zone A, featuring the highest level of seismic activity. The western part of the District is in Zone B, indicating moderate seismic activity.~~

Council Policy

Western Bay of Plenty District Council

Dangerous~~, Earthquake-prone~~ and Insanitary Buildings Policy

~~3.2.2.2 A "drive by" or initial assessment of buildings that may be earthquake-prone occurred in 2006. The assessment concluded that the overall risk appeared to be relatively small.~~

3.3 Policy statements

3.3.1 Dangerous and insanitary buildings (see Appendix 1 for definitions of dangerous and insanitary buildings).

3.3.1.1 Buildings are identified as potentially dangerous and/or insanitary when its existence is brought to the Council's attention, e.g. as a result of complaints from the public, by other agencies or in the course of Council's work.

3.3.1.2 Priority will be given to buildings requiring work to be carried out urgently[1] to address the dangerous and/or insanitary conditions.

3.3.1.3 Heritage buildings will be assessed in the same way as other potentially dangerous and/or insanitary buildings and discussions will be held with owners and if appropriate the New Zealand Historic Places Trust to identify a mutually acceptable way forward.

~~3.3.2 Earthquake-prone Buildings (see Appendix 1 for definition of Earthquake-prone Buildings)~~

~~3.3.2.1 Structures identified as likely to result in high consequence for loss of life or very great economic, social or environmental consequences (Earthquake Impact Building Levels 3 and 4[2]) will be further assessed at Council's cost. Owners of structures identified as earthquake-prone will be required to complete a further assessment at their cost and undertake works to strengthen the structure to a reasonable timeframe and standard as provided for in Sections 124 and 125 of the Building Act (2004).~~

~~3.3.2.2 Owners will be encouraged, at their own cost, to undertake a further assessment of buildings identified through the initial assessment process where there is likely to be a medium consequence for loss of life or considerable economic, social or environmental consequences (Earthquake Impact Building Level 2[3]).~~

~~3.3.2.3 Council's property files will be noted if it is a 'possible' or 'likely' earthquake-prone building which, in the event of a building consent application for a significant upgrade, alteration or change of purpose, will activate a requirement for a further assessment to be undertaken.~~

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1 Building Act (2004) Clause 41 (1)(c)(i) defines this as for the purpose of saving or protecting life or health or preventing serious damage to property.

~~2 AS/NZS 1170.0:2002 Level 3 refers to major structures affecting crowds, e.g. cinemas, halls, sports stadiums, etc. Level 4 buildings refer to emergency services buildings, e.g. ambulance stations.~~

~~3 For example: industrial, horticultural or retail buildings~~

Council Policy

Western Bay of Plenty District Council

Dangerous~~, Earthquake-prone~~ and Insanitary Buildings Policy

~~3.3.2.4 Priorities are the assessment and enforcement of Level 4 'high risk' buildings[2].~~

~~3.3.2.5 Western Bay of Plenty District Council believes it is important that heritage buildings have a good chance of surviving a major earthquake. Private owners of Heritage buildings will be encouraged to undertake an earthquake proneness and discussions held with owners and the New Zealand Historic Places Trust to identify a mutually acceptable way forward. Subject to Council making funding available, Council will undertake a further assessment of Council owned heritage buildings if it has been identified as 'possible' or 'likely' to be earthquake prone in the initial assessment process.~~

Associated Policies

N/A

Associated Procedures

Dangerous~~, Earthquake prone~~ and Insanitary Buildings Policy implementation procedures.

Group	~~Customer & Business Services~~ Policy, Planning and Regulatory Services	**Contact (3rd Tier Manager)**	~~Health &~~ Building Services Manager	
Supersedes	Earthquake-prone, Dangerous and Insanitary Buildings Policy 20~~06~~11			
Creation Date		**Resolution Reference**	Link to minutes	
Last Review Date		**Resolution Reference**		
Review Cycle	Three yearly/legislative revisions, not later than		**Date**	~~June 2014~~September 2020
Authorised by	~~Management Team/~~Council		**Date**	~~28 June 2011~~September 2017

Dangerous~~, Earthquake-prone~~ and Insanitary Buildings Policy – Implementation Procedures

1. Dangerous and/or insanitary buildings

1.1 A building will be identified as potentially dangerous and/or insanitary when its existence is brought to the Council's attention e.g. as a result of information received from the public, by other agencies or in the course of Council's work.

The Council will:

- investigate all potentially dangerous and/or insanitary buildings that are brought to Council's attention;
- determine from these investigations any buildings that are dangerous and/or insanitary;
- consider if any of the powers provided in the Act should be invoked. This may include informing the owner and occupier of the building to take action to reduce or remove the danger and/or address the insanitary conditions;
- liaise with the New Zealand Fire Service when deemed appropriate, in accordance with s121 (2) of the Building Act 2004[4].
- If it is found that the building is dangerous and/or insanitary, Council will follow the procedure set out in Sections 121, 123-130 of the Building Act (2004) for remedying dangerous~~,~~ and insanitary ~~and earthquake-prone~~ buildings as outlined in the attached flow chart.
- Owners have a right of appeal as defined in the Building Act 2004 to apply to the Department of Building and Housing for a determination under s177 (e).

1.2 Interaction between the dangerous and insanitary buildings policy and the Building Act 2004

Where a building is assessed as requiring work to be carried out urgently[5] to address the dangerous and/or insanitary conditions, the Council may not require that a building consent be obtained for any of the immediately necessary building work. However, prior to any remedial action being taken, Council will require from owners, and discuss with them, a written scope of the work. The owner must, as soon as practicable after completion of the building work, apply for a Certificate of Acceptance.

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[4] s121 of the Building Act 2004 says "For the purpose of determining whether a building is dangerous in terms of s121 subsection (1) (b), a territorial authority. a) May seek advice from members of the New Zealand Fire Service who have been notified to the territorial authority by the Fire Service National Commander as being competent to give advice; and (b) If the advice is sought, must have due regard to the advice."

[5] Building Act (2004) Clause 41 (1)(c)(i) defines this as for the purpose of saving or protecting life or health or preventing serious damage to property.

1.3 Access to dangerous and insanitary building information

The following information will be placed on the property file:

- The notice issued informing the owner that the building is dangerous and/or insanitary and where necessary notice of the requirement to evacuate.
- A copy of the letter to owner, occupier and any other person advising that the building is dangerous and/or insanitary.
- A copy of the notice given under section 124(1) that identifies the work to be carried out on the building and the timeframe given to reduce or remove the danger or address the insanitary conditions.
- Any report that describes work that has been undertaken to remedy the dangerous and/or insanitary conditions.

1.4 Priorities

When a building is assessed as requiring work to be carried out urgently[6] Council will act to address the dangerous and/or insanitary conditions. In these circumstances immediate action will be required to remove the danger and/or address the insanitary conditions and could include prohibiting any person occupying or using the building and, where needed, boarding-up the building to prevent entry.

Buildings that are determined to be dangerous or insanitary but not of an urgent nature, will be subject to the minimum timeframes for reduction or removal of the danger (i.e. not less than 10 days) as set out in s129 of the Building Act 2004.

1.5 Heritage buildings

For the purposes of this policy, 'heritage buildings' are those structures as scheduled in the District Plan, as 'Identified Significant Historic Heritage Features' which are registered under the provisions of the Historic Places Act 1993.

Where a dangerous and/or insanitary building notice is issued for a heritage building a copy of the notice will be sent to the New Zealand Historic Places Trust as required by s125 (2) (f) of the Building Act 2004.

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[6] Building Act (2004) Clause 41 (1)(c)(i) defines this as for the purpose of saving or protecting life or health or preventing serious damage to property.

2. Earthquake-prone structures

2.1 Assessments at Council's cost will be undertaken on the following Levels 3 – 4 Council-owned structures as identified in the 'Drive-by assessment of Potential Earthquake Prone Buildings discussion document 2006':

- Te Puke, Katikati Memorial, and Pongakawa halls.
- Katikati fire station
- Te Puke ambulance building.
- Moore Park and Jubilee Park grandstands.

2.2 Owners are encouraged to undertake an assessment of the following Levels 3-4 buildings as identified in the 'Drive by' assessment of Potential Earthquake Prone Buildings discussion document 2006:

- Te Puke fire station.
- Katikati Masonic hall
- Te Puke cinema.

2.3 Subject to the availability of Council funding, and following completion of earthquake assessments for Council-owned Levels 3 and 4 structures, Council owned heritage structures identified in the initial assessment as 'possible' or likely' earthquake proneness will be assessed at Council's cost. These are:

- Memorial Gates, Te Puke.
- Trestle Railway Bridge, Aongatete.

2.4 Private owners of heritage structures identified in the initial assessment as 'possible' or likely' to be earthquake-prone will be encouraged to undertake a further assessment of earthquake proneness.

- McLaren Falls power station.
- Omanawa Falls power station.
- St Peter's Anglican Church, Katikati.
- St John's Anglican Church, Te Puke.
- War Memorial gates, Te Puke.
- Twickenham, Katikati.
- Lockington Homestead (Greenhills), Katikati.

- Kelly Homestead, Oropi.

- Athenree Homestead.

2.5 Owners will be encouraged, at their own cost, to undertake a further assessment of buildings identified through the initial assessment process where there is likely to be a medium consequence for loss of life or considerable economic, social or environmental consequences, e.g. commercial or retail buildings (Earthquake Impact Building Level 2) and heritage buildings.

2.6 Where a building or structure is confirmed as being earthquake prone, Council will follow the procedure set out in Sections 122, 124 130 of the Building Act 2004 as outlined in the attached flow chart.

2.7 The timing of strengthening is generally between 0 – 15 years, works will depend on the relevant risk factors:

1) potential risk to human life;

2) necessary post-disaster structures;

3) the importance of the building to the community e.g. hospital, school;

4) the level of use and number of people using the building;

5) the location of the building in relation to key infrastructure components;

6) the size and age of the building.

2.8 Liaison with building owners:

Before exercising its powers under section 124, Western Bay of Plenty District Council will seek, within a defined time frame, to discuss options for action with owners. These discussions will be with a view to obtaining from the owner a mutually acceptable approach for dealing with the earthquake proneness, leading to receipt of a formal proposal from owners for strengthening or removal.

In the event that discussions do not yield a mutually acceptable approach and proposal, Western Bay of Plenty District Council will serve a formal notice on the owner to strengthen or demolish the building.

2.9 Recording a building's Earthquake-prone Building (EPB) status

Council's property files will be noted if it is a 'possible' or 'likely' earthquake-prone building which, in the event of a building consent application for a significant upgrade, alteration or change of purpose, will activate a requirement for a further assessment to be undertaken in the event of a building consent application. This information will remain on file until the condition is remedied. Information will include:

- address and legal description of land and building;
- statement that the building is on the Council's register of likely or possibly earthquake-prone buildings;
- notices issued and any agreements with building owners concerning structural improvements to buildings;
- date by which strengthening or demolition is required (if known);
- statement that further details are available from the Council to those who can demonstrate a genuine interest in the property.

A register will be established of buildings assessed as earthquake-prone. The register would note the status of requirements for improvement or the results of improvement as applicable. Owners of earthquake-prone buildings will be notified when their details are added to the register.

2.10 Interaction between EPB policy and the Building Act 2004

Section 112: Alterations to existing building and Section 115: Change of use

Whenever a Building Consent application is received for significant upgrading, alteration or change of use where the initial assessment of the building indicated was 'possibly' or likely' to be earthquake-prone (see Appendix 1 – Drive By Assessment of Potential Earthquake Prone Buildings) 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. This will require the owner of the building to engage an appropriate expert to investigate and assess the structural integrity of the building.

Where the assessment confirms that the building is earthquake-prone and Council is satisfied with this assessment, Council will invoke its powers under Section 124 of the Building Act, as appropriate, in relation to the particular circumstances of the building in question.

This work could be undertaken as part of the building work for which an owner seeks consent. However, once an application activates the EPB policy, Council should require any necessary upgrading to be undertaken even if a building owner decides not to undertake the building work set out in the application.

Appendix 1

Definitions

The Building Act (2004) defines dangerous and insanitary buildings ~~and earthquake-prone buildings (EPB),~~ as follows:

Dangerous Buildings (section 121)

- A building likely to cause injury, death or damage to other property.
- A building likely to cause injury or death due to fire hazard or building occupancy.

Note: Earthquake-prone buildings are identified, assessed and actioned under the Building Act, as amended by the Building (Earthquake Prone Buildings Amendment Act 2016).

Insanitary Buildings (section 123)

A building is insanitary for the purposes of this Act if the building:

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

~~**Earthquake-prone Building (section 122)**~~

~~A building* with regard to its condition, the ground where it is built, and its construction:~~

- ~~will have its capacity exceeded in a 'moderate' earthquake (generating shaking one third as strong as used to design a new building at that site), and~~
- ~~would be likely to collapse causing injury or death or damage to other property.~~

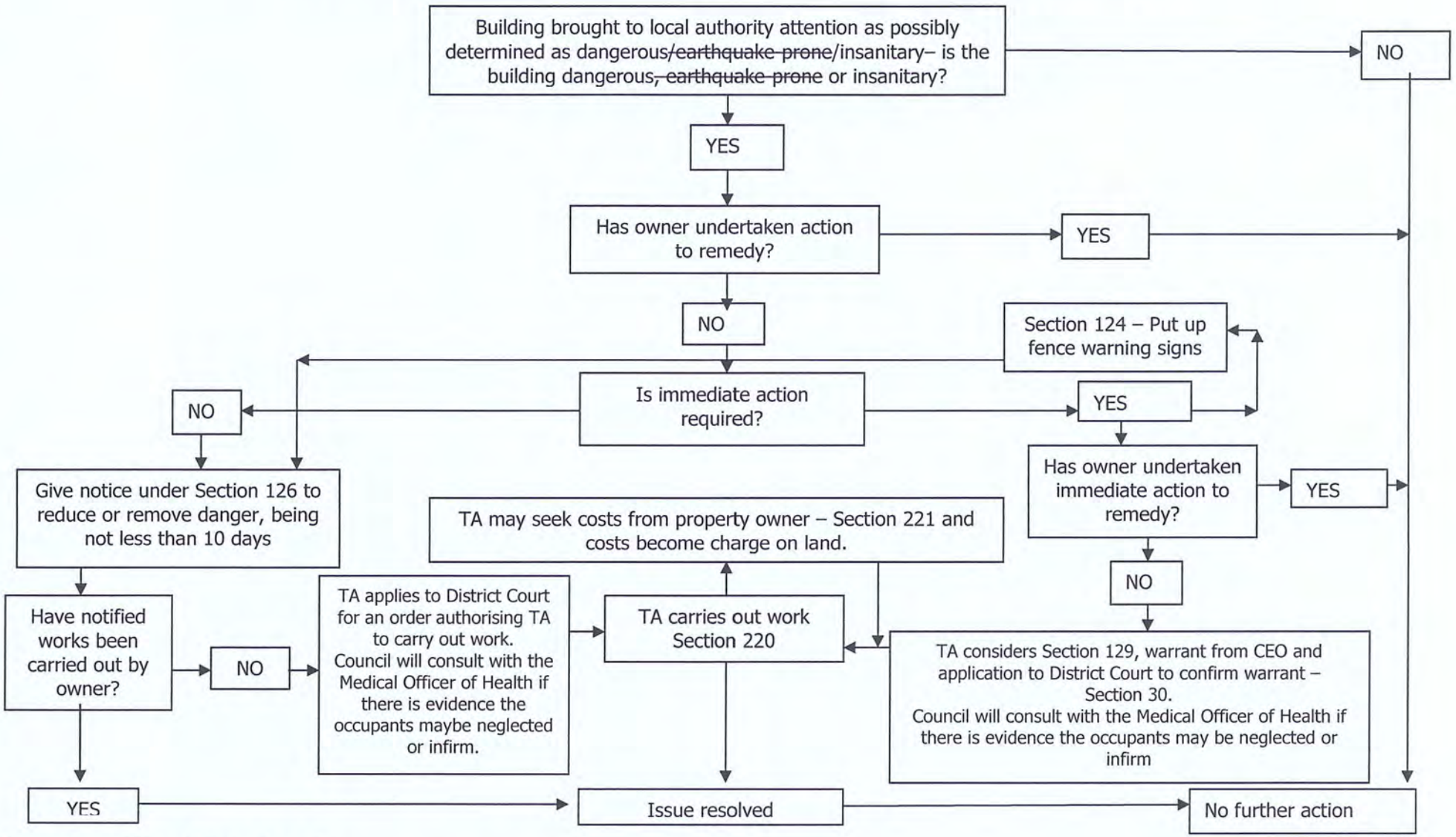
~~*Residential buildings are excluded unless comprising 2 or more levels and 3 or more households.~~

~~**Moderate earthquake**~~

~~Moderate earthquake is defined in regulation 7 in the Building (specified systems, Change the use and Earthquake Prone Buildings) Regulations 2005 where "moderate earthquake means, in relation to a building, an earthquake that would generate shaking at the site of the building that is of the same duration as, but that is one-third as strong as the earthquake shaking (determined by normal measures of~~

~~acceleration, velocity, and displacement) that would be used to design a new building at that site."~~

Procedure for remedying dangerous~~, earthquake-prone~~ and insanitary buildings



Western Bay of Plenty District Council

Policy Committee

Draft Kaimai Ward Reserve Concept Plans for Community Consultation

Purpose

The purpose of this report is to seek the Policy Committee's approval to release the draft reserve concept plans for Precious Family Reserve and Lynley Park Subdivision Reserve for community consultation in accordance with the requirements of section 41 of the Reserves Act 1977.

Recommendation

1. ***THAT the Recreation Planner's report dated 15 August 2017 and titled "Draft Kaimai Ward Reserve Concept Plans for Community Consultation" be received.***

2. ***THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.***

3. ***THAT the Policy Committee approves the release of the attached draft reserve concept plans for Precious Family Reserve and Lynley Park Subdivision Reserve, for community engagement/consultation under Section 41 of the Reserves Act 1977***

.....
John Rauputu
Recreation Planner

1. Background

1.1 Council is required under Section 41(4) of the Reserves Act 1977 to keep its reserve management plans including concept plans under continuous review to adapt to changing circumstances and align with increased knowledge and sector best practice, as well as community views.

1.2 The Kaimai Ward Reserve Management Plan review adopted in August 2016 recommended that the Lynley Park Subdivision Reserve needed a concept plan and the existing concept plan for Precious Family Reserve needed reviewing.

1.3 The concept plans have been prepared from community feedback received during the Reserve Management Plan review, information held on Council files and from the collective knowledge held by Council Staff. Further feedback was also received during the recent Long Term Plan Community Conversations held at Omokoroa on 6 May and 6 June 2017.

1.4 On 6 July 2017, the Policy Committee Workshop was presented with draft concept plans and several recommendations were made as follows:

<u>Precious Family Reserve</u>

- The newly built concrete walkway/cycleway should be reflected on the plan.
- Retain the walkway marked on the map, and accurately show the walkway currently there and the service access for vehicles.
- Retain the pond enhancement on the plan.
- The feedback form could pose questions through consultation as to what access and carparks were seen as needed.

<u>Lynley Park Subdivision Reserve</u>

- The red line should be moved to accurately show the extent of Council land.
- All public access links to be shown on the plan.
- Clarification of all Council owned land to be carried out and shown on the plan.

1.5 The Workshop also recommended that Precious Family Reserve, Cooney's Reserve and the Domain reserves should be considered together. Staff can confirm that these reserves were considered as part of a wider reserves network during the development of the Kaimai Ward Reserve Management Plan in 2016. Part of the wider vision is:

- Coastal reserves and walkways are a prime recreation / open space asset, enhancement and expansion of these should be a priority while preserving archaeological and cultural values in this sensitive environment.
- Improve linkage – open space, cycleway and pedestrian links between reserves are desirable

1.6 The proposed concept plan for Precious Family Reserve aligns to the wider vision for reserves in the Kaimai Ward. The development of Precious Family Reserve in line with the proposed concept plan will complement development of other reserves in Omokoroa, including Cooney's Reserve and Omokoroa Domain.

1.7 The concept plans attached, have been amended as directed to show the recommendations above. This report seeks the formal adoption of the plans for consultation pursuant to Section 41 of the Reserves Act 1977.

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy, this decision is of medium significance and there is a requirement to notify the draft under Section 41 of the Reserves Act 1977. There was also considerable interest in the future use of reserves in Omokoroa through the Kaimai Reserve Management Plan review in 2016.

3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Consultation/Communication
Internal Staff	Council generally releases new concept plans and the review of existing concept plans for a one-month consultation period. Completing the Job briefs to prepare the concept plans and subsequent checking of the plans have been in cooperation and participation of Group Manager Infrastructure Services, Reserves and Facilities Manager, Reserves and Facilities Projects and Assets Manager, the Policy and Planning Manager and reserves and facilities staff.

External stakeholders	The proposed engagement approach for consulting on the draft concept plans is set out in the table below. Community views on these concept plans were received through the Kaimai Reserve Management Plan review in 2016, and the Community Conversation events for the Long Term Plan in May/June 2017. The feedback from these processes has informed the development of the draft concept plans for consultation.

Engagement Plan	**Dates**
Develop web page and online engagement media promotions which will also provide background information, draft plans and online feedback submission forms.	September – November 2017
Advertisements in Notice board, Weekend Sun, Omokoroa Omelette, Bay of Plenty Times.	September – November 2017
Stakeholders to receive written invitations.	September – November 2017
Tangata Whenua and Marae in the Kaimai Ward are included with stakeholders to receive written invitations.	September – November 2017
Media releases for online engagement on the Have Your Say website.	September – November 2017
Drop In/Open Day – Te Puna Community Centre, Te Puna.	September – November 2017
"Have Your Say" feedback.	September – November 2017

4. Issues and Options Assessment

THAT the Policy Committee approves the release of the attached draft reserve concept plans for Precious Family Reserve and Lynley Park Subdivision Reserve [as amended] for community engagement /consultation under Section 41 of the Reserves Act 1977.	
Reasons why no options are available	**Legislative or other reference**
Section 41(4) of the Reserves Act 1977 provides for reviewing a reserves management including concept plans. Section 41(6) of the Reserves Act 1977 requires Reserves Management Plans to be publically notified for a 2-month period. Council has previously released new concept plans and the review of existing concept plans for a one-month consultation period.	Reserves Act 1977

5. Statutory Compliance - Relevant Acts, Plans and Policy Assessment

Act/Legal Issue	Relevant Detail
Reserves Act 1977	Section 41 provides for the preparation and consultation of Reserves Management Plans.
Long Term Plan 2015 - 2025	Council's Recreation and Leisure Strategy goals and approaches provide the framework to plan for the future of council reserves and recreational facilities.

Reserves planning and policy development are the responsibilities of the Policy Committee, which has delegated authority to hear submissions to draft Reserves Management Plans and Concept Plans, and adopt or not adopt accordingly.

6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
2018 – 2028 LTP	New actions for the respective reserves with funding implications to be referred to the Long Term Plan process.
2015 – 2025 LTP	Project 151105 Kaimai Ward Reserve Management plan review (includes concept plans). Project 151107 Reserve Management Plans.

U:\2016\T16126_BSa_WBoPDC_Reserve_Concept_Plans\CAD\Precious Family Reserve\T16126_Precious_Family_Reserve_BFO_20170825.dwg

To Anderley Avenue

3m Wide Track

Esplanade Reserve

Recreation Reserve

Informal boat / Kayak etc launching

Tauranga Harbour

Pump station

Esplanade Reserve

Existing Tree Line

Park bench with shelter

Esplanade Reserve

01

02

03

04

05

02

Proposed Future Development:

1. Concrete walkway / cycleway
2. Mabs Kelly Walkway (Includes service vehicle access to pump station)
3. Carpark
4. Wetland reveg planing (existing and proposed expansion)
5. Stormwater management area and silt disposal with wetland reveg planting.

Additional Items for Consideration:

- Investigate location of toilet.
- Investigate for all year round passive recreation.
- Review stormwater requirements

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0 15m

Scale: 1:300@A1 _ 1:600@A3

Data Sources: BOPLASS Limited
Projection: NZGD2000 N.Z. Transverse Mercator

Legend

- Beach
- Reserve
- Existing planting and proposed expansion
- 3m wide Hoggin pedestrian path
- Stormwater management area
- Site Boundary
- Small tree
- Existing tree

PRECIOUS FAMILY UTILITY RESERVE

Reserve Concept Plan

| Date: 28/08/2017 | Revision: E |

Plan prepared for Western Bay of Plenty District Council by Boffa Miskell Limited

Project Manager: **bryan.sanson@boffamiskell.co.nz** | *Drawn:* TKE | *Checked:* BSA

U:\2016\T16126_BSa_WBoPDC_Reserve_Concept_Plans\CAD\Lynley Park Estate\T16126_BSa_Lynley_Park_Estate_BFO_20170825.dwg

Proposed Future Development:

1. Lookout
2. Pouwhenua / Whakairo
3. Park bench seating
4. Interpretation signage
5. Sign board of harbour and important sites
6. Public access to Pa Site
7. Walkway / cycleway (Alignment to be finalised)
8. Walkway
9. Subdivision to be finalised

Future access over railway
Lynley Park Drive
Mangawhai Place
Lakeside Terrace
Holyoake Terrace
Haden Place
Service vehicle access
Stormwater Inlet
Sewerage Pump Station
Pond
Enhance existing native vegetation with infill planting.
To Tauranga
Mangawhai Pa Site
Harbour

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0 60m
Scale: 1:1500@A1 _ 1:3000@A3

Data Sources: BOPLASS Limited
Projection: NZGD2000 N.Z. Transverse Mercator

Legend
- Lawn
- Existing vegetation (bush/scrub)
- Gravel access and carparking
- Site boundary
- New and existing cycleway / walkway
- Tree
- Existing tree

LYNLEY PARK SUBDIVISION RESERVE

Reserve Concept Plan

| Date: 25/08/2017 | Revision: C |

Plan prepared for Western Bay of Plenty District Council by Boffa Miskell Limited

Project Manager: **bryan.sanson@boffamiskell.co.nz** | *Drawn:* TKE | *Checked:* BSA

Western Bay of Plenty District Council

Policy Committee

Coastal Erosion Responses Policy 2017 Decision Story

Purpose

The purpose of this report is to seek the Committee's endorsement of a draft decision story, as the response to those people that gave feedback during consultation on the draft policy. The decision story has been prepared based on the resolutions passed by the Committee on 16 August 2017, when the final Coastal Erosion Response Policy was adopted. The report also seeks some resolutions to give clarity to staff in implementing the policy, and for informing the decision story with regard to Omokoroa and Waihi Beach.

Recommendation

1. ***THAT the Policy and Planning Manager's report dated 24 August 2017 and titled Coastal Erosion Responses Policy Decision Story be received.***

2. ***THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.***

3. ***THAT in relation to the implementation of the Coastal Erosion Responses Policy 2017, any requests for coastal erosion mitigation works on Council-owned coastal land will be assessed against the policy, where those requests are not already subject to a resolution (or formal written agreement by Council to support a particular course of action) prior to the Coastal Erosion Responses Policy coming into effect on 28 August 2017.***

4. ***THAT in relation to requests to extend the rock revetment at Shaw Road in Waihi Beach, no decisions will be made by Council until completion of the comprehensive investigations on the best practicable option for the long term management of the coastal hazard risk at Waihi Beach, by no later than 31 December 2020, as required by consent condition imposed by the Environment Court [and that Council directs staff to undertake the assessment in 2018/19].***

5. ***THAT in relation to the Council-owned reserve land subject to subsidence at Omokoroa, the Committee notes that geotechnical and engineering assessment has been commissioned in order to provide options for potential viable interventions (and indicative costings to implement each option), to inform assessment under the Coastal Erosion Responses Policy***