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# Hearings Committee

## OPEN MINUTES

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Minutes of a reconvened meeting of the Hearings Committee held in the Council Chambers, 126-148 Oxford Street, Levin, on Tuesday 7 August 2018 at 1.00 pm.

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### **PRESENT**

**Chairperson** Cr Jo Mason  
**Members** Cr Ross Brannigan  
Cr Bernie Wanden

### **IN ATTENDANCE**

Mrs N Brady	(Group Manager – Customer & Regulatory Services)
Mrs C Pollock	(Project Coordination Lead)
Mrs K J Corkill	(Meeting Secretary)

### **ALSO IN ATTENDANCE**

Ms M Leyland	(Consents Manager)
Mrs V Miller	(Compliance Manager)

### **PUBLIC IN ATTENDANCE**

There were two members of the public in attendance (Mr & Mrs Campbell).

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## 1 Apologies

There were no apologies.

## 2 Declarations of Interest

The declarations of interest from the 15 June 2018 meeting subsisted.

## 3 Confirmation of Minutes

MOVED by Cr Wanden, seconded Cr Brannigan:

*THAT the minutes of the meeting of the Hearings Committee held on Friday, 15 June 2018, be confirmed as a true and correct record.*

**CARRIED**

## 4 Announcements

There were no announcements.

## 5 Reports

### 5.1 Priority Buildings - Earthquake-prone Buildings

#### Purpose

To provide the platform for the Hearings Committee (Committee) to hear and consider further submissions received on the revised Statement of Proposal – Priority Buildings - Earthquake-prone Buildings and make a subsequent recommendation to Council in respect of the Statement of Proposal.

MOVED by Cr Wanden, seconded Cr Brannigan:

*THAT Report 18/455 Priority Buildings - Earthquake-prone Buildings be received.*

*THAT this decision is recognised as not significant in terms of S76 of the Local Government Act.*

*THAT late submissions be received and included in the consultation.*

**CARRIED**

Mrs Pollock spoke to the report giving a background to the reason further consultation had been undertaken, also noting under “Other Considerations” that in July 2017 Council had adopted a growth scenario developed by Sense Partners which equated to an additional 5,138 households and 10,063 additional people by 2040, and NZIRS had projected 3,000 additional jobs by 2036.

She noted that a number of building owners who had received correspondence had telephoned her as the contact person essentially checking to see if their building was affected. Those who had called had buildings that were 34% NBS and as a result their building was not affected and they did not make a submission. Communication had also been received from two owners (Maurice & Sophie Campbell) in support of Option 3, with their key points being that businesses in Levin were struggling and the possibility of the SH1 bypass.

Concentrating on the reasoning behind extending the priority area in Levin, Cr Mason said the Committee’s view had been that the original area had been too narrow. Mrs Pollock had then been requested to engage with building owners who might be now affected. There had been one submission from Mr Otto Bats who had only suggested that all buildings within high pedestrian areas should be included but

not giving a preference or clearly expressing support for the extension of the priority area. However, his comment about all buildings in high pedestrian areas being included could be seen as giving tacit support.

### Deliberations

Having extended the time for consultation in relation to expanding the possible priority area in Levin and in terms of making a decision for presentation to Council, Cr Mason queried if Members were still comfortable with the other conversations that had been had in relation to Foxton and Shannon not being included as priority areas in terms of the guidelines and legislation.

Cr Brannigan said he was still comfortable with the Foxton and Shannon decision. He had read through the legislation and guidelines again and he was comfortable with the work Council would do with building owners in terms of verandahs and parapets, etc. With regard to Levin, there had been no feedback against extending the area so he was comfortable with what they were proposing. He had certainly taken on board the message from the Campbells in relation to business owners, but Council was bound by legislation. There was absolutely no choice but to implement the legislation and identify priority buildings in Levin which should include the extended area. He was also keen for Council to work with those building and property owners to make this work for everybody. Cr Brannigan said he did think there would be some movement in the legislation going forward to accommodate owners. There was also the question of the bypass, but looking at the percentage of traffic in the town, the majority was local. Taking into account the Levin Town Centre Strategy and work being done in that space, they were looking at a vibrant and busy community. It would be important to ensure businesses were viable despite this proposal, and the rider for him was working with community groups and property owners to keep Levin moving forward.

Cr Wanden said he too completely understood and sympathised with the Campbells and the reasons why they thought there should be no priority areas. He understood the motives behind that. However he agreed with the approach the Hearings Committee was taking and believed that it had got it right not including Foxton and Shannon and recommending that Levin be made a priority area. He had to take the business stance away from his thinking and had to think in terms of the public and what this legislation aimed to do which was to make public access areas and the district's towns safer. He said he did think there was a lot more to come in that space and that there would be strong messages sent to Central Government that the business areas of provincial and small town New Zealand would be the most impacted by the legislation. The requirement to do this, together with the financial challenges, would need some further investigation. If Council did take a hands off approach, the business community would also take a hands off approach. He did believe a plan like this was better than a hands off approach and he hoped business owners would take responsibility and formulate their own plans to mitigate issues they might have.

Cr Wanden continued that he was also keen to see Council play a leading role in working with business and property owners where it could. In terms of the expressway (if it ever did come), this legislation may encourage building owners to invest in the future of the town. It did concern him that there could be some business owners that may walk away, but for the future of their investment it was in their best interests to make sure they did some work to mitigate any dangers. He reiterated he believed the Committee had got it right and the extended area in Levin was the way to go, with Foxton and Shannon excluded.

Cr Mason said she was comfortable with the decision made around Shannon particularly in terms of the vehicle flow and low concentration of pedestrians. She

had no hesitation with that. With regard to the decision about Foxton, she held a slightly different view but it was becoming a little clearer. She queried of Mrs Pollock that should there be a significant increase in pedestrian flow and residents in Foxton, did Council have the option, should there be concerns in the foreseeable future, of revising this or introducing earthquake prone building priority areas outside of this process.

Mrs Pollock advised that in terms of priority areas, Council was bound by Central Government to strict timeframes. As this district was a high risk seismic area, potentially earthquake-prone buildings in priority areas had to be identified within 2.5 years from 1 July 2017. That would in essence mean the answer was 'no' unless consultation was undertaken. However, she did not think there would a significant change in foot traffic in the next six months, but Council would be in breach of the timeframe if it then decided changes were required. There would not be time to profile those buildings. Regardless of the timeframe, if not a priority area there would be five years to identify any other buildings so they would be picked up in the process. It did not mean if they were not in a priority area that earthquake prone buildings would not be identified.

Having been assured that buildings would be identified as part of the process albeit with a longer timeframe, Cr Mason said this was a step that needed to be taken and, as touched on by Cr Wanden, it would be sending a signal not only about the value that Council put on members of the community but it was also taking quite a brave step in terms of saying that Council wanted its towns to be as safe as they possibly could be. Should the Committee's recommendation be adopted, she looked forward to Council taking the lead in putting in place a strong education process and working collaboratively with building owners. She saw it as a partnership, working together and looking at solutions, as had been suggested by some submitters. Council should also continue to look at the national focus and models of best practice. As HDC was one of the first Councils to be working through this process, it would be watched. Council also needed to be looking at what other Councils did and other information that may be useful going forward.

Cr Mason continued that she thought the Hearings Committee had undertaken a very rigorous process. All submissions had been carefully considered; following some of the recommendations from submitters the Levin priority area had been extended and there had been no objections to that received. It gave some comfort in terms of that option. Cr Mason reiterated that she was comfortable with the decision reached with regard to Levin and was also reassured that Foxton and Shannon would not be excluded from the process; it would just take a little longer.

Cr Brannigan also noted that the Horowhenua was in the central part of New Zealand which carried a high seismic risk. The district was surrounded by a lot of active fault lines, in particular three major ones which could have a huge impact on the scenarios that could affect the Horowhenua.

Acknowledging that besides being in a high risk seismic area which was based on science, Cr Mason said quite often Oxford Street was gridlocked, with the amount of traffic having had a significant influence on her thinking.

Having considered the three options proposed in the report:

1. Adopt the proposed area, including the extended area in Levin, thus making all buildings in the Levin area priority buildings and exclude Shannon and Foxton. Therefore there would be no priority areas in Shannon or Foxton.
2. Adopt the original proposed area in Levin, this excludes the proposed extension. An exclude Shannon and Foxton; therefore, there would be

- no priority areas in Shannon and Foxton.
- 3. No priority areas are identified.

and with Officers not indicating a preferred option, Cr Mason acknowledged that there was divided opinion across the community. However the Hearings Committee had been delegated authority by full Council to receive and hear submissions and make a recommendation on its decision. That decision would then be voted on by full Council.

Following the further consultation and considering all submissions received, the Hearings Committee expressed its preference for Option 1. It was therefore:

MOVED by Cr Brannigan, seconded Cr Wanden:

*THAT the Hearings Committee, having been delegated authority to receive and hear submissions on Priority Buildings – Earthquake Prone Buildings, recommends to the Horowhenua District Council that it adopts the extended area in Levin as a priority area, thus making all buildings in the identified Levin area priority buildings, with Shannon and Foxton to have no priority areas.*

**CARRIED**

Cr Mason concluded by saying this was one of the significant recommendations that Council would make this year. She thanked everyone for their contribution.

1.35 pm

There being no further business, the Chairperson declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF HEARINGS COMMITTEE HELD  
ON

**DATE:**.....

**CHAIRPERSON:**.....